



Multnomah County Oregon

Board of Commissioners & Agenda

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WCB

REVISED 3

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214
Phone: (503) 988-3308 FAX (503) 988-3093
Email: mult.chair@co.multnomah.or.us

Deborah Kafoury, Commission Dist. 1

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Portland, Or 97214
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Email: district4@co.multnomah.or.us

Link to watch live Thursday Board meetings on-line:
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NOVEMBER 3 & 5, 2009

BOARD MEETINGS FASTLOOK AGENDA ITEMS

Pg 2	9:30 a.m. Tuesday Work Session to Discuss Countywide Impacts to Public Safety System of State Funding Adjustments in the 2009-2011 Biennium and Additional Revenue Issues in Fiscal Year 2010 [Continued from 09/28/09]
Pg 3	9:30 a.m. Thursday Opportunity for Public Comment on Non Agenda Matters
Pg 3	9:50 a.m. Thursday Resolution Accepting the 2009 State Legislative Report
Pg 4	10:20 a.m. Thursday Briefing on Capital Projects Identified for Potential Funding through Issuance of a Full Faith and Credit Bond
Pg 4	11:20 a.m. Thursday Proclamation Proclaiming November 2009 National Native American Heritage Month in Multnomah County, Oregon
November 17, 19 & 26, 2009 Board Meetings are Cancelled	

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file

Tuesday, November 3, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD WORK SESSION

WS-1 Work Session to Consider the Countywide Impacts to our Public Safety System of State Funding Adjustments in the 2009-2011 Biennium and Additional Revenue Issues in Fiscal Year 2010. Presented by Chair Ted Wheeler, Commissioners Deborah Kafoury, Jeff Cogen, Judy Shiprack and Diane McKeel, District Attorney Mike Schrunk, Sheriff Bob Skipper, Interim Sheriff Dan Staton, Department of Community Justice Director Scott Taylor, Local Public Safety Coordinating Committee Executive Director Peter Ozanne, Budget Director Karyne Kieta, Multnomah County Court Administrator Doug Bray and Invited Others [Continued from September 28, 2009] ONE HOUR REQUESTED.

B-1 Briefing on the Citizen Dedicated Fund Review of the Public Safety Funds. Presented by Kathleen Todd and Jim Lasher. 15 MINUTES REQUESTED.

BRIEFING RESCHEDULED TO THURSDAY, NOVEMBER 12, 2009

B-2 Presentation of the Homeless Youth Continuum Annual Report by the Homeless Youth Oversight Committee. Presented by Mary Li, DCHS Division Manager, Aaron Babbie, Co-Chair Homeless Youth Oversight Committee and Dennis Morrow, Janus Youth Programs. 25 MINUTES REQUESTED.

BRIEFING RESCHEDULED TO TUESDAY, NOVEMBER 24, 2009

Thursday, November 5, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

C-1 Appointments of Sue O'Halloran and Shalonda Menefee to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE

- C-2 BUDGET MODIFICATION NOND-03 Reclassifying One Position in Information Technology as Determined by the Class/Comp Unit of Central Human Resources

Cornel Speak

REGULAR AGENDA

PUBLIC COMMENT - 9:30 AM

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

COUNTY ATTORNEY'S OFFICE – 9:30 AM

- R-1 RESOLUTION Declaring a Vacancy in the Office of County Sheriff, Calling an Election for ~~March 9, 2010~~, and Setting the Candidate Filing Deadline for ~~December 29, 2009~~ *Amended* *09-129*

DEPARTMENT OF COUNTY MANAGEMENT - 9:35 AM

- R-2 RESOLUTION Declaring a Portion of Property Located at 9000 North Lombard Street to be Surplus and Approving a Real Property Lease with Northwest Regional Primary Care *09-136*

DEPARTMENT OF COUNTY HUMAN SERVICES – 9:40 AM

- R-3 BUDGET MODIFICATION DCHS-06 Adding One 1.00 FTE Program Supervisor Position and Deleting 1.00 FTE Operations Supervisor Position to Reflect Staffing Necessary for Oversight of Case Management Programs in Developmental Disabilities Services Division
- R-4 BUDGET MODIFICATION DCHS-07 Increasing Community Services Division Federal/State Appropriation by \$12,455 in U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Funding
- R-5 BUDGET MODIFICATION DCHS-08 Increasing Mental Health and Addiction Services Division Federal/State Appropriation by \$2,441,006 in the State Mental Health Grant
- R-6 BUDGET MODIFICATION DCHS-12 Increasing Community Services Division Federal/State Appropriation by \$20,000 One-Time-Only Funding from Northwest Natural Gas

- R-8 BUDGET MODIFICATION DCHS-09 Increasing Community Services Division Federal/State Appropriation by \$58,705 in State of Oregon Housing and Community Services Grant Funding

NON-DEPARTMENTAL - 9:50 AM

- R-7 RESOLUTION Accepting the 2009 State Legislative Report 09-137
- R-9 PROCLAMATION Proclaiming Observance of Veterans Day, November 11, 2009 in Multnomah County, Oregon 09-138
- R-10 RESOLUTION Establishing a Workgroup to Study and Recommend a New Structure, Composition, and Reporting Procedure for Multnomah County Government Relations 09-140?

DEPARTMENT OF COUNTY MANAGEMENT – 10:20 AM

- R-11 Briefing on Capital Projects Identified for Potential Funding through Issuance of a Full Faith and Credit Bond. Presented by Mindy Harris, Mark Campbell, Bob Thomas and Sherry Swackhamer. 1 HOUR REQUESTED.

DEPARTMENT OF HEALTH – 11:20 AM

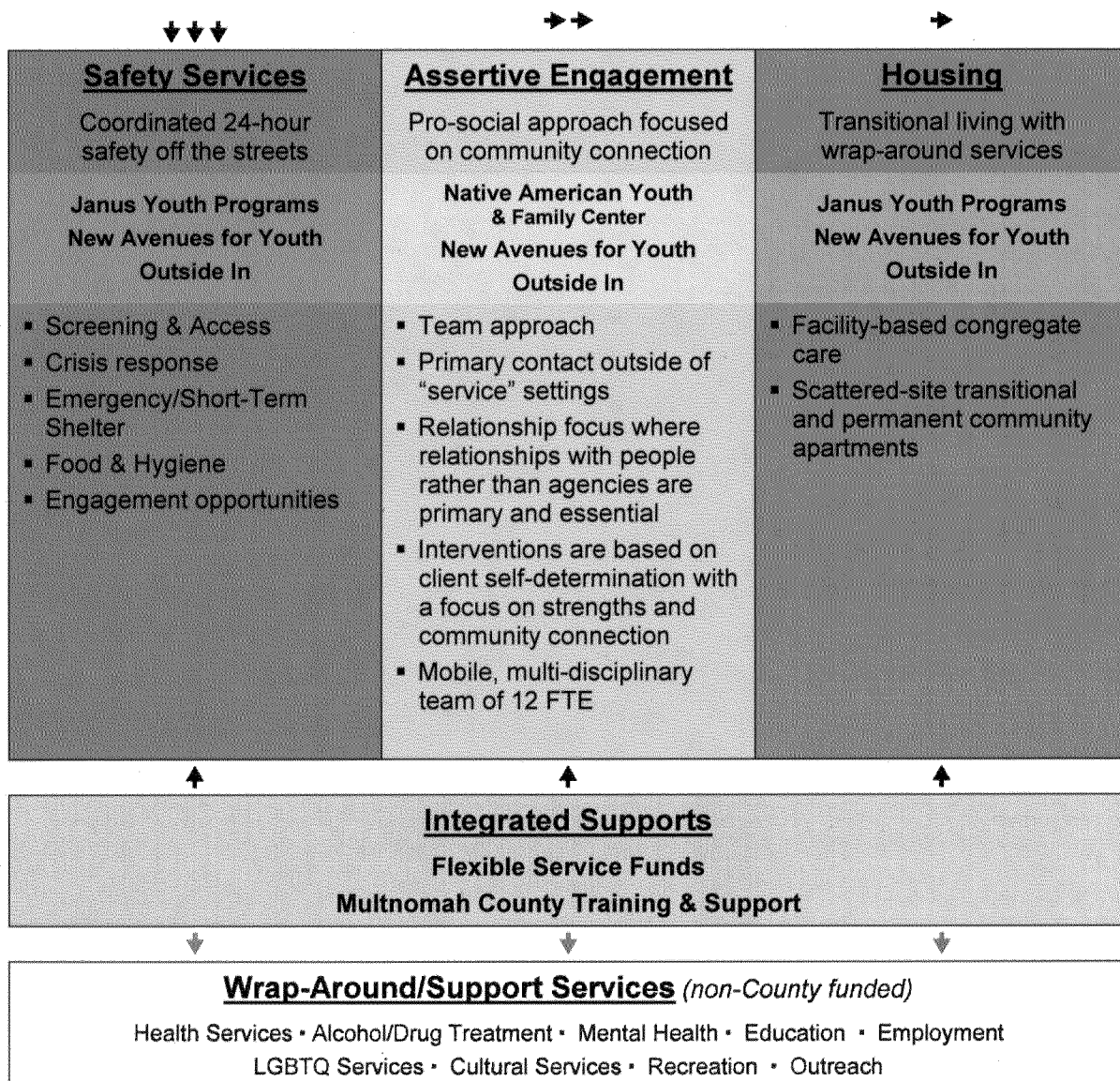
- R-12 PROCLAMATION Proclaiming November 2009 National Native American Heritage Month in Multnomah County, Oregon 09-139

Multnomah County Funded Homeless Youth Continuum Overview

Homeless Youth Continuum (HYC) Statement of Purpose: The strategic investment of community resources - public, private, financial, and human - that creates the unified system of supports and services necessary to: build protective factors, promote developmental outcome attainment, and achieve lasting, long-term impact in the lives of homeless youth.

This is accomplished through a seamless, integrated, multi-agency assertive engagement model that connects youth to the larger community and measures success using the evidence-based practices of Positive Youth Development.

Multnomah County Homeless Youth





MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 11/05/09
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 10/27/09

**RESOLUTION Declaring a Vacancy in the Office of County Sheriff, Calling an
Agenda Election for March 9, 2010, and Setting the Candidate Filing Deadline for
Title: December 29, 2009**

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

Requested Meeting Date:	November 5, 2009	Amount of Time Needed:	5 minutes
Department:	Non-Departmental	Division:	County Attorney
Contact(s):	Agnes Sowle, County Attorney		
Phone:	503-988-3138	Ext.	83138 I/O Address: 503/500
Presenter(s):	Agnes Sowle, County Attorney		

General Information

1. What action are you requesting from the Board?

Approve Resolution declaring Sheriff's Office vacancy, calling election for March 9, 2010, and setting candidate filing deadline of December 29, 2009.

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

Under Multnomah County Home Rule Charter (sections 4.40 and 4.50) and Code (Chapter 5, Elections), when an elected office becomes vacant with more than a year remaining in the term, a person shall be elected at the next available election to fill the balance of the remaining term. As the Office of Sheriff becomes vacant at the end of the business day on November 5, 2009, and the term ends December 31, 2010, the next available election is March 9, 2010. Under MCC § 5.008, the Board must set a filing deadline at the time it calls an election not later than the 47th day before the election (1/21/2010). Under OAR 249.722(2)(b), candidate statements must be filed by January 11, 2010 for inclusion in the voters pamphlet. The County Attorney recommends December 29, 2009, as the last day for candidates to file certificates of nomination for the March 9, 2010, election. This resolution fulfills the Board's requirements to call the election and set the candidate filing deadline.

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

None

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

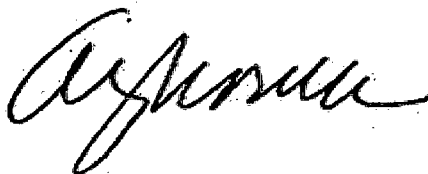
None

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

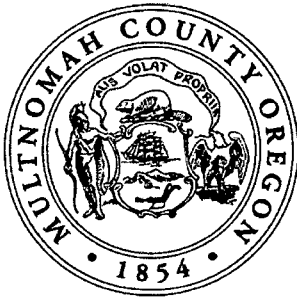
N/A

Required Signature

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

A handwritten signature in black ink, appearing to read "A. J. Smith", is written over a horizontal line.

Date: 10/27/2009



Ted Wheeler, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

To: Board of County Commissioners

Fm: Ted Wheeler, Multnomah County Chair 

Re: Date for Sheriff's replacement election

Dt: October 29, 2009

Next week we will consider a resolution to set the date for the election to fill the final months of the term to which Sheriff Bernie Giusto was first elected in 2006. The resolution filed by the County Attorney at my direction calls for a March 2010 election.

It is likely that the Sheriff vote will be the only issue on the ballot and that conducting the special election will cost more than \$400,000. There is not currently money in the budget to pay for this election and we would need to pass a budget modification.

There is a reasonable argument that we could designate the May 2010 election as the next one that is actually "available" for this vote and save the taxpayers a lot of money. It is also possible that such a decision would be challenged in court.

Further, it is possible that choosing the May date wouldn't actually save any money. If no candidate receives a majority there will need to be a runoff. The runoff for a May election would be a special election in July with almost identical costs to a special election in March.

I think this is a close call. We do not have money to spare this year and I would like to do everything possible to reduce unnecessary expenses. I directed the County Attorney to draft the resolution for a March election but we could choose to amend the resolution next week.

I will certainly be asking the Charter Review Committee to look at this situation and consider proposals that would give the Board more flexibility in the future and explicitly allow for costs to be considered.

This is an important Board decision. Please let me know if you need any additional information.

cc: County Attorney
Sheriff Skipper

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring a Vacancy in the Office of County Sheriff, Calling an Election for March 9, 2010, and Setting the Candidate Filing Deadline for December 29, 2009

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Sheriff Bob Skipper has announced his resignation effective the end of the business day on November 5, 2009.
- b. Sheriff Skipper's term of office ends December 31, 2010. More than one year shall remain in the term of office vacated by Sheriff Skipper. The Multnomah County Charter and County Code provide that a person shall be elected at the next available election date to fill the vacancy.
- c. The Charter and Code require the Board to declare the office of Multnomah County Sheriff vacant, to call an election to fill the vacancy, and to set a deadline for candidates to file for election to fill the balance of the unexpired term.
- d. The next available election date on which the election to fill this vacancy may be placed is March 9, 2010.

The Multnomah County Board of Commissioners Resolves:

1. The elective office of Multnomah County Sheriff is declared vacant as of 5:00 PM on November 5, 2009.
2. An election is called for March 9, 2010, to fill the remainder of the current term of office for Multnomah County Sheriff.
3. This election and election date are certified to the Director of Multnomah County Division of Elections.
4. Candidates for Multnomah County Sheriff must file for election with the Multnomah County Division of Elections by 5:00 PM on December 29, 2009.

ADOPTED this 5th day of November 2009

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

BOGSTAD Deborah L

From: OLSEN Andrew
Sent: Wednesday, November 04, 2009 4:15 PM
To: MCKEEL Diane; WHEELER Ted; KAFOURY Deborah; SHIPRACK Judith C; COGEN Jeff
Cc: BOGSTAD Deborah L; WIREN Corie; LEE Beckie; MADRIGAL Marissa D; RINEHART Tom; LASHUA Matthew
Subject: Election Amendment
Attachments: RES_SheriffVacancy2-markup.doc; RES_SheriffVacancy2.doc

Attached is the amendment that Diane will propose tomorrow regarding the Sheriff Election next year.

Andrew Olsen
Policy and Constituent Relations Liaison
Multnomah County Commissioner Diane McKeel
501 SE Hawthorne Blvd, Portland Oregon 97214
www.multco.us/cc/ds4
503.988.5213
andrew.olsen@co.multnomah.or.us

11/5/2009

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring a Vacancy in the Office of County Sheriff, Calling an Election for March 9, 2010, and Setting the Candidate Filing Deadline for December 29, 2009

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Sheriff Bob Skipper has announced his resignation effective the end of the business day on November 5, 2009.
- b. Sheriff Skipper's term of office ends December 31, 2010. More than one year shall remain in the term of office vacated by Sheriff Skipper. The Multnomah County Charter and County Code provide that a person shall be elected at the next available election date to fill the vacancy.
- c. The Charter and Code require the Board to declare the office of Multnomah County Sheriff vacant, to call an election to fill the vacancy, and to set a deadline for candidates to file for election to fill the balance of the unexpired term.
- d. The next available election date on which the election to fill this vacancy may be placed is March 9, 2010.
- e. The cost of a March 9, 2010 election to fill the vacancy of the remaining term of Sheriff would be approximately \$422,000 borne by the County. If the election is held at the May primary, the additional cost to the County will be negligible.

The Multnomah County Board of Commissioners Resolves:

1. The elective office of Multnomah County Sheriff is declared vacant as of 5:00 PM on November 5, 2009.
2. An election is called for ~~March 9, 2010~~ May 10, 2010, to fill the remainder of the current term of office for Multnomah County Sheriff.
3. This election and election date are certified to the Director of Multnomah County Division of Elections.
4. Candidates for Multnomah County Sheriff must file for election with the Multnomah County Division of Elections by 5:00 PM on ~~December 29, 2009~~ March 11, 2010.

ADOPTED this 5th day of November 2009

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring a Vacancy in the Office of County Sheriff, Calling an Election for ~~March 9, 2010~~ May 18, 2010, and Setting the Candidate Filing Deadline for ~~December 29, 2009~~ March 9, 2010

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Sheriff Bob Skipper has announced his resignation effective the end of the business day on November 5, 2009.
- b. Sheriff Skipper's term of office ends December 31, 2010. More than one year shall remain in the term of office vacated by Sheriff Skipper. The Multnomah County Charter and County Code provide that a person shall be elected at the next available election date to fill the vacancy.
- c. The Charter and Code require the Board to declare the office of Multnomah County Sheriff vacant, to call an election to fill the vacancy, and to set a deadline for candidates to file for election to fill the balance of the unexpired term.
- d. The next available election date on which the election to fill this vacancy may be placed is March 9, 2010.
- e. The cost of a March 9, 2010 election to fill the vacancy of the remaining term of Sheriff would be approximately \$422,000 borne by the County. If the election is held at the May primary, the additional cost to the County will be negligible.

The Multnomah County Board of Commissioners Resolves:

1. The elective office of Multnomah County Sheriff is declared vacant as of 5:00 PM on November 5, 2009.
2. An election is called for ~~March 9, 2010~~ May 18, 2010, to fill the remainder of the current term of office for Multnomah County Sheriff.
3. This election and election date are certified to the Director of Multnomah County Division of Elections.
4. Candidates for Multnomah County Sheriff must file for election with the Multnomah County Division of Elections by 5:00 PM on ~~December 29, 2009~~ March 19, 2010.

ADOPTED this 5th day of November 2009

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring a Vacancy in the Office of County Sheriff, Calling an Election for ~~March 9, 2010~~ May 18, 2010, and Setting the Candidate Filing Deadline for ~~December 29, 2009~~ March 9, 2010

The Multnomah County Board of Commissioners Finds:

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- c. The Charter and Code require the Board to declare the office of Multnomah County Sheriff vacant, to call an election to fill the vacancy, and to set a deadline for candidates to file for election to fill the balance of the unexpired term.
- d. The next available election date on which the election to fill this vacancy may be placed is March 9, 2010.
- e. The cost of a March 9, 2010 election to fill the vacancy of the remaining term of Sheriff would be approximately \$422,000 borne by the County. If the election is held at the May primary, the additional cost to the County will be negligible.

The Multnomah County Board of Commissioners Resolves:

1. The elective office of Multnomah County Sheriff is declared vacant as of 5:00 PM on November 5, 2009.
2. An election is called for ~~March 9, 2010~~ May 18, 2010, to fill the remainder of the current term of office for Multnomah County Sheriff.
3. This election and election date are certified to the Director of Multnomah County Division of Elections.
4. Candidates for Multnomah County Sheriff must file for election with the Multnomah County Division of Elections by 5:00 PM on ~~December 29, 2009~~ March 19, 2010.

ADOPTED this 5th day of November 2009

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

DID NOT WISH
TO TESTIFY AFTER
ALL

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 11/5/2009

SUBJECT: R-1

Election Date

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Berrie Piuso

ADDRESS: 1310 NE Cherry Creek Ave

CITY/STATE/ZIP: Gresham OR

PHONE: _____

DAYS: 503-669-7844

EVE: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: Setting Date consistent with intent
of Law Chapter / Intent of Citizen

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

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

RESOLUTION NO. 09-129

Declaring a Vacancy in the Office of County Sheriff, Calling an Election for May 18, 2010, and Setting the Candidate Filing Deadline for March 9, 2010

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Sheriff Bob Skipper has announced his resignation effective the end of the business day on November 5, 2009.
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- d. The next available election date on which the election to fill this vacancy may be placed is March 9, 2010.
- e. The cost of a March 9, 2010 election to fill the vacancy of the remaining term of Sheriff would be approximately \$422,000 borne by the County. If the election is held at the May primary, the additional cost to the County will be negligible.

The Multnomah County Board of Commissioners Resolves:

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ADOPTED this 5th day of November 2009



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Agnes Sowle, County Attorney

SUBMITTED BY:

Agnes Sowle, County Attorney



Multnomah County Oregon

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NOVEMBER 3 & 5, 2009

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Thursday, November 5, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

C-1 Appointments of Sue O'Halloran and Shalonda Menefee to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE

- C-2 BUDGET MODIFICATION NOND-03 Reclassifying One Position in Information Technology as Determined by the Class/Comp Unit of Central Human Resources

REGULAR AGENDA

PUBLIC COMMENT - 9:30 AM

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

COUNTY ATTORNEY'S OFFICE – 9:30 AM

- R-1 RESOLUTION Declaring a Vacancy in the Office of County Sheriff, Calling an Election for March 9, 2010, and Setting the Candidate Filing Deadline for December 29, 2009

DEPARTMENT OF COUNTY MANAGEMENT - 9:35 AM

- R-2 RESOLUTION Declaring a Portion of Property Located at 9000 North Lombard Street to be Surplus and Approving a Real Property Lease with Northwest Regional Primary Care

DEPARTMENT OF COUNTY HUMAN SERVICES – 9:40 AM

- R-3 BUDGET MODIFICATION DCHS-06 Adding One 1.00 FTE Program Supervisor Position and Deleting 1.00 FTE Operations Supervisor Position to Reflect Staffing Necessary for Oversight of Case Management Programs in Developmental Disabilities Services Division
- R-4 BUDGET MODIFICATION DCHS-07 Increasing Community Services Division Federal/State Appropriation by \$12,455 in U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Funding
- R-5 BUDGET MODIFICATION DCHS-08 Increasing Mental Health and Addiction Services Division Federal/State Appropriation by \$2,441,006 in the State Mental Health Grant
- R-6 BUDGET MODIFICATION DCHS-12 Increasing Community Services Division Federal/State Appropriation by \$20,000 One-Time-Only Funding from Northwest Natural Gas

R-8 BUDGET MODIFICATION DCHS-09 Increasing Community Services Division Federal/State Appropriation by \$58,705 in State of Oregon Housing and Community Services Grant Funding

NON-DEPARTMENTAL - 9:50 AM

R-7 RESOLUTION Accepting the 2009 State Legislative Report

R-9 PROCLAMATION Proclaiming Observance of Veterans Day, November 11, 2009 in Multnomah County, Oregon

R-10 RESOLUTION Establishing a Workgroup to Study and Recommend a New Structure, Composition, and Reporting Procedure for Multnomah County Government Relations

DEPARTMENT OF COUNTY MANAGEMENT – 10:20 AM

R-11 Briefing on Capital Projects Identified for Potential Funding through Issuance of a Full Faith and Credit Bond. Presented by Mindy Harris, Mark Campbell, Bob Thomas and Sherry Swackhamer. 1 HOUR REQUESTED.

DEPARTMENT OF HEALTH – 11:20 AM

R-12 PROCLAMATION Proclaiming November 2009 National Native American Heritage Month in Multnomah County, Oregon



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

REVISED 3

BOARD OF COMMISSIONERS

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NOVEMBER 3 & 5, 2009

BOARD MEETINGS

FASTLOOK AGENDA ITEMS

Pg 2	9:30 a.m. Tuesday Work Session to Discuss Countywide Impacts to Public Safety System of State Funding Adjustments in the 2009-2011 Biennium and Additional Revenue Issues in Fiscal Year 2010 [Continued from 09/28/09]
Pg 3	9:30 a.m. Thursday Opportunity for Public Comment on Non Agenda Matters
Pg 3	9:50 a.m. Thursday Resolution Accepting the 2009 State Legislative Report
Pg 4	10:20 a.m. Thursday Briefing on Capital Projects Identified for Potential Funding through Issuance of a Full Faith and Credit Bond
Pg 4	11:20 a.m. Thursday Proclamation Proclaiming November 2009 National Native American Heritage Month in Multnomah County, Oregon
November 17, 19 & 26, 2009 Board Meetings are Cancelled	

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

(Portland & East County)

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

Sunday, 11:00 AM Channel 30

(East County Only)

Saturday, 10:00 AM, Channel 29

Tuesday, 8:15 PM, Channel 29

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Tuesday, November 3, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD WORK SESSION

WS-1 Work Session to Consider the Countywide Impacts to our Public Safety System of State Funding Adjustments in the 2009-2011 Biennium and Additional Revenue Issues in Fiscal Year 2010. Presented by Chair Ted Wheeler, Commissioners Deborah Kafoury, Jeff Cogen, Judy Shiprack and Diane McKeel, District Attorney Mike Schrunk, Sheriff Bob Skipper, Interim Sheriff Dan Staton, Department of Community Justice Director Scott Taylor, Local Public Safety Coordinating Committee Executive Director Peter Ozanne, Budget Director Karyne Kieta, Multnomah County Court Administrator Doug Bray and Invited Others [**Continued from September 28, 2009**] ONE HOUR REQUESTED.

B-1 Briefing on the Citizen Dedicated Fund Review of the Public Safety Funds. Presented by Kathleen Todd and Jim Lasher. 15 MINUTES REQUESTED.

BRIEFING RESCHEDULED TO THURSDAY, NOVEMBER 12, 2009

B-2 Presentation of the Homeless Youth Continuum Annual Report by the Homeless Youth Oversight Committee. Presented by Mary Li, DCHS Division Manager, Aaron Babbie, Co-Chair Homeless Youth Oversight Committee and Dennis Morrow, Janus Youth Programs. 25 MINUTES REQUESTED.

BRIEFING RESCHEDULED TO TUESDAY, NOVEMBER 24, 2009

Thursday, November 5, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-136

Declaring a Portion of the Property Located at 9000 N. Lombard Street, Portland, Oregon to be Surplus and Approving a Real Property Lease with Northwest Regional Primary Care Association

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County owns the approximate 26,500 square foot North Portland Health Clinic located at 9000 N. Lombard Street, Portland, Oregon. Approximately 581 square feet of space within this facility (the Property) is currently vacant not needed for County use. The Multnomah County Health Department operates programs at this property and does not anticipate needing the space for at least two (2) years.
- b. Northwest Regional Primary Care Association (NWRPCA) desires to lease the approximate 581 square foot space at North Portland Health Clinic for classroom space for a two year term. This classroom use would be a productive and appropriate co-tenancy for the health clinic and provide classroom space at a Health Department subsidized rate.
- c. The attached lease has been negotiated with Northwest Regional Primary Care Association to provide needed classroom space in the Portland area.
- d. It is in the best interests of the County to lease the property on the terms and conditions set forth in the attached lease.

The Multnomah County Board of Commissioners Resolves:

1. The Property is surplus to County use and is appropriate for classroom use by NWRPCA.
2. The Board approves the attached lease. The County Chair is authorized to execute the lease substantially in the form attached to this Resolution.
3. The County Chair is authorized to execute renewals of the lease and execute amendments to the lease without further Board action.

ADOPTED this 5th day of November 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Mindy Harris, Interim Director, Dept. of County Management

LEASE

Date:

Between: Multnomah County, Oregon
Facilities and Property Management
Attn: Asset Management – Leases
401 N. Dixon Street
Portland, OR 97227
Phone: (503) 988-3322
Fax: (503) 988-5082

(“Landlord”)

And: Northwest Regional Primary Care Association
6512 – 23rd Avenue NW, suite 305
Seattle, WA 98117
Phone: (206) 783-3004
Fax: (206) 783-4311

(“Tenant”)

Landlord leases to Tenant and Tenant leases from Landlord the following described property (the “Premises”) on the terms and conditions stated below:

Approximately 581 square feet of space, as shown on Exhibit “A” of this Lease, Rooms 211, 263, and 261, in the building known as the “North Portland Clinic” located at 9000 N Lombard Street, Portland, OR 97203

Section 1. Occupancy.

- 1.1 **Original Term.** The term of this lease shall commence on September 1, 2009 and continue through June 30, 2011 unless sooner terminated as hereinafter provided.
- 1.2 **Possession.** Tenant’s right to possession and obligations under the Lease shall commence upon full execution of the Lease.

Section 2. Rent.

- 2.1 **Base Rent.** During the original term, Tenant shall pay to Landlord as rent the sum of \$342.79 per month. Rent shall be payable on the first day of each month in advance at the address for Landlord first above stated or at such place as may be designated by Landlord. It is understood and agreed that Tenant’s rent paid under this Lease is structured to be lower than the Landlord’s internal charges and is therefore subsidized. Rent is based upon the internal charges Landlord assesses its program users and Rent hereunder shall be adjusted when such charges are adjusted effective with landlord’s fiscal year, commencing July 1, however, Base Rent shall not be reduced below the September 1, 2009 monthly rental amount. Landlord shall provide Tenant notice of any adjustment in the Rent. Initial rent adjustment will be effective July 1, 2010.

2.2 Rent Adjustment. Rent is subject to adjustment annually at the start of Landlord's fiscal year, which begins on July 1.

2.3 Additional Rent. Any other sum that Tenant is required to pay to Landlord shall be considered additional rent.

Section 3. Use of the Premises.

3.1 Permitted Use. The Premises shall be used, only during customary business hours of operation of the North Portland Health Clinic for the entire term of this Lease, and only enrolled student classroom instruction; without external patients or clients and for no other purpose without the written consent of Landlord. Permitted use will not include any activities that would generate medical waste or involve Hazardous Substances not in compliance with Section 3.2.1.

3.2 Restrictions on Use. In connection with the use of the Premises, Tenant shall:

- (1) Conform to all applicable laws and regulations of any public authority affecting the Premises and the use, and correct at Tenant's own expense any failure of compliance created through Tenant's fault or by reason of Tenant's use, but Tenant shall not be required to make any structural changes to effect such compliance.
- (2) Refrain from any activity that would make it impossible to insure the Premises against casualty, would increase the insurance rate, or would prevent Landlord from taking advantage of any ruling of the Oregon Insurance Rating Bureau, or its successor, allowing Landlord to obtain reduced premium rates for long-term fire insurance policies, unless Tenant pays the additional cost of the insurance.
- (3) Refrain from any use that would be reasonably offensive to other tenants or owners or users of neighboring premises or that would tend to create a nuisance or damage the reputation of the Premises. Tenant will abide by any building rules reasonably established by Landlord, including parking and access restrictions. No vehicle parking is associated with these Premises.
- (4) Refrain from loading the electrical system or floors beyond the point considered safe by a competent engineer or architect.
- (5) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other device to the exterior or interior walls, windows, or roof of the Premises without the written consent of Landlord, which shall not be unreasonably withheld. Landlord reserves the right to perform work associated under this section and Tenant shall reimburse Landlord for such work.

3.2.1 Hazardous Substances. Tenant shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises. Tenant may use or otherwise handle on the Premises only those Hazardous Substances typically used or sold in the prudent and safe operation of the permitted use specified in Section 3.1. Tenant may store such Hazardous Substances on the Premises only in quantities necessary to satisfy Tenant's reasonably anticipated needs. Tenant shall

comply with all Environmental Laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances and shall take all practicable measures to minimize the quantity and toxicity of Hazardous Substances used, handled, or stored by Tenant on the Premises. Upon the expiration or termination of this Lease, Tenant shall remove all Hazardous Substances it brings to the Premises from the Premises. The term Environmental Law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety or the environmental order pertaining to the protection of health, safety, or the environment. The term Hazardous Substance shall mean any hazardous, toxic, infectious or radioactive substance, waste, and material as defined or listed by any Environmental Law and shall include, without limitation, petroleum oil and its fractions.

- 3.3 Non-Exclusive use.** Tenant's Use is non-exclusive, not to exceed thirty (30) hours per week. Tenant will inform Landlord in advance written notice of scheduled use of the Premises. Tenant's right to occupy the Premises shall cease at the end of daily customary business hours of operation of the North Portland Health Clinic and Landlord retains the right to use the Premises when not in use by the Tenant.

Section 4. Repairs and Maintenance.

- 4.1 Landlord's Obligations.** The following shall be the responsibility of Landlord:

- (1) Repairs and maintenance of the roof and gutters, exterior walls (including painting), bearing walls, all structural aspects and components of the building, floor slabs, and foundation.
- (2) Repair of sidewalks, driveways, curbs, parking areas, and areas used in common by Tenant and Landlord or tenants of other portions of the same building.
- (3) Repair and maintenance of all water, sewage, gas, and electrical services.
- (4) Repair of the heating and air conditioning system and currently existing mechanical and life-safety systems.

- 4.2 Tenant's Obligations.** The following shall be the responsibility of Tenant:

- (1) Any repairs necessitated by the negligence of Tenant, its agents, employees, and invitees, except as provided in Section 6.4 dealing with waiver of subrogation, but including repairs that would otherwise be the responsibility of Landlord under Section 4.1.
- (2) All other repairs to the Premises which Landlord is not required to make under Section 4.1.
- (3) Restoration of the Premises to its condition prior to Tenant's occupancy under this Lease, at Landlord's discretion, excepting normal wear and tear.

- 4.3 Landlord's Interference with Tenant.** In performing any repairs, replacements, alterations, or other work performed on or around the Premises, Landlord shall not cause unreasonable interference with use of the Premises by Tenant. Tenant shall have neither right to an abatement of rent nor any claim against Landlord for any

inconvenience or disturbance resulting from Landlord's activities performed in conformance with the requirement of this provision.

- 4.4 **Inspection of Premises.** Landlord shall have the right to inspect the Premises at any reasonable time or times to determine the necessity of repair. Whether or not such inspection is made, the duty of Landlord to make repairs shall not mature until a reasonable time after Landlord has received from Tenant written notice of the repairs that are required.

Section 5. Alterations.

- 5.1 **Alterations Prohibited.** Tenant shall make no improvements or alterations on the Premises of any kind without first obtaining Landlord's written consent, which consent shall not be unreasonably withheld or delayed. All alterations shall be made in a good and workmanlike manner, and in compliance with all applicable laws and building codes. Landlord reserves the right to perform work associated under this section and Tenant shall reimburse Landlord for such work within thirty (30) days of invoice from the Landlord.
- 5.2 **Alterations Required.** Any improvements or alterations required prior to Tenant's right to possession will be reimbursed within thirty (30) days of invoice from the Landlord.
- 5.3 **Ownership and Removal of Alterations.** All improvements and alterations performed on the Premises by either Landlord or Tenant shall be the property of Landlord when installed unless the applicable Landlord's consent or work sheet specifically provides otherwise. Improvements and alterations installed by Tenant shall, at Landlord's option, be removed by Tenant and the Premises restored unless the applicable Landlord's consent or work sheet specifically provides otherwise.

Section 6. Insurance.

- 6.1 **Insurance Required.** Landlord shall keep the Premises insured at Landlord's expense against fire and other risks covered by a standard fire insurance policy with an endorsement for extended coverage. Tenant shall bear the expense of any insurance insuring the property of Tenant on the Premises against such risks but shall not be required to insure.
- 6.2 **Liability Insurance.** Before going into possession of the Premises, Tenant shall procure and thereafter during the term of the Lease shall continue to carry the following insurance at Tenant's cost: commercial general liability policy (occurrence version) in a responsible company with coverage for bodily injury and property damage liability, personal and advertising injury liability, and medical payment with a general aggregate limit of not less than \$2,000,000 and a per occurrence limit of not less than \$2,000,000. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the Premises whether or not related to an occurrence caused or contributed to by Landlord's negligence. Such insurance shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under Section 10.2, and shall name Landlord as an additional insured.

6.3 **Insurance Documentation.** A certificate evidencing such insurance and bearing endorsements requiring thirty (30) days' written notice to Landlord prior to any change or cancellation shall be furnished to Landlord prior to Tenant's occupancy of the property.

6.4 **Waiver of Subrogation.** Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire or any of the risks enumerated in a standard fire insurance policy with an extended coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other. This waiver shall be valid only if the insurance policy in question expressly permits waiver of subrogation or if the insurance company agrees in writing that such a waiver will not affect coverage under the policies. Each party agrees to use best efforts to obtain such an agreement from its insurer if the policy does not expressly permit a waiver of subrogation.

Section 7. Taxes.

7.1 **Property Taxes.** Tenant shall pay as due all taxes on its personal property located on the Premises. Tenant shall, upon invoice from Landlord, reimburse Landlord for all real property taxes levied against the Premises. As used herein, real property taxes include any fee or charge relating to the ownership, use or rental of the Premises, other than taxes on net income of Landlord.

7.2 **Special Assessments.** If assessment for a public improvement is made against the Premises, Landlord may elect to cause such assessment to be paid in the maximum number of installments allowed by law, in which case all of the installments payable with respect to the Lease term shall be treated the same as general real property taxes for purposes of Section 7.1.

7.3 **Contest of Taxes.** Tenant shall be permitted to contest the amount of any tax of assessment as long as such contest is conducted in a manner that does not cause any risk that Landlord's interest in the Premises will be foreclosed for nonpayment. Landlord shall cooperate in any reasonable manner with such contest by Tenant.

7.4 **Proration of Taxes.** Tenant's share of real property taxes and assessments for the year in which this Lease commences or terminates shall be prorated based on the portion of the tax year that this Lease is in effect.

Section 8. Services and Utilities

8.1 **Landlord and Tenant Responsibilities.** Landlord shall furnish and pay for utilities and janitorial service to the Premises in accordance with Landlord's standard for such utilities and services furnished to other areas of the Property. When there are any additional charges for electricity, gas, heat, janitorial services within the leased Premises, telephone, or other utilities of any kind furnished to premises, Tenant shall pay promptly when due. If Landlord received and pays bills for any such additional utilities consumed by Tenant, its agents, employees or

invitees to the Premises, Tenant shall reimburse Landlord upon demand. In no event shall Tenant overload the electrical circuits from which Tenant obtains current.

- 8.2 Recycling Materials.** Landlord shall support the policy for recycling materials as provided in ORS 279.560 to the extent possible by providing adequate collection areas and storage facilities for office recycling programs when recycling services are available.

Section 9. Damage and Destruction.

- 9.1 Damage and Destruction.** If the Premises are partly or wholly damaged, repair or restoration are at the landlord's sole discretion. If the Landlord elects not to repair or restore, the Lease will terminate as of the date of the damage or destruction by notice given by the Landlord given to the Tenant in writing not more than forty-five (45) days following the date of damage. In such event all rights and obligations of the parties shall cease as of the date of termination, and Tenant shall be entitled to the reimbursement of any prepaid amounts paid by Tenant and attributable to the anticipated term.
- 9.2 Rent Abatement.** Rent shall be abated during the repair of any damage to the extent the Premise are untenantable, except that there shall be no rent abatement where the damage occurred as the result of the fault of Tenant.

Section 10. Liability and Indemnity.

10.1 Liens.

- (1) Except with respect to activities for which Landlord is responsible, Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises free from any liens. If Tenant fails to pay any such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of eighteen percent (18%) per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.
- (2) Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, as long as Landlord's property interests are not jeopardized. If a lien is filed as a result of nonpayment, Tenant shall, within ten (10) days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or sufficient corporate surety bond or other surety satisfactory to Landlord in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure or sale under the lien.

- 10.2 Indemnification.** Tenant shall indemnify, defend, and hold harmless Landlord from any claim, loss, or liability arising out of or related to any negligent activity of Tenant on the Premises or any condition of the Premises in the possession or under the control of Tenant. Landlord shall have no liability to Tenant for any

injury, loss, or damage caused by third parties, or by any condition of the Premises except to the extent caused by Landlord's negligence or breach of duty under this Lease.

Section 11. Quiet Enjoyment; Mortgage Priority.

11.1 Landlord's Warranties.

- (1) Landlord warrants that it is the owner the Premises and has the right to lease them.
- (2) Landlord affirms that the Premises, including any common area within the real property in which the Premises are situated, complied with all applicable regulatory and building codes requirements at the date of construction.

Section 12. Assignment and Subletting. No part of the Premises maybe assigned, mortgaged, or subleased, nor may a right of use of any portion of the property be conferred on any third person by any other means, without the prior written consent of Landlord. This provision shall apply to all transfers by operation of law. No consent in once instance shall prevent the provision from applying to a subsequent instance. Landlord may withhold or condition such consent in its sole and arbitrary discretion. Landlord shall consent to a transaction covered by this provision when withholding such consent would be unreasonable in the circumstances. Landlord shall not unreasonably delay consent and shall give consent under circumstances where withholding it shall be unreasonable.

Section 13. Default. The following shall be events of default:

- 13.1 Default in Rent.** Failure of Tenant to pay rent or any other charge within ten (10) days after written notice that it is due.
- 13.2 Default in Other Covenants.** Failure of Tenant to comply with any term or condition or fulfill any obligation of Lease (other than the payment of rent or other charges) within twenty (20) days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the twenty (20) day period, this provision shall be complied with if Tenant begins correction of the default within the twenty (20) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.
- 13.3 Insolvency.** Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; an adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of any involuntary petition of bankruptcy and failure of Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levying of execution on the leasehold interest and failure of Tenant to secure discharge of the attachment or release of the levy of execution within ten (10) days shall constitute a default. If the Lease has been

assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the Lease.

Section 14. Remedies on Default. In the event of default by Tenant, the Lease may be terminated at the option of Landlord by written notice to Tenant. Whether or not the Lease is terminated by the election of Landlord, Landlord shall be entitled to pursue any remedies available to Landlord under applicable law.

Section 15. Surrender at Expiration.

15.1 Condition of Premises. Upon expiration of the lease term or earlier termination on account of default, Tenant shall deliver all keys to Landlord and surrender the Premises in first-class condition and broom clean. Alterations constructed by Tenant with permission from Landlord shall not be removed or restored to the original condition unless the terms of permission for the alteration so require. Depreciation and wear from ordinary use for the purpose for which the Premises are leased shall be excepted but repairs for which Tenant is responsible shall be completed to the latest practical date prior to such surrender. Tenant's obligations under this section shall be subordinate to the provisions of Section 9 relating to destruction.

15.2 Fixtures.

- (1) All fixtures placed upon the Premises during the term other than Tenant's trade fixtures, shall, at Landlord's option, become the property of Landlord. If Landlord so elects, Tenant shall remove any or all fixtures that would otherwise remain the property of Landlord, and shall repair any physical damage resulting from the removal. If Tenant fails to remove such fixtures, Landlord may do so and charge the cost to Tenant with interest at the legal rate from the date of expenditure. Tenant shall be allowed to use furnishings and fixtures within the leased space at the time the Lease is executed. Landlord shall not be responsible for the repair and/or replacement of any of the items Tenant chooses to use. Landlord's furnishings and fixtures shall remain Landlord's property at the expiration of the Lease.
- (2) Prior to expiration or other termination of the lease term, Tenant shall remove all furnishings, furniture and trade fixtures that remain its property. If Tenant fails to do so, this shall be an abandonment of the property, and Landlord may retain the property and all rights of Tenant with respect to it shall cease or, by notice in writing given to Tenant within twenty (20) days after removal was required, Landlord may elect to hold Tenant to its obligation of removal. If Landlord elects to require Tenant to remove, Landlord may effect a removal and place the property in public storage for Tenant's account. Tenant shall be liable to Landlord for cost of removal, transportation to storage, and storage, with interest at the legal rate on all such expenses from the date of expenditure by Landlord.

15.3 Holdover.

- (1) If Tenant does not vacate the Premise at the time required, Landlord shall have the option to treat Tenant as a tenant from month to month, subject to all of the provisions of this Lease except the provisions for term and renewal and rental rate, which Landlord may increase commensurate with increase in operation

maintenance expenses for the Premises. Failure of Tenant to remove fixtures, furniture, furnishings, or trade fixtures that Tenant is required to removed under this Lease shall constitute a failure to vacate to which this section shall apply if the property not removed will substantially interfere with occupancy of the Premises by another tenant or with occupancy by Landlord for any purpose including preparation for a new tenant.

- (2) If a month to month tenancy results from a holdover by Tenant by this Section 15.3, the tenancy shall be terminable at the end of any monthly rental period on written notice from Landlord given not less than ten (10) days prior to the termination which shall be specified in the notice. Tenant waives any notice that would otherwise be provided by law with respect to a month to month tenancy.

Section 16. Miscellaneous.

- 16.1 Nonwaiver.** Waiver by either party of strict performance of any provision of this Lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.
- 16.2 Notices.** Any notice required or permitted under this Lease shall be given when actually delivered or forty-eight (48) hours after deposited in United States mail as certified mail addressed to the address first given in this Lease or to such other address as may be specified from time to time by either of the parties in writing.
- 16.3 Succession.** Subject to the above-stated limitations on transfer of Tenant's interest this Lease shall be binding on and inure to the benefit of the parties and their respective successors and assigns.
- 16.4 Entry for Inspection.** Landlord shall, subject to the provisions of paragraph 4.3, have the right to enter upon the Premises at any time to determine Tenant's compliance with this Lease, to make necessary repairs to the building or to the Premises or to show the Premises to any prospective tenant or purchaser, and in addition, shall have the right, at any time during the last two (2) months of the term of this Lease, to place and maintain upon the Premises notices for leasing or selling of the Premises.
- 16.5 Interest on Rent and Other Charges.** Any rent or other payment required of Tenant by this Lease shall, if not paid within ten (10) days after it is due, bear interest at the rate of eighteen percent (18%) per annum (but not in any event at a rate greater than the maximum rate of interest permitted by law) from the due date until paid. In addition, if Tenant fails to make any rent or other payment required by this Lease to be paid to Landlord within five (5) days after it is due, Landlord may elect to impose a late charge of five cents (\$0.05) per dollar of the overdue payment to reimburse Landlord for the costs of collecting the overdue payment. Tenant shall pay the late charge upon demand by Landlord. Landlord may levy and collect a late charge in addition to all other remedies available for Tenant's default, and collection of a late charge shall not waive the breach caused by the late payment.
- 16.6 Proration of Rent.** In the event of commencement or termination of this Lease at a time other than the beginning or end of one of the specified rental periods, then

the rent shall be prorated as of the date of commencement or termination and in the event of termination for reasons other than default, all prepaid rent shall be refunded to Tenant or paid on its account.

- 16.7 **Time of Essence.** Time is of the essence of the performance of each of Tenant's obligations under this Lease.
- 16.8 **Early Termination.** Landlord or Tenant may terminate this Lease for any reason with a minimum ninety (90) day written notice to the other.
- 16.9 **Previous Agreements.** The Parties agree that all previous agreements, memorandums, letters or understandings whether in writing or oral are completely superseded and replaced by this lease agreement.

IN WITNESS HEREOF, the duly authorized representatives of the parties have executed this Lease as of the day and year first written above.

LANDLORD
Multnomah County, Oregon

By: _____
Ted Wheeler, Chair

TENANT
Northwest Regional Primary Care
Association

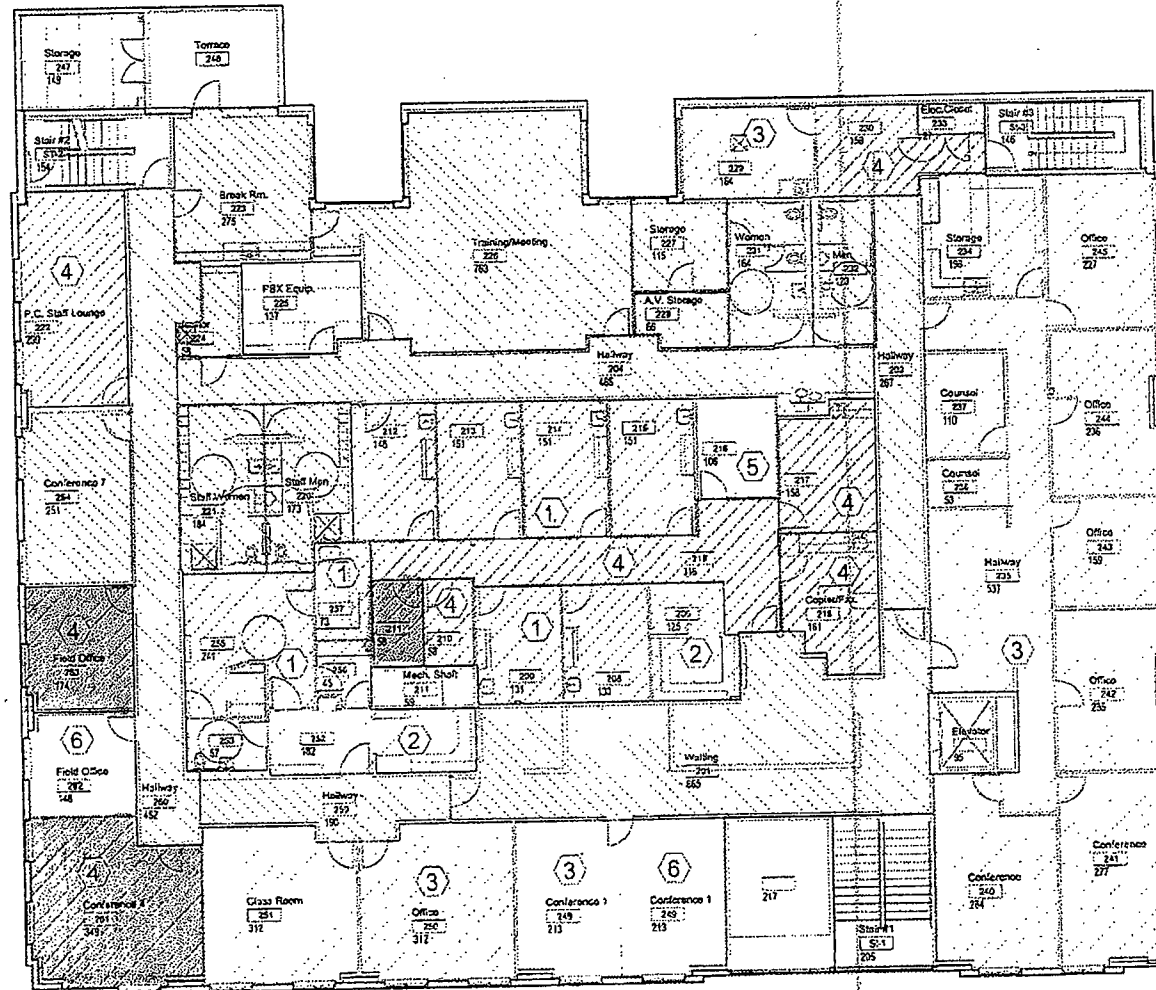
By: Bruce Gray
Name: Bruce Gray
Title: CEO
Date: 10/12/09

Reviewed by:

Matthew O. Ryan
Assistant County Attorney

North Portland Health Clinic - 325

9000 N Lombard St
Portland, OR 97203



Second Floor

Exhibit "A"



Multnomah County Oregon

Board of Commissioners & Agenda

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REVISED 4

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

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NOVEMBER 3 & 5, 2009

BOARD MEETINGS

FASTLOOK AGENDA ITEMS

Pg 2	9:30 a.m. Tuesday Work Session to Discuss Countywide Impacts to Public Safety System of State Funding Adjustments in the 2009-2011 Biennium and Additional Revenue Issues in Fiscal Year 2010 [Continued from 10/20/09]
Pg 3	9:30 a.m. Thursday Opportunity for Public Comment on Non Agenda Matters
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missing

R-6 &

R-8

Tuesday, November 3, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD WORK SESSION

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B-1 Briefing on the Citizen Dedicated Fund Review of the Public Safety Funds. Presented by Kathleen Todd and Jim Lasher. 15 MINUTES REQUESTED.

BRIEFING RESCHEDULED TO THURSDAY, NOVEMBER 12, 2009

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BRIEFING RESCHEDULED TO TUESDAY, NOVEMBER 24, 2009

Thursday, November 5, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

C-1 Appointments of Sue O'Halloran and Shalonda Menefee to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE

- C-2 BUDGET MODIFICATION NOND-03 Reclassifying One Position in Information Technology as Determined by the Class/Comp Unit of Central Human Resources

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NON-DEPARTMENTAL - 9:50 AM

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NOVEMBER 3 & 5, 2009

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REVISED 2

NOVEMBER 17 & 19, 2009

BOARD MEETINGS

FASTLOOK AGENDA ITEMS

Pg 2	10:00 a.m. Tuesday Public Safety Work Session
Pg 2	11:00 a.m. Tuesday Briefing on Citizen Dedicated Fund Review of Public Safety Funds
Pg 2	11:15 a.m. Tuesday Homeless Annual Report on the Youth Continuum
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NOVEMBER 17 & 19, 2009

BOARD MEETINGS

FASTLOOK AGENDA ITEMS

Pg 2	10:00 a.m. Tuesday Public Safety Work Session
Pg 2	11:00 a.m. Tuesday Briefing on Citizen Dedicated Fund Review of Public Safety Funds
Pg 2	11:15 a.m. Tuesday Homeless Annual Report on the Youth Continuum
Pg 3	9:30 a.m. Thursday Opportunity for Public Comment on Non Agenda Matters
Pg 3	9:50 a.m. Thursday RESOLUTION Accepting the 2009 State Legislative Report
Pg 4	10:20 a.m. Thursday Briefing on Capital Projects Identified for Potential Funding through Issuance of a Full Faith and Credit Bond
Pg 4	11:10 a.m. Thursday PROCLAMATION Proclaiming November 2009 National Native American Heritage Month in Multnomah County, Oregon

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Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media

(503) 667-8848, ext. 332 for further info

or: <http://www.metroeast.org>

Tuesday, November 3, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD WORK SESSION

WS-1 Work Session to Consider the Countywide Impacts to our Public Safety System of State Funding Adjustments in the 2009-2011 Biennium and Additional Revenue Issues in Fiscal Year 2010. Presented by Chair Ted Wheeler, Commissioners Deborah Kafoury, Jeff Cogen, Judy Shiprack and Diane McKeel, District Attorney Mike Schrunk, Sheriff Bob Skipper, Interim Sheriff Dan Staton, Department of Community Justice Director Scott Taylor, Local Public Safety Coordinating Committee Executive Director Peter Ozanne, Budget Director Karyne Kieta, Multnomah County Court Administrator Doug Bray and Invited Others [Continued from September 28, 2009] ONE HOUR REQUESTED.

B-1 Briefing on the Citizen Dedicated Fund Review of the Public Safety Funds. Presented by Kathleen Todd and Jim Lasher. 15 MINUTES REQUESTED.

BRIEFING RESCHEDULED TO THURSDAY, NOVEMBER 12, 2009

B-2 Presentation of the Homeless Youth Continuum Annual Report by the Homeless Youth Oversight Committee. Presented by Mary Li, DCHS Division Manager, Aaron Babbie, Co-Chair Homeless Youth Oversight Committee and Dennis Morrow, Janus Youth Programs. 25 MINUTES REQUESTED.

BRIEFING RESCHEDULED TO TUESDAY, NOVEMBER 24, 2009

Thursday, November 5, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

C-1 Appointments of Sue O'Halloran and Shalonda Menefee to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE

- C-2 BUDGET MODIFICATION NOND-03 Reclassifying One Position in Information Technology as Determined by the Class/Comp Unit of Central Human Resources

REGULAR AGENDA

PUBLIC COMMENT - 9:30 AM

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

COUNTY ATTORNEY'S OFFICE – 9:30 AM

- R-1 RESOLUTION Declaring a Vacancy in the Office of County Sheriff, Calling an Election for March 9, 2010, and Setting the Candidate Filing Deadline for December 29, 2009

DEPARTMENT OF COUNTY MANAGEMENT - 9:35 AM

- R-2 RESOLUTION Declaring a Portion of Property Located at 9000 North Lombard Street to be Surplus and Approving a Real Property Lease with Northwest Regional Primary Care

DEPARTMENT OF COUNTY HUMAN SERVICES – 9:40 AM

- R-3 BUDGET MODIFICATION DCHS-06 Adding One 1.00 FTE Program Supervisor Position and Deleting 1.00 FTE Operations Supervisor Position to Reflect Staffing Necessary for Oversight of Case Management Programs in Developmental Disabilities Services Division
- R-4 BUDGET MODIFICATION DCHS-07 Increasing Community Services Division Federal/State Appropriation by \$12,455 in U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Funding
- R-5 BUDGET MODIFICATION DCHS-08 Increasing Mental Health and Addiction Services Division Federal/State Appropriation by \$2,441,006 in the State Mental Health Grant
- R-6 BUDGET MODIFICATION DCHS-12 Increasing Community Services Division Federal/State Appropriation by \$20,000 One-Time-Only Funding from Northwest Natural Gas

NON-DEPARTMENTAL - 9:50 AM

R-7 RESOLUTION Accepting the 2009 State Legislative Report

R-8 NO AGENDA ITEM ASSIGNED

R-9 PROCLAMATION Proclaiming Observance of Veterans Day, November 11, 2009 in Multnomah County, Oregon

R-10 RESOLUTION Establishing a Workgroup to Study and Recommend a New Structure, Composition, and Reporting Procedure for Multnomah County Government Relations

DEPARTMENT OF COUNTY MANAGEMENT – 10:20 AM

R-11 Briefing on Capital Projects Identified for Potential Funding through Issuance of a Full Faith and Credit Bond. Presented by Mindy Harris, Mark Campbell, Bob Thomas and Sherry Swackhamer. 45 MINUTES REQUESTED.

