

# **ANNOTATED AGENDA**

Tuesday, May 15, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

## **INFORMAL**

1. Informal Review of Formal Agenda of May 17, 1990

***CANCELLED.***

---

Thursday, May 17, 1990 - 9:00 AM  
Multnomah County Courthouse, Room 602

## **EXECUTIVE SESSION**

*Chair Gladys McCoy convened the meeting at 9:10 a.m., with Vice-Chair Gretchen Kafoury and Commissioner Sharron Kelley present, and Commissioners Pauline Anderson and Rick Bauman excused.*

Executive Session to discuss Pending Litigation [allowed under ORS 192.660 (1)(h)]

***BOARD DISCUSSION WITH COUNTY COUNSEL  
LAURENCE KRESSEL. UPON MOTION OF  
COMMISSIONER KELLEY, SECONDED BY  
COMMISSIONER KAFOURY, EXECUTIVE  
SESSION UNANIMOUSLY CONTINUED TO 9:00  
AM, TUESDAY, MAY 22, 1990.***

*The executive session was adjourned at 9:35 a.m.*

---

Thursday, May 17, 1990, 9:30 AM  
Multnomah County Courthouse, Room 602

## **FORMAL AGENDA**

*Chair Gladys McCoy convened the meeting at 9:40 a.m., with Vice-Chair Gretchen Kafoury, Commissioners Rick Bauman and Sharron Kelley present, and Commissioner Pauline Anderson excused.*

## **CONSENT CALENDAR**

- C-1 In the Matter of Appointment of Pamela J. Brown to the City/County Plastic Waste Reduction Task Force. Shares position with Betsy Brumm

***UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KELLEY, C-1 WAS UNANIMOUSLY APPROVED.***

**NON-DEPARTMENTAL**

- R-2 Resolution in the Matter of Honoring the Lincoln High School Constitutional Law Team for Winning First Place in a National Competition

***COMMISSIONER BAUMAN MOVED, SECONDED BY COMMISSIONER KELLEY, APPROVAL OF R-2. HAL HART AND CHRISTOPHER HARDMAN PRESENTATIONS AND COMMENTS IN SUPPORT. COMMISSIONER BAUMAN COMMENTS IN SUPPORT. RESOLUTION 90-76 UNANIMOUSLY APPROVED.***

**DEPARTMENT OF ENVIRONMENTAL SERVICES**

- R-3 Resolution for the Purpose of Recognizing National Public Works Week, May 20 - 26, 1990

***UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER KAFOURY, RESOLUTION 90-77 WAS UNANIMOUSLY APPROVED.***

**DEPARTMENT OF GENERAL SERVICES**

- R-4 Resolution in the Matter of Accepting the Supplemental 1989-90 Budget and Preparing the Approved Supplemental Budget for Submittal to the Tax Supervising and Conservation Commission

***UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER KAFOURY, RESOLUTION 90-78 WAS UNANIMOUSLY APPROVED***

**DEPARTMENT OF HUMAN SERVICES**

- R-5 Budget Modification DHS #53 Authorizing Transfer of \$3,933 from Contingency to Aging Services Division to Fund a Columbia Villa Project Coordinator Position for One Month of Current Fiscal Year

***NORM MONROE AND DUANE ZUSSY  
EXPLANATION AND RESPONSE TO BOARD  
QUESTIONS AND DISCUSSION. UPON MOTION  
OF COMMISSIONER KELLEY, SECONDED BY  
COMMISSIONER KAFOURY, R-5 WAS  
UNANIMOUSLY APPROVED.***

- R-6 In the Matter of Ratification of an Intergovernmental Agreement Amendment with the City of Portland Parks & Recreation to correct an error made in a previous contract with the City of Portland Parks & Recreation (July 1, 1989 - September 15, 1989) for \$2,500 - Contract #103330 - within the Social Services Division

***UPON MOTION OF COMMISSIONER KAFOURY,  
SECONDED BY COMMISSIONER KELLEY, R-6  
WAS UNANIMOUSLY TABLED.***

- R-7 In the Matter of Ratification of an Intergovernmental Agreement Amendment #1 - with Portland Employment Project PCC to support employment (DD43) increases of \$4,786.20 to serve four clients. Funds are allocated within the State Mental Health Division Amendment #23 - Contract #100990

***COMMISSIONER BAUMAN MOVED AND  
COMMISSIONER KAFOURY SECONDED,  
APPROVAL OF R-7. DUANE ZUSSY  
EXPLANATION. AGREEMENT UNANIMOUSLY  
APPROVED.***

### **DEPARTMENT OF JUSTICE SERVICES**

- R-8 In the Matter of Ratification of an Intergovernmental Agreement with the City of Portland providing for joint funding of the Council for Prostitution Alternatives. Provides for the County to transfer \$86,100 to Portland for County's portion of joint funding on execution of the Intergovernmental Agreement

***UPON MOTION OF COMMISSIONER KAFOURY,  
SECONDED BY COMMISSIONER KELLEY, R-8  
WAS UNANIMOUSLY APPROVED.***

## ORDINANCES - NON-DEPARTMENTAL

- R-9            Second Reading and Possible Adoption of an Ordinance Amending Multnomah County Code Chapter 2.20 Replacing the Department of Justice Services with the Department of Community Corrections and Repealing Ordinance No. 621 (Office of Justice Planning)

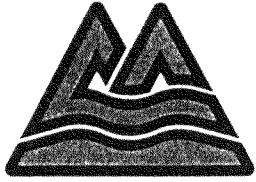
***ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. GRANT NELSON EXPLANATION OF PROPOSED AMENDMENT TO PAGE 1. UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER BAUMAN, APPROVAL OF SECOND READING AND ADOPTION OF ORDINANCE WITH AMENDMENT TO PAGE 1. MR. NELSON EXPLANATION OF PROPOSED AMENDMENT TO PAGE 8. COMMISSIONER KAFOURY MOVED, SECONDED BY COMMISSIONER BAUMAN, APPROVAL OF AN AMENDMENT TO PAGE 8. FOLLOWING DISCUSSION, NON-SUBSTANTIVE AMENDMENTS TO PAGES 1 AND 8 WERE UNANIMOUSLY APPROVED. FOLLOWING BOARD DISCUSSION AND UPON MOTION OF COMMISSIONER KAFOURY, SECONDED BY COMMISSIONER BAUMAN, THE SECOND READING WAS UNANIMOUSLY CONTINUED TO 9:30 AM, TUESDAY, MAY 22, 1990.***

- R-10            Second Reading and Possible Adoption of an Ordinance Relating to Library Services, Establishing the Multnomah County Public Library, Creating an Advisory Library Board, Making Necessary Changes to Existing County Code and Setting an Operative Date

***ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KAFOURY MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF SECOND READING AND ADOPTION. NO ONE WISHED TO TESTIFY. ORDINANCE 649 UNANIMOUSLY APPROVED.***

*There being no further business, the meeting was adjourned at 10:15*

*a.m.*



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

## AGENDA OF

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

#### FOR THE WEEK OF

**May 14 - 18, 1990**

Tuesday, May 15, 1990 - 9:30 AM - Informal Meeting . . Page 2

Thursday, May 17, 1990 - 9:00 AM - Executive Session . Page 2

Thursday, May 17, 1990 - 9:30 AM - Formal. . . . . Page 3

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

Thursday, 10:00 PM, Channel 11 for East and West side subscribers

Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers

Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, May 15, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

INFORMAL

1. Informal Review of Formal Agenda of May 17, 1990

PUBLIC TESTIMONY WILL NOT BE TAKEN AT INFORMAL MEETINGS

---

Thursday, May 17, 1990 - 9:00 AM  
Multnomah County Courthouse, Room 602

EXECUTIVE SESSION

Executive Session to discuss Pending Litigation [allowed  
under ORS 192.660 (1)(h)]

Thursday, May 17, 1990, 9:30 AM

Multnomah County Courthouse, Room 602

**FORMAL AGENDA**

CONSENT CALENDAR

- C-1 In the Matter of Appointment of Pamela J. Brown to the City/County Plastic Waste Reduction Task Force. Shares position with Betsy Brumm

NON-DEPARTMENTAL

- R-2 Resolution in the Matter of Honoring the Lincoln High School Constitutional Law Team for Winning First Place in a National Competition - TIME CERTAIN 9:30 AM

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 Resolution for the Purpose of Recognizing National Public Works Week, May 20 - 26, 1990

DEPARTMENT OF GENERAL SERVICES

- R-4 Resolution in the Matter of Accepting the Supplemental 1989-90 Budget and Preparing the Approved Supplemental Budget for Submittal to the Tax Supervising and Conservation Commission

DEPARTMENT OF HUMAN SERVICES

- R-5 Budget Modification DHS #53 Authorizing Transfer of \$3,933 from Contingency to Aging Services Division to Fund a Columbia Villa Project Coordinator Position for One Month of Current Fiscal Year
- R-6 In the Matter of Ratification of an Intergovernmental Agreement Amendment with the City of Portland Parks & Recreation to correct an error made in a previous contract with the City of Portland Parks & Recreation (July 1, 1989 - September 15, 1989) for \$2,500 - Contract #103330 - within the Social Services Division
- R-7 In the Matter of Ratification of an Intergovernmental Agreement Amendment #1 - with Portland Employment Project PCC to support employment (DD43) increases of \$4,786.20 to serve four clients. Funds are allocated within the State Mental Health Division Amendment #23 - Contract #100990

DEPARTMENT OF JUSTICE SERVICES

- R-8 In the Matter of Ratification of an Intergovernmental Agreement with the City of Portland providing for joint funding of the Council for Prostitution Alternatives. Provides for the County to transfer \$86,100 to Portland for County's portion of joint funding on execution of the Intergovernmental Agreement

ORDINANCES - NON-DEPARTMENTAL

- R-9 Second Reading and Possible Adoption of an Ordinance Amending Multnomah County Code Chapter 2.20 Replacing the Department of Justice Services with the Department of Community Corrections and Repealing Ordinance No. 621 (Office of Justice Planning)
- R-10 Second Reading and Possible Adoption of an Ordinance Relating to Library Services, Establishing the Multnomah County Public Library, Creating an Advisory Library Board, Making Necessary Changes to Existing County Code and Setting an Operative Date

0701C.39-42  
5/10/90  
cap





# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

## SUPPLEMENTAL AGENDA

## NOTICE OF CANCELLATION

Tuesday, May 15, 1990 - 9:30 AM

Multnomah County Courthouse, Room 602

## INFORMAL

Tuesday's Informal Agenda Review is Cancelled

0701C/43/dr  
5/11/90



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GRETCHEN KAFOURY • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
JANE McGARVIN • Clerk • 248-3277

## SUPPLEMENTAL AGENDA

### NOTICE OF CANCELLATION

Tuesday, May 15, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

### INFORMAL

Tuesday's Informal Agenda Review is Cancelled

### NOTICE OF CANCELLATION

Thursday, May 17, 1990 - 9:30 AM  
Multnomah County Courthouse, Room 602

### FORMAL AGENDA

R-6 In the Matter of Ratification of an Intergovernmental Agreement Amendment with the City of Portland Parks & Recreation to correct an error made in a previous contract with the City of Portland Parks and Recreation (July 1, 1989 - September 15, 1989) for \$2,500 - Contract #103330 - within the Social Services Division

CANCELLED

0701C/43/dr  
5/14/90



## GLADYS McCOY, Multnomah County Chair

Room 134, County Courthouse  
1021 S.W. Fourth Avenue  
Portland, Oregon 97204  
(503) 248-3308

### M E M O R A N D U M

TO : Clerk of the Board

FROM : Delma

DATE : 5/8/90

RE : Board Agenda Submissions  
Week of May 14-18, 1990

#### INFORMAL SUBMISSIONS

No submissions.

#### FORMAL SUBMISSIONS

1. DES Submitted by Cecile Pitts X-5000. Commit CDBG funds to match a federal grant to acquire and renovate the shelter building and to endorse the federal grant application for this project- Eastside Family Shelter Project.
2. DES Submitted by Virginia Webster X-5384. Resolution recognizing National Public Works Week, May 20-26, 1990 for the contributions that all public works officials make to everyday health and safety.
3. DGS Submitted by Dave Warren X-3822. Request for approval of 1989-90 Supplemental Budget.
4. DHS Submitted by Susan Clark X-3691. Intergovernmental Agreement with City of Portland Parks & Recreation corrects an error made in a previous contract with the City of Portland Parks & Recreation (July 1, 1989/September 15, 1989) for \$2,500.
5. DHS Submitted by Susan Clark X-3691. Intergovernmental Agreement amendment is the result of High School Transfer funds awarded to the Developmental Disabilities Program Office from the State of Oregon Mental Health Division. Funds will be used to serve four new clients at Portland Employment Project - PCC.
6. DJS Submitted by Joanne Fuller X-6629. Approval of Intergovernmental Agreement with the City of Portland Providing for joint funding of the Council for Prostitution Alternatives to transfer \$86,100 to Portland for County's portion of joint funding on execution of the Intergovernmental Agreement.

1990 MAY -9 10 0 16  
MULTNOMAH COUNTY  
OREGON

Meeting Date: MAY 17 1990

Agenda No.: \_\_\_\_\_

(Above space for Clerk's Office Use)

.....

EXECUTIVE SESSION  
AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Executive Session to discuss Pending Litigation

BCC Informal \_\_\_\_\_ BCC Formal 5/17/90 9:00am.  
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Counsel

CONTACT Larry Kressel TELEPHONE 248-3138

PERSON(S) MAKING PRESENTATION \_\_\_\_\_

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: \_\_\_\_\_

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested,  
as well as personnel and fiscal/budgetary impacts, if applicable):

Executive Session to Discuss Pending Litigation

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Gladys McCall*

Or

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

(All accompanying documents must have required signatures)



MICHAEL D. SCHRUNK, District Attorney for Multnomah County  
600 County Court House, Portland, Oregon 97204, Telephone (503) 248-3162

June 22, 1990

Ms Carrie Parkerson  
Assistant Clerk of the Board  
Multnomah County Commissioner's Office  
Room 602, Multnomah County Courthouse  
Portland, Oregon 97204

Re: Petition of Peter E. Weissbach, KGW  
dated June 22, 1990  
to disclose certain records of the  
Multnomah County Commissioner's Office

Dear Ms Parkerson :

Please take notice that this office has received the attached petition for disclosure of certain public records of your agency pursuant to INSPECTION OF PUBLIC RECORDS, ORS 192.410 et seq.

Please review the attached Policy and Procedure Statement. Unless the petitioner requests a formal opinion, the District Attorney will make a summary decision by July 3, 1990. If your agency claims that the requested records are exempt from disclosure in whole or in part, you must state the basis of your exemption claim by letter, telephone call or personal interview with a representative of your agency by June 27, 1990.

Pursuant to ORS 192.460, 192.470(2), it is our duty to inspect the requested records in order to determine whether disclosure is required by law. We hereby request that you forthwith transmit copies of all of the records described in the attached petition, or provide a succinct summary of the nature and substance of the records. You may be assured that no records or information concerning their contents will be released to the petitioner by this office. Our use of the material provided to us is solely for the purpose of the statutory review required by Oregon Revised Statutes, Chapter 192.

If petitioner elects to request a formal opinion (as described in Part 4 of the attached Policy and Procedure Statement), your agency will be so notified and will be given a reasonable time to more fully state in writing any grounds of exemption from disclosure which you may think it proper to claim, and your supporting rationale.

If you desire to discuss the procedures we will follow in processing this petition, or if you have any other question, please do not hesitate to contact me.

Very truly yours,

MICHAEL D. SCHRUNK  
District Attorney  
Multnomah County, Oregon

By

*David L. Hattrick*  
David L. Hattrick

Senior Deputy District Attorney

cc: Petitioner  
Lawrence Kressel, County Counsel  
Attachments:

Copy of Petition

Policy and Procedure Statement

PER Delma -  
COPY of 5/17 & 5/22  
Annotated Agendas  
& TAPE RECORDED EXEC. SES.  
meetings sent → 6/25/90  
& copies to County  
Counsel 6/26/90 DelB

OFFICE OF THE DISTRICT ATTORNEY  
OF  
THE STATE OF OREGON  
FOR  
MULTNOMAH COUNTY

PUBLIC RECORD REQUEST

POLICY AND PROCEDURE STATEMENT

(Issued June 5, 1986)\*

1. It is the policy of the District Attorney for Multnomah County that petitions for inspection of public records should be reviewed expeditiously with public disclosure the rule subject to the exemptions stated in the public records law, ORS 192.410 et seq.

2. All petitions will be summarily acted upon within seven working days from receipt in the office unless the petitioner specifically requested in writing a formal District Attorney's opinion (described in Part 4 below). Such written request should be submitted by petitioner as soon as possible upon receipt of this statement unless already requested by the original petition.

3. The public agency will be notified of the petition and requested to promptly transmit the relevant materials for our immediate review. The public agency ordinarily is required to respond within five days from our receipt of the petition stating any claimed exemptions from disclosure. The response may be by letter, telephone, or in person. Of necessity, this limited period of review will require a cautious approach on the part of the District Attorney since there will be no opportunity to do more than apply the known statutory exemptions and case law. Such summary decision issued within seven days will ordinarily only briefly state reasons, and will not be considered a precedent which this office necessarily should follow upon any subsequent similar request by the same or another petitioner.

4. If the petitioner requests a more extensive investigation and reasoned opinion by the office, the opinion and order should be issued within 30 days. Time must be allowed for obtaining and reviewing the requested materials, securing a fully-stated written exemption claim by the public agency, and reviewing all available law and precedents consistent with the many other priority court cases and state legal business this office must staff. An extension of 30 days may be approved by the District Attorney with explanation to the petitioner regarding the reason for the delay. All petitions should be resolved within 60 days at most (but further extension may occur in extraordinary cases). The final Letter Decision and Order stating the opinion of the District Attorney will be labeled as such and will serve as precedent to be followed by this office upon subsequent requests, whether related or not, unless the opinion is subsequently withdrawn or modified by this office, or is overruled by court decision.

\*(Revised February, 1988)

SYN G

PUBLIC RECORDS REQUEST

June 22, 1990

Mr. Michael D. Schrunk  
Multnomah County District Attorney  
1021 S.W. Fourth, Room 600  
Portland, OR 97204

Dear Mr. Schrunk:

I, Peter Weissbach, the undersigned, request the District Attorney to order the Multnomah County Board of Commissioners and its employees to produce a copy of the following records:

The tape recording and any written minutes of the May 17, 1990 and May 22, 1990 commissioners' board meetings regarding the approval of Resolution 90-79.


