

ANNOTATED MINUTES

*Tuesday, December 13, 1994 - 9:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

WORK SESSION

WS-1 Board and Managers Discussion on the 1994-95 Mid-Year Performance Report; Review Status of Current Year Action Plans and Key Results Measures; and Updates on 3-6 High Priority Action Plans, for the Following:

9:00 - 10:30 Health Department

***BILLI ODEGAARD, BILL DAVIS, JEAN GOULD,
DWAYNE PRATHER, DR. GARY OXMAN, JAN
SINCLAIR, GORDON EMPY, CATHY PAGE AND
MARGE JOSA PRESENTATION AND RESPONSE TO
BOARD QUESTIONS.***

10:30 - 12:00 Department of Community Corrections

***TAMARA HOLDEN, JOANNE FULLER, JIM ROOD,
AND CARY HARKAWAY PRESENTATION AND
RESPONSE TO BOARD QUESTIONS.***

*Tuesday, December 13, 1994 - 1:30 PM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

BOARD BRIEFINGS

B-1 Presentation and Discussion of the Oregon Health Plan Implementation and Managed Care Update. Presented by Lorenzo Poe, Howard Klink and Elleen Deck.

***LOLENZO POE, BILLI ODEGAARD, HOWARD KLINK,
AND JUDY ROBISON PRESENTATION AND RESPONSE
TO BOARD QUESTIONS.***

B-2 Presentation and Discussion on the Department of Community Corrections Plan to Participate in a Partnership with the Buckman Neighborhood Association.

Presented by Tamara Holden, Michael Haines and Kevin Criswell.

MICHAEL HAINES, KEVIN CRISWELL AND NEDRA BAGLEY PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

*Wednesday, December 14, 1994 - 9:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

WORK SESSION

WS-2 Board and Managers Discussion on the 1994-95 Mid Year Performance Report; Review Status of Current Year Action Plans and Key Results Measures; and Updates on 3-6 High Priority Action Plans, for the Following:

9:00 - 11:30 Department of Environmental Services

BETSY WILLIAMS, BOB THOMAS, DAVE FLAGLER, SCOTT PEMBLE, MIKE OSWALD, JIM MUNZ, AND KARI HARDWICK PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

11:30 - 12:00 Citizen Involvement Committee

JOHN LEGRY PRESENTATION AND RESPONSE TO BOARD QUESTIONS.

*Thursday, December 15, 1994 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:30 a.m., with Vice-Chair Tanya Collier, and Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

CONSENT CALENDAR

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

DEPARTMENT OF HEALTH

- C-1 *Ratification of an Intergovernmental Revenue Agreement, Contract #201245, between Multnomah County Health Department and the Municipality of Anchorage, Alaska to Reimburse the County for Testing the County's Health Information System Software, Effective Upon Execution through December 31, 1995*

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 *PROCLAMATION in the Matter of Honoring those Employers who Provide Employment for Individuals with Developmental Disabilities and Recognizing the Contribution that They Make to the Community*

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-1. PROCLAMATION READ FOR THE RECORD. COMMISSIONER SALTZMAN PRESENTED EXPLANATION. THE BOARD PRESENTED A COPY OF THE PROCLAMATION HONORING VARIOUS EMPLOYERS OF INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES TO: ALBERTSON'S, ATWATER'S, BUILDER'S SQUARE, BURGER KING, BURGERSVILLE USA, CATERAIR, COFFEE BEAN INTERNATIONAL, CONTAINER RECOVERY INC., EDGEFIELD INN, F.H. STEINBART, FAIRVIEW TRAINING CENTER, FARMER'S INSURANCE, FAST BREAK, FIRE MOUNTAIN ENTERPRISES, FIRST INTERSTATE BANK, FRED MEYER, GLOBE AIRPORT SECURITY SERVICES, GOOD SAMARITAN HOSPITAL, GREAT BEGINNINGS CHILD CARE, HIPPO HARDWARE, JODY'S RESTAURANT, LUMITE, McDONALD'S, McMENAMIN'S PUBS, MOCHA MAMA MT. HOOD CHEMICAL, NIKE, NORDSTROM, NW FIBER FABRICATIONS, OHSU, PIZZA HUT, PORTLAND BOLD, PORTLAND COMMUNITY COLLEGE PEP, PORTLAND IMPORTS, PP & I, PRECISION DIE CUTTING, PROVIDENCE HOSPITAL, PROVIDENCE MEDICAL CENTER, QUALICOTE, RED ROBIN, RHEINLANDER, ROBERT'S OF PORTLAND, ROSE MOYER THEATER, SAFEWAY, SCHMIDT NURSERY, SCHUCK'S AUTO PARTS, ST. VINCENT DePAUL, TACO BELL, TOWER RECORDS US BANK, UNIFIRST AND WENDY'S. PROCLAMATION 94-243 WAS UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

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

- R-2 *Second Reading and Possible Adoption of a Proposed ORDINANCE Adopting Rules of the Multnomah County Public Contract Review Board*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE NO. 807 WAS UNANIMOUSLY APPROVED.

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

AGING SERVICES DIVISION

- R-3 *Budget Modification ASD #1 Requesting Authorization to Add \$11,000 in Funds from the State of Oregon, for the "Never Too Late" Drug and Alcohol Grant for Elderly Clients Dealing with Drug and Alcohol Related Illness*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER SALTZMAN, IT WAS UNANIMOUSLY APPROVED TO POSTPONE ITEMS R-3 AND R-4 TO A TIME CERTAIN OF THURSDAY, DECEMBER 22, 1994.

- R-4 *Budget Modification ASD #2 Requesting Authorization to Add \$30,000 in Funds from the University of Minnesota, for a Client Values Assessment Project*

POSTPONED UNTIL THURSDAY, DECEMBER 22, 1994.

NON-DEPARTMENTAL

- R-5 *Request for Approval of a Notice of Intent to Apple for Grants and Sponsorships to Support Public Education on Personal Preparedness for Emergencies through the Development and Implementation of a Community Signboard Project*

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-5. JOY TUMBAGA EXPLANATION. NOTICE OF INTENT WAS UNANIMOUSLY APPROVED.

- R-6 *Second Reading and Possible Adoption of a Proposed ORDINANCE Adjusting Exempt Employee Wages and Benefits in Order to Carry Out Measure 8, and to Equalize Benefits for Exempt and Non-Exempt Employees; Repealing Certain Provisions in Ordinance 740 Relating to Pension Benefits, Increasing Salaries and Salary Ranges for Exempt Employees, and Declaring an Emergency*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE NO. 808 APPROVED, WITH COMMISSIONERS COLLIER, HANSEN AND STEIN VOTING AYE, AND COMMISSIONERS KELLEY AND SALTZMAN VOTING NO.

PUBLIC COMMENT

- R-7 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

NONE.

There being no further business, the meeting was adjourned at 9:40 a.m.

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


Carrie A. Parkerson

*Thursday, December 15, 1994 - 11:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

- B-3 *Presentation and Briefing on Audit, "Corrections Overtime: Improve Scheduling Practices," Released 12/2/94. Presented by Gary Blackmer.*

GARY BLACKMER PRESENTATION AND RESPONSE TO BOARD QUESTIONS. SHERIFF JOHN BUNNELL AND CHIEF DEPUTY TOM SLYTER THANKED AUDITOR AND STAFF FOR ALL WORK DONE TO PREPARE THIS AUDIT AND RESPONDED TO RECOMMENDATIONS OF THE AUDIT.

Friday, December 16, 1994 - 9:00 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

WORK SESSION

WS-3 Board and Managers Discussion on the 1994-95 Mid-Year Performance Report; Review Status of Current Year Action Plans and Key Results Measures; and Updates on 3-6 High Priority Action Plans, for the Following:

9:00 - 10:00 Aging Services Division

**JIM McCONNELL, CARLA GOLDING, SUE YOUNG AND
JEAN DeMASTER PRESENTATION AND RESPONSE TO
BOARD QUESTIONS.**

10:00 - 12:00 Sheriff's Office

**THIS SESSION TO BE RESCHEDULED TO A LATER
DATE DUE TO THE FOLLOWING SPECIAL MEETING.**

Friday, December 16, 1994 - 10:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

SPECIAL MEETING

Judge John Mabrey, Wasco County Board of Commissioners, convened the meeting via teleconference at 10:30 a.m., with Multnomah County Chair Beverly Stein, Vice-Chair Tanya Collier, and Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman; along with Baker County Judge Steve Bogart, Commissioners Gerald Conrad and Truscott Irby; Clackamas County Commissioners Ed Lindquist, Judie Hammerstad, and Darlene Hooley; Crook County Judge Fred Rodgers, Commissioners Ted Comini and Mike McCabe; Gilliam County Judge Laura Pryor, Commissioners Alan Anderson and Frank Bettencourt; Grant County Judge Kevin Campbell, Commissioners Sondra Lino and Robert Kimberling; Hood River County Commissioners Jerry Routson, John Arens, Allen Moore, R. Kent Rosemont and Beverly Rowland; Morrow County Judge Louis Carlson, Commissioners Raymond French and Donald McElligott; Sherman County Commissioners Robert Boynton and John Schadewitz; Wasco County Commissioners C.E. Filbin and Scott McKay; and Wheeler County Judge Jeanne Burch, Commissioner William Potter present.

S-1 The Multnomah County Board of Commissioners Will Meet Via Teleconference With the Boards and Courts of Baker, Clackamas, Crook, Gilliam, Grant, Hood River, Morrow, Sherman, Wasco and Wheeler Counties, for the Purpose of Filling the Vacancy in the 68th Oregon Legislative Assembly, State Senate District 28.

The Nominees Chosen by the Republican Precinct Committee of Senate District 28 are as Follows:

*Lawrence F. Lear
Wilbert L. Sullens
Rodger Van Zanten
Gregory Paul Walden*

Judge John Mabrey, Wasco County Board of Commissioners, Will be Chairing the Joint Meeting from Cousin's Restaurant in The Dalles. Interested Persons May Listen to the Meeting in Room 602 of the Multnomah County Courthouse.

JUDGE JOHN MABREY OUTLINED THE PROCEDURE ORDER FOR TODAY, ADVISING THAT THE BOARDS AND COURTS WOULD START BY HEARING THE NOMINEES PRESENTATIONS FIRST; FOLLOWED BY A ROLL CALL VOICE VOTE, WITH ONLY THOSE JUDGES AND COMMISSIONERS PRESENT ALLOWED TO CAST THEIR ALLOTTED VOTES AS DETERMINED BY THE STATE OF OREGON ELECTIONS DIVISION; IF NOT PRESENT VOTES ALLOTTED FOR THAT PERSON WILL NOT BE COUNTED.

JUDGE MABREY READ STATEMENT FOR ROGER VAN ZANTEN, WHO WAS NOT PRESENT. LAWRENCE F. LEAR, NOT PRESENT AND NO STATEMENT MADE. WILBERT L. SULLENS AND GREGORY PAUL WALDEN MADE PRESENTATIONS ON THEIR OWN BEHALF.

FOLLOWING NOMINEE STATEMENTS, A ROLL CALL VOICE VOTE WAS TAKEN, WITH OFFICIAL TABULATION COMPLETED BY WASCO COUNTY CLERK/CHIEF ELECTIONS OFFICER KAREN LeBRETON. THE FOLLOWING VOTES WERE CAST:

| | | |
|-------------------------|---------------------|--------------------|
| JOHN MABREY | GREG WALDEN | 4 VOTES |
| STEVE BOGART | WILL SULLENS | 3 1/3 VOTES |
| GERALD CONRAD | WILL SULLENS | 3 1/3 VOTES |
| TRUSCOTT IRBY | WILL SULLENS | 3 1/3 VOTES |
| ED LINDQUIST | GREG WALDEN | 1 2/3 VOTES |
| JUDIE HAMMERSTAD | GREG WALDEN | 1 2/3 VOTES |
| DARLENE HOOLEY | GREG WALDEN | 1 2/3 VOTES |
| FRED RODGERS | GREG WALDEN | 3 VOTES |
| TED COMINI | GREG WALDEN | 3 VOTES |
| MIKE McCABE | GREG WALDEN | 3 VOTES |
| LAURA PRYOR | GREG WALDEN | 1/3 VOTES |
| ALAN ANDERSON | GREG WALDEN | 1/3 VOTES |

| | | |
|--------------------------|---------------------|--------------------|
| FRANK BETTENCOURT | WILL SULLENS | 1/3 VOTES |
| KEVIN CAMPBELL | GREG WALDEN | 1 2/3 VOTES |
| SONDRA LINO | GREG WALDEN | 1 2/3 VOTES |
| ROBERT KIMBERLING | WILL SULLENS | 1 2/3 VOTES |
| JERRY ROUTSON | GREG WALDEN | 2 VOTES |
| JOHN ARENS | GREG WALDEN | 2 VOTES |
| ALLEN MOORE | GREG WALDEN | 2 VOTES |
| R. KENT ROSEMONT | GREG WALDEN | 2 VOTES |
| BEVERLY ROWLAND | GREG WALDEN | 2 VOTES |
| LOUIS CARLSON | GREG WALDEN | 2/3 VOTE |
| RAYMOND FRENCH | GREG WALDEN | 2/3 VOTE |
| DONALD McELLIGOTT | GREG WALDEN | 2/3 VOTE |
| BEVERLY STEIN | GREG WALDEN | 1 VOTE |
| DAN SALTZMAN | GREG WALDEN | 1 VOTE |
| GARY HANSEN | GREG WALDEN | 1 VOTE |
| TANYA COLLIER | GREG WALDEN | 1 VOTE |
| SHARRON KELLEY | GREG WALDEN | 1 VOTE |
| MIKE McARTHUR | GREG WALDEN | 1/3 VOTE |
| ROBERT BOYNTON | GREG WALDEN | 1/3 VOTE |
| JOHN SCHADEWITZ | GREG WALDEN | 1/3 VOTE |
| C.E. FILBIN | GREG WALDEN | 4 VOTES |
| SCOTT McKAY | GREG WALDEN | 4 VOTES |
| JEANNE BURCH | GREG WALDEN | 1/3 VOTE |
| H. JOHN ASHER | NOT PRESENT | NO VOTE |
| WILLIAM POTTER | GREG WALDEN | 1/3 VOTE |

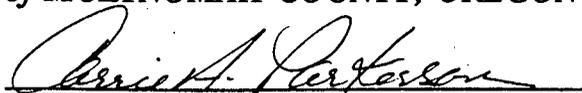
FOLLOWING VOICE VOTE AND TABULATION, KAREN LeBRETON ANNOUNCED THAT GREG WALDEN RECEIVED 48-2/3 VOTES AND WILL SULLENS RECEIVED 12 VOTES.

IN ACCORD WITH PROCEDURES ESTABLISHED BY THE SECRETARY OF STATE, THE BOARDS OF COUNTY COMMISSIONERS OF BAKER, CLACKAMAS, CROOK, GILLIAM, GRANT, HOOD RIVER, MORROW, MULTNOMAH, SHERMAN, WASCO AND WHEELER COUNTIES AND THE COUNTY COURT OF WASCO COUNTY VOTED TO APPOINT (NOMINEE) GREGORY PAUL WALDEN TO FILL THE VACANCY IN THE LEGISLATIVE ASSEMBLY, STATE SENATE DISTRICT 28, HAVING RECEIVED THE HIGHEST NUMBER OF VOTES. THIS APPOINTMENT WAS UNANIMOUSLY APPROVED.

GREG WALDEN PRESENTED ACCEPTANCE STATEMENT AND THANKED ALL FOR THE APPOINTMENT.

There being no further business, the meeting was adjourned at 11:08 a.m.

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

A handwritten signature in cursive script, appearing to read "Carrie A. Parkerson", written over a horizontal line.

Carrie A. Parkerson

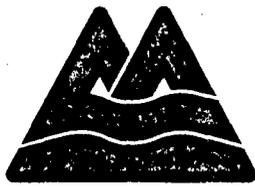
BOARD OF COUNTY COMMISSIONERS
 FORMAL BOARD MEETING
 RESULTS

MEETING DATE: 12-15-94

| Agenda Item # | Motion | Second | APP/NOT APP |
|---|-----------|-----------|-------------|
| <u>C-1</u> | <u>SK</u> | <u>TC</u> | <u>APP</u> |
| <u>R-1</u> <i>2nd Reading</i> | <u>DS</u> | <u>SK</u> | <u>APP</u> |
| <u>R-2</u> <i>Motion to postpone to a time certain -</i> | <u>GH</u> | <u>SK</u> | <u>APP</u> |
| <u>R-3</u> | <u>SK</u> | <u>DS</u> | <u>APP</u> |
| <u>R-4</u> | <u>S</u> | <u>S</u> | <u>S</u> |
| <u>R-5</u> <i>2nd Reading - Emergency Clause</i> | <u>SK</u> | <u>TC</u> | <u>APP</u> |
| <u>R-6</u> | <u>TC</u> | <u>GH</u> | <u>APP</u> |
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12-22-94

SK, DS } NO



MULTNOMAH COUNTY OREGON

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

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

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

DECEMBER 12, 1994 - DECEMBER 16, 1994

Tuesday, December 13, 1994 - 9:00 AM - Work Session Page 2

Tuesday, December 13, 1994 - 1:30 PM - Board Briefings Page 2

Wednesday, December 14, 1994 - 9:00 AM - Work Session Page 2

Thursday, December 15, 1994 - 9:30 AM - Regular Meeting Page 3

Thursday, December 15, 1994 - 11:30 AM - Board Briefing Page 4

Friday, December 16, 1994 - 9:00 AM - Work Session Page 4

Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen by Paragon Cable subscribers at the following times:

Thursday, 6:00 PM, Channel 30
Friday, 10:00 PM, Channel 30
Saturday, 12:30 PM, Channel 30
Sunday, 1:00 PM, Channel 30

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

Tuesday, December 13, 1994 - 9:00 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

WORK SESSION

WS-1 *Board and Managers Discussion on the 1994-95 Mid-Year Performance Report; Review Status of Current Year Action Plans and Key Results Measures; and Updates on 3-6 High Priority Action Plans, for the Following:*

| | |
|---------------|-------------------------------------|
| 9:00 - 10:30 | Health Department |
| 10:30 - 12:00 | Department of Community Corrections |

Tuesday, December 13, 1994 - 1:30 PM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

BOARD BRIEFINGS

B-1 *Presentation and Discussion of the Oregon Health Plan Implementation and Managed Care Update. Presented by Lorenzo Poe, Howard Klink and Elleen Deck. 1 HOUR REQUESTED.*

B-2 *Presentation and Discussion on the Department of Community Corrections Plan to Participate in a Partnership with the Buckman Neighborhood Association. Presented by Tamara Holden, Michael Haines and Kevin Criswell. 20 MINUTES REQUESTED.*

Wednesday, December 14, 1994 - 9:00 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

WORK SESSION

WS-2 *Board and Managers Discussion on the 1994-95 Mid Year Performance Report; Review Status of Current Year Action Plans and Key Results Measures; and Updates on 3-6 High Priority Action Plans, for the Following:*

| | |
|---------------|--------------------------------------|
| 9:00 - 11:30 | Department of Environmental Services |
| 11:30 - 12:00 | Citizen Involvement Committee |

Thursday, December 15, 1994 - 9:30 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

DEPARTMENT OF HEALTH

- C-1 *Ratification of an Intergovernmental Revenue Agreement, Contract #201245, between Multnomah County Health Department and the Municipality of Anchorage, Alaska to Reimburse the County for Testing the County's Health Information System Software, Effective Upon Execution through December 31, 1995*

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 *PROCLAMATION in the Matter of Honoring those Employers who Provide Employment for Individuals with Developmental Disabilities and Recognizing the Contribution that They Make to the Community* 94-243

PUBLIC CONTRACT REVIEW BOARD

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

- R-2 *Second Reading and Possible Adoption of a Proposed ORDINANCE Adopting Rules of the Multnomah County Public Contract Review Board* 807

APP

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

AGING SERVICES DIVISION

- R-3 *Budget Modification ASD #1 Requesting Authorization to Add \$11,000 in Funds from the State of Oregon, for the "Never Too Late" Drug and Alcohol Grant for Elderly Clients Dealing with Drug and Alcohol Related Illness*

- R-4 *Budget Modification ASD #2 Requesting Authorization to Add \$30,000 in Funds from the University of Minnesota, for a Client Values Assessment Project*

Post one to a certain 1 wk - 12-22-94

NON-DEPARTMENTAL

APP

R-5 Request for Approval of a Notice of Intent to Apply for Grants and Sponsorships to Support Public Education on Personal Preparedness for Emergencies through the Development and Implementation of a Community Signboard Project

APP
K. M.

R-6 Second Reading and Possible Adoption of a Proposed ORDINANCE Adjusting Exempt Employee Wages and Benefits in Order to Carry Out Measure 8, and to Equalize Benefits for Exempt and Non-Exempt Employees; Repealing Certain Provisions in Ordinance 740 Relating to Pension Benefits, Increasing Salaries and Salary Ranges for Exempt Employees, and Declaring an Emergency

808

PUBLIC COMMENT

R-7 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

Thursday, December 15, 1994 - 11:30 AM

Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

B-3 Presentation and Briefing on Audit, "Corrections Overtime: Improve Scheduling Practices," Released 12/2/94. Presented by Gary Blackmer. **11:30 TIME CERTAIN, 45 MINUTES REQUESTED.**

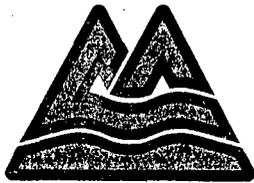
Friday, December 16, 1994 - 9:00 AM

Multnomah County Courthouse, Room 602
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WORK SESSION

WS-3 Board and Managers Discussion on the 1994-95 Mid-Year Performance Report; Review Status of Current Year Action Plans and Key Results Measures; and Updates on 3-6 High Priority Action Plans, for the Following:

9:00 - 10:00 Aging Services Division
10:00 - 12:00 Sheriff's Office



MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS

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

SUPPLEMENTAL AGENDA

Friday, December 16, 1994 - 10:30 AM

*Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland*

SPECIAL MEETING

S-1 The Multnomah County Board of Commissioners Will Meet Via Teleconference With the Boards and Courts of Baker, Clackamas, Crook, Gilliam, Grant, Hood River, Morrow, Sherman, Wasco and Wheeler Counties, for the Purpose of Filling the Vacancy in the 68th Oregon Legislative Assembly, State Senate District 28. The Nominees Chosen by the Republican Precinct Committee of Senate District 28 are as Follows:

*Lawrence F. Lear
Wilbert L. Sullens
Rodger Van Zanten
Gregory Paul Walden*

Judge John Mabrey, Wasco County Board of Commissioners, Will be Chairing the Joint Meeting from Cousin's Restaurant in The Dalles. Interested Persons May Listen to the Meeting in Room 602 of the Multnomah County Courthouse.

Resolution 94-244

MEETING DATE: DEC 15 1994

AGENDA NO.: C-1

(Above space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ratification of revenue IGA with Municipality of Anchorage

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 8, 1994

Amount of Time Needed: Less than 5 minutes

DEPARTMENT: Health DIVISION: _____

CONTACT: Tom Fronk TELEPHONE #: 4274

BLDG/ROOM #: 160/7

PERSON(S) MAKING PRESENTATION: Tom Fronk/Tim Rowan

ACTION REQUESTED:

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

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

Ratification of revenue Intergovernmental Agreement Contract 201245 between Municipality of Anchorage, Alaska and Multnomah County, to test for possible purchase, the Health Department's Health Information System software for the period upon execution through December 31, 1995.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Or

DEPARTMENT MANAGER: Belle Adgeard

BOARD OF
COUNTY COMMISSIONERS
1994 DEC - 5 PM 4: 27
MULTNOMAH COUNTY
OREGON

(ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES)

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

5654

Originals sent to Jim Kennedy on 12-16-94.



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
426 S.W. STARK STREET, 8TH FLOOR
PORTLAND, OREGON 97204-2394
(503) 248-3674
FAX (503) 248-3676
TDD (503) 248-3816

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

MEMORANDUM

TO: Board of County Commissioners

FROM: Bill Odegaard, Health Department Director

REQUESTED PLACEMENT DATE: December 8, 1994

DATE: November 23, 1994

SUBJECT: Intergovernmental revenue agreement with Municipality of Anchorage, Alaska

I. Recommendation/Action: The Health Department recommends approval of this intergovernmental revenue agreement with Municipality of Anchorage, Alaska for the period upon execution through December 31, 1995.

II. Background/Analysis: The Municipality of Anchorage wishes to purchase the Health Department's Health Information System. It wishes to put the software through several tests in its own environment prior to making the final decision. This agreement authorizes those tests while protecting Multnomah County's rights to the software. If the Municipality decides not to purchase the software, this agreement compensates the County \$3200 for its efforts in making the tests possible. The costs of transfer media are recovered in any case. Should the Municipality decide to purchase the Health Information System, compensation to the County would be determined in an amendment to this agreement.

III. Financial Impact: This is a revenue contract. If successful it will lead to an even larger revenue contract.

IV. Legal Issues: none.

V. Controversial Issues: none.

VI. Link to Current County Policies: This agreement is in direct support of CareOregon which is participating of the Oregon Health Plan.