DEPARTMENT OF HEALTH – 11:05 AM

R-12 BUDGET MODIFICATION HD-09 Appropriating 45,000 in Revenue from the Coalition of Community Health Clinics

R-13 PROCLAMATION Proclaiming November 2009 National Native American Heritage Month in Multnomah County, Oregon



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

Email: mult.chair@co.multnomah.or.us

Deborah Kafoury, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: district1@co.multnomah.or.us

Jeff Cogen, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5219 FAX (503) 988-5440

Email: district2@co.multnomah.or.us

Judy Shiprack, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

Email: district3@co.multnomah.or.us

Diane McKeel, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: district4@co.multnomah.or.us

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Ted Wheeler, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600

Portland, Oregon 97214

Phone: (503) 988-3308

Email: mult.chair@co.multnomah.or.us

MEMORANDUM

TO: Commissioner Deborah Kafoury
Commissioner Jeff Cogen
Commissioner Judy Shiprack
Commissioner Diane McKeel
Board Clerk Deb Bogstad

FROM: Barb Guthrie
Staff Assistant to Chair Ted Wheeler

DATE: November 4, 2009

RE: Excuse Memo for Thursday, November 5, 2009

Chair Wheeler will arrive late for the Board Meeting on November 5. He will arrive at approximately 9:50 a.m.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 11/05/09
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 10/16/09

Agenda Title: Appointment of Sue O'Halloran and Shalonda Menefee to the Multnomah County CITIZEN INVOLVEMENT COMMITTEE (CIC)

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: November 5, 2009 Amount of Time Needed: 10 minutes
Department: Non Departmental Division: CIC
Contact(s): Kathleen Todd
Phone: 503-988-3450 Ext. 22438 I/O Address: 503/6/CIC
Presenter(s): Kathleen Todd

General Information

1. What action are you requesting from the Board?

Appointment of two new members to the Citizen Involvement Committee.

- 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**
Nominees are passed forward by the Citizen Involvement Committee and appointed to 3-year terms by the Board of County Commissioners. Citizen Involvement Committee members have a 2-term limit. Current nominees will fill positions vacated due to term limits. These candidates have all met the appointment criteria set forth by the CIC for membership on the Committee. These include geographic distribution, a letter of recommendation, interviews with current committee members and staff, and participation at CIC discussions, events and meetings.

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

None

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

This nomination process is consent with the charter provisions establishing the CIC.

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

Acting as an independent, advocate, evaluator and monitor of county citizen involvement, the CIC and its office work to enhance opportunities for citizen participation in policy and decision-making within Multnomah County, thereby increasing the openness of county government.

The Office of Citizen Involvement staff actively recruits new members of the CIC to fill vacancies with press releases, outreach to East County cities, Sauvie Island/Corbett Springdale residents, community groups, through social technology such as facebook, blogs, and list-serves as well as word of mouth and various meetings and events. Application materials and recruitment announcements are placed on the County Website. Current members of the CIC recommend this slate of nominees to the Board of County Commissioners for appointment.

Required Signature

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



Date: 10/14/09



Office of Citizen Involvement
MULTNOMAH COUNTY OREGON

501 SE Hawthorne, Room 192
Portland, Oregon 97214
(503) 988-3450 phone
(503) 988-5674 fax
www.citizenweb.org

October 14, 2009

MEMORANDUM

TO: Chair Ted Wheeler

FROM: Kathleen Todd
Office of Citizen Involvement

RE: Appointments to the Citizen Involvement Committee

The following two Multnomah County citizens are recommended for appointment to the Citizen Involvement Committee (CIC): Suzanne O'Halloran and Shalonda Menefee. If appointed, these new members would serve a three year term, effective through November of 2012.

We are pleased with the range of geographical, personal and occupational experience that Sue and Shalonda bring to the CIC. Each candidate has been active in the community and is eager to serve on the CIC. They both have successfully met the appointment criteria used by the CIC for membership on the Committee which includes a letter of recommendation as well as discussion with committee members and staff. They have also participated at CIC meetings. The prospective appointee's interest forms are attached.

cc: file

Formtype: CIC Application

name: Suzanne (Sue) O'Halloran

address: 1505 NW 5th Street

city: Gresham

state: OR

zip: 97030

homephone: 503-667-0850

workphone: 503-661-8000

fax: 503-661-7400

employer: Kohler Meyers O'Halloran, Inc.

occupation: Real Estate Broker/Owner

resident: Yes

daytime: okay

evening: okay

experience: City of Gresham Finance/Budget Committee; Center for the Arts Foundation, Gresham - Board member & past pres. Oregon Community Foundation, Metropolitan Advisory Council; Gresham Downtown Development Assn, past board member and past pres.; Gresham-Barlow Education Foundation, past board member and past pres.; Institute for Metropolitan Studies at Portland State Universtiy, past board member; East Metro Assn. of Realtors, past pres. and various committee chair assignments; Oregon Assn. of Realtors Business Key Operating Group, committee member. There others if you want more.

References: Multnomah County Commissioner Diane McKeel; Gresham City Manager Erik Kvarsten, 503-618-3000.

Office of
Citizen
Involvement

Multnomah County Citizen Involvement
Interest Form

Name: *Shalonda Menefee*

Phone: (home & office)
503 267-8713

Address: *5807 N.E. 15th* Zip: *97211*

Employer: *na*

Occupation:

E-Mail: *Shalonda Menefee@hotmail.com*
(Please print clearly) *SISTAS ENTERPRISE@msn.com*

Are you a resident of Multnomah County?

☒ YES

☐ NO

When are you able to meet?

☒ Daytime

☒ Evening

Please list any past or current Community Involvement including
Volunteer/Committee/Board experience:

- Americorps VISTA Program Coordinator for NNEBA 1yr.
- Emergence Leadership Visionpak - Project Coordinator
- Albina Headstart Policy Council Board vice chair 1yr
- PSU Chapter NAACP - treasurer / President 1yr
- Back2Basics Summer program - Developer, Director

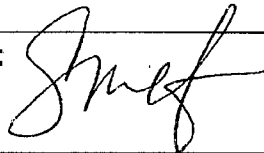
Please list name, address, and telephone number of two references:

Mr. Charles Jordan - 503 240-0102

Mr. Gary Marshke - 503 412-8520
4606 N.E. MLK Jr. Blvd, Portland, OR 97211

Please state any potential conflicts of interest you may have relative to any County department. *none*

Signature:



Date:

Optional:

Age: 34

Gender: M ☒ F

Ethnic Origin:

African-American ☒

Native-American ☐

Hispanic ☐

Asian ☐

Caucasian ☐

Other ☐

Please return to: Office of Citizen Involvement

501 SE Hawthorne, Room 192

Portland, OR 97214

Phone 503-988-3450 Fax 503-988-5674

Email: citizen.involvement@co.multnomah.or.us



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 11/05/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 11/05/09
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 10/27/09

BUDGET MODIFICATION: NOND - 03

BUDGET MODIFICATION NOND-03 Reclassifying One Position in
Agenda Information Technology as Determined by the Class/Comp Unit of Central
Title: Human Resources

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

Requested Meeting	<u>November 5, 2009</u>	Amount of Time Needed:	<u>N/A (Consent)</u>
Department:	<u>Non-Departmental</u>	Division:	<u>Information Technology</u>
Contact(s):	<u>Richard Martinez</u>		
Phone:	<u>(503) 988-4528</u>	Ext.	<u>84528</u>
	I/O Address:		<u>503 / 4</u>
Presenter(s):	<u>N/A</u>		

General Information

1. What action are you requesting from the Board?

The Information Technology is requesting Board approval of a budget modification authorizing the reclassification of one position.

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

Information Technology (IT) requests Board approval of a reclassification request for the following position that has been approved by the Central Class Comp Unit:

Position Title (Old)	Position Title (New)	Position Number	FTE
Dev. Analyst Sr.	IT Business Consultant Sr.	713279	No FTE Change

Information Technology requested the Central Class Comp Unit to examine the duties of this

position. This new position will be responsible for managing customer requests for IT services, service delivery for mainframe, midrange, client servers, Internet, and/or PC technologies. An IT Business Consultant Sr. acts as a customer advocate to provide a single point of contact for IT's customers and their business partners to request IT services. After review of duties, Class Comp has reclassified the position identified above. No immediate changes in performance measures on the current program offer are anticipated by this change.

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

The reclassification request is being accomplished within current resources for FY 2010. Ongoing expenses for these positions will be recovered via standard service rates.

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

The reclassification, for which approval is sought in this request, has been reviewed by the Classification/Compensation Unit and the position has been re-classed.

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

NA

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer **all** of the following in detail:

- **What revenue is being changed and why?**
Risk Management revenue increased (decrease) by N/A.
- **What budgets are increased/decreased?**
Risk Management budget increased (decrease) by N/A.
- **What do the changes accomplish?**
Reclassification of one position.
- **Do any personnel actions result from this budget modification? Explain.**
Reclassification of one position.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
N/A
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**
N/A
- **If a grant, what period does the grant cover?**
N/A
- **If a grant, when the grant expires, what are funding plans?**
N/A

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: NOND – 03

Required Signatures

Elected Official or
Department/
Agency Director:



Date: 10/27/09

Sherry Swackhamer

Budget Analyst:



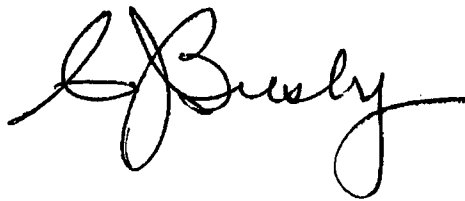
Date: 10/27/09

Julie Neburka

Department HR:

Date: _____

Countywide HR:



Date: 10/27/09

Candace J. Busby

Budget Modification ID: **NOND - 003****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	10-10	3503	79009	0020		709604		60000	821,148	821,148	0		Reclass 713279
2	10-10	3503	79009	0020		709604		60130	258,421	258,421	0		Dev Analyst Sr to
3	10-10	3503	79009	0020		709604		60140	174,651	174,651	0		IT Business Consultant Sr
4										0			
5										0			
6										0			
7	10-10	3500	75210	0020		705210		50316	0	0	0		Insurance Revenue
8	10-10	3500	75210	0020		705210		60330	0	0	0		Offsetting expenditure
9										0			
10										0			
11										0			
12										0			
13										0			
14										0			
15										0			
16										0			
17										0			
18										0			
19										0			
20										0			
21										0			
22										0			
23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL

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

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3503	6406	62817	709604	Development Analyst Sr	713279	(1.00)	(77,570)	(24,412)	(17,124)	(119,106)
3503	6198	62817	709604	IT Business Consultant Sr	713279	1.00	77,570	24,412	17,124	119,106
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						0.00	0	0	0	0

CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
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										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						0.00	0	0	0	0



Department of County Management
MULTNOMAH COUNTY OREGON
Human Resources

Multnomah Building
501 SE Hawthorne, Suite 400
Portland, Oregon 97214
(503) 988-5015 Phone
(503) 988-3009 Fax

To: Tracey Massey, IT, Application Services, Health; ext. 28547
From: Elisabeth S. Nunes, Classification and Compensation Unit (503/4)
Date: October 19, 2009
Subject: Reclassification Request #1341 (Dev. Analyst Sr. to IT Business Consultant Sr.)

We have completed our review of your request and the decision is outlined below.

Request Information:

Date Request Received: October 16, 2009
Current Classification: Dev. Analyst Sr.
Job Class Number: 6406
Pay Grade: 37

Position Number: 713279
Requested Classification: IT Business Consultant Sr.
Job Class Number: 6198
Pay Grade: 39

Request is: ☒ Approved as Requested
☐ Approved - Revised
☐ Denied

Effective Date: November 1, 2009

Allocated Classification: IT Bus. Consultant/Sr.
Pay Range: \$73,100.88 - \$89,971.92 annually

Job Class Number: 6198
Pay Grade: 39

Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.

Position Information:

☒ Vacant - see New/Vacant Section
☐ Filled & incumbent reclassified - see Employee Information Section
☐ Filled & incumbent not reclassified with position See New/Vacant Section

New/Vacant Position Information:

If the position is vacant or incumbent not reclassified with position, position must be filled in accordance with the normal appointment procedures. If position is reclassified due to reorganization, a limited recruitment process may be conducted. Please consult with the Department Human Resources Unit for assistance.

Reason for Classification Decision:

This new position will be responsible for managing customer requests for IT services, service delivery including project management, business case preparation, requirements definition, business process analysis, and portfolio management. In addition, the essential functions include customer interface; product evaluations, testing, and training.

A Development Analyst, Sr., analyzes, develops, tests and documents business and database applications for mainframe, midrange, client servers, Internet and/or PC technologies. An IT Business Consultant/Sr. acts as a customer advocate to provide a single point of contact for IT's customers and their business partners to request IT services. They participate in strategic decision-making about technology products and services to support customer business needs; provide service request management, project management, business case preparation including financial analysis, requirements definition, business process analysis, and portfolio management. As described above, this new position best fits the IT Business Consultant/Sr. classification.

If you have any questions, please feel free to contact me at 503-988-5015 ext. 22342.

cc: Karin Lamberton, HR Manager
Local 88

Leola Warner & Jacqueline Burns, HR Maintainers
Class Comp File Copy

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP**

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 11/05/09

SUBJECT: Mult Co has appointed a self admitted
(FELON) as Sheriff

AGENDA NUMBER OR TOPIC: Public Comment

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Richard L. Koenig

ADDRESS: P.O. Box 5755

CITY/STATE/ZIP: Portland, Oregon [97228]

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: I swear, under penalty of
perjury that Dan Stalon is a felon.
The question before Council Commissioners is
what is Dan Stalon's motive to commit the
offense of "Simulating legal process"?

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.

The following paragraphs backgrounds and poses a question, the answer to which resolves a long standing controversy. This question is prepared to restore domestic tranquility for the benefit of biggest County of Oregon and the people of the State generally, where ever they may be. This inquiry should be posed to DMV's Director, Tom McClellan, and courtesy copied to DOJ Counsel, Dale Hormann, and Chief Executive Officer, Ted Kulongoski.

Former DMV Director, David P. Moomaw's Law, ORS 803.035 - .040 and 803.310 is clear. Those sections say the Department of Transportation MAY issue documents of vehicle title and registration, when implementing rules have been adopted, AND "Upon request of an owner...". The word "Optional" in the short title suggests that the DMV has discretion to allow titling of many vehicles, but until the owner exercises her discretion to request, no authority exists for the agency to require or accept tender of fees.

The language immediately preceding the optional titling and registration sections of the current Vehicle Code describes the vehicles that "must comply" with the titling and registration requirements as: "Except as otherwise provided by this paragraph a vehicle operated of the highways of this state for compensation or profit must comply..." The term "except" is a limiting word which must be read to mean "and no other".

The language of the optional titling and registration sections is less clear, but does give the reader the message that there are many vehicles that may to titled and registered "upon request of an owner...". The words chosen to make clear how many vehicles may optionally be brought under the provisions of the Vehicle Code (ORS 803.040) are: "categories of vehicles, types of vehicles and otherwise...". Certain questions naturally arise: How may "categories of vehicles" are there? Is it reasonable to believe that a sample vehicle from each category would make it clear what the category is? The same questions apply for the term "types of vehicles". What about the "otherwise" vehicles? What characteristic excludes them from being encompassed by "categories of vehicles and types of vehicles"?

David P. Moomaw's legislative liaison, Joanne Peterson, presented before the Legislative Committee no less than five times and continued to emphasize that "it is use" that determines whether a vehicle must be titled and registered. Joanne Peterson's testimony makes it clear that all of the vehicles in the "categories of vehicles, types of vehicles and otherwise..." groups are not "used" in a manner which makes them subject to the titling and registration requirements under ORS 803.030(14)(c) & 803.305(14)(c). Since the vehicles which "must comply" are defined by "use", isn't the "single" factor that makes all the vehicles which may be "optionally" titled and registered into a constitutionally appropriate "single subject" (Article IV, Section 20), the fact that whatever the use of those vehicles is, IT is not for "compensation or profit"? (see ORS 801.208) If "use" is not the factor that subjects certain vehicles to the titling and registration requirements, what is?

Drafted by Richard L. Koenig

Multnomah Circuit Court

Multnomah County Circuit Court

P.O. Box 114

Portland, OR 97207

Receipt # 005424826 11/05/09 9:08 CASH KJL MULWB10

Case # 0911FROOMA 415 Trust Fund November/415 Fund

Miscellaneous	10.00	Misc Revenue	5.00
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AMOUNT TENDERED	15.00	
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AMOUNT APPLIED	15.00	
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CHANGE	0.00	
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PAYOR cert. cd 0605-45988

BALANCE DUE

0.00

Receipt # 005424826

AUDIO REQUEST

☒ CD ☐ Tape

Tape Number(s)

Case Number

Case Title

Judge

Date of Hearing

Certified :

Notify

Phone Number

Fees

Date 10/27/09

By

Mayumi

0605-45988

St vs. Koenig Richard

Jg Litzzenberger

2/12/09 or 2/13/09

Testimony
of witness
Dan Staten

☒ Yes ☐ No

Richard Koenig

503-287-1240

10 MISC

5 MSRV

15 Total

Download the FREE FTR Player online
Go to www.ftrgold.com; Under Quick
Links, select "TheRecord Player
download" and follow instructions

Title: **State v. Koenig**
Case No: **0605-45988**
Date: **2/12/07**
CD No: **DVD 2955**

Judge: **Litzenberger**
Multnomah County
Certified Original ☐ Certified Copy ☒
Signature:



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 11/05/09
Agenda Item #: R-2
Est. Start Time: 9:35 AM
Date Submitted: 10/23/09

RESOLUTION Declaring a Portion of the Property Located at 9000 N. Lombard Street, Portland, Oregon to be Surplus and Approving a Real Property Lease with Northwest Regional Primary Care Association

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

Requested Meeting Date: November 5, 2009 Amount of Time Needed: 5 minutes
Department: County Management Division: Facilities and Property Management
Contact(s): Carla Bangert
Phone: 503 988-4128 Ext 84128 I/O Address: FPM / 274
Presenter(s): Carla Bangert, FPM; Vanetta Abdellatif, Director, Integrated Clinical Services

General Information

1. What action are you requesting from the Board?

Declare a portion of the property located at 9000 N. Lombard Street, Portland, OR to be surplus and approving a real property lease with Northwest Regional Primary Care Association.

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

Multnomah County owns the approximate 26,500 square foot North Portland Health Clinic located at 9000 N. Lombard Street, Portland, Oregon. Approximately 581 square feet of space within property is currently vacant and not needed for any County use. The County Health Department operates programs at this property and does not anticipate needing the space for at least two (2) years. Northwest Regional Primary Care Association (NWRPCA) desires to lease space at North Portland Health Clinic for classroom space in Portland. Multnomah County health Department feels the best contribution toward the improvement of current impending workforce challenges in delivering health care to uninsured and underinsured families in Multnomah County would be providing classroom space at a Health Department subsidized rate. The space being leased is

underutilized and located in an area of the building unsuitable for most categories of potential tenants. The Health Department piloted a program last year and found it was successful for the medical schools' use while maintaining patient confidentiality and staff safety. The Health Department also foresees increased opportunities to attract these students to volunteering within our system and introducing them to the field of Community Health Centers which is a very unique opportunity.

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

The subsidized rate of \$7.08 per square foot will generate FY10 tenant revenue of \$3,428 for the time period 9/01/09 through 6/30/10. FY11 is an anticipated \$4,113.48. The lease provides for a rent adjustment should there be a need by the Health Department.

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

None

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

None

Required Signature

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

Mindy Harris

Date: 10/26/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring a Portion of the Property Located at 9000 N. Lombard Street, Portland, Oregon to be Surplus and Approving a Real Property Lease with Northwest Regional Primary Care Association

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County owns the approximate 26,500 square foot North Portland Health Clinic located at 9000 N. Lombard Street, Portland, Oregon. Approximately 581 square feet of space within this facility (the Property) is currently vacant not needed for County use. The Multnomah County Health Department operates programs at this property and does not anticipate needing the space for at least two (2) years.
- b. Northwest Regional Primary Care Association (NWRPCA) desires to lease the approximate 581 square foot space at North Portland Health Clinic for classroom space for a two year term. This classroom use would be a productive and appropriate co-tenancy for the health clinic and provide classroom space at a Health Department subsidized rate.
- c. The attached lease has been negotiated with Northwest Regional Primary Care Association to provide needed classroom space in the Portland area.
- d. It is in the best interests of the County to lease the property on the terms and conditions set forth in the attached lease.

The Multnomah County Board of Commissioners Resolves:

1. The Property is surplus to County use and is appropriate for classroom use by NWRPCA.
2. The Board approves the attached lease. The County Chair is authorized to execute the lease substantially in the form attached to this Resolution.
3. The County Chair is authorized to execute renewals of the lease and execute amendments to the lease without further Board action.

ADOPTED this 5th day of November 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Mindy Harris, Interim Director, Dept. of County Management

LEASE

Date:

Between: **Multnomah County, Oregon** **(“Landlord”)**
 Facilities and Property Management
 Attn: Asset Management – Leases
 401 N. Dixon Street
 Portland, OR 97227
 Phone: (503) 988-3322
 Fax: (503) 988-5082

And: **Northwest Regional Primary Care Association** **(“Tenant”)**
 6512 – 23rd Avenue NW, suite 305
 Seattle, WA 98117
 Phone: (206) 783-3004
 Fax: (206) 783-4311

Landlord leases to Tenant and Tenant leases from Landlord the following described property (the “Premises”) on the terms and conditions stated below:

Approximately 581 square feet of space, as shown on Exhibit “A” of this Lease, Rooms 211, 263, and 261, in the building known as the “North Portland Clinic” located at 9000 N Lombard Street, Portland, OR 97203

Section 1. Occupancy.

- 1.1 Original Term.** The term of this lease shall commence on September 1, 2009 and continue through June 30, 2011 unless sooner terminated as hereinafter provided.
- 1.2 Possession.** Tenant’s right to possession and obligations under the Lease shall commence upon full execution of the Lease.

Section 2. Rent.

- 2.1 Base Rent.** During the original term, Tenant shall pay to Landlord as rent the sum of \$342.79 per month. Rent shall be payable on the first day of each month in advance at the address for Landlord first above stated or at such place as may be designated by Landlord. It is understood and agreed that Tenant’s rent paid under this Lease is structured to be lower than the Landlord’s internal charges and is therefore subsidized. Rent is based upon the internal charges Landlord assesses its program users and Rent hereunder shall be adjusted when such charges are adjusted effective with landlord’s fiscal year, commencing July 1, however, Base Rent shall not be reduced below the September 1, 2009 monthly rental amount. Landlord shall provide Tenant notice of any adjustment in the Rent. Initial rent adjustment will be effective July 1, 2010.

- 2.2 Rent Adjustment.** Rent is subject to adjustment annually at the start of Landlord's fiscal year, which begins on July 1.
- 2.3 Additional Rent.** Any other sum that Tenant is required to pay to Landlord shall be considered additional rent.

Section 3. Use of the Premises.

- 3.1 Permitted Use.** The Premises shall be used, only during customary business hours of operation of the North Portland Health Clinic for the entire term of this Lease, and only enrolled student classroom instruction; without external patients or clients and for no other purpose without the written consent of Landlord. Permitted use will not include any activities that would generate medical waste or involve Hazardous Substances not in compliance with Section 3.2.1.
- 3.2 Restrictions on Use.** In connection with the use of the Premises, Tenant shall:
- (1) Conform to all applicable laws and regulations of any public authority affecting the Premises and the use, and correct at Tenant's own expense any failure of compliance created through Tenant's fault or by reason of Tenant's use, but Tenant shall not be required to make any structural changes to effect such compliance.
 - (2) Refrain from any activity that would make it impossible to insure the Premises against casualty, would increase the insurance rate, or would prevent Landlord from taking advantage of any ruling of the Oregon Insurance Rating Bureau, or its successor, allowing Landlord to obtain reduced premium rates for long-term fire insurance policies, unless Tenant pays the additional cost of the insurance.
 - (3) Refrain from any use that would be reasonably offensive to other tenants or owners or users of neighboring premises or that would tend to create a nuisance or damage the reputation of the Premises. Tenant will abide by any building rules reasonably established by Landlord, including parking and access restrictions. No vehicle parking is associated with these Premises.
 - (4) Refrain from loading the electrical system or floors beyond the point considered safe by a competent engineer or architect.
 - (5) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other device to the exterior or interior walls, windows, or roof of the Premises without the written consent of Landlord, which shall not be unreasonably withheld. Landlord reserves the right to perform work associated under this section and Tenant shall reimburse Landlord for such work.
- 3.2.1 Hazardous Substances.** Tenant shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises. Tenant may use or otherwise handle on the Premises only those Hazardous Substances typically used or sold in the prudent and safe operation of the permitted use specified in Section 3.1. Tenant may store such Hazardous Substances on the Premises only in quantities necessary to satisfy Tenant's reasonably anticipated needs. Tenant shall

comply with all Environmental Laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances and shall take all practicable measures to minimize the quantity and toxicity of Hazardous Substances used, handled, or stored by Tenant on the Premises. Upon the expiration or termination of this Lease, Tenant shall remove all Hazardous Substances it brings to the Premises from the Premises. The term Environmental Law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety or the environmental order pertaining to the protection of health, safety, or the environment. The term Hazardous Substance shall mean any hazardous, toxic, infectious or radioactive substance, waste, and material as defined or listed by any Environmental Law and shall include, without limitation, petroleum oil and its fractions.

- 3.3 Non-Exclusive use.** Tenant's Use is non-exclusive, not to exceed thirty (30) hours per week. Tenant will inform Landlord in advance written notice of scheduled use of the Premises. Tenant's right to occupy the Premises shall cease at the end of daily customary business hours of operation of the North Portland Health Clinic and Landlord retains the right to use the Premises when not in use by the Tenant.

Section 4. Repairs and Maintenance.

- 4.1 Landlord's Obligations.** The following shall be the responsibility of Landlord:

- (1) Repairs and maintenance of the roof and gutters, exterior walls (including painting), bearing walls, all structural aspects and components of the building, floor slabs, and foundation.
- (2) Repair of sidewalks, driveways, curbs, parking areas, and areas used in common by Tenant and Landlord or tenants of other portions of the same building.
- (3) Repair and maintenance of all water, sewage, gas, and electrical services.
- (4) Repair of the heating and air conditioning system and currently existing mechanical and life-safety systems.

- 4.2 Tenant's Obligations.** The following shall be the responsibility of Tenant:

- (1) Any repairs necessitated by the negligence of Tenant, its agents, employees, and invitees, except as provided in Section 6.4 dealing with waiver of subrogation, but including repairs that would otherwise be the responsibility of Landlord under Section 4.1.
- (2) All other repairs to the Premises which Landlord is not required to make under Section 4.1.
- (3) Restoration of the Premises to its condition prior to Tenant's occupancy under this Lease, at Landlord's discretion, excepting normal wear and tear.

- 4.3 Landlord's Interference with Tenant.** In performing any repairs, replacements, alterations, or other work performed on or around the Premises, Landlord shall not cause unreasonable interference with use of the Premises by Tenant. Tenant shall have neither right to an abatement of rent nor any claim against Landlord for any

inconvenience or disturbance resulting from Landlord's activities performed in conformance with the requirement of this provision.

- 4.4 Inspection of Premises.** Landlord shall have the right to inspect the Premises at any reasonable time or times to determine the necessity of repair. Whether or not such inspection is made, the duty of Landlord to make repairs shall not mature until a reasonable time after Landlord has received from Tenant written notice of the repairs that are required.

Section 5. Alterations.

- 5.1 Alterations Prohibited.** Tenant shall make no improvements or alterations on the Premises of any kind without first obtaining Landlord's written consent, which consent shall not be unreasonably withheld or delayed. All alterations shall be made in a good and workmanlike manner, and in compliance with all applicable laws and building codes. Landlord reserves the right to perform work associated under this section and Tenant shall reimburse Landlord for such work within thirty (30) days of invoice from the Landlord.
- 5.2 Alterations Required.** Any improvements or alterations required prior to Tenant's right to possession will be reimbursed within thirty (30) days of invoice from the Landlord.
- 5.3 Ownership and Removal of Alterations.** All improvements and alterations performed on the Premises by either Landlord or Tenant shall be the property of Landlord when installed unless the applicable Landlord's consent or work sheet specifically provides otherwise. Improvements and alterations installed by Tenant shall, at Landlord's option, be removed by Tenant and the Premises restored unless the applicable Landlord's consent or work sheet specifically provides otherwise.

Section 6. Insurance.

- 6.1 Insurance Required.** Landlord shall keep the Premises insured at Landlord's expense against fire and other risks covered by a standard fire insurance policy with an endorsement for extended coverage. Tenant shall bear the expense of any insurance insuring the property of Tenant on the Premises against such risks but shall not be required to insure.
- 6.2 Liability Insurance.** Before going into possession of the Premises, Tenant shall procure and thereafter during the term of the Lease shall continue to carry the following insurance at Tenant's cost: commercial general liability policy (occurrence version) in a responsible company with coverage for bodily injury and property damage liability, personal and advertising injury liability, and medical payment with a general aggregate limit of not less than \$2,000,000 and a per occurrence limit of not less than \$2,000,000. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the Premises whether or not related to an occurrence caused or contributed to by Landlord's negligence. Such insurance shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under Section 10.2, and shall name Landlord as an additional insured.

6.3 Insurance Documentation. A certificate evidencing such insurance and bearing endorsements requiring thirty (30) days' written notice to Landlord prior to any change or cancellation shall be furnished to Landlord prior to Tenant's occupancy of the property.

6.4 Waiver of Subrogation. Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire or any of the risks enumerated in a standard fire insurance policy with an extended coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other. This waiver shall be valid only if the insurance policy in question expressly permits waiver of subrogation or if the insurance company agrees in writing that such a waiver will not affect coverage under the policies. Each party agrees to use best efforts to obtain such an agreement from its insurer if the policy does not expressly permit a waiver of subrogation.

Section 7. Taxes.

7.1 Property Taxes. Tenant shall pay as due all taxes on its personal property located on the Premises. Tenant shall, upon invoice from Landlord, reimburse Landlord for all real property taxes levied against the Premises. As used herein, real property taxes include any fee or charge relating to the ownership, use or rental of the Premises, other than taxes on net income of Landlord.

7.2 Special Assessments. If assessment for a public improvement is made against the Premises, Landlord may elect to cause such assessment to be paid in the maximum number of installments allowed by law, in which case all of the installments payable with respect to the Lease term shall be treated the same as general real property taxes for purposes of Section 7.1.

7.3 Contest of Taxes. Tenant shall be permitted to contest the amount of any tax of assessment as long as such contest is conducted in a manner that does not cause any risk that Landlord's interest in the Premises will be foreclosed for nonpayment. Landlord shall cooperate in any reasonable manner with such contest by Tenant.

7.4 Proration of Taxes. Tenant's share of real property taxes and assessments for the year in which this Lease commences or terminates shall be prorated based on the portion of the tax year that this Lease is in effect.

Section 8. Services and Utilities

8.1 Landlord and Tenant Responsibilities. Landlord shall furnish and pay for utilities and janitorial service to the Premises in accordance with Landlord's standard for such utilities and services furnished to other areas of the Property. When there are any additional charges for electricity, gas, heat, janitorial services within the leased Premises, telephone, or other utilities of any kind furnished to premises, Tenant shall pay promptly when due. If Landlord received and pays bills for any such additional utilities consumed by Tenant, its agents, employees or

invitees to the Premises, Tenant shall reimburse Landlord upon demand. In no event shall Tenant overload the electrical circuits from which Tenant obtains current.

- 8.2 Recycling Materials.** Landlord shall support the policy for recycling materials as provided in ORS 279.560 to the extent possible by providing adequate collection areas and storage facilities for office recycling programs when recycling services are available.

Section 9. Damage and Destruction.

- 9.1 Damage and Destruction.** If the Premises are partly or wholly damaged, repair or restoration are at the landlord's sole discretion. If the Landlord elects not to repair or restore, the Lease will terminate as of the date of the damage or destruction by notice given by the Landlord given to the Tenant in writing not more than forty-five (45) days following the date of damage. In such event all rights and obligations of the parties shall cease as of the date of termination, and Tenant shall be entitled to the reimbursement of any prepaid amounts paid by Tenant and attributable to the anticipated term.

- 9.2 Rent Abatement.** Rent shall be abated during the repair of any damage to the extent the Premise are untenantable, except that there shall be no rent abatement where the damage occurred as the result of the fault of Tenant.

Section 10. Liability and Indemnity.

10.1 Liens.

- (1) Except with respect to activities for which Landlord is responsible, Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises free from any liens. If Tenant fails to pay any such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of eighteen percent (18%) per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.
- (2) Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, as long as Landlord's property interests are not jeopardized. If a lien is filed as a result of nonpayment, Tenant shall, within ten (10) days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or sufficient corporate surety bond or other surety satisfactory to Landlord in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure or sale under the lien.

- 10.2 Indemnification.** Tenant shall indemnify, defend, and hold harmless Landlord from any claim, loss, or liability arising out of or related to any negligent activity of Tenant on the Premises or any condition of the Premises in the possession or under the control of Tenant. Landlord shall have no liability to Tenant for any

injury, loss, or damage caused by third parties, or by any condition of the Premises except to the extent caused by Landlord's negligence or breach of duty under this Lease.

Section 11. Quiet Enjoyment; Mortgage Priority.

11.1 Landlord's Warranties.

- (1) Landlord warrants that it is the owner of the Premises and has the right to lease them.
- (2) Landlord affirms that the Premises, including any common area within the real property in which the Premises are situated, complied with all applicable regulatory and building codes requirements at the date of construction.

Section 12. Assignment and Subletting. No part of the Premises may be assigned, mortgaged, or subleased, nor may a right of use of any portion of the property be conferred on any third person by any other means, without the prior written consent of Landlord. This provision shall apply to all transfers by operation of law. No consent in one instance shall prevent the provision from applying to a subsequent instance. Landlord may withhold or condition such consent in its sole and arbitrary discretion. Landlord shall consent to a transaction covered by this provision when withholding such consent would be unreasonable in the circumstances. Landlord shall not unreasonably delay consent and shall give consent under circumstances where withholding it shall be unreasonable.

Section 13. Default. The following shall be events of default:

- 13.1 Default in Rent.** Failure of Tenant to pay rent or any other charge within ten (10) days after written notice that it is due.
- 13.2 Default in Other Covenants.** Failure of Tenant to comply with any term or condition or fulfill any obligation of Lease (other than the payment of rent or other charges) within twenty (20) days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the twenty (20) day period, this provision shall be complied with if Tenant begins correction of the default within the twenty (20) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.
- 13.3 Insolvency.** Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; an adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of any involuntary petition of bankruptcy and failure of Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levying of execution on the leasehold interest and failure of Tenant to secure discharge of the attachment or release of the levy of execution within ten (10) days shall constitute a default. If the Lease has been

assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the Lease.

Section 14. Remedies on Default. In the event of default by Tenant, the Lease may be terminated at the option of Landlord by written notice to Tenant. Whether or not the Lease is terminated by the election of Landlord, Landlord shall be entitled to pursue any remedies available to Landlord under applicable law.

Section 15. Surrender at Expiration.

15.1 Condition of Premises. Upon expiration of the lease term or earlier termination on account of default, Tenant shall deliver all keys to Landlord and surrender the Premises in first-class condition and broom clean. Alterations constructed by Tenant with permission from Landlord shall not be removed or restored to the original condition unless the terms of permission for the alteration so require. Depreciation and wear from ordinary use for the purpose for which the Premises are leased shall be excepted but repairs for which Tenant is responsible shall be completed to the latest practical date prior to such surrender. Tenant's obligations under this section shall be subordinate to the provisions of Section 9 relating to destruction.

15.2 Fixtures.

- (1) All fixtures placed upon the Premises during the term other than Tenant's trade fixtures, shall, at Landlord's option, become the property of Landlord. If Landlord so elects, Tenant shall remove any or all fixtures that would otherwise remain the property of Landlord, and shall repair any physical damage resulting from the removal. If Tenant fails to remove such fixtures, Landlord may do so and charge the cost to Tenant with interest at the legal rate from the date of expenditure. Tenant shall be allowed to use furnishings and fixtures within the leased space at the time the Lease is executed. Landlord shall not be responsible for the repair and/or replacement of any of the items Tenant chooses to use. Landlord's furnishings and fixtures shall remain Landlord's property at the expiration of the Lease.
- (2) Prior to expiration or other termination of the lease term, Tenant shall remove all furnishings, furniture and trade fixtures that remain its property. If Tenant fails to do so, this shall be an abandonment of the property, and Landlord may retain the property and all rights of Tenant with respect to it shall cease or, by notice in writing given to Tenant within twenty (20) days after removal was required, Landlord may elect to hold Tenant to its obligation of removal. If Landlord elects to require Tenant to remove, Landlord may effect a removal and place the property in public storage for Tenant's account. Tenant shall be liable to Landlord for cost of removal, transportation to storage, and storage, with interest at the legal rate on all such expenses from the date of expenditure by Landlord.

15.3 Holdover.

- (1) If Tenant does not vacate the Premise at the time required, Landlord shall have the option to treat Tenant as a tenant from month to month, subject to all of the provisions of this Lease except the provisions for term and renewal and rental rate, which Landlord may increase commensurate with increase in operation

maintenance expenses for the Premises. Failure of Tenant to remove fixtures, furniture, furnishings, or trade fixtures that Tenant is required to removed under this Lease shall constitute a failure to vacate to which this section shall apply if the property not removed will substantially interfere with occupancy of the Premises by another tenant or with occupancy by Landlord for any purpose including preparation for a new tenant.

- (2) If a month to month tenancy results from a holdover by Tenant by this Section 15.3, the tenancy shall be terminable at the end of any monthly rental period on written notice from Landlord given not less than ten (10) days prior to the termination which shall be specified in the notice. Tenant waives any notice that would otherwise be provided by law with respect to a month to month tenancy.

Section 16. Miscellaneous.

- 16.1 Nonwaiver.** Waiver by either party of strict performance of any provision of this Lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.
- 16.2 Notices.** Any notice required or permitted under this Lease shall be given when actually delivered or forty-eight (48) hours after deposited in United States mail as certified mail addressed to the address first given in this Lease or to such other address as may be specified from time to time by either of the parties in writing.
- 16.3 Succession.** Subject to the above-stated limitations on transfer of Tenant's interest this Lease shall be binding on and inure to the benefit of the parties and their respective successors and assigns.
- 16.4 Entry for Inspection.** Landlord shall, subject to the provisions of paragraph 4.3, have the right to enter upon the Premises at any time to determine Tenant's compliance with this Lease, to make necessary repairs to the building or to the Premises or to show the Premises to any prospective tenant or purchaser, and in addition, shall have the right, at any time during the last two (2) months of the term of this Lease, to place and maintain upon the Premises notices for leasing or selling of the Premises.
- 16.5 Interest on Rent and Other Charges.** Any rent or other payment required of Tenant by this Lease shall, if not paid within ten (10) days after it is due, bear interest at the rate of eighteen percent (18%) per annum (but not in any event at a rate greater than the maximum rate of interest permitted by law) from the due date until paid. In addition, if Tenant fails to make any rent or other payment required by this Lease to be paid to Landlord within five (5) days after it is due, Landlord may elect to impose a late charge of five cents (\$0.05) per dollar of the overdue payment to reimburse Landlord for the costs of collecting the overdue payment. Tenant shall pay the late charge upon demand by Landlord. Landlord may levy and collect a late charge in addition to all other remedies available for Tenant's default, and collection of a late charge shall not waive the breach caused by the late payment.
- 16.6 Proration of Rent.** In the event of commencement or termination of this Lease at a time other than the beginning or end of one of the specified rental periods, then

the rent shall be prorated as of the date of commencement or termination and in the event of termination for reasons other than default, all prepaid rent shall be refunded to Tenant or paid on its account.

- 16.7 Time of Essence.** Time is of the essence of the performance of each of Tenant's obligations under this Lease.
- 16.8 Early Termination.** Landlord or Tenant may terminate this Lease for any reason with a minimum ninety (90) day written notice to the other.
- 16.9 Previous Agreements.** The Parties agree that all previous agreements, memorandums, letters or understandings whether in writing or oral are completely superseded and replaced by this lease agreement.

IN WITNESS HEREOF, the duly authorized representatives of the parties have executed this Lease as of the day and year first written above.

LANDLORD
Multnomah County, Oregon

By: _____
Ted Wheeler, Chair

TENANT
Northwest Regional Primary Care
Association

By: Bruce Gray
Name: Bruce Gray
Title: CEO
Date: 10/12/09

Reviewed by:

Matthew O. Ryan
Assistant County Attorney

Portland, OR 97203

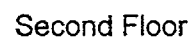


Exhibit "A"

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-136

Declaring a Portion of the Property Located at 9000 N. Lombard Street, Portland, Oregon to be Surplus and Approving a Real Property Lease with Northwest Regional Primary Care Association

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County owns the approximate 26,500 square foot North Portland Health Clinic located at 9000 N. Lombard Street, Portland, Oregon. Approximately 581 square feet of space within this facility (the Property) is currently vacant not needed for County use. The Multnomah County Health Department operates programs at this property and does not anticipate needing the space for at least two (2) years.
- b. Northwest Regional Primary Care Association (NWRPCA) desires to lease the approximate 581 square foot space at North Portland Health Clinic for classroom space for a two year term. This classroom use would be a productive and appropriate co-tenancy for the health clinic and provide classroom space at a Health Department subsidized rate.
- c. The attached lease has been negotiated with Northwest Regional Primary Care Association to provide needed classroom space in the Portland area.
- d. It is in the best interests of the County to lease the property on the terms and conditions set forth in the attached lease.

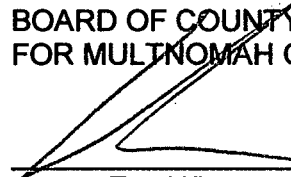
The Multnomah County Board of Commissioners Resolves:

1. The Property is surplus to County use and is appropriate for classroom use by NWRPCA.
2. The Board approves the attached lease. The County Chair is authorized to execute the lease substantially in the form attached to this Resolution.
3. The County Chair is authorized to execute renewals of the lease and execute amendments to the lease without further Board action.

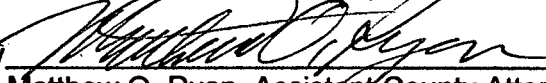
ADOPTED this 5th day of November 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Mindy Harris, Interim Director, Dept. of County Management

LEASE

Date:

Between: **Multnomah County, Oregon** **("Landlord")**
 Facilities and Property Management
 Attn: Asset Management – Leases
 401 N. Dixon Street
 Portland, OR 97227
 Phone: (503) 988-3322
 Fax: (503) 988-5082

And: **Northwest Regional Primary Care Association** **("Tenant")**
 6512 – 23rd Avenue NW, suite 305
 Seattle, WA 98117
 Phone: (206) 783-3004
 Fax: (206) 783-4311

Landlord leases to Tenant and Tenant leases from Landlord the following described property (the "Premises") on the terms and conditions stated below:

Approximately 581 square feet of space, as shown on Exhibit "A" of this Lease, Rooms 211, 263, and 261, in the building known as the "North Portland Clinic" located at 9000 N Lombard Street, Portland, OR 97203

Section 1. Occupancy.

- 1.1 Original Term.** The term of this lease shall commence on September 1, 2009 and continue through June 30, 2011 unless sooner terminated as hereinafter provided.
- 1.2 Possession.** Tenant's right to possession and obligations under the Lease shall commence upon full execution of the Lease.

Section 2. Rent.

- 2.1 Base Rent.** During the original term, Tenant shall pay to Landlord as rent the sum of \$342.79 per month. Rent shall be payable on the first day of each month in advance at the address for Landlord first above stated or at such place as may be designated by Landlord. It is understood and agreed that Tenant's rent paid under this Lease is structured to be lower than the Landlord's internal charges and is therefore subsidized. Rent is based upon the internal charges Landlord assesses its program users and Rent hereunder shall be adjusted when such charges are adjusted effective with landlord's fiscal year, commencing July 1, however, Base Rent shall not be reduced below the September 1, 2009 monthly rental amount. Landlord shall provide Tenant notice of any adjustment in the Rent. Initial rent adjustment will be effective July 1, 2010.

2.2 Rent Adjustment. Rent is subject to adjustment annually at the start of Landlord's fiscal year, which begins on July 1.

2.3 Additional Rent. Any other sum that Tenant is required to pay to Landlord shall be considered additional rent.

Section 3. Use of the Premises.

3.1 Permitted Use. The Premises shall be used, only during customary business hours of operation of the North Portland Health Clinic for the entire term of this Lease, and only enrolled student classroom instruction; without external patients or clients and for no other purpose without the written consent of Landlord. Permitted use will not include any activities that would generate medical waste or involve Hazardous Substances not in compliance with Section 3.2.1.

3.2 Restrictions on Use. In connection with the use of the Premises, Tenant shall:

- (1) Conform to all applicable laws and regulations of any public authority affecting the Premises and the use, and correct at Tenant's own expense any failure of compliance created through Tenant's fault or by reason of Tenant's use, but Tenant shall not be required to make any structural changes to effect such compliance.
- (2) Refrain from any activity that would make it impossible to insure the Premises against casualty, would increase the insurance rate, or would prevent Landlord from taking advantage of any ruling of the Oregon Insurance Rating Bureau, or its successor, allowing Landlord to obtain reduced premium rates for long-term fire insurance policies, unless Tenant pays the additional cost of the insurance.
- (3) Refrain from any use that would be reasonably offensive to other tenants or owners or users of neighboring premises or that would tend to create a nuisance or damage the reputation of the Premises. Tenant will abide by any building rules reasonably established by Landlord, including parking and access restrictions. No vehicle parking is associated with these Premises.
- (4) Refrain from loading the electrical system or floors beyond the point considered safe by a competent engineer or architect.
- (5) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other device to the exterior or interior walls, windows, or roof of the Premises without the written consent of Landlord, which shall not be unreasonably withheld. Landlord reserves the right to perform work associated under this section and Tenant shall reimburse Landlord for such work.

3.2.1 Hazardous Substances. Tenant shall not cause or permit any Hazardous Substance to be spilled, leaked, disposed of, or otherwise released on or under the Premises. Tenant may use or otherwise handle on the Premises only those Hazardous Substances typically used or sold in the prudent and safe operation of the permitted use specified in Section 3.1. Tenant may store such Hazardous Substances on the Premises only in quantities necessary to satisfy Tenant's reasonably anticipated needs. Tenant shall

comply with all Environmental Laws and exercise the highest degree of care in the use, handling, and storage of Hazardous Substances and shall take all practicable measures to minimize the quantity and toxicity of Hazardous Substances used, handled, or stored by Tenant on the Premises. Upon the expiration or termination of this Lease, Tenant shall remove all Hazardous Substances it brings to the Premises from the Premises. The term Environmental Law shall mean any federal, state, or local statute, regulation, or ordinance or any judicial or other governmental order pertaining to the protection of health, safety or the environmental order pertaining to the protection of health, safety, or the environment. The term Hazardous Substance shall mean any hazardous, toxic, infectious or radioactive substance, waste, and material as defined or listed by any Environmental Law and shall include, without limitation, petroleum oil and its fractions.

- 3.3 Non-Exclusive use.** Tenant's Use is non-exclusive, not to exceed thirty (30) hours per week. Tenant will inform Landlord in advance written notice of scheduled use of the Premises. Tenant's right to occupy the Premises shall cease at the end of daily customary business hours of operation of the North Portland Health Clinic and Landlord retains the right to use the Premises when not in use by the Tenant.

Section 4. Repairs and Maintenance.

- 4.1 Landlord's Obligations.** The following shall be the responsibility of Landlord:

- (1) Repairs and maintenance of the roof and gutters, exterior walls (including painting), bearing walls, all structural aspects and components of the building, floor slabs, and foundation.
- (2) Repair of sidewalks, driveways, curbs, parking areas, and areas used in common by Tenant and Landlord or tenants of other portions of the same building.
- (3) Repair and maintenance of all water, sewage, gas, and electrical services.
- (4) Repair of the heating and air conditioning system and currently existing mechanical and life-safety systems.

- 4.2 Tenant's Obligations.** The following shall be the responsibility of Tenant:

- (1) Any repairs necessitated by the negligence of Tenant, its agents, employees, and invitees, except as provided in Section 6.4 dealing with waiver of subrogation, but including repairs that would otherwise be the responsibility of Landlord under Section 4.1.
- (2) All other repairs to the Premises which Landlord is not required to make under Section 4.1.
- (3) Restoration of the Premises to its condition prior to Tenant's occupancy under this Lease, at Landlord's discretion, excepting normal wear and tear.

- 4.3 Landlord's Interference with Tenant.** In performing any repairs, replacements, alterations, or other work performed on or around the Premises, Landlord shall not cause unreasonable interference with use of the Premises by Tenant. Tenant shall have neither right to an abatement of rent nor any claim against Landlord for any

inconvenience or disturbance resulting from Landlord's activities performed in conformance with the requirement of this provision.

- 4.4 Inspection of Premises.** Landlord shall have the right to inspect the Premises at any reasonable time or times to determine the necessity of repair. Whether or not such inspection is made, the duty of Landlord to make repairs shall not mature until a reasonable time after Landlord has received from Tenant written notice of the repairs that are required.

Section 5. Alterations.

- 5.1 Alterations Prohibited.** Tenant shall make no improvements or alterations on the Premises of any kind without first obtaining Landlord's written consent, which consent shall not be unreasonably withheld or delayed. All alterations shall be made in a good and workmanlike manner, and in compliance with all applicable laws and building codes. Landlord reserves the right to perform work associated under this section and Tenant shall reimburse Landlord for such work within thirty (30) days of invoice from the Landlord.
- 5.2 Alterations Required.** Any improvements or alterations required prior to Tenant's right to possession will be reimbursed within thirty (30) days of invoice from the Landlord.
- 5.3 Ownership and Removal of Alterations.** All improvements and alterations performed on the Premises by either Landlord or Tenant shall be the property of Landlord when installed unless the applicable Landlord's consent or work sheet specifically provides otherwise. Improvements and alterations installed by Tenant shall, at Landlord's option, be removed by Tenant and the Premises restored unless the applicable Landlord's consent or work sheet specifically provides otherwise.

Section 6. Insurance.

- 6.1 Insurance Required.** Landlord shall keep the Premises insured at Landlord's expense against fire and other risks covered by a standard fire insurance policy with an endorsement for extended coverage. Tenant shall bear the expense of any insurance insuring the property of Tenant on the Premises against such risks but shall not be required to insure.
- 6.2 Liability Insurance.** Before going into possession of the Premises, Tenant shall procure and thereafter during the term of the Lease shall continue to carry the following insurance at Tenant's cost: commercial general liability policy (occurrence version) in a responsible company with coverage for bodily injury and property damage liability, personal and advertising injury liability, and medical payment with a general aggregate limit of not less than \$2,000,000 and a per occurrence limit of not less than \$2,000,000. Such insurance shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the Premises whether or not related to an occurrence caused or contributed to by Landlord's negligence. Such insurance shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under Section 10.2, and shall name Landlord as an additional insured.

6.3 Insurance Documentation. A certificate evidencing such insurance and bearing endorsements requiring thirty (30) days' written notice to Landlord prior to any change or cancellation shall be furnished to Landlord prior to Tenant's occupancy of the property.

6.4 Waiver of Subrogation. Neither party shall be liable to the other (or to the other's successors or assigns) for any loss or damage caused by fire or any of the risks enumerated in a standard fire insurance policy with an extended coverage endorsement, and in the event of insured loss, neither party's insurance company shall have a subrogated claim against the other. This waiver shall be valid only if the insurance policy in question expressly permits waiver of subrogation or if the insurance company agrees in writing that such a waiver will not affect coverage under the policies. Each party agrees to use best efforts to obtain such an agreement from its insurer if the policy does not expressly permit a waiver of subrogation.

Section 7. Taxes.

7.1 Property Taxes. Tenant shall pay as due all taxes on its personal property located on the Premises. Tenant shall, upon invoice from Landlord, reimburse Landlord for all real property taxes levied against the Premises. As used herein, real property taxes include any fee or charge relating to the ownership, use or rental of the Premises, other than taxes on net income of Landlord.

7.2 Special Assessments. If assessment for a public improvement is made against the Premises, Landlord may elect to cause such assessment to be paid in the maximum number of installments allowed by law, in which case all of the installments payable with respect to the Lease term shall be treated the same as general real property taxes for purposes of Section 7.1.

7.3 Contest of Taxes. Tenant shall be permitted to contest the amount of any tax of assessment as long as such contest is conducted in a manner that does not cause any risk that Landlord's interest in the Premises will be foreclosed for nonpayment. Landlord shall cooperate in any reasonable manner with such contest by Tenant.

7.4 Proration of Taxes. Tenant's share of real property taxes and assessments for the year in which this Lease commences or terminates shall be prorated based on the portion of the tax year that this Lease is in effect.

Section 8. Services and Utilities

8.1 Landlord and Tenant Responsibilities. Landlord shall furnish and pay for utilities and janitorial service to the Premises in accordance with Landlord's standard for such utilities and services furnished to other areas of the Property. When there are any additional charges for electricity, gas, heat, janitorial services within the leased Premises, telephone, or other utilities of any kind furnished to premises, Tenant shall pay promptly when due. If Landlord received and pays bills for any such additional utilities consumed by Tenant, its agents, employees or

invitees to the Premises, Tenant shall reimburse Landlord upon demand. In no event shall Tenant overload the electrical circuits from which Tenant obtains current.

- 8.2 Recycling Materials.** Landlord shall support the policy for recycling materials as provided in ORS 279.560 to the extent possible by providing adequate collection areas and storage facilities for office recycling programs when recycling services are available.

Section 9. Damage and Destruction.

- 9.1 Damage and Destruction.** If the Premises are partly or wholly damaged, repair or restoration are at the landlord's sole discretion. If the Landlord elects not to repair or restore, the Lease will terminate as of the date of the damage or destruction by notice given by the Landlord given to the Tenant in writing not more than forty-five (45) days following the date of damage. In such event all rights and obligations of the parties shall cease as of the date of termination, and Tenant shall be entitled to the reimbursement of any prepaid amounts paid by Tenant and attributable to the anticipated term.

- 9.2 Rent Abatement.** Rent shall be abated during the repair of any damage to the extent the Premise are untenantable, except that there shall be no rent abatement where the damage occurred as the result of the fault of Tenant.

Section 10. Liability and Indemnity.

10.1 Liens.

- (1) Except with respect to activities for which Landlord is responsible, Tenant shall pay as due all claims for work done on and for services rendered or material furnished to the Premises, and shall keep the Premises free from any liens. If Tenant fails to pay any such claims or to discharge any lien, Landlord may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of eighteen percent (18%) per annum from the date expended by Landlord and shall be payable on demand. Such action by Landlord shall not constitute a waiver of any right or remedy which Landlord may have on account of Tenant's default.
- (2) Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, as long as Landlord's property interests are not jeopardized. If a lien is filed as a result of nonpayment, Tenant shall, within ten (10) days after knowledge of the filing, secure the discharge of the lien or deposit with Landlord cash or sufficient corporate surety bond or other surety satisfactory to Landlord in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure or sale under the lien.

- 10.2 Indemnification.** Tenant shall indemnify, defend, and hold harmless Landlord from any claim, loss, or liability arising out of or related to any negligent activity of Tenant on the Premises or any condition of the Premises in the possession or under the control of Tenant. Landlord shall have no liability to Tenant for any

injury, loss, or damage caused by third parties, or by any condition of the Premises except to the extent caused by Landlord's negligence or breach of duty under this Lease.

Section 11. Quiet Enjoyment; Mortgage Priority.

11.1 Landlord's Warranties.

- (1) Landlord warrants that it is the owner the Premises and has the right to lease them.
- (2) Landlord affirms that the Premises, including any common area within the real property in which the Premises are situated, complied with all applicable regulatory and building codes requirements at the date of construction.

Section 12. Assignment and Subletting. No part of the Premises maybe assigned, mortgaged, or subleased, nor may a right of use of any portion of the property be conferred on any third person by any other means, without the prior written consent of Landlord. This provision shall apply to all transfers by operation of law. No consent in once instance shall prevent the provision from applying to a subsequent instance. Landlord may withhold or condition such consent in its sole and arbitrary discretion. Landlord shall consent to a transaction covered by this provision when withholding such consent would be unreasonable in the circumstances. Landlord shall not unreasonably delay consent and shall give consent under circumstances where withholding it shall be unreasonable.

Section 13. Default. The following shall be events of default:

- 13.1 Default in Rent.** Failure of Tenant to pay rent or any other charge within ten (10) days after written notice that it is due.
- 13.2 Default in Other Covenants.** Failure of Tenant to comply with any term or condition or fulfill any obligation of Lease (other than the payment of rent or other charges) within twenty (20) days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the twenty (20) day period, this provision shall be complied with if Tenant begins correction of the default within the twenty (20) day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.
- 13.3 Insolvency.** Insolvency of Tenant; an assignment by Tenant for the benefit of creditors; the filing by Tenant of a voluntary petition in bankruptcy; an adjudication that Tenant is bankrupt or the appointment of a receiver of the properties of Tenant; the filing of any involuntary petition of bankruptcy and failure of Tenant to secure a dismissal of the petition within thirty (30) days after filing; attachment of or the levying of execution on the leasehold interest and failure of Tenant to secure discharge of the attachment or release of the levy of execution within ten (10) days shall constitute a default. If the Lease has been

assigned, the events of default so specified shall apply only with respect to the one then exercising the rights of Tenant under the Lease.

Section 14. Remedies on Default. In the event of default by Tenant, the Lease may be terminated at the option of Landlord by written notice to Tenant. Whether or not the Lease is terminated by the election of Landlord, Landlord shall be entitled to pursue any remedies available to Landlord under applicable law.

Section 15. Surrender at Expiration.

15.1 Condition of Premises. Upon expiration of the lease term or earlier termination on account of default, Tenant shall deliver all keys to Landlord and surrender the Premises in first-class condition and broom clean. Alterations constructed by Tenant with permission from Landlord shall not be removed or restored to the original condition unless the terms of permission for the alteration so require. Depreciation and wear from ordinary use for the purpose for which the Premises are leased shall be excepted but repairs for which Tenant is responsible shall be completed to the latest practical date prior to such surrender. Tenant's obligations under this section shall be subordinate to the provisions of Section 9 relating to destruction.

