



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, Chair

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SEPTEMBER 15, 2005 BOARD MEETING FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Opportunity for Public Comment
Pg 2	9:30 a.m. Update on Sheriff's Office Operations and Policy Issues
Pg 2	10:00 a.m. Update on MHASD System of Care for Children and Families Plan
Pg 3	10:15 a.m. Resolution Endorsing Multnomah County Library Goals
Pg 3	10:45 a.m. Resolution Authorizing Staff to Initiate Proceedings to Legalize Clara Smith County Road, Deverell County Road and Portion of Salzman County Road
Pg 3	10:55 a.m. Ordinance Adopting Code Improvement Project and Fee Schedule for Land Use Services; Environmental Violation Review and Plan Check Processes
Pg 4	11:10 a.m. If Needed Executive Session

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

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

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community Television

(503) 491-7636, ext. 332 for further info

or: <http://www.mctv.org>

Thursday, September 15, 2005 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF LIBRARY SERVICES

- C-1 Amendment 1 to Metropolitan Interlibrary Exchange Revenue Agreement 310362 with Multnomah County, Washington County, Clackamas County and Fort Vancouver Regional Libraries for Fiscal Years 2006 and 2007

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

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

SHERIFF'S OFFICE - 9:30 AM

- R-1 Update on Multnomah County Sheriff's Office Operations and Policy Issues. Presented by Sheriff Bernie Giusto, Christine Kirk and Tim Moore. 30 MINUTES REQUESTED.

DEPARTMENT OF COUNTY HUMAN SERVICES - 10:00 AM

- R-2 Monthly Update on Mental Health and Addiction Services System of Care for Children and Families Plan. Presented by Nancy Winters, David White, Godwin Nwerem and Amy Baker. 10 MINUTES REQUESTED.
- R-3 Budget Modification DCHS-06 Adding 1.84 FTE Mental Health Consultants to the Involuntary Commitment Program Appropriating \$140,141 of State Mental Health Regional Acute Inpatient Funds

DEPARTMENT OF HEALTH - 10:10 AM

- R-4 Budget Modification HD-05 Appropriating \$450,015 Revenue from Primary Care Expansion Grant and \$681,030 in Additional Visit Revenue for the Mid County Health Center

- R-5 NOTICE OF INTENT to Apply for Grant Funding from the Community Health Partnership to Provide Funding to Pay for Special Needs of Clients

DEPARTMENT OF LIBRARY SERVICES - 10:15 AM

- R-6 RESOLUTION Endorsing the Multnomah County Library Goals Recommended by the Library Advisory Board

DEPARTMENT OF COMMUNITY SERVICES - 10:45 AM

- R-7 RESOLUTION Authorizing Staff to Initiate Proceedings to Legalize Clara Smith County Road No. 624, Deverell County Road No. 554, and Portion of Salzman County Road No 345
- R-8 RESOLUTION Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing a Pedestrian and Bicycle Bridge Over Beaver Creek and Performing Stream Bank Restoration Work
- R-9 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the Environmental Code Improvement Project and the Fee Schedule for Land Use Services and Environmental Violation Review and Plan Check Processes in Compliance with Metro's Functional Plan and Declaring an Emergency
- R-10 RESOLUTION Establishing Fees and Charges for MCC 11.05 Land Use General Provisions, 11.15 Zoning, 11.45 Land Divisions, 37 Administration and Procedures, 38 Columbia River Gorge National Scenic Area, and Repealing Resolution No. 05-106

NON-DEPARTMENTAL - 11:05 AM

- R-11 Authorizing Settlement In Re Sari Trevvarthen, WCB CAH9741

Thursday, September 15, 2005 - 11:10 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

IF NEEDED EXECUTIVE SESSION

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



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 08/22/05

BUDGET MODIFICATION: -

Agenda Title: Amendment 1 to Metropolitan Interlibrary Exchange (MIX) Revenue Agreement 310362 with Multnomah County, Washington County, Clackamas County and Fort Vancouver Regional Libraries for Fiscal Years 2006 and 2007

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

Date Requested:	September 15, 2005	Time Requested:	5 minutes
Department:	Library	Division:	Director's Office
Contact(s):	Becky Cobb		
Phone:	503 988-5499	Ext.	85499
Presenter(s):	Molly Raphael	I/O Address:	317/Admin

General Information

1. What action are you requesting from the Board?

Requesting approval of an amendment to the Library's IGA with Clackamas County, Washington County, and Fort Vancouver Regional Library.

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

Since 1985 Clackamas and Washington Counties have, by agreement with Multnomah County Library, provided for reciprocal use of library services by residents of each county. The current agreement stipulates that each library system pays \$1.00 per net circulation (capped annually at 25%). The agreement also includes an annual payment of \$60,000 each for reference services provided by MCL to Washington and Clackamas Counties. After not participating for several years, Fort Vancouver Regional Library rejoined the 2002-07 agreement with only the net circulation payment provision.

The Clackamas County Libraries represent a combination of city and county libraries with different funding streams and administrations. Due to recent budget difficulties, it became a distinct

possibility that Clackamas County would have to pull out of the MIX agreement. Instead, they have requested an amendment to the agreement that would allow them to maintain the net circulation payment but drop the \$60,000 annual payment for reference services. The payment for reference services had already been under discussion, given the decreasing number of reference questions answered by MCL staff for Clackamas and Washington County residents. Washington County would receive the same consideration, so this amendment is reducing the revenue from both jurisdictions. We recommend approving this amendment so the reciprocal borrowing privileges enjoyed by residents of all of these jurisdictions can continue. We had also determined that the entire agreement was in jeopardy without this solution, which would have resulted in an additional revenue loss.

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

Reduction of \$120,000/year revenue. As discussions started around this issue last winter and it appeared that dropping the payment for reference services would be the likely and most positive outcome, the \$120,000 was not included in the Library's budgeted revenue for 2005-06. Projected payments from all three library systems for the net circulation agreement are still expected to total the \$180,000 budgeted in FY 06.

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.

Discussions have been held with Clackamas and Washington County libraries.

Required Signatures

**Department/
Agency Director:**

Molly Raphael

Date: 08/19/05

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) ☐ Attached ☐ Not Attached Contract #: 310362
Amendment #: 1

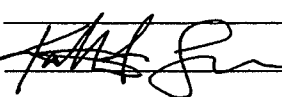
CLASS I	CLASS II	CLASS III A
Contracts \$75,000 and less per 12 month period	Contracts over \$75,000 per 12 month period	<input checked="" type="checkbox"/> Government Contracts (190 Agreement)
<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/>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

Department: Multnomah County Library Division: Admin Date: 8/19/2005
 Originator: Becky Cobb Phone: 503-988-5499 Bldg/Rm: 317/LIB
 Contact: Sue Robinson Phone: 503-988-3355 Bldg/Rm: 317/LIB
 Description of Contract: Amendment of current borrowing agreement between Washington, Clackamas, Fort Vancouver & Multnomah County Libraries

RENEWAL: ☐ PREVIOUS CONTRACT #(S): 0010562
 RFP/BID: _____ RFP/BID DATE: _____
 EXEMPTION #: _____ ORS/AR #: _____
 Effective DATE: _____
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# _____ or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor <u>See Attached</u>		Remittance address _____	
Address _____		(If different) _____	
City/State _____		Payment Schedule / Terms	
ZIP Code _____		<input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other	
Phone _____		<input type="checkbox"/> Requirements Funding Info:	
Employer ID# or SS# _____		Original Requirements Amount	\$ _____
Contract Effective Date <u>7/1/02</u> Term Date <u>6/30/05</u>		Total Amt of Previous Amendments	\$ _____
Amendment Effect Date <u>7/1/05</u> New Term <u>6/30/07</u>		Requirements Amount Amendment:	\$ _____
Original Contract Amount <u>\$Attached</u>		Total Amount of Requirements	\$ _____
Total Amt of Previous Amendments	\$ _____		
Amount of Amendment	\$ _____		
Total Amount of Agreement \$	<u>\$Attached</u>		

REQUIRED SIGNATURES:

Department Manager _____	DATE _____
Purchasing Manager _____	DATE _____
County Attorney  _____	DATE <u>8 Sept. 2005</u>
County Chair _____	DATE _____
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

COMMENTS:

MULTNOMAH COUNTY
INTERGOVERNMENTAL AGREEMENT AMENDMENT
(Amendment to Change Contract Provisions During Contract Term)

CONTRACT NO. 310362

This is an amendment to Multnomah County Contract 310362. This amendment is effective 7/1/2005. The contract, as amended herein, is between Multnomah County, Oregon, hereinafter referred to as County, and Washington County, Clackamas County and Fort Vancouver Regional Library hereinafter referred to as Contractor.

The parties agree:

1. The following changes are made to Contract No. 310362:

Section 3.A, located on Page 2, is deleted in its entirety.

The term "reference services" is deleted from Section 3.C, located on Page 3.

No party shall construe the term "services" used anywhere in contract 310362 to include "reference services" as they were defined in earlier versions of this contract.

2. All other terms and conditions of the contract shall remain the same.

MULTNOMAH COUNTY, OREGON

CONTRACTOR

County Chair or Designee

Date: _____

Approved: _____
Department Director or Designee

Date: _____

Reviewed:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY

by: 
Assistant County Attorney

By: _____

Title: _____

Date: _____

Approved as to form:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Contract #: 310362

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

Amendment #:

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <div style="text-align: center;"> APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-3</u> DATE <u>06.27.02</u> DEB BOGSTAD, BOARD CLERK </div>

Department: Multnomah County Library Division: Admin Date: 6/18/02
 Originator: Becky Cobb Phone: 503-988-5499 Bldg/Rm: 317/LIB
 Contact: Sue Robinson Phone: 503-988-5432 Bldg/Rm: 31/LIB
 Description of Contract: Borrowing agreement between Washington, Clackamas, Fort Vancouver Regional & Multnomah County Libraries
 RENEWAL: ☒ PREVIOUS CONTRACT #(S): 0010562
 RFP/BID: _____ RFP/BID DATE: _____
 EXEMPTION #/DATE: _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR #: _____
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☒ N/A ☐ NONE (Check all boxes that apply)

Contractor <u>See Attached</u> Address _____ Phone _____ Employer ID# or SS# _____ Effective Date <u>July 1, 2002</u> Termination Date <u>June 30, 2007</u> Original Contract Amount \$ <u>Attached</u> Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ <u>Attached</u>	Remittance address _____ (If different) _____ Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

REQUIRED SIGNATURES:

Department Manager <u><i>Ginnie Logan</i></u>	DATE _____
Purchasing Manager _____	DATE _____
(Class II Contracts Only) County Counsel <u><i>Matthew D. Ryan</i></u>	DATE <u>6/27/02</u>
County Chair <u><i>Joan W. Ryan</i></u>	DATE <u>6.27.02</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____
(Class I, Class II Contracts only)	

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01											
02											
03											

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original If additional space is needed, attach separate page. Write contract # on top of page.

INTERGOVERNMENTAL AGREEMENT

AGREEMENT REGARDING EXCHANGE OF LIBRARY SERVICES

This is an Agreement among Clackamas County, Washington County and Multnomah County, (respectively referred to herein as "Clackamas, Multnomah, and Washington" or generically as "County" or "Counties"), pursuant to authority granted in ORS Chapter 190, and the Fort Vancouver Regional Library, a Washington inter-county rural library district (the "District"), pursuant to authority granted in RCW Chapter 27.12.

PURPOSE:

The purpose of this Agreement is to exchange public library services by each County and the District to the residents of the other counties in Oregon, and the residents of the counties in Washington served by the District, and define the terms of adjusting the costs of the exchange of services.

WHEREAS, Clackamas County, Multnomah County, and Washington County have by agreement provided for reciprocal use of library services by residents of each County since 1985; and

WHEREAS, the District serves residents in Clark County except for the City of Camas, Klickitat County, and Skamania County in Washington State; and

WHEREAS, the City of Woodland in Cowlitz County is served by the District; and

WHEREAS, residents find the reciprocal borrowing program popular, while the Counties and the District find the sharing of resources to be cost effective; and

WHEREAS, each County and the District desire to enter into an agreement for the exchange of library services which continues the program on the terms set forth below;

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. **EXCHANGE OF SERVICES.** Clackamas County, Multnomah County, Washington County, and the District, shall each offer to residents of the other Counties and to residents of the District, all library services provided to residents of their respective Counties and to residents of the District, upon the same terms and conditions. Each County and the District shall not be required to extend library services to residents of the other Counties, or residents of the District, who have had library privileges canceled for any reason.
2. **TERM.** The term of this Agreement shall be from execution through and including June 30, 2007. It is the intent of the parties that this Agreement becomes effective on July 1, 2002.

3. **REIMBURSEMENT.** Each County and the District shall be entitled to reimbursement from each other County and the District for library services furnished to the residents of another County, or residents of the District, on the terms set forth below.

- A. **Reference Services.** Clackamas and Washington shall each reimburse Multnomah for providing services, including walk-in and over-the-telephone inquiries or questions, \$60,000 each year. The District, and residents of the District, shall neither pay for nor charge for reference services, including walk-in or over-the-telephone inquiries or questions, and the District shall not reimburse Clackamas County, Washington County, or Multnomah County for such services.
- B. **Reciprocal Borrowing.** Reimbursement for reciprocal borrowing shall be based on a comparison of the number of items checked out by the libraries in any County or the District to residents of the other Counties or residents of the District ("checkouts" herein) during a fiscal year. As between any two Counties, or the District and any County, the County or the District with the lesser number of checkouts to the other's residents shall reimburse the other County or the District for the difference ("excess checkout" herein). Reimbursement shall be at the rate of one dollar (\$1.00) for each excess checkout during the prior fiscal year. The amount of reimbursement for any County or the District for reciprocal borrowing shall not exceed 125% of the amount paid the previous year.

Notwithstanding the foregoing, reimbursement by the District shall be limited as follows:

- (1) The District shall pay to Multnomah County for excess circulation the flat sum of \$6,255 for the year July 1, 2002 to June 30, 2003, and to Clackamas County for excess circulation, the flat sum of \$3,086 for the year July 1, 2002 to June 30, 2003 (respectively, the "Cap"). Beginning July 1, 2003, the sums paid shall be calculated based upon actual checkouts and calculated excess circulation at the rate of \$1 per excess circulation, but shall not exceed the applicable Cap. On July 1, 2003, the Cap for the ensuing fiscal year shall be 125% of the respective Cap for the preceding fiscal year (i.e., up to \$7,819 to Multnomah County and up to \$3,858 to Clackamas County). On each subsequent anniversary of July 1, 2003, the Cap shall be raised to 125% of the respective Cap in effect for the immediately preceding fiscal year. The sum paid for excess circulation in any fiscal year shall be the lesser of the sum of the Cap or the calculation of \$1 per excess circulation.
- (2) For the period July 1, 2002 to June 3, 2003, no reimbursement shall be paid between the District and Washington County. Beginning July 1, 2003, the sums paid shall be calculated based upon actual checkouts and calculated excess circulation at the rate of \$1 per excess circulation, but shall not exceed the applicable Cap as set forth below. In the first fiscal year that excess circulation equals or exceeds 1,000, the Cap shall be the excess circulation multiplied by One Dollar (\$1.00) per excess circulation,

and then divided by 2. On July 1 of the following fiscal year, and on each successive anniversary of such July 1, the Cap as between Washington County and the District shall be raised to 125% of the Cap in effect for the immediately preceding fiscal year. The sum paid for excess circulation in any fiscal year shall be the lesser of the sum of the Cap or the calculation of \$1 per excess circulation.

- (3) Notwithstanding any of the foregoing, if excess circulation in a fiscal year between the District and any County is less than 1,000, no reimbursement shall be paid for such excess circulation in that fiscal year.

C. Time of Payment. Reimbursement payments for both reference services and reciprocal borrowing shall be made not later than December 31 of each year. Reimbursement for reciprocal borrowing shall apply to services provided during the current fiscal year, but shall be calculated on checkout data collected during prior fiscal year.

4. **REVIEW.** Not less than twice each year, the Administrator of the Library Information Network of Clackamas County, the Director of Multnomah County Library and the Manager of the Washington County Cooperative Library Services, and the Executive Director of the District shall meet to review library use and consider other cooperative efforts.
5. **WITHDRAWAL AND TERMINATION.** This Agreement may be terminated upon the mutual agreement of all signatories or by the remaining parties if other parties have previously withdrawn. Any party may withdraw from further participation in this Agreement for any reason upon ninety (90) days written notice to the other participating parties. Upon withdrawal, all financial obligations under this Agreement shall be prorated as of the date of withdrawal.
6. **INDEMNIFICATION FOR MULTNOMAH COUNTY.** Subject to the limitations and conditions of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, Multnomah County shall indemnify, defend and hold harmless Washington and Clackamas Counties, and the District, from and against all liability, loss and costs arising out of or resulting from the acts of Multnomah County, its officers, employees and agents in the performance of this Agreement.
7. **INDEMNIFICATION FOR WASHINGTON COUNTY.** Subject to the limitations and conditions of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, Washington County shall indemnify, defend and hold harmless Multnomah and Clackamas Counties, and the District, from and against all liability, loss and costs arising out of or resulting from the acts of Washington County, its officers, employees and agents in the performance of this Agreement.
8. **INDEMNIFICATION FOR CLACKAMAS COUNTY.** Subject to the limitations and conditions of the Oregon Constitution and the monetary limits of the Oregon Tort Claims Act, ORS 30.260 through 30.300, Clackamas County shall indemnify, defend and hold

harmless Multnomah and Washington Counties, and the District, from and against all liability, loss and costs arising out of or resulting from the acts of Clackamas County, its officers, employees and agents in the performance of this Agreement.

9. **INDEMNIFICATION FOR THE DISTRICT.** Subject to the limitations and conditions of the Washington Constitution, RCW Chapter 4.96, RCW 4.08.120, and RCW 4.24.470, the District shall indemnify, defend and hold harmless Multnomah, Washington, and Clackamas Counties from and against all liability, loss and costs arising out of or resulting from the acts of the District, its officers, employees and agents in the performance of this Agreement.
10. **INSURANCE.** Each County and the District shall be responsible for providing worker's compensation insurance as required by law. The Counties and the District shall not be required to provide or show proof of any other insurance coverage.
11. **ADHERENCE TO LAW.** Each County shall comply with all federal, State of Oregon and Oregon local governmental laws and ordinances applicable to this Agreement. The District shall comply with all federal, State of Washington, and Washington local governmental laws and ordinances applicable to this Agreement.
12. **NON-DISCRIMINATION.** Each County shall comply with all requirements of federal and State of Oregon civil rights and rehabilitation statutes, and Oregon local governmental non-discrimination ordinances. The District shall comply with all requirements of federal and State of Washington civil rights and rehabilitation statutes, and Washington local governmental non-discrimination ordinances.
13. **ACCESS TO RECORDS.** Each County and the District shall have access to the books, documents and other records of the other Counties and the District, which are related to this agreement for the purpose of examination, copying and audit, unless otherwise limited by law.
14. **SUBCONTRACTS AND ASSIGNMENTS.** None of the Counties nor the District will subcontract or assign any part of this Agreement without the written consent of the other parties to this Agreement.
15. **THIS IS THE ENTIRE AGREEMENT.** This Agreement constitutes the entire Agreement among each County and the District. This Agreement may be modified or amended only by written agreement of the Counties and the District.
16. **GOVERNING LAW.** Except as otherwise provided in Paragraphs 9, 11 and 12 herein, the provisions of this Agreement shall be construed in accordance with the laws of the State of Oregon.
17. **NON-APPROPRIATION.** This Agreement is expressly subject to the debt limitation of Oregon Counties set forth in Article XI, Section 10 of the Oregon Constitution, and is contingent upon funds being appropriated therefor.

