

ANNOTATED MINUTES

Thursday, July 25, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

Chair Beverly Stein convened the meeting at 9:32 a.m., with Vice-Chair Dan Saltzman, Commissioners Sharron Kelley, and Tanya Collier present, and Commissioner Gary Hansen excused.

CONSENT CALENDAR

**UPON MOTION OF COMMISSIONER KELLEY,
SECONDED BY COMMISSIONER COLLIER, THE
CONSENT CALENDAR (ITEMS C-1 THROUGH C-5)
WAS UNANIMOUSLY APPROVED.**

NON-DEPARTMENTAL

- C-1 Re-Appointments of Johnnie Gage, Vera Katz, Sharron Kelley and Gretchen Kafoury to the MULTNOMAH COUNTY COMMUNITY ACTION COMMISSION
- C-2 Appointment of Debra Downey to the MULTNOMAH COUNTY DUII ADVISORY BOARD

DEPARTMENT OF JUVENILE JUSTICE SERVICES

- C-3 Amendment 3 to Intergovernmental Agreement 103433 with the Oregon Youth Authority, Extending the Contract Term of the Pilot Project Designed to Coordinate Services Between Juvenile Parole and Juvenile Probation as a Result of HB 3438

SHERIFF'S OFFICE

- C-4 Intergovernmental Agreement 800367 with the Oregon State Marine Board, Providing Funding for the Sheriff's Office River Patrol to Conduct Marine Law Enforcement Activities During Fiscal Year 1996-97

DEPARTMENT OF AGING SERVICES

- C-5 Amendment 3 to Intergovernmental Agreement 100145 with Tri-Met, Extending the Contract Term and Adding Funds to Continue Providing Door-to-Door Rides for Frail Elderly Riders Living in Multnomah County

REGULAR AGENDA

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

***DIANNA ROBERTS COMMENTED REGARDING
ADULT CARE HOME RULES.***

DEPARTMENT OF COMMUNITY CORRECTIONS

- R-2 PROCLAMATION Recognizing the Contributions of 21 Employees of the Multnomah County Department of Community Corrections

***COMMISSIONER COLLIER MOVED AND
COMMISSIONER SALTZMAN SECONDED,
APPROVAL OF R-2. DAVE PAUL READ
PROCLAMATION AND INTRODUCED EMPLOYEES.
PROCLAMATION 96-127 UNANIMOUSLY
APPROVED.***

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 CU 7-95/HV 17-95 Report the Hearings Officer Decision DENYING a Conditional Use Permit for a Single Family Dwelling Not Related to Forest Management and a Variance to Side and Rear Yard Setbacks for Property in the Commercial Forest Use Zoning District Located at 13913 NW SKYLINE BLVD, PORTLAND

***AT THE REQUEST OF CHAIR STEIN WHO
ADVISED AN APPEAL WAS FILED, AND UPON
MOTION OF COMMISSIONER COLLIER,
SECONDED BY COMMISSIONER KELLEY, ORDER
96-128 WAS UNANIMOUSLY APPROVED
SCHEDULING A DE NOVO HEARING FOR 9:30 AM,
TUESDAY, AUGUST 27, 1996, WITH TESTIMONY
LIMITED TO 20 MINUTES PER SIDE. COUNSEL
SANDRA DUFFY RESPONSE TO QUESTION OF
CHAIR STEIN.***

NON-DEPARTMENTAL

- R-4 Second Reading and Adoption of an ORDINANCE Amending Multnomah County Code 2.30.640 (G), Relating to Membership and Operation of the Citizen Budget Advisory Committee

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF SECOND READING AND ADOPTION. ORDINANCE 863 UNANIMOUSLY APPROVED.

DEPARTMENT OF HEALTH

- R-5 NOTICE OF INTENT to Respond to a Request for Proposals from the Centers for Disease Control to Fund a Cooperative Agreement Tuberculin Skin Testing Demonstration Project

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-5. JAN POJUADE EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NOTICE OF INTENT UNANIMOUSLY APPROVED.

DEPARTMENT OF JUVENILE JUSTICE SERVICES

- R-6 Intergovernmental Agreement 700476 with Columbia County, Allowing Columbia County the Exclusive Use of One Bed Space in the Juvenile Justice Complex for the Detention of Youth Referred to the Columbia County Juvenile Justice System

COMMISSIONER KELLEY MOVED AND COMMISSIONER COLLIER SECONDED, APPROVAL OF R-6. ELYSE CLAWSON EXPLANATION AND RESPONSE TO BOARD QUESTIONS. AGREEMENT UNANIMOUSLY APPROVED.

PUBLIC CONTRACT REVIEW BOARD

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

R-7

ORDER Authorizing an Exemption from the Formal Competitive Bid Process to Contract with The Friends of the Multnomah County Library for Operation of a Retail Store at the Central Library

COMMISSIONER SALTZMAN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-7. FRANNA HATHAWAY AND LEO MacLEOD EXPLANATION AND RESPONSE TO BOARD QUESTIONS. ORDER 96-129 UNANIMOUSLY APPROVED.

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

The regular meeting was adjourned at 9:50 a.m. and the briefing convened at 9:55 a.m.

Thursday, July 25, 1996 - 9:50 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

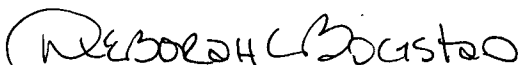
BOARD BRIEFING

B-1 Report on the Faces and Voices of Violence in Multnomah County. Presented by Health Officer Dr. Gary Oxman and Violence Prevention Program Coordinator Linda Jaramillo.

**GARY OXMAN AND LINDA JARAMILLO
PRESENTATION AND RESPONSE TO BOARD
QUESTIONS AND DISCUSSION.**

There being no further business, the meeting was adjourned at 11:15 a.m.

OFFICE OF THE BOARD CLERK
FOR MULTNOMAH COUNTY, OREGON


Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

OFFICE OF THE BOARD CLERK
SUITE 1510, PORTLAND BUILDING
1120 SW FIFTH AVENUE
PORTLAND, OREGON 97204
CLERK'S OFFICE • 248-3277 • 248-5222
FAX • (503) 248-5262

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

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

JULY 22, 1996 - JULY 26, 1996

Thursday, July 25, 1996 - 9:30 AM - Regular Meeting.....Page 2

Thursday, July 25, 1996 - 9:50 AM - Board Briefing.....Page 4

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

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

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community Television

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

AN EQUAL OPPORTUNITY EMPLOYER

Thursday, July 25, 1996 - 9:30 AM
Multnomah County Courthouse, Room 602
1021 SW Fourth, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 *Re-Appointments of Johnnie Gage, Vera Katz, Sharron Kelley and Gretchen Kafoury to the MULTNOMAH COUNTY COMMUNITY ACTION COMMISSION*
- C-2 *Appointment of Debra Downey to the MULTNOMAH COUNTY DUII ADVISORY BOARD*

DEPARTMENT OF JUVENILE JUSTICE SERVICES

- C-3 *Amendment 3 to Intergovernmental Agreement 103433 with the Oregon Youth Authority, Extending the Contract Term of the Pilot Project Designed to Coordinate Services Between Juvenile Parole and Juvenile Probation as a Result of HB 3438*

SHERIFF'S OFFICE

- C-4 *Intergovernmental Agreement 800367 with the Oregon State Marine Board, Providing Funding for the Sheriff's Office River Patrol to Conduct Marine Law Enforcement Activities During Fiscal Year 1996-97*

DEPARTMENT OF AGING SERVICES

- C-5 *Amendment 3 to Intergovernmental Agreement 100145 with Tri-Met, Extending the Contract Term and Adding Funds to Continue Providing Door-to-Door Rides for Frail Elderly Riders Living in Multnomah County*

REGULAR AGENDA

PUBLIC COMMENT

- R-1 *Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.*

DEPARTMENT OF COMMUNITY CORRECTIONS

- R-2 *PROCLAMATION Recognizing the Contributions of 21 Employees of the Multnomah County Department of Community Corrections*

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-3 *CU 7-95/HV 17-95 Report the Hearings Officer Decision DENYING a Conditional Use Permit for a Single Family Dwelling Not Related to Forest Management and a Variance to Side and Rear Yard Setbacks for Property in the Commercial Forest Use Zoning District Located at 13913 NW SKYLINE BLVD., PORTLAND. {PLEASE NOTE: A NOTICE OF REVIEW WAS FILED IN THIS MATTER. REQUEST FOR BOARD TO SCHEDULE A DE NOVO HEARING AT 9:30 AM, TUESDAY, AUGUST 13, 1996.}*

NON-DEPARTMENTAL

- R-4 *Second Reading and Adoption of an ORDINANCE Amending Multnomah County Code 2.30.640 (G), Relating to Membership and Operation of the Citizen Budget Advisory Committee*

DEPARTMENT OF HEALTH

- R-5 *NOTICE OF INTENT to Respond to a Request for Proposals from the Centers for Disease Control to Fund a Cooperative Agreement Tuberculin Skin Testing Demonstration Project*

DEPARTMENT OF JUVENILE JUSTICE SERVICES

- R-6 *Intergovernmental Agreement 700476 with Columbia County, Allowing Columbia County the Exclusive Use of One Bed Space in the Juvenile Justice Complex for the Detention of Youth Referred to the Columbia County Juvenile Justice System*

PUBLIC CONTRACT REVIEW BOARD

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

- R-7 *ORDER Authorizing an Exemption from the Formal Competitive Bid Process to Contract with The Friends of the Multnomah County Library for Operation of a Retail Store at the Central Library*

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

Thursday, July 25, 1996 - 9:50 AM

(OR IMMEDIATELY FOLLOWING REGULAR MEETING)

Multnomah County Courthouse, Room 602

1021 SW Fourth, Portland

BOARD BRIEFING

B-1 Report on the Faces and Voices of Violence in Multnomah County. Presented by Health Officer Dr. Gary Oxman and Violence Prevention Program Coordinator Linda Jaramillo. 1 HOUR REQUESTED.

GARY HANSEN
Multnomah County Commissioner
District 2



1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5219

M E M O R A D U M

TO: Office Of The Board Clerk
Chair Beverly Stein
Commissioner Tanya Collier
Commissioner Sharron Kelly
Commissioner Dan Saltzman

FROM: Juana Arredondo, Commissioner Hansen's Office

RE: Absence From July 1996 BCC Board Meetings

DATE: July 2, 1996

Commissioner Hansen will be out of town on July 12th-19th in Houston attending the NACO 98" Annual Conference. And on July 22nd-26th he will be taking his vacation leave, which will make him unable to attend any of the Board Meetings on those 2 weeks.

BOARD OF
COUNTY COMMISSIONERS
96 JUL -2 PM 11:47
MULTNOMAH COUNTY
OREGON

c/ojma

MEETING DATE: JUL 25 1996

AGENDA #: C-1

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Reappointments to Multnomah County Community Action Commission

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY:

AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED: 7/25/96 Consent Calendar

AMOUNT OF TIME NEEDED:

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Reappointments to the Multnomah County Community Action Commission. All terms ending 6/30/98.

Johnnie A. Gage, Private Sector Seat #2

Mayor Vera Katz, Public Sector Seat #2

Commissioner Sharron Kelley, Public Sector Seat #4

Commissioner Gretchen Kafoury, Public Sector Seat #6

SIGNATURES REQUIRED:

ELECTED OFFICIAL: Beverly Stein

(OR)

DEPARTMENT

MANAGER: _____

BOARD OF
COUNTY COMMISSIONERS
96 JUL 11 AM 10:58
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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



MULTNOMAH COUNTY COMMUNITY ACTION COMMISSION

421 S.W. Sixth, Suite 500
Portland, OR 97204-2221



TEL: 503-248-3999
FAX: 503-248-3332

July 2, 1996

RECEIVED
JUL 03 1996
BEVERLY STEIN
MULTNOMAH COUNTY CHAIR
Entered 7/10/96

Chair Beverly Stein
Board of County Commissioners
106/1515

Dear Chair Stein:

At its meeting on June 12, 1996 the Multnomah County Community Action Commission voted to recommend to the Chair for reappointment to the Community Action Commission the following persons whose terms expired on June 30, 1996. They have all been contacted and have agreed to serve another term if appointed.

In the Private Sector -

✓ Johnnie A. Gage (Seat 2)

In the Public Sector -

✓ Mayor Vera Katz (Seat 2)
✓ Commissioner Sharron Kelley (Seat 4)
✓ Commissioner Gretchen Kafoury (Seat 6)

The new terms for these members would expire on June 30, 1998.

According to County Ordinance 665, the Board of County Commissioners appoints members in the private and public sectors of the Community Action Commission.

Thank you for your attention to this matter.

Sincerely,

Dana Brown,
Office of Community Action and Development

enc: Commission sector list

MEETING DATE: JUL 25 1996

AGENDA #: C-2

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Appointment to Citizen Advisory Boards & Commissions

BOARD BRIEFING:

DATE REQUESTED:

REQUESTED BY:

AMOUNT OF TIME NEEDED:

REGULAR MEETING:

DATE REQUESTED: 7/25/96 Consent Calendar

AMOUNT OF TIME NEEDED:

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

Appointment of Debra Downey to the Transportation/Transportation Safety Position on the Multnomah County DUI Advisory Board for a term ending 7/30/98.

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

(OR)

DEPARTMENT

MANAGER:

Beverly Stein

BOARD OF
COUNTY COMMISSIONERS
JUL 11 AM 10:58
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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



MULTNOMAH COUNTY OREGON

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)

Multnomah County DUII Advisory Board

B. Name Debra Downey

Address PO Box 1518, Lake Oswego, OR 97035 (Home)

City 555 13th St., NE, Salem State OR Zip 97310 (Office)

Do you live in _____ unincorporated Multnomah County or _____ a city within Multnomah County. NO

Home Phone (503) 624-0492 Unlisted

C. Current Employer Transportation Safety Section, Oregon Dept. of Transportation

Address 555 13th St., NE

City Salem State OR Zip 97310

Your Job Title DUII Program Coordinator

Work Phone (503)-986-4183

(Ext) _____

Is your place of employment located in Multnomah County? Yes NO No _____

D. Previous Employers	Dates	Job Title
<u>AAA Oregon</u>	<u>94-96</u>	<u>Public Affairs Officer</u>
<u>Transpalnt Rehab Project</u>	<u>92-94</u>	<u>Public Affairs Director</u>
<u>Oregon Donor Program</u>	<u>88-92</u>	<u>Resource Developer</u>

CONTACT:

BEVERLY STEIN, MULTNOMAH COUNTY CHAIR

1021 SW 4TH, ROOM 134
PORTLAND, OREGON 97204

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

Name of Organization	Dates	Responsibilities
Oregon Donor Program	88 to present	Public Spokesperson
Metro	95 to 96	Citizen Involvement Committee
St. Anthony's School	92 to present	CYO, various other activities

F. Please list all post-secondary school education.

Name of School	Dates	Degree/Course of Study
OHSU School of Dentistry	79	Maxillo-Facial Radiology
Umpqua Community College	75-76	Journalism/Biology
South Umpqua High School	72-75	College Prep

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.

Ed Marges TSS-ODOT Manager (503) 986-4192
Laureen Oskochil (503) 248-5464 X6348

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/ White

sex / racial ethnic background

birth date: Month June Day 13 Year 1957

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 Debra Downey Date 7/2/96

MEETING DATE: JUL 25 1996

AGENDA NO: C-3

(Above Space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Oregon Youth Authority (OYA) Intergovernmental Agreement

BOARD BRIEFING

Date Requested:

Amount of Time Needed: 5 minutes

DEPARTMENT: Juvenile Justice Services

DIVISION:

CONTACT: Alandria Taylor

TELEPHONE#: 248-3968

PERSON(S) MAKING PRESENTATION: Joanne Fuller/Bill Morris

ACTION REQUESTED:

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

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

Ratification of an Intergovernmental Agreement, Contract #103433, between The Oregon Youth Authority and Multnomah County, Department of Juvenile Justice Services to continue The working relationship between Juvenile Parole and Juvenile Probation Services, for the period July 1, 1996 through June 30, 1997.

This Agreement is retroactive to July 1, 1996 due to research of original documents.


7/25/96 ORIGINALS to ALANDRIA TAYLOR

SIGNATURES REQUIRED:

ELECTED OFFICIAL:

OR

DEPARTMENT MANAGER:



ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BOARD OF
COUNTY COMMISSIONERS
96 JUL 17 PM 2:33
MULTNOMAH COUNTY
OREGON




MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE JUSTICE SERVICES
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

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

TO: Beverly Stein, Chair
Multnomah County Board of Commissioners

FROM: Elyse Clawson, Director 
Department Juvenile Justice Services

DATE: July 9, 1996

SUBJECT: Approval of an Intergovernmental Agreement between the Juvenile Justice Services (DJJS) and Oregon Youth Authority (OYA)

I. RECOMMENDATION: The Juvenile Justice Services recommends the Board's approval of an Intergovernmental agreement that would continue the working relationship between DJJS and OYA as part of the DJJS' involvement in House Bill 3438 Pilot Project.

II. BACKGROUND/ANALYSIS: This agreement continues the working relationship between the State OYA Juvenile Parole Unit and the Multnomah County Juvenile Probation Unit. As a result of HB 3438, a pilot project designed to coordinate the services of these two units to provide better transition services for youth leaving the State Training School system and transitioning back into the community. Juvenile Parole will continue to work in cooperation with DJJS Probation to allow for a greater continuity of service for these high-risk youth.

RETROACTIVE STATUS: This agreement is retroactive to July 1, 1996 due to the research of original documents.

III. FINANCIAL IMPACT: N/A

IV. LEGAL ISSUES: N/A

V. CONTROVERSIAL ISSUES: N/A

VI. LINK TO CURRENT COUNTY POLICIES: This Agreement continues the coordination of services to provide better transition services for youth leaving the State Training School system and transitioning back into the community.

VII. CITIZEN PARTICIPATION: N/A

VIII. OTHER GOVERNMENT PARTICIPATION: N/A

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal []

Contract # 103433

Prior-Approved Contract Boilerplate: X Attached: Not Attached

Amendment # 3

CLASS I <input type="checkbox"/> Professional Services under \$25,000 <input type="checkbox"/> Intergovernmental Agreement under \$25,000	CLASS II <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	CLASS III <input checked="" type="checkbox"/> Intergovernmental Agreement over \$25,000 APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-3</u> DATE <u>7/25/96</u> <u>DEB BOGSTAD</u> BOARD CLERK
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Department: Juvenile Justice Services

Division: _____

Date: July 8, 1996

Contract Originator: Joanne Fuller

Phone: 248-3460

Bldg/Room: 311/DJIS

Administrative Contact: Alandria Taylor

Phone: 248-3968

Bldg/Room: 311/DJIS

Description of Contract: An Intergovernmental Agreement which continues the working relationship between Oregon Youth Authority and Juvenile Justice Services for a Project designed to coordinate services between juvenile parole and juvenile probation, as a result of HB 3438.

RFP/BID #: _____ Date of RFP/BID: _____ Exemption Expiration Date: _____

ORS/AR #: _____ (Check all boxes that apply) Contractor is ☐ MBE ☐ WBE ☐ QRF ☒ N/A ☐ None

Original Contract No. _____ (ONLY FOR ORIGINAL RENEWALS)

Contractor Name: <u>Oregon Youth Authority</u> Mailing Address: <u>530 Center St., Suite 200</u> <u>Salem, OR 97301</u> Phone: <u>1-503-373-733</u> Employer ID# or SS#: _____ Effective Date: <u>July 1, 1996</u> Termination Date: <u>June 30, 1997</u> Original Contract Amount: \$ <u>0</u> Total Amt of Previous Amendments: \$ _____ Amount of Amendment: \$ _____ Total Amount of Agreement: \$ <u>0</u>	Remittance Address (if different) _____ <table> <tr> <td>Payment Schedule</td> <td>Terms</td> </tr> <tr> <td><input type="checkbox"/> Lump Sum \$ _____</td> <td><input type="checkbox"/> Due on Receipt</td> </tr> <tr> <td><input type="checkbox"/> Monthly \$ _____</td> <td><input type="checkbox"/> Net 30</td> </tr> <tr> <td><input type="checkbox"/> Other \$ _____</td> <td><input type="checkbox"/> Other</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Requirements contract - Requisition Required</td> </tr> <tr> <td colspan="2">Purchase Order No. _____</td> </tr> <tr> <td colspan="2"><input type="checkbox"/> Requirements Not to Exceed \$ _____</td> </tr> <tr> <td colspan="2">Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/></td> </tr> </table>	Payment Schedule	Terms	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt	<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other	<input type="checkbox"/> Requirements contract - Requisition Required		Purchase Order No. _____		<input type="checkbox"/> Requirements Not to Exceed \$ _____		Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>	
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Purchase Order No. _____																	
<input type="checkbox"/> Requirements Not to Exceed \$ _____																	
Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/>																	

REQUIRED SIGNATURES:

Department Manager: _____

Date: 7-10-96

Purchasing Manager: _____

Date: _____

(Class II Contracts Only)

County Counsel: Katie Gault

Date: 7/16/96

County Chair/Sheriff: Wally Cain

Date: July 25, 1996

Contract Administration: _____

Date: _____

(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	INC DEC
01											
02											
03											

If additional space is needed, attach separate page. Write contract # on top of page.

**STATE OF OREGON
INTERGOVERNMENTAL AGREEMENT**

OYA Contract Log Number: Y5-0695

Date: June 17, 1996

AMENDMENT NUMBER 3 OF CONTRACT 2-372 dated November 4, 1992, between Multnomah County, Juvenile Justice Division hereinafter referred to as the "Contractor", and the State of Oregon, Oregon Youth Authority

The contract is amended as follows:

1 Amend the contract document to extend the contract term end date from June 30, 1996 to June 30, 1997.

All other terms, provisions, and conditions of this contract remain unchanged.

