



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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SEPTEMBER 18-20, 2007 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	9:30 a.m. Tuesday Briefings
Pg 4	9:07 a.m. Thursday Vacating a Portion of SW Sweetbriar Street
Pg 5	9:45 a.m. Thursday Portland Request for Tax Exemption Programs Administrated by Portland Development Commission and Portland Bureau of Planning
Pg 6	2:00 p.m. Thursday Ordinance Amending MCC Chapters 33, 34, 35 and 36 Regarding Accessory Structures and Uses
Pg 6	2:10 p.m. Thursday Sale of Edgefield North
Pg 6	2:25 p.m. Thursday Business Income Tax Revenue Distribution to the Cities of Fairview, Troutdale and Wood Village

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

Thursday, 9:00 AM, (LIVE) Channel 30
Saturday, 10:00 AM, Channel 29
Sunday, 11:00 AM, Channel 30
Tuesday, 8:00 PM, Channel 29

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Monday, September 17, 2007 – 9:00 AM to 11:00 AM
Departing from the Multnomah Building
501 SE Hawthorne Boulevard, Portland

BRIDGE TOUR

A quorum or more of the Multnomah County Commissioners will travel from the Multnomah Building to the Sauvie Island Bridge for a construction tour of the new bridge. The tour will begin in the parking lot on the island side of the bridge. For additional information, please contact Michael Pullen, Public Affairs Office at 503-988-6804.

Tuesday, September 18, 2007 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

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

Tuesday, September 18, 2007 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

- B-1 **9:30 AM TIME CERTAIN:** Oregon Department of Education Superintendent of Public Instruction Susan Castillo presentation to the SUN Service System, for the Outstanding Community / School Partnership Award. 15-20 MINUTES REQUESTED.
- B-2 Multnomah County Emergency Management Program Briefing. Presented by George Whitney. 45 MINUTES REQUESTED.

Tuesday, September 18, 2007 - 6:00 PM – 8:00 PM
555 G St., Lake Oswego, Oregon

PUBLIC NOTICE

A quorum of the Multnomah County Board of Commissioners may attend an Association of Oregon Counties (AOC) Region 8 Social Gathering for County Commissioners. For additional information, please contact Clackamas County Commission Staff Karen Buehrig at 503- 742-5915.

Thursday, September 20, 2007 - 9:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:00 AM **SHERIFF'S OFFICE**

- C-1 Amendment 2 to Intergovernmental Revenue Agreement 0405122 with the Cities of Gresham, Fairview, and Troutdale for the East Metro Gang Enforcement Team (EMGET)
- C-2 Amendment 4 to Intergovernmental Revenue Agreement 0310499 with the City of Wood Village for Law Enforcement Patrols

DEPARTMENT OF HEALTH

- C-3 Budget Modification HD-08 Authorizing Four Position Re-Classifications within the Integrated Clinical Services Division of the Health Department, as Determined by the Class/Comp Unit of Central Human Resources

DEPARTMENT OF COMMUNITY SERVICES

- C-4 Amendment 3 to the Corbett Hill Road Viaduct 2001 OTIA Agreement with the Oregon Department of Transportation, County No. 4600003756 - ODOT No. 19,473
- C-5 RESOLUTION Setting the Public Hearing Date of October 11, 2007 for the Proposed Transfer of Tax Foreclosed Property to a Local Government

Agency [METRO] for Non Housing Purposes and Authorizing the Publication of Notice in the Daily Journal of Commerce

- C-6 RESOLUTION Setting the Public Hearing Date of October 11, 2007 for the Proposed Transfer of Tax Foreclosed Properties to Local Government Agencies [Cities of Troutdale and Portland] for Non Housing Purposes and Authorizing the Publication of the Public Notice in the Daily Journal of Commerce

DEPARTMENT OF COUNTY HUMAN SERVICES

- C-7 Amendment 1 to Intergovernmental Expenditure Agreement 4600006735 with the Housing Authority of Portland Adding Fiscal Year 2007 FEMA 25 Carryover Funding

REGULAR AGENDA

PUBLIC COMMENT

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

COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY - 9:00 AM

- R-1 Intergovernmental Non-Financial Agreement 0708066 with the City of Portland Creating a Joint Multnomah Youth Commission

DEPARTMENT OF COMMUNITY SERVICES – 9:07 AM

- R-2 RESOLUTION Vacating a Portion of S.W. Sweetbriar Street, a Public Road, Located in an Unincorporated Area of Southwest Multnomah County, Pursuant to ORS 368.326 to 368.366

DEPARTMENT OF HEALTH – 9:09 AM

- R-3 NOTICE OF INTENT to Apply for up to \$2,000 in Grant Funding from the Community Health Partnership Special Needs Grants Program
- R-4 NOTICE OF INTENT to Apply to National Association of County and City Health Officials (NACCHO) for \$5,000 in Grant Funding to Support the Health Department's Volunteer Health Reserve Corps Program

R-5 Budget Modification HD-07 Moving \$100,000 from the Federal-State Fund to the Justice Services Special Operations Fund to Correct an Error in the Health Department's Emergency Medical Services' Adopted Budget

