

**GROW Lynda**

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**From:** HARRIS Mindy L  
**Sent:** Wednesday, May 12, 2010 6:25 PM  
**To:** GROW Lynda  
**Cc:** GRAVES Travis R; COX Caren S; IMSLAND Marla; SHORT Kathryn A; WADDELL Mike D  
**Subject:** FW: Cat Leave ordinance - Agenda Items  
**Attachments:** RES-catastrophic-lv.doc; ORDIN-employment-repealer.doc; APR Repealing Ordinance.doc; APR Resolution.doc

Lynda, here are two items for the BCC agenda for 5/27. These have already been reviewed and approved by the county attorney's office.

I know I'm past the noon deadline today, for the 5/27 agenda. If necessary these can be deferred until the following week.

Thanks,  
Mindy

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**From:** COX Caren S  
**Sent:** Tuesday, May 11, 2010 1:41 PM  
**To:** HARRIS Mindy L  
**Cc:** KELMENDI Vanesa; IMSLAND Marla; SHORT Kathryn A  
**Subject:** FW: Cat Leave ordinance - Agenda Items

Mindy: Vanesa drafted up 2 Agenda Placement Requests (last 2 documents attached here). If you could sign them – we'll get delivered to Board Clerk and they should be on the agenda for 27<sup>th</sup>.

Let me know if you have any questions/concerns. We'd like to get a copy of the signed requests for our records if possible. Thx all.

Caren Cox  
Multnomah County Employee Benefits Office  
(503) 988-5015 x 22568

This e-mail and any files transmitted with it may contain confidential information and is intended solely for the use of the individual or entity to whom it is addressed. If you have received this e-mail by mistake, please notify the sender and delete the e-mail from your system.

-----Original Message-----

**From:** KELMENDI Vanesa  
**Sent:** Monday, May 10, 2010 12:10 PM  
**To:** COX Caren S; IMSLAND Marla  
**Subject:** FW: Cat Leave ordinance - Agenda Items

Please review attached Agenda Items for May 27 Board meeting. I wasn't sure about 3,4 and 5 under General Information – do you agree there is no impact? Thanks.

Vanesa Kelmendi  
Employee Benefits Office  
503-988-5015 ext. 28250

-----Original Message-----

**From:** COX Caren S  
**Sent:** Wednesday, May 05, 2010 1:06 PM  
**To:** HARRIS Mindy L  
**Subject:** FW: Cat Leave ordinance

5/17/2010

Mindy – we have go ahead from Labor Relations and County Counsel on making the changes to catastrophic leave structure that we discussed a short time ago:

1. Repeal the original ordinances that created Cat Leave program.
2. Approve Resolution to put Cat Leave administration procedures into Personnel rules.

We can do the leg work to get this on the Board's Agenda – but who should be the presenter? Or is a presenter necessary? I don't really know the protocol.

Side note – when the document came back from County Counsel, it included more ordinances than we originally asked for. Originally we were asking only for repeal of the ones specifically related to the Cat Leave program (see first email in the stream for explanation).

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-----Original Message-----

**From:** COX Caren S  
**Sent:** Monday, April 26, 2010 2:07 PM  
**To:** KELMENDI Vanesa; IMSLAND Marla  
**Subject:** FW: Cat Leave ordinance

Carol and Kathy have signed off on this. Neither of them are concerned that repeal will impact labor contracts that reference one of the repealed ordinances. Both of them think this is our job to get on the Board's calendar (although I have no experience with that process). So once Marla's back from vacation – let's figure out a plan of action and get it rolling. OK? Thx.

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-----Original Message-----

**From:** SHORT Kathryn A  
**Sent:** Monday, March 29, 2010 11:31 AM  
**To:** HARRIS Mindy L; BROWN Carol L -Labor Relations; COX Caren S  
**Subject:** Cat Leave ordinance

Attached please find a draft ordinance and resolution. One repeals ordinances that are no longer necessary (see explanation above), including cat leave. The other is a resolution regarding the repeal of the cat leave ordinance.

Once you've reviewed, let me know about next steps.

*Kathryn A. Short*  
*Office of Multnomah County Attorney*  
*501 S.E. Hawthorne Blvd. Suite 500*  
*Portland, OR 97214*  
*503-988-3138*  
*503-988-3377 (fax)*

Notice: This message and/or the attachments may contain confidential information protected by the attorney-client privilege. If you have received this transmission in error, please notify the sender immediately by reply email and then destroy all copies of this transmission. Thank you.

5/17/2010

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**From:** KINOSHITA Carol  
**Sent:** Thursday, March 25, 2010 7:08 PM  
**To:** SHORT Kathryn A  
**Cc:** SOWLE Agnes  
**Subject:** RE: ordinance

Hi Kathy!

When I looked at what we'd done in the past, I found there were a few other ordinances that we supposed to be repealed after adoption of the revised Chapter 9 and new MCPRs so I put them all into one repealer ordinance. I put an emergency on it so it would be effective immediately and at the same time as the resolution. I drafted the resolution to continue and transition the catastrophic leave sharing program to MCPR 2-55, which needs to be attached to the resolution (this would be a good time to make any updates to that rule). Please let me know if any changes are needed and if I can be of any further assistance. Thanx!

*Carol*

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R-5

**GROW Lynda**

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**Subject:** FW: Cat Leave ordinance - Agenda Items  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed  
**Attachments:** RES-catastrophic-lv.doc; ORDIN-employment-repealer.doc; APR Repealing Ordinance.doc; APR Resolution.doc

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Employee Benefits Office  
503-988-5015 ext. 28250

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5/21/2010

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5/21/2010

R-5

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*Carol*

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5/21/2010



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST**

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-4 DATE 5/27/2010  
LYNDA GROW, BOARD CLERK

**Board Clerk Use Only**

Meeting Date: 5/27/2010  
Agenda Item #: R-4  
Est. Start Time: 9:50 AM  
Date Submitted: 5/12/2010

**Agenda Title: Updating Multnomah County Catastrophic Leave Sharing Program**

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

Requested Meeting Date: 05/27/10 Amount of Time Needed: 10 min  
Department: DCM Division: \_\_\_\_\_  
Contact(s): Mindy Harris/Kathy Short  
Phone: 988-3312 Ext. 83786 I/O Address: 503/5  
Presenter(s): Mindy Harris

**General Information**

**1. What action are you requesting from the Board?**

Updating Multnomah County Catastrophic Leave Sharing Program

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

On January 30, 1997 a Catastrophic Leave Sharing Program was established by Ordinance #873. Under MCC 9.030 Executive Rule 270 the Chair adopted new personnel rules that included administrative procedures and basis for Catastrophic Leave (Rule 2-55). This resolution clarifies Personnel Rule 2-55 is the governing language for administration of the Catastrophic Leave program.

Ordinance #873 is no longer necessary and repeal is requested on separate placement request.

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

None

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

None

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

None

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**Required Signature**

---

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

*Mindy Huns*

**Date: 5/12/10**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 2010-064**

Updating Multnomah County Catastrophic Leave Sharing Program

**The Multnomah County Board of Commissioners Finds:**

- a. On January 30, 1997, the Board established a Catastrophic Leave Sharing Program by Ordinance 873 to permit County employees to donate accumulated vacation or compensatory time off to another employee who's likely to exhaust their accumulated paid leave due to a non-occupational catastrophic medical condition of the employee or an immediate household member.
- b. Under MCC 9.030, by Executive Rule 270, the Chair adopted new personnel rules (MCPR) that included Rule 2-55, Catastrophic Leave Sharing Program.
- c. There is no need for the level of detail in Ordinance 873, and the Board is concurrently repealing that ordinance.

**The Multnomah County Board of Commissioners Resolves:**

1. The Multnomah County Leave Sharing Program is established and continued as provided in the attached MCPR 2-55.
2. The Chair will continue to monitor the program and may modify the procedures as necessary to carry out the intent of the Board of Multnomah County Commissioners.

ADOPTED this \_\_\_ day of \_\_\_\_\_, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Kathryn A. Short, Assistant County Attorney

SUBMITTED BY:

---



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-5 DATE 5/27/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date: 5/27/2010
Agenda Item #: R-5
Est. Start Time: 10:00 am
Date Submitted: 5/12/2010

Repealing Certain County Employment And Compensation Ordinances That
Agenda Are No Longer Necessary Or That Are Being Updated And Adopted By
Title: Resolution And Declaring An Emergency

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

Requested Meeting Date: 5/27/10 Amount of Time Needed: 15 min
Department: DCM Division:
Contact(s): Mindy Harris/Kathy Short
Phone: 988-3312 Ext. 83786 I/O Address: 503/5
Presenter(s): Mindy Harris, Travis Graves

General Information

- 1. What action are you requesting from the Board?
Repealing Certain County Ordinances that are no longer necessary or that are being updated and
adopted by Resolution - see attached list.
2. Please provide sufficient background information for the Board and the public to understand
this issue. Please note which Program Offer this action affects and how it impacts the results.
Certain County Employment and Compensation Ordinances are no longer necessary, are being
updated and adopted by the Resolution.
3. Explain the fiscal impact (current year and ongoing).
None
4. Explain any legal and/or policy issues involved.
None
5. Explain any citizen and/or other government participation that has or will take place.
None

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**Required Signature**

---

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

*Mindy Harris*

**Date: 5/12/10**

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 2010-065**

Repealing Certain County Employment And Compensation Ordinances That Are No Longer Necessary Or That Are Being Updated And Adopted By Resolution And Declaring An Emergency

**Multnomah County Ordains as follows:**

**Section 1.** The following ordinances adopted by the Multnomah County Board of County Commissioners are no longer necessary and are repealed:

<b>Date</b>	<b>Number</b>	<b>Title</b>
02/11/1982	0295	RELATING TO HEALTH INSURANCE FOR RETIREES OF MULTNOMAH COUNTY
11/30/1989	0631	RELATING TO ESTABLISHMENT OF A RETIREE MEDICAL INSURANCE ACCOUNT
12/03/1992	0741	RELATING TO RETIREE MEDICAL INSURANCE FOR EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENTS REPEALING ORDINANCE NOS. 629 AND 670, AND AMENDING ORDINANCE NO. 295
01/30/1997	0873	ESTABLISHING A CATASTROPHIC LEAVE SHARING PROGRAM FOR COUNTY EMPLOYEES AND DECLARING AN EMERGENCY
04/03/1997	0877	ESTABLISHING A RETIREMENT INCENTIVE PROGRAM FOR COUNTY EMPLOYEES, AND AMENDING ORDINANCE 631, AND DECLARING AN EMERGENCY

**Section 2.** This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance takes effect upon its signature by the County Chair.

FIRST READING AND ADOPTION:

27<sup>TH</sup> DAY OF MAY, 2010

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Kathryn A. Short, Assistant County Attorney

SUBMITTED BY:  
\_\_\_\_\_



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Postpone to June 17

APPROVED: MULTNOMAH COUNTY BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 5/27/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date: 5/27/2010
Agenda Item #: R-2
Est. Start Time: 9:40 am
Date Submitted: 5/11/2010

Agenda Title: Order Canceling Multnomah County Land Sale Contract No. 15812 for Default in Payments and Performance of Covenants

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

Requested Meeting Date: 5/27/2010 Amount of Time Needed: 5 minutes
Department: County Management Division: Assessment, Recording and Taxation/ Tax Title
Contact(s): Randy Walruff
Phone: 503-988-3326 Ext. 24068 I/O Address: 503/1
Presenter(s): Randy Walruff & Sally Brown

General Information

1. What action are you requesting from the Board?

Canceling Multnomah County Land Sale Contract No.15812 for Default in Payments and Performance of Covenants.

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

ORS 275.220 provides the County to cancel a County Land Sale Contract when the buyer is in default; through this hearing and the issuance of the Cancellation Order. In 2004, the County sold certain tax foreclosed real property through a sealed bid auction to the highest bidder under Land Sale Contract No.15812 (Contract). The Contract buyer is in default; because of his failure to pay required installments since 2006 and taxes since 2006.

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

NA

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

Under ORS 275.220, upon the adoption of the Cancellation Order by the Board, the Order is served on the buyers and they have twenty (20) days from date of service to appeal the Order to the State

Circuit Court, for a review by the Court at a non-jury trial. If the party does not appeal or if at the end of the trial the Court affirms the Order, it becomes "absolute" and the real property may then be sold.

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

NA

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**Required Signature**

---

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

*Mindy Harris*

**Date: 5/11/2010**

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 2010-062**

Canceling Multnomah County Land Sale Contract No.15812 for Default in Payments and Performance of Covenants

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County is the Contract Seller and C&M Motors, BMW and Mercedes-Benz, LLC is identified as the Contract Purchaser under County Land Sale Contract No. 15812, (Contract) recorded on June 7, 2004, at Entry No. 2004-101952, in the County's Deed Records, for the sale of certain real property located in Multnomah County, Oregon; more particularly described as follows:

See Attached Exhibit A

- b. C&M Motors, BMW & Mercedes-Benz, LLC are now in default of the terms of the Contract in the following particulars:
1. Starting from September 3, 2009, no installments have been paid on the Contract. As of May 20, 2010, the amount due on the Contract will be: \$55,115.77.
  2. The delinquent taxes have not been paid for four tax years for a total of \$18,996.81. This figure includes taxes and interest through May 20, 2010.
- c. ORS 275.220 provides that upon default, the Board may cancel the Contract.
- d. The County sent notice of this proceeding to cancel the Contract to C&M Motors, BMW and Mercedes-Benz LLC on March 18, 2010.

**The Multnomah County Board of Commissioners Orders:**

1. That County Contract No.15812 is CANCELLED.
2. The Multnomah County Tax Collector to remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.
3. The Multnomah County Sheriff to serve a certified copy of this order with a return of service upon: C&M Motors, BMW and Mercedes-Benz LLC in accordance with the provisions of ORS 275.220.

ADOPTED this 27<sup>th</sup> day of May, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

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

Exhibit A

**A tract of land located in Section 15 Township 1 North, Range 1 East and also being a portion of Piedmont Park, a duly recorded plat in the County of Multnomah and State of Oregon further described as: Lot 1, Block 1, except therefrom that portion in Bryant Street; AND ALSO Lot 2, 3 and 4, Block 1.**



Multnomah County Oregon

## Board of Commissioners & Agenda

connecting citizens with information and services

### **BUDGET WORK SESSION & PUBLIC HEARING AGENDAS**

*Unless otherwise noted, meetings held at  
501 SE Hawthorne Blvd. Portland  
Multnomah Building, Commissioners Board Room 100 off main lobby*

**WEDNESDAY, MAY 26<sup>TH</sup> – 9:00 AM – 3:00 PM**

#### **BOARD BUDGET WORK SESSION # 4**

#### **POLICY & OPERATIONAL CHALLENGES & ISSUES**

- |      |          |   |
|------|----------|---|
| WS-1 | 9:00 am  | GENERAL FUND FORECAST UPDATE FOR<br>THE THIRD QUARTER |
| WS-2 | 9:45 am  | HEALTH DEPARTMENT                                     |
|      | 11:45 am | Lunch Break   |

#### **CABLE PLAYBACK INFORMATION:**

May 26<sup>th</sup> 9:00 am - 12:00 pm – Live on Channel 30 East  
Replays - Ch. 30 East: May 29<sup>th</sup> : 9:00 am - 12:00 pm

- |      |         |                        |
|------|---------|------------------------|
| WS-3 | 1:00 pm | INFORMATION TECHNOLOGY |
| WS-4 | 2:00 pm | CAPITAL                |
|      | 3:00 pm | Adjourn                |

#### **CABLE PLAYBACK INFORMATION:**

May 26<sup>th</sup> 1:00 – 3:00 pm – Live on Channel 30 East  
Replays - Ch. 30 East: May 29<sup>th</sup> : 12:00 – 2:00 pm

*Work Sessions are open to the public but no public testimony will be taken.*



Multnomah County Oregon

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BUDGET WORK SESSION & PUBLIC HEARING AGENDAS**

*Unless otherwise noted, meetings held at*

*501 SE Hawthorne Blvd. Portland*

*Multnomah Building, Commissioners Board Room 100 off main lobby*

**THURSDAY, MAY 27<sup>TH</sup> – 1:00 PM - 3:00 PM**

**BOARD BUDGET WORK SESSION # 5**

**NON-DEPARTMENTAL**

*Work Sessions are open to the public but no public testimony will be taken.*

#### **CABLE PLAYBACK INFORMATION:**

May 27<sup>th</sup> 1:00 – 3:00 pm – Live on Channel 30 East

Replays - Ch. 30 East : May 31<sup>st</sup> : 8:00 – 10:00 am



Multnomah County Oregon

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BUDGET WORK SESSION & PUBLIC HEARING AGENDAS**

**THURSDAY, MAY 27<sup>TH</sup> – 6:00 PM – 8:00 PM**

### ***PUBLIC BUDGET HEARING B***

AT

Multnomah County East Building  
Sharron Kelley Conf. Rooms A & B  
600 NE 8<sup>TH</sup> St. Gresham  
South of Division, West of Hogan, at Lincoln

*Testimony will be taken and is limited to three minutes per person.  
Speaker forms will be available from the Board Clerk at the meeting.*

#### **CABLE PLAYBACK INFORMATION:**

May 27<sup>th</sup> 6:00 – 8:00 pm – Live on Channel 30 East  
Replays: Ch. 30 East Portland & East County  
May 31<sup>st</sup> 5:00 pm & June 8<sup>th</sup> 12:00 pm  
Replays: Ch. 21 Portland & East County  
May 29<sup>th</sup> 12:00 pm & June 6<sup>th</sup> 7:30 pm  
Replays: Ch. 11 Portland & East County  
June 16 11:30 pm

*Copies for  
each commissioner*



Multnomah County Oregon

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BUDGET WORK SESSION & PUBLIC HEARING AGENDAS**

*Unless otherwise noted, meetings held at*

*501 SE Hawthorne Blvd. Portland*

*Multnomah Building, Commissioners Board Room 100 off main lobby*

**TUESDAY, JUNE 1<sup>ST</sup> – 9:00 AM – 12:00 PM**

**BOARD BUDGET WORK SESSION #6**

**FOLLOW UP AND AMENDMENT REVIEW**

#### **CABLE PLAYBACK INFORMATION:**

June 1<sup>st</sup> 9:00 am - 12:00 pm – Live on Channel 30 East

Replays - Ch. 30 East : June 5<sup>th</sup> 9:00 am – 12:00 pm

*Work Sessions are open to the public but no public testimony will be taken.*



Multnomah County Oregon

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BUDGET WORK SESSION & PUBLIC HEARING AGENDAS**

*Unless otherwise noted, meetings held at*

**WEDNESDAY, JUNE 2<sup>ND</sup> – 6:00 PM – 8:00 PM**

### ***PUBLIC BUDGET HEARING C***

AT

Multnomah Building  
501 SE Hawthorne Blvd.  
Commissioners Board Room 100 off Lobby  
Portland

*Testimony will be taken and is limited to three minutes per person.  
Speaker forms will be available from the Board Clerk at the meeting.*

#### **CABLE PLAYBACK INFORMATION:**

June 2<sup>nd</sup> 6:00 – 8:00 pm – Live on Channel 29 East  
Replays: Ch. 30 East Portland & East County  
June 8<sup>th</sup> 4:30 – 6:30 pm & June 25<sup>th</sup> 1:00 – 3:00 pm



Multnomah County Oregon

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BUDGET WORK SESSION & PUBLIC HEARING AGENDAS**

*Unless otherwise noted, meetings held at*

**THURSDAY, JUNE 3<sup>RD</sup> @ 9:30 AM**

**ADOPT SPECIAL DISTRICTS BUDGET**

**CABLE PLAYBACK INFORMATION:**

Thursday, 9:30 AM, (LIVE) Channel 30 (Portland & East County)

Sunday, 11:00 AM Channel 30

Saturday, 10:00 AM, Channel 29 East County Only

Tuesday, 8:15 PM, Channel 29

**THURSDAY, JUNE 3<sup>RD</sup> – 1:00 PM – 3:00 PM**

**FOLLOW UP BOARD BUDGET WORK SESSION #7, IF NEEDED**

**CABLE PLAYBACK INFORMATION:**

June 3<sup>rd</sup> 1:00 – 3:00 pm – Live on Channel 30 East

Replays: Ch. 30 East: June 5<sup>th</sup> 12:00 – 2:00 pm

*Work Sessions are open to the public but no public testimony will be taken.*



Multnomah County Oregon

## **Board of Commissioners & Agenda**

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### **BUDGET WORK SESSION & PUBLIC HEARING AGENDAS**

*Unless otherwise noted, meetings held at*

**TUESDAY, JUNE 8<sup>th</sup> – 9:00 am – 12:00 noon**

**BOARD BUDGET WORK SESSION #8: FOLLOW UP  
AND AMENDMENT REVIEW**

#### **CABLE PLAYBACK INFORMATION:**

June 8<sup>th</sup> 9:00 am – 12:00 pm – Live on Channel 30 East

Replays: Ch. 30 East Portland & East County

June 11<sup>th</sup> 9:00 am – 12:00 pm

*Work Sessions are open to the public but no public testimony will be taken.*



Multnomah County Oregon

## **Board of Commissioners & Agenda**

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### **BUDGET WORK SESSION & PUBLIC HEARING AGENDAS**

*Unless otherwise noted, meetings held at*

**WEDNESDAY, JUNE 9<sup>th</sup> – 3:00 pm – 5:00 pm**

#### **TSCC PUBLIC HEARING**

**Tax Supervising & Conservation Commission Hearing**

#### **CABLE PLAYBACK INFORMATION:**

June 9<sup>th</sup> 3:00 – 5:00 pm – Live on Channel 30 East

Replays: Ch. 30 East Portland & East County

June 12<sup>th</sup> 12:00 - 2:00 pm



Multnomah County Oregon

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BUDGET WORK SESSION & PUBLIC HEARING AGENDAS**

*Unless otherwise noted, meetings held at*

**THURSDAY, JUNE 10<sup>th</sup> – 9:30 am**

**BUDGET ADOPTION**

#### **CABLE PLAYBACK INFORMATION:**

Thursday, 9:30 AM, (LIVE) Channel 30 (Portland & East County)

Sunday, 11:00 AM Channel 30

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Tuesday, 8:15 PM, Channel 29



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

## BOARD OF COMMISSIONERS

### Jeff Cogen, Chair

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## May 25-27, 2010 BOARD MEETINGS HIGHLIGHTS

REVISED

<p><u>TUESDAY, MAY 25<sup>TH</sup> – 9:00 AM TO 4:30 PM</u> BOARD WORK SESSION #3 POLICY &amp; OPERATIONAL CHALLENGES &amp; ISSUES</p>
<p><u>TUESDAY, MAY 25<sup>TH</sup> – 6:00 PM TO 8:00 PM</u> PUBLIC BUDGET HEARING A @ IRCO - Communities of Color at Immigrant &amp; Refugee Community Organization Gym</p>
<p><u>WEDNESDAY, MAY 26<sup>TH</sup> – 9:00 AM – 3:00 PM</u> BOARD BUDGET WORK SESSION # 4 POLICY &amp; OPERATIONAL CHALLENGES &amp; ISSUES</p>
<p><u>THURSDAY, MAY 27<sup>TH</sup> - 9:30 AM</u> REGULAR BOARD MEETING Public Comment on Non-Agenda Matters @ 9:30 am</p>
<p><u>THURSDAY, MAY 27<sup>TH</sup> – 1:00 PM - 3:00 PM</u> BOARD BUDGET WORK SESSION # 5 NON-DEPARTMENTAL</p>
<p><u>THURSDAY, MAY 27<sup>TH</sup> – 6:00 PM – 8:00 PM</u> PUBLIC BUDGET HEARING B Multnomah County East Building</p>

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**Multnomah County Oregon**

# **Board of Commissioners & Agenda**

*connecting citizens with information and services*

Thursday, May 27th, 2010 - 9:30 AM  
Multnomah Building, Commissioners Board Room 100

REVISED

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM**

#### **HEALTH DEPARTMENT**

C-1 NOTICE OF INTENT to Submit an Application for up to \$1,500 to the Oregon Adult Immunization Coalition Immunization Mini-Grant Competition for Adult Immunization Events and Project

#### **SHERIFF'S OFFICE**

C-2 Intergovernmental Revenue Agreement (IGA) 0910072 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances

C-3 Intergovernmental Revenue Agreement (IGA) 0910073 with METRO to Provide Inmate Work Crews for Illegal Dumpsite Cleanup

### **REGULAR AGENDA**

#### **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony limited to three minutes per person unless otherwise designated by the presiding officer. This is a time for the Board to hear public testimony, not for Board deliberation. ~~Fill out a yellow speaker form available at the back of the Boardroom and give it to the Board Clerk. Unless otherwise recognized by the presiding officer, testimony is taken in the order the forms are submitted.~~

*Randy Walruff  
Sally Brown  
Glen Wynnkowski*

**COUNTY MANAGEMENT – 9:30 am**

R-1 RESOLUTION 2010-061 Approving the Transfer of Tax-Foreclosed Property to Community Vision, Inc., a Non-Profit Corporation, for Low Income Housing Purposes. Presenters: Sally Brown and Matt Ryan (10 min.)

