

ANNOTATED MINUTES

Thursday, April 2, 1998 - 9:30 AM
Portland Building, Second Floor Hearing Room
1120 SW Fifth Avenue, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:40 a.m., with Commissioner Gary Hansen present, Vice-Chair Sharron Kelley participating via speakerphone, and Commission Districts 1 and 3 positions vacant.

CONSENT CALENDAR

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

NON-DEPARTMENTAL

- C-1 Appointment of Seth Tane to the CITIZEN INVOLVEMENT
COMMITTEE

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-2 ORDER Authorizing Execution of Deed FM98-01 Upon Complete
Performance of Contract 15474 with Jessie L. Rogers, John W. Miller
and Willie T. Cherry

ORDER 98-19.

- C-3 ORDER Authorizing Execution of Deed D981542 Upon Complete
Performance of a Contract with Debra D. Knapper

ORDER 98-20.

- C-4 ORDER Authorizing Private Sale of Certain Tax Foreclosed Property
(Assessed at Less than \$5,000) to Dick and Robin Moor, Including
Direction to Tax Title for Publication of Notice Pursuant to ORS
275.225

ORDER 98-21.

- C-5 ORDER Authorizing Private Sale of Certain Tax Foreclosed Property (Assessed at Less than \$5,000) to Michael J. Bercutt, Including Direction to Tax Title for Publication of Notice Pursuant to ORS 275.225

ORDER 98-22.

- C-6 ORDER Cancelling Land Sale Contract 15111 with Jay W. Whipple and Judith M. Whipple Upon Default of Payments and Performance of Covenants

ORDER 98-23.

- C-7 NSA 27-97 Report the Hearings Officer Decision Affirming Staff Conditions of Approval Imposed in Regards to NSA Site Review Permit for a Three Phase Project to Improve Property with an Existing Dwelling and a Partially Constructed Garage on Property Located at 30728 NE LAMPERT ROAD, TROUTDALE
- C-8 CS 8-97 Report the Hearings Officer Decision Regarding Approval of a Community Service Use Permit, with Conditions to Renovate and Expand an Existing Equipment Storage Structure for Use as a Grange Hall on Property Located at 14443 NW CHARLTON ROAD, PORTLAND
- C-9 Amendment 1 to Intergovernmental Revenue Agreement 301597 with Metro to Provide Additional Facilities Project Management Services to Support Projects at Metro Washington Park Zoo
- C-10 Budget Modification DES 8 Reclassifying Five Construction Projects Specialist to Construction Projects Specialist/Senior and One Construction Projects Technician to a Construction Projections Specialist within the Facilities Management Division
- C-11 Budget Modification DES 9 Creating One Property Management Specialist, Two Program Development Specialists and One Construction Projects Specialist/Senior within the Facilities and Property Management Division
- C-12 Intergovernmental Agreement 300978 with the City of Gresham for Phase II of the Traffic Signal Coordination and Optimization Project

which will Interconnect Cable and/or Radio Communications to Link 60 Signalized Intersections in Gresham and Multnomah County

- C-13 Amendment 2 to Intergovernmental Agreement 301776 with the Oregon Department of Transportation for Additional Highway Bridge Repair and Replacement Federal and State Funds to Replace the Deck Grating System and Paint the Hawthorne Bridge

NON-DEPARTMENTAL

- C-14 Budget Modification NOND 11 Reclassifying One Office Administrator III to an Administrative Secretary and Two Office Administrator III to Paralegal within the County Counsel Division

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-15 Amendment to Intergovernmental Omnibus Revenue Agreement 102578 with the City of Portland Funding Ongoing Homeless, Public Safety, Youth Employment and Empowerment, and Housing Programs

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- C-16 Intergovernmental Agreement 700668 with Multnomah Education Service District to Provide Funding and Program Services to Develop and Implement a Student Retention Project which Serves Youth (and Family Members), Kindergarten through Sixth Grade, Enrolled in the Centennial or Reynolds School District who are Demonstrating Truant Behavior
- C-17 Budget Modification DCJ 12 Adding One FTE Program Evaluation Position and Reprogram Annie E. Casey Foundation Grant Funds for the Remainder of the Fiscal Year

DISTRICT ATTORNEY'S OFFICE

- C-18 Amendment 1 to Intergovernmental Agreement 500257 with the Portland Police Bureau for the Continued Funding of 2 FTE Deputy District Attorneys from the Portland Police Bureau Local Law Enforcement Block Grant

SHERIFF'S OFFICE

- C-19 ORDER Acknowledging Unclaimed Property and Authorizing Transfer for Sale or Disposal

ORDER 98-24.

- C-20 Renewal of Intergovernmental Revenue Agreement 800558 with Oregon Department of Transportation to Enhance DUII Enforcement in Multnomah County
- C-21 Budget Modification MCSO 98-07 Appropriating \$7,143 in Oregon Department of Transportation Revenue for Enhanced DUII Enforcement in Multnomah County
- C-22 Budget Modification MCSO 98-08 Reclassifying and Office Assistant 2 Position to a Corrections Technician in the SB 1145 Unit; a .5 Office Assistant 2 and a .5 Administrative Analyst Position to a FTE Administrative Analyst in the Personnel Unit, and a Programmer Analyst to a Senior WAN Specialist in the Office Automation Unit
- C-23 Renewal of Intergovernmental Revenue Agreement 800628 with Oregon Department of Transportation for Sheriff's Office Motor Carrier Safety Unit to Enforce Commercial Motor Vehicle Safety Rules and Regulations
- C-24 Renewal of Intergovernmental Agreement 800638 with Mt. Hood Community College to Provide ABE/GED Instruction to Inmates at Multnomah County Inverness Jail
- C-25 Budget Modification MCSO 98-09 Reclassifying an Office Assistant 2 to a Corrections Technician within the In-Jail Intervention Program Budget

DEPARTMENT OF HEALTH

- C-26 Budget Modification HD 15 Approving Increase of .27 FTE and \$19,755 in the Tuberculosis Clinic Budget Funded with an Increase in State Health Division TB Outreach/Prevention Grant Funds

REGULAR AGENDA

PUBLIC COMMENT

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

***PATRICK WHITCOMB COMMENTED
REGARDING MULTNOMAH COUNTY SHERIFF***

DAN NOELLE LETTER AND OREGON SAFE HANDGUN STORAGE COALITION BROCHURE SENT TO CONCEALED WEAPON PERMIT HOLDERS. CHAIR STEIN DIRECTED COUNTY COUNSEL TO PROVIDE WRITTEN RESPONSE ADDRESSING MR. WHITCOMB'S CONCERNS.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

R-2 RESOLUTION Addressing Support and Services to Downtown Homeless Youth

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-2. MARY LI EXPLANATION. RESOLUTION 98-25 UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

R-3 RESOLUTION Calling County Commissioner Districts No. 1 and No. 3, Elections for May 19, 1998

COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-3. COUNTY COUNSEL TOM SPONSLER EXPLANATION. RESOLUTION 98-26 UNANIMOUSLY APPROVED.

R-4 First Reading of an ORDINANCE Amending Risk Management Provisions of MCC 2.60

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF FIRST READING. TOM SPONSLER EXPLANATION AND PROPOSED AMENDMENTS. NO ONE WISHED TO TESTIFY. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, AMENDMENTS TO PAGE 1, SECTION 2.60.115, PAGE 8, SECTION 2.60.050, AND PAGES 4 AND 7 WERE UNANIMOUSLY APPROVED. FIRST READING UNANIMOUSLY APPROVED, AS AMENDED. SECOND READING APRIL 9, 1998.

PUBLIC CONTRACT REVIEW BOARD

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

- R-5 ORDER Exempting from the Formal Competitive Bid Process a Contract for a Construction Manager/General Contractor for the Branch Libraries Renovation Project

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER HANSEN SECONDED,
APPROVAL OF R-5. FRANNA HATHAWAY
EXPLANATION. ORDER 98-27 UNANIMOUSLY
APPROVED.**

(Adjourn as the Public Contract Review Board and reconvene as the Board of County Commissioners)

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-6 RESOLUTION Authorizing the Expenditure of County Monies on Local Access Roads Affected By Snow

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER HANSEN SECONDED,
APPROVAL OF R-6. KATHY BUSSE
EXPLANATION. RESOLUTION 98-28
UNANIMOUSLY APPROVED.**

- R-7 RESOLUTION Adopting a New Fee Deposit for Processing Type B Home Occupation Permits

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER HANSEN SECONDED,
APPROVAL OF R-7. SUSAN MUIR EXPLANATION.
RESOLUTION 98-29 UNANIMOUSLY APPROVED.**

- R-8 Intergovernmental Agreement 301038 with Oregon Department of Transportation to Transfer \$500,000 in Immediate Opportunity Funds for Improvement of NE Glisan Street and the 242nd Avenue Intersection in Gresham (DuPont Photomasks, Inc./LSI Logic)

**COMMISSIONER KELLEY MOVED AND
COMMISSIONER HANSEN SECONDED,**

**APPROVAL OF R-8. ED ABRAHAMSON
EXPLANATION. AGREEMENT UNANIMOUSLY
APPROVED.**

- R-9 Third Reading and Adoption of an ORDINANCE Amending MCC 11.15 by Establishing an Expiration Period for Certain Single Family Dwelling Approvals in the Exclusive Farm Use District

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THIRD READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 903 UNANIMOUSLY APPROVED.

- R-10 First Reading of an ORDINANCE Deleting Enforcement Proceeding Regulations Contained in MCC 11.15.8135 and Amending the Violation and Enforcement Regulations Contained in MCC 11.15.9052 for Land Use Violations to Increase the Capability of the County to Gain Compliance with Land Use Regulations

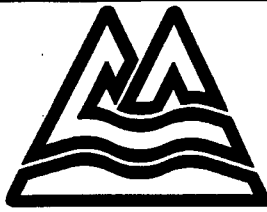
ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF FIRST READING. LISA ESTRIN EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING APRIL 9, 1998.

There being no further business, the meeting was adjourned at 10:08 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad

Deborah L. Bogstad



MULTNOMAH COUNTY, OREGON

BOARD OF COMMISSIONERS

Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515

Portland, Or 97204-1914

Phone: (503) 248-3308 FAX (503) 248-3093

Email: Mult.Chair@co.multnomah.or.us

Vacant, Commission District 1

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Portland, Or 97204-1914

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Email: @co.multnomah.or.us

Gary Hansen, Commission Dist. 2

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Portland, Or 97204-1914

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Portland, Or 97204-1914

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Email: @co.multnomah.or.us

Sharron Kelley, Commission Dist. 4

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Portland, Or 97204-1914

Phone: (503) 248-5213 FAX (503) 248-5262

Email:

Sharron.E.Kelley@co.multnomah.or.us

**Any Questions? Call Board Clerk
Deb Bogstad @ 248-3277**

Please note: Beginning Thursday, April 23, 1998, Board Meetings will be held in Room 602 of the Multnomah County Courthouse

APRIL 2, 1998 MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

2	Calendar of Routine County Business
5	Non-Agenda Public Comment
5	Downtown Homeless Youth
5	Calling for May 19, 1998 Election
6	Land Use Planning Ordinances
7	County Budget Session Schedule

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

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

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community
Television

The Board meeting agenda is also available on the World Wide Web at:

[http://www.multnomah.lib.or.us/cc
/bev/agenda.html](http://www.multnomah.lib.or.us/cc/bev/agenda.html)

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

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PUBLIC CONTRACT REVIEW BOARD

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

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1998-99 MULTNOMAH COUNTY BUDGET WORK SESSIONS AND PUBLIC HEARINGS

23-Apr	Thursday	9:30 am	PUBLIC HEARING, Executive Budget Presentation and Approval
28-Apr	Tuesday	9:30 am	Overview of 98-99 revenues
		10:00 am	Juvenile & Adult Community Justice
29-Apr	Wednesday	9:30 am	Sheriff
		6:00 pm	PUBLIC HEARING @Gresham Library 385 NW Miller
5-May	Tuesday	9:30 am	District Attorney
		10:30 am	Non-Departmental
6-May	Wednesday	1:30 pm	Environmental Services
		3:00 pm	Support Services
12-May	Tuesday	9:30 am	Health
		1:30 pm	Community & Family Services
14-May	Thursday	10:30 am	Library (after regular Board meeting)
19-May	Tuesday	9:30 am	Aging and Disability Services
		10:30 am	General Work Session (potential)
		1:30 pm	General Work Session (potential)
20-May	Wednesday	9:30 am	General Work Session (potential)
		1:30 pm	General Work Session (potential)
		6:00 pm	PUBLIC HEARING in Board Room
26-May	Tuesday	9:30 am	PUBLIC HEARING TSCC Hearing
		10:30 am	General Work Session (potential)
		1:30 pm	General Work Session (potential)
28-May	Thursday	9:30 am	PUBLIC HEARING, Adopt Budget

Unless otherwise indicated, all budget sessions will be held in the Multnomah County Courthouse, Boardroom 602, 1021 SW Fourth Avenue, Portland.

MEETING DATE: APR 02 1998
AGENDA NO: C-1
ESTIMATED START TIME: 9:30am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Appointment of Citizen Involvement Committee

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

REGULAR MEETING: DATE REQUESTED: 3/26/98
 AMOUNT OF TIME NEEDED: Consent Calendar

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 Seth Tane to the Citizen Involvement Committee, District 1 Position, for a term ending March 30, 2001.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Beverly Stein*
(OR)
DEPARTMENT
MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
98 MAR -5 PM 2:55
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

Citizens for the Preservation of Skyline Ridge

Seth Tane , Vice Chair

13700 NW Newberry Rd. Portland, OR., 97231 286-6339 phone 735-0337 fax

February 26, 1998

**To: Mr. John Legry, Executive Director
Multnomah County Citizen Involvement Committee
2115 SE Morrison #215
Portland, OR 97214**


Dear John,

This letter is a formal nomination of myself to the CIC by the board of our Neighborhood association, Citizens for the preservation of Skyline Ridge.

I will be pleased to serve as a representative on the CIC, and to actively participate in committee activities.

Please contact me if you have any further questions.

Sincerely,



Seth Tane

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.

Neighborhood Assoc's
NAME OF NOMINATING GROUP: CITIZENS FOR THE PRESERVATION OF SEVYNERIDGE

SECTION I

NAME: SETH TANE

735-0339
HOME PHONE: 286-6339

ADDRESS: 13700 NW NEWBERRY RD

WORK PHONE: _____

PORTLAND OR

Zip Code: 97231

Is your residence located in Multnomah County?

YES X NO _____

SECTION II

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

LONG STANDING INVOLVEMENT IN NEIGHBORHOOD & REGIONAL GOVERNMENT,
GREEN SPACES/ENVIRONMENTAL ISSUES AND LAND USE

SECTION III

Please list three volunteer/civic activities:

ORGANIZATION: 1. CPSR vice chair/land use DATE: present
(mult. co. rep.)
2. METRO/Regional parks + green spaces DATE: present
3. METRO/water resources comm. DATE: present

RESPONSIBILITIES: land use, neighborhood plans, water policy,
parks + green spaces policy.

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:

George Sander / Skyline Blvd / 621-3582
Chris Wrench / Skyline Area / 227-4671

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 2 Day 12 Year 53 SEX: Female _____ Male ☒

ETHNIC ORIGIN: Asian _____ Black _____ Hispanic _____
Native American _____ White ☒ (Jewish)

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: In L Tve Date: 1/5/97

MEETING DATE: APR 02 1998

AGENDA NO: C-2
ESTIMATED START TIME 9:30am

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchasers for Completion of Contract

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: _____

DEPARTMENT: Environmental Services DIVISION: Facilities & Property Management

CONTACT: Bob Oberst TELEPHONE #: 248-3785

BLDG/ROOM #: 421

PERSON(S) MAKING PRESENTATION: Bob Oberst

ACTION REQUESTED

[] INFORMATION ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

Request approval of Deed to JESSE L. ROGERS, JOHN W. MILLER AND WILLIE T. CHERRY, contract purchasers, upon completion of Contract 15474.

Deed FM98-01 and Board Order attached.

4/2/98 ORIGINAL Deed & copies of all to Bob Oberst

SIGNATURES REQUIRED

ELECTED

OFFICIAL: _____

OR

DEPARTMENT

MANAGER: *Robert Oberst*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

12/95

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 FEB 18 AM 9:19

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Execution of Deed FM98-01)
Upon Complete Performance of Contract 15474)
with JESSIE L. ROGERS, JOHN W. MILLER)
AND WILLIE T. CHERRY)
ORDER:
98-19

WHEREAS, On July 20, 1989, Multnomah County entered into Contract 15474, recorded in Book 2222 Page 0545 with JESSIE L. ROGERS, JOHN W. MILLER AND WILLIE T. CHERRY, for the sale of the real property hereinafter described; and

WHEREAS, the above contract purchasers have fully performed the terms and conditions of the said contract and are now entitled to a deed conveying said property to said purchasers; now therefore

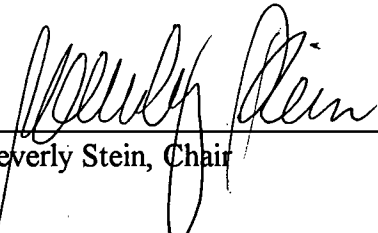
IT IS ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchasers the following described real property situated in the County of Multnomah, State of Oregon:

LINCOLN PARK ANNEX, a recorded subdivision in the City of Portland
EXC W 10' IN UNION AVE, LOTS 7 & 8, BLOCK 14

Dated this 2nd day of April, 1998.

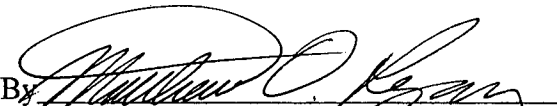
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON




Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
Multnomah County, Oregon


By Matthew O. Ryan, Assistant County Counsel

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JESSIE L. ROGERS, JOHN W. MILLER, AND WILLIE T. CHERRY, Grantees, the following describe real property, situated in the County of Multnomah, State of Oregon:

LINCOLN PARK ANNEX, a recorded subdivision in the City of Portland
EXC W 10' IN UNION AVE, LOTS 7 & 8, BLOCK 14

The true and actual consideration paid for this transfer, stated in terms of dollars is \$18,000.

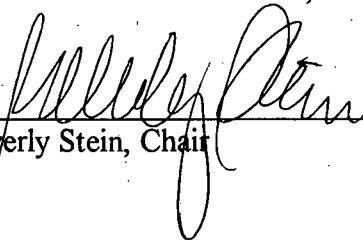
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.390.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 2nd day of April, 1998, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By 
Beverly Stein, Chair



REVIEWED:

Thomas Sponsler, County Counsel
Multnomah County, Oregon

DEED APPROVED:

F. Wayne George, Director
Facilities and Property Management

By 

By  

After recording, return to Multnomah County Facilities and Property Management (421/3rd)

STATE OF OREGON

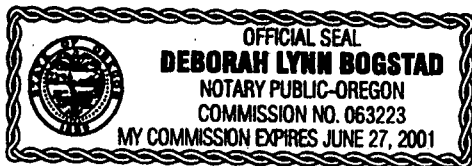
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 2nd day of April, 1998, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: June 27, 2001

MEETING DATE: APR 02 1998

AGENDA NO: C-3

ESTIMATED START TIME: 9:30am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Deed to Contract Purchaser for Completion of Contract.

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 deed to contract purchaser, DEBRA D. KNAPPER, for completion of Contract #15359
(Property repurchased and assigned by former owners to Debra Knapper).

Deed D981542 and Board Order attached.

*4/2/98 original Deed & copies of all
to tax title*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAR -5 PM 2:50

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: *K. A. Tuneberg* *L. E. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Execution of Deed D981542
Upon Complete Performance of a Contract
with DEBRA D. KNAPPER

} ORDER
98-20

WHEREAS, on June 2, 1986, Multnomah County entered into a contract with GEORGE E. GOLDEN and CATHERINE GOLDEN, their interest was then assigned to DEBRA D. KNAPPER in the Deed Records of Multnomah County, at book 94, page 058124 recorded April 12, 1994, for the sale of the real property hereinafter described; and

WHEREAS, the above contract purchaser has fully performed the terms and conditions of said contract and is now entitled to a deed conveying said property to said purchaser; now therefore

WHEREAS, by the adoption of this Order the County hereby accepts and ratifies that certain assignment between GEORGE E. GOLDEN and CATHERINE GOLDEN to DEBRA D. KNAPPER in the Deed Records of Multnomah County, at book 94, page 058124 recorded April 12, 1994,

IT IS ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the contract purchaser the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 7, BLOCK 8, CENTRAL ALBINA, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

Dated this 2nd day of April, 1998.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:
Thomas Sponsler, County Counsel
Multnomah County, Oregon

By Matthew O. Ryan
Matthew O. Ryan, Assistant County Counsel

DEED D981542

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to DEBRA D. KNAPPER, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 7, BLOCK 8, CENTRAL ALBINA, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$5,954.74.

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

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

DEBRA D. KNAPPER
6372 NE CLEVELAND
PORTLAND, OR 97211

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 2nd day of April, 1998, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
Multnomah County, Oregon

By Matthew O. Ryan

Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:

Kathleen A. Tuneberg, Director
Tax Collections/Records Management

By K. A. Tuneberg

After recording, return to Multnomah County Tax Title/166/300

STATE OF OREGON

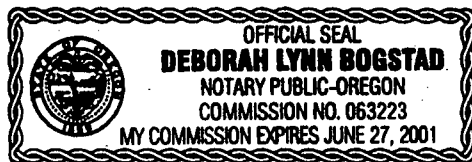
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 2nd day of April, 1998, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad

Notary Public for Oregon

My Commission expires: June 27, 2001

MEETING DATE: APR 02 1998

AGENDA NO: C-4
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Private Sale

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: February 19, 1998

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Pat Frahler TELEPHONE #: 248-3590 ext. 22331
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Representative from Hansen's Office

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Request approval of a private sale of tax foreclosed property under ORS 275.225.

The property is assessed at less than \$5,000.00 on the most recent assessment roll and requesting adjacent property owner's house currently encroaches on the County's property and the pending sale is to be advertised as provided by ORS 275.225.

The price at sale is \$2,495.36.

Attached documents: Staff Report, Board Order, Deed D981541, and Notice of Sale.

4/2/98 copy of ORDER to TAX TITLE

4/6/98 ORIGINAL DEED **SIGNATURES REQUIRED:**
& COPIES OF ALL TO VANESSA WITKA

ELECTED
OFFICIAL: _____

OR

DEPARTMENT
MANAGER: L. A. Jumper

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

98 FEB 18 AM 8:42
CLERK OF
COUNTY COMMISSIONERS
MULTI-COUNTY
OREGON

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT

TO: BOARD OF COUNTY COMMISSIONERS
FROM: Pat Frahler/Gary Thomas
TODAY'S DATE: February 4, 1998
REQUESTED PLACEMENT DATE: February 19, 1998
RE: Request approval to sell a Tax Foreclosed Property at a Private Sale.

I. Recommendation/Action Requested:

Approval to sell a tax foreclosed property by Private Sale.

II. Background/Analysis:

This property was deeded to the County on October 3, 1994, through foreclosure for non-payment of property taxes. This property was made available to Government Agencies and Non-Profit Housing Developers of Multnomah County during fiscal year 1994-95, in accordance with Ordinance 795. There were no requests for this property. The Private Sale parcel is a strip property in Multnomah County (See area map of property, page 3).

III. Financial Impact:

Private Sale will allow for recovery of delinquent taxes, interest, fees, and costs, and reinstate the property on the tax roll (see exhibit "A").

IV. Legal Issues:

No legal issues are expected, and Private Sales are provided for in ORS 275.225. This parcel would be sold "AS IS" without guarantee of clear title.

V. Controversial Issues:

Under ORS 275.225 Private Sales are only available on property that is unsuitable for construction and is valued at less than \$5,000. The 97/98 value is \$2,500.00. Adjacent property owner's house currently encroaches on the County's property. (See page 4)

VI. Link to Current County Policies:

This property has been through all the process provided for in Ordinance 795.

VII. Citizen Participation:

Once the Board of County Commissioners approves the action to sell a notice will be placed in the Daily Journal of Commerce to advertise the Private Sale.

VIII. Other Government Participation:

Properties sold at Multnomah County Public or Private Sale are subject to Senate Bill 382. There are no liens recorded against this parcel at this time.

EXHIBIT A

PROPOSED PROPERTY LISTED FOR PRIVATE SALE FISCAL YEAR 1997-98

LEGAL DESCRIPTION:	N 20' OF LOT 4, BLOCK 2, STERLING, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon
ADJACENT PROPERTY ADDRESS:	7224 SE 72nd Ave
TAX ACCOUNT NUMBER:	R-79500-0310
GREENSPACE DESIGNATION:	No Greenspace Designation was assigned to this property.
SIZE OF PARCEL:	2,000 (20 X 100)

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE:

MARKET VALUE: (Negotiated from \$2,500 to more accurately reflect the estimated market value)	\$1,250.00
OLD TAXES & INTEREST:	\$1,017.36
TAX TITLE MAINTENANCE COST:	\$ 0.00
TITLE REPORT:	\$ 160.00
ADVERTISING COST:	\$ 35.00
RECORDING DEED FEE: (Deeding to Purchaser)	\$ 33.00
CITY OF PORTLAND LIENS:	<u>\$ 0.00</u>
TOTAL PRICE OF PRIVATE SALE:	\$2,495.36

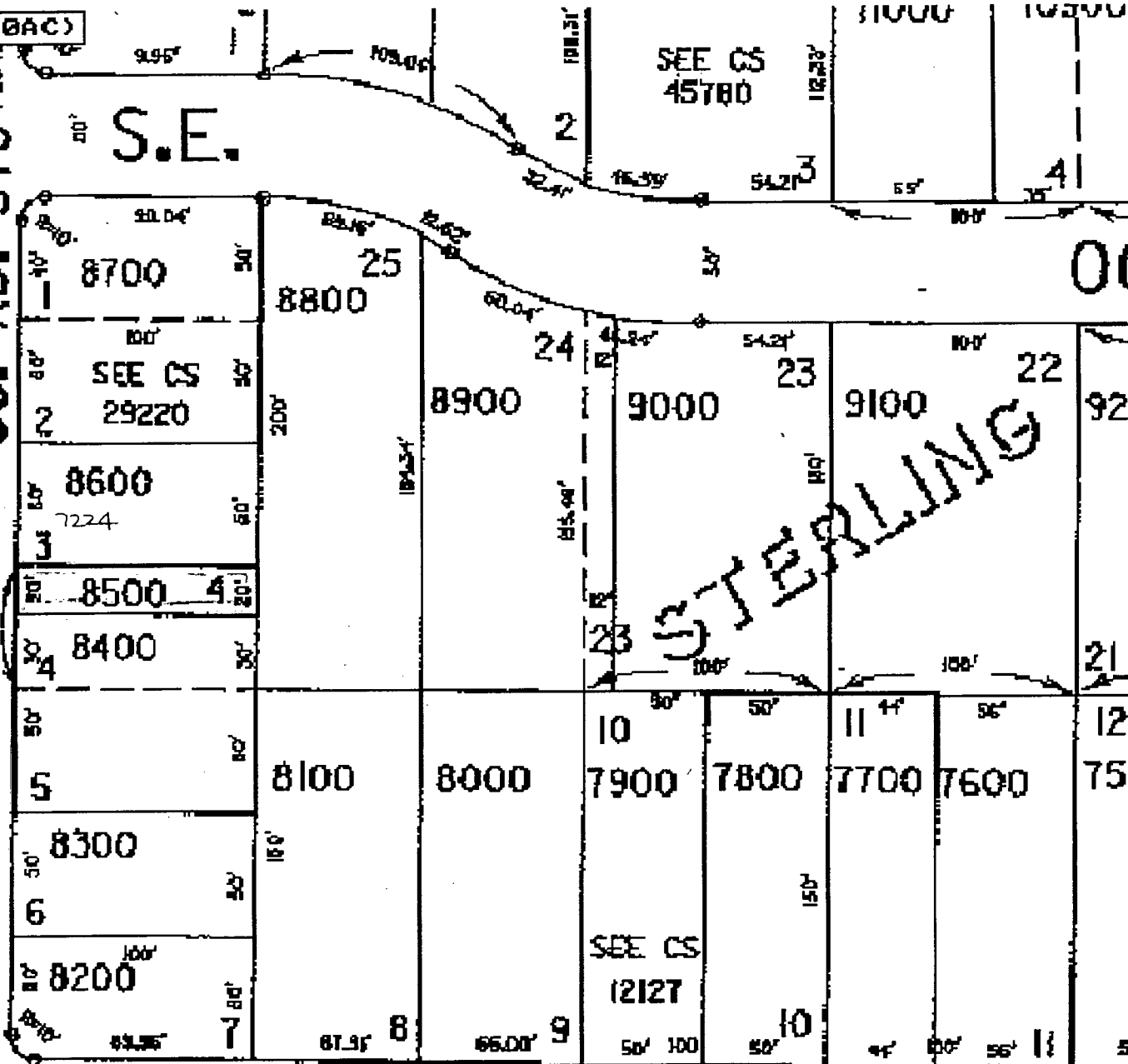
SEE MAP 1S 2E 20BD

72ND

57.1 BRINTWOOD

CO. RD. 378

50'00" W 1/4 E





7224 SE. 72nd

County property
20 x 100 lot.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY

Authorizing Private Sale of Certain
Tax Foreclosed Property to
DICK and ROBIN MOORE,
Including Direction to Tax Title
for Publication of Notice Pursuant
to ORS 275.225

ORDER
98- 21

WHEREAS, Multnomah County acquired the real property hereinafter described through the foreclosure of liens for delinquent taxes; and

WHEREAS, the property is assessed at \$2,500 in value on the County tax roll; and

WHEREAS, the property is unsuited for the construction or placement of structures thereon, as provided under ORS 275.225(2); and

WHEREAS, DICK and ROBIN MOORE have agreed to pay \$2,495.36 an amount the Board hereby finds to be a reasonable price for the property in conformity with ORS 275.225; and

WHEREAS, DICK and ROBIN MOORE has agreed to reimburse the County for the cost of publishing notice of this sale; now therefore

IT IS HEREBY ORDERED that the Multnomah County Tax Title Division is directed to publish notice of this sale in a newspaper of general circulation as provided under ORS 275.225(2); and

IT IS FURTHER ORDERED that not earlier than 15 days after publication of the notice and upon Tax Title's receipt of the payment of \$2,495.36, the Chair of the Multnomah County Board of County Commissioners is hereby authorized to execute a deed conveying to DICK and ROBIN MOORE the following real property situated in the County of Multnomah, State of Oregon:

N 20' OF LOT 4, BLOCK 2, STERLING a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

DATED this 2nd day of April , 1998



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan
Matthew O. Ryan, Assistant County Counsel

NOTICE OF PRIVATE SALE
PURSUANT TO ORS 275.225

Multnomah County Department of Environmental Services, Division of Assessment and Taxation, Tax Title Unit, 421 SW 6th Ave. Rm 300, Portland, Oregon 97204 will sell the following property:

N 20' OF LOT 4, BLOCK 2, STERLING, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

A parcel of non-buildable land in the proximity VACANT LOT ADJACENT TO AND SOUTH OF 7224 SE 72ND AVE, Multnomah County, Oregon. Assessed Value \$2,500.

Deed D981541

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to DICK and ROBIN MOORE, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

N 20' OF LOT 4, BLOCK 2, *ADDITION, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$2,495.36.

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 OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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

DICK and ROBIN MOORE
PO BOX 590
GRAPEVIEW WA 98546

IN WITNESS, WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 2nd day of April, 1998 by authority of an Order of said Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
Multnomah County, Oregon

By Matthew O. Ryan
Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:

Kathy Tuneberg, Director
Tax Collection/Records Management

By K. A. Tuneberg

AFTER RECORDING RETURN TO 166/300/TAX TITLE

STATE OF OREGON

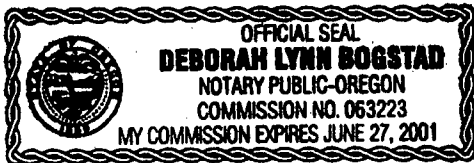
)

) ss

COUNTY OF MULTNOMAH

)

The foregoing instrument was acknowledged before me this 2nd day of April, 1998, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: June 27, 2001

MEETING DATE: APR 02 1998

AGENDA NO: C-5
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Private Sale

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: MARCH 12, 1998

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Pat Frahler TELEPHONE #: 248-3590 ext. 22331
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Representative from Hansen's Office

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

Request approval of a private sale of tax foreclosed property under ORS 275.225 to MICHAEL J. BERCUIT.

The property is assessed at less than \$5,000.00 on the most recent assessment roll and has been shown by a letter from the City of Portland Planning & Zoning that the parcel is unbuildable "AS IS" and the pending sale is to be advertised as provided by ORS 275.225.

The price at sale is \$465.55.

Attached documents: Staff Report, Board Order, Deed D981543, and Notice of Sale.

4/2/98 copy of order to Tax Title

5/4/98 copy of order, ORIGINAL DEED & COPIES of all to TAX TITLE

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____

OR

DEPARTMENT
MANAGER: _____

Pat Frahler *Kenneth E. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAR -5 PM 2:50

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Pat Frahler/Gary Thomas

TODAY'S DATE: February 23, 1998

REQUESTED PLACEMENT DATE: March 12, 1998

RE: Request approval to sell a Tax Foreclosed Property at a Private Sale.

I. Recommendation/Action Requested:

Approval to sell a tax foreclosed property by Private Sale.

II. Background/Analysis:

This property was deeded to the County on October 11, 1996, through foreclosure for non-payment of property taxes. This property was not made available to Government Agencies and Non-Profit Housing Developers of Multnomah County due to clouded title. MICHAEL J. BERCUTT has requested a private sale to meet the requirements of the City of Portland Water Bureau, for direct access to a right of way for placement of a water meter to serve the property at 8610 SW 59th Ave, which is adjacent to this parcel. The Private Sale parcel is a small rectangular shape parcel of property located in Multnomah County (See Exhibit "C").

III. Financial Impact:

Private Sale will allow for recovery of delinquent taxes, interest, fees, and costs, and reinstate the property on the tax roll (see exhibit "D").

IV. Legal Issues:

No legal issues are expected, and Private Sales are provided for in ORS 275.225. This parcel would be sold "**AS IS**" without guarantee of clear title.

V. Controversial Issues:

Under ORS 275.225 Private Sales are only available on property that is unsuitable for construction and is valued at less than \$5,000. Attached is a letter from the City of Portland stating the property is unbuildable (see Exhibit "E"). The 97/98 value is \$200.

VI. Link to Current County Policies:

This property has NOT been through all the process provided for in Ordinance 795. See above "Reference II Background/Analysis".

VII. Citizen Participation:

Once the Board of County Commissioners approves the action to sell a notice will be placed in the Daily Journal of Commerce to advertise the Private Sale (see exhibit "F").

VIII. Other Government Participation:

Properties sold at Multnomah County Public or Private Sale are subject to Senate Bill 382. There are no liens recorded against this parcel at this time.

EXHIBIT "B"

8610 S.W. 59th Avenue
Portland, OR 97219
(503) 246-9367
(503) 246-4271 (FAX)

November 27, 1998

Laurie Craighead
Multnomah County

Dear Ms. Craighead:

Enclosed are copies of official Multnomah County assessors maps from the time of purchase of the small portion of tax lot 219 located at the south end of S.W. 58th Avenue, Portland, OR 97219. Also included is a copy of a City of Portland sewer map showing the portion as included in TL 219. The deed was recorded in Book 2161, Page 1249 on December 7, 1988 at 10:30 a.m..

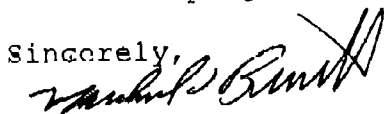
The reason for the purchase of this portion of TL 219 was to meet the requirements of the Water Bureau, City of Portland for direct access to a right of way for placement of a water meter to serve the property at 8610 S.W. 59th Avenue. Mr. Boyes originally offered to give me the small piece so that water service could be obtained directly, rather than building a water main in S.W. 59th Avenue to serve the property.

Mr. Boyes stated he owned the property, the assessors map's (Section 3823) and the City of Portland's utility mapping showed that the small piece was part of TL 219. The neighbor to the west (TL218) severely chastised me for parking on her property at the end of SW 58th just after we had written an earnest money to purchase Lot 3 and the West 55 feet of Lot 2, Gwendale. In fact she came out waving a fistful of papers which she stated proved she owned the little piece of land upon which I had parked.

Unfortunately both previous owners are deceased. Tracy Woodman who owns TL218 was told that she owned the portion on the westerly side of the center-line of S.W. 58th. Because of the size of the piece, the cost to Mr. Boyes and the strong evidence of ownership, unfortunately, I did not request Mr. Boyes provide me with title insurance. Now we find ourselves with a clouded title which the county has placed in foreclosure.

Please help my wife and myself solve the present dilemma.

Sincerely,



Michael J. Bercutt

per t/c

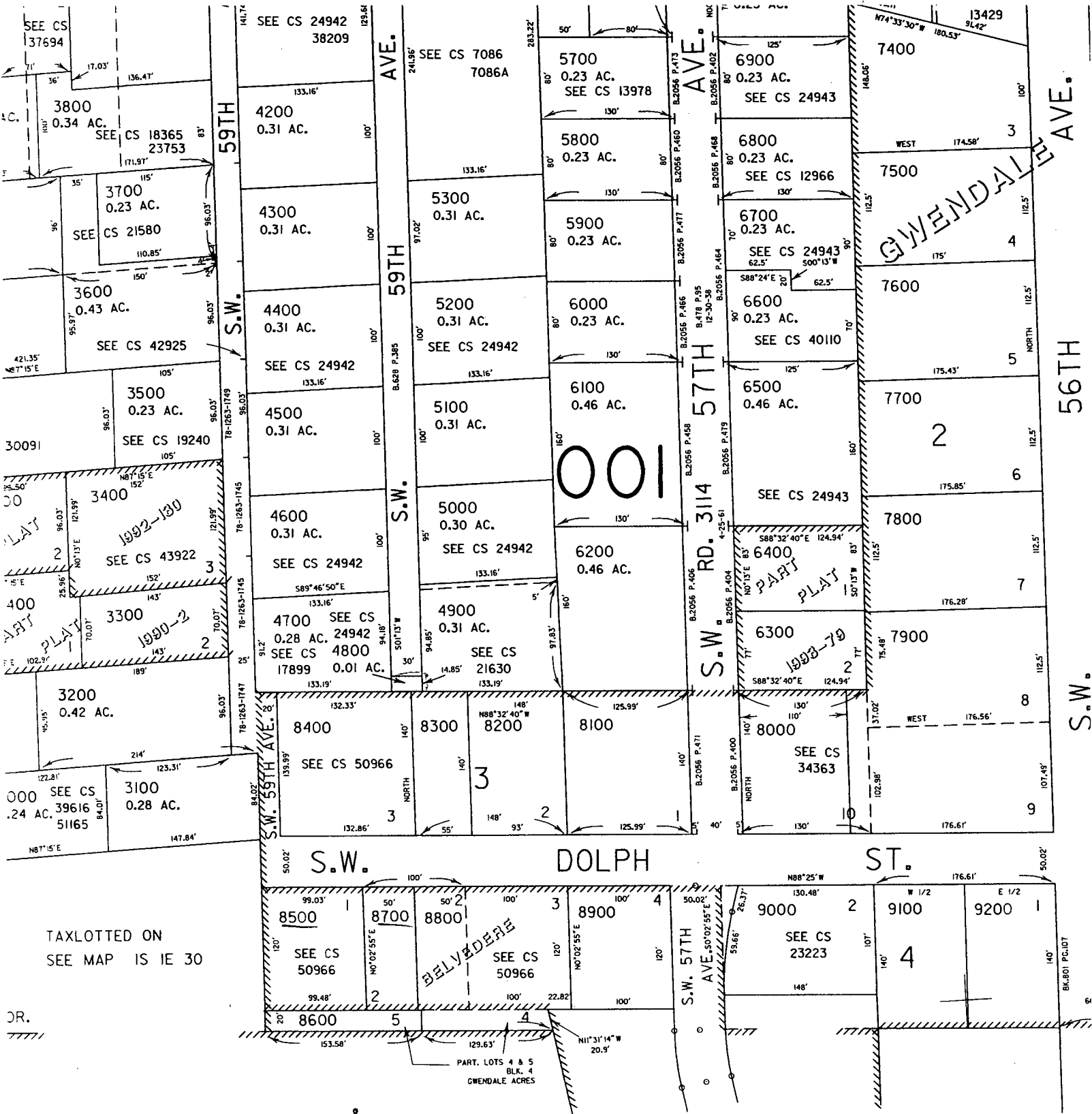
Act 991196460

First American
Carol Brumby
790-1827

EXHIBIT "C"

99119-6460

private sale



TAXLOTTED ON
SEE MAP IS IE 30

SEE MAP IS IE 30

SEE MAP IS IE 30BA

EXHIBIT D

PROPOSED PROPERTY LISTED FOR PRIVATE SALE FISCAL YEAR 1997-98

LEGAL DESCRIPTION:	SEE EXHIBIT "A"
ADJACENT PROPERTY ADDRESS:	8610 SW 59th Ave
TAX ACCOUNT NUMBER:	R-99119-6460
GREENSPACE DESIGNATION:	No Greenspace Designation was assigned to this property.
SIZE OF PARCEL:	400 (14.8 x 30)

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE:

MARKET VALUE:	\$200.00
OLD TAXES & INTEREST:	\$137.55
TAX TITLE MAINTENANCE COST:	\$ 0.00
TITLE REPORT:	\$ 0.00
ADVERTISING COST:	\$ 90.00
RECORDING DEED FEE: (Deeding to Purchaser)	\$ 38.00
CITY OF PORTLAND LIENS:	<u>\$ 0.00</u>
TOTAL PRICE OF PRIVATE SALE:	\$465.55





CITY OF
PORTLAND, OREGON
BUREAU OF PLANNING

Charlie Hales, Commissioner
David C. Knowles, Director
1120 S.W. 5th, Room 1002
Portland, Oregon 97204-1966
Telephone: (503) 823-7700
FAX (503) 823-7800

Date: ~~DECEMBER 2, 1997~~

RE: Address SW 58TH AVE & GARDEN HOME ROAD
Legal Description TAX LOT 646, SECTION 19, TOWNSHIP 1 SOUTH,
RANGE 1 EAST, SID# 151E19CD 4800, TAX ACCT# R991196460

The site you describe is currently zoned R10 - SINGLE FAMILY RESIDENTIAL
(CHAPTER 33.110). NEW LOTS IN THE R10 ZONE REQUIRE
A MINIMUM AREA OF 10,000 SQUARE FEET. TAX LOT
646 DOES NOT MEET THE MINIMUM LOT SIZE REQUIRE-
MENTS OF THE R10 ZONE, NOR DOES IT MEET THE MINIMUM
REQUIREMENTS FOR DEVELOPMENT ON A SUBSTANDARD
LOT (CHAPTER 33.291)

Please see attached zoning code chapters for allowed uses and development standards.

There is ~~is~~ not Land Use Review case history for this site. The case numbers are _____

Please come to the Permit Center for additional information on these reviews and possible conditions of approval that may affect the zoning or use of the site.

Future development and alterations on the site must conform to the applicable zoning regulations and may require building permits and/or land use reviews.

Please be advised that this zoning information is current, but that regulations do change over time. These changes may affect the use and/or development of the property. This information is based on our review of current zoning code regulations and land use case history for the property. No site visit or building permit research was completed. If you have further questions, please call the Permit Center at 823-7526.

Sincerely,

Douglas Hardy
Planning Bureau
Permit Center Staff

enclosures CHAPTERS 33.110 & 33.291



CITY OF
PORTLAND, OREGON
BUREAU OF PLANNING

Permit Center
Planning & Zoning Information

Permit Center, First Floor
1120 S.W. Fifth Avenue
Portland, Oregon 97204-1966

Phone: (503) 823-7526
FAX: (503) 823-7765
TDD: (503) 823-6868

EXHIBIT "F"

NOTICE OF PRIVATE SALE PURSUANT TO ORS 275.225

Multnomah County Department of Environmental Services, Division of Assessment and Taxation, Tax Title Unit, 421 SW 6th Ave. Rm 300, Portland, Oregon 97204 will sell the following property:

Beginning at the Southeast corner of Lot 7 CLAUSS TRACT (unrecorded), said corner being N 00°13'10" E a distance of 330 feet and N 88°30' W a distance of 877.24 feet from the quarter section corner between the Sections 19 and 30 of Township 1 South, Range 1 East of the Willamette Meridian, Multnomah County, Oregon, said corner also being the Southeast corner of that tract originally described in Book 1367, page 78 recorded October 27, 1949; thence N 00°13'10" E along the Easterly line of said tract, a distance of 14.85 feet more or less to the Southwest corner of a 30 foot wide road deeded by Book 628, page 385, recorded on August 5, 1941; thence Easterly along the Southerly terminus of said road, a distance of 30 feet to its Southeast corner, and the Westerly line of Lot 8 CLAUSS TRACT (unrecorded), said parcel originally described in Book 1372, page 35, recorded on November 21, 1949; thence S 0°13'10" W along said Westerly line a distance of 14.85 feet more or less to the North line of Block 3 GWENDALE ACRES; thence Westerly along the northline of said Block 3 a distance of 30 feet to the point of beginning.

A parcel of non-buildable land in the proximity of SW 58TH AVE & DOLPH ST, Multnomah County, Oregon. Assessed Value \$200.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY

Authorizing Private Sale of Certain
Tax Foreclosed Property to
MICHAEL J. BERCUIT,
Including Direction to Tax Title
for Publication of Notice Pursuant
to ORS 275.225

ORDER
98-22

WHEREAS, Multnomah County acquired the real property hereinafter described through the foreclosure of liens for delinquent taxes; and

WHEREAS, the property is assessed at \$200 in value on the County tax roll; and

WHEREAS, the property is unsuited for the construction or placement of structures thereon, as provided under ORS 275.225(2); and

WHEREAS, MICHAEL J. BERCUIT has agreed to pay \$465.55 an amount the Board hereby finds to be a reasonable price for the property in conformity with ORS 275.225; and

WHEREAS, MICHAEL J. BERCUIT has agreed to reimburse the County for the cost of publishing notice of this sale; now therefore

IT IS HEREBY ORDERED that the Multnomah County Tax Title Division is directed to publish notice of this sale in a newspaper of general circulation as provided under ORS 275.225(2); and

IT IS FURTHER ORDERED that not earlier than 15 days after publication of the notice and upon Tax Title's receipt of the payment of \$465.55, the Chair of the Multnomah County Board of County Commissioners is hereby authorized to execute a deed conveying to MICHAEL J. BERCUIT the following real property situated in the County of Multnomah, State of Oregon:

SEE ATTACHED EXHIBIT "A"

DATED this 2nd day of April, 1998



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:
Thomas Sponsler, County Counsel
MULTNOMAH COUNTY, OREGON

By Matthew O. Ryan
Matthew O. Ryan, Assistant County Counsel

EXHIBIT "A"

R-99119-6460

Beginning at the Southeast corner of Lot 7 CLAUSS TRACT (unrecorded), said corner being N 00°13'10" E a distance of 330 feet and N 88°30' W a distance of 877.24 feet from the quarter section corner between the Sections 19 and 30 of Township 1 South, Range 1 East of the Willamette Meridian, Multnomah County, Oregon, said corner also being the Southeast corner of that tract originally described in Book 1367, page 78 recorded October 27, 1949; thence N 00°13'10" E along the Easterly line of said tract, a distance of 14.85 feet more or less to the Southwest corner of a 30 foot wide road deeded by Book 628, page 385, recorded on August 5, 1941; thence Easterly along the Southerly terminus of said road, a distance of 30 feet to its Southeast corner, and the Westerly line of Lot 8 CLAUSS TRACT (unrecorded), said parcel originally described in Book 1372, page 35, recorded on November 21, 1949; thence S 0°13'10" W along said Westerly line a distance of 14.85 feet more or less to the North line of Block 3 GWENDALE ACRES; thence Westerly along the northline of said Block 3 a distance of 30 feet to the point of beginning.

Deed D981543

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MICHAEL J. BERCUTT, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

SEE ATTACHED EXHIBIT "A"

The true and actual consideration paid for this transfer, stated in terms of dollars is \$465.55.

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 OF COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

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

MICHAEL J. BERCUTT
8610 SW 59TH AVE
PORTLAND OR 97219

IN WITNESS, WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 4th day of May, 1998 by authority of an Order of said Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
Multnomah County, Oregon

By *Matthew O. Ryan*
Matthew O. Ryan, Assistant County Counsel

DEED APPROVED:

Kathy Tuneberg, Director
Tax Collection/Records Management

By *K. A. Tuneberg*

AFTER RECORDING RETURN TO 166/300/TAX TITLE

EXHIBIT "A"


R-99119-6460

Beginning at the Southeast corner of Lot 7 CLAUSS TRACT (unrecorded), said corner being N 00°13'10" E a distance of 330 feet and N 88°30' W a distance of 877.24 feet from the quarter section corner between the Sections 19 and 30 of Township 1 South, Range 1 East of the Willamette Meridian, Multnomah County, Oregon, said corner also being the Southeast corner of that tract originally described in Book 1367, page 78 recorded October 27, 1949; thence N 00°13'10" E along the Easterly line of said tract, a distance of 14.85 feet more or less to the Southwest corner of a 30 foot wide road deeded by Book 628, page 385, recorded on August 5, 1941; thence Easterly along the Southerly terminus of said road, a distance of 30 feet to its Southeast corner, and the Westerly line of Lot 8 CLAUSS TRACT (unrecorded), said parcel originally described in Book 1372, page 35, recorded on November 21, 1949; thence S 0°13'10" W along said Westerly line a distance of 14.85 feet more or less to the North line of Block 3 GWENDALE ACRES; thence Westerly along the northline of said Block 3 a distance of 30 feet to the point of beginning.

)

) SS

)



OFFICIAL SEAL
DEBORAH LYNN BOGSTAD
 NOTARY PUBLIC-OREGON
 COMMISSION NO. 063223
 MY COMMISSION EXPIRES JUNE 27, 2001

Deborah Lynn Baxter

My Commission expires: June 27, 2001

MEETING DATE: APR 02 1998

AGENDA NO: C-6
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Defaulted Land Sales Contract

BOARD BRIEFING: Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

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 cancellation of Land Sales Contract 15111 to JAY W. WHIPPLE & JUDITH M. WHIPPLE.

Cancellation Order and Copy of Default Notice attached

4/2/98 copies to tax title

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAR 10 AM 8:28

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR
DEPARTMENT MANAGER: *K A Tuneberg* *Robert L. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

MULTNOMAH COUNTY TAX TITLE
PO BOX 2716, PORTLAND OR 97208
421 SW 6TH AVE, RM 300, PORTLAND OR 97204
503-248-3590

plu 6/17/97

COPY

April 25, 1997

Recorded in the County of Multnomah, Oregon
C. Swick, Deputy Clerk



8.00

97090562 4:38pm 06/17/97

014 10003979 01 15
A90 1 0.00 5.00 3.00 0.00 0.00

JAY W. WHIPPLE
JUDITH M. WHIPPLE
PO BOX 823
ST HELENS OR 97051

FINAL NOTICE OF DEFAULT AND PENDING CANCELLATION OF CONTRACT 15111

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN DEFAULT UNDER CONTRACT #15111 RECORDED ON May 14, 1982, BOOK 1630, PAGE 1452 BETWEEN MULTNOMAH COUNTY AND JAY W. WHIPPLE JUDITH M. WHIPPLE FOR THE PROPERTY LEGALLY DESCRIBED AS:

LOT 1, BLOCK 29, LADDS ADD, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon, also known as 1949 SE DIVISION ST (R-46330-6450).

This contract is in Default because:

- 1) The delinquent taxes have not been paid for tax years 92/93, 93/94, 94/95, 95/96, & 96/97 for a total of \$10,417.20 . This figure includes taxes, interest, and fees through August 25, 1997.

TOTAL OF DEFAULT IS \$10,417.20. You have 120 days to cure this default, deadline is August 25, 1997.

IN ORDER TO CURE THE DEFAULT YOU MUST PAY ALL INSTALLMENTS DUE, INCLUDING INTEREST, ALL DELINQUENT TAXES, INCLUDING INTEREST AND FEES, AND ALL COSTS INCURRED THE COUNTY RESULTING FROM THIS DEFAULT AS DESCRIBED ABOVE. PLEASE BE ADVISED THAT THE BACK INSTALLMENTS AND TAXES MUST BE PAID CURRENT TO THE DATE OF ACTUAL PAYMENT AND ARE SUBJECT TO CONTINUING ACCUMULATION OF INTEREST OR PRINCIPAL OR BOTH. PAYMENT MUST BE MADE TO TAX TITLE, IN CERTIFIED FUNDS (NO PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED). YOU CAN MAIL TO THE PO BOX OR BRING YOUR PAYMENT IN PERSON TO THE STREET ADDRESS LISTED IN THE ABOVE LETTERHEAD.

IF THE DEFAULT IS NOT CURED BEFORE August 25, 1997, (120 days) THIS CONTRACT WILL BE CANCELED, AND EVERY RIGHT, OR INTEREST OF ANY PERSON IN THE PROPERTY WILL BE FOREITTED FOREVER TO THE COUNTY.

SINCERELY,

STEPHEN KELLY
FORECLOSED PROPERTY COORDINATOR

CC TO INTERESTED PARTIES:

FEDERAL DEPOSIT INSURANCE CORPORATION, ATTN: CUSTOMER SERVICE DEPT
5080 Spectrum Dr, STE 1000E, Dallas TX 75249

AFTER RECORDING RETURN TO 166/300/TAX TITLE

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Cancelling Land Sale Contract 15111
with JAY W. WHIPPLE & JUDITH M. WHIPPLE
upon Default of Payments and Performance
of Covenants

} ORDER TO CANCEL CONTRACT
98- 23

WHEREAS contract purchaser, JAY W. WHIPPLE & JUDITH M. WHIPPLE, by contract dated May 14, 1982, book 1630 and Page 1452, agreed to purchase from Multnomah County upon terms and conditions provided therein, the following tax foreclosed property:

LOT 1, BLOCK 29, LADDS ADD, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.

WHEREAS the vendee's interest thereunder was assigned to BENJAMIN FRANKLIN FEDERAL SAVINGS AND LOAN ASSOCIATION in the Deed Records of Multnomah County, at book 2735, page 1771, recorded September 13, 1990,

WHEREAS said vendee's interest in now held by FEDERAL DEPOSIT INSURANCE CORPORATION as Receiver, in the Deed Records of Multnomah County, at book 2343, page 1022, recorded September 13, 1990,

WHEREAS the purchaser is now in default of the terms of contract in that purchaser

Failed to pay delinquent Property Taxes for tax years 92/93, 93/94, 94/95, 95/96, & 96/97 for a total of \$10,417.20.

WHEREAS ORS 275.220 provides that upon default, the Board may cancel the contract:

WHEREAS the County sent notice to contract purchaser and other interested parties of this cancellation consistent with ORS 93.915.

NOW, THEREFORE, it is hereby ORDERED that the subject contract be and is declared CANCELLED.

IT IS HEREBY FURTHER ORDERED that the Multnomah County Tax Collector remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.

IT IS HEREBY FURTHER ORDERED that the TAX TITLE UNIT OF THE DEPARTMENT OF ENVIRONMENTAL SERVICES mail via regular mail and a certificate of mailing be made upon such copy of the order to:

FEDERAL DEPOSIT INSURANCE CORPORATION
ATTN: ROBERT HANNON
5080 SPECTRUM DR STE 1000E
DALLAS TX 75249

Dated this 2nd day of April

, 1998.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By 
Beverly Stein, Chair



REVIEWED:

Thomas Sponsler, County Counsel
for Multnomah County, Oregon

By 
Matthew O. Ryan, Assistant County Counsel

Meeting Date: APR 02 1998
Agenda No: C-7
Est. Start Time: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Report to the Board the Hearings Officer's decision on NSA 27-97

BOARD BRIEFING Date Requested:
 Amt. of Time Needed:
 Requested By:

REGULAR MEETING Date Requested: April 2, 1998
 Amt. of Time Needed: 5 Min.

DEPARTMENT: DES **DIVISION:** Transportation & Land Use Planning
CONTACT: Chuck Beasley **TELEPHONE:** 248-3043
 BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Stuart Farmer

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Report to the Board the Hearings Officer's approval with conditions on NSA 27-97.

SIGNATURES REQUIRED

Elected Official: _____
or
Department Manager: KB Larry F. Nicholas

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAR 18 PM 4:47



BOARD HEARING OF April 2, 1998

TIME 9:30am

CASE NAME: Bob Leipper

NUMBER: NSA 27-97

1. Applicant Name/Address

Bob Leipper
30728 NE Lampert Rd.
Troutdale, OR 97060

2. Action Requested by Applicant

NSA Site Review Permit for a 3 phase residential remodeling project.

3. Planning Staff Recommendation

Approval with conditions.

4. Hearings Officer Decision

Approval with conditions.

5. If recommendation and decision are different, why?

The Hearings Officer changed the conditions of approval based on testimony and new evidence presented at the hearing. The administrative decision required a Grading and Erosion Control Permit, with a possibility of a Hillside Development Permit (HDP) requirement. The Hearings Officer decision allows the applicant to demonstrate that a Grading and Erosion Control Permit is not required, and finds that the HDP permit is not required. A condition of the staff decision to require the specific location of septic tank and drainfield lines was removed by the Hearings Officer.

ISSUES

(who raised them?)

6. The following issues were raised:

The applicant disagreed with staff's interpretation of evidence submitted and applicability of code standards.

7. Do any of these issues have policy implications? Explain: No.

Action Requested of Board

☒ Affirm Hearings Officer Dec.

☐ Hearing/Rehearing

Scope of Review

☐ On the record

☐ De Novo

☐ New information allowed



DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION AND LAND USE PLANNING DIVISION
2115 SE MORRISON STREET
PORTLAND, OREGON 97214-2865
(503) 248-3043 FAX: (503) 248-3389

BEFORE THE HEARINGS OFFICER
FOR MULTNOMAH COUNTY, OREGON
FINAL ORDER

This Decision consists of Conditions, Findings of Fact and Conclusions.

March 13, 1998

NSA 27-97: Applicant's appeal of conditions of approval imposed in regards to NSA Site Review Permit for a three phase project to improve property which has an existing dwelling and a partially constructed garage, (constructed without permit approval).

Location: 30728 NE Lampert Road

Legal Description: Tax Lot 3 of Lot 10, Banner Acres
Section 32, T1N, R4E, Multnomah County

Zoning: GGR-10 (Columbia River Gorge National Scenic Area Gorge
General Residential District).

**Property Owner/
Applicant:** Bob Leipper
30728 NE Lampert Rd.
Troutdale, OR 97060

MULTNOMAH COUNTY HEARINGS OFFICER DECISION
March 13, 1998

NSA 19-97
Page 1

Hearings Officer Decision:

Affirm the staff decision to approve the NSA Site Review application for the proposed three phases, and modify the conditions imposed by staff based on the following Findings and Conclusions.

Procedural Issues

1. Impartiality of the Hearings Officer

- A. No ex parte contacts. I did not have any ex parte contacts prior to hearing this matter. I did not make a site visit. Since the time of the hearing, the attorney for the applicant has on several occasions tried to contact me on an ex-parte basis. In order avoid ex-parte contact, I have not responded to her calls.
- B. No conflicting personal or financial or family interest. I have no financial interest in the outcome of this proceeding. I have no family or financial relationship with any of the parties.

2. Jurisdiction

At the commencement of the hearing I asked the participants to indicate if they had any objections to jurisdiction. The participants did not allege any jurisdictional or procedural violations regarding the conduct of the hearing.

3. 120 Day Rule

The applicant contended that the 120 day rule is applicable to this case, and that more than 120 days have passed since the completion of the application. The County has previously held that the 120 day rule (or 150 day rule as the case may be) is not applicable to NSA decisions which are subject to the provisions of the Columbia River Gorge National Scenic Area Act. I have no reason to disagree with that ruling. Accordingly, I do not find the 120 day ruling applicable and make no findings regarding what numbered day we are on.

However, I do find that the applicant has unlawfully commenced construction of the garage and performed grading and excavation work without a permit. Accordingly, if the applicant were to pursue a writ of mandamus filing, the County would be able to substantiate that the property owner is already violating substantive provisions of the County Land Use Code. It would not seem appropriate for the Circuit Court to order the County to issue a permit, until such time as the applicant brought the subject property into compliance with the substantive provisions of the code by removing all construction and restoring the property to the condition it was in prior to commencement of grading, excavation and construction.

BURDEN OF PROOF

In this proceeding, the burden of proof is upon the applicant/appellant.

FACTS

1. Applicant's Proposal

Applicant requests NSA site review approval for a three phase improvement project to complete a garage partially constructed without a permit, to replace a retaining wall and to add a foundation and a 200 square foot addition to the existing dwelling. Applicant received approval from County staff, subject to conditions of approval and has appealed the imposition of some of those conditions.