Said meeting being erroneously referred to by the county as an "Executive Session" as the litigation in question (Agustin Enriquez v. Rick Bauman, Case No. 9004-02587) is not a case in which the county is a named defendant (ORS 192.660 (1) (h) and does not pertain to acts committed by Commissioner Bauman that were within the scope of his elected employment as a county commissioner (ORS 30.285-30.287).

Furthermore, the meeting in question was held to determine if the county had any responsibility to assume the costs in defending Mr. Bauman in the aforementioned case. Whether or not the county is responsible to assume the cost of defending Mr. Bauman is a moot point. Therefore, the tax-paying public has a right to know on what basis the county decided it was responsible to assume Mr. Bauman's defense costs.

Since the sole purpose of the meeting was to determine if the county was responsible for assuming Mr. Bauman's defense costs, and not the merits or particulars of the case itself, the county cannot classify this meeting as an "Executive Session."

I asked for a copy of these records on June 11, 1990 through a telephone conversation with Carrie Parkerson, the assistant clerk of the board for Multnomah County, and was denied access to these records by Ms. Parkerson on the same date.

Yours truly,

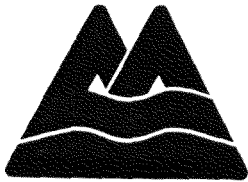
  
Peter E. Weissbach  
Talk Host

PEW/jf

**620 KGW**  
*The talk station!*

REC 30.  
JAH  
6-22-90  
JAH





# MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY, CHAIR  
PAULINE ANDERSON  
RICK BAUMAN  
GRETCHEN KAFOURY  
SHARRON KELLEY

## C O N F I D E N T I A L M E M O R A N D U M

TO: Board of County Commissioners  
Gladys McCoy, Chair  
Pauline Anderson  
Rick Bauman  
Gretchen Kafoury  
Sharron Kelley

FROM: Mark B. Williams  
Assistant County Counsel

DATE: June 27, 1990

RE: Petition of Peter E. Weisbach, KGW, to  
disclose minutes of Board of County  
Commissioners' executive sessions

COUNTY COUNSEL  
LAURENCE KRESSEL  
CHIEF ASSISTANT  
JOHN L. DU BAY  
ASSISTANTS  
SANDRA N. DUFFY  
J. MICHAEL DOYLE  
GERALD H. ITKIN  
H. H. LAZENBY, JR.  
PAUL G. MACKAY  
MATTHEW O. RYAN  
MARK B. WILLIAMS

Enclosed please find a copy of the county's response to KGW's petition to obtain the minutes of the Board's executive sessions regarding Enriquez v. Bauman, Case No. 9004-02587. Based on direction from the Chair's office, we have taken the position that the district attorney has no authority to order these minutes released and that the executive session was proper in all respects.

If you have any questions or concerns regarding this issue, please contact John DuBay.

7ATTY.205/mw  
Encl.



## MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY, CHAIR  
PAULINE ANDERSON  
RICK BAUMAN  
GRETCHEN KAFOURY  
SHARRON KELLEY

COUNTY COUNSEL  
LAURENCE KRESSEL

CHIEF ASSISTANT  
JOHN L. DU BAY

ASSISTANTS

SANDRA N. DUFFY  
J. MICHAEL DOYLE  
GERALD H. ITKIN  
H. H. LAZENBY, JR.  
PAUL G. MACKAY  
MATTHEW O. RYAN  
MARK B. WILLIAMS

June 27, 1990

HAND DELIVERED

David L. Hattrick  
Senior Deputy District Attorney  
600 Multnomah County Courthouse  
1021 SW 4th Street  
Portland, OR 97204

Re: Petition of Peter E. Weissbach, KGW, dated  
June 22, 1990, to disclose certain records  
of the Multnomah County Commissioners' Office

Dear Mr. Hattrick:

Please be advised that this office will represent the respondent in the above-entitled public records request. The Clerk of the Board's office informs me that they have already sent you a copy of the "records" in issue. These records should consist solely of the tape-recorded minutes of the Board's executive session and the annotated agenda. If you have not received those items by the time you receive this letter, please contact this office immediately and we will make sure that you get them. Please consider the following comments to be Multnomah County's response to the petition dated June 22, 1990.

**I. THE DISTRICT ATTORNEY LACKS AUTHORITY TO ORDER THESE "RECORDS" RELEASED BECAUSE THE PETITION RAISES A PUBLIC MEETINGS ISSUE ACTIONABLE ONLY IN CIRCUIT COURT, NOT A PUBLIC RECORDS ISSUE.**

Oregon law distinguishes between public records, ORS 192.001-192.595, and public meetings, ORS 192.610-192.990. Any person denied access to a public record by a county official is entitled to petition the district attorney for release of that

David L. Hattrick  
June 27, 1990  
Page 2

record; however, issues involving the propriety of an executive session by the Board of County Commissioners are beyond the district attorney's authority, and are actionable only in circuit court. ORS 192.660(1) provides in pertinent part as follows:

Nothing contained in ORS 192.610 to 192.690 shall be construed to prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for the holding of such executive session. Executive session may be held:

\* \* \*

(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

ORS 192.650(2) deals with minutes of executive sessions:

Minutes of executive session shall be kept in accordance with subsection (1) of this section. . . . Instead of written minutes, a record of any executive session may be kept in the form of a sound tape recording which need not be transcribed unless otherwise provided by law. Material the disclosure of which is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility. (Emphasis added.)

ORS 192.680 sets out a detailed procedure for a person affected by a decision of a governing board of a public body to challenge the propriety of the public body's executive session. ORS 192.680(2) allows any person affected by that decision to "commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690. . . ."

David L. Hattrick  
June 27, 1990  
Page 3

Significantly, the statute makes the civil suit contemplated by ORS 192.680(2) "the exclusive remedy for an alleged violation of ORS 192.610 to 192.690". ORS 192.680(6). Thus, any person aggrieved by an alleged violation of ORS 192.610 to 192.690 must, as their exclusive remedy, file a civil suit in circuit court pursuant to ORS 192.680(2). Pursuant to the clear language of ORS 192.680(6), no other remedies are allowed.

The tape-recorded minutes of the Board's executive session were not withheld from public disclosure under the Public Records Laws. They were "excluded from disclosure" pursuant to the Public Meetings Laws, specifically, ORS 192.650(2). Any challenge to that action is subject to the "exclusive remedy" of a circuit court action. ORS 192.680(6).

The attorney general agrees with the county's interpretation of these statutes, noting in his "Public Records and Meetings Manual" that "the attorney general and district attorneys have no enforcement role under the public meetings law." 1 Atty. Gen. Public Records and Meetings Manual, 124 (1989).

The petition in this case alleges that the Board of County Commissioners improperly went into "executive session", and on that basis, requests the district attorney to order the Board to produce a copy of the minutes of the executive session. In order to reach such a decision, the district attorney would have to conclude that the Board's executive session was improper. The question of whether or not a public body has improperly gone into executive session is not a matter for the public records laws or for the district attorney; it is a matter subject to the exclusive remedy provided by ORS 192.680(2). See ORS 192.680(6). Obviously, the only reason a public body would go into executive session would be to discuss a matter in private. Releasing the minutes of an executive session would defeat the whole purpose of such a session, and would improperly involve the District Attorney in a public meetings dispute. Only a circuit court can decide whether or not the Board of County Commissioners "erroneously" went into executive session, as alleged by petitioner. The district attorney does not have authority to make that decision. The petition should be denied on that basis.

David L. Hattrick  
June 27, 1990  
Page 4

**II. IN THE ALTERNATIVE, THE MINUTES ARE EXEMPT FROM DISCLOSURE UNDER THE PUBLIC RECORDS LAWS.**

**A. The minutes are exempt under ORS 192.650(2).**

In the alternative, treating ORS 192.650(2) as an exemption to the duty to disclose, the records requested by the petitioner are exempt from disclosure. The statute provides that "material the disclosure of which is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held may be excluded from disclosure". This executive session was held to discuss pending litigation and whether or not the county should defend Commissioner Bauman in that litigation without making this discussion available to the plaintiff for potential use in court. Under ORS 192.660(1)(h), the Board of County Commissioners is permitted to go into executive session "to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed". Please note that this statute does not on its face require that the public body be a party to litigation at the time that the executive session is held. On the contrary, the statute specifically permits the Board to consult with counsel concerning the legal rights and duties of the county with regard to current litigation. Nothing in the statute says that the county must be a defendant in the litigation.

A review of the tape of the minutes of the executive session will show you that the county board consulted with their legal counsel concerning the county's legal rights and duties to provide or not provide legal representation to Commissioner Bauman in pending litigation. Such a decision by the county on its legal rights and duties is contemplated, and, moreover, required by the Oregon Tort Claims Act, which provides in pertinent part as follows:

ORS 30.287 (1) If any civil action, suit or proceeding is brought against any officer . . . of a local public body . . . which on its face falls within the provisions of ORS 30.285(1), or which the officer . . . asserts to be based in fact upon an alleged act or omission in the performance of duty, the officer . . . may file a written request for counsel with the governing body of the public body. The governing body shall thereupon engage counsel to appear and defend the officer. . . unless after investigation it is determined that the

David L. Hattrick  
June 27, 1990  
Page 5

claim or demand does not arise out of an alleged act or omission occurring in the performance of duty, or that the act or omission complained of amounted to malfeasance in office or willful or wanton neglect of duty, in which case the governing body shall reject defense of the claim.

The Oregon Tort Claims Act also provides that if the governing body rejects defense of the claim, the public officer may, in "an appropriate proceeding", assert and establish that the county should have defended and indemnified him, and a court may order the county to defend and indemnify any public officer who should have been defended but was not. See 30.287(3).

Thus it is clear that when a public official asserts in writing that he is entitled to a defense under the Oregon Tort Claims Act, a governing body has a legitimate question to consider concerning its legal rights and duties with regard to current litigation, regardless of whether the public body is a named party or not. The governing body should, as a matter of public policy, be free to discuss this issue with its counsel without providing free discovery to its litigation adversaries. This presents an appropriate matter for executive session pursuant to ORS 192.660(1)(h), and therefore, disclosing the minutes of that meeting would be inconsistent with the purpose for which the executive session was authorized. Under these circumstances, the "public records" sought by the petitioner are exempt from disclosure pursuant to ORS 192.660(2).

**B. The minutes are exempt from disclosure under other sections of the Public Records Laws.**

ORS 192.501(1) provides that records of a public body pertaining to litigation to which the public body is a party are exempt from disclosure. Although in this case the public body is not a named party to the litigation, it is clear that under the Oregon Tort Claims Act the county is the real party in interest in this litigation. The Tort Claims Act requires the county to defend and indemnify public officers against any tort claims or demands, groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty. ORS 30.285(1). Courts recognize that these types of statutes giving a governmental body the real responsibility to pay makes the body itself the "real and only party in interest". See Edmonds v. Dillin, 45 F Supp 722, 724 (N.D. Ohio, 1980). Furthermore, a governmental body is the real

David L. Hattrick  
June 27, 1990  
Page 6

party for purposes of res judicata and collateral estoppel when the public body acts as the "virtual representative" of the public officer. See United States v. ITT Rayoner, Inc., 67 F2d 996, 1003 (9th Cir. 1980). Under these circumstances, the county is the real party in interest and the "records" requested are exempt under ORS 192.501(1).

C. ORS 192.502(1)

ORS 192.502(1) exempts from disclosure communications within a public body of an advisory nature to the extent that they cover other than purely factual materials and are preliminary to any final determination of policy or action. This exemption does not apply unless the public body shows that, in the particular instance, the public interest in encouraging frank communication between officials and employees of public bodies clearly outweighs the public interest in disclosure. In this case, the communications consisted of legal advice from the County Counsel to the Board of County Commissioners on their rights and duties with respect to the litigation filed against Commissioner Bauman. It should be obvious that the public interest in encouraging frank communication between the Board of County Commissioners and their County Counsel militates in favor of upholding the exemption from disclosure in this particular instance. The provision of legal advice to the Board of County Commissioners is designed to allow the Board to take prudent actions without incurring legal liability. Such advice often requires competent counsel to lay out all possible alternatives for each decision the Board might make. Public officials, like private officials, should be permitted to weigh all possible legal alternatives when considering the proper course of action. Requiring the Board to disclose all communications of an advisory nature from the County Counsel would discourage the Board from obtaining legal advice prior to acting, and would work against the public's interest. Under these circumstances, the public interest in encouraging these types of communications outweighs the public interest in disclosing them.

D. ORS 192.502(8).

If there was any possibility that these "records" were not exempt from disclosure, that possibility is laid to rest by ORS 192.502(8), which exempts "public records or information the disclosure of which is prohibited or restricted or otherwise made confidential or privileged under Oregon law." (Emphasis added.) The Attorney General notes that ORS 192.502(8) was meant to include, among other privileges, the lawyer-client privilege established by ORS 40.225. See 1 Att.

David L. Hattrick  
June 27, 1990  
Page 7

Gen. Public Records and Meetings Manual, 37 (1989). ORS 40.225 provides in pertinent part:

40.225 Rule 503. Lawyer-client privilege.

(1) As used in this section, unless the context requires otherwise:

(a) "Client" means a person, public officer, corporation, association, or other organization or entity, either public or private, who is rendered professional legal services by a lawyer, or who consults a lawyer with a view to obtaining professional legal services from the lawyer.

(b) "Confidential communication" means a communication not intended to be disclosed to third persons other than those to whom disclosure is in furtherance of the rendition of professional legal services to the client or those reasonably necessary for the transmission of the communication.

\* \* \*

(2) A client has a privilege to refuse to disclose and to prevent any other person from disclosing confidential communications made for the purpose of facilitating the rendition of professional legal services to the client:

(a) Between the client or the client's representative and the client's lawyer or a representative of the lawyer.

\* \* \*

An examination of the tape recording at issue reveals classic attorney-client conversations subject to the privilege of ORS 40.225. Virtually the entire tape consists of legal advice from the County Counsel to the Board of County Commissioners. The Board asked County Counsel questions and County Counsel answered them. If there was ever a conversation that was clearly legal advice subject to the attorney-client privilege, this is it. The fact that the Board went into executive session to obtain this advice was both proper and



David L. Hattrick  
June 27, 1990  
Page 8

illustrative of the fact that the Board did not intend this to be a public discussion, but rather a private discussion between the Board of County Commissioners and its appointed counsel. Under these circumstances, no balancing test is required and ORS 192.502(8) prohibits disclosure of these materials.

### III. CONCLUSION

The District Attorney lacks authority to order the minutes of the executive session released because that is a subject of the Public Meetings Law which can only be addressed by a circuit court judge. Even if the District Attorney disagrees and believes that he has the authority to order release of these materials, the materials still should not be released because they are classic attorney-client communications entirely proper under Oregon law and exempt from disclosure under ORS 192.501(1), ORS 192.502(1) and, most clearly, under ORS 192.502(8).

Sincerely,

LAURENCE KRESSEL, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY, OREGON

By 

Mark B. Williams  
Assistant County Counsel

cc Board of County Commissioners

7ATTY.204/mw

Meeting Date: MAY 17 1990

Agenda No.: C-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Appointment to Boards & Commissions

BCC Informal \_\_\_\_\_ BCC Formal 5/17/90  
(date) (date)

DEPARTMENT Nondepartmental DIVISION County Chair's Office

CONTACT Judy Boyer TELEPHONE 248-3308

PERSON(S) MAKING PRESENTATION \_\_\_\_\_

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 2-3 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Appointment of Pamela J. Brown to the City/County Plastic Waste Reduction Task Force. Shares position with Betsy Brumm.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys McCaffrey

Or

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

(All accompanying documents must have required signatures)



## MULTNOMAH COUNTY OREGON

*JKB* GLADYS McCOY  
MULTNOMAH COUNTY CHAIR  
1021 S.W. 4TH, ROOM 134  
PORTLAND, OREGON 97204  
*4/24/90*

### INTEREST FORM FOR BOARDS AND COMMISSIONS

In order for the County Executive to more thoroughly assess the qualifications of persons interested in serving on a Multnomah County board or commission, you are requested to fill out this interest form as completely as possible. You are encouraged to attach or enclose supplemental information or a resume which further details your involvement in volunteer activities, public affairs, civic services, published writing, affiliations, etc.

A. Please list, in order of priority, any Multnomah County boards/commissions on which you would be interested in serving. (See attached list) CITY/COUNTY PLASTIC WASTE

REDUCTION-Recycling Task Force (CREATED BY ORD. NO. 614)

(Alternate for Betsy Brown)

B. Name PAMELA J. BROWN

Address 11726 S.W. Boone's Bend Dr

City Beaverton State Ore Zip 97005

Do you live in \_\_\_\_\_ unincorporated Multnomah County or \_\_\_\_\_ a city within Multnomah County.

Home Phone 641-8531

C. Current Employer FRED MEYER INC

Address 5100 SW Macadam, Suite 500, Riverside Centre

City Portland State \_\_\_\_\_ Zip \_\_\_\_\_

Your Job Title assistant Vice President and Director of Environmental Programs

Work Phone 721-3480 (Ext) \_\_\_\_\_

Is your place of employment located in Multnomah County? Yes ☒ No \_\_\_\_\_

D. Previous Employers \_\_\_\_\_ Dates \_\_\_\_\_ Job Title \_\_\_\_\_

I have been at Fred Meyer 15 years.

CONTACT:

GLADYS McCOY, MULTNOMAH COUNTY CHAIR  
1021 SW 4TH, ROOM 134  
PORTLAND, OREGON 97204  
(503) 248-3308

E. Please list all current and past volunteer/civic activities.

Name of Organization	Dates	Responsibilities

F. Please list all post-secondary school education.

Name of School	Dates	Degree/Course of Study
George Fox College		B.A. Human Resources Management

G. Please list the name, address and telephone numbers of two people who may be contacted as references who know about your interests and qualifications to serve on a Multnomah County board/commission.

Cheryl Perrin	Fred Meyer	Joe
Betsy Brumm	"	"

H. Please list potential conflicts of interest between private life and public service which might result from service on a board/commission.

none

I. Affirmative Action Information

~~F~~ caucasian  
sex / racial ethnic background

birth date: Month 4 Day 26 Year 48

My signature affirms that all information is true to the best of my knowledge and that I understand that any misstatement of fact or misrepresentation of credentials may result in this application being disqualified from further consideration or, subsequent to my appointment to a board/commission, may result in my dismissal.