SHERIFF'S OFFICE – 9:15 AM

R-6 Budget Modification MCSO-02 Appropriating \$614,526 of General Fund Contingency to Fund the Sheriff's Office Field Based Work Release Program

DEPARTMENT OF COUNTY MANAGEMENT – 9:35 AM

R-7 PROCLAMATION Proclaiming the Week of September 30 to October 6, 2007, as Minority Enterprise Development Week in Multnomah County, Oregon

NON-DEPARTMENTAL - 9:40 AM

R-8 PROCLAMATION Proclaiming September 15th through October 15th, 2007 Hispanic Heritage Month in Multnomah County Oregon

R-9 **9:45 AM TIME CERTAIN:** RESOLUTION Memorializing Action on the City of Portland's Requests for Tax Exemption Programs Administrated by the Portland Development Commission and the City of Portland Bureau of Planning

DEPARTMENT OF COMMUNITY JUSTICE – 10:45 AM

R-10 Budget Modification DCJ-05 Authorizing Transfer of the Court Appearance Notification System Budget of \$59,332 from the Local Public Safety Coordinating Council to the Department of Community Justice; and Approving a General Fund Contingency Appropriation of \$97,538 to Fund Phase 1 of the Court Appearance Notification System

THE MEETING WILL BE RECESSED FROM 11:30 AM - 2:00 PM

DEPARTMENT OF COMMUNITY SERVICES – 2:00 PM

R-11 **2:00 PM TIME CERTAIN:** First Reading of a Proposed ORDINANCE Amending MCC Chapters 33, 34, 35 and 36 to Clarify What Accessory Structures and Uses are Allowed Outright in the Primary Zoning Districts, and to Provide an Alternative Review Process for Other Uses and Structures

DEPARTMENT OF COUNTY MANAGEMENT – 2:10 PM

R-12 RESOLUTION Approving the Sale of Edgefield North, Located at SW Halsey Street and 244th in Troutdale, Oregon, to Red Shed Properties, LLC and the Reynolds School District and Authorizing County Chair to Execute Appropriate Documents to Complete the Sale

NON-DEPARTMENTAL - 2:15 PM

R-13 RESOLUTION Accepting the Portland Children's Investment Fund Recommendation to Renew Current Investments in After-School and Mentoring Programs; and Offering Advice and Counsel to the City of Portland Concerning the Recommendations

R-14 RESOLUTION Authorizing Distribution of Multnomah County Business Income Tax Revenue to the City of Fairview

R-15 RESOLUTION Authorizing Distribution of Multnomah County Business Income Tax Revenue to the City of Troutdale

R-16 RESOLUTION Authorizing Distribution of Multnomah County Business Income Tax Revenue to the City of Wood Village

BOARD COMMENT

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



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 09/18/07
 Agenda Item #: E-1
 Est. Start Time: 9:00 AM
 Date Submitted: 09/12/07

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(d),(e)and/or(h)

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

Requested Meeting Date: September 18, 2007 Amount of Time Needed: 30 minutes
 Department: Non-Departmental Division: County Attorney
 Contact(s): Agnes Sowle
 Phone: 503 988-3138 Ext. 83138 I/O Address: 503/500
 Presenter(s): Agnes Sowle and Invited Others

General Information

1. What action are you requesting from the Board?

No final decision will be made in the Executive Session.

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

Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.

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

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

ORS 192.660(2)(d),(e)and/or(h)

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

Required Signature

Elected Official or
 Department/
 Agency Director:

Date: 09/18/07



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 09/20/07
 Agenda Item #: B-1
 Est. Start Time: 9:00 AM
 Date Submitted: 09/12/07

Agenda Title: **Oregon Department of Education Superintendent of Public Instruction Susan Castillo presentation to the SUN Service System, for the Outstanding Community / School Partnership Award**

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

Requested Meeting Date: September 20, 2007 Amount of Time Needed: 15-20 mins
 Department: Non-Departmental Division: Chair's Office
 Contact(s): Lorenzo Poe
 Phone: 503 988-3308 Ext. 83958 I/O Address: 503/600
 Presenter(s): Susan Castillo, Oregon Department of Education Superintendent of Public Instruction

General Information

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

Required Signature

Elected Official or
 Department/
 Agency Director:

TED WHEELER

Date: 09/12/07

BOGSTAD Deborah L

From: BOGSTAD Deborah L
Sent: Thursday, September 13, 2007 5:27 PM
To: 'Regina McCloud [regina.mcloud@state.or.us]'
Cc: WHEELER Ted; WILLER Barbara; POE Lorenzo T; SAMOLINSKI Peggy L; HALL Diana C; KARNES Ana
Subject: Outstanding Community/School Partnership Award Presentation to the Sun Service System

Ms. McCloud, as requested, attached is the Multnomah County Board meeting agenda for next week. Your item is on page two as follows:

Tuesday, September 18, 2007 - **9:30 AM**
 Multnomah Building, First Floor Commissioners Boardroom 100
 501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

B-1 9:30 AM TIME CERTAIN: Oregon Department of Education Superintendent of Public Instruction Susan Castillo presentation to the SUN Service System, for the Outstanding Community / School Partnership Award. 15-20 MINUTES REQUESTED.

