



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, 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

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REVISED
OCTOBER 20 & 23, 2003

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

| | |
|---------|---|
| Pg 2 | 12:30 p.m. Executive Session |
| Pg 3 | 9:30 a.m. County Attorney Annual Report |
| Pg 3 | 10:15 a.m. Resolution Accepting the Report of the Portland/Multnomah County Food Policy Council |
| Pg 3 | 10:45 a.m. Regional Economic Development Partners Briefing |
| Pg 3 | 11:00 a.m. Resolution Endorsing the Four Principles of the Immigrant Workers Freedom Ride |
| Pg 3 | 11:30 a.m. Resolution Declaring Support for Ethnic Home Buying Fairs |
| | November 20 and 27 Meetings are Cancelled |

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Monday, October 20, 2003 - 12:30 PM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

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

Thursday, October 23, 2003 - 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 Juan Baez, Rich Brown, Diane Cohen-Alpert, Joanne Fuller, Carolyn Graf, Alissa Keny-Guyer, Steve March, Georgia McQueen, Marilyn Miller, Carla Piluso, Consuelo Saragoza, Michael Taylor, Karla Wenzel, Thomas Wright and re-appointments of Carol Cole, Leslie Garth Clark, Kamron Graham and Janet Kretzmeier to the Multnomah County COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY
- C-2 Appointments of Betty Brislawn, Nancy Gomez, Sandy Spiegel and reappointments of David Cottenware and Steve Weiss to the ELDERS IN ACTION COMMISSION
- C-3 Reappointment of David King to the PORT OF PORTLAND PORTLAND INTERNATIONAL AIRPORT (PDX) CITIZEN NOISE ADVISORY COMMITTEE
- C-4 Appointment of Stephanie Ann Farquhar, Ph.D. to the SUSTAINABLE DEVELOPMENT COMMISSION

DISTRICT ATTORNEY'S OFFICE

C-5 Budget Modification DA 04-01 to Recognize a Continuation of Bureau of Justice Administration Leadership Grant Funding in the Amount of \$200,000

REGULAR AGENDA - 9:30 AM

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.

NON-DEPARTMENTAL - 9:30 AM

R-1 County Attorney Annual Report. Presented by Agnes Sowle, Doug Hicks, Scott Asphaug, Jenny Morf and Patrick Henry. 45 MINUTES REQUESTED.

R-2 RESOLUTION Accepting the Report of the Portland/Multnomah County Food Policy Council. Presented by Commissioner Maria Rojo de Steffey, Rosemarie Cordello, Brain Rohter, Lillan Shirley, Linda Yankee and Invited Others. 30 MINUTES REQUESTED.

R-3 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending Ordinance 1012 Imposing Temporary Income Tax for Public Schools, Public Safety and Human Services to Update and Clarify Definitions

R-4 Regional Economic Development Partners Briefing. Presented by Duke Shepard and Invited Others. 15 MINUTES REQUESTED.

R-5 RESOLUTION Endorsing the Four Principles of the Immigrant Workers Freedom Ride

R-6 RESOLUTION Declaring Support for Ethnic Home Buying Fairs

SHERIFF'S OFFICE - 11:45 AM

R-7 RESOLUTION Authorizing Grant of a Utility Easement to the Port of Portland for Non-Potable Water



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OCTOBER 23, 2003

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SHERIFF'S OFFICE - 11:45 AM

- R-7 RESOLUTION Authorizing Grant of a Utility Easement to the Port of Portland for Non-Potable Water



Diane Linn, Multnomah County Chair

Suite 600, Multnomah Building
501 SE Hawthorne Boulevard
Portland, Oregon 97214-3587
Email: mult.chair@co.multnomah.or.us

Phone: (503) 988-8308
FAX: (503) 988-3093

MEMORANDUM

TO: Commissioner Maria Rojo de Steffey
Commissioner Serena Cruz
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Board Clerk Deb Bogstad

FROM: Delma Farrell
Administrative Director

DATE: September 30, 2003

RE: Board Briefing/Meeting Excused Absences

Chair Linn will be attending the National League of Cities Council of Great City School Conference in Chicago October 21-24. She will be unable to attend the Board Meeting scheduled for Thursday October 23, 2003.

c: Chair's Office



Maria Rojo de Steffey
Multnomah County Commissioner, District 1

Suite 600, Multnomah Building
501 SE Hawthorne Boulevard
Portland, Oregon 97214

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

TO: Chair Diane Linn
Commissioner Serena Cruz
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Clerk of the Board Deb Bogstad

FROM: Matthew Lashua - Staff Assistant to Commissioner Maria Rojo de Steffey

DATE: October 23, 2003

RE: Board Meeting Absence

Due to unexpected illness, Commissioner Rojo de Steffey is unable to attend today's Board Meeting.

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: October 23, 2003

Agenda Item #: C-1

Est. Start Time: 9:30 AM

Date Submitted: 10/08/03

Requested Date: 10/23/2003

Time Requested: N/A

Department: Non-Departmental

Division: Chair's Office

Contact/s: Chair Diane Linn, Wendy Lebow

Phone: 503/988-3308

Ext.:

I/O Address: 503/600

Presenters: Consent Calendar

Agenda Title: Appointments of Juan Baez, Rich Brown, Diane Cohen-Alpert, Joanne Fuller, Carolyn Graf, Alissa Keny-Guyer, Steve March, Georgia McQueen, Marilyn Miller, Carla Piluso, Consuelo Saragoza, Michael Taylor, Karla Wenzel, Thomas Wright and re-appointments of Carol Cole, Leslie Garth Clark, Kamron Graham and Janet Kretzmeier to the Multnomah County Commission on Children, Families and Community.

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation?** Request Board approval of appointments and reappointments to the Multnomah County Commission on Children, Families and Community.
- 2. Please provide sufficient background information for the Board and the public to understand this issue.** The purpose of the Multnomah County Commission on Children, Families and Community (CCFC) is to develop and prepare in accordance with State law a comprehensive plan for the delivery of services to be provided for children and families in the County; oversee the implementation of the plan and monitor the outcomes, including State and County benchmarks; receive and distribute federal and State community services funds for the County; ensure the effectiveness of community involvement in the poverty program planning process; review and approve local poverty program policy; and monitor and evaluate poverty program effectiveness. The CCFC will Board consists of at least nine but no more than 33 members that reflect the diverse

County population. One-third of the CCFC board will be elected public officials or their designees. At least one-third of the CCFC board members will represent persons in poverty in the County. The remainder of the CCFC board members will have a commitment to the well-being of children, youth and families. Appointed by the County Chair with approval of the Board of County Commissioners.

3. **Explain the fiscal impact (current year and ongoing).** No current year or ongoing fiscal impact.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**

- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**

- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**

- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. **Explain any legal and/or policy issues involved.** No legal and/or policy issues involved.

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

Required Signatures:

Department/Agency Director:



Date: October 8, 2003

Budget Analyst

By: _____ Date:

Dept/Countywide HR

By: _____ Date:

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: October 23, 2003

Agenda Item #: C-2

Est. Start Time: 9:30 AM

Date Submitted: 10/07/03

Requested Date: 10/23/2003

Time Requested: N/A

Department: Non-Departmental

Division: Chair's Office

Contact/s: Chair Diane Linn, Delma Farrell

Phone: 503/988-3953

Ext.: 83953

I/O Address: 503/600

Presenters: Consent Calendar

Agenda Title: Appointments of Betty Brislawn, Nancy Gomez, Sandy Spiegel and reappointments of David Cottenware and Steve Weiss to the Elders in Action Commission.

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation?** Request Board approval of appointments of Betty Brislawn, Nancy Gomez, Sandy Spiegel and reappointments of David Cottenware and Steve Weiss to the Elders in Action Commission.
- 2. Please provide sufficient background information for the Board and the public to understand this issue.** The Chair appoints, with approval of the Board of County Commissioners: 1 consumer from each of the District Advisory Councils (East County, Southwest, Northeast and Southeast, Mid-County); 3 representatives from retired persons organizations; 6 at-large members; 1 consumer representing the disabled. Other members, not appointed by the County Chair include 1 consumer from each of the 4 District Advisory Councils; 1 elected official; 5 representatives from retired persons' organizations; 6 at-large members. Membership includes at least 51% of persons over the age of 60, low income persons, racial minorities and adult disabled, at least proportionate to their numbers county-wide, and persons from urban and rural areas of the County. Members are appointed to 3-year terms. The seniors being requested for

approval today have unique backgrounds and interests and will contribute greatly to the work of the Elders in Action Commission.

3. **Explain the fiscal impact (current year and ongoing).** No current your or ongoing fiscal impact.

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If a budget modification, explain:

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- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**

- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

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- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
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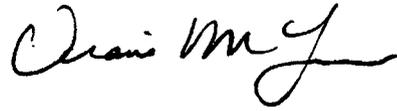
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. **Explain any legal and/or policy issues involved.** No legal an/or policy issues.
5. **Explain any citizen and/or other government participation that has or will take place.** N/A

Required Signatures:



Department/Agency Director:

Date: 10/7/2003

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: October 23, 2003

Agenda Item #: C-3

Est. Start Time: 9:30 AM

Date Submitted: 10/07/03

Requested Date: 10/23/2003

Time Requested: N/A

Department: Non-Departmental

Division: Chair's Office

Contact/s: Chair Diane Linn, Delma Farrell

Phone: 503/988-3953

Ext.: 83953

I/O Address: 503/600

Presenters: Consent Calendar

Agenda Title: Reappointment of David King to the Port of Portland Portland International Airport (PDX) Citizen Noise Advisory Committee

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

-
- 1. What action are you requesting from the Board? What is the department/agency recommendation?** Requesting Board approve reappointment of David King to the Port of Portland Portland International Airport (PDX) Citizen Noise Advisory Committee (CNAC)
 - 2. Please provide sufficient background information for the Board and the public to understand this issue.** Multnomah County has one citizen appointment to the 15-member Portland International Airport Citizen Noise Advisory Committee. This Committee is charged with reporting in an advisory capacity to the Director of Aviation for PDX; acting on behalf of local jurisdictions as the official forum to address community noise concerns; monitoring and providing input on the implementation of the current PDX Noise Compatibility Plan; reviewing airport noise issues and providing advice on issue resolution and follow up action; developing ideas and recommending proposals for consideration in future airport noise plans; participating on advisory committees involved in long-range airport facilities and capital improvement planning; enhancing citizen understanding of airport noise management through the work of CNAC as a whole; periodically briefing the Port of Portland board of Commissioners on the work of the

Committee. David King is the County's current representative on the CNAC. His term expires in November 2003. Mr. King has expressed an interest in continuing as the County's representative. Mr. King has been a strong representative on CNAC for the County and the region. He helped clarify CNAC positions and communication protocols. He also has helped define a clear work program for CNAC. David currently is serving as chair of this Committee. The CNAC generally meets the second Thursday of every month from 6-8pm at the Port of Portland Administration building at 121 NW Everett in Portland.

3. Explain the fiscal impact (current year and ongoing). No fiscal impact.

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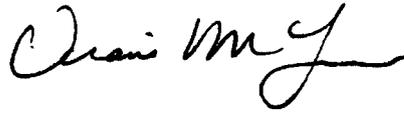
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- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. Explain any legal and/or policy issues involved. No legal and/or policy issues.

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

Required Signatures:



Department/Agency Director:

Date: 10/7/2003

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: October 23, 2003

Agenda Item #: C-4

Est. Start Time: 9:30 AM

Date Submitted: 10/10/03

Requested Date: 10/23/2003

Time Requested: N/A

Department: Non-Departmental

Division: Chair's Office

Contact/s: Chair Diane Linn, Delma Farrell

Phone: 503/988-3953

Ext.:

I/O Address: 503/600

Presenters: Consent Calendar

Agenda Title: Appointment of Stephanie Ann Farquhar, Ph.D. to the Sustainable Development Commission

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation?** Request Board approval for appointment of Stephanie Ann Farquhar, Ph.D. to the Sustainable Development Commission
- 2. Please provide sufficient background information for the Board and the public to understand this issue.** The Sustainable Development Commission (SDC) meets to advise and make recommendations to the Portland City Council and Multnomah County Board of Commissioners on policies and programs that create sustainable communities. The SDC articulates and promotes a long-range vision for sustainable communities, promote collaboration among citizens, business interests, governmental agencies and community-based organizations to identify strategies leading to sustainable communities. The SDC develops opportunities for all citizens to learn about values, principles, and practices that will bring about sustainable communities. They also assist City and County personnel in the coordination of policies and actions creating sustainable communities and conduct public meetings and hearings as necessary in compliance with public meeting laws. The SDC meets annually with the Portland City Council and Multnomah County Board of Commissioners and submit a report on

Commission activities. SDC membership consists of 17 members. Ten are appointed by the Mayor of the City of Portland and confirmed by the Portland City Council. Seven are appointed by the Multnomah County Chair and approved by the Multnomah County Board of Commissioners. All appointments are for 2-year terms.

3. **Explain the fiscal impact (current year and ongoing).** No current year/ongoing fiscal impact.

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- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. **Explain any legal and/or policy issues involved.** No legal and/or policy issues involved

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

Required Signatures:

Department/Agency Director:



Date: 10/10/2003

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

AGENDA PLACEMENT REQUEST

BUD MOD #: DA 04-01

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-5 DATE 10-23-03
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only:

Meeting Date: October 23, 2003

Agenda Item #: C-5

Est. Start Time: 9:30 AM

Date Submitted: 10/13/03

Requested Date: October 23, 2003

Time Requested: N/A

Department: District Attorney

Division:

Contact/s: D. Scott Marcy

Phone: 503-988-3863

Ext.:

I/O Address: 101/600

Presenters: Consent Calendar

Agenda Title: Budget Modification DA 04-01 to Recognize a Continuation of Bureau of Justice Administration Leadership Grant Funding in the Amount of \$200,000

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

Approve a budget modification recognizing \$200,000 in Bureau of Justice Administration Leadership continuation grant funding.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The original 2001 grant was awarded for the purpose of meeting the continued demands for information, to continue to respond effectively to the multiple legal changes, to train new Deputy District Attorney's and police officers, and to enhance community education and outreach with regard to the requirements of drug free and prostitution free zone designations. The grant contained funding for two positions, a Deputy District Attorney 3 and Senior Office Assistant to carry out these tasks.

The 18 month continuation grant only funds the Deputy District Attorney 3 position and places greater emphasis on sharing knowledge and collaboration

with other jurisdictions. There are two major goals for the grant. "The first goal is to improve the quality of life in our local neighborhood by eliminating or reducing the negative impact of maintenance and order offences, particularly drug crimes." "The second goal is to promote community prosecution strategies by providing technical assistance to interested individuals and jurisdictions."

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

The \$200,000 dollars of grant funding will initially be budgeted in the current fiscal year. Because this is an 18 month continuation grant it is not likely that all funding will be used in the current fiscal year however. The Counties general fund contingency will be increase by \$4305 as a result of indirect paid by the grant dollars.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?** Fed/State fund # 32022 is being increased due to receipt of approval of continuation grant funding.
- ❖ **What budgets are increased/decreased?** The Family Justice Division's budget is increased by \$200,000
- ❖ **What do the changes accomplish?** The change continues a DDA 3 position and other law enforcement technical assistance activities for the BJA Leadership grant program
- ❖ **Do any personnel actions result from this budget modification? Explain.** Restores a DDA 3 not budgeted this fiscal year because of uncertainty in receiving the grant funding.
- ❖ **Is the revenue one-time-only in nature?** The revenue is a continuation of grant funding for a period of 18 months.
- ❖ **If a grant, what period does the grant cover?** 9/15/2003-3/15/2005
- ❖ **When the grant expires, what are funding plans?** There are no plans at this time to continue the program after funding ends.

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.
The program compliments to the Counties bench mark for reducing crime.
5. Explain any citizen and/or other government participation that has or will take place.
The District Attorney's Office will be providing information and share expertise with other state and local law enforcement jurisdictions.

Required Signatures:

Department/Agency Director: Michael D. Schrunk Date: 10/06/03

Budget Analyst

By: Christian M. Yeager Date: 10/12/03

Dept/Countywide HR

By: Susan Sutton Date: 10/06/03

EXPENDITURES & REVENUES

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

| Line No. | Fund Center | Fund Code | Accounting Unit | | | Cost Element | Current Amount | Revised Amount | Change Increase/ (Decrease) | Subtotal | Description |
|----------|-------------|-----------|-----------------|-------------|-------------|--------------|----------------|----------------|-----------------------------|------------------|-------------|
| | | | Internal Order | Cost Center | WBS Element | | | | | | |
| 1 | 15-20 | 1505 | | | DA DFZ | 60000 | - | 100,913 | 100,913 | permanent | |
| 2 | 15-20 | 1505 | | | DA DFZ | 60130 | | 22,400 | 22,400 | salary related | |
| 3 | 15-20 | 1505 | | | DA DFZ | 60140 | | 20,311 | 20,311 | Insurance | |
| 4 | 15-20 | 1505 | | | DA DFZ | 60120 | 0 | 41,491 | 41,491 | Premium | |
| 5 | 15-20 | 1505 | | | DA DFZ | 60260 | 0 | 8,730 | 8,730 | Education travel | |
| 6 | 15-20 | 1505 | | | DA DFZ | 60240 | 0 | 1,000 | 1,000 | supplies | |
| 7 | 15-20 | 1505 | | | DA DFZ | 60370 | 0 | 850 | 850 | phone | |
| 8 | 15-20 | 1505 | | | DA DFZ | 60350 | 0 | 4,305 | 4,305 | indirect | |
| 9 | 15-20 | 1505 | | | DA DFZ | 50170 | 0 | (200,000) | (200,000) | fed direct rev. | |
| 10 | 70-01 | 3500 | | | 705210 | 50316 | 0 | (20,311) | (20,311) | Insurance rev | |
| 11 | 70-01 | 3500 | | | 705210 | 60330 | | 20,311 | 20,311 | Insurance cost | |
| 12 | 70-03 | 3502 | | | 709520 | 50310 | | (850) | (850) | phone rev | |
| 13 | 70-03 | 3502 | | | 709520 | 60200 | | 850 | 850 | phone cost | |
| 14 | 19 | 1000 | | | 9500001000 | 50310 | | (4,305) | (4,305) | Indirect rev | |
| 15 | 19 | 1000 | | | 9500001000 | 60470 | | 4,305 | 4,305 | indirect cost | |
| 16 | | | | | | | | 0 | | | |
| 17 | | | | | | | | 0 | | | |
| 18 | | | | | | | | 0 | | | |
| 19 | | | | | | | | 0 | | | |
| 20 | | | | | | | | 0 | | | |
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| 24 | | | | | | | | 0 | | | |
| 25 | | | | | | | | 0 | | | |
| 26 | | | | | | | | 0 | | | |
| 27 | | | | | | | | 0 | | | |
| 28 | | | | | | | | 0 | | | |
| 29 | | | | | | | | 0 | | | |
| | | | | | | | | 0 | 0 | Total - Page 1 | |
| | | | | | | | | 0 | 0 | GRAND TOTAL | |

5. ANNUALIZED PERSONNEL CHANGE

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

| | | | | | | ANNUALIZED | | | |
|---------------------------------|-------|-------------|----------------------------|-----------------|-------------|----------------|---------------|---------------|----------------|
| Fund | Job # | HR Org Unit | Position Title | Position Number | FTE | BASE PAY | FRINGE | INSUR | TOTAL |
| 1505 | 6253 | 63176 | Deputy District Attorney 3 | 709277 | 1.00 | 100,913 | 22,490 | 20,311 | 143,714 |
| | | | | | | | | | 0 |
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| | | | | | | | | | 0 |
| | | | | | | | | | 0 |
| TOTAL ANNUALIZED CHANGES | | | | | 1.00 | 100,913 | 22,490 | 20,311 | 143,714 |

6. CURRENT YEAR PERSONNEL DOLLAR CHANGE

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

| | | | | | | CURRENT YEAR | | | |
|---------------------------------|-------|-------------|----------------------------|-----------------|-------------|----------------|---------------|---------------|----------------|
| Fund | Job # | HR Org Unit | Position Title | Position Number | FTE | BASE PAY | FRINGE | INSUR | TOTAL |
| 1505 | 6253 | 63176 | Deputy District Attorney 3 | 709277 | 1.00 | 100,913 | 22,490 | 20,311 | 143,714 |
| | | | | | | | | | 0 |
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| | | | | | | | | | 0 |
| TOTAL CURRENT FY CHANGES | | | | | 1.00 | 100,913 | 22,490 | 20,311 | 143,714 |

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: October 23, 2003

Agenda Item #: R-1

Est. Start Time: 9:30 AM

Date Submitted: 09/29/03

Requested Date: 10/23/2003

Time Requested: 45 minutes

Department: Non-Departmental

Division: County Attorney

Contact/s: Agnes Sowle

Phone: 503-988-3138

Ext.:

I/O Address: 501/500

Presenters: Agnes Sowle, Doug Hicks, Scott Asphaug, Jenny Morf, Patrick Henry

Agenda Title: County Attorney's Annual Report

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation? Informational Only**
- 2. Please provide sufficient background information for the Board and the public to understand this issue. Presentation of the County Attorney's FY 02/03 Annual Report**
- 3. Explain the fiscal impact (current year and ongoing). NA**

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

If a budget modification, explain:

- ❖ What revenue is being changed and why?**
- ❖ What budgets are increased/decreased?**
- ❖ What do the changes accomplish?**

- ❖ Do any personnel actions result from this budget modification? Explain.
 - ❖ Is the revenue one-time-only in nature?
 - ❖ If a grant, what period does the grant cover?
 - ❖ When the grant expires, what are funding plans?
- NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved. NA
5. Explain any citizen and/or other government participation that has or will take place. NA

Required Signatures:

Department/Agency Director: *Agnes Sowle* Date: 9/29/03

Budget Analyst

By: _____ Date:

Dept/Countywide HR

By: _____ Date:

Multnomah County Attorney's 2002 - 2003 Annual Report



October 23, 2003



OFFICE OF
MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
County Attorney

SCOTT ERIK ASPHAUG
Deputy

501 S.E. HAWTHORNE, SUITE 500
PORTLAND, OREGON 97214

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SANDRA N. DUFFY
SUSAN DUNAWAY
PATRICK HENRY
JENNY M. MORF
MATTHEW O. RYAN
KATHRYN A. SHORT
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

MEMORANDUM

TO: Board of County Commissioners
Diane Linn, Chair
Maria Rojo de Steffey, Commissioner
Serena Cruz, Commissioner
Lisa Naito, Commissioner
Lonnie Roberts, Commissioner

FROM: Agnes Sowle

DATE: October 23, 2003

RE: 2002-2003 Annual Report

INTRODUCTION

Our office has fourteen lawyers and seven support staff. We provide legal services for all county officers and departments. This Annual Report summarizes the legal services we provided to county clients last year.

During the fiscal year 2002–2003, we provided 23,918.05 hours of direct legal services for litigation, legal consultation, legal document preparation and review, and client training.

We worked on many ordinances and resolutions for departments and the Board during the fiscal year. Twenty-seven of those ordinances were adopted by the Board. Notable among the ordinances and resolutions are the following:

- Ord. 1000 (11/14/2002) Amending MCC Chap. 7 to add a subchapter relating to Emergency Management;
- Ord. 1001 (12/12/02) - Adopting West of Sandy River Rural Area Plan;
- Ord 1012 (06/19) Establishing a temporary local income tax for public schools, human services and public safety;
- Res. 02-117 8/22/02 Submitting to voters a five-year rate based local option levy to continue library services;
- Res. 02-130 (10/10/02) Adopting new public contract review board rules;
- Res. 02-136 (10/17/02) Establishing a policy for construction of major facilities capital projects;
- Res. 03-029 (2/27/03) Setting hearings for the PUD;
- Res. 03-054 (4/10/03) Adopting HIPAA privacy policies and directing appointment of a county privacy officer; and
- Res. 03-087 (6/12/03) establishing the boundaries of the PUD and referring the formation and levy to the voters.

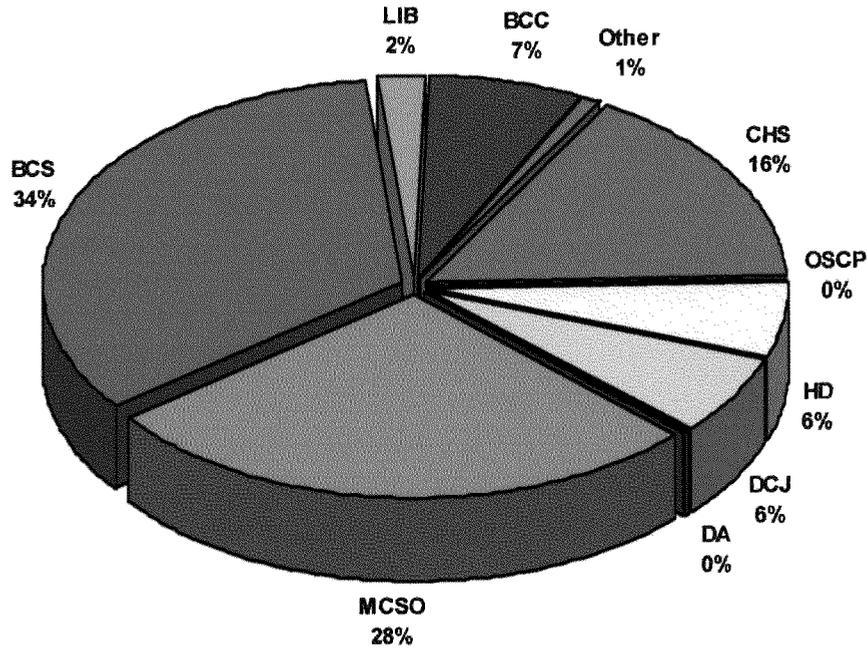
DIRECT SERVICE HOURS

Graph 1 breaks down our direct services hours by department. The graph shows that the greatest amount of direct service time was devoted to Business and Community Services for the second year with 34%. The total hours for the Sheriff increased from 22% to 28%. Last year had demonstrated a substantial decrease in hours for the Sheriff (from 29% in 2001), in part due to the fact that no employment lawsuits came up during the year, so it is not so much an increase as a return to the number of hours needed in prior years. The hours spent on Health Department legal matters decreased to 6% from 10% last year. Community Justice decreased from 9% last year to 6% this year. Services for the Board increased from 5% last year to 7% this year.

Graph 2 depicts direct service hours expended by the various work types. Litigation was down slightly; it consumed 54% of our time down from 60% last year and 58% the year prior. Time spent in preparation and review of contracts and other legal documents was constant at 14%, legal consultation was 31%, up from 24% last year, and at 1% client training remained the same.

Direct Service Time to Departments

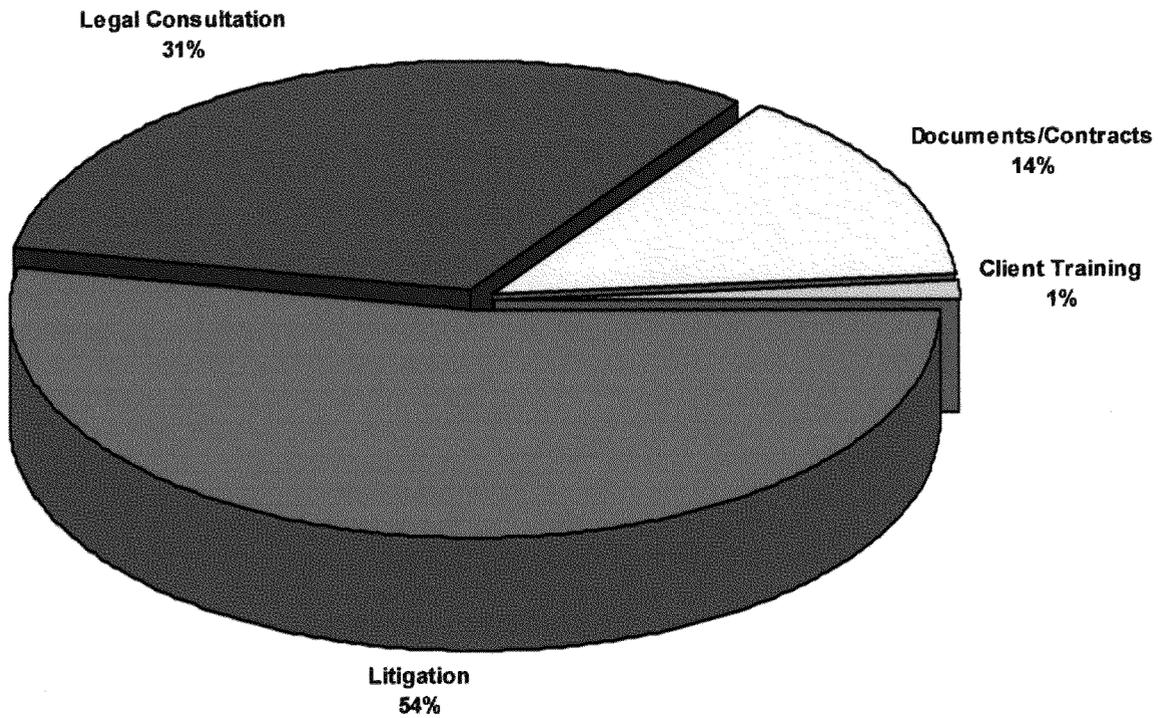
7/1/02 through 6/30/03



| Department | Hours |
|-----------------------------------|------------------|
| Business and Community Services | 8,024.60 |
| Sheriff | 6,581.90 |
| County Human Services | 3,827.00 |
| Board of Commissioners | 1,635.40 |
| Health Department | 1,477.85 |
| Community Justice | 1,467.00 |
| Multnomah County Library | 588.50 |
| Other County | 200.90 |
| District Attorney | 74.00 |
| School and Community Partnerships | 40.90 |
| | 23,918.05 |

Direct Service Time

7/1/02 through 6/30/03



| <u>Work Type</u> | <u>Hours</u> |
|---------------------|------------------|
| Litigation | 12,692.25 |
| Legal Consultation | 7,535.70 |
| Documents/Contracts | 3,386.40 |
| Client Training | 303.70 |
| | 23,918.05 |

LITIGATION

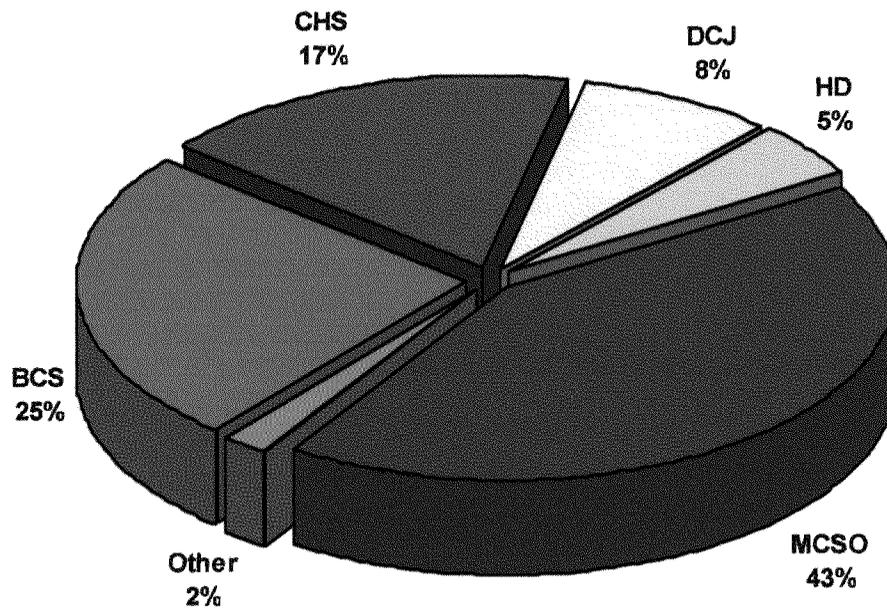
Graph 3 shows our litigation hours broken down by department. The Sheriff continues to consume the most litigation hours at 43% (up from 31% last year, but constant with 42%. County Human Services used 17% of our litigation hours, a slight increase from the previous year. Litigation time for Community Justice decreased from 1259.10 hours to 1059.25 hours or 8%.

Graph 4 highlights the top twenty of last year's cases based on hours expended. This past year the Sheriff had 10 of the cases, two more than last year. Community Justice cases in the top 20 decreased from 3 to 1. The Health Department decreased from 2 in the top 20 cases to 1. Business and Community Services remained constant at 3 cases. In the past fiscal year, the total top 20 cases accounted for 44% of all litigation hours, down substantially from 57% as last year. This statistic might appear to indicate that we are experiencing less complicated cases, but it may also be attributable to the fact that with the life of a lawsuit running two or three years, it is not uncommon for a case's hours to be split between two or three years.

Brief descriptions of the top 20 cases follow graphs 3 and 4.

