

**ANNOTATED MINUTES**

*Tuesday, August 30, 1994 - 9:00 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**BOARD BRIEFINGS**

- B-1 Discussion Regarding County Response to State's Request for Proposals to Provide Mental Health Services Under the Oregon Health Plan, Wherein the County Would Provide Capitated Mental Health Services to a Percent of the State's Medicaid Eligible Clients (CareOregon Enrollees) Included in a 25% Demonstration Project. Presented by Lorenzo Poe, Elleen Deck, Rex Surface and David Dangerfield.*

***LOLENZO POE, DAVID DANGERFIELD AND ELLEEN DECK PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION.***

- B-2 Work Session to Review and Discuss the Draft Tax Title Ordinance and Recommend Revisions Prior to Adoption of Final Ordinance. Presented by Betsy Williams.*

***BETSY WILLIAMS AND JANICE DRUIAN PRESENTATION AND RESPONSE TO BOARD QUESTIONS AND DISCUSSION. RICH PAYNE, CECILE PITTS, KATHY TUNEBERG AND WAYNE GEORGE RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BOARD CONSENSUS ON COMMISSIONER SALTZMAN'S PROPOSED AMENDMENT. FIRST READING OF PROPOSED ORDINANCE WITH EMERGENCY CLAUSE SCHEDULED FOR THURSDAY, SEPTEMBER 8, 1994; SECOND READING SCHEDULED FOR THURSDAY, SEPTEMBER 22, 1994.***

- B-3 METRO Construction Excise Tax Proposal. Presented by Andy Cotugno.*

***TO BE RESCHEDULED.***

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*Thursday, September 1, 1994 - 9:30 AM  
Multnomah County Courthouse, Room 602  
1021 SW Fourth, Portland*

**REGULAR MEETING**

*Chair Beverly Stein convened the meeting at 9:35 a.m., with Vice-Chair Tanya*

Collier, Commissioners Sharron Kelley, Gary Hansen and Dan Saltzman present.

**CONSENT CALENDAR**

**UPON MOTION OF COMMISSIONER HANSEN,  
SECONDED BY COMMISSIONER KELLEY, THE  
CONSENT CALENDAR (ITEMS C-1 THROUGH C-8) WAS  
UNANIMOUSLY APPROVED.**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

C-1 *ORDER in the Matter of the Execution of Deed D951027 Upon Complete Performance of a Contract to Cleo E. Davis, Jr.*

**ORDER 94-156.**

**COMMUNITY AND FAMILY SERVICES DIVISION**

C-2 *Ratification of Amendment No. 1 to Intergovernmental Agreement 100725 Between Multnomah County and Oregon Health Sciences University, Addictions Treatment and Training Clinic, Adding Gambling Addiction Treatment Services, for the Period July 1, 1994 through June 30, 1995*

C-3 *Ratification of Intergovernmental Agreement Contract 102995 Between the Regional Drug Initiative and Multnomah County, Providing Staff Assistance for Continued Participation in Multi-Agency Effort to Combat Drug Abuse in Multnomah County, for the Period July 1, 1994 through December 31, 1994*

C-4 *Ratification of Intergovernmental Agreement Contract 103275 Between Portland Public Schools and Multnomah County, Providing Early Intervention and Early Childhood Special Education Services for Eligible Clients of the Developmental Disabilities Program, for the Period July 1, 1994 through June 30, 1995*

**DEPARTMENT OF HEALTH**

C-5 *Ratification of Intergovernmental Agreement Contract 200535 Between Multnomah Education Service District and Multnomah County, Providing Immunization and Tuberculosis Liaison Services for Schools, for the Period Upon Execution through June 30, 1995*

C-6 *Ratification of Intergovernmental Agreement Contract 200585 Between Multnomah County and Clackamas County, Providing HIV Case Management Services for Persons with Disabling HIV Disease, for the Period Upon Execution through June 30, 1995*

C-7 *Ratification of Intergovernmental Agreement Contract 200595 Between*

*Portland Public Schools and Multnomah County, Providing Early Intervention Services to Preschool Children with Disabilities from Birth to Age of Eligibility for Entry into Kindergarten, for the Period July 1, 1994 through June 30, 1995*

- C-8 *Ratification of Amendment No. 1 to Intergovernmental Agreement Contract 200714 Between Oregon Health Sciences University and Multnomah County, for the Provision of Rape Evidentiary Examinations for Individuals Over the Age of Fourteen Years on an Emergency Basis, for the Period Upon Execution through August 31, 1995*

**REGULAR AGENDA**

**NON-DEPARTMENTAL**

- R-1 *Presentation of the Government Finance Officers Association of the United States and Canada Certificate of Achievement for Excellence in Financial Reporting to Jean Uzelac, Accounting Manager for Multnomah County, Oregon*

**KATHY TRI EXPLANATION AND PRESENTATION OF AWARD. JEAN UZELAC COMMENTS IN APPRECIATION AND STAFF ACKNOWLEDGEMENT. BOARD ACKNOWLEDGEMENT.**

- R-2 *Ratification of Intergovernmental Agreement Contract 500135 Between Metro and Multnomah County, Providing Multnomah County's Share of Voluntary Regional Planning Service Fees for Fiscal Year 1994-95*

**COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-2. DAVE BOYER EXPLANATION AND RESPONSE TO BOARD QUESTION. AGREEMENT UNANIMOUSLY APPROVED.**

- R-3 *ORDER in the Matter of the Appeal of Charla Dinnocenzo from the Hearings Officers' Order Revoking Appellant's Adult Care Home License*

**COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-3. COMMISSIONERS HANSEN AND KELLEY EXPLAINED THAT ALTHOUGH THEY VOTED AGAINST REVOCATION, THIS ORDER ACCURATELY REFLECTS THE BOARD'S JULY 28, 1994 DECISION AND THEY WILL THEREFORE SUPPORT APPROVAL OF THE FINAL ORDER. BARBARA STARR AND ALBERT CLARK TESTIMONY IN SUPPORT OF MS.**

**DINNOCENZO. ORDER 94-157 UNANIMOUSLY APPROVED. LAURENCE KRESSEL REPORTED MS. DINNOCENZO HAS FILED A COURT APPEAL AND THERE IS A POSSIBILITY MS. STARR MAY BE ALLOWED TO REMAIN IN THE DINNOCENZO HOME WHILE THE CASE IS PENDING.**

**R-4 RESOLUTION in the Matter of Identifying the Acceptable Standard of Local Preparedness, and Investigate and Recommend the Optimal Organizational Structure to Provide Emergency Management Planning within Multnomah County**

**COMMISSIONER COLLIER MOVED AND COMMISSIONER SALTZMAN SECONDED, APPROVAL OF R-4. COMMISSIONER COLLIER EXPLANATION. COMMISSIONER HANSEN COMMENTS IN SUPPORT. COMMISSIONER COLLIER RESPONSE TO CONCERNS OF COMMISSIONER KELLEY REGARDING INCLUSION OF PENNY MALMQUIST. MS. MALMQUIST RESPONSE TO BOARD QUESTIONS AND DISCUSSION. BOARD COMMENTS. COMMISSIONER KELLEY MOTION TO ADD MS. MALMQUIST TO COMMITTEE LIST FAILED FOR LACK OF A SECOND. RESOLUTION 94-158 APPROVED, WITH COMMISSIONERS HANSEN, COLLIER, SALTZMAN AND STEIN VOTING AYE, AND COMMISSIONER KELLEY VOTING NO.**