~~R-2 ORDER 2010-062 Canceling Multnomah County Land Sale Contract No. 15812 for Default in Payments and Performance of Covenants. Presenters: Randy Walruff & Sally Brown (5 min)~~

*17th*

~~R-3 ORDER 2010-063 Canceling Multnomah County Land Sale Contract No. 15816 for Default in Payments and Performance of Covenants. Presenters: Randy Walruff & Sally Brown (5 min)~~

*17th*

R-4 RESOLUTION 2010-064 Updating Multnomah County Catastrophic Leave Sharing Program. Presenter: Mindy Harris (10 min)

R-5 ORDINANCE 2010-065 Repealing Certain County Employment and Compensation Ordinances that are no Longer Necessary or that are Being Updated and Adopted by Resolution and Declaring an Emergency. Presenters: Mindy Harris, Travis Graves (15 min)

**NON DEPARTMENTAL - 10:05 am**

R-6 NOTICE OF INTENT (NOI) to Apply for \$19,000 in FEMA Federal Flood Mitigation Assistance Funds. Presenter: Dave Houghton (10 min)

**HEALTH DEPT – 10:15 am**

*Shirley  
McNeil*

R-7 NOTICE OF INTENT to Submit an Application for up to \$1,000,000 to the US Dept. of Health & Human Services, Office of Adolescent Health, Teenage Pregnancy Prevention: Replication of Evidence-based Programs Grant Competition. Presenters: Nicole Hermanns & Kathy Norman (5 min)

**HUMAN SERVICES – 10:20 am**

R-8 NOTICE OF INTENT (NOI) to Apply for the Attorney General's Children Exposed to Violence Demonstration Program: Phase I (CFDA#16.730) to Implement a Comprehensive, Collaborative Planning Process to Improve Identification and Response to Children Exposed to Violence. Presenters: Chiquita Rollins & Peggy Samolinski (10 min)

**COMMUNITY JUSTICE - 10:30 am**

R-9 NOTICE OF INTENT to apply for the U.S. Dept of Justice, Office of Justice Programs Bureau of Justice Assistance, Family-Based Prisoner Substance Abuse Treatment Program FY 2010 Competitive Grant in the amount of \$300,000. Presenters: Liv Jenssen & Truls Neal. (5 min)

**COMMUNITY SERVICES - 10:45 am**

~~R-10 ORDINANCE 2010-066 Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions related to Recreational Fields as part of the Schools and Parks Conditional Use Code Refinement Project in Compliance with Metro's Functional Plan and Declaring an Emergency. Presenter: George Plummer (5 min)~~

1/3

*Kolony  
Dywan  
@ 10:20 am*

**Board of Commissioners**  
**Thursday, May 27th, 2010 - 9:30 AM**  
Multnomah Building, Commissioners Board Room 100

**REGULAR MEETING**

Chair Jeff Cogen convenes the meeting at 9:30 a.m. with Vice-Chair Diane McKeel and Commissioners Deborah Kafoury, Barbara Willer and Judy Shiprack present.

**CONSENT CALENDAR - 9:30 AM**

**MAY I HAVE A MOTION ON THE CONSENT CALENDAR?**

**COMMISSIONER \_\_\_\_\_ MOVES**  
**COMMISSIONER \_\_\_\_\_ SECONDS**  
**APPROVAL OF THE CONSENT CALENDAR**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?**  
**THE MOTION FAILS OR**  
**THE CONSENT CALENDAR IS APPROVED**

**HEALTH DEPARTMENT**

C-1 NOTICE OF INTENT to Submit an Application for up to \$1,500 to the Oregon Adult Immunization Coalition Immunization Mini-Grant Competition for Adult Immunization Events and Project

**SHERIFF'S OFFICE**

C-2 Intergovernmental Revenue Agreement (IGA) 0910072 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances

C-3 Intergovernmental Revenue Agreement (IGA) 0910073 with METRO to Provide Inmate Work Crews for Illegal Dumpsite Cleanup

**REGULAR AGENDA**

**PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony limited to three minutes per person unless otherwise designated by the presiding officer. This is a time for the Board to hear public testimony, not for Board deliberation. (We shortened my verbal per Agnes!!)

Lynda will let you know if anyone has signed up.

**COUNTY MANAGEMENT – 9:30 am**

R-1 RESOLUTION 2010-061 Approving the Transfer of Tax-Foreclosed Property to Community Vision, Inc., a Non-Profit Corporation, for Low Income Housing Purposes. Presenters: Sally Brown and Matt Ryan (10 min.)

COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL OF R-1

EXPLANATION, RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?

THE MOTION FAILS OR  
THE RESOLUTION IS ADOPTED

R-2 ORDER 2010-062 Canceling Multnomah County Land Sale Contract No. 15812 for Default in Payments and Performance of Covenants. Presenters: Matt Ryan, Randy Walruff & Sally Brown (5 min)

ATTORNEY MATT RYAN WILL ASK THE BOARD TO POSTPONE HEARING THIS MATTER AND RESCHEDULE FOR JUNE 17<sup>TH</sup>, 2010.

AS THE DEPARTMENT HAS REQUESTED POSTPONEMENT, MAY I HAVE A MOTION TO RESCHEDULE?

COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL TO RESCHEDULE THIS CONTRACT CANCELLATION ORDER TO JUNE 17<sup>TH</sup>

ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?

R-2 IS RESCHEDULED

R-3 ORDER 2010-063 Canceling Multnomah County Land Sale Contract No. 15816 for Default in Payments and Performance of Covenants. Presenters: Matt Ryan, Randy Walruff & Sally Brown (5 min)

**ATTORNEY MATT RYAN WILL ASK THE BOARD TO POSTPONE HEARING THIS MATTER AND RESCHEDULE FOR JUNE 17<sup>TH</sup>, 2010.**

**AS THE DEPARTMENT HAS REQUESTED POSTPONEMENT, MAY I HAVE A MOTION TO RESCHEDULE?**

**COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL TO RESCHEDULE THIS SECOND CONTRACT  
CANCELLATION ORDER TO JUNE 17<sup>TH</sup>.**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?**

**R-3 IS RESCHEDULED**

R-4 RESOLUTION 2010-064 Updating Multnomah County Catastrophic Leave Sharing Program. Presenter: Mindy Harris (10 min)

**COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL OF R-4**

**EXPLANATION, RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?**

**THE MOTION FAILS OR  
THE RESOLUTION IS ADOPTED**

R-5 ORDINANCE 2010-065 Repealing Certain County Employment and Compensation Ordinances that are no Longer Necessary or that are Being Updated and Adopted by Resolution and Declaring an Emergency. Presenters: Mindy Harris, Travis Graves (15 min)

COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL OF THE FIRST READING AND ADOPTION

EXPLANATION, RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?

THE MOTION FAILS OR  
THE FIRST READING IS APPROVED AND THE ORDINANCE IS  
ADOPTED

**NON DEPARTMENTAL - 10:05 am**

R-6 NOTICE OF INTENT (NOI) to Apply for \$19,000 in FEMA Federal Flood Mitigation Assistance Funds. Presenter: Dave Houghton (10 min)

COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL OF R-6

EXPLANATION, RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?

THE MOTION FAILS OR  
THE NOTICE OF INTENT IS APPROVED

**HEALTH DEPT – 10:15 am**

R-7 NOTICE OF INTENT to Submit an Application for up to \$1,000,000 to the US Dept. of Health & Human Services, Office of Adolescent Health, Teenage Pregnancy Prevention: Replication of Evidence-based Programs Grant Competition. Presenters: Nicole Hermanns & Kathy Norman (5 min)

COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL OF R-7

EXPLANATION, RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?

THE MOTION FAILS OR  
THE NOTICE OF INTENT IS APPROVED

**HUMAN SERVICES – 10:20 am**

R-8 NOTICE OF INTENT (NOI) to Apply for the Attorney General's Children Exposed to Violence Demonstration Program: Phase I (CFDA#16.730) to Implement a Comprehensive, Collaborative Planning Process to Improve Identification and Response to Children Exposed to Violence. Presenters: Chiquita Rollins & Peggy Samolinski (10 min)

COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL OF R-8

EXPLANATION, RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?

THE MOTION FAILS OR  
THE NOTICE OF INTENT IS APPROVED

**COMMUNITY JUSTICE – 10:30 am**

R-9 NOTICE OF INTENT to apply for the U.S. Dept of Justice, Office of Justice Programs Bureau of Justice Assistance, Family-Based Prisoner Substance Abuse Treatment Program FY 2010 Competitive Grant in the amount of \$300,000. Presenters: Liv Jenssen & Truls Neal. (5 min)

COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL OF R-9

EXPLANATION, RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_\_?

THE MOTION FAILS OR  
THE NOTICE OF INTENT IS APPROVED

**COMMUNITY SERVICES – 10:35 am**

R-10 ORDINANCE 2010-066 Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions related to Recreational Fields as part of the Schools and Parks Conditional Use Code Refinement Project in Compliance with Metro's Functional Plan and Declaring an Emergency. Presenter: George Plummer (5 min)

BOARD CLERK WILL ANNOUNCE THE REQUEST FOR A POSTPONEMENT TO BE RESCHEDULED FOR JUNE 3<sup>RD</sup>, 2010.

MAY I HAVE A MOTION TO RESCHEDULE?

COMMISSIONER \_\_\_\_\_ MOVES  
COMMISSIONER \_\_\_\_\_ SECONDS  
APPROVAL TO RESCHEDULE THIS ORDINANCE TO JUNE 3RD, 2010

ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_\_?

R-10 IS RESCHEDULED

**ADJOURNMENT – 10: 35 AM**

THERE BEING NO FURTHER BUSINESS, THE MEETING IS  
ADJOURNED.



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

## BOARD OF COMMISSIONERS

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THURSDAY, MAY 27 <sup>TH</sup> - 9:30 AM REGULAR BOARD MEETING Public Comment on Non-Agenda Matters @ 9:30 am
THURSDAY, MAY 27 <sup>TH</sup> – 1:00 PM - 3:00 PM BOARD BUDGET WORK SESSION # 5 NON-DEPARTMENTAL
THURSDAY, MAY 27 <sup>TH</sup> – 6:00 PM – 8:00 PM PUBLIC BUDGET HEARING B Multnomah County East Building

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Thursday, May 27th, 2010 - 9:30 AM  
Multnomah Building, Commissioners Board Room 100

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM**

#### **HEALTH DEPARTMENT**

C-1 NOTICE OF INTENT to Submit an Application for up to \$1,500 to the Oregon Adult Immunization Coalition Immunization Mini-Grant Competition for Adult Immunization Events and Project

#### **SHERIFF'S OFFICE**

C-2 Intergovernmental Revenue Agreement (IGA) 0910072 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances

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**COUNTY MANAGEMENT – 9:30 am**

- R-1 RESOLUTION Approving the Transfer of Tax-Foreclosed Property to Community Vision, Inc., a Non-Profit Corporation, for Low Income Housing Purposes. Presenters: Sally Brown and Matt Ryan (10 min.)
- R-2 Order Canceling Multnomah County Land Sale Contract No. 15812 for Default in Payments and Performance of Covenants. Presenters: Randy Walruff & Sally Brown (5 min)
- R-3 Order Canceling Multnomah County Land Sale Contract No. 15816 for Default in Payments and Performance of Covenants. Presenters: Randy Walruff & Sally Brown (5 min)
- R-4 Updating Multnomah County Catastrophic Leave Sharing Program. Presenter: Mindy Harris (10 min)
- R-5 Repealing Certain County Employment and Compensation Ordinances that are no Longer Necessary or that are Being Updated and Adopted by RESOLUTION and Declaring an Emergency. Presenters: Mindy Harris, Travis Graves (15 min)

**NON DEPARTMENTAL - 10:15 am**

- R-6 NOTICE OF INTENT (NOI) to Apply for \$19,000 in FEMA Federal Flood Mitigation Assistance Funds. Presenter: Dave Houghton (10 min)

**HEALTH DEPT – 10:25 am**

- R-7 NOTICE OF INTENT to Submit an Application for up to \$1,000,000 to the US Dept. of Health & Human Services, Office of Adolescent Health, Teenage Pregnancy Prevention: Replication of Evidence-based Programs Grant Competition. Presenters: Nicole Hermanns & Kathy Norman (5 min)

**HUMAN SERVICES – 10:30 am**

- R-8 NOTICE OF INTENT (NOI) to Apply for the Attorney General's Children Exposed to Violence Demonstration Program: Phase I (CFDA#16.730) to Implement a Comprehensive, Collaborative Planning Process to Improve Identification and Response to Children Exposed to Violence. Presenters: Chiquita Rollins & Peggy Samolinski (10 min)

**COMMUNITY JUSTICE – 10:40 am**

R-9 NOTICE OF INTENT to apply for the U.S. Dept of Justice, Office of Justice Programs Bureau of Justice Assistance, Family-Based Prisoner Substance Abuse Treatment Program FY 2010 Competitive Grant in the amount of \$300,000. Presenters: Liv Jenssen & Truls Neal. (5 min)

**COMMUNITY SERVICES – 10:45 am**

R-10 Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions related to Recreational Fields as part of the Schools and Parks Conditional Use Code Refinement Project in Compliance with Metro's Functional Plan and Declaring an Emergency. Presenter: George Plummer (5 min)



Multnomah County Oregon

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

Thursday, May 27th, 2010 - 9:30 AM  
Multnomah Building, Commissioners Board Room 100

REVISED

### **REGULAR MEETING**

#### **CONSENT CALENDAR - 9:30 AM**

##### **HEALTH DEPARTMENT**

C-1 NOTICE OF INTENT to Submit an Application for up to \$1,500 to the Oregon Adult Immunization Coalition Immunization Mini-Grant Competition for Adult Immunization Events and Project

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C-2 Intergovernmental Revenue Agreement (IGA) 0910072 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances

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#### **REGULAR AGENDA**

##### **PUBLIC COMMENT - 9:30 AM**

Opportunity for Public Comment on non-agenda matters. Testimony limited to three minutes per person unless otherwise designated by the presiding officer. This is a time for the Board to hear public testimony, not for Board deliberation. Fill out a yellow speaker form available at the back of the Boardroom and give it to the Board Clerk. Unless otherwise recognized by the presiding officer, testimony is taken in the order the forms are submitted.

**COUNTY MANAGEMENT – 9:30 am**

R-1 RESOLUTION 2010-061 Approving the Transfer of Tax-Foreclosed Property to Community Vision, Inc., a Non-Profit Corporation, for Low Income Housing Purposes. Presenters: Sally Brown and Matt Ryan (10 min.)

~~R-2 ORDER 2010-062 Canceling Multnomah County Land Sale Contract No. 15812 for Default in Payments and Performance of Covenants. Presenters: Randy Walruff & Sally Brown (5 min)~~

~~R-3 ORDER 2010-063 Canceling Multnomah County Land Sale Contract No. 15816 for Default in Payments and Performance of Covenants. Presenters: Randy Walruff & Sally Brown (5 min)~~

R-4 RESOLUTION 2010-064 Updating Multnomah County Catastrophic Leave Sharing Program. Presenter: Mindy Harris (10 min)

R-5 ORDINANCE 2010-065 Repealing Certain County Employment and Compensation Ordinances that are no Longer Necessary or that are Being Updated and Adopted by Resolution and Declaring an Emergency. Presenters: Mindy Harris, Travis Graves (15 min)

**NON DEPARTMENTAL - 10:05 am**

R-6 NOTICE OF INTENT (NOI) to Apply for \$19,000 in FEMA Federal Flood Mitigation Assistance Funds. Presenter: Dave Houghton (10 min)

**HEALTH DEPT – 10:15 am**

R-7 NOTICE OF INTENT to Submit an Application for up to \$1,000,000 to the US Dept. of Health & Human Services, Office of Adolescent Health, Teenage Pregnancy Prevention: Replication of Evidence-based Programs Grant Competition. Presenters: Nicole Hermanns & Kathy Norman (5 min)

**HUMAN SERVICES – 10:20 am**

R-8 NOTICE OF INTENT (NOI) to Apply for the Attorney General's Children Exposed to Violence Demonstration Program: Phase I (CFDA#16.730) to Implement a Comprehensive, Collaborative Planning Process to Improve Identification and Response to Children Exposed to Violence. Presenters: Chiquita Rollins & Peggy Samolinski (10 min)

**COMMUNITY JUSTICE – 10:30 am**

R-9 NOTICE OF INTENT to apply for the U.S. Dept of Justice, Office of Justice Programs Bureau of Justice Assistance, Family-Based Prisoner Substance Abuse Treatment Program FY 2010 Competitive Grant in the amount of \$300,000. Presenters: Liv Jenssen & Truls Neal. (5 min)

**COMMUNITY SERVICES – 10:45 am**

~~R-10 ORDINANCE 2010-066 Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code Revisions related to Recreational Fields as part of the Schools and Parks Conditional Use Code Refinement Project in Compliance with Metro's Functional Plan and Declaring an Emergency. Presenter: George Plummer (5 min)~~



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

## BOARD OF COMMISSIONERS

### Jeff Cogen, Chair

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

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### Deborah Kafoury, Commission Dist. 1

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## May 25-27, 2010 BOARD MEETINGS HIGHLIGHTS

TUESDAY, MAY 25 <sup>TH</sup> – 9:00 AM TO 4:30 PM BOARD WORK SESSION #3 POLICY & OPERATIONAL CHALLENGES & ISSUES
TUESDAY, MAY 25 <sup>TH</sup> – 6:00 PM TO 8:00 PM PUBLIC BUDGET HEARING A @ IRCO - Communities of Color at Immigrant & Refugee Community Organization Gym
WEDNESDAY, MAY 26 <sup>TH</sup> – 9:00 AM – 3:00 PM BOARD BUDGET WORK SESSION # 4 POLICY & OPERATIONAL CHALLENGES & ISSUES
THURSDAY, MAY 27 <sup>TH</sup> - 9:30 AM REGULAR BOARD MEETING Public Comment on Non-Agenda Matters @ 9:30 am
THURSDAY, MAY 27 <sup>TH</sup> – 1:00 PM - 3:00 PM BOARD BUDGET WORK SESSION # 5 NON-DEPARTMENTAL
THURSDAY, MAY 27 <sup>TH</sup> – 6:00 PM – 8:00 PM PUBLIC BUDGET HEARING B Multnomah County East Building

Meetings of the Multnomah County Board of Commissioners are held at 501 SE Hawthorne Blvd. most usually in the Commissioners Chamber off of the main lobby, on the first floor.

Thursday meetings are cable-cast live and recorded and may be seen by Cable subscribers in Multnomah County at the following times

### (Portland & East County):

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

Sunday, 11:00 AM Channel 30

### (East County Only)

Saturday, 10:00 AM, Channel 29

Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media

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

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



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST  
NOTICE OF INTENT**

(revised 12/31/09)

**Board Clerk Use Only**

Meeting Date: 5/27/2010  
 Agenda Item #: C-1  
 Est. Start Time: 9:30 am  
 Date Submitted: 5/14/2010

APPROVED: MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # C-1 DATE 5/27/2010  
 LA GROW, BOARD CLERK

**NOTICE OF INTENT to Submit an Application for up to \$1,500 to the Oregon  
 Agenda Adult Immunization Coalition Immunization Mini-Grant Competition for Adult  
 Title: Immunization Events and Projects.**

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

<b>Requested Meeting Date:</b>	<u>May 27<sup>th</sup>, 2010</u>	<b>Amount of Time Needed:</b>	<u>N/A – Consent Item</u>
<b>Department:</b>	<u>Health</u>	<b>Division:</b>	<u>Community Health Services</u>
<b>Contact(s):</b>	<u>Nicole Hermanns</u>		
<b>Phone:</b>	<u>503-988-3663</u>	<b>Ext.:</b>	<u>26314</u>
		<b>I/O Address:</b>	<u>160/9</u>
<b>Presenter(s):</b>	<u>N/A – Consent Item</u>		

**General Information**

**1. What action are you requesting from the Board?**

Authorize the Director of the Health Department to submit an application for up to \$1,500 to the Oregon Adult Immunization Coalition Immunization Mini-Grant Competition for Adult Immunization Events and Projects.

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

Multnomah County Health Department's STD, HIV, Hepatitis C Program works to prevent the transmission of sexually transmitted diseases (STDs), HIV, and hepatitis C and reduce the impact of disease acquisition and drug-related harm on individuals and communities. The STD Clinic operates within this program, providing testing and treatment for STDs, as well as vaccinations for Hepatitis A and B, and HPV. In 2009, the STD Clinic served 4,824 clients.

Most people come to the clinic seeking STD screening and treatment, and may not be aware of the

benefits and availability of vaccines for Hepatitis A and B and HPV. Program staff propose to use these grant funds to complete the development of a video that highlights the services of the STD clinic and provides information on Hepatitis A, Hepatitis B, and HPV, with a focus on recommendations for vaccination and information on vaccination services within the clinic. Funding will be specifically used to cover the production and editing costs of the video. Once completed, the video will be played in the STD Clinic waiting room, on the County STD website, and on the website of any community partner that requests it.

By increasing awareness about the Multnomah County Health Department's STD clinic and vaccination services, this project will increase rates of vaccination at our clinic, which serves communities and individuals who face barriers to being fully immunized.

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

This grant will provide one-time funding to cover the editing and production costs associated with the development of a video that highlights the services of the STD clinic and provides information on Hepatitis A, Hepatitis B, and HPV, with a focus on recommendations for vaccination and information on vaccination services within the clinic.

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

None.

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

Community volunteers will be used to help film the immunization video.

# ATTACHMENT A

## Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

The Oregon Adult Immunization Coalition (OAIC). The OAIC is a statewide network of health and community partners promotes prevention and control of vaccine-preventable disease through the immunization of adults in Oregon and Southwest Washington.

- **Specify grant (matching, reporting and other) requirements and goals.**

The OAIC Immunization Mini-Grants Project is intended to support adult immunization projects and activities throughout the state of Oregon. The purpose of these grants include: developing and enhancing local immunization and health coalitions; raising public and provider awareness of vaccine preventable diseases; supporting influenza activities; and increasing adult immunization rates. Funds may be used to support local vaccination events, educational projects, promotional materials, and other activities designed to reduce barriers to adult vaccinations. There are no matching requirements. A final two-page report is due at the end of the project period.

- **Explain grant funding detail – is this a one time only or long term commitment?**

This is a one time only commitment.

- **What are the estimated filing timelines?**

The grant was due on May 15<sup>th</sup>, 2010. Due to the timing of the funding announcement, the grant was submitted before approval of a NOI was possible. If this NOI is not approved by the Board, grant staff will contact the OAIC to pull the application from consideration.

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

The grant period runs from June 1, 2010 through December 30, 2010.

- **When the grant expires, what are funding plans?**

When the grant expires, the project will be completed and additional funds will not be required.

- **Is 100% of the central and departmental indirect recovered? If not, please explain why.**

100% of the central and departmental indirect costs are covered through the grant funding.