2. Site and Vicinity Information

The applicant requested NSA Site Review for three construction/improvements to the existing dwelling and site. The projects are as described in the applicant's narrative and plans. The narrative was included as Exhibit A1 of the staff decision. The plans for the garage/future hobby room are included as Exhibit A2 to the staff decision, and the remodeling plans for the existing dwelling are included as Exhibit A3 of the staff decision.

The proposed dwelling site is on a 2 acre parcel at the north end of Lampert Road, and is on the side of a north facing hillside with a slope greater than 20%. Access is over a driveway, which cuts across the slope in front of the dwelling and rises around to the garage site on the East Side. The existing dwelling is set into the hillside in a daylight basement plan, and the garage repeats this plan beginning at the main (upper) floor level of the house. The dwelling is a dark red color with white trim. The dwelling site is visible from the Columbia River approximately 4 miles away. A row of 16' tall evergreens hides the lower level from the river in winter. A large Alder tree and other vegetation partially hide the dwelling in summer. The accessory structure is partially blocked from view from

the river by its location behind the house. The surrounding area is developed with a mix of rural residential and farm uses, with the farm use across the road to the north.

3. Testimony and Evidence Presented

At the hearing, County Planner, Chuck Beasley presented his decision and explained the rationale for the decision.

The applicant owner Bob Leipper appeared personally and by and through his attorney Dorothy S. Cofield.

Three exhibits were presented at the hearing by appellant consisting of:

- B-1 Applicant's Hearing Memorandum
- B-2 Topographic and Utility Site Plan
- B-3 North, West and East Elevation Drawings

In addition the applicant presented additional testimony regarding the location of the septic system and the slope at the site.

STANDARDS AND CRITERIA, ANALYSIS AND FINDINGS OF FACT

NSA Standards

This request is being processed as a new accessory structure in the GGR-10 (Gorge General Residential District) zone under the applicable GMA provisions. MCC 11.15.3674 provides that no building shall be erected, altered or enlarged except for the uses listed in .3676 through .3688. Such development is subject to the applicable Site Review criteria for Scenic, Cultural, Natural, and Recreation Resources in MCC 11.15.3814 through .3832.

(a) MCC 11.15.3678(A)(1) allows one single family dwelling on a legally created parcel.

(b) MCC 11.15.3564 requires the application to be processed as a Use Under Prescribed Conditions.

(c) MCC 11.15.3612(C) contains the setback requirements for structures in the zone:

Front	Side	Street Side	Rear
30	10	30	30

(d) Maximum structure height - 35 feet.

A. Compliance with NSA Site Review Ordinance Criteria

1. Scenic Resources

Staff Analysis:

The subject property is in the Rural Residential in Pastoral setting and is visible from a Key Viewing Area, the Columbia River. The request must therefore comply with the provisions of MCC .3814(A), (B), (C)(1) and (C)(3).

Phase 1. This includes the accessory structure, which has been constructed with a completed roof and ready for siding at the time of this decision. The structure is described by the applicant in Exhibit A1, as a garage 26' X 32' in size with hobby room above, and is allowed as a structure accessory to the established residential use of the property under MCC .3678(A)(2). The siding is proposed as board and batt, which is the same as that on the dwelling, to be painted dark red with white trim. The roof is a dark color. The only portion of the structure visible from the Columbia River is the upper floor windows, fascia, and roof. The remainder of the structure is hidden from the river by the dwelling and by existing evergreen trees along the north property line. The applicant indicates that grading was less than 100 cubic yards, and areas have been reseeded to lawn.

The structure is set into a relatively steep hillside which has been excavated a distance beyond the rear (south) upslope side of the dwelling in order to create a semi-flat area. The site plan submitted does not detail the existing topography beyond and upslope of the structure. Staff calculates that approximately 150 cubic yards of excavated material was produced during construction of the foundation, and this does not include the additional excavation south of the structure. The location of the structure into the side of the hill seems reasonable given the relationship of garage, dwelling main floor, and the existing septic system in the driveway in front of the building.

However, the provisions for a grading plan under .3814(B)(21) apply given the slope of over 20% and volume of grading over 100 cubic yards. Staff notes that none of the grading areas are viewable from a KVA. In addition to the grading provisions of this section, the Multnomah County Building and Specialty Code, Chapter 9.40 Grading and Erosion Control Code applies to Building Permit applications throughout the County when not exempt under 9.40.020. In addition, MCC .6700 Hillside Development and Erosion Control (HDP) applies to sites which are mapped as hazardous, or where lands with average slopes of 25% or more. The unmet provisions of .3814(B)(21) can be met by the applicant obtaining a Grading and Erosion Control permit. If the topographic information submitted for a Grading and Erosion Control Permit

indicates slopes of 25% or more, the permit will be processed as an HDP permit.

Due to the location of a portion of the septic system under the driveway which is to be paved, and the use of other areas north of the garage for parking, the site plan should include the specific location of septic system tank and drainfield leach lines in relationship to existing and proposed driveway, parking, and maneuvering areas.

Hearings Officer Analysis:

The applicant has provided additional testimony and evidence to the hearings officer, that staff did not have available for its consideration. Accordingly, I find that the applicant has provided credible testimony that the slopes on the portion of the site subject to this review do not exceed 25% and therefore a Hillside Development permit will not be required. At the time the applicant submits his application for building permit, the staff will review the proposed excavation and grading plans to determine if a Grading and Erosion Control Permit is required.

One of the difficulties in reviewing this application is that the applicant proceeded to do excavation and grading work and construction of the garage without first getting a permit. Some of the exemptions from the grading and excavation permit requirements are not applicable for applicant because he did not have a permit when he did the work.

Rather than bring an enforcement action to require the property owner to remove the structure or correct the excavation/grading work and restore the property to its pre-construction/pre-excavation configuration, the County is letting the property owner come into compliance with ordinance requirements, through the permit process. However, staff was unable to view the property prior to commencement of work to verify the applicant's estimates of the number of cubic yards of grading/excavation work. The condition regarding the Grading and Erosion Control Permit will be modified to give the applicant the opportunity to demonstrate that a Grading and Erosion Control Permit is not required. However, if staff (Chuck Beasley) at time of building permit review determines that a Grading and Erosion Control Permit is required, then the applicant will be required to obtain one prior to issuance of a building permit.

The applicant further contends that a 6 month limitation for obtaining a building permit denies the applicant his procedural rights and constitutes an unlawful delegation of power to a ministerial review body. I disagree.

The applicant misconstrues the purpose of the condition. The condition, in

essence, is telling the applicant to apply for and receive his building permit in six months to correct the ongoing zoning ordinance violation, or the County will bring an enforcement action to correct the violation. I will revise this condition to reflect that applicant may proceed with the phased development in separate phases, provided that a building permit for Phase 1 is issued before any building permits for the other phases may issue.

The applicant has provided additional information regarding the location of the septic system, which I find adequate and staff concurred during the hearing. Accordingly, I will be removing the condition imposed by the planning department regarding the septic system.

Staff analysis:

The existing nearby development includes relatively large single story and one and one-half to two and one half story homes on adjacent parcels visible from the river. The scale of the proposed structure is generally smaller than other structures in the immediate vicinity. In addition, the other elements needed to achieve subordination under .3814(B)(1),(2), and (3) are satisfied with the development as proposed. The only question is whether the white trim makes the visible portion of the garage highly contrasting from the Columbia River, and whether it meets the landscape setting requirement in .3814(C)(1)(c)(v). The distance to the river of over 4 miles, the small amount of white trim which is not shielded in winter, the additional shielding from deciduous trees in summer, and the existing color scheme on the dwelling for which there is no requirement to change, allows a finding of compliance with the standard in (B). Staff also finds that white is a natural or earth tone color and meets the .3814(C) requirement. No exterior lighting is proposed.

Phase 2. This phase is to replace an existing retaining wall at the south side of the dwelling which is overturning. However, the applicant has not submitted a specific plan of the retaining wall and its' relationship to the overall landscape, or enough information to determine compliance with MCC 3814(B)(21). The hillside south of the wall rises at a slope greater than 20% for some distance behind the house. Evaluation of this wall should be included in the Grading and Erosion Control Permit required in condition of approval #2 due to the proximity of the work area to Phase 1 and Phase 3 development.

Phase 3. The third phase includes replacement of the foundation/basement and extension to include all of the area under the existing main floor, and addition of 200 square feet at the southwest portion of the dwelling at main floor level. These elements are shown on the applicant's plans in Exhibit A3 of this report. The project area is entirely hidden from view of the Columbia River, and appears otherwise consistent with the visual objectives of the ordinance. However, the applicant has

not submitted a specific plan which details the location and extent of excavation needed to temporarily raise the house and construct and expand a foundation beneath it. The plans should include a description of the excavations needed and the relationship to the overall landscape, the other structures, and the site development process. Phase 3 should be included in the Grading and Erosion Control Permit required in condition of approval #2.

Staff Conclusion: The Scenic Resources requirements are satisfied when the development occurs according to the plans submitted by the applicant, and when the conditions of approval related to obtaining a Grading and Erosion Control or Hillside Development Permit, retention or replacement of existing trees and hedge north of the dwelling, shielding of exterior lighting, and maintenance of view buffer trees are met.

Hearings Officer Conclusion:

I concur with the staff decision that the Scenic Resources requirements are satisfied when certain conditions of approval are met, but as indicated elsewhere in this order, I will be modifying some of those conditions.

2. Cultural Resources

Staff Analysis:

The GMA Cultural Resource Review Criteria are found in MCC 11.15.3818. The response from the USDA Forest Service Archaeologist indicates no survey of the property is required and no significant archaeological properties are in the vicinity. The code provides that the cultural resource review criteria shall be deemed satisfied, except MCC .3820(H), if the Forest Service or Planning Director does not require a cultural resource survey and no comment is received during the comment period provided in MCC .3810(B).

(H) Discovery During Construction

All authorizations for new developments or land uses shall be conditioned to require the immediate notification of the Planning Director in the event of the inadvertent discovery of cultural resources during construction or development.

(1) In the event of the discovery of cultural resources, work in the immediate area of discovery shall be suspended until a cultural resource professional can evaluate the potential significance of the discovery pursuant to MCC .3820(G)(3).

Conclusion: No impacts to Cultural Resources have been identified, and the addition of a condition of approval which requires compliance with Discovery During Construction, will ensure that no impacts will occur.

The Hearings Officer Concurs with staff's conclusion.

3. Natural Resources

All new developments and land uses shall be evaluated to ensure that the natural resources on a site, or natural resources in danger of degradation or destruction from individual or cumulative off-site impacts, are protected from adverse effects. The applicable criteria for uses proposed in the GMA are in MCC .3822 through .3828. Maps from the Gorge Commission and site investigation indicate that the site is not within a wildlife habitat area, no natural areas or plant species are identified in the project area, and that no wetlands or other water or riparian areas are nearby.

Staff Conclusion: Due to the lack of identified natural areas in the project area, no natural resources will be impacted by construction of the garage.

The Hearings Officer Concurs with staff's conclusion.

4. Recreation Resources

The proposed use is not a recreation use, and no recreation uses exist on surrounding properties. The GMA Recreation Resource criteria in MCC .3832 do not require other uses in GMA areas to comply with approval criteria.

Staff Conclusion: No recreation resources exist in the area, therefore no impacts to these resources will occur as a result of the proposed development.

The Hearings Officer concurs with staff's conclusion.

CONDITIONS OF APPROVAL

1. The garage/hobby room is only approved as a structure accessory to the dwelling under the current regulations. No business related use of the structure is allowed without prior approval.
2. At time of Building Permit Application, Staff (Chuck Beasley) shall review the applicant's

submitted plans to determine if the applicant must obtain a Grading and Erosion Control Permit. If a permit is needed, applicant will be required to obtain a permit that incorporates the standards of MCC .3814(B)(21) in addition to those of Chapter 9.40.

3. The applicant shall retain existing trees and shrubs which contribute to screening of the developed areas of the property from the Columbia River except as is necessary for safety purposes. Buffering tree or shrub replacement plantings are required when existing plants are lost or removed, and shall be native species or other species commonly found in the area, and shall include a minimum of 25% coniferous tree species to increase winter screening.
4. If any exterior lighting is planned, it shall be indicated on the building plans, and shall be directed downward and sited, hooded and shielded such that it is not highly visible from Key Viewing Areas. Shielding and hooding materials shall be composed of non-reflective, opaque materials.
5. The applicant may proceed with the development of his project in phases and may submit separate building permit applications (and Grading and Erosion Control Permit applications if needed). However, in view of the fact that the applicant is not currently in compliance with the ordinance requirements, no permits for the other phases may be issued unless a permit has been obtained for Phase 1. Applicant must make application for the building permit for Phase I within 60 days of the date of this order. The property owner must obtain the Building Permit for Phase 1 within six months of the date this decision becomes final. If applicant has not so obtained a permit for Phase 1, within six months after the date of this decision, the Planning Department can extend this time frame upon a showing by the applicant that he has been diligently pursuing the Permit application process. If applicant has not obtained a permit as required herein, Multnomah County may bring an enforcement action to require removal by the property owner of construction, grading and excavation improvements made without a permit. This condition is intended to facilitate bringing the property into compliance with Multnomah County codes.
6. The applicant shall be responsible for implementation of the Discovery During Construction provisions of MCC 11.15.3820 for Cultural Resources on all phases of the project. Should any cultural resource be uncovered during the project, the applicant or parties of interest shall notify the Planning Director and the Oregon State Office of Historic Preservation within 24 hours. If the cultural resources are prehistoric or otherwise associated with Native Americans, the project applicant shall also notify the Indian tribal governments within 24 hours.
7. Except as otherwise specified in the above conditions, this approval is based on the applicants submitted testimony, site plan, and findings contained in the Staff Report.

The applicant shall be responsible for implementing the development plan as presented and approved.

8. The owner shall contact Chuck Beasley or other Multnomah County Planner assigned to this file to arrange zoning approval for the Building Permit.

CONCLUSION

Based upon the Staff Report and the findings and substantial evidence cited or referenced therein, and the additional testimony and evidence presented at the hearing, I conclude that the application for Columbia River Gorge National Scenic Area approval for a three phase project to improve property by construction of garage, retaining wall and foundation and addition improvements to a dwelling satisfies all applicable approval criteria, provided that the conditions for approval included herewith are complied with. Accordingly, the applicant's request for a National Scenic Area Site Review Permit is hereby approved subject to the conditions of approval contained herein.

IT IS SO ORDERED, this 13th day of March, 1998.


JOAN M. CHAMBERS, Hearings Officer

Meeting Date: APR 02 1998
Agenda No: C-8
Est. Start Time: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Report to the Board the Hearings Officer's decision on CS 8-97.

BOARD BRIEFING Date Requested:
 Amt. of Time Needed:
 Requested By:

REGULAR MEETING Date Requested: February 26, 1998
 Amt. of Time Needed: 5 minutes

DEPARTMENT: DES **DIVISION:** Transportation & Land Use Planning
CONTACT: Derrick Tokos **TELEPHONE:** 248-3043
 BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Stuart Farmer

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Report to the Board the Hearings Officer's decision regarding an **approval** of a Community Service Use, with conditions to renovate and expand an existing equipment storage structure for use as a Grange Hall.

SIGNATURES REQUIRED

Elected Official: _____
or
Department Manager: KB Land & Nicholas

98 FEB 18 AM 11:55
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



CASE NAME: SAUVIE ISLAND GRANGE HALL

NUMBER: CS 8-97

1. Applicant Name/Address:

Lance Construction & Engineering
19130 SW Alexander
Aloha, Oregon 97006

Property Address:

14443 NW Charlton Road
Tax Lot 7, Section 16, T2N, R1W, W.M.
Tax Acct #R97116-0070

Action Requested Of Board

☒ **Affirm Hearings Officer Decision**

☐ **Hearing/Rehearing**

Scope of Review

☐ **On the Record**

☐ **De Novo**

☐ **New Information Allowed**

2. Action Requested By Applicant:

An application for a Community Service Permit to renovate and expand an existing equipment storage structure for use as a Grange Hall.

3. Planning Staff Recommendation:

Approval with conditions.

4. Hearings Officer Decision:

Approval with conditions.

5. If Recommendation And Decision Are Different, Why?

They were the same.

6. Issues:

None apparent.

7. Do Any Of These Issues Have Policy Implications? Explain.



DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION AND LAND USE PLANNING DIVISION
2115 SE Morrison Street
Portland, OR 97214 (503) 248-3043

DECISION OF HEARINGS OFFICER

Summary Information:

Case File: CS 8-97

Hearings Officer: Liz Fancher

Hearing Date, Time, & Place: Wednesday, January 21, 1998; at 9:00 AM
2115 SE Morrison Street, Room 111, Portland, OR 97214

Proposal: Application for a Community Service Conditional Use Permit to renovate and expand an existing structure for use as a Grange Hall.

Location: 14443 NW Charlton Road
Tax Lot 7, Section 16, T2N, R1W, W.M. (R97116-0070)

Applicant: Lance Construction & Engineering

Owner: Sauvie Island Grange

Site Size: 3.54 acres

Present Zoning: Multiple Use Agriculture (MUA-20)
Community Service (CS)

MULTNOMAH COUNTY
PLANNING SECTION

98 FEB -2 PM 2:45

RECEIVED

Hearings Officer Decision:

Approve the proposed Community Service Conditional Use Permit to renovate and expand an existing structure for use as a Grange Hall, subject to compliance with specific conditions.

Conditions:

1. This Community Service approval shall be specific to the use(s) described together with the limitations or conditions as determined herein. Any change of use from the use described in the land use application or modification of limitations or conditions shall be subject to approval by the approval authority and may require a public hearing.

2. As required under MCC 11.15.7010(F), the applicant/owner is to obtain design review approval of all proposed site improvements including, but not limited to, grading, clearing, landscaping, fencing, and exterior structural design. Site work shall not proceed until required Design Review approvals are obtained. Specific design features represented in this application shall be reflected in plans submitted for design review.
3. As an element of design review, the applicant/owner is to demonstrate compliance with the off-street parking and loading requirements of MCC 11.15.610, including the surfacing standards of MCC .6132 (A) through (D), and the design standards of .6138(D) with which the current application does not comply. Off-site parking may be pursued consistent with MCC 11.15.6112(B) and Finding 6(e) of this decision.
4. Prior to the issuance of any building permits, the applicant/owner shall obtain an access permit to Charlton Road and submit evidence demonstrating compliance with Section 02.100 of the County Street Standards, as described in the memorandum from Alan Young, Right-Of-Way Permit Supervisor, dated December 9, 1997 (Exhibit B2). The applicant owner shall also dedicate an additional 5 feet of right-of-way for Charlton Road along the entire frontage of the subject property with Charlton Road, as described in the Young memorandum (Exhibit B2).
5. Approval of this use shall expire two years from the date a decision on this application is finalized, if substantial construction or development has not taken place pursuant to MCC 11.15.7010(C).

Findings of Fact:

Note: Headings for each finding are underlined. Multnomah County Code excerpts are referenced using a **bold font**. Written information provided by the applicant is *italicized*. Planning staff and Hearings Officer comments and analysis may precede or follow applicant responses or applicable criteria. The notation "HO" precedes HO comments. All findings contained in this document are, however, adopted as findings of the Hearings Officer and support the decision rendered, unless specifically rejected by the Hearings Officer.

1. Project description:

The proposed land use entails the renovation of an existing pole building structure which is approximately 36ft. x 44ft. (1584 s.f.), with a building height of approximately 21 ft. The building has a concrete floor slab and a bathroom with a shower. The existing building has been used by the Sauvie Island Fire District #30 for approximately 10 years for the storage of fire fighting vehicles and equipment. The renovation of the existing building will include an 18 ft. x 44 ft addition to the southeast and necessary upgrades to comply with applicable building codes for the change of use consistent with assembly occupancy standards. The finished structure, Sauvie Island Grange Hall, will have a total building area of approximately 2376 s.f. The meeting area will be approximately 1462 s.f.; two restrooms (men and women's), a small kitchen and storage will occupy the remaining area of the building.

The site is approximately 3.79 acres and is located in a rural area on Sauvie Island. General land use in the surrounding area can be characterized as a mix of rural residential, farm or agricultural use and community service use. Two properties located contiguous to the subject property can be described as similar uses. Bailey Nursery Inc. is located contiguous and north of the subject property and is accessed via Reeder Rd. This business is a commercial wholesaler of bear root shrubs and

shade trees which are sold and distributed on a national scale. Sauvie Island School District No. 19 is located on the property contiguous to and southwest of the subject property and has an access to the school from Charlton Road. The southeast side of the property is bordered by Charlton Road where the existing access to the subject property is located.

Activities at the proposed Grange Hall would be intermittent and similar to church gatherings. Based on the Oregon Structural Specialty Code (an amended version of the U.B.C.), the maximum number of occupants as calculated from the code would be 98. This number is likely to be conservative. Based on this number, and the parking requirements of MCC 11. 15.6142 (B), (1), an area to provide for 25 parking spaces is required. Although an increase in traffic will occur to the subject site during scheduled activities, traffic congestion will be limited due to the intermittent use of the Grange Hall and the hours of use, which are expected to occur during non-peak traffic flow periods. Reeder Road and Sauvie Island Road are located nearby which allows for efficient travel to and from the site.

2. Summary of applicable Comprehensive Framework Plan policies and Zoning Ordinance requirements:

Multnomah County Code (MCC) provisions applicable to this request are found within MCC 11.15.212, Multiple Use Agriculture; MCC 11.15.700, Community Service; and MCC 11.15.610, Off-Street Parking and Loading. Applicable Comprehensive Plan policies are 13, 14, 22, 31, 37, 38, and 40.

3. History of land use actions relating to the subject property:

Case Number	Description
CS 15-84	Allowed fire district use of the bus barn, situated on the school district's parcel and accessed via the existing drive on the subject property (note: bus barn is currently used by the school district).
CS 8-86	Approved construction of the existing Sauvie Island Fire District #30 fire equipment storage facility.
CS 1-97	Proposed cellular monopole. A Hearings Officer's decision was issued December 31, 1997, conditionally approving this request. (proposed tower location and fall radius is illustrated on the applicant's site plan for reference).
CS 4-97	Approved the siting of a new fire station at 18336 NW Sauvie Island Road, making the subject property no longer desirable for such a use by the district.

4. Characteristics of adjoining properties:

As illustrated on the County zoning map attached as Exhibit B4, the subject property lies within a pocket of Multiple Use Agriculture (MUA-20) zoned properties. This pocket is surrounded by Exclusive Farm Use (EFU) zoned ground, which is the predominant County zone classification on

Sauvie Island. The Sauvie Island School and Community Church are established community service uses in the area, residing west and north of the applicant's site respectively. Single family residences exist to the east, and south across Charleton Road. The Pacific Coast Nursery lies immediately to the northeast. Multiple Use Agriculture zoned parcels within the vicinity of the applicant's site generally range between .5 and 10 acres in size.

5. Summary of correspondence received from service entities, adjoining property owners, or other interested parties:

- a. Written information received pertaining to public and/or private services essential to or affected by the subject application are summarized in the table below, and are included in the case file as Exhibits A8 through A12.

Service	Respondent	Comments
Police	Multnomah County Sheriff's Department	The level of police service available to serve the proposed project is adequate.
Fire	Multnomah County Rural Fire District #30	There is adequate water pressure and flow for fire fighting purposes by way of a water tender.
School	Sauvie Island School District #19	There will be no impact on School District Services or operation of the educational program. The School District wishes to continue the practice of having access to a small garage on district property. This will require the use of an easement located at the west boundary of the Grange property.
Sewer	Sanitarian, Portland Bureau of Buildings	Per Land Feasibility Study #229-91, dated October 14, 1991, the site is suitable for a septic tank and drainfield, but an authorization notice is needed for change in use.
Water	Applicant	Water service is to be provided by an existing, on-site private well, the well report for which was submitted with the application.

- b. No comments were received from adjacent property owners or other interested parties regarding the application.

6. Compliance with Multiple Use Agriculture Zone District Requirements:

- a. A public meeting hall is recognized under Comprehensive Framework Plan (CFP) Policy 31 as being a Community Service Use, and as such may be allowed as a conditional use within the Multiple Use Agriculture zone district per MCC 11.15.2122, .2126, .2132, .2132(A). CFP Policy 31 is described in detail in Finding 7(g)(iv).

HO: The proposed grange meeting hall complies with the purpose of the MUA District to allow appropriate Conditional Uses, when those uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies. The subject property is currently used as a meeting hall for the fire district. This approval will allow a modest expansion and upgrading of that existing use and facility. The use will occur in an area that is already developed with a number of community service uses, including a public school, thereby minimizing its impact on area agricultural activities.

MCC 11.15.212 - Multiple Use Agriculture

11.15.2122 - Purposes

The purposes of the Multiple Use Agriculture District are to conserve those agricultural lands not suited to full-time commercial farming for diversified or part-time agriculture uses; to encourage the use of non-agricultural lands for other purposes, such as forestry, outdoor recreation, open space, low density residential development and appropriate Conditional Uses, when these uses are shown to be compatible with the natural resource base, the character of the area and the applicable County policies.

* * *

11.15.2126 - Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2128 through .2136.

* * *

11.15.2132 - Conditional Uses

The following uses may be permitted when found by the approval authority to satisfy the applicable ordinance standards:

(A) Community Service Uses pursuant to the provisions of MCC .7005 through .7041;

- b. The subject parcel, as presently configured, is a lot of record pursuant to MCC 11.15.2142, and therefore may be occupied by any permitted or approved uses when such uses are found to be in compliance with the other requirements of this district.

11.15.2142 - Lot of Record

(A) For the purposes of this district, a Lot of Record is a parcel of land for which a deed or other instrument dividing land was recorded with the Department of Administrative Services or was in recordable form prior to October 6, 1977, and which, when established, satisfied all applicable laws.

(B) A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.

- c. Proposed site improvements, as identified on the applicant's site plan (Exhibit A15), can meet applicable dimensional requirements under MCC 11.15.2138.

11.15.2138 - Dimensional Requirements

- (A) Except as provided in MCC .2140, .2142, .2144 and .7629, the minimum lot size shall be 20 acres.

* * *

(C) Minimum Yard Dimensions - Feet

Front	Side	Street Side	Rear
30	10	30	30

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional yard requirements not otherwise established by ordinance.
- d. MCC 11.15.2146 establishes that off-street parking and loading areas are to be provided, subject to the requirements of MCC .6100 through .6148. The applicant's site plan illustrates off-street parking and loading improvements, however, such improvements do not meet the requirements of Multnomah County Code, in that they fail to demonstrate compliance with the surfacing standards of MCC .6132 (A) through (D), or the design standards of .6138(D). These requirements can be addressed with a condition of approval included herein.

HO: The applicant's site plan attached with the conditional use/community service application is not approved by issuance of this decision. The applicant will be required to demonstrate compliance with the County's parking standards or obtain an exception to those standards as a part of the design review process. The applicant's site plan does show, however, that compliance with the mandatory parking standards for the requested use is possible on the subject property.

11.15.2146 - Off-Street Parking and Loading

Off-Street parking and loading shall be provided as required by MCC .6100 through .6148.

* * *

11.15.6132 Improvements

(A) Surfacing

- (1) All areas used for parking, loading or maneuvering of vehicles shall be surfaced with two inches of blacktop on a four inch crushed rock base or six inches of portland cement or other material providing a durable and dustless surface capable of carrying a wheel load of 4,000 pounds.
- (2) Large parking fields for intermittent uses such as amusement parks, race tracks, stadiums, and the like may be surfaced with gravel or grass and spaces may be unmarked if the parking of vehicles is supervised.

(B) Curbs and Bumper Rails

(1) All areas used for parking, loading, and maneuvering of vehicles shall be physically separated from public streets or adjoining property by required landscaped strips or yards or in those cases where no landscaped area is required, by curbs, bumper rails or other permanent barrier against unchanneled motor vehicle access or egress.

(2) The outer boundary of a parking or loading area shall be provided with a bumper rail or curbing at least four inches in height and at least three feet from the lot line or any required fence.

(C) Marking – All areas for the parking and maneuvering of vehicles shall be marked in accordance with the approved plan required under MCC .6108, and such marking shall be continually maintained.

(D) Drainage – All areas for the parking and maneuvering of vehicles shall be graded and drained to provide for the disposal of all surface water on the lot.

* * *

11.15.6138 Design Standards: Setbacks

* * *

(E) A required yard which abuts a street lot line shall not be paved, except for walkways which do not exceed 12 feet in total width and not more than two driveways which do not exceed the width of their curb cuts for each 150 feet of street frontage of the lot.

- e. In a letter dated January 9, 1998 (Exhibit A18), the Sauvie Island School District indicated that they are prepared to share the use of their existing parking facilities with the Sauvie Island Grange. The use of off-site stalls to meet on-site parking requirements may or may not be authorized by the Planning Director pursuant to the provisions of MCC 11.15.6112(B) at a later time.

To guide the applicant in preparing the necessary information, the following items are essential to demonstrate compliance with MCC 11.15.6112(B).

- Illustrative information must be provided identifying all off-site parking areas to be utilized.
- Provisions must be made to ensure safe and convenient pedestrian movement between off-site parking areas and the Grange's meeting hall.
- A contract, lease, deed, or other similar instrument must be executed between the Grange and the Sauvie Island School District guaranteeing the use of off-site stalls during hours in which the proposed grange hall is to be occupied. The term of such a contract must be for the life of the grange hall use. If such a contract term cannot be achieved, than a contingency must be prepared for on-site parking, in the event that off-site stalls are no longer available.

The use of off-site stalls will not relieve the applicant/owner from the requirement to pave any and all on-site parking, drive, and loading areas as described within finding 6(d).

11.15.6112 - Location of Parking and Loading Spaces

(A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

(B) Exception – The Planning Director may authorize the location of required parking spaces other than on the site of the primary use, upon a written finding by the Director that:

- (1) Parking use of the alternate site is permitted by this Ordinance;**
- (2) The alternate site is within 350 feet of the use;**
- (3) There is a safe and convenient route for pedestrians between the parking area and the use;**
- (4) Location of required parking other than on the site of the use will facilitate satisfaction of one or more purposes or standards or requirements of this Chapter; and**
- (5) There is assurance in the form of a deed, lease, contract or other similar document that the required spaces will continue to be available for off-street parking use according to the required standards.**

(C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.

7. Compliance with Community Service Approval Criteria:

(Note: Approval criteria for Community Service uses are listed under MCC 11.15.7015, and are evaluated individually with the following sub-findings.)

a. MCC .7015(A), The proposal is consistent with the character of the area.

Applicant's response same as Finding 1.

Staff: Given that the scale of the proposed use is consistent with what currently exists on similarly zoned properties in the surrounding area, that an established history of community service use exists on the subject property and, that community service uses reside immediately north and west of the site, staff recognizes this request as being consistent with the character of the area.

b. MCC .7015(B), The proposal will not adversely affect natural resources.

Storm water runoff and on site sewage disposal will not adversely affect the natural resources in the area. The Multnomah channel of the Willamette River is south of the subject site, approximately 0.4 miles and the Gilbert River is approximately 0.4 miles to the east. The site has an existing on site sewage disposal system which was permitted and approved by the City of Portland in 1991, permit number 012603. An authorization notice has been submitted to the City of Portland to review the existing system for the change of use to a Grange Hall. The lot is large, approximately 3.79 acres, any upgrades to the existing septic system can be accommodated. An

existing on site well was drilled in 1991. Required Department of Environmental Quality separation distances from the sewage disposal system from open waterways and the well have been met at the site. The topography at the site is relatively flat near Charlton Road then slopes downward towards the northwest to a swale or low area located in the northwest end of the property. The swale is located on the property and does not flow off of the property, reference attached site plan. The swale collects surface water runoff from Sauvie Island School, the subject property and a residential home located northwest of and contiguous to the site. Surface water that is collected in the swale percolates through the soil. Roof runoff from the building will be collected into a City of Portland, Plumbing Division, approved absorption trench as shown on the site plan.

Staff: This application will have a negligible impact on existing natural resources.

c. MCC .7015(C), The proposal will not conflict with farm or forest uses in the area.

The subject property is located in multiple use agricultural area, however, the community service use should not conflict with farm use in the area. The building is separated from Bailey Nursery stock by over 300 ft. A grove of trees also separates the two properties. The effect of chemical spraying should be minimized. In addition, the use of chemical spraying in close proximity to the site should be limited due to Sauvie Island School and the residential homes located in the area. Travel distance from the site to Reeder Road is less than 0.2 miles, to Sauvie Island Road, approximately 0.5 miles and to U.S. Highway 30, approximately 2.7 miles. As a result of the intermittent use and hours of use of the building and most of the travel time being accomplished on secondary roads and highways, traffic congestion should be minimized.

Staff: No recognizable off-site impacts to farm or forest uses can be identified as a result of this application.

d. MCC .7015(D), The proposal will not require public services other than those existing or programmed for the area.

The existing building has water, on site sewer, electric, gas, telephone and access. The State of Oregon water well report indicates that the property has a very high capacity well. The well was tested over a two hour period and produced a flow rate of 90 gallons per minute, which is exceptional. Access is from a public road. An existing 20 ft wide gravel driveway will be widened to 25 ft. to serve the property. Emergency service access to the site is adequate. Travel distances from the site to secondary roads and highways are relatively short (Ref. (C) above). The existing water service, and utilities are adequate to serve the intended use. There is adequate soils and area on the site to accommodate expansion of the existing septic system. Distance to transit facilities, located near the Sauvie Island Road Bridge is approximately 2.3 miles.

Staff: As described in Exhibits A10 through A12, existing fire, school, and police services can accommodate this proposal. As discussed in Exhibit B2, an additional five (5) feet of right-of-way is needed along Charlton Road, to bring the roadway in compliance with State and County standards. This deficiency can be addressed by a right-of-way dedication by the applicant, and is discussed in more detail with a subsequent finding.

HO: The applicant has raised no objection to imposition of the requirement that additional right-of-way be dedicated as a condition of approval of this application.

- e. **MCC .7015(E), The proposal will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable.**

The subject property is located outside a big game winter habitat area.

- f. **MCC .7015(F), The proposal will not create hazardous conditions.**

The change in use of the subject property will not create hazardous conditions. Traffic flow will increase during the Grange Hall use, however, as a result of the intermittent use and hours of use, traffic congestion and safety should pose no hazards. Generally, the meeting hall will be used on the weekends or on weekday evenings. Sauvie Island School business hours occur approximately from 8:00 a.m. to 5:00 p.m.

Staff: If off-site parking is to be pursued as described under finding 6(e), than measures must be taken to safely move pedestrians from the parking areas to the proposed Grange Hall. No other hazardous conditions exist as a result of this application.

HO: Design review approval will be required to assure that the site is redeveloped in a manner which will not create hazardous conditions.

- g. **MCC .7015(G), The proposal will satisfy the applicable policies of the Comprehensive Plan.**

(i) Policy 13: Air, Water And Noise Quality

Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore, it is Multnomah County's policy to:

- A. Cooperate with private citizens, businesses, utilities and public agencies to maintain and improve the quality of air and water, and to reduce noise pollution in Multnomah County.**
- B. Support and participate in the implementation of state and regional plans and programs to reduce pollution levels.**
- C. Maintain healthful air quality levels in the regional airshed; to maintain healthful ground and surface water resources; and to prevent or reduce excessive sound levels while balancing social and economic needs in Multnomah County.**
- D. Discourage the development of noise-sensitive uses in areas of high noise impact.**

Furthermore, it is the county's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to air quality, water quality, and noise levels. If the proposal is a noise sensitive use and is located in a noise impacted area, or if the proposed use is a noise generator, the following shall be incorporated into the site plan:

1. **Building placement on the site in an area having minimal noise level disruptions,**
2. **Landscaping or other techniques to lessen noise generation to levels compatible with surrounding land uses.**
3. **Insulation or other construction techniques to lower interior noise levels in noise-impacted areas.**

Staff: This application has a negligible impact on air and water quality and noise levels.

HO: The County is the appropriate agency to render the determination required by this Plan policy. The Hearings Officer accepts staff's statement as a statement of compliance with this plan policy. The proposed use is not a noise sensitive use located in a noise-impacted area nor is it a noise generator.

(ii) Policy 14: Developmental Limitations

The County's policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:

- A. Slopes exceeding 20%;**
- B. Severe soil erosion potential;**
- C. Land within the 100 year flood plain;**
- D. A high seasonal water table within 0-24 inches of the surface for 3 or more weeks of the year;**
- E. A fragipan less than 30 inches from the surface;**
- F. Land subject to slumping, earth slides or movement.**

The subject property does not have many development limitations, and limitations which are present can be mitigated with design and construction techniques. The property has already been developed. The following addresses the limitation characteristics of Policy 14:

- A. The average slope of the property is less than 20%.*
- B. Severe soil erosion potential does not exist. The surface of the property, except for driving surfaces, is covered with foliage, either grass, shrubs or trees. The new addition is sited in a flat graveled area such that erosion will be minimal or non-existent.*
- C. The property is not located within the 1 00 year flood plain.*
- D. A high seasonal water table within 0-24 inches of the surface for 3*

or more weeks of the year does not exist. From the water well report, on October 5, 1991, the static water level in the well was 29 ft.

E. Fragipan does not exist within 30 inches from the surface of the property.

F. The property has a gentle slope and is not prone to slumping, earth slides or movements.

Staff: We concur. No Policy 14 development limitations appear to exist on-site.

(iii) Policy 22: Energy Conservation

The county's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah County to reduce dependency on non-renewable energy resources and to support greater utilization of renewable energy resources. The county shall require a finding prior to the approval of legislative or quasi-judicial action that the following factors have been considered:

- A. The development of energy-efficient land uses and practices;**
- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers;**
- C. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;**
- D. Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.**
- E. Finally, the county will allow greater flexibility in the development and use of renewable energy resources.**

Staff: Policy 22 is most applicable to larger scale, urban developments and, therefore, is not entirely applicable to the subject request. However, the applicant's proposal does not pose a conflict with any of the factors of this policy.

HO: The Hearings Officer has considered all of the above factors prior to rendering this approval.

(iv) Policy 31: Community Facilities And Uses

The County's policy is to:

- A. Support the siting and development of a full range of community facilities and services by supporting the location and scaling of community facilities and uses meeting the needs of the community and reinforcing community identity.**
- B. Encourage community facilities siting and expansion at locations reinforcing orderly and timely development and efficient provision of all public services and facilities.**

- C. Encourage land use development which support the efficient use of existing and planned community facilities.
- D. Support the development of a unified approach to long range community facilities planning and capital investment programming in Multnomah County.
- E. Classify community facilities according to their function and scale of operations.

Scale

Type Of Facilities

* * *

Minor Community

**Library
Grade School
Middle School
Parks
Neighborhood Meeting Rooms
Residential Care Facility
Clinics
Convalescent Homes
Churches
Neighborhood Recreation Center**

* * *

- F. Locate community facilities on sites with average site grades consistent with a project's scale and impacts, site slope requirements by scale are:

Scale

Average Site Slope Standard

* * *

Minor Community

10%

* * *

For sites with average slopes steeper than the standard the developer must be able to demonstrate that through engineering techniques all limitations to development and the provision of services can be mitigated.

- G. Support the location of community facilities on existing transportation systems with volume capacities and modal mix splits available and appropriate to serve present and future scales of operation. Vehicular access requirements by scale of facility are:

Scale

Vehicular Access Standards

* * *

Minor Community

Direct Access To A Collector Street And No

Routing Through Local Neighborhood Streets

* * *

- H. Restrict the siting of community facilities in locations where site access would cause dangerous intersections or traffic congestion considering the following:
 - 1. Roadway capacities
 - 2. Existing and projected traffic counts
 - 3. Speed limits
 - 4. Number of turning points
- I. Support community facilities siting and development at sites of a size which can accommodate the present and future uses and is of a shape which allows for a site layout in a manner which maximizes user convenience, energy conservation, and pedestrian and bicycle access to and within the site.
- J. Promote compatible development and minimize adverse impacts of site development on adjacent properties and the community through the application of design review standards codified in MCC 11.05.7805 - 11.05.7865.
- K. Provide for the siting and expansion of community facilities in a manner which accords with the other applicable policies of this plan.

For the past 10 years, the developed property and building have been used as a fire station, providing a vital community facility. The change of use to Grange Hall will also provide a community facility which will meet the needs of the community by providing a meeting location for local residents. The County's classification of scale for lodges(intended use) and fire stations is termed as Major Community. Sauvie Island School, located adjacent to the subject property is classified as Minor Community. The property has been previously graded to provide a bench or flat area at the building site. Average site slope at the site is 10% or less. Slopes in excess of 10% have been landscaped. The existing septic system was installed on a relatively flat area of the site. The existing vehicle access to the site is from Charlton Road. The intersection of Charlton and Reeder Road, a collector street, is a short distance, less than 0.2 miles from the site. The access to Sauvie Island School is adjacent to the vehicle access to the subject site. Public Transit is relatively close, approximately 2.3 miles by road. Traffic congestion will be minimized since the intended use of the Grange Hall is intermittent and the hours of operation will generally occur during non-peak traffic flow periods.

Staff: We concur and recognize that this proposal is consistent with items A. through K. of this Comprehensive Framework Plan policy.

(v) Policy 37: Utilities

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or

- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- D. There is an adequate private water system, and a public sewer with adequate capacity.
- E. There is adequate capacity in the storm water system to handle the run-off; or
- F. The water run-off can be handled on the site or adequate provisions can be made; and
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjoining lands.
- H. There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and
- I. Communications facilities are available.

Furthermore, the County's policy is to continue cooperation with DEQ, for the development and implementation of a groundwater quality plan to meet the needs of the county.

The existing building has water, sewer, electric, gas, telephone and access. An adequate private water system is present on the property and an on-site subsurface sewage disposal system exists which was approved by the City of Portland under D.E.Q. guidelines. The site is also adequate to accommodate future expansion to the existing sewer system. Storm water runoff essentially remains on the property and drains primarily to the low lying swale in the northwest section of the property. Consequently, water quality in nearby water courses will not be adversely affected. Reference attached State of Oregon Water Well Report and Multnomah County, City of Portland, Certification of Private On-Site Sewage Disposal.

Staff: Water service is to be provided via an on-site private well, and appears adequate to serve the use as proposed (Exhibit A8). Comments from the City of Portland, Sanitarian and Land Feasibility Study #229-91 indicate that the site is suitable for a septic tank and drainfield (Exhibit A9). Evidence of an approved septic permit from the City of Portland, Sanitarian will be required prior the County issuing building permits for the requested use. Storm water impacts from the proposed development will be reviewed concurrent with design review.

(vi) Policy 38: Facilities

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- A. The appropriate school district has had an opportunity to review and comment on the proposal.**
- B. There is adequate water pressure and flow for fire fighting purposes; and**
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.**
- D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.**

Sauvie Island School has been notified of the proposed change of use for the property and has no objections to the proposed development. The Sauvie Island Fire District and the Multnomah County Sheriff have indicated that an adequate level of service is available to serve the proposed project. Reference attached response letters from the respective agencies.

Staff: Exhibits A10 through A12 indicate that existing fire, school, and police services are adequate to serve the proposed use.

(vii) Policy 40: Development Requirements

The county's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:

- A. Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the bicycle corridor capital improvements program and map.**
- B. Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.**
- C. Areas for bicycle parking facilities will be required in development proposals, where appropriate.**

Staff: No planned pedestrian or bicycle routes exist adjacent to the subject property. Landscaping will be reviewed concurrent with design review.

- h. 11.15.7015(H), The proposal will satisfy such other applicable approval criteria as are stated in this Section.**

Staff: Compliance with applicable approval criteria is discussed herein.

- 8. As described in the attached memorandum from Alan Young, Multnomah County Right-Of-Way Permit Supervisor (Exhibit B2), the subject application does not yet meet the direct access improvement standards of section 02.100 of the Multnomah County Rules for Street Standards (Exhibit B7). The standards of Section 02.100 can be met with a condition of approval attached herein.**

Conclusion:

Considering the findings and other information provided herein, this request to renovate and expand an existing structure for use as a Grange Hall, as conditioned, satisfies applicable Comprehensive Framework Plan policies and Multnomah County Zoning Ordinance requirements.

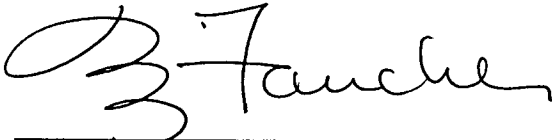
Notice of Compliance with MCC 11.15.8220(A)(11):

This Staff Report and recommendation was available on January 14, 1997, seven days before the January 21, 1997 public hearing scheduled before a County Hearings Officer. A written decision is usually mailed to all parties and filed with the Clerk of the Board within ten days of the decision by the Hearings Officer.

Appeal to the Board of County Commissioners:

The Hearings Officer Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer decision is submitted to the Clerk of the Board. An Appeal requires a completed "Notice of Review" for and a fee of \$530.00 plus a \$3.70 - per- minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)] Instructions and forms are available at the County Planning Office at 2115 SE Morrison Street (in Portland) or you may call 248-3043, for additional instructions.

Dated this 28th day of January 1998.



Liz Fancher, Hearings Officer

Mailed this ____ day of _____, 1998.

By:

MEETING DATE: APR 02 1998

AGENDA #: C-9

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Amendment 1 to IGA with Metro Washington Park Zoo

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____

AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: Environmental Services DIVISION: Facilities & Property Mgmt.

CONTACT: Jim Emerson TELEPHONE #: 248-3322
BLDG/ROOM #: 421/3rd

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Amendment 1 to Intergovernmental Agreement 301597 with Metro Washington Park Zoo for additional Facilities Project Management services to support projects at the Zoo.

4/2/98 ORIGINALS TO DEANE SEATON

SIGNATURES REQUIRED:

ELECTED
OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: *W. E. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

98 FEB 26 PM 1:51
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Contract # 301597Amendment # 1Prior-Approved Contract Boilerplate: Attached: Not Attached:

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)	<input checked="" type="checkbox"/> Intergovernmental Agreement over \$25,000
<input type="checkbox"/> Intergovernmental Agreement under \$25,000	<input type="checkbox"/> PCRB Contract	APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS
	<input type="checkbox"/> Maintenance Agreement	AGENDA # C-9 DATE 4/2/98
	<input type="checkbox"/> Licensing Agreement	DEB BOGSTAD
	<input type="checkbox"/> Construction	BOARD CLERK
	<input type="checkbox"/> Grant	
	<input checked="" type="checkbox"/> Revenue	

Department: Environmental Services Division: Facilities Mgmt. Date: 2-10-98
Contract Originator: Jim Emerson Phone: 248-3322 Bldg/Room: 421/3rd
Administrative Contact: Diane Seaton Phone: 248-3322 Bldg/Room: 421/3rd
Description of Contract:

County to provide additional project management services to Metro Washington Park Zoo.

W/O # N/A

RFP/BID #: _____ Date of RFP/BID: _____ Exemption Expiration Date: _____
ORS/AR #: _____ Contractor is ☐ MBE ☐ WBE ☐ QRF N/A

Contractor Name: <u>Metro</u>	Remittance Address (if different): _____
Mailing Address: <u>600 NE Grand</u>	_____
<u>Portland, OR 97232</u>	_____
Phone: <u>226-1561</u>	Payment Schedule
Employer ID# or SS#: _____	<input type="checkbox"/> Lump Sum \$ _____
Effective Date: <u>7-22-97</u>	<input type="checkbox"/> Monthly \$ _____
Termination Date: <u>6-30-00</u>	<input type="checkbox"/> Other \$ _____
Original Contract Amount: \$ <u>50,000.00</u>	<input type="checkbox"/> Requirements contract - Requisition Required
Total Amt of Previous Amendments: \$ <u>0.00</u>	Purchase Order No. _____
Amount of Amendment: \$ <u>50,000.00</u>	<input type="checkbox"/> Requirements Not to Exceed \$ _____
Total Amount of Agreement: \$ <u>100,000.00</u>	Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>

REQUIRED SIGNATURES:
Department Manager: [Signature] Date: 2/25/98
Purchasing Manager: _____ Date: _____
(Class II Contracts Only)
County Counsel: [Signature] Date: 2/26/98
County Chair/Sheriff: [Signature] Date: April 2, 1998
Contract Administration: _____ Date: _____
(Class I, Class II Contracts Only)

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											
02											
03											

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

DISTRIBUTION: Original Signatures - Contract Administration, Initiator, Finance — DCC-Fiscal

**AMENDMENT TO INTERGOVERNMENTAL AGREEMENT
for FACILITIES PROJECT MANAGEMENT SERVICES
between MULTNOMAH COUNTY and
METRO WASHINGTON PARK ZOO**

WHEREAS, on July 22, 1997 Multnomah County and Metro Washington Park Zoo entered into an agreement whereby Multnomah County Facilities & Property Management Division provides Project Management Services to certain Facilities Projects undertaken by Metro Washington Park Zoo; and

WHEREAS, services provided have been satisfactory, such that the parties desire to establish a continuing service relationship; and

WHEREAS, additional projects have been identified which will require additional project management services; now therefore

IT IS AGREED that Intergovernmental Agreement # 301597 is modified by this **AMENDMENT # 1** as follows:

- A. Section 2, SERVICES, item 2) g. is amended to delete "... as may be..." so that it will now read: "Additional projects selected and budgeted by the Metro Washington Park Zoo."
- B. Section 3, COMPENSATION, item C., original language is deleted and replaced by: "For the purposes of budget control the original contract maximum of \$50,000 for fiscal year 1997-8 is hereby amended to add \$ 50,000 for fiscal year 1998-9, bringing the contract total since inception to \$ 100,000. Additional services may be incorporated via future amendments. County shall not be required to perform work after June 1999 at the hourly rate set forth herein."

IT IS FURTHER AGREED that, except as specifically amended herein,
all provisions of the agreement shall remain in full force as originally written.

IN WITNESS WHEREOF, the parties hereto have caused this amendment
to be executed by their duly authorized officers.

METRO

By _____

Title _____

Date _____

By _____

Title _____

Date _____

APPROVED AS TO FORM:

By _____

Date _____

MULTNOMAH COUNTY

By Beverly Stein
Beverly Stein, Multnomah County Chair

Date April 2, 1998

Department of Environmental Services

By Larry Nicholas
Larry Nicholas, Director

Date 2.25.98

By John Thomas
Division Manager

Date 2.24.98

REVIEWED:

County Counsel for Multnomah County, Oregon

By John Thomas
John Thomas, Assistant County Counsel

Date 2/26/98

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-9 DATE 4/2/98
DEB BOGSTAD
BOARD CLERK

BUDGET MODIFICATION NO.

DES #8

(For Clerk's Use) Meeting Date APR 02 1998

Agenda No. C-10

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

March 12, 1998
(Date)DEPARTMENT Environmental ServicesCONTACT Jim EmersonDIVISION Facilities Mgmt.TELEPHONE 248-3322

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Consent CalendarSUGGESTEDAGENDA TITLE

(to assist in preparing a description for the printed agenda)

Budget modification requesting authorization to reclassify five (5) Construction Project Specialist to Construction Projects Specialist/Senior; and one (1) Construction Projects Technician to a Construction Projects Specialist.

(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.)

X

Personnel changes are shown in detail on the attached sheet

This budget modification will reclassify five (5) Construction Projects Specialists in the Capital Improvements to the Construction Projects Specialist/Senior position; and one (1) Construction Projects Technician to a Construction Projects Specialist, retroactive to January 1, 1998. This is due to increased complexity in management of capital projects. The reclassification will cost \$6,683 in 1997-8. Funds come from salary savings due to a FMLA leave and part-time work.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

4. CONTINGENCY STATUS

(to be completed by Budget & Quality)

Fund Contingency before this modification

Date

After this modification

Originated By

Jim Emerson

Date

3-3-98

Department Director

Date

3/4/98

Plan/Budget Analyst

Date

3-4-98

Employee Services

Date

3/4/98

Board Approval

Date

4/2/98

BOARD OF
COUNTY COMMISSIONERS
98 MAR - 4 PM 1:12
MULTNOMAH COUNTY
OREGON

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

DES-8

5. ANNUALIZED PERSONNEL CHANGES

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

1998-99		ANNUALIZED			
FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
			Fringe	Ins.	
-5	Constr Proj Spec	-204913	-36438	-25986	-267337
					0
5	Constr Proj Spec/ Senior	217215	38558	26320	282093
					0
-1	Constr Proj Tech	-32325	-5617	-5863	-43805
					0
1	Constr Proj Spec	36883	6433	5992	49308
					0
					0
					0
					0
0	TOTAL CHANGE (ANNUALIZED)	16860	2936	463	20259

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES

(Calculate costs/savings that will take place this FY; these should explain the actual dollar amounts changed by this BudMod.)

1997-98		CURRENT FY			
Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
			Fringe	Ins.	
Permanent Full Time	Delete 5 C.P.S., 50% of year	-100064	-17971	-14487	-132522
					0
	Add 5 C.P.S./Sr., 50% of year	106036	19036	14654	139726
					0
Permanent Part Time	Delete 1 C.P.T., 50% of year	-9415	-1636	-1708	-12759
					0
	Add 1 C.P.S, 50% of year	10743	1874	1745	14362
					0
					0
					0
					0
					0
TOTAL CURRENT FISCAL YEAR CHANGES		7300	1303	204	8807

Total of \$ 8807 is a revised number.

SUPPLEMENTAL STAFF REPORT

To: Board of County Commissioners

From: Jim Emerson



Date: March 4, 1998

RE: Budget Modification requesting authorization to reclassify (5) Construction Projects Specialists to Construction Projects Specialist/Senior; and (1) Construction Projects Technician to a Construction Projects Specialist.

1. **Recommendation/Action Requested:** Request Board to approve these reclassifications to more appropriately classify and compensate Project Managers in the Capital Improvements Program for the increased complexity and scope of work.
2. **Background/Analysis:** Facilities Management has been using the "Specialist" position to cover two related but distinct types of work: in the CIP Program, the level of professional project management typical for small (yet of biddable, capital size) renovations and equipment installations; in Operations and Maintenance, to cover coordination of informally-procured, rapid-turnaround maintenance projects. Several years ago, CIP created a category of C.P.S./Senior to include those individuals engaged in large projects, with substantial funding implications, multiple partners and funding sources, sensitive public and interagency issues, and multi-year time frames. A combination of Bond passage (Library and Corrections,) increased activity exploring major opportunities such as the Solomon Courthouse and the City Development Building, the East County Facilities endeavor, Edgefield Children's Center, and the significant demands on staff time, expertise, and communication skills caused by adoption of the Facility Siting Public Involvement Policy and the multi-pronged Sheltered Market - all of these factors have raised both expectations and performance in the CIP group to a point that almost the entire staff is now operating (and has been for many months) at the Senior level. It is time for the County to clarify their position to reflect their duties.

We also have one Construction Projects Technician (entry level of the series) who joined the group a year-and-a-half ago as an underfill within an existing "Specialist" position. She has performed superbly and is ready to fill the Specialist role intended. She works closely with other, more senior staff, and it would be unfair to approve the above request without also boosting her a class (the gap would be too great.)

3. **Financial Impact:** No additional moneys required in 1997-8 Budget. We are funding this through salary savings (we had an individual take 3 months FMLA leave and come back part time.) Budget effect for 1998-9 is minimal since the ranges are very close. If this action is approved we will do a technical amendment, but no change in the bottom line is required due to continued salary savings into part of next year.
- 4., 5., 6., 7., 8. There are **no known legal or controversial** issues. Link to County Policies would be generic, under good government and support for employees. Citizen and other government **participation** is N/A - although the increased level and sophistication of the public involvement process is one factor in justifying this reclassification.

REQUEST TO CREATE/RECLASSIFY A POSITION

5 POSITIONS

1. List the proposed duties of the position (please do not copy from the class specification):

- a. ~~RECLASS FROM CONSTRUCTION PROJECTS~~
SPECIALIST TO CONSTRUCTION PROJECTS
- b. SPECIALIST/SENIOR, DUE TO GREATLY-INCREASED
PROJECT SIZES, PUBLIC AND INTER-AGENCY
- c. INTERACTIONS, FORMAL PUBLIC SITING POLICY,
ADDITIONAL FISCAL REPORTING RESPONSIBILITIES,
- d. GREATLY-INCREASED MULTI-PARTY NEGOTIATIONS
WITH PROJECT STAKEHOLDERS AND PERMITTING
AGENCIES — ALL OF WHICH CORRESPONDS
- e. WITH THE SENIOR LEVEL.

Use the reverse side or attached additional sheets, if needed.

2. State the proposed classification title:

CONSTRUCTION PROJECTS SPECIALIST/SENIOR

3. Is this a new position? ☐ Yes ☒ No

4. If this is an existing position, state the name of the incumbent: STEVE SHATTER,
PATRICK JONES, MARK GUSTAFSON, MARTHA KAVORINOS, ESTHER BURGONE.

5. Proposed effective date of change: RETRO TO JAN 1, 1998

Hiring Manager: JIM EMERSON

Date: 3-4-98 Department/Division: DES / F&PM

EMPLOYEE SERVICES DIVISION USE ONLY:

Action: ☒ Approved as submitted.

☒ Approved for classification title.

☐ Denied (for Reclassification Requests only).

Analyst Name: Donald W. Winkley Date: 9/4/98

REQUEST TO CREATE/RECLASSIFY A POSITION

1 POSITION

1. List the proposed duties of the position (please do not copy from the class specification):

- a. ~~RECLASSIFY~~ FROM CONSTRUCTION PROJECTS TECHNICIAN TO CONSTRUCTION PROJECTS
- b. SPECIALIST. INCUMBENT HIRED IN TO A C.P. SPECIALIST POSITION 1 1/2 YEARS AGO, AS AN
- c. UNDERFIL AT THE TECH. LEVEL. WITH EXCELLENT PERFORMANCE AND ADDITIONAL TRAINING,
- d. SHE IS NOW PERFORMING AT THE SPEC. LEVEL. CONCURRENT REQUEST TO RECLASS MORE EXPERIENCED SPECS. TO SENIOR LEVEL
- e. WOULD LEAVE AN UNFAIRLY- WIDE GAP IF SHE WERE NOT ALSO RECLASS UP ONE CLASS.

Use the reverse side or attached additional sheets, if needed.

2. State the proposed classification title:

CONSTRUCTION PROJECTS SPECIALIST

3. Is this a new position? ☐ Yes ☒ No

4. If this is an existing position, state the name of the incumbent:

MACHELLE STEPHENS

5. Proposed effective date of change: RETRO JAN 1, 1998

Hiring Manager: JIM EMERSON

Date: 3-4-98 Department/Division: DES / F& PM

EMPLOYEE SERVICES DIVISION USE ONLY:

Action: ☒ Approved as submitted.

☒ Approved for classification title.

☐ Denied (for Reclassification Requests only).

Analyst Name: Donald H. Whittle Date: 3/4/98

DES-8

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

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	BASE PAY Increase (Decrease)	CURRENT FY		TOTAL Increase (Decrease)
			Increase/(Decrease)		
			Fringe	Ins.	
Permanent Full Time	Delete 5 C.P.S. 50% of year	(101,821)			(132,523)
	Add 5 C.P.S./Sr. 50% of year	106,576			140,147
Permanent Part Time	Delete 1 C.P.T. 50% of year	(15,182)			(20,755)
	Add 1 C.P.S. 50% of year	17,905			24,478
TOTAL CURRENT FISCAL YEAR CHANGES		7,479	0	0	11,347

BUDGET MODIFICATION NO.

DES #9

(For Clerk's Use) Meeting Date APR 02 1998Agenda No: C-11

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

March 12, 1998

(Date)

DEPARTMENT

Environmental ServicesDIVISION Facilities & Property Mgmt.

CONTACT

Jim EmersonTELEPHONE 248-3322

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Jim Emerson, Bob Oberst,Jon SchrotzbergerSUGGESTEDAGENDA TITLE

(to assist in preparing a description for the printed agenda)

Budget modification requesting authorization to create four positions in Facilities Management, within existing budgets.

(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.)

X

Personnel changes are shown in detail on the attached sheet

Budget modification creates (1) Property Management Specialist using unspent funds in Professional Services; creates (2) Program Development Specialist positions using unspent funds in Personal Services; and creates (1) Construction Projects Specialist/Sr. using unspent funds in personal services. These positions are part of Facilities' budget request for 1998-9, but are needed early to meet program demands.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

None.

BOARD OF
COUNTY COMMISSIONERS
98 MAR -4 PM 1:12
MULTNOMAH COUNTY
OREGON

4. CONTINGENCY STATUS

(to be completed by Budget & Quality)

Fund Contingency before this modification

Date

After this modification

Originated By

Date

3-4-98

Department Director

Date

3/4/98

Plan/Budget Analyst

Date

3-4-98

Employee Services

Date

3/4/98

Board Approval

Date

4/2/98

DES-9

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

1998-99		ANNUALIZED			
FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
			Fringe	Ins.	
	1 Prop Mgmt Spec.	42949	7521	7868	58338
					0
	2 Program Devel. Spec.	72018	12610	11793	96421
					0
	1 Constr. Projects Spec/Sr.	46019	8058	6214	60291
					0
					0
					0
					0
					0
4	TOTAL CHANGE (ANNUALIZED)	160986	28189	25875	215050

(Calculate costs/savings that will take place this FY; these should explain the actual dollar amounts changed by this BudMod.)

