

ANNOTATED MINUTES

Thursday, October 31, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:34 a.m., with Commissioners Sharron Kelley and Tanya Collier present.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER COLLIER, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-6) WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- C-1 Appointment of Jeanne Pulliam to the CITIZEN INVOLVEMENT COMMITTEE
- C-2 Appointment of Paul S. Lehrle to the FOOD SERVICE ADVISORY BOARD
- C-3 Appointment of Regina Hauser to the MERIT SYSTEM CIVIL SERVICE COUNCIL

SHERIFF'S OFFICE

- C-4 Package Store Liquor License Renewal for FRED'S MARINA, 12800 NW MARINA WAY, PORTLAND
- C-5 Package Store Liquor License Renewal for WEECE'S MARKET, 7310 SE PLEASANT HOME ROAD, GRESHAM

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-6 Amendment 1 to Intergovernmental Agreement 101957 with Portland Public Schools, for Funding Teen Parent Child Care and Project Counteract Programs

REGULAR AGENDA

PUBLIC COMMENT

R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

NO ONE WISHED TO COMMENT.

Vice-Chair Dan Saltzman and Commissioner Gary Hansen arrived at 9:35 a.m.

NON-DEPARTMENTAL

R-2 Board Decision and Consideration of an ORDER in the Matter of the Imposition of a Condition on the Adult Care Home License of Jeanne Duval. **OPTION 1** Schedule a Hearing to Accept Evidence or Argument on this Appeal; OR **OPTION 2** Decide this Appeal on the Record that has Already Been Created. MCC Section 8.90.090 (J) and Section 890-90-450 of the Administrative Rules for Licensure of Adult Care Homes Give the Board Discretion to Follow Either Course.

BOARD ATTORNEY PETE KASTING EXPLANATION OF PROCESS AND BOARD OPTIONS. COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL TO DECIDE APPEAL ON THE RECORD ALREADY CREATED AND AFFIRM THE HEARINGS OFFICER DECISION. APPELLANT'S ATTORNEY MARK COTTLE DISCUSSION CONCERNING DUE PROCESS AND POLICY ISSUES REGARDING CODE AND ADMINISTRATIVE TIME LINES, AND IMPOSITION OF AN ALTERNATIVE SANCTION. IN RESPONSE TO LEGAL DUE PROCESS ISSUES, MR. KASTING EXPLAINED THEY ARE MERELY DIRECTIONAL AND NOT MANDATORY, AND ADVISED THAT NO LIBERTY OR DEPRIVATION ISSUES WERE RAISED. IN RESPONSE TO BOARD QUESTIONS, AGENCY ATTORNEY KATIE GAETJENS AND SANCTION SPECIALIST MARY FASSELL DISCUSSED THE DUE PROCESS AND IMPOSITION OF ALTERNATIVE SANCTION ISSUES, EXPLAINING A CONDITION CAN BY MODIFIED AT ANY TIME BY ORDER OF

THE DIRECTOR, AND ADVISING THAT THE CUSTOMARY PROCEDURE IN THIS CASE REQUIRES MEDICATION MONITORING BY A REGISTERED NURSE RATHER THAN A CERTIFIED NURSE ASSISTANT DUE TO THEIR TRAINING. MOTION AND ORDER 96-191 UNANIMOUSLY APPROVED.

R-3

Board Decision and Consideration of an ORDER in the Matter of the Revocation of the Adult Care Home License of Darlene Mathews. **OPTION 1** Schedule a Hearing to Accept Evidence or Argument on this Appeal; OR **OPTION 2** Decide this Appeal on the Record that has Already Been Created. MCC Section 8.90.090 (J) and Section 890-90-450 of the Administrative Rules for Licensure of Adult Care Homes Give the Board Discretion to Follow Either Course.

BOARD ATTORNEY PETE KASTING EXPLANATION OF PROCESS AND BOARD OPTIONS. COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL TO DECIDE APPEAL ON THE RECORD ALREADY CREATED AND AFFIRM THE HEARINGS OFFICER DECISION. APPELLANT DARLEAN MATHEWS DISCUSSION REGARDING STEPS TAKEN TO COMPLY WITH AGENCY SANCTIONS, LACK OF AGENCY FAIRNESS, AND HER INABILITY TO PRESENT WITNESSES AT THE HEARING. IN RESPONSE TO A QUESTION OF COMMISSIONER HANSEN, MS. MATHEWS ADVISED SHE WOULD HAVE HAD 15 PEOPLE TESTIFY AS TO THE CLEANLINESS OF HER HOME AND COMPLIANCE WITH REQUIRED REPAIRS. AGENCY ATTORNEY KATIE GAETJENS ADVISED APPELLANT HAD THE OPPORTUNITY TO PRESENT WITNESSES AT THE HEARINGS OFFICER LEVEL, AND ADVISED THAT A PATTERN OF SANITATION VIOLATIONS HAVE OCCURRED OVER A PERIOD OF FIVE YEARS, INCLUDING WATER AND UTILITY SHUT OFFS. MS. GAETJENS AND SANCTIONS SPECIALIST MARY FASSELL EXPLANATION IN RESPONSE TO BOARD QUESTIONS CONCERNING AGENCY'S WARNING PROCEDURES AND THE TECHNICAL ASSISTANCE AVAILABLE TO ASSIST CARE PROVIDERS. BOARD

COMMENTS REGARDING THE NEED TO WEIGH PROTECTION OF THE HEALTH AND SAFETY OF CLIENTS OVER THE CARE PROVIDERS' ABILITY TO COMPLY WITH REQUIRED RULES. MOTION AND ORDER 96-192 UNANIMOUSLY APPROVED.

R-4 RESOLUTION Declaring Multnomah County Board of Commissioners' Opposition to Ballot Measure No. 47

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-4. CHAIR STEIN EXPLANATION AND COMMENTS IN OPPOSITION TO MEASURE. COMMISSIONERS COLLIER AND HANSEN COMMENTS IN OPPOSITION TO MEASURE. RESOLUTION 96-193 UNANIMOUSLY APPROVED.

DEPARTMENT OF SUPPORT SERVICES

R-5 Ratification of 1996-2000 Collective Bargaining Agreement Between Multnomah County, the Multnomah County District Attorney, and the Multnomah County Prosecuting Attorneys Association

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-5. KEN UPTON EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-6 ORDER Canceling Uncollectible Personal Property Taxes for Tax Years 1982/83 through 1995/96

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-6. CHAIR STEIN EXPLANATION. ORDER 96-194 UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

R-7 Budget Modification MCHD 1 Adding \$62,714 to the Breast and Cervical Cancer Grant Budget and \$68,222 in Family Support and Preservation Funding from the State Office of Services for Children and Families, to Provide Funds for a Child Abuse Coordinator, Cutting an Office Assistant

2 and Adding a Medical Records Tech for the North Portland Primary Care Clinic

COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. KATHY INNES AND JAN SINCLAIR EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

(Recess as the Board of County Commissioners and convene as the Public Contract Review Board)

- R-8 ORDER Exempting from the Competitive Bid Process the Selection of a Moving Service through the Request for Proposal Process
(Adjourn as the Public Contract Review Board and reconvene as the Board of County Commissioners)

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. FRANNA HATHAWAY EXPLANATION AND RESPONSE TO BOARD COMMENTS. ORDER 96-195 UNANIMOUSLY APPROVED.

SHERIFF'S OFFICE

- R-9 Intergovernmental Agreement 800757 with Oregon Department of Transportation to Provide Certain Law Enforcement Services for the Work Zone Enforcement Project

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-9. SGT. DAVE HADLEY EXPLANATION AND RESPONSE TO BOARD QUESTIONS, COMMENTS AND DISCUSSION. AGREEMENT UNANIMOUSLY APPROVED.

- R-10 Budget Modification MCSO 1 Adding \$58,871 to the Federal/State DUII Budget to Reflect New Funding from the Oregon Department of Transportation

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF R-10. CHAIR STEIN EXPLANATION.
BUDGET MODIFICATION UNANIMOUSLY
APPROVED.**

**AT THE REQUEST OF CHAIR STEIN AND UPON
MOTION OF COMMISSIONER HANSEN,
SECONDED BY COMMISSIONER KELLEY,
CONSIDERATION OF THE FOLLOWING ITEM WAS
UNANIMOUSLY APPROVED.**

DEPARTMENT OF ENVIRONMENTAL SERVICES

UC-1 ORDER Authorizing Purchase of Certain Property Interests and the
Quitclaim of a Property Interest to Clear Title to Tax Foreclosed
Properties

**COMMISSIONER COLLIER MOVED AND
COMMISSIONER KELLEY SECONDED, APPROVAL
OF UC-1. CHAIR STEIN EXPLANATION. ORDER
96-196 UNANIMOUSLY APPROVED.**

*There being no further business, the meeting was adjourned at 10:38
a.m.*

*OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON*

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 SW FIFTH AVENUE
PORTLAND, OREGON 97204
CLERK'S OFFICE • 248-3277 • 248-5222
FAX • (503) 248-5262

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR • 248-3308
DAN SALTZMAN • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
TANYA COLLIER • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

OCTOBER 28, 1996 - NOVEMBER 1, 1996

Thursday, October 31, 1996 - 9:30 AM - Regular Meeting..... Page 2

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

*Thursday, 9:30 AM, (LIVE) Channel 30
Friday, 10:00 PM, Channel 30
Sunday, 1:00 PM, Channel 30*

Produced through Multnomah Community Television

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222, OR MULTNOMAH COUNTY TDD PHONE 248-5040, FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

AN EQUAL OPPORTUNITY EMPLOYER

Thursday, October 31, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 *Appointment of Jeanne Pulliam to the CITIZEN INVOLVEMENT COMMITTEE*
- C-2 *Appointment of Paul S. Lehrle to the FOOD SERVICE ADVISORY BOARD*
- C-3 *Appointment of Regina Hauser to the MERIT SYSTEM CIVIL SERVICE COUNCIL*

SHERIFF'S OFFICE

- C-4 *Package Store Liquor License Renewal for FRED'S MARINA, 12800 NW MARINA WAY, PORTLAND*
- C-5 *Package Store Liquor License Renewal for WEECE'S MARKET, 7310 SE PLEASANT HOME ROAD, GRESHAM*

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-6 *Amendment 1 to Intergovernmental Agreement 101957 with Portland Public Schools, for Funding Teen Parent Child Care and Project Counteract Programs*

REGULAR AGENDA

PUBLIC COMMENT

- R-1 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

NON-DEPARTMENTAL

- R-2 *Board Decision and Consideration of an ORDER in the Matter of the Imposition of a Condition on the Adult Care Home License of Jeanne*

Duval. **OPTION 1** Schedule a Hearing to Accept Evidence or Argument on this Appeal; OR **OPTION 2** Decide this Appeal on the Record that has Already Been Created. MCC Section 8.90.090 (J) and Section 890-90-450 of the Administrative Rules for Licensure of Adult Care Homes Give the Board Discretion to Follow Either Course.

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R-4 RESOLUTION Declaring Multnomah County Board of Commissioners' Opposition to Ballot Measure No. 47

DEPARTMENT OF SUPPORT SERVICES

R-5 Ratification of 1996-2000 Collective Bargaining Agreement Between Multnomah County, the Multnomah County District Attorney, and the Multnomah County Prosecuting Attorneys Association

DEPARTMENT OF ENVIRONMENTAL SERVICES

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R-7 Budget Modification MCHD 1 Adding \$62,714 to the Breast and Cervical Cancer Grant Budget and \$68,222 in Family Support and Preservation Funding from the State Office of Services for Children and Families, to Provide Funds for a Child Abuse Coordinator, Cutting an Office Assistant 2 and Adding a Medical Records Tech for the North Portland Primary Care Clinic

PUBLIC CONTRACT REVIEW BOARD

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R-8 ORDER Exempting from the Competitive Bid Process the Selection of a Moving Service through the Request for Proposal Process

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SHERIFF'S OFFICE

- R-9 *Intergovernmental Agreement 800757 with Oregon Department of Transportation to Provide Certain Law Enforcement Services for the Work Zone Enforcement Project*
- R-10 *Budget Modification MCSO 1 Adding \$58,871 to the Federal/State DUII Budget to Reflect New Funding from the Oregon Department of Transportation*

MEETING DATE: OCT 31 1996

AGENDA #: C-1

ESTIMATED START TIME: 9:30 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT:

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY:

AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED: 10/31/96

AMOUNT OF TIME NEEDED: Consent Calendar

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: X-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Appointment of Jeanne Pulliam to the Citizen Involvement Committee, At-Large Position, for a term ending September 30, 1999.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Steind
(OR)
DEPARTMENT
MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
96 OCT 14 PM 3:40
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222

August 30, 1996

Jim Duncan, Recruitment Chair
Multnomah County Citizens Involvement Committee
2115 S.E. Morrison, Suite 215
Portland, OR 97214

Re: Jeanne Pulliam

Dear Jim:

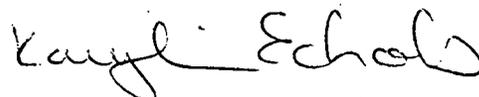
As the former Community Organizer for the East County Senior Coalition, I want to wholeheartedly voice my support for Jeanne Pulliam's application to the CIC. She is, without doubt, one of the most skilled, dedicated, and committed women I have ever known. The CIC will benefit immensely from her participation.

Jeanne served on the East County Senior Coalition from its inception years ago (well before my time). She was a driving force in all our successes, most notably in securing funding to bring services to the growing elder population in Gresham and beyond. She worked on several aspects of the project including providing testimony at public hearings, writing letters of support, rallying friends and neighbors to get involved, securing numerous speaking opportunities, and guiding us in developing advocacy and budget strategies.

Jeanne is also involved in many other community activities including Interfaith Caregivers, the League of Women Voters, the American Association of University Women, the Methodist Women, and a retired teachers' association. And, frankly, there is more but I could never keep all her associations straight in my mind. But, even with all her involvement, she attends meetings, makes commitments and follows-through, takes the lead on tasks, accepts delegation on other tasks, and just does whatever needs doing to get the job done. She is the kind of person that makes things happen!

Please feel free to contact me if you have any questions. As you can tell, I can think of no one better to represent East County on the CIC.

Sincerely,



Karylinn Echols
823-5269

INTEREST FORM FOR MULTNOMAH COUNTY
CITIZEN INVOLVEMENT COMMITTEE

In order for the Multnomah County Commission to assess more thoroughly the qualifications of persons interested in serving on the Citizen Involvement Committee, you are requested to fill out this interest form. Please feel free to attach or enclose supplemental information or a resume which further details your involvement in volunteer activities, public affairs, civic services, affiliations, etc.

We consider information from Sections I through III public, and it may be used in press releases announcing appointments.

NAME OF NOMINATING GROUP: East County Senior Coalition

SECTION I

NAME: Jeanne Polliam HOME PHONE: 665-1437
ADDRESS: 626 N.E. Fleming Ave. WORK PHONE:
Gresham, OR Zip code: 97030-5920

Is your residence located in Multnomah County?

YES NO

SECTION II

Why are you interested in serving on the Multnomah County Citizen Involvement Committee?

Because I live in Gresham, I feel being on this committee gives the citizens in East County good representation.

SECTION III

Please list three volunteer/civic activities:

- ORGANIZATION: 1. East County Senior Coalition DATE: 1993 to present
2. Interfaith Caregivers DATE: 1993 to present
3. Gresham Charter Review Committee DATE: 19993

RESPONSIBILITIES: With #1 I have been active helping to fund a senior focal point in Gresham. With #2 I was on the steering committee to start this and now help on the development committee. In the case of #3 I was appointed by the Mayor to revise the city charter if needed.

SECTION IV

Please list the name, address and telephone numbers of two people who may be contacted as references. Please name those who know about your interests and qualifications to serve on the Citizen Involvement Committee:

Patty Brost, Legacy Mt. Hood Medical Ctr. 661-9287
Karylann Echols, East County Community Organizer
618-0627

SECTION V

Please state any potential conflicts of interest between private life and public service which might result from service on the Citizen Involvement Committee:

None

SECTION VI

In order to assist Multnomah County in meeting affirmative action goals, additional information is requested of you. This section is voluntary and will remain confidential.

BIRTH DATE: Month 3 Day 12 Year 1922 SEX: Female Male

ETHNIC ORIGIN: Asian Black Hispanic
Native American White

My signature affirms that all information is true to the best of my knowledge. I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration or, subsequent to my appointment to the Citizen Involvement Committee, may result in my dismissal from that Committee.

Signature: Jeanne Pulliam Date: May 30, 1996

* Winner '95/6 Multco Volunteer Award

MEETING DATE: OCT 31 1996

AGENDA #: C-2

ESTIMATED START TIME: 9:30 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Appointment to Food Service Advisory Board

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY:

AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED: 10/31/96

AMOUNT OF TIME NEEDED: Consent Agenda

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Appointment of Paul S. Lehrle to the Food Service Advisory Board , Industry Representative Position, for a 3 year term ending 10/30/99.

SIGNATURES REQUIRED:

ELECTED OFFICIAL:
(OR)
DEPARTMENT
MANAGER:

Beverly Stein

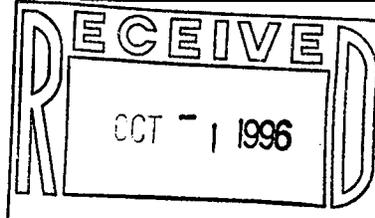
BOARD OF
COUNTY COMMISSIONERS
96 OCT 15 PM 2:21
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222



MULTNOMAH COUNTY OREGON



BOARDS AND COMMISSIONS

INTEREST FORM FOR BOARDS AND COMMISSIONS

In order for the County Executive to more thoroughly assess the qualifications of persons interested in serving on a Multnomah County board or commission, you are requested to fill out this interest form as completely as possible. You are encouraged to attach or enclose supplemental information or a resume which further details your involvement in volunteer activities, public affairs, civic services, published writing, affiliations, etc.

A. Please list, in order of priority, any Multnomah County boards/commissions on which you would be interested in serving. (See attached list)

FOOD SERVICE ADVISORY COMMITTEE

B. Name PAUL S. LEHRLE

Address 8347 NE MILTON

City PORTLAND State OR Zip 97220

Do you live in _____ unincorporated Multnomah County or a city within Multnomah County.

Home Phone 503 252 5501

C. Current Employer RTM RESTAURANT GROUP

Address 3511 NE 82ND AVE

City PORTLAND State OR Zip 97220

Your Job Title RESTAURANT MANAGER

Work Phone 503 282 3846 (Ext)

Is your place of employment located in Multnomah County? Yes No _____

D. Previous Employers	Dates	Job Title
ARBY'S INC	93-94	MGR
CASCADE BEER Yakima WA DBA ARBY'S	88-93	MGR
BRITISH ARMY	65-88	cook Sgt

GLADYS McCOY, MULTNOMAH COUNTY CHAIR

1120 S.W. FIFTH, ROOM 1410

PORTLAND, OREGON 97204

CONTACT: KATHY MILLARD

E. Please list all current and past volunteer/civic activities.

Name of Organization	Dates	Responsibilities
NONE IN THE USA.		

F. Please list all post-secondary school education.

Name of School	Dates	Degree/Course of Study
ARMY SCHOOL OF CATERING	VARIOUS	DIPLOMA IN CATERING
		DIPLOMA IN SUPERVISORY STUDIES

G. Please list the name, address and telephone numbers of two people who may be contacted as references who know about your interests and qualifications to serve on a Multnomah County board/commission.

HOWARD CANNON	503 777 9772 - 360 686 3363
BRIAN DIXON	503 777 9772 - 360 891 7961

H. Please list potential conflicts of interest between private life and public service which might result from service on a board/commission.

NONE KNOWN

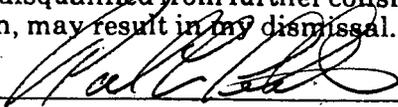
I. Affirmative Action Information

sex / racial ethnic background

m. / WHITE

birth date: Month 7 Day 9 Year 48

My signature affirms that all information is true to the best of my knowledge and that I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration or, subsequent to my appointment to a board/commission, may result in my dismissal.

Signature  Date 9-27-96

MEETING DATE: OCT 31 1996

AGENDA #: C-3

ESTIMATED START TIME: 9:30 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Appointment to Merit System Civil Service Council

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY:

AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED: 10/31/96

AMOUNT OF TIME NEEDED: Consent Agenda

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Appointment of Regina Hauser to the Merit System Civil Service Council for a term ending July 30, 2001.

SIGNATURES REQUIRED:

ELECTED OFFICIAL:
(OR)
DEPARTMENT
MANAGER:

Beverly Steind

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 OCT 22 PM 2:22

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222

RESUME OF

REGINA HAUSER

SCHWABE, WILLIAMSON & WYATT
PACWEST CENTER, SUITES 1600-1800
1211 SOUTHWEST FIFTH AVENUE
PORTLAND, OREGON 97204-3795
(503) 796-2885

PROFESSIONAL HISTORY

Schwabe, Williamson & Wyatt Attorneys
Attorney at Law

1985-Present

Shareholder. Leader of firm employment department. Practice focus in the area of employer/employee relations. Experience in this field includes drafting employment manuals, non-competition agreements and litigation. Successfully defended employers in state and federal court and before EEOC, Bureau of Labor and Industries and the Washington Human Rights Commission. Has also represented employees against employers on occasion. Additional practice experience in the area of intellectual property and computer law.

BAR ADMISSIONS

Oregon State Courts, Washington State Courts, United States District Court (District of Oregon and Eastern & Western Washington), United States Court of Appeals (Ninth Circuit and Federal Circuit).

EDUCATION

Bachelor of Arts degree, University of Washington, Communications, 1981.

Juris Doctor degree, University of Santa Clara Law School, 1985.

PROFESSIONAL AND PUBLIC SERVICE INVOLVEMENT

Mental Health Partners, Inc.
President
Director

1995-Present
1992-1994

Tygres Heart Shakespeare Co.
Director

1995-Present

City Club Research Board
Board Member

1994-1996

Volunteer Lawyers Project
Advisory Board Member
Director

1995
1993-1994

Oregon State Bar Computer Law Section
President
Member Executive Committee

1991
1989-1992

MEMBERSHIPS

Member of the Labor and Employment section and the Intellectual Property section of the American Bar Association. Member of the Labor & Employment, Litigation and Computer Law sections of the Oregon State and Washington State Bar Associations.

MEETING DATE: OCT 31 1996

AGENDA #: C-4

ESTIMATED START TIME: 9:30 am

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC License Renewal

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office DIVISION: _____

CONTACT: Sergeant Bart Whalen TELEPHONE: 251-2431

BLDG/ROOM #: 313/124

PERSON(S) MAKING PRESENTATION: Sergeant Bart Whalen

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal Application for:

Fred's Marina
12800 NW Marina Way
Portland, OR 97231

11/196 ORIGINAL to SGT. BART WHALEN

The background has been checked on applicants: Cherie Sprando, Alexander Fredrick, and Veva Fredrick, and no criminal history can be found on the above.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: Barton Whalen

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any questions: Call the Office of the Board Clerk 248-3277 or 248-5222

BOARD OF COUNTY COMMISSIONERS
MULTI-NOMAH COUNTY
OREGON
96 OCT 22 PM 2:51

Oregon Liquor Control Commission
 PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1996

License Type: Package Store	District: 1	County/City: 2600	RO#: R06953A	421/203
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FREVACH LAND COMPANY
 12800 NW MARINA WAY
 PORTLAND OR 97231

Licensee(s) **FREVACH LAND COMPANY**

Tradenname **FRED'S MARINA**
 12800 NW MARINA WAY
 PORTLAND OR 97231

Instructions:

1. Answer all questions completely on the renewal application.
2. Have each partner or an authorized corporate officer sign the renewal application.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 11, 1996 to avoid late fees.

Operational Questions:	Responses:
(1) Please list a daytime phone number.	Phone Number: <u>286-5537</u>
(2) Please list all arrests or convictions for any crime, violation, or infraction of any law during the last year even if they are <u>not liquor</u> related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name Offense Date City/State Result <u>None</u>
(3) Will anyone share in the profits who is not a licensee? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:

Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC.
 The County of MULTNOMAH recommends that this license be GRANTED REFUSED on (date) 10/31/96
 Signed: Beverly Stein Title of Signer BEVERLY STEIN, COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Package Store	50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<<	50.00
Late Fees	
IF Renewal Application Is Received After December 11, 1996 but before January 01, 1997	Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 1997.	Add 20.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
CHERIE SPRANDI	<u>Cherie Sprandi</u>	<u>9/30/96</u>	<u>542-52-5643</u>	<u>5/9/50</u>
ALEXANDER FREDRICK	<u>Alexander E. Fredrick</u>	<u>9/30/96</u>	<u>540-12-2697</u>	<u>12/13/20</u>
VERVA FREDRICK	<u>Verna M. Fredrick</u>	<u>9/30/96</u>	<u>543-16-6711</u>	<u>7/17/22</u>

MEETING DATE: OCT 31 1996

AGENDA #: C-5

ESTIMATED START TIME: 9:30 am

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: OLCC License Renewal

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office DIVISION: _____

CONTACT: Sergeant Bart Whalen TELEPHONE: 251-2431

BLDG/ROOM #: 313/124

PERSON(S) MAKING PRESENTATION: Sergeant Bart Whalen

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

This is an OLCC Package Store License Renewal Application for:

Weece's Market
7310 SE Pleasant Home Rd.
Gresham, OR 97080

11/196 original to Sgt BART WHALEN

The background has been checked on applicants: Hyun Jang Kim, Ae Ja Kim, and Hong Bae Kim, and no criminal history can be found on the above.

SIGNATURES REQUIRED:

ELECTED
OFFICIAL:
(OR)
DEPARTMENT
MANAGER:

Barton Whalen

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURE

96 OCT 23 PM 3:25
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

Any questions: Call the Office of the Board Clerk 248-3277 or 248-2222

Oregon Liquor Control Commission
 PO Box 22297, Milwaukie, OR 97269 1-800-452-6522
License Renewal Application

IMPORTANT: Failure to fully disclose any information requested, or providing false or misleading information on this form is grounds to refuse to renew the license. Your license expires December 31, 1996

License Type: Package Store	District: 1	County/City: 2600	RO#: R00277A	421/203
-----------------------------	-------------	-------------------	--------------	---------

KIM AE JA
 7310 SE PLEASANT HOME ROAD
 GRESHAM OR 97080

Licensee(s) **KIM AE JA**
KIM HONG B
KIM HYUN JANG

Tradenname **WEECE'S MARKET**
 7310 SE PLEASANT HOME ROAD
 GRESHAM OR 97080

Instructions:

1. Answer all questions completely on the renewal application.
2. Have each partner or an authorized corporate officer sign the renewal application.
3. Have the local governing body endorse the renewal application.
4. Return completed renewal application along with the appropriate license fee due before December 11, 1996 to avoid late fees.

Operational Questions:	Responses:
(1) Please list a daytime phone number.	Phone Number: 503-663-3141
(2) Please list all arrests or convictions for any crime, violation, or infraction of any law during the last year even if they are not liquor related for anyone who holds a financial interest in the licensed business. Attach additional sheet of paper to back of form if needed.	Name Offense Date City/State Result
(3) Will anyone share in the profits who is not a licensee? If yes, please give name(s) and explain.	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:
(4) Were there any changes of ownership (ie: add/drop partners, change to corporations, etc.) not reported to the OLCC in the last year?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES & EXPLAIN:

Endorsement - Please take this form to your local governing body that is listed below before you return it to the OLCC. 57474

The County of MULTNOMAH recommends that this license be GRANTED REFUSED on (date) 10/31/96

Signed: Beverly Stein Title of Signer BEVERLY STEIN, COUNTY CHAIR

License Fees and Late Fee Schedule & Amounts - Do not mail cash.	Dollar Amount (\$)
License Fee for Package Store	50.00
TOTAL FEE TO PAY >>>>PLEASE PAY THIS AMOUNT<<<<	50.00
Late Fees	
IF Renewal Application Is Received After December 11, 1996 but before January 01, 1997	Add 12.50 To Total Due
IF Renewal Application Is Received On or After January 01, 1997.	Add 20.00 To Total Due

Print Name	Signature	Date	Social Security #	Date of Birth
HYUN JANG KIM	<u>Hyun Jang K.</u>	10/2/96	544-17-6092	3-15-36
A.E. JA KIM	<u>Ae Ja Kim</u>	10/2/96	544-17-4475	7-1-46
HONG BAE KIM	<u>Hong Bae K.</u>	10/2/96	544-17-4694	6-1-66

MEETING DATE: OCT 31 1996

AGENDA NO: C-6

ESTIMATED START TIME: 9:30 am

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Retroactive Intergovernmental agreement with Portland Public Schools for Teen Parent Child Care and Project Counteract

BOARD BRIEFING

Date Requested: _____

Requested By: _____

Amount of Time Needed: _____

REGULAR MEETING

Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Community and Family Services

DIVISION: _____

CONTACT: Lorenzo Poe/ Iris Bell

TELEPHONE: 248-3691

BLDG/ROOM: B166/7th

PERSON(S) MAKING PRESENTATION: Lorenzo Poe/Iris Bell

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE

IGA contract #101957, Amendment #1 to renew purchase of Teen Parent Child Care and Project Counteract.

11/1/96 ORIGINALS TO BOB LEWICKI

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Lorenzo Poe ms

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 OCT 23 AM 9:58



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204
PHONE (503) 248-3691
FAX (503) 248-3379
TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Beverly Stein, Multnomah County Chair
FROM: Lorenzo Poe, Director *Lorenzo Poe ms*
Department of Community and Family Services
DATE: September 30, 1996
SUBJECT: FY 1996-97 Contract with Portland Public Schools

I. Recommendation/Action Requested: The Department of Community and Family Services recommends Board approval of the attached contract with for the period August 26, 1996 through June 30, 1997. This contract requires approval retroactive to the effective date.

II. Analysis: The Department of Community and Family Services is contracting with Portland Public Schools to purchase: A) Teen Parent Child Care; and B) Counteract Program for youth incurring disciplinary action due to an alcohol and/or drug offense.

III. Background: The funds for this contract are in the Department budget from: A) Teen Parent Child Care through December 31, 1996 pending a current RFP process; and B) Counteract Program; County General Fund add package to replace federal funds no longer available.

IV. Legal Issues: None

V. Controversial Issues: None

VI. Link to Current County Policies: Continues current County Policy.

VII. Citizen Participation: N/A

VIII. Other Government Participation: Portland Public Schools

S:\ADMIN\CEU\CONT97\PPS97.MEM

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Contract # **101957**

Prior-Approved Contract Boilerplate: xxx Attached; Not Attached

Amendment # 1

<p style="text-align: center;">CLASS I</p> <p><input type="checkbox"/> Professional Services under \$25,000</p> <p><input type="checkbox"/> Intergovernmental Agreement Under \$25,000</p>	<p style="text-align: center;">CLASS II</p> <p><input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p style="text-align: center;">CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement</p> <p><input type="checkbox"/> Intergovernmental Revenue Agreement</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p style="text-align: center;">AGENDA # <u>C-6</u> DATE <u>10/31/96</u></p> <p style="text-align: center;">DEB BOGSTAD</p> <hr/> <p style="text-align: center;">BOARD CLERK</p>
---	--	--

Department: Community & Family Services Division: _____ Date: September 30, 1996
 Administrative Contact: Bob Lewicki Phone: 248-3691 ext 4460 Bldg/Room 166/7th
 Description of Contract: _____

Purchases A) Day care for teen student mothers; and B) Counteract Program

RFP/BID #: A)3P1981 Date of RFP/BID: A)4/93 Exemption Expiration Date: _____
 ORS/AR # _____ Contractor is JMBE JWBE QRF N/A None
 Original Contract No. _____ (Only for Original Renewals)

<p>Contractor Name: Portland Public Schools</p> <p>Mailing Address: 501 N. Dixon</p> <p style="text-align: center;">Portland, Oregon 97227-1871</p> <p>Phone: (503) 249-2000</p> <p>Employer ID# or SS# 93-6000803</p> <p>Effective Date: August 26, 1996</p> <p>Termination Date: June 30, 1997</p> <p>Original Contract Amount: \$ 92,884.00</p> <p>Total Amt of Previous Amendments: \$</p> <p>Amount of Amendment: \$209,415.00</p> <p>Total Amount of Agreement: \$ 302,299.00</p>	<p>Remittance Address (if different) _____</p> <hr/> <p style="text-align: center;">Payment Schedule Terms</p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input checked="" type="checkbox"/> Monthly \$ <u>invoice/fee for service/reimbursement/allotment</u></p> <p><input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Requirements contract - Requisition Required</p> <p>Purchase Order No. _____</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>
--	--

REQUIRED SIGNATURES:

Department Manager: *Lorenzo Poe* Date: 10/10/96

Purchasing Director: _____ Date: _____
 (Class II Contracts Only)

County Counsel: *Katie Gault* Date: 10/22/96

County Chair/Sheriff: *Willie Turner* Date: 10/31/96

Contract Administration: _____ Date: _____
 (Class I, Class II Contracts Only)

VENDOR CODE GV5555A				VENDOR NAME				TOTAL AMOUNT:			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	Inc/Dec Ind.

If additional space is needed, attach separate page. Write contract # on top of page.

COMMUNITY AND FAMILY SERVICES DEPARTMENT
 CONTRACT APPROVAL FORM SUPPLEMENT
 Contractor : PORTLAND PUBLIC SCHOOLS

Vendor Code : GV5555A

Fiscal Year : 96/97

Amendment Number : 1

Contract Number : 101957

LINE	FUND	AGEN	ORG CODE	ACTIVITY CODE	OBJECT CODE	REPORTING CATEGORY	LGFS DESCRIPTION	ORIGINAL AMOUNT	AMENDMENT AMOUNT	FINAL AMOUNT	REQT'S ESTIMATE
05	156	010	1661	A70Y	6060	9999L	County General Fund A&D Prevention/Student	\$0.00	\$180,000.00	\$180,000.00	
04	156	010	1340	Y03X	6060	9999L	County General Fund CYF Child Care	\$0.00	\$38,400.00	\$38,400.00	
TOTAL								\$0.00	\$218,400.00	\$218,400.00	\$0.00

MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
CONTRACT # 101957 , AMENDMENT # 1

DURATION OF AMENDMENT: August 26, 1996
CONTRACTOR NAME: Portland Public Schools
CONTRACTOR ADDRESS: 501 N. Dixon
Portland, OR 97227-1871

TO: June 30, 1997
TELEPHONE: 249-2000
IRS NUMBER: 93-6000830

This amendment is to that certain contract dated July 1, 1996, between the Multnomah County Department of Community and Family Services, referred to as the "COUNTY" and Portland Public Schools, referred to as the "CONTRACTOR". It is understood by the parties that all conditions and agreements in the original contract not superseded by the language of this amendment are still in force and apply to this amendment.

PART I: CHANGES

A) Provides \$38,400 for Infant Toddler Day Care slots in Portland Public Schools beginning September 1, 1996; B) Provides \$180,000 for Counteract Program beginning August 26, 1996.

PART II: AMENDMENT NARRATIVE

A) This money will allow services to be continued while an RFP is developed.
B) County general fund will support ongoing operation of the Counteract Program.

In witness whereof, the parties hereto have caused this contract to be executed by their authorized officers.

MULTNOMAH COUNTY

PORTLAND PUBLIC SCHOOLS

BY Lorenzo Pae mis 10/10/96
Director, Dept of Community & Date
Family Services

BY _____
Agency Authorized Signer Date

BY Beverly Stein 10/31/96
Beverly Stein Date
Multnomah County Chair

REVIEWED:
LAURENCE KRESSEL, County Counsel for
Multnomah County, Oregon

By Katie Gaetjens 10/22/96
Katie Gaetjens Date

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-6 DATE 10/31/96
DEB BOGSTAD
BOARD CLERK

CONTRACT FOR SERVICES
MULTNOMAH COUNTY COMMUNITY AND FAMILY SERVICES DEPARTMENT

**Attachment A:
Service Elements and Contract Amounts**

Contractor Name : PORTLAND PUBLIC SCHOOLS	Vendor Code: GV5555A
Contractor Address :	
501 N DIXON PORTLAND OR 97227-1871	
Telephone : 249-2000	Fiscal Year : 96/97
Federal ID # : 93-6000830	

Program Office Name : CYF Early Childhood Care & Education

Service Element Name : CYF Health/Development Screening (Y03H); Health & Development Screening

Mod. #	Begin Date	End Date	Payment Method	Payment Basis	# of Units	Unit Description	Unit Rate	Amount
0	7/1/96	6/30/97	Per Invoice	Fee for Service	8.00	Screen Session	4,074.00	\$32,589.00
Total					8.00			\$32,589.00

Service Element Name : CYF Child Care (Y03X); Infant Day Care

Mod. #	Begin Date	End Date	Payment Method	Payment Basis	# of Units	Unit Description	Unit Rate	Amount
1	9/1/96	12/31/96	Per Invoice	Fee for Service	48.00	slot/month	600.00	\$38,400.00
Total					48.00			\$38,400.00

Program Office Name : CYF Prevention

Service Element Name : CYF Alternative Schools (Y01X); Mt. Scott Center for Learning

Mod. #	Begin Date	End Date	Payment Method	Payment Basis	# of Units	Unit Description	Unit Rate	Amount
0	7/1/96	6/30/97	Per Invoice w/ Advance	Cost Reimbursement				\$51,000.00
Total								\$51,000.00

Service Element Name : CYF Summer Camps (Y95X); Summer Camp

Mod. #	Begin Date	End Date	Payment Method	Payment Basis	# of Units	Unit Description	Unit Rate	Amount
0	7/1/96	6/30/97	Per Invoice	Fee for Service	6.00	Week long cam	1,549.00	\$9,295.00
Total					6.00			\$9,295.00

Program Office Name : BHP Alcohol & Drug Contracts

Service Element Name : A&D Prevention/Student (A70Y)

Mod. #	Begin Date	End Date	Payment Method	Payment Basis	# of Units	Unit Description	Unit Rate	Amount
1	8/26/96	6/30/97	Monthly Allotment	Cost Reimbursement				\$180,000.00
Total								\$180,000.00

PLEASE PRINT LEGIBLY!

MEETING DATE 10-31-96

NAME Mark Cottle

ADDRESS 4000 Kincaid Way Pl 1-265

STREET

LAKE OSWEGO, OR 97035

CITY

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM # R-2

SUPPORT _____ OPPOSE _____

SUBMIT TO BOARD CLERK

MEETING DATE: October 31, 1996
AGENDA #: R-2
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Jeanne Duval Adult Care Home License Appeal, Hearing No. 16271

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, October 31, 1996
AMOUNT OF TIME NEEDED: 5 Minutes

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: City Atty. Pete Kasting TELEPHONE #: 823-4047
BLDG/ROOM #: 131/315

PERSON(S) MAKING PRESENTATION: Pete Kasting, Mark Cottle, Katie Gaetjens

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Board Decision and Consideration of an ORDER Regarding the Appeal of Jeanne Duval from the Hearings Officer Decision on an Adult Care Home License. **OPTION 1** Schedule a Hearing to Accept Evidence or Argument on this Appeal; OR **OPTION 2** Decide this Appeal on the Record that has Already Been Created. MCC Section 8.90.090 (J) and Section 890-90-450 of the Administrative Rules for Licensure of Adult Care Homes Give the Board Discretion to Follow Either Course. 11/1/96 copies to PETE KASTING, KATIE GAETJENS, MARK

COTTE, MARY FASSELL & DAELA PROPERLY
SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: _____



BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 SEP 16 PM 4:02

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222



CITY OF
PORTLAND, OREGON
OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney
City Hall

Mailing Address:
1220 SW 5th Ave Rm 315
Portland OR 97204

Temporarily Located At:
1400 SW 5th Ave Rm 600
Portland Oregon

September 16, 1996

INTEROFFICE MEMORANDUM

TO: Deb Bogstad, Clerk
Multnomah County Board of Commissioners

FROM: Peter Kasting *PK*
Senior Deputy City Attorney

SUBJECT: Appeal of Jeanne Duval from Hearings Officer Decision on an Adult Care Home License, Hearing No. 162171

BOARD OF
COUNTY COMMISSIONERS
96 SEP 17 PM 12:44
MULTNOMAH COUNTY
OREGON

At its meeting on October 31, 1996, the Board needs to decide whether it wants to (1) schedule a hearing to accept evidence or argument on this appeal or (2) decide this appeal on the record that has already been created. MCC section 8.90.090 (J) and section 890-90-450 of the Administrative Rules for Licensure of Adult Care Homes give the Board discretion to follow either course.

If the Board chooses to decide this matter on the record, it may either make a decision on October 31 or may, if it chooses, bring the matter back to the Board at a later date for Board discussion and a final decision. The meeting on October 31 is not for the purpose of receiving evidence or argument from the parties regarding the merits of the appeal. It is only to decide whether the Board wants to receive additional evidence or argument in this matter or, if the Board chooses, to dispose of the matter on the existing record.

I will be attending the meeting on October 31. Ms. Duval and representatives of the Adult Care Home Program might attend but are not required to attend. If they do attend and the Board wants to hear from them on whether additional evidence or argument should be received (and on that question only), I would suggest giving each side three minutes to make a statement.¹

c: Mark Cottle, attorney for Jeanne Duval
Katie Gaetjens, Assistant County Counsel

¹Note to parties: You must let the Board Clerk know if you would like to address the Board. Notification cards are provided for this purpose. They are located on a small table just inside the door of the Board's meeting room. You should give a completed card to the Clerk before the meeting starts.





MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN, CHAIR
DAN SALTZMAN
GARY HANSEN
TANYA COLLIER
SHARRON KELLEY

September 17, 1996

RECEIVED

SEP 18 1996

COUNTY COUNSEL FOR
MULTNOMAH COUNTY, OR

Mark Cottle, Esq.
4000 Kruse Way Place
Building 1, Suite 265
Lake Oswego, OR 97035

RE: Your August 21, 1996 letter
re: Duval, Jeanne

Dear Mr. Cottle:

I am responding to your August 21, 1996 letter to Ms. Mary Fassell of the Multnomah County Department of Aging Services Adult Care Home Program (ACHP) regarding your client, Ms. Jeanne Duval.

Your August 21, 1996 letter deals primarily with the issue of whether the hearing officer in the above matter, Ms. Ann Gasser, is an employee of the Multnomah County ACHP. The simple answer is that she is not, and no legal argument will change that fact. The hearing officers who conduct hearings for the ACHP are independent contractors hired by the program to conduct administrative hearings.

You are correct that under Oregon law, the hearing officers could be ACHP employees. Indeed, as you are aware, the hearing officers for many State of Oregon administrative hearings are employees of the agency that made the contested decision.

The ACHP has elected to hire independent hearing officers. In fact, there are no other realistic options other than having an agency employee serve as a hearing officer or hiring an outside officer by contract. There is no pool of experienced pro bono hearing officers available to administrative agencies to conduct hearings which may run for many days, or even weeks, and involve numerous hours of work.

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
SANDRA N. DUFFY
ASSISTANTS
J. MICHAEL DOYLE
KATIE GAETJENS
GERALD H. ITKIN
STEVEN J. NEMIROW
HELLE RODE
MATTHEW O. RYAN
JOHN S. THOMAS
JACQUELINE A. WEBER

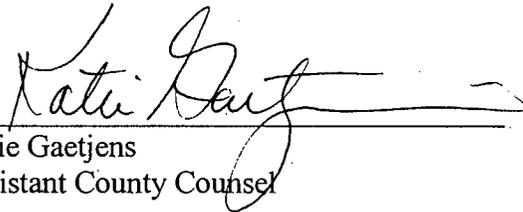
96 SEP 19 AM 9:57
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

Mark Cottle, Esq.
September 16, 1996
Page 2

The balance of your August 21, 1996b letter deals with issues you raise in your September 3, 1996 request for a hearing on behalf of Ms. Duval. Consequently, these issues will be addressed in the ACHP's rebuttal to your September 3, 1996 letter.

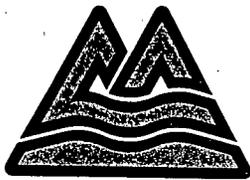
Very truly yours,

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Katie Gaetjens
Assistant County Counsel

KG:bca

cc: Mary Fassell - Adult Care Home Program
Jean DeMaster - Adult Care Home Program
Deb Bogstad, - Clerk, Board of County Commissioners



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

September 12, 1996

*Mr. Mark O. Cottle
Attorney at Law
4000 Kruse Way Place, Bldg. 1, Suite 265
Lake Oswego, Oregon 97035*

Re: Appeal of Jeanne Duval from Hearings Officer Decision on an Adult Care Home License, Hearing No. 162171

Dear Mr. Cottle:

Per our recent phone conversations, your letter dated September 3, 1996 has been accepted as a request for Multnomah County Board review of your client's August 28, 1996 hearings officer decision, and the matter has been scheduled on the Board's agenda for 9:30 am, Thursday, October 31, 1996 in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland.

I will be sending you copies of the agenda as well as the hearings office record in your case, and any other information I receive as it becomes available.

If you have questions regarding the upcoming procedure, please contact City Attorney Pete Kasting at 823-4047, as he advises the Board on these matters because County Counsel represents the Adult Care Home Program. Thank you.

Sincerely,

Deborah L. Bogstad
Deborah L. Bogstad
Board Clerk
(503) 248-3277

*cc: Pete Kasting
Katie Gaetjens
Mary Fassell
Board of Commissioners*

NEWTON, COTTLE & WESTENHAVER, P.C.

ATTORNEYS AT LAW
4000 KRUSE WAY PLACE, BLDG 1, SUITE 265
LAKE OSWEGO, OREGON 97035
(503) 697-7272

MARK O. COTTLE
GREGORY C. NEWTON*
DANA A. WESTENHAVER

FAX (503) 636-6995
E-Mail NCW@Cyberhighway.net
*also admitted in California

September 3, 1996

Board of County Commissioners
Clerk of the Board of the County
1120 SW 5th Room 1510
Portland, OR 97204

BOARD OF
COUNTY COMMISSIONERS
96 SEP - 6 AM 8:26
MULTNOMAH COUNTY
OREGON

RE: *Jeanne Duval - Exception to Hearings Officer's Order*

Dear Clerk of the Board of the County:

This firm represents Ms. Jeanne Duval in regards to a hearing, hearing number 162171, concerning her adult foster care home.

Pursuant to the County's rules, the hearings officer was obligated to issue her order "within 180 days of the hearing request." 890-090-370. Ms. Duval requested the hearing on January 31, 1996 and the order was not issued until August 28, 1996.

As a result of the County's failure to abide by its own rules, all conditions attached to my client's home must be dismissed. The County is the agency which imposed this obligation upon itself, it created this procedural due process right for my client and all providers. Its failure to abide by its procedural due process ordinances violates my client's due process rights. Therefore, the County must withdraw all allegations it has brought against my client.