**R-5 RESOLUTION in the Matter of Creating an Advisory Committee on Design and Construction of the Midland Library**

**COMMISSIONER COLLIER MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-5. COMMISSIONER COLLIER EXPLANATION. COMMISSIONER HANSEN SUGGESTED COMMITTEE MEMBERS HAVE DESIGN AND CONSTRUCTION EXPERIENCE IN ADDITION TO OTHER SKILLS. RESOLUTION 94-159 UNANIMOUSLY APPROVED.**

**R-6 RESOLUTION in the Matter of Including Certain Design Elements in the Reconstruction of the Central Library**

**COMMISSIONER SALTZMAN MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-6. COMMISSIONER SALTZMAN EXPLANATION. COMMISSIONER HANSEN MOVED AND COMMISSIONER COLLIER SECONDED, TO SET R-6 OVER TO SEPTEMBER 22, 1994 IN ORDER TO OBTAIN**

**CLARIFICATION ON ISSUES TO BE DISCUSSED AT BRIEFING SCHEDULED FOR SEPTEMBER 13. BOARD COMMENTS AND DISCUSSION. DAVE BOYER AND MIKE HARRINGTON RESPONSE TO QUESTIONS OF COMMISSIONER SALTZMAN. BOARD COMMENTS AND DISCUSSION. IT WAS UNANIMOUSLY APPROVED THAT R-6 BE SET OVER TO THURSDAY, SEPTEMBER 22, 1994.**

**SHERIFF'S OFFICE**

- R-7 *First Reading of a Proposed ORDINANCE Amending the Multnomah County Code, Chapter 7.51, by Making Governmental Entities Subject to Alarm System Permit Fees and Fines and by Adding a Procedure to Disconnect Alarm Systems When They Constitute a Public Nuisance*

**PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER COLLIER MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE FIRST READING. MARY ANN INGLESBY EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR THURSDAY, SEPTEMBER 8, 1994.**

**DEPARTMENT OF HEALTH**

- R-8 *Ratification of Intergovernmental Agreement Contract 200575 Between Multnomah County and Columbia County, Providing HIV Case Management Services for Persons with Disabling HIV Disease, for the Period Upon Execution through June 30, 1995*

**COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-8. DWAYNE PRATHER EXPLANATION. AGREEMENT UNANIMOUSLY APPROVED.**

- R-9 *Ratification of Intergovernmental Agreement 200555 Between the State of Oregon, Adult and Family Services Division and Multnomah County, Providing Limited License to Access Confidential Client Records as Necessary to Determine the Eligibility of Applicants Wishing to Participate in the Oregon Health Plan*

**COMMISSIONER KELLEY MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-9. MR. PRATHER RESPONSE TO BOARD**

**QUESTION. AGREEMENT UNANIMOUSLY  
APPROVED.**

**COMMUNITY AND FAMILY SERVICES DIVISION**

- R-10 *Request for Approval of a Notice of Intent to Apply for a Three Year, \$1,300,000 Supportive Housing Program Grant from the U.S. Department of Housing and Urban Development, to Expand the Opportunities for Permanent Supportive Housing for Persons with Developmental Disabilities Who Would Otherwise Be Homeless*

**COMMISSIONER KELLEY MOVED AND  
COMMISSIONER COLLIER SECONDED, APPROVAL OF  
R-10. DENNIS ADAMS EXPLANATION AND RESPONSE  
TO BOARD QUESTIONS. NOTICE OF INTENT  
UNANIMOUSLY APPROVED.**

**PUBLIC COMMENT**

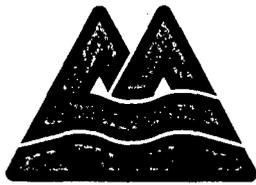
- R-11 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

*There being no further business, the meeting was adjourned at 10:40 a.m.*

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



**Deborah L. Bogstad**



# 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

AUGUST 29, 1994 - SEPTEMBER 2, 1994

*Tuesday, August 30, 1994 - 9:00 AM - Board Briefings . . . . . Page 2*

*Thursday, September 1, 1994 - 9:30 AM - Regular Meeting . . . . . Page 2*

*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, August 30, 1994 - 9:00 AM*

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

**BOARD BRIEFINGS**

- B-1 Discussion Regarding County Response to State's Request for Proposals to Provide Mental Health Services Under the Oregon Health Plan, Wherein the County Would Provide Capitated Mental Health Services to a Percent of the State's Medicaid Eligible Clients (CareOregon Enrollees) Included in a 25% Demonstration Project. Presented by Lorenzo Poe, Elleen Deck, Rex Surface and David Dangerfield. 9:00 AM TIME CERTAIN, 45 MINUTES REQUESTED.*
- B-2 Work Session to Review and Discuss the Draft Tax Title Ordinance and Recommend Revisions Prior to Adoption of Final Ordinance. Presented by Betsy Williams. 9:45 AM TIME CERTAIN, 1 HOUR, 45 MINUTES REQUESTED.*
- B-3 METRO Construction Excise Tax Proposal. Presented by Andy Cotugno. 11:30 AM TIME CERTAIN, 30 MINUTES REQUESTED.*
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*Thursday, September 1, 1994 - 9:30 AM*

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

**REGULAR MEETING**

**CONSENT CALENDAR**

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- C-1 ORDER in the Matter of the Execution of Deed D951027 Upon Complete Performance of a Contract to Cleo E. Davis, Jr.*

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*for Continued Participation in Multi-Agency Effort to Combat Drug Abuse in Multnomah County, for the Period July 1, 1994 through December 31, 1994*

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#### **COMMUNITY AND FAMILY SERVICES DIVISION**

R-10 *Request for Approval of a Notice of Intent to Apply for a Three Year, \$1,300,000 Supportive Housing Program Grant from the U.S. Department of Housing and Urban Development, to Expand the Opportunities for Permanent Supportive Housing for Persons with Developmental Disabilities Who Would Otherwise Be Homeless*

#### **PUBLIC COMMENT**

R-11 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

MEETING DATE: AUG 30 1994

AGENDA NO: B-1

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

**SUBJECT:** Briefing Regarding State RFP to Provide Mental Health Services Under Oregon Health Plan

**BOARD BRIEFING** Date Requested: August 30, 1994

Amount of Time Needed: 1/2 hour, 9:00 to 9:30

**REGULAR MEETING:** Date Requested: September

Amount of Time Needed: 1/2 hour

**DEPARTMENT:** \_\_\_\_\_ **DIVISION:** Community and Family Services Division

**CONTACT:** Elleen Deck **TELEPHONE #:** 248-3999, extension 4047  
**BLDG/ROOM #:** 160/7th

**PERSON(S) MAKING PRESENTATION:** Lorenzo Poe, Elleen Deck and Rex Surface, Dr. David Dangerfield, Exec. Director, Valley Mental Health, Salt Lake City, Utah

**ACTION REQUESTED:**

INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

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

Briefing Regarding Approval of County response to the State's Request for Proposals to Provide Mental Health Services Under the Oregon Health Plan. The County would provide capitated mental health services to a percent of the State's Medicaid eligibles (CareOregon enrollees) included in a 25% Demonstration Project.