1997-98		CURRENT FY			
Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
			Fringe	Ins.	
Permanent	Prop. Mgmt. Spec.	12482	2242	2090	16814
Permanent	(2) PDS	14817	2661	2196	19674
					0
					0
					0
					0
					0
					0
					0
					0
					0
					0
					0
TOTAL CURRENT FISCAL YEAR CHANGES		27299	4903	4286	36488

EXPENDITURE												
TRANSACTION EB GM []			TRANSACTION DATE					ACCOUNTING PERIOD			1997-98	BUDGET FY
Document				Organi-		Reporting		Current	Revised	Change		
Number	Action	Fund	Agency	zation	Activity	Category	Object	Amount	Amount	Increase (Decrease)	Subtotal	Description
		410	030	5650			5100			12,482		
							5500			2,242		
							5550			2,090		
							6110			(16,814)		
		410	030	5630			5100			14,817		
							5500			2,661		
							5550			2,196		
		410	030	5705			5300			(9,839)		
							5100			(6,295)		
							5500			(2,280)		
							5550			(1,260)		
									0			
									0			
									0			
									0			
TOTAL EXPENDITURE CHANGE										0	0	
REVENUE												
TRANSACTION RB GM []			TRANSACTION DATE					ACCOUNTING PERIOD			BUDGET FY	
Document				Organi-		Reporting		Current	Revised	Change		
Number	Action	Fund	Agency	zation	Activity	Category	Object	Amount	Amount	Increase (Decrease)	Subtotal	Description
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
									0			
TOTAL REVENUE CHANGE										0	0	

SUPPLEMENTAL STAFF REPORT

To: Board of County Commissioners

From: Jim Emerson, DES



Date: March 4, 1998

RE: Budget Modification requesting authorization to create four positions in Facilities and Property Management, within existing budgets.

1. **Recommendation/Action Requested:** Request Board to approve positions to meet demands for action and services in Property Management, Capital Improvements Program, and Asset Preservation Program (Life-Cycle Cost calculation.)
2. **Background/Analysis:** This year has brought a substantial increase in workload for Facilities and Property Management. Two of these positions address increases in tasks to meet project and customer expectations due to the complexities of the Bond projects, and especially, implementation of the Public Involvement Process for Siting Facilities. The Property Management Specialist (already at work part-time, a job-save individual from A & T) and the Construction Projects Specialist/Senior address this load. Two positions are to implement the Life-Cycle Cost analysis for building components, within the new Asset Preservation Program. Budget figures for asset preservation in fiscal 1998-9 are approximations derived from a four-building pilot study conducted (at considerable cost and inconvenience using consultants and management staff) in Fall 1997. In order to have accurate costs **by building** for the 1999-2000 budget process, we have to start now, and use in-house staff with full access to buildings and documents.

All of these positions are requested in the 1998-9 DES Budget request.

With time-to-fill issues following potential Board approval, we would not be able to meet current needs for 5 or 6 months if we wait for Budget approval, and would not have the data expected for next year's budget cycle.
3. **Financial Impact:** No additional moneys required in 1997-8 Budget. We are funding these through salary savings and, for the Property Management position, reduced Professional Services contracting.
- 4.,5.,6.,7.,8. There are **no known legal or controversial issues**. Link to County **Policies** would be generic, under good government. Citizen and other government **participation** is N/A - although the DES CBAC has long supported both asset preservation and a higher level of interaction by FM with the neighborhoods in which siting will take place, both of which tasks are enhanced considerably by the human resources necessary to accomplish those goals.

REQUEST TO CREATE/RECLASSIFY A POSITION

1. List the proposed duties of the position (please do not copy from the class specification):

- a. FACILITATE DESIGN, BIDDING, AND CONSTRUCTION OF CAPITAL PROJECTS.
- b. ESTIMATE PROJECT COSTS, DEVELOP PROJECT SCHEDULES.
- c. COMMUNICATE EFFECTIVELY WITH INTERNAL AND EXTERNAL CUSTOMERS AND CONTRACTORS.
- d. PREPARE REPORTS, PROCESS DOCUMENTS.
- e.

Use the reverse side or attached additional sheets, if needed.

2. State the proposed classification title:

CONSTRUCTION PROJECTS SPECIALIST/SR.

3. Is this a new position? ☒ Yes ☐ No

4. If this is an existing position, state the name of the incumbent:

5. Proposed effective date of change: 5/4/98

Hiring Manager: JIM EMERSON

Date: 3-4-98 Department/Division: DES / F&PM

EMPLOYEE SERVICES DIVISION USE ONLY:

Action: ☒ Approved as submitted.

☐ Approved for classification title.

☐ Denied (for Reclassification Requests only).

Analyst Name: Donald H. Wankley Date: 3/4/98

REQUEST TO CREATE/RECLASSIFY A POSITION

1. List the proposed duties of the position (please do not copy from the class specification):

- a. PROVIDE SUPPORT TO THE DIVISION BY SETTING EQUIPMENT AND CONSTRUCTION STANDARDS.
- b. WORK WITH DESIGN ENGINEERS AND ARCHITECTS TO RESOLVE TECHNICAL ISSUES IN DESIGN DEVELOPMENT, CONSTRUCTION & OPERATION.
- c. PERFORM BUILDING COST ANALYSIS ON EXISTING AND PROPOSED FACILITIES & SYSTEMS
- d. ASSIST IN THE BUDGET, SCHEDULING AND CAPITAL IMPROVEMENT FORECASTING AND IMPLEMENTATION.
- e.

Use the reverse side or attached additional sheets, if needed.

2. State the proposed classification title:

PROGRAM DEVELOPMENT SPECIALIST

3. Is this a new position? ☒ Yes ☐ No

4. If this is an existing position, state the name of the incumbent:

5. Proposed effective date of change: 5-4-'98

Hiring Manager: CRAWL CARLINS

Date: 3-4-'98 Department/Division: FACILITIES & PROPERTY MANAGEMENT

EMPLOYEE SERVICES DIVISION USE ONLY:

- Action: ☒ Approved as submitted.
☒ Approved for classification title.
☐ Denied (for Reclassification Requests only).

Analyst Name: Donald McWhorter Date: 3/4/98

REQUEST TO CREATE/RECLASSIFY A POSITION

1. List the proposed duties of the position (please do not copy from the class specification):

- a. Process leases of real property to and from Multnomah County.
- b. Process requests for exemption of County leased real property from taxation and secure rent credits.
- c. Monitor and approve rental payments
- d. Assist Supervisor in purchase and sale transactions of real property.
- e. Maintain Property Management Section records and information. Other duties as assigned.

Use the reverse side or attached additional sheets, if needed.

2. State the proposed classification title:

Property Management Specialist

3. Is this a new position? ☐ Yes ☒ No

4. If this is an existing position, state the name of the incumbent:

Presently permanent/part time.

5. Proposed effective date of change: 3-16-98

Hiring Manager: Robert Oberst

Date: 3-16-98 Department/Division: PES/Facilities + Property Management

EMPLOYEE SERVICES DIVISION USE ONLY:

Action: ☒ Approved as submitted.

☒ Approved for classification title.

☐ Denied (for Reclassification Requests only).

Analyst Name: Donald Hew Date: 3/4/98

DES-9

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

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES

(Calculate costs/savings that will take place this FY; these should explain the actual dollar amounts changed by this BudMod.)

BudMod1.xls

Transaction E []

TRANSACTION DATE:

ACCOUNTING PERIOD:

BUDGET FY: 1997-8

Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
410	030	5650			5100					
					5500				16,203	Prop. Mgmt. Ser v.
					5550					
					6110			(16,203)		
		5705			5100					
					5500				(9,835)	
					5550					
		5630			5100					
					5500			19,254		PDS's
					5550					
		5705			5300			(9419)		
									0	Total Expenditure Change

Revenue

Transaction R []

TRANSACTION DATE:

ACCOUNTING PERIOD:

BUDGET FY:

Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
								0	Total Revenue Change	

MEETING DATE: APR 02 1998
AGENDA NO: C-12
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: IGA for Phase II of the Traffic Signal Coordination and Optimization Project

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

REGULAR MEETING: DATE REQUESTED: March 12, 1998
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Transp. & Land Use Planning
CONTACT: Carl Baughman TELEPHONE #: x 83588
BLDG/ROOM #: 425/Yeon

PERSON(S) MAKING PRESENTATION: Carl Baughman

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Approval of Intergovernmental Agreement with the city of Gresham for Phase II of the Traffic Signal Coordination and Optimization Project, which will interconnect cable and/or radio communications to link 60 signalized intersections in City of Gresham and Multnomah County.

4/2/98 ORIGINALS TO CATHY KRAMER

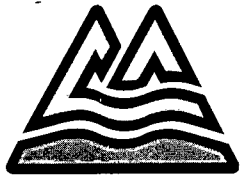
SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: A. L. Nicholas

BOARD OF
COUNTY COMMISSIONERS
98 MAR -3 PM 2:51
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION AND LAND USE PLANNING DIVISION
1620 SE 190TH AVENUE
PORTLAND, OREGON 97233
(503) 248-5050

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: LARRY F. NICHOLAS, P.E., DES Director
W. E. CHUCK HENLEY, P.E., County Engineer

TODAY'S DATE: February 25, 1998

REQUESTED PLACEMENT DATE: March 12, 1998

RE: IGA with the City of Gresham for Phase II of the Traffic Signal Coordination and Optimization Project

I. Recommendation/Action Requested:

Approval of this Intergovernmental Agreement is recommended by the Transportation Division.

II. Background/Analysis:

This project has been developed through the Traffic Signal System and Communications Master Plan, October 1995, a joint project by the City of Gresham and Multnomah County. This project, Phase Two of the Master Plan, will consist of a construction contract for installing interconnect cable and/or radio communications linking 60 signalized intersections in the City and County, and a consultant contract to provide signal timing at 24 of the intersections to be integrated into a coordinated signal system.

III. Financial Impact:

The City of Gresham has obtained \$1,058,000 of federal funds from the Congestion Management and Air Quality Program (CMAQ). A maximum of \$132,000 is required from the Transportation Division's budget to match these funds. In addition, the City of Gresham has agreed to reimburse Multnomah County for 92% of its technical and administrative services expenses, up to a standard maximum of \$115,000. The project will build upon a grant provided in Phase I of \$73,200 from the Mt. Hood Cable Regulatory Commission and Paragon Cable for equipment to connect the project to the City of Portland's central traffic signal control computer using Paragon facilities as the communications link (There was no match required for this grant.).

IV. Legal Issues:

This IGA has been approved and signed by County Counsel. There are no legal issues anticipated with this IGA.

V. Controversial Issues:

There are no known controversial issues associated with this IGA.

VI. Link to Current County Policies:

This project will improve the traffic flow on County arterials in the City of Gresham. It will also provide two-way remote communications between the intersection controllers and the agency workstations, allowing centralized functions such as equipment monitoring and operational upgrades. Multnomah County Comprehensive Framework Plan Policy 22 asks that we promote the conservation of energy and use our resources in a more efficient way. This project optimizes existing transportation resources and works toward improved air quality. The project also links to Policy 32, giving first priority to capital maintenance and facility upgrades. Policy 33a charges us to protect or enhance air quality while implementing a balanced, safe and efficient system. This proposal is supported and linked throughout County policy.

VII. Citizen Participation:

The City of Gresham conducted a citywide survey as part of its transportation forum in the spring of 1995. Signal Optimization is generally supported by citizens within the City. In addition, the City of Gresham has committed a portion of its Traffic Impact Fee revenues for the implementation of this project.

VIII. Other Government Participation:

The Mt. Hood Cable Regulatory Commission, the Oregon Department of Transportation, the Federal government through the Congestion Management and Air Quality Program and the cities of Gresham and Portland are participating in this project.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

Renewal ☐

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

Contract #: 300978

Amendment #:

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only) <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue	<input type="checkbox"/> Professional Services that exceed \$50,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceed \$50,000 <div style="text-align: center;"> APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-12</u> DATE <u>4/2/98</u> <u>DEB BOGSTAD</u> BOARD CLERK <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue </div>

Department: Environmental Services

Originator: Carl Baughman

Contact: Cathey Kramer

Division: Transp. & Land Use Planning

Phone: 248-3588

Phone: 248-5050 x22589

Date: 2/26/98

Bldg/Rm: 425/Trans

Bldg/Rm: 425/Trans

Description of Contract: Approval of Phase II of the Traffic Signal Coordination and Optimization Plan via Intergovernmental Agreement between Multnomah County and the city of Gresham. This is part of the Traffic Signal and Communications Master Plan initiated in October 1995 which will like 60 signalized intersections in the city and county.

RFF/BID:	RFP/BID DATE:	EXEMPTION NUMBER/DATE:
ORIGINAL CONTRACT NO. _____	(only for original renewals)	EXEMPTION EXPIRATION DATE: _____
ORS/AR # _____	Contractor is: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NONE	Check all boxes that apply

Contractor Name <u>City of Gresham</u> Mailing Address <u>1333 NW Eastman Parkway</u> <u>Gresham OR 97030</u> <u>Dave Rouse - Contact Person</u> Phone <u>(503) 618-2430</u> Employer ID# or SS# _____ Effective Date <u>Upon Execution</u> Termination Date <u>Upon Completion</u> Original Contract Amount \$ _____ Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ <u>132,000.00</u>	Remittance address _____ (If different) _____ Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
--	---

REQUIRED SIGNATURES

Department Manager

Purchasing Manager

(Class II Contracts Only)

County Counsel

County Chair

Sheriff

Contract Administration

(Class I, Class II Contracts only)

DATE 2/16/98

DATE _____

DATE 3/4/98

DATE April 2, 1998

DATE _____

DATE _____

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT \$			
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJECT/ REVENUE	SUB OBJ	RECPT CAT	LGFS DESCRIP	AMOUNT	INC DEC
01	150	030	6184			6110					
02											
03											

DISTRIBUTION: Original - Contract Administration, Initiator, Accounts Payable If additional space is needed, attach separate page. Write contract # on top of page.

INTERGOVERNMENTAL AGREEMENT

Traffic Signal Coordination and Optimization Project Phase II

THIS AGREEMENT is made between the City of Gresham, a municipal corporation (City), herein referred to as City, and Multnomah County, a political subdivision of the State of Oregon (County), herein referred to as County.

The Parties Find:

- A. The Traffic Signal System and Communications Master Plan for east Multnomah County, funded jointly by the County and the City, was completed in October 1995.
- B. A Phase I project that links 32 signalized intersections into a coordinated system is currently under construction.
- C. The City has obtained \$1,058,000 of federal funds, for a Phase II Project, spread over two federal fiscal years (FY '98 & '99), from the Congestion Management and Air Quality Program (CMAQ).
- D. The City is negotiating an agreement with the Oregon Department of Transportation to implement Phase II of the Master Plan, hereinafter referred to as "Project".
- E. The Project will consist of a construction contract for installing interconnect cable linking the remaining 60 signalized intersections in the East Multnomah County study area. It will also include installation of communication system, loop, controller upgrades, and signal timing for the traffic signals to integrate the intersections into a coordinated system.
- F. The required match for the federal funds is estimated at \$60,000 in FY '98 and \$61,000 in FY '99 for the construction contracts. Preliminary engineering costs are estimated at \$50,000.

The Parties agree as follows:

- 1. City will prepare prospectus, secure grant funds, and execute necessary project agreements with the Oregon Department of Transportation.
- 2. County and City shall co-manage consultant preliminary engineering contract for integrating the intersections into a coordinated system.
- 3. The City and County shall split the funding at 77% County, 23% City, for the required match for the federal funds estimated at combined total of \$60,000 in FY '98 and \$61,000 in FY '99.
- 4. The City and County shall split the costs at 77% County, 23% City, for the preliminary engineering contract, for a combined total not to exceed \$50,000.
- 5. The County shall furnish all construction engineering, field testing of materials, technical inspection and project manager services for construction administration of the project.
- 6. The City shall reimburse the County for 92% of construction engineering, field testing of materials, technical inspection and project manager services for administration of the project from the federal funds and City match, not to exceed \$115,000.

INTERGOVERNMENTAL AGREEMENT


Traffic Signal Coordination and Optimization Project

Page 2

7. In the event project expenses (including preliminary engineering) exceed the federal grant and local matches as provided herein under Items 3, 4 and 6, the City and the County shall split the excess expenses at 77% County, 23% City, up to a maximum of a 10% overage.
8. The County shall, upon completion of the project, take ownership and maintain the facilities. Energy and maintenance costs shall be shared in accordance with existing City/County IGA executed July 1, 1995.
9. The County shall, upon completion of the project, retain complete jurisdiction and control of the timing established for operation of the traffic signals.
10. The County shall compile accurate cost accounting records and submit bills to the City no later than 60 days after incurring costs. City shall pay County within 60 days after receiving bills from County.
11. County and City shall conduct a final inspection of the Project.
12. Subject to the limitations of Oregon law, the City shall indemnify the County for and hold the County harmless from all claims arising out of the negligence or intentional misconduct of the City or the City's officers, employees or agents with respect to this agreement.
13. Subject to the limitations of Oregon law, the County shall indemnify the City for and hold the City harmless from all claims arising out of the negligence or intentional misconduct of the County or the County's officers, employees or agents with respect to this agreement.
14. The County shall authorize execution of this agreement during a regularly convened session of its Board of County Commissioners.
15. The City and the County may amend this agreement from time to time by mutual, written agreement.
16. This agreement shall be effective as of the date it is signed by both the City and the County and shall terminate five years from the date or upon final payment by City.

INTERGOVERNMENTAL AGREEMENT
Traffic Signal Coordination and Optimization Project
Page 3

CITY OF GRESHAM

By: 
Gussie McRobert, Mayor

Date: February 12, 1998

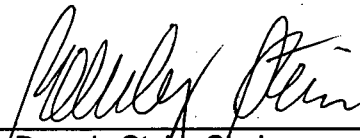
By: 
Bonnie R. Kraft, City Manager

Date: Feb. 12, 1998

APPROVED AS TO FORM:
Candace Haines, City Attorney

By: 
Sr. Assistant City Attorney

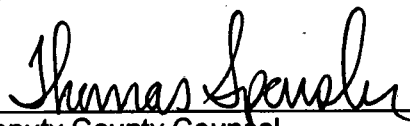
MULTNOMAH COUNTY, OREGON
BOARD OF COUNTY COMMISSIONERS

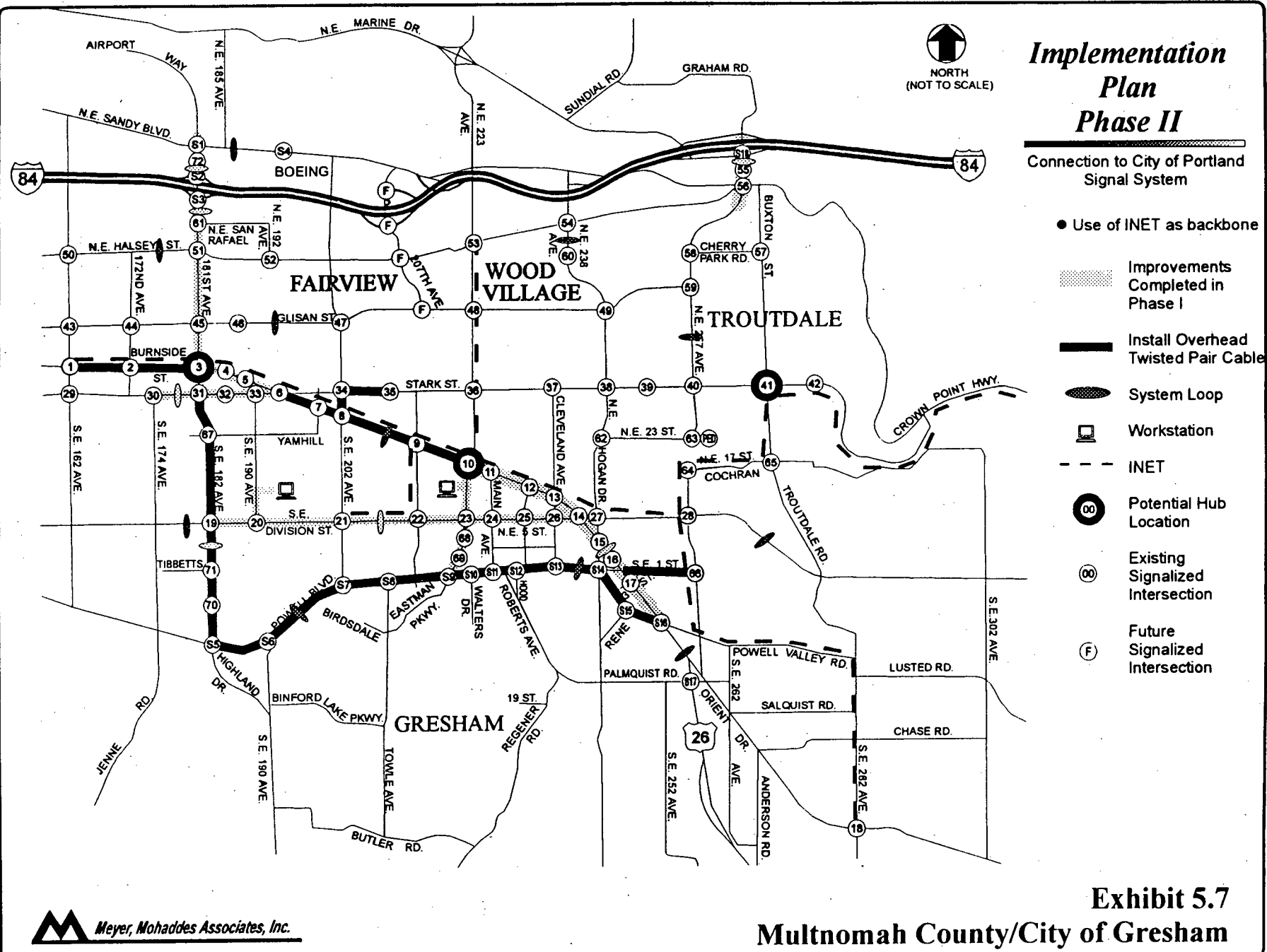
By: 
Beverly Stein, Chair

Date: April 2, 1998

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-12 DATE 4/2/98
DEB BOGSTAD
BOARD CLERK

REVIEWED:
THOMAS SPONSLER
County Counsel for Multnomah County, Oregon

By: 
Deputy County Counsel



MEETING DATE: APR 02 1998

AGENDA NO: C-13

ESTIMATED START TIME: 9:30 Am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Hawthorne Bridge Paint and Deck Replacement Project – IGA Amendment #2
Consent Item #13

BOARD BRIEFING **Date Requested:** _____
 Requested by: _____
 Amount of Time Needed: _____

REGULAR MEETING: **Date Requested:** Thursday, April 2, 1998
 Amount of Time Needed: 0 minutes

DEPARTMENT: Environmental Services **DIVISION:** Transp. & Land Use Plan

CONTACT: Stan Ghezzi **TELEPHONE #:** X83757

BLDG/ROOM #: #446/Bridge

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED:

☐ **INFORMATIONAL ONLY** ☐ **POLICY DIRECTION** ☒ **APPROVAL**

SUGGESTED AGENDA TITLE:

Hawthorne Bridge Paint and Deck Replacement – Intergovernmental Agreement Amendment #2.

3/26/98 ★ Stan submitted Supplemental Staff
memo to include with original packet

4/2/98 ORIGINALS to Cathy Kerner
SIGNATURES REQUIRED:
ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER:

Larry Nicholas

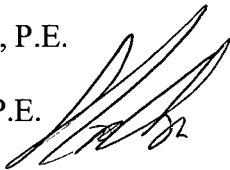
ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAR 26 AM 8 42



OFFICE MEMORANDUM
DEPARTMENT OF ENVIRONMENTAL SERVICES
Transportation and Land Use Planning Division - Bridge Section

TO: Larry F. Nicholas, P.E.
FROM: Stan M. Ghezzi, P.E. 
DATE: March 23, 1998
SUBJECT: Hawthorne Bridge Painting and Deck Replacement
Intergovernmental Agreement – Amendment #2

Under cover memorandum dated February 25, 1998; four original amendments #2 to Intergovernmental Agreement # 12,975 with the Oregon Department of Transportation was forwarded for approval and signatures. Action on this amendment requires Board approval. The originals are currently in the hands of Deb Bogsted. Attached is the Agenda Placement form and staff report, which are required. Board action is currently scheduled as Consent Item #13 for the April 2nd meeting.

On June 6, 1996, ODOT and the County entered into an agreement that provided State and Federal funds in the amount of \$16,287,500 to paint and replace the roadway deck on the Hawthorne Bridge. This allocation was originally reported as \$15,995,000 on the June 1996 Contract Approval Form but was calculated as \$16,287,500.

In September 1997, Amendment #1 provided additional Federal funds from the Congestion Mitigation and Air Quality (CMAQ) program to widen the existing sidewalks to 10 feet on both sides of the bridge and make bicycle/pedestrian and physically challenged facility improvements on the west approach ramp. This additional Federal funds under Amendment #1 amounted to \$1,729,400.

Under Amendment #2, as previously submitted, additional Federal and State Funds were made Available for the project as a result of a redistribution of 1997-98 HBRR funds based on a recalculation of available funds by the Oregon Department of Transportation. These additional funds amounted to \$734,965.

At present the total amount of Federal and State funds provided for the Hawthorne Bridge painting and Deck Replacement Project amount to \$18,751,865.

Please forward the attached Agenda Placement form and staff report for the April 2, 1998 BCC meeting. Feel free to contact me at ext. 83757 if there are any questions.



Attachment

**cc: C. Kramer
Ed Wortman
SMG/File/Vance File**



OFFICE MEMORANDUM
DEPARTMENT OF ENVIRONMENTAL SERVICES
Transportation and Land Use Planning Division - Bridge Section

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Stan M. Ghezzi, P.E.
Bridge Services Manager

TODAY'S DATE: March 19, 1998

REQUESTED PLACEMENT DATE: Thursday, April 2, 1998

RE: Hawthorne Bridge Paint and Deck Replacement Project
Intergovernmental Agreement (#12,975) Amendment #2

I. Recommendation/Action Requested:

Approve Intergovernmental Agreement Amendment #2.

This amendment provides the County with additional Federal funds in the amount of \$734,965 for the Hawthorne Bridge Painting and Deck Replacement project.

II. Background/Analysis:

On June 6, 1996, ODOT and the County entered into an agreement that provided State and Federal funds in the amount of \$16,287,500 to paint and replace the roadway deck on the Hawthorne Bridge. This allocation was originally reported as \$15,995,000 on the June 1996 Contract Approval Form but in actuality was calculated as \$16,287,500.

In September 1997, Amendment #1 provided additional Federal funds from the Congestion Mitigation and Air Quality (CMAQ) program to widen the existing sidewalks to 10 feet on both sides of the bridge and make bicycle/pedestrian and physically challenged facility improvements on the west approach ramp. This additional Federal funds under Amendment #1 amounted to \$1,729,400.

At present (includes this amendment #2) the total amount of Federal and State funds provided for the Hawthorne Bridge painting and Deck Replacement Project amount to \$18,751,865.

III. Financial Impact:

Under Amendment #2, as previously submitted, additional Federal and State Funds were made available for the project because of a redistribution of 1997-98 HBRR funds based on a recalculation of available funds by the Oregon Department of Transportation. These additional funds amount to \$734,965.

IV. Legal Issues:

None.

V. Controversial Issues:

None.

VI. Link to Current County Policies:

None.

VII. Citizen Participation:

No citizen participation was sought for this Intergovernmental Agreement Amendment. However, there was citizen involvement in the design phase to determine whether a "condensed schedule" or a "extended schedule" should be used for the construction phase of this project. Further, a public information program is a part of the County construction engineering work on this project. The purpose of this program is to keep the public informed about the impacts of the bridge closure. Also, we are coordinating our activities with the other local agencies in an effort to insure accurate information is being provided to the public.

VIII. Other Government Participation:

Intergovernmental Agreement must also be approved by the State of Oregon Department of Transportation (ODOT) and includes approximately \$18,751,865 in Federal and State funding. In addition, the County has worked closely with the City of Portland to incorporate improvements for pedestrian, bicycle and physically challenged users of the bridge. City of Portland also anticipated installation of a streetcar system across the bridge within the next five to ten years. As a result of efforts by City and County staff, streetcar accommodation to the deck system were incorporated into the current project. City of Portland provided the additional \$200,000 necessary for the accommodations. By making the accommodation now with our current project, the City will save approximately \$1.1 million in future installation cost.

MEETING DATE: APR 02 1998
AGENDA NO: C-13
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Amendment 2 to IGA 301776

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

REGULAR MEETING: DATE REQUESTED: April 2, 1998
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: Environmental Services DIVISION: Bridges

CONTACT: Stan M. Ghezzi, P.E. TELEPHONE #: 248-3757, ext. 225
BLDG/ROOM #: 446

PERSON(S) MAKING PRESENTATION: Consent Calendar


ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Amendment 2 to Intergovernmental Agreement 301776 with the
Oregon Department of Transportation for Additional Highway Bridge Repair and Replacement
Federal and State Funds to Replace the Deck Grating System and Paint the Hawthorne Bridge

SIGNATURES REQUIRED:

ELECTED OFFICIAL:  Larry F. Nicholas
(OR)
DEPARTMENT
MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAR 16 AM 11:42

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



OFFICE MEMORANDUM
DEPARTMENT OF ENVIRONMENTAL SERVICES

Transportation and Land Use Planning Division - Bridge Section

TO: Larry F. Nicholas, P.E.
FROM: Stan M. Ghezzi, P.E.
DATE: February 25, 1998
SUBJECT: Hawthorne Bridge Painting and Deck Replacement
Intergovernmental Agreement – Amendment #2

Attached for approval and signature is Amendment #2 to Intergovernmental Agreement # 12,975 with the Oregon Department of Transportation. This amendment provides additional Highway Bridge Repair & Replacement (HBRR) federal and state funds to replace the deck grating system and painting of the Hawthorne Bridge. This amendment raises the federal funds from \$16,554,400 to \$17,207,702, an increase of \$653,302. In addition, matching state contributions will be increased by \$81,663 bringing their total to \$1,544,163.

This increase in funding is the result of a redistribution of HBRR funds based on a recalculation of available funds by the Oregon Department of Transportation (ODOT).

Please forward the four original agreements upon final approval and signature. Feel free to contact me at ext. 83757 if there are any questions.

225

Attachment

cc: Cathey Kramer
Ed Wortman
SMG/Bridge File/Vance File



HAWTHORNE BRIDGE FUNDING STATUS

<u>REVENUE</u>	<u>Federal</u>	<u>State</u>	<u>County</u>	<u>Program Total</u>
HBRR (80/10/10)	\$ 11,700,000	\$ 1,462,500	\$ 1,462,500	\$ 14,625,000
STP (89.73/10.27)	\$ 3,125,000		\$ 357,670	\$ 3,482,670
CMAQ (89.73/10.27) WRB Access	\$ 278,400		\$ 31,864	\$ 310,264
CMAQ (89.73/10.27) Sidewalk COP	\$ 1,451,000		\$ 166,073	\$ 1,617,073
COP Street Car				\$ 200,000
Add'l HBRR Funds Big Br recalc.	\$ 653,302	\$ 81,663	\$ 81,663	\$ 816,628
Add'l County Funds			\$ 731,207	\$ 731,207
REVENUE TOTAL	\$ 17,207,702	\$ 1,544,163	\$ 2,830,977	\$ 21,782,842

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal ☐

Prior- Approved Contract Boilerplate: _____

Attached: ☒ X

Not Attached _____

Contract # 301776

Amendment # 2

<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 Expenditure Agreement over \$25,000</p> <p><input type="checkbox"/> Intergovernmental Revenue</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-13</u> DATE <u>4/2/98</u></p> <p style="text-align: center;">DEB BOGSTAD</p> <p style="text-align: center;">BOARD CLERK</p>
---	--	--

TRANSPORTATION AND

Department: ENVIRONMENTAL SERVICES Division: LAND USE PLANNING Date: FEBRUARY 25, 1998

Contract Originator: STAN GHEZZI Phone: 248-3757 Bldg/Room: 446

Administrative Contract: CATHEY CRAMER Phone: 248-5050 Bldg/Room: 425

Description of Contract: INTERGOVERNMENTAL AGREEMENT WITH ODOT TO PROVIDE ADDITIONAL FEDERAL AND STATE FUNDING TO REPLACE THE DECK GRATING SYSTEM AND PAINT THE HAWTHORNE BRIDGE

RFP/BID #: N/A Date of RFP/BID: N/A Exemption Expiration Date: _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRF ☐ N/A

Original Contract No. (s) _____ (ONLY FOR ORIGINAL RENEWALS)

<p style="text-align: center;">OREGON DEPT OF TRANSPORTATION</p> <p>Contractor Name: <u>REGION 1 ADMINISTRATION</u></p> <p>Mailing Address: <u>123 NW FLANDERS</u> <u>PORTLAND OR 97209-4037</u></p> <p>Phone: <u>(503) 731-8288</u></p> <p>Employer ID# or SS#: _____</p> <p>Effective Date: <u>WHEN APPROVED-2/25/98</u></p> <p>Termination Date: <u>UPON COMPLETION</u></p> <p>Original Contract Amount: \$ <u>15,995,000.</u></p> <p>Total Amt of Previous Amendments: \$ <u>18,016,900.</u></p> <p>Amount of Amendment: \$ <u>734,965.</u></p> <p>Total Amount of Agreement: \$ <u>18,751,865</u></p>	<p>Remittance Address (if different): _____</p> <p>_____</p> <p>_____</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: 3/2/98

Purchasing Manager: _____ Date: _____

(Class II Contracts Only)

County Counsel: *[Signature]* Date: 3/4/98

County Chair/Sheriff: *[Signature]* Date: April 2, 1998

County Administration: _____ Date: _____

(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJECT /REV SRC	SUB OBJ	REPT CATE G	LGFS DESCRIPT	AMOUNT	IN CD EC
01	161	030	6701								
02											
03											

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

AMENDMENT NO. 2

The State of Oregon, acting by and through its Department of Transportation (State), and MULTNOMAH COUNTY acting by and through its Elected Officials (Agency), entered into Local Agency Agreement No. 12,975 on June 6, 1996 and Amendment No. 1 on October 1, 1997. Said agreements cover a Highway Bridge Replacement and Rehabilitation project on the Hawthorne Bridge No. 2757, hereinafter referred to as "Project".

It has now been determined by State and Agency that the agreements referenced above, although remaining in full force and effect, shall be amended by this agreement to provide additional HBRR funding for the project. Therefore the above mentioned agreements shall be amended as follows:

Amendment No. 1, Page No. 1, Paragraph 3, which reads:

"3. A portion of the project shall be conducted as a part of the Highway Bridge Replacement and Rehabilitation Program (HBRR) and the Surface Transportation Program (STP) under Title 23, United States Code, and the Oregon Action Plan. The HBRR funds (large bridge category) are limited to \$11,700,000 with State providing one-half of the match required for the HBRR funds, based on the maximum allowable federal fund pro-rata. The STP funds are limited to \$2,375,000 (33C), and \$750,000 (33D). Agency shall be responsible for the match for all STP funds. The above mentioned funds will be used for replacing the existing bridge deck, surface preparation and painting the structure.

Shall be amended to read:

"3. A portion of the project shall be conducted as a part of the Highway Bridge Replacement and Rehabilitation Program (HBRR) and the Surface Transportation Program (STP) under Title 23, United States Code, and the Oregon Action Plan. The HBRR funds (large bridge category) are limited to \$12,353,302 with State providing one-half of the match required for the HBRR funds, based on the maximum allowable federal fund pro-rata. The STP funds are limited to \$2,375,000 (33C), and \$750,000 (33D). Agency shall be responsible for the match for all STP funds. The above mentioned funds will be used for replacing the existing bridge deck, surface preparation and painting the structure.

M C & A No. 12,975
MULTNOMAH COUNTY

Agency shall authorize execution of this agreement during a duly authorized session of its Board of County Commissioners.

IN WITNESS WHEREOF, the parties hereto have set their hand and affixed their seals as of the day and year hereinafter written.

This Project was approved by the Oregon Transportation Commission on September 13, 1995, as a part of the 1996-1998 Statewide Transportation Improvement Program, pages 40 and 42.

On December 17, 1997, the Oregon Transportation Commission adopted Subdelegation Order No. 2, in which the Director grants authority to the Region Manager to approve and execute agreements for projects included in the Statewide Transportation Improvement Program.

STATE OF OREGON, by and through
its Department of Transportation

Approved As To
Legal Sufficiency

By _____
Region 1 Manager

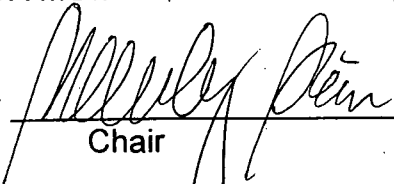
By _____
Assist. Attorney General

Date _____

Date _____

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Approved As To
Legal Sufficiency

By 
Chair

By 
County Counsel

Date April 2, 1998

Date March 4, 1998

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-13 DATE 4/2/98
DEB BOGSTAD
BOARD CLERK

BUDGET MODIFICATION NO. NOND # 11

(For Clerk's Use) Meeting Date APR 02 1998
Agenda No. C-14

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

DEPARTMENT Nondepartmental

(Date)

CONTACT Sandy Duffy

DIVISION County Counsel

TELEPHONE 248-3138

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Consent Agenda

SUGGESTED

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

Budget modification Nond # 11 requesting reclassification of an Office Administrator III to Administrative Secretary; two Office Administrator III to Paralegal

(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

Increases County Counsel personnel budget by 1 FTE Administrative Secretary; and 2 FTE Paralegal.

Decreases County Counsel personnel budget by 3 FTE Office Administrator III. No effect on expenditures in the General Fund or Insurance Fund Contingency.

3. REVENUE IMPACT (Explain revenues being changed and reason for the change)

NA

BOARD OF
COUNTY COMMISSIONERS
98 MAR -4 PM 1:02
MULTI-NOAH COUNTY
OREGON

4. CONTINGENCY STATUS (to be completed by Budget & Planning)

N/A Fund Contingency before this modification (as of _____) \$ _____

Date

After this modification

Originated By <u>Sandra Duffy</u>	Date <u>3-24-98</u>	Department Director <u>Thomas Spaulder</u>	Date <u>3/4/98</u>
Plan/Budget Analyst <u>Deborah C. Boast</u>	Date <u>3/4/98</u> <u>2/27/98</u>	Employee Services <u>Donna Golden</u>	Date <u>3/4/98</u>
Board Approval <u>Deborah C. Boast</u>	Date <u>4/2/98</u>		

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

NOND # 11

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

of the fiscal year (F Y.)					
FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	ANNUALIZED		TOTAL Increase (Decrease)
			Increase/(Decrease)		
			Fringe	Ins.	
					0
(1.00)	Office Administrator III	(31,923)	(5,731)	(6,555)	(44,209)
(1.00)	Office Administrator III	(36,164)	(6,495)	(2,940)	(45,599)
(1.00)	Office Administrator III	(33,500)	(6,016)	(2,881)	(42,397)
1.00	Administrative Secretary	32,385	5,731	6,555	44,671
1.00	Paralegal	36,422	6,495	2,940	45,857
1.00	Paralegal	32,780	6,016	2,881	41,677
					0
					0
					0
					0
					0
	TOTAL CHANGE (ANNUALIZED)	0	0	0	0

6. CURRENT YEAR PERSONNEL DOLLAR CHANGE (Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this BudMod.)

CURRENT FY

Permanent Positions, Temporary, Overtime, or Premium	Explanation of Change	BASE PAY Increase (Decrease)	INCREASE/(DECREASE)		TOTAL Increase (Decrease)
			Fringe	Ins.	
(1.00)	Office Administrator III	(31,923)	(5,731)	(6,555)	(44,209)
(1.00)	Office Administrator III	(36,164)	(6,495)	(2,940)	(45,599)
(1.00)	Office Administrator III	(33,500)	(6,016)	(2,881)	(42,397)
1.00	Administrative Secretary	32,385	5,731	6,555	44,671
1.00	Paralegal	36,422	6,495	2,940	45,857
1.00	Paralegal	32,780	6,016	2,881	41,677
					0
					0
					0
					0
TOTAL CURRENT FISCAL YEAR CHANGES		0	0	0	0

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: County Counsel

DATE: March 3, 1998

RE: Budget Modification Request for Office of County Counsel

1. **Recommendation/Action Requested:**

Approval of budget modification Nond # 11: Reclassification of three (3) Office Assistant III positions in the Insurance Fund and General Fund to two (2) Paralegals and one (1) Administrative Secretary.

2. **Background/Analysis:**

County Counsel has five full time office assistant positions; one receptionist, three legal Secretaries, and one paralegal. The demand for legal services within the county has increased over the years, thereby increasing the demand on attorney time and resources. Experienced, competent support staff is critical to the delivery of quality legal services, and increases the efficiency of the attorneys providing legal advice and litigation services to the various county departments and elected officials.

When these positions were originally created and classified, the salary range was competitive with the local market for legal secretaries. However, the market for legal secretaries has changed considerably, and the office assistant salary range has not kept pace.

This discrepancy in wages has resulted in a high rate of turnover for this office. In 1996-97, three office assistants left County Counsel for higher paying positions. This creates disruption in the flow of work, and requires retraining, both of which significantly impact the efficiency and work product of the attorneys. Additionally, in filling vacant office assistant positions, this office has had difficulty in attracting experienced, trained legal secretaries because of the low salary range. The lack of dependable, experienced and competent support staff reduces the amount of time attorneys are available to take on necessary legal projects, and increases the response time to clients. This in turn detracts from County Counsel's ability to meet goals of maintaining or increasing the quality of services provided to the Board of County Commissioners and all county departments.

In the 1997-98 budget process, this board approved a budget modification to increase the salaries of the support staff upon reclassification. This means the salary increases are fully funded.

This reclassification recognizes the significant specialized knowledge, training and professionalism of the legal support staff in County Counsel. The attached paperwork effectuates the changes.

3. Financial Impact:

This reclassification will have no impact on the 1997-98 budget.

4. Legal Issues:

None.

5. Controversial Issues:

None.

6. Link to Current County Policies:

Reclassifying the support staff positions will increase the County Counsel's ability to meet goals of maintaining or increasing the quality of legal services provided to the Board of County Commissioners and all county departments.

7. Citizen Participation:

None.

8. Other Government Participation:

Provides additional legal support to elected officials and all County departments.

MEETING DATE: APR 02 1998

AGENDA NO: C-15

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)
AGENDA PLACEMENT FORM

SUBJECT: Amendment to City of Portland Omnibus revenue agreement funding Human Services

BOARD BRIEFING

Date Requested: _____
Requested By: _____
Amount of Time Needed: _____

REGULAR MEETING

Date Requested: _____
Amount of Time Needed: N/A

DEPARTMENT: Community and Family Services
CONTACT: Lorenzo Poe/Mary Li

DIVISION: _____
TELEPHONE: 248-3691
BLDG/ROOM: B166/7th

PERSON(S) MAKING PRESENTATION: Consent Agenda

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE

Amendment to Intergovernmental Revenue Agreement #102578 with the City of Portland increasing City General Funds dollars by \$140, 449, City Community Development Block Grant dollars by \$140,755, and decreasing PILOT funding by (-\$228.). Funding is for continued Ongoing Human Services Programs Contracted and/or Provided Through the Division of Community Partnership Programs.

4/2/98 ORIGINALS to PATTY DOYLE

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Lorenzo Poe

98 FEB 20 AM 9:35
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



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: Board of County Commissioners

FROM: Lorenzo Poe, Director *Lorenzo Poe MD*
Department of Community and Family Services

DATE: February 13, 1998

SUBJECT: FY 1997-98 Revenue Agreement Amendment, City of Portland Omnibus

I. Recommendation/Action Requested: The Department of Community and Family Services recommends Board of County Commissioners approval of the Omnibus Revenue Agreement amendment from the City of Portland, for the period March 1, 1998, through June 30, 1998.

II. Background Analysis: The Department of Community and Family Services annually receives a transfer of City funds for the purchase of human services, including homeless programs, public safety programs (domestic violence and gang project), housing programs, and Youth Employment and Empowerment (YEPP). This amendment increases revenue received from City General Fund by \$140,449, City Community Development Block Grant funding by \$140,755, and decreases PILOT funds by (-\$228.) Funding increases are for: 1) Singles Housing Assessment Center, \$115,949, 2) Outside In, \$6,500, 3) Janus Youth, \$9,000, 4) Salvation Army Greenhouse, \$9,000, and 5) Mental Health Services West Bridgeview, \$140,755. Funding levels were determined through two transfer agreements around shifting responsibility for homeless singles and domestic violence.

III. Legal Issues: None

IV. Controversial Issues: None

V. Link to Current County Policies: The City funds pay for services directed toward County policies, including public safety and reduction of domestic violence; access to mental health services; reduction of homelessness, and building the resiliency of youth affected by gang behavior.

VI. Citizen Participation: Citizens are involved through the Community Action Commission, agencies are involved through the Youth Employment and Empowerment Coalition.

VII. Other Government Participation: This agreement represents a continuing partnership between the City of Portland and Multnomah County over funding and delivery of human services.

\\cfsd-fs3\vol2\admin\ccu\contract.98\pdxrev98.mm1

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal ☐

Contract # **102578**

Prior-Approved Contract Boilerplate: Attached; X Not Attached

Amendment # 1

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$50,000 <input type="checkbox"/> Intergovernmental Agreement Under \$25,000	<input type="checkbox"/> Professional Services over \$50,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input type="checkbox"/> Intergovernmental Agreement over \$25,000 <input checked="" type="checkbox"/> Intergovernmental Revenue Agreement <div style="text-align: center;"> APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-15</u> DATE <u>4/2/98</u> <u>DEB BOGSTAD</u> BOARD CLERK </div>

Department: Community & Family Services

Division: _____

Date: February 12, 1998

Administrative Contact: Patty Doyle

Phone: 248-3691 ext 24418

Bldg/Room 166/7th

Description of Contract:

Increase Omnibus Revenue Contract funding Homeless, Public Safety, Youth Employment and Empowerment, and Housing programs: 1) Singles Homeless Assessment Center, \$115,949, 2) Outside In, \$6,000, 3) Janus Youth, \$9,000, 4) Salvation Army Greenhouse, \$9,000, 5) Mental Health Services West, \$140,755. This amendment reduces PILOT funding by \$228 from \$310,539 to 310,311.

RFP/BID #: _____ Date of RFP/BID: _____ Exemption Expiration Date: _____
 ORS/AR # _____ Contractor is ☐ JMBE ☐ JWB ☐ JQRF ☐ N/A ☐ None
 Original Contract No. _____ (Only for Original Renewals)

Contractor Name: City of Portland, Bureau of Housing and Community Development Mailing Address: 808 SW 3rd, Suite 600 Phone: (503)823-2375 Employer ID# or SS#: N/A Effective Date: November 5, 1997 Termination Date: June 30, 1998 Original Contract Amount: \$ 1,500,426 Total Amt of Previous Amendments: \$ -0- Amount of Amendment: \$ 280,976 Total Amount of Agreement: \$ 1,781,402	Remittance Address (if different) _____ <table style="width:100%;"> <tr> <th style="text-align: left;">Payment Schedule</th> <th style="text-align: left;">Terms</th> </tr> <tr> <td><input type="checkbox"/> Lump Sum \$ _____</td> <td><input type="checkbox"/> Due on Receipt</td> </tr> <tr> <td><input type="checkbox"/> Monthly \$ _____</td> <td><input type="checkbox"/> Net 30</td> </tr> <tr> <td><input checked="" type="checkbox"/> Other \$ <u>Quarterly</u></td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Requirements contract - Requisition Required</td> </tr> <tr> <td colspan="2">Purchase Order No. _____</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Requirements Not to Exceed \$ _____</td> </tr> <tr> <td colspan="2">Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> </table>	Payment Schedule	Terms	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt	<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30	<input checked="" type="checkbox"/> Other \$ <u>Quarterly</u>	<input type="checkbox"/> Other	<input type="checkbox"/> Requirements contract - Requisition Required		Purchase Order No. _____		<input type="checkbox"/> Requirements Not to Exceed \$ _____		Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>	
Payment Schedule	Terms																
<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt																
<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30																
<input checked="" type="checkbox"/> Other \$ <u>Quarterly</u>	<input type="checkbox"/> Other																
<input type="checkbox"/> Requirements contract - Requisition Required																	
Purchase Order No. _____																	
<input type="checkbox"/> Requirements Not to Exceed \$ _____																	
Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>																	

REQUIRED SIGNATURES:

Department Manager: *Lorenzo Poe* Date: 2/17/98
 Purchasing Director: _____ Date: _____
 (Class II Contracts Only)
 County Counsel: *Sharon Spensler* Date: 2/20/98
 County Chair/Sheriff: *Patricia Stein* Date: 4/2/98
 Contract Administration: _____ Date: _____
 (Class I, Class II Contracts Only)

VENDOR CODE R6				VENDOR NAME City of Portland				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCIP	AMOUNT	Inc/Dec Ind.
									See Attached		

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

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES**CONTRACT APPROVAL FORM SUPPLEMENT****Contractor: CITY OF PORTLAND, BUREAU OF HOUSING AND COMMUNITY DEVELOPMENT**

Vendor Code: R6

Fiscal Year 1997/98

Amendment No. 1

Contract #102578

Line	Fund	Agency	Org Code	Revenue Code	Report Category	LGFS Description	Original Amount	Amendment	Final Amount
1	156	010	1265	2097	9202	CITY PORTLAND ESGP	\$132,777		\$132,777
2	156	010	1265	2025	9205	HUD CDBG/PDX	\$196,115		\$196,115
16	156	010	1265	2719	9203	CITY GENERAL FUND	\$115,949	1	\$115,949
3	156	010	1662	2025	9003	HUD CDBG/PDX	\$85,894		\$85,894
17	156	010	1662	2025	9003	HUD CDBG/PDX	\$140,755	1	\$140,755
4	156	010	1260	2025	9309	HUD CDBG/PDX	\$64,795		\$64,795
18	156	010	1380	2719	9203	CITY GENERAL FUND	\$6,500	1	\$6,500
5	156	010	1260	2025	9309	HUD CDBG/PDX	\$100,073		\$100,073
19	156	010	1380	2719	9203	CITY GENERAL FUND	\$9,000	1	\$9,000
20	156	010	1380	2719	9203	CITY GENERAL FUND	\$9,000	1	\$9,000
6	156	010	1260	2025	9205	HUD CDBG/PDX	\$130,626		\$130,626
7	156	010	1260	2025	9205	HUD CDBG/PDX	\$10,835		\$10,835
8	156	010	1260	2025	9204	HUD CDBG/PDX	\$12,119		\$12,119
9	156	010	1260	2025	9205	HUD CDBG/PDX	\$57,418		\$57,418
10	156	010	1260	2795	9216	HAP/PORTLAND/PILOT	\$310,539		\$310,539
21	156	010	1260	2795	9216	HAP/PORTLAND/PILOT	(\$228)	1	(\$228)
11	156	010	1380	2764	9331	CITY YOUTH GANG	\$88,642		\$88,642
12	156	010	0135	2719	9203	CITY EMERGENCY FUNDS	\$30,000		\$30,000
13	156	010	1260	2719	9203	CITY EMERGENCY FUNDS	\$2,680		\$2,680
14	156	010	1380	2159	9930	YOUTH EMPLOY/EMPOWER PROJ	\$171,366		\$171,366
15	156	010	1205	2114	9415	HOME AWARD HUD	\$106,547		\$106,547
									\$0
						TOTAL	\$1,500,426	\$0	\$1,781,402

AMENDMENT #1

An Amendment to Agreement No. 31497 between the City of Portland and Multnomah County to increase the General Funds by \$140,449, to increase Community Development Block Grant (CDBG) funds by \$140,755, to reduce Payment in Lieu of Taxes (PILOT) funds by \$228 and to modify the Scope of Work.

RECITALS:

1. An ordinance authorizing Agreement No. 31497 with Multnomah County was signed on November 5, 1997 to fund an array of homeless, safety, housing, and youth programs administered by the County.
2. A number of modifications are needed to refine that contract.
3. Thus, the City now desires to amend Agreement No. 31497 with Multnomah County in order to modify the scope of work and increase the General Funds by \$140,449, increase Community Development Block Grant funds by \$140,755, and reduce PILOT funds by \$228.

AGREED:

The undersigned agree to amend Agreement No. 31497 between the City of Portland and Multnomah County as follows:

1. Amend Exhibit D to increase the amount provided to the Singles Housing Assessment Center by \$115,949 in City General Funds to address costs incurred by Multnomah County that were not identified in the *Re-alignment of City and County Roles and Responsibilities Regarding Homeless Single and Domestic Violence Services* ("transfer agreement".)
2. Amend Exhibit E to increase the amount provided to Outside In by \$6,500 in City General Funds to provide increased day shelter during the winter months.
3. Amend Exhibit D to increase the amount provided to Janus Youth by \$9,000 in City General Funds to increase the number of beds in the overflow winter shelter during the winter months.
4. Add Exhibit E2 to provide \$9,000 in City General Funds to Salvation Army Greenhouse for a pilot project to provide night drop-in services, two nights a week for two months, to homeless youth under 20. Data collected during this project will be used to determine the need and effectiveness of providing 24 safety off the streets for youth not using shelter beds.

Scope of Services

Salvation Army Greenhouse will provide the following services:

- drop-in services for homeless youth between 9:30 p.m. and 6:30 a.m.;
- a night time drop-in center for youth in crisis;
- a night time location for police to drop off youth who are homeless/cannot return home.

Performance Measures

Salvation Army Greenhouse will provide the following information:

- the number of youth using the service and demographic data;
- how the youth are referred to the night drop in;
- other services the youth are using;
- reasons that youth are not using night shelter.

5. Amend Exhibit C to increase the amount of funding by \$140,755 in CDBG funds to provide Mental Health Services West operating funds for the Bridgeview.
6. Amend Exhibit J to decrease PILOT funds by \$228, from \$310,539 to \$310,311. The amount of \$310,311 is available from the Housing Authority of Portland.

All other terms and conditions of Agreement No. 31497 between the City of Portland and Multnomah County shall remain the same.

Dated this _____ day of _____, 1998.

CITY OF PORTLAND

MULTNOMAH COUNTY

Gretchen Miller Kafoury Date
Commissioner of Public Affairs

Lorenzo Poe Date
Director, Dept. of Community Services

APPROVED AS TO FORM:

Beverly Stein, Multnomah County Chair Date
April 2, 1998

Jeffrey L. Rogers Date
City Attorney

Thomas Sponsler Date
County Counsel

**APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS**
AGENDA # C-15 DATE 4/2/98
DEB BOGSTAD
BOARD CLERK

TABLE A: CONTRACTED SERVICE PROGRAMS

CONTRACT #: 31497

Program	Funding Source	Funding Level	Exhibit	BHCD Contact
HOMELESS PROGRAMS				\$1,382,167
1. Homeless Singles/CMI	a. ESG	MCO/SHAC: \$ 132,777	A	Rachael Silverman
	b. CDBG/GF	MCO/SHAC: \$ 196,115 CDBG \$115,949 GF	B	Rachael Silverman
	CDBG	CCC/Brgdvw: \$226,649	C	Rachael Silverman
2. Homeless Youth	b. CDBG/GF	O.I./day: \$64,795 CDBG \$6,500 GF	D	Rachael Silverman
		Janus/night: \$100,073 CDBG \$9,000 GF	E	Rachael Silverman
		Salvation Army: \$9,000 GF	E-1	Rachael Silverman
3. Homeless Families	b. CDBG	MCO/Families: \$130,626	F	Rachael Silverman
		MCO/Wllwtree \$10,835	G	Rachael Silverman
4. Moving Assistance/ Homeless Prevention	b. CDBG	MCO: \$12,119	H	Rachael Silverman
5. Emergency Assistance/ Homeless Prevention	b. CDBG	MCO/Voucher: \$57,418	I	Rachael Silverman
	c. PILOT	MCO/Rent Ast \$310,311	J	Rachael Silverman
PUBLIC SAFETY				\$121,322
1. Gang Project	c. CGF	\$88,642	K	Barbara Madigan
2. Domestic Violence	c. CGF	\$32,680	L	Rachael Silverman
YOUTH EMPLOYMENT AND EMPOWERMENT				\$171,366
1. YEEP Coalition	c. CGF	\$171,366	M	Karen Belsey
HOUSING				\$106,547
1. Rental Housing Development Program Delivery	d. HOME	\$106,547	N	Lynne Taccogna
TOTAL		\$1,781,402		

MEETING DATE:

APR 02 1998

AGENDA NO:

C-16

ESTIMATED START :

9:30

(Above Space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: IGA between the Department of Juvenile and Adult Community Justice and Multnomah Education Service District

BOARD BRIEFING

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: 3/12/98

AMOUNT OF TIME REQUESTED: 3 minutes

DEPARTMENT: Juvenile and Adult Community Justice DIVISION: Juvenile Justice

CONTACT: Debbie Persen

TELEPHONE #: 248-3202

BLDG/ROOM#: 311

PERSON(S) MAKING PRESENTATION: Bill Morris/Joanne Fuller

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Intergovernmental Agreement #700668 between the Department of Juvenile and Adult Community Justice and Multnomah Educational Service District to provide funding and program services to develop and implement a Student Retention Project which serves youth (and family members), kindergarten through sixth grade, enrolled in the Centennial or Reynolds School District who are demonstrating persistent truant behavior.

4/2/98 ORIGINALS picked up by Debbie Persen

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk® 248-3277

BOARD OF
COUNTY COMMISSIONERS
98 MAR -3 PM 1:33
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

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: Elyse Clawson, Director
Department of Juvenile and Adult Community Justice

DATE: February 27, 1998

SUBJECT: Approval of an Intergovernmental Agreement between the Departments of Juvenile and Adult Community Justice and Multnomah Education Service District

I. RECOMMENDATION/ACTION REQUESTED:

The Department of Juvenile and Adult Community Justice recommends the Board's approval of an Intergovernmental Agreement between the Department of Juvenile and Adult Community Justice and Multnomah Education Services District to provide funding to develop and implement a Student Retention Project that will serve students from kindergarten through the sixth grade. The youth served through this program are students enrolled in either Harold Oliver Primary School or Harold Oliver Intermediate School (Centennial School District) or Alder Elementary School (Reynolds School District) who have been referred by the Centennial or Reynolds staff for reasons of persistent truancy as defined by existing district guidelines pertaining to truant conduct. The goal of the program will be to identify at-risk factors and behaviors that are contributing to and/or causing the student's truant conduct and then to provide the necessary resources, interventions and/or services that are needed and appropriate.

The Project will commence upon execution of this Agreement and run through June 30, 1998. Depending on the success of the program, its impact on the target population, and the need for this type of service to be provided elsewhere in the Centennial/ Reynolds School District, other elementary schools may be selected and added to this project.

II. BACKGROUND/ANALYSIS:

Reynolds and Centennial School Districts experience two of the highest school drop-out rates in the State (Oregon Dropout Reporting Manual 1995). Each district contains specific areas where mobility is significantly higher than the State average. Free and reduced lunch status is reported as higher than the State average. In the Reynolds

District, the number of students for whom English is a second language has more than doubled in the 1996/97 school year, with 90% of those students classified at the beginning or intermediate state of oral fluency.

Reynolds and Centennial School Districts have each identified school retention and decrease in truancy as district goals and have some level of services targeted to address these goals. At-risk factors such as high poverty rates, increase in minority populations, and increased family at-risk behaviors all indicate an urgent need for enhanced services in these districts.

Multnomah Education Service District intends to replicate existing truancy program models that make student retention a focus of community participation and collaboration and will coordinate with existing school, community and juvenile justice resources.

III. FINANCIAL IMPACT:

The Department of Juvenile and Adult Community Justice will contribute \$82,815 to the Student Retention Project which will be used toward the support of staff, client services, and one-time-only program start-up expenses for supplies and office equipment. These funds are available in the Fiscal Year 1997-98 departmental budget. An allocation of \$82,815 will be included in the Fiscal Year 1998-99 requested budget to support ongoing costs.

IV. LEGAL ISSUES:

N/A

V. CONTROVERSIAL ISSUES:

N/A

VI. LINK TO CURRENT COUNTY POLICIES:

The Student Retention Project links directly to the County's benchmarks of increasing high school completion. This is accomplished by providing the necessary services, interventions, and resources to the youth and their families that will promote and assure youth's consistent school attendance.