FOR CLACKAMAS COUNTY

Approved as to form:

By _____

Title _____

Date _____

FOR MULTNOMAH COUNTY LIBRARY

County Counsel,
Clackamas County

REVIEWED:

By Ginnie Cooper

Ginnie Cooper
Director of Libraries

**THOMAS SPONSLER
COUNTY COUNSEL FOR
MULTNOMAH COUNTY**

Date 6/27/02

By Matthew A. Ryan
Assistant County Counsel

FOR MULTNOMAH COUNTY

By Diane Linn

Diane Linn, County Chair

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # C-3 DATE 06.27.02
DEB BOGSTAD, BOARD CLERK

Date 6.27.02

FOR WASHINGTON COUNTY

Approved as to form:

By _____

Title _____

Date _____

By _____
County Counsel
Washington County

FOR DISTRICT

**FORT VANCOUVER REGIONAL
LIBRARY**

By _____

Bruce Ziegman

Title: Executive Director

Date _____

6/2002

FOR CLACKAMAS COUNTY

BY Larry S. Sak
Title Chair

Date 6/27/02
FOR MULTNOMAH COUNTY LIBRARY

By _____
Ginnie Cooper
Director of Libraries

Date _____

FOR MULTNOMAH COUNTY

By _____
Diane Linn, County Chair
Date _____

FOR WASHINGTON COUNTY

By _____
Title _____
Date _____

FOR DISTRICT

**FORT VANCOUVER REGIONAL
LIBRARY**

By _____
Bruce Ziegman

Title: Executive Director

Date _____

Approved as to form:

County Counsel,
Clackamas County

REVIEWED:

**THOMAS SPONSLER
COUNTY COUNSEL FOR
MULTNOMAH COUNTY**

By _____
Assistant County Counsel

Approved as to form:

By _____
County Counsel
Washington County

FOR CLACKAMAS COUNTY

Approved as to form:

BY _____

Title _____

Date _____

FOR MULTNOMAH COUNTY LIBRARY

By _____

Ginnie Cooper
Director of Libraries

Date _____

FOR MULTNOMAH COUNTY

By _____

Diane Linn, County Chair

Date _____

FOR WASHINGTON COUNTY

By John Trepps

Title Vice Chair

Date 7-30-02

FOR DISTRICT

**FORT VANCOUVER REGIONAL
LIBRARY**

By _____

Bruce Ziegman

Title: Executive Director

Date _____

County Counsel,
Clackamas County

REVIEWED:

**THOMAS SPONSLE
COUNTY COUNSEL FOR
MULTNOMAH COUNTY**

By _____

Assistant County Counsel

Approved as to form:

By _____

County Counsel
Washington County
APPROVED WASHINGTON COUNTY
BOARD OF COMMISSIONERS

MINUTE ORDER # 02-241

DATE 7-2-02

BY Jessica Dunkin
CLERK OF THE BOARD

FOR CLACKAMAS COUNTY

Approved as to form:

BY _____

Title _____

Date _____

County Counsel,
Clackamas County

FOR MULTNOMAH COUNTY LIBRARY

REVIEWED:

By _____

Ginnie Cooper
Director of Libraries

**THOMAS SPONSLER
COUNTY COUNSEL FOR
MULTNOMAH COUNTY**

Date _____

By _____

Assistant County Counsel

FOR MULTNOMAH COUNTY

By _____

Diane Linn, County Chair

Date _____

FOR WASHINGTON COUNTY

Approved as to form:

By _____

By _____

Title _____

County Counsel
Washington County

Date _____

FOR DISTRICT

**FORT VANCOUVER REGIONAL
LIBRARY**

By _____

Bruce Ziegman

Title: Executive Director

Date 6/24/02

FOR CLACKAMAS COUNTY

Approved as to form:

BY _____

Title _____

Date _____

FOR MULTNOMAH COUNTY LIBRARY

County Counsel,
Clackamas County

REVIEWED:

By *Ginnie Cooper*
Ginnie Cooper
Director of Libraries

**THOMAS SPONSLER
COUNTY COUNSEL FOR
MULTNOMAH COUNTY**

Date 6/27/02

By *Matthew D. Ryan*
Assistant County Counsel

FOR MULTNOMAH COUNTY

By *Diane M. Linn*
Diane Linn, County Chair

Date 6/27/02

FOR WASHINGTON COUNTY

Approved as to form:

By _____

Title _____

Date _____

By _____
County Counsel
Washington County

FOR DISTRICT

**FORT VANCOUVER REGIONAL
LIBRARY**

By _____
Bruce Ziegman

Title: Executive Director

Date _____

original sent to LINCC

1/8/03



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 09/07/05

BUDGET MODIFICATION:

Agenda Title: Update on Multnomah County Sheriff's Office Operations and Policy Issues

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

Date Requested:	September 15, 2005	Time Requested:	30 minutes
Department:	Office of the Sheriff	Division:	Executive Office
Contact(s):	Christine Kirk		
Phone:	503.988.4301	Ext.	84301
I/O Address:	503/350		
Presenter(s):	Sheriff Bernie Giusto, Christine Kirk and Tim Moore		

General Information

1. What action are you requesting from the Board?

Briefing

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

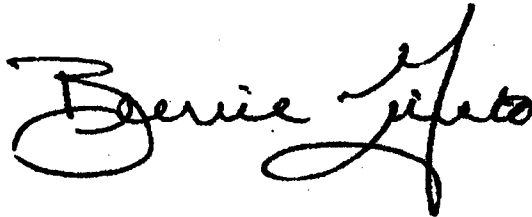
The Sheriff has offered to provide regularly scheduled briefings on major policy issues and operational choices to the Board on a regular basis. Topics initially shall include – staffing levels, state budget reductions, law enforcement options, services in the jail, and other topics as requested. This time will also allow the Board an opportunity to ask questions and indicate areas where they would like more information.

This first briefing will discuss the work release, mention other topics to come and seek input from the Board on the topics they would like to see come before them.

3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 09/07/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

Board Briefing September 15, 2005
Overview of Goals and Topics for Meetings between MCSO and the
Board of County Commissioners

Sheriff Giusto – Introduction to Goals and Purpose

- This idea for an increased presence of the Sheriff's Office at Board of County Commissioners meetings came as a result of conversations with the Commissioners and the Sheriff and a mutual realization that each would like more time to assure information sharing, clarity in communication and opportunities to bring to the surface issues of interest or concern.
- The Agenda Replacement Request mentions what the Sheriff intends to do and the goals of these regularly scheduled *"Update on Multnomah County Sheriff's Office Operations and Policy Issues"*
 - Briefings on major policy issues and operational choices as they relate to the Sheriff's Office.
 - To provide a time where the Board has an opportunity to ask questions and indicate areas where they would like more information on issues and from the Sheriff's Office.

Christine Kirk – Process Issues

- Attendance as it is occurring today, a general briefing and discussion on a Thursday, is a result of needing to get the ball rolling and is not intended to set the tone for future Thursday meetings.
- The goals of this meeting today are to overview the process, share topics of interest, and format for future meetings.
- Generally if an item is simply a briefing on a service in MCSO and not clearly directed to future policy or budget choices of the Board of County Commissioners, the briefing will occur on a Tuesday. If the item is action oriented or tied to a policy issue of interest to the Board or related to Budget decision, the item will be geared towards a Thursday Briefing.
- If there is no topic identified by the Sheriff's Office or the Board of County Commissioners there be no briefing.
- General courses of business the Sheriff's Office has with the Board, such as grants or IGA's or other items will be directed to the Thursday time slots.
- A list of items to be raised at future meetings will be kept by and added onto as topics arise.

- A parking lot will be kept or more questions that may not require a briefing but are smaller issues that the parties would like to get a response or follow up on.
- Priority will be given to items that will assist in discussions and decisions that are currently under consideration by the Board or within the Sheriff's Office.
- Between now and the next time we are here, the Sheriff's Office would like to attend Board staff, share a format to track topics and check in with your office on any follow up items from today's meeting. My goal is to assure that no issues raised fall through the cracks, and that materials/information shared is cataloged for future reference if needed.
- Here is a general list of items I do have a general list of items that MCSO would like to bring. We have already mentioned to our criminal justice partners that at times these briefings will be systems issues and will require presence of our partners and stakeholders.
 - Closure of the 04/05 budget year, including personnel costs/overtime
 - Staffing levels across the agency.
 - Recruitment efforts to fill Corrections vacancies.
 - Overtime Study (when completed)
 - E-SWIS update as project ends and post implementation.
 - Warrants Update
 - Addressing concerns of the Corbett Community due to loss of SRO
 - Updates on discussions with police agencies about County Law Enforcement services.
 - Briefing on results on any audits Summary of River Patrol Efforts over the summer.
 - Results of audits or inspections
 - Mental Health Services
 - Corrections Transport – The interstate network and the fleet
 - Faces of Meth™

Sheriff Giusto – Time Well Spent

- This time is intended to be meaningful, and in decision-making and ultimately help the County leadership work together in a manner that best serves the public.
- Input for the Board is a key part of this process.



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 S.E. HAWTHORNE BLVD., Room 600
PORTLAND, OREGON 97204
(503) 988-5217

LISA NAITO • DISTRICT 3 COMMISSIONER

To: Chair Diane Linn, Commissioners Maria Rojo de Steffey, Serena Cruz and Lonnie Roberts

From: Commissioner Lisa Naito

CC: Sheriff Bernie Giusto, Dan Noelle, Dave Boyer

Re: Review of Sheriff's Jail Bed Proposal

Date: August 15, 2005

A condition of allocating the funds for the additional 114 jail beds will be based on a proposal by Sheriff Giusto to demonstrate his preparedness to open the dorms with appropriate staffing levels. This plan should include a complete budget. The Sheriff has told me he would provide this to the Board within 60 to 90 days. We discussed that these additional beds would not be staffed by personnel accruing overtime. The Board also made it clear we want the jail beds contracted by the City of Portland to be operational before we will allocate funds for two new dorms.

I met with retired Sheriff Dan Noelle this Friday and he has agreed to advise me and the Board on the efficacy of Sheriff Giusto's proposal. I appreciate his willingness to review the proposal and attendant budgetary information in order to provide the Board with certainty that we are using tax dollars carefully and maximizing jail space. As he may require information from both the Budget Office and the Sheriff's Office, I am asking Dave Boyer, Chief Financial Officer, to act as contact person for Sheriff Noelle and to provide him with any documentation he requests, including but not limited to the details of the Sheriff's operating budget. Part of Sheriff Noelle's charge will be to determine if the additional beds can be put on line without increasing costs in other areas of the Sheriff's department.

I do not believe a formal resolution from the Board is necessary, but will set this on the formal docket if the Board prefers.

BOGSTAD Deborah L

From: WESSINGER Carol M
Sent: Wednesday, August 10, 2005 8:46 AM
To: Randy Leonard; Chief Carla Piluso; Chief Derrick Foxworth - PPB; Deborah Hansen; Ed Schmitt - MESD; Jim Hennings; Judge Dale Koch; Judge Julie Frantz; Judy Hadley; Karin Immergut; Michael D. Schrunck; SHIRLEY Lillian M; CRUZ Serena M; FULLER Joanne; LINN Diane M; Maggie Miller; Mayor Tom Potter; NAITO Lisa H; PATE Patricia; ROLLINS Chiquita M; Sam Adams; sheriff
Cc: Tim Hartnett; Charlie Makinney (cmakinney@ci.portland.or.us); Christine Kirk; Donna D. Taggart; Jane Adams; Jessi Rhodes; Linda S Metzger; Maria Rubio; Mavis Murray; Sue Rutledge; WINTERS Nancy; BOGSTAD Deborah L; BOWEN-BIGGS Tara C; BROWN Jann O; CARROLL Mary P; Catherine Moyer; Charlene Willett; Doug Bray; FARRELL Delma D; GORDON Kathy; HUDSON Ray; Lee Graham; LENNON Karolin M; Leslie Nelson; LEWIS Sue E; Louise Grant; MCKEEL Gail H; MOORE Timothy A; NICE Matt L; Peter Ozanne; Priscilla Connolly; SODEN Stephanie A; Steve Liday; Susen Ritchey; WESSINGER Carol M
Subject: Information on Wednesday, August 10 article in Oregonian

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

From: BOYER Dave A
Sent: Tuesday, August 09, 2005 6:53 PM
To: BOYER Dave A; #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; #ALL PAO STAFF; SCHRUNK Michael D; SHERIFF
Cc: SOWLE Agnes; #EXECUTIVE COMMITTEE; DARGAN Karyne A; CAMPBELL Mark
Subject: Oregonian

This is to let you know that Noel from the Oregonian contacted me regarding the projected increase in our General Fund ending balance. I let her know that the budget office had individually briefed the Board today on the new estimates and that it was a result of a better economy that resulted in better property tax and business income tax collections and that recording fees were also up as a result of the lower interest rates during the year. I also stated that departments had started taking measures as a result of the potential repeal of the income tax and that this played a part. She wanted to know if staff was making recommendations and I let her know that the budget was adopted and that the Board would need to decide on how to use these funds. She wanted to know if they were going to open jail beds. I let her know that this was a decision for the Board and that could choose to keep the funds in reserve. She also asked about the Jail Task Force and the internal service task force. I let her know the Jail Task force met this morning and were briefed on a variety of jail bed issues but no decisions were made. She asked about any savings from the internal service review. I stated the same thing that I told the task force this morning that we had met and based on my knowledge of the services provided that I felt confident that we could find County wide efficiencies that total around \$2 to \$2.5 million. She wanted some examples and I gave her a couple of IT examples like the thin net and also said that we were looking at our facilities and if there were any savings in these areas we could take advantage there. She wanted to know how many dorms could be opened with \$2 to \$2.5 million and I told her that I was not the best person to answer that and she would need to contact the Sheriff's Office. Let me know if you have any questions. Thanks

8/10/2005

BOGSTAD Deborah L

From: WESSINGER Carol M
Sent: Wednesday, August 10, 2005 8:46 AM
To: Randy Leonard; Chief Carla Piluso; Chief Derrick Foxworth - PPB; Deborah Hansen; Ed Schmitt - MESD; Jim Hennings; Judge Dale Koch; Judge Julie Frantz; Judy Hadley; Karin Immergut; Michael D. Schrunk; SHIRLEY Lillian M; CRUZ Serena M; FULLER Joanne; LINN Diane M; Maggie Miller; Mayor Tom Potter; NAITO Lisa H; PATE Patricia; ROLLINS Chiquita M; Sam Adams; sheriff
Cc: Tim Hartnett; Charlie Makinney (cmakinney@ci.portland.or.us); Christine Kirk; Donna D. Taggart; Jane Adams; Jessi Rhodes; Linda S Metzger; Maria Rubio; Mavis Murray; Sue Rutledge; WINTERS Nancy; BOGSTAD Deborah L; BOWEN-BIGGS Tara C; BROWN Jann O; CARROLL Mary P; Catherine Moyer; Charlene Willett; Doug Bray; FARRELL Delma D; GORDON Kathy; HUDSON Ray; Lee Graham; LENNON Karolin M; Leslie Nelson; LEWIS Sue E; Louise Grant; MCKEEL Gail H; MOORE Timothy A; NICE Matt L; Peter Ozanne; Priscilla Connolly; SODEN Stephanie A; Steve Liday; Susen Ritchey; WESSINGER Carol M
Subject: FW: PRESS RELEASE: Funding for County Jails Found

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

From: District3
Sent: Tuesday, August 09, 2005 5:51 PM
Subject: PRESS RELEASE: Funding for County Jails Found



Commissioner Maria Rojo de Steffey, District 1
Commissioner Serena Cruz, District 2
Commissioner Lisa Naito, District 3

PRESS RELEASE

Tuesday, August 9, 2005
 FOR IMMEDIATE RELEASE
 CONTACT: 503 988-5220, 503 988-5219, 503 988-5217

Funding for County Jails found by cutting administrative costs

MULTNOMAH COUNTY – An initial review of internal service costs in the Sheriff's budget and countywide shows an estimated \$2 million savings annually through elimination of duplicate and inefficient administrative practices. As pledged just ten weeks ago, Commissioners Lisa Naito, Serena Cruz, and Maria Rojo de Steffey will dedicate those savings to opening two dorms at Inverness Jail as soon as Sheriff Bernie Giusto is ready to staff and operate the additional jail beds.

"We directed staff to look for efficiencies and savings within the County. Our instincts were right," declared Commissioner Cruz. "These savings will be put to work quickly to open the remaining 114 beds at Inverness Jail."

8/10/2005

In addition, a newly released financial outlook from the County's Budget Office looks positive. Analysts are showing the County will end the fiscal year with a higher than expected balance.

Commissioner Rojo de Steffey commented, "This higher ending balance gives us assurance and allows our initiative to move forward immediately. Our plan is a fiscally responsible plan."

"We wanted to make an ongoing commitment to our community to provide more jail beds for offenders – not the yo-yo practice of opening and closing jail dorms that we've seen in recent years," said Commissioner Naito. "We are confident these savings will be sustainable from year to year, and that we will be able to fund these jail beds into the future. I hope the final review will show even more dollar savings that can we can devote to sustaining our entire public safety system."

A final report by the County Management & Sheriff's Office Internal Services Taskforce established by Commissioners Rojo de Steffey, Cruz and Naito is expected in the Fall.

- 30 -

BOGSTAD Deborah L**From:** WESSINGER Carol M**Sent:** Wednesday, August 10, 2005 8:53 AM**To:** Randy Leonard; Chief Carla Piluso; Chief Derrick Foxworth - PPB; Deborah Hansen; Ed Schmitt - MESD; Jim Hennings; Judge Dale Koch; Judge Julie Frantz; Judy Hadley; Karin Immergut; Michael D. Schrunk; SHIRLEY Lillian M; CRUZ Serena M; FULLER Joanne; LINN Diane M; Maggie Miller; Mayor Tom Potter; NAITO Lisa H; PATE Patricia; ROLLINS Chiquita M; Sam Adams; sheriff**Cc:** Tim Hartnett; Charlie Makinney (cmakinney@ci.portland.or.us); Christine Kirk; Donna D. Taggart; Jane Adams; Jessi Rhodes; Linda S Metzger; Maria Rubio; Mavis Murray; Sue Rutledge; WINTERS Nancy; BOGSTAD Deborah L; BOWEN-BIGGS Tara C; BROWN Jann O; CARROLL Mary P; Catherine Moyer; Charlene Willett; Doug Bray; FARRELL Delma D; GORDON Kathy; HUDSON Ray; Lee Graham; LENNON Karolin M; Leslie Nelson; LEWIS Sue E; Louise Grant; MCKEEL Gail H; MOORE Timothy A; NICE Matt L; Peter Ozanne; Priscilla Connolly; SODEN Stephanie A; Steve Liday; Susen Ritchey; WESSINGER Carol M**Subject:** Article on Jail Bed Funding in Wednesday, August 10 Oregonian**Search**[Back To Your Search Results](#) | [Search Again](#)**The Oregonian**[Click here to subscribe](#)[» More From The Oregonian](#)**Proposal would open 114 jail beds****Three Multnomah County commissioners, surprising the chairwoman and sheriff, say \$2 million in savings can be found**

Wednesday, August 10, 2005

NOELLE CROMBIE

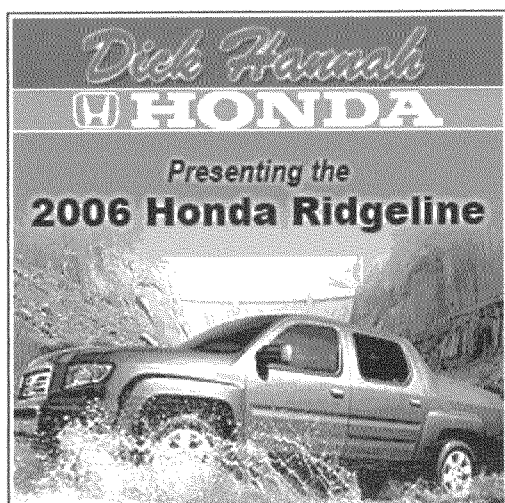
Three Multnomah County commissioners announced late Tuesday afternoon a plan to open 114 jail beds with \$2 million the county's top financial official said he thinks he can find in the budget.

The news came as a surprise to Chairwoman Diane Linn and to Sheriff Bernie Giusto's chief of staff, who emphasized that a task force formed to find dollars for jail beds had met just once.

"They haven't developed recommendations," said Christine Kirk, Giusto's chief of staff. "They had one meeting. I think something will come out of that, but I would be hard-pressed to believe that they have a conclusion when they have only had one meeting."

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But the county commissioners had reached a conclusion. Three of them had, anyway.

Commissioners Maria Rojo de Steffey, Serena Cruz and Lisa Naito made the announcement late Tuesday -- taking credit for the plan and leaving Linn asking The Oregonian what her colleagues had announced.

After hearing about the proposal, she said the plan is "exactly what we wanted to happen."

Cruz and Naito said the proposal offers ongoing support for the beds, unlike Linn's plan, which called for opening some beds this summer and additional beds by the end of the year. Linn's plan did not provide long-range funding.

"We wanted to make an ongoing commitment to our community to provide more jail beds for offenders -- not the yo-yo practice of opening and closing jail dorms that we've seen in recent years," Naito said. "We are confident these savings will be sustainable from year to year, and that we will be able to fund these jail beds into the future."

Gary Walker, chief of staff for Commissioner Lonnie Roberts, said he is "giddy" about the proposal.

"We think it will bring some credibility that is long overdue to the criminal justice system," he said.

The Oregonian

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Proposal would open 114 jail beds
Page 2 of 2

Cruz said the sheriff won't get the extra dollars until he's hired the staff and given them a start date.

Giusto -- who learned about the plan after it had been announced -- said he thinks he can hire the dozen corrections employees it will take to staff the extra beds within 60 to 90 days. He said he'll give the commissioners a business plan by early next week.

"We are going to do this as lean as we can," he said. "We are not going to just burn up the money because we can."

8/10/2005

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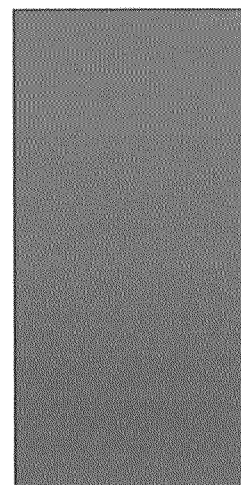
The new beds, which would occupy two dorms at the Inverness Jail in Northeast Portland, would be available as soon as staff is in place, commissioners said.

The savings are expected to come from reductions in administrative costs, said Dave Boyer, the county's chief financial officer. He said he is confident he can find savings in how the county operates its computer networks and its telephone system. Boyer said the county also may be able to sell some facilities or reduce its leasing arrangements.

Conclusions for how much the county can save aren't based on the work of a task force formed to study trimming administrative costs. Instead, Boyer said they are based on his knowledge of the county budget.

"We are comfortable that we can find \$2 million in savings," he said. "I think there is more, but I don't want them to be counting on more."

Noelle Crombie: 503-276_7184; noellecrombie@news.oregonian.com.