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** \_\_\_\_\_

OR

**DEPARTMENT MANAGER:** 

BOARD OF  
COUNTY COMMISSIONERS  
MULTNOMAH COUNTY  
OREGON  
1994 AUG 23 PM 3:04

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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



# MULTNOMAH COUNTY OREGON

COMMUNITY AND FAMILY SERVICES DIVISION  
ADMINISTRATIVE OFFICES  
421 S.W. FIFTH AVENUE, 2ND FLOOR  
PORTLAND, OREGON 97204  
(503) 248-3691 / FAX (503) 248-3379  
TDD (503) 248-3598

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

## MEMORANDUM

TO: Board of County Commissioners  
FROM: *Lorenzo Poe Jr.*, Director  
DATE: August 22, 1994

REQUESTED PLACEMENT DATE: AUGUST 30, 1994 at 9:00 to 9:30 A.M.

RE: Approval of County Response to the State's Request for Proposals to Provide Mental Health Services Under the Oregon Health Plan.

### I. Action Requested:

Approval of County response to the State's Request for Proposals to Provide Mental Health Services Under the Oregon Health Plan. The County would provide capitated mental health services to a percent of the State's Medicaid eligibles (CareOregon's enrollees) included in a 25% Demonstration Project. This will be a mental health carve out, in coordination with CareOregon and Oregon Health Sciences University. The submission constitutes a binding offer and, if accepted by the Oregon Mental Health and Developmental Disability Services Division, requires the County to perform all obligations entailed by the proposal as accepted.

### II. Background/Analysis:

The BCC approval of submission of this RFP allows for the design of a managed care organization for children and adult mental health services to Multnomah County residents who are Medicaid eligible persons and enrolled in CareOregon for physical health care. As a demonstration, this provides a role for the County in the development of the service delivery system for mental health, and potentially alcohol and drug.

This demonstration provides an opportunity to coordinate mental health, alcohol and drug and health services to a shared population. This cost effective model of service coordination can then be expanded to include additional County residents. This is a system design coordinated effort which combined the Children's Capitation Project, the Adult System Design and Target Cities.

The financial environment for mental health has changed. While the

demand and usage is growing, the resources are not. The trend in health care is towards capitation and careful management of allocated resources. The County's response to the State RFP for the Oregon Health Plan is a chance to develop a service delivery system that preserves the County mission to serve vulnerable populations and be competitive with the private sector.

By collaborating with CareOregon and its partner Oregon Health Sciences University to link the physical health care with mental health services, consumers and their families will receive more timely services that are coordinated and efficient.

As a result of the Oregon Health Plan and national health reform, the role of the community mental health authority is facing a time of change and uncertainty. If the County chooses not to participate in responding to the RFP at this time, the County mental health delivery system may be designed elsewhere. The vulnerable and high cost client will continue to be shifted to the County, with increasingly diminished ability to manage the system and its financial resources.

### III. Financial Impact:

The proposed capitated model is based on risk sharing with the State and County providers. The initial contract award will be for the period of January 1, 1995 - June 30, 1995. The State also intends to contract for the period July 1, 1995 - June 30, 1997, subject to annual renewal. With the County assuming responsibility for access to mental health services to approximately 12,000 consumers enrolled in CareOregon, it will help us evaluate risk impact and/or gain to the County.

Following submission of this RFP, County and State personnel would begin negotiations to make sure the rates are sufficient to cover CareOregon enrollees. County personnel are presently analyzing projected expenses and revenues for the demonstration period covered prior to submission of the RFP to the State on September 16, 1994.

The managed care organization which this proposal creates changes the relationship between the County and its providers from one of monitoring and recommendation to authority and payor. The system will rely on performance based contracting and outcome measures.

### IV. Legal Issues:

The managed care organization will be responsible to authorize payment of care, based on the determination of medical necessity.

### V. Controversial Issues:

1. Financial risk to County;
2. Financial risk sharing with the State and Provider Network;
3. Relationship of Division and CareOregon to other fully

- capitated health plans under Oregon Health Plan;
4. This is a Medicaid only project proposal and does not initially include general fund consumers.
  5. The RFP requires proposals based on identified geographic areas. The state has interpreted this as requiring proposers to submit responses based on zip codes in large geographic areas. This is logistically not feasible for CareOregon and presents other coordination problems.

VI. Link to Current County Policies:

N/A

VII. Citizen Participation:

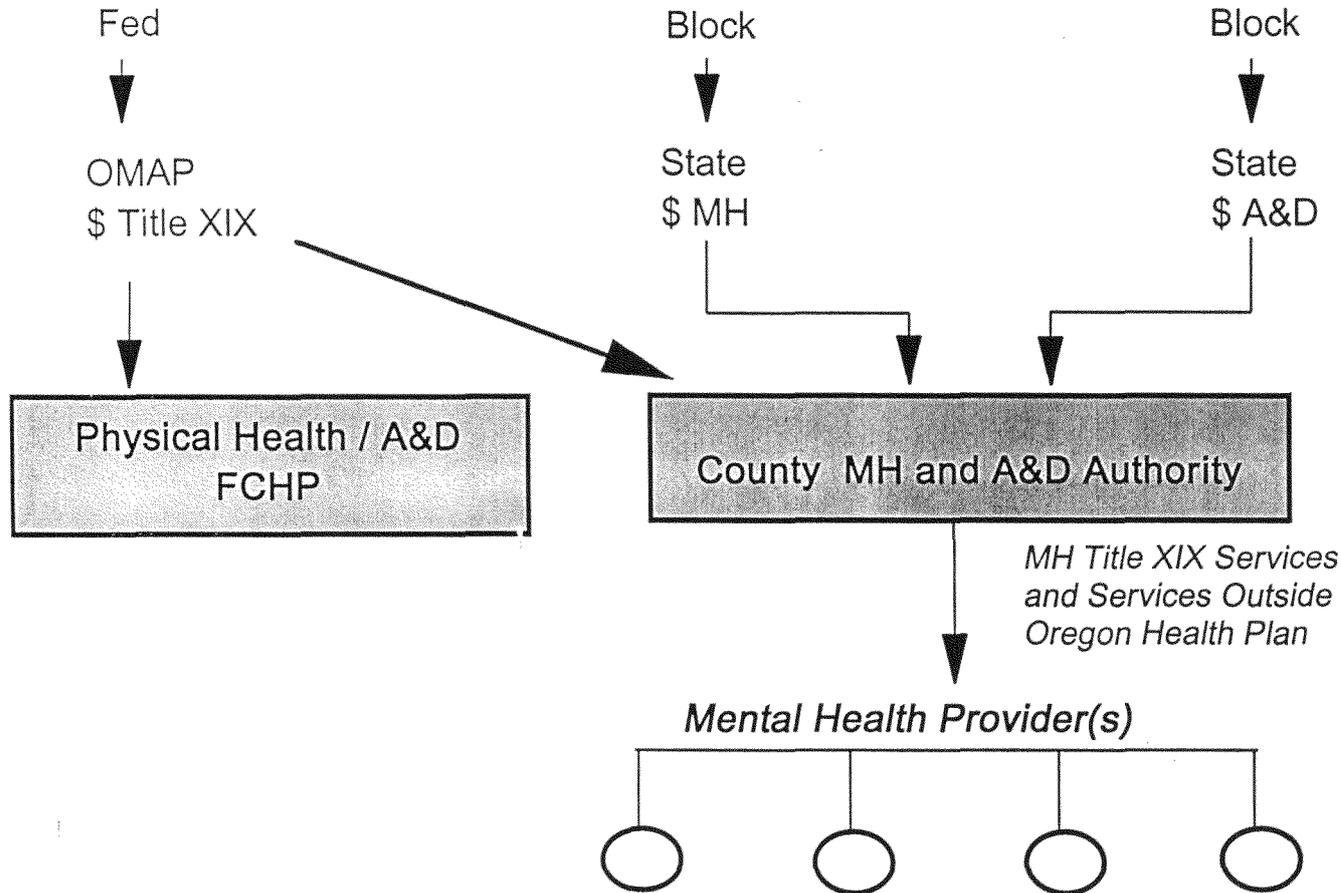
Representatives of the mental health advisory boards have participated in the development of this response. The Division is currently conducting an intensive series of work groups to respond to the RFP. Advisory Board members are represented in the work groups.