Aside from that, the order itself demonstrates that the circumstances surrounding the violation mitigates the action of my client. The hearings officer found:

During the period in question, the first week of December 1995, a resident in Ms. Duval's care was dying and a new resident was dropped off by her case worker with no paper work. Ms. Duval put her effort into caring for the dying resident, and some confusion ensued.

There was no health or welfare issues, no one was placed at risk. The County contributed to the problem by violating its own rules and dropping a resident off at a new home without any paper work. Now the County wants to require my client to hire a nurse to monitor the administration of medicines in the home of a weekly basis.

It is this kind of draconian manipulation of the rules that have caused the present day tension between the providers and the County. Sadly, the County has failed to understand the economic reality of conducting a business. Costs, for whatever reason they are imposed upon a

Page 2

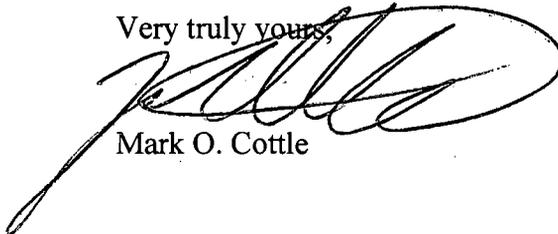
September 3, 1996

RE: *Jeanne Duval - Exception to Hearings Officer's Order*

business, are always eventually past on to the Customer. Health care costs in America have exploded impart, because local agencies like the County's impose costly measures upon providers, measures which could be accomplished in a less costly way. i.e. a CNA could do the monitoring.

Regardless, as a result of the County's violation of the due process procedure it imposed all conditions imposed upon my client must be vacated.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Mark O. Cottle', written over the typed name below. The signature is stylized and somewhat cursive.

Mark O. Cottle



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017
Portland, Oregon 97204-1960
Land Use Hearings (503) 823-7719
Code/Towing Hearings (503) 823-7307
FAX (503) 823-4347
TDD (503) 823-6868

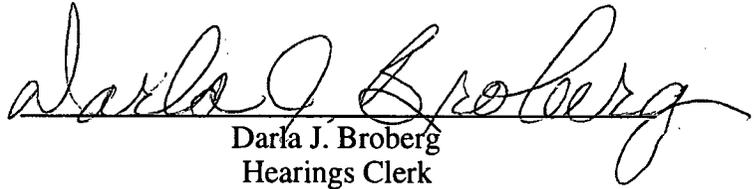
I certify that attached hereto is the true and complete written record of the appeal of Jeanne Duval, No. 162171, during the period beginning June 20, 1996, and ending September 20, 1996.

- 1-2 Order entered herein August 28, 1996; mailed to the parties on the same date.
- 3 Final Historical Log created September 20, 1996.
- 4-14 Appeal No. 162171 dated January 31, 1996, received in the Hearings Office June 20, 1996.
- 15 Notification List prepared June 25, 1996.
- 16 Notice of Hearing of July 18, 1996, hearing; mailed to the parties June 28, 1996.
- 17-19 Letter dated July 17, 1996, Mary M. Fassell to Ann Shatzer; received in the Hearings Office on the same date.
- 20 Letter dated July 17, 1996, Fassell to Ann Gasser; received in the Hearings Office July 18, 1996.
- 21 Hearing Record created at the July 18, 1996, hearing.

EXHIBITS:

- 22 Exhibit #1.
- 23 Exhibit #2.
- 24 Exhibit #101.
- 25 Exhibit #102.
- 26-51 Exhibit #103.

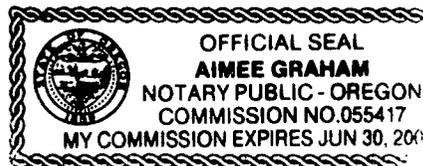
Dated: September 23, 1996


Darla J. Broberg
Hearings Clerk

On September 23, 1996, Darla Broberg appeared before me and did acknowledge that she did execute the foregoing certification in her official capacity as Code Hearings Secretary.

Dated: September 23, 1996


Notary Public
My commission expires June 30, 2000



BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 SEP 23 AM 10:11:2



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017
Portland, Oregon 97204-1960
Land Use Hearings (503) 823-7719
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HEARINGS OFFICER'S ORDER

APPEAL OF JEANNE DUVAL

HEARING NO. 162171

DATE OF HEARING: July 18, 1996

APPEARANCES:

Ms. Jeanne Duval, appellant, personally
and through her attorney, Mr. Mark O. Cottle

Ms. Mary Fassell for Multnomah County

HEARINGS OFFICER: Ms. Ann M. Gasser

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Jeanne Duval operates an adult care home facility at 9258 S.E. Salmon Street, Portland, Multnomah County, Oregon. This is an appeal from an action taken by the Multnomah County Adult Care Home Program. On January 22, 1996, the county fined Ms. Duval \$750.00 and imposed a condition on her license requiring her to hire a registered nurse to develop a controlled medication tracking system and monitor resident care on a weekly basis. On January 31, 1996, Ms. Duval requested an administrative conference and a hearing. After the administrative conference, Multnomah County issued another determination (April 22, 1996) removing the \$750 fine, but continuing the condition on the license to hire a registered nurse to develop a controlled medication tracking system and monitor resident care and records on a weekly basis. The condition was imposed for alleged violations of MCAR 890-020-450(c) and MCAR 890-020-510(b) and (d). Ms. Duval did not withdraw her request for hearing. The hearings officer was duly appointed by letter on July 17, 1996.

Under MCAR 890-020-510(b), there must be a written physician's order for any medications, including over-the-counter medications, treatments, and therapies. Orders must be carried out as prescribed by a physician. Changes may not be made without a physician's order. Under MCAR 890-020-510(d), a written medication chart for each resident shall be kept of all medications administered by the caregiver to that resident, including over-the-counter medications. The chart shall indicate name of medication, dosage, route and time given, and shall be immediately initialed by the person giving it. Treatments and therapies must be given immediately and documented on the medication sheet showing times given, type of treatment or therapy, and initials of the person giving it. The medication chart shall contain a legible signature for each set of initials. Operators shall be responsible for ensuring that narcotics and other controlled substances prescribed for residents are fully accounted for and used only by the resident. MCAR 890-020-450(c) contains the requirements for individual resident records.

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The license condition was based on the following items alleged to have been found on December 6, 1995:

1. No accounting for six pills of a controlled substance, Lorazepan. Violation of MCAR 890-020-510(d).
2. No charting for several medications for resident Williamson for December 1 through December 4, 1995. Violation of MCAR 890-020-510(d).
3. No records for resident Patterson who came to the home on December 1, 1995. Violation of MCAR 890-020-450(c).
4. No current doctor's orders for residents Murray and Simms. Violation of MCAR 890-020-510(b).

Appellant stipulated to the violations as listed in items 1 through 4 of the April 22, 1996 determination letter and outlined above. Appellant disputes only the sanction imposed by the county. During the period in question, the first week of December 1995, a resident in Ms. Duval's care was dying and a new resident was dropped off by her case worker with no paper work. Ms. Duval put her effort into caring for the dying resident, and some confusion ensued.

Under MCAR 890-080-110(b), administrative sanctions may include attachment of conditions that must be met to maintain a license. Under MCAR 890-080-120, an administrative sanction may be imposed upon a finding of any of the circumstances listed in MCC 8.90.080(A). Under MCC 8.90.080(A)(4), a condition may be attached to a license when the operator has failed to comply with rules and standards duly promulgated by the Director of the Department of Human Resources for an adult care home. MCAR 890 contains the rules promulgated by the director regarding adult care homes. Appellant stipulated to violations of those rules. The county had the authority under MCAR 890-080-110(b) to attach a condition on Ms. Duval's license.

While stress and confusion surrounding the death a resident are understandable, it is especially important to adhere to adult care home rules during these times to ensure residents receive proper care. The condition requiring a registered nurse to develop a plan for monitoring controlled medications and monitor care and records of all residents on a weekly basis is not arbitrary and capricious in light of the stipulated violations.

ORDER AND DETERMINATION:

1. The determination of the Multnomah County Adult Care Home Program dated April 22, 1996, attaching a condition on Jeanne Duval's license requiring her to hire a registered nurse to develop a plan for monitoring controlled medications and to monitor care and records of all residents on a weekly basis is SUSTAINED.
2. This order and determination has been mailed to the parties on August 28, 1996, and shall become final on September 17, 1996, unless exceptions are filed with the Board of County Commissioners prior to such date.

Dated: Wednesday, August 28, 1996
AMG/ry



Hearings Officer

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Hearing # 162171

Final Historical Log

Date Prepared: 9/20/96

Time Prepared: 1:47:02 PM

Date Filed 6/25/96 Tapes YES
Bureau Multnomah County City Exhibits YES
Viol. Type appeal - adult care facility Resp. Exhibits YES
Date Closed 9/20/96 CHO Exhibits NO
Status sustained Discussion
Tapes and exhibits may be purged on or after: 4/18/97

Hearings

<u>Date</u>	<u>Time</u>	<u>Purpose</u>	<u>Disposition</u>
7/18/96	1:00:00 PM		Hearing held; Appearance: Duval, Cottle and Fassell

Civil Penalties, Liens, Bureau Fees

<u>Control#</u>	<u>DatePosted</u>	<u>Type of fine/fee</u>	<u>Dates:</u>	<u>Imposed</u>	<u>Paid</u>	<u>Liened</u>	<u>Cancelled</u>	<u>Amounts:</u>	<u>Center Code</u>
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Contacts

<u>Date</u>	<u>Key</u>	<u>Comments</u>
6/20/96	appeal	Appeal of adult care home sanction filed by atty Mark O. Cottle for Jeanne Duval forwarded to HO by Mary Fassell, Mult. Co. RY
6/28/96	notm	Notices mailed. RY
7/15/96	tel	Called and left message for Fassell that we need letter designating Ann as HO. RY
7/17/96	ltr	Letter received via fax designating Ann Gasser as hearings officer. RY
7/18/96	ltr	Original of letter faxed yesterday was submitted at hearing. RY
8/28/96	misc	Estimate 2.25 hours in 7/18 hearing based upon tape record, and 4.5 hours preparing order = total of 6.75 hours. DB
8/28/96	ordm	Order mailed. DB
9/9/96	tel	Rcvd phone call from Deb Bogstad, County Clerk's office. Duval has filed appeal with County. Deb needs copy of our case file, but not of tapes. DB
9/20/96	closed	Case closed. DB

.4/28/93 db

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NEWTON, COTTLE & WESTENHAVER, P.C.

ATTORNEYS AT LAW
4000 KRUSE WAY PLACE, BLDG 1, SUITE 265
LAKE OSWEGO, OREGON 97035
(503) 697-7272

RECEIVED
FEB 2 1996

FAX (503) 636-6995
*ALSO ADMITTED IN CALIFORNIA

MARK O. COTTLE
GREGORY C. NEWTON*
DANA A. WESTENHAVER

January 31, 1996

162171

The Adult Care Home Program
4221 SW Fifth Ave. Room 405
Portland, OR 97204

RE: *Jeanne Duval*

Greetings:

This firm represents Ms. Jeanne Duval. She is requesting a formal hearing on the issues specified in your January 22, 1996 letter to her.

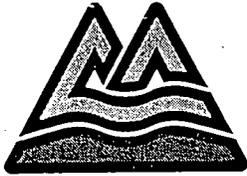
Specifically, she is requesting a hearing on the missing controlled medications, the medications not logged for up to four days and the missing physicians orders.

She would also like a hearing on the conditions you have recommended to be attached on her home and the fine you have assessed.

Very truly yours,

Mark O. Cottle

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MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
FAX: (503) 306-5722
421 SW 5TH, ROOM 405
PORTLAND, OR 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

April 22, 1996

162171

Jeanne Duval
9258 S.E. Salmon
Portland, Oregon 97216

Dear Ms. Duval:

Thank you for coming into our office on March 6th, to discuss the complaints and problems in your home. We always have these conferences to hear both sides of the problems and to help operators if possible, and we think that this time we succeeded in having new information brought out that we did not previously have.

We decided to remove the \$750 fine for retaliation and neglect because of your and your caregiver's statements that you never deprived the resident of any needed care and did not actually have the resident's telephone disconnected even though you told Judy Fowler that you did.

We will, nevertheless, continue to place a condition on your license that you hire a registered nurse to develop a controlled medication tracking system and to monitor the care and record keeping of the residents in your home on a weekly basis.

The basis for this condition is the problems our inspector found in your home on December 6, 1995. These problems included:

1. There were six pills of a controlled substance, Lorazepan, that were unaccounted for. This is a violation of Multnomah County Administrative Rule (MCAR) 890-020-510 (d).
2. Several medications were not charted for Ms. Williamson for December 1 through 4. Again, this is a violation of MCAR 890-020-510 (d).
3. There were no records at all for one resident who came to your home on December 1, 1995, Jill Patterson, in violation of the rules that require records to be kept on all residents from the time they move into your home. See MCAR 890-020-450 (c).
4. Two residents, Julia Murray and Elenor Simms, did not have current doctor's orders, as required by MCAR 890-020-510 (b).

Additional reason for this condition is because these problems have been noted in your home in the past. Our normal procedure would be

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a \$500 fine for a second instance of not having doctors orders, but we decided that the condition to hire a nurse would be more helpful for you. The nurse must come to your home to monitor both your records and the care of the residents.

A new statement of Condition on License is enclosed with this letter. You must post this next to your license in your home. This condition is effective immediately, and will be in effect for one year. It will be reviewed after that time. Any violation of this condition may result in revocation of your license. At her discretion, your licensing agent, Judy Fowler, may decrease the frequency required of the nurse's monitoring visits during the next year.

The nurse may be any registered nurse licensed in Oregon. I am again enclosing a list of nurses who may be willing to help you, or you may look in the Yellow Pages of the telephone book for nurses. You must hire this nurse by May 3, 1996 and call Judy Fowler with the nurses's name and license number by May 6, 1996.

As you know, you have requested a hearing on this condition and the fine. Since the fine is now canceled the hearing will be only on the condition. This letter shall serve as an amended notice of conditions on your license. Should you no longer desire the hearing please send me a written notice that you withdraw your request.

Sincerely,

Mary M. Fassell

Mary M. Fassell, Sanctions Specialist
Multnomah County Adult Care Home Program

Enclosure: Statement of Condition
List of nurses

c: Jean DeMaster
Judy Fowler
Mark Cottle, Attorney



MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
FAX: (503) 306-5722
421 SW 5TH, ROOM 405
PORTLAND, OR 97204-2221

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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

POST

JEANNE DUVAL

9258 S.E. Salmon
Portland, Oregon 97216

CONDITION ON LICENSE

April 22, 1996

Operator shall hire a registered nurse who will develop a plan for monitoring controlled medications, and monitor the care and records of all residents on a weekly basis.

Mary M. Fassell

Mary M. Fassell, Sanctions Specialist
Multnomah County Adult Care Home Program

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HEALTH RESOURCES

Hollywood Foot Clinic - Dr. Rolland N. Vivens	284-3668
Ankle and Foot Clinic - Dr. Vetter DPM	222-0291/777-3999
Geriatric Dental Group - mobil unit	777-1818
Denturist, Harold R. Hoard - will make house calls	287-9316
Senior Smile (Low income clients)	223-4738
Grace Peck Clinic (Urgent dental care/sliding fee scale)	248-3513
Alzheimer's Association	229-7115
Psychiatric/Care-Assessments	232-3627

RN CONSULTANTS

Myrna Bryan, RN	635-4148
David Dale, RN	224-1773
Sherry Dexter, RN	1-206-887-3499
Graziella Doroftei, RN	667-6285
Connie Kelly, RN	656-9662
Annie Lupei, RN	774-8254
Denny Merrina, RN	635-4947
Joyce Miller, RN	666-9620
Manuela Mann, RN	669-8816
Barbara Monroe, RN, MS	292-4766

HOME HEALTH AGENCIES

Check the Yellow Pages of your phone book under "Home Health Agencies" or "Nurses" for information about home health resources.

UNIT DOSE MEDICATION SYSTEMS

American Medical Health Care Associates	526-1374
Clinical Health Systems (CHS)	283-6825
Institutional Pharmacy Consultants (IPAC)	281-4722
Health Tek Pharmacy	285-8556
Professional Plaza 102	254-7383
Rockwood Rexall	665-4181
Olson Institutional Pharmacy Services	657-9422

HOSPITAL SOCIAL SERVICE DEPARTMENTS:

Bess Kaiser Hospital - Social Service	240-6232
Eastmoreland Hospital	234-0411
Emanuel Hospital Social Service	280-4103
Good Samaritan Hospital & Medical Center	229-7629
Holladay Park Hospital, Robin Weishaar	239-9633
Mt. Hood Medical Center	667-1122
Providence Medical Center	230-6160
Veteran's Administration Hospital	220-8262
Woodland Park Hospital - Senior Care Unit/Physiatric Eval.	257-5520

ADULT DAY CARE

Volunteers of America	232-4117
Lambert House	234-9128
Elder Place	230-6556

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162171

MULTNOMAH COUNTY OREGON

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BOARD OF COUNTY COMMISSIONERS
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June 20, 1996

Mr. William W. Shatzer
Hearings Officer
Portland Building
1120 S.W. 5th, Room 1017
Portland, Oregon 97204
B106/1017

Dear Mr. Shatzer:

This office received a request for a hearing from Ms. Jeanne Duval. Originally, the Adult Care Home Program placed conditions on her adult care home license and levied a fine against her and she appealed our decision. Subsequently, the Adult Care Home Program deleted the fine, so this hearing will be only on the conditions on her license. Copies of our letters placing conditions on her license and her letter requesting a hearing are enclosed.

Her attorney is Mark Cottle, 4000 Kruse Way Place, Building 1, Suite 265, Lake Oswego, Oregon 97035, and his phone number is 697-7272.

As is required by MCC 8.90.090, and as a designee of the Director, I am designating you as Hearings Officer in this matter.

I estimate this hearing will take three hours. I am not available July 5 or 11.

Sincerely,

Mary M. Fassell
Mary M. Fassell, Sanctions Specialist
Multnomah County Adult Care Home Program

Enclosures

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MULTNOMAH COUNTY OREGON

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CERTIFIED MAIL

January 22, 1996

Jeanne Duval
9258 SE Salmon
Portland, OR 97216

Dear Ms. Duval:

I have carefully reviewed investigation reports #A9 50919 and A9 51013, as well as subsequent reports of visits to your home by Adult Care Home Program staff. One October, 1995 investigation substantiates neglect and retaliation. According to the investigation, you admitted that, because you did not like a particular resident, you would bring meals to that resident's room, but would not speak, or provide them with any further care. This behavior constitutes neglect and is in violation of the rules for adult care homes. See Multnomah County Administrative Rule (MCAR) 890-015-660(a).

These reports also indicate that you suspected this person had voiced complaints, and you ignored the resident and disconnected her phone as a form of retaliation. You cannot retaliate against residents or anyone who registers complaints against your work as an operator. See MCAR 890-020-415(s) and 890-110-220. You can never deny care to any resident in your home.

An unannounced site visit on December 12, 1995 revealed several significant medication documentation problems including:

- 1) six tablets of a Controlled medication missing (MCAR890-020-450 (d)(D) and MCAR 890-020-510 (d))
- 2) medications not logged for up to four days (MCAR890-020-450 (d)(D))
- 3) missing physicians orders (MCAR890-020-450(d)(G) and MCAR 890-020-510(b))

Doctors orders must be on hand for all prescription and non-prescription medications. All medications must be logged as they are administered to insure accurate record keeping.

These rules are for safety, so that anyone who might take care of your residents in an emergency situation would know what

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medications the residents had already been given and what medications still needed to be given. It is a serious safety risk to have medications containing controlled substances missing.

This is not the first time that these problems have been noted in your home. In April and May of 1995, you did not have current doctor's orders for medications being given and medications were not being charted when given. There were problems with the progress notes and nursing delegations were missing.

Based upon the problems identified in this report, and because these problems have occurred before, our staff has decided:

1. As condition on your license, you are now required to hire a registered nurse to develop a controlled medication tracking system, and to monitor the care of the residents in your home on a weekly basis.
2. You are fined \$750 for retaliation and neglect.

A statement of Condition on your License is enclosed with this letter. You must post this next to your license in your home. This condition will be in effect for one year and will be reviewed after that time. Any violation of this condition will result in revocation of your license.

I am also including a list of nurses who may be willing to help you, or you may look in the Yellow Pages of the telephone book for other nurses. You must hire this nurse by February 1, 1996 and call Judy Fowler, your licensing agent, with the nurse's name and license number by February 1, 1996.

The fine is due by March 30, 1996. There is a \$10 per day penalty on fines not paid by the due date. Please make your check payable to Adult Care Home Program and mail it to:

The Adult Care Home Program
4221 SW Fifth Avenue, Room 405
Portland, OR 97204

This office has the authority to levy fines and attach conditions to your license according to the Multnomah County Code (MCC), which states:

The Director shall have the authority to attach conditions on any license for an adult care home under the following circumstances and such other circumstances as may be established by rules adopted under this chapter:...(2) When there exists a threat to the life, health, safety, or welfare of any resident, and (3) When the owner or operator has failed to comply...with the rules and standards duly promulgated by the Director for an adult care home; or any other state or federal law or rule applicable or relevant to

the health or safety of a resident. MCC 8.90.080 (A).

and:

Any person who violates a provision of this chapter [MCC 8.90] or the rules promulgated thereunder may be punished by a fine in an amount to be fixed by the Director, not to exceed \$1,000 for each violation. MCC 8.90.130 (A).

The Adult Care Home Program staff and Manager wish to talk to you about the problems mentioned in this letter. We can meet Monday January 29, 1996 at 10:00 at our office at 421 SW 5th, Room 405. Please call me at 248-3000 extension 2624 if this is not convenient.

You also have the right to appeal this penalty to an independent hearings officer, per Multnomah County Administrative Rule (MCAR) 890-090-100. To do so, send a written request for a hearing, including the reasons you want a hearing, to:

The Adult Care Home Program
4221 SW Fifth Avenue, Room 405
Portland, OR 97204

Your request for a hearing must be received by this office within twenty (20) days after you receive this letter. If you request a hearing, but do not come to it, our files on your case would automatically become part of the case record for the purpose of proving a prima facie case.

Please call this office if you have any questions.

Sincerely,

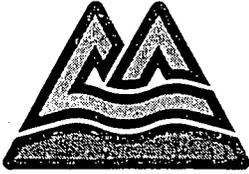
Mary M. Fassell

Mary M. Fassell, Sanctions Specialist
Multnomah County Adult Care Home Program

c: Judy Fowler
Jean DeMaster

Enclosure: Complaint Investigation Report #A9 50919
Conditions on License
List of nurses

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MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
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SHARRON KELLEY • DISTRICT 4 COMMISSIONER

POST

JEANNE DUVAL

9258 SE Salmon
Portland, Oregon 97216

CONDITION ON LICENSE

January 22, 1996

Operator shall hire a registered nurse who will develop a plan for monitoring controlled medications, and monitor the care of all residents on a weekly basis.

Mary M. Fassell

Mary M. Fassell, Sanctions Specialist
Multnomah County Adult Care Home Program

00013

HEALTH RESOURCES

Hollywood Foot Clinic - Dr. Rolland N. Vivens	284-3668
Ankle and Foot Clinic - Dr. Vetter DPM	222-0291/777-3999
Geriatric Dental Group - mobil unit	777-1818
Denturist, Harold R. Hoard - will make house calls	287-9316
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Annie Lupei, RN	774-8254
Denny Merrina, RN	635-4947
Joyce Miller, RN	666-9620
Manuela Mann, RN	669-8816
Barbara Monroe, RN, MS	292-4766

*These are suggested
nurses you could hire.*

HOME HEALTH AGENCIES

Check the Yellow Pages of your phone book under "Home Health Agencies" or "Nurses" for information about home health resources.

UNIT DOSE MEDICATION SYSTEMS

American Medical Health Care Associates	526-1374
Clinical Health Systems (CHS)	283-6825
Institutional Pharmacy Consultants (IPAC)	281-4722
Health Tek Pharmacy	285-8556
Professional Plaza 102	254-7383
Rockwood Rexall	665-4181
Olson Institutional Pharmacy Services	657-9422

HOSPITAL SOCIAL SERVICE DEPARTMENTS:

Bess Kaiser Hospital - Social Service	240-6232
Eastmoreland Hospital	234-0411
Emanuel Hospital Social Service	280-4103
Good Samaritan Hospital & Medical Center	229-7629
Holladay Park Hospital, Robin Weishaar	239-9633
Mt. Hood Medical Center	667-1122
Providence Medical Center	230-6160
Veteran's Administration Hospital	220-8262
Woodland Park Hospital - Senior Care Unit/Physiatric Eval.	257-5520

ADULT DAY CARE

Volunteers of America	232-4117
Lambert House	234-9128
Elder Place	230-6556

00014

Change made: creating mailing list for appeal case

Hearing # 162171

Notification List

Date Prepared: 6/25/96

Respondent: Jeanne Duval
9258 S.E. Falmon
Portland, OR 97216

City Representative: Mary Fassell
Mult. Co. Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624

Attorney: Mark O. Cottle
Attorney at Law
4000 Kruse Way Place, Bldg. 1, #265
Lake Oswego, OR 97035
697-7272, fax 625-5529

**CITY OF PORTLAND -- Code Hearings Office
1120 S.W. 5th Avenue, Room 1017, Portland, OR 97204
(503) 823-7307 / FAX (503) 823-4347**

NOTICE OF HEARING -- Appeal Hearing # 162171

Date Mailed: Fri, Jun 28, 1996

Multnomah County

vs.

Jeanne Duval
Respondent(s) / Appellant(s)

Type of violation or nature of determination: appeal - adult care facility
Date of exclusion order or other determination: Monday, April 22, 1996
Complaint or appeal was filed in the Code
Hearings Office on: Tuesday, June 25, 1996
Bureau case # (if known):
City / County representative: Mary Fassell
Property:

You are notified that a hearing will be held in the above proceeding on:

Date: **Thursday, July 18, 1996** Time: **1:00:00 PM**
Place: **Meeting Room A, second floor of the Portland Building,
1120 S.W. 5th Avenue, Portland, Oregon**
Purpose: **New case**

**ALL REQUESTS FOR POSTPONEMENTS AND CONTINUANCES MUST BE IN WRITING AND
FILED WITH THE CODE HEARINGS OFFICE AT THE ADDRESS AT THE TOP OF THIS
NOTICE.**

This notice has been mailed to the following parties :

Jeanne Duval 9258 S.E. Falmon Portland OR 97216
Mark O. Cottle Attorney at Law
4000 Kruse Way Place, Bldg. 1, #265 Lake Oswego OR 97035
Mary Fassell Mult. Co. Adult Care Home Program
421 S.W. 5th Avenue, #405 Portland OR 97204-2221
Code Hearings Office

**If you have any questions concerning this proceeding,
please call (503) 823-7307 for further information.**

If you need a sign language interpreter or an FM loop amplifier for this hearing, you may contact Darla Broberg or Ruth York at the Hearings Office, 823-7307, or the City Information TDD, 823-6868.

Please call during business hours **AT LEAST TWO BUSINESS DAYS PRIOR** to the hearing so arrangements can be made.

00016

**MULTNOMAH COUNTY OREGON**

AGING SERVICES DIVISION (503) 248-3648
ADULT CARE HOME PROGRAM (503) 248-3000
FAX: (503) 306-5722
421 SW 5TH, ROOM 405
PORTLAND, OR 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

July 17, 1996

Ms. Ann Shatzer
Hearings Officer
Portland Building
1120 S.W. 5th, Room 1017
Portland, Oregon 97204
B106/1017

Dear Ms. Gasser:

This office received a request for a hearing from Ms. Jeanne Duval. Originally, the Adult Care Home Program placed conditions on her adult care home license and levied a fine against her and she appealed our decision. Subsequently, the Adult Care Home Program deleted the fine, so this hearing will be only on the conditions on her license.

As is required by MCC 8.90.090, and as a designee of the Director, I am designating you as Hearings Officer in this matter.

Sincerely,

Mary M. Fassell

Mary M. Fassell, Sanctions Specialist
Multnomah County Adult Care Home Program

RECEIVED

JUL 17 1996

HEARINGS OFFICE

AN EQUAL OPPORTUNITY EMPLOYER

00017



MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION (503) 248-3646
 ADULT CARE HOME PROGRAM (503) 248-3000
 FAX: (503) 306-5722
 421 SW 5TH, ROOM 405
 PORTLAND, OR 97204-2221

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 SHARRON KELLEY • DISTRICT 4 COMMISSIONER

FAX COVER SHEET

DELIVER TO:	Individual: <i>Ann Gasser</i>
FAX#: 823-4347	Department: <i>Hearings Office</i>
Delivery Instructions:	

RECEIVED FROM:	Individual: <i>Mary Fassell</i>
	Department: <i>Adult Care Home Program</i>
Desk Phone: <i>248-3000x2624</i> Fax#: <i>306-5722</i>	

Date: <i>7/17/96</i>	Time:
-----------------------------	--------------

DELIVER AS SOON AS POSSIBLE

Notes or messages:	<i>Here is the letter designating Ann Gasser for appeal # 162171</i>
---------------------------	--

Number of pages sent (including cover sheet) 2

RECEIVED

JUL 17 1996

HEARINGS OFFICE

00018

AN EQUAL OPPORTUNITY EMPLOYER

***** ACTIVITY REPORT *****

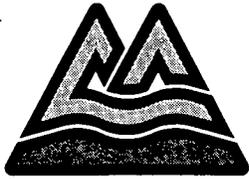
RECEPTION OK

TX/RX NO.	1639
CONNECTION TEL	
CONNECTION ID	
START TIME	07/17 14:21
USAGE TIME	00'59
PAGES	2
RESULT	OK

RECEIVED

JUL 17 1996

HEARINGS OFFICE



MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
FAX: (503) 306-5722
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July 17, 1996

Ms. Ann Gasser
Hearings Officer
Portland Building
1120 S.W. 5th, Room 1017
Portland, Oregon 97204
B106/1017

Dear Ms. Gasser:

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As is required by MCC 8.90.090, and as a designee of the Director, I am designating you as Hearings Officer in this matter.

Sincerely,

Mary M. Fassell

Mary M. Fassell, Sanctions Specialist
Multnomah County Adult Care Home Program

00020

LB

MEMO TO THE FILE RE:

Jeanne Duval
9258 SE Salmon
Portland, OR 97216
12/6/95

The medication sheets showed that there were six documented administrations of Lorazepan .5 mg to Mrs. M. and there were twelve pills missing from the bubble pack. There are six unaccounted pills.

There are bubble packs of controlled substances indicated by the red "C" on the prescription label, but there is no narcotic count sheets for those medications.

Medications not logged for Ms. W.

- Lanoxin .125 mg not logged December 1-2 & 4.
- Premarin 1.25 mg not logged December 1-2 & 4.
- Levoxyl .125 mg not logged December 1-2 & 4.
- Asperin 325 mg not logged December 1-2 & 4.
- Klor-con IOMLQCR Tab not logged December 1-2-3 & 4.
- Quinamn 260 mg not logged December 3 & 4.
- Frosemide 40 mg not logged December 3 & 4.

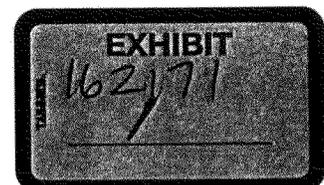
The med sheet for Ms. S. has no date and is initialed 1-16.

Two of the med. sheets from Payless are very difficult to read. The medication cycle begins on the 20th of the month but new med sheets are not provided until later.

Physicians orders are as follows:

- Ms. M - no current physicians orders, no documentation of phone orders.
- Ms. F - physicians orders Oct 1995, current and complete.
- Ms. W - 10/19/95 physicians orders are current and complete.
- Ms. P - admitted December 1, 1995 - no records at all.
- Ms. S - admitted 10/28/95 no signed physicians orders.

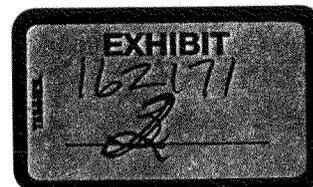
00022



RESIDENT RECORDS

In an effort to clarify any confusion regarding the elements of resident records as required by the Multnomah County Administrative Rules, we offer the following chart:

FORM	WHEN REQUIRED
Resident Information Sheet	On admission and updated as needed.
Resident Pre-Screening Sheet	Prior to admission.
Care Plan	Within 2 weeks of admission and updated as care needs change or every six months, whichever is sooner.
Physician Orders	On admission, if medications or administration change.
Medication Sheets	Must match physician orders; Medications must be charted within 30 minutes of the time they are dispensed.
RN Delegations	On admission if required. An individual delegation must be done for all caregivers performing the delegated task in the home; Must be updated at least every 60 days.
Progress Notes	Must be documented at least every 7 days and should include incident reports on falls, injuries, absences and medical emergencies, as well as the condition of the resident.
Rental Agreement	On admission for private pay residents only.
Personal Possession Inventory	On admission and updated as needed.
Money Management Form	Must be documented in a current manner and have receipts for purchases costing \$5.00 or more.
Long Term Care Assessment Form	On admission for private pay residents only.
Form SDSD 512	Upon receipt for all Medicaid residents.
House Rules	On admission and updated if house rules are changed.
Oregon Directive to Physicians or a Power of Attorney for Health Care	At the discretion of the resident. If one is present, it must be prominent in the resident records and copies should accompany the resident if he/she is transferred for medical care.



00023



DISCIPLINE: RN PT SLP OT MSW VOL PC RD

DATE

NARRATIVE

12/14/95

HV with pt's daughter ~~and~~ Virginia and Mr. Jan Davis.
Signed with Providence Home Care as of today. Daughter
agreed with DNR - comfort measures. Note new med.
orders

①. Oxycodone 10mg QD PO

②. Lasix 160mg PO BID

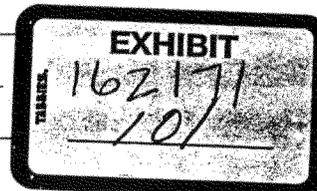
oxygenation
shortness
of breath

③. Ativan 0.5mg - 1mg every 4°. Maybe
given PO. If unable to swallow melt in 1/2
cup H₂O and give sublingually. prn

pain &
shortness of
breath

④. Roxanol 20mg/cc concentration
1/2 - 2cc, every one hour if needed
given sublingually.

Jeffery RN



PATIENT NAME: Murray, Julia

SOC DATE: 12/14/95



SISTERS OF PROVIDENCE HOME SERVICES
Portland, Oregon

ST VINCENT HOSPICE
 PROVIDENCE HOSPICE

CHANGE OF ORDERS

PATIENT NAME <u>Murray, Julia</u>	
DATE & TIME	CONFIRMATION OF VERBAL ORDER
<u>12/16/95</u>	<u>late order 12/4/95</u>
	<u>Acupril 10mg BD PO Blood draw next IV Chemscreen</u>
	<u>Lasix 100mg PO BID</u>
	<u>Diltiazem 0.15mg - 1mg q4h PO/SL Titrate per Hcp</u>

PHYSICIAN NAME

Dr. Craig Stephen RECEIVED
DEC 15 1995

ADDRESS

CITY, STATE, ZIP

DATE MAILED 12/11/95
PLEASE SIGN & RETURN WITHIN SEVEN DAYS. THANK YOU.
DATE RETURNED DEC 18 '95

X [Signature]
PHYSICIAN SIGNATURE

12/13/95
DATE

X [Signature]
STAFF SIGNATURE 12/16/95
DATE

X [Signature]
PHYSICIAN SIGNATURE

12/13/95
DATE

X [Signature]
STAFF SIGNATURE 1/1
DATE

00025

1180P
7402-24-S 3992

RECORD KEEPING
(Recommended Forms)

for

ADULT CARE HOME PROGRAM

MULTNOMAH COUNTY

3 yrs SAUC -



Organization of Record Keeping is Recommended as Follows:

RESIDENT RECORDS

Form/Information

- Resident Information Sheet Top page

- Resident Pre-Screening Sheet Tab/divider
Care Plan(s) > Resident
Incident reports (use progress notes) Care

- Physician Orders > Dr.Orders

- Med Sheets > Medication
Controlled Substance sheets

- RN Delegations > Nurse Notes
PRN Form
Restraints Approval
Nurses Notes/Documentation

- Rental Agreement (Private pay clients) > Misc.
Resident Personal Possession Inventory
Authorization for Release of Information
Long Term Care Assessment Form (Private pay clients)
Money Management Form
Notice of Move

- Progress notes > Spiral note
book recommended

OPERATOR'S NOTE BOOK

Rules
Training Documentation
Letters/Memos from ACHP

POST IN HOME

License
Certificate of Compliance
Substitute Caregiver Forms
Fire Drill Record
Menu
Bill of Rights / Monthly Rates
Emergency Evacuation Plan
Emergency Back Up Care Giver / 911 (by phone)
Ombudsman Notice
House Rules

00027

RESIDENT INFORMATION SHEET

Resident's Name

Admission Date

GENERAL INFORMATION:

If coming from hospital/nursing home/other placement or referral:

Name of Facility _____ Phone _____

Referring Person _____

Attending Doctor _____ Phone _____

Physician's Name & Phone _____

Preferred Hospital _____

Dentist's Name & Phone _____

Case Manager's Name & Phone _____

Pharmacy Name & Phone _____

Preferred Funeral Home Name & Phone _____

Responsible Party _____ Relationship _____

Address _____ Phone _____

Other Emergency Contacts _____

Allergies _____

Social Security Number _____ Medicare # _____

Medicaid # _____ VA # _____ Other Insurance _____

Policy Number _____

PERSONAL INFORMATION

Birth date _____ Birthplace _____ Sex: Male Female

Marital Status _____ Religion _____

Past Occupation _____ Education _____

Personality and Behavior Characteristics _____

Hobbies/Interests _____

Favorite Activities _____

Food Likes/Dislikes _____

Other _____

(If additional space is required, use back of form.)

00028

RESIDENT PRE-SCREENING SHEET

MUST BE COMPLETED BEFORE RESIDENT IS ACCEPTED INTO HOME.

Resident's Name _____

Contract/Referral Made By _____ Phone _____

Activities of Daily Living: Those personal functional activities required by an individual for continued well-being.

Independent: Resident can perform the activity without help.
Assistance: Resident cannot do all of the activity alone/needs some help.
Dependent: Operator must do most or all of the activity for the resident.

	<u>Independent</u>	<u>Assistance</u>	<u>Dependent</u>
1. Eating/Nutrition	()	()	()
2. Grooming/Dressing	()	()	()
3. Personal Hygiene/Bathing	()	()	()
4. Mobility/Transferring	()	()	()
5. Bathroom/Toileting	()	()	()
6. Behavior/Management	()	()	()
TOTAL	_____	_____	_____

SCREENING SUMMARY -- You must gather enough information about the person before they move in so you can answer these questions:

1. Does this person require Nursing Delegations? Yes No
2. Does my home Classification allow me to accept this resident? Yes No
3. Am I able and qualified to provide the care this person needs? Yes No
4. Will this person fit in my home and with the other residents? Yes No
5. Can this person exit independently in case of emergency? Yes No
6. Can you evacuate all your household occupants (residents, family) in 3 minutes or less? Yes No

Signature of Operator/Resident Manager

00029 _____
Date

CLASSIFICATION LEVEL

<u>Class</u>	<u>Provider Training/ Experience Requirements</u>	<u>Resident Profile</u>
I	<ul style="list-style-type: none">◆ 18 hours approved basic training	<ul style="list-style-type: none">◆ In stable medical condition.◆ Independent in ADLs or need assistance in up to four.◆ Routine maintenance of oral meds may be delegated.
II	<ul style="list-style-type: none">◆ 18 hours approved basic training◆ 2 years experience providing direct care.	<ul style="list-style-type: none">◆ May require <u>assistance</u> in all ADLs.◆ Dependent in no more than three ADLs.◆ Routine nursing tasks may be delegated.
III	<ul style="list-style-type: none">◆ 18 hours basic training, and◆ Is a health care professional, or Is an LPN under supervision of RN, or Has 3 years experience providing direct care to persons <u>dependent</u> in four or more ADLs, and◆ Satisfactory references from at least two medical professionals, i.e. physician and a registered nurse.	<ul style="list-style-type: none">◆ Dependent in ADLs.◆ No more than one bed care or totally dependent person.◆ Complex task performed by RN or delegated under Board of Nursing rules.

Exceptions

An exception or variance which allows the resident to remain in the home or a new resident to be admitted who has higher needs may be granted if:

- The exception must be requested from ACHP office.
- It is in the best interest of the resident to reside in this home; AND
- This operator can provide the appropriate care; OR
- Additional staff is hired to meet the care needs; OR
- Outside resources, such as an R.N. are available to help meet the resident's needs.

00030

RESIDENT CARE PLAN

Name of Resident _____ Date _____

Medical Problems and History/Diagnosis _____

(Y/N) DISABILITIES/IMPAIRMENTS (describe)				(Y/N) MENTAL STATUS/BEHAVIOR (explain)	
Amputation				Not Confused	
Paralysis				Partially Confused	
Ulcers				Confused	
Hearing				Cooperative	
Vision				Behavior	
Speech				Supervision Needs	
Ambulation				Mental Illness	
Memory				Mental Retardation	
Continenence				Other	
Other					
FUNCTIONAL ABILITIES				EQUIPMENT	
ADLs	Independent	Assistance	Dependent		
Eating				Hospital Bed	
Dressing				Walker	
Personal Hygiene				Wheelchair	
Mobility				Cane	
Bowel & Bladder				Crutches	
Behavior				Side Rails	
Total				Trapeze	
OTHER ACTIVITIES				Commode	
Medications				Urinal	
Exit In Case Of Fire				SPECIAL NEED (describe)	
				Bed Bath	
				Dentures	
Other Information/Activities/Goals:				Special Diet	
				Socialization	
				Transportation	
				Other	
				* RN DELEGATIONS	
				Restraints	
				Catheter	
				Insulin Injections	
				Therapy	
				Other	

00031

THE RESIDENT hereby authorizes the PROVIDER to contact Doctor in the event the services of a physician are required. If the above physician is not available, the PROVIDER, at his/her discretion, may select another physician to render emergency service or emergency vehicle to assist or remove the RESIDENT. All costs incurred in rendering necessary medical attention shall be borne by the RESIDENT.

Responsible Party's Signature

Provider's Signature

Resident's Signature

Date

<> <> <> <> <> <> <> <> <> <> <> <> <> <> <> <>

REVIEWED _____

Operator's Signature _____

Responsible Party _____

00032

INITIAL PHYSICIANS ORDER SHEET

Date: _____

Dear Doctor _____,

I am the primary care provider for _____, who resides in my Adult Foster Care Home. Please review the information below and change as necessary, then sign and mail back to me. Thank you in advance for your time and efforts.

Sincerely yours,

NAME: _____

ADDRESS: _____

CITY/ZIP: _____

PHONE: _____

RESIDENT NAME: _____ DATE OF BIRTH: _____

DIAGNOSIS: _____

<u>MEDICATIONS:</u>	<u>DRUG NAME</u>	<u>AMOUNT</u>	<u>FREQUENCY</u>
---------------------	------------------	---------------	------------------

1.

2.

3.

4.

5.

6.

7.

8.

OTHER TREATMENTS: _____

SPECIAL DIET: _____

PHYSICIAN'S SIGNATURE: _____ DATE: _____

NOTE: Update yearly. Send to Doctor with a self addressed stamped envelope for easier processing.

PHYSICIAN VISIT/ORDER FORM

Physician _____

Date _____

Address _____

Phone _____

Your patient _____ is currently living in an adult foster care home located at _____, phone _____.

To ensure that your orders for dietary, exercise and/or medication regime are followed, please fill out this form to be returned with the patient.

PURPOSE OF VISIT: _____

CURRENT MEDICATION/DOSAGE: _____

NEW ORDERS AND INSTRUCTIONS: _____

DISCONTINUED ORDERS: _____

SUMMARY OF VISIT: _____

00034

Signature of Physician

Date

Signature of Provider

Date

GUIDELINES FOR PRN ADMINISTRATION OF MEDICATION

THIS IS NOT A PRESCRIPTION

A CARE PROVIDER CANNOT GIVE PRN MEDICATIONS WITHOUT SPECIFIC WRITTEN PARAMETERS FROM THE PHYSICIAN OR REGISTERED NURSE. PLEASE COMPLETE THE FOLLOWING SO THAT MEDICATION ADMINISTRATION CAN OCCUR. THANK YOU.

CLIENT _____ PHYSICIAN _____

Medication Name: _____ *Generic or Trade (circle one)*

What is the medication for? _____

Dose of the medication _____ Amount to be given _____
(i.e., four (4) mg.) (i.e., one tablet, one teaspoon)

Schedule _____ Route _____
(i.e., every six (6) hours) (i.e., by mouth, under tongue)

To be given if _____
(specific reason medication needed, i.e., specific descriptive complaint of pain, behavior - not just pain)

Not to exceed _____
(number of doses in a specific amount of time, i.e., six (6) tablets in twenty-four (24) hours)

To be discontinued if _____
(specific adverse reactions, side effects)

To be discontinued _____
(when should medication no longer be given?)

Physician contacted regarding above information? yes no

Registered Nurse Signature Date

or

Consulting Physician Signature Date

PHYSICIAN'S APPROVAL FOR USE OF RESTRAINTS
(For A Resident In An Adult Foster Home)

BACKGROUND: New State Legislation (SB 549) regulates the use of restraints for a resident in an Adult Foster Home. It requires that:

1. Chemical and physical restraints may be used only after considering all other alternatives and only when required to treat a resident's medical symptoms or to insure the physical safety of any resident.
2. Restraints may not be used for discipline of a resident or for the convenience of the adult foster home.
3. Restraints may be used: Pursuant to a physician's order that specifies the type, circumstances and duration of the restraint and a one time RN consultation.

PHYSICIAN'S ORDER

I am ordering the use of restraints for _____,

a resident at the adult foster home operated by _____.

The medical and/or safety reasons for ordering these restraints are _____

The following are the specific directions for the use of these restraints:

TYPE _____

CIRCUMSTANCES UNDER WHICH RESTRAINTS MAY BE USED _____

HOW LONG MAY THEY MAY BE USED _____

NOTE: There must be release from the restraints at least **every two hours** for a minimum of **10 minutes** and the person restrained must be repositioned, offered liquids, exercised or provided range of motion during this period.

If night time use of a restraint is prescribed: (please *give specific procedures for their use*)

(Signature of Physician)

(Date)

00038

NOTE: THIS SAMPLE AGREEMENT IS DESIGNED TO HELP YOU AS A PROVIDER COMPLY WITH ADMINISTRATIVE RULES REGULATING ADULT CARE HOMES. IT IS NOT DESIGNED TO GIVE YOU LEGAL ADVICE REGARDING MATTERS WITH WHICH YOU SHOULD CONSULT A PRIVATE ATTORNEY OF YOUR CHOICE. SINCE WE CANNOT LEGALLY GUARANTEE THIS AGREEMENT, YOU ARE PROHIBITED IN USING AN EXACT COPY OF IT. YOU MAY, HOWEVER, REVISE OR ADAPT IT FOR YOUR USE.