Litigation Time by Department

7/1/02 through 6/30/03



| Department | Time |
|-----------------------------------|------------------|
| Sheriff | 5,447.80 |
| Business and Community Services | 3,202.75 |
| County Human Services | 2,200.00 |
| Community Justice | 1,059.25 |
| Health Department | 585.10 |
| Multnomah County Library | 83.55 |
| County Attorney | 72.55 |
| Board of Commissioners | 67.60 |
| District Attorney | 30.20 |
| School and Community Partnerships | 1.50 |
| | 12,750.30 |

Litigation Time - Top 20 Cases

7/1/02 through 6/30/03

377 total open litigation files

| <i>Business and Community Services</i> | | | 3 of 104 open litigation files | Total | % of Dept's Lit |
|---|-----|---|--------------------------------|-----------------|-----------------------|
| 0343-00 | JMM | Minter, Peggy Jo v. MC and Daniel Brown | | 459.30 | |
| 0101-02 | DNB | Matthews, Shelley - Merit Council Appeal | | 378.30 | |
| 0014-02 | JST | Portland Shipyard LLC/Cascade General Property Tax Appeal | | 288.30 | |
| | | | | 1,125.90 | 3,202.75 35.2% |

| <i>Community Justice</i> | | | 1 of 43 open litigation files | Total | % of Dept's Lit |
|---------------------------------|-----|--|-------------------------------|---------------|-----------------------|
| 0328-01 | JMM | Connell, Cathreen Ann v. Multnomah County; USDC 01-1726 HA | | 378.20 | |
| | | | | 378.20 | 1,059.25 35.7% |

| <i>County Human Services</i> | | | 5 of 38 open litigation files | Total | % of Dept's Lit |
|-------------------------------------|-----|--|-------------------------------|-----------------|-----------------------|
| 0343-01 | SMD | Alpha Energy Savers, Inc., and Robert Obrist v. Multnomah County | | 714.95 | |
| 0115-02 | KG | Multnomah County v. Wildwood Personal Initiatives, Inc.; MCCC 0 | | 325.35 | |
| 0148-02 | KAS | Perfili, Linda v. Multnomah County; USDC 02-762-JE | | 244.50 | |
| 0283-02 | JMM | Strutz, Susan v. Multnomah County USDC 02-1672-FR | | 177.60 | |
| 0155-02 | GHI | Wildwood Personal Initiatives, Inc. v. Multnomah County and Howa | | 149.45 | |
| | | | | 1,611.85 | 2,200.00 73.3% |

| <i>Health Department</i> | | | 1 of 17 open litigation files | Total | % of Dept's Lit |
|---------------------------------|-----|--|-------------------------------|---------------|---------------------|
| 0351-00 | GHI | Vazquez-Vargas, Vianey v. Multnomah County, Chan, OHSU, Stei | | 140.90 | |
| | | | | 140.90 | 585.10 24.1% |

| <i>Sheriff</i> | | | 10 of 153 open litigation files | Total | % of Dept's Lit |
|-----------------------|-----|--|---------------------------------|-----------------|-----------------------|
| 0292-01 | AS | Cross, Rodger v. Noelle, et al. - USDC Case No. 01-1848 JE | | 589.95 | |
| 0147-02 | AS | Hathaway, Dawn v. Multnomah County Sheriff's Office; USDC 02-7 | | 316.70 | |
| 0081-02 | AS | Montoya and Borja v. Noelle, et al; CV 02-446 KI | | 297.10 | |
| 0134-02 | DNB | Denson, Horace v. Sgts. Phelps & Camp, Deps. Edwards & Blesco | | 214.00 | |
| 0149-02 | JMM | Edwards, Rod - Merit Council Appeal | | 195.65 | |
| 0139-02 | GHI | Elam, Curtis v. Multnomah County MCCC 0205-05353 | | 162.10 | |
| 0256-00 | SEA | Ossig, Michael Johnny v. P Gayman, RN, S. Brunton, RN, et al; C | | 157.15 | |
| 0122-02 | DNB | Hall, Kenneth A. v. Multnomah County USDC 02-579-HU | | 147.80 | |
| 0144-00 | SMD | Biberdorf, Lowell C. v. State of Oregon, Multnomah County, et al | | 143.85 | |
| 0039-02 | GHI | Woods, Laurence v. Sheriff Noelle and Chaplain Duncan; 02-00142 | | 143.55 | |
| | | | | 2,367.85 | 5,447.80 43.5% |

| | |
|---|------------------|
| Total Litigation Hours for these Cases | 5,624.70 |
| Total Litigation Hours - All Departments | 12,692.25 |
| % of Total Litigation Hours for these Cases | 44.3% |

BUSINESS AND COMMUNITY SERVICES

Peggy Minter v. Multnomah County, et al – (459.30 hours)

Minter, a former manager in the Facilities Division, was terminated for falsification of accounting records. She filed a Federal lawsuit against the County and her supervisor alleging that she was terminated in violation of her First Amendment rights because she was a whistleblower, and that her termination amounted to a wrongful discharge. We were granted summary judgment on the whistleblower and wrongful discharge claims. The parties prepared for trial on the First Amendment claim, but entered into settlement negotiations because of several adverse evidentiary rulings by the Court. Minter's initial settlement offer was for \$300,000 plus \$50,000 in attorney fees. We ultimately settled the case for \$80,000.

Shelley Matthews, Merit Council Appeal – (378.30 hours)

Matthews was a County employee who was terminated during her probationary period. She appealed her termination to the Multnomah County Merit Council on the grounds that her termination was in violation of County Personnel Rules and was discriminatory based on her race and ethnicity. Issues arose throughout the case including concerns about the Merit Council's authority to send all the issues to a designated Hearings Officer and a potential conflict of interest on the part of one of the Merit Council members. Eventually a full evidentiary hearing was held. The Hearings Officer recommended the appeal be dismissed in its entirety and the Merit Council adopted the Hearings Officer's Proposed Order.

Portland Shipyard LLC/Cascade General Property Tax Appeal – (288.30 hours)

The Portland Shipyard property consisting of more than 50 acres of improved industrial property went on the tax rolls for the first time in 2001 as a result of the sale of the property from the Port of Portland to Portland Shipyard, Inc. and Cascade General. The property had previously been exempt from taxation. The county assessor and the owner could not agree on the value to be assigned to the property. As the matter was set to go to trial, the county proposed mediation of the dispute. After a two-day mediation session, the parties agreed on values for the 2001 tax year and the years following. The valuation of this property involved many complex legal, factual and appraisal issues. This office is increasing its use of mediation in complex property tax cases. Mediation reduces litigation cost to the county and the taxpayer and produces results that are equivalent to verdicts that might be expected at trial.

COMMUNITY JUSTICE

Connell v. Multnomah County – (378.20 hours)

Connell, a current employee, was terminated for insubordination for failing to follow a direct order of the Director. At Merit Council, she was ordered reinstated without back pay. She then filed a Federal lawsuit claiming that her termination violated her Due process rights (procedural and substantive), her First Amendment rights, and constituted a wrongful termination under Oregon State law. Our motion for summary judgment was granted and the lawsuit was dismissed in its entirety.

COUNTY HUMAN SERVICES

Alpha Energy Savers, Inc. and Obrist v. Multnomah County et al – (714.95 hours)

An independent contractor who has performed weatherization services for the County under a non-exclusive contract has brought both state and federal claims against the County and two of its employees who work in the Weatherization department. The federal claim alleged that the County and the individual defendants retaliated against the contractor for exercising his First Amendment rights by testifying at a union hearing and by volunteering to testify in a federal case brought against the County by a former County employee. Alpha sought a million dollars in damages plus attorney fees. The Court granted our motion for summary judgment and dismissed the lawsuit. Alpha appealed to the Ninth Circuit, which is pending.

Multnomah County v. Wildwood Personal Initiatives, Inc (325.35 hours)

Wildwood Personal Initiatives, Inc. v. Multnomah County -- (149.45 hours)

These two files relate to the same case. The lawsuit alleged a civil rights claim arising out of the decision by the DD Program to not renew a provider's annual contract based upon the County administrators' business judgment that the provider was wasting an unreasonable amount of County resources in administering the contract. WPI claimed that the non renewal was motivated by retaliation for their protesting terms of the agreement and other related matters. The County obtained a preliminary injunction after a trial in June requiring WPI's cooperation in transitioning the clients to other providers. At the same time we successfully opposed WPI's cross motion seeking a TRO requiring the continuation of the contract. Using the information the WPI subsequently provided, the DD program safely transitioned all the clients to new providers in August of 2002.

Subsequent to the transition of the clients and obtaining authority from the Chair's office, the County Attorney's Office entered into negotiations to settle WPI's claims against the County. Obtaining a reasonable settlement made sense for a number of reasons. First, because of the timing of the decision not to renew the contract, there was at least a colorable claim that the County had a bad motivation for doing what it did. Though the total damage exposure was limited, the case was worth a significant amount of money due to the provider's statutory right to recover attorney fees if it made any recovery at all. Second, the state gave absolutely no support to the DD program as it attempted to deal with this very difficult situation. Finally, because of budget cuts, the DD program had limited resources in terms of employee time to invest in a trial. In addition, a number of key staff were no longer with the County. The claim ultimately settled for \$135,000.

Linda Perfili v. Multnomah County - (244.50 hours)

Perfili is a current employee who brought a federal lawsuit claiming federal and state disability discrimination, FMLA/OFLA discrimination, gender discrimination and civil rights violations. She claims that the County failed to accommodate her disabilities. She was granted her requested FMLA and OFLA. The County's motion for summary judgment was granted and the case dismissed. She appealed to the Ninth Circuit which is pending.

Susan Strutz v. Multnomah County – (177.60 hours)

Strutz is a current employee who was employed as a manager in the Department of County Human Services. Her position was eliminated in 2002 as part of a reduction in workforce and she "bumped" into a lower level position. She then brought a Federal court lawsuit alleging interference with her rights under the FMLA and as well as state claims. Discovery is ongoing. In the meantime, we have scheduled this case for mediation with a federal judge mediator in December 03'. If a settlement is not reached, the County will move for summary judgment.

HEALTH DEPARTMENT

Vianey Vazquez-Vargas v. Multnomah County – (140.90 hours)

This is a medical malpractice case in which a baby suffered serious neurological damage as a result of undiagnosed TB Meningitis. The County and one of its physicians have been sued for failing to correctly diagnose the illness along with OHSU and Emanuel. The case is currently under abatement and we believe that the plaintiff will voluntarily dismiss the case against the County.

SHERIFF'S OFFICE

Lowell Biberdorf v. Multnomah County, et al. – (143.85hours)

Biberdorf brought a 42 USC Section 1983 action as well as state claims in Federal Court alleging that the Sheriff's Office violated his civil rights by failing to give him three and a half months of credit for time served. The county brought a third-party complaint against the criminal defense attorneys who represented Biberdorf in his criminal cases seeking indemnification/contribution on the theory that the criminal defense attorneys were negligent in failing to apprise the judge of all information concerning the plaintiff, which resulted in an inaccurate judgment of conviction being forwarded to the County. The County's summary judgment motion was granted in part. At that point the parties went to mediation with a federal judge mediator. We are currently using a federal judge mediator for several of our lawsuits where there is some risk of exposure, especially if the prevailing party will be awarded attorney fees. Here, mediation resulted in the County paying the sum of \$12,000 to Biberdorf.

Rodger Cross v. Multnomah County – (145.15 hours)

Montoya and Borja v. Noelle et al – (297.10 hours)

Cross, Montoya, Borja and one other former employee, all corrections deputies, were terminated as the result of their conduct with an inmate, Dennis Poe, and the following investigation. They brought federal lawsuits claiming that they were denied due process and equal protection among numerous other claims. Discovery was conducted on all three together. We moved for and were granted summary judgment on Cross' lawsuit. He has appealed. We also moved for summary judgment on Montoya's and Borja's claims, but before deciding the matter, Borja's reserve unit was shipped overseas and the case was abated. As soon as he returns, we will move forward with the summary judgment motions.

Horace Denson v, Sgt. Phelps, et al. – (214.00 hours)

Mr. Denson is a former inmate who brought suit against the Multnomah County Detention Center and a number of Sheriff's Office employees for a number of state and federal civil rights violations including; Due Process violations, denial of medical services, cruel and unusual punishment, illegal detention, intimidation, harassment, First Amendment violations and other unspecified civil rights violations. After extensive discovery, research and case prep, Mr. Denson was transferred to another correctional facility and failed to maintain the lawsuit. The case was dismissed for failure to prosecute.

Kenneth A. Hall v. Multnomah County and Josephine County – (147.80 hours)

Mr. Hall sued Multnomah and Josephine Counties for false imprisonment and civil rights violations stemming from an alleged unlawful incarceration in both counties. Initially, Mr. Hall was arrested by Portland Police for driving under the influence. An on-scene background check revealed a Josephine County arrest warrant. After being in custody two days at MCDC, one day at MCIJ, one day in Salem and two days in Josephine County it was determined that the arrest warrant was intended for a different Kenneth A. Hall. With a federal judge sitting as mediator, a settlement was reached. Josephine County paid the bulk of the settlement.

Dawn Hathaway v. Multnomah County Sheriff's Office – (316.70 hours)

Hathaway is a current corrections deputy who brought a federal action against the Sheriff's office for hostile work environment and battery. She claimed a co-worker had inappropriately kissed her. After an IAU investigation, the co-worker was disciplined by a 30 day suspension. The Court granted our motion for summary judgment on the grounds that the conduct was not sufficiently severe and pervasive to alter the conditions of her employment and that the County had responded to her complaint promptly and appropriately.

Rod Edwards Merit Council Appeal – (195.65 hours)

A current deputy filed a Merit Council appeal alleging that he was not promoted to Sergeant in retaliation for having been awarded veteran's preference points. After a two day evidentiary hearing a hearings officer determined that there was no discrimination on the basis of veteran's preference points. The Merit Council unanimously upheld the hearings officer's decision. Mr. Edwards is requesting review of the Merit Council's decision by the state court. This writ will likely be heard in state court in 2004.

Curtis Elam v. Multnomah County – (162.10 hours)

This state court case alleges that an inmate with a serious leg impairment was injured while attempting to get out of an upper bunk at the Multnomah County Detention Center. The case alleges negligence in failing to determine the extent of plaintiff's disability and in placing the inmate in an upper bunk. Discovery is ongoing with depositions of involved physicians to take place later in the fall.

Michael Johnny Ossig v. P. Gayman, RN et al – (157.15 hours)

This inmate, representing himself, filed a federal lawsuit alleging violation of his civil rights. He raised numerous issues regarding corrections and correction health practices. The Federal Magistrate agreed with our position at summary judgment and made findings and

recommendations of dismissal. (A magistrate's recommendations must be approved by a Federal District Court Judge). The plaintiff recently filed his objections to the Findings and Recommendations and we are in the process of responding. This case exemplifies how pro se complaints by inmates often-times result in expenditures of time and resources far in excess of the negligible value of the their complaints. Cases like these, however, are not settled for nuisance value as sound public policy dictates otherwise. We can expect that we will continue to see cases similar to this into the foreseeable future.

Employment cases in the top twenty have increased this year. We have seen a trend in the past two years of plaintiffs appealing the cases we have won at summary judgment. We currently have five employment appeals in process.

The County has continued to limit liability losses in the past fiscal year. However, given the serious nature of current cases pending and the uncertain future of the Oregon Tort Claims Law, it may be difficult to maintain our record. We are increasing our use of mediation in complex cases and those with a high risk of loss, high damages potential, the likelihood of our having to pay attorney fees, or any combination of these.

ADVISORY WORK

We continue to look for opportunities to provide high quality legal advice to our clients. During the past fiscal year, this Office assisted in the Transportation Division's revision of the County's Street Standards manual, the rules and guidelines relating to development along and use of county roads. The new manual is pending and is tentatively to be called the "Road Rules" which is consistent with the statutorily defined phrase "county roads". Other major tasks include the Bridge Use Ordinance and the 257th (Kane) Project in Gresham for transportation and various individual Service District issues.

We have spent significant time creating new forms for use by Facilities Management for construction work. A new construction and architect and engineer boilerplate draft has been prepared with assistance of outside counsel experienced in this area. This draft is being reviewed

by county staff and should be implemented in the next several months. A new form for use to purchase goods and services on a requirements basis was completed and is now in use. The Transportation Special Conditions were completely re-written to conform to the new ODOT 2002 Specification Book.

Construction disputes also consumed a substantial amount of time. Claims by the general contractor and the architect on the East County building were settled in mediation. Claims by the County for design and construction defects in the building are near resolution. The contractor on the Children's Receiving Center project also filed a claim with the county that was ultimately settled. A construction dispute with the contractor on the Hillsdale Library went to mediation and resulted in an agreement by the contractor to withdraw from the contract. After a limited competition, Hoffman Construction was selected to replace the contractor and Hoffman is completing the work.

Two unique issues required substantial attorney time during the year. The imposition of the Multnomah County personal income tax and the petition for a People's Utility District both presented legal analysis and preparation rarely required by our office.

EFFECTIVE RATE

The effective rate paid for each hour of direct legal service was \$94.11 down \$3.06 per hour from last year. The savings resulted, in substantial part, from our attorneys putting in more work hours. This rate saved the County and taxpayers a significant amount of money from rates charged by private law firms. Legal fees charged by Portland firms for representing government clients now exceeds \$225 per hour and, in some cases, is as high as \$250 per hour. Our rate is also less than that charged by other government law firms.

Of all hours reported by County Attorneys 85.7% went to direct client legal services; the percentage of our hours devoted to administrative and professional development services is only 14%, slightly less than last year. In addition, the average number of direct legal service hours provided during the fiscal year by each lawyer increased substantially from 1,595.67 to 1,708.43.

The following chart summarizes the effective hourly rate computation:

| | | |
|--|---------|-----------------|
| Total Hours Reported | | 27,886.27 |
| Direct Service | (85.7%) | 23,918.05 |
| Non-Direct Service | (14.2%) | 3,910.17 |
| Administrative | (10.1%) | 2,828.67 |
| Professional | (4%) | 1,139.55 |
| 14 Lawyer FTE Average Direct Service Hours* | | 1,708.43 |
| Office Actual Budget Expenditures | | \$2,251,158.00 |
| Divided by Direct Service Hours | | 23,918.05 |
| Effective Hourly Rate | | \$94.11 |

* We actually did not have 14 Lawyer FTE this year. We had one part time attorney who took 12 weeks of family leave, one attorney who worked .8 FTE all year, one attorney who worked .8 FTE part of the year and .5 FTE the rest of the year. In addition we had a resignation in February which was not replaced until July. In short, the actual average hours of direct service for the attorneys is somewhat higher than the average shown.

CONCLUSION

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

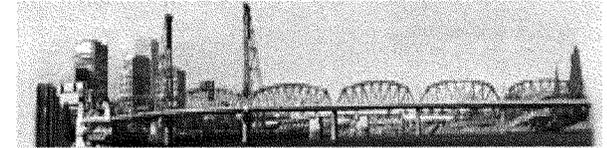
Three statistics that particularly show the efficiency of the County Attorney Office are:

- (1) Over 85% of lawyer office hours go to direct legal services;
- (2) Each lawyer averages 1,708 direct service hours per year; and
- (3) The cost of each direct service hour is \$94.01.

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

| CLIENT: | CONTACT: |
|---|--|
| BOARD OF COMMISSIONERS | <u>Agnes Sowle</u> |
| CHAIR'S OFFICE | <u>Agnes Sowle</u> |
| DISTRICT ATTORNEY | <u>Scott Asphaug</u> |
| SHERIFF'S OFFICE | <u>Scott Asphaug</u> <u>Susan Dunaway</u> |
| AUDITOR'S OFFICE | <u>Agnes Sowle</u> |
| BUSINESS & COMMUNITY SERVICES | |
| ANIMAL SERVICES | <u>Matt Ryan,</u> <u>Jenny Morf</u> |
| ASSESSMENT & TAXATION | <u>John Thomas</u> |
| BUDGET & PERFORMANCE | <u>Agnes Sowle</u> |
| ELECTIONS | <u>Agnes Sowle</u> |
| EMERGENCY MANAGEMENT | <u>Chris Crean</u> |
| FACILITIES & PROPERTY MANAGEMENT | <u>John Thomas,</u> <u>Matt Ryan</u> |
| FINANCE/ PROCUREMENT & CONTRACT ADMIN | <u>John Thomas</u> <u>Agnes Sowle</u> |
| FREDS (Fleet, Records, Electronics & Distribution) | <u>Matt Ryan</u> |
| HUMAN RESOURCES/ DEFERRED COMPENSATION | <u>Kathy Short</u> |
| INFORMATION TECHNOLOGY | <u>John Thomas</u> |
| LAND USE PLANNING | <u>Sandy Duffy,</u> <u>Chris Crean</u> |
| TAX TITLE | <u>Chris Crean</u> |
| TRANSPORTATION | <u>Matt Ryan,</u> |
| COMMUNITY JUSTICE | <u>Jacquie Weber</u> |
| COUNTY HUMAN SERVICES | <u>Patrick Henry</u> |
| HEALTH | <u>Jacquie Weber</u> |
| LIBRARY SERVICES | <u>Scott Asphaug</u> |
| SCHOOL & COMMUNITY PARTNERSHIPS | <u>Chris Crean</u> |

| OFFICES, COMMISSIONS & COMMITTEES | |
|--|---|
| Citizen Involvement Committee | <u>Agnes Sowle</u> |
| Children, Families & Community Commission | <u>Jacquie Weber</u> |
| Planning Commission | <u>Sandy Duffy,</u> <u>Chris Crean</u> |
| Public Affairs Office | <u>Agnes Sowle</u> <u>Chris Crean</u> |



OFFICE OF MULTNOMAH COUNTY ATTORNEY



MISSION

To provide cost effective legal advice and representation.

OBJECTIVES

To draft legal documents and provide legal opinions in response to client requests in a timely manner.

To determine the county's legal liability when claims are filed and to efficiently and effectively resolve the claims through settlement or litigation.

To assist the county in preventing liability, as well as vigorous defense of claims.

To continuously upgrade practice skills of staff and meet professional standards for continuing legal education.

To establish an office environment that maximizes the ability of staff to respond professionally and efficiently to all legal needs.

**OFFICE OF
MULTNOMAH
COUNTY ATTORNEY**

We are the County's legal resource center. We provide legal services to the Chair's Office, the Board of County Commissioners, the County Sheriff, the County Auditor and County departments and employees. Matters range from land use to public meetings and records law, real property taxation to inmates' rights. We represent the County in state and federal courts.

WHAT WE CAN DO FOR YOU

- Defend you and county if sued
- Sue for taxes & contract claims
- Advise regarding:
 - Subpoenas
 - Public record requests
 - Contracts
 - Concealed weapon permits
- Draft ordinances & resolutions
- Interpret County Code & state statutes
- Provide legal advice and training

Please contact us with your legal issues before they become legal problems!

HOW TO CONTACT US

Telephone 503-988-3138
Fax 503-988-3377

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Portland, OR 97214

Interoffice: Bldg. 503/Rm. 500

Intranet (Mint): <http://mint/counsel/>

Internet:

<http://www.co.multnomah.or.us/counsel>

AREAS OF EXPERTISE

The lawyers and staff of the County Attorney's office are skilled, experienced practitioners, recognized in their fields:

Administrative Law
Constitutional Law
Elections Law
Health Care Law
Labor and Employment Law
Land Use Law
Mental Health Law
Municipal Law
Property Tax Law
Public Safety & Corrections
Real Estate Acquisitions
Senior Law
Tort Law
Workers' Compensation

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AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: October 23, 2003

Agenda Item #: R-2

Est. Start Time: 10:15 AM

Date Submitted: 10/15/03

Requested Date: October 23, 2003

Time Requested: 30 minutes

Department: Non-Departmental

Division: Commissioner Maria Rojo

Contact/s: Wendy Rankin, Health Department

Phone: 503-988-3663

Ext.: 26221

I/O Address: 106/14

Presenters: Commissioner Rojo, Co Chairs of Food Policy Council Rosemarie Cordello and Brian Rohter, Lillan Shirley, Dir. Health Dept., Linda Yankee, Sheriff's Office, and Guest

Agenda Title: RESOLUTION Accepting the Report of the Portland/Multnomah County Food Policy Council

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

Acceptance of the Portland/Multnomah County Food Policy Council Report including endorsement of governing principles, priority recommendations for Multnomah County and continuation of the Council in 2003-2004

2. Please provide sufficient background information for the Board and the public to understand this issue.

In June of 2002 the Board of County Commissioners approved the formation of the Portland/Multnomah County Food Policy Council, a subcommittee of the Sustainable Development Commission and charged the Council with:

- a) Providing ongoing advice and input to City and County staff on food related issues as needed

- b) Developing a set of governing principles to guide future local government and community decision making related to food issues
- c) Identifying and reporting back to City Council and the County Board on options for improving:
 - local land use policies and rules related to food production and distribution;
 - methods for building regional demand for locally produced foods and food products;
 - City and County food purchasing policies and practices;
 - the availability of healthy, affordable food to all residents; and
 - the capacity of local communities to promote and engage in healthy food practices.
- d) Develop a work plan, proposed structure and potential sources of additional funding for the Food Policy Council in fiscal year 2003-04 and subsequent years.

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

None.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

❖ **How will the county indirect and departmental overhead costs be covered?**

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

No legal issues. Recommendations will result in policy change.

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

The Portland/Multnomah County Food Policy Council, composed of community experts and leaders have met regularly over the past year. At least five subcommittees and a governing principles group have worked to develop this report. There has been significant community outreach and input incorporated into the final recommendations.

Required Signatures:

Department/Agency Director: _____



Date: 10/15/03

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Accepting the Report of the Portland/Multnomah County Food Policy Council

The Multnomah County Board of Commissioners Finds:

- a) In June of 2002, the Board of County Commissioners approved the formation of the Portland/Multnomah County Food Policy Council and charged them to:
1. Develop a set of governing principles to guide future local government and community decision making related to food issues.
 2. Identify and report back to City Council and the County Board on options for improving:
 - local land use policies and rules related to food production and distribution;
 - methods for building regional demand for locally produced foods and food products;
 - City and County food purchasing policies and practices;
 - the availability of healthy, affordable food to all residents; and
 - the capacity of local communities to promote and engage in healthy food practices.
 3. Develop a work plan, proposed structure and potential sources of additional funding for the Food Policy Council in fiscal year 2003-04 and subsequent years.
- b) More than 54% of Multnomah County adults are overweight or obese, leading to diabetes, heart disease and other preventable chronic diseases.
- c) Rates of childhood and adolescent obesity are also rising at an alarming rate, for example the percentage of eighth graders in Oregon who are overweight has increased nearly 50% within the last two years.
- d) Low income residents of Portland/Multnomah County region are disproportionately affected by inadequate access to fresh and healthy food.
- e) Local government plays a critical role in relieving hunger by assisting residents to participate in federal and state food and nutrition programs.
- f) Large institutions can play an instrumental role in creating market opportunities for new products, local producers and emerging businesses informing our vendors and serving as a model for local government food purchasing practices.
- g) Despite protective measures, remaining farm areas in Multnomah County are still threatened and the land use system faces continual challenges.
- h) The food industry spent \$25 billion on advertising and promotions in 2000. The federal government's Five-A-Day campaign spends only \$3.6 million each year.
- i) The Multnomah Sheriff's Office promotes healthy lifestyles and nutritional food choices to the people in the County's Corrections system

- j) The Multnomah Sheriff's Office is working in collaboration with the Council, Community and Business Services and Aramark to explore local and healthy food delivery alternatives for people in the County's Corrections system

The Multnomah County Board of Commissioners Resolves:

1. To endorse the Governing Principles of the Portland/Multnomah County Food Policy Council as outlined in the report dated October 2003.
2. To accept the recommendations of Portland/Multnomah County Food Policy Council as outlined in the report dated October 2003
3. To endorse the continuation of the Portland/Multnomah County Food Policy Council in order to:
 - Work with County staff to implement priority recommendations from the attached report
 - Prioritize medium and long-term recommendations for work plan development including potential additional sources of funding.
 - Continue to provide ongoing expert advice and input to City and County staff on food related issues as needed
 - Regularly communicate with and actively solicit participation and engagement from interested members of the general public.
4. To adopt the County priority recommendations of the report:
 - To direct the Health Department to support the Food Policy Council with on-going data collection and mapping to identify neighborhoods with inadequate food access. Analysis will be performed to identify the potential for a community-driven pilot planning effort.
 - To direct the Department of Business and Community Services, Central Procurement, and Contract Administration to support the efforts of the Council to incorporate sustainability criteria into food purchasing contracts.
 - To direct the Health Department to increase the use of Farmers' Market Nutrition Program by raising awareness of farmers' market dates and times using promotional strategies that fit the culture of specific communities

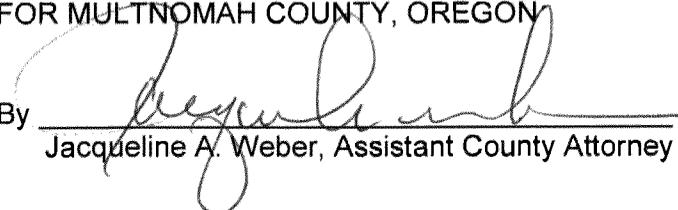
ADOPTED this 23rd day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Jacqueline A. Weber, Assistant County Attorney

FOOD POLICY COUNCIL (affiliations are provided for identification purposes only)

SUZANNE BRIGGS, Oregon Farmers Market Association

RACHEL BRISTOL, Oregon Food Bank

ROSEMARIE CORDELLO, Sustainable Development Commission

VERONICA DUJON, Portland State University/ Sustainable Development Commission

GREG HIGGINS, Higgins Restaurant

BETTY IZUMI, OSU Extension Service

NJERI KARANJA, Kaiser Permanente

STEVE OLSON, S.C. Olson Consulting

BRIAN ROHTER, New Seasons Market

MARCUS SIMANTEL, Retired Farmer

SHANNON STEMBER, Portland Public Schools

PENNIE TRUMBULL, The Marketing Director

PROJECT STAFF

MATT ENLEN, Portland Office of Sustainable Development

MICHAEL ARMSTRONG, Portland Office of Sustainable Development

HALEY SMITH, AmeriCorps Member

AMY JOSLIN, Multnomah County Department of Business and Community Services

WENDY RANKIN, Multnomah County Health Department



Multnomah County
Maria Rojo de Steffey, Commissioner



City of Portland
Dan Saltzman, Commissioner

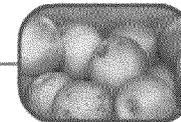
Office of Sustainable Development
721 NW 9th Ave., Suite 350
Portland, OR 97209

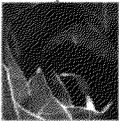
503-823-7222
www.sustainableportland.org
Susan Anderson, Director

FOOD POLICY RECOMMENDATIONS EXECUTIVE SUMMARY

PORTLAND-MULTNOMAH FOOD POLICY COUNCIL

OCTOBER 2003





Project Background

This report provides the findings and recommendations of the Food Policy Council (FPC), a citizen advisory panel created in June 2002 by the City of Portland and Multnomah County. Established as a subcommittee of the Sustainable Development Commission, the Food Policy Council was asked to identify options for improving how the region's food system functions. It is comprised of business and community leaders with expertise spanning retail, restaurants, farming, hunger relief, land use, community education and institutional purchasing.

A Call To Action

- FPC's work responds to a food system that currently yields unacceptable results for Multnomah County residents.
- Some parts of the community lack sufficient access to fresh, healthy regionally-grown food.
- Oregon's rate of hunger is nearly double the national average: one in 17 households is hungry
- One in seven (14.3%) are food insecure (have experienced the limited or uncertain availability of nutritionally adequate and safe food)
- Over half (54%) of Multnomah County adults are overweight or obese, leading to diabetes, heart disease and other preventable ailments.
- Farmers in the region are threatened by challenges to the land use system and global competition.

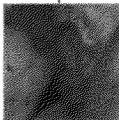
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High-Priority Actions

FPC recommends the following actions for immediate implementation by the City and County. The full report identifies additional actions.

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Government can lead by example, using its purchasing power to support a healthy regional food system. The starting point is building connections with regional food suppliers.

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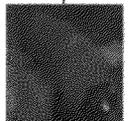
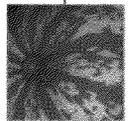
These venues will provide a foundation for building the regional food economy and raising public awareness.

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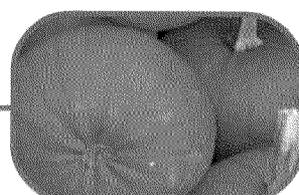
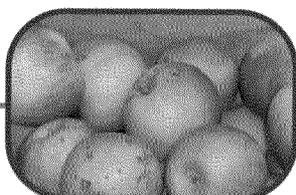
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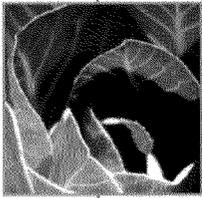


FOOD POLICY RECOMMENDATIONS EXECUTIVE SUMMARY

PORTLAND-MULTNOMAH FOOD POLICY COUNCIL

OCTOBER 2003





Project Background

This report provides the findings and recommendations of the Food Policy Council (FPC), a citizen advisory panel created in June 2002 by the City of Portland and Multnomah County. Established as a subcommittee of the Sustainable Development Commission, the Food Policy Council was asked to identify options for improving how the region's food system functions. It is comprised of business and community leaders with expertise spanning retail, restaurants, farming, hunger relief, land use, community education and institutional purchasing.