VIII. Other Government Participation:

The planning process for this response includes a core team and several work groups that are cross-divisional and departmental in membership. The core team and work groups include representatives from CareOregon, Oregon Health Sciences University, and County contract providers. In addition, County staff meet monthly to brief the Executive Directors' Provider Group on the RFP response.

CC: Howard Klink  
Elleen Deck

# OHP 25% Demonstration



**MODEL REQUIRES  
INTEGRATION WITH  
PHYSICAL CARE**

MEETING DATE: AUG 30 1994

AGENDA NO: B-2

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: TAX TITLE ORDINANCE REVIEW WORKSESSION

BOARD BRIEFING: Date Requested: AUGUST 30, 1994

Amount of Time Needed: 9:30 - 11:30

REGULAR MEETING: Date Requested: \_\_\_\_\_

Amount of Time Needed: \_\_\_\_\_

DEPARTMENT: ENVIRONMENTAL SERVICES DIVISION: ASSESSMENT & TAXATION

CONTACT: BETSY WILLIAMS TELEPHONE #: 248-5012  
BLDG/ROOM #: 412/206 DES

PERSON(S) MAKING PRESENTATION: BETSY WILLIAMS

**ACTION REQUESTED:**

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

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

WORKSESSION TO REVIEW AND DISCUSS THE DRAFT ORDINANCE AND RECOMMEND REVISIONS PRIOR TO ADOPTION OF FINAL ORDINANCE TENTATIVELY SCHEDULED FOR SEPTEMBER 22, 1994.

1994 AUG 29 PM 3:04  
CLERK OF  
COUNTY OF  
OREGON

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_

OR

DEPARTMENT MANAGER:  \_\_\_\_\_

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277/248-5222  
6/93

**TAX TITLE ORDINANCE REVIEW  
BOARD OF COUNTY COMMISSIONERS  
WORK SESSION  
AGENDA**

- **BACKGROUND REVIEW**
  - **History**
  - **Results of prior work session**
  - **Mission**
  
- **REVIEW OF KEY ISSUES RAISED BY  
COMMISSIONERS**
  
- **ORDINANCE RECOMMENDATIONS & CHANGES**
  
- **COMMENTS & CONCERNS**
  
- **NEXT STEPS**

## TAX TITLE PROGRAM

### MISSION

To manage the Tax Foreclosure Property Management and Distribution Process in an timely and effective manner that facilitates owner repurchase when ever possible, and when not, effects a balance between donation of properties to benefit the public good and the distribution of revenues to taxing districts .

### VALUES

We value:

- **Sensitive/humane treatment** of those affected by the foreclosure process;
- **Fiduciary accountability** to the public and other taxing jurisdictions;
- **Informed decision making** that supports established County policies;
- **Fair, equitable, and consistent** access to the process;
- **Statutory integrity**;
- **Effective management** of potential risks associated with the tax title program;
- **Use of tax title properties** to further the **public good**;
- **A shortened timeframe** of the process to minimize adverse impact in the community;
- Being a "good neighbor" in those neighborhoods affected by tax foreclosed properties.

### UNDERLYING ASSUMPTIONS

The Board of County commissioners wish to:

- **Continue a repurchase program**;
- **Continue the non-profit program(s)**
- **Provide adequate maintenance of property** for which county has responsibility;
- **Support the use of tax foreclosure resources** to **prevent deterioration of neighborhoods**;
- **Transfer the cost of maintenance and property liability** to other governments and/or non-profits upon effective transfer of deed of properties to these organizations;
- **Pursue eviction only as a last resort**;
- **Affirm that the County does not intend to be in the landlord business.**

## GOALS OF PROGRAM

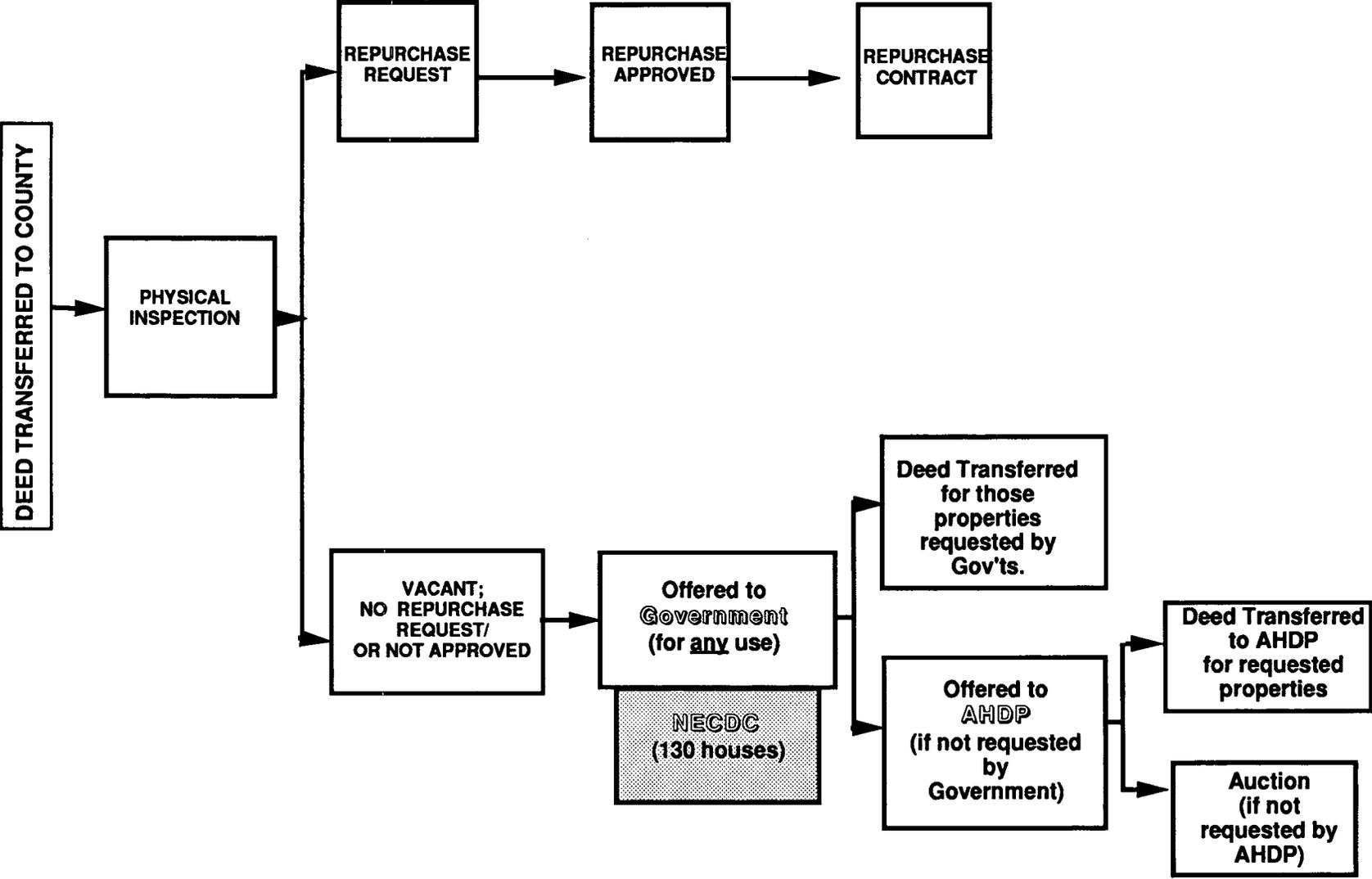
Prior to deed foreclosure:

- 1) Taxes will be collected in a timely manner.
- 2) Social Services will provide early identification and/or intervention where a social service need exists.
- 3) Expeditious foreclosure of properties will proceed when a property has been identified as in a state of waste and/or abandonment.