ADMISSION AGREEMENT

_____ AND _____ AGREE TO THE FOLLOWING
Provider Resident or Responsible Party

TERMS AND ARRANGEMENTS PROVIDING FOR THE CARE OF _____
,EFFECTIVE

Resident

Date

I. THE PROVIDER AGREES:

REQUIRED PROVISIONS

- A. TO FURNISH SUCH CARE AND SERVICES AS ARE DESCRIBED IN THE ATTACHED CARE PLAN AND ARE IN ACCORDANCE WITH STANDARDS AND RULES SPECIFIED IN STATE LAW AND COUNTY ORDINANCE, including but not limited to furnishing room, board, linen, bedding, toweling, soap, toilet paper, needed bathroom aides, and personal care and services. Such care shall be provided on a 24 hour basis and shall include the observation, monitoring, and evaluation of resident's condition and daily activities, the appropriate maintenance and supervision of resident's use of medications, the prevention of abuse, exploitation, injury, or neglect of resident by self or others, and the safeguarding of resident's personal property and funds. The provider will not leave the resident unsupervised, allow the resident to self-medicate, or use restraints with a resident unless there is written physician authorization.
- B. TO NOTIFY THE RESPONSIBLE PARTY AND OTHER FAMILY MEMBERS AS LISTED ON THE RESIDENT INFORMATION FORM IN ANY OF THE FOLLOWING EVENTS:
 - 1) accident, injury, or sickness requiring medical attention or any change in condition or other incident involving resident.
 - 2) resident's unexplained absence from the home or resident's failure to return to the home after a scheduled outing.
 - 3) resident's expressed desire or intent to remove him/herself from the home for an undetermined period of time, or permanently, or for a period in excess of seven days.
- C. TO PROVIDE 30 DAYS WRITTEN NOTICE TO THE RESPONSIBLE PARTY OF INTENT TO TERMINATE AN ADMISSION AGREEMENT. The notice must state the reasons for the termination, the resident's right to object to that action, and the resident's right to request assistance from the Department. Acceptable reasons for termination of less than 30 days include but are not limited to the following:
 - 1) the behavior of the resident poses a threat or imminent danger to the well-being of other

- persons in the home or substantially interferes with orderly operation of the home.
- 2) the resident has failed to make payment of the charges specified in the admission agreement.
 - 3) the provider has had his/her license revoked or denied or has voluntarily surrendered his/her license at the request of the Department.
 - 4) the resident's level of care has changed requiring a transfer to an alternate facility to meet medical care or treatment needs. The provider may not discharge the resident during the period for which charges have been paid without the written consent of the resident or responsible party.

REFUNDS

- D. THAT NO FEES WILL BE CHARGED BEYOND THE END OF THE MONTH IN WHICH AN ADMISSION AGREEMENT IS TERMINATED. A prorated refund of fees paid in advance will be made to the resident or responsible party by the provider for the balance of the month remaining after the end of the required notice period. When a provider has given appropriate notice of termination of the admission agreement but the resident moves sooner, without the provider's agreement, the provider is not obligated to issue a refund for the duration of the notice period. However, if the resident moves sooner, with the provider's agreement, then the provider will issue a refund to the resident for the duration of the notice period.

When an admission agreement is terminated without 30 days written notice due to violent behavior, hospitalization, transfer for medical or treatment needs, or death, then the provider will retain only those advance payment applicable up to the date of death or transfer, plus 15 days prorated charges.

- E. AS THE RESULT OF A PROTECTIVE SERVICE INVESTIGATION THE AGING SERVICES DIVISION MAY REQUIRE TRANSFER OF A RESIDENT WITHOUT NOTICE AND ANY FEES PAID IN ADVANCE SHALL BE PRORATED UP TO THE DATE OF TRANSFER AND THE REMAINDER REFUNDED IN FULL IF THE ADULT CARE PROGRAM DIRECTOR HAS REASON TO BELIEVE THE RESIDENT HAS SUFFERED ABUSE OR NEGLECT OR THAT THERE EXISTS A THREAT TO THE HEALTH, SAFETY, OR WELFARE OF THE RESIDENTS.
- F. ALL REFUNDS SHALL BE PAID WITHIN 30 DAYS FOLLOWING THE DATE OF TERMINATION OF THE ADMISSION AGREEMENT.
- G. THAT 30 DAYS WRITTEN NOTICE OF ANY CHANGE IN RATE, TYPE OF ROOM, HOUSE LOCATION, FEES, OR CHARGES SHALL BE PROVIDED TO THE RESIDENT OR RESPONSIBLE PARTY.
- H. ANY PERSONAL PURCHASES MADE BY THE PROVIDER FOR THE RESIDENT SHALL BE EVIDENCED BY RECEIPTS WHICH SHALL BE DATED AND KEPT IN THE RESIDENT'S FILE FOR REIMBURSEMENT BY THE RESPONSIBLE PARTY OR RESIDENT PRIOR TO OR AT THE TIME THE NEXT MONTHLY PAYMENT IS DUE.
- I. TO MAINTAIN COMPETENT PERSONNEL CAPABLE OF RENDERING OR SECURING CARE IN ACCORDANCE WITH THIS AGREEMENT AND THE ATTACHED CARE PLAN.
- J. THE RESIDENT OR RESPONSIBLE PARTY AGREES:

0004C

REQUIRED PROVISIONS

1. TO PAY THE AGREED UPON RATE OF \$ _____ PER MONTH TO THE PROVIDER FOR ROOM AND BOARD, AND CARE AND SERVICES PROVIDED AS SPECIFIED IN THE ATTACHED CARE PLAN. SUCH PAYMENT SHALL BE MADE ON OR BEFORE THE _____ DAY OF EACH MONTH.
2. TO PROVIDE 30 DAYS WRITTEN NOTICE OF INTENT TO TERMINATE RESIDENCY. IN THE EVENT A BALANCE IS FOUND TO BE OWED TO THE FACILITY, TO PAY SAID BALANCE NOT MORE THAN 30 DAYS FOLLOWING THE DATE OF TERMINATION OF THE ADMISSION AGREEMENT.
3. TO PROVIDE SUCH PERSONAL CLOTHING, TOILETRIES, AND EFFECTS AS ARE NEEDED OR DESIRED BY THE RESIDENT.
4. TO BE RESPONSIBLE FOR HOSPITAL, PHYSICIAN, MEDICATIONS AND OTHER MEDICAL/HEALTH CARE CHARGES AS NEEDED BY THE RESIDENT, INCLUDING TRANSPORTATION TO AND FROM THE HOSPITAL.
5. TO REIMBURSE THE PROVIDER FOR SUCH DAMAGE AS MAY BE ATTRIBUTED TO THE RESIDENT. IN THE EVENT THE CAUSE OF SUCH DAMAGE IS DISPUTED, THE PARTIES CONCERNED WILL SEEK SETTLEMENT THROUGH LEGAL OR OTHER AGREED UPON MEANS.
6. TO PROVIDE SUCH DURABLE EQUIPMENT OR APPLIANCES OR SPECIAL CARE OR TREATMENT AS ARE REQUIRED BY THE RESIDENT, PER PHYSICIAN ORDER, INCLUDING BUT NOT LIMITED TO WHEELCHAIR, WALKER, CANE, CRUTCHES, SPECIAL BED, HEATING PAD, NURSING CARE, PHYSICAL THERAPY, ETC.
7. TO AUTHORIZE THE PROVIDER TO SPEND NO MORE THAN \$ _____ PER MONTH IN EXPENDITURES ON BEHALF OF THE RESIDENT.

K. DURATION OF AGREEMENT

EITHER PARTY MAY TERMINATE THIS AGREEMENT ON 30 DAY WRITTEN NOTICE. AMENDMENTS MAY ALSO BE ADDED IN WRITING, BY MUTUAL AGREEMENT OF BOTH PARTIES. THIS AGREEMENT WILL REMAIN IN EFFECT UNTIL SUCH TIME AS IT IS TERMINATED OR AMENDED AS DESCRIBED. HOWEVER, THE RESIDENT MAY VACATE THIS HOME AT ANY TIME EXCEPT THAT HE/SHE WILL BE HELD RESPONSIBLE FOR PAYMENTS DUE AS DESCRIBED PREVIOUSLY.

Provider

Resident

Date

Responsible Party

00041

AUTHORIZATION TO RELEASE CONFIDENTIAL INFORMATION

I here by authorize _____
(Name of physician, or health care provider)

to forward medical records or a summary thereof on _____
(Resident Name)

TO:

Name of Adult Foster Care Home

Address

City/State/Zip

Phone Number

Signed By:

Resident or Family Member

Date

Comments/Special requests:

◆ This form allows you to receive confidential medical information about a resident.

(private pay clients)

NOTICE OF RIGHT TO RECEIVE A LONG TERM CARE ASSESSMENT

Oregon law requires you be notified of the availability of long term care assessment services when considering admission to an Adult Foster Home (AFH), Residential Care Facility (RCF), Assisted Living Facility (ALF), or non-Medicaid Nursing Facility (NF). Such an assessment identifies your long term care needs and provides you information about care settings and services available to meet these needs. Recommendations you receive are not binding. You may choose any option.

Assessments are available at your own expense through private agencies certified by the State or at no charge from Aging Services Division, Multnomah County. To arrange for an assessment or to receive information about private agencies in your area, contact Aging Services Division at 248-3646.

I understand I have a right to request an assessment of my long term care needs.

- YES, I do wish to receive information about my care options.
- NO, I do not wish to receive information about my care options.

Name: (Print) _____

Signature: _____ Date: _____

Facility Name: _____

Address: _____

City: _____ State: _____ Zip: _____

AFH; RCF; ALF; Non-Medicaid NF

**ADULT CARE HOME (ACH)
NOTICE OF RESIDENT MOVE, TRANSFER OR DISCHARGE**

This notice is issued by:

Name of Operator: _____

Street Address: _____

City/State/Zip: _____ Phone: _____

to _____
(Resident's Name)

Copies must be sent to appropriate relative(s) and case manager, if any. Copies of this notice have been issued to the following people (include address and relationship to resident).

Date of proposed move/transfer/discharge: _____

Location to which resident is going: _____

This action is taken or proposed to be taken because: [] Check the appropriate box(es):

- | | | |
|--|--|---|
| <input type="checkbox"/> Medical Reasons | <input type="checkbox"/> Nonpayment | <input type="checkbox"/> Closure of ACH |
| <input type="checkbox"/> Welfare of Resident
or other Residents | <input type="checkbox"/> Change in Care
Needs | <input type="checkbox"/> Revocation or
Non-Renewal
of ACH License |

More specifically, this action is taken because: _____

Signature of Provider

Date

You, the resident, have the right to an informal conference and administrative hearing with Multnomah County Adult Care Home Program if you disagree with this notice. To request a conference or hearing, please contact the licensing office: **Adult Care Home Program, Multnomah County, 421 SW Fifth, Room 405, Portland, Oregon 97204-2221. Telephone: 248-3000.**

00047

(optional form)

ACTIVITIES

WEEK OF _____

HOME _____

DAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
TIME							
GROUP ACTIVITY							
WHO DID IT?							

INDIVIDUAL ACTIVITIES

DAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY

POSSIBLE ACTIVITIES:

Table Games
 Card Games
 Arts & Crafts
 Sewing/Needlework
 Flower Arranging
 Picnics

Socialization
 Exercise or Walking
 Music - Listening or Singing
 Reading/Talking Books/Aloud
 Crossword Puzzles etc.
 Coffee/Tea/Ice Cream Party

Active Games
 Passive Games/Puzzles
 Event Movie or Radio
 Outings w Group or Family
 Church Visits/Study
 Volunteer Work

Beautician/Podiatrist
 Visitors/trips w Family
 Animals or Pet Visits
 Sports Interests/Games
 Gardening or Cooking
 Housekeeping Assistance

**** SIX HOURS PER WEEK ****

COMMONLY USED ABBREVIATIONS

a.c.	before meals	Q. 3h	every three hours
ad lib	as desired	q.i.d.	four times a day
aq. or aqua	water	Q.s.	quantity sufficient
b.i.d.	twice a day	Rx	take
\bar{c}	with	\bar{s}	without
cap.	capsule	ss.	half
cc	cubic centimeter	stat.	immediately
cm.	centimeter	tab.	tablet
dr. or	dram	t.i.d.	three times a day
at	and	tr.	tincture
F.	Fahrenheit	ung.	ointment
gm.	gram	vin	wine
gtt	drops	Wt.	weight
hs	at bedtime or hours of sleep		
m.	minm	PRN	As needed or as requested
mEq.	milliequivalent		
mg.	milligram		
mm.	millimeter		
oz or	ounce		
p.c.	after meals		
p.o.	by mouth		

7-DAY MENU - Each day must meet the basic four food group requirements and dietary guidelines.

DAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	SUNDAY
B R E A K F A S T							
SNACK							
L U N C H							
D I N N E R							
SNACK							

00051

96 OCT -1 PM 3:19

MULTNOMAH COUNTY
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY

In the Matter of the Imposition of a Condition
on the Adult Care Home License of
Jeanne Duval

ADULT CARE HOME PROGRAM'S
REBUTTAL TO OPERATOR'S
EXCEPTIONS

BACKGROUND

On January 22, 1996 the Multnomah County Department of Aging Services Adult Care Home Program (ACHP) fined Ms. Duval \$750.00 and imposed a condition on her license requiring her to hire a registered nurse to develop a controlled medication tracking system and to monitor resident care on a weekly basis. On January 31, 1996, Ms. Duval requested an administrative conference. After the conference, on April 22, 1996, the ACHP issued a second determination removing the fine, but continuing the condition. The condition was imposed for violations of administrative rules involving medication administration, resident record keeping, and maintaining current physician's orders. A hearing on the condition was held on July 18, 1996, at which Ms. Duval stipulated to the rule violations on which the condition was based. The hearing officer issued an order upholding the condition on August 28, 1996.

ARGUMENT

Ms. Duval stipulated to the rule violations on which imposition of a condition on her license was based. She now complains that the hearing officer's order is untimely, and therefore the condition should be dismissed in its entirety. Ms. Duval's stipulation demonstrates that the condition was imposed because of serious violations, and was reasonable in light of the specific violations. If calculated from the April 22, 1996 second determination order, removing the fine, the order is timely. Even if calculated from the original January 22, 1996 order, the order is timely under the Multnomah County Code, although in conflict with an ACHP rule. In any event,

1 dismissal of the order is not an appropriate remedy for a procedural error, and Ms. Duval has
2 demonstrated no harm from the alleged lateness of the order. The Board should affirm the order
3 on the record.

4 1. Basis for the Order

5 The ACHP alleged that Ms. Duval had failed to account for pills of a controlled substance
6 (Lorazepam), failed to chart medications on a specific resident for a four day period, failed to keep
7 resident records on a new resident for at least five days, and failed to keep current physician's
8 orders for two other residents during the same period. See August 28, 1996 Hearing Order,
9 attached as Exhibit A. To address these medication and charting problems, the ACHP placed a
10 condition on Ms. Duval's license that she hire a registered nurse to develop a controlled
11 medication tracking system and to monitor resident care on a weekly basis. Ms. Duval stipulated
12 to the violations; thus, there is no dispute that the violations occurred.

13 At hearing, Ms. Duval apparently asserted that the condition was unreasonable. From the
14 hearing order, it appears she argued that other problems in the home at the time excused the rule
15 violations. The hearing officer did not accept this argument, and sustained the condition. It is
16 apparent on its face that the ACHP's requiring an operator to hire someone to accomplish those
17 necessary tasks the operator is unable to perform himself or herself is a reasonable condition.
18 There is no basis for reconsidering the reasonableness of a condition when the operator has
19 stipulated to the underlying problems in the home and the hearing officer has sustained the
20 condition imposed.

21 2. Date of the Hearing Order

22 Ms. Duval now contends that the order should be dismissed because the hearing officer
23 did not timely issue the hearing order. Former MCAR 890-090-370 stated that "the final order of
24 the hearing officer will be issued within 180 days of the hearing request." The former rule applies
25 in this case because this condition was imposed prior to the adoption of new ACHP rules on
26 August 29, 1996. One-hundred eighty days from January 22, 1996 would have been in late July.
The hearing order was issued August 28, 1996, approximately 30 days later. Ms. Duval argues

1 the order should therefore be dismissed.

2 In the first place, there are two possible points from which to count in this matter. At Ms.
3 Duval's request, the ACHP held an administrative conference concerning the original fine and
4 condition, and issued a second determination on April 22, 1996, removing the fine. Because
5 only the imposition of the condition was disputed at the hearing, the hearing could be viewed as a
6 response to the April 22, 1996 determination letter. Under this analysis, the final order would
7 have been due in mid to late October, and the present order would be timely.

8 Moreover, the Multnomah County Code provision applicable at the time this proceeding
9 was conducted was MCC 8.90.090(H), which stated:

10 The hearing officer shall issue an order as soon as practicable
11 but in no event later than 45 days after the termination of the hearing.

12 In this case, the order issued on August 28, 1996. The hearing was on July 18, 1996. Thus, the
13 order was issued 41 days after the hearing, well within the permissible time. The Code is law and
14 arguably controls over the ACHP rules, since those rules are promulgated pursuant to authority
15 granted in the Code.

16 The Board need not decide the timing issue, however, because even assuming the order
17 was issued late, the remedy is not to invalidate the order. When a procedural rule is violated,
18 such as issuing an order late, the question is whether the individual's rights have been harmed.
19 See, e.g., Childs v. Marion County, 163 Or 411, 415 (1940).

20 Ms. Duval indicates that her reputation was harmed by this order. In fact, this order
21 states in clear terms the serious violations which Ms. Duval committed and to which she
22 stipulated. The order is a public document. Issuing this order could in no way have improved Ms.
23 Duval's reputation. Indeed, if anything, the delay assisted her by not making public her
24 confirmation of the violations which occurred in her home.

25 CONCLUSION

26 The Board should accept the hearing officer's order on the record. Ms. Duval stipulated to
the violations on which the condition was imposed. The hearing officer found that the particular
condition imposed was appropriate and upheld it. Ms. Duval now asserts that the hearing order

1 was untimely, but shows no harm which resulted from the delay. Moreover, the order was timely
2 if considered from the applicable Multnomah County Code provision. There is no reason to re-
3 open this case. The order should be affirmed on the record. A form of order for this purpose is
4 attached.

5 DATED this 1st day of October 1, 1996.

6 LAURENCE KRESSEL, COUNTY COUNSEL
7 FOR MULTNOMAH COUNTY

8 By Katie Gaetjens
9 Katie Gaetjens, OSB #88210
10 Assistant County Counsel
11 Of Attorneys for Department of
12 Aging Services
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CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017
Portland, Oregon 97204-1960
Land Use Hearings (503) 823-7719
Code/Towing Hearings (503) 823-7307
FAX (503) 823-4347
TDD (503) 823-6868

RECEIVED

AUG 29 1996

ADULT CARE HOME PROGRAM

HEARINGS OFFICER'S ORDER

APPEAL OF JEANNE DUVAL

HEARING NO. 162171

DATE OF HEARING: July 18, 1996

APPEARANCES:

Ms. Jeanne Duval, appellant, personally
and through her attorney, Mr. Mark O. Cottle

Ms. Mary Fassell for Multnomah County

HEARINGS OFFICER: Ms. Ann M. Gasser

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Jeanne Duval operates an adult care home facility at 9258 S.E. Salmon Street, Portland, Multnomah County, Oregon. This is an appeal from an action taken by the Multnomah County Adult Care Home Program. On January 22, 1996, the county fined Ms. Duval \$750.00 and imposed a condition on her license requiring her to hire a registered nurse to develop a controlled medication tracking system and monitor resident care on a weekly basis. On January 31, 1996, Ms. Duval requested an administrative conference and a hearing. After the administrative conference, Multnomah County issued another determination (April 22, 1996) removing the \$750 fine, but continuing the condition on the license to hire a registered nurse to develop a controlled medication tracking system and monitor resident care and records on a weekly basis. The condition was imposed for alleged violations of MCAR 890-020-450(c) and MCAR 890-020-510(b) and (d). Ms. Duval did not withdraw her request for hearing. The hearings officer was duly appointed by letter on July 17, 1996.

Under MCAR 890-020-510(b), there must be a written physician's order for any medications, including over-the-counter medications, treatments, and therapies. Orders must be carried out as prescribed by a physician. Changes may not be made without a physician's order. Under MCAR 890-020-510(d), a written medication chart for each resident shall be kept of all medications administered by the caregiver to that resident, including over-the-counter medications. The chart shall indicate name of medication, dosage, route and time given, and shall be immediately initialed by the person giving it. Treatments and therapies must be given immediately and documented on the medication sheet showing times given, type of treatment or therapy, and initials of the person giving it. The medication chart shall contain a legible signature for each set of initials. Operators shall be responsible for ensuring that narcotics and other controlled substances prescribed for residents are fully accounted for and used only by the resident. MCAR 890-020-450(c) contains the requirements for individual resident records.

EXHIBIT A
PAGE 1 **OF** 2

The license condition was based on the following items alleged to have been found on December 6, 1995:

1. No accounting for six pills of a controlled substance, Lorazepan. Violation of MCAR 890-020-510(d).
2. No charting for several medications for resident Williamson for December 1 through December 4, 1995. Violation of MCAR 890-020-510(d).
3. No records for resident Patterson who came to the home on December 1, 1995. Violation of MCAR 890-020-450(c).
4. No current doctor's orders for residents Murray and Simms. Violation of MCAR 890-020-510(b).

Appellant stipulated to the violations as listed in items 1 through 4 of the April 22, 1996 determination letter and outlined above. Appellant disputes only the sanction imposed by the county. During the period in question, the first week of December 1995, a resident in Ms. Duval's care was dying and a new resident was dropped off by her case worker with no paper work. Ms. Duval put her effort into caring for the dying resident, and some confusion ensued.

Under MCAR 890-080-110(b), administrative sanctions may include attachment of conditions that must be met to maintain a license. Under MCAR 890-080-120, an administrative sanction may be imposed upon a finding of any of the circumstances listed in MCC 8.90.080(A). Under MCC 8.90.080(A)(4), a condition may be attached to a license when the operator has failed to comply with rules and standards duly promulgated by the Director of the Department of Human Resources for an adult care home. MCAR 890 contains the rules promulgated by the director regarding adult care homes. Appellant stipulated to violations of those rules. The county had the authority under MCAR 890-080-110(b) to attach a condition on Ms. Duval's license.

While stress and confusion surrounding the death a resident are understandable, it is especially important to adhere to adult care home rules during these times to ensure residents receive proper care. The condition requiring a registered nurse to develop a plan for monitoring controlled medications and monitor care and records of all residents on a weekly basis is not arbitrary and capricious in light of the stipulated violations.

ORDER AND DETERMINATION:

1. The determination of the Multnomah County Adult Care Home Program dated April 22, 1996, attaching a condition on Jeanne Duval's license requiring her to hire a registered nurse to develop a plan for monitoring controlled medications and to monitor care and records of all residents on a weekly basis is SUSTAINED.
2. This order and determination has been mailed to the parties on August 28, 1996, and shall become final on September 17, 1996, unless exceptions are filed with the Board of County Commissioners prior to such date.

Dated: Wednesday, August 28, 1996
AMG/ry



Hearings Officer

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY

3 In the Matter of the Imposition of a
4 Condition on the Adult Care Home
License of Jeanne Duval

ORDER NO.

96- 191

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7
8 The Board of County Commissioners has reviewed the record, Hearing Officer's Order
9 and the Adult Care Home Program's Rebuttal to the appeal of Jeanne Duval from an Order of the
10 Hearing Officer that the Multnomah County Adult Care Home Program (ACHP) properly imposed
11 a condition on Ms. Duval's license to operate an adult care home. Based upon Ms. Duval's
12 stipulation, the Hearing Officer found that Ms. Duval failed to account for six pills of a controlled
13 substance, in violation of MCAR 890-020-510(d); failed to chart medications for a resident for
14 December 1 through December 4, 1995, in violation of MCAR 890-020-510(d); failed to maintain
15 any records for a second resident who came to the home on December 1, 1995, a violation of
16 MCAR 890-020-450(c), and did not have current physician orders for two other residents when
the agency inspected the home on December 6, 1995, in violation MCAR 890-020-510(b).

17 The hearing order also specifically indicated that although the death of a resident had
18 contributed to "stress and confusion" in the home, this event did not excuse the rule violations.
19 The Hearing Officer found that the ACHP's condition requiring a "registered nurse to develop a
20 plan for monitoring controlled medications and monitor care and records of residents on a weekly
21 basis is not arbitrary and capricious in light of the stipulated violations."

22 The Board accepts the Hearing Officer's Order, attached hereto as Exhibit A. The Board
23 has also reviewed the appellant's request for a hearing, attached as Exhibit B and the ACHP's
24 Rebuttal to the Appeal, attached as Exhibit C. Based on this review, the Board finds that the
25 Hearing Officer's Order is fully supported by the record and that there are no grounds for rejecting
26 or modifying the Hearing Officer's Order.

IT IS HEREBY ORDERED that the Order of the Hearing Officer in the Appeal of Jeanne

1 Duval is accepted.

2 Review of this final Order may be taken solely and exclusively by Writ of Review in the
3 manner set forth in ORS 34.020 to ORS 34.100.

4 Approved this 31 day of October, 1996.



MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein
Multnomah County Chair

11 REVIEWED:

12 PETER KASTING, SPECIAL COUNSEL
13 FOR MULTNOMAH COUNTY, OREGON

14 By *Peter Kasting*
Peter Kasting

15 H:data\adv\gaetjens\Duval Order



CITY OF
PORTLAND, OREGON

HEARINGS OFFICE

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RECEIVED

AUG 29 1996

ADULT CARE HOME PROGRAM

HEARINGS OFFICER'S ORDER

APPEAL OF JEANNE DUVAL

HEARING NO. 162171

DATE OF HEARING: July 18, 1996

APPEARANCES:

Ms. Jeanne Duval, appellant, personally
and through her attorney, Mr. Mark O. Cottle

Ms. Mary Fassell for Multnomah County

HEARINGS OFFICER: Ms. Ann M. Gasser

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Jeanne Duval operates an adult care home facility at 9258 S.E. Salmon Street, Portland, Multnomah County, Oregon. This is an appeal from an action taken by the Multnomah County Adult Care Home Program. On January 22, 1996, the county fined Ms. Duval \$750.00 and imposed a condition on her license requiring her to hire a registered nurse to develop a controlled medication tracking system and monitor resident care on a weekly basis. On January 31, 1996, Ms. Duval requested an administrative conference and a hearing. After the administrative conference, Multnomah County issued another determination (April 22, 1996) removing the \$750 fine, but continuing the condition on the license to hire a registered nurse to develop a controlled medication tracking system and monitor resident care and records on a weekly basis. The condition was imposed for alleged violations of MCAR 890-020-450(c) and MCAR 890-020-510(b) and (d). Ms. Duval did not withdraw her request for hearing. The hearings officer was duly appointed by letter on July 17, 1996.

Under MCAR 890-020-510(b), there must be a written physician's order for any medications, including over-the-counter medications, treatments, and therapies. Orders must be carried out as prescribed by a physician. Changes may not be made without a physician's order. Under MCAR 890-020-510(d), a written medication chart for each resident shall be kept of all medications administered by the caregiver to that resident, including over-the-counter medications. The chart shall indicate name of medication, dosage, route and time given, and shall be immediately initialed by the person giving it. Treatments and therapies must be given immediately and documented on the medication sheet showing times given, type of treatment or therapy, and initials of the person giving it. The medication chart shall contain a legible signature for each set of initials. Operators shall be responsible for ensuring that narcotics and other controlled substances prescribed for residents are fully accounted for and used only by the resident. MCAR 890-020-450(c) contains the requirements for individual resident records.

EXHIBIT A
PAGE 1 OF 2

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2. No charting for several medications for resident Williamson for December 1 through December 4, 1995. Violation of MCAR 890-020-510(d).
3. No records for resident Patterson who came to the home on December 1, 1995. Violation of MCAR 890-020-450(c).
4. No current doctor's orders for residents Murray and Simms. Violation of MCAR 890-020-510(b).

Appellant stipulated to the violations as listed in items 1 through 4 of the April 22, 1996 determination letter and outlined above. Appellant disputes only the sanction imposed by the county. During the period in question, the first week of December 1995, a resident in Ms. Duval's care was dying and a new resident was dropped off by her case worker with no paper work. Ms. Duval put her effort into caring for the dying resident, and some confusion ensued.

Under MCAR 890-080-110(b), administrative sanctions may include attachment of conditions that must be met to maintain a license. Under MCAR 890-080-120, an administrative sanction may be imposed upon a finding of any of the circumstances listed in MCC 8.90.080(A). Under MCC 8.90.080(A)(4), a condition may be attached to a license when the operator has failed to comply with rules and standards duly promulgated by the Director of the Department of Human Resources for an adult care home. MCAR 890 contains the rules promulgated by the director regarding adult care homes. Appellant stipulated to violations of those rules. The county had the authority under MCAR 890-080-110(b) to attach a condition on Ms. Duval's license.

While stress and confusion surrounding the death a resident are understandable, it is especially important to adhere to adult care home rules during these times to ensure residents receive proper care. The condition requiring a registered nurse to develop a plan for monitoring controlled medications and monitor care and records of all residents on a weekly basis is not arbitrary and capricious in light of the stipulated violations.

ORDER AND DETERMINATION:

1. The determination of the Multnomah County Adult Care Home Program dated April 22, 1996, attaching a condition on Jeanne Duval's license requiring her to hire a registered nurse to develop a plan for monitoring controlled medications and to monitor care and records of all residents on a weekly basis is SUSTAINED.
2. This order and determination has been mailed to the parties on August 28, 1996, and shall become final on September 17, 1996, unless exceptions are filed with the Board of County Commissioners prior to such date.

Dated: Wednesday, August 28, 1996
AMG/ry



Hearings Officer

EXHIBIT A
PAGE 2 OF 2

NEWTON, COTTLE & WESTENHAVER, P.C.

ATTORNEYS AT LAW
4000 KRUSE WAY PLACE, BLDG 1, SUITE 265
LAKE OSWEGO, OREGON 97035
(503) 697-7272

MARK O. COTTLE
GREGORY C. NEWTON*
DANA A. WESTENHAVER

FAX (503) 636-6995
E-Mail NCW@Cyberhighway.net
*also admitted in California

September 3, 1996

Board of County Commissioners
Clerk of the Board of the County
1120 SW 5th Room 1510
Portland, OR 97204

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 SEP - 6 AM 8:26

RE: *Jeanne Duval - Exception to Hearings Officer's Order*

Dear Clerk of the Board of the County:

This firm represents Ms. Jeanne Duval in regards to a hearing, hearing number 162171, concerning her adult foster care home.

Pursuant to the County's rules, the hearings officer was obligated to issue her order "within 180 days of the hearing request." 890-090-370. Ms. Duval requested the hearing on January 31, 1996 and the order was not issued until August 28, 1996.

As a result of the County's failure to abide by its own rules, all conditions attached to my client's home must be dismissed. The County is the agency which imposed this obligation upon itself, it created this procedural due process right for my client and all providers. Its failure to abide by its procedural due process ordinances violates my client's due process rights. Therefore, the County must withdraw all allegations it has brought against my client.

Aside from that, the order itself demonstrates that the circumstances surrounding the violation mitigates the action of my client. The hearings officer found:

During the period in question, the first week of December 1995, a resident in Ms. Duval's care was dying and a new resident was dropped off by her case worker with no paper work. Ms. Duval put her effort into caring for the dying resident, and some confusion ensued.

There was no health or welfare issues, no one was placed at risk. The County contributed to the problem by violating its own rules and dropping a resident off at a new home without any paper work. Now the County wants to require my client to hire a nurse to monitor the administration of medicines in the home of a weekly basis.

It is this kind of draconian manipulation of the rules that have caused the present day tension between the providers and the County. Sadly, the County has failed to understand the economic reality of conducting a business. Costs, for whatever reason they are imposed upon a

EXHIBIT B
PAGE 1 OF 1

Page 2

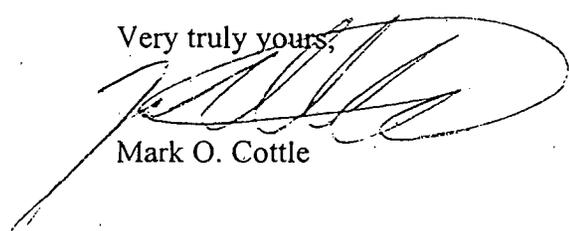
September 3, 1996

RE: *Jeanne Duval - Exception to Hearings Officer's Order*

business, are always eventually past on to the Customer. Health care costs in America have exploded impart, because local agencies like the County's impose costly measures upon providers, measures which could be accomplished in a less costly way. i.e. a CNA could do the monitoring.

Regardless, as a result of the County's violation of the due process procedure it imposed all conditions imposed upon my client must be vacated.

Very truly yours,



Mark O. Cottle

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY

3 In the Matter of the Imposition of a Condition
4 on the Adult Care Home License of
5 Jeanne Duval

ADULT CARE HOME PROGRAM'S
REBUTTAL TO OPERATOR'S
EXCEPTIONS

6
7
8 BACKGROUND

9 On January 22, 1996 the Multnomah County Department of Aging Services Adult Care
10 Home Program (ACHP) fined Ms. Duval \$750.00 and imposed a condition on her license requiring
11 her to hire a registered nurse to develop a controlled medication tracking system and to monitor
12 resident care on a weekly basis. On January 31, 1996, Ms. Duval requested an administrative
13 conference. After the conference, on April 22, 1996, the ACHP issued a second determination
14 removing the fine, but continuing the condition. The condition was imposed for violations of
15 administrative rules involving medication administration, resident record keeping, and maintaining
16 current physician's orders. A hearing on the condition was held on July 18, 1996, at which Ms.
17 Duval stipulated to the rule violations on which the condition was based. The hearing officer
18 issued an order upholding the condition on August 28, 1996.

19 ARGUMENT

20 Ms. Duval stipulated to the rule violations on which imposition of a condition on her license
21 was based. She now complains that the hearing officer's order is untimely, and therefore the
22 condition should be dismissed in its entirety. Ms. Duval's stipulation demonstrates that the
23 condition was imposed because of serious violations, and was reasonable in light of the specific
24 violations. If calculated from the April 22, 1996 second determination order, removing the fine, the
25 order is timely. Even if calculated from the original January 22, 1996 order, the order is timely
26 under the Multnomah County Code, although in conflict with an ACHP rule. In any event,

1 dismissal of the order is not an appropriate remedy for a procedural error, and Ms. Duval has
2 demonstrated no harm from the alleged lateness of the order. The Board should affirm the order
3 on the record.

4 1. Basis for the Order

5 The ACHP alleged that Ms. Duval had failed to account for pills of a controlled substance
6 (Lorazepam), failed to chart medications on a specific resident for a four day period, failed to keep
7 resident records on a new resident for at least five days, and failed to keep current physician's
8 orders for two other residents during the same period. See August 28, 1996 Hearing Order,
9 attached as Exhibit A. To address these medication and charting problems, the ACHP placed a
10 condition on Ms. Duval's license that she hire a registered nurse to develop a controlled
11 medication tracking system and to monitor resident care on a weekly basis. Ms. Duval stipulated
12 to the violations; thus, there is no dispute that the violations occurred.

13 At hearing, Ms. Duval apparently asserted that the condition was unreasonable. From the
14 hearing order, it appears she argued that other problems in the home at the time excused the rule
15 violations. The hearing officer did not accept this argument, and sustained the condition. It is
16 apparent on its face that the ACHP's requiring an operator to hire someone to accomplish those
17 necessary tasks the operator is unable to perform himself or herself is a reasonable condition.
18 There is no basis for reconsidering the reasonableness of a condition when the operator has
19 stipulated to the underlying problems in the home and the hearing officer has sustained the
20 condition imposed.

21 2. Date of the Hearing Order

22 Ms. Duval now contends that the order should be dismissed because the hearing officer
23 did not timely issue the hearing order. Former MCAR 890-090-370 stated that "the final order of
24 the hearing officer will be issued within 180 days of the hearing request." The former rule applies
25 in this case because this condition was imposed prior to the adoption of new ACHP rules on
26 August 29, 1996. One-hundred eighty days from January 22, 1996 would have been in late July.
The hearing order was issued August 28, 1996, approximately 30 days later. Ms. Duval argues

1 the order should therefore be dismissed.

2 In the first place, there are two possible points from which to count in this matter. At Ms.
3 Duval's request, the ACHP held an administrative conference concerning the original fine and
4 condition, and issued a second determination on April 22, 1996, removing the fine. Because
5 only the imposition of the condition was disputed at the hearing, the hearing could be viewed as a
6 response to the April 22, 1996 determination letter. Under this analysis, the final order would
7 have been due in mid to late October, and the present order would be timely.

8 Moreover, the Multnomah County Code provision applicable at the time this proceeding
9 was conducted was MCC 8.90.090(H), which stated:

10 The hearings officer shall issue an order as soon as practicable
11 but in no event later than 45 days after the termination of the hearing.

12 In this case, the order issued on August 28, 1996. The hearing was on July 18, 1996. Thus, the
13 order was issued 41 days after the hearing, well within the permissible time. The Code is law and
14 arguably controls over the ACHP rules, since those rules are promulgated pursuant to authority
15 granted in the Code.

16 The Board need not decide the timing issue, however, because even assuming the order
17 was issued late, the remedy is not to invalidate the order. When a procedural rule is violated,
18 such as issuing an order late, the question is whether the individual's rights have been harmed.
19 See, e.g., Childs v. Marion County, 163 Or 411, 415 (1940).

20 Ms. Duval indicates that her reputation was harmed by this order. In fact, this order
21 states in clear terms the serious violations which Ms. Duval committed and to which she
22 stipulated. The order is a public document. Issuing this order could in no way have improved Ms.
23 Duval's reputation. Indeed, if anything, the delay assisted her by not making public her
24 confirmation of the violations which occurred in her home.

25 CONCLUSION

26 The Board should accept the hearing officer's order on the record. Ms. Duval stipulated to
the violations on which the condition was imposed. The hearing officer found that the particular
condition imposed was appropriate and upheld it. Ms. Duval now asserts that the hearing order

1 was untimely, but shows no harm which resulted from the delay. Moreover, the order was timely
2 if considered from the applicable Multnomah County Code provision. There is no reason to re-
3 open this case. The order should be affirmed on the record. A form of order for this purpose is
4 attached.

5 DATED this 1st day of October 1, 1996.

6 LAURENCE KRESSEL, COUNTY COUNSEL
7 FOR MULTNOMAH COUNTY

8 By Katie Gaetjens

9 Katie Gaetjens, OSB #88210
10 Assistant County Counsel
11 Of Attorneys for Department of
12 Aging Services
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MEETING DATE: October 31, 1996
AGENDA #: R-3
ESTIMATED START TIME: 9:35

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Darlene Mathews Adult Care Home License Appeal, Hearing No. 161070

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, October 31, 1996
AMOUNT OF TIME NEEDED: 5 Minutes

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: City Atty. Pete Kasting TELEPHONE #: 823-4047
BLDG/ROOM #: 131/315

PERSON(S) MAKING PRESENTATION: Pete Kasting, Darlene Mathews, Katie Gaetjens

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Board Decision and Consideration of an ORDER Regarding the Appeal of Darlene Mathews from the Hearings Officer Decision on an Adult Care Home License. **OPTION 1** Schedule a Hearing to Accept Evidence or Argument on this Appeal; OR **OPTION 2** Decide this Appeal on the Record that has Already Been Created. MCC Section 8.90.090 (J) and Section 890-90-450 of the Administrative Rules for Licensure of Adult Care Homes Give the Board Discretion to Follow Either Course.

11/1/96 COPIES TO PETE KASTING, KATIE GAETJENS, MARY FASSELL, DARLA DARLEAN MATTHEWS

SIGNATURES REQUIRED: BROBERG, J

ELECTED OFFICIAL: _____
(OR) DEPARTMENT MANAGER: _____

Beverly Stein

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 SEP 19 PM 3:12

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222

PLEASE PRINT LEGIBLY!

MEETING DATE

10/31/96

NAME

Darlean Mathews

ADDRESS

6103 WALBINA

STREET

PORTLAND

CITY

97217

ZIP CODE

I WISH TO SPEAK ON AGENDA ITEM #

R-3

SUPPORT

OPPOSE

SUBMIT TO BOARD CLERK



CITY OF
PORTLAND, OREGON
 OFFICE OF CITY ATTORNEY

Jeffrey L. Rogers, City Attorney
 City Hall (503) 823-4047

Mailing Address:
 1220 SW 5th Ave Rm 315
 Portland OR 97204

Temporarily Located At:
 1400 SW 5th Ave Rm 600
 Portland Oregon

October 7, 1996

INTEROFFICE MEMORANDUM

TO: Deb Bogstad, Clerk
 Multnomah County Board of Commissioners

FROM: Peter Kasting *PK*
 Senior Deputy City Attorney

SUBJECT: Appeal of Darlene Mathews from Hearings Officer Decision on an Adult Care Home License, Hearing No. 161070

96 OCT -9 PM 2:39
 MULTNOMAH COUNTY
 OREGON
 BOARD OF
 COUNTY COMMISSIONERS

At its meeting on October 31, 1996, the Board needs to decide whether it wants to (1) schedule a hearing to accept evidence or argument on this appeal or (2) decide this appeal on the record that has already been created. MCC section 8.90.090 (J) and section 890-90-450 of the Administrative Rules for Licensure of Adult Care Homes give the Board discretion to follow either course.

If the Board chooses to decide this matter on the record, it may either make a decision on October 31 or may, if it chooses, bring the matter back to the Board at a later date for Board discussion and a final decision. The meeting on October 31 is not for the purpose of receiving evidence or argument from the parties regarding the merits of the appeal. It is only to decide whether the Board wants to receive additional evidence or argument in this matter or, if the Board chooses, to dispose of the matter on the existing record.

I will be attending the meeting on October 31. Ms. Mathews and representatives of the Adult Care Home Program might attend but are not required to attend. If they do attend and the Board wants to hear from them on whether additional evidence or argument should be received (and on that question only), I would suggest giving each side three minutes to make a statement.¹

c: Darlene Mathews
 Katie Gaetjens, Assistant County Counsel

¹Note to parties: You must let the Board Clerk know if you would like to address the Board. Notification cards are provided for this purpose. They are located on a small table just inside the door of the Board's meeting room. You should give a completed card to the Clerk before the meeting starts.





MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR • 248-3308
DAN SALTZMAN • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
TANYA COLLIER • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

September 19, 1996

*Ms. Darlene Mathews
6103 North Albina Avenue
Portland, Oregon 97217-1802*

*Re: Appeal from Hearings Officer Decision on an Adult Care Home License
Hearing No. 161070*

Dear Ms. Mathews:

This is to acknowledge receipt of the September 18, 1996 written exception and request for Multnomah County Board review of the hearings officer decision regarding your adult care home license.

The matter has been scheduled on the Board's agenda for 9:30 am, Thursday, October 31, 1996 in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland.

I will be sending you copies of the agenda as well as the hearings office record in your case, and any other information I receive as it becomes available.

If you have questions regarding the upcoming procedure, please contact City Attorney Pete Kasting at 823-4047, as he advises the Board on these matters because County Counsel represents the Adult Care Home Program. Thank you.

Sincerely,

Deborah L. Bogstad

Board Clerk

(503) 248-3277

*cc: Pete Kasting
Katie Gaetjens
Mary Fassell
Board of Commissioners*

BOARD OF
COUNTY COMMISSIONERS

96 SEP 18 PM 5:07

MULTNOMAH COUNTY
OREGON

September 18, 1996

Multnomah County Board of Commissioners
1120 SW Fifth Avenue, Suite 1510
Portland, OR 97204

Written Exception in the case of Darlene Mathews
Hearing Number. 161070

Darlene Mathews is an Adult Care Provider who has provided quality care for the past eleven (11) years and wishes to continue to provide such care.

Although, Ms. Mathews is a loving, caring, and nurturing person, she doesn't possess the administrative skills required to operate a business. She has over the pass year has taken the following steps to address her issues and now runs her Adult Foster Home as a business.

REASON FOR EXCEPTION

Ms. Mathews has addressed the issues that placed her license to provide Adult Foster Care in jepordey.

1. Pest Control, spray house located at 6103 N. Albina Avenue, Portland, OR 97217-1802 on a scheduled and continuous basis.
2. Paid housekeeper, Alberta Washington, comes on a weekly basis.
3. Lynn Handlin, EA & LTC has been hired to provide bookkeeping services such as, accounts receivable/payable, monthly financial statements
4. Currently working with other Adult Care Providers and consultants to develop business plan and PLAN OF ACTION.

BOARD OF
COUNTY COMMISSIONERS

96 SEP 18 PM 5:07

MULTNOMAH COUNTY
OREGON

PROPOSAL

It is the desire of Ms. Darlene Mathews to obtain her license and build her business to meet the standards of Multnomah County Aging Services Department. In order to meet this goal, Ms. Mathews propose the following:

Immediate reinstatement of her license to operate with the following provisions with quarterly reviews.

Multnomah County and the various departments that regulate, monitor, educate, and place both developmental disabled and aging adults; partner with her to provide a safe and healthy environment for which the developmental disabled and aging adults may choose to live.

Multnomah County employees give clear directions and work with not against Ms. Mathews as part of her team of supporters to provide quality care.

Multnomah County offer affordable classes for Adult Care Providers on a regular basis that educate not only on the Rules and Regulations for providing care but how this can be done in a cost effective way for providers.

Working with the new Rules and Regulations for Adult Care Providers, develop a "Resident Handbook" to be given to client, case manager, and family of client(s) and prospective clients.

Ms. Mathews send each Case Manager for person's she provide service and Multnomah County Aging Services a monthly report which will include: summary of clients condition/activities; accounts payable statement from licensed bookkeeper; timesheet of housekeeping services; and receipt(s) from pest control service.



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017
Portland, Oregon 97204-1960
Land Use Hearings (503) 823-7719
Code/Towing Hearings (503) 823-7307
FAX (503) 823-4347
TDD (503) 823-6868

I certify that attached hereto is the true and complete written record of the appeal of Darlene Mathews, No. 161070, during the period beginning February 2, 1996, and ending September 20, 1996.