VII. CITIZEN PARTICIPATION:

N/A

VIII. OTHER GOVERNMENTAL PARTICIPATION:

N/A

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal ☐

Contract # 700668

Prior-Approved Contract Boilerplate: ☐ Attached: ☒ Not Attached

Amendment #

CLASS I <input type="checkbox"/> Professional Services under \$50,000 <input type="checkbox"/> Intergovernmental Agreement under \$50,000	CLASS II <input type="checkbox"/> Professional Services over \$50,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	CLASS III <input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-16</u> DATE <u>4/2/98</u> <u>DEB BOGSTAD</u> BOARD CLERK
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Department: Juvenile and Adult Community Justice

Date: February 27, 1998

Contract Originator: Bill Morris

Phone: 248-3532

Bldg/Room: 311/DJACJ

Administrative Contact: Debbie Persen

Phone: 248-3202

Bldg/Room: 311/DJACJ

Description of Contract: **This Intergovernmental Agreement between the Department and the Multnomah Education Service District will provide funding toward the development and implementation of a Student Retention Project serving elementary students enrolled in the Centennial and Reynolds School District who are demonstrating persistent truant behavior.**

RFP/BID #: Date of RFP/BID: Exemption Expiration Date:

ORS/AR #: (Check all boxes that apply) Contractor is ☐ MBE ☐ WBE ☐ QRF ☒ N/A ☐ None

Original Contract No. (ONLY FOR ORIGINAL RENEWALS)

Contractor Name: <u>Multnomah Education Service District</u> Mailing Address: <u>PO Box 30109</u> <u>Portland, OR 97249-9039</u> Employer ID: <u>93-6000829</u> Phone: <u>257-1651</u> Effective Date: <u>Upon Execution</u> Termination Date: <u>June 30, 1998</u> Original Contract Amount: <u>\$ 82,815</u> Total Amount of Previous Amendments: <u> </u> Amount of Amendment: <u>\$</u> <u> </u> Total Amount of Agreement: <u>\$ 82,815</u>	Remittance Address (if different): <u> </u> Payment Schedule <u> </u> Terms <u> </u> <input type="checkbox"/> Lump Sum <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly <input type="checkbox"/> Net 30 <input type="checkbox"/> Other <u>quarterly, as invoiced</u> <input type="checkbox"/> Requirements contract - Requisition Required Purchase Order No. <u> </u> <input type="checkbox"/> Requirements Not to Exceed \$ <u> </u> Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>
---	--

REQUIRED SIGNATURES:

Department Manager: [Signature]

Date: 2-27-98

Purchasing Manager: [Signature]

Date:

(Class II Contracts Only)

County Counsel: [Signature]

Date: 3/3/98

County Chair/Sheriff: [Signature]

Date: April 2, 1998

Contract Administration: [Signature]

Date:

(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	INC DEC
01	100	022	2741			6060		CGFD	General Fund	\$82,815	
02											

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

DISTRIBUTION: Original Signatures - Contract Administration, Initiator, Finance

INTERGOVERNMENTAL AGREEMENT

Contract #700668

This Agreement is made and entered into pursuant to the authority found in ORS 190.010 between **Multnomah County Department of Juvenile and Adult Community Justice (DJACJ)** and **Multnomah Education Service District (MESD)**

I. PURPOSE

To implement a **Student Retention Project** to serve students from kindergarten through the sixth grade, who are enrolled at Harold Oliver Primary School or Harold Oliver Intermediate School (Centennial School District) and Alder Elementary School (Reynolds School District), and who have been referred to this program by Reynolds or Centennial School District staff for reasons of persistent truancy as defined by district guidelines. The goal of the program will be to identify at-risk factors and behaviors that are contributing to and/or causing the student's truant conduct and provide the necessary resources, interventions and specific services needed to facilitate and assure student's consistent attendance at school. Depending upon the success of the project and the need for Student Retention services elsewhere in the Centennial and Reynolds School District, additional elementary schools in these school districts may be selected to receive services through the Student Retention Project.

II. PROGRAM RESPONSIBILITIES

A. MESD PROGRAM RESPONSIBILITIES

All personnel specified in this section (i.e., MESD Program Responsibilities) are and shall remain employees of MESD for all purposes including, but not limited to, all salary, wages, benefits and workers' compensation coverage, and shall not be considered employees of DJACJ for any purpose.

1. MESD will provide one (1.0 FTE) Supervisor to coordinate and supervise all activities and aspects of the project across Reynolds and Centennial School Districts.
2. MESD will provide one (1.0 FTE) Student Retention Liaison who will work closely with the Attendance Specialist, Reynolds and Centennial Family Resource Centers, Caring Communities, Parent/Child Development Centers and other community and school personnel.
3. MESD will provide one (0.5 FTE) Registered Nurse who will provide nursing care to students and families as needed.
4. MESD will provide one (1.0 FTE) Project/Office Assistant who will provide clerical support to the project as well as serve as the data collection/entry point for all information gathered for program evaluation purposes.

B. DJACJ PROGRAM RESPONSIBILITIES

All personnel specified in this section (i.e., DJACJ Program Responsibilities) are and shall remain employees of DJACJ for all purposes including, but not limited to, all salary, wages, benefits and workers' compensation coverage, and shall not be considered employees of MESD for any purpose.

DJACJ will provide one (1.0 FTE) Juvenile Justice Counseling Assistant to serve as a Attendance Specialist and provide family/school outreach services to assess student and family needs and make referrals to appropriate and necessary support services. The Attendance Specialist will serve as a liaison between the Court and law enforcement personnel, the student family and the school.

III. COMPENSATION

DJACJ agrees to pay MESD up to and not to exceed \$82,815 for performance of those services as described herein. Payment to MESD shall be made on a cost reimbursement basis and expenditures billed to DJACJ on a quarterly basis. These funds will be used solely to pay for the following budgeted items:

- **One (1.0 FTE) Program Supervisor;**
- **One (1.0 FTE) Student Retention Liaison;**
- **One (0.5 FTE) Registered Nurse;**
- **One (1.0 FTE) Project/Office Assistant;**
- **Supplies, Travel, Training, Telephones, Computers; and**
- **Student Activities and Family Discretionary (Flexible Spending) Funds**

Invoices reflecting allowable staff, service and/or equipment expenditures as identified herein are to be sent directly to Bill Morris, Counseling Manager, Juvenile Justice Complex, 1401 NE 68th, Portland, Oregon 97213. DJACJ shall pay MESD promptly upon receipt of the itemized billings.

IV. MONITORING AND ASSESSMENT

The parties agree to develop an assessment and evaluation process to monitor performance outcomes under this Agreement. DJACJ will assist MESD in providing program evaluation services. The creation of a process for identifying, monitoring and evaluating performance outcomes will be jointly developed by DJACJ and MESD staff and will be implemented upon commencement of the Student Retention Project.

V. INDEMNIFICATION AND LIABILITY

- A. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, DJACJ shall indemnify, defend and hold harmless MESD, its directors, officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of DJACJ personnel acting pursuant to the terms of this Agreement.
- B. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, MESD shall indemnify, defend and hold harmless DJACJ, its directors, officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of MESD personnel acting pursuant to the terms of this Agreement.

VI. WORKERS' COMPENSATION

MESD shall maintain Workers' Compensation insurance coverage for all subject workers employed by MESD in the performance of the work, whether as a carrier or insured employer as provided in Chapter 656 of Oregon Revised Statutes.

VII. CONFIDENTIALITY

Each party that receives confidential information, either in written or verbal form from the other, shall hold that information in the strict confidence required by law applicable to the providing agency and shall not disclose the information for any purpose without prior written approval of that agency. Confidential information includes, but is not limited to, student names, family names and all information relative to student and family. The confidential information shall be used for no other purpose than performing the responsibilities of this Agreement. In the event that demand for disclosure of documents is received by subpoena or otherwise, the documents, if any, shall be returned to the providing agency and the person making the demand shall be immediately notified. In the event that a subpoena for testimony is received, the providing agency shall immediately be notified of the demand and shall provide instructions and defend against the demand.

VIII. CONTRACT MODIFICATION

- A. Services shall begin upon execution of the Agreement and shall continue to be provided up through June 30, 1998.
- B. The parties may by mutual agreement renew this Agreement for another year.
- C. Either party may terminate this Agreement by giving the other party not less than 90 days written notice. No such termination shall prejudice any right or responsibility of the parties already accrued prior to the effective date of termination.

- D. This Agreement constitutes the entire Agreement between the parties. This Agreement may be modified or amended by written mutual agreement of the parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by DJACJ and MESD and approved by the Multnomah County Board of Commissioners.

IX. CONTRACT ADMINISTRATION

- A. DJACJ designates Bill Morris, Counseling Manager, to represent DJACJ in all matters pertaining to the administration of this Agreement.
- B. MESD designates Dr. Jerry W. Shiveley, Deputy Superintendent, to represent MESD in all matters pertaining to the administration of this Agreement.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their duly appointed officers on the last date written below.

MULTNOMAH COUNTY, OREGON

MULTNOMAH EDUCATION
SERVICE DISTRICT

BY: _____

Beverly Stein
Beverly Stein, Chair
Multnomah County Commissioners

BY: _____

Dr. Jerry W. Shiveley
Deputy Superintendent

DATE: April 2, 1998

DATE: _____

DEPARTMENT OF JUVENILE AND ADULT
COMMUNITY JUSTICE

BY: _____

Elyse Clawson
Elyse Clawson, Director

DATE: 3/18/98

REVIEWED:

THOMAS SPONSER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

BY: _____

Jacqueline Weber
Jacqueline Weber
Assistant County Counsel

DATE: MARCH 18, 1998

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-16 DATE 4/2/98
DEB BOGSTAD
BOARD CLERK

BUDGET MODIFICATION NO. DCJ #12

APR 02 1998

[For Clerk's Use] Meeting Date _____

Agenda # C-17

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

DEPARTMENT: Community Justice
CONTACT: Meganne SteeleDIVISION: JJ Mgmt, Custody Svcs, IS, & RMS
Telephone: 248-3961

*NAME[S] OF PERSON MAKING PRESENTATION TO BOARD: Consent Calendar

SUGGESTED AGENDA TITLE [To assist in preparing a description for the printed agenda]

The Department of Community Justice Budget Modification # DCJ 12 Reduces The Adopted Budget's Annie E. Casey Foundation Revenue by (\$52,738) To Reflect The Work Plan Approved By The Foundation.

ESTIMATED TIME NEEDED ON THE AGENDA: N/A

2. DESCRIPTION OF MODIFICATION [Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is increased or reduced? Attach additional information if you need more space].
Personnel changes are shown in detail on the attached. Yes

This budget modification decreases the department's Adopted Budget Casey revenue of \$424,447 by \$52,738. The remaining budget of \$371,709 reflects both six months of actual expense and the remaining fiscal year's six months of projected expense in personnel, materials/services and equipment. The modification includes a net change to personnel of .595 FTE. Contingency is reduced by (\$1,168) Indirect Cost support.

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

- Decreases Fund 156's Revenue Code 6801 by (\$52,738).
- Decreases service reimbursement to Insurance by (\$3,510).
- Decreases general fund contingency by (\$1,168) Indirect Cost.

4. CONTINGENCY STATUS [to be completed by Finance/Budget]

Contingency before this modification [as of _____ S _____]
[Specify Fund] [Date]

After this modification S _____

<u>Manuel E. Gomez</u>	<u>2-27-98</u>	<u>M. Steele</u>	<u>2-28-98</u>
[Originated By]	[Date]	[Department Manager]	[Date]
<u>Debraha</u>	<u>3/3/98</u>	<u>C. Williams</u>	<u>3/3/98</u>
[Finance/Budget]	[Date]	[Employee Relations]	[Date]
<u>REBORAH L. BOSTED</u>	<u>4/2/98</u>		
[Board Approval]	[Date]		

98 MAR -3 AM 11:25
 MULTNOMAH COUNTY
 OREGON
 BOARD OF
 COUNTY COMMISSIONERS

EXPENDITURE / REVENUE DETAIL FOR BUD MOD #: DCJ #12

DOCUMENT NUMBER: ACTION:

FUND	AGCY	ORG	ACT	REPT CATEG	OBJ CODE	CURR AMT	REV AMT	CHANGE	TOTAL	DESCRIPTION
156	22	2710		JCSY	5100			(3,986)		Permanent
156	22	2710		JCSY	5500			(1,209)		Salary-Related
156	22	2710		JCSY	5550			(1,481)		Insurance
156	22	2710		JCSY	6060			19,684		Pass Thru Pay
156	22	2710		JCSY	6110			(17,000)		Professional Svcs
156	22	2710		JCSY	6120			775		Printing
156	22	2710		JCSY	6230			(292)		Supplies
156	22	2710		JCSY	6310			(11,230)		Education/Training
156	22	2710		JCSY	6330			7,545		Local Travel
156	22	2710		JCSY	6620			(450)		Dues/Subscriptions
156	22	2710		JCSY	7100			(1,408)		Indirect Cost
156	22	2710		JCSY	7150			(1,368)		Telecommunications
									(10,420)	Subtotal Org 2710
156	22	2732		JCSY	5100			(10,763)		Permanent
156	22	2732		JCSY	5500			(1,948)		Salary-Related
156	22	2732		JCSY	5550			(2,195)		Insurance
156	22	2732		JCSY	6060			462		Pass Thru Pay
156	22	2732		JCSY	6330			(292)		Local Travel
156	22	2732		JCSY	7100			(816)		Indirect Cost
									(15,552)	Subtotal Org 2732
156	22	2734		JCSY	6060			(74,104)		Pass Thru Pay
156	22	2734		JCSY	7100			(518)		Indirect Cost
									(74,622)	Subtotal Org 2734
156	22	2782		JCSY	5100			127		Permanent
156	22	2782		JCSY	5500			(50)		Salary-Related
156	22	2782		JCSY	5550			(185)		Insurance
156	22	2782		JCSY	6110			24,000		Professional Svcs
156	22	2782		JCSY	7100			568		Indirect Cost
156	22	2782		JCSY	8400			3,825		Equipment
									28,285	Subtotal Org 2782
156	22	2900		JCSY	5100			15,552		Permanent
156	22	2900		JCSY	5500			2,662		Salary-Related
156	22	2900		JCSY	5550			351		Insurance
156	22	2900		JCSY	7100			1,006		Indirect Cost
									19,571	Subtotal Org 2900
400	70	7520			6520			(3,510)		Insurance
400	75	9120			7700			(1,168)		Contingency
									(4,678)	Total Internal
								(57,416)	(57,416)	TOTAL EXPENSE

FUND	AGCY	ORG	ACT	REPT CATEG	REV SO.	CURR AMT	REV AMT	CHANGE	TOTAL	DESCRIPTION
156	22	2710		JCSY	6801			(10,420)	(10,420)	Casey Foundation
156	22	2720		JCSY	6801			(90,174)	(90,174)	Casey Foundation
156	22	2780		JCSY	6801			28,285	28,285	Casey Foundation
156	22	2900		JCSY	6801			19,571	19,571	Casey Foundation
400	70	7520			6602			(3,510)	(3,510)	Insurance
100	75	7410			6602			(1,168)	(1,168)	Indirect
								(57,416)	(57,416)	TOTAL REVENUE

DEPARTMENT OF COMMUNITY JUSTICE SERVICES
PERSONNEL DETAIL FOR BUD MOD NO. DCJ #12

5. ANNUALIZED PERSONNEL CHANGES

FUND	AGCY	ORG	FTE	JCN	POSITION TITLE	BASE PAY	SAL REL	INSUR	TOTAL
156	22	2900	1.00	9734	Budget Analyst Pr.	56,939	10,227	5,561	72,727
			1.00		TOTAL	56,939	10,227	5,561	72,727

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES

FUND	AGCY	ORG	FTE	JCN	POSITION TITLE	BASE PAY	SAL REL	INSUR	TOTAL
156	22	2710	(0.125)	6021	Pgm Dev Spec	(4,042)	(726)	(1,847)	(6,615)
156	22	2710	N/A	9794	JJ Administrator	56	(483)	366	(61)
									0
156	22	2732	-0.67	9220	JJ Supervisor	(10,763)	(1,948)	(2,195)	(14,906)
									-
156	22	2782	N/A	9747	Data Analyst Sr	127	(50)	(185)	(108)
									-
156	22	2900	(0.13)	6020	Pgm Dev Tech	(3,888)	(698)	(849)	(5,435)
156	22	2900	0.33	9734	Budget Analyst Pr.	19,440	3,360	1,200	24,000
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
									0
									0
									0
									0
									0
									0
									0
									0
			(0.595)		TOTAL	930	(545)	(3,510)	(3,125)

Annie E. Casey Foundation Reconciliation For FY97-98
 Supplement to Bud Mod DCJ #12

27-Feb-98

ORG	OBJECT CODE	FY97-98 ADOPTED BUDGET	ACTUAL EXPENSE Jul - Sep '97	ACTUAL EXPENSE Oct - Dec '97	PROJECTED EXPENSE Jan - Jun '98	FY97-98 TOTAL CASEY BUDGET	REVISED CASEY LESS ADOPTED: DIFFERENCE FOR BUD MOD DCJ #12
2710	5100	84,115	16,109	16,965	47,055	80,129	(3,986)
	5500	15,058	2,784	2,932	8,133	13,849	(1,209)
	5550	6,428	995	1,048	2,904	4,947	(1,481)
	6060				19,684	19,684	19,684
	6110	17,000				-	(17,000)
	6120	50	25		800	825	775
	6230	350	49	9		58	(292)
	6310	21,300		70	10,000	10,070	(11,230)
	6330	720	676	7,589		8,265	7,545
	6620	450				-	(450)
	7100	7,963	1,117	1,548	3,890	6,555	(1,408)
	7150	1,834			466	466	(1,368)
		155,268	21,755	30,161	92,932	144,848	(10,420)
2732	5100	12,875	2,112	-		2,112	(10,763)
	5500	2,313	365	-		365	(1,948)
	5550	2,325	130	-		130	(2,195)
	6060	154,750	71,350	71,362	12,500	155,212	462
	6330	292				-	(292)
	7100	2,044	640	500	88	1,228	(816)
		174,599	74,597	71,862	12,588	159,047	(15,552)
2734	6060	74,104				-	(74,104)
	7100	518				-	(518)
		74,622	-	-	-	-	(74,622)
2782	5100	10,721	10,848	-		10,848	127
	5500	1,925	1,875	-		1,875	(50)
	5550	855	670	-		670	(185)
	6110				24,000	24,000	24,000
	7100	730			1,298	1,298	568
	8400	-	725		3,100	3,825	3,825
		14,231	14,118	-	28,398	42,516	28,285
2900	5100	3,888	-	-	19,440	19,440	15,552
	5500	698	-	-	3,360	3,360	2,662
	5550	849	-	-	1,200	1,200	351
	7100	292			1,298	1,298	1,006
		5,727	-	-	25,298	25,298	19,571
TOTAL		424,447	110,470	102,023	159,216	371,709	(52,738)

FTE Reconciliation

ADOPTED BUDGET:

ORG	FTE	JCN	TITLE	BASE	FRINGE	INS	TOTAL
2710	0.50	6021	PDS	17,937	3,221	2,655	23,813
2710	1.00	9794	JJ Admin	66,178	11,837	3,773	81,788
2732	0.75	9220	JJ Sup	12,875	2,313	2,325	17,513
2782	0.25	9747	Data Anal Sr	10,721	1,925	855	13,501
2900	0.13	6020	PDT	3,888	698	849	5,435
<u>2.63</u>		TOTAL		<u>111,599</u>	<u>19,994</u>	<u>10,457</u>	<u>142,050</u>

REVISED CASEY BUDGET:

ORG	FTE	JCN	TITLE	BASE	FRINGE	INS	TOTAL
2710	0.375	6021	PDS	13,895	2,495	808	17,198
2710	1.00	9794	JJ Admin	66,234	11,354	4,139	81,727
2732	0.08	9220	JJ Sup	2,112	365	130	2,607
2782	0.25	9747	Data Anal Sr	10,848	1,875	670	13,393
2900	0.33	9734	Eval Sup	19,440	3,360	1,200	24,000
<u>2.035</u>		TOTAL		<u>112,529</u>	<u>19,449</u>	<u>6,947</u>	<u>138,925</u>

Differences in FTE For Bud Mod DCJ #12

ORG	FTE	JCN	TITLE	BASE	FRINGE	INS	TOTAL
2710	(0.125)	6021	PDS	(4,042)	(726)	(1,847)	(6,615)
2710	N/A	9794	JJ Admin	56	(483)	366	(61)
2732	(0.67)	9220	JJ Sup	(10,763)	(1,948)	(2,195)	(14,906)
2782	N/A	9747	Data Anal Sr	127	(50)	(185)	(108)
2900	(0.13)	6020	PDT	(3,888)	(698)	(849)	(5,435)
2900	0.33	9734	Eval Sup	19,440	3,360	1,200	24,000
<u>(0.595)</u>		TOTAL		<u>930</u>	<u>(545)</u>	<u>(3,510)</u>	<u>(3,125)</u>



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

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: Board of County Commissioners

From: Elyse Clawson, Department Director
Department of Juvenile and Adult Community Justice

Date: March 2, 1998

Subject: Approval of a Budget Modification to Add One Position Funded
By the Annie E. Casey Foundation and Make Adjustments to related Grant
Revenues and Expenses

I. RECOMENDATION/ACTION REQUESTED

The Department of Juvenile and Adult Community Justice [DJACJ] recommends the Board's approval of a budget modification to add one evaluation position funded by the Annie E. Casey foundation. Sufficient Casey grant funds have already been appropriated in the 1997-98 budget to fund this new position. This budget modification also includes a series of technical adjustments to revise revenues and reprogram funds in accordance with the Casey grant.

II. BACKGROUND/ANALYSIS

The Annie E. Casey foundation has committed \$344,598 to continue the original implementation grant for the Detention Reform Initiative through calendar year 1998. These funds will continue the positions of the Project Administrator, Project Assistant, and the functions of MIS and Shelter Beds as alternatives to detention. These funds will also support one new position, an evaluator, to analyze data and prepare reports to assist us in understanding the effects of our detention policies and practices and the use of alternatives to detention. This budget modification brings the budget into agreement both with the actual expenditures of the Casey grant for July

through December and the proposed expenditures for the remainder of the fiscal year.

For the last several years, Multnomah County and the Annie E. Casey Foundation have had a contractual agreement regarding the implementation of the Multnomah County Detention Reform Initiative. The goals of this Initiative have been to create an objective/data driven Juvenile Justice system, to manage resources effectively and to assure public safety regarding the use of secure detention and alternatives to detention. This project was scheduled to end December 1997. However, in order to complete our goals and expend the allocated funds, the Foundation has agreed to allow Multnomah County to extend the length of our contract.

A work plan has already been created and accepted by all the Multnomah County stakeholders. This work plan outlines the goals and responsibilities for the calendar year 1998, which includes: funds for enhanced pre-trial placement planning by Defense Attorneys; increased capacity in the use of shelter beds for pre-trial youth; data collection and analysis; staff training on the new Case Classification System; assessing cultural bias and the development of strategies to address minority overrepresentation system wide.

Discussions are continuing with the Casey Foundation regarding the potential for additional detention reform grant funds to be awarded to DJACJ for use in 1998. After those discussions are concluded, we may return to the Board of County Commissioners for a budget modification adjusting the expenses and revenues for 1997-98.

III. FINANCIAL IMPACT

This modification decreases the Federal/State program by (\$52,738) and general fund contingency by (\$1,168.) Multnomah County is making no commitment to the Annie E. Casey Foundation to continue funding these positions or services beyond December 1998 when grant funding ends.

IV. LEGAL ISSUES

N/A

V. CONTROVERSIAL ISSUES

N/A

VI. LINK TO CURRENT COUNTY POLICIES

This agreement is linked directly to the County's benchmarks of: reducing juvenile crime; and high school completion.

VII. CITIZEN PARTICIPATION

This project was planned and developed by the citizen based Detention Reform Committee (DRC) which was chaired by Chair Stein. Additionally, the Citizens Budget Advisory Committee (CBAC) has reviewed this project and consistently ranked the alternatives to detention as a high priority for County funding.

VIII. OTHER GOVERNMENTAL PARTICIPATION

This project is a countywide initiative, which includes the support and participation of the Police, Judiciary, District Attorneys, Defense Attorneys, Schools and Community Providers. It is widely accepted that it is not possible to change one part of the system without impacting the system as a whole. Therefore, a broad based, inter-governmental approach, was implemented to ensure stake holder commitment from the inception of this project.



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS

BEVERLY STEIN
DISTRICT 1 Vacant
GARY HANSEN
DISTRICT 3 Vacant
SHARRON KELLEY

BUDGET & QUALITY
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503)248-3883

To: Board of County Commissioners

From: Julie Neburka, Budget Analyst *JN*

Date: March 3, 1998

Re: Budget Modification DCJ #12

The Department of Juvenile and Adult Community Justice (DCJ) is requesting a budget modification to add one FTE program evaluation position and to re-program Casey Foundation grant funds for the remainder of the fiscal year. The net effect of re-programming these funds is a reduction of \$52,738 in the Federal-State Fund and \$1,168 in the General Fund. Salary savings are re-directed to pay for the proposed evaluation position for three remaining months in fiscal 1998.

The Casey Foundation grant supporting the new position is expected to end in December, 1998. The position is included in DCJ's proposed FY 1999 constraint budget, and Casey Foundation grant money is identified to support the position through December. A budget shortfall will occur in fiscal year 2000, and we would expect the department to absorb that shortfall within their constraint at that time.

MEETING DATE: APR 02 1998
AGENDA NO: C-18
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement between the District Attorney's Office and Portland Police Bureau for continued funding of 2 FTE deputy district attorneys from the Portland Police Bureau Local Law Enforcement Block Grant.

BOARD BRIEFING: **DATE REQUESTED:** _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: **DATE REQUESTED:** 4/2/98

AMOUNT OF TIME NEEDED: 1 minute

DEPARTMENT: District Attorney **DIVISION:** Circuit Court

CONTACT: Tom Simpson **TELEPHONE #:** 248-3863

BLDG/ROOM #: 101/600

PERSON(S) MAKING PRESENTATION: (consent calendar item)

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Intergovernmental Agreement between the District Attorney's Office and Portland Police Bureau for the continued funding of 2 FTE deputy district attorneys from the Portland Police Bureau Local Law Enforcement Block Grant.

4/2/98 ORIGINALS to KATHY GRAHAM

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR) _____

DEPARTMENT MANAGER TS Simpson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
98 MAR 18 PM 4:33
MULTNOMAH COUNTY
OREGON



MICHAEL D. SCHRUNK, District Attorney for Multnomah County

600 County Courthouse •Portland, Oregon 97204•503) 248-3162•FAX (503) 248-3643

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Michael D. Schrunk

DATE: March 17, 1998

RE: Intergovernmental Agreement between the District Attorney's Office and Portland Police Bureau for continued funding of 2 FTE deputy district attorneys from the Portland Police Bureau Local Law Enforcement Block Grant.

1. Recommendation/Action Requested:
Approval

2. Background/Analysis:
Portland Police Bureau receives over \$2 million through the Local Law Enforcement Block Grant and has funded two deputy district attorneys since October, 1996. This amendment continues the funds for the deputies through the end of this fiscal year.

3. Financial Impact:
This agreement provides \$135,000 new revenue to the federal/state fund.

4. Legal Issues:
ORS 190 provides for intergovernmental agreements.

5. Controversial Issues:
None

6. Link to Current County Policies:
N/A

7. Citizen Participation:
N/A

8. Other Government Participation:
Portland Police Bureau

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal ☒ Contract # 500257

Prior-Approved Contract Boilerplate: Attached: ☒ Not Attached Amendment # 1

<p>CLASS I</p> <p><input type="checkbox"/> Professional Services under \$50,000</p> <p><input type="checkbox"/> Intergovernmental Agreement under \$50,000</p>	<p>CLASS II</p> <p><input type="checkbox"/> Professional Services over \$50,000 (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>CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement over \$50,000</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-18</u> DATE <u>4/2/98</u></p> <p style="text-align: center;">DEB BOGSTAD</p> <p style="text-align: center;">BOARD CLERK</p>
---	--	--

Department: District Attorney Division: Circuit Court Date: March 17, 1998

Contract Originator: Tom Simpson Phone: 248-3863 Bldg/Room: 101/600

Administrative Contact: Kathy Graham Phone: 248-5330 Bldg/Room: 101/600

Description of Contract: This Intergovernmental Agreement between the District Attorney Office and the Portland Police Bureau continues funding 2 FTE deputy district attorneys from the Portland Police Bureau Local Law Enforcement Block Grant.

RFP/BID #: _____ Date of RFP/BID: _____ Exemption Expiration Date: _____

ORS/AR # _____ (Check all boxes that apply) Contractor is ☐ MBE ☐ WBE ☐ ESB ☐ JQRF ☐ JVA ☐ None

Original Contract No. 500257 (ONLY FOR ORIGINAL RENEWALS)

<p>Contractor Name: <u>Portland Police Bureau</u></p> <p>Mailing Address: <u>1120 SW 2nd Avenue 12th Floor</u> <u>Portland, OR 97204</u></p> <p>Phone: <u>823-0032</u></p> <p>Employer ID# or SS#: _____</p> <p>Effective Date: <u>3/2/98</u></p> <p>Termination Date: <u>9/30/98</u></p> <p>Original Contract Amount: \$ <u>150,000</u></p> <p>Total Amt of Previous Amendments: \$ _____</p> <p>Amount of Amendment: \$ <u>135,000</u></p> <p>Total Amount of Agreement: \$ <u>285,000</u></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: <u>[Signature]</u>	Date: <u>3-17-98</u>
Purchasing Manager: _____	Date: _____
County Counsel: <u>[Signature]</u>	Date: <u>3-18-98</u>
County Chair/Sheriff: <u>[Signature]</u>	Date: <u>April 2, 1998</u>
Contract Administration: _____	Date: _____

(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	INC DEC
01	15600	023	2448			2190			LE Block Grant	135,000	
02											
03											

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

DISTRIBUTION: Original Signatures - Contract Administration, Initiator, Finance

**Multnomah County/City of Portland
INTERGOVERNMENTAL AGREEMENT
for Use of Local Law Enforcement Block Grant Funds**

The City of Portland Police Bureau (City) has been awarded a Local Law Enforcement Block Grant, \$135,000 of the amount will be provided to the Multnomah County District Attorney's Office (MCDA). In order to provide clear understanding of how these funds are to be used, the City and MCDA agree as follows:

A. General Scope

1. The City shall provide MCDA with \$135,000 of Local Law Enforcement Block Grant funds.
2. MCDA will use the funds to enhance staffing in the Drug Unit and in the Neighborhood Based Prosecution Unit.

B. Term

1. This agreement shall begin on March 2, 1998 and conclude on September 30, 1998, or when funds are exhausted.

C. Termination

1. This agreement may be terminated upon 60 days mutual written consent of the parties or upon 90 days written notice by one of the parties.
2. Termination under any provision of this paragraph shall not affect any rights, obligations, or liability of the city of MCDA which accrues prior to such termination.

D. Modification

1. This agreement may be modified by mutual consent of the parties.
2. Any modification to provisions of this agreement shall be reduced to writing and signed by the parties.

E. Integration

1. This agreement contains the entire agreement between the parties and supersedes all prior written and oral arguments.

F. Notices

All notices pursuant to the terms of this agreement shall be addressed as follows:

Notices to City:

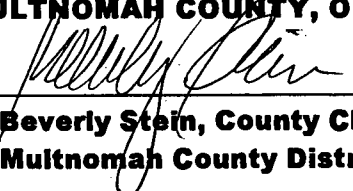
**Chief Charles A. Moose
Chief of Police
Portland Police Bureau**

Notices to County:

**Michael D. Schrunk
District Attorney
Multnomah County District Attorney Office**

G. Signatures

MULTNOMAH COUNTY, OREGON

By 
**Beverly Stein, County Chair
Multnomah County District Attorney**

Date: April 2, 1998

By 
**Tom Simpson, Management Assistant
District Attorney's Office**

Date: 3-17-98

PORTLAND POLICE BUREAU

By _____

Date: _____

By _____

City Auditor

Date: _____

REVIEWED:

**THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON**

By 
Deputy County Counsel

Date: 3-18-98

**APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-18 DATE 4/2/98
DEB BOGSTAD
BOARD CLERK**

MEETING DATE: APR 02 1998
AGENDA NO: C-19
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: FOUND/UNCLAIMED PROPERTY

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: NEXT AVAILABLE DATE

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: SHERIFF'S OFFICE

DIVISION: _____

CONTACT: LARRY AAB

TELEPHONE #: 251-2489

BLDG/ROOM #: 313/228

PERSON(S) MAKING PRESENTATION: _____

CONSENT ITEM _____

ACTION REQUESTED:

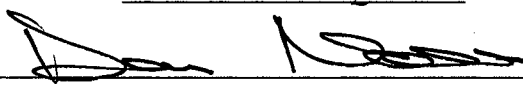
[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

Transfer of Found/Unclaimed Property as listed to the Department of Environmental Services as outlined in the Multnomah County Code 7.70

4/2/98 copies to Larry AAB & Heidi Jentzsch

SIGNATURES REQUIRED:

ELECTED OFFICIAL: X 

(OR)

DEPARTMENT

MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
98 MAR -5 PM 12:47
MULTNOMAH COUNTY
OREGON



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

(503) 255-3600
TTY (503) 251-2484

MEMORANDUM

TO: DEBORAH BOGSTAD
Clerk of the Board

FROM: DAN NOELLE 
Sheriff

DATE: February 6, 1998

SUBJECT: FOUND/UNCLAIMED PROPERTY - 98-1

Attached is a listing of found/unclaimed or unidentified property. This property has been in the Sheriff's possession for over 30 days. All attempts to establish the rightful owner(s) of the listed property have proven negative.

To comply with Multnomah County Code 7.70, I am requesting that this listing of property be placed on the Board of County Commissioners' agenda for approval of the transfer of these items to the Department of Environmental Services for sale or disposal as provided for within the listed ordinance.

Attachment

RG/lbs/EQU2206



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Acknowledgment of Unclaimed)	O R D E R
Property and Authorization of)	98-24
Transfer for Sale or Disposal)	

WHEREAS, the Multnomah County Sheriff's Office has certain property, including money, in its possession, the ownership of which is unknown and which has been unclaimed for thirty days after the property came into its possession; and

WHEREAS, Multnomah County Code Chapter 7.70.100 directs the Sheriff's Office to report the unclaimed property to the Board of Commissioners and to request authorization to dispose of it as provided in the Code; and

WHEREAS, in lieu of a sale of the property under Multnomah County Code Chapter 7.70.150 to 7.70.300, the Multnomah County Sheriff's Office, with the approval of the Board of Commissioners, may transfer any portion of the unclaimed property to the County for use by the County; now therefore

IT IS HEREBY ORDERED that the Multnomah County Board of Commissioners acknowledges the unclaimed property and authorizes the transfer of the items listed on the attached **Multnomah County Sheriff's Office Found/Unclaimed Property For Disposal, List 98-1**, to the Department of Environmental Services for sale or disposal as provided in Multnomah County Code.

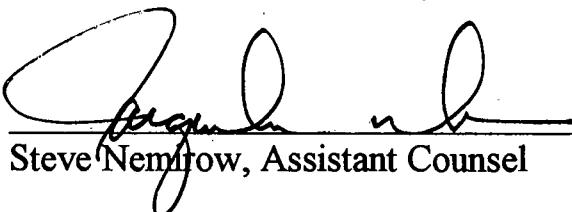
DATED this 2nd day of April, 1998.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



REVIEWED:

TOM SPONSLER, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON


Steve Nemrow, Assistant Counsel


Beverly Stein, Chair

MULTNOMAH COUNTY
SHERIFF'S OFFICE
FOUND/UNCLAIMED PROPERTY FOR DISPOSAL
LIST - 98-1

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
91-273	Motorola cell phone, #472CPLC949	Sale
91-5110	Sony car stereo, #112057	Sale
91-7818	Six Nintendo videos	Sale
91-7913	Canon camera, #1716949	Sale
	XLR camer/2X telephoto w/elec. strobe	Sale
91-9909	Boyz in the Hood CD	Sale
91-10233	Two audio CDs	Sale
91-12333	Three wristwatches, three stuffed animals	Sale
92-4125	Pearl bracelet	Sale
	Ring with two pearls	Sale
92-5652	Pioneer CD player, #LG043688	Sale
	Cobra radar detector with case	Sale
	AM-FM cassette player, #1A00237	Sale
92-3508	Four tires with American Racing mag wheels/ size MSR31X10.50R15LT	Sale
92-716	Tandy 1500 HD computer, #0H07611	Sale
92-2203	Nintendo Game Boy, #G08811551	Sale
	Tetris Game Boy cartridge	Sale
	Four Genesis game cartridges	Sale
	Genesis power base converter	Sale
	Genesis power stick	Sale
	Genesis 16 bit game board	Sale

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
92-5313	Olympia 3/8" combo wrench set	Sale
92-2102	Wooden jewelry box w/costume jewelry	Sale
92-1614	Tasco 52T/40X40mm telescope	Sale
	Chrome telescope stand	Sale
	Ring w/red stone (14K)	Sale
92-927	Makita 3/8" drill, #030206	Sale
92-7768	Large pair of bolt cutters	Sale
92-3273	Mamiya 35mm camera, #543693	Sale
	Five camera lenses, black camera case	Sale
	Three cloth rifle cases	Sale
92-2614	Tape case, (36) cassette tapes	Sale
92-11291	Assorted new clothing, shoes	Sale
	Sony Discman/CD compact player	Sale
	Ring, gold colored with blue stone	Sale
	Miscellaneous tapes, sports cards	Sale
92-9068	Miscellaneous watches, bands, earrings, etc.	Sale
92-1267	Two large stereo speakers	Sale
92-138	Pair of Bausch & Lomb binoculars, #105989	Sale
93-9414	Two gold colored chains	Sale
93-354	Pair of Olin skis, #21001288	Sale

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
93-2156	Three Geo hubcaps, silver	Sale
93-1569	Realistic Pro 39 scanner, #027277	Sale
	Unide 200 channel scanner, #25054866	Sale
93-4776	Cobra radar detector, #208027517	Sale
93-5956	Hoe	Sale
93-3440	Two Sony Walkmans	Sale
	Sentrek cassette player, #90530829	Sale
	Commodore floppy disk, #AJ1A67921	Sale
	Red tool box with miscellaneous tools	Sale
94-3069	White case with assorted baseball cards	Sale
94-5491	Rifle case	Sale
95-739	DMX box/Scientific, #BH1B3-BBLX800343E BELONGS TO PINEAON CABLE Co.	Sale
	US West Caller ID machine	Sale
95-4473	Code-A-Phone, #AR007406	Sale
	Apple printer, #TF2031AH/C0090LLA	Sale
	Apple printer, #TF2031AY/C0090LLA	Sale
	PhoneMate answering machine, #14443796745	Sale
	Apple laser printer, #CA839202M6000	Sale
	Apple keyboard, #M909M0110A5	Sale
	Apple 3.5 drive, #SS0221KJ00J	Sale
	Aiwa CD player, #9165825	Sale
95-2467	Motorola cellular phone	Sale
95-1406	Gott 1 1/2 gallon gas can	Sale
95-3112	Three rings	Sale

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
95-3574	Ranger VHF marine hand-held radio, #400234	Sale
95-5097	Three watches	Sale
	Six rings	Sale
	Uniden two way radio	Sale
95-5593	Herringbone gold chain	Sale
95-3948	Sentrek Amp, #70710099	Sale
	Nokia cell phone battery, #00405249	Sale
	Nokia cell phone	Sale
	Black cable, AC power supplier	Sale
	Pioneer tape deck, #21049	Sale
95-5721	Silver tone necklace and ring	Sale
	Gold tone ring with clear stone	Sale
95-5912	9" yellow metal chain bracelet	Sale
95-1819	Two fire extinguishers	Sale
95-2795	Radio Shack AM-FM scanner receiver, #005131	Sale
95-3785	Pioneer cassette car stereo, #081485	Sale
95-5407	Eighteen .32 US stamps	Sale
95-5037	Seiko pager watch, #3500001	Sale
95-6321	Realistic 40 channel CB, #646946	Sale
95-6519	Alpine AM-FM cassette player, #R11020399	Sale
95-6937	Wheel lock device, #0693N	Sale
	Pioneer AM-FM cassette player, #NL00559	Sale

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
95-4317	Pair of Bushnell binoculars	Sale
	Ibico ML-9 laminator, #AK001571	Sale
	Cannon portable word processor, #TB2053314	Sale
	Aiwa Walkman, one C.D.	Sale
	Polaroid camera, assorted costume jewelry	Sale
95-5595	Pyramid SE707 equalizer, #804364	Sale
	Clarion stereo tape player, #0000991	Sale
	Blaupunkt CD-43 player, #2103453	Sale
	Rockford amplifier, #FFA0610213	Sale
	American Hi-Fi amplifier, #PA18500	Sale
96-262	Three watches, one gold band	Sale
	Red jewelry box	Sale
	Box of gold jewelry	Sale
	Two Black & Decker cordless screwdrivers	Sale
	Sony Video 8 camcorder, #120165	Sale
	Mitsubishi cell phone, #18XBE28157	Sale
	12 volt three way air compressor	Sale
96-4045	Bag of miscellaneous jewelry	Sale
96-6724	AT&T cell phone, #165-08189383	Sale
96-2429	OKI cell phone, #B2JUM9032	Sale
96-5388	Rifle gun case	Sale
97-369	Two gold colored ladies rings	Sale
97-443	Calculator	Sale

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
97-2183	Cellular I cell phone, #A233WWJQ54	Sale
97-2514	Realistic scanner receiver, #05010844	Sale
97-3427	Kodak 35mm camera/cameo	Sale
97-4074	Pentex 35mm camera, #4553473	Sale
	Pentex black camera bag	Sale
97-2925	Nokia cell phone, #165/09555774	Sale
97-2250	Sherwood cassette deck, #50613032	Sale
	Citizen printer, #2102534-82	Sale
	Optonica receiver, #11205598	Sale
	JVC turntable, #K17751789	Sale
	Two AR stereo speakers, #X013575, #X013574	Sale
97-493	Bag with costume jewelry and three watches	Sale
97-3038	Gold colored ring with one stone (14K)	Sale
97-5321	12 ft. fiberglass boat, #WN0249RF	Sale
97-2742	Ring, yellow with clear stone	Sale
	Silver necklace	Sale
	Seiko watch, Disney coin	Sale
	Two Canadian dollar bills, German Mark	Sale
97-2277	Bag with assorted costume jewelry	Sale
	Two watches	Sale
97-1933	Three rings	Sale
97-1935	Assorted costume jewelry	Sale
97-3979	Plano tackle box with baits	Sale
	Fishing pole & reel	Sale

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
97-3347	Schwinn 24" 10 speed bike, #BK584029	Sale
	Red 24" 10 speed bike, no serial number	Sale
97-5011	Huffy bicycle, #HC5961853	Sale
97-5056	Men's 26" Motobecane bike, #2775945	Sale
97-3411	Technophone Model 405 cell phone, #1815287	Sale
Unk.	Beeman Model 25 rifle scope/2X20 size	Sale
93-8291	JVC car stereo, #0789439	Sale
96-81	Motorola cell phone, #674GTMD485	Sale
97-4831	Bag with costume jewelry & rocks	Sale
96-26	Four calculators	Sale
	Franklin computer Spelling Ace/PS-99	Sale
	Craig cassette/radio player, #143116049	Sale
97-3009	Bag with miscellaneous costume jewelry	Sale
97-4430	Bag with miscellaneous costume jewelry	Sale
95-2085	Panasonic Walkman player	Sale
	Seiko Receptor watch, #4919735	Sale
94-519	Advance digital watch	Sale
	GPX radio/cassette player	Sale
	Two Hi-Fidelity mini speakers	Sale
	Walkman earphones	Sale
97-4163	14 ft. aluminum boat/orange stripe	Sale
97-3764	Whistler radar detector	Sale
95-3195	Canon 35mm camera, #3939693	MC Use
97-2871	Radio Shack CB, #0108778	MC Use

FILE NUMBER	PROPERTY DESCRIPTION	DISPOSITION
92-10183	Sanyo AM-FM cassette player, #6087167	MC Use
97-3411	Motorola Air Touch cell phone, #A23GWVA031	MC Use

RG/lbs/EQU2206

MEETING DATE: MAR 12 1998

AGENDA NO.: C-20

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Renewal IGA between ODOT and MCSO

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: next available date

AMOUNT OF TIME NEEDED: _____

DEPARTMENT: Sheriff's Office

DIVISION: Enforcement

CONTACT: Larry Aab

TELEPHONE #: 251-2489

BLDG/ROOM #: 313/228

PERSON(S) MAKING PRESENTATION: Consent item

ACTION REQUESTED:

☐ INFORMATION ONLY

☐ POLICY DIRECTION

☒ APPROVAL

☐ OTHER

SUGGESTED AGENDA TITLE

Renewal IGA, #800558 between ODOT & MCSO, to enhance DUI enforcement in Multnomah County.
4/2/98 ORIGINALS to LARRY AAB

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)

[Signature]

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

98 MAR -2 AM 9:07
CLERK OF
BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DAN NOELLE,
Sheriff

TODAY'S DATE: February 17, 1998

REQUESTED PLACEMENT DATE: NEXT AVAILABLE BOARD MEETING

RE: RENEWAL OF IGA #800558 BETWEEN ODOT AND MCSO TO ENHANCE DUII ENFORCEMENT AND APPROVAL OF BUDGET MODIFICATION APPROPRIATING \$7,143 IN NEW REVENUE TO THE SHERIFF'S OFFICE FOR EQUIPMENT PURCHASES AND PASS THROUGH PAYMENTS TO OTHER JURISDICTIONS

I. Recommendation/Action Requested:

Request approval of IGA between ODOT and the MCSO to enhance DUII enforcement in Multnomah County. The Sheriff's Office also requests the approval of \$7,143 in grant revenue be added to the Sheriff's Office budget for the purchase of equipment and pass through to participating jurisdictions.

II. Background/Analysis:

Over the past five years the Sheriff's Office has participated with the State of Oregon for the enforcement of DUII laws in Multnomah County. The Sheriff's Office, acting as the primary agency passes a portion of this money to other county jurisdictions for the participation in the program.

In 1996, there were 7,101 injury motor vehicle accidents reported in Multnomah County. An additional 69 resulted in fatalities. Of these fatal and injury accidents, 1,105 occurred at night. In calendar year 1996, unincorporated Multnomah County incurred eleven motor vehicle fatalities. Consumption of alcohol by drivers under 21 years of age and excessive speed played a significant role in these fatalities.

In order to impact the problem of DUII and excessive speed, the Sheriff's Office in partnership with 5 other local police jurisdictions participate in a grant from the State of Oregon to impact driver related offenses. The objectives of this program include:

1. Reduce nighttime injury and fatal collisions in Multnomah County by 10% from 912, the average for the 1990-1995 period, to 821 during the 12 month period starting

October 1, 1997, and ending September 30, 1998.

2. Make 175 DUII arrests for the period October 1, 1997 to September 30, 1998 by personnel utilizing TSS funds.
3. Conduct 10 multi-agency enforcement saturation patrols in designated areas of Multnomah County by September 30, 1998.
4. Maintain DUII arrests for the Multnomah County Sheriff's Office at or above 391, the level for the period October 1, 1995 through September 30, 1998.
5. Make 125 informational contacts to members of the Hispanic Community in Multnomah County regarding DUII laws, liability insurance requirements, seat belt use, and child safety seat usage by September 30, 1998.
6. Make 50 informational contacts to convenience store owners and employees regarding the sale of alcohol to minors by September 30, 1998.
7. Increase citations for violation of the seat belt law from 151, the level for the 1996 calendar year, to 200 by September 30, 1998.

Approval of the IGA will continue this grant through September 30, 1998. Approval of the budget modification will increase the revenues received from the State of Oregon for this activity.

III. Financial Impact:

This budget modification will increase the grant revenues from \$97,000 to \$104,507. The increased revenue will be used to radar equipment and provide pass through payments to participating jurisdiction for the enforcement efforts.

III. Legal Issues:

None Known

V. Controversial Issues:

None known

VI. Link to Current County Policies:

County Benchmark for creating a safer community.

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

Participating agencies include the Oregon State Police, Portland Police Bureau, Troutdale Police Department, and the Fairview Police Department.

TRANSPORTATION SAFETY PROJECT SUMMARY

1. Agency/Jurisdiction Multnomah County Sheriff's Office
2. Project Title Enhanced DUII Overtime Enforcement/Education Project
3. Project No. J7-98-12-28 Planned Project Period: 10-1-97 To 9-30-98

4. Project Description:

This DUII enforcement project will be assigned to directly impact the incidence of DUII related crashes. The project objectives will include increasing DUII arrests, reducing nighttime fatal and injury crashes, identification of DUII problem areas to be targeted for patrol, a public information and education component, and cooperation and coordination with other agencies involved in the DUII control system.

5. Objectives:

- Reduce nighttime fatal and injury crashes in Multnomah County by 10% from 912, the average for the 1990-95 period, to 821 during the 12 month period starting October 1, 1997, and ending September 30, 1998.
- Make 175 DUII arrests for the period October 1, 1997 to September 30, 1998 by personnel utilizing TSS funds.
- Conduct 10 multi-agency enforcement saturation patrols in designated areas of Multnomah County by September 30, 1997.
- Maintain DUII arrests for the Multnomah County Sheriff's Office at or above 391, the level for the period October 1, 1995 and ending September 30, 1996.
- Provide 50 hours of education and training to high schools students in five east Multnomah County high schools regarding seat belt use, child safety seat use, and DUII laws by September 30, 1998.
- Make 125 informational contacts to members of the Hispanic Community in Multnomah County regarding DUII laws, liability insurance requirements, seat belt use, and child safety seat usage by September 30, 1998.
- Make 50 informational contacts to convenience store owners and employees regarding the sale of alcohol to minors by September 30, 1998.
- Increase citations for violation of the seat belt law from 151, the level for the 1996 calendar year, to 200 by September 30, 1998.

6. Project Director Dave Hadley Title Sergeant
- Street/P.O. 12240 NE Glisan Telephone (503) 661-6377
- City Portland, OR Zip Code 97230 FAX (503) 253-2663
7. Project Coordinator TBD Telephone _____
8. Grant Manager Debra Downey

9. Budget Information:
- | | | | | |
|-------|-------------------|-------------|---------------|-------------|
| TSS | \$ <u>104,507</u> | <u>55%</u> | Fed. to Local | <u>100%</u> |
| Match | \$ <u>84,327</u> | <u>45%</u> | | |
| Total | \$ <u>188,834</u> | <u>100%</u> | | |

10. Approval/Award/Adjustments: (Adjustments with funding changes only)

- | | | | |
|---------------------------|---------------------|-----------------------|------------------------|
| a. Start Date/Final Award | Date <u>10/1/97</u> | TSS \$ <u>104,507</u> | Match \$ <u>84,327</u> |
| b. Grant Adjustment # | Date _____ | TSS \$ _____ | Match \$ _____ |
| c. Grant Adjustment # | Date _____ | TSS \$ _____ | Match \$ _____ |
| d. Grant Adjustment # | Date _____ | TSS \$ _____ | Match \$ _____ |

I. INTRODUCTION

A. General Information

This is a continuation of this Enhanced DUI Enforcement/Education Program. Multnomah County is Oregon's most populous urban county. Within the county's boundaries are six incorporated cities, the largest being Portland with a population of 620,000 and the smallest being Maywood with a population of less than 1,000.

The county is a commercial, industrial and cultural hub, making it a crossroad destination for a wide variety of commercial and pleasure motor vehicles. The county is crossed by three major interstate highways: I-5 running north and south, I-84 running east and west and I-205 running north and south as a bypass of downtown Portland. I-5 and I-205 cross the Columbia River via the Interstate and Glenn Jackson bridges.

In 1994, 450,000 passenger vehicles were registered in Multnomah County. This number is compounded by tourists visiting the many attractions in and around Multnomah County, including Multnomah Falls, which plays host to over 1 million visitors each year.

B. TSS Grants Received During the Last Five Years:

- a) 1990 90-AL-11-62 \$112,439
- b) 1991 J6-91-11-62 \$119,147
- c) 1992 J6-92-11-62 \$ 67,700
- d) 1996 J7-96-12-28 \$ 97,000

The above grants were utilized for DUI enforcement.

II. PROBLEM STATEMENT

A. What is the Problem?

In 1996, there were 7,101 injury motor vehicle accidents reported in Multnomah County. An additional 69 resulted in fatalities. Of these fatal and injury accidents, 1,105 occurred at night. In calendar year 1996, unincorporated Multnomah County incurred eleven motor vehicle fatalities. Consumption of alcohol by drivers under 21 years of age and excessive speed played a significant role in these fatalities.

B. What is currently being done to solve the problem and by whom?

The Multnomah County Sheriff's Office is working hard to reduce DUII related motor vehicle accidents. In 1994, the Multnomah County Sheriff's Office dedicated the efforts of two (2) full time Deputies and one (1) full time Sergeant, exclusively to DUII Enforcement. In 1996, these officers made 409 arrests for DUII, and issued 691 DUII enforcement related citations. This effort was made in spite of a major reduction in patrol positions made by transfer to the city of Portland and patrol area through annexations.

The deputies in this unit also serve as Field Training Officers for new enforcement deputies, teaching Standardized Field Sobriety Testing and enhancing DUII detection skills among patrol personnel. Both deputies and the Sergeant in the DUII Enforcement Team are certified as Drug Recognition Experts by the Oregon State Police and the National Highway Traffic Safety Administration. Additionally, members of the DUII Enforcement Team are certified PUC Level II Commercial Vehicle inspectors and Fatal/Injury motor vehicle accident investigators.

III. OBJECTIVES

- a. Reduce nighttime injury and fatal collisions in Multnomah County by 10% from 912, the average for the 1990-1995 period, to 821 during the 12 month period starting October 1, 1997, and ending September 30, 1998.
- b. Make 175 DUII arrests for the period October 1, 1997 to September 30, 1998 by personnel utilizing TSS funds.
- c. Conduct 10 multi-agency enforcement saturation patrols in designated areas of Multnomah County by September 30, 1998.
- d. Maintain DUII arrests for the Multnomah County Sheriff's Office at or above 391, the level for the period October 1, 1995 through September 30, 1996.
- e. Provide 50 hours of education and training to High School students in five east Multnomah County High Schools regarding seat belt use, child safety seat use and DUII laws by September 30, 1998.
- f. Make 125 informational contacts to members of the Hispanic Community in Multnomah County regarding DUII laws, liability insurance requirements, seat belt use, and child safety seat usage by September 30, 1998.

g. Make 50 informational contacts to convenience store owners and employees regarding the sale of alcohol to minors by September 30, 1998.

h. Increase citations for violation of the seat belt law from 151, the level for the 1996 calendar year, to 200 by September 30, 1998.

IV. PROPOSED ACTIVITIES

A. Major Activities

As envisioned, a cooperative and highly visible multi-agency effort will be made to enhance DUII enforcement in Multnomah County. This will be accomplished in three ways. First, through multi-agency DUII saturation patrols during high risk holidays, such as New Years Eve, St. Patrick's Day, Memorial Day weekend, Independence Day, Labor day, Halloween, Super Bowl Sunday, and during the Christmas Holidays.

In addition to the Multnomah County Sheriff's Office, other agencies participating in this cooperative effort will include the Oregon State Police, Portland Police Bureau, Troutdale Police Department, Gresham Police Department, and the Fairview Police Department. The Multnomah County Sheriff's Office Public Information Officer will work closely with local media so as to maximize public awareness of these efforts.

Officers and Deputies trained in DUII enforcement techniques, including Standardized Field Sobriety Testing and Drug Recognition Training will be made available, on an overtime basis, to patrol specific areas of Multnomah County designated as having a high rate of nighttime injury and fatality collisions. These efforts will supplement the current efforts of the DUII Enforcement Team.

Finally, approximately 100 hours will be devoted to community education. Initially, three specific community groups will be targeted. The first group will include High School students enrolled in east Multnomah County High Schools, including Gresham High School,, Sam Barlow High School, Reynolds High School, and Corbett High School. These contacts will emphasize DUII laws, seat belts usage and the proper use of child safety seats. The Project Director will work closely with established School Resource Officers from the Gresham Police Department and the Multnomah County Sheriff's Office to reach as many students as possible with this safety message.

This educational effort will also target the Hispanic Community in high density population areas and areas with a high concentration of Hispanic employees, with an emphasis on licensing, liability insurance requirements and DUII laws.

An informational campaign utilizing printed materials and information available through the Oregon Department of Transportation and the Oregon Liquor Control Commission will be delivered to the local area convenience stores in an attempt to reduce the sales of alcohol to minors.

The radar equipment made available in this grant will be utilized by officers to monitor specific areas designated as having a high potential for accidents resulting from excessive speed. The laser speed measuring device purchased in the first year of the grant has been successfully utilized in the several areas, including a hazardous work zone on I84 which has been the scene of numerous collisions due to excessive speed. Additional factors, including temporary road design, quickly changing elevations and Jersey barriers preventing escape from the normal lane of travel, have made this area extremely dangerous for the volume of traffic moving between east Multnomah County and the Portland Metropolitan area. These factors have made the utilization of standard radar devices unfeasible.

B. Coordination

Officers from the Oregon State Police, Portland Police Bureau, Troutdale Police Department, and the Fairview Police Department will join Deputies of the Multnomah County Sheriff's Office in the completion of activities outlined in this project.

Officers from each of these agencies will be encouraged to participate in the educational efforts directed at high school students, and the Hispanic Community. All participating officers will be required to make face to face contacts with convenience store owners and employees while participating in this project.

C. Continuation

As envisioned, the Multnomah County Sheriff's Office will continue to participate in ongoing DUI saturation patrols during designated holidays. Further, educational and informational material developed as a result of this grant, will continue to be made available to High Schools, members of the Hispanic community and local area convenience store owners and employees.

V. EVALUATION PLAN

A. Evaluation Plan

- 1. Were nighttime injury and fatal collisions in of Multnomah County reduced by 10% from 212, the average for the 1990-1995 period, to 821 during the 12 month period starting October 1, 1997 and ending September 30, 1998?**
- 2. Were 175 DUII arrests made by officers participating in this project from the period October 1, 1997 to September 30, 1998?**
- 3. Were 10 multi-agency enforcement saturation patrols conducted in designated areas of Multnomah County by September 30, 1998?**
- 4. Were DUII arrests for the Multnomah County Sheriff's Office at or above 331, the level for the period October 1, 1995 to September 30, 1996?**
- 5. Were 50 hours of education and training provided to High School students in East Multnomah County High Schools regarding seat belt use, child safety seat use and DUII laws by September 30, 1998?**
- 6. Were 125 informational contacts made to members of the Hispanic Community in Multnomah County regarding DUII laws, liability insurance requirements, seat belt use, and child safety seat usage by September 30, 1998?**
- 7. Were 50 informational contacts made to convenience store owners and employees regarding the sale of alcohol to minors by September 30, 1998?**
- 8. Were citations for violation of the seat belt law increased from 151, the level for the calendar year 1996 to 200 by September 30, 1998?**

B. Data Requirements

- 1. Data to be collected**

C. Evaluation Design

Deputies and Officers assigned to this project will maintain a daily activities log. This log will record achievement of performance objectives on an ongoing basis. The Project Director will compile statistical information monthly and prepare a quarterly report from these logs.

D. Project Evaluation Preparation

A Project Evaluation will be submitted to TSS following the requirements given in the Agreements and Assurances, Section B, Paragraph 6.

VI. BUDGET AND COST SHARING

See enclosed budget.

VII. EXHIBITS

A. Exhibit A: Data Table

B. Exhibit B: Job Descriptions

C. Exhibit D: Conditions of Approval

Exhibit A: Data Table

Data Element	State Data					1995 1996	Local Data (Specify Source)			
	1990	1991	1992	1993	1994		1991	1992	1993	1994
1. Accidents (Jurisdiction)*										
a. F&I										
b. Nighttime F&I										
c. DUI Arrests										
2. Accidents (County)										
a. F&I	6904	5939	6150	6201	6546	6909				
b. Nighttime F&I	1095	838	854	883	877	960				
c. Total Fatalities (FARS)	70	58	53	70	55	71				
d. Total of C due to Alcohol (FARS)	42	27	26	39	21	22				
USE LOCAL DATA TO COMPLETE THIS SECTION										
	October-December Planned	Actual	January-March Planned	Actual	April-June Planned	Actual	July-September Planned	Actual	Total for Grant Planned	Actual
3. Accidents (Jurisdiction)*										
a. F&I (local data)										
b. Nighttime F&I										
c. Total Fatalities										
d. Total of C due to Alcohol										
4. Accidents (County)										
a. F&I	1727		1727		1727		1728		6909	
b. Nighttime F&I	240		240		240		240		960	
c. Total Fatalities	17		17		17		20		71	
d. Total of C due to Alcohol	5		5		5		7		22	
5. Arrests (TSD-paid officers)										
a. Total DUI Arrests	37		37		37		39		150	
1. DUI Arrests under 21										
b. DWS misdemeanor / Infrac	50		50		50		50		200	
c. DWS felony	10		10		10		10		40	
d. Minor in Possession	10		10		10		10		40	
1. 13-17										
2. 18-20										
e. Safety Belt Law										
6. Arrests (Department)										
a. Total DUI Arrests	97		97		97		100		391	
1. DUI Arrests under 21										
b. DWS misdemeanor	208		208		208		208		832	
c. DWS felony	44		44		44		44		176	
d. Minor in Possession	15		15		15		15		60	
1. 13-17										
2. 18-20										
e. Safety Belt Law	50		50		50		50		200	
7. Arrests (Total)										
a. Total DUI Arrests	134		134		134		139		541	
1. DUI Arrests under 21										
b. DWS misdemeanor	258		258		258		258		1032	
c. DWS felony	54		54		54		54		216	
d. Minor in Possession	25		25		25		25		100	
1. 13-17										
2. 18-20										
e. Safety Belt Law	50		50		50		50		200	
8. Arrests (Total for county)										
a. Total DUI Arrests										
1. DUI Arrests under 21										
b. DWS misdemeanor										
c. DWS felony										
d. Minor in Possession										
1. 13-17										
2. 18-20										
e. Safety Belt Law										
Add data elements to track additional objectives here:										
High School Education	12		12		12		14		50	
Hispanic Education	31		31		31		32		125	

Shaded areas to be filled in by grantee and returned with application.

