



Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

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MARCH 3 & 5, 2009

BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Thursday Opportunity for Public Comment on Non-Agenda Matters
Pg 2	9:35 a.m. Briefing on Multnomah County Sheriff's Office Warrant Strike Team
Pg 3	10:15 a.m. Overview of State Law and the Capacity Management Action Plan
Pg 3	10:35 a.m. RESOLUTION Establishing Jail Capacity and Adopting a Capacity Management Action Plan

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
Saturday, 10:00 AM, Channel 29
Sunday, 11:00 AM, Channel 30
Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media
(503) 667-8848, ext. 332 for further info
or: <http://www.metroeast.org>



Tuesday, March 3, 2009 - 7:30 AM to 10:00 AM
Multnomah Building, Third Floor Conference Room 315
501 SE Hawthorne Boulevard, Portland

LOCAL PUBLIC SAFETY COORDINATING COUNCIL EXECUTIVE COMMITTEE MEETING

A quorum of the Multnomah County Board of Commissioners *may* be attending the Local Public Safety Coordinating Council Executive Committee meeting. This meeting is open to the public. For agenda topics and/or further information, contact LPSCC Executive Director Carol Wessinger at 503 988-5894.

Thursday, March 5, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **DEPARTMENT OF COMMUNITY SERVICES**

C-1 Local Agency Revenue Agreement 0809106 with the Oregon Department of Transportation for a Hazard Elimination Program Project at the Intersection of NE 238th Drive at NE Treehill Drive

REGULAR AGENDA **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 Appointment of Jennifer Allen to City of Portland/Multnomah County Sustainable Development Commission

R-2 Briefing on Multnomah County Sheriff's Office Warrant Strike Team

DEPARTMENT OF COUNTY MANAGEMENT – 9: 50 AM

- R-3 Reallocation of Facilities Capital Project Funds - FPM 09-04, Multnomah Building Fire Smoke Dampers (FSD) Project
- R-4 Reallocation Capital Project Funds - FPM 09-05, Multnomah County Courthouse Elevators 1 and 2 Controls Upgrade

DEPARTMENT OF COMMUNITY JUSTICE – 10:00 AM

- R-5 NOTICE OF INTENT to Apply for the Justice and Mental Health Collaboration Program Grant from the U.S. Department of Justice in the Amount of \$250,000

DEPARTMENT OF HEALTH – 10:05 AM

- R-6 NOTICE OF INTENT to Submit a \$200,000 Grant Request to the Health Resources and Services Administration to Support an Enabling Services Expansion Project
- R-7 NOTICE OF INTENT to Submit a Proposal for \$81,250 to the Oregon Department of Human Services to Implement Chronic Disease Prevention Capacity Building Activities

SHERIFF'S OFFICE – 10:15 AM

- R-8 Overview of State Law and the Capacity Management Action Plan
- R-9 RESOLUTION Establishing Jail Capacity and Adopting a Capacity Management Action Plan

BOARD COMMENT

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



Commissioner Judy Shiprack

Multnomah County Oregon

Suite 600, Multnomah Building
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Portland, Oregon 97214

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Email: district3@co.multnomah.or.us

MEMORANDUM

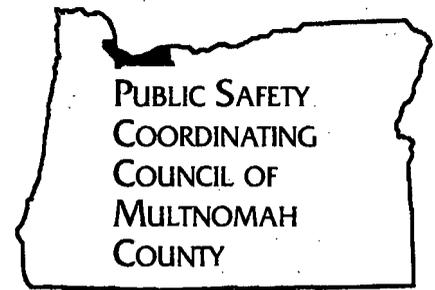
TO: Chair Ted Wheeler
Commissioner Deborah Kafoury
Commissioner Jeff Cogen
Commissioner Diane McKeel
Clerk of the Board Deb Bogstad

FROM: Keith Falkenberg
Chief of Staff to Commissioner Judy Shiprack

DATE: February 2, 2009

RE: Excuse Memo for March 2-5, 2009

Commissioner Shiprack will be absent from March 2 through the 5, 2009. She will not be in attendance at the Community Budget Forum on Monday March 2nd, the if needed Executive Session and/or Board Briefing on Tuesday, March 3rd, and the regular Board meeting on Thursday March 5th.



LPSCC

Executive Committee Meeting & Retreat

Tuesday, March 3, 2009

7:30am to 10:00am

Multnomah Building, Room 315

Introductions & Announcements

City Commissioner & LPSCC Co-Chair Dan Saltzman

Approval of February 3, 2009 minutes

10 minutes

BUDGET DISCUSSIONS CONTINUED

Department of Health

Lillian Shirley, Director, Multnomah County Health Department

10 minutes

Department of County Human Services

Joanne Fuller, Director, Department of County Human Services

10 minutes

Circuit Court

Presiding Judge Jean Maurer

Doug Bray, Circuit Court Administrator

15 minutes

RETREAT

LPSCC Future Direction

City Commissioner Dan Saltzman,

Multnomah County Chair Ted Wheeler

Peter Ozanne, LPSCC

30 minutes

Identification of Functions & Special Projects for LPSCC

Peter Ozanne, LPSCC

30 minutes

NEXT MEETING

Tuesday, April 7, 2009

LPSCC Executive Committee Meeting
Tuesday, February 3, 2009

Summary Minutes

LPSCC Executive Committee Members: City Commissioner Dan Saltzman; County Chair Ted Wheeler; Presiding Judge Jean Maurer; Judge Julie Frantz; Judge Nan Waller; US Attorney Karin Immergut; District Attorney Michael Schrunk; Scott Taylor, Director, Department of Community Justice; Judy Hadley, Citizen Representative; Rob Milesnick, Director, Citizen's Crime Commission; Lane Borg, Director, Metropolitan Public Defenders; Gresham Police Chief Craig Junginger; Portland Police Chief Rosie Sizer;

LPSCC staff & other attendees: Peter Ozanne, Executive Director, LPSCC; Carol Wessinger, Assistant Director LPSCC; Scott Marcy, District Attorney's Office; Commissioner Diane McKeel; Commissioner Judy Shiprack; Undersheriff Tom Slyter; Christian Elkin, Budget Office; Jana McLellan, Chair's Office; Rachel Hardesty, Assistant Professor, Restorative Justice, PSU; Brian Martinek, PPB; Rob Ingram, Office of Youth Violence Prevention; Lisa Rummel, CCC; Charlene Rayne, DJ; Gail McKeel, DSS-J; Tim Moore, MCSO; Doug Bray, Circuit Court Administrator; Toni Rogers, County IT; Eric Hall, Circuit Court; Barry Jennings, OJD; Matt O'Keefe, DCJ-CANS; Jason Ziedenber, DCJ; Jim Ferraris, PPB; Shea Marshman, County Auditor's Office; Rhys Scholes, MCSO; Kerry Naughton, Partnership for Safety & Justice; Shannon Callahan, Councilman Saltzman's Office; Jay heidenrich, MSCO; Larry Aab, MCSO; Ray Hudson, County Mental Health & Addiction Services; Corie Wiren, Commissioner McKeel's Office; Matthew Lashua, Commissioner Shiprack's Office; Beckie Lee, Commissioner Kafoury's Office; David Koch, DCJ; Carl Goodman, DCJ

The meeting began with introductions around the room. The minutes of the January 6, 2009 were passed.

County Chair Ted Wheeler and City Commissioner Dan Saltzman have agreed to co-chair LPSCC. These key jurisdictional leaders will work together to establish clear goals and coordinate public safety policy.

The next LPSCC meeting will be a retreat on March 3rd from 7:30am to 10:00am. Chairs Wheeler and Saltzman would like to see LPSCC challenge itself by focusing on one or two specific issues with action plans and goals.

Regional Justice Information Network Justice partner agencies within Multnomah County are developing support for a project known as RJNET (Multnomah County Regional Justice Network) to improve the efficiency of data sharing among the justice agencies within the region. MTG Management Consultants, LLC, has completed the initial definitional phases for the CJIS Network. The effort involved a feasibility study that establishes the vision for the project outlining technology considerations and recommendations and proposes a governance structure with an implementation plan. RJNET will provide the connections and technologies to bring information together for

the criminal justice community. Governance will be critical to the success of RJNET. A RJNET Steering Committee should report to LPSCC Executive Committee. The budget for this project is \$11 million. (Two handouts were included in the presentation).

DA Mike Schrunk asked LPSCC to sponsor the project but not to pay for it. It was agreed that the LPSCC Executive Committee needs more information as demands on budgets are huge right now.

Budget Discussion The Portland Police Bureau is anticipating a 2.5 percent and a 5 percent budget cut. The Bureau has prioritized core programs and is recommending the consolidation of precincts. A 5 percent cut would mean most community policing programs would be eliminated. A 2.6 percent cut would mean 5 precincts would consolidate into 3 precincts, which would maximize street coverage, cut administration and save money by moving out of leased spaces. The Traffic unit would move into a city owned space and training would take place within one of the cities closed facilities. The regional training facility is on hold for now. Chair Wheeler and Chief Sizer will be discussing use of city/county facilities.

Chief Craig Junginger informed the council that the Gresham Police Department expects a 10 percent cut, which will mean pulling out of all task forces, restructuring the delivery of services, deciding which crimes will not be investigated and developing a phone reporting system. Chief Sizer offered to assist Gresham in developing a phone reporting system.

Judge Maurer reported that the Oregon Judicial Department's proposed appropriation is 2 percent of the state general fund budget. The Public Defense Services Commission is not a part of the planning cycle for the circuit courts. PDSC's approach to handling a shortfall will impact the local public safety system substantially, but its approach to a shortfall is not known at this time. The OJD's share of this biennium's revenue shortfall is \$3.9 million, which will be reached through internal savings without program reductions. The next state revenue forecast is on February 20, 2009 and is expected to be down significantly for the current biennium. At this time, there is no emergency plan by the Chief Justice, the Governor or the Legislature to deal with such a large shortfall (the Judicial Department's share would be \$14 million). At the present time, the Chief Justice has announced that the OJD will protect its core services and will not close as a result of these budget reductions. (One handout was included with presentation)

Mike Schrunk reported that the county's proposed 12 percent cut will result in not prosecuting most possession of drug cases as felonies, reducing or eliminating the prosecution of many property related offenses, reducing the prosecution of many quality of life crimes and delay investigations, prosecutions and trials on the most serious matters. Mr. Schrunk suggested that this crisis presents an opportunity to work even more closely. (One handout accompanied the presentation)

Undersheriff Tom Slyter reported that the Sheriff's Office will try to preserve its core functions in the face of the county's proposed budget cut of 12 percent. There will be a 7

to 10 percent cut in staff (60 to 75 people) and jail beds will have to be cut. There have been no matrix releases in the recent past. Larry Aab stated that at a 12 percent budget cut scenario could mean that 300 beds may be eliminated. MCSO is considering early retirements which could result in a younger and more diverse workforce. (One handout accompanied the presentation)

Scott Taylor, Director of the Department of Community Justice, indicated that DCJ generally focuses on offenders' risk factors rather than their crimes of conviction. DCJ will continue to work with offenders with the highest risk to recidivate. The department has assessment tools for both the adult and juvenile system which have both been re-evaluated recently. There will likely be cuts to mid-level supervision and in the juvenile informal supervision program as a result of the county's 12 percent reduction. DCJ is also working closely with the Department of Corrections and the Oregon Youth Authority.

Lane Borg, Director of the Metropolitan Public Defenders, suggested that community court should be expanded in order to provide some sanctions instead of failing to prosecute all lower level crimes.

LPSCC Executive Committee Retreat will be held on Tuesday, March 3, 2009 from 7:30am to 10:00am. The Retreat will be devoted to discussing the focus and future direction of LPSCC.

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: 3-5-09

SUBJECT: FUNDING REQUEST - SPRING WATER
SEWER WATER EXTENSIONS TO JUMPSTART JOBS

AGENDA NUMBER OR TOPIC: Public Testimony

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: ROBERT BUCCER

ADDRESS: 824 SW 18th

CITY/STATE/ZIP: PORTLAND OR

PHONE: _____ DAYS: 503 222 4949 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: ATTACHED

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.

March 5, 2009

NEWS RELEASE

An initial group of the largest industrial land owners in Springwater is asking today's Multnomah County Council's meeting to support the concept of a \$6.4 million Federal appropriation to jump start the extension of sewer and water into the prime areas of the Springwater District, in unincorporated Multnomah county

Seven years ago in 2002 Metro agreed to allow 1,153 acres on the east of edge of Gresham to be re-classified from farm land to "Urban Growth" making it within the "Metro UGB". Metro decided that this land represented some of the most significant of industrial lands of all the industrial areas in the Tri- County area.

The city of Gresham had planned to max out the Springwater district by year 2022 with 17,000 new jobs primarily industrial. This plan was approved by Metro and LCDC for the state.

After years of lack luster results, a proactive group of land owners united under the Informal organization "Land Owners United to Jump Start Jobs in Springwater". The cluster of lands they are officially marketing will create a total of 2,100 jobs by the rate Gresham and Metro promised industrial jobs at 30 employees per acre.

Owners United is are proposing \$6.4 million of extension of main sewer and water trunk lines for 8,800 lineal feet. The land this would effect begins at the easterly city limits near Telford Road and proceeds southeasterly to about the mid point of Springwater then crosses under Mt. Hood Highway. From there it serve the balance of the large industrial parcels to the east. This initial public invest lays the primary foundation for the entire district. It represents about 10% of the total sewer and water infrastructure cost. Because is reaches the 'low lying fruit' of Springwater's prime employment potential, it will jump start private development investments to provide the momentum for the remaining 90% investment balance to be funded by the private sector.

Robert Butler, Broker
Butler Brokers Inc,
824 SW 18th Ave.
Portland, Or 97205
503-222-4949

Organizer: Land Owners United to Jump Start Springwater

SEWER/WATER TRUNK EXTENSIONS REQUESTED

SPRINGWATER PLAN DISTRICT MAP

CITY OF GRESHAM

**Cost detail for 8,800 lin. ft.
Sewer Trunk at \$487/1f
Water main lines @ \$142/1f
15% Engineering
Totaling \$6.4 million**

NOW
SEWER TO HERE →

PARTNERS →

Persimmon
Golf Course

**BUTLER BROTHERS INC.
COMMERCIAL REALTORS
824 SW 18th AVE.
PORTLAND, OREGON 97205
(503) 222-4949**

Subdistricts	Streets
ESRA-SW	Plan Arterial
IND-SW	Plan Collector
LDR-SW	Plan Local
NC-SW	Potential Connection to Damascus/Boring
RTI-SW	Other
THR-SW	County Line
VC-SW	Existing Trails
VLDR-SW	Gresham City Limits
Other Land Use	Tax lots
Park Overlay	
Plan Trails	

ESRA, SW designations are preliminary and subject to change based on Goal 5 natural resource analysis and decision making. Property owners should contact the City of Gresham for current mapping status. Arterial and collector street alignments are subject to refinement and must meet connectivity and spacing requirements at time of development.

Multnomah County
Clatsop County

Springwater Plan District Effective 12/01/2005



This map is based on digital databases from the City of Gresham. The City cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied.

JAN 27, 2006



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 03/05/09
 Agenda Item #: C-1
 Est. Start Time: 9:30 AM
 Date Submitted: 02/17/09

**Local Agency Revenue Agreement 0809106 with the Oregon Department of
 Agenda Transportation for a Hazard Elimination Program Project at the Intersection of
 Title: NE 238th Drive at NE Treehill Drive**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: March 5, 2009 **Amount of Time Needed:** Consent Calendar
Department: Community Services **Division:** Land Use & Trans Program
Contact(s): Adam Soplop, P.E., Project Manager
Phone: (503) 988-5050 **Ext.** 22604 **I/O Address:** #425/2nd
Presenter(s): Brian Vincent, P.E., Program Manager

General Information

1. What action are you requesting from the Board?

The Land Use and Transportation Program requests permission to enter into an Intergovernmental Agreement (IGA) with ODOT for a Hazard Elimination Program (HEP) Project concerning the intersection of NE 238th Drive and Treehill Drive.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Sight distance on northbound NE 238th Drive near Treehill Drive will be improved. Crash history is significant at this intersection. Multnomah County has received a grant of up to \$310,000 in Hazard Elimination Program (HEP) funds to improve the intersection (Project). The HEP funds will be distributed to Multnomah County pursuant to this Local Agency Agreement.(LAG).