- 1-3 Order entered herein August 27, 1996; mailed to the parties August 30, 1996.
- 4-5 Final Historical Log prepared September 20, 1996.
- 6-10 Appeal of Darlene Mathews, No. 161070; undated, but received in the Hearings Office February 1, 1996.
- 11 Notification List prepared February 2, 1996.
- 12 Notice of Hearing of the February 23, 1996, hearing; mailed to the parties February 2, 1996.
- 13 Letter dated June 20, 1996, Mary M. Fassell to William W. Shatzer, received in the Hearings Office same date.
- 14 Notice of Hearing of the August 1, 1996, hearing; mailed to the parties June 28, 1996.
- 15-16 Motion for Dismissal filed by Darlene Matthews; undated, but received in the Hearings Office August 12, 1996.
- 17-18 Note to Mary Fassell from Darla Broberg (used to transmit copy of Motion for Dismissal), undated, but with facsimile confirmation dated August 12, 1996.
- 19-21 Letter dated August 19, 1996, Fassell to Shatzer, with Affidavit of Anna Helm; received in the Hearings Office August 20, 1996.
- 22 Record of the tape recording created at the August 1-2, 1996, hearing.
- 23 Record of exhibits created at the August 1-2, 1996, hearing.

EXHIBITS:

- 24-25 Exhibit #1.
- 26-28 Exhibit #2.
- 29-31 Exhibit #3.
- 32-34 Exhibit #4.
- 35-39 Exhibit #5.
- 40-42 Exhibit #6.
- 43-46 Exhibit #7.
- 47 Exhibit #8.
- 48 Exhibit #9.
- 49 Exhibit #101.

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 SEP 23 AM 10:18

Dated: September 23, 1996

Darla J. Broberg

Darla J. Broberg
Hearings Clerk

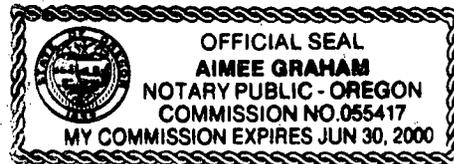
On September 23, 1996, Darla Broberg appeared before me and did acknowledge that she did execute the foregoing certification in her official capacity as Code Hearings Secretary.

Dated: September 23, 1996

Aimee Graham

Notary Public

My commission expires June 30, 2000





CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017
Portland, Oregon 97204-1960
Land Use Hearings (503) 823-7719
Code/Towing Hearings (503) 823-7307
FAX (503) 823-4347
TDD (503) 823-6868

HEARINGS OFFICER'S ORDER

APPEAL OF DARLENE MATHEWS

HEARING NO. 161070

DATE OF HEARING: August 1, 1996

APPEARANCES:

Ms. Darlene Mathews, appellant

Ms. Mary Fassell for Multnomah County

HEARINGS OFFICER: Mr. William W. Shatzer

STATEMENT OF THE CASE.

This proceeding is an appeal from a determination of the Multnomah County Adult Home Care Program revoking the license of the appellant Darlene Mathews to operate an Adult Care Foster Home.

On November 14, 1996, the Sanctions Specialist for the Multnomah County Adult Care Home Program issued a Notification of Administrative Sanctions pursuant to MCAR 890-080-200, et seq, in which the Sanctions Specialist determined that the appellant had failed to conform to numerous provisions of the applicable Multnomah County Administrative Rules for Licensure of Adult Care Homes (Multnomah County Administrative Rules, Chapter 890). The Sanctions Specialist further determined that the violations were of such a nature as to warrant the revocation of appellant's Adult Care Home License under MCC 8.90.080(A) and, accordingly, revoked Ms. Mathews' Adult Care Home license.

On January 26, 1996, Ms. Mathews filed a request for hearing on the license revocation pursuant to MCC 8.90.090 and MCAR 890-090-100. This proceeding followed.

PRELIMINARY RULING:

After the conclusion of the hearing in this proceeding, Ms. Mathews filed a written request with the hearings officer requesting "a dismissal in the case". Such a request is, of course, nonsensical, as it was

00001

Ms. Mathews herself who initiated this case by filing her appeal. A dismissal of this proceeding would return matters to the *status quo ante* and leave the County's original Notice of Sanctions in effect.

Ms. Mathews' request also requested that the hearing be reopened and Ms. Betty Lowry, a witness for the County, "return to the stand and explain her past testimony (sic) and give a more true and accurate (sic) statement." This I decline to do. Ms. Mathews had a full and complete opportunity to cross examine Ms. Lowry during the course of the hearing. No good cause for a departure from normal and orderly procedures has been shown.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

On September 25, 1995, Multnomah County Adult Care Home Program staff conducted an unannounced inspection of Ms. Mathews' Adult Care Home. That inspection disclosed, among other things, that the home was infested with cockroaches, in violation of MCAR 890-020-820(f); that portions of the home were dirty and cluttered, in violation of MCAR 890-020-820(g); that food in the home was improperly stored, in violation of MCAR 890-020-820(i); and that garbage was being improperly stored in cardboard boxes and the garbage can overflowing to the floor, in violation of MCAR 890-020-820(c).

The evidence further establishes that the problems with housekeeping, cleanliness, and roach infestation at Ms. Mathews' Adult Care Program go back to at least 1991. Despite repeated notifications, warnings, and counseling given Ms. Mathews by Multnomah County Adult Care Home Program staff, the home has apparently never been completely in compliance with the sanitation and cleanliness standards of the Multnomah County Adult Care Home Rules. The cockroach problem, in particular, has been long standing, with the first official notification of a cockroach infestation problem appearing in an inspection report in 1992. While Ms. Mathews has apparently, from time to time, undertaken eradication measures against cockroaches, these efforts have been consistently inadequate, as the problem has continued, unabated, since at least 1992. In January of 1995, Ms. Mathews was formally sanctioned and assessed penalties for failure to eradicate the cockroaches and correct the sanitation and cleanliness problems.

While, quite obviously, a single instance of vermin infestation poor housekeeping is not usually a proper basis for revocation of an Adult Foster Care Home license, equally obviously there does come a point where this sort of problem can become sufficiently intractable and of such long standing duration that protecting the health and welfare of the residents requires license revocation, regardless of the fault of the operator. Whatever measures Ms. Mathews undertook to control and eliminate the cockroach problem, they have obviously been inadequate and were, undoubtedly, compromised by her consistently substandard housekeeping and poor sanitation. With problems as long standing and apparently intractable as these, where repeated notifications, warnings, and sanctions have failed to result in significant improvement, revocation is justified and appropriate as a last resort. The County did not err in determining that that point had been reached in this case.

The evidence further establishes that the water service to Ms. Mathews' Adult Care Home was shut off on at least six occasions since January, 1995, for non-payment. Similarly, the electric power service was disconnected on three occasions for similar reasons in the same period. While none of these service shut-offs were apparently of long duration, the longest being only three days, quite obviously appropriate safety and sanitation cannot be provided to elderly residents in the absence of water and electric power. Failure to provide appropriate water and electric power is a violation of MCAR 890-020-810(k) and MCAR 890-020-820(a). The repeated disconnections of water and power for non-payment also bespeaks a certain lack of good judgment and good personal character, in violation of MCAR 890-020-220(b) and (c).

Again, a single instance of water or power shut-off would not usually be appropriate grounds for revocation. However, in this case, the problem appears to be more or less chronic. Certainly nine separate

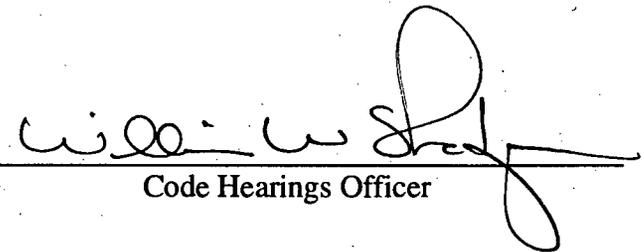
instances of utility disconnection in a period of a little over 18 months indicates a lack of sound judgment and appropriate concern for her residents on the part of Ms. Mathews. Elderly and often frail residents of adult care homes should not be required to be repeatedly deprived of electricity for light and hot food or water for ordinary sanitation needs because of the neglect of the operator in assuring prompt payment of the charges. In view of the numerous and repeated water and power disconnections, the County did not err in its determination that license revocation was necessary to ensure the health and safety of the residents.

The problems with Ms. Mathew's Adult Care Home appear long standing and intractable. I perceive, in the record, no evidence of improvement and nothing which would indicate that it is either likely or even possible that Ms. Mathews will ever approach minimum acceptable standards. Under this record, revocation is authorized and appropriate, and the Notice of Sanctions revoking Ms. Mathews' license should be sustained.

ORDER AND DETERMINATION:

1. The determination in the Notice of Administrative Sanctions dated November 28, 1995, revoking the Adult Care Home License of the appellant, Darlene Mathews, is hereby SUSTAINED.
2. This order and determination has been mailed to the parties on August 30, 1996, and shall become final on September 19, 1996, unless written exceptions are file with the Board of County Commissioners prior to such date.

Dated: 8/27/96
WWS:db


Code Hearings Officer

Hearing # 161070

Final Historical Log

Date Prepared: 9/20/96

Time Prepared: 11:37:05

Date Filed 2/1/96 Tapes YES
Bureau Multnomah County City Exhibits YES
Viol. Type appeal - adult care facility Resp. Exhibits YES
Date Closed 9/20/96 CHO Exhibits NO
Status sustained Discussion
Tapes and exhibits may be purged on or after: 4/18/97

Hearings

<u>Date</u>	<u>Time</u>	<u>Purpose</u>	<u>Disposition</u>
2/23/96	9:00:00 AM		Cancelled.
8/1/96	1:30:00 PM		Hearing begun, but adjourned and continued to 1:00 a.m., 8/2/96, because Portland Building was ordered vacated. Appearances: Mathew, her representative, Rev. Thomas Smith, Fassell.
8/2/96	1:00:00 PM	Continued from 8/1/96.	Hearing concluded. Record held open to 4:30 pm, Mon, 8/12, for appellant to submit affidavits; and to 4:30 pm, Wed, 8/21, for County to submit affidavits and rebuttal. Appearances: Fassell, Mathew (arrived 1:40), and Rev. Smith (arrived 2:00).

Civil Penalties, Liens, Bureau Fees

<u>Control#</u>	<u>DatePosted</u>	<u>Type of fine/fee</u>	<u>Dates:</u>	<u>Imposed</u>	<u>Paid</u>	<u>Liened</u>	<u>Cancelled</u>	<u>Amounts:</u>	<u>Center Code</u>
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Contacts

<u>Date</u>	<u>Key</u>	<u>Comments</u>
2/1/96	appeal	Appeal of adult care home action filed by Mary Fassell for Darlene Mathew. DB
2/2/96	hrgs	In discussion with WS and Fassell, hearing set for 9:00 a.m., 2/23/96. DB
2/2/96	notm	Notices mailed. DB
3/26/96	misc	Called Fassell re. this case; noticed by chance that I had no indication of what happened at 2/23 hearing. Fassell said that, though there had been some degree of confusion at the time between appellant, ACHP, and Shatzer, the parties had mutually agreed to set the hearing over. I didn't catch why it had never been re-scheduled, but Fassell will now explore whether 4/25-26 would work. DB
4/8/96	tel tkl	Fassell called, and we discussed scheduling hearing (perhaps Fri., 5/10). However, WS indicates he will not schedule this case until after #161035 has been completed. Place back on suspense. DB
6/25/96	hrgs	Scheduled hearing per letter of 6/20/96 from Fassell. RY
6/28/96	notm	Notices mailed. RY
8/5/96	misc	Sent copy of exhibit 101 to Fassell at her request. (She also asked that copies be sent to her immediately of any affidavits submitted by Mathew or Smith.) DB

00004

8/12/96	docr	Ms. Mathew and Rev. Smith came in at 4:35 p.m., filed motion to dismiss. Paid for photocopy of same, receipt #4013 for \$0.50. Sent copy via fax to Fassell. DB
8/20/96	docr	Rcvd affidavit from Anna Helm submitted via Mary Fassell. RY
8/27/96	misc	4 hours in hearing, 3.5 hours preparing order = total 7.5 hours. DB
8/30/96	ordm	Order mailed. DB
9/9/96	tel	Rcvd call from Deb Bogstand, County Clerk's office. Mathews has filed appeal with County. Deb needs copy of our case file, but not of tapes. DB
9/20/96	clsd	Case closed. DB
4/28/93	db	

00005

The Adult Care Home Program
421 SW Fifth Street Room 405
Portland, Oregon 97204

161070

RECEIVED

JAN 26 1996

ALL INFORMATION CONTAINED

Attn: Ms. Mary M. Fassell

This letter will serve as a request for a hearing for the Darlene Mathew Home Care located at 4603 N. Albina, Portland, Oregon.

This letter also request the following information to ensure that Ms. Mathew and her business will have a fair and impartial hearing.

Please send a complete list of the complaints that you intend to use against The Mathew Home Care, including any notes, or any witness's and the notes related to the complaints.

Please send a copy of any photographs or any documentation related to the complaints.

Please send any a copy of any other complaints against the following employees, Ms. Betty Lowrey, Ms. Robin Wiggins, Ms. Heather and including your self.

Please send these items as soon as possible so the We might have the information to review before the hearing.

We also request that the hearing be scheduled at least 30 days from the receipt of this request as to allow you ample time to mail these documents to The Mathew Home Care.

We further ask that you supply The Mathew Home Care the name and address or phone number of any one outside the Adult Home Care Program who has a complaint against The Mathew Home Care., or any of ir's employees.

Thank you in advance for your prompt action to this request.

Ms. Darlene Mathew

by *Darlene Mathew*
[Signature]

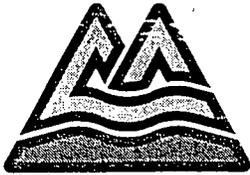
Darlene Mathew Home Care
6103 N. Albina Street
Portland, Oregon 97217

RECEIVED

FEB 1 1996

00006

HEARINGS OFFICE



161070

MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
FAX: (503) 306-5722
421 SW 5TH, ROOM 405
PORTLAND, OR 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

HAND DELIVERED

November 14, 1995

Ms. Darlean Mathews
6103 N. Albina
Portland, Oregon 97217

Dear Ms. Mathews:

On September 25, 1995, our staff visited your home and found serious violations of the rules and standards for adult care homes as follows:

1. All three fire extinguishers tags had expired, in violation of MCAR 890-020-881 (a).
2. There were roaches on the walls and floors, in violation of MCAR 890-020820 (f).
3. The house was very dirty and cluttered, including the new bathroom. This is a violation of MCAR 890-020-820 (g).
4. There was food improperly stored in the garage, which could attract rodents, in violation of MCAR 890-020-820 (i).
5. The garbage was improperly stored in cardboard boxes with no lids, and the garbage can was overflowing on the floor around the garage, in violation of MCAR 890-020-820 (c).

You indicated that you were remodeling the kitchen but there was no evidence of the kitchen being remodeled.

Upon checking with the utility companies, we have found that you have had water service turned off seven times in the last two years due to nonpayment, most recently May 17, 1995. The electric utility reports that your electricity was off June 28, 1995 to June 30, 1995 and September 28, 1995 to September 30, 1995. This is in violation of MCAR 890-020-810 (k) and 890-020-820 (a) and is considered neglect for failure to provide a safe and sanitary environment, MCAR 890-015-660.

Our records indicate the following sanitation problems in the past:
11/30/88 Your kitchen was dirty, food needed refrigeration, bedding was soiled.
6/91 Your home needed cleaning, there was too much garbage in the garage.

RECEIVED

FEB 2 1996

HEARINGS OFFICE

00007

9/91 There were dented food cans in the garage and basement and there were cleaning supplies stored with the food.
10/13/92 You were required to exterminate for roaches.
11/15/92 You were required to remove spoiled food from your basement.
3/5/93 Roaches and improper food storage again found.
8/19/93 Uncovered boxes of garbage were in the backyard.
8/30/94 There were roaches in the kitchen and medicine cabinet, and there was evidence of rodents in garage along with debris.
9/7/94 There was evidence of rodents in the garage and roaches in the kitchen and medicine cabinet; there was food unfit for human consumption in boxes outside.
3/95 Your home needed cleaning and roaches exterminated.

Ms. Mathews, this record indicates that your home has been below standards for adult care homes for a long time. We have written you many times warning you to correct these problems. We fined you in January, 1995, for substandard food storage and roaches.

In addition, we have warned you many times to keep your records properly (1988, 1989, 1993 and 1995), and required you to take our record keeping class. We have also found that you have been less than truthful with our program and those who care for your resident and we warned you that you must deal truthfully with our program as well as anyone dealing with the care of your residents or your home. See MCAR 890-020-220 (c).

As can be seen above, you have not kept your home up to the Adult Care Home Program standards. This situation has been documented over many years. Because of the long-standing history of problems and lack of your continued compliance and in order to protect the health, safety and welfare of residents in your home your license is hereby revoked.

This office has the authority to revoke your license according to section 8.90.080 (A) (2) and (4) of the Multnomah County Code, which states:

The Director shall have the authority to...revoke any license for an adult care home...When there exists a threat to the life, health, safety, or welfare of any resident...When the...operator has failed to comply...with the rules and standards duly promulgated by the Director for an adult care home; or any other state or federal law or rule applicable or relevant to the health or safety of a resident.

You have the right to request a conference with the Program Manager. To request a conference, call me at 248-3000, extension 2624.

You also have the right to appeal this penalty to an independent hearings officer, per Multnomah County Administrative Rule (MCAR) 890-090-100. To do so, send a written request for a hearing,

including the reasons you want a hearing, to the Adult Care Home Program, 421 S.W. Fifth Avenue, Room 405, Portland, Oregon, 97204. Your request for a hearing must be received by this office within twenty (20) days after the day you receive this letter. If you request a hearing, the information our department has about your adult care home would automatically become available to the hearings officer. This revocation becomes effective in 20 days unless a hearing is requested.

Sincerely,

Mary M. Fassell

Mary M. Fassell, Sanctions Specialist
Multnomah County Adult Care Home Program

c: Betty Lowery, Licensing Agent



MULTNOMAH COUNTY OREGON

151070

AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
FAX: (503) 306-5722
421 SW 5TH, ROOM 405
PORTLAND, OR 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

January 30, 1996

Mr. William W. Shatzer
Hearings Officer
Portland Building
1120 S.W. 5th, Room 1017
Portland, Oregon 97204
B106/1017

Dear Mr. Shatzer:

This office has received a request for a hearing from Ms. Darlean Mathews. The Adult Care Home Program has revoked her license to operate an adult care home. She is appealing our decision. A copy of our letter revoking her license and her letter requesting a hearing are enclosed.

As is required by MCC 8.90.090, and as a designee of the Director, I am re-designating you as Hearings Officer in this matter and requesting you to again set a time and place for the hearing. I am not available February 9, 1996.

Sincerely,

Mary M. Fassell

Mary M. Fassell, Sanctions Specialist
Multnomah County Adult Care Home Program

Enclosures

RECEIVED
FEB 2 1996
HEARINGS OFFICE

00010

Change made: Creating mailing list for appeal case.

Hearing # 161070

Notification List

Date Prepared: 2/2/96

Respondent: Darlene Mathew
6103 N. Albina Street
Portland, OR 97217

City Representative: Mary Fassell
Mult. Co. Adult Care Home Program
421 S.W. 5th Avenue, #405
Portland, OR 97204-2221
248-3000, x 2624

00011

**CITY OF PORTLAND -- Code Hearings Office
1120 S.W. 5th Avenue, Room 1017, Portland, OR 97204
(503) 823-7307 / FAX (503) 823-4347**

NOTICE OF HEARING -- Appeal Hearing # 161070

Date Mailed: Fri, Feb 2, 1996

Multnomah County

vs.

Darlene Mathew
Respondent(s) / Appellant(s)

Type of violation or nature of determination: appeal - adult care facility
Date of exclusion order or other determination: Friday, November 15, 1996
Complaint or appeal was filed in the Code
Hearings Office on: Thursday, February 1, 1996
Bureau case # (if known):
City / County representative: Mary Fassell
Property:

You are notified that a hearing will be held in the above proceeding on:

Date: **Friday, February 23, 1996** Time: **9:00:00 AM**
Place: **Meeting Room A, second floor of the Portland Building,
1120 S.W. 5th Avenue, Portland, Oregon**
Purpose: **New case**

**ALL REQUESTS FOR POSTPONEMENTS AND CONTINUANCES MUST BE IN WRITING AND
FILED WITH THE CODE HEARINGS OFFICE AT THE ADDRESS AT THE TOP OF THIS
NOTICE.**

This notice has been mailed to the following parties :

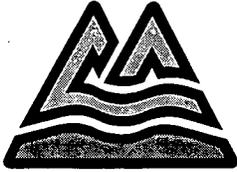
Darlene Mathew 6103 N. Albina Street Portland OR 97217
Mary Fassell Mult. Co. Adult Care Home Program
421 S.W. 5th Avenue, #405 Portland OR 97204-2221
Code Hearings Office

**If you have any questions concerning this proceeding,
please call (503) 823-7307 for further information.**

If you need a sign language interpreter or an FM loop amplifier for this hearing, you may contact Darla Broberg or Ruth York at the Hearings Office, 823-7307, or the City Information TDD, 823-6868.

Please call during business hours **AT LEAST TWO BUSINESS DAYS PRIOR** to the hearing so arrangements can be made.

00012



~~161070~~
161070
MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
FAX: (503) 306-5722
421 SW 5TH, ROOM 405
PORTLAND, OR 97204-2221

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

June 20, 1996

Mr. William W. Shatzer
Hearings Officer
Portland Building
1120 S.W. 5th, Room 1017
Portland, Oregon 97204
B106/1017

Dear Mr. Shatzer:

This office requested you schedule a hearing, and has designated you as Hearing Officer, in the matter of Darlean Mathews, appeal number 161070. We requested a continuance in February in order to have another conference with Ms. Mathews' representative. Since then we have not asked for another time and date for a hearing at your request, due to scheduling problems. Now that you have indicated that you are again available for hearings, I am requesting that you schedule a hearing for Ms. Mathews.

I am not available on July 5 or July 11.

Sincerely,

Mary M. Fassell

Mary M. Fassell, Sanctions Specialist
Multnomah County Adult Care Home Program

cc: Ms. Darlean Mathews

00013

**CITY OF PORTLAND -- Code Hearings Office
1120 S.W. 5th Avenue, Room 1017, Portland, OR 97204
(503) 823-7307 / FAX (503) 823-4347**

NOTICE OF HEARING -- Appeal Hearing # 161070

Date Mailed: Fri, Jun 28, 1996

Multnomah County

vs.

Darlene Mathew
Respondent(s) / Appellant(s)

Type of violation or nature of determination: appeal - adult care facility
Date of exclusion order or other determination: Friday, November 15, 1996
Complaint or appeal was filed in the Code
Hearings Office on: Thursday, February 1, 1996
Bureau case # (if known):
City / County representative: Mary Fassell
Property:

You are notified that a hearing will be held in the above proceeding on:

Date: **Thursday, August 1, 1996** Time: **1:30:00 PM**
Place: **Meeting Room A, second floor of the Portland Building,
1120 S.W. 5th Avenue, Portland, Oregon**
Purpose: **New case**

**ALL REQUESTS FOR POSTPONEMENTS AND CONTINUANCES MUST BE IN WRITING AND
FILED WITH THE CODE HEARINGS OFFICE AT THE ADDRESS AT THE TOP OF THIS
NOTICE.**

This notice has been mailed to the following parties :

Darlene Mathew 6103 N. Albina Street Portland OR 97217
Mary Fassell Mult. Co. Adult Care Home Program
421 S.W. 5th Avenue, #405 Portland OR 97204-2221
Code Hearings Office

**If you have any questions concerning this proceeding,
please call (503) 823-7307 for further information.**

If you need a sign language interpreter or an FM loop amplifier for this hearing, you may contact Darla Broberg or Ruth York at the Hearings Office, 823-7307, or the City Information TDD, 823-6868.

Please call during business hours **AT LEAST TWO BUSINESS DAYS PRIOR** to the hearing so arrangements can be made.

00014



STATE OF _____ }
County of _____ } ss.

Motion for Dismissal

I, _____, being first duly sworn, depose and

say that

I request a dismissal in the Case of the (MAFHP) Adult Foster Home Program for Ms Darlene Matthews due to deliberate perjury on behalf of a worker (Ms Betty Hower) employed by the AFHP. In her testimony at the last hearing, Ms Betty Hower's testified that her job with the AFHP is as a licensing agent and that she only comes to inspect the home and issue or renew a license home. In this program, she stated that was her responsibility. However she also stated that she come to another home rented by Ms Matthews to see if she had clients there, this was outside the realm and scope of her job descriptions as she stated, it was stated by her own words that she wanted to see if there are clients there, The perjury. Ms Hower's actions on and in this matter (confirm her behaviour in come to another location looking to see if Ms Matthews has other clients

(over)

RECEIVED

Subscribed and sworn to before me

AUG 12 1996 *DB*

19

HEARINGS OFFICE

Notary Public for _____

My commission expires _____

00015

Further, I motion that Ms
Betty Lowery return to the
stand and explain her ~~past~~
testimony and give a more
true & accurate statement
of her responsibilities, or
have her testimony extracted
from this hearing

Rodney Matthews



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017
Portland, Oregon 97204-1960
Land Use Hearings (503) 823-7719
Code/Towing Hearings (503) 823-7307
FAX (503) 823-4347
TDD (503) 823-6868

Post-It™ brand fax transmittal memo 7671 # of pages ▶ 3

To <u>Mary Fausell</u>	From <u>Darla Bickero</u>
Co. <u>Melt Co</u>	Co. <u>Hearings Office</u>
Dept. <u>ACHP</u>	Phone # <u>823-7307</u>
Fax # <u>306-5722</u>	Fax # <u>823-4347</u>

Mary, This is all we received
from Ms. Mathew

Darla

***** ACTIVITY REPORT *****

TRANSMISSION OK

TX/RX NO.	1716
CONNECTION TEL	93065722
CONNECTION ID	
START TIME	08/12 16:41
USAGE TIME	01'37
PAGES	3
RESULT	OK



MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION (503) 248-3646
ADULT CARE HOME PROGRAM (503) 248-3000
FAX: (503) 306-5722
421 SW 5TH, ROOM 405
PORTLAND, OR 97204-2221

BOARD OF COUNTY COMMISSIONERS
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DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

August 19, 1996

RECEIVED

Mr. William W. Shatzer
Hearings Officer
Portland Building
1120 S.W. 5th, Room 1017
Portland, Oregon 97204
B106/1017

AUG 20 1996

HEARINGS OFFICE

RE: Multnomah County vs. Darlean Mathews, Appeal Hearing #161070

Dear Mr. Shatzer:

Multnomah County submits the enclosed affidavit as part of the record in the above hearing. The record was to remain open until August 21, for County response. The affidavit is of Anna Helm, in response to Ms. Mathews' Exhibit 101, a letter from The Killers Store #11.

Sincerely,

Mary M. Fassell

Mary M. Fassell, Sanctions Specialist
Multnomah County Adult Care Home Program

Enclosure

00019

MULTNOMAH COUNTY ADMINISTRATIVE HEARING

In the matter of
Darlene Mathews,

Licensee

)
) No. 161070
) AFFIDAVIT OF
) ANNA HELM IN
) SUPPORT OF
) MULTNOMAH
) COUNTY

STATE OF OREGON)

) ss.

County of Multnomah)

I, Anna Helm, being first duly sworn, depose and say:

1. I work for the Multnomah County Health Department.
2. I have reviewed a copy of a letter from Robert S. Ray, representing The Killers

Store #11 and have the following comments:

a. Based on my observation of successful cockroach eradication and control programs, three treatments over a five month period are not likely to be adequate to control cockroaches. Effective treatments must be based on the cockroach life cycle. Initial treatments are usually applied at least monthly and frequently more often so the newly hatched insects are destroyed before they mature and lay more eggs. Effective treatments must also be combined with good house keeping and maintenance. Good house keeping and maintenance include elimination of food and water sources as well as hiding places. Effective treatment must be applied to all areas of an infested structure and adjacent storage areas (garage).

Adequate application is most likely to be successful in neat, clean, uncluttered environments.

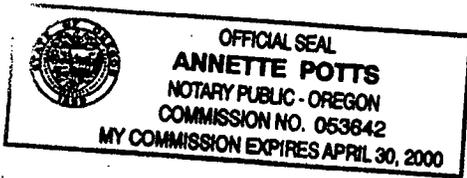
- b. The remaining 10% of the roaches acknowledged to remain may present a

threat to the health of the residents. That threat may persist for some months based on the stated need for the additional follow up treatments Mr. Ray indicates are necessary for him to control the cockroaches.

Anna Helm
ANNA HELM

SUBSCRIBED AND SWORN TO BEFORE ME THIS 9 DAY OF AUGUST, 1996

Annette Potts
NOTARY PUBLIC FOR OREGON
My commission expires: April 30, 2000

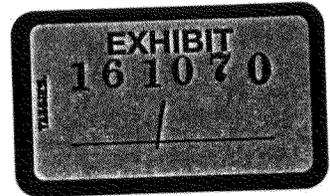


CITY OF PORTLAND -- CODE HEARINGS OFFICE

HEARING RECORD -- taped record only

Hearing No. 161070 Page No. 1

Date	Tape #	Counter Reading	Description	
8/1/96	1	1295	11:15 Introduction	
		1490	Mary Fassell - opening	
		1618	Rev. Thomas Smith - opening	
		2282	Betty Lowery - testimony	
		4732	cross examination	
		6807	end of tape	
		2	2	(cross examination cont'd)
			2412	adjourned because bldg was vacated
		8/2/96	1	19
96	Anna Helm - testimony			
1327	1:45 pm - Mathews now present			
1350	Betty Lowery - testimony			
1668	Darlene Mathew - testimony			
(2480)	(Rev. Thomas Smith arrived)			
~2750?	cross examination			
~4500?	general discussion			
5180	US - record held open			
5485	David Hallberg - testimony			
~6380	discussion			
6720	Lowery - testimony			
6833	end of tape 1			
2	18			Lowery - cont'd
	500			closing
	550			end of hearing



MULTNOMAH COUNTY ADMINISTRATIVE HEARING

In the matter of)
Darlean Mathews,) No. 161070
Licensee)
AFFIDAVIT OF)
KATHY WISEMAN IN)
SUPPORT OF MULTNOMAH)
COUNTY)

STATE OF OREGON)
County of Multnomah) ss.

I, Kathy Wiseman, being first duly sworn, depose and say:

1. I work for the Multnomah County Adult Care Home Program as a licensing agent. I have worked for the Adult Care Home Program since 1992.

2. As part of my job I visited Ms. Mathew's adult care home on January 11, 1993, to follow up on deficiencies previously found in her home. I found the living room clean and attractive, but the kitchen floor was grimy and the kitchen and resident's sleeping rooms smelled. Ms. Mathews knew I was coming to inspect the home.

3. I next visited Ms. Mathew's adult care home on November 3, 1993. This time Ms. Mathews did not know I was coming. I found food left out on the counter in the kitchen, food on the kitchen floor, sacks of potatoes on the back steps. I found bugs flying around the food in the kitchen. I saw cockroaches on the kitchen counter. The home smelled musty, with a strong smell of body odor, and there was a urine odor in the resident's bedrooms. In my opinion the home was not up to the standards for adult care homes.

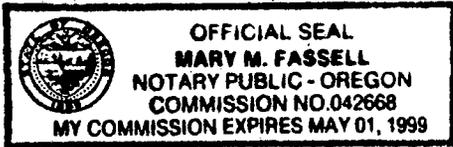
4. I have not been to Ms. Mathew's home since then because my case load changed, and I now license homes whose operators last

names start with A-Di.

Kathy S. Wiseman
Kathy Wiseman

SUBSCRIBED AND SWORN TO before me this 30th day of July, 1996.

Mary M. Fassell
NOTARY PUBLIC FOR OREGON
My commission expires: 5/1/99



91-371



NEW

RENEWAL

Date of inspection RECEIVED

RECEIVED

9-5-91

SEP 11 1991

ENVIRONMENTAL HEALTH
ADULT CARE HOME CHECK LIST

JUN 28 1991

ADULT CARE HOME PROGRAM

Adult Care Home Address 6103 N Albina
Portland 97217

Home Telephone 286-7944
Operator's Telephone _____

Operator's Name Darleen Mathews

Total Number of Occupants in Home _____

Resident Manager's Name _____

Number of Residents Home Licensed for 4

Type of Home AFH _____ SSD _____ R&B _____ DP MED _____

Type of Structure Single Story _____ Two Story Split Level _____ Basement
Usable Third Story _____ Duplex _____ Apartment _____ Single Family _____ Other _____

Number of bedrooms on each floor First _____ Second _____ Basement _____ Third _____

Number toilets _____ lavatories _____ showers/tubs _____

Code:

- 01 Appears to comply with rules.
- 02 Does not appear to comply with rules.
- 03 Does not appear applicable to this home at this time.
- 04 Unable to determine whether in compliance.
- 05 Referral to other agency needed.

- 1. Building, belongings, and furnishings neat, clean and good repair.
- 2. Grounds maintained.
- 3. Walls, ceilings, and floors can be cleaned or painted.
- 4. No accumulation of clutter, garbage, debris, rubbish, or offensive odors.
- 5. Stairways provided with hand rails. Yard and exterior steps accessible to residents.
- 6. Functioning light in each room, stairway, and exit way. Incandescent bulbs covered.
- 7. Heating system operational, minimum temperature 68° during waking hours and 60 during sleeping hours. Frail elderly provided for if more warmth needed; ventilation during times of summer heat.
- 8. No space heaters in use.
- 9. 150 sq. ft. of common space; sufficient furniture.
- 10. Water supply either public or tested quarterly. Sewage system in good working order.
- 11. Garbage and refuse stored in covered, rodent-proof containers; and removed weekly.
- 12. Laundry stored in appropriate containers and away from kitchen and food storage area.
- 13. Pet areas clean and appropriate vaccinations. Insects and rodents controlled.
- 14. Bathroom doors open to hall or common use room (but not kitchen) or bedroom of only resident(s) using it. too much clutter/food in area
- 15. Bathrooms finished, have mirror, have openable window or other ventilation and window covering.
- 16. Bathrooms clean and free of objectionable odors.

OK EB 11/4/91
OK EB 11/4/91
OK EB 11/4/91

00026

- [1] 17. Nonporous shower enclosures and tempered safety glass shower doors or clean shower curtains if used.
- [1] 18. Nonslip surfaces in tubs and showers.
- [4] 19. Fixtures in bathroom in good repair and have hot and cold water with lavatory near toilet.
- [1] 20. Lavatory and toilet on each floor where rooms for residents with limited mobility are located.
- [4] 21. One toilet, lavatory, and tub or shower for each six household occupants.
- [1] 22. Appropriate grab-bars if residents require them.
- [1] 23. Barrier-free toilets and bathing facilities if there are residents who use walkers or wheelchairs.
- [1] 24. Commodes clean.
- [4] 25. Toilet paper and soap available.
- [4] 26. Individual clean towels or single use towels at lavatories.
- [1] 27. Provisions (racks, hooks) to dry bath linens.
- [1] 28. Bedrooms originally constructed as sleeping area; ceiling height over at least half the area not less than 7'6"; partitions extend from floor to ceiling, have standard doors with appropriate hardware and open directly to hallway or common use room and contains no common use equipment.
- [1] 29. Bedrooms adequately ventilated, heated, and lighted with at least one openable window.
- [2] 30. The window opening is 821 sq. in. and at least 24" high and 20" wide, and the sill height is 44" or less and within (72") of the ground. *- OK + granddave*
- [] 31. If sill height exceeds 44", it is _____.
- [1] 32. Bedrooms are at least 70 sq. ft. for one occupant and 120 sq. ft. for two, with no more than two occupants per bedroom.
- [1] 33. Living areas, common space not used by any occupant as sleeping area.
- [1] 34. Residents do not share bedroom with operator, resident manager, care-giver, or operator's family members.
- [1] 35. Individual beds at least 36" wide with clean, adequate bedding.
- [1] 36. Dresser and closet space in bedrooms.
- [1] 37. Bedroom windows have drapes, curtains, etc.
- [1] 38. Bedrooms of non-ambulatory or those with limited mobility on first floor.
- [1] 39. Meals prepared and served in home where residents live.
- [1] 40. Refrigerator temperature 45° or less.
- [2] 41. Food clean and protected and maintained at proper temperatures. *OK EB 11/14/91*
- [2] 42. Food storage and preparation areas clean; equipment clean and in good repair. *OK 11/4*
- [2] 43. Utensils, dishes, glassware, and food stuffs not stored in bedrooms, bathrooms or living areas. *OK 11/4*
- [1] 44. Utensils, dishes, etc., clean and stored to prevent contamination.
- [1] 45. No home canned meat, poultry, fish, or vegetables.
- [1] 46. Telephone available to residents in home.
- [4] 47. Emergency telephone numbers posted at all telephones.
- [1] 48. Not more than ten percent of combined wall and ceiling areas covered with readily combustible acoustical tile or wood paneling. *treated*
- [4] 49. Heating equipment, wood stoves, wood furnaces, portable heaters, fireplace screens safe.
- [1] 50. Flammable liquid storage acceptable.
- [3] 51. Fire arm storage acceptable.
- [2] 52. Door locks acceptable. *Chain lock - remove by 11/30/91 EB.*
- [2] 53. Cleaning supplies, poison, and insecticide storage acceptable. *with food OK 11/4*
- [2] 54. Secondary means of exiting second floor available. *- ops bedroom*
- [5] 55. Third floor in use?

basement

9/92 expire

- 56. Fire extinguisher visible, mounted and readily accessible on each floor; documentation of their having been checked within past 12 months and recharged within past six years.
- 57. Smoke detectors available and operational in bedrooms, halls, and top of stairwells and properly located. *OK 11/4/9*
- 58. Wheelchair ramp available if non-ambulatory or persons with severely limited mobility in home. *EB*
- 59. Floor plan posted.
- 60. Emergency evacuation procedure posted.
- 61. Fire drills being conducted and documented. *8-19*
- 62. Evacuation time of last drill, if fire drills conducted 1 min.
- 63. Street address readily visible.
- 64. All medications stored in locked containers.

Anna Idelm
Sanitarian

Care Giver

9-6-91
Date

Comments: *see attached memo*

laundry tray has threaded faucet which is a cross connection between the sewer & city water supply

Refused access 7/7/92 11:00 AM.

42-6571-22921F

RECEIVED JUN 29 1992

RECEIVED RENEWAL OCT 2 1992

RECEIVED

Date of inspection JUL 14 1992 10-8-92

ADULT CARE HOME PROGRAM ENVIRONMENTAL HEALTH ADULT CARE HOME CHECK LIST

Adult Care Home Address 6103 N. ALBINA Street

Home Telephone 286-7944 Operator's Telephone

Operator's Name BARLEAU MATHEWS City PORTLAND 97217

Total Number of Occupants in Home 8/8/1992

Resident Manager's Name

Number of Residents Home Licensed for

Type of Home AFH X SDSA X R&B DD X MED X

Type of Structure: Single Story Two Story Split Level Basement Usable Third Story Duplex Apartment Single Family Other

Number of bedrooms on each floor First 2 Second 1 Basement Third

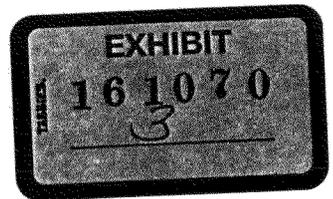
Number of toilets 2 lavatories 1 showers/tubs 1

Code:

- 01 Appears to comply with rules. 02 Does not appear to comply with rules. 03 does not appear applicable to this home at this time. 04 Unable to determine whether in compliance. 05 Referral to other agency needed.

- 1. Building, belongings, and furnishings neat, clean and good repair, 2. Grounds maintained. 3. Swimming pool secured appropriately. 4. Walls, ceilings, and floors can be cleaned or painted. 5. No accumulation of clutter, garbage, debris, rubbish, or spoiled food offensive odors. 6. Stairways provided with hand rails. Yard and exterior steps accessible to residents. 7. functioning light in each room, stairway, and exit way. Incandescent bulbs covered. 8. Heating system operational, minimum temperature 68° during waking hours and 60° during sleeping hours. Frail elderly provided for if more warmth needed; ventilation during times of summer heat. 9. No space heaters in use. 10. 150 sq. ft. of common space; sufficient furniture. 11. Water supply either public or tested quarterly. Sewage system in good working order.

00029



- [1] 12. Garbage and refuse stored in covered, rodent-proof containers; and removed weekly.
- [1] 13. Laundry stored in appropriate containers and away from kitchen and food storage area.
- [3] 14. Pet areas clean and appropriate vaccinations. Insects and rodents controlled.
- [1] 15. Bathroom doors open to hall or common use room (but not kitchen) or bedroom of only resident(s) using it.
- [2] 16. Bathrooms finished, have mirror, have openable window or other ventilation and window covering. - *NEED SOAP TRAY IN BATH TUB (HOLE IN WALL)*
- [1] 17. Bathrooms clean and free of objectionable odors.
- [1] 18. Nonporous shower enclosures and tempered safety glass shower doors or clean shower curtains if used. *(HOLE IN WALL)*
- [A] 19. Nonslip surfaces in tubs and showers.
- [2] 20. Fixtures in bathroom in good repair and have hot and cold water with lavatory near toilet. *HOLE IN WALL - BATH TUB*
- [1] 21. Lavatory and toilet on each floor where rooms for residents with limited mobility are located.
- [1] 22. One toilet, lavatory, and tub or shower for each six household occupants.
- [3] 23. Appropriate grab-bars if residents require them.
- [1] 24. Barrier-free toilets and bathing facilities if there are residents who use walkers or wheelchairs.
- [1] 25. Commodes clean.
- [1] 26. Toilet paper and soap available.
- [1] 27. Individual clean towels or single use towels at lavatories.
- [1] 28. Provisions (racks, hooks) to dry bath linens.
- [1] 29. Bedrooms originally constructed as sleeping area; ceiling height over at least half the area not less than 7'6"; partitions extend from floor to ceiling, have standard doors with appropriate hardware and open directly to hallway or common use room and contains no common use equipment.
- [2] 30. Bedrooms adequately ventilated, heated, and lighted with at least one openable window. *UPSTAIR & SOUTH WEST BEDROOM*
- [2] 31. The window opening is 821 sq. in. and at least 24" high and 20" wide, and the sill height is 44" or less and within 72" of the ground. If windows are barred are they easily opened. *UPSTAIR*
- [1] 32. If sill height exceeds 44", it is _____.
- [1] 33. Bedrooms are at least 70 sq. ft. for one occupant and 120 sq. ft. for two, with no more than two occupants per bedroom.
- [1] 34. Living areas, common space not used by any occupant as sleeping area.
- [1] 35. Residents do not share bedroom with operator, resident manager, care-giver, or operator's family members.
- [1] 36. Individual beds at least 36" wide with clean, adequate bedding.
- [1] 37. Dresser and closet space in bedrooms.
- [1] 38. Bedroom windows have drapes, curtains, etc.
- [1] 39. Bedrooms of non-ambulatory or those with limited mobility on first floor.
- [1] 40. Meals prepared and served in home where residents live.
- [1] 41. Refrigerator temperature 45° or less.
- [1] 42. Food clean and protected and maintained at proper temperatures.
- [1] 43. Food storage and preparation areas clean; equipment clean and in good repair.
- [1] 44. Utensils, dishes, glassware, and food stuffs not stored in bedrooms, bathrooms, or living areas.

- [1] 45. Utensils, dishes, etc., clean and stored to prevent contamination.
- [1] 46. No home canned meat, poultry, fish, or vegetables.
- [1] 47. Telephone available to residents in home.
- ① [2] 48. Emergency telephone numbers posted at all telephones.
- [1] 49. Not more than 10% of combined wall and ceiling areas covered with readily combustible acoustical tile or wood paneling. If more than 10% has it been treated or covered? If treated must be with appropriate treatment following directions.
- [1] 50. Heating equipment, wood stoves, wood furnaces, portable heaters, fireplace screens safe.
- [1] 51. Flammable material not close to heat source.
- [1] 52. Flammable liquid storage acceptable.
- [3] 53. Fire arm storage acceptable.
- (2) 54. Door locks acceptable, and easy to turn to unlock. *NOT Simple - Agent door*
- (1) 55. Cleaning supplies, poison, and insecticide storage acceptable.
- (2) 56. Secondary means of exiting second floor available. *Need chain ladder*
- (3) 57. Third floor in use?
- [1] 58. fire extinguisher visible, mounted and readily accessible on each floor; documentation of their having been checked within past 12 months and recharged within past six years.
- (2) 59. Smoke detectors available and operational in bedrooms, halls, and top of stairwells and properly located, preferably on the ceiling.
- (1) 60. Plug-in rechargeable battery flashlight available. *pad*
- [1] 61. Wheelchair ramp available if non-ambulatory or persons with severely limited mobility in home.
- [1] 62. Floor plan posted. *done*
- (1) 63. Emergency evacuation procedure posted.
- (2) 64. Fire drills being conducted and documented. *Reviewed*
- (2) 65. Evacuation time of last drill, if fire drills conducted _____.
- [1] 66. Street address readily visible.
- (1) 67. All medications stored in locked containers.
- (2) 68. Name of back-up person and phone number posted. *PATENTS ARE NOT CAPABLE OF*
- (2) 69. Circuit breaker marked. *fuse* *100% done using phone by them.*
- (2) 70. GFI's in the bathroom/kitchen. *(FOR PLUGS)*

Neal Macklin Sanitarian *Ruby Mae Burton* Care Giver 7/13/92 Date

Comments: On 7/11/92 I was refused access by an unknown male. On 7/13/92 I was refused access by Mrs. Mathews who stated "I am in the middle of remodeling and everything is torn up. You will have to make an appointment."

10-29 Inspection made - coax cables noted fuse box. (ABBA Pest Service Recently Treated Home unable to verify date.)

lot home 7/14/93 10:00 AM
access refused by daughter 7/20/93 10:00 AM
lot home 7/26/93 9:50 AM
lot home 7/22/93 11:00 AM
JUL 21 1993

363-34-9333-1

NEW RENEWAL

93-48) RECEIVE
JUL 22 1993

ADULT CARE HOME PROGRAM
ENVIRONMENTAL HEALTH
ADULT CARE HOME CHECK LIST

Adult Care Home Address 6103 n albina
Street

Home Telephone 286-7744

Operator's Name P 97217
City
Mathews, Darlean

Operator's Telephone _____

Total Number of Occupants in Home _____

Resident Manager's Name _____

Number of Residents Home Licensed for 4

Type of Home AFH SDSA R&B _____ DD MED

Type of Structure:
Single Story _____ Two Story _____ Split Level _____ Basement _____
Usable Third Story _____ Duplex _____ Apartment _____ Single Family _____ Other _____

Number of bedrooms on each floor First _____ Second _____ Basement _____ Third _____

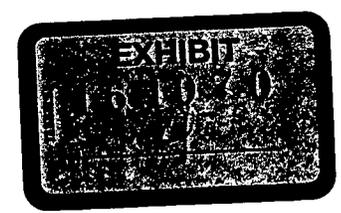
Number of toilets _____ lavatories _____ showers/tubs _____

Code:

- 01 Appears to comply with rules.
- 02 Does not appear to comply with rules.
- 03 does not appear applicable to this home at this time.
- 04 Unable to determine whether in compliance.
- 05 Referral to other agency needed.