*For county enforcement agencies this figure is county total minus major cities. This means you must contact city and state police for data each quarter.

Exhibit B

Job Descriptions

A. Deputy Sheriff

1. General Statement of Duties

This is law enforcement work involving patrolling an assigned area in a radio equipped car to prevent and/or investigate law violations and accidents and provide other community services.

Employees occupying positions in this class investigate criminal cases, collect information on criminal activities, apprehend criminals, investigate accidents, issue traffic citations, and testify in court. Employee must also manage non-criminal actions such as conflict resolution, social service, and first-aid. Some employees perform work of a non-sworn nature in support services. Employees in this class are expected to deal with a wide variety of situations independently, maturely, and with discretion.

2. Examples of Principal Duties

Drives patrol car in assigned area; surveys area for activity which appears irregular or suspicious; enters and inspects businesses, residences, and areas of known criminal activity.

Observes traffic activity and conditions; cites or warns violators; operates intoxilizer; operates radar equipment

Talks to residents of patrol areas; provides information and referral; checks on well being of individuals.

Investigates alleged crimes, accidents and suspicious activities; interviews victims, suspects, and witnesses; finds, identifies, and preserves physical evidence; apprehends and arrests criminals on warrant or probable cause; assists in preparation for court and testifies in court.

Collects information on criminal activities; elicits information from citizens.

Investigates and/or controls complaints involving family disputes, removing inebriates, excessive noise, runaways, mentally ill persons or incorrigible juveniles; provides first aid for injuries, illness, drug overdose or attempted suicides.

Prepares and writes extensive police reports; correspondence, staff reports and related documents; maintains daily log of all activities.

Some employees in this class may work in Detective, Crime Prevention, communications, Training, Planning, River Patrol, or other units.

B. Word Processing Technician

1. Definition:

To operate word processing equipment to create a carat of documents from dictation or rough draft; and to perform a variety of general clerical duties.

2. Duties:

Operate word processing equipment to set up and create a variety of documents including letters, memos, contracts budgets, statistical tables, forms, reports, and legal documents; transcribe from rough draft or machine recording; print documents and check printers for proper operation; proof read documents for proper spelling, punctuation, grammar, and format; collect and distribute documents to originators.

Prioritize workload; maintain production log and workload statistics; maintain document filing system on word processing equipment; file and retrieve documents onto diskettes; delete documents that are no longer needed; prepare and update glossaries; convert documents from one system to another.

Answer questions from originators about status of work in progress, capabilities of the equipment; location of documents and similar matters.

Operate a variety of reproduction equipment to copy documents.

May perform a variety of general clerical duties such as typing, filing, answering phone, and acting as receptionist on an occasional basis.

Perform related duties as assigned.

C. Operation's Technician

1. Definition:

To perform a wide variety of clerical and technical duties involved in processing and maintaining police and corrections records.

2. Duties:

Retrieve, interpret, confirm, code and record data from a variety of records such as court orders, teletypes, warrants and police reports into a number of different automated and manual systems; determine if necessary information is available to process record; interpret records; confer with originating agency to clarify data if necessary.

Provide information to the public, police officers, judges, attorneys, inmates and others in person, by telephone, by correspondence and by police radio.

Approve requests for legal review and release of public records.

Retrieve and disseminate information contained in a variety of automated and manual systems; search records and prepare reports.

Interpret data contained records to determine appropriate disposition of inmates, authority to release vehicle or other decisions which have a large consequence of error.

Calculate release dates and credit for time served for inmates.

Communicate with other police agencies, courts and other interested parties in person, by radio, by telephone and by teletype; notify other agencies of updated information when appropriate, exchange and confirm information.

Maintain logs and other records; collect bail and other payments; issue receipts; maintain financial records.

Prepare numerical and summary reports on items such as workload or

unprocessed records.

Prepare written documentation regarding unusual circumstances; appear in court and/or other hearings to testify regarding sheriff's records, their processing and related activities.

Assist in training new employees; review and draft work procedures, post orders and related documents.

Perform a variety of general clerical duties including filing and copying documents, and acting as receptionist.

Perform related duties as assigned.

D. Public Safety Supervisor

1. General Statement of Duties:

This is a supervisory, administrative, investigative, and or staff support work within the Multnomah County Sheriff's Office.

Employees in this class may perform as a supervisor on an assigned shift by coordinating and assisting in the work of subordinate law enforcement personnel. In this capacity the employee is responsible for training, records and reports, investigation, enforcing personnel and labor contract provisions, and evaluating performance. Employees in this class may be assigned to an investigative unit, or may perform as an administrator, or staff support to an administrator. However, the emphasis in this class is on supervisory responsibility.

2. Examples of Principal Duties:

Supervises the activity of a specialized unit, team or small shift unit; plans, directs, and reviews work of subordinate uniform and supporting personnel engaged in training, tactical unit, juvenile, intelligence, criminal investigation and similar activities.

Provides on-the-job training for employees, assigns officers to basic work assignments and briefs them on specific assignments and key information, arranges for manpower and equipment; inspects subordinate personnel; patrols field area to review officers in the performance of duties; evaluates and prepares reports on employee performance; administers disciplinary

actions.

Screens arrests to assure compliance with the law, departmental regulations, and rights of citizens; reviews and evaluates incident and activity reports submitted by subordinates; reports to the scene of serious incidents to supervise and coordinate police activities in accordance with the Department's policies and procedures.

Performs related work as required.

E. Public Information Officer

1. Definition

Liaison between members of the media (Press, Radio and Television) and the Multnomah County Sheriff's Office.

2. Duties

Performs various duties including reviewing incident reports generated by Deputies, Press Releases written and faxed to various members of the media, answering media questions regarding issues involving the Multnomah County Sheriff's Office, and answering general questions put forth by the public.

III. AGREEMENTS AND ASSURANCES

Exhibit D: Conditions of Approval

410 Funds

The agency receiving Section "410" Alcohol Traffic Safety Funds certifies it will maintain its aggregate expenditures from all other sources for its drunk driving prevention programs at or above the average level of such expenditures in fiscal years 1990 and 1991.

Other Funds

VI. BUDGET AND COST SHARING

Agency/Project Title: Enhanced DUII Enforcement Project

Project Number: J7-98-12-28
(Office Use Only)

Project Period: From 10/1/97 to 9/30/98

Grant Adjustment No: _____
Grant Adjustment Date: _____
Project Year (1-2-3) _____

This form should include all budget information. If additional information is required for clarity, please include on a separate page referencing appropriate budget item.

1. **Salaries and Wages***

- a. Staff assigned to project
.6 FTE Supvr (title) @ \$ 4628 / (M,mo)=\$ 33,321
.05 FTE OpTech (title) @ \$ 2296 / (M,mo)=\$ 1,378
.05 FTE PIO (title) @ \$ 4794 / (M,mo)=\$ 2,876
b. 350 Overtime hours @ \$ 45.00 /hr
c. Volunteer time hours @ \$ _____ /hr
.25 FTE WordProTech @ \$2178/mo=6,534

2. **Employee Benefits**

3. **Equipment (Including films)**

- a. LT1 Ultra Lite Laser Speed Meas X3 9,038
b. HP1150C Color Printer/Scanner 1,000
c. Epson Digital Camera System 1,000
d. Mobil Data TerminalsX2 10,700 _____
e. Mobil Radios X3 6,600 _____
f. Portable Radios X3 7,200 _____

4. **Materials/Printing (specify item/quantity/cost of each)**

- a. Reports (Title: _____)
b. Brochures (Title: _____)
c. Other (Specify: _____)

TSS FUNDS	MATCH	TOTAL
15,750	44,109	59,859 \$0
		\$0
		\$0
	15,718	15,718 \$0
11,038	24,500	36,031 \$0
		\$0

* Job descriptions for all positions assigned to grant .25 FTE or more must be included in Exhibit B.

VI. BUDGET AND COST SHARING

page 2

Project Number:

J7-98-12-28

- 188.834 100%#DIV/0!

TSS FUNDS	MATCH	TOTAL
		\$0
		\$0
		\$0
		\$0
		\$0
77,719		\$0
104,507	84,327 \$0	188,834

** Not eligible for TSS funding, but may be used as match. Use no more than 10% of item A.1., salaries, or use actual indirect costs and provide documentation.

*** TSS approval required prior to expenditures.

VIII. AGREEMENTS AND ASSURANCES

The following Agreements and Assurances apply to all grants funded by the Transportation Safety Section (TSS), Oregon Department of Transportation:

A. General

1. The activity described in this grant is undertaken under the authority of Title 23, United States Code, Sections 402-410, and is subject to the administrative regulations established by OMB Circulars A-21, A-87, A-122, A-128, A-133, 23 CFR Chapter II, 45 CFR Part 74, 48 CFR Part 31, 49 CFR Part 18, Part 19, and the Highway Safety Grant Funding Policy for NHTSA/FHWA Field-Administered Grants.
2. Any federal funds committed shall be subject to the continuation of funds made available to TSS by the National Highway Traffic Safety Administration (NHTSA) and the Federal Highway Administration (FHWA) by statute or administrative action.
3. The grantee shall ensure compliance with 49 CFR Part 18.42 which addresses retention and access requirements for grant-related records. The state, the federal grantor agency and the Comptroller General of the United States, or any of their authorized representatives, shall have the right of access to any books, documents, papers or other records of the grantee which are pertinent to the grant. These records must be retained for a period of three years starting on the date the grantee submits its final request for reimbursement for this grant.
4. Any obligation of grant funds extends only to those costs incurred by the grantee after authorization has been given to proceed with the particular part of the program involving costs.
5. Grant funds shall not be used for activities previously carried out with the grantee's own resources (supplanting).
6. Income earned through services conducted through the project should be used to offset the cost of the project and be included in Section VI, Budget and Cost Summary.
7. The grantee shall ensure that all grant-related expenditures are included as a part of entity-wide audits conducted in accordance with the Single Audit Act of 1984 (31 USC 7561-7). The grantee shall provide TSS a copy of all Single Audit Reports covering the time period of the grant award as soon as they become available. Federal funds received are Catalog of Federal Domestic Assistance (CFDA) number 20.600, State and Community Highway Safety Program.
8. The grantee shall promptly reimburse TSS for any ineligible or unauthorized expenditures as determined by a state or federal review for which grant funds have been claimed and payment received.

9. The grantee and its contractors cannot use federal funds to influence federal employees, members of Congress, and Congressional staff regarding specific grants. The grantee and its contractors must submit disclosure documentation when non-federal funds are used to influence the decisions of federal officials on behalf of specific projects. Signing this Agreement constitutes a certification of compliance with these lobbying restrictions.
10. The grantee, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656-017, which requires them to provide workers' compensation coverage for all their subject workers.
11. The grantee shall make purchases of any equipment, materials, or services pursuant to this Agreement under procedures consistent with those outlined in the Oregon Department of Administrative Services Administrative Rules (Oregon Administrative Rules, Chapter 125; and Oregon State Law, including ORS Chapter 279, and in particular ORS 279.312, ORS 279.314, ORS 279.316, and ORS 279.320).
12. The grantee shall defend, save and hold harmless the State of Oregon, including the Oregon Transportation Commission, the Oregon Transportation Safety Committee, the Department of Transportation, the Transportation Safety Section, and their members, officers, agents, and employees from all claims, suits, or actions of whatever nature arising out of the performance of this Agreement, except for claims arising out of the negligent acts or omissions of the State of Oregon, its employees, or representatives. This provision is subject to the limitations, if applicable, set forth in Article XI, Section 10 of the Oregon Constitution and in the Oregon Tort Claims Act, ORS 30.260 to 30.300.

B. Project Director's Responsibilities

The Project Director is responsible for fulfilling this Agreement and establishing and maintaining procedures that will ensure the effective administration of the project objectives. The Project Director shall:

1. Establish or use an accounting system that conforms to generally accepted accounting principles, and ensure that source documents are developed which will reliably account for the funds expended.
2. Maintain copies of job descriptions and resumes of persons hired for all project-related positions which are funded at 0.25 FTE or more.
3. Maintain records showing actual hours utilized in project-related activity by all grant-funded personnel and by all other staff personnel or volunteers whose time is used as in-kind match.
4. Complete a Quarterly Highway Safety Project Report, including a Data Table as provided in Section VII, Exhibit A. Each report must be signed by the Project Director or the Designated Alternate, and submitted to

TSS by the tenth of the month following the close of each calendar quarter for the duration of the grant period. The Designated Alternate is someone who is given the authority to sign Quarterly Highway Safety Project Reports for the Project Director, in the event he/she is unable to sign due to circumstances beyond his/her control.

5. Submit a Claim for Reimbursement within 35 days of the end of the calendar quarter in which expenses were incurred, using the form provided by TSS. Copies of invoices and/or receipts for all specified items must be submitted to TSS on request with the Claim for Reimbursement. Claims may be submitted monthly, and must be submitted at least quarterly. Claims must be signed by the Project Director or the Designated Alternate; duplicated signatures will not be accepted. The Designated Alternate is someone who is given the authority to sign Claims for Reimbursement for the Project Director, in the event he/she is unable to sign due to circumstances beyond his/her control.
6. Prepare a project evaluation report in accordance with the Evaluation Plan described in the grant document. The report will be no more than ten pages and will include the following elements:
 - a. A summary of the project including problems addressed, objectives, major activities, and accomplishments as they relate to the objectives.
 - b. A summary of the costs of the project including amount paid by TSS, funded agency, other agencies, and private sources. The amount of volunteer time should be identified.
 - c. Discussion of implementation process so that other agencies implementing similar projects can learn from your experiences. What went as planned? What didn't work as expected? What important elements made the project successful or not as successful as expected?
 - d. Responses to Evaluation Questions. List each question and answer. Refer to Data Table.
 - e. Completed Data Table.

A final report must be submitted within 35 days following the last day of the grant period.

C. Project Revision

1. Any proposed changes in the project objectives, key project personnel, time period, or budget must be requested in writing, and receive the approval of TSS. A Grant Adjustment Form will be signed by both TSS and the grantee.
2. Any time extension in the project period must be requested at least six weeks prior to the end of the project period and approved by the federal grantor agency if federal funds are involved.

D. Non-Discrimination Assurance

1. The grantee and its contractors will comply with Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, as amended, and as implemented by 49 CFR parts 21 and 27, and with the

Executive Order 11246, entitled "Equal Employment Opportunity" as amended by Executive Order 11375 and supplemented by Department of Labor regulations 41 CFR Part 60, and shall ensure that no person shall on the grounds of race, color, creed, sex or national origin be excluded from participation, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity under this project.

2. The grantee and its contractors shall ensure that employment and procurement of goods and services made in connection with the project will be provided without regard to race, color, national origin or handicap.
3. The grantee and its contractors shall take all necessary affirmative steps in accordance with 49 CFR Part 23 to ensure that minority business enterprises and/or business enterprises owned and controlled by women have the maximum opportunity to compete for and to perform contracts.
4. The grantee and its contractors shall ensure that no otherwise qualified handicapped person shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity related to this grant.
5. The grantee shall ensure that any contracts and subcontracts awarded in excess of \$10,000 shall contain a provision requiring compliance with the standards set in paragraphs 1 through 4 of this section.

E. Contracts and Other Service Agreements

1. Any contracts or other service agreements that are entered into by the grantee as part of this project shall be reviewed and approved by TSS to determine whether the work to be accomplished is consistent with the objectives of the project, and whether the provisions of paragraphs 2 through 4 of this section are considered.
2. All contracts awarded by the grantee shall include the provision that any subcontracts include all provisions stated in this section or the provision that no subcontracts shall be awarded.
3. The grantee shall ensure that each contractor adhere to applicable requirements established for the grant and that each contract include provisions for the following:
 - a. Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate.
 - b. Mandatory standards and policies relating to energy efficiency which are contained in the state energy conservation plan issued in compliance with the Energy Policy and Conservation Act (PL 94-163).
 - c. Access by the grantee, the state, the federal grantor agency, the Comptroller General of the United States, or any of their duly authorized

representatives, to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract, for the purpose of making audit, examination, excerpts, and transcriptions. Grantees shall require contractors to maintain all required records for three years after grantees make final payments and all other pending matters are closed.

- d. Notice of grantor agency requirements and regulations pertaining to reporting, requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract, and requirements and regulations pertaining to copyrights and rights in data.
 - e. Requirements given in Section A. 9-12.
4. Where applicable, contracts shall include the following provisions.
 - a. Termination for cause and for convenience by the grantee including the manner by which it will be effected and the basis for the settlement. (Contracts in excess of \$10,000)
 - b. Compliance with Executive Order 11246 of September 24, 1965 entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967 and supplemented in Dept. of Labor regulations (41 CFR Part 60). (Contracts in excess of \$10,000)
 - c. Compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 USC 327-330) as supplemented by Dept. of Labor regulations (29 CFR Part 5). (Contracts in excess of \$2,500)
 - d. Bidders, proposers, and applicants must certify that neither they nor their principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any federal agency or department. (Contracts in excess of \$25,000)

F. Travel

1. The grantee shall keep a record of all significant travel. In-state trips outside the grantee's jurisdiction should be summarized on Quarterly Highway Safety Project Reports.
2. All out-of-state travel must be approved by TSS. To receive authorization, the grantee shall submit a letter detailing the need, cost, and dates of travel at least two weeks prior to the planned departure date. Reports on out-of-state trips shall be submitted to TSS within two weeks of return.
3. Reimbursement will only be authorized for travel of persons employed by the grantee in project-related activities unless prior written approval is granted by TSS.

G. Development of Printed or Production Materials

1. The grantee shall provide TSS with draft copies of all materials developed using grant funds. TSS may suggest revisions and will approve production.

2. All brochures; course, workshop and conference announcements; and other materials that are developed and/or printed using grant funds shall include a statement crediting TSS and federal participation.
3. Materials produced through this project shall be provided to TSS for its use and distribution and may not be sold for profit by either the grantee or another party.

H. Equipment Purchased with Grant Funds

1. A Residual Value Agreement shall be completed and submitted to TSS if grant funds are used in whole or in part to acquire any material or equipment costing over \$5,000. A copy of the original vendor's invoice indicating quantity, description, manufacturer's identification number and cost of each item should be attached to the signed agreement. All equipment should be identified with a property identification number.
2. All material and equipment purchased shall be produced in the United States in accordance with Section 165 of the Surface Transportation Assistance Act of 1982 (Pub. L. 97-424; 96 Stat. 2097) unless the Secretary of Transportation has determined under Section 165 that it is appropriate to waive this agreement.
3. Material and equipment shall be used in the program or activity for which it was acquired as long as needed, whether or not the project continues to be supported by grant funds. Ownership of equipment acquired with grant funds shall be vested with the grantee. Costs incurred for maintenance, repairs, updating, or support of such equipment shall be borne by the grantee.
4. If any material or equipment ceases to be used in project activities, the grantee agrees to promptly notify TSS. In such event, TSS may direct the grantee to transfer, return or otherwise dispose of the equipment.

I. Debarment

The grantee, in accepting this Agreement, certifies that the agency or its officials are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this transaction by any state or federal agency or department.

J. Termination

1. The TSS may terminate this Agreement for convenience in whole or in part whenever:
 - a. The requisite state and/or federal funding becomes unavailable through failure of appropriation or otherwise; or,
 - b. The requisite local funding to continue this project becomes unavailable to grantee; or,
 - c. Both parties agree that continuation of the project would not produce results commensurate with the further expenditure of funds.

2. The TSS may, by written notice to grantee, terminate this Agreement for any of the following reasons:
- The grantee takes any action pertaining to this Agreement without the approval of TSS and which under the provisions of this agreement would have required the approval of TSS; or,
 - The commencement, prosecution, or timely completion of the project by grantee is, for any reason, rendered improbable, impossible, or illegal; or,
 - The grantee is in default under any provision of this Agreement.

K. Conditions of Project Approval

Actions taken by the Oregon Transportation Safety Committee, if any, regarding conditions under which this project is approved are given in Section VII, Exhibit D. The grantee agrees to follow these conditions in implementing the project.

L. Contract Provisions and Signatures

It is understood and agreed that the grantee shall comply with all federal, state, and local laws, regulations, or ordinances applicable to this agreement and that this Agreement is contingent upon grantee complying with such requirements.

This Agreement shall be executed by those officials authorized to execute this Agreement on the grantee's behalf. In the event grantee's governing body delegates signature of the Agreement, grantee shall attach to this Agreement a copy of the motion or resolution which authorizes said officials to execute this Agreement, and shall also certify its authenticity.



Project Director

SERGEANT

Title

10/30/97

Date

Designated Alternate

Title

Date



Authorizing Government Official

LT

Title

103097

Date

TO BE COMPLETED BY TSS

Project #: J7 98-12-28

Title: Enhanced DUII Enforcement/Ed. Project

OTC approval date: 8/16/95

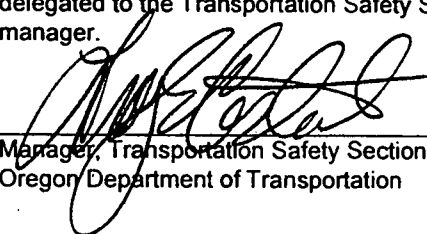
Total project cost: \$188,834

TSS grant funds: \$104,507

All matching funds: \$84,327

Match source(s): Multnomah Co. Sheriff's Office

Authority to approve modifications to this agreement is delegated to the Transportation Safety Section grant manager.



Manager, Transportation Safety Section
Oregon Department of Transportation

Date:

Effective 10-1-97

MULTNOMAH COUNTY SHERIFF'S OFFICE

By: 

Dan Noelle, Sheriff

Date: 12-8-97

MULTNOMAH COUNTY, OREGON

By: 

Beverly Stein, Chair

Date: April 2, 1998

Reviewed:
Thomas Sponsler, County Counsel for
Multnomah County, Oregon

By: 

Steven Nemirow, Asst Counsel

Date: 4/22/98

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-20 DATE 4/2/98
DEB BOGSTAD
BOARD CLERK

BUDGET MODIFICATION NO.

BM MCSO 94-07

Contract #800558

(For Clerk's Use) Meeting Date APR 02 1998

Agenda No. C-21

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 increase revenue and expenditures in the Sheriff's enforcement budget to reflect an increase in the ODOT DUII grant amount.

(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 Sheriff's Office's grant with the Oregon Department of Transportation for DUII enforcement was renewed on October 1, 1997. ODOT increased our grant amount from the \$97,000 we had budgeted to \$104,507. The increase will be allocated to equipment purchases and to increased payments to the other jurisdictions that are partners in this project.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Increase ODOT revenue \$7,507.

BOARD OF
COUNTY COMMISSIONERS
98
MAR -2 AM 9:07
MULTI-COUNTY
OREGON

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

MCSD 98-07

BUDGET. FY: _____

Revenue
Transaction R [] TRANSACTION DATE: _____ ACCOUNTING PERIOD: _____ BUDGET FY: _____

BUDMOD2.WK3

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DAN NOELLE,
Sheriff

TODAY'S DATE: February 17, 1998

REQUESTED PLACEMENT DATE: NEXT AVAILABLE BOARD MEETING

RE: RENEWAL OF IGA #800558 BETWEEN ODOT AND MCSO TO ENHANCE DUII ENFORCEMENT AND APPROVAL OF BUDGET MODIFICATION APPROPRIATING \$7,143 IN NEW REVENUE TO THE SHERIFF'S OFFICE FOR EQUIPMENT PURCHASES AND PASS THROUGH PAYMENTS TO OTHER JURISDICTIONS

I. Recommendation/Action Requested:

Request approval of IGA between ODOT and the MCSO to enhance DUII enforcement in Multnomah County. The Sheriff's Office also requests the approval of \$7,143 in grant revenue be added to the Sheriff's Office budget for the purchase of equipment and pass through to participating jurisdictions.

II. Background/Analysis:

Over the past five years the Sheriff's Office has participated with the State of Oregon for the enforcement of DUII laws in Multnomah County. The Sheriff's Office, acting as the primary agency passes a portion of this money to other county jurisdictions for the participation in the program.

In 1996, there were 7,101 injury motor vehicle accidents reported in Multnomah County. An additional 69 resulted in fatalities. Of these fatal and injury accidents, 1,105 occurred at night. In calendar year 1996, unincorporated Multnomah County incurred eleven motor vehicle fatalities. Consumption of alcohol by drivers under 21 years of age and excessive speed played a significant role in these fatalities.

In order to impact the problem of DUII and excessive speed, the Sheriff's Office in partnership with 5 other local police jurisdictions participate in a grant from the State of Oregon to impact driver related offenses. The objectives of this program include:

1. Reduce nighttime injury and fatal collisions in Multnomah County by 10% from 912, the average for the 1990-1995 period, to 821 during the 12 month period starting

- October 1, 1997, and ending September 30, 1998.
2. Make 175 DUII arrests for the period October 1, 1997 to September 30, 1998 by personnel utilizing TSS funds.
 3. Conduct 10 multi-agency enforcement saturation patrols in designated areas of Multnomah County by September 30, 1998.
 4. Maintain DUII arrests for the Multnomah County Sheriff's Office at or above 391, the level for the period October 1, 1995 through September 30, 1998.
 5. Make 125 informational contacts to members of the Hispanic Community in Multnomah County regarding DUII laws, liability insurance requirements, seat belt use, and child safety seat usage by September 30, 1998.
 6. Make 50 informational contacts to convenience store owners and employees regarding the sale of alcohol to minors by September 30, 1998.
 7. Increase citations for violation of the seat belt law from 151, the level for the 1996 calendar year, to 200 by September 30, 1998.

Approval of the IGA will continue this grant through September 30, 1998. Approval of the budget modification will increase the revenues received from the State of Oregon for this activity.

III. Financial Impact:

This budget modification will increase the grant revenues from \$97,000 to \$104,507. The increased revenue will be used to radar equipment and provide pass through payments to participating jurisdiction for the enforcement efforts.

III. Legal Issues:

None Known

V. Controversial Issues:

None known

VI. Link to Current County Policies:

County Benchmark for creating a safer community.

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

Participating agencies include the Oregon State Police, Portland Police Bureau, Troutdale Police Department, and the Fairview Police Department.

BUDGET MODIFICATION NO.

3MMC5098-08

(For Clerk's Use) Meeting Date APR 02 1998

Agenda No. C-22

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 reclassify 3 positions in the Sheriff's budget.

(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 reclassify three positions:

In the SB1145 monitoring unit, a Office Assistant 2 will be reclassified to a Corrections Tech.

In the Office Automation unit, a Programmer Analyst 2 will be reclassified to a Sr. WAN Specialist

In the Personnel unit, an Office Assistant 2 will be reclassified to an Administrative Analyst

All of the reclasses will be effective 2/1/98. Costs for the 1997-98 fiscal year will total \$6,404 and will come from salary savings. Costs for 1998-99 will be absorbed within constraint.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 FEB 23 AM 11:1

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

Karyne Dargatz 2/23/98 Shirlee Robertson 2/23/98
Cherborath C Boaster 4/2/98

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

MC5098-08

5. ANNUALIZED PERSONNEL CHANGES

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

		ANNUALIZED			
FTE Increase (Decrease)	POSITION TITLE	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
			Fringe	Ins.	
					0
(1)	Programmer Analyst 2	(44,691)	(8,027)	(4,035)	(56,753)
1	Sr. WAN Specialist	45,665	8,201	6,265	60,131
					0
(1)	Office Assistant 2	(22,691)	(4,075)	(5,305)	(32,071)
1	Corrections Tech.	27,565	4,951	5,509	38,025
					0
(0.5)	Office Assistant 2	(11,345)	(2,038)	(2,653)	(16,036)
0.5	Administrative Analyst	17,560	1,578	2,931	22,069
					0
					0
					0
					0
					0
0	TOTAL CHANGE (ANNUALIZED)	12,063	590	2,712	15,365

73379

5954

6033

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, Overtime, or Premium	Explanation of Change	BASE PAY Increase (Decrease)	CURRENT FY		TOTAL Increase (Decrease)
			Increase/(Decrease)		
			Fringe	Ins.	
			5500	5550	0
Cut .42 Programmer Analyst 2 from 100-3605 (JCN 6035)		(18,621)	(3,344)	(1,681)	(23,646)
Add .42 Sr. WAN to 100-3605 (JCN 6039)		19,027	3,417	2,610	25,054
					0
Cut .42 Office Assistant 2 from 169-4114 (JCN 6001)		(9,454)	(1,698)	(2,211)	(13,363)
Add .42 Correction Tech to 169-4114 (JCN 6266)		11,486	2,063	2,295	15,844
					0
Cut .21 Office Assistant 2 from 169-3602 (JCN 6001)		(4,727)	(849)	(1,105)	(6,681)
Add .21 Administrative Analyst to 169-3602 (JCN 9006)		7,317	658	1,221	9,196
					0
Cut from 100-3605 for salary savings to fund above reclass (JCN 6035)		(406)	(73)	(929)	(1,408)
Cut from 169-4114 for salary savings to fund above reclass (JCN 6001)		(2,032)	(365)	(84)	(2,481)
Cut from 169-3602 for salary savings to fund above reclass (JCN 6001)		(2,590)	191	(116)	(2,515)
TOTAL CURRENT FISCAL YEAR CHANGES		0	0	0	0

MCSO 98-08

BUDGET FY: _____

Fund	Agency	Organi- zation	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
No changes to bud one amounts										

BUDGET FY: _____

[illegible]

Transaction Detail

Trans ID	Type	FY	Description	Process?	Date	Category	#	Fund	Agcy	Org	Obj	Rev	Amount	#	Fund	Agcy	Org	Pos	FTE	Amount
BMMCSO98_08	BM	98	Will reclassify 3.00 fe: in SB1145 unit an OA2 reclassified to a corr-tech, in office automation unit a Programmer Analyste reclassified to Sr.WAN specialist, Personnel Unit an OA2 reclassified to an Administrative Analyst. Total costs for 97-88=\$6,707 will come from salary savings.98-99 absorbed w/l constraint.	No			1	100	025	3605	5100		-18,621	1	100	025	3605	6035	-0.420	-18,621
							2	100	025	3605	5500		-3,344	2	100	025	3605	6039	0.420	19,027
							3	100	025	3605	5550		-1,681	3	169	025	4114	6001	-0.420	-9,454
							4	100	025	3605	5100		19,027	4	169	025	4114	6266	0.420	11,486
							5	100	025	3605	5500		3,417	5	169	025	3602	6001	-0.210	-4,727
							6	100	025	3605	5550		2,610	6	169	025	3602	9006	0.210	7,317
							7	169	025	4114	5100		-9,454	7	100	025	3605	6035	0.000	-406
							8	169	025	4114	5500		-1,698	8	169	025	4114	6001	0.000	-2,032
							9	169	025	4114	5550		-2,211	9	169	025	3602	6001	0.000	-2,590
							10	169	025	4114	5100		11,486							
							11	169	025	4114	5500		2,063							
							12	169	025	4114	5550		2,295							
							13	169	025	3602	5100		-4,727							
							14	169	025	3602	5500		-849							
							15	169	025	3602	5550		-1,105							
							16	169	025	3602	5100		7,317							
							17	169	025	3602	5500		658							
							18	169	025	3602	5550		1,221							
							19	100	025	3605	5100		-406							
							20	100	025	3605	5500		-73							
							21	100	025	3605	5550		-929							
							22	169	025	4114	5100		-2,032							
							23	169	025	4114	5500		-365							
							24	169	025	4114	5550		-84							
							25	169	025	3602	5100		-2,590							
							26	169	025	3602	5500		191							
							27	169	025	3602	5550		-116							

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: DAN NOELLE, 
Sheriff

TODAY'S DATE: 2/3/98

REQUESTED PLACEMENT DATE: NEXT AVAILABLE DATE IN FY 96-97

RE: BUDGET MODIFICATION REQUESTING AUTHORIZATION TO RECLASSIFY AN OFFICE ASSISTANT 2 POSITION TO A CORRECTIONS TECHNICIAN IN THE SB 1145 UNIT, A .5 OFFICE ASSISTANT 2 AND A .5 ADMINISTRATIVE ANALYST POSITION TO A FULL TIME ADMINISTRATIVE ANALYST IN THE PERSONNEL UNIT, AND A PROGRAMMER ANALYST TO A SR. WAN SPECIALIST IN THE OFFICE AUTOMATION UNIT

I. Recommendation/Action Requested:

Request Board to approve the reclassification of an OA 2 to a Corrections Technician, in the SB 1145 Unit, a .5 OA 2 and a .5 Administrative Analyst to 1.0 FTE Administrative Analyst in the Personnel Unit and a Programmer Analyst to a Sr. WAN Specialist in the Office Automation Unit.

II. Background/Analysis:

Reclassification of an OA 2 to a Corrections Technician in the SB 1145 Unit

Under Senate Bill 1145, prisoners of the state corrections system serving less than 12 months are now the responsibility of the local sentencing jurisdiction. In order to house and provide programs for these offenders, the State has apportioned an amount of money to the counties. The offender population is monitored by the SB 1145 Unit and is responsible for tracking the inmates while under Multnomah County jurisdiction.

During the formation of the SB 1145 Unit, an Office Assistant 2 position was budgeted. Now that the unit has some operating history, they have found that a Corrections Technician will be of greater value to the unit. This budget modification will reclassify the position to a Corrections Technician. The Office Assistant 2 position to be reclassified has been vacant since July 1, 1997.

Reclassification/combination of a .5 OA 2 and a .5 Administrative Analyst to a 1.0 FTE Administrative Analyst

The Personnel Unit is tasked with the testing, hiring and processing of new personnel associated with agency growth. This has been a significant undertaking since the passage of the jail levy. Currently, the Personnel Unit has a .5 OA 2 and a .5 Administrative Analyst budgeted in its levy budget. Both of these positions are vacant. After a year of operating history, the unit has determined that a full time Administrative Analyst will suit its needs more readily than the two half time positions. We have also found that a healthy economy makes the hiring of part time positions extremely difficult. This budget modification, if approved, will create the 1.0 Administrative Analyst.

Reclassification of a Programmer Analyst 2 position to a Sr. WAN Specialist

As local and wide area networks become more prevalent in the Sheriff's Office and Multnomah County, the need for personnel familiar with these types of systems has become greater. The Sheriff's Office currently has one of the larger computer network systems in the county, but has fewer computer technicians than any department in the county. This position, when reclassified will change a vacant Programmer Analyst 2 position to a Sr. WAN Specialist. This position will be charged with a number of projects dealing with the automation of the Sheriff's Office.

III. Financial Impact:

These reclassifications will be effective February 1, 1998 and will cost a total of \$6,404 during the remainder of the fiscal year. These costs will be borne through salary savings in the agency. Costs for FY 98-99 will be absorbed in constraint and have already been planned for in the FY 98-99 budget process.

IV. Legal Issues:

None Known

V. Controversial Issues:

N/A

VI. Link to Current County Policies:

N/A

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

Multnomah County Personnel Division has reviewed and approved these reclassifications.

REQUEST TO CREATE/RECLASSIFY A POSITION

1. List the proposed duties of the position (please do not copy from the class specification):

a.

b.

c.

d.

e.

Use the reverse side or attached additional sheets, if needed.

2. State the proposed classification title:

SENIOR LAN SPECIALIST

3. Is this a new position? ☐ Yes ☐ No

4. If this is an existing position, state the name of the incumbent:

PROGRAMMER ANALYST 2

5. Proposed effective date of change: 02/01/98

Hiring Manager: SHERIFF NOELLE

Date: 01/28/98 Department/Division: SUPPORT DIVISION

EMPLOYEE SERVICES DIVISION USE ONLY:

Action: ☒ Approved as submitted.

☐ Approved for classification title.

☐ Denied (for Reclassification Requests only).

Analyst Name: Shirley Robertson

Date: 1/29/98

REQUEST TO CREATE/RECLASSIFY A POSITION

1. List the proposed duties of the position (please do not copy from the class specification):

a.

b.

c.

d.

e.

Use the reverse side or attached additional sheets, if needed.

2. State the proposed classification title:

CORRECTIONS TECHNICIAN

3. Is this a new position? ☐ Yes ☐ No

4. If this is an existing position, state the name of the incumbent:

Q A 2

5. Proposed effective date of change: 02/01/98

Hiring Manager: SHERIFF NOELLE

Date: 01/28/98 Department/Division: COLLECTORS PROGRAMS

EMPLOYEE SERVICES DIVISION USE ONLY:

Action: ☒ Approved as submitted.

☐ Approved for classification title.

☐ Denied (for Reclassification Requests only).

Analyst Name: Shirley Robertson

Date: 1/29/98

REQUEST TO CREATE/RECLASSIFY A POSITION

1. List the proposed duties of the position (please do not copy from the class specification):

a.

b.

c.

d.

e.

Use the reverse side or attached additional sheets, if needed.

2. State the proposed classification title:

ADMINISTRATIVE ANALYST (PERSONNEL UNIT)

3. Is this a new position? ☒ Yes ☐ No

4. If this is an existing position, state the name of the incumbent:

SEE REVERSE

5. Proposed effective date of change:

2/1/98

Hiring Manager:

SHERIFF NOBLE

Date: 01/28/98

Department/Division:

SUPPORT DIVISION

EMPLOYEE SERVICES DIVISION USE ONLY:

Action: ☒ Approved as submitted.

☐ Approved for classification title.

☐ Denied (for Reclassification Requests only).

Analyst Name:

Shirley Robertson

Date:

1/29/98

MEETING DATE: APR 02 1998
AGENDA NO: C-23
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT IGA between MCSO & ODOT

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

REGULAR MEETING: DATE REQUESTED: Next Available
AMOUNT OF TIME NEEDED:

DEPARTMENT: SHERIFF'S OFFICE DIVISION: ENF

CONTACT: Larry Aab TELEPHONE #: 251-2489
BLDG/ROOM #: 313/228

PERSON(S) MAKING PRESENTATION: Consent Item

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

MCSO CONTRACT # 800628

ODOT IS CONTRACT ORIGINATOR.

REVENUE FOR SHERIFF'S OFFICE MOTOR CARRIER
SAFETY UNIT TO ENFORCE COMMERCIAL MOTOR VEHICLE
SAFETY RULES AND REGULATIONS.

SIGNATURES REQUIRED:

4/2/98 ORIGINALS TO LARRY AAB

ELECTED OFFICIAL:

(OR)

DEPARTMENT
MANAGER:



ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

Renewal ☒

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

Contract #: ~~800628~~ 800628

Amendment #:

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only) <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue	<input type="checkbox"/> Professional Services that exceed \$50,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceed \$50,000 APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # C-23 DATE 4/2/98 DEB BOGSTAD BOARD CLERK <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue

Department: SHERIFF'S OFFICE

Division: ENFORCEMENT

Date: Sept 30, 1998

Originator: Sgt. John Blackman

Phone: 251-2451

Bldg/Rm: 313/

Contact: Larry Aab

Phone: 251-2489

Bldg/Rm: 313/228

Description of Contract: REVENUE FOR SHERIFF'S OFFICE MOTOR CARRIER SAFETY UNIT TO ENFORCE COMMERCIAL MOTOR VEHICLE SAFETY RULES AND REGULATIONS

RFF/BID: RFP/BID DATE: EXEMPTION NUMBER/DATE:

ORIGINAL CONTRACT NO: (only for original renewals) EXEMPTION EXPIRATION DATE:

ORS/AR # Contractor is ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☐ N/A ☐ NONE Check all boxes that apply

Contractor Name	OREGON DEPT OF TRANSPORTATION		Remittance address	
Mailing Address	550 CAPITOL STREET NE SALEM OR 97310-1380		(If different)	
Phone	378-6736	378-2082	Payment Schedule / Terms	
Employer ID# or SS#			<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Effective Date	October 1, 1997		<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Termination Date	September 30, 1998		<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Original Contract Amount \$	57,532		<input type="checkbox"/> Requirements Not to Exceed \$	
Total Amt of Previous Amendments \$			Encumber	<input type="checkbox"/> Yes <input type="checkbox"/> No
Amount of Amendment \$				
Total Amount of Agreement \$				

REQUIRED SIGNATURES

Department Manager

Mel Hedgcock

DATE 2/25/98

Purchasing Manager

(Class II Contracts Only)

County Counsel

Steve N. Farnham

DATE

County Chair

Sheriff

Dan Nason

DATE

DATE

DATE

DATE

Contract Administration

(Class I, Class II Contracts only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT \$			
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJECT/REVENUE	SUB OBJ	RECPT CAT	LGFS DESCRIP	AMOUNT	INC DEC
01	100	025	3315			2009					
02											
03											

DISTRIBUTION: Original - Contract Administration, Initiator, Accounts Payable If additional space is needed, attach separate page. Write contract # on top of page.

**MEMORANDUM OF AGREEMENT BETWEEN
OREGON DEPARTMENT OF TRANSPORTATION AND
MULTNOMAH COUNTY
FFY-98**

General:

In order to maximize the utilization of commercial vehicle, driver, and cargo inspection resources; to avoid duplication of effort; to expand the number of inspections performed; to advance uniformity of inspection; and to minimize delays in schedules incurred by industry inherent to this type of enforcement activity, the undersigned parties enter into this Memorandum of Agreement.

Pursuant to the provisions contained in the Surface Transportation Extension Act of 1997 (the Act), the Oregon Department of Transportation (ODOT), acting as Oregon's lead agency in motor carrier safety matters, submitted to the U.S. Department of Transportation Oregon's State Enforcement Plan (the Plan) on July 31, 1997.

For federal fiscal year 1998 (October 1, 1997, through September 30, 1998), Oregon has been awarded partial funding of \$575,267 for its commercial vehicle safety program. This partial year funding expires on March 31, 1998.

Based on fiscal and program data submitted to ODOT by participating agencies, the prorated share of Oregon's FFY-98 contract is: \$57,532 for Multnomah County.

To ensure the partial funding allocation is exhausted not later than September 30, 1998, ODOT may adjust subcontractors' roadside vehicle inspection allocations in August. Subcontractors who have not achieved their year-to-date minimum inspection commitment preceding the adjustment period may lose a percentage of their allocated funds.

In the event a subcontractor fails to attain its prorated inspection minimums preceding the adjustment period, ODOT may reallocate and redistribute such moneys to those agencies exceeding their minimum commitment.

Reimbursement Compensation:

Reimbursement amounts for roadside commercial vehicle/driver inspections are \$39 for each Level I, and \$50 for each Level II or Level III inspection initiated after a probable cause traffic stop. To encourage drug interdiction activities, any inspection resulting in a commercial driver drug arrest will be compensated at a rate of \$400. This award will not increase the total contractual grant allocation; but rather, supplant inspection commitment and reimbursement revenue.

To encourage apprehending violators of out-of-service orders, inspection activity resulting in a commercial driver arrest for failure to comply with an out-of-service order will be compensated at a rate of \$156. This award will not increase the total contractual grant allocation; but rather, supplant inspection commitment and reimbursement revenue.

ODOT will bill the Federal Highway Administration (FHWA) monthly and reimburse inspection contractors on a monthly basis for the number of inspections completed during the billing period. The aggregate total of all monthly payments will not exceed the total contractual grant allocation.

In furtherance of ODOT's contractual obligations to the FHWA, and in recognition of ODOT's sponsorship and responsibility to coordinate the motor carrier safety activities of participating agencies, ODOT agrees to:

1. Function as Oregon's lead motor carrier safety agency and coordinate and assist Multnomah County and all other contracted partners to the extent motor carrier safety activities contained in the Oregon State Enforcement plan are met;
2. Coordinate and assist Multnomah County in the preparation and timely submission to ODOT of required safety program documentation;
3. Coordinate and assist Multnomah County in its preparation and timely submission to ODOT of required fiscal documentation;
4. Process written requests for capital expenditures for carrying out the provisions of the Plan and this Agreement. It is understood that ODOT must first have written authority to make such expenditures, and that no such expenditure will be made before such written authority is obtained;
5. Consolidate participating agencies' safety activities and fiscal reports, and submit a monthly billing to the U.S. Department of Transportation;
6. Receive on a monthly basis payment from the U.S. Department of Transportation, and make payment to participating agencies for services performed in accordance with this Agreement; and
7. Train, retrain (as necessary or desirable), test, and certify the inspectors of Multnomah County, in accordance with ORS 810-560, this Agreement, The Oregon Board of Public Safety Standards and Training, and as applicable, the Commercial Vehicle Safety Alliance (CVSA).

MULTNOMAH COUNTY agrees to:

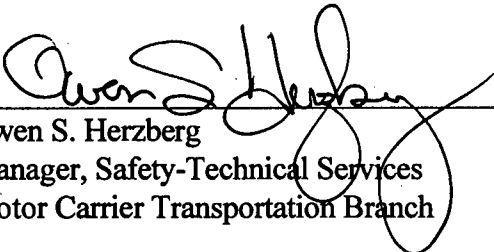
1. Ensure that all personnel who engage in the inspection of commercial motor vehicles and their drivers are trained and certified by ODOT pursuant to ORS 810.560. (ORS 810.560, enacted by the 67th Legislative Assembly, requires, in part, that all personnel stopping commercial motor vehicles and drivers for purposes of enforcing the motor carrier safety regulations must be trained and certified by ODOT as a commercial vehicle inspector.);
2. Enforce Oregon's Commercial Vehicle Safety and Hazardous Material Rules and Regulations in a manner consistent with the approved state MCSAP Safety Plan and MCSAP/CVSA approved inspection procedures;
3. Conduct a minimum of 738 Level I commercial vehicle/driver inspections of which no fewer than 36 shall involve vehicles transporting hazardous materials. This activity amounts to \$28,766 (or 1/2 of the total grant allocation at \$39 an inspection). The remaining portion of the allocation, \$28,766, may be expended on Level I, II, III or IV inspections, in whatever combination, at the discretion of Multnomah County;
4. Conduct all inspections on public highways, and to conduct at least 25 percent of the inspections during "off peak" hours (hours other than from 7 a.m. to 5 p.m. on weekdays and Saturdays and Sundays);
5. When possible, record all inspections on ASPEN software and electronically upload computer driven inspections daily to ODOT MCTB;
6. Record all manual inspections on ODOT Driver/Equipment Compliance Check Form 735-9242 (Level I), and Form 735-9242A (Level II and III), and forward completed inspections to ODOT within five (5) working days of the inspection;
7. Report to ODOT within 15 days after the end of each month on ODOT Form 457B all direct and indirect expenditures in performance of this Agreement. The total of expenditures shown on all ODOT Form 457As submitted for FFY-98 will total at least \$242,702; (\$170,787 maintenance of effort expenditures; \$57,532 MCSAP funds awarded; plus \$14,383 matching share (20 percent) to the federal assistance awarded);
8. Maintain the updated "maintenance of effort" level of expenditures (\$170,787) for the motor carrier safety activities, exclusive of federal assistance awarded. The updated maintenance of effort was calculated based on the average actual expenditures for the federal fiscal years 1989, 1990, and 1991, as required by the Act;
9. Report in writing to the state contract office (Owen Herzberg, ODOT) all proposed capital expenditures related to this activity. Such report shall contain an exact identification of the proposed purchase, cost, use, and justification; and

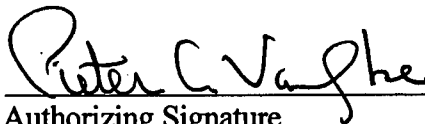
10. Comply with all provisions contained in Exhibit A, attached hereto and incorporated herein.

This Agreement expires September 30, 1998, unless the attached addendum #1 is executed or sooner terminated by mutual agreement. Either party desiring to terminate this Agreement shall provide written notice to the other party not less than sixty (60) days prior to the date of termination.

OREGON DEPARTMENT OF
TRANSPORTATION

MULTNOMAH COUNTY

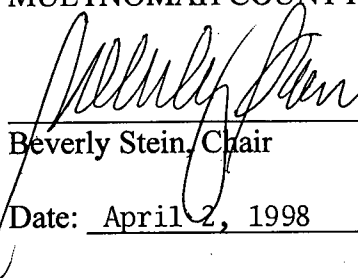

Owen S. Herzberg
Manager, Safety-Technical Services
Motor Carrier Transportation Branch


Authorizing Signature

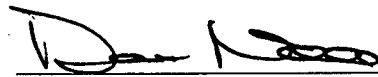
1-23-98
Date

1-28-98
Date

MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair
Date: April 2, 1998

MULTNOMAH COUNTY, OREGON


Dan Noelle, Sheriff
Date: 2-25-98

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By: 
Steve Nemirow, Assistant Counsel

Date: 3/17/98

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-23 DATE 4/2/98
DEB BOGSTAD
BOARD CLERK

AMENDMENT TO INTERAGENCY AGREEMENT
BETWEEN ODOT/MCTB AND
(AGENCY)
FFY-98

Purpose:

Amendment adds additional funding to (AGENCY) for federal fiscal year 1997-98.

Reimbursement Compensation:

An additional \$ _____ is awarded to (AGENCY) for roadside commercial vehicle/driver inspection activity. This award to be distributed with the same formula as the 1998 Memorandum of Agreement signed on DATE.

All provisions in the original agreement signed DATE which are not in conflict with the provisions of this addendum (amendment), remain in full force and effect.

To ensure the partial funding allocation is exhausted not later than September 30, 1998, ODOT may adjust subcontractors' roadside vehicle inspection allocations in August. Subcontractors who have not achieved their year-to-date minimum inspection commitment preceding the adjustment period may lose a percentage of their allocated funds.

In the event a subcontractor fails to attain its prorated inspection minimums preceding the adjustment period, ODOT may reallocate and redistribute such moneys to those agencies exceeding their minimum commitment.

The Amendment becomes effective on the date at which all parties have signed the document. Unless earlier terminated or extended, this amendment shall expire on September 30, 1998.

**OREGON DEPARTMENT OF
TRANSPORTATION**

(AGENCY)

Owen S. Herzberg
Manager, Safety-Technical Services
Motor Carrier Transportation Branch

Authorizing Signature

Date

Date

APPROVED AS TO FORM

Date

GENERAL PROVISIONS FOR MCSAP AGREEMENT

1. General Provisions: The State will comply with all Federal laws and requirements which are applicable to grant agreements, and imposed by the Federal Highway Administration (FHWA) concerning special requirements of law, program requirements, and other administrative requirements.
2. Regulation Requirements: The State hereby assures and certifies that it will comply with the regulations, policies, guidelines, and requirements of the Commercial Motor Vehicle Safety Act of 1986, and the new Federal Common Rule 49 CFR, Part 18, and 49 CFR, Part 90 (Audits of State and Local Governments), and OMB Circular No. A-87 as they relate to the application, acceptance and use of Federal funds for this federally-assisted project.
3. Modifications: This agreement may be amended at any time by a written modification properly executed by both the FHWA and the State.
4. Retention and Custodial for Records:
 - (a) Financial records, supporting documents, statistical records, and all other records pertinent to this instrument shall be retained for a period of three years, with the following exception:
 - (1) If any litigation, claim, or audit is started before the expiration of the 3-year period, the records shall be retained until all litigation claims, or audit findings involving the records have been resolved.
 - (2) Records for nonexpendable property, if any, required with Federal funds shall be retained for three years after its final disposition.
 - (3) When records are transferred to or maintained by FHWA, the 3-year retention requirement is not applicable to the recipient.
 - (b) The retention period starts from the date of the submission of the final expenditure report.
 - (c) The Secretary of Transportation and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any pertinent books, documents, papers, and records of the recipient, and its contractors and subcontractors, to make audits, examinations, excerpts, and transcripts.
5. Equal Employment Opportunity:
 - (a) The application/recipient agrees to incorporate in all contracts having a value of over \$10,000, the provisions requiring compliance with Executive Order 11246, as amended, and implementing regulations of the United States Department of Labor at 41 CFR 60, the provisions of which, other than the standard EEO clause and applicable goals for employment of minorities and women, may be incorporated by reference.
 - (b) The applicant/recipient agrees to ensure that its contractors and subcontractors, regardless of tier, awarding contracts and/or issuing purchase orders for material, supplies or equipment over \$10,000 in value will incorporate the required EEO provisions in such contracts and purchase orders.
 - (c) The applicant/recipient further agrees that its own employment policies and practices will be without discrimination based on race, color, religion, sex, national origin, handicap or age; and that it has or will develop and submit to FHWA by August 1, an affirmative action plan consistent with the Uniform Guidelines on Employee Selection Procedures, 29 CFR 1607, and the Affirmative Action Guidelines, 29 CFR 1608.
6. Copeland Act: All contracts in excess of \$2,000 for construction or repair awarded by recipient and its contractors or subcontractors shall include a provision for compliance with the Copeland "Anti-Kick Back" Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3). This Act provides that each contractor or subcontractor shall be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, or give up any part of the compensation to which he is otherwise entitled. The recipient shall report all suspected or reported violations to FHWA.
7. Davis-Bacon Act: When required by the Federal program legislation, all construction contracts awarded by the recipient and its contractors or subcontractors of more than \$2,000 shall include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 276a to a-7) and as supplemented by Department of Labor regulations (29 CFR, Part 5). Under this act, contractors shall be required to pay wages to laborers and mechanics at a rate not less than the minimum wage specified in a wage determination made by the Secretary of Labor. In addition, contractors shall be required to pay wages not less than once a week. The recipient shall place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation and the award of a contract shall be conditioned upon the acceptance of the wage determination. The recipient shall report all suspected or reported violations to the G/CAO.

8. Contract Work Hours and Safety Standards Act: Where applicable, all contracts awarded by recipient in excess of \$2,500 that involve the employment of mechanics or laborers, shall include a provision of compliance with sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327-330) as supplemented by Department of Labor regulations (29 CFR, Part 5). Under section 103 of the Act, each contractor shall be required to compute the wages of every mechanic and laborer on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of the standard workday or workweek is permissible provided that the worker is compensated at the rate of not less than 1-1/2 times the basic rate of pay for all hours worked in excess of 8 hours in any calendar day or 40 hours in the workweek. Section 107 of the Act if applicable to construction work provides that no laborer or mechanic shall be required to work in surroundings or under working conditions which are unsanitary, hazardous, or dangerous to his health and safety as determined under construction safety and health standards promulgated by the Secretary of Labor. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.
9. Access to Records: All negotiated contracts (except those of \$10,000 or less) awarded by recipients shall include a provision to the effect that the recipient, FHWA, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of the contractor which are directly pertinent to a specific program for the purpose of making audits, examinations, excerpts, and transcriptions.
10. Civil Rights Act: The recipient shall comply with Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and in accordance with Title VI of that Act, no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination under any program or activity for which the recipient received Federal financial assistance and shall immediately take any measures necessary to effectuate this Agreement. It shall comply with Title VI of the Civil Rights Acts of 1964 (42 U.S.C. 2000d) prohibiting employment discrimination where:
 - (a) The primary purpose of an instrument is to provide employment, or
 - (b) Discriminatory employment practices will result in unequal treatment of persons who are or should be benefiting from the grant-aided activity.
11. Nondiscrimination: The applicant/recipient hereby agrees that, as a condition to receiving any Federal financial assistance from the Department of Transportation, it will comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d), related nondiscrimination statutes, and applicable regulatory requirements to the end that no person in the United States shall, on the grounds of race, color, national origin, sex, handicap or age, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity for which the applicant/recipient receives Federal financial assistance. The specific requirements of the United State Department of Transportation standard Civil Rights assurances with regard to the States' highway safety programs (required by 49 CFR 21.7 and on file with the U.S. DOT) are incorporated in this grant agreement.
12. Rehabilitation Act: The recipient shall comply with Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794, P.L. 93-112), and all requirements imposed by or pursuant to the regulations of the Department of Health, Education, and Welfare (45 CFR, Parts 80, 81 and 84), promulgated under the foregoing statute. It agrees that, in accordance with the foregoing requirements, no otherwise qualified handicapped person, by reason of handicap, shall be excluded from participation in, be denied the benefit of, or be subjected to discrimination under any program or activity receiving Federal financial assistance, and that it shall take any measures necessary to effectuate this Agreement.
13. Government Rights (Unlimited): FHWA shall have unlimited rights for the benefit of the Government in all other work developed in the performance of this Agreement, including the right to use same on any other Government work without additional cost to FHWA.

MEETING DATE: APR 02 1998
AGENDA NO: C-24
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: IGA between Mt. Hood Community College and MCSO

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

REGULAR MEETING: DATE REQUESTED: Next available
 AMOUNT OF TIME NEEDED: five minutes

DEPARTMENT: SHERIFF'S OFFICE DIVISION: Programs

CONTACT: Larry Aab TELEPHONE #: 251-2489
 BLDG/ROOM #: 313/228

PERSON(S) MAKING PRESENTATION: Larry Aab

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

Intergovernmental Agreement between Mt. Hood Community College and MCSO to provide ABE/GED instruction to inmates at MCIJ. Contract No. 800698.
638.

4/2/98 ORIGINALS to LARRY AAB

SIGNATURES REQUIRED:

ELECTED OFFICIAL: 

(OR)

DEPARTMENT

MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

Renewal ☒

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

Contract #: 800638

Amendment #:

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only) <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue	<input type="checkbox"/> Professional Services that exceed \$50,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceed \$50,000 APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # C-24 DATE 4/2/98 DEB BOGSTAD BOARD CLERK <input type="checkbox"/> Revenue

Department: Sheriff's Office

Division: PROG

Date: 2/17/1998

Originator: Commander Jackie Jamieson

Phone: 251-2545

Bldg/Rm: 313/107

Contact: Larry Aab

Phone: 251-2489

Bldg/Rm: 313/228

Description of Contract :

GED/ABE/ESL Instruction

RFF/BID:	RFF/BID DATE:	EXEMPTION NUMBER/DATE:
ORIGINAL CONTRACT NO	(only for original renewals)	EXEMPTION EXPIRATION DATE:
ORS/AR #	Contractor is: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input type="checkbox"/> N/A <input type="checkbox"/> NONE	Check all boxes that apply

Contractor Name	Mt. Hood Community College	Remittance address	
Mailing Address	26000 SE Stark Ave. Gresham, OR 97030 Attn: Pat Parmenter	(If different)	
Phone	667-7643	Payment Schedule / Terms	
Employer ID# or SS#	1-93-0546890-AL	<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Effective Date	7/1/97	<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Termination Date	6/30/98	<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Original Contract Amount \$		<input checked="" type="checkbox"/> Requirements Not to Exceed \$	54,000.00
Total Amt of Previous Amendments \$		Encumber	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Amount of Amendment \$			
Total Amount of Agreement \$			

REQUIRED SIGNATURES

Department Manager Jacqueline L. Jamieson

DATE: _____

Purchasing Manager _____

DATE: _____

(Class II Contracts Only)

County Counsel Stan Nemo

DATE: 3/17/98

County Chair _____

DATE: _____

Sheriff Don Nemo

DATE: 3-2-98

Contract Administration _____

DATE: _____

(Class I, Class II Contracts only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT \$			
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJECT/ REVENUE	SUB OBJ	RECPT CAT	LGFS DESCRIP	AMOUNT	INC DEC
01	169	025	4110			6110					
02											
03											

DISTRIBUTION: Original - Contract Administration, Initiator, Accounts Payable If additional space is needed, attach separate page. Write contract# on top of page.

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into pursuant to the authority found in ORS 190.010 et seq, and ORS 206.345 between the Multnomah County Sheriff's Office ("MCSO"), jointly with and on behalf of Multnomah County ("COUNTY"), and Mt. Hood Community College ("MHCC"). As used in this Agreement, MCSO, COUNTY and MHCC will be referred to collectively as the "parties."

RECITALS

WHEREAS, Multnomah County is a political subdivision of the State of Oregon and is a unit of local government authorized to enter into intergovernmental agreements pursuant to the provisions of ORS 190.010, et seq; and

WHEREAS, the Multnomah County Sheriff is authorized to enter into intergovernmental agreements jointly with and on behalf of the County, pursuant to the provisions of ORS 206.345; and

WHEREAS, the Mt. Hood Community College District is a unit of local government authorized to enter into intergovernmental agreements pursuant to the provisions of ORS 190.010, et seq; and

WHEREAS, ORS 341.315 provides that and county may contract with community college district to provide services of an educational nature; and

WHEREAS, Mt. Hood Community College is a college sanctioned by the State of Oregon, that provides GED instruction and testing, and maintains a GED/ABE/ESL instructional program both on campus and in other locations; and

WHEREAS, the MCSO desires to maintain a GED/ABE/ESL instructional program for inmates in MCSO Correctional Facilities.

