



Multnomah County Oregon

# Board of Commissioners & Agenda

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## BOARD OF COMMISSIONERS

### Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

Email: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

### Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600  
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### Jeff Cogen, Commission Dist. 2

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### Lisa Naito, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600  
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### Lonnie Roberts, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600  
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Phone: (503) 988-5213 FAX (503) 988-5262

Email: [lonnie.j.roberts@co.multnomah.or.us](mailto:lonnie.j.roberts@co.multnomah.or.us)

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## APRIL 17, 18 & 19, 2007 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	9:30 a.m. Tuesday Briefings on Co-Chairs' Budget Implications; and Evidence Based Treatment Practices
Pg 3	9:00 a.m. Wednesday Public Hearings on three Measure 37 Claims: Alfred Feller; Martha Glaser; and Robert and Cheryl Wiley
Pg 4	9:30 a.m. Opportunity for Public Comment on non-agenda matters
Pg 4	9:45 a.m. Thursday Chair Ted Wheeler's Executive Budget Message for FY 2008
Pg 5	10:20 a.m. Thursday Ordinance Repealing Ordinances 1055 and 1060 to Delete Real Property Compensation Law (Ballot Measure 37) Subchapter from County Code

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

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

Saturday, 10:00 AM, Channel 29

Sunday, 11:00 AM, Channel 30

Tuesday, 8:00 PM, Channel 29

Produced through MetroEast Community Media  
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Tuesday, April 17, 2007 - **9:00 AM**  
Multnomah Building, Sixth Floor Commissioners Conference Room 635  
501 SE Hawthorne Boulevard, Portland

## **EXECUTIVE SESSION**

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-30 MINUTES REQUESTED.
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Tuesday, April 17, 2007 - **9:30 AM**  
Multnomah Building, Sixth Floor Commissioners Conference Room 635  
501 SE Hawthorne Boulevard, Portland

## **BOARD BRIEFINGS**

- B-1 Review Co-Chairs' Budget and Implications to County Services. Presented by Gina Mattioda, Joanne Fuller, and Steve Liday. 30 MINUTES REQUESTED.
- B-2 Evidence Based Treatment Practices. Presented by Commissioner Lisa Naito, LPSCC Chair; Eric Martin, Director of Addiction Counseling and Certification; Dennis McCarty, OHSU; Michael Finigan, NPC, and Invited Others. 90 MINUTES REQUESTED.

Wednesday, April 18, 2007 – 9:00 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **PUBLIC HEARINGS**

**[Please Note: Any action taken by the Board on the following Measure 37  
Claims will be ratified at the April 19th Board Meeting.]**

- PH-1 Public Hearing to consider and possibly act upon a Measure 37 Claim by Alfred Feller for compensation or relief from regulations to allow for the development of a single family residence on property located north of 34242 SE Smith Road, Corbett. [1S, R4E, Sec 03B, TL 400] (Case File T1-06-077)
- PH-2 Public Hearing to consider and possibly act upon a Measure 37 Claim by Martha Glaser for compensation or relief from regulations to allow the development of a single family residence on property located west of 13801 NW Charlton Road, Portland. [T2N, R1W, Sec 16C, TL 600] (Case File T1-06-093)
- PH-3 Public Hearing to consider and possibly act upon a Measure 37 Claim by Robert and Cheryl Wiley for \$225,000 in compensation or relief from regulations to allow the development of a single family residence on property located west of 13801 NW Charlton Road, Portland. [T2N, R1W, Sec 16C, TL 500] (Case File T1-06-078)
- 

Thursday, April 19, 2007 - 9:30 AM  
Multnomah Building, First Floor Commissioners Boardroom 100  
501 SE Hawthorne Boulevard, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR - 9:30 AM** **DEPARTMENT OF COMMUNITY SERVICES**

- C-1 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to BOBBY A. BERG
- C-2 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to CREIGHTON TONG

- C-3 Ratification of an ORDER in the matter of the Measure 37 Claim by Alfred Feller for compensation or relief from regulations to allow for the development of a single family residence on property located north of 34242 SE Smith Road, Corbett
- C-4 Ratification of an ORDER in the matter of the Measure 37 Claim by Martha Glaser for compensation or relief from regulations to allow the development of a single family residence on property located west of 13801 NW Charlton Road, Portland
- C-5 Ratification of an ORDER in the matter of the Measure 37 Claim by Robert and Cheryl Wiley for \$225,000 in compensation or relief from regulations to allow the development of a single family residence on property located west of 13801 NW Charlton Road, Portland