Signature Pamela J. Brown Date 4/20/90

Meeting Date: MAY 17 1990

Agenda No.: A-2

(Above space for Clerk's Office Use)

Request Time Certain between 9:30 - 9:45am

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Honoring Lincoln H.S. Constitutional Law Team

BCC Informal \_\_\_\_\_ BCC Formal May 17, 1990  
(date) (date)

DEPARTMENT Non-Departmental DIVISION BCC

CONTACT Karen Belsey TELEPHONE 248-5237

PERSON(S) MAKING PRESENTATION \_\_\_\_\_

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

5 min.

ESTIMATED TIME NEEDED ON BOARD AGENDA: \_\_\_\_\_

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Resolution honoring Lincoln High School Consitutional Law Team for winning First Place in their national competition in Washington D.C.

5/17/90 Copies to Karen, Hal Hart &  
Christopher Hardman - Lincoln High  
School - 1600 SW Salmon 97205

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL [Signature]

Or

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

(All accompanying documents must have required signatures)

By: John D. B. [Signature]

To CC 5/1/90

Meeting Date MAY 17 1990  
Agenda No.: R-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: National Public Works Week  
BCC Informal May 22, 1990 BCC Formal \_\_\_\_\_  
(date) (date)  
DEPARTMENT Environmental Services DIVISION Transportation  
CONTACT Virginia Webster TELEPHONE 248-5384  
PERSON(S) MAKING PRESENTATION \_\_\_\_\_

ACTION REQUESTED:

/ / INFORMATIONAL ONLY / / POLICY DIRECTION /X/ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: \_\_\_\_\_

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Resolution recognizing National Public Works Week, May 20-26, 1990, for the contributions that all public works officials make to everyday health and safety.

5/7/90 Copy to Virginia Webster

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL \_\_\_\_\_  
Or  
DEPARTMENT MANAGER [Signature]

(All accompanying documents must have required signatures)

1990 MAY - 9 11 04 20  
CLERK OF  
THE  
JUDICIAL  
DEPARTMENT  
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

For the Purpose of Recognizing )  
National Public Works Week, )  
May 20-26, 1990 )  
\_\_\_\_\_ )

RESOLUTION  
90-77

WHEREAS, public works services provided in Multnomah County are an integral part of our citizens' everyday lives; and

WHEREAS, the support of an understanding and informed citizenry is vital to the efficient operation of public works systems and programs, such as streets, highways, bridge engineering and maintenance, sewers, water, public buildings, parks, and snow removal; and

WHEREAS, the health, safety, and comfort of Multnomah County citizens greatly depend on these facilities and services; and

WHEREAS, the quality and effectiveness of these facilities, as well as their planning, design, and construction are dependent upon the efforts and skills of the public works officials; and

WHEREAS, these efforts are greatly influenced by attitudes of the citizens of Multnomah County and their understanding of the importance of the work performed; NOW THEREFORE,

BE IT RESOLVED, Multnomah County recognizes May 20-26, 1990, as National Public Works Week and calls upon the citizens of this community to recognize the contributions that all public works officials make every day to our health, safety, and comfort.

Dated the 17th day of May, 1990.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

*Gladys McCoy*  
Gladys McCoy, Chair

REVIEWED:

LAURENCE KRESSEL,  
County Counsel for Multnomah County

By *John D. Bae*

Deputy

2986V



Date Submitted May 5, 1990

Meeting Date

MAY 17 1990

Agenda No.

R-4

REQUEST FOR PLACEMENT ON THE AGENDA

Subject 1989-90 SUPPLEMENTAL BUDGET

Informal Only

Formal Only May 17, 1990

DEPARTMENT General Services

DIVISION Planning & Budget

CONTACT Dave Warren

TELEPHONE 248-3822

Brief Summary

Approval of a Supplemental Budget for 1989-90.

The 1989-90 Supplemental Budget is required to account for unbudgeted additional revenue in the DP Fund, the School Fund, and the Convention Center Fund. In order to properly appropriate this revenue, a full budget process is required. Also requiring a full budget process is the conversion of Contingency accounts in the Insurance Fund to expenditures to account for insurance reserves as recommended by Price Waterhouse in their Recommendations to Management.

The Board will convene as the Budget Committee for Multnomah County to approve this budget for transmittal to Tax Supervising.

Action Requested:

5/17/90 copies to Dave Warren, Linda Alexander & Dave Boyer

☐ Information Only ☐ Preliminary ☐ Policy ☐ Approval ☒ Direction ☒ Approval

Estimated Time Needed on Agenda 10 minutes

**IMPACT:**

☐ Fiscal/Budgetary

☐ General Fund

☐ Other Insurance Fund, School Fund, Convention Center Fund, DP Fund

**SIGNATURES**

Department Manager

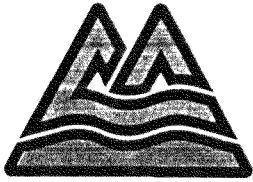
Budget/Personnel

County Counsel

Other

Linda Alexander  
David C. Warren  
Paul Boyer

1990 MAY - J 11 30 20  
MULTNOMAH COUNTY  
OREGON



## MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY  
PAULINE ANDERSON  
GRETCHEN KAFOURY  
RICK BAUMAN  
SHARRON KELLEY

DEPARTMENT OF GENERAL SERVICES  
PORTLAND BUILDING  
1120 SW FIFTH, 14TH FLOOR  
PORTLAND, OR 97204-1934

AT OTHER LOCATIONS:

OFFICE OF THE DIRECTOR (503) 248-3303  
EMPLOYEE SERVICES (503) 248-5015  
FINANCE (503) 248-3312  
LABOR RELATIONS (503) 248-5135  
PLANNING & BUDGET (503) 248-3883

ADMINISTRATIVE SERVICES (503) 248-5111  
ASSESSMENT & TAXATION (503) 248-3345  
ELECTIONS (503) 248-3720  
INFORMATION SERVICES (503) 248-3749

### NOTICE OF BUDGET COMMITTEE MEETING

A meeting of the Budget Committee for Multnomah County will be held in Room 602 of the Multnomah County Courthouse following the regular 9:30 formal agenda for the Multnomah County Board of Commissioners on May 17, 1990.

The purpose of the meeting is to discuss a proposed supplemental budget for the 1989-90 fiscal year. This is a public meeting and any person may discuss the proposed supplemental budget with the committee.

The budget document may be inspected or copies obtained by any person from the Clerk of the Board of County Commissioners, in Room 606 of the Courthouse, located at 1021 SW 4th Ave., Portland, between the hours of 9 a. m. and 5 p. m. beginning May 14, 1990.

Bill To:

Multnomah County Planning and Budget Division  
1120 SW 5th, Room 1400  
Portland, OR 97204

Publish THE OREGONIAN  
5/9/90

**SUPPLEMENTAL BUDGET**

**1989-90**

**MULTNOMAH COUNTY**

## **SUPPLEMENTAL BUDGET**

### **Table of Contents**

	Page
Supplemental Budget Message	1
Detailed Estimate Sheets and Descriptions	3 - 12
General Services Data Processing Fund	
Description	3
Detailed Estimate Sheet	4
General Services Insurance Fund	
Risk Management	
Description	5
Detailed Estimate Sheet	6
Employee Services	
Description	7
Detailed Estimate Sheet	8
Nondepartmental County School Fund	
Description	9
Detailed Estimate Sheet	10
Nondepartmental Convention Center Fund	
Description	11
Detailed Estimate Sheet	12
Financial Summary	13 - 15
Appropriation Schedule	16

## **SUPPLEMENTAL BUDGET MESSAGE**

### **THE DOCUMENT**

This document consists of four sections:

1. the budget message explaining the reasons for the changes proposed,
2. a section of detailed estimate sheets and descriptions for those actions resulting in changes in expenditures,
3. a financial summary showing the resources and requirements being changed by fund,
4. an appropriation schedule for the 1989-90 supplemental budget.

### **REASONS FOR CHANGES**

#### **1. Resources in excess of budgeted estimates**

Three funds will receive resources in excess of their budgeted estimates in 1989-90 and have offsetting expenditures based on these resources.

The **County School Fund** received \$86,000 more revenue from sale of timber on Federal forest lands in 1988-89 than was distributed. ORS 328 defines the revenues to be credited to the School Fund and specifies their distribution as directed by the Education Service District. Other receipts in 1989-90 will be slightly less than budgeted. The net amount credited to the fund to be distributed in 1989-90 will be \$70,000 above the adopted budget. The additional amount is appropriated in this Supplemental Budget to the Pass Through object code in Materials and Services.

The **Convention Center Fund**, which accounts for a Hotel/Motel tax dedicated to support of the Convention Center being built by METRO, will receive up to \$250,000 more tax revenue than contemplated in the adopted budget. The additional amount is appropriated in this Supplemental Budget to the Pass Through object code in Materials and Services.

The adopted **Data Processing Fund** budget assumed a lease payment, without option to purchase, for computer equipment. However, it became apparent that the equipment could be purchased via a third-party lease/purchase arrangement at a lower cost. This Supplemental Budget records \$175,000 of third party revenue in the Data Processing Fund and appropriates it into Capital Outlay to authorize purchase of the equipment.

## 2. Insurance Fund

This Supplemental Budget authorizes a significant change in the manner used by the County to account for self-insurance reserves needed to cover the costs of claims incurred but not reported. This change conforms to a recent Governmental Accounting Standard Board Statement.

Price Waterhouse, the County's independent auditor, recommends the following treatment of Insurance Fund reserves in their "Recommendations to Management Related to the year ended June 30, 1989."

RECOMMENDATION NO. 8:

Insurance reserves should be reflected on the balance sheet as a liability.

The fund balance in the Insurance Fund is currently designated as the insurance reserve. It is common practice in insurance companies to estimate the actual amounts of "reserves" needed to assure the proper matching of risk with the premiums charged. In insurance enterprises, "reserves" refer to liabilities for estimated losses and are not a designation of equity. Liabilities are recorded by recording an expense in the year in which the estimated liability arises. The County has commissioned studies of the County risk management department activities that have recommended certain "reserves". It is unclear to our staff from reading the consultant's reports if such "reserves" are to be considered liabilities or prudent cushions. The treatment of "reserves" for other than governmental insurance enterprises is well established, but the treatment of insurance "reserves" in governmental settings is not yet well established. The establishment of liabilities for true insurance "reserves" will be required if the preliminary conclusions of a project by the Governmental Accounting Standards Board are implemented.

We believe that the most appropriate course of action for the County during this period of standards uncertainty would be to follow the non-governmental model and the GASB preliminary conclusions. This would require the County to expense amounts sufficient to establish a liability for true insurance "reserves" sufficient to meet the County's actuaries' estimates of liability. Any other amounts that the actuaries feel would be prudent to hold in case of major catastrophe should be formally budgeted as a designated fund balance.

In order to carry out this recommendation, this Supplemental Budget transfers \$3,470,000 from the Contingency Account in the Insurance Fund to Materials and Services. This will authorize expensing of amounts sufficient to establish a liability for future estimated insurance claims as recommended by the County's actuarial studies.

**Supplemental Budget**

**AGENCY: 040 General Services**

**FUND: 301 Data Processing Fund**

The increased Capital Outlay appropriation will be used to purchase the Amdahl 4745 front end processor already on site at the Information Services Division of the Department of General Services.

OBJECT DETAIL	1989-90 Adopted	This Action	1989-90 Revised
5100 PERMANENT	1,894,061		1,894,061
5200 TEMPORARY	0		0
5300 OVERTIME	60,584		60,584
5400 PREMIUM PAY	7,544		7,544
5500 FRINGE	494,033		494,033
DIRECT PERSONAL SERVICES	<u>2,456,222</u>	<u>0</u>	<u>2,456,222</u>
5550 INS BENEFITS	223,416		223,416
PERSONAL SERVICES	2,679,638	0	2,679,638
6050 COUNTY SUPPLEMENTS	0		0
6060 PASS THROUGH PAYMENTS	0		0
6110 PROFESSIONAL SERVICES	53,580		53,580
6120 PRINTING	12,860		12,860
6130 UTILITIES	0		0
6140 COMMUNICATIONS	115,155		115,155
6170 RENTALS	262,705		262,705
6180 REPAIRS & MAINTENANCE	5,300		5,300
6190 MAINTENANCE CONTRACTS	492,509		492,509
6200 POSTAGE	11,000		11,000
6230 SUPPLIES	105,999		105,999
6270 FOOD	0		0
6310 EDUCATION & TRAINING	61,108		61,108
6330 TRAVEL	660		660
6520 INSURANCE	2,200		2,200
6530 EXTERNAL D P	710,311		710,311
6550 DRUGS	0		0
6580 CLAIMS PAID	0		0
6590 JUDGMENTS	0		0
6610 AWARDS & PREMIUMS	0		0
6620 DUES & SUBSCRIPTIONS	5,615		5,615
7810 DEBT RETIREMENT	0		0
7820 INTEREST	0		0
DIRECT MATERIALS & SVCS	<u>1,839,002</u>	<u>0</u>	<u>1,839,002</u>
7100 INDIRECT COSTS	417,009		417,009
7150 TELEPHONE	47,954		47,954
7200 DATA PROCESSING	0		0
7300 MOTOR POOL	4,176		4,176
7400 BUILDING MANAGEMENT	237,309		237,309
7500 OTHER INTERNAL SVCS	0		0
INTERNAL SVC REIMBURSEMENTS	<u>706,448</u>	<u>0</u>	<u>706,448</u>
MATERIALS & SERVICES	2,545,450	0	2,545,450
8100 LAND	0		0
8200 BUILDINGS	0		0
8300 OTHER IMPROVEMENTS	0		0
8400 EQUIPMENT	303,447	175,000	478,447
CAPITAL OUTLAY	303,447	175,000	478,447
TOTAL DIRECT BUDGET	4,598,671	175,000	4,773,671
TOTAL EXPENDITURES	5,528,535	175,000	5,703,535



Supplemental Budget

AGENCY: General Services

FUND: 400 Insurance Fund

Risk Management

The additional appropriation for Claims Paid will permit charges to be made to set up reserves for claims incurred but not yet reported for two categories of risk for which Multnomah County is self insured:

- <sup>a</sup> Workers Compensation \$2,595,000
- <sup>a</sup> Liability claims \$705,000.

## Risk Management

OBJECT	DETAIL	1989-90 Adopted	This Action	1989-90 Revised
5100	PERMANENT	95,835		95,835
5200	TEMPORARY	123,400		123,400
5300	OVERTIME	0		0
5400	PREMIUM PAY	0		0
5500	FRINGE	55,379		55,379
DIRECT	PERSONAL SERVICES	<u>274,614</u>	<u>0</u>	<u>274,614</u>
5550	INS BENEFITS	0		0
	PERSONAL SERVICES	<u>274,614</u>	<u>0</u>	<u>274,614</u>
6050	COUNTY SUPPLEMENTS	200,000		200,000
6060	PASS THROUGH PAYMENTS	0		0
6110	PROFESSIONAL SERVICES	160,000		160,000
6120	PRINTING	4,200		4,200
6130	UTILITIES	0		0
6140	COMMUNICATIONS	0		0
6170	RENTALS	0		0
6180	REPAIRS & MAINTENANCE	25,950		25,950
6190	MAINTENANCE CONTRACTS	0		0
6200	POSTAGE	3,600		3,600
6230	SUPPLIES	2,300		2,300
6270	FOOD	0		0
6310	EDUCATION & TRAINING	71,000		71,000
6330	TRAVEL	900		900
6520	INSURANCE	192,000		192,000
6530	EXTERNAL D P	0		0
6550	DRUGS	0		0
6580	CLAIMS PAID	2,340,000	3,300,000	5,640,000
6590	JUDGMENTS	0		0
6610	AWARDS & PREMIUMS	0		0
6620	DUES & SUBSCRIPTIONS	400		400
7810	DEBT RETIREMENT	0		0
7820	INTEREST	0		0
DIRECT	MATERIALS & SVCS	<u>3,000,350</u>	<u>3,300,000</u>	<u>6,300,350</u>
7100	INDIRECT COSTS	0		0
7150	TELEPHONE	1,851		1,851
7200	DATA PROCESSING	0		0
7300	MOTOR POOL	1,600		1,600
7400	BUILDING MANAGEMENT	1,448		1,448
7500	OTHER INTERNAL SVCS	0		0
INTERNAL SVC	REIMBURSEMENTS	<u>4,899</u>	<u>0</u>	<u>4,899</u>
	MATERIALS & SERVICES	<u>3,005,249</u>	<u>3,300,000</u>	<u>6,305,249</u>
8100	LAND	0		0
8200	BUILDINGS	0		0
8300	OTHER IMPROVEMENTS	10,000		10,000
8400	EQUIPMENT	20,200		20,200
	CAPITAL OUTLAY	<u>30,200</u>	<u>0</u>	<u>30,200</u>
	TOTAL DIRECT BUDGET	3,305,164	3,300,000	6,605,164
	TOTAL EXPENDITURES	3,310,063	3,300,000	6,610,063

Supplemental Budget

AGENCY: General Services

FUND: 400 Insurance Fund

Employee Services

The additional appropriation for Claims Paid will permit charges to be made to set up a reserve of \$170,000 for claims incurred but not yet reported for unemployment insurance for which Multnomah County is self insured.