15.2 Fixtures.

- (1) All fixtures placed upon the Premises during the term other than Tenant's trade fixtures, shall, at Landlord's option, become the property of Landlord. If Landlord so elects, Tenant shall remove any or all fixtures that would otherwise remain the property of Landlord, and shall repair any physical damage resulting from the removal. If Tenant fails to remove such fixtures, Landlord may do so and charge the cost to Tenant with interest at the legal rate from the date of expenditure. Tenant shall be allowed to use furnishings and fixtures within the leased space at the time the Lease is executed. Landlord shall not be responsible for the repair and/or replacement of any of the items Tenant chooses to use. Landlord's furnishings and fixtures shall remain Landlord's property at the expiration of the Lease.
- (2) Prior to expiration or other termination of the lease term, Tenant shall remove all furnishings, furniture and trade fixtures that remain its property. If Tenant fails to do so, this shall be an abandonment of the property, and Landlord may retain the property and all rights of Tenant with respect to it shall cease or, by notice in writing given to Tenant within twenty (20) days after removal was required, Landlord may elect to hold Tenant to its obligation of removal. If Landlord elects to require Tenant to remove, Landlord may effect a removal and place the property in public storage for Tenant's account. Tenant shall be liable to Landlord for cost of removal, transportation to storage, and storage, with interest at the legal rate on all such expenses from the date of expenditure by Landlord.

15.3 Holdover.

- (1) If Tenant does not vacate the Premise at the time required, Landlord shall have the option to treat Tenant as a tenant from month to month, subject to all of the provisions of this Lease except the provisions for term and renewal and rental rate, which Landlord may increase commensurate with increase in operation

maintenance expenses for the Premises. Failure of Tenant to remove fixtures, furniture, furnishings, or trade fixtures that Tenant is required to removed under this Lease shall constitute a failure to vacate to which this section shall apply if the property not removed will substantially interfere with occupancy of the Premises by another tenant or with occupancy by Landlord for any purpose including preparation for a new tenant.

- (2) If a month to month tenancy results from a holdover by Tenant by this Section 15.3, the tenancy shall be terminable at the end of any monthly rental period on written notice from Landlord given not less than ten (10) days prior to the termination which shall be specified in the notice. Tenant waives any notice that would otherwise be provided by law with respect to a month to month tenancy.

Section 16. Miscellaneous.

- 16.1 Nonwaiver.** Waiver by either party of strict performance of any provision of this Lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.
- 16.2 Notices.** Any notice required or permitted under this Lease shall be given when actually delivered or forty-eight (48) hours after deposited in United States mail as certified mail addressed to the address first given in this Lease or to such other address as may be specified from time to time by either of the parties in writing.
- 16.3 Succession.** Subject to the above-stated limitations on transfer of Tenant's interest this Lease shall be binding on and inure to the benefit of the parties and their respective successors and assigns.
- 16.4 Entry for Inspection.** Landlord shall, subject to the provisions of paragraph 4.3, have the right to enter upon the Premises at any time to determine Tenant's compliance with this Lease, to make necessary repairs to the building or to the Premises or to show the Premises to any prospective tenant or purchaser, and in addition, shall have the right, at any time during the last two (2) months of the term of this Lease, to place and maintain upon the Premises notices for leasing or selling of the Premises.
- 16.5 Interest on Rent and Other Charges.** Any rent or other payment required of Tenant by this Lease shall, if not paid within ten (10) days after it is due, bear interest at the rate of eighteen percent (18%) per annum (but not in any event at a rate greater than the maximum rater of interest permitted by law) from the due date until paid. In addition, if Tenant fails to make any rent or other payment required by this Lease to be paid to Landlord within five (5) days after it is due, Landlord may elect to impose a late charge of five cents (\$0.05) per dollar of the overdue payment to reimburse Landlord for the costs of collecting the overdue payment. Tenant shall pay the late charge upon demand by Landlord. Landlord may levy and collect a late charge in addition to al other remedies available for Tenant's default, and collection of a late charge shall not waive the breach caused by the late payment.
- 16.6 Proration of Rent.** In the event of commencement or termination of this Lease at a time other than the beginning or end of one of the specified rental periods, then

the rent shall be prorated as of the date of commencement or termination and in the event of termination for reasons other than default, all prepaid rent shall be refunded to Tenant or paid on its account.

- 16.7 Time of Essence.** Time is of the essence of the performance of each of Tenant's obligations under this Lease.
- 16.8 Early Termination.** Landlord or Tenant may terminate this Lease for any reason with a minimum ninety (90) day written notice to the other.
- 16.9 Previous Agreements.** The Parties agree that all previous agreements, memorandums, letters or understandings whether in writing or oral are completely superseded and replaced by this lease agreement.

IN WITNESS HEREOF, the duly authorized representatives of the parties have executed this Lease as of the day and year first written above.

LANDLORD
Multnomah County, Oregon

By: _____
Ted Wheeler, Chair

TENANT
Northwest Regional Primary Care Association

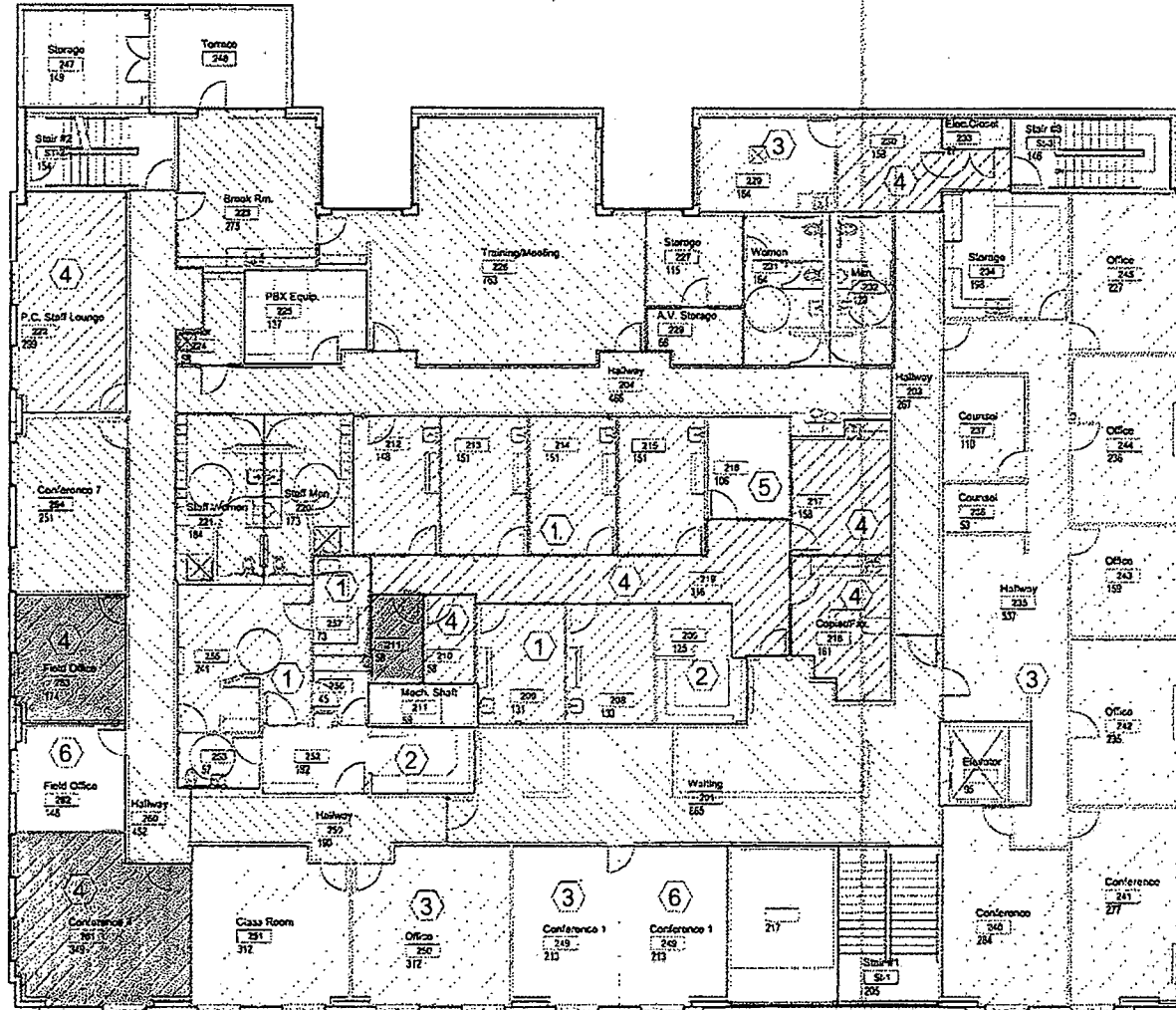
By: Bruce Gray
Name: Bruce Gray
Title: CEO
Date: 10/12/09

Reviewed by:

Matthew O. Ryan
Assistant County Attorney

North Portland Health Clinic - 325

9000 N Lombard St
Portland, OR 97203



Second Floor

Exhibit "A"



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 11/05/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 11/05/09
Agenda Item #: R-3
Est. Start Time: 9:40 AM
Date Submitted: 10/21/09

BUDGET MODIFICATION: DCHS – 06

**BUDGET MODIFICATION DCHS-06 Adding one 1.00 FTE Program
Supervisor Position and Deleting 1.00 FTE Operations Supervisor Position to
Agenda Reflect Staffing Necessary for Oversight of Case Management Programs in
Title: Developmental Disabilities Services Division**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	<u>November 5, 2009</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>County Human Services</u>	Division:	<u>Developmental Disabilities Services</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>503-988-3691</u>	Ext.	<u>26858</u>
Presenter(s):	<u>Patrice Botsford</u>	I/O Address:	<u>167/620</u>

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-06 adding one new 1.00 FTE Program Supervisor position to the Services for Children unit and deleting one 1.00 FTE Operations Supervisor from the Administration and Support unit, as approved by the Class/Comp unit of Central Human Resources.

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

A request to add a new position was initiated by Developmental Disabilities Services Division (DDSD) management. This budget modification adds one 1.00 FTE Program Supervisor position to program offer 25013 Services for Children and eliminates one 1.00 FTE Operations Supervisor position from program offer 25010 Administration and Support. As a result of reductions in staff and workload within the Administration and Support unit, an Operations Supervisor is no longer essential, and therefore the funds allocated for this position will to fund a much needed case

management Program Supervisor in the growing Services for Children unit. Although the fiscal impact is neutral overall for Development Disabilities Services Division (DDSD), this budget modification will impact program offer 25013 Services for Children as an increase and program offer 25010 Administration and Support as a decrease. Class/Comp has approved and classified the new Program Supervisor position and has determined that, "due to changes mandated by the State of Oregon to reduce case loads and increase oversight over case management programs, a new position has been added to supervise activity and professional level staff within the Birth-21 program. Essential functions of this new position include: general program management, quality management and personnel management." This new Program Supervisor will oversee the work of eleven (11) case managers.

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

The annual personnel cost for the Program Supervisor position is \$81,528. The annual personnel cost savings for a vacant Operations Supervisor position (707326) is \$85,790 which is being eliminated. The cost savings generated by the Operations Supervisor position will provide funding for the new Program Supervisor position in Fiscal Year 2010. On an annual basis this equates to a decrease in personnel costs of \$4,262 and an increase in supplies by a like amount. Service reimbursement from Federal/State to the risk management fund decreases by \$241. Personnel costs will continue to increase over time, as the pay scale for the Program Supervisor position is higher than an Operations Supervisor position.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer **all** of the following in detail:

- **What revenue is being changed and why?**

No revenue is being changed. The financial impact is neutral, as the cost savings and the increase in personnel costs derive from the same funding source, State Local Administration.

- **What budgets are increased/decreased?**

The budget impact is neutral overall for Developmental Disabilities Services Division (DDSD). This budget modification will impact program offer 25013 Services for Children as an increase of \$85,790 and program offer 25010 Administration and Support as a decrease of \$85,790 resulting in a net zero change.

- **What do the changes accomplish?**

Approval of a classification decision from Human Resources Class/Comp unit to add a necessary new Program Supervisor position; eliminates vacant Operations Supervisor due to changing program needs.

- **Do any personnel actions result from this budget modification? Explain.**

Yes. The approval of this budget modification will result in adding a new 1.00 FTE Program Supervisor position to the Developmental Disabilities Services Division (DDSD), as determined by the Class/Comp unit of Central Human Resources. An Operations Supervisor position (707326) will be eliminated due to changing program needs.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

N/A

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

There is no revenue change. The new position will support ongoing functions within Developmental Disabilities Services Division (DDSD). The new position will be funded with the State of Oregon Mental Health Grant, which is an ongoing funding stream for DDSD.

- **If a grant, what period does the grant cover?**

N/A

- **If a grant, when the grant expires, what are funding plans?**

N/A

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 06

Required Signatures

Elected Official
or Department/
Agency Director:

Kathy Linker for Joanne Fuller

Date: 10/21/09

Budget Analyst:

SDurant

Date: 10/21/09

Department HR:

Carolyn L. Edgett

Date: 10/21/09

Countywide HR:

Jeri E. Orr

Date: 10/21/09

Budget Modification ID: **DCHS-06****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	20-50	80001	25010	40			DD10 PAR LA	50190		85,790	85,790		Federal Thru State
2	20-50	80001	25010	40			DD10 PAR LA	60000		(54,764)	(54,764)		Permanent
3	20-50	80001	25010	40			DD10 PAR LA	60130		(15,865)	(15,865)		Salary Related Exp
4	20-50	80001	25010	40			DD10 PAR LA	60140		(15,161)	(15,161)		Insurance
5										0			
6	20-50	80001	25013	40			DD10 KIDS LA	50190		(85,790)	(85,790)		Federal Thru State
7	20-50	80001	25013	40			DD10 KIDS LA	60000		51,634	51,634		Permanent
8	20-50	80001	25013	40			DD10 KIDS LA	60130		14,974	14,974		Salary Related Exp
9	20-50	80001	25013	40			DD10 KIDS LA	60140		14,920	14,920		Insurance
10	20-50	80001	25013	40			DD10 KIDS LA	60240		4,262	4,262		Supplies
11										0			
12										0			
13	72-10	3500		20		705210		50316		241	241		Svc Rmb F/S to Risk
14	72-10	3500		20		705210		60330		(241)	(241)		Claims Paid
15										0			
16										0			
17										0			
18										0			
19										0			
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21										0			
22										0			
23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL

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

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-50	9025	65456	DD10 PAR LA	Operations Supervisor	707326	(1.00)	(54,764)	(15,865)	(15,161)	(85,790)
20-50	9361	65353	DD10 KIDS LA	Program Supervisor	714201	1.00	51,634	14,974	14,920	81,528
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL ANNUALIZED CHANGES						0.00	(3,130)	(891)	(241)	(4,262)

CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
20-50	9025	65456	DD10 PAR LA	Operations Supervisor	707326	(1.00)	(54,764)	(15,865)	(15,161)	(85,790)
20-50	9361	65353	DD10 KIDS LA	Program Supervisor	714201	1.00	51,634	14,974	14,920	81,528
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						0.00	(3,130)	(891)	(241)	(4,262)



Department of County Management
MULTNOMAH COUNTY OREGON
Human Resources

Multnomah Building
501 SE Hawthorne, Suite 400
Portland, Oregon 97214
(503) 988-5015 Phone
(503) 988-3009 Fax

To: Jeanne Wheaton, Development Disabilities Services, x86208
From: Melanie Stagnitti, Classification & Compensation Unit 503/4
Date: March 31, 2009
Subject: Reclassification Request #1223 (Program Supervisor)

We have completed our review of your request and the decision is outlined below.

Request Information:

Date Request Received: March 25, 2009
Current Classification: N/A
Job Class Number: N/A
Pay Grade: N/A

Position Number: TBD
Requested Classification: Program Supervisor
Job Class Number: 9361
Pay Grade: 124-126

Request is: ☒ Approved as Requested
☐ Approved - Revised
☐ Denied

Effective Date: March 31, 2009

Allocated Classification: Program Supervisor
Pay Range: \$49,696.23 - \$76,692.02

Job Class Number: 9361
Pay Grade: 124-126

Please note this classification decision is subject to all applicable requirements stated in MC Personnel Rule 5-50 and may require Board of County Commissioners' approval. This decision is considered preliminary until such approval is received.

Position Information:

☒ Vacant - see New/Vacant Section
☐ Filled & incumbent reclassified - see Employee Information Section
☐ Filled & incumbent not reclassified with position - see New/Vacant Section

New/Vacant Position Information:

If the position is vacant or incumbent not reclassified with position, position must be filled in accordance with the normal appointment procedures. If position is reclassified due to re-organization, a limited recruitment process may be conducted. Please consult with the Department Human Resources Unit for assistance.

Reason for Classification Decision:

Due to changes mandated by the State of Oregon to reduce case loads and increase oversight over case management programs, a new position has been added to supervise activity and professional level staff within the Birth-21 program. Essential functions of this new position include: general program management, quality management and personnel management. These responsibilities are aligned with the class specifications for Program Supervisor.

If you have any questions, please feel free to contact me at 503-988-3102 or ext. 83102.

cc: Paula Brunt, HR Manager
Kim Pasquinelli, HR Analyst
Pauline Reed, HR Maintainer
Bryan Lally, Local 88
Class Comp File Copy



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-4 DATE 11/05/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 11/05/09
Agenda Item #: R-4
Est. Start Time: 9:43 AM
Date Submitted: 10/08/09

BUDGET MODIFICATION: DCHS - 07

BUDGET MODIFICATION DCHS-07 Increasing Community Services Division
Agenda Federal/State Appropriation by \$12,455 in U.S. Department of Housing and
Title: Urban Development (HUD) Community Development Block Grant Funding

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	<u>November 5, 2009</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>County Human Services</u>	Division:	<u>Community Services</u>
Contact(s):	<u>Kathy Tinkle</u>		
Phone:	<u>503-988-3691</u>	Ext.	<u>26858</u>
		I/O Address:	<u>167/620</u>
Presenter(s):	<u>Mary Li</u>		

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-07. This budget modification increases U.S. Department of Housing and Urban Development (HUD) CDBG grant funding by \$12,455 in the Community Services Division Housing program.

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

Program Offer # 25140 – Housing program administers public resources to expand affordable housing and infrastructure in low and moderate income communities through the Community Development Block Grant, the Affordable Housing Development Program, and the home improvement loan program. At the time that the Fiscal Year 2010 budget was prepared, the grant revenue projections were based on estimates provided by the grantor. The Funding Approval/Agreement has now been issued, and the actual award amounts are greater than original estimates included in the adopted budget.

Budget Modification DCHS-07 adjusts the DCHS Fiscal Year 2010 budget to reflect the actual award amounts in the Federal Funding Approval/Agreement. The additional funding will allow increased dollars for services for low-income clients as well as enhanced funding for community development projects for the small cities in East Multnomah County.

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

The Fiscal Year 2010 budget for the DCHS Housing program will be increased by \$12,455. This funding will increase the following expenses: pass-through and program support by \$10,002, indirect costs by \$558 and supplies by \$1,895. The department indirect revenue account will increase by \$286 and will increase a like amount in Director's Office supplies. The service reimbursement for central indirect to General Fund will increase by \$272 and will increase a like amount in the contingency.

The grant is renewed every 3 to 5 years when a Consolidated Plan is submitted.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer all of the following in detail:

- **What revenue is being changed and why?**

Budget Modification DCHS-07 increases the Fiscal Year 2010 Federal/State Fund for the U.S. Department of Housing and Urban Development (HUD) grant funding by \$12,455 in the Community Services Division Housing program.

- **What budgets are increased/decreased?**

The Fiscal Year 2010 budget for the DCHS Housing program will be increased by \$12,455. This funding will increase the following expenses: pass-through and program support by \$10,002, indirect costs by \$558 and supplies by \$1,895. The department indirect revenue account will increase by \$286 and will increase a like amount in Director's office supplies. The service reimbursement for central indirect to General Fund will increase by \$272 and will increase a like amount in the contingency.

- **What do the changes accomplish?**

Budget modification DCHS-07 adjusts the DCHS Fiscal Year 2010 budget to award amounts in the Funding Approval/Agreement and will allow increased dollars for services for low-income clients as well as enhanced funding for community development projects for the small cities in East Multnomah County.

- **Do any personnel actions result from this budget modification? Explain.**

None

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

Of the \$12,455 increase, \$2,453 has been awarded for administrative costs, including central and department indirect.

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

The grant is renewed every 3 to 5 years when a Consolidated Plan is submitted.

- **If a grant, what period does the grant cover?**

The Community Development Block Grant (CDBG) covers July 1, 2009 through June 30, 2010.

- **If a grant, when the grant expires, what are funding plans?**

The grant will be renewed.

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 07

Required Signatures

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

Kathy Linker for Joanne Fuller

Date: 10/08/2009

Budget Analyst:

SDurant

Date: 10/08/2009

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **DCHS-07****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	bto	Description
					Internal Order	Cost Center	WBS Element						
1	22-10	20200	25140	41			SCPCHHFB.HUDCDBG	50170	(239,531)	(249,533)	(10,002)		IG-OP - Direct Fed
2	22-10	20200	25140	40			SCPCHHFB.HUDCDBG	60160	239,531	249,533	10,002		Pass Through & Program Support
3										0			
4	22-10	20200	25140	41			SCPCHHFB.HUDCDBG.AD	50170	(59,884)	(62,337)	(2,453)		IG-OP - Direct Fed
5	22-10	20200	25140	40			SCPCHHFB.HUDCDBG.AD	60350	7,579	7,851	272		Central Indirect
6	22-10	20200	25140	40			SCPCHHFB.HUDCDBG.AD	60355	7,969	8,255	286		Dept Indirect
7	22-10	20200	25140	40			SCPCHHFB.HUDCDBG.AD	60240		1,895	1,895		Supplies
8										0			
9	26-00	1000	25000	40			CHSDO.IND1000	50370		(286)	(286)		Dept Indirect Revenue
10	26-00	1000	25000	40			CHSDO.IND1000	60240		286	286		Supplies
11										0			
12	19	1000		20		9500001000		50310		(272)	(272)		Svc Reimb F/S to General
13	19	1000		20		9500001000		60470		272	272		Contingency
14										0			
15										0			
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27										0			
28										0			
29										0			
									(44,336)		0	0	Total - Page 1

Budget Modification ID: **DCHS-07****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	btd	Description
					Internal Order	Cost Center	WBS Element						
											0	0	GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 11/05/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 11/05/09
Agenda Item #: R-5
Est. Start Time: 9:46 AM
Date Submitted: 10/08/09

BUDGET MODIFICATION: DCHS - 08

BUDGET MODIFICATION DCHS-08 Increasing Mental Health and Addiction Services Division Federal/State Appropriation by \$2,441,006 in the State Mental Health Grant

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: November 5, 2009 Amount of Time Needed: 5 minutes
Department: County Human Services Division: Mental Health & Addiction Services
Contact(s): Kathy Tinkle
Phone: 503-988-3691 Ext. 26858 I/O Address: 167/620
Presenter(s): Karl Brimmer or David Hidalgo

General Information

1. What action are you requesting from the Board?

The Department of County Human Services recommends approval of budget modification DCHS-08. This budget modification increases State Mental Health Grant funding in the Mental Health and Addiction Services Division (MHASD) Mental Health Crisis Services program by \$1,131,479; Mental Health Commitment Services program by \$952,778; and Early Assessment and Support Alliance (EASA) program by \$356,749.

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

At the time that the Fiscal Year 2010 budget was prepared, the grant revenue projections for Program Offer #25055 - Mental Health Crisis Services, #25058 - Mental Health Commitment Services, and #25064 - EASA were based on estimates provided by the State. As discussed at the Board Briefing on September 1st regarding the impact of the final State budget, the County Financial Assistance Contract (CFAC) dated July 1, 2009 for the 2009-2011 biennium has now been issued,

and the actual award amounts are greater than the original estimates included in the adopted budget. Budget Modification DCHS-08 adjusts the DCHS Fiscal Year 2010 budget to reflect the actual award amounts in the County Financial Assistance Contract for Program Offer #25055 – MH Crisis Services, #25058 – MH Commitment Services and #25064 - EASA.

Program Offer #25055 - Mental Health Crisis Services – includes the Mental Health and Addiction Services Division's (MHASD) Crisis Call Center, Urgent Walk-In Clinic and Mobile Crisis Outreach. These programs provide 24-hour-a-day response, access and coordination of emergency mental health services. Additional funding in the amount of \$1,131,479 allows the Mental Health Crisis Services – program to provide services at the Fiscal Year 2009 level.

Program Offer #25058 – Mental Health Commitment Services includes Emergency Psychiatric Holds (E-Holds), Involuntary Commitment Program (ICP), Commitment Monitors, and the State Hospital Waitlist Reduction Program (WLRP). ORS 426 mandates the county as payor of last resort for indigent E-Holds and requires ICP staff investigate and determine whether individuals on an E-Hold present a risk of harm to themselves or others and if a court hearing should be recommended. Additional funding in the amount of \$952,778 allows the Mental Health Commitment Services program to provide services at the Fiscal Year 2009 level.

Program Offer #25064 - Early Assessment and Support Alliance is an early psychosis intervention program addressing the needs of young persons aged 15-25 who demonstrate initial symptoms of psychosis, with the goal of managing long-term problems and consequences. Additional funding in the amount of \$356,749 allows the Early Assessment and Support Alliance program to provide services at the Fiscal Year 2009 level.

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

The Fiscal Year 2010 budget for the DCHS Mental Health Crisis Services – will be increased by \$1,131,479. This funding will increase the following expenses: pass through & program support by \$941,479, direct client assistance by \$40,000, temporary by \$134,025, non base fringe by \$11,150 and non base insurance by \$4,825. Service reimbursement from Federal/State to the risk management fund increases by \$4,825.

The Fiscal Year 2010 budget for the DCHS Mental Health Commitment Services will be increased by \$952,778. This funding will increase pass through & program support by \$952,778.

The Fiscal Year 2010 budget for the DCHS Early Assessment and Support Alliance program will be increased by \$356,749. This funding will increase the following expenses: professional services by \$311,902, direct client assistance by \$29,975, supplies by \$7,492, travel & training by \$2,500 and local travel & mileage by \$4,880.

This grant is continuously renewed with each State biennium at the established annual allocation amounts. The State Mental Health Grant (SMHG) will continue to be awarded with each new State biennium.

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

N/A

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

N/A

ATTACHMENT A

Budget Modification

If the request is a **Budget Modification**, please answer **all** of the following in detail:

- **What revenue is being changed and why?**

Budget Modification DCHS-08 increases the Fiscal Year 2010 Federal/State Fund for the State Mental Health Grant funding in the Mental Health and Addiction Services Division (MHASD) Mental Health Crisis Services program by \$1,131,479, Mental Health Commitment Services program by \$952,778, and Early Assessment and Support Alliance program by \$356,749.

- **What budgets are increased/decreased?**

The Fiscal Year 2010 budget for the Mental Health Crisis Services will be increased by \$1,131,479. This funding will increase the following expenses: pass through & program support by \$941,479, direct client assistance by \$40,000, temporary by \$134,025, non base fringe by \$11,150 and non base insurance by \$4,825. Service reimbursement from Federal/State to the risk management fund increases by \$4,825.

The Fiscal Year 2010 budget for the Mental Health Commitment Services will be increased by \$952,778. This funding will increase pass through & program support by \$952,778.

The Fiscal Year 2010 budget for the Early Assessment and Support Alliance program will be increased by \$356,749. This funding will increase the following expenses: professional services by \$311,902, direct client assistance by \$29,975, supplies by \$7,492, travel & training by \$2,500 and local travel & mileage by \$4,880.

- **What do the changes accomplish?**

Budget Modification DCHS-08 adjusts the DCHS Fiscal Year 2010 budget to award amounts in the State Mental Health Grant (SMHG) in Program Offer #25055, #25058 and #25064. Additional funding allows the Mental Health Crisis Services program, Mental Health Commitment Services program and Early Assessment and Support Alliance program to provide services at the Fiscal Year 2009 level.

- **Do any personnel actions result from this budget modification? Explain.**

No permanent positions are added or impacted, however the budget modification allows for additional funding for temporary and/or on call Mental Health Consultant positions in the Mental Health and Addiction Services Division (MHASD) Mental Health Crisis Services program.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

The grant does not pay indirect. The state service element funding is restricted to services only.

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

The grant is renewed with each new State biennium.

- **If a grant, what period does the grant cover?**

The State Mental Health Grant (SMHG) covers July 1, 2009 through June 30, 2011.

- **If a grant, when the grant expires, what are funding plans?**

On-going biennial grant with the State of Oregon.

<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet</i></p>
--

ATTACHMENT B

BUDGET MODIFICATION: DCHS - 08

Required Signatures

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

Kathy Linker for Joanne Fuller

Date: 10/8/2009

Budget Analyst:

SDurant

Date: 10/8/2009

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **DCHS-08****EXPENDITURES & REVENUES**

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with SAP.

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	Cost Center	WBS Element						
1	20-80	82025	25055A	40			MA SN CR CALL 25	50190	(714,312)	(904,312)	(190,000)		IG-OP-Fed thru State
2	20-80	82025	25055A	40			MA SN CR CALL 25	60155	0	40,000	40,000		Direct Client Assistance
3	20-80	82025	25055A	40			MA SN CR CALL 25	60100	0	134,025	134,025		Temporary
4	20-80	82025	25055A	40			MA SN CR CALL 25	60135	0	11,150	11,150		Non Base Fringe
5	20-80	82025	25055A	40			MA SN CR CALL 25	60145	0	4,825	4,825		Non Base Insurance
6	20-80	82025	25055A	40			MA SN CR WR 25	50190	(1,246,416)	(1,389,733)	(143,317)		IG-OP-Fed thru State
7	20-80	82025	25055A	40			MA SN CR WR 25	60160	1,246,416	1,389,733	143,317		Pass Through - Pgm Support
8	20-80	82020	25055A	40			MA SN CR WR 20	50190	(800,894)	(1,599,056)	(798,162)		IG-OP-Fed thru State
9	20-80	82020	25055A	40			MA SN CR WR 20	60160	800,894	1,599,056	798,162		Pass Through - Pgm Support
10													
11	20-80	82020	25058	40			MA SN MC DIVERT 20	50190	0	(523,030)	(523,030)		IG-OP-Fed thru State
12	20-80	82020	25058	40			MA SN MC DIVERT 20	60160		523,030	523,030		Pass Through - Pgm Support
13	20-80	82024	25058	40			MA SN IP HOLD 24	50190	(1,473,365)	(1,903,113)	(429,748)		IG-OP-Fed thru State
14	20-80	82024	25058	40			MA SN IP HOLD 24	60160	1,473,365	1,903,113	429,748		Pass Through - Pgm Support
15													
16	20-80	82020	25064A	40			MA SC EAST 20	50190	(414,133)	(770,882)	(356,749)		IG-OP-Fed thru State
17	20-80	82020	25064A	40			MA SC EAST 20	60170	0	311,902	311,902		Professional Service
18	20-80	82020	25064A	40			MA SC EAST 20	60155	2,376	32,351	29,975		Direct Client Assistance
19	20-80	82020	25064A	40			MA SC EAST 20	60240	0	7,492	7,492		Supplies
20	20-80	82020	25064A	40			MA SC EAST 20	60260	0	2,500	2,500		Travel & Training
21	20-80	82020	25064A	40			MA SC EAST 20	60270	0	4,880	4,880		Local Travel & Mileage
22													
23													
24													
25													
26													
27													
28	72-10	3500		20		705210		50316		(4,825)	(4,825)		Svc Rmb F/S to Risk
29	72-10	3500		20		705210		60330		4,825	4,825		Claims Paid
									(1,126,069)	(1,126,069)	0	0	Total - Page 1
											0	0	GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 11/05/09
Agenda Item #: R-7
Est. Start Time: 9:50 AM
Date Submitted: 10/06/09

Agenda Title: RESOLUTION Accepting the Multnomah County Report on the 2009 Oregon Legislative Session

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: November 5, 2009 Amount of Time Needed: 15 minutes
Department: Non-Departmental Division: Chair's Office
Contact(s): Phillip Kennedy-Wong
Phone: 509 988-5895 Ext. 85895 I/O Address: 503/600
Presenter(s): Phillip Kennedy-Wong

General Information

1. What action are you requesting from the Board?
Adopt Resolution accepting the 2009 State Legislative Report.
2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.
The report will serve as an accounting of the Board's legislative activities in the 2009 session and the outcome of its agenda.
3. Explain the fiscal impact (current year and ongoing).
4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

Elected Official
or Department/
Agency
Director:

Date: 10/06/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Accepting the Multnomah County Report on the 2009 Oregon Legislative Session

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County adopted its legislative priorities and agenda for the 2009 Oregon Legislative Assembly on January 22, 2009.
- b. Multnomah County participated in the 2009 Oregon Legislative Assembly to advance its legislative agenda and to promote the interests of its residents.
- c. Multnomah County Commissioners were engaged and active during the legislative session.
- d. Multnomah County lobbying efforts resulted in the following:
 - protecting services for vulnerable populations from cuts in funding from the state including gang transition services, addictions, mental health, domestic violence, and aging and developmental disabilities;
 - acquiring \$30 million in state funds for the Sellwood Bridge;
 - obtaining greater local control on transportation funding and procurement of locally grown food products;
 - setting the policy framework for a new statewide menu labeling law;
 - reforming urban renewal procedures and the historic buildings preservation program; and
 - securing a commitment from the State to study the use of Wapato Jail.

The Multnomah County Board of Commissioners Resolves:

1. The Board accepts the attached Multnomah County Report on the 2009 Oregon Legislative Session.

ADOPTED this 5th day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

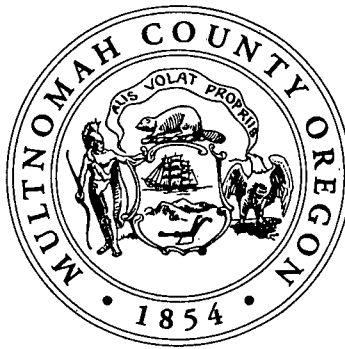
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Ted Wheeler, Multnomah County Chair

Multnomah County, Oregon

2009 Oregon Legislative Session
January 12 – June 29, 2009



FINAL REPORT

August 2009

Phillip Kennedy-Wong
Government Relations Manager
Office of the Chair

BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE, SUITE 600
PORTLAND, OREGON 97214
(503) 988-5895

TED WHEELER • CHAIR
DEBORAH KAFOURY • DISTRICT 1
JEFF COGEN • DISTRICT 2
JUDY SHIPRACK • DISTRICT 3
DIANE MCKEEL • DISTRICT 4

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Background

2009 Oregon Legislative Session

The national economic recession and the state's high unemployment rate affected Oregon's 75th Legislative Assembly. Balancing the state's budget was the Legislature's most important and difficult challenge. The state's expected General Fund level for the 2009-11 biennium was reduced by one-fifth as a result of the recession, resulting in roughly \$4.2 billion less revenue to maintain existing services. Unemployment in Oregon reached 12.5 percent, the second highest rate in the nation. Legislation was viewed through the filter of fiscal impact and job creation in crafting the state budget and deciding which bills were priorities.

Democrats controlled both chambers of the Legislature with a three-fifths majority and the Governor's Office. Democrats were able to pass the majority of their agenda. Their majority made it possible to pass tax increases that were pivotal to the Democrats' budget balancing plan and their tax reform priorities. Thus, tax policies that have been historically difficult to pass were accomplished this session. This included raising the corporate minimum tax, which has not changed since 1931, and adding a new tax bracket for upper income earners. Oregon's tax brackets have not changed since the 1980s.

The Ways and Means Committee Co-Chairs' budget called for a combination of methods to balance the state's budget. This included cutting roughly \$2 billion in state services, increasing taxes on upper income earners, raising the corporate minimum tax, utilizing federal stimulus dollars, reducing some tax credits, and using the Rainy Day Fund. The Republicans issued their own budget that relied more on reserve funds in lieu of tax increases. Their budget had very little traction or political leverage. In the end, the Legislature adopted essentially the Co-Chairs' budget recommendation with slight modifications. Cumulatively, the Legislature's adopted budget was 12.4 percent below essential budget levels and relied heavily on one-time federal stimulus dollars.

The budgets for public safety agencies and education were the most controversial. Implementation of Measure 57 affected the public safety budgets. The new mandatory minimum sentencing law for property crimes was cost prohibitive and would have meant cuts to various public safety services for state and local governments. The controversy over the education budget centered on the use of reserve funds, a showdown between the Legislature and the Governor. The Governor opposed the use of reserve funds and threatened to veto the education budget. In the end, the Legislature prevailed.

Many of the politically controversial bills that the Legislature took up this session either had no impact on Multnomah County or very little effect. Controversial bills included those protecting the Metolius River, regulating virtual schools, creating a classification for the murder of pregnant women, reducing wind farm tax credits, lowering greenhouse gas emissions, prescribing the ballot titling for tax referendums, banning field burning, and using reserve funds. Some of these bills ended up as part of the eleventh hour negotiations between the two chambers and party caucuses.

Notable legislation passed by the 75th Legislative Assembly:

- **SB 338**, a \$175 million state stimulus package;
- **HB 2649**, a new tax bracket for upper income earners raising \$472 million;
- **HB 3405**, new corporate minimum tax and corporate tax rate raising \$261 million;

- **HB 2067**, regular review and sunset of all tax credits
- **HB 2001**, \$300 million (annual revenue) transportation package that included increases in the gas tax and vehicle fees;
- **HB 2009**, creation of the Oregon Health Authority to expand access and to reduce health care costs for Oregon residents;
- **HB 2116**, health coverage for uninsured children through an increase in provider and managed care taxes;
- **HB 3508**, phase-in of Measure 57 after February 2010; and
- **HB 2186**, a DEQ commissioned study on possible regulations to reduce greenhouse gas emissions.

Notable proposed legislation that did not pass included:

- **HB 2461**, an increase of the beer tax;
- **HB 2122** an increase of the cigarette tax;
- **HB 2616**, removing the preemption on local tobacco taxes; and
- **HB 2831**, adding temporary workers in collective bargaining units and prohibiting replacement workers.

The Legislature adjourned on June 29th, one day ahead of its planned date. Unlike previous sessions there was less uncertainty about various bills in the final days. Many of the deals were already struck three or four days prior to Sine Die. The timing of Sine Die was dictated by the procedural mechanics of floor votes rather than last minute deal making. Essentially, there were no surprises at the end of session.

Anti-tax activists will most likely attempt to repeal the corporate minimum tax increase and personal income tax increase bills by referring them to voters for a January 26, 2010 special election. Of the other revenue raising bills, they are less likely to have the support to collect the necessary signatures. They will need to collect over 55,000 signatures for each tax referral. If the corporate and personal income tax bills are repealed, the state 2009-11 budget will be reduced by roughly \$733 million.

The Legislature referred two constitutional amendments to voters for the May 2010 primary election. One of the amendments would exempt school districts from the limitation on bonded indebtedness in order to finance capital construction. The other expands the eligibility for the Oregon War Veterans Fund for the purpose of making home loans.

Outcome of Multnomah County Priorities and Legislative Agenda

Multnomah County Legislative Priorities

Multnomah County adopted three priorities for the 75th Legislative Assembly: 1) preventing cuts to programs that serve vulnerable populations; 2) closing the service gap in the mental health system, and 3) seeking local control by removing state preemptions.

Priority: Preventing cuts to programs that serve vulnerable populations

Outcome: In terms of the state budget, the County was able to acquire most of the funding it requested in human services and public safety agency budgets for 2009-2011, thus meeting the County's priority to protect programs that serve vulnerable populations. The County worked closely but not exclusively with state legislators from Multnomah County who served on the Ways and Means Committee, most notably Senator Margaret Carter who was Co-Chair of the full committee, Rep. Chip Shields (Co-Chair of the Public Safety Subcommittee), and Rep. Tina Kotek (Co-Chair of Human Services Subcommittee). (See **Appendix A**)

Priority: Closing The Service Gap In The Mental Health System

Outcome: Although closing the service gap in the mental health system was also a top priority for the Legislature, the approach it took does not have any immediate effect or clear benefit to Multnomah County, especially in terms of the immediate need for operational funds for a mental health crisis treatment and evaluation center in the County. Multnomah County sees the lack of a center as a huge gap in the system.

There were two primary bills that the Legislature used to address mental health: **SB 5529**(Department of Human Services budget) and **HB 2009**(Oregon Health Policy Board/Oregon Health Authority). **SB 5529** included funds for two to three pilot projects that would test integrating physical and mental health care through fully capitated managed care providers.

SB 5529 Budget Note:

"The Department of Human Service is directed to implement two or three demonstration projects with willing local mental health authorities, mental health organizations, fully capitated health plans, federally qualified health clinics and mental health, addiction and health care providers in the communities, to develop an integrated management and service delivery system including physical health and addictions and mental health treatment and recovery services, by June 30, 2011. DHS shall report on progress on implementing these demonstration projects at the last scheduled Emergency Board or Joint Committee on Ways and Means meeting prior to the 2011 legislative session."

SB 5529 also included a budget note that directs DHS to develop an "equitable" distribution formula for psychiatric acute care funds. The note was at the request of Washington County.

SB 5529 Budget Note continued:

"The Department of Human Services Addictions and Mental Health Division is directed to work with local mental health authorities and stakeholders to develop an equitable formula and distribution method for Regional Acute Psychiatric Inpatient Treatment funds for all Oregon counties. DHS shall report to the Emergency Board or Joint Committee on Ways and Means by February 2010 on this new method and include a cost estimate for implementation."

HB 2009 transferred the state Addictions and Mental Health Division to the new Oregon Health Authority. The Oregon Health Policy Board will oversee the Authority and develop

recommendations to the 2011 Legislature on how to reduce Oregon's uninsured population and health care costs. Presumably, the recommendations will include mental health care needs and may dovetail with the mental health integration pilot projects outcomes.

Priority: Seeking Local Control By Removing State Preemptions

Outcome: In promoting local control, Multnomah County succeeded in removing state preemptions or restrictions to imposing a county vehicle registration fee and to tolling the County's Willamette River bridges. The Legislature also attempted to remove state preemptions on beer and tobacco taxes. Multnomah County came very close to succeeding on removing the preemption on local tobacco taxes. The House passed HB 2616 32 votes to 27. The Legislature adjourned before the Senate could fully consider and vote on the measure. There were other bills to remove various state preemptions on local governments that did not receive hearings including the beer tax, and the real estate transfer tax.

Multnomah County Legislative Agenda

The County's legislative agenda included a range of policy items for the session. Below are the legislative outcomes of the County's adopted state legislative agenda.

AGENDA ITEM: RESTORE LOCAL CONTROL

ISSUE:

State preemptions and other restrictions on local government discourage creative solutions to local problems and undermine local authority. Multnomah County needs to have all the tools in its toolbox to meet the needs of its residents.

PRIORITY: Multnomah County supports lifting current preemptions and ensuring that no new preemptions are adopted.

2009 SESSION OUTCOME

Passed:

- **HB 2001** – removes requirement that imposition of county vehicle registration fees be subject to an automatic vote of the electorate. Also exempts Multnomah County from the 4-year preemption of county-level imposed vehicle registration fees.
- **SB 36** – provides Multnomah County the legal authority to toll the five Willamette River Bridges in the City of Portland under its responsibility.

AGENDA ITEM: FUND STATE MANDATES

ISSUE:

Multnomah County is bearing the brunt of underfunded services required by the State in corrections, health and human services, and other areas including court facilities. As a result, Multnomah County has supplemented what it receives from the state with County General Funds in order to meet its legal obligations. Given the economic situation and growing community needs, the General Fund is not able to sustain these services.

PRIORITY: Multnomah County supports adequate funding to cover actual costs of providing state required services. This includes:

- establishing a 95-percent reimbursement rate for services provided by transfer area agencies on aging and disabilities;
- adopting workload staffing standards and utilization rates as basis for funding human services;
- funding adequately mental health involuntary commitment investigators and emergency holds in acute care;
- funding implementation of Measure 57 treatment services, sanctions and local corrections options; and
- funding Urban and Rural Reserves planning;

2009 SESSION OUTCOME

Passed:

- **SB 646**- requires DHS to submit its agency requested budget for area agencies on aging and disability at 95 percent of what it would cost DHS if it were to provide the service directly.

- **HB 2123-** requires DHS to report on staff workload and staffing needs.
- **SB 5529** – funded at requested levels - involuntary commitment investigators and emergency holds
- **HB 3508** – phases implementation of Measure 57
- **SB 5531-** Funding in the DLCD budget for Urban and Rural Reserves planning. State grant level remained flat at \$2.2 million w/ no specific earmark for reserves planning.

AGENDA ITEM: PUBLIC SAFETY

ISSUE: *The passage of Measure 57 added another unfunded mandate to Multnomah County. The costs of corrections are increasing and without adequate funding or a different approach, the state corrections system will be compromised.*

PRIORITY: Multnomah County supports innovative state policies that enable counties to be more effectively utilized in the corrections system. This includes:

- permitting discretionary immunity for juvenile detention directors;
- directly contracting for close custody, secure beds and community based placements;
- exploring local control arrangements to utilize the Wapato Jail facility;
- funding drug and alcohol addiction treatment services for county jail inmates; and
- funding the Multnomah County Regional Justice Network.

2009 SESSION OUTCOME

Passed:

- **HB 2393-** permits county juvenile director to release juveniles under specific circumstances
- **HB 2299-** allows counties to adopt standards and discretion for releasing juveniles from detention facilities when capacity is exceeded.
- **HB 5005-** includes a budget note to require DOC to study purchase or multi-year lease of Wapato Jail to state prison capacity needs.

Budget Note:

The Department of Corrections shall work with Multnomah County in exploring whether the Wapato Jail facility meets the Department's future prison bed capacity needs. The Department shall examine the financial and programmatic feasibility of purchasing or entering into a multi-year lease for the use of the facility. In its analysis, the Department should study the short and long-term costs compared to other alternatives including new construction and rental beds, the cost of converting the Wapato facility to meet the requirements of using the facility as a prison, the costs of staffing and operating the facility compared to other alternatives, any land use or community restrictions or concerns of using the facility as a prison, and whether the facility meets the programming needs of the state prison system. The Department of Corrections should report its findings to the Emergency Board or appropriate legislative committee prior to March 1, 2010.

AGENDA ITEM: REINVEST IN TRANSPORTATION INFRASTRUCTURE

ISSUE: *Multnomah County lacks the resources to adequately maintain 6 regional bridges and over 300 miles of road.*

PRIORITY: Multnomah County supports a state transportation funding package that provides the funding and tools to maintain its roads and bridges on a long-term basis. This includes:

- increasing revenues for operations and maintenance of transportation infrastructure;
- establishing a 50/30/20 revenue formula among the state, counties, and cities; and
- increasing the state gas tax.

2009 SESSION OUTCOME

Passed:

- **HB 2001-** provides new funds from increases in the gas tax, and title and vehicle registration fees. Establishes 50/30/20 revenue-sharing formula among state, counties and cities. In addition, the bill directed \$30 million for reconstructing the Highway 43 portion of the Sellwood Bridge. The bill also imposed a 4-year preemption on local gas taxes and vehicle registration fees, but provided an exemption for Multnomah County for the latter fee.

AGENDA ITEM: CLOSE GAPS IN MENTAL HEALTH SYSTEM

ISSUE 1:

Since the 2001 closure of a Portland mental health triage center operated by Providence, first responders who treat persons suffering a mental health crisis do not have a viable and cost-effective alternative to hospital emergency rooms or the County jail to take these persons for proper treatment. This has led to improper care and expense to emergency responders and local area hospitals. The lack of a sub-acute crisis evaluation and treatment facility in Multnomah County is a huge gap in the mental health system.

PRIORITY: Multnomah County and the City of Portland seek state funding for capital costs and operations of a 16-bed sub-acute mental health crisis evaluation and treatment facility.

2009 SESSION OUTCOME

The Legislature did not provide any additional funding for the operational costs for a mental health crisis evaluation and treatment facility. Instead, the Legislature adopted the DHS budget with instructions for the department to develop an "equitable" distribution formula for acute care funds and report to the Legislature by February 2010. The DHS budget also calls for two to three pilot projects on physical and mental health integration. The pilot projects would determine if the fully capitated managed care organizations could effectively integrate mental health care with medical care for persons with both needs.

AGENDA ITEM: REDUCE UNINSURED POPULATION

ISSUE:

Since the 2002 recession, the state has significantly reduced the Oregon Health Plan Standard population, leaving thousands of Oregonians without health care coverage. The consequences have dramatically driven up costs for the county's health clinics and for hospital emergency rooms. Changes to enrollment have resulted in a loss of matching state and federal dollars to Multnomah County to pay for residential treatment services.

PRIORITY: Multnomah County supports:

- Increasing OHP's Standard and Plus populations including the coverage of single males

in need of residential addictions treatment. Increasing OHP enrollment is the key to reducing overall costs in health and human services for the state, counties, and hospitals by increasing federal matching dollars.

- the recommendations of the Oregon Health Fund Board in the Aim Report including the creation of an Oregon Health Authority.

2009 SESSION OUTCOME

Passed:

- **HB 2009**- establishes the Oregon Health Policy Board to oversee the development and implementation of health care policy, specifically in the areas of the uninsured and cost containments. The Board is to develop a plan for the 2011 Oregon Legislature. Several existing state agencies will be transferred to be under the jurisdiction of the Board. The grouping of these agencies will be combined into a single agency call the Oregon Health Authority. Further, the bill abolishes the Oregon Health Fund Board.
- **HB 2116** –establishes a 1% health insurance premium assessment and an assessment on hospitals. Funds will be used to modestly restore the OHP increase the monthly average of the OHP Standard adult population from 25,000 to 50,000 and the provide coverage for nearly 80,000 children for the 2009-11 biennium.

AGENDA ITEM: REMOVE BARRIERS TO SUSTAINABILITY INITIATIVES

ISSUE:

Specific state laws inhibit Multnomah County residents and county operations from being environmentally sound and sustainable. Small changes to state law will allow county operations and residents to promote the local economy, reduce pollution and the carbon footprint, and conserve natural resources.

PRIORITY: Multnomah County supports changes to state law that:

- give local governments the option to prefer local food products in the procurement process;
- allow local governments to establish local improvement districts (LIDs) for energy efficiency and renewable energy improvements to property, where property owners could voluntarily participate in a loan program for sustainable energy upgrades; and
- creates a legal definition of "gray" water for non-potable purposes, such as irrigation, to encourage water conservation.

2009 SESSION OUTCOME

Passed:

- **HB 2763**- Provides government agencies with flexibility to purchase agricultural products produced and transported in Oregon when procuring food services.
- **HB 2626**- Establishes a small loan program for residential and commercial for energy efficiency improvements and permits the creation of local improvement districts for the same purpose.
- **HB 2080**- Creates legal definition of gray water as waste water from baths, showers, bathroom, kitchen sinks, and laundry. Directs the Environmental Quality Commission to adopt rules for gray water reuse and disposal system permits.

AGENDA ITEM: REFORM PROPERTY TAX LIMITATION

ISSUE: *Measure 50 created a permanent structural deficit for local government in Oregon. Multnomah County cannot afford to provide services with revenues generated by a property tax rate that grows slower than real market inflation. Further, the Measure 50 property tax system is inequitable to homeowners with equal valued homes but taxed unequally.*

PRIORITY: Multnomah County supports a legislative referral to voters of a ballot measure that reforms property tax limitation. In particular, Multnomah County favors reform that:

- supports equalizing assessed values to make taxes proportionate to market values;
- provides tax relief for seniors on fixed incomes and low-income renters; and
- provides adequate revenues for essential public services.

2009 SESSION OUTCOME

At the request of Multnomah County, the Senate Revenue Committee introduced three bills and held a public hearing on behalf of the county. The bills and the hearing were intended to keep attention on the critical need of reforming property tax limitation under Measure 50. A diverse group of stakeholders were recruited to participate in the hearing. There was brief consideration for creating a legislative task force. Ultimately, the Chair of the Committee agreed to make the reform the top priority for the interim. Multnomah County will work with the Chair to plan this effort.

Other Legislation Of Note

In addition to Multnomah County's legislative priorities and agenda, there were several bills of note that affect Multnomah County. These were:

Finance and Taxation

- HB 2904** Permits dormant farmland to be assessed as farmland if remediation plan to renew farm activities is approved by regulating agencies. ***Multnomah County provided amendments that create greater accountability in return to farm use. Passed.***
- HB 2074** Requires cost-sharing and provides opt out for participating taxing districts under the review of the Multnomah County Tax Supervising and Conservation Commission. ***Multnomah County worked out compromise with taxing districts to keep the commission. Passed***
- HB 3056** Limits maximum indebtedness for urban renewal districts and requires concurrence w/ affected taxing districts for 20% or more change in maximum indebtedness. ***Multnomah County participated in developing principles of agreement with cities and taxing districts. Passed.***
- SB 192** Extends the historic properties special tax assessment program, reduces the term from 15 years to 10 years, and changes requirements for participation. ***Multnomah County worked closely with the Senate Revenue Committee to develop changes to the program that reduce the fiscal impact on county services. Passed.***

Governance

- HB 2867** Requires public agencies to conduct a cost analysis before contracting out services valued over \$250,000. Does not apply to client-based services. *Multnomah County participated in the legislative work group and secured exemption for client-based services. Passed.*

Public Safety

- HB 5054** Restores essential budget level funding to Multnomah County Gang Transition Services and East Metro Gang Enforcement Team. This bill was the "Christmas Tree" bill. *Multnomah County lobbied heavily for the inclusion of gang funds in the bill. Passed.*
- SB 344** Permits Sheriff Bob Skipper to take coursework and written tests to acquire public safety officer recertification without repeating cadet training. *Multnomah County requested an amendment to SB 344. Passed.*

Health and Human Services

- HB 3353** Creates the Alcohol and Drug Policy Commission and replaces the Governor's Council on Alcohol and Drug Abuse Programs. Membership to include district attorney, sheriff, and county commissioner. *Multnomah County testified in support of this measure at the request of the Attorney General. Passed.*
- HB 2726** Requires chain restaurants to make specific nutritional information available on menu. Repeals Multnomah County's local ordinance. *Multnomah County provided information on its local ordinance and its preferences in a state law. Passed.*
- HB 3022** Permits qualified health professionals to prescribe medication for the treatment of a sexually transmitted disease of a patient's sexual partner without examination of the latter. *Multnomah County testified in support of the measure. Passed.*
- HB 2136** Prohibits the sale of tobacco products from vending machines. *Multnomah County testified in support of the measure. Passed.*
- HB 2391** Establishes an Aging and Disability Resource Center. *Multnomah County testified in support of the measure. In committee upon adjournment.*

Elections

- HB 3451** Allows elections clerk to electronically scan ballots prior to election day. *Multnomah County testified in support of the measure. Passed.*
- HB 3107** Exempts districts from paying for their election expenses held on the same day as primary and general elections. *Multnomah County testified in opposition to the measure. In committee upon adjournment.*

Land Use/Transportation

- SB 566** Permits Metro to not consider farmland classification system when designating urban reserves within the urban growth boundary. *Multnomah County testified in support of the measure. Passed.*
- HB 2043** Removes the requirement that county ordinances on vehicle registration fees not

be subject to automatic vote of the electorate. ***Multnomah County testified in support of the measure. Was amended into HB 2001. HB 2043 was in committee upon adjournment. HB 2001 Passed.***

Preview

February 2010 Supplemental Session

The Legislature plans to convene in February 2010 for a month-long supplemental session and will most likely focus on rebalancing the 2009-2011 state budget. The Legislature will take up approximately 150 bills in addition to rebalancing the budget. Hearings for the bills will begin in late fall 2009 or January 2010.

For Multnomah County, there will be at least three issues of interest the Legislature might address in the supplemental session:

- The Dept. of Corrections will report to the Legislature on its feasibility analysis of purchasing or entering into a multi-year lease of Wapato Jail.
- The Dept. of Human Services will report on a new method of distributing Regional Acute Psychiatric Inpatient Treatment funds to all counties.
- Last but not least, how the Legislature responds to the outcome of January 2010 election on the referrals of corporate minimum and income tax increases passed in 2009 will determine which County programs are affected.

If Oregon voters repeal the tax increases, the 2009-11 biennium budget will be less \$733 million. The Legislature will have to cut state services, use additional reserve funds, and reduce tax expenditures or do a combination of these measures. The likelihood of another tax increase seems very unlikely.

The Legislature will also decide whether Measure 57, the mandatory minimum sentencing law for property crimes that was passed in 2008, will be phased-in or be implemented fully.

Deadline for submitting legislative requests for the supplemental session is November 13 for the Senate and December 30 for the House. Each senator can pre-session file two bills and each State Representative can pre-session file only one bill each.

Multnomah County Service *Estimated* Impact
State Adopted Budget FY 2009-2011

Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
County Human Services									
	25010	Developmental	1,160,480	17,804,057	(1,613,190)	0	(1,613,190)	(11.00)	Local Administrative base funding was reduced by approximately \$650,741. Case Management base funding and the estimated match funding were reduced by a combined total of \$962,449. The reductions are due to a change in Oregon Department of Human Services' allocation methodology. Information regarding this change was not available during the FY 2010 budget process. The Division is currently working on reducing FTE, estimating a total loss of 11 FTE's with 7 FTE from Local Administrative funding and 4 FTE from Case Management. A majority positions are vacant. The Division expects to use one time only budgeted Beginning Working Capital funds to supplement the loss of the Case Management funding and to transition to FY 2011. It is believed that the reduction in funding will not have any lasting adverse impacts on clients or their families. In previous years the ratio of case managers to clients was 1 to 80. The State's standard is 1 to 45, but without funding this ratio cannot be reached. The Division estimates that realigning case loads and using BWC, the ratio will settle at roughly 1 to 60 for FY 2010.
	25012	Disabilities							
	25013	Administration &							
	25015	Support, Services for Adults, Services for Children, and Coordinating, Monitoring & Business Unit							
	25013	Developmental Disabilities Services for Children	209,929	4,298,479		(253,411)	(253,411)	0.00	Funding for Family Support Services (150 & 151), which provides respite services for Developmental Disabilities Families, was reduced by \$253,411. Based on an estimated average of \$1,200 per plan, per family, this loss of funding could potentially result in approximately 200 families either not receiving respite services or receiving substantially reduced services for the FY10 budget year.
	25015	Developmental Disabilities Coordinating, Monitoring & Business Unit	0	3,219,130	0	(453,813)	(453,813)	0.00	Crisis Services (44) funding was reduced by \$453,813. Transitional housing for a client, whose family may no longer be able to effectively or safely care the them, is one of example of Crisis Services. Crisis Services expenditures are approximately \$66,000 per month and estimated plans are about \$4,000 per client. This totals about 16 clients per month who require Crisis Services funding. Conservative estimates reveal that approximately 110 clients may not receive Crisis Services for the FY10 budget year. It should be noted that once Crisis Service Funding is exhausted at the County level, that then Crisis Services funding at the Regional Level will be used until it is exhausted. The Division plans on applying for additional Crisis Services funding in October 2009, as allowed by the State.
	25020A	Aging Disability Services- Access & Early Intervention	2,703,914	5,115,869	61,034	0	61,034	0.70	Oregon Department of Veterans' Affairs increase based on application of the approved distribution methodology and recognizing the full veteran population in Multnomah County. A 0.2 FTE increase in Veteran Services Officer and 0.5 FTE increase in support staff will result in a 15% increase in direct service hours and # of veterans served.