**ATTACHMENT B**

**Required Signatures**

**Elected Official or  
Department/  
Agency Director:** KaRin Johnson for

**Date:** 05-13-2010

*Lillian Shurley*

**Budget Analyst:**

**Date:** 05/14/10





# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-2 DATES 127/2010  
LYNDA GROW, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 5/27/2010  
Agenda Item #: C-2  
Est. Start Time: 9:30 am  
Date Submitted: 5/18/2010

**Agenda Title: Intergovernmental Revenue Agreement 0910072 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances.**

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

Requested Meeting Date: May 27, 2010 Amount of Time Needed: N/A  
Department: Sheriff's Office Division: Enforcement  
Contact(s): Brad Lynch  
Phone: 503-988-4336 Ext. 84336 I/O Address: 503/350  
Presenter(s): Consent Calendar

### General Information

**1. What action are you requesting from the Board?**

Approval of government contract 0910072.

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

Under the terms of this agreement with Metro, a regional government that serves Multnomah, Clackamas, and Washington counties, the Sheriff's Office provides one FTE detective to combat illegal dumping, flow control and solid waste enforcement. The Detective in this unit has knowledge of applicable laws and ordinances and works to enforce these laws. This includes (but is not limited to): investigation and surveillance of companies that haul waste to determine if they are disposing of solid waste properly, investigation of incidents of illegal dumping, coordination of efforts to curtail problems and educate stakeholders with issues associated with solid waste, surveillance of chronic dump sites, and the coordination of the legal removal of chronic transient camps. This agreement affects MCSO Metro Services program offer # 60074. The agreement is effective July 1, 2010 through June 30, 2011.

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

Metro agrees to compensate the County for providing this service in an amount not to exceed \$128,785.00. This revenue has been anticipated and is part of the FY 11 budget.

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

This agreement has been reviewed by the County Attorney's office.

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

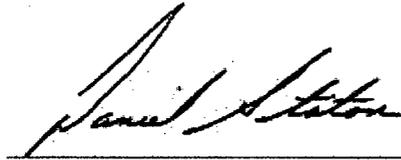
None other than stated above.

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**Required Signature**

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



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**Date: 05/17/10**



**INTERGOVERNMENTAL AGREEMENT**

MCSO Contract No. 0910072  
 Metro Contract No. 929804

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made pursuant to the authority found in ORS 190.010, et seq., and ORS 206.345 between MULTNOMAH COUNTY ("COUNTY") by and through the Multnomah County Sheriff's Office ("MCSO") and METRO, (collectively referred herein as "Parties").

**RECITALS**

WHEREAS, the COUNTY is a political subdivision of the state of Oregon and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq.; and

WHEREAS, MCSO is authorized to enter into intergovernmental agreements jointly with and on behalf of the COUNTY pursuant to ORS 206.345; and

WHEREAS, METRO is an Oregon municipal corporation formed and operating under state law and the Metro Charter, and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq.; and

WHEREAS, this Agreement replaces and supercedes MCSO Contract No. 0910064 / Metro Contract No. 929366; and

WHEREAS, METRO desires to contract with the COUNTY for the performance of certain law enforcement functions to be performed by the COUNTY through MCSO; and

WHEREAS, the COUNTY is able and prepared to provide the services required by METRO under the terms and conditions set forth in this Agreement; now therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter and pursuant to the provisions of ORS chapter 190, the Parties agree to be bound as follows:

**A. INVESTIGATION**

1. The COUNTY shall provide general investigative law enforcement service to METRO at Metro's direction. This service shall include:
  - (a) Enforcement of the METRO code and regulations, including without limitation provisions related to flow control investigation, illegal dumping, and solid waste management;
  - (b) Random and directed surveillance of persons collecting,



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## **INTERGOVERNMENTAL AGREEMENT**

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transporting, storing, treating, and disposing of solid and liquid waste to ensure such persons are complying with the METRO code and regulations;

- (c) Assistance with investigation, case preparation, and prosecution in cases involving offenses (including without limitation fraud, racketeering, and material breach of contract) allegedly committed by vendors, contractors, or subcontractors doing business with METRO or by facilities, firms or individuals subject to METRO ordinances and regulations;
  - (d) Investigations of suspected violations of environmental laws, rules, and ordinances; and
  - (e) Other general investigative work as requested by Metro.
2. In accordance with ORS 206.345(2), during the existence of this Agreement, the Sheriff and the Deputy Sheriff shall exercise such authority as may be vested in them by law or by terms of this Agreement, including full power and authority to cite, arrest, and take other enforcement action for violations of all METRO code provisions and regulations, including without limitation those relating to flow control and waste management.

### **B. PERSONNEL MATTERS**

- 1. The COUNTY shall provide for the performance of the duties hereunder one (1) FTE Deputy Sheriff. For the purpose of this Agreement, one (1) FTE position means an employee who is regularly scheduled to work at least 40 hours per week performing the services required under this Agreement.
- 2. The COUNTY shall be responsible for assuring that the Deputy Sheriff assigned to Metro is certified by the Oregon Department of Public Safety Standards and Training, and that the Deputy Sheriff maintains such certification.
- 3. For a Deputy Sheriff who has been assigned to METRO for one (1) year or longer, METRO shall pay one-half (1/2) of personnel costs for absences due to general law enforcement training. Metro shall not pay personnel costs for absences due to specialized law enforcement training that do not relate directly to the services provided under the terms of this Agreement.
- 4. The Deputy Sheriff shall be and remain an employee of the COUNTY. The COUNTY shall ensure that the Deputy Sheriff performs the duties in



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## INTERGOVERNMENTAL AGREEMENT

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accordance with the administrative and operational procedures of MCSO.

5. METRO has the right, upon request and for cause stated, to have the Deputy Sheriff removed from assignment under this Agreement and replaced within three weeks by another Deputy Sheriff, meeting the requirements of this Agreement.
6. METRO will not pay wages, salaries, or other compensation directly to the Deputy Sheriff performing services under this Agreement or for any other liability not provided for in this Agreement.
7. The COUNTY shall maintain Workers' Compensation insurance coverage for the Deputy Sheriff, either as a carrier insured employer or a self-insured employer as provided in ORS Chapter 656.
8. The collective bargaining agreement between the Deputy Sheriff and the COUNTY ("collective bargaining agreement") governs all matters related to benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment of the supervisors.
9. The collective bargaining agreement and the County personnel rules govern all labor disputes arising out of this Agreement.
10. The Deputy Sheriff may be absent from duty for various reasons, including but not limited to vacation, holidays, illness, training, leave of absence, and administrative leave in accordance with the foregoing acknowledgment:
  - (a) The COUNTY shall not be responsible for or otherwise obligated to replace a Deputy Sheriff who is absent due to paid accrued leave, including without limitation vacation, holiday, sick, and training leave. The COUNTY shall make a good faith effort to schedule planned absences to minimize the impact on the COUNTY's ability to perform under this Agreement, and to provide a replacement in the event that an absence is anticipated to last longer than three weeks.
  - (b) The COUNTY may invoice METRO, and METRO shall pay, the personnel costs of a Deputy Sheriff absent on vacation or sick leave, up to a total combined annual contract year maximum of 120 hours, only if the Deputy Sheriff has been assigned to METRO for six (6) months or longer. METRO shall pay personnel costs for a Deputy Sheriff absent during the following nine (9) holidays when METRO's offices are closed:



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## **INTERGOVERNMENTAL AGREEMENT**

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- (1) New Years Day;
- (2) Martin Luther King Day;
- (3) Presidents' Day;
- (4) Memorial Day;
- (5) Independence Day;
- (6) Labor Day;
- (7) Veterans Day;
- (8) Thanksgiving Day;
- (9) Christmas Day.

### **C. OFFICE SPACE**

METRO shall provide the Deputy Sheriff with office space and shall pay the costs for utilities, including without limitation telephone costs, at METRO's premises or at a site mutually agreed upon by the COUNTY and METRO.

### **D. EQUIPMENT PURCHASE, USE AND DISPOSITION**

1. The Parties will purchase materials and supplies necessary for this Agreement as provided in this section. "Materials" includes items with a unit cost of \$1,000.00 or more, and "supplies" includes items with a unit cost of less than \$1,000.00.
2. METRO shall purchase all materials and supplies necessary for the performance of this Agreement.
3. METRO shall own all vehicles and equipment it purchases for this Agreement, including without limitation capital equipment. The COUNTY shall use METRO's vehicles and equipment only to perform its duties under this Agreement and shall not use them for any other purpose without authorization from METRO. Metro shall pay fuel and maintenance costs for its vehicles. Except as provided in paragraph D4, upon termination of this Agreement, the COUNTY shall return all materials and supplies to METRO.
4. Consistent with Metro Code Chapter 2.04.064, upon termination of this Agreement, METRO may grant to the COUNTY an option to purchase from METRO any or all remaining materials and supplies purchased for this Agreement at a price mutually agreed upon by the Parties, not to exceed the fair market value of the items at the times of purchase. The COUNTY agrees to give METRO notice of the COUNTY's intent to exercise this option within 60 days following termination of this Agreement.



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## **INTERGOVERNMENTAL AGREEMENT**

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### **E. CONTRACT COSTS**

1. METRO shall pay the COUNTY for all costs as set forth in this Agreement. By February 1 of each year, the COUNTY shall provide METRO with a good faith projection of the cost of this Agreement for the following fiscal year (July 1 to June 30). The Parties shall agree on the amount paid by METRO for the term of the Agreement before each anniversary date of the execution of this Agreement.
2. Under this Agreement, METRO will pay the COUNTY no more than ONE HUNDRED TWENTY-EIGHT THOUSAND SEVEN HUNDRED EIGHTY-FIVE AND NO/100 DOLLARS (\$128,785.00). This amount includes all fees, costs, and expenses to which COUNTY is entitled for the term of this Agreement.
3. All costs listed on Exhibit A, which is the Budget for the Agreement prepared by METRO, are on a "not to exceed" basis. The COUNTY shall submit itemized billings to METRO no more than 15 days after the end of each quarter of the contract term, and METRO shall make payment to COUNTY within 30 days of receipt of approved billings.

### **F. INDEMNIFICATION AND LIABILITY**

1. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the COUNTY shall indemnify, defend and hold harmless METRO from and against all liability, loss, and costs arising out of or resulting from the acts of the COUNTY, its officers, employees, and agents in the performance of this Agreement.
2. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, METRO shall indemnify, defend, and hold harmless the COUNTY from and against all liability, loss, and costs arising out of or resulting from the acts of METRO, its officers, employees, and agents in the performance of this Agreement.

### **G. DISPUTE RESOLUTION**

1. If a claim, controversy, or dispute arises out of this Agreement, the complaining party shall attempt to resolve amicably by phone or in person. If unable to resolve, the party shall give written notification to the other party of the nature of the claim and the remedy requested within 10 days of the incident that forms the basis of the dispute.
2. Oregon law shall govern this Agreement. The Parties shall resolve all



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## **INTERGOVERNMENTAL AGREEMENT**

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claims, controversies, or disputes that arise out of this Agreement by arbitration in accordance with the arbitration rules of the Arbitration Service of Portland or the American Arbitration Association. The party who first initiates arbitration shall designate an arbitration service by filing a claim in accordance with the rules of the organization selected. Such arbitration shall take place in Portland, Oregon and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

### **H. CONTRACT ADMINISTRATION**

1. The Multnomah County Sheriff or his designated representative will represent the COUNTY in all matters pertaining to administration of this Agreement.
2. METRO designates its Finance and Regulatory Services Director or the Director's designee to represent METRO in all matters pertaining to administration of this Agreement.
3. Any notice or notices provided for by this Agreement or by law to be given or served upon either party shall be given or served by certified letter, deposited in the U.S. mail, postage prepaid, and addressed to:

Multnomah County Sheriff  
501 SE Hawthorne Blvd., Ste 350  
Portland, Oregon 97214

Finance and Regulatory Services Director  
METRO  
600 NE Grand Avenue  
Portland, Oregon 97232

### **I. CONTRACT TERM, MODIFICATION, AND TERMINATION**

1. This Agreement shall be effective from July 1, 2010, through June 30, 2011, unless extended.
2. Either party to this Agreement may terminate said Agreement by giving the other party not less than 90 days written notice.
3. This Agreement may be modified or amended by agreement of the Parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by both METRO and the COUNTY.
4. This Agreement shall not be deemed to vest in any third party any rights, nor shall it be deemed to be enforceable by any third party in any legal, equitable, or administrative proceeding whatsoever.



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**INTERGOVERNMENTAL AGREEMENT**

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly appointed officers on the date written below.

**MULTNOMAH COUNTY**

**METRO**

By: **DANIEL STATON, SHERIFF**

By: \_\_\_\_\_

Dan Staton, Sheriff

Michael J. Jordan

By: *[Signature]*

Chief Operating Officer

Sheriff Designee

Date: **Date: 5/10/11**

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

By: \_\_\_\_\_

County Chair or Designee

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

APPROVED AS TO FORM:  
Multnomah County Attorney

APPROVED AS TO FORM:  
Metro Attorney

By: \_\_\_\_\_

By: \_\_\_\_\_

Assistant County Attorney

Michelle A. Bellia

Senior Metro Attorney

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

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



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# INTERGOVERNMENTAL AGREEMENT

## EXHIBIT A CONTRACT BUDGET

FY 2010 - 2011		Detective (1.0 FTE)
50236	IG-Charges for Services	(128,785)
Total Revenues		(128,785)
60000	Permanent	72,600
60130	Salary Related Expenses	26,840
Subtotal		99,440
60140	Insurance	20,583
Total Personnel Costs		120,023
60170	Professional Services	-
Total M&S		-
60350	Indirect Costs (cntrl)	2,040
60355	Indirect Costs (dptml)	6,721
Total ISR's		8,762
60530	Building	
60550	Equipment	
93002	Assess Labor	
93007	Assess Int Service Exp	
93019	Assess Shared Svcs	
Total Budget		128,785

SK:bjl  
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# MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0910072

Pre-approved Contract Boilerplate (with County Attorney signature)  Attached  Not Attached      Amendment #: \_\_\_\_\_

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Expenditure Contract
PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input checked="" type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> <b>INTER-DEPARTMENTAL AGREEMENT (IDA)</b>

Department: Sheriff's Office      Division/Program: Enforcement      Date: 04/16/10  
 Originator: Captain Monte Reiser      Phone: 503-988-4300      Bldg/Room: 503/350  
 Contact: Brad Lynch      Phone: 503-988-4336      Bldg/Room: 503/350

Description of Contract: Investigative and enforcement services for solid waste ordinances.

RENEWAL:  PREVIOUS CONTRACT #(S) 0910064, 0809073, 0708052      EEO Exhibit 5 required if amount over \$75k

PROCUREMENT EXEMPTION OR CITATION # 46-0130(1)(f)      ISSUE DATE: \_\_\_\_\_      EFFECTIVE DATE: \_\_\_\_\_      END DATE: \_\_\_\_\_

CONTRACTOR IS:  MBE  WBE  ESB  QRF State Cert# \_\_\_\_\_ or  Self Cert  Non-Profit  N/A (Check all boxes that apply)

Contractor	<u>Metro Solid Waste &amp; Recycling</u>		Remittance address (if different)	_____
Address	<u>600 NE Grand</u>		Payment Schedule / Terms:	
City/State	<u>Portland, Oregon</u>		<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
ZIP Code	<u>97232</u>		<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Phone	<u>503-797-1700</u>		<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	<u>07/01/10</u>	Term Date	<u>06/30/11</u>	
Amendment Effect Date	_____	New Term Date	_____	
Original Contract Amount	\$ <u>128,785.00</u>		Original PA/Requirements Amount	\$ _____
Total Amt of Previous Amendments	\$ _____		Total Amt of Previous Amendments	\$ _____
Amount of Amendment	\$ _____		Amount of Amendment	\$ _____
Total Amount of Agreement \$	\$ <u>128,785.00</u>		Total PA/Requirements Amount	\$ _____

**REQUIRED SIGNATURES:**

Department Manager \_\_\_\_\_ DATE \_\_\_\_\_  
 County Attorney \_\_\_\_\_ DATE \_\_\_\_\_  
 CPCA Manager \_\_\_\_\_ DATE \_\_\_\_\_  
 County Chair \_\_\_\_\_ DATE \_\_\_\_\_  
 Sheriff DANIEL STATON, SHERIFF \_\_\_\_\_ DATE \_\_\_\_\_  
 Contract Administration \_\_\_\_\_ DATE \_\_\_\_\_

By: [Signature]  
 Sheriff Designee  
 Date: 05/17/10

COMMENTS: \_\_\_\_\_



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-3 DATE 5/27/2010  
LYNDA GROW, BOARD CLERK

<b>Board Clerk Use Only</b>	
Meeting Date:	<u>5/27/2010</u>
Agenda Item #:	<u>C-3</u>
Est. Start Time:	<u>9:30 am</u>
Date Submitted:	<u>5/18/2010</u>

**Agenda Title: Intergovernmental Revenue Agreement 0910073 with METRO to Provide Inmate Work Crews for Illegal Dumpsite Cleanup.**

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

<b>Requested Meeting Date:</b>	<u>May 27, 2010</u>	<b>Amount of Time Needed:</b>	<u>N/A</u>
<b>Department:</b>	<u>Sheriff's Office</u>	<b>Division:</b>	<u>Corrections</u>
<b>Contact(s):</b>	<u>Brad Lynch</u>		
<b>Phone:</b>	<u>503-988-4336</u>	<b>Ext.:</b>	<u>84336</u>
<b>Presenter(s):</b>	<u>Consent Calendar</u>	<b>I/O Address:</b>	<u>503/350</u>

**General Information**

- 1. What action are you requesting from the Board?**  
Approval of government contract 0910073.
- 2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**  
Under the terms of this agreement the County agrees to provide supervised inmate work crews to clean up illegal dumpsites within the jurisdictional boundaries of METRO. This agreement affects MCSO Corrections Work Crews program offer # 60039 and is effective from July 1, 2010 through June 30, 2011.
- 3. Explain the fiscal impact (current year and ongoing).**  
Metro agrees to compensate the County for providing this service in an amount not to exceed \$223,135.00. This revenue has been anticipated and is part of the FY 11 budget.
- 4. Explain any legal and/or policy issues involved.**  
This agreement has been reviewed by the County Attorney's office.

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

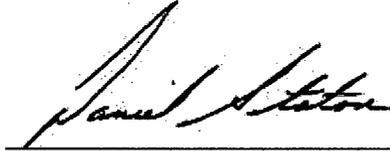
None other than stated above.

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**Required Signature**

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



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**Date: 05/17/10**

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**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2736  
(503) 797-1700

## **INTERGOVERNMENTAL AGREEMENT**

MCSO Contract No. 0910073

Metro Contract No. 929803

THIS INTERGOVERNMENTAL AGREEMENT ("Agreement") is made pursuant to the authority found in ORS 190.010, et seq and ORS 206.345 between MULTNOMAH COUNTY ("COUNTY") by and through the Multnomah County Sheriff's Office ("MCSO") and METRO, (collectively referred herein as "Parties").

### **RECITALS**

WHEREAS, the COUNTY is a political subdivision of the State of Oregon and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq; and

WHEREAS, MCSO is authorized to enter into intergovernmental agreements jointly with and on behalf of the COUNTY, pursuant to ORS 206.345(1); and

WHEREAS, METRO is a municipal corporation formed and operating under state law and the METRO Charter, and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq; and

WHEREAS, this Agreement replaces and supercedes MCSO Contract No. 0910063 / Metro Contract No. 929365; and

WHEREAS, METRO desires to contract with the COUNTY for certain law enforcement functions to be performed by MCSO; and

WHEREAS, the COUNTY is able and prepared to provide the services required by METRO under the terms and conditions set forth in this Agreement; therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, and pursuant to the provisions of ORS chapter 190, the Parties agree to be bound as follows:

#### **A. ILLEGAL DUMPSITE CLEANUP - INMATE WORKCREWS**

1. The COUNTY shall provide a minimum of 1.75 FTE corrections deputy ("supervisor") to supervise inmate work crews to clean up illegal dumpsites within METRO's jurisdiction. The COUNTY may provide additional personnel up to the "not to exceed" amount stipulated in section D2 of this Agreement.
2. The COUNTY shall clean up illegal dumpsites only as assigned by METRO.
3. The COUNTY shall provide supervisors trained and experienced in



**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2736  
(503) 797-1700

## **INTERGOVERNMENTAL AGREEMENT**

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managing inmate work crews to supervise each work crew.

4. The COUNTY shall ensure that the supervisors are certified by the State's Department of Public Safety Standards and Training.
5. The COUNTY shall select for the work crews only sentenced inmates eligible for outside public works who pose a minimal threat to the public.
6. The COUNTY shall provide a trained replacement if a supervisor is absent for more than one day.
7. METRO shall provide one self-contained work crew vehicle furnished with equipment and tools appropriate to perform the work under this Agreement. The COUNTY shall use a County vehicle if an additional vehicle is required to perform the work under this Agreement.
8. METRO shall train each supervisor assigned to work under this Agreement to identify, collect, and retain evidence that may lead to successful prosecutions of persons dumping waste illegally.
9. The clean-up of illegal dumpsites containing known or suspected hazardous materials is beyond the scope, skill, training, and experience of the inmate work crews. If an inmate work crew discovers known or suspected hazardous materials at an illegal dump site, the supervisor shall immediately cease the clean-up activity until the appropriate hazardous materials authority inspects the site and declares or makes it safe.

### **B. PERSONNEL MATTERS**

1. For the purpose of this Agreement, one (1.0) FTE position means an employee who is regularly scheduled to work at least 40 hours per week performing the services required under this Agreement.
2. The COUNTY shall ensure that any corrections deputy assigned as a supervisor has sufficient experience to perform the duties required by this Agreement. If a corrections deputy has not served previously as a supervisor under this Agreement, the COUNTY shall require the corrections deputy to observe a supervisor performing the duties under this Agreement for at least two weeks before beginning duty under this Agreement.
3. The supervisors shall be and remain COUNTY employees. The COUNTY shall ensure that the supervisors perform their duties in accordance with the administrative and operational procedures of MCSO.
4. METRO has the right, upon request and for cause stated, to have a supervisor removed from assignment under this Agreement and replaced by other supervisor meeting the requirements of this Agreement.



**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2736  
(503) 797-1700

## **INTERGOVERNMENTAL AGREEMENT**

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5. METRO will not pay wages, salaries, or other compensation directly to the supervisors performing services under this Agreement or for any other liability not provided for in this Agreement.
6. The COUNTY shall maintain Workers' Compensation insurance coverage for the supervisors and inmate work crews either as a carrier insured employer or a self-insured employer as provided in ORS Chapter 656.
7. The collective bargaining agreement between the supervisors and the COUNTY ("collective bargaining agreement") governs all matters related to benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment of the supervisors.
8. The collective bargaining agreement and the County personnel rules govern all labor disputes arising out of this Agreement.
9. The payment METRO makes to the COUNTY under this Agreement shall not include any amount for retroactive salary adjustments negotiated under the collective bargaining agreement.
10. The supervisors may be absent from duty for various reasons, including but not limited to vacation, holidays, illness, training, leave of absence, and administrative leave. The COUNTY shall provide METRO with immediate notice of any absence of a supervisor. If the absence is planned, the COUNTY shall inform METRO as soon as the COUNTY is aware of the absence, but in any case no fewer than two weeks before the absence begins.

### **C. EQUIPMENT PURCHASE, USE, AND DISPOSITION**

1. The Parties will purchase materials and supplies necessary for this Agreement as provided in this section. "Materials" includes items with a unit cost of \$1,000 or more and "supplies" includes items with a unit cost of less than \$1,000.
2. METRO shall purchase all materials and supplies necessary for the performance of this Agreement. The COUNTY shall purchase any materials and supplies required for law enforcement functions not directly related to the clean-up of illegal dumpsites.
3. METRO shall own all vehicles and equipment it purchases for this Agreement, including without limitation capital equipment. The COUNTY shall use METRO's vehicles and equipment only to perform its duties under this Agreement and shall not use them for any other purpose without authorization from METRO. Except as provided in paragraph C4, upon termination of this Agreement the COUNTY shall return all materials and



**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2736  
(503) 797-1700

## **INTERGOVERNMENTAL AGREEMENT**

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supplies to METRO.