## Employee Services

OBJECT	DETAIL	1989-90 Adopted	This Action	1989-90 Revised
5100	PERMANENT	90,001		90,001
5200	TEMPORARY	0		0
5300	OVERTIME	0		0
5400	PREMIUM PAY	0		0
5500	FRINGE	22,734		22,734
DIRECT	PERSONAL SERVICES	<u>112,735</u>	<u>0</u>	<u>112,735</u>
5550	INS BENEFITS	0		0
	PERSONAL SERVICES	112,735	0	112,735
6050	COUNTY SUPPLEMENTS	0		0
6060	PASS THROUGH PAYMENTS	0		0
6110	PROFESSIONAL SERVICES	436,000		436,000
6120	PRINTING	6,150		6,150
6130	UTILITIES	0		0
6140	COMMUNICATIONS	0		0
6170	RENTALS	0		0
6180	REPAIRS & MAINTENANCE	200		200
6190	MAINTENANCE CONTRACTS	0		0
6200	POSTAGE	0		0
6230	SUPPLIES	1,950		1,950
6270	FOOD	0		0
6310	EDUCATION & TRAINING	3,750		3,750
6330	TRAVEL	620		620
6520	INSURANCE	3,836,630		3,836,630
6530	EXTERNAL D P	0		0
6550	DRUGS	0		0
6580	CLAIMS PAID	3,170,960	170,000	3,340,960
6590	JUDGMENTS	0		0
6610	AWARDS & PREMIUMS	1,000		1,000
6620	DUES & SUBSCRIPTIONS	1,000		1,000
7810	DEBT RETIREMENT	0		0
7820	INTEREST	0		0
DIRECT	MATERIALS & SVCS	<u>7,458,260</u>	<u>170,000</u>	<u>7,628,260</u>
7100	INDIRECT COSTS	0		0
7150	TELEPHONE	943		943
7200	DATA PROCESSING	0		0
7300	MOTOR POOL	265		265
7400	BUILDING MANAGEMENT	2,346		2,346
7500	OTHER INTERNAL SVCS	0		0
INTERNAL SVC	REIMBURSEMENTS	<u>3,554</u>	<u>0</u>	<u>3,554</u>
	MATERIALS & SERVICES	7,461,814	170,000	7,631,814
8100	LAND	0		0
8200	BUILDINGS	0		0
8300	OTHER IMPROVEMENTS	0		0
8400	EQUIPMENT	5,500		5,500
	CAPITAL OUTLAY	5,500	0	5,500
	TOTAL DIRECT BUDGET	7,576,495	170,000	7,746,495
	TOTAL EXPENDITURES	7,580,049	170,000	7,750,049

Supplemental Budget

AGENCY: Nondepartmental

FUND: 157 County School Fund

The increase of \$70,000 to Pass Through  
Payments in the County School Fund will be paid as  
directed by the Executive Director of the Education  
Service District (ESD) as required by statute.

OBJECT	DETAIL	1989-90 Adopted	This Action	1989-90 Revised
5100	PERMANENT	0		0
5200	TEMPORARY	0		0
5300	OVERTIME	0		0
5400	PREMIUM PAY	0		0
5500	FRINGE	0		0
DIRECT	PERSONAL SERVICES	<u>0</u>	<u>0</u>	<u>0</u>
5550	INS BENEFITS	0		0
	PERSONAL SERVICES	0	0	0
6050	COUNTY SUPPLEMENTS	0		0
6060	PASS THROUGH PAYMENTS	1,408,700	70,000	1,478,700
6110	PROFESSIONAL SERVICES	0		0
6120	PRINTING	0		0
6130	UTILITIES	0		0
6140	COMMUNICATIONS	0		0
6170	RENTALS	0		0
6180	REPAIRS & MAINTENANCE	0		0
6190	MAINTENANCE CONTRACTS	0		0
6200	POSTAGE	0		0
6230	SUPPLIES	0		0
6270	FOOD	0		0
6310	EDUCATION & TRAINING	0		0
6330	TRAVEL	0		0
6520	INSURANCE	0		0
6530	EXTERNAL D P	0		0
6550	DRUGS	0		0
6580	CLAIMS PAID	0		0
6590	JUDGMENTS	0		0
6610	AWARDS & PREMIUMS	0		0
6620	DUES & SUBSCRIPTIONS	0		0
7810	DEBT RETIREMENT	0		0
7820	INTEREST	0		0
DIRECT	MATERIALS & SVCS	<u>1,408,700</u>	<u>70,000</u>	<u>1,478,700</u>
7100	INDIRECT COSTS	0		0
7150	TELEPHONE	0		0
7200	DATA PROCESSING	0		0
7300	MOTOR POOL	0		0
7400	BUILDING MANAGEMENT	0		0
7500	OTHER INTERNAL SVCS	0		0
INTERNAL SVC	REIMBURSEMENTS	<u>0</u>	<u>0</u>	<u>0</u>
	MATERIALS & SERVICES	1,408,700	70,000	1,478,700
8100	LAND	0		0
8200	BUILDINGS	0		0
8300	OTHER IMPROVEMENTS	0		0
8400	EQUIPMENT	0		0
	CAPITAL OUTLAY	0	0	0
	TOTAL DIRECT BUDGET	1,408,700	70,000	1,478,700
	TOTAL EXPENDITURES	1,408,700	70,000	1,478,700

Supplemental Budget

AGENCY: Nondepartmental

FUND: 166 Convention Center Fund

Multnomah County levies a three percent tax against the gross receipts of all hotels and motels within the County. The receipts from this tax are dedicated to a subsidy of the construction and operational costs of the Convention Center being built by METRO. In the last two fiscal years, the actual receipts from the tax have exceeded budgetary estimates. This action recognizes as revenue and appropriates an additional \$250,000 to be passed through to METRO.

OBJECT	DETAIL	1989-90 Adopted	This Action	1989-90 Revised
5100	PERMANENT	0		0
5200	TEMPORARY	0		0
5300	OVERTIME	0		0
5400	PREMIUM PAY	0		0
5500	FRINGE	0		0
DIRECT	PERSONAL SERVICES	<u>0</u>	<u>0</u>	<u>0</u>
5550	INS BENEFITS	0		0
	PERSONAL SERVICES	0	0	0
6050	COUNTY SUPPLEMENTS	0		0
6060	PASS THROUGH PAYMENTS	2,968,000	250,000	3,218,000
6110	PROFESSIONAL SERVICES	0		0
6120	PRINTING	0		0
6130	UTILITIES	0		0
6140	COMMUNICATIONS	0		0
6170	RENTALS	0		0
6180	REPAIRS & MAINTENANCE	0		0
6190	MAINTENANCE CONTRACTS	0		0
6200	POSTAGE	0		0
6230	SUPPLIES	0		0
6270	FOOD	0		0
6310	EDUCATION & TRAINING	0		0
6330	TRAVEL	0		0
6520	INSURANCE	0		0
6530	EXTERNAL D P	0		0
6550	DRUGS	0		0
6580	CLAIMS PAID	0		0
6590	JUDGMENTS	0		0
6610	AWARDS & PREMIUMS	0		0
6620	DUES & SUBSCRIPTIONS	0		0
7810	DEBT RETIREMENT	0		0
7820	INTEREST	0		0
DIRECT	MATERIALS & SVCS	<u>2,968,000</u>	<u>250,000</u>	<u>3,218,000</u>
7100	INDIRECT COSTS	0		0
7150	TELEPHONE	0		0
7200	DATA PROCESSING	0		0
7300	MOTOR POOL	0		0
7400	BUILDING MANAGEMENT	0		0
7500	OTHER INTERNAL SVCS	0		0
INTERNAL SVC	REIMBURSEMENTS	<u>0</u>	<u>0</u>	<u>0</u>
	MATERIALS & SERVICES	2,968,000	250,000	3,218,000
8100	LAND	0		0
8200	BUILDINGS	0		0
8300	OTHER IMPROVEMENTS	0		0
8400	EQUIPMENT	0		0
	CAPITAL OUTLAY	0	0	0
	TOTAL DIRECT BUDGET	2,968,000	250,000	3,218,000
	TOTAL EXPENDITURES	2,968,000	250,000	3,218,000



## SUPPLEMENTAL BUDGET FINANCIAL SUMMARY

### FUND: 157 COUNTY SCHOOL FUND

<i>RESOURCE DESCRIPTION</i>		<i>1989-90 Adopted</i>	<i>This Action</i>	<i>1989-90 Revised</i>
9100 County School Fund				
0500	Beginning Working Capital	0	70,000	70,000
	All other resources as adopted	1,408,700		1,408,700
<b>TOTAL RESOURCES – FUND 157</b>		<b>1,408,700</b>	<b>70,000</b>	<b>1,478,700</b>
<b>REQUIREMENTS SUMMARY</b>				
<b>EXPENDITURES</b>				
	Nondepartmental Materials & Services	1,408,700	70,000	1,478,700
<b>TOTAL EXPENDITURES</b>		<b>1,408,700</b>	<b>70,000</b>	<b>1,478,700</b>
<b>TOTAL REQUIREMENTS – FUND 157</b>		<b>1,408,700</b>	<b>70,000</b>	<b>1,478,700</b>

### FUND: 166 CONVENTION CENTER FUND

<i>RESOURCE DESCRIPTION</i>		<i>1989-90 Adopted</i>	<i>This Action</i>	<i>1989-90 Revised</i>
9170 Convention Center				
1100	Transient Lodging Tax	2,960,000	250,000	3,210,000
	All other resources as adopted	8,000		8,000
<b>TOTAL RESOURCES – FUND 166</b>		<b>2,968,000</b>	<b>250,000</b>	<b>3,218,000</b>
<b>REQUIREMENTS SUMMARY</b>				
<b>EXPENDITURES</b>				
	Nondepartmental Materials & Services	2,968,000	250,000	3,218,000
<b>TOTAL EXPENDITURES</b>		<b>2,968,000</b>	<b>250,000</b>	<b>3,218,000</b>
<b>TOTAL REQUIREMENTS – FUND 166</b>		<b>2,968,000</b>	<b>250,000</b>	<b>3,218,000</b>

## SUPPLEMENTAL BUDGET FINANCIAL SUMMARY

### FUND: 301 DATA PROCESSING FUND

<i>RESOURCE DESCRIPTION</i>		<i>1989-90 Adopted</i>	<i>This Action</i>	<i>1989-90 Revised</i>
7090 Information Services				
7740	Certificate proceeds	0	175,000	175,000
	All other resources as adopted	5,650,992		5,650,992
<b>TOTAL RESOURCES - FUND 301</b>		<b>5,650,992</b>	<b>175,000</b>	<b>5,825,992</b>
<i>REQUIREMENTS SUMMARY</i>				
<b>EXPENDITURES</b>				
General Services				
	Personal Services	2,679,638		2,679,638
	Materials & Services	2,545,450		2,545,450
	Capital Outlay	103,447	175,000	278,447
<b>TOTAL EXPENDITURES</b>		<b>5,328,535</b>	<b>175,000</b>	<b>5,503,535</b>
<b>CONTINGENCY</b>		<b>322,457</b>		<b>322,457</b>
<b>TOTAL REQUIREMENTS - FUND 301</b>		<b>5,650,992</b>	<b>175,000</b>	<b>5,825,992</b>

## SUPPLEMENTAL BUDGET FINANCIAL SUMMARY

### FUND: 400 INSURANCE FUND

<i>RESOURCE DESCRIPTION</i>	<i>1989-90 Adopted</i>	<i>This Action</i>	<i>1989-90 Revised</i>
TOTAL RESOURCES – FUND 400	14,975,192	0	14,975,192
<i>REQUIREMENTS SUMMARY</i>			
<b>EXPENDITURES</b>			
General Services			
Personal Services	387,349		387,349
Materials & Services	10,467,366	3,470,000	13,937,366
Capital Outlay	35,700		35,700
TOTAL EXPENDITURES	10,890,415	3,470,000	14,360,415
<b>CONTINGENCY</b>			
General Liability	706,900	(705,000)	1,900
Workers Compensation	2,598,477	(2,595,000)	3,477
Medical/Dental	454,900		454,900
Property	143,250		143,250
Unemployment	171,250	(170,000)	1,250
Wellness	10,000		10,000
TOTAL CONTINGENCY	4,084,777	(3,470,000)	614,777
TOTAL REQUIREMENTS – FUND 400	14,975,192	0	14,975,192

## APPROPRIATION SCHEDULE

### FUND: 157 COUNTY SCHOOL FUND

Nondepartmental Materials & Services	1,408,700	70,000	1,478,700
---	-----------	--------	-----------

### FUND: 166 CONVENTION CENTER FUND

Nondepartmental Materials & Services	2,968,000	250,000	3,218,000
---	-----------	---------	-----------

### FUND: 301 DATA PROCESSING FUND

General Services

Capital Outlay	103,447	175,000	278,447
----------------	---------	---------	---------

### FUND: 400 INSURANCE FUND

General Services

Materials & Services	10,467,366	3,470,000	13,937,366
----------------------	------------	-----------	------------

TOTAL CONTINGENCY	4,084,777	(3,470,000)	614,777
-------------------	-----------	-------------	---------

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

In the Matter of Accepting the Supplemental  
1989-90 Budget and Preparing the Approved  
supplemental Budget for Submittal to the  
Tax Supervising and Conservation Commission

)  
) RESOLUTION  
) 90-78  
)

WHEREAS, the above-entitled matter is before the Board sitting as the Budget Committee under ORS Ch. 294 to consider approval of the Multnomah County Supplemental Budget for the fiscal year July 1, 1989 to June 30, 1990; and

WHEREAS, on May 17, 1990 the Board of County Commissioners, sitting as the Budget Committee, received the proposed supplemental budget document in compliance with ORS Ch. 294.480; and

WHEREAS, this supplemental budget is required to account for the unbudgeted 1989-90 revenues contained therein and to respond to recommendations of the County's independent auditor regarding the Insurance Fund,

THEREFORE BE IT RESOLVED, that the 1989-90 supplemental budget is approved and the Division of Planning and Budget shall forward the approved 1989-90 Supplemental Budget to the Tax Supervising and Conservation Commission.

Adopted this 17th day of May, 1990

(SEAL)

BOARD OF COUNTY COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By   
Gladys McCoy, Chair

REVIEWED:

  
Laurence Kressel, County Counsel  
of Multnomah County, Oregon

REQUEST FOR PLACEMENT ON THE AGENDA FOR \_\_\_\_\_

(Date)

MAY 17 1990DEPARTMENT Human ServicesDIVISION Aging ServicesCONTACT Duane ZussyTELEPHONE 248-3782\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Duane ZussySUGGESTEDAGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification DHS # 53 requests \$3,933 from General Fund Contingency to fund a Columbia Villa project coordinator position for one month of the current fiscal year.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

[X] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This Budget Modification requests \$3,933 from the General Fund Contingency for a Senior Program Development Specialist position in the Aging Services Division, Community Action Program for one month of the current fiscal year. This person will serve as the Columbia Villa project coordinator.

An amendment to the FY90-91 Proposed Budget is being prepared that would fund this position for an entire year.

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

Increases cash transfer from the GF to the F/S Fund by \$4,204  
Increases Indirect Service Reim from the F/S Fund to the GF by \$271  
Increases Service Reim from the F/S Fund to the Insurance Fund by \$325  
Increases Service Reim from the F/S Fund to the Telephone Fund by \$100

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

Contingency before this modification (as of \_\_\_\_\_) \$ \_\_\_\_\_  
(Specify Fund) (Date)

After this modification \$ \_\_\_\_\_

Originated By	Date	Department Manager	Date
Gladys McCoy	05-01-90	D. Duane Zussy (cc)	5/2/90
Budget Analyst	Date	Personnel Analyst	Date
<i>[Signature]</i>	5/3/90	Susan Daniel	5/4/90
Board Approval		Date	
<i>[Signature]</i>		May 17, 1990	

TRANSACTION EB [ ] GM [ ] TRANSACTION DATE \_\_\_\_\_ ACCOUNTING PERIOD \_\_\_\_\_ BUDGET FY \_\_\_\_\_

Document Number	Action	Fund	Agency	Organi- zation	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Sub- Total	Description
		156	010	0130			5100			2,481		Inc Permanent
		156	010	0130			5500			627		Inc Fringe
		156	010	0130			5550			325		Inc Insurance
											3,433	PS Subtotal
		156	010	0130			6230			300		Inc Supplies
		156	010	0130			6330			100		Inc Travel
		156	010	0130			7100			271		Inc Indirect
		156	010	0130			7150			100		Inc Telephone
											771	M&S Subtotal
											4,204	Total Org. #0130
		100	010	0150			7608			4,204		Cash Transfer to F/S Fund
		100	045	9120			7700			(3,933)		GF Contingency
		400	040	7531			6520			325		Inc Insurance Fund
		402	040	7990			6140			100		Inc Telephone Fund

////////////////////////////////////  
TOTAL EXPENDITURE CHANGE//////////////////////////////////// 4,900 TOTAL EXPENDITURE CHANGE

## REVENUE

TRANSACTION RB [ ] GM [ ] TRANSACTION DATE \_\_\_\_\_ ACCOUNTING PERIOD \_\_\_\_\_ BUDGET FY \_\_\_\_\_

Document Number	Action	Fund	Agency	Organi- zation	Activity	Reporting Category	Revenue Source	Current Amount	Revised Amount	Change Increase (Decrease)	Sub- Total	Description
		156	010	0130			7601			4,204		County General Fund
		100	045	7410			6602			271		Svc Reim F/S to Gen Fund
		400	040	7531			6602			325		Svc Reim F/S to Ins Fund
		402	040	7990			6602			100		Svc Reim F/S to Tel Fund

////////////////////////////////////  
TOTAL REVENUE CHANGE//////////////////////////////////// 4,900 TOTAL REVENUE CHANGE

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

FTE Increase (Decrease)	POSITION TITLE	A n n u a l i z e d			
		BASE PAY Increase (Decrease)	FRINGE Increase (Decrease)	INSURANCE Increase (Decrease)	TOTAL Increase (Decrease)
1.0	Senior Program Dev Spec	29,775	7,521	3,894	41,190

## TOTAL CHANGE (ANNUALIZED)

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

Full Time Positions, Part-Time, Overtime, or Premium	Explanation of Change	C u r r e n t F Y			
		BASE PAY Increase (Decrease)	FRINGE Increase (Decrease)	INSURANCE Increase (Decrease)	TOTAL Increase (Decrease)
.08 FTE	Senior Prog Dev Spec (June 1 thru 30)	2,481	627	325	3,433



REQUEST FOR GENERAL FUND CONTINGENCY TRANSFER

1. Attachment to Bud Mod No. DHS #53 2. Amount requested from General Fund Contingency: \$ 3,933

3. Summary of request:

This request transfers \$3,433 for Personal Services and \$500 for Materials & Services from the General Fund Contingency to the Department of Human Services, Aging Services Division, Community Action Program to fund a Senior Program Development Specialist to serve as the Columbia Villa Project Coordinator for the remainder of FY 89-90.

4. Has the expenditure for which this transfer is sought been included in any budget request during the past five years? No If so, when? \_\_\_\_\_  
If so, what were the circumstances of its denial? \_\_\_\_\_

5. Why was this expenditure not included in the annual budget process?

6. What efforts have been made to identify funds from another source within the Department, to cover this expenditure? Why are no other Departmental sources of funds available?

7. Describe any new revenue that this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.

8. This request is for a (Quarterly X, Emergency ) review.

9. FOR EMERGENCY REQUESTS ONLY: Describe in detail on an additional sheet the costs or risks that would be incurred by waiting for the next quarterly review, in justification of the emergency nature of this request.