Multnomah County Service *Estimated* Impact
State Adopted Budget FY 2009-2011

Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
County Human Services (cont.)									
	25020A	Aging Disability Services- Access & Early Intervention	2,703,914	5,115,869	TBD	TBD	TBD	TBD	Awaiting Oregon Project Independence allocation. Legislative outcome restored Oregon Project Independence to 07-09 levels averting a majority of reductions planned for FY10 and maintaining service for a majority of the 500 clients who would have been cut from service. A wait list for services will be necessary to maintain program within budget do to increasing program costs and demand for services. Allocation is expected to be determined by the end of August.
	25020A 25022 25023A 25024 25027	Aging Disability Services- Prog. Offers w/ Medicaid Access & Early Intervention, Adult Care Home, Long Term Care, Adult Protective Services Administration	5,767,225	33,784,688	TBD	TBD	TBD	TBD	Awaiting Medicaid allocation from Oregon Department of Human Services; Legislative outcome resulted in significant dental and vision benefit reductions without any long term care service or staffing-related losses; Legislative Appropriated Budget does not provide for COLA or step increases for staff and DHS personnel salary savings and administrative reductions will be passed on to local Area Agency on Aging programs; Multnomah County's share is unspecified at this time and may result in FTE reductions. Allocation is expected to be determined by the end of August.
	25055	Mental Health & Addiction Services- Crisis Services	1,182,894	3,737,609	0	872,306	872,306	0.00	Fully restore funding to the FY 2009 level, which will fund the Walk-In clinic for the entire year (only funded for 7 months in the adopted budget).
	25058	Mental Health & Addiction Services- Commitment Services	1,182,894	3,737,610	0	429,748	429,748	0.00	Fully restore funding to the FY 2009 level, which will provide for approximately 545 additional days in a Psych Ward for clients on Emergency Holds.
	25060	Mental Health & Addiction Services- Residential Services	948,524	2,909,512	0	3,817,569	3,817,569	0.00	Residential Treatment Service funds (SE 28) for \$490,566, will restore funding to the FY 2009 level for 8 Regional Treatment Facilities designated by the State; Additional Non-Residential Adult funds (SE 20) for \$3,265,625, will restore funding to FY 2009 level for 28 specific treatment programs at Treatment Facilities designated by the State; Additional Non-Residential Designated Services (SE 201) for \$61,376 will restore funding levels to the FY 2009 level for the total of 39 specific individuals designated by the state.
	25064	Mental Health & Addiction Services- Early Psychosis	0	604,849	0	443,802	443,802	0.00	Fully restore funding to the FY 2009 level for the EASA program to serve approximately 60 clients.
	25067	Mental Health & Addiction Services- Community Based Mental Health Services for Children	291,498	1,191,757	0	(8,895)	(8,895)	0.00	Loss funding for Child Mental Health Services (SE22), will reduce the number of children served by an estimated 3%, based on total SE22 pass thru funding.

Multnomah County Service *Estimated* Impact
State Adopted Budget FY 2009-2011

Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
County Human Services (cont.)									
	25080	Mental Health & Addiction Services-Adult Addictions Continuum	2,554,874	4,558,199	0	3,123,347	3,123,347	0.00	During the FY 2010 budget process, the Residential services were eliminated and Outpatient services were reduced by 30%. The State's budget will support both services to the FY 2009 level. The increase will provide services to approximately 2,400 additional adults for both Residential and Outpatient services.
	25085	Mental Health & Addiction Services-Gambling Treatment & Prevention	0	855,000	0	(55,000)	(55,000)	0.00	Outreach & Expansion Program (SE 83), which worked to identify and solicit new clients for treatment, was eliminated due to its ineffectiveness. There is expected to be no adverse impact to the community with the loss of this pilot program.
	25086	Mental Health & Addiction Services-Alcohol and Drug Prevention	0	319,259	0	(135,000)	(135,000)	0.00	The reduction in funding for the Strengthening Families Program (SE 70), a proven Alcohol and Drug prevention program that targets at risk children and their families, will reduce services to approximately 200 families and their children.
	25094A	Mental Health & Addiction Services-Family & Youth Addiction Tx Continuum	403,060	510,984	0	731,470	731,470	0.00	Fully restore funding to the FY 2009 level, which will provide outpatient services to approximately 450 youths.
	25149	Sun Services Systems Social & Support Services for Educational Success	1,761,420	332,351	0	(9,520)	(9,520)	0.00	Reduced contracted services resulting in the reduction of 7 youth served.
	25151	Sun Service Systems Parent Child Development Services	1,208,828	165,090	0	(12,737)	(12,737)	0.00	Reduced contracted services resulting in the reduction of 6 Families served.
County Human Services Subtotal					(1,552,156)	8,489,866	6,937,710	(16,399)	

Multnomah County Service *Estimated Impact*
State Adopted Budget FY 2009-2011

Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
Health Department									
	40016 or Various	Medicaid Eligibility or Primary Care	--	--	(300,000)	0	(300,000)	0.00	The State must close a budget gap of \$400,000 per year for the biennium from their funding of Federally Qualified Health Centers across the State. It will either come out of Medicaid Eligibility funding or as a reduction in funding for FQHC services. Worst case for the County would be \$300,000.
	40011	STD/HIV/Hep C Community Prevention Program	2,531,712	1,622,789	(59,529)	0	(59,529)	(0.70)	Impacts ability to prevent and control the spread of STDs (including HIV) and Hepatitis C. Reduces capacity to design and implement evidence-based health promotion and health behavior interventions targeting individuals and communities most at risk of acquiring or transmitting STDs and Hepatitis C.
	40010	Communicable Disease Prevention & Control	2,284,058	1,871,552	(49,548)	0	(49,548)	(0.20)	Reduction of a 0.20 Community Health Nurse results in the reduction of clinic hours by 1 day per week. The TB Clinic will move to a Monday, Wednesday, Friday schedule coordinating testing and follow-up appointments for patients. Reduction in clinic hours will cause patients to have longer waiting times and will impact the ability to evaluate new TB suspects/cases within the timeframes mandated by the State. Delays in treatment could cause delays in isolating a patient and protecting the public.
	40014	Immunization	135,676	2,024,918	50,208	0	50,208	0.75	ARRA FUNDS FROM STATE - restore 0.50 CHN on-call FTE to FY 2009 level, 0.25 OA II on-call FTE to 2/3 of FY 2009 level.
	40013A	Early Childhood Services for First Time Parents	2,252,832	3,882,779	(172,365)	(93,635)	(266,020)	(1.00)	Results in: 1) Replace 2.0 Community Health Nurses with 2.0 Community Health Workers (Local 68). This will reduce costs without adversely affecting the number of families screened; 2) Eliminate the 1.0 Program Development Technician position (Local 68). Won't adversely affect numbers of families screened or referred; but, remaining administrative staff will have increased workload in areas in managing multiple data bases, and communicating with our contractors/partners about Healthy Start referrals; and 3) Contract reduction of \$93,635 to our contractors will result in a loss of ~2.5 FTE Family Support Workers, each of whom is expected to serve an average of 28 families in intensive home visiting during the course of a year. A total of 70 families will not be served as a result of this reduction. Because caseloads are nearly full, these families would transferred to non Healthy Start Services, if available.
	40047	Chronic Disease Prevention	258,034	489,217	(45,368)	0	(45,368)	0.00	State is reducing Oregon Tobacco Prevention & Education (TPEP) Program by 15% but it is not yet determined how local counties will be impacted. The Governor's Tobacco Reduction Advisory Council will meet in August to consider options for how the cuts will be absorbed. There are many components to the state TPEP program - e.g. local counties, the statewide Quit Line, statewide media advocacy, funding to voluntary agencies, and we don't yet know the proportionate reductions to the various components.
Health Department Subtotal					(576,622)	(93,635)	(670,257)	(1.15)	

Multnomah County Service Estimated Impact
State Adopted Budget FY 2009-2011

Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
Department of Community Justice									
	50030A	Adult Field Services - Felony Supervision	1,182,299	14,639,583	(3,238,455)	0	(3,238,455)	(35.84)	DOC SB1145 Funding - The state funding shortfall will be somewhat offset by wage freezes from management and local 88 that were in non-general fund budgets \$204,638. New legislation (HB 3508) will impact workload in three areas for adult community supervision: 1) the change in prisoner good-time credits will increase the number of felons under our parole supervision for several months, as those offenders who were retroactively eligible move through the system; 2) the new ceiling set for technical violations will reduce the length of time for violations that DCJ offenders can serve in jail; 3) a change in the inactive status for a set of offenders will mean more of the people currently supervised will shift to inactive status. At this time, the full fiscal impact of these three changes is not known.
	50030A	Adult Field Services - Felony Supervision	1,182,299	14,639,583	(376,672)	0	(376,672)	(4.17)	DOC M57 Funding - DCJ will be submitting an application to this \$10 million statewide supplemental funds for drug addicted persons. DCJ will make budgetary and/or operational shifts to meet the state requirements for use of this money. NOTE - this funding level assumes DCJ will receive \$700,877 in DOC M57 Funding (based on the existing SB1145 formula). As stated, this funding has not been appropriated to the Counties and will be subject to a grant application process.
	50043A	Addiction Services - Adult Offender Outpatient Treatment	319,096	177,221	1,434,103	TBD	1,434,103	TBD	Criminal Justice Commission (CJC) M57 Funding - Approximately \$13.3 million statewide funds for drug addicted persons. We are assuming the same % share as our current offender population (DOC allocation of 22.01%), but it is still being worked through the state process. At this point, we do not know the restrictions on use of this money.
	50011	Juvenile Formal Probation and Supervision	1,840,262	0	(88,262)	0	(88,262)	(1.00)	Juvenile Crime Prevention Basic Funding - Juvenile Counselor position will be eliminated.
	50011	Juvenile Formal Probation and Supervision	1,840,262	0	(74,903)	0	(74,903)	(1.00)	Juvenile Crime Prevention Diversion Funding - Juvenile Counselor position will be eliminated.
	50011	Juvenile Formal Probation and Supervision	1,840,262	0	(140,993)	0	(140,993)	(1.65)	Juvenile Crime Prevention Funding - Juvenile Counselor position will be eliminated.
	50013	Juvenile Gang Resource Intervention Team	691,281	1,114,142	133,379	0	133,379	1.56	OYA Gang Transition Services Funding - Increased funding from this source will be used to add Juvenile Counselor position.
Community Justice Subtotal					(2,351,803)	0	(2,351,803)	(42.10)	

**Multnomah County Service Estimated Impact
State Adopted Budget FY 2009-2011**

Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
Sheriff's Office									
	60041 A & B	MCIJ	8,810,928	9,239,830	(880,946)	0	(880,946)	(10.00)	Reduction in SB1145 funding for approximately two housing areas = 118 jail beds. NOTE - this funding level assumes MCSO will receive \$377,395 in DOC M57 funding (based on the existing SB1145 formula). Currently, this funding has not been appropriated to the Counties, it will be subject to a grant type system for distribution.
	60055A	River Patrol	1,861,341	767,537	(26,842)	0	(26,842)	0.00	Oregon Marine Board funding, 1% cut each year
	60035A	Facility Security Unit	946,817	578,889	TBD	TBD	TBD	0.00	Courthouse Security for State Courts - Cuts unknown pending State Court decisions
Sheriff's Office Subtotal					(907,788)	0	(907,788)	(10.00)	
Community Services									
	91008	Elections	716,800	0	(124,000)	0	(124,000)	0.00	District Billing Administrative Rule change - reduces the amount of revenue we receive in the General Fund to conduct elections.
Library									
	80003	Early Childhood Svcs	0	1,081,927	3,163	0	3,163	0.00	Loss in the Ready to Read funding from the State Library. This is the per capita legislative funding based on the number of children in Multnomah County. Funding being reduced from \$1.00 to \$.95 per child. Results in a reduction in services to young children; actual yet to be determined.
	80018	Youth Svcs Mgmt	0	582,621	3,162	0	3,162	0.00	Loss in the Ready to Read funding from the State Library. This is the per capita legislative funding based on the number of children in Multnomah County. Funding being reduced from \$1.00 to \$.95 per child. Results in a reduction in supplies and printing for Summer Reading.
Library Subtotal					6,325	0	6,325	0.00	
Multnomah County Grand Total					(5,506,044)	8,396,231	2,890,187	(63.55)	
Departments Not Impacted									
<ul style="list-style-type: none"> ⊗ District Attorney's Office ⊗ Department of County Management 									

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-137

Accepting the Multnomah County Report on the 2009 Oregon Legislative Session

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County adopted its legislative priorities and agenda for the 2009 Oregon Legislative Assembly on January 22, 2009.
- b. Multnomah County participated in the 2009 Oregon Legislative Assembly to advance its legislative agenda and to promote the interests of its residents.
- c. Multnomah County Commissioners were engaged and active during the legislative session.
- d. Multnomah County lobbying efforts resulted in the following:
 - protecting services for vulnerable populations from cuts in funding from the state including gang transition services, addictions, mental health, domestic violence, and aging and developmental disabilities;
 - acquiring \$30 million in state funds for the Sellwood Bridge;
 - obtaining greater local control on transportation funding and procurement of locally grown food products;
 - setting the policy framework for a new statewide menu labeling law;
 - reforming urban renewal procedures and the historic buildings preservation program; and
 - securing a commitment from the State to study the use of Wapato Jail.

The Multnomah County Board of Commissioners Resolves:

1. The Board accepts the attached Multnomah County Report on the 2009 Oregon Legislative Session.

ADOPTED this 5th day of November, 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

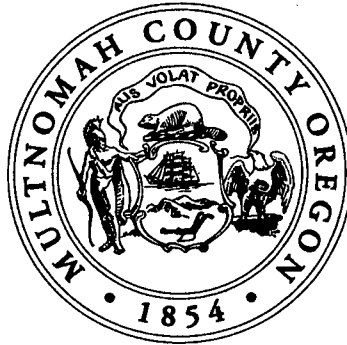
By 

Agnes Sowle, County Attorney

SUBMITTED BY:
Ted Wheeler, Multnomah County Chair

Multnomah County, Oregon

2009 Oregon Legislative Session
January 12 – June 29, 2009



FINAL REPORT

August 2009

Phillip Kennedy-Wong
Government Relations Manager
Office of the Chair

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DIANE MCKEEL • DISTRICT 4

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Background

2009 Oregon Legislative Session

The national economic recession and the state's high unemployment rate affected Oregon's 75th Legislative Assembly. Balancing the state's budget was the Legislature's most important and difficult challenge. The state's expected General Fund level for the 2009-11 biennium was reduced by one-fifth as a result of the recession, resulting in roughly \$4.2 billion less revenue to maintain existing services. Unemployment in Oregon reached 12.5 percent, the second highest rate in the nation. Legislation was viewed through the filter of fiscal impact and job creation in crafting the state budget and deciding which bills were priorities.

Democrats controlled both chambers of the Legislature with a three-fifths majority and the Governor's Office. Democrats were able to pass the majority of their agenda. Their majority made it possible to pass tax increases that were pivotal to the Democrats' budget balancing plan and their tax reform priorities. Thus, tax policies that have been historically difficult to pass were accomplished this session. This included raising the corporate minimum tax, which has not changed since 1931, and adding a new tax bracket for upper income earners. Oregon's tax brackets have not changed since the 1980s.

The Ways and Means Committee Co-Chairs' budget called for a combination of methods to balance the state's budget. This included cutting roughly \$2 billion in state services, increasing taxes on upper income earners, raising the corporate minimum tax, utilizing federal stimulus dollars, reducing some tax credits, and using the Rainy Day Fund. The Republicans issued their own budget that relied more on reserve funds in lieu of tax increases. Their budget had very little traction or political leverage. In the end, the Legislature adopted essentially the Co-Chairs' budget recommendation with slight modifications. Cumulatively, the Legislature's adopted budget was 12.4 percent below essential budget levels and relied heavily on one-time federal stimulus dollars.

The budgets for public safety agencies and education were the most controversial. Implementation of Measure 57 affected the public safety budgets. The new mandatory minimum sentencing law for property crimes was cost prohibitive and would have meant cuts to various public safety services for state and local governments. The controversy over the education budget centered on the use of reserve funds, a showdown between the Legislature and the Governor. The Governor opposed the use of reserve funds and threatened to veto the education budget. In the end, the Legislature prevailed.

Many of the politically controversial bills that the Legislature took up this session either had no impact on Multnomah County or very little effect. Controversial bills included those protecting the Metolius River, regulating virtual schools, creating a classification for the murder of pregnant women, reducing wind farm tax credits, lowering greenhouse gas emissions, prescribing the ballot titling for tax referendums, banning field burning, and using reserve funds. Some of these bills ended up as part of the eleventh hour negotiations between the two chambers and party caucuses.

Notable legislation passed by the 75th Legislative Assembly:

- **SB 338**, a \$175 million state stimulus package;
- **HB 2649**, a new tax bracket for upper income earners raising \$472 million;
- **HB 3405**, new corporate minimum tax and corporate tax rate raising \$261 million;

- **HB 2067**, regular review and sunset of all tax credits
- **HB 2001**, \$300 million (annual revenue) transportation package that included increases in the gas tax and vehicle fees;
- **HB 2009**, creation of the Oregon Health Authority to expand access and to reduce health care costs for Oregon residents;
- **HB 2116**, health coverage for uninsured children through an increase in provider and managed care taxes;
- **HB 3508**, phase-in of Measure 57 after February 2010; and
- **HB 2186**, a DEQ commissioned study on possible regulations to reduce greenhouse gas emissions.

Notable proposed legislation that did not pass included:

- **HB 2461**, an increase of the beer tax;
- **HB 2122** an increase of the cigarette tax;
- **HB 2616**, removing the preemption on local tobacco taxes; and
- **HB 2831**, adding temporary workers in collective bargaining units and prohibiting replacement workers.

The Legislature adjourned on June 29th, one day ahead of its planned date. Unlike previous sessions there was less uncertainty about various bills in the final days. Many of the deals were already struck three or four days prior to Sine Die. The timing of Sine Die was dictated by the procedural mechanics of floor votes rather than last minute deal making. Essentially, there were no surprises at the end of session.

Anti-tax activists will most likely attempt to repeal the corporate minimum tax increase and personal income tax increase bills by referring them to voters for a January 26, 2010 special election. Of the other revenue raising bills, they are less likely to have the support to collect the necessary signatures. They will need to collect over 55,000 signatures for each tax referral. If the corporate and personal income tax bills are repealed, the state 2009-11 budget will be reduced by roughly \$733 million.

The Legislature referred two constitutional amendments to voters for the May 2010 primary election. One of the amendments would exempt school districts from the limitation on bonded indebtedness in order to finance capital construction. The other expands the eligibility for the Oregon War Veterans Fund for the purpose of making home loans.

Outcome of Multnomah County Priorities and Legislative Agenda

Multnomah County Legislative Priorities

Multnomah County adopted three priorities for the 75th Legislative Assembly: 1) preventing cuts to programs that serve vulnerable populations; 2) closing the service gap in the mental health system, and 3) seeking local control by removing state preemptions.

Priority: Preventing cuts to programs that serve vulnerable populations

Outcome: In terms of the state budget, the County was able to acquire most of the funding it requested in human services and public safety agency budgets for 2009-2011, thus meeting the County's priority to protect programs that serve vulnerable populations. The County worked closely but not exclusively with state legislators from Multnomah County who served on the Ways and Means Committee, most notably Senator Margaret Carter who was Co-Chair of the full committee, Rep. Chip Shields (Co-Chair of the Public Safety Subcommittee), and Rep. Tina Kotek (Co-Chair of Human Services Subcommittee). (See **Appendix A**)

Priority: Closing The Service Gap In The Mental Health System

Outcome: Although closing the service gap in the mental health system was also a top priority for the Legislature, the approach it took does not have any immediate effect or clear benefit to Multnomah County, especially in terms of the immediate need for operational funds for a mental health crisis treatment and evaluation center in the County. Multnomah County sees the lack of a center as a huge gap in the system.

There were two primary bills that the Legislature used to address mental health: **SB 5529**(Department of Human Services budget) and **HB 2009**(Oregon Health Policy Board/Oregon Health Authority). **SB 5529** included funds for two to three pilot projects that would test integrating physical and mental health care through fully capitated managed care providers.

SB 5529 Budget Note:

"The Department of Human Service is directed to implement two or three demonstration projects with willing local mental health authorities, mental health organizations, fully capitated health plans, federally qualified health clinics and mental health, addiction and health care providers in the communities, to develop an integrated management and service delivery system including physical health and addictions and mental health treatment and recovery services, by June 30, 2011. DHS shall report on progress on implementing these demonstration projects at the last scheduled Emergency Board or Joint Committee on Ways and Means meeting prior to the 2011 legislative session."

SB 5529 also included a budget note that directs DHS to develop an "equitable" distribution formula for psychiatric acute care funds. The note was at the request of Washington County.

SB 5529 Budget Note continued:

"The Department of Human Services Addictions and Mental Health Division is directed to work with local mental health authorities and stakeholders to develop an equitable formula and distribution method for Regional Acute Psychiatric Inpatient Treatment funds for all Oregon counties. DHS shall report to the Emergency Board or Joint Committee on Ways and Means by February 2010 on this new method and include a cost estimate for implementation."

HB 2009 transferred the state Addictions and Mental Health Division to the new Oregon Health Authority. The Oregon Health Policy Board will oversee the Authority and develop

recommendations to the 2011 Legislature on how to reduce Oregon's uninsured population and health care costs. Presumably, the recommendations will include mental health care needs and may dovetail with the mental health integration pilot projects outcomes.

Priority: Seeking Local Control By Removing State Preemptions

Outcome: In promoting local control, Multnomah County succeeded in removing state preemptions or restrictions to imposing a county vehicle registration fee and to tolling the County's Willamette River bridges. The Legislature also attempted to remove state preemptions on beer and tobacco taxes. Multnomah County came very close to succeeding on removing the preemption on local tobacco taxes. The House passed HB 2616 32 votes to 27. The Legislature adjourned before the Senate could fully consider and vote on the measure. There were other bills to remove various state preemptions on local governments that did not receive hearings including the beer tax, and the real estate transfer tax.

Multnomah County Legislative Agenda

The County's legislative agenda included a range of policy items for the session. Below are the legislative outcomes of the County's adopted state legislative agenda.

AGENDA ITEM: RESTORE LOCAL CONTROL

ISSUE:

State preemptions and other restrictions on local government discourage creative solutions to local problems and undermine local authority. Multnomah County needs to have all the tools in its toolbox to meet the needs of its residents.

PRIORITY: Multnomah County supports lifting current preemptions and ensuring that no new preemptions are adopted.

2009 SESSION OUTCOME

Passed:

- **HB 2001** – removes requirement that imposition of county vehicle registration fees be subject to an automatic vote of the electorate. Also exempts Multnomah County from the 4-year preemption of county-level imposed vehicle registration fees.
- **SB 36** – provides Multnomah County the legal authority to toll the five Willamette River Bridges in the City of Portland under its responsibility.

AGENDA ITEM: FUND STATE MANDATES

ISSUE:

Multnomah County is bearing the brunt of underfunded services required by the State in corrections, health and human services, and other areas including court facilities. As a result, Multnomah County has supplemented what it receives from the state with County General Funds in order to meet its legal obligations. Given the economic situation and growing community needs, the General Fund is not able to sustain these services.

PRIORITY: Multnomah County supports adequate funding to cover actual costs of providing state required services. This includes:

- establishing a 95-percent reimbursement rate for services provided by transfer area agencies on aging and disabilities;
- adopting workload staffing standards and utilization rates as basis for funding human services;
- funding adequately mental health involuntary commitment investigators and emergency holds in acute care;
- funding implementation of Measure 57 treatment services, sanctions and local corrections options; and
- funding Urban and Rural Reserves planning;

2009 SESSION OUTCOME

Passed:

- **SB 646**– requires DHS to submit its agency requested budget for area agencies on aging and disability at 95 percent of what it would cost DHS if it were to provide the service directly.

- **HB 2123-** requires DHS to report on staff workload and staffing needs.
- **SB 5529** – funded at requested levels - involuntary commitment investigators and emergency holds
- **HB 3508** – phases implementation of Measure 57
- **SB 5531-** Funding in the DLCD budget for Urban and Rural Reserves planning. State grant level remained flat at \$2.2 million w/ no specific earmark for reserves planning.

AGENDA ITEM: PUBLIC SAFETY

ISSUE: *The passage of Measure 57 added another unfunded mandate to Multnomah County. The costs of corrections are increasing and without adequate funding or a different approach, the state corrections system will be compromised.*

PRIORITY: Multnomah County supports innovative state policies that enable counties to be more effectively utilized in the corrections system. This includes:

- permitting discretionary immunity for juvenile detention directors;
- directly contracting for close custody, secure beds and community based placements;
- exploring local control arrangements to utilize the Wapato Jail facility;
- funding drug and alcohol addiction treatment services for county jail inmates; and
- funding the Multnomah County Regional Justice Network.

2009 SESSION OUTCOME

Passed:

- **HB 2393-** permits county juvenile director to release juveniles under specific circumstances
- **HB 2299-** allows counties to adopt standards and discretion for releasing juveniles from detention facilities when capacity is exceeded.
- **HB 5005-** includes a budget note to require DOC to study purchase or multi-year lease of Wapato Jail to state prison capacity needs.

Budget Note:

"The Department of Corrections shall work with Multnomah County in exploring whether the Wapato Jail facility meets the Department's future prison bed capacity needs. The Department shall examine the financial and programmatic feasibility of purchasing or entering into a multi-year lease for the use of the facility. In its analysis, the Department should study the short and long-term costs compared to other alternatives including new construction and rental beds, the cost of converting the Wapato facility to meet the requirements of using the facility as a prison, the costs of staffing and operating the facility compared to other alternatives, any land use or community restrictions or concerns of using the facility as a prison, and whether the facility meets the programming needs of the state prison system. The Department of Corrections should report its findings to the Emergency Board or appropriate legislative committee prior to March 1, 2010."

AGENDA ITEM: REINVEST IN TRANSPORTATION INFRASTRUCTURE

ISSUE:	<i>Multnomah County lacks the resources to adequately maintain 6 regional bridges and over 300 miles of road.</i>
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<p>PRIORITY: Multnomah County supports a state transportation funding package that provides the funding and tools to maintain its roads and bridges on a long-term basis. This includes:</p> <ul style="list-style-type: none"> ▪ increasing revenues for operations and maintenance of transportation infrastructure; ▪ establishing a 50/30/20 revenue formula among the state, counties, and cities; and ▪ increasing the state gas tax. 	
<p><u>2009 SESSION OUTCOME</u></p> <p><u>Passed:</u></p> <ul style="list-style-type: none"> • HB 2001- provides new funds from increases in the gas tax, and title and vehicle registration fees. Establishes 50/30/20 revenue-sharing formula among state, counties and cities. In addition, the bill directed \$30 million for reconstructing the Highway 43 portion of the Sellwood Bridge. The bill also imposed a 4-year preemption on local gas taxes and vehicle registration fees, but provided an exemption for Multnomah County for the latter fee. 	

<p>AGENDA ITEM: CLOSE GAPS IN MENTAL HEALTH SYSTEM</p>	
<p>ISSUE 1:</p>	<p>Since the 2001 closure of a Portland mental health triage center operated by Providence, first responders who treat persons suffering a mental health crisis do not have a viable and cost-effective alternative to hospital emergency rooms or the County jail to take these persons for proper treatment. This has led to improper care and expense to emergency responders and local area hospitals. The lack of a sub-acute crisis evaluation and treatment facility in Multnomah County is a huge gap in the mental health system.</p>
<p>PRIORITY: Multnomah County and the City of Portland seek state funding for capital costs and operations of a 16-bed sub-acute mental health crisis evaluation and treatment facility.</p>	
<p><u>2009 SESSION OUTCOME</u></p> <p>The Legislature did not provide any additional funding for the operational costs for a mental health crisis evaluation and treatment facility. Instead, the Legislature adopted the DHS budget with instructions for the department to develop an "equitable" distribution formula for acute care funds and report to the Legislature by February 2010. The DHS budget also calls for two to three pilot projects on physical and mental health integration. The pilot projects would determine if the fully capitated managed care organizations could effectively integrate mental health care with medical care for persons with both needs.</p>	

<p>AGENDA ITEM: REDUCE UNINSURED POPULATION</p>	
<p>ISSUE:</p>	<p>Since the 2002 recession, the state has significantly reduced the Oregon Health Plan Standard population, leaving thousands of Oregonians without health care coverage. The consequences have dramatically driven up costs for the county's health clinics and for hospital emergency rooms. Changes to enrollment have resulted in a loss of matching state and federal dollars to Multnomah County to pay for residential treatment services.</p>
<p>PRIORITY: Multnomah County supports:</p> <ul style="list-style-type: none"> ▪ Increasing OHP's Standard and Plus populations including the coverage of single males 	

in need of residential addictions treatment. Increasing OHP enrollment is the key to reducing overall costs in health and human services for the state, counties, and hospitals by increasing federal matching dollars.

- the recommendations of the Oregon Health Fund Board in the Aim Report including the creation of an Oregon Health Authority.

2009 SESSION OUTCOME

Passed:

- **HB 2009-** establishes the Oregon Health Policy Board to oversee the development and implementation of health care policy, specifically in the areas of the uninsured and cost containments. The Board is to develop a plan for the 2011 Oregon Legislature. Several existing state agencies will be transferred to be under the jurisdiction of the Board. The grouping of these agencies will be combined into a single agency call the Oregon Health Authority. Further, the bill abolishes the Oregon Health Fund Board.
- **HB 2116** –establishes a 1% health insurance premium assessment and an assessment on hospitals. Funds will be used to modestly restore the OHP increase the monthly average of the OHP Standard adult population from 25,000 to 50,000 and the provide coverage for nearly 80,000 children for the 2009-11 biennium.

AGENDA ITEM: REMOVE BARRIERS TO SUSTAINABILITY INITIATIVES

ISSUE:

Specific state laws inhibit Multnomah County residents and county operations from being environmentally sound and sustainable. Small changes to state law will allow county operations and residents to promote the local economy, reduce pollution and the carbon footprint, and conserve natural resources.

PRIORITY: Multnomah County supports changes to state law that:

- give local governments the option to prefer local food products in the procurement process;
- allow local governments to establish local improvement districts (LIDs) for energy efficiency and renewable energy improvements to property, where property owners could voluntarily participate in a loan program for sustainable energy upgrades; and
- creates a legal definition of "gray" water for non-potable purposes, such as irrigation, to encourage water conservation.

2009 SESSION OUTCOME

Passed:

- **HB 2763-** Provides government agencies with flexibility to purchase agricultural products produced and transported in Oregon when procuring food services.
- **HB 2626-** Establishes a small loan program for residential and commercial for energy efficiency improvements and permits the creation of local improvement districts for the same purpose.
- **HB 2080-** Creates legal definition of gray water as waste water from baths, showers, bathroom, kitchen sinks, and laundry. Directs the Environmental Quality Commission to adopt rules for gray water reuse and disposal system permits.

AGENDA ITEM: REFORM PROPERTY TAX LIMITATION	
ISSUE:	<i>Measure 50 created a permanent structural deficit for local government in Oregon. Multnomah County cannot afford to provide services with revenues generated by a property tax rate that grows slower than real market inflation. Further, the Measure 50 property tax system is inequitable to homeowners with equal valued homes but taxed unequally.</i>
PRIORITY: Multnomah County supports a legislative referral to voters of a ballot measure that reforms property tax limitation. In particular, Multnomah County favors reform that: <ul style="list-style-type: none"> ▪ supports equalizing assessed values to make taxes proportionate to market values; ▪ provides tax relief for seniors on fixed incomes and low-income renters; and ▪ provides adequate revenues for essential public services. 	
2009 SESSION OUTCOME <i>At the request of Multnomah County, the Senate Revenue Committee introduced three bills and held a public hearing on behalf of the county. The bills and the hearing were intended to keep attention on the critical need of reforming property tax limitation under Measure 50. A diverse group of stakeholders were recruited to participate in the hearing. There was brief consideration for creating a legislative task force. Ultimately, the Chair of the Committee agreed to make the reform the top priority for the interim. Multnomah County will work with the Chair to plan this effort.</i>	

Other Legislation Of Note

In addition to Multnomah County's legislative priorities and agenda, there were several bills of note that affect Multnomah County. These were:

Finance and Taxation

- HB 2904** Permits dormant farmland to be assessed as farmland if remediation plan to renew farm activities is approved by regulating agencies. ***Multnomah County provided amendments that create greater accountability in return to farm use. Passed.***
- HB 2074** Requires cost-sharing and provides opt out for participating taxing districts under the review of the Multnomah County Tax Supervising and Conservation Commission. ***Multnomah County worked out compromise with taxing districts to keep the commission. Passed***
- HB 3056** Limits maximum indebtedness for urban renewal districts and requires concurrence w/ affected taxing districts for 20% or more change in maximum indebtedness. ***Multnomah County participated in developing principles of agreement with cities and taxing districts. Passed.***
- SB 192** Extends the historic properties special tax assessment program, reduces the term from 15 years to 10 years, and changes requirements for participation. ***Multnomah County worked closely with the Senate Revenue Committee to develop changes to the program that reduce the fiscal impact on county services. Passed.***

Governance

- HB 2867** Requires public agencies to conduct a cost analysis before contracting out services valued over \$250,000. Does not apply to client-based services. ***Multnomah County participated in the legislative work group and secured exemption for client-based services. Passed.***

Public Safety

- HB 5054** Restores essential budget level funding to Multnomah County Gang Transition Services and East Metro Gang Enforcement Team. This bill was the "Christmas Tree" bill. ***Multnomah County lobbied heavily for the inclusion of gang funds in the bill. Passed.***
- SB 344** Permits Sheriff Bob Skipper to take coursework and written tests to acquire public safety officer recertification without repeating cadet training. ***Multnomah County requested an amendment to SB 344. Passed.***

Health and Human Services

- HB 3353** Creates the Alcohol and Drug Policy Commission and replaces the Governor's Council on Alcohol and Drug Abuse Programs. Membership to include district attorney, sheriff, and county commissioner. ***Multnomah County testified in support of this measure at the request of the Attorney General. Passed.***
- HB 2726** Requires chain restaurants to make specific nutritional information available on menu. Repeals Multnomah County's local ordinance. ***Multnomah County provided information on its local ordinance and its preferences in a state law. Passed.***
- HB 3022** Permits qualified health professionals to prescribe medication for the treatment of a sexually transmitted disease of a patient's sexual partner without examination of the latter. ***Multnomah County testified in support of the measure. Passed.***
- HB 2136** Prohibits the sale of tobacco products from vending machines. ***Multnomah County testified in support of the measure. Passed.***
- HB 2391** Establishes an Aging and Disability Resource Center. ***Multnomah County testified in support of the measure. In committee upon adjournment.***

Elections

- HB 3451** Allows elections clerk to electronically scan ballots prior to election day. ***Multnomah County testified in support of the measure. Passed.***
- HB 3107** Exempts districts from paying for their election expenses held on the same day as primary and general elections. ***Multnomah County testified in opposition to the measure. In committee upon adjournment.***

Land Use/Transportation

- SB 566** Permits Metro to not consider farmland classification system when designating urban reserves within the urban growth boundary. ***Multnomah County testified in support of the measure. Passed.***
- HB 2043** Removes the requirement that county ordinances on vehicle registration fees not

be subject to automatic vote of the electorate. ***Multnomah County testified in support of the measure. Was amended into HB 2001. HB 2043 was in committee upon adjournment. HB 2001 Passed.***

Preview

February 2010 Supplemental Session

The Legislature plans to convene in February 2010 for a month-long supplemental session and will most likely focus on rebalancing the 2009-2011 state budget. The Legislature will take up approximately 150 bills in addition to rebalancing the budget. Hearings for the bills will begin in late fall 2009 or January 2010.

For Multnomah County, there will be at least three issues of interest the Legislature might address in the supplemental session:

- The Dept. of Corrections will report to the Legislature on its feasibility analysis of purchasing or entering into a multi-year lease of Wapato Jail.
- The Dept. of Human Services will report on a new method of distributing Regional Acute Psychiatric Inpatient Treatment funds to all counties.
- Last but not least, how the Legislature responds to the outcome of January 2010 election on the referrals of corporate minimum and income tax increases passed in 2009 will determine which County programs are affected.

If Oregon voters repeal the tax increases, the 2009-11 biennium budget will be less \$733 million. The Legislature will have to cut state services, use additional reserve funds, and reduce tax expenditures or do a combination of these measures. The likelihood of another tax increase seems very unlikely.

The Legislature will also decide whether Measure 57, the mandatory minimum sentencing law for property crimes that was passed in 2008, will be phased-in or be implemented fully.

Deadline for submitting legislative requests for the supplemental session is November 13 for the Senate and December 30 for the House. Each senator can pre-session file two bills and each State Representative can pre-session file only one bill each.

Multnomah County Service *Estimated* Impact
State Adopted Budget FY 2009-2011

Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
County Human Services									
	25010	Developmental Disabilities	1,160,480	17,804,057	(1,613,190)	0	(1,613,190)	(11.00)	Local Administrative base funding was reduced by approximately \$650,741. Case Management base funding and the estimated match funding were reduced by a combined total of \$962,449. The reductions are due to a change in Oregon Department of Human Services' allocation methodology. Information regarding this change was not available during the FY 2010 budget process. The Division is currently working on reducing FTE, estimating a total loss of 11 FTE's with 7 FTE from Local Administrative funding and 4 FTE from Case Management. A majority positions are vacant. The Division expects to use one time only budgeted Beginning Working Capital funds to supplement the loss of the Case Management funding and to transition to FY 2011. It is believed that the reduction in funding will not have any lasting adverse impacts on clients or their families. In previous years the ratio of case managers to clients was 1 to 80. The State's standard is 1 to 45, but without funding this ratio cannot be reached. The Division estimates that realigning case loads and using BWC, the ratio will settle at roughly 1 to 60 for FY 2010.
	25012	Administration & Support, Services for Adults, Services for Children, and Coordinating, Monitoring & Business Unit							
	25013	Developmental Disabilities Services for Children	209,929	4,298,479		(253,411)	(253,411)	0.00	
	25015	Developmental Disabilities Coordinating, Monitoring & Business Unit	0	3,219,130	0	(453,813)	(453,813)	0.00	
	25020A	Aging Disability Services- Access & Early Intervention	2,703,914	5,115,859	61,034	0	61,034	0.70	Oregon Department of Veterans' Affairs increase based on application of the approved distribution methodology and recognizing the full veteran population in Multnomah County. A 0.2 FTE increase in Veteran Services Officer and 0.5 FTE increase in support staff will result in a 15% increase in direct service hours and # of veterans served.

APPENDIX A
2009-11 Legislatively Adopted Budget Estimated Impact

Multnomah County Service Estimated Impact State Adopted Budget FY 2009-2011									
Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
County Human Services (cont.)									
	25020A	Aging Disability Services- Access & Early Intervention	2,703,914	5,115,869	TBD	TBD	TBD	TBD	Awaiting Oregon Project Independence allocation. Legislative outcome restored Oregon Project Independence to 07-09 levels averting a majority of reductions planned for FY10 and maintaining service for a majority of the 500 clients who would have been cut from service. A wait list for services will be necessary to maintain program within budget do to increasing program costs and demand for services. Allocation is expected to be determined by the end of August.
	25020A 25022 25023A 25024 25027	Aging Disability Services- Prog. Offers w/ Medicaid Access & Early Intervention, Adult Care Home, Long Term Care, Adult Protective Services Administration	5,767,225	33,784,688	TBD	TBD	TBD	TBD	Awaiting Medicaid allocation from Oregon Department of Human Services; Legislative outcome resulted in significant dental and vision benefit reductions without any long term care service or staffing-related losses; Legislative Appropriated Budget does not provide for COLA or step increases for staff and DHS personnel salary savings and administrative reductions will be passed on to local Area Agency on Aging programs; Multnomah County's share is unspecified at this time and may result in FTE reductions. Allocation is expected to be determined by the end of August.
	25055	Mental Health & Addiction Services- Crisis Services	1,182,894	3,737,609	0	872,306	872,306	0.00	Fully restore funding to the FY 2009 level, which will fund the Walk-In clinic for the entire year (only funded for 7 months in the adopted budget).
	25058	Mental Health & Addiction Services- Commitment Services	1,182,894	3,737,610	0	429,748	429,748	0.00	Fully restore funding to the FY 2009 level, which will provide for approximately 545 additional days in a Psych Ward for clients on Emergency Holds.
	25060	Mental Health & Addiction Services- Residential Services	948,524	2,909,512	0	3,817,569	3,817,569	0.00	Residential Treatment Service funds (SE 28) for \$490,568, will restore funding to the FY 2009 level for 8 Regional Treatment Facilities designated by the State; Additional Non-Residential Adult funds (SE 20) for \$3,255,625, will restore funding to FY 2009 level for 28 specific treatment programs at Treatment Facilities designated by the State; Additional Non-Residential Designated Services (SE 201) for \$61,376 will restore funding levels to the FY 2009 level for the total of 39 specific individuals designated by the state.
	25064	Mental Health & Addiction Services- Early Psychosis	0	604,849	0	443,802	443,802	0.00	Fully restore funding to the FY 2009 level for the EASA program to serve approximately 60 clients.
	25067	Mental Health & Addiction Services- Community Based Mental Health Services for Children	291,498	1,191,757	0	(8,895)	(8,895)	0.00	Loss funding for Child Mental Health Services (SE22), will reduce the number of children served by an estimated 3%, based on total SE22 pass thru funding.

**Multnomah County Service *Estimated* Impact
State Adopted Budget FY 2009-2011**

Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
County Human Services (cont.)									
	25080	Mental Health & Addiction Services- Adult Addictions Continuum	2,554,874	4,558,199	0	3,123,347	3,123,347	0.00	During the FY 2010 budget process, the Residential services were eliminated and Outpatient services were reduced by 30%. The State's budget will support both services to the FY 2009 level. The increase will provide services to approximately 2,400 additional adults for both Residential and Outpatient services.
	25085	Mental Health & Addiction Services- Gambling Treatment & Prevention	0	855,000	0	(55,000)	(55,000)	0.00	Outreach & Expansion Program (SE 83), which worked to identify and solicit new clients for treatment, was eliminated due to its ineffectiveness. There is expected to be no adverse impact to the community with the loss of this pilot program.
	25086	Mental Health & Addiction Services- Alcohol and Drug Prevention	0	319,259	0	(135,000)	(135,000)	0.00	The reduction in funding for the Strengthening Families Program (SE 70), a proven Alcohol and Drug prevention program that targets at risk children and their families, will reduce services to approximately 200 families and their children.
	25094A	Mental Health & Addiction Services- Family & Youth Addiction Tx Continuum	403,060	510,984	0	731,470	731,470	0.00	Fully restore funding to the FY 2009 level, which will provide outpatient services to approximately 450 youths.
	25149	Sun Services Systems Social & Support Services for Educational Success	1,761,420	332,351	0	(9,520)	(9,520)	0.00	Reduced contracted services resulting in the reduction of 7 youth served.
	25151	Sun Service Systems Parent Child Development Services	1,208,828	165,090	0	(12,737)	(12,737)	0.00	Reduced contracted services resulting in the reduction of 6 Families served.
County Human Services Subtotal					(1,552,156)	8,489,866	6,937,710	(10.30)	

Multnomah County Service *Estimated* Impact
State Adopted Budget FY 2009-2011

Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
Health Department									
	40016 or Various	Medicaid Eligibility or Primary Care	-	-	(300,000)	0	(300,000)	0.00	The State must close a budget gap of \$400,000 per year for the biennium from their funding of Federally Qualified Health Centers across the State. It will either come out of Medicaid Eligibility funding or as a reduction in funding for FQHC services. Worst case for the County would be \$300,000.
	40011	STD/HIV/Hep C Community Prevention Program	2,531,712	1,622,789	(59,529)	0	(59,529)	(0.70)	Impacts ability to prevent and control the spread of STDs (including HIV) and Hepatitis C. Reduces capacity to design and implement evidence-based health promotion and health behavior interventions targeting individuals and communities most at risk of acquiring or transmitting STDs and Hepatitis C.
	40010	Communicable Disease Prevention & Control	2,284,058	1,871,552	(49,548)	0	(49,548)	(0.20)	Reduction of a 0.20 Community Health Nurse results in the reduction of clinic hours by 1 day per week. The TB Clinic will move to a Monday, Wednesday, Friday schedule coordinating testing and follow-up appointments for patients. Reduction in clinic hours will cause patients to have longer waiting times and will impact the ability to evaluate new TB suspects/cases within the timeframes mandated by the State. Delays in treatment could cause delays in isolating a patient and protecting the public.
	40014	Immunization	135,676	2,024,918	50,208	0	50,208	0.75	ARRA FUNDS FROM STATE - restore 0.50 CHN on-call FTE to FY 2009 level, 0.25 OA II on-call FTE to 2/3 of FY 2009 level.
	40013A	Early Childhood Services for First Time Parents	2,252,832	3,882,779	(172,385)	(93,635)	(266,020)	(1.00)	Results in: 1) Replace 2.0 Community Health Nurses with 2.0 Community Health Workers (Local 88). This will reduce costs without adversely affecting the number of families screened; 2) Eliminate the 1.0 Program Development Technician position (Local 88). Won't adversely affect numbers of families screened or referred; but, remaining administrative staff will have increased workload in areas in managing multiple data bases, and communicating with our contractors/partners about Healthy Start referrals; and 3) Contract reduction of \$93,635 to our contractors will result in a loss of ~2.5 FTE Family Support Workers, each of whom is expected to serve an average of 28 families in intensive home visiting during the course of a year. A total of 70 families will not be served as a result of this reduction. Because caseloads are nearly full, these families would transferred to non Healthy Start Services, if available.
	40047	Chronic Disease Prevention	258,034	489,217	(45,368)	0	(45,368)	0.00	State is reducing Oregon Tobacco Prevention & Education (TPEP) Program by 15% but it is not yet determined how local counties will be impacted. The Governor's Tobacco Reduction Advisory Council will meet in August to consider options for how the cuts will be absorbed. There are many components to the state TPEP program - e.g. local counties, the statewide Quit Line, statewide media advocacy, funding to voluntary agencies, and we don't yet know the proportionate reductions to the various components.
Health Department Subtotal					(576,622)	(93,635)	(670,257)	(1.15)	

Multnomah County Service Estimated Impact
State Adopted Budget FY 2009-2011

Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
Department of Community Justice									
	50030A	Adult Field Services - Felony Supervision	1,182,299	14,639,583	(3,238,455)	0	(3,238,455)	(35.84)	DOC 581145 Funding - The state funding shortfall will be somewhat offset by wage freezes from management and local 88 that were in non-general fund budgets \$204,638. New legislation (HB 3508) will impact workload in three areas for adult community supervision: 1) the change in prisoner good-time credits will increase the number of felons under our parole supervision for several months, as those offenders who were retroactively eligible move through the system; 2) the new ceiling set for technical violations will reduce the length of time for violations that DCJ offenders can serve in jail; 3) a change in the inactive status for a set of offenders will mean more of the people currently supervised will shift to inactive status. At this time, the full fiscal impact of these three changes is not known.
	50030A	Adult Field Services - Felony Supervision	1,182,299	14,639,583	(376,672)	0	(376,672)	(4.17)	DOC M57 Funding - DCJ will be submitting an application to this \$10 million statewide supplemental funds for drug addicted persons. DCJ will make budgetary and/or operational shifts to meet the state requirements for use of this money. NOTE - this funding level assumes DCJ will receive \$700,877 in DOC M57 Funding (based on the existing SB1145 formula). As stated, this funding has not been appropriated to the Counties and will be subject to a grant application process.
	50043A	Addiction Services - Adult Offender Outpatient Treatment	319,096	177,221	1,434,103	TBD	1,434,103	TBD	Criminal Justice Commission (CJC) M57 Funding - Approximately \$13.3 million statewide funds for drug addicted persons. We are assuming the same % share as our current offender population (DOC allocation of 22.01%), but it is still being worked through the state process. At this point, we do not know the restrictions on use of this money.
	50011	Juvenile Formal Probation and Supervision	1,840,262	0	(88,262)	0	(88,262)	(1.00)	Juvenile Crime Prevention Basic Funding - Juvenile Counselor position will be eliminated.
	50011	Juvenile Formal Probation and Supervision	1,840,262	0	(74,903)	0	(74,903)	(1.00)	Juvenile Crime Prevention Diversion Funding - Juvenile Counselor position will be eliminated.
	50011	Juvenile Formal Probation and Supervision	1,840,262	0	(140,993)	0	(140,993)	(1.65)	Juvenile Crime Prevention Funding - Juvenile Counselor position will be eliminated.
	50013	Juvenile Gang Resource Intervention Team	691,281	1,114,142	133,379	0	133,379	1.56	OYA Gang Transition Services Funding - Increased funding from this source will be used to add Juvenile Counselor position.
Community Justice Subtotal					(2,351,803)	0	(2,351,803)	(42.10)	

Multnomah County Service *Estimated* Impact
State Adopted Budget FY 2009-2011

Dept	Program Offer Number	Program Name	FY 2010 County Adopted General Fund	FY 2010 County Adopted Other Funds	FY 2010 State Direct Services Add/Loss	FY 2010 State Contract Add/Loss	FY 2010 Total State Add/Loss	FY 2010 FTE Add or Loss	Service Impact Estimations/ Notes
Sheriff's Office									
	60041 A & B	MCIJ	8,810,928	9,239,830	(880,946)	0	(880,946)	(10.00)	Reduction in SB1145 funding for approximately two housing areas = 118 jail beds. NOTE - this funding level assumes MCSO will receive \$377,395 in DOC M57 funding (based on the existing SB1145 formula). Currently, this funding has not been appropriated to the Counties, it will be subject to a grant type system for distribution.
	60065A	River Patrol	1,861,341	767,537	(26,842)	0	(26,842)	0.00	Oregon Marine Board funding, 1% cut each year
	60035A	Facility Security Unit	946,817	578,889	TBD	TBD	TBD	0.00	Courthouse Security for State Courts - Cuts unknown pending State Court decisions
Sheriff's Office Subtotal					(907,788)	0	(907,788)	(10.00)	
Community Services									
	91008	Elections	716,800	0	(124,000)	0	(124,000)	0.00	District Billing Administrative Rule change - reduces the amount of revenue we receive in the General Fund to conduct elections.
Library									
	80003	Early Childhood Svcs	0	1,081,927	3,163	0	3,163	0.00	Loss in the Ready to Read funding from the State Library. This is the per capita legislative funding based on the number of children in Multnomah County. Funding being reduced from \$1.00 to \$.95 per child. Results in a reduction in services to young children; actual yet to be determined.
	80018	Youth Svcs Mgmt	0	582,821	3,162	0	3,162	0.00	Loss in the Ready to Read funding from the State Library. This is the per capita legislative funding based on the number of children in Multnomah County. Funding being reduced from \$1.00 to \$.95 per child. Results in a reduction in supplies and printing for Summer Reading.
Library Subtotal					6,325	0	6,325	0.00	
Multnomah County Grand Total					(5,506,044)	8,396,231	2,890,187	(63.55)	
Departments Not Impacted									
<ul style="list-style-type: none"> • District Attorney's Office • Department of County Management 									

APPENDIX B

Association of Oregon Counties **2009 Legislation of Interest to Counties**

DRAFT

County Finance

AOC Staff: Gil Riddell, Ann Hanus

The legislature stayed focused this session on the state of the economy and its impact on state budgets and school funding. In spite of the well publicized findings of the Governor's Task Force on Federal Forest Payments & County Services and Task Force on Comprehensive Revenue Restructuring, the immediate crisis the legislature addressed was the State's. Federal forest-dependent counties had a short-term reprieve with adoption of PL 110-343, extending diminishing federal payments for four years. Moreover, the legislature had no appetite this session to deal with the constitutional structural handcuffs counties wear while trying to finance public services through the property tax.

The legislature was aware of the joint state-county public services, and under the circumstances did an admirable job protecting the systems of human services and public safety. But to do that and to feed the \$6 billion school fund, the legislature swept – purportedly one time – some state 'pass-through funding to counties', notably \$5 million of video lottery revenue and \$5.2 million of property assessment and taxation grant funds.

The legislature addressed its direct funding source with increases in the personal income tax (House Bill 2649) and corporate tax (HB 3405), and put income tax expenditures on a rotating sunset schedule (HB 2067). Nevertheless, in spite of recommendations by the Governor's Task Force, the legislature did not remove preemptions on new county real estate transfer taxes or full use of revenue from transient lodging taxes, fund the Property Tax Expenditure Compensation Account, direct follow-up work on the structural inadequacies of the property tax, or beef up the County Assessment Function Funding Assistance Account. It did remove a property tax exemption (Senate Bill 495), but added two more as part of deals for income tax increases (HB 3112 and 2904).

In recognition that a county finance crisis is on the horizon, the legislature passed HB 2920, which will create a task force to focus on delivery and funding of joint public services.

Bills that Passed:

A. Property Tax and Assessment

HB 2161 Central Assessment; Appeal Of Delinquency Penalty; Other Provisions

Effective Date: January 1, 2010 Chapter: 128 (2009 Laws)

Permits an appeal to waive or reduce a delinquency penalty within 30 days of mailing of the notice. Updates language. Changes lien date for taxes levied on mutual and cooperative electric distribution systems from February 1st to March 1st. Applies to tax years beginning on or after July 1, 2010.

HB 2162 Board Of Property Tax Appeals; Appeal Of Order When Delivered By Hand

Effective Date: September 28, 2009 Chapter: 23 (2009 Laws)

Provides that the 30-day appeal period will begin at the time of delivery when the final order of the board of property tax appeals is personally delivered to the appellant.

HB 2475 Property Tax Expenditures; Cargo Containers; Extended Sunset

Effective Date: January 1, 2010 Chapter: 548 (2009 Laws)

Extends cargo container property tax exemption from June 30, 2010 to June 30, 2014. Revenue Impact: Cost to county revenues statewide of about \$75,000 annually.

HB 2700 Property Tax Exemption, Late Filing Of; First-time Filers And Public Bodies; Late Filing Fee

Effective Date: September 28, 2009 Chapter: 626 (2009 Laws)

Clarifies procedures for late filing of property tax exemption by certain eligible entities and public bodies. Creates late exemption filing procedure for first-time filers and public entities with good and sufficient cause. Retains late application procedure and filing fee.

HB 2904 Property Tax Expenditures; Expands Definition Of Farm Use For Special Assessment; Exempts Hoop Houses

Effective Date: September 28, 2009 Chapter: 776 (2009 Laws)

Expands definition of farm use for purpose of special property tax assessment to include implementation of a plan to remediate severe adverse conditions on a farm parcel. Places restrictions on qualification. Lists conditions for disqualification. Directs Department of Revenue to adopt rules for certification of a remediation plan. Prohibits application of farm income requirements for special assessment during the period in which the plan is implemented. Exempts from property taxation the machinery and equipment primarily used to implement the plan. Permits retroactive application for a remediation plan beginning on or after July 1, 2007. Exempts from property taxation a building structure, or improvement primarily used for agricultural or horticultural production; covered with polyethylene, fiberglass, corrugated polycarbonate acrylic, or other transparent or translucent material designed primarily to allow passage of solar heat and light; and does not have a permanent heat source other than radiant heating provided by direct sunlight. Revenue Impact: For implementation of remediation plan, loss to Multnomah County of \$700,000 in FY 2009-10. For exemption of hoop houses, because of inconsistent imposition of taxation by counties, loss to counties statewide is indeterminate. *[Cross LU&D]*

HB 3112 Property Tax Expenditures; Environmentally Sensitive Logging Equipment, Definition Of; Extended Sunset

Effective Date: September 28, 2009 Chapter: 852 (2009 Laws)

Redefines 'environmentally sensitive logging equipment' as logging equipment originally manufactured after 1992. Extends sunset of exemption from property taxation for this equipment and skyline and swing yarders from July 1, 2012 to July 1, 2018. Revenue Impact: Loss to counties statewide about \$500,000 annually and growing.

SB 183 Demolished Or Removed Property; Adjustment Of Maximum Assessed Value

Effective Date: September 28, 2009 Chapter: 443 (2009 Laws)

Specifies timeline for filing an application for reduction of the maximum assessed value of demolished or removed property. Clarifies that the special determination of the MAV subject to multiple adjustments occurs only after application of ORS 308.146(8)(a), which specifies the

determination of the MAV of demolished or removed property. Clarifies that venue for appeal of the MAV of these properties is the board of property tax appeals.

SB 394 Property Taxes, Refund Of Overpayment and Cancellation Of Uncollected

Effective Date: September 28, 2009 Chapter: 52 (2009 Laws)
Changes mandatory minimum refund of overpaid property taxes from \$5 to more than \$10.
Requires tax collector to cancel uncollected deficient property taxes of \$10 or less, rather than \$5 or less, when taxes are collected in advance of extension on the tax roll.

SB 495 Property Tax Expenditure, Elimination Of; Out-of-State Public Entity With Property Interest In Pacific Northwest AC Intertie

Effective Date: September 28, 2009 Chapter: 804 (2009 Laws)
Eliminates property tax exemption for out-of-state public entity with a property interest in the Pacific Northwest AC Intertie. Applies to tax years beginning on or after July 1, 2009.
Exemption granted in 2005 benefited only Seattle City Light, Tacoma Power, and Snohomish County PUD. Revenue Impact: Increases revenues to the 12 counties effected by about \$250,000 annually.

SB 594 Property Tax Expenditure For Qualified Cemetery And Crematory Property

Effective Date: September 28, 2009 Chapter: 455 (2009 Laws)
Permits property tax exemption claim for qualified cemetery and crematory property, regardless of claimant's organizational structure or state of organization, for tax years beginning on or after July 1, 2008. Permits late filing for the exemption claims and specifies late filing procedure.
Eliminates requirement for non-profit entity to list, appraise, and describe personal property qualified for the exemption, for tax years beginning on or after July 1, 2009. Revenue Impact: Minimal.