The Project is in the City of Wood Village. The Project will widen NE 238th Drive to add shoulder in the northbound direction and improve sight distance with additional clearing within the ROW. There will be no realignment of traffic as part of the project.

This work is within Program #91018, "Transportation Capital" in the FY09 budget.

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

Capital Funds for this project have been identified in the FY 2009-2010 Capital Improvement Plan and Program (CIP). The total construction cost of the Project is estimated at \$200,000. Construction is scheduled to begin in Fall of 2009 and be completed by Winter of 2009. The HEP funds are limited to \$310,000. Pursuant to this IGA and the IGA between Multnomah County and ODOT, the County proposes to fund 10% of the Federal Award.

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

This project will require a temporary construction easement within Wood Village/Treehill Condominiums.

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

This project has been carried forward in the Multnomah County CIP, which has been subject to public and other agency review and comment through public meetings and a Board hearing. Notice to individual property owners in the project vicinity will be provided at least six months before the start of construction, and at least one public meeting will be held.

Multnomah County engineers met with Treehill Condominium staff to discuss proposed plan.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 02/17/09

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: **0809106**

Pre-approved Contract Boilerplate (with County Attorney signature) Attached Not Attached

Amendment #: _____

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Expenditure Contract
<input type="checkbox"/> PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input type="checkbox"/> PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input checked="" type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: Community Services Division/ Program: Land Use and Trans Program Date: 02/12/08
 Originator: Adam Soplop/Brian Vincent Phone: (503) 988-5050 x22604/x29642 Bldg/Room: 425/Yeon
 Contact: Cathey Kramer (Administrative) Phone: (503) 988-5050 x22589 Bldg/Room: 425/Yeon

Description of Contract: A Local Agency Agreement (LAG) between the Oregon Dept. of Transportation and Multnomah County Department of Community Services-Land Use & Transportation Program for safety improvements at NE 238th Drive @ NE Treehill Drive in Wood Village, Oregon, provided through the Hazard Elimination Program (HEP).

RENEWAL: PREVIOUS CONTRACT #(S) _____ EEO CERTIFICATION EXPIRES +10 yrs

PROCUREMENT, _____ ISSUE DATE: _____ EFFECTIVE DATE: _____ END DATE: _____
 EXEMPTION OR _____ DATE: _____ DATE: _____ DATE: _____
 CITATION # _____

CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor	Oregon Department of Transportation			Remittance address (If different)	
Address	123 NW Flanders Street				
City/State	Portland OR			Payment Schedule / Terms:	
ZIP Code	97209-4037			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Phone	(503) 731-8277 (Debbie Burgess)			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Employer ID# or SS#	N/A			<input checked="" type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	4/01/2009	Term Date	3/31/2019	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date		New Term Date			
Original Contract Amount	\$	Original PA/Requirements Amount	\$		
Total Amt of Previous Amendments	\$	Total Amt of Previous Amendments	\$		
Amount of Amendment	\$	Amount of Amendment	\$		
Total Amount of Agreement	\$ \$345,481.00	Total PA/Requirements Amount	\$		

REQUIRED SIGNATURES:

Department Manager _____ DATE _____
 County Attorney /s/ Matthew O. Ryan _____ DATE 02-12-09
 CPCA Manager _____ DATE _____
 County Chair _____ DATE _____
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____

COMMENTS: (WBS: ROADCES0255D)

LOCAL AGENCY AGREEMENT
HAZARD ELIMINATION PROGRAM PROJECT
NE 238th Drive @ NE Treehill Drive (Wood Village)

This Agreement is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and MULTNOMAH COUNTY, acting by and through its elected officials, hereinafter referred to as "Agency", hereinafter individually referred to as the "Party" or collectively referred to as the "Parties."

RECITALS

1. NE 238th Drive is a part of the county road system under the jurisdiction and control of Multnomah County.
2. By the authority granted in ORS 190.110, 366.572 and 366.576, State may enter into cooperative agreements with the counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, State and Agency agree to widen the roadway for improved sight distance, install sidewalk replacement, vegetation removal, and the installation of warning signs on NE 238th Drive at Treehill Drive, hereinafter referred to as "Project". The location of the Project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.
2. The Project shall be conducted as a part of the Hazard Elimination System Program under Title 23, United States Code. The total Project cost is estimated at \$340,000. The estimated HEP funds for the Project are limited to \$310,000. Agency shall be responsible for the match for the federal funds and any portion of the Project which is not covered by federal funding. The estimate for the total Project cost is subject to change.

ODOT/Multnomah County
Agreement No. 22,889

3. The federal funding for this Project is contingent upon approval by the FHWA. Any work performed prior to acceptance by FHWA will be considered nonparticipating and paid for at Agency expense. The Catalog of Federal Domestic Assistance (CFDA) number for this Project is 20.205, Highway Planning and Construction. Agency is considered a sub-recipient of the federal funds under this Agreement.
4. The term of this Agreement will begin upon execution and will terminate upon completion of the Project and final payment or ten (10) calendar years following the date of final execution, whichever is sooner. The attached Special Provisions may contain additional termination conditions.
5. This Agreement may be terminated by mutual written consent of both Parties.
6. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
7. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

ODOT/Multnomah County
Agreement No. 22,889

8. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.
9. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires State to return funds to the Federal Highway Administration, hold harmless and indemnify State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
10. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
11. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
12. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
13. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

ODOT/Multnomah County
Agreement No. 22,889

The Parties, by execution of this Agreement, hereby acknowledge that each Party has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

This Project is in the 2008-2011 Statewide Transportation Improvement Program, (Key #13156) that was approved by the Oregon Transportation Commission on November 14, 2007.

The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

Signature Page to Follow

ODOT/Multnomah County
Agreement No. 22,889

On September 15, 2006, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates authority to the Deputy Director for Highways, to approve and execute agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program, other system plans approved by the Commission such as the Traffic Safety Performance Plan, or in a line item in the approved biennial budget.

MULTNOMAH COUNTY, by and
through its elected officials

By _____
Chair

Date _____

**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
County Counsel

Date _____

Agency Contact:
Adam Soplop
Multnomah County
1620 SE 190th Ave
Portland, OR 97233
503-988-5050 (ex22604)
adam.soplop@co.multnomah.or.us

STATE OF OREGON, by and through
its Department of Transportation

By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager/
Chief Engineer

Date _____

By _____
Region 1 Manager

Date 11/19/09

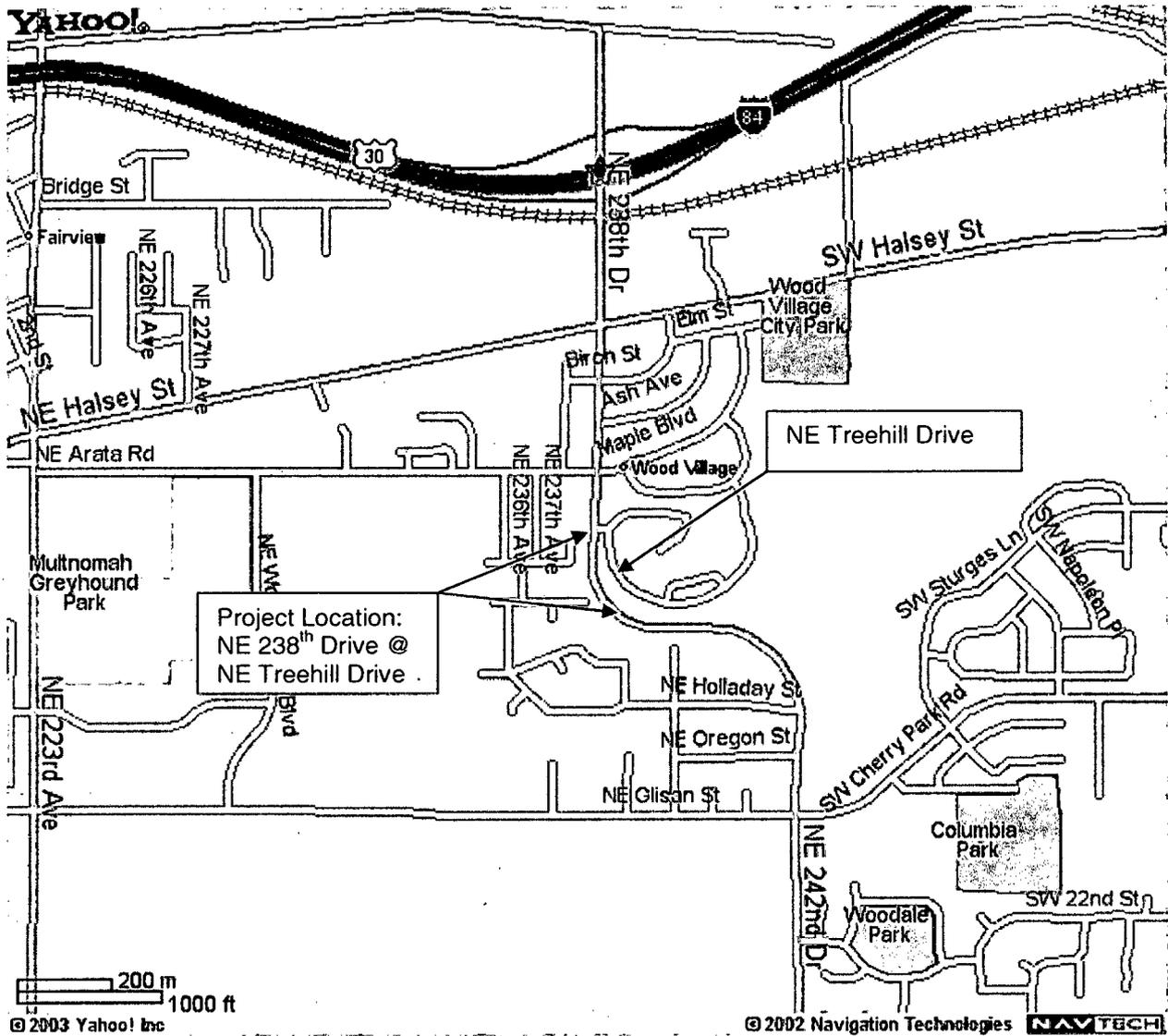
**APPROVED AS TO LEGAL
SUFFICIENCY**

By _____
Assistant Attorney General

Date _____

State Contact:
Tom Weatherford
123 NW Flanders
Portland, OR 97209
503-731-8238
Thomas.L.Weatherford@odot.state.or.us

EXHIBIT A – Vicinity Map



MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: **0809106**

Pre-approved Contract Boilerplate (with County Attorney signature) Attached Not Attached

Amendment #: _____

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Expenditure Contract
<input type="checkbox"/> PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input type="checkbox"/> PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input checked="" type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: Community Services Division: Land Use and Trans Program Date: 02/12/08
 Originator: Adam Soplop/Brian Vincent Program: Land Use and Trans Program Bldg/Room: 425/Yeon
 Contact: Cathey Kramer (Administrative) Phone: (503) 988-5050 x22604/x29642 Bldg/Room: 425/Yeon
 Phone: (503) 988-5050 x22589

Description of Contract: A Local Agency Agreement (LAG) between the Oregon Dept. of Transportation and Multnomah County Department of Community Services-Land Use & Transportation Program for safety improvements at NE 238th Drive @ NE Treehill Drive in Wood Village, Oregon, provided through the Hazard Elimination Program (HEP).

RENEWAL: PREVIOUS CONTRACT #(S) _____ EEO CERTIFICATION EXPIRES +10 yrs

PROCUREMENT, EXEMPTION OR CITATION # _____ ISSUE DATE: _____ EFFECTIVE DATE: _____ END DATE: _____

CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor	Oregon Department of Transportation			Remittance address (if different)	_____
Address	123 NW Flanders Street			Payment Schedule / Terms:	_____
City/State	Portland OR			<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
ZIP Code	97209-4037			<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Phone	(503) 731-8277 (Debbie Burgess)			<input checked="" type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Employer ID# or SS#	N/A			<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Contract Effective Date	4/01/2009	Term Date	3/31/2019	Original PA/Requirements Amount	\$ _____
Amendment Effect Date	_____	New Term Date	_____	Total Amt of Previous Amendments	\$ _____
Original Contract Amount	\$ _____	Amount of Amendment	\$ _____	Amount of Amendment	\$ _____
Total Amt of Previous Amendments	\$ _____	Total Amount of Agreement	\$345,481.00	Total PA/Requirements Amount	\$ _____

REQUIRED SIGNATURES:

Department Manager _____	DATE _____
County Attorney <u><i>M. O. Ryan</i></u>	DATE <u>3/5/09</u>
CPCA Manager _____	DATE _____
County Chair <u><i>[Signature]</i></u>	DATE <u>3/5/09</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____



COMMENTS: (WBS: ROADCES0255D)

LOCAL AGENCY AGREEMENT
HAZARD ELIMINATION PROGRAM PROJECT
NE 238th Drive @ NE Treehill Drive (Wood Village)

This Agreement is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and MULTNOMAH COUNTY, acting by and through its elected officials, hereinafter referred to as "Agency", hereinafter individually referred to as the "Party" or collectively referred to as the "Parties."

RECITALS

1. NE 238th Drive is a part of the county road system under the jurisdiction and control of Multnomah County.
2. By the authority granted in ORS 190.110, 366.572 and 366.576, State may enter into cooperative agreements with the counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, State and Agency agree to widen the roadway for improved sight distance, install sidewalk replacement, vegetation removal, and the installation of warning signs on NE 238th Drive at Treehill Drive, hereinafter referred to as "Project". The location of the Project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.
2. The Project shall be conducted as a part of the Hazard Elimination System Program under Title 23, United States Code. The total Project cost is estimated at \$340,000. The estimated HEP funds for the Project are limited to \$310,000. Agency shall be responsible for the match for the federal funds and any portion of the Project which is not covered by federal funding. The estimate for the total Project cost is subject to change.

ODOT/Multnomah County
Agreement No. 22,889

3. The federal funding for this Project is contingent upon approval by the FHWA. Any work performed prior to acceptance by FHWA will be considered nonparticipating and paid for at Agency expense. The Catalog of Federal Domestic Assistance (CFDA) number for this Project is 20.205, Highway Planning and Construction. Agency is considered a sub-recipient of the federal funds under this Agreement.
4. The term of this Agreement will begin upon execution and will terminate upon completion of the Project and final payment or ten (10) calendar years following the date of final execution, whichever is sooner. The attached Special Provisions may contain additional termination conditions.
5. This Agreement may be terminated by mutual written consent of both Parties.
6. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
7. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

ODOT/Multnomah County
Agreement No. 22,889

8. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.
9. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires State to return funds to the Federal Highway Administration, hold harmless and indemnify State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
10. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
11. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.
12. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
13. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

ODOT/Multnomah County
Agreement No. 22,889

The Parties, by execution of this Agreement, hereby acknowledge that each Party has read this Agreement, understands it, and agrees to be bound by its terms and conditions.

This Project is in the 2008-2011 Statewide Transportation Improvement Program, (Key #13156) that was approved by the Oregon Transportation Commission on November 14, 2007.

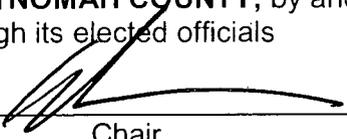
The Oregon Transportation Commission on June 18, 2003, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

Signature Page to Follow

ODOT/Multnomah County
Agreement No. 22,889

On September 15, 2006, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates authority to the Deputy Director for Highways, to approve and execute agreements over \$75,000 when the work is related to a project included in the Statewide Transportation Improvement Program, other system plans approved by the Commission such as the Traffic Safety Performance Plan, or in a line item in the approved biennial budget.