A Call To Action

- FPC's work responds to a food system that currently yields unacceptable results for Multnomah County residents.
- Some parts of the community lack sufficient access to fresh, healthy regionally-grown food.
- Oregon's rate of hunger is nearly double the national average: one in 17 households is hungry
- One in seven (14.3%) are food insecure (have experienced the limited or uncertain availability of nutritionally adequate and safe food)
- Over half (54%) of Multnomah County adults are overweight or obese, leading to diabetes, heart disease and other preventable ailments.
- Farmers in the region are threatened by challenges to the land use system and global competition.



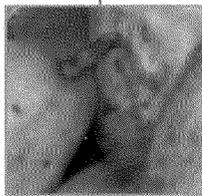
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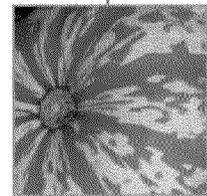
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FOOD POLICY COUNCIL (affiliations are provided for identification purposes only)

SUZANNE BRIGGS, Oregon Farmers Market Association

RACHEL BRISTOL, Oregon Food Bank

ROSEMARIE CORDELLO, Sustainable Development Commission

VERONICA DUJON, Portland State University/ Sustainable Development Commission

GREG HIGGINS, Higgins Restaurant

BETTY IZUMI, OSU Extension Service

NJERI KARANJA, Kaiser Permanente

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BRIAN ROHTER, New Seasons Market

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WENDY RANKIN, Multnomah County Health Department



Multnomah County
Maria Rojo de Steffey, Commissioner



City of Portland
Dan Saltzman, Commissioner

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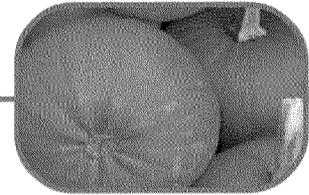
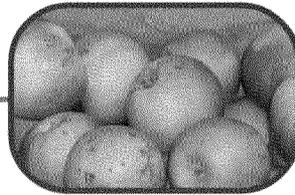
www.sustainableportland.org

Susan Anderson, Director

FOOD POLICY RECOMMENDATIONS

PORTLAND-MULTNOMAH FOOD POLICY COUNCIL

OCTOBER 2003



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INTRODUCTION

This report provides the findings and recommendations of the Food Policy Council, a citizen advisory panel created in June 2002 by the City of Portland and Multnomah County. Established as a subcommittee of the Sustainable Development Commission, the Food Policy Council was asked to provide advice on promoting a well-functioning regional food system. Its mandate was to:

1. Provide ongoing advice and input to City and County staff on food-related issues as needed.
2. Develop a set of governing principles to guide future local government and community decision making related to food issues.
3. Identify and report back to City Council and the County Board on options for improving:
 - a) local land use policies and rules related to food production and distribution;
 - b) methods for building regional demand for locally produced foods and food products;
 - c) City and County food purchasing policies and practices;
 - d) the availability of healthy, affordable food to all residents; and
 - e) the capacity of local communities to promote and engage in healthy food practices.
4. Develop a workplan, proposed structure and potential sources of additional funding for the Food Policy Council in fiscal year 2003-04 and subsequent years.

FPC OUTREACH AND RESEARCH

The members of Food Policy Council represent a wide range of expertise on local food issues including hunger relief, nutrition, food business and industrial practices, local farming, community education and institutional food purchasing and practices. FPC used a variety of outreach and research activities to fulfill its charge.

Food Policy Inventory – FPC interviewed City and County staff to identify ways that local government policies and actions affect the production, distribution and disposal of food.

Community Interviews – FPC attended a variety of events to hear residents' ideas for improving food access in their neighborhoods and for expanding purchases of regionally-produced food. FPC also attended meetings with growers to gather their ideas on strategies to support regional agriculture.

Institutional Purchasing Survey – FPC partnered with Community Food Matters, a local non-profit project, to investigate regional and sustainable food purchasing by institutions. This project surveyed opinions of growers, distributors and purchasers such as hotels, jails, schools and corporate campuses.

Food Access Map – FPC initiated a project with Metro to create a geographical information system (GIS) map of grocery stores, farmers' markets, emergency food locations and community gardens in Multnomah County. This tool helps to identify areas with inadequate food access.

Subcommittees — For each area identified in its charge (3a-3e, above), FPC formed a subcommittee including other community members with relevant expertise. These subcommittees conducted research and developed a set of recommendations for consideration by the full Council. The recommendations presented in this report are high-priority items gleaned from the work of these five subcommittees.

Several Americorps members provided support for research and outreach activities. Additional staff support was provided by the Multnomah County Departments of Health and Business and Community Services and by the City of Portland Office of Sustainable Development.

REPORT ORGANIZATION

The first section of this report, *Governing Principles*, explains why food policy is important for local government and outlines the values of a sustainable food system. The subsequent chapters present six key strategies identified by FPC. For each, the report documents the local need and recommends specific actions for local government.

- Plan for food access
- Increase visibility of regional food
- Support food and nutrition programs
- Model purchasing practices
- Defend land use laws
- Implement awareness campaigns

In addition, more extensive findings and recommendations are presented in the complete reports of FPC's subcommittees. These are available from the Office of Sustainable Development www.sustainableportland.org.

RECOMMENDATIONS

FPC has outlined how local government can influence the food system, supporting existing community efforts and catalyzing further action.

Governing Principles - The Food Policy Council maintains that local government should begin by adopting governing principles that affirm its commitment to promote, support and strengthen a healthy regional food system.

High-Priority Actions - FPC recommends the following actions for immediate implementation by the City and County. Additional recommendations are provided in subsequent sections.

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City: Conduct a pilot planning process, conducting outreach to residents and working with community partners to develop solutions such as expanding retail options, developing farmers' markets, creating community gardens, or expanding access to federal or state food and nutrition programs.

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GOVERNING PRINCIPLES

The Portland region's current food system is fraught with both challenge and opportunity.

- The Willamette Valley is one of two valleys that comprise the fifth most threatened agricultural region in the nation. (American Farmland Trust, 1997)
- Oregon loses 11,860 acres of farmland every year to development. (USDA 1997 National Resource Inventory)
- Even if we are able to protect our farmland we cannot guarantee that there will be people to farm the land. The average age of Oregon farmers is 55 and only 5% are under the age of 35.
- Our food supply is becoming increasingly globalized. Food in the United States now travels between 1,500 and 2,500 miles from farm to table, as much as 25 percent farther than two decades ago (Worldwatch Institute). This globalization is taking an enormous toll on the environment.
- The global food supply is dominated by large agribusinesses that use farming practices that deplete the soil and pollute our water and air. Excessive nonrenewable resources such as petroleum are used in transport and for chemical inputs.
- Portland, as the state's largest city, plays its role in according Oregon the dubious distinction of being #1 in hunger. One out of seven Oregon households (14.3%) were food insecure, and 6.2% of these households were food insecure with hunger (Brandeis University Center on Hunger and Poverty, 2002).
- Over half (54%) of Multnomah County adults are overweight or obese; leading to diabetes, heart disease and other preventable ailments. The lack of access to nutritious food is a key factor in causing obesity.

But opportunities for change abound.

- This region has 14 thriving farmers' markets where regional farmers supply fresh produce and other food products to urban residents. Portlanders are avid gardeners.
- The City's community garden program is widely subscribed and, in some parts of Portland, there are waiting lists of up to three years for garden spaces.
- Successful community-oriented retailers are bringing regional and often organic foods to citizens at affordable prices.
- The region's non-governmental sector provides services such as assisting low-income residents in growing their own food, creating access to urban agriculture and effectively distributing emergency food supplies throughout the region.
- Most importantly, citizens are increasingly engaged in this issue, in part perhaps because of their concerns about the safety of their food supply in the wake of genetic engineering, food-borne bacteria scares, and concerns that terrorism may interrupt a food delivery system based on long-distance transport.

Governing Principles - The City of Portland and the County of Multnomah will promote, support and strengthen a healthy regional food system, based upon the following principles:

1. Every City and County resident has the right to an adequate supply of nutritious, affordable and culturally appropriate food (food security).
2. Food security contributes to the health and well-being of residents while reducing the need for medical care and social services.
3. Food and agriculture are central to the economy of the City and County, and a strong commitment should be made to the protection, growth and development of these sectors.

4. A strong regional system of food production, distribution, access and reuse that protects our natural resources contributes significantly to the environmental and economic well-being of this region
5. A healthy regional food system further supports the sustainability goals of the City and County, creating economic, social and environmental benefits for this and future generations.
6. Food brings people together in celebrations of community and diversity and is an important part of the City and County's culture.

In order to play its role in creating a healthy regional food system, the City and County will:

1. support an economically viable and environmentally and socially sustainable local food system
2. enhance the viability of regional farms by ensuring the stability of the agricultural land base and infrastructure and strengthening economic and social linkages between urban consumers and rural producers
3. ensure ready access to quality grocery stores, food service operations and other food delivery systems
4. promote the availability of a variety of foods at a reasonable cost
5. promote and maintain legitimate confidence in the quality and safety of foods available
6. promote easy access to understandable and accurate information about food and nutrition

● PLAN FOR FOOD ACCESS

○ GOAL: Develop community-based solutions for areas with inadequate food access.

Just as local government works with communities to improve access to high quality transportation and housing, it has a key role to play in planning for adequate access to food in Portland neighborhoods and Multnomah County communities. Some areas need a full-service grocery store. Others need space for community gardens. Still others could benefit from farmers' markets or community supported agriculture. Community level planning can bring private and public partners together to find solutions for these and other food needs.

The need for this type of planning is particularly acute in lower-income neighborhoods where residents face many barriers to securing an adequate supply of nutritious, affordable and culturally appropriate food. In these cases where the market fails to provide adequate food options, nutrition and quality of life suffer, and local government can play a leadership role to stimulate action.

○ Findings Some areas of the Portland and Multnomah County lack sufficient access to fresh and healthy regionally grown food.

Outreach efforts with lower-income communities suggest several factors that prevent access to food: lack of retail options, limited access to transportation and lack of money.

Small convenience stores are concentrated in low-income areas and usually offer higher prices, a limited selection, and predominately less healthy food.

Fifty-four percent (54%) of Multnomah County residents are overweight or obese, leading to diabetes, heart disease and other preventable ailments. Paradoxically, obesity exists in low-income areas among those who often do not have an adequate supply of food available. Lack of access to healthy foods and the low cost of high-sugar, high-fat foods are among the many contributing factors. Obesity-related health problems cost the US over \$115 billion in 2000.

○ Case in Point Getting people to food — The Food Policy Council of Austin, Texas worked with the Transit Authority to design a route circulating from public housing units and eastside neighborhoods

to supermarkets and other important community services.

Getting food to people — Residents of West Oakland, California persevered for five years to recruit a grocery store for their neighborhood, a low-income area where many people rely on public transportation. After being turned down by major chains, the neighbors finally succeeded in attracting a local grocery. The city provided an incentive by dedicating \$500,000 in redevelopment funds for renovation of a building.

Recommended Actions

- 1 Identify areas with food access barriers. In partnership with Metro, FPC has begun mapping food access using a geographic information system.
- 2 Conduct a pilot planning effort in a low-income neighborhood with inadequate food access. This would include:
 - a) Conducting outreach to residents to identify food needs and barriers
 - b) Working with community partners on food access strategies including recruiting stores, improving transportation, expanding community gardens, or increasing farm direct opportunities
- 3 Establish neighborhood standards for food access – akin to parks access standards – and incorporate into ongoing planning efforts.

INCREASE VISIBILITY OF REGIONAL FOOD

GOAL: Promote regional food products and producers through a combination of farm-direct sales, farmers' markets, the proposed public market and grocery stores.

In an increasingly global marketplace, supporting regional food is important for preserving the viability of Oregon agriculture. Venues such as farmers' markets and the envisioned public market in Portland provide a foundation for promoting regional agriculture. They also energize business districts and add vibrancy to urban culture. These efforts are already underway and generating widespread enthusiasm. To realize their potential, they need planning and infrastructure support from local government. Securing permanent sites is critical, and planning for these should be integrated with implementation of the region's 2040 plan and Portland Parks & Recreation's 2020 Vision. For instance, farmers' markets complement the regional vision for a network of town centers with urban plazas. Strong farmers' markets and the public market will catalyze regional food sales through a variety of other avenues.

Findings

Farmers' markets serve as business incubators which play an important role in securing Oregon family farms. Of the growers at farmers' markets:

- 43% indicate that they began their agricultural operation with sales from farmers markets.
- 44% are full-time growers.
- 54% have made business contacts through the markets.
- 32% have started to do additional processing to add value to their products.

Farmers' markets will be at risk until they secure permanent sites. Nearly all the Portland metropolitan area farmers' markets have been forced to relocate one or more times in the last ten years. In addition, some farmers' markets are subject to temporary displacement one or more times per season due to conflicting events that pre-empt use of their sites.

Farmers' markets complement Metro's 2040 plan and its town center concept, but plans do not currently include the farmers' markets in these areas.

Farmers' markets become a meeting place for neighborhoods, offering a venue for commu-

nity building and educational efforts.

A public market in Portland will serve many needs: an educational forum about the value of regional food; a link between urban and rural Oregon; a showplace that presents the best of Oregon agriculture to visitors and Portlanders; a year-round retail outlet for regional food producers (including fishermen, butchers, cheesemakers, and others that produce year-round); and a new public space that celebrates the cultural diversity of the city.

Case in Point When a new library was built in Beaverton, the City of Beaverton planned a multi-use space that could accommodate a farmers' market and support other public events. The market draws 12,000 weekend visitors who come to shop, play in a fountain and check out books. It is also open on Wednesday evenings, bringing life to the area mid-week.

Recommended Actions

- 1 Create policies supporting use of public space for farmers' markets. Review site requirements for farmers' markets (e.g. surfaces, utilities) when developing public spaces. Designate a city staff person to coordinate with farmers' markets.
- 2 Plan for a network of permanent market sites throughout Portland and Multnomah County. Explore creating multifunctional urban plazas in designated town centers.
- 3 Support current efforts to establish a public market in Portland.

SUPPORT FOOD & NUTRITION PROGRAMS

GOAL: Expand access to federal and state food and nutrition programs for low-income people

Widespread hunger in Portland and Multnomah County could be mitigated by improving access to federal and state food and nutrition programs for low-income residents. If local governments don't play their role assisting people to participate, local residents don't receive their share of federal benefits. The County serves as the point of intake and education for the Women, Infants, and Children Program (WIC) and the Farmers' Market Nutrition Program (FMNP), which provides coupons for fresh produce at farmers' markets. City Parks and Recreation provides programming that attracts kids to Summer Food Programs. Several elements of this local partnership have recently been eliminated or curtailed, and this lack of investment risks higher health care expenses in the future.

Findings Oregon's rate of hunger is nearly double the national average:

- One in 17 households is hungry.
- 14.3% are food insecure (have experienced the limited or uncertain availability of nutritionally adequate and safe food).
- 40% of those receiving emergency food are children age 17 and under.

Of kids who receive free and reduced price lunches at school, less than 25% participate in the Summer Food Program. Participation could be increased by providing activities such as those offered by Portland Parks & Recreation.

USDA's Food Stamp Program is the nation's largest food assistance program for low-income people, but less than 70% of eligible Oregonians receive this aid.

Improve access to farmers' markets for food stamp users, and increase use of the Farmers' Market Nutrition Program by raising awareness of farmers' market dates and times, using promotional strategies that fit the culture of specific communities.

Only 25% of Multnomah County WIC participants have access to Farmers' Market Nutrition Program (FMNP) coupons.

Transportation and language barriers limit participation in FMNP.

WIC and the Senior Farmers' Market Nutrition Program are crucial for the success of farmers' markets in low-income neighborhoods. These accounted for 75% of sales at the Lents Community Market in 2002.

Farmers' markets can't accept food stamps because they don't have the equipment to process electronic benefits cards.

Multnomah is the only county in Oregon that does not provide support for an OSU Extension office. Its programs leverage multiple funding sources and play a key role in providing community based education relating to nutrition and community based food production.

Case in Point Counties in Oregon support the WIC program by providing in-kind administrative support such as use of vehicles, office space or computers. This expands the number of clients the programs can serve.

Recommended Actions

- 1 Implement Portland Parks & Recreation activities and facility improvements in order to increase the low-income kids participating in Summer Food Programs.
- 2 Increase participation in WIC and food stamps by providing local funds.
- 3 Provide the support necessary to operate FMNP and OSU Extension Service Office programs.
- 4 Improve access to farmers' markets for food stamp users, and increase use of the Farmers' Market Nutrition Program. This could include:
 - a) Raising awareness of market dates and time, using promotional strategies that fit the culture of specific communities.
 - b) Improving transportation to the farmers' markets through free bus rides, walking maps, or other means.
- 5 Encourage city and county programs to provide food stamp applications to their clients.

MODEL PURCHASING PRACTICES

GOAL: Apply sustainability criteria to food purchases of local government.

Large institutions can play an instrumental role in creating market opportunities for new products, local producers and emerging businesses. Government agencies in particular can lead by example because their purchasing decisions receive public attention. Local government can influence food purchasing practices in direct and indirect ways. In limited cases, such as the jail system, local government is a direct purchaser of food. In other cases, local government sponsors events or meetings where food is served. Local government may indirectly influence food purchases in instances where restaurants or concessions are operated on publicly-owned buildings and park facilities. In all of these settings, local government should seek ways to support the values of a sustainable food system (as outlined in the Governing Principles for Food). The starting point is building connections with regional food suppliers.

Findings Multnomah County Corrections serves approximately 1,960,000 meals annually at a cost of more than \$2.6 million.

Formal purchasing preferences for regional products may face legal barriers or generate reprisals from other locales.

Local government can pass resolutions encouraging regional food purchases, and purchasers can establish product preferences in terms of freshness or production practices (e.g. Food Alliance certified).

Seasonal produce from within the region often costs less, even when purchasing at an institutional scale. Purchasers can plan menus to take advantage of seasonal products.

Most institutional purchasers have contracts with large distributors who supply their food products. Most distributors don't typically inform their customers where products come from, but some carry regional products or can source them when asked. Many products, such as dairy, are routinely sourced regionally.

Institutions can expand their options for buying regionally when contracts permit the institution to occasionally buy directly from farmers.

A number of private and non-profit sector efforts support sustainable food purchasing:

- The Food Alliance, a certifier of sustainable growers, promotes its growers to institutional purchasers. For some institutions, this is easier than dealing directly with many individual growers.
- The state of Washington actively promotes purchasing from Washington growers.
- A number of state and non-profit groups are working to develop databases and web tools that match regional growers and purchases.

Portland Public Schools Nutrition Services will draft a template for environmentally sustainable food purchasing and will pilot "Best Value" procurement to increase purchases of regionally produced foods.

A shift to regional or sustainable foods can be driven by strong customer demand at any level — end consumers, institutional purchasers, food service companies or distributors.

Case in Point

Students at Portland State University organized a campus café that features regional and sustainably-produced foods. Their efforts paved the way for an agreement between the campus food service vendor and the Food Alliance. Under this agreement the Food Alliance identifies regional, sustainably produced foods that the food service vendor can purchase.

Recommended Actions

- 1 Incorporate sustainability criteria into food purchasing contracts issued by City and County agencies. Focus on criteria that will help build connections with regional food suppliers.
- 2 Create sustainability guidelines that the City and County can use for catered events, meetings, and conferences.
- 3 Develop sustainability criteria for restaurants or concessions that use property owned by the City or County.
- 4 Encourage relevant City and County staff to take advantage of web resources and events that build relationships between regional food suppliers and purchasers.

DEFEND LAND USE LAWS

GOAL: Maintain and strengthen existing land use regulations.

Agriculture is not confined to rural Oregon. Five of the top six agricultural producing Oregon counties are located within an hour's drive of Portland or Eugene. Clackamas County is ranked #2 and Washington County is #3. Multnomah County, the county with the state's smallest land area and the largest and most densely settled population, ranks #15. This is possible because suitable land remains available for farming, the infrastructure needed to farm is available, and farmers are still able to farm with limited conflicts.

Oregon maintains the agricultural land base through the use of urban growth boundaries (UGBs), exclusive farm use (EFU) zoning, and tax policy that assesses EFU zones at farm value, not speculative value. These protections have prevented many farm areas from becoming large-lot rural subdivisions and estates, but farms are still threatened, and the land use system faces continual challenges.

Findings

Agriculture remains an important industry in the metro area. Like other industries, agriculture needs to be able to not only maintain its level of production, but also to grow as an industry.

Most commercial agriculture depends on large parcels for efficient farm operations.

Micro agriculture is a small part of Oregon agriculture but it is growing in importance in the metro area. Areas that in the past were deemed to not be agricultural land (thus not zoned as such) now support intensive high-value agriculture.

Urban zoning that prevents or discourages greater housing density in town centers promotes sprawling urban development which threatens farm land and discourages the viability of town centers and viable farmers' markets.

Land speculation, especially in the metropolitan fringe areas, continues to be a very real problem for farmers because it drives land prices up too high for farmers to compete. This thwarts prospective farmers from getting started.

The siting of non-farm dwellings in farming areas remains contentious due to conflicts between rural residences and farm operations. In addition, non-farm dwellings take land out of agricultural production.

Cities (urban areas) continue to look to agricultural lands to provide for urban needs (e.g., utility siting, parks, transportation).

Case In Point

In 1998, the Shelton, Conn. Conservation Commission adopted a plan to provide for the purchase of agricultural easements by the city. The city pays the farmer to relinquish the right to sell or develop the land for non-agricultural or non-forestry uses. Farmers continue to own and work the land, and may sell it to other farmers, but the city holds an easement, or deed, to all future development.

Recommended Actions

- 1 Participate at the local, regional and state levels to support and defend existing laws that protect agriculture from conflicting uses. Examples include:
 - Support and encourage Metro's efforts to recognize agriculture as an industrial use of land.
 - Advocate at the state level to change the current standard that requires Metro to review the urban growth boundary every five (5) years to every ten (10) years.
 - Monitor and respond to legislative efforts to undermine the land use system.
- 2 Continue to encourage and promote the development of town centers and the more efficient use of land over the expansion of urban growth boundaries.
- 3 Investigate an agricultural conservation easement program for small farms in the fringe areas along the existing UGB by identifying specific properties and exploring various funding sources.
- 4 Plan for the siting of urban facilities/utilities within the urban growth boundary.

IMPLEMENT AWARENESS CAMPAIGNS

GOAL: Support public campaigns that promote healthy eating and regionally produced food.

Large-scale public campaigns have succeeded in persuading residents not to smoke and to recycle their trash. These efforts have raised awareness and understanding of the issues involved, and they have included strategies specifically designed to support people in switching to new behaviors. Similar efforts are needed to target consumer food choices, promoting both healthier eating and patronage of regional producers.

Such campaigns can involve many public and private partners, but government plays a key role in coordinating efforts and in securing a funding stream as in the case of tobacco (taxes on tobacco products) and recycling (fees charged to garbage haulers). A food choices campaign would yield both economic and health benefits for the region.

Findings

Only 24% of Oregonians consume the recommended five daily servings of fruits and vegetables. Raising this percentage is one target of *Oregon's Statewide Public Health Nutrition Plan*.

Eating more fruits and vegetables is associated with a lower risk for many cancers and other chronic diseases.

Type 2 diabetes, elevated cholesterol, and high blood pressure occur with increased frequency in overweight children and adolescents. In 2001, 28% of Oregon eighth graders and 21% of eleventh graders were overweight. The percentage of eighth graders who are overweight has increased nearly 50% within the last two years.

The food industry spent \$25 billion on advertising and promotions in 2000. The federal government's Five-a-Day campaign spends only \$3.6 million each year.

Several community organizations such as the African American Health Coalition and OSU Extension Service have programs to promote healthier diets.

Case In Point

Oregon's comprehensive tobacco prevention and education campaign has succeeded in changing habits and improving public health. Results include:

- a 28 percent drop in smoking among pregnant women between 1996 and 2001 — a decline almost three times the national rate.
- 2,600 fewer 11th grade males chewing tobacco in 2003 than in 1997. The rate dropped from almost 28 percent in 1997 to just 12.5 percent in 2002 — a 45 percent decline compared to the national reduction of 20 percent.

Recommended Actions

- 1 Develop campaign funding sources and partnerships with community-based programs working in this area.
- 2 Use the Businesses for an Environmentally Sustainable Tomorrow (BEST) awards to recognize businesses that promote healthier options or that purchase or produce regional, sustainable food.
- 3 Develop educational programs for students. These could include apprenticeship programs in agriculture or home economics classes.
- 4 Convene a healthy schools summit focused on creating a healthy school nutrition environment for students in the local school districts. This would build upon several existing state-level initiatives¹ and would foster partnerships among school administration, teachers, students, parents and the community.

¹ The Oregon's Statewide Public Health Nutrition Plan and the Healthy Kids Learn Better Coordinated School Health Approach

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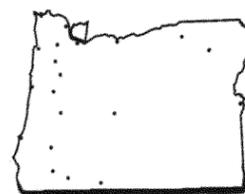
<http://healthoregon.org/hpcdp/physicalactivityandnutrition>

Oregon Department of Health Services, March 19, 2003 Press Release



The State of HUNGER

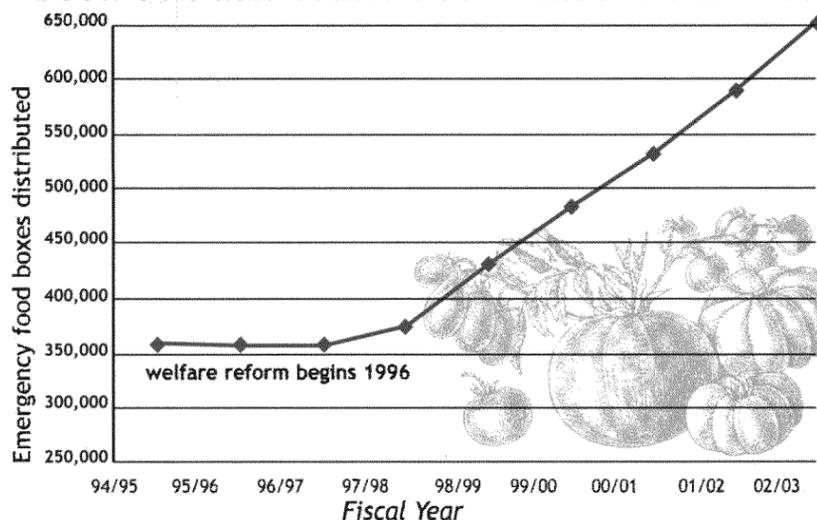
[JULY 1, 2002 - JUNE 30, 2003]



Annual Statistics for the Oregon Food Bank Network

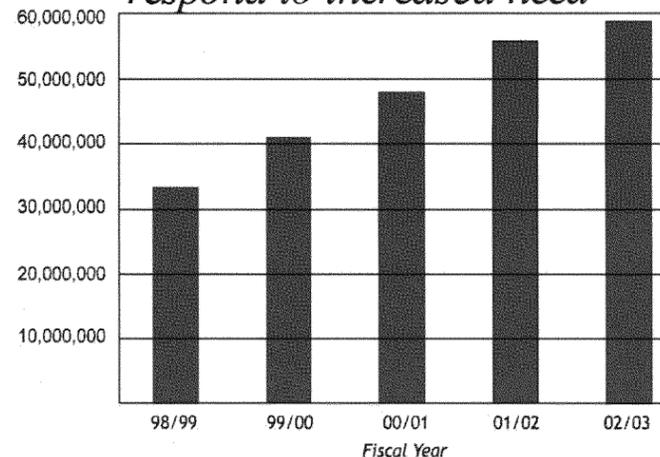
OREGON FOOD BANK STATEWIDE NETWORK

Food box distribution continues to increase

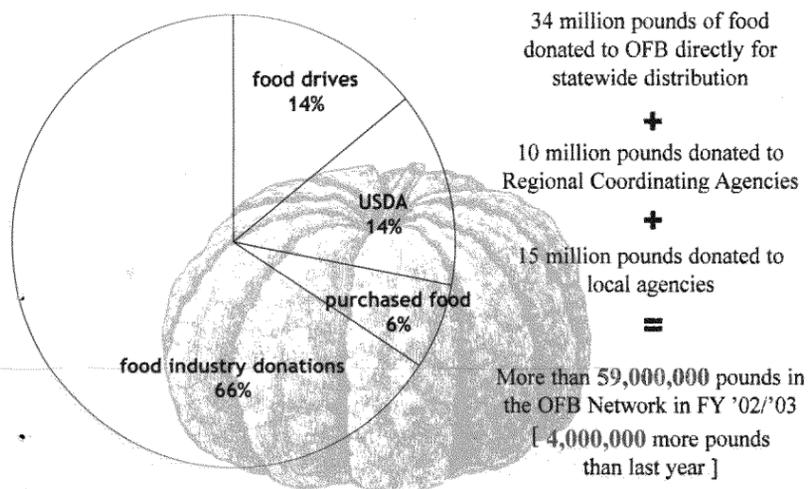


- A typical emergency food box contains a three- to five-day supply of groceries.
- Most pantries serve a specific geographic area and may limit the number of times a family can receive help.
- The Hunger Factors Survey reveals that a majority of households turn to pantries only one to three times a year.

Community and food industry respond to increased need



Moving more food to more neighbors in need ...because no one should be hungry.

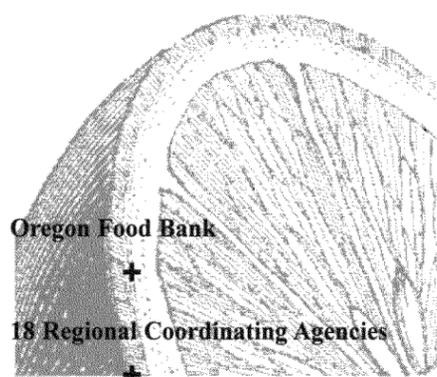


34 million pounds of food donated to OFB directly for statewide distribution

+ 10 million pounds donated to Regional Coordinating Agencies

+ 15 million pounds donated to local agencies

= More than 59,000,000 pounds in the OFB Network in FY '02/'03 [4,000,000 more pounds than last year]



Oregon Food Bank

18 Regional Coordinating Agencies

- 832 local member agencies/programs
- 338 pantries; 148 soup kitchens/shelters
- 346 other helping agencies

An estimated 780,000 people* ate meals from emergency food boxes at least once last year (*312,000 were children under 18.)

4,400,000 emergency meals

More than 120,000 people received food through other helping agencies

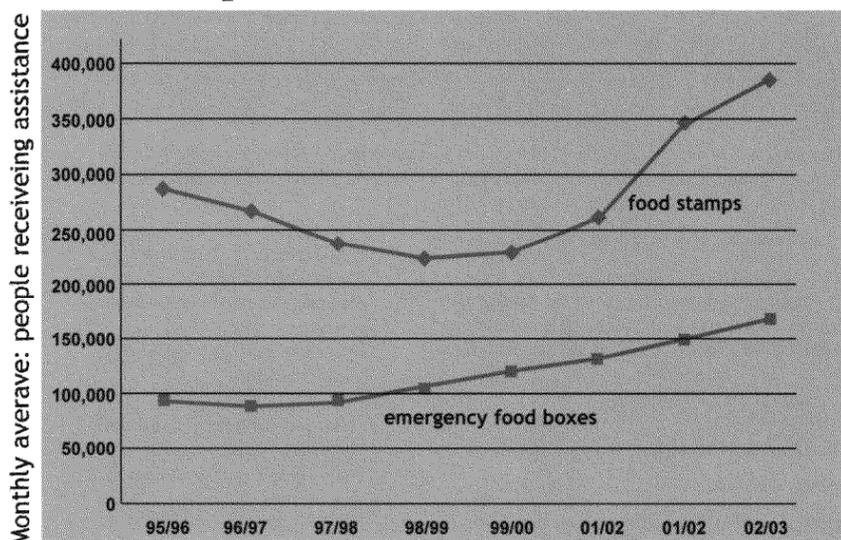
Volunteers keep the network working

- 1,478,000 hours donated to the OFB Network of agencies
- The equivalent of 710 full-time workers
- Estimated value: \$18,000,000

VOLUNTEERS AT OREGON FOOD BANK:

- 50,000 hours donated for an estimated value of \$622,000 including:
 - 28,000 hours of volunteer time at OFB Volunteer Action Centers for an estimated value of \$348,000
 - 7,000 hours of event volunteer time for an estimated value of \$87,000
 - 15,000 hours of other volunteer time for an estimated value of \$187,000

Food Stamp use on the rise...



...but emergency food requests also increase.

FOOD STAMP PROGRAM: a monthly income supplement funded by the federal government to help families to meet a portion of their monthly food needs. The program provides an average supplement of \$80 per month per person, or \$.89 per meal.

EMERGENCY FOOD BOX: a three-five day supply of groceries accessed from one of 338 pantries run by churches and other non-profit groups in the OFB Network. Most families request help three or fewer times in a year.

Although the USDA's Food Stamp Program is the nation's main nutrition assistance program for low-income people, less than 70 percent of eligible Oregonians are receiving help.