**REGULAR AGENDA**

**PUBLIC COMMENT - 9:30 AM**

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

**DEPARTMENT OF COUNTY MANAGEMENT – 9:30 AM**

- R-1 PROCLAMATION Proclaiming the week of April 22 through April 28, 2007 ADMINISTRATIVE PROFESSIONALS WEEK in Multnomah County, Oregon

**DISTRICT ATTORNEY'S OFFICE – 9:35 AM**

- R-2 PROCLAMATION Proclaiming the week of April 22, through April 28, 2007 as NATIONAL CRIME VICTIMS' RIGHTS WEEK in Multnomah County, Oregon

**NON-DEPARTMENTAL - 9:40 AM**

- R-3 PROCLAMATION Proclaiming April 15 through April 21, 2007 as MULTNOMAH COUNTY VOLUNTEER WEEK and April 25, 2007 as a SPECIAL DAY OF RECOGNITION FOR MULTNOMAH COUNTY VOLUNTEERS
- R-4 Chair Ted Wheeler's Executive Budget Message for Fiscal Year 2008

- R-5 Public Hearing and Consideration of RESOLUTION Approving the Chair's Proposed Fiscal Year 2008 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by ORS 294.421
- R-6 First Reading and Proposed Adoption of ORDINANCE Repealing Ordinances 1055 and 1060 to Delete the Real Property Compensation Law (Ballot Measure 37) Subchapter from the Multnomah County Code (§§27.500 – 27.565), and Declaring an Emergency
- R-7 Sustainable Development Commission Annual Report. Presented by Commissioner Jeff Cogen, Sustainable Development Commission Chair Pamela Brody and Invited Others. 25 MINUTES REQUESTED.

**DEPARTMENT OF COUNTY MANAGEMENT – 10:50 AM**

- R-8 RESOLUTION Certifying an Estimate of Expenditures for Fiscal Year 2007-2008 for Assessment and Taxation in Accordance with ORS 294.175

**DEPARTMENT OF COUNTY HUMAN SERVICES – 10:55 AM**

- R-9 Budget Modification DCHS-19 Increasing the Mental Health and Addiction Services Appropriation by \$1,853,919 to Reflect State of Oregon Funding Revisions, Increased Oregon Health Plan Premiums, and Increasing County General Contingency by \$37,550

**DEPARTMENT OF COMMUNITY JUSTICE – 11:00 AM**

- R-10 Budget Modification DCJ-17 Appropriating \$3,750 in U.S. Department of Justice Funds to Support Collaboration between the Department of Corrections and the Community for Re-entry Programs for Offenders that are Released from Institutions to Multnomah County

**DEPARTMENT OF HEALTH – 11:05 AM**

- R-11 NOTICE OF INTENT to Apply for Grant Funding through the Northwest Health Foundation to Support the Community Coalition to Address Childhood Obesity in North Portland Project
- R-12 Budget Modification HD-14 Appropriating \$49,534 Grant Funding from the Oregon Research Institute to the Health Department for Research and Evaluation Services

R-13 Budget Modification HD-20 Appropriating \$13,962 in Additional Revenue for the Health Department, Community Health Services from a Grant Award from the Robert Wood Johnson Foundation

R-14 Budget Modification HD-26 Appropriating \$50,000 from the Northwest Health Foundation to the Health Department for MultiCare Dental Services

**BOARD COMMENT – 11:15 AM**

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST short form**

**Board Clerk Use Only**

Meeting Date: 04/19/07  
 Agenda Item #: C-1  
 Est. Start Time: 9:30 AM  
 Date Submitted: 04/04/07

**Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to BOBBY A. BERG**

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

<b>Date Requested:</b>	<u>April 19, 2007</u>	<b>Time Requested:</b>	<u>Consent Item</u>
<b>Department:</b>	<u>Community Services</u>	<b>Division:</b>	<u>Tax Title</u>
<b>Contact(s):</b>	<u>Gary Thomas</u>		
<b>Phone:</b>	<u>503-988-3590</u>	<b>Ext.</b>	<u>22591</u>
<b>Presenter(s):</b>	<u>Gary Thomas</u>		
<b>I/O Address:</b>	<u>503/4/TT</u>		

**General Information**

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

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to BOBBY A. BERG.

**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 subject property is a strip that came into county ownership through the foreclosure of delinquent tax liens on June 8, 1964. The parcel is more or less 4 feet wide at the west end, 2.18 feet wide at the east end and 65 feet long. It contains approximately 201 square feet. The property is located at the rear of 10920 SE Schiller St and adjacent to a proposed new development of homes. We propose to sell the strip to the owner of 10920 SE Schiller St.