VII. Citizen Participation: none.

VIII. Other Government Participation: All parties to this agreement are governmental bodies.



CONTRACT APPROVAL FORM
(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 201245
Amendment # _____

| | | |
|--|---|--|
| <p>CLASS I</p> <input type="checkbox"/> Professional Services under \$25,000 | <p>CLASS II</p> <input type="checkbox"/> Professional Services over \$25,000 (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 checked="" type="checkbox"/> Revenue | <p>CLASS III</p> <input checked="" type="checkbox"/> Intergovernmental Agreement <p>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-1</u> DATE <u>12/15/94</u> <u>Carrie A. Parkerson</u> BOARD CLERK</p> |
|--|---|--|

Department Health Division _____ Date 23 Nov 94

Contract Originator Tom Fronk Phone 4274 Bldg/Room 160/7

Administrative Contact Jim Kennedy Phone 6747 Bldg/Room 160/8

Description of Contract Contractor agrees to reimburse the County for testing the County's Health Information System software. The Contractor wishes to test the system before it buys it.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is MBE WBE QRF

Contractor Name Municipality of Anchorage
 Mailing Address City Hall, MISD- 4th Floor POBox 196650
Anchorage, AK 00519-6650
 Phone (907) 343-6887
 Employer ID# or SS# _____
 Effective Date Upon execution
 Termination Date December 31, 1995
 Original Contract Amount \$ 3200
 Total Amount of Previous Amendments \$ _____
 Amount of Amendment \$ _____
 Total Amount of Agreement \$ _____

Remittance Address _____ (If Different)
 Payment Schedule _____ Terms _____
 Lump Sum \$ _____ Due on receipt
 Monthly \$ _____ Net 30
 Other \$ _____ Other _____
 Requirements contract - Requisition required.
 Purchase Order No. _____
 Requirements Not to Exceed \$ _____

REQUIRED SIGNATURES:

Department Manager *Billie Osgood*
 Purchasing Director _____
 (Class II Contracts Only)
 County Counsel _____
 County Chair / Sheriff *Stan*
 Contract Administration _____
 (Class I, Class II Contracts Only)

Encumber: Yes No
 Date 11/23/94
 Date _____
 Date 11/29/94
 Date 12/14/94
 Date _____

| VENDOR CODE | | | VENDOR NAME | | | | | | TOTAL AMOUNT \$ | | |
|---|------|--------|--------------|---------|----------|-----------------|---------|------------|------------------|--------|--------------|
| LINE NO. | FUND | AGENCY | ORGANIZATION | SUB ORG | ACTIVITY | OBJECT/ REV SRC | SUB OBJ | REPT CATEG | LGFS DESCRIPTION | AMOUNT | INC/ DEC IND |
| 01. | | | | | | | | | | | |
| 02. | | | | | | | | | | | |
| 03. | | | | | | | | | | | |
| * If additional space is needed, attach separate page. Write contract # on top of page. | | | | | | | | | | | |

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION CANARY - INITIATION PINK - FINANCE

INFORMATION SERVICES CONTRACT

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into as of the 17th day of November, 1994, by and between MULTNOMAH COUNTY, a home rule political subdivision of the State of Oregon (hereinafter referred as "COUNTY"), and the Municipality of Anchorage, a political subdivision of the State of Alaska (hereinafter referred to as "MUNICIPALITY"),

WITNESSETH:

WHEREAS, MUNICIPALITY requires services which COUNTY is capable of providing, under terms and conditions hereinafter described, and

WHEREAS, COUNTY is able and prepared to provide such services as MUNICIPALITY does hereinafter require, under those terms and conditions set forth; now, therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, the parties agree as follows:

1. Term.

The term of this Agreement shall be effective upon execution through December 31, 1995.

2. Services.

COUNTY services under this Agreement shall consist of the following:

A. Hardware.

The COUNTY will provide no computer hardware to support MUNICIPALITY's use of COUNTY's Health Information System.

B. Software.

1. COUNTY will provide MUNICIPALITY with a TEST COPY of COUNTY'S Health Information System, including associated programs required for its functioning, except for those proprietary "environment" programs whose ownership resides with third parties. Securing access to those programs is the responsibility of MUNICIPALITY. COUNTY commits to delivery of this software within 60 days of the execution of this agreement.

2. MUNICIPALITY assures COUNTY that it will not use the Health Information System for any production data processing purposes, or for any purposes whatsoever

except for testing and evaluation, without further written consent of COUNTY, to be accomplished only via a further intergovernmental agreement, or via an amendment to this agreement.

3. MUNICIPALITY further agrees not to transfer the Health Information System to any third party except to the State of Alaska solely for the purpose of operating the Health Information System for testing and evaluation purposes for MUNICIPALITY.

C. Consulting Services

COUNTY will furnish MUNICIPALITY with telephone consulting services to ensure that MUNICIPALITY'S data processing vendor can successfully operate COUNTY'S Health Information System in a TEST COPY. This consulting will be limited to the term of this agreement, and to normal COUNTY business hours, which are from 8:00 AM to 5:00 PM, Pacific Time, standard or daylight, whichever is in effect in Oregon, Monday through Friday, excepting holidays observed by COUNTY.

3. Compensation.

A. Software Costs.

1. MUNICIPALITY has sole responsibility to procure the use of a software and hardware environment suitable for the operation of the Health Information System. The hardware environment shall include an "IBM Plug-Compatible" mainframe computer. The software shall include CICS, version 3.3, ADABAS, version 5.2.5, NATURAL, version 2.2.5, NATURAL SECURITY, version 2.2.5, and PREDICT Data Dictionary, version 3.3.2.

2. MUNICIPALITY agrees to pay COUNTY \$200.00 for the cost of media, system transfer, and postage for furnishing the TEST copy of the Health Information System.

B. Services Costs.

MUNICIPALITY shall reimburse COUNTY for consulting services required to render the Health Information System operational in a TEST mode in MUNICIPALITY'S environment under the following circumstances: Should MUNICIPALITY decide not to use the Health Information System for PRODUCTION purposes by December 31, 1995, OR should MUNICIPALITY fail to make a decision concerning using the system for PRODUCTION purposes by December 31, 1995, then MUNICIPALITY agrees to pay COUNTY \$3,000 for these consulting services. Should MUNICIPALITY decide to use the Health Information System for PRODUCTION purposes, no financial compensation is due from MUNICIPALITY to COUNTY for the consulting services detailed herein. The compensation due from MUNICIPALITY to COUNTY for said PRODUCTION use shall be determined in a future agreement.

C. COUNTY will bill MUNICIPALITY upon completion of the tasks set forth herein.

D. In no event shall the compensation due to COUNTY from MUNICIPALITY for all services contemplated by this agreement exceed a total of \$3,200. MUNICIPALITY shall pay COUNTY within 45 days of COUNTY'S billing(s).

E. MUNICIPALITY certifies that either federal, state, or local funds are available and authorized to finance the cost of this agreement.

4. MUNICIPALITY is Independent Contractor.

A. MUNICIPALITY is an independent contractor and is solely responsible for the conduct of its program. MUNICIPALITY, its employees and agents shall not be deemed employees or agents of COUNTY.

B. MUNICIPALITY shall defend, indemnify, and hold harmless COUNTY, its officers, agents, and employees from all claims, demands, damages, liabilities, and costs arising out of MUNICIPALITY's use of the Health Information System.

5. Contractor Identification.

MUNICIPALITY shall furnish to COUNTY its employer identification number, as designated by the Internal Revenue Service, or MUNICIPALITY's Social Security number, as COUNTY deems applicable.

6. Assignment.

MUNICIPALITY shall not assign any of MUNICIPALITY's rights acquired hereunder without obtaining prior written approval from COUNTY; COUNTY by this Agreement incurs no liability to third persons for payment of compensation for services provided to MUNICIPALITY.

7. Access to Records.

COUNTY shall have access to such books, documents, papers and records of MUNICIPALITY as are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts and transcripts.

8. Work is Property of County.

All Intellectual Property furnished to MUNICIPALITY by COUNTY under this Agreement shall remain the property of COUNTY.

9. Adherence to Law.

A. MUNICIPALITY shall adhere to all applicable laws governing its relationship with its employees, including but not limited to laws, rules, regulations and policies concerning workers' compensation, and minimum and prevailing wage requirements.

B. MUNICIPALITY shall not unlawfully discriminate against any individual with respect to hiring, compensation, terms, conditions or privileges or employment, or be subjected to discrimination under any program or activity because of such individual's race, color, religion, sex, national origin, age or handicap. In that regard, MUNICIPALITY must comply with all applicable provisions of Executive Order Number 11246 as amended by Executive Order Number 11375 of the President of the United States dated September 24, 1965, Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)) and Section 504 of the Rehabilitation Act of 1973 as implemented by 45 C.F.R. 84.4 and the Americans with Disabilities Act of 1990, Public Law Number 101-336 and all enacting regulations of the EEOC and Department of Justice. MUNICIPALITY will also comply with all applicable rules, regulations and orders of the Secretary of Labor concerning equal opportunity in employment and the provisions of ORS Chapter 659.

10. Modification.

Any modification of the provisions of this Agreement shall be reduced to writing and signed by the parties.

11. Integration.

This Agreement contains the entire Agreement between the parties and supersedes all prior written or oral discussions or Agreements.

12. Non-Violation of Tax Laws.

MUNICIPALITY hereby certifies under penalty of perjury that to the best of MUNICIPALITY's knowledge, MUNICIPALITY is not in violation of any Oregon tax laws described in ORS 305.380(4).

13. Early Termination.

A. This Agreement may be terminated prior to the expiration of the agreed-upon term:

1. Immediately upon mutual written consent of the parties, or at such time as the parties agree; or

2. Immediately upon MUNICIPALITY's use of the Health Information System for an unauthorized purpose; or

3. By either party upon 3 months' written notice to the other, delivered by certified mail or in person.

B. Termination under any provision of this paragraph shall not affect any right, obligation or liability of MUNICIPALITY or COUNTY which accrued prior to such termination.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers the date first written above.

MUNICIPALITY OF ANCHORAGE

By *Larry D. Crawford*

Date 11/17/94

92-0059987

Federal Tax ID #

MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, Chair

Date 12-15-94

REVIEWED:

LAURENCE KRESSEL, County
Counsel for Multnomah County, Oregon

By *Laurence Kessel*

Date 11/29/94

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-1 DATE 12-15-94
Chris A. Peterson
BOARD CLERK

Funds Available

Jerry Anderson

Department of Finance

Date:

10/26/94

Funds Certification

0607-1440-2201 200.00

(1994 Operating)

0607-1440-31 at \$3000.00

(1995 Operating Subject
to Appropriation)

MEETING DATE: DEC 15 1994

AGENDA NO: R-1

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Honoring Employers of individuals with developmental disabilities

BOARD BRIEFING: Date Requested:

Amount of Time Needed:

REGULAR MEETING: Date Requested: Dec 15, 1994

Amount of Time Needed: 20 minutes

DEPARTMENT: Non-Departmental

DIVISION: BCC/

CONTACT: Katherine Burk

TELEPHONE #: 248-5220

BLDG/ROOM #: 106/1500-1

PERSON(S) MAKING PRESENTATION: Commissioner Dan Saltzman

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

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

This proclamation honors those employers in our community who participate in programs administered by Multnomah County to provide employment for individuals with developmental disabilities. This proclamation formally recognizes that by participating in these programs these employers encourage the integration, independence, and productivity of individuals with developmental disabilities.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Dan Saltzman

OR

DEPARTMENT MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
1994 DEC - 2 PM 2:59
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

Copy of Proclamation 94-243 sent to Katherine Burk on 12-15-94.

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: COMMISSIONER DAN SALTZMAN

TODAY'S DATE: DECEMBER 2, 1994

REQUESTED PLACEMENT DATE: DECEMBER 15, 1994

RE: Proclamation In The Matter of honoring those employers who provide employment for individuals with developmental disabilities and recognizing the contribution that they make to the community.

I. Recommendation/Action Requested:

Approval of Proclamation.

II. Background/Analysis

Multnomah County has a history of demonstrating its commitment to serving its citizens with developmental disabilities. Current County programs work to encourage the integration independence, and productivity of individuals with developmental disabilities within our community.

This Proclamation recognizes the tremendous contribution that employers of individuals with developmental disabilities make towards accomplishing these goals.

III. Financial Impact

None.

IV. Legal Issues

None are apparent.

V. Controversial Issues

None are apparent.

VI. Link to Current County Policies:

None.

VII. Citizen Participation:

Yes. Those employers to be honored are private citizens in our community.

VIII. Other Government Participation:

None.

| | |
|---------------------------------|--------------------------------|
| Albertson's | McDonald's |
| Atwater's | McDonald's |
| Builder's Square | McMenamin's Pubs |
| Builder's Square #1464 | Mocha Mama |
| Burger King | Mt. Hood Chemical |
| Burger King | Nike |
| Burger King | Nordstrom |
| Burger King | NW Fiber Fabrications |
| Burger King | OHSU |
| Burger King | OHSU |
| Burger King | OHSU |
| Burgerville | Pizza Hut |
| Burgerville | Portland Bolt |
| Burgerville | Portland Community College Pep |
| Burgerville USA, #12 | Portland Imports |
| Caterair | PP & I |
| Coffee Bean International | Precision Die Cutting |
| Container Recovery Incorporated | Providence Hospital |
| Edgefield Inn | Providence Hospital |
| F. H. Steinbart | Providence Medical Center |
| F. H. Steinbart | Qualicote |
| Fairview Training Center | Red Robin |
| Farmer's Insurance | Rheinlander |
| Fast Break | Robert's of Portland |
| Fire Mountain Enterprises | Rose Moyer Theater |
| First Interstate Bank | Safeway |
| Fred Meyer | Schmidt Nursery |
| Globe Airport Security Services | Schuck's Auto Parts |
| Good Samaritan Hospital | St. Vincent DePaul |
| Great Beginnings Child Care | Taco Bell |
| Hippo Hardware | Tower Records |
| Jody's Restaurant | U.S Bank |
| Lumite | Unifirst |

US Bancorp

US Bank

US Bank

US Bank

Wendy's

DEC 15 1994

R-2

DEC 08 1994

Meeting Date: _____

Agenda No.: R10

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM

SUBJECT: Public Contract Review Board Rules

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: December 1, 1994

Amount of Time Needed: 5-10 Minutes

DEPARTMENT: MSS DIVISION: Finance

CONTACT: David Boyer or Lillie Walker TELEPHONE #: x3903

BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: Lillie Walker or Dave Boyer

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

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

Approve Public Contract Review Board (PCRB) Rules. Attached memo explains Board authority and background on PCRB rules.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: *David Boyer*

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1994 NOV 29 AM 11:09

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

*Copy of Ord. # 807 sent to Dave Boyer & Lillie Walker on 12-16-94.
& Ord. Sub. list on 12-19-94.*



MULTNOMAH COUNTY OREGON

BEVERLY STEIN
COUNTY CHAIR

EMPLOYEE SERVICES
FINANCE
LABOR RELATIONS
PLANNING & BUDGET
RISK MANAGEMENT

(503) 248-5015
(503) 248-3312
(503) 248-5135
(503) 248-3883
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
P.O. BOX 14700
PORTLAND, OREGON 97214

PURCHASING, CONTRACTS
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR
PORTLAND, OREGON 97202

MEMORANDUM

To: Board of County Commissioners

From: Dave Boyer, Finance Director 
Lillie Walker, Purchasing Director

Date: November 21, 1994

Requested Placement Date: December 1, 1994

RE: Public Contract Review Board (PCRB) Rules

I. Recommendation/Action Requested:

Approve ordinance amending Multnomah County Public Contract Review Board Rules.

II. Background/Analysis:

The Multnomah County Board of County Commissioners acts as the Public Contract Review authority for County agencies, public contractors and vendors. The Multnomah County Public Contract Review Board has rule making authority to carry out the powers and duties of the Board under ORS 279.011 to 279.063. All rules shall be adopted in the manner prescribed in the ordinance creating the PCRB Rules.

The Administrative Rules contained herein were first promulgated April 8, 1976 and subsequently amended May 1, 1981 and July 19, 1986. The Rules are being presented for amendment with the intent to, as close as practical, follow the Oregon Attorney General's Model Public Contract Rules.

These rules are essentially the same as the rules presented at the briefing on October

18, 1994, The changes made from the document presented on October 18, 1994, were made in accordance with the Board's direction or were technical in nature .

III. Financial Impact: No direct financial impact but it is expected that the modifications will result in more efficient procurement practices.

IV. Legal Issues: Rules follow Attorney General Model Rules where applicable and have been reviewed by County Counsel.

V. Controversial Issues: None that we are aware of.

VI. Link to Current County Policies: Is consistent with County policy.

VII. Citizen participation: None

VIII. Other Government Participation: None

ORDINANCE FACT SHEET

Ordinance Title: Amend Public Contract Review Board Rules

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefited, other alternatives explored):

Amend Public Contract Review Board Rules (PCRB) to meet Multnomah County's needs. PCRB benefits vendors, contractors, and the public.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

All local governments need to adopt PCRB rules.

What has been the experience in other areas with this type of legislation?

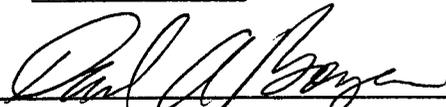
Positive

What is the fiscal impact, if any?

None

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: 

Planning & Budget Division (if fiscal impact): _____

Department Manager/Elected Official: 

1
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**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ACTING AS THE PUBLIC CONTRACT REVIEW BOARD FOR MULTNOMAH COUNTY

ORDINANCE NO. 807

An ordinance adopting rules of the Multnomah County Public Contract Review Board.

(Underlined sections are new or replacements; [~~bracketed~~] sections are deleted.)

Multnomah County Ordains as follows:

Section I. Findings

(A) The Board of County Commissioners has been established as the local Public Contract Review Board (PCRB) for Multnomah County with authority to adopt rules and regulations relating to the award of County contracts.

(B) There is need to provide for consistent contracting practices and to insure compliance with Oregon Revised Statutes (ORS) Chapter 279.

(C) The County contracting rules previously promulgated in April 1979 and revised in May 1981 and July 1986 are in need of revision because of changes in purchasing practices and to insure compliance with ORS Chapter 279.

(D) Multnomah County Code 2.30.860 establishes the duties and responsibilities of the Purchasing Section and Purchasing Director and these duties and responsibilities have been changed and have been incorporated into the PCRB Rules.

(E) In general the rules are consistent with the Oregon Attorney General's Model Public Contract Rules and the exemptions granted in the rules for certain contracts will result in efficiencies and cost savings to the County.

Section 2. Repeal

Multnomah County Code 2.30.860 (Ordinance 746) is hereby repealed.

Section 3. Amendment: Adoption of Rules

MCC 2.20.250(B) is amended to read:

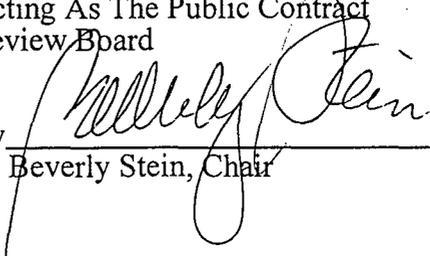
The Multnomah County Public Contract Review Board Administrative Rules, dated [~~April 2, 1981~~]
December 15, 1994, attached as Exhibit A and incorporated by reference herein, are hereby adopted and
replace those administrative rules previously promulgated by the Board.

ADOPTED this 15th day of December, 1994, being the date of its second reading before the Board
of County Commissioners of Multnomah County, Oregon, acting as the Public Contract Review Board for
Multnomah County.



Board of County Commissioners
For Multnomah County, Oregon
Acting As The Public Contract
Review Board

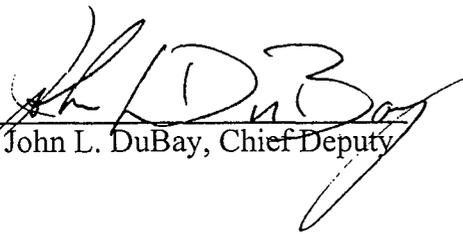
By


Beverly Stein, Chair

REVIEWED:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By


John L. DuBay, Chief Deputy

**MULTNOMAH COUNTY
PUBLIC CONTRACT REVIEW BOARD**

INTRODUCTION

The statutory authority for creation of Local or County Public Contract Review Boards is ORS 279.055.

The Multnomah County Board of County Commissioners acts as the Public Contract Review authority for County agencies, public contractors and vendors. The Board of County Commissioners convenes PCRB meetings as necessary and takes formal action at regularly scheduled Thursday morning formal Board meetings. Meeting notices are sent to interested persons who have asked to be on the Public Contract Review Board Meeting's mailing list. The Public Contract Review Board (PCRBR) may exempt contracts or classes of public contracts from competitive bidding requirements. Exemptions for specific contracts are granted by administrative order of the PCRBR. Class exemptions are granted by PCRBR Administrative Rule.

Any County agency who wants to request an exemption from competitively bidding a contract or class of contracts, bid security requirements, or restrictions against brand names or trademarks, are required to send a letter/memorandum, at least three weeks before a scheduled meeting, to the Director, Purchasing Section, 2505 S.E. 11th Avenue, Portland, OR 97202. The Director of the department initiating the exemption request, or designee, must describe circumstances which would support findings required for granting exemptions. The findings will be reviewed by the Purchasing Section and forwarded to the PCRBR with a recommendation and rationale of action that needs to be taken.

Requests for exemption of a specific contract or contracts must be submitted with all of the information required pursuant to the Public Contract Review Administrative Rules.

The Administrative Rules contained herein were first promulgated April 8, 1976 and subsequently amended May 1, 1981 and July 19, 1986. The Rules were amended December 15, 1994 with the intent to, as close as practical, follow the Oregon Attorney General's Model Public Contract Rules.

The Multnomah County Public Contract Review Board has rule making authority to carry out the powers and duties of the Board under ORS 279.011 to 279.063. All rules shall be adopted in the manner prescribed in the resolution and/or ordinance creating the PCRBR.

**EXHIBIT A
December 15, 1994**

**MULTNOMAH COUNTY PUBLIC CONTRACT REVIEW BOARD
ADMINISTRATIVE RULES
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**MULTNOMAH COUNTY PUBLIC CONTRACT REVIEW BOARD
ADMINISTRATIVE RULES**

DIVISION 10

10.000 Definitions

- (1) "Administrative Rule" or "AR" means Public Contract Review Board Administrative Rules
- (2) "Bid" means a competitive offer in which price, delivery (or project completion) and conformance to specification will be the predominant award criteria.
- (2) "Board" means the Multnomah County Public Contract Review Board (PCRB).
- (3) "Competitive Bidding" means the solicitation by Multnomah County of competitive offers which follow the formal process for advertising, bid and bid opening required by ORS Chapter 279, rules of the Multnomah County Public Contract Review Board and applicable sections of Multnomah County Code.
- (4) "Competitive Quotes" or "Informal Quotation" means the solicitation of offers by Multnomah County from competing vendors. The solicitation may be by advertisement or by Multnomah County initiating a request to vendors to make an offer. The solicitation and offer may be in writing or oral.
- (5) "Contract Amendment" means any amendment for additional work including change orders, extra work, field orders, or other changes in the original specifications and contract price.
- (6) "The County": or, "County" means Multnomah County, Oregon
- (7) "Department" means the Administrative Department under and pursuant to Chapter 1 of the Multnomah County Charter.
- (8) "Department Manager" means the Director of an Administrative Department as defined in the Multnomah County Charter.
- (9) "Director of Purchasing" means the Director of the Purchasing Section, Finance Division for Multnomah County or his/her designee.
- (10) "Invitation to Bid" means the solicitation of competitive offers in which specifications, price or delivery (or completion time) will be the predominant award criteria.
- (11) "Post-consumer waste" means a finished material which would normally be disposed of as solid waste, having completed its life cycle as a consumer item. "Post-consumer waste" does not include manufacturing waste.
- (12) "Price Agreement" means the same as Requirements Contracts defined below (#21).
- (13) "Professional Services Contracts" means a contract for services performed as an independent contractor in a professional capacity as defined in AR 10.092.
- (14) "Public Contract" means any purchase, lease or sale by the County of personal property, public improvements or services other than agreements which are for Professional services.
- (15) "Public Improvement" means projects for construction, reconstruction or major renovation of real property by or for the County. "Public Improvement" does not include emergency work, minor alteration, ordinary repairs or maintenance necessary in order to preserve a public improvement.

- (16) "Public Works" include but is not limited to roads, highways, buildings, structures and improvements of all types, the constructions, reconstruction, major renovation or painting of which is carried on or contracted for by any public agency the primary purpose of which is to serve the public interest regardless of whether title thereof is in a public agency but does not include the reconstruction or renovation of privately owned property which is leased by a public agency.
- (17) "Recycled Material" means any material that would otherwise be a useless, unwanted or discarded material except for the fact that the material still has useful physical or chemical properties after serving a specific purpose and can, therefore, be reused or recycled.
- (18) "Recycled Paper" means a paper product with not less than:
 - (a) Fifty percent of its total weight consisting of secondary waste materials; or
 - (b) Twenty five percent of its total weight consisting of post-consumer waste.
- (19) "Recycled Product" means all materials, goods and supplies, not less than 50 percent of the total weight of which consists of secondary and post-consumer waste with not less than 10 percent of its total weight consisting of post-consumer waste. "Recycled product" also includes any product that could have been disposed of as solid waste, having completed its life cycle as a consumer item, but otherwise is refurbished for reuse without substantial alteration of the product's form.
- (20) "Request for Proposals" means the solicitation of competitive proposals, or offers, to be used as a basis for making an acquisition or entering into a contract when price will not necessarily be the predominant award criteria.
- (21) "Requirements Contracts" means an agreement in which the vendor agrees to supply all the purchaser's requirements that arise for an item or items within a specified time period.
- (22) "Secondary waste materials" means fragments of products or finished products of a manufacturing process which has converted a virgin resource into a commodity of real economic value, and includes post secondary waste, but does not include excess virgin resources of the manufacturing process. For paper "secondary waste materials" does not include fibrous waste generated during the manufacturing process such as fibers recovered from waste water or trimmings of paper machine rolls, mill broke, wood slabs, chips, sawdust or other wood residue from a manufacturing process.
- (23) "Service Contract" means a contract that calls primarily for a contractor's time and effort rather than for an end product.

10.010 Contracts Exempt From Competitive Bidding

- (1) All public contracts exceeding \$25,000 shall be based upon competitive bidding except the following:
 - (a) Contracts made with other public agencies or the federal government.
 - (b) Contracts made with Qualified Rehabilitation Facilities providing employment opportunities for the handicapped.
 - (c) Contracts specifically exempt under the provisions of these rules.
 - (d) Contracts between public agencies utilizing an existing solicitation or current requirement contract of one of the public agencies that is party to the contract for which:
 - (1) The original contract met the requirements of ORS 279;

- (2) Allows other public agency usage; and
 - (3) The originating public agency concurs.
- (e) No written agreement under ORS 190 is necessary if the arrangement is between or among units of local government.

10.020 Contracts For Price Regulated Items

- (1) The County may, without competitive bidding, contract for the purchase of goods or services not subject to the provisions of AR 10.092, where the rate or price for the goods or services being purchased is established by federal, State or local regulatory authority.

10.025 Library Circulation Material

- (1) The County may, without competitive bidding, purchase circulation materials such as books, videos, tapes and CD,s.

10.030 Copyrighted Materials

- (1) If the contract is for the purchase of copyrighted materials and there is only one supplier available, the County may contract for the purchase of the goods without competitive bidding.

10.031 Periodicals

- (1) The County may purchase subscriptions for periodicals, including journals, magazines and similar publications without competitive bidding.