Food Stamp Outreach projects have proven successful at helping eligible people to access the Food Stamp Program. The number of participants has increased 47 percent in the last three years — to more than 400,000 people per month — the highest rate of participation in the U.S. Currently, more than \$32 million food stamp dollars come to Oregon communities and more than \$1 million to Clark county, Wash., each month.

Even with the increase in food stamp participation, emergency pantries and kitchens continue to feel the growing pressure to fill a "meal gap" for many households, whether they receive food stamps or not. The gap between resources and need is a simple reality for many.

(Source: State of Oregon, Department of Human Services; USDA/Mathematica)



One in four children in Oregon lives in a food insecure household.

Oregon Food Bank

OUR MISSION:

To eliminate hunger and its root causes — because no one should be hungry.

OUR VISION:

Everyone shall have the capacity for ready access to an ample, nutritious, affordable and appropriate food supply through traditional, non-emergency channels. The Oregon Food Bank Network distribution system will continue the recovery of grocery products that would otherwise be wasted to address disasters, emergencies of individuals and families, and to help qualified nonprofit organizations, which provide food as part of a broader range of services, to stretch their resources.

OUR ACTIONS:

Oregon Food Bank is the hub of a unique statewide network of hunger-relief agencies serving Oregon and Clark County, Wash. Oregon Food Bank collects food from farms, government sources, manufacturers, wholesalers, retailers and individuals, and distributes that food to 18 regional food banks across Oregon. OFB also directly operates the two distribution centers serving the Portland metro area, distributing food to food pantries, soup kitchens, shelters and other programs helping low-income individuals in Multnomah, Clackamas, Clark and Washington counties. Oregon Food Bank works to eliminate the root causes of hunger through advocacy and public education.

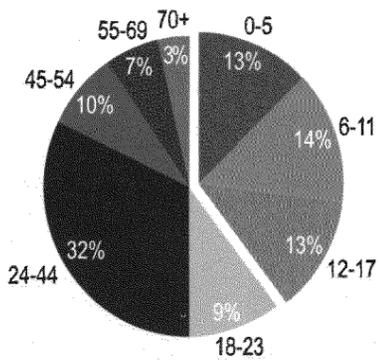
"It is not easy to stay well fed when there is no money to buy food." "I work hard at being a C.N.A. but I don't get enough for what I do or to take care of my child." "Food prices have skyrocketed and food stamps no way meet the need." "I think this place is a savior — many times we don't have enough food."

"There's no way we could have made it if not for food stamps and food from the food bank." "Just thank you for helping the needy." "No one should go hungry or without medical treatment."

Profiles of POVERTY and Hunger in Oregon and Clark County, Wash.

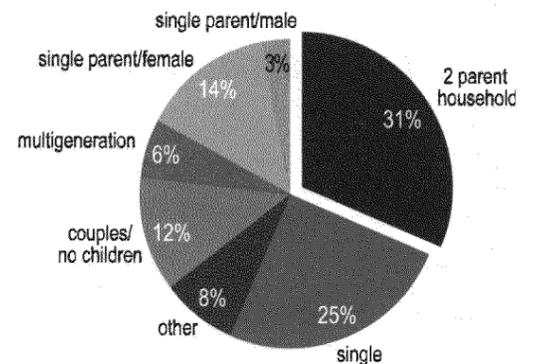
HUNGER FACTORS SURVEY 2002

Children are 40% of those receiving emergency food

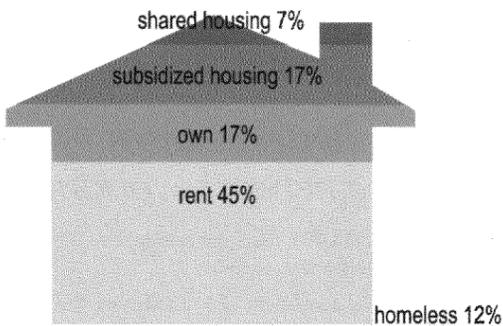


To determine the economic, social, health and other related factors that combine to create the need for food assistance, the Oregon Food Bank Network conducted the 2002 Hunger Factors Assessment (HFA) study. Eighty-five emergency food box agencies distributed the survey to all recipients during a two-week period in April 2002. The 2,856 surveys, representing a balanced service area sampling (including Clark County, Wash.), were completed and used for statistical analysis. The full report is available at www.oregonfoodbank.org or by calling 1-800-777-7427.

Two parent families still the largest group



Housing costs eat up food budgets



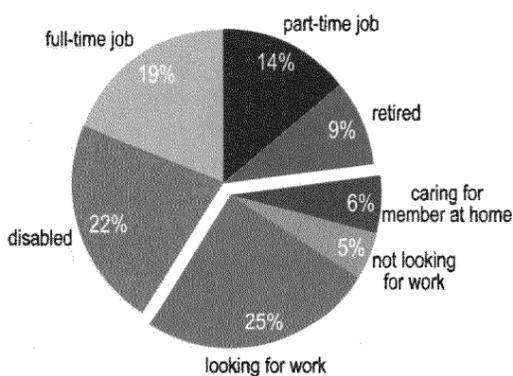
The Department of Housing and Urban Development (HUD) has consistently characterized affordable housing as rent/mortgage payments that consume no more than 30 percent of a family's income.

HFA 2002 found that:

- 47 percent of respondent households spent more than 50 percent of their income on housing
 - 22 percent spent over 75 percent on housing
 - 26 percent had to move in the past two years to find affordable housing
- The National Low Income Housing Coalition provides the following snapshot of affordable housing:
- Oregon's affordable housing wage is \$13.59 per hour.
 - The affordable housing wage of Multnomah County, Ore., and Clark County, Wash., is \$15.29 per hour.

With the current \$6.90 minimum wage, a person would have to work 79 hours per week to afford a two bedroom unit at fair market rent (FMR). For Clark County, Wash., and Multnomah County, Ore., a person earning minimum wage would have to work 87 hours per week to afford a two bedroom unit at FMR.

Most adult recipients are working, retired or disabled



This pie chart represents individual adults (respondent, spouse/partner, and/or third adult), about 75 percent of the adults in the surveyed households.

For the households they live in, this means:

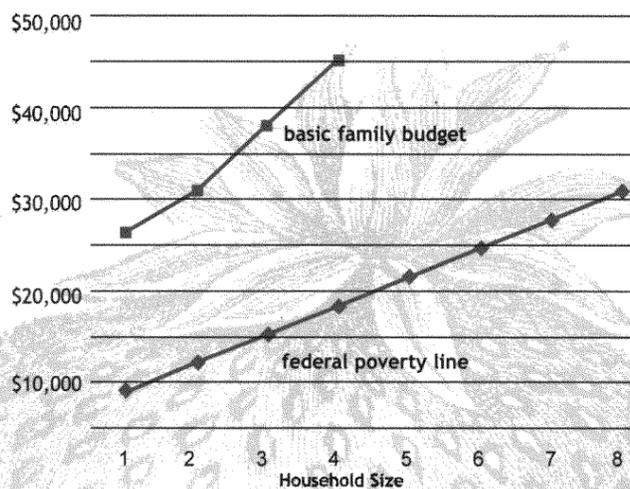
- 42 percent of households had at least one member working
- 25 percent of households had at least one full-time worker
- 35 percent of families with children have a full-time working adult
- 54 percent of families with children have at least one adult worker

Official poverty vs. basic family budget

OFFICIAL POVERTY

The Federal Poverty Line (FPL) is based on a 1955 household survey and, though updated annually, relies on out-of-date assumptions. It fails to address the impact of today's high housing, health, and child care costs or even work-related expenses. The resulting official poverty rates seriously underestimate real poverty.

FPL for a family of three = \$15,260 (gross)
 Full-time job at minimum wage = \$14,352 (gross)
 80 percent of HFA surveyed households reported incomes below 100 percent of FPL
 Median family income in Oregon for 2003 = \$56,300



BASIC FAMILY BUDGET

Economic Policy Institute, a nonprofit, nonpartisan think tank, calculated that, in Oregon, a basic family budget for the essentials such as housing, food, child care and health insurance ranges from 205 percent to 249 percent of the Federal Poverty Line (FPL).

Nearly one million Oregonians try to survive with incomes below 200 percent of the Federal Poverty Line (\$36,800 for a family of four).

36 percent of working families in Oregon with one to three children under the age of 12 do not earn enough to meet the basic family budget.

OREGON REMAINS AT THE TOP OF NATIONAL HUNGER RANKINGS

The Census Bureau's Current Population Survey collects food insecurity and hunger data. The latest three-year average covers 1999-2001. According to the data available from the Economic Research Service at the USDA, 13.7 percent of households in Oregon were food insecure,* and 5.8 percent of Oregon households were food insecure with hunger.** Nationally, these figures are 10.4 percent and 3.7 percent, respectively.

Oregon remains among the worst in the nation for food insecurity with hunger and for food insecurity.

Food security is an important measure of a healthy, well-nourished community. Food insecure households lack sufficient financial resources to obtain enough food for all of the family members. Therefore, they must rely on a number of coping strategies such as eating less, reducing the quality of food for their family, accessing federal food assistance and/or getting help from emergency pantries and kitchens.

Hunger Factors 2002, Food Security responses:

- 21 percent of households with children reported that their children had to cut or skip meals
- 39 percent of these households reported this happened every month
- 71 percent of respondents said they worry at least sometimes where their next meal is coming from

*Food Insecurity: limited or uncertain availability of nutritionally adequate and safe foods or limited or uncertain ability to acquire acceptable foods in socially acceptable ways.

**Hunger: the uneasy or painful sensation caused by lack of food. The recurrent and involuntary lack of access to food.

Oregon's poverty rate is 11.6% - Mississippi's is 19.9%
 Oregon's "hunger rate" is 5.8% - Mississippi's is 3.7%

WHY IS OREGON'S HUNGER RATE SO HIGH?

Poverty can be as much a matter of what your money can buy as it is how much money you have. Oregon Center for Public Policy traces the causes to four main conditions. An ECONorthwest study adds a fifth condition.

- **Housing costs have soared while wages have stagnated.** In the last decade, housing values in Oregon have risen 129 percent. According to the Economic Policy Institute, because of lower rents, child care, and other expenses, the Basic Family Budgets (see above) are 22-25 percent lower in Mississippi than in Oregon, though poverty rates are much higher.
- **The gap between rich and poor grew four times faster in Oregon than nationally.** From the late '80s to '90s, the average family incomes of the richest fifth grew 34 percent while the poorest fifth declined by 6 percent. In Mississippi, the poorest fifth saw average income rise 42 percent over the same period.
- **The changing nature of employment** in Oregon has resulted in fewer family-wage industrial jobs and more low-wage service jobs.
- **Rural Oregon fares poorly due to more seasonal employment** that equals low annual incomes overall.
- **High mobility rate.** An ECONorthwest study found a strong relationship between short distance, instate moves and food insecurity. Oregon ranked fourth in the number of households moving between 1999-2000.

Sources: Oregon Center for Public Policy, Center on Budget and Policy Priorities, Economic Policy Institute, US Census, ECONorthwest, HUD.

"Let the food box program keep on going. If not, my children would go without a lot of food." "This program makes just the difference for us."

[Quotes are from HFA 2002 respondents.]

"I need cheaper day care. I was working for a month but the day care was too expensive. I worked just to pay day care." "Utility costs are out of control in Oregon."

"Food stamps are never enough — I must supplement with bill money or do without." "The food bank needs more donations — maybe do something to encourage more donations."

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-146

Accepting the Report of the Portland/Multnomah County Food Policy Council

The Multnomah County Board of Commissioners Finds:

- a) In June of 2002, the Board of County Commissioners approved the formation of the Portland/Multnomah County Food Policy Council and charged them to:
1. Develop a set of governing principles to guide future local government and community decision making related to food issues.
 2. Identify and report back to City Council and the County Board on options for improving:
 - local land use policies and rules related to food production and distribution;
 - methods for building regional demand for locally produced foods and food products;
 - City and County food purchasing policies and practices;
 - the availability of healthy, affordable food to all residents; and
 - the capacity of local communities to promote and engage in healthy food practices.
 3. Develop a work plan, proposed structure and potential sources of additional funding for the Food Policy Council in fiscal year 2003-04 and subsequent years.
- b) More than 54% of Multnomah County adults are overweight or obese, leading to diabetes, heart disease and other preventable chronic diseases.
- c) Rates of childhood and adolescent obesity are also rising at an alarming rate, for example the percentage of eighth graders in Oregon who are overweight has increased nearly 50% within the last two years.
- d) Low income residents of Portland/Multnomah County region are disproportionately affected by inadequate access to fresh and healthy food.
- e) Local government plays a critical role in relieving hunger by assisting residents to participate in federal and state food and nutrition programs.
- f) Large institutions can play an instrumental role in creating market opportunities for new products, local producers and emerging businesses informing our vendors and serving as a model for local government food purchasing practices.
- g) Despite protective measures, remaining farm areas in Multnomah County are still threatened and the land use system faces continual challenges.
- h) The food industry spent \$25 billion on advertising and promotions in 2000. The federal government's Five-A-Day campaign spends only \$3.6 million each year.
- i) The Multnomah Sheriff's Office promotes healthy lifestyles and nutritional food choices to the people in the County's Corrections system

- j) The Multnomah Sheriff's Office is working in collaboration with the Council, Community and Business Services and Aramark to explore local and healthy food delivery alternatives for people in the County's Corrections system

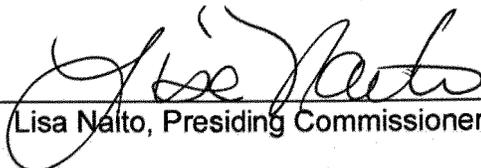
The Multnomah County Board of Commissioners Resolves:

1. To endorse the Governing Principles of the Portland/Multnomah County Food Policy Council as outlined in the report dated October 2003.
2. To accept the recommendations of Portland/Multnomah County Food Policy Council as outlined in the report dated October 2003
3. To endorse the continuation of the Portland/Multnomah County Food Policy Council in order to:
 - Work with County staff to implement priority recommendations from the attached report
 - Prioritize medium and long-term recommendations for work plan development including potential additional sources of funding.
 - Continue to provide ongoing expert advice and input to City and County staff on food related issues as needed
 - Regularly communicate with and actively solicit participation and engagement from interested members of the general public.
4. To adopt the County priority recommendations of the report:
 - To direct the Health Department to support the Food Policy Council with on-going data collection and mapping to identify neighborhoods with inadequate food access. Analysis will be performed to identify the potential for a community-driven pilot planning effort.
 - To direct the Department of Business and Community Services, Central Procurement, and Contract Administration to support the efforts of the Council to incorporate sustainability criteria into food purchasing contracts.
 - To direct the Health Department to increase the use of Farmers' Market Nutrition Program by raising awareness of farmers' market dates and times using promotional strategies that fit the culture of specific communities

ADOPTED this 23rd day of October, 2003.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Lisa Nalto, Presiding Commissioner

REVIEWED: 

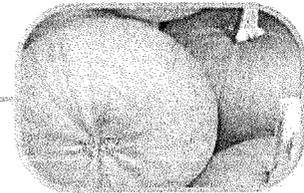
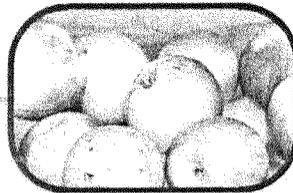
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

FOOD POLICY RECOMMENDATIONS

PORTLAND-MULTNOMAH FOOD POLICY COUNCIL

OCTOBER 2003



Multnomah County
Maria Rojo de Steffey, Commissioner



City of Portland
Dan Saltzman, Commissioner

Office of Sustainable Development
721 NW 9th Ave., Suite 350
Portland, OR 97209

503-823-7222
www.sustainableportland.org

Susan Anderson, Director

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SUZANNE BRIGGS, Oregon Farmers Market Association

RACHEL BRISTOL, Oregon Food Bank

ROSEMARIE CORDELLO, Sustainable Development Commission

VERONICA DUJON, Portland State University/ Sustainable Development Commission

GREG HIGGINS, Higgins Restaurant

BETTY IZUMI, OSU Extension Service

NJERI KARANJA, Kaiser Permanente

STEVE OLSON, S.C. Olson Consulting

BRIAN ROHTER, New Seasons Market

MARCUS SIMANTEL, Retired Farmer

SHANNON STEMBER, Portland Public Schools

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HALEY SMITH, AmeriCorps Member

AMY JOSLIN, Multnomah County Department of Business and Community Services

WENDY RANKIN, Multnomah County Health Department

INTRODUCTION

This report provides the findings and recommendations of the Food Policy Council, a citizen advisory panel created in June 2002 by the City of Portland and Multnomah County. Established as a subcommittee of the Sustainable Development Commission, the Food Policy Council was asked to provide advice on promoting a well-functioning regional food system. Its mandate was to:

Provide ongoing advice and input to City and County staff on food-related issues as needed.

Develop a set of governing principles to guide future local government and community decision making related to food issues.

Identify and report back to City Council and the County Board on options for improving:

local land use policies and rules related to food production and distribution;

methods for building regional demand for locally produced foods and food products;

City and County food purchasing policies and practices;

the availability of healthy, affordable food to all residents; and

the capacity of local communities to promote and engage in healthy food practices.

Develop a workplan, proposed structure and potential sources of additional funding for the Food Policy Council in fiscal year 2003-04 and subsequent years.

FPC OUTREACH AND RESEARCH

The members of Food Policy Council represent a wide range of expertise on local food issues including hunger relief, nutrition, food business and industrial practices, local farming, community education and institutional food purchasing and practices. FPC used a variety of outreach and research activities to fulfill its charge.

Food Policy Inventory – FPC interviewed City and County staff to identify ways that local government policies and actions affect the production, distribution and disposal of food.

Community Interviews – FPC attended a variety of events to hear residents' ideas for improving food access in their neighborhoods and for expanding purchases of regionally-produced food. FPC also attended meetings with growers to gather their ideas on strategies to support regional agriculture.

Institutional Purchasing Survey – FPC partnered with Community Food Matters, a local non-profit project, to investigate regional and sustainable food purchasing by institutions. This project surveyed opinions of growers, distributors and purchasers such as hotels, jails, schools and corporate campuses.

Food Access Map – FPC initiated a project with Metro to create a geographical information system (GIS) map of grocery stores, farmers' markets, emergency food locations and community gardens in Multnomah County. This tool helps to identify areas with inadequate food access.

Subcommittees — For each area identified in its charge (3a-3e, above), FPC formed a subcommittee including other community members with relevant expertise. These subcommittees conducted research and developed a set of recommendations for consideration by the full Council. The recommendations presented in this report are high-priority items gleaned from the work of these five subcommittees.

Several Americorps members provided support for research and outreach activities. Additional staff support was provided by the Multnomah County Departments of Health and Business and Community Services and by the City of Portland Office of Sustainable Development.

REPORT ORGANIZATION

The first section of this report, **Governing Principles**, explains why food policy is important for local government and outlines the values of a sustainable food system. The subsequent chapters present six key strategies identified by FPC. For each, the report documents the local need and recommends specific actions for local government.

- Plan for food access
- Increase visibility of regional food
- Support food and nutrition programs
- Model purchasing practices
- Defend land use laws
- Implement awareness campaigns

In addition, more extensive findings and recommendations are presented in the complete reports of FPC's subcommittees. These are available from the Office of Sustainable Development www.sustainableportland.org.

● RECOMMENDATIONS

FPC has outlined how local government can influence the food system, supporting existing community efforts and catalyzing further action.

○ **Governing Principles** - The Food Policy Council maintains that local government should begin by adopting governing principles that affirm its commitment to promote, support and strengthen a healthy regional food system.

○ **High-Priority Actions** - FPC recommends the following actions for immediate implementation by the City and County. Additional recommendations are provided in subsequent sections.

Pilot Project in Low-income Areas: Focused effort is needed in low-income areas where food access problems are particularly acute.

Conduct a pilot planning process, conducting outreach to residents and working with community partners to develop solutions such as expanding retail options, developing farmers' markets, creating community gardens, or expanding access to federal or state food and nutrition programs.

Identify areas with food access barriers through GIS mapping, data collection and analysis.

Institutional Purchasing: Government can lead by example, using its purchasing power to support a healthy regional food system. The starting point is building connections with regional food suppliers.

Incorporate sustainability criteria into food purchases for correctional facilities.

Summer Food Program: Of children who use the school lunch program during the school year, less than 25% access summer food programs.

Implement Portland Parks & Recreation activities and facility improvements in order to increase the low-income kids participating in Summer Food Programs.

Farmers' Markets and Public Market: These venues will provide a foundation for building the regional food economy and raising public awareness.

Create policies supporting the use of public sites for farmers' markets and the development of a network of permanent market sites.

Support current efforts to establish a public market in Portland.

Improve access to farmers' markets for food stamp users, and increase use of the Farmers' Market Nutrition Program by raising awareness of farmers' market dates and times, using promotional strategies that fit the culture of specific communities

○ **Land Use Policy** - The Food Policy Council maintains that the City of Portland and Multnomah County should play a leading role in defending and promoting agricultural interests at the Metro and state levels. The Food Policy Council is available to meet periodically with City Council and County Board members to discuss current issues of concern to regional farmers.

○ **Continued Work of Food Policy Council** - In order to make the improvements necessary to support the health of our citizens, the food sector of our economy and our environment, the City and County will need the support and expertise of the Food Policy Council. Therefore, the Council seeks to continue its work providing guidance for food policy initiatives.

GOVERNING PRINCIPLES

The Portland region's current food system is fraught with both challenge and opportunity.

The Willamette Valley is one of two valleys that comprise the fifth most threatened agricultural region in the nation. (American Farmland Trust, 1997)

Oregon loses 11,860 acres of farmland every year to development. (USDA 1997 National Resource Inventory)

Even if we are able to protect our farmland we cannot guarantee that there will be people to farm the land. The average age of Oregon farmers is 55 and only 5% are under the age of 35.

Our food supply is becoming increasingly globalized. Food in the United States now travels between 1,500 and 2,500 miles from farm to table, as much as 25 percent farther than two decades ago (Worldwatch Institute). This globalization is taking an enormous toll on the environment.

The global food supply is dominated by large agribusinesses that use farming practices that deplete the soil and pollute our water and air. Excessive nonrenewable resources such as petroleum are used in transport and for chemical inputs.

Portland, as the state's largest city, plays its role in according Oregon the dubious distinction of being #1 in hunger. One out of seven Oregon households (14.3%) were food insecure, and 6.2% of these households were food insecure with hunger (Brandeis University Center on Hunger and Poverty, 2002).

Over half (54%) of Multnomah County adults are overweight or obese; leading to diabetes, heart disease and other preventable ailments. The lack of access to nutritious food is a key factor in causing obesity.

But opportunities for change abound.

This region has 14 thriving farmers' markets where regional farmers supply fresh produce and other food products to urban residents. Portlanders are avid gardeners.

The City's community garden program is widely subscribed and, in some parts of Portland, there are waiting lists of up to three years for garden spaces.

Successful community-oriented retailers are bringing regional and often organic foods to citizens at affordable prices.

The region's non-governmental sector provides services such as assisting low-income residents in growing their own food, creating access to urban agriculture and effectively distributing emergency food supplies throughout the region.

Most importantly, citizens are increasingly engaged in this issue, in part perhaps because of their concerns about the safety of their food supply in the wake of genetic engineering, food-borne bacteria scares, and concerns that terrorism may interrupt a food delivery system based on long-distance transport.

Governing Principles - The City of Portland and the County of Multnomah will promote, support and strengthen a healthy regional food system, based upon the following principles:

Every City and County resident has the right to an adequate supply of nutritious, affordable and culturally appropriate food (food security).

Food security contributes to the health and well-being of residents while reducing the need for medical care and social services.

Food and agriculture are central to the economy of the City and County, and a strong commitment should be made to the protection, growth and development of these sectors.

A strong regional system of food production, distribution, access and reuse that protects our natural resources contributes significantly to the environmental and economic well-being of this region

A healthy regional food system further supports the sustainability goals of the City and County, creating economic, social and environmental benefits for this and future generations.

Food brings people together in celebrations of community and diversity and is an important part of the City and County's culture.

In order to play its role in creating a healthy regional food system, the City and County will:

support an economically viable and environmentally and socially sustainable local food system

enhance the viability of regional farms by ensuring the stability of the agricultural land base and infrastructure and strengthening economic and social linkages between urban consumers and rural producers

ensure ready access to quality grocery stores, food service operations and other food delivery systems

promote the availability of a variety of foods at a reasonable cost

promote and maintain legitimate confidence in the quality and safety of foods available

promote easy access to understandable and accurate information about food and nutrition

● PLAN FOR FOOD ACCESS

○ GOAL: Develop community-based solutions for areas with inadequate food access.

Just as local government works with communities to improve access to high quality transportation and housing, it has a key role to play in planning for adequate access to food in Portland neighborhoods and Multnomah County communities. Some areas need a full-service grocery store. Others need space for community gardens. Still others could benefit from farmers' markets or community supported agriculture. Community level planning can bring private and public partners together to find solutions for these and other food needs.

The need for this type of planning is particularly acute in lower-income neighborhoods where residents face many barriers to securing an adequate supply of nutritious, affordable and culturally appropriate food. In these cases where the market fails to provide adequate food options, nutrition and quality of life suffer, and local government can play a leadership role to stimulate action.

○ Findings

Some areas of the Portland and Multnomah County lack sufficient access to fresh and healthy regionally grown food.

Outreach efforts with lower-income communities suggest several factors that prevent access to food: lack of retail options, limited access to transportation and lack of money.

Small convenience stores are concentrated in low-income areas and usually offer higher prices, a limited selection, and predominately less healthy food.

Fifty-four percent (54%) of Multnomah County residents are overweight or obese, leading to diabetes, heart disease and other preventable ailments. Paradoxically, obesity exists in low-income areas among those who often do not have an adequate supply of food available. Lack of access to healthy foods and the low cost of high-sugar, high-fat foods are among the many contributing factors. Obesity-related health problems cost the US over \$115 billion in 2000.

○ Case in Point

Getting people to food — The Food Policy Council of Austin, Texas worked with the Transit Authority to design a route circulating from public housing units and eastside neighborhoods

to supermarkets and other important community services.

Getting food to people — Residents of West Oakland, California persevered for five years to recruit a grocery store for their neighborhood, a low-income area where many people rely on public transportation. After being turned down by major chains, the neighbors finally succeeded in attracting a local grocery. The city provided an incentive by dedicating \$500,000 in redevelopment funds for renovation of a building.

Recommended Actions

Identify areas with food access barriers. In partnership with Metro, FPC has begun mapping food access using a geographic information system.

Conduct a pilot planning effort in a low-income neighborhood with inadequate food access. This would include:

- Conducting outreach to residents to identify food needs and barriers

- Working with community partners on food access strategies including recruiting stores, improving transportation, expanding community gardens, or increasing farm direct opportunities

Establish neighborhood standards for food access – akin to parks access standards – and incorporate into ongoing planning efforts.

INCREASE VISIBILITY OF REGIONAL FOOD

GOAL: Promote regional food products and producers through a combination of farm-direct sales, farmers' markets, the proposed public market and grocery stores.

In an increasingly global marketplace, supporting regional food is important for preserving the viability of Oregon agriculture. Venues such as farmers' markets and the envisioned public market in Portland provide a foundation for promoting regional agriculture. They also energize business districts and add vibrancy to urban culture. These efforts are already underway and generating widespread enthusiasm. To realize their potential, they need planning and infrastructure support from local government. Securing permanent sites is critical, and planning for these should be integrated with implementation of the region's 2040 plan and Portland Parks & Recreation's 2020 Vision. For instance, farmers' markets complement the regional vision for a network of town centers with urban plazas. Strong farmers' markets and the public market will catalyze regional food sales through a variety of other avenues.

Findings

Farmers' markets serve as business incubators which play an important role in securing Oregon family farms. Of the growers at farmers' markets:

- 43% indicate that they began their agricultural operation with sales from farmers markets.

- 44% are full-time growers.

- 54% have made business contacts through the markets.

- 32% have started to do additional processing to add value to their products.

Farmers' markets will be at risk until they secure permanent sites. Nearly all the Portland metropolitan area farmers' markets have been forced to relocate one or more times in the last ten years. In addition, some farmers' markets are subject to temporary displacement one or more times per season due to conflicting events that pre-empt use of their sites.

Farmers' markets complement Metro's 2040 plan and its town center concept, but plans do not currently include the farmers' markets in these areas.

Farmers' markets become a meeting place for neighborhoods, offering a venue for commu-

nity building and educational efforts.

A public market in Portland will serve many needs: an educational forum about the value of regional food; a link between urban and rural Oregon; a showplace that presents the best of Oregon agriculture to visitors and Portlanders; a year-round retail outlet for regional food producers (including fishermen, butchers, cheesemakers, and others that produce year-round); and a new public space that celebrates the cultural diversity of the city.

Case in Point

When a new library was built in Beaverton, the City of Beaverton planned a multi-use space that could accommodate a farmers' market and support other public events. The market draws 12,000 weekend visitors who come to shop, play in a fountain and check out books. It is also open on Wednesday evenings, bringing life to the area mid-week.

Recommended Actions

Create policies supporting use of public space for farmers' markets. Review site requirements for farmers' markets (e.g. surfaces, utilities) when developing public spaces. Designate a city staff person to coordinate with farmers' markets.

Plan for a network of permanent market sites throughout Portland and Multnomah County. Explore creating multifunctional urban plazas in designated town centers.

Support current efforts to establish a public market in Portland.

SUPPORT FOOD & NUTRITION PROGRAMS

GOAL: Expand access to federal and state food and nutrition programs for low-income people

Widespread hunger in Portland and Multnomah County could be mitigated by improving access to federal and state food and nutrition programs for low-income residents. If local governments don't play their role assisting people to participate, local residents don't receive their share of federal benefits. The County serves as the point of intake and education for the Women, Infants, and Children Program (WIC) and the Farmers' Market Nutrition Program (FMNP), which provides coupons for fresh produce at farmers' markets. City Parks and Recreation provides programming that attracts kids to Summer Food Programs. Several elements of this local partnership have recently been eliminated or curtailed, and this lack of investment risks higher health care expenses in the future.

Findings

Oregon's rate of hunger is nearly double the national average:

One in 17 households is hungry.

14.3% are food insecure (have experienced the limited or uncertain availability of nutritionally adequate and safe food).

40% of those receiving emergency food in are children age 17 and under.

Of kids who receive free and reduced price lunches at school, less than 25% participate in the Summer Food Program. Participation could be increased by providing activities such as those offered by Portland Parks & Recreation.

USDA's Food Stamp Program is the nation's largest food assistance program for low-income people, but less than 70% of eligible Oregonians receive this aid.

Improve access to farmers' markets for food stamp users, and increase use of the Farmers' Market Nutrition Program by raising awareness of farmers' market dates and times, using promotional strategies that fit the culture of specific communities.

Only 25% of Multnomah County WIC participants have access to Farmers' Market Nutrition Program (FMNP) coupons.

Transportation and language barriers limit participation in FMNP.

WIC and the Senior Farmers' Market Nutrition Program are crucial for the success of farmers' markets in low-income neighborhoods. These accounted for 75% of sales at the Lents Community Market in 2002.

Farmers' markets can't accept food stamps because they don't have the equipment to process electronic benefits cards.

Multnomah is the only county in Oregon that does not provide support for an OSU Extension office. Its programs leverage multiple funding sources and play a key role in providing community based education relating to nutrition and community based food production.

Case in Point Counties in Oregon support the WIC program by providing in-kind administrative support such as use of vehicles, office space or computers. This expands the number of clients the programs can serve.

Recommended Actions

Implement Portland Parks & Recreation activities and facility improvements in order to increase the low-income kids participating in Summer Food Programs.

Increase participation in WIC and food stamps by providing local funds.

Provide the support necessary to operate FMNP and OSU Extension Service Office programs.

Improve access to farmers' markets for food stamp users, and increase use of the Farmers' Market Nutrition Program. This could include:

Raising awareness of market dates and time, using promotional strategies that fit the culture of specific communities.

Improving transportation to the farmers' markets through free bus rides, walking maps, or other means.

Encourage city and county programs to provide food stamp applications to their clients.

MODEL PURCHASING PRACTICES

GOAL: Apply sustainability criteria to food purchases of local government.

Large institutions can play an instrumental role in creating market opportunities for new products, local producers and emerging businesses. Government agencies in particular can lead by example because their purchasing decisions receive public attention. Local government can influence food purchasing practices in direct and indirect ways. In limited cases, such as the jail system, local government is a direct purchaser of food. In other cases, local government sponsors events or meetings where food is served. Local government may indirectly influence food purchases in instances where restaurants or concessions are operated on publicly-owned buildings and park facilities. In all of these settings, local government should seek ways to support the values of a sustainable food system (as outlined in the Governing Principles for Food). The starting point is building connections with regional food suppliers.

Findings Multnomah County Corrections serves approximately 1,960,000 meals annually at a cost of more than \$2.6 million.

Formal purchasing preferences for regional products may face legal barriers or generate reprisals from other locales.

Local government can pass resolutions encouraging regional food purchases, and purchasers can establish product preferences in terms of freshness or production practices (e.g. Food Alliance certified).

Seasonal produce from within the region often costs less, even when purchasing at an institutional scale. Purchasers can plan menus to take advantage of seasonal products.