This amendment shall become effective upon signature.

Approved by the Contractor:

Signature: [Signature] Title: Director Date: 7-10-96

Approved by Oregon Youth Authority

By: _____ Date: _____

Reviewed by Contracts Officer:

[Signature] Date: 6/17/96

Reviewed:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

BY: [Signature]

County Counsel
Katie Gaetjens

Date: 7/16/96

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-3 DATE 7/25/96
DEB BOGSTAD

BOARD CLERK
MULTNOMAH COUNTY, OREGON

BY: [Signature]
Beverly Stein, County Chair

Date: July 25, 1996

MEETING DATE: JUL 25 1996

AGENDA #: C-4

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: IGA between Oregon State Marine Board and the Sheriff's Office

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: July 25, 1996

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Sheriff's Office DIVISION: Enforcement

CONTACT: Larry Aab TELEPHONE #: 251-2489

BLDG/ROOM #: 313/231

PERSON(S) MAKING PRESENTATION: No One - Consent item

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

Intergovernmental Agreement between Oregon State Marine Board and the Sheriff's Office.
Funding from the OSMB for the Sheriff's Office River Patrol to conduct marine law
enforcement activities during FY 1996-97. RENEWAL.

7/25/96 ORIGINALS TO LARRY AAB

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: Merle R. Furr

CONSENT

BOARD OF
COUNTY COMMISSIONERS
JUL 16 AM 10:15
MULTNOMAH CO UN
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Contract # **800367**

Prior-Approved Contract Boilerplate: ☐ Attached: ☐ Not Attached:

Amendment #

<p align="center">CLASS I</p> <p><input type="checkbox"/> Professional Services under \$25,000</p> <p><input type="checkbox"/> Intergovernmental Agreement under \$25,000</p>	<p align="center">CLASS II</p> <p><input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue</p>	<p align="center">CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement over \$25,000</p> <p align="center">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-4</u> DATE <u>7/25/96</u></p> <p align="center"><u>DEB BOGSTAD</u></p> <p align="center">BOARD CLERK</p>
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Department: SHERIFF'S OFFICE Division: ENFORCEMENT Date: JULY 1, 1996

Contract Originator: LT TERRY JONES Phone: 288-6788 Bldg/Room: 313/

Administrative Contact: LARRY AAB Phone: 251-2489 Bldg/Room: 313/231

Description of Contract:

FUNDING FROM THE OREGON STATE MARINE BOARD FOR THE SHERIFF'S OFFICE RIVER PATROL TO CONDUCT MARINE LAW ENFORCEMENT ACTIVITIES DURING FY 1996-97.

RFP/BID #: _____ Date of RFP/BID: _____ Exemption Expiration Date: _____

ORS/AR #: _____ Contractor is ☐ MBE ☐ WBE ☐ QRF

<p>Contractor Name: <u>OREGON STATE MARINE BOARD</u></p> <p>Mailing Address: <u>435 COMMERCIAL ST NE</u></p> <p align="center"><u>SALEM OR 97310-0650</u></p> <p>Phone: <u>378-8587</u> Attn: <u>Bill Rydblom</u></p> <p>Employer ID# or SS#: _____</p> <p>Effective Date: <u>JULY 1, 1996</u></p> <p>Termination Date: <u>JUNE 30, 1997</u></p> <p>Original Contract Amount: <u>\$ 420,285</u></p> <p>Total Amt of Previous Amendments: \$ _____</p> <p>Amount of Amendment: \$ _____</p> <p>Total Amount of Agreement: \$ _____</p>	<p>Remittance Address (if different): _____</p> <p>_____</p> <p>_____</p> <p>Payment Schedule Terms</p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30</p> <p><input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Requirements contract - Requisition Required</p> <p>Purchase Order No. _____</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/></p>
---	--

REQUIRED SIGNATURES:

Department Manager: [Signature]

Purchasing Manager: [Signature]

(Class II Contracts Only)

County Counsel: [Signature]

County Chair: [Signature]

Sheriff: ☒ [Signature]

Contract Administration: _____

(Class I, Class II Contracts Only)

Date: 7-3-96

Date: _____

Date: 7-16-96

Date: July 25, 1996

Date: 7/3/96

Date: _____

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB ORG	REPT CATEG	LGFS DESCRIPT	AMOUNT	IN CE EC
01	156	025	3316			2322					
02											
03											

If additional space is needed, attach separate page. Write contract number on top of page.

DISTRIBUTION: Original Signatures - Contract Administration, Initiator, Finance

CONTRACT
BOATING SAFETY AND LAW ENFORCEMENT SERVICES

This contract is by and between the Oregon State Marine Board, hereinafter called the BOARD and Multnomah County Sheriff, hereinafter called the CONTRACTING PARTY under the authority of ORS 830.110 and ORS Chapter 190.

DEFINITIONS

1. "MARINE SAFETY LAW ENFORCEMENT POLICY AND PROCEDURES MANUAL" (MSLE PPM) manual of reference by which the law enforcement program is governed.
2. "BOARD" shall mean the Oregon State Marine Board.
3. "CONTRACTING PARTY" shall mean the County Sheriff. When a contract is entered into or terminated, such action must be approved by the County Court/County Board of Commissioners, as applicable.
4. "AUTHORIZED EXPENDITURES" shall mean those expenditures authorized by the BOARD as noted in the Marine Safety Law Enforcement Policy and Procedures Manual (MSLE PPM), which by this reference shall be incorporated into and made part of this contract.

BASIC SERVICES TO BE PROVIDED

The "CONTRACTING PARTY" will provide the following services in order to promote safe boating practices on Oregon's waterways:

1. Enforce the applicable provisions of Oregon Revised Statutes, Chapter 830 and 704.
2. Enforce the applicable provisions of Oregon Administrative Rules, Chapter 250.
3. Investigate complaints of boating law violations.
4. Actively pursue Boating Under the Influence violations.
5. Investigate boating accidents as specified in the MSLE PPM.
6. Provide Law Enforcement examinations of boats.
7. Alert the public to unsafe boating conditions.
8. Search and rescue services as noted in the MSLE PPM.
9. Distribute such public information as may be provided by the BOARD.
10. Marine patrol coverage on all waters within their jurisdiction with a particular emphasis on those waters described in the Fiscal Year 1996/97 Marine Safety and Law Enforcement Program proposed budget which is hereby attached to and made a part of this contract.
11. Implement program improvements as set forth in the current edition of the Marine Law Enforcement Plan as funding allows.
12. Actively participate in youth school safety and adult education programs.

CONTRACTING PERIOD

This agreement shall be effective from the 1st day of July, 1996 and shall run through the 30th day of June, 1997.

BUDGET

The BOARD will, upon receipt of cost/expenditure documentation, pay to the COUNTY an amount not to exceed the "sub-total" shown in the below listed BOARD column. These payments will be for such boating law enforcement services as are contained in this contract and the attached fiscal year proposed budget.

	State Marine Board	Multnomah County
Personnel Services	\$ 378,961.00	\$ 723,964.00
Services and Supplies	36,324.00	63,220.00
Capital Outlay	5,000.00	0.00
Sub-Total	\$ 420,285.00	\$ 787,184.00
Total Program	\$ 1,207,469.00	

PAYMENT SCHEDULE

Payments to the CONTRACTING PARTY shall be made () semi-annually, () annually for authorized expenditures actually incurred in accordance with the Marine Safety Law Enforcement Policy And Procedures Manual and shall be paid within thirty (30) days of receipt of a signed State Marine Board voucher and supporting documentation denoting such expenditures. This expenditure report must also display those expenses and/or expenditures which will constitute the program match. The final request for payment must be received at the State Marine Board office no later than July 31 immediately following the conclusion of the contract period.

GENERAL PROVISIONS

1. The CONTRACTING PARTY, its officers, agents and employees shall not be deemed to have assumed any liability for the acts of the BOARD, its officers, agents or employees nor shall the BOARD or any of its officers, employees, or agents be liable for any acts of omissions of the CONTRACTING PARTY, its officers, agents, or employees.
2. During the term of this contract, the CONTRACTING PARTY shall provide insurance to cover all loss, damage or injury to equipment purchased under this contract, in an amount no less than the purchase amount provided by the contract. Such insurance shall be provided by the county. Such insurance shall be provided by the Contracting Party through an insurer duly authorized to do business in the State of Oregon, but may be provided by self-insurance. Any proceeds from insurance or self-insurance shall be applied to the repair or replacement of the damaged equipment unless the CONTRACTING PARTY received prior written direction or authorization from the BOARD to otherwise dispose of the proceeds.
3. This contract is subject to all applicable Federal Assurances specified on pages 6 and 7. If applicable, CONTRACTING PARTY shall provide the BOARD their Annual Comprehensive Financial Report as required in the Single Audit Act of 1984. At the end of the FY the County will be notified of the amount of federal pass-through dollars included in the payments during that fiscal year.

4. Performance by either party to this agreement shall be contingent upon funding being obtained at a sufficient level to allow for purchase of the indicated quantity of services.
5. Payment requests shall cover only services, salaries, supplies and/or purchases utilized, expended or provided in conjunction with the Marine Law Enforcement program.

MARINE BOARD RESPONSIBILITIES

1. The BOARD shall not be called upon to assume any liability for the direct payment of any salaries, wages, insurance or other compensation to the CONTRACTING PARTY personnel performing services for the BOARD, or any liability other than provided for in this contract. Except as otherwise herein specified, the BOARD shall not be liable for compensation or indemnity to any CONTRACTING PARTY employees for any injury or sickness arising out of his/her employment.
2. The BOARD, its officers, agents or employees shall neither solicit nor accept gratuities, favors, or anything of monetary value from the CONTRACTING PARTY.
3. The BOARD shall maintain selected records of marine effort and activity in order to assure adequate performance within the terms, conditions, and specifications of this contract.
4. The BOARD shall insure that upon boat purchase the ownership shall be vested in the CONTRACTING PARTY regardless of funding source, and subject to CONTRACTING PARTY RESPONSIBILITIES (9).

CONTRACTING PARTY RESPONSIBILITIES

1. The CONTRACTING PARTY shall furnish and supply all necessary labor, supervision, equipment, communications, facilities, and supplies necessary to maintain the level of services to be rendered as denoted in the MSLE PPM and the county's proposed marine patrol budget for this fiscal year.
2. All persons employed in the performance of such services and functions pursuant to this agreement shall be CONTRACTING PARTY employees (full time, part time, reserve, cadet, etc.), and any wages, salaries or reimbursements made to such employees shall be at a rate consistent with a reasonable rate for the work performed as compared to similar rates for similar work within the contracting party's county and similar surrounding counties.
3. Standards of performance, discipline of officers, and other matters incident to the performance of such services and the control of personnel shall remain with the CONTRACTING PARTY.
4. Personnel assigned to the duty of boating law enforcement shall be mentally and physically capable of performing the duties to which they are assigned. They shall have a good knowledge of boating laws and the powers, duties, and limitations of authority of police officers. They shall have a thorough knowledge of the operation of small boats and the rules and regulations pertaining to such operations. ALL marine patrol personnel, other than an assistant, must have completed The Marine Law Enforcement Training Course as approved by the BOARD.
5. Persons engaged in the boating law enforcement program shall actively cooperate with the BOARD.

6. The CONTRACTING PARTY shall not enter into any subcontracts directly for marine law enforcement services without obtaining prior written approval from the BOARD.
7. The CONTRACTING PARTY shall maintain records to assure conformance with the terms, conditions, and specifications of the contract, and to assure adequate performance and accurate expenditures within the contracting period.
8. The CONTRACTING PARTY shall permit the State of Oregon, the Federal Government, or other duly authorized representatives to audit all records pertaining to this agreement to assure the accurate expenditure of budgeted funds.
9. The CONTRACTING PARTY agrees to maintain in operational conditions any boat or major equipment purchased, whole or in part, by the BOARD. Preventative maintenance schedules for boats and trailers will be established and be adhered to. Further, that upon replacement of a boat or major equipment, any proceeds derived from the trade-in or re-sale of a boat or major equipment shall remain in the CONTRACTING PARTY'S marine budget for use in the Marine Law Enforcement program, and that, further, should this agreement be terminated, all boats or major equipment purchased, whole or in part, with BOARD provided funds shall be returned to the BOARD for reassignment or any proceeds from property disposition are to be utilized in the Marine Law Enforcement program.
10. The CONTRACTING PARTY agrees that the use of any boat or major equipment purchased by BOARD shall be limited only to activities necessary to carry out the provisions of this contract and such other authorized activities as contained in the effective edition of the Marine Law Enforcement procedure manual.
11. The CONTRACTING PARTY agrees that all persons employed for the purpose of fulfilling provisions of this contract, wear a Coast Guard approved personal flotation device (life jacket) while working in or riding in boats.

12. The CONTRACTING PARTY will improve performance in the areas listed below. Performance will be monitored periodically for the purpose of noting improvement. This information will document the level of compliance with Board expectations and will be used in future contract negotiations. (These specific performance issues have been added to contracting party requirements due to recommendations of state auditors. The audit identified inconsistencies in the level of performance provided by county programs.)

- a. Continue to improve current level of performance. Over the past few years, Multnomah's program has become a model for the state. Overall performance is excellent and continues to improve.

TERMINATION CONDITIONS

This contract may be terminated by mutual consent of both parties; by either party on 30 days written notice; or, by either party upon 20 days notice, in writing and delivered by certified mail or in person under any of the following conditions:

- a. If funding from federal, state or other sources is not obtained and continued at levels sufficient to allow for purchase of the indicated quantity of services. When possible, and when agreed upon, the contract may be modified to accommodate a reduction in funds.
- b. If federal, state or county regulations or guidelines are modified or changed in such a way that the services are no longer allowable or appropriate for purchase under this contract.

ASSURANCES — NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET, SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U. S. C. §4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C. F. R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U. S. C. §1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U. S. C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U. S. C. §6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a - 7), the Copeland Act (40 U.S.C. §§276c and 18 U. S. C. §§874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§ 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984 or OMB Circular No. A-133, Audits of Institutions of Higher Learning and other Non-profit Institutions.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

X 

TITLE

SHERIFF

APPLICANT ORGANIZATION

MULTNOMAH COUNTY SHERIFF'S OFFICE

DATE SUBMITTED

7/3/96

THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. CONTRACTING PARTY, BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, DOES HEREBY ACKNOWLEDGE THAT THE REPRESENTATIVE HAS READ THIS AGREEMENT, UNDERSTANDS IT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

SIGNATURES

IN WITNESS WHEREOF, this instrument has been executed pursuant to resolutions heretofore duly and legally adopted by each of the parties signatory hereto:

OREGON STATE MARINE BOARD

Multnomah County

Paul Dorrheffner
Director

6/28/96
Date

X Don [Signature]
Sheriff

7/3/96
Date

APPROVED: Multnomah County
Board of Commissioners

[Signature]
Beverly Stein, Chair

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 DATE 7/25/96
DEB BOGSTAD
BOARD CLERK

Reviewed:

Laurence Kressel, County Counsel
for Multnomah County, Oregon

By [Signature]
Jacqueline Weber, Assistant Counsel

Date: 7/26/96

Copy
BR

MARINE SAFETY AND LAW ENFORCEMENT PROGRAM BUDGET:

This budget when approved by the Marine Board, becomes a part of the annual contract for services

F/Y 96/97 PROPOSED 5/29/96 APPROVED (SMB) 6/8/96
(Date) (Date)

Multnomah COUNTY PROGRAM LENGTH Year round
(Seasonal/Year-round)
Budget Preparer Laura Harryman/Lt. Terry Jones Phone 251-2434/288-6788

I. FUNDING

Source	Amount	Type		
State Marine Board	<u>\$ 420,251</u>	Money	<input checked="" type="checkbox"/>	
County Match*	<u>\$ 787,136</u> ✓	Money	<input checked="" type="checkbox"/>	In kind <input type="checkbox"/>
Other (if applicable)	<u>\$</u>	Money	<input type="checkbox"/>	In kind <input type="checkbox"/>
Total Program	<u>\$1,207,387</u>			

*Minimum 20% match of the Total Program Amount (formula is SMB Amount/4 = Minimum Match)

II. OPERATIONS

A. Patrol Vessels:

OR-283 XCX (#1) OR-282 XCX (#2) OR-181 XCX (#3) OR-183 XCX (#4)
OR-17 XCX (#8) OR-263 XCX (#9) OR-281 XCX (#10) OR-204 XCX (#5, barge)
OR-95 XCX (#6, sled) OR-189 XCX (#7, unmarked)

B. Primary Patrol Areas (If a river, specify upstream to downstream limits.) Be specific. Please do not estimate 40 hours per week, 52 weeks a year unless you intend to meet that commitment.

(1) Body of water Columbia River - Bonneville Dam (mile 146)
to mid- Sauvie Island, (mile 96).

Active patrol period from July, 1996 to June, 1997
(month/year) (month/year)

Total number of weeks 52

Number of patrol units Winter-2 / Summer- 3 to 4

Estimate patrol hours per week Winter- 24 / Summer 80

Primary Patrol Areas (cont.)

(2) Body of water Willamette River, mouth to Elk Rock (mile 18.5)

Active patrol period from July, 1996 to June, 1997
(month/year) month/year

Total number of weeks 52

Number of patrol units Winter- 1 / Summer- 3

Estimate patrol hours per week Winter- 20 / Summer- 75

(3) Body of water Multnomah Channel, head to Scappoose (mile 10)

Active patrol period from July, 1996 to June, 1997
(month/year) month/year

Total number of weeks 52

Number of patrol units Winter-1 / Summer-2

Estimate patrol hours per week Winter-8 / Summer- 30

(4) Body of water _____

Active patrol period from _____ to _____
(month/year) month/year

Total number of weeks _____

Number of patrol units _____

Estimate patrol hours per week _____

(5) Body of water _____

Active patrol period from _____ to _____
(month/year) month/year

Total number of weeks _____

Number of patrol units _____

Estimate patrol hours per week _____

Add additional page 2 as necessary.

C. Secondary Patrol Areas (for waterways receiving random patrol, spot checks, etc.) (If a river, specify upstream to downstream limits.)

(1) Body of water Sandy River, mouth to Oxbow Park

Active patrol period from July to October '96 to April to June, 1997
(month/year) month/year

Total number of weeks 28

Number of patrol units 1 (+ vehicle)

Estimate patrol hours per week limited patrol, call response and SAR/ Dive Rescue response

(2) Body of water _____

Active patrol period from _____ to _____
(month/year) month/year

Total number of weeks _____

Number of patrol units _____

Estimate patrol hours per week _____

(3) Body of water _____

Active patrol period from _____ to _____
(month/year) month/year

Total number of weeks _____

Number of patrol units _____

Estimate patrol hours per week _____

(4) Body of water _____

Active patrol period from _____ to _____
(month/year) month/year

Total number of weeks _____

Number of patrol units _____

Estimate patrol hours per week _____

Add additional page 3 as necessary

III. PERSONNEL

A. Program Manager (and rank) Lt. Terry Jones

Phone (503) 288-6788

B. Number of marine certified deputies to be assigned

Seasonal; P/T _____ FTE 7;

Names Edwards, R., Gates, S, Krafve, K
Schneider, J., Smith, E., Staton, D
Vacant

Year Around; P/T _____ FTE 10;

Names Nielson, G, Gates, J, Gustafson, E
Schneider, G, Fitz, D, Cordes, L Stellato, A
Dirren, D Elliott, B Olsen, D

C. Marine Patrol

		SMB Share	County Share		Total (Co. Share)	TOTAL
			Cash +	In-Kind =		
1.	<u>10</u> # of deputies (FTE or seasonal)					
X	<u>40</u> hours per week each					
X	<u>\$33.35</u> per hour (Hourly rate, benefits, Dept. Overhead, S/S, Taxes, Health care)	<u>287.446</u>				
X	<u>52</u> weeks = . . .	<u>\$ 287,412</u>	<u>\$ 406,186</u>	<u>\$</u>	<u>(\$ 406,186)</u>	<u>\$ 693,598</u>
2.	<u>2</u> # of deputies (FTE or seasonal)					
X	<u>40</u> hours per week each					
X	<u>\$ 26.57</u> per hour (Hourly rate, benefits, Dept. Overhead, S/S, Taxes, Health care)					
X	<u>26</u> weeks = . . .	<u>\$</u>	<u>\$ 55,264</u>	<u>\$</u>	<u>(\$ 55,264)</u>	<u>\$ 55,264</u>
3.	<u>2</u> # of deputies (FTE or seasonal)					
X	<u>40</u> hours per week each					
X	<u>\$ 26.73</u> per hour (Hourly rate, benefits, Dept. Overhead, S/S, Taxes, Health care)					
X	<u>21.84</u> weeks = . . .	<u>\$</u>	<u>\$ 46,697</u>	<u>\$</u>	<u>(\$ 46,697)</u>	<u>\$ 46,697</u>

C. Marine Patrol

SMB
Share

County Share

Cash +

In-Kind=

Total
(Co. Share)

TOTAL

4.	<u>3</u>	# of deputies (FTE or seasonal)					
X	<u>40</u>	hours per week each					
X	\$ <u>33.76</u>	per hour (Hourly rate, benefits, Dept. Overhead, S/S, Taxes, Health care)					
X	<u>13</u>	weeks =	\$	\$ 52,672	\$	(\$52,672)	\$ 52,672
5.	Overtime	\$ 38,481	\$	32,418	\$	(\$32,418)	\$ 70,899