10.035 Institutional Commissaries and Sheriff's Inmate and Juvenile Detainee Welfare Funds

- (1) Institutional and residential commissaries and Sheriff's Inmate and Juvenile Detainee Welfare Funds may, without competitive bidding, make purchase from these funds subject to each office or department written policies and procedures.

10.040 Advertising Contracts

- (1) The County may purchase advertising, regardless of dollar amount, without competitive bidding.

10.045 Equipment Maintenance, Repair and Overhaul

- (1) Contracts for equipment maintenance, repair, or overhaul may be let without competitive bidding, subject to the following conditions:
 - (a) The services and/or parts required are unknown and the cost cannot be determined without extensive preliminary dismantling or testing; or
 - (b) The services and/or parts required are for sophisticated equipment for which specially trained personnel are required and such personnel are available from only one source.

10.047 Sales, Liquidation Sales and Disposal of Personal Property

- (1) The County may sell personal property, including recyclable or reclaimed materials, without formal competitive bidding if the Purchasing Section has determined that a negotiated sale will result in increased net revenue and the following conditions are complied with:
 - (a) When the current market value per item is deemed to be equal to or less than \$1,000, the Purchasing Section may establish a selling price, schedule and advertise a sale date, and sell to the first qualified buyer meeting the sale terms;
 - (b) When the current value per item is deemed to exceed \$1,000, the personal property must be offered for competitive written bid and be advertised in accordance with ORS 279.025 or be offered for sale at public auction in accordance with this rule. If no bids are received or if a determination is made that the market value of the property exceeds the offer of the highest responsive bidder, all bids may be rejected and the County may negotiate a sale subject to the following conditions:
 - (1) An appraisal of the market value of the property is obtained and documented and the negotiated sale price exceeds the market value; or

- (2) The sale amount exceeds the highest bid received through the bidding or auction process.
- (2) The County may sell personal property through a commercially recognized third party liquidator if the Purchasing Director has determined that a liquidation sale will result in increased net revenue and the following is complied with:
 - (a) The selection of the liquidator was made in accordance with these PCRB Rules.
- (3) The County may dispose of personal property without a competitive process if it is deemed by the Program Manager to be any one of the following:
 - (a) Property whose net value is under \$250
 - (b) Hazardous
 - (c) Property is inoperable and not reasonably repairable.
 - (d) Recyclable material
- (4) This section does not apply to the Titlewave Book Store operations.

10.048 Donations of Personal Property

- (1) The County may transfer personal property, including recyclable or reclaimed materials, without remuneration or only nominal remuneration without competitive bids to the following agencies:
 - (a) Another public agency; or
 - (b) Any sheltered workshop, work activity center, or group care home which operates under contract or agreement with, or grant from, any State agency and which is certified to receive federal surplus property; or
 - (c) Any recognized non-profit organization which is eligible to receive surplus property.
- (2) The County may donate or sell, without competitive bids, surplus personal property to recognized private non-profit social or health service agencies, subject to the following conditions:
 - (a) A determination has been made that the property is not needed for other public purposes;
 - (b) If the property has a current market value of \$1,000 or more, the donation or sale shall:
 - (1) Be approved by the County Chair/Sheriff;
 - (2) Be documented by the County to be clearly in the public interest and the most efficient/cost effective method of disposing of the property.
- (3) The County shall maintain a record of all transfers, donations, or sales authorized by subsection (1) or (2) of this rule.

10.050 (Hist: PCRB Eff. 4-8-76, Repealed by PCRB 1994.)

10.052 (Hist: PCRB Eff. 5-1-81, Repealed by PCRB 1989.)

10.055 Gasoline, Diesel Fuel, Heating Oil, Lubricants and Asphalt

- (1) The County is exempt from formal competitive bidding for the purchase of gasoline, diesel fuel, heating oil, lubricants and asphalt subject to the following conditions:
 - (a) The Purchasing Section seeks competitive quotes from a majority of vendors in the area; and
 - (b) Makes its purchases from the least expensive source; and
 - (c) Retains written justification for the purchase made.

10.060 Requirements Contract

- (1) The County may enter into requirements contracts whereby it is agreed to purchase requirements or anticipated needs at a predetermined price provided the following conditions are complied with:
 - (a) Contracts greater than \$25,000 must be let by competitive bidding pursuant to the requirements of Chapter 279, Oregon Revised Statutes, and applicable rules of the Multnomah County Public Contract Review Board.
 - (b) Requirements contracts, equal to or less than \$25,000, may be let through informal quotation providing that written quotation requests are mailed (by Purchasing) to a broad base of vendors. The quotation request must include all contract renewal language.
 - (c) The term of the Requirements Contract including renewals does not exceed three years.
- (2) The County may request specific exemptions from the foregoing conditions in accordance with AR 10.140.

10.070 Investment Contracts

- (1) The County may, without competitive bidding, contract for the purchase of the investment of public funds or the borrowing of funds by the County when such investment or borrowing is contracted pursuant to duly enacted statute, ordinance, charter, or constitution.

10.071 Rating Agency Contracts

- (1) The County may purchase and direct pay for the services of Moody's Investors Service, Standard and Poor's or similar rating agencies without competitive bidding.

10.072 Intergovernmental Agreements and Amendments Under \$25,000

- (1) The Board of County Commissioners authorizes Department Managers to enter into intergovernmental agreements if the following are met:
 - (a) Annual amount of the intergovernmental agreement, including amendments, is \$25,000 or less.
 - (b) The intergovernmental agreement is linked to County policy and does not commit the County to expend unbudgeted funds.
- (2) Department Managers are authorized to approve amendments to intergovernmental agreements which were initially in excess of \$25,000 and the aggregate amount of the amendments do not exceed \$25,000.

10.079 Employee Benefit Insurance

- (1) The County may purchase employee benefit insurance, regardless of dollar amount, without competitive bidding.

10.080 Hist: PCRB Eff. 4-8-76 and Repealed by PCRB 1994

10.081 Ballots, Ballot Pages and Ballot Cards

- (1) The County is exempt, regardless of dollar amount, from competitive bidding requirements for the printing of ballots, including ballot pages, labeling and mailing of ballot cards.

10.083 Hist: PCRB Eff. 5-1-82, repealed 1994.

10.085 Request for Proposals

- (1) The County may request an exemption to use an alternative selection process as an alternative procurement method (refer to Administrative Procedure PUR-1) subject to the following conditions:
- (a) The procurement is publicly advertised and a written document is issued that invites the submission of sealed, written offers to be opened publicly at a designated time and place; and
 - (b) Contractual requirements are stated clearly in the solicitation document; and
 - (c) Evaluation criteria to be applied in awarding the contract and the role of an evaluation committee are stated clearly in the solicitation document. Criteria used to identify the proposal that best meets the County's needs may include but are not limited to cost, quality, service, compatibility, product reliability, operating efficiency and expansion potential; and
 - (d) The solicitation document clearly states all complaint processes and remedies available.
 - (e) The solicitation document states the provisions made for proposers to comment on any specifications which they feel limit competition.
 - (f) The selection process shall not inhibit competition or encourage favoritism and will result in cost savings to the County. The above shall be documented as findings in the contract administration record.

10.086 Construction Manager/General Contractor

- (1) County agencies may request an exemption from the Public Contract Review Board to use the request-for-proposal process in accordance with the requirements Public Contract Review Board Administrative rule 10.085, for the selection of construction manager/general contractor firms (CM/GC) who will be required to establish guaranteed maximum prices for constructing public improvements, subject to the following conditions:
- (a) Contractual requirements are stated clearly in the solicitation document. The contract shall describe the methods by which the CM/GC shall competitively select other contractors and subcontractors to perform the work of the improvement; and shall describe the methods by which the CM/GC may compete to perform the work of the improvement.
 - (b) Evaluation criteria to be applied in selecting the CM/GC firm are stated clearly in the solicitation document. Criteria used to identify the CM/GC firm which best meets the County's needs must include but are not limited to cost, quality, experience relative to the improvement to be constructed, and time required to commence and complete the improvement.
 - (c) The County shall prepare written findings to support the use of this rule. The findings must show compliance with paragraphs (a) and (b) of ORS 279.015 (2). The County shall retain the findings and make them available upon request.

10.089 Office Copier Purchase

- (1) The County may enter into multiple price agreements for either the purchase or lease of office copying equipment subject to the following conditions:
- (a) The contract must be let by competitive bidding.
 - (b) The term of the agreements including renewals do not exceed three (3) years.
- (2) In exercising this exemption, the County shall fully consider the operating capabilities, limitations and cost of each brand or model and select that brand or model which will produce the best combination of performance and cost per copy for each application.

10.090 Data and Word Processing Contracts

- (1) Contracts for acquisition of data and word processing hardware and systems software may be let without competitive bidding using the Request for Proposal process subject to the following conditions:
 - (a) If the contract amount is equal to or less than \$25,000, the County shall follow informal competitive procurement methods. Prior to selection of a vendor, reasonable efforts will be made to solicit proposals from three or more vendors. Justification of award shall be documented and become a public record of the County.
 - (b) If the contract amount exceeds \$25,000, the County shall use the request for proposals process and must solicit written proposals. The County shall publish an advertisement in a publication of general circulation in the state and shall document the evaluation and award process, which will be part of the public record justifying the award.
 - (c) If the amount of the contract exceeds \$500,000, in addition to the requirements of subsection (b) of this rule, the County shall:
 - 1) Provide an opportunity for vendors to review requirements and, prior to submitting proposals, comment on any specifications which they feel limit competition;
 - 2) Provide that residual values be considered only if they are clearly ascertainable;
 - 3) Provide that cost of conversion will be minimized by the County. Vendors competing in this category of procurement shall be given the opportunity to review the evaluation of their proposal before final management review and selection. If there is less than a 1% difference between the performance/cost ratio of the highest ranked proposals, appropriate consideration must be given to the procurement of equipment which will encourage competition.

10.091 Telecommunication Systems Contracts

- (1) Contracts for acquiring telecommunications system hardware and software may be made by the County subject to the following conditions:
 - (a) If the contract is equal to or less than \$25,000, the County shall as a minimum obtain competitive quotes. Prior to selection of a contractor, reasonable efforts will be made to solicit proposals from three or more vendors. Justification of award shall be documented and become a public record of the County.
 - (b) If the contract amount exceeds \$25,000, the County shall determine and use the best procurement method, pursuant to ORS 279.005 through ORS 279.111 and shall solicit written proposals in accordance with the requirements of Public Contract Review Board Administrative Rule 10.085.
- (2) The telecommunications solicitation authorized in subsection (1)(b) of this rule shall:
 - (a) State the contractual requirements in the solicitations document:
 - (b) State the evaluation criteria to be applied in awarding the contract and the roles of any evaluation committee. Criteria that would be used to identify the proposal that best meets the County's needs may include, but are not limited to, cost, quality, service and support, and compatibility with the County's existing telecommunications systems, product or system reliability, vendor viability and financial stability, operating efficiency, and expansion potential:
 - (c) State the provisions made for bidders or proposers to comment on any specifications which they feel limit competition: and
 - (d) Be advertised in accordance with ORS 279.025.

10.092 Professional Services Contracts

(1) The County may enter into professional services contracts using the request for proposal process based upon the following criteria (refer to Administrative Procedure PUR-1):

(a) The following are professional services contracts:

- (1) Contracts for services performed as an independent contractor in a professional capacity including, but not limited to, the services of an accountant, attorney, architect, architectural or land use planning consultant, physician or dentist, registered professional engineer, appraiser or surveyor, passenger aircraft pilot, aerial photographer, timber cruiser, data processing consultant, or broadcaster.
- (2) Contracts for services as an artist in the performing of fine arts including, but not limited to, photographer, film-maker, painter, weaver, sculptor.
- (3) Contracts for services of a specialized creative or research-oriented noncommercial nature.
- (4) Contracts for services as a consultant.
- (5) Contracts for educational, human custodial care services and other human services.

(b) The following are NOT professional services contracts:

- (1) Contracts, even though in a professional capacity, if predominately for a product, e.g., a contract with a landscape architect to design a garden is for professional services, but a contract to design a garden and supply all the shrubs and trees is predominately for a tangible product.
- (2) A contract to supply labor which is of a type that can generally be done by any competent worker, e.g., janitorial, security guard, crop spraying, laundry, and landscape maintenance service contracts.
- (3) Contracts for trade-related activities considered to be labor and material contracts.
- (4) Contracts for services of a trade-related activity, even though a specific license is required to engage in the activity. Examples are repair and/or maintenance of all types of equipment or structures.

10.100 Single Seller of Product Required

(1) Subject to all requirements of AR 20.030, the County may purchase without competitive bidding if there is only one seller of a product of the quality required or if the efficient utilization of existing equipment or supplies requires specification of a compatible product for which there is only one seller.

10.110 Emergency Contracts

- (1) The County may, at its discretion, let public contracts exceeding \$25,000 without formal competitive bidding, if an emergency exists and the emergency consists of circumstances creating a substantial risk of loss, damage, interruption of services or threat to public health or safety that could not have been reasonably foreseen and requires prompt execution of a contract to remedy the condition.
- (2) The County Board delegates to the Chair of the Board the authority to, by official action, declare the existence of the emergency stating with specificity in its declaration, the emergency condition necessitating the prompt execution of the contract. Written findings describing the emergency conditions necessitating prompt execution of the contract must be prepared and sent to the Board.
- (4) Any contract awarded under this exemption shall be awarded within 60 days following declaration of the emergency unless an extension is granted pursuant to ORS 279.015(4).

10.120 Exemption of Contracts Under Certain Dollar Amounts (Includes Professional Service Contracts)

- (1) The County may let public contracts equal to or less than \$25,000 for the purchase of goods, materials, supplies, and services without formal competitive bidding if it has been determined that the awarding of the contract without competitive bidding will result in cost savings and the following conditions are complied with:
 - (a) The contract is for a single project and is not a component of or related to any other project in any one fiscal year.
 - (b) When the amount of the contract is equal to or less than \$2,500, the County should, where feasible, obtain competitive quotes.
 - (c) When the amount of the contract is more than \$2,500 but equal to or less than \$25,000, the County must obtain a minimum of three competitive quotes. A written record of the source and amount of the quotes received must be kept. If three quotes are not available, a lesser number will suffice provided a written record is made of the effort to obtain the quotes.
 - (d) Is a non-repetitive acquisition that will not be repeated in six months.
 - (e) One of every three quotes must be from a M/WBE contractor if applicable.
 - (f) No contractor may be awarded, in the aggregate within the fiscal year in excess of \$25,000 without formal competitive bidding. The aggregate shall be computed at the Division level.

- (2) The County may let public contracts equal to or less than \$25,000 for trade-related projects, i.e., construction, maintenance, repair, or similar labor and materials contracts without formal competitive bidding if the agency has determined that the awarding of the contract without formal competitive bidding will result in cost savings and the following are complied with:
 - (a) The contract is for a single project and is not a component of or related to any other project in any one fiscal year.
 - (b) When the amount of the contract is equal to or less than \$2,500, the County should, where feasible, obtain competitive quotes.
 - (c) When the amount of the contract is more than \$2,500 but equal to or less than \$25,000, the County must obtain a minimum of three competitive quotes. A written record of the source and amount of the quotes received must be kept. If three quotes are not available, a lesser number will suffice provided a written record is made of the effort to obtain the quotes.
 - (d) Is a non-repetitive acquisition that will not be repeated in six months.
 - (e) One of every three quotes must be from a M/WBE contractor if applicable.
 - (f) No contractor may be awarded, in the aggregate within the fiscal year in excess of \$25,000 without formal competitive bidding. The aggregate shall be computed at the Division level.

- (3) When a public contract for "public improvements" as defined in ORS 279.011 (7) and/or for "public works" as defined in ORS 279.348 and the contract exceeds \$10,000 but is less than or equal to \$25,000 the County must comply with:
 - (a) The prevailing Wage Rate provisions in ORS 279.348 to 279.365.
 - (b) The performance bond requirements of ORS 279.029.
 - (c) The contractor registration requirements of ORS 701.
 - (d) Any other law applicable to such a contract.

10.125 Life Cycle Cost Analysis

- (1) The County may, as a part of its competitive bidding requirements, use life cycle cost evaluation subject to the following requirements:
 - (a) The bid specifications must include an explanation of the factors and evaluation formula to be used and;
 - (b) The bidder whose bid results in the lowest ownership cost, taking into account the life cycle costing adjustments, shall be considered the lowest responsible bidder.

10.130 Contract Amendments (Including Change Orders and Extra Work)

- (1) Any contract amendment for additional work including change orders, extra work, field orders or other changes in the original specifications which increases the original contract price, may be made with the contractor without competitive bidding subject to the following conditions:
 - (a) The original contract was let by competitive bidding, unit prices or bid alternatives were provided that established the cost for additional work and a binding obligation exists on the parties covering the terms and conditions of the additional work; or
 - (b) The amount of the aggregate cost increase resulting from all amendments shall not exceed 20% of the initial contract. Amendments made pursuant to (1) of this rule are not included in computing the aggregate amount under this subsection.

10.135 Hist: PCRB Eff. 4-8-76 and Repealed by PCRB 1994

10.136 Preference to Recycled Materials

- (1) It is the policy of Multnomah County to purchase materials and product that are environmentally sound in their manufacture, use and disposal. The County shall give preference to the purchase of materials and supplies manufactured from recycled materials if:
 - (a) The recycled product is available;
 - (b) The recycled product meets applicable standards;
 - (c) The recycled product can be substituted for a comparable non-recycled product; and
 - (d) The cost of the recycled product do not exceed the cost of the non-recycled product by more than five percent.
- (2) Departments shall review and work with Purchasing to develop procurement specifications that encourage the use of recycled products whenever quality of a recycled product is functionally equal to the same product manufactured from virgin resources. Except for specifications that have been established to preserve the public health and safety, all procurement and purchasing specifications shall be established in a manner that encourages procurement and purchase of recycled products.
- (3) At its discretion, the County may give preference to the purchase of materials and supplies manufactured from recycled materials, even if the cost differential exceeds the five percent preference set forth in subsection (1) of this rule.
- (4) Any invitation to bid or request for proposal under ORS 279 shall include the following language: "Vendors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this document."
- (5) In any bid which the County has reserved the right to make multiple awards, the recycled product or recycled paper preference shall be applied to the extent possible to maximize the dollar participation of firms offering recycled products or recycled paper in the contract award.

- (6) The County shall require the bidder to specify the minimum, if not the exact, percentage of recycled paper in the paper products or recycled product in products offered, and both the post-consumer and secondary waste content regardless of whether the product meets the percentage of recycled material specified for recycled paper or recycled products in ORS 279.731. For paper products, the County also shall require that the bidder specify the fiber type. The contractor may certify a zero percent recycled paper or product. All contract provisions impeding the consideration of products with recycled paper or recycled products shall be deleted in favor of performance standards.
- (7) The County shall require that purchases of lubricating oil and industrial oil be made from the seller whose oil products contain the greater percentage of recycled oil, unless a specific oil product containing recycled oil is:
 - (a) Not available within a reasonable period of time or in the quantities necessary to meet an agency's needs;
 - (b) Not able to meet the performance requirements or standards recommended by the equipment or vehicle manufacturer, including any warranty requirements; or
 - (c) Available only at a cost of the comparable virgin oil products or other percent preference established by the County under ORS 279.739(3).

10.140 Specific Exemptions

- (1) The Purchasing Section may apply to the Board for a ruling under AR 30.010 through 30.040 exempting a particular contract or contracts from competitive bidding requirements of ORS 279.015 which are not otherwise exempted under these rules. The application shall contain the following information:
 - (a) The nature of the project;
 - (b) Estimated cost of the project;
 - (c) A narrative description of the cost savings anticipated by the exemption from competitive bidding and the reasons competitive bidding would be inappropriate;
 - (d) Proposed alternative contracting and purchasing practices to be employed; and
 - (e) The estimated date by which it would be necessary to let the contract.
- (2) The Board may require such additional information as it deems necessary to determine whether a specific contract is to be exempt from competitive bidding.

**MULTNOMAH COUNTY PUBLIC CONTRACT REVIEW BOARD
ADMINISTRATIVE RULES**

DIVISION 15

15.000 Authority and Duties of Purchasing Director

- (1) The authority and duties of the Purchasing Director are as follows:
- (a) Purchase or contract for supplies, materials, equipment and services when authorized by ordinance or administrative rule.
 - (b) Ensure compliance with all applicable federal and state laws, Multnomah County ordinances, rules, policies and procedures governing public contracts.
 - (c) Establish and enforce specifications to procure supplies, materials equipment and services.
 - (d) Execute County contracts on behalf of the County Chair when authorized by the Chair, using the signature of the County Chair and the initials or the name of the Purchasing Director.
 - (e) Operate a Central Stores warehouse of supplies commonly used by County agencies and approved outside agencies.
 - (f) Receive and distribute surplus County property to County agencies or provide for the sale or disposal of property no longer needed or obsolete.
 - (g) Recommend to the Board of Commissioners and the County Chair new ordinances and amendments to the Public Contract Review Board Rules and County Administrative Procedures, as well as adopt new internal procedures to comply with applicable statutes, ordinances and administrative procedures.
 - (h) Review and recommend action to be taken on exemption requests.
 - (i) Manage and Monitor printing Services required by County agencies for greater efficiency and economy.
 - (j) Maintain a central file of all original executed copies of contracts.
 - (k) Maintain a County-Wide contracts information system.
 - (l) Manage the County contract approval process.

15.010 Definitions as used in this section

- (1) "Actual conflict of interest", means any action, decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated.
- (2) "Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain.
- (3) "Business with which the person is associated" means any business of which the person or the person's relative is a director, officer, owner or employee, or agent or any corporation in which the person or the person's relative owns or has stock worth \$1,000 or more at any time in the preceding calendar year.
- (4) "Potential conflict of interest" means any action or decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

- (a) An interest of membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.
 - (1) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative is associated, is a member or is engaged. The Board of Commissioners may by resolution limit the minimum size of or otherwise establish criteria for or identify the smaller classes that qualify under this exception.
 - (2) Membership in a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.
- (5) "Public official" means any person who, when an alleged violation of this chapter occurs, is serving Multnomah County as an elected official, officer, employee, or appointee on any commission, committee or similar advisory body, irrespective of whether the person is compensated for such services.
- (6) "Relative" means the spouse of the public official, any children of the public official or of the public official's spouse, and brothers, sisters or parents of the public official or of the public official's spouse.
- (7) "Contract official" means any public official responsible for processing, awarding, funding or monitoring a county contract.
- (8) "Appointing authority" means the elected official having administrative authority over the affected public official, or such elected official's designee.

15.015 Actual and Potential Conflicts of Interest

- (1) Prior to taking any action in connection with a County contract, every contract official shall in writing notify the contract official's appointing authority, the County Auditor and Purchasing Director of any potential or actual conflicts of interest of such contract official with respect to such proposed contract.
- (2) Upon receiving any information that a proposed contract involves a potential or actual conflict of interest of any contract official, the County Auditor or designated representative shall review the contract award procedures for compliance with applicable laws and regulations.
- (3) No contract shall be awarded or executed on behalf of the County without review and approval by the County Auditor if any contract official has a potential or actual conflict of interest in connection with the contract.

15.020 Competitive bidding and RFP restrictions

- (1) Contracts based upon formal competitive bidding or requests for proposals, if not awarded to the lowest responsive bidder or proposer with highest evaluation, shall not take effect until approved by at least three members of the board of commissioners.

15.025 Semi-Annual Reports

- (1) The Purchasing director shall file a semi-annual report of contract activity by September 30 for the six month period ending June 30 and March 31 for the six month period ending December 31 with the Multnomah County Chair and Board of Commissioners. The report shall contain the following:
 - (a) An index of contracts, contract price and contractors.
 - (b) Information regarding contracts with minority and female-owned business enterprises as well as Qualified Rehabilitation Facilities.
 - (c) A summary of contract totals by department or function for the prior and current year.
 - (d) A summary of contract processing costs for the prior and current year; and

- (e) A summary of contracting procedure changes implemented during the year.
- (f) Listing of contracts awarded through the competitive bid process to a contractor(s) who did not score the highest evaluation or have the lowest responsive bid.
- (g) Listing of contracts exceeding \$25,000, for which only one bid or proposal was received.

15.030 Unauthorized Purchases

- (1) Unauthorized Purchases shall mean any County contract or agreement other than Professional Service contracts equal to or less than \$25,000, that is not binding solely because the County representative who made it lacked the authority to enter into the agreement on behalf of the County without compliance with all applicable public contracting requirements.
- (2) Claims for payment arising from unauthorized purchases or commitments shall require approval by the Board of County Commissioners upon recommendation of the Purchasing Director.
- (3) Prior to processing requests for approval of unauthorized purchases or commitments, the Purchasing Director shall require the following information:
 - (a) Description of the property or services furnished as a result of the unauthorized contract or commitment;
 - (b) A detailed statement of facts relating to the unauthorized commitment, including the name and position of the person who made the unauthorized purchase and an explanation of the reason normal purchasing procedures were not used;
 - (c) Documentation that the amount claimed by the supplier or contractor is fair and reasonable;
 - (d) Copies of all invoices and other documents pertinent to the transaction;
 - (e) Verification that the property or services have been received and accepted by the County;
 - (f) The fund, organization and object codes for the purchase;
 - (g) A statement of the steps taken or planned to prevent recurrence of such unauthorized purchases.

**MULTNOMAH COUNTY PUBLIC CONTRACT REVIEW BOARD
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DIVISION 20

20.000 BRAND NAMES OR MARKS

20.010 Specification of Particular Brand Names or Products

- (1) Specifications for public contracts shall not expressly or implicitly require any product of any particular manufacturer or seller except pursuant to an exemption under AR 20.020 (Copyrighted Materials), 20.030 (Single Manufacturer or Compatible Products), 20.040 (Product Prequalifications) or 20.050 (Brand Name or Mark Exemption Applications).
- (2) If there is no other practical method of specification, the County may designate a particular brand name, make or product, "or equal," but this practice should be avoided whenever possible.

20.020 Copyrighted Materials

- (1) The County may specify a copyrighted product. This exemption does not include patented or trade mark goods.