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MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: R-2
Est. Start Time: 10:00 AM
Date Submitted: 07/19/05

BUDGET MODIFICATION: -

Agenda Title: Monthly Update on Mental Health and Addiction Services Division System of Care for Children and Families Plan

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

Date Requested: September 15, 2005 Time Requested: 10 Minutes
Department: DCHS Division: MHASD
Contact(s): Chris Murphy
Phone: 503.988.5464 Ext. 22458 I/O Address: 167/1/520
Presenter(s): Nancy Winters, David White, Godwin Nwerem, and Amy Baker

General Information

1. What action are you requesting from the Board?

None

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

On February 24, 2005 staff from the Department of County Human Services Mental Health and Addictions Services Division provided the Board of County Commissioners a briefing regarding the MHASD System of Care for Children and Families Plan. During this briefing the Board requested the staff to give monthly updates on the progress of the Request for Proposal, clinical development, and community input and meetings.

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

Required Signatures

**Department/
Agency Director:**



Date: 07/19/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 8-19-05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: R-3
Est. Start Time: 10:08 AM
Date Submitted: 08/19/05

BUDGET MODIFICATION: DCHS - 06

Budget Modification DCHS-06 Adding 1.84 FTE Mental Health Consultants to the Involuntary Commitment Program Appropriating
Agenda Title: \$140,141 of State Mental Health Regional Acute Inpatient Funds

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

Date Requested:	<u>09/15/05</u>	Time Requested:	<u>5 mins</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>Mental Health</u>
Contact(s):	<u>Al Stickel</u>		
Phone:	<u>503 988-3691</u>	Ext.	<u>84135</u>
		I/O Address:	<u>167/620</u>
Presenter(s):	<u>Jean Dentinger / Keith Mitchell</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-06 which adds 1.84 FTE Mental Health Consultants to the Involuntary Commitment program - Program Offer 25055.

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

When a person is held involuntarily in a hospital, County staff perform an investigation to determine if legal criteria exist to hospitalize someone against their will. These are high need people vulnerable to suicide or other self-harm or are a public safety risk. The County is required by the State to investigate regardless of the individual's insurance or ability to pay.

In Multnomah County, over 3,700 individuals a year are placed in acute care hospital beds when a doctor files a Notice of Mental Illness. These additional investigators will allow the Involuntary Commitment Program (ICP) to continue their expansion of weekend investigations, in order to divert clients from costly and lengthy acute care hospital treatment in to more appropriate and less restrictive community treatment settings while protecting the client's civil rights.

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

This modification increases the Mental Health and Addiction Services Division Fed/State Fund appropriation by \$140,141 to fund 1.84 FTE Mental Health Consultants for the Involuntary Commitment program. The additional appropriation is supported by the Department's remaining FY 05 allocation from the State for Regional Acute Care Services (MHS 24). These funds are considered *one-time-only*. However, it is planned that the annualized, ongoing personnel expenses for these 2.00 FTE in FY 07 and future years will be offset via savings in hospitalization expenses by diverting clients from the hospitals.

Expenses increase as follows: Personnel \$133,466 for 1.84 FTE Mental Health Consultants (2.00 FTE annualized - \$145,600), supplies \$3,714 (includes purchase of two pc's), travel & training \$458, local travel \$2,046, motor pool \$457. Service reimbursements from the Fed/State Fund increase: Risk Fund \$21,450 and Fleet Management \$457.

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?
State Mental Health Grant revenue increases for service element 24 (Regional Acute Inpatient) by \$140,141 from the remaining FY 05 allocation from the State.
- What budgets are increased/decreased?
Mental Health and Addiction Services Involuntary Commitment program offer 25055 increases by \$140,141 along with the Risk Fund by \$21,450 and Fleet Management Fund by \$457.
- What do the changes accomplish?
Brings the Mental Health & Addiction Services budget in line with current revenue estimates and provides additional resources to ICP unit.
- Do any personnel actions result from this budget modification? Explain.
Yes, adds 1.84 FTE Mental Health Consultants (2.00 FTE annualized) for Involuntary Commitment Program offer 25055.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
Does not cover indirect.
- Is the revenue one-time-only in nature?
Yes, however it is expected that through diverting the clients from the hospitals to more appropriate community treatment that the savings in hospitalization costs will more than cover the on-going costs of the positions.
- If a grant, what period does the grant cover?
2003-2005 biennium award.
- If a grant, when the grant expires, what are funding plans?
On going grant.

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: DCHS - 06

Required Signatures

**Department/
Agency Director:**

/s/ Rex Surface

Date: 08/18/05

Budget Analyst:

Michael D. Jaspis

Date: 08/19/05

Department HR:

CRumbas

Date: 08/18/05

Countywide HR:

Date:

Budget Modification or Amendment ID: **DCHS-06****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 06

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Program Offer	Cost Center	WBS Element						
1	20-80	84024	40	25055		MA SN MC ICP CO 24	50190		(140,141)	(140,141)		IG-OP Fed Thru St
2	20-80	84024	40	25055		MA SN MC ICP CO 24	60000		87,814	87,814		Base Pay (New Position)
3	20-80	84024	40	25055		MA SN MC ICP CO 24	60130		24,202	24,202		Salary Related
4	20-80	84024	40	25055		MA SN MC ICP CO 24	60140		21,450	21,450		Insurance
5	20-80	84024	40	25055		MA SN MC ICP CO 24	60240		3,714	3,714		Supplies
6	20-80	84024	40	25055		MA SN MC ICP CO 24	60260		458	458		Travel & Training
7	20-80	84024	40	25055		MA SN MC ICP CO 24	60270		2,046	2,046		Local Travel/Milage
8	20-80	84024	40	25055		MA SN MC ICP CO 24	60410		457	457		Motor Pool Services
9												
10	72-55	3501			904100		50310		(148)	(148)		Svc Reimb to Motor Pool
11	72-55	3501			904100		60240		148	148		Motor Pool Expenditure
12												
13	72-10	3500			705210		50316		(21,450)	(21,450)		Svc Reimb to Risk Fund
14	72-10	3500			705210		60330		21,450	21,450		Insurance Benefits Claims
15												
16												
17												
18												
19												
20												
21												
22												
23												
24												
25												
26												
27												
28												
29												
										0	0	Total - Page 1
										0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGE

Change on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund Center	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-80	6365	63305	Mental Health Consultant	New	1.00	47,899	13,201	11,700	72,800
20-80	6365	63305	Mental Health Consultant	New	1.00	47,899	13,201	11,700	72,800
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					2.00	95,798	26,402	23,400	145,600

CURRENT YEAR PERSONNEL DOLLAR CHANGE

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR (Eleven Months)			
Fund Center	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-80	6365	63305	Mental Health Consultant	New	0.92	43,907	12,101	10,725	66,733
20-80	6365	63305	Mental Health Consultant	New	0.92	43,907	12,101	10,725	66,733
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					1.84	87,814	24,202	21,450	133,466



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-4 DATE 8-22-05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: R-4
Est. Start Time: 10:10 AM
Date Submitted: 08/22/05

BUDGET MODIFICATION: HD - 05

**Budget Modification HD-05 Appropriating \$450,015 Revenue from
Primary Care Expansion Grant and \$681,030 in Additional Visit Revenue**
Agenda Title: for the Mid County Health Center

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

Date Requested:	<u>September 15, 2005</u>	Time Requested:	<u>5 mins</u>
Department:	<u>Health Department</u>	Division:	<u>Integrated Clinical Services</u>
Contact(s):	<u>Angela Burdine, Budget Manager</u>		
Phone:	<u>503 988-3663</u>	Ext.	<u>26457</u>
		I/O Address:	<u>167/210</u>
Presenter(s):	<u>Darlene Young, Senior Program Manager</u>		

General Information

1. What action are you requesting from the Board?

Approval to appropriate \$450,015 Primary Care Expansion Grant revenue to fund an additional 7.3 FTE's at the Mid County Health Center to provide medical services in the evening and on weekends. This will also generate estimated \$681,030 visit revenue for the Health Department.

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

These funds will improve access to comprehensive primary health care for an additional 3,000 residents after the second year. The target population includes individuals who are without a medical home. Special populations of focus include Latino families, Russian emigrants, and underserved Medicaid beneficiaries. In addition to the support from the Expanded Medical Capacity Project, support for this project is offered through the Oregon Primary Care Association, and other organizations that provide support to the target population.

Funding through the Expanded Medical Capacity Program will enable the Health Department to hire three additional medical teams to serve 3,000 new users (10,400 visits). The EMC site includes the

Health Department's Mid-County Health Center. Services will be delivered 32 hours a week; including evening hours during the week, and 12 hours during the day on Saturdays and Sundays. Evening and weekend hours will enable the Department to better serve the target population.

Each of the three medical teams will be led by a Physician or one of two Nurse Practitioners, with support provided by Community Health Nurses and Certified Medical Assistants. The project's staff will also include a part-time Pharmacist and two Community Health Workers (one who is bilingual in Spanish and another who is bilingual in Russian) to provide outreach and education to individuals and groups representing these underserved communities

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

Budget Modification will increase the Health Departments FY06 budget by \$1,131,045. This revenue is a result of our Primary Care Grant and is expected to be ongoing.

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.

The grant application is prepared each year with the approval and input of the Multnomah County Community Health Council (the Council's membership includes individual consumers of the Department's health care services, health care providers and government representatives)

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?
The Health departments FY06 Federal grant revenue will be increased by \$450,015 and fee for services revenues will be increased by 681,030.
- What budgets are increased/decreased?
The Health Department's, Integrated Clinical Services budget will increase by \$1,131,045
- What do the changes accomplish?
Ability to hire an additional medical team to provide evening and weekend health services at the Health Departments Mid County Health Center
- Do any personnel actions result from this budget modification? Explain.
Recruit and hire
2 Clinic Medical Assistants
1.6 Community Health Specialists
1.6 Nurse Practitioners
.8 Community Health Nurse
.5 Pharmacist
.8 Physician
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
Included in grant funding
- Is the revenue one-time-only in nature?
No, the Primary Care grant has been awarded to the county for the past 20+ years and is expected to continue
- If a grant, what period does the grant cover?
Current grant period ends 11/30/05. New grant year begins 12/1/05
- If a grant, when the grant expires, what are funding plans?
We are expecting grant to continue. If, for unforeseen reason, grant is not awarded services will be cut.

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: HD - 05

Required Signatures

Department/
Agency Director:



Date: 08/16/05

Budget Analyst:



Date: 08/22/05

Department HR:

/s/ for Kathleen Fuller Poe

Date: 08/17/05

Countywide HR:

Date:

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 06

Line No.	Fund Center	Fund Code	Func Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-70	20500	0030			4FA35-04-5-1	50170	0	(187,528)	(187,528)		Primary Care 330: Expanded Medical Capacity grant for Mid County Health Center (GY04 Jul-Nov)
2	40-70	20500	0030			4FA35-04-5-1	60000	0	64,301	64,301		
3	40-70	20500	0030			4FA35-04-5-1	60120	0	1,894	1,894		
4	40-70	20500	0030			4FA35-04-5-1	60130	0	17,721	17,721		
5	40-70	20500	0030			4FA35-04-5-1	60140	0	16,598	16,598		
6	40-70	20500	0030			4FA35-04-5-1	60170	0	28,816	28,816		
7	40-70	20500	0030			4FA35-04-5-1	60240	0	727	727		
8	40-70	20500	0030			4FA35-04-5-1	60246	0	6,479	6,479		
9	40-70	20500	0030			4FA35-04-5-1	60270	0	224	224		
10	40-70	20500	0030			4FA35-04-5-1	60310	0	30,186	30,186		
11	40-70	20500	0030			4FA35-04-5-1	60350	0	1,078	1,078		
12	40-70	20500	0030			4FA35-04-5-1	60355	0	11,381	11,381		
13	40-70	20500	0030			4FA35-04-5-1	60440	0	8,123	8,123		
14									0		0	
15									0			
16	40-70	20500	0030			4FA35-05-1-3	50170		(262,487)	(262,487)		Primary Care 330: Expanded Medical Capacity grant for Mid County Health Center (GY05 Dec-Jun)
17	40-70	20500	0030			4FA35-05-1-3	60000		89,867	89,867		
18	40-70	20500	0030			4FA35-05-1-3	60120		2,647	2,647		
19	40-70	20500	0030			4FA35-05-1-3	60130		24,767	24,767		
20	40-70	20500	0030			4FA35-05-1-3	60140		23,197	23,197		
21	40-70	20500	0030			4FA35-05-1-3	60170		40,274	40,274		
22	40-70	20500	0030			4FA35-05-1-3	60240		1,016	1,016		
23	40-70	20500	0030			4FA35-05-1-3	60246		9,055	9,055		
24	40-70	20500	0030			4FA35-05-1-3	60270		313	313		
25	40-70	20500	0030			4FA35-05-1-3	60310		42,188	42,188		
26	40-70	20500	0030			4FA35-05-1-3	60350		1,507	1,507		
27	40-70	20500	0030			4FA35-05-1-3	60355		15,906	15,906		
28	40-70	20500	0030			4FA35-05-1-3	60440		11,750	11,750		
29									0		0	
30									0			
31	40-70	26020	0030			47550-00-26020	50236		(279,564)	(279,564)		Additional visit revenue generated by new providers
32	40-70	26020	0030			47550-00-26020	60000		95,677	95,677		
33	40-70	26020	0030			47550-00-26020	60120		2,818	2,818		
34	40-70	26020	0030			47550-00-26020	60130		26,368	26,368		
35	40-70	26020	0030			47550-00-26020	60140		24,696	24,696		
36	40-70	26020	0030			47550-00-26020	60170		42,877	42,877		
37	40-70	26020	0030			47550-00-26020	60240		1,082	1,082		
38	40-70	26020	0030			47550-00-26020	60246		9,640	9,640		
39	40-70	26020	0030			47550-00-26020	60270		333	333		
40	40-70	26020	0030			47550-00-26020	60310		44,916	44,916		
41	40-70	26020	0030			47550-00-26020	60350		1,605	1,605		

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 06

Line No.	Fund Center	Fund Code	Func Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
42	40-70	26020	0030			47550-00-26020	60355		16,935	16,935		
43	40-70	26020	0030			47550-00-26020	60440		12,617	12,617		
44									0		0	
45									0			
46	40-70	26030	0030			47550-00-26030	50236		(273,295)	(273,295)		Additional visit revenue generated by new providers
47	40-70	26030	0030			47550-00-26030	60000		93,740	93,740		
48	40-70	26030	0030			47550-00-26030	60120		2,761	2,761		
49	40-70	26030	0030			47550-00-26030	60130		25,835	25,835		
50	40-70	26030	0030			47550-00-26030	60140		24,196	24,196		
51	40-70	26030	0030			47550-00-26030	60170		42,010	42,010		
52	40-70	26030	0030			47550-00-26030	60240		1,060	1,060		
53	40-70	26030	0030			47550-00-26030	60246		9,445	9,445		
54	40-70	26030	0030			47550-00-26030	60270		327	327		
55	40-70	26030	0030			47550-00-26030	60310		44,006	44,006		
56	40-70	26030	0030			47550-00-26030	60350		1,572	1,572		
57	40-70	26030	0030			47550-00-26030	60355		16,592	16,592		
58	40-70	26030	0030			47550-00-26030	60440		11,751	11,751		
59									0		0	
60									0			
61	40-70	26080	0030			47550-00-26080	50236		(29,008)	(29,008)		Additional visit revenue generated by new providers
62	40-70	26080	0030			47550-00-26080	60000		10,071	10,071		
63	40-70	26080	0030			47550-00-26080	60120		297	297		
64	40-70	26080	0030			47550-00-26080	60130		2,776	2,776		
65	40-70	26080	0030			47550-00-26080	60140		2,600	2,600		
66	40-70	26080	0030			47550-00-26080	60170		4,513	4,513		
67	40-70	26080	0030			47550-00-26080	60240		114	114		
68	40-70	26080	0030			47550-00-26080	60246		1,015	1,015		
69	40-70	26080	0030			47550-00-26080	60270		35	35		
70	40-70	26080	0030			47550-00-26080	60310		4,728	4,728		
71	40-70	26080	0030			47550-00-26080	60350		169	169		
72	40-70	26080	0030			47550-00-26080	60355		1,783	1,783		
73	40-70	26080	0030			47550-00-26080	60440		907	907		
74									0		0	
75									0			
76	40-70	26130	0030			47550-00-26130	50236		(5,083)	(5,083)		Additional visit revenue generated by new providers
77	40-70	26130	0030			47550-00-26130	60000		1,549	1,549		
78	40-70	26130	0030			47550-00-26130	60120		46	46		
79	40-70	26130	0030			47550-00-26130	60130		427	427		
80	40-70	26130	0030			47550-00-26130	60140		400	400		
81	40-70	26130	0030			47550-00-26130	60170		694	694		
82	40-70	26130	0030			47550-00-26130	60240		18	18		
83	40-70	26130	0030			47550-00-26130	60246		156	156		

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 06

Line No.	Fund Center	Fund Code	Func Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
4	40-70	26130	0030			47550-00-26130	60270		5	5		
5	40-70	26130	0030			47550-00-26130	60310		727	727		
6	40-70	26130	0030			47550-00-26130	60350		26	26		
7	40-70	26130	0030			47550-00-26130	60355		274	274		
8	40-70	26130	0030			47550-00-26130	60440		761	761		
9									0		0	
10									0			
11	40-70	40140	0030			47550-00-40140	50235		(11,550)	(11,550)		Additional visit revenue generated by new providers
12	40-70	40140	0030			47550-00-40140	60000		3,874	3,874		
13	40-70	40140	0030			47550-00-40140	60120		114	114		
14	40-70	40140	0030			47550-00-40140	60130		1,068	1,068		
15	40-70	40140	0030			47550-00-40140	60140		1,000	1,000		
16	40-70	40140	0030			47550-00-40140	60170		1,736	1,736		
17	40-70	40140	0030			47550-00-40140	60240		44	44		
18	40-70	40140	0030			47550-00-40140	60246		390	390		
19	40-70	40140	0030			47550-00-40140	60270		14	14		
20	40-70	40140	0030			47550-00-40140	60310		1,818	1,818		
21	40-70	40140	0030			47550-00-40140	60350		65	65		
22	40-70	40140	0030			47550-00-40140	60355		686	686		
23	40-70	40140	0030			47550-00-40140	60440		741	741		
24									0		0	
25									0			
26	40-70	40160	0030			47550-00-40160	50235		(82,530)	(82,530)		Additional visit revenue generated by new providers
27	40-70	40160	0030			47550-00-40160	60000		28,278	28,278		
28	40-70	40160	0030			47550-00-40160	60120		832	832		
29	40-70	40160	0030			47550-00-40160	60130		7,793	7,793		
30	40-70	40160	0030			47550-00-40160	60140		7,298	7,298		
31	40-70	40160	0030			47550-00-40160	60170		12,673	12,673		
32	40-70	40160	0030			47550-00-40160	60240		319	319		
33	40-70	40160	0030			47550-00-40160	60246		2,849	2,849		
34	40-70	40160	0030			47550-00-40160	60270		99	99		
35	40-70	40160	0030			47550-00-40160	60310		13,276	13,276		
36	40-70	40160	0030			47550-00-40160	60350		474	474		
37	40-70	40160	0030			47550-00-40160	60355		5,004	5,004		
38	40-70	40160	0030			47550-00-40160	60440		3,635	3,635		
39									0		0	
40									0			
41	70-80	3500			705210		50316		(99,985)	(99,985)		Insurance (60140)
42	70-80	3500			705210		60330		99,985	99,985		Insurance (60140)
43									0			
44	19	1000			9500001000		50310		(6,496)	(6,496)		Central Indirect (60350)
45	19	1000			9500001000		60470		6,496	6,496		Central Indirect (60350)
46									0			

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Budget/Fiscal Year: 06

Line No.	Fund Center	Fund Code	Func Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
27	40-90	1000			409050		50370		(68,561)	(68,561)		Department Indirect (60355)
28	40-90	1000			409001		60000		68,561	68,561		Use additional dept indirect to reduce dept salary savings
29									0		0	
30									0			
31									0			
32									0			
33									0			
34									0			
35									0			
									0		0	GRAND TOTAL

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

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6012	61528	CLINIC MEDICAL ASSISTANT	TBD	1.00	30,714	8,465	10,822	50,001
1505	6012	61528	CLINIC MEDICAL ASSISTANT	TBD	1.00	30,714	8,465	10,822	50,001
1505	6047	61528	COMMUNITY HEALTH SPECIALIST	TBD	0.80	26,075	7,186	10,521	43,782
1505	6047	61528	COMMUNITY HEALTH SPECIALIST	TBD	0.80	26,075	7,186	10,521	43,782
1505	6314	61528	NURSE PRACTITIONER	TBD	0.80	52,083	14,354	12,211	78,648
1505	6314	61528	NURSE PRACTITIONER	TBD	0.80	52,083	14,354	12,211	78,648
1505	6315	61528	COMMUNITY HEALTH NURSE	TBD	0.80	38,436	10,593	11,324	60,353
1505	9355	61528	PHARMACIST	TBD	0.50	40,476	11,155	6,831	58,462
1505	9490	61528	PHYSICIAN	TBD	0.80	90,701	24,997	14,722	130,420
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					7.30	387,357	106,755	99,985	594,097

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

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6012	61528	CLINIC MEDICAL ASSISTANT	TBD	1.00	30,714	8,465	10,822	50,001
1505	6012	61528	CLINIC MEDICAL ASSISTANT	TBD	1.00	30,714	8,465	10,822	50,001
1505	6047	61528	COMMUNITY HEALTH SPECIALIST	TBD	0.80	26,075	7,186	10,521	43,782
1505	6047	61528	COMMUNITY HEALTH SPECIALIST	TBD	0.80	26,075	7,186	10,521	43,782
1505	6314	61528	NURSE PRACTITIONER	TBD	0.80	52,083	14,354	12,211	78,648
1505	6314	61528	NURSE PRACTITIONER	TBD	0.80	52,083	14,354	12,211	78,648
1505	6315	61528	COMMUNITY HEALTH NURSE	TBD	0.80	38,436	10,593	11,324	60,353
1505	9355	61528	PHARMACIST	TBD	0.50	40,476	11,155	6,831	58,462
1505	9490	61528	PHYSICIAN	TBD	0.80	90,701	24,997	14,722	130,420
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					7.30	387,357	106,755	99,985	594,097

BOGSTAD Deborah L

From: YOUNG Darlene
Sent: Friday, September 09, 2005 11:07 AM
To: BOGSTAD Deborah L
Cc: BURDINE Angela L
Subject: FW: Budget Modification HD-05 Appropriating \$450,015 Revenue from Primary Care Expansion Grant and \$681,030 in Additional Visit Revenue for the Mid County Health Center

Hi Deb

Theresa Williams will be presenting the request for Budget Modification for Mid County on Sept. 15th, instead of me.