D. ~~Civilian~~ Administrative/Managerial

1.	<u>1</u>	# of persons					
X	<u>40</u>	hours per week each					
X	\$ <u>44.98</u>	per hour (Hourly rate, benefits, Dept. Overhead, S/S, Taxes, Health care)					
X	<u>52</u>	weeks =	\$	\$ 93,566	\$	(\$93,566)	\$ 93,566
	Office space rent	\$	\$	31,113	\$	(\$31,113)	\$ 31,113
	Telephone	\$	\$	6,000	\$	(\$6,000)	\$ 6,000

E. Other duties (specify)

Temporary workers for marine patrol	51,538	51,538
Premium pay (coach's pay, etc.)	1,496	1,496

BUII Enforcement % _____
(In addition to III C. Marine Patrol)

1.	_____	# of deputies (FTE or seasonal)					
X	_____	hours per week each					
X	\$ _____	per hour (Hourly rate, benefits, Dept. Overhead, S/S, Taxes, Health care)					
X	_____	weeks =	\$	\$	\$	(\$)	\$

378,961 964 964

F.Total Personnel Service costs \$378,927 \$723,916 \$ (\$723,916) \$1,102,843

1,102,915

	SMB Share	County Share			TOTAL
		Cash +	In-Kind=	Total (Co. Share)	
A. Fuel 20,000 gallons X \$ 1.50/gal . \$		\$ 30,000 [✓]	\$	(\$ 30,000)	\$ 30,000 [✓]
(Fleet svcs, boats, vehicles)					
B. Other expendable supplies. . . \$ 1,026		\$ 9,800	\$	(\$ 9,800)	\$ 10,826 [✓]
(Oil, grease, etc.)					
C. Training \$		\$	\$	(\$)	\$
(Marine Basic, UL/Acc. Inv., NBSIC, etc.)					
D. 11,544,000 Indirect costs . . . \$ 35,298		\$	\$	(\$)	\$ 35,298
E. Maintenance. \$		\$ 11,000	\$	(\$ 11,000)	\$ 11,000
F. Other Vehicle costs . . . \$		\$ 12,420	\$	(\$ 12,420)	\$ 12,420
(Storage, office, phone, uniforms, etc.)					
G. Dispatch services. \$		\$	\$	(\$)	\$
H. Total services & supplies costs \$		\$	\$	(\$)	\$
I. Other marine equipment (expendables/consumables)					
Item Qty Unit Cost					
		\$	\$	(\$)	\$
		\$	\$	(\$)	\$
		\$	\$	(\$)	\$
		\$	\$	(\$)	\$
		\$	\$	(\$)	\$
		\$	\$	(\$)	\$
		\$	\$	(\$)	\$
		\$	\$	(\$)	\$
J. Total Service and Supply costs \$ 36,324		\$ 63,220	\$	(\$ 63,220)	\$ 99,544 [✓]
(Total IV. H & I)					

V. CAPITAL OUTLAY/PLANNED REPLACEMENTS

Item	Qty	Unit Cost	SMB Share	County Share			TOTAL
				Cash +	In-Kind =	Total (Co. Share)	
Replacement fund for boat engines, etc.	unknown		\$ 5,000	\$	\$	(\$)	\$ 5,000
			\$	\$	\$	(\$)	\$
			\$	\$	\$	(\$)	\$
			\$	\$	\$	(\$)	\$
			\$	\$	\$	(\$)	\$
			\$	\$	\$	(\$)	\$

VI. ESTIMATE OF TOTAL PROGRAMS COSTS

(Total group III, IV, V)

\$ 1,207,387

VII. FUNDING RECAP

	SMB Share	County Share			TOTAL
		Cash +	In-Kind =	Total (Co. Share)	
Personnel Services	\$ 378,961 [✓]	\$ 723,916 ^{964✓}	\$	(\$ 723,916) ⁹⁶⁴	\$ 1,102,843 ^{925✓}
Services & Supplies	\$ 36,324 [✓]	\$ 63,220 [✓]	\$	(\$ 63,220)	\$ 99,544 [✓]
Capital Outlay	\$ 5,000 [✓]	\$	\$	(\$)	\$ 5,000 [✓]
Sub-Total	\$ 420,251 [✓]	\$ 787,136 ^{124✓}	\$	(\$ 787,136)	\$ 1,207,387 [✓]
(SMB Share + Total County Share = Total) ✓					

Total Program Estimate \$ 1,207,387

Reminder: SMB Amount/4 = (minimum) match. This equals 20% of total program.

VIII. ADDITIONAL COMMENTS:

Submitted: _____

Sheriff

Date: 5/29/96

(REV 3/26/96)

Meeting Date: JUL 25 1996

Agenda No: C-5

(Above space for Board Clerk's Office Use ONLY)

AGENDA PLACEMENT FORM

Subject: Amendment 3 renewing Contract #100145 with Tri-Met for FY96-97 to continue door-to-door rides for Aging Services Department frail clients.

BOARD BRIEFING Date Requested:
Requested by:
Amount of time:

REGULAR MEETING Date Requested: July 18
~~June 13~~, 1996
Amount of time: consent calendar

DEPARTMENT: Aging Services

DIVISION: Aging Services

CONTACT: Caroline Sullivan/Kathy Gillette

TELEPHONE: 248-3620

BLDG/RM #: 161/3rd floor

PERSON(S) MAKING PRESENTATION: Jim McConnell

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE

Approval of Amendment # 3 to Contract #100145 with Tri-Met extending the period through June 30, 1997 and adding funds in the amount of \$169,090 on a requirements basis to continue door-to-door rides for frail elderly riders living in Multnomah County for the period July 1, 1996 through June 30, 1997.

7/25/96 ORIGINALS TO CAROLINE SULLIVAN

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: _____

James W. Connell

BOARD OF
COUNTY COMMISSIONERS
96 JUL 15 PM 3:42
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

6/93

BCCagd97.tm3



MULTNOMAH COUNTY OREGON

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

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

MEMORANDUM

TO: Beverly Stein, Multnomah County Chair
FROM: Jim McConnell, Director Aging Services Department
DATE: June 28, 1996
SUBJECT: Amendment #3 to FY1994-95 Intergovernmental Agreement with Tri-Met

Recommendation: The Aging Services Department recommends Board of County Commissioners approval of the amendment #3 to Intergovernmental Agreement #100145 with Tri-Met, for the period July 1, 1996 through June 30, 1997.

Background/Analysis: This amendment extends the contract period through June 30, 1997 and increases funds to purchase an estimated 69,016 door-to-door rides for frail elderly to go to medical appointments, obtain other needed services, and to attend meal sites during FY97. A new outcome measure to reduce the number of no-shows and late cancels to 1.5% or lower is added. Tri-Met and Aging Services Department staff continue to work towards improved services for FY96-97.

Fiscal Impact: Funds up to \$169,090 from County General Funds, City General Funds and the federal Older American Act Funds are budgeted and available on a requirements basis to provide needed transportation for elderly clients not able to use the regular public transportation system for the period July 1, 1996 through June 30, 1997. Two additional contracts with Broadway and Radio Cab companies provide back-up services when Tri-Met is unable to schedule needed rides. These 3 contracts draw from the same pool of funds.

The maximum number of rides during FY96-97 is decreased by an estimated 2,000 one-way rides because the rate per ride is increased by 3%, but the total funds available remains the same. An increase in client contributions can increase the number of rides available.

Legal Issues: This intergovernmental agreement is renewable annually without a competitive process.

Controversial Issues: Individuals and advocates continue to report instances of unsatisfactory service. Tri-Met and the Aging Services Department respond to these reports on both a case to case basis and through a work group made up of District Center and Meal Site staff (who authorize the rides), Tri-Met and ASD staff.

Citizen Participation: The AAA Committee of the Portland Multnomah Commission on Aging (PMCoA) has approved the annual Area Plan. The Committee for Accessible Transportation (CAT) and its LIFT sub-committee each meet monthly, take public testimony at the beginning of each meeting and advise Tri-Met. A new Tri-Met Community Relations staff member will be in contact with riders to identify concerns and improve the quality of the transportation services.

Other Governmental Participation: Community and Family Services Division uses the same special needs transportation services, but through a separate contract and with different issues. There is also an equivalent, though separate, contract between Tri-Met and the State of Oregon for medical transportation services to Medicaid clients.

tl97.tm3

**CONTRACT APPROVAL FORM**

(See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 100145Amendment # 3

CLASS I <input type="checkbox"/> Professional Services under \$25,000	CLASS II <input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	CLASS III <input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-5</u> DATE <u>7/25/96</u> <u>DEB BOGSTAD</u> BOARD CLERK
---	---	--

Department Aging Services Division _____ Date _____Contract Originator Caroline Sullivan/Kathy Gillette Phone 248-3620 Bldg/Room 161/3rd floorAdministrative Contact Caroline Sullivan/Kathy Gillette Phone 248-3620 Bldg/Room 161/3rd floorDescription of Contract Extends contract for LIFT rides through June 30, 1997 and increases requirements limit up to \$169,090. Provides up to an estimated 69,016 rides.

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

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ QRF ☒ /X/ NAContractor Name Tri-MetMailing Address 4012 SE 17th
Portland OR 97202Phone 238-4879Employer ID# or SS# 93-0579353Effective Date July 1, 1996Termination Date June 30, 1997

Original Contract Amount \$ _____

Total Amount of Previous Amendments \$ _____

Amount of Amendment \$ _____

Total Amount of Agreement \$ Requirements**REQUIRED SIGNATURES:**Department Manager [Signature]Purchasing Director
(Class II Contracts Only) [Signature]County Counsel [Signature]County Chair / Sheriff [Signature]Contract Administration
(Class I, Class II Contracts Only) [Signature]Remittance Address _____
(If Different) _____

Payment Schedule _____ Terms _____

☐ Lump Sum \$ _____ ☐ Due on receipt☐ Monthly \$ _____ ☐ Net 30☐ Other \$ _____ ☐ Other _____☐ Requirements contract - Requisition required.

Purchase Order No. _____

☒ Requirements Not to Exceed \$ 169,090Encumber: Yes ☐ No ☐Date June 28, 1996

Date _____

Date 7/15/96Date July 25, 1996

Date _____

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

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

PINK - FINANCE

6/18/96

CONTRACT APPROVAL FORM SUPPLEMENT

Page 1

FISCAL YEAR: 97

CONTRACTOR: TRIMET

AGENCY CODE: 86

CONTRACT #: 100145

EFFECTIVE DATE: 1-Jul-96

END DATE: 30-Jun-97

AMENDMENT#: 1

AMENDMENT DATE:

LINE #	FUND	AGY	ORGN CODE	LGFS ACT	LGFS OBJT	REPT CAT	FND CAT	ORIGINAL AMOUNT	MOD1	MOD2	MOD3	FINAL AMOUNT
R1	156	011	1832	TTZZ	6060	179A COUNTR	REQUIREMENTS LIMIT--DO NOT ENCUMBER	24,299				24,299
R2	156	011	1832	TTZZ	6060	1723 IIIB R	REQUIREMENTS LIMIT--DO NOT ENCUMBER	95,314				95,314
R3	156	011	1832	TTZZ	6060	1728 CITY	REQUIREMENTS LIMIT--DO NOT ENCUMBER	49,477				49,477
TOTAL								169,090	0	0	0	169,090

ORIGINAL

100145-3

MULTNOMAH COUNTY DEPARTMENT OF AGING SERVICES
INTERGOVERNMENTAL AGREEMENT #100145, AMENDMENT # 3

DURATION OF AMENDMENT: July 1, 1996 To: June 30, 1997
CONTRACTOR NAME: Tri-County Metropolitan TELEPHONE: 238-4879
Transportation District of Oregon
CONTRACTOR ADDRESS: 4012 SE 17th IRS NUMBER: 93-00579353
Portland, OR 97202

This is amendment #3 is to Intergovernmental Agreement # 100145 executed July 1, 1994 between the Multnomah County Aging Services Department, referred to as "COUNTY" and Tri-County Metropolitan Transportation District of Oregon (Tri-Met), referred to as "CONTRACTOR". It is understood by the parties that all conditions and agreements in the original contract not superseded by the language of this amendment are still in force and apply to this amendment.

I. AMENDMENT OUTCOMES

Project: CONTRACTOR and COUNTY shall implement activities and strategies to reduce the number of no-shows and late-cancels by ASD scheduled riders.

Outcome: Combined no-shows and late-cancels shall be reduced to 1.5% or less of the rides scheduled.

Measurement: The combined number and % of no-shows and late-cancels shall be calculated monthly. Records shall be maintained on a monthly and a cumulative basis.

II. SERVICES AND SERVICE LEVELS

a. CONTRACTOR agrees to provide the services within the service levels listed below for the period July 1, 1996 through June 30, 1997, and COUNTY agrees to reimburse CONTRACTOR for providing those services at the rates and up to the amounts specified below.

Service	Units	Rate	Total County Funds	Program Income	Total County Funds and Program Income*
One-way rides	**	\$2.45	^Requirements	(Up to	\$169,090, subject to availability of funds)

*Units will be funded by COUNTY funds and program income. If less program income is collected, units will be reduced by an equivalent amount; if more program income is collected, units may be increased by an equivalent amount at the rates established above. COUNTY will disburse not more than \$169,090 under this contract amendment.

** An estimated 69,016 one-way rides may be provided through this contract, subject to availability of funds. No-Shows and late-cancellations (see special conditions) are billable after the combination of late cancellations and no-shows reaches 1,035.

^ Funds available for this contract are part of a requirements pool. Taxi contracts draw from this pool when the LIFT is not able to provide needed rides and arrangements are made with other providers. The use of the pool by other providers reduces the amount of funds available to Tri-Met.

III: AMENDMENT NARRATIVE

This amendment extends the contract period through June 30, 1997 and adds funds on a requirements basis up to the amount of \$169,090 for rides provided during the period July 1, 1996 through June 30, 1997. A new outcome and outcome measurement are added.

IV. SPECIAL CONDITIONS

A. CONTRACTOR agrees to provide rides authorized by COUNTY at a cost to the COUNTY of \$2.45 per ride. CONTRACTOR agrees to subsidize additional costs for the rides.

B. CONTRACTOR and COUNTY agree billable rides adhere to established standards and definitions, including the following:

1. Pick-up is within 1/2 hour of scheduled pick-up time.
2. Passengers are delivered within 1 hour of pick-up.
3. COUNTY through Aging Services Department shall arrange for return ride if client cannot honor prescheduled pickup time.
4. No-shows are billed at the same rate as a one-way rides; late cancels are billed and counted as one-half a no-show. A no-show is defined as a ride scheduled but not provided because the client is not present at scheduled pick-up time and location, or a ride is scheduled and not provided because rider refuses transport when the vehicle arrives at the pre-scheduled pick-up time and location. A late cancel is a ride that is scheduled but not provided because the central dispatch is notified after 5 p.m. the day before the trip that the trip is to be canceled.
5. No-shows and late cancels are billable after the number of combined no-shows and late-cancels reaches 1.5% of the scheduled rides, an estimated 1,035 during FY96-97.
6. Late cancels for return rides from nutrition sites are billable on the same basis as other late-cancels covered through this amendment.
7. All ASD agency rides are guaranteed from 6:00 a.m. to 6:00 p.m., using back-up vehicles, if necessary.
8. Rides not meeting the standards specified above shall be dealt with on a case-by-case basis.

C. CONTRACTOR agrees to work with Aging Services Department, District Center, and Nutrition Project staff to schedule and staff meetings quarterly or as necessary to identify, negotiate, and implement, as feasible, changes in policy and procedure which will improve quality and reliability of service delivery and work towards reducing the number of no-shows and late-cancels by Aging Services Department riders.

D. CONTRACTOR agrees to assure that ASD riders have the opportunity to contribute toward the cost of the ride, and each donation is voluntary and confidential as required by the Older Americans Act of 1965, as amended, and Aging Services Department policies. CONTRACTOR agrees to establish a system for collection, accounting, and utilization of client contributions.

E. CONTRACTOR agrees to assure that all Lift bus drivers receive appropriate training and follow-up for drivers at least on a quarterly basis to assure high quality, reliable service, and sensitivity to special needs of riders who are elderly or who have disabilities.

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

MULTNOMAH COUNTY

TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON

BY James McConnell 6/28/96
James McConnell, Director Date
Aging Services Department

BY _____ Date
Tom Walsh
General Manager

BY Beverly Stein 7/25/96
Beverly Stein, Date
Multnomah County Chair

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-5 DATE 7/25/96
DEB BOGSTAD
BOARD CLERK

REVIEWED: LAURENCE KRESSEL
County Counsel for
Multnomah County, Oregon

BY Katie Gaetjens 7/15/96
Katie Gaetjens Date
Assistant County Counsel

6/20/96

CONTRACT BUDGET/REQUIREMENTS SUMMARY

Page 1

CONTRACTOR: TRIMET

CONTRACT #: 100145

SERVICE	# OF UNITS	ASD FUNDS	PROGRAM INCOME	SUBTOTAL ASD	CONTRACT RATE	AGENCY UNIT SUBSIDY				TOTAL CONTRACT	UNIT RATE	AGENCY PROGRAM SUBSIDY				
						AGENCY CASH	AGENCY INKIND	AGENCY TOTAL	AGY SHARE PER UNIT			AGENCY CASH	AGENCY INKIND	AGENCY TOTAL	OTHER UNITS	AGY CO PER UN
51R	69,016	169,090	0	169,090	2.45	857,760	0	857,760	12.43	1,026,850	14.88	0	0	0		
REQUIREMENTS: FUNDS ARE AVAILABLE FOR SERVICES AS NEEDED AND AUTHORIZED -- NOT TO EXCEED THESE LIMITS																
TOTAL		169,090	0	169,090		857,760	0	857,760		1,026,850		0	0	0		

TRI-COUNTY
METROPOLITAN
TRANSPORTATION
DISTRICT
OF OREGON



TRI-MET

4012 S.E. 17TH AVENUE
PORTLAND, OREGON 97202

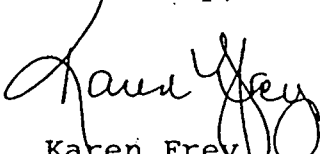


Tri-Met is self-insured for its comprehensive general liability exposures. We are subject to the Oregon Tort Claims Act which limits us to a maximum of \$100,000 per individual and \$500,000 in the aggregate per occurrence.

We are self-insured for Worker's Compensation as authorized by the State of Oregon.

If you need any additional information, please feel free to give me a call at my direct-dial number, 238-4886.

Sincerely,


Karen Frey
Risk Manager

KF/brt

PLEASE PRINT LEGIBLY!

MEETING DATE 7.25.96

NAME

ADDRESS

STREET

CITY

ZIP

I WISH TO SPEAK ON AGENDA ITEM NO. R.I

~~SUPPORT~~

~~OPPOSE~~

SUBMIT TO BOARD CLERK

MULTNOMAH COUNTY COMMISSIONERS WEEKLY MEETING -- 7-25-96

My name is Dianna Roberts. I have operated an Adult Foster Care Home in Multnomah County since 1985. I am the Director of the Rock of Ages Providers Association.

I'd like to inform you of the next television show about ABUSES OF THE ELDERLY RESIDENTS AND ADULT FOSTER CARE PROVIDERS BY THE AGING SERVICES DIVISION IN MULTNOMAH COUNTY.

**Tonight 5:00 pm Channel 11
Monday 9:00 pm Channel 21 MCTV**

Considering the level of conflict between the Aging Services Division and the Adult Foster Care Providers in Multnomah County; I, formally, request Chair Bev Stein to recruit the services of the NIS Process through Portland State University. Negotiated Investment Strategy - Michael Cavender (541) 924-9571.

On July 11th, you Aging Services Division presented you with an amendment to the MCC. which you all ultimately voted for.

I have five (5) Adult Foster Care Providers, whom are willing to meet with ALL of you Commissioners and point out the misrepresentations in the testimony presented to you.

My question for Larry is:

"With this information, what would you advise the Commisisoners here to do?"

Meeting Date: July 25, 1996

Agenda No.: R-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM

SUBJECT: DCC EMPLOYEE RECOGNITION AWARDS PROCLAMATION

BOARD BRIEFING: Date Requested: _____

Amount of time needed: _____

REGULAR MEETING Date Requested: Thursday, July 25, 1996

Amount of time needed: 15 minutes

DEPARTMENT: Community Corrections **DIVISION:** Administration

CONTACT: Karen Rhein **PHONE #:** 248-3701 x4818

BLDG/ROOM #: 161/600/DCC

PERSON(S) MAKING PRESENTATION: Dave Paul

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

DCC Employee Recognition Awards Proclamation

7/25/96 ORIGINALS to Dave Paul for employees
ORIGINAL to Karen Rhein

SIGNATURES REQUIRED:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER *Campbell*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
96 JUN 28 PM 3:09

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

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

In the Matter of recognizing)
the contributions of Phil Lehman, Catherine Bryant, Ruth Wieber, Richie Goss,)
Scott Rayfield, Dugan Bates, Weldon Reedy, Pam Branagan, Leonard Browne)
Teresa Carroll, Jack Bissett, Al Jarrett, Bill Arthur, Peggy Sue Stokes, Jim Vannice,)
Jeff Snyder, Lyle Halverson, Melodi Roland, Nicole Houchins, Pamela Branagan,) PROCLAMATION
Myra Wolsky, Gerard Welch)

WHEREAS the Mission of the Department of Community Corrections is to enhance public safety and to promote the positive change of offenders in the community through integrated supervisory, rehabilitative and enforcement strategies, and

WHEREAS the County wishes to recognize outstanding performance by citizens and employees in accomplishing this Mission, and

WHEREAS recognition is for excellence above and beyond the normal performance of regular duties, and

WHEREAS Phil Lehman, Catherine Bryant, Ruth Wieber, Richie Goss, Scott Rayfield, Dugan Bates, Weldon Reedy, Pam Branagan, Leonard Browne, Teresa Carroll, Jack Bissett, Al Jarrett, Bill Arthur, Peggy Sue Stokes, Jim Vannice, Jeff Snyder, Lyle Halverson, Melodi Roland, Nicole Houchins, Pamela Branagan, Myra Wolsky, and Gerard Welch have been nominated by their peers for such recognition, and

WHEREAS they first received these awards at the Multnomah County Department of Community Corrections Recognition Ceremony on March 28, 1996, and

NOW, THEREFORE it is proclaimed that these good people have the gratitude and respect of the people of this County for jobs well done.