10. Attach any additional information or comments you feel helpful.

D. Duane Zussy (vc)  
Signature of Department Head/Elected Official

5/2/90  
Date

DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)

Meeting Date MAY 17 1990

Agenda No. 2-6

REQUEST FOR PLACEMENT ON THE AGENDA

Ratification of IGA with  
Subject: City of Portland Parks and Recreation

Informal Only\* \_\_\_\_\_  
(Date)

Formal Only \_\_\_\_\_  
(Date)

DEPARTMENT Human Services

DIVISION Social Services

CONTACT Susan Clark

TELEPHONE 248-3691

\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Duane Zussy

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

This contract corrects an error made in a previous contract with the City of Portland Park and Rec. (July 1, 1989 to September 15, 1989) for \$2,500. The error was a staff oversight.

\* **TABLED**

(Cont to 5/21/90)

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☐ RATIFICATION

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA \_\_\_\_\_

IMPACT:

PERSONNEL

☒ FISCAL/BUDGETARY Org. 1530 increases \$2,500.00

☐ - General Fund

Other \_\_\_\_\_

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: \_\_\_\_\_

BUDGET / PERSONNEL \_\_\_\_\_ / \_\_\_\_\_

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) \_\_\_\_\_

OTHER \_\_\_\_\_

(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES  
SOCIAL AND FAMILY SERVICES DIVISION  
ADMINISTRATIVE OFFICES  
426 S.W. STARK ST., 6TH FLOOR  
PORTLAND, OREGON 97204  
(503) 248-3691

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

TO: Gladys McCoy  
Multnomah County Chair

VIA: Duane Zussy  
Director, Department of Human Services

FROM: Gary Smith *DWS*  
Director, Social Services Division

DATE: May 4, 1990

SUBJECT: Recommendation to Approve City of Portland Parks and Recreation Contract.

RETROACTIVE STATUS: This contract is retroactive in order to correct an omission in a previous agreement with the City. A Youth Program Office contract (July 1, 1989 to September 15, 1989) with the City of Portland Parks and Recreation should have included \$5,000 funding for two service elements, but in error only \$2,500 was contracted. This agreement corrects that error by contracting the remaining \$2,500.

RECOMMENDATION: Social Services Division recommends County Chair and Board of County Commissioners approval of a contract between the City of Portland Parks and Recreation and the Youth Program Office in the amount of \$2,500 for the period July 1, 1989 through June 30, 1990.

BACKGROUND/ANALYSIS: The amount of this contract is \$2,500.00. This funding represents Multnomah County's contribution toward the operation of a week long summer camp for youths during July 1989 in the King neighborhood.

The County has contributed toward this project in previous budget years via a contract between the Department of Human Services Administration and City of Portland Parks and Recreation. In FY 89-90 the contract funds were transferred to the Youth Program Office.

The City of Portland Parks and Recreation serves as fiscal agent for the agency Tender Loving Care/Think and Try (TLC/TnT) which operates the summer camp. Funding is received from various organizations each with a specific target area. The City of Portland Parks and Recreation "pools" the funds and passes it through to TLC/TnT.

TLC/TnT provided the services and the City of Portland Parks and Recreation paid the agency based on a commitment of funding from the County.

[TLC/TnT]



MULTNOMAH COUNTY OREGON

# CONTRACT APPROVAL FORM

(See Administrative Procedure #2106)

Contract # \_\_\_\_\_

Amendment # \_\_\_\_\_

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$10,000	<input type="checkbox"/> Professional Services over \$10,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement

Contact Person Susan Clark Phone 248-3691 Date 5/2/90

Department Human Services Division Social Services Bldg/Room 160/6

Description of Contract Contract establishes summer camp for youths in the King neighborhood.

RFP/BID # N/A - IGA Date of RFP/BID \_\_\_\_\_ Exemption Exp. Date \_\_\_\_\_

ORS/AR # \_\_\_\_\_ Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name City of Portland Parks And Recs.

Attn: Michael Addis

Mailing Address 1120 SW Fifth Room 502

Portland, OR 97204

Phone 796-5107

Employer ID # or SS # 93-6002236

Effective Date July 1, 1989

Termination Date June 30, 1990

Original Contract Amount \$ 2,500.00

Amount of Amendment \$ -0-

Total Amount of Agreement \$ 2,500.00

## Payment Term

☒ Lump Sum \$ Upon completion of projects

☐ Monthly \$ \_\_\_\_\_

☐ Other \$ \_\_\_\_\_

☐ Requirements contract - Requisition required.

Purchase Order No. \_\_\_\_\_

☐ Requirements Not to Exceed \$ \_\_\_\_\_

## REQUIRED SIGNATURES:

Department Manager \_\_\_\_\_

Date \_\_\_\_\_

Purchasing Director  
(Class II Contracts Only)

Date \_\_\_\_\_

County Counsel \_\_\_\_\_

Date \_\_\_\_\_

County Chair/Sheriff \_\_\_\_\_

Date \_\_\_\_\_

VENDOR CODE				VENDOR NAME						TOTAL AMOUNT	\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND	
01.	156	010	1530		YS03	6110		1509		2,500.00		
02.												
03.												

INSTRUCTIONS ON REVERSE SIDE

WHITE - PURCHASING CLERK - INITIATOR PINK - CLERK OF THE BOARD GREEN - FINANCE

MULTNOMAH COUNTY  
SOCIAL SERVICES DIVISION  
SUBCONTRACT AGENCY AGREEMENT

DURATION OF AGREEMENT: July 1, 1989 TO: June 30, 1990  
CONTRACTOR NAME: City of Portland Parks & Recreation TELEPHONE: 796-5107  
ATTENTION: Michael Addis  
CONTRACTOR ADDRESS: 1120 S. W. Fifth - Rm. 502 I.R.S. NUMBER: 93-6002236  
Portland, Oregon 97204

Subject to the General Conditions and Special Conditions attached hereto and by this reference made part of this agreement, the CONTRACTOR agrees to provide the services within the service element listed below. COUNTY agrees to pay the CONTRACTOR in a lump sum payment upon submission of written certification that services were delivered as agreed.

<u>Service Element</u>	<u>Source</u>	<u>Payment Terms</u>	<u>Maximum Total Payable</u>
TLC/TnT	CGF	Lump sum	\$2,500

Total \$2,500

## YOUTH PROGRAM OFFICE GENERAL CONDITIONS

WHEREAS, CONTRACTOR has available, or can cause to be provided, the facilities and staff required for the performance of said services; and

WHEREAS, COUNTY and CONTRACTOR are agreeable to the terms and conditions hereinafter set forth governing the provision of specified youth services as stated below:

I. Service Objectives and Evaluation. CONTRACTOR agrees to provide contracted services in the volume and consistent with the objectives and evaluation criteria specified in this contract. CONTRACTOR shall not delegate or subcontract the responsibility for providing services hereunder to any other individual or agency without previous written approval from COUNTY.

II. Standards. CONTRACTOR agrees to comply with all applicable federal, state, county and local statutes and rules and funding criteria governing services, facilities and operations including, if applicable, the Youth Service Center Standards and Guidelines. CONTRACTOR agrees to permit inspection of program, facilities, clinical and fiscal records by authorized agents of COUNTY, State Juvenile Services Commission, if applicable, and Federal Government, if applicable. CONTRACTOR agrees to maintain clinical and fiscal records consistent with applicable rules and regulations and fiscal records consistent with current, generally accepted accounting principles. CONTRACTOR is further bound by all applicable federal and state statutes, rules and regulations.

III. Subject to Availability of Funds. Both parties agree that this contract is subject to the availability of federal, state and local funds. In the event that funds cease to be available to COUNTY in the amounts anticipated, COUNTY may terminate or reduce contract funding accordingly. COUNTY will notify CONTRACTOR as soon as it receives notification from fund source.

IV. Contract Disputes. Disputes arising from this contract will be resolved when possible at the lowest appropriate management levels, followed by consultation with the Multnomah County Board of Commissioners and the Administrator of the State Mental Health Division if necessary.

V. Identification of Services. CONTRACTOR agrees to identify the services provided by CONTRACTOR under this contract as a part of the youth services system, accessible and available to the eligible residents of Multnomah County. CONTRACTOR will acknowledge Multnomah County as a funder in publicly disseminated information for services under this contract.

VI. Authority of Director. CONTRACTOR agrees to recognize the County Social Services Division Director as COUNTY's administrative authority for services provided under this contract.

VII. Discrimination. CONTRACTOR shall not unlawfully discriminate against any individual with respect to hiring, compensation, terms, conditions or privileges or employment, nor shall any person be excluded from participation in, be denied the benefits or, or be subjected to discrimination under any program or activity because of such individual's race, color, religion, sex, national origin, age or handicap. In that regard, CONTRACTOR must comply with all applicable provisions of Executive Order Number 11246 as amended by Executive Order Number 11375 of the President of the United States dated September 24, 1965, Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000(d)) and Section 504 of the Rehabilitation Act of 1973 as implemented by 45 C.F.R. 84.4. CONTRACTOR will also comply with all applicable rules, regulations and orders of the Secretary of Labor concerning equal opportunity in employment and the provisions of ORS Chapter 659.

CONTRACTOR acknowledges that there will be no religious content or materials disseminated in any of the programs or services funded in this contract. The language in this section is not intended to abridge a client's individual right to exercise freedom of religion and/or speech.

VIII. Liability. CONTRACTOR is an independent contractor and is solely responsible for the conduct of its programs. CONTRACTOR, its employees and agents shall not be deemed employees or agents of COUNTY or State, if applicable.

CONTRACTOR agrees to hold COUNTY and State, if applicable, harmless for all damages, claims, suits or actions resulting or arising out of the activities of CONTRACTOR, its employees, or any subcontractor. Except for claims which result or arise solely out of the errors or omissions of COUNTY or its officers, agents or employees who are under the direct supervision and control of COUNTY or its officers, agents or employees, CONTRACTOR shall indemnify, defend and save harmless, COUNTY and the State, if applicable, their officers, employees and agents from all claims, suits, actions or expenses of any nature resulting from or arising out of the acts, errors or omissions of CONTRACTOR, its assignees, subcontractors, agents or employees under this contract.

CONTRACTOR shall obtain and at all times keep in effect a comprehensive liability insurance policy, issued by a company authorized to transact business in the State of Oregon. Such liability insurance shall have limits provided therein of at least \$50,000 to any claimant for any number of claims for damage to or destruction of property, including consequential damages, arising out of a single accident or occurrence, \$200,000 for injury to any one person, and \$500,000 for total injuries and/or damages arising out of a single accident or occurrence. These limits shall not limit indemnities under the preceding paragraph.

A certificate of insurance showing current standard comprehensive liability coverage in the stated amounts, or a copy thereof, is attached to this contract and is incorporated herein as part of this contract.

While this contract continues in effect, the insurance shall provide for notice of non-payment of premiums by the insuring carrier to COUNTY; and that such insurance will not be cancelled or released except upon thirty (30) days prior written notice to COUNTY. CONTRACTOR shall promptly pay when due the cost of all such insurance. If it fails to do so, the COUNTY may, at its option, pay the same and CONTRACTOR shall reimburse COUNTY therefor immediately upon demand.

In lieu of filing the certificate of insurance required by COUNTY, CONTRACTOR may furnish to COUNTY a declaration that CONTRACTOR is self-insured for public liability and property damage for a minimum of the amounts listed above, whichever is greater.

In the event that ORS 30.270 is amended to increase the amount of liability, CONTRACTOR agrees to increase its minimum insurance amount accordingly.

In the event of unilateral cancellation or restriction by the insurance company of any insurance policy referred to in this paragraph, CONTRACTOR shall notify COUNTY verbally and in writing immediately and under no circumstances longer than three (3) days after termination.

All property and equipment purchased or received by CONTRACTOR under this contract must be insured against fire, theft and destruction at replacement cost by CONTRACTOR throughout its useful life.

Failure to maintain current insurance, bonding and the proper endorsements may result in withholding of payments or may be cause for immediate termination of contract.

IX. Fidelity Bond. CONTRACTOR (except City, County and State governments, municipalities, and public school districts) shall obtain and maintain at all times during the term of this contract a fidelity bond of not less than \$10,000 effective at the time the contract commences covering the activities of any person responsible for collection and expenditures of funds in accordance with OAR 309-13-020 (7) EXPENSES, subsection (b) (C) Audit Guidelines.

X. Workers Compensation. CONTRACTOR shall maintain Workers' Compensation insurance coverage for all non-exempt workers, employees, and subcontractors either as a carrier insured employer or a self-insured employer as provided in Chapter 656 of Oregon Revised Statutes. A certificate showing current Workers' Compensation insurance, or a copy thereof, is attached to this agreement and is incorporated herein as part of this agreement.

In the event that CONTRACTOR's Workers' Compensation insurance coverage is due to expire during the term of this agreement, CONTRACTOR agrees to renew such insurance before such expiration and to provide COUNTY a certificate of Workers' Compensation insurance coverage upon such renewal.

XI. Litigation. In cases of litigation arising out of this contract between COUNTY and CONTRACTOR (except cities, county and state governments municipalities, and public school districts), the prevailing party to litigation shall be entitled to reasonable attorney's fees.

CONTRACTOR shall give COUNTY immediate notice in writing of any action or suit filed or any claim made against CONTRACTOR or any subcontractor of which CONTRACTOR may be aware of which may result in litigation related in any way to this agreement.

XII. Monitoring. COUNTY is responsible for monitoring services provided by CONTRACTOR to ensure that all services conform to COUNTY and Single Audit Act standards and other performance requirements specified in this contract. COUNTY shall take all appropriate management and legal action necessary to pursue this responsibility.

Under the Single Audit Act of 1984 (PL 98-502), COUNTY is responsible for monitoring fiscal compliance of CONTRACTOR with the terms and conditions of this contract and shall take all appropriate management and legal action necessary to pursue this responsibility. However, this contract does not act as a limitation on the authority of the COUNTY to pursue any legal and administrative remedies available to it.

CONTRACTOR agrees to abide by procedures contained in Multnomah County Social Services Division Financial Procedures, dated September, 1987.



### XIII. Audits.

A. The CONTRACTOR agrees to permit authorized representatives of COUNTY, State Juvenile Services Commission, if applicable, State of Oregon Division of Audits, if applicable, to make such review of the records of the CONTRACTOR as COUNTY, State Juvenile Services Commission, if applicable, or auditor may deem necessary to satisfy audit and/or program evaluation purposes. CONTRACTOR shall permit authorized representatives of COUNTY Social Services Division and State Juvenile Services Commission, if applicable, to site visit all programs covered by this contract. Contract costs disallowed as a result of such audits, review or site visits will be the sole responsibility of the CONTRACTOR. If a contract cost is disallowed after reimbursement has occurred, the CONTRACTOR will make prompt repayment of such costs.

B. CONTRACTOR will be subject to Audit Requirements per the Social Services Division Subcontractors' Financial Procedures, dated September, 1987. Reviews and audits as specified below must meet criteria outlined in the Procedures.

C. All providers will be subject to a county financial contract compliance review. An external limited scope or full audit will be required under the following conditions:

1. Multnomah County contract funds exceed \$25,000 and total agency budget exceeds \$150,000.
2. Multnomah County contract funds exceed \$100,000.
3. Total agency budget exceeds \$500,000.

D. CONTRACTOR will establish and maintain systematic methods to assure timely and appropriate resolution of review/audit findings and recommendations.

E. CONTRACTOR agrees that Limited Scope and Full Audits will be performed by a qualified and independent external Certified Public Accountant and that CONTRACTOR will secure such an audit.

Limited Scope and Full Audits will be submitted to the Social Services Division within two weeks from the date of the report, but in no case later than six (6) months after the end of CONTRACTOR's fiscal year.

Failure to submit required audits by specified deadlines will be cause for withholding of contract payments until audits are submitted.

1. If CONTRACTOR is a state or local government, such audit will be performed in conformity with the federal Single Audit Act of 1984, Public Law 98-502, Title 31, Section (2),v, Chapter 75, U.S.C.

2. If CONTRACTOR is a private non-profit entity, the auditor will meet the independence criteria of Chapter 3, Part 3 of the U.S. General Accounting Office publication, "Standards for Audit of Governmental Organizations, Programs, Activities and Functions".

3. CONTRACTORS who are profit-making entities will be considered to fall under requirements for non-profits for purposes of this contract.

#### XIV. Program Reporting and Payment Requirements.

A. The CONTRACTOR agrees to prepare and furnish such plans, data, descriptive information and reports as may be requested by COUNTY in order for COUNTY to perform its monitoring activities as cited in Section XII. of this contract and/or as needed to comply with state or federal requirements. The CONTRACTOR agrees to, and does hereby grant COUNTY and the State Juvenile Services Commission, if applicable, the right to reproduce, use, and disclose all or any part of the reports, data, and technical information furnished to COUNTY under this contract consistent with ORS 179.505.

B. Subcontract funds will generally be paid in equal monthly allotments of annual contract amounts, adjusted periodically to reflect:

1. increases or decreases in contract amounts;
2. underexpenditures of reimbursement-based contract amounts.

Exceptions to the monthly allotment system will be fee-for-service type contracts, which will be paid based on service billings at rates specified on page one of this contract.

#### C. Required Fiscal Reports

##### 1. Monthly Allotment Basis of Payment

CONTRACTOR agrees to submit the following required fiscal reports in order to obtain monthly contract allotments. Each funded service element must be reported separately:

a. Monthly Expenditure Reports: Due 20th of month following incurred expenditures;

b. Quarterly Year-to-Date Budget Comparisons: Due 20th of month following each calendar quarter;

c. Annual Budget: Initial annual budget due within thirty (30) days of COUNTY's receipt of executed contract; Revised annual budget(s) due within thirty (30) days of COUNTY's receipt of executed contract amendment if cumulative YTD changes for that service element exceed 25%.

d. Annual External Audit (if required): Due no later than six (6) months after end of subcontractor's fiscal year. If fiscal year is different than contract period (July-June), CONTRACTOR is required to notify COUNTY in writing of the difference within six (6) months after end of contract year.

Payment of monthly allotments is triggered by receipt by COUNTY of the above required reports. It is the sole responsibility of the CONTRACTOR to submit required reports in order to obtain contract payments.

If required reports are received on time and are complete and correct, COUNTY agrees to process monthly allotments to be received by CONTRACTOR by the 10th of each month.

2. Other Basis of Payment

Contracts based on other than monthly allotment payments (e.g., fee-for-service, etc.) will be paid as specified in the Special Condition of this Contract and are not subject to the above reporting requirements unless so specified.