Exhibit A, plat map shows the shape and location of the strip. Exhibit B, an aerial photo shows the parcel in relation to the adjacent properties.

Tax Title Division is confident that the shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

This action affects our Vibrant Communities Program Offer by placing a tax foreclosed property back onto the tax roll.

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

The private sale will allow for the recovery of the delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit C).

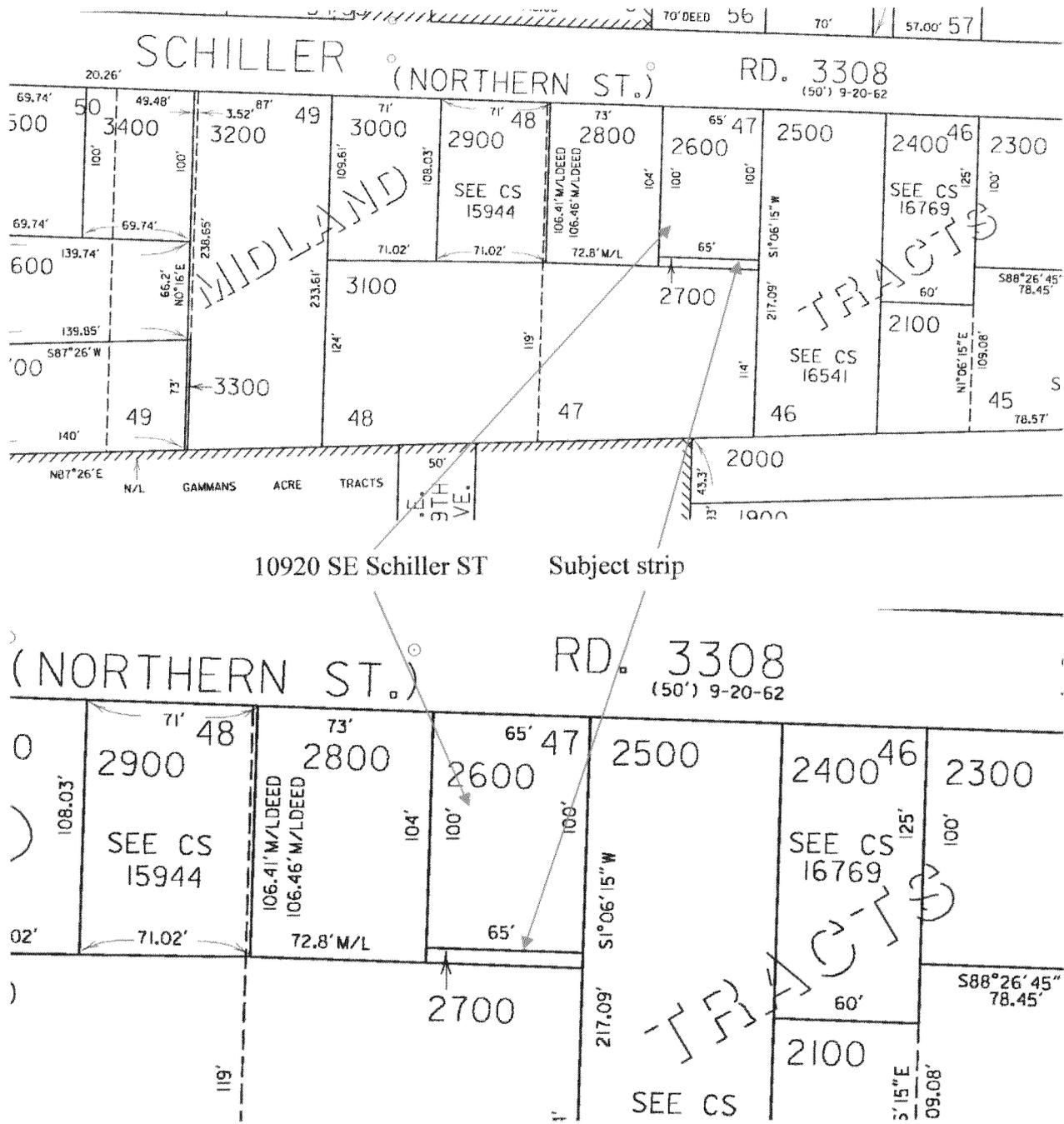
**4. Explain any legal and/or policy issues involved.**

No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.

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

No citizen or government participation is anticipated.