Approved this July 25, 1996.

MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair of Board

Dan Saltzman, Commissioner

Gary Hansen, Commissioner

Sharron Kelley, Commissioner

Tanya Collier, Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Recognizing the Contributions of)
Employees of the Multnomah County) **PROCLAMATION**
Department of Community Corrections) 96-127

WHEREAS, the Mission of the Multnomah County Department of Community Corrections is to enhance public safety and promote the positive change of offenders in the community through integrated supervisory, rehabilitative and enforcement strategies; and

WHEREAS, the County wishes to recognize outstanding performance by citizens and employees in accomplishing this Mission; and

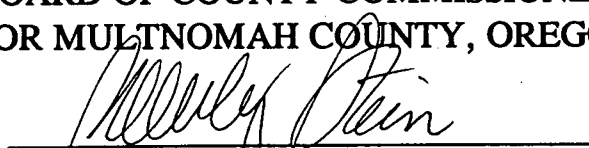
WHEREAS, recognition is for excellence above and beyond the normal performance of regular duties; and

WHEREAS, Phil Lehman, Catherine Bryant, Ruth Wieber, Richie Goss, Scott Rayfield, Dugan Bates, Weldon Reedy, Pam Branagan, Leonard Browne, Teresa Carroll, Jack Bissett, Al Jarrett, Bill Arthur, Peggy Sue Stokes, Jim Vannice, Jeff Snyder, Lyle Halverson, Melodi Roland, Nicole Houchins, Myra Wolsky, and Gerard Welch were nominated by their peers for such recognition, and were honored at the Multnomah County Department of Community Corrections Recognition Ceremony on March 28, 1996; now therefore

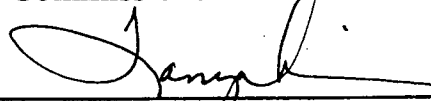
The Multnomah County Board of County Commissioners HEREBY PROCLAIMS that these good people have the gratitude and respect of the citizens of this County for jobs well done.

DATED this 25th day of July, 1996.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

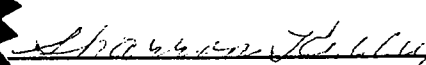

Beverly Stein, Chair


Commissioner Dan Saltzman


Commissioner Tanya Collier




Commissioner Gary Hansen


Commissioner Sharron Kelley

Meeting Date: JUL 25 1996
Agenda No: R-3
Est. Start Time: 9:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Report to the Board a Hearings Officer Decision regarding CU 7-95 & HV 17-95.

BOARD BRIEFING Date Requested:
Amt. of Time Needed:
Requested By:

REGULAR MEETING Date Requested: July 18, 1996
Amt. of Time Needed: 5 Min.

DEPARTMENT: DES
CONTACT: Susan Muir

DIVISION: Transportation & Land Use Planning
TELEPHONE: 248-3043
BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Susan Muir

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Report to the Board the Hearings Officer's decision regarding a Conditional Use approval for a dwelling not related to forest management in the Commercial Forest Use zoning district.

7/25/96 copy of order 96-128 to
Stuart Farmer

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: _____

K. B. Nicholas

BOARD OF
COUNTY COMMISSIONERS
96 JUL 10 AM 8:01
MULTNOMAH COUNTY
OREGON



BOARD HEARING OF July 18, 1996

TIME 9:30am

CASE NAME Conditional Use Request

NUMBER CU 7-95/HV 17-95

1. Applicant Name/Address

Kim Evans
7555 NW 214th Place
Hillsboro, OR 97124

2. Action Requested by Applicant

Conditional Use approval for a dwelling not related to forest management in the Commercial Forest Use zoning district.

3. Planning Staff Recommendation

CU 7-95, HV 17-95: Denial

4. Hearings Officer Decision:

CU 7-95, HV 17-95: Denial

5. If recommendation and decision are different, why?

They are the same.

6. The following issues were raised:

Staff anticipates receiving at least one appeal on this case prior to the board reading. At the board reading we will discuss the date for the de novo hearing (if necessary) and the date that a staff report addressing the appeal issues will be available to the Board.

7. Policy implications related to this case:

An additional staff report for the de novo hearing will address all of the issues and policy implications of the appeal and the decision on this case.

ACTION REQUESTED OF BOARD

- ☒ Affirm Plan.Com./Hear.Of
- ☐ Hearing/Rehearing
- ☐ Scope of Review
 - ☐ On the record
 - ☐ De Novo
 - ☐ New Information allowed

**BEFORE THE HEARINGS OFFICER
FOR MULTNOMAH COUNTY, OREGON**

Regarding a request for a Conditional Use Permit by)
Kim Evans for a single family dwelling not related)
to forest management and a Variance to side and)
rear yard setbacks for property located at 13913 NW)
Skyline Boulevard in unincorporated Multnomah)
County, Oregon.)

FINAL ORDER
CU7-95 HV 17-95
(Evans)

I. APPLICANT'S REQUEST

The applicant requests a Conditional Use Permit for a single family dwelling not related to forest management on a 20-acre Lot of Record in the Commercial Forest Use (CFU) zoning district. The applicant proposes to place the dwelling approximately 50 feet from both the north and west property lines which requires a Major Variance from the 200 foot side and rear yard setback requirements in this zone. The proposed development also requires findings under Statewide Planning Goal 5 because the proposed development is located in an area designated on the Comprehensive Plan as a Primary Wildlife Habitat.

II. HEARING AND RECORD

A public hearing concerning this application was held on March 20, April 3 and May 2. The written record was closed on May 17, 1996.

A list of exhibits received into the record by the Hearings Officer is attached as Exhibit 1.

III. PRELIMINARY ISSUES

1. Template Test

The Hearings Officer has previously found in his Intermediate Ruling dated April 29, 1996, that since the County has not yet amended its land use regulations to implement the 1994 amendments to Goal 4 and its administrative rules, ORS 197.646(3) requires that the amended goal and administrative rules "shall be directly applicable to the local government's land use decision." Therefore, the applicable template test is found in OAR 660-06-027.

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Multnomah County
Zoning Division

Since the Hearings Officer issued his intermediate ruling, the Oregon Department of Land Conservation and Development (DLCD) through Mr. James W. Johnson, Farm/Forest Coordinator and Sandra Duffy, Multnomah County Counsel, have argued that ORS 197.646(3) does not preclude the County from applying more restrictive county standards in the interim, before the local code has been amended to comply with the 1994 Goal 4 requirements. DLCD cites to Dilworth v. Clackamas County, ___ Or. LUBA ___ (LUBA No. 95-115, January 4, 1996). County Counsel cites to Kola Tepee v. Marion County, 17 Or. LUBA 910 (1989); Spathas v. Portland, 28 Or. LUBA 351 (1994); Brewster v. Keizer, 27 Or. LUBA 432 (1994); and Zorn v. Marion County, 19 Or. LUBA 54 (1985).

Although the Dilworth case was factually similar to this one, in Dilworth, LUBA was not called upon to consider the effects of ORS 197.646(3). Therefore, Dilworth is of no value here hence the central issue here is the effect of ORS 197.646(3). Furthermore, neither Koala Tepee, Spathas, Brewster or Zorn deal directly with the impact and meaning of ORS 197.646(3). Therefore, they are of little value to the issue at hand.

Unlike the situation with ORS 315.283 which is a standard that courts have interpreted to be only a minimum standard that must be applied to acknowledge plans for land zoned EFU, ORS 197.646(3) is a statute that applies certain legislative statutes and regulations to local decisions directly before post acknowledgement amendments have been incorporated into the local government's comprehensive plan and land use regulations.

In essence, the County and DLCD argue that in the interim, after plans and zoning codes are acknowledged, but before post-acknowledgement Goal amendments are incorporated into local land use regulations, local governments are free to follow more restrictive ordinances than the amended goals and administrative regulations that will eventually need to be complied with. In short, they argue that where local post acknowledgement ordinances have not been acknowledged by LCDC, but are more restrictive than the new goal amendments and rule changes that the local government will be required to implement, such local ordinances should not be suspended in favor of less restrictive state law provisions, despite the requirements of ORS 197.646(3).

While the Hearings Officer acknowledges the policy grounds on which the County and DLCD base their arguments, the Hearings Officer has reviewed the cited cases and finds that there is nothing in those cases, and nothing in the record before the Hearings Officer which demonstrates that the legislature intended that the requirements of ORS 197.646(3) somehow do not apply when a local government has already adopted a more restrictive but unacknowledged land use ordinance.

The cases cited by the County involve the application of statewide goals and administrative rules after acknowledgement of local implementing regulations has occurred. None of the cited cases addressed the situation presented here where the County has adopted more restrictive local regulations before post-acknowledgment. In such cases,

ORS 197.646(3) specifically provides that the new or amended goal, rule or statute "shall be directly applicable to the local government's land use decision." The statute is unambiguous and leaves no room for interpretation. Furthermore, even if the statute were ambiguous, none of the parties have cited to any legislative history that would shed light on relevant legislative intent. Therefore, the Hearings Officer finds that the template test set forth in OAR 660-06-027 applies directly to this application because the County has not yet obtained acknowledgement for its implementing regulations pursuant to the amended Goal 4 administrative rules.

2. Interpretation of the Term "Centered on the Center of the Subject Tract" for Purposes of Applying the Template Test in OAR 660-06-027

The Hearings Officer finds that although the so called "center of gravity" test was used by the County as a method for determining the center of the template for purposes of the County ordinance, the Hearings Officer finds that the same method is also a reasonable interpretation of the "center of the center" test for purposes of OAR 660-06-027.

There is no definition of the phrase "centered on the center of the subject tract" for purposes of OAR 660-06-027. Dictionary definitions are of no help in determining a methodology for finding the center of an irregular shape such as this. Staff's use of a "balance point" or "center of gravity" seems to be a reasonable method of uniformly determining the "center" of a tract of property, regardless of its shape. Furthermore, the analysis of Mr. Matthew A. Rochlin, from a mathematics standpoint, needs further support to staff's use of the "center of gravity" methodology for determining the "center" of irregularly shaped parcels.

Based upon the "center of gravity" established by staff and accepted by the Hearings Officer, there is uncontroverted evidence in the record indicating that three dwellings existed on January 1, 1993 within a 160 acre grid (template) centered on the center of the subject parcel. Therefore, the applicant has satisfied the applicable template test as set forth in OAR 660-06-027.

3. Goal 5 Application

The Hearings Officer agrees with the legal analysis of the applicant with regard to whether or not Ordinance 832 (amending the County's SEC zone) codified at MCC 11.15.6426, are the relevant approval standards in this case, or whether the requirements of Goal 5 and its administrative rules apply directly to this application.

The Hearings Officer finds that according to Ordinance 832, the County amended Ordinance 801, which included MCC 11.15.6426, establishing the SEC overlay district and SEC-h (wildlife habitat). Ordinance 801 implemented the previously adopted Ordinance 797 which adopted the "West Hills Reconciliation Report." In February of 1995, LCDC issued a

decision declaring the county Ordinance 797 and 801, et al. deficient as not meeting the requirements of Goal 5. In response, Multnomah County passed Ordinance 832, and Section 11.15.6400, et seq. of the code. As of approximately January 3, 1996 (see Exhibit X) when this application was deemed complete, the County did not have an acknowledged SEC overlay implementing regulation pursuant to Goal 5 on this site. Therefore, under ORS 197.625(3)(b), Goal 5 applies directly to this land use decision.

Based upon the findings prepared by the applicant which are adopted and incorporated by reference here, the Hearings Officer finds that the applicant can comply with the requirements of Goal 5.

4. Motion to Strike DLCD Letter

The applicant's attorney, William Cox, has objected to an April 30, 1996 letter from James W. Johnson, Farm/Forest Coordinator for DLCD. Mr. Cox has raised the following arguments in support of his motion to strike:

A. "Participation by DLCD not in accordance with statute."

Mr. Cox has cited ORS 197.090 for the proposition that only the "director" has authority to participate in a local land use proceeding. Therefore, since Mr. Johnson is not the "director" of DLCD, Mr. Cox argues that DLCD's participation is not accordance with the statute.

The Hearings Officer rejects Mr. Cox's proposition. ORS 197.090 does not say that only the director of DLCD can participate in a local land use proceeding. Rather it provides a methodology by which the director may participate. Furthermore, nothing in ORS 197.090 requires the Hearings Officer to exclude evidence submitted by someone other than DLCD's director even if such evidence from DLCD fails to follow the process called for in the statute.

B. "Failure to comply with local government requirements, MCC 11.15.8225(A) regarding record submissions."

In this argument, Mr. Cox asserts that only "parties" have the right to make an appearance of record and that Mr. Johnson, and DLCD have not qualified as a party in accordance with .8225(A).

The Hearings Officer finds that Mr. Cox is correct that only "parties" have the right to make an appearance of record according to the Multnomah County Code. However, the Hearings Officer finds that Mr. Johnson, acting in his role as a Farm/Forest Coordinator for DLCD, was presumably acting with the consent of the director of DLCD, and therefore, on behalf of DLCD and its director, and as such has the statutory duty and authority under ORS

197.090(B) to coordinate the activities of DLCD with regard to land conservation and development activities of various local governments in the state. In that regard, Mr. Johnson's letter asserts a position concerning what he believes to be the proper application of ORS 197.646(3) in this case. Because the Hearings Officer adopted a position contrary to DLCD's opinion, Mr. Johnson, on behalf of DLCD, satisfied the "adversely affected or aggrieved" test and therefore qualifies as a party under MCC .8825.

C. "Failure to comply with local government requirement, MCC 11.15.8225(B) regarding record."

Within this argument, Mr. Cox makes the following points:

1. DLCD letter was not submitted "at or prior to the hearing."

The Hearings Officer finds that Mr. Johnson's failure to assert a position at or prior to the hearing date on April 3 did not constitute a violation of .8225(B). The Hearings Officer received the letter into the record at the time it was submitted and allowed the applicant to provide additional oral and written rebuttal and testimony concerning the letter. Therefore, the evidence was received before the hearing itself was closed and the Hearings Officer finds that .8225(B) was not violated.

2. The letter fails to set forth evidence and argument either for or against the application being reviewed.

The Hearings Officer finds that Mr. Johnson's letter on behalf of DLCD provided argument contrary to the position taken by the applicant. Since the Hearings Officer tentatively adopted the position proposed by the applicant with regard to the so called "template test," DLCD's letter constitutes argument against the position taken by the applicant. Therefore this criteria is met.

3. The letter fails to show in what manner the interests of the person would be affected or aggrieved.

Because the letter is from DLCD and since that agency has a statutory duty to coordinate with local governments in relation to land conservation and development decisions, the Hearings Officer finds that the letter from DLCD contains sufficient facts indicating that the interests of DLCD would be adversely affected or aggrieved by a decision contrary to DLCD's position regarding the interpretation of ORS 197.646(3).

For the above stated reasons, the Hearings Officer rejects the applicant's motion to strike and allows the letter from DLCD to remain in the record.

5. Alternate Housing Locations

The subject site is a 20 acre parcel located in the CFU district. The parcel does not front on a public road, and instead takes access from a private easement and logging road that connects to NW Skyline Boulevard. The property has an unusual shape that contains slopes from approximately 7% to 40%.

Given the site's existing access limitations, size, configuration, slopes and surrounding uses, in order to locate a non-forest dwelling in the northwest corner of the site, the applicant would be required to seek variances from side yard and rear yard setbacks. Also, since the access road is in excess of 500 feet in length, the code requires finding that if such a road is longer than 500 feet, that such length is the minimum length required due to physical limitations unique to the property.

In response to these code criteria, the Hearings Officer encouraged the applicant to analyze alternative housing locations on site, so that appropriate findings could be made concerning staff's view that the proposed site was not the only acceptable building location. It should be noted that the Hearings Officer's purpose for requesting alternative dwelling location analysis was not to find the most acceptable building site, but rather to enable the Hearings Officer to make the appropriate comparative findings relevant to the approval criteria. For example, the following criteria require some level of comparative analysis:

A. An access road in excess of 500 feet is necessary due to physical limitations unique to the property and that the road is the minimum length required (see .2074(A)(4)).

B. The amount of forest land used to site the dwelling or other structure, access road and service corridor is minimized (see .2074(A)(3)).

C. The dwelling or structure is located such that it has the least impact on nearby or adjoining forest lands or agricultural lands that satisfies the minimum yard and setback requirements of .2048(C)-(G) (see .2074(A)(1)).

Based upon the above referenced criteria, all of which require some form of comparative analysis (e.g. minimum length required, minimization of forest land used, least impact on nearby forest and agricultural uses), the Hearings Officer finds that the applicant has undertaken a good faith effort to identify, analyze and compare other alternative locations for the proposed residence within the site, and in doing so, has enabled the Hearings Officer to make appropriate findings relative to other possible locations for the dwelling within the site. The applicant has identified the following other possible homesites:

1. Central Portion of the Site

This area is within the central portion of the site and is approximately one to one and one-half acres in size. This area would not require any setback variances in order to be developed. However, this area contains slopes in excess of 30% and would require significant engineering (cut, fill, retaining walls) to be developed. It would also require removal of a ten year old stand of Douglas Fir. Two potential homesites have been identified in this portion of the site.

2. Southeastern Portion of the Site

Two other alternative homesite locations have been identified here. One lies north of the roadway as the road enters the property. The other is the "meadow area" identified by staff. The "meadow area" is located between the existing road and the southern property line, in an area designated as a slope hazard area on the county's maps. However, based upon a site observation by staff, this area does not contain slopes steep enough to qualify as a slope hazard area. The evidence indicates that the "meadow area" appears to have slopes of approximately 10% -- comparable to those of the proposed homesite in the northwest portion of the parcel. Given the narrow width of the site in the "meadow area", setback variances may be required depending on the location of the dwelling.

The applicant has argued that the requested homesite location in the northwest corner of the site is the most viable and only feasible location for a dwelling on the property. Although the Hearings Officer tends to agree with the applicant that the proposed homesite in the northwest area is probably the most viable and feasible location from a development standpoint, "viability" and "feasibility" are not the relevant approval criteria. The relevant criteria are analyzed below relative to the facts in the record.

IV. CRITERIA AND FINDINGS

1. Conditional Use Permit

A. **MCC 11.15.2052(A): A dwelling not related to forest management may be allowed subject to the following:**

- (1) **The lot shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawfully created prior to January 25, 1990**

Findings

MCC .2062(A)(2) requires (a) a deed creating the parcel be recorded prior to 1990, and (b) that the parcel satisfy the applicable laws when created, (c) that the parcel does not meet the minimum lot size standards (80 acres), and (d) that the parcel is not contiguous to other substandard lots under the same ownership.

The evidence indicates that a warranty deed dated October 7, 1996 describing the site was recorded with the Multnomah Recording Section on April 10, 1980 in Book 1432, Page 1782 (attached as Exhibit 83). The subject parcel is 20 acres in size and exceeded the minimum lot size in the MUF-19 zone when it was originally created in 1951 (deed recorded with Multnomah County Recording Section in Book 1504, Page 61). The parcel is currently less than 80 acres in size and thereby does not meet the current minimum lot size requirements in the CFU zone. The applicant does not own contiguous property either in the CFU or EFU zoning districts. Therefore, this criteria is satisfied.

- (2) The lot shall be of sufficient size to accommodate siting the dwelling in accordance with MCC .2074 with minimum yards of 60 feet to the centerline of any adjacent County Maintained road and 200 feet to all other property lines. Variances to this standard shall be pursuant to MCC .8505 through .8525, as applicable.

Findings

The subject property is not located adjacent to any county maintained roads, therefore the 200 foot setback standard applies. Due to the unusual configuration of this lot, limitations of the terrain, and surrounding uses, the applicant has chosen to request a variance to the standard. Therefore, this criteria can be met so long as a variance to a 200 foot setback standard is met.

- (3) The lots shall meet the following standards: [Note: Pursuant to ORS 197.646(3), since revisions to OAR 660-06, adopted by the State on February 18, 1994, have not yet been acknowledged by the county, the OAR requirements concerning lot standards requires that this amended goal and administrative rule apply directly to the local government's land use decision. Therefore, the following lot standards in OAR 660-06-027(1)(d)(c) apply]:

OAR 660-06-027(1)(d): In western Oregon, a governing body of a county or its designate may allow the establishment of a single family dwelling on a lot or parcel located within a forest zone if the lot or parcel is predominantly composed of soils that are:

(C) capable of producing more than 85 cubic feet per acre per year of wood fiber if

(i) all or part of at least 11 other parcels that existed on January 1, 1993, are within a 160 acre square centered on the center of the subject tract; and

(ii) at least three dwellings existed on January 1, 1993 on the other lots or parcels.

Findings

The template prepared by the Multnomah County staff (Exhibit C) demonstrates compliance with OAR 660-06-027(1)(d)(c). All or part of at least 11 other parcels that existed on January 1, 1993 are within the 160 acre square. These parcels include Parcels 2 and 3 of Plat 1990-43, Tax Lots (14), (24), and (36) on Map 2 and 2W-25, Tax Lots (5), (10) and (38) on Map 2 and 2W-26, Tax Lots 100, 101 and 200 on Map 2 and 2-35 in Washington County, Tax Lots (22 and 32 on Map 2 and 2W-36.) Furthermore, at least three dwellings existed on January 1, 1993 on the other lots or parcels within the 160 acre square. These dwellings are located on Tax Lot (24 on Map 2 and 2W-25, Tax Lots 101 and 200 on Map 2 and 2-35 in Washington County, and Tax Lots (22) and (32) on Map 2 and 2W-36.