Other than this, there isn't an "agenda" per se for the Superintendent's presentation. Folks from each of the 6 school districts in the partnership and the City of Portland have been invited. Chair Ted Wheeler will convene Tuesday's meeting at 9:30 a.m. and introduce Superintendent Castillo.

The plan is to have Superintendent Castillo sit at the presenter table facing the Board for her short talk about the award. She may want to stand facing the audience to hand out the certificates and can use one of the presenter table microphones or a cordless microphone, whichever she prefers. I will have both options ready for her and will be there to greet her when she gets to the Boardroom.

Chair Wheeler will accept the award for the County and others on hand from the partner jurisdictions will accept theirs.

If you have any other questions, please do not hesitate to contact me.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

9/13/2007

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

From: MCLoud Regina [mailto:Regina.Mcloud@state.or.us]

Sent: Monday, September 10, 2007 10:20 AM

To: BOGSTAD Deborah L

Subject: RE: Reschedule Portland community/school recognition

Deb,

I am working on the details of Superintendent Castillo's presentation at the C.C. meeting next week. Can you please send me an agenda when you have one and I have a few additional questions. Thank you!

How much time is allotted for her portion of the program:

Who will be introducing the Superintendent:

Will there be a podium, microphone, stage available: (if no, please indicate format)

Regina McCloud
Communication Officer
Oregon Department of Education
503-947-5803
regina.mcloud@state.or.us



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 09/18/07
Agenda Item #: B-2
Est. Start Time: 9:50 AM
Date Submitted: 09/05/07

Agenda Title: Multnomah County Emergency Management Program Briefing

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

Requested Meeting Date: September 18, 2007 **Amount of Time Needed:** 45 minutes
Department: Community Services **Division:** Emergency Management
Contact(s): George Whitney
Phone: 503-988-4580 **Ext.** 84580 **I/O Address:** 503/600
Presenter(s): George Whitney

General Information

1. What action are you requesting from the Board?

To participate in an emergency management program briefing.

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

Multnomah County is required by ORS 401 to establish an emergency management program capable of planning, preparing for and coordinating response to emergencies and disasters that may affect the County. The County has recently made significant investments in this program in anticipation of TOPOFF in October 2007 and to accomplish long-term program enhancement.

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

None.

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

This briefing will relate to execution of MCC 1000 and County responsibilities under ORS 401

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

None directly related to this briefing.

Required Signature

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

TED WHEELER

Date: 09/05/07

Emergency Management Program Update

Presented to: Multnomah Board of County Commissioners
September 18, 2007

Planned outcomes and recent accomplishments

- Grant program participation
 - ✓ Accomplished removal from EMPG program suspension (restores \$125,000/yr)
 - ✓ Completed 2 years of NIMS compliance work (allows County to receive future grant funds)
 - ✓ Began re-submitting SHSGP applications (bringing min. of \$661,000 in FFY 07)
 - ✓ Increased engagement in UASI POC (increasing access to ~\$8 M annually)
- Ability to anticipate, recognize and respond to disaster
 - ✓ Developed 24/7 situation alerting system
 - ✓ Created Disaster Management Team
 - ✓ Convened Emergency Management Advisory Council
 - ✓ Adopted regional mutual aid agreement
 - ✓ Established County Emergency Operations Center
 - ✓ Assembled County Emergency Operations Center Team
 - ✓ Investing in both fixed and mobile coordination systems
 - ✓ Working with department to define missions, strategies and necessary resources
- TOPOFF
 - ✓ County now participates as member of the Unified Command Team
 - ✓ Full 24/7 County participation

Other outcomes or events to anticipate

- Revised Emergency Operations Plan
- FY 07 Homeland Security Grant Projects
- TOPOFF Exercise week of October 15, 2007
- Revision of Multnomah County Code
- Program Audit
- Co-location of Portland and Multnomah County EOCs

Top Officials 4 Full Scale Exercise

Congressional Briefing

September 18, 2007



Operational Security

This briefing contains exercise and operational material that must be safeguarded

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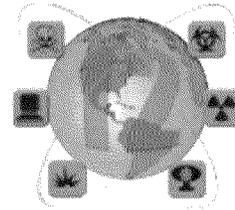
Top Officials (TOPOFF) Exercise

- Cornerstone of the National Exercise Program (NEP)
- Congressionally mandated, biennial cycle of exercises, seminars, training activities
- Culminates in a full-scale exercise (FSE) that simulates a coordinated terrorist incident involving “weapons of mass destruction” (WMD)
- Involves top officials at every level of government, representatives from international community, and private sector
- A comprehensive exercise
 - Engages multiple disciplines: first responders, public health personnel, incident managers, law enforcement, disaster relief workers, and more
 - Encompasses entire incident management cycle: prevention, preparedness, response, and recovery
 - Includes a robust public information component