4. Consistent with METRO Code Chapter 2.04.064, upon termination of this Agreement METRO may grant to the COUNTY an option to purchase from METRO any or all remaining materials and supplies purchased for this Agreement at a price mutually agreed upon by the Parties, not to exceed the fair market value of the items at the times of purchase. The COUNTY agrees to give METRO notice of the COUNTY's intent to exercise this option within 60 days following termination of this Agreement.

### **D. CONTRACT COSTS**

1. METRO shall pay the COUNTY for all costs as set forth in this Agreement. By February 1 of each year, the COUNTY shall provide METRO with a good faith projection of the cost of this Agreement for the following fiscal year (July 1 to June 30). The Parties shall agree on the amount paid by METRO for the term of the Agreement before each anniversary date of the execution of this Agreement.
2. Under this Agreement, METRO will pay the COUNTY no more than TWO HUNDRED TWENTY-THREE THOUSAND ONE HUNDRED THIRTY-FIVE AND NO/100 DOLLARS (\$223,135.00). This amount includes all fees, costs, and expenses to which the COUNTY is entitled for the term of this Agreement.
3. All costs listed on Exhibit A, which is the Budget for the Agreement prepared by METRO, are on a "not to exceed" basis. The COUNTY shall submit itemized billings to METRO no more than fifteen (15) days after the end of each quarter of the contract year, and METRO shall make payment to COUNTY within thirty (30) days of receipt of approved billings.

### **E. INDEMNIFICATION AND LIABILITY**

1. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the COUNTY shall indemnify, defend and hold harmless METRO from and against all liability, loss, and costs arising out of or resulting from the acts of the COUNTY, its officers, employees, and agents in the performance of this Agreement.
2. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, METRO shall indemnify, defend, and hold harmless the COUNTY from and against all liability, loss, and costs arising out of or resulting from the acts of METRO, its officers, employees, and agents in the performance of this Agreement.



## **INTERGOVERNMENTAL AGREEMENT**

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### **F. DISPUTE RESOLUTION**

1. If a claim, controversy, or dispute arises out of this Agreement, the complaining party shall give written notification to the other party of the nature of the claim and the remedy requested within ten (10) days of the incident that forms the basis of the dispute.
2. Oregon law shall govern this Agreement. The Parties shall resolve all claims, controversies, or disputes that arise out of this Agreement by arbitration in accordance with the arbitration rules of the Arbitration Service of Portland or the American Arbitration Association. The party who first initiates arbitration shall designate an arbitration service by filing a claim in accordance with the rules of the organization selected. Such arbitration shall take place in Portland, Oregon and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

### **G. CONTRACT ADMINISTRATION**

1. The Multnomah County Sheriff or his designated representative will represent the COUNTY in all matters pertaining to administration of this Agreement.
2. METRO designates its Finance and Regulatory Services Department Director or her designee to represent METRO in all matters pertaining to administration of this Agreement.
3. Any notice or notices provided for by this Agreement or by law to be given or served upon either party shall be given or served by certified letter, deposited in the U.S. mail, postage prepaid, and addressed to:

Multnomah County Sheriff  
501 SE Hawthorne Blvd., Ste 350  
Portland, Oregon 97214

Finance and Regulatory Services  
Department Director  
METRO  
600 NE Grand Avenue  
Portland, Oregon 97232

### **H. CONTRACT TERM, MODIFICATION, AND TERMINATION**

1. This Agreement shall be effective from the 1st day of July 2010, and shall run through the 30th day of June 2011, unless extended.
2. Either party to this Agreement may terminate the Agreement by giving the other party not less than ninety (90) days written notice.
3. This Agreement may be modified or amended by agreement of the Parties.



**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2736  
(503) 797-1700

## INTERGOVERNMENTAL AGREEMENT

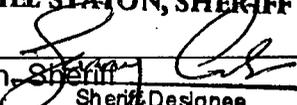
Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by both METRO and the COUNTY.

4. This Agreement shall not be deemed to vest in any third party any rights, nor shall it be deemed to be enforceable by any third party in any legal, equitable, or administrative proceeding whatsoever.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed by their duly appointed officers on the date written below.

### MULTNOMAH COUNTY

**DANIEL STATON, SHERIFF**

By:   
Dan Staton, Sheriff  
Sheriff Designee  
Date: 5/17/16

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

By: \_\_\_\_\_  
County Chair or Designee

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

APPROVED AS TO FORM:  
Multnomah County Attorney

By: \_\_\_\_\_  
Assistant County Attorney

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

### METRO

By: \_\_\_\_\_  
Michael Jordan,  
Chief Operating Officer

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

APPROVED AS TO FORM:  
Metro Attorney

By: \_\_\_\_\_  
Michelle Bellia,  
Senior Metro Attorney

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



**METRO**

600 NE Grand Ave.  
Portland, OR 97232-2736  
(503) 797-1700

# INTERGOVERNMENTAL AGREEMENT

## EXHIBIT A

### CONTRACT BUDGET

		Work Crew (2.00 FTE) <sup>1</sup>
50236	IG-Charges for Services	(223,135)
	Total Revenues	(223,135)
60000	Permanent	122,624
60130	Salary Related Expenses	45,334
	Subtotal	167,958
60140	Insurance	38,796
	Total Personnel Costs	206,754
60170	Professional Services	1,200
	Total M&S	1,200
60350	Indirect Costs (cntrl)	3,535
60355	Indirect Costs (dptml)	11,645
	Total ISR's	15,181
60530	Building	
60550	Equipment	
93002	Assess Labor	
93007	Assess Int Service Exp	
93019	Assess Shared Svcs	
	Total Budget	223,135

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<sup>1</sup> The contract requires a minimum of 1.75 FTE but allows for additional personnel, not to exceed the amount of the budget. The budget is based on 2.0 FTE.

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0910073

Pre-approved Contract Boilerplate (with County Attorney signature)  Attached  Not Attached

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

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Expenditure Contract
PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input checked="" type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> <b>INTER-DEPARTMENTAL AGREEMENT (IDA)</b>

Department: <u>Sheriff's Office</u>	Division/Program: <u>Corrections</u>	Date: <u>04/16/10</u>
Originator: <u>Chief Deputy Carol Hasler</u>	Phone: <u>503-988-4300</u>	Bldg/Room: <u>503/350</u>
Contact: <u>Brad Lynch</u>	Phone: <u>503-988-4336</u>	Bldg/Room: <u>503/350</u>

Description of Contract: Provide inmate work crews for illegal dumpsite clean-up.

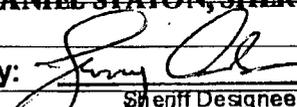
RENEWAL:  PREVIOUS CONTRACT #(S) 0910063, 0809074, 0708053 EEO Exhibit 5 required if amount over \$75k

PROCUREMENT EXEMPTION OR CITATION # 46-0130(1)(f)      ISSUE DATE: \_\_\_\_\_      EFFECTIVE DATE: \_\_\_\_\_      END DATE: \_\_\_\_\_

CONTRACTOR IS:  MBE  WBE  ESB  QRF State Cert# \_\_\_\_\_ or  Self Cert  Non-Profit  N/A (Check all boxes that apply)

Contractor	Metro Solid Waste & Recycling	Remittance address (if different)	
Address	600 NE Grand	Payment Schedule / Terms:	
City/State	Portland, Oregon	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
ZIP Code	97232	<input type="checkbox"/> Monthly \$ _____	<input type="checkbox"/> Net 30
Phone	503-797-1700	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Contract Effective Date	<u>07/01/10</u>	Term Date	<u>06/30/11</u>
Amendment Effect Date		New Term Date	
Original Contract Amount	\$ 223,135.00	Original PA/Requirements Amount	\$ _____
Total Amt of Previous Amendments	\$ _____	Total Amt of Previous Amendments	\$ _____
Amount of Amendment	\$ _____	Amount of Amendment	\$ _____
Total Amount of Agreement \$	\$ 223,135.00	Total PA/Requirements Amount	\$ _____

**REQUIRED SIGNATURES:**

Department Manager _____	DATE _____
County Attorney _____	DATE _____
CPCA Manager <b>DANIEL STATON, SHERIFF</b>	DATE _____
County Chair _____	DATE _____
Sheriff <b>By: </b>	DATE _____
Contract Administration <b>Date: <u>5/17/10</u></b>	DATE _____

COMMENTS:



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-1 DATE 5/27/2010  
LYNDA GROW, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 5/27/2010  
Agenda Item #: R-1  
Est. Start Time: 9:30 am  
Date Submitted: 5/3/2010

**RESOLUTION Approving the Transfer of Tax-Foreclosed Property to  
Agenda Community Vision, Inc., a Non-profit Corporation, for Low Income Housing  
Title: Purposes**

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

Requested Meeting Date: 5/27/2010 Amount of Time Needed: 10 minutes  
Department: County Management Division: Assessment, Recording and Taxation / Tax Title  
Contact(s): Sally Brown  
Phone: 503-988-3349 Ext. 22349 I/O Address: 503/1  
Presenter(s): Sally Brown and Matt Ryan

### General Information

**1. What action are you requesting from the Board?**

Approve the transfer of tax-foreclosed property to Community Vision, Inc., a non-profit corporation, for low income housing purposes.

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

The County has obtained title to certain real property through foreclosure for failure to pay lawfully imposed taxes and assessments. Under ORS 271.330, the County may elect to donate the property to a qualified, non-profit corporation; provided such non-profit uses it for low income housing. Community Vision, Inc. (CVI) is a qualified non-profit under ORS 271.330, and CVI has agreed to develop the Property after transfer under the terms of the attached agreement.

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

N/A

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

N/A

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

N/A

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**Required Signature**

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Elected Official or  
Department/  
Agency Director:

*Mindy Harris*

Date: 5/3/2010

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 2010-061**

Approving the Transfer of Tax-Foreclosed Property to Community Vision, Inc., a Non-profit Corporation, for Low Income Housing Purposes

**The Multnomah County Board of Commissioners Finds:**

a. The County has obtained title to certain real property more particularly described as:

LOT 4 BLOCK 3 PRIMROSE PARK

(the "Property") through foreclosure for failure to pay lawfully imposed taxes and assessments.

b. Under ORS 271.330 (2), the County may elect to donate property acquired through tax-foreclosure to qualified, non-profit corporations; provided such non-profits use the property for low income housing.

c. Community Vision, Inc. (CVI) is a qualified non-profit under ORS 271.330, and CVI has agreed to use and or further develop the Property for the purposes of low income housing after transfer under the terms of the attached Low Income Housing Development Agreement (Agreement).

**The Multnomah County Board of Commissioners Resolves:**

1. The transfer of the Property to CVI and development of the Property in accordance with the attached Agreement is approved.
2. The Chair is authorized to execute all documentation required to complete said transfer, including a deed and the Agreement in a form substantially in conformance with the terms and conditions of the attached Agreement.
3. The County shall cause all appropriate documentation relating to the transfer to be recorded in the County Deed Records.

ADOPTED this 27th day of May 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, Chair

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

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

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

AFTER RECORDING RETURN TO:  
MULTNOMAH COUNTY, OREGON  
Div. of School and Community Partnerships  
421 S.W. Oak Street, Suite 200  
Portland, Oregon 97204  
B167/R200

## LOW INCOME HOUSING DEVELOPMENT AGREEMENT

**Dated:** \_\_\_\_\_, 2010

### **The Parties:**

**COMMUNITY VISION, INC.**; an Oregon non-profit corporation, headquartered 1750 SW Skyline Blvd., Suite 102; Portland, OR 97221 (“CVI”); and **MULTNOMAH COUNTY, OREGON**, a Political Subdivision of the State of Oregon; located at 501 SE Hawthorne, Portland, Oregon 97214 (“County”); collectively referred to herein as the “Parties”.

### **Recitals:**

A. The County as required under state law obtains title to real property that is foreclosed for failure to pay lawfully imposed taxes and assessments.

B. As authorized under ORS 271.330, the County may elect to donate property acquired through tax-foreclosure to qualified, non-profit corporations; provided such non-profits use the donated property for low income housing. For purposes of this Agreement, “Low income housing” means either providing low income rental unit(s) or home ownership opportunities to eligible persons or families with incomes adjusted for family size at or below 80% of the median income in Multnomah County, Oregon (“Eligible Buyers” or “Eligible Individuals”).

C. CVI is an Oregon non-profit corporation, is qualified under ORS 271.330 to receive the donation of tax-foreclosed property by the County for the use as low income housing.

D. The County and CVI have agreed to the transfer of certain real property “AS IS, WHERE IS”; that is located at 5734 NE Sumner, Portland, Oregon and more particularly described as:

LOT 4 BLOCK 3 PRIMROSE PARK

hereinafter referred to as “the Property.”

E. The consideration for the donation of the Property is CVI’s stipulation and commitment as evidenced by its duly authorized representative’s signature below, to use the Property solely for low income housing purposes for a period of not less than thirty (30) years from the date of transfer.

F. The restrictions contained herein are intended to limit the use of the Property to the use as the primary residence of Eligible Individual(s) and to require for a period of 30 years and that subsequent buyers of the Property only resell it to Eligible Buyers who occupy the Property as

their primary residence. It is the policy of the County to ensure that safe, decent and affordable housing is made available to qualifying individuals at affordable prices throughout the entire term of this Agreement in order to ensure the long-term availability of affordable housing in Multnomah County, Oregon.

G. The property on the date of this transfer is presently occupied by an individual by the name of Douglas L. Misner, who is the adult son of the former owner. Mr. Misner qualifies as an Eligible Individual as discussed herein. The desire of the Parties at the time of this transfer is that Mr. Misner be allowed to continue to occupy the Property for as long as he is able, provided the improvements thereon are safe, and suitable for human habitation.

H. Further, the Parties stipulate that the Property and its improvements has not been the subject of any examinations or inspections at the time of this transfer and their existing condition are unknown, and that the transfer of the Property is "AS IS, WHERE IS".

### **Agreement**

Therefore, in consideration of the promises and covenants set forth herein and of other valuable consideration, the receipt and sufficiency of which is acknowledged, CVI and the County agree as follows:

#### **Section 1: Incorporation of Recitals.**

1. Recitals. The foregoing recitals are incorporated into this Agreement by this reference.

#### **Section 2: Representations and Warranties of CVI.**

2. Representations and Warranties. The CVI represents and warrants as follows:

2.1 Non-Profit. The CVI is (i) a duly organized non-profit corporation under the laws of the state of Oregon, (ii) qualified to transact business in the state of Oregon, (iii) has the power and authority to own its properties and assets and to carry on its business as now being conducted, and (iv) has the full legal right, power, and authority to execute and deliver this Declaration.

2.2 No Violation of Law or Contract. The execution and performance of this Agreement by the CVI (i) will not violate or, as applicable, has not violated any provision of law, rule or regulation, or any order of any court or other agency or governmental body, (ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the CVI is a party or by which it or the Project is bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

2.3 Financial Status. There is no action, suit, or proceeding at law or in equity, or by or before any governmental instrumentality or other agency now pending, or to the knowledge of the CVI, threatened against or affecting it, or any of its properties or rights, which if adversely determined, would materially impair its right to carry on business substantially as now conducted and as now contemplated by this Agreement or would materially adversely affect its financial condition.

2.4 Property. CVI covenants that it will forever defend rights hereunder and the priority of this Agreement against the adverse claims and demands of all persons.

2.5 Impositions. CVI will pay when due all taxes, assessments, fees, and other governmental and nongovernmental charges of every nature now or hereafter assessed against any part of the Property (the "Impositions"); however, if by law any such Imposition may be paid in installments, CVI may pay the same in installments, together with accrued interest on the unpaid balance thereof, as they become due. CVI will furnish to County promptly on request satisfactory evidence of the payment of all Impositions. County is hereby authorized to request and receive from the responsible governmental and nongovernmental personnel written statements with respect to the accrual and payment of all Impositions. As of the date of transfer there are no ad valorem real property tax liens against the Property.

2.6 Liens. CVI will pay when due all claims for labor and materials that, if unpaid, might become a lien on the Property.

### **Section 3: Property Use.**

3.1 Low Income Housing. As soon as practicable upon transfer to CVI the Property shall be used for low income housing purposes, which condition is satisfied by the continued occupancy of the present occupant identified in the Recitals herein. The Parties acknowledge the CVI shall as soon as possible thereafter examine and inspect the property to determine its habitability under applicable codes and regulations.

3.2 Renovation or New Construction. If CVI in its reasonable best judgment determines the existing improvements at the Property need major renovation, CVI shall renovate the single-family residence on the Property to a safe and sanitary standard in compliance with all applicable codes and regulations in a timely and responsible manner. If CVI in its reasonable best judgment determines the existing improvements at the Property are in such condition that renovation is infeasible, then CVI shall pursue the timely and safe removal of all or any portion of the existing improvements and shall reconstruct residential dwelling unit(s) to a safe and sanitary standard in compliance with all applicable codes and regulations in a timely and responsible manner.

3.3 Resale. Any resale of the Property by CVI during the 30 year term of this Agreement shall be to one or more individual purchasers whose aggregate income is equal to or less than eighty percent (80%) of the area median income, as adjusted for family size, for Multnomah County, Oregon as established from time to time during the term of this Agreement by the United States Department of Housing and Urban Development, or any successor agency ("Area Median Income"). During the 30 year term of this Agreement, all subsequent owners who desire to sell the Property may sell the Property provided, however, that the Property is sold for occupancy as the principal residence of the purchaser or purchasers and then only to one or more individuals whose aggregate income is at or below eighty percent (80%) of the then current Area Median Income.

3.4 Occupancy. During the term of this Agreement, at least one of the then current owners or occupants of the Property, except for CVI, shall at all times occupy the Property as his or her primary personal residence, except for such periods of time that repair, renovation, demolition or reconstruction or similar activities shall make occupancy impractical; provided that this exception shall be based on a reasonable schedule for completion of such activities, and that any undue period of vacancy shall be deemed a default.

3.5 Inspections and Documentation.

3.5.1. CVI shall permit the County, or any duly authorized representative of the County, during normal business hours and upon reasonable notice to inspect the Property.

3.5.2. CVI shall submit any other information, documents, or certifications requested by the County that the County in its reasonable discretion shall deem necessary or appropriate to substantiate the CVI's continuing compliance with the provisions of this Agreement.

3.6 Maintenance. The CVI shall maintain the Property in good repair, working order and condition, including without limitation maintaining the Property in compliance with any nuisance abatement standards which may apply to the Property. CVI will not commit or suffer any waste or strip of the Property.

3.7 Damage or Destruction. If the improvements on the Property are damaged or destroyed, the CVI shall use its best efforts, subject to the rights of any mortgagee, to repair and restore improvements on the Property to substantially the same condition as existed prior to the event causing such damage or destruction, and specifically with respect to damage or takings in Condemnation as provided in Section 8; and thereafter to operate the Property in accordance with the terms of this Agreement.

3.8 Environmental Compliance.

3.8.1. For purposes of this section, *Environmental Law* means any federal, state, or local law or regulation now or hereafter at any time pertaining to Hazardous Substances or environmental conditions. For purposes of this section, *Hazardous Substance* includes, without limitation, any substance that is or becomes classified as hazardous, dangerous, or toxic under any federal, state, or local law or regulation.

3.8.2. CVI will not use, generate, store, release, discharge, or dispose of on, under, or about the Trust Property or the groundwater thereof any Hazardous Substance and will not permit any other person to do so, except for storage and use of Hazardous Substances (and in such quantities) as may commonly be used for household purposes, as long as those substances are stored and used in compliance with all Environmental Laws. CVI will keep and maintain the Property in compliance with all Environmental Laws.

3.8.3 If any investigation, monitoring, containment, cleanup, or other remedial work of any kind is required on the Property under any applicable Environmental Law or by any governmental agency or person in connection with a release of a Hazardous Substance, CVI will promptly complete all that work at CVI's expense.

3.8.4 All representations, warranties, and covenants in this Section 3.8 are to survive beyond the term of the Agreement.

3.9 Limitations of Use. CVI will not initiate or consent to any replatting, partitioning, or rezoning of the Property or any change in any covenant or other public or private restrictions limiting or defining the uses that may be made of the Property without the prior written consent of County, which shall not be unreasonably withheld.

#### **Section 4: Recording and Filing; Covenants To Run With the Land.**

4. Recording and Filing. This Agreement shall be recorded and filed in the Deed Records of Multnomah County, Oregon.

4.1 Covenants to Run With the Land. Upon recording and for the duration of the thirty (30) year term of this Agreement; the terms and conditions set forth in this Agreement regulating and restricting the use, occupancy and transfer of the Property (i) shall be and are covenants running with the Property, including all improvements on the Property, encumbering the Property for the term of this Agreement, binding upon the CVI's successors in title and all subsequent owners; (ii) are not merely personal covenants of the CVI and its successors and assigns; and (iii) shall bind the CVI and its successors and assigns during the term of this Agreement with the benefits inuring to the County.

4.2. Compliance with Law. CVI agrees that any and all requirements of the laws of the state of Oregon to be satisfied in order for the provisions of this Agreement to constitute deed restrictions and covenants running with the land shall be deemed to be satisfied in full, and that any requirements or privileges of estate are intended to be satisfied, or in the alternate, that an equitable servitude has been created to insure that these restrictions run with the Property, including all improvements thereon, for the term of this Agreement. The covenants contained herein shall survive and be effective regardless of whether such contract, deed, or other instrument hereafter executed conveying the Property, or a portion thereof, provides that such conveyance is subject to this Agreement.

#### **Section 5: Default.**

5.1 Defined. The failure by the CVI to perform or comply with any term, covenant or condition of this Agreement within 30 days after written notice from the County to perform or satisfy the term, covenant or condition, or if the performance or compliance cannot be completed within such 30-day period through the exercise of reasonable diligence, the failure to commence the required performance or compliance with diligence to completion shall constitute an event of default ("Event of Default").

5.2 Remedies. Upon the occurrence of an Event of Default, the County, its successors and assigns may institute and prosecute any proceeding at law or in equity to abate, prevent or enjoin any such violation or attempted violation, or to recover monetary damages caused by such violation or attempted violation, such damages to include but not be limited to all costs, expenses including but not limited to staff and administrative expense, fees including but not limited to all

reasonably attorneys' fees which may be incurred by the County or any other party in enforcing or attempting to enforce this Agreement following such Event of Default on the part of the CVI or its successors, whether the same shall be enforced by suit or otherwise.

**Section 6: Term.**

The term of this Agreement commenced as of the date first set forth above and shall end at 11:59 p.m. on May 1, 2040.

**Section 7: Insurance.**

7.1 Property and Other Insurance. CVI will obtain and maintain during the term of this Agreement Basic Form property insurance, in an amount not less than the amount of the full replacement cost of the Property, without reduction for coinsurance.

7.2. Insurance Companies and Policies. All insurance must (a) be written by a company or companies reasonably acceptable to County, (b) require 10 days' prior written notice to County of cancellation or reduction in coverage. CVI will furnish to County on request a certificate evidencing the coverage required under this Agreement and a copy of each policy.

7.3 Casualty/Loss Restoration.

7.3.1. After the occurrence of any casualty to the Property, whether or not covered by insurance, CVI will give prompt written notice thereof to County. County may make proof of loss if CVI fails to do so promptly and to County's satisfaction.

7.3.2. All insurance proceeds with respect to the Property must be applied to the renovation, repair, restoration or reconstruction of the Property for the purpose of reinstating the authorized use of the Property. Provided, CVI shall have reasonable discretion to renovate or rebuild improvements differently than the existing structure on site in a manner in its professional judgment, best suited to accomplish viable, sustainable low income housing at the Property.

**Section 8: Condemnation.**

If the Property or any part of it is taken or damaged by reason of any public improvement, eminent domain, condemnation proceeding, or in any other manner (a "Condemnation"), or if CVI receives any notice or other information regarding such action, CVI will give immediate notice thereof to County. All compensation, awards, relocation assistance and other payments or relief therefore ("Condemnation Proceeds") up to the full amount of the value of the Property shall be applied first to the restoration of the Property and the intended use thereof as low income housing; provided, that if the intended use of the Property is no longer reasonably capable as a direct result of the Condemnation; towards the purchase of suitable residential property to relocate the then occupants for the purpose to continue the provision of low income housing at such new residential property.