SB 5540 Department Of Revenue Budget

Effective Date: July 1, 2009 Chapter: 655 (2009 Laws)
Two items of particular note. 1) The budget eliminates the \$5.2 million General Fund distribution to the County Assessment Function Funding Assistance Account for biennium 2009-11. The Summary of the General Government Subcommittee Action includes this note: 'The Subcommittee acknowledged that this loss of funding could be burdensome on counties and that county tax administration capacity should be closely monitored during the interim'. 2) The budget adds \$5.12 million in General and Other Funds and 35 FTE to support compliance efforts for payroll tax, income tax, and other programs. This is estimated to generate an additional \$19.3 million in General Fund revenues for biennium 2009-11.

Property Tax and Assessment Bills That Failed:

HB 2071 CAFFAA; Assessor Processing Fee Increase

Increases the assessor processing fee of \$9 on documents filed with the county clerk. Revenue Impact: An increase in the fee would increase revenue to counties through the County Assessment Function Funding Assistance Account.

HB 2496 Property Tax Expenditure; Animal Welfare Program

Exempts from property taxation qualified welfare programs that benefit animals. Provides refund process for taxes paid. Revenue Impact: Indeterminate.

HB 2912 **Property Tax Expenditure; Electric Transmission**
Exempts from taxation property leased to the United States in connection with electric transmission in the Pacific Northwest. Revenue Impact: Indeterminate.

SB 486 **Property Tax Expenditure; Open Space Special Assessment, Withdrawal From**
Limits additional taxes imposed on noncommercial property withdrawn from open space special assessment to five years before withdrawal. Revenue Impact: Indeterminate.

SB 563 **CAFFAA, Delinquent Interest Into**
Directs all deposits of interest charged and collected on late payment of property taxes to the County Assessment Function Funding Assistance Account. Applies to tax years beginning on or after July 1, 2009. Revenue Impact: Increase of revenue to counties through CAFFAA of about \$30 million per biennium.

SB 888 **Delinquent Utility Accounts; Collection By County**
Permits provider of water, sewer, or storm water service to file lien against the property where service is provided for late payment for service. Requires county assessor to assess the charges against the property on the next assessment and tax roll. Requires collection by the county. Makes other provisions.

B. Other Taxation and Finance

HB 2014 **School Construction Excise Tax; Makes Collection Mandatory; Increases Collection Fee; Makes Other Changes**
Effective Date: September 28, 2009 Chapter: 534 (2009 Laws)
Requires collection of school district construction excise tax by the government entity that issues a permit for structural improvements. Exempts construction of nonprofit long term and residential care facilities and nonprofit continuing care retirement communities. Increases maximum administrative collection fee from one percent to four percent of tax revenue. Retains as negotiable local issues, such as design of the tax and start up costs. Permits the Department of Consumer and Business Services to establish by rule an administrative fee of 0.25% within the four percent of tax revenue only for the 2009-11 biennium. Clarifies collection to be at the time permit is issued. Applies to construction taxes on or after the effective date.

HB 2067 **Tax Expenditures, Income And Corporate Excise; Sunset Dates On Six-Year Cycle**
Effective Date: January 1, 2010 Chapter: 913 (2009 Laws)
Assigns most income and corporate excise tax credits one of three sunset dates: January 1, 2012, 2014, or 2016. Excludes the personal income tax credit, credit for taxes paid to another state, claim of right of income credit, and corporate surplus refund credit. Permits a taxpayer claiming the rural medical credit at the time of sunset to continue to claim the credit for an additional 10 years. Creates a default sunset date for new tax credits of six years after credit is first effective, unless the statute specifies a different date or states that no sunset is required.

HB 2073 **Rainy Day Fund, Directs Revenue To**
Effective Date: January 1, 2010 Chapter: 747 (2009 Laws)
Directs revenue collected from corporate income and excise tax rates above 6.6% to the Oregon Rainy Day Fund. Directs Department of Revenue to estimate collections resulting from corporate

rates above 6.6% before the end of each biennium and then deposit estimated amount into Rainy Day Fund on or before June 30 of each odd numbered year. First applies to biennium 2013-15. Revenue Impact: Transfers \$69 million from state General Fund to Rainy Day Fund in biennium 2013-15.

HB 2074 Tax Supervising and Conservation Commission; Funding; Budget; Opt Out

Effective Date: June 26, 2009 Chapter: 596 (2009 Laws)
Divides responsibility for funding the Tax Supervising and Conservation Commission between Multnomah County and other local taxing districts within the county. Increases the TSCC's maximum operating budget by three percent per year, beginning in FY 20011-12. Permits a local district with a population not exceeding 200,000 to opt out of TSCC jurisdiction. Revenue impact: Increases revenue to Multnomah County by about \$100,000 annually.

HB 2105 Purchase and Holding of Bonds

Effective Date: June 25, 2009 Chapter: 537 (2009 Laws)
Authorizes state agencies and public bodies to purchase and hold bonds issued by state agency or public body, respectively, without causing automatic cancellation or extinguishment of bonds.

HB 2107 Bonded Indebtedness for County Road Improvements

Effective Date: June 25, 2009 Chapter: 538 (2009 Laws)
Modifies maximum limit on amount of bonded indebtedness counties may incur for road improvements in unincorporated areas.

HB 2349 Construction Liens

Effective Date: January 1, 2010 Chapter: 513 (2009 Laws)
Oregon law provides for a contractor or subcontractor lien on property to protect against non-payment. In the event of a dispute, ORS 87.076 - 87.088 permits the owner to remove the lien by depositing with the county a bond or money representing 150% of the amount in dispute. The county holds that pending resolution of the claims.

Counties have been placed in the middle of disputes especially if court orders are not clear and there are conflicts with expectations for account management of the amount in dispute. The result is a time consuming and costly situation for counties. This bill clarifies the role of counties and management and disbursement of accounts. As a result, the process will be clearer and disputes can be settled faster while minimizing the need for lawsuits.

HB 2349 resolves problems and ambiguities in current statute by:

- Clarifying the depositor's entitlement to interest earned on the deposited funds.
- Ensuring counties will not be brought into the suit to foreclose the lien or be liable for errors, absent a finding of malfeasance.
- Describing the contents of the court's order necessary to disburse the funds.
- Establishing a process for the county treasurer to follow when releasing the lien or in the event the court's order is unclear.

HB 2649 Personal Income Tax Rates Increased On Higher-Income Taxpayers

Effective Date: September 28, 2009 Chapter: 746 (2009 Laws)
Increases marginal personal income tax rates on higher-income households. Creates a 10.8% tax bracket for joint filers with taxable income between \$250,000 and \$500,000 (between \$125,000 and \$250,000 if single) and creates an 11% tax bracket for joint filers with income above

\$500,000 (above \$250,000 if single); applies to tax years 2009 through 2011. Reduces top rate to 9.9% for joint filers with income above \$250,000 (above \$125,000 if single) for tax years 2012 and later. Phases out the federal tax subtraction for joint filers with adjusted gross income above \$250,000 (above \$125,000 if single). Excludes up to \$2,400 of unemployment compensation for tax year 2009. Revenue Impact: Increases general fund revenue to the State of \$472 million in biennium 2009-11; and \$375 million in biennium 2011-13.

HB 3405 Corporate Tax And Certain Secretary Of State Fees, Increase Of
Effective Date: September 28, 2009 Chapter: 745 (2009 Laws)
Increases the corporate minimum tax, other corporate taxes, and certain Secretary of State fees. Increases the C-corporation minimum tax from \$10 to an amount that ranges from \$150 for corporations with less than \$500,000 in Oregon sales to \$100,000 for corporations with Oregon sales of more than \$100 million. Increases the minimum tax on S-corporations from \$10 to \$150. Imposes a \$150 entity tax on entities filing a partnership return. Creates a second marginal corporate tax rate of 7.9% that is applied to taxable income greater than \$250,000 for tax years 2009 and 2010; reduces the rate to 7.6% for tax years 2011 and 2012. For tax years after 2012 the top rate of 7.6% applies to net income greater than \$10 million. Other tax changes are applicable beginning with tax year 2009. Increases Secretary of State filing from \$50 to \$100 for domestic corporations and to \$275 for foreign corporations. Increases fee to file a five-year uniform commercial code financing statement from \$10 to \$15 and increases the application fee for a four-year notary public commission from \$20 to \$40. Revenue Impact: Increases state general funds by \$261 million in biennium 2009-11.

HJR 13 Capital Costs, Financing Of; Constitutional Revision
Revises Oregon Constitution subject to voter approval at the May 2010 primary election. Exempts taxing districts from Measures 5 (1990) and 50 (1997) bond limitations, if bonded indebtedness is incurred after January 1, 2011, to finance capital costs. Defines capital costs and limits life of bonds.

SB 832 Collateral Risk Pool for Public Funds in Banks
Effective Date: July 23, 2009 Chapter: 821 (2009 Laws)
In the 2007 legislative session, the Association of County Treasurers worked with the State Treasurer's office and the Oregon Bankers Association to make sweeping changes that improved the security of public funds in depository institutions. At that time, the current economic crisis was still looming, and there had not been a bank failure in this area in a long time. Oregon's law was crafted to mirror a similar law in the state of Washington, and it created a collateral pool to spread the risk of a public funds loss to all banks with public fund deposits.

In 2008, a Washington bank with public fund deposits failed. This provided a test of the system that was created in Oregon. As a result of the experience in Washington, SB 832 fine-tunes the Oregon collateralization law to improve the system and provide more security for the banks holding those public fund deposits.

SJM 12 Federal Tax Refund Intercept Legislation
Urges Congress to enact tax refund intercept legislation permitting the States to obtain tax refunds of persons who owe court-ordered financial obligations.

Other Taxation and Finance Bills That Failed:

HB 3408 Real Estate Transfer Taxes, Removes Prohibition Against
Removes prohibition against local government enactment of taxes on real estate transfers.

SB 396 Real Estate Transfer Taxes, Removes Prohibition Against
Removes prohibition against local government enactment of taxes on real estate transfers.

SB 440 Transient Lodging Taxes, Removes Partial Preemption
Against
Removes requirement that 70 percent of revenues from a new or increased local transient lodging tax be used to fund tourism promotion or tourism-related facilities.

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**County Governance**  
AOC Staff: Ann Hanus, Mike Eliason, Gil Riddell

This session resulted in bills that will provide more flexibility, revise antiquated laws, and resolve some specific issues for county governments. HB 2920 will set the stage for how counties and the state will deal with county-state partnerships during a time of severe fiscal distress. Changes to local budget law (SB 916) will revise outdated local budgeting law and include provisions for cost saving measures.

With the severe economic downturn, laws were passed to decrease risk and improve the security of public funds in depository institutions. Other bills will make it easier for counties to dissolve defunct county service districts and form radio and data districts and special districts. Clarifying the process for construction liens will reduce conflicts when dealing with disputes between homeowners and construction firms. Responding to public employee unions, the legislature passed HB 2867 requiring an analysis before the state and local governments may contract specific types of services.

**Bills that Passed:**

**A. Administration**

**HB 2920 Task Force on Effective and Cost-Efficient Service Provision**  
Effective Date: August 4, 2009 Chapter: 881 (2009 Laws)  
The Task Force on Effective and Cost-Efficient Service Provision will build on the recommendations of the Governor's Task Force on Federal Forest Payments and County Services and include key players involved with shared state-county services with regard to:

- Assessment and taxation
- Elections
- Human Services; and
- Criminal Justice

It will examine inter-governmental relationships and agreements, encourage effective fiscal planning for counties managing the phase-out of federal forest safety net payments and recommend appropriate state fiscal support to counties.

**SB 77 Fiscal Distress Of County In Public Safety Services; Specifies**  
**Procedure For Declaration And Actions To Follow.**  
Effective Date: July 23, 2009 Chapter: 789 (2009 Laws)



Establishes process for a county governing body or the Governor to declare a state of fiscal distress that compromises the ability of the county to provide a minimally adequate level of public safety services. Directs Governor or county governing body to request review and analysis of public services in the county by the Oregon Criminal Justice Commission. Requires Commission to establish by rule minimal standards for public safety services. Specifies procedures for establishing a fiscal control board to develop a recovery plan for restoring minimal service level. Specifies membership of fiscal control board. Provides process for county governing body to accept or reject recovery plan recommended by the fiscal control board. Requires board to monitor progress of recovery plan. Directs board to issue termination of emergency recommendation when it concludes that minimally adequate public services have been restored. Provides that when Governor declares end to emergency, fiscal control board is dissolved.

*[cross PUBLIC SAFETY]*

**SB 344                      Change in County Surveyor Position**

Effective Date: June 24, 2009                      Chapter: 491 (2009 Laws)

Requires county surveyor to be appointed by the county governing body rather than elected, unless the county charter or a county ordinance specifies otherwise. The bill becomes applicable to county surveyor vacancies on or after January 1, 2010. Also, contains a provision allowing Multnomah County Sheriff Bob Skipper to avoid having to re-take a 16-week basic training course after coming out of retirement to become sheriff. *[Cross Elections]*

**SB 916                      Changes to Local Budget Law**

Effective Date: January 1, 2010                      Chapter: 477 (2009 Laws)

Current local government law is antiquated and contains out-dated, rigid provisions. Further, it does not provide for uniform collection of county financial summary data information necessary for the Legislature's SB 5520 project. SB 916 makes the following changes:

- Require that County budgets contain a summary of revenue and expenditures for major programs funded in part by state resources. This will result in more uniform county data collection necessary to highlight state-county partnerships and identify impacts to programs.
- Allow changes to fees to occur every six months rather than only once a year in order to respond to changing conditions subject to approval by the governing body.
- Include Post Office Box and Rural Route numbers as mailing options.
- Increase flexibility to transfer appropriation authority among funds.
- Remove the prohibition to transfer appropriations from any special revenue fund to the general fund or other special revenue fund.
- Increase the time period for repayment of an interfund loan from five to ten years.
- Apply the "reasonable person standard" to estimating revenues and expenditures during the budget preparation.

Local Governments and the Department of Revenue have also agreed to meet during the interim to develop more comprehensive changes to local budget law for the 2011 Legislative Session.

**Administration Bills That Failed:**

**SB 78                      County Services Planning Council, Creation Of.**

Creates County Services Planning Council. Directs Council to encourage effective fiscal planning for counties managing phase out of federal forest safety net payments and make recommendations to Governor and legislature regarding appropriate level of state fiscal support to

counties. Specifies that Council recommendations include strategies to take advantage of existing revenue sources and to develop long-term revenue solutions. Sunsets on January 2, 2014. *[Note: Much of this concept was exported to HB 2920.]*

## **B. Public Contracting**

### **HB 2867 Additional Standards for Public Agency Procurements**

Effective: August 4, 2009

Chapter: 880 (2009 Laws)

Requires a public agency to conduct a cost analysis when contracting out a contract for goods and services over \$250,000 to determine whether it would be more cost effective to perform the service in-house. Does not allow a public agency to contract out for goods and services if the sole reason conducting the procurement would be cheaper than performing the work with public employees is based on the wages and benefits paid to the contractor. Does not apply to public improvement contracts, client services (including mental health and human services, among others) or situations where the public agency does not have the staff available or expertise on staff necessary to perform the service.

### **HB 2953 Standards of Responsibility for Lowest Responsible Bidder**

Effective Date: January 1, 2010

Chapter: 368 (2009 Laws)

Current statute requires a contracting agency, while determining the lowest responsible bidder, to determine whether the bidder has met the standards of responsibility. This bill expands the standards to include holding current licenses necessary to undertake or perform the work required in the contract, as well as show proof of being covered by workers' compensation insurance, liability insurance, and other insurance required in the solicitation documents.

### **HB 2955 Retainage in Public Improvement Contracts**

Effective Date: January 1, 2010

Chapter: 568 (2009 Laws)

Requires a contracting agency to accept general obligation bonds, irrevocable letters of credit, or other forms of financial security from a general contractor in lieu of moneys held as retainage in connection with public improvement contracts. However, an agency can make a finding that the alternative security offered poses extraordinary risk and withhold a percentage of the contract price instead.

### **SB 50 Deadlines for Notice of Claim on Public Contracts**

Effective Date: May 26, 2009

Chapter: 160 (2009 Laws)

The deadline for filing notice of claim against construction bonds is tied into the last day of work for each individual worker on a project. BOLI frequently receives complaints where the previous 120-day filing deadline is imminent for some workers, but not for others. This bill extends the notice of claim filing deadline from 120 to 180 days, providing additional time for resolving complaints without filing claim notices on contractors' bonds, as well as filing more accurate claim notices when necessary.

### **SB 51 Elimination of Sunset on BOLI Prevailing Wage Fee**

Effective Date: July 23, 2009

Chapter: 788 (2009 Laws)

Eliminates the sunset on the BOLI prevailing wage fee paid by public agencies, keeping the fee at the current level of a \$250 minimum and \$7,500 maximum. Without the bill passing, the prevailing wage fee would have reverted to the pre-2007 level of \$100 minimum and \$250 maximum. Also maintains the current fee rate at .01% of the project.

**SB 53                                      Changes Time Contracting Agency Pays Prevailing Wage Fee**

Effective Date: May 26, 2009

Chapter: 161 (2009 Laws)

Changes the time at which a contracting agency must pay the required prevailing wage fee to BOLI from the time the agency enters into the contract to the time BOLI has been notified of the contract being awarded. Also removes the current requirement that reference to the required fee be included in a public works contract and specifies that contractors and subcontractors must pay all wages due on the regularly established payday.

**SB 54                                      Certified Payroll Reports**

Effective Date: January 1, 2010

Chapter: 7 (2009 Laws)

Modifies required language in weekly certified payroll reports for projects covered under Oregon's prevailing wage rate law from "actual wages paid" to "gross wages earned."

**SB 55                                      Contractor Ineligibility for Falsifying Information**

Effective Date: May 21, 2009

Chapter: 107 (2009 Laws)

Establishes that a contractor or subcontractor is ineligible to receive any public works contract or subcontract for three years for intentionally falsifying information in certified statements concerning payment of prevailing wages on a public works contract.

**SB 894                                      Increasing Diversity in Highway Construction**

Effective Date: July 23, 2009

Chapter: 822 (2009 Laws)

Requires ODOT to use one-half of one percent of federal funds, up to \$1.5 million, to increase diversity and involvement of women and minorities in highway construction and requires a biennial report to the legislature.

**Public Contracting Bills that Failed:**

**HB 2037                                      Public Contract Disclosures and Reporting**

The bill would have required DAS and local contracting agencies to maintain records concerning certain types of public contracts and to submit reports concerning information contained within the contracts to the Governor and the Legislature. Counties would have been required to compile records of names, addresses, employment category, and job description of all contractors and subcontractors, as well as compile records of the number of hours worked by each person, including subcontractors. In addition, the bill required providing these records, and many more, to the public via a searchable database on the Internet and reporting summaries of the maintained information to the Governor and the Legislature no more than 180 days after the end of each fiscal year. The fiscal impact to counties was estimated to be over \$3 million. While this bill did not make it out of the House Business and Labor Committee, a drastically scaled down version of the bill, HB 2500, did pass late in the legislative session. HB 2500 applies only to the state, and requires the state to create a website that displays state revenues, expenditures and contracts, along with agency program information.

**C. Miscellaneous**

**HB 2434                                      Construction Contract Statute of Ultimate Repose**

Effective Date: January 1, 2010

Chapter: 715 (2009 Laws)

Decreases statute of ultimate repose for large commercial structures from ten years to six years. Exempts large commercial structures owned or maintained by homeowners association or associations of unit owners. Exempts state, local and special government bodies. Applies to causes of action on or after January 1, 2010.

**HB 3254****Radio Communication Special Districts**

Effective Date: September 28, 2009

Chapter: 584 (2009 Laws)

Allows radio and data districts to be formed as special districts. Immediate impact on Umatilla and Morrow Counties to set up special district for emergency communication. Other counties can take advantage of legislation and form special districts for emergency communications. [*Cross Telecommunications and Elections*]

**SB 344****Appointment of County Surveyor**

Effective Date: June 24, 2009

Chapter: 491 (2009 Laws)

Unless an adopted county charter or ordinance provides otherwise, the governing body of a county shall appoint the county surveyor.

**SB 560**      **Dissolution of County Service Districts**

Effective Date: January 1, 2010

Chapter: 496 (2009 Laws)

Allows dissolution of county service districts without an election if the district is no longer necessary for its purpose.

**SB 663****Filling Vacancy of Board of Directors of Irrigation District**

Effective Date: January 1, 2010

Chapter: 282 (2009 Laws)

Changes the method for filling the vacancy on the board of directors of irrigation district. [*Cross Records and Elections*]

**SB 915****Building Inspection Program/Civil Penalty Assessment**

Effective Date: January 1, 2010

Chapter: 476 (2009 Laws)

Requires a municipality that administers building inspection program under state building code to assess a violation of program as civil penalty.

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**Courts**

AOC Staff: Paul Snider

For the Judicial Branch, this session was characterized by two significant landmarks. The one of greatest importance to counties is that, for the first time, the Legislature has demonstrated in action its recognition that the problem of deteriorating court facilities is one shared by the state and counties together. In HB 5054, the legislature committed \$12 million to finance deferred maintenance projects in several county courthouses. The second landmark came in the form of a joint effort by the Judicial Department and key legislators to find a temporary revenue stream to offset potential cuts to courts budgets – without thereby hurting justice courts and county courts in the process. HB 2287 created surcharges on all filing fees and fines. It dedicated the state share of those revenues to backfill judicial functions, but also dedicated the local share to local treasuries.

**Bills that Passed:****HB 2287****Surcharge on Court Fees and Fines**

Effective Date: June 30, 2009

Chapter: 659 (2009 Laws)

Extends to October current surcharges that would otherwise sunset in June. Establishes new surcharges and fees on offenses, increases filing fees, probation fees, probate accounting fees and other existing fees. Provides that surcharges collected in justice, county or municipal courts are retained in the treasuries of those jurisdictions. Sunsets surcharges and returns fees to their current levels in July 2011. Establishes Interim Committee on State Justice System Revenues to report to 2011 regular session of legislature.

**HB 5054 Capital Construction Funds for Court Facilities**

Effective Date: August 6, 2009 Chapter: 910 (2009 Laws)

This is the "Christmas Tree Bill" described periodically throughout this report. Section 56 of the bill appropriates approximately \$12 million to the Department of Administrative Services for court facilities. The appropriation is associated with the Federal Stimulus Package and includes deferred maintenance projects in the following counties: Coos, Marion, Polk, Umatilla, Columbia, Josephine, Lane, Jackson, Douglas, and Yamhill. Other projects may also be funded if those above come in under budget.

**SB 93 Federal Refund Intercepts for Delinquent Fines**

Effective Date: July 23, 2009 Chapter: 791 (2009 Laws)

Allows Oregon Judicial Department (OJD) to enter into agreement with the federal government to intercept federal tax refunds to offset debt owed to OJD for past-due liquid and delinquent accounts for crime victim restitution, compensatory fines, other fines, costs and assessments.

**SB 270 Court Closures in Emergencies**

Effective Date: June 24, 2009 Chapter: 484 (2009 Laws)

Authorizes Chief Justice to establish procedures for closing courts in emergencies. Provides that presiding judge of a circuit has similar authority. Allows Chief Justice to authorize courts to waive or suspend court fee added on a judgment and authorizes recovery of more of the costs associated with collecting judgments. Allows judge to waive sheriff's fee under ORS 21.410(1)(a) for service of process if judge finds party is unable to pay.

**SB 311 Increase in Tort Claim Damage Limits**

Effective: July 1, 2009 Chapter: 67 (2009 Laws)

Increases the per claim damage limits recoverable under the Oregon Tort Claims Act (OTCA) from the current \$200,000 to \$1.5 million for the state of Oregon, and to \$500,000 for local governments. Increases the per occurrence damage limits under the OTCA from current \$500,000 to \$3 million for the state of Oregon, and to \$1 million for local governments. For counties, the per claim limit will be raised by \$33,333 for each year until 2015 and the per occurrence limit will be raised by \$66,666 for each year until 2015. Also increases all property damage limits from the current \$50,000 per claim to \$100,000 per claim, and \$500,000 per occurrence. Following 2015, the tort limits will rise yearly based on the Consumer Price Index, with a maximum cap of 3% per year.

In addition, the bill contains several other important provisions. The bill removes the distinction between economic and non-economic damages, and creates a Tort Claims Task Force to revisit the issue of tort liability of public bodies to convene in the year 2014. Also allows direct appeal to the Supreme Court for challenges to the constitutionality of the damage limits.

**SB 609 Tax Court, Protective Orders of Confidentiality In.**

Effective Date: September 28, 2009 Chapter: 457 (2009 Laws)

Permits decisions of the magistrate involving orders to protect confidentiality of business records, tax returns, or documents containing trade secrets, to be appealed to the regular division of Tax

Court. Permits the magistrate to stay the case on merits until the request for a protective order is resolved. Requires that certain appeals to the regular division of the Tax Court be expedited and determined within 90 days, unless the Tax Court determines that additional time is needed.

#### **Courts Bills That Failed:**

##### **SB 256**

##### **Court Costs and Fees**

In efforts to reduce costs and create additional revenues for the state courts as a means to avoid even greater budget cuts, the Oregon Judicial Department (OJD) prepared proposed amendments to SB 256. The amendments would have shifted the costs for grand juror fees, mileage and expenses to counties and created new filing fees for governmental entities. As a courtesy, OJD staff provided advance notice of the proposed amendments to AOC. Ultimately, after discussions with AOC and the Oregon District Attorneys Association, OJD deleted those provisions from amendments that were later adopted. Although SB 256 failed to pass, many of its provisions became part of HB 2287 discussed earlier in this report.

##### **HB 2813**

##### **Law Library Fees**

This measure would have cut the county law library fees in half and created a new fee equal to the half that was cut. The new fee would have been dedicated to advocacy for disabled persons. The bill failed to receive a hearing in the House Judiciary Committee.

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#### **Economic Development**

AOC Staff: Doris Penwell

Traditional economic development funding of services and programs had surviving difficulties during the current session because of the severe reductions in available General Fund and Lottery dollars due to the economic downturn. Together with reduced funding from federal and local sources, counties and communities are left with stretching every dollar and putting on hold some popular programs. Legislative decisions included: a biennial cut to the already flat funding to counties from video lottery earnings, continued to fund half of the Governor's Economic Revitalization Team with counties video lottery earnings, eliminated the 20-year old Regional investment program, cut in half the Small Business Development Centers, moved money from the Special Public Works Fund corpus to cover other state government economic development program costs, etc. Also, a troublesome cut in the Business Energy Tax Credit level also jeopardizes rural renewal energy production projects at a time when the projects are about the only positive note to a dim rural economic development picture.

There were also some major successes with saving programs and retooling others. The Urban Renewal program and the Historic Properties programs were both retooled to adapt to long-time critics of excessive property tax abatements while maintaining incentives for development. The Oregon Solutions program at PSU was funded again, capable of helping many of our counties and communities with projects moving forward. **Of special note:** Two enterprise zone bills that faced opt out provisions and disallowed public bodies to possess confidential business records in enterprise zones (HB 2429) and statewide prevailing wage requirements for construction (HB 2699) failed in the final weeks, leaving local decision making authority in tact for operations of the program.

**Bills that Passed:**

**HB 2067**                      **Assigns income and corporate tax credits to a sunset by 2016**  
Effective Date: January 1, 2010                      Chapter: 913 (2009 Laws)  
Assigns sunset dates for legislative review before 2012, 2014 and 2016. For economic development programs sunset dates include: (before January 1, 2012, Film Production Development Contributions, Long-term Rural Enterprise Zone, Electronic Commerce Enterprise Zone, Business Energy Facilities; before January 1, 2014, the Reservation Enterprise Zone Program)

**HB 2152**                      **Reorganizes/Renames Oregon Business Development Dept.**  
Effective Date: July 28, 2009                      Chapter: 830 (2009 Laws)  
Renames OECDD to Oregon Business Development Department and establishes an Infrastructure Finance Authority (with county representation) as a separate and distinct part of the agency; discontinues Regional Investment Boards and replaces it with a Local Economic Opportunity program, but with no funding identified in the current biennium.

**HB 2180**                      **BETC Report on Cost Benefit and Need**  
Effective Date: January 1, 2010                      Chapter: 912 (2009 Laws)  
Requires that ODOE (in consultation with PUC and Oregon Business Development Dept.) to prepare a report on the financial aspects of wind energy and conservation projects certified in the business energy tax credits to wind energy projects. Direct the study to include capital investments, federal and state tax incentives, revenues, costs, and return on investment. States that the purpose of the report is to determine the extent to which facilities depend on state incentives for initial and continued operation. Requires a report to the legislature by February 1, 2011.

**HB 2472**                      **Business Energy Tax Credit (BETC) Reductions**  
***\*\*HB 2472 was vetoed on August 7, 2009***  
Effective Date:                      Chapter:  
Reduces allowable Business Energy Tax Credits for large energy production projects (over 10 MH) from \$10 M to \$3.5 M maximum; increases electric vehicle manufacturing tax credit to \$20 M maximum; provides for other accountability measures by ODOE in certifying projects for the tax credit. The bill is being reviewed by AOC, private sector and Governor for possible veto because of technical issues and possible harm to further development of large wind and biomass projects in Oregon's rural counties.

**HB 2809**                      **Urban Renewal Plan Changes for The Dalles and Lake Oswego**  
Effective Date: September 28, 2009                      Chapter: 317 (2009 Laws)  
Allows The Dalles and Lake Oswego to convert their urban renewal plans to a reduced rate plan so that the taxing districts can receive their property taxes from general obligation bonds and local option levies, outside the urban renewal plans for years following the election of the urban renewal district. This reduces the cost to the taxpayers over time.

**HB 2940**                      **Biomass and Solid Waste Facilities in RPS**  
***\*\*HB 2940 was vetoed on August 7, 2009***  
Effective Date:                      Chapter:  
Allows electricity generated from a biomass facility or a municipal solid waste facility that was operational before 1995, to comply with Oregon's renewable energy standard under certain conditions; allows ODOE to certify these facilities eligible for RECs after January 2011. This bill

is being considered for possible veto by the Governor because including these facilities lowers the amount of renewable energy needed to reach the goal by 2025.

**HB 3056                      Urban Renewal Reform**

Effective Date: January 1, 2010                      Chapter: 700 (2009 Laws)

Reforms Oregon's urban renewal program to: provide for limitation on maximum indebtedness, based on the size of an urban renewal district (small, medium and large) according to the amount of assessed value in the district that serves as the frozen base; provides a mechanism to recalculate the division of tax (or release of value by sharing a portion of the tax increment with overlapping taxing jurisdictions; limits substantial plan amendments increasing indebtedness by more than 20% of the original plan by requiring concurrence by all taxing jurisdictions (if less than 20% a consult-and-confer process is to be used); and provides a slightly different variation on these provisions for Multnomah County and the City of Portland due to the size of their district. New provisions apply to all new urban renewal plans and all substantial amendments to existing plans.

**HB 3199                      End of Session Program and Funding Changes**

Effective Date: August 4, 2009                      Chapter: 885 (2009 Laws)

Among many program changes and changes to funding from other bills, authorizes the newly renamed OBDD to use \$10 million of Special Public Works Fund balances for other permitted department operations this biennium; reduces \$5 M biennial allocation to counties to be used for State purposes (from 2 ½% video lottery allocations to counties); allocates \$3,043,303 Lottery Funds for county fairs; allows Oregon Progress Board to accept contributions for operations and to enter into agreements with state agencies or nongovernmental entities to perform services.

**HB 3369                      Water Resources Investments and Strategic Plan**

Effective Date: August 4, 2009                      Chapter: 907 (2009 Laws)

Allows Oregon Water Resources department to do an integrated Water Study for water needs of the State, allows XI-I(1) General Obligation bonds and Lottery bonds for the Water Resources Investment Fund and Water Resources Grant Fund for loans and grants to be used for Umatilla Basin water projects as well as other water development projects in the state.

**HB 5008                      Oregon Business Development Dept. Budget**

Effective Date: July 16, 2009                      Chapter: 721 (2009 Laws)

Authorizes OECD, now Oregon Business Development Department, to receive lottery and general fund moneys and expend federal funds for their various business and infrastructure programs, as well as the Oregon Arts commission, the Film and Video Office and authorizes the Cultural Trust to expend moneys from contributions and license plate sales. Lottery Funds, which are the principal source of funding for the department programs, are not authorized in HB 5008, but in the Lottery Allocation bill (SB 5534). The bill approves a one-time fund shift of \$10 million from fund balances of the Special Public Works Fund and the Water Fund to be used for other purposes of the department. It also provides funding for specific Oregon Innovation Council initiatives including: Oregon Nanoscience and Microtechnologies Institute (\$5.6 million), Oregon Translational Research and Drug Development Institute (\$2.5 million), Built Environment and Sustainable Technologies Center (\$2.75 million), Oregon Wave Energy Trust (\$3 million), Northwest Food Processors Innovation Productivity Center (\$1.6 million), and Community Seafood Initiative (\$450,000).



**HB 5054****Budget Reconciliation/Christmas Tree Bill**

Effective Date: August 6, 2009

Chapter: 910 (2009 Laws)

Economic development highlights: Allocates \$415,000 to Jefferson County Economic Development Fund; \$1.5 M Lottery Funds for Dept. of Forestry to acquire the Gilchrist Tract forest lands and other lands in Klamath County; increased expenditure authority for OECD infrastructure funding recapitalization; authorizes sale of \$3.6 M Lottery Bonds for grants for the Umatilla Basin critical ground water projects; Allocates \$10 M General Funds to ODOT for Senior and Disabled Transportation operating grants to counties, tribes and transit districts; allocates \$20 M to ODOT for grants for purchase of streetcars for communities.

**SB 170****Expands Through-the-Fence Rural Operations**

Effective Date: January 1, 2010

Chapter: 398 (2009 Laws)

Expands from four to six the number of rural airports eligible to participate in the Dept. of Aviations "through-the-fence" pilot project. Changes eligibility to those airports without an air traffic control tower and increases the area population served to 500,000 (from 75,000).

**SB 192****Historic Properties Special Property Tax Assessment Program**

Effective Date: September 28, 2009

Chapter: 892 (2009 Laws)

Reauthorizes an Historic Properties Special Tax Assessment program in Oregon by including: reducing the benefit to 10 years (from current 15) for residential and commercial restorations; provides special handling by counties for condominium development in historic structures to capture appropriately higher level of property taxes; allows an additional 10 years (from current 15) of program for commercial or residential restorations related to special investment requirements to maintain property; requires 10% investment of original market value by owner of any property to receive tax benefit in the initial or additional period, and allows local historic property bodies to disallow property tax benefits for second terms of residential properties.

**SB 195****Small Wave Energy Exemptions**

Effective Date: June 18, 2009

Chapter: 405 (2009 Laws)

Exempts wave energy projects from minimum standards of development if the project generates less than five megawatts of electricity, is within Oregon's Territorial Sea, and has had an application submitted to Dept. of State Lands by December 31, 2009. Requires that projects have a federal license and is constructed and operated under agreement with multiple state agencies. Assistance in development may be provided by a task force including local government and federally recognized tribes which may be affected.

**SB 217****Historic Preservation Revolving Loan Fund for Public Education and Enforcement**

Effective Date: May 14, 2009

Chapter: 89 (2009 Laws)

Allows the Historic Preservation Revolving Loan Fund to be used for promoting cultural preservation public education and to pay for enforcement of cultural resource protection. Allows program to accept gifts and grants.

**SB 589****Repeals 5-year limit for exemption from taxation of Indian Tribal Land**

Effective Date: September 28, 2009

Chapter: 453 (2009 Laws)

Repeals five-year time limit for exemption from property taxation of Indian tribal land if acquisition of the land by the US in trust status (or fee-to-trust conversion) has been requested or is still in process. Repeals sunset of such exemption for tax years beginning on or after 7/1/2012; applies to property tax years beginning on or after 7/1/08.

**SB 621****Oregon Production Investment Fund Increase**

Effective Date: September 28, 2009

Chapter: 787 (2009 Laws)

Increases the annual cap on the amount of tax credits available for the Oregon Production investment Fund from \$5 million to \$7.5 million to encourage more film production in Oregon. Clarifies the kind film producer expenses eligible for reimbursement from the fund.

**SB 726****Reservation Enterprise Zones Expanded**

Effective Date: January 1, 2010

Chapter: 743 (2009 Laws)

Authorizes 9 recognized Oregon Indian Tribes to request Oregon Business Development Department to designate Reservation Enterprise Zones; authorizes eligible tribes to cosponsor Reservation Partnership Zones with cities, counties or ports. Makes Enterprise Zone exemptions and tax credits available for non-Indian businesses in the zones. Eliminates median income and unemployment rate requirements for the zones.

**SB 5505****Authorizes Bonding Allocations for Various State Agencies**

Effective Date: August 4, 2009

Chapter: 903 (2009 Laws)

Limits the maximum amount of bonds and COPs to be issued by agencies, including a total of lottery revenue bonding limit for the State at \$274, 300,000. Limits include: \$17,526,252 for OBDD infrastructure loan programs; \$100 million for Connect Oregon projects; \$11,271,656 for County Court Facilities infrastructure projects; \$7.8 million for FEMA projects at Tillamook; \$5 million for HB 2626 purposes; \$3,552,399 for the Coos Bay Railway project, \$3.5 million for water development projects and administration; \$2 million for Port of Morrow Education Center; \$2.6 million for Lane Transit's West Eugene EmX project; \$1 million for Pendleton Roundup; \$22,355,000 for Higher Ed and \$13,700,000 for Community College projects authorized elsewhere.

**SB 5534****Lottery Allocations to Various State Agencies**

Effective Date: August 4, 2009

Chapter: 905 (2009 Laws)

Allocates Lottery Funds to various agencies including \$2 M to the Governor's ERT, with one-half (\$1,023,139) from counties video lottery funding; authorizes allocation of video lottery moneys to the counties, with a reduction of \$5 million from total net revenues—estimated distribution is \$34,087,557, less one-half of ERT funding; allocates funding for debt service on outstanding lottery revenue bonds including all transportation bonding, OBDD infrastructure loan programs, loan programs at Oregon Dept. of Energy, Coos Bay Railway project, and water development projects and for development at Water Resources Dept. of an integrated water resources strategy, the Port of Morrow Education Center, Lane Transit's West Eugene EmX project, infrastructure improvement at the Pendleton Roundup

**SB 5535****Authorizes issues of Lottery Revenue Bonds for Identified Projects**

Effective Date: August 4, 2009

Chapter: 906 (2009 Laws)

Authorizes issuance of lottery bonds for identified projects, including those in agency budget bills and in SB 5505 and lottery allocations of SB 5534

**Economic Development Bills that Failed:****SB 439****Tax Increment Financing at Public Rural Airports**

Directs OECD to establish a program to create airport tax increment financing districts, with approval of cities, counties and other local property taxing jurisdictions with taxable lands in the districts. Allows airport sponsor to use up to 50% of incremental property tax revenues generated

by commercial and industrial development within the district to pay for airport-related infrastructure projects and services for a period of up to 25 years.

**SB 446/651                      Energy Technology in Public Buildings**

Provides that public improvement contracts for construction or reconstruction or major renovation of public buildings contain at least 1.5 percent of total contract price in certain other types of energy technology, expanded beyond current solar energy requirements.

**HB 2429                      Changes for Enterprise Zone Operations**

Modifies enterprise zone laws to allow for opt-out of taxing districts from requirements when a zone is sponsored; also changed purpose of the zones in the preamble of the program designation and contained language that government sponsors (cities, counties, ports, tribes) of zones could not retain confidential information of businesses in order to administer the zone.

**HB 2699                      Prevailing Wage Requirements for E-Zone Construction**

Modifies the definition of public works to include a construction, reconstruction or major renovation projects for a privately owned business seeking enterprise zone abatements in an enterprise zones. Applies to projects with a proposed cost of \$5 million or more; establishes a \$5,000 fee to the Oregon Bureau of Labor and Industries under the prevailing wage rate law to be paid by the sponsor(s) of the zone in which the "public works" projects is located.

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**Environment and Energy**

AOC Staff: Emily Ackland, Ann Hanus

**A. Energy and Sustainability**

Summing up the energy related bills this session, one could say there was a whole lot of hope, even expectation, but little outcome. It was a surprise for many, given all the task forces working during the interim, to see legislation fail or become drastically amended. The aim of the original bills was to promote renewable energy, green jobs, and energy efficiency and to reduce carbon emissions. The most contentious climate change bill was SB 80. This was a Governor's bill that initially proposed the development of a cap and trade system in Oregon. After several hearings and amendments, the bill was gut and stuffed with language to require state agencies to develop Sustainability Action Plans. With no funding available and looming federal action on cap and trade, SB 80 did not make it out of the Joint Committee on Natural Resources.

There were however, successes that will keep Oregon leading the nation in renewable energy and energy efficiency standards including HB 2626 which allows for a low cost mechanism to fund energy efficiency projects and SB 79 which adopts a voluntary reach code, separate from the state building code, that standardizes construction standards and methods for energy efficient buildings.

**Bills that Passed:**

**HB 2080                      Gray Water Systems**

Effective Date: June 12, 2009                      Chapter: 248 (2009 Laws)

Modifies public policy regarding waters of state and subsurface sewage disposal systems.

Defines "gray water" as waste water from baths, showers, bathroom and kitchen sinks, and laundry. Prohibits construction, installation or operation of a gray water reuse and disposal system without a permit from the Department of Environmental Quality. Directs the Environmental Quality Commission (EQC) to adopt rules for gray water reuse and disposal system permits.

**HB 2186                      Green House Gas Emissions**

Effective Date: July 22, 2009

Chapter: 754 (2009 Laws)

Directs Department of Environmental Quality to conduct study of medium-duty and heavy-duty trucks for purpose of reducing greenhouse gas emissions. Authorizes Environmental Quality Commission (EQC) to adopt requirements to prevent tampering, alteration, and modification of original design or performance of motor vehicle pollution control system. Authorizes EQC to adopt requirements for motor vehicle service providers to check and inflate tire pressure that does not apply if primary purpose of service is fueling and does not require provider to purchase equipment to check and inflate tire pressure. Authorizes EQC to adopt restrictions on engine use by parked commercial ships while at port and requirements that ports provide alternatives to engine use such as electric power. Provides that rules do not apply to farm vehicles, implements of husbandry, and logging trucks. Authorizes EQC to adopt Low Carbon Fuel Standard (LCFS). Requires EQC to provide exemptions and deferrals as necessary to mitigate costs of complying with LCFS.

*[cross Transportation]*

**HB 2472: see ECONOMIC DEVELOPMENT**

**HB 2626                      Energy Loan Program**

Effective Date: July 22, 2009

Chapter: 753 (2009 Laws)

Directs the Director of State Department of Energy to administer energy efficiency and sustainable technology loan program for purpose of encouraging investments in energy efficiency, renewable energy and energy conservation. HB 2626 allows for a low cost mechanism to fund residential, local government, and small business energy efficiency projects. The State Department of Energy enter into agreements with trade associations and other public and private entities (including counties) for the promotion and marketing of the energy efficiency and sustainable technology loan program. A local government, nonprofit, for-profit, tribal or state entity may be a project manager if certain qualifications are met. Local governments may also direct moneys to the Energy Project Supplemental Fund or Loan Offset Grant Fund for use within a limited geographic area of the state as a source of capital for financing energy efficiency and sustainable technology loans, small scale local energy program loans or loan offset grants. Certification requirements for contractors are specified. Liens may be recorded for loans. Local governments may form local improvement districts to make loans to owners of qualifying properties for the purpose of cost-effective energy improvements to the properties. HB 2626 may be especially beneficial for some rural areas of Oregon that are outside the Energy Trust's service area and help residents, businesses, and local governments in rural areas by providing easier access to funds for energy efficiency and conservation projects.

**HB 2763                      Procurement of Agricultural Goods**

Effective Date: January 1, 2010

Chapter: 214 (2009 Laws)

Allows contracting agency that uses public funds to procure goods for public use to pay up to ten percent more than lowest bidder, for agricultural products produced and transported entirely within Oregon.

**HB 2940: see ECONOMIC DEVELOPMENT**

**HB 3037 Architectural Paint Stewardship**

Effective Date: July 22, 2009

Chapter: 777 (2009 Laws)

Creates an architectural paint stewardship pilot program that would allow paint manufacturers to: (1) Establish an environmentally sound and cost-effective architectural paint stewardship program; (2) Undertake responsibility for the development and implementation of strategies to reduce the generation of post-consumer architectural paint; (3) Promote the reuse of post-consumer architectural paint; and (4) Collect, transport and process post-consumer architectural paint for end-of-product-life management.

**HB 5013 Department of Energy Budget**

Effective Date: July 16, 2009

Chapter: 722 (2009 Laws)

There are still modifications being made to this budget due to provisions in the Christmas Tree bill. The department will receive an increase in Federal Funds as a result of the American Recovery and Reinvestment Act of 2009 (ARRA). The department is to receive two grants under the ARRA, \$42.2 million for the State Energy Program (SEP) and \$9.6 million for the Energy Efficiency and Conservation Block Grant Program (EECBG).

**HJM 11 Carbon Sequestration Revenues**

Urges President and Congress to ensure that revenues realized from carbon sequestration projects on federal lands are shared with state and county governments.

**SB 79 Creates a Task Force on Energy Performance Scores**

Effective Date: July 22, 2009

Chapter: 750 (2009 Laws)

Requires the Task Force on Energy Performance Scores to develop recommendations regarding a voluntary energy performance scoring system for new and existing commercial and residential buildings. Requires the Task Force to make recommendations regarding the implementation of a statewide mandatory energy performance scoring system for new and existing commercial and residential buildings. Requires that the Director of the Department of Consumer and Business Services (DCBS) adopt, amend, and administer a reach code separate from the state building code. The measure defines "reach code" as a set of statewide optional construction standards and methods that are economically and technically feasible. Requires a municipality administering and enforcing a building inspection program to recognize and accept the standard, method, installation, product, equipment, or device if a person applies it to the construction, reconstruction, alteration, or repair of a building in conformance with the reach code. The measure requires the Director of DCBS, to adopt rules establishing uniform energy conservation standards for inclusion under the state building code.

**SB 942 Oregon Climate Corps**

Effective Date: January 1, 2010

Chapter: 480 (2009 Laws)

Requires University of Oregon to implement Oregon Climate Corps through University of Oregon Institute for Sustainable Environment Climate Masters program to extent funds are available.

**B. Roads and Public Works**

The session started out with bills that would pose challenges to county road departments. The Oregon Association of County Engineers and Surveyors took a stance to oppose changes that would expand the Removal/Fill Law definition of "intermittent stream" and an unfunded expansion of the ODA pesticide use reporting requirements.

Overall, changes to environmental laws resulting from this session will have minimal impact on county road departments. However, it is certain that legislation on greenhouse gas reductions will be present next session and will require the attention of county road and public works departments. Public Works Departments may expect a drop in service levels from the DEQ stormwater programs and hazardous waste programs due to general fund budget cuts. Overall program service levels from the Department of State Lands will not change since their budget was not impacted by General Fund reductions.

**HB 2155 Department of State Lands Removal Fill Rules**

Effective Date: January 1, 2010 Chapter: 342 (2009 Laws)

Authorizes Department of State Lands (DSL) to assess a one-time fee for removal or fill permits valid over a period of more than one year. Authorizes DSL to adopt rule exempting from permit requirements voluntary habitat restoration projects. Clarifies definition of "converted wetlands." Clarifies exemption from removal-fill permits for agricultural lands.

**HB 2185 DEQ 401 Certification Fees**

Effective Date: January 1, 2010 Chapter: 761 (2009 Laws)

Directs Environmental Quality Commission (EQC) to establish fees for state certification (401 certification) under Federal Water Pollution Control Act. Deletes existing exemptions from fees for 401 certification applications for certain activities. Directs the EQC to establish schedule of fees for 401 certification based on specified criteria.

**HB 2999 Pesticide Use Reporting**

Effective Date: June 25, 2009 Chapter: 572 (2009 Laws)

Changes requirement for information on location of pesticide use from identification of third level hydrologic unit to fourth level hydrologic unit. Authorizes Department of Agriculture (ODA) to allow, by rule, for pesticide use on a utility or transportation right of way, a report on location of use by identifying fourth level hydrologic unit or by identifying right of way name and beginning and ending point of global positioning system coordinates or milepost numbers. Applies changes to pesticide use location information requirements on pesticide use that occurs on or after January 1, 2013. Extends sunset of reporting program to June 30, 2019. Prohibits ODA from expending moneys or department resources for purposes of operating or maintaining a pesticide use reporting system from October 1, 2009 until June 30, 2011.

**SB 5521 Department of Environmental Quality Budget**

Effective Date: July 1, 2009 Chapter: 648 (2009 Laws)

Appropriates moneys from the General Fund, the following amounts for the following purposes: (1) Air quality - \$7,931,303 (20.9% reduction from 07-09) (2) Water quality - \$19,794,969 (4.6% reduction) (3) Land quality - \$1,048,787 (56% decrease; this program is mostly funded by fees) (4) Cross program - \$680,845 (reduced by \$169,000) (5) Debt service- \$4,592,353.

Aside from General Fund and Federal Funds, the department has a number of Other Funds revenue sources, mainly permit fees, as well as loan proceeds and charges for services. Fee increases in on-site septic, solid waste and composting fees are included. It also receives Measure 66 operating funds from the Oregon Watershed Enhancement Board. Lottery Funds for the agency are 7.2% greater than the 2007-09 biennium.

**SB 5542 Department of State Lands Budget**

Effective Date: July 16, 2009 Chapter: 736 (2009 Laws)

General Fund moneys for the Natural Heritage Program and economic revitalization team functions was eliminated. The programs will now be funded by the Common School Fund. Other Fund revenues provide most of the funding and some timber sales, land leases and sales, fees, donations and investment income from the Common School Fund. Other Fund revenue in the 2009-11 biennium also includes the remaining balance from the legal settlement following the wreck of the ship New Carissa. Federal Funds from grants and federal partners support the South Slough and some support for wetland projects.

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**Ethics**  
AOC Staff: Paul Snider

At the start of the legislative session, the Chair of the Senate Rules Committee and the Chair of the House Rules Committee agreed on the division of major workload: The Senate would deal first with ethics and the House would deal first with the initiative process. That agreement meant that Senator Devlin, who had spent a large part of his time during the interim hearing from local government officials about the problems with the 2007 ethics revisions would get first crack at reforming those same ethics laws. It saved local governments some time and trouble having to explain those problems. Although SB 30 took a little longer to come out of the Senate Rules Committee than first anticipated, the wait proved worthwhile. The bill included a number of welcome changes for county and city officials. It became the landmark ethics bill of the session.

**Bills that Passed:**

**HB 2518                      Ethics Changes: Teachers Trips; Conferences; Contracts**

Effective Date: July 7, 2009

Chapter: 689 (2009 Laws)

For ethics law purposes, exempts from definition of "gift" sums paid to school employees for expenses when accompanying students on educational trips. Adds "conference" to list of meetings which public official can attend that is excluded from gift limits. Adds program materials to list of materials excluded from definition of gift. Removes "domestic partner" from definition of "relative" for purposes of disclosure of potential conflicts. Changes prohibition on participation in contracts from two years after person held position to two years after authorization of the contract.

**SB 30                              Ethics Reform**

Effective Date: April 15, 2009

Chapter: 68 (2009 Laws)

**Substantive Changes:**

- 1) Removes the ban on "entertainment"; treats entertainment like other gifts, subject to the \$50 limit.
- 2) Makes gift limits apply to sources with a legislative or administrative interest in the public official, not the public agency.
- 3) Clarifies that "legislative or administrative interest" lies in a "decision or vote" of the public official.

4) Makes clear that gift limits don't apply to gifts from private employment or volunteer work of the public official or relative when given as part of the usual and customary practice of that business, and bears no relationship to the official's holding of public office.

5) Changes the definition of "public official" slightly, by taking out the "or otherwise" language in the definition (whatever that meant/means).

6) Admission, cost of food and beverage consumed by a public official or member of household or staff accompanying the public official, at a public reception, meal or meeting held by an organization is no longer within the definition of "gift" when the public official is representing his/her governmental entity.

7) Defines "candidates", and makes their obligations similar to sitting public officials.

**Process Changes:**

1) Eliminates quarterly reporting requirements.

2) Removes requirement to list names of relatives and household members on Statements of Economic Interest (SEI's).

3) Increases number of public officials required to file SEI's.

4) Prohibits the Ethics Commission from disclosing names of any relatives or members of household provided from 1/1/08 until 1/1/10.

5) Prohibits the Ethics Commission from imposing a penalty (other than "letter of reprimand, explanation or education") on an official who relied in good faith on a staff advisory opinion, and prohibits any penalty for good faith action in reliance on the Ethics Commission Manual (the Manual and updates must now be approved by a majority of the Commission).

**Effective Date:**

The Act was passed with an Emergency Clause, but almost all amendments don't become effective until January 1, 2010.

**SB 85                                      Ethics Commission – Confidential Information**

Effective Date: May 26, 2009                                      Chapter: 163 (2009 Laws)

Requires Oregon Government Ethics Commission to keep confidential all information considered before approving a motion to proceed on its own motion. Under current law, the commission is required to keep confidential all information considered before proceeding on a complaint. This measure imposes the same requirement when the commission investigates without a complaint.

**SB 577                                      Ethics Law Challenge-Expedited Appeal**

Effective Date: June 16, 2009                                      Chapter: 277 (2009 Laws)

Requires constitutional challenges to government ethics provisions of SB 10 (2007) to be appealed directly to Supreme Court. Requires Court to expedite review.

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**Human Services**  
AOC Staff: Morgan Cowling

The 2009 Legislative Session was one of the most interesting in recent years in the area of human services. While there were huge state general fund shortfalls, the American Recovery and Reinvestment Act of 2009 helped protect human services budgets. Legislators on the Joint Ways and Means subcommittee on Human Services made a commitment to preserve the infrastructure in human services programs so that when the economy begins to rebound, programs will be available in which to re-invest.

Much of the session was focused on health care reform in HB 2009 and the Oregon Health Plan expansion in HB 2116. HB 2009 and HB 2116 were debated most of the session and were a couple of the highlights of the legislative session. HB 2009 will move the health care reform effort forward with the creation of the Oregon Health Policy Board, which will live within the Department of Human Services for the next two years, and then become a separate stand alone agency focused on health after that. It also contains many other provisions that will move health care forward with the development of an insurance exchange; developing a plan for accessible, affordable health care for all Oregonians; and insurance industry cost containment measures.

HB 2116 contained the provider tax and an insurance premium tax to fund the expansion of the Oregon Health Plan to an additional 35,000 people and to 95 percent of all Oregon children. HB 2116 also contained funding to expand School-based Health Centers and funding for community health centers.

**Bills that Passed:**

**A. General Budgets**

While programs were retained there were budget cuts that will impact important programs such as drug and alcohol prevention, supported employment and the safe drinking water program. However, of the \$3.9 billion in American Recovery and Reinvestment Act of 2009 funding to Oregon, \$541.9 million was used to offset the General Fund with limited enhanced federal match for Medicaid. These funds were instrumental in keeping the human services safety net infrastructure intact. Many budgets in the human services area took some cuts, most significantly the Commission on Children and Families, however, the legislature was very deliberate in trying to preserve the infrastructure of the programs while directing the agencies to look at delivering the programs more efficiently.

**HB 5004                      State Commission on Children and Families**

Effective Date: July 7, 2009

Chapter: 663 (2009 Laws)

HB 5004 includes an 18.2 percent general fund reduction for the agency. All of the program initiatives were preserved, although some at a much reduced level. The State Commission on Children and Families put together an inclusive Budget Work Group (BWG) of local commissions of different sizes and representatives of programs to make recommendations for budget reductions. The Co-Chairs followed very closely, but not exactly, their recommendations. Notable aspects of this budget include:

- Court Appointed Special Advocates (CASA) and Relief Nurseries were held harmless and had no reductions;
- Healthy Start was reduced by almost 22 percent;
- Juvenile Crime Prevention to Counties/Tribes was reduced by 20 percent;
- Basic Capacity funding to Counties/Tribes was reduced by 20 percent; and

- Total reduction of \$3.8 million Child Care and Development funds that have been transferred from the Employment Department. These funds will be redirected to DHS to support Employment Related Day Care.

There were two budget notes on HB 5004:

**1. Healthy Start Restructuring**

The State Commission on Children and Families is to work with local commissions and agency partners to review how Healthy Start services can be delivered more effectively and at a lower cost across the state. Options should include, but are not limited to, consolidating delivery at the local level through relief nurseries or other community partners, multi-county operations, State Commission program administration, increased focus on at-risk families and service cost caps for Healthy Start families. The Commission is to report to the Emergency Board before January 1, 2010 on this review, any changes proposed or implemented as a result of the review, any expected administrative savings, and the number of Healthy Start families expected to be served within the 2009-11 program funding allocations.

**2. Oregon Commission System Review**

The State Commission on Children and Families is directed to work with local commissions on children and families, its state agency partners, other community stakeholders, and representatives of the Senate, the House of Representatives and the Governor's Office, to review its statutory responsibilities, organizational structure, and potential service and administrative efficiencies at both the state and local level ("shared services"). The Commission is to report back to the Legislative Assembly during the 2010 legislative session on this review and its recommendations.

**HB 5048**

**Oregon Department of Veterans' Affairs**

Effective Date: July 7, 2009

Chapter: 686 (2009 Laws)

The Oregon Department of Veterans' Affairs (ODVA) budget bill, HB 5548 includes pass-through funding for the County Veteran Service Officers (CVSOs). The Essential Budget Level for CVSOs was reduced by 5.8 percent general fund for a total statewide reduction of \$210,118. [See HB 5054 – which restored the 5.8 percent general fund reduction taken in this budget.]

Also in this bill is funding for five Campus Veteran Service Officers to be placed on college and university campuses. This new program was established by HB 2178, which also passed the Joint Committee on Ways and Means. The Department and the Governor's office have both testified that there will be close communication and coordination with the County Veteran Service Officers to ensure there aren't duplication of services in communities with college or university campuses.

Funding for this new program came from the elimination of unfilled positions within the Department and one-time funds from the War Veterans Home Loan Program. It is also important to note that these positions are limited duration for a two year test period and the Department will report back to the legislature next session on the success of the Campus Program.

**HB 5054****End of Session Bill**

Effective Date: August 6, 2009

Chapter: 910 (2009 Laws)

The "Christmas Tree" bill, HB 5054, allocates end of session balances between important programs, in addition to the amounts mentioned previously in this report. The human services aspects of HB 5054 are:

- An additional \$3.2 million for Oregon Project Independence;
- An additional \$210,118 for County Veteran Service Officers;
- \$10 million General Fund for Senior and Disabled Transit;
- \$85,540 to fund media campaign for veterans.