# EXHIBIT A



**EXHIBIT B**



Subject strip

10920 SE Schiller St

**EXHIBIT C**  
**PROPOSED PROPERTY LISTED FOR PRIVATE SALE**

**LEGAL DESCRIPTION:**

Midland Acre Tracts                      Lot 47  
Tax Lot #12

**ADJACENT PROPERTY ADDRESS:**                      10920 SE Schiller ST

**TAX ACCOUNT NUMBER:**                                      R218321

**GREENSPACE DESIGNATION:**                              No designation

**SIZE OF PARCEL:**    Approximately 201 square feet

**ASSESSED VALUE:**    \$500

**ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE**

**BACK TAXES & INTEREST:**

**TAX TITLE MAINTENANCE COST & EXPENSES:**

**RECORDING FEE:**

**SUB-TOTAL**

**MINIMUM PRICE REQUEST OF PRIVATE SALE**

	\$3.83
	\$-0-
	\$26.00
	\$29.83
	\$100.00

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**Required Signature**

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**Department/  
Agency Director:**

*M. Cecilia Johnson*

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**Date: 04/04/07**

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Authorizing the Private Sale of a Tax Foreclosed Property to BOBBY A. BERG

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

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the property interest described as follows:

In that certain TAX FORECLOSURE DEED dated June 8, 1964, first recorded on June 8, 1964 at Book 58 and Page 400; and re-recorded on June 9, 1964; at Book 59 and Page 203 in the Multnomah County Deed Records; being the first property interest listed on Page 206 of said re-recorded TAX FORECLOSURE DEED.

- b. The property has an assessed value of \$500.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. BOBBY A. BERG has agreed to pay \$100, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

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

1. Upon Tax Title's receipt of the payment of \$100 the Chair on behalf of Multnomah County is authorized to execute a deed conveying to BOBBY A. BERG the above described real property within Multnomah County, Oregon.

ADOPTED this 19th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

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

Until a change is requested, all tax statements  
shall be sent to the following address:  
BOBBY A. BERG  
10920 SE SCHILLER ST  
PORTLAND OR 97266

After recording, return to:  
MULTNOMAH COUNTY  
TAX TITLE DIVISION  
503/4

**Deed D072133 For R218321**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BOBBY A. BERG, Grantee, the property described as follows:

In that certain TAX FORECLOSURE DEED dated June 8, 1964, first recorded on June 8, 1964 at Book 58 and Page 400; and re-recorded on June 9, 1964; at Book 59 and Page 203 in the Multnomah County Deed Records; being the first property interest listed on Page 206 of said re-recorded TAX FORECLOSURE DEED.

The true consideration paid for this transfer is \$100.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES 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 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 19th day of April 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON            )  
  ) ss  
COUNTY OF MULTNOMAH    )

This Deed was acknowledged before me this 19th day of April 2007, by Ted Wheeler, 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.

\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 07-064**

Authorizing the Private Sale of a Tax Foreclosed Property to BOBBY A. BERG

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

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In that certain TAX FORECLOSURE DEED dated June 8, 1964, first recorded on June 8, 1964 at Book 58 and Page 400; and re-recorded on June 9, 1964; at Book 59 and Page 203 in the Multnomah County Deed Records; being the first property interest listed on Page 206 of said re-recorded TAX FORECLOSURE DEED.

- b. The property has an assessed value of \$500.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. BOBBY A. BERG has agreed to pay \$100, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

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

1. Upon Tax Title's receipt of the payment of \$100 the Chair on behalf of Multnomah County is authorized to execute a deed conveying to BOBBY A. BERG the above described real property within Multnomah County, Oregon.

ADOPTED this 19th day of April, 2007.

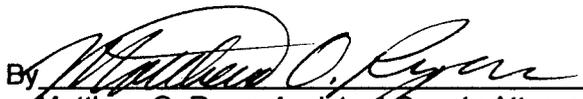


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Dept. of Community Services

Until a change is requested, all tax statements  
shall be sent to the following address:  
BOBBY A. BERG  
10920 SE SCHILLER ST  
PORTLAND OR 97266

After recording, return to:  
MULTNOMAH COUNTY  
TAX TITLE DIVISION  
503/4

**Deed D072133 For R218321**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to BOBBY A. BERG, Grantee, the property described as follows:

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IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 19th day of April 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 19th day of April 2007, by Ted Wheeler, 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.