20.030 Single Manufacturer or Compatible Products

- (1) If there is only one manufacturer or seller of a product of the quality required or if the efficient utilization of the existing equipment or supplies requires compatible product of a particular manufacturer, the County may specify such particular product subject to the following conditions:
 - (a) The product is selected on the basis of the most competitive offer considering quality and cost. The term "cost" includes not only the product cost, but also other items of expense such as costs related to quality or conversion.
 - (b) Prior to awarding the contract, the County has made reasonable effort to notify known vendors of competing or comparable products of the intended specifications and invited such vendors to submit competing proposals. If the purchase does not exceed \$25,000, such notice and invitation may be informal. If the amount of the purchase exceeds \$25,000, such notice shall include advertisement in at least one newspaper of general circulation in the area where the contract is to be performed and shall be timely to allow competing vendors a reasonable opportunity to make proposals.
- (2) If the amount of the purchase exceeds \$25,000 and is not also pursuant to the data and word processing exemption AR 10.090, the Purchasing Section shall document its actions in the bid file. Such documentation shall include:
 - (a) A brief description of the proposed contract or contracts.
 - (b) A detailed description of the reasons why the product and/or seller was selected and any competing products and/or sellers that were rejected. The description shall also include the efforts taken by the Purchasing Section to notify and invite proposals from competing vendors.
- (3) If the County intends to make several purchases of the product of a particular manufacturer or seller for a period not to exceed three (3) years, it may so state in the documentation required by section (2) and subsection (2)(b) and such documentation shall be sufficient notice as to subsequent purchases.

20.040 Product Prequalification

- (1) When it is impractical to create specific design or performance specifications for a type of product to be purchased, the County may specify a list of approved products by reference to particular manufacturers or sellers in accordance with the following product pre-qualification procedure:

- (a) The Purchasing Section has made reasonable efforts to notify known manufacturers or vendors of competitive products of its intention to accept applications for inclusion in its list of pre-qualified products. Notification shall include advertisement in a trade journal of statewide distribution when possible.
 - (b) The County permits application for pre-qualification of similar products up to 15 days prior to advertisement for bids on the product.
- (2) If an application for inclusion in a list of pre-qualified products is denied or an existing pre-qualification revoked, the Director of Purchasing shall notify the applicant in writing. The applicant may appeal to the Board for a review of the denial or revocation in the same manner as an appeal of disqualification or denial provided in AR 40.090.

20.050 Brand Name or Mark Exemption Applications

- (1) The Purchasing Section may apply for and receive a brand name or mark exemption ruling from the Board for current and contemplated future purchases. Applications shall contain the following information:
- (a) A brief description of the contract or contracts to be covered. The description should include contemplated future purchases.
 - (b) The brand name, mark, or product to be specified.
 - (c) The reasons the Purchasing Section is seeking the exemption.

20.060 Conditions of Exemptions

- (1) The Board may grant exemptions if any of the following conditions are met:
- (a) The exemption is not likely to encourage favoritism in public contracts or substantially diminish competition and result in cost savings.
 - (b) There is only one manufacturer or seller of the product of the quality required, efficient utilization of existing equipment, or supplies requires acquisition of compatible equipment or supplies.
 - (c) The exemption is requested for the purchase of a particular product to be used in an experimental project.

**MULTNOMAH COUNTY PUBLIC CONTRACT REVIEW BOARD
ADMINISTRATIVE RULES**

DIVISION 30

30.000 SPECIFIC EXEMPTION PROCEDURE

30.010 Notice of Application

- (1) Upon receipt of an application for an exemption ruling under AR 10.000 or AR 20.040, the County Chair shall cause a notice of intention to adopt an order to be posted in full public view in the Multnomah County Courthouse and may set the matter for public hearing to receive data, views, and arguments.

30.020 Board Hearing

- (1) The application will be placed on the Board's agenda for the next Board meeting, and, in the exercise of discretion, the County Chair may also set additional public meetings to receive data, views, and arguments.

30.030 Temporary Rules Exemptions

- (1) In appropriate cases, the County Chair may grant a temporary exemption from public bidding pending formal consideration of a specific exemption.

30.040 Unanimous Consent Calendar

- (1) The County Chair may, in the exercise of discretion, notify the members of the Board that an application for exemption has been made and that if no objections are received to the exemption from members of the Board within seven days of the County Chair's notice, the exemption will be considered granted by unanimous consent and the County Chair may, in the exercise of discretion, deem the exemption adopted as a temporary rule. Exemptions so adopted will be placed on the Board's agenda as a unanimous consent calendar for ratification or adoption as a permanent rule by the Board at the next meeting of the Board.

**MULTNOMAH COUNTY PUBLIC CONTRACT REVIEW BOARD
ADMINISTRATIVE RULES**

DIVISION 40

40.000 COMPETITIVE BIDDING PROCEDURE

40.010 Statutory Requirements

- (1) The County is required to award contracts to the lowest responsible, responsive bidder except in the following circumstances:
 - (a) The bidder has failed to substantially comply with either the specifications or any statutory requirement relating to public contracting;
 - (b) The bidder is disqualified by the County pursuant to the applicable statutes and Rule 40.020.
 - (c) If in the judgement of the department head and the Purchasing Director it is in the public interest to reject all bids pursuant to ORS 279.035.

40.015 Receipt and Opening of Bids

- (1) In any contract which is subject to competitive bidding as defined in Rule AR 10.000, the advertisement must state the time and date when bids will be publicly opened. The bids should be sealed and shall not be examined or opened by anyone until the time of the public opening as specified in the advertisement. Such bids are not public records under ORS 192.500 et seq. until the public opening.

40.020 Bidder Disqualification

- (1) Bidders may be disqualified on any of the following grounds:
 - (a) Lack of financial ability. If a performance bond is required to insure performance of a contract, proof that the bidder can acquire a surety bond in the amount required shall be sufficient to establish financial ability. If no performance bond is required, the public contracting agency may require such information as it deems necessary to determine the bidder's financial ability. In determining whether a surety company is to be considered "good and sufficient", the public contracting agency may utilize the list maintained by the U.S. Department of Treasury of surety companies acceptable on federal bonds; Best's Rating, published by A.M. Best Company; or information maintained by the Oregon State Department of Transportation.
 - (b) The bidder lacks the available equipment or key personnel with sufficient experience to perform the contract.
 - (c) The bidder has repeatedly breached contractual obligations.

40.030 Mandatory Prequalification

- (1) Prequalification of contractors for public improvements in excess of \$50,000 is required. All persons desiring to bid for such contracts shall submit a completed pre-qualification statement. Such statements must be prepared during the period of one year prior to the bid date and must be actually received or postmarked to Multnomah County by no later than 10 days prior to bid opening. Prequalification granted pursuant to this rule shall be effective for a period of one year. Prequalification granted pursuant to this rule shall be for only those contracts not exceeding a certain monetary limit based upon the financial ability of the particular contractor. Such limits will be designated by Multnomah County.

40.040 Prequalification Application

- (1) Prequalification statements required by AR 40.030 adopted pursuant to ORS 279.039 and Prequalification requests submitted pursuant to ORS 279.041 shall be in the form of the State of Oregon Public Contract Review Board "Contractors" Prequalification Application, "Equipment and Experience Questionnaire."

40.045 Prequalification Prior To The Effective Date

(1) In case of a Prequalification that has been granted prior to the effective date of these rules, the County may, in its discretion, deem that Prequalification to continue for its remaining term.

40.050 Qualification Statement

(1) Upon establishment of Prequalification, the County shall issue a qualification statement in substantially the following form:

"This is to certify that _____
Name of Contractor

is qualified to perform the classes of work as requested in its Prequalification application dated _____, or contracts not to exceed \$ _____.

40.060 Proof Of Presumed Qualification

(1) A copy of the qualification statement provided by AR 40.050 accompanied by a copy of the contractor's application for Prequalification will constitute proof of Prequalification for purposes of the presumption established by ORS 279.047.

40.070 Notice of Denial of Qualification

(1) If the County does not qualify the applicant, it shall notify the applicant in the following form:

"Multnomah County Qualification Denial

Name of Contract

Date

You are hereby notified that your application for Prequalification has been denied or your bid has not been qualified for the following reasons:

_____ Contractor does not have sufficient financial ability to perform the contract.

_____ Contractor does not have equipment available to perform the contract.

_____ Contractor does not have key personnel with sufficient experience to perform the contract.

_____ Contractor has repeatedly breached contractual obligations.

_____ Contractor has failed to supply promptly information requested by Multnomah County.

_____ Other (Agency must specify).

If you desire to appeal this disqualification or refusal of bid to the Multnomah County Public Contract Review Board, you must notify the Multnomah County Purchasing Director in writing within three business day after receipt of this notice. The Purchasing Director shall notify the Multnomah County Contract review Board of your appeal and they shall notify you of the time and place of the hearing.

Signature

40.080 Notice of Revocation Or Revision Of Prequalification

(1) Upon discovery that a person prequalified is no longer qualified, the County shall send a notification of proposed revocation or revision of qualification in the following form:

"Multnomah County Qualification Revocation or Revision

Name of Contract

Date

You are hereby notified that your notice of Prequalification issued on _____ shall be revoked or revised for the following reasons:

- _____ Contractor does not have sufficient financial ability to perform the contract.
- _____ Contractor does not have equipment available to perform the contract.
- _____ Contractor does not have key personnel with sufficient experience to perform the contract.
- _____ Contractor has repeatedly breached contractual obligations.
- _____ Contractor has failed to supply promptly information requested by Multnomah County.
- _____ Other(State Reasons for Revocation or Revision)

This revocation or revision shall be effective ten days from the date of this notice unless you provide the Multnomah County Director of Purchasing with evidence that the deficiency has been corrected or you file with the Multnomah County Director of Purchasing notice of appeal to the Multnomah County Public contract Review Board pursuant to AR 40.090. Failure to file a notice of appeal within ten days bars any appeal to the Board.

Signature

40.090 Appeals

- (1) A contractor or bidder may appeal to the Board any of the following:
 - (a) Notice of denial of qualification.
 - (b) Notice of conditions varying from application for prequalification.
 - (c) Notice of revocation of prequalification.
 - (d) Notice of product disqualification under Rule AR 20.040. Notice of appeal pursuant to (a) through (d), above need not be in any particular form so long as they are in writing addressed to the Multnomah County Director of Purchasing and received within 10 days after the bidder or contractor has received notice of subsection (a) through (d).
- (2) Upon receipt of the notice of appeal, the Director of Purchasing shall forward to the Board the contractor's prequalification application, the notice of refusal of bid or prequalification or revocation and the record of investigation by the Director of Purchasing upon which the agency based its refusal or revocation together with the notice of appeal. The burden of sustaining the refusal, disqualification or revocation is upon the County.
- (3) For purposes of appeals, three members of the Board shall constitute a quorum. Meetings for appeal purposes shall be held following the Multnomah County Board of Commissioners' meetings.
- (4) At any time prior to the meeting of the Board, the County may reconsider its revocation, revision or disqualification.

**MULTNOMAH COUNTY PUBLIC CONTRACT REVIEW BOARD
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DIVISION 50

50.000 WAIVER OF SECURITY BID AND PERFORMANCE BOND

50.010 Bid Security Requirements

- (1) The County may, in its discretion, waive the bid security requirements of ORS 279.027 for contracts other than those for public improvements. At the discretion of the Purchasing Director, the County may accept blanket bid bonds.

50.020 Contracts Equal to or Less Than \$25,000

- (1) The County may, at its discretion, waive the bid security requirements of ORS 279.027 and performance bond requirements of ORS 279.027 if the amount of the contract for the public improvement is equal to or less than \$25,000.

50.030 Deposits in Lieu of Retainage on Public Contracts

- (1) When a contractor elects to deposit securities with a bank or trust company in lieu of Retainage on public contracts, the securities will be held by the custodian in fully transferable form and under the control of the County.
- (2) Nonnegotiable securities so deposited shall have proper instruments attached to enable the County to effect transfer of title should the contractor be unable to fulfill the contract obligations.
- (3) The custodian bank or trust company will issue a safekeeping receipt for the securities to the County. The receipt will describe the securities, the par value, the name of the contractor, and project number or other project identification.
- (4) Unless otherwise mutually agreed, the value placed upon said securities shall be market value.
- (5) Securities deposited in the manner described above will be released by the bank or trust company only upon the written instructions and authorization of the County.
- (6) In lieu of the above, an escrow agreement mutually acceptable to the contractor and the County and the bank or trust company may be used.

50.040 Approved Securities Acceptable in Lieu of Retainage Fees

- (1) Bills, certificates, notes or bonds of the United States.
- (2) Other obligations of the United States or its agencies.
- (3) Obligations of any corporation wholly owned by the federal government.
- (4) Indebtedness of the Federal National Mortgage Association.
- (5) General Obligation Bonds of the State of Oregon or any political subdivision thereof.
- (6) Time certificates of deposit or savings account passbooks issued by a commercial bank, savings and loan association, or mutual savings bank, duly authorized to do business in Oregon.
- (7) Corporate bonds rated "A" or better by a recognized rating service.
- (8) General obligation improvement warrants issued pursuant to ORS 287.502.
- (9) Irrevocable letters of credit from a bank doing banking business in Oregon.

50.050 Retainage Deposited in Interest-Bearing Account

- (1) When a contractor elects to have an interest-bearing account established for deposit of Retainage in a bank, savings bank, trust company, or savings association, the account will be established by the County for the benefit of and under the control of the County with interest accruing to the contractor.
- (2) When the account is established, proper instruments shall be furnished to the bank, savings bank, trust company, or savings association to prohibit withdrawal or transfer of the funds in the account except upon written instructions and authorization of the County and to enable the County to close the account if in the judgement of the County the contractor has not fulfilled the contract obligations.
- (3) The bank, savings bank, trust company, or savings association will issue to the County a receipt acknowledging the deposit and, on the initial receipt, describing the account, the provision for interest, the name of the contractor, and the full name under which the account is established.
- (4) The amount deposited and accrued interest will be released by the bank, savings bank, trust company, or savings association only upon the written instructions by the county.

**MULTNOMAH COUNTY PUBLIC CONTRACT REVIEW BOARD
ADMINISTRATIVE RULES**

DIVISION 60

60.000 AFFIRMATIVE ACTION IN PUBLIC CONTRACTS

60.010 Purpose

- (1) The purpose of this Chapter is to establish procedures to assure that Multnomah County contractors and vendors provide adequate opportunities for minority and women subcontractors to participate and compete for business opportunities provided through Multnomah County, State of Oregon.

60.015 Affirmative Action Contracts

- (1) Public contracts may be awarded pursuant to a specific Affirmative Action plan. Affirmative Action is a program designed to insure equal opportunity in employment and business for persons otherwise disadvantaged by reason of race, color, religion, sex, national origin, age or physical or mental handicap, including, but not limited to, personnel practices of contractors, and programs designed to promote competitive bids by minority and women business enterprises.

60.020 Definitions

- (1) "Affirmative Action" as used in this rule means efforts designed to insure equal opportunity in employment and business for persons otherwise disadvantaged by reason of race, color, religion, sex, national origin, age or physical or mental handicap.
- (2) "Minority or Women Business Enterprise" means a business concern which is at least 51% of the stock which is owned by one or more minorities or women, as the case may be, or in the case of a corporation, at least 51% of the stock which is owned by one or more minorities or women, and whose management and daily business operations are controlled by one or more of the minority or women stockholders.
- (3) "Minority individual" means a person who is a citizen or lawful permanent resident of the United States and who also is a:
 - (a) Black American or person having origins in any of the Black racial groups of Africa.
 - (b) Hispanic American or person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
 - (c) Asian or Pacific American or person whose origin is from Japan, China, Taiwan, Korea, Vietnam, Laos, Cambodia, the Philippines, Samoa, Guam, the United States Trust Territories of the Pacific or the Northern Marianas.
 - (d) Native American or person whose origin is from India, Pakistan or Bangladesh.
- (4) "Good Faith Effort" means performing all of the actions described in Oregon Revised Statute 200.045 (a) through (j) to assure minority and women business enterprises an opportunity to participate and compete for subcontracts based upon Multnomah County contracts.
- (5) "Responsive Bidder" for purposes of this rule means a bidder who submits complete documentation of "good faith effort" for any and all bids which specify their documentation as a submittal requirement.
- (6) Hereinafter Minority Business Enterprises and Women Business Enterprises may be abbreviated to read MBE and WBE, respectively.

60.030 Policy

- (1) It is the intent of Multnomah County to provide opportunities for all segments of the business population to participate in the Multnomah County Purchasing Program. In order to assure opportunity, every County contract and/or subcontract for construction, maintenance, or services shall include provisions barring discrimination or differential treatment in contracting for business entities described in AR 60.020 (2) and 3 (a) through (d).

- (2) Such provisions for equitable contracting and subcontracting opportunities shall be reviewed and substantiated through a "good faith effort" program.

60.031 Good Faith Effort Program

- (1) The following described activities are standards for good faith efforts to provide equitable opportunities for MBEs and WBEs to participate in subcontract opportunities created through Multnomah County contracts:

- (a) Performing all of the following actions by a bidder constitutes a rebuttable presumption that the bidder has made a good faith effort to obtain participation by MBE and WBE firms.
 - (1) The bidder attended any pre-solicitation meetings scheduled by the County to inform M/WBEs of subcontracting or material supply opportunities available on the project;
 - (2) The bidder identified and selected specific economically feasible units of projects to be performed by M/WBEs to increased likelihood of participation by such enterprises;
 - (3) The bidder advertised in general circulation, trade association, minority and trade oriented publications, if any, concerning the subcontracting opportunities;
 - (4) The bidder provided written notice to a reasonable number of specific M/WBEs, identified from the M/WBE Director maintained by the Purchasing Section for the selected subcontracting or material supply work, in sufficient time to allow the enterprises to participate effectively;
 - (5) Making not later than five (5) days before bids/proposals are due, follow up phone calls to all M/WBE's who attended any pre-solicitation or prebid meetings to determine if they would be submitting bids and or to encourage them to do so.
 - (6) The bidder provided interested M/WBEs with adequate information about the plans, specifications and requirements for the selected subcontracting or material supply work;
 - (7) The bidder negotiated in good faith with the enterprises, and did not, without justifiable reason, reject as unsatisfactory bids prepared by any M/WBEs;
 - (8) Where applicable, the bidder advised and made efforts to assist interested M/WBEs in obtaining bonding, lines of credit or insurance required by the County or contractor;
 - (9) The bidder's efforts to obtain M/WBE participation were reasonably expected to produce a level of participation sufficient to meet the goals or requirement of the County.
 - (10) The bidder used the services of M/WBE community organizations, minority contractor groups, local, state and federal MBE assistance offices and other organizations identified by the Advocate for M/WBE that provide assistance in recruitment and placement of M/WBEs.

60.032 Evaluation of Good Faith Effort

- (1) After bids requiring good faith are opened, the Purchasing Director or his/her designee shall review the bid documents to determine if there is MBE and/or WBE subcontract participation. This would be evidenced by a letter of intent to subcontract with a specific Minority and/or Women Business Enterprise, specifying the category of work to be performed, and the dollar amount of such work.
- (2) If there is no subcontract participation by MBEs and/or WBEs, the evidence of good faith effort shall be reviewed and verified consistent with Multnomah County Public Contract Review Board Administrative Rule 60.031, Subsections (a) through (j).
- (3) Failure of bidder to submit good faith effort documentation shall be determined "non-responsive" to the bid specifications. Non-responsive bids will be rejected by the Multnomah County Purchasing Section.

**MULTNOMAH COUNTY PUBLIC CONTRACT REVIEW BOARD
ADMINISTRATIVE RULES**

DIVISION 70

70.000 PURCHASE OF GOODS AND SERVICES FROM QUALIFIED REHABILITATION FACILITIES

70.010 PURPOSE

- (1) The purpose of this Chapter is to establish policies and procedures governing the acquisition of goods and services produced by Qualified Rehabilitation Facilities and to insure that Qualified Rehabilitation Facilities are provided opportunities to enter into contractual relationships with Multnomah County, State of Oregon.

70.020 Definitions

- (1) "Qualified Rehabilitation Facility" (QRF) means a non-profit sheltered workshop or non-profit work activity center whose purpose is to assist and encourage handicapped individuals and is:
 - (a) In the manufacture of products and in the provision of services, whether or not the products or services are procured under this rule, and during the fiscal year employs handicapped individuals for not less than 75 percent of the direct labor required for the manufacture or provision of the products or services.
 - (b) A QRF must be either a Sheltered Workshop or a Work Activity Center certified through the State of Oregon, Department of General Services.
- (2) "Direct Labor" includes all work required for preparation, production, processing, and packing, but does not include supervision, administration, inspection, and shipping.
- (3) "Disabled Individual" means a severely handicapped individual who, because of the nature of the disabilities, is not able to participate in competitive employment, and for whom specialized employment opportunities must be provided.

70.030 Policy

- (1) It is the policy of Multnomah County to encourage employment of the handicapped. An essential element of this policy is to support sheltered employment by contracting for needed goods and services available from QRF's. The County shall identify contracting opportunities within the organization and encourage awarding of contracts to QRF's. This policy shall be equally applicable to all County organizations and shall be administered by the Director of Purchasing.

70.040 Certification

- (1) It shall be the policy of Multnomah County to use the QRF Certification established by the State of Oregon, Department of General Services, when applicable.
- (2) All entities wishing to qualify for QRF status with the County must furnish proof of certification with the State of Oregon, Department of General Services.

70.050 Set Aside Program for QRF Firms

- (1) The designation of contracts to the set aside program will be made by the joint determination of the department manager and the Director of Purchasing or agents appointed by them. The procedure for bidding and awarding of contracts shall be consistent with AR 40.000, except for the restriction limiting competition to QRF firms. In situations where a set aside has been established, and there is only one certified QRF available on the State Certificate list, the County shall negotiate a contract with the QRF provided the product or service is in accordance with the price established by the Purchasing Section and it meets all minimum specifications, and is available within the period required by the Purchasing Section.
- (2) The Purchasing Section will review on a regular basis the procurement list established and published by the State of Oregon, Department of General Services to determine sources and potential sources of products and services produced by QRF's. This procurement list will be distributed annually to all County departments.

**MULTNOMAH COUNTY PUBLIC CONTRACT REVIEW BOARD
ADMINISTRATIVE RULES**

DIVISION 75

75.000 Alternate Selection Procedures: Architects, Engineers and Related Professional Consultants

75.005 Purpose

- (1) The purpose of these rules is to specify the policy and procedures of the County regarding selection of professional consultants to perform architectural, engineering, and related services required by the County for construction, improvement, planning and related activities. It is the policy of the County to select as expeditiously as possible the most qualified consultant based on the consultant's demonstrated competence and qualifications to perform the professional services required at a fair and reasonable price.

75.010 Definitions

- (1) "Architect, engineer, or related services" professional services related to the planning, design, engineering, or oversight of public improvement projects or components thereof, including but not limited to architects, landscape architects, engineers, space planners, surveyors, cost estimators, appraisers, material testers, mechanical system balances, and project managers.
- (2) "Compensation Requirements" a general indication of the cost of architectural, engineering, or related services based on factors which may include, but are not necessarily limited to, each consultant's: (i) costing procedures and/or pricing structure; (ii) hourly rates and fee schedules; (iii) overhead costs; and (iv) fee range, as a percentage of direct construction costs, on previous similar projects. Compensation requirements provide only a general indication of the cost of professional services and, particularly during a formal selection process, should not be used to calculate firm, fixed prices for each consultant, or as the sole basis for selecting a consultant.
- (3) "Proposal" a competitive written offer submitted in response to a Request for Proposals.
- (4) "Request for Proposals:" a written document soliciting competitive written proposals and setting forth the criteria and method to be used to select the best proposal. The document: (i) provides a general description of a proposed project or projects, including a proposed statement of work; (ii) indicates the type of services needed; and (iii) requests prospective consultants to submit written proposals that address the proposed statement of work.
- (5) " Request for Qualifications:" a written document which: (i) provides a general description of a proposed project; (ii) indicates the type of services needed, including, if deemed necessary or appropriate, a description of particular services needed for part or all of a proposed project or projects; and (iii) requests each prospective consultant to provide a written response setting forth the consultant's specific experience and qualifications for performing the type of services required.
- (6) "Statement of Work:" a written statement that describes the: (i) phases of work, major tasks, or area of responsibility to be performed by the consultant; (ii) for an individual or series of projects, or within a particular locale during a stated period of time. Such statement may be altered or modified during contract negotiations, but only as reasonably necessary to accurately describe the project approach and exact scope of services agreed to by the County and the consultant.

75.015 Solicitation

- (1) Responses shall be solicited through public advertisement, which shall be made for each project, or at other designated times to develop a list of consultants interested in providing services to the County by the following procedure:
 - (a) All advertisements shall appear at least once in at least one newspaper of general circulation in the area where the project is to be located, and in as many additional issues and publications as may be necessary or desirable to achieve adequate competition. The advertisement(s) shall be published no fewer than fourteen (14) calendar days before close of the solicitation. The advertisement(s) shall briefly describe: (i) the project (ii) the professional services sought; (iii) where copies of the solicitation may be obtained; and (iv) the deadline for submitting a response.

- (b) At other designated times, the County may announce that it will accept from architectural, engineering, and other related professional consultant firms, a statement of qualifications, credentials, and other data expressing interest in providing services.
 - (1) The County may provide a standard form for this purpose. Materials received will be retained by the County for use in: (i) direct notice to consultants providing services similar to those required for the project; (ii) the Informal Selection Procedure; (iii) and, where possible, in the Direct Appointment Procedure.
 - (2) Materials on file with the County may be purged periodically, unless the County is notified otherwise by firms desiring to continue expressing interest in performing services.
- (c) The County may at any time during the solicitation or negotiation process reject all consultant proposals and cancel the solicitation without liability therefor, after making a written finding that there is good cause for rejecting all proposals and that it would be in the public interest to cancel the solicitation.
- (d) Unless consultant compensation is expressly provided for in the solicitation document, under no circumstances shall the County be responsible for any consultant costs and expenses incurred in submitting responses to the solicitation under any part of this rule. All prospective consultants who respond to solicitations do so solely at the consultant's cost and expense.
- (e) All solicitation documents shall include the following language: "Vendors shall use recyclable products to the maximum extent economically feasible in the performance of the contract work set forth in this documents".