Thanks

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

From: NAITO Terri W
Sent: Friday, September 09, 2005 10:59 AM
To: YOUNG Darlene
Subject: RE: Budget Modification HD-05 Appropriating \$450,015 Revenue from Primary Care Expansion Grant and \$681,030 in Additional Visit Revenue for the Mid County Health Center

Darlene,

Thanks for your reply. We meet between 1:30 and 3:00 p.m. on Monday, and it looks like this item will be on the agenda around 1:50,

9/12/2005

Subject: RE: Budget Modification HD-05 Appropriating \$450,015 Revenue from Primary Care Expansion Grant and \$681,030 in Additional Visit Revenue for the Mid County Health Center

Hi Terri

I just emailed Angela to see if she can attend. I am on alert to attend an important meeting for operation Welcome to Oregon and I don't have the time as yet.

Also, Theresa Williams, the program manager for Mid County Health Center will be presenting the request for Bud Mod on 9/15.

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

From: NAITO Terri W

Sent: Thursday, September 08, 2005 4:23 PM

To: BURDINE Angela L; YOUNG Darlene

Cc: SHIRLEY Lillian M

Subject: Budget Modification HD-05 Appropriating \$450,015 Revenue from Primary Care Expansion Grant and \$681,030 in Additional Visit Revenue for the Mid County Health Center

Angela and/or Darlene,

I am the current facilitator for Board Staff. Would one of you mind attending our meeting this coming Monday afternoon for a few minutes to talk about this item that's coming before the Board next Thursday? Even though this appears to be an ongoing-type thing, we like to brief our bosses on the stuff they'll be voting on....especially good news items like this one!

Thanks,

Terri Naito

OFFICE OF COMMISSIONER LISA NAITO
Multnomah County

9/12/2005



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 9-6-05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: R-5
Est. Start Time: 10:12 AM
Date Submitted: 09/06/05

BUDGET MODIFICATION:

Agenda Title: NOTICE OF INTENT to Apply for Grant Funding from the Community Health Partnership to Provide Funding to Pay for Special Needs of Clients

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

Date Requested: 09/15/2005 Time Requested: 5 minutes
TB, Early Childhood Services, & Integrated Clinical Services
Department: Health Division:
Contact(s): Tom Waltz/Jodi Davich
Phone: (503) 988-3674 Ext. 22670/26561 I/O Address: 160/8
Presenter(s): Jodi Davich, Connie Guist, Chareundi Van Si

General Information

1. What action are you requesting from the Board?

Authorize the Director of the Health Department to apply for grant funding from the Community Health Partnership to establish funds to pay for special needs of clients.

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

The Community Health Partnership, a local private foundation, has announced the availability of funds through its *Special Needs Fund Program* to enable providers of health services to provide fast response to urgent needs of clients. These grant funds are intended to be used to reimburse public health professionals who purchase an item or service for their clients, or the grantee can pay vendors directly on behalf of a client. The grantee can also establish a voucher system with local businesses or service agencies. *A Special Needs Fund cannot be used to issue a check or cash directly to a client.*

Three programs within the Health Department are proposing to submit applications to the foundation in order to establish Special Needs Funds to support the health of their clients. These programs include the following:

TB Program – TB Program staff will request \$5,000 to provide housing to isolate 10 clients who are diagnosed with infectious TB from the public for up to four weeks.

Early Childhood Services – ECS staff will request \$5,000 to purchase health and/or safety related goods not available through other sources for approximately 100 high-risk pregnant women, and/or parenting families and their children.

ICS Social Workers – Social Workers from Integrated Clinical Services will request \$5,000 to provide for urgent and unusual needs of 30 – 40 clients at five primary care clinics when other resources are not available and the health of the client is at risk.

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

Each of the three programs will apply for \$5,000. No local match is required.

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

No unusual legal issues related to the project have been identified. Providing for the health of Multnomah County residents is consistent with County policy.

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

No outside citizen input has been solicited for these small grants.

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?**

Community Health Partnership, a private foundation that supports the efforts of local public health departments to meet the needs of vulnerable populations.

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

There are no matching requirements associated with the program. Special Needs Fund grants are used for disbursements of \$250 or less per client request. They are also intended as one-time-only support for an individual or family so that the same individuals do not seek ongoing support from the Special Needs Fund.

Funds will be disbursed to grantees twice a year, based on completion of a six-month progress report that demonstrates appropriate use of funds and adherence to grant guidelines. Grantees are also required to complete a final report detailing the project's ability to achieve stated goals and objectives.

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

This is a one-time commitment.

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

Applications are due on September 15, 2005.

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

Funding for this effort will be provided beginning January 1, 2006 and conclude on December 31, 2006.

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

None.

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

Indirect/administrative costs are not covered. These small grants are intended to be managed and disbursed at the program-level, thereby minimizing indirect costs.

ATTACHMENT B

Required Signatures

Department/
Agency Director:

Carl M Ford

Date: 09/02/05

Budget Analyst:

Debra

Date: 09/06/05

Department HR:

NA

Date: _____

Countywide HR:

NA

Date: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: R-6
Est. Start Time: 10:15 AM
Date Submitted: 08/24/05

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Endorsing the Multnomah County Library Goals
Recommended by the Library Advisory Board

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

Date Requested: September 15, 2005 Time Requested: 30 minutes
Department: Library Division: Director's Office
Contact(s): Molly Raphael; June Mikkelsen
Phone: 503.988.5403 Ext. 85403 I/O Address: 317/Lib Admin Bldg
Presenter(s): Molly Raphael; June Mikkelsen

General Information

1. What action are you requesting from the Board?

Review and endorsement of the seven goals for the Library adopted by the Library Advisory Board at its June 14, 2005 Board meeting.

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

Multnomah County Library has long been committed to having a strategic plan that identifies and responds to the needs of the community. The Library's strategic plans, over the years, have guided the Library in planning the services it provides, as well as in allocating its resources to achieve the library goals that have come out of public involvement processes. The recommended goals of the new Library Plan are a result such a process.

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

None this year. Goals will be used by the Library in planning its service program and resource allocations for the 2006/07 and subsequent fiscal years.

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.

Multnomah County Library is using the standard public library planning process, *The New Planning for Results*, as the framework for developing the new library strategic plan. This process is a collaborative effort between community residents and library staff. First, a Planning Committee, made up of sixteen community members representing various stakeholders and constituencies, helped the library identify the community's vision and needs and recommended five specific roles Multnomah County Library should follow to help meet the vision and needs. Library staff drafted six goals relating to the Planning Committee's recommended roles, and asked the Friends of the Library Board, The Library Foundation Board, and the Library Advisory Board to review and comment on those six goals.

The goals adopted by the Library Advisory Board at its June 14 monthly meeting reflect the public comments and changes, including the addition of a seventh goal added by the Library Advisory Board.

Once the Board of County Commissioners endorses the goals, Library staff will use their skills to develop objectives and activities that specifically address the community's vision and needs.

The completed draft plan will be taken back to the Community Planning Committee in the fall of 2005.

Required Signatures

Department/
Agency Director:

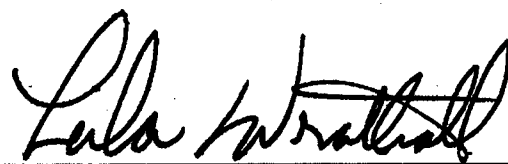


Date: 08/12/05

Budget Analyst:

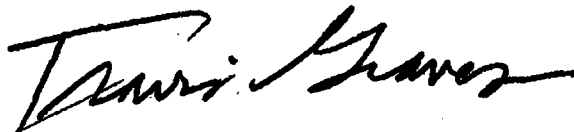
Date:

Department HR:



Date: 08/15/05

Countywide HR:



Date: 08/17/05

BOGSTAD Deborah L

From: MIKKELSEN June
Sent: Monday, August 15, 2005 1:10 PM
To: BOGSTAD Deborah L
Subject: FW: Resolution -- Library Goals

Deb--I'm getting the other signatures, and will send you an original (plus electronic version) as soon as I get them all. You said that you had Katie's on file, so I'm forwarding this to you so that you know that she's reviewed this.

Thanks! --June M

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

From: LANE Katie A
Sent: Monday, August 15, 2005 12:25 PM
To: MIKKELSEN June
Subject: RE: Resolution -- Library Goals

June,

This looks good to me. I don't have any comments or suggested changes. Let me know if I can do anything else to be of help.

Katie

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

From: MIKKELSEN June
Sent: Thursday, August 11, 2005 2:11 PM
To: LANE Katie A
Subject: Resolution -- Library Goals

Katie--This is a resolution we'd like to put on the BCC Sept. 15 agenda. Would you please review it and let me know if you have changes? Thanks.

<< File: MCL Goals BCC Resolution 2005.doc >> << File: Library Goals Agenda Replacement Request Sep 05.doc >>

June Mikkelsen
Executive Assistant to the Director
Multnomah County Library
205 N.E. Russell
Portland, OR 97212
503.988.3644 (Voice)
503.988.5441 (Fax)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Endorsing the Multnomah County Library Goals Recommended by the Library Advisory Board

The Multnomah County Board of Commissioners Finds:

- a. Since 1986, when the Multnomah County Library's first long range plan was written, the Library has been committed to having a strategic plan that identifies and responds to the needs of the community. In 2005, in beginning to plan for Multnomah County Library's fifth strategic plan, the Library convened a Planning Committee made up of sixteen community members representing various stakeholders and constituencies to identify the community's vision and needs. The Planning Committee recommended five specific roles Multnomah County Library should emphasize in the next three to five years to help reach the community's vision and meet its needs.
- b. Library staff then drafted six goals relating to the Planning Committee's recommended roles, and looked to three other community groups to review and comment on these draft goals. The Friends of the Library Board, the Library Foundation Board, and a subgroup of the Library Advisory Board reviewed and revised the six draft goals.
- c. The Library Advisory Board, after adding a seventh goal, unanimously adopted the seven goals at the Board's June 14, 2005 meeting, and is recommending these goals for endorsement by the Board of County Commissioners.

The Multnomah County Board of Commissioners Resolves:

1. To endorse the following goals:
 - 1) People of all ages and backgrounds will have the tools and skills to find, evaluate and use information resources that best meet their needs.
 - 2) People of all ages and backgrounds will find literature, information and answers to questions related to work, school, cultural, civic and personal life.
 - 3) People of all ages and backgrounds will find a wide variety of current and popular materials and programs in the languages they read, speak or understand, to satisfy their personal reading interests and educational needs.
 - 4) Babies and preschoolers will have access to a wide variety of early literacy programs and materials; school-age children and teens will have access to reading motivation programs and materials.
 - 5) Adults and families of all ages and backgrounds will have materials and programs to help them reach their personal literacy goals.
 - 6) People of all ages and backgrounds will find welcoming neighborhood spaces where they can interact with others and participate in public discussion.

- 7) People in Multnomah County will have a public library system supported by stable funding adequate to meet the above goals.
2. To direct the Library to develop a three to five year strategic plan based on these endorsed goals.

ADOPTED this 15th day of September 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Katie A. Lane, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-157

Endorsing the Multnomah County Library Goals Recommended by the Library Advisory Board

The Multnomah County Board of Commissioners Finds:

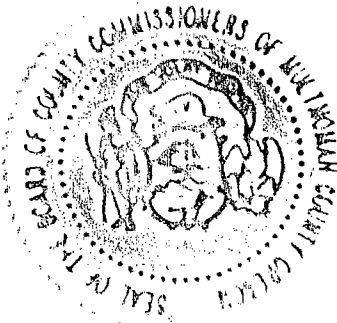
- a. Since 1986, when the Multnomah County Library's first long range plan was written, the Library has been committed to having a strategic plan that identifies and responds to the needs of the community. In 2005, in beginning to plan for Multnomah County Library's fifth strategic plan, the Library convened a Planning Committee made up of sixteen community members representing various stakeholders and constituencies to identify the community's vision and needs. The Planning Committee recommended five specific roles Multnomah County Library should emphasize in the next three to five years to help reach the community's vision and meet its needs.
- b. Library staff then drafted six goals relating to the Planning Committee's recommended roles, and looked to three other community groups to review and comment on these draft goals. The Friends of the Library Board, the Library Foundation Board, and a subgroup of the Library Advisory Board reviewed and revised the six draft goals.
- c. The Library Advisory Board, after adding a seventh goal, unanimously adopted the seven goals at the Board's June 14, 2005 meeting, and is recommending these goals for endorsement by the Board of County Commissioners.

The Multnomah County Board of Commissioners Resolves:

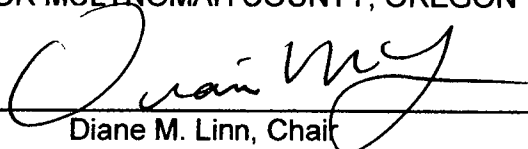
1. To endorse the following goals:
 - 1) People of all ages and backgrounds will have the tools and skills to find, evaluate and use information resources that best meet their needs.
 - 2) People of all ages and backgrounds will find literature, information and answers to questions related to work, school, cultural, civic and personal life.
 - 3) People of all ages and backgrounds will find a wide variety of current and popular materials and programs in the languages they read, speak or understand, to satisfy their personal reading interests and educational needs.
 - 4) Babies and preschoolers will have access to a wide variety of early literacy programs and materials; school-age children and teens will have access to reading motivation programs and materials.
 - 5) Adults and families of all ages and backgrounds will have materials and programs to help them reach their personal literacy goals.
 - 6) People of all ages and backgrounds will find welcoming neighborhood spaces where they can interact with others and participate in public discussion.

- 7) People in Multnomah County will have a public library system supported by stable funding adequate to meet the above goals.
2. To direct the Library to develop a three to five year strategic plan based on these endorsed goals.

ADOPTED this 15th day of September 2005.

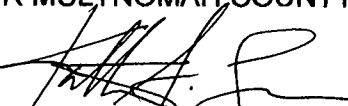


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Katie A. Lane, Assistant County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: R-7
Est. Start Time: 10:45 AM
Date Submitted: 08/15/05

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Authorizing Staff to Initiate Proceedings to Legalize Clara Smith County Road No. 624, Deverell County Road No. 554, and Portion of Salzman County Road No 345**

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

Date Requested:	September 15, 2005	Time Requested:	5 minutes
Department:	Community Services	Division:	Land Use & Transportation
Contact(s):	Robert Maestre		
Phone:	503-988-5050	Ext.	50001
I/O Address:	455/2 nd		
Presenter(s):	Robert Maestre and Robert Hovden		

General Information

1. What action are you requesting from the Board?

Approval to initiate proceedings under ORS 368.201 to ORS 368.221 to legalize Clara Smith County Road No. 624, Deverell County Road No. 554, and a portion of Salzman County Road No. 345.

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

The need to set the record straight on the location of roads in Oregon has been a concern since the middle of the nineteenth century. A process called legalization is used to clarify the record of the right-of-way boundaries of a road when the "as traveled" or actual paved road does not match the historical record.

Legalization of Clara Smith, Deverell and Salzman Roads in their current locations will establish accurate records for these roads, and any previous right of way which lies outside of these new legalized road alignments will be vacated. These legalizations will enable the county and adjacent property owners to determine the limits of the county road easement, which will improve property management for both parties.

Salzman Road was established as County Road No. 345 in 1883, Deverell Road was established as County Road No. 554 in 1892, and Clara Smith Road was established as County Road No. 624 in 1896. These roads have been traveled in their present locations for more than ten years, and their present as-traveled locations do not conform to the existing county records.

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

Current county staff will perform the work to legalize these roads as part of their regular duties.

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

Road legalization requires following procedures set forth in ORS 368.201 through ORS 368.221, as follows:

- a. The governing body will initiate proceedings to legalize a county road;
- b. The road will be surveyed to determine location of the road and the width of the road;
- c. The County road official will file a written report with the governing body;
- d. Notice of the proceedings for legalization will be provided by service to abutting land and by posting; and
- e. A Public Hearing will be held and a final order issued by the governing body.

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

- a. A Notice of the Proceedings for Legalization will be provided by mail to abutting land owners and by posting; and,
- b. A Public Hearing will be held to consider public questions and comments.

Required Signatures

Department/
Agency Director:

Robert A. Maestre

Date: 08/15/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Staff to Initiate Proceedings to Legalize Clara Smith County Road No. 624, Deverell County Road No. 554, and Portion of Salzman County Road No 345

The Multnomah County Board of Commissioners Finds:

- a. ORS 368.201 to ORS 368.221 establishes the process and procedures the County must follow to "legalize" a county road when there are irregularities in the County's records with respect to the legal description or otherwise for the road.
- b. ORS 368.201 (3) allows a county governing body to initiate proceedings to legalize county roads where the road as traveled and used for 10 years or more does not conform to the road as described in the county records.
- c. A portion of Salzman County Road No. 345 as traveled and used for at least the past ten years from Larch Mountain Road southerly, about 0.9 miles to the end of the paved road way, does not conform to the existing record.
- d. A portion of Deverell County Road No. 554 as traveled and used for at least the past ten years from Loudon Road easterly, about 2 miles to Larch Mountain Road does not conform to the existing record.
- e. A portion of Clara Smith County Road No. 624 as traveled and used for at least the past ten years from Corbett Hill Road easterly, about 0.5 miles does not conform to the existing record.

The Multnomah County Board of Commissioners Resolves:

1. Pursuant to ORS 368.201, authorization to initiate proceedings to legalize portions of Clara Smith County Road No. 624, Deverell County Road No. 554 and Salzman County Road No. 345 is hereby granted.
2. The County Surveyor is directed to survey these roads to determine the location of the road and the width of the road in compliance with ORS 368.206 (1) (a).
3. The County Engineer is directed to file a written report with the governing body including the above referenced survey and any other information required by the governing body in compliance with ORS 368.206(1) (b).

4. The County Engineer shall set this matter for further proceedings for legalization of the above mentioned county roads before this Board and as required under ORS 368.206(1) (c), shall provide notice of such proceedings under ORS 368.401 to 368.426 by service to owners of abutting land and by posting.

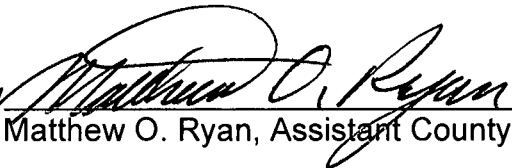
ADOPTED this 15th day of September, 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-158

Authorizing Staff to Initiate Proceedings to Legalize Clara Smith County Road No. 624, Deverell County Road No. 554, and Portion of Salzman County Road No 345

The Multnomah County Board of Commissioners Finds:

- a. ORS 368.201 to ORS 368.221 establishes the process and procedures the County must follow to "legalize" a county road when there are irregularities in the County's records with respect to the legal description or otherwise for the road.
- b. ORS 368.201 (3) allows a county governing body to initiate proceedings to legalize county roads where the road as traveled and used for 10 years or more does not conform to the road as described in the county records.
- c. A portion of Salzman County Road No. 345 as traveled and used for at least the past ten years from Larch Mountain Road southerly, about 0.9 miles to the end of the paved road way, does not conform to the existing record.
- d. A portion of Deverell County Road No. 554 as traveled and used for at least the past ten years from Loudon Road easterly, about 2 miles to Larch Mountain Road does not conform to the existing record.
- e. A portion of Clara Smith County Road No. 624 as traveled and used for at least the past ten years from Corbett Hill Road easterly, about 0.5 miles does not conform to the existing record.

The Multnomah County Board of Commissioners Resolves:

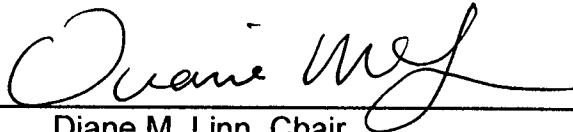
1. Pursuant to ORS 368.201, authorization to initiate proceedings to legalize portions of Clara Smith County Road No. 624, Deverell County Road No. 554 and Salzman County Road No. 345 is hereby granted.
2. The County Surveyor is directed to survey these roads to determine the location of the road and the width of the road in compliance with ORS 368.206 (1) (a).
3. The County Engineer is directed to file a written report with the governing body including the above referenced survey and any other information required by the governing body in compliance with ORS 368.206(1) (b).

4. The County Engineer shall set this matter for further proceedings for legalization of the above mentioned county roads before this Board and as required under ORS 368.206(1) (c), shall provide notice of such proceedings under ORS 368.401 to 368.426 by service to owners of abutting land and by posting.