IN CONSIDERATION of those mutual promises and terms and conditions set forth hereafter, and pursuant to the provisions of ORS chapter 190, the parties agree to be bound as follows:

DESCRIPTION OF SERVICES

1. Mt. Hood Community College agrees to perform as follows:

- A. Multnomah County Inverness Jail - 60 hours per week of GED/ABE instruction provided by an instructor, 18 hrs/wk of ESL Instruction, and an additional 12 hours per week of instruction provided by a tutor (42 weeks per year).
- B. Multnomah County Correctional Facility - 8 hours per week of GED/ABE/ESL instruction provided by an instructor (42 weeks per year).
- C. Maintain one half of the service hours noted in sections A and B above at no cost to the MCSO.
- D. The 12 additional service hours shall be paid by MCSO Inmate Welfare Fund at the rate of \$25.72 per hour for 12 hrs/wk for a total of 42 weeks.
- E. All instructional personnel must allow a criminal records check to be performed and must be cleared for jail access by the MCSO prior to being considered approved as an instructor in the MCSO facilities.
- F. GED/ABE/ESL instruction shall be provided within the identified correctional facilities on an hourly schedule jointly developed by Mt. Hood Community College and the MCSO.
- G. Educational personnel shall utilize the assistance of screened volunteers to maximize the educational program for inmates.
- H. Mt. Hood Community College agrees to maintain and provide the MCSO necessary statistical information regarding the persons tutored, sessions held and other information necessary to maintain instructional reports.

2. MCSO agrees to perform as follows:

- A. The MCSO, Corrections Division, shall consider for jail clearance all instructors referred by Mt. Hood Community College for facility assignment. An approval or disapproval decision shall be provided to Mt. Hood Community College.

- C. The MCSO agrees to provide Mt. Hood Community College reports necessary to maintain adequate time and employee records.
- D. The MCSO shall provide a reasonably safe working environment for instructors in a corrections context. MHCC acknowledges there is a risk assumed when its instructors enter a correctional institution, and shall direct its instructors to obey all directions from corrections officers, and that failure to obey the orders of corrections officers may result in risk of injury or harm.

COMPENSATION

- 3. For the duration of this Agreement the MCSO shall pay to MHCC, upon receipt of a monthly request for payment, one half of the costs of the instructional hours provided, at a rate of \$29.45 per hour for instruction and \$14.05 per hour for a tutor. Fees paid under this Agreement shall not exceed \$54,000.00.

OTHER CONDITIONS

- 4. The parties agree that any and all instructors from MHCC are employees of MHCC and are not employees, agents, or representatives of the MCSO for any purpose.
- 5. The parties agree that this Agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10 of the Oregon Constitution and is contingent upon funds being appropriated therefore. Any provisions herein that would conflict with law are deemed inoperative to that extent.
- 6. The parties agree to comply with all applicable requirements of Federal and State civil rights law and rehabilitation statutes.
- 7. If MHCC is determined by Multnomah County to be a sub-recipient of federal funds passed through Multnomah County, the contractor will submit an annual federal compliance audit in conformity with OMB Circular A-1 33, which applies the Federal Single Audit Act of 1984, Public law 98-502, to non-profit organizations.
- 8. The parties shall maintain worker's compensation insurance coverage for all its personnel, either as a carrier or self-insured employer as provided in Chapter 656 of Oregon Revised Statutes.

INDEMNIFICATION AND LIABILITY

9. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, MCSO and the COUNTY shall indemnify, defend and hold harmless MHCC, its officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of MCSO personnel acting pursuant to the terms of this Agreement.
10. Subject to the limitations of the Oregon Torts Claims Act and the Oregon Constitution, MHCC shall indemnify, defend and hold harmless COUNTY and MCSO, their officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of MHCC personnel acting pursuant to the terms of this Agreement.

CONTRACT MODIFICATION AND TERMINATION

11. This Agreement shall begin on July 1, 1997 and terminate June 30, 1998.
12. MCSO, by written notice of default, may terminate this agreement if MHCC fails to provide any part of the services described herein within the time specified for completion of that part or any extension thereof.
13. This contract may be terminated by mutual consent of both parties, or by either party upon thirty (30) days notice, in writing, and delivered by certified mail or in person.
14. Upon termination before completion of the services, payment to MHCC shall be prorated to and include the day of termination and shall be in full satisfaction of all claims by MHCC against the MCSO under this agreement.
15. Termination under any provision of this paragraph shall not affect any right, obligation or liability of MHCC that accrued prior to termination.
16. MHCC and MCSO agree that this Agreement may be modified or amended by mutual agreement of the parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by both MHCC and the Multnomah County Sheriff, and approved by the Multnomah County Board of Commissioners.

DISPUTE RESOLUTION

17. While the parties have attempted to make an Agreement anticipating and addressing their concerns, MCSO, COUNTY and MHCC acknowledge the possibility that a claim, controversy or dispute may arise out of this Agreement. MCSO, COUNTY and MHCC agree that each party has an obligation and affirmative duty to make a good faith effort to resolve any claim, controversy or dispute, including the giving of timely, written notification thereof to the other party.
18. MCSO, COUNTY and MHCC agree that all claims, controversies or disputes which arise out of this Agreement, and which have not been resolved through good faith efforts of the parties, shall be resolved by arbitration in accordance with the then effective arbitration rules of the Arbitration Service of Portland or the American Arbitration Association, whichever organization is selected by the party who first initiates arbitration by filing a claim in accordance with the rules of the organization selected, and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

CONTRACT ADMINISTRATION

19. The Multnomah County Sheriff designates Jackie Jamieson, Commander of the Programs Division, to represent MCSO in all matters pertaining to administration of this Agreement.
20. MHCC designates Dr. Eleanor M. Brown, Dean of Student Development, to represent MHCC in all matters pertaining to administration of this Agreement.
21. Any notice or notices provided for by this Agreement or by law to be given or served upon either party shall be given or served by certified letter, deposited in the U.S. mail, postage prepaid, and addressed to:

Dan Noelle
Multnomah County Sheriff
12240 NE Glisan Street
Portland, OR 97230

Pat Parmenter
Mt. Hood Community College
26000 SE Stark St.
Gresham, OR 97030

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers on the date written below.

MULTNOMAH COUNTY, OREGON

By: 

Beverly Stein, Chair

Date: April 2, 1998

By: 

Dan Noelle, Sheriff

Date: 3-2-98

MT. HOOD COMMUNITY COLLEGE

By: _____

Dr. Eleanor Brown, Dean of
Student Development

Federal ID #: 1-93-0546890-AL

Date: _____

By: _____

Dr. William E. Becker, Dean of
Administrative Services

Date: _____

Reviewed

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By: 

Steve Nemirow, Assistant Counsel

Date: 3/17/98

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-24 DATE 4/2/98
DEB BOGSTAD
BOARD CLERK

BUDGET MODIFICATION NO.

BMWCS098-09

(For Clerk's Use) Meeting Date APR 02 1998

Agenda No. C-25

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 reclassify a position in the Sheriff's budget.

(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.)

X

Personnel changes are shown in detail on the attached sheet

In the In-Jail Intervention Program budget, an Office Assistant 2 will be reclassified to a Corrections Tech.

This reclass will be effective 2/1/98. Costs for the 1997-98 fiscal year will total \$2,481 and will come from salary savings.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

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

CLERK OF
COUNTY COMMISSIONERS
98 MAR 11 AM 10:08
MULTI NOMAH COUNTY
OREGON

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.

BMMCS098-09

5. ANNUALIZED PERSONNEL CHANGES		(Compute on a full-year basis even though this action affects only a part of the fiscal year (FY).)			
FTE Increase (Decrease)	POSITION TITLE	ANNUALIZED			TOTAL Increase (Decrease)
		BASE PAY Increase (Decrease)	Increase/(Decrease) Fringe	Ins.	
					0
					0
					0
					0
(1)	Office Assistant 2	(22,691)	(4,075)	(5,305)	(32,071)
1	Corrections Tech.	27,565	4,951	5,509	38,025
					0
					0
					0
					0
					0
					0
					0
					0
0	TOTAL CHANGE (ANNUALIZED)	4,874	876	204	5,954

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, Overtime, or Premium	Explanation of Change	CURRENT FY			TOTAL Increase (Decrease)
		BASE PAY Increase (Decrease)	Increase/(Decrease) Fringe	Ins.	
					0
					0
					0
					0
Cut .42 Office Assistant 2 from 169-4114 (JCN 6001)	156-4118	(9,454)	(1,698)	(2,211)	(13,363)
Add .42 Correction Tech to 169-4114 (JCN 6266)	156-4118	11,486	2,063	2,295	15,844
					0
					0
					0
					0
					0
Cut from 169-4114 for salary savings to fund above reclass (JCN 6001)	156-4118	(2,032)	(365)	(84)	(2,481)
					0
TOTAL CURRENT FISCAL YEAR CHANGES		0	0	0	0

Transaction Detail

Trans ID	Type	FY	Description	Process?	Date	Category	#	Fund	Agcy	Org	Obj	Rev	Amount	#	Fund	Agcy	Org	Pos	FTE	Amount
BMMCSO98_09	BM	98	Reclassifies an OA2 to a Corrections Tech. Effective 2/1/98 to be funded through salary savings.	No										1	156	025	4118	6001	-0.420	-9,454
														2	156	025	4118	6266	0.420	11,486
														3	156	025	4118	6001	0.000	-2,032

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: SHERIFF DAN NOELLE

TODAY'S DATE: MARCH 5, 1998

REQUESTED PLACEMENT DATE: ASAP

RE: BUDGET MODIFICATION - POSITION RECLASSIFICATION

I. Recommendation/Action Requested:

Approval of budget modification.

II. Background/Analysis:

This modification will reclassify An Office Assistant 2 position to a Corrections Technician. The position has been analyzed by County Employee Services and the duties most closely fit this classification. The reclass will be effective 2/1/98.

III. Financial Impact:

Cost for 97-98 will total \$2,481, and will come from salary savings.

IV. Legal Issues:

None

V. Controversial Issues:

None

VI. Link to Current County Policies:

None

VII. Citizen Participation:

None

VIII. Other Government Participation:

None

BUDGET MODIFICATION NO.**HD 15**(For Clerk's Use) Meeting Date APR 02 1998Agenda No. C-260**1. REQUEST FOR PLACEMENT ON THE AGENDA FOR**

DEPARTMENT

Health

CONTACT

Kathy Innes

(Date)

DIVISION Disease ControlTELEPHONE 248-3056 x 27027Kathy Innes**3) OF PERSON MAKING PRESENTATION TO BOARD****SUGGESTED****AGENDA TITLE**

(to assist in preparing a description for the printed agenda)

Approve increase of .27 FTE and \$19,755 in the Tuberculosis Clinic budget funded with an increase in State Health Division TB Outreach/Prevention grant funds.

(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 action adds .8 FTE of Community Health Nurse for 4 months to the TB Outreach/Prevention program funded with Federal Center for Disease Prevention and Epidemiology grant funds received through the State Health Division.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Adds \$436 of indirect to the General Fund.

CLERK OF
COUNTY COMMISSIONERS
98 FEB 25 PM 3:39
MULTI-COUNTY
OREGON

4. CONTINGENCY STATUS (to be completed by Budget & Quality)

Fund Contingency before this modification

Date

After this modification

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

Chris Hays 2-25-98
C. BOASTED 4/2/98
Burt A. DeGaard 2/25/98
Susan Daniel 2/25/98

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.
HD 15
5. ANNUALIZED PERSONNEL CHANGES

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

Permanent Positions, Temporary, Overtime, or Premium	JCN	Org	Explanation of Change	BASE PAY Increase (Decrease)	ANNUALIZED		TOTAL Increase (Decrease)
					Increase/(Decrease)		
					Fringe	Ins.	
0.75	6315	0315	Community Health Nurse	29,958	5,247	2,559	37,764
							0
0.75	TOTAL CHANGE (ANNUALIZED)			\$29,958	\$5,247	\$2,559	\$37,764

6. FISCAL YEAR PERSONNEL DOLLAR CHANGES

(Calculate costs/savings that will take place this FY; these should explain the actual dollar amounts changed by this BudMod.)

Permanent Positions, Temporary, Overtime, or Premium	JCN	Org	Explanation of Change	BASE PAY Increase (Decrease)	CURRENT FY		TOTAL Increase (Decrease)
					Increase/(Decrease)		
					Fringe	Ins.	
0.27	6315	0315	Community Health Nurse	10,784	1,936	2,559	15,279
0.27							
TOTAL CURRENT FISCAL YEAR CHANGES				\$10,784	\$1,936	\$2,559	\$15,279



MULTNOMAH COUNTY, OREGON

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

HEALTH DEPARTMENT
BUSINESS SERVICES
McCOY BUILDING
426 SW STARK
PORTLAND, OR 97204
PHONE (503) 248-3056

TO: Board of County Commissioners

FROM: Bill Odegaard

TODAY'S DATE: Feb. 25, 1998

REQUESTED PLACEMENT DATE: March 4, 1998

SUBJECT: Health Budget Modification Number 15

I. Recommendation / Action Requested:

Approve an increase of \$19,755 and .25 FTE in the Tuberculosis Outreach/Prevention Program funded with increased State grant revenue.

II. Background / Analysis:

The purpose of the funding is to:
Provide TB education and information to 75% of the special high-risk populations in Multnomah County.

Strategies: 1) Identify special high-risk population or community; 2) Develop appropriate (bi-lingual/bi-cultural) TB pamphlets and written information for special high-risk populations; 3) Hand out TB pamphlets and written information to the community; 4) Conduct meetings and TB educational sessions; 5) Update and target community groups for TB education; 6) Maintain a log of TB education in the community; and 7) Publish TB information in local community newsletters on a quarterly basis.

Develop support services necessary to ensure maximum TB treatment compliance rates in Multnomah County.

Strategies: 1) Identify and compile a list of social service resources including housing, employment, health and mental health, drug and alcohol including legal services in Multnomah County; 2) identify businesses that may be persuaded to offer clothing, food coupons or other basic need items for clients; and 3) connect clients to needed services.

III. Financial Impact: NA

IV. Legal Issues: NA

V. Controversial Issues: NA

VI. Link to Current County Policies: NA

VII. Citizen Participation: NA

VIII. Other Government Participation: NA

R-1

SPEAKER SIGN UP CARDS

DATE 4-2-98

NAME

D. Patrick Whitcomb

ADDRESS

3530 S.E. 84th #707

Portland, OR 97266

PHONE

774-4482

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Mult County Sheriff

GIVE TO BOARD CLERK

D. Patrick Whitcomb

3530 SE 84th Ave. #707
Portland, OR 97266
(503) 774-4482

February 7, 1998

Dear Commissioner:

My concerns about a letter I received from the Multnomah County Sheriff, Dan Noelle on October 17, 1997, enclosed is a copy of said letter and brochure that was mailed to me. I must say I am quite upset over this matter.

My understanding has always been that the Sheriffs job was to:


1. Collect taxes.
2. Operate the jails and maintain them.
3. Catch criminals.

The letter content has absolutely nothing to do with his duties as Sheriff. The whole context of his letter is purely his personal political thinking. Which is fine, if he uses his own money and time to pursue and press that kind of thought. He did not do that. What he did is a flagrant misuse of tax money for his personal use. He can not use the tax payers money for personal use and that is what he has done.

I am very certain there was no clause or mention in his budget about using some of the Sheriff's budget money on his personal political agenda when he was before this board of commissioners explaining why he needed the amount of money he asked for to run the Multnomah County Sheriff Dept.

I am here today asking this board of commissioners to press this matter immediately and see to it the full amount of tax payers money he used is immediately returned to the Sheriffs department bank account. Including 7% interest for time used.

Sincerely,

A handwritten signature in cursive script that reads "D. Patrick Whitcomb". The signature is written in dark ink and is positioned above the printed name.

D. Patrick Whitcomb



Multnomah County Sheriff's Office

12240 N.E. GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

(503) 255-3600
TTY (503) 251-2484

Dear Concealed Weapon Permit Holder:

When you work in law enforcement, you often see the tragic consequences of violence. The worst of these consequences are the ones that could have been prevented. Many of the gun related deaths and injuries among children, sadly, could have been prevented.

In recent years, our community has taken steps to protect our children from harm. In our schools we have taken steps to keep the guns from coming in, but now we need to concentrate on keeping these kids safe from guns when they go home. What's alarming is that many gun owners store their loaded gun in a highly accessible location. Quick access may be necessary for home protection, but should not compromise safety.

Many of the gun tragedies can be prevented. One of the keys to prevention is in safely storing your firearms.

People often keep a handgun for protection and want quick access. I have included a flier about a system that appears to do both. I am not recommending a specific manufacturer or vendor. I would urge you to store your firearms in such a way as to keep them safe from theft or a curious child who lives in or visits your home.

Very truly yours,

A handwritten signature in black ink that reads "Dan Noelle". The signature is stylized with a large, looped "D" and a cursive "Noelle".

DAN NOELLE,
Sheriff



M 323

**Multnomah County
Sheriff's Office**

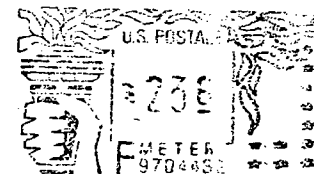
12240 NE GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

CHL



PERMIT NO.
FIRST CLASS



DONALD WHITCOMB
3530 SE 84TH AVE #707
PORTLAND OR 97266

AUTO



What Can Gun Owners Do?

- ❖ If you feel you must keep a loaded handgun available, store it in a lock box with a push button lock.
- ❖ Store all other handguns, rifles and shotguns unloaded in safes or locked cabinets with trigger locks.
- ❖ Store ammunition, bolts, clips and magazines locked away in a separate place.
- ❖ Teach children to never touch guns and to tell an adult if they find one.
- ❖ Ask family and friends to use these same safe storage practices.

Across Oregon and SW Washington, Fred Meyer stores offer an affordable handgun lock box at a low price of \$79.99. Clip the coupon below and receive an additional \$10 off.

Fred Meyer Coupon • Available Sporting Goods Dept

Cannon Handgun Safe

\$69.99

With this Coupon

Stock# 1QSC Class 51 • One coupon per purchase

Special coupon in conjunction with
Oregon Safe Handgun Storage Coalition

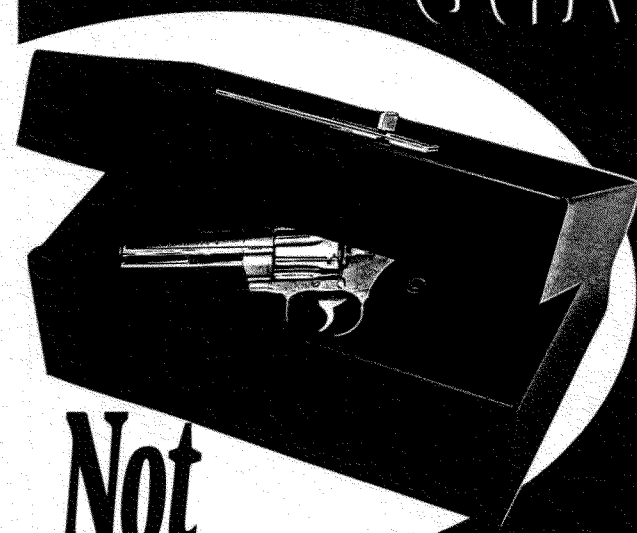
Coupon valid July 2 through December 31, 1997

Oregon Safe Handgun Storage Coalition

950 Lloyd Center, Suite 093
Portland, OR 97232

For more information please call (503) 261-2822

Buy a Box for Your GUN



Not for Your KID

**Safely Secure
Firearms
in the Home**

Gun Safes = Safer Homes

If you own a gun for your protection, who's protecting your family from your gun?

More than 500 kids die each year by shooting themselves or another child and five times as many are seriously wounded.

Regrettably, two-thirds of all teen suicides involve firearms.

And weapons stolen by a petty thief may turn up later in a far more serious crime.

**If you keep a handgun in the house
Lock it up with a gun box!**

Safe storage in a lock box is the right option if an individual keeps a gun in the home. They're easy to open to access your gun - just press a few buttons with a combination you set. And they're not expensive. You'll spend precious little to protect something that's priceless.

So you decide: Would you rather buy a small, metal, foam-lined box for your gun. Or a large wooden, satin-lined box for your kid?

Did You Know?

For every gun death it is estimated that at least five non-fatal injuries occur.

Nearly all unintentional shooting deaths occur in or around the home.

Most unintentional gun injuries, deaths and suicides involve guns that have been kept loaded and accessible to children and teens.

NATIONAL STATISTICS:

46% of U.S. households contain a firearm; one in four is a handgun.

In 1993, there were 5,751 firearm-related deaths for children ages 0-19, 526 were unintentional and 1,460 were suicides.

67% of youth suicides involve a handgun.

IN OREGON:

51% of Oregon households contain a firearm.

From 1990-94, there were 241 firearm-related deaths for children ages 0-19, of these 123 were suicides.

Design & Printing Services
provided as a Community Service
by Kaiser Permanente

Oregon Safe Handgun Storage Coalition

The Oregon Safe Handgun Storage Coalition is a group of concerned health care providers, law enforcement personnel, social service organizations and community representatives.

American Medical Response

Clark County SAFE KIDS

Fred Meyer, Inc.

Kaiser Permanente

Medical Society of Metropolitan Portland

Oregon Academy of Family Physicians

Oregon Gun Owners Association

Oregon Health Division

Oregon Health Sciences University

Oregon Medical Association

Oregon Nurses Association

Oregon Pediatric Society

Oregon Public Health Association

Oregon SAFE KIDS Coalition

Oregon State Sheriffs Association

Physicians for Social Responsibility

Portland Police Association

Portland Police Chief Charles A. Moose

Portland School Police

State Office for Services to
Children and Families

THINK FIRST Program

U.S. Representative Earl Blumenauer



THOMAS SPONSER
County Counsel

SANDRA N. DUFFY
Chief Assistant

OFFICE OF
MULTNOMAH COUNTY COUNSEL

98 APR 3 1998
SHERIFF'S EXECUTIVE OFFICE

1120 S.W. FIFTH AVENUE, SUITE 1530
PORTLAND, OREGON 97204-1977

FAX 248-3377
(503) 248-3138

SUSAN DUNAWAY
KATIE GAETJENS
GERALD H. ITKIN
JEFFREY B. LITWAK
STEVEN J. NEMIROW
MATTHEW O. RYAN
AGNES SOWLE
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistant:

MEMORANDUM

To: Dan Noelle, Sheriff

From: Jacqueline A. Weber
Assistant County Counsel *JW*

Date: April 2, 1998

Enclosed is a copy of a letter sent by Mr. D. Patrick Whitcomb to the County Commissioners. He is objecting to the letter sent to concealed weapon permit holders regarding safe storage of weapons. Mr. Whitcomb attended the Board meeting today to personally bring this matter to the attention of the Commissioners and demand that they investigate. In response to Mr. Whitcomb, Chair Stein stated that County Counsel would look into the matter and respond to him.

Once you have the opportunity to review the enclosed, please contact me. This appears to be an issue of public safety well within the duties and authority of the sheriff. I look forward to hearing from you.

D. Patrick Whitcomb

3530 SE 84th Ave. #707

Portland, OR 97266

(503) 774-4482

February 7, 1998

Dear Commissioner:

My concerns about a letter I received from the Multnomah County Sheriff, Dan Noelle on October 17, 1997, enclosed is a copy of said letter and brochure that was mailed to me. I must say I am quite upset over this matter.

My understanding has always been that the Sheriff's job was to:

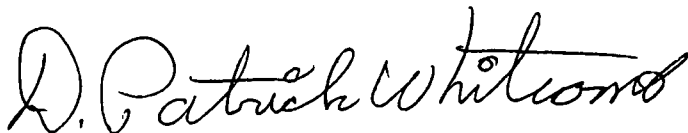
1. Collect taxes.
2. Operate the jails and maintain them.
3. Catch criminals.

The letter content has absolutely nothing to do with his duties as Sheriff. The whole context of his letter is purely his personal political thinking. Which is fine, if he uses his own money and time to pursue and press that kind of thought. He did not do that. What he did is a flagrant misuse of tax money for his personal use. He can not use the tax payers money for personal use and that is what he has done.

I am very certain there was no clause or mention in his budget about using some of the Sheriff's budget money on his personal political agenda when he was before this board of commissioners explaining why he needed the amount of money he asked for to run the Multnomah County Sheriff Dept.

I am here today asking this board of commissioners to press this matter immediately and see to it the full amount of tax payers money he used is immediately returned to the Sheriff's department bank account. Including 7% interest for time used.

Sincerely,

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D. Patrick Whitcomb



M 323

**Multnomah County
Sheriff's Office**

12240 NE GLISAN ST., PORTLAND, OREGON 97230

DAN NOELLE
SHERIFF

CHL

**ADDRESS
SERVICE
REQUESTED**

PREMIER
FIRST CLASS



DONALD WHITCOMB
3530 SE 84TH AVE #707
PORTLAND OR 97266

AUTO



2

What Can Gun Owners Do?

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The Oregon Safe Handgun Storage Coalition is a group of concerned health care providers, law enforcement personnel, social service organizations and community representatives.

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Physicians for Social Responsibility

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Portland Police Chief Charles A. Moose

Portland School Police

State Office for Services to
Children and Families

THINK FIRST Program

U.S. Representative Earl Blumenauer



OFFICE OF
MULTNOMAH COUNTY COUNSEL

OFFICE COPY

THOMAS SPONSLER
County Counsel

1120 S.W. FIFTH AVENUE, SUITE 1530
PORTLAND, OREGON 97204-1977

SANDRA N. DUFFY
Chief Assistant

FAX 248-3377
(503) 248-3138

April 8, 1998

SUSAN DUNAWAY
KATIE GAETJENS
GERALD H. ITKIN
JEFFREY B. LITWAK
STEVEN J. NEMIROW
MATTHEW O. RYAN
AGNES SOWLE
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

D. Patrick Whitcomb
3530 SE 84th Ave. #707
Portland, OR 97266

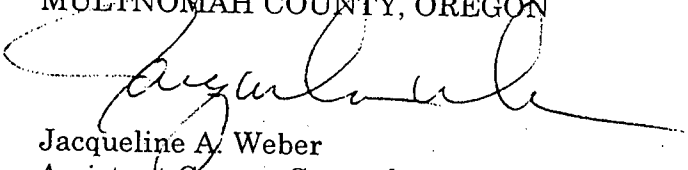
Dear Mr. Whitcomb:

At the request of Beverly Stein, Chair of the Board of County Commissioners, I am responding to your letter dated February 7, 1998, raising questions regarding the Sheriff's authority to issue a letter regarding safe storage of firearms to concealed weapon permit holders.

County Counsel reviewed Sheriff Noelle's letter to concealed weapon permit holders prior to the mailing, and concluded that it is well within the Sheriff's legal authority.

Thank you for your concern.

Very truly yours,
THOMAS SPONSLER, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON


Jacqueline A. Weber
Assistant County Counsel

Cc: Sheriff Noelle
Beverly Stein, Chair, Board of County Commissioners

MEETING DATE: APR 02 1998
AGENDA NO: R-2
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution re: displaced and homeless youth in downtown Portland

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: 15 minutes

REGULAR MEETING: DATE REQUESTED: 3/12/98
AMOUNT OF TIME NEEDED: 30 minutes

DEPARTMENT: Community and Family Services DIVISION: Community Programs and Partnerships
CONTACT: Mary Li TELEPHONE #: x26787
BLDG/ROOM #: 166/5th floor

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Approval of a resolution regarding homeless and displaced youth in downtown Portland

4/2/98 copies to Mary Li

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: Lorenzo Poe

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAR -4 PM 12:04

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY & FAMILY SERVICES
DIVISION OF CHILD, YOUTH, FAMILY, COMMUNITY
ACTION AND DEVELOPMENT
421 SW Sixth Avenue, Suite 500
PORTLAND, OREGON 97204-1620
(503) 248-3999 fax # (503) 248-3332

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

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Lorenzo T. Poe, Jr., Director
Department of Community and Family Services

DATE: 3/3/98

RE: Homeless and Displaced Youth

1. Recommendation/Action Requested:

Adopt the Resolution that calls for Multnomah County to take the lead in planning and implementing services for homeless youth who are living on the streets in the downtown area of Portland. The Resolution states the philosophy that will guide this work, outlines the system attributes necessary to carry the work out, and impanels a committee of business and community leaders to set priorities and make recommendations.

2. Background/Analysis:

RFP's for a number of programs serving homeless youth in the downtown area are up for renewal. Specifically, contracts for Case Management, Winter Shelter and Transitional Housing have expired and would be going through the RFP process this year.

The Citizens Crime Commission and the Association for Portland Progress issued a joint report entitled "Services to Homeless Youth in Portland". In this report they made recommendations and called for an integrated system of services with outcome based objectives. Their ideas and recommendations will be able to be incorporated into the RFP planning process.

This is an opportunity to evaluate the services provided for homeless, to articulate the County philosophy for providing services to homeless youth and to prioritize the system resources. Including all services for downtown homeless youth into the RFP planning process will allow for a more coordinated and integrated approach to services

3. Financial Impact:

The City and County will each consider a request for a \$100,000 commitment as a match to the Citizens Crime Commission commitment of \$200,000 new service dollars for the next three years

4. Legal Issues:

NA

5. Controversial Issues:

- The business community's commitment to funding.
- Providers participation in the planning process.
- Philosophical questions about the provision of services, the need for one philosophy and the balance of relief and developmental services.

6. Link to Current County Policies:

Services to homeless youth relate to the County Benchmarks of:

- Reducing the number of children in poverty
- Increase in high school completion
- Reduction of violence

7. Citizen Participation:

A wide variety of people in the community- provider representatives, business leaders, other County Departments, educators and community leaders- have agreed to participate in the RFP planning process.

8. Other Government Participation

The following governmental partners have agreed to participate in the planning process.

City of Portland
Portland Police Bureau
Department of Juvenile Justice
MR/DD
Behavioral Health
SCF
PPS

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Addressing Support and Services) RESOLUTION
to Downtown Homeless Youth) 98-25

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS FINDS:

- a) Multnomah County is committed to building and supporting strong communities and families;
- b) Youth are living on the streets of Portland due to a failure of community and family efforts to address problems in school, alcohol and drug addiction, child and sexual abuse, juvenile delinquency and other types of family and individual dysfunction;
- c) Life on the streets can lead homeless youth to suffer from high rates of depression, low-self esteem, sexual risk taking and other self destructive behaviors;
- d) A population of homeless youth downtown adversely affects the economic and cultural viability of downtown including the willingness of businesses to locate jobs or operations downtown, and citizens to live, work or shop downtown;
- e) Multnomah County recognizes that it is neither safe nor appropriate for youth to be living on the streets. And that although the preference is for youth to be living with their families, many youth can not go home to their families because it is not safe for them to do so;
- f) Multnomah County's priority is to help homeless youth exit street life;
- g) The best way to help homeless youth exit street life and achieve success in their lives is to offer a comprehensive continuum of care that responds to the developmental stage of youth and holds youth accountable for entry level and more serious crimes through enforcement and sanctions.

THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS RESOLVES:

1. Multnomah County, through the Department of Community and Family Services, will take the lead in planning, implementing and distributing funds for support and services to homeless youth in the downtown Portland area;
2. The goal of the County's efforts will be to help youth leave the street and improve the safety and livability for all citizens who live and use downtown;
3. Immediate safety and the future well being of homeless youth is of equal importance so a balance must be created between short term relief from danger and long term programs that help youth transition to self sufficiency;
4. Multnomah County will insure that the service system for downtown homeless youth has the following attributes:
 - i) Accountability to funders and the community by regular information provided to the community about program effectiveness and demographics
 - ii) Clear, measurable outcomes and objectives for programs which have been agreed to in advance by all stakeholders
 - iii) Flexibility, recognizing that a variety of programs and approaches are needed to address the needs of homeless youth
 - iv) A continuum of services including assessment, emergency and transitional housing, case management, education, health care, employment services, alcohol and drug treatment and mental health services
 - v) Maximum effective use of available resources which includes establishment of clear priorities for use of available resources
5. The Chair will appoint an ad hoc committee to plan for service delivery and use of public and private resources through an RFP process. The committee is charged with evaluating the current service delivery system, describing an ideal system for our community, agreeing on outcomes, making recommendations for use of available funding for services for homeless youth in the downtown Portland area and identifying additional policy issues which should be addressed. This resolution shall provide the conceptual and philosophical framework for this planning effort and its implementation.

6. The Department of Community and Family Services will staff the committee. It will include representatives from: the office of Mayor Vera Katz, the office of Commissioner Gretchen Kafoury, the Commission on Children and Families, the Downtown Neighborhood Association, the Northwest Network on Homeless and Runaway Youth, the Portland Police Bureau, the Citizens Crime Commission, the Association for Portland Progress, United Way of the Columbia Willamette, the academic community, an expert in evaluation and performance based management, the Multnomah County Department of Juvenile and Adult Community Justice, Project Luck, Portland Public Schools, the West Side Caring Community, and State Services to Children and Families.
7. The Department of Community and Family Services will report back to the Board of County Commissioners by July, 1998 regarding the outcome of the ad hoc committee, status report on the RFP process, and a timeline and action plans to implement the findings of the committee.

APPROVED this 2nd day of April, 1998.



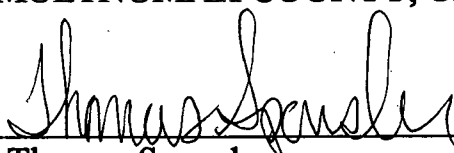
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By


Thomas Sponsler

MEETING DATE: APR 02 1998
AGENDA NO: R-3
ESTIMATED START TIME: 9:40am

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Calling County Commissioner Districts No. 1 and No. 3, Elections for May 19, 1998

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

REGULAR MEETING: DATE REQUESTED: April 2, 1998
AMOUNT OF TIME NEEDED: 5 mins

DEPARTMENT: Non-Departmental DIVISION: Chair Beverly Stein

CONTACT: Tom Sponsler TELEPHONE #: 248-3138
BLDG/ROOM #: 106/1530

PERSON(S) MAKING PRESENTATION: Tom Sponsler

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Calling County Commissioner Districts No. 1 and No. 3,
Elections for May 19, 1998

4/2/98 copies to Election & Tom Sponsler

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Beverly Stein

(OR)

DEPARTMENT

MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAR 12 AM 10:26

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

1
2
3 BEFORE THE BOARD OF COUNTY COMMISSIONERS
4 FOR MULTNOMAH COUNTY, OREGON
5
6

7 Calling County Commissioner Districts) RESOLUTION
8 No. 1 and No. 3, Elections for May 19,)
9 1998) 98-26

10
11 The Board of County Commissioners Finds:

- 12
13 a. Elections were held March 10, 1998, to fill the vacancies in Multnomah County
14 Commission Districts No. 1 and No. 3. No candidate received a majority of the
15 votes cast in either election.
16
17 b. The Multnomah County Charter and County Code require the Board of
18 Commissioners to call an election in which the names of two candidates for
19 each district position receiving the highest number of votes shall appear on the
20 ballot.
21
22 c. The next available election date to fill these vacancies is May 19, 1998.

23
24 THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS RESOLVES:
25
26

- 27
28 1. Elections are called for May 19, 1998, to fill the remainder of the current terms
29 of office for Commission Districts No. 1 and No. 3. The current terms for those
30 positions end in January, 2001.
31
32 2. Since no candidate for either position received a majority of the votes cast at
33 the March 10, 1998, election, the names of the two candidates for each position
34 receiving the higher number of votes shall appear on the ballot.

- 1 3. These elections and election date are certified to the Director of Multnomah
2 County Division of Elections.

3 Adopted this 2nd day of April 1998.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY OREGON


Beverly Stein, Chair

9 REVIEWED:

10 THOMAS SPONSLE, COUNTY COUNSEL
11 FOR MULTNOMAH COUNTY, OREGON

12 By 
13 Thomas Sponsler

MEETING DATE: APR 02 1998
AGENDA NO: R-4
ESTIMATED START TIME: 9:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ordinance amending risk management code provisions

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

REGULAR MEETING: DATE REQUESTED: March 12, 1998
AMOUNT OF TIME NEEDED: 15 minutes

DEPARTMENT: ND DIVISION: County Counsel

CONTACT: Thomas Sponsler TELEPHONE #: x22834
BLDG/ROOM #: 106/1530

PERSON(S) MAKING PRESENTATION: Thomas Sponsler

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Amendments to Risk Management Provisions for Multnomah County

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT
MANAGER: _____

Thomas Sponsler

BOARD OF
COUNTY COMMISSIONERS
98 FEB 25 PM 12:02
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



OFFICE OF MULTNOMAH COUNTY COUNSEL

THOMAS SPONSER
County Counsel

SANDRA N. DUFFY
Chief Assistant

1120 S.W. FIFTH AVENUE, SUITE 1530
PORTLAND, OREGON 97204-1977

FAX 248-3377
(503) 248-3138

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AGNES SOWLE
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

STAFF REPORT: ORDINANCE AMENDING CODE PROVISIONS FOR RISK MANAGEMENT, LOSS PREVENTION AND THE INSURANCE FUND

I. ACTION REQUESTED

Adopt an ordinance which revises the code provisions relating to risk management, loss prevention and the insurance fund (to be renamed "Risk Management Fund").

2. INTRODUCTION

This ordinance updates the existing code sections pertaining to risk management, loss prevention and the risk management fund. They were originally created in 1983, revised in 1988 and again in 1992. The purpose is to bring the code up-to-date with actual practices and make changes to reflect an expanded vision of risk management.

3. ANALYSIS

This ordinance revision:

- ◆ Changes department references to the current name of the Department of Support Services and renames the Insurance Fund as the Risk Management Fund.
- ◆ Clearly articulates the county policy of proactive prevention of losses.
- ◆ Allows expenditures for reasonable litigation and claims expenses incurred in all types of litigation involving the County and its personnel, including, e.g., code enforcement, tax litigation, affirmative litigation and defense of professional employee licensing matters pertinent to the employment.
- ◆ Includes all legal services within the Risk Management Fund. Under current practice, 50% of the County Counsel budget is allocated to the fund and this codification ends that arbitrary division. The role of County Counsel is prevention in both advice and litigation. It also recognizes the County RESULTS policies emphasizing teamwork and client service. Well thought out, timely legal advice to County clients before problems arise is an effective form of loss prevention.

- ◆ Provides the Chair has formal decision-making authority for claims settlement except in cases involving the sheriff. The ordinance does not change current practice. County Counsel works with each effected department at the appropriate level to obtain consensus in claims decisions. This will not change. Each department will have input into a consensus building process.

4. FINANCIAL IMPACT

None. The ordinance merely moves that portion of County Counsel's budget currently in the general fund into the Risk Management fund with no change in dollar amounts.

5. EVALUATION

This recodification, like those previously made in 1983, 1988 and 1992, bring the code up to date to reflect existing practice. In addition, this revision reflects the RESULTS-based aspirations of the County to proactive risk management rather than merely reactive loss adjustment and litigation.

It also reflects the importance of prospective advisory legal services as a key element in loss prevention.

6. LEGAL ISSUES

None.

7. CONTROVERSIAL ISSUES

None.

8. LINK TO CURRENT COUNTY POLICIES AND BENCHMARK

As stated above, the code revisions are designed to reflect both the current actual practices as well as the aspirational element of prevention.

9. CITIZEN PARTICIPATION

None.

10. PARTNERSHIPS AND COLLABORATION

The drafts of the ordinance revisions have been circulated and discussed in detail with Vicki Gates, Jean Miley, David Boyer, Dave Warren and Rudy Williams, each of whom have provided input into the ordinance which now reflects a consensus of all involved.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance Amending Risk Management Code Provisions of MCC 2.60

(Shaded Language is to be deleted; Bold Language is new)

Multnomah County ordains as follows:

Section 1. MCC 2.60.115 is amended as follows:

2.60.115. Risk management policy.

The Board of County Commissioners recognizes that a coordinated risk assessment and management, and loss prevention programs are important to the preservation of County assets, the health and safety of its County employees, and the financial interest of Multnomah County's residents. Risk management includes identifying potential loss exposures, analyzing alternatives, selecting and implementing loss reduction methods, and evaluating the results. Multnomah County's policy, with respect to the management of all risks of accidental loss, shall have as its objectives:

(A) The prevention of accidental loss by the creation and administration of a proactive approach to loss prevention and reduction, risk assessment and management. The County will work to create a service environment in which County employees and members of the public can enjoy safety and security while transacting County business.

(B) The protection of the County against the financial consequences of accidental losses.

(C) The preservation of the County's assets and public service capabilities from loss, destruction, or depletion.

~~(C) (D) The promotion of a balanced, comprehensive and cost-effective mix of exposure identification, risk evaluation, risk treatment and program implementation and monitoring activities.~~

~~(E) The minimization of the long-term cost to the County of all activities related to the identification, prevention and control of accidental losses and their consequences.~~

~~(D) (F) The creation of a coordinated risk management and employee health and benefits program with internal procedures for incident and claim reporting of all incidents, claims and losses incurred by the County, providing a constant assessment of fluctuating exposure to loss, loss-bearing capacity and available financial resources, including insurance.~~

~~(E) The establishment, to the extent possible of an exposure-free County work and service environment in which County employees as well as members of the public can enjoy safety and security in the course of their daily activities.~~

Section 2. MCC 2.60.120 is amended as follows:

2.60.120. ~~Insurance fund~~ **Risk management fund**

~~(A) Definitions:~~ The County has ~~an insurance fund, an internal service fund, a risk management fund (fund)~~ created by the Board ~~of County Commissioners~~ separate from the general fund. The fund was created to ~~centrally~~ account for ~~all~~ expenditures and reserves associated with the protection of the County's assets, employees, programs and operations. ~~Accounts are established in~~ The fund will account for the financing administration of the workers' compensation, general liability, auto liability, property, employee medical/dental ~~employees'~~ benefits, legal services, life insurance, long-term disability, retiree insurance,

unemployment and insured and self-insured programs provided for in the County's adopted budget.

(B) *Revenue Sources:* Appropriations to the fund will be made as provided in MCC

2.60.130(B)

(B) *Disbursements:* In accordance with ordinance and administrative procedures, the following expenditures may be charged to the insurance fund accounts:

- (1) Insurance premiums for County operations;
- (2) Costs and expenses related to administration, investigation, adjustment and litigation of all insured and uninsured claims, and loss arising from the County's operations;
- (3) All costs for repairing and replacing personal property, money, and improvements to real property owned or leased by the County to the extent the County has contractually assumed risk of loss, where such property losses are within the coverage and retention level of insurance coverage carried by the County;
- (4) Assessments, licenses, fees, and bonds related to programs funded under Section (A) required promulgated by state law statute;
- (5) Employee workers' compensation claim expenditures in accordance to applicable statutes;
- (6) County risk management administration and legal services expenses;
- (7) Loss prevention programs and projects may be funded by the insurance fund if they:
 - (a) Are clearly targeted toward loss control, and are inappropriate for either a budget modification or the regular budget process, or

(b) Are beneficial to all departments, or

(c) (b) Reduce the costs of loss immediately, or

(d) (c) Reduce the administrative costs of the risk management program, or

(e) (d) are mandated by state or federal law and affect more than one department.

Capital projects are excluded unless specifically approved by the Board of County commissioners.

(8) County unemployment obligations and related administrative expenditures;

(9) Employee medical/dental health care claims and insurance claims, health promotion programs, and related administrative expenditures;

(10) Any other insurance or self-insurance related expenditures as deemed appropriate by the County Chair within standard budgetary procedures;

(11) Cost and expenses related to any legal action, matter or proceeding in any court or tribunal when authorized by the Chair, Board, Sheriff or Auditor.

(C) *Fund Reporting.* A report shall be provided semi-annually to the County Chair and Board of County commissioners on the financial status of the insurance fund accounts.

(D) *Fund equity and cash balance.* The insurance fund (equity and cash) balance shall be maintained at a level to pay all claims, premiums, disbursements administration expenditures, reserves and incurred but not reported (IBNR) claims. Amounts shall not be transferred from the insurance fund unless a program defined by subsection (A) MCC 2.60.120(A) is discontinued without further financial obligation and/or it is determined by a qualified independent actuary that the fund level may be adjusted.

(1) In order to obtain an exemption from the security deposit requirement under Oregon Revised Statute 656.407, the worker's compensation reserves established by

the actuarial evaluation performed under MCC 2.60.120(F) are dedicated for payments of compensation and amounts due the director of the Department of Insurance and Finance of the State of Oregon. The director of the department of insurance shall have first lien and priority rights to the full amount of the worker's compensation funds required to pay the present discounted value of all present and future claims under ORS Chapter 656.

(E) An actuarial evaluation shall be performed by a qualified independent actuary on the worker's compensation, retiree insurance and liability sections of the insurance fund at least once every three years.

Section 3. MCC 2.60.130 is amended to read as follows:

2.60.130. Risk management function.

(A) The office of the chair Department of Support Services shall direct and manage all risk management and employee health and benefit insurance programs for Multnomah the County. Authority granted to the Department may be delegated to the Risk Management Section of the Finance Division. The Authority granted to the Department includes, but is not limited to, the following authority:

- (1) To purchase all insurance coverage required by law and contracts, or desirable for the effective and efficient operation of County government including, but not limited to: casualty insurance, property insurance, workers' compensation insurance, and other specialty forms of coverage;
- (2) To consolidate insurance coverage and combine with self-insurance as is in the best interest of the County;

(B) The Department of Support Services in consultation with County Counsel shall direct and manage all risk management and loss prevention programs for the County. The authority granted includes, but is not limited to, the following:

(3) (1) To acquire actuarial, claims management, investigative and appraisal services for insured and self-insured program administration;

(4) (2) To promulgate rules and procedures to govern the administration of the County's insurance and risk management activities;

(5) (3) To administer all loss prevention activities and claims arising from and out of the County's operations including, but not limited to, the County's general, auto and professional liability, auto, property, workers' compensation, employee health care life and disability benefits and unemployment claims exposures;

(6) (4) To coordinate the claims activity internally and/or with contracted claims service providers, legal counsel, department management and insurance companies;

(7) (5) To identify loss exposures and administer programs to control and minimize losses sustained on to County assets, and property, employees and the general public doing business with the County;

(8) (6) To develop and maintain an information system for timely and accurate recording of loss experience, insurance premiums, property values, insurance fund cash flow and reserving obligations and other identified risk related information;

(9) (7) To develop manuals and programs for training County personnel on loss control/safety programs and activities techniques;

(10) (8) To ascertain that contributions to the fund are adequate and appropriations and reserve balances are financially and actuarially sound.

~~(B) (C) The planning and budget division and finance division Department of Support Services shall may apportion to and collect from each County department, office, board, or commission its contribution to a total sum for loss reserves, risk management and County Counsel administrative expenses, insurance premiums and loss expenditures. The contribution shall be based, wherever appropriate, upon the relative exposure and loss experience of each department for each aspect of risk and will be maintained in the County's insurance fund and subject to annual budgetary approval.~~

Section 4. MCC 2.60.140 is amended to read as follows:

2.60.140. Risk assessment and loss prevention.

Departments shall be responsible to conform to county, state and federal safety standards. Each Administrators, managers, and supervisors shall be responsible to conduct their his/her operations in a manner which will safeguard the County's assets from loss or damage and employees from employment-related illness and injury. Each department in consultation with the Department of Support Services and County Counsel shall identify significant risks to the general public doing business with the County, County employees and County property. Where significant risks are identified, the Department of Support Services and County Counsel will recommend remedial action. Departments will be taken take action to reduce these exposures within available County resources. Managers are responsible for reporting all losses or claims to the risk management division Department of Support Services, regardless of size of loss, in a timely manner as directed by County administrative procedures. The Department of Support Services Risk management is responsible for ensuring that mechanisms exist for reporting, record keeping and follow-up and that these are known throughout the County.

Section 5. MCC 2.60.050 is amended as follows:

2.60.050. Authority.

Authority for settlement of ~~general liability~~ claims and litigation against the County or its employees ~~and to enter into disputed claim settlements in workers' compensation cases~~ shall rest with the County Chair or ~~his/her~~ the Chair's designee, except that claims arising out of the sheriff's office shall be settled upon authority of the sheriff or the sheriff's designee.

Section 6. Effective Date.

This Ordinance shall become effective on July 1, 1998.

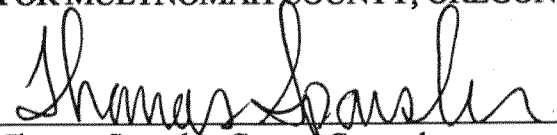
ADOPTED this ____ day of April, 1998, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON



Thomas Sponsler, County Counsel

H:/Data/Advisory/Ordinances/165 Risk Management/Loss Prevention

BOGSTAD Deborah L

From: TRACHTENBERG Robert J
Sent: Tuesday, March 31, 1998 11:13 AM
To: SPONSLER Thomas
Cc: BOGSTAD Deborah L
Subject: RE: R-4

I think the Board should pass an amended version for the first reading. I just want to be sure the changes are ready and get to Deb.

From: SPONSLER Thomas
Sent: Tuesday, March 31, 1998 11:08 AM
To: TRACHTENBERG Robert J
Subject: RE: R-4

I had not planned to for the first reading. I had thought the changes could be noted and an amendment made at the meeting. The changes would then be made for the 2nd reading. Would you prefer a substitute with the changes for the 4/2 meeting?

From: TRACHTENBERG Robert J
Sent: Tuesday, March 31, 1998 10:52 AM
To: SPONSLER Thomas
Subject: R-4

Are you going to be preparing submitting amendments or a substitute ordinance with the changes to 2.60.115 and 2.60.050?

BOGSTAD Deborah L

From: BOGSTAD Deborah L
Sent: Tuesday, March 31, 1998 11:47 AM
To: STEIN Beverly E; HANSEN Gary D; KELLEY Sharron E
Cc: BAX Carolyn M; FORD Carol M; DELMAN Mike H; TRACHTENBERG Robert J; MILEY Jean M; SPONSLER Thomas
Subject: Proposed amendments to R-4 risk management code provisions ordinance

I will need an amendment to page 1, section 2.60.115, first sentence . . . and loss prevention programs - to not delete "are" important to the preservation of County assets, . .

and

an amendment to page 8, section 2.60.050, first sentence Authority for settlement of - to not delete "general liability" claims and litigation against the County . . .

BOGSTAD Deborah L

From: BOGSTAD Deborah L
Sent: Tuesday, March 31, 1998 2:19 PM
To: STEIN Beverly E; HANSEN Gary D; KELLEY Sharron E
Cc: WALKER Jerry W; BAX Carolyn M; FORD Carol M; DELMAN Mike H; TRACHTENBERG Robert J; BOYER Dave A; MILEY Jean M; SPONSLER Thomas
Subject: 4 Amendments to R-4 risk management code provisions ordinance
Importance: High

Thanks to eagle eyes out there, two areas have been identified as Scribner's errors which will need an amendment to correct. I am attaching the proposed corrected ordinance below. On April 2nd, I would appreciate if Gary would be so kind to move, and Sharron second the following amendments:

Amendment to page 1, section 2.60.115, first sentence . . . and loss prevention programs - to not delete "are" important to the preservation of County assets, . . .

and

Amendment to page 4, section (C) deleting "semi", to read annually;

and

Amendment to page 7, section (C) deleting "County's insurance", to read in the fund

and

Amendment to page 8, section 2.60.050, first sentence Authority for settlement of - to not delete "general liability" claims and litigation against the County . . .

Thank you for your assistance and patience!!



Risk Management
s Prevention Ordinan

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An Ordinance Amending Risk Management Code Provisions of MCC 2.60

(Shaded Language is to be deleted; Bold Language is new)

Multnomah County ordains as follows:

Section 1. MCC 2.60.115 is amended as follows:

2.60.115. Risk management policy.

The Board ~~of County Commissioners~~ recognizes that ~~a~~ **coordinated risk assessment and management, and loss prevention** programs are important to the preservation of County assets, the **health and safety of its** County employees, and the financial interest of Multnomah County's residents. **Risk management includes identifying potential loss exposures, analyzing alternatives, selecting and implementing loss reduction methods, and evaluating the results.** ~~Multnomah County's policy, with respect to the management of all risks of accidental loss,~~ shall have as its objectives:

(A) **The prevention of accidental loss by the creation and administration of a proactive approach to loss prevention and reduction, risk assessment and management. The County will work to create a service environment in which County employees and members of the public can enjoy safety and security while transacting County business.**

~~(A)~~ (B) **The protection of the County against the financial consequences of accidental losses.**

~~(B)~~ (C) **The preservation of the County's assets and public service capabilities from loss, destruction, or depletion.**

(C) (D) The promotion of a balanced, comprehensive and cost-effective mix of exposure identification, risk evaluation, risk treatment and program implementation and monitoring activities.

(E) The minimization of the long-term cost to the County of all activities related to the identification, prevention and control of accidental losses and their consequences.

(D) (F) The creation of a coordinated risk management and employee health and benefits program with internal procedures for incident and claim reporting of all incidents, claims and losses incurred by the County, providing a constant assessment of fluctuating exposure to loss, loss-bearing capacity and available financial resources, including insurance.

(E) The establishment, to the extent possible of an exposure-free County work and service environment in which County employees as well as members of the public can enjoy safety and security in the course of their daily activities.

Section 2. MCC 2.60.120 is amended as follows:

2.60.120. **Insurance fund Risk management fund**

(A) Definitions: The County has an insurance fund, an internal service fund, a risk management fund (fund) created by the Board of County Commissioners separate from the general fund. The fund was created to centrally account for all expenditures and reserves associated with the protection of the County's assets, employees, programs and operations. Accounts are established in The fund will account for the financing administration of the workers' compensation, general liability, auto liability, property, employee medical/dental employees' benefits, legal services, life insurance, long-term disability, retiree insurance,

unemployment and insured and self-insured programs provided for in the County's adopted budget.

(B) *Revenue Sources:* Appropriations to the fund will be made as provided in MCC

2.60.130(B)

(B) *Disbursements:* In accordance with ordinance and administrative procedures,

the The following expenditures may be charged to the insurance fund accounts:

- (1) Insurance premiums for County operations;
- (2) Costs and expenses related to administration, investigation, adjustment and litigation of all insured and uninsured claims, and loss arising from the County's operations;
- (3) All costs for repairing and replacing personal property, money, and improvements to real property owned or leased by the County to the extent the County has contractually assumed risk of loss, where such property losses are within the coverage and retention level of insurance coverage carried by the County;
- (4) Assessments, licenses, fees, and bonds related to programs funded under

Section (A) required promulgated by state law statute;

- (5) Employee workers' compensation claim expenditures in accordance to applicable statutes;
- (6) County risk management administration and legal services expenses;
- (7) Loss prevention programs and projects may be funded by the insurance fund if they:
 - (a) Are clearly targeted toward loss control, and are inappropriate for either a budget modification or the regular budget process; or

(b) Are beneficial to all departments, or

(c) (b) Reduce the costs of loss immediately, or

(d) (c) Reduce the administrative costs of the risk management program, or

(e) (d) are mandated by state or federal law and affect more than one department.

Capital projects are excluded unless specifically approved by the Board of County commissioners.

(8) County unemployment obligations and related administrative expenditures;

(9) Employee medical/dental health care claims and insurance claims, health promotion programs, and related administrative expenditures;

(10) Any other insurance or self-insurance related expenditures as deemed appropriate by the County Chair within standard budgetary procedures;

(11) Cost and expenses related to any legal action, matter or proceeding in any court or tribunal when authorized by the Chair, Board, Sheriff or Auditor.

(C) *Fund Reporting.* A report shall be provided annually to the County Chair and Board of County commissioners on the financial status of the insurance fund accounts.

(D) *Fund equity and cash balance.* The insurance fund (equity and cash) balance shall be maintained at a level to pay all claims, premiums, disbursements administration expenditures, reserves and incurred but not reported (IBNR) claims. Amounts shall not be transferred from the insurance fund unless a program defined by subsection (A) MCC 2.60.120(A) is discontinued without further financial obligation and/or it is determined by a qualified independent actuary that the fund level may be adjusted.

(1) In order to obtain an exemption from the security deposit requirement under Oregon Revised Statute 656.407, the worker's compensation reserves established by

the actuarial evaluation performed under MCC 2.60.120(F) are dedicated for payments of compensation and amounts due the director of the Department of Insurance and Finance of the State of Oregon. The director of the department of insurance shall have first lien and priority rights to the full amount of the worker's compensation funds required to pay the present discounted value of all present and future claims under ORS Chapter 656.

(E) An actuarial evaluation shall be performed by a qualified independent actuary on the worker's compensation, retiree insurance and liability sections of the insurance fund at least once every three years.

Section 3. MCC 2.60.130 is amended to read as follows:

2.60.130. Risk management function.

(A) The office of the chair Department of Support Services shall direct and manage all risk management and employee health and benefit insurance programs for Multnomah the County. Authority granted to the Department may be delegated to the Risk Management Section of the Finance Division. The Authority granted to the Department includes, but is not limited to, the following authority:

- (1) To purchase all insurance coverage required by law and contracts, or desirable for the effective and efficient operation of County government including, but not limited to: casualty insurance, property insurance, workers' compensation insurance, and other specialty forms of coverage;
- (2) To consolidate insurance coverage and combine with self-insurance as is in the best interest of the County;

(B) The Department of Support Services in consultation with County Counsel shall direct and manage all risk management and loss prevention programs for the County. The authority granted includes, but is not limited to, the following:

(3) (1) To acquire actuarial, claims management, investigative and appraisal services for insured and self-insured program administration;

(4) (2) To promulgate rules and procedures to govern the administration of the County's insurance and risk management activities;

(5) (3) To administer all loss prevention activities and claims arising from and out of the County's operations including, but not limited to, the County's general, auto and professional liability, auto, property, workers' compensation, employee health care life and disability benefits and unemployment claims exposures;

(6) (4) To coordinate the claims activity internally and/or with contracted claims service providers, legal counsel, department management and insurance companies;

(7) (5) To identify loss exposures and administer programs to control and minimize losses sustained on to County assets, and property, employees and the general public doing business with the County;

(8) (6) To develop and maintain an information system for timely and accurate recording of loss experience, insurance premiums, property values, insurance fund cash flow and reserving obligations and other identified risk related information;

(9) (7) To develop manuals and programs for training County personnel on loss control/safety programs and activities techniques;

(10) (8) To ascertain that contributions to the fund are adequate and appropriations and reserve balances are financially and actuarially sound.

(B) (C) The ~~planning and budget division and finance division~~ **Department of Support Services** shall ~~may~~ apportion to and collect from each County department, office, board, or commission its contribution ~~to a total sum~~ for loss reserves, **risk management and County Counsel** ~~administrative~~ expenses, insurance premiums and loss expenditures. The contribution shall be based, wherever appropriate, upon the relative exposure and loss experience of each department for each aspect of risk and will be maintained in the fund and subject to annual budgetary approval.

Section 4. MCC 2.60.140 is amended to read as follows:

2.60.140. Risk assessment and loss prevention.

Departments shall be responsible to conform to county, state and federal safety standards. ~~Each~~ Administrators, managers, and supervisors shall be responsible to conduct ~~their his/her~~ operations in a manner which will safeguard the County's assets from loss or damage and employees from employment-related illness and injury. **Each department in consultation with the Department of Support Services and County Counsel shall identify significant risks to the general public doing business with the County, County employees and County property. Where significant risks are identified, the Department of Support Services and County Counsel will recommend remedial action. Departments will be taken** take action to reduce these exposures **within available County resources.** Managers are responsible for reporting all losses or claims to the ~~risk management division~~ **Department of Support Services**, regardless of size of loss, in a timely manner as directed by County administrative procedures. **The Department of Support Services** ~~Risk management~~ is responsible for ensuring that mechanisms exist for reporting, record keeping and follow-up and that these are known throughout the County.

Section 5. MCC 2.60.050 is amended as follows:

2.60.050. Authority.

Authority for settlement of general liability claims and litigation against the County or its employees and to enter into disputed claim settlements in workers' compensation cases shall rest with the County Chair or his/her the Chair's designee, except that claims arising out of the sheriff's office shall be settled upon authority of the sheriff or the sheriff's designee.

Section 6. Effective Date.

This Ordinance shall become effective on July 1, 1998.

ADOPTED this ____ day of April, 1998, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON


Thomas Sponsler, County Counsel

H:/Data/Advisory/Ordinances/165 Risk Management/Loss Prevention

MEETING DATE: APR 02 1998
AGENDA NO: R-5
ESTIMATED START TIME: 9:55

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: PCRB EXEMPTION REQUEST FOR CM/GC FOR BRANCH LIBRARIES RENOVATION PROJECT

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

REGULAR MEETING: DATE REQUESTED: March 5, 1998
AMOUNT OF TIME NEEDED: 20 minutes

DEPARTMENT: DSS/DES DIVISION: Purchasing/Facilities Mgmt.