For all bases of payment, all final billings, budget and expenditure reports affecting contract payments must be received within thirty (30) days after the end of the contract period. Contract payments not triggered or billed within this specified time period will be the sole responsibility of the CONTRACTOR.

Expenditures shall be supported by properly executed payrolls, time records, invoices, contracts, vouchers, orders, and/or any other accounting documents pertaining in whole or in part to the contract, in accordance with generally accepted accounting principals, Oregon Administrative Rules, and applicable federal requirements as specified in Section F. below.

Expenditures shall be segregated by service element within the agency accounting system and so reported on the required fiscal reports.

The CONTRACTOR agrees that fee-for-service billing to the COUNTY for client services will be supported by signed, dated documentation in the client chart for each unit of service billed.

All financial records, including but not limited to books, invoices and statistical records, and supporting documents pertinent to this contract shall be retained for three years from the date of expiration to termination of this contract. If, however any audit questions remain unresolved at the end of this three-year period, all records must be retained until final resolution.

Records involving matters in litigation shall be kept no less than one year after resolution of all litigation, including appeals.

D. Applicability of Required Fiscal Reports

Periodic Contract Reporting: All subcontractors paid on a monthly allotment basis are required to submit monthly expenditure reports, quarterly year-to-date budget comparisons and annual budget(s) for each funded service element, unless exempted by contract.

Annual External Audit: CONTRACTOR is responsible for determining and adhering to applicable audit requirements as detailed in Section I.C.4. of the SSD Subcontractors' Financial Procedures dated September, 1987.

Client Tracking System: CONTRACTOR agrees to prepare and furnish enrollment, service and termination information on Client Tracking System (CTS) forms for all clients when the service funded wholly or in part by COUNTY. CTS data shall be submitted by the 7th working day of each month, or in another manner as prescribed by the COUNTY. Forms shall be completed in accordance with the Oregon Youth Programs Client Tracking System Manual.

CONTRACTORS wishing to determine applicable reporting requirements may contact the Division Fiscal Officer at any time during the contract year.

E. CONTRACTOR agrees to use and maintain accounting policies, practices and procedures and cost allocations consistent with the following:

1. Generally accepted accounting principles as defined by the American Institute of Certified Public Accountants, Inc., as such may change from time to time;

2. Office of Management and Budget (OMB):  
Circulars A-87, A-102 Attachments A-O and A-128 if CONTRACTOR is a governmental entity;  
Circular A-110 and A-122 if CONTRACTOR is a non-governmental entity.

3. Social Services Division Subcontractors' Financial Procedures, dated September, 1987.

There shall be up-to-date accounting records for each service accurately reflecting all revenue by source, all expenses by object of expense, and all assets, liabilities and equities consistent with generally accepted accounting principles and conforming to the requirements in the Social Services Division Financial Procedures, dated September, 1987.

CONTRACTOR will maintain minimal accounting records and written financial policies and procedures as required by Social Services Division Financial Procedures, dated September, 1987.

F. All annual and quarterly budget reports will be submitted with the minimum format and content specified in Section II of the SSD Subcontractors' Financial Procedures, dated September, 1987, and in accordance with OAR 309-13-020.

G. CONTRACTOR will incorporate the above provisions into any subcontracts CONTRACTOR enters into pursuant to the terms of this contract.

XV. Recovery of Funds. Expenditures of the CONTRACTOR may be charged to this contract only if they are: 1) in payment for services performed under this contract; 2) performed in conformance with applicable state and federal regulations and statutes; 3) are in payment of an obligation incurred during the contract period; and 4) are not in excess of 100% of allowable program costs. Recovery of funds will be made in the event of unauthorized expenditures, non-performance of contract conditions, excess payments, payment withholding, or contract termination. Any refunds to the federal government resulting from federal audits of CONTRACTOR's program shall be the sole responsibility of CONTRACTOR. CONTRACTOR agrees to make such payments within twenty (20) working days of receipt of formal notice of disallowance of contract expenditures.

Any COUNTY funds spent for purposes not authorized by this contract shall be deducted from payments or refunded to COUNTY. Payments by COUNTY in excess of authorized amounts shall be deducted from payment or refunded to COUNTY no later than thirty (30) days after: 1) the contract's expiration; or 2) notification by COUNTY. CONTRACTOR shall be responsible for prior contract period overpayments and unrecovered advances provided by COUNTY. Repayment of prior period obligations shall be made by CONTRACTOR in a manner specified by COUNTY. Except when CONTRACTOR is a city, county, state, municipality, or public school district, COUNTY shall be entitled to the legal rate of interest for late payment from the date such payments became delinquent, and in case of litigation to reasonable attorney's fees.

XVI. Budget Transfers. CONTRACTOR may not transfer Social Services Division contract funds from one service element to another without prior written approval of COUNTY.

XVII. Special Federal Requirements. CONTRACTOR agrees to abide by all mandatory standards and policies which relate to energy efficiency and which are contained in the State of Oregon energy conservation plan which was issued in compliance with the Energy Policy and Conservation Act (PL 94-165).

CONTRACTOR additionally shall provide the COUNTY with written assurance upon request that CONTRACTOR will comply with all applicable standards, orders, and requirements issued under Section 306 of the Clean Air Act, Section 508 of the Clean Water Act, Executive Order 11738, and Environmental Protection Agency Regulations, and further, CONTRACTOR agrees to promptly report all infractions to COUNTY.

XVIII. Property Management. CONTRACTOR shall be responsible for all property purchased with operational and/or start-up funds awarded in this contract. All property purchased with operational and/or start-up funds awarded in this contract is the property of the COUNTY and/or the State of Oregon. CONTRACTOR shall meet the following procedural requirements for all such property:

A. Property records shall be maintained accurately and provide for a description of the property; whether the item or property purchased was new or used; manufacturer's serial number; acquisition date and cost; source of the property; percentage of COUNTY and/or State, if applicable, funds used in the purchase of property; and location, use and condition of the property.

B. A control system shall be in effect to insure adequate safeguards to prevent loss, damage, or theft of the property. All such property shall be properly maintained and kept in good condition. Any loss, damage, or theft of the property shall be investigated and fully documented.

C. Upon contract termination, CONTRACTOR agrees to transfer back to COUNTY and/or the State, if applicable, all property purchased with contract funds from this contract as directed by COUNTY and/or the State.

XIX. Retention of Revenue and Earned Interest. All CONTRACTOR fees and third-party reimbursements up to and including the contracted billing limitation, including all amounts paid pursuant to Title XIX of the Social Security Act by the Department of Human Resources, and interest earned on such funds belong to CONTRACTOR provided that such funds are expended for youth services approved by COUNTY.

XX. Withholding of Contract Payments. Notwithstanding any other payment provision of this contract, failure of the CONTRACTOR to submit required reports when due, or failure to perform or document the performance of contracted services, may result in the withholding of payments under this contract. Such withholding shall begin thirty (30) days after written notice is given by COUNTY to the CONTRACTOR. Such withholding of payment for cause, may continue until the CONTRACTOR submits required reports, performs required services, or establishes, to COUNTY's satisfaction, that such failure arose out of causes beyond the control, and without the fault or negligence of the CONTRACTOR.

XXI. Record Maintenance and Confidentiality. CONTRACTOR shall maintain a record for each client who receives services under this contract unless the service precludes delivery of service on a case-by-case basis and client enrollment and reporting in CTS is not required. The record shall contain client identification; problem assessment; treatment, service plan; medical information when appropriate; progress notes including termination summary and an evaluation instrument if designated by COUNTY. Records shall be retained for three years and in accordance with OAR 166-05-000 through 166-40-1050.

CONTRACTOR agrees that all client records shall be kept confidential in accordance with state and federal statutes and rules governing confidentiality.

XXII. Assignment. This contract shall not be assigned by CONTRACTOR without the prior written consent of COUNTY.

XXIII. Amendment.

A. In the event that COUNTY's contract obligation is amended by federal or state initiated change, COUNTY shall amend this contract through written notification of changes sent to CONTRACTOR by mail. CONTRACTOR shall sign amendment and return to COUNTY within twenty (20) working days of receipt of COUNTY's notification document.

B. Any other amendments to the provisions of this agreement, whether COUNTY or CONTRACTOR initiated, shall be reduced to writing and signed by both parties.

XXIV. Termination.

A. Violation of any of the rules, procedures, attachments, or terms of the contract may, at the option of either party, be cause for termination of the contract and, unless and until corrected, of funding support by COUNTY and services by CONTRACTOR, or be cause for placing conditions on said funding and/or services, which may include withholding of funds. Waiver by either party of any violation of this contract shall not prevent said party from invoking the remedies of this paragraph for any succeeding violations of the contract.

B. This contract may be terminated by either party by thirty (30) days written notice to the other party.

C. Immediate amendment or termination by COUNTY may occur under any of the following conditions:

1. Upon notice of denial, revocation, suspension or non-renewal of any license or certificate required by law or regulation to be held by CONTRACTOR to provide a service element under the contract.

2. Upon notice if a CONTRACTOR fails to start up services on the date specified in the contract between COUNTY and CONTRACTOR or if CONTRACTOR fails to continue to provide services for the entire contract period.

3. Upon notice to the COUNTY of evidence that the CONTRACTOR has endangered or is endangering the health and safety of clients/residents, staff or the public.

4. If the Agreement between COUNTY and the State Juvenile Services Commission, if applicable, for provision of youth services is terminated by the State for any reason.

5. Upon evidence of CONTRACTOR's financial instability which COUNTY deems sufficient to jeopardize customary level and/or quality of service.

D. Termination under any provision of this section shall not affect any right, obligation, or liability of CONTRACTOR or COUNTY which accrued prior to such termination.

XXV. Non-Violation of Tax Laws. CONTRACTOR hereby certifies under penalty of perjury that to the best of CONTRACTOR's knowledge, CONTRACTOR is not in violation of any Oregon tax laws described in ORS 305.380(4).

City of Portland

SPECIAL CONDITIONS  
PORTLAND PARKS AND RECREATION

The sum of \$2,500 is to be paid to Tender Loving Care - Think and Try (TLC/TnT) to operate a one week summer camp during the month of July 1989 for a minimum of 50 youth residing in the King neighborhood.

In witness whereof, the parties hereto have caused this Agreement to be executed by their authorized officers.

CONTRACTOR:

MULTNOMAH COUNTY, OREGON:

By \_\_\_\_\_  
Agency Executive Director Date

By Michael Monney 4/24/90  
Program Manager Date

By \_\_\_\_\_  
Agency Board Chairperson Date

By Gary Smith 5/3/90  
Social Services Division Director Date

By \_\_\_\_\_  
Gladys McCoy Date  
Multnomah County Chair

REVIEWED:

LAURENCE KRESSEL, County Counsel  
for Multnomah County, Oregon

By \_\_\_\_\_  
Date



DATE SUBMITTED \_\_\_\_\_

(For Clerk's Use)  
Meeting Date MAY 17 1990  
Agenda No. R-7

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Ratification of IGA

Informal Only\* \_\_\_\_\_ (Date) \_\_\_\_\_ Formal Only \_\_\_\_\_ (Date) \_\_\_\_\_

DEPARTMENT Human Services DIVISION Social Services

CONTACT Susan Clark TELEPHONE 248-3691

\*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Duane Zussy

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

This contract amendment is the result of High School Transfer funds awarded to the Developmental Disabilities Program Office from the State of Oregon Mental Health Division. The funds will be used to serve four new clients at Portland Employment Project-PCC.

5/17/90 Originals to Susan Clark

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☐ RATIFICATION

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA \_\_\_\_\_

IMPACT:

PERSONNEL

☒ FISCAL/BUDGETARY Increases Org. 1258 \$4,786.20

☐ -General Fund

Other \_\_\_\_\_

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Duane Zussy

BUDGET / PERSONNEL /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) [Signature]

OTHER \_\_\_\_\_  
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

CLERK OF  
COUNTY OF  
OREGON  
1990 MAY - 3 11 10 22



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES  
SOCIAL AND FAMILY SERVICES DIVISION  
ADMINISTRATIVE OFFICES  
426 S.W. STARK ST., 6TH FLOOR  
PORTLAND, OREGON 97204  
(503) 248-3691

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY • CHAIR OF THE BOARD  
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER  
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER  
RICK BAUMAN • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

## MEMORANDUM

TO: Gladys McCoy  
Multnomah County Chair

VIA: Duane Zussy *Duane Zussy (use)*  
Director, Department of Human Services

FROM: Gary Smith *DS*  
Director, Social Services

DATE: April 24, 1990

SUBJECT: Recommendation to Approve Portland Employment Project Amendment #1.

RETROACTIVE STATUS: This amendment is retroactive because of delays in receiving State Mental Health Division amendment #23 appropriating the changes. Although the change is effective April 1, 1990, Social Services Division did not receive the amendment from the state until April 9, 1990.

RECOMMENDATION: Social Services Division recommends County Chair approval of amendment #1 between the DD Program Office and Portland Employment Project for the period April 1, 1990 through June 30, 1990.

BACKGROUND/ANALYSIS: Supported Employment (DD43) increases for four new clients for a net increase of \$4,786.20 with a new service element total of \$119,655.00. The new contract total is \$129,855.60.

This increase is the result of High School Transfer funds awarded from the State Mental Health Division.

[PEP1]

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 100990Amendment # 1

<b>CLASS I</b> <input type="checkbox"/> Professional Services under \$10,000	<b>CLASS II</b> <input type="checkbox"/> Professional Services over \$10,000 (RFP, Exemption) <input type="checkbox"/> PCR Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<b>CLASS III</b> <input checked="" type="checkbox"/> Intergovernmental Agreement <div style="text-align: center;"><b>RATIFIED</b></div> <div style="text-align: center;"><b>Multnomah County Board of Commissioners</b></div> <div style="text-align: center;">R-7      May 17, 1990</div>
---	--	--

Contact Person Susan Clark Phone 248-3691 Date 4/23/90

Department Human Services Division Social Services Bldg/Room 160/6

Description of Contract Supported Employment (DD43) increases \$4,786.20 to serve four clients. Funds are allocated in State Mental Health Division amendment #23.

RFP/BID # Exempt-IGA Date of RFP/BID \_\_\_\_\_ Exemption Exp. Date \_\_\_\_\_

ORS/AR # \_\_\_\_\_ Contractor is ☐ MBE ☐ WBE ☐ QRF

Contractor Name Portland Employment Project PCC

Mailing Address 12000 SW 49th  
Portland, OR 97219

Phone 244-6111

Employer ID # or SS # 93-0575187

Effective Date April 1, 1990

Termination Date June 30, 1990

Original Contract Amount \$ 125,069.40

Amount of Amendment \$ 4,786.20

Total Amount of Agreement \$ 129,855.60

**Payment Term**

☐ Lump Sum \$ \_\_\_\_\_

☒ Monthly \$ Allotment

☐ Other \$ \_\_\_\_\_

☐ Requirements contract - Requisition required.

Purchase Order No. \_\_\_\_\_

☐ Requirements Not to Exceed \$ \_\_\_\_\_

**REQUIRED SIGNATURES:**

Department Manager Diane Tussy

Purchasing Director \_\_\_\_\_  
 (Class II Contracts Only)

County Counsel [Signature]

County Chair/Sheriff [Signature]

Date 4/30/90

Date \_\_\_\_\_

Date 5.3.90

Date 5/17/90

VENDOR CODE			VENDOR NAME						TOTAL AMOUNT	\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC IND
01.	156	010	1258		DD43	6060		1243		4,786.20	
02.											
03.											

INSTRUCTIONS ON REVERSE SIDE

WHITE - PURCHASING

CANARY - INITIATOR

PINK - CLERK OF THE BOARD

GREEN - FINANCE

MULTNOMAH COUNTY SOCIAL SERVICES DIVISION  
CONTRACT AMENDMENT NUMBER 1

DURATION FROM: 04/01/90 TO: 06/30/90  
CONTRACTOR NAME: PORTLAND EMPLOYMENT PROJECT - PCC  
CONTRACTOR ADDRESS: 12000 S.W. 49TH  
PORTLAND OR 97219

TELEPHONE: 244-6111  
IRS NO.: 93-0575187

This AMENDMENT to the Contract for Social Services is made between:

The Multnomah County Social Services Division, referred to as the COUNTY, and  
PORTLAND EMPLOYMENT PROJECT - PCC, referred to as the CONTRACTOR.

It is understood by the parties that all conditions and agreements in the original  
Contract not superseded by this AMENDMENT are still in force and apply to this  
AMENDMENT.

PART I - Financial Summary

DATE: 04/04/90

Service Element	Funding Source	Original Amount	Increase (Decrease)	Revised Amount	Payment Basis
1.) DD40 WAC - SMHD Work Activity Center		\$5,944.20	\$0.00	\$5,944.20	Monthly Allotment per Contracted Slots
2.) DD42 SSP - SMHD Sheltered Services Program		\$4,256.40	\$0.00	\$4,256.40	Monthly Allotment per Daily Utilization
3.) DD43 SEP - SMHD Supported Employment Program		\$114,868.80	\$4,786.20	\$119,655.00	Monthly Allotment per Enrolled Clients
TOTALS:		\$125,069.40	\$4,786.20	\$129,855.60	

Above amounts are subject to the Notes and Special Conditions in Part II below.

Multnomah County Social Services Division  
Contract AMENDMENT Number 1

CONTRACTOR:  
PORTLAND EMPLOYMENT PROJECT - PCC

DATE: 04/04/90

---

Part II - Notes and Special Conditions

---

Notes:

---

- 3.) DD43 SEP Supported Employment Program funding is increased by the addition of four clients.  
for the period 4/1/90 through 6/30/90. The additions are HST funded.

Special Conditions:

---

All existing Special Conditions remain in effect, and the following are added:

NONE

CONTRACTOR: PORTLAND EMPLOYMENT PROJECT - PCC  
Amendment #1

In witness whereof, the parties hereto have caused this Agreement to be  
executed by their authorized officers.