**Section 9: General Provisions.**

9.1 Severability. The invalidity of any clause, part, or provision of this Agreement shall not affect the validity of the remains provisions thereof.

9.2 Amendment. The County, together with the CVI and the then current CVI of the Property, if other than the CVI, may execute and record any amendment to, or modification of, this Agreement, and such amendment or modification shall be binding on parties and their successors and assigns.

9.3 Notices. All notices or other communications to be given pursuant to the Agreement, shall be in writing and shall be deemed given when mailed by certified or registered mail, return receipt requested, to the recipient at the address first set forth above, or to such other address as a party may from time to time designate by notice given as provided in this Section.

9.4 Governing Law. This Agreement shall be governed by the laws of the State of Oregon without regard to the conflict of law provisions.

9.5 Venue. Venue for any suit or action commenced to enforce or interpret this Agreement shall be in the Circuit Court of Multnomah County, Oregon.

9.6 Indemnity. CVI will, to the fullest extent allowed by law, hold County, its respective, officers, employees, agents, and lawyers harmless from and indemnify them for any and all claims, demands, damages, liabilities, and expenses, including but not limited to attorney fees and court costs, arising out of or in connection with County's interests and rights under this Agreement.

9.7 Time is of the Essence. Time is of the essence with respect to all covenants, terms and conditions of CVI under this Agreement.

IN WITNESS WHEREOF, the parties have signed this Agreement as of the date first set forth above.

**FOR COMMUNITY VISION, INC.:**

**FOR MULTNOMAH COUNTY:**

By: \_\_\_\_\_  
Joe Wykowski, Executive Director  
of Community Vision, Inc.

BOARD OF COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By: \_\_\_\_\_  
Jeff Cogen, Chair

**REVIEWED:**

\_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

Acknowledgments

STATE OF OREGON            )  
  )ss.  
County of Multnomah        )

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by Joe Wykowski, as Executive Director of Community Vision, Inc., an Oregon non-profit corporation, on behalf of its Board of Directors.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires:

STATE OF OREGON            )  
  )ss.  
County of Multnomah        )

This instrument was acknowledged before me on this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by Jeff Cogen, Chair, Board of Commissioners, Multnomah County, Oregon, on behalf of its Board of County Commissioners; and that the said instrument is the free act and deed of said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires:

Until a change is requested, all tax statements  
shall be sent to the following address:

**COMMUNITY VISION, INC.**  
1750 SW Skyline Blvd., Suite 102  
Portland, OR 97221

After recording return to:  
Multnomah County Tax Title 503/4

**Deed D102201 for R250146**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to COMMUNITY VISION, INC., an Oregon non-profit corporation, **Grantee**, certain real property located in Multnomah County, Oregon more particularly described as follows:

LOT 4 BLOCK 3 PRIMROSE PARK

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true consideration paid for this transfer is \$0, but consists of other consideration the receipt whereof is hereby acknowledged.

IN WITNESS WHEREOF, The Multnomah County Board of Commissioners by authority of a Resolution of the Board, entered of record: has caused this deed to be executed by the chair of the County Board.

Dated this 27<sup>th</sup> day of May, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Jeff Cogen, Chair

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH        )

This Deed was acknowledged before me this 27th day of May 2010, by Jeff Cogen, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

\_\_\_\_\_  
Notary Public for Oregon  
My Commission expires:

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

## DOUGLAS L. MISNER TRANSITION AGREEMENT

### **The Parties:**

COMMUNITY VISION, INC.; an Oregon non-profit corporation, headquartered 1750 SW Skyline Blvd., Suite 102; Portland, OR 97221 ("CVI"); and MULTNOMAH COUNTY, OREGON, a Political Subdivision of the State of Oregon; located at 501 SE Hawthorne, Portland, Oregon 97214 ("County"); collectively referred to herein as the "Parties".

### **A. Recitals:**

1. Mr. Douglas L. Misner the present occupant of that certain residential property located at 5734 NE Sumner St, Portland, Oregon (the "Property") is the son of the former owner of the Property.
2. The County acquired the Property through property tax foreclosure.
3. CVI's mission in the local community is to assist low income individuals, particularly those with special needs; in matters such as housing, access to services and related assistance issues.
4. To the best knowledge of the Parties, Mr. Misner lives on a small government assistance payment and would qualify as a low-income housing recipient under the State's and the County's programs for low income housing.
5. CVI by a deed of even date herewith from County has acquired title to the Property and the Parties have executed a "Low Income Housing Development Agreement" to provide for the use of the property for low income housing for a period of not less than thirty (30) years.
6. The Parties' mutual desire and goal is to allow for Mr. Misner to remain and reside at the Property for as long as he is able to do so and the property is suitable for his continued living on site.
7. The purpose of this agreement is to further provide for the transition of Mr. Misner at the site post transfer of the Property to CVI.

### **B. The Parties agree as follows:**

1. The foregoing recitals are incorporated into this Agreement by this reference.
2. In consideration for the donation of the property by the County to CVI; CVI shall:
  - a. Shall make best efforts to provide clean, safe, suitable affordable housing for Mr. Douglas L. Misner.
  - b. Except as otherwise provided herein, the intent of the Parties is that the housing for Mr. Misner shall be at the property, for as long as Mr. Misner is able to so provide for his own well being and livelihood.

c. Should the Property upon examination be determined by CVI to not be reasonably suitable for residential purposes and further determines that the property cannot reasonably and feasibly be renovated; at such time CVI shall make best efforts to find suitable alternative low-income housing for Mr. Misner and provide for his relocation to such alternative housing.

d. If CVI determines that the property can be renovated but that renovation cannot be reasonably accomplished with Mr. Misner on site, CVI shall provide for suitable alternative housing for Mr. Misner during the renovation period.

e. If at any time CVI reasonably determines that Mr. Misner is no longer able to meet the standard set forth in Sub-section B.2.b, above, CVI shall make best efforts at such time to relocate Mr. Misner to a suitable residential housing to address his special needs.

**C. It is so Agreed this    day of May, 2010:**

**FOR COMMUNITY VISION, INC.:**

By: \_\_\_\_\_  
Name: Joe Wykowski  
Title: Executive Director

**FOR MULTNOMAH COUNTY:**

BOARD OF COMMISSIONERS  
MULTNOMAH COUNTY, OREGON

By: \_\_\_\_\_  
Jeff Cogen, Chair

**REVIEWED:**

\_\_\_\_\_  
Matthew O. Ryan  
Assistant Multnomah County Attorney



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

*Postponed  
until  
6-17-2010*

### Board Clerk Use Only

Meeting Date:	<u>5/27/2010</u>
Agenda Item #:	<u>R-3</u>
Est. Start Time:	<u>9:45 am</u>
Date Submitted:	<u>5/11/2010</u>

<b>Agenda Title:</b> <b>Order Canceling Multnomah County Land Sale Contract No. 15816 for Default in Payments and Performance of Covenants</b>
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

<b>Requested Meeting Date:</b> <u>5/27/2010</u>	<b>Amount of Time Needed:</b> <u>5 minutes</u>
<b>Department:</b> <u>County Management</u>	<b>Division:</b> <u>Assessment, Recording and Taxation/ Tax Title</u>
<b>Contact(s):</b> <u>Randy Walruff</u>	
<b>Phone:</b> <u>503-988-3326</u> <b>Ext.</b> <u>24068</u> <b>I/O Address:</b> <u>503/1</u>	
<b>Presenter(s):</b> <u>Randy Walruff and Sally Brown</u>	

## General Information

### 1. What action are you requesting from the Board?

Canceling Multnomah County Land Sale Contract No.15816 for Default in Payments and Performance of Covenants

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

ORS 275.220 provides the County to cancel a County Land Sale Contract when the buyer is in default; through this hearing and the issuance of the Cancellation Order. In 2006, the County sold certain tax foreclosed real property to the former owner under Land Sale Contract No15816 (Contract). The Contract buyers are in default; because of their failure to pay required installments since 2006 and taxes since 2006.

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

NA

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

Under ORS 275.220, upon the adoption of the Cancellation Order by the Board, the Order is served on the buyers and they have twenty (20) days from date of service to appeal the Order to the State Circuit Court, for a review by the Court at a non-jury trial. If the party does not appeal or if at the

end of the trial the Court affirms the Order, it becomes "absolute" and the real property may then be sold.

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

NA

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**Required Signature**

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

*Mindy Harris*

**Date: 5/11/2010**

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 2010-063**

Canceling Multnomah County Land Sale Contract No.15816 for Default in Payments and Performance of Covenants

**The Multnomah County Board of Commissioners Finds:**

- a. Multnomah County is the Contract Seller and Arthur B. Lovell is identified as the Contract Purchaser under County Land Sale Contract No. 15816, (Contract) recorded on June 27, 2006, at Entry No. 2006-117741, in the County's Deed Records, for the sale of certain real property located in Multnomah County, Oregon; more particularly described as follows:

LOT 9 BLOCK 4, OBERST

- b. Arthur B. Lovell is now in default of the terms of the Contract in the following particulars:
1. Starting from July 31, 2006, no installments have been paid on the Contract. As of May 20, 2010, the amount due on the Contract will be: \$23,760.50.
  2. The delinquent taxes have not been paid for four tax years for a total of \$10,109.13. This figure includes taxes and interest through May 20, 2010.
- c. ORS 275.220 provides that upon default, the Board may cancel the Contract.
- d. The County sent notice of this proceeding to cancel the Contract to Arthur Lovell and the occupants of the property on March 18, 2010.

**The Multnomah County Board of Commissioners Orders:**

1. That County Contract No.15816 is CANCELLED.
2. The Multnomah County Tax Collector to remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.
3. The Multnomah County Sheriff to serve a certified copy of this order with a return of service upon: Arthur Lovell and the occupants in accordance with the provisions of ORS 275.220.

ADOPTED this 27<sup>th</sup> day of May, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Matthew O. Ryan, Assistant County Attorney

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

## GROW Lynda

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**From:** HEATH Patrick  
**Sent:** Tuesday, May 11, 2010 9:59 AM  
**To:** GROW Lynda; MADRIGAL Marissa D  
**Cc:** TINKLE Kathy M  
**Subject:** FW: Notice of Intent for May 27th BCC Agenda  
**Importance:** High  
**Attachments:** NOI - DOJ Child Exposed to Violence1.doc

Hi Lynda,

Attached is an NOI from DCHS for placement on the next available board agenda, preferably May 27<sup>th</sup>.

Patrick

-----Original Message-----

**From:** TINKLE Kathy M  
**Sent:** Monday, May 10, 2010 3:15 PM  
**To:** HEATH Patrick  
**Subject:** Notice of Intent for May 27th BCC Agenda  
**Importance:** High

Hi Patrick, attached is a NOI for a Department of Justice grant that we'd like to have on the BCC agenda on May 27<sup>th</sup>. I've reviewed it and signed it on Joanne's behalf today, so if all looks good to you it should be ready for BCC agenda placement. Please let me know if you have questions or need any further info. Thanks.

*Kathy Tinkle*  
*DCHS Business Services Director*  
*(503) 988-3691 ext. 26858*  
[kathy.m.tinkle@co.multnomah.or.us](mailto:kathy.m.tinkle@co.multnomah.or.us)

scanned & sent.



MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST  
NOTICE OF INTENT

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 5/27/2010  
Agenda Item #: R-6  
Est. Start Time: 10:15 AM  
Date Submitted: \_\_\_\_\_

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-6 DATE 5/27/2010  
LYNDA GROW, BOARD CLERK

Agenda **NOTICE OF INTENT to apply for \$19,000 in Federal Flood Mitigation**  
Title: **Assistance Funds**

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

Requested Meeting Date: May 20, 2010 Amount of Time Needed: 10 minutes  
Department: Non-Departmental Division: Office of Emergency Mgmt.  
Contact(s): Dave Houghton  
Phone: 503.988.4580 Ext. 84580 I/O Address: 503/600  
Presenter(s): Dave Houghton

**General Information**

**1. What action are you requesting from the Board?**

Approval to apply for \$19,000 in FEMA Federal Flood Mitigation Assistance (FMA) funds (CFDA 97.092) for flood mitigation planning.

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

The County is required to review and revise the 2006 FEMA-approved County Natural Hazard Mitigation Plan every five years. The revised plan must reflect changes in development, progress in local mitigation efforts, and changes in priorities. This grant will help support that revision effort by providing funds necessary to address the Flood Hazard component of the plan.

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

This will add \$19,000 in grant revenue on a one time only basis.

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

Compliance with fund expenditure and accounting requirements in accordance with 44 CFR Part

207.

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

The area of focus will be all unincorporated areas of the county and relevant incorporated areas that are not served by a current flood Hazard Mitigation Plan. There will be jurisdictional, district and organizational participation in the planning process as well as outreach to communities including public meetings for input on draft plans.

# ATTACHMENT A

## Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**  
Federal Emergency Management Agency (FEMA)
- **Specify grant (matching, reporting and other) requirements and goals.**  
25% of the grant award cash match required; not to exceed \$4,750. No additional General Fund support is requested.
- **Explain grant funding detail – is this a one time only or long term commitment?**  
This project requires one-time-only funding.
- **What are the estimated filing timelines?**  
The Office of Emergency Management will apply for this grant following board approval with the expectation of award announcement within 60 days.
- **If a grant, what period does the grant cover?**  
The grant will cover work expected to be completed by April 2011
- **When the grant expires, what are funding plans?**  
No additional funding needs will exist for this project
- **Is 100% of the central and departmental indirect recovered? If not, please explain why.**  
General Fund monies will be used to cover indirect costs.

**ATTACHMENT B**

**Required Signatures**

Elected Official or  
Department/  
Agency Director:

Date:

Budget Analyst:



Date: 5-5-10

scanned &  
sent.



MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST  
NOTICE OF INTENT

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: 5/27/2010  
Agenda Item #: R-7  
Est. Start Time: 10:25 AM  
Date Submitted: \_\_\_\_\_

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-7 DATE 5/27/2010  
SYNDA GROW, BOARD CLERK

**NOTICE OF INTENT to Submit an Application for up to \$1,000,000 to the US Department of Health and Human Services, Office of Adolescent Health,**  
**Agenda Title: *Teenage Pregnancy Prevention: Replication of Evidence-based Programs Grant Competition.***

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

**Requested Meeting Date:** May 27<sup>th</sup>, 2010      **Amount of Time Needed:** 5 minutes  
**Department:** Health      **Division:** Community Health Services  
**Contact(s):** Nicole Hermanns and Kathy Norman  
**Phone:** 503-988-3663      **Ext.** 26314      **I/O Address:** 160/9  
**Presenter(s):** Nicole Hermanns and Kathy Norman

**General Information**

**1. What action are you requesting from the Board?**

Authorize the Director of the Health Department to submit an application for up to \$1,000,000 to the US Department of Health and Human Services, Office of Adolescent Health, *Teenage Pregnancy Prevention: Replication of Evidence-based Programs Grant Competition.*

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

The provision of evidence-based, medically accurate, and age appropriate sexuality education and relationship skills to students is a critical component of the development of healthy adults and the prevention of unwanted pregnancy and sexually transmitted infection/disease. Within Multnomah County the birth rate in 2007 (the latest data available) for teens ages 15-19 was 35.4 births per 1,000 teen girls. When examined by race/ethnicity, disparities within both the African American (55.6 births per 1,000 teen girls) and Hispanic (104.9 births per 1,000 teen girls) birth rates are

evident when compared to the White non-Hispanic teen birth rate (22.1 births per 1,000 teen girls) (Oregon State data). Teenage pregnancy has lifelong implications for both the mother and the child. Research has shown that “teen mothers are more likely to drop out of school, remain unmarried, and live in poverty; and their children are more likely to be born at low birth weight, grow up poor, live in single-parent households, experience abuse and neglect, and enter the child welfare system” (*By the Numbers: The Public Costs of Teen Childbearing in Oregon*, The National Campaign to Prevent Teen Pregnancy, November 2006). Children born to teen mothers are also more likely to become teen mothers themselves.

To address this problem, MCHD has used grant funding to develop and offer a comprehensive sexual health education program within both public schools and the community for several years. The ability to provide these services with Health Department staff that have extensive experience as sexuality educators increases the efficacy of the intervention and the responsiveness of students. This grant application will allow us to continue to provide sexual health education within 6<sup>th</sup> and 8<sup>th</sup> grade classrooms and continue to provide targeted culturally-specific interventions for high school students within the African American and Hispanic communities. It will also allow us expand and enhance our current program in the following ways:

- MCHD will be able to use the “Making A Difference!” curriculum with 6<sup>th</sup> grade students and the “Making Proud Choices!” curriculum with 8<sup>th</sup> grade students. Both state-approved, evidence-based interventions include 8 distinct modules that cover all of the required sexuality health components mandated by the State of Oregon.
- MCHD will be able to expand its services to provide all 6<sup>th</sup> and 8<sup>th</sup> grade classrooms within the following school districts: Centennial, David Douglas, Gresham-Barlow, Parkrose, Portland Public, and Reynolds.
- MCHD will use the “Teen Health Project” intervention and increase staffing to provide culturally specific services to high school students in both the Hispanic and African American communities to address teen pregnancy disparities.

The combination of a 6<sup>th</sup> grade, 8<sup>th</sup> grade, and a community-based intervention for high school students allows the Health Department to provide our youth with a continuum of sexual health education that supports health life and relationship skills, and is both medically accurate and age appropriate. This grant directly supports Program Offer 40025: Adolescent Health Promotion, and is linked to program offers related to Maternal/Child Health and Early Childhood Services for first time parents and high risk prenatal, infants and children, and Women, Infants and Children (WIC).

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

This grant would provide the Health Department with up to \$1,000,000 a year, for five years, to continue its school- and community-based teenage pregnancy prevention project within Multnomah County.

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

None.

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

School districts will support the school-based interventions.

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## ATTACHMENT A

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### Grant Application/Notice of Intent

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If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

The U.S. Department of Health and Human Services, Office of Adolescent Health.

- **Specify grant (matching, reporting and other) requirements and goals.**

The purpose of this grant is to support the replication of evidence-based program models that have been proven through rigorous evaluation in preventing teenage pregnancy. There are no cost-sharing or matching requirements; regular financial and progress reporting is required; and participation in national evaluation activities is required.

- **Explain grant funding detail – is this a one time only or long term commitment?**

The grant will provide the Health Department with up to \$1,000,000 a year for five years.

- **What are the estimated filing timelines?**

The grant is due on June 1, 2010.

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

The grant covers a five year project period, from September 30<sup>th</sup>, 2010 – September 29<sup>th</sup>, 2015.

- **When the grant expires, what are funding plans?**

When the grant expires, additional funding will be obtained to support the intervention if it is still determined to be needed.

- **Is 100% of the central and departmental indirect recovered? If not, please explain why.**

100% of the central and department indirect costs will be covered through this grant. Internal services costs associated with the project will also be covered.

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**ATTACHMENT B**

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**Required Signatures**

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

**KaRin Johnson for**

**05-13-2010**

**Date:**

*Lillian Shirley*

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**Budget Analyst:**

**Date: 05/14/10**

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MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST  
NOTICE OF INTENT

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-8 DATE 5/27/2010  
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date: 5/27/2010  
Agenda Item #: R-8  
Est. Start Time: 10:30 AM  
Date Submitted: \_\_\_\_\_

<b>Agenda Title:</b>	<b>NOTICE OF INTENT to Apply for a the Attorney General's Children Exposed to Violence Demonstration Program: Phase I (CFDA # 16.730)</b> to implement a comprehensive, collaborative planning process to improve identification and response to children exposed to violence.
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.*

**Requested Meeting Date:** May 27, 2010      **Amount of Time Needed:** 10 minutes

**Department:** DCHS      **Division:** \_\_\_\_\_

**Contact(s):** Chiquita Rollins, Joanne Fuller and Peggy Samolinski

**Phone:** 503-988-4112      **Ext.** 84112      **I/O Address:** 167/2

**Presenter(s):** Chiquita Rollins and Peggy Samolinski

**General Information**

**1. What action are you requesting from the Board?**

Multnomah County Department of County Human Services (DCHS) is requesting approval to apply for funds from US Department of Justice (DOJ) for the Attorney General's Children Exposed to Violence Demonstration Program: Phase I.

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

The Attorney General's Children Exposed to Violence Demonstration Program: Phase I is jointly managed and supported by the Office of Justice Programs' Office of Juvenile Justice and Delinquency Prevention and Office for Victims of Crime, the Office on Violence Against Women, National Institute of Justice, Office of Community Oriented Policing Services, and Executive Office of United States Attorneys.

This project will develop and support comprehensive community-based strategic planning to prevent and reduce the impact of children's exposure to violence in their homes, schools, and communities through development of community action plans to combat violence through a

comprehensive approach to both prevent and reduce the impact of children's' exposure to violence. These action plans will prepare communities to implement collaborative cross-agency policy strategies and evidence-based practices across the services continuum and the developmental age spectrum of 0 through 17. Exposure to violence includes being a victim of violence or a witness to violence and encompasses abuse, neglect or child maltreatment, domestic violence, dating violence, sexual assault and stalking, school and community violence.

Application for this funding is open exclusively to local government. We believe Multnomah County through the Department of Human Services is the best local government applicant for this important funding/project through a partnership of the SUN Service System and Domestic Violence Services. Both programs have experience in working with children exposed to violence and have developed through collaborative process model programs for children. This project would allow development of data to identify the number of children exposed to violence in Multnomah County and the best process for education and intervention on behalf of these children.

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

There is no fiscal impact on the current fiscal year.

This is a two-year grant, if awarded with funding starting October 1, 2010. The first 12 months of funding is limited to \$160,000 for planning. Funding will include salary and expense to hire 1.5 FTE project staff. Funding for the second year of the project has not yet been announced.

On July 1, 2011 DOJ will invite selected applicants that successfully complete a strategic plan for a state-of-the-art continuum of care for children exposed to violence to compete for additional implementation funds in July of 2011. This funding if approved would start October 1, 2011.

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

There are no significant legal or policy issues

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

Planning meetings for submission of the grant have included both inter-government partnerships and community members. Attendees included County staff from Department of Community Justice; Multnomah County Commission on Children, Families and Community; Department of County Human Services Domestic Violence Services, SUN Service System, Community Services, and Mental Health and Addiction Services; and Multnomah County IT. Community members in attendance included staff from Volunteers of American Home Free, Listen to Kids, Child Justice Alliance, and Raphael House. Also in attendance staff representing the Oregon Department of Human Services. Additional community partners will be included in a second planning meeting.

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# ATTACHMENT A

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## Grant Application/Notice of Intent

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If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

US Department of Justice. CFDA # 16.730

- **Specify grant (matching, reporting and other) requirements and goals.**

There is no required Match.

Grant requirements include:

- ♦ hiring a full-time experienced program coordinator;
- ♦ attendance at a January 2011 national kick-off meeting in Washington DC which requires setting aside \$10,000 of grant funds for this event;
- ♦ engage in and complete an intensive community assessment and strategic planning process with national partners;
- ♦ Semi-annual reporting through GMS.

The grant goals are to:

- ♦ Reduce Childhood exposure to violence by developing and implementing activities in families and communities that prevent children's initial and repeated exposure to violence;
- ♦ Increase knowledge and awareness by advancing scientific inquiry on the cause and characteristics of childhood exposure to violence and supporting education and outreach efforts to improve understanding;
- ♦ Reducing the negative impact of childhood exposure to violence by improving systems and services that identify and assist youth and families who have been impacted by violence to reduce trauma, build resilience, and promote healing.

- **Explain grant funding detail – is this a one time only or long term commitment?**

DOJ will fund as many as eight communities for 24-month projects. The first 12 months will be limited to planning. Applicants should submit 12-month budgets for as much as \$160,000. No funding during the first 12-month period may be used for service delivery. After 12 months of planning, all sites will receive supplemental awards to begin implementation of activities. While some of the sites will receive limited implementation funding, DOJ will select four of the communities as full demonstration sites to receive substantially higher levels of implementation funding. Selection of these four sites will be made based on factors including, but not limited to: the strength and diversity of the local partnership, the quality of the strategic plan, and the potential for executing the plan.