75.020 Formal Selection Procedure

- (1) The formal selection procedure shall be used whenever the estimated cost of architectural, engineering, or related services exceeds \$25,000. (1) Responses shall be solicited through public advertisement, and may then include a Request for Qualifications (RFQ) to establish a short list, followed by an RFP. However, if a limited number of responses is anticipated, or if it is determined to be in the County's best interest, solicitation may proceed directly to an RFP process with or without an interview.
- (2) The Request for Qualifications shall, at a minimum, contain: (i) the solicitation; (ii) a statement of the particular consultant qualifications required or the project; (iii) the evaluation criteria (including the weights or points applicable to each criterion); and (iv) the screening or evaluation method to be used. The RFP may require any or all of the following:
 - (a) The consultant's particular capability to perform the architectural, engineering, or related services required for the project, and the consultant's recent, current, and projected workloads;
 - (b) The number of the consultant's experienced staff available to perform the professional services required by the project, including such personnel's specific qualifications and experience;
 - (c) A list of similar projects completed by the consultant with references concerning past performance; and
 - (d) Any other information which is deemed reasonably necessary to evaluate consultant qualifications.
- (3) A pre-submission meeting may be held for all interested consultants to discuss the proposed project and the required services. Attendance at such a meeting, if held, may be mandatory.
- (4) A consultant screening and evaluation committee of no fewer than two, and recommended no more than five, individuals shall be established to review, score and rank the consultants according to the solicitation criteria. The committee may be composed of members who, collectively, have experience in areas such as architecture, engineering construction, and public contracting. Members may be appointed from qualified professional employees of the County or other agencies, and may include private practitioners of architecture, engineering, or related professions, and representatives of user groups. One member of the committee from the County shall be designated as the chairperson.

- (5) Following screening and evaluation, a short list of at least three qualified professional consultants shall be established. Unless the RFQ is canceled, every consultant placed on a short list shall receive a copy the RFP and have an opportunity to submit a proposal.
- (6) The Request for Proposals shall describe or contain the following information:
 - (a) General background information, including a description of the project and the specific consultant services sought, and may include the estimated construction cost and the time period in which the project is to be completed;
 - (b) The evaluation process and the criteria with will be used to select the consultant; including the weight or points applicable to each criterion;
 - (c) The closing date and time of the solicitation and the delivery locations for consultant proposals;
 - (d) The date and time for interviews, if planned;
 - (e) Reservation of the right to seek clarifications of each consultant's proposal, and the right to negotiate a final contract which is in the best interests of the County, considering cost effectiveness and the level of consultant time and effort required for the project;
 - (f) Reservation of the right to reject, based on written findings, any or all proposals if there is good cause, and to cancel the solicitation, if doing so would be in the public interest;
 - (g) A sample of the contract the consultant will be expected to execute; and
 - (h) Any other information which is reasonably necessary to evaluate, rank and select consultants.
- (7) A pre-qualification or pre-proposal meeting may be held for all interested consultants to discuss the proposed project and the required services. Attendance at such a meeting, if held, may be mandatory.
- (8) An RFP consultant selection committee of no fewer than two, and recommended no more than seven, individuals shall be established to review, score and rank the consultant's responses to the RFP. The committee may be composed of members who, collectively, have experience in areas such as architecture, engineering, construction and public contracting. Members may be appointed from professional employees of the County or other agencies, and provide practitioners of architecture, engineering, or related professions, and user groups. One member of the committee from the County shall be designated as the chairperson.
- (9) The RFP consultant selection committee shall review, score and rank all responsive proposals according to criteria which may include, but are not limited to, the following:
 - (a) Availability and capability to perform the work;
 - (b) Experience of key staff on comparable project(s);
 - (c) Demonstrated ability to successfully complete similar projects on time within budget;
 - (d) References and recommendations from past clients, public and private;
 - (e) Consultant's performance history in (i) meeting deadlines; (ii) submitting accurate estimates; (iii) producing quality work; and (iv) meeting financial obligations;
 - (f) Status and quality of any required licensing or certification;
 - (g) Consultant's knowledge and understanding of the project as shown through the consultant's: (i) proposed approach to the project's staffing and scheduling needs and (ii) suggested alternatives to any perceived design and constructability problems;

- (h) Consultant's compensation requirements as defined under AR 75.010(2), unless prohibited by Federal requirements, such as this in 40 USC **541-544 (Public Law 92-583, Brooks Architect-Engineers Act);
 - (i) Results from oral interviews, if conducted;
 - (j) Design philosophy and project approach;
 - (k) Availability of any special required resources or equipment;
 - (l) Identity of proposed subcontractors; and
 - (m) Any other criteria that are deemed to be relevant to the project, including where the nature and budget of the proposed project so warrant, a design competition between competing professional consultants
- (10) Contract negotiations with the highest ranked consultant shall be directed toward obtaining written agreement on:
- (a) The consultant's tasks, staffing, and a performance schedule; and
 - (b) A maximum, not-to-exceed contract price which is consistent with the consultant's proposal and fair and reasonable to the County, taking into account the estimated value, scope, complexity, and nature of the professional services.
- (11) Negotiations may be formally terminated if they fail to result in a contract within a reasonable amount of time. Negotiations will then ensue with the second ranked consultant, and if necessary, the third ranked consultant. If the second or third round of negotiations fails to result in a contract within a reasonable amount of time, the solicitation may be formally terminated. Services of a qualified consultant may then be obtained through the direct appointment procedure under AR 75.030.
- (12) If a project for which a consultant has been selected and awarded a contract becomes inactive, or is materially altered or terminated, whether due to project phasing, insufficient appropriations, or other reasons, the County may, if the project is reactivated or continued after material alteration, retain the same consultant to complete the project if the County makes written findings that retaining the consultant will: (i) not encourage favoritism in the awarding of architectural, engineering, or related personal service contracts or substantially diminish competition for such contracts; and (ii) will result in substantial cost savings to the County.
- (13) Contracts entered into under the formal selection procedure set forth in AR 75.020 may be amended, provided the services to be provided under the amendment are included within, or directly related to, the scope of services that were described in the original solicitation document. Provided, further, that each such amendment must be in writing, signed by an authorized representative of the consultant and the County, and receive all necessary approvals before it becomes binding on Multnomah County.

75.025 Informal Selection Procedure

- (1) The informal selection procedure may be used to obtain architectural, engineering, or related services if the consultant's estimated fee is equal to or less than \$25,000.
- (a) A written solicitation inviting written proposals shall be sent to a minimum of three prospective consultants drawn from: (i) the County's current list of consultants; or (ii) among all consultants offering the necessary services that the agency reasonably can locate.
 - (b) All proposals shall be reviewed and the three most qualified consultants selected and ranked.
 - (c) The informal selection procedure shall be competitive to the maximum extent practicable and the selection and ranking may be based on criteria which include, but are not limited to each consultant's:

- (1) Particular capability to perform the architectural, engineering, or related services for the project being considered;
 - (2) Number of experienced staff available to perform the services required by the project, including each consultant's recent, current, and projected workloads;
 - (3) Performance history on past projects for public or private clients,
 - (4) Project approach and design philosophy;
 - (5) Consultant's compensation requirements as defined under AR 75.010(2), unless prohibited by Federal requirements.
 - (6) Geographic proximity to the project. The County may also consider the volume of work, if any, previously awarded to each consultant, with the object of effecting an equitable distribution of contracts among qualified consultants, provided such distribution does not violate the principle of selecting the most highly qualified consultant.
- (d) Contract negotiations with the highest ranked consultant shall be directed toward obtaining written agreement on:
- (1) The consultant's tasks, staffing, and a performance schedule; and
 - (2) A maximum, not-to-exceed contract price which is consistent with the consultant's proposal and fair and reasonable to the County, taking into account the estimated value, scope, complexity, and nature of the professional services.
- (e) Negotiations may be formally terminated if they fail to result in a contract within a reasonable amount of time. Negotiations will then ensue with the second ranked consultant, and if necessary, the third ranked consultant. If the second or third round of negotiations fails to result in a contract within a reasonable amount of time, the solicitation may be formally terminated. Services of a qualified consultant may then be obtained through the direct appointment procedure user AR 75.030.
- (f) If the scope of a project is revised during negotiations so that the estimated cost of the consultant's services exceeds \$25,000, then the informal process shall be terminated and the services of a qualified consultant solicited using the formal selection procedure set forth in AR 75.020. Provided however, that negotiations with the informally selected consultant may continue if the Count makes written findings that contracting with the consultant will: (i) not encourage favoritism in the awarding of architectural, engineering, or related personal service contracts; and (ii) will result in substantial cost savings to the County.

75.030 Direct Appointment Procedure

- (1) A qualified consultant may be appointed directly from: (i) the County's current list of consultants; (ii) another public jurisdiction's current list of consultants, pursuant to an interagency or intergovernmental agreement entered into in accordance with ORS chapter 190; or (iii) among all consultants offering the necessary services that the agency reasonably can locate, which may include public advertisement.
 - (a) The direct appointment procedure may be used when:
 - (1) Circumstances which could not reasonably have been foreseen create a substantial risk of loss, damage, interruption of services or threat to the public health or safety and require the prompt performance of architectural, engineering, or related services to remedy the situation; or
 - (2) The consultant's estimated fee does not exceed \$10,000; or
 - (3) The project: (i) consists of work which has been substantially described, planned or otherwise previously studied or rendered in an earlier contract, as in continuation of a project; (ii) the consultant's estimated fee for such project does not exceed \$25,000; and

(iii) the selection procedure used for the original project was the formal selection procedure set forth in AR 75.020 (or a substantially equivalent procedure if the consultant services for the original project were procured prior to adoption of these rules); or

- (4) The consultant will be assisting legal counsel, through expert analysis, testing, testimony or otherwise, on a project which is, or is reasonably anticipated to be, the subject of a claim, lawsuit or other form of action, whether legal, equitable, administrative or otherwise.
- (b) A direct appointment pursuant to (1)(a) or (b), above, shall be competitive to the extent practicable and may be based on criteria which include but are not limited to: (i) the consultant's availability, capabilities, staffing, experience, and compensation requirements and (ii) the project's location.

75.035 Contract Provisions

- (1) Except as otherwise required by law, no consultant contract for architectural, engineering, or related services shall be awarded which contains fee provisions or fee schedules that are based on or limited to: (i) cost-plus-a-percentage-of-cost; or (ii) a percentage of construction or project costs.
- (2) Except in cases of emergency as defined in ORS 279.011(4), no building materials, supplies or equipment for any building, structure or facility constructed by or for the County shall be sold by or purchased from any person or firm employed as a consultant by the County to provide architectural, engineering, or related services for such building, structure or facility, unless the consultant is providing: (i) construction manager/general contractor services, or (ii) design-build services, or where that portion of the contract relating to the acquisition of building materials, supplies or equipment was awarded pursuant to applicable law governing the award of such contracts.

75.040 Protest Procedures

- (1) All protests of solicitation or selection processes are limited to the following issues and filing times:
 - (a) Solicitation protest: Unless a different deadline is specified in the solicitation document, prospective consultants must submit a written protest, or request for change, or particular solicitation provisions, specifications or contract terms and conditions to Purchasing no later than five (5) working days prior to the close of the solicitation. Such protest or request for change shall include the reasons for the protest or request, and any proposed changes to the solicitation provisions, specifications, or contract terms and conditions. No protest against selection of a consultant or award of a consultant contract, because of the content of solicitation provisions, specifications, or contract terms and conditions, shall be considered after the deadline established for submitting such protest.
 - (b) Selection protest: Every consultant who submits a proposal in response to an RFP shall be mailed a copy of the selection notice sent to the highest ranked consultant. Unless a different deadline is specified in the RFP, a consultant who has submitted a proposal and claims to have been adversely affected or aggrieved by the selection of a competing consultant, shall have five (5) working days after receiving the notice of selection to submit a written protest of the selection to Purchasing. To be adversely affected or aggrieved, a protester must claim that the protester was the highest ranked consultant eligible for selection, i.e., the protester must claim that all higher ranked consultants were ineligible for selection because their proposals were non-responsive or the consultants non-responsive. The County shall not consider a selection protest submitted after the time period established in this section (2), unless a different deadline is provided in the RFP.
 - (c) The County Chair, or designee, shall have the authority to settle or resolve a written protest submitted in accordance with sections (1) or (2) or this rule. The County Chair, or designee, shall promptly issue a written decision on the protest.

**MULTNOMAH COUNTY PUBLIC CONTRACT REVIEW BOARD
ADMINISTRATIVE RULES**

DIVISION 90

90.000 NOTICES AND AGENDA

90.010 Notices

- (1) Notices of amendment, adoption or repeal of rules, including contract exemption rulings and of meetings of the Public Contract Review Board and the agenda of the meetings shall be sent to the following at least seven (7) days prior to the meeting:
- (a) Press: The Oregonian, The Gresham Outlook, The Daily Journal of Commerce.
 - (b) Management and Labor: Association of Oregon Industries; Associated General Contractors; Oregon Construction Industry Council; Oregon AFL-CIO, and Oregon State Building Trades Council.
 - (c) Any persons requesting notice in writing who show themselves in a position to be affected by the Board's determination.

90.020 Agenda

- (1) The agenda of the meetings of the Board shall include the following:
- (a) Unanimous consent calendar pursuant to AR 30.040 including a brief description of the contract exempted and the amount of the contract.
 - (b) Consideration without hearing of pending applications for exemption. The agenda will list all proposed pending exemptions with a brief description of proposed exemptions including the amount of the contract.
 - (c) Consideration with hearing of pending applications for exemption rulings.
 - (d) Contested case hearings of appeals of disqualification or revocation of pre-qualification, including the name of the contractor and the grounds of the proposed disqualification or revocation of pre-qualification.

Rev: 12/ 1/94: FORMAT

ASD-1

BUDGET MODIFICATION NO. ~~ASD-9501~~

(For Clerk's Use) Meeting Date DEC 15 1994
Agenda No. R-3

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR December 15, 1994
(Date)

DEPARTMENT: AGING SERVICES DIVISION

CONTACT: Kathy Gillette TELEPHONE: 248-3620

*NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: Jim McConnell/Kathy Gillette

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

ASD Budget Modification #ASD-9501 adds \$11,000 in funds from the State of Oregon for the "Never tooLate" drug and alcohol grant directed at elderly clients.

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 reduced? Attach additional information if you need more space.)

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

ASD Budget Modification #ASD-9501 increases the budget in Aging Services Division Org 1830, Transportation and Special Support Services, by \$10,639 in Pass Through payments to a contractor selected for expertise in dealing with senior drug and alcohol issues. Supplies for this project of \$276, and Indirect charges of \$85 are also included.

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

Increase Org 1830, Trans. and Special Support Services, by:
\$11,000 SDSD "Never Too Late" grant expenditures

Increase Org 1750, Community Access Services, by \$11,000 in grant revenues.

4. CONTINGENCY STATUS (to be completed by Finance/Budget)

| | | |
|----------------|--|----------|
| (Specify Fund) | Contingency before this modification (as of _____) | \$ _____ |
| | (Date) | |
| | After this modification | \$ _____ |

| | |
|---|---|
| <i>x</i> <u>Christine Velle</u> <u>12/2/94</u> Originated By Date | <u>James McConnell</u> <u>11/30/94</u> Department Manager Date |
| <u>Kathy Gillette</u> <u>November 29, 1994</u> Finance/Budget Date | <u>Susan Danmoo</u> <u>12/2/94</u> Employee Relations Date |
| Board Approval Date | |

BCC9501

Continued till 12-22-94

EXPENDITURE

BUDGET MODIFICATION

ASD9501

Never Too Late - State Alcohol and Drug Grant

TRANSACTION EB [] GM [] TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY 1994-95

| Document Number | Action | Fund | Agen. | Org. | Activity | Rept Cat. | Object | Current Amount | Revised Amount | Increase (Decrease) | Subtotal | Description |
|---------------------------------|--------|------|-------|------|----------|-----------|--------|----------------|----------------|---------------------|---------------------------------|-----------------|
| | | 156 | 010 | 1830 | | | 6060 | | | 10,639 | | Pass through |
| | | 156 | 010 | 1830 | | | 6230 | | | 276 | | Supplies |
| | | 156 | 010 | 1830 | | | 7100 | | | 85 | | Indirect |
| | | | | | | | | | | | 11,000 | TOTAL, ORG 1830 |
| TOTAL EXPENDITURE CHANGE | | | | | | | | | | 11,000 | TOTAL EXPENDITURE CHANGE | |

REVENUE

TRANSACTION EB [] GM [] TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY 1994-95

| Document Number | Action | Fund | Agen. | Org. | Activity | Rept Cat. | Rev. Code | Current Amount | Revised Amount | Increase (Decrease) | Subtotal | Description |
|-----------------------------|--------|------|-------|------|----------|-----------|-----------|----------------|----------------|---------------------|-----------------------------|-----------------------------|
| | | 156 | 010 | 1750 | | | 2391 | | | 11,000 | | SDSD Alcohol and Drug Grant |
| | | | | | | | | | | | 11,000 | TOTAL, ORG 1750 |
| TOTAL REVENUE CHANGE | | | | | | | | | | 11,000 | TOTAL REVENUE CHANGE | |



MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION
AREA AGENCY ON AGING
421 S.W. 5TH AVE., 3RD FLOOR
PORTLAND, OREGON 97204-2238
SENIOR HELPLINE: (503) 248-3646
ADMINISTRATION: 248-3620
TDD: 248-3683 FAX: 248-3656

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: Beverly Stein, Board Chair
FROM: Jim McConnell, Director, Aging Services Division *Just*
DATE: November 29, 1994
SUBJECT: Revenue Contract #103865 (SDSD Agreement # 40580) with State Senior and Disabled Services Division for Demonstration Project

Retroactive Status: This contract is retroactive to July 1, 1994. Processing the contract and budget amendment has been delayed while State and County Aging Services and Alcohol and Drug Services staff were exploring the possibility of leveraging additional Medicaid funds, which ultimately was not feasible.

Recommendation: The Aging Services Division recommends that the Board of County Commissioners approve the attached revenue contract #103865 (SDSD #40580) with the State Senior and Disabled Services Division, for the period 7/1/94 -6/30/95.

Analysis: This contract provides \$11,000 for a one-time-only demonstration project for elderly clients institutionalized with alcohol-related illness.

The pilot project offers a one-to-one approach to treatment and recovery for a minimum of ten alcohol-dependent elderly residents of selected nursing homes who are at high risk for recurring hospitalization and institutionalization without treatment. Funds will provide treatment and motivational counseling for the patient, consultation with the relocation case manager, linkage with community-based recovery support programs, and training to help the nursing home staff support the patients in their treatment and recovery.

The desired outcome is to return participants to community residential living.

Fiscal Impact: Funds in the amount of \$11,000 are available from the State Senior and Disabled Services Division as part of State Mental Health Special Projects funding on a one-time-only basis. The bulk of the funding is for the services of a consultant who will provide specialized alcohol counseling. Planning and administration for this project is implemented using current staff. No additional County funds are required.

A Budget Modification add revenues of \$11,000 accompanies this request.

Legal Issues: NA

Controversial Issues: NA

Link to Current County Policies: Supports current case management services budgeted and provided through Medicaid and Older Americans Act Programs and included in the annual plan for aging services

Citizen Participation: Project reviewed and approved by AA Committee of the Portland Multnomah Commission on Aging.

tl95bcc.ald

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR December 15, 1994
 (Date)
 DEPARTMENT: AGING SERVICES DIVISION
 CONTACT: Kathy Gillette TELEPHONE: 248-3620
 *NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: Jim McConnell/Kathy Gillette
 SUGGESTED AGENDA TITLE (To assist in preparing a description for the printed agenda)
ASD Budget Modification #ASD-~~2002~~ adds \$30,000 in funds from the University of Minnesota, for a Client Values Assessment Project.

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 reduced? Attach additional information if you need more space.)
 PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET
 ASD Budget Modification #ASD-~~2002~~ increases the budget in Aging Services Division Org 1750, Community Services, by \$14,098 in Pass Through payments to collaborating District Center contractors. Organization 1900, Long Term Care, is increased by \$15,902 in Personnel costs for temporary staff costs, due to the one-time only nature of this funding.

3. REVENUE IMPACT (Explain revenues being changed and the reason for the change)
 Increase Org 1750, Community Services, by:
 \$14,098 University of Minnesota funds
 Increase Org 1900, Long Term Care, by \$15,902 in University of Minnesota funds.

4. CONTINGENCY STATUS (to be completed by Finance/Budget)
 Contingency before this modification (as of _____)
 (Specify Fund) _____ (Date)
 After this modification _____

CLERK OF
 COUNTY OF
 MULTNOMAH COUNTY
 OREGON
 15 DEC 1994
 PM 4:12

| | | | |
|---|--------------------------|---|-----------------|
| <i>Christine Teble</i> Originated By | 12/2/94 Date | <i>James Lutz Bonnell</i> Department Manager | |
| <i>Kathy Gillette</i> Finance/Budget | Approved 2/29/94 Date | <i>Susan Jamell</i> Employee Relations | 12/5/94 Date |
| Board Approval | Date | | |

Continued till 12-22-94.

PERSONNEL DETAIL FOR BUD MOD NO: ~~ASD #9502~~ ASD#2

5. ANNUALIZED PERSONNEL CHANGES (Compute on a full year basis even though this action affects only a part of a year.)

| A N N U A L I Z E D | | | | |
|--|----------------|------------------------------|--------------------------------------|---------------------------|
| FTE Increase (Decrease) | POSITION TITLE | BASE PAY Increase (Decrease) | FRINGE INSURANCE Increase (Decrease) | TOTAL Increase (Decrease) |
| N/A - Temporary personnel only - one-time only revenue | | | | |
| TOTAL CHANGE (ANNUALIZED) | | | | |

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES (calculate costs or savings that will take place within this fiscal year; these should explain the actual dollar amounts being changed by this Bud Mod.)

| C U R R E N T F Y | | | | | |
|---|-----------------------|------------------------------|--------------------------------------|---------------------------|------------------|
| Full Time Position Part Time, Overtime or Premium | Explanation of Change | BASE PAY Increase (Decrease) | FRINGE/INSURANCE Increase (Decrease) | TOTAL Increase (Decrease) | |
| Temporary | | \$ 13,856 | \$ 1,146 | \$ 332 | \$ 15,334 |
| TOTAL CHANGE | | <u>\$ 13,856</u> | <u>\$ 1,146</u> | <u>\$ 332</u> | <u>\$ 15,334</u> |

ASD9502P

EXPENDITURE

BUDGET MODIFICATION

ASD9502 ASD #2

Values Assessment Project

TRANSACTION EB [] GM [] TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY 1994-95

| Document Number | Action | Fund | Agen. | Org. | Activity | Rept Cat. | Object | Current Amount | Revised Amount | Increase (Decrease) | Subtotal | Description |
|---------------------------------|--------|------|-------|------|----------|-----------|--------|----------------|----------------|---------------------|---------------------------------|--|
| | | 156 | 010 | 1760 | | | 6060 | | | 14,000 | | Passthrough |
| | | 156 | 010 | 1751 | | | 7100 | | | 98 | 14,098 | Indirect SUBTOTAL, |
| | | 156 | 010 | 1906 | | | 5200 | | | 13,856 | | Temporary |
| | | 156 | 010 | 1906 | | | 5500 | | | 1,148 | | Fringe Benefits |
| | | 156 | 010 | 1906 | | | 5550 | | | 332 | | Insurance |
| | | 156 | 010 | 1906 | | | 7100 | | | 568 | 15,902 | Indirect SUBTOTAL, |
| | | 400 | 040 | 7531 | | | 6520 | | | 332 | 332 | Serv. Reimb./Insurance TOTAL SERV. REIMB. |
| TOTAL EXPENDITURE CHANGE | | | | | | | | | | 30,332 | TOTAL EXPENDITURE CHANGE | |

REVENUE

Values Assessment Project

TRANSACTION EB [] GM [] TRANSACTION DATE _____ ACCOUNTING PERIOD _____ BUDGET FY 1994-95

| Document Number | Action | Fund | Agen. | Org. | Activity | Rept Cat. | Rev. Code | Current Amount | Revised Amount | Increase (Decrease) | Subtotal | Description |
|-----------------------------|--------|------|-------|------|----------|-----------|-----------|----------------|----------------|---------------------|-----------------------------|--|
| | | 156 | 010 | 1750 | | | * | | | 14,098 | | Values Assessment Grant |
| | | 156 | 010 | 1900 | | | * | | | 15,902 | 30,000 | Values Assessment Grant TOTAL, VALUES ASSESS. GRANT |
| | | 400 | 040 | 7531 | | | 6602 | | | 332 | 332 | Serv. Reimb./Insurance TOTAL SERV. REIMB. |
| | | | | | | | | | | | | * Code not yet set up by Budget |
| TOTAL REVENUE CHANGE | | | | | | | | | | 30,332 | TOTAL REVENUE CHANGE | |



MULTNOMAH COUNTY OREGON

AGING SERVICES DIVISION
AREA AGENCY ON AGING
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TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Beverly Stein, County Chair

FROM: Jim McConnell, Director
Aging Services Division *JM*

DATE: December 1, 1994

SUBJECT: ASD Budget Modification ^{#2} ~~ASD-9502~~: Addition of University of Minnesota funds for Client Values Assessment project

Recommendation: The Aging Services Division recommends Board of County Commissioner approval of the attached Budget Modification ~~#ASD-9502~~.

Background/Analysis: Budget Modification ~~#ASD-9502~~ adds \$30,000 of University of Minnesota funds. These funds are to support the Client Values Assessment research project of the University of Minnesota.

The Budget Modification shows a net increase to Organization 1900, ASD Long Term Care, of \$15,902, in temporary Personnel categories. It also shows an increase of \$14,098 in the Community Services organization, for pass-through services to District Center contractors also participating in this project.

The University of Minnesota, a leader in gerontological research, selected Multnomah County Aging Services as one of several demonstration sites for this project due to ASD's strong commitment to client choice and values. Funding provided by this grant is to cover costs for training time, and additional workload in conducting the client value protocols.

Financial Impact:

ASD will use these one-time only funds to supplement Medicaid branch staff with temporary personnel, and will also increase contracts with the two participating District Centers.

Legal Issues: NA

ASD-~~9502~~z

Controversial Issues: NA

Link to Current County Policies: These funds assist ASD in implementing values, including client choice.

Citizen Participation: NA

Other Government Participation: Involves Multnomah county in a national study conducted by the University of Minnesota.

MEETING DATE: DEC 15 1994
AGENDA NO.: R-5

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Notice of Intent to apply for grants and sponsorships to support public education on personal preparedness for emergencies through the development and implementation of a community signboard project.

BOARD BRIEFING Date Requested:

Amount of Time Needed:

REGULAR MEETING Date Requested: December 15, 1994

Amount of Time Needed: 3 min.