After deed foreclosure:

- 4) A repurchase process will be implemented that is:
  - clearly understood;
  - consistently and fairly applied;
  - minimizes risk to the county; and
  - has appropriate return of revenue.
- 5) There will be expeditious identification and transfer of properties to governments and/or private non-profits that minimizes the cost/risk to the County and maximizes the public good.
- 6) The County will maintain those properties it holds, to meet reasonable community standards.
- 7) There will be expeditious auctions of the remaining marketable properties.
- 8) The Board will develop a realistic policy for dealing with non-marketable properties.

# CURRENT PROCESS



**MAJOR CHANGES**  
**Requested By Board of County Commissioners**  
**or**  
**Auditor**

- **REPURCHASE OF A REPURCHASE**
- **LIABILITY**
- **MAINTENANCE OF PROPERTY**
- **ESTABLISHING ESCROW**
- **INVOLVEMENT OF SOCIAL SERVICE**
- **REHAB (MCSO)**
- **HOUSING**
- **DIRTY DEED**
- **GREEN SPACE CONSIDERATIONS**
- **TIMELINESS**
- **ACCOUNTING PRACTICES**

## MAJOR CHANGES AS THEY APPEAR IN ORDINANCE

Note: Ordinance revisions in **BOLD**; new administrative procedures in *ITALICS*

### 1) **PHYSICAL INSPECTION & SOCIAL SERVICE EVALUATION--pg. 3**

- **Social Service involvement in screening for inhabitants in need of exceptional assistance**

### 2) **STABILITY OF TAX TITLE FUND--pg. 3**

- **Department reserve property for public auction when necessary to assure viability of Tax Title Fund.**

### 3) **REPURCHASE (& APPEAL) POLICY--pg. 3-7**

- **Timelines shortened**
- **Clarified Eligibility--"Contract Qualifications"**
- **Initial appeals to Department Director**
- **Defining criteria for final Board appeal**
- *Outreach (6 weeks prior notice)*
- *Availability of Financial Counseling (Portland Housing Center)*
- *Establish Escrow Accounts for payment of current taxes--(administrative change)*

### 4) **GREENSPACES--pg. 7 & 8**

- **Establish a Greenspace Review Committee**
- **Committee review properties, using BCC approved criteria to determine environmental value**
- **Governments and others will be informed of environmental designation of properties**
- **Committee to make recommendations to BCC**

**5) TRANSFER OF PROPERTY TO GOVERNMENTS--pg. 8-9**

- **Non Housing--new limitation**
- **Shortened timeframe**
- **Deed transfer (removes County liability)**
- **Property maintenance by Mult. Co. shall cease**
- **NECDC not in first round (after 130 properties transferred)**
- **Rehab Pilot Project (MCSD)**
- *Procedures to assure clean title*

**6) TRANSFER FOR HOUSING PURPOSES--pg. 9-11**

- **Expanded role of AHDP (Mult. Co. Affordable Housing Development Program)**
- **Shortened timeline**
- **Inclusion of NECDC & governments with other housing interests**
- **Affordable Housing Review Committee (name and composition change)**
- **Transfer of Deed**
- **Property maintenance cease upon transfer**

BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF MULTNOMAH  
ORDINANCE \_\_\_\_\_

An Ordinance establishing responsibility for administration of the tax foreclosed property program; qualifications for sale by contracts to former owners of foreclosed real property and transferring tax foreclosed properties to governmental bodies and private non-profit organizations; policies and criteria for identifying greenspace potential properties; repealing Ordinances 560, 577, 613, 672, 685, 703, Section I through III of 753, 769, and declaring an emergency.

## SECTION I — FINDINGS

- (A) State law requires the County foreclose ad valorem tax liens on real property if the tax for any year is more than three years delinquent. After foreclosure and expiration of a two year redemption period, the title to such property passes to the County.
- (B) The foreclosure process permits the County to recover delinquent taxes for the benefit of all taxing districts in the County.
- (C) All taxing jurisdictions in Multnomah County lose revenue when tax-foreclosed properties remain off the tax rolls while simultaneously incurring maintenance and liability costs.
- (D) Vacant and abandoned properties, which are allowed to deteriorate, contribute to the general decline of neighborhoods by reducing property values and discouraging investment.
- (E) State law permits the Board of County Commissioners to make rules as necessary or convenient and for the protection, administration, operation, and conveyance, and leasing of all lands acquired by foreclosure for delinquent taxes.
- (F) Disposition of tax foreclosed property to nonprofit organizations to provide social services or low income housing can further important public purposes and assists continuation of valuable social programs in the community. This ordinance establishes criteria and timelines to put foreclosed property to use in a timely fashion, thus reducing the cost of maintaining an inventory of unused property.

- (G) Some tax foreclosed properties may have present and future value in their natural state and should be conveyed to agencies who can maintain or enhance their value for wildlife habitat, parks, open spaces or other environmental purposes.

## SECTION II — DEFINITIONS

For the purposes of this ordinance, unless the context requires otherwise, the following terms are defined as follows:

- (A) "Board" means Board of County Commissioners of Multnomah County, Oregon.
- (B) "Department" means Multnomah County Department of Environmental Services.
- (C) "Director" means the Director of the Multnomah County Department of Environmental Services.
- (D) "Greenspace Committee" means the Greenspace Review Committee.
- (E) "Property" means all property acquired by Multnomah County by foreclosure of delinquent tax liens.
- (F) "Nonprofit housing sponsor" means any government or nonprofit corporation organized under the provisions of ORS Chapter 61 for the purpose of undertaking, constructing, or operating a housing project to assist low and lower income families, or authorized by its charter to undertake, construct, or operate such housing projects.
- (G) "Owner" or "former owner" means a property owner or contract purchaser of record at the time a judicial decree of foreclosure was entered as to the affected property.
- (H) "Repurchase agreement" means a contract to sell tax foreclosed property to the former owner prior to foreclosure.
- (I) "Social services agency" means an appropriate social service provider, as designated by the Board of County Commissioners.
- (J) "Tax title fund" means the Multnomah County accounting fund maintained to receive proceeds from the sale of tax foreclosed properties and disburse all lawful expenditures therefrom.
- (K) "Days" means calendar days unless otherwise noted.

## SECTION III — PROPERTY ADMINISTRATION AND EVALUATION

- (A) The Department shall be responsible for management of the tax title fund and for the inventory, management, maintenance and disposition of all tax foreclosed properties in accordance with state statutes and this ordinance.
- (B) The Department, in order to assure the fiscal stability of the tax title fund, may identify properties to be sold at public auction and not available for donation to governments or non-profit housing sponsors.
- (C) The Department shall be responsible for a physical inspection of all properties upon conveyance to the County.
- (D) If any property is occupied, the Department shall notify an appropriate County social services agency if the occupants may require exceptional assistance. The agency shall make an assessment of the circumstances within thirty (30) days of such notification and submit a report to the Department.