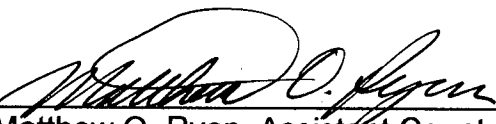
ADOPTED this 15th day of September, 2005.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: R-8
Est. Start Time: 10:50 AM
Date Submitted: 08/22/05

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing a Pedestrian and Bicycle Bridge Over Beaver Creek and Performing Stream Bank Restoration Work

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

Date Requested: September 15, 2005 Time Requested: 5 minutes
Department: Community Services Division: Land Use & Transportation Program
Contact(s): Stan Ghezzi, County Engineer - Patrick J. Hinds, Project Support
Phone: 503-988-5050 Ext. 83712 I/O Address: 455 / 215
Presenter(s): Patrick Hinds

General Information

1. What action are you requesting from the Board?

We are requesting that the Board approve the resolution authorizing the Land Use and Transportation Program to begin negotiations for the purchase of real property associated with the construction of a pedestrian bridge over Beaver Creek in the City of Troutdale and to use condemnation if necessary.

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

On February 24, 2005, this Board adopted Resolution No. 05-032 authorizing the acquisition of certain property interests through condemnation, if necessary, including amongst other properties, certain temporary real property easements more particularly described in Exhibits A and D to Resolution No. 05-032.

At that time it was estimated, based on the project engineer's experience with similar stream bank and slope repair projects, that a two-year period was a sufficient amount of time to perform the repair work, and for the revegetation to take hold. The final permit for this project was issued by the

Corps of Engineers, on July 15, 2005. This permit was issued with the condition, included in the Biological Opinion of the National Marine Fishery Service, that "All restoration activities shall be monitored for five years to ensure performance." Accordingly, this matter is being brought back to the Board for authorization to acquire the necessary property interests.

The present bridge on Historic Columbia River Highway located in the City of Troutdale is a narrow bridge that presents a dangerous crossing, especially for the increasing number of bicyclists and pedestrians using this bridge. The City of Troutdale operates a park adjacent to the bridge and a small portion of the City Park will be required for the proposed new bike/pedestrian bridge. The proposed bridge will reduce congestion and greatly improve safety at this crossing.

Recommendations from regulatory agencies (National Oceanic and Atmospheric Administration and the Oregon Dept. of Fish and Wildlife) have suggested that we add stream bank restoration work to our project. The restoration work will help reduce scouring of the bank in the vicinity of the bridge; restore stream bank vegetation that has been eroded by the stream, thereby helping to stabilize the bank, and the restoration work will benefit endangered fish species that are found in Beaver Creek.

Additionally, the stream-bank scour protection was recommended by NOAA and ODF&W as a best management practice solution.

After providing extensive opportunities for public involvement and design review by citizens, Friends of Beaver Creek, Division of State Lands, Oregon Department of Fish and Wildlife, Army Corps of Engineers, State Historic Preservation Office, consultants David Evans and Associates, the City of Troutdale, and Multnomah County Land Use and Transportation Program, a bridge design was selected that accomplishes the Land Use and Transportation Program's safety goal while maintaining the historic character of this scenic area.

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

This is a one-time expenditure for materials and construction activities. Maintenance expenses are not expected to significantly increase over current costs to maintain the bridge. Multnomah County will provide \$245,000 for this project. The Oregon Transportation Investment Act will provide approximately \$1,500,000 for this project.

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

Negotiations to purchase impacted property at fair market value will be made in good faith. No relocation assistance is required for this project. The impacted properties are a large residential lot with a single family home and vacant land. The properties are described on the attached Exhibits A, and B of the Resolution. If real property cannot be purchased through negotiations, the use of condemnation may be necessary as the present right of way can not accommodate the proposed improvements.

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

In addition to a City of Troutdale Council meeting, two separate public meetings were held. The Land Use and Transportation Program received comments and design review from the Division of State Lands, the Oregon Department of Fish and Wildlife, the U.S. Army Corps of Engineers; the State Historic Preservation Office, and Friends of Beaver Creek, a local community group.

Required Signatures

**Department/
Agency Director:**

Robert A. Maestre

Date: 08/22/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing a Pedestrian & Bicycle Bridge Over Beaver Creek and Performing Stream Bank Restoration Work

The Multnomah County Board of Commissioners Finds:

- a. On February 24, 2005 this Board adopted Resolution No. 05-032 authorizing the acquisition of certain property interests through condemnation if necessary, including amongst other properties, certain temporary real property easements more particularly described in Exhibits A and D to Resolution No.05-032. At that time it was understood the County would only need the easements for a period of two years.
- b. The County has since learned that these temporary easements will need to be for a period of five years not two years, accordingly this matter is brought back to the Board to seek authorization for the acquisition of the full necessary property interests.
- c. It is necessary for Multnomah County to acquire the real property more particularly described in the attached Exhibits A and B, (the property) for the purpose of improving a portion of the Historic Columbia River Highway, a county road, by constructing a pedestrian and bicycle bridge over Beaver Creek and performing restoration work along the creek bank (collectively referred to as the "Project").
- d. The Project is supported by the local community because the new bridge will provide a more convenient and safer alternative route over Beaver Creek for pedestrians and bicyclists than the existing historic but narrow multi-use bridge, which will be retained for vehicle use.
- e. The Project area is in the City of Troutdale.
- f. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury. Attached is a map identified as Exhibit C, which shows the approximate location of the Project and the property interests to be acquired.
- g. It is necessary to acquire immediate possession of the property interests described herein to allow construction to proceed and be completed on schedule and within budgetary limitations.

The Multnomah County Board of Commissioners Resolves:

1. It is necessary to acquire the property interests described herein for the Project.

2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
4. It is necessary to obtain possession of such property as soon as possible to allow construction to proceed and be completed on schedule within budgetary limitations.
5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the property as soon as possible.
6. There is authorized the creation of a fund in the amount of the estimate of just compensation for the property which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the Road Fund of the County in such sum for deposit.

ADOPTED this 15th day of September, 2005.

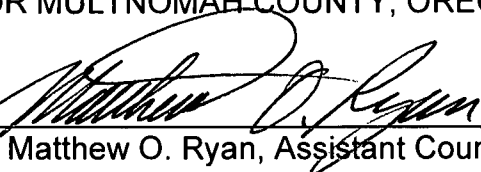
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

Temporary easement for construction and stream restoration work for a period of five years over the following property:

A tract of land situated in the S.E. one-quarter of Section 25, Township 1 North, Range 3 East, W.M., Multnomah County, Oregon, being more particularly described as follows:

Commencing at a 1" iron pipe marking the point of intersection of two tangents of that 190.80 foot radius curve beginning at Station 528+86.71 and ending at Station 531+49.66 of Historic Columbia River Hwy., County Road No. 917; thence N62°12'54"E, along the easterly tangent line and the centerline of said Historic Columbia River Highway, a distance of 252.09 feet to Centerline Station 532+44.57 of said Historic Columbia River Highway; thence S27°47'06"E, a distance of 30.00 feet to a point on the southeasterly right-of-way line of said Historic Columbia River Highway; thence S27°47'06"E, a distance of 20.00 feet; thence S72°47'06"E, a distance of 42.43 feet to the point of beginning of the herein described tract of land; thence S72°47'06"E, a distance of 61 feet more or less to the centerline of Beaver Creek; thence northeasterly, along said creek centerline, a distance of 45 feet more or less to a point being 80.00 feet southeasterly of, when measured at right angles to, said Historic Columbia River Highway centerline; thence S62°12'54"W, parallel to said centerline, a distance of 54 feet, more or less, to the point of beginning. Bearing and Station information is based on centerline data per SN 59069, Multnomah County Survey Records, and by said reference is made a part thereof.

Containing 1,110 feet more or less. All Bearing, Station and Centerline information is based on data per SN 59069, Multnomah County Survey Records.

EXHIBIT B

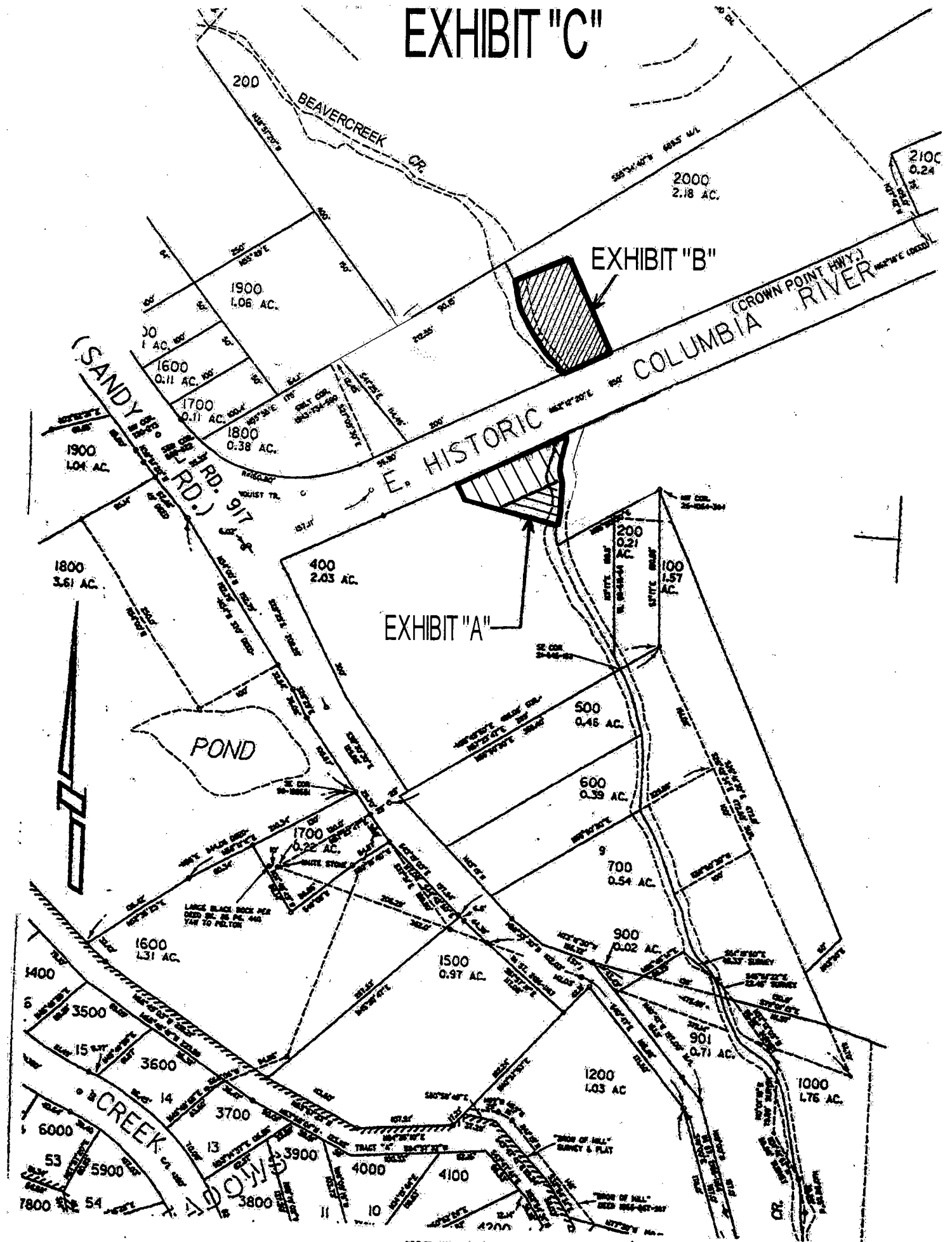
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Containing 8, 567 feet more or less. All Bearing, Station and Centerline information is based on data per SN 59069, Multnomah County Survey Records.

EXHIBIT "C"



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-159

Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing a Pedestrian and Bicycle Bridge Over Beaver Creek and Performing Stream Bank Restoration Work

The Multnomah County Board of Commissioners Finds:

- a. On February 24, 2005 this Board adopted Resolution No. 05-032 authorizing the acquisition of certain property interests through condemnation if necessary, including amongst other properties, certain temporary real property easements more particularly described in Exhibits A and D to Resolution No.05-032. At that time it was understood the County would only need the easements for a period of two years.
- b. The County has since learned that these temporary easements will need to be for a period of five years not two years, accordingly this matter is brought back to the Board to seek authorization for the acquisition of the full necessary property interests.
- c. It is necessary for Multnomah County to acquire the real property more particularly described in the attached Exhibits A and B, (the property) for the purpose of improving a portion of the Historic Columbia River Highway, a county road, by constructing a pedestrian and bicycle bridge over Beaver Creek and performing restoration work along the creek bank (collectively referred to as the "Project").
- d. The Project is supported by the local community because the new bridge will provide a more convenient and safer alternative route over Beaver Creek for pedestrians and bicyclists than the existing historic but narrow multi-use bridge, which will be retained for vehicle use.
- e. The Project area is in the City of Troutdale.
- f. The Project has been planned and located in a manner that is most compatible with the greatest public good and the least private injury. Attached is a map identified as Exhibit C, which shows the approximate location of the Project and the property interests to be acquired.
- g. It is necessary to acquire immediate possession of the property interests described herein to allow construction to proceed and be completed on schedule and within budgetary limitations.

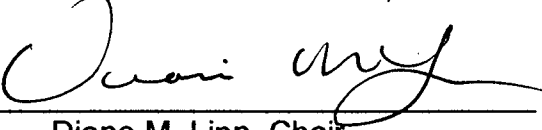
The Multnomah County Board of Commissioners Resolves:

1. It is necessary to acquire the property interests described herein for the Project.
2. In the event that no satisfactory agreement can be reached with the owners of the property as to the purchase price, legal counsel is authorized and directed to commence and prosecute to final determination such condemnation proceedings as may be necessary to acquire the property. Such action shall be in accordance with all applicable laws, rules, and regulations governing such acquisition.
3. Upon final determination of any such proceeding, the deposit of funds and payment of judgment conveying the property to the County is authorized.
4. It is necessary to obtain possession of such property as soon as possible to allow construction to proceed and be completed on schedule within budgetary limitations.
5. Legal counsel is authorized and directed to take such action in accordance with law to obtain possession of the property as soon as possible.
6. There is authorized the creation of a fund in the amount of the estimate of just compensation for the property which shall, upon obtaining possession of the property, be deposited with the Clerk of the Court wherein the action was commenced for the use of the defendants in the action, and the Director of the Finance Division is authorized to draw a warrant on the Road Fund of the County in such sum for deposit.

ADOPTED this 15th day of September, 2005.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT A

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EXHIBIT B

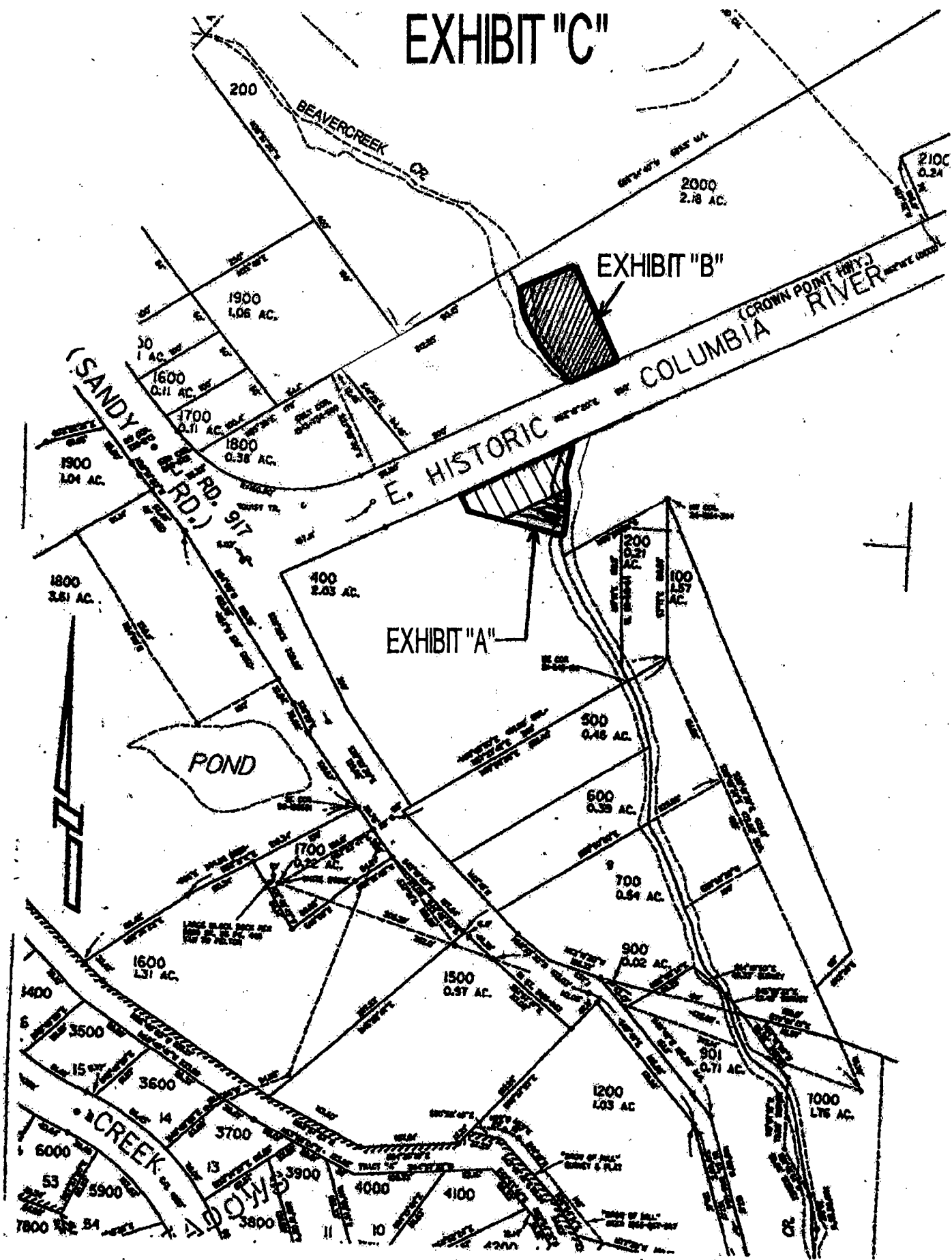
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EXHIBIT "C"





MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: R-9
Est. Start Time: 10:55 AM
Date Submitted: 08/31/05

BUDGET MODIFICATION: -

First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the Environmental Code Improvement Project and Fee Schedule for Land Use Services and
Agenda Title: Environmental Violation Review and Plan Check Processes in compliance with Metro's Functional Plan and Declaring an Emergency

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

Date Requested:	September 15, 2005	Time Requested:	5 minutes
Department:	Community Services	Program:	Land Use & Transportation
Contact(s):	Karen Schilling		
Phone:	503-988-3043	Ext.	29635
Presenter(s):	Karen Schilling	I/O Address:	455/116

General Information

1. What action are you requesting from the Board?

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

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

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

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

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

NA

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

State law requires a notice be placed in a newspaper of general circulation 10 days prior (9/5/05) to the BCC hearing. We request adoption of this ordinance by emergency to closely align with the City of Portland effective date (9/26/05) as stated in the IGA. The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

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

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

Required Signatures

Department/
Agency Director:

Robert A. Maestre

Date: 08/31/05

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. ____

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the Environmental Code Improvement Project and the Fee Schedule for Land Use Services and Environmental Violation Review and Plan Check Processes in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On June 30, 2005, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1066.
- f. Since the adoption of Ordinance 1066, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1 through 4. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 4, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance adopting the Environmental Code Improvement Project and related amendments to the Portland zoning Code Chapter 33.430 (PDX Ord. #179540)	9/26/05
2	Adopted Report; Environmental Code Improvement Project	8/24/05
3	Ordinance adopting the amendments to fee schedule for Land Use Services to add fees for new Environmental Violation Review and Plan Check Processes (PDX Ord. #179541)	9/26/05
4	Exhibit A – Amendments to Land Use Services Fee Schedule.	9/26/05

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

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

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

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting the Environmental Code Improvement Project and related amendments to the Portland zoning Code Chapter 33.430 (**PDX Ord. #179540**)
2. Adopted Report; Environmental Code Improvement Project
3. Ordinance adopting the amendments to fee schedule for Land Use Services to add fees for new Environmental Violation Review and Plan Check Processes (**PDX Ord. #179541**)
4. Exhibit A – Amendments to Land Use Services Fee Schedule.

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1067

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Plan and Map Revisions Related to the Adoption of the Environmental Code Improvement Project and the Fee Schedule for Land Use Services and Environmental Violation Review and Plan Check Processes in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On June 30, 2005, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1066.
- f. Since the adoption of Ordinance 1066, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.

- h. The City Council adopted the land use code, plan and map amendments, set out in Section 1 below and attached as Exhibits 1 through 4. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

Multnomah County Ordains as follows:

Section 1. The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 4, effective on the same date as the respective Portland ordinance:

Exhibit No.	Description	Effective / Hearing Date
1	Ordinance adopting the Environmental Code Improvement Project and related amendments to the Portland zoning Code Chapter 33.430 (PDX Ord. #179540)	9/26/05
2	Adopted Report; Environmental Code Improvement Project	8/24/05
3	Ordinance adopting the amendments to fee schedule for Land Use Services to add fees for new Environmental Violation Review and Plan Check Processes (PDX Ord. #179541)	9/26/05
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Section 3. In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

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

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

FIRST READING AND ADOPTION:

September 15, 2005



BOARD OF COUNTY COMMISSIONERS,
FOR MULTNOMAH COUNTY, OREGON



Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Sandra Duffy, Assistant County Attorney

EXHIBIT LIST FOR ORDINANCE

1. Ordinance adopting the Environmental Code Improvement Project and related amendments to the Portland zoning Code Chapter 33.430 (**PDX Ord. #179540**)
2. Adopted Report; Environmental Code Improvement Project
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ORDINANCE No.