DEPARTMENT: Non Departmental DIVISION: Emergency Management

CONTACT: Joy Tumbaga TELEPHONE #: 251-2468

BLDG/ROOM#: 313/110

PERSON(S) MAKING PRESENTATION: Joy Tumbaga

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

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

Need- In August of 1993 a Local Emergency Management Review for Multnomah County was conducted by Oregon Emergency Management and the Federal Emergency Management Agency (FEMA). Upon completion of the review process a report was issued which listed recommendations for improvement of Multnomah County's Emergency Management Program. Recommendation #3 was to increased educational opportunities for the general public. Also, in 1994 Multnomah County developed powerful benchmarks that provide a framework to focus County resources and performance. County programs have been directed to parallel activities to meet these benchmark goals. Benchmarks that have an impact on the emergency management public education program are #78, #95 and #96. The Emergency Management Program must begin to implement projects that address the concerns listed in the review report and meet benchmark goals.

Funding- Upon approval of this Notice of Intent, a proposal will be submitted to the Federal Emergency Management Agency (FEMA) for a one time grant to fund the initial project. Local sponsorship will be explored for the enhancement and on-going expansion of the project. Partnerships with community volunteers will be utilized to reduce cost associated with various elements of the project whenever feasible. Project coordination will be incorporated within the existing Emergency Management Public Education Program. No additional general fund support is anticipated.

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

Beverly Steiner

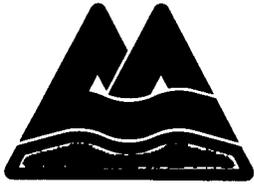
OR

DEPARTMENT MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

1994 DEC -5 PM 4:27
CLERK OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

OFFICE OF EMERGENCY MANAGEMENT
12240 N.E. GLISAN
PORTLAND, OREGON 97230
(503) 255-3600
PENNY G. MALMQUIST, DIRECTOR

MEMORANDUM

To: Multnomah County Commissioners
Beverly Stein, Chair
Dan Saltzman
Gary Hansen
Tanya Collier
Sharron Kelley

From: Joy Tumbaga 
Program Coordinator

Date: December 1, 1994

Subject: Notice of Intent--Grant Request

1. Give a brief description of the grant requirements and goals.

The Multnomah County Office of Emergency Management intends to develop, produce and display a high-quality series of outdoor emergency preparedness signboards that relate to identified hazards for the local area. This project will be known as the Signboard Project and will be a long term, on-going project under the Emergency Management Public Education Program.

The Emergency Management Program intends to apply for a one time grant through the Federal Emergency Management Agency (FEMA) to fund the initial development of the project. At the current time FEMA does not have any dedicated money to support these type of projects, but considers them on a project by project basis for funding.

2. Identify granting agency.

The grant being requested is a one time request for funding to the Federal Emergency Management Agency (FEMA) to finance initial signboard project. Sponsorships from business and industry and community groups will be explored for the enhancement and on-going expansion of the project. Partnerships with community volunteers will be utilized to reduce cost associated with various elements of the project whenever feasible.

3. Describe grant funding. (one time only or long term commitment, county match requirements, indirect cost, etc)

The Multnomah County Office of Emergency Management is requesting a one time grant from FEMA to support the initial development of a signboard project, indirect cost have been included within the grant request. County match is not anticipated for this one time grant request. This project is a long term project being incorporated under the current Emergency Management Public Education Program, and will require coordination by the program coordinator, this cost has been identified in the proposal as In-Kind cost to the County.

4. Give filing timelines.

None

BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT

TO: BOARD OF COUNTY COMMISSIONERS

FROM: JOY TUMBAGA
MULTNOMAH COUNTY EMERGENCY MANAGEMENT

TODAY'S DATE: DECEMBER 01, 1994

REQUESTED PLACEMENT DATE: DECEMBER 15, 1994

RE: Notice of Intent to submit a proposal for a one time grant to the Federal Emergency Management Agency to fund a Emergency Preparedness Signboard Project.

I. Recommendation/Action Requested:
(Concise listing of recommendation/action requested.)

Approval to submit a proposal for a one time grant to the Federal Emergency Management Agency to fund a Emergency Preparedness Signboard Project.

II. Background/Analysis:

Goal: To expand the Multnomah County Office of Emergency Management's Public Education Program by creating and implementing an outdoor public education project using signboard holders and signboards to graphically illustrate preparedness and prevention actions for identified hazards within the community.

Need: Two recent developments have prompted the County Office of Emergency Management to examine options to expand the current public education program.

First, in August of 1993 a Local Emergency Management Review for Multnomah County was conducted by Oregon Emergency Management and the Federal Emergency Management Agency (FEMA). Upon completion of the review process a report was issued which listed recommendations for improvement of Multnomah County's Emergency Management Program. Recommendation #3 was to increased educational opportunities for the general public.

Second, in 1994 Multnomah County developed powerful benchmarks that provide a framework to focus County resources and performance. All County programs have been directed to parallel activities to meet these benchmark goals. Benchmarks that have an impact on the emergency management public education program are #78, #95 and #96.

The Emergency Management Program must begin to implement programs that will address the concerns listed in the review report and meet benchmark goals. The signboard project is one solution being implemented that addresses both issues.

III. Financial Impact:

Project Coordination- The Office of Emergency management will incorporate this project within the existing Public Education Program. The full time Program Coordinator will have oversight responsibility for this project.

Project Funding- The Office of Emergency Management intends to apply for a one time grant through the Federal Emergency Management Agency (FEMA) to fund the initial project. Local sponsorship will be explored for the enhancement and on-going expansion of the project. Partnerships with community volunteers will be utilized to reduce cost associated with various elements of the project whenever feasible.

No additional funding from the General Fund is being requested to support this project.

IV. Legal Issues:

(What are the legal issues? How do you know? Cite ORS, ordinance or administrative procedure if appropriate.)

The Multnomah County Office of Emergency is unaware of legal issues involving this type of project.

V. Controversial Issues:

(Policy/Political)

The Multnomah County Office of Emergency is unaware of any controversial issues involving this type of project.

VI. Link to Current County Policies:

This project is linked to County Benchmarks-

#78 Civic Participation- percentage of citizens who volunteer at least 50 hours of their time per year to civic, community, or non-profit activities. This benchmark measures the extent to which citizens seek to improve the quality of life of their neighborhood and community by actively participating in civic, community and nonprofit activities.

#95 Community Preparedness- percentage of residences, institutions, and businesses prepared for an emergency by being able to sustain themselves for 72 hours. This benchmark measures the extent to which the emergency service providers have communicated with and educated the public about emergency preparedness.

#96 Emergency Losses- deals with property and person loss, due to emergency/disasters. This is an indicator of the effectiveness of fire programs, efficiency of fire protection, and overall awareness of fire.

VII. Citizen Participation:

(What has been the degree of citizen involvement - Formal, i.e., task force or committee - Informal input? Do you anticipate citizen testimony at the board meeting?)

Graphic Design- Students from David Douglas High School, Graphic Arts Department has volunteered to work with the Multnomah County Office of Emergency Management to develop and/or refine effective, high quality graphic messages that prompt citizens to take appropriate actions to mitigate the hazards in their personal environment and plan for those hazards that can not be mitigated.

Rotation and Maintenance- Members of Explorer Post 900, a nonprofit organization affiliated with the Boy Scouts of America and sponsored by the Multnomah County Sheriff's Office have volunteered to take on the long term, on-going element of rotation and maintenance of the signboards as a community service.

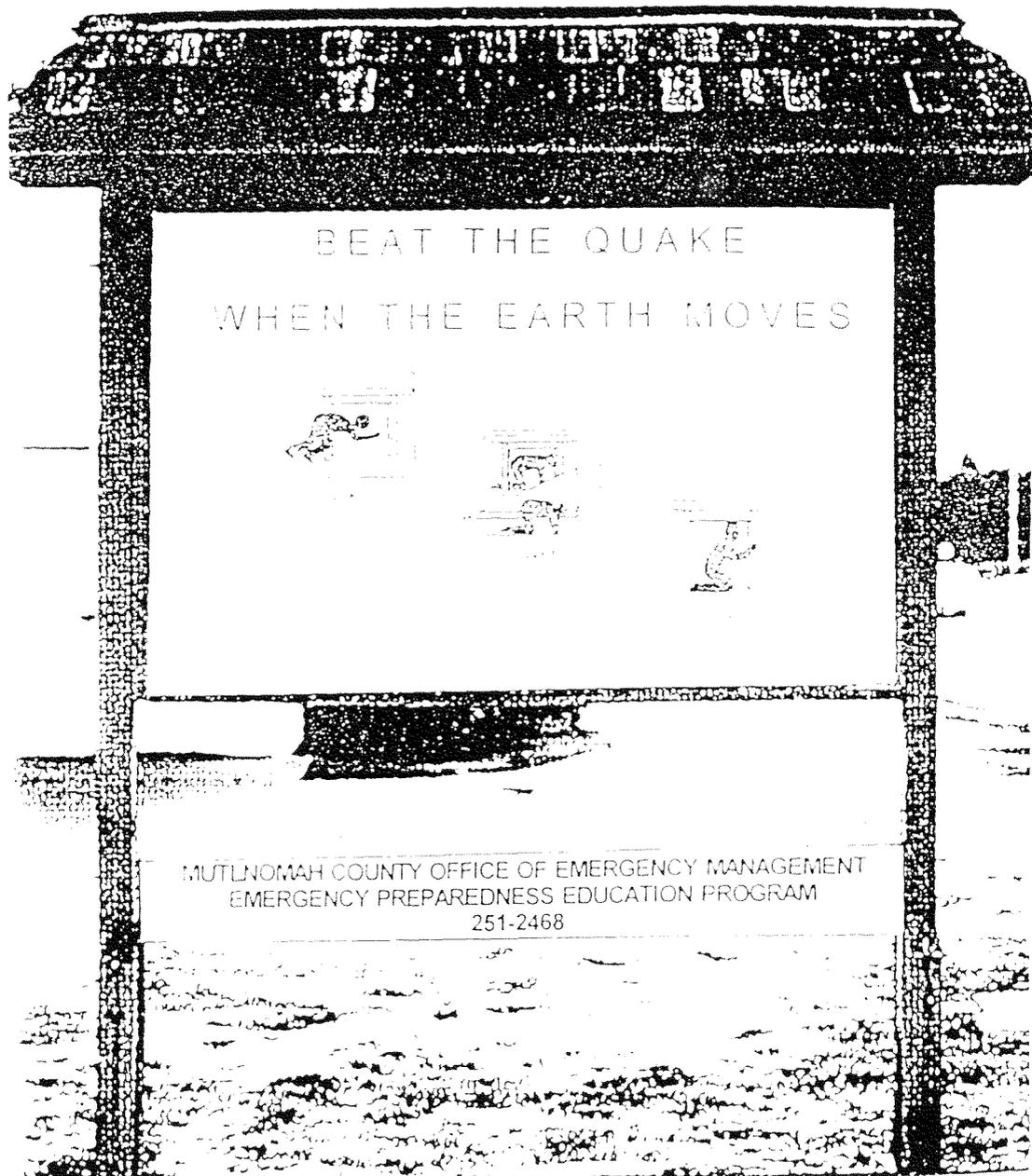
No citizen testimony anticipate.

VIII. Other Government Participation:

(Does it affect another jurisdiction/county department? Do they know about it?)

As the Emergency Management Office for Troutdale, Fairview, Wood Village and Maywood Park the Office of Emergency Management will brief the City Administrators on the Public Education Signboard Project to gain approval.

EMERGENCY PREPAREDNESS PUBLIC EDUCATION SIGNBOARD PROJECT



Multnomah County Office of Emergency Management
12240 NE Glisan
Portland Oregon 97230
(503) 251-2468

MULTNOMAH COUNTY OFFICE OF EMERGENCY MANAGEMENT PUBLIC EDUCATION PROGRAM EMERGENCY PREPAREDNESS SIGNBOARD PROJECT

Summary of Proposal:

The Multnomah County Office of Emergency Management intends to develop, produce and display a high-quality series of outdoor emergency preparedness signboards that relate to identified hazards for the local area. This project will be known as the Signboard Project and will be a long term, on-going project under the Emergency Management, Public Education Program. The key elements to develop and deliver the signboard project are:

- 1) **Project Coordination-** The Office of Emergency management will incorporate this project within the existing Public Education Program. The full time Program Coordinator will have oversight responsibility for this project.
- 2) **Project Funding-** The Office of Emergency Management intends to apply for a one time grant through the Federal Emergency Management Agency (FEMA) to fund the initial project. Local sponsorship will be explored for the enhancement and on-going expansion of the project. Partnerships with community volunteers will be utilized to reduce cost associated with various elements of the project whenever feasible.
- 3) **Sign Holder Development-** The Multnomah County Carpenter Shop has been identified to produce high-quality sign holders that will be placed in strategic locations throughout Multnomah County.
- 4) **Graphic Design-** Students from David Douglas High School, Graphic Arts Department have volunteered to work with the Multnomah County Office of Emergency Management to develop and/or refine effective, high quality graphic messages that prompt citizens to take appropriate actions to mitigate the hazards in their personal environment and plan for those hazards that can not be mitigated.
- 5) **Signboard Production-** RFP's will be distributed to graphic arts companies according to rules governing competitive bids for the conversion of graphic message into 4' x 6' signboards. These signboards will be placed in the strategically located sign holders and rotated on a monthly basis.
- 6) **Rotation and Maintenance-** Members of Explorer Post 900, a non-profit organization affiliated with the Boy Scouts of America and sponsored by the Multnomah County Sheriff's Office have volunteered to take on the long term, on-going element of rotation and maintenance of the signboards as a community service.

This project will not only develop and deliver high quality messages to the citizens in Multnomah County, but parallels projects being implemented in the region to promote personal preparedness. The products produced under this project will reinforce messages on personal preparedness regionally and be shared with other agencies who wish to establish a similar project.

MULTNOMAH COUNTY OFFICE OF EMERGENCY MANAGEMENT PUBLIC EDUCATION PROGRAM EMERGENCY PREPAREDNESS SIGNBOARD PROJECT

Project Goal:

To expand the Multnomah County Office of Emergency Management's Public Education Program by creating and implementing an outdoor public education project using signboard holders and signboards to graphically illustrate preparedness and prevention actions for hazards within the community.

Biographical Sketch of the Multnomah County Office Of Emergency Management:

The Multnomah County Office of Emergency Management was created in April of 1974 as the unit of Multnomah County government with the designated responsibility for emergency preparedness planning and coordination of specific activities in support of both response and recovery operations.

The program is currently established as a Non-Departmental Office, under the Multnomah County Chair and is co-located with the Multnomah County Sheriff's Office. The Office currently has one full time paid Emergency Management Director and two full time paid staff members.

The full time Program Coordinator who has been with the office since 1989 will be the person responsible for the development and coordination of the Public Education Signboard Project.

Joy Tumbaga
Program Coordinator
Multnomah County Office of Emergency Management
12240 NE Glisan, Portland OR 98310
(503) 251-2468

Statement of Need:

Two recent developments have prompted the County Office of Emergency Management to examine options to expand the current public education program.

First, in August of 1993 a Local Emergency Management Review for Multnomah County was conducted by Oregon Emergency Management and the Federal Emergency Management Agency (FEMA). Upon completion of the review process a report was issued which listed recommendations for improvement of Multnomah County's Emergency Management Program. Recommendation #3 was to increased educational opportunities for the general public.

Second, in 1994 Multnomah County developed powerful benchmarks that provide a framework to focus County resources and performance. All County programs have been directed to parallel activities to meet these benchmark goals. Benchmarks that have an impact on the emergency management public education program are:

#95 Community Preparedness- percentage of residences, institutions, and businesses which are prepared for an emergency by being able to sustain themselves for 72 hours. This benchmark measures the extent to which the emergency service providers have communicated with and educated the public about emergency preparedness.

#96 Emergency Losses- deals with property and person loss, due to emergency/disasters. This is an indicator of the effectiveness of fire programs, efficiency of fire protection, and overall awareness of fire.

#78 Civic Participation- percentage of citizens who volunteer at least 50 hours of their time per year to civic, community, or non-profit activities. This benchmark measures the extent to which citizens seek to improve the quality of life of their neighborhood and community by actively participating in civic, community and non-profit activities.

The Multnomah County Office of Emergency Management must begin to implement programs that will address the concerns listed in the review report and meet benchmark goals for emergency management. The signboard project is one solution being implemented that addresses both issues.

Project Concept:

Agencies with active public education programs use ongoing processes to train people to mitigate, respond, and recover from events that effect their lives. These events can include fires, earthquakes, winter storms, hazardous materials, floods and more. Public education programs strive to reach all areas of the population that can be influenced with an educational message that may reduce or eliminate the hazards associated with these events to save lives and/or reduce property damage.

One effective, proven method to educate the public is through the use of a community signboard project. A signboard project consist of building high quality sign holders which are located in strategic areas of the community. Sign holders can be located in neighborhood areas, along local streets and on business and industry or publicly owned property. Sign holders are built to hold 4' x 6' outdoor signboards that can be rotated on a monthly basis to graphically represent seasonal hazards or specific hazards in the community. When a problem is identified within a community a corresponding education/prevention message can be placed in the local sign holder. The flexibility to change the signboard to represent different hazards or specific community problems allows the education program to stay with FEMA's all-hazard approach to emergency management.

After the initial program development the signboard project will allow the Multnomah County Office of Emergency Management to deliver quality education and prevention messages using an effective, low cost method. The signboard project can be easily expanded using minimum resources as additional sponsorship and funding becomes available.

Key Objectives:

1. Coordination and implementation of a signboard program in the areas of the county where Multnomah County has emergency management program responsibilities. These areas include unincorporated Multnomah County and the cities of Fairview, Maywood Park, Troutdale, and Wood Village. The key objective is to produce two (2) signboard holders in unincorporated Multnomah County and one for each city (4). The minimum number of signboards holders to support this objective is (6), with a minimum of six (6) double sided graphic signboards.
2. Develop and implement the signboard project countywide. The key objective is to produce four (4) additional signboards and four (4) signboard holders to be placed on county owned property to cover those areas of the county not covered under objective #1.

3. Support Earthquake Preparedness Month Activities. For the past two years the Governor of the State of Oregon and the Multnomah County Board of Commissioners have declared April as Earthquake Preparedness Month and encouraged citizens to become personally prepared. The key objective is to produce an additional ten (10) double sided earthquake specific signboards to support April earthquake preparedness and community activities.
4. Research, develop and coordinate grant proposals for the development of the Emergency Preparedness Signboard Project. The key objective is to develop funding for ten (10) signboard holders and twenty (20) double sided graphic signboards.
5. Coordination with business and industry and community groups for the purpose of involvement and sponsorship of the Emergency Preparedness Signboard Project. The key objective is to facilitate sponsorship for expansion of signboards and to foster continuing partnerships with business and industry and community groups for the support of emergency management in the community.
6. Develop program package of materials for distribution to jurisdictions wishing to implement a similar signboard program. The key objective is to develop a manual that documents the process to develop a signboard program to include quality copies of all hazard graphics developed for the program.

Project Tasks:

The Emergency Preparedness Signboard Project will be developed during Multnomah County's FY's 1994-1996. The signboard project is being developed with the philosophy that it will continue and expand each year as sponsorship and grants are available with the goal to provide increased education and prevention messages to the citizens of Multnomah County and enhance regional preparedness efforts.

Tentative list of major tasks:

| |
|---|
| Research Emergency Signboard Project |
| Develop Concept paper for Signboard Project |
| Develop samples of graphics for concept paper |
| Brief Board of County Commissioners on project |
| Brief City Administrators on project |
| Brief City Councils on project |
| Research funding for project |
| Submit proposal to funding sources |
| Determine potential locations of signboard holders |
| Research sign ordinances for each location selected |
| Coordinate permit process for each location |
| Coordinate RFP for building of Sign Holders |
| Select low bid proposal |
| Production Time |

| |
|---|
| Production time and coordination for graphic art |
| Develop RFP for copy and signboard production |
| Select low bid company |
| Production time and coordination with sign company for board production |
| Display Signs |
| Project Report |

Evaluation of Project:

The Signboard program can be evaluated by several categories of measurement, including:

- a) Number of sign holders installed and maintained
- b) Number of sign boards developed
- c) Number of times each board is displayed
- d) Number of sponsors who support the program
- e) Change in the level of public education inquires to the agency
- f) Number of hours donated by volunteers to enhance the community.

Estimated Budget for Project:

The key objectives of # 1,2,3 is to produce ten (10) sign holders and (20) graphic signboards for countywide coverage.

Total Budget Summary:

| Detail | Grant Request | In-Kind Cost | Total |
|-----------------------|---------------|--------------|-------------|
| Personnel Cost | 0 | \$3,560.00 | \$3,560.00 |
| Professional Services | \$16,822.00 | \$16,424.00 | \$33,246.00 |
| Printing Cost | \$100.00 | \$0.00 | \$100.00 |
| Postage Cost | \$40.00 | \$0.00 | \$40.00 |
| Supplies | \$100.00 | \$0.00 | \$100.00 |
| Travel Cost | \$145.00 | \$0.00 | \$145.00 |
| Indirect Cost | \$293.00 | \$0.00 | \$293.00 |
| Total Expenditures | \$17,500.00 | \$19,984.00 | \$37,484.00 |

Budget Detail:

Personnel Cost: Cost: \$3,560.00

Personnel cost will be incorporated in the current Emergency Management Public Education budget. The estimated value of this support is 3,560.00. The estimate is based on the current salary of the Program Coordinator at \$22.25 hr x 160 hours (3,560.00).

Professional Services: **Cost: \$33,246.00**

Sign Holders Production: **Cost: \$4,972.00**

A rough estimate for materials and labor to build each sign holder was provided by the Multnomah County Carpenter Shop. The cost was projected to be \$300.00 x 10 (3,000.00). Installation cost was projected by the Multnomah County Sign Shop and is based on \$46.00 an hour x 16 hours x 2 personnel (1,472.00). Each sign holder must go through a sign review process in accordance with local jurisdiction permit ordinances, the average permit ordinance fee is \$50.00 x 10 (500.00).

Signboard Production: **Cost: \$11,850.00**

The following estimate was provided by contacting local area sign shops and requesting an estimated cost based on sample graphics. Cost are based on the need to scan and/or refine graphics, board prep work, copy and painting of graphics onto prepared 4' x 6' boards and 1' x 6' agency identification boards. Each two sided board is projected to cost \$550.00 x 20 (11,000.00) and each agency board is projected to cost \$85.00 x 10 (\$850.00).

Graphic Design: **Cost: 2,600.00**

Students from David Douglas High School, Graphic Arts Department have volunteered to work with the Multnomah County Office of Emergency Management to develop and/or refine effective, high quality graphic messages to support the signboard project. Local graphic companies estimated the value of this service to be \$2,600.00. The projection is based on 2 hours to produce each graphic message x \$65.00 an hour x 20 messages.

Rotation and Maintenance: **Cost: \$13,824.00**

Volunteers from the Multnomah County Sheriff's Office Explorer Post 900 have committed to the on-going, long term rotation and maintenance element of the signboard project. The Multnomah County Sign Shop estimated the value of this service to be 13,824.00 per year. The projection was based on two (2) people at the current average salary of \$32.00 hr x 16 estimated hours a month (1,024.00), plus the normal charge out rate for two (2) trucks x \$4.00 each x 16.00 hours (128.00).

Printing Cost: **Cost: \$100.00**

Printing cost estimate covers the duplication of profession materials to meet objective #6 of the project.

Postage Cost: **Cost: \$40.00**

Postage cost estimate covers anticipated postage for normal correspondence during the development and implementation of this project and postage for mailing professional materials to meet objective #6 of the project.

Supply Cost: **Cost: \$100.00**

Supply cost estimate are for general office supplies expended during the course of developing and implementing this project.

Travel Cost: **Cost: \$145.00**

Travel cost are based on standard rate established by the Internal Revenue Service Publication. Estimated travel mileage to coordinate this project is 500 miles x .29.

Indirect Cost: **Cost: \$293.00**

The County General Fund will provide support to this project in several ways. For example the General Fund may provide accounting, finance, purchasing, or legal assistance in the course of developing and delivering this project. In order to reimburse the County for providing these services, programs are required to pay a percentage of the operational cost of the program to the County General Fund. Currently required rate of reimburse is figured at 1.7%. 1.7% is being charged against the grant request of 17,207.00.

Total Budget **Cost: \$37,484.00**

Budget Break Down:

| QUANTITY | ITEM DESCRIPTION | UNIT | UNIT PRICE | TOTAL COST |
|----------|--------------------------------|------|------------|--------------------|
| | SIGN HOLDER DEVELOPMENT | | | |
| 10 | Sign Ordinance Permit Fee | 1 | \$50.00 | \$500.00 |
| 10 | Materials & Labor | 1 | \$300.00 | \$3,000.00 |
| 32 | Labor to install | 1 | \$46.00 hr | \$1,472.00 |
| | SIGNBOARD DEVELOPMENT | | | |
| 20 | 2 sided Graphic Signboard- | 1 | \$550.00 | \$11,000.00 |
| 10 | Agency Identification Board | 1 | \$85.00 | \$850.00 |
| 20 | Graphic Design | 1 | \$130.00 | \$2,600.00 |
| 12 | Rotation & Maintenance Cost | 1 | \$1,152.00 | \$13,824.00 |
| | MISCELLANEOUS | | | |
| 160 | Personnel Cost | 1 | \$22.25 | \$3,560.00 |
| | Project Printing | | | \$100.00 |
| | Project Postage | | | \$40.00 |
| | Project Supplies | | | \$100.00 |
| 500 | Project Travel | 1 | .29 | \$145.00 |
| 17207 | Project Indirect Cost | 1 | .017 | \$293.00 |
| | TOTAL | | | \$37,484.00 |

GRANT REQUEST WORKSHEET

Grant Request Summary:

| Detail | Grant Request |
|------------------------------------|--------------------|
| Personnel Cost (\$22.25 x 160 hrs) | 0 |
| Professional Services | \$16,822.00 |
| Printing Cost | \$100.00 |
| Postage Cost | \$40.00 |
| Supplies | \$100.00 |
| Travel Cost | \$145.00 |
| Indirect Cost | \$293.00 |
| Total Expenditures | \$17,500.00 |

Grant Request Detail:

| | |
|-------------------------------|--------------------------|
| Professional Services: | Cost: \$16,822.00 |
|-------------------------------|--------------------------|

| | |
|---------------------------------|-------------------------|
| Sign Holders Production: | Cost: \$4,972.00 |
|---------------------------------|-------------------------|

A rough estimate for materials and labor to build each sign holder was provided by the Multnomah County Carpenter Shop. The cost was projected to be \$300.00 x 10 (3,000.00). Installation cost was projected by the Multnomah County Sign Shop and is based on \$46.00 an hour x 16 hours x 2 personnel (1,472.00). Each sign holder must go through a sign review process in accordance with local jurisdiction permit ordinances, the average permit ordinance fee is \$50.00 x 10 (500.00).

| | |
|------------------------------|--------------------------|
| Signboard Production: | Cost: \$11,850.00 |
|------------------------------|--------------------------|

The following estimate was provide by contacting local area sign shops and requesting an estimated cost is based on sample graphics. Cost are based on the need to scan and/or refine graphics, board prep work, copy and painting of graphics onto prepared 4' x 6' boards and 1' x 6' agency identification boards. Each two sided board is projected to cost \$550.00 x 20 (11,000.00) and each agency board is projected to cost \$85.00 x 10 (\$850.00).

| | |
|-----------------------|-----------------------|
| Printing Cost: | Cost: \$100.00 |
|-----------------------|-----------------------|

Printing cost estimate covers the duplication of profession materials to meet objective #6 of the project.

| | |
|----------------------|----------------------|
| Postage Cost: | Cost: \$40.00 |
|----------------------|----------------------|

Postage cost estimate covers anticipated postage for normal correspondence during the development and implementation of this project and postage for mailing professional materials to meet objective #6 of the project.

| | |
|---------------------|-----------------------|
| Supply Cost: | Cost: \$100.00 |
|---------------------|-----------------------|

Supply cost estimate are for general office supplies expended during the course of developing and implementing this project.