- (4) The dwelling will not force a significant change in, significantly increase the costs of, or impede accepted forestry or farming practices on surrounding forest or agricultural lands**

Findings

The Skyline Boulevard area is rural residential in character. Land uses in the surrounding area are depicted in Exhibit A5. Numerous dwellings exist in the surrounding area on parcels of this size or smaller.

There is very little commercial forestry or agricultural use in this section of Skyline Boulevard. While the subject property is in the CFU district, it is adjacent to EFU land. Farming has been inhibited by poor soils, steep demography, lack of irrigation, high elevation, cold winds, occasionally heavy snow cover, and the threat of soil erosion from intensive farming and marginally steep ground. What little farming does exist is mostly in low yield hay production or pasture. Large parcels in the EFU district are used for hay production, pasture and forest, however, they are not producing commercial level yields.

Properties employed in hay production and pasture are located in all directions from the subject site distances in excess of 300 feet. Practices associated with the cultivation of field crops such as grains, clover, hay, etc., including plowing, discing, harrowing, cultipacking, ground application of soil amendments (fertilizer, lime), herbicides and pesticides, seeding, harvesting, baling and gathering, and transport of the harvested material. These practices employ the use of various types of farm equipment including tractors and towed appliances such as plows, rotovators, discs, harrows, cultipackers, spreaders, seed drills, sprayers and specialized mowers and balers. Pasture lands, except for unmanaged forage areas (cleared land), receive much of the same treatment as land used for field crops and similar farm equipment is used (tractors, plows, disc, etc.)

Properties employed in some level of forest use, predominantly not on a commercial scale, are located in all directions of the site, with abutting parcels to the north, west and south.

The applicant has selected a dwelling location in the northwest corner of the site. As discussed in more detail below, the Hearings Officer finds that the location of the dwelling in this portion of the site will not force a significant change in or significantly increase the costs of or impede accepted forestry or farming practices on surrounding forest or agricultural land, because although a secondary fire break needs to be located in forest land to the northwest, this easement change poses only a minor change in accepted forestry practices on the accepted forest practices on the applicant's site. Evidence clearly indicates that whatever minor change might be imposed by this secondary fire break, the result would not be significant either in terms of cost or in terms of accepted forestry practices. No other changes are evident based on the evidence in the record.

The above findings demonstrate that the proposed dwelling, and activities associated with the dwelling, will not force a significant change in accepted farm/forest practices on surrounding lands devoted to farm/forest use; nor will it significantly increase the cost of or impede accepted farm/forest practices on surrounding lands developed to farm/forest use.

The aerial photograph (Exhibit B7) serves as a vicinity map of surrounding forestry and farming activities in the area. The applicant has researched contiguous tax lots to determine the nature of adjacent farm/forest uses. Questionnaires were mailed to adjacent property owners to gather information regarding existing and planned forestry and farm practices. There are 9 tax lots adjacent to the subject site under 9 different ownerships. Nine (9) questionnaires were mailed out, one to each adjacent property owner. Of the mailed questionnaires, 4 were returned (Refer to Exhibit B4). The following information has been gathered from Multnomah County and

Washington County Assessor's records, returned questionnaires and review of the aerial photograph.

Summary of Farm/Forest Activities on Adjacent Properties

Tax Map	Tax Lot	Acreage	Owner	Use
2N2W25	(14)	19.80	Paula M. Williams	F
2N2W25	(24)	19.39	Frederick/Carrie King	D/H/F
2N2W25	Parcel 3	20.94	Western States Dev. Corp.	H/F
2N2W26	(5)	26.71	Leon/Sen Speroff	D/F
2N2W26	(10)	20.00	Edward/Fritzi Parkinson	F
2N2W26	(38)	14.32	Vanport Manufacturing, Inc.	F
2N2W36	(22)	38.00	Gordon/Violet Nerheim	D/F
2N2W36	(32)	76.99	Blanche D. Miller	D/F
2N2W35	101	5.30	Adele M. Benyo	D/F

Key

D = Dwelling, F = Forest/Timber, H = Hay

- (5) The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgement of the Comprehensive Plan in 1980, will be acceptable

Findings

According to Comprehensive Plan findings on wildlife habitat, the Oregon Department of Fish and Wildlife maps do not list this area as being located within a big game winter habitat area. Therefore, this criteria is met.

- (6) **The proposed dwelling will be located on a lot within a rural fire protection district, or the proposed resident has contracted for residential fire protection**

Findings

The parcel is located within the boundaries of the Tualatin Valley Fire and Rescue and Beaverton Fire Department boundary. Therefore, this criteria is met.

- (7) **Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of Forestry, the Bureau of Land Management, or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance**

Findings

The parcel is served by an access easement for ingress-egress from Skyline Boulevard as noted in Exhibit A2. Therefore, this criteria is met.

- (8) **The parcel on which the dwelling will be located has been disqualified from receiving a farm or forest tax deferral**

Findings

According to the Multnomah County Assessment records, the parcel is not receiving farm or forest deferral at this time. As a condition of approval, the applicant will be required to demonstrate that the parcel has been disqualified from receiving farm or forest tax deferral prior to receiving any additional permits from the County.

- (9) The dwelling meets the applicable development standards of MCC .2074; (as follows)

MCC .2074 Development Standards for Dwellings and Structures

Except as provided for the replacement or restoration of dwellings under MCC .2048(E) and .2049(B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

- (A) The dwelling or structure shall be located such that:

- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);

Findings

The applicant has undertaken an analysis of alternative housing locations as referred to in the preliminary issues discussed elsewhere in this report.

The Hearings Officer finds that this criteria requires that a dwelling or structure must be located such that it has the least impact on nearby or adjoining forest or agricultural land.

The Hearings Officer finds that the proposed dwelling, if it is located in the northwest corner as requested by the applicant, will not have the least impact on nearby forest lands because 50 feet of the secondary fire break would need to be located off-site, within adjoining forest land. Although the Hearings Officer has previously found that the impact to this adjoining forest land from the fire break would be minimal, there is clear evidence in the record demonstrating that by locating the dwelling in the central portion of the site, where setback variances would not be required and where all fire breaks could be accommodated on site, that such placement would have less impact on adjoining forest land. Therefore, the Hearings Officer finds that this criteria has not been met.

- (2) Forest operations and accepted farming practices will not be curtailed or impeded.

Findings

The Hearings Officer finds that by locating the dwelling on the northwest corner of the site, forest operations and accepted farming practices on site will not be significantly curtailed or impeded. It is unclear from the text of this criteria whether

the criteria requires a finding that forest operations and accepted farming practices will not be curtailed or impeded to any degree, or whether such impact must just be significant in degree. The Hearings Officer finds that based upon the overall context of this criteria and its application in past cases, the criteria should be interpreted to mean that forest operations and accepted farming practices may not be curtailed or impeded to a significant degree. Because the Hearings Officer finds that the only impact on adjoining resource uses would be the 50 foot off-site fire break, and because such impact is not significant, this criteria is met.

- (3) **The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized**

Findings

The Hearings Officer finds that there is an existing accessway to the subject property which extends from Skyline Boulevard to the proposed home site and beyond to adjacent lots west of the site. Although the access road will require some improvements in order to comply with applicable standards, the location of a dwelling along this access road will not require any new road building on land devoted to forest use and thereby would minimize the amount of forest land used to site the dwelling, even though the dwelling would be located in a more remote corner of the site.

Furthermore, the amount of forest land used to site the dwelling in the northwest corner of the site is minimized compared to locating the dwelling in the central or southern portion of the site where additional land would be required for retaining walls and other associated engineering features, given the slope of the land in these areas. Therefore, this criteria is met.

- (4) **Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required**

Findings

There has been considerable debate during the various hearings on this matter concerning this criteria. In this case, an access road in excess of 500 feet is necessary due to the fact that the site is more than 500 feet away from Skyline Boulevard. The distance from Skyline Boulevard constitutes a physical limitation unique to the property.

Although this access road, in its present condition, currently provides access to this property as well as other properties beyond this one, the question is whether the proposed length of the access road is the minimum length required to serve a dwelling on the site. The Hearings Officer finds that since the applicant could locate a dwelling in the central or southern portions of the site and thereby reduce the length of the access road, the applicant has not demonstrated that the access road is the minimum length required. Therefore, this criteria is not met.

**(5) The risks associated with wildfire are minimized.
Provisions for reducing such risk shall include:**

- (a) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet the driveway standards of MCC .2074(D) with permanent signs posted along the access route to indicate the location of the emergency water source;**
- (b) Maintenance of a primary and a secondary fire safety zone.**
 - (i) A primary fire safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure. Trees within this safety zone shall be space with greater than 15 feet between the crowns. The trees shall also be pruned to remove low branches within 8 feet of the ground as the maturity of the tree and accepted silviculture practices may allow. All other vegetation should be kept less than 2 feet in height.**
 - (ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:**

Percent Slope	Distance In Feet
Less than 10	Not required
Less than 20	50

Less than 25	75
Less than 40	100

- (iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone. The goal of this safety zone is to reduce fuels so that the overall intensity of any wildfire is lessened. Vegetation should be pruned and spaced so that fire will not spread between crowns of trees. Small trees and brush growing underneath larger trees should be removed to prevent the spread of fire up into the crowns of the larger trees. Assistance with planning, forestry practices which meet these objectives may be obtained from the State of Oregon Department of Forestry or the local Rural Fire Protection District.
- (iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and
- (c) The building site must have a slope less than 40 percent.

Findings

The applicant has proposed an accessway that will meet the driveway standards of MCC .2074(D). Permanent signs posted along the access route could be used to indicate the location of an emergency water source. It is not clear based upon evidence in the record whether access for a pumping fire truck to within 15 feet of any perennial water source on the lot will be provided. However, since irrigation will be provided along the north property line with sprinkler heads, the Hearings Officer presumes that access for a fire truck within 15 feet of the perennial water source that would serve to irrigate the property by the sprinkler heads will be available. This could be required as a condition of approval.

The applicant has demonstrated that a 30-foot wide primary fire safety zone can be provided on site in the 50-foot setback proposed around the proposed homesite in the northwest corner of the site.

However, the code requires a 100-foot wide secondary fire safety zone. Within the secondary fire safety zone, trees need to be spaced with greater than 15 feet between their crowns. Also, trees must be pruned to remove low branches within eight feet of the ground as the maturity of the tree and accepted silviculture practices may allow. Finally, within the 100-foot secondary fire safety zone, all other vegetation must be maintained less than two feet in height. In other words, vegetation, including trees and underbrush must be thinned and cropped in order to provide an adequate secondary fire break.

In this case, along the north and west sides of the proposed dwelling site, only half (50 feet) of the 100-foot wide secondary fire safety zone can be provided on site. The remaining 50 feet of the secondary fire safety zone must be provided on forested land adjacent to the site by use of easement. The applicant indicates that an easement will be provided on the adjacent forested land to the west and north in order to accommodate the required secondary fire safety zone. Since there does not appear to be any prohibition providing the secondary fire safety zone adjacent property through the use of an easement, the Hearings Officer finds this criteria can be met.

Finally, the evidence indicates that the requirements for the fire safety zone would not restrict or contradict a forest plan approved by the State of Oregon pursuant to the State Forest Practice Rules. Therefore, these criteria can be met.

(B) The dwelling shall:

- (1) Comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;**
- (2) Be attached to a foundation for which a building permit has been obtained; and**
- (3) Have a minimum floor area of 600 square feet.**

Findings

The proposed single family dwelling would be required to receive a building permit which will conform to the Uniform Building Code, would be attached to a foundation and would be required to have a minimum floor area of at least 600 square feet. Therefore this criteria can be met.

- (C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class II stream as defined in the Forest Practices Rules. If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.

Findings

The applicant indicates that the proposed water supply for the dwelling would come from a well with a depth of approximately 550 feet located on the property. No surface water is involved in this request. Furthermore, the subject site does not involve a critical ground water area. Therefore this criteria can be met.

- (D) A private road (including approved easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:
- (1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;
 - (2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;
 - (3) Provide minimum curve radii of 48 feet or greater;
 - (4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;
 - (5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:
 - (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;
 - (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;
 - (6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;
 - (7) Provide for the safe and convenient passage of vehicles by the placement of:

- (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or
- (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of 1/2 the driveway length or 400 feet whichever is less.

Findings

The applicant has provided written verification that the culverts can comply with the 52,000 lb. gross vehicle weight standard. Furthermore criteria 2, 3 and 4 can be met based upon evidence in the record.

Criteria 5 requires that grades on the roadway cannot exceed 8 percent with a maximum of 12 percent on short segments except that the maximum grade may be exceeded upon written approval by the fire protection service provider having responsibility for the area. The proposed driveway exceeds the 12 percent limitation at various points along its course. However, Tualatin Valley Fire and Rescue has provided a letter dated February 27, 1996 approving the driveway subject to compliance with an exception standard detailed within the fire code. Based upon the letter dated February 27, 1996 from the fire protection service provider having responsibility, it appears that criteria 5 could be met.

Evidence in the record indicates that criteria 6 and 7 can be met based upon the proposed site plan. Therefore, these criteria can be met.

- (10) A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;

Findings

The above referenced statement was recorded with the Multnomah County Division of Records on September 27, 1995 and is included as Exhibit 5B in the record. Therefore this criteria has been met.

2. Variance

A. **Variance Approval Criteria MCC 11.15,8505(A)**

The Approval Authority may permit and authorize a variance from the requirements of this Chapter only when there are practical difficulties in the application of the Chapter. A Major Variance shall be granted only when all of the following criteria are met.

- (1) A circumstance or condition applies to the property or to the intended use that does not apply generally to other property in the same vicinity or district. The circumstance or condition may relate to the size, shape, natural features and topography of the property or the location or size of physical improvements on the site or the nature of the use compared to surrounding uses.

Findings

The applicant is requesting a variance to the 200-foot setback requirement to allow the dwelling to be located 50 feet south of the north property line and 50 feet east of the west property line in the northwest corner of the site. The Hearings Officer finds that the subject property is unique in that it is L-shaped with long narrow necks extending to the northeast. Furthermore, the contours on the property indicate that the legs of "L" are relatively level compared to the central portion of the "L" which generally contains greater slopes.

Based upon all of the evidence in the record, the Hearings Officer finds that the shape of the parcel and its topography relative to its shape does present a circumstance and condition relative to this property does not apply generally to other properties in the same vicinity. Therefore this criteria is met.

- (2) The zoning requirement would restrict the use of the subject property to a greater degree than it restricts other properties in the vicinity or district.

Findings

The applicant has argued that the most suitable homesite on the property is within the northwest corner of the site that a variance is required from the setbacks in this area. Due to the width of the lots in the northwest corner of the site, the zoning regulation requiring a 200-foot setback does restrict the parcel to a greater degree than the other parcels in the vicinity or district and unless the variance is approved it would eliminate the possibility of locating a dwelling in this area.

Even though the Hearings Officer agrees that locating the proposed dwelling in the northwest corner of the site may be the most suitable location from a development standpoint, the applicant has not provided substantial evidence in the record demonstrating that by locating the dwelling in the less suitable central portion of the site where no variances would be required, that such location would restrict the use of the property to a greater degree than it restricts other property in the vicinity. Since it is possible to locate a dwelling in the central location on the site without the variance and since there is no evidence that such a location would be unduly restrictive, the Hearings Officer finds that this criteria has not been met.

- (3) **The authorization of the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located, or adversely affect the appropriate development of adjoining properties.**

Findings

The Hearings Officer finds that authorizing the variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which the property is located nor will it adversely affect appropriate development of adjoining properties, because the proposed dwelling site is overall, the most suitable building site. The only negative impact from locating the dwelling in the proposed location is the relatively insignificant impact of locating the 50-foot secondary fire break off-site in the forested area on the north and west portion of the site. To the extent that surrounding forest properties in the area of the proposed dwelling are willing to accommodate the secondary fire break in the adjacent forest land and to the extent that location of this off-site secondary forest break does not significantly affect forest use on that property, the Hearings Officer finds that authorization of this variance will not be materially detrimental to the public welfare or injurious to the property in the vicinity of the district nor will it adversely affect appropriate development of the adjoining forest properties. Therefore this criteria can be met.

- (4) **The granting of the variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use which is not listed in the underlying zone.**

Findings

The Hearings Officer finds that granting of the variance will not adversely affect the realization of the Comprehensive Plan nor will it establish a use that is not listed in the underlying zone so long as all the criteria in the zoning code and any applicable state laws are met. The Hearings Officer finds that provisions in the County's Comprehensive Plan are implemented through enacted County zoning ordinances,

applicable statutes and administrative rules. Therefore this criteria can be met if all applicable zoning ordinances, statutes, and administrative rules are satisfied.

The applicant's property has been identified as a Goal 5 resource where conflicting uses exist between residential and wildlife habitat. Goal 5 and its administrative rules in OAR Chapter 660 Division 16 require the conservation and protection of wildlife areas and habitats.

The application of Goal 5's administrative rules to individual sites in a quasi-judicial action is somewhat problematic. Nonetheless, the applicant has submitted limited information which has inventoried of the location, quantity and quality of plant and wildlife resources on the property, and has identified conflicting uses as required by the Goal. Furthermore, the applicant's conservation plan seeks to minimize potential impacts, while outlining means to protect and enhance habitat, conserve open space and promote the health of natural resources. Based upon the above-referenced information and record, the Hearings Officer finds that the applicant has satisfied the requirements of Goal 5. Since Multnomah County has not yet had its recent Goal 5 amendments acknowledged by the Land Conservation and Development Commission at the time this application was deemed complete, the requirements of Goal 5 and its administrative rules apply directly to this application. The Hearings Officer concludes that the requirements of Goal 5 and its administrative rules are or can be satisfied by the inventory, analysis of conflicting uses and conservation plan submitted by the applicant.

V. CONCLUSION AND DECISION

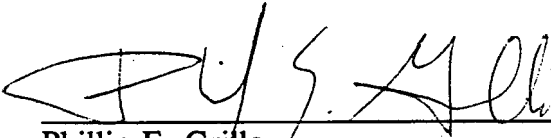
Although most of the relevant criteria have been satisfied, the Hearings Officer concludes that the applicant has not demonstrated that:

- 1) The location of the dwelling is located such that it has the least impact on adjoining forest or agricultural lands.
- 2) Any access road in excess of 500 feet in length is the minimum length required.

- 3) The zoning restriction (setback requirements) would restrict the use of the site to a greater degree than it restricts other property in the vicinity.

For these reasons, the proposed applications must be **Denied**.

It is so ordered this 28th day of June, 1996.

A handwritten signature in dark ink, appearing to read "P. E. Gryllo", is written over a horizontal line.

Phillip E. Gryllo
Hearings Officer
Multnomah County

List of Exhibits
CU 7-95; HV 17-95
(Revised May 21, 1996)

- Exhibit A** Applicant's Statement Submitted July 12, 1995
- Exhibit A1** Site Plan and Grading Plan
 - Exhibit A2** Current Warranty Deed & Roadway Easement
 - Exhibit A3** Warranty Deed Dated October 7, 1976
 - Exhibit A4** SCS Soils Map and Description
 - Exhibit A5** Aerial Photographs (1984 & 1986)
 - Exhibit A6** Maps of 160-acre grid
 - Exhibit A7** Assessment/Ownership Records of Properties within 160 acre grid (Multnomah County and Washington County - Includes Washington County Tax Map)
 - Exhibit A8** Land Use Planning Notes, No's 1 and 2, Oregon Department of Forestry, March and September 1991.
 - Exhibit A9** "Geotechnical Reconnaissance and Stability Questionnaire"
 - Exhibit A10** Service Provider Statements
- Exhibit B** Applicant's Supplemental Statement Submitted January 4, 1996
- Exhibit B1** "Private On-Site Sewage Disposal Certification" Form with Approved Land Feasibility Study (LFS 138-95)
 - Exhibit B2** Letter to Multnomah County RFPD No. 20 Dated 12/21/95
 - Exhibit B3** Oregon Department of Forestry (ODF) Letter Dated 11/27/95
 - Exhibit B4** Returned Questionnaires from Adjacent Property Owners on Farm/Forest Activities
 - Exhibit B5** Multnomah County Conditions & Restrictions Statement Recorded 9/27/95 as Vol./Pg. No. 95-118085 in Multnomah County Book of Records
 - Exhibit B6** Sec-h Permit Application Prepared by AG Crook Company
 - Exhibit B7** 1994 Aerial Photograph (Vicinity Map)
 - Exhibit B8** Site Plan, Grading Plan & Driveway Profile (Revised 12/21/95)
- Exhibit C** Staff Template Map

- Exhibit D** Letter from Kevin Bender dated January 12, 1996
- Exhibit E** Letter from David Jossi dated January 15, 1996
- Exhibit F** Letter from Tualatin Valley Fire and Rescue dated February 14, 1996
- Exhibit G** Staff Report Prepared for March 20, 1997 Public Hearing
- Exhibit H** Letter from Mr. Kravitz dated March 18, 1996
- Exhibit I** Photocopy of Aerial with Distances to Nearby Residences
- Exhibit J** Aerial Photo indicating lots with Forest Use and Dwellings
- Exhibit K** Survey Submitted by Applicant at 3/20/96 Hearing Indicating Center of Property
- Exhibit L** Colored Overlay of Exhibit C Prepared by Applicant Submitted at 3/20/96 Hearing
- Exhibit M** Letter from Tualatin Valley Fire and Rescue Dated February 27, 1996
- Exhibit N** 1983 Aerial Photo
- Exhibit O** Applicant's Response to Staff Report Submitted at 3/20/96 Hearing
- Exhibit P** General Application Form, Receipt and Owner Authorization
- Exhibit Q** Zoning Map
- Exhibit R** Pre-Application Notice and Staff Notes
- Exhibit S** Washington County Assessment and Taxation Records
- Exhibit T** Notice of Public Hearing with Hearings Officer
- Exhibit U** Mailing List for Notification and Affidavit of Posting
- Exhibit V** August 8, 1995 Letter from Planning Staff
- Exhibit W** August 15, 1995 Letter from Land Development Consultants with Owner consent to Variance Form
- Exhibit X** January 3, 1996 Letter from Land Development Consultants
- Exhibit Y** January 18, 1996 Letter from Land Development Consultants
- Exhibit Z** January 18, 1996 Letter from Planning Staff
- Exhibit AA** January 24, 1996 Letter from Planning Staff
- Exhibit BB** January 31, 1996 Letter from Land Development Consultants

Items Submitted After March 20, 1996 Hearing

- Exhibit CC** March 25, 1996 Letter from Christopher Foster
- Exhibit DD** March 27, 1996 Letter from William Cox
- Exhibit EE** March 21, 1996 Letter from Michael Carlson
- Exhibit FF** March 28, 1996 Memo to File from Staff

Exhibit GG Notice of continuation

Items Submitted At April 3, 1996 Hearing

Exhibit HH Staff Rebuttal

Exhibit II Submittal by Mr. Cox

Items Submitted After April 3, 1996 Hearing

Exhibit JJ Intermediate Ruling

**Exhibit KK Department of Land Conservation and Development Letter
Dated 4/30/96**

Items Submitted At May2, 1996 Hearing

Exhibit LL Western Helicopter Services Letter Dated 5/1/96

**Exhibit MM Department of Land Conservation and Development Letter
Dated 4/9/96**

Exhibit NN Applicant's Submittal Dated 5/2/96

Exhibit OO Baker Rock Resources letter dated April 30, 1996

Items Submitted After May2, 1996 Hearing

Exhibit PP Applicant's Submittal Dated May 8, 1996

Exhibit QQ Applicant's Submittal Dated May 17, 1996

Exhibit QQ-A Washington County Zoning Map

Exhibit QQ-B Washington County Zoning Ordinance

Exhibit QQ-C District 'B' Map

**Exhibit QQ-D Letter from Agra Earth & Environmental
dated May 16, 1996**

Exhibit QQ-E Letter from Mike Pihl Logging, Inc.