- [] 1. Building, belongings, and furnishings neat, clean and good repair,
- [] 2. Grounds maintained.
- [] 3. Swimming pool secured appropriately.
- [] 4. Walls, ceilings, and floors can be cleaned or painted.
- [] 5. No accumulation of clutter, garbage, debris, rubbish, or offensive odors.
- [] 6. Stairways provided with hand rails. Yard and exterior steps accessible to residents.
- [] 7. functioning light in each room, stairway, and exit way. Incandescent bulbs covered.
- [] 8. Heating system operational, minimum temperature 68° during waking hours and 60° during sleeping hours. Frail elderly provided for if more warmth needed; ventilation during times of summer heat.
- [] 9. No space heaters in use.
- [] 10. 150 sq. ft. of common space; sufficient furniture.
- [] 11. Water supply either public or tested quarterly. Sewage system in good working order.

00032



- [] 12. Garbage and refuse stored in covered, rodent-proof containers; and removed weekly.
- [] 13. Laundry stored in appropriate containers and away from kitchen and food storage area.
- [] 14. Pet areas clean and appropriate vaccinations. Insects and rodents controlled.
- [] 15. Bathroom doors open to hall or common use room (but not kitchen) or bedroom of only resident(s) using it.
- [] 16. Bathrooms finished, have mirror, have openable window or other ventilation and window covering.
- [] 17. Bathrooms clean and free of objectionable odors.
- [] 18. Nonporous shower enclosures and tempered safety glass shower doors or clean shower curtains if used.
- [] 19. Non-slip surfaces in tubs and showers.
- [] 20. Fixtures in bathroom in good repair and have hot and cold water with lavatory near toilet.
- [] 21. Lavatory and toilet on each floor where rooms for residents with limited mobility are located.
- [] 22. One toilet, lavatory, and tub or shower for each six household occupants.
- [] 23. Appropriate grab-bars if residents require them.
- [] 24. Barrier-free toilets and bathing facilities if there are residents who use walkers or wheelchairs.
- [] 25. Commodes clean.
- [] 26. Toilet paper and soap available.
- [] 27. Individual clean towels or single use towels at lavatories.
- [] 28. Provisions (racks, hooks) to dry bath linens.
- [] 29. Bedrooms originally constructed as sleeping area; ceiling height over at least half the area not less than 7'6"; partitions extend from floor to ceiling, have standard doors with appropriate hardware and open directly to hallway or common use room and contains no common use equipment.
- [] 30. Bedrooms adequately ventilated, heated, and lighted with at least one openable window.
- [] 31. The window opening is 821 sq. in. and at least 24" high and 20" wide, and the sill height is 44" or less and within 72" of the ground. If windows are barred are they easily opened.
- [] 32. If sill height exceeds 44", it is _____.
- [] 33. Bedrooms are at least 70 sq. ft. for one occupant and 120 sq. ft. for two, with no more than two occupants per bedroom.
- [] 34. Living areas, common space not used by any occupant as sleeping area.
- [] 35. Residents do not share bedroom with operator, resident manager, care-giver, or operator's family members.
- [] 36. Individual beds at least 36" wide with clean, adequate bedding.
- [] 37. Dresser and closet space in bedrooms.
- [] 38. Bedroom windows have drapes, curtains, etc.
- [] 39. Bedrooms of non-ambulatory or those with limited mobility on first floor.
- [] 40. Meals prepared and served in home where residents live.
- [] 41. Refrigerator temperature 45° or less.
- [] 42. Food clean and protected and maintained at proper temperatures.
- [] 43. Food storage and preparation areas clean; equipment clean and in good repair.
- [] 44. Utensils, dishes, glassware, and food stuffs not stored in bedrooms, bathrooms, or living areas.

- [] 45. Utensils, dishes, etc., clean and stored to prevent contamination.
- [] 46. No home canned meat, poultry, fish.
- [] 47. Telephone available to residents in home.
- [] 48. Emergency telephone numbers posted at all telephones.
- [] 49. Not more than 10% of combined wall and ceiling areas covered with readily combustible acoustical tile or wood paneling. If more than 10% has it been treated or covered? If treated must be with appropriate treatment following directions.
- [] 50. Heating equipment, wood stoves, wood furnaces, portable heaters, fireplace screens safe.
- [] 51. Flammable material not close to heat source.
- [] 52. Flammable liquid storage acceptable.
- [] 53. Fire arm storage acceptable.
- [] 54. No interior door locks.
- [] 55. Cleaning supplies, poison, and insecticide storage acceptable.
- [] 56. Means of exiting second floor available.
- [] 57. Third floor in use?
- [] 58. Fire extinguisher visible, mounted and readily accessible on each floor; documentation of their having been checked within past 12 months and recharged within past six years.
- [] 59. Smoke detectors available and operational in bedrooms, halls, and top of stairwells and properly located, preferably on the ceiling.
- [] 60. Plug-in rechargeable flashlight available on each occupied floor.
- [] 61. Wheelchair ramp available if non-ambulatory or persons with severely limited mobility in home.
- [] 62. Floor plan posted.
- [] 63. Emergency evacuation procedure posted.
- [] 64. Fire drills being conducted and documented.
- [] 65. Evacuation time of last drill, if fire drills conducted _____.
- [] 66. Street address readily visible.
- [] 67. All medications in locked storage.
- [] 68. Name of back-up person and phone number posted.
- [] 69. Circuit breaker marked.
- [] 70. First aid supplies and manual available.
- [] 71. Interior doorways and hallways wide enough to accommodate wheelchairs and walkers if used by the residents.

Neel Hubing
Sanitarian

Care Giver

7/20/93
Date

Comments: 7/19/93 No answer 10:00AM

7/20/93 Refused access by lady stating she was operator's daughter (10:05AM), she said to come back in one hour and that her mother would be there for sure, 11:25AM No answer.

This home was a problem last year also.

Date of inspection JUL - 1 1994

ADULT CARE HOME INSPECTION CHECK LIST

Adult Care Home Address 6103 N Albina Street Home Telephone 286-7944

City Ptld 97217 Operator's Telephone

Operator's Name Darlean Mathews Total Number of Occupants in Home

Resident Manager's Name Number of Residents Home 4 Licensed for

Type of Home AFH X SDDS X R&B DD MED

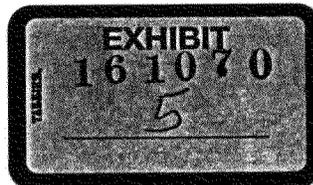
Type of Structure: Single Story Two Story Split Level Basement Usable Third Story Duplex Apartment Single Family Other

Number of bedrooms on each floor First 2 Second 1 Basement Third

Number of toilets 2 lavatories 1 showers/tubs 1

Code:

- 01 Appears to comply with rules.
02 Does not appear to comply with rules.
NA Not applicable to this home.



- [2] 1. Building, belongings, and furnishings neat, clean and good repair.
[1] 2. Grounds maintained.
[4] 3. Swimming pool secured appropriately.
[2] 4. Walls, ceilings, and floors can be cleaned or painted.
[2] 5. No accumulation of clutter, garbage, debris, rubbish, or offensive odors.
[1] 6. Stairways provided with hand rails. Yard and exterior steps accessible to residents.
[2] 7. Functioning light in each room, stairway, and exit way. Incandescent bulbs covered.
[1] 8. Heating system operational, minimum temperature 68' during waking hours and 60' during sleeping hours. Frail elderly provided for if more warmth needed; ventilation during times of summer heat.
[1] 9. No space heaters in use.
[1] 10. 150 sq. ft. of common space; sufficient furniture.
[1] 11. Water supply either public or tested quarterly. Sewage system in good working order.
? [] 12. Garbage and refuse stored in covered, rodent-proof containers; and removed weekly.
[1] 13. Laundry stored in appropriate containers and away from kitchen and food storage area.
? [] 14. Pet areas clean and appropriate vaccinations. Insects and rodents controlled.
[1] 15. Bathroom doors open to hall or common use room (not kitchen); bathroom doors may open to a bedroom if only used by resident(s).

- [/] 16. Bathrooms finished, have mirror, have operable window or other ventilation and window covering.
- [/] 17. Bathrooms clean and free of objectionable odors.
- [/] 18. Nonporous shower enclosures and tempered safety glass shower doors or clean shower curtains if used.
- [/] 19. Non-slip surfaces in tubs and showers.
- [/] 20. Fixtures in bathroom in good repair and have hot and cold water with lavatory near toilet.
- [/] 21. Lavatory and toilet on each floor where rooms for residents with limited mobility are located.
- [/] 22. One toilet, lavatory, and tub or shower for each six household occupants.
- [2] 23. Appropriate grab-bars if residents require them.
- [/] 24. Barrier-free toilets and bathing facilities if there are residents who use walkers or wheelchairs.
- [/] 25. Commodes clean.
- [/] 26. Toilet paper and soap available.
- [/] 27. Individual clean towels or single use towels at lavatories.
- [/] 28. Provisions (racks, hooks) to dry bath linens.
- [2] 29. Bedrooms originally constructed as sleeping area; ceiling height over at least half the area not less than 7'6"; partitions extend from floor to ceiling, have standard doors with appropriate hardware and open directly to hallway or common use room and contains no common use equipment.
- [/] 30. Bedrooms adequately ventilated, heated, and lighted with at least one operable window.
- [/] 31. Bedroom windows opened and measured. Yes / No
 Measurement of largest window opening in each bedroom: 35 x 20 1/2;
28 x 19; 23 x 19
 If windows are barred they are easily opened. Sill heights are 44" or less and within 72" of the ground.
- [/] 32. If sill height exceeds 44", it is _____.
- [/] 33. Bedrooms measured and are at least 70 sq. ft. for one occupant and 120 sq. ft. for two, with no more than two occupants per bedroom. Measurements of each bedroom: 129 sq ft; 116 sq ft
~~upper bedroom ceiling slopes (this was a paneled attic)~~
- [/] 34. Living areas, common space not used by any occupant as sleeping area.
- [/] 35. Residents do not share bedroom with operator, resident manager, caregiver, or operator's family members.
- [/] 36. Individual beds at least 36" wide with clean, adequate bedding.
- [/] 37. Dresser and closet space in bedrooms.
- [/] 38. Bedroom windows have drapes, curtains, etc.
- [/] 39. Bedrooms of non-ambulatory or those with limited mobility on first floor.
- [/] 40. Meals prepared and served in home where residents live.
- [/] 41. Refrigerator temperature 45° or less.
- [2] 42. Food clean and protected and maintained at proper temperatures.
- [2] 43. Food storage and preparation areas clean; equipment clean and in good repair.
- [/] 44. Utensils, dishes, glassware, and food stuffs not stored in bedrooms, bathrooms, or living areas.
- [2] 45. Utensils, dishes, etc., clean and stored to prevent contamination.
- [/] 46. No home canned meat, poultry, fish.
- [/] 47. Telephone available to residents in home.
- [2] 48. Emergency telephone numbers posted at all telephones.

- ? [] 49. Not more than 10% of combined wall and ceiling areas covered with readily combustible acoustical tile or wood paneling. If more than 10% has it been treated or covered? If treated must be with appropriate treatment following directions.
- ? [] 50. Heating equipment, wood stoves, wood furnaces, portable heaters, fireplace screens safe.
- [/] 51. Flammable material not close to heat source.
- [/] 52. Flammable liquid storage acceptable.
- [WA] 53. Fire arm storage acceptable.
- [Z] 54. Exterior door locks in compliance.
- [/] 55. Cleaning supplies, poison, and insecticide storage acceptable.
- ? [/] 56. Means of exiting second floor available.
- [WA] 57. Third floor in use?
- [Z] 58. Fire extinguisher visible, mounted and readily accessible on each floor; documentation of their having been checked within past 12 months and recharged within past six years.
- [Z] 59. Smoke detectors available and operational in bedrooms, halls, and top of stairwells and properly located, preferably on the ceiling.
- [/] 60. Plug-in rechargeable flashlight available on each occupied floor.
- [/] 61. Wheelchair ramp available if non-ambulatory or persons with severely limited mobility in home.
- [/] 62. Floor plan posted.
- [/] 63. Emergency evacuation procedure posted.
- [] 64. Fire drills being conducted and documented. 8-1
- [] 65. Evacuation time of last drill, if fire drills conducted 2 min
- [/] 66. Street address readily visible.
- [Z] 67. All medications in locked storage.
- [/] 68. Name of back-up person and phone number posted.
- [/] 69. Circuit breaker marked.
- [Z] 70. First aid supplies and manual available.
- ? [/] 71. Interior doorways and hallways wide enough to accommodate wheelchairs and walkers if used by the residents. *hall 35' doors 26, 28*

Anno Helm
Sanitarian

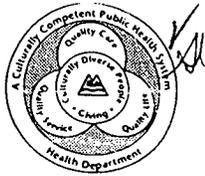
Caregiver

8-23-94
Date

Comments: see attached memo



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SECTION
426 SW STARK STREET, 2ND FLOOR
PORTLAND, OREGON 97204-2394
(503) 248-3400
FAX (503) 248-3407

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

RECEIVED
SLP - 7 1994
ADULT CARE HOME PROGRAM

MEMORANDUM

TO: File
FROM: Anna Helm
DATE: August 30, 1994
SUBJECT: Adult Foster Home at 6103 N. Albina operated by Darlean Mathews

FULL CULTURAL COMPETENCE IN SERVICE DELIVERY IS OUR DESTINATION

On August 23, 1994, Neal Hacking and I visited the house.

The garage was full of accumulated clutter, debris and refuse which provides rodent harborage. There is evidence of rodents in the garage.

The basement has a toilet but lacks a handwash sink so anything touched after using the toilet enroute to a handwashing sink may be contaminated with fecal matter.

There was no fire extinguisher in the basement.

There was no smoke detector at the top of the basement stairwell.

There are no grab bars in the bathroom.

On the main floor cockroaches were observed in the kitchen and medication cabinet.

Medications were out of the cabinet and the cabinet was unlocked.

There was no fire extinguisher on the main floor.

First aid supplies had been depleted and there was no manual.

911 was not posted at the telephones.

The front door had a dead bolt, chain lock and the knob had a lock. The back door also had three locks.

00038

The bath tub surround was in poor repair and uncleanable.

Floor tile in the bathroom were missing/broken and uncleanable.

Walls in one bedroom were peeling and uncleanable.

The second floor lacked a fire extinguisher.

The second floor ceiling height is 72 ½" at its highest.

There was at least one exposed light bulb.

There is a wood stove in the fireplace; it has not been connected to a flue. Mrs. Mathews was advised of need to obtain permit prior to installing it.

The carpet is covered with plastic runners creating a hazard as they buckle, wrinkle and the edges curl.

A shared bedroom has 116 sq. ft. rather than the minimum 120 sq. ft.

None of the bedroom windows have 821 sq. in. of open space and openings are 19" - 20" high.



CITY OF
PORTLAND, OREGON

BUREAU OF BUILDINGS

RECEIVED

OCT 21 1994

ADULT CARE HOME PROGRAM

1120 S.W. 5th Avenue
Portland, Oregon 97204-1992
Mailing Address: P.O. Box 8120
Portland, Oregon 97207-8120
(503) 823-7300
FAX: (503) 823-6983
TDD: (503) 823-6868

EXHIBIT
161070
6

NOTICE OF VIOLATION(S)
HOUSING MAINTENANCE REGULATIONS

September 22, 1994

HENRY & NORMA WATTS
2542 NE 13TH AVE
PORTLAND OR 97212

Post-It™ brand fax transmittal memo 7671 # of pages 3

To	Shyla	From	JoAnn Lee
Co.	MACHP	Co.	C.O.P.
Dept.		Phone #	823-7905
Fax #	248-3656	Fax #	823-6983

RE: 6103 N. Albina
Block 8, Lot 9, Gainsborough & Platt 2
Tax # R-30210-1830; Case #HOU94-02113

The City's Housing Maintenance Code requires that all buildings used for dwelling purposes shall be maintained in a safe, sound, and sanitary condition. On September 13, 1994 an inspector from this office made an inspection of the one story, wood frame, single family residence at the above location and found the following violations of the Code:

1. Woodstove was installed without permit in an unapproved manner. 29.20.180(a.1)
2. Exposed wiring beneath joists. 29.20.190
3. Old electric service, panel missing fuse. 29.20.190
A complete Special Inspection by the City Electrical Section, for which a fee is charged, is required prior to repair. Please call the Permit Center (823-7310) for permit and inspection information.
4. Excessive use of extension cords, creating possible fire hazards. 29.20.190
5. Lavatory basin is loose. 29.20.170(c)
6. Portions of bathtub surround are deteriorated. 29.20.110 (a)
7. Threshold missing at bath and north bedrooms. 29.20.110
8. Dwelling unit(s) are infested with cockroaches, resulting in a health hazard to the occupants. 29.20.120
9. Legalize or remove basement water closet. 29.20.170 (c,d)
10. Torn carpet presents trip hazard at front porch. 29.20.170
11. Structural failure at patio cover. 29.20.020
12. Portions of trim paint peeling to bare wood. 29.20.060(b)

As the owner of this property, you must correct these conditions promptly, and arrange for a reinspection by the undersigned inspector within 30 days. However, items # 1,2,3, & 4 above are considered immediate threats to the life and/or safety of the occupants. You must correct items # 1,2,3, & 4 within 10 days.



MULTNOMAH COUNTY OREGON

*4 People
note: 2 in wheel chairs*

DEPARTMENT OF HUMAN SERVICES
AGING SERVICES DIVISION (603) 248-3648
ADULT CARE HOME PROGRAM (603) 248-3000
421 S.W. 5TH, ROOM 201
PORTLAND, OREGON 97204-2221

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

NEW APPLICATION
RENEWAL

TO: *Dave Holberg*
FROM: Stephen P. Balog, Manager
Adult Care Home Program
RE: Referral for Inspection
DATE: *9-7-94*

RECEIVED
OCT 21 1994
ADULT CARE HOME PROGRAM

Attached you will find copies of X a complaint, a complaint investigation and/or a Statement of Understanding signed by the property owner of an adult care home at

and operated by *6103 N Albina*
Darlean Mathews
home phone# *286-7944*.

We are referring this facility to you for ROUTINE INSPECTION OR REINSPECTION for possible code violations concerning: *see attached*

We request that you or your staff notify our office about the results of your inspection and any enforcement actions which you will take with regard to this facility. Further, we would appreciate receiving from you a copy of your inspection.

Please call us at 248-3000 if you have any questions. Thank you for your cooperation.

Building Division Verification Of Final Approval:

- ① *Basement as Exposed Roney cables that need to be stapled up in joint*
 - ② *Bedroom South main floor as light bulb out in ceiling fixture*
 - ③ *Home Electrical says as Older type says that has never been up graded.*
 - ④ *These doors are one piece missing*
- Size of home as this place looks pretty small for 4 people plus owners to live in. Only one bath and very small.*

CITY OF PORTLAND or GRESHAM
BUILDING DIVISION

R. J. [Signature]
Inspector
12:30 PM

9-12-94
Date

00041

RE: 6103 N. Albina
September 22, 1994
Page 2

If the above violations are not corrected within thirty (30) days of the date of this letter, an Enforcement Fee of fifty dollars (\$50.00) plus a 10% Auditor Office Assessment charge will be charged for each month the property remains out of compliance and a lien will be placed against the property. Additionally, if the monthly charges are not paid, you will be subject to other Auditor's Office charges.

NOTE: Some owner/occupants may qualify for a low income waiver of Enforcement Fees. Please contact the Bureau of Buildings for waiver information.

If you do not make the required corrections promptly, the City will take all necessary steps, including civil penalties and further legal action, to obtain compliance.

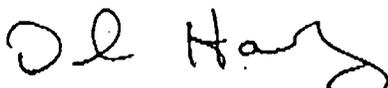
Please note that if this property is or becomes vacant, it may not be reoccupied until all corrections have been approved by the City. Violations are subject to a \$500 penalty per dwelling unit.

If you believe your building is not in violation of the City Code, notify this office, in writing, within thirty (30) days. We will then schedule a time to review the matter with you. Please address all correspondence to:

Residential Inspections Division, Bureau of Buildings
P.O. Box 8120
Portland, Oregon 97207-8120

Please contact the undersigned inspector within five (5) working days to discuss these violations.

Residential Inspections Division, Bureau of Buildings,
1120 S.W. 5th Avenue; Room 930;
Telephone: 823-7333, 8:00 - 9:30 a.m.


David Hallberg
Housing Inspector

cc: PDC
HAP
FILE

Diak N/NE #19
6103N.DH
MAK

00042

Provider Name DARLENE MATHEWS Address 6113 N. Albina, Portland 97217

MULTNOMAH COUNTY CIVIL PENALTY CITATION



MULTNOMAH COUNTY ADULT CARE HOME PROGRAM HAS FOUND THE FOLLOWING VIOLATION YOU ARE BEING WARNED OR SANCTIONED AS FOLLOWS:

1. Residents left alone (MCAR 890-020-460):

You must submit name of a substitute caregiver and criminal record check form

1st violation--WARNING: never leave your residents alone. Any future violations will result in a fine.

2nd violation--\$500 fine

3rd violation--\$1000 fine and referral to sanction specialist for additional administrative action.

2. Residents left with a caregiver who:

cannot speak English adequately (MCAR 890-020-250 (a)),

is unresponsive to the resident's needs (ie: drunk, sleeping soundly) (MCAR 890-020-250 (b,c)),

is so uncooperative that communication difficult (MCAR 890-020-250 (b,c)),

is under 18 years old (MCAR 890-020-210)

has not submitted criminal record form or application (MCAR 890-020-230 (e)),

has not received the required training (MCAR 890-020-230):

You must submit name of substitute caregiver and criminal record check form within 15 days, and

1st violation--WARNING: Never leave your residents with an unapproved caregiver! Any future violation of this will result in a fine.

2nd violation--\$500 fine

3rd violation--\$1000 fine and referral to sanction specialist.

3. Medication violations:

Improper/absence of medication logging (MCAR 890-020-450 (d)(D)),

Medication sheet and/or medical procedures do not match current doctor's orders (MCAR 890-250-500 (b)),

Medications given do not match medication sheet (MCAR 890-202-450 (b)),

~~Nursing delegation for dressing changes required~~ MCAR 890-020-520
Doctor's orders not current (MCAR 890-020-450(d)(G)):

1st violation--WARNING: You must keep proper records of medications given and doctor's orders. Future violations of this will result in a fine.
You also must take: record keeping class dispensing medications class

2nd violation--\$500 fine, pharmacy medication monitoring system required, and you must hire a nurse.

3rd violation--\$1000 fine, you must hire a nurse, pharmacy medication monitoring program required and referral to sanction specialist.

4. New residents accepted outside of class rating or current residents have deteriorated to a higher level and no exception has been requested. (MCAR 890-020-110, 890-020-530): A double amputee is a class III resident. You are licensed for level III.

1st violation--WARNING: You must always get approval from the adult care home

2nd violation--\$500 fine

3rd violation--\$1000 fine plus new residents must be approved by licensing staff.

5. Not cooperating with Aging Services Staff. (890-020-260)

1st violation--WARNING: You must cooperate with staff! Any future violation of this will be fined! Cooperating means being honest with our staff.

2nd violation--\$300 fine You reported all Bureau of Buildings corrections had been done when they had not. You also told us Mr. Davis moved in Jan. 1995, when he'd been with you since Aug. 1994.

00043

Additional violations occurring within two years of a first violation are considered subsequent violations. The Multnomah County Adult Care Home Program reserves the right to take additional administrative action after further investigation and/or review by the sanction specialist.

The Multnomah County Adult Care Home Program has the authority to levy sanctions as follows: "The Director shall have the authority to revoke, suspend, or deny or attach conditions to any license for an adult care home under the following circumstances and such other circumstances as may be established by rules adopted under this chapter:...When the owner or operator has failed to comply with the provisions of this chapter;...with the rules and standards duly promulgated by the Director for an adult care home; or any other state or federal law or rule applicable or relevant to the health or safety of a resident." MCC 8.90.080 (A)(4). "Any person who violates a provision of this chapter [MCC 8.90] or the rules promulgated thereunder may be punished by a fine in an amount to be fixed by the Director, not to exceed \$1,000 for each violation." MCC 8.90.130 (A).

If you have been issued a fine or other penalty, you have a right to request a conference with the program manager. To do so call 248-3000, extension 2624. You also have the right to request a hearing before an independent hearings officer. To do so, send a written request stating your reasons for a hearing to: Adult Care Home Program, 421 S.W. Fifth Street, Room 405, Portland, Oregon 97204. Your request must be received by this office within twenty (20) days after the day you receive this notice. This office's file on your adult care home would automatically become part of the information available to the hearing officer. If you do not request a hearing within 20 days from the date you receive this notice it will become final.

00044

6.	Falsification of records (890-130-125)
	1st violation-- WARNING : Never falsify records! Any future violations of this will be fined.
	2nd violation--\$350 fine
	3rd violation--\$500 fine and referral to sanction specialist.
7.	Unlicensed home (MCC 8.90.040):
	Fine in the amount of profit realized plus \$100. (Minimum fine \$300, maximum fine \$1000.) The fine is \$
	All residents must be removed from home and application for license is denied.
X	8. Health/sanitation problems as noted (MCAR 890-020-820): \$100 fine - cockroaches - 2nd violation MCAR 890-020-620(h)
	1st violation-- WARNING : Make sure you follow the rules for your home! You will be fined for any future violations!
	2nd violation--\$250 fine
	3rd violation--\$500 fine and referral to sanction specialist.
9.	Other health, safety or welfare violations:
	1st violation-- WARNING : Make sure you follow the rules for your home! You will be fined for any future violations!
	2nd violation--penalty as follows:
	Your smoke detectors must be hard-wired by _____ (date): Absent or defective smoke detectors (890-020-881(c)).
	\$250 fine: Absent fire extinguishers or expired tags (890-020-881(c)).
	\$250 fine: Absence of timely fire drills (890-020-882 (c)).
	\$100 fine: 911 not posted on phones (890-020-480 (b)).
	\$100 fine: Violating resident's rights to privacy, visitors, or use of telephone (890-020-415 (h)).
	\$150 fine: Moving residents without 30 days written notice (890-020-415(p)).
	\$100 fine: Absent/Inadequate personal inventory per resident (890-020-450(c)(B)).
	\$100 fine: Care plan not updated within the last 6 months or upon change in care needs (890-202-450 (d)(C)).
	\$100 fine: Required postings not up (890-020-890).
	\$100 fine: Annual training not completed (890-020-320).
	\$100 fine: CPR training not updated (890-020-320 (a)).
	\$100 fine: Not offering 6 hours of activities a week (890-020-485).
X	other: Substandard Storage of food MCAR 890-020-820(c)(g) Fine \$250 (Any future violations will mean a \$500 fine.)
	Section 9 fines doubled because a third violation within 2 years.
	Section 9 fines tripled because fourth violation within 2 years, and referral to sanction specialist.

Total fine: \$ 350.00 Fine due by Feb. 24, 1995 (30 days from today's date).
 Send payment to: Adult Care Home Program, 421 S.W. Fifth, Rm. 405, Portland, OR 97204
 IF NOT PAID BY DUE DATE, FINES INCREASE BY \$5 PER DAY, UP TO \$1000. (MCAR 890-130-140).

Other penalties must be completed by the following dates:
Warning: You must have all resident records available at all times. There were no records for Mr. Davis on 1/11/95. MCAR 890-020-260(a). Any future violations of this will result in a \$250 fine.

County staff has explained to me the rules, and warnings or penalties indicated, and possible penalties if there are any future violations.

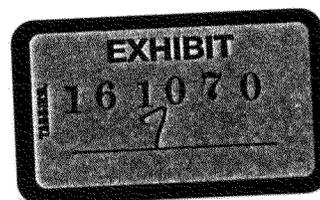
Signature of Provider _____ Date 00045

Signature of County staff Mary M. Fassell Date 1-19-95

Additional violations occurring within two years of a first violation are considered subsequent violations. The Multnomah County Adult Care Home Program reserves the right to take additional administrative action after further investigation and/or review by the sanction specialist.

The Multnomah County Adult Care Home Program has the authority to levy sanctions as follows: "The Director shall have the authority to revoke, suspend, or deny or attach conditions to any license for an adult care home under the following circumstances and such other circumstances as may be established by rules adopted under this chapter:...When the owner or operator has failed to comply with the provisions of this chapter;...with the rules and standards duly promulgated by the Director for an adult care home; or any other state or federal law or rule applicable or relevant to the health or safety of a resident." MCC 8.90.080 (A)(4). "Any person who violates a provision of this chapter [MCC 8.90] or the rules promulgated thereunder may be punished by a fine in an amount to be fixed by the Director, not to exceed \$1,000 for each violation." MCC 8.90.130 (A).

If you have been issued a fine or other penalty, you have a right to request a conference with the program manager. To do so call 248-3000, extension 2624. You also have the right to request a hearing before an independent hearings officer. To do so, send a written request stating your reasons for a hearing to: Adult Care Home Program, 421 S.W. Fifth Street, Room 405, Portland, Oregon 97204. Your request must be received by this office within twenty (20) days after the day you receive this notice. This office's file on your adult care home would automatically become part of the information available to the hearing officer. If you do not request a hearing within 20 days from the date you receive this notice it will become final.



00046



CITY OF
PORTLAND, OREGON
BUREAU OF WATER WORKS

Mike Lindberg, Commissioner
Michael F. Rosenberger, Administrator
1120 S.W. 5th Avenue
Portland, Oregon 97204-1926
Information (503) 823-7404
Fax (503) 823-6133
TDD (503) 823-6868

June 28, 1996



ACCOUNT NAME: DARLEAN MATHEWS
ADDRESS SERVED: 6103 N ALBINA AVE - PORTLAND, OR 97217-1802
ACCOUNT NUMBER: 0560460048

The following information is in regard to water/sewer service for 1995 and 1996.

The following dates reflect when water service was shut off for non-payment and the date when service was restored:

<u>SHUT OFF</u>	<u>RESTORED</u>
1-10-95	1-10-95
2-24-95	2-27-95
4-24-95	4-24-95
5-16-95	5-16-95
6-15-95	6-15-95
3-15-96	3-15-96

Not shut off 12-22-95 due to Christmas moratorium, a partial payment was received 12-22-95, and the shut off was pulled and not worked.

Please contact me if you require further information.

Sincerely,

Pam Dolamore
Customer Accounts Specialist

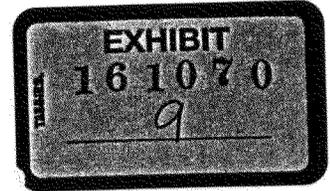
An Equal Opportunity Employer

TOTAL P.02

00047

Portland District
P.O. Box 12699
Portland, Oregon 97212
(503) 282-4300

A Division of PacifiCorp



D. Matthews

February 21, 1996

Multnomah County
Aging Services Division
Adult Care Home Program
421 SW 5th, Room 405
Portland OR 97204-2221

Mary Fassell:

The following is the information you requested regarding service disconnection for non-pay at **6103 N Albina**.

Disconnected	06/28/95	11:30 am
Reconnected	06/29/95	06:35 pm
Disconnected	09/28/95	12:15 pm
Reconnected	09/29/95	07:50 pm
Disconnected	11/14/95	01:01 pm
Reconnected	11/15/95	06:10 pm

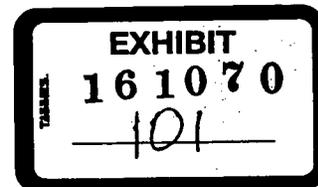
If you need additional information, please feel free to call me at 282-4339.

Sincerely,

James Supple
Process Leader

sh

March 11, 1996



TO WHOM IT MAY CONCERN:

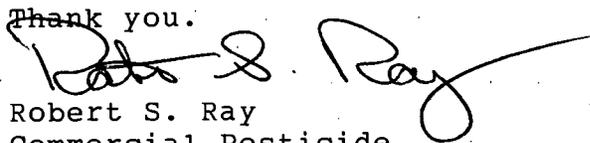
We began a treatment for Cockroaches at Mrs. Matthews residence, 6103 N. Albina, Portland, Or., on 10/12/95. There has been 2 other treatments since then. All sanitation requirements have been met by Mrs. Matthews. In fact, of the many Adult Foster Care facilities that I have treated, this is the cleanest that I have found to date.

Cockroaches, once infestation begins, are very difficult to eliminate. Many followup treatments are necessary to gain control.

Cockroach infestations usually begin by being carried into a dwelling. It is not uncommon to find them in Care facilities because of the transient nature of Patients. People come and go and if they came from a place where there are roaches, the insects "hitchhike" a ride. Suitcases, boxes, bags are all good places for them to hide in. One female roach can have hundreds of offspring in her lifetime. Egg sacs contain 30-40 eggs. Gestation is about 28 days.

I have eliminated 90% of the roaches in Mrs. Matthews residence and am confident that after a few more treatments, they will no longer be a problem.

Thank you.


Robert S. Ray
Commercial Pesticide
Applicator Licence #126559
The Killers Store # 11
503-668-6708

copy to file

00049

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY

96 OCT 14 PM 2:32
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

3 In the Matter of the Revocation of) ADULT CARE HOME PROGRAM
4 the Adult Care Home License of) REBUTTAL TO OPERATOR'S
5 Darlene Mathews) EXCEPTIONS TO REVOCATION
_____)

6
7 BACKGROUND

8 The Department of Aging Services Adult Care Home Program (ACHP) notified Ms.
9 Mathews on November 14, 1995 of numerous rule violations in her home and revoked her license.
10 Ms. Mathews requested a hearing, which was held on August 1, 1996. On August 27, 1996, the
11 Hearing Officer issued an Order affirming the ACHP's revocation, based on problems the Hearing
12 Officer described as "long-standing and intractable." (Hearing Order of August 27, 1996, Exhibit
13 A). Ms. Mathews timely requested a review by The Board of County Commissioners in the form
14 of an unsigned exception and proposal. (Exhibit B)

15 ARGUMENT

16 The Board should accept the Hearing Officer's Order on the record. Ms. Mathews'
17 proposal to improve conditions in her home is much too little much too late.

18 DISCUSSION

19 The Hearing Officer's Order clearly sets out the gravity of the violations encountered in Ms.
20 Mathews' home and the long-standing nature of these problems. An inspection of Ms. Mathews'
21 home on September 25, 1995 disclosed, among other violations, a cockroach infestation,
22 improperly stored food, dirty and cluttered conditions, and improperly disposed of garbage.
23 (Exhibit A at 2)

24 The evidence established that problems with "housekeeping, cleanliness, and roach
25 infestations go back to at least 1991", and that Ms. Mathews had been sanctioned and assessed
26 penalties for these violations in January, 1995. The evidence also established a repeated pattern of

1 both water and electric service being discontinued for failure to pay throughout 1995. There were
2 nine separate instances of utility disconnections in an eighteen-month period. The Hearing Officer
3 held this pattern demonstrated a "lack of sound judgment and appropriate concern for her residents
4 on the part of Mathews."

5 The Hearing Officer held that repeated violations in the home over many years concerning
6 cleanliness standards, coupled with the repeated deprivation of "electricity for light and hot food or
7 water for ordinary sanitation" supported the ACHP's determination that "license revocation was
8 necessary to ensure the health and safety of the residents." (Exhibit A at 3) The Hearing Officer
9 also found nothing in the record evidencing any improvement or indicating that "it is either likely
10 or even possible that Ms. Mathews will ever approach minimum acceptable standards." Id. at 3.
11 Her belated proposal for change is untimely, unenforceable, and inadequate.

12 CONCLUSION

13 Ms. Mathews has demonstrated a long-standing pattern of providing substandard, neglectful
14 care of her residents. She has not improved conditions despite repeated warnings and the previous
15 imposition of sanctions. There is no basis for accepting her proposal for change now. The Board
16 should accept the Hearing Officer's Order without modification. A form of Order for this purpose
17 is attached.

18 DATED this 14th day of October, 1996.

19 LAURENCE KRESSEL, COUNTY COUNSEL
20 FOR MULTNOMAH COUNTY

21
22 By


Katie Gaetjens, OSB #88210
Assistant County Counsel
Attorneys for Department of Aging Services

23
24
25
26 H:\Data\Advisory\Gaetjens\Mathews\ACHPRebuttal to Operator's Exception to Revocation



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017
Portland, Oregon 97204-1960
Land Use Hearings (503) 823-7719
Code/Towing Hearings (503) 823-7307
FAX (503) 823-4347
TDD (503) 823-6868

HEARINGS OFFICER'S ORDER

APPEAL OF DARLENE MATHEWS

HEARING NO. 161070

DATE OF HEARING: August 1, 1996

APPEARANCES:

Ms. Darlene Mathews, appellant

Ms. Mary Fassell for Multnomah County

HEARINGS OFFICER: Mr. William W. Shatzer

STATEMENT OF THE CASE.

This proceeding is an appeal from a determination of the Multnomah County Adult Home Care Program revoking the license of the appellant Darlene Mathews to operate an Adult Care Foster Home.

On November 14, 1996, the Sanctions Specialist for the Multnomah County Adult Care Home Program issued a Notification of Administrative Sanctions pursuant to MCAR 890-080-200, et seq, in which the Sanctions Specialist determined that the appellant had failed to conform to numerous provisions of the applicable Multnomah County Administrative Rules for Licensure of Adult Care Homes (Multnomah County Administrative Rules, Chapter 890). The Sanctions Specialist further determined that the violations were of such a nature as to warrant the revocation of appellant's Adult Care Home License under MCC 8.90.080(A) and, accordingly, revoked Ms. Mathews' Adult Care Home license.

On January 26, 1996, Ms. Mathews filed a request for hearing on the license revocation pursuant to MCC 8.90.090 and MCAR 890-090-100. This proceeding followed.

PRELIMINARY RULING:

After the conclusion of the hearing in this proceeding, Ms. Mathews filed a written request with the hearings officer requesting "a dismissal in the case". Such a request is, of course, nonsensical, as it was

EXHIBIT A
PAGE 1 OF 4 000001

Ms. Mathews herself who initiated this case by filing her appeal. A dismissal of this proceeding would return matters to the *status quo ante* and leave the County's original Notice of Sanctions in effect.

Ms. Mathews' request also requested that the hearing be reopened and Ms. Betty Lowry, a witness for the County, "return to the stand and explain her past testimony (sic) and give a more true and accurate (sic) statement." This I decline to do. Ms. Mathews had a full and complete opportunity to cross examine Ms. Lowry during the course of the hearing. No good cause for a departure from normal and orderly procedures has been shown.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

On September 25, 1995, Multnomah County Adult Care Home Program staff conducted an unannounced inspection of Ms. Mathews' Adult Care Home. That inspection disclosed, among other things, that the home was infested with cockroaches, in violation of MCAR 890-020-820(f); that portions of the home were dirty and cluttered, in violation of MCAR 890-020-820(g); that food in the home was improperly stored, in violation of MCAR 890-020-820(i); and that garbage was being improperly stored in cardboard boxes and the garbage can overflowing to the floor, in violation of MCAR 890-020-820(c).

The evidence further establishes that the problems with housekeeping, cleanliness, and roach infestation at Ms. Mathews' Adult Care Program go back to at least 1991. Despite repeated notifications, warnings, and counseling given Ms. Mathews by Multnomah County Adult Care Home Program staff, the home has apparently never been completely in compliance with the sanitation and cleanliness standards of the Multnomah County Adult Care Home Rules. The cockroach problem, in particular, has been long standing, with the first official notification of a cockroach infestation problem appearing in an inspection report in 1992. While Ms. Mathews has apparently, from time to time, undertaken eradication measures against cockroaches, these efforts have been consistently inadequate, as the problem has continued, unabated, since at least 1992. In January of 1995, Ms. Mathews was formally sanctioned and assessed penalties for failure to eradicate the cockroaches and correct the sanitation and cleanliness problems.

While, quite obviously, a single instance of vermin infestation poor housekeeping is not usually a proper basis for revocation of an Adult Foster Care Home license, equally obviously there does come a point where this sort of problem can become sufficiently intractable and of such long standing duration that protecting the health and welfare of the residents requires license revocation, regardless of the fault of the operator. Whatever measures Ms. Mathews undertook to control and eliminate the cockroach problem, they have obviously been inadequate and were, undoubtedly, compromised by her consistently substandard housekeeping and poor sanitation. With problems as long standing and apparently intractable as these, where repeated notifications, warnings, and sanctions have failed to result in significant improvement, revocation is justified and appropriate as a last resort. The County did not err in determining that that point had been reached in this case.

The evidence further establishes that the water service to Ms. Mathews' Adult Care Home was shut off on at least six occasions since January, 1995, for non-payment. Similarly, the electric power service was disconnected on three occasions for similar reasons in the same period. While none of these service shut-offs were apparently of long duration, the longest being only three days, quite obviously appropriate safety and sanitation cannot be provided to elderly residents in the absence of water and electric power. Failure to provide appropriate water and electric power is a violation of MCAR 890-020-810(k) and MCAR 890-020-820(a). The repeated disconnections of water and power for non-payment also bespeaks a certain lack of good judgment and good personal character, in violation of MCAR 890-020-220(b) and

EXHIBIT A
PAGE 2 OF 4

Again, a single instance of water or power shut-off would not usually be appropriate grounds for revocation. However, in this case, the problem appears to be more or less chronic. Certainly nine separate

Hearing # 161070

Final Historical Log

Date Prepared: 9/20/96 Time Prepared: 11:37:05

Date Filed 2/1/96 Tapes YES
Bureau Multnomah County City Exhibits YES
Viol. Type appeal - adult care facility Resp. Exhibits YES
Date Closed 9/20/96 CHO Exhibits NO
Status sustained Discussion
Tapes and exhibits may be purged on or after: 4/18/97

Hearings

<u>Date</u>	<u>Time</u>	<u>Purpose</u>	<u>Disposition</u>
2/23/96	9:00:00 AM		Cancelled.
8/1/96	1:30:00 PM		Hearing begun, but adjourned and continued to 1:00 a.m., 8/2/96, because Portland Building was ordered vacated. Appearances: Mathew, her representative, Rev. Thomas Smith, Fassell.
8/2/96	1:00:00 PM	Continued from 8/1/96.	Hearing concluded. Record held open to 4:30 pm, Mon, 8/12, for appellant to submit affidavits; and to 4:30 pm, Wed, 8/21, for County to submit affidavits and rebuttal. Appearances: Fassell, Mathew (arrived 1:40), and Rev. Smith (arrived 2:00).

Civil Penalties, Liens, Bureau Fees

<u>Control#</u>	<u>DatePosted</u>	<u>Type of fine/fee</u>	<u>Dates:</u>	<u>Imposed</u>	<u>Paid</u>	<u>Liened</u>	<u>Cancelled</u>	<u>Amounts:</u>	<u>Center Code</u>

Contacts

<u>Date</u>	<u>Key</u>	<u>Comments</u>
2/1/96	appeal	Appeal of adult care home action filed by Mary Fassell for Darlene Mathew. DB
2/2/96	hrgs	In discussion with WS and Fassell, hearing set for 9:00 a.m., 2/23/96. DB
2/2/96	notm	Notices mailed. DB
3/26/96	misc	Called Fassell re. this case; noticed by chance that I had no indication of what happened at 2/23 hearing. Fassell said that, though there had been some degree of confusion at the time between appellant, ACHP, and Shatzer, the parties had mutually agreed to set the hearing over. I didn't catch why it had never been re-scheduled, but Fassell will now explore whether 4/25-26 would work. DB
4/8/96	tel tkl	Fassell called, and we discussed scheduling hearing (perhaps Fri., 5/10). However, WS indicates he will not schedule this case until after #161035 has been completed. Place back on suspense. DB
6/25/96	hrgs	Scheduled hearing per letter of 6/20/96 from Fassell. RY
6/28/96	notm	Notices mailed. RY
8/5/96	misc	Sent copy of exhibit 101 to Fassell at her request. (She also asked that copies be sent to her immediately of any affidavits submitted by Mathew or Smith.) DB

000004
 EXHIBIT A
 PAGE 3 OF 4

instances of utility disconnection in a period of a little over 18 months indicates a lack of sound judgment and appropriate concern for her residents on the part of Ms. Mathews. Elderly and often frail residents of adult care homes should not be required to be repeatedly deprived of electricity for light and hot food or water for ordinary sanitation needs because of the neglect of the operator in assuring prompt payment of the charges. In view of the numerous and repeated water and power disconnections, the County did not err in its determination that license revocation was necessary to ensure the health and safety of the residents.

The problems with Ms. Mathew's Adult Care Home appear long standing and intractable. I perceive, in the record, no evidence of improvement and nothing which would indicate that it is either likely or even possible that Ms. Mathews will ever approach minimum acceptable standards. Under this record, revocation is authorized and appropriate, and the Notice of Sanctions revoking Ms. Mathews' license should be sustained.

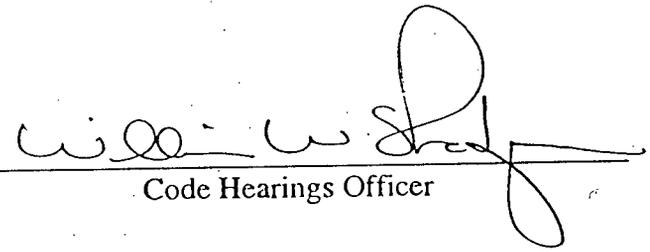
ORDER AND DETERMINATION:

1. The determination in the Notice of Administrative Sanctions dated November 28, 1995, revoking the Adult Care Home License of the appellant, Darlene Mathews, is hereby SUSTAINED.
2. This order and determination has been mailed to the parties on August 30, 1996, and shall become final on September 19, 1996, unless written exceptions are file with the Board of County Commissioners prior to such date.

Dated:

8/27/96

WWS:db


Code Hearings Officer

96 SEP 18 PM 5:07

MULTNOMAH COUNTY
OREGON

September 18, 1996

Multnomah County Board of Commissioners
1120 SW Fifth Avenue, Suite 1510
Portland, OR 97204

Written Exception in the case of Darlene Mathews
Hearing Number. 161070

Darlene Mathews is an Adult Care Provider who has provided quality care for the past eleven (11) years and wishes to continue to provide such care.

Although, Ms. Mathews is a loving, caring, and nurturing person, she doesn't possess the administrative skills required to operate a business. She has over the pass year has taken the following steps to address her issues and now runs her Adult Foster Home as a business.

REASON FOR EXCEPTION

Ms. Mathews has addressed the issues that placed her license to provide Adult Foster Care in jepordey.