MULTNOMAH COUNTY, by and
through its elected officials

By 
Chair

Date 3/5/09

**APPROVED AS TO LEGAL
SUFFICIENCY**

By 15/4 Matthew O. Ryan
County Counsel *ek*

Date 2-12-09
Electronic Approval

Agency Contact:

Adam Soplop
Multnomah County
1620 SE 190th Ave
Portland, OR 97233
503-988-5050 (ex22604)
adam.soplop@co.multnomah.or.us

STATE OF OREGON, by and through
its Department of Transportation

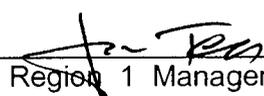
By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By _____
Technical Services Manager/
Chief Engineer

Date _____

By 
Region 1 Manager

Date 1/19/09

**APPROVED AS TO LEGAL
SUFFICIENCY**

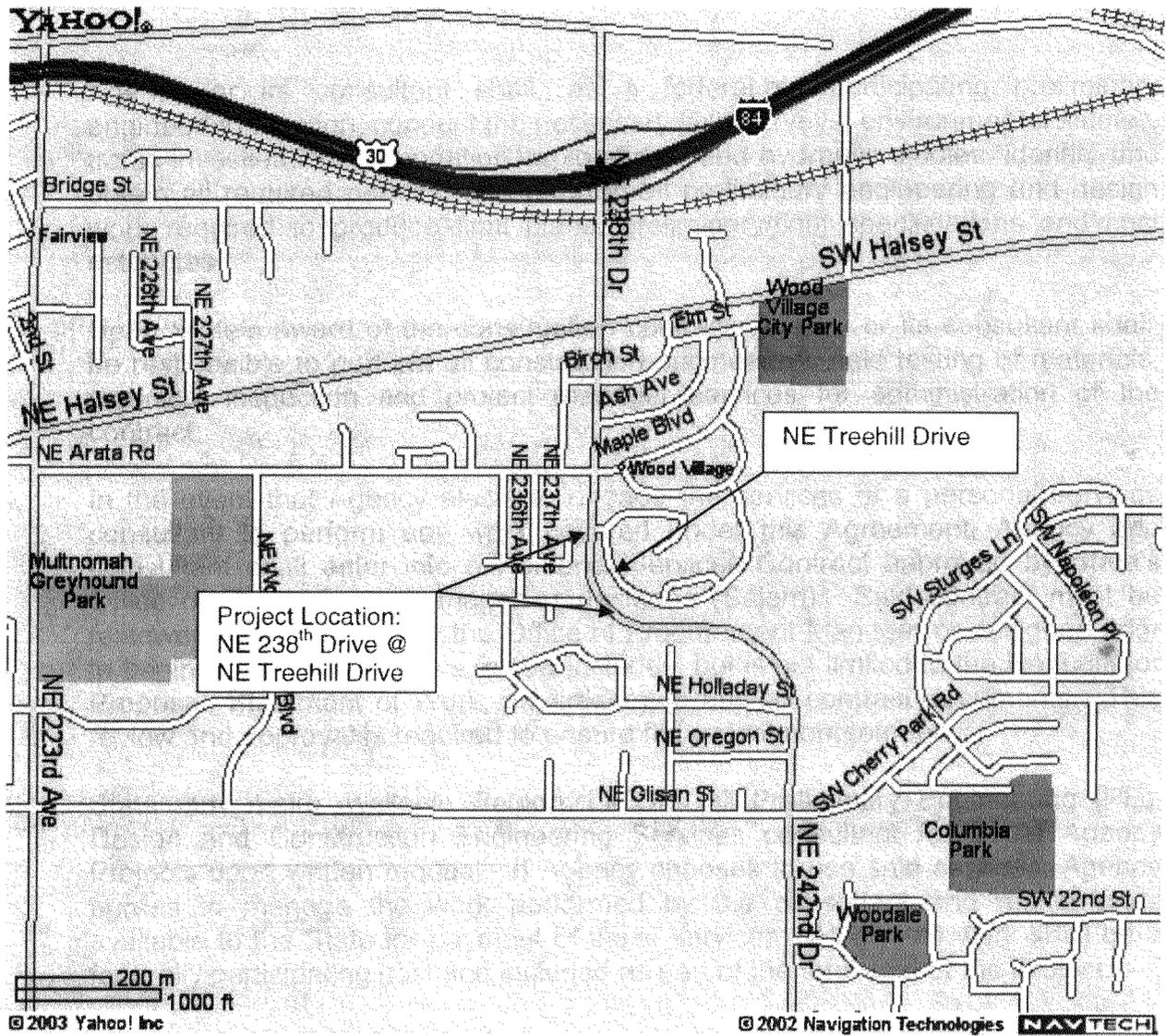
By _____
Assistant Attorney General

Date _____

State Contact:

Tom Weatherford
123 NW Flanders
Portland, OR 97209
503-731-8238
Thomas.L.Weatherford@odot.state.or.us

EXHIBIT A – Vicinity Map



ATTACHMENT NO. 2

STANDARD PROVISIONS

JOINT OBLIGATIONS

PROJECT ADMINISTRATION

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this Project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will further act for Agency in other matters pertaining to the Project. Agency shall, if necessary, appoint and direct the activities of a Citizen's Advisory Committee and/or Technical Advisory Committee, conduct a hearing and recommend the preferred alternative. State and Agency shall each assign a liaison person to coordinate activities and assure that the interests of both parties are considered during all phases of the Project.
2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting on behalf of FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.

PRELIMINARY & CONSTRUCTION ENGINEERING

3. State, Agency, or others may perform preliminary and construction engineering. If Agency or others perform the engineering, State will monitor the work for conformance with FHWA rules and regulations. In the event that Agency elects to engage the services of a personal services consultant to perform any work covered by this Agreement, Agency and Consultant shall enter into a State reviewed and approved personal services contract process and resulting contract document. State must concur in the contract prior to beginning any work. State's personal services contracting process and resulting contract document will follow Title 23 Code of Federal Regulations (CFR) 172, Title 49 CFR 18, ORS 279A.055, the current State Administrative Rules and State Personal Services Contracting Procedures as approved by the FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. Subcontracts shall contain all required provisions of Agency as outlined in the Agreement. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or its consultant prior to receiving authorization from State to proceed. Any amendments to such contract(s) also require State's approval.
4. On all construction projects where State is the signatory party to the contract, and where Agency is doing the construction engineering and project management, Agency, subject to any limitations imposed by state law and the Oregon Constitution, agrees to accept all responsibility, defend lawsuits, indemnify and hold State harmless, for all tort claims, contract claims, or any other lawsuit arising out of the contractor's work or Agency's supervision of the project.

REQUIRED STATEMENT FOR UNITED STATES DEPARTMENT OF TRANSPORTATION (USDOT) FINANCIAL ASSISTANCE AGREEMENT

5. If as a condition of assistance, Agency has submitted and the United States Department of Transportation (USDOT) has approved a Disadvantaged Business Enterprise Affirmative Action Program which Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference. That program shall be treated as a legal obligation and failure to carry out its terms shall be treated as a violation of the financial assistance agreement. Upon notification from USDOT to Agency of its failure to carry out the approved program, USDOT shall impose such sanctions as noted in Title 49, CFR, Part 26, which sanctions may include termination of the agreement or other measures that may affect the ability of Agency to obtain future USDOT financial assistance.
6. **Disadvantaged Business Enterprises (DBE) Obligations.** State and its contractor agree to ensure that DBE as defined in Title 49, CFR, Part 26, have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with federal funds. In this regard, Agency shall take all necessary and reasonable steps in accordance with Title 49, CFR, Part 26, to ensure that DBE have the opportunity to compete for and perform contracts. Neither State nor Agency and its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. Agency shall carry out applicable requirements of Title 49, CFR, Part 26, in the award and administration of such contracts. Failure by Agency to carry out these requirements is a material breach of this Agreement, which may result in the termination of this contract or such other remedy as State deems appropriate.
7. The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this Agreement.
8. Agency agrees to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.
9. The parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work including, but not limited to, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270, incorporated herein by reference and made a part hereof; Title 23 CFR Parts 1.11, 140, 710, and 771; Title 49 CFR Parts 18, 24 and 26; OMB CIRCULAR NO. A-87 and NO. A-133 Title 23, USC, Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended and provisions of Federal-Aid Policy Guide (FAPG).

STATE OBLIGATIONS

PROJECT FUNDING REQUEST

10. State shall submit a Project funding request to FHWA with a request for approval of federal-aid participation in all engineering, right-of-way acquisition, eligible utility relocations and/or construction work for the Project. **No work shall proceed on any activity in which federal-aid participation is desired until such approval has been obtained.** The program shall include services to be provided by State, Agency, or others. State shall notify

Agency in writing when authorization to proceed has been received from FHWA. Major responsibility for the various phases of the Project will be as outlined in the Special Provisions. All work and records of such work shall be in conformance with FHWA rules and regulations.

FINANCE

11. State shall, in the first instance, pay all reimbursable costs of the Project, submit all claims for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. Agency may request a statement of costs to date at any time by submitting a written request. When the actual total cost of the Project has been computed, State shall furnish Agency with an itemized statement of final costs. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal 100 percent of the final total actual cost. Any portion of deposits made in excess of the final total costs of Project, minus federal reimbursement, shall be released to Agency. The actual cost of services provided by State will be charged to the Project expenditure account(s) and will be included in the total cost of the Project.

PROJECT ACTIVITIES

12. State shall, if the preliminary engineering work is performed by Agency or others, review and process or approve all environmental statements, preliminary and final plans, specifications and cost estimates. State shall, if they prepare these documents, offer Agency the opportunity to review and approve the documents prior to advertising for bids.
13. The party responsible for performing preliminary engineering for the Project shall, as part of its preliminary engineering costs, obtain all Project related permits necessary for the construction of said Project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.
14. State shall prepare contract and bidding documents, advertise for bid proposals, and award all contracts.
15. Upon State's award of a construction contract, State shall perform independent assurance testing in accordance with State and FHWA Standards, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the Project.
16. State shall, as a Project expense, assign a liaison person to provide Project monitoring as needed throughout all phases of Project activities (preliminary engineering, right-of-way acquisition, and construction). The liaison shall process reimbursement for federal participation costs.

RIGHT OF WAY

17. State is responsible for proper acquisition of the necessary right of way and easements for construction and maintenance of the Project. Agency may perform acquisition of the necessary right of way and easements for construction and maintenance of the Project, provided Agency (or Agency's consultant) are qualified to do such work as required by the State's Right of Way Manual and have obtained prior approval from State's Region Right of Way office to do such work.

18. Regardless of who acquires or performs any of the right of way activities, a right of way services agreement shall be created by State's Region Right of Way office setting forth the responsibilities and activities to be accomplished by each party. State shall always be responsible for requesting project funding, coordinating certification of the right of way, and providing oversight and monitoring. Funding authorization requests for federal right of way funds must be sent through the State's Region Right of Way offices on all projects. All projects must have right of way certification coordinated through State's Region Right of Way offices (even for projects where no federal funds were used for right of way, but federal funds were used elsewhere on the Project). Agency should contact the State's Region Right of Way office for additional information or clarification.
19. State shall review all right of way activities engaged in by Agency to assure compliance with applicable laws and regulations. Agency agrees that right of way activities shall be in accord with the Uniform Relocation Assistance & Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FHWA Federal-Aid Policy Guide, State's Right of Way Manual and the Code of Federal Regulations, Title 23, Part 710 and Title 49, Part 24.
20. If any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations, which are in effect at the time of disposition. Reimbursement to State and FHWA of the required proportionate shares of the fair market value may be required.
21. Agency insures that all Project right of way monumentation will be conducted in conformance with ORS 209.155.
22. State and Agency grants each other authority to enter onto the other's right of way for the performance of the Project.

AGENCY OBLIGATIONS

FINANCE

23. Federal funds shall be applied toward Project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. Agency shall be responsible for the entire match amount, unless otherwise agreed to and specified in the intergovernmental agreement. If federal funds are used, Agency will specify the Catalog of Federal Domestic Assistance (CFDA) number in the Agreement. Agency will also determine and clearly state in the Agreement if recipient is a subrecipient or vendor, using criteria in Circular A-133.
24. Agency's estimated share and advance deposit.
 - A. Agency shall, prior to commencement of the preliminary engineering and/or right of way acquisition phases, deposit with State its estimated share of each phase. Exception may be made in the case of projects where Agency has written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.
 - B. Agency's construction phase deposit shall be 110 percent of Agency's share of the engineer's estimate and shall be received prior to award of the construction contract.

Any additional balance of the deposit, based on the actual bid must be received within forty-five (45) days of receipt of written notification by State of the final amount due, unless the contract is canceled. Any unnecessary balance of a cash deposit, based on the actual bid, will be refunded within forty-five (45) days of receipt by State of the Project sponsor's written request.

- C. Pursuant to ORS 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool, and an Irrevocable Limited Power of Attorney is sent to the Highway Finance Office), or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State, or 3) cash.
 - D. Agency may satisfy all or part of any matching funds requirements by use of in-kind contributions rather than cash when prior written approval has been given by State.
25. If the estimated cost exceeds the total matched federal funds available, Agency shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. Agency shall also pay 100 percent of the cost of any item in which FHWA will not participate. If Agency has not repaid any non-participating cost, future allocations of federal funds, or allocations of State Highway Trust Funds, to that Agency may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration outside the Local Agency Guidelines that result in items being declared non-participating, those items will not result in the withholding of Agency's future allocations of federal funds or the future allocations of State Highway Trust Funds.
26. Costs incurred by State and Agency for services performed in connection with any phase of the Project shall be charged to the Project, unless otherwise mutually agreed upon.
27. If Agency makes a written request for the cancellation of a federal-aid project; Agency shall bear 100 percent of all costs as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear 100 percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or Agency, Agency shall bear all development costs, whether incurred by State or Agency, either directly or through contract services, and State shall bear any State administrative costs incurred. After settlement of payments, State shall deliver surveys, maps, field notes, and all other data to Agency.
28. Agency shall follow requirements of the Single Audit Act. The requirements stated in the Single Audit Act must be followed by those local governments and non-profit organizations receiving \$500,000 or more in federal funds. The Single Audit Act of 1984, PL 98-502 as amended by PL 104-156, described in "OMB. CIRCULAR NO. A-133", requires local governments and non-profit organizations to obtain an audit that includes internal controls and compliance with federal laws and regulations of all federally-funded programs in which the local agency participates. The cost of this audit can be partially prorated to the federal program.
29. Agency shall make additional deposits, as needed, upon request from State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the Project.

30. Agency shall present invoices for 100 percent of actual costs incurred by Agency on behalf of the Project directly to State's Liaison Person for review and approval. Such invoices shall identify the Project and Agreement number, and shall itemize and explain all expenses for which reimbursement is claimed. Billings shall be presented for periods of not less than one-month duration, based on actual expenses to date. All billings received from Agency must be approved by State's Liaison Person prior to payment. Agency's actual costs eligible for federal-aid or State participation shall be those allowable under the provisions of Title 23 CFR Parts 1.11, 140 and 710. Final billings shall be submitted to State for processing within three months from the end of each funding phase as follows: 1) award date of a construction contract for preliminary engineering 2) last payment for right-of-way acquisition and 3) third notification for construction. Partial billing (progress payment) shall be submitted to State within three months from date that costs are incurred. Final billings submitted after the three months shall not be eligible for reimbursement.
31. The cost records and accounts pertaining to work covered by this Agreement are to be kept available for inspection by representatives of State and FHWA for a period of six (6) years following the date of final voucher to FHWA. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition (Title 49 CFR 18.42).
32. State shall request reimbursement, and Agency agrees to reimburse State, for federal-aid funds distributed to Agency if any of the following events occur:
- a) Right of way acquisition or actual construction of the facility for which preliminary engineering is undertaken is not started by the close of the tenth fiscal year following the fiscal year in which the federal-aid funds were authorized;
 - b) Right of way acquisition is undertaken utilizing federal-aid funds and actual construction is not started by the close of the twentieth fiscal year following the fiscal year in which the federal-aid funds were authorized for right of way acquisition.
 - c) Construction proceeds after the Project is determined to be ineligible for federal-aid funding (e.g., no environmental approval, lacking permits, or other reasons).
33. Agency shall maintain all Project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that projects are completed in conformance with approved plans and specifications.