Travel Cost: **Cost: \$145.00**

Travel cost are based on standard rate established by the Internal Revenue Service Publication. Estimated travel mileage to coordinate this project is 500 miles x .29.

Indirect Cost: **Cost: \$292.15**

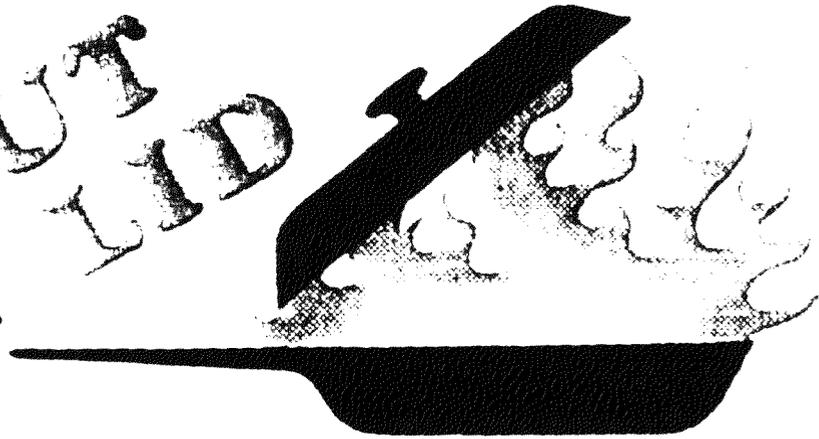
The County General Fund will provide support to this project in several ways. For example the General Fund may provide accounting, finance, purchasing, or legal assistance in the course of developing and delivering this project. In order to reimburse the County for providing these services, programs are required to pay a percentage of the operational cost of the program to the County General Fund. Currently required rate of reimburse is figured at 1.7%.

Budget Break Down:

| QUANTITY | ITEM DESCRIPTION | UNIT | UNIT PRICE | TOTAL COST |
|----------|--------------------------------|------|------------|--------------------|
| | SIGN HOLDER DEVELOPMENT | | | |
| 10 | Sign Ordinance Permit Fee | 1 | \$50.00 | \$500.00 |
| 10 | Materials & Labor | 1 | \$300.00 | \$3,000.00 |
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| 20 | 2 sided Graphic Signboard- | 1 | \$550.00 | \$11,000.00 |
| 10 | Agency Identification Board | 1 | \$85.00 | \$850.00 |
| | MISCELLANEOUS | | | |
| | Project Printing | | | \$100.00 |
| | Project Postage | | | \$40.00 |
| | Project Supplies | | | \$100.00 |
| 500 | Project Travel | 1 | .29 | \$145.00 |
| 17207 | Project Indirect Cost | 1 | .017 | \$293.00 |
| | TOTAL | | | \$17,500.00 |

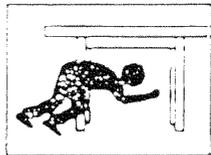
SAMPLES OF SIGNBOARD GRAPHICS

PUT
A LID

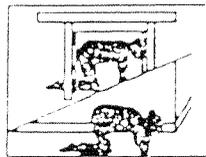


ON PAN FIRES

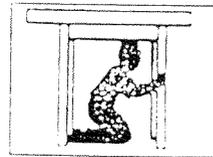
BEAT THE QUAKE WHEN THE EARTH MOVES



Duck



Cover



Hold On

Sponsored By:

MUTL NOMAH COUNTY OFFICE OF EMERGENCY MANAGEMENT
EMERGENCY PREPAREDNESS EDUCATION PROGRAM
251-2468

BEAT THE QUAKE
PREPAREDNESS COUNTS



FOCUS ON:
EMERGENCY
SUPPLY
KITS

Sponsored By:

MULTNOMAH COUNTY OFFICE OF EMERGENCY MANAGEMENT
EMERGENCY PREPAREDNESS EDUCATION PROGRAM
251-2468

WILDFIRE

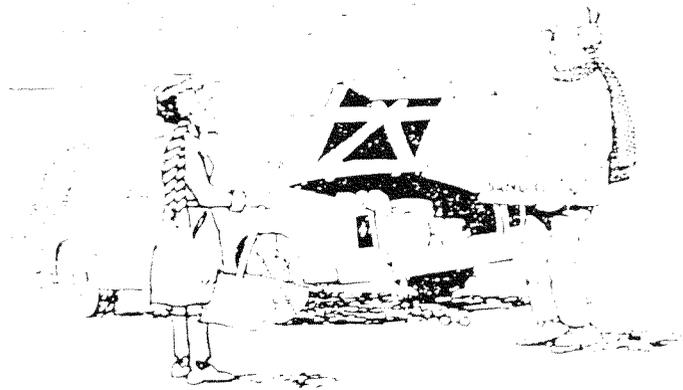
ARE YOU PREPARED?



LANDSCAPE WISELY
CREATE A 30 TO 50 FOOT SAFETY ZONE
AROUND YOUR HOME

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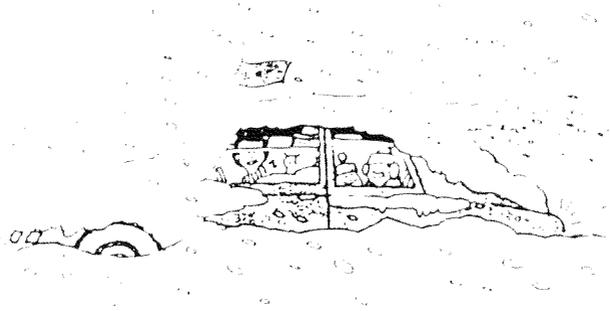
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WINTER STORM SURVIVAL
DID YOU KNOW?



THE WISE AVOID DRIVING DURING SNOW AND ICE STORMS

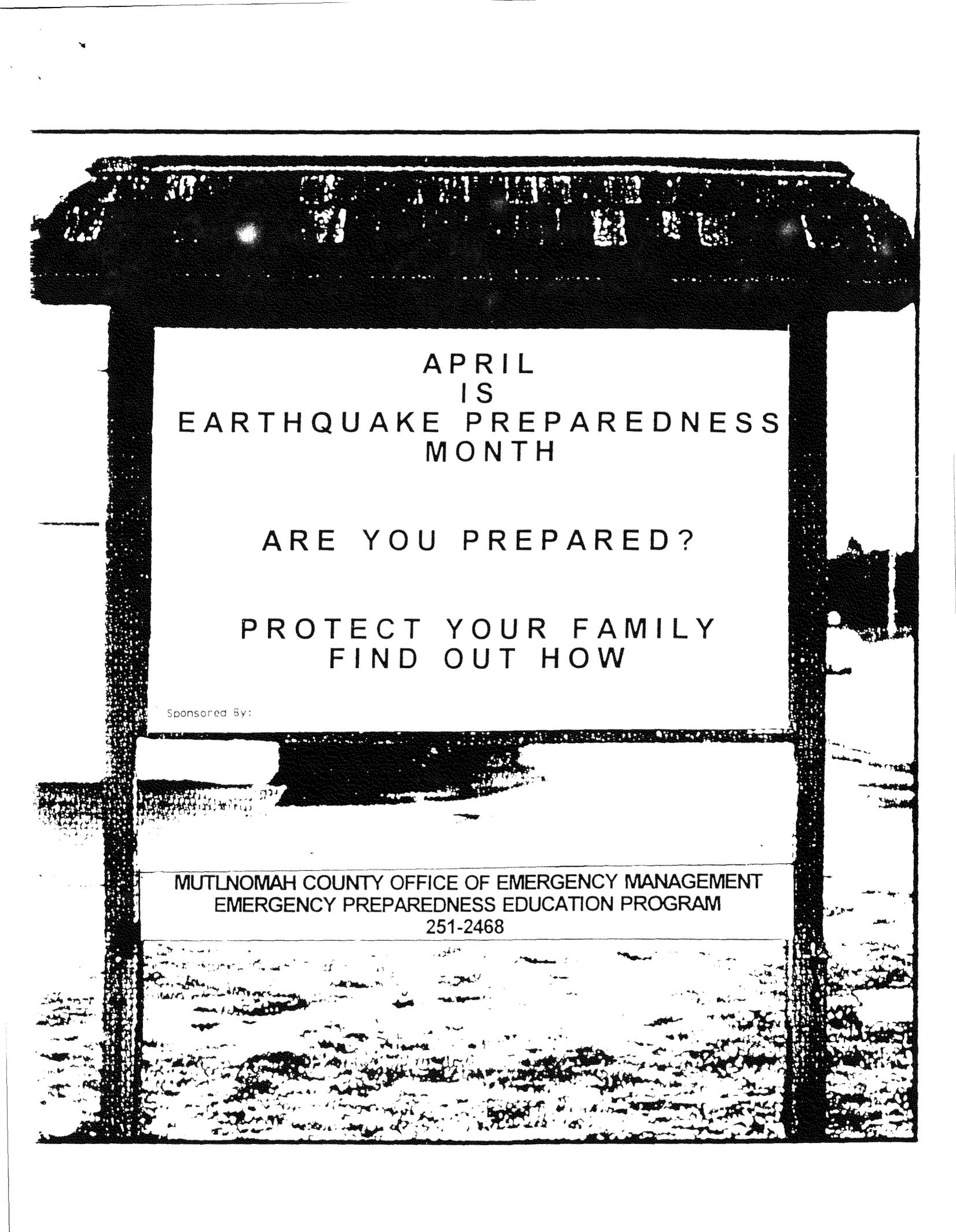
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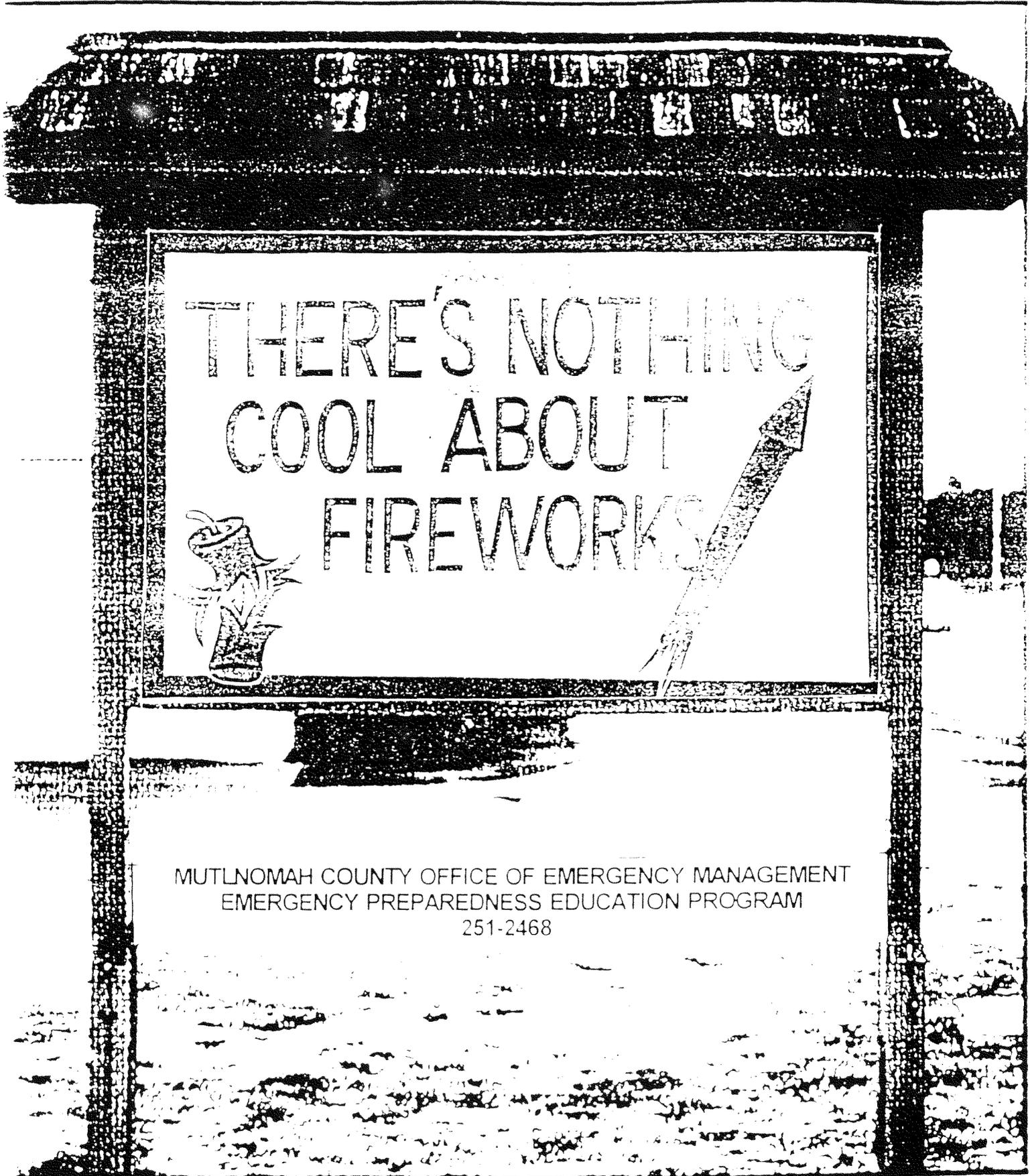
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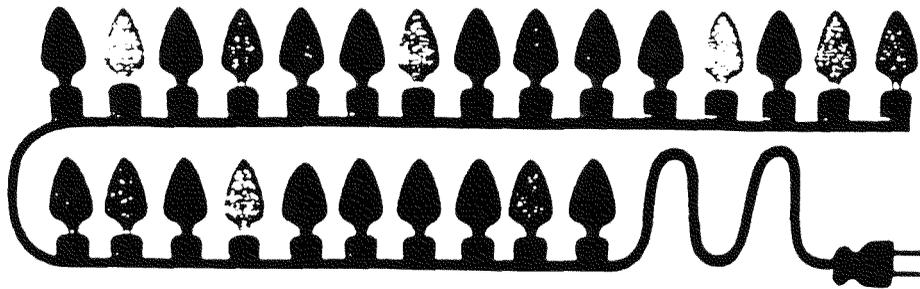
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THERE'S NOTHING
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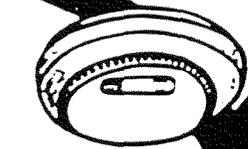
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FOR FRAYED CORDS

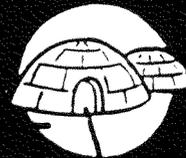
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**CHECK
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DETECTOR

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CELEBRATE SAFETY

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**Check
The Water
Level
Daily**



**MUTL NOMAH COUNTY OFFICE OF EMERGENCY MANAGEMENT
EMERGENCY PREPAREDNESS EDUCATION PROGRAM
251-2468**

Meeting Date: DEC 07 1994 DEC 15 1994
Agenda No: R-13 R-6

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Exempt employee wages and benefits.

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: December 7, 1994

Amount of Time Needed: 10 minutes

DEPARTMENT: Nondepartmental DIVISION: Employee Services

CONTACT: Curtis Smith TELEPHONE #: 248-3113

BLDG/ROOM #: 106/1430

PERSON(S) MAKING PRESENTATION: Curtis Smith

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

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

An ordinance adjusting exempt employee wages and benefits in order to carry out Measure 8, and to equalize benefits for exempt and non-exempt employees; repealing certain provisions in Ordinance 740 relating to pension benefits, increasing salaries and salary ranges for exempt employees, and declaring an emergency.

Minimal fiscal impact, if any. Salary increase will replace PERS pickup currently granted to employees.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: *Beverly Steen*

OR

DEPARTMENT MANAGER: _____

1994 DEC -1 PM 3:28
CLERK OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the board Clerk 248-3277/248-5222 *& Susan Ayres.*

*Copy of Ord. #808 sent to Curtis Smit on 12-16-94
Ordin. Sub. list on 12-19-94.*

RECEIVED
DEC 06 1994
BEVERLY STEIN
MULTNOMAH COUNTY CHAIR

M E M O R A N D U M

TO: Bill Farver, Assistant to Chair

FROM: Laurence Kressel (106/1530) 
County Counsel

DATE: December 6, 1994

SUBJECT: Measure 8; Technical Amendments to
Proposed Resolution and Salary Ordinance

Since filing of the Resolution and Ordinance last week, a few technical problems have surfaced. These should be addressed by amendments proposed by a member of the BCC. Perhaps Curtis could present them first.

1. The Resolution (R-12)

Evidently, the prosecuting attorneys have decided not to accept the county's contract proposal. If so, the Resolution ought to be amended as follows:

1. Amend Section 3, the first two lines to read:

"Except as otherwise provided by collective bargaining agreement, the following policy shall apply to all county employees who are PERS members or who shall become PERS members:
[underlined words are new]

This change in language will make clear that the prosecuting attorneys continue to receive the PERS pickup during the life of their contract; the county will continue to treat the benefit as a pickup, not as salary.

The amendment is unnecessary if the prosecuting attorneys decide at the last minute to accept the county's contract amendment proposal.

2. The Ordinance (R-13)

Two technical amendments to R-13 should be made at the first reading. Here they are:

1. Amend the first sentence in Section II (page 1, line 24-25) to read as follows:

[words in brackets are deleted; underlined words are new]

"[Effective December 16, 1994,] Sections XVIII (C), (D) and (E) of Ordinance No. 740 are repealed. The effective date for this repeal is (1) the close of business on December 7, 1994 with respect to exempt employees as that term is defined in Section III (E) of this Ordinance, and (2) December 10, 1994 for temporary employees."

There are two reasons for this change. First, the filed ordinance had December 16, 1994 as the effective date. That date was a mistake.

The correct date is December 7, 1994, at least for most exempt employees.

The second reason for the change, however, is that the Payroll Division has found a glitch with respect to temporary employees. Because of the way they are paid, it makes more sense to make the ordinance effective for them on December 10, not December 7.

This has to do with automated payroll and the special setup for this group of employees. Mindy Harris can explain.

2. Amend Section III (page 2, line 24) to add the following:

"However, the effective date for the increase to temporary employees shall be December 10, 1994, to facilitate automated pay administration for such employees."

This change is for the same reason discussed immediately above.

I do not think the Resolution must be amended to change the effective dates for temporary employees. The specific dates in the ordinance will control. (The ideal would be total consistency between R-12 and R-13. But in this context, it is also probably true that the fewer amendments the BCC must make the better.)

cc Curtis Smith
Mindy Harris
Ken Upton



MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS
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JACQUELINE A. WEBER

M E M O R A N D U M

TO: Board of County Commissioners
FROM: Laurence Kressel (106/1530) *LK*
County Counsel
DATE: December 5, 1994
SUBJECT: Measure 8; Proposed Salary Increases

Since my own pay would be affected by some of the Board actions on this week's agenda, I contracted with outside legal counsel to advise the Board on the related Measure 8 questions. The opinion of outside counsel is enclosed for your review.

Mr. Sercomb will attend the wednesday hearing and be available to respond to your questions.

cc Sheriff
District Attorney
Auditor

1994 DEC - 5 PM 3:57
MULTNOMAH COUNTY
OREGON



PRESTON GATES & ELLIS
ATTORNEYS

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DEC 05 1994

COUNTY COUNSEL FOR
MULTNOMAH COUNTY, OR

MEMORANDUM

To: Multnomah County Chair and Commissioners

From: Timothy J. Sercombe

Date: December 5, 1994

Subject: Compensation of Exempt Employees - Legal Issues

Questions Presented:

1. Can the Multnomah County Board of County Commissioners (Board) increase the salaries of exempt employees in order to offset the requirement of employee PERS contribution imposed by Ballot Measure 8?
2. Can the Board increase the salaries of exempt employees by resolution, as opposed to acting by ordinance?
3. If the County acts by an ordinance and the ordinance contains an emergency clause but is adopted without unanimous consent, when does the ordinance go into effect?
4. Under newly-adopted Oregon Constitution Article IX, Section 10(3) can an ordinance increasing salaries for the purpose of offsetting the mandated employee contribution to retirement plans under Section 10(1) be adopted before January 1, 1995 but not go into effect until after that date and still be effective?

Answers:

1. The Board has charter authority to enact salary increases for its employees. That authority is not preempted or affected by state law until January 1, 1995. On and after that date, Article IX, Section 10(3) of the Oregon Constitution will prevent the Board from taking compensation actions "for the purpose of offsetting or compensating an employee" for the PERS contribution obligation imposed by law.
2. The Board should act by ordinance to increase the salaries of exempt employees.

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3. An emergency ordinance takes effect immediately upon being signed by the Board Chair. An emergency ordinance may be adopted at a single meeting by unanimous consent or after consideration at two meetings of the Board under Multnomah County Charter Section 5.30(1).

4. An ordinance increasing salaries and adopted before January 1, 1995 may operate to offset the employee contribution to a retirement plan required by Oregon Constitution Article IX, Section 10(1), even if the ordinance does not take effect until after January 1, 1995.

Analysis:

Introduction:

Multnomah County is considering implementation of Measure 8, adopted by the voters at the November 8, 1994 election. The measure amends the Oregon Constitution to require government employees subject to retirement plans to contribute "an amount equal to six percent of their salary or gross wage" to that plan. Oregon Constitution, Article IX, Section 10(1).

The measure restricts the authority of state and local governments to subsidize these retirement plan contributions. It amends Article IX, Section 10 to add the following subsections:

(2) On and after January 1, 1995, the state and political subdivisions of the state shall not thereafter contract or otherwise agree to make any payment or contribution to a retirement system or plan that would have the effect of relieving an employee, regardless of when that employee was employed, of the obligation imposed by subsection (1) of this section.

(3) On and after January 1, 1995, the state and political subdivisions of the state shall not thereafter contract or otherwise agree to increase any salary, benefit or other compensation payable to an employee for the purpose of offsetting or compensating an employee for the obligation imposed by subsection (1) of this section.

Measure 8 adds other provisions to Article IX forbidding a guarantee of return on funds in a government retirement system or plan or increasing retirement benefits because of unused sick leave.

Currently, Multnomah County pays or "picks up" the employee contribution to the Public Employees' Retirement System (PERS) for its exempt employees. Multnomah County Ordinance No. 275, adopted July 23, 1981; Ordinance No. 740, Section XVIII(C). Absent any change to the current compensation system, Measure 8 will eliminate this employee benefit and lower the take-home pay for these employees. The Board is considering the form and substance of action to increase employee compensation to offset the new retirement plan contribution obligation and to

keep the compensation of exempt employees comparable to the compensation for employees under agreements not disturbed by the measure.¹

The compensation of exempt employees is set by a number of ordinances. Ordinance No. 740, adopted December 3, 1992, states the benefits of employment for these employees. Section III of that ordinance states that, "[n]o exempt employee shall receive any pay or other employee benefits except as provided by resolution or ordinance." Section XVIII(C) requires the County to assume or "pick up" the PERS 6% of salary contribution.

Ordinance No. 778, adopted December 9, 1993, enacts policies on pay administration for employees not covered by collective bargaining agreements. Section V of the ordinance provides that,

(A) The compensation plan for exempt employees shall include a pay range consisting of a minimum and a maximum base rate for each exempt classification. The ranges and any changes thereto shall be approved by the Board of County Commissioners.

(B) The Personnel Officer shall be responsible for developing and presenting annual compensation plan adjustment recommendations to the Board of County Commissioners. These recommendations shall be based on periodic surveys of comparable employers, internal classification relationships, financial constraints, and/or actual or anticipated pay adjustments for non-exempt employees.

The ordinance provides for a "results-oriented merit evaluation system" and other pay policies. Section IX(A) and (C) state that,

(A) No exempt employee shall be paid at a base rate which is less than the minimum or more than the maximum base rate for the employee's classification.

(C) Range Adjustments. Whenever the Board of County Commissioners adopts changes in the compensation plan for an exempt classification, the implementing Ordinance shall specify the effect upon employees in that classification.

¹ The County is obliged to pay the PERS contribution for certain employees under existing collective bargaining agreements. This obligation continues notwithstanding the operation of Measure 8. The Contracts Clause of the federal constitution limits the authority of states to pass laws that impair obligations of existing contracts. U.S. Constitution, Article I, section 10. One immediate effect of Measure 8 in many jurisdictions is to create a disproportionate impact between employees subject to contracts providing for employer PERS contributions and employees not subject to group or individual contracts.

Under Ordinance No. 778 and its predecessors, the County has for some time set pay ranges for exempt employees by ordinance. The current enactment, Ordinance No. 792, was adopted June 16, 1994. It sets a minimum, maximum and mid-range salary amount for each job title or classification.

Authority to Set Compensation.

You first ask whether the Board is empowered to make individual and group compensation decisions for the County. We advise that the Board has that power.

Multnomah County has reserved authority to itself over "matters of county concern to the fullest extent granted or allowed by the constitutions and laws of the United States and the State of Oregon." Multnomah County Charter (Charter) § 2.10(1). The compensation of county employees is a matter of county concern. Thus, employee compensation is a proper subject of County action.