1. Pest Control, spray house located at 6103 N. Albina Avenue, Portland, OR 97217-1802 on a scheduled and continuous basis.
2. Paid housekeeper, Alberta Washington, comes on a weckly basis.
3. Lynn Handlin, EA & LTC has been hired to provide bookkeeping services such as, accounts receivable/payable, monthly financial statements
4. Currently working with other Adult Care Providers and consultants to develop business plan and PLAN OF ACTION.

BOARD OF
COUNTY COMMISSIONERS

96 SEP 18 PM 5:07

MULTNOMAH COUNTY
OREGON

PROPOSAL

It is the desire of Ms. Darlene Mathews to obtain her license and build her business to meet the standards of Multnomah County Aging Services Department. In order to meet this goal, Ms. Mathews propose the following:

Immediate reinstallation of her license to operate with the following provisions with quarterly reviews.

Multnomah County and the various departments that regulate, monitor, educate, and place both developmental disabled and aging adults; partner with her to provide a safe and healthy environment for which the developmental disabled and aging adults may choose to live.

Multnomah County employees give clear directions and work with not against Ms. Mathews as part of her team of supporters to provide quality care.

Multnomah County offer affordable classes for Adult Care Providers on a regular basis that educate not only on the Rules and Regulations for providing care but how this can be done in a cost effective way for providers.

Working with the new Rules and Regulations for Adult Care Providers, develop a "Resident Handbook" to be given to client, case manager, and family of client(s) and prospective clients.

Ms. Mathews send each Case Manager for person's she provide service and Multnomah County Aging Services a monthly report which will include: summary of clients condition/activities; accounts payable statement from licensed bookkeeper; timesheet of housekeeping services; and receipt(s) from pest control service.

1 both water and electric service being discontinued for failure to pay throughout 1995. There were
2 nine separate instances of utility disconnections in an eighteen-month period. The Hearing Officer
3 held this pattern demonstrated a "lack of sound judgment and appropriate concern for her residents
4 on the part of Mathews."

5 The Hearing Officer held that repeated violations in the home over many years concerning
6 cleanliness standards, coupled with the repeated deprivation of "electricity for light and hot food or
7 water for ordinary sanitation" supported the ACHP's determination that "license revocation was
8 necessary to ensure the health and safety of the residents." (Exhibit A at 3) The Hearing Officer
9 also found nothing in the record evidencing any improvement or indicating that "it is either likely
10 or even possible that Ms. Mathews will ever approach minimum acceptable standards." Id. at 3.
11 Her belated proposal for change is untimely, unenforceable, and inadequate.

12 CONCLUSION

13 Ms. Mathews has demonstrated a long-standing pattern of providing substandard, neglectful
14 care of her residents. She has not improved conditions despite repeated warnings and the previous
15 imposition of sanctions. There is no basis for accepting her proposal for change now. The Board
16 should accept the Hearing Officer's Order without modification. A form of Order for this purpose
17 is attached.

18 DATED this 14th day of October, 1996.

19 LAURENCE KRESSEL, COUNTY COUNSEL
20 FOR MULTNOMAH COUNTY

21 By Katie Gaetjens
22 Katie Gaetjens, OSB #88210
23 Assistant County Counsel
24 Attorneys for Department of Aging Services

25
26 H:\Data\Advisory\Gaetjens\Mathews\ACHPRbuttall to Operator's Exception to Revocation

1 Hearing Officer's Order is fully supported by the record and that there are no grounds for rejecting
2 or modifying the Hearing Officer's Order.

3 IT IS HEREBY ORDERED that the Order of the Hearing Officer in the Appeal of Darlene
4 Mathews is accepted.

5 Review of this final Order may be taken solely and exclusively by Writ of Review in the
6 manner set forth in ORS 34.020 to ORS 34.100.

7 Approved this 31st day of October, 1996.

8 MULTNOMAH COUNTY, OREGON



9
10 By Beverly Stein
11 Beverly Stein
12 Multnomah County Chair
13
14
15
16
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18
19

20 REVIEWED:

21 PETER KASTING, SPECIAL COUNSEL
22 FOR MULTNOMAH COUNTY, OREGON

23 By Peter Kasting
24 Peter Kasting
25
26

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Page 2 Order on ACHP's Rebuttal to Operator's Exceptions to Revocation

Multnomah County Counsel
1120 S.W. Fifth Avenue, Suite 1530
Portland, Oregon 97204
(503) 248-3138



CITY OF
PORTLAND, OREGON
HEARINGS OFFICE

1120 S.W. 5th Avenue, Room 1017
Portland, Oregon 97204-1960
Land Use Hearings (503) 823-7719
Code/Towing Hearings (503) 823-7307
FAX (503) 823-4347
TDD (503) 823-6868

HEARINGS OFFICER'S ORDER

APPEAL OF DARLENE MATHEWS

HEARING NO. 161070

DATE OF HEARING: August 1, 1996

APPEARANCES:

Ms. Darlene Mathews, appellant

Ms. Mary Fassell for Multnomah County

HEARINGS OFFICER: Mr. William W. Shatzer

STATEMENT OF THE CASE.

This proceeding is an appeal from a determination of the Multnomah County Adult Home Care Program revoking the license of the appellant Darlene Mathews to operate an Adult Care Foster Home.

On November 14, 1996, the Sanctions Specialist for the Multnomah County Adult Care Home Program issued a Notification of Administrative Sanctions pursuant to MCAR 890-080-200, et seq, in which the Sanctions Specialist determined that the appellant had failed to conform to numerous provisions of the applicable Multnomah County Administrative Rules for Licensure of Adult Care Homes (Multnomah County Administrative Rules, Chapter 890). The Sanctions Specialist further determined that the violations were of such a nature as to warrant the revocation of appellant's Adult Care Home License under MCC 8.90.080(A) and, accordingly, revoked Ms. Mathews' Adult Care Home license.

On January 26, 1996, Ms. Mathews filed a request for hearing on the license revocation pursuant to MCC 8.90.090 and MCAR 890-090-100. This proceeding followed.

PRELIMINARY RULING:

After the conclusion of the hearing in this proceeding, Ms. Mathews filed a written request with the hearings officer requesting "a dismissal in the case". Such a request is, of course, nonsensical, as it was

EXHIBIT A

PAGE 1 OF 4

00001

Ms. Mathews herself who initiated this case by filing her appeal. A dismissal of this proceeding would return matters to the *status quo ante* and leave the County's original Notice of Sanctions in effect.

Ms. Mathews' request also requested that the hearing be reopened and Ms. Betty Lowry, a witness for the County, "return to the stand and explain her past testimony (sic) and give a more true and accurate (sic) statement." This I decline to do. Ms. Mathews had a full and complete opportunity to cross examine Ms. Lowry during the course of the hearing. No good cause for a departure from normal and orderly procedures has been shown.

FINDINGS OF FACT AND CONCLUSIONS OF LAW:

On September 25, 1995, Multnomah County Adult Care Home Program staff conducted an unannounced inspection of Ms. Mathews' Adult Care Home. That inspection disclosed, among other things, that the home was infested with cockroaches, in violation of MCAR 890-020-820(f); that portions of the home were dirty and cluttered, in violation of MCAR 890-020-820(g); that food in the home was improperly stored, in violation of MCAR 890-020-820(i); and that garbage was being improperly stored in cardboard boxes and the garbage can overflowing to the floor, in violation of MCAR 890-020-820(c).

The evidence further establishes that the problems with housekeeping, cleanliness, and roach infestation at Ms. Mathews' Adult Care Program go back to at least 1991. Despite repeated notifications, warnings, and counseling given Ms. Mathews by Multnomah County Adult Care Home Program staff, the home has apparently never been completely in compliance with the sanitation and cleanliness standards of the Multnomah County Adult Care Home Rules. The cockroach problem, in particular, has been long standing, with the first official notification of a cockroach infestation problem appearing in an inspection report in 1992. While Ms. Mathews has apparently, from time to time, undertaken eradication measures against cockroaches, these efforts have been consistently inadequate, as the problem has continued, unabated, since at least 1992. In January of 1995, Ms. Mathews was formally sanctioned and assessed penalties for failure to eradicate the cockroaches and correct the sanitation and cleanliness problems.

While, quite obviously, a single instance of vermin infestation poor housekeeping is not usually a proper basis for revocation of an Adult Foster Care Home license, equally obviously there does come a point where this sort of problem can become sufficiently intractable and of such long standing duration that protecting the health and welfare of the residents requires license revocation, regardless of the fault of the operator. Whatever measures Ms. Mathews undertook to control and eliminate the cockroach problem, they have obviously been inadequate and were, undoubtedly, compromised by her consistently substandard housekeeping and poor sanitation. With problems as long standing and apparently intractable as these, where repeated notifications, warnings, and sanctions have failed to result in significant improvement, revocation is justified and appropriate as a last resort. The County did not err in determining that that point had been reached in this case.

The evidence further establishes that the water service to Ms. Mathews' Adult Care Home was shut off on at least six occasions since January, 1995, for non-payment. Similarly, the electric power service was disconnected on three occasions for similar reasons in the same period. While none of these service shut-offs were apparently of long duration, the longest being only three days, quite obviously appropriate safety and sanitation cannot be provided to elderly residents in the absence of water and electric power. Failure to provide appropriate water and electric power is a violation of MCAR 890-020-810(k) and MCAR 890-020-820(a). The repeated disconnections of water and power for non-payment also bespeaks a certain lack of good judgment and good personal character, in violation of MCAR 890-020-220(b) and

EXHIBIT A
PAGE 2 OF 4

Again, a single instance of water or power shut-off would not usually be appropriate grounds for revocation. However, in this case, the problem appears to be more or less chronic. Certainly nine separate

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Hearing # 161070

Final Historical Log

Date Prepared: 9/20/96 Time Prepared: 11:37:05

<u>Date Filed</u> 2/1/96	<u>Tapes</u> YES
<u>Bureau</u> Multnomah County	<u>City Exhibits</u> YES
<u>Viol. Type</u> appeal - adult care facility	<u>Resp. Exhibits</u> YES
<u>Date Closed</u> 9/20/96	<u>CHO Exhibits</u> NO
<u>Status</u> sustained	<u>Discussion</u>

Tapes and exhibits may be purged on or after: 4/18/97

Hearings

<u>Date</u>	<u>Time</u>	<u>Purpose</u>	<u>Disposition</u>
2/23/96	9:00:00 AM		Cancelled.
8/1/96	1:30:00 PM		Hearing begun, but adjourned and continued to 1:00 a.m., 8/2/96, because Portland Building was ordered vacated. Appearances: Mathew, her representative, Rev. Thomas Smith, Fassell.
8/2/96	1:00:00 PM	Continued from 8/1/96.	Hearing concluded. Record held open to 4:30 pm, Mon, 8/12, for appellant to submit affidavits; and to 4:30 pm, Wed, 8/21, for County to submit affidavits and rebuttal. Appearances: Fassell, Mathew (arrived 1:40), and Rev. Smith (arrived 2:00).

Civil Penalties, Liens, Bureau Fees

<u>Control#</u>	<u>DatePosted</u>	<u>Type of fine/fee</u>	<u>Dates:</u>	<u>Imposed</u>	<u>Paid</u>	<u>Liened</u>	<u>Cancelled</u>	<u>Amounts:</u>	<u>Center Code</u>
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Contacts

<u>Date</u>	<u>Key</u>	<u>Comments</u>
2/1/96	appeal	Appeal of adult care home action filed by Mary Fassell for Darlene Mathew. DB
2/2/96	hrgs	In discussion with WS and Fassell, hearing set for 9:00 a.m., 2/23/96. DB
2/2/96	notm	Notices mailed. DB
3/26/96	misc	Called Fassell re. this case; noticed by chance that I had no indication of what happened at 2/23 hearing. Fassell said that, though there had been some degree of confusion at the time between appellant, ACHP, and Shatzer, the parties had mutually agreed to set the hearing over. I didn't catch why it had never been re-scheduled, but Fassell will now explore whether 4/25-26 would work. DB
4/8/96	tel tkl	Fassell called, and we discussed scheduling hearing (perhaps Fri., 5/10). However, WS indicates he will not schedule this case until after #161035 has been completed. Place back on suspense. DB
6/25/96	hrgs	Scheduled hearing per letter of 6/20/96 from Fassell. RY
6/28/96	notm	Notices mailed. RY
8/5/96	misc	Sent copy of exhibit 101 to Fassell at her request. (She also asked that copies be sent to her immediately of any affidavits submitted by Mathew or Smith.) DB

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EXHIBIT A
PAGE 3 OF 4

instances of utility disconnection in a period of a little over 18 months indicates a lack of sound judgment and appropriate concern for her residents on the part of Ms. Mathews. Elderly and often frail residents of adult care homes should not be required to be repeatedly deprived of electricity for light and hot food or water for ordinary sanitation needs because of the neglect of the operator in assuring prompt payment of the charges. In view of the numerous and repeated water and power disconnections, the County did not err in its determination that license revocation was necessary to ensure the health and safety of the residents.

The problems with Ms. Mathew's Adult Care Home appear long standing and intractable. I perceive, in the record, no evidence of improvement and nothing which would indicate that it is either likely or even possible that Ms. Mathews will ever approach minimum acceptable standards. Under this record, revocation is authorized and appropriate, and the Notice of Sanctions revoking Ms. Mathews' license should be sustained.

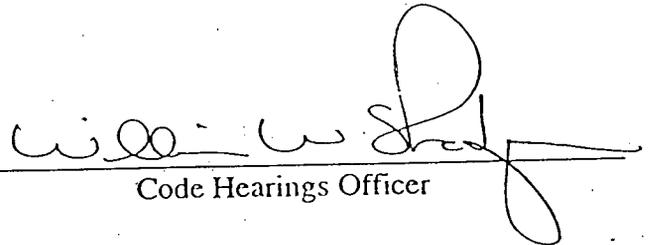
ORDER AND DETERMINATION:

1. The determination in the Notice of Administrative Sanctions dated November 28, 1995, revoking the Adult Care Home License of the appellant, Darlene Mathews, is hereby SUSTAINED.
2. This order and determination has been mailed to the parties on August 30, 1996, and shall become final on September 19, 1996, unless written exceptions are file with the Board of County Commissioners prior to such date.

Dated: _____

8/27/96

WWS:db


Code Hearings Officer

BOARD OF
COUNTY COMMISSIONERS

96 SEP 18 PM 5:07

MULTNOMAH COUNTY
OREGON

September 18, 1996

Multnomah County Board of Commissioners
1120 SW Fifth Avenue, Suite 1510
Portland, OR 97204

Written Exception in the case of Darlene Mathews
Hearing Number. 161070

Darlene Mathews is an Adult Care Provider who has provided quality care for the past eleven (11) years and wishes to continue to provide such care.

Although, Ms. Mathews is a loving, caring, and nurturing person, she doesn't possess the administrative skills required to operate a business. She has over the pass year has taken the following steps to address her issues and now runs her Adult Foster Home as a business.

REASON FOR EXCEPTION

Ms. Mathews has addressed the issues that placed her license to provide Adult Foster Care in jepordey.

1. Pest Control, spray house located at 6103 N. Albina Avenue, Portland, OR 97217-1802 on a scheduled and continuous basis.
2. Paid housekeeper, Alberta Washington, comes on a weekly basis.
3. Lynn Handlin, EA & LTC has been hired to provide bookkeeping services such as, accounts receivable/payable, monthly financial statements
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BOARD OF
COUNTY COMMISSIONERS

96 SEP 18 PM 5:07

MULTNOMAH COUNTY
OREGON

PROPOSAL

It is the desire of Ms. Dariene Mathews to obtain her license and build her business to meet the standards of Multnomah County Aging Services Department. In order to meet this goal, Ms. Mathews propose the following:

Immediate reinstallation of her license to operate with the following provisions with quarterly reviews.

Multnomah County and the various departments that regulate, monitor, educate, and place both developmental disabled and aging adults; partner with her to provide a safe and healthy environment for which the developmental disabled and aging adults may choose to live.

Multnomah County employes give clear directions and work with not against Ms. Mathews as part of her team of supporters to provide quality care.

Multnomah County offer affordable classes for Adult Care Providers on a regular basis that educate not only on the Rules and Regulations for providing care but how this can be done in a cost effective way for providers.

Working with the new Rules and Regulations for Adult Care Providers, develop a "Resident Handbook" to be given to client, case manager, and family of client(s) and prospective clients.

Ms. Mathews send each Case Manager for person's she provide service and Multnomah County Aging Services a monthly report which will include: summary of clients condition/activities; accounts payable statement from licensed bookkeeper; timesheet of housekeeping services; and receipt(s) from pest control service.

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5 The Hearing Officer held that repeated violations in the home over many years concerning
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11 Her belated proposal for change is untimely, unenforceable, and inadequate.

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15 imposition of sanctions. There is no basis for accepting her proposal for change now. The Board
16 should accept the Hearing Officer's Order without modification. A form of Order for this purpose
17 is attached.

18 DATED this 14th day of October, 1996.

19 LAURENCE KRESSEL, COUNTY COUNSEL
20 FOR MULTNOMAH COUNTY

21
22 By Katie Gaetjens
23 Katie Gaetjens, OSB #88210
24 Assistant County Counsel
25 Attorneys for Department of Aging Services
26

H:\Data\Advisory\Gaetjens\Mathews\ACHPRebuttal to Operator's Exception to Revocation

Page 2 -ACHP's Rebuttal to Operator's Exceptions to Revocation

Multnomah County Counsel
1120 S.W. Fifth Avenue, Suite 1530
Portland, Oregon 97204
(503) 248-3138

EXHIBIT C
PAGE 2 OF 2

MEETING DATE: October 31, 1996

AGENDA #: R-4

ESTIMATED START TIME: 9:40

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: RESOLUTION Declaring Opposition to Ballot Measure No. 47

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, October 31, 1996
AMOUNT OF TIME NEEDED: 5 Minutes

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: Maria Rojo de Steffey TELEPHONE #: 248-3955
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Chair Beverly Stein

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Resolution Declaring Multnomah County Board of Commissioners' Opposition to Ballot Measure No. 47

11/1/96 copies to Maria Rojo & BCE

SIGNATURES REQUIRED:

ELECTED
OFFICIAL:
(OR)
DEPARTMENT
MANAGER:



BOARD OF
COUNTY COMMISSIONERS
96 OCT 24 PM 3:25
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Declaring Multnomah County Board) RESOLUTION
of Commissioners' Opposition to) 96-193
Ballot Measure No. 47)

WHEREAS Ballot Measure No. 47, a property tax limitation measure appearing on the November 1996 general election, creates another layer of limitation within the property tax system of the State of Oregon; and

WHEREAS the property tax limitation measure will result in the loss of local control through the language of the measure that gives explicit authority to the State Legislature to determine the priorities for local spending between local jurisdictions; and

WHEREAS if Ballot Measure No. 47 is passed; it will mean the loss of local control by giving the State Legislature authority to determine the priorities for local spending within agencies of a local jurisdiction; and

WHEREAS Ballot Measure No. 47, if passed and replacement revenue is not approved, will result in a reduction of at least 22% of property tax revenue for local jurisdictions, school districts, and community college districts; and

WHEREAS Ballot Measure No. 47 if approved, is estimated to result in a reduction of property tax revenue that ranges from a high of \$37.5 million to a low of \$31.6 million for Multnomah County; and

WHEREAS Ballot Measure No. 47, if approved, is estimated by the State Legislative Revenue Office to result in a reduction of \$18.3 million for Portland School District 1; \$1.1 million for Parkrose School District; \$1.9 million for Centennial School District; \$2.5 million for David Douglas School District; \$2.4 million for Multnomah Education Service District; and \$3.9 million for Portland Community College; and

WHEREAS the State of Oregon does not have to replace the revenues lost to education as it was required under Measure 5; and

WHEREAS provisions of the measure that cap property tax growth at 3% and limit the ability of local jurisdictions to increase fees will create future financial problems for local jurisdictions; and

WHEREAS the Multnomah County Board of Commissioners has determined that should Ballot Measure No. 47 be approved, the interests of Multnomah County citizens will not be well served because of the loss of local control

and the loss of revenue that supports basic services in such areas as public safety, corrections, senior services, human services and library services; and

The Multnomah County Board of Commissioners find:

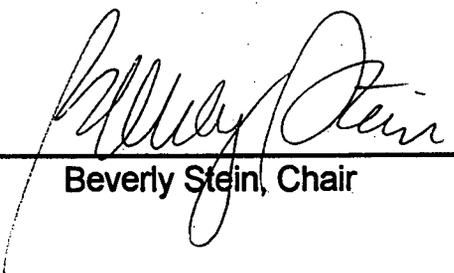
1. Ballot Measure, if approved, will cause substantial reductions in County property tax revenues previously authorized by its citizens that will result in reductions in basic services.
2. Ballot Measure No. 47, if approved, will transfer the authority to address local problems from Multnomah County to the State Legislature.
3. Ballot Measure No. 47, if approved, will adversely affect economic development activities by reducing the ability to deliver basic services and diminish the ability of public school systems to deliver quality education.
4. Ballot Measure No. 47, if approved, will adversely affect necessary public safety, corrections, senior services, human services and library services provided by Multnomah County; now therefore

IT IS HEREBY RESOLVED that the Multnomah County Board of Commissioners does hereby declare its opposition to Ballot Measure No. 47 and urges all citizen to reject the measure at the November 5, 1996 election.

APPROVED this 31st day of October, 1996.

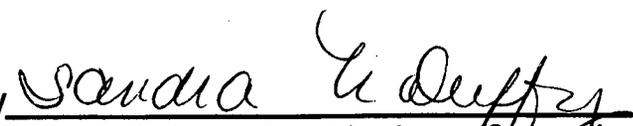


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Chief Assistant Counsel

MEETING DATE: OCT 31 1996

AGENDA #: R-5

ESTIMATED START TIME: 9:45 am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: APPROVAL OF COLLECTIVE BARGAINING AGREEMENT WITH MCPAA

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: October 31, 1996

AMOUNT OF TIME NEEDED: 5 - 10 minutes

DEPARTMENT: Dept of Support Svcs DIVISION: Labor Relations

CONTACT: Ken Upton TELEPHONE #: 248-5053
BLDG/ROOM #: B106/1400

PERSON(S) MAKING PRESENTATION: Ken Upton

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

1996-2000 Agreement between Multnomah County, the Multnomah County District Attorney and the Multnomah County Prosecuting Attorney's Association.

11/4/96 ORIGINAL SIGNATURE PAGES TO KATHY DASH

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Beverly Stead*
(OR) DEPARTMENT MANAGER: *Vickie S. Gable*

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 OCT 24 AM 9:44

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277 or 248-5222



MULTNOMAH COUNTY OREGON

BEVERLY STEIN
COUNTY CHAIR

EMPLOYEE SERVICES
FINANCE
LABOR RELATIONS
PLANNING & BUDGET
RISK MANAGEMENT

(503) 248-5015
(503) 248-3312
(503) 248-5135
(503) 248-3883
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
P.O. BOX 14700
PORTLAND, OREGON 97293

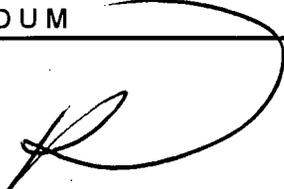
PURCHASING, CONTRACTS
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR
PORTLAND, OREGON 97202

MEMORANDUM

To: Board of County Commissioners

From: Kenneth Upton, Labor Relations Manager 

Date: October 23, 1996

Subject: 1996-2000 Agreement Between Multnomah County, the District Attorney for Multnomah County and the Multnomah County Prosecuting Attorneys Association (MCPAA)

Attached for your review and approval at the October 31 meeting of the Board is a four year agreement with MCPAA. The key provisions of this agreement are as follows:

1. November 1, 1996, PERS Transition from the "Pick-up" and Salary Increase

- Employees will pay their own PERS contribution and we will raise their salaries 6% to reflect this increased cost to them.
- Rates and ranges will be increased 5.3%.
This reflects: 2.8% CPI and 2.5% market increase.

(Note the total for November 1 will be effectuated by an 11.6% increase ($1.06 \times 1.053 = 1.116 = 11.6\%$). This will, of course, be offset by the employee 6% PERS contribution.)

2. July 1, 1996 - October 31, 1996

A lump sum payment will be made of 5.3% of gross salary earned during this period. This reflects the rate and range increases cited above prior to the PERS transition.

3. Effective July 1, 1997. CPI Increase plus market adjustment of 2.5%.

4. Effective July 1, 1998. CPI Increase plus market adjustment of 1.5%

5. Effective January 1, 1999. Market Study Formula Increase to Ensure that the Prosecutors have "really gained 6.5% on the market". If they have not kept pace as of the study date of July 1, 1998, we would make up the difference in percentage terms on January 1, 1999.

6. Effective July 1, 1999. CPI Increase.

7. Effective July 1, 2000. A New Agreement Will Be in Place.

October 23, 1996
Page 2

The total market increase guaranteed over this four year contract is 6.5%. This reflects data presented to the Board reflecting a significant lag between our Deputy District Attorneys and other public sector lawyers. The additional cost over CPI of the first year market increase of 2.5% is roughly \$125,000 (2.5 x 50,000). Exact figures for all costs are being prepared by budget for budget modification purposes.

Operational matters in this contract have been resolved to the satisfaction of the District Attorney. A provision has been included to allow the County to "go back to the PERS Pick-Up", if that is deemed advisable as the effects of the pension initiatives settle out.

If you have any questions or concerns, please call.

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c: Vickie Gates Michael Schrunk
 Barry Crook Kelly Bacon
 Bill Farver John Bradley
 Melinda Petersen

File: MCPAA Binder

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A G R E E M E N T

Between

MULTNOMAH COUNTY, OREGON,

THE MULTNOMAH COUNTY DISTRICT ATTORNEY,

and

MULTNOMAH COUNTY PROSECUTING ATTORNEYS ASSOCIATION

ARTICLE 1

PREAMBLE

This Agreement is entered into by Multnomah County, Oregon, hereinafter referred to as the County, The Multnomah County District Attorney, hereinafter referred to as the District Attorney, and The Multnomah County Prosecuting Attorneys Association, hereinafter referred to as the Association.

The purpose of this Agreement is to set forth those matters pertaining to compensation and working conditions subject to limitations of ORS 8.610 to 8.850 as is consistent with the County's objective of providing services to the public of Multnomah County.

The parties agree as follows:

1 B. Association Security/Check Off.

2 1. Employees shall have the right to self-
3 organize, to form, join or assist labor organizations or
4 to refrain therefrom, to bargain collectively through
5 representatives of their own choosing, and there shall be
6 no discrimination exercised against any employee covered
7 by this Agreement because of his or her membership or
8 Association activities.

9 2. The County agrees to deduct each pay period
10 from the pay of employees covered by this Agreement as
11 applicable:

12 a. .5 of the current monthly Association
13 membership dues of those Association members who
14 individually request such deductions in writing.

15 b. Deductions shall cease the pay period
16 following permanent appointment to a position which is
17 excluded from the bargaining unit, upon written request
18 of the employee.

19 c. A monthly service fee from any member
20 of the bargaining unit who has not joined the Association
21 within thirty (30) days of hire. This service fee shall
22 be segregated by the Association and used on a pro rata
23 basis solely to defray the cost of its services in
24 negotiating and administering this contract.

25 3. The amount of monthly service fee shall be
26 set at the amount of dues generally deducted, less any

1 present or future service or benefit not enjoyed by non-
2 Union members of the bargaining unit.

3 4. The Association expressly agrees that it
4 will safe-guard the rights of non-association of
5 employees, based upon bona fide religious tenets or
6 teachings of a church or religious body of which such
7 employee is a member. Any such employee shall pay the
8 in-lieu-of-dues payment to a non-religious charity
9 mutually agreed upon by the employee making such payment
10 and the Association, or the employee may request that
11 such in-lieu-of-dues payment not be deducted and shall
12 make such payment to a charity as heretofore stated and
13 shall furnish written proof to the Association and the
14 County, when requested, that this has been done.

15 5. In-lieu-of-dues payment (service fee) shall
16 be segregated from regular Association dues for
17 accounting purposes.

18 6. Funds derived from in-lieu-of-dues payment
19 (service fee) shall not be expended for political
20 purposes by the Association.

21 7. The Association agrees to provide a system
22 so that any employee who objects to the expenditure of a
23 portion of the in-lieu-of-dues payment (service fee) for
24 ideological reasons can request and receive a rebate of
25 such payment.

1 8. Deduction of membership dues must be
2 authorized in writing. The amount to be deducted shall
3 be certified in writing to the County by the Association
4 President. The aggregate of all deductions shall be
5 remitted, together with an itemized statement, to the
6 Treasurer of the Association at an address certified to
7 the County in writing by the Association President,
8 within five (5) working days after it is withheld or by
9 such time as the parties mutually agree in writing.

10 9. The Association agrees that it will
11 indemnify, defend and hold the County harmless from all
12 suits, actions, proceedings or claims against the County
13 or persons acting on behalf of the County, whether for
14 damages, compensation, reinstatement, or any combination
15 thereof, arising out of application of Section B of this
16 Article. In the event any decision is rendered by the
17 highest court having jurisdiction that this Article is
18 invalid and/or that reimbursement of the service fee
19 (fair share) must be made to employees affected, the
20 Association shall be solely responsible for such
21 reimbursement.

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2 ARTICLE 3

3 MANAGEMENT RIGHTS

4 The District Attorney shall retain the
5 exclusive right to exercise the customary functions of
6 management including, but not limited to, directing the
7 activities of the office and its employees; determining
8 the levels of service and methods of operation and the
9 introduction of new equipment; the right to hire, layoff,
10 transfer, and promote; to discipline or discharge; to
11 determine work schedules and assign work; and any other
12 such rights not specifically referred to in this
13 Agreement. Management rights, except where abridged by
14 specific provisions of this Agreement or general law, are
15 not subject to the grievance procedure.

1 2. Resolution Process. Within 30 days of
2 receipt of the written grievance, a review panel shall be
3 formed consisting of one member of the Association's
4 Executive Committee, the Chief Deputy of the Grievant's
5 Division and a third party agreed upon by the other two.
6 Within 60 days of receipt of the grievance the panel
7 shall submit a recommendation to the District Attorney.
8 The District Attorney will within 30 days of receipt of
9 the panel's recommendation review the recommendation and
10 make a final determination as to the merits of the
11 grievance.

12 B. Interpretation. This article is not intended
13 to limit any remedy at law available to the Association,
14 any of its members, the District Attorney, or Multnomah
15 County to enforce the terms of this contract.
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2 ARTICLE 6

3 NO DISCRIMINATION

4 No Discrimination. The provisions of this
5 Agreement shall be applied equally to all employees in
6 the bargaining unit without discrimination as to age,
7 marital status, race, color, sex, creed, religion,
8 national origin, sexual orientation, or political
9 affiliation. It is further agreed that there will be no
10 discrimination against the disabled unless bona fide
11 job-related reasons exist as provided by the Americans
12 with Disabilities Act and rules promulgated under its
13 terms. The Association shall share equally with the
14 County the responsibility for applying the provisions of
15 the Agreement.

1
2 ARTICLE 7

3 COMPENSATION AND BENEFITS

4 A. Compensation.

5 1. Intent. The salary matrix, responsibility
6 levels, and administrative policies set forth herein are
7 intended to promote selection and retention of qualified
8 individuals to perform quality prosecutorial services.

9 2. Salaries.

10 a. Effective November 1, 1996, the rates and
11 ranges of employees who are members of this bargaining
12 unit and who are on the payroll as of the execution date
13 of this Agreement shall be increased eleven and six
14 tenths percent (11.6%) and employees shall be required to
15 make their own PERS contribution as per Section B.7
16 below. Additionally, the currently unused Step A of the
17 Deputy District Attorney I range shall be eliminated, and
18 the current Step B become the new Step A, etc. The rates
19 and ranges resulting from application of this subsection
20 shall be in accordance with Addendum A, which is
21 incorporated herein by this reference.

22 Each member eligible for the above
23 increase shall also be paid a retroactive payment of five
24 and three tenths percent (5.3%) of gross salary earned
25 for the period July 1, 1996 - October 31, 1996.

b. July 1, 1997. Effective July 1, 1997, the rates and ranges indicated in Addendum A. shall be increased in accordance with the following formula:

(% increase in) (% increase) ()
 (wage rates) (in Consumer) + (2.5%)
 () is equal to (Price Index) ()

Minimum CPI increase: 2.5% Minimum total increase: 5.0%
 Maximum CPI increase: 4.5% Maximum total increase: 7.0%

PROVIDED, that in the event the CPI component of the above formula increases by more than seven percent (7%), wages shall be increased an additional amount equal to one-half (1/2) the percentage increase in excess of seven percent (7%). In no event, however, shall the CPI component of the wage increase under the terms of this subsection exceed seven and one-half percent (7.5%). For example:

If the March 1996 to March 1997 CPI <u>increase is:</u>	The July 1, 1997 <u>CPI component of the wage</u> <u>increase is:</u>	Total <u>increase</u>
2.0%	2.5%	5.0%
3.0%	3.0%	5.5%
6.0%	4.5%	7.0%
6.5%	4.5%	7.0%
7.0%	4.5%	7.0%
7.5%	4.75%	7.25%
9.0%	5.5%	8.0%
10.0%	6.0%	8.5%

The consumer price index utilized in this subsection shall be the National Urban Wage Earners and Clerical Index (CPI-W), March 1996 to March 1997.

c. July 1, 1998. Effective July 1, 1998, the rates and ranges of employees who are members of this bargaining unit shall be increased in accordance with the following formula:

$$\left(\begin{array}{l} \% \text{ increase in} \\ \text{wage rates} \end{array} \right) \left(\begin{array}{l} \% \text{ increase} \\ \text{in Consumer} \\ \text{Price Index} \end{array} \right) + (1.5\%)$$

is equal to

Minimum CPI increase: 2.5% Minimum total increase: 4.0%
 Maximum CPI increase: 4.5% Maximum total increase: 6.0%

PROVIDED, that in the event the CPI component of the above formula increases by more than seven percent (7%), wages shall be increased an additional amount equal to one-half (1/2) the percentage increase in excess of seven percent (7%). In no event, however, shall the CPI component of the wage increase under the terms of this subsection exceed seven and one-half percent (7.5%). For example:

<u>If the March 1997 to</u> <u>March 1998 CPI</u> <u>increase is:</u>	<u>The July 1, 1998</u> <u>CPI component of the wage</u> <u>increase is:</u>	<u>Total</u> <u>increase</u>
2.0%	2.5%	4.0%
3.0%	3.0%	4.5%
6.0%	4.5%	6.0%
6.5%	4.5%	6.0%
7.0%	4.5%	6.0%
7.5%	4.75%	6.25%
9.0%	5.5%	7.0%
10.0%	6.0%	7.5%

The consumer price index utilized in this subsection shall be the National Urban Wage Earners and Clerical Index (CPI-W), March 1997 to March 1998.

1 d. Effective January 1, 1999.

2 (1) Market Increase. Effective
3 January 1, 1999, the rates and ranges of employees who
4 are members of this bargaining unit shall be increased in
5 a percentage amount which will assure that the relative
6 position of the Association to the market for public
7 sector attorneys has improved by six and five tenths
8 (6.5%) from June 30, 1996 to July 1, 1998. It is
9 recognized by the parties that determination of what such
10 a market is, and will be, is complex and of necessity
11 requires selection of certain data points, and creation
12 of a base average, as the foundation for future
13 calculations. The details of these processes are
14 contained in a memorandum dated October 22, 1996, from
15 Kenneth Upton, Labor Relations Manager, to Michael
16 Schrunk, District Attorney, Multnomah County, which is
17 incorporated herein by this reference. It is fully
18 recognized by the parties that a collection of data has
19 been selected and specified in this memorandum which is
20 at best an approximation of the broad market.
21 Additionally, the calculation method specified for
22 determining changes in the market over time is also
23 merely a proxy for the total pattern of change in this
24 market. In recognition of the good faith but tentative
25 nature of these processes, the terms of this section are
26 deemed a compromise without precedent or prejudice.

1 (2) Grievance Procedures. In the event
2 that the calculations provided by the County in
3 accordance with the above cited memorandum, are,
4 following review by the Office of the District Attorney
5 and the Association, deemed by the Association to fail to
6 meet the "reasonable calculation standard" provided for
7 in the October 22 Memorandum, the Association may, after
8 attempting to resolve the matter informally, appeal the
9 matter to Arbitration in writing to the County within
10 fifteen calendar days of the receipt of the County's
11 calculations, unless such time limit has been extended by
12 mutual agreement of the parties. Selection of the
13 arbitrator shall be either by mutual agreement of the
14 County and Association or shall be in accordance with
15 Step 4 of the grievance procedure provided in Article 18
16 of the Local 88 Agreement. The arbitrator's opinion and
17 award shall be final and binding, but the arbitrator
18 shall have no power to alter, modify, amend, add to, or
19 detract from the terms of this Agreement. The
20 arbitrator's opinion and award will specify the
21 percentage increase required by the Agreement, specify
22 such additional data and/or calculations necessary to
23 arrive at the required increase, or affirm that the
24 County met the "reasonable calculation standard." The
25 losing party will pay the fees and expenses of the
26 arbitrator.

1 e. Effective July 1, 1999.

2 Effective July 1, 1999, the rates and
3 ranges of employees who are members of this bargaining
4 unit shall be increased in accordance with the following
5 formula:

6 (% increase in) (% increase)
7 (wage rates) (in Consumer)
8 () is equal to (Price Index)

9 Minimum CPI increase: 2.5%

10 Maximum CPI increase: 4.5%

11 PROVIDED, that in the event said index
12 increases by more than seven percent (7%), wages shall be
13 increased an additional amount equal to one-half (1/2)
14 the percentage increase in excess of seven percent (7%).
15 In no event, however, shall the wage increase under the
16 terms of this subsection exceed seven and one-half
17 percent (7.5%). For example:

18	If the March 1998 to March 1999 CPI <u>increase is:</u>	The July 1, 1999 wage <u>increase is:</u>
19	2.0%	2.5%
20	3.0%	3.0%
21	6.0%	4.5%
22	6.5%	4.5%
23	7.0%	4.5%
24	7.5%	4.75%
25	9.0%	5.5%
26	10.0%	6.0%

27 The consumer price index utilized in this
28 subsection shall be the National Urban Wage Earners and
Clerical Index (CPI-W), March 1998 to March 1999.

1 f. Reopeners.

2 (1) July 1, 1997. If the County's
3 estimated general fund resources in the executive budget
4 for FY 1997-98 fall fifteen percent (15%) or more below
5 the estimated general fund resources in the preceding
6 year's executive budget due to passage of property tax
7 limitation measures, the terms of Subsection A.2.b. above
8 shall not be implemented and negotiations will commence
9 on or before April 15, 1997 for substitute terms for
10 Article 7, Subsection A.2.b.

11 (2) July 1, 1998. If the County's
12 estimated general fund resources in the executive budget
13 for FY 1998-99 fall fifteen percent (15%) or more below
14 the estimated general fund resources in the preceding
15 year's executive budget due to passage of property tax
16 limitation measures, the terms of Subsection A.2.c. above
17 shall not be implemented and negotiations will commence
18 on or before April 15, 1998 for substitute terms for
19 Article 7, Subsection A.2.c.

20 (3) July 1, 1999. If the County's
21 estimated general fund resources in the executive budget
22 for 1999-2000 fall fifteen percent (15%) or more below
23 the estimated general fund resources in the preceding
24 year's executive budget due to passage of property tax
25 limitation measures, the terms of Subsection A.2.e. above
26 shall not be implemented and negotiations will commence

1 on or about April 15, 1999 for substitute terms for
2 Article 7, Subsection A.2.e.

3 3. Compensation of Non-PERS Members. Effective
4 November 1, 1996, any employee who is not a PERS member
5 shall be paid a rate of 94.3% of the base wage rate he or
6 she would otherwise enjoy under the terms of this
7 Agreement until such time as he or she becomes a PERS
8 member.

9 4. Salary Administration. The District Attorney
10 shall have sole responsibility for determining future
11 allocation of bargaining unit members to the
12 salary matrix and for determining the rate of advancement
13 subject to the following guidelines:

14 a. Responsibility levels set forth in
15 Addendum B shall serve as a guide in determination of the
16 allocation of individuals to Levels I, II, III, or IV of
17 the salary matrix. Any dispute as to the application of
18 this sub-section shall be resolved under the terms of
19 Article 5, Sections A and B, Settlement of Disputes.

20 b. Advancement to all steps shall be guided
21 by normal improvement in knowledge, ability, performance,
22 tenure in office, and maintenance of high-level
23 professional and office demeanor. A Deputy's job
24 performance shall be reviewed by the District Attorney
25 within forty-five (45) days before or after his or her
26 hiring anniversary date. Each Deputy may expect to be

1 advanced in salary to a higher step at that time or given
2 a written explanation for the reason(s) advancement has
3 been denied.

4 Nothing herein is intended to prevent more
5 frequent job performance review or reallocation by the
6 District Attorney.

7 It is recognized that the County retains the
8 right to decide as to the frequency of payment to
9 employees, e.g. biweekly, twice monthly, or monthly, upon
10 sixty (60) days notice to the Association.

11 5. Budgeting. The County shall budget funds
12 sufficient to provide for the salaries and anticipated
13 normal advancement, as set forth in Paragraphs 2 and 4 of
14 this section. Monies appropriated for salaries and
15 normal advancement may be used only for such purpose.

16 In the event of a change in the budgeted
17 staffing levels for Deputy District Attorneys covered by
18 this Agreement, it is understood that appropriations for
19 salaries and normal advancement shall be increased or
20 decreased in proportion to the increase or decrease in
21 budgeted staffing requirements.

22 6. Promotions, Rotations, and Demotions.

23 a. Definitions.

24 (1) Promotion. An advancement in
25 responsibility intended to be of a permanent duration.

26 (2) Rotation. A temporary change in
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1 responsibility for a designated period of time after
2 which the deputy will resume his or her original
3 responsibilities.

4 (3) Demotion. A reduction in
5 responsibility intended to be of a permanent duration.

6 b. Promotions. A promotion in level shall be
7 accompanied by an increase in pay to a salary step on the
8 new level which is higher than the salary rate
9 immediately prior to the promotion.

10 c. Rotations. Should the District Attorney
11 institute a program of temporary rotation in level of
12 responsibilities, he shall provide notice of intent to
13 institute a temporary placement in writing to those
14 deputies affected. A deputy who is temporarily assigned
15 to a lower level of responsibility shall be continued at
16 a salary level the equivalent of that he or she received
17 at his or her higher level of responsibility. A deputy
18 who is assigned full time to a higher level of
19 responsibility for a period of time in excess of thirty
20 (30) calendar days shall be paid at the lowest step in
21 the salary range of the higher classification which will
22 result in an increase in pay, or at his or her election
23 may maintain his or her former salary level.

24 d. Demotions. Should a Deputy be demoted to
25 a lower level of job responsibility, his salary may be
26 reduced according to the degree of demotion consistent
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1 with the salary matrix. The District Attorney shall give
2 notice of intent to demote in writing to the affected
3 Deputy.

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5 B. Benefits.

6 1. Annual Leave.

7 a. Accrual. Each employee shall accrue
8 vacation in accordance with the below cited schedule.
9 Vacation time on the books of the District Attorney's
10 office as of June 30, 1987, from prior system conversions
11 shall be honored and shall not be applied to the
12 accumulation maximums cited below.

13 (1) Less than two years (4,176 hours) of
14 County service: .0385 hours per hour worked (ten days
15 per year), cumulative to a maximum of 160 hours.

16 (2) Two years (4,176 hours) but less than
17 five years (10,440 hours) of County service: .0577 hours
18 per hour worked (three weeks per year), cumulative to a
19 maximum of 240 hours.

20 (3) Five years (10,440 hours) but less
21 than eight years (16,704 hours) of County service:
22 .0769 hours per hour worked (four weeks per year),
23 cumulative to a maximum of 320 hours.

24 (4) Eight years (16,704 hours) or more of
25 County service: .0961 hours per hour worked (five weeks
26 per year), cumulative to a maximum of 400 hours.

1 b. Part-time. Part-time permanent employees
2 shall accrue vacation based on service years in
3 accordance with the above schedule, e.g., a five-year
4 employee working half time would be eligible for
5 approximately 80 hours per year. Determination of
6 service years shall be in accordance with the specific
7 terms or practice applied to exempt employees.

8 c. Leave of Absence Accrual. Vacation leave
9 shall not accrue during a leave of absence without pay.

10 d. Payoff. After 1,040 hours of County
11 service, unused accrued earned vacation time shall be
12 paid to the employee at his or her regular rate of pay at
13 the time of separation from service, provided that the
14 maximum payoff shall be one hundred and twenty (120)
15 hours except for vacation accrued and available prior to
16 the implementation of the entitlement program and still
17 unused at the time of the employee's termination.

18 e. Death Benefit. Regardless of length of
19 County service, in the event of death of an employee,
20 unused accrued vacation time shall be paid the employee's
21 heirs at his or her regular rate of pay. Except as
22 otherwise provided by Oregon Law, such payment shall be
23 paid directly to an employee's beneficiary as designated
24 on the employee's Life Insurance enrollment card.

25 2. Sick Leave.

26 a. Accrual. Employees shall accrue sick
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1 leave at the rate of .0461 hours for each hour worked.
2 Sick leave may be accrued on an unlimited basis.

3 b. Unused Entitlements. Employees shall, in
4 addition to any accruals earned, be entitled to any
5 unused entitlement which may be on the books of the
6 District Attorney's Office as of June 30, 1990, from
7 prior system conversions.

8 c. Holiday Conversion. Full-time employees
9 who have worked the twelve (12) months preceding July 1,
10 1996 and each fiscal year thereafter, may at their
11 option, convert accrued unused sick leave to personal
12 holiday time to be taken at the discretion of the
13 employee with consent of the supervisor in accordance
14 with the following schedule:

Hours of Sick Leave Used in 24 Pay Periods Pre- ceding July 1 of Any Year	Allowable Additional Personal Holidays
None	3 days
0.1 - 8 hours	2 days
8.1 - 16 hours	1 day

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20 The hours of sick leave used shall be for the 24 pay
21 periods preceding July 1 of any year, or some reasonable
22 proration if the new payroll system is implemented during
23 a fiscal year.

24 d. Workers' Compensation Supplement. In the
25 event an employee suffers an occupational injury,
26 illness, or disease, salary continuation shall only be

1 paid in an amount equal to the difference between the
2 Workers' Compensation payment and 100% of the employee's
3 net take-home pay. The terms and limitations of such
4 payment shall be in accordance with the Local 88
5 Agreement regarding this matter in effect at the time of
6 injury.