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TOPOFF Evolution



Concept

Limited Notice;
FSE

“Open Book”;
FSE and prep
events

Protected
Scenario;
FSE, multiple
linked events

Duration

10 days (max)

5 days

5 days

Venues and
Scenarios

CO: Biological
NH: Chemical
NCR: RDD

IL: Biological
WA: RDD

CT: Chemical
NJ: Biological

Other Aspects

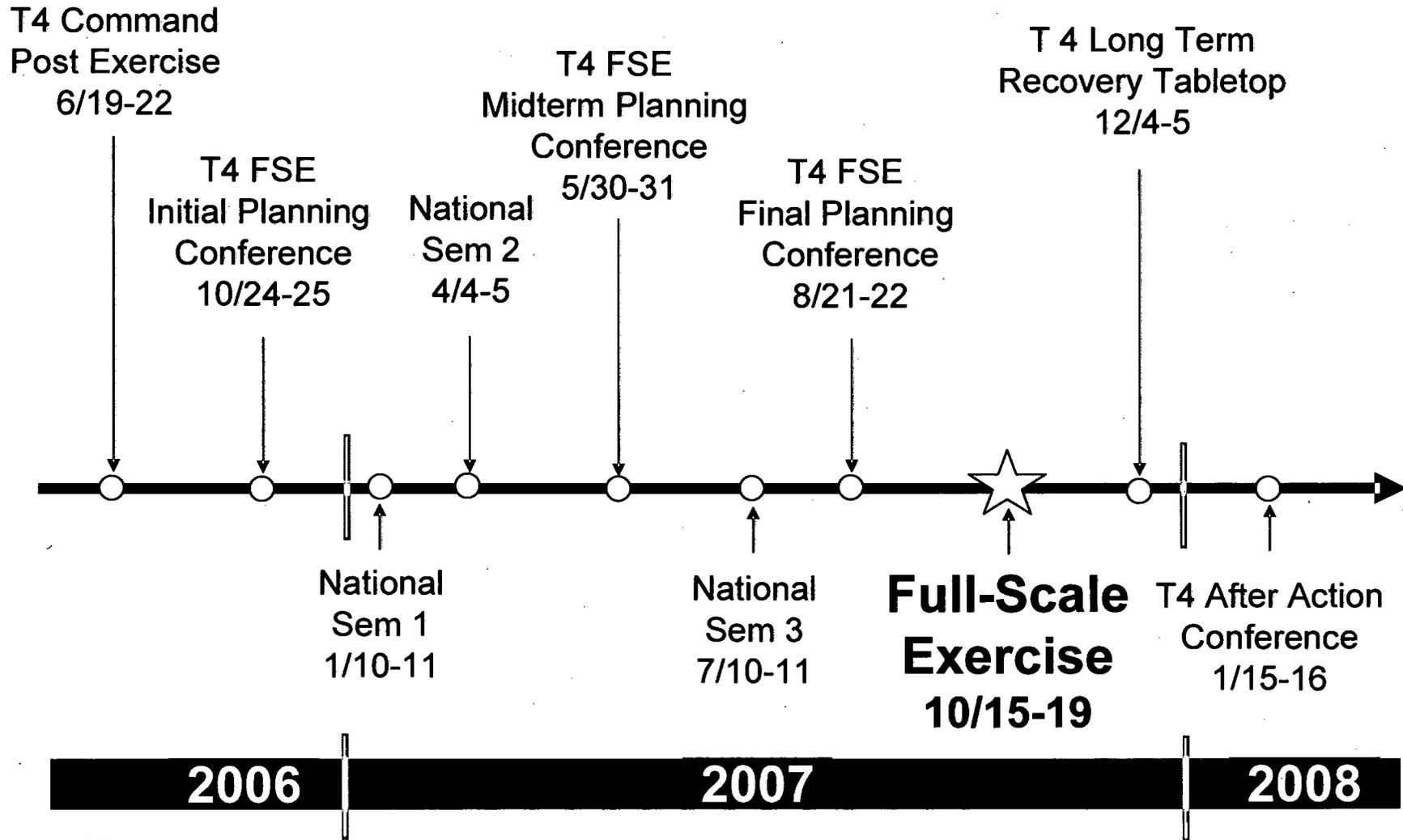
Canada

Canada, UK
Private Sector



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TOPOFF 4 Key Events



Homeland Security

TOPOFF 4 Full Scale Exercise (FSE)

- Five-day event: October 15-19, 2007
- Single Overarching Scenario
- U.S. Venues:
 - Interagency (IA) – Federal departments agencies and partners
 - States – Arizona and Oregon
 - U.S. Territory of Guam (first involvement of U.S. Territory)
- Participating International Partners:
 - Australia
 - Canada
 - United Kingdom



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TOPOFF 4 Goals

- Assess the nation's capability to prevent, respond to, and recover from realistic and threat-based acts of terrorism during a national, biennial exercise series.
- Examine relationships amongst Federal, State, local, and tribal jurisdictions and the private sector in response to a realistic and challenging series of integrated, geographically dispersed terrorist threats and acts.
- Use performance based objectives to evaluate the relationships amongst Federal, State, territorial, local, and tribal jurisdictions and the private sector.