The Charter vests the "legislative power of the county," as well as "[a]ny other power of the county not vested by the charter elsewhere" in the Board of County Commissioners. Charter § 2.20. *See also*, ORS 203.111 and 203.240. The Charter does not allocate compensation determinations to any other entity or officer of the County. Therefore, the Board is the proper agency of the County to make compensation decisions.²

The only remaining issue, then, is whether this Board authority to set compensation for its employees is limited by state law. State law regulates employee compensation in a variety of ways. The new provisions of Article IX, section 10 of the Oregon Constitution under Measure 8, however, are the relevant limitation on the Board's power to set compensation levels for its employees.

The limitations on the authority of the Board to set or adjust compensation for its employees that are imposed by Measure 8 do not go into effect until January 1, 1995. As noted earlier, the measure amends the state constitution to limit the authority of the County to contract or agree to make retirement plan contributions for its employees or to increase compensation to offset for employee retirement plan contributions. These limitations on authority go into effect

² Section 2.20 of the Charter allows that the Board may delegate non-legislative decision making to other entities or officers. The Charter only mandates that compensation of the board chair and the commissioners be decided by the Board. Charter § 4.30.

"[o]n and after January 1, 1995." Until that time, the authority of the Board to adjust compensation for its employees to offset for the employee contribution mandate is unrestricted.³

Thus, the Board has authority under the Charter to adjust the compensation of its employees.

Form of Action to Increase Salaries of Exempt Employees.

Your second question is whether the Board must act by ordinance in adjusting the compensation for exempt employees to ameliorate the effects of Measure 8. We assume this enactment would increase the salaries of current and future exempt employees to allow employee contribution of this salary increase to PERS.

In order to do this, the ranges presently set by Ordinance No. 792 would need to be adjusted. The adjustment is required because Section IX of Ordinance No. 778 prevents payment of "more than the maximum base rate for the employee's classification" and the maximum base rate is set by Ordinance No. 792. Presumably, some exempt employees are being paid near the top of their range. Without adjustment to these enactments, a uniform raise could require payment to some employees in violation of the current ordinances. Moreover, the minimum base rates would require amendment to adjust the entry level compensation for new employees.

We believe the enactment of these salary adjustments and policies should occur by ordinance for several reasons. First, the enactment operates to change existing ordinances. As noted in 6 *McQuillin on Municipal Corporations* § 21.04, p. 246 (3rd ed. 1989), "[t]he general rule is that an ordinance cannot be amended, repealed or suspended by an order or resolution, or other act by a council of less dignity than the ordinance itself."⁴ The proposed enactment would require revision of Ordinance No. 792 and adoption of a new compensation plan.

Second, Ordinance No. 778 contemplates that salary amounts and ranges are to be adopted by ordinance. Section IX(C) notes that whenever a change in the compensation plan for

³ The measure plainly contemplates that local governments may take action between December 8, 1994 (the date the measure takes effect) and January 1, 1995 to increase or adjust compensation of public employees. Otherwise, the time when this authority is limited would be the same as the time when the employee contribution mandate takes effect (December 8).

⁴ We have found no Oregon decisions applying this "equal dignity" rule. However, it is often cited and used in other jurisdictions. For example, in *City of Panhandle v. Bickle*, 31 SW2d 843 (Tex Civ App 1930) the court notes that, "[i]t is the universal rule that an ordinance can be repealed only by ordinance and not by resolution or order or motion of the city council not passed and published with the same formality as an ordinance."

an exempt classification occurs, the "implementing Ordinance" must specify the effects on employees in that classification.

Third, general precedents on the distinctions between ordinances and resolutions suggest that the proper form of action here is to act by ordinance.⁵ As noted in *McQuillin, supra*, § 15.02, p. 55,

. . . [A] resolution deals with matters of a special or temporary character; an ordinance prescribes some permanent rule of conduct or government, to continue in force until the ordinance is repealed. An ordinance is distinctively a legislative act; a resolution, generally speaking, is simply an expression of opinion or mind or policy concerning some particular item of business coming within the legislative body's official cognizance, ordinarily ministerial in character and relating to the administrative business of the municipality. Thus, it may be stated broadly that all acts that are done by a municipal corporation in its ministerial capacity and for a temporary purpose may be put in the form of resolutions, and that matters on which the municipal corporation desires to legislate must be put in the form of ordinances. It may further be stated broadly that charters contemplate that all legislation creating liability or affecting in any important or material manner the people of the municipality should be enacted by ordinances

Oregon case law supports these principles: *Baker v. City of Milwaukie*, 271 Or 500, 511, 533 P2d 772 (1975) (quoting with approval portions of the above excerpt); *Rowley v. City of Medford*, 132 Or 405, 414-15, 285 P 1111 (1930); *Campbell v. City of Eugene et al.*, 116 Or 264, 240 P 418 (1925); *Thornton v. Portland Ry. L. & P. Co.*, 63 Or 478, 484, 128 P 850 (1912). See also, *Herbert v. Town of Mendon*, 617 A2d 155 (Vt. 1992); *North Bergen Tp. v. Jersey City*, 232 N.J. Super. 219, 556 A2d 1255 (1989); *Inlet Associates v. Assateague House*, 545 A2d 1296 (Md. 1988).

Applying these principles to the compensation adjustments here, a court would likely find that the action needed to be taken by ordinance because it prescribes permanent rules of

⁵ The form of action determination is contextual however. Merely because Multnomah County may need to take action in this regard by ordinance does not mean that all of its actions affecting compensation must be by ordinance. Nor does it mean that counties with different compensation arrangements must take their compensation actions by ordinance. Our conclusion is more limited - that Multnomah County must take this particular compensation action by adopting an ordinance.

compensation which continue until the ordinance is changed. The compensation arrangements create future liabilities of the County both as to current and future employees.⁶

The conclusion that this type of enactment is required to be done by ordinance is supported by past County practice and decisions. Since 1980, the Board has adopted nearly 40 ordinances affecting the salary ranges and compensation of exempt employees. The Board has acted annually to adjust the range for the exempt classifications. It appears that all actions to adjust the ranges or provide for other generic compensation have been done by ordinance. Ordinances have been used to set the salary for smaller groups of employees such as the clerk and assistant clerk to the Board (Ordinance No. 444), employees in the sheriff's office (Ordinance No. 666) and library employees (Ordinance No. 710).

We recognize that Ordinance No. 740, Section III states that no exempt employee may receive pay or benefits "except as provided by resolution or ordinance." Arguably, this contemplates some aspects of compensation being set by resolution. However, the section may just as easily contemplate that salary determinations are done by ordinance and some other types of compensation are allowed by resolution (e.g., allowing travel allowances for out-of-town functions or events). In view of this construction, and the many reasons suggesting action be

⁶ The conclusion that salary adjustments should be taken by an ordinance does not mean that the ordinance is referable. Cases from other jurisdictions are split on whether a salary ordinance can be referred. As noted in *City of Lawrence v. McArdle*, 214 Kan 862, 522 P2d 420, 425 (1974) the cases "offer no clear guidelines for classifying salary ordinances" as subject to initiative or referendum. The court noted that, "[i]t appears that Illinois, Iowa, Georgia, Ohio and Utah have held that ordinances of this kind are administrative and thus not within the initiative power, while Texas, South Dakota, Washington, Missouri and Alabama taken the opposite view. California courts have gone both ways." An annotator observed that "the decided cases are in confusion on the subject" and that it is "impractical to attempt to reconcile them." Annotation, "Character or subject matter of ordinance within operation of initiative and referendum provisions," 122 ALR 769, 782 (1939). As a matter of Oregon law, whether the ordinance could be referred depends upon whether it implements as opposed to creates policy. *Foster v. Clark*, 309 Or 464, 790 P2d 1 (1990); *United Citizens v. Environmental Quality Comm.*, 104 Or App 51, 799 P2d 655 (1990); *Monahan v. Funk*, 137 Or 580, 584, 3 P2d 778 (1931). If the compensation ordinance implemented policy declared in separate ordinance or resolution, as is proposed here, a court would likely find it not to be referable. It is common to set compensation policy by resolution. As noted by Arp, Hansen and St. Thomas, "Legislation and Governing Body Proceedings" in *Oregon Local Government Law* (OLI 1993) at § 6.42, p. 6-18 in commenting on subjects for resolution as opposed to ordinance, "Examples of subject matter usually suited to the resolution form are policy statements regarding employee salary schedules, setting hearings, and ratifying contracts."

taken by ordinance, it would be improper to take the salary action by resolution because of Ordinance No. 740.

We also understand that some other counties are adjusting compensation ranges by order or resolution. Again, the context of the action is critical. Other counties may not have adopted compensation plans by ordinance.

There is a limited time within which to take ameliorative actions under Measure 8. If the County acted by resolution, that action might be overturned because it was adopted with less than ordinance formalities. It would be too late to adopt an ordinance by then. It seems more prudent to act by ordinance if a substantial argument exists that an ordinance is needed. An ordinance will not be voided because the proper form of action was a resolution.

In sum, the proposed action amends or replaces existing ordinances. Current enactments of the County describe the proposed action as one to be done by "implementing ordinance." The common law distinctions between ordinance and resolution suggest an ordinance form. The County has taken similar actions over 40 times consistently by ordinance. There is some risk in not acting by ordinance. There is little risk in acting by ordinance. For these reasons, we conclude that a generic action affecting the compensation and salary ranges of all current and future exempt employees should be done in ordinance form.

Time of Effect of Compensation Ordinance.

Article IX, Section 10(3) of the Oregon Constitution will prohibit local governments from contracting or otherwise agreeing to increase employee compensation for purposes of offsetting the retirement plan contribution requirement imposed by the article. This restriction applies to local government actions on and after January 1, 1995. Assuming County adoption of a compensation ordinance in December, 1994, you ask whether that ordinance might be effective before the turn of the year if it is adopted with less than unanimous consent.

We believe that it can. The Multnomah County Charter allows an emergency ordinance to be adopted in two meetings by a majority vote of the Board and go into effect immediately upon its signing by the Board Chair. The Multnomah County Charter prescribes two methods to adopt ordinances in Section 5.30. The normal method requires two readings during regular meetings of the Board on two different days at least six days apart. Section 5.30(1). Alternatively, an ordinance to meet an emergency may be adopted at a single meeting by unanimous consent of all present board members. Section 5.30(3).

The Charter, however, does not require unanimous consent to adopt an emergency ordinance, only unanimous consent to adopt an emergency ordinance *at a single meeting*. If an emergency ordinance is adopted with two readings on separate occasions it could go into immediate effect without unanimous consent. Section 5.50(2) provides that,

An emergency ordinance may take effect immediately upon being signed by the chair of the board of commissioners.

Again, this is true whether or not the ordinance is adopted at a single meeting by unanimous consent.

By contrast, some local charters or adopted municipal processes require a super-majority vote or unanimous consent to adopt an emergency clause in an ordinance. These laws distinguish between the unanimity required to consider an ordinance at one sitting and the special vote requirement for an ordinance to take immediate effect. For example, absent a contrary provision in the charter, an emergency ordinance for a city must be approved by a three-quarter vote of the council. ORS 221.310. The Multnomah County Charter, however, does not prescribe this formality for adoption of an emergency clause.⁷

Thus, absent any other applicable procedural requirement, if the compensation ordinance is given first and second readings, and if it contains an emergency clause, it may go into effect immediately upon execution by the Board Chair or at a date in the future.⁸

⁷ Similarly, ORS 198.550(3) requires that "[t]he unanimous approval of all members of the board [of a special district] at the meeting, a quorum being present, is required to adopt an emergency ordinance." Other charters or laws requiring unanimity for the adoption of an emergency ordinance (in addition to or as opposed to adoption of an ordinance at a single meeting) include the City of Portland Charter ("The unanimous vote of all members of the council present, and of not less than four (4) members shall be required to pass an emergency ordinance."), the City of Eugene Charter (ordinance takes effect thirty days after adoption unless emergency clause "is approved by the affirmative vote of two-thirds of the members of the council") and the Metro Charter (immediate effect of ordinance requires approval of emergency clause "by the affirmative vote of two-thirds of all councilors"). The distinction between charter provisions for single meeting ordinance adoption and emergency clause adoption requirements was noted by the Oregon Supreme Court in *Greenberg v. Lee*, 196 Or 157, 178, 248 P2d 324 (1952).

⁸ This reading of the Charter appears to be confirmed by the Board Rules of Procedure for Conduct of Meetings, adopted by order on March 20, 1986. Section 15C of the Rules provides that,

C. Emergency Ordinances. An ordinance to meet an emergency may be introduced, read once as provided in subsection B, a hearing held thereon, and adopted at a single regular or special meeting upon unanimous consent of all board members present. (Charter, 5.30(3)) *An emergency ordinance which fails to receive the unanimous consent of all board members present shall be considered an emergency ordinance requiring two readings, and may be moved to its second*

Adoption of Compensation Ordinance Effective After January 1, 1995.

Assuming that a compensation ordinance is adopted as a nonemergency ordinance, Section 5.50(1) of the Charter states that the ordinance goes into effect on the 30th day after it is signed by the Board Chair unless it prescribes a later date or is referred by the voters. You ask if a salary ordinance goes into effect later than January 1, 1995, and if the ordinance contains salary increases to offset employee retirement plan contributions, will the ordinance be limited by Measure 8?

The answer is not clear. We read Measure 8, however, to limit only government actions taken after January 1, 1995. So long as Board actions on a salary ordinance occur before January 1, 1995, the compensation plan will not offend Measure 8.

The measure amends Article IX, Section 10 of the Oregon Constitution to limit two types of government actions. Both of the actions must occur "[o]n or after January 1, 1995." The measure states that governmental entities shall not "contract or otherwise agree to make payment or contribution to a retirement system or plan" to relieve the employee contribution mandate or "contract or otherwise agree to increase any salary, benefit or other compensation payable to an employee for the purpose of offsetting or compensating an employee" for that obligation.

reading in accordance with the procedures set forth for nonemergency ordinances in subsection B. Emergency ordinances may take effect immediately upon being signed by the county executive (Charter, 5.50(2)) or upon the override of the veto of the county executive.

(Emphasis supplied.) This same distinction was made in the Board's February 7, 1991 procedural rules.

In 1993, however, under Resolution No. 93-358, the Board arguably adopted a restriction on the adoption of emergency ordinances. In Section 11G of the rules of procedure adopted by that resolution, if the vote for adoption at a single meeting for an emergency ordinance is not unanimous, "the proposed ordinance may be scheduled for a second reading and may at that reading be approved *as a non-emergency ordinance* by majority vote." The highlighted language may mean that the two-reading approval process for the emergency ordinance is the same process "as a non-emergency ordinance." Or it may mean that an emergency ordinance cannot be adopted except through a single meeting process. If the Board, however, wishes to adopt an emergency compensation ordinance to affect compensation before 30 days after enactment and unanimity is not possible, it should suspend this procedural rule by resolution.

These provisions appear to limit discrete governmental acts, specific contractual agreements relating to "an employee." By implication, specific or generic actions of a governmental entity prior to January 1, 1995 are not limited. We read the new law to allow contractual actions or legislative acts taken before January 1, 1995 but which go into effect on or after that date and which affect salaries of governmental employees. So long as no affirmative act of the government is necessary on or after January 1, 1995 to increase the salary or salary range of employees, Article IX, Section 10(3) does not affect promises made or laws adopted before that date.

Again, this reading of the constitutional provision is tentative and not without vulnerability to a different construction. The understanding of Measure 8 is evolving. The County would be wise to adopt salary policy which goes into effect prior to January 1, 1995 to avoid any risk on this issue.

Our engagement is to provide advice to both the Board collectively and to individual commissioners personally. To this end, we have reviewed the resolution and ordinance scheduled for consideration on December 7. We advise that if these enactments are adopted, salary increases allowed by the measures will be lawful expenditures of public funds under the mandates of Measure 8.

We appreciate the opportunity to provide advice on these issues. If you have additional questions, or seek a refinement of the analysis set out in this opinion, please do not hesitate to inquire.

ORDINANCE FACT SHEET

Ordinance Title: Ordinance adjusting exempt employee wages and benefits and declaring an emergency.

Give a brief statement of the purpose of the ordinance (include the rationale for adoption of ordinance, description of persons benefitted, other alternatives explored):

An ordinance adjusting exempt employee wages and benefits in order to carry out Measure 8, and to equalize benefits for exempt and non-exempt employees; repealing certain provisions in Ordinance 740 relating to pension benefits, increasing salaries and salary ranges for exempt employees, and declaring an emergency.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Marion, Lane, and Yamhill counties; various other public employers, such as School District, Metro, and Clackamas County are considering this type of action.

What has been the experience in other areas with this type of legislation?

N/A.

What is the fiscal impact, if any?

Minimal fiscal impact, if any. Salary increase will replace PERS pickup currently granted to employees.

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: Curtis Smith by SJA

Planning & Budget Division (if fiscal impact): BBC

Department Manager/Elected Official: _____

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. _____
4

5 An ordinance adjusting exempt employee wages and benefits in
6 order to carry out Measure 8 and to equalize benefits for nonexempt
7 and exempt employees; repealing certain provisions in ordinance No.
8 740 relating to pension benefits; increasing salaries and salary
9 ranges for exempt employees; and declaring an emergency.

10
11 MULTNOMAH COUNTY ORDAINS AS FOLLOWS:
12

13 Section I. Purpose.

14 A. Measure 8 was adopted by the voters at the November 8, 1994
15 general election.

16 B. In response to Measure 8, the Board has adopted a Resolution
17 setting forth policy for carrying out the measure.

18 C. This ordinance carries out the policy stated in the Resolution
19 and is a part of the plan to mitigate the measure's impact on
20 employees.

21
22
23 Section II. Repeal.

24 Effective December 16, 1994, Sections XVIII (C), (D) and (E)
25 of Ordinance No. 740 are repealed. (The entire section is
26 reprinted below for reader convenience. Shaded language is to be

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1 deleted).

2 Section XVIII. Pensions.

3 (A) This ordinance does not affect any benefits
4 which Library exempt employees may have been previously
5 awarded under the Library Association of Portland pension
6 plan.

7 (B) Exempt employees shall be eligible for
8 participation in the Oregon Public Employees Retirement
9 System (PERS) pursuant to ORS 237.

10 (C) In addition to the salaries paid to exempt
11 employees, and in lieu of employee contributions to PERS
12 required by ORS 237.071, the County shall assume or "pick
13 up" the uniform six percent (6%) of salary contribution
14 as provided by ORS 237.075.

15 (D) The full amount of required contributions
16 "picked up" as provided in this section shall be
17 considered as salary under ORS 237.003(8) only for the
18 purpose of computing an employee member's final average
19 salary under ORS 237.003(12).

20 (E) The full amount of required contributions
21 "picked up" in this section shall be added to an
22 employee's individual account balance for his/her annuity
23 and shall be considered to be employee contributions for
24 all other purposes of ORS 237.

25 Section III. Pay Range Adjustments; Effect on Employees.

26 (A). Effective at the close of business on December 7, 1994, and
except as provided in subparagraphs (B) and (C) below, any existing
pay rates or ranges for exempt employees as that term is defined in
this Section shall be increased by 5.6%, and the pay of such exempt
employees shall be increased by the same percentage in lieu of the
PERS pickup provided under prior county policy.

(B). The increases referred to in the preceding paragraph shall

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1 (B). The increases referred to in the preceding paragraph
2 shall not apply to the Board of County Commissioners and the
3 Auditor, whose salary is set by formula in the Home Rule Charter of
4 Multnomah County.

5 (C) Any exempt employee on the effective date of this
6 Resolution who is not then a member of PERS shall receive a salary
7 increase of 5.6% on the date the employee becomes a member of PERS.

8 (D) Unless otherwise provided by Board action, the base pay
9 and ranges for all exempt employees granted a 5.6% pay increase
10 under paragraphs (A) or (C) of this Section shall be increased on
11 July 1, 1997 by .4% of the base pay and ranges in effect on June 30,
12 1997.

13 (E) As used in this section, the term "exempt employee(s)"
14 has the meaning stated in Section II (A), Ordinance No. 740, but
15 shall also include any employee not covered by collective
16 bargaining agreement, such as less-than-part time, on-call and
17 temporary exempt employees.

18
19 Section V. Emergency Clause.

20 This Ordinance, being necessary for the health, safety, and
21 welfare of the people of Multnomah County, an emergency is
22 declared, and the Ordinance shall take effect December 7, 1994,
23 pursuant to Section 5.50 of the Charter of Multnomah County.

24
25 Section VI Savings Clause

26 In the event this ordinance is for any reason declared by a

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1 court of competent jurisdiction to be ineffective as an emergency
2 ordinance, the ordinance shall be deemed a nonemergency ordinance
3 and shall take effect in accordance with section 5.50 of the
4 Charter of Multnomah County; provided, however, that sections II
5 through V shall be retroactive to the close of business on December
6 7, 1994.

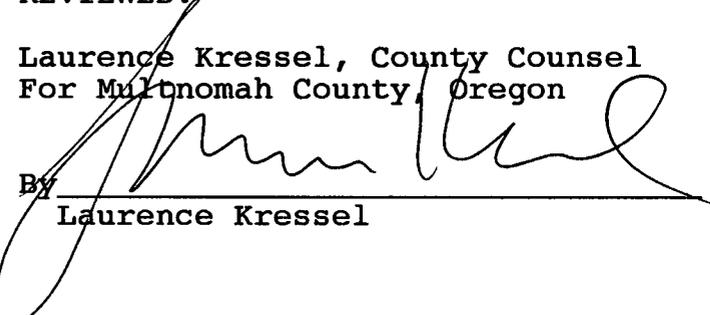
8 APPROVED this _____ day of _____, 1994, being
9 the date of its _____ reading before the Board of County
10 Commissioners of Multnomah County, Oregon.

11 MULTNOMAH COUNTY, OREGON

12
13 _____
14 Beverly Stein
Multnomah County Chair

15 REVIEWED:

16 Laurence Kressel, County Counsel
17 For Multnomah County, Oregon

18 
19 By _____
Laurence Kressel

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22
23
24
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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 808

An ordinance adjusting exempt employee wages and benefits in order to carry out Measure 8 and to equalize benefits for nonexempt and exempt employees; repealing certain provisions in ordinance No. 740 relating to pension benefits; increasing salaries and salary ranges for exempt employees; and declaring an emergency.

MULTNOMAH COUNTY ORDAINS AS FOLLOWS:

Section I. Purpose.

A. Measure 8 was adopted by the voters at the November 8, 1994 general election.

B. In response to Measure 8, the Board has adopted a Resolution setting forth policy for carrying out the measure.

C. This ordinance carries out the policy stated in the Resolution and is a part of the plan to mitigate the measure's impact on employees.

D. The Board has received legal counsel on the policies and measures that can be adopted to mitigate the impact on employees. This Ordinance is in conformance with that legal counsel and advice.

Section II. Repeal.

Sections XVIII (C), (D) and (E) of Ordinance No. 740 are

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MULTNOMAH COUNTY COUNSEL
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Portland, Oregon 97207-0849
(503) 248-3138

1 repealed. The effective date for this repeal is (1) the close of
2 business on December 7, 1994 with respect to exempt employees as
3 that term is defined in Section III (E) of this Ordinance, and (2)
4 December 10, 1994 for temporary employees. (The entire section is
5 reprinted below for reader convenience. Shaded language is to be
6 deleted).

7 Section XVIII. Pensions.

8 (A) This ordinance does not affect any benefits
9 which Library exempt employees may have been previously
10 awarded under the Library Association of Portland pension
11 plan.

12 (B) Exempt employees shall be eligible for
13 participation in the Oregon Public Employees Retirement
14 System (PERS) pursuant to ORS 237.

15 (C) In addition to the salaries paid to exempt
16 employees, and in lieu of employee contributions to PERS
17 required by ORS 237.071, the County shall assume or "pick
18 up" the uniform six percent (6%) of salary contribution
19 as provided by ORS 237.075.

20 (D) The full amount of required contributions
21 "picked up" as provided in this section shall be
22 considered as salary under ORS 237.003(8) only for the
23 purpose of computing an employee member's final average
24 salary under ORS 237.003(12).

25 (E) The full amount of required contributions
26 "picked up" in this section shall be added to an
employee's individual account balance for his/her annuity
and shall be considered to be employee contributions for
all other purposes of ORS 237.

27 Section III. Pay Range Adjustments; Effect on Employees.

28 (A). Effective at the close of business on December 7, 1994,
29 and except as provided in subparagraphs (B) and (C) below, any
30 existing pay rates or ranges for exempt employees as that term is
31

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1 defined in this Section shall be increased by 5.6%, and the pay of
2 such exempt employees shall be increased by the same percentage in
3 lieu of the PERS pickup provided under prior county policy.
4 However, the effective date for the increase to temporary employees
5 shall be December 10, 1994 to facilitate automated pay
6 administration for such employees.

7 (B). The increases referred to in the preceding paragraph
8 shall not apply to the Board of County Commissioners and the
9 Auditor, whose salary is set by formula in the Home Rule Charter of
10 Multnomah County.

11 (C) Any exempt employee on the effective date of this
12 Resolution who is not then a member of PERS shall receive a salary
13 increase of 5.6% on the date the employee becomes a member of PERS.

14 (D) Unless otherwise provided by Board action, the base pay
15 and ranges for all exempt employees granted a 5.6% pay increase
16 under paragraphs (A) or (C) of this Section shall be increased on
17 July 1, 1997 by .4% of the base pay and ranges in effect on June
18 30, 1997.

19 (E) As used in this section, the term "exempt employee(s)"
20 has the meaning stated in Section II (A), Ordinance No. 740, but
21 shall also include any employee not covered by collective
22 bargaining agreement, such as less-than-part time, on-call and
23 temporary exempt employees.

24

25 Section V. Emergency Clause.

26 This Ordinance, being necessary for the health, safety, and

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welfare of the people of Multnomah County, an emergency is declared, and the Ordinance shall take effect December 7, 1994, pursuant to Section 5.50 of the Charter of Multnomah County.

Section VI Savings Clause

In the event this ordinance is for any reason declared by a court of competent jurisdiction to be ineffective as an emergency ordinance, the ordinance shall be deemed a nonemergency ordinance and shall take effect in accordance with section 5.50 of the Charter of Multnomah County; provided, however, that sections II through V shall be retroactive to the close of business on December 7, 1994.

APROVED this 15th day of December, 1994, being the date of its second reading before the Board of County Commissioners of Multnomah County, Oregon.



MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein
Multnomah County Chair

REVIEWED:

Laurence Kressel, County Counsel
For Multnomah County, Oregon

By *Laurence Kressel*
Laurence Kressel

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