Most institutional purchasers have contracts with large distributors who supply their food products. Most distributors don't typically inform their customers where products come from, but some carry regional products or can source them when asked. Many products, such as dairy, are routinely sourced regionally.

Institutions can expand their options for buying regionally when contracts permit the institution to occasionally buy directly from farmers.

A number of private and non-profit sector efforts support sustainable food purchasing:

The Food Alliance, a certifier of sustainable growers, promotes its growers to institutional purchasers. For some institutions, this is easier than dealing directly with many individual growers.

The state of Washington actively promotes purchasing from Washington growers.

A number of state and non-profit groups are working to develop databases and web tools that match regional growers and purchases.

Portland Public Schools Nutrition Services will draft a template for environmentally sustainable food purchasing and will pilot "Best Value" procurement to increase purchases of regionally produced foods.

A shift to regional or sustainable foods can be driven by strong customer demand at any level — end consumers, institutional purchasers, food service companies or distributors.

Case in Point Students at Portland State University organized a campus café that features regional and sustainably-produced foods. Their efforts paved the way for an agreement between the campus food service vendor and the Food Alliance. Under this agreement the Food Alliance identifies regional, sustainably produced foods that the food service vendor can purchase.

Recommended Actions

Incorporate sustainability criteria into food purchasing contracts issued by City and County agencies. Focus on criteria that will help build connections with regional food suppliers.

Create sustainability guidelines that the City and County can use for catered events, meetings, and conferences.

Develop sustainability criteria for restaurants or concessions that use property owned by the City or County.

Encourage relevant City and County staff to take advantage of web resources and events that build relationships between regional food suppliers and purchasers.

DEFEND LAND USE LAWS

GOAL: Maintain and strengthen existing land use regulations.

Agriculture is not confined to rural Oregon. Five of the top six agricultural producing Oregon counties are located within an hour's drive of Portland or Eugene. Clackamas County is ranked #2 and Washington County is #3. Multnomah County, the county with the state's smallest land area and the largest and most densely settled population, ranks #15. This is possible because suitable land remains available for farming, the infrastructure needed to farm is available, and farmers are still able to farm with limited conflicts.

Oregon maintains the agricultural land base through the use of urban growth boundaries (UGBs), exclusive farm use (EFU) zoning, and tax policy that assesses EFU zones at farm value, not speculative value. These protections have prevented many farm areas from becoming large-lot rural subdivisions and estates, but farms are still threatened, and the land use system faces continual challenges.

Findings

Agriculture remains an important industry in the metro area. Like other industries, agriculture needs to be able to not only maintain its level of production, but also to grow as an industry.

Most commercial agriculture depends on large parcels for efficient farm operations.

Micro agriculture is a small part of Oregon agriculture but it is growing in importance in the metro area. Areas that in the past were deemed to not be agricultural land (thus not zoned as such) now support intensive high-value agriculture.

Urban zoning that prevents or discourages greater housing density in town centers promotes sprawling urban development which threatens farm land and discourages the viability of town centers and viable farmers' markets.

Land speculation, especially in the metropolitan fringe areas, continues to be a very real problem for farmers because it drives land prices up too high for farmers to compete. This thwarts prospective farmers from getting started.

The siting of non-farm dwellings in farming areas remains contentious due to conflicts between rural residences and farm operations. In addition, non-farm dwellings take land out of agricultural production.

Cities (urban areas) continue to look to agricultural lands to provide for urban needs (e.g., utility siting, parks, transportation).

Case In Point

In 1998, the Shelton, Conn. Conservation Commission adopted a plan to provide for the purchase of agricultural easements by the city. The city pays the farmer to relinquish the right to sell or develop the land for non-agricultural or non-forestry uses. Farmers continue to own and work the land, and may sell it to other farmers, but the city holds an easement, or deed, to all future development.

Recommended Actions

Participate at the local, regional and state levels to support and defend existing laws that protect agriculture from conflicting uses. Examples include:

Support and encourage Metro's efforts to recognize agriculture as an industrial use of land.

Advocate at the state level to change the current standard that requires Metro to review the urban growth boundary every five (5) years to every ten (10) years.

Monitor and respond to legislative efforts to undermine the land use system.

Continue to encourage and promote the development of town centers and the more efficient use of land over the expansion of urban growth boundaries.

Investigate an agricultural conservation easement program for small farms in the fringe areas along the existing UGB by identifying specific properties and exploring various funding sources.

Plan for the siting of urban facilities/utilities within the urban growth boundary.

IMPLEMENT AWARENESS CAMPAIGNS

GOAL: Support public campaigns that promote healthy eating and regionally produced food.

Large-scale public campaigns have succeeded in persuading residents not to smoke and to recycle their trash. These efforts have raised awareness and understanding of the issues involved, and they have included strategies specifically designed to support people in switching to new behaviors. Similar efforts are needed to target consumer food choices, promoting both healthier eating and patronage of regional producers.

Such campaigns can involve many public and private partners, but government plays a key role in coordinating efforts and in securing a funding stream as in the case of tobacco (taxes on tobacco products) and recycling (fees charged to garbage haulers). A food choices campaign would yield both economic and health benefits for the region.

Findings

Only 24% of Oregonians consume the recommended five daily servings of fruits and vegetables. Raising this percentage is one target of *Oregon's Statewide Public Health Nutrition Plan*.

Eating more fruits and vegetables is associated with a lower risk for many cancers and other chronic diseases.

Type 2 diabetes, elevated cholesterol, and high blood pressure occur with increased frequency in overweight children and adolescents. In 2001, 28% of Oregon eighth graders and 21% of eleventh graders were overweight. The percentage of eighth graders who are overweight has increased nearly 50% within the last two years.

The food industry spent \$25 billion on advertising and promotions in 2000. The federal government's Five-a-Day campaign spends only \$3.6 million each year.

Several community organizations such as the African American Health Coalition and OSU Extension Service have programs to promote healthier diets.

Case In Point

Oregon's comprehensive tobacco prevention and education campaign has succeeded in changing habits and improving public health. Results include:

- a 28 percent drop in smoking among pregnant women between 1996 and 2001 — a decline almost three times the national rate.

- 2,600 fewer 11th grade males chewing tobacco in 2003 than in 1997. The rate dropped from almost 28 percent in 1997 to just 12.5 percent in 2002 — a 45 percent decline compared to the national reduction of 20 percent.

Recommended Actions

- Develop campaign funding sources and partnerships with community-based programs working in this area.

- Use the Businesses for an Environmentally Sustainable Tomorrow (BEST) awards to recognize businesses that promote healthier options or that purchase or produce regional, sustainable food.

- Develop educational programs for students. These could include apprenticeship programs in agriculture or home economics classes.

- Convene a healthy schools summit focused on creating a healthy school nutrition environment for students in the local school districts. This would build upon several existing state-level initiatives¹ and would foster partnerships among school administration, teachers, students, parents and the community.

¹ The Oregon's Statewide Public Health Nutrition Plan and the Healthy Kids Learn Better Coordinated School Health Approach

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Nutrition Council of Oregon, *A Healthy Active Oregon: The Statewide Public Health Nutrition Plan, February 2003* <http://healthoregon.org/hpcdp/physicalactivityandnutrition>

Oregon Behavioral Risk Factor Surveillance Survey

US Surgeon General, *The Surgeon General's Call to Action - Prevent and Decrease Overweight and Obesity* <http://www.surgeongeneral.gov/topics/obesity>

INCREASE VISIBILITY OF REGIONAL FOOD

Raymond Saul, Suzanne Briggs, Marcus Simantel, *Downtown Neighborhood and Market Squares*, May 2001

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Food Security Institute, Center on Hunger and Poverty, Heller School for Social Policy and Management, Brandeis University *Hunger and Food Insecurity in the Fifty States: 1998-2000*

Oregon Food Bank, *Profiles of Poverty and Hunger in Oregon 2002*

Oregon Hunger Relief Task Force

State of Oregon WIC office

MODEL PURCHASING PRACTICES

Teri Pierson, AmeriCorp Intern and Janet Hammer, Director, Community

Food Matters, *Barriers and Opportunities to the Use of Regional and Sustainable Food*

Products by Local Institutions: A Report to Community Food Matters and Portland Multnomah Food Policy Council, 2003

Department of General Administration and the Washington State

Department of Agriculture, *How We Can Encourage Public Entities to Purchase Washington*

Agricultural Products. 2002 Report to the Legislature Mandated by HB 2657

Darin Mathews, CPO, *Living Wage Policies in Public Contracts, A Model for "Best Value"*

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<http://healthoregon.org/hpcdp/physicalactivityandnutrition>

Oregon Department of Health Services, March 19, 2003 Press Release

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: October 23, 2003

Agenda Item #: R-3

Est. Start Time: 10:44 AM

Date Submitted: 10/08/03

Requested Date: October 23, 2003

Time Requested: 1 min

Department: County Attorney, DBCS

Division: Finance, Budget and Tax

Contact/s: Agnes Sowle, Dave Boyer,

Phone: 988-3903 **Ext.:** 83903

I/O Address: 503/4

Presenters: Dave Boyer and Agnes Sowle

Agenda Title: Second Reading and Possible Adoption of a Proposed Ordinance Amending Ordinance 1012 Imposing Temporary Income Tax for Public Schools, Public Safety and Human Services to Update and Clarify Definitions

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation?**
Approve the Ordinance amending the definition of resident.

- 2. Please provide sufficient background information for the Board and the public to understand this issue.**
 - On May 20, 2003, Multnomah County voters approved Measure 26-48 imposing a three-year 1.25% income tax for county schools, health and senior care and public safety.

 - On June 19, 2003, by Ordinance 1012, the Board adopted the voter-approved Measure.

- It is necessary to amend Ordinance 1012 to clarify the definition of Resident, make it similar to the definition of resident in ORS 316.027 and enable the County to collect the income tax from part-year county residents.

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

None

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

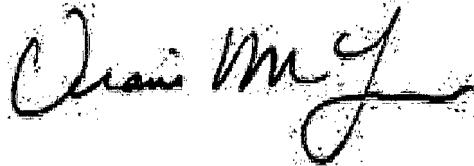
4. Explain any legal and/or policy issues.

Meets the County's legal requirements and is consistent with County policies.

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

None.

Required Signatures:



Department/Agency Director:

Date: 10/08/03

Budget Analyst

By:

Date:

Dept/Countywide HR

By:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending Ordinance 1012 Imposing Temporary Income Tax for Public Schools, Public Safety and Human Services to Update and Clarify Definitions

(Language ~~stricken~~ is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. On May 20, 2003, Multnomah County voters approved Measure 26-48 imposing a three-year 1.25% income tax for county schools, health and senior care and public safety.
- b. On June 19, 2003, by Ordinance 1012, the Board adopted the voter-approved Measure.
- c. It is necessary to amend Ordinance 1012 to update the Administrator's title and clarify the definition of Resident, making it similar to the definition of resident in ORS 316.027 and enabling the County to collect the income tax from part-year county residents.

Multnomah County Ordains as follows:

Section 1. Definitions of Ordinance 1012 is amended to read as follows:

SECTION 1. DEFINITIONS.

For the purpose of this ordinance, the following definitions apply unless the context requires a different meaning.

ADMINISTRATOR. The Multnomah County ~~Chief Financial Officer~~ Finance Director.

RESIDENT. ~~A. An individual who files a resident Oregon income tax return from Multnomah County.~~ A. For purposes of this Ordinance, unless the context requires otherwise:

- (1) "Resident" or "resident of this county" means:
- (a) An individual who is domiciled in Multnomah County unless the individual:
- (i) Maintains no permanent place of abode in this county;
- (ii) Does maintain a permanent place of abode elsewhere; and
- (iii) Spends in the aggregate not more than 30 days in the taxable year in this county; or

(b) An individual who is not domiciled in this county but maintains a permanent place of abode in this county and spends in the aggregate more than 200 days of the taxable year in this county unless the individual proves that the individual is in the county only for a temporary or transitory purpose.

(2) "Resident" or "resident of this county" does not include:

(a) An individual who is a qualified individual under section 911(d)(1) of the Internal Revenue Code for the tax year;

(b) A spouse of a qualified individual under section 911(d)(1) of the Internal Revenue Code, if the spouse has a principal place of abode for the tax year that is not located in this county; or

(c) A resident alien under section 7701(b) of the Internal Revenue Code who would be considered a qualified individual under section 911(d)(1) of the Internal Revenue Code if the resident alien were a citizen of the United States.

B. For purposes of subsection A.(1)(b) of this section, a fraction of a calendar day shall be counted as a whole day.

TAXABLE INCOME. Taxable income under Oregon law.

FIRST READING: October 16, 2003

SECOND READING AND ADOPTION: October 23, 2003

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1018

Amending Ordinance 1012 Imposing Temporary Income Tax for Public Schools, Public Safety and Human Services to Update and Clarify Definitions

(Language ~~stricken~~ is deleted; double-underlined language is new.)

The Multnomah County Board of Commissioners Finds:

- a. On May 20, 2003, Multnomah County voters approved Measure 26-48 imposing a three-year 1.25% income tax for county schools, health and senior care and public safety.
- b. On June 19, 2003, by Ordinance 1012, the Board adopted the voter-approved Measure.
- c. It is necessary to amend Ordinance 1012 to update the Administrator's title and clarify the definition of Resident, making it similar to the definition of resident in ORS 316.027 and enabling the County to collect the income tax from part-year county residents.

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For the purpose of this ordinance, the following definitions apply unless the context requires a different meaning.

ADMINISTRATOR. The Multnomah County ~~Chief Financial Officer~~ Finance Director.

RESIDENT. ~~A. An individual who files a resident Oregon income tax return from Multnomah County.~~ A. For purposes of this Ordinance, unless the context requires otherwise:

- (1) "Resident" or "resident of this county" means:
- (a) An individual who is domiciled in Multnomah County unless the individual:
- (i) Maintains no permanent place of abode in this county;
- (ii) Does maintain a permanent place of abode elsewhere; and
- (iii) Spends in the aggregate not more than 30 days in the taxable year in this county; or

(b) An individual who is not domiciled in this county but maintains a permanent place of abode in this county and spends in the aggregate more than 200 days of the taxable year in this county unless the individual proves that the individual is in the county only for a temporary or transitory purpose.

(2) "Resident" or "resident of this county" does not include:

(a) An individual who is a qualified individual under section 911(d)(1) of the Internal Revenue Code for the tax year;

(b) A spouse of a qualified individual under section 911(d)(1) of the Internal Revenue Code, if the spouse has a principal place of abode for the tax year that is not located in this county; or

(c) A resident alien under section 7701(b) of the Internal Revenue Code who would be considered a qualified individual under section 911(d)(1) of the Internal Revenue Code if the resident alien were a citizen of the United States.

B. For purposes of subsection A.(1)(b) of this section, a fraction of a calendar day shall be counted as a whole day.

TAXABLE INCOME. Taxable income under Oregon law.

FIRST READING: October 16, 2003

SECOND READING AND ADOPTION: October 23, 2003



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Lisa Naito
Lisa Naito, Presiding Commissioner

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Agnes Sowle
Agnes Sowle, County Attorney

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: October 23, 2003

Agenda Item #: R-4

Est. Start Time: 10:45 AM

Date Submitted: 10/14/03

Requested Date: 10/23/03

Time Requested: 15 mins

Department: Non-Departmental

Division: Chair's Office

Contact/s: Duke Shepard

Phone: 503.988-3308

Ext.: 85137

I/O Address: 503/600

Presenters: Duke Shepard and invited others

Agenda Title: Regional Economic Development Partners

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation?** No action requested at this meeting. Informational briefing only.
- 2. Please provide sufficient background information for the Board and the public to understand this issue.** In recent years there has been a growing concern that this region was not effectively competing in a changing global economy – reinforced by the area's nation-leading unemployment rate and decline in business activity. A number of studies and reports, including the *Economic Development Strategy for the City of Portland, Summary Report of the Blue Ribbon Committee*, call for a higher level of regional coordination and collaborations, and in some cases suggest the creation of a regional economic development strategy. The Regional Economic Development Partners are one step toward addressing this need.

The Regional Economic Development Partners has existed for over 10 years as an informal collaborative group of public and private economic development professionals in the Portland Metro region. The local governments and respective economic development organizations in the metropolitan area have formalized their commitment to regional cooperation through the formation of the Regional Economic Development

Partners, a 501(c) (3) organization. The Portland Development Commission serves as the Administrative Agent of the Regional Partners organization.

The Regional Partners helped create a Regional Economic Policy Task Force. The Task Force, made up of 19 public and private sector leaders, was charged with reviewing and analyzing the state of economic development strategies in the region and the degree to which new strategy development work was necessary. The Task Force conducted its work from November 2002 through June of 2003. The Task Force Report can be viewed at <http://www.upa.pdx.edu/IMS/currentprojects/MEPTF/MEPTF%20Final%20Rep%20June10.pdf>

Among its findings and conclusions, the Task Force determined that the Regional Partners was the only organization with sufficient geographic coverage and scope of responsibilities to appropriately lead the formulation of regional economic development strategies and action plans. At the Task Force's final meeting in June, the Regional Partners delivered two reports addressing both short and longer-term strategy development efforts – *Regional Partners Six-Month Work Plan Toward Creating a Vital and Sustainable Regional Economy*, and *A Framework for Creating Shared Economic Priorities for the Portland Vancouver Metropolitan Area*.

The focus of efforts outlined in the Regional Partners Six-Month Work Plan include:

- INDUSTRY CLUSTER DEVELOPMENT
- REGIONAL MARKETING
- INDUSTRIAL AREAS DEVELOPMENT
- COMMITMENT TO REGIONALISM

The Framework for Creating Shared Economic Priorities identifies and recommends six areas of economic focus:

1. INNOVATION AND INDUSTRY CLUSTERS
2. PHYSICAL INFRASTRUCTURE
3. TALENT
4. LIVABILITY
5. MARKETING
6. REGIONAL COLLABORATION

The Regional Partners Six-Month Work Plan outlines tasks and actions that the member organizations of the Regional Partners will carry out in concert with one another to support the longer-term focus areas outlined in the Framework for Creating Shared Economic Priorities.

The first four areas of focus identified in the Framework are foundation issues of importance to the effective functioning of the region's economy. The importance of these four areas is interrelated and interdependent. The fifth area of focus is important in order to position this region within a competitive global environment, and the sixth is important as a mechanism for those of us in this region to more efficiently address the first five issues – and thereby more effectively compete nationally and internationally as an economic region.

3. **Explain the fiscal impact (current year and ongoing).** No general fund impacts or cost. Membership dues (\$5,000 annually) are paid from the administrative budget for the County's only economic development program, the Strategic Investment Program.

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

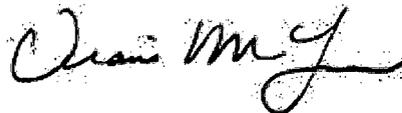
If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

- 4. Explain any legal and/or policy issues involved.** The County's interest in regional economic development and particularly the economic health of Multnomah County; ensuring that the Counties interests are served, that Multnomah County has "a place at the table", and that where possible and appropriate the County can add value to regional economic development efforts.
- 5. Explain any citizen and/or other government participation that has or will take place.** A list of government and private sector members of the regional partners is attached.

Required Signatures:

Department/Agency Director: _____



Date: 10/14/03

**REGIONAL PARTNERS
SIX-MONTH WORK PLAN
TOWARD CREATING A
VITAL AND SUSTAINABLE REGIONAL ECONOMY**

Presented to:

The Metropolitan Economic Policy Task Force

Presented by:

The Regional Economic Development Partners

June 10, 2003

REGIONAL PARTNERS SIX-MONTH WORK PLAN TOWARD CREATING A VITAL AND SUSTAINABLE REGIONAL ECONOMY

THE REGION

A first step in achieving shared priorities for the region's economic future is to define the region. Economically, this region is a six-county area including Clackamas, Columbia, Multnomah, Washington and Yamhill counties within the state of Oregon, and Clark County within the state of Washington — the Portland–Vancouver PMSA (Primary Metropolitan Statistical Area). This geographic area functions as one economy, at least in terms of jobs – 97% of those who work in this region live here and 98% of those who live in this region work here.

THE REGION'S ECONOMIC GOAL – DESIRED OUTCOME

To create and maintain a diverse, stable and resilient economy that:

- is knowledge-based
- is business supportive
- has strong international ties
- creates and retains jobs
- maximizes existing resources
- balances growth and livability
- is built through regional collaboration
- provides a continuum of opportunities for business and people
- funds infrastructure necessary to support business growth
- capitalizes on existing and emerging industry strengths

REGIONAL ECONOMIC DEVELOPMENT PARTNERS SIX-MONTH WORK PLAN

This six-month work plan addresses the initial actions that will be undertaken in order to begin addressing the six focus areas outlined in this framework: Innovation and Industry Clusters; Physical Infrastructure; Talent; Livability; Marketing; and Regional Collaboration. The following initiatives address those actions where the Regional Partners are primarily responsible for implementation:

- INDUSTRY CLUSTER DEVELOPMENT – growing key industries
- REGIONAL MARKETING – driving job creation and investment
- INDUSTRIAL AREAS DEVELOPMENT – insuring an adequate supply of industrial & employment land
- COMMITMENT TO REGIONALISM – achieving shared priorities

In January 2004, the Regional Partners will report back to the Metropolitan Economic Policy Task Force. In addition to providing an update on progress, the January 2004 report will outline the success in enlisting organizations and individuals to champion the implementation of the remaining regional priorities.

I. INDUSTRY CLUSTER DEVELOPMENT

The Regional Partners will outline and initiate actions to grow key industry clusters. Within the next six months, four clusters will be the primary focus: silicon (semiconductors & photovoltaic); micro to nano technologies; cyber-security; and metals & transportation equipment. Specific work plans will be completed with the active engagement of industry. Work plans will address:

- a. The steps necessary to develop a good understanding of how the cluster functions, including the identification of existing strengths, addressing gaps or weaknesses and developing a longer term strategy for continued growth of the cluster.

- b. Cluster specific business retention, expansion and recruitment actions.
- c. Identification and communication of forecasted land and infrastructure needs for industry within the region for two and five year time horizons.
- d. Identification and communication of forecasted workforce needs.

Outcomes/Deliverables/Products:

- Produce industry data outlining needs and opportunities for each of the four clusters.
- Deliver findings and issues for each cluster to education, workforce, and land use and transportation planning organizations.
- Present four industry cluster strategies detailing the roles and responsibilities of involved organizations, including specific actions, steps, timelines and initial lists of targeted firms.
- Make 2 to 3 private-sector led recruitment calls on targeted firms or site selectors within each of the four clusters.

II. REGIONAL MARKETING

Create, fund and implement a collaborative and focused private sector-led marketing campaign to strategically promote the Portland region as a desirable location for business and investment. In coordination with efforts outlined in *I. INDUSTRY CLUSTER INITIATIVE*, above, the promotional and marketing efforts will assist in gaining visibility and differentiation from other competing regions. The approach utilized will be to focus on identified industry clusters as well as overall regional competitive strengths. The region's marketing efforts will coordinate with and leverage the parallel statewide marketing efforts being lead through the Oregon Economic Development Association as well as the developing *Brand Oregon* messaging.

Outcomes/Deliverables/Products:

- Commitments in place to develop and implement a five-year regional marketing campaign.
- Regional marketing campaign under contract with timeline for campaign implementation in place.

III. INDUSTRIAL AREAS DEVELOPMENT

The goal is to identify land in the Portland–Vancouver region that is suitable for future industrial development, and recommend policy and investment priorities that support and enhance land development opportunities to meet business and industry needs.

- a. Task 3 Completion:
 - Work with Metro to complete Task 3, which requires addition of 2000 acres of industrial land to the Portland Area Urban Growth Boundary (UGB) by June 2004.
 - Specifically develop siting criteria for identified industries in order to ensure an appropriate supply of land.
 - Focus on including land identified by Regional Partners as part of 2002 Periodic Review process.
- b. Regionally Significant Industrial Areas:
 - Work with Metro to finalize language in Title 4 related to Regionally Significant Industrial Areas. (Title 4 includes limitations or restrictions on commercial and institutional uses within industrial areas)
 - Work with individual jurisdictions to identify appropriate areas within the current UGB that should be subject to this designation.
- c. Clark County/Vancouver:
 - Work with Clark County and the Port of Vancouver to advance planning and development of the Columbia Gateway properties.
- d. Regional Employment Lands Study:
 - Participate in planning for this private sector led effort that will analyze land needs for businesses that do not meet the traditional definition of “industrial”.

- e. Oregon Industrial Land Initiative:
 - Work with state agencies and the Oregon Governor’s office to inventory 25+ acre industrial sites.
 - Identify those sites that are “shovel ready”, as well as analyzing those with development constraints, identifying those development constraints, and quantifying the costs or other actions necessary to remove those constraints.
- f. Industrial Land Supply Assessment:
 - Work with Metro, the public jurisdictions and the private development community in the region to develop and agree upon definitions and protocols for updating and maintaining a parcel-specific industrial land supply database. Agreed upon definitions and protocols will include how to determine/define sites as “shovel ready”, the types of development constraints that will be inventoried and categorized, as well as protocols and common formats for data collection.
- g. Industrial Land Supply Target:
 - Work with Metro, the public jurisdictions and the private development community in the region to identify or create the necessary financial tools, technical assistance and policy mechanisms to insure a rolling 5-year supply of shovel ready industrial sites with characteristics appropriate to the industry needs identified in *I. INDUSTRY CLUSTER INITIATIVE, Item c.*, above.

Outcomes/Deliverables/Products:

- 2,000 acres of industrial land, which meets forecasted industry needs, added to the UGB.
- Title 4 language amended and specific industrial sites/areas included as Regionally Significant Industrial Areas.
- Adoption of specific development strategies for the Vancouver Gateway area.
- Regional Employment Lands Study underway and initial data.
- Complete regional contribution to the State inventory of “shovel ready” industrial sites (and assessment of development constraints and costs necessary to make the remaining industrial sites in the region “shovel ready”).
- Identification/creation of 2-3 new financial, technical assistance and/or policy mechanisms to support the maintenance of an ongoing 5-year industrial land supply.

IV. COMMITMENT TO REGIONALISM

The goal is to allow the Regional Partners to remain light, fast, agile and responsive to the market while building a sustained level of cooperation to achieving shared priorities for the region’s economic future.

The Regional Partners will:

- a. Advocate and promote the economic priorities, included in *Attachment A, A Framework for Creating Shared Economic Priorities for the Portland—Vancouver Metropolitan Area*, by involving key public and private sector organizations to agree to implement specific strategies. In particular, clearly address ways in which this region will distinguish itself from its competitors, the metrics that the Regional Partners will need over time to understand regional economic performance, and sources to fund and expedite the vision.
- b. As a part of promoting the economic framework and getting other organizations to ratify it, identify and solicit organizations to act as “champions”, that will commit to leading the implementation of strategies and actions where the Regional Partners are not the lead organization (i.e. ODOT and/or local transportation agencies responsible for leading the implementation of the transportation infrastructure priorities). Wherever possible, both private and public organizations/individuals will be solicited as “co-leads” for each strategy or action.
- c. In the areas where they are not the lead organization, the Regional Partners’ role is to keep the other lead organizations informed about general business and individual industry cluster needs and advocate for specific actions to meet these needs.
- d. Reach out to other organizations within the metropolitan area and solicit their involvement in the Regional Partners.
- e. Apply to the U.S. Economic Development Administration (EDA) for funding to develop a regional Overall Economic Development Plan. As part of this effort, consider the formation of a regional

economic development district. Forward the completed plan to EDA for their approval – which would allow the region access to federal funding for projects delineated in the plan.

- f. Create and adhere to a schedule and forum for monitoring and reporting on progress in implementing the strategies recommended in this report.

Outcomes/Deliverables/Products:

- Commitments by organizations to serve as the “Champion” for 8 of the specific strategies/actions contained in the Framework report.
- Twenty members in good standing of the Regional Partners organization.
- Adoption of the Regional Partners Six-Month Work Plan and the Framework report by the councils, commissions or boards of each of the Regional Partners organizations.
- Completion of and acceptance by EDA of Comprehensive Economic Development Strategy grant for the Region.
- Status report provided to the MEPTF in January 2004 on implementation of the elements of this work plan and strategies and actions recommended in the economic framework report.

Members of the Metropolitan Economic Policy Task Force

- Rob Drake (Chair), Mayor, City of Beaverton
- David Bragdon, President, Metro
- Jess Carreon, President, Portland Community College
- John Castles, Trustee, Murdock Charitable Trust
- Steve Clark, Publisher, Beaverton Valley Times
- Eric Hovee, Principle, ED Hovee Company
- Ron Johnson, VP Resource Development, Portland General Electric
- Michael Jordan, Commissioner, Clackamas County
- Vera Katz, Mayor, City of Portland
- Kim Kimbrough, President/CEO, Portland Business Alliance
- Kathy Long Holland, Long/Sherpa Eco-D
- Donald Mazziotti, Executive Director, Portland Development Commission
- Craig Pridemore, Commissioner, Clark County
- Carl Talton, VP Community and Business Development, Portland General Electric
- Bob Terry, Owner, Fisher Farms
- Jose Ternero, Oregon Assoc. of Minority Entrepreneurs
- Diane Vines, Vice Chancellor, Oregon University System
- Rick Williams, Project Consultant, Melvin Mark Dev. Co.
- William Wyatt, Executive Director, Port of Portland

Staff: Ethan Seltzer, Director, Institute of Portland Metropolitan Studies, Portland State University
Heike Mayer, Research Assistant
John Provo, Graduate Research Assistant
Joe Cortright, Impresa Inc.

Regional Economic Development Partners

The Regional Partners are a private non-profit organization. An association of public and private sector economic development professionals, representing agencies and organizations throughout the Portland–Vancouver region. The member organizations are listed below, including, the Regional Partners contact person(s):

- The City of Beaverton (*Janet Young*)
- The City of Gresham (*Max Talbot, Shelly Parini*)
- The City of Hillsboro (*David Lawrence, Larry Pederson*)
- The City of Tualatin (*Doug Rux*)
- The City of Vancouver (*Gerald Baugh*)
- Clackamas County (*Greg Jenks, Renate Mengelberg*)
- Multnomah County (*Duke Shepard*)
- Washington County (*Dennis Mulvihill*)
- Metro (*Andy Cotugno, Lydia Neill*)
- Port of Portland (*Bill Wyatt, Lise Glancy*)
- Portland Development Commission (*Don Mazziotti, Marty Harris, Michael Ogan*)
- Columbia River Economic Development Council (*Bart Phillips, Pam Neal*)
- Oregon Economic and Community Development Department (*Ron Fox, Joan Rutledge, Marcy Jacobs, Carolyn Sanco*)
- Portland Ambassadors (*Randy Miller*)
- Portland Business Alliance (*Kim Kimbrough, Scenna Shipley, John Rakowitz*)
- Westside Economic Alliance (*Betty Atteberry*)
- Pacific Power & Light (*Tim McCabe*)
- Portland General Electric (*Charlie Allcock*)

Attachment A

to:

Regional Partners Six-Month Work Plan Toward Creating a Vital and
Sustainable Regional Economy

**A Framework
for
Creating Shared Economic Priorities
for the
Portland –Vancouver Metropolitan Area**

Presented to:

The Metropolitan Economic Policy Task Force

Presented by:

The Regional Economic Development Partners

June 10, 2003

Attachment A

A Framework for Creating Shared Economic Priorities for the Portland –Vancouver Metropolitan Area

This report identifies six areas of focus for a long term economic strategy. These focus areas represent the findings and conclusions of the Metropolitan Economic Policy Task Force and Regional Economic Development Partners on common themes (those areas where the jurisdictions throughout the region, through prior public processes and formal adoption, have identified and committed to economic strategies that are consistent, similar or supportive of one another); as well as conflicts or gaps (where there is a lack of agreement on solutions, or lack of existing collaborative effort). This framework provides a mechanism to better coordinate the region's economic development objectives with its land use and transportation planning and implementing actions and investments.

This framework identifies and recommends six areas of economic focus:

- | | | |
|-------------------------------------|---------------|---------------------------|
| 1) Innovation and Industry Clusters | 3) Talent | 5) Marketing |
| 2) Physical Infrastructure | 4) Livability | 6) Regional Collaboration |

The first four of these are foundation issues of importance to the effective functioning of the region's economy. The importance of these four issues is interrelated and interdependent. Their ordering in this report is not meant to imply any priorities among or between them. The fifth is important in order to position this region within a competitive global environment, and the sixth is important as a mechanism for those of us in this region to more efficiently address the first five issues – and thereby more effectively compete nationally and internationally as an economic region.

The discussion below identifies policies, strategies or actions within each of these six areas and discusses why and how each is important to the area's economy. Economic strategy is about 1) making sure that we provide essential resources and services that enable businesses to succeed, and 2) focusing on those things that differentiate this region from other, competing regions – where we have strengths or relationships that provide economic advantages. The first four areas of focus discussed below are important elements in differentiating the Portland–Vancouver region's economic advantages from those of other regions – how this region decides to address each of these elements, where priorities are placed, and what implementation decisions are made is critical to this differentiation.