**SB 5529****Department of Human Services Budget**

Effective Date: July 16, 2009

Chapter: 732 (2009 Laws)

SB 5529, the Department of Human Services budget bill, contains the pass-through and program funding for many state-county shared services. Highlights of DHS budget reductions and investments, organized by division, include:

*Public Health Division:*

The Public Health Division was funded at \$513 million total funds, slightly less (.02 percent) than the reshoot Essential Budget Level. Only \$49.6 million of the total funds are general funds.

- Babies First! funding will continue at the 2007-09 funding allocation level;
- There will be reductions to the Other Funds budget for the Tobacco Prevention and Education Program (TPEP) based on the May Office of Economic Analysis forecast;
- \$400,000 reduction in communicable disease testing;
- The Safe Drinking Water program was reduced by \$500,000 for the biennium;
- Additional funding for School-based Health Centers of \$1.4 million (funded with taxes raised in HB 2116);
- Community Health Center Grants for vulnerable and underserved children of \$5 million; and
- Funding for State Support for Public Health will be continued at the 2007-09 level.

*Addiction and Mental Health Division*

The Addictions and Mental Health Division was funded with \$945.9 million total funds, 1.1 percent higher than the reshoot Essential Budget Level (EBL). General Fund in the budget was 3.2 percent higher than the 2009-11 reshoot EBL. Much of the increase in General Fund was a result of funding for the Oregon State Hospital increased staffing. This excerpt from the budget report sums up the changes:

"Because of limited resources, the Subcommittee did increase Oregon State Hospital staffing levels for the 2009-11 biennium and, for the most part, maintained (but could not increase) community-based mental health services. As a result, the Subcommittee approved funding for two policy option packages for the Oregon State Hospital (POPs 188 and 198) for a total of \$35.2 million General Fund, \$36.1 million total funds, and 527 positions (280,69 FTE)."

Other changes worth mentioning include:

- Almost \$2.3 million in alcohol and drug prevention funding was reduced, in effect eliminating all general fund support for the program;
- Cost of Living Allowances were not included in any part of the DHS budget;
- Supported employment was reduced by \$1 million; and
- Problem gambling and treatment was reduced by 15 percent, or \$2.1 million.

The Addictions and Mental Health (AMH) Division budget included two budget notes:

### 1. Integration Demonstration Projects

The Department of Human Services is directed to implement two or three demonstration projects with willing Local Mental Health Authorities, Mental Health Organizations, Fully Capitated Health Plans, Federally Qualified Health Clinics and mental health, addiction and health care providers in the communities, to develop an integrated management and service delivery system including physical health and addictions and mental health treatment and recovery services, by June 30, 2011. DHS shall report on the progress on implementing these demonstration projects at the last scheduled Emergency Board or Joint Committee on Ways and Means meeting prior to the 2011 Legislative Session.

### 2. Regional Acute Care Funding Distribution

Department of Human Services Addictions and Mental Health Division is directed to work with local mental health authorities and stakeholders to develop an equitable formula and distribution method for Regional Acute Psychiatric Inpatient Treatment funds for all Oregon Counties. DHS shall report to the Emergency Board or Joint Committee on Ways and Means by February 2010 on this new method and include a cost estimate for implementation.

### *Seniors and People with Disabilities Division*

The Subcommittee approved a General Fund budget of \$949 million, a total funds budget of \$3.3 billion and 2,069 positions for the Seniors and People with Disabilities Division (SPD). The approved budget includes the adjustments requested in the DHS reshoot for caseloads, costs and revenue changes.

- Almost \$5 million of general funds were added to Oregon Project Independence (OPI) to bring the total funds to \$10 million (see also HB 5054);
- Reductions of \$6 million in the Developmentally Disabled Family Support Program; and
- Hiring freeze for Transfer AAA Aged and Physically Disabled field structure

The SPD Budget also included a budget note regarding OPI:

### Oregon Project Independence

The Seniors and People with Disabilities Division is to work with its local offices, Area Agencies on Aging, and other program stakeholders to review how Oregon Project Independence services, given the limited funds available, can be delivered more effectively as part of Oregon's long-term care system. The agency is to report to the appropriate interim policy committees, before January 1, 2010 on this review, any changes proposed or implemented as a result of the review, any potential administrative savings, and the number of persons expected to be served in the Oregon Project Independence program within the 2009-11 program funding allocation.

### **SB 5530**

### **Department of Human Services Fee Bill**

Effective Date: July 16, 2009

Chapter: 733 (2009 Laws)

Approves certain new or increased fees adopted by Department of Human Services.

**SB 5537****Office of Private Health Partnerships**

Effective Date: July 16, 2009

Chapter: 735 (2009 Laws)

The Office of Private Health Partnerships currently administers the Family Health Insurance Assistance Program, which provides health insurance premium subsidies to low-income families and individuals. This budget includes \$22.6 million in Other Funds – premium tax established by HB 2116 for the Kids Connect portion of the Health Care for All Oregon Children. Kids Connect will provide insurance premium subsidies for children whose parents make between 200 – 300 percent of poverty.

**B. Health Care Reform****HB 2009****Health Care Reform**

Effective Date: June 26, 2009

Chapter: 595 (2009 Laws)

The following description of HB 2009 was taken from the Staff Measure Summary (SMS) produced by the Legislative Fiscal Office:

HB 2009 makes four major changes to Oregon state governance of health care.

First, the measure establishes the Oregon Health Policy Board, a nine-member panel appointed by the Governor to oversee the development and implementation of health care policy in Oregon. The Board is to develop a plan for the Legislature by December 31, 2010 to provide and fund access to affordable health care for all Oregonians by 2015. In addition, the Board is to establish and continuously refine statewide health care quality standards; establish evidence based clinical standards, establish cost containment mechanisms to reduce health care costs; and to ensure Oregon's health care workforce is sufficient in numbers and training to meet demand for health care. The Board will carry out these duties through the Oregon Health Authority. A variety of state governmental agencies will move under the Board's jurisdiction, including the Division of Medical Assistance Programs, the Addictions and Mental Health Division and the Public Health Division within the existing Department of Human Services; the Oregon Medical Insurance Pool within the Department of Consumer and Business Services; the Office of Private Health Partnerships; and the Public Employees' Benefit Board and the Oregon Educators Benefit Board. The transfer of these agencies to the Board's jurisdiction must be completed by June 30, 2011, and the Governor's budget for 2009-11 must reflect the implementation of this transfer. The measure eliminates the Oregon Health Fund Board and the Oregon Health Policy Commission.

Second, HB 2009 directs the Oregon Health Policy Board to begin to implement (through the Oregon Health Authority) a variety of specific health care reform initiatives that will hopefully reduce health care costs and improve the quality of health care. These include the establishment and operation of a statewide Physician Orders for Life Sustaining Treatment registry; the creation of a Health Information Technology Oversight Council to promote the use of electronic health records and data exchange; the creation of the Statewide Health Improvement Program to prevent chronic disease and reduce the utilization of expensive and invasive acute treatments; the establishment of a Healthcare Workforce database; and, the development of evidence-based health care guidelines for use by health care providers, consumers, and purchasers of health care in Oregon.

Third, the measure attempts to strengthen requirements for the collection of health market data including insurance company data, capital project investment data of certain health

care providers, health care data for the purposes of determining the distribution of resources allocated to health care, identifying the demands for health care, evaluating the effectiveness of intervention programs, comparing the costs and effectiveness of various treatment settings, improving the quality and affordability of health care, and evaluating health disparities—including those related to race and ethnicity.

Fourth, HB 2009 (C-Engrossed) includes several sections that contain directives to the director of the Department of Consumer and Business Services concerning premium rate filings submitted by insurers who provide health coverage for individuals or small businesses. The director, is for example, required to open a 30-day public comment period on the rate filing; the director is to give written notice to an insurer approving or disapproving a rate filing; an insurer licensed by DCBS must include in the rate filing a statement of administrative expenses in a form prescribed by DCBS by rule; the director may, after conducting an actuarial review of the rate filing, approve a proposed premium rate for a health benefit plan for small employers or individuals if certain criteria are met.

AOC will continue to work with the Department of Human Services as the creation of the Oregon Health Authority proceeds. Also, one of the early iterations of HB 2009 included the creation of an insurance exchange into which *all* public purchasers of health care were added. While this section of the bill was removed, the bill does create a Health Benefit Purchasers Committee, on which counties and cities have a seat. It will be important to continue to work with this committee and the Oregon Health Authority as this agency develops and continues to put forward health reform initiatives to the legislature.

#### **HB 2116                      Oregon Health Plan Expansion**

Effective Date: September 28, 2009                      Chapter: 867 (2009 Laws)

The following description of HB 2116 was taken from the Staff Measure Summary (SMS) produced by the Legislative Fiscal Office:

HB 2116 establishes two assessments: a one percent health insurance premium assessment on a specified group of health insurers, Medicaid managed care plans, and the Public Employee Benefit Board; and, an assessment on hospitals that are paid by Medicare under a diagnostic related grouping (DRG) reimbursement mechanism. In addition, the measure establishes the Health Care for All Oregon Children program. The health insurance premium assessment is paid into a newly created Health System Fund which is continuously appropriated to the Department of Human Services to implement the Health Care for All Oregon Children program. The Hospital assessment is paid into an existing fund, the Hospital Quality Assurance Fund, and proceeds from the assessment are primarily to be used to fund the Oregon Health Plan Standard program. The premium assessment is expected to provide funding for nearly 80,000 children during the 2009-11 biennium; the hospital assessment will allow the OHP Standard program to double from an average monthly caseload of approximately 25,000 low-income adults to 50,000 during the 2009-11 biennium. Both assessments end on September 30, 2013.

#### **SB 936                      Oregon Health Authority Process**

Effective Date: August 4, 2009                      Chapter: 901 (2009 Laws)

SB 936 clarifies that the existing agencies which currently administer these programs shall continue to pay costs for the 2009-11 biennium for functions that have been transferred to the Authority. When the Oregon Health Authority is fully prepared to manage these programs, the Legislature can provide a budget and the Authority, can, itself, begin to pay program costs.

### **C. Mental Health, Drug and Alcohol Addictions and Developmental Disabilities**

Community mental health was an important topic this legislative session. The majority of the session was spent working with the Ways and Means subcommittee on Human Services Co-Chairs on a proposal for mental health and physical health integration pilot projects. The product of this work is contained in a budget note on the DHS budget.

It is important to note that while legislative leadership prioritized raising revenue, the beer tax (HB 2461) was left on the table, as it has been since the last time it was raised 33 years ago. Late in the session there was some movement to try and resurrect the beer tax in a scaled back compromise. SB 768, which would have removed the preemption on local governments for a beer tax, was supported by the AOC; (intended as a back up plan if HB 2461 did not pass) but did not receive a hearing as proponents worked all session on the beer tax.

There were two other bills that AOC and AOCMHP worked hard to defeat: HB 2989 and HB 2736 would have allowed DHS to contract directly with mental health and addictions providers, further fracturing the community mental health and addictions system. Neither of these bills was scheduled for hearings on their content.

#### **HB 2052                      Psychiatric Security Review Board Siting Process**

Effective Date: January 1, 2010                      Chapter: Chapter 121 (2009 Laws)

This bill requires a governmental entity establishing specified facilities to obtain advice from subcommittee of local public safety coordinating council. *[Cross Public Safety]*

#### **HB 3353                      Alcohol and Drug Policy Commission**

Effective Date: July 28, 2009                      Chapter: 856 (2009 Laws)

The Alcohol and Drug Policy Commission is created in this bill to replace the Governor's Council on Alcohol and Drug Abuse Programs. This Alcohol and Drug Commission will have sixteen members appointed by the Governor (subject to confirmation by the Senate) including county representatives – a District Attorney, County Sheriff and a County Commissioner – and members from the treatment and prevention areas. The goal of this Commission is to bring together the public safety and drug and alcohol treatment communities in a more meaningful way than the Governor's Council to identify ways to fund and deliver prevention, treatment and recovery.

#### **SB 37                              Rural Health Clinics Payment**

Effective Date: January 1, 2010                      Chapter: 795 (2009 Laws)

This bill requires the Department of Human Services to ensure that rural health clinics receive full reimbursement within 45 days for health services provided to persons enrolled in prepaid managed care health services organizations.

#### **SB 165                              Developmental Disabilities**

Effective Date: January 1, 2010                      Chapter: 45 (2009 Laws)

SB 165 requires Department of Human Services to provide or to contract for mental retardation and developmental disabilities services if community mental health and developmental disabilities program declines to offer services or to contract for services. This bill came as a result of the Governor's Task Force on Federal Timber Payments.

**SB 275                      Inmate Medical Assistance Upon Release**

Effective Date: June 18, 2009

Chapter: 414 (2009 Laws)

SB 275 allows inmates with serious mental illness residing in public institutions to apply for medical assistance between 90-120 days prior to expected date of release and receive medical assistance upon release.

**SB 529                      PSRB Liaison**

Effective Date: July 23, 2009

Chapter: 809 (2009 Laws)

This bill directs the Department of Human Services to establish a position to act as liaison between the department and communities that may become sites of certain housing facilities.

**SB 911                      PSRB**

Effective Date: January 1, 2009

Chapter: 475 (2009 Laws)

This bill requires the Department of Human Services to adopt rules applicable to secure community facilities housing persons under the jurisdiction of the Psychiatric Security Review Board.

**D. Public Health**

Local public health did not receive that much direct attention this legislative session. There were, however, a number of bills aimed at limiting the accessibility, and increasing the cost, of tobacco products. For example, HB 2122 would have increased the tobacco tax and appropriated a portion to local public health departments; HB 2616 would have removed the preemption on local governments' ability to enact a local tobacco tax; and HB 2358 would have banned all sampling of smokeless tobacco products in Oregon.

The swine flu pandemic gave additional attention to the work that was being done locally in our public health departments and probably helped preserve public health funding in a way that no amount of advocacy could.

**HB 2133                      Eliminates cap on Public Health Laboratory Fees**

Effective Date: January 1, 2010

Chapter: 200 (2009 Laws)

Eliminates statutory cap on fees charged for certain tests performed by state public health laboratory.

**HB 2672                      Moist Snuff**

Effective Date: September 28, 2009

Chapter: 717 (2009 Laws)

HB 2672 increases the rate of tax on distribution of moist snuff. This bill will raise roughly \$5 million in the 2009-11 biennium which will be allocated as other tobacco products are currently allocated: the Oregon Health Plan, the state General Fund and the Tobacco Use Reduction Account.

**HB 2726                      Menu Labeling**

Effective Date: June 17, 2009

Chapter: 314 (2009 Laws)

HB 2726 requires chain restaurants to make certain nutritional information regarding menu items offered by restaurant available to customers. This bill also includes a strong preemption on local governments. The bill states, "A local government may not adopt or enforce a local requirement for the determination or disclosure of nutritional information by a restaurant."



**SB 159****Communicable Disease Reporting and Inspecting**

Effective Date: June 16, 2009

Chapter: 268 (2009 Laws)

Authorizes certain public officials to inspect and obtain information pertinent to investigation of communicable disease. This bill clarifies Oregon Revised Statute as to who, when and how investigations of communicable disease can happen.

**E. Veterans**

There was quite a bit of attention around Veterans issues this legislative session. The Governor's office put together a Task Force on Veterans Services that proposed 39 recommendations to the 2009 legislature. In addition to the task force recommendations there were also proposals, such as HB 2926 which would have required every county to have a County Veteran Services Officer. While all of Oregon is currently covered by County Veteran Services Officers there was a concern about the mandate contained in the bill as introduced.

**HB 2178****Campus Veterans' Service Officers Program**

Effective Date: July 22, 2009

Chapter: 759 (2009 Laws)

HB 2178 creates Campus Veterans' Service Officers Program in Department of Veterans' Affairs. HB 5048 provided funding for five positions to be placed on community college and university campuses on a limited-time basis. This program will act as a pilot program and will be evaluated at the end of the biennium.

**HB 2718****Task Force on Women Veteran's Health Care**

Effective Date: July 14, 2009

Chapter: 699 (2009 Laws)

This bill creates a Task Force on Women Veterans' Health Care. This task force membership is comprised of people who are knowledgeable about health care and mental health issues. The task force is charged with consulting with federal, state and local entities including the Association of Oregon Counties and the County Veteran Services Officers Association.

**HB 3104****Veterans Outreach**

Effective Date: July 28, 2009

Chapter: 851 (2009 Laws)

HB 3104 directs the Oregon Department of Veterans' Affairs (ODVA) to establish a website that allows members of the public to request information about veterans' benefits and services. ODVA will provide counties with post cards that they can use to collect information on Veterans to help ensure that veterans and their spouses are receiving the federal funds for which they qualify. This measure is intended to bring federal funds into our communities.

**SB 98****Veterans Transportation Task Force**

Effective Date: May 26, 2009

Chapter: 167 (2009 Laws)

Creates Task Force on Veterans Transportation.

**SB 700****Veterans Reintegration Task Force**

Effective Date: July 23, 2009

Chapter: 814 (2009 Laws)

This nine member task force on Veterans Reintegration will develop and design continuing regional veterans' reintegration programs. In developing these programs they will consult with federal, state, county and local entities, including but not limited to the Association of Oregon Counties and the County Veterans' Service Officers Association.

**F. Seniors**

There were quite a few bills introduced on behalf of the Oregon Association of Area Agencies on Aging to fund Oregon Project Independence. Most of these bills ended up in Ways and Means to die, including HB 2069, which would have increased the age requirement for taxpayers to take medical expense deductions.

**HB 2123                      Workload Staffing for Seniors and People with Disabilities**

Effective Date: January 1, 2010                      Chapter: 598 (2009 Laws)

HB 2123 requires the Department of Human Services to report to all relevant committees of the Legislative Assembly on staff workload and staffing needs.

**SB 162                      Protecting Seniors Confidential Information**

Effective Date: January 1, 2010                      Chapter: 44 (2009 Laws)

This bill prohibits the Department of Human Services and area agency on aging from disclosing confidential or protected information when providing public access to adult foster home complaint investigation report or findings.

**SB 646                      Seniors Budget Development**

Effective Date: January 1, 2010                      Chapter: 460 (2009 Laws)

SB 646 requires the Department of Human Services to determine and submit to the Oregon Department of Administrative Services budget level for type B area agencies calculated at 95 percent of costs to Department of Human Services if clients were served by Department of Human Services.

**G. Children and Families**

**HB 2144                      Children's Wraparound Initiative**

Effective Date: January 1, 2010                      Chapter: 540 (2009 Laws)

HB 2144 requires specified state agencies and commissions to participate in wraparound initiative for provision of youth services. For the past two years state agencies and local community mental health programs have been working on the children's wraparound initiative on a limited basis by Governor's Executive Order. This bill puts the Governor's Executive Order in law.

**HB 2442                      Establishes Quality Care Fund**

Effective Date: July 28, 2009                      Chapter: 837 (2009 Laws)

HB 2442 establishes the Quality Care Fund. Continuously appropriates moneys in fund to Department of Human Services for training, technical assistance, quality improvement initiatives and licensing activities to ensure that high standards for quality of care are met in accordance with rules adopted by the department. Modifies definitions related to abuse of elderly persons and persons with mental illness or developmental disabilities. HB 2442 requires the department or designee of the department to investigate reports of abuse of specified persons. It also establishes timelines for communications between department, law enforcement and district attorney concerning reports of abuse of adults. District attorneys are to establish a multidisciplinary team for developing protocol related to investigating and notifying persons of procedures related to abuse of adults. Declares emergency.

**H. Other Human Services Issues**

**SB 200                      Homelessness**

Effective Date: January 1, 2010                      Chapter: 407 (2009 Laws)

This bill establishes a state policy regarding homelessness.

## **Human Services Bills that Failed:**

### **HB 2122 Tobacco Tax**

Increases tax on cigarettes and other tobacco products. AOC and CLHO worked hard to try and pass this bill with revenue for county public health departments. Unfortunately, while it received several hearings during the session this bill did not pass.

### **HB 2379 Tobacco Tax for Transit**

Increases tax on cigarettes and other tobacco products for Senior and Disabled Transit. AOC was watching this bill. While this bill did not pass there was additional funding for Senior and Disabled Transit in HB 5054, the "Christmas Tree" bill.

### **HB 2461 Beer Tax**

javascript: doPostBack('ctl00\$Main\$grdBills','SMS\$0')Imposes prevention, treatment and recovery tax on malt beverages. AOC and AOCMHP worked hard to try and pass this bill to raise revenue for drug and alcohol prevention, treatment and recovery programs. Unfortunately, while this bill received several hearings during the session it did not pass.

### **HB 2616 Tobacco Tax Preemption Removal**

Removes prohibition against local government imposition of taxes on cigarettes and tobacco products. AOC worked hard to pass this bill once HB 2122 was unlikely to pass. This bill passed the house but did not pass the Senate.

### **HB 2736 A&D Direct Contracting Bill**

Allows Department of Human Services to provide grants to nonprofit organizations for treatment of persons with alcoholism and drug dependence. AOC and AOCMHP worked to defeat this bill as it is a direct threat to the Local Mental Health Authority.

### **HB 2989 Mental Health Direct Contracting Bill**

Allows Department of Human Services to contract directly with providers to provide mental health and developmental disabilities programs if department finds that program offered by county is not satisfactory. AOC and AOCMHP worked to defeat this bill as it is a direct threat to the Local Mental Health Authority.

### **HB 3121 "Keep Kids Safe" License Plate**

Directs Department of Transportation to issue Keep Kids Safe registration plates. AOC supported this bill. This bill passed the House but failed to receive a hearing in the Senate.

### **SB 156 Mental Health and Physical Health Integration**

Requires Department of Human Services to ensure that mental health, addiction and physical health services are provided in integrated manner. This bill received a public hearing but did not move out of committee.

### **SB 768 Local Beer Tax**

Authorizes counties to impose malt beverage cost recovery fee through adoption of ordinance imposing fee. This bill did not receive a public hearing and was in committee upon adjournment.

**Land Use & Development**  
AOC Staff: Arthur J. Schlack

This session the Legislature's primary focus on land use was directed toward the recommendations of the Big Look Task Force to update Oregon's Land Use Planning Program and issues surrounding the development of destination resorts.

The legislative recommendations of the Big Look Task Force were contained in House Bill 2229. The House Land Use Committee, chaired by Representative Mary Nolan toiled for a number of weeks before settling on a series of amendments to the bill before it gained support of the Committee. The amended bill allows counties to conduct a legislative review of agricultural or forest lands to determine consistency with current Goal definitions, and to correct mapping errors or update these designations. The bill also amends and clarifies requirements in the "regional problem-solving process" statutes, and directs a policy-neutral review and audit of the land use system to reduce complexity. To the surprise of many, HB 2229 achieved almost unanimous support in the House and Senate.

No less than a half a dozen bills were introduced during the 2009 session dealing with destination resorts. Four bills were directly related to designation of the Metolius River Basin as an "Area of Critical State Concern," HB 2226, HB 3100, HB 3298 and SB 741. At the end of the day, the Legislature passed HB 3298 accepting the Land Conservation and Development Commission's recommendation to designate the Metolius River Basin as the first "Area of Critical State Concern". With the passage of HB 3298, the Legislature directed LCDC to adopt the management plan for the Metolius River Basin Area of Critical State Concern by administrative rule.

House Bill 2227, submitted by the governor on behalf of the Department of Land Conservation and Development proposed to remove the mapping criteria counties may use to identify potential areas to site destination resorts and development criteria and standards from statute and rely on Statewide Planning Goal 8 and administrative rules. The House Land Use Committee amended the HB 2227, retaining the mapping criteria in statute and adding lands within irrigation districts as off limits for potential destination resorts. The bill passed the House by a slim majority and moved to the Senate where the Senate Environment and Natural Resource Committee amended the bill to provide irrigation districts with the option of excluding the lands within their district from being eligible for the siting of a destination resort (note: an irrigation district would need to send the county written notice that they wanted to be excluded from potential mapping of potential destination resort areas). HB 2227 passed the Senate, however, the House failed to concur with the Senate amendments and a Conference Committee was formed to iron out the difference between the House and Senate. House Bill 2227 was still in the Conference Committee upon adjournment. It is worth noting that the issue of removing destination resort development criteria and standards from statute and entrusting a state agency with the authority to establish criteria and standards for development of destination resorts was central to the legislature's inability to pass HB 2227.

The final piece of legislation associated with destination resorts was HB 2228 dealing with transfer of development rights. HB 2228 provides LCDC with the opportunity to establish a limited number of transfer of development right "pilot programs." The concept of transfer of development rights has been used in some states, however, has had very limited application in Oregon. The bill authorizes LCDC to adopt rules establishing process for selecting pilot projects and specified required findings. HB 2228 allows up to two pilot projects to be elected by the owners of land within the Metolius Area of Critical State Concern.

As in most legislative sessions, the Legislature amended the list of permitted and conditional uses allowed in an Exclusive Farm Use Zoning District. As a result, counties are required to amend their land use regulations to comply with state statute. House Bill 3099 contains two provisions to reduce the fiscal impact of the Legislature's action on the state and counties. First, the bill waves the requirement for Measure 56 notice to property owners within an Exclusive Farm Use Zone (note: state is required to reimburse counties for the cost of providing this notice). Additionally, HB 3099 allows a county to administratively amend its zoning ordinance to implement the changes in local regulations required by the changes in statute after providing notice to the Department of Land Conservation and Development.

The timely processing of Measure 49 claims by the Department of Land Conservation and Development was reviewed by the legislature in House Bill 3225. HB 3225 sets a deadline of June 30, 2010 for issuance of Measure 49 final orders by DLCD. It also provides a process for a number of claims to proceed that would otherwise be precluded from being considered due to technical issues. A processing fee of \$175.00 is required for the new claims that qualify under provisions of the bill.

#### **Bills that Passed:**

##### **HB 2228                      Transfer of Development Credits (TDC) Pilot Program**

Effective Date: June 29, 2009

Chapter: 636 (2009 Laws)

HB 2228 was amended substantially in House Agriculture and Natural Resource Committee. The bill establishes a pilot program to conserve forest lands by facilitating a transfer of residential development credits. The bill also contains two elements unrelated to the original TDC bill. One amendment authorizes a "transfer of development opportunity" from an owner of a previously mapped resort site in the Metolius Basin to other limited areas in the state. The other new element provides that the owner of the "Skyline Forest" and "South Conservation Tract" in Deschutes County may transfer this forest land to a trust or land management agency and in return, may retain 3,000 acres of the land for certain residential uses, including development on 320 acres which would look much like a destination resort.

##### **HB 2229                      Big Look Task Force Recommendations**

Effective Date: August 4, 2009

Chapter: 873 (2009 Laws)

The recommendations of the Big Look Task Force to update the state land use planning program were forwarded to the Legislature in House Bill 2229. HB 2229 provides a clear process for counties to re-evaluate a county's rural and natural resource lands in a legislative process. A carrying capacity analysis is required for lands considered for re-designation to rural lands, i.e. no longer subject to Statewide Planning Goals 3 and/or 4. The measure also amends the regional problem solving process with parameters, deadlines, and criteria for identification of participants. The bill provides for acknowledgement review of revised county comprehensive plans resulting from review of its existing comprehensive plan or a regional problem solving project. HB 2229 prioritizes dense urban development in high growth areas. Further, DLCD is authorized to perform a review of the land use planning program.

##### **HB 2230                      State Agency Coordination (Land Use Planning)**

Effective Date: January 1, 2010

Chapter: 606 (2009 Laws)

State Agency Coordination and modification of Land Use Compatibility Statement (LUCS) requirements. Finds that DLCD rules regarding state agency land use coordination and state permit compliance and compatibility should be reviewed to eliminate unclear or conflicting

provisions and updated regularly to maintain a high level of coordination between state agencies and local governments. Excludes from definition of "land use decision" a local government compatibility statement regarding a proposed state agency action compatible with acknowledged comprehensive plan and regulations implementing it if: a local government has already made land use decision authorizing use or activity that encompasses proposed state agency actions; use or activity that would be authorized, funded, or undertaken is allowed without review; or requires future review under comprehensive land use decision and state agency action concerning same use or activities unless federal or state law requires otherwise. Directs DLCD to periodically update and improve rules regulating effectiveness and efficiency of state coordination programs.

**HB 3043 METRO Urban Growth Boundary**

Effective Date: January 1, 2010 Chapter 216 (2009 Laws)

Annexes territory to Metro as that urban growth boundary (UGB) is expanded so that territory added to the UGB would automatically be added to Metro's jurisdiction.

**HB 3099 Exclusive Farm Use Districts**

Effective Date: January 1, 2010 Chapter: 850 (2009 Laws)

Modifies uses in Exclusive Farm Use Zoning Districts. Removes outright use for schools and greyhound kennels. Modified provisions for model aircraft uses to allow landowners to charge fees for use. Adds conditional use provision for schools that primarily serve the rural area. Modifies conditional use provisions for golf courses by prohibiting golf courses on high value farmland. Allows expansion of existing public schools, private schools on EFU lands that become nonconforming uses. Waives requirement for Measure 56 notice. Allows counties to amend its land use regulations by December 31, 2010 through an administrative procedure without public notice and hearing. Notice of the proposed amendments must be given DLCD. DLCD must confirm the proposed amendments are required to implement changes in statute.

**HB 3225 Measure 49**

Effective Date: July 28, 2009 Chapter: 855 (2009 Laws)

HB 3225 sets a deadline of June 30, 2010 for issuance of Measure 49 final orders by DLCD. It also provides a process for a number of claims to proceed that would otherwise be precluded from being considered due to technical issues. A processing fee of \$175.00 is required for the new claims that qualify under provisions of the bill. The bill also directs the department to investigate and report to the Legislature by the end of this year the approximately 900 claims filed only with a county but not with the state, and certain claims filed without required appraisals. The bill also allows DLCD to advance hardship cases, and to use existing county records in the processing of claims.

**HB 3298 Metolius Basin Area of Critical State Concern**

Effective Date: July 15, 2009 Chapter: 712 (2009 Laws)

This bill has become the vehicle for consideration of the proposed Metolius Basin Area of Critical State Concern. On June 3<sup>rd</sup>, the Senate Rules Committee amended HB 3298 by gutting the bill's earlier provisions and stuffing the provisions of HB 3100 into the bill.

HB 3298 defines the "Metolius Area of Critical State Concern." Approves the Land Conservation and Development Commissions recommendation that the Metolius Area of Critical State Concern be designated area of critical state concern. Approves management plan for the Area. Requires the Commission to change management plan to allow specific small scale community and to replace references to "annual average water use" with "annual average consumptive use". Requires LCDC to notify governing bodies of Jefferson County and Confederated Tribes of the Warm Spring Indian Reservation of proposed amendments to the management plan. Requires LCDC to make specified finds by clear and convincing standard in

order to adopt amendments if written objection is made by notified governing bodies. Requires that in addition to the development limitations in the plan, new development allowed by amendment of the plan may not result in negative impact to Metolius River or fish and wildlife resources. Prohibits Jefferson County from approving siting of destination resort in Metolius Area of Critical State Concern. LCDC is directed to adopt management plan by administrative rule. Measure contains Emergency Clause - effective upon passage.

**HB 3313                      Amendments To HB 2228**

Effective Date: August 4, 2009                      Chapter: 888 (2009 Laws)

HB 3313 amends Section 3, 4, 5 and 9 of House Bill 2228 (2009). The measure extends the time limit for the owner of a Metolius resort to notify the Department of Land Conservation and Development of election to seek approval for a small-scale recreation community from 90 days to one year and extends the time limit from two years to three years for applying to a county for similar approval. Specifies that a small-scale recreation community authorized by HB 2228 must be sited on land that is either planned and zoned for forest use or rural and not subject to statewide land use planning Goals 3 or 4. The measure increases from 200 to 320 the maximum size for a tract on which a small-scale recreation community under HB 2228 may be formed. Clarifies development standards for small-scale recreation community. The bill further modifies definitions of Southern Conservation Tract from Section 3 of HB 2228. The measure also expands the list of types of development allowed in Skyline Forest Sustainable Development Area.

**HB 3462                      Building Inspector Education**

Effective Date: January 1, 2010                      Chapter: 593 (2009 Laws)

House Bill 3462 authorizes the Building Codes Division of the Department of Consumer and Business Services to establish pilot programs to cross train building inspectors for the purpose of providing inspections in more than one specialty code. The measure specifies duties of certified specialized building inspectors and training requirements. The bill authorizes fees for participation in the training programs, examination, application and renewal. The pilot program sunsets January 2<sup>nd</sup>, 2016.

**SB 170                      Rural Airports**

Effective Date: January 1, 2010                      Chapter: 398 (2009 Laws)

Expands from four to six the number of airports eligible to participate in the Department of Aviation's "through the fence" pilot program. Revises the definition of "rural airport" for purposes of conditions used to determine eligibility for a pilot project.

**SB 171                      Rural Airports**

Effective Date: January 1, 2010                      Chapter: 399 (2009 Laws)

Prohibits the construction of objects or structures that are physical hazards to air navigation. Designates Department of Aviation, in coordination with local land use jurisdictions, as responsible for determining what constitutes air navigation hazards. Allows exceptions for cell phone towers and for persons who have received or applied for approval from the Federal Aviation Administration or Energy Facility Siting Council on or before effective date of measure. Authorizes the Director of the Department of Aviation to establish standards for mitigating air navigation hazards.

**SB 234                      Land Use Board of Appeals**

Effective Date: January 1, 2010                      Chapter: 25 (2009 Laws)

Allows service of an appeal of a Land Use Board of Appeals decision by first class mail.

**SB 566****Priority For Land In Urban Growth Boundary**

Effective Date: December 1, 2009

Chapter: 497 (2009 Laws)

Specifies that the Metropolitan Service District does not have to consider the capability classification system or the cubic foot class of land it designates as urban reserve within an urban growth boundary. Establishes effective date of December 1, 2009.

**SB 691****Forest Land Regulations - Compensation**

Effective Date: January 1, 2010

Chapter: 464 (2009 Laws)

Modifies provisions for claiming compensation for specified land use regulations that regulate forest practices on private real property. Allows claim by owner based on land use regulations under Oregon Forest Practices Act; administrative rule of the State Board of Forestry; or any other rule or law enacted solely for the purpose of regulating a forest practice which is enacted or adopted after the effective date of the bill. Allows forest practices claims by owner on the portion of the property affected by the regulation and not the entire parcel.

**SB 763****Transfer of Development Credits**

Effective Date: June 24, 2009

Chapter: 504 (2009 Laws)

Authorizes cities, counties, metropolitan service districts and certain state agencies to establish transferable development credits system for purpose of allowing specified persons to transfer developmental interests within and across jurisdictional boundaries. Requires that parties execute intergovernmental agreements that include the Department of Land Conservation and Development if transfer involves different jurisdictions and different governmental units. Establishes Transfer of Development Credit system. Requires DLCD to report on transferable development program/system to the Seventy-seventh Legislative Assembly.

**SB 915****Building Code Enforcement**

Effective Date: January 1, 2010

Chapter: 476 (2009 Laws)

SB 915 establishes procedures for local jurisdictions to follow in regards to issuing penalties for building code violations. The measure requires that only civil penalties can be assessed, but does not prohibit a violator to be charged with an increased permit or investigative fee, or seeking injunctive relief or taking any enforcement action that does not include a monetary penalty. Additionally, the civil penalty can be issued only after the municipality provides notice to the violator that contains information such as description of the alleged violation, the intent and the amount of the civil penalty, and the administrative process available to challenge the penalty assessment.

**SB 5531****Department of Land Conservation & Development Budget**

Effective Date: July 1, 2009

Chapter: 652 (2009 Laws)

The Department is the administrative arm of the Land Conservation and Development Commission. The Department staff assists the Commission in adopting standard land use goals, ensuring compliance of local land use plans with statewide goals, coordinating state and local planning. The Department budget is \$25,420,319.00 total funds, 90 positions (74.81 full-time equivalent). The 2009-2011 budget is 12.5 percent less than that legislatively approved budget for 2007-2009.

The Departments grant program provides General Fund grants to cities and counties to help with comprehensive plan amendments, and periodic review. The budget provides \$2,206,810.00 in grant funds.

**Budget Note:** The Department of Land Conservation and Development shall report on the Commission's policy agenda to a legislative committee no later than March 1, 2010. Depending



on timing and interim activities, the report could be received by either a Joint Committee on Ways and Means or the Emergency Board.

The report should cover the status of existing programs and all agency related legislation from the 2009 session. Status reporting should include agency work plans, resources allocated, and potential impacts on local governments.

#### **Land Use and Development Bills that Failed:**

##### **HB 2225**

##### **Affordable Housing**

Affordable housing pilot program. After the initial hearings on the bill, the chair of the House Sustainability and Economic Development Committee informed the DLCD that he had no intend to take further action on this bill. Bill Died

##### **HB 2226**

##### **Area of Critical State Concern**

Proposal by the Governor to designate the Metolius River Basin as an Area of Critical State Concern. HB 2226 turned out to be a place holder as LCDC's recommendation and management plan for the Metolius Area of Critical State Concern (ACSC) was submitted to the Legislature on April 2, 2009 in the form of HB 3100. HB 2226 was referred to the House Land Use Committee and did not receive a hearing.

##### **HB 2227**

##### **Destination Resorts**

Destination Resorts. HB 2227 modifies the mapping criteria to identify areas where destination resort may be located within a county. Additionally, the bill removes detailed resort development criteria and standards from statute, but leaves similar provisions in LCDC's Goal 8 to maintain destination resort policy. The bill allows the LCDC and department to undertake a study of destination resort issues. HB 2227 was in Conference Committee upon adjournment.

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#### **Natural Resources & Agriculture**

AOC Staff: Gil Riddell

This session will be noted for its overdue focus on water – supply development, data gathering, strategic statewide planning, and appropriate funding for the Water Resources Department. Services provided by OWRD were recognized as critical to the future of this State, and agency funding began a transition from heavy dependence on state general funds to fees for service, giving it the stability to implement longer term strategic objectives. The optimism of the Umatilla Basin Project added impetus to the funding transition.

The issue of invasive species gained a higher profile, but only limited additional funds, due to the severe state revenue shortfall.

There were two developments of note related to State Forests/County Forest Trust Lands. The Governor's Recommended Budget included appropriations from the Forest Development Fund for purposes not permitted by statute and the underlying Forest Acquisition Program agreements. A showdown was avoided by the shrinkage of the FDF due to the sharp fall of the timber market.

The second development was the increased awareness of key legislators about the state-county forest agreements and extended inaction by the Board of Forestry to balance the State Forest Plans and to respect the history of the Forest Trust Lands. Early movement of House Bill 3072, to explicitly provide that timber production is the primary purpose of the trust lands, prompted positive movement by the Board.

**Bills that Passed:**

**HB 2020                      Invasive Species Control Account, Creation Of; Specifies Uses Of Account; Transfers Funds From All-Terrain Vehicle Account**

Effective Date: July 28, 2009

Chapter: 825 (2009 Laws)

Creates Invasive Species Control Account, to be used for surveys, inspections, diagnosis, planning, coordination, administration, eradication, treatment, disposal, cleaning, and payments to owners for materials destroyed by treatment or eradication. Permits balances from the All-Terrain Vehicle Account to be used for invasive species eradications related to all-terrain vehicle use. Establishes a \$350,000 Other Funds expenditure limitation for the Department of Agriculture, using funds from the All-Terrain Vehicle Account.

**HB 2212                      Noxious Weeds; Reorganization And Update Of Laws**

Effective Date: January 1, 2010

Chapter: 98 (2009 Laws)

Broadens statutes applicable to tansy ragwort to all noxious weeds. Revises quarantine authority of Department of Agriculture. Prohibits possession or movement of plant pests except under compliance with federal or state permit. Clarifies that no compensation is made for destruction of plants infested with pest or disease deemed to be public nuisance.

**HB 2214                      Forest Products Harvest Taxes, Extension Of**

Effective Date: January 1, 2010

Chapter: 763 (2009 Laws)

Extends period for which forest products harvest taxes are imposed, and establishes rates for the extended period. Maintains current \$0.625 rate for fire suppression. Provides \$0.77 rate temporary forest products harvest tax to forest products harvested in calendar years 2010 and 2011 to maintain current cost-share between the general public (60%) and forestland owners (40%). Adds additional \$0.37 rate for field program expenses during biennium 2009-11. Extends tax rate for forest research and experimentation. Changes rate for administration of Forest Practices Act.

**HB 2216                      Board Of Forestry, Acquisition Authority Of; Gilchrist Property, Potential Purchase Of**

Effective Date: July 28, 2009

Chapter: 831 (2009 Laws)

Authorizes the Board of Forestry to hold and manage lands alone or in cooperation with other entities, including community forest organizations. Authorizes Board to acquire lands or partial interest in lands, including conservation easements. Authorizes Board to sell lands or partial interest in lands, if the Board determines that other parties are better situated to manage lands for the long term. Creates Forest Development Revenue Bond Fund. Renames Sinking Fund Account the State Forest General Obligation Fund. Authorizes use of the fund in the following order: For deposit to State Forest General Obligation Fund to pay bond-related costs for outstanding bonds; subject to approval of State Treasurer, to State Forestry Department account for distribution to counties. Establishes State Forest Acquisition Fund to acquire parcel in Gilchrist area, Klamath County. SB 5506 contributes \$15 million in lottery bonds toward the purchase price; HB 5054 adds \$1.5 million in lottery funds for bond issuance and debt service.

**HB 2231                      Well Driller Start Card, Fee Increase For**

Effective Date: July 22, 2009

Chapter: 766 (2009 Laws)

Increases start card fee for well driller from \$125 to \$225. Revenue Impact: Increases Other Funds to Water Resources Department by \$800,000 in biennium 2009-11.

**HB 2232                      Geotechnical Holes, Report Required After Drilling Certain Types Of; Sets Fee; Establishes Fund; Makes Other Provisions**

Effective Date: July 22, 2009

Chapter: 767 (2009 Laws)

Requires driller of certain types of geotechnical holes to submit report to Water Resources Department within 30 days of drilling. Geotechnical holes are drilled to evaluate subsurface data for a variety of reasons, including testing soils and ground water for contaminants; they are not considered to be wells. Applies to geotechnical holes greater than 18 feet deep, within 50 feet of a water supply or monitoring well, used to determine water quality and open less than 72 hours, or drilled in an area known or reasonably suspected to be contaminated. Authorizes Department to adopt rules prescribing form of report. Sets recording fee for each report of \$25; except if more than one geotechnical hole is drilled within seven days at the same project site, sets fee of \$10 for each subsequent hole. Establishes Department Geotechnical Fund and directs that fee revenue be appropriated to the Department for duties, functions, and powers related to geotechnical holes. Revenue Impact: Increases Other Funds to Water Resources Department by \$135,000 in biennium 2009-11.

**HB 3013                      Marine Reserves; Implementation Of Recommendations Of Ocean Policy Advisory Council**

Effective Date: July 28, 2009

Chapter: 847 (2009 Laws)

Directs relevant state agencies to implement the November 29, 2008, recommendations of the Ocean Policy Advisory Council, concerning six sites as pilot or potential marine reserves. Directs Oregon Department of Fish & Wildlife to develop work plan for implementation. Specifies content of work plan. Directs ODFW to report to appropriate interim legislative committee no later than November 30, 2010. Directs Department of State Lands to transfer \$1 million of Other Funds to ODFW for implementation. ODFW anticipates another \$1 million for implementation from donations and grants.

**HB 3106                      Task Force On Nearshore Research, Creation Of**

Effective Date: August 4, 2009

Chapter: 884 (2009 Laws)

Creates 14-member Task Force on Nearshore Research. Directs Task Force to make recommendations to ensure protection and utilization of Oregon's nearshore resources, generally understood to mean ocean natural resources within the State's three-mile Territorial Sea. Includes appointment to Task Force by the Governor of a local government representative. Directs Task Force to submit recommendations for legislation to the Governor and Emergency Board by August 1, 2010.

**HB 3369                      Water Investment Act; Water Development Funds, Creation And Use Of; Umatilla Basin ASR Project; Statewide Water Strategy, Development Of**

Effective Date: August 4, 2009

Chapter: 907 (2009 Laws)

Directs the Water Resources Department to use the constitutional Water Development Loan Fund. Narrows constitutional provisions for applicants for loan by excepting municipal water users, and narrows projects to the Columbia River Basin. Specifies application process, including content, priorities, conditions for approval, and repayment of loans. Note: SB 5505 authorizes the State to issue \$10 million in general obligation bonds to provide the loans. Creates the Water Investment Grant Fund within WRD. Provides that eligible applicants exclude municipal water users and eligible projects are limited to the Columbia River Basin. Provides funding of \$1 General Fund. Specifies the same application process as for the Loan Fund. Requires that grant

recipients must adhere to certain standards related to withdrawal of new stored water, including that 75% be used for agriculture and 25% be used for environmental or in-stream benefits. Allocates funds for the next phase of the Umatilla Basin Aquifer Recovery Project. Requires that the Project meet the same standards related to withdrawal of new stored water as the Grant Fund, if it accepts state loans or grants beyond \$2.5 million, provided in SB 5535. Note: SB 5535 authorizes the State to issue \$2.5 million in lottery-backed bonds for the Umatilla Basin AR Project, plus \$500,000 for water development feasibility studies, \$217,000 to operate loan and grant programs, and \$283,000 for two full-time equivalent positions related to the statewide integrated water resources strategy. Directs WRD to develop a statewide integrated water resources strategy, funded in SB 5535. Requires WRD to report to the 2011 legislature about progress, outcomes, and suggested improvements to these projects.

**HB 5014 Department of Fish and Wildlife Budget**

Effective Date: July 7, 2009

Chapter: 668 (2009 Laws)

Adds \$1 million Other Funds expenditure limitation and four limited duration full-time equivalent positions to provide a year of funding for evaluation of six marine reserve sites recommended by the Ocean Policy Advisory Council (see HB 3013). Provides that these funds will be from the New Carissa shipwreck settlement. Provides that the Department will pursue additional funding from donations or federal grants for the second year of the program. Reduces general fund payments to federal Wildlife Services for predator control efforts from \$220,000 to \$120,000. Provides \$90,000 to Wildlife Services from license fees for bear and cougar control. Adds \$877,960 Other Funds, from an increase in the fish screen surcharge on angling licenses, and 5.91 full-time equivalent positions for maintenance and management of fish screens. Adding to three permanent positions, continues with federal funds 4 FTE limited-duration positions for Endangered Species Act recovery planning and implementation. Adds 1.5 FTE limited-duration positions from a grant from the Oregon Watershed Enhancement Board to work on recovery of wild Coho salmon in the Salmon River Basin. Adds \$66,273 General Fund for a federal match that will allow the Department to continue the Oregon Conservation Strategy at a minimal level.

**HJR 35 Federal Forestland Advisory Committee, Support For Findings Of**

Expresses support for findings of Federal Forestland Advisory Committee, appointed by the Oregon Board of Forestry to articulate the State's vision for sustainable federal forest management. Expresses support for the effort by the Governor to appoint a stakeholder group to pursue implementation of the findings.

**SB 788 Water Resources Department, Recovery Of Costs By;  
Exempt-Use Wells, Recording Of New**

Effective Date: July 23, 2009

Chapter: 819 (2009 Laws)

Increases cost recovery by Water Resources Department of customer transactions from 28% to 50%. Sunsets these increases on June 30, 2013. Requires owner of new exempt well (i.e., watering a lawn or non-commercial garden not exceeding one-half acre; single or group domestic purposes not exceeding 15,000 gallons per day; or any single industrial or commercial purpose not exceeding 5,000 per day) to submit a map of well location by tax lot to WRD, as well as a one-time \$300 recording fee. Directs recording fees to support a variety of WRD groundwater activities. Adds two staff positions.

**SB 5502 Department of Agriculture Budget**

Effective Date: July 1, 2009

Chapter: 643 (2009 Laws)

Reduces the Natural Resources Program by 4.4 full-time equivalent positions, including suspending the Pesticides Use Reporting System and eliminating two Agricultural Water Quality program positions. Reduced support for federal Wildlife Services from \$443,000 to \$120,000.

Provides \$200,000 Other Funds and \$350,000 Federal Funds for the Oregon Invasive Species Council to increase statewide education efforts on risks of invasive species introduction.

**SB 5522 Department of Forestry Budget**

Effective Date: July 16, 2009 Chapter: 730 (2009 Laws)  
Decreases nearly \$15 million Other Funds and eliminates 39.01 full-time equivalent positions from the State Forest Lands program to bring expenditures in alignment with projected State Forest timber sales revenue for the 2009-11 biennium. Shifts costs to operate and maintain All Terrain Vehicle/Off Highway Vehicle trails in the Tillamook State Forest from the state share of timber harvest revenues to the ATV account by a revenue transfer from the Parks and Recreation Department. Provides \$3.3 million Other Funds and \$7.3 million Federal Funds and establishes 12 full-time equivalent positions to expend American Recovery and Reinvestment Act revenues expected through the U.S. Forest Service and the National Oceanic and Atmospheric Administration. Provides \$2.9 million Other Funds and establishes 16.5 full-time equivalent positions to utilize interagency personnel agreements with the U.S. Forest Service and Bureau of Land Management to permit state employees to work for and be paid by those agencies but retain state-employee status. Budget note: "The Forest Fire Protection budget is approved with a \$10 million annual expenditure limit on the Forest Land Protection Fund. The Department of Forestry is directed to report to the Legislature during the special session planned for February 2010, the actual costs of the 2009 Fire Season and liability for the General Fund. If costs appear to exceed the availability of General Fund resources, the Legislature may revisit the annual expenditure limit on the Oregon Forest Land Protection Fund".

**SB 5551 Water Resources Department Budget**

Effective Date: July 16, 2009 Chapter: 741 (2009 Laws)  
Specifies two new Key Performance Measures: Fully implement the Water Resources Commission 2000 Water Measurement Strategy; increase water use reporting. Directs Department in two budget notes to work with stakeholders to evaluate the adequacy and equity of new fees; and to make significant progress in addressing backlogs in water rights and services. Removes six full-time positions.

**Natural Resources & Agriculture Bills that Failed:**

**HB 3249 Natural Resource Conservation Areas On State Forest Lands**

Authorizes State Board of Forestry to designate areas on state forestlands as natural resource conservation areas. Directs State Forester to manage designated lands for purposes of protecting high quality fish and wildlife habitat, protecting drinking water sources and mature and old-growth forests, storing carbon, and allowing low-impact public uses.  
[NR&A]

**Personnel**

AOC Staff: Ann Hanus

The legislature, particularly in the House, kicked off the session with hearings on a flurry of labor bills that would have tipped the balance more toward public employee unions. The most significant bill, HB 2831, would have included temporary and seasonal workers in unions, locked in supervisory status, and barred the hiring of permanent workers during a lawful strike. HB 2831 went down to the wire but failed in the final days of the Senate. In the end, several bills

impacting laws related to military leave, public safety officer discipline, prohibiting deputy district attorneys from striking, and PERS were passed by the Legislature. A bill allowing the establishment of voluntary Retirement Medical Trusts and Healthcare Reimbursements was approved. In addition, the Legislature approved bills updating discrimination laws, requiring reasonable accommodation for victims of domestic violence, providing for human trafficking victims to qualify for the address confidentiality program, prohibiting the requirement for employees to attend meetings on religious or political matters and requiring posting of this prohibition.

#### **Bills that Passed:**

##### **HB 2197                      Workers Compensation Changes**

Effective Date: January 1, 2010                      Chapter: 36 (2009 Laws)

Eliminates certain statutory conflicts and redundancies. Removes requirement that parties must submit medical services dispute in workers' compensation claims to the Director of the Department of Consumer and Business Services. Limits exemption from insurance premiums and assessments for employer to three years after preferred worker is hired.

##### **HB 2298                      Includes Overtime in Calculation of Amounts of Donated Leave**

Effective Date: January 1, 2010                      Chapter: 12 (2009 Laws)

Includes overtime in calculation of amounts of donated leave an employee of State of Oregon, county, municipality or other political subdivision may receive.

##### **HB 2510                      Veteran's Preference for Hiring in Public Employment**

Effective Date: January 1, 2010                      Chapter: 370 (2009 Laws)

Deletes 15-year limit on veteran's use of preference in public employment.

##### **HB 2713                      Public Safety Officer Bill of Rights**

Effective Date: January 1, 2010                      Chapter: 716 (2009 Laws)

Requires employers to adopt written procedures for investigating public safety officers. Defines "public safety officer" to include police officer, parole and probation officer, corrections officer, and youth corrections officer. Creates process and safeguards for public safety officers under investigation. Provides procedure for officer to request and receive a copy of personnel records. Creates procedure for placing, reviewing and challenging an adverse comment in public safety officer's personnel file. Provides that investigation into officer misconduct must be completed within six months of allegation. Allows for extension to maximum of 12 months if the employer provides officer with written notice and explanation for the delay. Clarifies that a collective bargaining agreement controls if it provides for similar protections.

##### **HB 2744                      Leave for Military Spouses**

Effective Date: June 25, 2009                      Chapter: 559 (2009 Laws)

Requires an employer to provide leave to certain employees who are spouses of members of military forces that are on active duty during periods of military conflict. Makes failure to grant leave or discrimination against spouse exercising right to military family leave unlawful practice. Requires BOLI to enforce provisions of Act. Declares emergency, effective on passage.

##### **HB 2790                      Board on Public Safety Standards and Training Membership**

Effective Date: January 1, 2010                      Chapter: 629 (2009 Laws)

Adds one non-management parole and probation officer to Board on Public Safety Standards and Training. Adds two non-management positions to Corrections Policy Committee and Police

Policy Committee. Requires notice of denial or revocation following policy committee vote. Requires review by policy committee if the Department proposes to amend a proposed order issued by Administrative Law Judge.

**HB 2963 Prohibits Deputy District Attorneys from Striking**

Effective Date: January 1, 2010 Chapter: 376 (2009 Laws)

Adds deputy district attorneys to the list of public employees that cannot strike and are subject to binding arbitration.

**HB 3162 Discrimination against employees who report violation of laws, rules, regulations**

Effective Date: January 1, 2010 Chapter: 524 (2009 Laws)

Makes discrimination against employee who reports a violation of state or federal laws, rules or regulations an unlawful employment practice.

**HB 3256 Unlawful Employment Practices involving the Uniformed Services**

Effective Date: January 1, 2010 Chapter: 378 (2009 Laws)

Establishes as unlawful employment practice certain actions by employer related to service performed by person in uniformed services.

**HB 3401 PERS Excess Amounts in Side Account**

Effective Date: August 4, 2009 Chapter: 889 (2009 Laws)

Allows public employer participating in PERS system to request that excess amounts in side account established for lump sum payment to be refunded to employer or applied to offset contributions to individual account program if PERS Board determines that amounts in account exceed amounts necessary to fund employer's actuarial liabilities.

**HB 3462 Training and Certifying Building Inspectors**

Effective Date: January 1, 2010 Chapter: 593 (2009 Laws)

Allows Director of Department of Consumer and Business Services to establish temporary programs to train and certify specialized building inspectors to enforce portions of specialty codes.

**SB 112 PERS**

Effective Date: June 18, 2009 Chapter: 390 (2009 Laws)

Allows member of PERS who has been retired from service for more than six months, and who elected to receive lump sum payment or installment payments, to be reemployed by public employer without repayment of lump sum or installment amounts received by member. Allows retired member who elected to receive lump sum payment or installment payments to be reemployed by public employer subject to limitations on number of hours of employment.

**SB 399 PERS Deferred Compensation Plan**

Effective Date: January 1, 2010 Chapter: 894 (2009 Laws)

Allows certain members of PERS who participate in deferred compensation plan to request, within 60 days of effective date of Act, that payment of all or part of deferred amount be paid to PERS Board for purpose of restoring forfeited creditable service, or acquiring retirement credit for probationary period of employment, or both.

**SB 519                      Prohibits Requirement for Employees to Attend Meetings on Religious or Political Matters**

Effective Date: January 1, 2010                      Chapter: 658 (2009 Laws)

Prohibits employer from taking adverse employment action against an employee who declines to attend meeting or participate in communication concerning employer's opinion about religious or political matters. Requires the employer to post notice. Provides exceptions for religious organizations, political organizations and certain meetings and communications. Creates cause of action.

**SB 821                      Establishment of Retirement Medical Trusts and Healthcare Reimbursements**

Effective Date: June 23, 2009                      Chapter: 467 (2009 Laws)

Permits collective bargaining units to agree with public body employers to establish retiree medical trusts, voluntary employees' beneficiary associations, health reimbursement arrangements or other agreements for health care expenses of employees or retirees if provisions of agreement comply with Insurance Code.

**SB 839                      Victim of Human Trafficking Eligible for Address Confidentiality Program**

Effective Date: January 1, 2010                      Chapter: 468 (2009 Laws)

Includes victim of human trafficking as person eligible for Address Confidentiality Program.  
[Cross Records]

**SB 874                      Update to Discrimination Law**

Effective Date: January 1, 2010                      Chapter: 508 (2009 Laws)

Updates and clarifies discrimination laws related to individuals who have disabilities.

**SB 897                      PERS Changes**

***\*\*SB 897 was vetoed on August 7, 2009***

Effective Date:                      Chapter:

The final version of the bill will expand the criteria for the member representative who serves on the Board to be either an active or retired member, but no longer expands the size of the Board from 5 to 7 members.

The original version of the bill would have required PERS, upon request by a member, to verify creditable service, final average salary (FAS), account balances, the amount of unused sick leave, and the monthly service retirement allowance – using the data “as reflected in the records” held by PERS. The original version also provided that once PERS provided the verification, the member’s final creditable service and FAS may not be less than what was provided in the verification request under the bill. The final version of the bill defines what retirement data will be subject to a verification request and removes the requirement for PERS to provide an estimated benefit calculation, but still requires that the retirement allowance be based on the data in the verification, subject to specific adjustments stated in the bill.

SB 897 would allow OPSRP members to participate in the PERS Health Insurance Plan. (OPSRP members participation in the PERS Health Insurance Plan was specifically left out of the reform legislation.)