- **What are the estimated filing timelines?**

Grant must be submitted no later than June 1, 2010

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

October 1, 2010 to September 30, 2012

- **When the grant expires, what are funding plans?**

If not chosen by DOJ for implementation funding, the planning process would end and there will be no ongoing funding plan.

- **Is 100% of the central and departmental indirect recovered? If not, please explain why.**

100% of the central and departmental indirect will be recovered

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## ATTACHMENT B

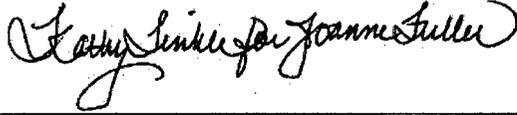
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### Required Signatures

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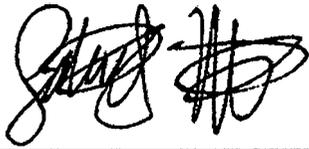
Elected Official or  
Department/  
Agency Director:



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Date: 05/10/10

Budget Analyst:



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Date: 5/11/2010

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**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST  
NOTICE OF INTENT**

(revised 12/31/09)

**Board Clerk Use Only**

Meeting Date: 5/27/2010  
Agenda Item #: R-9  
Est. Start Time: 10:40 AM  
Date Submitted: \_\_\_\_\_

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-9 DATE 5/27/2010  
LYNDA GROW, BOARD CLERK

**NOTICE OF INTENT to apply for the U.S. Dept of Justice, Office of Justice  
Agenda Programs Bureau of Justice Assistance, Family-Based Prisoner Substance Abuse  
Title: Treatment Program FY 2010 Competitive Grant in the amount of \$300,000.**

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

Requested Meeting Date: May 27, 2010 Amount of Time Needed: 5 minutes  
Department: Department of Community Justice Division: Adult Services Division  
Contact(s): Liv Jossen/Truls Neal  
Phone: 988-4054 Ext. 84054 I/O Address: B503/250/DCJ  
Presenter(s): Liv Jossen/Truls Neal

**General Information**

**1. What action are you requesting from the Board?**

The Department of Community Justice (DCJ) requests the approval to apply for the Bureau of Justice Assistance, Family-Based Prisoner Substance Abuse Treatment Program grant from the U.S. Department of Justice in the amount of \$300,000.

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

The purpose of this grant is to help ensure the transition of individuals from custody to the community is safe and successful with the provision of substance abuse treatment for inmates with minor children within the prison and outreach to children and other family members.

This grant would allow DCJ to partner with Center for Family Success to focus on a comprehensive response to the increasing number of parents who are incarcerated as well as their families. This

grant would focus on improving reentry efforts for inmates with families, mitigate negative outcomes for children associated with parental incarceration and reduce recidivism. This grant is designed to provide prison-based substance abuse and parenting programs as well as treatment and other services to the participating offenders' minor children and family members in the community. DCJ Transitions Services staff would coordinate with the Department of Corrections and the Center for Family Success to provide the treatment and outreach services in the institution and the community.

This would allow a comprehensive approach to reintegration into the community by incorporating reentry planning activities and will assist the offender and the community through the reentry process and a broad-based aftercare services for the target population.

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

DCJ is requesting \$300,000 to be spent from October, 2010 to September 2012 and part of the grant will include Central and Departmental indirect expenses.

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

The grantee (DCJ) shall meet the following requirements:

Comply with all other federal, state, and local laws and regulations governing services purchased through this solicitation.

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

DCJ will work with the Department of Corrections and the Center for Family Success as well as community based providers for after care treatment and parenting coordination and collaboration to provide services to children, family members and caregivers.

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## ATTACHMENT A

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### Grant Application/Notice of Intent

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If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

U.S. Dept of Justice, Office of Justice Programs Bureau of Justice Assistance

- **Specify grant (matching, reporting and other) requirements and goals.**

DCJ will further our partnership with the Center for Family Success and the Department of Corrections by identifying parents 12 months prior to release and the entry into treatment in the institution. The goal of the grant is to provide comprehensive transition services to incarcerated parents and their families by partnering with the Center for Family Success to coordinate reach in efforts with the institution, family members and the delivery of community based treatment to offenders upon release and services to children and family members of incarcerated parents. DCJ will formulate outcomes measure to meet the objectives of the grant and to report progress to stakeholders. There is no matching requirement for this grant.

- **Explain grant funding detail – is this a one time only or long term commitment?**

The grant amount is \$300,000 for 24 months.

- **What are the estimated filing timelines?**

The filing deadline is June 3, 2010.

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

October 1, 2010 to September 30, 2012.

- **When the grant expires, what are funding plans?**

DCJ will continue to see funding for these services from future government grants and private foundations. DCJ in collaboration with the Center for Family Success will explore other funding streams.

- **Is 100% of the central and departmental indirect recovered? If not, please explain why.**

This grant provides for Central Indirect and Department Indirect costs at a maximum of 20%.

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**ATTACHMENT B**

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**Required Signatures**

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

**Date:**

\_\_\_\_\_

**Budget Analyst:**

**Date:**

\_\_\_\_\_



any amendments to the City's comprehensive plan, zoning code and other regulations adopted by the City Council will be considered by the County Board of Commissioners at the earliest possible meeting. It also states "The County Board of Commissioners shall enact all comprehensive plan and code amendments so that they take effect on the same date specified by the City's enacting ordinance" (unless adopted by emergency). The City will have taken action on all of the above items by the hearing date of this ordinance. If the County does not adopt these amendments, the IGA will be void and the County will be required to resume responsibility for planning and zoning administration within the affected areas.

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

NA

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

State law requires a notice be placed in a newspaper of general circulation 10 days prior (5/24/10) to the BCC hearing. The County Attorney's office was involved in the drafting of the original IGA and has been involved in coordinating our compliance effort through adoption of these code amendments.

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

The City included the County affected property owners in their noticing for these code revisions when required pursuant to the IGA and directed them to the City legislative process.

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**Required Signatures**

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Department/  
Agency Director: \_\_\_\_\_

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

## GROW Lynda

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**From:** SOWLE Agnes  
**Sent:** Tuesday, May 25, 2010 1:29 PM  
**To:** RYAN Sara  
**Cc:** GROW Lynda  
**Subject:** FW: R-6

Sara,

BCC-1 addresses the criteria for consent agenda.

**CONSENT CALENDAR AGENDA CRITERIA.** Per Board Rules Resolution 07-014, regular Thursday Board meeting agendas include a consent calendar for approval of items determined routine by the Chair. These items **may** include:

- Citizen appointments to Boards and Commissions;
- Auto wrecker license and liquor license application renewals;
- Chaplains housing allowance resolutions;
- Notices of Intent under \$150,000
- Reclassification budget modifications;
- Revenue agreements; intergovernmental agreement renewals and amendments;
- Lease amendments;
- Peace Officer custody hold orders; and
- Tax Title resolutions and transfers of unclaimed property resolutions.

Items **may** go on consent, but there is no requirement that any items must go on consent.

*Agnes Sowle*  
*Multnomah County Attorney*  
*501 SE Hawthorne Blvd., Ste. 500*  
*Portland, OR 97214*  
*(503)988-3138*

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**From:** GROW Lynda  
**Sent:** Tuesday, May 25, 2010 12:44 PM  
**To:** SOWLE Agnes  
**Subject:** FW: R-6

Agnés:  
Would you mind answering her?  
I'm running back down to load MCSO's newest presentation for this afternoon.  
Thank you!  
Lynda

Lynda J. Grow, Board Clerk  
Multnomah County Board of Commissioners  
503-988-5274 or 988-3277  
[Lynda.Grow@co.multnomah.or.us](mailto:Lynda.Grow@co.multnomah.or.us)  
<http://www2.co.multnomah.or.us/cfm/boardclerk/>

5/25/2010

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**From:** RYAN Emily  
**Sent:** Tuesday, May 25, 2010 12:37 PM  
**To:** GROW Lynda  
**Subject:** R-6

Hi Lynda,

Commissioner Willer was wondering why R-6 wasn't on the consent agenda? She had an idea that it was a dollar amount reason, but just wants to make sure. She also asked me to find out what does go on the consent agenda, and what does not.

Thanks!

**Emily S. Ryan**  
Staff Assistant  
District 2: Commissioner Barbara Willer  
501 SE Hawthorne Blvd.  
Portland, OR 97214  
503/988-6746 (Internal Ext. 86746)  
[emily.s.ryan@co.multnomah.or.us](mailto:emily.s.ryan@co.multnomah.or.us)

## GROW Lynda

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**From:** GROW Lynda

**Sent:** Friday, May 21, 2010 7:01 PM

**Subject:** BCC AGENDAS FOR REGULAR, BUDGET WORK SESSIONS & PUBLIC HEARINGS MAY 25, 26 & 27, 2010

Greetings:

The Multnomah County Commissioners **meeting agenda** is posted online and is available Friday afternoons for the following week's packet on the web at:

<http://www.co.multnomah.or.us/cc/agenda.shtml>.

The Multnomah County Commissioners **budget calendar for FY 2010-2011** is posted on the web at: [http://www.co.multnomah.or.us/cc/budget\\_hearings.shtml](http://www.co.multnomah.or.us/cc/budget_hearings.shtml).

To view any items in the board packet, either click on the link at the top of the link mentioned above (on the agenda face page) or use this second link. The Agenda and items that will be considered are listed by sequential agenda numbers and part of the title of the item. You can view these pdfs at:

<http://www.co.multnomah.or.us/cc/WeeklyAgendaPacket/>.

**Please note:** Since we have several budget sessions, the packet link takes you to the page where you can choose Budget Work Session #3, or #4, or #5 or the Regular Board Packet. From there, you can see each individual item in pdf form.

If you have any questions, please contact us. Thank you.

**Lynda J. Grow, Board Clerk**  
**Marina Baker, Asst. Board Clerk**  
**Multnomah County Commissioners**  
**501 SE Hawthorne Blvd., Ste. 600**  
**Portland, OR 97214-3587**  
**(503) 988-3277 or (503) 988-5274**  
**[lynda.grow@co.multnomah.or.us](mailto:lynda.grow@co.multnomah.or.us)**  
**[marina.baker@co.multnomah.or.us](mailto:marina.baker@co.multnomah.or.us)**  
**<http://www2.co.multnomah.or.us/cfm/boardclerk/>**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 2010-066**

Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Code Revision related to Recreational Fields as part of the Schools and Parks Conditional Use Code Refinement Project in Compliance with Metro's Functional Plan and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners (Board) adopted Resolution A in 1983 which directed the County services towards rural services rather than urban.
- b. In 1996, Metro adopted the Functional Plan for the region, mandating that jurisdictions comply with the goals and policies adopted by the Metro Council.
- c. In 1998, the County and the City of Portland (City) amended the Urban Planning Area Agreement to include an agreement that the City would provide planning services to achieve compliance with the Functional Plan for those areas outside the City limits, but within the Urban Growth Boundary and Portland's Urban Services Boundary.
- d. It is impracticable to have the County Planning Commission conduct hearings and make recommendations on land use legislative actions pursuant to MCC 37.0710, within unincorporated areas inside the Urban Growth Boundary for which the City provides urban planning and permitting services. The Board intends to exempt these areas from the requirements of MCC 37.0710, and will instead consider the recommendations of the Portland Planning Commission and City Council when legislative matters for these areas are brought before the Board for action as required by intergovernmental agreement (County Contract #4600002792) (IGA).
- e. On April 22, 2010, the Board amended County land use codes, plans and maps to adopt the City's land use codes, plans and map amendments in compliance with Metro's Functional Plan by Ordinance 1160.
- f. Since the adoption of Ordinance 1160, the City's Planning Commission recommended land use code, plan and map amendments to the City Council through duly noticed public hearings.
- g. The City notified affected County property owners as required by the IGA.
- h. The City Council adopted the land use code, plan and map amendments set out in Section 1 below and attached as Exhibits 1 through 4. The IGA requires that the County adopt these amendments for the City planning and zoning administration within the affected areas.

**Multnomah County Ordains as follows:**

**Section 1.** The County Comprehensive Framework Plan, community plans, rural area plans, sectional zoning maps and land use code chapters are amended to include the City land use code, plan and map amendments, attached as Exhibits 1 through 4, effective on the same date as the respective Portland ordinance:

<b>Exhibit No.</b>	<b>Description</b>	<b>Date</b>
1	Ordinance to improve land use regulations and procedures related to recreational fields as part of the Schools and Parks Conditional Use Code Refinement Project ( <b>PDX Ord. #183750</b> )	5/05/10
2	Schools and Parks Conditional Use Code Refinement Project Recommended Draft	3/18/10
3	Exhibit A Amendments Adopted 4-28-10	4/28/10
4	Exhibit B Revisions to Schools and Parks Conditional Use Code Refinement Project Recommended Draft	4/06/10

**Section 2.** In accordance with ORS 215.427(3), the changes resulting from Section 1 of this ordinance shall not apply to any decision on an application that is submitted before the applicable effective date of this ordinance and that is made complete prior to the applicable effective date of this ordinance or within 180 days of the initial submission of the application.

**Section 3.** In accordance with ORS 92.040(2), for any subdivisions for which the initial application is submitted before the applicable effective date of this ordinance, the subdivision application and any subsequent application for construction shall be governed by the County's land use regulations in effect as of the date the subdivision application is first submitted.

**Section 4.** Any future amendments to the legislative matters listed in Section 1 above, are exempt from the requirements of MCC 37.0710. The Board acknowledges, authorizes and agrees that the Portland Planning Commission will act instead of the Multnomah Planning Commission in the subject unincorporated areas using the City's own procedures, to include notice to and participation by County citizens. The Board will consider the recommendations of the Portland Planning Commission when legislative matters for County unincorporated areas are before the Board for action.

**Section 5.** An emergency is declared in that it is necessary for the health, safety and general welfare of the people of Multnomah County for this ordinance to take effect concurrent with the City code, plan and map amendments. Under section 5.50 of the Charter of Multnomah County, this ordinance will take effect in accordance with Section 1.

FIRST READING AND ADOPTION: June 3, 2010

BOARD OF COUNTY COMMISSIONERS,  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:  
M. Cecilia Johnson, Director, Department of Community Services

#### **EXHIBIT LIST FOR ORDINANCE**

1. Ordinance to improve land use regulations and procedures related to recreational fields as part of the Schools and Parks Conditional Use Code Refinement Project (**PDX Ord. #183750**).
2. Schools and Parks Conditional Use Code Refinement Project Recommended Draft
3. Exhibit A Amendments Adopted 4-28-10
4. Exhibit B Revisions to Schools and Parks Conditional Use Code Refinement Project Recommended Draft

Prior to adoption, this information is available electronically or for viewing at the Multnomah County Board of Commissioners and Agenda website ([www.co.multnomah.or.us/cc/WeeklyAgendaPacket/](http://www.co.multnomah.or.us/cc/WeeklyAgendaPacket/)). To obtain the adopted ordinance and exhibits electronically, please contact the Board Clerk at 503-988-3277. These documents may also be purchased on CD-Rom from the Land Use and Transportation Program. Contact the Planning Program at 503-988-3043 for further information.

## ORDINANCE No. 183750 As Amended

Improve land use regulations and procedures related to recreational fields as part of the Schools and Parks Conditional Use Code Refinement Project (Ordinance; Amend Title 33 and Title 20)

The City of Portland Ordains:

Section 1. The Council finds:

### General Findings

1. This ordinance represents one of two components of the Schools and Parks Conditional Use Code Refinement Project and addresses regulations associated with recreational fields used for organized sports only. Regulations associated with schools are addressed in a separate Ordinance.
2. In January 2009, a project website was established to provide the public with updates on the project, staff contact information, and access to project materials.
3. On March 23, 2009, staff presented their initial recommendations on the Schools and Parks Conditional Use Code Refinement Project to the City-wide Land Use Chairs and asked for their feedback.
4. On April 17, 2009, postcards were sent to the project mailing list and all persons interested in legislative projects city-wide (approximately 1,100 addresses) announcing the availability of the *Schools and Parks Conditional Use Code Refinement Project – Public Review Draft* and an open house/discussion community meeting on May 7, 2009.
5. On April 28, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Public Review Draft* was published and posted on the project website. The public review comment period extended to May 29, 2009.
6. On May 7, 2009, an open house/discussion community meeting was attended by approximately 20 people.
7. On July 28, 2009, the Planning Commission supported staff's suggestion that due to its complexity, code language for recreational field uses be separated from the package of code amendments related to schools.
8. On August 5, 2009 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
9. On August 19, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Report to Planning Commission* was published.
10. On August 21, 2009, notice was sent to the project mailing list and all persons interested in legislative projects city-wide (approximately 1,100 addresses) announcing the Planning Commission public hearing on September 22, 2009 and an open house on September 15, 2009.
11. On September 15, 2009, staff held an open house.

12. On September 22, 2009, the Portland Planning Commission held a public hearing on the proposed school-related zoning code proposals and considered conceptual changes to recreational field regulations.
13. On November 23, 2009 notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
14. On December 10, 2009 staff held a workshop at Rigler Elementary School in NE Portland.
15. On December 11, 2009, notice of the proposal as required by ORS 227.186 and PCC 33.740 was sent to all neighborhood associations and coalitions and business associations in the City of Portland, as well as other interested persons to notify them of the Planning Commission hearing on the proposed code changes for the Schools and Parks Conditional Use Code Refinement Project – Recreational Fields.
16. On December 21, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Report to Planning Commission - Recreational Fields Addendum* was published.
17. On January 6, 2010, staff met with residents of the Fernwood/Grant Park neighborhood to discuss changes to recreational field regulations. Six people attended the meeting.
18. On January 12, 2010, the Planning Commission held a hearing and adopted the Recreational Fields component of the project.
19. On February 24, 2010, staff attended the Northeast Coalition of Neighborhoods Land Use and Transportation Committee meeting to provide an update on the project and discuss impacts.
20. On March 23, 2010, notice was sent to all those who testified, wrote, or asked for notice, as well as other interested persons to notify them of the City Council hearing on the Planning Commission's recommendations for the Schools and Parks Conditional Use Code Refinement Project.
21. On April 22, 2010, City Council held a public hearing on the Schools and Parks Conditional Use Code Refinement Project and continued the hearing to April 28, 2010.
22. On April 28, 2010 City Council held a continued hearing on the Schools and Parks Conditional Use Code Refinement Project and adopted amendments to the *Recommended Draft* outlined in a memo dated April 28, 2010.
23. On May 5, 2010, City Council voted to adopt this ordinance.

### **Findings on Statewide Planning Goals**

24. State planning statutes require cities to adopt and amend comprehensive plans and land use regulations in compliance with state land use goals. Only the state goals addressed below apply.
25. **Goal 1, Citizen Involvement**, requires provision of opportunities for citizens to be involved in all phases of the planning process. The preparation of these amendments has provided numerous opportunities for public involvement, including:
  - In January 2009, a project website was established to provide the public with updates on the project, staff contact information, and access to project materials.

- On March 23, 2009, staff presented their initial recommendations on the Schools and Parks Conditional Use Code Refinement Project to the City-wide Land Use Chairs and asked for their feedback.
- On April 17, 2009, postcards were sent to the project mailing list and all persons interested in legislative projects city-wide (approximately 1,100 addresses) announcing the availability of the *Schools and Parks Conditional Use Code Refinement Project – Public Review Draft* and an open house/discussion community meeting on May 7, 2009.
- On April 28, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Public Review Draft* was published and posted on the project website. The public review comment period extended to May 29, 2010.
- On May 7, 2009, an open house/discussion community meeting was attended by approximately 20 people.
- On August 5, 2009, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
- On August 19, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Report to Planning Commission* was published.
- On August 21, 2009, notice was sent to the project mailing list and all persons interested in legislative projects city-wide (approximately 1,100 addresses) announcing the Planning Commission public hearing on September 22, 2009 and an open house on September 15, 2009.
- On September 15, 2009, staff held an open house.
- On September 22, 2009, the Portland Planning Commission held a public hearing on the proposed school-related zoning code proposals and considered conceptual changes to recreational field regulations.
- On November 23, 2009, notice of the proposed action was mailed to the Department of Land Conservation and Development in compliance with the post-acknowledgement review process required by OAR 660-18-020.
- On December 10, 2009, staff held a workshop at Rigler Elementary School in NE Portland.
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- On December 21, 2009, the *Schools and Parks Conditional Use Code Refinement Project – Report to Planning Commission - Recreational Fields Addendum* was published.
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- On January 12, 2010, the Planning Commission held a hearing and adopted the Recreational Fields component of the project.
- On February 24, 2010, staff attended the Northeast Coalition of Neighborhoods Land Use and Transportation Committee meeting to provide an update on the project and discuss impacts.

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  - On April 22, 2010, City Council held a public hearing on the Schools and Parks Conditional Use Code Refinement Project and continued the hearing to April 28, 2010.
  - On April 28, 2010 City Council held a continued hearing on the Schools and Parks Conditional Use Code Refinement Project and adopted amendments to the *Recommended Draft* outlined in a memo dated April 28, 2010.
  - On May 5, 2010, City Council voted to adopt this ordinance.
26. **Goal 2, Land Use Planning**, requires the development of a process and policy framework that acts as a basis for all land use decisions and assures that decisions and actions are based on an understanding of the facts relevant to the decision. The amendments support this goal because they follow the process set out in the Zoning Code for legislative amendments. In addition, the amendments establish a clear set of regulations and required reviews for creation of and changes to recreational fields. Where a land use review is required, the approval criteria assure that decisions will be based on facts relevant to the criteria. See also findings for Portland Comprehensive Plan Goal 1, Metropolitan Coordination, and its related policies and objectives.
27. **Goal 5, Open Space, Scenic and Historic Areas, and Natural Resources**, requires the conservation of open space and the protection of natural and scenic resources. The amendments support this goal because they provide for more efficient use and development of open space used for recreational sports. The efficient use of the open space reinforces community support for such areas, and helps to preserve them.
28. **Goal 8, Recreational Needs**, requires satisfaction of the recreational needs of both citizens and visitors to the state. The amendments support this goal because they provide for more efficient use of open space and recreational fields; this will help better meet the recreational needs of both citizens and visitors. This is especially so in developed areas where there may be little or no recreational space on private property, thereby increasing the need for recreational needs to be met on publicly-owned lands. These amendments facilitate recreational field development that have little or no impact on the surrounding neighborhood, while providing an appropriate level of review for recreational fields and associated development that may have greater impacts on the neighborhood.
29. **Goal 9, Economic Development**, requires provision of adequate opportunities for a variety of economic activities vital to public health, welfare, and prosperity. The amendments support this goal because many companies and organizations use organized sports as a tool to develop their organization, or to build relationships with clients or similar businesses/organizations. These amendments facilitate recreational field development that have little or no impact on the surrounding neighborhood, while providing an appropriate level of review for those recreational fields that may have greater impacts on the neighborhood. Overall, these amendments will provide for more efficient use of open areas and of recreational fields, providing more opportunities for businesses and organizations to utilize them.
30. **Goal 10, Housing**, requires provision for the housing needs of citizens of the state. The amendments support this for the reasons below. See also findings for Portland Comprehensive Plan Goal 4, Housing and Metro Title 1. In developed areas, the opportunity for recreation on private property is limited; yards are smaller and, in multi-dwelling developments there may be no area large enough for active recreational uses. Providing such areas as part of housing development can significantly

increase the cost of housing. Overall, these amendments provide for more efficient use of open areas and of recreational fields, which will support residential uses nearby.

31. **Goal 11, Public Facilities and Services**, requires planning and development of a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for development. The amendments support this goal because they set out a clear and orderly process for creating and using recreational fields to serve the residents of and visitors to an area.
32. **Goal 12, Transportation**, requires provision of a safe, convenient, and economic transportation system. The proposed code amendments are consistent with this goal for the reasons stated in the findings addressing Portland Comprehensive Plan Goal 6, Transportation, and its related policies and objectives.
33. The **Oregon Transportation Planning Rule (TPR)** was adopted in 1991 and amended in 1996 and 2005 to implement State Goal 12. The TPR requires certain findings if the proposed regulation will significantly affect an existing or planned transportation facility.