RAILROADS

34. Agency shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through State's appropriate Region contact or State's Railroad Liaison. Only those costs allowable under Title 23 CFR Part 646, subpart B and Title 23 CFR Part 140, subpart I, shall be included in the total Project costs; all other costs associated with railroad work will be at the sole expense of Agency, or

others. Agency may request State, in writing, to provide railroad coordination and negotiations. However, State is under no obligation to agree to perform said duties.

UTILITIES

35. Agency shall cause to be relocated or reconstructed, all privately or publicly-owned utility conduits, lines, poles, mains, pipes, and all other such facilities of every kind and nature where such relocation or reconstruction is made necessary by the plans of the Project in order to conform the utilities and other facilities with the plans and the ultimate requirements of the Project. Only those utility relocations, which are eligible for federal-aid participation under, Title 23 CFR 645A, shall be included in the total Project costs; all other utility relocations shall be at the sole expense of Agency, or others. State will arrange for utility relocations/adjustments in areas lying within jurisdiction of State, if State is performing the preliminary engineering. Agency may request State in writing to arrange for utility relocations/adjustments lying within Agency jurisdiction, acting on behalf of Agency. This request must be submitted no later than twenty-one (21) weeks prior to bid let date. However, State is under no obligation to agree to perform said duties.
36. Agency shall follow established State utility relocation policy and procedures. The policy and procedures are available through the appropriate State's Region Utility Specialist or State's Right of Way Section Railroad Liaison, and Utility Engineer.

STANDARDS

37. Agency agrees that design standards for all projects on the National Highway System (NHS) and the Oregon State Highway System shall be in compliance to standards specified in the current "State Highway Design Manual" and related references. Construction plans shall be in conformance with standard practices of State for plans prepared by its own staff. All specifications for the Project shall be in substantial compliance with the most current "Oregon Standard Specifications for Highway Construction".
38. Agency agrees that minimum design standards for non-NHS projects shall be recommended AASHTO Standards and in accordance with the current "Oregon Bicycle and Pedestrian Plan", unless otherwise requested by Agency and approved by State.
39. Agency agrees and will verify that the installation of traffic control devices shall meet the warrants prescribed in the "Manual on Uniform Traffic Control Devices and Oregon Supplements".
40. All plans and specifications shall be developed in general conformance with the current "Contract Plans Development Guide" and the current "Oregon Standard Specifications for Highway Construction" and/or guidelines provided.
41. The standard unit of measurement for all aspects of the project shall be English Units. All project documents and products shall be in English. This includes, but is not limited to, right of way, environmental documents, plans and specifications, and utilities.

GRADE CHANGE LIABILITY

42. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.

43. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.
44. Agency, if a City, by execution of Agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any there be in connection with or arising out of the project covered by the Agreement.

CONTRACTOR CLAIMS

45. Agency shall, to the extent permitted by state law, indemnify, hold harmless and provide legal defense for State against all claims brought by the contractor, or others resulting from Agency's failure to comply with the terms of this Agreement.
46. Notwithstanding the foregoing defense obligations under Paragraph 45, neither Agency nor any attorney engaged by Agency shall defend any claim in the name of the State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at anytime at its election assume its own defense and settlement in the event that it determines that Agency is prohibited from defending the State of Oregon, or that Agency is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue any claims it may have against Agency if the State of Oregon elects to assume its own defense.

MAINTENANCE RESPONSIBILITIES

47. Agency shall, upon completion of construction, thereafter maintain and operate the Project at its own cost and expense, and in a manner satisfactory to State and FHWA.

WORKERS' COMPENSATION COVERAGE

48. All employers, including Agency that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Agency shall ensure that each of its contractors complies with these requirements.

LOBBYING RESTRICTIONS

49. Agency certifies by signing the Agreement that:
 - A. No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

- B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed \$100,000, and that all such subrecipients shall certify and disclose accordingly.
- D. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31, USC Section 1352.
- E. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Paragraphs 35, 36, and 47 are not applicable to any local agency on state highway projects.



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 03/05/09
 Agenda Item #: R-1
 Est. Start Time: 9:30 AM
 Date Submitted: 02/19/09

Agenda Title: Appointment of Jennifer Allen to City of Portland/Multnomah County SUSTAINABLE DEVELOPMENT COMMISSION

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

Requested Meeting Date:	<u>03/05/2009</u>	Amount of Time Needed:	<u>5 mins</u>
Department:	<u>Non-Departmental</u>	Division:	<u>Commissioner Cogen</u>
Contact(s):	<u>Karol Collymore</u>		
Phone:	<u>503-988-6786</u>	Ext.	<u>86786</u>
		I/O Address:	<u>503/600</u>
Presenter(s):	<u>Kat West or Tim Lynch</u>		

General Information

1. What action are you requesting from the Board?

Approval of appointment of Jennifer Allen to City of Portland/Multnomah County Sustainable Development Commission.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Portland/Multnomah County Sustainable Development Commission (SDC) is a citizen advisory panel reporting directly to Portland City Council and the Multnomah County Board of Commissioners. The Sustainable Development Commission (SDC) is a citizen advisory panel reporting directly to Portland City Council and the Multnomah County Board of Commissioners. Six of the eleven SDC Members are appointed by the City, and five are appointed by the County. The commission promotes programs and policies in three main areas:

- Promote sustainable internal government operations
- Create a sustainability education campaign based on a Sustainable Community Report Card
- Support sustainable economic development

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

No impact.

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

Policy issues include recommendations on local purchasing preference policies economic development.

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

N/A

Required Signature

**Elected Official or
Department/
Agency Director:**

A handwritten signature in black ink, appearing to be 'JMS', written over a horizontal line.

Date: 02/19/09

Interest Form for City Board & Commission Appointments

The purpose of this form is to obtain information for use in making appointments to City boards, commissions, and committees, and to assist the Mayor in making inquiries concerning the qualifications of applicants for appointment. Please note that information provided in this document is **public information**, with the exception of the confidential section. (Information in the confidential section will only be disclosed as required by law.) If you have a recently prepared biography or resumé, please attach it to this form. Thank you for your interest.

Please return application, resumé and any additional information to:
Office of Neighborhood Involvement, 1221 SW 4th Ave, Room 110, Portland, Or 97204

To help ensure equal access to City programs, services and activities, the City of Portland will reasonably modify policies/procedures and provide auxiliary aids/services to persons with disabilities. Call 503-823-2030 or 503-823-4000 with such requests.

Name: Jennifer H Allen
First Middle Initial Last
Mailing Address: 464 NW Skyline Crest Road, Portland, OR 97229

Occupation: Acting Director, Center for Sustainable Processes and Practices, Portland State University

Daytime Phone: 503-725-8546 Email: jhallen@pdx.edu

Biography/Resumé Attached? xx Yes No

CHECK UP TO THREE (3) GROUPS YOU ARE INTERESTED IN (descriptions are online):

- | | | |
|--|--|--|
| <input type="checkbox"/> Adjustment Committee | <input type="checkbox"/> Housing Authority of Portland | <input type="checkbox"/> Portland Planning Commission |
| <input type="checkbox"/> Alternative Technology Adv Com | <input type="checkbox"/> Human Rights Commission | <input type="checkbox"/> Portland Utility Review Board |
| <input type="checkbox"/> Building Code Board of Appeal | <input type="checkbox"/> Independent Police - Citizen Review Com | <input type="checkbox"/> Private-for-Hire Board of Review |
| <input type="checkbox"/> Business License Appeals Board | <input type="checkbox"/> Investment Advisory Committee | <input type="checkbox"/> Public Involvement Advisory Council |
| <input type="checkbox"/> Citizen Campaign Committee | <input type="checkbox"/> Mechanical Code Board of Appeal | <input type="checkbox"/> Purchasing Board of Appeals |
| <input type="checkbox"/> Civil Service Board | <input type="checkbox"/> Metro Exposition Recreation Commission | <input type="checkbox"/> Regional Arts & Culture Council |
| <input type="checkbox"/> Community Budget Advisory Board | <input type="checkbox"/> Mt. Hood Cable Regulatory Comm | <input type="checkbox"/> River Community Advisory Committee |
| <input type="checkbox"/> Design Commission | <input type="checkbox"/> Noise Review Board | <input type="checkbox"/> Small Business Advisory Council |
| <input type="checkbox"/> Development Review Advisory Bd | <input type="checkbox"/> Plumbing Code Board of Appeal | <input type="checkbox"/> Special Inspections Advisory Board |
| <input type="checkbox"/> Elders in Action | <input type="checkbox"/> Portland Community Media | <input type="checkbox"/> Structural Engineering Adv Board |
| <input type="checkbox"/> Electrical Code Board of Appeals | <input type="checkbox"/> Portland Development Commission | <input type="checkbox"/> Time, Place, Manner Adv. Committee |
| <input type="checkbox"/> Fire Code Board of Appeal | <input type="checkbox"/> Portland Historical Landmarks Comm | <input type="checkbox"/> Towing Board of Review |
| <input type="checkbox"/> Floating Structures Board of Appeal | <input type="checkbox"/> Portland/Multnomah Food Policy Council | <input type="checkbox"/> Urban Forestry Commission |
| <input type="checkbox"/> Golf Advisory Committee | xxx <input type="checkbox"/> Portland/Multnomah Sustainable Dev | <input type="checkbox"/> Workforce Investment Board |
| <input type="checkbox"/> Housing & Community Devel Com | Com | <input type="checkbox"/> Children's Investm. Fund Alloc Com |
| | <input type="checkbox"/> Portland Parks Board | |

List education, including degree(s) earned:

Yale University, BA cum laude (1985)

Yale School of Forestry and Environmental Studies, Master of Environmental Management (1988)

George Mason University, Ph.D. in Environmental Science and Public Policy (1996)

1st Choice:

Name of Board/Commission/Committee: Portland/Multnomah Sustainable Development Commission

A. Reasons for wanting to serve on this group:

I believe the Portland-Multnomah Sustainable Development Commission can play a significant and expanded leadership role in prioritizing key issues related to sustainability in the region, informing the recently launched P+OSI effort, and engaging the broader community in sustainability-related issues. In particular, I believe the Commission can help ensure that aspects of sustainability that often receive less attention – such as the social aspects of sustainability – remain on the agenda for the community and in the region’s sustainability initiatives.

I would look forward to the opportunity to work with the other members of the Commission on these efforts, and also would hope to explore how to expand the partnerships between Portland State and local government, business and non-profit partners in ways that can strengthen the region’s leadership in this critical area. As Portland State moves forward with the implementation of the \$25 million challenge gift from the Miller Foundation, we seek to engage proactively with the community on priority sustainability issues, and maintaining a close connection with the work of City Council and the County Commission will be very valuable in this process.

B. List skills or knowledge that would be relevant to this Board/Commission:

In my work in the field of sustainable development over the past 20 years, I have had the opportunity to engage with businesses, non-governmental organizations, and governments at international, regional, state and local levels on a range of issues related to sustainability. This experience has helped me gain an understanding of the complexity, challenges, and opportunities in this area, perspectives that I believe would be helpful as the city, county and region continue to develop and implement their sustainability strategies. My experience working at the state and local levels on issues related to green building, sustainable agriculture and food systems, and sustainable business practices also offer a useful perspective on the issues and opportunities facing the region. In my current position at Portland State I have the opportunity to manage the strategic planning process for our sustainability programs, as well as conducting research on the economic impacts of the green building sector in Portland. I believe that my ongoing role at Portland State and my interest in further developing our understanding of the economic development opportunities that sustainability represents for the region would be of value to the Commission as it works with its partners to advance the region’s sustainability programs.

C. List work or volunteer experience that would add to your expertise for this Board/Commission

Dates (from/to)	Employer or Volunteer Activity	Responsibilities
1988-1997	World Bank	Sustainable Development Consultant
2000-2003	Or. Econ and Comm Dev. Dept	Sustainable Business Liaison
2003 - present	Portland State University Sustainability Programs	Development and management of academic sustainability programs
2003-2007	Food Alliance	Board Member and I term as Board Chair
2006- present	Shorebank Pacific	Board Member
2005- present	Portland Energy Cons. Inc	Board Member

2nd Choice:

Name of Board/Commission/Committee: _____

A. Reasons for wanting to serve on this group:

B. List skills or knowledge that would be relevant to this Board/Commission:

C. List work or volunteer experience that would add to your expertise for this Board/Commission:

Dates (from/to)	Employer or Volunteer Activity	Responsibilities
-----------------	--------------------------------	------------------

3rd Choice:

Name of Board/Commission/Committee: _____

A. Reasons for wanting to serve on this group:

B. List skills or knowledge that would be relevant to this Board/Commission:

C. List work or volunteer experience that would add to your expertise for this Board/Commission

Dates (from/to)	Employer or Volunteer Activity	Responsibilities
-----------------	--------------------------------	------------------

List your experience working on diverse teams or committees:

I have facilitated a number of processes to bring together groups that have historically lacked constructive relationships, including leading the green building-forest industry initiative under the Oregon Business Plan and working on market connections that would benefit rural agricultural communities while at OECDD. My experience working at the World Bank involved working in multi-cultural teams and building new partnerships between the environmental community and the business community in areas where they had not traditionally worked together. I am currently a Fellow in the American Leadership Forum program which also has a strong focus on diversity and on developing the skills needed to engage diverse communities in constructive action.

Describe your understanding of the services the City of Portland provides:

The City of Portland provides a broad range of public services, including planning, development services, environmental management, neighborhood outreach, public education and outreach, and other services. In many cases the city attempts to engage in public-private partnerships to mobilize the full range of public policy, citizen participation and business investment needed for programs to succeed. The City also works closely with the County and Metro on a number of areas to ensure that resources are leveraged and coordinated to best serve the region. In many cases, I believe the city has successfully also provided leadership to the community by leading the way in its own practices. While not a traditional "service", this may be one of the most important roles a city can play, particularly in times of limited economic resources.

My signature affirms that all information contained herein is true to the best of my knowledge, and that I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration.

Signature: Jennifer H. Allen

Date: 12/9/08

Please note this optional information **must** remain on a separate page from the rest of the application.

OPTIONAL INFORMATION

The City asks that you voluntarily provide the following information. The City will use this information for statistical purposes, such as tracking the geographical diversity of board and commission appointees. By providing this information, you will help us ensure that appointments represent a broad cross-section of the community. You are under no legal obligation to provide this information. State and federal law prohibit the use of this information to discriminate against you. The City will treat this information as confidential to the fullest extent allowed by law.

Age: Under 18 18-64 65+

Race: African-American Asian Caucasian
 Hispanic Native American

Gender: Female Male

Disability: No Yes

If yes, please specify: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 03-05-09
 Agenda Item #: R-2
 Est. Start Time: 9:35 AM
 Date Submitted: 02-25-09

Agenda Title: Briefing on Multnomah County Sheriff's Office Warrant Strike Team

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

Date Requested:	<u>March 5, 2009</u>	Time Requested:	<u>15 mins</u>
Department:	<u>Non-Departmental</u>	Division:	<u>Commissioner District 4</u>
Contact(s):	<u>Sam Peterson</u>		
Phone:	<u>503-988-5213</u>	Ext.	<u>22738</u>
		I/O Address:	<u>503/600</u>
Presenter(s):	<u>Members of the MCSO Warrant Strike Team</u>		

General Information

1. **What action are you requesting from the Board?**
 None, informational only.
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
 The Multnomah County Sheriff's Office Warrant Strike Team (WST) was created in the Fall of 2007 in partnership with the Board of County Commissioners and the District Attorney's Office. The work done by WST has recently received two awards from Federal agencies; the Federal Bureau of Investigation and the Social Security Administration Inspector General's Office, Fugitive Felon Program.