7 3. Bereavement Leave. An employee shall be granted
8 not more than five (5) days leave of absence with full
9 pay in the event of a death in the immediate family of
10 the employee to make household adjustments or to attend
11 funeral services. If such funeral is beyond 500 miles,
12 the employee may be granted up to three (3) additional
13 days with pay. For purposes of bereavement leave, an
14 employee's immediate family shall be defined as spouse,
15 parents, children, brother, sister, grandparents,
16 father-in-law, mother-in-law, sister-in-law, or
17 brother-in-law. In relationships other than those set
18 forth above, under exceptional circumstances, such leave
19 of absence may be granted by the District Attorney upon
20 request.

21 4. Holidays. The following days shall be
22 recognized and observed as paid holidays:

- 23 ● Any day the President of the United States and/or
24 the Governor of Oregon declares a holiday for all
employees employed in the public sector.
- 25 ● New Year's Day (January 1st).
- 26 ● Rev. Dr. Martin Luther King's Birthday (3rd Monday
27 in January).

- 1 ● Washington's Birthday (3rd Monday in
February).
- 2 ● Memorial Day (last Monday in May).
- 3 ● Independence Day (July 4).
- 4 ● Labor Day (1st Monday in September).
- 5 ● Veteran's Day (November 11).
- 6 ● Thanksgiving Day (4th Thursday in November).
- 7 ● Christmas Day (December 25).
- 8 ● 2 Personal Holidays*.

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10 *Personal holidays may be used at the discretion of the
11 employee with the consent of the District Attorney's
12 designee; provided, however, an employee must be employed
13 for at least three (3) months before the first personal
holiday may be used and must be employed for at least
nine (9) months before the second personal holiday may be
used. In all cases, personal holidays must be taken by
the end of each fiscal year (June 30).

14 5. Parental Leave and Child Care.

15 a. Parental Leave. The parties agree that
16 sick leave and vacation may be utilized for parental
17 leave purposes in accordance with the terms and
18 limitations of Resolution #89-111 of the Board of County
19 Commissioners, dated June 1, 1989, or its successor. Due
20 to the unusual nature of prosecutorial work, upon
21 employee request and approval by the District Attorney,
22 an employee may begin such leave as would be authorized
23 by Resolution #89-111, or its successor, within ninety
24 (90) days of birth or custody.

25 b. Dependent Care. To the degree allowable
26 by law, salary reduction shall be allowable under the

1 terms of this Agreement for any employee participating in
2 the County Dependent Care Assistance Plan.

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1 6. Health and Welfare.

2 a. Medical-Hospital. The County agrees to
3 contribute monthly on behalf of each full-time eligible
4 employee the monthly premium for one of the health plans
5 offered by the County as follows:

6 (1) Kaiser. The Kaiser Foundation Health
7 Plan of Oregon, Group No. 1569-023, in effect as of
8 January 1, 1994; or

9 (2) Indemnity Plan. The self funded
10 comprehensive plan, effective January 1, 1994, Group
11 No. 9408.

12 b. Dental Plan. The County agrees to
13 contribute monthly on behalf of each full-time eligible
14 employee the monthly premium for the Kaiser Dental plan
15 previously in effect or the Indemnity Dental Plan as
16 provided in Contract No. 3608, effective January 1, 1994.

17 c. Coverage.

18 (1) Who is Covered. Coverage for the
19 medical and dental plans shall include the employee and
20 his or her immediate family, i.e., wife/husband and
21 eligible dependent children. The employee must choose
22 either the Kaiser or the Indemnity Plan coverage as
23 provided above. Additionally, in lieu of spouse coverage
24 an employee may enroll his or her domestic partner
25 with whom he or she has a domestic partnership, as
26 defined in the ordinance governing benefits for exempt

1 employees, and the partner's eligible dependents for
2 coverage subject to the terms set forth in the Affidavit
3 provided for exempt employees. As a further precondition
4 of coverage, all employees enrolling for new or changed
5 coverage after the signing date of this Agreement,
6 whether married or with a domestic partner, shall be
7 required to complete, sign, and submit to the Employee
8 Services Division a copy of the Affidavit cited above.
9 Employees whose marriage or domestic partnership
10 terminates must complete, sign, and file with the
11 Employee Services Division a copy of the Statement of
12 Termination of Marriage/Domestic Partnership provided for
13 exempt employees. Enrollment times and other procedures
14 for administration of the medical and dental insurance
15 plans shall be applied to employees with domestic
16 partners in the same manner as to married employees.

17 (2) Commencement of Coverage: Coverage
18 under Section 6.a. commences on the first of the calendar
19 month following the calendar month in which the employee
20 commences work following hire or rehire, unless the
21 employee commences work on the first calendar day of the
22 calendar month in which case coverage commences at the
23 time the employee commences work. Coverage under Section
24 6.b. commences on the first of the calendar month
25 following completion of six (6) months of continuous
26 County service following hire or rehire. After initial

1 qualification for coverage, termination and
2 recommencement of coverage (toward which the County
3 contributes) shall be governed as follows:

4 (3) Coverage at Termination: If the
5 employee's last regularly scheduled work day is worked or
6 spent on sick, vacation, or personal holiday leave and it
7 falls on or before the fifteenth (15th) day of the
8 calendar month in which the employee's County employment
9 terminates, that employee's coverage toward which the
10 County has contributed will lapse at the conclusion of
11 that calendar month. If such work day falls after the
12 fifteenth (15th) of the calendar month in which the
13 employee's County employment has terminated, coverage
14 toward which the County has contributed will lapse at the
15 end of the immediately succeeding calendar month.
16 (Example: Employee A resigns effective July 15.
17 Employee A's coverage toward which the County has
18 contributed will lapse July 31. Employee B resigns
19 July 16. Employee B's coverage toward which the County
20 has contributed will lapse August 31.)

21 (4) Coverage when Going on Unpaid Leave:
22 If the employee's last regularly scheduled work day is
23 worked or spent on sick, vacation, or personal holiday
24 leave and it falls on or before the fifteenth (15th) day
25 of the calendar month in the calendar month in which the
26 employee's authorized leave without pay commences,

1 coverage toward which the County has contributed will
2 lapse at the conclusion of the calendar month in which
3 the leave commences. If such day falls after the
4 fifteenth (15th) day of the calendar month in which such
5 unpaid leave commences, coverage toward which the County
6 has contributed will lapse at the end of the immediately
7 succeeding calendar month. (Example: Employee A's last
8 regularly scheduled work day worked is July 15, and his
9 or her unpaid leave commences July 16. Employee A's
10 coverage toward which the County has contributed will
11 lapse July 31. Employee B's last regularly schedule work
12 day worked is July 17. Employee B's coverage toward
13 which the County has contributed will lapse August 31.)

14 (5) Coverage Upon Return from Unpaid
15 Leave: If the employee is scheduled to and returns from
16 an authorized unpaid leave of absence on or before the
17 fifteen (15th) day of the calendar month the employee's
18 coverage toward which the County shall make its normal
19 contribution shall be effective on the first day of that
20 calendar month. If the employee is scheduled to and
21 returns from such leave without pay after the fifteenth
22 (15th) day of the calendar month, the employee's coverage
23 toward which the County contributes will be effective on
24 the first day of the immediately succeeding calendar
25 month. (Example: Employee A's unpaid leave commences
26 July 1 and ends July 15. Employee A's coverage toward

1 which the County contributes does not lapse. Employee
2 B's unpaid leave commences July 1 and ends August 7.
3 Owing to the combination of subsection b. above and this
4 subsection, Employee B's coverage will not lapse.
5 Employee C's unpaid leave commences July 1 and terminates
6 August 16. Employee C's coverage toward which the County
7 contributes lapses July 31 and recommences September 1.)

8 d. Part-time Employees. Part-time employees,
9 i.e., those who are employed at least 20 but less than
10 32 hours a week, may receive full Medical and Dental
11 benefits upon payment of fifty percent (50%) of the
12 monthly premium by the employee to the County.
13 Employee-paid premium contributions toward the County's
14 medical and dental plans will be paid with pre-tax
15 dollars through payroll deduction according to guidelines
16 for premium conversion set forth in Internal Revenue
17 Code, Section 125. Part-time employees shall be eligible
18 for County-paid medical-hospital coverage and dental plan
19 on the first day of the month following appointment via
20 status change notice to full-time permanent employment.

21 e. Eligibility and Limitations. Effective
22 the execution date of this Agreement, medical or dental
23 coverage upon hire, termination or in connection with a
24 Leave of Absence Without Pay shall be the same as for
25 Local 88 employees.

1 f. Flexible Spending Accounts. To the extent
2 permitted by law, Flexible Spending Accounts (FSA), which
3 allow employees to pay for deductibles and unreimbursed
4 medical, dental, and vision expenses with pre-tax wages,
5 will be available according to the terms of the Multnomah
6 County Medical Expense Reimbursement Plan dated January
7 1, 1992.

8 g. Opt-Out: Cash in Lieu of Benefits.

9 (1) Employees who certify themselves as
10 covered under a non-County medical/vision plan may elect
11 to waive medical/vision benefits. Full-time employees
12 electing waiver will receive an amount equivalent to 33%
13 of the highest two-party medical/vision premium.
14 Part-time employees electing waiver will receive one-half
15 of 33% of the highest two-party medical/vision premium.
16 Employees may waive medical/vision coverage and still
17 elect County dental coverage if no other dental coverage
18 is available to them. Part-time employees retaining
19 dental coverage must pay 50% of the premium for such
20 coverage as required under Subsection d. above.

21 (2) If an employee who has waived County
22 coverage through "Opt out" loses his or her non-County
23 coverage, he or she may enroll in the County plan within
24 thirty (30) days of losing the non-County coverage
25 without waiting for Open Enrollment.

26 (3) Except as may be required to maintain
27

1 conformity with the Internal Revenue Code, the County and
2 its agents will administer the "Opt-out" plan described
3 in this Section (Subsection g.) solely in accordance with
4 the provisions of the draft plan document entitled
5 "Multnomah County, Oregon, Cafeteria Plan" dated February
6 21, 1992, which was provided to the Union in the course
7 of the bargaining process.

8 h. Successor Plan.

9 The County may change the above insurance
10 plans subject to the following terms and limitations:

11 (1) If the County chooses to change from
12 a plan which is still available, the County agrees to
13 provide to affected employees a substitute plan of the
14 same service delivery type at substantially the same or
15 better benefit level as assessed by the aggregate value
16 of benefits in the plan.

17 (2) If the County changes from a plan
18 because it is no longer available, the County agrees to
19 provide a substitute plan of the same service delivery
20 type, if available, at substantially the same or a better
21 benefit level as assessed by the aggregate of benefits in
22 the plan. If a plan is discontinued and no substitute
23 plan is available of the same service delivery type,
24 the employee will be offered the option to enroll in an
25 alternative service delivery plan subject to carrier
26 approval. If such enrollment is delayed, the employee

1 will be reimbursed for each month of missed coverage in
2 the amount of the monthly payment normally made to Kaiser
3 for the missed form of coverage.

4 7. Retirement.

5 a. Each eligible employee shall be a member
6 of the Oregon Public Employee Retirement System subject
7 to the terms and conditions of the Integration Agreement
8 between PERS and the County. The County shall cease to
9 "pick up" the employee contribution to PERS (6%) as
10 permitted by ORS 237.075 effective November 1, 1996.

11 To the extent allowable by law, effective
12 November 1, 1996, the required employee contribution of
13 6% of wages to PERS is deemed to be "picked up" by the
14 County for the limited purposes of Section 414(h)(2) of
15 the Internal Revenue Code and any related federal or
16 state tax policies. For other purposes, the contribution
17 shall be considered to have been made by the employee,
18 and payment of the 6% contribution by the employee
19 through payroll deduction is mandatory for each employee
20 who is a member of PERS. Employees do not have the
21 option of receiving the wage payment in cash and paying
22 the PERS contribution directly. The taxable wages of
23 employees on the W-2 form for federal and state income
24 tax purposes will not include the contribution to PERS.

25 b. For retirement purposes, sick leave in
26 application to final average salary under the terms of

1 ORS 237.153 shall be applied to members of this
2 bargaining unit.

3 c. Reinstitution of PERS Pick-Up.

4 The County may reinstate the PERS pick-up
5 which was eliminated by other provisions of this Article.
6 In such event, employees will be compensated at 94.3% of
7 the wage rate which would otherwise apply, rates and
8 ranges will be reduced by the same factor, and the
9 provisions of Section A. 3., as well as the portions of
10 Section B.7.a. effectuating elimination of the PERS
11 pick-up shall not apply.

12 d. Employees who retire from the County shall
13 be entitled to maintain their group medical insurance
14 benefits subject to timely payment of fifty percent (50%)
15 of the premium for such coverage until such time as the
16 person is eligible for Medicare, subject to the specific
17 terms and limitations of Ordinance 629 applying to exempt
18 employees or its successor.

19 8. Deferred Compensation. The County will make
20 available to members of the Association a deferred
21 compensation plan.

22 9. Life Insurance. The County agrees to provide
23 each employee covered by this Agreement with term life
24 insurance in the amount of twenty thousand dollars
25 (\$20,000). Retirees of Multnomah County with at least
26 ten (10) years of service with the Office of the District

1 Attorney (Multnomah County) will be provided with two
2 thousand dollars (\$2,000) term life insurance coverage
3 during the period of time they receive pension benefits.
4 Employees will designate their beneficiaries. Employees,
5 at their option, may purchase from the same life
6 insurance carrier supplemental term life insurance by
7 payroll deduction with premiums varying according to age
8 of the employee. Insured employees will be provided a
9 certificate evidencing such insurance.

10 10. MCPAA Association Activities. An Association
11 officer, negotiator, or any designated representative who
12 attends or performs necessary Association meetings or
13 activities during regular office hours which cannot be
14 performed at any other time shall not be required to
15 forfeit vacation time, sick pay, or personal holidays for
16 time so spent. Any person who utilizes office time in
17 such a manner shall be required to provide prior
18 notification to the Chief Deputy and, upon approval,
19 shall further be required to make up such work loss after
20 regular office hours. A written list of hours lost and
21 hours compensated shall be provided to the Chief Deputy
22 within two (2) weeks of the Association activity.

23 11. Bar Dues. In order to enhance recruitment, the
24 parties agree that the annual Bar Dues of all employees
25 in this bargaining unit as of the date of the annual bar
26 billing shall be employer-paid. Such payment is made in

1 recognition that:

2 a. Bar membership is a condition of
3 employment for all employees in the bargaining unit; and

4 b. Employees are prohibited by statute from
5 practicing law except as Deputy District Attorneys.

6 12. Mileage. Employees shall be reimbursed for
7 mileage in accordance with the same terms and limitations
8 as exempt employees.

9 13. Disability.

10 a. Short-Term. Any full-time or part-time
11 employee covered by this Agreement may participate
12 consistent with carrier contract(s) in the County's
13 short-term disability insurance program, the monthly
14 premium to be paid by the employee through payroll
15 deduction.

16 b. Long-Term. The County will provide
17 long-term disability insurance to all members of the
18 bargaining unit who are regularly scheduled to work at
19 least half-time. The coverage will be the same as
20 provided by the Standard Insurance Company in group
21 policy number 607217 dated November 23, 1989, which
22 applies to the Multnomah County Corrections Officers
23 Association.

24 14. Amendments in Process.

25 It is understood that certain Health and Welfare
26 issues referred to in a letter to the Association's

1 Attorney dated July 31, 1996, as well as certain
2 provisions for leave sharing in the event of catastrophic
3 illness, may be the subject of amendment for Local 88 and
4 other bargaining units. In such event, the terms and
5 conditions of the amendment with Local 88 shall apply to
6 this bargaining unit.

1
2 ARTICLE 8

3 ENTIRE AGREEMENT

4 The parties acknowledge that during the negotiations
5 which resulted in this Agreement each had the unlimited
6 right and opportunity to make demands and proposals with
7 respect to any subject or matter not removed by law from
8 the area of collective bargaining, and that the
9 understandings and agreements arrived at by the parties
10 after the exercise of that right and opportunity are set
11 forth in this Agreement. This Agreement constitutes the
12 sole and entire Agreement between the parties. Except as
13 specifically modified by or treated in this Agreement,
14 all policies, matters, questions and terms affecting unit
15 employees in their employment relationship with the
16 District Attorney's office shall be governed by Article 3
17 (Management Rights). The County and the Association for
18 the life of this Agreement each unqualifiedly waives the
19 right, and agrees that the other shall not be obliged to
20 bargain collectively with respect to any subject or
21 matter referred to or covered by this Agreement, even
22 though such subject or matter may not have been within
23 the knowledge or contemplation of either party or both
24 parties at the time that they negotiated and signed this
25 Agreement.

1
2 ARTICLE 9

3 SAVINGS CLAUSE AND FUNDING

4 1. Savings Clause. Should any Article, Section, or
5 portion thereof, of this Agreement be held unlawful and
6 unenforceable by any court of competent jurisdiction, or
7 any administrative agency having jurisdiction over the
8 subject matter, such decision shall apply only to the
9 specific Article, Section, or portion thereof directly
10 specified in the decision. Upon the issuance of any such
11 decision, the parties agree immediately to negotiate a
12 substitute, if possible, for the invalidated Article,
13 Section, or portion thereof. All other portions of this
14 Agreement, and the Agreement as a whole, shall continue
15 without interruption for the term hereof.

16 2. Funding. The parties recognize that revenue
17 needed to fund the compensation and benefits provided by
18 the Agreement must be approved annually by established
19 budget procedures. All such compensation and benefits
20 are, therefore, contingent upon sources of revenue and
21 annual budget certification by the Tax Supervising and
22 Conservation Commission. The County has no intention of
23 cutting the compensation and benefits specified in this
24 agreement because of budgetary limitations, but cannot
25 and does not guarantee any level of employment in the
26 bargaining unit covered by this Agreement.

1 The Board of County Commissioners agrees to
2 include in its annual budget amounts sufficient to fund
3 the compensation and benefits provided by this Agreement,
4 but makes no guarantee as to the certification of such
5 budget pursuant to established budget procedures under
6 Oregon law.

7 In the event of a delay in such certification,
8 the County will make every reasonable effort to correct
9 whatever budget deficiencies that exist, if any, in order
10 to obtain certification. Retroactive monetary adjustment
11 shall be made if any scheduled economic improvement is
12 delayed due to a delay in certification, unless otherwise
13 precluded by State or Federal law or administrative
14 regulation.

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ARTICLE 10

TERMINATION

This Agreement shall be effective as of July 1, 1996 unless otherwise provided herein, and shall remain in full force and effect until the 30th day of June, 2000, and shall be automatically renewed from year-to-year thereafter, unless either party shall notify the other in writing no later than January 1, 2000, that it wishes to modify the contract for any reason. The contract shall remain in full force and effect during the period of negotiations.

1 IN WITNESS WHEREOF, the parties hereto have set
2 their hands this 31st day of October, 1996.

3
4 MULTNOMAH COUNTY
DISTRICT ATTORNEY

5
6 Michael Scheinik

MULTNOMAH COUNTY, OREGON
BOARD OF COMMISSIONERS

7
8 [Signature]
Chair

9
10 MULTNOMAH COUNTY
PROSECUTING ATTORNEYS
ASSOCIATION

11 [Signature]
President

12 BY [Signature]
Commissioner

13 [Signature]
Vice-President

14 BY Sharon Kelley
Commissioner

15 [Signature]
Secretary-Treasurer

16 BY Dan Saltzman
Commissioner

17 By [Signature]
Commissioner

18 NEGOTIATED FOR THE COUNTY BY:

19 [Signature]
20 KENNETH UPTON
Labor Relations Manager
Multnomah County, Oregon

21 REVIEWED:

22 [Signature]
23 Laurence Kressel
24 County Counsel
25 Multnomah County, Oregon

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ADDENDUM A

Effective November 1, 1996

LEVELS	A	B	C	D	E	F	G	H
I	17.93	19.69	20.99	22.04	23.13			
II	20.99	22.04	23.13	24.28	25.52	26.78		
III	23.13	24.28	25.52	26.78	28.11	29.55	31.01	32.55
IV	26.78	28.11	29.55	31.01	32.58	34.28	35.99	37.81

Note: New rates are per Article 7, Section A.2.a.

Per Article 7, Section A.3., "Effective November 1, 1996, any employee who is not a PERS member shall be paid a rate of 94.3% of the base wage rate he or she would otherwise enjoy under the terms of this Agreement until such time as he or she becomes a PERS member."

1
2 ADDENDUM B

3 RESPONSIBILITY LEVELS

4 DEPUTY DISTRICT ATTORNEY I

5 This level includes newly hired deputies without substantial criminal
6 trial experience. Responsibilities include misdemeanor and traffic
7 case preparation, trial misdemeanor screening and issuing, traffic
8 case negotiation, beginning domestic relations, beginning juvenile
9 division, misdemeanor arraignments, presiding court, felony
10 arraignments, and felony preliminary hearings. Deputies proven
11 through time and experience may be assigned greater responsibilities
12 involving plea negotiation, special case assignments and may try more
13 difficult misdemeanor cases.

14 Guidance Range: 0 - 2 years.

15 DEPUTY DISTRICT ATTORNEY II

16 This level includes deputies newly assigned to Circuit Court
17 activity. Responsibilities are now focused on the screening,
18 issuing, and prosecuting of felonies. This level would include those
19 prosecuting primary Class C and Class B felonies, e.g., forgery,
20 theft, burglary, robbery II and III, UUV, PCS, etc. Also, included
21 would be subordinates in the Pretrial Unit, more senior domestic
22 relations and more senior juvenile deputies.

23 DEPUTY DISTRICT ATTORNEY III

24 This level includes senior deputies with juvenile court and Circuit
25 Court major case responsibilities. In addition to work assignments
26 at previous responsibility levels, deputies at this level may have
27 minimal administrative responsibilities but handle violent crimes
28 against persons, complex frauds, and governmental corruption.
Examples include rape, murder, assault I, automobile homicides,
robbery I, economic crimes involving unusual complexity or large
dollar amounts and any governmental corruption case.

29 DEPUTY DISTRICT ATTORNEY IV

30 This level includes deputies with major case responsibility and
31 administrative responsibility. This level includes team captains or
32 those with unique responsibilities, skills or knowledge as recognized
33 by the District Attorney.

MEETING DATE: OCT 31 1996

AGENDA NO: R-6

ESTIMATED START TIME: 9:50

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Uncollectable Personal Property Taxes

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: OCTOBER 31, 1996

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-5132 X2331

BLDG/ROOM #: 166/300/Collections

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Matter of cancellation of Uncollectable Personal Property Taxes for 1982/83 through 1995/96, in the amount of \$228,172.48.

These are taxes that have been delinquent for more than one year and have been determined to be uncollectable.

11/1/96 copies to KATHY TUNEBERG

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR
DEPARTMENT MANAGER *[Signature]*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 OCT 22 AM 9:20

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT

TO: BOARD OF COUNTY COMMISSIONERS
FROM: KATHY TUNEBOG
TODAY'S DATE: OCTOBER 16, 1996
REQUESTED PLACEMENT DATE: OCTOBER 31, 1996

RE: MATTER OF CANCELLATION OF UNCOLLECTIBLE PERSONAL PROPERTY TAXES FOR 1982/83 THROUGH 1995/96, IN THE AMOUNT OF \$228,172.48.

I. Recommendation/Action Requested:

REQUEST APPROVAL

II. Background/Analysis:

Attached is a list of personal property tax accounts determined to be uncollectible. We are either unable to collect the balance because of Federal Bankruptcy protection or our collection efforts have been exhausted and further effort would not be cost effective.

III. Financial Impact:

The accounts to be written off cover tax years from 1982/83 through 1995/96 and total \$228,172.48. Amounts written off are small portions of each particular year's total tax levy and have little fiscal impact on Multnomah County or other taxing districts.

IV. Legal Issues:

Cancellation of personal property taxes due to uncollectability is provided for in ORS 311.790.

V. Controversial Issues:

None known

VI. Link to Current County Policies:

N/A

VII. Citizen Participation:

None expected

VIII. Other Government Participation:

Other taxing districts are minimally affected and they know there are uncollectible taxes.

1996

WRITE OFF LIST

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TAX YEARS - DOLLARS

ACCOUNT NUMBER	CASE	82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	ACCOUNT TOTALS
P021493502	2233													\$127.39		\$127.39
P022755001	1280												\$376.83			\$376.83
P023058001	1234										\$303.38					\$303.38
P030085400	659								\$386.66	\$431.81	\$305.38					\$1,123.85
P030144500	314							\$1,368.67								\$1,368.67
P030144500	4603						\$5.70	\$1,368.67								\$1,374.37
P032656000	1847										\$459.97	\$450.29	\$405.56	\$305.11		\$1,620.93
P040698000	2746												\$64.15			\$64.15
P044294000	3287									\$1,094.93						\$1,094.93
P060500000	1614									\$513.73						\$513.73
P061428000	1132							\$253.01	\$413.04	\$370.22						\$1,036.27
P061741005	67								\$366.09							\$366.09
P062472500	2339									\$593.24						\$593.24
P063131401	2339									\$211.93						\$211.93
P064644750	295												\$82.22			\$82.22
P064686500	1960										\$140.48	\$96.84				\$237.32
P070474100	732												\$1,132.38	\$948.53		\$2,080.91
P080270031	3022							\$800.89								\$800.89
P080570000	1936													\$78.12		\$78.12
P080642804	1183								\$794.03	\$1,648.62						\$2,442.65
P080828018	295												\$89.45			\$89.45
P080828032	1908												\$209.42			\$209.42
P081317035	67									\$5,346.28	\$3,890.06		\$514.85	\$2,004.35		\$11,755.54
P090276248	2740												\$372.10			\$372.10
P091351740	2758							\$25.22								\$25.22
P104255001	840								\$459.94	\$458.60						\$918.54
P114016500	1084				\$182.35	\$691.61										\$873.96
P200092135	422									\$123.68	\$133.03	\$63.92	\$53.17	\$50.33		\$424.13
P200161055	2417												\$67.47	\$58.79	\$63.74	\$190.00
P062904000	163													\$275.91		\$275.91
P011811017	188													\$25.24		\$25.24
P012126016	1649									\$1,425.74	\$1,131.63					\$2,557.37
P013071500	1455												\$329.51			\$329.51
P021263005	3164							\$537.85	\$734.77							\$1,272.62
P021316000	1665												\$1,461.83			\$1,461.83
P021944550	2985							\$387.43	\$372.83							\$760.26
P030294000	552									\$1,207.66						\$1,207.66
P031026000	2268								\$785.29	\$791.60						\$1,576.89
P031616508	835								\$1,530.56							\$1,530.56
P031881500	3282												\$29.95			\$29.95
P032074500	2448								\$3,749.32	\$3,962.61	\$2,906.52					\$10,618.45

1996

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ACCOUNT NUMBER	CASE	TAX YEARS - DOLLARS														ACCOUNT TOTALS
		82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	
P032294000	1113						\$797.16	\$806.70								\$1,603.86
P032375000	1227								\$501.81							\$501.81
P032685000	1374							\$2,081.41								\$2,081.41
P032747100	2238											\$162.48	\$156.92			\$319.40
P032912055	3087											\$81.24				\$81.24
P041153000	2373											\$875.79	\$829.10	\$720.19		\$2,425.08
P041987675	21					\$1,144.80	\$1,226.40	\$134.08	\$142.91	\$144.01	\$115.53	\$102.85	\$94.84	\$478.63	\$375.73	\$3,959.78
P042610030	212													\$65.90		\$65.90
P044027000	469												\$762.36	\$668.96	\$173.22	\$1,604.54
P044806000	1467								\$1,026.89	\$934.78	\$680.07	\$529.18				\$3,170.92
P046021040	2474							\$344.48	\$368.22							\$712.70
P046038000	2238									\$752.85						\$752.85
P050049201	878						\$956.99									\$956.99
P050049905	2897								\$1,828.83	\$3,964.91	\$2,408.32					\$8,202.06
P050379000	3057								\$930.43	\$1,140.16	\$830.42	\$244.28				\$3,145.29
P051299000	2604						\$649.31	\$678.10								\$1,327.41
P052167470	4606									\$2,075.30						\$2,075.30
P053614000	4606									\$186.57						\$186.57
P053987500	2676										\$88.29					\$88.29
P054002300	2938										\$1,471.75					\$1,471.75
P060461000	3012									\$4,687.29	\$4,010.27					\$8,697.56
P060581000	2624							\$429.13	\$498.44	\$87.73						\$1,015.30
P060692000	2288					\$256.85	\$149.79	\$166.69	\$270.18	\$272.34	\$221.09	\$146.71				\$1,483.65
P060809006	2849								\$29.90							\$29.90
P060948450	2423										\$106.55					\$106.55
P061350000	3262					\$104.19										\$104.19
P061353000	2906								\$619.46							\$619.46
P061617500	922											\$70.39				\$70.39
P062134200	264							\$1,240.86	\$1,437.65							\$2,678.51
P062208500	3286											\$577.99				\$577.99
P063645110	3012								\$1,615.74							\$1,615.74
P064002000	877									\$600.68	\$821.51					\$1,422.19
P064502900	100										\$1,958.85	\$923.39	\$847.64	\$1,025.53		\$4,755.41
P064507501	1406													\$245.98		\$245.98
P064534000	2362							\$157.39	\$531.06	\$535.32	\$422.13					\$1,645.90
P070406500	1387								\$4,849.66							\$4,849.66
P070517301	2238										527.66					\$527.66
P080161000	692									\$989.22	\$788.82					\$1,778.04
P080404705	3230								\$651.11	\$648.79						\$1,299.90
P080687800	510					\$412.38	\$791.57	\$837.59								\$2,041.54
P080725040	1637						\$251.76	\$337.24	\$342.66	\$342.39	\$321.27	\$275.04	\$280.62	\$286.25		\$2,437.23

1996

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ACCOUNT NUMBERS	CASE	TAX YEARS - DOLLARS													ACCOUNT TOTALS	
		82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93	93/94	94/95		95/96
P080728101	1637						\$139.02	\$156.74								\$295.76
P080775025	2015								\$614.94	\$1,571.78						\$2,186.72
P080781345	2629					\$591.63	\$627.96	\$693.25								\$1,912.84
P080852000	2644								\$636.93							\$636.93
P090046001	2308					\$1,431.00										\$1,431.00
P090096700	2679								\$1,278.80							\$1,278.80
P090159953	811									\$2,093.37						\$2,093.37
P090229515	904								\$332.29	\$345.04	\$410.75	\$143.22	\$137.88			\$1,369.18
P090233500	2218							1521.62								\$1,521.62
P090889401	3090						\$614.45									\$614.45
P090945285	956								\$1,237.80							\$1,237.80
P090946110	1778								\$5.04							\$5.04
P090957900	2765										\$1,835.71					\$1,835.71
P091099615	1007									\$919.79						\$919.79
P091099616	1007								\$120.72	\$122.96						\$243.68
P091099620	1007								\$63.13	\$69.10						\$132.23
P091126520	2837											\$159.77				\$159.77
P091480901	839			\$310.11												\$310.11
P101600000	221										\$684.61	\$605.31	\$542.36			\$1,832.28
P105110210	3228					\$86.73										\$86.73
P110566600	1852										\$1,238.00					\$1,238.00
P136304200	677								\$331.99	\$514.89	\$393.64					\$1,240.52
P136304400	2274								\$1,074.98	\$2,829.14						\$3,904.12
P136304401	2274								\$61.70	\$202.03						\$263.73
P136304402	2274								\$128.12	\$89.98						\$218.10
P136304403	2274								\$64.87	\$105.26						\$170.13
P136304404	2274								\$112.52	\$46.60						\$159.12
P136304405	2274									\$43.56						\$43.56
P136304406	2274									\$50.25						\$50.25
P136304407	2274									\$42.63						\$42.63
P136304408	2274									\$52.45						\$52.45
P136306005	2834											\$5,312.41				\$5,312.41
P136379000	677								\$47.07							\$47.07
P136422600	677								\$31.85							\$31.85
P136520700	677								\$29.72							\$29.72
P136574500	677								\$32.20							\$32.20
P612500004	348						\$305.42									\$305.42
P612500009	348						\$1,106.84									\$1,106.84
P612500011	348						305.42									\$305.42
P612500028	348						\$305.42									\$305.42
U050600000	2594								\$2,065.41							\$2,065.41

1996

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10/17/96 13:33:22

TAX YEARS - DOLLARS

ACCOUNT NUMBERS	CASE	82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	ACCOUNT TOTALS
U901900000	639								\$1,977.26							\$1,977.26
P013423001	899											\$136.25				\$136.25
P020188000	2847											\$553.48	\$1,340.89			\$1,894.37
P020560000	2367						\$555.24	\$599.72	\$622.06							\$1,777.02
P020724304	682													\$18.61		\$18.61
P021664000	1587					\$233.45	\$367.92	\$384.26								\$985.63
P021666000	1587					\$8.99	\$173.73	\$181.23								\$363.95
P022454031	3201						\$370.40	\$386.87	\$400.41	\$416.73						\$1,574.41
P031588000	2378				\$266.80	\$343.44										\$610.24
P031835000	1508							\$528.94	\$548.29	\$569.82						\$1,647.05
P032654000	3302				\$213.75											\$213.75
P032778500	147				\$35.68											\$35.68
P032968008	2911			\$101.61	\$138.40	\$148.10										\$388.11
P040053029	2314									\$976.96	\$917.84					\$1,894.80
P040082500	1508						\$88.01	\$91.59								\$179.60
P042400800	1210												\$74.15			\$74.15
P044974000	1210	\$37.79		\$104.32	\$138.40	\$148.10	\$173.13	\$180.61	\$192.76	\$171.20	\$130.06					\$1,276.37
P045241500	707						\$466.24	\$486.90	\$520.42	\$467.39	\$340.41					\$2,281.36
P046011829	3154												\$188.17			\$188.17
P046038000	202						\$86.01									\$86.01
P051217909	3029									\$68.68						\$68.68
P053821000	2889							\$70.76								\$70.76
P054036900	1794						\$647.90	\$681.71								\$1,329.61
P060941001	2871							\$1,606.92								\$1,606.92
P061199900	1643													\$10.41		\$10.41
P062435300	2184											\$1,541.48				\$1,541.48
P062522000	400			\$31.60	\$125.56	\$148.10	\$158.30	\$165.14	\$192.76							\$821.46
P062783400	2468					\$1,024.71										\$1,024.71
P063155000	1877				\$1,067.20											\$1,067.20
P063598010	97				\$560.25											\$560.25
P063643600	2676									\$1,226.94						\$1,226.94
P063670000	1037							\$658.28	\$704.13	\$708.96						\$2,071.37
P063820000	1459								\$1,221.30							\$1,221.30
P063820000	1921											\$26.31				\$26.31
P064262000	2640								\$154.00	\$194.27	\$354.12	\$461.26	\$371.86			\$1,535.51
P064637500	704				\$61.36	\$230.69	\$260.63	\$272.13								\$824.81
P064701053	77					\$82.95										\$82.95
P070124990	1885									\$257.20	\$1,478.70	\$1,253.47				\$2,989.37
P070188400	2181								\$664.59	\$690.09						\$1,354.68
P0802258000	3318								\$83.67							\$83.67
P080266010	2549							\$41.67	\$136.02	\$204.45	\$104.47	\$126.56				\$613.17

1996

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10/17/96 13:33:22

TAX YEARS - DOLLARS

ACCOUNT NUMBER	CASE	82/83	83/84	84/85	85/86	86/87	87/88	88/89	89/90	90/91	91/92	92/93	93/94	94/95	95/96	ACCOUNT TOTALS
P080523500	2618				\$20.75											\$20.75
P080687500	521						\$526.50	\$537.44	\$611.95	\$584.35						\$2,260.24
P080692225	96									\$2,795.40	\$2,649.90	\$2,030.39				\$7,475.69
P080818500	846								\$337.39							\$337.39
P081231794	2700									\$387.52						\$387.52
P090098000	1331										\$187.04	\$248.00	\$224.35			\$659.39
P091503565	184							\$129.57								\$129.57
P091504700	846				\$218.98	\$257.70	\$292.00	\$296.04								\$1,064.72
P100480900	53				\$202.60	\$217.15										\$419.75
P101280100	1540							\$77.55								\$77.55
P107114000	161													\$6.03		\$6.03
P110310900	1351								\$103.67							\$103.67
P110361100	1896						\$237.28	\$258.17	\$265.83							\$761.28
P200066701	1180					\$132.83										\$132.83
P200125125	1491							\$88.00		\$111.41	\$80.89	\$78.25				\$358.55
P610200002	937								\$69.11							\$69.11
P610200003	937								\$19.60							\$19.60
P614800002	487									\$1,341.86	\$840.32					\$2,182.18
P653400003	1683									\$1,538.39						\$1,538.39
P688100001	2877				\$505.90		\$389.44									\$895.34
P688100002	2877						\$32.37									\$32.37
P788100000	2877					\$583.05										\$583.05
U050180000	916						\$8,756.60									\$8,756.60

WRITE OFF SUMMARY

10/17/96

13:36:41

TAX YEARS # of ACCTS. TOTAL DOLLARS

82/83	1	\$37.79
83/84		\$0.00
84/85	4	\$547.64
85/86	15	\$3,737.98
86/87	22	\$8,278.45
87/88	33	\$21,814.91
88/89	42	\$22,050.52
89/90	65	\$42,332.78
90/91	64	\$57,353.44
91/92	38	\$35,689.44
92/93	28	\$17,276.55
93/94	27	\$11,040.03
94/95	18	\$7,400.26
95/96	3	\$612.69

	# OF ACCOUNTS	DOLLARS
TOTALS	187	\$228,172.48
WRITE-OFF DUE TO BANKRUPTCY	10	\$15,134.27
PERCENT BANKRUPTCIES OF TOTAL \$		6.63%
WRITE-OFF DUE TO DISSOLUTION OF CORP	95	\$133,247.93
PERCENT CORPORATIONS OF TOTAL \$		58.40%

BUDGET MODIFICATION NO.

Health 1

(For Clerk's Use) Meeting Date OCT 31 1996

Agenda No. R-7

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

10/03/96

(Date)

DEPARTMENT Health

DIVISION Various

CONTACT Kathy Innes

TELEPHONE x7027

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

SUGGESTED

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

Adds \$62,714 to te Breast&Cervical Grant and \$68,222 in Family Support and Preservation funding from the State office of Services to Children&Families for a Child Abuse Coordinator adding \$2,057 to the General Fund. Exchanges a Medical Records Technician for an Office Assistant 2 in Primary Care.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet

The contract with the State Health Division provides for more Breast&Cervical cancer funds than was included in the Health Department budget for 96/97. Therefore, this modification increases the Breast&Cervical Cancer Grant budget. Also the inter-agency agreement between Multnomah County's Departments of Health and Children&Family Services is being increased due to increased Family Support and Preservation funding from the State Office of Services for Children&Families. These funds are being used to add a Child Abuse Coordinator in the Healh Department budget. The bud mod includes cutting an OA2 and adding a Medical Records Tech in North Portland Primary Care Clinic.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Breast&Cervical Cancer	\$62,714
State Off.Serv. Children&Fami	\$68,222

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 OCT 22 AM 11:32

4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

Fund Contingency before this modification (as of _____) \$ _____
Date _____
After this modification

Originated By <u>Kathleen Spruill</u>	Date <u>10/21/96</u>	Department Director <u>Billie Odgaard</u>	Date <u>10/21/96</u>
Plan/Budget Analyst <u>Wesley Byrnes</u>	Date <u>10/21/96</u>	Employee Services <u>S. Ayers</u>	Date <u>10-22-96</u>
Board Approval <u>Wesley Byrnes</u>	Date <u>10/31/96</u>		

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

Health 1

5. ANNUALIZED PERSONNEL CHANGES (Compute on a full-year basis even though this action affects only a part of year)

FTE Increase (Decrease)	POSITION TITLE			ANNUALIZED			TOTAL Increase (Decrease)
				BASE PAY Increase (Decrease)	Increase/(Decrease)		
					Fringe	Ins.	
0.13	9696	Health Services Specialist	0407	\$5,790	\$1,013	\$359	\$7,162
0.13	6018	Health Information Spec 2	0407	\$4,493	\$787	(\$1,092)	\$4,187
0.20	6001	Office Assistant II	0407	\$4,793	\$840	\$2,051	\$7,684
0.80	6001	Office Assistant II	0407	\$24,922	\$5,673	\$2,569	\$33,165
1.00	6018	HIS 2	0407	\$28,802	\$5,043	\$4,925	\$38,770
0.55	6315	Community Health Nurse	0407	\$24,976	\$4,373	\$1,101	\$30,450
1.00	9696	Health Services Specialist	0472	\$42,756	\$7,487	\$6,153	\$56,396
1.00	6321	Medical Records Tech	0735	\$28,293	\$4,916	\$4,920	\$38,129
-1.00	6001	Office Assistant 2	0735	(\$24,272)	(\$4,250)	(\$1,981)	(\$30,503)
3.81				\$140,553	\$25,881	\$19,005	\$185,439

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES (Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this BudMod.)

Permanent Positions, Temporary, Ov	JCN	Explanation of Change	Org	BASE PAY Inc/(decrease)	Increase/(Decrease)		TOTAL Inc/(decrease)
					Fringe	Ins.	
0.10	9696	Health Services Specialist	0407	\$4,454	\$779	\$276	\$5,509
0.10	6018	Health Information Spec 2	0407	\$3,456	\$605	(\$840)	\$3,221
0.15	6001	Office Assistant II	0407	\$3,687	\$646	\$1,578	\$5,911
0.60	6001	Office Assistant II	0407	\$14,747	\$2,582	\$2,569	\$19,898
1.00	6018	HIS 2	0407	\$28,802	\$5,043	\$4,925	\$38,770
0.55	6315	Community Health Nurse	0407	\$24,976	\$4,373	\$1,101	\$30,450
0.75	9696	Health Services Specialist	0472	\$32,067	\$5,615	\$5,749	\$43,431
-1.00	6001	Office Assistant 2	0735	(\$24,272)	(\$4,250)	(\$1,981)	(\$30,503)
1.00	6321	Medical Records Tech	0735	\$28,293	\$4,224	\$3,936	\$36,453
							\$0
3.25		TOTAL CURRENT FISCAL YEAR CHANGES		\$116,210	\$19,617	\$17,313	\$153,140



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
426 S.W. STARK STREET, 7TH FLOOR
PORTLAND, OREGON 97204-2394
(503) 248-3056
FAX (503) 248-3015
TDD (503) 248-3816

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Board of County Commissioners
FROM: *Belle* Odgaard
REQUESTED PLACEMENT DATE: Oct. 31, 1996
DATE: Oct. 21, 1996
SUBJECT: Budget Modification MCHD 1

I. Recommendation/Action Requested:

The Board of County Commissioners is requested to approve an increase in the Health Department budget. MCHD 1 increases the appropriation due to increases in 2 State grants totaling \$130,936. The Board is also requested to approve shifts within the current budget appropriations. An Office Assistant 2 is deleted from North Portland Clinic and a Medical Records Tech is added.

II. Background/Analysis:

The Breast&Cervical Cancer Grant for 96/97, received as part of the contract with the State Health Division, is more than was included at the time the 96/97 budget request was put together. This action adds 2.5 FTE to the program. This program provides funds for screenings. i.e., mammograms, Pap smears, and other women's health check screening services.

The Health Department has an interdepartmental contract with Children&Family Services that provides funds for Community Health Nurses in the Family Centers. The amount is being increased to provide funds for a Child Abuse Coordinator. The funding is provided by Family Support and Preservation Funding. This position is a cooperative effort between the Health Department, the Metro Branch of the State Office of Services to Children and Families, and the Department of Children&Family Services. The position will be responsible for the development, implementation, and maintenance of an integrated system of community based child welfare support.

III. Financial Impact:

The grants add \$2, 057 to the General Fund contingency due to changes in indirect.

IV. Legal Issues:

V. Controversial Issues:

Link to Current County Policies:

Mutnomah County benchmarks include:
Reduction of Domestic Abuse: Spousal, Child, and Elder
Improve Access to Health Care

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

This Child Abuse Coordinator position is a cooperative effort between the Health Department, the Metro Branch of the State Office of Services to Children and Families, and the Department of Children&Family Services.

(503) 731-4017
FAX (503) 731-4079
TDD-Nonvoice (503) 732-4031

Kathy

cc: Jeanne Gould
Liz Fosterman
Loren Nichols
Jan Sinclair
Jan Wallinder

Oregon

DATE: September 10, 1996
TO: Local Health Department Administrators/Grantees
FROM: Carol Allen *CA* Director
Office of Community Services
SUBJECT: FY 97 BUDGET REVISION #3

DEPARTMENT
HUMAN
RESOURCES
HEALTH DIVISION



Program Information for FY 97 Budget Revision #3 is listed below.

BREAST and CERVICAL CANCER SCREENING and EDUCATION:

Eight Indian health agencies will receive funding for Breast and Cervical Cancer Screening and Education. Funding for these grants reflects federal monies received from the Centers for Disease Control and Prevention. Grantees will receive a one-time lump sum payment for start-up costs once the Notice of Grant Award is signed and returned to the Oregon Health Division. The remainder of the Screening and/or Education grant funds will be prorated over the remaining fiscal year. A separate letter will be sent to each agency with more details regarding the Annual Health Plan/Grant Application process. Enclosed for new grantees are Breast & Cervical Cancer Program Assurances, as well as Common Program and Fiscal Assurances, Guidelines and Procedures with which grantees must agree to comply in order to receive funds from the Oregon Health Division. Questions concerning the Breast & Cervical Cancer program should be directed to Jane Moore (503) 731-4273 or Jan Daigle at (503) 731-3402.

HIV PROGRAM:

Client Services: Several agencies grants are being reduced to adjust regional allocations for administrative and funding level changes.

Prevention - Block: Jackson County will receive \$350 to support Miracle Theater performances in Medford.

Prevention - CBO Funding:

Benton County - \$3,574 to be awarded to Valley AIDS Information Network as the result of and in accordance with a state-wide competitive process. This is the second year of funding to cover the period October 1996 - June 1997, at 95% of the original award. \$357 may be kept at the county to cover monitoring responsibilities.