CONTRACTOR:

MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Agency Executive Director Date

By Tom Minahan 4-10-90  
Program Manager Date

By \_\_\_\_\_  
Agency Board Chairperson Date

By Darryl W. Smith 4/25/90  
Social Services Division Director Date

By Gladys McCoy 5/17/90  
Gladys McCoy Date  
Multnomah County Chair

**RATIFIED**  
Multnomah County Board  
of Commissioners  
May 17, 1990

REVIEWED:

Laurence Kressel, County Counsel  
for Multnomah County, Oregon

By [Signature] 5.3.90  
Date

Meeting Date: MAY 17 1990

Agenda No.: R-8

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: INTERGOVERNMENTAL AGREEMENT (CPA)

BCC Informal MAY 15, 1990  
(date)

BCC Formal MAY 17, 1990  
(date)

DEPARTMENT JUSTICE SERVICES

DIVISION ADMINISTRATION OWTS

CONTACT JOANNE FULLER

TELEPHONE 248-6629

PERSON(S) MAKING PRESENTATION JOANNE FULLER

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10 MINUTES

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

APPROVAL OF INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PORTLAND PROVIDING FOR JOINT FUNDING OF THE COUNCIL FOR PROSTITUTION ALTERNATIVES. IGA PROVIDES FOR COUNTY TO TRANSFER \$86,100 TO PORTLAND FOR COUNTY'S PORTION OF JOINT FUNDING ON EXECUTION OF THE IGA.

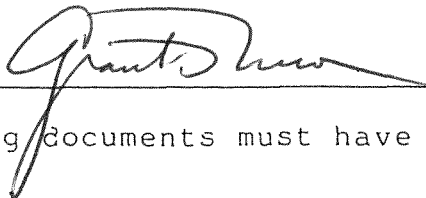
5/17/90 originals to Joanne fuller

(If space is inadequate, please use other side)

SIGNATURES:

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

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUSTICE SERVICES  
610 S.W. ALDER, SUITE 515  
PORTLAND, OREGON 97205  
(503) 248-3701

GLADYS McCOY  
COUNTY CHAIR

## M E M O R A N D U M

TO: County Council

FROM: Joanne Fuller, Program Supervisor  
Office of Women's Transition Services

DATE: April 16, 1990

SUBJECT: Retro Contract # 201450

Due to a lack of paperwork received by this office we have not been able to submit this contract for payment.





CITY OF  
**PORTLAND, OREGON**

OFFICE OF CITY AUDITOR

Barbara Clark, City Auditor  
Council/Contracts Division  
1220 S.W. 5th, Rm. 202  
Portland, Oregon 97204  
(503) 248-4082

May 4, 1990

GLADYS MCCOY ✓  
MULTNOMAH COUNTY CHAIR  
1021 S.W. 4th, ROOM 134  
PORTLAND, OREGON 97204  
5/7/90

Gladys McCoy, Charirman  
Board of County Commissioners  
1021 SW Fourth, Room 134  
Portland, OR 97204


Dear Sir/Madam:

Enclosed are triplicate copies of the Intergovernmental Agreement for Operation of the Council for Prostitution Alternatives, as authorized by Ordinance No. 162979.

Please have all three copies of the agreement signed by the proper person and return them to the Auditor, Room 202, City Hall, Portland, 97204. The person signing must give his or her title.

After all copies have been executed by the City officials, one copy will be returned to you.

Sincerley,

  
Gail Thompson  
Deputy Auditor

GT:tm  
Encls.

## CONTRACT APPROVAL FORM

## TYPE I

- Amendment # \_\_\_\_\_ to Contract # \_\_\_\_\_

## TYPE II

- Amendment # \_\_\_\_\_ to Contract # \_\_\_\_\_

Date 5/17/90

TRANSACTION CODE		P.O.		AGENCY		PO DATE		m m d d y y		ACCOUNTING PERIOD		m m y y		BUDGET FY		y y		ACTION <input type="checkbox"/> Original Entry (E) <input type="checkbox"/> Adjustment (M)	
VENDOR CODE				VENDOR NAME										TOTAL AMOUNT		\$ 36,100.00			
				Council for Prostitution Alternatives															
LINE NO.	CONTRACT NUMBER	FUND	AGENCY	ORGANIZATION	ACTIVITY	OBJECT	SUB OBJ	REPT CATEG	DESCRIPTION							AMOUNT		INC/DEC IND	
01	201450	100	020	2104		5050										\$36,100.00			
																\$			
																\$			
																\$			

INTERGOVERNMENTAL AGREEMENT FOR OPERATION  
OF THE COUNCIL FOR PROSTITUTION ALTERNATIVES

SECTION I: INTRODUCTION

This Agreement is between the City of Portland, hereinafter called the "City," and Multnomah County, hereinafter called the "County." This Agreement, subject to execution by all parties, will be in effect from July 1, 1989 to June 30, 1990, or until it is terminated or replaced.

SECTION II: RECITALS

- A. WHEREAS, prostitution is a serious community problem in the City and the County; and
- B. WHEREAS, when the City Council adopted 14.08.025 of the City Code requiring mandatory jail sentences for people arrested for prostitution, Council recognized the need for alternatives for prostitutes.
- C. WHEREAS, representatives from the City and County met with agencies and organizations which help prostitutes. Out of these meetings the Council for Prostitution Alternatives was created.
- D. WHEREAS, the Council for Prostitution Alternatives identified a lack of resources, communications, and coordination as barriers to helping prostitutes change their lives, and therefore developed a structure and a plan for increasing both resources and coordination. The plan included hiring a coordinator, establishing a service fund, and developing resources for case management.
- E. WHEREAS, the City is interested in helping rehabilitate prostitutes and thereby decreasing the problems to the City associated with prostitution by using the \$93,000 from the General Fund in fiscal year 89-90 to fund the Council for Prostitution Alternatives.
- F. WHEREAS, the County is interested in helping to rehabilitate prostitutes and thereby decrease the problems to the County associated with prostitution by providing \$86,100 in fiscal year 89-90 to fund the Council for Prostitution Alternatives.
- G. THEREFORE, the City and the County agree as follows:

**AGREED/CITY AND COUNTY**

SECTION III: FUNDING

- A. The funds for the Council for Prostitution Alternatives will be administered by the City Bureau of Community Development.
- B. County funds will be combined with City funds to be used for case management services, a service fund for program participants, and for the operating expenses of the Council for Prostitution Alternatives, Inc.

SECTION IV: COMPENSATION - METHOD OF PAYMENT: The County will transfer to the City \$86,100 upon approval of this Agreement.

SECTION V: TERM OF AGREEMENT: This Agreement shall commence July 1, 1989 and continue until June 30, 1990, or until terminated or replaced.

SECTION VI: TERMINATION: This Agreement may be terminated by mutual consent, upon 60-days written notice by either party delivered to the designated contact person, or automatically in the event of termination of the contract between the City and the Council for Prostitution Alternatives.

SECTION VII: REFUND ON EARLY TERMINATION: In the event of early termination the City shall refund to the County the pro rata share of the County's payment representing the part of the fiscal year remaining after a termination is effective.

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

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 1990.

CITY OF PORTLAND

MULTNOMAH COUNTY, OREGON

By: \_\_\_\_\_  
Mayor J.E. Bud Clark

By: Gladys McLaughlin  
Multnomah County Chair

By: \_\_\_\_\_  
City Auditor

**RATIFIED**  
Multnomah County Board  
of Commissioners  
May 17, 1990

APPROVED AS TO FORM

By: Thomas J. Deery  
City Attorney

Date: 4-27-90

By: [Signature]  
County Counsel

Date: 5-10-90

ORDINANCE NO. **162979**

\* Contract with Multnomah County for funding the Council for Prostitution Alternatives (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. When the City Council adopted 14.08.025 of the City Code requiring mandatory jail sentences for people arrested for prostitution, Council recognized the need for alternatives for prostitutes.
2. Representatives from the City of Portland and Multnomah County met with agencies and organizations which help prostitutes. Out of these meetings the Council for Prostitution Alternatives was created.
3. The Council for Prostitution Alternatives identified a lack of resources, communication, and coordination as barriers to helping prostitutes change their lives, and therefore developed a structure and a plan for increasing both resources and coordination. The plan included hiring a coordinator, establishing a service fund, and developing resources for case management.
4. The City is interested in helping rehabilitate prostitutes and thereby decreasing the problems to the City associated with prostitution by using \$93,000 from the General Fund in fiscal year 89-90 to fund the Council for Prostitution Alternatives.
5. The County is interested in helping to rehabilitate prostitutes and thereby decrease the problems to the County associated with prostitution by providing \$86,100 in fiscal year 89-90 to fund the Council for Prostitution Alternatives.

NOW, THEREFORE, the Council directs:

- a. The Mayor and the Auditor are hereby authorized to execute, on behalf of the City, and Agreement with Multnomah County for funding the Council for Prostitution Alternatives for the period of July 1, 1989, through June 30, 1990.

## ORDINANCE No.

Section 2. The Council declares that an emergency exists because enactment of this ordinance will result in the timely provision of services and continuation of the program; therefore, this Ordinance shall be in force and effect from and after its passage by the Council.

1990

Passed by the Council, MAY 02 1990

Mayor J.E. Bud Clark  
Barbara Madigan  
April 27, 1990

**BARBARA CLARK**

Auditor of the City of Portland

By *Mary Flanagan* Deputy

MAY 17 1990

MAY 10 1990

R-9

Meeting Date: \_\_\_\_\_

Agenda No.: R-14

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Ordinance establishing Department of Community Corrections

BCC Informal May 8, 1990 BCC Formal May 10, 1990  
(date) (date)

DEPARTMENT BCC DIVISION Commissioner Kafoury

CONTACT Ramsay Weit TELEPHONE 248-5275

PERSON(S) MAKING PRESENTATION Ramsay Weit/L. Kressel

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: \_\_\_\_\_

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: \_\_\_\_\_

BRIEF SUMMARY (include statement of rationale for action requested,  
as well as personnel and fiscal/budgetary impacts, if applicable):

Ordinance establishing Department of Community Corrections.

*Continued to 5/22/90*

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL *Ortelus Kafay*

Or

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

(All accompanying documents must have required signatures)

1990 MAY 12 PM 2:00  
CLERK OF SUPERIOR COURT  
OREGON

#1

NAME ALAN UNKELES Date 5/8/90  
ADDRESS 4915 SW 42nd  
Street PORTLAND OR 97224  
City Zip

I wish to speak on Agenda Item # ORD. R-9  
Subject Justice Reorg.  
☒ FOR ☒ AGAINST

PLEASE WRITE LEGIBLY!





# MULTNOMAH COUNTY OREGON

\* R-9  
5/17/90

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

BOARD OF COUNTY COMMISSIONERS  
GLADYS McCOY, CHAIR  
PAULINE ANDERSON  
RICK BAUMAN  
GRETCHEN KAFOURY  
SHARRON KELLEY

## M E M O R A N D U M

TO: Clerk of the Board  
Board of County Commissioners (101/606)

FROM: Larry Kressel  
County Counsel (106/1530)

DATE: May 10, 1990

RE: Ordinance Establishing Department of  
Community Corrections

COUNTY COUNSEL  
LAURENCE KRESSEL  
CHIEF ASSISTANT  
JOHN L. DU BAY  
ASSISTANTS  
SANDRA N. DUFFY  
J. MICHAEL DOYLE  
GERALD H. ITKIN  
H. H. LAZENBY, JR.  
PAUL G. MACKEY  
MATTHEW O. RYAN  
MARK B. WILLIAMS

Here is a revised page 4 of the ordinance establishing the Department of Community Corrections. The revision incorporates amendments made by the Board at the first reading (5/9/90). Please distribute this.

This version of page is identified by "5/9/90:1" on the bottom of the page.

1ATTY.162/mw

1990 MAY 11 11:13 AM  
CLERK OF COUNTY  
OREGON

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Multnomah County Code Chapter 2.20 replacing the Department of Justice Services with the Department of Community Corrections and repealing Ordinance No. 621 (Office of Justice Planning).

Multnomah County ordains as follows:

Section I. Purpose

A. Multnomah County endorses a justice system which provides a continuum of sanctions and treatments tailored to the needs and risk presented by the offender.

B. Maximum effectiveness of non-custodian programs will be enhanced by maintaining the organizational independence of those activities.

C. Integration of probation and parole supervision, alternative sanctions, and treatment services under the department director who <sup>MAY SERVE</sup> ~~also serves~~ as the community corrections manager best serves the goals of community corrections and the administration of non-custodial programs.

D. Citizen oversight of non-custodial justice programs is provided by the Community Corrections Advisory Committee which reports to the Chair and the Board of County Commissioners.

Page

1 E. The necessary organizational structure will be in place  
2 to implement assumption by the county of state responsibilities  
3 in probation and parole supervision should that decision be  
4 made.

5 F. Effective justice planning will be aided by timely  
6 collection, analysis, and presentation of data from the law  
7 enforcement and corrections community.

8 G. The department director will be an active participant  
9 with other law enforcement officials in the development of  
10 criminal justice policy.

11  
12 Section II. Findings

13 A. Over the last three to four years, the Board of County  
14 Commissioners has considered numerous proposals to reorganize  
15 the Department of Justice Services.

16 B. Options presented by these plans included relocation of  
17 the department into the Department of Human Services or the  
18 sheriff's office and the creation of a new Office of Justice  
19 Planning.

20 C. None of the proposals to date has been adopted and none  
21 considered internal reorganization of the department.

22 D. The department has had three directors in four years.

23 E. The Community Corrections Division has experienced  
24 continued growth with a resulting expansion of authority in the  
25 Community Corrections Division manager.

26 F. Discussions continue with the State Corrections

1 Division on an Option 1 plan for probation and parole which  
2 could result in the influx of 130 new employees.

3 G. An Office of Women's Transition Services has been  
4 established.

5 H. The Board of Commissioners has expressed a need for a  
6 coordinated flow of justice information as envisioned in the  
7 Office of Justice Planning which was created but never  
8 implemented.

9 I. The staff proposal dated March 20, 1990 best reflects  
10 the intentions of the majority of the Board of Commissioners to  
11 create a Department of Community Corrections, including:

12 Current Community Corrections Division programs;  
13 County Probation Services;  
14 Office of Women's Transition Services;  
15 Medical Examiner;  
16 Family Services Division;  
17 Integrated Justice Information System (ICJIS);  
18 Justice Program Evaluation.

19 Section III. Amendment

20 MCC 2.30.300 is amended to read:

21 2.30.00 Department of [Justice  
22 Services] Community Corrections. The  
23 Department of Community Corrections [Justice  
24 Services] is established. It shall:

25 (A) Develop, administer and evaluate  
26 adult non-custodial corrections programs and  
community supervision and sanction  
strategies which stress community  
protection, treatment and rehabilitation;

(B) Develop, administer and evaluate  
adult surveillance and supervision services  
in Multnomah County;

(C) Administer the Family Services  
Program;

1 (D) Administer the Medical Examiner's  
2 Office.

3 (E) Coordinate the various components  
4 of the Multnomah County criminal justice  
5 system, consistent with the legal  
6 responsibilities of elected officials and  
7 the separation of the branches of government;

8 (F) Monitor and coordinate the  
9 implementation of a uniform, integrated  
10 criminal justice information and data  
11 analysis system;

12 (G) Develop and provide accurate and  
13 uniform criminal justice information and  
14 data analysis to the County Chair, the Board  
15 of Commissioners and the Justice  
16 Coordinating Council;

17 (H) In cooperation with the district  
18 attorney and sheriff, assist the Board of  
19 Commissioners in developing and implementing  
20 county-wide criminal justice policies. The  
21 district attorney and the sheriff retain  
22 operational policy authority for their  
23 offices;

24 (I) Prepare, and advise the Chair and  
25 Board of Commissioners concerning fiscal  
26 analyses of annual budgets and budget  
modifications of the department, the  
sheriff's office, and the district  
attorney's office for furtherance of the  
Board's criminal justice policies. The  
sheriff and the district attorney shall  
retain their independence to develop and  
present their budgets to the Chair and the  
Board of County Commissioners.

(J) Review, and advise the Chair and  
the Board of Commissioners regarding grants  
proposals and requests for outside funding  
by the department, the sheriff's office and  
the district attorney's office to ensure  
that the funding obtained by one agency does  
not impact negatively on others. The  
sheriff and the district attorney retain  
their independence to seek grants and  
outside funding, subject to the Chair's and  
Board of Commissioners' contract approval  
authority.

(K) Coordinate and staff the activities of the Justice Coordinating Council.

(L) [(E)] Justice Coordinating Council. The Justice Services Coordinating Council is established to provide assistance to the Office of Administration and Planning of the Department of [Justice Services] Community Corrections.

(1) Policy and purpose. The Board of County Commissioners finds that the local Justice Services system would be more effectively coordinated by the addition of a council of elected and appointed officials and citizens.

(2) Membership and staff. The Council shall consist of 18 members appointed by the County [Executive] Chair and approved by the Board of County Commissioners. Members appointed under subsection (a) and (c) of this section shall serve two year terms and be eligible for reappointment. Members serving in the designated positions of (b) and (d) shall be permanent appointments. If the designated position becomes vacant, the person assuming the position shall automatically be a member.

(a) Five members, to be selected from areas such as mental health, social services, the health professions, labor, business, minorities, and the religious communities.

(b) Eleven members of the criminal justice system;

(i) The Corrections Chief of the Multnomah County Sheriff's Office;

(ii) The Multnomah County District Attorney;

(iii) The Multnomah County Sheriff;

(iv) The Chief of the Portland Police Bureau;

1 (v) The Metropolitan Public  
2 Defender;

3 (vi) The Presiding Judge of the  
4 Multnomah County Circuit Court;

5 (vii) The Presiding Judge of the  
6 Multnomah County District Court;

7 (viii) Director of the Juvenile  
8 Court;

9 (ix) The Regional Chief of State  
10 Probation and Parole in Multnomah County;

11 (x) The Director of the Multnomah  
12 County Probation Services Division;

13 (xi) Chairperson of the Multnomah  
14 County Community Corrections Advisory  
15 Committee;

16 (c) One member of the private bar;

17 (d) The Director of the Social  
18 Services Division of the Multnomah County  
19 Department of Human Services;

20 (e) The chairperson and vice  
21 chairperson of the Council shall be elected  
22 by members of the Council for a term of one  
23 year. The vice chairperson will preside in  
24 the absence of the chairperson. Members  
25 representing the criminal justice system  
26 shall not be eligible to serve as  
chairperson. Members may send a designee to  
all Justice Coordinating Council meetings in  
case of member's unavoidable absence. The  
designee shall be eligible to vote.

(3) Meetings. The Council will be  
convened monthly on a regular schedule as  
established by the chairperson.

(4) Staffing and budget.

(a) The Council shall be supported by  
staff of the Multnomah County Department of  
[Justice Services] Community Corrections.

1 (5) Duties and responsibilities.