 The team is comprised of four deputy sheriffs who were selected for their skills in the areas of community policing, risk management and inter-agency communication. Since its inception, this WST has accounted for a total of 703 warrants cleared with the arrests of 650 subjects who had either felony or misdemeanor warrants.
3. **Explain the fiscal impact (current year and ongoing).**
 none
4. **Explain any legal and/or policy issues involved.**
 none
5. **Explain any citizen and/or other government participation that has or will take place.**
 None expected.

Required Signature

**Elected Official or
Department Director:**

Diane McKeel

Date: 02/25/09



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-3 DATE 03/05/09
 ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 03/05/09
 Agenda Item #: R-3
 Est. Start Time: 9:50 AM
 Date Submitted: 02/18/09

BUDGET MODIFICATION: PROJECT REALLOCATION: FPM 09-04

Agenda Title: Reallocation of Facilities Capital Project Funds - FPM 09-04, Multnomah Building Fire Smoke Dampers (FSD) Project

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	<u>March 5, 2009</u>	Amount of Time Needed:	<u>5 mins</u>
Department:	<u>County Management</u>	Division:	<u>Facilities and Property Management</u>
Contact(s):	<u>John Lindenthal, Richard Thompson</u>		
Phone:	<u>503-988-4213</u>	Ext.:	<u>84213</u>
Presenter(s):	<u>John Lindenthal, Richard Thompson</u>		
		I/O Address:	<u>FPM/274</u>

General Information

1. What action are you requesting from the Board?

Requested action is to transfer \$100,000 to the Multnomah Building Fire Smoke Dampers project (CP10.09.28) from the Juvenile Justice Center (JJC) Fire Smoke Dampers project (CP10.09.13). This will change the total FY09 Multnomah Building Fire Smoke Dampers project budget from \$120,000 to \$220,000.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Board included the following Budget Note in the FY05 Adopted Budget. No reallocation of funds from capital or maintenance projects shall occur without review and approval from the Chief Financial Officer. Projects that will exceed their budgeted appropriation in excess of five percent up to \$25,000 will need to be approved by the Chief Financial Officer; over \$25,000 will need to be brought back to the Board for approval. Facilities shall report to the Board on a semi-annual basis the progress of capital projects and the financial status of capital and maintenance projects." This filing is in response to that requirement and complies with the new County Administrative

Procedure, Fin-15, created to implement this process.

The original project scope of work was to replace all Fire Smoke Dampers (FSD's) throughout the Multnomah Building. New controllers need to be added to the scope of work in order to upgrade the building Siemens Digital Processing Units (DPU's) on each floor. The current approved budget for the Juvenile Justice Center (JJC) has sufficient funds to complete its scope of work even after the funds transfer.).

This will increase the Multnomah Building Fire Smoke Damper project budget from \$120,000 to \$220,000. Further, it will reduce the JJC Fire Smoke Damper project budget from \$325,000 to \$225,000.

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

Fiscal year FY09: No overall fiscal impact except at the project level. Transfer \$100,000 budget expenditure authority from the following project Juvenile Justice Center (JJC) Fire Smoke Damper (FSD) project (CP10.09.13) to the Multnomah Building Fire Smoke Damper (FSD) project (CP10.09.28).

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?

N/A

- What budgets are increased/decreased?

No budget change except at project level.

- What do the changes accomplish?

N/A

- Do any personnel actions result from this budget modification? Explain.

N/A

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

N/A

- 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

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

ATTACHMENT B

BUDGET MODIFICATION: PROJECT REALLOCATION: FPM 09-04

Required Signatures

**Facilities and
Property
Management
Director:**

Carol M. Ford

Date: 02/18/09

**Chief Financial
Officer:**

Mindy Harris

Date: 02/18/09

Budget Director:

Kayne Kieta

Date: 02/22/09

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

2/26/2009

(Date)

DEPARTMENT: Department of County Management

DIVISION: Facilities & Prop Mgmt

CONTACT: John Lindenthal

PHONE: 988-4213

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: John Lindenthal, Richard Thompson

SUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)

**Reallocation of Facilities Capital Project Funds - FPM 09-04,
Multnomah Building Fire Smoke Dampers (FSD) project**

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

Requested action is to add \$100,000 to the Multnomah Building Fire/Smoke/Dampers project (CP10.09.28) from the Juvenile Justice Center (JJC) Fire/Smoke/Dampers project (CP10.09.13).

The original project scope of work was to replace all Fire Smoke Dampers (FSD's) throughout the Multnomah Building. New controllers need to be added to the scope of work in order to upgrade the building Siemens Digital Processing Units (DPU's) on each floor. The current approved budget for the Juvenile Justice Center (JJC) has sufficient funds to complete its scope of work even after the funds transfer.

This will increase the Multnomah Building Fire Smoke Damper project budget from \$120,000 to \$220,000. Further, it will reduce the JJC Fire Smoke Damper project budget from \$325,000 to \$225,000.

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

Fiscal year FY09: No overall fiscal impact except at the project level. Transfer \$100,000 budget expenditure authority from the following project Juvenile Justice Center (JJC) Fire Smoke Damper (FSD) project (CP10.09.13) to the Multnomah Building Fire Smoke Damper (FSD) project (CP10.09.28).

TOTAL

4. CONTINGENCY STATUS [To Be Completed by Budget]

_____ Fund Contingency BEFORE THIS MODIFICATION AS OF _____
(Specify Fund) AFTER THIS MODIFICATION: _____

Originated By:	Date:	Department Director:	Date:
Steve Pearson	1/20/2006	NA	
Plan / Budget Analyst:	Date:	Employee Services:	Date:
NA		NA	
Board Approval:	Date:		

Project Reallocation Formal Board Approval: FPM09-04

EXPENDITURES & REVENUES

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	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Formal FPM	Cost Center	WBS Element						
1	72-50	2509			CP10.09.28	(120,000)	(220,000)	(100,000)		Multnomah Building Fire/Smoke/Dampers project	
2	72-50	2509			CP10.09.13	(325,000)	(225,000)	100,000		Juvenile Justice Center (JJC) Fire/Smoke/Dampers project	
3											
4											
5											
6											
7											
8											
9											
10											
11											
12											
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26											
27											
28											
29											
									0	0	Total - Page 1
									0	0	GRAND TOTAL

filing is in response to that requirement and complies with the new County Administrative Procedure, Fin-15, created to implement this process.

Projects for the Courthouse were identified based on an overall view of the condition of the Courthouse. Available funding in the amount of \$3,600,000 was identified and budgeted.

The needs of the Courthouse far exceed this funding so funding was allocated on a generic basis, knowing that we would learn more about various issues as project work began.

The specific projects lists were generated with the input and participation of Facilities Operations and Maintenance, and building tenants including the 4th Judicial system of the State of Oregon Courts, MC District Attorney, MC Sheriffs office and other building tenants which might be affected.

These projects included numerous building systems which includes but is not necessarily limited to: direct digital controls (DDC) infrastructure, variable air volume (VAV) boxes and controls change out throughout the building, Air handlers 1-4 rework including variable frequency drives (VFD) and electrical feeder change outs, business continuity plan (BCP) for courthouse, security and closed circuit television cameras (CCTV) upgrades (internal and external), duress system for courtrooms and public counters, roof replacement. Main distribution panel (MDP) upgrades, fire life safety egress upgrades, main service grounding and bonding, emergency panel upgrades, B6 HVAC and feeder upgrade and a small elevator load shed schematic.

Building tenants, including the District Attorney, Sheriffs office and Presiding judge, supported the finalized base list of projects listed above as well as the alternate list of projects. The alternate project list would be completed only if funding was available within the existing resource. Elevators 1 and 2 were on the alternate list.

In recent months, the elevators started to have a significant increase in trouble calls and down time.

Therefore, Facilities determined that it was prudent to reprioritize the project list and put elevators 1 & 2 on the to-do project list. This reprioritization is mainly due to the safety issues these elevators potentially pose to building tenants and the public. The tenants were informed of the conditions and approved the change in projects from the business continuity plan (BCP) to elevators 1 & 2.

Therefore, we request the MC Board of County commissioners to approve the budget transfer of \$528,000 from CP08.08.49 (Courthouse HVAC) to CP08.08.50 (Courthouse Electrical) to accomplish the elevators 1 & 2 project.

Once approved by the board of Multnomah County commissioner's elevators 1 & 2 could be completed within 6-8 months.

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

Fiscal year FY09: No overall fiscal impact except at the project level. Transfer \$528,000 budget expenditure authority from the following project Courthouse HVAC project (CP08.08.49) to the Courthouse Electrical project (CP08.08.50). This will increase the Courthouse Electrical project from \$710,000 to \$1,238,000 and reduce the Courthouse HVAC project from \$1,125,000 to

\$597,000.

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

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

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?**

N/A

- **What budgets are increased/decreased?**

No budget change except at project level.

- **What do the changes accomplish?**

N/A

- **Do any personnel actions result from this budget modification? Explain.**

N/A

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

N/A

- **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

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

ATTACHMENT B

BUDGET MODIFICATION: PROJECT REALLOCATION: FPM 09-05

Required Signatures

**Facilities and
Property
Management
Director:**

Carol M. Ford

Date: 02/18/09

**Chief Financial
Officer:**

Mindy Harris

Date: 02/18/09

Budget Director:

Kayne Kieta

Date: 02/22/09

Attachment B

Project Reallocation Formal Board Approval: FPM09-05

EXPENDITURES & REVENUES

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	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Formal FPM	Cost Center	WBS Element						
1	72-50	2509			CP08.08.50	(710,000)	(1,238,000)	(528,000)		Courthouse Electrical project	
2					CP08.08.49	(1,125,000)	(597,000)	528,000		Courthouse HVAC project	
3											
4											
5											
6											
7											
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27											
28											
29							0				
								0	0	Total - Page 1	
								0	0	GRAND TOTAL	

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

2/26/2009

(Date)

DEPARTMENT: DBCS-County Business Services

DIVISION: Facilities & Prop Mgmt

CONTACT: John Lindenthal, Richard Thompson

PHONE: 988-4213

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD:

John Lindenthal

Reallocation Capital Project Funds - FPM 09-05, Multnomah County Courthouse Elevators 1 & 2 controls upgrade

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

Requested action is to add \$528,000 to the Courthouse Electrical project (CP08.08.50) from the Courthouse HVAC project (CP08.08.49). This will change the total FY09 budget authorization from \$710,000 to \$1,238,000.

The Board included the following Budget Note in the FY05 Adopted Budget. No reallocation of funds from capital or maintenance projects shall occur without review and approval from the Chief Financial Officer. Projects that will exceed their budgeted appropriation in excess of five percent up to \$25,000 will need to be approved by the Chief Financial Officer; over \$25,000 will need to be brought back to the Board for approval. Facilities shall report to the Board on a semi-annual basis the progress of capital projects and the financial status of capital and maintenance projects." This filing is in response to that requirement and complies with the new County Administrative Procedure, Fin-15, created to implement this process.

Projects for the Courthouse were identified based on an overall view of the condition of the Courthouse. Available funding in the amount of \$3,600,000 was identified and budgeted.

The needs of the Courthouse far exceed this funding so funding was allocated on a generic basis, knowing that we would learn more about various issues as project work began.

The specific projects lists were generated with the input and participation of Facilities Operations and Maintenance, and building tenants including the 4th Judicial system of the State of Oregon Courts, MC District Attorney, MC Sheriffs office and other building tenants which might be affected.

These projects included numerous building systems which includes but is not necessarily limited to: direct digital controls (DDC) infrastructure, Variable Air Boxes (VAV boxes) and controls change out throughout the building, Air handlers 1-4 rework including variable frequency drives (VFD) and electrical feeder change outs, business continuity plan (BCP) for courthouse, security and closed circuit television cameras (CCTV) upgrades (internal and external), duress system for courtrooms and public counters, roof replacement. Main Distribution Panel (MDP) upgrades, fire life safety egress upgrades, main service grounding and bonding, emergency panel upgrades, B6 HVAC and feeder upgrade and a small elevator load shed schematic.

With building tenant support including MC District Attorney, MC Sheriffs office and Presiding judge support the MCFPM Project Manager finalized a base list of projects listed above as well as an alternate list of projects that were not guaranteed. On that alternate list were elevators 1&2.

In recent months, the elevators started to have a significant increase in trouble calls and down time.

Therefore, Facilities determined that it was prudent to reprioritize the project list and put elevators 1 & 2 on the to-do project list. This reprioritization is mainly due to the safety issues these elevators potentially pose to building tenants and the public. The tenants were informed of the conditions and approved the change in projects from the business continuity plan (BCP) to elevators 1 & 2.

would learn more about various issues as project work began.

The specific projects lists were generated with the input and participation of Facilities Operations and Maintenance, and building tenants including the 4th Judicial system of the State of Oregon Courts, MC District Attorney, MC Sheriffs office and other building tenants which might be affected.

These projects included numerous building systems which includes but is not necessarily limited to: direct digital controls (DDC) infrastructure, Variable Air Boxes (VAV boxes) and controls change out throughout the building , Air handlers 1-4 rework including variable frequency drives (VFD) and electrical feeder change outs, business continuity plan (BCP) for courthouse, security and closed circuit television cameras (CCTV) upgrades (internal and external), duress system for courtrooms and public counters, roof replacement. Main Distribution Panel (MDP) upgrades, fire life safety egress upgrades, main service grounding and bonding, emergency panel upgrades, B6 HVAC and feeder upgrade and a small elevator load shed schematic.

With building tenant support including MC District Attorney, MC Sheriffs office and Presiding judge support the MCFPM Project Manager finalized a base list of projects listed above as well as an alternate list of projects that were not guaranteed. On that alternate list were elevators 1&2.

In recent months, the elevators started to have a significant increase in trouble calls and down time.

Therefore, Facilities determined that it was prudent to reprioritize the project list and put elevators 1 & 2 on the to-do project list. This reprioritization is mainly due to the safety issues these elevators potentially pose to building tenants and the public. The tenants were informed of the conditions and approved the change in projects from the business continuity plan (BCP) to elevators 1 & 2.

Therefore, we request the MC Board of County commissioners to approve the budget transfer of \$528,000 from CP08.08.49 (Courthouse HVAC) to CP08.08.50 (Courthouse Electrical) to accomplish the elevators 1 & 2 project.

Once approved by the board of Multnomah County commissioner's elevators 1 & 2 could be completed within 6-8 months.

3. REVENUE IMPACT: [Explain revenues being changed and reason for the change]

Fiscal year FY09: No overall fiscal impact except at the project level. Transfer \$528,000 budget expenditure authority from the following project Courthouse HVAC project (CP08.08.49) to the Courthouse Electrical project (CP08.08.50). This will increase the Courthouse Electrical project from \$710,000 to \$1,238,000 and reduce the Courthouse HVAC project from \$1,125,000 to \$597,000.