Under the current definition of retroactive payment and the rules that are attached to the provision dealing with retirement credits for retroactive payments, some types of retroactive payments (by an award of a court or a body responsible for enforcing federal or state employment laws) can be



accepted by PERS and credited to the member's account. If the agreement, however, was one entered into by the employer and employee as a settlement, for example – then the back pay award cannot be accepted by PERS. This encourages people not to settle in order to make sure the payments are credited to the member's PERS accounts. And, in no case can creditable service be awarded under the current statute. PERS is allowed to accept make whole orders and settlements to make employees whole and put them in the place they would have been in but for the separation in service. This will result in cost savings to employers in legal and administrative fees and result in what is intended by the parties.

**SB 928                      Prohibits Certain Employment Actions toward Domestic Violence Victims**

Effective Date: January 1, 2010                      Chapter: 478 (2009 Laws)

Prohibits employer from taking certain employment actions toward individual who is victim of domestic violence, sexual assault or stalking. Requires reasonable safety accommodation.

**SB 971                      Reimbursement of Public Safety Training**

Effective Date: January 1, 2010                      Chapter: 902 (2009 Laws)

Requires a government agency that hires employee who voluntarily leaves employment of original employing governmental agency to reimburse original employing governmental agency for certain costs incurred by training employee. Applies to state police officers, police officers, deputy sheriffs, state or local corrections officers or parole and probation officers who are required to complete training and who begin training after January 1, 2010.

**Personnel Bills That Failed:**

**HB 2633                      Inclusion of Sergeants in Bargaining Unit and Narrowing of Supervisor Definition**

The unions' aim was to include sergeants into the bargaining unit. The original bill was written very broadly and added the word "independent" in the PECBA definition of supervisor. After strong pushback from a coalition of local governments and individual cities and counties, this word was deleted from the bill. The remaining bill, however, still would have resulted in sergeants and perhaps other ranks being included in bargaining units and continued to face strong local government opposition. HB 2633 passed out of Senate Commerce and Workforce and was referred to Senate Rules Committee on June 3<sup>rd</sup> where it died at the end of the session.

**HB 2831                      Revisions to Public Employee Collective Bargaining Law**

Temporaries and Seasonals working more than three months (no hourly limit) would presumed to have been in a bargaining unit. This section would have overturned an Employment Relation Board decision on including temporary and seasonal workers in the bargaining unit. It also would have locked in supervisory status and prohibited permanent replacements of striking workers. AOC joined with LOC, Sheriffs, Chiefs of Police and individual counties and cities to work on this bill. The Senate Commerce and Workforce voted it out of Committee on May 27 where it headed for a Senate floor vote. After rescheduling the vote numerous times over a two week period, it failed on the Senate floor by a vote of 14 yeas to 16 nays within two days of adjournment.

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Public Safety
AOC Staff: Paul Snider

The public safety landscape this legislative session included some needed substantive improvements, including notably creation of some new roadblocks to metal thieves. But it was dominated by close encounters with fiscal train wrecks that were ultimately avoided. SB 5552 was the overall budget reconciliation measure for the 2007-09 biennium. It was necessitated by a significant revenue shortfall late in the biennium. That measure made a number of cuts to public safety agencies, some of which were rolled up into the 2009-11 biennium for the affected agencies. When the Co-Chairs of the Ways and Means Committee presented their proposed budget for 2009-11, they expressed the hope that the Public Safety Subcommittee would find an additional \$75 million in savings. They said the savings would have to come from public safety budgets, but any additional savings beyond the \$75 million could be kept in the public safety silo for possible add-backs. A work group from the Public Safety Subcommittee developed HB 3508 in response. It was designed to create savings primarily with a phase-in of the voter-passed sentencing changes contained in Measure 57 (November, 2008). But to pass, it needed 40 votes in the House and 20 in the Senate. And the alternative was to be additional cuts to public safety budgets. Although there were several days of uncertainty and forceful lobbying by a host of interest groups, HB 3508 ultimately passed, further cuts were avoided, and some programs were restored.

Bills that Passed:

HB 2052 Psychiatric Facility Siting, Notice to LPSCC

Effective Date: January 1, 2010 Chapter: 121 (2009 Laws)

Requires certain public agencies to inform local public safety coordinating council (LPSCC) of intent to site residences for individuals under the jurisdiction of the Psychiatric Security Review Board (found guilty but insane). Notice must include certain information about the proposed facility, residents, staffing and other details. Directs LPSCC to create subcommittee to provide advice to the public agency. Lists membership of the subcommittee. This measure is intended to improve communication with the local public safety community and agencies that site residential treatment facilities before and during the siting process.

HB 2299 Capacity Limits for Juvenile Detention Facilities

Effective Date: January 1, 2010 Chapter: 293 (2009 Laws)

Allows county governing body to establish of juvenile detention facility and adopt standards for releasing juveniles when capacity is exceeded. Allows county, through juvenile director, to release sufficient number of juveniles to reach capacity; requires notice to judge of releases. Declares that bill does not create a cause of action for releases.

HB 2393 Sheriff's Civil Process Fees

Effective Date: January 1, 2010 Chapter: 835 (2009 Laws)

Increases fees collectible by sheriff for serving legal documents and performing other legal duties. Removes requirement that advertising the sale of property under writ of garnishment be in newspaper. Requires establishment and maintenance of website for purpose of posting legal notices relating to writs of execution issued to sheriffs if all sheriffs enter intergovernmental agreement to establish and maintain website. Requires law enforcement agency seizing certain

Safety Standards and Training to include at least one hour of training in use of database for certification as police officer.

HB 3508 Ballot Measure 57 Phase-In

Effective Date: July 1, 2009

Chapter: 660 (2009 Laws)

Continues unchanged the current full implementation of Measure 57 (M57) until February 15, 2010. Then suspends it for most property crimes until January 1, 2012. Increased sanctions would still apply to committing fraud on elderly, delivery of controlled substance to minor or sale of significant quantities. Limits incarceration for probation revocation to 60 days without new crime. Increases earned time for non-violent offenders from 20% to 30%, with provision for disallowing it when district attorney or court object. Allows certain offenders under supervision for probation or post prison supervision to transition to inactive status. Streamlines commutation process for inmates subject to US Immigration and Customs Enforcement hold. Increases penalty for assault resulting from driving under influence. Increases penalty for kidnapping with the purpose of committing sex crime against victim under age 12. Allows Parole Board to hold less frequent parole hearings for certain offenders. Appropriates \$8.1 million to State Police to add 39 troopers to patrol division. Creates \$100 assessment of persons convicted of drug offenses to be paid to Oregon Criminal Justice Commission for drug court funding.

HB 5005 Corrections Department Budget

Effective Date: July 28, 2009

Chapter: 860 (2009 Laws)

Note: This budget must be read together with HB 3508 (Measure 57 phase-in), HB 5055 (appropriations bill based on HB 3508) and HB 5054 (the overall budget reconciliation, also known as the "Christmas Tree" bill) to finally identify what cuts and add-backs ultimately were adopted.

Overall Budget: Although the budget anticipates adding an estimated 1,300 new inmates to the prison system during the 2009-11 biennium, this projection is reduced as a result of passage of HB 3508. The budget also delays the opening of the Deer Ridge facility and the expansion at Shutter Creek. It postpones until at least the 2010 Special Session the decision as to when to build the facility at Junction City.

Possible Jail Bed Use: The budget narrative identifies a need for the Department of Corrections to explore alternatives to new construction, including use of county jail beds. A budget note directs the department to specifically work with Multnomah County in exploring either the purchase or multi-year lease of the Wapato facility, and to compare the short and long-term costs to other alternatives, including new construction and rental beds. The department is to report its findings to the Emergency Board or appropriate legislative committee prior to March 1, 2010.

Community Corrections: Although HB 5055 anticipates a reduction in community corrections funding because of a reduction in the April population forecast for the community corrections population, that forecast is also modified by HB 3508. The Department of Corrections initial calculation of the final numbers indicates that statewide funding for community corrections will be about \$215 million, plus \$10 million in enhancement funds, \$10 million in treatment and intensive supervision of measure 57 offenders and about \$575,000 in subsidy funding. The \$215 million and \$575,000 are expected to be distributed according to the workload formula for community corrections, while the \$10 million is expected to involve a separate application process.

HB 5007 Criminal Justice Commission Budget

Effective Date: July 7, 2009

Chapter: 664 (2009 Laws)

The Oregon Criminal Justice Commission (OCJC) administers sentencing guidelines, administers a drug court start-up or expansion program begun in 2006, provides technical assistance to public safety coordinating councils, staffs the Forfeiture Oversight Advisory Committee and calculates the fiscal impact of legislation and ballot measures.

Drug Courts: The budget bill reduces funding for drug courts by \$853,207 or 17%. The budget narrative directs the agency to focus on those drug courts that are more expensive per offender (often more in the rural areas) and those not seeing as successful outcomes as possible places to accomplish those cuts. Note that HB 5054 disappropriates an additional \$700,000 from drug court funding, but that cut appears to be restored by a commitment from the Governor to use federal Justice Assistance Grant funding.

HB 5037 State Police Budget

Effective Date: July 28, 2009

Chapter: 862 (2009 Laws)

The Oregon State Police (OSP) performs a number of functions vital to both counties and the public safety system. Among those functions are patrol, criminal investigations, forensics labs, fish and wildlife law enforcement, and the Oregon Wireless Interoperability Network (OWIN).

Patrol: In 2007, the legislature added a number of trooper positions to the agency to assure 24/7 patrol across the state. But with the precipitous downturn in the economy, the continued funding for that patrol level appeared many times during the session to be in jeopardy. When the economic downturn hit, there still remained to be added another 39 trooper positions. They were originally to be filled toward the end of the 2007-09 biennium, but the hiring schedule was pushed back when the budget shortfalls for that biennium were reconciled. Then the hope was that they would be added back with the savings from passage of HB 3508, phasing-in the implementation of Measure 57 (penalties and treatment for property crime offenders). Passage of HB 3508, however, was in doubt several times during the closing days of the session, primarily because of the need that it pass by 2/3 in each chamber (as a reduction in the penalties that were established by a vote of the people). HB 5037, the budget bill for OSP, eliminated those positions, but the budget narrative stated that if HB 3508 and HB 5055, the companion budget bill, were to pass, those positions would be restored. Ultimately, HB 3508 did pass, and HB 5055 restored the patrol function along with the other restorations to investigation, fish and wildlife, and forensics described below.

Criminal Investigation; Fish and Wildlife; Forensics: HB 5037 eliminated 29 positions in the Criminal Investigations Division that had been assigned to identity theft, meth-related, and major crimes investigations. HB 5054 and 5055 restored 18 of those positions. HB 5037 eliminated eleven trooper positions from the Fish and Game Division. HB 5054 and HB 5055 restored four of those positions. HB 5037 eliminated 18 positions in the Forensics Division. The budget narrative stated that the Ontario lab may be closed with this reduction. HB 5054 and HB 5055 restored all of those positions.

Wireless Interoperability: HB 5037 includes \$21.8 million and 8 positions to continue to build out the statewide interoperability network. Federal law requires that all public safety communication systems convert to narrowband technology by January 1, 2013. The state plan is to develop OWIN in partnership with local jurisdictions so that both state and local public safety systems comply with the deadline and do so by creating an interoperable system with which they can communicate with each other.

HB 5041**Department of Public Safety Standards and Training Budget**

Effective Date: July 7, 2009

Chapter: 685 (2009 Laws)

This agency is responsible for training and certification of police, sheriff deputies, correctional officers, parole and probation officers, 9-1-1 telecommunicators and emergency medical dispatchers. The budget reflects reductions in resources for training personnel (primarily police and corrections officers) including basic, regional and instructor development related training. It also transfers training of state correctional officers to the Department of Corrections. The budget assumes sufficient funding for 14 basic police 16-week training classes. It acknowledges that federal stimulus funding may increase the demand for these classes, but it also assumes that the economy may suppress demand from local jurisdictions which have been adversely affected by the economy. It indicates the agency may return to the Emergency Board if the demand for classes exceeds capacity.

HB 5051**Oregon Youth Authority Budget**

Effective Date: July 16, 2009

Chapter: 725 (2009 Laws)

Significant cuts in service levels were taken to this agency in the 2007-09 overall budget reconciliation that occurred mid-session (HB 5552). That bill eliminated mandated caseload increases in close custody beds, community placements, foster care beds and parole and probation. It reduced individualized services, juvenile crime prevention (JCP) basic and diversion funding, eliminated statewide gang funding, and eliminated 25 close custody beds at MacLaren. Those cuts were rolled out for the 2009-11 biennium in HB 5051. An additional \$8.3 million in "unspecified reductions" will also have to be absorbed by the agency.

But it could have been worse. Additional cuts contained in HB 5051 to close custody beds at Hillcrest (76 beds or \$7 million), Multnomah County gang funding (\$772,000) and elimination of the entire Eastern Oregon Youth Correctional Facility (\$6.2 million) in Burns were restored by HB 5054 and HB 5055 with part of the funds that were saved by passage of HB 3508 (phase in of Measure 57). Even with the cuts from the 2007-09 budget period and those to the 2009-11 budget period, the agency does not currently anticipate having to lay off employees or make further program reductions

SB 92**Research to Improve Public Safety Services**

Effective Date: January 1, 2010

Chapter: 165 (2009 Laws)

Allows Department of Public Safety Standards and Training to conduct research to improve police, fire, parole, probation, emergency medical dispatch and telecommunications professional services.

SB 100**Community Corrections Actual Cost Studies**

Effective Date: January 1, 2010

Chapter: 168 (2009 Laws)

Directs the Department of Corrections, beginning in 2012 and every six years thereafter, to conduct study to determine actual costs incurred by each county in providing management, support services, supervision and sanctions of felons under county supervision.

SB 233**Victims Constitutional Rights, Framework for**

Effective Date: May 26, 2009

Chapter: 178 (2009 Laws)

Establishes procedures for crime victims to assert violation of constitutional rights in criminal and juvenile delinquency proceedings, including procedures authorizing expedited appeal, suspension of matters related to asserted violation and Attorney General intervention on behalf of State of Oregon. Authorizes Attorney General to adopt rules to create nonjudicial process to effectuate crime victims' rights and condition provision of victim assistance funds or support on compliance

with model rules, policies or procedures. Clarifies when a district attorney or supervisory authority must give notice to crime victim of probation revocation or violation proceeding. Creates task force to review implementation of procedures. Sunsets task force on June 30, 2013.

SB 275 Inmate Application for Medical Assistance on Release

Effective Date: June 18, 2009

Chapter: 414 (2009 Laws)

Allows individual with serious mental illness to apply for medical assistance between 90 and 120 days prior to his or her release from a public institution (state hospital, jail, prison, juvenile detention facility) and to receive assistance upon release if found eligible.

SB 310 DNA Evidence, Preservation of

Effective Date: June 24, 2009

Chapter: 489 (2009 Laws)

Requires law enforcement agency in aggravated murder, murder, manslaughter I or II, criminally negligent homicide, aggravated vehicular homicide, or sex crime to preserve biological evidence in amount sufficient to develop a DNA profile. Allows exception if certain characteristics of evidence make retention impracticable. Sunsets January 2, 2012.

SB 356 Asset Forfeiture Law Revision

Effective Date: April 28, 2009

Chapter: 78 (2009 Laws)

After Ballot Measure 3 (2000) was found unconstitutional by the Oregon Court of Appeals in 2003 for containing more than one subject, the Legislative Assembly in 2007 referred SJR 18 to the voters for approval. The voters approved it in 2008 as Ballot Measure 53. That measure provided that property forfeited constitutes the proceeds of the crime for which the claimant has been convicted; was instrumental in committing or facilitating the crime for which the claimant has been convicted; constitutes proceeds of one or more other crimes similar to the crime for which the claimant was convicted; and was instrumental in committing or facilitating one or more other crimes similar to the crime for which the claimant was convicted. Measure 53 allows forfeiture without conviction of claimant if the forfeiting agency proves the property constitutes proceeds or the instrumentality of a crime committed by another person and: (1) The claimant took the property with the intent to defeat forfeiture of the property; (2) The claimant knew or should have known that the property constituted proceeds or an instrumentality of criminal conduct; or (3) The claimant acquiesced in the criminal conduct in that the person knew of the criminal conduct and failed to take reasonable action to terminate the criminal conduct. It sets the standard of proof as the preponderance of the evidence if the property is personal property and at clear and convincing evidence if the property is real property.

SB 356 re-enacts the civil forfeiture laws in accordance with Measure 53. It covers inventory and receipt of property, manner of seizure, delivery of the property, effect of seizure on liens and security interests of financial institutions; care and custody of the property; hearing on probable cause; forfeiture notice; process for asserting claims; ex parte forfeitures; procedure for forfeiture actions; standards of proof and defenses; disposition of forfeited property; creation of the Asset Forfeiture Oversight Committee; and directs the use of funds in the Illegal Drug Cleanup Fund.

SB 401 Mentally Ill Offenders under PSRB, Resources in Underserved Areas

Effective Date: January 1, 2010

Chapter: 426 (2009 Laws)

Directs Department of Human Services to develop and implement a plan to increase supervision and treatment options in underserved areas for individuals released under the jurisdiction of the Psychiatric Security Review Board. Requires department to submit to the Legislature the plan, an assessment of department's progress and a description of the financial or legal impediments to implementation.

SB 512**Juvenile Offender, Notice to School**

Effective Date: June 23, 2009

Chapter: 447 (2009 Laws)

Replaces some provisions of SB 1092 (2008) and requires notice of certain offenses to school administrator or superintendent of district for youth within jurisdiction of juvenile court. Specifies contents of notice. Identifies offenses for which notice is required. Requires that documents or information relating to petition that is set aside or dismissed be removed and destroyed. Specifies July 1, 2009 operative date.

SB 529**Mentally Ill Offenders, Facilities for, Department of Human Services Liaison when Planning.**

Effective Date: July 23, 2009

Chapter: 809 (2009 Laws)

Directs Department of Human Services to establish a position to act as liaison between department and communities in which department plans to establish housing for persons conditionally released by Psychiatric Security Review Board or for person with mental illness.

SB 570**Metal Theft Law Revision**

Effective Date: January 1, 2010

Chapter: 811 (2009 Laws)

Requires scrap metal business to create and maintain certain records pertaining to purchase and transfer of metal property. Requires payment for all metal property in the form of a check mailed to seller's home address. Creates process for metal scrap business to retain metal property suspected to be lost or stolen. Requires consignment and second-hand stores to comply with provisions of the measure. Creates immunity for landowner where an injury or damage occurs as a result of theft of metal property. Creates misdemeanor crimes of unlawfully altering metal property; making false statement on metal property record; unlawfully purchasing or receiving metal property; and unlawfully possessing metal property. Provides that scrap metal business must wait three business days before mailing payment for scrap purchased. Requires scrap metal business to report to law enforcement within 24 hours any purchase of metal property that the person knows or has reason to know is subject of theft or burnt metallic wire from which insulation has been removed. Provides that auto dealers, towers and dismantlers are exempt from recording requirement. Requires auto dealers, towers and dismantlers to comply with recording requirements if they buy private metal property (such as catalytic converters not attached to vehicles) or other metal property not attached to a vehicle. Adds forestry and logging equipment to definition of "commercial metal property." Requires information regarding individual's criminal history be provided to scrap metal businesses in writing or electronically by law enforcement.

SB 759**Public Safety Coordinating Council vote of Majority**

Effective Date: June 16, 2009

Chapter: 286 (2009 Laws)

Allows a public safety coordinating council to conduct business pursuant to a vote of the majority of the quorum present, rather than a majority vote of the members of the council.

SB 5518**District Attorneys and their Deputies Budget**

Effective Date: July 16, 2009

Chapter: 728 (2009 Laws)

Provides funding only for compensation of the 36 district attorneys and state government service charges. Eliminates funding for prosecutorial assistance (deputy district attorneys).

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Records and Elections
AOC Staff: Ann Hanus

The Legislature considered and passed significant election legislation. HB 3451 will allow electronic scanning seven days in advance of elections resulting in efficiencies and cost savings. Further, an electronic voting system for the military, on-line registration, easing nomination of independent candidates, and "fusion lite" which allows up to three political parties on a ballot for a candidate were approved. A major focus of the Legislature was reform of the ballot measure process. The County Clerks were successful in having the Legislature pass HB 2621 which deals with how to handle vacancies for purposes of the ballot and HB 3451 allowing advance scanning of ballots.

The Legislature passed a number of bills affecting recordings, some of which will have significant impact and cost to County governments. Within the first month of the session, the Legislature passed HB 2436 aimed at providing increased funding for low income housing. This bill increased the recording fee but did not include the 5 percent for county clerk costs. Other bills adopted by the Legislature prohibits disclosure of information on military discharge records and for district attorneys. The Legislature did approve the County Clerks' bill to remedy correction of erroneously recorded reconveyance or trustee's deeds.

Bills that Passed:

A. Elections

HB 2005 Election Petitions

Effective Date: June 25, 2009

Chapter: 533 (2009 Laws)

Expands on the 2007 HB 2082 (Initiative Reform Modernization Act) that required paid signature gatherers to register and complete training with SOS.

HB 2082 Conservation Districts

Effective Date: January 1, 2010

Chapter: 220 (2009 Laws)

Petitions for Conservation District Formations are filed with the State Department of Agriculture and Section 9(1) allows the State Department of Agriculture to enter into an agreement with county election official to prepare ballots and administer the election process.

HB 2095 Secretary of State Housekeeping Bill

Effective Date: June 24, 2009

Chapter: 511 (2009 Laws)

Prohibits registering an elector if certain information printed on a registration card is altered; effective date of updated voter registration is date county clerk received written evidence of address change; minor party status; candidate eligibility; revises statement on ballot regarding recall; written letter describing reason for challenge mailed to each elector voting a challenged ballot; election board workers may not be related to candidate; administrative recount deadlines extended; recall procedures; contested recall results; vacancies in a state office; clarification between a replacement ballot and a reissued ballot.

HB 2414 Prescribes Ballot Language for HJR 7 and HJR 13

Effective Date: July 16, 2009

Chapter: 714 (2009 Laws)

Prescribes ballot titles and explanatory statements for House Joint Resolution 7 (2009) and House Joint Resolution 13 (2009). HJR 7 amends the constitution to expand availability of home ownership loans for veterans. HJR 13 revises the constitution to allow the state to issue bonds to match voter approved bonds for school capital costs.

Calls for a January 26, 2010 election if HB 2615 (increased state income tax) and HB 3405 (increased corporate taxes) are referred to the people by petitions.

HB 2511 Military E-Voting System

Effective Date: June 26, 2009 Chapter: 619 (2009 Laws)

Allows long term absent electors to cast a ballot using a facsimile machine if the ballot is received in the office of the county clerk no later than 8:00 p.m. on Election Day. It must include a signed identification envelope and waiver.

HB 2621 Death of a Candidate

Effective Date: June 18, 2009 Chapter: 366 (2009 Laws)

Requires elections filing officer to modify ballot when vacancy occurs before 47th day before date of election. The timeframe is moved from 30 days before an election to 47 days before an election to remove a candidate's name from the ballot if the candidate withdraws, dies, or becomes disqualified.

HB 2667 Verifying Residence of State Candidates

Effective Date: January 1, 2010 Chapter: 625 (2009 Laws)

The Secretary of State must verify the residence of state candidates if the county clerk determines that the candidate's address is less than 100 radial yards from the boundary of the district in which the candidate has filed candidacy.

HB 2895 State Measure Statements

Effective Date: June 26, 2009 Chapter: 632 (2009 Laws)

Directs Secretary of State to designate organizations to establish citizen panels to review and create statements on specified number of initiated state measures. Each appointed citizen panel will review not more than three initiated state measures. The citizen panels will then file with the Secretary of State a Citizen Statement on each measure reviewed. This Statement will be included in the State Voters Pamphlet. HB 2895 sunsets on January 2, 2011.

HB 2941 Ballot Titles for Similar Measures

Effective Date: June 25, 2009 Chapter: 566 (2009 Laws)

Directs Attorney General to provide identical draft ballot title for state measure to be submitted if Attorney General determines two or more state measures are substantially similar.

HB 3033 Limits Signature Gathering to Two Years for County/City Measure

Effective Date: January 1, 2010 Chapter: 571 (2009 Laws)

Signature gathering to initiate a county or city measure cannot exceed two years. A petition must be filed no later than 90 days before the election. It does not apply to petitions to initiate a measure for which an election is to be held on or before January 1, 2011.

HB 3043 Annexes Territory within Urban Growth Boundary

Effective Date: January 1, 2010 Chapter: 216

Annexes territory within an urban growth boundary to metropolitan service district by operation of law.

HB 3116 Community College Districts

Effective Date: January 1, 2010 Chapter: 577 (2009 Laws)

Financing for Blue Mountain Community College District, Columbia Gorge Community College District, Southwestern Oregon Community College District and Rogue Community College District through bonded indebtedness for benefit of districts upon approval of voters in district.

HB 3237 Ballot Title and Envelopes

Effective Date: July 16, 2009 Chapter: 720 (2009 Laws)

Requires ballot title and outer envelope in which ballot title is delivered to specify whether measure authorizes renewal of current local option taxes. If it is a renewal, the language "This measure renews current local option taxes" must be added to the statement. The outer envelope must say "renewal of current local option taxes." Each precinct must be part of the same Congressional and Legislative district. Precincts must be contiguous. Precincts cannot exceed 5,000 electors. As soon as possible after an election, county clerks must send election results electronically to the Secretary of State. Observers are allowed to watch signature verification of state petitions.

HB 3254 Radio Communication Special Districts

Effective: September 28, 2009 Chapter: 584 (2009 Laws)

Allows radio and data districts to be formed as special districts. Immediate impact on Umatilla and Morrow Counties to set up special district for emergency communication. Other counties can take advantage of legislation and form special districts for emergency communications. [Cross Governance and Telecommunications]

HB 3451 Electronic Scanning of Ballots Prior to Election Day

Effective Date: January 1, 2010 Chapter: 592 (2009 Laws)

If the county clerk has early scanning as a part of their approved security plan, clerks may, not sooner than seven days before the election, begin scanning ballots.

HB 3473 High School Plans to Encourage Voting

Effective Date: July 14, 2009 Chapter: 702 (2009 Laws)

High schools must adopt a plan to encourage students to register to vote and to vote in elections.

**SB 326 Independent Candidate Nominating Process/Up to Three
Political Parties per Candidate**

Effective Date: January 1, 2010 Chapter: 798 (2009 Laws)

Repeals provision prohibiting elector from participating in more than one nominating process for each partisan public office to be filled at general election. Allows names of three political parties for a candidate to be shown on the ballot ("lite fusion").

SB 330 Filing Complaint Process in State Voters Pamphlet

Effective Date: January 1, 2010 Chapter: 232 (2009 Laws)

The Secretary of State is required to include the procedures for filing a complaint in the state voters pamphlet.

SB 344 Appointment of County Surveyor

Effective Date: June 24, 2009 Chapter: 491 (2009 Laws)

Unless an adopted county charter or ordinance provides otherwise, the governing body of a county shall appoint the county surveyor. [Cross ??]

SB 560 Dissolution of County Service Districts

Effective Date: January 1, 2010 Chapter: 496 (2009 Laws)

Allows dissolution of county service districts without an election if the district is no longer necessary for its purpose.

SB 663 Filling Vacancy of Board of Directors of Irrigation District

Effective Date: January 1, 2010 Chapter: 282 (2009 Laws)

Changes method for filling the vacancy on the board of directors of irrigation district. *[Cross Governance]*

SB 775 Ballot Title Summary

Effective Date: January 1, 2010 Chapter: 247 (2009 Laws)

The first statement of a ballot title summary "This measure may be passed only at an election with at least a 50 percent voter turnout" does not apply to a measure subject to Section 11k, Article XI.

SB 839 Victim of Human Trafficking Eligible for Address Confidentiality Program

Effective Date: January 1, 2010 Chapter: 468 (2009 Laws)

Includes victim of human trafficking as person eligible for Address Confidentiality Program.

SB 944 Lane County Commission on Transportation

Effective Date: January 1, 2010 Chapter: 509 (2009 Laws)

A Lane County Commission on Transportation must be developed no later than September 30, 2010. *[Cross Transportation]*

B. Records

HB 2085 Notaries

Effective Date: January 1, 2010 Chapter: 338 (2009 Laws)

Modifies the list a Notary may rely on for satisfactory identification. Allows the Notary fee to be paid to the employer and allows the governing body to charge a fee to defray costs.

HB 2162 County Board of Property Tax Appeals

Effective Date: September 28, 2009 Chapter: 23 (2009 Laws)

Includes "personal delivery" to the types of delivery of County Board of Property Tax Appeals Orders, providing the date the petitioner can base his deadline to appeal to the magistrate court.

HB 2339 Non-Disclosure of District Attorney Public Information

Effective Date: January 1, 2010 Chapter: 769 (2009 Laws)

Expands exemption from disclosure of certain personal information to include personal information of the district attorney, deputy district attorney, Attorney General or assistant attorney general, United States Attorney for District of Oregon or assistant United States attorney for District of Oregon, city attorney who engages in prosecution of criminal matters or deputy city attorney who engages in prosecution of criminal matters.

HB 2349 Recording of Surety Bond or Deposit

Effective Date: January 1, 2010 Chapter: 513 (2009 Laws)

Moderate changes to the recording of a surety bond or deposit. HB 2349 still requires the owner of interested party to file (record) a surety bond with the county clerk or post bond with the county treasurer related to the value of a lien for release of the lien.

HB 2436**Low Income Housing Recording Fee**

Effective Date: September 28, 2009

Chapter: 18 (2009 Laws)

Requires \$15 recording fee for Low Income Housing. Specifies that the Low Income Housing fee does not apply to (a) instruments that are otherwise exempt from recording fees; (b) Satisfaction of Judgment or Certificate of Satisfaction of Judgment; (c) Internal county government instruments not otherwise charged a recording fee; (d) Mining Affidavits of Annual Labor (assessment); (e) Employment Department warrants; (f) Certified copy of judgment; (g) Lien Record Abstract; and (h) all Department of Revenue instruments.

HB 2470**Possession of Dogs/Puppy Mills**

Effective Date: January 1, 2010

Chapter: 297 (2009 Laws)

A person may not possess, control or otherwise have charge of at the same time more than 50 sexually intact dogs that are two years of age or older for the primary purpose of reproduction.

HB 2560**Alteration of Certified Copies**

Effective Date: January 1, 2010

Chapter: 302 (2009 Laws)

Prohibits altering certified copies. Allows correcting and re-recording of a certified copy using a cover sheet and adds "at the request of" to the re-recording certificate. The re-recorded document may include attachments identified on the cover sheet that are necessary to make the corrections.

HB 2626**Energy Loan Program**

Effective Date: July 22, 2009

Chapter: 753 (2009 Laws)

Directs the Director of State Department of Energy to administer energy efficiency and sustainable technology loan program. The department shall record a lien on the real property benefited by the loan for those indebtedness amounts that are not secured by a fixture filing (Section 36 of the bill). The department may record a filing or lien under this section only on a property for which the property owner has agreed to the installation of a base efficiency package or optional package benefiting the property. See the Energy and Environment Section for more details.

HB 2759**Remedy for Correcting Reconveyance or Trustee's Deed**

Effective Date: January 1, 2010

Chapter: 628 (2009 Laws)

Provides a remedy for correcting an erroneously recorded Reconveyance or Trustee's Deed. Changes the index of long-term care liens from "deeds" to "liens"

HB 2839**Domestic Partnerships**

Effective Date: September 28, 2009

Chapter: 561 (2009 Laws)

Allows either party entering into domestic partnership to retain surname or to change surname to surname of other party or hyphenated combination of surnames of both parties. Forms and computer programs must be in compliance by January 1, 2010. The remainder of the bill becomes effective September 28, 2009.

SB 235**Probate Clerks/Value of Estate**

Effective Date: January 1, 2010

Chapter: 413 (2009 Laws)

Increases the value of estates for which a small estate affidavit may be filed.

SB 239**Recording of Affidavit of Mailing**

Effective Date: June 4, 2009

Chapter: 229 (2009 Laws)

Trustee to record "Affidavit of Mailing" with respect to the notice required to be sent to the grantor.

SB 618**Exempts Military Discharge from Public Disclosure**

Effective Date: June 24, 2009

Chapter: 500 (2009 Laws)

Exempts Military Discharge from public disclosure unless a written request is received by the county clerk from the veteran or the spouse, legal guardian or personal representative of the veteran, a county veterans' officer, representative of the Department of Veterans Affairs, or licensed funeral establishment for the purposes of burial benefits. Requests must be maintained by the county clerk no later than 10 years.

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Telecommunications & Utilities

AOC Staff: Eric Schmidt

The 75th Oregon General Assembly made a stab at making broadband more available and attractive in Oregon, but for the most part, telecommunications issues were not a priority. The session began with the knowledge that the Oregon Telecommunications Coordinating Council (ORTCC) will sunset in January, 2010. For nearly a decade, ORTCC advised the Legislature and the Governor on telecommunications issues, particularly broadband. Oregon counties were well represented and actively involved with ORTCC.

During the interim, the House Committee on Government Accountability and Information Technology dropped a bill (HB 2803) extending the sunset on ORTCC. However, there was virtually no interest from the Governor's office in keeping ORTCC alive. Instead, Representative Jefferson Smith, D-Portland, and Representative Brian Clem, D-Salem, introduced a bill (HB 3158) creating an Oregon Broadband Advisory Council. This Council will have many of the same responsibilities ORTCC had, but with a different membership. A representative of Oregon counties will sit on the new Council along with representatives from the cities, state agencies and industry. ORTCC will sunset January 2, 2010 as a result of inaction on HB 2803.

HJR 6, a resolution stating that it is state policy to improve broadband availability and to encourage utilization of broadband applications for Oregonians and Oregon communities failed to make it out of committee.

The Oregon Wireless Interoperability Network (OWIN) once again came under legislative scrutiny, especially after the *Oregonian* published a front page story questioning the need for the state to spend hundreds of millions dollars to build a radio communication system. OWIN is in the State Police budget, and was zeroed out in the first budget that went to the Legislature. That would have effectively ended the project.

OWIN had established a Project Steering Committee to guide OWIN staff as the system is built out. Yamhill County Commissioner Kathy George is AOC's representative on that committee. Commissioner George, along with Lane County Sheriff Russ Berger, representatives of several fire districts and other first responders urged the Ways and Means Subcommittee on Public Safety to restore funding for OWIN. In the end, OWIN will receive \$3.5 million from the General Fund for operating and a Capital Construction budget of \$192.9 million. If \$76 million of bonding for Phase I work approved in January and \$74.5 million in ODOT transfer funding is included, the Legislature actually authorized \$346.9 million for the OWIN project.

OWIN staff have pledged to continue to work on strengthening partnerships established with local governments and private firms through the Project Steering Committee.

On the utility front, Verizon, Skype and a coalition of voice over internet protocol (VOIP) providers and telecommunications companies, tried to push a bill (HB 2405) that would have prohibited counties and local governments from regulating VOIP services now and in the future. Counties and cities argued that the bill would have eliminated local authority to manage rights-of-way, decrease local revenue and prevent oversight at the state or local level of a broad range of telecommunications services, some of them not yet invented. In effect, the bill would have kept counties from any local regulation, including franchise requirements on new telecommunication technology.

Telecommunication interests could label their services VOIP and get around any current regulations as well. The bill was heard several times in the House Committee on Business and Labor, but never made it to the House floor.

Bills that Passed:

HB 2097 Telecommunications Service Exemption

Effective Date: May 26, 2009

Chapter: 124 (2009 Laws)

Provides that Public Utility Commission may exempt telecommunications utility, cooperative corporation or municipality from carrier of last resort obligations if commission finds that owner or developer of property with four or more single-family dwellings uses alternative service provider to provide local telecommunications service.

HB 2146 State Government Electronic Connectivity

Effective Date: July 28, 2009

Chapter: 829 (2009 Laws)

Creates Electronic Government Portal Advisory Board for purposes relating to development of electronic information delivery system accessible by Internet and by which state agencies deliver information, products or services.

HB 2167 Distribution of 9-1-1 taxes

Effective Date: January 1, 2010

Chapter: 758 (2009 Laws)

Modifies timing of payment of certain administrative expenses of Office of Emergency Management from moneys in Emergency Communications Account.

HB 2168 9-1-1 Communications

Effective Date: January 1, 2010

Chapter: 203 (2009 Laws)

Relating to 9-1-1 communications by removing outdated, unnecessary or incorrect language. The legislation was sponsored by the Governor for the Oregon Military Department.

HB 2252 Sunset Extension for RSPF

Effective Date: June 25, 2009

Chapter: 544 (2009 Laws)

Extends sunset for Residential Service Protection Fund from January 1, 2010 to January 1, 2020.

HB 2377 Hands Free Cell Phone Driving

Effective Date: January 1, 2010

Chapter: 834 (2009 Laws)

Prohibits person of any age from operating motor vehicle while using mobile communication device except under certain circumstances.

HB 2500 State Government Website for Public Records

Effective Date: July 28, 2009

Chapter: 838 (2009 Laws)

Directs Oregon Department of Administrative Services to develop and make available Oregon transparency website for purpose of allowing people to view information that is public record and not exempt from disclosure.

HB 3158 Oregon Broadband Advisory Council

Effective Date: July 22, 2009

Chapter: 782 (2009 Laws)

Creates Oregon Broadband Advisory Council within Economic and Community Development Department for purposes relating to broadband communication and technology. One member of council will represent Oregon counties.

HB 3254 Radio Communication Special Districts

Effective Date: September 28, 2009

Chapter: 584 (2009 Laws)

Allows radio and data districts to be formed as special districts. Immediate impact on Umatilla and Morrow Counties to set up special district for emergency communication. Other counties can take advantage of legislation and form special districts for emergency communications. [Cross Governance and Elections]

SB 24 Telemedical Health Service

Effective Date: January 1, 2010

Chapter: 384 (2009 Laws)

Requires health benefit plans to provide coverage of medically necessary telemedical health services that meet specified criteria if health service is otherwise covered by plan.

SB 590 SIEC Membership

Effective Date: January 1, 2010

Chapter: 454 (2009 Laws)

Permits Indian tribe member of State Interoperability Executive Council to be designee of Indian tribe.

Telecommunications Bills that failed:

HJR 6 Improve Broadband Availability

Expresses policy of state to improve broadband availability and to encourage utilization of broadband applications for benefit of Oregonians and Oregon communities.

HB 2083 Extend Oregon Telecommunications Coordinating Council

Would have extended sunset on ORTCC and altered membership.

HB 2405 VOIP Regulation

Prohibits department, agency, commission or political subdivision of state from regulating Voice over Internet Protocol service and Internet Protocol-enabled service.

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Transportation & Public Works

AOC Staff: Arthur J. Schlack, Mike Eliason, Jon Oshel

If there was a bright spot during the 2009 legislative session, it was that the Legislature passed a comprehensive transportation funding package. The 2009 Jobs and Transportation Act passed by the Legislature will increase transportation funding by approximately \$300 million annually when

fully implemented in 2011. The package also contains \$100 million of lottery backed bonds for multi-modal transportation project in the form of Connect Oregon III. Connect Oregon III is an extension of Connect Oregon II approved in 2007.

The vehicle, House Bill 2001, received bi-partisan support in the House and Senate thanks primarily to the work of the "Group of 9" who guided the package through the legislative process. The "Group of 9" consisted of Senators Courtney, Metsger, Starr, and Johnson and Representatives Hunt, Beyer, Bentz, Burger and David Edwards.

Passage of House Bill 2001 represented nearly two years of work as the Governor established three work groups in the fall of 2007 to assist in development of a funding package for his consideration. The three work groups were: Vision Committee, Governance Committee and Public Awareness Committee. Representatives of AOC participated on each of these Committees.

Additional revenue for transportation funding is achieved by increasing user fees (vehicle registration and title fees) and a 6 cent increase in gasoline taxes. This is the first time since 1993 that the Legislature has increased the state's gas tax. The additional transportation revenue from this package will be shared 50% to the State, 30% to Counties and 20% to Cities, after \$27 million is taken off the top of the package – \$24 million to replace federal flexible funds at the state and \$3 million to be used for the maintenance and preservation of road side rest stops on I-5 and I-84. When fully implemented in 2011, the funding package is projected to provide counties with an additional \$82 million annually. It is worth noting, that the Legislature chose to direct how additional state transportation revenues are to be allocated.

House Bill 2001 contains a number of policy elements that impact the state, counties and cities. The Legislature imposed a four year moratorium on local vehicle registration fees and gas taxes. The measure provided an exception for Multnomah and Clackamas Counties which may implement a local vehicle registration fee to help pay for the replacement of the Sellwood Bridge. Additionally, after expiration of the moratorium counties with a population of 350,000 or more may enact a local vehicle registration fee without first having it approved by the voters.

Cities and Counties are allowed to retain local gas taxes that exist on the effective date of the measure. However, after the moratorium is lifted, all new local gas taxes would need to be submitted to the voters for approval.

Bills that Passed:

HB 2001 Transportation Funding Package

Effective Date: September 28, 2009

Chapter: 865 (2009 Laws)

HB 2001, the Jobs and Transportation Act of 2009, provides comprehensive transportation policy direction and increases to the state highway fund. The measure directs interim legislative committees on transportation to review state and local responsibilities for state highway system and resources available to each level of government, and to prepare legislation to implement recommendations. Requires the Department of Transportation (ODOT) to develop one or more congestion pricing programs in the Portland area and to report to interim transportation committees. Defines "least cost planning" and directs ODOT to develop a least cost planning model for decision-making in projects at state and local level and to report on the model to the Legislature. Directs ODOT to incorporate environmental performance standards in state highway construction and design, including local government projects funded by the department. Provides guidelines for project selection criteria for the State Transportation Improvement Program.

Increases vehicle title fees, annual vehicle registration fees, plate manufacturing fees, trip permit fees, custom plate fees (to raise money for Passenger Rail Fund), and ID Card fees. Increases gasoline and diesel taxes, weight-mile taxes, and flat fee taxes. The bill specifies distribution for revenues resulting from the fee and tax increases.

Authorizes \$840 million in Highway User Tax Bonds for 2009 transportation projects and requires use to fund transportation projects specified in the measure.

Section by Section Summary of House Bill 2001: [See next page]

HB 2001 B-Engrossed

Section	Description
	Task Forces and Studies
1	<ul style="list-style-type: none"> • Directs the House and Senate Interim Transportation Committees in consultation with the Oregon Transportation Commission (OTC), local governments, planning organizations, and stakeholders to: <ul style="list-style-type: none"> ○ Review the responsibilities given to the state, counties and cities for improvement, maintenance and management of the highway system and the resources available to each level of government and make recommendations to better align resources and responsibilities. ○ Review best practices for stakeholder involvement in transportation decision making. ○ Identify opportunities to achieve greater program efficiency in the delivery of transportation services and programs through intergovernmental cooperation. ○ Study national best practices for improving the delivery of metropolitan transportation services through enhanced regional decision making. • Directs the committees to prepare legislation for introduction in the 2010 Legislative session..
2	<ul style="list-style-type: none"> • Sunsets the Task Forces and Studies provisions in January 2012.
	Congestion Pricing Pilot Programs
3	<ul style="list-style-type: none"> • Directs ODOT, in cooperation with Clackamas County, Multnomah County, Washington County, the City of Portland and Metro, to develop one or more pilot studies in the Portland metro area to study the effect that congestion pricing may have on traffic congestion. • Allows pilots to include time-of-day pricing with variable tolls, but does not limit pilots to this type of congestion pricing. • Requires at least one pilot to be implemented by October 2012. • Limits the application of congestion pricing fees to light vehicles (under 10,001 gross vehicle weight). • Directs ODOT to report on the design and implementation of pilot programs to the House and Senate interim committees on transportation and revenue by December of each year.
4	<ul style="list-style-type: none"> • Repeals direction to OTC to conduct congestion pricing pilots in January 2016.
	Transparency
5	<ul style="list-style-type: none"> • Directs ODOT to provide information about every transportation project funded by HB 2001 on its website. Access to the information must be directly from the department's home page.

HB 2001 B-Engrossed

Section	Description
	<ul style="list-style-type: none"> Requires specific information describing the project, its purpose, cost and timelines, including changes with an explanation of the reason for the changes. Requires that the information be updated weekly until all the projects are completed. Requires a report to the House and Senate transportation committees on progress toward meeting the goals of this section.
	Least Cost Planning
6 & 7	<ul style="list-style-type: none"> Defines "least cost planning" to mean a process of comparing direct and indirect costs of demand and supply options to meet transportation goals and / or policies where the intent of the process is to identify the most cost-effective mix of options. Directs ODOT to develop a least cost planning model for use in decision making in cooperation with local governments and metropolitan planning organizations. Directs ODOT to make a progress report to the 2011 session with recommendations for legislation, if needed, by February 2011.
	ConnectOregon III
8, 9, & 10	<ul style="list-style-type: none"> Makes the Legislative finding that lottery funds may be used to finance multimodal transportation facilities because a strong multimodal transportation system supports economic development. Authorizes \$100 million in lottery-backed bonds for the <i>ConnectOregon III</i> program. Requires that 5 percent (\$5 million) of the bond proceeds be allocated to rural airports. Requires that each region of the state receive no less than 10 percent (\$10 million) of the <i>ConnectOregon III</i> money, provided that there are qualified projects in the region. Defines the five regions.
	Medium Speed Electric Vehicle
11 to 14	<ul style="list-style-type: none"> Defines a new vehicle class: "medium speed electric vehicle." Creates a traffic offense for operating a medium speed electric vehicle on a road with a speed higher than 45 mph, excepting that a city or county may allow medium speed electric vehicles on roads with speed limits higher than 45 mph. Requires ODOT to adopt minimum safety standards for medium speed electric vehicles that are consistent with, but may exceed federal vehicle safety standards.

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HB 2001 B-Engrossed

Section	Description
	<ul style="list-style-type: none"> Authorizes ODOT to deny registration for vehicles that do not meet the minimum safety standards that the department adopted.
	Co-Location of State and Local Facilities
15	<ul style="list-style-type: none"> Directs ODOT to prepare a budget request to facilitate the sharing of offices and facilities with local government in addition to its biennial capital construction request.
	Selection Criteria for Statewide Transportation Improvement Program (STIP) Projects
16 & 17	<ul style="list-style-type: none"> Directs the OTC to work with stakeholders to review and update the criteria used for STIP project selection. When it revises the project selection criteria, the OTC must consider the following principles to: <ul style="list-style-type: none"> Improve the state highway system or major access routes to the state highway system on the local road system to relieve congestion by expanding capacity, enhancing operations or otherwise improving travel times within high-congestion corridors. Enhance the safety of the traveling in support of decreasing traffic crash rates, promoting the efficient movement of people and goods and preserving the public investment in the transportation system. Increase the operational effectiveness and reliability of the existing system by using technological innovation, providing linkages to other existing components of the transportation system and relieving congestion. Is capable of being implemented to reduce the need for additional highway projects. Improve of the condition, connectivity and capacity of freight-reliant infrastructure serving the state. Support improvements necessary for the state's economic growth and competitiveness, accessibility to industries and economic development. Provide the greatest benefit in relationship to project costs. Foster livable communities by demonstrating that the investment does not undermine sustainable urban development. Enhance the value of transportation projects through designs and development that reflect environmental stewardship and community sensitivity. Is consistent with the state's greenhouse gas reduction goals and reduces the state's dependence on foreign oil.

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HB 2001 B-Engrossed

Section	Description
	Environmental Stewardship / Green Standards
18	<ul style="list-style-type: none"> • Directs ODOT to adopt rules that take into consideration environmental stewardship approaches developed for the 2003 Oregon Transportation Investment Act, including: <ul style="list-style-type: none"> ○ Incorporating environmental performance standards into the design and construction of all state highway construction projects, including local government highway construction projects funded by the department. ○ Improving the environmental permitting process for state highway construction projects in order to: <ul style="list-style-type: none"> ▪ Reduce the time required to design projects. ▪ Reduce the cost and delay associated with re-designing projects to meet environmental permits. ▪ Maintain strong commitment to environmental stewardship. ▪ Reduce Oregon's dependence on foreign oil.
	Practical Design
19 & 20	<ul style="list-style-type: none"> • Directs ODOT to follow design practices that incorporate the maximum flexibility in the application of standards to reduce cost while preserving and enhancing safety and mobility. • Requires ODOT to report to the interim House and Senate Transportation Committees by November 2010 on the new design practices that it has implemented.
	Design Alternatives to Improve Safety for Hazardous Material Routing
21 & 22	<ul style="list-style-type: none"> • Directs ODOT, in consultation with local government, to develop design alternatives to improve safety for at least one county road that is used for hazardous materials routing in lieu of a state highway.³ • Directs ODOT to report to the Legislature by February 2011. • Sunsets this requirement on January 2, 2012.
	Asset Management Pilot
23 & 24	<ul style="list-style-type: none"> • Directs ODOT to develop and implement a six year pilot program to contract for all maintenance activities on a segment of state highway between 10 and 30 miles in length. The department must advertise the procurement by February 2010 and enter into contracts by June 2010. • Encourages ODOT to study such programs in other states to determine and adopt best practices. • Requires ODOT to report biennially to the House and Senate business and labor committees and to the Ways and Means committee. • Sunsets this requirement on January 2, 2018.

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HB 2001 B-Engrossed

Section	Description
	Four Year Moratorium
25 to 28 & 69	<ul style="list-style-type: none"> Prohibits a city, county or other local government from enacting or amending any ordinance imposing a tax on motor vehicle fuel from October 2009 to January 2014. Requires a city, county or other local government to first seek voter approval before levying a tax on motor vehicle fuel on or after January 2, 2014.
	Car Rental Surcharge
29	<ul style="list-style-type: none"> Prohibits a car rental company from imposing a surcharge for the purpose of recovering the cost of titling and registering a rental vehicle that is greater than the amount reasonably calculated to recover the cost incurred by the company.
	"Efficient Fee" Highway Cost Allocation Study
30	<ul style="list-style-type: none"> Requires the Department of Administrative Services (DAS) to prepare a second, alternative highway cost allocation study for presentation to the next legislative session. The alternative study will consider the actual costs highway users impose, including the cost of replacement, traffic congestion, and greenhouse gas emissions. Requires DAS to present the results of both the highway cost allocation study and the alternative study to the next session with recommendations to implement the alternative methodology.
	Urban Trail Fund
31	<ul style="list-style-type: none"> Creates an Urban Trail Fund which consists of private donations, grants and legislative appropriations. Appropriates the Fund to ODOT to develop and maintain multi-use trails within urban growth boundaries for non-motorized vehicles and pedestrians that supplement or provide links to roads, highways, footpaths, bike trails and public transit.
	Management of Roadside Rest Areas
32 to 34	<ul style="list-style-type: none"> Requires ODOT to enter into an agreement with the Travel Information Council to manage, maintain and improve seven rest areas on I-5 and I-84 in addition to others that may be mutually agreed upon. ODOT will retain ownership of the rest areas. Allows the Travel Information Council to grant permits to nonprofit organizations that provide coffee and cookies at rest areas. Sunsets these provisions on January 2, 2020.

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HB 2001 B-Engrossed

Section	Description
35 & 36	<ul style="list-style-type: none"> • Directs ODOT and TIC to work with the private sector to develop a plan for installing electric motor vehicle recharging stations at rest areas. • Directs ODOT and TIC to report to the interim House and Senate transportation committees on the plan. • Repeals this requirement on January 2, 2012.
	Planning to Reduce Vehicle Miles of Travel and Greenhouse Gas Emissions
37	<ul style="list-style-type: none"> • Defines "comprehensive plan," "land use regulation," and "metropolitan service district." • Requires metropolitan service districts (Metro is the only one) to develop two or more land use and transportation scenarios designed to reduce greenhouse gas emissions from light vehicles while accommodating population and economic growth. • Requires Metro to adopt one scenario after consulting with local governments within its boundaries and the public. • Requires the local governments within the Metro boundaries to adopt comprehensive plans and land use regulations consistent with the adopted scenario. • Requires ODOT and the Department of Land Conservation and Development (DLCD) to provide technical and financial assistance so that Metro and other local governments can meet the requirements above. • Allows Metro and local governments to not comply with the requirements if they do not receive adequate funding to carry out their responsibilities. • Requires the Land Conservation and Development Commission (LCDC) to adopt rules for Metro that identify the amount that the greenhouse gas emissions by light vehicles must be reduced within Metro's boundaries by 2035 by June 2011. ODOT and the Department of Environmental Quality (DEQ) must provide DLCD the information needed to determine the amount of the proposed reduction. • Requires ODOT to provide data to DEQ and the Department of Energy (DOE) with estimates of the mileage traveled by light vehicle within Metro's boundaries and vehicle replacement rates. • Requires DEQ and DOE to estimate greenhouse gas emissions in 1990 caused by light vehicles. DEQ and DOE will provide the estimates to ODOT. • Requires DEQ and DOE to estimate greenhouse gas emission in 2035 caused by light vehicles, taking vehicle replacement and reasonable estimates of new vehicle technology into account. • Requires DEQ and DOE to recommend to LCDC the amount of the reduction in light vehicle emissions needed to achieve the 2050 goal for Oregon's greenhouse gas emission reduction. DEQ and DOE must explain why their recommendation is different from the mid-point of trend line in

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HB 2001 B-Engrossed

Section	Description
	<p>reductions between 2020 and 2050, if they recommend any deviation.</p> <ul style="list-style-type: none"> • Requires DEQ and DOE to estimate the reduction in vehicle miles of travel needed within Metro needed to achieve the 2035 reduction. • Requires ODOT, DEQ and DOE to recommend to LCDC modeling tools and other methods to adjust Metro's target vehicle mileage reduction. • Requires ODOT, DEQ and DOE to submit the information they are required above to LCDC by March 2011. • Requires LCDC, in consultation with the Oregon Transportation Commission, to adopt rules by January 2013 for the adoption of regional and local plans required to implement the scenario adopted by Metro. The bill requires the rule to cover specific topics. • Allows LCDC to delay the adoption of its rule by 90 days, provided that the delay will not delay Metro's completion of the planning scenarios.
38	<ul style="list-style-type: none"> • Defines "metropolitan service district." • Requires DLCD and ODOT to report to the interim transportation committees before February 2012 on progress toward implementing the land use and transportation strategies described in the previous section. • Requires DLCD and ODOT to report to the interim transportation committees before February 2014 on the rules that were adopted and on remaining work needed. DLCD and ODOT will also recommend whether the requirements placed on the area with Metro's boundaries should be applied to metropolitan planning organizations in the state.
38a	<ul style="list-style-type: none"> • Defines the term "metropolitan planning organization" (MPO). • Requires the Lane Council of Governments (the Central Lane MPO) to develop two or more transportation and land use scenarios that accommodate population growth and economic development while achieving reductions in greenhouse gas emission by light vehicles with assistance from ODOT and Metro. • Requires the local governments within the MPO to cooperatively select one scenario after public review and comment. • Requires ODOT and DLCD to provide financial and technical assistance in land use and transportation planning. • Requires Metro to make its land use modeling capabilities available to LCOG with financial assistance from ODOT. • Requires ODOT to provide financial assistance to LCOG, Metro, and the local governments within the MPO. • Allows LCOG and local governments to not comply with the requirements if they do not receive adequate funding to carry out their responsibilities. • Requires LCOG to report to the interim House and Senate transportation committees by February 2014. The report must cover the implications for land use and transportation planning of the adopted scenario and must include recommendations for a cooperative process to make and enforce land use rules.

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HB 2001 B-Engrossed

Section	Description
39	<ul style="list-style-type: none"> Sunsets the planning provisions in sections 38, 39 and 39a on January 2, 2016.
County Vehicle Registration Fee	
40 & 68	<ul style="list-style-type: none"> Allows Multnomah County (a county with population greater than 350,000) to adopt a county registration without first obtaining voter approval for the purposes of financing the design and replacement of the Sellwood bridge (a bridge that crosses the Willamette River in the City of Portland). Requires Multnomah County to restrict use of the bridge to light vehicles (less than 26,000), except for publicly-owned vehicles. Removes the "spider web." The "spider web" is the requirement that counties enter into agreements with other jurisdictions concerning the use of the funds raised by a proposed county option fee.
40a, 40b, 40c, 41 & 68	<ul style="list-style-type: none"> Revises the county registration provisions to allow counties with population greater than 350,000 (now Clackamas, Multnomah, and Washington Counties) to adopt a local option vehicle registration fee without first obtaining voter approval. Removes provisions that require the money to be used to finance the design and replacement of the Sellwood Bridge. Requires a county that adopts a county registration fee to distribute 40 percent of the money raised by the fee to the cities within the county unless there is agreement for a different distribution Makes conforming changes in other statutes that reference ORS 801.041. Makes changes operative on July 1, 2013.
Vehicle Title Fees	
42	<ul style="list-style-type: none"> Increases vehicle title fees by: <ul style="list-style-type: none"> \$22 for vehicles weighing less than 26,001 pounds (from \$55 to \$77) \$10 for salvage titles (from \$17 to \$27) Allows customers who must have a duplicate title issued and have a title transfer made to pay \$77 to accomplish both transactions when the transactions are done at the same time.
Registration Fees	
43	<ul style="list-style-type: none"> Increases annual vehicle registration fees by: <ul style="list-style-type: none"> \$16 for cars, vans, pickups, and SUVs (from \$27 to \$43). \$9 for mopeds and motorcycles (from \$15 to \$24) \$16 for hybrid electrics (from \$27 to \$43) \$16 for two and three wheeled electric vehicles (from \$27 to \$43) \$16 for vehicles required to register by weight less than 8,000 pounds

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HB 2001 B-Engrossed

Section	Description
	<p>(from \$27 to \$43).</p> <ul style="list-style-type: none"> ○ Reduces the registration fee for low speed electric vehicles by \$9 (\$54 to \$43). • Establishes \$43 per year registration fee for a medium speed electric vehicle.
43a & 43b	<ul style="list-style-type: none"> • Increases the registration fees for heavy commercial vehicles (vehicles over 8,001 pounds gross vehicle weight). The new fee for each 2,000 pound weight class is slightly more than twice the current fee. The new fee for an 80,000 pound truck is \$998 (was \$490). • Increases farm vehicle registration fees. The new fee for each 2,000 pound weight class is slightly more than 50 percent higher than the current fee. The new fee for an 80,000 pound farm truck is \$440 (was \$290). • Heavy vehicle registration fees become effective on January 1, 2010.
	Plate Manufacturing Fee
44	<ul style="list-style-type: none"> • Allows ODOT to increase the plate manufacturing fee to recover the cost of making plates. • Adds a fee of \$10 for a single plate and \$20 for a pair.
	Vehicle Trip Permits
44a	<ul style="list-style-type: none"> • Increases the fee for four types of trip permits: <ul style="list-style-type: none"> ○ Heavy vehicle trip permits to \$43 (was \$21). ○ Light vehicle trip permits to \$30 (was \$20). ○ Registration weight trip permits to \$7.50 (was \$5). ○ 10-day trip permits to \$15 (was \$10).
	Custom Plate Fee for Passenger Rail Fund
45	<ul style="list-style-type: none"> • Increases the custom plate fee from \$25 to \$50 per year to raise money for the Passenger Rail Fund.
	ID Card Fee
46 & 47	<ul style="list-style-type: none"> • Increases the fees for original issuance, replacement, renewal etc. of ID cards by \$10. The revenue from the ID card fee is transferred to the Elderly and Disabled Special Transportation Fund.