Exhibit RR Letter from Soderstrom Architects, May 16, 1996

Exhibit SS Letter from Jeffrey L. Miller dated May 16, 1996

Exhibit TT Letter from Western States Development dated May 17, 1996

**Exhibit UU Letter from Department of Forestry dated May 17, 1996 w/
cover sheet from Western States Development**

Exhibit VV Email from County Counsel

Exhibit WW Memo from Staff dated 5/21/96



DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF PLANNING AND DEVELOPMENT
2115 SE MORRISON STREET
PORTLAND, OREGON 97214 (503) 248-3043

TOTAL
0000-00
-327 PM

500.00
7/12/96
11:13 AM

NOTICE OF REVIEW

1. Name: Evans, Kim
Last Middle First
2. Address: 7555 NW 214th Pl., Hillsboro, Oregon
Street or Box City State and Zip Code
3. Telephone: () -

4. If serving as a representative of other persons, list their names and addresses:

Mrs. Evans is represented by:

William C. Cox, Attorney at Law
0244 S.W. California Street

Portland, Oregon 97219

(503) 246-5499

ALL CORRESPONDENCE SHOULD BE THROUGH MR. Cox

5. What is the decision you wish reviewed (e.g., denial of a zone change, approval of a subdivision, etc.)?

Denial of conditional use permit and major variance request.

6. The decision was announced by the Planning Commission on 7/3, 1996

7. On what grounds do you claim status as a party pursuant to MCC 11.15.8225?

I am the applicant, and thus a person entitled to
notice under MCC .8220(C). I also made an appearance
of record before the approval authority.

GROUNDS FOR REVERSAL OF DECISION
MULTNOMAH COUNTY HEARINGS OFFICER DECISION

CU 7-95 & HV 17-95

This appeal is limited to the issues of whether applicant has established a basis for variance(s) that allow placement of the intended single family dwelling not related to forest management at the homesite chosen by applicant rather than the one preferred by the hearings officer and whether hearings officer was correct in allowing the Department of Land Conservation and Development representative to participate in the hearing without being a party and without approval of all parties to the application.

Specifically this appeal deals with the Hearings Officer conclusion stated in findings related to MCC .2074(A)(1) which are located under item number 9, page 13 of the decision; MCC. 2074(A)(4) also located under item number 9 pages 14/15 of the decision; and, MCC 11.15.8505(A)(2) located on pages 20/21 of the decision. The intent of this appeal is to limit the issues on appeal to the above identified findings and Conclusion and Decision items 1, 2 and 3.

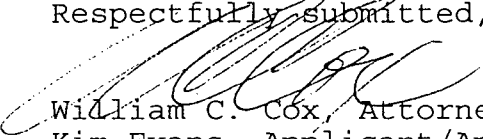
It is appellant's contention that the Hearings Officer decision should be reversed because he exceeded his jurisdiction by imposing personal rather than legal standards in his analysis. He also failed to follow procedures applicable to the matter before him in a manner that prejudiced the applicant's substantial rights by allowing input into the record by a non-party (DLCD) and did not allow direct confrontation of a DLCD conclusion which amounts to legal analysis by a non-attorney.

The hearing's officer decision improperly construed the applicable law when he based his decision on home placement without considering the impact other placements would have on the forest resource on the site and on surrounding uses. The site is zoned for forest use. The application is for a home not in conjunction with forest uses. There is substantial evidence in the record that the alternative locations considered by the hearings officer as possibly better sites would result in

substantial damage to the forest resource. The decision does not recognize those facts. The hearings officer decision concentrates of surrounding property at the expense of the subject parcel's future as forest resource.

The hearings officer's decision is not based upon substantial evidence in the record. The alternative locations were suggested by County staff but no evidence is in the record that they are superior to or even equivalent to the one chosen by the applicant. Furthermore, the hearings officer decision fails to properly consider that the access road will continue beyond any site chosen by the applicant. As the hearing officer recognized, the road used to access the home continues beyond the subject parcel of property. There is substantial and un rebutted evidence in the record that the road will exist regardless of the future use of the site for a home.

Respectfully submitted,



William C. Cox, Attorney for
Kim Evans, Applicant/Appellant

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of Reviewing the Hearings
Officer's Decision Denying CU 7-95/HV 17-95
Pursuant to MCC 11.15.8260 and .8265

ORDER
96-128

It is hereby Ordered that the decision of the Hearings Officer in CU 7-95/HV 17-95 be reviewed by the Board pursuant to its authority under MCC 11.15.8260 and .8265. This review is de novo, set for August 27, 1996 at 9:30 a.m., with each party allocated 20 minutes.

Approved this 25th day of July, 1996.



MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein
Multnomah County Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON

By *Sandra N. Duffy*
Sandra N. Duffy, Chief Assistant Counsel

MEETING DATE: JUL 18 1996 JUL 25 1996

AGENDA #: R-4 R-4

ESTIMATED START TIME: 9:40 9:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Citizen Budget Advisory Committee Ordinance

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: 7/18/96

AMOUNT OF TIME NEEDED: 10 min.

DEPARTMENT: CIC

DIVISION: ND

CONTACT: Carol Ward

TELEPHONE #: 3450

BLDG/ROOM #: 412/215

PERSON(S) MAKING PRESENTATION: Jack Pessia, Central CHAC Chair

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Amendment to Citizen Budget Advisory Committee
Ordinance

7/25/96 copy to CAROL WARD

7/26/96 copies to Ordinance Distribution List

SIGNATURES REQUIRED:

ELECTED

OFFICIAL: _____

(OR)

DEPARTMENT

MANAGER: _____

John P. Pessia

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

BOARD OF
COUNTY COMMISSIONERS
96 JUN 28 AM 9 11
MULTNOMAH COUNTY
OREGON



Citizen Involvement Committee

2115 SE MORRISON

PORTLAND, OREGON 97214

248-3450

To: Board of County Commissioners

From: Citizen Involvement Committee

Date: June 25, 1996

Requested placement date: July 18, 1996

RE: Amendment to Citizen Budget Advisory Committee ordinance

I. Recommendations/Action Requested:

- a. Amendments: 1) establishes Citizen Budget Advisory Committees for Departments of Community and Family Services; Juvenile Service; Health Services; Support Services. Eliminates CBAC for Department of Human Services and Auditor.
- b. Removes requirement that a Citizen Involvement Committee member serve on each Citizen Budget Advisory Committee.

II. Background/Analysis:

This is necessary due to County reorganization. These CBACs are currently functioning but are not established by ordinance.

III. Financial Impact:

NONE

IV. Legal Issues:

NONE

V. Controversial Issues:

NONE

VI. Link to current County policies:

Consistent

VII. Citizen Participation

This amendment has been developed by the Central Citizen Budget Advisory Committee and reviewed by the Citizen Involvement Committee.

VIII. Other government participation:

Reviewed by Community Health Council and CBACs of the departments; discussed with and approved by department staff.

EXHIBIT E
ORDINANCE FACT SHEET

Ordinance Title:

Give a brief statement of the purpose of the ordinance including rationale for adoption, description of persons benefited, alternatives explored: *to create Citizen Budget Advisory Committees for new departments.*

What other local jurisdictions have enacted similar legislation?

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

This process has been in effect since 1985.

What is the fiscal impact, if any?

None

(Please use other side if you need more space)

SIGNATURES

Person Filling out form *Glenn Fisher*

Planning & Budget (if fiscal impact) _____

Department Manager/Elected Official _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY OREGON

ORDINANCE NO. _____

An ordinance amending MCC 2.30.640 (G), relating to membership and operation of the Citizen Budget Advisory Committees.

(Language in brackets [] is to be deleted; underlined language is new.)

Multnomah County ordains as follows:

Section I: Findings

The Board of County Commissioners finds that as the result of County reorganization there is a need for:

[1. Establishment of positions and responsibility for nomination of the Department of Human Services Citizen Budget Advisory Committee.]

1. Establishment of Citizen Budget Advisory Committees for the Departments of Health, Juvenile Justice, Community & Family Services, and Management Support Services.

1 Section II: Amendments

2
3 MCC 2.30.640 (G) is amended as follows:

4
5 (1) Findings.

6
7 The Board of County Commissioners finds that there is a need
8 for:

9
10 (a) Citizen (definition of "citizen" is resident of Multnomah
11 County) involvement in the development of the County
12 Budget.

13
14 (b) Citizen advocacy of budget proposals; and

15
16 (c) Better means of informing citizens concerning county
17 budget problems, processes and proposals.

18
19 (2) Duties.

20
21 There are hereby established Multnomah County Citizen Budget
22 Advisory Committees for the Department of [Human Services]
23 Community & Family Services, the Department of Environmental
24 Services, the Department of Community Corrections, the Health
25 Department, Department of Juvenile Justice, [the Multnomah
26 County Auditor,] the Multnomah County Sheriff, the Multnomah
27 County District Attorney, [and] Multnomah County Non-

1 Departmental Programs, Management Support Services, and the
2 Multnomah County Library; provided, however, that the
3 ~~[Department of Human Services Citizen Advisory Board shall~~
4 ~~function as the Department of Human Services Citizen Budget~~
5 ~~Advisory Committee and the]~~ Multnomah County Library Board
6 shall function as the Multnomah County Library Citizen Budget
7 Advisory Committee and the Community Health Council shall
8 function as the Health Department Citizen Budget Advisory
9 Committee. The Community Health Council and the Multnomah
10 County Library Board shall continue as presently constituted,
11 not withstanding any conflicting provisions of MCC 2.30.640
12 (G) as amended by Ordinance 662 and 695.

13
14 The Citizen Budget Advisory Committees are charged to act as
15 advisory committees to the Board of County Commissioners and all
16 county directors, elected officials, and non-departmental programs.
17 Citizen Budget Advisory Committees will actively participate in
18 county budget development and review, give advice on policy
19 considerations, and participate in operational and strategic
20 planning.

21
22 (3) Membership.

23
24 (a) Each Citizen Budget Advisory Committee shall be composed
25 of seven (7) members appointed by the County Chair upon the
26 approval of the Board of County Commissioners.

1 (i) The membership of each Citizen Budget Advisory
2 Committee, excepting as provided under subparagraph's (ii) and
3 (iii) below, shall be as follows:

4
5 Position 1. One (1) citizen nominated by the Citizen
6 Involvement Committee.

7 Position 2. One citizen nominated by the Citizen Involvement
8 Committee.

9 Position 3. One (1) citizen nominated by the Citizen
10 Involvement Committee.

11 Position 4. One citizen nominated by the Citizen Involvement
12 Committee.

13 Position 5. One citizen nominated by the Elected Official or
14 Department Director.

15 Position 6. One (1) Citizen Involvement Committee member or one
16 citizen nominated by the Citizen Involvement
17 Committee.

18 Position 7. One citizen nominated by the Elected Official or
19 Department Head.
20

21 (ii) The Multnomah County Non-Departmental Programs shall
22 have one (1) Citizen Budget Advisory Committee composed of members
23 nominated to the following positions:
24

25 Position 1: One (1) citizen nominated by the Multnomah County
26 Chair.
27

Position 2: One (1) citizen nominated by the Board of County Commissioners.

Position 3: One (1) citizen nominated by the Citizen Involvement Committee.

Position 4: One (1) citizen nominated by the Citizen Involvement Committee.

Position 5: One (1) citizen nominated by the Citizen Involvement Committee.

Position 6: One (1) Citizen Involvement Committee member nominated by the Citizen Involvement Committee.

Position 7: One (1) citizen selected from nominations by all other non-departmental organizations.

(iii) The Department of Juvenile Justice shall have one (1) Citizen Budget Advisory Committee composed of members nominated to the following positions:

Position 8: One (1) member of the Multnomah Commission on Children and Families.

Position 9: One (1) member of the Multnomah Commission on Children and Families.

[(iii) The Department of Human Services Citizen Budget Advisory Committee shall be composed of sixteen (16) members nominated to the following positions:

Position 1. One (1) citizen nominated by the most representative citizen advisory group serving the

1 Aging Services Division, as determined by the
2 director of the Department of Human Services.

3
4 Position 2. One (1) citizen nominated by the most
5 representative citizen advisory group serving the
6 Juvenile Justice Division, as determined by the
7 director of the Department of Human Services.

8
9
10 Position 3. One (1) citizen nominated by the most
11 representative citizen advisory group serving the
12 Social Services Division, as determined by the
13 director of the Department of Human Services.

14
15 Position 4. One (1) citizen nominated by the most
16 representative citizen advisory group serving the
17 Health Division, as determined by the director of
18 the Department of Human Services.

19
20 Position 5. One (1) citizen-at-large or consumer nominated by
21 the Citizen Involvement Committee.

22
23 Position 6. One (1) citizen-at-large or consumer nominated by
24 the Citizen Involvement Committee.

25
26 Position 7. One (1) citizen-at-large or consumer nominated by
27 the Citizen Involvement Committee.

1 Position 8. One (1) citizen-at-large or consumer nominated by
2 the Citizen Involvement Committee.

3
4 Position 9. One (1) citizen who represents key citizen boards
5 or organizations in the human services arena,
6 nominated by the Citizen Involvement Committee.

7
8 Position 10. One (1) citizen who represents key citizen boards
9 or organizations in the human services arena,
10 nominated by the Citizen Involvement Committee.

11
12 Position 11. One (1) Citizen Involvement Committee member
13 nominated by the Citizen Involvement Committee.

14
15 Position 12. One (1) citizen who represents key citizen boards
16 or organizations in the human services arena,
17 nominated by the Citizen Involvement Committee.

18
19 Position 13. One (1) citizen-at-large or consumer nominated by
20 the Citizen Involvement Committee.

21
22 Position 14. One (1) citizen-at-large or consumer nominated by
23 the Citizen Involvement Committee.

24
25 Position 15. One (1) citizen-at-large or consumer nominated by
26 the Citizen Involvement Committee.

1 Position 16. One (1) citizen-at-large or consumer nominated by
2 the Citizen Involvement Committee.

3
4 At all times at least one member of the Department of Human
5 Services Citizen Budget Advisory Committee shall live in each of
6 the four Commission Districts.]

7
8
9
10 (b) If any Citizen Budget Advisory Committee does not have
11 [at least seven (7)] its full contingent of members as a result of
12 appointments made pursuant to section (a) above, then the Citizen
13 Involvement Committee may nominate citizens for appointment to fill
14 the vacancies in that department's Budget Advisory Committee.

15 (c) No person shall be considered for nomination to a Citizen
16 Budget Advisory Committee who does not live in Multnomah County,
17 except members of the Community Health Council representing
18 professional organizations.

19 (d) Term.

20 (i) Except as provided in subparagraph (ii) below, each
21 member shall be appointed by position for a term of three (3)
22 years. No person may serve more than two (2) consecutive terms on
23 any Citizen Budget Advisory Committee.

24 (ii) To ensure rotating terms, the following terms shall
25 apply to all initial appointments to [the Department of Human
26 Services Citizen Budget Advisory Committee:] CBACs.

1 Positions 1, 4, and 7 [9, 13 and 14] shall serve three year
2 terms.

3
4 Positions 3, 6, and 9 [10 and 15] shall serve two year terms.

5
6 Positions 2, 5, and 8 [11 and 16] shall serve one year terms.

7
8 (e) Vacancies.

9 Vacancies on Citizen Budget Advisory Committees can be
10 declared by the Citizen Involvement Committee, upon the written
11 recommendation of the Citizen Budget Advisory Committee, if a
12 member has missed two consecutive meetings or a majority of
13 meetings held within one year. A vacancy on any Citizen Budget
14 Advisory Committee shall be filled in accordance with the
15 provisions of subsection (a) above.

16
17 If a vacancy is not filled within 30 days the Citizen
18 Involvement Committee may nominate a citizen for appointment to
19 that vacancy.

20
21 (f) Conflict of Interest.

22
23 Any member of a Citizen Budget Advisory Committee who has
24 monetary or investment interest in any matter before their Citizen
25 Budget Advisory Committee shall so inform the membership of the
26 Citizen Budget Advisory Committee. Multnomah County employees

1 shall not be eligible for membership [in the] on a Citizen Budget
2 Advisory Committee.

3
4 (g) Compensation.

5
6 Members shall receive no compensation for serving on a
7 Citizen Budget Advisory Committee.

8
9 (4) Process and Responsibilities.

10
11 (a) Each Citizen Budget Advisory Committee shall elect its
12 own Chair by the second meeting in each fiscal year.

13
14 (b) All meetings shall be held in accordance with ORS 192,
15 the Oregon Open Meetings Law.

16
17 (c) Each Citizen Budget Advisory Committee shall take minutes
18 of its meetings and provide copies of these minutes to
19 each of its members, the Elected Official/Department
20 Head, and to the Office of Citizen Involvement. Each
21 Citizen Budget Advisory Committee shall meet the
22 requirements of ORS 192, the Oregon Public Records Law.

23
24 (d) Each department director, [the Multnomah County Auditor,]
25 the Multnomah County District Attorney, and the Multnomah
26 County Sheriff will be responsible to assign technical
27 and clerical support for Citizen Budget Advisory

1 Committees. The Non-Departmental Citizen Budget Advisory
2 Committee shall receive technical and clerical support
3 from the Board of County Commissioners [and] or the
4 Office of Citizen Involvement.

5
6 (e) Any variations from the stipulations of this ordinance
7 shall be approved by the Citizen Involvement Committee in
8 writing.

9
10 (f) The chair of each Citizen Budget Advisory Committee shall
11 report the findings of the Citizen Budget Advisory
12 Committee to the County Chair, the Elected Officials or
13 Department Heads, and to the Office of Citizen
14 Involvement by the dates designated in the [Strategic
15 Planning and] Budget processes, and to the Board of
16 County Commissioners and the public during the formal
17 hearing process.

18
19 (5) Central Citizen Budget Advisory Committee.

20
21 (a) Each Citizen Budget Advisory Committee shall select one
22 of its members to serve on the Central Citizen Budget
23 Advisory Committee.

24
25 (b) Appointments to the Central Citizen Budget Advisory
26 Committee will be for one (1) year.

1 (c) The Citizen Involvement Committee shall appoint a member
2 at large who will be designated chair of the Central
3 Citizen Budget Advisory Committee.

4
5 (d) The Central Citizen Budget Advisory Committee shall be a
6 steering committee for the Budget Advisory Committees;
7 shall be responsible for coordinating all deadlines,
8 reports and activities of the Citizen Budget Advisory
9 Committee process; shall provide training for Citizen
10 Budget Advisory Committee members; and shall produce a
11 report of its recommendations to the Chair, the Board of
12 County Commissioners, and the public.

13
14 (e) The Central Citizen Budget Advisory Committee responds to
15 the concerns of the Citizen Budget Advisory Committees
16 and may reflect the concerns of the public at large.

17
18 (f) The Central Citizen Budget Advisory Committee is charged
19 with making county-wide recommendations to the Chair, the
20 Board and the public, which may cross departmental lines
21 and affect one or more departments.

1 (g) The Central Citizen Budget Advisory Committee will
2 receive technical assistance and clerical support for the
3 Citizen Involvement Committee.

4
5 ADOPTED this _____ day of July, 1996, upon passage
6 following the second reading.