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TOPOFF 4 Objectives

- **Prevention:** To test the handling and flow of operational and time-critical intelligence between agencies to prevent a terrorist incident.
- **Intelligence/investigation:** To test the handling and flow of operational and time-critical intelligence between agencies prior to, and in response to, a linked terrorist incident.
- **Incident management:** To test the full range of existing procedures for domestic incident management of a terrorist weapon of mass destruction (WMD) event and to improve top officials' (Federal/State/local) capabilities to respond in partnership in accordance with the NRP and NIMS.
- **Public information:** To practice the strategic coordination of media relations and public information issues in the context of a terrorist WMD incident or incident of national significance.
- **Evaluation:** To identify lessons learned and promote best practices.



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TOPOFF 4: Oregon

Oregon State Objectives:

- Validate NIMS and NRP requirements
- Manage fusion center and intelligence information
- Demonstrate the ability to provide emergency public information to the media and the public
- Test and evaluate the effectiveness of radiological plans, procedures, policies, and/or annexes in response to an incident of terrorism
- Demonstrate public health and medical services surge capabilities
- Assess the effectiveness of plans, policies, procedures, and/or annexes to handle and treat the mental health issues of first responders and the public caused by a terrorist incident



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TOPOFF 4 Scenario

- Based on National Planning Scenario 11 – Radiological Attack
- Terrorists, who have been planning attacks in Oregon, Arizona and Guam, are able to successfully bring radioactive material into the United States
- Simulated detonation of Radiological Dispersal Devices (RDDs) occur in Oregon, Arizona and Guam
- All occur in populous areas, causing casualties, wide-spread contamination and heightened public concern



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New Challenges in TOPOFF 4

- Increased coordination with U.S. Department of Defense exercises to combat global terrorism
- Expanded emphasis on prevention – the opportunity to piece together an intelligence “puzzle” and stop an attack before it occurs – in partnership with the Terrorism Prevention Exercise Program
- Focus on mass decontamination, large-scale recovery, and remediation issues
- Focus on coordinating procedures and communications with a U.S. territory



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TOPOFF 4: Oregon

- T4 will test the full range of Oregon's incident management capabilities, including prevention, protection, response, and recovery.
- T4 will stress the need for coordination between city, county and state agencies, and responders in the field
- The state Emergency Coordination Center (ECC) and city and county Emergency Operations Centers (EOCs) will be fully activated
- The full scale exercise in Oregon will include more than 4,500 participants engaged in field play at its peak
- More than 30 state agencies will be playing in the exercise



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TOPOFF 4: Oregon

- The federal response will include a fully activated Joint Field Office (JFO)
 - Transition from Regional Response Coordination Center (RRCC) to JFO
 - Principle Federal Official (PFO)
 - Federal Coordinating Official (FCO)
 - Coordination back to State departments and agencies



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External Affairs Activity

- PIO Play
 - Provides opportunity for simulated media interaction and interagency communications *inside the exercise*
- Real World Media (RWM)
 - Provides opportunity for real, licensed media operating *outside the exercise* to learn about, and cover, T4
- Observer Program
 - Provides opportunity for select dignitaries, practitioners and vested partners to observe, and learn from, key exercise activities



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RWM Activities

- Media activities will include:
 - Pre-event logistical briefings in venues
 - Portland, OR: September 26, 2007, 10 a.m. – 12 p.m.
 - Initial press release
 - FEMA to release September 17, 2007
 - Venue specific press conferences
 - Salem, OR: October 4, 2007, 10 a.m.
 - Other media activities and opportunities will be driven by elements of interest in the exercise and will include:
 - Photo opportunities at exercise control cell
 - Exercise update briefings*
 - Briefings/photo opportunities focusing on exercise sites and specific facilities or assets in play
- *A Media Briefing Center will be set up at the Portland Airport Sheraton as a central media reception, credentialing, and briefing location*



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Observer Activities

- Observer activities in each venue will include:
 - T4 Overview Briefings
 - Observer Video
 - Periodic exercise “State of Play” briefings
 - Tours of command centers and key facilities in play such as:
 - Exercise Control Cell
 - Hospitals, Mobile Assets, Facilities, etc.
 - Others
- Observer tours will be structured to include points of interest at key times in the exercise scenario
- Additional “custom” tour opportunities will be provided as appropriate
- An Observer Briefing Center, available at the Portland Airport Sheraton, will serve as the central greeting, registration, and briefing location for observers in attendance



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Observer Invitees

- White House personnel
- The attorney general and deputy attorney general
- The secretary and deputy secretary of the Department of State (DoS)
- The secretary, deputy secretary, and undersecretaries of DHS
- Other cabinet members
- Other secretaries and deputy secretaries of departments
- House and Senate Appropriations members
- House and Senate Homeland Security Appropriations
- Members of the select committees for homeland security
- Congressional delegations representing Arizona, Guam, and Oregon
- Governors
- Mayors, county executives, county board chairs
- International visitors
- Private sector visitors
- Emergency Management practitioners



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TOPOFF: Conclusion

- TOPOFF is a fast moving exercise
 - Includes multiple agencies with multiple missions
 - Requires the highest level of coordination
- TOPOFF 4 will receive national attention
 - First major full scale exercise post Katrina
 - Both the public and the media more aware of the role of government and the various agency missions
 - Expectations are higher than previous emergencies



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Contact Information

Jeremy Greenberg
National Preparedness Directorate
U.S. Department of Homeland Security
Email: jeremy.greenberg@dhs.gov
Phone: (202) 420-1240



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Questions?