Upon receipt of a report from a social services agency recommending special assistance, the Department shall suspend efforts to dispose of the property pending further direction from the Board and shall forward a copy of the report to the Board. The Board shall review the case and order appropriate action within thirty (30) days.

- (E) In the event any request for transfer of property by a governmental entity conflicts with any other request for transfer of property in accordance with this ordinance, the Department shall put the matter on the Board's regular meeting agenda for resolution by the Board.

## SECTION IV — REPURCHASE QUALIFICATIONS AND CONTRACT REQUIREMENTS

- (A) Repurchase Period. Upon receipt of recorded property deeds, the Department shall send notices by certified mail to former owners of tax foreclosed properties. The notices shall advise the recipients:
  - (1) Within thirty (30) days from the date of the notice the owner may:
    - (a) Pay in cash the repurchase price established by the Department under Section IV(C) of this ordinance, or

- (b) Complete an application to repurchase the property by repurchase contract.
  - (2) If the owner fails to either repurchase in cash or to qualify to repurchase by contract within the time provided, the Department may dispose of the property as provided in this ordinance.
- (B) Repurchase Contract Qualifications. Former owners may repurchase property on contract if the property and the owner meet the following qualifications:
- (1) The property must be:
    - (a) The primary residence of the former owner; or
    - (b) The primary location of the former owner's business; or
    - (c) Used as an integral part of a residential treatment or social services program sponsored by the owner, if the owner is a nonprofit organization exempt from federal taxes under IRC 501(C)(3); and
  - (2) Any other real property of the owner in Multnomah County has not been foreclosed for non-payment of taxes in the previous ten (10) years, unless such prior foreclosure is either (1) the owner's primary residence if the current foreclosure is the owner's primary business, or (2) the owner's primary business if the current foreclosure is the owner's primary residence; and
  - (3) The owner has not previously repurchased property by an agreement which has been canceled by the County within the preceding ten (10) years; and
  - (4) The owner must demonstrate financial ability to meet minimum payment requirements of a contract; and
  - (5) Improved property must be suitable for occupation, or the owner must demonstrate an ability to make the property suitable for occupation within the period specified by the County.

(C) Repurchase Contract Price

- (1) The repurchase price shall be the sum of: all uncollected taxes as of the date the property was conveyed to the County; an amount equal to taxes which would have accrued after conveyance to the County, including accrued interest and interest which would have accrued after conveyance to the County; penalties; municipal liens; delinquent sewer liens; special assessments; costs of maintenance or nuisance abatement, and administrative expenses which shall include, but not be limited to, title searches, expense of document preparation and recording fees.
- (2) Repurchase contracts shall include provisions for prepayment of real property taxes with any debt service installment payments.

(D) Appeal Process For Contract Denials.

- (1) The Department may deny any application for repurchase by contract if the applicant fails to submit sufficient evidence to show compliance with contract qualifications in Section IV(B).
- (2) The Director shall give notice of denial in writing to the applicant by regular mail. The notice of denial shall include:
  - (a) A statement of the reason(s) for the denial.
  - (b) Explanation of how the decision of the Director may be appealed to the Board; and
  - (c) Explanation of the actions necessary to request an administrative exception.
- (3) Requests for an administrative exception must be submitted to the Director within fifteen (15) days after the notification of denial was mailed. The Director will make a determination within fifteen (15) days after the request. The Director may grant an administrative exception to the qualification requirements if in the public interest.

- (4) Within fifteen (15) days after a notice of the Director's denial, the applicant may either repurchase the property for cash or appeal the denial to the Board. The appeal shall be filed with the Department and shall recite the facts forming the basis for the appeal and set out the reasons the applicant believes the Board should reverse the Director's decision. The Department shall promptly deliver a copy of the request for appeal together with a copy of the Director's reasons for denial prior to the appeal hearing.
- (5) When an appeal is filed, at the next regular Board meeting at which the matter can be presented, the Board shall schedule a hearing to hear the appeal.
- (6) The Board will determine the disposition of the appeal based on the following:
  - (a) Whether the applicant meets the contract qualifications and requirements stated in Section IV(B);
  - (b) Whether the applicant filed a completed repurchase application within the time required by Section IV(A)(1) of this ordinance;
  - (c) Whether the applicant filed an appeal in the manner required by Section IV(D)(3)(4) of this ordinance;
  - (d) Whether other extenuating circumstances exist.

E. Appeal Process for Contract Cancellation

- (1) If at any time a contract is in default and subject to cancellation, the Director may give notice of default in accordance with the repurchase contract.
- (2) Any contract purchaser may request the Director to grant relief from cancellation by request in writing to the Director within fifteen (15) days after notification of default. The Director will make a determination within fifteen (15) days thereafter whether to modify the contract, grant other appropriate relief or to specify a date the contract will be canceled.

- (3) If the Director denies a request for relief from contract cancellation, the Department shall give the purchaser notice of the reasons therefore in writing by regular mail the notice shall include information on how the contract may be appealed to the Board of County Commissioners.
- (4) Within fifteen (15) days after the Director's denial, the repurchaser may either pay off the balance of the contract in cash, or appeal the proposed contract cancellation to the Board. The appeal shall be in writing, recite the facts forming the basis for appeal and reflect the reasons the petitioner believes the Board should reverse the Director's decision.
- (5) When an appeal is filed, at the next regular Board meeting at which the matter can be presented, the Board shall schedule a hearing to hear the appeal.
- (6) The Department shall provide the Board a copy of the Director's notice of denial prior to the appeal hearing. At the appeal hearing, the Board may affirm the Director's decision to cancel the contract or fashion other appropriate relief, including reinstatement or modification of the contract.

## SECTION V - PROCEDURE FOR IDENTIFYING PROPERTIES TO BE DESIGNATED AS HAVING GREENSPACE ENVIRONMENTAL VALUE

- (A) A Greenspace Review Committee is hereby established to review tax foreclosed properties to determine suitability of properties for public use as open space, parks, or natural areas and provide such information to governmental jurisdictions and other interested groups. The committee shall consist of not less than five members to serve at the pleasure of the Board.
- (B) When the annual comprehensive County deed is recorded for tax foreclosed properties after the expiration of the redemption period, the Department shall provide a list of the properties to the Greenspace Committee. The committee shall evaluate the properties, using criteria approved by the Board, to determine suitability for park, open space, or natural area purposes.

Within 90 days thereafter, the committee shall furnish the Department with a list of properties deemed suitable for the specified purposes. The list shall identify the recommended public purpose for each property on the list.

- (C) The Greenspace Committee's recommendations shall be noted in any notification to governmental entities of properties available for public use transfers under Section VII of this ordinance.
- (D) The Greenspace Committee may make recommendations to the Board at any time regarding properties recommended for public use for park, open space or natural area uses if any such property is not transferred for a public purpose under any provision of this ordinance.
- (E) The Greenspace Committee may make recommendations it deems necessary to the Board regarding specific properties identified an environmentally significant but not selection by a government jurisdiction or other groups for any use.