This proposal will not have a significant effect on existing or planned transportation facilities because the amendments will maintain the requirement in the existing code that recreational field development above a minimum threshold undergo a conditional use review. These amendments will not result in changes to the functional classification of any streets, change the City's standards for classifying streets, or result in levels of park uses that will negatively affect the performance or classification of existing facilities. As a result, the proposed code amendments will not significantly affect existing or planned transportation facilities.

34. **Goal 13, Energy Conservation**, requires development of a land use pattern that maximizes the conservation of energy based on sound economic principles. The amendments support this goal because they will provide for more efficient use and development of recreational fields at existing facilities, and facilitate development of such fields where they will have little or no impact—including traffic generation—on surrounding neighborhoods. Those that might generate a significant amount of additional traffic are subject to a land use review and mitigation of transportation impacts. Providing recreational facilities at locations that can be reached by foot, bike, or transit will conserve energy, and thus support this goal.

### **Findings on Metro Urban Growth Management Functional Plan**

35. **Title 1, Requirements for Housing and Employment Accommodation**, requires that each jurisdiction contribute its fair share to increasing the development capacity of land within the Urban Growth Boundary. This requirement is to be generally implemented through citywide analysis based on calculated capacities from land use designations. The amendments are consistent with this title because they do not significantly alter the development capacity of the city. See also findings under Comprehensive Plan Goals 4 (Housing) and 5 (Economic Development).

### **Findings on Portland's Comprehensive Plan Goals**

36. Only the Comprehensive Plan goals addressed below apply.
37. **Goal 1, Metropolitan Coordination**, calls for the Comprehensive Plan to be coordinated with federal and state law and to support regional goals, objectives and plans. The amendments support this goal because they provide for more efficient use and development of open area and recreational fields, which supports urban-level development by providing increased recreational opportunities

while ensuring that negative impacts on neighborhoods are limited. This allows for more intense development within the Urban Growth Boundary, reducing pressure to expand the Boundary.

38. **Policy 1.4, Intergovernmental Coordination**, requires continuous participation in intergovernmental affairs with public agencies to coordinate metropolitan planning and project development and maximize the efficient use of public funds. The amendments support this policy because a number of other government agencies were notified of this proposal and given the opportunity to comment. These agencies include Metro, Multnomah County, and the following public school districts: Portland, Centennial, Reynolds, Parkrose, David Douglas, and Riverdale.
39. **Goal 2, Urban Development**, calls for maintaining Portland's role as the major regional employment and population center by expanding opportunities for housing and jobs, while retaining the character of established residential neighborhoods and business centers. The amendments support this goal because providing for more efficient use of existing open space and recreational fields while limiting potential negative impacts on neighborhoods makes it possible to develop at an urban level while maintaining livability. The requirements for review will ensure that the character of established residential neighborhoods is retained, and the more effective provision of recreational opportunities will encourage both residential and commercial development.
40. **Policy 2.6, Open Space**, calls for providing opportunities for recreation and visual relief by preserving Portland's parks, golf courses, trails, parkways and cemeteries. These amendments allow continued use and development of recreational fields in City parks and on school grounds, and facilitate efficient use of fields for organized sports.
41. **Policy 2.9, Residential Neighborhoods**, calls for a range of housing types to accommodate increased population growth while improving and protecting the city's residential neighborhoods. These amendments support the policy because they will increase off-site recreational opportunities, allowing more housing to be built without large areas of recreational space on-site. This lowers the cost of residential development, and allows for a wider variety of urban design. These amendments facilitate providing recreational field development that has little or no impact on the surrounding neighborhood, while providing an appropriate level of review for recreational field development that may have impacts on the neighborhood.
42. **Policy 2.25, Central City Plan; Policy 2.26, Albina Community Plan; and Policy 2.27, Outer Southeast Community Plan**: These plans all call for providing recreational opportunities for residents and visitors to these areas. These amendments facilitate providing recreational field development that has little or no impact on the surrounding neighborhood, while providing an appropriate level of review for recreational field development that may have impacts on the neighborhood. They also facilitate implementation of recreational field development and use, providing increased recreational opportunities for more people.
43. **Goal 3, Neighborhoods**, calls for the preservation and reinforcement of the stability and diversity of the city's neighborhoods while allowing for increased density. The amendments support this goal in the following ways: First, these amendments facilitate providing recreational field development that has little or no impact on the surrounding neighborhood, while providing an appropriate level of review for recreational field development that may have impacts on the neighborhood. Second, these amendments support the goal because they will increase off-site recreational opportunities, allowing more housing to be built without large areas of recreational space on-site. This lowers the cost of residential development, and allows for a more diversity of housing types and density within each neighborhood.
44. **Policy 3.1, Physical Conditions**, calls for programs to prevent the deterioration of existing structures and public facilities. By providing a clear process for creation of recreation fields, and for improvements to existing ones, the fields are more likely to be maintained, supporting this policy.

45. **Policy 3.6, Neighborhood Plan; Policy 3.8, Albina Community Plan Neighborhoods; Policy 3.9, Outer Southeast Community Plan Neighborhoods and Business Plan; and Policy 3.10, Northwest District Plan:** These plans all call for providing recreational opportunities for residents and visitors to these areas. These amendments facilitate providing recreational field development that has little or no impact on the surrounding neighborhood, while providing an appropriate level of review for recreational field development that may have impacts on the neighborhood. They also facilitate implementation of recreational field development and use, providing increased recreational opportunities for more people.
46. **Goal 4, Housing,** calls for enhancing Portland's vitality as a community at the center of the region's housing market by providing housing of different types, density, sizes, costs and locations that accommodates the needs, preferences, and financial capabilities of current and future households. The amendments are consistent with this goal because they will increase off-site recreational opportunities, allowing more housing to be built without large areas of recreational space on-site. This lowers the cost of residential development, and allows for a more diversity of housing types, density, sizes, and costs within each neighborhood. See also the findings for Statewide Planning Goal, Goal 10, Housing and for Metro Title 1.
47. **Goal 5, Economic Development,** calls for the promotion of a strong and diverse economy that provides a full range of employment and economic choices for individuals and families in all parts of the city. The amendments are consistent with this goal because many companies and organizations use organized sports as a tool to develop their organization, or to build relationships with clients or similar businesses/organizations. Overall, these amendments will provide for more efficient development and use of open areas and of recreational fields, providing more opportunities for businesses and organizations. See also findings for Statewide Planning Goal, Goal 9, Economic Development.
48. **Goal 6, Transportation,** calls for developing a balanced, equitable, and efficient transportation system that provides a range of transportation choices; reinforces the livability of neighborhoods; supports a strong and diverse economy; reduces air, noise, and water pollution; and lessens reliance on the automobile while maintaining accessibility. The amendments support this goal because those recreational fields, or improvements to such fields, that are likely to generate significant traffic are subject to a land use review. The review will, in part, evaluate impacts on the transportation system, and require necessary mitigation. In addition, providing a clear process for development of recreational fields, and allowing some without a land use review increases the likelihood of development of more recreational fields in all neighborhoods; this means more people will be able to walk or bike to a recreational field rather than drive. See also findings for Statewide Planning Goals, Goal 12, Transportation.
49. **Goal 9, Citizen Involvement,** calls for improved methods and ongoing opportunities for citizen involvement in the land use decision-making process, and the implementation, review, and amendment of the Comprehensive Plan. This project followed the process and requirements specified in Chapter 33.740, Legislative Procedure. The amendments support this goal for the reasons found in the findings for Statewide Planning Goal 1, Citizen Involvement.
50. **Goal 10, Plan Review and Administration,** calls for periodic review of the Comprehensive Plan, for implementation of the Plan, and addresses amendments to the Plan, to the Plan Map, and to the Zoning Code and Zoning Map. The amendments support this goal by updating the process used to create and improve recreational fields.
51. **Policy 10.10, Amendments to the Zoning and Subdivision Regulations,** calls for amendments to the regulations to be clear, concise, and applicable to the broad range of development situations faced by a growing, urban city. These amendments are clear and concise; they provide clear distinctions about what is required for each level or type of improvement. The amendments address present and

future land use problems by clarifying the regulations applicable to recreational fields, and balance the benefits of regulation against the cost of implementation by allowing some recreational field development to be allowed without land use reviews, but requiring review when appropriate. The amendments use clear and objective standards, maintain consistent procedures, are written clearly and organized logically.

52. **Goal 11, Public Facilities**, includes a wide range of goals and policies:
53. **General Goal 11-A** calls for provision of a timely, orderly and efficient arrangement of public facilities and services that support existing and planned land use patterns and densities. The amendments support this goal by providing a clear process for recreational field development to serve surrounding areas.
54. **Goal 11 F, Parks And Recreation**, calls for maximizing the quality, safety and usability of parklands and facilities. The amendments support this goal by fostering more efficient and continued use and development of recreational fields. In addition, these amendments foster safety and quality through facilitating development of recreational fields along with appropriate oversight and public input.
55. **Policy 11.58, City Schools Policy**, calls for maintaining on-going coordination with Portland School District #1 to achieve the goals and policies of the adopted City Schools Policy. The City Schools Policy was adopted by the City in 1979 as part of the ordinance adopting the Comprehensive Plan, but was not adopted by Portland School District #1. The Council interprets Policy 11.58 to express the City's aspiration to support Portland Public Schools through planning assistance and ongoing coordination. This policy does not state a mandatory requirement. The shared use of school facilities for recreational use is consistent with this policy's call for ongoing coordination between the City and Portland Public Schools.
56. Recent statutory amendments to ORS Chapter 195 establish requirements for school facility planning involving both the City and large school districts within the City's boundaries. These requirements are more specific than Policy 11.58 and describe a cooperative process for development and adoption of school facility plans. In particular, the school facility planning efforts required by ORS Chapter 195 are focused on identifying desirable new school sites, necessary physical improvements to existing schools, financial planning, capital improvement planning, and increasing the efficient use of existing schools for educational purposes. The Bureau of Planning and Sustainability and the large school districts within Portland's boundaries are in the process of implementing these statutory provisions. ORS Chapter 195 is not directly applicable to the proposed code amendments and, in any event, the proposed code amendments will not impede ongoing school facility planning efforts to achieve compliance with ORS Chapter 195.
57. In the City Schools Policy, **Policy Statement 4, Parks and Recreation**, calls for encouraging the maximum use of public facilities for recreation through reciprocal programming of School District and City park and recreation facilities. The Council interprets Policy Statement 4 as an aspirational statement and finds the proposed code amendments carry out the desired goal for reciprocal programming. Sharing resources between school and City park recreational facilities is one of central tenets of this project. The amendments made to the regulations support this policy.

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, the Planning Commission's report entitled *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council.

- b. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council.
- c. The specific amendments adopted by this action are to the following provisions:
- Title 33, Planning and Zoning List of Chapters
  - Table of Contents
  - 33.100.100.B.2
  - 33.100.200.A
  - 33.100.200.B.1
  - 33.110.100.B.2
  - 33.110.245.B and C
  - Table 110-5
  - 33.120.100.B.7 and 11
  - 33.120.275.B and C
  - 33.120.277.B and C
  - 200s – Additional Use and Development Regulations
  - Entire new chapter: Chapter 33.279, Recreational Fields for Organized Sports
  - 33.281.040
  - 33.281.040.B.1 through 5
  - 33.281.050.A.8
  - 33.281.050.C.1
  - 33.281.050.C.2
  - 33.281.100
  - 33.815.040, 5th sentence
  - 33.815.040.B.1.f and g
  - Chapter 33.900 List of Terms
  - 33.910.030, definitions of "Exterior Improvements" and "Organized Sports"
- d. Amend Title 20, Parks and Recreation, as shown in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council. The specific amendments adopted by this action are to the following provisions:
- Section 20.04.010
  - Section 20.04.050
  - Section 20.04.060
  - Section 20.04.070
  - Section 20.04.080
- e. Adopt Section VI of Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, the Good Neighbor Agreement for Recreational Fields Policy.
- f. Adopt the commentary and discussion in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010 as further findings and legislative intent.

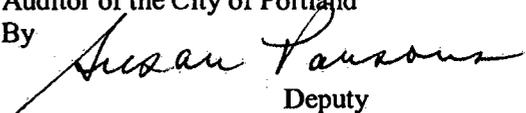
183750

Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

Passed by the Council: **MAY 05 2010**  
Mayor Sam Adams  
Prepared by: Shawn Wood  
Date Prepared: April 29, 2010

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By

  
Deputy

581-600-637

Agenda No. **183750** As Amended  
**ORDINANCE NO.**  
 Title

**Improve land use regulations and procedures related to recreational fields as part of the Schools and Parks Conditional Use Code Refinement Project (Ordinance; Amend Title 33 and Title 20)**

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Mayor Sam Adams</b>	CLERK USE: DATE FILED <u>APR 16 2010</u>
<b>COMMISSIONER APPROVAL</b>	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams <i>[Signature]</i>	By: <i>[Signature]</i> Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	ACTION TAKEN:  <i>[Signature]</i>  <b>APR 22 2010 CONTINUED TO APR 28 2010 3:15 PM</b>  <b>APR 28 2010 PASSED TO SECOND READING As Amended MAY 05 2010</b>  TIME CERTAIN 9:30 A.M.
<b>BUREAU APPROVAL</b>	
Bureau: Planning and Sustainability Bureau Head: Susan Anderson	
Prepared by: Shawn Wood Date Prepared: April 6, 2010	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date <b>April 22, 2009</b>	
<input checked="" type="checkbox"/> <b>City Attorney Approval</b> <i>[Signature]</i>	

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <span style="float: right;">2 of 2</span> Start time: <b>3:00 PM</b>
<b>Total amount of time needed: 2 hours</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz		✓
2. Fish	✓	
3. Saltzman	✓	
4. Leonard		—
Adams	✓	



City of Portland  
Bureau of  
**Planning and  
Sustainability**  
Sam Adams, Mayor  
Susan Anderson, Director

**Planning**

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**EXHIBIT A  
AMENDMENTS  
ADOPTED 4-28-10**

April 28, 2010

TO: City Commissioners

FROM: Deborah Stein, District Planning Manager

RE: **Schools and Parks Conditional Use Code Refinement Project—Possible Motions**

This memo lists possible motions for your consideration. You have already received the *Schools and Parks Conditional Use Code Refinement Project Recommended Draft*, and three memos that propose revisions to the Recommended Draft.

For your convenience, I am including the revisions proposed in those memos in this memo. There are also several new revisions proposed below, including a new set of directives for the ordinance. Finally, this memo includes only the revisions for the recreational fields portion of this project.

The Bureau of Planning and Sustainability recommends that you adopt all of these revisions.

- Revision #1 Date used to calculate when new field may be added
- Revision #2 Clarify what entities are FPOs
- Revision #3 FPO is responsible for sending public notice
- Revision #4 Authority to negotiate and sign GNA
- Revision #5 Recreational fields at colleges
- Revision #6 Ordinance directives
- Revision #7 Replace all directives in ordinance

**REVISION #1: Date used to calculate when new field may be added,**

**Page 43 of Recommended Draft, from April 6 memo**

Commentary: This change clarifies that the allowance of one new field is measured from the effective date of this ordinance as opposed to when the use became a conditional use. The changes also remove repetitive language and provide additional clarity.

**33.279.030 Review Thresholds for Development**

This section states when development related to recreational fields is allowed, when a conditional use review is required, and the type of procedure used.

**A. Allowed.** Alterations to the site that meet all of the following are allowed without a conditional use review provided the proposal:

8. Does not add more than one new field for organized sports, as measured from the time the use became a conditional use, to a site containing one or more existing approved fields for organized sports. Up to one new field may be added once per site, after [effective date of this regulation], without a Conditional Use Review. The new field must:
  - a. and b [No change]
  - c. Be located within 300 feet of an one or more existing on-site fields approved for organized sports; and

- d. Be ~~constructed~~ approved under a Building or Zoning Permit that identifies the existing development and the new field that is being added, per this ~~section~~ paragraph.

**REVISION #2: Clarify what entities are FPOs**  
**Section not included in Recommended Draft, from April 6 memo**

Commentary: This clarifies that the Field Permitting Organization also includes all public school districts for the purposes of public notification requirements.

**20.04.010 Definitions**

**H. Field Permitting Organization**

Any entity that permits or assigns permitting duties for organized sports use (as defined in section 33.910.030) on public parks and public schools (as described in 33.920.480). Sections 20.04.050 through 20.04.080 of this Chapter shall apply to any site owned or operated by any school district in the City of Portland, whether or not Portland Parks and Recreation is the field permitting organization for that site.

**REVISION #3 – FPO is responsible for sending public notice**  
**Pages 79,81 of Recommended Draft, from April 6 memo**

Commentary: This change clarifies that the Field Permitting Organization (FPO), which may or may not be PP&R, is responsible for sending public notice.

**20.04.050 Public Noticing – Recreational Fields**

- B. The notice shall describe in detail . . . If these written comments can be addressed to the neighbor's satisfaction, no further action is necessary. ~~PP&R~~ The FPO shall respond to these written comments in writing within 21 days.
- C. If ~~PP&R's~~ the FPO's written responses to the written concerns received after the public notice are not satisfactory, a public meeting can be scheduled if requested by a neighborhood association within 1,000 feet of the subject site. The request must be made within 45 calendar days of the date of the last ~~PP&R~~ FPO written response to comments. A Good Neighbor Agreement (GNA) may be proposed by ~~PP&R, PPS~~ the school district, both organizations jointly, or other appropriate ~~field-permitting entity~~ FPO if there are remaining concerns after the public meeting. Neighborhood associations within 1,000 feet of the subject site may also request a GNA, in writing, within 10 calendar days of the date of the public meeting. GNAs can be linked to sports field use permits and may address a variety of compatibility issues such as:

**REVISION #4 – Authority to negotiate and sign GNA**

Page 83 of Recommended Draft, revised from April 21 memo

**Commentary:** This change clarifies what authority the Director of Portland Parks and Recreation (PP&R) or other FPO has in regards to Good Neighbor Agreements (GNAs), which includes negotiating and executing the Agreements. These Agreements would still be subject to the adopted GNA policy. This change also clarifies that, where PP&R is not involved, the school district has that authority, although they still must adhere to the PP&R policy and process.

**20.04.060 Good Neighbor Agreements – Recreational Fields**

Good Neighbor Agreements shall adhere to the GNA Policy adopted by Portland Parks & Recreation, and are authorized and administered by the Director of Parks & Recreation or designee.

- A. The Director or the Director's designee is authorized to negotiate, execute and administer Good Neighbor Agreements (GNAs) under Section 20.04.050 on behalf of the City, when the City is the Field Permitting Organization (FPO).
- B. When the City is not the FPO, the FPO may negotiate, execute and administer GNAs under Section 20.04.050 according to its own internal processes.
- C. All GNAs, whether entered into by the City or by any other FPO, must comply with the Good Neighbor Agreement Policy adopted by Portland Parks & Recreation, including the process.

**REVISION #5 – Recreational fields at colleges**

Pages 27, 29, 33, 35, 69 of Recommended Draft, revised from April 27 memo

**Commentary:** These changes clarify that Colleges are not subject to the new recreational field regulations. To differentiate these revisions from the amendments already in the Recommended Draft, code language to be added is double underlined and code language to be removed is shown in ~~double strike through~~.

**Add Footnote to Table 110-5, Institutional Development Standards:**

- [6] Setbacks for structures that are accessory to recreational fields for organized sports on a school, school site, or in a park, are stated in Chapter 33.279, Recreational Fields for Organized Sports.

**33.110.245 Institutional Development Standards**

- A. **Purpose.** [No change]
- B. **Use categories to which these standards apply.** The standards of this section apply to uses in the institutional group of use categories, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

**C. The standards.**

1-3. [No Change.]

4. Outdoor activity facilities. Except as specified in paragraph C.5 below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated. Where the outdoor activity facility abuts R-zoned properties in School uses, the required setback is reduced to zero.

5. Recreational fields for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

6-10 5-9. [No Change other than number sequence.]

**33.120.100 Primary Uses****B. Limited Uses.**

11. Schools, Colleges, and Medical Centers in the IR zone. This regulation applies to all parts of Table 120-1 that have a note [11].

a. Purpose. [No change]

b. Regulations for institutional campuses. High Schools, Colleges, ~~Hospitals~~, and Medical Centers are allowed to develop as institutional campuses when they meet the following regulations.

(1) through (3) [No change]

c. Regulations for other institutions. Schools, Colleges, ~~Hospitals~~, and Medical Centers are allowed as a conditional use only.

d. Regulations for recreational fields for organized sports. Recreational fields used for organized sports on a school or school site, are subject to the regulations of Chapter 33.279, Recreational Fields for Organized Sports.

12-14. [No Change.]

**C-D. [No Change]****33.120.275 Development Standards for Institutions****A. Purpose.** [No change]

**B. Use categories to which these standards apply.** The standards of this section apply to uses in the institutional group of use categories in the R3 through IR zones, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions to institutional uses. Uses that are part of an institutional campus with an approved impact mitigation plan in the IR zone are subject to the development standards of 33.120.277. Recreational fields used

for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

**C. The standards.**

1-3. [No change.]

4. Outdoor activity facilities. Except as specified in paragraph C.5 below, outdoor activity facilities, such as swimming pools, basketball courts, tennis courts, or baseball diamonds must be set back 50 feet from abutting R-zoned properties. Playground facilities must be set back 25 feet from abutting R-zoned properties if not illuminated, and 50 feet if illuminated.

5. Recreational fields used for organized sports. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

6-10 5-9. [No change other than number sequence.]

**33.120.277 Development Standards for Institutional Campuses in the IR Zone**

**A. [No Change]**

**B. Where these standards apply.** The standards of this section apply to all development that is part of an institutional campus with an approved impact mitigation plan or an approved conditional use master plan in the IR zone, whether allowed by right, allowed with limitations, or subject to a conditional use review. The standards apply to new development, exterior alterations, and conversions from one use category to another. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

**C. The standards.**

1-3 [No change]

4. Recreational fields used for organized sports on a school, school site, or in a park, are subject to Chapter 33.279, Recreational Fields for Organized Sports.

**33.815.040 Review Procedures**

The procedure for reviewing conditional uses depends on how the proposal affects the use of, or the development on, the site. Subsection A, below, outlines the procedures for proposals that affect the use of the site while Subsection B outlines the procedures for proposals that affect the development. Proposals may be subject to Subsection A or B or both. The review procedures of this section apply unless specifically stated otherwise in this Title. The review procedures for recreational fields for organized sports on a school, school site, or in a park, are stated in Chapter 33.279. The review procedures for schools, school related uses, and school sites, are stated in Chapter 33.281. Proposals may also be subject to the provisions of 33.700.040, Reconsideration of Land Use Approvals.