179540 As Amended

Amend Zoning Code to clarify, simplify and streamline Environmental Zones and authorize the transfer of in-lieu fees for site enhancement to a watershed revegetation fund (Ordinance: amend Code Chapter 33.430)

The City of Portland Ordains:

Section 1. The Council finds:

General Findings

1. In April of 1995, the City amended Chapter 33.430 as part of the Environmental Zone Streamline Project to improve the operating efficiency of the environmental zone regulations and to meet periodic review requirements of the LCDC. The improvements included creation of clear and objective environmental development standards and a simplified, non-discretionary review track for project proposals that meet those standards.
2. In July of 1997, the City amended Chapter 33.430 as part of a continuing effort to streamline the environmental zone regulations. The proposed amendments included clear and objective standards for utility connections and stormwater outfalls. The Planning Commission approved only the standards for utility connections to existing utility lines at that time. Stormwater outfall proposals remained subject to the environmental review process, including an analysis to determine which project alternative would have the least significant detrimental impacts on significant resources.
3. In July of 1999, the City adopted the Stormwater Management Manual (SWMM) which includes a "Destination/Disposal Hierarchy" for use in determining what type of stormwater disposal facilities are most appropriate for a specific site and project. Application of the hierarchy requires consideration of different stormwater facility alternatives depending on soil type, slope, and other factors relating to the safety, water quantity, and water quality of individual sites and proposals. As such, the SWMM hierarchy generally duplicates and supersedes the alternatives analysis of the environmental review.
4. In June of 2002, the City Council initiated the Regulatory Improvement Initiative which was the beginning of the Council's charge to establish a process for continuous improvements to the City's regulations, procedures, costs, and customer service. The Mayor's office launched an extensive public outreach program to identify problematic regulations and developed a prioritized list from which to work. Some of the regulations identified as top priority are found in the environmental zoning chapter of the Portland Zoning Code and are included in this project.
5. The Environmental Code Improvement (ECI) project began in November of 2002 and supports and forwards the purposes of the environmental zones to conserve and protect natural resource values and functions, while making the program more efficient, equitable, and

cost-effective. The project addresses some of the issues raised during the former Healthy Portland Streams project, as well as a number of additional items.

6. On March 29, 2005 the Planning Commission held a public hearing and received testimony about the project. On April 26, May 10, and June 14, the Planning Commission held work sessions to discuss and resolve issues concerning amendments to the environmental violation procedure changes, the stormwater outfall development standards, changes to the environmental plan check notification process, and several proposed clarifications/additions to the exemption section and development standards section. At the end of the June 14th work session the Planning Commission voted to recommend the Environmental Code Improvement Project, with revisions, to the City Council for adoption.
7. The project amendments to code and procedures will clarify, simplify and streamline Portland's environmental zone regulations primarily by modifying and/or creating new exemptions and development standards. The amendments also include a fee-in-lieu of option in the development standards that apply to development projects for additions to existing development. When additions are proposed the usual process includes environmental review; the proposed modification would allow a streamlined review instead of environmental review in exchange for some site improvements such as nuisance plant removal, or payment of a fee-in-lieu-of site improvements. The fees collected would be directed to the Bureau of Environmental Services Watershed Revegetation group to be used for planting projects within the same watershed. The goals of the revision are to encourage site enhancements such as native plantings, removal of impervious surfaces, or planting stormwater bioswales in exchange for a faster and cheaper review process for building additions that stay within existing disturbance areas.
9. The establishment of a Watershed Revegetation fund must be authorized by the Council in order to collect and administer the fee-in-lieu-of option. The fee will be spent on revegetation projects on public property in the same watershed as the development that pays the fee.
10. The amendments also clarify allowances for various maintenance activities and broaden allowances for outdoor uses such as vegetable gardens and pruning of vegetation near structures to reduce risks associated with wildfire. New standards also would provide a streamlined review process for certain public recreational trail projects, small right-of-way projects, and small stormwater outfalls. The proposal also revises the City's process to review and remedy environmental violations. The revised process is more proportional to the violation situation, will remedy the violation more quickly, and will be more cost-effective than the current process. New administrative rules are being developed to guide the assessment of additional fines to discourage repeat violation situations. New public notification procedures for environmental plan checks will be clearer and will eliminate unnecessary permitting delays.

Statewide Planning Goals Findings

- 11 State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with the state land use goals.
12. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. Portland Comprehensive Plan findings on Goal 9, Citizen Involvement, and its related policies and objectives also support this goal. The Environmental Code Improvement process has provided numerous opportunities for public involvement:
 - a) In January 2004 Planning Bureau project staff convened the first stakeholder group for the Environmental Code Improvement project. Stakeholders included representatives from neighborhood associations, small business and home builder organizations, special districts, friends groups and watershed councils, planning consultants, and other city burcaus. Stakeholder groups were formed for three of the topics addressed by the project: environmental violations review, resource enhancement project review, and public recreational trail project review processes. The stakeholder groups met an average of once every three weeks, and continued through October 2004. Staff also consulted with city and community stakeholders on an ad hoc basis for the other project topics
 - b) On September 9, 2004 the Development Review Advisory Committee (DRAC) received a briefing and discussed the project.
 - c) On September 27, 2004 the Citywide Land Use Subcommittee received a briefing and discussed the project.
 - d) On November 30, 2004 the "in-house" draft was mailed to all stakeholder committee representatives and other participants for review and comment.
 - e) On January 24, 2005, the Citywide Land Use Group was briefed for a second time and provided up-to-date information and additional detail about the project.
 - f) On March 1, 2005, Bureau of Planning staff presented an "Environmental Planning 101" overview and participated in a work session with Citywide Land Use Group members. Portland City Council members and their staff were invited and the session was open to the public.
 - g) On March 2, 2005, a public review draft of the Environmental Code Improvement Project was made available and was distributed to stakeholders, participating or interested City Bureau representatives, and interested individuals.
 - h) On March 29, 2005, the Portland Planning Commission held a public hearing and accepted testimony on the proposed draft report for the Environmental Code Improvement Project. The Planning Commission held three subsequent work sessions

to discuss specific topics and resolve issues and included members of the stakeholder groups in the discussions. At the last work session on June 14, 2005, the Planning Commission unanimously approved the revised report and recommended adoption by the City Council.

- i) On August 10, 2005, the City Council held a hearing on the Environmental Code Improvement ordinance.
13. **Goal 2, Land Use Planning**, requires the development of a process and policy framework which acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The proposed amendments to the Zoning Code support this goal. Development of the amendments followed established city procedures for legislative actions. Portland Comprehensive Plan findings on Goal 1, Metropolitan Coordination, and its related policies and objectives also support this goal.
14. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments are consistent with this goal because they continue existing City policy to conserve and protect significant natural resources as identified in City-adopted natural resource inventories, protection plans, and the environmental zone regulations. The amendments will further foster this goal by simplifying review requirements for resource enhancement projects and providing incentives to enhance disturbed sites through a streamlined permit process instead of a costly review process. The amendments also establish a new process that will allow environmental violations to be remediated more quickly than the current process. The amendments do not modify adopted ESEE analyses, zoning maps, or the comprehensive plan. Portland Comprehensive Plan findings on Goal 8, Environment, and related policies and objectives also support this goal.
15. **Goal 6, Air, Water and Land Resource Quality**, requires the maintenance and improvement of the quality of air, water and land resources. The amendments are consistent with this goal because they will make the regulations clearer and easier to implement. The amendments also simplify review requirements for resource enhancement projects and provide incentives to enhance disturbed sites through a streamlined permit process. The amendments further support this goal by clarifying the exemption for removal of nuisance plants to reduce risk of erosion. Portland Comprehensive Plan findings on Goal 8, Environment, and related policies and objectives also support this goal.
16. **Goal 7, Areas Subject to Natural Disasters and Hazards**, requires the protection of life and property from natural disasters and hazards. The amendments are consistent with this goal because they continue to guide development away from steep slopes and floodplains, reduce risk of erosion, and broaden allowances for pruning of vegetation to protect structures that are located in wildfire hazard areas.
17. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments are consistent with this goal. Public

trails have been specifically recognized by the project participants for the recreational, transportation, and public health amenities they provide. The amendments include clearer and broader exemptions for certain trail projects and maintenance activities. Revised development standards will allow additional trail projects to be reviewed through the streamlined environmental plan check process which reduces the time and cost of the review.

18. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments are consistent with this goal because they will reduce the time and cost for review of certain types of project proposals and protecting natural resources. Portland Comprehensive Plan findings on Goal 5, Economic Development, and related policies and objectives also support this goal.
19. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments are consistent with this goal as they include new provisions that will reduce the time and cost of permitting for alterations to existing development such as adding on to an existing home.
20. **Goal 12, Transportation**, requires provision of a safe, convenient and economic transportation system. The amendments are consistent with this goal as they include new standards that will allow a streamlined review process for certain right-of-way projects. These amendments are expected to enhance the economic viability of some projects. Portland Comprehensive Plan findings on Goal 6, Transportation, and related policies and objectives also support this goal.

Metro Urban Growth Management Functional Plan Findings

21. State land use planning statutes require cities and counties within the Metropolitan Service District boundary to amend comprehensive plans and land use regulations in compliance with the provisions of the Urban Growth Management Functional Plan (UGMFP). Because of the limited scope of the amendments in this ordinance, only the UGMFP Titles addressed below apply.
22. **Title 3, Water Quality and Flood Management Conservation**, calls for the protection of the beneficial uses and functional values of resources within Metro-defined Water Quality Resource Areas and Flood Management Areas by avoiding, limiting or mitigating the impact of development in these areas. Metro has deemed Portland's environmental zoning to be in substantial compliance with Title 3 of the UGMFP. The amendments are consistent with this title in that they maintain the ability of the City's existing environmental zoning program to conserve and protect significant natural resources and to ensure that impacts on significant resources continue to be avoided, minimized and mitigated.

23. **Title 8, Compliance Procedures**, outlines compliance procedures for amendments to comprehensive plans and implementing ordinances. On November 23, 2004 the 45-thy notice and 2 copies of the draft report were mailed to DLCD for consideration of the amendments. A copy of the DLCD 45-thy notice and one copy of the draft report were mailed to Metro and the Multnomah County Commission on the same date. On February 3, 2005, an update of the first evidentiary hearing date was mailed to DLCD, Metro, and the Multnomah County Commission. A copy of the final report with the ordinance and findings that are consistent with state goals and Metro's Functional Plan will be mailed to DLCD, Metro, and the Multnomah County Commission 5 days after the final hearing.

Portland Comprehensive Plan Goals Findings

24. The City's Comprehensive Plan was adopted by the Portland City Council on October 16, 1980, and was acknowledged as being in conformance with the statewide planning goals by the Land Conservation and Development Commission (LCDC) on May 1, 1981. On May 26, 1995, and again on January 25, 2000, the LCDC completed its review of the City's final local periodic review order and periodic review work program, and reaffirmed the plan's compliance with the statewide planning goals.
25. This ordinance amends the certain portions of the Portland Zoning Code pertaining to environmental zones. The amendments do not change the Comprehensive Plan, official zoning maps, or any property regulated under the Columbia South Shore Plan District environmental regulations or natural resource management plan.
26. During the course of public hearings, the Bureau of Planning, the Planning Commission, and the City Council provided all interested parties opportunities to identify, either orally or in writing, any other Comprehensive Plan goal, policy or objective that might apply to the amendments. No additional provisions were identified. Therefore, the amendments satisfy the applicable existing Comprehensive Plan goals, policies and objectives for the reasons stated below.
27. **Goal 2, Urban Development**, calls for maintenance of Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments are consistent with this goal because they add new environmental development standards that expand the use of the streamline process, simplify the review process, and reduce the cost of development review.
28. **Goal 3, Neighborhoods**, calls for preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments are consistent with this goal because they continue to support the adopted City Economic, Social, Environmental, and Energy (ESEE) analyses. These ESEE analyses evaluated the consequences of allowing, limiting or prohibiting uses that would conflict with identified natural resources, many of which are located within existing neighborhoods. Based on these analyses the City determined the appropriate level of

resource protection to apply. Significant natural resources were given limited protection where impacts on development opportunities outweighed the impacts on resources.

29. **Policy 4.3, Sustainable Housing**, calls for encouraging housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to public transit and other efficient modes of transportation, easy access to services and parks, resource efficient design and construction, and the use of renewable energy resources. The amendments continue the city's policy to foster efficient use of land and conservation of the natural resources that have been identified in the city's resource inventory.
30. **Objective D**, calls for fostering flexibility in the division of land and the siting of buildings, and other improvements to reduce new development's impacts on environmentally sensitive areas. The amendments support this objective by maintaining flexible standards for setbacks and lot sizes to allow placement or clustering of development away from the natural resources on a site. The amendments further support this objective by establishing a new standard to set construction back from resource areas at the rear of a site.
31. **Goal 5, Economic Development**, calls for promotion of a strong and diverse economy which provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because they continue to implement the ESEE decisions that reflect consideration of the economic impacts of protecting natural resources, and that provide a balance between protection of significant resources and allowing development in key employment areas.
32. **Goal 6, Transportation**, calls for protection of the public interest and investment in the public right-of-way and transportation system by encouraging development of a balanced, affordable and efficient transportation system consistent with the Arterial Streets Classifications and Policies by:
 - Providing adequate accessibility to all planned land uses;
 - Providing safe and efficient movement of people and goods while preserving, enhancing, or reclaiming neighborhood livability;
 - Minimizing the impact of inter-regional trips on City neighborhoods, commercial areas, and the City street system by maximizing the use of regional trafficways and transitways for such trips;
 - Reducing reliance on the automobile and per capita vehicle miles traveled;
 - Guiding the use of the city street system to control air pollution, traffic, and livability problems; and
 - Maintaining the infrastructure in good condition.

The amendments are consistent with this goal in that they establish new standards and an associated streamlined review option for minor street improvements that limit disturbance in areas with significant environmental value.

33. **Goal 7, Energy**, calls for promotion of a sustainable energy future by increasing energy efficiency in all sectors of the city by ten percent by the year 2000. The amendments are consistent with this goal because they support continued implementation of the City's ESEE decisions which reflect an analysis of the energy savings provided by conserving and protecting significant natural resources such as tree canopy and vegetation.
34. **Goal 8, Environment**, calls for maintenance and improvement of the quality of Portland's air, water, and land resources, as well as protection of neighborhoods and business centers from noise pollution. The amendments are consistent with this goal because they clarify portions of the environmental regulations that directly affect land and water quality. They also provide additional streamlined review options for a broader array of projects as long as they are consistent with environmental standards. For example, the amendments will simplify the permitting process for resource enhancement projects and will encourage enhancement of site conditions by offering a streamlined review process for alterations to existing development. The amendments will establish a faster process for remediation of environmental violations.
35. **Policy 8.5, Interagency Cooperation - Water Quality**, calls for continuing cooperation with federal, state and regional agencies involved with the management and quality of Portland's water resources. The amendments support this policy because they are consistent with Title 3 of the Metro's Urban Growth Management Functional Plan, and because federal and state agencies were appraised of the project goals and outcomes and expressed no concerns.
36. **Goal 9, Citizen Involvement**, calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process. The project and the amendments are consistent with this goal because there was early public involvement for all aspects of the project, including collaborative problem definition, goal setting and desired outcomes, development of solution concepts, and early review of documents.
37. **Goal 11 C, Sanitary and Stormwater Facilities**, calls for an efficient, adequate, and self--supporting wastewater collection treatment and disposal system which will meet the needs of the public and comply with federal, state and local clean water requirements. The amendments support this goal because they provide a streamlined review process for certain stormwater outfall proposals that meet clear and objective standards and are consistent with the stormwater management regulations of Title 17 of City Code.
38. **Goal 11 F, Parks and Recreation**, calls for maximizing the quality, safety and usability of park lands and facilities through the efficient maintenance and operation of park improvements, preservation of parks and open space, and equitable allocation of active and passive recreation opportunities for the citizens of Portland. The amendments support this goal because they clarify regulatory exemptions for public trail projects and trail maintenance. The amendments further provide clear and objective standards and a streamlined review option for a broader set of public recreational trail projects. This will reduce the cost and time involved with reviewing certain trail projects while encourage environmentally sensitive trail design.

39. **Goal 11 G, Fire**, calls for the development and maintenance of facilities that adequately respond to the fire protection needs of Portland. The amendments support this goal because they provide additional allowances for the pruning of vegetation that grows close to a structure for those areas of the city that are on the wildfire hazard map.
40. **Goal 12, Urban Design**, calls for the enhancement of Portland as a livable city, attractive in its setting and dynamic in its urban character by preserving its history and building a substantial legacy of quality private developments and public improvements for future generations. The amendments are consistent with this goal because they ensure the continued protection and conservation of Portland's significant natural resources while allowing development that minimizes disturbance and destruction of the resources.

NOW, THEREFORE, the Council directs:

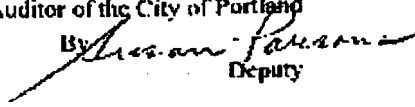
- a. Adopt the Planning Commission Report and Recommendation on the Environmental Code Improvement Project dated August 17, 2005;
- b. Amend Title 33, Planning and Zoning as shown in Exhibit A, the Planning Commission Report and Recommendation on the Environmental Code Improvement Project, dated August 17, 2005,
- c. Adopt the commentary in the Planning Commission Report and Recommendation on the Environmental Code Improvement Project, dated August 17, 2005, as legislative intent and as further findings;
- d. Authorize the transfer of in-lieu fees for site enhancement to a watershed revegetation fund; and
- e. This ordinance shall be in force and effect September 26, 2005.

Passed by the Council,

AUG 24 2005

Mayor Tom Potter
Christine Scarzello
August 17, 2005

GARY BLACKMER
Auditor of the City of Portland

By  Deputy

The Environmental Code Improvement Project



Adopted Report
Ordinance Number 179540



August 24, 2005

Bureau of Planning



ORDINANCE NO.

179541

Amend fee schedule for Land Use Services to add fees for new Environmental Violation Review and Plan Check processes (Ordinance)

The City of Portland Ordains:

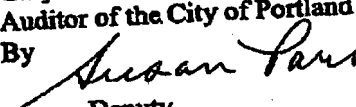
Section 1. The Council finds:

1. The City's Environmental Code Improvement (ECI) Project began in November of 2002 and supports and forwards the purposes of the environmental zones to conserve and protect natural resource values and functions, while making the program more efficient, equitable, and cost-effective. At the end of the June 14, 2005 work session, the City Planning Commission voted to recommend the Environmental Code Improvement Project, with revisions, to the City Council for adoption.
2. The ECI Project amendments revise the City's system for the review and remedy of environmental violations by creating two new processes: the Environmental Violation Plan Check and the Type II Environmental Violation Review. Adding these new processes results in a system that is more proportional to the violation situation, will remedy the violation more quickly, and will be more cost-effective than the existing process.
3. The Bureau of Development Services' Land Use Services Program will be responsible for the implementation and continuance of the Environmental Violation Plan Check and the Type II Environmental Violation Review.
4. Fees proposed by the Bureau of Development Services for the Environmental Violation Plan Check and the Type II Environmental Violation Review are lower than the current Type III Environmental Violation Review fee, and thus will result in significant savings to customers who have environmental violations. The Land Use Services Program is funded through a combination of fees and General Fund support.

NOW, THEREFORE, the Council directs:

- a. The Fee Schedule listed as exhibit A to this ordinance shall be effective September 26, 2005.
- b. This ordinance is binding City policy.

Passed by Council, AUG 24 2005
Commissioner Randy Leonard
Denise Kleim
August 4, 2005

Gary Blackmer
Auditor of the City of Portland
By 
Deputy

City of Portland
Bureau of Development Services

PROPOSED
Land Use Services Fee Schedule

Effective September 26, 2005

Land Use Reviews

<u>Environmental Violation Review (Type II)</u>	<u>\$1,700</u>
<u>Environmental Violation Plan Check</u>	<u>\$500</u>



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: R-10
Est. Start Time: 11:00 AM
Date Submitted: 09/07/05

Agenda Title: **RESOLUTION Establishing Fees and Charges for MCC 11.05 Land Use General Provisions, 11.15 Zoning, 11.45 Land Divisions, 37 Administration and Procedures, 38 Columbia River Gorge National Scenic Area, and Repealing Resolution No. 05-106**

Date Requested: September 15, 2005 Time Requested: 15 minutes
Department: Non-Departmental Division: Chair Diane Linn
Contact(s): Denise Kleim, Sr. Bureau Operations Manager, City of Portland Bureau of Development Services
Phone: (503) 823-7338 Ext. I/O Address: 299/5000/Kleim
Presenter(s): Denise Kleim

General Information

1. What action are you requesting from the Board?

In conjunction with the Ordinance adopted September 15, 2005 amending the County Land Use Code, adopt Resolution creating two new land use services fees and changing two existing land use services fees in the area served by the City of Portland under intergovernmental agreement for MCC Chapter 37, Administration and Procedures, and repealing Resolution No. 05-106. All other fees are unchanged.