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Homeland Security



Office of Multnomah County Attorney

501 SE Hawthorne Blvd., Ste. 500,
Portland, OR 97214

2006-2007 Annual Litigation Report

*County Attorney's Litigation Report
to the Multnomah County
Board of Commissioners
September 18, 2007*



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
County Attorney

JOHN S. THOMAS
Deputy County Attorney

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SUSAN M. DUNAWAY
STEPHANIE E. DUVALL
PATRICK W. HENRY
STEPHEN L. MADKOUR
JENNY M. MORF
BERNADETTE D. NUNLEY
MATTHEW O. RYAN
KATHRYN A. SHORT
JED R. TOMKINS
JACQUELINE A. WEBER
Assistants

MEMORANDUM

TO: Board of County Commissioners
Ted Wheeler, Chair
Maria Rojo de Steffey, Commissioner
Jeff Cogen, Commissioner
Lisa Naito, Commissioner
Lonnie Roberts, Commissioner

FROM: Agnes Sowle

DATE: September 18, 2007

RE: 2006-2007 Annual Litigation Report

INTRODUCTION

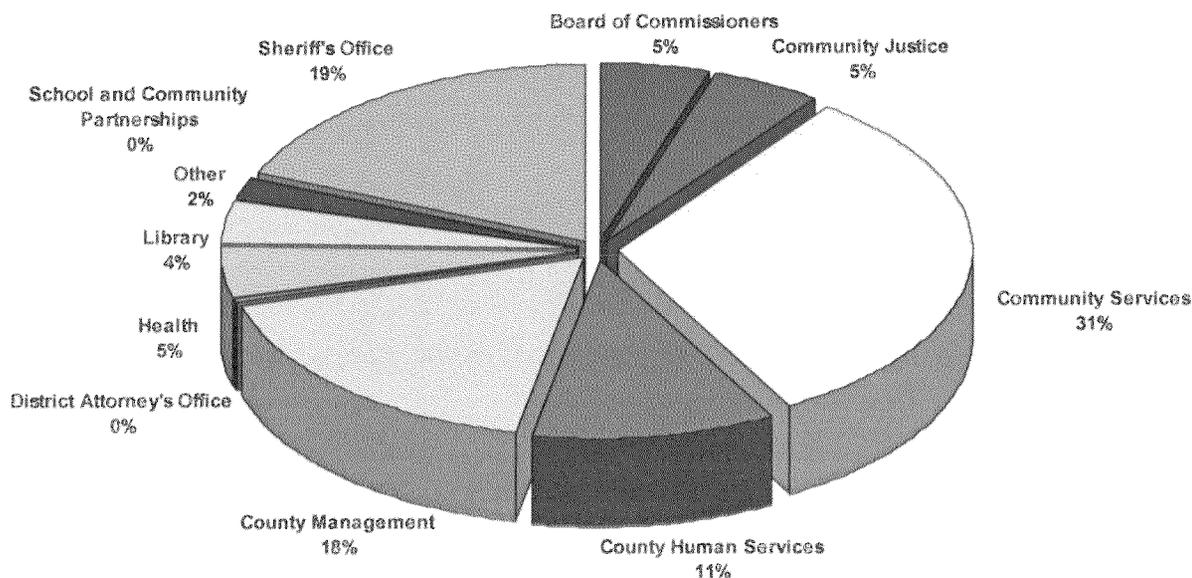
During the 2006 – 2007 fiscal year, our office had fourteen lawyers, six permanent support staff and five limited duration ITAX support staff. The office provides legal services for all county elected officials, officers and departments. Multnomah County Code Section 7.201(I) requires the County Attorney to submit a formal annual litigation report to the Board. This Annual Litigation Report summarizes the legal services we provided to county clients last fiscal year giving detail to litigation.

During the fiscal year 2006-2007, we provided 20,518 hours of direct legal services for litigation, legal consultation, legal document preparation and review, and client training. This is slightly more hours than we provided the previous year despite FMLA leaves and attorney vacancies during the recruitment and hiring of two attorneys.

DIRECT SERVICE HOURS

Graph 1 shows all of our direct services hours broken down by department. The greatest amount of direct service time was devoted to Community Services with 31% of the hours. Community Services has been the highest user of our time for the past two years largely due to several major transportation issues and the implementation of and litigation required by Measure 37 claims. The total hours for the Sheriff remained fairly constant with 19%. County Management used 18% with County Human Services needing 11%, both about the same as previous years. The hours spent on Health Department legal matters increased slightly to 5% while Community Justice decreased to 5%. Services for the Board remained the same at 5% this year.