## REVISION #6 – Interim clarification (until schools portion is adopted)

Page 63 of Recommended Draft, new item

Commentary: Because Council is deferring adoption of the school-related amendments, the following clarification is needed. Subsection 33.281.050.C identifies which changes trigger a Type III review. Paragraph.C.1 makes reference to provisions that will be deleted or changed by other amendments. It should be modified as follows:

### 33.281.050 Review Thresholds for Development

[No change]

A. and B. [No change]

C. **Type III.** The following alterations to development are processed through a Type III procedure:

1. All other alterations to development on the site, including alterations not allowed by Subsections A. and B. above. Recreational fields used for organized sports are subject to Chapter 33.279. Recreational Fields for Organized Sports. ~~Exceptions are outdoor recreation areas which are regulated by Subsection A. above, and athletic fields which are regulated by Subsection A. above, and Paragraph C.2. below.~~

## REVISION #7 – Replace all directives in ordinance with the following:

NOW, THEREFORE, the Council directs:

- a. Adopt Exhibit A, the Planning Commission's report entitled *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council..
- b. Amend Title 33, Planning and Zoning, as shown in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council
- c. The specific amendments adopted by this action are to the following provisions:
  - Title 33, Planning and Zoning List of Chapters
  - Table of Contents
  - 33.100.100.B.2
  - 33.100.200.A
  - 33.100.200.B.1
  - 33.110.100.B.2
  - 33.110.245.B and C
  - Table 110-5
  - 33.120.100.B.7 and 11
  - 33.120.275.B and C
  - 33.120.277.B and C
  - 200s – Additional Use and Development Regulations

- Entire new chapter: Chapter 33.279, Recreational Fields for Organized Sports
  - 33.281.040
  - 33.281.040.B.1 through 5
  - 33.281.050.A.8
  - 33.281.050.C.1
  - 33.281.050.C.2
  - 33.281.100
  - 33.815.040, 5th sentence
  - 33.815.040.B.1.f and g
  - Chapter 33.900 List of Terms
  - 33.910.030, definitions of "Exterior Improvements" and "Organized Sports"
- d. Amend Title 20, Parks and Recreation, as shown in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, as amended by Council. The specific amendments adopted by this action are to the following provisions:
- Section 20.04.010
  - Section 20.04.050
  - Section 20.04.060
  - Section 20.04.070
  - Section 20.04.080
- e. Adopt Section VI of Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010, the Good Neighbor Agreement for Recreational Fields Policy.
- f. Adopt the commentary and discussion in Exhibit A, *Schools and Parks Conditional Use Code Refinement Project – Recommended Draft*, dated March 18, 2010 as further findings and legislative intent.

Section 2. If any section, subsection, sentence, clause, phrase, diagram, designation, or drawing contained in this Ordinance, or the plan, map or code it adopts or amends, is held to be deficient, invalid or unconstitutional, that shall not affect the validity of the remaining portions. The Council declares that it would have adopted the plan, map, or code and each section, subsection, sentence, clause, phrase, diagram, designation, and drawing thereof, regardless of the fact that any one or more sections, subsections, sentences, clauses, phrases, diagrams, designations, or drawings contained in this Ordinance, may be found to be deficient, invalid or unconstitutional.

## GROW Lynda

---

**From:** GRACE Becky J  
**Sent:** Friday, April 30, 2010 8:18 AM  
**To:** WADDELL Mike D  
**Subject:** FW: May 27th Board Agenda.Community Vision Non-Profit Transfer  
**Attachments:** RES\_CommunityVisionR250146.doc; LIHA\_CommunityVision-finalR250146.doc; MisnerTransitionAgreementR250146.doc; CommunityVisionDeedD102201R250146.doc; APR\_nonprofitCommunityVisionR250146.doc

Hi Mike,  
I have changed the date to May 27th on the attached documents.  
Thanks,  
Becky

---

**From:** RYAN Matthew O  
**Sent:** Thursday, April 22, 2010 11:03 AM  
**To:** GRACE Becky J  
**Cc:** KINOSHITA Carol; BROWN Sally A; SANDERMAN Richard A  
**Subject:** FW: May 6th Board Agenda Community Vision Non-Profit Transfer

Becky,  
I have reviewed the attached Resolution, Low Income Housing Development Agreement, Transition Agreement and Deed. All are approved for submission to the BCC for its consideration. Thanks.

Matthew O. Ryan  
Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd, Suite 500  
Portland, Oregon 97214  
Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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**From:** GRACE Becky J  
**Sent:** Wednesday, April 14, 2010 4:13 PM  
**To:** RYAN Matthew O  
**Cc:** KINOSHITA Carol  
**Subject:** May 6th Board Agenda Community Vision Non-Profit Transfer

Hi Matt,  
Attached for your review and approval are the May 6 board agenda documents for the Non-Profit Transfer to Community Visions.  
Thank you,

Becky Grace  
Tax Title  
503-988-3590

5/17/2010

## GROW Lynda

---

**From:** WADDELL Mike D  
**Sent:** Monday, May 03, 2010 5:46 PM  
**To:** GROW Lynda; MADRIGAL Marissa D  
**Cc:** GRACE Becky J; BROWN Sally A; RYAN Matthew O; ANDERSON Debra A; YAGER Chris D  
**Subject:** APR Transfer of Tax Foreclosed Property to Community Vision, Inc  
**Attachments:** APR\_nonprofitCommunityVisionR250146.doc; RES\_CommunityVisionR250146.doc; LIHA\_CommunityVision-finalR250146.doc; MisnerTransitionAgreementR250146.doc; CommunityVisionDeedD102201R250146.doc; FW: May 27th Board Agenda Community Vision Non-Profit Transfer

Lynda and Marissa, attached for the May 27<sup>th</sup> board agenda is an APR along with the Board Resolution and other legal documentation to transfer foreclosed property to Community Vision, Inc for use as low income housing per ORS 271.330. Matt Ryan of the Attorney's Office has reviewed and approved these legal documents—his authorization email is attached. If you have any questions, please don't hesitate to contract Sally Brown, Matt Ryan or me. Thanks—mdw

**Mike Waddell**  
Business Services Manager  
(503) 988-4283 | Fax: (503) 988-3292 | I/O: 503/5  
*Please consider the environment before printing this e-mail*

**GROW Lynda**

---

**From:** WADDELL Mike D  
**Sent:** Tuesday, May 11, 2010 1:27 PM  
**To:** GROW Lynda; MADRIGAL Marissa D  
**Cc:** ANDERSON Debra A; WALRUFF Randy P; GRACE Becky J; BROWN Sally A  
**Subject:** APR May 27th DART Land Sale Contract Cancellations  
**Attachments:** APR\_ContractCancellationLovellR229503 (2).doc;  
LovellContractCancellationOrderR229503.doc;  
APR\_ContractCancellationC&MMotorsR243872.doc;  
C&MContractCancellationOrderR243872.doc; FW: Contract 15816 Cancellation Order for May  
27th Board Agenda; FW: May 27th Board Agenda Contract Cancellation

Hello Lynda, attached are two new APRs for the May 27<sup>th</sup> Board meeting. These will be paired up with the APR that you already have scheduled that day so DART will have a total of 3 APRs for board presentation. The subject two APRs are for DART to cancel contracts on repurchased property due to contract default and property tax delinquency on the part of the purchasers. The Attorney's Office has approved these (see email attachments) and the DCM Director has affixed her signature. If you have any questions, please don't hesitate to contact me or the presenters. Thanks—mdw

**Mike Waddell**  
Business Services Manager  
(503) 988-4283 | Fax: (503) 988-3292 | I/O: 503/5  
*Please consider the environment before printing this e-mail*

**GROW Lynda**

---

**From:** ANDERSON Debra A  
**Sent:** Tuesday, May 11, 2010 12:25 PM  
**To:** WADDELL Mike D  
**Cc:** GRACE Becky J  
**Subject:** FW: May 27th Board Agenda Contract Cancellation  
**Attachments:** C&MContractCancellationOrderR243872.doc;  
 APR\_ContractCancellationC&MMotorsR243872.doc

Mike,

At Randy's request, I've changed the presenter on this to Randy Walruff and Sally Brown. He said he is available that date to present. There will be three items total on the Agenda on that date related to Tax Title. With what Becky has sent you, please let us know if you have all you need. And thank you for processing this for the May 27<sup>th</sup> Agenda date, as Randy would like to include all three items to the Board on the same day.

Thanks,  
 Deb

---

**From:** GRACE Becky J  
**Sent:** Tuesday, May 11, 2010 12:05 PM  
**To:** WADDELL Mike D  
**Cc:** ANDERSON Debra A  
**Subject:** FW: May 27th Board Agenda Contract Cancellation

Hi Mike,  
 C&M Motors and Tax Title entered into a land sale contract on June 7, 2004. Starting from September 3, 2009 no installments have been paid on the Contract. The taxes have not been paid for the last 4 years. DART would like to cancel the contract.  
 Thank you,  
 Becky

---

**From:** GRACE Becky J  
**Sent:** Tuesday, May 11, 2010 10:47 AM  
**To:** ANDERSON Debra A  
**Subject:** FW: May 27th Board Agenda Contract Cancellation

Good Morning Deb,  
 Attached for your review and approval are the May 27<sup>th</sup> Board Agenda Documents Canceling Contract 15812. Matt Ryan has approved this order.  
 Thank you,  
 Becky

---

**From:** RYAN Matthew O  
**Sent:** Tuesday, May 11, 2010 9:59 AM  
**To:** GRACE Becky J  
**Cc:** BROWN Sally A; SANDERMAN Richard A; KINOSHITA Carol  
**Subject:** FW: May 27th Board Agenda Contract Cancellation

5/17/2010

Becky,  
The attached Order has been reviewed and is approved for submission to the BCC for its consideration.  
Thanks.

Matthew O. Ryan  
Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd, Suite 500  
Portland, Oregon 97214  
Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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**From:** GRACE Becky J  
**Sent:** Thursday, April 29, 2010 3:54 PM  
**To:** RYAN Matthew O  
**Cc:** BROWN Sally A  
**Subject:** May 27th Board Agenda Contract Cancellation

Matt,  
Attached for your review and approval is Contract 15812 Cancellation Order for the May 27<sup>th</sup> Board Agenda.  
Thanks,

Becky Grace  
Tax Title  
503-988-3590

**GROW Lynda**

---

**From:** ANDERSON Debra A  
**Sent:** Tuesday, May 11, 2010 12:28 PM  
**To:** WADDELL Mike D  
**Subject:** FW: Contract 15816 Cancelation Order for May 27th Board Agenda  
**Attachments:** LovellContractCancellationOrderR229503.doc; APR\_ContractCancelationLovellR229503.doc

Mike

I have updated the APR to change the presenter to both Randy and Sally Brown, at Randy's request. He would like to present all three Tax Title items on May 27<sup>th</sup>. You have already submitted one of them to the Board Clerk.

Please let us know if you have all you need for these items.

Much appreciated.

Deb

---

**From:** GRACE Becky J  
**Sent:** Tuesday, May 11, 2010 12:10 PM  
**To:** WADDELL Mike D  
**Cc:** ANDERSON Debra A  
**Subject:** FW: Contract 15816 Cancelation Order for May 27th Board Agenda

Hi Mike,  
 Arthur Lovell entered into a repurchase contract with Tax Title on June 27, 2006. Starting from July 31, 2006 no installments have been paid. The taxes have not been paid for 4 years. DART would like to cancel the contract.  
 Thank you,  
 Becky

---

**From:** GRACE Becky J  
**Sent:** Tuesday, May 11, 2010 11:48 AM  
**To:** ANDERSON Debra A  
**Subject:** FW: Contract 15816 Cancelation Order for May 27th Board Agenda

Hi Deb,  
 Attached for your review and approval are the May 27th Board Agenda Documents for the Lovell Contract Cancellation. Matt Ryan has approved this order.  
 Thanks,  
 Becky

---

**From:** RYAN Matthew O  
**Sent:** Tuesday, May 11, 2010 11:21 AM  
**To:** GRACE Becky J  
**Cc:** BROWN Sally A; KINOSHITA Carol; SANDERMAN Richard A  
**Subject:** FW: Contract 15816 Cancelation Order for May 27th Board Agenda

Becky,  
 The attached Order has been reviewed and is approved for submission to the BCC for its consideration. Please forward to me a copy of the original contract. Thanks.

5/17/2010

Matthew O. Ryan  
Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd, Suite 500  
Portland, Oregon 97214  
Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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---

**From:** GRACE Becky J  
**Sent:** Thursday, April 29, 2010 3:59 PM  
**To:** RYAN Matthew O  
**Cc:** BROWN Sally A  
**Subject:** Contract 15816 Cancelation Order for May 27th Board Agenda

Matt,

Attached for your review and approval is Contract 15816 Cancelation Order for the May 27<sup>th</sup> Board Agenda.  
Thanks,

Becky Grace  
Tax Title  
503-988-3590

**GROW Lynda**

---

**From:** DUFFY Sandra N  
**Sent:** Tuesday, May 25, 2010 12:11 PM  
**To:** SOWLE Agnes; GROW Lynda  
**Subject:** RE: AGENDA Issues for this week

Thanks for the info.

---

**From:** SOWLE Agnes  
**Sent:** Tuesday, May 25, 2010 11:52 AM  
**To:** GROW Lynda  
**Cc:** DUFFY Sandra N  
**Subject:** RE: AGENDA Issues for this week

Every item on the agenda needs to be dealt with – so chair or you need to say that the department has requested postponement. Chair asks for a motion and second. And they vote on the postponement.

Thursday, I am out at a CLE and Sandy will be staffing for me.

*Agnes Sowle*  
*Multnomah County Attorney*  
*501 SE Hawthorne Blvd., Ste. 500*  
*Portland, OR 97214*  
*(503)988-3138*

---

**From:** GROW Lynda  
**Sent:** Tuesday, May 25, 2010 11:48 AM  
**To:** SOWLE Agnes  
**Subject:** AGENDA Issues for this week

Agenda issues:

As Matt advised, we have a postponement to a time certain of June 17<sup>th</sup>. However, we may or may not have a meeting on 6/17; it will depend on whether we have a quorum. I heard yesterday we have 2 out, I'm in process of verifying that now.

Second, Sheila sent me an item by a new technique IT set up for me: a shared folder. I thought it was for this week; it was not – it's for next week. We checked with the presenter, George Plummer, and he is not able to present this week, but can present as he had planned, on 6/3.

I'll alert the folks here, but how would I have the postponement announced, by the Chair?

---

**From:** RYAN Matthew O  
**Sent:** Monday, May 24, 2010 2:36 PM  
**To:** MADRIGAL Marissa D; GROW Lynda; BAKER Marina  
**Cc:** WALRUFF Randy P; SANDERMAN Richard A; BROWN Sally A; KINOSHITA Carol; SOWLE Agnes  
**Subject:** Agenda Item R-2 for May 27th BCC Meeting

Marissa, Lynda & Marina,

For Agenda item R-2 on Thursday, at the written request of PDC (which has the right under a financing

5/26/2010

subordination agreement with the County), we are asking the County Board to postpone hearing this matter regarding the proposed Cancellation Order on County Land Sale Contract No. 15812; and to reschedule it for the Board Meeting set for June 17<sup>th</sup>, 2010. I will make the request on Thursday morning when the matter is called; is there anything further that needs to be done in advance of the meeting or at the meeting? Thanks.

Matthew O. Ryan  
Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd, Suite 500  
Portland, Oregon 97214  
Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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Marissa, Lynda & Marina,

Wednesday, May 26, 2010

Like we did with Item R-2, the Tax Title Program is requesting the second Contract Cancellation Order, Item R-3 on tomorrow's agenda e postponed until June 17<sup>th</sup>'s board meeting. It appears the contract buyer may be able to get the funds to pay off the contract. Sorry for the last minute notice, but it appears the parties are taking action to make this happen. Thank you.

For Agenda item R-2 on Thursday, at the written request of PDC (which has the right under a financing subordination agreement with the County), we are asking the County Board to postpone hearing this matter regarding the proposed Cancellation Order on County Land Sale Contract No. 15812; and to reschedule it for the Board Meeting set for June 17<sup>th</sup>, 2010. I will make the request on Thursday morning when the matter is called; is there anything further that needs to be done in advance of the meeting or at the meeting? Thanks.

Matthew O. Ryan  
Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd, Suite 500  
Portland, Oregon 97214  
Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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R-2

**GROW Lynda**

---

**From:** RYAN Matthew O  
**Sent:** Monday, May 24, 2010 2:36 PM  
**To:** MADRIGAL Marissa D; GROW Lynda; BAKER Marina  
**Cc:** WALRUFF Randy P; SANDERMAN Richard A; BROWN Sally A; KINOSHITA Carol; SOWLE Agnes  
**Subject:** Agenda Item R-2 for May 27th BCC Meeting

Marissa, Lynda & Marina,

For Agenda item R-2 on Thursday, at the written request of PDC (which has the right under a financing subordination agreement with the County), we are asking the County Board to postpone hearing this matter regarding the proposed Cancellation Order on County Land Sale Contract No. 15812; and to reschedule it for the Board Meeting set for June 17<sup>th</sup>, 2010. I will make the request on Thursday morning when the matter is called; is there anything further that needs to be done in advance of the meeting or at the meeting? Thanks.

Matthew O. Ryan  
Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd, Suite 500  
Portland, Oregon 97214  
Tel: 503-988-3138; Fax: 503-988-3377  
[matthew.o.ryan@co.multnomah.or.us](mailto:matthew.o.ryan@co.multnomah.or.us)

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~~T. J.~~ WILL CHANGE  
CHAIR COGEN'S SCRIPT

**GROW Lynda**

---

**From:** RYAN Matthew O  
**Sent:** Monday, May 24, 2010 2:36 PM  
**To:** MADRIGAL Marissa D; GROW Lynda; BAKER Marina  
**Cc:** WALRUFF Randy P; SANDERMAN Richard A; BROWN Sally A; KINOSHITA Carol; SOWLE Agnes  
**Subject:** Agenda Item R-2 for May 27th BCC Meeting

Marissa, Lynda & Marina,

For Agenda item R-2 on Thursday, at the written request of PDC (which has the right under a financing subordination agreement with the County), we are asking the County Board to postpone hearing this matter regarding the proposed Cancellation Order on County Land Sale Contract No. 15812; and to reschedule it for the Board Meeting set for June 17<sup>th</sup>, 2010. I will make the request on Thursday morning when the matter is called; is there anything further that needs to be done in advance of the meeting or at the meeting? Thanks.

Matthew O. Ryan  
Assistant County Attorney  
Office of Multnomah County Attorney  
501 SE Hawthorne Blvd, Suite 500  
Portland, Oregon 97214  
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## GROW Lynda

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**From:** RYAN Matthew O  
**Sent:** Wednesday, May 26, 2010 3:50 PM  
**To:** GROW Lynda; BAKER Marina; MADRIGAL Marissa D  
**Cc:** WALRUFF Randy P; KINOSHITA Carol; DUFFY Sandra N; SOWLE Agnes  
**Subject:** FW: R3 of tomorrow's Board meeting

**Attachments:** Fidelity Document.tiff



Fidelity

Document.tiff (1,000 KB)

Lynda, Marina and Marissa,  
Like we did with Item R-2 on Monday, the Tax Title Program is requesting the second Contract Cancellation Order, Item R-3 on tomorrow's agenda be postponed until June 17th's Board Meeting. It appears the contract buyer may be able to get the funds to pay off the contract. Sorry for the last minute notice, but it appears the parties are taking action to make this happen. Thank you.

Matthew O. Ryan  
Assistant County Attorney  
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-----Original Message-----

**From:** WALRUFF Randy P  
**Sent:** Wednesday, May 26, 2010 3:41 PM  
**To:** RYAN Matthew O  
**Cc:** BROWN Sally A  
**Subject:** FW: R3 of tomorrow's Board meeting

Matt;

I think we should risk it and ask for R-3 the same as R-2. The funds appear to be coming.

-----Original Message-----

**From:** BROWN Sally A  
**Sent:** Wednesday, May 26, 2010 3:18 PM  
**To:** WALRUFF Randy P  
**Subject:** R3 of tomorrow's Board meeting

FYI ~

The attached is not easily understood as a document related to funds owned by Mr. Lovell. Becky is calling him now requesting a better document or other verification.

-----Original Message-----

**From:** Arthur Lovell [mailto:ablovell2003@yahoo.com]  
**Sent:** Wednesday, May 26, 2010 3:08 PM  
**To:** GRACE Becky J  
**Cc:** BROWN Sally A  
**Subject:** Re: checking in

Becky here are the details:

1. I have sold a large part a Fidelity Funds IRA.
2. The sell happened at close of business Wednesday. Fidelity just told me the share calculation is taking place right now.
3. Fidelity has a "distribution request" in effect. That means a check will be issued and sent to me tomorrow (Thursday).
4. I can expect that in a few days. As soon as that arrives, I'll determine the fastest way to get the funds to you. And the correct breakdown.
5. Best case, funds to you Monday. Worst case, middle of next week.

As proof of my intentions, I'm sending a copy of my Fidelity Funds sell order. (it's in the amount of \$41,000 ish to include my tax liability)

The bottom line is the balance due to Multnomah County is on it's way.

Hope this helps.

Let me know if you need more.

As always thanks for the help.

On May 26, 2010, at 12:06 PM, GRACE Becky J wrote:

> Hi Mr. Lovell,  
> If we can be emailed or faxed proof of ability to make payment from  
> Fidelity through the cashing of your IRA the default may be able to be  
> stopped but I have to have documents in my hand ASAP to provide the  
> management team. The payoff of the Multnomah County Tax Title contract  
> through Friday is \$23,784.74 (per diem \$3.03) Payoff to Multnomah County  
> Tax Collector is \$10,109.13 through Friday, May 28th. If the payment  
> arrives after Friday you need to either call me or add the per diem.  
> These are two separate payments one to the Multnomah County Tax  
> Collector and one to Multnomah County Tax Title in Certified Funds.  
> Please call with questions!!  
> Thanks again,  
> Becky

> -----Original Message-----

> From: Arthur Lovell [mailto:ablovell2003@yahoo.com]  
> Sent: Tuesday, May 18, 2010 9:26 AM  
> To: GRACE Becky J  
> Subject: Re: checking in

> That's disappointing. What if I can pay off \$20000 by the end of the  
> week? Any chance that'll work?

> -----Original Message-----

> From: GRACE Becky J  
> To: ablovell2003@yahoo.com  
> Cc: BROWN Sally A  
> Cc: SANDERMAN Richard A  
> Subject: RE: checking in  
> Sent: May 18, 2010 8:38 AM

> Good Morning Arthur,  
> Your proposal was received by Tax Title. Sally Brown the Special  
> Programs Manager took your offer to the Director of the Department for  
> review. The Director has denied your offer. Tax Title will be moving  
> forward with the contract cancelation on May 27th.  
> Sincerely,  
> Becky Grace

> -----Original Message-----

> From: Arthur Lovell [mailto:ablovell2003@yahoo.com]  
> Sent: Monday, May 17, 2010 11:44 PM  
> To: GRACE Becky J  
> Subject: checking in

>  
> Becky,  
> I just was confirming you and Sally received my email proposal last  
> week.  
>  
> Thanks  
>  
>  
> Arthur Lovell  
>  
>  
>  
> Sent via BlackBerry by AT&T  
>

**GROW Lynda**

FILE  
5/27/2010  
BOARD PACKET

**From:** WADDELL Mike D  
**Sent:** Tuesday, June 08, 2010 7:32 AM  
**To:** GROW Lynda  
**Subject:** RE: APR May 27th DART Land Sale Contract Cancelations

My gosh you are here late Lynda! These were part of a previous agenda and I guess they illustrate how some of the tax title transactions end up on different agendas--consent verses regular. It appears that routine tax title property dispositions go on the consent calendar. If I am ever incorrect, please let me know. Thanks--mdw

-----Original Message-----

**From:** GROW Lynda  
**Sent:** Monday, June 07, 2010 9:56 PM  
**To:** WADDELL Mike D  
**Subject:** RE: APR May 27th DART Land Sale Contract Cancelations

Mike:

If I understand this correctly, we have two land sale cancellations, and one purchase authorization. The land sale cancellations are each on the regular agenda, 5 min. each, and the authorization to let the Lucky couple purchase, on consent, is that correct?

-----Original Message-----

**From:** WADDELL Mike D  
**Sent:** Tue 5/11/2010 1:27 PM  
**To:** GROW Lynda; MADRIGAL Marissa D  
**Cc:** ANDERSON Debra A; WALRUFF Randy P; GRACE Becky J; BROWN Sally A  
**Subject:** APR May 27th DART Land Sale Contract Cancelations

Hello Lynda, attached are two new APRs for the May 27th Board meeting. These will be paired up with the APR that you already have scheduled that day so DART will have a total of 3 APRs for board presentation. The subject two APRs are for DART to cancel contracts on repurchased property due to contract default and property tax delinquency on the part of the purchasers. The Attorney's Office has approved these (see email attachments) and the DCM Director has affixed her signature. If you have any questions, please don't hesitate to contact me or the presenters. Thanks-mdw

Mike Waddell

Business Services Manager

(503) 988-4283 | Fax: (503) 988-3292 | I/O: 503/5

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