CONTACT: Franna Hathaway/Mike Harrington TELEPHONE #: 248-5111 X22651
BLDG/ROOM #: 421/1st

PERSON(S) MAKING PRESENTATION: Franna Hathaway/Mike Harrington

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

REQUEST FOR EXEMPTION TO USE THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR PROCESS FOR THE BRANCH LIBRARIES RENOVATION PROJECT

4/2/98 copies to FRANNA HATHAWAY & MIKE HARRINGTON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: Dave Boyer


BOARD OF
COUNTY COMMISSIONERS
98 FEB 18 11:11 AM
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM:  Franna Hathaway, Purchasing Manager

TODAY'S DATE: February 17, 1998

REQUESTED PLACEMENT DATE: March 5, 1998

RE: Request for Exemption from the formal Competitive bid process to Purchase Construction Manager/General Contractor services for the Branch Libraries 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 purchase Construction Manager/General Contractor (CM/GC) services for the Branch Libraries Renovation Project. They will acquire these services through the Request for Proposal (RFP) process.

II. Background/Analysis:

On May 21, 1996 Multnomah County voters approved \$29 million in General Obligation Bonds to modify, reconstruct, construct or make improvements to several branch library facilities. This also provides for computer equipment and technology infrastructure for the Library system. In the bond transcripts the County stated that it would proceed to the best of it's ability to complete the projects within three years.

There will be work performed at thirteen sites. Of these, three will be replacement buildings that are not included in this request. These three will be competitively bid. The remaining ten are renovations or renovations with additions. Individual projects vary in complexity and cost.

It is important that the design and construction of this work be scheduled and organized in a manner that is manageable by County personnel and with the least negative impact on library patrons.

III. Financial Impact:

The preliminary estimate for all the renovation work is approximately \$7.8 million out of a total budget of \$13.9 million. These figures include direct construction costs only. The total project cost is \$24.1 million, which include all soft costs such as architectural and engineering fees, permit costs, administration costs, furnishings, etc.

IV. Legal Issues:

Oregon Revised Statute 279.015, allows for the use of the CM/GC contracting process authorized by the local contract review board in cases where it will not diminish competition or promote favoritism and will provide for cost savings.

V. Controversial Issues:

N/A

VI. Link to Current County Policies:

Public Contract Review Board Rule 10.086 states that County agencies may request an exemption from the Public Contract Review Board to use the Request for Proposal process for the selection of a CM/GC and states the process to be followed in that selection process.

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

N/A

FINDINGS

Oregon Revised Statute 279.015 allows public contracting agencies an exemption from state competitive bidding requirements upon approval of certain finding as indicated in the statute.

The requirements for justifying an exemption are stated below with their corresponding findings:

279.15 (2)(a) "It is unlikely that such exemption will encourage favoritism in the awarding of public contracts or substantially diminish competition for public contracts;"

In using the CM/GC approach, the County will assure that:

1. The CM/GC will be selected through the County's RFP process to encourage competitiveness and fairness.
2. The selection of the CM/GC will be a public process, using quality, schedule, County objectives of using M/W/ESB, and price as criteria.
3. Competition will not be impaired in that 90% of this project, through sub-contractors, would be competitively bid.

279.15 (2)(b) "The awarding of public contracts pursuant to the exemption will result in substantial cost saving to the public contracting agency."

In using the CM/GC approach, the County expects to save costs due to these factors:

1. The County will be able to assign one, rather than multiple project managers to administer the construction projects.
2. Administrative time, for the design team, the library, and other county agencies, will be reduced due to ability to consolidate meeting and project issues. This will also reduce travel time.
3. Coordination of move-out, temporary collection storage, and move-in periods will be simpler.
4. It will allow more flexibility in scheduling individual branch start-up dates or even changing the sequence of construction to accommodate unforeseen conditions.
5. CM/GC will be a participant during the design and documentation phases, and will be able to assist the architect in finding the most economical design solutions.
6. CM/GC will be familiar with the various sites before bidding occurs and will be able to assist subcontract bidders in their knowledge of the project, thereby removing some of the "risk" factor inevitably reflected in renovation work.

7. With the CM/GC on board the County can make purchasing of some items early on and avoid the negative impact of inflation.
8. Establishes a maximum price early. The CM/GC should obtain a complete understanding of the County's needs, the architect's design intent, the peculiarities of the multiple building sites and the scope of the total project. This should help insure that the branch projects phased in at the end will be sufficiently funded.

In addition to the above findings there are other factors to take into consideration for using the CM/GC approach. The project needs to be phased in order to have the least impact on library services. The goal is to have some branches under construction while adjacent branches remain open. Using the CM/GC method in this instance will assign a single source of responsibility and accountability for complex sequencing, phasing and staging issues.

Incorporating the computer/ technology part of the bond funds into the project will be a logistical challenge. It will affect millwork, furnishings, electrical and mechanical. Using the CM/GC method will allow flexibility in design changes with input from the contractor.

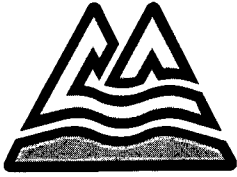
Each branch under construction will have public meetings to address community concerns and solicit general input from the community. This may change some design issues. Having the CM/GC on board during this process will allow for maximum flexibility during design with the contractors input.

CONCLUSIONS

Because of the complexity and scale of the construction, the phasing in order to keep library service disruption to a minimal level and the incorporating of the computer equipment/technology infrastructure into the project, there are a number of reasons to use the CM/GC contracting process.

Based on this project's background, the findings of fact, and conclusions we request an exemption so that Facilities and Property Management can purchase, construction manager/ general contractor, (CM/GC) services for the Libraries Branch Renovation Project.

cc: Larry Nicholas
F. Wayne George
Jim Emerson
Ginnie Cooper
June Mikkelsen
Dave Boyer
Jan Thompson



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF FACILITIES AND
PROPERTY MANAGEMENT
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

MEMORANDUM

TO: Franna Hathaway, Purchasing Director

FROM: Michael T. Harrington, Senior Project Manager

DATE: January 20, 1998

**RE: RECOMMENDATION TO USE A CONSTRUCTION MANAGER / GENERAL
CONTRACTOR (CM/GC) FOR THE BRANCH LIBRARIES RENOVATION PROJECT**

BACKGROUND

On May 21, 1996 Multnomah County voters approved \$29,000,000.00 in General Obligation Bonds to modify, reconstruct, construct or make improvements to several branch library facilities. Also, provide for computer equipment and technology infrastructure for the Library system. The County's Finance Director certified in the bond transcripts that the County would proceed to the best of our ability to complete the projects within three years.

The Multnomah County Libraries project will make major improvements throughout the system of branches. It includes work at a total of thirteen sites. Of these, three will be replacement buildings. The remaining ten are renovations or renovations with additions. Individual projects vary in complexity and cost. The project will include infrastructure upgrades to major historic renovations with seismic upgrading and, in some cases, major additions

It is important that the design and construction of this work be scheduled and organized in a manner that is manageable by County personnel and with the least negative impact on library patrons. The goals must be met while satisfying a complex set of criteria. Thomas Hacker & Associates the architectural team selected by the County to design this project has recommended that we use the CM/GC bidding process for the renovation part of the work. The new construction would use the conventional competitive bidding approach.

The preliminary estimate for all the renovation work is approximately \$7.8 million out of a total budget of \$13.9 million. These figures include direct construction costs only. The total project cost is \$24.1 million, which include all soft costs such as architectural and engineering fees, permit costs, administration costs, furnishings, etc.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of exempting from the formal)
competitive bid process a contract for a) APPLICATION
Construction Manager/General Contractor)
for the Branch Libraries Renovation project)

Application to the Public Contract Review Board on behalf of a request from the Department of Environmental Services, Facility and Property Management Division, is hereby made pursuant to the Board's Administrative Rules 10.086 and 10.140 adopted under the provisions of ORS279.015 for an order exempting a contract for a Construction Manager/General Contractor (CM/GC) for the Branch Libraries Renovation Project from the formal competitive bid process.

The RFP selection process used for the award of the CM/GC contract will be an open and competitive process which will not encourage favoritism or substantially diminish competition. The selection of sub-contractors by the CM/GC will be through the competitive bid process.

By contracting with a CM/GC the County expects to reduce costs due to administrative savings in having only one project manager, the ability to consolidate meetings and reduced travel time. There will also be savings through coordination of move-out and temporary collection storage at the various branches. Additional cost saving can be expected through flexibility in scheduling or changing sequencing of construction to accommodate unforeseen conditions.

The CM/GC will participate during the design and documentation phases and will assist the architect in finding the most economical design solutions. Also using the CM/GC method will assign a single source of responsibility and accountability for complex sequencing, phasing and staging issues.

Purchasing recommends approval of this exemption from competitive bidding to be replaced by the competitive RFP process for contracting for CM/GC services for the Branch Libraries Renovation Project.

Dated this 18 day of March, 1998


Franna Hathaway, Manager
Purchasing Section

Attachments

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of exempting from the formal)
competitive bid process a contract for a)
Construction Manager/General Contractor)
for the Branch Libraries Renovation project)

O R D E R
98-27

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 PCRB Rule 10.086 and 10.140, a request from the Department of Environmental Services, Facilities and Property Management Division, a request for exemption from the formal competitive bid process for contracting with a Construction Manager/General Contractor (CM/GC) for the Branch Libraries Renovation Project.

It appearing to the board that the request for exemption, as it appears in the application, the staff report from Franna Hathaway and the memorandum from Michael Harrington, is based upon the complexity and scale of the construction, the phasing in order to keep library service disruption to a minimal level and the incorporating of the computer equipment/technology infrastructure into the project and that this project can best be accomplished by the use of the request for proposal process in place of the formal competitive bid process to contract for a CM/GC.

It appears to the Board that this exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Administrative Rules 10.086, 10.140 and 20.060; therefore,

IT IS ORDERED that the contract for a CM/GC for the Branch Libraries Renovation Project be exempted from the requirements of public bidding.

Dated the 2nd day of April, 1998.



REVIEWED:

THOMAS SPONSLE, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By John Thomas
John Thomas, Assistant County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD:

By Beverly Stein
Beverly Stein, Chair

MEETING DATE: APR 02 1998
AGENDA NO: R-6
ESTIMATED START TIME: 10:05

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution to Authorize Expenditure for Snowfall Removal

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

REGULAR MEETING: DATE REQUESTED: March 12, 1998
AMOUNT OF TIME NEEDED: 5 Minutes

DEPARTMENT: Environmental Services DIVISION: Transp. & Land Use Planning

CONTACT: John Dorst TELEPHONE #: 248-3588
BLDG/ROOM #: 425/Yeon

PERSON(S) MAKING PRESENTATION: John Dorst

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

Approval of a Resolution to Authorize the Expenditure of County Monies on Dodson-Warrendale Local Access Roads Affected by Heavy Snowfall.

4/2/98 copies to John Dorst

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT
MANAGER: _____

[Signature]

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

CLERK OF
COUNTY COMMISSIONERS
98 MAR - 3 AM 9:50
MULTNOMAH COUNTY
OREGON




MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION AND LAND USE PLANNING DIVISION
1620 SE 190TH AVENUE
PORTLAND, OREGON 97233
(503) 248-5050

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:  Larry F. Nicholas, P.E., Director, Dept. Environmental Services
John Dorst, Engineering Administrator

TODAY'S DATE: February 24, 1998

REQUESTED PLACEMENT DATE: March 12, 1998

RE: Approval of a Resolution to Authorize the Expenditure of County Monies on
Dodson-Warrendale Local Access Roads Affected by Heavy Snowfall

I. Recommendation/Action Requested:

Approval of the above referenced Resolution for the expenditure of County monies on
Dodson-Warrendale Local Access Roads affected by snowfall.

II. Background/Analysis:

On January 11, 1998, the Portland Metro area experienced record amounts of snowfall.
This caused Local Access Roads in Dodson-Warrendale area to have little or not
accessibility to emergency vehicles. The snow removal required immediate action with
the Board's approval to follow. Past instances where jeopardy to the public is involved
has shown this to be the prudent way to act.

III. Financial Impact:

The estimated cost of the snow removal is \$1,500.00. This includes both direct and
indirect costs.

IV. Legal Issues:

The Transportation Division is required under ORS 368.031(2) to get Board approval for the expenditure of road funds on local access roads.

V. CONTROVERSIAL ISSUES:

No. The only issue is that the approval comes after the action.

VI. Link to Current County Policies:

The County is committed to emergency accessibility and public safety.

VII. Citizen Participation:

The snow removal was initiated by requests from citizens.

VIII. Other Government Participation:

N/A

BEFORE THE BOARD OF COUNTY COMMISSINERS

FOR MULTNOMAH, OREGON

Authorizing the Expenditure of County) RESOLUTION
Monies on Local Access Roads Affected) 98-28
By Snow)

The Board of County Commissioners finds:

- a. Local access roads in unincorporated Multnomah County were blocked by snow, preventing ingress and egress by residents as well as emergency services to those residents.
- b. The snow removal on these local access roads was an emergency situation.
- c. The expenditure of county monies for this work was in the public interest and justified by emergency.

The Multnomah County Board of Commissioners resolves:

1. That pursuant to the authority granted in ORS 368.03(2), the Multnomah County Department of Environmental Services is authorized to expend County monies on local access roads affected by the flooding and landslides in this declared emergency.
2. That the Multnomah County Department of Environmental Services shall keep an accounting of the actual costs associated with the work on these local access roads.

Dated this 2nd day of April, 1998.



REVIEWED

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
John Thomas, Assistant County Counsel

Meeting Date: APR 02 1998
Agenda No: R-7
Est. Start Time: 10:10

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: A Resolution establishing new fee deposits for the Type B Home Occupations.

BOARD BRIEFING Date Requested:
Amt. of Time Needed:
Requested By:

REGULAR MEETING Date Requested: April 2, 1998
Amt. of Time Needed: 15 Min.

DEPARTMENT: DES
CONTACT: Susan Muir

DIVISION: Transportation & Land Use Planning
TELEPHONE: 248-3043
BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Susan Muir / Kathy Busse

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

A Resolution establishing new fee deposits for the Type B Home Occupations.

*4/2/98 copies to Susan Muir, Stuart
Farmer & Sandra Ruffin*

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: _____

KB Larry F. Nicholas / mo

98 MAR 18 AM 10:24
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

To: Board of County Commissioners

From: Planning Staff

Today's Date: March 2, 1998

**Requested
Placement Date:** April 2, 1998

Subject: Resolution establishing new fee deposits for the Type B Home Occupations.

I. Recommendation / Action Requested:

Recommend passing a resolution that establishes two new fee deposits for the Type B Home Occupations (Pre-Application and Conditional Use Review). The Board heard testimony when they were adopting the revisions to the Code regarding home occupations that the fees were too high compared to surrounding jurisdictions.

II. Background / Analysis:

On February 5 and 12, 1998, the Board heard testimony against the new home occupation provisions, in particular the fees associated with them. Although the Board adopted the new zoning code provisions, they requested additional work on the fee schedule. The existing fee deposit for a pre-application conference (required prior to filing a conditional use application) is \$270.00. In addition to that fee, the Conditional Use Permit application deposit is currently \$1550.00. The Board heard testimony from an individual that this was too much for a deposit. The Board then directed staff to research other jurisdictions in the area and report back with the information outlining other jurisdiction's fees. The staff found that Multnomah County's Conditional Use fees were more than what Clackamas and Washington Counties were requiring for home occupation permits and reported that to the Board at the second reading of the Home Occupation Ordinance. The Board directed staff to come back with a recommendation on establishing a reasonable fee compared to surrounding jurisdictions with the understanding that most applicants will be in the financial situation of starting up a new business at the same time this application is being made. The recommendation is to keep the fees on a cost recovery or deposit system, where the County will recover the full cost of processing the application but to lower the initial fee required up front with the understanding that the individuals doing home occupations are incurring other outside costs at the time of start up for a small business. The staff is recommending a 50% reduction in the deposits for both of the steps necessary for a Conditional Use, those being the pre-application conference and the actual Conditional Use application.

The table below illustrates similar type applications and their fees for Clackamas and Washington Counties.

Multnomah County Existing	Washington County	Clackamas County	Proposed Multnomah County
Pre-App \$285	Initial Fee \$883	Flat fee \$172.00/year	Pre-App \$142.50
CU \$1,550	Yearly Fee \$257		CU \$775
Total Cost			
\$1835	\$883 + \$257/yr	\$172/yr	\$917.50 one time deposit

III. Financial Impact

The fiscal impact to the County will be minimal while still achieving the goal of reducing the up-front costs to the applicant. Multnomah County Land Use Planning has been operating on a "cost-recovery" basis since December 1997 which allows us to track the time required to process applications and either refund the unused portion from the deposit, or bill additionally for complicated cases. This proposal does not alter the ability for us to recover costs for each application, but reduces the up front deposit required for home occupations specifically.

IV. Legal Issues

No legal issues have been identified. It should be clear however, that the Board's intent in examining the Home Occupation fees was not to start looking at all fees for possible reductions in deposits, but rather to make a special consideration for this one particular type of application where small businesses are starting up and will have many costs associated with that process.

V. Controversial Issues

One main issue will be whether or not reducing the fee by 50% is adequate. Staff recommends this amount because there is no proposal for yearly fees, inspection fees or any other type of payment method. Changing to a payment system or yearly renewal fee would increase costs internally in terms of changing procedures for billing as well as tracking such permits. Enforcement would become an issue because if renewal fees were not paid, an inspection would be required and enforcement actions taken to either get a renewal or removal of the business. Land Use Planning currently has no structure, procedures or tracking for any other type of fee system other than a one time fee deposit. Since there will be no later costs to an applicant, reducing the fee by half is reasonable considering that if the project is small scale, not controversial and is a completed application, it will take less time (and cost less) to process. However if an application contains inadequate information based on code criteria, is larger scale and controversial, the fee for processing would be greater.

VI. Link to Current County Policies

This resolution will be the fee tool for implementing the revised home occupation ordinance. It is based on the fee format of cost recovery for applications which is the same as the existing fee program for all land use applications. This fee is being brought before you in resolution format

VII. Citizen Participation

This revision was generated by public testimony received at the Board hearings dealing with Home Occupations. Testimony from an individual stated that "\$500-\$600 seems reasonable".

VIII. Other Government Participation

Outside of using other jurisdictions for case studies, as far as the fee issue with home occupations goes there has been no other governmental participation.

BOGSTAD Deborah L

From: TRACHTENBERG Robert J
Sent: Tuesday, March 31, 1998 8:32 AM
To: BAX Carolyn M; FORD Carol M; BOGSTAD Deborah L
Cc: 'sharron@home'
Subject: R-7 on April 2

From: MUIR Susan L
Sent: Tuesday, March 31, 1998 8:24 AM
To: DELMAN Mike H; TRACHTENBERG Robert J; CAMPBELL Edward A
Cc: BUSSE Kathy A
Subject: R-7 on April 2

I just wanted to make sure I was available if anyone had any questions about the home occupation fee item that's on this week's agenda. In short, we are suggesting the fee deposits be reduced by 50% and we are still operating on a cost recovery basis (which means the cost could be more or less based on the amount of time spent on the project by staff). I anticipate the Commissioners will hear testimony from at least one person suggesting the fee is still too high. If you have any questions about this, please feel free to contact me. I will be out of the office in the field this morning but will make myself available anytime after that.

Susan Muir
X22599

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

Adopting a New Fee Deposit for the) RESOLUTION
Purpose of Processing Type B Home) 98-29
Occupation Permits)

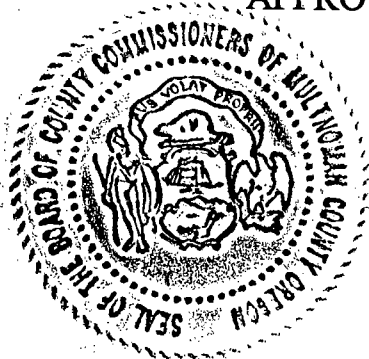
THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS FINDS:

- a. On February 5 and February 12, 1998, the Board of County Commissioners heard testimony regarding the current fees for conditional use permits while considering adoption of an amendment to the home occupation provisions in the Multnomah County Zoning Ordinance.
- b. The Board of County Commissioners reviewed the fees of Washington and Clackamas Counties with regards to home occupation permits and found them to be significantly less than those currently in place in Multnomah County.
- c. The Board of County Commissioners has indicated a desire for reasonable fees for individuals starting up small scale businesses in the unincorporated areas of Multnomah County.
- d. Multnomah County is currently operating under a fee recovery program for processing all land use applications.
- e. The existing fee deposit for a pre-application conference for a Conditional Use is \$285.00 and the fee deposit for a Conditional Use Permit is \$1,550.00.
- f. Requiring a fee deposit, which is 50% of the present fee deposits, will be very helpful to individuals starting up a small scale business in the unincorporated areas of Multnomah County.
- g. The proposed fees will still be on a cost recovery method.

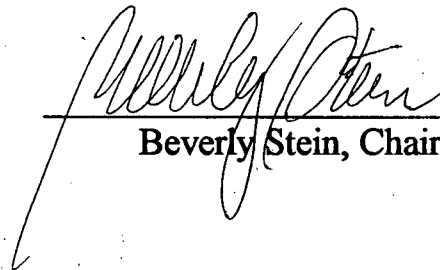
THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS
RESOLVES:

1. The Multnomah County Board of Commissioners hereby adopts the new fee deposits for a Home Occupation pre-application conference to be \$142.50 and the new fee deposit for a Home Occupation Conditional Use to be \$775.00.

APPROVED this 2nd day of April, 1998.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Sandra N. Duffy, Chief Assistant County Counsel

MEETING DATE: APR 02 1998

AGENDA NO: R-8

ESTIMATED START TIME: 10:15

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Intergovt. Agreement with ODOT re: Immediate Opportunity Fund Project

BOARD BRIEFING **Date Requested:** _____

Requested by: _____

Amount of Time Needed: _____

REGULAR MEETING: **Date Requested:** March 12, 1998

Amount of Time Needed: 5 Minutes

DEPARTMENT: Environmental Services **DIVISION:** Transp. & Land Use Plan

CONTACT: Ed Abrahamson **TELEPHONE #:** 306-5500

BLDG/ROOM #: #425/Yeon

PERSON(S) MAKING PRESENTATION: Ed Abrahamson

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Approval of an Intergovernmental Agreement with ODOT for Immediate Opportunity Fund Project – Improvement of Glisan Street & the 242nd Avenue Intersection in Gresham (DuPont Photomasks, Inc./LSI Logic).
4/2/98 ORIGINALS to CATHERY KRAMER

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

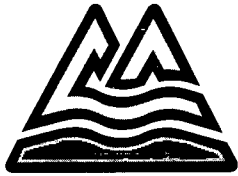
OR

DEPARTMENT MANAGER: Michael Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
98 MAR -5 PM 4:46



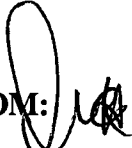

MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION AND LAND USE PLANNING DIVISION
1620 SE 190TH AVENUE
PORTLAND, OREGON 97233
(503) 248-5050

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:  Larry Nicholas, P.E., DES Director
Ed Abrahamson, Transportation Planning Specialist 

TODAY'S DATE: February 26, 1998

REQUESTED PLACEMENT DATE: March 12, 1998

RE: ODOT Immediate Opportunity Fund Intergovernmental Agreement

I. Recommendation/Action Requested:

Board approval of the Intergovernmental Agreement with the Oregon Department of Transportation is requested.

II. Background/Analysis:

LSI Logic Corp. (LSI) and DuPont Photomasks, Inc. (DPI) approached Multnomah County seeking cooperation in constructing Glisan St., from LSI's entrance to 242nd Ave. to major arterial standards. Presently, this segment of roadway is two lanes and lacks urban amenities such as storm drain, curbs, sidewalks and bicycle facilities. The county's standard for a major arterial is a five lane cross section with two travel lanes in either direction, center turn lane, curbs, sidewalks, drainage, street lighting and bicycle facilities.

DPI's commitment to locate at the southwest corner of 242nd Ave. and Glisan St., on LSI's Campus is contingent upon the ability to complete reconstruction of Glisan St. to the County's major arterial standards by September 1998

Due to fiscal and manpower restraints, Multnomah County is unable to meet DPI's tight timeframe for reconstruction of Glisan St. The earliest that the County could be able to reconstruct Glisan St. is 2000-01 without assistance. Because LSI's Campus is DPI's first choice, both LSI and DPI are willing to contribute to the cost of reconstructing Glisan St.

This notwithstanding, Multnomah County is unable to finance the remainder of the project without assistance from Oregon's Departments of Transportation and Economic Development through the Immediate Opportunity Fund (IOF).

III. Financial Impact:

Estimated total cost of reconstruction of Glisan St. is \$1,744,822. DPI has committed to contributing \$420,000 and LSI will contribute \$282,773, for a total of \$702,773. The IGA secures \$500,000 from ODOT's Immediate Opportunity Fund to assist in construction costs. Multnomah County is committed to finance the remaining \$542,000 to complete the project.

IV. Legal Issues:

There are no known legal issues associated with this agreement.

V. Controversial Issues:

There are no known controversial issues associated with this agreement.

VI. Link to Current County Policies:

The construction relates to the following Transportation System Policies:

Policy 33a: Transportation System

The County's policy is to implement a balanced, safe and efficient transportation system.

Policy 34: Trafficways

Developing additional transportation facilities to meet community and regional transportation needs where capacity of the existing system has been maximized through transportation system management and demand management measures.

VII. Citizen Participation:

The project developer (LSI and DPI) has already been meeting with the neighbors and has received positive feedback. Prior to construction there will be a public meeting to discuss the project and its impacts, both construction and long-term.

VIII. Other Government Participation:

ODOT will be providing \$500,000 in Immediate Opportunity Funds to complete construction of the roadway. Both the cities of Wood Village and Gresham have been active participants in assisting with project development.

BOGSTAD Deborah L

From: ABRAHAMSON Ed
Sent: Wednesday, April 01, 1998 3:06 PM
To: STEIN Beverly E; KELLEY Sharron E; HANSEN Gary D; BOGSTAD Deborah L
Cc: FORD Carol M; RAKOWITZ John A; DELMAN Mike H; TRACHTENBERG Robert J
Subject: BCC Agenda Item R-8
Importance: High

In an effort to keep discussion at the Board meeting to a minimum, I spoke with Deb Bogstad about providing some information regarding the County's share of the Glisan Street improvements with LSI, DuPont and the State of Oregon.

The financing scenario for this project is a public/private partnership. LSI and DuPont have agreed to contribute approximately \$703,000 towards the construction of improvements. The IGA before the Board with the State from ODOT's Immediate Opportunity Fund is for a grant of (up to) \$500,000 to match road construction costs. Not all of Dupont's and LSI's contribution is for road work and is for utilities, this portion is not eligible as match to the ODOT grant.

In an effort to save costs, construction is being handled as a project agreement, instead of the County contracting for the work. LSI and DuPont will be responsible for constructing the roadway to County standards. Presumably their ability to solicit construction bids should produce considerable savings over what the County could contract for. Upon completion of the roadway to our standards, the road would be transferred to the County. This procedure is how we commonly have developers undertake half-street improvements.

Should the road cost exceed the amount of the LSI/DuPont and ODOT contribution, the County would need to contribute to the project cost. It is estimated that this amount could be as high as \$300,000. Although we do not have the cash in hand to cover the cost, we would defer other construction projects (i.e. Halsey St./Hist. Columbia River Hwy intersection) and personnel hiring (two positions) and use those funds to complete the project.

Another option would be for the County to take over project management from the developers engineer. Finally, if the bids were to come too high, it could be rebid or we could reduce the scope of the project.

I hope this responds to any questions you may have. Please feel free to contact me if you should have any additional questions or concerns.

ed a

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

Renewal ☐

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

Contract #: 301038

Amendment #:

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only) <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue	<input type="checkbox"/> Professional Services that exceed \$50,000 (RFP, Exemption) <input type="checkbox"/> PCR Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceed \$50,000 <div style="text-align: center;"> APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>R-8</u> DATE <u>4/2/98</u> <u>DEB BOGSTAD</u> BOARD CLERK <input type="checkbox"/> Revenue </div>

Department: Environmental Services

Division: Transp. & Land Use Planning

Date: 2/26/98

Originator: Ed Abrahamson

Phone: x65500

Bldg/Rm: 425/Trans

Contact: Cathey Kramer

Phone: 248-5050 x22589

Bldg/Rm: 425/Trans

Description of Contract : Approval of an Intergovernmental Agreement with ODOT to transfer \$500,000 in Immediate Opportunity Funds to help construct N.E. Glisan Street between LSI and 242nd Avenue.

RFF/BID:	RFP/BID DATE:	EXEMPTION NUMBER/DATE:
ORIGINAL CONTRACT NO:	(only for original renewals)	EXEMPTION EXPIRATION DATE:
ORS/AR #	Contractor is: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NONE	Check all boxes that apply

Contractor Name: Oregon Dept. of Transportation Mailing Address: 123 NW Flanders Portland, OR 97209-4037 Phone: 731-8259/Tamra Clark Employer ID# or SS#: _____ Effective Date: Upon Execution Termination Date: Upon Completion Original Contract Amount \$ _____ Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ 500,000.00	Remittance address (If different) _____ Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
---	---

REQUIRED SIGNATURES

Department Manager [Signature]

DATE 3/2/98

Purchasing Manager [Signature]

DATE _____

(Class II Contracts Only)
County Counsel [Signature]

DATE 3/5/98

County Chair [Signature]

DATE April 2, 1998

Sheriff _____

DATE _____

Contract Administration _____

DATE _____

(Class I, Class II Contracts only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT \$			
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJECT/ REVENUE	SUB OBJ	RECPT CAT	LGFS DESCRIP	AMOUNT	INC DEC
01	150	030	6138			2353					
02											
03											

DISTRIBUTION: Original - Contract Administration, Initiator, Accounts Payable If additional space is needed, attach separate page. Write contract # on top of page.

Date: March 3, 1998

Misc. Contracts and Agreement
No. 15,989

IMMEDIATE OPPORTUNITY FUND PROJECT
DuPont Photomasks, Inc., Gresham

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 the MULTNOMAH COUNTY, a municipal corporation of the State of Oregon, acting by and through its elected officials, hereinafter referred to as "Agency".

WITNESSETH

RECITALS

1. By the authority granted in ORS 366.770, and 366.775, ODOT may enter into cooperative agreements with cities and counties for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions agreeable to the contracting parties.
2. The Oregon Transportation Commission at its July 15, 1988, meeting approved establishing an Immediate Opportunity Fund (IOF) and at its January 18, 1996, meeting approved continuation of the fund. The purpose of the Immediate Opportunity Fund is to support specific economic developments that affirm job retention and job creation opportunities in Oregon through the construction or improvement of roads. Funding is reserved for cases where there is an actual transportation problem to be solved, and where a location decision of such development hinges on an immediate commitment of road construction resources.

NOW, THEREFORE, the premises being in general as stated in the foregoing RECITALS, it is agreed by and between ODOT and Agency as follows:

TERMS OF AGREEMENT

1. Agency proposes to make roadway improvements in the vicinity of the future development of DuPont Photomasks, Inc. to be located at the LSI Logic Corporation Campus in Gresham. This project meets the Immediate Opportunity Fund criteria. The improvements will consist of improving Glisan Street and the 242nd Avenue intersection in Gresham by widening the roadway to five lanes with storm drains, curbs, sidewalks and bicycle facilities. These improvements, hereinafter referred to as "project", are necessary to bring the existing roadway up to arterial standards. Because of the extreme vibration sensitivity of their development process the project must be completed prior to plant operation. The location of project is approximately as shown on the attached map, marked Exhibit A, and by this reference made a part hereof.

2. The Economic Development Department recommends use of Immediate Opportunity Funds for this project. ODOT agrees to provide Immediate Opportunity Funds up to an amount not to exceed \$500,000 to help finance the road construction portion of this project. The remaining project funding will be provided by Agency and/or others.
3. For the purpose of this agreement, Agency will be acting on behalf of other agencies. Agency agrees to enter into separate agreements with LSI Logic Corp. and DuPont Photomasks, Inc.
4. This agreement is effective upon execution of agreement by all parties and shall terminate upon completion of the project and receipt of documentation of filled and created positions outlined under agency obligations.

ODOT OBLIGATIONS

1. ODOT shall at its own expense, assign a liaison person to monitor work performed. ODOT shall review all environmental documents, project plans, specifications, and cost estimates prepared by Agency or its consultants within 20 working days of submittal by Agency and before solicitation of construction bids.
2. Once construction is underway, ODOT shall as soon as practically possible and within 30 days following receipt of approved monthly, itemized invoices, reimburse Agency for 50% of the eligible project construction costs incurred until the total of \$500,000 of approved Immediate Opportunity Funds has been paid to Agency or until project is completed, whichever occurs first.

AGENCY OBLIGATIONS

1. Agency shall, conduct the necessary preliminary engineering and design work required to produce final plans, specifications and cost estimates; obtain all required permits; arrange for all utility relocations or reconstructions; perform all construction engineering, including all required materials testing and quality documentation; prepare all bid documents; provide project management services, and other necessary functions for sole administration of the contract.
2. Agency shall solicit, award all contracts and pay all contractor costs. Agency shall award a contract for construction of project within two years of the date this agreement is executed, unless an extension is granted by ODOT. Construction must be completed within five years of the agreement date.
3. Agency insures that ODOT's contribution of 50 percent of the actual road construction costs (not to exceed \$500,000) will be applied to construction only. Agency (and LSI Logic Corporation through separate agreement) shall be responsible for funding the remaining project costs.

4. Agency shall submit to the assigned ODOT Liaison Person all environmental documents, project plans, specifications and cost estimates prior to solicitation for construction bids. Agency agrees that ODOT road standards shall be used for that portion within ODOT right-of-way.
5. Agency shall keep accurate cost accounting records. Agency shall prepare and submit monthly, itemized, progress billings for construction directly to ODOT's Region Liaison Person for review and approval. Such billings shall be in a form acceptable to ODOT and documented in such manner as to be easily verified.
6. Agency shall at its own expense, maintain and operate the project upon completion at a minimum level that is consistent with normal depreciation and/or service demand. Maintenance responsibilities shall survive termination of this agreement.
7. Job Growth Assessment

Because the purpose of the Immediate Opportunity Fund is to promote job growth, ODOT wishes to assess its investment.

Therefore, within 24 calendar months after the new facility begins operation, Agency shall provide documentation from DuPont Photomasks, Inc. that 56 new positions have been created and filled by the construction of DuPont Photomasks, Inc. If such documentation cannot be provided within the above stated time limit, Agency shall reimburse ODOT all Immediate Opportunity Funds distributed to Agency within three (3) months of the date such documentation was requested.

The targeted number of new filled positions will be the number as listed in the Oregon Economic Development Department proposal letter to the ODOT Director. "New filled positions" shall mean new positions created and filled.

The verification documentation shall be a letter on company letterhead signed by an official of DuPont Photomasks, Inc., duly authorized to represent DuPont Photomasks, Inc., certifying the number of newly filled positions.

If the documentation shows a deficiency in the number of filled positions, Agency shall reimburse ODOT on a pro-rated basis. The formula for the pro-rated amount of IOF funds paid to Agency will be an amount equal to the number of actual filled positions divided by the number of projected filled positions multiplied by total IOF funds available subject to ODOT Obligations #2 above. Reimbursement will be the amount actually distributed less the pro-rated amount. Said reimbursement shall include interest at the prime rate accrued from the time of execution of this agreement.

8. Agency agrees that should any environmental or land-use issues arise at any time during the development or construction of the project, ODOT may at its discretion and when exercised in good faith, suspend payments until it is satisfied that the issue has been resolved. However, Agency may use its own funds to continue the project and shall be reimbursed by ODOT as provided for in this agreement once ODOT is satisfied that the issue has been resolved.
9. Agency shall lay out and paint the permanent lane lines and erect the required permanent directional and traffic control signing for the project upon completion of construction.
10. Agency agrees to comply with the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, if right-of-way acquisition is necessary.
11. Agency shall, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, indemnify, defend same, and hold harmless the State of Oregon, Oregon Transportation Commission and its members, Oregon Department of Transportation and its officers and employees, from all claims, suits or actions of any nature arising out of activities of Agency, its consultant, its contractor, its officers, subcontractors, agents, or employees under this agreement.
12. Agency shall require contractor to obtain and keep in effect during the term of the construction contract, Comprehensive or Commercial General liability Insurance covering bodily injury and property damage. This insurance shall include personal injury coverage, contractual liability coverage for the indemnity provided under the agreement, and products/completed operations liability. Combined single limit per occurrence shall not be less than \$1,000,000, when applicable.

The liability coverages required for performance of this agreement shall include the State of Oregon, Transportation Commission and its members, the Department of Transportation, and its officers and employees, as additional insureds.

Before start of construction, Agency shall furnish to ODOT a Certificate of Insurance for the limits set out above, which is to be in force and applicable to the project.

The insurance coverage shall not be amended, altered, modified, or canceled insofar as the coverage contemplated herein is concerned without at least 30 days prior written notice.

13. Agency shall enter into and execute this agreement during a regular, duly authorized session of its Agency meeting.

GENERAL PROVISIONS

1. In no event shall ODOT's portion of the project costs exceed the maximum amount specified above in paragraph 2, Terms of Agreement.
2. Agency, its subcontractors, if any, and all employers working under this agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide Workers' Compensation coverage for all their subject workers.
3. Termination
 - a. Parties Right to Terminate for Convenience. This agreement may be terminated at any time by mutual written consent of the parties.
 - b. ODOT's Right to Terminate for Convenience. ODOT may, at its sole discretion, terminate this agreement, in whole or in part, upon 30 days written notice to Agency.
 - c. ODOT's Right to Terminate for Cause. ODOT may terminate, in whole or in part, immediately upon notice to Agency, or at such later date as ODOT may establish in such notice, upon the occurrence of any of the following events:
 - i) ODOT fails to receive funding, appropriations, limitations or any other expenditure authority at levels sufficient to pay for the work provided in the agreement;
 - ii) Federal or state laws, regulations or guidelines are modified or interpreted in such way that either the work under this agreement is prohibited or ODOT is prohibited from paying for such work from the planned funding source;
 - iii) Agency fails to provide its share of the cost of the project.
 - d) Any termination of this agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.
4. Agency acknowledges and agrees that ODOT and the Oregon Secretary of State's Office and the federal government and their duly authorized representative shall have access to such fiscal records and other books, documents, papers, plans and writings of Agency that are pertinent to this agreement to perform examinations and audits and make excerpts and transcripts. Agency shall retain all files and records for a period of three years after completion of the project.

5. Agency shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the work under this agreement, including, without limitation, the provisions of ORS 279.312, 279.314, 279.320, and 279.555, which hereby are incorporated by reference. Without limiting the generality of the forgoing, Agency expressly agrees to comply with: (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the American with Disabilities Act of 1990 and ORS 659.425; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

This agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this agreement. No waiver, consent, modification or change of terms of this agreement shall bind either party unless in writings and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provisions of this agreement shall not constitute a waiver by ODOT of that or any other provision.

[Rest of Page Blank]

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

This project was approved by the Oregon Transportation Commission on December 17, 1997 at which time the Director was authorized and directed to sign the necessary agreement for and on behalf of the Commission. Said authority is set forth in the Minutes of the Oregon Transportation Commission.

APPROVAL RECOMMENDED:

STATE OF OREGON, by and through
Its Department of Transportation

By _____
Region 1 Manager

By _____
Director

Date _____

Date _____

REVIEWED FOR ODOT:

Assistant Attorney General

Date _____

BOARD OF COUNTY
COMMISSIONERS for Multnomah
County, Oregon

By _____
Chair

Date April 2, 1998

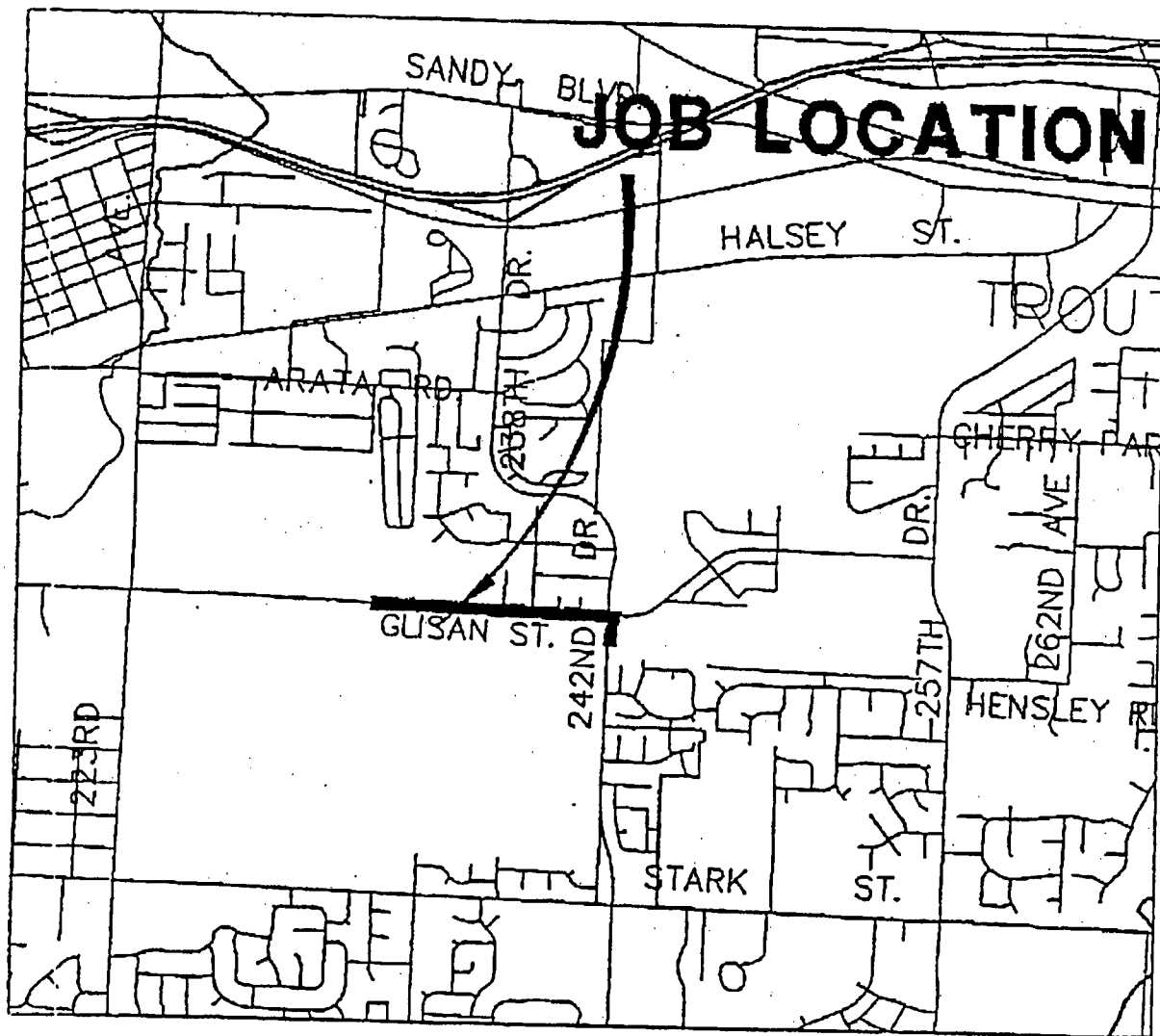
REVIEWED:

By _____
Assistant County Counsel

Date 8/5/98


APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-8 DATE 4/2/98
DEB BOGSTAD
BOARD CLERK

N.E. GLISAN ST.



VICINITY MAP

EXHIBIT 'A'

		MULTNOMAH COUNTY	
DEPARTMENT OF ENVIRONMENTAL SERVICES TRANSPORTATION AND LAND USE PLANNING DIVISION 1620 S.E. 180th AVE. PORTLAND, ORE. 97233-5000			
WILLIAM E. HENLEY P.E.		COUNTY ENGINEER	
N.E. GLISAN ST.			
Designed	Drafted	Checked	Sht.
Date	Scale		2 of 2

FEB 19 1998

Meeting Date: FEB 12 1998

Agenda No: R-7

Est. Start Time: 10:05am

APR 02 1998

R-9

10:20

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Public Reading of an Ordinance amending the Multnomah County Zoning Code (MCC 11.15) by establishing an expiration period for certain single family dwelling approvals in the Exclusive Farm Use District (C 6-97)

BOARD BRIEFING

Date Requested:

Amt. of Time Needed:

Requested By:

REGULAR MEETING

Date Requested:

February 12, 1998

Amt. of Time Needed:

30 Min.

DEPARTMENT: DES

DIVISION: Transportation & Land Use Planning

CONTACT: Robert Hall

TELEPHONE: 248-3043

BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Robert Hall / Sandra Duffy

ACTION REQUESTED

☐ Informational Only

☐ Policy Direction

☒ Approval

☐ Other

SUGGESTED AGENDA TITLE

Public Reading of an Ordinance amending the Multnomah County Zoning Code (MCC 11.15) by establishing an expiration period for certain single family dwelling approvals in the Exclusive Farm Use District (C 6-97).

4/2/98 copy to Robert Hall
4/3/98 copies to Ordinance Distribution
list

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: _____

KB Lantz & Nicholas

BOARD OF
COUNTY COMMISSIONERS
98 FEB -4 PM 2:57
MULTNOMAH COUNTY
OREGON

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

To: Board of County Commissioners

From: Planning Staff

Today's Date: February 17, 1998

Requested

Placement Date: February 19, 1998

RE: Public hearing on an ordinance amending the Exclusive Farm Use section of the Zoning Code to provide a two year expiration period for certain administrative approvals for single family dwellings. (Planning File C 6-97)

I. Recommendation/ Action Requested:

Recommend adoption of an ordinance that will amend the Exclusive Farm Use section of the Zoning Code to provide a two year expiration period for certain administrative approvals for single family dwellings.

II. Background/ Analysis:

The Board recently considered an appeal of a Significant Environmental Concern permit (Robinson) where the legality of the underlying farm management plan was questioned. The main issue raised involved the question of how long a farm management plan remains valid when the Zoning Code has no expiration date and the State rules have changed to eliminate farm management plans as a method of approving farm dwellings.

As a result the issues raised in the Robinson appeal, the Board directed staff to develop an ordinance amendment to clarify the status of old farm management plans and provide a method to evaluate substantial compliance with those plans when considering applications for building permits.

The Planning Commission considered this matter at two public hearings a developed language that provides the following:

- The property owner is provided a two year period to demonstrate substantial compliance with the approved farm management plan by a showing that at least two years of the farm management plan has been implemented;
- The property owner must apply for a building permit for the approved dwelling within two years of the effective date of the ordinance; and
- The owner must obtain a building permit within 180 days of the decision that the farm management plan has been implemented.

- If a property owner does not, or can not, demonstrate substantial compliance with the approved farm management plan, the approval of that plan expires two years from the effective date of the ordinance

The Board considered this matter at a hearing on February 12, 1998 and directed staff to work with the representative of one of the property owners involved to generate revised language to cover concerns regarding the difficulty in obtaining building permits after land use approvals have been granted. Staff and County Counsel developed language that would:

- Provide a one year period in which to apply for a building permit after a determination of substantial compliance has been finalized;
- Provide an additional one year period after application for a building permit to obtain that permit; and
- Allow for a one-time extension of one year to obtain a building permit when the applicant is diligently attempting to obtain that permit.

These revisions were discussed and agreed upon over the telephone with Mr. Bachrach by the Planning Director. The revised ordinance was faxed to Mr. Bachrach on February 17, 1998 for any additional comment. Mr. Bachrach telephoned that same day indicating he was in agreement with the revisions.

III. Financial Impact:

No fiscal impact to the County has been identified. An ordinance provision that clarifies the status of farm management plans, will allow County resources to be utilized more efficiently and effectively in matters of higher priority.

IV. Legal Issues:

The owner of six of the nine properties impacted by this ordinance revision has been represented by an attorney at previous hearings. That attorney has voiced concern regarding the proposal, but has not identified any legal issues.

V. Controversial Issues:

- The County has informed individuals with approved farm management plans that those approvals have no expiration.
- In some cases, 180 days is not sufficient time to obtain all of the necessary approvals for a building permit.

VI. Link to Current County Policies:

The Land Use Planning Section is actively participating in the Countywide quality improvement program RESULTS (Reaching Excellent Service Using Leadership and Team Strategies). The program is a response to the need for better, more cost-effective

service. The goal is to provide our customers with excellent service based on the limited resources available. For the Land Use Planning Section, this includes evaluating and amending the zoning code to clarify the status of decisions of the Planning Director, thus reducing future appeals.

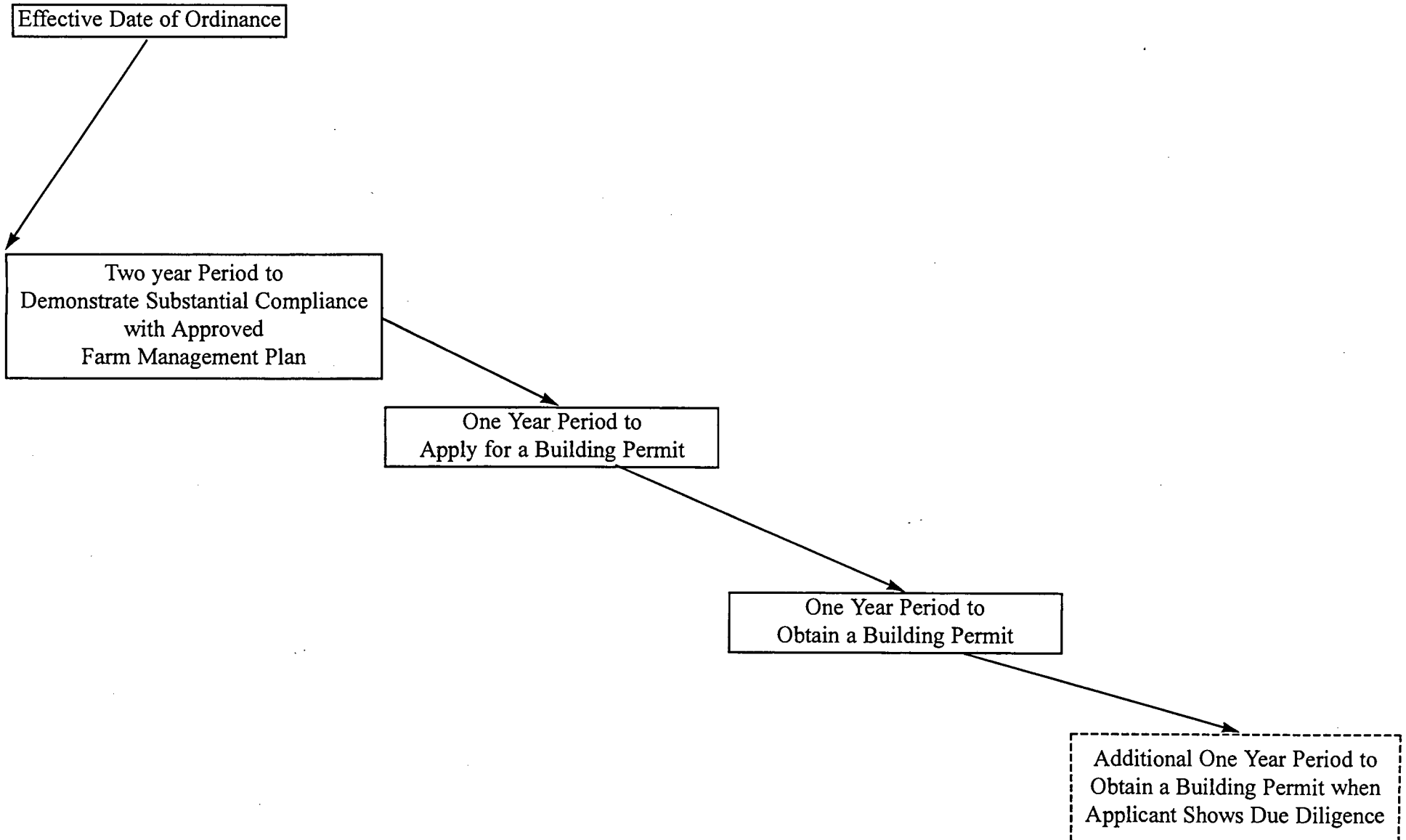
VII. Citizen Participation:

Notice of the Planning Commission hearing on the proposed ordinance was published in the *Oregonian* newspaper. At the Planning Commission hearings persons testified in both support and opposition to the proposed code changes.

VIII. Other Government Participation:

None.

C 6-97—EFFECT OF PROPOSED REVISIONS FOR FARM MANAGEMENT PLAN APPLICATIONS PRIOR TO AUGUST 7, 1993



**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPEMENT**

To: Board of County Commissioners

From: Planning Staff

Today's Date: February 4, 1998

Requested

Placement Date: February 12, 1998

RE: Public hearing on an ordinance amending the Exclusive Farm Use section of the Zoning Code to provide a two year expiration period for certain administrative approvals for single family dwellings. (Planning File C 6-97)

I. Recommendation/ Action Requested:

Recommend adoption of an ordinance that will amend the Conditional Use and Design Review sections of the zoning code by providing an exemption for single family residences from the Design Review process. [see also, Planning Commission Resolution C 6-97, ATTACHMENT "A"]

II. Background/ Analysis:

The Board recently considered an appeal of a Significant Environmental Concern permit (Robinson) where the legality of the underlying farm management plan was questioned. The main issue raised involved the question of how long a farm management plan remains valid when the Zoning Code has no expiration date and the State rules have changed to eliminate farm management plans as a method of approving farm dwellings.

As a result the issues raised in the Robinson appeal, the Board directed staff to develop an ordinance amendment to clarify the status of old farm management plans and provide a method to evaluate substantial compliance with those plans when considering applications for building permits.

The Planning Commission considered this matter at two public hearings a developed language that provides the following:

- The property owner is provided a two year period to demonstrate substantial compliance with the approved farm management plan by a showing that at least two years of the farm management plan has been implemented;
- The property owner must apply for a building permit for the approved dwelling within two years of the effective date of the ordinance; and

- The owner must obtain a building permit within 180 days of the decision that the farm management plan has been implemented.
- If a property owner does not, or can not, demonstrate substantial compliance with the approved farm management plan, the approval of that plan expires two years from the effective date of the ordinance

III. Financial Impact:

No fiscal impact to the County has been identified. An ordinance provision that clarifies the status of farm management plans, will allow County resources to be utilized more efficiently and effectively in matters of higher priority.

IV. Legal Issues:

The owner of six of the nine properties impacted by this ordinance revision has been represented by an attorney at previous hearings. That attorney has voiced concern regarding the proposal, but has not identified any legal issues.

V. Controversial Issues:

- The County has informed individuals with approved farm management plans that those approvals have no expiration.
- In some cases, 180 days is not sufficient time to obtain all of the necessary approvals for a building permit.

VI. Link to Current County Policies:

The Land Use Planning Section is actively participating in the County wide quality improvement program RESULTS (Reaching Excellent Service Using Leadership and Team Strategies). The program is a response to the need for better, more cost-effective service. The goal is to provide our customers with excellent service based on the limited resources available. For the Land Use Planning Section, this includes evaluating and amending the zoning code to clarify the status of decisions of the Planning Director, thus reducing future appeals.

VII. Citizen Participation:

Notice of the Planning Commission hearing on the proposed ordinance was published in the *Oregonian* newspaper. At the Planning Commission hearings persons testified in both support and opposition to the proposed code changes.

VIII. Other Government Participation:

None.

RESOLUTION
MULTNOMAH COUNTY PLANNING COMMISSION

C 6-97

WHEREAS, the Multnomah County Planning Commission recognizes that Oregon Administrative Rule 660-33-140(1) provides:

"A discretionary decision, except for a land division, made after the effective date of this division (August 7, 1993), approving a proposed development on agricultural or forest lands outside an urban growth boundary under ORS 215.010 to 215.293 and 215.317 to 215.428 or under county legislation or regulation adopted pursuant thereto is void two years from the date of the final approval if the development action is not initiated in that period."

and became effective on August 7, 1993; and


WHEREAS, the Planning Commission also recognizes that OAR 660-33-140(1) applies only to decisions made after its August 7, 1993 effective date; and

WHEREAS, the Planning Commission further recognizes there are approvals for single family dwellings in the Exclusive Farm Use District for applications received prior to August 7, 1993 that do not contain an expiration date, have not been initiated, and are not governed by OAR 660-33-140(1); and

WHEREAS, the Planning Commission finds there would be parity between all dwelling approvals in the Exclusive Farm Use district if an expiration date for the pre-August 7, 1993 approvals were established.

WHEREAS, on December 1, 1997 and January 5, 1998, the Planning Commission held public hearings where all interested persons were given an opportunity to appear and be heard.

NOW, THEREFORE, BE IT RESOLVED that the Multnomah County Planning Commission recommends adoption of the following Zoning Code amendment by the Board of County Commissioners.



Leonard Yoon, *Chairman*

January 5, 1998

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4
5 An Ordinance amending MCC 11.15 by establishing an expiration period for certain single
6 family dwelling approvals in the Exclusive Farm Use District.

7 (Underlined language is new or replacement; ~~struck-through~~ language is deleted.)

8
9 Multnomah County Ordains as follows:

10
11 **SECTION I. FINDINGS**

12 (A) The Board of County Commissioners recognizes that Oregon Administrative
13 Rule 660-33-140(1) provides:

14 "A discretionary decision, except for a land division,
15 made after the effective date of this division (August 7,
16 1993), approving a proposed development on
17 agricultural or forest lands outside an urban growth
18 boundary under ORS 215.010 to 215.293 and 215.317
19 to 215.428 or under county legislation or regulation
20 adopted pursuant thereto is void two years from the
21 date of the final approval if the development action is
22 not initiated in that period."

23 and became effective on August 7, 1993; and

24 (B) The Board also recognizes that OAR 660-33-140(1) applies only to decisions
25 made after its August 7, 1993 effective date; and

26 (C) The Board further recognizes there are approvals for single family dwellings

1 in the Exclusive Farm Use District for applications received prior to August 7, 1993
2 that do not contain an expiration date, have not been initiated, and are not governed
3 by OAR 660-33-140(1); and

4 (D) The Board finds there would be parity between all dwelling approvals in the
5 Exclusive Farm Use district if an expiration date for the pre-August 7, 1993 approvals
6 were established.

7 (E) On December 1, 1997 and January 5, 1998, the Planning Commission held
8 public hearings. Hearings before the Board of County Commissioners followed on
9 February 12 and February 19, 1998. At each of the hearings all interested persons
10 were given an opportunity to appear and be heard.

11 12 SECTION II. AMENDMENT OF EFU DISTRICT

13 Multnomah County Code Chapter 11.15 is amended by adding subsections 11.15.2030
14 through .2031 and amending 11.15.2032 as follows:

15 11.15.2030 Expiration of Certain Single Family Dwelling Approvals for 16 Applications Received Before August 7, 1993

17 The following provisions apply to all administrative and action proceedings involving
18 discretionary land use decisions approving certain single family dwellings, as
19 described in this subsection, for which applications and fees were collected before
20 August 7, 1993:

21 (A) All single family dwellings approved as a residential use not in conjunction
22 with farm use under the conditional use action proceedings provisions of MCC
23 .2012(B)(3) then in effect, shall be subject to the permit expiration provisions and
24 dates in effect at the time of approval as prescribed by MCC .7110(C).

25 (B) Except as provided in MCC .2031, the following approvals for single family
26 dwellings shall expire two years from the effective date of this ordinance :

1 (1) All residences in conjunction with a farm use considered under the
2 provisions of §3.103.2(c) Ordinance 100 or MCC .2010(C) for which
3 applications were received between August 14, 1980 and February 19, 1990,
4 and

5 (2) All residences customarily provided in conjunction with an existing
6 use considered under the provisions of MCC .2010(A) for which applications
7 were received between February 20, 1990 and August 6, 1993.

8 **11.15.2031 Dwelling Approval Validation**

9 Approvals described in MCC .2030(B) shall continue to be valid if:

10 (A) A dwelling has been constructed or placed on the property as approved prior
11 to the effective date of this ordinance; or

12 (B) The property owner applies for a determination of substantial compliance with
13 the approved farm management plan. That determination shall be initiated and
14 processed as follows:

15 (1) Application shall be made on appropriate forms and filed with the
16 Planning Director prior to (two years after the effective date of this
17 Ordinance);

18 (2) The Planning Director shall find substantial compliance with the
19 approved farm management plan, based on evidence provided by the
20 applicant, if the activities provided for in the first two years of the farm
21 management plan have been implemented.

22 (3) If the applicant applies for a dwelling location other than that approved
23 by the management plan, the new location shall:

24 (a) Satisfy all applicable setback and siting standards including MCC
25 .2016, MCC.6400 through .6425, MCC .6700 through .6735, and MCC
26 9.40, and

1 (b) Be on a portion of the property with a soil classification of no higher
2 value than the original approved location.