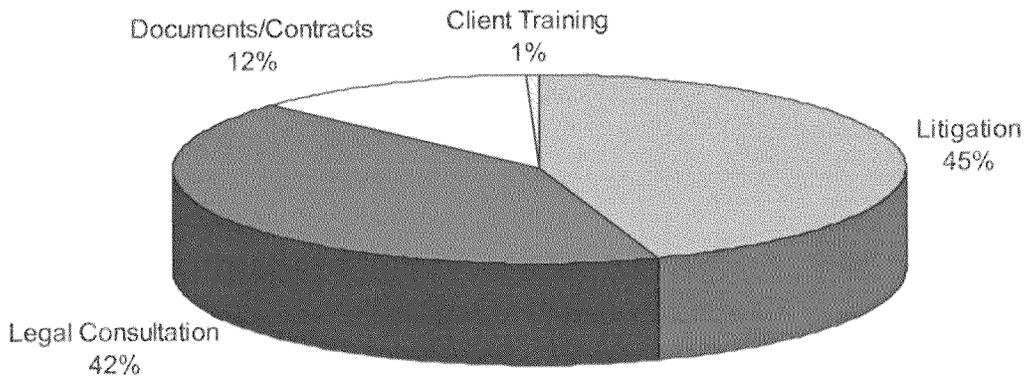
Graph 1
Direct Service Time to Departments
 7/1/06 through 6/30/07



Department	Hours
Community Services	6509.47
Sheriff's Office	3800.2
County Management	3593.75
County Human Services	2274.2
Community Justice	1065.95
Board of Commissioners	1012.7
Health	953.35
Library	797
Other	366.15
District Attorney's Office	99.7
School and Community Partnerships	45.4
	20517.87

Graph 2 depicts direct service hours expended by the various work types. At 45%, litigation was up slightly from last year's 42% and legal consultation, at 42% was slightly down. Time spent in preparation and review of contracts and other legal documents was slightly down at 12%, and at 1%, client training remained the same. These numbers vary slightly each year but have remained fairly consistent over a number of years.

Graph 2
 Direct Service Time
 7/1/06 through 6/30/07



Work Type	Hours
Litigation	9,176.62
Legal Consultation	8,672.80
Documents/Contracts	2,554.85
Client Training	113.60

LITIGATION

Graph 3 shows our litigation hours broken down by department. The Sheriff used 31% of the litigation hours. That was down slightly from last year, but MCSO generally uses about one third of our litigation hours. Community Services required 35% of our litigation hours, a substantial increase from previous years. Again, with the addition of Measure 37 cases, this is to be expected. County Human Services took 6% which is a substantial decrease from the previous year. County Management required 12% and Community Justice, 7%. It only takes one or two cases to change the numbers substantially from year to year.

During the year, we received 161 new tort claims, thirty more than last year. We received 29 new lawsuits to defend, not including those involving tax matters or non-Measure 37 land use appeals. The number of lawsuits is down from 54 last year. About one half of the lawsuits were brought against the Sheriff's Office which is usual. Many of those cases are brought by inmates (many representing themselves) and include excessive force, religious discrimination, violation of ADA, and other various civil rights claims. Community Services received a number of the lawsuits, including those alleging Measure 37 and several lawsuits regarding maintenance of roadways, signs, etc. There were several lawsuits resulting from post prison supervision and one wrongful death case against Corrections Health.

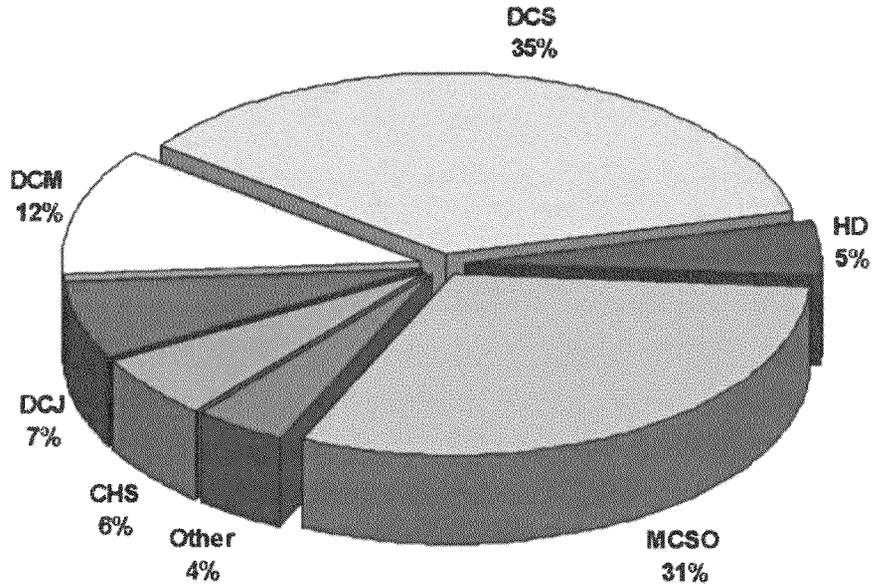
In Fiscal Year 2005-2006, we lost one case with a jury verdict of \$25,000 with additional costs of \$63,661, and we settled 13 lawsuits from the risk management fund for a total of \$780,011. In short, the County only paid out on 14 lawsuits.