4. CONTINGENCY STATUS [To Be Completed by Budget]

_____ Fund Contingency BEFORE THIS MODIFICATION AS OF _____
 (Specify Fund) AFTER THIS MODIFICATION: _____

Originated By:	Date:	Department Director:	Date:
Steve Pearson	1/20/2006	NA	
Plan / Budget Analyst:	Date:	Employee Services:	Date:
NA		NA	
Board Approval:	Date:		



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 03-05-09
 Agenda Item #: R-5
 Est. Start Time: 10:00 AM
 Date Submitted: 02-24-09

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-5 DATE 03-05-09
 ANA KARNES, ASST BOARD CLERK

Agenda Title: NOTICE OF INTENT to Apply for the Justice and Mental Health Collaboration Program Grant from the U.S. Department of Justice in the Amount of \$250,000

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: March 5, 2009 Amount of Time Needed: 3 minutes
 Department: Department of Community Justice Division: Juvenile Services Division
 Contact(s): Thuy Vanderlinde
 Phone: 503-988-5677 Ext. 85677 I/O Address: 311/1
 Presenter(s): Thuy Vanderlinde and Thach Nguyen

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests the approval to apply for the Justice and Mental Health Collaboration Program grant from the U.S Department of Justice in the amount of \$250,000 for 30 months.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

DCJ currently has the ability to offer to the medium and high risk youth and their families a continuum of services from community-base treatment to in-house intensive programs such as Multi-Systemic Therapy (MST), Assessment and Treatment for Youth and Family (ATYF), and Residential Alcohol and Drug (RAD). DCJ implements the evidenced-based modalities of practices to address the criminality as well as substance abuse and mental health issues by utilizing the Motivation Interview, Cognitive Behavioral Therapy, Stages of Change, and Multi-Systemic Therapy. Yet, many of the youth continue to deal with the difficulties in their communities, and the community at large which have a significant impact to their success in treatment or their readiness to accept treatment. This grant will help us in our critical effort to coordinate and collaborate with other outside agencies to build a system of care that is more responsive to the youth's needs and

support them and their families in the community.

DCJ data drawn from the Global Appraisal of Individual Needs (GAIN), an evidenced-based instrument used in assessing the mental health needs and substance abuse among the youth under probation supervision, distinguishes the youth's problems by the severity, complexity, and multiplicity of their needs. In a sample of 209 youth (comprised of 20.6% female, 50.5% non-white, and 84% between the ages of 15 and 18) 92.3% indicate a clinical level of drug use that need professional help and one third at the imminent level of danger to their health or welfare; 19.8% at the clinical level of mental distress and 31.4% at the acute level; 38.3% at the clinical level of traumatic stress and 58% at the acute level; and 18% at the clinical level of victimization and 48% at the acute level. Yet, 62.7% experience a clinical level of treatment barriers and 6.4% with an acute level. There are many factors that work against them coming to or staying in treatment. One contributing factor is the environmental risk that exposes them to risky and negative influences of other peers and adults. This further explains the high percentage of symptoms of depression, anxiety, ADHD, suicidal thoughts coupled with a host of behavioral complexity that put them at risk for criminal activities, school failure, and commitment to the institution.

If DCJ is awarded this grant, it will go to fund a new full-time Juvenile Court Counselor (JCC) to carry a caseload of youth with mental health problems. Besides the main functions of supervision, the JCC will also coordinate and collaborate with outside agencies, educate other partners like law enforcement, district attorney or judiciary officials about the mental health issues and treatment, liaison with state and county child-serving agencies, and provide support and community supervision to the youth and their families. One of the 13 strategies for successful supervision published by the Public Safety performance project emphasizes the importance of the community supervision.

This grant will enhance FY-2010 probation supervision offer 50019: Assessment and Treatment for Youth and Family (ATYF).

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

DCJ is requesting \$250,000 to be spent from October 1, 2009 to March 31, 2012. This includes \$228,645 in direct expenses and \$21,355 in Central and Departmental Indirect expenses.

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

The grantee (DCJ) shall meet the following requirements:

Formula grant recipients and their sub-recipients must comply with the provisions in the federal Financial Guide, found at www.grants.gov.

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

Collaboration with state child-serving agencies, county mental health, community-based providers, law enforcement, judiciary officials, district attorney office, parent/guardian or community members.

ATTACHMENT A

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?**

The Justice and Mental Health Collaboration Program from the U.S. Department of Justice.

- **Specify grant (matching, reporting and other) requirements and goals.**

DCJ will use the grant to fund a new full-time Juvenile Court Counselor to supervise a caseload of youth on probation supervision who have mental health problems.

DCJ will formulate outcomes measurement to meet the objectives of the grant and to report progress to stakeholders.

A 40% in-kind match is required. A portion of an existing DCJ Community Justice Manager or District Manager position will be used to meet the match requirement. Total Match for the 30 month grant period is \$166,667: Yr 1= 0.40 FTE \$66,667; Yr 2 = 0.40 FTE \$66,667; Yr 3 = 0.20 FTE \$33,333.

- **Explain grant funding detail – is this a one time only or long term commitment?**

The grant amount is \$250,000 for 30 months.

- **What are the estimated filing timelines?**

The filing deadline is March 12, 2009.

- **If a grant, what period does the grant cover?**

October 1, 2009 to March 31, 2012.

- **When the grant expires, what are funding plans?**

There may be a possibility for the federal grant to continue after the 30 months based on funding availability as well as grantee's performance and compliance with the prior year's award conditions. If funding is not available and no alternative funding can be found, DCJ may explore taking an existing JCC position to assign the caseload.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

This grant provides for Central Indirect and Department Indirect cost at a maximum of 10%.

ATTACHMENT B

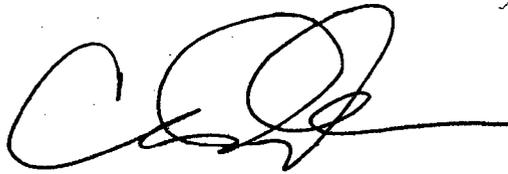
Required Signatures

Elected Official or
Department/
Agency Director:



Date: 02/24/09

Budget Analyst:



Date: 02/24/09



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
 BOARD OF COMMISSIONERS
 AGENDA # R-6 DATE 03-05-09
 ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 03-05-09
 Agenda Item #: R-6
 Est. Start Time: 10:05 AM
 Date Submitted: 02-24-09

Agenda Title: **NOTICE OF INTENT to Submit a \$200,000 Grant Request to the Health Resources and Services Administration to Support an Enabling Services Expansion Project**

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

Requested Meeting Date: March 12, 2009 **Amount of Time Needed:** 5 minutes
Department: Health **Division:** Integrated Clinical Services
Contact(s): Susan Kirchoff, Chocka Guiden, Tom Waltz
Phone: 503-988-3663 **Ext.** 25870 **I/O Address:** 160/8
Presenter(s): Susan Kirchoff, Chocka Guiden, Tom Waltz

General Information

1. What action are you requesting from the Board?

Authorize the Director of the Health Department to submit a \$200,000 grant request to the Health Resources and Services Administration for an Enabling Services Expansion Project for patients who are homeless or at-risk for homelessness at the Westside Health Center.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

There are an estimated 17,000 residents of Multnomah County who are experiencing homelessness, and, in 2007, the Health Department provided health care to 3,509 homeless persons. The County's Westside Health Center located on the 5th floor of County's McCoy Building (426 SW Stark Street) receives Federal Health Care for the Homeless grant funding through Section 330 of Consolidated Health Services Act.

The purpose of this proposed enabling services expansion project is to provide case management services for homeless persons and those who are at-risk for homelessness at the Westside Health Center. Grant funding would be used to hire a case manager to work with medical teams at the Westside Health Center to assist clients who, in addition to direct health care, are in need of services that focus on addressing the complex psycho-social factors that impact their wellbeing. For example, the case manager would assure that clients are able to access mental health services, substance abuse

services, eligibility screening and access to Medicaid and Social Security benefits, and linkages to other important resources (shelter and housing, food assistance, transportation, employment assistance, etc.).

Unlike primary health care, enabling services include activities that (1) enhance the ability of health clinics to provide comprehensive primary health care; (2) increase access to essential health care services; and (3) continue to improve the health status of those served. Enabling services are critical for ensuring the overall health and well-being of homeless residents served at the Department's health clinics. Because of their unique needs and common barriers, homeless residents often require assistance in order to access primary health care services. Common barriers include lack of health insurance, lack of transportation, language and cultural barriers, and limited or no knowledge of the availability of services.

This project will support the Health Department's efforts to meet the needs of homeless residents as specified in Program Offer #40021A (Westside Health Center). Funds will be used to expand access to enabling services rather than replace existing funding (grant funds cannot be used to supplant existing funding).

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

No County funding is requested. The proposed grant will enable the Health Department to support activities to address the need for improved access to health services. Because this project will assist clients to apply for Medicaid benefits, it will have a positive impact on Department revenues.

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

None identified; providing enabling services is consistent with County policy to address the health care needs of Multnomah County residents.

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

This project will be presented to the Community Health Council prior to being submitted; and letters of support will be provided by organizations that operate health centers in the county including Outside In, Central City Concern, Native American Rehabilitation Association, Yakima Valley's Rosewood Clinic, and OHSU's Richmond Clinic.

ATTACHMENT A

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?**

Health Resources and Services Administration.

- **Specify grant (matching, reporting and other) requirements and goals.**

No match is required for this grant. Grantees are expected to monitor expenses, report activities on regular intervals as established in the grant agreement, and provide a final report upon completion of the project. The project staff will be responsible for documenting services in a manner appropriate for evaluating performance outcomes and sufficient to support third party billing.

- **Explain grant funding detail – is this a one time only or long term commitment?**

Due to the unique needs and common barriers experienced by homeless individuals when accessing primary health care, the Health Resources and Services Administration (HRSA) has targeted \$5 million to support Enabling Services grant awards in FY 2009 for existing Health Care for the Homeless grantees. HRSA expects to award approximately 50 grants to improve access to primary health care by expanding enabling services. The estimated date of award is September 1, 2009. Applications may not exceed \$100,000 per year in both Year 1 and Year 2 of the project. Funding may be rolled into the County's Federal Section 330 primary care grant if the project's performance goals are achieved within the two-year period.

- **What are the estimated filing timelines?**

This is a two-phased application involving the Federal electronic submission process through Grants.gov and the HRSA Electronic Handbooks (EHB). Applications must be submitted no later than March 2, 2009 in Grants.gov, and the filing deadline for the EHB is March 16, 2009.

- **If a grant, what period does the grant cover?**

Grants are for a period of two years beginning September 1, 2009.

- **When the grant expires, what are funding plans?**

Grant funding may be rolled into the County's Federal primary care grant if a successful project is demonstrated after the two-year period; and for homeless clients who are determined to be Medicaid eligible, third party billing will generate revenue to support the continuation of enabling services (as well as other services currently provided without reimbursement).

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

These administrative costs (including facilities) will be covered in the grant request.

ATTACHMENT B

Required Signatures

**Elected Official or
Department/
Agency Director:**

Lillian Shirley

Date: 02/24/09

Budget Analyst:

Angela Burdine

Date: 02/24/09



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 3/05/09
ANA KARNES, ASST BOARD CLERK

Board Clerk Use Only

Meeting Date: 03-05-09
Agenda Item #: R-7
Est. Start Time: 10:10 AM
Date Submitted: 02-24-09

**NOTICE OF INTENT to Submit a Proposal for \$81,250 to the Oregon
Department of Human Services to Implement Chronic Disease Prevention
Capacity Building Activities**

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

Requested Meeting Date: March 5, 2009 **Amount of Time Needed:** 5 minutes

Department: Health **Division:** CHP3

Contact(s): Sonia Manhas, Tom Waltz

Phone: 503-988-3663 **Ext.** 26314 **I/O Address:** 448/2

Presenter(s): Sonia Manhas, Tom Waltz

General Information

1. What action are you requesting from the Board?

Authorize the Director of the Health Department to submit an application for \$81,250 in grant funding to the Oregon Department of Human Services to support the prevention, early detection and management of chronic diseases among vulnerable populations in Multnomah County.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

The Health Department's Chronic Disease Prevention Program has been active in both tobacco control and chronic disease prevention, and the goal of this grant program support the work of the Chronic Disease Prevention Program. The State of Oregon's Department of Human Services has funded the Health Department's tobacco prevention efforts for several years. In 2007 the State decided to build capacity through local public health authorities by supporting "a population-based approach to reduce the burden of chronic diseases most closely linked to physical inactivity, poor nutrition and tobacco use." To make local initiatives possible, Oregon's disease prevention and control programs (i.e., Tobacco Prevention and Education, Physical Activity and Nutrition, Arthritis, Asthma, Comprehensive Cancer, Diabetes, and Heart Disease and Stroke programs) combined their

resources to fund a new grant program to address chronic disease prevention and management known as the "Tobacco Related and Other Chronic Diseases" (TROCD) Prevention Program.

During 2008, the Board of Commissioners authorized the Health Department to submit an application for a TROCD Phase I planning grant (funding for that grant was awarded), and the Department is now eligible to submit a TROCD Phase II implementation grant. The implementation grant opportunity will enable the Health Department's Chronic Disease Prevention Program to build on its current chronic disease prevention capacity by implementing the findings and recommendations of the Phase I grant.

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

This grant will provide the Chronic Disease Prevention Program with an additional \$81,250 to implement and evaluate activities to address chronic disease.

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

None.

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

The program focuses on building partnerships within the community and working to promote sustainable changes that prevent the onset of chronic diseases and tobacco use. Citizen/community participation in program activities, and policy analysis/development are essential components of accomplishing these goals.

ATTACHMENT A

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?**
Oregon Department of Human Services.
- **Specify grant (matching, reporting and other) requirements and goals.**
The grant does not require matching funds. The goal of the program is to support the implementation of best-practice interventions to prevent chronic disease prevention activities identified during the planning phase for the implementation and evaluation of best-practice interventions. Grant requirements include participation in the state-run Chronic Disease Training Institute; collaboration with community partners; implementation of a local chronic disease prevention implementation and evaluation plan; and promotion of the State-operated tobacco "Quit Line" and other chronic disease self-management programs.
- **Explain grant funding detail – is this a one time only or long term commitment?**
This is a one time only grant to support the implementation of chronic disease prevention activities.
- **What are the estimated filing timelines?**
The application is due on March 9, 2009. Award notifications will be made by July 1, 2009.
- **If a grant, what period does the grant cover?**
The grant will cover a 12 month period (July 1, 2009 to June 30, 2010).
- **When the grant expires, what are funding plans?**
The Health Department's Chronic Disease Prevention Program will work with Department's Grant Development Team to develop and submit proposals to other organizations to support the continuation of chronic disease prevention activities.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
All indirect costs (including the cost of facilities) will be covered by the grant.

ATTACHMENT B

Required Signatures

**Elected Official or
Department/
Agency Director:**

Lillian Shirley

Date: 02/24/09

Budget Analyst:

Angela Burdine

Date: 02/24/09



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 03-05-09
 Agenda Item #: R-8
 Est. Start Time: 10:15 AM
 Date Submitted: 02-24-09

Agenda Title: Overview of State Law and the Capacity Management Action Plan

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

Requested Meeting Date: March 5, 2009 Amount of Time Needed: 20 Minutes
 Department: Sheriff's Office Division: Corrections
 Contact(s): Christine Kirk
 Phone: 503.988.4301 Ext. 84301 I/O Address: 503/350
 Presenter(s): Chief of Staff Christine Kirk and Assistant County Attorney Jacquie Weber

General Information

1. What action are you requesting from the Board?

A Board briefing on state law pertaining to the development of a capacity management plan for local jails. The briefing will include an overview of the current resolution and plan.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

When something changes meeting the below criteria, the Board must consider and adopt a new capacity management plan.

1. The maximum capacity in the system changes (design capacity)
2. The population limit changes (budgeted capacity)
3. The County Attorney, District Attorney and Sheriff's Office as defined in ORS 169.042, 169.044 and 169.046 have reviewed the Plan and have provided recommendations for change to the Board.

The Capacity Management Plan is an important document that the Board adopts. The Capacity Management Plan allows for emergency population releases to occur in accordance with state law should they be required. The Sheriff's Office would like to

provide an overview of the pertinent issues, so that the Board can be more informed when the matter comes to them for a vote.

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

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

ORS 169.042, 169.044 and 169.046 set forth the legal parameters for setting a capacity limit and creating an Capacity Management Plan in correctional facilities.

Creation and compliance with the Plan is important as 169.046 provides that, “[a] sheriff shall be immune from criminal or civil liability for any good faith release of inmates under ORS 169.042 to 169.046.”