The six focus areas provide the framework for **WHAT** should be addressed within a regional economic strategy for this metropolitan area – most of which are presented in broad terms. Some areas include a specific approach, or suggested actions, on **HOW** these strategies should be implemented or carried out. The intent of this document is to provide a foundation for ongoing collaboration among the institutions and organizations throughout the metropolitan area to support the continual refinement of both **WHAT** this region's economic strategies should be and **HOW** to approach their implementation.

Background

The Portland–Vancouver region faces a number of economic forces that will shape its future.

- The evolution of a knowledge-based economy in which intellectual assets, rather than physical ones, are key to long term economic success.
- An increasing use of technology throughout both traditional and new economy industries.
- A shift overseas of many traditional as well as new economy jobs, facilitated by improved global transportation and communications and by lower wages overseas.
- A shift from a local economic base, measured by political boundaries, to a highly integrated regional economy.
- The development and emergence of industry clusters – concentrations of interrelated, globally competitive firms within related industries—unique to specific metropolitan areas.
- Increasing competition from other regions within the United States, because of reduced transportation and communication costs, and economic inducements provided by local, regional and state governments.
- Shorter product and service life cycles, requiring much greater agility and speed by businesses in retooling to stay competitive.
- The evolution of transportation and distribution systems to more efficiently move products and information.
- Across the world, business and governments are mobilizing to reduce the effects of the recession and position themselves to take advantage of the economic restructuring that is underway.

Due to an unprecedented period of economic growth in the 1990s, some people assumed that this region's positive economic future was a given. We know that this is not true—we must be proactive to be competitive.

The challenge before us is how does this region position itself to effectively compete for the economic opportunities that will be presented in the global marketplace during the coming decade—by taking into account and balancing both what we desire as a community and what employers desire as a business location.

Framework Elements – Lead/Involved Organizations

The recommendations outlined below are presented as the starting point for a regional action plan that will require focused, intense, commitment from both the business community and local/regional governments to be successfully completed and implemented. A critical element of that commitment includes organizations taking responsibility for leading the implementation of each of these recommended actions – a “champion” for that item.

For each strategy or action item below, the set of organizations that should be involved in further discussion and/or implementation are shown. As with the recommended actions themselves, this list of involved organizations is presented as a starting point for discussion and further refinement.

For those items where the Regional Partners are committed to be the organization responsible for implementation they are shown as the Lead. For those items where the Regional Partners are NOT the organization responsible to lead implementation they are shown as the Advocate for this item – unless an appropriate organization has already committed to serve as the Lead organization for implementation. The Regional Partners role as advocate is to recruit a champion to lead.

I. Innovation and industry Clusters

A. Build on the region's existing and emerging industry sector strengths through cluster-focused public policy and program support and through resource allocation.

All types of business activity and industries contribute to the region's economy. However, in the world's more successful metropolitan areas, a small number of industry clusters serve as the primary drivers of the regional economy.

A cluster is a group of firms that, through their interactions with each other and with their customers and suppliers, develop innovative, cutting-edge products and processes that distinguish them in the market place from firms in the same industry found elsewhere. The competitiveness of an industry cluster is determined by the presence of highly specialized pools of skills, technology and infrastructure tailored to the needs of the cluster firms. The presence of sophisticated and demanding customers in a cluster pressures firms to innovate on a continuous basis.

A cluster is not simply the result of the presence of a large firm, or of a concentration of firms in the same industry. Identifying the presence of a cluster in a community refers specifically to the ability of the firms in an industry to interact in ways that create competitive advantages through the creation and incorporation of new knowledge into products and the processes that produce them.

Therefore, cluster strategies focus on the relationships between firms, not on individual firms. A cluster strategy is based on the assumption that creating new knowledge in a place confers advantages on all firms in that industry in that place, even if those firms are, in fact, competitors within their industries.

Those industry clusters that compete nationally and internationally are the core of this region's economy and what distinguishes it from other regions. The industry clusters that exist and that are emerging in the metropolitan area are built on the distinctive knowledge competencies of the region, and the strengths that currently enable the region to compete globally for economic activity and investment. Additionally, industries that sell their products and services nationally and internationally have greater long-term growth potential since their opportunities for growth are not constrained by the size of this region's market. For these reasons, focusing on industry clusters is both a more efficient and effective use of this region's efforts and resources.

Established regional industry clusters include:

- High Tech (*Semiconductors/Silicon, Imaging & Display Technology*)
- Metals, Machinery, Transportation Equipment
- Nursery Products
- Specialty Foods and Food Processing
- Lumber and Wood Products

Emerging regional Industry clusters include:

- High Tech (*Nano & Micro Technology, Cyber-Security, Health/Medical Information Technology*)
- Creative Services (*Advertising, Public Relations, Film & Video, Web/Internet Content & Design*)
- Sports Apparel/Recreation-Related Products

There are also industry clusters that this region aspires to create and establish. Given the definition and discussion of industry clusters, above, these would more appropriately be called targeted industries. In addition, there are industries that, while neither industry clusters nor targeted industries, are essential support industries within the region. Targeted and Support industries include:

- Biotech/Bioscience
(*Medical Devices, Bioinformatics, Pharmaceuticals, Genomics, Anti-Virals*)
- Sustainable Industries
(*Renewable Energy, Resource Efficiency Technologies, Sustainable Building Materials, Green Chemistry*)
- Professional Services
(*Architecture, Engineering, Legal and Financial Services, etc.*)
- Distribution & Logistics

The components of a cluster-based strategy should include:

A1. Increase support and commitment to the retention and expansion of existing business and attraction of new businesses.

Lead/Involved Organizations: Regional Partners: Portland State University, Oregon University System, Oregon Health and Science University, area Community Colleges, Industry Associations.

Economic development needs to be an ongoing priority of the region, not a goal that applies only during economic downturns. Through the Regional Partners, the region will expand the community's awareness of and support for business retention, expansion and recruitment efforts as ongoing elements of the region's economic development efforts. The strategies and programs established to execute expanded business retention, expansion and recruitment efforts will be developed through the involvement of industry associations and firms in the cluster, education institutions and workforce training organizations, and other the organizations in the region that are responsible for the delivery of infrastructure and services necessary to support the continuing growth and development of the cluster.

While supporting and growing industry clusters will be the focus of the region's strategic economic development efforts, these strategies should remain flexible and adaptable to changing conditions and opportunities. Companies and industries are continually adjusting to shifts in market forces and circumstances. The region will approach its economic development focus and plans with the same agility.

A2. Proactively and cooperatively market and promote the metropolitan area as a positive business location for specific industry clusters.

Advocate /Involved Organizations: Regional Partners: Portland Business Alliance, Portland Oregon Visitors Association, Oregon Economic Development Association, Port of Portland, Port of Vancouver, Industry Associations.

In addition to "branding" and marketing the region broadly as a business location, the region will also develop marketing messages and methods targeted at the specific industry clusters it is pursuing.

A3. Track, monitor and communicate information on cluster trends and needs with organizations that play a role in providing necessary business "infrastructure" and services.

Lead/Involved Organizations: Regional Partners: Industry Associations.

The Regional Partners, through ongoing research as well as their direct interactions with industry groups and individual firms, develop information and insight on the needs of industry clusters. This knowledge will be communicated and shared with the organizations in the region that are responsible for the delivery of physical infrastructure, workforce training, capital and a variety of services necessary to support the continuing growth and development of the cluster.

B. The region needs to identify and create additional capital resource tools to support business creation and expansion.

Advocate /Involved Organizations: Regional Partners: Commercial Banking Community.

The Portland–Vancouver region must enhance its support for a highly entrepreneurial environment, so a larger number of locally grown ideas grow and prosper here:

- The growth of the regional venture capital community needs be better supported, as it is small relative to other metropolitan areas.
- There are limited resources for non-standard debt financing; area financial institutions will be encouraged to examine and develop new and alternative mechanisms.
- The region needs to provide additional, more coordinated organizational and information support for entrepreneurs.

C. The region must invest in area educational institutions with a focus on commercialization.

Advocate /Involved Organizations: Regional Partners: Portland State University, Oregon Health and Science University, Industry Associations

The region must assist in the development and financing of incubator, accelerator, laboratory or other space needs to support commercialization of technology and the growth of emerging industries.

II. Physical Infrastructure

Businesses require a number of services and resources in order to successfully operate and compete in both today's and tomorrow's economy. Those services and resources comprise the region's physical infrastructure. The infrastructure elements that this region can proactively provide are identified and discussed below. How this region chooses to provide this infrastructure will determine how successfully it will compete as a location for new and expanding business. In all areas discussed below, additional financial resources need to be found or created in order to fund the infrastructure improvements essential to a strong regional economy.

A. Insure an Adequate and Available Supply of Land and Buildings that Meet Industry Needs.

To be economically competitive, communities must have an available supply of development-ready land and existing buildings to accommodate the needs of business and industry. Available land must be appropriately zoned, have adequate utilities and services and meet the location, size and other characteristics required by industry. The land resources in the region need to be competitive with other western US metropolitan areas.

In addition to available land, the regulatory climate needs to be timely and provide certainty of development.

Land requirements depend on industry and firm type. Research and development firms often want suburban campus locations where their development and production functions can take place interactively. Manufacturing and distribution firms need to be close to major interstate highways. High-tech manufacturing firms are more likely to be found in suburban industrial parks than in the central city. Firms involved in heavier manufacturing industries tend to be located in the older, established industrial areas of the central portions of the region rather than in the suburban industrial parks developed over the last three decades.

The elements of insuring an adequate and appropriate supply of land and buildings should include:

A1. Preserve, protect and redevelop existing industrial areas within the metropolitan area, while recognizing the changing form, functions and site needs of "industry".

Advocate /Involved Organizations: Regional Partners: Local Jurisdictions, Metro, Industry Associations, Commercial Development Community.

With changes in how businesses are organizing their operations and functions to effectively compete in a dynamic global economy, the region must re-examine, update and redefine the concept of "industrial" to recognize and include "industrial office" – non-manufacturing uses that are integral parts of industrial sectors (such as software development, R&D and fab-less semiconductor operations within the high tech sector) – but which would limit "commercial office" uses (such as professional services firms, call centers, insurance, medical or other personal services uses).

As part of the identification and regulation of regionally significantly industrial land, the region needs take into account and address the changing form, functions and site needs of industry and particular industry clusters. Definitions and regulations should be adjusted to respond to these new realities.

A2. The region needs to develop tools, processes and public incentives to encourage the redevelopment of industrial sites and buildings in established industrial areas to maximize past public investment in infrastructure and to create and maintain jobs in established communities.

Advocate/Involved Organizations: **Regional Partners:** Local Jurisdictions, Metro, OECD, Commercial Development Community, State Senators and Representatives from the Metro area.

Throughout the region there are significant numbers of previously developed industrial sites that have antiquated facilities or contamination problems. The cost of redevelopment can be high: brownfield sites may require environmental remediation; historic buildings require seismic upgrades. In order to preserve and maintain the land resources in existing industrial areas, the region needs to create and employ public financial incentives and other mechanisms necessary to encourage and make financially feasible the redevelopment of existing industrial sites and buildings. Without the commitment and investment necessary to redevelop and reutilize older industrial sites for new industrial uses, the need to expand the urban growth boundary and urban development into greenfields will be even greater.

A3. Through periodic additions to Urban Growth Boundaries, maintain an adequate supply of developable vacant industrial land, appropriately sized and located throughout the region, to meet the needs of industry growth forecasted by Metro, other jurisdictions and clusters identified in this report.

Advocate /Involved Organizations: **Regional Partners:** Metro, Local Jurisdictions, Commercial Development Community.

The Metro Council, in collaboration with the cities and counties throughout the region – including those located outside of Metro’s regulatory authority – must take a strong leadership role in actively supporting the periodic expansion of their urban growth boundaries (UGB) to address the current industrial land shortage and future industrial land needs. Land must be added in appropriate parcel sizes and locations that are responsive to the needs of industry clusters throughout the Region. Industrial land added to UGBs needs to be protected through appropriate mechanisms to ensure its use for industrial purposes, taking into account the changing form, functions and site needs of industry.

A4. Create and maintain a business-supportive regulatory and development permit climate.

Advocate/Involved Organizations: **Regional Partners:** Local Jurisdictions; Regulatory Streamlining Manager, Oregon Department of Consumer and Business Services; Commercial Development Community.

Regulations exist to maintain the health, welfare, and safety of a community. They are designed to make buildings safer, the air cleaner, and provide a variety of other protections. However, firms must work with local bureaucracies to meet regulatory requirements, and some regulations and processes can be quite onerous.

Shorter product life cycles have put pressure on companies to bring new products to market quickly. Simplified bureaucracies and a short and predictable permitting process can help firms react quickly in a competitive marketplace—a factor of particular significance between municipalities within a metropolitan area.

The attitude behind the implementation of the local regulatory and permit system is equally important. Locations that work to assist development within the context of meeting the community’s regulatory mandates fare better than locations that use their regulatory and permit system to “keep undesired things from happening” – the difference between viewing businesses as part of the community or an adversary to protect the community from.

Regulatory and permit systems have traditionally been wholly local in nature and scope – leading to significant differences among and across the jurisdictions in the region. While acknowledging the need to preserve local preferences and control, it is recommended that the jurisdictions in the metropolitan area move towards the development and implementation of a “smart permit system” – see recommendation “B”, under section VI. Regional Collaboration, below.

B. Maintain and strengthen the transportation and other infrastructure systems serving the Metropolitan area.

To stay competitive, cities must have modern and efficient physical infrastructure, including roads, bridges, water and sewer systems, airport and cargo facilities, energy systems, and telecommunications. The availability of fiber optic and other high capacity telecommunications systems are growing in importance.

An important role of government is to increase economic capacity by improving quality and efficiency of public infrastructure and utilities necessary to business operation. While businesses prefer localities that offer low tax rates, they will be less likely to choose an area if low taxes are reflected in poorly-maintained infrastructure, low-quality schools, and a substandard communications network. Locations with relatively higher taxes but with infrastructure and public services levels comparable to low tax locations are even less attractive to businesses.

In order to remain competitive, the Portland–Vancouver region should maintain and strengthen the following transportation systems:

B1. Air Service: Strengthen Portland International Airport’s national and international role.

Lead/Involved Organizations: Port of Portland: Regional Partners, Local Jurisdictions.

The region must actively support the Port of Portland’s efforts to expand the airport and develop increased domestic and international passenger and cargo service, including connections to Asia, Europe and Mexico.

B2. Roads & Highways: Maintain and strengthen connections from key commercial and industrial areas to necessary transportation systems (highway, train, airport, marine terminals).

Advocate/Involved Organizations: Regional Partners: Oregon Department of Transportation, Washington Department of Transportation, Port of Portland, Port of Vancouver, Metro, Local Transportation Offices and Departments.

The region needs to address the relationship, conflicts, and needs for freight movement in and between industrial areas, inter-modal and terminal facilities, and for local delivery of goods to 2040 regional centers, main streets, and at the interface of residential neighborhoods and freight districts and corridors.

B3. Transit: Maintain and expand the region’s transit system in order to provide transportation choices and increased mobility and access.

Advocate /Involved Organizations: Regional Partners: TriMet, Ctrans, Metro, Local Transportation Offices and Departments.

This region’s system of light rail, bus and streetcar provide transportation mode and cost choices necessary to meet the needs of residents and employees. In addition to helping the community to meet its energy and environmental objectives, the transit system also increases the region’s overall transportation capacity, providing increased mobility and access important to residents and businesses. The region must support expansions of the system to Milwaukie and along I-205 to the Clackamas Town Center area in the short term and to Wilsonville and Vancouver in the longer term.

B4. Rail: Promote the upgrade and maintenance of rail infrastructure.

Advocate /Involved Organizations: Regional Partners: Oregon Department of Transportation, Washington Department of Transportation, Port of Portland, Port of Vancouver, Union Pacific Rail Road, Burlington Northern Santa Fe Rail Road, Metro, Local Transportation Offices and Departments.

Many important rail lines are in need of upgrade, repair and possible reconfiguration or re-alignment. Current facilities will not be adequate to meet the needs of the future. To reduce congestion and expedite access, the region should support additional rail access points to the system such as the new Amtrak station being developed in Oregon City and improved facilities such as a new rail bridge across the Columbia River.

B5. Marine: Support deepening of the Columbia River Navigation Channel (subject to environmental approvals).

Advocate /Involved Organizations: Regional Partners: Port of Portland, Port of Vancouver, Army Corp of Engineers: US Department of Fish and Wildlife, Oregon Department of Transportation, Washington Department of Transportation.

The region must strongly support deepening and maintaining the Columbia River navigation channel to 43 feet – necessary to maintain the region’s role in meeting the marine freight needs of Oregon and portions of the Mid and Western US.

B6. Telecommunications: Support and promote the continued expansion of state-of-the-art communications technology necessary for area businesses to effectively compete.

Advocate /Involved Organizations: Regional Partners: Portland Office of Cable Communications and Franchise Management: area Cable and Communications Commissions, area Telecommunications Utilities and Companies.

The region needs to work with companies providing communications services to enhance the connectivity and bandwidth for businesses and residents within the metropolitan area.

III. Talent

A. Build stronger education and training programs and their linkage to workforce requirements.

Advocate /Involved Organizations: Regional Partners: Portland State University, Oregon Health and Science University, area Community Colleges, local School Districts, Private Foundations, Oregon and Washington Employment Departments, Oregon and Washington Governor’s Education Offices, Worksystems, Inc., area One Stops, Industry Associations.

The single most important factor for most companies is labor—its cost and its quality. For most firms, labor is the largest operating cost, and access to a talented, well-trained work force will be a deciding factor in the company’s competitiveness. Computers and other high-tech equipment have brought about a shift in occupations across the country and a change in the workforce skill requirements of all industries, including heavy manufacturing.

As the U.S. evolves into a more knowledge-based economy, virtually every company requires technical literacy at all skill levels. An educated workforce has become the primary factor for growing companies. New plants are more likely to select from sites where a skilled workforce exists, and then compare wage rates among those locations. As more routine production functions are shifted to lower cost locations (increasingly offshore), continual increases in the skill and education levels of their labor force will allow regions to remain a competitive location for growing firms.

A1. Ensure coordination between the region's workforce delivery system (Oregon Employment Department; Worksystems, Inc.; and area "One Stops") and the region's economic development efforts.

Advocate/Involved Organizations: **Regional Partners:** Oregon and Washington Employment Departments, Oregon and Washington Governor's Education Offices, Worksystems, Inc., area One Stops, Industry Associations.

Businesses that are locating or expanding in the region need a coordinated workforce delivery system to recruit, screen and hire local workers. The region must support expanded funding for the workforce delivery system and insure that its focus and services are coordinated with the region's business retention, expansion and recruitment efforts.

A2. Make a strong commitment to the workforce training and development system.

Advocate /Involved Organizations: **Regional Partners:** Worksystems, Inc., Oregon and Washington Employment Departments: Portland State University, Oregon Health and Science University, area Community Colleges, local School Districts, Private Foundations, Oregon and Washington Governor's Education Offices, area One Stops, Industry Associations.

In order to insure the long-term competitiveness of the workforce, the region must actively support efforts to establish a statewide Workforce Training Fund, as most states do, using a portion of Unemployment Insurance or other resources and expand trades training and vocational education for high-demand occupations.

A3. Support the development of a stable funding source for Oregon's K-12 education system.

Advocate /Involved Organizations: **Regional Partners:** Oregon Governor's Education Office, local School Districts, Local Jurisdictions.

The region needs to take a leadership role in supporting the creation of a stable funding basis for Oregon's education system. If the education system on the Oregon side of the metropolitan area erodes, it will place the entire region at a significant disadvantage as a business location. Governments and businesses throughout the region, those in Washington as well as Oregon, have a vested interest in insuring the long-term stability and competitiveness of the education system.

B. Investigate and identify the region's strengths in attracting high-skilled or "knowledge" workers as well as strategies and systems to augment their skills on an ongoing basis.

Advocate /Involved Organizations: **Regional Partners:** Portland State University, Worksystems, Inc., area Community Colleges, Oregon Health and Science University, local School Districts, Oregon and Washington Governor's Education Offices, Industry Associations.

In addition to maintaining its ability to attract new, high-skilled or "knowledge" workers, the region needs to develop and support educational and workforce training strategies and systems to enhance and augment people's skills on an ongoing, continuous basis. If we do not provide mechanisms to allow people, once they join our community, to maintain their skills at a competitive level, we will not be able to retain them.

IV. Livability

- A. The region's livability is one of its strategic economic advantages. The region should maintain a strong commitment to the elements of the region's livability that are essential to its economic competitiveness.

Advocate /Involved Organizations: Regional Partners: Local Jurisdictions, Metro: 1000 Friends of Oregon, Regional Arts and Culture Commission, Industry Associations.

The Portland–Vancouver region's livability provides it a competitive economic advantage, particularly for high-skilled or "knowledge" workers. Households are attracted to regions by amenities that wages alone cannot provide. Many high-skilled or knowledge workers can choose where they want to live and they can apply their skills to a variety of industries. Because they can pick and choose their locations, they choose locations with the combination of amenities they value.

Unfortunately, in many public discussions there is the implication that the region must make choices between a positive business climate and healthy economy on one hand, and quality of life and livability issues on the other – an all or nothing choice. The region's economy and livability are not independent, but are interdependent. While not involving all or nothing choices, interdependent relationships still involve interactions among and between the interdependent elements – both positive and negative tradeoffs.

The region's livability is made up of a variety of separate elements – some of which many people cannot articulate or describe. The importance of those separate elements varies from person to person, based on the person's beliefs, values and current economic situation. Without a clearer articulation of which livability issues provide strategic economic advantages, everything is equally important – and we are back to all or nothing choices. Therefore, a critical first step in retaining and promoting the region's quality of life while spurring economic success is to define the elements of livability that strategically support its economic health and competitiveness.

V. Marketing

- A. Proactively and cooperatively market and promote the metropolitan area as a positive business location.

Advocate /Involved Organizations: Regional Partners: Portland Business Alliance, Portland Oregon Visitors Association, Oregon Economic Development Association, Port of Portland, Port of Vancouver, Industry Associations.

The Portland Region lacks an identifiable, dynamic and consistent marketing message for national and international business attraction. To effectively market the region a clear articulation of its "brand" and a "brand manager" are necessary – an entity that consistently shapes, refines and stewards the brand for this region. The focus of the brand manager and the marketing efforts should be on developing consistency in the message, as well as marketing sites, industrial sector strengths, quality of workforce, and exceptional livability factors. The region's marketing efforts and messages must be coordinated with and leverage the parallel statewide marketing efforts.

VI. Regional Collaboration

A. Encourage collaborative problem-solving and implementation of economic policy and strategy.

Lead/Involved Organizations: Regional Partners: Governor's Community Solutions Team, Local Jurisdictions, Metro.

The Portland–Vancouver region has a long and established reputation for regional collaboration. The region is frequently held up as a model of regionalism – particularly for land use and transportation planning. The region's collaboration on economic development issues and efforts is less well known. The general awareness of the existing level of economic development coordination throughout the region needs to be raised, along with ongoing increases in that level of coordination and collaboration.

As noted earlier, metropolitan regions are the building blocks of economic activities and functions. In order for this region to be economically competitive, a more collaborative culture as well as the systems and mechanisms to support it need to be expanded and developed.

B. The jurisdictions in the metropolitan area needs to move towards the development and implementation of a "smart permit and fee system" throughout the region.

Advocate/Involved Organizations: Regional Partners: Local Jurisdictions, Commercial Development Community, Metro.

A "smart permit and fee system" is one that would utilize similar application forms and user interface across all of the jurisdictions in the region. It would also insure consistent (e.g. 90 day) timeframe for permit review and approval. Building a single, regional permit system is a long-term goal, one with both technical and political difficulties. However, as an initiative to build this region's economic competitiveness, this region needs to find ways to make the regulatory, permit and fee system across jurisdictions more consistent to the "customer". This would also be a powerful, positive way of distinguishing the region.

C. The jurisdictions across the metropolitan area should investigate the development and implementation of a tax system that is supportive of regional cooperation.

Advocate /Involved Organizations: Regional Partners: Local Jurisdictions, Commercial Development Community, Metro.

Oregon's land use planning system is based on the presumption that each city and county must plan for the complete spectrum of commercial, industrial and residential development opportunities and provide the public facilities and services necessary to support them – as if each jurisdiction existed independently, both geographically and economically. However, not every jurisdiction has the physical size, breadth of existing development or development opportunities necessary to create the tax base sufficient to support the necessary public services. Oregon's tax structure serves as a disincentive to regional economic cooperation and coordination. The jurisdictions across the region should explore the issue of how to effectively address the long-term resource needs and capacity of this metropolitan area, as well as the individual jurisdictions that are part of it.

D. The metropolitan area needs to investigate the development and implementation of a regional economic database and forecasting system that allows it to benchmark and track its progress on economic strategies and initiatives, as well as identifying economic and business trends.

Advocate /Involved Organizations: Regional Partners: Portland State University, Metro, Local Jurisdictions, Commercial Development Community, Industry Associations.

The metropolitan area needs to identify indicators of successful regional economic development, tracking mechanisms to inform us if we are successful in implementing agreed upon strategies and initiatives, and information on changes in the make-up of our regional economic drivers.

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- The City of Gresham (*Max Talbot, Shelly Parini*)
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From: SHEPARD Duke
Sent: Thursday, October 23, 2003 9:19 AM
To: ROBERTS Lonnie J; CRUZ Serena M; NAITO Lisa H; ROJO DE STEFFEY Maria; LINN Diane M
Cc: BOGSTAD Deborah L
Subject: FW: comments for board

Commissioners:

Shelly Parini from the City of Gresham regrets that she cannot participate in the Regional Partners briefing (R-4) today. She asked that I forward her comments to you on her behalf.

Thanks,
Duke

Dear Multnomah County Commissioners,

First of all my apologies for not being able to deliver these comments in person, but I am working on a project that will hopefully bring new jobs & taxes to the east metro region.

I believe the Regional Economic Development Partners is an important and unique economic engine. Working together, the Partners share in the potential to develop a positive business and government alliance that binds both west and east side communities for economic growth and strength. Having a regional economic development agency sends a national and global message that the Portland Metropolitan region is open for business.

I also believe that long-term the Regional Economic Development Partners will create a strong environment for regional business recruitment and retention of key target industries.

Regionally, we work in a unique environment where many individual communities are doing good economic development planning and implementation. The Partners efforts will complement the efforts of these communities not replace their work. Each community needs to be able to identify, adopt and implement initiatives that are best suited for their geographic region, leveraging off their own unique attributes and amenities.

The Partners also gives communities of all shapes and sizes an opportunity to have a voice at the greater regional economic table. This bold effort will bring regional benefit for years to come.

**Shelly Parini
Business & Industry Affairs Manager
City of Gresham
Phone: 503-618-2821
Fax: 503-618-3301
shelly.parini@ci.gresham.or.us**

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: October 23, 2003

Agenda Item #: R-5

Est. Start Time: 11:00 AM

Date Submitted: 10/15/03

Requested Date: October 23, 2003

Time Requested: 30 mins.

Department: Non-Departmental

Division: Commissioner Cruz

Contact/s: Mary Carroll

Phone: 503-988-5275

Ext.: 85275

I/O Address: 503/600

Presenters: Commissioner Serena Cruz and Invited Guests

Agenda Title: Resolution expressing support of the principles of the Immigrant Workers Freedom Ride

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

Board approval of a Resolution in support of the four principles of the Immigrant Workers Freedom Ride, which are: A road to citizenship for immigrants who already work and pay taxes; Family Reunification to help bring workers' family members still living in their native countries to the United States; Workplace Rights regardless of immigration status; and Civil Rights And Civil Liberties for immigrant workers.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The number of immigrants living in the United States has grown over the past two decades to nearly 30 million people and will continue to grow at a rate of one million per year over the next 50 years. Our economy is increasingly dependent on the contributions of immigrant labor. Latinos contributed almost \$4 billion to Oregon's economy in 2002. Nationally, immigrants contribute \$300 billion and pay \$133 billion in taxes each year.

A coalition of labor, business and community organizations have mobilized to work for immigrant workers rights. The Immigrant Workers Freedom Ride established four basic principles for immigration reform:

Road to citizenship with clearer steps to follow for immigrants who already work and pay taxes to gain a green card.

Family reunification to help bring workers' family members still living in their native countries to the United States; there are decade-long waiting lists for some countries.

Workplace rights regardless of immigration status, an issue of concern since a 2002 Supreme Court decision found that an immigrant worker with false documents could be denied back pay.

Civil rights and civil liberties response to immigrants being detained and deported in federal terrorism investigations.

Inspired by the Civil Rights Freedom Rides of the 1960s, the Immigrant Workers Freedom Ride left from ten major cities, including Portland Oregon in late September 2003 and arrived in Washington D.C. October 1st to lobby for immigration reform.

On October 4th, over 100,000 people rallied in New York City in support of the Immigrant Workers Freedom Ride.

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

None

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

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. Explain any legal and/or policy issues involved.
Express support for legislation to reform immigration laws.

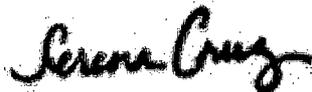
5. Explain any citizen and/or other government participation that has or will take place.

A partial list of endorsers of the Immigrant Workers Freedom Ride include:

- ❖ AFL-CIO
- ❖ Association of Community Organizers for Reform Now (ACORN)
- ❖ Coalition of Black Trade Unionists
- ❖ Gamaliel
- ❖ Hotel Employees & Restaurant Employees Int'l Union (HERE)
- ❖ Dolores Huerta, Co-Founder, United Farm Workers of America
- ❖ Jobs With Justice
- ❖ Laborers International Union of North America (LIUNA)
- ❖ Rev. James Lawson, Holman Methodist Church (Ret'd), Original Freedom Rider
- ❖ Congressman John D. Lewis (D-Georgia), Original Freedom Rider
- ❖ Rev. Joseph Lowery
- ❖ Los Angeles County Federation of Labor
- ❖ National Campaign for Jobs & Income Support
- ❖ National Council of La Raza
- ❖ National Asian Pacific American Legal Consortium
- ❖ National Grassroots Collaborative for Legalization
- ❖ National Immigration Forum
- ❖ National Immigration Law Center
- ❖ National Interfaith Committee for Worker Justice
- ❖ Service Employees International Union (SEIU)
- ❖ Union of Needletrades, Industrial & Textile Employees (UNITE!)
- ❖ United Farm Workers of America (UFW)
- ❖ United Food & Commercial Workers Union (UFCW)
- ❖ United for Peace and Justice
- ❖ United States Student Association
- ❖ United Students Against Sweatshops
- ❖ USAction

Required Signatures:

Department/Agency Director



Date: 10/15/03

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Endorsing The Four Principles Of The Immigrant Workers Freedom Ride

The Multnomah County Board of Commissioners Finds:

- a. That Multnomah County is home to a diverse immigrant and refugee population that has shared in the building of our nation and contributed to making America a land of ethnic and multicultural diversity;
- b. Immigrant workers have altered American life and their contributions were, and still are, significant to the economic growth of our community and our nation.
- c. Immigrant workers face higher levels of exploitation because many lack legal documentation and have little or no protection by government agencies in charge of enforcing labor laws.
- d. A coalition of labor, business, community organizations, churches, students, politicians, and immigrants workers joined forces for a nation-wide Immigrant Workers Freedom Bus Ride that called for reform of immigration and civil rights laws.
- e. The Immigrant Workers Freedom Ride was modeled after the Freedom Ride Bus Rides of the 1960's, with the focus being on immigrant workers rights, family reunification, access to citizenship and civil liberties.
- f. The Immigrant Workers Freedom Ride, culminated in a mass demonstration in support of immigrant rights and legislative reform in Washington, D.C., and New York City in October of 2003. The ride was a powerful vehicle for mobilizing that national constituency.

The Multnomah County Board of Commissioners Resolves:

1. The Board endorses four basic principles in the Immigrant Worker Freedom Ride agenda:

A road to citizenship with clearer steps to follow for immigrants who already work and pay taxes to gain a green card.

Family reunification, to help bring workers' family members still living in their native countries to the United States; there are decade-long waiting lists for some countries.

Workplace rights, regardless of immigration status, an issue of concern since a 2002 Supreme Court decision found that an immigrant worker with false documents could be denied back pay.

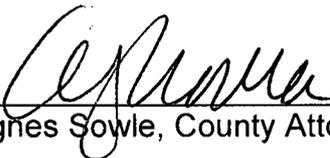
Civil rights and civil liberties, in response to immigrants being detained and deported in federal terrorism investigations.

ADOPTED this 23RD day of October 2003.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

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

By  _____
Agnes Sowle, County Attorney



Commissioner Serena Cruz, District 2

MULTNOMAH COUNTY OREGON

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Serena's talking points Immigrant Workers resolution

October 23, 2003

In 1961, freedom rider set out from Washington DC to integrate interstate transportation through a series of Freedom Rides. The Freedom Riders succeeded in ending segregation on interstate bus routes in the Deep South.

Last month, the first Immigrant Workers Freedom Ride set out from cities across the country — including Portland — and converged in New York City. Forty years after the historic Civil Rights Freedom Ride, these immigrants, families and advocates focused public attention on U.S. immigration policies that undermine workplace rights, family reunification and workers' progress toward legal residency and citizenship.