John A. Kitzhaber
Governor



800 NE Oregon Street #
Portland, OR 97232-21
(503) 731-4030 Emergen
(503) 252-7978 TDD)
Emergency

24-26 (Rev. 12-94)

State of Oregon
 OREGON HEALTH DIVISION
 Department of Human Resources
 NOTICE OF GRANT AWARD

1) Grantee Name: Multnomah Co. Community Health Street: 426 S. W. Stark St.-7th Floor City: Portland State: OR Zip Code: 97204	2) Issue Date September 6, 1996	This Action REVISION #3
	3) Award Period From July 1, 1996 Through June 30, 1997	

4) OSHD Funds Approved	Program Manager Approval	Previous Award	Increase/ (Decrease)	New Grant Award
Seroprevalence	2	78,873	0	X 78,873
TB Outreach/Prevention		101,979	X 0	X 101,979
Acute Viral Hepatitis		123,822	0	X 123,822
HIV Care Consortia	X 2625	289,228	(50,110)	X 239,118 (l)
School Based Clinic		101,650	0	X 101,650 (k)
AIDS Surveillance	2061	67,189	0	X 67,189
Seropositive Wellness	2370	128,946	0	X 128,946
Refugee TB	2054	35,232	0	X 35,232
HIV Block Grant - Prevention	2384	560,849	0	X 560,849
HIV Prevention / Gay & Bisexual Outreach	2381	133,687	0	X 133,687
Breast and Cervical Cancer - Screening		430,964	0	430,964 (j)
Breast and Cervical Cancer - Education		141,750	0	141,750 (j)

NO Seroprevalence

5) Remarks:
 The amounts cited in item 4 of this award are provisional and subject to adjustments when the FFY97 appropriation is enacted and Oregon receives its allocation. Any adjustments to these amounts will be reflected in subsequent grant awards.
 j) Actual amounts will depend upon federal funding and a reallocation process when the program becomes statewide.
 k) \$50,825 Jefferson; \$50,825 Grant
 l) Funding dependent on Title I Formula, Title I Supplemental, and title II fed. funding allocations.

6) Capital Outlay Requested in This Action
 Prior approval is required for Capital Outlay. Capital Outlay is defined as an expenditure for equipment with a purchase price in excess of \$2,500 and a life expectancy greater than one year.

PROGRAM	ITEM DESCRIPTION	COST	PROG. APPROV

INTERDEPARTMENTAL AGREEMENT
AMENDMENT #1
MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
AND
MULTNOMAH COUNTY HEALTH DEPARTMENT

DURATION OF AMENDMENT: July 1, 1996 TO: June 30, 1997

This amendment is to that certain contract dated July 1, 1996, between the Multnomah County Department of Community and Family Services and Multnomah County Health Department. It is understood by the parties that all conditions and agreements in the original contract not superseded by the language of this amendment are still in force and apply to this amendment.

PART I: CHANGES

Adds \$68,222 for 1 FTE Child Welfare Coordinator. Compensation shall be made on cost reimbursement basis payable upon receipt of expenditure reports outlining expenses to date. This position will be responsible for the development, implementation and maintenance of an integrated and coordinated system of community based child welfare support services.

PART II: AMENDMENT NARRATIVE

This amendment adds funding for a Child Welfare Coordinator to be located at the Health Department. This amendment is supported with Family Support and Preservation funding. This position is a cooperative effort between the Health Department, Metro Branch of the State Office of Services to Children and Families, and the Department of Community and Family Services.

In witness whereof, the parties hereto have caused this contract to be executed by their authorized officers.

Department of Community and Family Services

BY Lorenzo Paez 8/1/96
Director. Date

Health Department

BY Billi Odegaard 9/16/96
Director Date

INTERDEPARTMENTAL AGREEMENT

This Agreement is made and entered into as of the first day of July 1996, by and between the Multnomah County Department of Community and Family Services and the Multnomah County Health Department.

1. TERM OF THIS AGREEMENT

The term of this Agreement is from July 1, 1996 through June 30, 1997, unless sooner terminated by either or both parties.

2. SYSTEM OF SERVICES

The Multnomah County Health Department maintains a system of services that includes Community Health Nurse (CHN) services throughout the county. This Interdepartmental Agreement outlines the mutual support for Community Health Nurse services for two programs within the Health Department system of services. First, the Connections Program for Young Parents tracks all teen parents who deliver in Multnomah County and provides a Community Health Nurse intake assessment visit, at the point of delivery in all Multnomah county hospitals. Second, each of the Family Centers has a CHN that works on site; the CHNs work primarily with the Family Center's Parent Child Development Services staff. The nurse's responsibility includes visiting every family with a newborn in the Center's defined catchment area for CHN services, providing information about Family Center and Parent Child Development Services and service access and resource information.

The Health Department system of services includes at least 8.7 total Community Health Nurse FTE dedicated to these two projects.

3. COMPENSATION

The Department of Community and Family Services share of this agreement is \$201,603 to support the maintenance of this system. The Health Department share is the remaining amount required to maintain this system as outlined above. The Department of Community and Family Service funds are included in the Health Department budget.

4. WORKING AGREEMENTS

For the two systems outlined above, the following agreements apply:

- 1) The Health Department and the Family Center System will work together to develop working agreements with each Family Center site which specify expectations and agreements concerning the partnership between the CHN and the Center. Agreements will be developed and submitted to the Multnomah County Child, Youth and Family Programs.
- 2) The Health Department, Family Center staff, Parent Child Development Services staff, and the Department of Community and Family Services Contracts and Evaluation Unit staff will work together toward the ongoing implementation of process and outcome objectives for the Family Center and Parent Child Development Services Evaluation Plans.
- 3) The Health Department and the Department of Community and Family Services will work cooperatively to collect and utilize relevant data. Data collected will include, but not be limited to the following categories: unduplicated count of clients served; demographic information about those clients, including gender, age, race, family size and geographic location; numbers of hours and types of services provided; and the numbers of referrals made to Family Center/Parent Child Development services. These two Departments also agree to share data across Departments as necessary. In general, submission of data reports will be made on a quarterly basis, preferably no later than 30 days following the end of each quarter.

5. FUNDING SOURCE REQUIREMENTS

- a. All services shall be in compliance with applicable Federal, State, and local laws, rules, regulations, and procedures. Records shall be retained for a minimum of three years, per County and State requirements. The Health Department shall provide access to and make available records for monitoring and audit by the Department of Children and Families or other designated representative.
- b. For funds used by the Health Department which are contracted from other sources to the County, the Health Department agrees that it is bound by all applicable terms and provisions which bind County in those certain contracts, and that those terms and provisions will be passed on to any subcontractors.

SIGNED:

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

HEALTH DEPARTMENT

BY Lorenzo Poe, Jr.
 Lorenzo Poe, Jr.
 Director, Department of Community and Family Services

5/30/96
 Date

Billi Odegaard
 Billi Odegaard, Director
 Health Department

5/30/96
 Date

MEETING DATE: OCT 31 1996
AGENDA #: R-8
ESTIMATED START TIME: 9:55

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: PCRB Exemption to use the RFP process to select moving services for the Central Library Renovation Project

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: October 31, 1996

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DES DIVISION: Facilities Management

CONTACT: F. Hathaway/M.Harrington TELEPHONE #: 2651/4223
BLDG/ROOM #: _____

PERSON(S) MAKING PRESENTATION: F.Hathaway/M.Harrington

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request for Exemption to use the RFP Process to Select Moving Services for the Central Library Renovation Project

10/24/96 NOTICE & APPLICATION TO FRANNA HATHAWAY, MICHAEL HARRINGTON, DAVE BOYER & PCRB DISTRIBUTION LIST

11/1/96 NOTICE & ORDER TO FRANNA HATHAWAY, MICHAEL HARRINGTON, DAVE BOYER & SIGNATURES REQUIRED: PCRB DISTO LIST

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: *Paul Boyer*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
OCT 21 PM 3:21

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM:  Franna Hathaway, Purchasing Manager

TODAY'S DATE: October 21, 1996

REQUESTED PLACEMENT DATE: October 31, 1996

RE: Request for Exemption from the formal competitive bid process and approval to use the RFP process to select a moving service for the Central Library Renovation Project.

I. Recommendation/Action Requested: The Department of Environmental Services, Facilities Management Division has requested an exemption from the formal competitive bid process to select moving services for the Central Library Renovation Project through the use of the Request for Proposal (RFP) process.

II. Background/Analysis: In September of 1994 Multnomah County used the RFP process to select a moving company to move the contents of the Central Library to its temporary location. At that time moving services were price regulated and not subject to PCRB Rules so an exemption was not required. As of January, 1996 moving services are no longer price regulated and now come under the PCRB Rules.

Due to the complexities of moving 1.2 million volumes of books, the computer room and computer equipment which serves the entire library system it is in the County's best interest to use a selection process that takes into consideration additional criteria in making it contractor selection other than low bid.

III. Financial Impact: Facilities Management believes that using the RFP process to select the moving services contractor will save the County scheduling time and project funds.

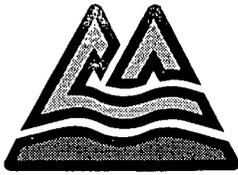
IV. Legal Issues: ORS 279.005 and PCRB Rule 10.085 both support the use of alternative selection methods when appropriate.

V. Controversial Issues: N/A

VI. Link to Current County Policies: Current County policies and procedures require a formal competitive bid process for contracts over \$25,000 except where exempted.

VII. Citizen Participation: N/A

VIII. Other Government Participation: N/A



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF FACILITIES AND
PROPERTY MANAGEMENT
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

COPY

Memorandum

To: Franna Hathaway

From: Michael T. Harrington *MTH* 

Date: October 18, 1996

Re: **Recommendation to use the RFP selection process to select moving services for the Central Library Renovation Project.**

BACKGROUND

Multnomah County Facilities and Property Management wishes to select a moving services company to move the Central Library book collection, computer room and computer equipment back to the renovated building. The move is scheduled for January 1997.

FINDINGS

In September of 1994 Multnomah County used the RFP process to select a moving company to move the contents of the Central Library to its temporary location. We used this process to select a mover because of the complexities of moving 1.2 million volumes of books, the computer Room, and computer equipment which serves the entire library system. An example of the planning necessary to complete this project are as follows; books are not just moved from one shelf location to another, they need to be moved to a staging area, then interfiled before they can go to their permanent self location. All area's of the building need to be protected from damage. This in itself is a logistic nightmare. Tables that need protection also need that protection removed in sequence so that computer equipment can be installed (attached is the Library Department requested move schedule). And the Computer room move is a project in itself. The difference between then and now is that the moving industry has been deregulated of price controls by the State of Oregon. Moving companies now fall under the PCRB rules.

CONCLUSIONS

Because of the complexity and scale of the moving project, and scheduling and planning that needs to be coordinated by the moving company, we are requesting that the RFP selection process be used to select a moving company. We believe by using this process it will save Multnomah County scheduling time and project funds.

Sheet1

Central Move Timeline

Date Required	Project Name	Sub-Proj. Name	Task Name	Who
3/3/97	Circ	Ens	Stop ens/telecirc	SH
3/3/97	Circ	Ens	Run ens reports	SH
3/4/97	Circ	Ens	Deinstall and pack Ens	BW
3/5/97	Circ	Ens	Install ens in Com Cab	Asist
3/5/97	Circ	Ens	Bring up ens and telecirc	BW
1/1/97	Circ	Selfcko	Order selfcheckout units	BW
2/15/97	Circ	Selfcko	Install Self checkout units	Asist
3/11/97	Circ	Selfcko	Test Self checkout units	Asist
1/15/97	Circ	Telxons	Borrow/rent additional Telxons	BW
2/1/97	Circ	Telxons	Review telxon process w/TY and Asist	BW
2/26/97	Circ	Telxons	Distribute telxons and Docs	Asist
3/5/97	Circ	Telxons	Dump telxons	Circ
3/6/97	Circ	Telxons	Run exception reports	BW
3/7/97	Circ	Telxons	Collect telxons	Asist
3/8/97	Circ	Telxons	Return telxons	Asist
2/9/97	Circ		Adjust Holds queue	SH
3/1/97	Circ		Change where branches point to	SH
3/2/97	Circ		Deinstall Terminal Servers	Asist
3/3/97	Circ		Run overdues	SH
3/4/97	Circ		Move Terminal Servers	Asist
3/4/97	Circ		Program Terminal Servers	Asist
3/5/97	Circ		Start TAP	SH
3/5/97	Circ		Enter New reg info	Circ
3/7/97	Circ		Install terminal servers	Asist
3/11/97	Circ		Install New Circ Terminals/scanners/printers	Asist
3/11/97	Circ		Change nail ports for central	SH
1/1/97	CR	CDnet	Order new Cdnet servers/drives	BW
2/15/97	CR	CDnet	Install New cdnet2	Asist
3/1/97	CR	CDnet	Bring up CDnet2	Asist
3/1/97	CR	CDnet	Old CDnet down	Asist
3/15/97	CR	CDnet	Pack CDNet	Asist
11/1/96	CR	Com Cab	Design Com cabinets	BW
11/15/96	CR	Com Cab	Order com cabinets	BW
1/1/97	CR	Com Cab	Install com cabinets	Asist
10/21/96	CR	Dyna	Order HP move from Dynix	BW
3/1/97	CR	Dyna	Set up service/socket for cenpac	BW
3/2/97	CR	Dyna	DEP before move	SH
3/3/97	CR	Dyna	Complete backups	BW
3/3/97	CR	Dyna	Dialup to dyna turned off	BW
3/4/97	CR	Dyna	Dyna Down	BW
3/4/97	CR	Dyna	Move HP	Dynix

Sheet1

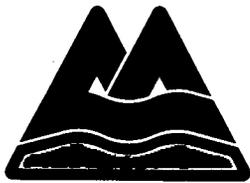
3/5/97 CR	Dyna	Bring up Dyna	Dynix
3/5/97 CR	Dyna	Test Dyna	Dynix
3/6/97 CR	Nethost	Nethost Down	BW
3/7/97 CR	Nethost	Move Nethost and Pub to Central	BW
3/7/97 CR	Nethost	Bring up nethost	BW
3/7/97 CR	Nethost	Email up	BW
3/6/97 CR	Pub	Pub Down	BW
3/7/97 CR	Pub	Bring up Pub	BW
1/1/97 CR	S. Serv	Order New Staff Server	BW
2/15/97 CR	S. Serv	Install New Staff Server	Asist
11/1/96 CR	UPS	Order UPS	BW
12/15/96 CR	UPS	Install UPS	MH
3/6/97 CR	UPS	UPS offline	BW
3/15/97 CR	UPS	Deinstall old UPS at TC	MH
3/15/97 CR	UPS	Discard UPS batteries	MH
10/3/96 CR		Draft CR floorplan	BW
10/21/96 CR		Get Central budget for Mike	BW
11/15/96 CR		Review Cabling	BW
12/15/96 CR		Order new public modems	BW
12/15/96 CR		Inventory/Make long cables as needed for cr devices	Vol
12/17/96 CR		Power and AC ready at Central	BW
2/1/97 CR		Install New public modems	Asist
3/7/97 CR		DNS up	BW
3/15/97 CR		Set up desks	All
3/20/97 CR		Port Doc Update	Asist
12/1/97 CR		Order Tables if needed for CR	BW
12/15/96 Move		Get keys to new CR/building	BW
2/26/97 Move		Pack all desks/bookcases	Asist
3/1/97 Move		Organize volunteers for pc packing	Asist
4/7/97 Move		Day of rest	BW
10/12/95 Net		Confirm Router design w/ cisco	BW
10/10/96 Net		Send questions to Optec	BW
10/15/96 Net		Order New Routers	BW
10/15/96 Net		Meet w/ Optec	BW
11/1/96 Net		Spec switch and purchase	BW
11/1/96 Net		Spec Hubs and purchase	BW
11/1/96 Net		Contract for net services	BW
1/1/97 Net		Program routers	Net
1/1/97 Net		Program Hubs	Net
1/7/97 Net		Install Hubs in closets/ Com Cabs	Net
1/7/97 Net		Install switches in closets/ Com Cabs	Net
1/15/97 Net		Test new network	Net
3/1/97 Net		Unplug hubs/terminal servers and pack	Asist
3/1/97 Net		Pack up Hubs in the TC closets	Asist
3/1/97 Net		Take out all station and patch cables	Vol
3/15/97 Pacs		Move Wyse 30's to storage at Branches	Asist

Sheet1

3/15/97	Pacs		Uninstall Wyse 30's at TC	Staff
11/15/96	FC	ADA	Test new ADA machines	Asist
12/1/96	FC	ADA	Order new ADA machines	BW
1/1/97	FC	ADA	Install New ADA machines	Asist
10/10/96	FC	Public	Determine location of Public PC's	BW
10/13/96	FC	Public	RFP for Public PC's	BW
11/1/96	FC	Public	Order Public PC's	BW
11/15/96	FC	Public	Order CD Changers for SA units	BW
11/15/96	FC	Public	Order SA Units	BW
12/15/96	FC	Public	Finish Public interface	Asist
1/1/97	FC	Public	Install new Public PC's	Vendor
1/10/97	FC	Public	Install IP's on Public PC's	Asist
1/15/97	FC	Public	Take some monitors off/store	Asist
2/15/97	FC	Public	Hire extra installers	BW
3/15/97	FC	Public	Put all Public monitors on and test PC's	Asist
1/15/96	FC	Staff	Install New Staff PC's	Vendor
11/15/96	FC	Staff	Order New Staff PC's	BW
2/1/97	FC	Staff	Designate which pc's to where	Asist
2/15/97	FC	Staff	Prep terminals and PC's for move	BW
2/15/97	FC	Staff	Install IP's and Soft on new Staff PC's	Asist
2/19/97	FC	Staff	Label PC's to move	Asist
2/26/97	FC	Staff	Back up old staff pc's	Vol
3/1/97	FC	Staff	Assign new IP's to old staff PC's	Asist
3/1/97	FC	Staff	Take files off of dying PC's	Vol
3/11/97	FC	Staff	Move old staff PC's to Central	Mover
3/15/97	FC	Staff	Install old staff PC's at Central	Asist
3/18/97	FC	Staff	Move old staff PC's to Branches	Library
3/18/97	FC	Staff	Move old staff PC's to Disposal	Library
1/1/97	FC	Train	Order Training room PC's	BW
2/15/97	FC	Train	Set up training room	Asist
10/3/96	Phones		Order Frame Relay Line for Central	BW
10/15/96	Phones		Get US WEST and Mel a complete list of lines	BW
12/15/96	Phones		Frame relay installed	BW
1/1/97	Phones		Order new dialup lines	BW
1/1/97	Phones		Work out how ens and telecirc lines move	BW
2/1/97	Phones		Order dialup lines changed	BW
2/1/97	Phones		Order NWNNet line changed	BW
2/15/97	Phones		Order staff lines changed	BW
2/15/97	Phones		new public lines installed	Phone
2/15/97	Phones		Contact wln and oclc about the move	BW
2/16/97	Phones		Test new public lines	Asist
2/20/97	Phones		Move ens and telecirc lines	MH
3/4/97	Phones		Phone lines Installed on rack	MH
10/1/96	Plan		Floor plan notes on machines	BW
10/1/96	Plan		Notify Dynix of Move	BW
10/15/96	Plan		Meet with Bay nets	BW

Sheet1

10/20/96 Plan	Make PC database for all locations	BW
10/20/96 Plan	Review storage / cabinet / bookcase requirements	BW
10/23/96 Plan	Schedule Tasks	BW
12/15/96 Plan	Assign IP's to new PC's	BW
11/1/96 FR	Appoint PR person	BW
2/1/97 FR	Check on terminal down signs for branches	FR
2/1/97 FR	BB messages of downtime	FR
2/15/97 FR	Gopher news on move	BW
2/15/97 FR	Make sure lasercat is ready	FR
2/15/97 FR	Note on lasercat to staff	FR
3/1/97 FR	Give NWNNet the downtime	FR
3/1/97 FR	Contact Portals about downtime	FR
3/1/97 FR	Notify Portals of access	FR
3/15/97 FR	Call branches with uptime	Asist
4/1/97 FR	BB messages of uptime	FR



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN •	CHAIR	• 248-3308
DAN SALTZMAN •	DISTRICT 1	• 248-5220
GARY HANSEN •	DISTRICT 2	• 248-5219
TANYA COLLIER •	DISTRICT 3	• 248-5217
SHARRON KELLEY •	DISTRICT 4	• 248-5213
CLERK'S OFFICE •	248-3277	• 248-5222

NOTICE OF HEARING

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, will consider an application on Thursday, October 31, 1996, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, in the matter of exempting from the competitive bid process the selection of a moving service through the request for proposal process.

A copy of the application is attached.

For additional information, please contact Franna Hathaway, Multnomah County Purchasing Section, 248-5111.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD

Deborah L. Bogstad
Office of the Board Clerk

enclosure

cc: Dave Boyer
Franna Hathaway
Michael Harrington

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of exempting from the)
competitive bid process the selection) APPLICATION
of a moving service through the Request)
for Proposal Process)

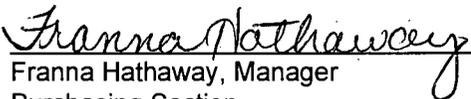
Application to the Public Contract Review Board on behalf of a request from the Department of Environmental Services, Facilities Management Division, is hereby made pursuant to the Board's Administrative Rule AR 10.085 and AR 10.140 adopted under the provisions of ORS279.015 for an order exempting a contract for a Moving Services contractor for the Central Library Renovation Project from competitive bidding. A Request for Proposal process shall be used for the selection of this contractor.

This exemption request is due to the following:

The Library has 1.2 million volumes of books that must be moved and replaced in a specific order. Books need to be moved to a staging area then interfiled before they can go to their permanent shelf location.

All areas of the building need protection from damage, for example, tables that need protection also need that protection moved in sequence so that computer equipment can be installed.

Purchasing recommends approval of this exemption as it is not likely to encourage favoritism or diminish competition since competition will still be sought through the RFP process.


Franna Hathaway, Manager
Purchasing Section



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 S.W. FIFTH AVENUE
PORTLAND, OREGON 97204
FAX (503) 248-5262

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR • 248-3308
DAN SALTZMAN • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
TANYA COLLIER • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277 • 248-5222

NOTICE OF APPROVAL

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, considered an application on Thursday, October 31, 1996, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, and approved Order 96-195 in the Matter of Exempting from the Competitive Bid Process the Selection of a Moving Service through the Request for Proposal Process.

A copy of the Order is attached.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD

Deborah L. Bogstad
Office of the Board Clerk

enclosure

cc: Dave Boyer
Franna Hathaway
Michael Harrington

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of exempting from the)
competitive bid process the selection)
of a moving service through the Request)
for Proposal Process)

O R D E R
96-195

The above entitled matter is before the Board of County Commissioners, acting in its capacity as the Multnomah County Public Contract Review Board, to review, pursuant to ORS 279.015 and PCRB Rule 10.085 and 10.140, an exemption to the competitive bid process for the selection of a Moving Service for the Central Library Renovation Project through the use of the Request for Proposal Process.

It appearing to the board that the request for exemption, as it appears in the order, is based upon the fact that due to the complexity of moving 1.2 million books computer equipment, etc. it is in the County's best interest to use a selection process that takes into consideration additional criteria in making the contractor selection other than low bid.

It appears to the Board that this exemption request is in accord with the requirements of ORS 279.015 and PCRB Rule 10.085 and 10.140; now therefore,

IT IS ORDERED that the selection of a Moving Services contractor for the Central Library Renovation Project be exempt from competitive bidding and that the RFP process be used for contractor selection.

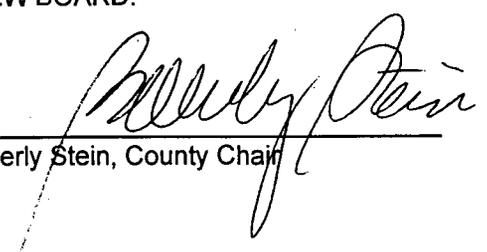
Dated the 31st day of October, 1996

REVIEWED



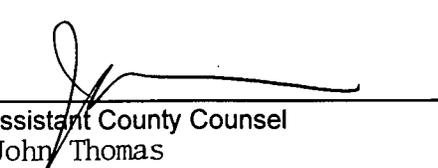
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD:

By


Beverly Stein, County Chair

LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

By


Assistant County Counsel
John Thomas

MEETING DATE: OCT 31 1996
AGENDA #: R-9
ESTIMATED START TIME: 10:00 am

(Above Space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: IGA BETWEEN OREGON DEPT OF TRANSPORTATION AND THE
SHERIFF'S OFFICE

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: OCTOBER ²⁴ 1996
AMOUNT OF TIME NEEDED: 10 MINUTES

DEPARTMENT: SHERIFF'S OFFICE DIVISION: ENFORCEMENT

CONTACT: LARRY AAB TELEPHONE #: 251-2489
BLDG/ROOM #: 313/228

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

INTERGOVERNMENTAL AGREEMENT BETWEEN OREGON DEPARTMENT OF
TRANSPORTATION AND THE SHERIFF'S OFFICE, CONTRACT #800757,
PROVIDE CERTAIN LAW ENFORCEMENT SERVICES FOR THE WORK ZONE
ENFORCEMENT PROJECT

11/1/96 ORIGINALS to LARRY AAB

BOARD OF
COUNTY COMMISSIONERS
96 OCT 23 PM 2:32
MELNOMAH COUNTY
OREGON

** please schedule Budmod
with this contract.*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
OR

DEPARTMENT MANAGER: *Mel Hedeguth* 10/14/96

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
ANY QUESTIONS: CALL THE OFFICE OF THE BOARD CLERK 248-3277

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SHERIFF DAN NOELLE

TODAY'S DATE: October 10, 1996

REQUESTED PLACEMENT DATE: October ²⁴~~12~~, 1996

RE: Intergovernmental agreement between the Oregon Department of Transportation, and MCSO.

- I. Recommendation/Action Requested: Approve the IGA.
- II. Background/Analysis: ODOT is requesting MCSO to provide enhanced patrol services at the current highway construction project on I-84, in east Multnomah County. ODOT desires to decrease the number of injuries and deaths of highway construction workers that are being struck by motorists driving unsafely. Much of the construction involved is "under traffic" with exposed workers. This enhanced patrol is to increase worker safety in that construction zone.
- III. Financial Impact: This IGA will provide a revenue increase. The specifics are included in the attached Budget Modification request.
- IV. Legal Issues: None foreseen. ODOT has certified that funds are authorized and available to meet their financial obligation.
- V. Controversial Issues: N/A
- VI. Link to Current County Policies: N/A
- VII. Citizen Participation: N/A
- VIII. Other Government Participation: None, other than ODOT.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Contract # **800757**

Prior-Approved Contract Boilerplate: Attached: Not Attached:

Amendment # _____

<p style="text-align: center;">CLASS I</p> <input type="checkbox"/> Professional Services under \$25,000 <input type="checkbox"/> Intergovernmental Agreement under \$25,000	<p style="text-align: center;">CLASS II</p> <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCR B Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<p style="text-align: center;">CLASS III</p> <input checked="" type="checkbox"/> Intergovernmental Agreement over \$25,000 <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p style="text-align: center;">AGENDA # <u>R-9</u> DATE <u>10/31/96</u> <u>DEB BOGSTAD</u> BOARD CLERK</p>
--	--	---

Department: SHERIFF'S OFFICE Division: ENFORCEMENT Date: OCTOBER 1, 1996

Contract Originator: SGT. DAVE HADLEY Phone: 661-6377 Bldg/Room: _____

Administrative Contact: LARRY AAB Phone: 251-2489 Bldg/Room: 313/228

Description of Contract: PROVIDE CERTAIN LAW ENFORCEMENT SERVICES FOR THE WORK ZONE ENFORCEMENT PROJECT

BID #: _____ Date of RFP/BID: _____ Exemption Expiration Date: _____

ORS/AR #: _____ Contractor is MBE WBE QRF

<p>Contractor Name: <u>OREGON DEPT OF TRANSPORTATION</u> <u>999 NW FRONTAGE RD #280</u> <u>TROUTDALE, OR 97060</u></p> <p>Phone: <u>667-8834</u> Attn: <u>Kevin Bracy</u></p> <p>Employer ID# or SS#: _____</p> <p>Effective Date: <u>Upon Execution</u></p> <p>Termination Date: <u>JUNE 30, 1997</u></p> <p>Original Contract Amount: \$ <u>not to exceed \$58,871</u></p> <p>Total Amt of Previous Amendments: \$ _____</p> <p>Amount of Amendment: \$ _____</p> <p>Total Amount of Agreement: \$ _____</p>	<p>Remittance Address (if different): _____</p> <p>Payment Schedule Terms</p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30</p> <p><input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Requirements contract - Requisition Required</p> <p>Purchase Order No. _____</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
--	--

REQUIRED SIGNATURES:

Department Manager: *[Signature]*

Date: 10-14-96

Purchasing Manager: _____
 (Class II Contracts Only)

Date: _____

County Counsel: *[Signature]*

Date: October 23, 1996

County Chair/Sheriff: *[Signature]*

Date: 10/18/96

Contract Administration: _____
 (Class I, Class II Contracts Only)

Date: _____

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT REV SRC	SUB ORG	REPT CATEG	LGFS DESCRIP	AMOUNT	IN CE EC
01	1510	025	3312			2617					
02											
03											

If additional space is needed, attach separate page. Write contract number on top of page.

DISTRIBUTION: Original Signatures - Contract Administration, Initiator, Finance

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "ODOT", and Multnomah County Sheriff's Office.

MULTNOMAH COUNTY SHERIFF'S OFFICE OBLIGATIONS

1. MULTNOMAH COUNTY SHERIFF'S OFFICE shall perform the work described on Exhibit A, attached hereto and thereby made a part of this agreement. The agreement will become effective when signed by all parties and terminates no later than June 30, 1997.
2. MULTNOMAH COUNTY SHERIFF'S OFFICE agrees to fund any costs not covered by federal participation. For the purposes of this agreement, ODOT will reimburse MULTNOMAH COUNTY SHERIFF'S OFFICE for eligible costs of each project at the federal participating rate of 89.73 percent of hours worked.
3. MULTNOMAH COUNTY SHERIFF'S OFFICE shall present properly certified bills for 100 percent of actual costs incurred on behalf of the project(s) directly to ODOT's Project Manager for review and approval. Billings shall be presented for periods of not less than one month duration, based on actual expenses to date. ODOT's obligations shall not exceed \$58,871.
4. Cost records and accounts pertaining to the work covered by this agreement shall be kept available for inspection by representatives of ODOT for a period of three years following date of final payment. Copies of such records shall be made available upon request.
5. MULTNOMAH COUNTY SHERIFF'S OFFICE shall not enter into any subcontracts for any of the work scheduled under this agreement without obtaining prior written approval from ODOT.
6. MULTNOMAH COUNTY SHERIFF'S OFFICE shall not be compensated for work performed under this agreement from any other agency of the State of Oregon or the federal government.
7. MULTNOMAH COUNTY SHERIFF'S OFFICE agrees to comply with all federal, state, and local laws and ordinances applicable to the work under this agreement. MULTNOMAH COUNTY SHERIFF'S OFFICE agrees that the provisions of ORS 279.312, 279.314, 279.320, and 279.555 shall apply to and govern the performance of this agreement.
8. MULTNOMAH COUNTY SHERIFF'S OFFICE agrees to comply with all applicable requirements of federal and state civil rights and rehabilitation statutes, rules, and regulation. MULTNOMAH COUNTY SHERIFF'S OFFICE also shall comply with

the Americans with Disabilities Act of 1990 (Pub L No. 101-366) including Title II of that Act, ORS 659.425, and all regulations and administrative rules established pursuant to those laws.

9. MULTNOMAH COUNTY SHERIFF'S OFFICE shall be responsible for all costs and expenses related to its employment of individuals to perform the work under this agreement, including but not limited to PERS contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.

10. Multnomah County Sheriff's Office Project Coordinator for this agreement is Dave Hadley, telephone 661-6377.

ODOT OBLIGATIONS

1. In consideration for the services performed, ODOT agrees to reimburse MULTNOMAH COUNTY SHERIFF'S OFFICE up to a maximum of \$58,871. MULTNOMAH COUNTY SHERIFF'S OFFICE expenses shall be reimbursed at a rate of \$34.63 per hour of enforcement patrol.
2. ODOT's field project coordinator for this project is Kevin Bracy.
Phone: 667-8834.
3. ODOT certifies, at the time this agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this agreement within ODOT's current 1995 to 1997 Work Zone Enforcement Biennium.
4. ODOT may evaluate the project during its course. Evaluation measures *may* include, but are not limited to, selective speed monitoring, and anecdotal information received from project manager offices, enforcement personnel and contractor personnel about the effectiveness of enforcement in roadway work zones.

GENERAL PROVISIONS

1. MULTNOMAH COUNTY SHERIFF'S OFFICE, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Worker's Compensation Law and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers.
2. The parties hereto agree that if any term or provision of this agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be constructed and enforced as if the agreement did not contain the particular term or provision held to be invalid.
3. This agreement may be terminated by mutual consent of both parties, or by either party upon 30 days' notice, in writing and delivered by certified mail or in person.

ODOT may terminate this agreement effective upon delivery of written notice to MULTNOMAH COUNTY SHERIFF'S OFFICE, or at such later date as may be established by ODOT, under any of the following conditions, but not limited to these conditions.

a. If MULTNOMAH COUNTY SHERIFF'S OFFICE fails to provide services called for by this agreement within the time specified herein or any extension thereof.

b. If MULTNOMAH COUNTY SHERIFF'S OFFICE fails to perform any of the other provisions of this agreement, or so fails to pursue the work as to endanger performance of this agreement in accordance with its terms, and after receipt of written notice from ODOT fails to correct such failures within 10 days or such longer period as ODOT may authorize.

4. ODOT, MULTNOMAH COUNTY SHERIFF'S OFFICE, the Secretary of State's Office of the State of Oregon, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of MULTNOMAH COUNTY SHERIFF'S OFFICE and ODOT which are directly pertinent to the specific agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. Payment for cost of copies is reimbursable by ODOT.

Multnomah County
Sheriff's Office


Dan Noelle, Sheriff

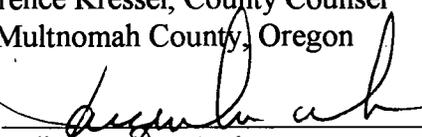
Date: 10/18/96

Oregon Department
of Transportation


Kevin Bracy, Work Zone Coordinator

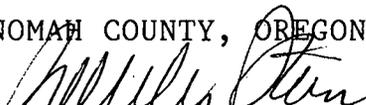
Date: 9-26-96

Reviewed:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By: 
Jacqueline Weber, Assistant
County Counsel

Date: October 23, 1996

MULTNOMAH COUNTY, OREGON

By: 
Beverly Stein, Chair

Date: October 31, 1996

**APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS**
AGENDA # R-9 DATE 10/31/96
DER BOGSTAD
BOARD CLERK

EXHIBIT A

WORK ZONE ENFORCEMENT PROJECT

WORK PLAN

Problem Statement

In recent years there has been an increase in traffic deaths and injuries in roadway work zones. The rise may be seen as a result of the shift from building "new" facilities to rehabilitation, restoration, and reconstruction of existing facilities. Since most of today's work is done "under traffic", risk exposure has increased for both drivers and construction workers.

Oregon Work Zones:

	Fatalities*	Accidents**	Construction \$\$***	% Change in \$\$
1985	3	N/A	\$149.7 million	Not available
1986	12	340	155.2 million	+11%
1987	12	279	158.9 million	- 4%
1988	11	358	240.8 million	+52%
1989	16	388	230.6 million	- 4%
1990	11	341	283.3 million	+23%
1991	12	237	209.5 million	-26%
1992	6	238	195.1 million	- 7%
1993	11	384	278.0 million	+42%
1994	20	340	280.0 million	+ 1%
1995	3	N/A	300.0 million (est)	+ 7%
To Date:	117	2905		

In Oregon from 1985 through December 31, 1995, there were 117 traffic related deaths in construction, maintenance and utility work zones.

Objectives

- Increase driver attentiveness -
- Reduce traffic related deaths and injuries in roadway work zones by reducing average speeds through these zones
- Provide information to local media sources to evaluate effectiveness through speed studies and review of accident data and informational crew surveys.

Reimbursable work zone enforcement activities shall include:

- Patrols one mile before and after work sites as agreed to by local ODOT and MULTNOMAH COUNTY SHERIFF'S OFFICE personnel.
- Traffic stops resulting from above patrols.
- Response to accidents, obstructions, incidents, or disabled vehicles that adversely affect traffic through the work zone.
- Administrative time spent in MULTNOMAH COUNTY SHERIFF'S OFFICE DEPARTMENT offices and General Headquarters in relation to the project.

Activities eligible for reimbursement include, but are not limited to:

- Supervisory documentation of hours and activities
- Enforcement consultation with ODOT personnel
- Scheduling and coordinating enforcement patrols
- Coordination of public safety announcements with news media
- Additional eligible activities may be included by agreement between ODOT and MULTNOMAH COUNTY SHERIFF'S OFFICE Enforcement Project Coordinators.
- Administrative costs shall not exceed ten percent of total costs.

Non-reimbursable work zone enforcement activities shall include

- Enforcement at work sites not approved by ODOT.
- Time spent on unrelated service calls.

Responsibilities

Project responsibilities have been divided into two sections: ODOT Project Coordinator and MULTNOMAH COUNTY SHERIFF'S OFFICE DEPARTMENT.

ODOT

- Track total project expenditures
- Revise project scope as necessary
- Work with statewide press regarding overall project
- Coordinate individual project work schedule with MULTNOMAH COUNTY SHERIFF'S OFFICE DEPARTMENT
- Monitor projects for adherence to guidelines.
- Authorize payment to MULTNOMAH COUNTY SHERIFF'S OFFICE.
- Assist as requested on evaluation.
- Encourage notation of presence of patrols on Daily Progress Report or similar log when possible.

MULTNOMAH COUNTY SHERIFF'S OFFICE

- Provide for staffing per agreed enforcement plan
- Provide information to local media as necessary
- Maintain project files for audit purposes
- Provide uniformed officer in patrol vehicle
- Submit monthly billing for enforcement hours to ODOT Project Coordinator for approval.
- Assist in evaluation as necessary
- Operate according to project guidelines
- Contact ODOT personnel on project whenever possible to alert to presence of patrols

BUDGET MODIFICATION NO.

MCSO #1

(For Clerk's Use) Meeting Date OCT 31 1996

Agenda No. R-10

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT Sheriff's Office

DIVISION _____

CONTACT Larry Aab

TELEPHONE 251-2489

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

SUGGESTED

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

Budget modification requesting authorization to add \$58,871 to the Federal/State DUII budget to reflect new funding from the Oregon Department of Transportation.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet

This modification will add \$58,871 in overtime and indirect to the DUII Unit budget in the Federal/State Fund. Funds will be used for enhanced DUII patrols. Indirect of \$5,004 will be charged, and will be credited to the General Fund contingency.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Add ODOT revenue of \$58,871.
Add service reimbursement to the insurance fund \$2,202.
Add Federal/State indirect revenue to the general fund \$5,004.

BOARD OF COUNTY COMMISSIONERS
MULTI-OMAH COUNTY OREGON
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4. CONTINGENCY STATUS

(to be completed by Budget & Planning)

Fund Contingency before this modification (as of _____) \$ _____

Date _____
After this modification \$ _____

Originated By	Date	Department Director	Date
Plan/Budget Analyst	Date	Employee Services	Date
Board Approval	Date		

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SHERIFF DAN NOELLE

TODAY'S DATE: October 10, 1996

REQUESTED PLACEMENT DATE: October ²⁴~~12~~, 1996

RE: Intergovernmental agreement between the Oregon Department of Transportation, and MCSO.

- I. Recommendation/Action Requested: Approve the IGA.
- II. Background/Analysis: ODOT is requesting MCSO to provide enhanced patrol services at the current highway construction project on I-84, in east Multnomah County. ODOT desires to decrease the number of injuries and deaths of highway construction workers that are being struck by motorists driving unsafely. Much of the construction involved is "under traffic" with exposed workers. This enhanced patrol is to increase worker safety in that construction zone.
- III. Financial Impact: This IGA will provide a revenue increase. The specifics are included in the attached Budget Modification request.
- IV. Legal Issues: None foreseen. ODOT has certified that funds are authorized and available to meet their financial obligation.
- V. Controversial Issues: N/A
- VI. Link to Current County Policies: N/A
- VII. Citizen Participation: N/A
- VIII. Other Government Participation: None, other than ODOT.

MEETING DATE: OCT 31 1996

AGENDA NO: LC-1

ESTIMATED START TIME: _____

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Quitclaim Deed to Trustee Acceptance Corporation.

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of quitclaim deed to Trustee Acceptance Corporation.

Request approval to purchase interest of Trustee Acceptance Corporation to clear title to two lots.

Quitclaim Deed and Board Order attached.

10/31/96 ORIGINAL DEED & COPY OF ALL TO JOHN THOMAS, COPIES TO TAX TITLE

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 OCT 30 PM 2 49

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: *Jamie M. Dan*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Purchase of Certain Property Interests and the Quitclaim of a Property Interest to Clear Title to Tax Foreclosed Properties.

ORDER
96-196

WHEREAS, The County foreclosed the property described in Exhibits A, B, and C attached hereto in 1990 without having received notice that the owner of the property was bankrupt resulting in the foreclosure being void as to such properties; and

WHEREAS, the properties described in Exhibits A and B were subsequently sold at an auction sale in 1996 and are the subject of two separate contracts of sale under which the County is obligated to deliver a deed upon full payment of the contract; and

WHEREAS, subsequent to the foreclosure and before the auction sale, the mortgagee of the bankrupt obtained relief from the bankruptcy court and foreclosed and sold the properties described in Exhibits A, B, and C to Trustee Acceptance Corporation; and

WHEREAS, Trustee Acceptance Corporation has agreed to sell its interest in the properties described in Exhibits A and B to the County for \$10,000 each which will allow the County to be able to meet its contractual obligation to convey these properties and in addition result in the receipt of approximately \$36,000 net proceeds from the sale of these two properties; and

WHEREAS, because the property described in Exhibit C did not receive a bid when offered at auction and the County's interest in the property by virtue of the tax foreclosure is void, it is in the best interests of the County to quitclaim its interest in such property to Trustee Acceptance Corporation to clear title to that parcel and return it to the tax rolls,

NOW THEREFORE, BE IT ORDERED, that the Chair of the Multnomah County Board of County Commissioners execute such documents as are necessary to purchase the interest of Trustee Acceptance Corporation in the properties described in Exhibits A and B for

10/31/96:1

\$10,000 each and execute a quitclaim deed to Trustee Acceptance Corporation of the County's interest in Exhibit C.

this 31st day of October, 1996.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By John S. Thomas
John S. Thomas
Assistant County Counsel

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10/31/96:1

PARCEL B: That part of Lots 3 and 4 of the duly recorded plat of EAGLES NEST, Multnomah County, Oregon, described as commencing at the most Northerly corner of said Lot 4; thence Southeasterly along the Northeasterly line of said Lot 4 along the arc of a 40 foot radius curve through a central angle of $36^{\circ} 00'$ a distance of 25.13 feet to the actual point of beginning; thence continuing along said 40 foot radius curve through a central angle of $16^{\circ} 50' 14''$ a distance of 11.76 feet; thence South $33^{\circ} 30'$ West 85.00 feet; thence South $11^{\circ} 55' 15''$ East 71.61 feet to an angle point in the South line of said Lot 3; thence North $85^{\circ} 45' 39''$ West 98.78 feet to the Southwest corner of said Lot 4; thence North $0^{\circ} 38' 24''$ East along the West line of said Lot 4, 73.00 feet; thence South $86^{\circ} 11' 43''$ East 72.67 feet; thence North $33^{\circ} 30'$ East 85.00 feet to the point of beginning.

PARCEL C: That part of the duly recorded plat of EAGLES NEST, Multnomah County, Oregon, described as beginning at the Northeast corner of said Lot 3; thence South $7^{\circ} 11' 50''$ East 92.84 feet to an angle point in the boundary of said Lot 3; thence North $88^{\circ} 37' 30''$ West 40.00 feet to an angle point in the boundary of said Lot 3; thence South $0^{\circ} 27' 00''$ West 50.00 feet to an angle point in the boundary of said Lot 3; thence North $88^{\circ} 37' 30''$ West 28.10 feet to an angle point in the boundary of said Lot 3; thence North $11^{\circ} 55' 15''$ West 71.61 feet; thence North $33^{\circ} 30'$ East 85.00 feet to a point in the North line of said Lot 3; thence Easterly along the Northerly line of said Lot 3 along the arc of a 40 foot radius curve through a central angle of $36^{\circ} 00'$, a distance of 25.13 feet to the point of beginning.

That part of Lot 4 of the duly recorded plat of EAGLES NEST, Multnomah County, Oregon, described as beginning at the most Northerly corner of said Lot 4; thence Southeasterly along the Northeasterly line of said Lot 4 along the arc of a 40-foot radius curve through a central angle of $36^{\circ}00'$, a distance of 25.13 feet; thence South $33^{\circ}30'$ West, 85.00 feet; thence North $86^{\circ}11'43''$ West, 72.67 feet to the West line of said Lot 4; thence North $0^{\circ}38'24''$ East, 52.00 feet to the Northwest corner of said Lot 4; thence North $71^{\circ}55'22''$ East, 109.71 feet to the point of beginning.

The basis of bearings in this description is the plat of EAGLES NEST.

QUITCLAIM DEED

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, releases and quitclaims to Trustee Acceptance Corporation, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

DESCRIBED ON ATTACHED EXHIBIT "A"

The true and actual consideration paid for this transfer, stated in terms of dollars is NIL.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

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

TRUSTEE ACCEPTANCE CORPORATION
PO BOX 250
LAKE OSWEGO OR 97034

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 31st day of October, 1996, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair

REVIEWED:
Laurence Kressel, County Counsel
for Multnomah County, Oregon

By *John Thomas*
John Thomas

DEED APPROVED:
Janice Druian, Director
Assessment & Taxation

By *Kathleen A. Tuneberg*
Kathleen A. Tuneberg

After recording, return to Multnomah County Tax Title/166/300

EXHIBIT A

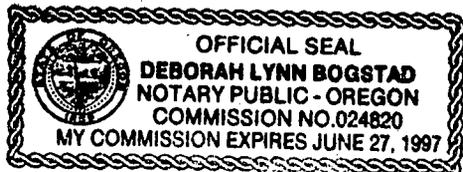
That part of Lot 4 of the duly recorded plat of EAGLES NEST, Multnomah County, Oregon, described as beginning at the most Northerly corner of said Lot 4; thence Southeasterly along the Northeasterly line of said Lot 4 along the arc of a 40-foot radius curve through a central angle of $36^{\circ}00'$, a distance of 25.13 feet; thence South $33^{\circ}30'$ West, 85.00 feet; thence North $86^{\circ}11'43''$ West, 72.67 feet to the West line of said Lot 4; thence North $0^{\circ}38'24''$ East, 52.00 feet to the Northwest corner of said Lot 4; thence North $71^{\circ}55'22''$ East, 109.71 feet to the point of beginning.

The basis of bearings in this description is the plat of EAGLES NEST.

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

On this 31st day of October, 1996, before me, a Notary Public in and for the County of Multnomah and State of Oregon, personally appeared Beverly Stein, Chair, Multnomah County Board of Commissioners, to me personally known, who being duly sworn did say that the attached instrument was signed and sealed on behalf of the County by authority of the Multnomah County Board of Commissioners, and that said instrument is the free act and deed of Multnomah County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/97