7
8 BOARD OF COUNTY COMMISSIONERS
9 FOR MULTNOMAH COUNTY, OREGON

10
11 _____
12 Beverly Stein, Chair
13 Multnomah County

14 REVIEWED:

15 LAURENCE KRESSEL, COUNTY COUNSEL
16 FOR MULTNOMAH COUNTY, OREGON

17 By Sandra N. Duffy
18 Sandra N. Duffy, Chief Assistant

19 N:\DATA\WPCENTER\OPERATNS\LBCIC2
20
21
22
23
24
25
26
27

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY OREGON

ORDINANCE NO. 863

An ordinance amending MCC 2.30.640 (G), relating to membership and operation of the Citizen Budget Advisory Committees.

(Stricken language in brackets [] is to be deleted; underlined language is new.)

Multnomah County ordains as follows:

Section I: Findings

The Board of County Commissioners finds that as the result of County reorganization there is a need for:

~~[1. Establishment of positions and responsibility for nomination of the Department of Human Services Citizen Budget Advisory Committee.]~~

1. Establishment of Citizen Budget Advisory Committees for the Departments of Health, Juvenile Justice, Community & Family Services, and Support Services.

Section II: Amendments

MCC 2.30.640 (G) is amended as follows:

1 (1) Findings.

2
3 The Board of County Commissioners finds that there is a need for:

4 (a) Citizen involvement in the development of the County
5 Budget.

6 (b) Citizen advocacy of budget proposals; and

7 (c) Better means of informing citizens concerning county
8 budget problems, processes and proposals.
9

10 (2) Duties.

11
12 There are hereby established Multnomah County Citizen Budget
13 Advisory Committees for the Department of ~~[Human Services]~~
14 Community & Family Services, the Department of Environmental
15 Services, the Department of Community Corrections, the Health
16 Department, Department of Juvenile Justice, Department of Support
17 Services, [the Multnomah County Auditor,] the Multnomah County
18 Sheriff, the Multnomah County District Attorney, ~~[and]~~ Multnomah
19 County Non-Departmental Programs, and the Multnomah County Library;
20 provided, however, that the ~~[Department of Human Services Citizen~~
21 ~~Advisory Board shall function as the Department of Human Services~~
22 ~~Citizen Budget Advisory Committee and the]~~ Multnomah County Library
23 Board shall function as the Multnomah County Library Citizen Budget
24 Advisory Committee and the Community Health Council shall function as
25 the Health Department Citizen Budget Advisory Committee. The
26 Community Health Council and the Multnomah County Library Board

(As amended 7/18/96)

shall continue as presently constituted, not withstanding any conflicting provisions of MCC 2.30.640 (G) as amended by Ordinance 662 and 695.

The Citizen Budget Advisory Committees are charged to act as advisory committees to the Board of County Commissioners and all county directors, elected officials, and non-departmental programs. Citizen Budget Advisory Committees will actively participate in county budget development and review, give advice on policy considerations, and participate in operational and strategic planning.

(3) Membership.

(a) Each Citizen Budget Advisory Committee shall be composed of seven (7) members appointed by the County Chair upon the approval of the Board of County Commissioners.

(i) The membership of each Citizen Budget Advisory Committee, excepting as provided under subparagraph (ii) below, shall be as follows:

Position 1. One (1) citizen nominated by the Citizen Involvement Committee.

Position 2. One (1) citizen nominated by the Citizen Involvement Committee.

Position 3. One (1) citizen nominated by the Citizen Involvement Committee.

Position 4. One (1) citizen nominated by the Citizen Involvement Committee.

(As amended 7/18/96)

1 Position 5. One (1) citizen nominated by the Elected Official or
2 Department Director.

3 Position 6. One (1) Citizen Involvement Committee member or one
4 citizen nominated by the Citizen Involvement Committee.

5 Position 7. One (1) citizen nominated by the Elected Official or
6 Department Head.

7 (ii) The Multnomah County Non-Departmental Programs shall
8 have one (1) Citizen Budget Advisory Committee composed of members
9 nominated to the following positions:

10 Position 1. One (1) citizen nominated by the Multnomah County Chair.

11 Position 2. One (1) citizen nominated by the Board of County
12 Commissioners.

13 Position 3. One (1) citizen nominated by the Citizen Involvement
14 Committee.

15 Position 4. One (1) citizen nominated by the Citizen Involvement
16 Committee.

17 Position 5. One (1) citizen nominated by the Citizen Involvement
18 Committee.

19 Position 6. One (1) Citizen Involvement Committee member nominated
20 by the Citizen Involvement Committee.

21 Position 7. One (1) citizen selected from nominations by all other non-
22 departmental organizations.

23 ~~[(iii) The Department of Human Services Citizen Budget~~
24 ~~Advisory Committee shall be composed of sixteen (16) members nominated~~
25 ~~to the following positions:~~

26

(As amended 7/18/96)

1 ~~Position 1. One (1) citizen nominated by the most representative~~
2 ~~citizen advisory group serving the Aging Services~~
3 ~~Division, as determined by the director of the Department~~
4 ~~of Human Services.~~

5 ~~Position 2. One (1) citizen nominated by the most representative~~
6 ~~citizen advisory group serving the Juvenile Justice~~
7 ~~Division, as determined by the director of the Department~~
8 ~~of Human Services.~~

9 ~~Position 3. One (1) citizen nominated by the most representative~~
10 ~~citizen advisory group serving the Social Services~~
11 ~~Division, as determined by the director of the Department~~
12 ~~of Human Services.~~

13 ~~Position 4. One (1) citizen nominated by the most representative~~
14 ~~citizen advisory group serving the Health Division, as~~
15 ~~determined by the director of the Department of Human~~
16 ~~Services.~~

17 ~~Position 5. One (1) citizen at large or consumer nominated by the~~
18 ~~Citizen Involvement Committee.~~

19 ~~Position 6. One (1) citizen at large or consumer nominated by the~~
20 ~~Citizen Involvement Committee.~~

21 ~~Position 7. One (1) citizen at large or consumer nominated by the~~
22 ~~Citizen Involvement Committee.~~

23 ~~Position 8. One (1) citizen at large or consumer nominated by the~~
24 ~~Citizen Involvement Committee.~~

(As amended 7/18/96)

1 ~~Position 9. One (1) citizen who represents key citizen boards or~~
2 ~~organizations in the human services arena, nominated by~~
3 ~~the Citizen Involvement Committee.~~

4 ~~Position 10. One (1) citizen who represents key citizen boards or~~
5 ~~organizations in the human services arena, nominated by~~
6 ~~the Citizen Involvement Committee.~~

7 ~~Position 11. One (1) Citizen Involvement Committee member~~
8 ~~nominated by the Citizen Involvement Committee.~~

9 ~~Position 12. One (1) citizen who represents key citizen boards or~~
10 ~~organizations in the human services arena, nominated by~~
11 ~~the Citizen Involvement Committee.~~

12 ~~Position 13. One (1) citizen at large or consumer nominated by the~~
13 ~~Citizen Involvement Committee.~~

14 ~~Position 14. One (1) citizen at large or consumer nominated by the~~
15 ~~Citizen Involvement Committee.~~

16 ~~Position 15. One (1) citizen at large or consumer nominated by the~~
17 ~~Citizen Involvement Committee.~~

18 ~~Position 16. One (1) citizen at large or consumer nominated by the~~
19 ~~Citizen Involvement Committee.~~

20 ~~At all times at least one member of the Department of Human Services Citizen~~
21 ~~Budget Advisory Committee shall live in each of the four Commission~~
22 ~~Districts.]~~

23
24 (b) If any Citizen Budget Advisory Committee does not have [at least
25 seven (7)] its full contingent of members as a result of appointments made
26 pursuant to section (a) above, then the Citizen Involvement Committee may

(As amended 7/18/96)

1 nominate citizens for appointment to fill the vacancies in that department's
2 Budget Advisory Committee.

3
4 (c) No person shall be considered for nomination to a Citizen Budget
5 Advisory Committee who does not live in Multnomah County, except members
6 of the Community Health Council representing professional, civic or
7 community organizations.

8
9 (d) Term.

10
11 (i) Except as provided in subparagraph (ii) below, each member
12 shall be appointed by position for a term of three (3) years. No person may
13 serve more than two (2) consecutive terms on any Citizen Budget Advisory
14 Committee.

15 (ii) To ensure rotating terms, the following terms shall apply to
16 all initial appointments to [~~the Department of Human Services Citizen Budget~~
17 ~~Advisory Committee:]~~ Citizen Budget Advisory Committees.

18 Positions 1, 4, and 7 [~~9, 13 and 14~~] shall serve three year terms.

19 Positions 3 and 6 [~~10 and 15~~] shall serve two year terms.

20 Positions 2 and 5 [~~11 and 16~~] shall serve one year terms.

21
22 (e) Vacancies.

23
24 Vacancies on Citizen Budget Advisory Committees can be
25 declared by the Citizen Involvement Committee, upon the written
26 recommendation of the Citizen Budget Advisory Committee, if a member has

(As amended 7/18/96)

missed two consecutive meetings or a majority of meetings held within one year. A vacancy on any Citizen Budget Advisory Committee shall be filled in accordance with the provisions of subsection (a) above.

If a vacancy is not filled within 30 days the Citizen Involvement Committee may nominate a citizen for appointment to that vacancy.

(f) Conflict of Interest.

Any member of a Citizen Budget Advisory Committee who has monetary or investment interest in any matter before their Citizen Budget Advisory Committee shall so inform the membership of the Citizen Budget Advisory Committee. Multnomah County employees shall not be eligible for membership ~~[in the]~~ on a Citizen Budget Advisory Committee.

(g) Compensation.

Members shall receive no compensation for serving on a Citizen Budget Advisory Committee.

(4) Process and Responsibilities.

(a) Each Citizen Budget Advisory Committee shall elect its own Chair by the second meeting in each fiscal year.

(b) All meetings shall be held in accordance with ORS 192, the Oregon Open Meetings Law.

1 (c) Each Citizen Budget Advisory Committee shall take minutes
2 of its meetings and provide copies of these minutes to each of its
3 members, the Elected Official/Department Head, and to the Office
4 of Citizen Involvement. Each Citizen Budget Advisory Committee
5 shall meet the requirements of ORS 192, the Oregon Public
6 Records Law.

7
8 (d) Each department director, ~~[the Multnomah County Auditor,]~~
9 the Multnomah County District Attorney, and the Multnomah
10 County Sheriff will be responsible to assign technical and clerical
11 support for Citizen Budget Advisory Committees. The Non-
12 Departmental Citizen Budget Advisory Committee shall receive
13 technical and clerical support from the Board of County
14 Commissioners ~~[and]~~ or the Office of Citizen Involvement.

15
16 (e) Any variations from the stipulations of this ordinance shall
17 be approved by the Citizen Involvement Committee in writing.

18
19 (f) The chair of each Citizen Budget Advisory Committee shall
20 report the findings of the Citizen Budget Advisory Committee to
21 the County Chair, the Elected Officials or Department Heads, and
22 to the Office of Citizen Involvement by the dates designated in the
23 ~~[Strategic Planning and]~~ Budget processes, and to the Board of
24 County Commissioners and the public during the formal hearing
25 process.

1 (5) Central Citizen Budget Advisory Committee.

2
3 (a) Each Citizen Budget Advisory Committee shall select one of
4 its members to serve on the Central Citizen Budget Advisory
5 Committee.

6
7 (b) Appointments to the Central Citizen Budget Advisory
8 Committee will be for one (1) year.

9
10 (c) The Citizen Involvement Committee shall appoint a member
11 at large who will be designated chair of the Central Citizen Budget
12 Advisory Committee.

13
14 (d) The Central Citizen Budget Advisory Committee shall be a
15 steering committee for the Budget Advisory Committees; shall be
16 responsible for coordinating all deadlines, reports and activities of
17 the Citizen Budget Advisory Committee process; shall provide
18 training for Citizen Budget Advisory Committee members; and
19 shall produce a report of its recommendations to the Chair, the
20 Board of County Commissioners, and the public.

21
22 (e) The Central Citizen Budget Advisory Committee responds to
23 the concerns of the Citizen Budget Advisory Committees and may
24 reflect the concerns of the public at large.

(As amended 7/18/96)

(f) The Central Citizen Budget Advisory Committee is charged with making county-wide recommendations to the Chair, the Board and the public, which may cross departmental lines and affect one or more departments.

(g) The Central Citizen Budget Advisory Committee will receive technical assistance and clerical support for the Citizen Involvement Committee.

ADOPTED this 25th day of July, 1996, upon passage following the second reading.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON


Laurence Kressel

7/18/96

MEETING DATE: JUL 25 1996

AGENDA NO.: R-5

ESTIMATED START TIME: 9:50

(Above space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: NOI - TUBERCULIN SKIN TESTING PROJECT

BOARD BRIEFING Date Requested: _____

Requested by: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: JULY 25, 1996

Amount of Time Needed: 5 to 10 minutes

DEPARTMENT: HEALTH DIVISION: DISEASE PREV & CONTROL

CONTACT: JAN POUJADE TELEPHONE #: X2408
BLDG/ROOM #: 160/9

PERSON(S) MAKING PRESENTATION: JAN POUJADE

ACTION REQUESTED:

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

SUGGESTED AGENDA TITLE:

Notice of Intent to respond to a request for proposals from the Centers for Disease Control to fund a cooperative agreement Tuberculin Skin Testing Demonstration Project.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Or

DEPARTMENT MANAGER: Bill Odegaard

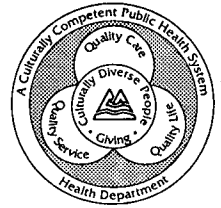
(ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES)

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

BOARD OF
COUNTY COMMISSIONERS
96 JUL 15 AM 10:38
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
426 S.W. STARK STREET, 7TH FLOOR
PORTLAND, OREGON 97204-2394
(503) 248-3056
FAX (503) 248-3015
TDD (503) 248-3816

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

MEMORANDUM

TO: Beverly Stein, Chair

FROM: Jan Sinclair, Manager Specialty Health and Field Services

THROUGH: Bill Odegaard, Director

SUBJECT: Notice of Intent to respond to a Request for Proposals from Centers for Disease Control for implementation of a Tuberculin Skin Testing Demonstration Project

DATE: July 8, 1996

REQUESTED PLACEMENT DATE: July 25, 1996

I. Recommendation/Action Requested

The Multnomah County Health Department is requesting approval to respond to a request for proposals from the Centers for Disease Control to fund a cooperative agreement Tuberculin Skin Testing Demonstration Project. The application is due July 29, 1996.

II. Background/Analysis

The Centers for Disease Control (CDC) is requesting proposals from official public health agencies of state and local governments to: (1) develop a tuberculin skin testing program of health care workers; (2) track and monitor skin testing data and TB infections among health care workers, and (3) pilot a microcomputer software system developed by CDC to assist in the collection, tracking, management, and analysis of occupational TB exposures and infections. The Health Department currently operates, through the Disease Control Occupational Health Program, a TB skin testing program for all Health Department clinical staff, for new Health Department employees, and for county corrections officers. While the existing TB skin testing program is an excellent model, it has experienced practical problems around tracking and monitoring testing data. In addition to funding an occupational health nurse position, the CDC Demonstration Project would provide technical assistance from CDC on the issue of tracking, and would pilot a personal computer based software to track and analyze data.

III. Financial Impact

The Health Department anticipates requesting approximately \$125,000 per year, for two years. The project would begin September 1, 1996. There is no requirement for matching funding.

IV. Legal Issues

None

V. Controversial Issues

None

VI. Link to Current County Policies

Consistent with current policies

VII. Citizen Participation

Not Applicable

VIII. Other Government Participation

TB Program staff at Oregon Health Division will participate in developing the grant proposal and will work on the project (if funded) in an advisory capacity. OHD TB staff are aware of the project, and are encouraging our application. The Health Department Occupational Health Program currently provides TB skin tests for county corrections officers. This grant project will require no change in that testing process.

MEETING DATE: JUL 25 1996

AGENDA NO: R-4

(Above Space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Revenue Agreement between Columbia County and DJJS

BOARD BRIEFING Date Requested: _____

Amount of Time Needed: 3 minutes

DEPARTMENT: Juvenile Justice Services DIVISION: _____

CONTACT: Alandria Taylor TELEPHONE#: 248-3968

PERSON(S) MAKING PRESENTATION: Elyse Clawson / Joanne Fuller

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

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

Ratification of an Intergovernmental Revenue Agreement between Columbia County and Multnomah County Department of Juvenile Justice Services for utilization of one (1) bed space for the detention of Juveniles referred to the Columbia County Juvenile Justice System.

7/25/96 ORIGINALS TO ALANDRIA TAYLOR

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Bernard 7/2/96

BOARD OF
COUNTY COMMISSIONERS
96 JUL 15 AM 10:38
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE JUSTICE SERVICES
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Elyse Clawson, Director
Department of Juvenile Justice Services

DATE: June 28, 1996

SUBJECT: Approval of an Intergovernmental Revenue Agreement Regulating Delivery of Detention Services between Columbia County and Multnomah County Department of Juvenile Justice Services

I. RECOMMENDATION/ACTION REQUESTED:

The Department of Juvenile Justice Services (DJJS) recommends the Board's approval of an Intergovernmental Agreement between Columbia County for utilization of one (1) bed space in the Juvenile Justice Complex for the detention of juveniles referred to the Columbia County Juvenile Justice System.

II. BACKGROUND/ANALYSIS:

Multnomah County operates and maintains a juvenile detention facility known as the Donald E. Long Detention Complex, designed and operated as a temporary secure custody facility for juveniles pending disposition of cases referred to the juvenile justice system. Space presently exist in the Juvenile Justice Complex rendering it satisfactory for use by counties other than and in addition to Multnomah without a negative effect on any county or the juvenile detainee.

This Agreement stipulates payment by Columbia of \$56,410 to be paid to Multnomah County for the exclusive use of one (1) bed space to house youth from Columbia County. On occasions when the required bed space exceeds the guaranteed one (1), there will be an additional payment to Multnomah County of \$154.55 per day for each bed in excess of the one. Every youth served under this Agreement will receive the daily services of supervision, food, and basic care as do all youth placed in the detention facility.

III. FINANCIAL IMPACT:

This revenue supports the operation of one (1) detention bed space.

IV. LEGAL ISSUES:

N/A

V. CONTROVERSIAL ISSUES:

N/A

VI. LINK TO CURRENT COUNTY POLICIES:

This Agreement supports the Department of Juvenile Justice Services philosophy of offering detention services for counties which do not have detention facility.

VII. CITIZEN PARTICIPATION:

N/A

VIII. OTHER GOVERNMENT PARTICIPATION:

N/A

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal ☐

Contract # 700476

Prior-Approved Contract Boilerplate: ☒ Attached: ☐ Not Attached

Amendment # _____

<p style="text-align: center;">CLASS I</p> <p><input type="checkbox"/> Professional Services under \$25,000</p> <p><input type="checkbox"/> Intergovernmental Agreement under \$25,000</p>	<p style="text-align: center;">CLASS II</p> <p><input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input checked="" type="checkbox"/> Revenue</p>	<p style="text-align: center;">CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement over \$25,000</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>R-6</u> DATE <u>7/25/96</u></p> <p style="text-align: center;">DEB BOGSTAD BOARD CLERK</p>
---	---	---

Department: Juvenile Justice Services Division: _____ Date: June 28, 1996

Contract Originator: Joanne Fuller Phone: 248-3460

Bldg/Room: 311/DJJS

Administrative Contact: Alandria Taylor Phone: 248-3968 Bldg/Room: 311/DJJS

Description of Contract: **This Intergovernmental Revenue Agreement allows Columbia County the exclusive use of one (1) bed space in the Juvenile Justice Complex for the detention of youth referred to the Columbia County Juvenile Justice System.**

RFP/BID #: _____ Date of RFP/BID: _____ Exemption Expiration Date: _____

ORS/AR #: _____ (Check all boxes that apply) Contractor is ☐ MBE ☐ WBE ☐ QRF ☒ N/A ☐ None

Original Contract No. _____ (ONLY FOR ORIGINAL RENEWALS)

<p>Contractor Name: <u>Columbia County</u></p> <p>Mailing Address: <u>Columbia Courthouse Room #331</u> <u>St. Helens, OR 97051</u></p> <p>Phone: <u>(503) 397-4322</u></p> <p>Employer ID# or SS#: _____</p> <p>Effective Date: <u>July 1, 1996</u></p> <p>Termination Date: <u>June 30, 1997</u></p> <p>Original Contract Amount: \$ <u>56,410</u></p> <p>Total Amt of Previous Amendments: \$ _____</p> <p>Amount of Amendment: \$ _____</p> <p>Total Amount of Agreement: \$ <u>56,410</u></p>	<p>Remittance Address (if different) _____</p> <p>_____</p> <p>_____</p> <table style="width: 100%;"> <tr> <td style="width: 50%;"> Payment Schedule <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Monthly \$ _____ <input checked="" type="checkbox"/> Other \$ <u>18,803</u> </td> <td style="width: 50%;"> Terms <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Net 30 <input checked="" type="checkbox"/> Other (3 equal payments) <input type="checkbox"/> Requirements contract - Requisition Required Purchase Order No. _____ <input type="checkbox"/> Requirements Not to Exceed \$ _____ </td> </tr> </table> <p>Encumber: Yes <input type="checkbox"/> No <input type="checkbox"/></p>	Payment Schedule <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Monthly \$ _____ <input checked="" type="checkbox"/> Other \$ <u>18,803</u>	Terms <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Net 30 <input checked="" type="checkbox"/> Other (3 equal payments) <input type="checkbox"/> Requirements contract - Requisition Required Purchase Order No. _____ <input type="checkbox"/> Requirements Not to Exceed \$ _____
Payment Schedule <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Monthly \$ _____ <input checked="" type="checkbox"/> Other \$ <u>18,803</u>	Terms <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Net 30 <input checked="" type="checkbox"/> Other (3 equal payments) <input type="checkbox"/> Requirements contract - Requisition Required Purchase Order No. _____ <input type="checkbox"/> Requirements Not to Exceed \$ _____		

REQUIRED SIGNATURES:

Department Manager: *B. Brown* Date: 7/2/96

Purchasing Manager: _____ Date: _____

(Class II Contracts Only)

County Counsel: *Katie Daig* Date: 7/12/96

County Chair/Sheriff: *Willie Stan* Date: July 25, 1996

Contract Administration: _____ Date: _____

(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	INC DEC
01											
02											
03											

If additional space is needed, attach separate page. Write contract # on top of page.