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

The City of Portland provides land use services in certain areas of unincorporated Multnomah County under an IGA which stipulates that fees charged for those services must cover the full cost of their provision. On August 24, 2005, the Portland City Council adopted the City's Environmental Code Improvement (ECI) Project, which supports and forwards the purposes of the environmental zones to conserve and protect natural resource values and functions, while making the program more efficient, equitable, and cost-effective.

Currently, all environmental violations are addressed through a Type III Environmental Violation Review. The ECI Project amendments revise this process by creating two lower-level reviews for

addressing less-serious violations: the Environmental Violation Plan Check and the Type II Environmental Violation Review. Adding these new processes results in a system that is more proportional to the violation, will remedy the violation more quickly, and will be more cost-effective than the existing process.

The City is proposing that new fees be established for the Environmental Violation Plan Check and the Type II Environmental Violation Review. Both fees are lower than the current Type III Environmental Violation Review fee, and thus will result in significant savings to customers who have environmental violations.

The City is also proposing adjustments to the existing Type III Environmental Violation Review Fees to bring them in line with actual costs.

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

The fee changes cover actual costs of services as required by the IGA.

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

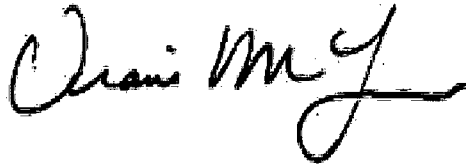
Complies with ORS 294.160 and MCC Chapter 37.

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

The County is holding the public hearing as required under ORS 294.160.

Required Signatures

**Department/
Agency Director:**



Date: 09/07/05

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

MULTNOMAH COUNTY

PROPOSED
Land Use Services Fee Schedule
Effective September 26, 2005

Revised: September 7, 2005

Land Use Reviews

Adjustment Review (Type II)
Residential Use (only)

Fences / Decks / Eaves \$1,200

Lots with existing single-dwelling units \$1,672

All other residential adjustments \$1,565

Non-Residential or Mixed Use \$1,679

Comprehensive Plan Map Amendment (Type III) \$17,903

Conditional Use

Type I \$2,445

Minor (Type II) \$3,276

Major (Type III)

Conditional Use - New \$10,932

Conditional Use - Existing \$5,182

Radio Frequency \$10,932

Demolition / Demolition Delay Extension Review \$3,217
(Type III)

Design Review

.0043 of valuation

Major (Type III)

minimum \$5,547
maximum \$21,997

Minor A (Type I & II)

(except as identified in Minor B)

(includes residential projects with 2 or more units)

minimum \$3,488
maximum \$6,915

MULTNOMAH COUNTY

**PROPOSED
Land Use Services Fee Schedule
Effective September 26, 2005**

Revised: September 7, 2005

Design Review (continued)		
Minor B (Type I & II)	minimum \$785	
--Includes residential projects with 1 unit	maximum \$3,325	
--Improvements under \$5,000		
--Fences, freestanding & retaining walls, gates		
--Parking areas 10,000 sq. ft. or less		
--Awnings, signs, rooftop equipment		
--Colors in historic districts		
--Lighting projects		
--Remodels affecting less than 25 ft. of frontage		
Modifications Through Design Review	\$300	
Environmental Review (Type I)	\$570	
Environmental Review (Type II)		
Residential Use (only)	\$2,129	
Non-residential or mixed use	\$3,129	
Environmental Review Protection Zone (Type III)	\$5,607	
<u>Environmental Violation (Type II)</u>	<u>\$3,329</u>	
Environmental Violation (Type III)	\$9,844	<u>\$5,882</u>
Undividable lot with existing single dwelling unit	\$2,982	<u>\$4,582</u>
Final Plat Review / Final Development Review (for Planned Development or Planned Unit Development) (Type I)		
If preliminary was Type I with no street	\$1,660	
If preliminary was Type I or Iix with a street	\$3,562	
If preliminary was Type II / Iix with no street	\$3,562	
If preliminary was Type III	\$5,936	

MULTNOMAH COUNTY

PROPOSED
Land Use Services Fee Schedule
Effective September 26, 2005

Revised: September 7, 2005

Greenway (Type II)		
Residential Use (only)		\$1,129
Non-residential or mixed use		\$4,114
Historic Landmark Designation		
Individual properties (Type III)		\$3,973
Multiple properties or districts (Type III)		\$4,774
Demolition Review (Type IV)		\$5,247
Impact Mitigation Plan		
Amendment (Minor) (Type II)		\$3,090
Implementation (Type II)		\$3,626
New / Amendment (Major) (Type III)		\$22,662
Amendment (Use) (Type III)		\$6,196
Land Division Review		
Type I		\$5,177 + \$125 per lot, plus \$520 if new street
Type IIx		\$6,504 + \$125 per lot, plus \$520 if new street
Type III		\$9,481 + \$125 per lot, plus \$520 if new street
Subdivision with Concurrent Environmental Review	Type III	\$9,682 + \$150 per lot, plus \$800 if new street
Partition with Concurrent Environmental Review	Type III	\$8,182
Land Division Amendment Review		
	Type I	\$3,112
	Type IIx	\$4,114
	Type III	\$8,443

MULTNOMAH COUNTY

**PROPOSED
Land Use Services Fee Schedule
Effective September 26, 2005**

Revised: September 7, 2005

Lot Consolidation (Type 1)	\$1,300
Master Plan	
Minor Amendments to Master Plans (Type II)	\$7,372
New Master Plans or Major Amendments to Master Plans (Type III)	\$13,630
Non-conforming Situation Review (Type II)	\$4,330
Non-conforming Status Review (Type II)	\$2,229
Planned Development Review	
Type IIx	\$4,127
Type III	\$7,406
Planned Development Amendment / Planned Unit Development Amendment	
Type IIx	\$2,855
Type III	\$8,215
Pre-Application Conference	
Major (Comprehensive Plan Map Amendment, Zone Change, Design Review, Subdivision, Master Plan, and Impact Mitigation Plan)	\$2,100
Minor	\$1,500
Pre-Application Conference for PUD/PD Final Development Plan	\$728
Statewide Planning Goal (Type III)	\$30,215

MULTNOMAH COUNTY

PROPOSED
Land Use Services Fee Schedule
Effective September 26, 2005

Revised: September 7, 2005

Tree Preservation Violation Review (Type III)	\$7,025
Tree Review (Type I)	\$900
Tree Review (Type II)	\$1,329
Zoning Map Amendment (Type III)	\$5,920
Other Unassigned Reviews	
Type I	\$2,492
Type II / IIx	\$2,971
Type III	\$7,025
Other Planning Services	
Appeals	
Type II / IIx	\$250
Type III	1/2 of application fee
Appointment for Early Land Use Review Assistance	\$150 per hour Minimum - 1/2 hour
Design Advice Request	\$1,447
Early Plan Review (per hour)	\$110 per hour
Expert Outside Consultation (above base fee)	\$83 per hour
Hourly Rate for Land Use Services	\$110 per hour

MULTNOMAH COUNTY

PROPOSED
Land Use Services Fee Schedule
Effective September 26, 2005

Revised: September 7, 2005

Plan Check	
Residential and commercial	\$1.39 per \$1,000 valuation, \$47 minimum
Community Design Standards Plan Check	\$.003 of valuation <u>(add to base fee)</u>
Environmental Plan Check	\$727 <u>(add to base fee)</u>
<u>Environmental Violation Plan Check</u>	<u>\$850 (add to base fee)</u>
Pre-Development Conference	
	\$1,003
Property Line Adjustment	
	\$941
Renotification Fee	
	\$493
Transcripts	
	Actual cost
Zoning Confirmation	
Tier A (Bank Letter, New DMV)	\$277
Tier B (Zoning/Development Analysis, Non-conforming Standard Evidence, Notice of Use Determination)	\$804
Lot Segregation	\$440
Lot Segregation with Property Line Adjustment	\$1,046
DMV Renewal	\$45

BOGSTAD Deborah L

From: TOKOS Derrick I
Sent: Friday, September 09, 2005 1:46 PM
To: FARMER Stuart L
Cc: SCHILLING Karen C; KINOSHITA Carol; BOGSTAD Deborah L
Subject: RE: BOARD STAFF: Agenda for September 12

It is technically accurate as fees for the Gorge are being readopted and the old resolution repealed. It is confusing though, in that the only fees that are being modified are those related to the Multnomah County/City of Portland IGA. The title should indicate the limited scope of the changes so that people don't get confused. I understand that the documents can't be revised at this juncture so we will just need to clarify this at the meeting.

Derrick

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

From: FARMER Stuart L
Sent: Friday, September 09, 2005 1:07 PM
To: TOKOS Derrick I
Cc: SCHILLING Karen C
Subject: FW: BOARD STAFF: Agenda for September 12

Derrick take a look at R-10, I think that there may be an error in the resolution siting the Gorge.

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

From: NAITO Terri W
Sent: Friday, September 09, 2005 12:59 PM
To: LUTHER Diane M; MITCHELL Keith M; DENTINGER Jean M; DAVICH Jodi W; MAESTRE Robert A; RYAN Matthew O; SCHILLING Karen C; WILLIAMS Theresa E
Cc: FARMER Stuart L; KINOSHITA Carol; MCLELLAN Jana E; FettersM@ci.portland.or.us; YOUNG Darlene; BURDINE Angela L; YAGER Chris D; WALTZ Tom R; HINDS Patrick J; GHEZZI Stan M
Subject: BOARD STAFF: Agenda for September 12

Board Staff Presenters: See note below.

BOARD STAFF Agenda
September 12, 2005 - 1:30 to 3:00 p.m.
Multnomah Building, Conf. Rm. 625

- *Postponed from 9/6.* Housing: Review of SIP Community Housing Fund, where it's at now and possible directions for coming year. Diane Luther. (15 minutes)
- DCHS: Bud Mod DCHS-06 Adding 1.84 FTE Mental Health Consultants to the Involuntary Commitment Program Appropriating \$140,141 of State Mental Health Regional Acute Inpatient Funds. Keith Mitchell, Jean Dentinger. (5 minutes) (BCC: 9/15, R-3)

9/12/2005

- Health Dept: Two items
 - Bud Mod HD-05 Appropriating \$450,015 Revenue from Primary Care Expansion Grant and \$681,030 in Additional Visit Revenue for the Mid County Health Center. Presenter TBA. (5 minutes) (BCC: 9/15, R-4)
 - NOI to Apply for Grant Funding from the Community Health Partnership to Provide Funding to Pay for Special Needs of Clients. Jodi Davich. (5 minutes) (BCC: 9/15, R-5)
 - Dept of County Services: Four items
 - RESOLUTION Authorizing Staff to Initiate Proceedings to Legalize Clara Smith County Road, Deverell County Road, and Portion of Salzman County Road. Robert Maestre, Matt Ryan. (5 minutes) (BCC: 9/15, R-7)
 - RESOLUTION Authorizing Condemnation and Immediate Possession of Real Property Necessary for the Purpose of Constructing a Pedestrian and Bicycle Bridge Over Beaver Creek and Performing Stream Bank Restoration Work. Matt Ryan. (5 minutes) (BCC: 9/15, R-8)
 - First Reading of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Revisions Related to the Adoption of the Environmental Code Improvement Project and the Fee Schedule. Karen Schilling. (5 minutes) (BCC: 9/15, R-9)
 - RESOLUTION Establishing Fees and Charges for Land Use General Provisions, Zoning, Land Divisions, Administration and Procedures, Columbia River Gorge National Scenic Area. Denise Kleim, Sr. Bureau Operations Manager, City of Portland Bureau of Development. (5 minutes) (BCC: 9/15, R-10)
 - *Postponed from 9/6.* 2006 Federal Agenda: First round discussion of potential agenda items. Please bring a list of items that your Commissioner is interested in. All Board Staff. (20 minutes) (Note: Gina and Stephanie are both out of town. We can start today and then continue on 9/19 if necessary.)
 - New business. (10 minutes)
-

Board Staff Presenters:

Above is the agenda for Monday's meeting. Please note, we have a packed schedule and I am only able to allow 5 minutes for presentations on each of the 9/15 BCC agenda items. Please plan to keep your remarks brief...and I'll try to rein in Board Staffer who asks too many questions!

Also, for future reference: Board Staff appreciates hearing about items that are coming before the Board for a vote 10 days in advance. For example, if the item is slated for the Board Agenda on Thursday, September 29, we would appreciate a short, informal presentation at Board Staff on Monday, September 19. That way, if a Commissioner has further questions or there is anything controversial, we can all deal with it before the item is publicly noticed, perhaps rescheduling it for a future date after all the wrinkles are ironed out.

I've attached a copy of our Board Staff FAQs prepared by Shelli Romero that may answer at least some of your questions. As always, feel free to contact me or any Board Staff member if you have additional questions.

Terri Naito

9/12/2005

OFFICE OF COMMISSIONER LISA NAITO
Multnomah County

9/12/2005

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Establishing Fees and Charges for MCC 11.05 Land Use General Provisions, 11.15 Zoning, 11.45 Land Divisions, 37 Administration and Procedures, 38 Columbia River Gorge National Scenic Area, and Repealing Resolution No. 05-106

The Multnomah County Board of Commissioners Finds:

- a. On April 13, 2000, the Board adopted Ordinance No. 944 establishing land use fees by resolution.
- b. On June 9, 2005, the Board adopted Resolution No. 05-106 establishing current land use fees and charges.
- c. Multnomah County has entered into intergovernmental agreements with the cities of Portland and Troutdale to provide planning services for areas outside those city limits and within the urban growth boundaries.
- d. As part of its Environmental Code Improvement Project, Portland has authorized a new multi-tiered process for addressing environmental violations. The new process will allow less serious violations to be remedied more quickly and less expensively than the current process. It is therefore necessary to establish new fees for the Environmental Violation Plan Check and the Type II Environmental Violation Review services provided by Portland under IGA by updating Exhibit A.
- e. Portland also has authorized changes to the existing Type III Environmental Violation Review fees, in order to bring them in line with actual costs.
- f. All other fees and charges established by Resolution 05-106 remain the same.

The Multnomah County Board of Commissioners Resolves:

1. Resolution No. 05-106 is repealed and Land Use Planning Division fees for MCC Chapters 11.05, 11.15, 11.45, 37 and 38, excluding planning services provided under IGAs are set as follows:

	Action	Fee
Type I	Building Permit Review	\$52
	Address Assignment	\$25
	Address Reassignment (requires notice)	\$52
	Land Use Compatibility Review	\$42

	Action	Fee
	Sign Permit	\$29
	Wrecker License Review	\$216
	DMV Dealer Review	\$42
	Grading and Erosion Control	\$369
	Floodplain Development Permit or Review (one & two family dwellings)	\$29
	Floodplain Development Permit (all other uses)	\$64
	Moving of a Floating Home Permit	\$93
Type II	Health Hardship Permit	\$184
	Health Hardship Renewal	\$93
	Non-hearing Variance	\$272
	Exceptions and Lots of Exception	\$127
	Time Extension	\$272
	Administrative Decision by Planning Director	\$272
	Willamette River Greenway	\$675
	Significant Environmental Concern	\$675
	Administrative Modification of Conditions established in prior contested case	\$184
	Hillside Development	\$490
	National Scenic Area Site Review	\$369
	Temporary Permit	\$184
	Design Review	\$691
	Category 3 Land Division	\$536
	Category 4 Land Division	\$243
	Property Line Adjustment	\$196
	Appeal of Administrative Decision	\$260
	Withdrawal of Application	\$0
	- Before app. status letter written	Full Refund
	- After status ltr. assess 4 hr.	\$158
	Withdrawal of Appeal	\$0
	- After hearing notice mailed	No Refund
Type III	Planned Development	\$2,145
	Community Service	\$1,788
	Regional Sanitary Landfill	\$2,308
	Conditional Use (CU)	\$1,788

	Action	Fee
	CU for Type B Home Occupation	\$831
	Variance (hearing)	\$588
	Modifications of conditions on a prior hearings case w/ rehearing	Full fee for original action
	Lots of Exception	\$854
	Category 1 Land Division - up to 20 lots	\$1,574
	Category 1 - Fee for each additional lot over 20	\$29
	Other hearings case	\$611
	National Scenic Area Site Review	\$1,788
	Withdrawal of Application	\$0
	- Before app. status letter written	Full Refund
	- After status ltr. assess 4 hr.	\$156
	- After hearing notice mailed	No Refund
Type IV	Legislative or Quasijudicial Plan Revision	\$2,290 deposit
	Legislative or Quasijudicial Zone Change	\$2,290 deposit
Misc.	Pre-application conference	\$329
	Pre-application conference for home occupation	\$164
	Notice Sign	\$10
	Research Fee (includes mailing list production) (2 hour deposit required)	\$40/hour
	Photocopies	\$.31 per page
	Color aerial photograph	\$6.25 each
	Cassette tape recording of hearing	\$29.00 first tape- additional \$2.60 each tape
	Rescheduled hearing	\$243
	Subscription for all County land use decisions	\$1,947/year
	Subscription for all Scenic Area land use decisions	\$677/year
	Subscription for all land use decisions except scenic area	\$1,270/year

2. Fees for planning services provided by the City of Troutdale under the IGA are as set by the City of Troutdale.
3. Fees for planning services provided by the City of Portland under IGA are set in the attached Exhibit A.
4. This Resolution takes effect and Resolution 05-106 is repealed on September 26, 2005.

ADOPTED this 15th day of September 2005.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Sandra Duffy*
Sandra N. Duffy, Assistant County Attorney

Exhibit A (for Services Provided by Portland under IGA)

Land Use Planning Fees for Portland Services under IGA Are Set as Follows:	
Adjustment Review	
Residential Use (only)	
Fences/Decks/Eaves	\$1,200
Lots with existing single-dwelling units	\$1,672
All other residential adjustments	\$1,565
Non-residential or mixed use	\$1,679
Comprehensive Plan Map Amendment	\$17,903
Conditional Use	
Type I	\$2,445
Type II (Minor)	\$3,276
Type III (Major)	
New Conditional Use	\$10,932
Existing Conditional Use	\$5,182
Radio Frequency	\$10,932
Demolition/ Demolition Delay Extension Review	\$3,217
Design Review	
Major (Type III)	0.0043 of valuation minimum \$5,547; maximum \$21,997
Minor A (Type I & II) (except as identified in Minor B) (includes residential projects with 2 or more units)	minimum \$3,488; maximum \$6,915
Minor B (Type I & II) --Includes residential projects with 1 unit --Improvements under \$5,000 --Fences, freestanding & retaining walls, gates --Parking areas 10,000 sq. ft. or less --Awnings, signs, rooftop equipment --Colors in historic districts --Lighting Projects --Remodels affecting less than 25 ft. of frontage	minimum \$785; maximum \$3,325
Modifications through Design Review	\$300
Environmental Review (Type I)	\$570
Environmental Review (Type II)	\$2,129
Residential use (only)	
Non-residential or mixed use	\$3,129

Exhibit A (for Services Provided by Portland under IGA)

Land Use Planning Fees for Portland Services under IGA Are Set as Follows:	
Environmental Review Protection Zone (Type III)	\$5,607
Environmental Violation (Type III)	\$5,882
--Undividable lot with existing single dwelling unit	\$4,582
Environmental Violation Plan Check	\$850 (add to base fee)
Environmental Violation Review (Type II)	\$3,329
Final Plat Review / Final Development Plan Review for Planned Development or Planned Unit Development) (Type I)	
If preliminary with Type I with no street	\$1,660
If preliminary was Type I or IIx with a street	\$3,562
If preliminary was Type II / IIx with no street	\$3,562
If preliminary was Type III	\$5,936
Greenway Residential use (only)	\$1,129
Non-residential or mixed use	\$4,144
Historic Landmark designation or removal Individual properties (Type III)	\$3,973
Multiple Properties or districts (Type III)	\$4,774
Demolition Review (Type IV)	\$5,247
Home Occupation Permit	
Initial Permit	\$111
Annual Renewal	\$111
Late charge for delinquent permits	\$5 per month
Impact Mitigation Plan Amendment (Minor) (Type II)	\$3,090
Implementation (Type II)	\$3,626
Amendment (Use) (Type III)	\$6,196
New/Amendment (Major) (Type III)	\$22,662
Land Division Review	
Type I	\$5,177 + \$125 per lot plus \$520 if new street
Type IIx	\$6,504 + \$125 per lot plus \$520 if new street

Exhibit A (for Services Provided by Portland under IGA)

Land Use Planning Fees for Portland Services under IGA Are Set as Follows:	
Type III	\$9,481 + \$125 per lot plus \$520 if new street
Subdivision with Concurrent Environmental Review (Type III)	\$9,682 + \$150 per lot, plus \$800 if new street
Partition with Concurrent Environmental Review (Type III)	\$8,182
Land Division Amendment Review	
Type I	\$3,112
Type IIx	\$4,114
Type III	\$8,443
Lot Consolidation (Type I)	\$1,300
Master Plan	\$7,372
Minor Amendments to Master Plans (Type II)	
New Master Plans or Major Amendments to Master Plans (Type III)	\$13,360
Non-conforming Status Review (Type II)	\$2,229
Non-conforming Situation Review (Type II)	\$4,330
Planned Development Review Type IIx	\$4,127
Type III	\$7,406
Planned Development Amendment / Planned Unit Development Amendment Type IIx	\$2,855
Type III	\$8,215
Pre-Application Conference Major (Comprehensive Plan Map Amendment, Zone Change, Design Review, Subdivision Master Plan, and Impact Mitigation Plan)	\$2,100
Minor	\$1,500
Pre-Application Conference for PUD/PD Final Development Plan	\$728
Statewide Planning Goal (Type III)	\$30,215
Tree Preservation Violation Review (Type III)	\$7,025
Tree Review (Type I)	\$900
Tree Review (Type II)	\$1,329
Zoning Map Amendment (Type III)	\$5,920

Exhibit A (for Services Provided by Portland under IGA)

Land Use Planning Fees for Portland Services under IGA Are Set as Follows:	
Other Unassigned Reviews	
Type I	\$2,492
Type II / IIx	\$2,971
Type III	\$7,025
Other Planning Services	
Appeals	
Type II / IIx	\$250
Type III	½ of application
Appointment for Early Land Use Review Assistance	\$150 per hour Minimum – ½ hour
Design Advice Request	\$1,447
Early Plan Review (per hour)	\$110 per hour
Expert Outside Consultation (above base fee)	\$83 per hour
Hourly Rate for Land Use Services	\$110 per hour
Plan Check	\$1.39 per \$1,000 valuation
Residential and commercial	\$47 minimum
Community Design Standards Plan Check	\$.003 of valuation (add to base fee)
Environmental Plan Check	\$727 (add to base fee)
Pre-Development Conference	\$1,003
Property Line Adjustment	\$941
Renotification Fee	\$493
Transcripts	Actual cost
Zoning Confirmation	
Tier A (bank letter, new DMV)	\$277
Tier B (zoning/development analysis, nonconforming standard evidence, notice of use determination)	\$804
Lot Segregation	\$440
Lot Segregation with Property Line Adjustment	\$1,046
DMV Renewal	\$45

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-160

Establishing Fees and Charges for MCC 11.05 Land Use General Provisions, 11.15 Zoning, 11.45 Land Divisions, 37 Administration and Procedures, 38 Columbia River Gorge National Scenic Area, and Repealing Resolution No. 05-106

The Multnomah County Board of Commissioners Finds:

- a. On April 13, 2000, the Board adopted Ordinance No. 944 establishing land use fees by resolution.
- b. On June 9, 2005, the Board adopted Resolution No. 05-106 establishing current land use fees and charges.
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- e. Portland also has authorized changes to the existing Type III Environmental Violation Review fees, in order to bring them in line with actual costs.
- f. All other fees and charges established by Resolution 05-106 remain the same.