There is a national consensus forming on the need for immigration reform. Immigrant workers make significant contributions to our economic growth. We have millions of immigrant workers in the country now. Either we will provide opportunities for citizenship or immigrants will continue live outside our civic community —where they will be victimized and where our communities' will lose their contributions.

We are a country of immigrants — the only Americans who do not have an immigrant history are Native Americans. I'm proud of my recent immigration history — my mother crossed the border illegally from Mexico for many years before she gained her citizenship. She came here because she was hungry and lacked opportunity in Mexico, and because she believed that there would be an opportunity for happiness and success for her children. She simply wanted what all of us want for our families

Today, we will hear personal testimony from immigrant workers, family members and advocates. I would like the board to know that most of these presenters took time off of work to be here today to testify. For them, that means unpaid time off of work, and that is a real personal hardship. But it was important for them to share their stories to demonstrate the need for immigration reform.

The resolution before us today supports the following principles:

A road to citizenship, with clearer steps to follow for immigrants who already work and pay taxes to gain citizenship.

Family reunification — to help bring workers' family members still living in their native countries to the United States; there are decade-long waiting lists for some countries.

Workplace rights regardless of immigration status, an issue of concern since a 2002 Supreme Court decision found that an immigrant worker could be denied back pay.

Finally, **civil rights and civil liberties**, which is a concern for many law abiding immigrant workers since Sept. 11, 2001.

I sponsored this resolution today, not just because I know this is the right principles to follow, but because local communities across the country can collectively push our federal leaders to move forward on the issue of immigration reform. These principles do not present a threat to national security, our borders or to American workers. It is a sensible, humane solution to help workers already here, performing jobs essential to our economy, achieve citizenship, reunite their families and receive the same protections to which other workers are entitled.

I am proud to vote yes today.

FACT SHEET ON IMMIGRANTS AND TAXES

- **Immigrants are taxpayers:** Immigrants in Oregon contribute to federal and state revenue collections through payroll deductions, property tax payments (even renters pay property taxes through their rents), excise taxes on things like gasoline and telephone service, income tax payments, and user fees. Across the country, immigrant households paid an estimated \$133 billion in direct taxes to federal, state, and local governments in 1997. (Source: *Cato Institute, "A Fiscal Portrait of the Newest Americans," 1998.*)
- **Immigrants and their families contribute to Oregon's economy:** Immigrants and their descendants make a significant contribution to Oregon's economy as both workers and consumers. In 2002, estimated Latino buying power in Oregon was almost \$4 billion. Estimated Asian buying power was \$2 billion. (Source: *Selig Center for Economic Growth, "The Multicultural Economy 2002: Minority Buying Power in the New Century," University of Georgia, 2002.*)
- **Immigrant businesses make important economic contributions:** Immigrant businesses are a source of substantial economic and fiscal gain for the US economy. A study of 10 companies founded by immigrants showed total revenues topping \$28 billion in 1996 and total employment totaling nearly 70,000 US citizens. The study estimates overall annual contributions of immigrant businesses to the tax system at around \$29 billion a year. (Source: *Cato Institute, "A Fiscal Portrait of the Newest Americans," 1998.*)
- **Immigrants pay more in taxes than they get in services:** The typical immigrant and his or her descendants pay an estimated \$80,000 more in taxes than they will receive in local, state, and federal benefits over their lifetimes. (Source: *National Research Council, "The New Americans: Economic, Demographic, and Fiscal Effects of Immigration," 1997.*)
- **Immigrants are denied many public services:** Immigrants are obligated to pay taxes on their incomes just like everyone else. Despite this, in 1996, Congress told immigrants that, while their tax obligations would remain equal to American citizens, they would no longer have access to many federally funded safety net services. Since then, immigrants (both legal and undocumented) have not been able to receive the Oregon Health Plan or Food Stamps if they arrived in the US after 1996 and have lived here less than 5 years. Undocumented immigrants are also denied assistance through the TANF ("welfare") program. (Source: *Oregon Center for Public Policy.*)
- **Immigrants bring public funding to schools:** School districts in Oregon receive over \$2,400 in extra State funding for every English Language Learner they serve. But most schools only spend a small portion of this money on the students it's intended for. For example, in 2001-02, Salem-Keizer School District only spent \$937 of this money on immigrant students, and Portland School District only spent \$1,789. The rest of the money is spent on programs and services enjoyed by all students. In this way, immigrant students help to subsidize programs and services for all children in Oregon's schools. (Source: *Tracy Loew, "At-risk groups ask for school money," Statesman Journal, July 8, 2003*)
- **Immigrants subsidize the social security system:** Most immigrants arrive in the United States in the prime of their working years. Only 3 percent of immigrants are over the age of 65 when they enter the United States, whereas 12 percent of Americans are over 65. This means that immigrant workers play an important role in subsidizing the social security system – their social security payroll deductions help to pay for the ever-growing numbers of retirees currently supported by the social security system. (Source: *Cato Institute, "A Fiscal Portrait of the Newest Americans," 1998.*)



MALDEF

Mexican American Legal Defense and Educational Fund

NELP

ADVOCATING for the working poor and the unemployed

**National
Employment
Law
Project**

Used and Abused: The Treatment of Undocumented Victims of Labor Law Violations Since *Hoffman Plastic Compounds v. NLRB*.

Introduction

In March 2002, the U.S. Supreme Court decided a case called *Hoffman Plastic Compounds v. NLRB*.¹ The case has generated a great deal of concern among immigrant workers, communities, and advocates. In *Hoffman*, the Supreme Court held that a worker who is unauthorized to work in the United States could not recover the remedy of back pay under the National Labor Relations Act (NLRA).

The *Hoffman* case has had several impacts in the U.S., on workers, on law-abiding employer, and on the behavior of unscrupulous employers. It has encouraged unscrupulous employers to engage in retaliation against unauthorized workers who claim violations of their workplace rights, and to make more claims that these workers are unprotected by any labor laws. This in turn has a chilling effect on workers' enforcement of their remaining workplace rights. Court rulings that diminish protections for the undocumented encourage employers to hire and take advantage of undocumented workers, undermining immigration law enforcement. Finally, employers who would follow the labor and employment laws are harmed when their competitors are allowed to flout the law without suffering consequences.

Background: The U.S. Supreme Court's decision in *Hoffman Plastic Compounds v. NLRB*.

The *Hoffman* case involved a worker named José Castro who was working in a factory in California. Mr. Castro was fired in clear violation of the NLRA for his organizing activities. The National Labor Relations Board (NLRB) ordered the employer to cease and desist, to put up a posting that it had violated the law, and to reinstate Castro and provide him with back pay for the time he was out of work because of the illegal discharge.

During an NLRB hearing, it came out that Castro had used false documents to establish work authorization and that he was actually undocumented. The D.C. Circuit Court of Appeals rejected the employer's

¹ 535 U.S. 137, 122 S.Ct. 1275, 152 L.Ed.2d 271 (2002).

argument that Mr. Castro should not receive back pay because he is undocumented and held that back pay can be awarded up to the date when the employer obtained "after-acquired" evidence of a worker's undocumented status. However, the Supreme Court held that Mr. Castro could not be awarded back pay because he was unauthorized to work and had used false documents to obtain work.

The Supreme Court stated that other remedies, such as posting of a notice explaining the workers' labor rights and orders requiring the employer to quit violating the law, would still be available to undocumented workers. Back pay, however, is the primary and most effective remedy afforded under the National Labor Relations Act. It serves as compensation, as an incentive for workers to complain about unfair and illegal practices, and deterrence against illegal labor practices. The likely impact of a denial of back pay as a remedy for immigrant workers will be to severely undermine labor protections, increase labor exploitation, and create a two tier workforce.

Post-Hoffman: Increase in Employer Arguments That Undocumented Immigrant Workers Have No Rights And in Employer Threats of Retaliation.

Since the US Supreme Court's decision in *Hoffman*, there have been a number of NLRB cases where employers claim that workers are not entitled to certain remedies under the NLRA. The *Tuv Tamm* case is instructive. There, workers who were organizing in a wholesale food distribution facility in New York were subjected to surveillance, videotaping, interrogation, wage reductions and threats to striking workers. The employer violated a settlement agreement reached the day before *Hoffman* was decided. In the NLRB proceedings, the employer claimed that it was not required to provide back pay to some of the workers, because it had received a Social Security no-match letter. The employer claimed that the letter proved "immigration fraud" on the part of the workers. The Board held that the no-match letter was not sufficient proof of illegal status, and that status issues could not be raised in the liability phase of the Board's consideration of the matter. *Tuv Tamm*, 30 NLRB No. 86, 2003 WL 22295361 (2003).

Since the US Supreme Court's decision, employers and their lawyers throughout the country have been emboldened to argue that undocumented workers have *no* labor rights. In addition, in the wake of *Hoffman Plastics*, there is an increase in the number of employers who threaten to call INS against immigrant workers who pursue claims against their employers, and a sharp rise in cases where employers request that courts considering employment cases order an inquiry into the immigration status of the employees. While some courts have rejected these requests as irrelevant and have issued protective orders against disclosure of the workers' immigration status, others have ordered immigrant victims of labor law violations to disclose their status in court and have substantially limited labor rights post-*Hoffman*. Uncounted other immigrant workers have been chilled in the exercise of their remaining labor rights by news reports of employer retaliation, threats of retaliation, and confusion created by the *Hoffman* decision. They are unwilling to complain about even the most egregious violations of their labor rights and their right to unionize.

The following is a nationwide summary of the arguments and abuses that immigrants are facing since the *Hoffman Plastic* decision.

Minimum Wage, Unpaid Wages and Overtime Cases

Since *Hoffman*, it has become increasingly clear that courts will protect workers' rights to wages earned. Even though many employers have responded to wage complaints with threats, retaliation, and attempts to

use immigration status in litigation, courts have held, nearly unanimously, that workers are entitled to these damages. The following cases are illustrative:

Jose Renteria and eight other workers sued their employer, a manufacturer of frozen food products, for failure to pay them overtime under the Fair Labor Standards Act. Some of the workers also claimed that their employer had retaliated against them for making their claims. The employer claimed that certain workers are not entitled to any recovery because they were undocumented at the time they were employed by the company. The Court agreed that these workers were not entitled to the remedies of back pay or front pay after *Hoffman*, but that they are entitled to compensatory damages. *Renteria v. Italia Foods*, 2203 WL 21995100, (N.D. Ill. 2003).

Four Peruvian farm workers filed a claim against their former employers for minimum wage and overtime violations, discrimination, and for housing them in substandard housing over a four-year period from 1997 through 2001. The workers claim that the employer failed to pay them for as many of thirty or forty hours of work per week. After their lawsuit was filed, the defendant's father contacted the INS, and repeatedly pressured the agency to take enforcement action against the plaintiffs, claiming that the unpaid workers are both undocumented and "terrorists." The Court granted plaintiffs' motion for a protective order regarding their addresses and current employers, finding that they faced a "real threat of intimidation and harassment" by the defendant. *Centeno-Bernuy v. Becker Farms*, W.D.N.Y.No. 01-CV-839(A)(Order Granting Protective Order, September 30, 2003).

Macan Singh was recruited from India to come to work in the United States, and promised a place to live, tuition for his education and that he would eventually become the defendants' business partner. Mr. Singh worked for nearly three years, and received no pay at all. On the day after he settled a wage claim for \$69,000 in back wages, the employer reported Mr. Singh to the INS and he was arrested. In a decision issued on August 2, 2002, the federal judge ruled that *Hoffman* did not bar the remedies of injunctive and declaratory relief, and compensatory and punitive damages, in a retaliation case under the Fair Labor Standards Act. One of the bases on which the court distinguished *Hoffman* is that the employer in *Singh* knew of the workers' undocumented status and continued to employ him for three years. *Singh v. Charanjit Jutla, et al.*, 214 F.Supp.2d 1056 (N.D. Cal. 2002).

In California, Juan Flores and seven other janitors brought a class action lawsuit under the Fair Labor Standards Act seeking unpaid overtime and minimum wages from a group of supermarkets that contracted with outside companies for janitorial services. The supermarkets countered that under *Hoffman*, the workers to disclose their immigration status and requested immigration documents from members of the class. Defendants argued that the information was necessary in order to deny the workers additional work in its stores. The court held that *Hoffman* did not apply to claims of unpaid wages, and noted that allowing such discovery was certain to have a chilling effect on the plaintiffs, causing them to drop out of the case rather than risk disclosure of their status. *Flores v. Albertson's, Inc.*, 2002 WL 1163623 (C.D. Cal. 2002).

Shortly after the Court's ruling in *Hoffman*, Donna Karan International, Inc. made a discovery request for the disclosure of five Chinese garment workers' immigration status, in a class action case involving unpaid minimum wages and overtime under the Fair Labor Standards Act. In *Liu, et. al. v. Donna Karan International, Inc.*, the federal district court in New York denied the corporation's request on the grounds that release of such information is more harmful than relevant. *Liu v. Donna Karan International, Inc.*, 207 F. Supp. 2d 191 (S.D.N.Y. 2002).

In Florida, Carmelina Martinez and three other workers from Guatemala and Mexico filed a class action lawsuit against their employer, who operated a tomato packing shed and a chili packing shed. Ms Martinez and the some other 300 workers in the sheds claimed that they were not paid wages owed them. The

workers say that the employer stole the social security taxes that were deducted from their wages and failed to pay them for hours spent waiting for produce to arrive and equipment to be repaired. In its response to the motion for class certification, their employer claimed that the *Hoffman* decision means that undocumented workers are not covered by the Fair Labor Standards Act and the Migrant and Seasonal Agricultural Worker Protection Act. The Court rejected those claims and certified the class in November of 2002. *Martinez v. Mecca Farms*, 213 F.R.D. 601 (S.D. Fla. 2002).

Topo v. Dhir, 2002 U.S. Dist. LEXIS 17190 (S.D.N.Y.) (September 11, 2002) Ms. Dhir alleged that she was recruited from India to work as a domestic for defendant, and that she was paid the equivalent of \$.22 per hour for much of her employment. She brought her claims under minimum wage laws, and the Alien Tort Claims Act. Court granted plaintiff a protective order against defendant's attempts to discover her immigration status.

Albert Padilla sued his former employer for overtime wages and liquidated damages under the federal Fair Labor Standards Act. Padilla joined a suit by a number of other workers who had not been paid overtime, after learning that he was entitled to overtime pay. The employer countered with a request that he disclose his immigration status, arguing that after *Hoffman*, he had no rights under the Fair Labor Standards Act. The judge declined to require Padilla to disclose his status. *Cortez v. Medina's Landscaping*, 2002 WL 31175471 (N.D.Ill. 2002).

In *Valadez v. El Aguila Taco Shop*, a wage and hour case, Rogelio Valadez had just won a judgment for unpaid wages in San Diego Superior Court when the court on its own motion reopened the case immediately after *Hoffman* was decided, requesting that the parties brief the impact of *Hoffman* on California wage and hour law. After intervention by the California Labor Commissioner and subsequent briefing, the court held that *Hoffman* does not apply to wages for work already performed under California law, and the worker's judgment was upheld. *Valadez v. El Aguila Taco Shop*, Superior Court, San Diego County, No.GIC 781170.

Chavez-Perez, et al v. Willamette River Organics, is a class action brought by farm workers, most of whom are from Mexico, who allege that they were not paid the minimum wage due to illegal charges for substandard housing. They have claims under federal law and under Oregon's labor contractor law. At depositions, some of the plaintiffs asserted Fifth Amendment rights not to respond to certain questions concerning their legal status or authorization to work. The defendant moved to dismiss the wage claims of those workers under the theory that *Hoffman* precludes unauthorized workers from claiming wages owed, that work authorization is at issue, and that the workers failed to comply with discovery as to a central matter in the case. The court denied the employer's motion to dismiss. D. Or. No. 00-969-BR (Nov. 25, 2002, Order denying motion to dismiss). The case has since been settled.

Discrimination Cases under Title VII, the Americans with Disabilities Act and other anti-discrimination laws.

Rivera et al v. Nibco is a Title VII language discrimination case in Fresno, California. After the *Hoffman* ruling, the defendant immediately filed a motion for reconsideration of the existing protective order, which prohibits defendant from inquiring into plaintiffs' immigration status. The federal district court denied the motion for reconsideration, and the case was appealed to the Ninth Circuit Court of Appeals. Oral argument was held on July 16, 2003, and a decision is pending on *Hoffman's* impact on the court's

issuance of a protective order, and possibly its impact on back pay under Title VII. 204 F.R.D. 647 (E.D. Cal 2001)(decision granting motion for protective order, 2001 WL 1688880) (E.D.Cal.)

Antonio Lopez worked in a hose-making factory in New York. He was diagnosed with kidney failure, had two surgeries, and began receiving kidney dialysis treatment. When he returned to work, he was told that he was fired. Mr. Lopez withdrew his request for back pay and reinstatement after the decision in *Hoffman*, and sought only compensatory damages for emotional distress and punitive damages. The employer moved to dismiss, claiming that after *Hoffman*, a plaintiff must plead that he is legally working in the United States, and must request back pay in order to receive other damages under the ADA. The court disagreed, but did not reach the issue as to *Hoffman Plastic's* applicability to ADA claims for compensatory and punitive damages. *Lopez v. Superflex*, 2002 WL 1941484 (S.D.N.Y. 2002).

Thirteen employees of a furniture manufacturing company filed a case against their former employers for violations of federal anti-discrimination, minimum wage and state minimum wage laws. The employer attempted to force them to disclose their immigration status at the time they were employed, arguing that the information was relevant to their claims for back pay under the discrimination laws. The Illinois federal court issued a decision in which it discussed the application of *Hoffman*, and found that the maximum application is to post-discharge back pay. It did not reach the discovery issues because it found that the employer's attorney had asked only for immigration documents at the time the workers were employed, and this was not relevant to any claim. *De La Rosa v. Northern Harvest Furniture*, 210 F.R.D. 237 (C.D. Ill. 2002).

Workers' Compensation Cases

In Arizona, Fermin Torres sustained an eye injury while working as a mechanic. His employer, Tiger Transmissions, argued to the Arizona Court that Torres was not entitled to workers' compensation because he was not documented. The Court of Appeals wrote that disqualifying undocumented workers from worker's compensation benefits would create an incentive for a business to hire them, "knowing that it would not be responsible for their injuries." The employer has filed a petition for review to the Arizona Supreme Court. *Tiger Transmissions v. Industrial Commission of Arizona*, No. 1 CA-IC 02-0100 (May 29, 2003).

Fernando Correa came to the United States in 1987 from Mexico. He worked for a producer and packager of meats and gifts, lifting boxes weighing up to 50 pounds. In March of 2000, he injured his back. The injury required back surgery and physical therapy. The employer turned Correa in to the Immigration and Naturalization Service, then argued that he was not entitled to wage loss benefits because of his undocumented status. The Minnesota Supreme Court disagreed, ultimately finding that the Immigration Reform and Control Act was not intended to preclude the authority of states to award workers' compensation benefits to unauthorized aliens. *Correa v. Waymouth Farms, Inc.*, 664 N.W.2d 324 (2003).

Carlos Astudillo worked as a maintenance helper for a Pennsylvania company. He was rendered unconscious after being struck with a steel beam in the head, neck and back, and sustained a concussion, head injury and back strain and sprain. He was ill for many months before being terminated by his employer. Apparently after the injury, the employer verified with the INS that Astudillo was unlawfully in the United States. It claimed that he was not entitled to workers' compensation. Although the Pennsylvania Supreme Court held that Mr. Astudillo is entitled to medical benefits, it found that illegal immigration status might justify terminating benefits for temporary total disability. *The Reinforced Earth Company v. Workers' Compensation Appeal Board*, 810 A. 2d 99 (PA, 2002).

Alejandro Vazquez and David Sanchez both worked for a Michigan Company as laborers. Both were seriously injured in separate accidents at the workplace, suffering, respectively a joint separation and a hand injury requiring several surgeries. After the injuries, the employer received a letter indicating that the two did not have social security numbers, and questioned them about this fact in the workers' compensation proceedings. The employer fired both injured workers, and defended the workers' compensation claim on the basis that they are undocumented workers from Mexico. The court held that the workers were covered by the Michigan workers' compensation system. Under a state law that disallows time loss benefits to those workers who are unable to work because of commission of a crime, the court suspended time loss benefits from the time that the workers' status was discovered. *Sanchez v. Eagle Alloy*, 658 N.W.2d 510 (Ct. Apps. Mich. 2003).

Personal Injury Cases

Pedro Flores came to the United States from México in 1989. In 2002, he began work as a landscaper with a company called New Beginnings. He was injured when an intoxicated co-worker ran a red light and hit another car. The court did not reach the issue, raised for the first time in the United States since the Hoffman decision, that if Flores were undocumented, he would not be entitled to back pay in his negligence action. *Flores v. Nissen*, 213 F.Supp.2d 871 (N.D.Ill. 2002).

Mr. Cano was injured when an electric meter exploded, causing him third degree burns. He sued Con Edison in New York for the wages that he lost. Con Ed argued that Mr. Cano was not eligible for employment and couldn't therefore claim any lost wages after *Hoffman*. The Court said, "This court will not bar plaintiff from using the court system simply because he cannot produce a resident alien card or such other documentation to prove that he is a legal resident of this state and country." However, the Court did allow the issue of immigration status to be presented to the jury on the issue of lost wages. *Cano v. Mallory Management*, 760 NYS 2d 816 (N.Y. Sup. Ct. 2003)

Miguel Hernandez worked at a food packing plant in California. He was injured when his hand was caught in a dough hook. He suffered broken bones and other ailments, underwent two surgeries, had various treatments for persistent severe pain in the right wrist and forearm, radiating into the area of his upper arm and shoulder. He consulted an anesthesiologist for his pain, developed more problems, and sued for malpractice. Even though he was not claiming any lost earnings, the defendant was allowed to pursue his immigration status in court, the judge making several disparaging remarks about undocumented immigrant workers. The Court of Appeals granted him a new trial, finding that recently-added language in the California Government Code, Labor Code, and Civil Code "leave[s] no room for doubt about this state's public policy with regard to the irrelevance of immigration status in enforcement of state labor, employment, civil rights, and employee housing laws"). *Hernandez v. Paicius*, 109 Cal.App.4th 452, 134 Cal. Rptr. 2d 756 (Cal. Ct. App. 2003).

Court granted plaintiff Jose Rodriguez' motion to deny the defendant the right to claim that he did not properly mitigate damages because of his immigration status. Court held that the claim had been waived, and said, "it surely comes with ill grace for an employer to hire alien workers and then, if the employer itself proceeds to violate the Fair Labor Standards Act...for it to try to squirm out of its own liability on such grounds." *Rodriguez v. the Texan, Inc.*, 2002 WL 31061237 (N.D.Ill. 2002).

Gustavo Tovar Guzman was employed as a chicken catcher at Tyson foods. He was hit by a forklift at work, and sued Tyson. Tyson argued that he was not entitled to any damages for lost

earning capacity because he was not legally entitled to work in the United States at the time of his injury. The Court disagreed, saying that *Hoffman* applies only to NLRA cases, and that Texas law does not require proof of work authorization in order for plaintiffs to claim damages in tort. *Guzman v. Tyson Foods*, 2003 WL 21773844, (Tex.App.-Tyler, July 31, 2003.).

Stories from Immigrant Communities

In a meeting with the Equal Employment Opportunity Commission, advocates in Iowa raised questions about blacklisting of undocumented workers, assaults by supervisors, and payments made in kind to undocumented workers employed at meat-packing plants in their area. See Mike Wilson, *Undocumented workers complain of abuse, threats*, LINCOLN JOURNAL STAR (Sep. 11, 2003).

A *Monterey County Herald* workplace law columnist has fielded numerous questions from immigrant workers afraid the *Hoffman* decision mandates mass firing of immigrant workers. See Jacqueline McManus, *Immigration Status Raises Concerns*, MONTEREY COUNTY HERALD, (May 7, 2002) at Business Section.

In New York, immediately after the Court's ruling, an employer's attorney cited *Hoffman* when he issued a written threat of litigation against a community group that had announced its intention to protest unpaid wages. The attorney stated that *Hoffman* had outlawed a demonstration by the group. Immigrant worker representatives around the country report an increase in employers firing of workers after receiving "no-match" letters from the Social Security Administration. Nancy Cleeland, *Employers Test Ruling on Immigrants*, LOS ANGELES TIMES (Apr. 22, 2002).

The United Food and Commercial Workers Union (UFCW) reported that a worker filing a sexual harassment complaint at a Kentucky poultry plant was asked for her immigration documents, as was a meatpacker in Nebraska who filed a workers' compensation claim. *Id.*, LOS ANGELES TIMES.

Twenty-two Mexican workers were recruited from California to work as carpenters on a power project in Texas. A local newspaper reports that after two weeks of work, the workers were told that they would not be paid, and that they must leave or the contractor would call the US Immigration and Naturalization Service. Workers were owed for two weeks of work at \$12 to \$16 per hour. See, *Undocumented Immigrants Leave Job without Paychecks*, BEAUMONT ENTERPRISE (Aug. 15, 2002).

Pedro, a chicken catcher employed at Perdue Farms, says that his efforts to organize a union of the workers were stopped after *Hoffman*. His supervisor overheard his discussion with four other workers about unionization, and reminded him of his illegal status in the U.S. When he and fellow Guatemalans, veterans of the region, approached the newcomers from Mexico about not being so meek and using the union to assert more leverage, their requests were met with stern silence after the *Hoffman* decision. Perdue Farms paid workers over \$10 million dollars in back pay in 2001. Alfredo Corchado and Lys Mendez, *Undocumented Workers Feel Boxed In*, DALLAS MORNING NEWS (Jul 14, 2002)

In Dallas, in the wake of *Hoffman*, an organization to protect legal and illegal workers injured on the job has disappeared, having slowly dwindled in membership from an estimated 100 people to less than 10. *Id.*, DALLAS MORNING NEWS.

In New York City, immediately after the Supreme Court ruling, leaders of an immigrant-rights group, Asocación Tepeyac, began hearing stories about employers who cited the Supreme Court ruling to intimidate and "straighten out" the more vocal undocumented workers. *Id.*, DALLAS MORNING NEWS.

The lawyer for a company found guilty of underpaying undocumented immigrant workers vows to take the case to the Nevada Supreme Court, saying, "I think certain people in the state are eventually going to have to answer to the federal government." Five Spanish-speaking carpenters were employed on a public works project in Clark County, Nevada. The Nevada Labor Commissioner required the company to pay almost \$12,000 in back wages to the workers, who testified that they were required to sign blank time sheets and endorse checks made out on the basis of the time sheets, but paid in cash for an amount much lower than that due them. A state judge recently upheld the Labor Commissioner's ruling. Juliet Casey, *Public Works Construction Project: Judge upholds ruling on prevailing wages*, REVIEW-JOURNAL (Nov. 16, 2002).

Employers' Law Firms' Advice to Clients

As the above cases illustrate, management lawyers lost no time in exhorting their clients to attempt to broaden Hoffman as far as possible. Here are some examples of their advice to their clients:

Kilpatrick Stockton LLP, one of the nation's 50 largest law firms, published a newsletter and web article explaining the ruling to its clients, stating that "the principles of *Hoffman* decision are *likely to be applied to remedies for violations of other laws as well*. Thus, the potential financial exposure of employers for such claims as employment discrimination and wrongful discharge may be substantially reduced when the charging party is found to be an illegal alien. . . Employers should remain alert to this possibility when defending claims for lost wages and benefits." Kilpatrick Stockton LLP, *Supreme Court Strikes Down NLRB's Back Pay Award to Illegal Aliens*, (April 2002), available at <http://www.kilstock.com/site/print/detail?Article_Id=1053> (emphasis added).

Greenberg Traurig LLP posted an alert stating "because the [*Hoffman Plastic*] Court did not expressly limit its holding to the NLRB and focused most of its opinion on IRCA's statutory scheme and federal immigration policy, it would appear that *the holding has broad application* to other federal agencies." Michael Lungaretti, Esq., Greenberg Traurig LLP, *GT Alert: U.S. Supreme Court Rules That Federal Immigration Law Prohibits NLRB From Awarding Back Pay to Illegal Workers* (April 2002) (emphasis added).

The *Employment Law Strategist* notes, "The [*Hoffman Plastic*] Court's determination that the policies embodied in the IRCA take precedence over an employee's remedies under the NLRA *opens the possibility that remedies available under other employment statutes, such as Title VII of the Civil Rights be available to undocumented workers*." Donna Y. Porter, 9 No. 12 EMPLST 1 (April 2002) (emphasis added).

The management-side law firm Grotta, Glassman and Hoffman echoed this sentiment. "The close 5-4 decision leaves room for further definition of the law through subsequent litigation and administrative law review, not only for the NLRB, but quite possibly for other areas affecting Labor, Employment, and Immigration, such as equal employment opportunity protections." <http://www.gghlaw.com/imjuna02.htm>

Shawe & Rosenthal, an exclusively management side firm located in Baltimore, Maryland, said in their "S&R E-Alert:" "The ruling likely will be applied more broadly to prevent employees who falsely represent their eligibility to work in the U.S. from recovering backpay not only under the NLRA, but also under Title VII, the ADA, and other statutes." <http://www.shawe.com/E-alerts/hoffmanplastics.html>

Conclusion

In a nation that prides itself on the principle of equality, this limitation on legal remedies cannot survive. In many cases, courts will protect the remaining rights of undocumented workers. In others they will not. Employers will continue to seek revenge against workers who complain about poor wages and working conditions, and immigrants will be more fearful than ever to claim their legal rights. The decision, and others like it, thus has ill effects on workers and on employers who follow the law. Employers who fail to follow the law, by contrast, suffer no ill effects, and are encouraged to first hire, then abuse, and finally retaliate, against undocumented employers.

As a nation, the United States must decide to enforce labor and employment laws on an equal basis for all workers, if it intends to have a meaningful immigration policy. As this report shows, the present system not only harms workers and law-abiding employers, but it undermines immigration law and enforcement. Congress needs to act immediately to clarify that undocumented workers are covered under all labor-protective laws and entitled to the same remedies as their US citizen and lawfully present immigrant co-workers. Consistent with the position taken by the Bush Administration to support the NLRB action in *Hoffman*, the White House should work with Congress to enact as quickly as possible legislation to overturn the *Hoffman* decision.

#6
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: 10/23/03

SUBJECT: R-5 RESOLUTION ENDORSING THE FOUR

PRINCIPLES OF THE IMMIGRANT WORKERS FREEDOM RIDE

AGENDA NUMBER OR TOPIC: R-5

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: MARLA P ROSENBERGER (PRESIDENT AFSCME-LOCAL 88)

ADDRESS: PO BOX 66306

CITY/STATE/ZIP: PORTLAND, OR 97290-6306

PHONE: DAYS: 503-488-3367 x26715 EVES: _____

EMAIL: AFSCME88PREZ@AOL.COM FAX: _____

SPECIFIC ISSUE: AS THE AFL-CIO HAS ADOPTED A RESOLUTION

SUPPORTING THE IMMIGRANTS FREEDOM RIDE AND JOBS
WITH JUSTICE SUPPORTS THIS RESOLUTION, LOCAL 88
WRITTEN TESTIMONY: ENCOURAGES THE MULTNOMAH COUNTY

BOARD OF COMMISSIONERS TO ADOPT AND SUPPORT

THIS PROPOSED RESOLUTION. OUR MEMBERS BELIEVE

THIS SUPPORTS COUNTY VALUES OF CULTURAL
AND IS SENSITIVE TO

COMPETENCE, DIVERSITY, AND A FAMILY FRIENDLY

ATMOSPHERE AS WELL AS OTHER VALUES IMPORTANT

IF YOU WISH TO ADDRESS THE BOARD: TO OUR MEMBERS AND COUNTY

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**. EMPLOYEES,
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.

#7.

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: 10/23/03

SUBJECT: _____

AGENDA NUMBER OR TOPIC: R-5 endorsing the 4 principles of the Freedom Ride
FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Margaret Butler

ADDRESS: 821 NE 70th Ave

CITY/STATE/ZIP: Portland OR 97213

PHONE: DAYS: 503 236-5573 EVES: 503-256-6738

EMAIL: margaret@jwj.pdx.org FAX: 503-239-9441

SPECIFIC ISSUE: _____

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.

#8

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: 10.23.03

SUBJECT: Support of Resolution of the Four Principles
of the Immigration Freedom Ride

AGENDA NUMBER OR TOPIC: ~~P-3~~ R-5

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: CAROLINA BRESS

ADDRESS: 8565 SW TURQUOISE LOOP

CITY/STATE/ZIP: BUTN OR 97007

PHONE: _____ DAYS: 524-4678 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

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.

#9

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: 10/23/03

SUBJECT: Immigrant Wkrs

AGENDA NUMBER OR TOPIC: R-5

FOR: AGAINST: THE ABOVE AGENDA ITEM

NAME: Francisco Gonzales

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

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.



Diane Linn, Multnomah County Chair

Suite 600, Multnomah Building
501 SE Hawthorne Boulevard
Portland, Oregon 97214-3587
Email: mult.chair@co.multnomah.or.us

Phone: (503) 988-8308
FAX: (503) 988-3093

Chair's Statement for Board Meeting of October 23, 2003

Immigrant Workers Freedom Ride Resolution

I am sorry that I can't be with you today in body but I am with you in spirit.