In the 2006-2007 fiscal year, we only tried one case to verdict, a Measure 37 case. The judge ruled in favor of the County. Graph 4 shows lawsuits against the County that we settled from the risk management fund during the 2006-2007 fiscal year -- eleven with the total amount paid out of \$361,020.

We prevail in the majority of the lawsuits filed against the County. Our litigation team is very successful in obtaining dismissals as the result of successful motions to dismiss or motions for summary judgment. As a result, the yearly amount of County liability resulting from litigation is extremely low, particularly the past couple of years.

Litigation Time by Department

7/1/06 through 6/30/07



Department	Time
Community Services	3,268.52
Sheriff	2,835.15
County Management	1,056.80
Community Justice	640.95
County Human Services	529.20
Health Department	463.35
Other County	237.55
Multnomah County Library	94.10
District Attorney	44.70
Board of Commissioners	6.10
School and Community Partnerships	0.20

Graph 4

**GENERAL LIABILITY AND BODILY INJURY PAYMENTS
for July 1, 2006 – June 30, 2007**

Case Name/Date	Dept.	Type	Amount
Delarosa, Anthony 12/21/06	Health	Wrongful death based on corrections health medical malpractice	200,000
Buckwalter, Lori 08/29/07	DCM	Gender identity discrimination, retaliation	35,000
Dzhur, Lyubov 08/15/06	CHS	Employment discrimination	32,420
Thompson, Anderson and Aune 07/21/06	MCSO	Excessive Force	25,000
Reel, Connie 11/27/06	DCJ	Employment discrimination	20,000
Getz, Julie 06/26/07	DCS	Negligent road signage	15,000
Phillips, Kenneth 03/29/07	MCSO	Corrections medical malpractice	13,500
MacDonald, Alasdair 06/06/07	MCSO	Excessive force, inadequate medical treatment.	12,500
Walker, Steve 09/27/06	MCSO	Inmate denial of medical treatment	7,000
Vu, Thanh 12/04/07		Employment discrimination	6,600
Mortimer, Amanda 05/25/07	MCSO	Abuse of Authority of Deputy	4,000
TOTAL			361,020

EFFECTIVE RATE

The effective rate paid for each hour of direct legal service was \$125.42, up from last year's \$118.03. The rate is calculated by dividing the actual expenditures of the office, including payroll for attorneys and staff, rent, supplies, professional dues and the like, by the hours of direct service provided by the attorneys. The rate has been calculated by using direct service hours only and does not take into account the 1972 hours spent on office administration and continuing legal education activities. This hourly rate pays for a very experienced staff: Four of our attorneys have 25 or more years of experience and five have more than 10 years experience.

Despite the slight increase in our rate from last year, we saved the county and taxpayers a significant amount of money from rates charged by private law firms. Legal fees charged by Portland firms to represent government clients now exceeds \$225 per hour and, in some cases, is as high as \$350 per hour. In the Dorothy English litigation, her attorneys requested the court approve fees for partners at an hourly rate in excess of \$400 per hour and for associates in excess of \$250 per hour, and the Court awarded the entire amount requested. We have appealed that award

Of all hours reported by county attorneys 91% went to direct client legal services; the percentage of our hours devoted to administrative and professional development services is only 8.77%, a little less than last year, and significantly less than the years before. Those hours include management of the office, staff meetings, litigation meetings, library maintenance, and professional development including the hours attorneys attend Mandatory Continuing Legal Education to maintain their licenses.

The following chart summarizes the effective hourly rate computation:

Total Hours Reported		22,489
Direct Service	(91.23%)	20,517
Non-Direct Service	(8.77%)	1972
14 Lawyer FTE Average Direct Service Hours*		1,466
Office Actual Expenditures 2006-07		\$2,573,452
Divided by Direct Service Hours		20,517
Effective Hourly Rate		\$125.42

CONCLUSION

We have now compiled eight years of legal service data permitting us to quantify the hours of legal services, the nature of the services and the clients that receive services. The data allows us to more efficiently manage, monitor and deploy county legal assets. We continue to work to improve the accuracy of our data.

Our challenge is to continue to provide efficient and effective legal services and increase appropriate non-litigation use of our resources. We also must meet the increasing demands of more complex and serious litigation. We continue to work closely with the Sheriff, the department that uses a large share of our resources. We continue to seek opportunities to effectively use county legal resources and look for ways to improve our services to best meet the county's legal needs. Our mission is to provide the highest quality, customer-focused service and good value for the tax dollar. We believe we perform that mission well.