**JUVENILE DETENTION INTERGOVERNMENTAL COOPERATION AGREEMENT
REGULATING DELIVERY OF DETENTION SERVICES**

THIS AGREEMENT, made and entered into by and between the County of Columbia, hereinafter referred to as Columbia, and Multnomah County, a home-rule subdivision of the State of Oregon, hereinafter referred to as Multnomah, deals with the delivery of detention services by Multnomah to Columbia as described below. The following provisions shall comprise this Agreement:

I RECITATIONS

- A. Multnomah operates and maintains a juvenile detention facility known as the Juvenile Justice Complex designed and operated as a temporary secure custody facility for juveniles pending disposition of cases referred to the juvenile justice system. Space presently exist in the Juvenile Justice Complex rendering it satisfactory for use by counties other than and in addition to Multnomah without a negative effect on the counties or the juvenile detainee.
- B. As used in this agreement "Premises", "Space", and like terms refer to the detention areas of the Multnomah County Juvenile Justice Complex.
- C. Columbia wishes to utilize the Premises in the Juvenile Justice Complex for the detention of Juveniles referred to the juvenile justice system and in need of secure custody.
- D. The combining of the referred Columbia County population with the Multnomah County Juvenile population in the Juvenile Justice Complex is in the best interests of Columbia and Multnomah, both fiscally and programmatically.
- E. ORS Chapter 190 provides for intergovernmental cooperation agreements for the performance of functions and activities of either party by the other in the interest of further economy and efficiency in local government and to that end declares that the provision of ORS 190.003 to 190.100 shall be liberally construed.

II. SERVICES TO BE PROVIDED

- A. Multnomah County shall perform as follows:
 - 1. Admission Services
 - a. Any child subject to the Jurisdiction of the Columbia County court shall be admitted by Multnomah to the Juvenile Justice Complex only upon authorization for secure custody communicated by an appropriate agent of the Columbia County Juvenile Court as

INTERGOVERNMENTAL COOPERATION AGREEMENT

July 1, 1996 to June 30, 1997

Page 2

defined in this Agreement or upon order of any Columbia County Court of competent jurisdiction to require detention of such juvenile, all subject to the conditions hereinafter provided.

- b. Acting through its on-duty intake supervisor, Multnomah shall have discretion to refuse acceptance of any juvenile referred pursuant to this Agreement in those circumstances where Multnomah reasonably believes the referral does not comply with lawful requirements of the facility regulations pertaining to the Juvenile Justice Complex, where Multnomah lacks adequate bed space in excess of those reserved spaces provided herein, or when it appears that the physical condition of the referred juvenile requires immediate medical attention.
- c. One (1) Bed Space shall be available for the exclusive use of Columbia on a continuous 24-hour a day basis from July 1, 1996 through June 30, 1997.
- d. Any additional requirement of Columbia for bed space(s) shall be furnished by Multnomah on a space available basis and at a rate of compensation defined in this agreement.
- e. In the event a juvenile resident of Columbia is taken into custody by law enforcement in Multnomah other than as a consequence of an order of a Columbia County Court of competent jurisdiction and that juvenile resident of Columbia is delivered to the Juvenile Justice Complex, admission shall be as in the case of any local Multnomah referral, and no charge or cost shall accrue against Columbia pursuant to this Agreement until and unless an appropriate referral for ongoing custody is made in accordance with this Agreement.
- f. Multnomah County shall not be required to provide notice to parents or guardians of juveniles referred upon admission or otherwise pursuant to this Agreement.
- g. Multnomah shall provide Columbia a daily roster indicating all juveniles held by Multnomah pursuant to this Agreement. Multnomah shall include with that roster a listing of those juveniles accepted by Multnomah who are subject to the juvenile court jurisdiction of Columbia County but who are not admitted pursuant to the terms of the Agreement.

INTERGOVERNMENTAL COOPERATION AGREEMENT

July 1, 1996 to June 30, 1997

Page 3

2. Supervision Services

- a. An admitted Columbia juvenile shall be placed in a detention unit deemed by Multnomah appropriate to the sex, age, and circumstance of the juvenile, consistent with the existing facility population and the best interests of the total facility population and operation.
- b. Columbia juveniles admitted pursuant to this Agreement shall receive the same type of care and supervision by Multnomah as is furnished to the rest of the detention population, regardless of the county of residence.
- c. Each referred Columbia juvenile shall be assigned a Multnomah staff worker to act in a liaison capacity with Columbia for the purpose of tracking progress of referred juveniles and for implementing agreed arrangements incident to the expeditious release or coordinated planning for disposition, provided that no such Multnomah worker shall be required to provide those counseling services customarily furnished to referred juveniles preparatory to an adjudicative or dispositive process.
- d. The terms of the Agreement do not contemplate the provision of emergency services by Multnomah within the agreed per diem cost. In the event it is determined that a Columbia detainee is in need of emergency services, whether as a result of a unilateral decision by Multnomah or as a result of consultation between Multnomah and Columbia, Multnomah is authorized to take appropriate action to secure such services, including transportation, as required. Columbia shall reimburse Multnomah for any expense connected therewith including security costs inside and outside the complex. Multnomah shall provide Columbia with immediate notice of those services provided unilaterally.

3. Release Services

- a. Multnomah shall release Columbia juveniles referred pursuant to this Agreement only upon receipt of notification by an authorized agent of the Columbia County Juvenile Court.

INTERGOVERNMENTAL COOPERATION AGREEMENT

July 1, 1996 to June 30, 1997

Page 4

That notice may be by telephone, in person, or in writing, but any nonwritten communication will be confirmed in due course by a written authorization for release. Multnomah shall release Columbia juveniles to such individuals or agencies as included in notification.

- b. Upon notification to Columbia, Multnomah may act to require release of any juvenile it reasonably believes is being detained in excess of statutory authority.
- c. No provision of this Agreement is intended to relieve Columbia of the duty to monitor the number, identity, and appropriate periods of detention for those Columbia juveniles detained in Multnomah pursuant to this Agreement. It shall be the responsibility of Columbia to defend and hold Multnomah harmless from any claim of detention in excess of lawful limits brought by or in behalf of any juvenile referred as provided herein except for actions attributable to Multnomah County negligence.
- d. It shall be the responsibility of Multnomah County to defend and hold Columbia harmless from any claim of detention in excess of lawful limits brought by or in behalf of any juvenile referred by the Multnomah Courts.

B. Columbia shall perform as follows:

- 1. Columbia shall provide Multnomah current information identifying those Columbia Juvenile Court agents authorized to refer juveniles to Multnomah as provided herein.
- 2. Columbia shall provide or arrange all non-emergency transportation of Columbia residents once the juvenile has been delivered by law enforcement officers.
- 3. Columbia shall provide Multnomah written evidence of authorization to detain or release any juvenile referred pursuant to this Agreement, but actual receipt of written evidence is not a condition precedent to any specific detention or release.
- 4. Except as provided in Section III-B of this Agreement, Columbia shall reimburse Multnomah for all expenses reasonably incurred by Multnomah in providing emergency medical, dental, or

INTERGOVERNMENTAL COOPERATION AGREEMENT

July 1, 1996 to June 30, 1997

Page 5

psychological services, including transportation therefor, on behalf of any referred juvenile pursuant to this Agreement.

5. Columbia shall reimburse Multnomah for any unusual expenses reasonably incurred in the care and supervision of a referred juvenile which would exceed the level of care and supervision customarily furnished to detained youngsters, including but not limited to specially tailored clothing or custom footwear, prosthesis, remedial tutoring, eyeglasses, denture, hearing aids and similar devices. Except in circumstances constituting a medical emergency, Multnomah County may not incur these expenses without prior authorization from Columbia.
6. Columbia shall be responsible for providing any of the usual counseling services required for Columbia juveniles placed with Multnomah pursuant to this Agreement.
7. Columbia shall provide Multnomah timely, actual, and in due course, written notice of all judicial orders, visitation restrictions, and specialized programming which affect detention care and supervision for referred Columbia juveniles.

C. Compensation Rates and Mode of Payments

1. For the duration of this Agreement, Columbia shall pay to Multnomah \$56,410 for services, normal care and maintenance of those Columbia juveniles in residence. This rate represents \$154.55 per bed per day for the provision of one bed program services and care. The above sum shall be paid by Columbia to Multnomah in three equal installments of \$18,803 payable on October 1, 1996, February 1, 1997 and June 1, 1997.
2. On those occasions when Columbia requires bed space in excess of the guaranteed one (1) hereinabove described, the rate for each such additional space shall be \$154.55 per day.
3. In computing daily populations, the day of admission shall be considered a full day, and the day of release shall not be counted, each irrespective of the time of day on which the event occurs.
4. Those expenses for excess bed space or emergency services which may be incurred shall be billed to Columbia by Multnomah on a monthly basis and shall be paid by Columbia to Multnomah on a monthly basis.

INTERGOVERNMENTAL COOPERATION AGREEMENT

July 1, 1996 to June 30, 1997

Page 6

III CONSTRAINTS

- A. It is understood and agreed that any and all employees of the Juvenile Justice Complex are not employees, agents, or representatives of Columbia for any purpose.
- B. Columbia and Multnomah, each as to the other, shall indemnify, save harmless, and defend the other county, its officers agents and employees from and against all claims and actions, and all expenses incidental to the investigation and defense thereof , arising out of or passed upon damage or injuries to persons or property caused by errors, omissions, fault, or negligence of the indemnifying county or that county's employees. More specifically, and only by way of example and not as an exclusive listing, Multnomah shall hold Columbia harmless for responsibility or any liability arising from operation of the Juvenile Justice Complex and shall indemnify Columbia for any loss proximately and legally caused by the conduct of Multnomah's officers, agents, and employees; Columbia shall hold Multnomah harmless and shall be responsible for any liability arising from illegal detention caused by the failure of Columbia to properly monitor the detention periods for juveniles referred herein and held beyond a legal period not as a consequence of a failure or absence of duty by Multnomah.
- C. This agreement is expressly subject to the debt limitation of Oregon counties set forth in Article XI, Section 10, of the Oregon Constitution, and is contingent upon funds being appropriated therefore. This agreement is subject to the limits and provisions of the Oregon Tort Claims Act, ORS 30.260 to 30.300. Any provisions herein which would conflict with law are deemed inoperative to that extent.

IV. AGREEMENT TERM AND TERMINATION

- A. This agreement shall apply from July 1, 1996, through June 30, 1997, and is subject to renewal annually.
- B. This Agreement may be terminated by either party by thirty (30) days written notice to the other party.

INTERGOVERNMENTAL COOPERATION AGREEMENT

July 1, 1996 to June 30, 1997

Page 7

- C. It is assumed the rates of compensation defined in this Agreement will be modified in subsequent fiscal years.
Rates of compensation shall be based on actual costs of operation and shall be communicated to Columbia County by March 1, 1997, for the following fiscal year.
- D. Actual costs shall include, but not be limited to, the pro rata share of Personnel, Juvenile Groupworkers, Groupworker Supervision, Lead Groupworker, Mental Health Worker, temporary on-call workers, overtime for these workers and associated fringe benefits, printing supplies, education, telephone, meals, laundry, Corrections Health, facility space and related maintenance and other costs.

V. MISCELLANEOUS PROVISION

- A. This Agreement and any amendments to this Agreement will not be effective until approved by the Boards of County Commissioners of Columbia and Multnomah.
- B. This Agreement supersedes and cancels all and any prior agreements or contracts between Multnomah and Columbia for similar services.

INTERGOVERNMENTAL COOPERATION AGREEMENT

July 1, 1996 to June 30, 1997

Page 8

IN WITNESS THEREOF, the parties have hereto caused this agreement to be executed on this 26 day of June, 1996, by their duly-authorized officers as of the day and year first hereinabove written.

Board of County Commissioners
MULTNOMAH COUNTY, OREGON

By: Beverly Stein

Beverly Stein, Chair

July 25, 1996

Date

Reviewed By:

Katie Gaetjens
Katie Gaetjens
7/12/96

LAURENCE KRESSEL,
County Counsel for
Multnomah County, Oregon

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 7/25/96
DEB BOGSTAD
BOARD CLERK

Elyse Clawson
Elyse Clawson, Division Director

Jim Anderson
Jim Anderson, Detention Superintendent

Date

Board of County Commissioners
COLUMBIA COUNTY, OREGON

By: William R. H. Smith

Chair

June 26, 1996

Date

By: Carole H. Smith

Commissioner

June 26, 1996

Date

By: Paul K. Zorab

Commissioner

June 26, 1996

Date

By: Jim H. Hight

Columbia County Counsel

June 26, 1996

Date

MEETING DATE: JUL 25 1996
AGENDA #: R-7
ESTIMATED START TIME: 9:50

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: PCRB EXEMPTION REQUEST TO CONTRACT WITH THE FRIENDS OF
THE MULTNOMAH COUNTY LIBRARY

BOARD BRIEFING: DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: July 25, 1996

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Library DIVISION: _____

CONTACT: Franna Hathaway/Leo Mcleod TELEPHONE #: X2651/X5206
BLDG/ROOM #: 421/1st-317

PERSON(S) MAKING PRESENTATION: Leo Mcleod/Franna Hathaway

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

PCRB EXEMPTION REQUEST TO CONTRACT WITH FRIENDS OF THE
MULTNOMAH COUNTY LIBRARY TO OPERATE A RETAIL STORE AT THE
CENTRAL LIBRARY

7/18/96 COPIES OF NOTICE & APPLICATION TO PCRB LIST, DAVE
BOYER, FRANNA HATHAWAY & LEO MCLEOD

SIGNATURES REQUIRED:

7/25/96 COPIES OF NOTICE & ORDER TO PCRB LIST, DAVE BOYER,
FRANNA HATHAWAY & LEO MCLEOD

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: X [Signature] 7/11/96

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

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

96 JUL 15 AM 10:38

BOARD OF
COUNTY COMMISSIONERS

MULTNOMAH COUNTY
OREGON

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

TO: BOARD OF COUNTY COMMISSIONERS

FROM:  Franna Hathaway, Manager
Purchasing Section

TODAY'S DATE: July 10, 1996

REQUESTED PLACEMENT DATE: July 25, 1996

RE: PCRB EXEMPTION REQUEST TO CONTRACT WITH FRIENDS OF
THE MULTNOMAH COUNTY LIBRARY TO OPERATE A RETAIL
STORE AT THE CENTRAL LIBRARY

I. Recommendation/Action Requested: Purchasing recommends approval by the Board to exempt a contract with Friends of the Multnomah County Library for operating a retail store at the Central Library from the formal competitive bid process.

II. Background/Analysis: The retail store is a new venture for the Library that will produce revenue to help fund the Library. The Friends of the Multnomah County Library is a non-profit organization that exists solely to support the Library with financial donations and volunteer Labor. The Friends will operate the store with volunteer staff and only one paid FTE as store manager. They will return all of the gross receipts generated by the store to the Library, less their costs. The Friends will not keep any profit for the benefit of their organization.

III. Financial Impact: It is estimated that the store will gross approximately \$80,000 per year.

IV. Legal Issues: N/A

V. Controversial Issues: N/A

VI. Link to Current County Policies: County policy requires that contracts that exceed \$25,000 follow a formal competitive process or be exempted. Although this is a revenue contract the potential benefit to a contractor under other circumstances would likely exceed \$25,000.

VII. Citizen Participation: N/A

VIII. Other Government Participation: N/A



MEMORANDUM

TO: Franna Hathaway, Purchasing Manager

FROM: Ginnie Cooper, *Ginnie* Director of Libraries
Department of Libraries

DATE: June 12, 1996

SUBJECT: Exemption Request

We ask for an exemption from formal bidding for the operation of the retail store in the Central Library by the Friends of the Multnomah County Library. The retail store will open when Central opens in 1997. The proposed contracting method will be a Class II Revenue contract #600266 (attached) beginning August 1, 1996 and terminating on June 30, 1999. The total gross receipts generated by the store over this time is estimated to be \$240,000 (\$80,000 per year).

The retail store is a new venture for our Library. It is one of the new revenue producing tools that we are implementing to help fund the Library. The Friends of the Multnomah County Library is a non-profit organization that exists solely to support our Library with financial donations and volunteer labor.

The Friends have the abilities, resources and desire to operate this retail store. They will operate the store with volunteer staff and only one paid FTE as store manager. They will return all of the gross receipts generated by the store to the library, minus their costs for personnel, inventory and insurance. The Friends will not keep any profit for the benefit of their organization.

No other organization or vendor could operate the store as much to our economic benefit as the Friends. It would be in the County's and Library's best interest to use them for the operation of this store. We are confident this partnership will yield the most revenue for the Library and be compatible with the intentions of the County's competitive bidding rules.

RECEIVED
PURCHASING SECTION

96 JUN 17 PM 3:23

MULTNOMAH COUNTY



MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS

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

NOTICE OF HEARING

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, will consider an application on Thursday, July 25, 1996, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, in the Matter of an Exemption from the Formal Competitive Bid Process to Contract with The Friends of the Multnomah County Library.

A copy of the application is attached.

For additional information, please contact Franna Hathaway, Multnomah County Purchasing Section, 248-5111.

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD**

Deborah L. Bogstad

Office of the Board Clerk

enclosure

cc:

Dave Boyer

Franna Hathaway

Leo McLeod

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of an exemption from)
the formal competitive bid process)
to contract with The Friends of the)
Multnomah County Library)

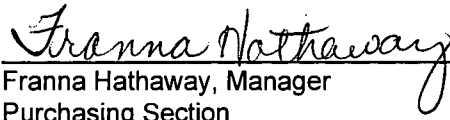
APPLICATION

Application to the Public Contract Review Board on behalf of a request from the Department of Libraries, is hereby made pursuant to the Board's Administrative Rule AR 10.140 adopted under the provisions of ORS279.015 for an order of exemption from the formal competitive bid process to contract with The Friends of the Multnomah County Library to operate a retail store at the Central Library.

This exemption request is due to the following facts:

1. The retail store is a new venture for the Library to help fund the Library.
2. The Friends of the Multnomah County Library is a non-profit organization and will operate the retail store with volunteer staff and only one paid FTE as store manager.
3. All gross receipts generated by the store less operating costs will be returned to the Library. The Friends will not keep any profit for the benefit of their organization.
4. It is estimated that the annual gross receipts from the store will be \$80,000.

This exemption is not likely to encourage favoritism or substantially diminish competition and is in the best interest of Multnomah County, therefore Purchasing recommends approval of the this contract .


Franna Hathaway, Manager
Purchasing Section



MULTNOMAH COUNTY OREGON

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

BOARD OF COUNTY COMMISSIONERS

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

NOTICE OF APPROVAL

The Multnomah County Board of Commissioners, sitting as the Public Contract Review Board, considered an application on Thursday, July 25, 1996, at 9:30 a.m. in Room 602 of the Multnomah County Courthouse, 1021 SW Fourth, Portland, Oregon, and approved Order 96-129 in the Matter of an Exemption from the Formal Competitive Bid Process to Contract with The Friends of the Multnomah County Library for Operation of a Retail Store at the Central Library.

A copy of the Order is attached.

**BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON
PUBLIC CONTRACT REVIEW BOARD**

**Deborah L. Bogstad
Office of the Board Clerk**

enclosure

**cc: Dave Boyer
Franna Hathaway
Leo McLeod**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of an exemption from)
the formal competitive bid process)
to contract with The Friends of the)
Multnomah County Library)

ORDER
96-129

The above entitled matter is before the Board of County Commissioners, acting in its capacity as the Multnomah County Public Contract Review Board, to review, pursuant to ORS 279.015 and PCRB Rule 10.140, an exemption from the formal competitive bid process to contract with The Friends of the Multnomah County Library to operate a retail store at the Central Library.

It appearing to the board that the request for exemption, as it appears in the order, is based upon the fact that the retail store will produce revenue that will help fund the Library; that the Friends of the Multnomah County Library, a non-profit organization, will turn over all funds received less operating costs to the Library keeping no profit for their own organization; and it is estimated that the annual gross receipts from the store will be \$80,000.

It appears to the Board that this exemption request is in accord with the requirements of ORS 279.015 and PCRB Rule 10.140; now therefore,

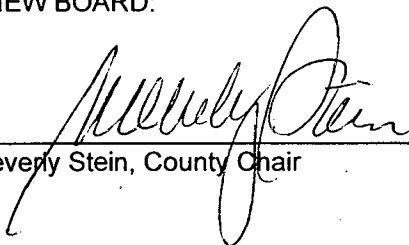
IT IS ORDERED that an exemption from the formal competitive bid process to contract with The Friends of the Multnomah County Library for the operation of a retail store at the Central Library be approved.

Dated the 25th day of July, 1996



LAURENCE KRESSEL, County Counsel
for Multnomah County, Oregon

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD:

By 
Beverly Stein, County Chair

By 
Assistant County Counsel