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

Required Signature

Elected Official or
Department/
Agency Director:

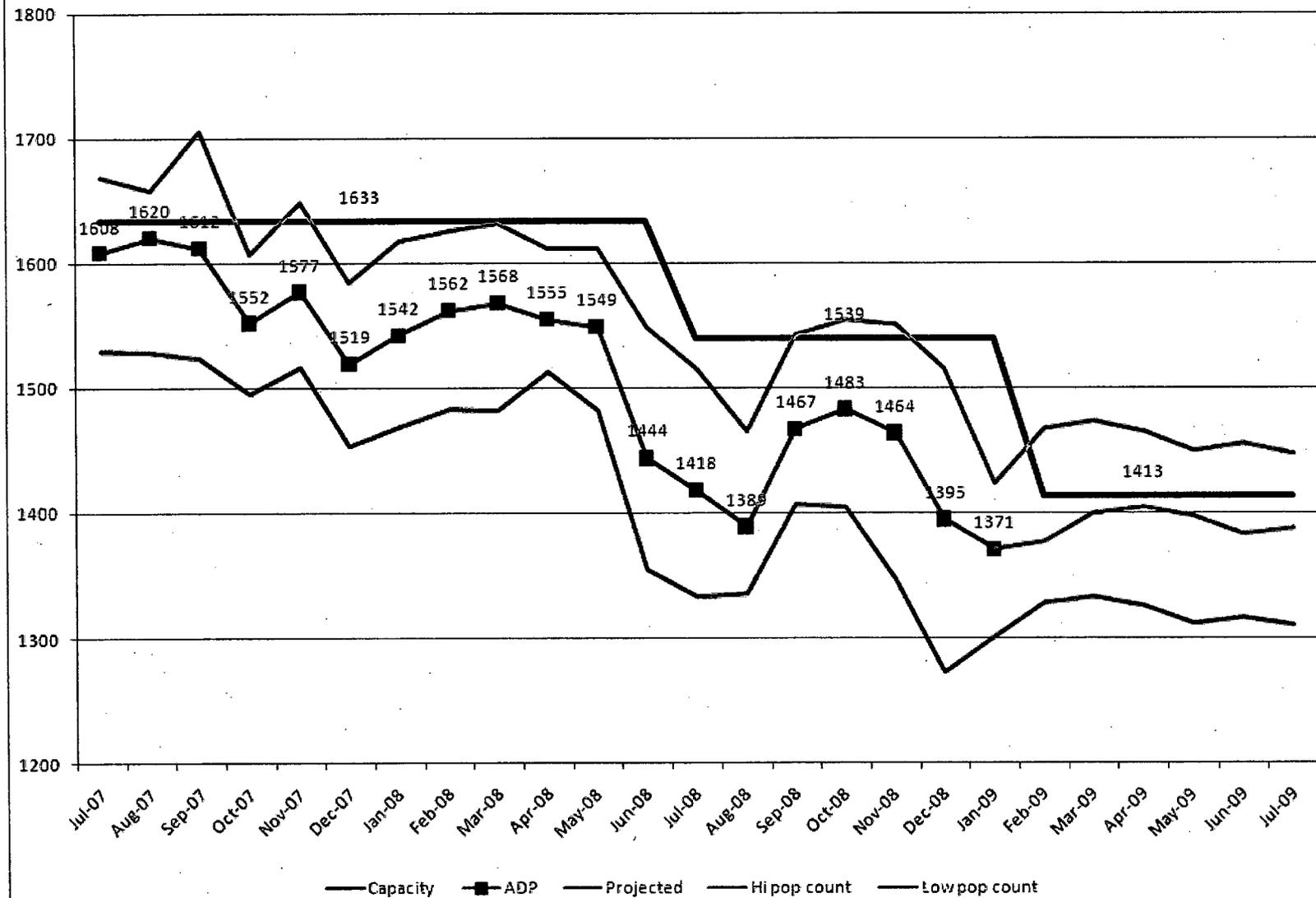
/s/ *Bob Skipper / L.A.*

Date: 02/24/09

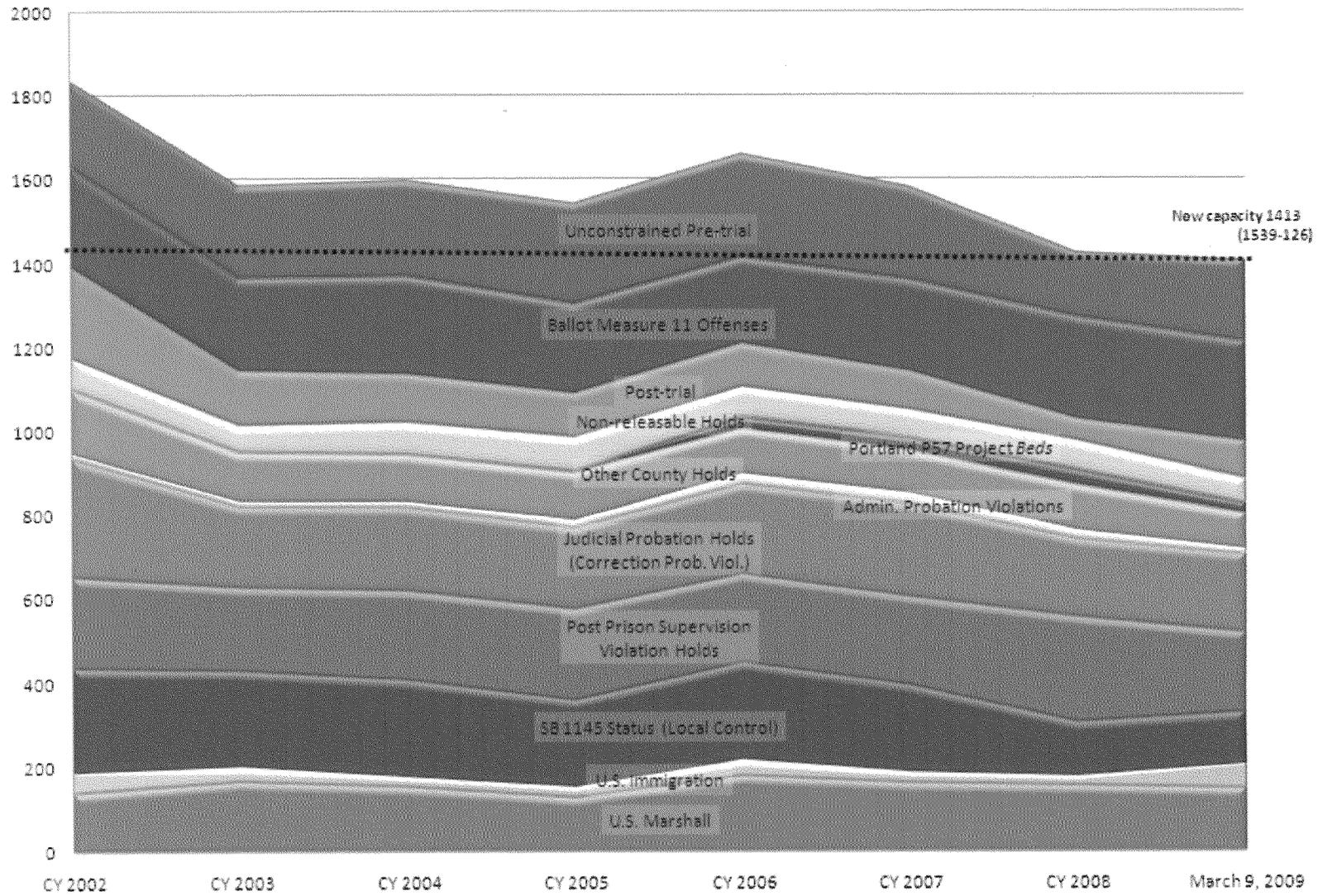
Understanding the Demand on Jail Beds and Daily Management within the Capacity Management Plan

Board of County Commissioner
Briefing March 5, 2009

Average , High and Low Population and Capacity



Jail Bed Distribution by Major Types of Occupancy, ADP



- Unconstrained pre-trial – offenders who have been arrested and are being held for arraignment, assignment to pre-trial release, or other court action. These offenders are normally considered unqualified to be released on recognizance.
- Ballot Measure 11 Offenses – offenders charged and being held for certain crimes against persons.
- Post-trial – offenders who have been sentenced to a jail term.
- Non-Releasable Holds – judicial holds (a variety of holds from the State Dept. of Corrections, Juvenile Court, and other states.); Juvenile Measure 11 holds; Material Witnesses; holds governed by Interstate Compact; and holds by the Armed Forces Police.
- Portland P57 Project Beds – offenders being managed under a quality of life hold through agreement with the City of Portland.
- Other County Holds – offenders waiting transfer to other county jails for crimes committed in their jurisdiction.
- Judicial Probation Holds (Correction Probation Holds) – offenders sentenced by a judge to a jail term while on probation.
- Post Prison Supervision Violation Holds – offenders sanctioned to a jail term, normally by a parole/probation officer for violating a condition of their parole.
- SB 1145 Status (Local Control) – offenders who are serving a jail sanction for violating a condition of their probation or their probations has been revoked and they have been returned to jail for the remainder of their sentence, or prisoners who are serving less than one year of state prison time.
- U. S. Marshal – offenders charged with a federal crime and housed by contract with the US Marshal's Service.

Understanding the Capacity Management Plan

Presented to the Board of County Commissioners

March 5, 2009

Sheriff's Office Chief of Staff Christine Kirk

Assistant County Attorney Jacquie Weber

Presentation Overview

- Pertinent State Law pertaining to:
 - The development of an emergency management plan.
 - The adoption of a plan.
 - The implementation of a plan.
 - Ability to supervise persons released.
 - Who can be released.
- Overview of the Plan

Overview of State Law

The Current Capacity Management Plan was developed in accordance to *169.042 Maximum facility population; recommendation.*

Previous Board of County Commissioners adopted a plan based on:

- (1) The advice of the district attorney, county counsel and sheriff concerning prevailing constitutional standards relating to conditions of incarceration;
- (2) The design capacity of the local correctional facility;
- (3) The physical condition of the local correctional facility; and
- (4) The programs provided for inmates of the local correctional facility. [1989 c.884 §2]

State Law cont.

Upon receiving the plan, the Board followed, *169.044 Action on recommendation*, and issued an order (Board Resolution including the Capacity Management Plan) establishing the maximum allowable number of inmates that may be held. The plan includes specific standards for determining a county jail population emergency and a specific plan for resolving the emergency as required by law.

State Law cont.

169.046 Notice of county jail population emergency; action to be taken; notification if release of inmates likely; forced release.

Indicates that parties must be notified of a population emergency, including the Board of County Commissioners, when there is a population emergency.

When a population emergency exists the plan can be carried out.

“ This includes any authorization, under the plan, for the sheriff to order inmates released in order to reduce the jail population. A sheriff shall be immune from criminal or civil liability for any good faith release of inmates under ORS 169.042 to 169.046.”

Implications of State Law on Release

Emergency Population Releases are limited to:

- The Pre-trial Population

- **169.005 (2)** “Forced release” means temporary freedom of an inmate from lawful custody before judgment of conviction due to a county jail population emergency under ORS 169.046.

No Supervision of EPR'ed Inmates

- Person subject to Emergency Population Release missed many opportunities to be in the community:
 - They were booked and did not receive a cite in lieu by police.
 - They did not post bail.
 - They were not released by Recog.
 - They were not released by the Arraignment Judge.
 - They were not eligible for pre-trial supervision services.

State Law Defines no Supervision of EPR'ed Inmates

- Pre-trial persons who could not remain in the community unsupervised either get pre-trial supervision or stay in jail.
- Those who stay in jail and are released, will be released through EPR without supervision in the community.
- The statutory limitation in the liability under EPR does not extend to community supervision.

Multnomah County's Capacity Management Plan

The plan includes:

- A resolution which sets the population limit and states when a population emergency exists.
 - Currently, a county jail population emergency exists when the number of inmates housed within the Multnomah County Jail System Reaches 97% of the jail.
 - Historically that number had been 95% but was revised under the last major revision.
- The actual Capacity Management Plan

The Capacity Management Plan

- The intent is to resolve a jail population emergency by holding in jail those that have been evaluated and found to represent the greatest threat to the safety of the community and releasing those that pose the least risk.
- Evaluations will be based on objective criteria reasonably calculated to:
 - Resolve the jail population emergency;
 - Ensure community safety; and
 - Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration.

The Capacity Management Plan, cont.

- The Sheriff or his designee will develop and implement policies and procedures in which every person in custody of the Sheriff, and eligible under the Sheriff's authority to release, is evaluated using the following criteria:
 - Risk to self or other persons;
 - Propensity for violence;
 - Criminal Charges (person vs. non person); *(NOTE set by the Capacity Management Plan, Attachment A)*
 - Prior failures to follow court orders;
 - Parole, probation, or post-prison revocations; and
 - Institutional behavior or classification.

The Capacity Management Plan, cont.

- As defined in ORS 169.005, the categories in this Plan apply to only to unsentenced offenders. Only unsentenced offenders may be released for population reasons.
- Releases for population reasons will be made based upon the lowest score.
- The Sheriff may release one gender, if releasing the other gender would only make available beds that would not be filled because there are no gender appropriate inmates waiting to be housed or no gender appropriate inmates classified for housing at the available bed.

The Capacity Management Plan, The Numerical Score, Felonies

CHARGE LEVEL	PERSON	NON PERSON
Measure 11	150	150
Class A Felony	135	100
Exemption	100 points: Burglary 1	35 points: MCS I and all DCS I related charges, with the exception of DCS to a Minor or Using a Minor in a Drug Offense
Class B Felony	80	35
Exemption	135 points: Escape I.	50 points: MCS II, Possession of Precursor 20 points: PCS I
Class C Felony	50	20
Exemption	80 points: <ul style="list-style-type: none"> •Attempted Escape I •Negligent Homicide •Stalking •Violation of a Court Protective Order •Unlawful use of a Weapon •Felony DUII 	35 points: <ul style="list-style-type: none"> •Identity Theft •Forgery •UUMV 50 points: <ul style="list-style-type: none"> •Tampering with a Witness •Riot •Attempted Theft by Extortion

The Capacity Management Plan, The Numerical Score, Misdemeanors

CHARGE LEVEL	PERSON	NON PERSON
Class A Misd.	25	14
Exemption	50 points: DUII 80 points: •Stalking •Violation of a Court Protective Order	35 points: Mail Theft 50 points: Strangulation
Class B Misd.	14	7
Class C Misd	NA	7
Unclassified Misd/Ordinances	7	7
		170 points: Restraining Order Violation
Violation	NA	7

The Capacity Management Plan, cont.

- Persons whose current charge relates to or who have a criminal history involving the following shall receive special consideration:
 - Domestic violence; Sex abuse; Child abuse or crimes relating to children; Risk to a known victim; Gang violence; Crimes involving a weapon;
 - A history of an inability to comply with release conditions or sentencing orders (including Failure to Appear); A history of Driving Under the Influence of an Intoxicants; or
 - A history of property crimes.
- Special Consideration does not mean that they cannot be released, just that they would be released after persons who do not meet those considerations.

Closing

- ④ The Population Limit and Capacity Management Plan are set by the Board of County Commissioners based on advice from the District Attorney, Sheriff and County Attorney.
- ④ The Sheriff implements the Board adopted plan.
- ④ ALL Pre-trial persons are eligible for release if the population emergency is extensive enough, including Ballot Measure 11 crimes.

Closing cont.

- If there are not enough pre-trial persons in custody to meet the population emergency other options are limited to non-existent.
- Person who are released through EPR are not supervised whereas person with lesser risk are under pre-trial supervision.
- Utilizing EPR as a regular mechanism for population management is the least effective release valve.
- Effective jail management is based on having empty jail beds available (3% are required to be empty in order to avoid being in an emergency status), the number of jail beds, the demand for the existing jail beds and the number of beds available to pre-trial offenders.