**SECTION VI - REQUESTING TRANSFER OF TAX FORECLOSED PROPERTY TO GOVERNMENTS FOR NON HOUSING PURPOSES**

- (A) As soon as practicable after the properties on the annual comprehensive County Deed have been conveyed to the County, the Department shall mail a list of property available to government units and officially recognized neighborhood associations in Multnomah County with a notice that the properties are eligible for transfer, for non-housing purposes only.
- (B) Properties having characteristics identified under Section V of this ordinance shall be so identified on the property list.
- (C) A governmental unit may request transfer of listed property within sixty (60) days after notice of property availability was first mailed. All requests shall be on forms provided by the Department and must be authorized by the requesting governing body.

- (D) The Department shall report to the Board all requests for transfer of property by governments. The report shall identify the governmental entity requesting transfer, a description of the property, the amount of taxes owed when the property was conveyed to the County, all maintenance costs incurred by the County, and the applicant's proposed public use.
- (E) The Board shall schedule a public hearing as soon as practically convenient. The Department shall publish notice of the scheduled public hearing in a newspaper of general circulation in the County for two successive weeks. The notice shall describe the property, state that the Board will accept comments concerning the transfer at the hearing and where a copy of the Department's report can be obtained. A copy of the notice shall be mailed to applicants and other persons requesting such notice.
- (F) At the conclusion of the hearing, the Board may approve the transfers if the Board determines the transfers will serve the public interest. The Board shall also determine whether such transfers are for monetary consideration or no consideration.
- (G) Conveyances of property transferred to governmental entities for a public purpose without consideration, other than housing, shall provide that should the property cease to be used for a public purpose, the title shall revert to the County. This restriction shall not apply to transfers to a governmental body in exchange for payment of the amount of taxes and costs for which the property is liable.
- (H) For those properties approved by the Board for transfer to governmental entities, transfer of title shall occur within sixty (60) days, or as soon after as practicable. Refusal of the receiving entity to accept title shall void approval of such transfer and shall result in the property being disposed of as provided by law.
- (I) Property maintenance by Multnomah County shall cease upon transfer of the title to the receiving agency.

## SECTION VII - PROCEDURE FOR REQUESTING TRANSFER OF TAX FORECLOSED PROPERTY FOR HOUSING PURPOSES

- (A) An Affordable Housing Review Committee has been established to make recommendations to the Board regarding all disposition of tax foreclosed property for affordable housing under the procedures of Affordable Housing Development Program (AHDP).

The Affordable Housing Review Committee members shall be appointed by the Chair and approved by the Board. The committee shall be composed of representatives from: the City of Gresham, the City of Portland, the Community Development Block Grant Urban County Policy Advisory Board, a philanthropic organization, the banking industry, the Citizen Involvement Committee and the Board.

- (B) Requests for properties for low-income housing will be considered according to procedures established by Multnomah County AHDP and approved by the Board.
- (C) A list of properties remaining after transfer requests of governmental units, shall be submitted AHDP.
- (D) AHDP shall, within ten (10) days after receipt of the list of available properties, advise the Department which properties will be processed for low income housing development. Within seven (7) days thereafter, AHDP shall mail the list of available properties to governments and other nonprofit housing sponsors in Multnomah County.
- (E) Written applications by housing sponsors shall be filed with AHDP within forty-five (45) days after notice of property availability was first mailed. All requests shall be on forms provided by AHDP.
- (F) Within sixty (60) days after receipt of applications for property under AHDP, the Affordable Housing Review Committee will prepare disposition recommendations to the Board. Recommendations shall be based on the sponsoring organization's stability and viability, the project plan, financial plan and community support.

- (G) Within seven (7) days after AHDP determines any property will not be transferred to a non-profit housing sponsor, because no applications for the property were received or approved, AHDP shall provide the Department with a list of properties not required for housing development. Such properties may be added to the inventory of tax foreclosed properties available for disposition according to law.
- (H) Not less than fifteen (15) days after receiving the recommendations from AHDP, the Board shall schedule a public hearing to receive public comments concerning the proposed property transfers.
- (I) The Department shall publish notice of the scheduled hearing in a newspaper of general circulation in the County for two successive weeks. The notice shall state the description or location of the properties and that the Board will hear comments concerning the transfer at the hearing. A copy of the notice shall be mailed to the applicants and applicable neighborhood associations and to other persons requesting such notice.
- (J) Approval of transfers shall be based upon the degree proposals for transfer are feasible and in the public interest. Transfers may be for consideration or for no consideration. Transfers in connection with the County Housing Affordability Development Program shall require a \$200 transfer fee to offset the cost of administration. The transfer fee may be waived or reduced by the Board upon a finding that a waiver or reduction is necessary to relieve the applicant from undue hardship and that loss of the fee will not jeopardize efficient administration of the program.
- (K) For those properties approved by the Board for transfer to non-profit housing entities, transfer of title shall occur within sixty (60) days, or as soon after as practicable. Refusal of the receiving entity to accept title shall void approval of such transfer and shall result in the property being disposed of as provided by law.
- (I) Property maintenance by Multnomah County shall cease upon transfer of the title to the receiving agency.
- (L) Property maintenance by Multnomah County shall cease upon conveyance.

SECTION VIII — REPEAL OF PRIOR ORDINANCES

Ordinances 560, 577, 613, 672, 685, 703, Sections I through III of 753, and 769 are hereby repealed.

This Ordinance, being necessary for the health, safety, and welfare of the people of Multnomah County, an emergency is declared, and the Ordinance shall take effect upon its execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 1994, being the date of its \_\_\_\_\_ reading before the Board of County Commissioners of Multnomah County, Oregon.

(SEAL)