3 (4) Notices of the application and decision of the Planning Director shall
4 be mailed to all individuals entitled to notice as defined in MCC .8220(C).

5 (5) The decision of the Planning Director shall become final at the close of
6 business on the tenth day following mailed notice unless a party files a written
7 notice of appeal. Such notice of appeal and the decision shall be subject to the
8 provisions of MCC .8290 and .8295.

9 (6) If the Planning Director issues a determination of substantial
10 compliance, the property owner shall, within 180 days of the final date of that
11 decision, apply for and obtain a building permit for the dwelling under the
12 permit regulations of the applicable government issuer and continue to keep
13 the building permit valid until completion of the dwelling. Failure to obtain a
14 building permit within the specified 180 days, or failure to complete
15 construction of the dwelling under the above described valid permit, shall void
16 the decision of the Planning Director.

17 **11.15.2032 Permit Expiration of Applications Received on or after August 7, 1993**

18 All administrative and action proceedings involving discretionary decisions for which
19 applications and fees have been collected on or after August 7, 1993, except land
20 divisions and uses listed in MCC .2012, shall expire two years from the date of the
21 Planning Director's or Hearing's Officer's decision in the matter, or two years from
22 the date of final resolution of subsequent appeals, unless:

23 (A) The project is completed as approved; or

24 (B) A building permit has been obtained and is continuing to be kept valid under
25 the permit regulations of the applicable government issuer until completion of the
26 construction, or

1 (C) The Planning Director determines that substantial construction or
2 development has taken place. That determination shall be processed as follows:

3 (1) Application shall be made on appropriate forms and filed with the
4 Director at least 30 days prior to the expiration date.

5 (2) The Director shall issue a written decision ~~on the application within 20~~
6 ~~days of filing. That decision shall be based on findings that:~~

7 (i) Final Design Review approval has been granted under MCC .7845 on
8 the total project, if applicable; and

9 (ii) At least ten percent of the dollar cost of the total project value has been
10 expended for construction or development authorized under a sanitation,
11 building or other development permit. Project value shall be as determined
12 by MCC .9025(A) or .9027(A).

13 (3) Notice of the Planning Director's decision shall be mailed to all parties
14 as defined in MCC .8225.

15 (4) The decision of the Plannering Director shall become final at the close
16 of business on the tenth day following mailed notice unless a party files a
17 written notice of appeal. Such notice of appeal and the decision shall be
18 subject to the provisions of MCC .8290 and .8295.

19 (D) Uses listed in MCC .2012 shall expire two years from the date of the Board
20 Order on the matter, or two years from the date of final resolution of subsequent
21 appeals, unless one of the conditions of .7110(C) are met.

1 **SECTION III. ADOPTION**

2 ADOPTED this 6th day of February, 1998, being the date of its second reading before the
3 Multnomah County Board of Commissioners.

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

6
7 _____
8 Beverly Stein, County Chair

9 **REVIEWED:**

10 **THOMAS SPONSLER, COUNTY COUNSEL**
11 **FOR MULTNOMAH COUNTY, OREGON**

12
13 By *Sandra N. Duffy*
14 Sandra N. Duffy, Chief Assistant County Counsel

C 6-97-PROPOSED AMENDMENT OF EFU TO ESTABLISH AN EXPIRATION PERIOD FOR CERTAIN SINGLE FAMILY DWELLING APPROVALS

ISSUE	WHO RAISED ISSUE?	STAFF COMMENT	RECOMMENDATION
1. The County has informed individuals that farm management plans do not expire.	The representative of the owner of six of the nine properties effected by this revision.	That is correct, the Code currently has no expiration period for farm management plans. The Board, however, has the power to revise and clarify Code requirements.	Revise the Code to place the same two year expiration period on those EFU administrative approvals granted prior to 8/7/93 as the State requires of EFU decisions made after that date. A two year expiration is comparable to the expiration period for Conditional and Community Service Uses.
2. The 180 day period recommended by the Planning Commission for obtaining a building permit after the Planning Director has determined substantial compliance is not sufficient time to obtain a building permit.	The representative of the owner of six of the nine properties effected by this revision.	Staff agrees. Some decisions, particularly when appeals are involved, can not be resolved within 180 days.	Allow a two year period in which to obtain a building permit after the Planning Director's decision See Suggested Revisions below.

Suggested revisions to proposed MCC 11.15.2031(B)(6) [lines 23-28 p. 3 and line 1 p. 4 of proposed amendment

[is proposed elimination] is proposed additions

If the Planning Director issues a determination of substantial compliance, the property owner shall, within [180 days] two years of the date of the Planning Director's decision of substantial compliance, apply for and obtain a building permit for the dwelling under the permit regulations of the applicable government issuer and continue to keep the building permit valid until completion of the dwelling. Failure to obtain a building permit within the two year period specified above [180 days], or failure to complete construction of the dwelling under the above described valid permit, shall void the decision of the Planning Director.

P-5 2/12/08 Planning Staff

PROPOSED CHANGES TO PLANNING COMMISSION RECOMMENDED
AMENDMENTS TO MCC 11.15

(Code Provisions Effecting Old Approvals to Build on EFU Land)

Agenda Item R-5 for the February 13 Board Meeting

(underlined language is new or replacement; ~~struck through language~~ is deleted.)

11.15.2031 Dwelling Approval Validation

will be to
drop →

(B)(2) The Planning Director shall find substantial compliance with the approved farm management plan, based on evidence provided by the applicant, if the activities provided for in the first two years of the farm management plan have been implemented. "Activities" demonstrating that the "first two years" of the approved plan have been implemented include site preparation and any pre-planting activities described in the farm management plan.

Explanation: The proposed change to sub-section (B)(2) is intended to clarify that where a farm management plan calls for one year of pre-planting activity followed by five years of planting, the two-years-of-activities standard can be met based on one year of pre-planting activity and one year of planting; it would not be necessary to have two years of planting activity to satisfy the standard.

(B)(3) If the applicant applies ~~for a dwelling location other to place a dwelling in a location on the property different than the location that approved by the farm management plan or approved by a subsequent land use decision~~, the new location shall:

- (a) Satisfy all applicable set back and siting standards . . . , and
- (b) Be on a portion of the property with a soil classification of no higher value than the original approved location.

Explanation: This proposed change to subsection (B)(3) clarifies that, without further review by the county, a house can be placed on the same portion of the property as shown on either the approved farm management plan or as shown on another land use approval issued after the original farm management plan was approved.

(B)(6) If the Planning Director issues a determination of substantial compliance, the property owner shall, within two years ~~180 days~~ of the final date of that decision and the resolution of any appeals of that decision, apply for ~~and obtain~~ a building permit for the dwelling under the permit regulations of the applicable government issuer and continued to keep the building permit valid until completion of the dwelling.

Explanation: Giving property owners only 180 days to obtain a building permit is an unfair and unworkably short time frame. Once Planning Director determines that substantial farming activities are occurring, a property owner should have sufficient time in which to get their financing in place, and then prepare and submit their building plans

(B)(6) * * * Failure to obtain a building permit within two years ~~the specified 180 days~~, or failure to complete construction of the dwelling under the above-described valid permit, shall void the decision of the Planning Director: unless the property owner, prior to the two-year deadline, applies for a two-year renewal of the Planning Director's determination of substantial compliance by providing evidence that the land is continuing to be used in compliance with a farm management plan.

Explanation: As long as a property owner is continuing to farm the land, and must prove that to the Planning Director's satisfaction every two years, then the public policy of seeing EFU land in farm use is satisfied. What is the detriment to public policy if a property owner farms the land for more than two years or four years or longer before deciding to build a house? If the property owner stops farming, then he or she would lose the right to ever build.

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4
5 An Ordinance amending MCC 11.15 by establishing an expiration period for certain single
6 family dwelling approvals in the Exclusive Farm Use District.

7 (Underlined language is new or replacement; ~~struck-through~~ language is deleted.)

8
9 Multnomah County Ordains as follows:

10
11 **SECTION I. FINDINGS**

12 (A) The Board of County Commissioners recognizes that Oregon Administrative
13 Rule 660-33-140(1) provides:

14 "A discretionary decision, except for a land division,
15 made after the effective date of this division (August 7,
16 1993), approving a proposed development on
17 agricultural or forest lands outside an urban growth
18 boundary under ORS 215.010 to 215.293 and 215.317
19 to 215.428 or under county legislation or regulation
20 adopted pursuant thereto is void two years from the
21 date of the final approval if the development action is
22 not initiated in that period."

23 and became effective on August 7, 1993; and

24 (B) The Board also recognizes that OAR 660-33-140(1) applies only to decisions
25 made after its August 7, 1993 effective date; and

26 (C) The Board further recognizes there are approvals for single family dwellings

1 in the Exclusive Farm Use District for applications received prior to August 7, 1993
2 that do not contain an expiration date, have not been initiated, and are not governed
3 by OAR 660-33-140(1); and

4 (D) The Board finds there would be parity between all dwelling approvals in the
5 Exclusive Farm Use district if an expiration date for the pre-August 7, 1993 approvals
6 were established.

7 (E) On December 1, 1997 and January 5, 1998, the Planning Commission held
8 public hearings. Hearings before the Board of County Commissioners followed on
9 February 12 and February 19, 1998. At each of the hearings all interested persons
10 were given an opportunity to appear and be heard.

11 12 SECTION II. AMENDMENT OF EFU DISTRICT

13 Multnomah County Code Chapter 11.15 is amended by adding subsections 11.15.2030
14 through .2031 and amending 11.15.2032 as follows:

15 11.15.2030 Expiration of Certain Single Family Dwelling Approvals for 16 Applications Received Before August 7, 1993

17 The following provisions apply to all administrative and action proceedings involving
18 discretionary land use decisions approving certain single family dwellings, as
19 described in this subsection, for which applications and fees were collected before
20 August 7, 1993:

21 (A) All single family dwellings approved as a residential use not in conjunction
22 with farm use under the conditional use action proceedings provisions of MCC
23 .2012(B)(3) then in effect, shall be subject to the permit expiration provisions and
24 dates in effect at the time of approval as prescribed by MCC .7110(C).

25 (B) Except as provided in MCC .2031, the following approvals for single family
26 dwellings shall expire two years from the effective date of this ordinance :

1 (1) All residences in conjunction with a farm use considered under the
2 provisions of §3.103.2(c) Ordinance 100 or MCC .2010(C) for which
3 applications were received between August 14, 1980 and February 19, 1990,
4 and

5 (2) All residences customarily provided in conjunction with an existing
6 use considered under the provisions of MCC .2010(A) for which applications
7 were received between February 20, 1990 and August 6, 1993.

8 **11.15.2031 Dwelling Approval Validation**

9 Approvals described in MCC .2030(B) shall continue to be valid if:

10 (A) A dwelling has been constructed or placed on the property as approved prior
11 to the effective date of this ordinance; or

12 (B) The property owner applies for a determination of substantial compliance with
13 the approved farm management plan. That determination shall be initiated and
14 processed as follows:

15 (1) Application shall be made on appropriate forms and filed with the
16 Planning Director prior to (two years after the effective date of this
17 Ordinance);

18 (2) The Planning Director shall find substantial compliance with the
19 approved farm management plan, based on evidence provided by the
20 applicant, if the activities provided for in the first two years of the farm
21 management plan have been implemented.

22 (3) If the applicant applies for a dwelling location other than that approved
23 by the management plan or an approved and active lot line adjustment, the
24 new location shall:

25 (a) Satisfy all applicable setback and siting standards including MCC
26 .2016, MCC.6400 through .6425, MCC .6700 through .6735, and MCC

1 9.40, and

2 (b) Be on a portion of the property with a soil classification of no higher
3 value than the original approved location.

4 (4) Notices of the application and decision of the Planning Director shall
5 be mailed to all individuals entitled to notice as defined in MCC .8220(C).

6 (5) The decision of the Planning Director shall become final at the close of
7 business on the tenth day following mailed notice unless a party files a written
8 notice of appeal. Such notice of appeal and the decision shall be subject to the
9 provisions of MCC .8290 and .8295.

10 (6) If the Planning Director issues a determination of substantial
11 compliance, the property owner shall, within 180 days of the final date of that
12 decision, apply for and obtain a building permit for the dwelling under the
13 permit regulations of the applicable government issuer and continue to keep
14 the building permit valid until completion of the dwelling. Failure to obtain a
15 building permit within the specified 180 days, or failure to complete
16 construction of the dwelling under the above described valid permit, shall void
17 the decision of the Planning Director.

18 **11.15.2032 Permit Expiration of Applications Received on or after August 7, 1993**

19 All administrative and action proceedings involving discretionary decisions for which
20 applications and fees have been collected on or after August 7, 1993, except land
21 divisions and uses listed in MCC .2012, shall expire two years from the date of the
22 Planning Director's or Hearing's Officer's decision in the matter, or two years from
23 the date of final resolution of subsequent appeals, unless:

24 (A) The project is completed as approved; or

25 (B) A building permit has been obtained and is continuing to be kept valid under
26 the permit regulations of the applicable government issuer until completion of the

1 construction, or

2 (C) The Planning Director determines that substantial construction or
3 development has taken place. That determination shall be processed as follows:

4 (1) Application shall be made on appropriate forms and filed with the
5 Director at least 30 days prior to the expiration date.

6 (2) The Director shall issue a written decision ~~on the application within 20~~
7 ~~days of filing. That decision shall be based on findings that:~~

8 (i) Final Design Review approval has been granted under MCC .7845 on
9 the total project, if applicable; and

10 (ii) At least ten percent of the dollar cost of the total project value has been
11 expended for construction or development authorized under a sanitation,
12 building or other development permit. Project value shall be as determined
13 by MCC .9025(A) or .9027(A).

14 (3) Notice of the Planning Director's decision shall be mailed to all parties
15 as defined in MCC .8225.

16 (4) The decision of the Planning Director shall become final at the close
17 of business on the tenth day following mailed notice unless a party files a
18 written notice of appeal. Such notice of appeal and the decision shall be
19 subject to the provisions of MCC .8290 and .8295.

20 (D) Uses listed in MCC .2012 shall expire two years from the date of the Board
21 Order on the matter, or two years from the date of final resolution of subsequent
22 appeals, unless one of the conditions of .7110(C) are met.
23
24
25
26

1 **SECTION III. ADOPTION**

2 ADOPTED this 5th day of March, 1998, being the date of its third reading before the
3 Multnomah County Board of Commissioners.

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

6
7 _____
8 Beverly Stein, County Chair

9 REVIEWED:

10 **THOMAS SPONSER, COUNTY COUNSEL**
11 **FOR MULTNOMAH COUNTY, OREGON**

12
13 By _____
14 Sandra N. Duffy, Chief Assistant County Counsel

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. _____

4
5 An Ordinance amending MCC 11.15 by establishing an expiration period for certain single
6 family dwelling approvals in the Exclusive Farm Use District.

7 (Underlined language is new or replacement; ~~struck-through~~ language is deleted.
8 **[Bracketed, underlined and bolded]** is language added, and ~~strikethrough~~ is language
9 removed in accordance with Board discussion on February 12, 1998.)

10
11 Multnomah County Ordains as follows:

12
13 SECTION I. FINDINGS

14 (A) The Board of County Commissioners recognizes that Oregon Administrative
15 Rule 660-33-140(1) provides:

16 "A discretionary decision, except for a land division,
17 made after the effective date of this division (August 7,
18 1993), approving a proposed development on
19 agricultural or forest lands outside an urban growth
20 boundary under ORS 215.010 to 215.293 and 215.317
21 to 215.428 or under county legislation or regulation
22 adopted pursuant thereto is void two years from the
23 date of the final approval if the development action is
24 not initiated in that period."

25 and became effective on August 7, 1993; and

1 (B) The Board also recognizes that OAR 660-33-140(1) applies only to decisions
2 made after its August 7, 1993 effective date; and

3 (C) The Board further recognizes there are approvals for single family dwellings
4 in the Exclusive Farm Use District for applications received prior to August 7, 1993
5 that do not contain an expiration date, have not been initiated, and are not governed
6 by OAR 660-33-140(1); and

7 (D) The Board finds there would be parity between all dwelling approvals in the
8 Exclusive Farm Use district if an expiration date for the pre-August 7, 1993 approvals
9 were established.

10 (E) On December 1, 1997 and January 5, 1998, the Planning Commission held
11 public hearings. Hearings before the Board of County Commissioners followed on
12 February 12 and February 19, 1998. At each of the hearings all interested persons
13 were given an opportunity to appear and be heard.

14
15 **SECTION II. AMENDMENT OF EFU DISTRICT**

16 Multnomah County Code Chapter 11.15 is amended by adding subsections 11.15.2030
17 through .2031 and amending 11.15.2032 as follows:

18 **11.15.2030 Expiration of Certain Single Family Dwelling Approvals for**
19 **Applications Received Before August 7, 1993**

20 The following provisions apply to all administrative and action proceedings involving
21 discretionary land use decisions approving certain single family dwellings, as
22 described in this subsection, for which applications and fees were collected before
23 August 7, 1993:

24 (A) All single family dwellings approved as a residential use not in conjunction
25 with farm use under the conditional use action proceedings provisions of MCC
26

1 .2012(B)(3) then in effect, shall be subject to the permit expiration provisions and
2 dates in effect at the time of approval as prescribed by MCC .7110(C).

3 (B) Except as provided in MCC .2031, the following approvals for single family
4 dwelling shall expire two years from the effective date of this ordinance :

5 (1) All residences in conjunction with a farm use considered under the
6 provisions of §3.103.2(c) Ordinance 100 or MCC .2010(C) for which
7 applications were received between August 14, 1980 and February 19, 1990,
8 and

9 (2) All residences customarily provided in conjunction with an existing
10 use considered under the provisions of MCC .2010(A) for which applications
11 were received between February 20, 1990 and August 6, 1993.

12 **11.15.2031 Dwelling Approval Validation**

13 Approvals described in MCC .2030(B) shall continue to be valid if:

14 (A) A dwelling has been constructed or placed on the property as approved prior
15 to the effective date of this ordinance; or

16 (B) The property owner applies for a determination of substantial compliance with
17 the approved farm management plan. That determination shall be initiated and
18 processed as follows:

19 (1) Application shall be made on appropriate forms and filed with the
20 Planning Director prior to two years after the effective date of this Ordinance;

21 (2) The Planning Director shall find substantial compliance with the
22 approved farm management plan, based on evidence provided by the
23 applicant, if the activities provided for in the first two years of the farm
24 management plan have been implemented.

1 (3) If the applicant applies for a dwelling location other than that approved
2 by the management plan or an approved and active lot line adjustment, the
3 new location shall:

4 (a) Satisfy all applicable setback and siting standards including MCC
5 .2016, MCC.6400 through .6425, MCC .6700 through .6735, and MCC
6 9.40, and

7 (b) Be on a portion of the property with a soil classification of no higher
8 value than the original approved location.

9 (4) Notices of the application and decision of the Planning Director shall
10 be mailed to all individuals entitled to notice as defined in MCC .8220(C).

11 (5) The decision of the Planning Director shall become final at the close of
12 business on the tenth day following mailed notice unless a party files a written
13 notice of appeal. Such notice of appeal and the decision shall be subject to the
14 provisions of MCC .8290 and .8295.

15 (6) If the Planning Director issues a determination of substantial
16 compliance, the property owner shall, within [one year] 180 days of
17 the final date of that decision [or one year from the date of final
18 resolution of an appeal of the Planning Director's decision of
19 substantial compliance], apply for and obtain a building permit for
20 the dwelling under the permit regulations of the applicable government
21 issuer[.] [The property owner shall obtain a building permit for the
22 proposed dwelling within one year of application for that permit]
23 and continue to keep the building permit valid until completion of the
24 dwelling. Failure to obtain a building permit within the specified [one
25 year period, or the additional one year period allowed by MCC
26 11.15.2031(B)(7)] 180 days, [failure to continuously keep the

1 building permit valid,] or failure to complete construction [or
2 placement] of the dwelling under the above described valid permit,
3 shall void the decision of the Planning Director.

4 (7) [The Planning Director may approve a singular, one year
5 extension to the time allowed for obtaining a building permit if the
6 property owner demonstrates that failure to obtain a building
7 permit was due to circumstances beyond the control of the
8 property owner and the property owner acted with due diligence
9 to obtain the building permit. Application for this one year
10 extension shall be made on appropriate forms and filed with the
11 Planning Director at least 30 days prior to the expiration of the
12 one year period following application for a building permit. The
13 Planning Director shall process the application pursuant to the
14 provisions of MCC 11.15.2031(B)(4) and (5).]

15 **11.15.2032 Permit Expiration of Applications Received on or after August 7, 1993**

16 All administrative and action proceedings involving discretionary decisions for which
17 applications and fees have been collected on or after August 7, 1993, except land
18 divisions and uses listed in MCC .2012, shall expire two years from the date of the
19 Planning Director's or Hearing's Officer's decision in the matter, or two years from
20 the date of final resolution of subsequent appeals, unless:

- 21 (A) The project is completed as approved; or
22 (B) A building permit has been obtained and is continuing to be kept valid under
23 the permit regulations of the applicable government issuer until completion of the
24 construction, or
25 (C) The Planning Director determines that substantial construction or
26 development has taken place. That determination shall be processed as follows:

1 (1) Application shall be made on appropriate forms and filed with the
2 Director at least 30 days prior to the expiration date.

3 (2) The Director shall issue a written decision ~~on the application within 20~~
4 ~~days of filing. That decision shall be based on findings that:~~

5 (i) Final Design Review approval has been granted under MCC .7845 on
6 the total project, if applicable; and

7 (ii) At least ten percent of the dollar cost of the total project value has been
8 expended for construction or development authorized under a sanitation,
9 building or other development permit. Project value shall be as determined
10 by MCC .9025(A) or .9027(A).

11 (3) Notice of the Planning Director's decision shall be mailed to all parties
12 as defined in MCC .8225.

13 (4) The decision of the Planning Director shall become final at the close
14 of business on the tenth day following mailed notice unless a party files a
15 written notice of appeal. Such notice of appeal and the decision shall be
16 subject to the provisions of MCC .8290 and .8295.

17 (D) Uses listed in MCC .2012 shall expire two years from the date of the Board
18 Order on the matter, or two years from the date of final resolution of subsequent
19 appeals, unless one of the conditions of .7110(C) are met.
20
21
22
23
24
25
26

1 **SECTION III. ADOPTION**

2 ADOPTED this 5th day of March, 1998, being the date of its third reading before the
3 Multnomah County Board of Commissioners.

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

6
7 _____
8 Beverly Stein, County Chair

9 REVIEWED:

10 THOMAS SPONSLER, COUNTY COUNSEL
11 FOR MULTNOMAH COUNTY, OREGON

12
13 By *Sandra N. Duffy*
14 Sandra N. Duffy, Chief Assistant County Counsel

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24
25 2/17/98 revision

O'DONNELL RAMIS CREW
CORRIGAN & BACHRACH, LLP

RECEIVED

MAR 30 1998

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MARK L. BUSCH
D. DANIEL CHANDLER ++
DOMINIC G. COLLETTA**
CHARLES E. CORRIGAN*
STEPHEN F. CREW
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MALCOLM JOHNSON*
MARK P. O'DONNELL
T. CHAD PLASTER ***
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ATTORNEYS AT LAW
1727 N.W. Hoyt Street
Portland, Oregon 97209

TELEPHONE: (503) 222-4402
FAX: (503) 243-2944

PLEASE REPLY TO PORTLAND OFFICE

March 27, 1998

BEVERLY STEIN
MULTNOMAH COUNTY CHAIR
181 N. Grant, Suite 202
Canby, Oregon 97013
TELEPHONE: (503) 266-1149

VANCOUVER, WASHINGTON OFFICE
First Independent Place
1220 Main Street, Suite 451
Vancouver, Washington 98660-2964
TELEPHONE: (360) 699-7287
FAX: (360) 699-7221

JAMES M. COLEMAN
SPECIAL COUNSEL

- * ALSO ADMITTED TO PRACTICE IN WASHINGTON
- ** ALSO ADMITTED TO PRACTICE IN CALIFORNIA
- *** ADMITTED TO PRACTICE IN WASHINGTON ONLY
- ++ ALSO ADMITTED TO PRACTICE IN WASHINGTON AND MONTANA

Kathy Busse, Director
Department of Environmental Services
Multnomah County
2115 SE Morrison St.
Portland, OR 97214

Sandra N. Duffy, Esq.
Multnomah County Counsel
1120 SW 5th Avenue
Suite 1530
PO Box 849
Portland, OR 97207

Re: Follow up to February 25, Letter
Ordinance Amending MCC 11.15

Dear Ms. Busse and Ms. Duffy:

For your convenience, I have enclosed a copy of the February 25, 1998, letter that I sent to both of you. I would appreciate receiving some kind of a response to that letter. Thank you.

Very truly yours,

Jeff H. Bachrach

JHB/jlk

O'DONNELL RAMIS CREW
CORRIGAN & BACHRACH, LLP

Kathy Busse, Director
March 27, 1998
Page 2

cc: ✓ Beverly Stein, Chair
Gary Hansen, Commissioner
Sharron Kelley, Commissioner

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Kathy Busse
February 25, 1998
Page 2

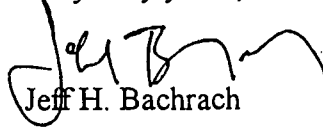
response as to whether you intend to rely on this new lot-of-record theory floated by your staff to assert that my client's PRE approvals are invalid. Based on the different voice messages I received from each of you last week, I am unsure as to whether you will be preparing a written response to this question prior to the Board's March 5 (final) hearing on the new PRE ordinance.

As you advised, I did not raise this new issue at the Board hearing last week. As a matter of fairness and in order to bring the closure and certainty the Board is seeking on this matter, I hope you will agree that the affected property owners are entitled to a clear answer now, and not leave the threat lingering until some indefinite time in the future.

For your convenience, the attached memorandum explains why the theoretical code interpretation would not be legally supportable.

Thank you for your attention to this matter.

Very truly yours,



Jeff H. Bachrach

JHB/jlk

C:\orccc\JLK\JHB\Western States\busse&duffy\tr.wpd

cc: County Commissioners

O'DONNELL RAMIS CREW
CORRIGAN & BACHRACH, LLP

JEFF H. BACHRACH
MARK L. BUSCH
D. DANIEL CHANDLER ++
DOMINIC G. COLLETTA**
CHARLES E. CORRIGAN*
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Portland, Oregon 97209

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PLEASE REPLY TO PORTLAND OFFICE

February 25, 1998

CLACKAMAS COUNTY OFFICE
181 N. Grant, Suite 202
Canby, Oregon 97013
TELEPHONE: (503) 266-1149

VANCOUVER, WASHINGTON OFFICE
First Independent Place
1220 Main Street, Suite 451
Vancouver, Washington 98660-2964
TELEPHONE: (360) 699-7287
FAX: (360) 699-7221

JAMES M. COLEMAN
SPECIAL COUNSEL

- * ALSO ADMITTED TO PRACTICE IN WASHINGTON
- ** ALSO ADMITTED TO PRACTICE IN CALIFORNIA
- *** ADMITTED TO PRACTICE IN WASHINGTON ONLY
- ++ ALSO ADMITTED TO PRACTICE IN WASHINGTON AND MONTANA

COPY

Kathy Busse, Director
Department of Environmental Services
Multnomah County
2115 SE Morrison St.
Portland, OR 97214

Sandra N. Duffy, Esq.
Multnomah County Counsel
1120 SW 5th Avenue
Suite 1530
PO Box 849
Portland, OR 97207

Re: Ordinance Amending MCC 11.15

Dear Ms. Busse and Ms. Duffy:

In moving last week to adopt the ordinance amending MCC 11.15, the Board of County Commissioners' policy directive was clear: to bring certainty and closure to all issues pertaining to the old PRE approvals. However, as we have discussed, there remains a lingering question - raised for the first time two weeks ago by a member of your planning staff - as whether the county might adopt a new interpretation of its code in order to invalidate the PRE approvals held by Western States (and, presumably, any other similarly affected owners).

The certainty and closure we have all been working towards for the last seven months (including four County Commission hearings thus far) would be undermined if established county precedent were reversed and this newly contrived code interpretation adopted. I would greatly appreciate your

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. 903
4

5 An Ordinance amending MCC 11.15 by establishing an expiration period for certain single
6 family dwelling approvals in the Exclusive Farm Use District.

7 (Underlined language is new or replacement; ~~struck-through~~ language is deleted.
8 **[Bracketed, underlined and bolded]** is language added, and ~~striketthrough~~ is language
9 removed in accordance with Board discussion on February 12, 1998.)
10

11 Multnomah County Ordains as follows:
12

13 SECTION I. FINDINGS

14 (A) The Board of County Commissioners recognizes that Oregon Administrative
15 Rule 660-33-140(1) provides:

16 "A discretionary decision, except for a land division,
17 made after the effective date of this division (August 7,
18 1993), approving a proposed development on
19 agricultural or forest lands outside an urban growth
20 boundary under ORS 215.010 to 215.293 and 215.317
21 to 215.428 or under county legislation or regulation
22 adopted pursuant thereto is void two years from the
23 date of the final approval if the development action is
24 not initiated in that period."

25 and became effective on August 7, 1993; and
26

1 (B) The Board also recognizes that OAR 660-33-140(1) applies only to decisions
2 made after its August 7, 1993 effective date; and

3 (C) The Board further recognizes there are approvals for single family dwellings
4 in the Exclusive Farm Use District for applications received prior to August 7, 1993
5 that do not contain an expiration date, have not been initiated, and are not governed
6 by OAR 660-33-140(1); and

7 (D) The Board finds there would be parity between all dwelling approvals in the
8 Exclusive Farm Use district if an expiration date for the pre-August 7, 1993 approvals
9 were established.

10 (E) On December 1, 1997 and January 5, 1998, the Planning Commission held
11 public hearings. Hearings before the Board of County Commissioners followed on
12 February 12 and February 19, 1998. At each of the hearings all interested persons
13 were given an opportunity to appear and be heard.
14

15 SECTION II. AMENDMENT OF EFU DISTRICT

16 Multnomah County Code Chapter 11.15 is amended by adding subsections 11.15.2030
17 through .2031 and amending 11.15.2032 as follows:

18 11.15.2030 Expiration of Certain Single Family Dwelling Approvals for 19 Applications Received Before August 7, 1993

20 The following provisions apply to all administrative and action proceedings involving
21 discretionary land use decisions approving certain single family dwellings, as
22 described in this subsection, for which applications and fees were collected before
23 August 7, 1993:

24 (A) All single family dwellings approved as a residential use not in conjunction
25 with farm use under the conditional use action proceedings provisions of MCC
26

1 .2012(B)(3) then in effect, shall be subject to the permit expiration provisions and
2 dates in effect at the time of approval as prescribed by MCC .7110(C).

3 (B) Except as provided in MCC .2031, the following approvals for single family
4 dwellings shall expire two years from the effective date of this ordinance :

5 (1) All residences in conjunction with a farm use considered under the
6 provisions of §3.103.2(c) Ordinance 100 or MCC .2010(C) for which
7 applications were received between August 14, 1980 and February 19, 1990,
8 and

9 (2) All residences customarily provided in conjunction with an existing
10 use considered under the provisions of MCC .2010(A) for which applications
11 were received between February 20, 1990 and August 6, 1993.

12 **11.15.2031 Dwelling Approval Validation**

13 Approvals described in MCC .2030(B) shall continue to be valid if:

14 (A) A dwelling has been constructed or placed on the property as approved prior
15 to the effective date of this ordinance; or

16 (B) The property owner applies for a determination of substantial compliance with
17 the approved farm management plan. That determination shall be initiated and
18 processed as follows:

19 (1) Application shall be made on appropriate forms and filed with the
20 Planning Director prior to two years after the effective date of this Ordinance;

21 (2) The Planning Director shall find substantial compliance with the
22 approved farm management plan, based on evidence provided by the
23 applicant, if the activities provided for in the first two years of the farm
24 management plan have been implemented.

1 (3) If the applicant applies for a dwelling location other than that approved
2 by the management plan or an approved and active lot line adjustment, the
3 new location shall:

4 (a) Satisfy all applicable setback and siting standards including MCC
5 .2016, MCC.6400 through .6425, MCC .6700 through .6735, and MCC
6 9.40, and

7 (b) Be on a portion of the property with a soil classification of no higher
8 value than the original approved location.

9 (4) Notices of the application and decision of the Planning Director shall
10 be mailed to all individuals entitled to notice as defined in MCC .8220(C).

11 (5) The decision of the Planning Director shall become final at the close of
12 business on the tenth day following mailed notice unless a party files a written
13 notice of appeal. Such notice of appeal and the decision shall be subject to the
14 provisions of MCC .8290 and .8295.

15 (6) If the Planning Director issues a determination of substantial
16 compliance, the property owner shall, within [one year] ~~180 days~~ of
17 the final date of that decision [or one year from the date of final
18 resolution of an appeal of the Planning Director's decision of
19 substantial compliance], apply for and obtain a building permit for
20 the dwelling under the permit regulations of the applicable government
21 issuer[.] [The property owner shall obtain a building permit for the
22 proposed dwelling within one year of application for that permit]
23 and continue to keep the building permit valid until completion of the
24 dwelling. Failure to obtain a building permit within the specified [one
25 year period, or the additional one year period allowed by MCC
26 11.15.2031(B)(7)] ~~180 days~~, [failure to continuously keep the

1 building permit valid,] or failure to complete construction [or
2 placement] of the dwelling under the above described valid permit,
3 shall void the decision of the Planning Director.

- 4 (7) [The Planning Director may approve a singular, one year
5 extension to the time allowed for obtaining a building permit if the
6 property owner demonstrates that failure to obtain a building
7 permit was due to circumstances beyond the control of the
8 property owner and the property owner acted with due diligence
9 to obtain the building permit. Application for this one year
10 extension shall be made on appropriate forms and filed with the
11 Planning Director at least 30 days prior to the expiration of the
12 one year period following application for a building permit. The
13 Planning Director shall process the application pursuant to the
14 provisions of MCC 11.15.2031(B)(4) and (5).]

15 **11.15.2032 Permit Expiration of Applications Received on or after August 7, 1993**

16 All administrative and action proceedings involving discretionary decisions for which
17 applications and fees have been collected on or after August 7, 1993, except land
18 divisions and uses listed in MCC .2012, shall expire two years from the date of the
19 Planning Director's or Hearing's Officer's decision in the matter, or two years from
20 the date of final resolution of subsequent appeals, unless:

- 21 (A) The project is completed as approved; or
22 (B) A building permit has been obtained and is continuing to be kept valid under
23 the permit regulations of the applicable government issuer until completion of the
24 construction, or
25 (C) The Planning Director determines that substantial construction or
26 development has taken place. That determination shall be processed as follows:

1 (1) Application shall be made on appropriate forms and filed with the
2 Director at least 30 days prior to the expiration date.

3 (2) The Director shall issue a written decision ~~on the application within 20~~
4 ~~days of filing. That decision shall be~~ based on findings that:

5 (i) Final Design Review approval has been granted under MCC .7845 on
6 the total project, if applicable; and

7 (ii) At least ten percent of the dollar cost of the total project value has been
8 expended for construction or development authorized under a sanitation,
9 building or other development permit. Project value shall be as determined
10 by MCC .9025(A) or .9027(A).

11 (3) Notice of the Planning Director's decision shall be mailed to all parties
12 as defined in MCC .8225.

13 (4) The decision of the Plannering Director shall become final at the close
14 of business on the tenth day following mailed notice unless a party files a
15 written notice of appeal. Such notice of appeal and the decision shall be
16 subject to the provisions of MCC .8290 and .8295.

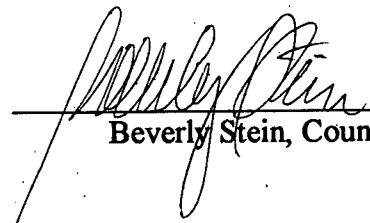
17 (D) Uses listed in MCC .2012 shall expire two years from the date of the Board
18 Order on the matter, or two years from the date of final resolution of subsequent
19 appeals, unless one of the conditions of .7110(C) are met.

1 **SECTION III. ADOPTION**

2 ADOPTED this 2nd day of April, 1998, being the date of its third reading before the
3 Multnomah County Board of Commissioners.



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



Beverly Stein, County Chair

10 REVIEWED:

11 THOMAS SPONSLER, COUNTY COUNSEL
12 FOR MULTNOMAH COUNTY, OREGON

13 By 
14 Sandra N. Duffy, Chief Assistant County Counsel

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19
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21
22
23
24
25 4/2/98 revision

Meeting Date: APR 02 1998
Agenda No: R-10
Est. Start Time: 10:25

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Public Reading of an Ordinance amending the Multnomah County Zoning Code (MCC 11.15) to update the code enforcement provisions (C 5-97).

BOARD BRIEFING Date Requested:
 Amt. of Time Needed:
 Requested By:

REGULAR MEETING Date Requested: April 2, 1998
 Amt. of Time Needed: 15 Min.

DEPARTMENT: DES
CONTACT: Lisa Estrin

DIVISION: Transportation & Land Use Planning
TELEPHONE: 248-3043
BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Lisa Estrin / Kathy Busse

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Public Reading of an Ordinance amending the Multnomah County Zoning Code (MCC 11.15) to update the code enforcement provisions (C 5-97).

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: _____

KF Lang F. Nicholas/no

BOARD OF
COUNTY COMMISSIONERS
98 MAR 18 AM 10:24
MULTNOMAH COUNTY
OREGON

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

To: Board of County Commissioners

From: Planning Staff

Today's Date: March 17, 1998

**Requested
Placement Date:** April 2, 1998

Subject: Public hearing on an ordinance to amend section 11.15 of the Multnomah County Code to update the code enforcement provisions of land use planning (Planning case file C 5-97)

I. Recommendation / Action Requested

Recommend adoption of an ordinance that will delete the Enforcement Proceeding regulations contained in MCC 11.15.8135 and amend the Violation and Enforcement regulations contained in MCC 11.15.9052 to increase the capability of the County to gain compliance with land use regulations.

II. Background / Analysis

Multnomah County Code 11.15.9052 (Violations and Enforcement) currently contains two processes for land use violations. Land use violations may be enforced through the County Hearings Officer pursuant to MCC 11.15.8135 (Enforcement Proceedings) or through County Counsel instituting appropriate legal proceedings on behalf of the County at the request of the Director of Environmental Services. The current practice utilizes County Counsel.

In 1996, the Land Use Planning Division began reviewing the methods available to increase compliance with land use regulations while reducing the dependence on County Counsel for unresolved zoning violations. Through 3 workshops with the Planning Commission, the alternatives for modifying the code enforcement procedures were explored. The Planning Commission and Land Use Planning wanted to create a system that reduced the time required for most code enforcement cases but allowed for review of the violation before a scheduled court proceeding. In addition, the proposed changes will increase the number of enforcement options available to staff to better correspond with the types of violations occurring in the field.

The proposed amendment creates three alternatives for Planning staff in enforcing land use violations. The first option is a Notice of Violation process. This system is quite similar to the current procedure. A complaint is received, investigated and if found to be valid, a Notice of Violation letter is sent to the property owner. The owner is given 30 days to

comply, make a land use application to correct the situation or appeal the Notice of Violation. If the property owner failed to do any of three options, a penalty may be assessed per MCC 11.15.9053. Currently MCC 11.15.9053 allows assessment of up to \$500.00 per day for continuing land use violations.

The second alternative proposed is for land use violations which cause irreparable harm or an immediate health and safety concern. For land use violations in this category, a Stop Work Order may be issued. A Stop Work Order must be posted at the property or hand delivered to the person causing the site damage. The violation is to cease immediately and a penalty as provided in .9053 shall be issued. In addition, a Notice of Violation is sent to the property owner providing options for correcting the violation and allowing for appeal of the Stop Work Order / Notice of Violation.

The third alternative which may be utilized at any time during the Code Enforcement process is for Multnomah County to institute a complaint in the Circuit Court for any remedy provided by law, including injunction, mandamus, abatement, or other appropriate proceedings to correct the land use violation.

In addition to creating the three alternatives in processing land use violations, the proposed amendment codifies a current policy of the Land Use Planning Division. Currently, staff policy is that no land use action, which is usually a building permit, will be issued unless the violation on a property is corrected. The proposed amendment will change this from a staff policy to Multnomah County Code. This will increase staff's ability to enforce the land use codes.

The current method of code enforcement in the Land Use Planning section has created a large backlog of unresolved cases. Modifications are necessary in order to better achieve the land use goals of Multnomah County. The current code enforcement process has very limited ability to deter land use violations and may promote them due to the fact that no additional costs are associated with violation cases except seeking the original land use action needed. In addition, the current process requires a significant amount of land use planning staff time and County Counsel resources to achieve compliance for a single land use violation. The proposed amendments will increase staff efficiency, reduce reliance on the use of County Counsel for minor code enforcement actions and create penalties for property owners seeking to avoid the costs associated with land uses and development.

III. Financial Impact

Fiscal impacts will be neutral. Any penalties assessed will be returned to the General Fund.

IV. Legal Issues

No legal issues have been identified. The revisions proposed are not known to be in violation of any County Planning Policy, Statewide Planning Goals, Statutes or Rules.

V. Controversial Issues

Planning staff held three workshops and one public hearing before the Multnomah County Planning Commission. Limited public comment regarding the proposed ordinance was received. The predominate concern of the Planning Commission members was to allow for the code enforcement planner's determination of a land use violation to be appealed. The proposed ordinance contains a codified method to appeal a Notice of Violation and Stop Work Order.

VI. Link to Current County Policies

The Sauvie Island / Multnomah Channel Rural Area Plan contains material supporting the enforcement of land use laws. Policy 8(b) states " Multnomah County should make enforcement of zoning laws in the channel a higher priority to the Transportation and Land Use Planning Department. In addition, a number of other land use policies in the three rural area plans cannot be easily achieved without land use planning inspections and possible enforcement to ensure compliance.

VII. Citizen Participation

Notice of the Planning Commission hearing on the proposed ordinance was published in the *Oregonian* newspaper. No one testified at the Planning Commission hearing. Notice of this hearing before the Board was also published in the *Oregonian*.

VIII. Other Government Participation

Clackamas County, Washington County, the Cities of Portland and Gresham were contacted regarding their enforcement procedures.

Attachments: Ordinance C 5-97
Planning Commission Resolution
Code Enforcement Quarterly Report

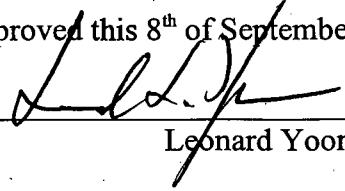
**DECISION OF THE
MULTNOMAH COUNTY PLANNING COMMISSION**

In the matter of repealing Multnomah County)
Zoning Ordinance Enforcement Proceedings section)
and amending the Multnomah County Zoning)
Ordinance Violations and Enforcement section to)
modify the code enforcement process to allow the)
Land Use Planning section to assess penalties in)
land use violation cases and to allow emergency)
enforcement of land use laws in cases where)
irreparable harm will result or presents an)
immediate health and safety danger.)

RESOLUTION
C 5-97

- WHEREAS,** Amendments of the text of the Zoning Code may be initiated by request of the Planning Director (MCC 11.15.8405); and
- WHEREAS,** A public hearing shall be held by a majority of the entire Planning Commission on the proposed amendments to the Code; and
- WHEREAS,** The current utilization of the Code is limited in its capability to resolve land use violations and requires considerable expenditures of Land Use Planning staff and County Counsel resources to resolve zoning code violations and does not assess penalties to deter property owners from committing land use violations; and
- WHEREAS,** The modification of the Violations and Enforcement section of the Zoning Code will increase staff efficiency in achieving compliance with the Code and reduce the case load on the court system resulting from zoning; and
- WHEREAS,** The Planning Commission conducted a public hearing on September 8, 1997, to accept public testimony on the proposed amendment to the zoning code text; and
- NOW, THEREFORE BE IT RESOLVED** that the Planning Commission hereby recommends that the Board of County Commissioners amend the zoning code as indicated in the draft ordinance prepared by staff and identified as the attached Exhibit A.

Approved this 8th of September, 1997

By 
Leonard Yoon, Chair

Code Enforcement Quarterly Report

(October - December, 1997)

Code Enforcement Case Load	July - Sept. '97	Oct. - Dec. '97	Jan. - March '98	April - June '98
Active Violation Cases	57/64*	57		
Complaints Under Review	158/167*	182		
Quarterly Total	215/231*	239		

* Database correction

Number of Inspections:

July - Sept. '97: 77

Oct. - Dec. '97: 83

Quarterly Hours:	July - Sept. '97	October - December '97	Jan. - March '98	April - June '98
General Zoning Work Hours:	63.6	64.95		
On-site Inspection Hours:	48.4	42.7		
Total:	112.0	107.65		

Complaints Received:	July - Sept. '97	Oct. - Dec. '97	Jan. - March '98	April - June '98
Totals	37	22		

Number of Current Complaints/Violations by Category	July - September '97	October - December '97	January - March '98	April - June '98
Grading and Erosion Control/ Hillside Development Permit	36/40*	38		
Non-Permitted Dwellings	73/79*	80		
Replacement Dwellings	16/17*	17		
Health Hardships	14/15*	14		
Other	43/47*	49		
Junk Yards	19/19*	19		
Commercial	37/36*	38		
Miscellaneous Violations	18/20*	21		
Land Use Permits/ Development Standards	25/30*	35		
Resorts/Kennels	07/07*	08		
Total	215/231*	239		

*Database Correction

Open Complaints/Violations by Category and Date Received

Category	GEC/ HDP	Non-Permitted Dwellings	Junk Yards	Commercial	Misc.	Illegal Struct./ Dev. Standards	Resort/ Kennels	Total
No Date	3	4	0	1	1	1	0	10
'94-'95	10	5	4	9	3	2	3	36
Jan- March '96	0	3	2	2	2	0	0	9
April- June '96	0	4	2	4	0	2	1	13
July - Sept. '96	2	4	1	3	1	5	1	17
Oct. - Dec. '96	4	6	3	3	0	5	0	21
Jan- March '97	6	12	4	4	2	3	1	32
April- June '97	5	19	2	8	9	3	0	46
July - Sept. '97	4	18	0	2	2	8	1	35
Oct. - Dec. '97	4	5	1	2	1	6	1	20
Total	38	80	19	38	21	35	8	239

Cases Closed:

July - Sept. '97: 32

Oct. - Dec. '97: 14

Closed Complaints/Violations For October - December '97 by Category and Date Received

Category	GEC/ HDP	Non-Permitted Dwellings	Junk Yards	Commercial	Misc.	Illegal Struct./ Dev. Standards	Resort/ Kennels	Total
No Date	0	0	0	0	0	0	0	0
'94-'95	0	1	0	0	0	0	0	1
Jan- March '96	0	0	0	0	0	0	0	0
April- June '96	0	2	0	0	0	0	0	2
July - Sept. '96	4	0	0	0	0	0	0	4
Oct. - Dec. '96	0	0	0	0	0	1	0	1
Jan- March '97	0	0	0	0	0	0	0	0
April- June '97	1	1(HH)	1	0	0	0	0	3
July - Sept. '97	1	0	0	0	0	0	0	1
Oct. - Dec. '97	0	0	0	1	1	0	0	2
Total	6	4	1	1	1	1	0	14

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. _____
4

5 An Ordinance deleting Enforcement Proceeding regulations contained in
6 MCC 11.15.8135 and amending the Violation and Enforcement regulations
7 contained in MCC 11.15.9052 for land use violations to increase the capability of
8 the County to gain compliance with land use regulations.

9 (Underlined sections are new replacements; [bracketed] sections are deleted.)
10

11 Multnomah County ordains as follows:
12

13 Section I. Findings.
14

15 (A) The current ordinance procedures contained in MCC 11.15.9052
16 (Violations and Enforcement) contain two processes for land use violations.
17 The Director of the Department of Environmental Services may enforce land
18 use violations through a hearing with a County Hearings Officer pursuant to
19 MCC .8135 (Enforcement Proceedings); or County Counsel may institute
20 appropriate legal proceedings on behalf of the County at the request of the
21 Director of Environmental Services. The current practice utilizes County
22 Counsel.

23 (B) The result of the proposed ordinance amendment is to repeal MCC
24 11.15.8135 and amend MCC 11.15.9052 to allow penalties to be assessed by
25 the Land Use Planning section. The amendment of the procedures should
26 reduce the backlog and dependence on County Counsel for unresolved zoning
27 violations. In addition, the time period required to gain compliance for most

1 land use violations should be greatly reduced.

2 (C) On September 8, 1997 the Planning Commission held a public hearing
3 pursuant to MCC 11.15. 8410 and recommended approval of the proposed
4 ordinance amendment. Hearings before the Board of County Commissioners
5 followed on April 2 and April 9, 1998. All interested persons were given an
6 opportunity to appear and be heard at the hearings.

7
8 Multnomah County Code Chapter 11.15 is amended to read as follows:

9
10 Section II. Deletion of Enforcement Proceedings ordinance section MCC
11 11.15.8135.

12
13 A. Repeal section [~~MCC 11.15.8135 Enforcement Proceedings~~].

14 Section III. Amendment of the Violations and Enforcement ordinance section MCC
15 11.15.9052.

16
17 B. MCC 11.15.9052 Violations and Enforcement

18
19 ~~[Any use of land in violation of any provision of MCC 11.15, or the terms and~~
20 ~~conditions of any development permit by an operator, shall be punishable as~~
21 ~~provided in MCC .9053.~~

22
23 ~~(A) The Department of Environmental Services must give written notice of any~~
24 ~~violation to the operator of the violation. Failure of the operator to receive the~~
25 ~~notice of violation does not invalidate any enforcement actions taken by the~~
26 ~~County.~~

27 ~~(B) The provisions of MCC 11.15, or a land use decision made or conditions of a~~

1 ~~land use approval applied thereunder may be enforced in one or more of the~~
2 ~~following ways:~~

3 ~~(1) By the Director of the Department of Environmental Services pursuant to~~
4 ~~MCC .8135; or~~

5 ~~(2) County Counsel may institute appropriate legal proceedings on behalf of the~~
6 ~~County at the request of the Director of Environmental Services.~~

7 ~~(C) — The County may institute appropriate suit or legal action, in law or equity,~~
8 ~~in any court of competent jurisdiction to enforce the provisions of any order of the~~
9 ~~Hearings Officer acting under the provisions of MCC .8135, including, but not~~
10 ~~limited to, its suit or action to obtain judgment for any civil penalty imposed by an~~
11 ~~order of the Hearings Officer.]~~

12
13 Any use of land in violation of any provision of MCC 11.15, MCC 11.45, MCC
14 9.10 and MCC 9.40 or the terms and conditions of any development permit by a
15 person shall be punishable as provided by MCC 11.15.9052(D)(E) & (F).

16
17 (A) Definitions

- 18
19 1. "County Ordinance" means all ordinances duly enacted by Multnomah
20 County, including but not limited to zoning, planning, and building
21 ordinances, as specified above.
- 22 2. "Notice of Violation": written notice mailed to operator /or property
23 owner when the Code Enforcement Planner identifies violations of any
24 provision of the Multnomah County Code or the terms and conditions of a
25 development permit.
- 26 3. "Violator" means any person who has admitted violation of a County
27 Ordinance or a person who has been found to have violated a County

1 Ordinance.

2 4. "Person" includes:

3 a) The United States or agencies thereof, any state, public or private
4 corporation, local governmental unit, public agency, individual,
5 partnership, association, firm, trust, estate or any other legal entity,
6 contractor, subcontractor or combination thereof. For the purposes
7 of this ordinance, "person" also includes those residing in or
8 conducting business or activities in the unincorporated areas of
9 Multnomah County; and

10 b) The owner, title holder, contract seller, or contract buyer of the land
11 upon which the violation is occurring, is equally responsible for the
12 violation of County Ordinance, as is the possessor of the land, user
13 of the land, or the person who is taking the action, conduct or
14 omission which constitutes a violation of any County Ordinance.

15 5. "Decision of Appeal": The decision of the Planning Director in the appeal
16 of the Notice of Violation.

17 6. "Grace Period": Time allotted to a property owner to correct a zoning
18 violation without assessment of penalties, additional code enforcement
19 inspections or legal action being taken for the cited violation during that
20 assigned time period. A Grace Period begins from the date the Notice of
21 Violation is sent or posted. A grace period for a noticed violation does not
22 grant a property owner the right to continue a use for the time period
23 specified or prevent inspection or citation of new or other land use
24 violations.

25
26 (B) Compliance Required

No application for a land use permit or division of land shall be approved for a site, which is subject to an enforcement action pursuant to the provisions of this section. A land use permit or division of land may only be issued if it corrects the land use violation contained in the Notice of Violation.

(C) Code Enforcement Planner

The Planning Director shall appoint one or more persons to act as the code enforcement planner(s) for purposes of issuing Notice of Violation(s), and for the enforcement of MCC 11.15, MCC 11.45, MCC 9.10 and MCC 9.40 or the terms and conditions of any development permit by an operator or property owner.

(D) Enforcement Action

(1) An enforcement action may be initiated by the Land Use Planning staff on its own action, when the Division of Transportation and Land Use Planning Division receives a complaint, known or anonymous or receives a directive from the Board of County Commissioners. All complaints are to be kept confidential, until such time as the violation is closed.

(2) If the Code Enforcement Planner determines the existence of a violation, the Code Enforcement Planner shall send a Notice of Violation to the property owner and if known, the operator/tenant.

a) The notice shall outline the nature of the violation(s) and set forth options to correct the violation(s).

b) The notice shall notify the property owner and the operator/tenant

1 that failure to comply with the Ordinance within thirty days of the
2 date of the Notice of Violation will result in enforcement under
3 MCC 11.15.9052(D)(3) and that a penalty of up to \$500.00 per day
4 may be assessed per MCC 11.15.9053.

5 c) A statement shall also notify the property owner and the
6 operator/tenant of the right to appeal the determination of a land use
7 violation and the time limits established by this section.

8 d) If notice is mailed, the compliance time shall be extended by an
9 additional three days.

10
11 (3) If the property owner and operator/tenant fails to correct the violation
12 within the time given, the Code Enforcement Planner may issue a penalty
13 in accordance with MCC 11.15.9053. Said penalty shall be recorded as a
14 lien against real property in the Office of the County Recorder if not paid
15 within sixty days of notification of the property owner and operator/tenant
16 of the issuance of the penalty.

17
18 (4) The property owner or his representative may file an appeal of the Notice
19 of Violation with the Land Use Planning section within the initial 30-day
20 grace period as stipulated in the Notice of Violation. The appellant has 45
21 days from the date of filing the appeal to provide written documentation to
22 the Code Enforcement Planner in support of the appeal. All enforcement
23 actions, except for actions taken under .9052(E), will be stayed until the
24 Planning Director reviews the written testimony and determines by a
25 preponderance of the evidence that a violation has occurred. In the event
26 that the Planning Director finds in the favor of the appellant, the Notice of
27 Violation will be rescinded.

1 (a) Upon filing of an appeal by the property owner, written notice and
2 opportunity to comment on the appeal of the Notice of Violation shall
3 be provided to the complainant, if known, and the surrounding property
4 owners within:

5 (1) 100 feet of the subject property when inside the Urban Growth
6 Boundary; or

7 (2) 250 feet of the subject property where the subject property is
8 outside the Urban Growth Boundary and not within a farm or forest
9 resource zone; or

10 (3) 500 feet of the subject property where the subject property is within
11 a farm or forest resource zone.

12 (b) The Planning Director may consider any other written testimony
13 submitted in support of and in opposition to the Notice of Violation.

14 (c) After review of the written testimony, the Planning Director shall serve
15 the property owner with a Decision of Appeal; and

16 (d) If the Notice of Violation is upheld, penalties as provided in .9053 shall
17 be assessed by the Planning Director;

18 (e) The Planning Director may delay additional penalties at the time of the
19 Decision of Appeal by specifying an additional grace period to allow
20 the property owner to remove the violation from the property. If an
21 additional grace period is granted, it shall not be less than five days.

22 (f) Said penalty shall be recorded as a lien against real property in the
23 Office of the County Recorder if not paid within sixty days of
24 notification of the property owner and operator/tenant of the issuance
25 of the penalty.

26
27 (5) If the property owner chooses to correct the violation by applying for a

1 land use permit, penalties shall accrue during the application process time
2 period as provided in MCC .9053.

3
4 (a) Penalties assessed from the date of formal application for a land use
5 permit to completion of the project through final inspection may be
6 waived by the Planning Director provided the property owner
7 completes the application process within 180 days of filing and
8 complies with the timeline established as a condition of approval of the
9 project and if no additional violations occur during the completion of
10 the conditions of approval.

11 (b) A timeline for compliance with the land use permit shall be included as
12 a condition of approval of the land use permit and, if possible, shall not
13 extend past a single construction season.

14
15 (E) Emergency Enforcement

16
17 (1) If the Code Enforcement Planner determines, as a result of a site visit
18 by the Code Enforcement Planner or Code Enforcement Inspector, that
19 the violation is such that irreparable harm will result, will be difficult to
20 correct if allowed to continue, or presents an immediate health and
21 safety danger, the Code Enforcement Planner may, without notice,
22 issue a Stop Work Order which shall also serve as the Notice of
23 Violation.

24
25 (2) The Stop Work Order shall require the property owner to immediately
26 discontinue the use and shall impose a fine as provided in MCC .9053
27 pursuant to which the property owner must cease all uses listed in the

1 Stop Work Order. Penalties may be imposed pursuant to MCC .9053
2 for each 24-hour period in which work continues in violation of the
3 Stop Work Order. Said penalty shall be recorded as a lien against real
4 property in the Office of the County Recorder if not paid within sixty
5 days of notification of the property owner and operator/tenant of the
6 issuance of the penalty.

7
8 (3) The property owner shall make land use application or correct the
9 violation within 15 days of the Stop Work Order being issued. If the
10 property owner fails to make land use application or correct the
11 violation within the 15-day time period, the Code Enforcement Planner
12 may issue a penalty in accordance with MCC 11.15.9053. Said
13 penalty shall be recorded as a lien against real property in the Office of
14 the County Recorder if not paid within sixty days of notification of the
15 property owner and operator/tenant of the issuance of the penalty.

16
17 (4) If the property owner files an appeal under .9052(D)(4), the property
18 owner shall not resume the discontinued use(s) until such time as a
19 Decision of Appeal has been issued and the Planning Director removes
20 the Stop Work Order from the property.

21
22 (5) The Planning Director or Code Enforcement Planner may require the
23 placement of erosion and sediment control devices and/or other health
24 and safety corrections to occur at his discretion.

25
26 (F) Notice of Violation; Occurrence; Other Remedies
27

- 1 1. Except as otherwise specifically provided in this ordinance, a Notice of
2 Violation shall be used for violation of MCC 11.15, 11.45, 9.10 and 9.40.
3
- 4 2. Each day (24-hour period) a violation exists shall be a separate citable
5 offense.
6
- 7 3. The remedies and procedures provided in this ordinance shall be in
8 addition to any other remedy or procedure provided by any applicable law.
9 (a) In addition to any other remedy provided by law to the County, the
10 County shall be entitled to its reasonable attorney fees and costs.
11

12 (G) Judicial Review
13

14 Review of the Decision of Appeal of the Planning Director under this section by any
15 aggrieved party, including the County of Multnomah, shall be by writ of review as
16 provided in ORS 34.010 - 34.100.
17

18 (H) Comprehensive Framework Plan and Zoning or Land Division Ordinance
19 Interpretations
20

21 If the Notice of Violation involves a Comprehensive Framework Plan, Zoning or
22 Land Division Ordinance interpretation by the Planning Staff, not previously
23 decided by the Planning Commission or the Board of County Commissioners, in
24 order to appeal Planning staff's interpretation, the property owner must include the
25 request for interpretation by the Planning Commission in the appeal of the Notice of
26 Violation. The property owner shall deposit with the Land Use Planning section at
27 the time of appeal, the fee established under MCC 11.15.9010 for a Planning
28 Commission Interpretation. The Planning Director shall initiate an action for an

1 interpretation per MCC 11.15.9045 prior to the Decision of the Appeal. An
2 interpretation by the Planning Commission shall be rendered within 45 days of
3 initial Planning Commission meeting in which the item was presented. The Planning
4 Director shall utilize the Planning Commission's Interpretation in making the
5 determination of the Decision of Appeal.

6
7 (I) Reporting to the Planning Commission
8

9 The Land Use Planning section shall report to the Planning Commission on code
10 enforcement activities every six months.
11

12 ADOPTED this 9th day of April, 1998, being the date its second reading before
13 the Board of County Commissioners of Multnomah County.
14

15 BOARD OF COUNTY COMMISSIONERS
16 FOR MULTNOMAH COUNTY, OREGON
17
18
19

20 _____
Beverly Stein, Chair

21 REVIEWED.
22

23 THOMAS SPONSLER, COUNTY COUNSEL
24 FOR MULTNOMAH COUNTY, OREGON
25

26 By Sandra H. Duffy
27 Sandra Duffy, Chief Assistant Counsel
28