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HB 2001 B-Engrossed

Section	Description
Gasoline and Diesel Tax	
48, 49 and 50	<ul style="list-style-type: none"> Increases the gasoline tax by 6 cents per gallon (from 24 cents per gallon to 30 cents per gallon). Increases the diesel tax by 6 cents per gallon (from 24 cents per gallon to 30 cents per gallon). This is the tax paid for diesel used in vehicles under 26,001 pounds in weight. The increases above become effective when the Department of Administrative Services determines that there has been an increase of at least 2 percent each quarter for two or more consecutive quarters in seasonally adjusted nonfarm payroll employment or January 1, 2011, whichever comes first.
Truck Taxes and Fees	
51	<ul style="list-style-type: none"> Increases the road use assessment fee to 7.1 cents (was 5.7 cents) per single axle equivalent mile to ensure the revenue raised from heavy vehicles remains in proportion to the revenue raised from light vehicles.
52	<ul style="list-style-type: none"> Increases the weight mile tax paid by heavy vehicles registered between 26,001 pounds and 105,500 pounds gross vehicle weight by about 24 percent to ensure the revenue raised from heavy vehicles remains in proportion to the revenue raised from light vehicles. For reference, a truck registered in the 78,000- 80,000 pound weight class will pay 16.38 cents per mile traveled in Oregon (was 13.16 cents per mile).
53	<ul style="list-style-type: none"> Increases the flat fee rates paid by some vehicles (log trucks, sand and gravel trucks, and chip trucks and similar vehicles) to ensure the revenue raised from heavy vehicles remains in proportion to the revenue raised from light vehicles: <ul style="list-style-type: none"> \$7.59 for log trucks per 100 pound declared weight (was \$6.10). \$6.23 for farm trucks per 100 pound declared weight (was \$5.00). \$7.53 for sand and gravel trucks per 100 pound declared weight (was \$6.05). \$30.65 for chip trucks per 100 pound declared weight (was \$24.62).
54	<ul style="list-style-type: none"> The road use assessment, weight mile tax and flat fee increases in sections 51 to 53 become effective on October 1, 2010.

May 26, 2009

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HB 2001 B-Engrossed

Section	Description
	Revenue Distribution
55, 56 & 57	<ul style="list-style-type: none"> • Distributes the revenue attributable to the title fee, vehicle registration fee and plate manufacturing fee increases made in HB 2001 as follows: <ul style="list-style-type: none"> • \$24 million per year is allocated to ODOT for highway purposes in monthly installments. • \$3 million per year is allocated to the Travel Information Council for roadside rest areas on the first of the year. • The balance is distributed as follows: <ul style="list-style-type: none"> ○ 20 percent to cities ○ 30 percent to counties ○ 50 percent to the state highway program. • Allocates the money available to ODOT as follows: <ul style="list-style-type: none"> • 68 percent for maintenance, preservation and safety. • 32 percent for the State Modernization Program. • Allows money made available to ODOT to be used for debt service.
57 & 58	<ul style="list-style-type: none"> • Revises the distribution formula on January 1, 2011 to distributes the revenue attributable to the title fee, vehicle registration fee, plate manufacturing fee, gasoline tax, road use assessment, weight mile tax and flat fee increases made in HB 2001 as follows: <ul style="list-style-type: none"> • \$24 million per year is allocated to ODOT for highway purposes in monthly installments. • \$3 million per year is allocated to the Travel Information Council for roadside rest areas at the first of the year. • The balance is distributed as follows: <ul style="list-style-type: none"> ○ 20 percent to cities ○ 30 percent to counties ○ 50 percent to the state highway program. • Allocates the money available to ODOT as follows: <ul style="list-style-type: none"> • 33 percent for maintenance, preservation and safety. • 15.75 percent for the State Modernization Program. • 51.25 percent for bond repayments and the 2009 Transportation Projects Program (section 64). • Allows money made available to ODOT to be used for debt service.
59 & 60	<ul style="list-style-type: none"> • Revises the distribution formula on January 1, 2020 to distributes the revenue attributable to the title fee, vehicle registration fee, plate manufacturing fee, gasoline tax, road use assessment, weight mile tax and flat fee increases made in HB 2001 as follows: <ul style="list-style-type: none"> • \$24 million per year is allocated to ODOT for highway purposes in

May 26, 2009

11

HB 2001 B-Engrossed

Section	Description
	<p>monthly installments.</p> <ul style="list-style-type: none"> The balance is distributed as follows: <ul style="list-style-type: none"> 20 percent to cities 30 percent to counties 50 percent to the state highway program. Allocates the money available to ODOT as follows: <ul style="list-style-type: none"> 33 percent for maintenance, preservation and safety. 15.75 percent for the State Modernization Program. 51.25 percent for bond repayments and the 2009 Transportation Projects Program (section 64). Allows money made available to ODOT to be used for debt service.
	Bond Authorization
61	<ul style="list-style-type: none"> Authorizes \$840 million in Highway User Tax Bonds for the 2009 Transportation Projects Program (section 64).
	Transportation Projects Account
62, 63 & 63a	<ul style="list-style-type: none"> Requires ODOT to calculate how much money would be required to service any bonds issued for the 2009 Transportation Projects Program and to deposit the balance in the Transportation Projects Account. Requires the Oregon Transportation Commission to use the balance the purposes below in priority order: <ol style="list-style-type: none"> Projects in the 2009 Transportation Projects Program (section 64). \$15 million per year to supplement maintenance, preservation and safety. Other purposes chosen by the Oregon Transportation Commission. Creates the Transportation Projects Account within the State Highway Fund. Becomes operative on January 1, 2011.
	2009 Transportation Projects Program
64	<ul style="list-style-type: none"> Requires ODOT to use the \$840 million in Highway User Tax Bonds to finance a list of 37 specific projects and projects proposed by in 12 specific local governments that will be recommended to the Oregon Transportation Commission by the Area Commissions on Transportation for those areas.
	Protection for Holders of Highway User Tax Bonds
65	<ul style="list-style-type: none"> Protects the interest of the investors who hold Highway User Tax Bonds issued prior to the effective dates of HB 2001 under the department's Master Highway User Tax Revenue Bond Declaration.

May 26, 2009

12

HB 2001 B-Engrossed

Section	Description
	State Biennial Bond Limit
66	<ul style="list-style-type: none"> Exempts any Highway User Tax Bond issued as provided in HB 2001 during the 2009-2011 biennium from the provisions of the biennial bond limit bill.
	Pay as You Drive Insurance
67	<ul style="list-style-type: none"> Extends the sunset date by five years to 2015 for an income tax credit for companies that offer "pay as you drive" auto insurance.
	Diesel Engine Tax Credit
67a, 67b & 67c	<ul style="list-style-type: none"> Allows diesel engines with a model year from 2003 to 2013 to qualify for the diesel engine tax credit. Sunsets the diesel engine tax credit on January 1, 2014.
	Effective and Operative Dates
68	<ul style="list-style-type: none"> Applies the provisions that enable a Multnomah County vehicle registration fee (section 40) to county ordinances adopted on or after October 1, 2009 (the operative date for HB 2001). Applies the further amendments to county option registration fee (section 40a) to county ordinances adopted on or after July 1, 2013.
69	<ul style="list-style-type: none"> Allows local option fuel taxes that were in effect on or before October 1, 2009 (the effective date of HB 2001) to remain in effect.
70	<ul style="list-style-type: none"> Repeals the sunset date for the Road User Fee Task Force.
71	<ul style="list-style-type: none"> HB 2001 B-Engrossed will become effective 91 days following adjournment (October 1, 2009 assumed).

May 26, 2009

13

HB 2041 Exemption for County Road Maintenance Vehicles

Effective Date: January 1, 2010 Chapter: 91 (2009 Laws)

Exempts road machinery operated at the direction of a road authority to operate on public roads without title or registration. Starting in 2005, the Oregon Department of Motor Vehicles no longer provides title and registration to road maintenance machinery, such as snow blowers, backhoes, etc. The exemption was necessary in order for this road equipment to legally operate on the roads of the state while travelling to and from construction or maintenance projects.

HB 2107 County Bonding for Road Improvements in Unincorporated Areas

Effective Date: June 25, 2009 Chapter: 538 (2009 Laws)

The bill modifies the maximum limit on the amount of bonded indebtedness counties may incur for road improvements in unincorporated areas by eliminating the requirement that bonds cannot be issued in an amount greater than one-half of one percent of the real market value of all property within the taxing district. Also eliminates the provision authorizing domestic water supply districts to borrow money without voter approval.

HB 2186 Green House Gas Emissions

Effective Date: July 22, 2009 Chapter: 754 (2009 Laws)

House Bill 2186 establishes a 16-member Metropolitan Planning Organization (MPO) Green house Gas Emission Task Force. The bill specifies membership, responsibilities and scope of study. The measure directs the task force to study and evaluate alternative land use and transportation scenarios and potential fiscal impact to implement scenarios as it relates to population and employment growth in areas served by MOP while reducing Greenhouse Gas Emissions. HB 2186 directs the task force to consider Greenhouse Gas Emission from vehicles with gross vehicle weight of 10,000 pounds or less that need to be reduced by 2035. The bill requires report to interim legislative committees related to transportation. Provides that task force staff be provided by Oregon Department of Transportation and Land Conservation and Development Commission. Sunsets at the start of 2011 legislative session.

HB 2235 ODOT Removal of Hazardous Trees Without Prior Notification

Effective Date: January 1, 2010 Chapter: 130 (2009 Laws)

Allows ODOT to go upon private property to cut down or remove trees located on the property without notifying the property owner if the department determines the trees pose an immediate or substantial risk of damage or injury. The department must locate and notify the property owner within a reasonable amount of time following doing so, and the notification process may be established by ODOT by rulemaking.

HB 2377 Hands-Free Cell Phones in Vehicles

Effective Date: January 1, 2010 Chapter: 834 (2009 Laws)

Requires the use of hands-free accessory to use mobile communications device while operating a motor vehicle. Expands the list of exceptions to include public safety and emergency personnel, persons using device within the scope of employment, and persons using a device allowing for one-way voice communications. Designates violation as a primary offense punishable as a Class D traffic violation with a maximum fine of \$90.

HB 2562 Increase in School Bus Length

Effective Date: March 26, 2009 Chapter: 31 (2009 Laws)

Increases the maximum allowable length of school buses from 40 feet to 45 feet to accommodate a newly-designed model that is 40 feet nine inches.

HB 2654 **Clarification of Tax Apportionment of Local Option Taxes for Roads**

Effective Date: January 1, 2010

Chapter: 146 (2009 Laws)

Clarifies that the property tax apportionment provisions in ORS 368.710 apply only to a countywide local option tax imposed by a county for road improvement, repair or maintenance, and not to local option taxes imposed in general.

HB 3379 **Transportation Planning Rule and HB 2001 Severability**

Effective Date: June 25, 2009

Chapter: 589 (2009 Laws)

House Bill 3379 allows cities to apply for extensions or submit alternatives if unable to meet transportation funding requirements when amending comprehensive plans in compliance with the Transportation Planning Rule (TPR). Prohibits Oregon Transportation Commission from defining criteria for local government to meet funding requirements of the TPR. Adds severability and operative date provisions for HB 2001-B in case HB 2001-B is subject to referendum.

SB 36 **Willamette River Bridge Tolling Authority for Multnomah County**

Effective Date: January 1, 2010

Chapter: 385 (2009 Laws)

Provides authorization to Multnomah County to establish and collect tolls for the use of bridges across the Willamette River that are under the jurisdiction of the county. There are five bridges that are within the boundaries of the City of Portland but under the jurisdiction of the county. The bill is designed to give Multnomah County options in raising revenue to pay for improving or replacing the Sellwood Bridge, the only direct link between Lake Oswego/SW Portland and Milwaukie/SE Portland.

SB 269 **Coordinating with Utilities for Highway Projects**

Effective Date: January 1, 2010

Chapter: 444 (2009 Laws)

Requires public bodies to coordinate with utilities in the planning of highway projects to minimize costs. Allows utilities to seek and receive reimbursement from private parties or customers and allows a telecommunications utility not subject to rate-of-return regulation to request authorization from the PUC to recover relocation costs from customers. Prescribes procedures for the PUC in determining the level of authorized cost recovery.

SB 599 **Exclusion from Surface Mining Permits for Road Work**

Effective Date: January 1, 2010

Chapter: 279 (2009 Laws)

Modifies definition of surface mining to exclude grading operations and excavation of aggregate material from within the highway right of way that is reasonably necessary for construction or maintenance of the highway. Through the years, the statute related to surface mining had been modified in a way that required ODOT to obtain permits to perform grading along highways. This bill exempts such activities to relieve counties, cities, and ODOT from having to obtain such permits.

SB 794 **Attorney Fees in Condemnation Proceedings**

Effective Date: January 1, 2010

Chapter: 530 (2009 Laws)

Changes the method of awarding attorney fees in condemnation proceedings by requiring government to pay attorney fees and costs if judgment exceeds the highest offer rather than the initial offer. Ensures that a property owner will receive attorney fees and costs incurred on or before an offer of compromise if the owner accepts offer of compromise, or owner rejects offer and does not achieve a better result.

SB 944**Lane County Area Commission on Transportation**

Effective Date: January 1, 2010

Chapter 509 (2009 Laws)

SB 944 directs the Lane County governing board to develop a proposed charter for the formation of an area commission on transportation for Lane County. The measure outlines requirements for the proposal. SB 944 specifies a completion deadline of September, 30, 2010, and directs the county to report to appropriate interim legislative committees by October 31, 2010. The bill directs the Department of Transportation to provide staff support for the development and submission of the proposed charter. SB 944 stipulates that the proposed charter may not be rejected based on composition of membership and directs the Oregon Transportation Commission to schedule meeting with governing body of Lane County, local elected officials and transportation stakeholder to discuss proposed charter. *[Cross Elections]*



Services Provided By Multnomah County



The People



**Commissioner
Deborah Kafoury**
District 1



**Commissioner
Jeff Cogen**
District 2



**Chair
Ted Wheeler**



**Commissioner
Judy Shiprack**
District 3



**Commissioner
Diane McKeel**
District 4

Department of Community Justice

- Adult Probation and Parole
- Felony Field Supervision
- Community Service
- Day Reporting Center; Jail Sanctions Alternative
- Domestic Violence Supervision
- GED and Employment Preparation for Adult Offenders
- Adult Pre-Trial Services
- Residential and Outpatient Alcohol and Drug Program
- Juvenile Probation
- Juvenile Detention
- Community-Based Detention Alternatives
- Education Provided in Detention
- Gang Transitional Services

Department of Community Services

- Animal Shelter
- Elections
- Land Use
- Roads and Bridges

Department of County Human Services

- Adult Foster Care Homes
- Alcohol and Drug Treatment
- Assisting Seniors and People with Disabilities
- Case Management for People with Developmental Disabilities
- Domestic Violence Prevention
- Energy Assistance
- Gambling Addiction Treatment
- Homeless Youth
- Mental Health Services
- Oregon Project Independence
- Public Guardianship
- SUN Community Schools
- Weatherization

Department of County Management

- Excise Tax Collection
- Assessment and Taxation
- Budget
- Employee Benefits
- Human Resources
- Labor Relations
- PERS
- Finance/Risk Management
- Facilities and Property Mgmt.
- Diversity and Equity
- Deferred Comp.
- Sustainability
- Emergency Management
- Fleet
- Distribution
- Warehouse
- Records Management

Department of Health

- Early Childhood Services
- Immunizations
- Lead Poisoning Prevention
- Medicaid Eligibility
- Outreach for Women Infant and Children (WIC)
- Providing Medical and Dental Services in Health Centers
- Restaurant Inspections
- School Based Health Centers
- Surveillance of Communicable Diseases
- Vector Control

Department of Libraries

- Early literacy services
- School age services
- Lifelong learning programs
- Reference and information services
- Public access computing
- Community gathering places
- Lending books and other media
- Outreach programs for at-risk populations

For more info: Phillip Kennedy-Wong (503) 830-4746, Multnomah County Gov't Relations Mgr.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 11/05/09
Agenda Item #: R-9
Est. Start Time: 10:05 AM
Date Submitted: 10/26/09

Agenda Title: PROCLAMATION Proclaiming Observance of Veterans Day, November 11, 2009 in Multnomah County, Oregon

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: November 5, 2009
Amount of Time Needed: 10 minutes
Department: Non-Departmental
Division: Commissioner Diane McKeel
Contact(s): Andrew Olsen, Hector Roche
Phone: 503 988-5213 Ext. 85213
I/O Address: 503/600
Presenter(s): Commissioner Diane McKeel

General Information

1. What action are you requesting from the Board?

Adoption of Proclamation proclaiming Observance of Veterans Day, November 11, 2009 in Multnomah County, Oregon.

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

In observance of Veterans Day November 11, 2009, that on this day all County Employees and residents who are Veterans or current members of military, Reserves, or National Guard be remembered and honored.

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

None.

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

None.

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

Proclamation recognizes and honors County employees and residents who are Veterans or current members of the military.

Required Signature

Elected Official or
department/
Agency Director:

Diane McKeel

Date: 10/28/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. ____

PROCLAMATION Proclaiming Observance of Veterans Day, November 11, 2009 in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. There are over 300 Multnomah County employees who are Veterans or are current members of the military;
- b. Sixteen Multnomah County employees are currently in active military service; With a spirit of pride and gratitude, we honor our employees who are veterans or who currently serve in the military;
- c. There are thousands of residents of Multnomah County who are current or former members of the military;
- d. The willingness of Multnomah County employees and residents to give freely and unselfishly of themselves, in service of our nation, is a sacrifice on behalf of our entire Country;
- e. Through war and peace, valiant Americans have answered the call to duty with honor and dignity;
- f. In conjunction with Veterans Day on November 11, 2009, Multnomah County is proud to recognize the men and women who have served to protect our freedom;
- g. Our hearts and thoughts go out to those who were killed or disabled while serving their country;

The Multnomah County Board of Commissioners Proclaims:

In observance of Veterans Day November 11, 2009, on this day all County employees and residents who are veterans or current members of the military, Reserves or National Guard be remembered and honored. We encourage all Multnomah County citizens to remember and honor these men and women as well.

ADOPTED this 5th day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, County Chair

Deborah Kafoury,
Commissioner District 1

Jeff Cogen,
Commissioner District 2

Judy Shiprack,
Commissioner District 3

Diane McKeel,
Commissioner District 4

SUBMITTED BY:
Commissioner Diane McKeel

BOGSTAD Deborah L

From: MCKEEL Diane
Sent: Wednesday, November 04, 2009 12:52 PM
To: #MULTNOMAH COUNTY ALL EMPLOYEES
Subject: Veterans Day Proclamation

Dear Multnomah County Employees,

As you know, November 11 is Veterans' Day. Tomorrow I will be bringing a proclamation forward in recognition of the contributions those in uniform have made to our country. If you are one of the over 300 Multnomah County employees who have served, thank you.

If you are a veteran or know someone who is, I encourage you to contact Multnomah County Veterans Services (http://www.co.multnomah.or.us/ads/ads_services.shtml#vets) to get all the various services that are available to you or your loved ones. Our veterans' services officers are devoted to getting all the resources available to those who need them. They can be reached at 503.988.3620 (x25005).

If you have a chance (and your supervisor allows), I encourage you to come to the boardroom in the Multnomah Building to see the proclamation read and adopted at approximately 9:45am tomorrow.

I hope you will join me tomorrow in recognizing those who keep our country safe, and thank your fellow coworkers, friends and family who have served.

Sincerely,



Commissioner Diane McKeel
503.988.5213
District4@co.multnomah.or.us

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 09-138

PROCLAMATION Proclaiming Observance of Veterans Day, November 11, 2009 in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. There are over 300 Multnomah County employees who are Veterans or are current members of the military;
- b. Sixteen Multnomah County employees are currently in active military service; With a spirit of pride and gratitude, we honor our employees who are veterans or who currently serve in the military;
- c. There are thousands of residents of Multnomah County who are current or former members of the military;
- d. The willingness of Multnomah County employees and residents to give freely and unselfishly of themselves, in service of our nation, is a sacrifice on behalf of our entire Country;
- e. Through war and peace, valiant Americans have answered the call to duty with honor and dignity;
- f. In conjunction with Veterans Day on November 11, 2009, Multnomah County is proud to recognize the men and women who have served to protect our freedom;
- g. Our hearts and thoughts go out to those who were killed or disabled while serving their country;

The Multnomah County Board of Commissioners Proclaims:

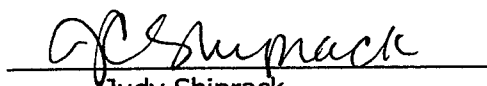
In observance of Veterans Day November 11, 2009, on this day all County employees and residents who are veterans or current members of the military, Reserves or National Guard be remembered and honored. We encourage all Multnomah County citizens to remember and honor these men and women as well.

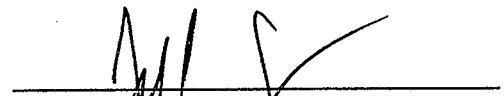
ADOPTED this 5th day of November, 2009.

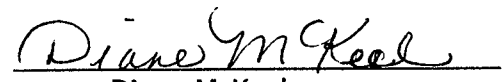
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

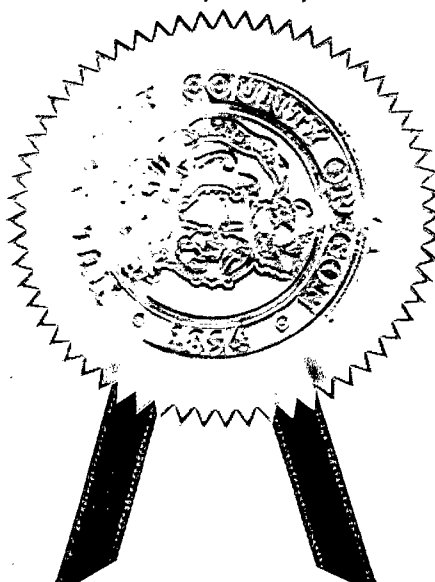

Ted Wheeler, County Chair


Deborah Kafoury,
Commissioner District 1


Judy Shiprack,
Commissioner District 3


Jeff Cogen,
Commissioner District 2


Diane McKeel,
Commissioner District 4



SUBMITTED BY:
Commissioner Diane McKeel



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 11/5/09
Agenda Item #: R-10
Est. Start Time: 10:10 AM
Date Submitted: 10/28/09

Agenda Title: **RESOLUTION Establishing a Workgroup to Study and Recommend a New Structure, Composition, and Reporting Procedure for Multnomah County Government Relations**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: November 5, 2009 Amount of Time Needed: 10 mins
Department: Non-Departmental Division: District 1
Contact(s): Commissioner Deborah Kafoury
Phone: 503 988-5220 Ext. 85220 I/O Address: 503/6th
Presenter(s): Commissioner Kafoury and Commissioner McKeel

General Information**1. What action are you requesting from the Board?**

Adopt a resolution to establish a workgroup to study Multnomah County Government Relations.

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

The county is reliant on state and federal policies, procedures, and funds. The workgroup will investigate how to best meet the needs of Multnomah County for an expanded presence in state and federal legislative processes to advocate for the county and its citizens. Many Oregon counties, most of which are smaller in size, have a government relations office. The work group will recommend a structure, composition, and reporting procedure for an office of government relations that meets the needs of the county. This workgroup will report its recommendations to the Board by March 30, 2010.

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

None

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

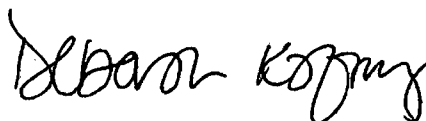
None

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

None. This work group will include Commissioners, Commissioner Staff, and Select Department Staff. Total membership will not exceed eight people.

Required Signature

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



Date: 10-28-09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Establishing a Workgroup to Study and Recommend a New Structure, Composition, and Reporting Procedure for Multnomah County Government Relations

The Multnomah County Board of Commissioners Finds:

- a. There is a growing recognition that our county needs an enhanced government relations presence at the state and federal level to compete with other jurisdictions and meet the policy and funding needs for programs and services that benefit our residents.
- b. Most large counties have an office of government relations and many also retain contract lobbyists.
- c. A larger, more sophisticated government relations team would enhance the county's ability to pass legislative priorities and protect and expand the level of state and federal funding directed toward county services and programs.
- d. The development of a new government relations structure should be done with the support and input of the Board and key department staff and be conducted in a comprehensive and unbiased fashion. Furthermore, the structure should reflect the legislative and policy needs of the entire county and our citizens.

The Multnomah County Board of Commissioners Resolves:

1. To establish a workgroup for the purposes of studying and recommending a new structure, composition, and reporting procedure for government relations that meets the needs of the county.
2. This workgroup will be comprised of no more than eight members and will include two commissioners and representatives from the other Commission offices. Select department staff will also be considered. The Chair will approve the final make-up of the workgroup and select a workgroup chair.
3. The workgroup will report its recommendations to the Board by March 30, 2010.

ADOPTED this 5th day of November 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Commissioner Deborah Kafoury, District 1

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-140

Establishing a Workgroup to Study and Recommend a New Structure, Composition, and Reporting Procedure for Multnomah County Government Relations

The Multnomah County Board of Commissioners Finds:

- a. There is a growing recognition that our county needs an enhanced government relations presence at the state and federal level to compete with other jurisdictions and meet the policy and funding needs for programs and services that benefit our residents.
- b. Most large counties have an office of government relations and many also retain contract lobbyists.
- c. A larger, more sophisticated government relations team would enhance the county's ability to pass legislative priorities and protect and expand the level of state and federal funding directed toward county services and programs.
- d. The development of a new government relations structure should be done with the support and input of the Board and key department staff and be conducted in a comprehensive and unbiased fashion. Furthermore, the structure should reflect the legislative and policy needs of the entire county and our citizens.

The Multnomah County Board of Commissioners Resolves:

1. To establish a workgroup for the purposes of studying and recommending a new structure, composition, and reporting procedure for government relations that meets the needs of the county.
2. This workgroup will be comprised of no more than eight members and will include two commissioners and representatives from the other Commission offices. Select department staff will also be considered. The Chair will approve the final make-up of the workgroup and select a workgroup chair.
3. The workgroup will report its recommendations to the Board by March 30, 2010.

ADOPTED this 5th day of November 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney

SUBMITTED BY:

Commissioner Deborah Kafoury, District 1



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 11/05/09
Agenda Item #: R-11
Est. Start Time: 10:20 AM
Date Submitted: 10/29/09

Agenda Title: **Briefing on Capital Projects Identified for Potential Funding Through Issuance of a Full Faith and Credit Bond**

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

Requested Meeting Date: November 5, 2009 Amount of Time Needed: 1 hour
Department: County Management Division: Finance & Risk Mgmt
Contact(s): Mark Campbell
Phone: 503 988-6229 Ext. 86229 I/O Address: 503/531
Presenter(s): Mindy Harris, Mark Campbell, Bob Thomas, and Sherry Swackhamer

General Information

1. What action are you requesting from the Board?

No action is being requested from the Board at this time. This is a briefing designed to satisfy the requirements of a Budget Note included in the FY 2010 budget. Depending upon direction received from the Board, staff will develop a resolution authorizing the issuance of debt for consideration at a future Board meeting.

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

The FY 2010 budget includes appropriations for capital projects that are anticipated to be supported by a full faith & credit bond issue. The budget authorizes borrowing of up to \$24.6 million for deferred capital maintenance, energy projects, technology infrastructure projects, procurement and development of a new A&T system, and a Library materials management project.

The Board adopted a Budget Note that outlined a process for considering the Facilities and IT projects. Specifically, the Facilities and IT divisions were directed to develop specific project requests and have those reviewed and approved by their respective subcommittees of the Operations Council. That review process has been completed. Facilities and IT will describe the process used, the projects that were reviewed, and the projects that have been recommended for funding.

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

None at this time. If debt is issued for the entire \$24.6 million authorized in the budget it is estimated that annual principal and interest payments will be approximately \$4 million. The debt would be repaid in seven years.

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

N/A

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

N/A

Required Signature

Elected Official or
Department/
Agency Director:

Mindy Huns

Date: 10/29/09

Sheryl J Swackhamer

Data Center and Disaster Recovery Workgroup

Background

I want to let you know about an initiative we are starting this week, the Data Center and Disaster Recovery workgroup. This workgroup is responsible for creating a business case for moving the data center from the Kelly Building and adding disaster recovery capabilities. This is a key initiative for both IT and the County. As we have discussed before, the current facility is not adequate, we have minimal disaster recovery capabilities, and the county would like to sell the Kelly Building. The business case may include multiple options along with the associated advantages, disadvantages/risks, and estimated costs. The results from this workgroup will ultimately be used in discussions with the IT Advisory Board and BCC Staff, as well as, a presentation to the Board of County Commissioners regarding funding via the full faith and credit bond.

Both management and a Local 88 task force have been meeting independently on this issue. Earlier this week the two groups met jointly to discuss the creation of this workgroup and to select the participants. In the future, there may be other workgroup opportunities that allow us to solicit volunteers. Unfortunately, this workgroup will start this week and will be working with a very tight, constrained timeline.

Expectations

We expect this group to work collaboratively as a team to create the best possible product given their expertise, interest, and willingness to participate. The only "given" for the workgroup is that the data center will move from the Kelly Building. All other possibilities are on the table. It will be important for workgroup members to represent the interests and expertise of their respective work units, while at the same time leaving both work unit and personal biases out of the workgroup discussions to ensure a neutral perspective. The workgroup will be provided both ground rules and a timeline as starting points. Members of the group are:

Hagen Amen	Mel Blanchard	Chris Clancy	Ken Davidson
DeWayne Gibson	Dan Gorton	Michael Hanna	Russ Henderson
Tim Kurilo	Brig Otis	James Still	Tami Williams

As stated previously, the team will be working under a very tight timeline with broad responsibilities. Please be understanding and supportive both in their regular work duties and by providing input when requested. The workgroup needs everyone's support to have the best opportunity for success. Brown bag sessions will be held at each work site next week to give all IT staff the opportunity to provide input and ask questions of the workgroup members. As the workgroup progresses, employees will have the opportunity to give feedback to the member from their work unit.

Mission

To develop a business case for the move of the county's data center from the Kelly Building with the addition of disaster recovery capabilities. The business case will include one to three options with associated advantages, disadvantages/risks, and estimated costs which will be part of a presentation to the Board of County Commissioners on October 29, 2009. Options to be explored include (1) building a data center(s) and a disaster recover site at another County location(s); (2) outsourcing/co-locating the data center and/or the disaster recovery site; or (3) a hybrid of one or both of options 1 and 2.

A decorative graphic on the left side of the slide, consisting of a series of squares of varying shades of gray and black, arranged in a stepped, staircase-like pattern.

Capital Projects and Financing Considerations

November 5, 2009





Agenda

- **Review Budget Note**
- **Facilities Recommendations**
 - ☐ Process Used to Develop Recommendations
 - ☐ Projects Reviewed
 - ☐ Timeline for Completing Recommended Projects
- **IT Recommendations**
 - ☐ Process Used to Develop Recommendations
 - ☐ Projects Reviewed
 - ☐ Timeline for Completing Recommended Projects
- **Additional Projects**
 - ☐ Assessment & Taxation System
 - ☐ Library Materials Movement
- **Financing Considerations**
 - ☐ Policy Statements
 - ☐ Current Debt Analysis
 - ☐ Estimated Borrowing Costs and Sources of Repayment
- **Board Questions**



Budget Note

- FY 2010 Budget includes appropriation of up to \$24.6 Million in debt proceeds to finance capital projects
- Budget note included process for determining final project recommendations
 - Subcommittees of Operations Council analyzed and ranked projects proposed by Facilities Management and Information Technology
 - Finance reviewed funding alternatives, including detailed schedule of debt service if Board authorizes borrowing



Facilities

Process Used to Develop Recommendations

- Facilities prepared list of deferred maintenance projects from current backlog
- Energy projects proposed that had financial payback at or close to seven year loan period
- Projects reviewed and approved by team representing Board Staff and departmental representatives



Facilities

Energy Project Funding

- Earlier proposal for Energy Projects loan not needed due to recent ARRA project approvals:
 - ☐ Building Automation Systems Project (Funded)
 - ☐ Heat Recovery System Project (Funded)
 - ☐ Efficient Lighting Project (Not Funded)
 - No need to borrow for County local match



Facilities

Proposed Deferred Maintenance Projects

- **Upgrade 2 Courthouse Elevators** **\$750 K**
 - Repairs to begin as soon as authorized
- **Countywide Sewer Repairs** **\$500 K**
 - Sewerline inspections, repairs begin as soon as authorized
- **Fire Life Safety Projects** **\$770 K**
 - Urgent repairs begin as soon as authorized
- **Countywide Lighting** **\$780 K**
 - Lighting upgrades begin as soon as authorized
- **Total Deferred Maintenance Projects** **\$2.8 M**



Facilities

Courthouse Elevator Repairs

- Courthouse Elevator Repairs are urgently needed ASAP
- If Courthouse Elevator repairs are performed out of existing FY 2010 Capital Program:
 - No room in Capital Program for \$750,000 without delaying or cutting other projects
 - \$443,000 available for Capital if debt payment not needed during FY 2010



Information Technology

Process Used to Develop Recommendations

- Review of Budget Brainstorming Sessions
 - IT Advisory Board
 - IT Leadership Team
 - Employees
- Review of Current Risks Related to IT
- On-going Input from Stakeholders
- New, Collaborative Team Concept
 - 12 Member Team of Employees and Management



Information Technology

Projects Recommended (ITAB & Board Staff)

- **Data Center and Disaster Recovery**
- **Network Enhancement and Phone System Replacement (aka Network Convergence and Voice Over Internet Protocol)**



Information Technology

Data Center and Disaster Recovery

- Recommendation: Two Site Data Center with *hot* Disaster Recovery Capabilities
 - Initial virtualization phase
 - New county data center in existing county facility
 - Second Site: co-location/cloud computing
 - Each contains 50% of operational load plus 10% disaster recovery capacity



Information Technology

Data Center and Disaster Recovery

■ Estimated Costs

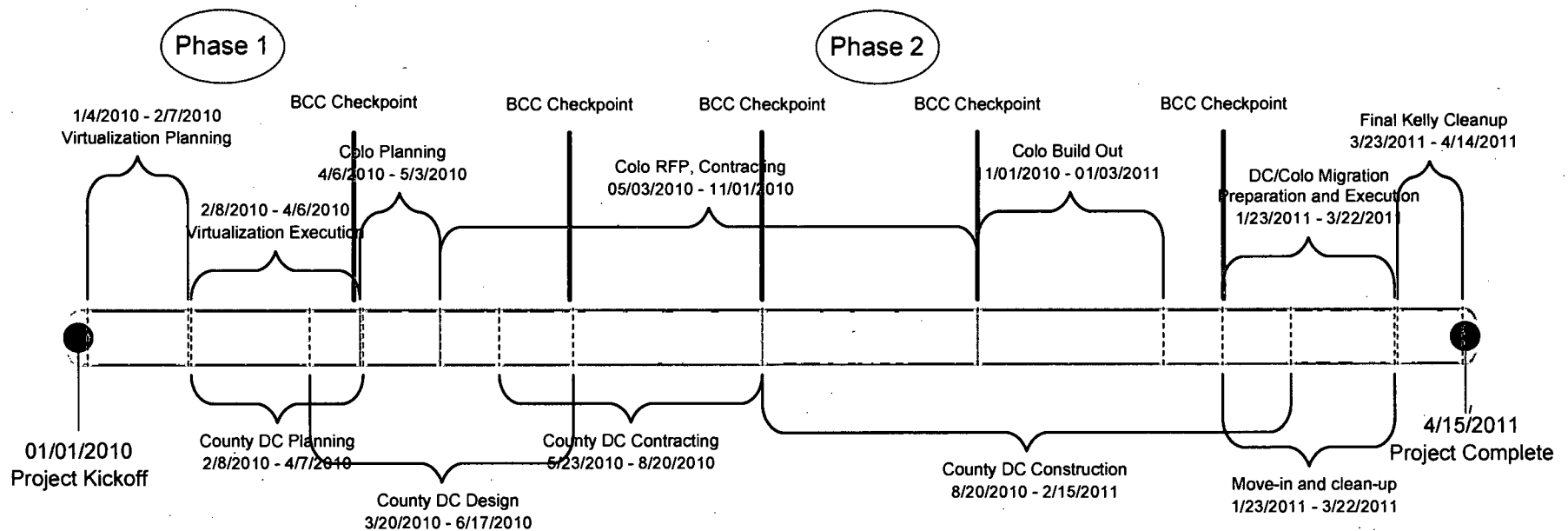
- ☐ Current Operating Costs, ~\$1.2 Million
- ☐ Two Site Data Center Recommendation
 - One time only, ~\$3.5 Million
 - 5 year operating costs, ~\$1.9 Million annually
 - Purchasing reliable, efficient sites: county site and disaster recovery site/capabilities

Information Technology

Data Center and Disaster Recovery

■ Two Site Implementation Timeline

- ~ 16 month project; for presentation purposes, assumes a start date of 1/1/2010





Information Technology

Network Enhancement/Phone System Upgrade

- Recommendation developed by WAN and Telecom employees and managers
- Reviewed and approved by ITAB
- Change Drivers
 - ☐ Vendor bankruptcy
 - ☐ Duplication of circuit costs
 - ☐ Move/add/change (MAC) costs
 - ☐ Supportability



Information Technology

Network Enhancement/Phone System Upgrade

■ Proposal

- ☐ Enhance network backbone
- ☐ Converge, “combine” voice and data networks to reduce redundant circuit costs
- ☐ Replace current phone system with Voice over Internet Protocol (VOIP) technologies



Information Technology

Network Enhancement/Phone System Upgrade

■ Benefits

- ☐ Reduction in costs: MACs, circuits, vendor-related expenses, hardware
- ☐ Flexibility: server location, standards based technology, and productivity tools

■ Risks and Considerations

- ☐ Training for staff and employees
- ☐ One time only costs
- ☐ Change management
- ☐ Shorter replacement lifecycle
- ☐ Vendor complexity



Information Technology

Network Enhancement/Phone System Upgrade

- Estimated Costs
- Current Operating Costs, ~\$4.3 Million
- Proposed enhancements and upgrade
 - One time only, ~\$3.5 Million
 - Conservative estimates result in reduction of on-going operating costs, ~\$490,000 annually
- Project timeline estimated at 2 years



Other Projects

- **A&T System Upgrade - \$5 Million**
 - Upgrade to Current Technology and Increased Functionality
 - Improve Public Access to Data
 - Increase Operating Efficiency and Enhance Revenues
 - Partially Funded in FY 2010 w/ \$1.5 Million of OTO Revenue

- **Library Materials Movement Project – \$1.6 Million**
 - Phase 2 of 4
 - Provide Security for Library Materials
 - Streamline System-wide Materials Handling and Movement
 - Budget Note – Potential Use of OTO Revenue



Financing Considerations

Policy Statements

- County has a stated commitment to financing capital projects on a “pay-as-you-go”, or OTO, basis
- *“If it is financially beneficial to issue bonds or COPs, and if the project has been determined to benefit future citizens, the County will evaluate the feasibility of issuing a long-term debt financing instrument.”*
- *“(T)he County further limits non voter- approved debt . . . to an annual debt payment amount that will not exceed 5% of the County’s General Fund budgeted revenues . . .”*

Financing Considerations

Estimated Outstanding Debt (as of 7/1/2010)

Annual Debt Service Not Adjusted for Debt Buydown

	Principal Balance	\$'s in Millions Annual Debt Service	# Years to Payoff
General Obligation Bonds	\$ 49,710	\$ 9,253	7
Revenue Bonds	2,845	548	6
Pension Obligation Bonds	151,373	15,202	20
Full Faith and Credit Obligations	57,845	8,981	10
Capital Leases	1,020	118	22
Total Debt	\$ 262,793	\$ 34,102	
(Less) GO Bonds	(49,710)	(9,253)	
(Less) Pension Obligation Bonds	(151,373)	(15,202)	
(Less) Revenue Bonds	(2,845)	(548)	
Debt Subject to County Financial Policies	\$ 58,865	\$ 9,099	
FY 2010 General Fund Revenues		\$ 356,000	
Current GF Supported Debt as % of Revenue		2.56%	
Available Annual Debt Service per Policy		\$ 8,701	

Financing Considerations

Estimated Annual Cost of Debt Service

Assumptions - 3.2% Interest, 7 Year Maturity

	Principal	Annual Debt Service	Total Cost
Facilities Projects	\$ 2,800,000	\$ 453,000	\$ 3,171,000
IT Projects	6,000,000	970,000	6,790,000
A&T System Upgrade	5,000,000	809,000	5,663,000
Library Materials Management	1,600,000	259,000	1,813,000
Totals	\$ 15,400,000	\$ 2,491,000	\$ 17,437,000



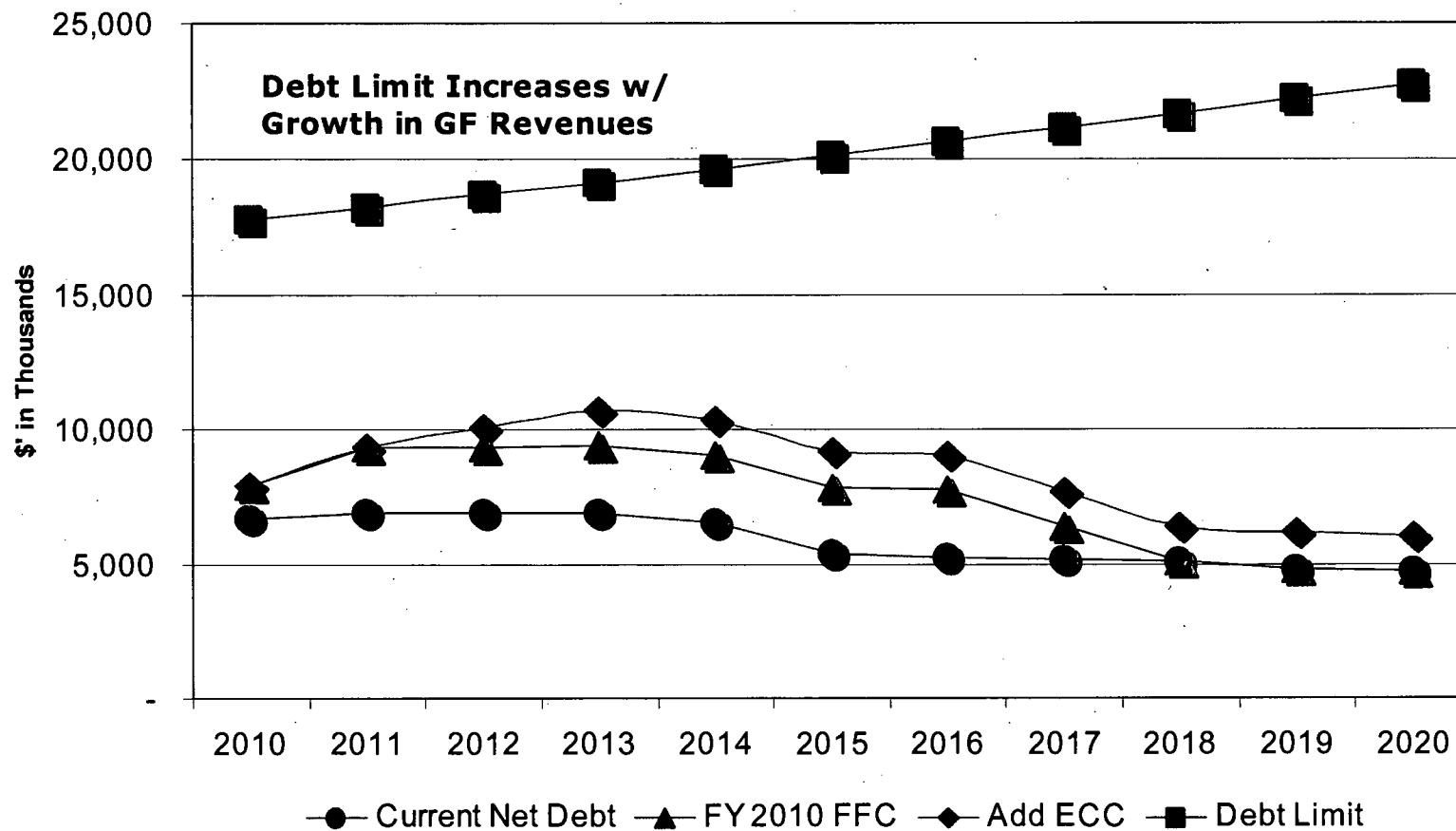
Financing Considerations

Potential Sources of Debt Repayment

- Facilities (\$453K) – Repurposing of FY 2010 Capital Asset Fee Increase
- IT (\$970K) – FY 2010 Constraint Reductions Maintained as Internal Service Charges
- A&T (\$809K) – Increased Operating Efficiencies Leverage Additional State Grant Funds
- Library (\$259K) – Library Levy, Half Potentially Supported by General Fund

Financing Considerations

Debt Analysis (FY 2010 - FY 2020)





Summary

- Specific Project Recommendations
 - Seeking Board Direction on Which Projects to Move Forward
- Pros and Cons of Financing Options
 - Debt Issuance v. OTO v. Combined Approach
- Next Steps
 - Recommend Financing Up To \$15.4 Million to Support Projects Described Today
 - Resolution to Authorize Debt Issuance – December 3rd
 - Finance to Review and Consider All Possible Funding Options
 - Will present final recommendations to Board prior to debt issue
 - Debt Issued – Late January to Mid February
- Board Questions/Comments



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 11/05/09
Agenda Item #: R-12
Est. Start Time: 11:20 AM
Date Submitted: 10/22/09

Agenda Title: PROCLAMATION Proclaiming November 2009 National Native American Heritage Month in Multnomah County, Oregon

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: November 5, 2009 Amount of Time Needed: 15 mins at the end of the Board meeting
Department: Health Department Division: Diversity & Quality Team
Contact(s): Jennifer Stone and Heidi Leibbrandt (22869 and 25449)
Phone: 503 988-3663 Ext. 25449 I/O Address: 167/210
Presenter(s): NARA and NAYA and invited guests

General Information

1. What action are you requesting from the Board?

Adoption of Proclamation proclaiming November 2009 as National Native American Heritage Month with celebration in the Boardroom to follow meeting.

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

See attached Proclamation

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

N/A

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

N/A

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

Presentation done by Native American Rehabilitation Association and Native American Youth Family Center. There will be a prayer, a drum circle, dancing and light refreshments.

Required Signature

Elected Official or
Department/
Agency Director:

Lillian Shirley

KJ/lkp
Date: 10/22/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming November 2009 National Native American Heritage Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. November 2009 is National Native American Heritage Month
- b. American Indians and Alaska Natives are the original stewards of these lands and waters. They enrich the lives of all Oregonians with their deep spiritual heritage and the value placed on natural and cultural resources.
- c. The Portland Metro area rests on traditional village sites of the Multnomah, Kathlamet, Clackamas, Bands of Chinook, Tualatin Kalapuya, Molalla and many other Tribes who made their home along the Columbia River, creating communities and summer encampments to harvest and use the plentiful natural resources of the area.
- d. Portland has the ninth largest Native American population in the U.S. with people representing over 380 distinct tribes, including the nine Oregon tribes.
- e. American Indians and Alaska Natives strive to preserve their culture, traditions and way of life for the next seven generations.
- f. American Indians and Alaska Natives from youth to Elders make major contributions in the arts, education, economic development, public safety and sense of community in our region. And through a long tradition of military service continue to honor traditional warrior culture in defense of our country.
- g. We recognize that even with the large population and the strong evidence of need, resources have not been equitably distributed to the American Indian and Alaska Native community. Through the Multnomah County Health Equity Initiative, in partnership with the Native American Community, we hope to shed light on these disparities and eliminate barriers or perceived barriers thus gaining improved access to social services, health care, and education within the community.

The Multnomah County Board of Commissioners Proclaims:

The month of November 2009 to be National Native American Heritage Month in Multnomah County, Oregon. We honor the history and pay respect to the contributions made by the Indian People to our Country, State and Nation. We urge all Americans to join in this observance.

ADOPTED this 5th day of November, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, County Chair

Deborah Kafoury,
Commissioner District 1

Jeff Cogen,
Commissioner District 2

Judy Shiprack,
Commissioner District 3

Diane McKeel,
Commissioner District 4

SUBMITTED BY:
Lillian Shirley, Director, Health Dept.

BOGSTAD Deborah L

From: LEIBBRANDT Heidi J
Sent: Tuesday, November 03, 2009 4:05 PM
To: Donita Sue Fry; 'Lai-Lani Ovalles'; 'sbuser@naranorthwest.org'
Cc: STONE Jennifer M; BOGSTAD Deborah L; LEIBBRANDT Heidi J
Subject: Proclamation

Hi Donita, Lai-Lani & Scott,

It was great meeting you today. Here's a re-cap of what we discussed:

We ask that all participants and attendees arrive no later than 10:45.
The proclamation is scheduled for 11:20, but the Board meeting could run fast.
We can quietly set up the drum in the back of the room as the Commissioners are meeting.

The address is:
Multnomah Building
501 SE Hawthorne Blvd. (East end of the Hawthorne Bridge)
Portland, OR 97214

Lillian Shirley, the Health Department Director will bring forward the proclamation & introduce the presenters to the Board of Commissioners.

The presenters are as follows:

Jackie Mercer, Native American Rehabilitation Association (NARA)
Donita Fry, Native American Youth & Family Center (NAYA)
Philip Armchbault, Native American Rehabilitation Association (NARA)

Immediately following the introductions Philip Armchbault will lead the opening prayer

Jackie Mercer & Donita Fry will coordinate with each other and share the reading of the proclamation.

Once the reading has concluded, the County Commissioners will have an opportunity to comment. After comments are heard, Chair Wheeler will formally adopt the proclamation & will adjourn the board meeting.

Once Chair Wheeler has adjourned the meeting the drumming & celebration will begin and light refreshments will be available in the side conference room.

Please let me know if I've missed anything.

Thank you all very much, and we'll see you Thursday morning.

Heidi

Heidi Leibbrandt, Contract Specialist
Multnomah County Health Department
421 SW Oak Street, Ste 210

11/4/2009

NATIVE AMERICAN HERITAGE MONTH PROCLAMATION & CELEBRATION

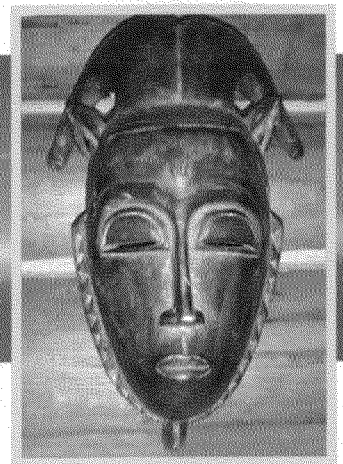
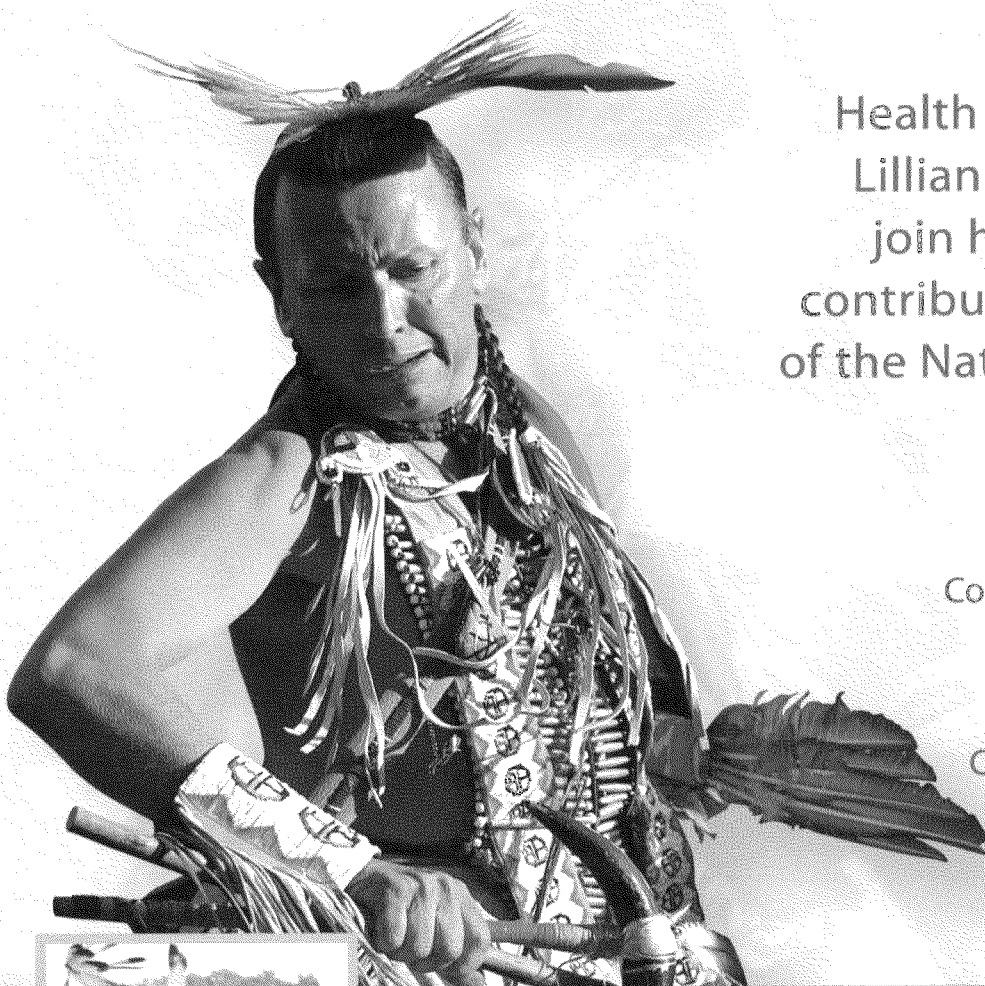
Multnomah County
Health Department Director
Lillian Shirley invites you to
join her in recognizing the
contributions and rich history
of the Native American People.

WHEN:

Thursday, November 5, 2009
Proclamation: 11:20 a.m.
Community celebration to follow

WHERE:

Multnomah Building
Commissioners Boardroom 100
501 SE Hawthorne Boulevard
Portland, OR 97214



Join us as the Multnomah County Board of Commissioners proclaim
the month of November as Native American Heritage Month.

*If you have any questions or need information, please contact Heidi Leibbrandt,
503-988-3663 ext. 25449 or Jennifer Stone, 503-988-3663 ext. 22869*



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 09-139

Proclaiming November 2009 National Native American Heritage Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. November 2009 is National Native American Heritage Month
- b. American Indians and Alaska Natives are the original stewards of these lands and waters. They enrich the lives of all Oregonians with their deep spiritual heritage and the value placed on natural and cultural resources.
- c. The Portland Metro area rests on traditional village sites of the Multnomah, Kathlamet, Clackamas, Bands of Chinook, Tualatin Kalapuya, Molalla and many other Tribes who made their home along the Columbia River, creating communities and summer encampments to harvest and use the plentiful natural resources of the area.
- d. Portland has the ninth largest Native American population in the U.S. with people representing over 380 distinct tribes, including the nine Oregon tribes.
- e. American Indians and Alaska Natives strive to preserve their culture, traditions and way of life for the next seven generations.
- f. American Indians and Alaska Natives from youth to Elders make major contributions in the arts, education, economic development, public safety and sense of community in our region. And through a long tradition of military service continue to honor traditional warrior culture in defense of our country.
- g. We recognize that even with the large population and the strong evidence of need, resources have not been equitably distributed to the American Indian and Alaska Native community. Through the Multnomah County Health Equity Initiative, in partnership with the Native American Community, we hope to shed light on these disparities and eliminate barriers or perceived barriers thus gaining improved access to social services, health care, and education within the community.

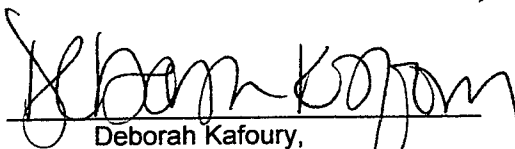
The Multnomah County Board of Commissioners Proclaims:

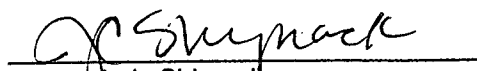
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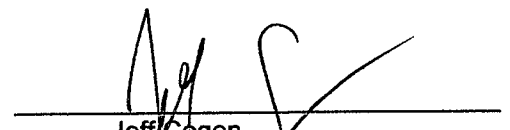
ADOPTED this 5th day of November, 2009.

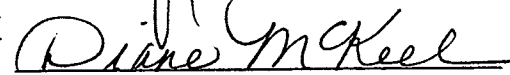
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

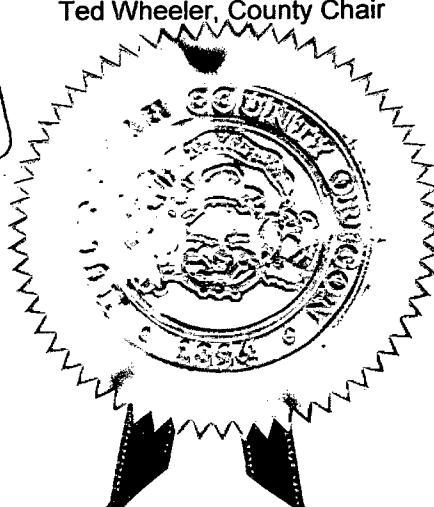

Ted Wheeler, County Chair


Deborah Kafoury,
Commissioner District 1


Judy Shiprack,
Commissioner District 3


Jeff Cogen,
Commissioner District 2


Diane McKeel,
Commissioner District 4



SUBMITTED BY:
Lillian Shirley, Director, Health Dept.