\_\_\_\_\_  
Beverly Stein, Chair  
Multnomah County, Oregon

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_

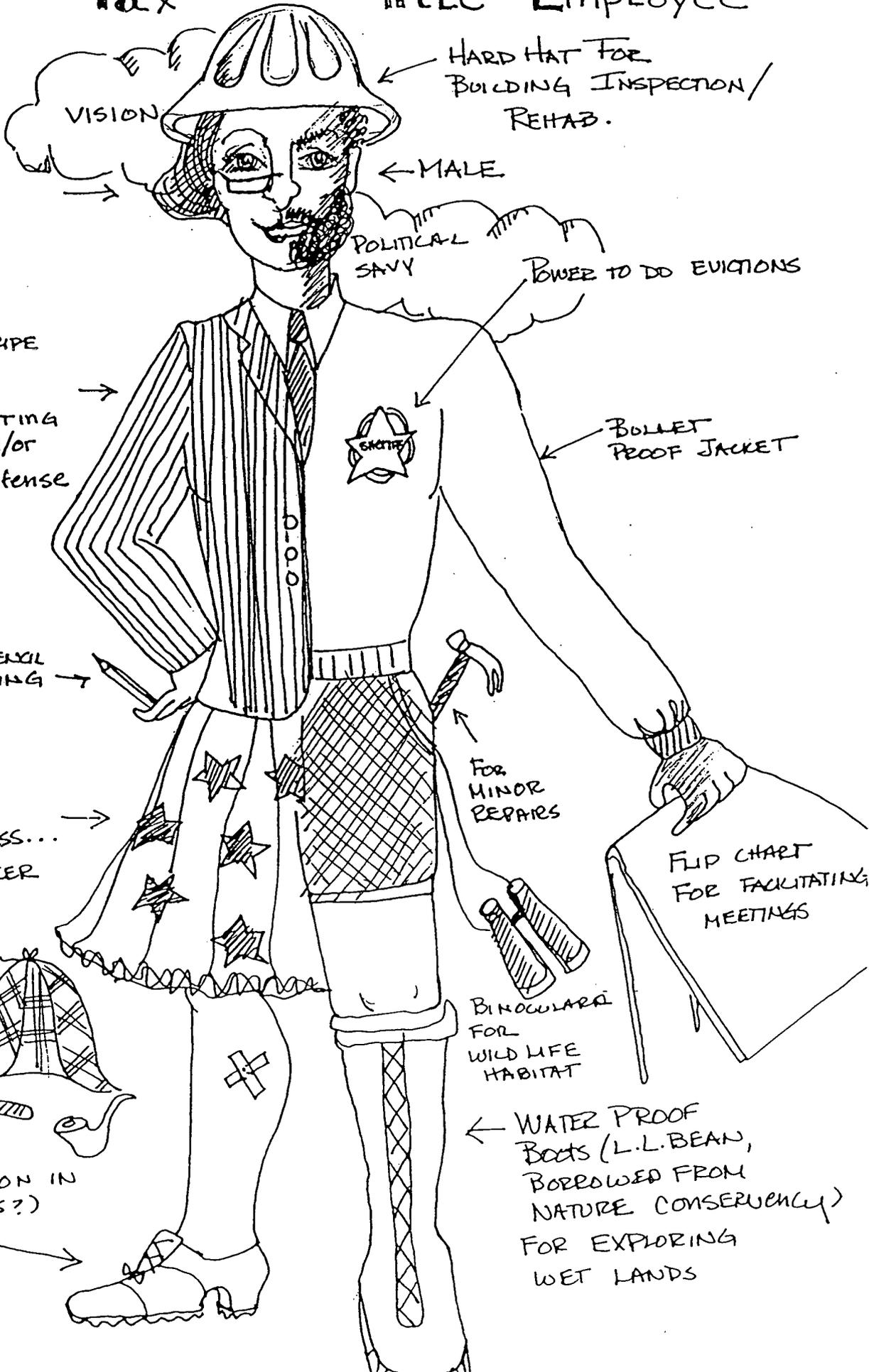
John DuBay  
Chief Assistant County Counsel

Daisy

Generic

Tax

Title Employee



FEMALE

VISION

HARD HAT FOR BUILDING INSPECTION/REHAB.

← MALE

POLITICAL SAVY

POWER TO DO EVICTIONS

PIN STRIPE SUIT FOR ACCOUNTING and/or Legal Defense

BULLET PROOF JACKET

CRYSTAL BALL

SHARP PENCIL FOR KEEPING BOOKS

FOR MINOR REPAIRS

PARTY DRESS... TAX TITLE WORKER JUST WANTS TO HAVE FUN

FLIP CHART FOR FACILITATING MEETINGS

BINOCULARS FOR WILD LIFE HABITAT

DETECTIVE EQUIPMENT (WHAT IS GOING ON IN THESE PROPERTIES?)

SENSIBLE SHOES (SOCIAL WORKER)

← WATER PROOF BOOTS (L.L.BEAN, BORROWED FROM NATURE CONSERVENCY) FOR EXPLORING WET LANDS

**COMMISSIONER DAN SALTZMAN**

**AMENDMENT TO PAGE 8, SECTION V(B)**

**"WITHIN 90 DAYS, THE COMMITTEE SHALL FURNISH THE DEPARTMENT WITH A LIST OF PROPERTIES DEEMED SUITABLE FOR THE SPECIFIED PURPOSES, THE SIGNIFICANT ENVIRONMENTAL QUALITIES AND MAKE RECOMMENDATIONS REGARDING THE PUBLIC PURPOSE FOR EACH PROPERTY ON THE LIST."**

MEETING DATE: AUG 30 1994  
AGENDA NO: B-3

(Above Space for Board Clerk's Use Only)

**AGENDA PLACEMENT FORM**

SUBJECT: Briefing by Andy Cotugno on Metro's Proposed Construction Excise Tax

BOARD BRIEFING      Date Requested: August 30, 1994  
Amount of Time Needed: 30 minutes

REGULAR MEETING:      Date Requested: \_\_\_\_\_  
Amount of Time Needed: \_\_\_\_\_

DEPARTMENT: Non-Departmental      DIVISION: Board of County Commissioners, District 3

CONTACT: Commissioner Tanya Collier      TELEPHONE #: 248-5217  
BLDG. / ROOM #: 106 / 1500

PERSON(S) MAKING PRESENTATION: Andrew Cotugno

**ACTION REQUESTED:**

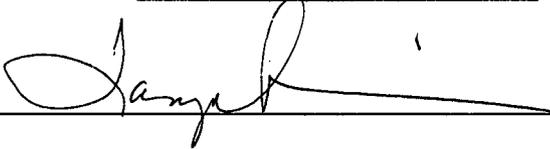
INFORMATIONAL ONLY     POLICY DIRECTION     APPROVAL     OTHER

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

Briefing on Metro's Proposed Construction Excise Tax by the Director of Metro Planning Department

BOARD OF  
COUNTY COMMISSIONERS  
1994 AUG 24 PM 3:38  
MULTNOMAH COUNTY  
OREGON

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: 

OR

DEPARTMENT MANAGER: \_\_\_\_\_

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

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

600 NORTHEAST GRAND AVENUE | PORTLAND, OREGON 97232 2156  
TEL 503 267 1700 | FAX 503 797 1797



METRO

**SUMMARY SHEET**  
**Proposed Construction Excise Tax**  
**(Ordinance No. 94-556B)**

**Purpose:**

Establishes a funding source for Metro's charter-mandated growth management functions. Metro's voter-approved 1992 charter requires that Metro focus its primary mission on regional planning functions and growth management. The proposed ordinance levies a tax on new residential and commercial/industrial construction and some types of commercial/industrial renovation.

**Rate:**

Tax rate on *new* residential and commercial/industrial construction is 12 cents per square foot. (e.g., owners of a new 2,000-square-foot house would pay a one-time tax of \$240). This also includes adding square footage to existing buildings.

Tax rate on a major renovation of an *existing* structure is 6 cents per square foot. A "major renovation" is defined as a renovation that changes the use of a structure (e.g., converting a home into a business). The construction excise tax would not apply to a remodeling project that does not change the use of the building.

**Exemptions:**

Exempted from the tax are governments and tax-exempt organizations that provide housing and other social services to low-income families. In addition, single-family houses that sell for less than \$100,000 are eligible for a rebate of up to \$125.

- Other provisions:** The construction excise tax ordinance also:
- Reduces current Metro excise tax levied on users of all district services from the current 7.5 percent to 6 percent.
  - Reduces the solid waste tip fees charged at Metro solid waste facilities from \$75 per ton to \$73 per ton.
  - Rebates on a pro-rated basis this year's voluntary dues paid by local governments to Metro for planning services and discontinues future dues.
  - Requires Metro to place part of the funds in a stabilization account due to the cyclical nature of the construction industry.
  - Requires Metro to review the tax by July 1, 1998, once Metro's Regional Framework Plan is completed, to determine whether the tax is still needed.
- Collection:** Local governments will be asked to collect construction excise tax fees for Metro as part of their local building permit system. Metro will pay those local governments up to 5 percent of the collected tax to cover their administrative costs. Metro will collect the tax when local governments do not.
- Projected revenues:** The net revenues for this tax will be dedicated to Metro's planning functions. First-year projections are that the tax will raise about \$2.4 million for these planning functions.
- Effective date:** The construction excise tax takes effect 90 days after adoption by the Metro Council.