I am very proud that our County is joining the national coalition of businesses, unions, civil rights organizations, religious organizations, students, and elected Democratic and Republican leaders to bring attention to the issues of fair and equitable immigration laws and citizenship rights.

Immigrant workers are a significant portion of Oregon's workforce. Unfortunately, our immigrant workers perform much of the most backbreaking and sometimes most demeaning work our economy has to offer. These immigrants deserve immediate reform to federal laws which will give them legal status, rights to participate in the democratic process, labor protection on the job and to be treated equally under the law.

Today's immigrants pursue the same dreams of all of the Americans who came before them---a better life. These individuals and families deserve our respect and fair treatment. We must remember to fight not just for their civil rights, but also for their human rights.

Again, it is an honor to support this resolution today.

Sincerely,

Diane M. Linn, Chair
Multnomah County



Commissioner Maria Rojo de Steffey District 1

Suite 600, Multnomah Building
501 S.E. Hawthorne Blvd.
Portland, Oregon 97214

Phone: (503) 988-5220
FAX: (503) 988-5440
Email: District1@co.multnomah.or.us

September 21, 2003

"Immigrant Workers Freedom Ride"
Pioneer Courthouse Square
Portland Oregon

Dear Oregon Freedom Riders:

As you begin your journey today, I want to commend you for your efforts and commitment to the plight of Immigrant Workers. A daughter of immigrants, I saw first hand the challenges and obstacle my parents faced on a daily basis. Struggling with language and cultural barriers, while supporting a growing family, my father and mother were determined to be successful in this new country. I will always be grateful for what my parents endured. They taught me the value of hard work. I can honestly say we achieved the American Dream. I only wish others could be so fortunate.

Our nation is indebted to the work and contributions of Immigrant workers. They are farm workers, construction workers, janitors, busboys, chefs, doctors, nurses, teachers and soldiers. Immigrant workers must make many sacrifices to survive and support their families. They work hard, pay taxes, contribute to our economy and, without question, make this country great.

Cesar E. Chavez, one of my personal heroes, made the following statement, "It is possible to become discouraged about the injustice we see everywhere. But God did not promise us that the world would be humane and just. He gives us the gift of life and allows us to choose the way we will use our limited time on earth. It is an awesome opportunity." By participating in the Immigrant Workers Freedom Ride, you are taking full advantage of this "awesome opportunity". I thank you for this and wish you a safe journey.

Sincerely,

Maria Rojo de Steffey

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-147

Endorsing the Four Principles of the Immigrant Workers Freedom Ride

The Multnomah County Board of Commissioners Finds:

- a. That Multnomah County is home to a diverse immigrant and refugee population that has shared in the building of our nation and contributed to making America a land of ethnic and multicultural diversity;
- b. Immigrant workers have altered American life and their contributions were, and still are, significant to the economic growth of our community and our nation.
- c. Immigrant workers face higher levels of exploitation because many lack legal documentation and have little or no protection by government agencies in charge of enforcing labor laws.
- d. A coalition of labor, business, community organizations, churches, students, politicians, and immigrant workers joined forces for a nation-wide Immigrant Workers Freedom Bus Ride that called for reform of immigration and civil rights laws.
- e. The Immigrant Workers Freedom Ride was modeled after the Freedom Ride Bus Rides of the 1960's, with the focus being on immigrant workers rights, family reunification, access to citizenship and civil liberties.
- f. The Immigrant Workers Freedom Ride, culminated in a mass demonstration in support of immigrant rights and legislative reform in Washington, D.C., and New York City in October of 2003. The ride was a powerful vehicle for mobilizing that national constituency.

The Multnomah County Board of Commissioners Resolves:

1. The Board endorses four basic principles in the Immigrant Worker Freedom Ride agenda:

A road to citizenship with clearer steps to follow for immigrants who already work and pay taxes to gain a green card.

Family reunification, to help bring workers' family members still living in their native countries to the United States; there are decade-long waiting lists for some countries.

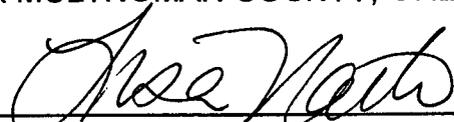
Workplace rights, regardless of immigration status, an issue of concern since a 2002 Supreme Court decision found that an immigrant worker with false documents could be denied back pay.

Civil rights and civil liberties, in response to immigrants being detained and deported in federal terrorism investigations.

ADOPTED this 23rd day of October 2003.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



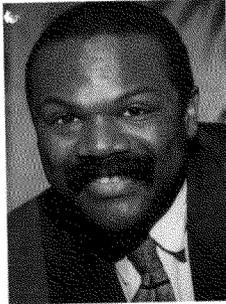
Lisa Naito, Presiding Commissioner

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney



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Bernie*

Melvin Broadous, Broker

PMAR, Vice President '04

REC, Chairman of the Board '04

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Beaverton, Oregon 97008

Direct: (503) 495-4945

Fax: (503) 495-5052

E-mail: broadous@equitygroup.com

Website: www.equitygroup.com/mbroadous



Oregon

DEPT. OF CONSUMER &
BUSINESS SERVICES

Fernando A. Vélez
Consumer Information Specialist

fernando.a.velez@state.or.us



Division of Finance
& Corporate Securities
350 Winter Street NE, Rm. 410
Salem, Oregon 97301-3881
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FAX (503) 947-7862
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www.oregondfcs.org



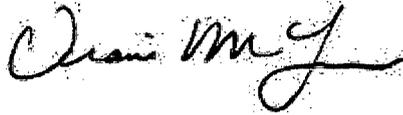
4. Explain any legal and/or policy issues involved.

None

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

The City of Portland also co-sponsors the Home Buying Fairs.
The Fairs are organized by committees of citizen volunteers.

Required Signatures:



Department/Agency Director: _____

Date: 10/13/03

Budget Analyst

By: _____

Date:

Dept/Countywide HR

By: _____

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Declaring Support for Ethnic Home Buying Fairs

The Multnomah County Board of Commissioners Finds:

- a. Homeownership rates among African Americans, Asian Americans and Hispanic Americans in the Portland Metro area lag significantly behind those of White Americans. According to the 2000 Census, the homeownership rate for White households is 65%, while the rate for African Americans is 37.8%, the rate for Asian Americans is 53%, and the rate for Hispanic Americans is 28%.
- b. Since homeownership is a key element in family stability, educational achievement and wealth accumulation, it is important that homeownership for minority households be maximized.
- c. The African American Alliance for Homeownership (AAAH) was formed in 2000 to increase homeownership opportunities and economic stability for African Americans in Oregon by improving access, ensuring advocacy, and providing awareness and education. The AAAH sponsors an annual Home Buying Fair, attracting over 2200 prospective buyers and over 250 home buying professionals during a three year period.
- d. The Asian Home Buying Association has sponsored an annual Fair for four years. Over 1000 households speaking ten different Asian and Russian languages have attended the Fairs. The event offered workshops regarding credit, down payment assistance, insurance, the benefits of homeownership, predatory lending and other topics.
- e. The annual Latino Home Buying Fair is sponsored by El Hispanic News and many other community partners. Over a four-year period, the Fair has served approximately 2000 Latino households with workshops and meetings with home buying professionals conducted in Spanish. Latinos are a fast growing segment of our community, increasing the demand for affordable homeownership opportunities.
- f. The African American, Latino and Asian Home Buying Fairs provide important information, education and awareness, and help connect potential home buyers to a network of professionals.

The Multnomah County Board of Commissioners Resolves:

1. The Board joins our community partners in applauding the organizing committees of the Ethnic Home Buying Fairs for their continued efforts to promote homeownership. The Board is particularly pleased to help sponsor the African American, Latino and Asian Home Buying Fairs, and wishes the groups great success.

ADOPTED this 23rd day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-148

Declaring Support for Ethnic Home Buying Fairs

The Multnomah County Board of Commissioners Finds:

- a. Homeownership rates among African Americans, Asian Americans and Hispanic Americans in the Portland Metro area lag significantly behind those of White Americans. According to the 2000 Census, the homeownership rate for White households is 65%, while the rate for African Americans is 37.8%, the rate for Asian Americans is 53%, and the rate for Hispanic Americans is 28%.
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- f. The African American, Latino and Asian Home Buying Fairs provide important information, education and awareness, and help connect potential home buyers to a network of professionals.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-148

Declaring Support for Ethnic Home Buying Fairs

The Multnomah County Board of Commissioners Finds:

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- b. Since homeownership is a key element in family stability, educational achievement and wealth accumulation, it is important that homeownership for minority households be maximized.
- c. The African American Alliance for Homeownership (AAAH) was formed in 2000 with the assistance of The Skanner News Group to increase homeownership opportunities and economic stability for African Americans in Oregon by improving access, ensuring advocacy, and providing awareness and education. The AAAH sponsors an annual Home Buying Fair, attracting over 2200 prospective buyers and over 250 home buying professionals during a three year period.
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- e. The annual Latino Home Buying Fair is sponsored by El Hispanic News and many other community partners. Over a four-year period, the Fair has served approximately 2000 Latino households with workshops and meetings with home buying professionals conducted in Spanish. Latinos are a fast growing segment of our community, increasing the demand for affordable homeownership opportunities.
- f. The African American, Latino and Asian Home Buying Fairs provide important information, education and awareness, and help connect potential home buyers to a network of professionals.

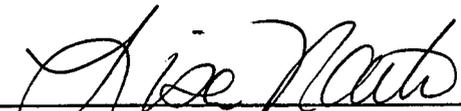
The Multnomah County Board of Commissioners Resolves:

1. The Board joins our community partners in applauding the organizing committees of the Ethnic Home Buying Fairs for their continued efforts to promote homeownership. The Board is particularly pleased to help sponsor the African American, Latino and Asian Home Buying Fairs, and wishes the groups great success.

ADOPTED this 23rd day of October, 2003.



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



Lisa Naito, Presiding Commissioner

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: October 23, 2003

Agenda Item #: R-7

Est. Start Time: 11:45 AM

Date Submitted: 10/14/03

Requested Date: October 23, 2003

Time Requested: 5 minutes

Department: Sheriff's Office

Division: Sheriff's Office

Contact/s: Robert Nilsen, Project Manager

Phone: 503-988-4510

Ext.: 84510

I/O Address: Bldg. 452

Presenters: Robert Nilsen

Agenda Title: RESOLUTION Authorizing Grant of a Utility Easement to the Port of Portland for Non-Potable Water

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

-
- 1. What action are you requesting from the Board? What is the department/agency recommendation?** Approve Resolution Authorizing Grant of a Utility Easement to the Port of Portland for Non-Potable Water.
 - 2. Please provide sufficient background information for the Board and the public to understand this issue.** The purpose of the Utility Easement to the Port is for installation, repair, maintenance and use of an underground non-potable water service located at Bybee Lake Court and across Multnomah County real property (Wapato Facility). Since the easement area is already occupied by utilities, there is no detriment to the County and no consideration is being paid to the County.
 - 3. Explain the fiscal impact (current year and ongoing).** None.

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

If a budget modification, explain: N/A

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.

- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain: N/A

- ❖ Why was the expenditure not included in the annual budget process?

- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.

- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain: N/A

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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 Signatures:

Department/Agency Director: Chief Deputy Tim Moore

Date: 10-14-03

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Grant of a Utility Easement to the Port of Portland for Non-Potable Water Service

The Multnomah County Board of Commissioners Finds:

- a. The Port of Portland has requested a permanent utility easement on real property owned by Multnomah County (Wapato Facility) and described in Exhibit A to the attached Utility Easement.
- b. The grant of an easement on the parcel of land as described in the attached Utility Easement, for the purpose of installation, repair, maintenance and use of an underground non-potable water service, will benefit the public.

The Multnomah County Board of Commissioners Resolves:

1. The attached Utility Easement is approved and the Chair is authorized to execute the Utility Easement in substantially the form attached on behalf of Multnomah County.

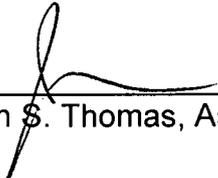
ADOPTED this 23rd day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By  _____
John S. Thomas, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-149

Authorizing Grant of a Utility Easement to the Port of Portland for Non-Potable Water Service

The Multnomah County Board of Commissioners Finds:

- a. The Port of Portland has requested a permanent utility easement on real property owned by Multnomah County (Wapato Facility) and described in Exhibit A to the attached Utility Easement.
- b. The grant of an easement on the parcel of land as described in the attached Utility Easement, for the purpose of installation, repair, maintenance and use of an underground non-potable water service, will benefit the public.

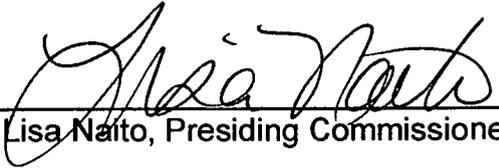
The Multnomah County Board of Commissioners Resolves:

1. The attached Utility Easement is approved and the Chair is authorized to execute the Utility Easement in substantially the form attached on behalf of Multnomah County.

ADOPTED this 23rd day of October, 2003.



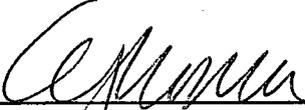
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Lisa Naito, Presiding Commissioner

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney

After recording return to:

Port of Portland
 Legal Department
 P. O. Box 3529
 Portland, OR 97208-3529

No change in tax statements.

**UTILITY
 EASEMENT AGREEMENT**

GRANTOR: **MULTNOMAH COUNTY**, a municipal corporation organized under the laws of the state of Oregon

GRANTEE: **THE PORT OF PORTLAND**, a port district of the State of Oregon

1. GRANT OF EASEMENTS

For good and valuable consideration, the receipt, sufficiency and adequacy of which are hereby acknowledged Grantor hereby grants to Grantee, for the uses and on the conditions set forth below, a perpetual non-exclusive easement upon, over, under, and through portions of Grantor's property more precisely described on attached **Exhibit A** (the "Easement Area").

2. GRANTEE'S USE

2.1 Easement

Grantee shall have the right to use the Easement Area for purposes of installation, repair, maintenance, and use of an underground non-potable water service and for no other purpose without Grantor's prior written consent. Grantee's vehicles shall not be permitted to park or stop in the Easement. Grantee shall not place any materials or other items within the Easement Area or do anything to restrict Grantor's use of the Easement Area for access or utility purposes.

3. ENVIRONMENTAL MANAGEMENT AND COMPLIANCE

3.1 Definitions

For the purposes of this Easement, the following definitions shall apply:

3.1.1 "Environmental Law"

"Environmental Law" shall mean applicable federal, state and local laws, now or hereafter in effect, as the same may be amended from time to time, and applicable decisional law,

which in any way govern materials, substances, regulated wastes, emissions, pollutants, animals or plants, noise, or products and relate to the protection of health, natural resources, safety or the environment.

3.1.2 "Hazardous Substance"

"Hazardous Substance" shall mean any and all substances, pollutants, materials, or products defined or designated as hazardous, toxic, radioactive, dangerous or regulated wastes or materials or any other similar term in or under any Environmental Law and shall also mean fuels, petroleum and petroleum-derived products.

3.1.3 "Hazardous Substance Release"

"Hazardous Substance Release" shall mean the spilling, discharge, deposit, injection, dumping, emitting, releasing, leaking or placing of any Hazardous Substance into the air or into or on any land or waters, except as authorized by a then-current and valid permit issued under applicable Environmental Law.

3.2 Hazardous Substances

Grantee may not use, handle or store on the Easement Area, or use the Easement Area to transport, any Hazardous Substances except for those necessary for Grantee to use in connection with its use of the Easement Area.

3.3 Hazardous Substance Releases

In the event of a violation of Environmental Law, a violation of an environmental provision of this Easement, a Hazardous Substance Release, or the threat of or reasonable suspicion of the same for which the Grantee is responsible, on the Easement Area, on other properties, in the air or in adjacent or nearby waterways (including groundwater), which results from or occurs in connection with Grantee's use of the Easement Area, Grantee shall be responsible for such Hazardous Substance Release, shall promptly notify Grantor, and shall clean up and restore the Easement Area and other affected properties to the extent required by law and compatible with Grantor's current and intended future uses of the Easement Area and other affected properties and any Consent Decree requirements.

4. TERM

This Easement shall commence upon the date written below and shall continue in perpetuity unless terminated by mutual agreement of the parties. In the event of an abandonment of this Easement by Grantee or upon termination, Grantee shall promptly execute and deliver to Grantor recordable documents sufficient to remove this Easement as an encumbrance against the Grantor's Property.

5. COMPLIANCE WITH LAWS

Grantee shall conduct its activities under this Easement in compliance with the Consent Decree and all applicable state, federal, and local laws, regulations, agency guidance documents, Port rules and regulations, terms of any permits applicable to the Easement Area or the Grantor's property.

6. RESTORATION OF EASEMENT AREA

6.1 Disturbance

Except as expressly allowed by this Easement, in the event that the Easement Area or any landscaping or other improvement located within or adjacent to the Easement Area is disturbed by Grantee's exercise of any rights granted herein or any associated construction, Grantee shall promptly remove any debris and restore the disturbed area including any disturbed landscaping or other improvement to a condition not less than the condition prior to the exercise of such rights.

6.2 Condition on Termination

Upon abandonment or termination of this Easement, Grantee shall, at Grantor's option, restore the Easement Area to a condition not less than the condition of the Easement Area prior to the date of this Easement or to a condition not less than that of Grantor's surrounding property. Restoration shall include the removal of all improvements constructed or used in the Easement Area by Grantee or, subject to Grantor's prior written consent, abandonment of those improvements in place.

7. INDEMNIFICATION

To the extent allowed under Oregon law, Grantee agrees to indemnify, hold harmless and defend Grantor, its commissioners, directors, officers, and employees from and against and to reimburse Grantor for all claims, actions, damages, injuries, costs, loss, or expenses incidental to the investigation and defense thereof, arising out of the acts or omissions of, or use or occupancy of the Easement Area, or any violation of this Easement, by, Grantee, its agents, contractors, or employees.

8. GRANTOR'S USE

Grantor reserves the right to use the Easement Area for any lawful purpose not inconsistent with Grantee's permitted use, including but not limited to construction, reconstruction, maintenance and repair of utility lines and appurtenances.

9. CONDITION; REPAIRS AND MAINTENANCE

Grantor makes no warranty, guarantee, or representation concerning the physical condition of the Easement Area nor its suitability for any of Grantee's intended purposes. Grantee will maintain, repair and replace the improvements, including landscaping materials, owned or placed by Grantee in the Easement Area to keep them in good condition and repair at all times.

10. MEDIATION

If any dispute should arise between Grantor and Grantee concerning this Easement or the parties' obligations or activities under this Easement, the dispute shall be submitted to mediation before a mediator agreed to and compensated equally by both parties, prior to commencement of arbitration or litigation. If the parties fail to agree on a mediator, either party may seek appointment of a mediator by the presiding judge of the Multnomah County Circuit Court.

11. BINDING

This Easement shall be and hereby is made a part of each conveyance of all or any part of the Easement Area and shall run with the land as to all property burdened by this Easement. As used in this Easement, the terms "Grantee" and "Grantor" shall include the above named Grantee and Grantor, and such parties' successors and assigns.

12. NOTICES

All notices required under this Easement shall be sent certified mail, return receipt requested, to the addresses set forth below unless changed by the parties by notice in writing:

to the County:

Multnomah County
Property Management
401 N. Dixon Street
Portland, OR 97227-1865

with a copy to:

Multnomah County
Multnomah County Inverness Jail
11540 N.E. Inverness Drive
Portland, OR 97220
Attention: Bob Nilsen

to the Port:

The Port of Portland
P.O. Box 3529
Portland, OR 97208
Attention: Manager, Property and Development Services

13. AMENDMENT

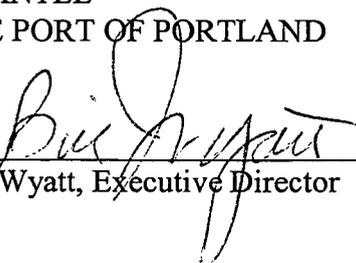
This Easement may not be amended except by written agreement of all parties. No amendment shall be effective until duly recorded in the records of Multnomah County, Oregon.

This grant is made and accepted effective this 23rd day of October, 2003.

GRANTOR
MULTNOMAH COUNTY

GRANTEE
THE PORT OF PORTLAND

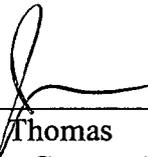
By: 
Diane M. Linn, Chair

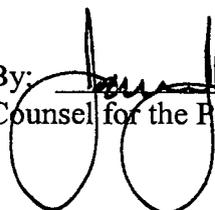
By: 
Bill Wyatt, Executive Director

REVIEWED:

APPROVED AS TO LEGAL SUFFICIENCY
FOR THE PORT

Agnes Sowle, Attorney for Multnomah County

By: 
John S. Thomas
Assistant County Attorney

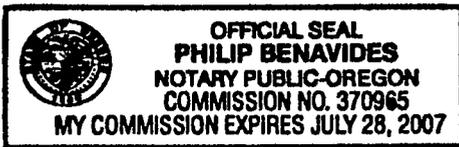
By:  3 Oct 03
Counsel for the Port of Portland

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 10-23-03
DEBORAH L. BOGSTAD, BOARD CLERK

ACKNOWLEDGMENTS FOR
EASEMENT BETWEEN THE PORT OF PORTLAND AND
MULTNOMAH COUNTY

STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

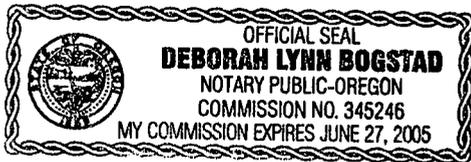
This easement was acknowledged before me on October 8, 2003, by
Bill Wyatt as Executive Director of the Port
of Portland.



Philip Benavides
Notary Public for Oregon
My Commission Expires: 07/28/07

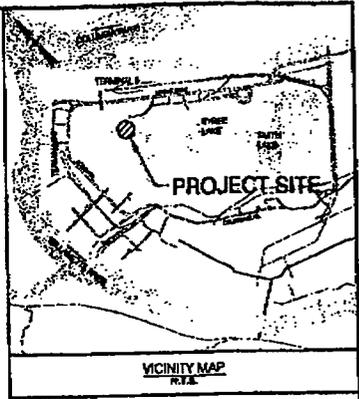
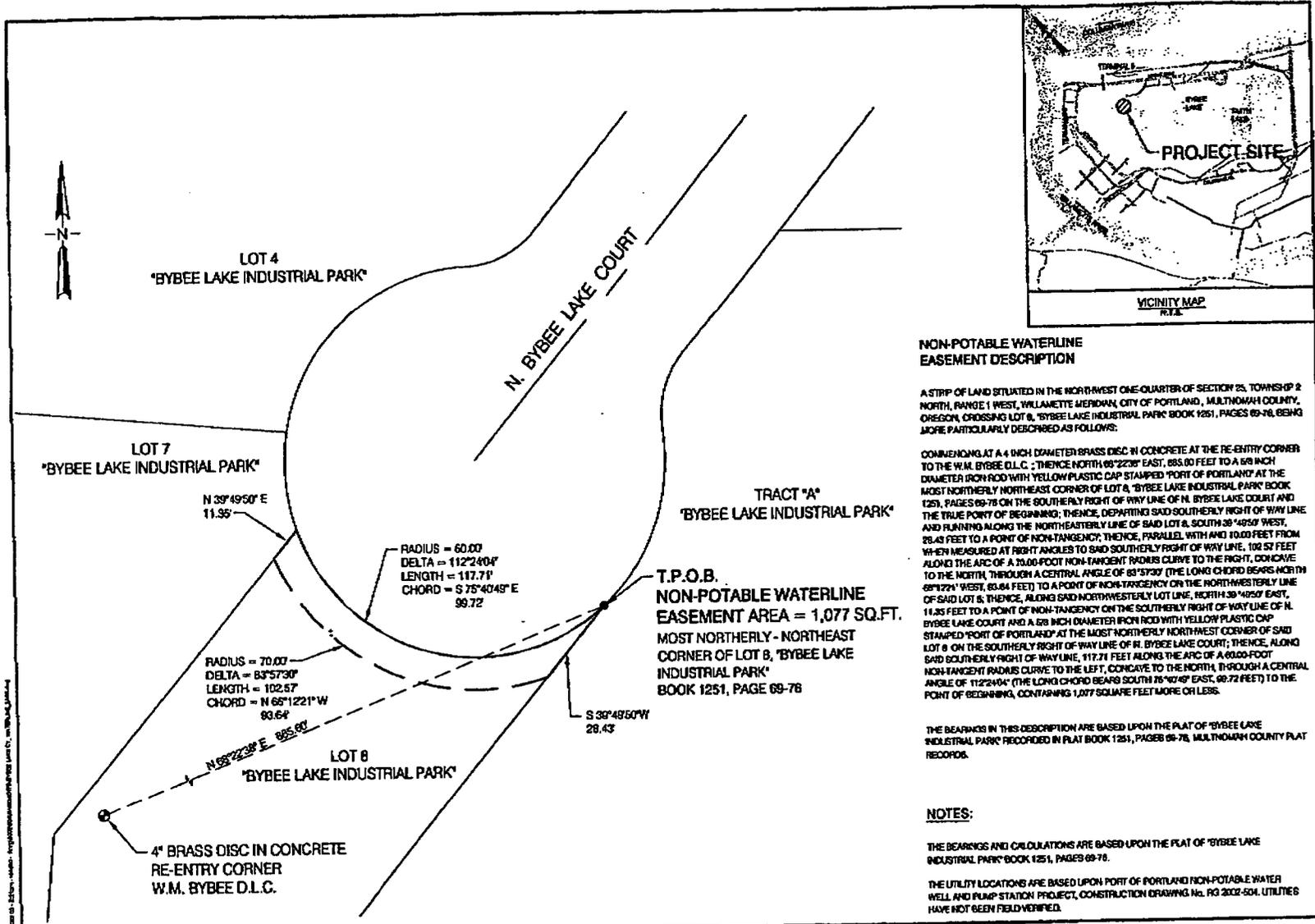
STATE OF OREGON)
)
COUNTY OF MULTNOMAH)

This easement was acknowledged before me on October 23, 2003, by
Delma Farrell for Diane Lynn as Authorized Signator for Chair of Multnomah
County.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission Expires: 06-27-05

EXHIBIT A



NON-POTABLE WATERLINE EASEMENT DESCRIPTION

A STRIP OF LAND SITUATED IN THE NORTHWEST ONE-QUARTER OF SECTION 25, TOWNSHIP 2 NORTH, RANGE 1 WEST, WILLAMETTE MERIDIAN, CITY OF PORTLAND, MULTNOMAH COUNTY, OREGON, CROSSING LOT 8, 'BYBEE LAKE INDUSTRIAL PARK' BOOK 1251, PAGES 69-76, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 4 INCH DIAMETER BRASS DISC IN CONCRETE AT THE RE-ENTRY CORNER TO THE W.M. BYBEE D.L.C.; THENCE NORTH 05°22'30" EAST, 855.00 FEET TO A 5/8 INCH DIAMETER IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'PORT OF PORTLAND' AT THE MOST NORTHERLY NORTHEAST CORNER OF LOT 8, 'BYBEE LAKE INDUSTRIAL PARK' BOOK 1251, PAGES 69-76 ON THE SOUTHERLY RIGHT OF WAY LINE OF N. BYBEE LAKE COURT AND THE TRUE POINT OF BEGINNING; THENCE, DEPARTING SAID SOUTHERLY RIGHT OF WAY LINE AND PLUNGING ALONG THE NORTH-EASTERN LINE OF SAID LOT 8, SOUTH 28°45'50" WEST, 76.45 FEET TO A POINT OF NON-TANGENCY; THENCE, PARALLEL WITH AND 10.00 FEET FROM WHEN MEASURED AT RIGHT ANGLES TO SAID SOUTHERLY RIGHT OF WAY LINE, 102.57 FEET ALONG THE ARC OF A 35.00-FOOT NON-TANGENT RADIUS CURVE TO THE RIGHT, CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 63°57'30" (THE LONG CHORD BEARS NORTH 69°12'21" WEST, 63.64 FEET) TO A POINT OF NON-TANGENCY ON THE NORTH-WESTERLY LINE OF SAID LOT 8; THENCE, ALONG SAID NORTH-WESTERLY LOT LINE, NORTH 39°49'50" EAST, 11.35 FEET TO A POINT OF NON-TANGENCY ON THE SOUTHERLY RIGHT-OF-WAY LINE OF N. BYBEE LAKE COURT AND A 5/8 INCH DIAMETER IRON ROD WITH YELLOW PLASTIC CAP STAMPED 'PORT OF PORTLAND' AT THE MOST NORTHERLY NORTHWEST CORNER OF SAID LOT 8 ON THE SOUTHERLY RIGHT OF WAY LINE OF N. BYBEE LAKE COURT; THENCE, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE, 117.71 FEET ALONG THE ARC OF A 60.00-FOOT NON-TANGENT RADIUS CURVE TO THE LEFT, CONCAVE TO THE NORTH, THROUGH A CENTRAL ANGLE OF 112°24'04" (THE LONG CHORD BEARS SOUTH 76°40'49" EAST, 69.72 FEET) TO THE POINT OF BEGINNING, CONTAINING 1,077 SQUARE FEET MORE OR LESS.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE PLAT OF 'BYBEE LAKE INDUSTRIAL PARK' RECORDED IN PLAT BOOK 1251, PAGES 69-76, MULTNOMAH COUNTY PLAT RECORDS.

NOTES:

THE BEARINGS AND CALCULATIONS ARE BASED UPON THE PLAT OF 'BYBEE LAKE INDUSTRIAL PARK' BOOK 1251, PAGES 69-76.

THE UTILITY LOCATIONS ARE BASED UPON PORT OF PORTLAND NON-POTABLE WATER WELL AND PUMP STATION PROJECT, CONSTRUCTION DRAWING No. PG 2002-504. UTILITIES HAVE NOT BEEN FIELD VERIFIED.

| NO. | DATE | BY | REVISIONS | CHKD | APPROV |
|-----|------|----|-----------|------|--------|
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| | | | | | |



PORT OF PORTLAND
PORTLAND, OREGON

Christopher W. Vanderwerf
PROJECT MANAGER

20020029 DESIGN NUMBER 23375-130 POLICE NUMBER

REGISTERED PROFESSIONAL LAND SURVEYOR

Christopher W. Vanderwerf
CHRISTOPHER VANDERWERF
#119
LICENSED 9/27/2005
EXP: 6/30/2011

DESIGNED BY C. VANDERWERF
DRAWN BY C. VANDERWERF
CHECKED BY C. WILEY
DATE MAY 2003
SCALE 1" = 20'

RIVERGATE INDUSTRIAL PARK

N. BYBEE LAKE COURT
NON-POTABLE WATERLINE EASEMENT

SUBMITTED BY *Christopher W. Vanderwerf*
DATE 5/1/03

TYPE EP DRAWING NO. RG 2003-004 1 / 1 (SU - 1)

EASEMENT DESCRIPTION

A strip of land situated in the Northwest one-quarter of Section 25, Township 2 North, Range 1 West, Willamette Meridian, City of Portland, Multnomah County, Oregon, crossing lot 8, "Bybee Lake Industrial Park" Book 1251, Pages 69-76, being more particularly described as follows:

Commencing at a 4 inch diameter brass disc in concrete at the re-entry corner to the W.M. Bybee D.L.C. ; thence North 68°22'38" East, 885.60 feet to a 5/8 inch diameter iron rod with yellow plastic cap stamped "Port of Portland" at the most northerly Northeast corner of Lot 8, "Bybee Lake Industrial Park" Book 1251, Pages 69-76 on the southerly right of way line of N. Bybee Lake Court and the True Point Of Beginning; thence, departing said southerly right of way line and running along the northeasterly line of said Lot 8, South 39°49'50" West, 28.43 feet to a point of non-tangency; thence, parallel with and 10.00 feet from when measured at right angles to said southerly right of way line, 102.57 feet along the arc of a 70.00-foot non-tangent radius curve to the right, concave to the North, through a central angle of 83°57'30" (the long chord bears North 66°12'21" West, 93.64 feet) to a point of non-tangency on the northwesterly line of said Lot 8; thence, along said northwesterly lot line, North 39°49'50" East, 11.35 feet to a point of non-tangency on the southerly right of way line of N. Bybee Lake Court and a 5/8 inch diameter iron rod with yellow plastic cap stamped "Port of Portland" at the most northerly Northwest corner of said Lot 8 on the southerly right of way line of N. Bybee Lake Court; thence, along said southerly right of way line, 117.71 feet along the arc of a 60.00-foot non-tangent radius curve to the left, concave to the North, through a central angle of 112°24'04" (the long chord bears South 75°40'49" East, 99.72 feet) to the Point Of Beginning, containing 1,077 square feet more or less.

The bearings in this description are based upon the Plat of "Bybee Lake Industrial Park" recorded in Plat Book 1251, Pages 69-76, Multnomah County Plat Records.