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 03-05-09
 Agenda Item #: R-9
 Est. Start Time: 10:35 AM
 Date Submitted: 02-24-09

Agenda Title: RESOLUTION Establishing Jail Capacity and Adopting a Capacity Management Action Plan

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

Requested Meeting Date: March 5, 2009 **Amount of Time Needed:** 5 Minutes
Department: Sheriff's Office **Division:** Corrections
Contact(s): Christine Kirk
Phone: 503.988.4301 **Ext.** 84301 **I/O Address:** 503/350
Presenter(s): Chief of Staff Christine Kirk

General Information

1. What action are you requesting from the Board?

Adoption of the resolution establishing the Population Capacity for Multnomah County Sheriff's Office Jail Facilities which include the Multnomah County Detention Center and Multnomah County Inverness Jail. The resolution will also revise the Capacity Management Action Plan and repeal Resolution 08-094.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

It is necessary to review the Capacity Management Plan when –

1. The maximum capacity in the system changes (design capacity)
2. The population limit changes (budgeted capacity)
3. The County Attorney, District Attorney and Sheriff's Office as defined in ORS 169.042, 169.044 and 169.046 have reviewed the Plan and have provided recommendations for change to the Board.

The budgeted capacity is set to change on March 8, 2009 based on a vote of the Board of County Commissioners on February 5, 2009. The budget change will decrease the total

available beds by 126 effective the end of the day on March 8, 2009. The budget reduction changed the number of funded beds and therefore the population limit allowed in County Jails. As a result, the population limit of the jail system must be reset from 1539 to 1413 to reflect that budgetary change. The Capacity Management Plan allows for emergency population releases to occur in accordance with state law should they be required.

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

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

ORS 169.042, 169.044 and 169.046 set forth the legal parameters for setting a capacity limit and creating an Capacity Management Plan in correctional facilities.

Creation and compliance with the Plan is important as 169.046 provides that, “[a] sheriff shall be immune from criminal or civil liability for any good faith release of inmates under ORS 169.042 to 169.046.”

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

Required Signature

Elected Official or
Department/
Agency Director:

/s/ *Bob Skipper / L.A.*

Date: 02/24/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Establishing the Population Capacity and Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities and Repealing Resolution 08-094.

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners and the Sheriff are committed to operating the county's jails in a manner that is consistent with prevailing constitutional standards and statutory provisions regarding conditions of confinement.
- b. The maximum population capacity of the Multnomah County Detention Center (MCDC) has changed over time as a result of design changes, temporary construction and capital improvement projects.
- c. Resolution 06-014 established and amended the maximum jail population and capacity management plan for MCDC.
- d. The Sheriff, District Attorney and the County Attorney reviewed the maximum population capacity as established in Resolution 06-014 and recommended the maximum MCDC capacity remain 676, consistent with the current design capacity, physical condition and program capabilities, prevailing constitutional standards, statutory provisions regarding conditions of confinement.
- e. Multnomah County Inverness Jail (MCIJ) is an integral part of the County jail system. The population capacity at MCIJ is dictated by land use regulations and cannot exceed 1068.
- f. The jail system in Multnomah County has changed significantly over time and now consists of MCIJ, a medium security facility, and MCDC a maximum security facility. The Sheriff, District Attorney and the County Attorney determined that the county jail population is best managed with a system population capacity, taking into account the individual facility capacities as specified above.
- g. The Board has reviewed and considered the recommendations and consulted with the elected and appointed officials identified in ORS 169.046.

The Multnomah County Board of Commissioners Resolves:

1. Pursuant to ORS 169.042 and 169.044 the population limit for the Multnomah County jail system consisting of MCDC and MCIJ is set at 1413.

2. If the number of inmates housed within the Multnomah County Jail System reaches 97% of the population limit, a county jail population emergency will exist.
3. The attached Capacity Management Action Plan (Plan) is adopted and will be implemented in accordance with ORS 169.044 in the event of a county jail population emergency.
4. The Sheriff or designee, in the event the Sheriff is unable to act, will implement the Plan in the event of a county jail population emergency.
5. The Board, the Local Public Safety Coordinating Council, or the Sheriff may request a review of the Population Capacity and/or the Capacity Management Plan.
6. The Board may issue additional orders or resolutions to carry out the functions and authority granted to Multnomah County under ORS 169.042, 169.044 and 169.046.
7. This resolution takes effect and Resolution 08-094 is repealed on March 8, 2009.

ADOPTED this 5th day of March, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Jacqueline A. Weber, Assistant County Attorney

CAPACITY MANAGEMENT ACTION PLAN

- I. This Capacity Management Action Plan ("Plan") is adopted pursuant to ORS 169.044 to resolve a county jail population emergency. A jail population emergency exists when the total jail population exceeds 97 percent of its population limit. In the event of a county jail population emergency, the Sheriff or his designee will implement this Plan.

- II. The intent of this Plan is to resolve a jail population emergency by holding in jail those that have been evaluated and found to represent the greatest threat to the safety of the community and releasing those that pose the least risk. Such evaluations will be based on objective criteria reasonably calculated to:
 - A. Resolve the jail population emergency;
 - B. Ensure community safety; and
 - C. Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration.

- III. The Sheriff or his designee will develop and implement policies and procedures in which every person in custody of the Sheriff, and eligible under the Sheriff's authority to release, is evaluated using the following criteria:
 - A. Risk to self or other persons;
 - B. Propensity for violence;
 - C. Criminal Charges (person vs. non person);
 - D. Prior failures to follow court orders;
 - E. Parole, probation, or post-prison revocations; and
 - F. Institutional behavior or classification.

- IV. Persons whose current charge relates to or who have a criminal history involving the following shall receive special consideration:
 - A. Domestic violence;
 - B. Sex abuse;
 - C. Child abuse or crimes relating to children;
 - D. Risk to a known victim;

- E. Gang violence;
 - F. Crimes involving a weapon;
 - G. A history of an inability to comply with release conditions or sentencing orders (including Failure to Appear);
 - H. A history of Driving Under the Influence of an Intoxicants; or
 - I. A history of property crimes.
- V. A numerical score will be assigned to each person in custody and will rank the inmate population from highest to lowest score as indicated in Attachment A.
- VI. As defined in ORS 169.005, the categories in this Plan apply to only to unsentenced offenders. In the event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category. Only unsentenced offenders may be released for population reasons. Releases for population reasons will be made based upon the criteria in III, IV, and V above. Also, the Sheriff may release one gender, if releasing the other gender would only make available beds that would not be filled because there are no gender appropriate inmates waiting to be housed or no gender appropriate inmates classified for housing at the available bed.
- a. Each person in custody and designated as a Project 57 arrestee in accordance with the Government Revenue Contract with the City of Portland for the rental of jail beds will be exempted from Emergency Population Release until arraignment unless Project 57 capacity is exceeded and population release is necessary.
 - b. In the event that an Emergency Population Release is required the number of Project 57 detainees, in excess of the number specified in the Government Revenue Contract with the City of Portland for the rental of jail beds, may be considered for release consistent with the Emergency Population Release scoring range under consideration at the time consistent with the charges.
- VII. Both sentenced and unsentenced inmates with a classification status consistent with confinement in a medium security facility will be transferred to MCIJ for housing as the population at MCIJ permits and as needed to reduce the population at MCDC.
- VIII. The Plan shall ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.
- IV. The Sheriff may adopt, amend, and rescind MCSO policies and procedures as necessary to ensure compliance with the intent of section II of this Plan.

ATTACHMENT A – CAPACITY MANAGEMENT PLAN

CHARGE LEVEL	PERSON^{1 2}	NON PERSON²
Measure 11	150	150
Class A Felony	135	100
Exemption	100 points: Burglary 1	35 points: MCS I and all DCS I related charges, with the exception of DCS to a Minor or Using a Minor in a Drug Offense
Class B Felony	80	35
Exemption	135 points: Escape I.	50 points: MCS II, Possession of Precursor 20 points: PCS I
Class C Felony	50	20
Exemption	80 points: <ul style="list-style-type: none"> • Attempted Escape I • Negligent Homicide • Stalking • Violation of a Court Protective Order • Unlawful use of a Weapon • Felony DUII 	35 points: <ul style="list-style-type: none"> • Identity Theft • Forgery • UUMV 50 points: <ul style="list-style-type: none"> • Tampering with a Witness • Riot • Attempted Theft by Extortion
Class A Misd.	25	14
Exemption	50 points: DUII 80 points: <ul style="list-style-type: none"> • Stalking • Violation of a Court Protective Order 	35 points: Mail Theft 50 points: Strangulation
Class B Misd.	14	7
Class C Misd	NA	7
Unclassified Misd/Ordinances	7	7
		170 points: Restraining Order Violation
Violation	NA	7

¹ Person crimes are those defined by the Oregon Criminal Justice Commission, all child abuse and crimes relating to children, including delivering controlled substances to a child, using a child in a drug offense, all sex abuse, firearms related crimes, escape and any conspiring to commit those crimes defined here as person crimes.

² The charge of Conspiring to Commit a Crime is treated the same the charge for the crime (example Conspiring to Commit a Burglary I is the same score as Burglary I).

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-025

Establishing the Population Capacity and Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities and Repealing Resolution 08-094.

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners and the Sheriff are committed to operating the county's jails in a manner that is consistent with prevailing constitutional standards and statutory provisions regarding conditions of confinement.
- b. The maximum population capacity of the Multnomah County Detention Center (MCDC) has changed over time as a result of design changes, temporary construction and capital improvement projects.
- c. Resolution 06-014 established and amended the maximum jail population and capacity management plan for MCDC.
- d. The Sheriff, District Attorney and the County Attorney reviewed the maximum population capacity as established in Resolution 06-014 and recommended the maximum MCDC capacity remain 676, consistent with the current design capacity, physical condition and program capabilities, prevailing constitutional standards, statutory provisions regarding conditions of confinement.
- e. Multnomah County Inverness Jail (MCIJ) is an integral part of the County jail system. The population capacity at MCIJ is dictated by land use regulations and cannot exceed 1068.
- f. The jail system in Multnomah County has changed significantly over time and now consists of MCIJ, a medium security facility, and MCDC a maximum security facility. The Sheriff, District Attorney and the County Attorney determined that the county jail population is best managed with a system population capacity, taking into account the individual facility capacities as specified above.
- g. The Board has reviewed and considered the recommendations and consulted with the elected and appointed officials identified in ORS 169.046.

The Multnomah County Board of Commissioners Resolves:

1. Pursuant to ORS 169.042 and 169.044 the population limit for the Multnomah County jail system consisting of MCDC and MCIJ is set at 1413.

2. If the number of inmates housed within the Multnomah County Jail System reaches 97% of the population limit, a county jail population emergency will exist.
3. The attached Capacity Management Action Plan (Plan) is adopted and will be implemented in accordance with ORS 169.044 in the event of a county jail population emergency.
4. The Sheriff or designee, in the event the Sheriff is unable to act, will implement the Plan in the event of a county jail population emergency.
5. The Board, the Local Public Safety Coordinating Council, or the Sheriff may request a review of the Population Capacity and/or the Capacity Management Plan.
6. The Board may issue additional orders or resolutions to carry out the functions and authority granted to Multnomah County under ORS 169.042, 169.044 and 169.046.
7. This resolution takes effect and Resolution 08-094 is repealed on March 8, 2009.

ADOPTED this 5th day of March, 2009.

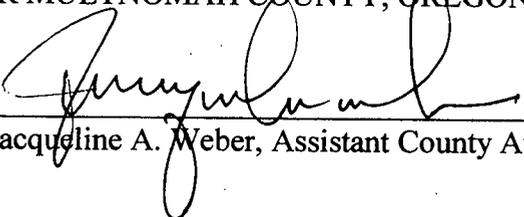


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Jacqueline A. Weber, Assistant County Attorney

CAPACITY MANAGEMENT ACTION PLAN

- I. This Capacity Management Action Plan ("Plan") is adopted pursuant to ORS 169.044 to resolve a county jail population emergency. A jail population emergency exists when the total jail population exceeds 97 percent of its population limit. In the event of a county jail population emergency, the Sheriff or his designee will implement this Plan.
- II. The intent of this Plan is to resolve a jail population emergency by holding in jail those that have been evaluated and found to represent the greatest threat to the safety of the community and releasing those that pose the least risk. Such evaluations will be based on objective criteria reasonably calculated to:
 - A. Resolve the jail population emergency;
 - B. Ensure community safety; and
 - C. Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration.
- III. The Sheriff or his designee will develop and implement policies and procedures in which every person in custody of the Sheriff, and eligible under the Sheriff's authority to release, is evaluated using the following criteria:
 - A. Risk to self or other persons;
 - B. Propensity for violence;
 - C. Criminal Charges (person vs. non person);
 - D. Prior failures to follow court orders;
 - E. Parole, probation, or post-prison revocations; and
 - F. Institutional behavior or classification.
- IV. Persons whose current charge relates to or who have a criminal history involving the following shall receive special consideration:
 - A. Domestic violence;
 - B. Sex abuse;
 - C. Child abuse or crimes relating to children;
 - D. Risk to a known victim;

- E. Gang violence;
 - F. Crimes involving a weapon;
 - G. A history of an inability to comply with release conditions or sentencing orders (including Failure to Appear);
 - H. A history of Driving Under the Influence of an Intoxicants; or
 - I. A history of property crimes.
- V. A numerical score will be assigned to each person in custody and will rank the inmate population from highest to lowest score as indicated in Attachment A.
- VI. As defined in ORS 169.005, the categories in this Plan apply only to unsentenced offenders. In the event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category. Only unsentenced offenders may be released for population reasons. Releases for population reasons will be made based upon the criteria in III, IV, and V above. Also, the Sheriff may release one gender, if releasing the other gender would only make available beds that would not be filled because there are no gender appropriate inmates waiting to be housed or no gender appropriate inmates classified for housing at the available bed.
- a. Each person in custody and designated as a Project 57 arrestee in accordance with the Government Revenue Contract with the City of Portland for the rental of jail beds will be exempted from Emergency Population Release until arraignment unless Project 57 capacity is exceeded and population release is necessary.
 - b. In the event that an Emergency Population Release is required the number of Project 57 detainees, in excess of the number specified in the Government Revenue Contract with the City of Portland for the rental of jail beds, may be considered for release consistent with the Emergency Population Release scoring range under consideration at the time consistent with the charges.
- VII. Both sentenced and unsentenced inmates with a classification status consistent with confinement in a medium security facility will be transferred to MCIJ for housing as the population at MCIJ permits and as needed to reduce the population at MCDC.
- VIII. The Plan shall ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.
- IV. The Sheriff may adopt, amend, and rescind MCSO policies and procedures as necessary to ensure compliance with the intent of section II of this Plan.

ATTACHMENT A – CAPACITY MANAGEMENT PLAN

CHARGE LEVEL	PERSON^{1 2}	NON PERSON²
Measure 11	150	150
Class A Felony	135	100
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Class B Felony	80	35
Exemption	135 points: Escape I.	50 points: MCS II, Possession of Precursor 20 points: PCS I
Class C Felony	50	20
Exemption	80 points: <ul style="list-style-type: none"> • Attempted Escape I • Negligent Homicide • Stalking • Violation of a Court Protective Order • Unlawful use of a Weapon • Felony DUII 	35 points: <ul style="list-style-type: none"> • Identity Theft • Forgery • UUMV 50 points: <ul style="list-style-type: none"> • Tampering with a Witness • Riot • Attempted Theft by Extortion
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¹ Person crimes are those defined by the Oregon Criminal Justice Commission, all child abuse and crimes relating to children, including delivering controlled substances to a child, using a child in a drug offense, all sex abuse, firearms related crimes, escape and any conspiring to commit those crimes defined here as person crimes.

² The charge of Conspiring to Commit a Crime is treated the same the charge for the crime (example Conspiring to Commit a Burglary I is the same score as Burglary I).