The Multnomah County Board of Commissioners Resolves:

1. Resolution No. 05-106 is repealed and Land Use Planning Division fees for MCC Chapters 11.05, 11.15, 11.45, 37 and 38, excluding planning services provided under IGAs are set as follows:

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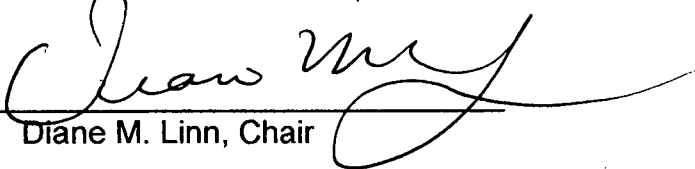
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2. Fees for planning services provided by the City of Troutdale under the IGA are as set by the City of Troutdale.
3. Fees for planning services provided by the City of Portland under IGA are set in the attached Exhibit A.
4. This Resolution takes effect and Resolution 05-106 is repealed on September 26, 2005.

ADOPTED this 15th day of September 2005.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Assistant County Attorney

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Lot Segregation with Property Line Adjustment	\$1,046
DMV Renewal	\$45



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-11 DATE 9-8-05
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: R-11
Est. Start Time: 11:05 AM
Date Submitted: 09/08/05

BUDGET MODIFICATION: -

Agenda Title: Authorizing Settlement In Re Sari Trevvarthen, WCB CAH9741

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

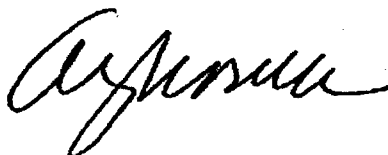
Date Requested:	<u>September 15, 2005</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>County Attorney</u>
Contact(s):	<u>Agnes Sowle</u>		
Phone:	<u>503-988-3138</u>	Ext.	<u>83138</u>
Presenter(s):	<u>David Blankfeld</u>	I/O Address:	<u>503/500</u>

General Information

- What action are you requesting from the Board?**
Settlement authority for a Workers' Compensation case as discussed in Executive Session
- Please provide sufficient background information for the Board and the public to understand this issue.**
Both sides wish to settle claim rather than to continue processing through work comp system
- Explain the fiscal impact (current year and ongoing).**
N/A
- Explain any legal and/or policy issues involved.**
On December 18, 2003, the Board adopted Resolution 03-171 delegating authority to the County Attorney to settle claims and litigation against the County or its employees in amounts up to \$25,000 per case. The County Attorney must obtain Board approval for all settlements of over \$25,000.
- Explain any citizen and/or other government participation that has or will take place.**
N/A

Required Signatures

**Department/
Agency Director:**



Date: 09/08/05

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 09/15/05
Agenda Item #: E-1
Est. Start Time: 11:10 AM
Date Submitted: 09/07/05

BUDGET MODIFICATION: -

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(h)

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

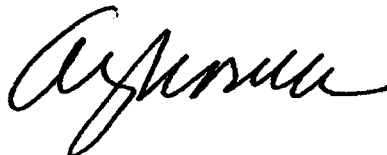
Date Requested:	September 15, 2005	Time Requested:	15 mins
Department:	Non-Departmental	Division:	County Attorney
Contact(s):	Agnes Sowle		
Phone:	503 988-3138	Ext.	83138
I/O Address:	503/500		
Presenter(s):	Agnes Sowle and Invited Others		

General Information

1. What action are you requesting from the Board?
No Final Decision will be made in the Executive Session.
2. Please provide sufficient background information for the Board and the public to understand this issue.
Only Representatives of the News Media and Designated Staff are allowed to Attend.
Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session.
3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
ORS 192.660(2)(h).
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures

**Department/
Agency Director:**



Date: 09/07/05

Budget Analyst:

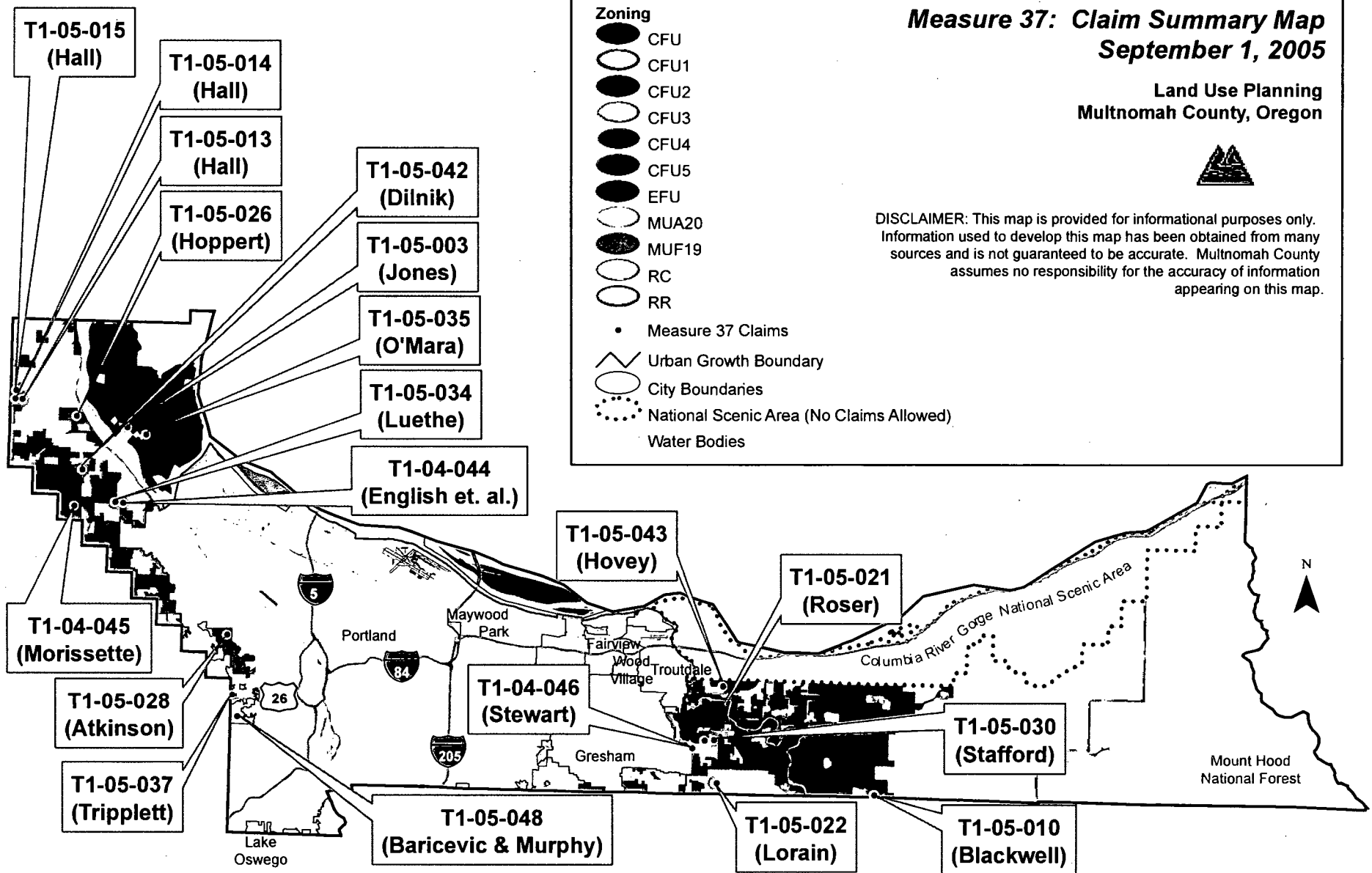
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MULTNOMAH
COUNTY

Department of Business and Community Services
Land Use and Transportation Program
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Measure 37 Claims Currently Filed with the County

File No:	Date Received	Deposit Paid?	Claimant	Location	Zoning	Request	Facially Invalid	Status (9/1/05)
T1-04-044	12/2/04 Day 180: 5/30/05	No	Dorothy English, et. al.	13100 NW McNamee Rd	CFU-2	\$1.15 million in compensation or right to create 8 parcels and build 8 homes.	No	Decided 3/17/05. Board Order 05-041 set aside rules allowing up to 8 homes and 8 lots.
T1-04-045	12/3/04 Day 180: 5/31/05	No	Don Morissette	12955 NW Skyline Rd	EFU	\$900,000 in compensation or right to build a residence.	Yes	Withdrawn 6/30/05. Hearings Officer approved separate land use application granting right to construct dwelling if built by 1/11/2008.
T1-04-046	12/9/04 Day 180: 6/6/05	No	Thomas & April Stewart	28515 SE Lusted Rd	MUA-20/SEC	\$59,700 in compensation for land use restrictions related to SEC Overlay.	Yes	Pursuing replacement dwelling in compliance with County codes. Facially invalid because no use identified. SEC rules do not prohibit permitted uses (MCC 35.4510(A)). Can accomplish objective by obtaining SEC permit or replacing outside the overlay.
T1-05-003	2/15/05 Day 180: 8/14/05	Yes	Greg & Anne Jones	15100 NW Burlington Ct	EFU	Waive applicable zoning regulations to develop single-family residence.	No	Decided 7/14/05. Board Order 05-128 set aside rules to allow a dwelling on the property. Refund mailed 8/30/05 in the amount of \$168.65.
T1-05-010	3/24/05 Day 180: 9/19/05	No	Mike Blackwell	TL 900, Sec 20C, 1S5E	CFU-4	Wants to develop 1 or 2 dwellings on property. Might also want to divide property.	Unclear	Mailed incomplete letter 4/22/05. Property purchased in 1965. Might be able to qualify one dwelling through heritage tract provisions (Conditional Use). Have attempted to contact twice by phone and have left messages to clarify request. No response. Sent letter June 29, 2005 seeking same and advised of ordinance changes. May be facially invalid because land divisions are prohibited by ordinance. Received new information 8/10/05. Still need fee, appraisal, and title report.

* Responses in this column represent our opinion as to whether or not a claim has merit considering the evidence submitted, our understanding of the Measure, and the County implementing ordinance. Claims received after 6/18/05 are subject to the amended ordinance that allows the Planning Director to recommend denial of incomplete claims that are facially invalid (MCC 7.530(N)).

T1-05-013	4/19/05 Day 180: 10/15/05	No	Fred Hall	TL 600, Sec 10A, 2N2W	CFU-1	\$750,000 compensation or waiver of rules adopted after 8/1/71 to allow dirt fill and replacement home.	Unclear	Mailed incomplete letter 5/5/05. 6/3/05 letter from County Attorney responding to correspondence sent to the Chair. Final incomplete letter mailed 6/7/05. Claimant indicates that they will not be providing the information. The nature and extent of the dirt fill request is unclear. Grading rules exempt under health and safety provision of the ordinance. Home built in the 30's. Unclear why they are seeking right to replace dwelling unless 2 acres was unlawfully divided from larger property.
T1-05-014	4/19/05 Day 180: 10/15/05	No	Fred Hall	TL 100, Sec 10, 2N1W	CFU-1	\$5.625 million in compensation or 70 to 75 two-acre lots with rollback of regulations to 1971.	Unclear	Mailed incomplete letter 5/3/05. Same follow-up as T1-05-013. Claim indicates acquisition date of 8/1/71 but deed provided is dated 1993. Property may have been conveyed into trust. Needs to be researched. May be facially invalid because land divisions are prohibited by ordinance.
T1-05-015	4/19/05 Day 180: 10/15/05	No	Fred Hall	TL 1100, Sec 3, 2N2W	CFU-1	\$400,000 compensation or ability to construct a home on a 90.85-acre property.	No	Mailed incomplete letter 5/3/05. Deed shows 1991 acquisition date. Challenged regulations adopted after that date. Owner contested adoption of CFU-1 regulations in court. Regulation prohibiting dwelling is stricter than statutory mandate.
T1-05-021	5/19/05 Day 180 11/16/05	No	Stanley & Dorothy Roser	29644 SE Division Dr	EFU	\$3.8 million in compensation or blanket waiver of regulations to acquisition date of 3/28/58.	Unclear	Mailed incomplete letter 6/9/05. Second letter sent 7/25/05. No response. Appears to be interested in a 9-lot subdivision. Deed records submitted show ownership but unclear if it is a complete history. May be facially invalid because land divisions are prohibited by ordinance. Attorney Bill Cox verbally advised staff that they will litigate claim.

T1-05-022	5/20/05 Day 180 11/17/05	No	Susan Lorain	TL 200 & 300, Sec 20, 1S4E	MUA-20	\$1.24 or 1.4 million in compensation or waiver of regulations to allow 32-lot subdivision.	Unclear	Mailed incomplete letter 6/13/05. May be facially invalid as a result of conveyance to trust in 1997 (when current rules applied) or because land divisions are prohibited by ordinance. New information submitted 6/14/05 and 7/15/05. Still need explanation of how challenged regulations restrict use and reduce value, appraisals, and fee.
T1-05-026	5/26/05 Day 180 11/23/05	Yes	Mary Hoppert	19134- 19136 NW Morgan Rd	RR	Blanket waiver of regulations back to 1955 to allow auto repair use and land division.	No	Sent Incomplete letter 7/1/05. Request seeks to lift restriction that business be oriented to rural clientele, including relief from early 80's approval. Request relates to ongoing code enforcement related to auto body and fill operation (a.k.a. Shorty's). Have tried contacting representative without success. Setting up meeting to discuss information needed to complete claim.
T1-05-028	5/26/05 Day 180 11/23/05	No	Virginia Atkinson	2950 NW 53 rd Dr	CFU-2	\$1.1 million in compensation or waiver of regulations to allow construction of several residences, disaggregate the properties, or permit a dwelling on one of the aggregated properties (Tax Lot 200).	Yes	Sent incomplete letter 6/24/05. Three properties aggregated as one with existing dwelling. Husband sold the two vacant properties in 1983 in violation of aggregation requirement. Property conveyed back to him in 1985. Claimant acquired property through probate in 1997 and placed in trust that same year. Facially invalid because challenged regulations predate conveyances. Pointed this out in 7/20/05 letter. No response.
T1-05-030	6/9/05 Day 180 12/6/05	Yes	Jack Stafford	4046 SE 302ns Ave	EFU	Blanket waiver of regulations to allow multiple dwellings.	Yes	Incomplete letter sent 6/17/05. Called twice. Property in family since 1927. Current owner inherited land on 3/16/81. Property was EFU zoned at the time. Facially invalid because challenged regulations pre-date acquisition date. Same owner sought goal exception and zone change to non-farm zoning in 1998 and was denied.

T1-05-034	6/15/05 Day 180 12/12/05	No	Larry Luethe	13225 NW McNamee Rd	CFU-2	Up to \$1.3 million in compensation, 9-lot subdivision, or any non-farm use allowed when acquired.	Unclear	Unclear if claim submitted to County jurisdiction. Claim letter is ambiguous. Incomplete letter sent 6/30/05, Claimant responded 7/22/05 indicating that they will not follow County ordinance. Seeks blanket waiver. May be facially invalid because land divisions are prohibited by ordinance. Follow-up sent letter sent 8/5/2005 advising that claim cannot be processed without the required information.
T1-05-035	6/17/05 Day 180 12/14/05	Yes	Jean O'Mara	13829 NW Charlton Rd	EFU	\$200,000 in compensation or ability to construct a dwelling and accessory buildings on each property.	Unclear	Incomplete letter sent 7/15/05. The two properties owned are aggregated under EFU rules. The land was purchased in the late 60's and conveyed to trust on December 8, 2004. May be facially invalid because challenged regulations pre-date conveyance to trust. Paid fee 7/27/05 and resubmitted 8/23/05 for review under amended ordinance.
T1-05-037	6/20/05 Day 180 12/17/05	No	Thomas Tripplett	TL 800, Sec 06CB, 1S1E	R-20p	\$250,000 in compensation or relief from City of Portland Environmental Protection Overlay for purposes of constructing a dwelling.	Yes	Irregular shaped property created in 1959. Failed to meet the 120-foot lot depth requirement of the R-20 zone district that was applied to the area in 1956. Facially invalid because property did not meet rules in effect when it was formed. Property is subject to 2040 IGA with Portland that requires that the County apply the Environmental overlay. County Attorney is drafting MOA with City for handling claims. This is the first claim submitted under the amended ordinance that allows the Director to process incomplete claims that are facially invalid. Received response 8/31/05, advising that they will not pay the fee deposit, that they want county to grant regulatory relief that is transferable, and that they will be filing a takings claim if not decided by 9/15/05.

T1-05-042 (old #T1-05-019)	5/10/05 Day 180: 11/7/05	Yes	Albert & Deane Dilnik	15725 NW Sheltered Nook Rd	CFU-2	\$480,000 compensation or waive regulations adopted since property acquired in 1966. Wants to sell three aggregated lots in Sheltered Nook subdivision as separately developable.	No	Originally submitted 5/10/05. Owner does not intend to develop. Mailed incomplete letter 6/2/05. Re-submitted 7/12/05 under amended ordinance to take advantage of changes to appraisal requirements. Claim complete 8/10/05. Comment period closed 8/24/05. Staff report to be mailed to Attorney's Office and A&T by 9/21/05.
T1-05-043	7/12/05 Day 180: 1/8/06	No	Doreen Hovey	TL 1500 & 1600, Sec 32C, 1N-4E	EFU	Rollback of regulations to F-2 zoning in effect on August 27, 1975.	Yes	Wants to build home on TL 1600; however, deed shows it is not a separate property. Appears to be a mortgage lot created when a VA loan was issued to construct the home. Issued completeness letter 8/5/05. Subsequent meeting with staff in which they indicated they will let 180 days run and wait to see how land division issues plays out.
T1-05-048	8/3/05 Day 180: 1/30/06	No	Vlado Baricevic & Hank Murphy	5925 SW Patton Road	R-20c/p	\$480,000 in compensation or removal of environmental conservation and protection overlays.	Unclear	Seeking relief from environmental regulations to allow construction of homes on 3 parcels that have yet to be created. May be facially invalid per MCC 7.515(B) which requires claimant obtain discretionary approval before submitting claim. Needs to obtain land division approval from the City. Staff advised as much in phone conversations and 9/2/05 incomplete letter.

Claims Filed Only with the State of Oregon

The following are claims within the unincorporated County that have been submitted to the State but not the County. All of have been advised that they will need to file claims with the County.

- Laurie Armstrong, 2930 NW McDaniel Road. The property is adjacent to the City of Portland within "Area 93," which was recently brought into the Urban Growth Boundary. The State recently decided the claim. Their decision sets aside certain state rules adopted after July 17, 2004, which is the date the property was acquired by the current owner. Existing County land use regulations pre-date 2004.
- John Cherry, 2910 NW McDaniel Road. The property is adjacent to the City and property listed above. The State's decision on this claim sets aside certain rules adopted after 1965. The County applied urban zoning to the property during that timeframe (R-10). Current zoning is Rural Residential.
- Karen Siechen, 12615 NW Skyline Boulevard. The property is split zoned with two dwellings, one on either side of the road. Zoning on one side of the property is MUA-20 and the other is CFU-2. The property appears to have been improperly divided and the claim is likely seeking relief from forest zoning rules that do not allow the division. The State determined the claim was valid and set aside the regulations. County staff has advised the owner's attorney that the land division problem can be resolved outside of the Measure 37 process and are conducting a pre-application meeting with them on September 22, 2005 to discuss the steps they need to take to correct the land division problem (file (PA-05-017)).