2 (a) The Council will provide the  
3 opportunity for advance notification to  
4 justice system decision makers of proposed  
policy or procedure changes by other system  
participants.

5 (b) The Council will provide a  
6 mechanism for undertaking and coordinating  
7 policy research and demonstration activities  
8 and will enhance the return on research and  
demonstration project investments by  
allowing system decision makers greater  
opportunity for information exchange.

9 (c) The Council shall examine and  
10 advise the executive and legislative  
11 branches about custodial supervision ranging  
12 from low to high in both institutional and  
non-institutional settings and will assist  
in the development of a system for placement  
of justice system clients.

13 (d) The Council shall make  
14 recommendations to the Department of  
15 [Justice Services] Community Corrections and  
16 regular reports to the Board of County  
Commissioners and County [Executive] Chair  
on all matters affecting Multnomah County  
Criminal Justice Programs; including:

17 (i) System coordination;

18 (ii) Policy planning and  
19 research, and experimentation in all areas  
of justice system operations;

20 (iii) Jail space;

21 (iv) Alternative correctional  
space;

22 (v) Criminal justice legislative  
23 packages;

24 (vi) Criminal justice  
administrative policy;

25 (vii) Law enforcement,  
26 prosecution, public defender, courts; and



(viii) Coordination, preparation,  
and submission of budget recommendations.

(6) Coordination. The Council shall  
have an advisory role to the Department of  
[Justice Services] Community Corrections,  
Board of County Commissioners and the County  
Chair.

Section II. Substitution of "Community Corrections for  
"Justice Services".

On and after the effective date of this ordinance, all  
references to the Department of Justice Services in the laws of  
Multnomah County shall mean the Department of Community  
~~SERVICES~~  
<sup>CORRECTIONS</sup>  
Services.

Section III. Repeal.

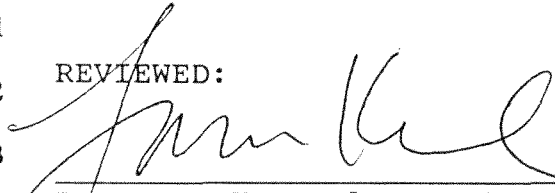
Ordinance No. 621 (Office of Justice Planning) is repealed.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_,  
1990, being the date of its \_\_\_\_\_ reading before the Board  
of County Commissioners of Multnomah County.

(SEAL)

By \_\_\_\_\_  
Gladys McCoy, Chair  
Multnomah County, Oregon

REVIEWED:

  
\_\_\_\_\_  
Laurence Kressel, County Counsel  
of Multnomah County, Oregon

05/03/90:1  
1ATTY.148/mw

Page

MAY 17 1990

R-10

Meeting Date:

MAY 10 1990

Agenda No.:

R-15

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

SUBJECT: Multnomah County Public Library Ordinance

BCC Informal

(date)

BCC Formal

5/10/90

(date)

DEPARTMENT Nondepartmental

DIVISION Board of County Commissioners

CONTACT Fred Neal

TELEPHONE 248-3308

PERSON(S) MAKING PRESENTATION Fred Neal, Ginnie Cooper, Margaret Epting

5/18/90 copies to Fred, Ginnie &  
Margaret & Ordinance List

ACTION REQUESTED:

☐ INFORMATIONAL ONLY

☐ POLICY DIRECTION

☒ APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 10 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: XX

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Implements Board Resolution on Library Governance and Library Transfer

Contract with Library Association of Portland. Makes necessary adjustments

to Civil Service ordinance.

\* ORDINANCE AMENDED  
5/10/90 (copy attached)

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL

Gladys McLaughlin

Or

DEPARTMENT MANAGER

(All accompanying documents must have required signatures)

ORDINANCE FACT SHEET

Ordinance Title: Establishment of the Multnomah County Public Library

---

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

Establishes the Multnomah County Library to be a Public Library and a Department of County government. Adjusts existing County Code accordingly and to implement labor negotiations. Creates advisory Library Board.

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

None.

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

This ordinance is modeled after several other Oregon counties and is believed to be consistent with State law.

What is the fiscal impact, if any?

None at this time.

(If space is inadequate, please use other side)

SIGNATURES:

Person Filling Out Form: Fred R. Neal

Planning & Budget Division (if fiscal impact): \_\_\_\_\_

Department Manager/Elected Official: \_\_\_\_\_

BEFORE THE BOARD OF COMMISSIONERS  
FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 649

ESTABLISHMENT OF MULTNOMAH COUNTY PUBLIC LIBRARY

An Ordinance relating to library services, establishing the Multnomah County Public Library, creating an advisory Library Board, making necessary changes to existing County Code and setting an operative date.

The County of Multnomah ordains as follows:

SECTION 1. MULTNOMAH COUNTY PUBLIC LIBRARY ESTABLISHED

- (A) The Multnomah County Library is hereby established under the provisions of ORS 357.400 to 357.621.
- (B) The County will operate the Library under ORS 357.410(1) and as a "Department" under MCC Chapter 2.30. The Library Director shall be a "Director" under MCC 2.30.010.
- (C) The public library shall be financed by general fund monies, library operating revenues, grants, gifts, donations and bequests received and designated to be used for library purposes, and any tax levies that may be authorized by the electors.
- (D) The Multnomah County Public Library shall be the public agency responsible for providing and making fully accessible to all residents in the County of Multnomah library and information

1 services suitable to persons of all ages.

2 SECTION 2. LIBRARY BOARD

3 (A) The Multnomah County Library Board is hereby  
4 created. The board shall consist of 15 members  
5 to be appointed by the Chair subject to approval  
6 by the Board of County Commissioners.

7 (B) The term of office of the board members shall be  
8 4 years and their terms shall commence on July 1  
9 in the year of their appointment. Of the first  
10 15 board members appointed, 3 members shall  
11 initially hold office for 1 year, 4 for 2 years,  
12 4 for 3 years and 4 for 4 years. The County  
13 Chair shall designate the initial individual  
14 terms. At the expiration of the term of any  
15 members of the board, the Chair shall appoint a  
16 new member or may reappoint a member for the term  
17 of 4 years, subject to Board of County  
18 Commissioners approval. If a vacancy occurs  
19 during a term of office, the Chair shall appoint  
20 a new member for the unexpired term, subject to  
21 Board of County Commissioners approval. No  
22 person shall hold appointment as a member for  
23 more than 2 full consecutive terms, but any  
24 person may be appointed again to the board after  
25 an interval of 1 year.  
26

1 (C) Members of the board shall receive no  
2 compensation for their services, but may be  
3 reimbursed for expenses incurred in the  
4 performance of their duties.

5 SECTION 3. BOARD ORGANIZATION

6 (A) The Library Board shall elect a chairperson from  
7 its members.

8 (B) The Library Director shall keep the record of the  
9 board's actions.

10 (C) The board may establish and amend rules for its  
11 procedure consistent with the laws of the State  
12 of Oregon and with the charter, ordinances,  
13 resolutions, and regulations of Multnomah County.

14 (D) The board shall meet at least six times each year  
15 and at such other times as it decides.

16 SECTION 4. LIBRARY BOARD MISSION

17 The Library Board shall promote excellence in library  
18 services and be advocates for a strong and visible library  
19 system. To that end, the board shall actively respond to the  
20 community's changing needs through comprehensive and  
21 visionary planning and uphold the principles of intellectual  
22 freedom and accessible library services for all residents.

23 SECTION 5. LIBRARY BOARD GENERAL POWERS

24 The Library Board shall be an advisory board and shall  
25 have no executive or administrative powers or authority, and  
26 this Ordinance shall not be construed as depriving elected or

1 appointed officials of the County of any power they may have  
2 under the laws of the State or the Charter of the County.

3 The board shall have powers and duties as follows:

4 (A) The Library Board, in coordination with the  
5 Library Director, shall undertake long-range  
6 planning for library services and make  
7 appropriate recommendations to the Board of  
8 County Commissioners. Long-range plans shall  
9 address service needs, budget priorities, stable  
10 public funding, and capital improvements, and  
11 shall be consistent with County, regional, State  
12 and national goals for libraries.

13 (B) The Library Board shall serve as the department's  
14 citizen budget advisory committee,  
15 notwithstanding MCC 2.30.640(G)(3).

16 (C) The Library Board shall actively seek library  
17 funding for materials, capital improvements and  
18 services which County funding, alone, cannot  
19 provide. Furthermore, the Board shall facilitate  
20 the donation of real or personal property or  
21 funds to the Library under Section 6 of this  
22 Ordinance and make recommendations for the  
23 acceptance, use, or expenditure of any real or  
24 personal property or funds so donated.

25 (D) The Library Board shall, upon the request of the  
26 Library Director, respond to concerns about items

1           that are a part of the Library's collection of  
2           books and other library materials as well as  
3           concerns about the Library's materials selection  
4           policy. The Library Director has authority and  
5           reponsibility for the Library's collection of  
6           books and other library materials.

7           (E) The Library Board may advise the County Chair in  
8           the selection of a Library Director.

9           (F) The Library Board may, at the request of the  
10          Library Director, review library policies and  
11          programs for which public comment is appropriate.

12          (G) The Library Board shall review the annual report  
13          of the Library Director to the State Library and  
14          to the Board of County Commissioners.

15       SECTION 6.    ACCEPTANCE OF GIFTS FOR LIBRARY PURPOSES

16           Gifts of any real or personal property or funds  
17           donated to the Library and accepted by the Board of County  
18           Commissioners shall be administered in accordance with each  
19           gift's terms, if any, and all property or funds shall be held  
20           in the name of Multnomah County.

21       SECTION 7.   INTERNAL ADMINISTRATIVE POLICIES AND PROCEDURES

22           The Multnomah County Public Library shall operate in  
23           conformance with County administrative procedures including  
24           those pertaining to the following:

25           (A) Personnel, including recruitment, selection,  
26           classification and pay for library personnel.



- 1 (B) Receipt, disbursement, and accounting for monies.  
2 (C) Maintenance of general books, cost accounting  
3 records, and other financial documents.  
4 (D) Budget administration.  
5 (E) Operation and maintenance of equipment and  
6 buildings.

7 SECTION 8. PROHIBITED ACTIONS AND PENALTIES

- 8 (A) It shall be unlawful for any person to wilfully  
9 or maliciously detain any library materials  
10 belonging to the Multnomah County Public Library  
11 for 30 days after notice in writing from the  
12 Library Director that the library material is  
13 past due.  
14 (B) Violation for wilful detention of library  
15 materials is punishable upon conviction by a fine  
16 of not less than \$25 nor more than \$250.  
17 Conviction and payment of the fine shall not be  
18 construed to constitute payment for library  
19 material, nor shall a person convicted under this  
20 Section be thereby relieved of any obligation to  
21 return the material to the library.

22 SECTION 9. MCC 2.30.100 is amended to read:

23 "2.30.100 Department of Human Services. The Department of  
24 Human Services is established. It shall:

- 25 (A) Provide the services and perform their duties  
26

1 imposed by state law on the local Health Officer, public  
2 guardian and medical investigator;

3 (B) Provide community health care;

4 (C) Provide those health related services  
5 prescribed by state law;

6 [(D) Provide library services;]

7 [(E)](D) Provide county services relating to  
8 veterans' assistance, community action programs, food stamp  
9 programs, councils on aging, human relation commissions,  
10 metropolitan youth commissions, and other programs  
11 administered by state, local, or private agencies relating to  
12 the health and welfare of the people of Multnomah County; and

13 [(F)](E) Provide vector control programs and  
14 facilities."

15 Section 10. CLASSIFIED EMPLOYEE STATUS

16 (A) Any person who, on June 30, 1990, is an employee of the  
17 Library Association of Portland shall have the status of a  
18 regular employee as defined by MCC 3.10.010 (II), effective  
19 July 1, 1990, with the following exceptions:

20 (1) Any employee who is exempt from Classified Service  
21 as defined in MCC 3.10.100.

22 (2) Any employee regularly scheduled to work less than  
23 twenty (20) hours per week.

24 (3) Any employee working under temporary appointment  
25 as defined by MCC 3.10.225.

26 (4) Any employee hired prior to July 1, 1990, shall

1                   attain regular status only after successful  
2                   completion of the probationary period under the  
3                   terms and conditions of the Library Association  
4                   of Portland personnel policies.

5       (B) Any transferred Library Association of Portland employee  
6       determined to be unclassified shall retain the employee's  
7       return rights to the classified service within the Multnomah  
8       County Public Library for the period July 1, 1990, through  
9       June 30, 1991, according to the Library Association of  
10      Portland personnel policies.

11     (C) The Personnel Officer shall before October 1, 1990,  
12     determine and report to the Board of County Commissioners the  
13     names and positions of all persons entitled to the status of  
14     regular employee by reason of this Section.

15     Section 11. EXEMPT CLASSIFICATION/COMPENSATION

16     (A) The July 1, 1990, salary rates for each exempt Multnomah  
17     County Public Library classification as shown in Exhibit A of  
18     the Ordinance (Library Excmpt Salary Ranges Effective July  
19     1, 1990), which is incorporated by reference, are hereby  
20     adopted. These salary rates shall be adjusted, retroactive  
21     to July 1, 1990, in an amount equal to the percentage  
22     increase in the Portland Consumer Price Index from July 1989  
23     to July 1990 for All Urban Consumers, but no less than 2% or  
24     more than 6%.

25     (B) The Exempt Fringe Benefit Summary as shown in Exhibit B  
26     to Ordinance No. 534, as amended, shall apply to Multnomah

1 County Public Library exempt employees except that no  
2 employee shall suffer a reduction of vacation accrual rate  
3 thereby. Employees whose current vacation accrual rate  
4 exceeds that afforded in Exhibit B, Vacation Leave (A)  
5 Accrual, shall retain the higher accrual rate.

6 (C) The Library Association of Portland policies and  
7 procedures governing salary administration for exempt  
8 employees shall remain in full force and effect for the  
9 period July 1, 1990, through June 30, 1991, and shall apply  
10 to Multnomah County Public Library exempt employees for that  
11 period.

12 SECTION 12. OPERATIVE DATE

13 Sections 1 and 3 through 8 of this Ordinance shall  
14 first be operative July 1, 1990.

15 SECTION 13.

16 Sections 1 to 8 and 10 and 11 are added to and made a  
17 part of MCC Chapter 2.30.

18 ADOPTED this 17th day of May, 1990, being  
19 the date of its second reading before the Board of County  
20 Commissioners of Multnomah County.

21  
22 ( S E A L )

23 By Gladys McCoy  
Gladys McCoy  
Multnomah County, Oregon

24 REVIEWED:

25 LAURENCE KRESSEL, COUNTY COUNSEL

26  
Page 9 of 9 By John L. DuBay

## Exhibit A

## LIBRARY EXEMPT SALARY RANGES

Effective July 1, 1990

	PAY	STEPS					
	1	2	3	4	5	6	7
HUMAN RESOURCES CLERK 1	7.57	7.95	8.34	8.76	9.20	9.66	10.14
HUMAN RESOURCES CLERK 2	8.40	8.82	9.26	9.73	10.21	10.72	11.26
ASST BUILDING & GROUNDS COORD	9.84	10.33	10.84	11.39	11.96	12.56	13.18
BRANCH SUPERVISOR	9.84	10.33	10.84	11.39	11.96	12.56	13.18
COMPUTER ROOM SUPERVISOR	9.84	10.33	10.84	11.39	11.96	12.56	13.18
DEPARTMENT CLERK SUPERVISOR	9.84	10.33	10.84	11.39	11.96	12.56	13.18
HEAD OF OUTREACH SERVICES	9.84	10.33	10.84	11.39	11.96	12.56	13.18
HEAD OF STACK SERVICES	9.84	10.33	10.84	11.39	11.96	12.56	13.18
HUMAN RESOURCES SPECIALIST	9.84	10.33	10.84	11.39	11.96	12.56	13.18
TECHNICAL SERVICES CLERK SUPR	9.84	10.33	10.84	11.39	11.96	12.56	13.18
EXECUTIVE SECRETARY	11.49	12.06	12.67	13.30	13.96	14.66	15.40
ADMINISTRATIVE ASST/CENTRAL	12.59	13.22	13.88	14.58	15.30	16.07	16.87
ASST. DIRECTOR HUMAN RESOURCES	12.59	13.22	13.88	14.58	15.30	16.07	16.87
ASST. DIRECTOR TECHNICAL SVC	12.59	13.22	13.88	14.58	15.30	16.07	16.87
VOLUNTEER COORDINATOR	12.59	13.22	13.88	14.58	15.30	16.07	16.87
DEPARTMENT HEAD 1	12.59	13.22	13.88	14.58	15.30	16.07	16.87
SYSTEMS MANAGER TECHNICAL SVC	12.59	13.22	13.88	14.58	15.30	16.07	16.87
BRANCH HEAD 1	12.59	13.22	13.88	14.58	15.30	16.07	16.87
ACCOUNTING MANAGER	14.41	15.13	15.89	16.68	17.51	18.39	19.31
BRANCH HEAD 2	14.41	15.13	15.59	16.68	17.51	18.39	19.31
DEPARTMENT HEAD 2	14.41	15.13	15.89	16.68	17.51	18.39	19.31
ASST. DIRECTOR EXTENSION SVC	16.23	17.04	17.90	18.79	19.73	20.72	21.75
BUILDING & GROUNDS COORDINATOR	16.23	17.04	17.90	18.79	19.73	20.72	21.75
DEPARTMENT MANAGER	16.23	17.04	17.90	18.79	19.73	20.72	21.75
PUBLIC RELATIONS COORDINATOR	16.23	17.04	17.90	18.79	19.73	20.72	21.75
REGIONAL BRANCH MANAGER	16.23	17.04	17.90	18.79	19.73	20.72	21.75
YOUTH SERVICES COORDINATOR	16.23	17.04	17.90	18.79	19.73	20.72	21.75
CENTRAL LIBRARY DIRECTOR	17.81	18.70	19.63	20.62	21.65	22.73	23.87
EXTENSION SERVICES DIRECTOR	17.81	18.70	19.63	20.62	21.65	22.73	23.87
FINANCE DIRECTOR	17.81	18.70	19.63	20.62	21.65	22.73	23.87
HUMAN RESOURCES DIRECTOR	17.81	18.70	19.63	20.62	21.65	22.73	23.87
TECHNICAL SERVICES DIRECTOR	17.81	18.70	19.63	20.62	21.65	22.73	23.87
LIBRARY DEPUTY DIRECTOR	30.15						
LIBRARY DIRECTOR	34.43						