\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09

Until a change is requested, all tax statements  
shall be sent to the following address:  
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PORTLAND OR 97266

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MULTNOMAH COUNTY  
TAX TITLE DIVISION  
503/4

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BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

*Ted Wheeler*  
Ted Wheeler, Chair

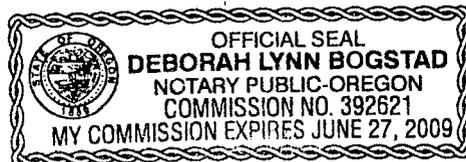
REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By *Matthew O. Ryan*  
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH        )

This Deed was acknowledged before me this 19th day of April 2007, by Ted Wheeler, 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.



*Deborah Lynn Bogstad*  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST short form**

**Board Clerk Use Only**

Meeting Date: 04/19/07  
 Agenda Item #: C-2  
 Est. Start Time: 9:30 AM  
 Date Submitted: 04/04/07

**Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to CREIGHTON TONG**

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

<b>Date Requested:</b>	<u>April 19, 2007</u>	<b>Time Requested:</b>	<u>Consent Item</u>
<b>Department:</b>	<u>Community Services</u>	<b>Division:</b>	<u>Tax Title</u>
<b>Contact(s):</b>	<u>Gary Thomas</u>		
<b>Phone:</b>	<u>503-988-3590</u>	<b>Ext.</b>	<u>22591</u>
<b>Presenter(s):</b>	<u>Gary Thomas</u>		
<b>I/O Address:</b>	<u>503/4/TT</u>		

**General Information**

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

The Tax Title Section is requesting the Board to approve the private sale of a tax foreclosed property to CREIGHTON TONG.

**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 subject property is a small rectangular shaped parcel that came into county ownership through the foreclosure of delinquent tax liens on October 25, 1985. The parcel is more or 6.5' x 10' and contains approximately 65 square feet. The property is located at the rear of and to the west of 623 SW Sherman St. and appears to be in the yard area of that property. A motel complex is adjacent to the west. We propose to sell the strip to the owner of 623 SW Sherman St.

Exhibit A, plat map shows the shape and location of the strip. Exhibit B, an aerial photo shows the parcel in relation to the adjacent properties.

Tax Title Division is confident that the shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

This action affects our Vibrant Communities Program Offer by placing a tax foreclosed property back onto the tax roll.

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

The private sale will allow for the recovery of a portion of the delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit C).

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

No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.

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

No citizen or government participation is anticipated.



**EXHIBIT B**



623 SW Sherman St.

Subject property

**EXHIBIT C**  
**PROPOSED PROPERTY LISTED FOR PRIVATE SALE**

LEGAL DESCRIPTION:

CARUTHERS ADD                      W 6.5' OF N 10' OF LOT 3 BLOCK 33

ADJACENT PROPERTY ADDRESS:                      623 SW Sherman St.

TAX ACCOUNT NUMBER:                      R128731

GREENSPACE DESIGNATION:                      No designation

SIZE OF PARCEL:                      Approximately 65 square feet

ASSESSED VALUE:                      \$200

**ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE**

BACK TAXES & INTEREST:

\$16.32

TAX TITLE MAINTENANCE COST & EXPENSES:

\$-0-

RECORDING FEE:

\$26.00

SUB-TOTAL

\$42.32

MINIMUM PRICE REQUEST OF PRIVATE SALE

\$26.00

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**Required Signature**

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**Department/  
Agency Director:**

*M. Cecilia Johnson*

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**Date: 04/04/07**

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Authorizing the Private Sale of a Tax Foreclosed Property to CREIGHTON TONG

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

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following described real property:

CARUTHERS ADD W 6.5' OF N 10' OF LOT 3 BLOCK 33

- b. The property has an assessed value of \$200.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. CREIGHTON TONG has agreed to pay \$26, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

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

1. Upon Tax Title's receipt of the payment of \$26 the Chair on behalf of Multnomah County is authorized to execute a deed conveying to CREIGHTON TONG the above described real property within Multnomah County, Oregon.

ADOPTED this 19th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

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

Until a change is requested, all tax statements  
shall be sent to the following address:  
CREIGHTON TONG  
623 SW SHERMAN ST  
PORTLAND OR 97201-4927

After recording, return to:  
MULTNOMAH COUNTY  
TAX TITLE DIVISION  
503/4

**Deed D072132 For R128731**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to CREIGHTON TONG, Grantee, the following described real property:

CARUTHERS ADD W 6.5' OF N 10' OF LOT 3 BLOCK 33

The true consideration paid for this transfer is \$26.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES 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 197.352

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 19th day of April 2007, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 19th day of April 2007, by Ted Wheeler, 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.

\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 07-065**

Authorizing the Private Sale of a Tax Foreclosed Property to CREIGHTON TONG

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

- a. Multnomah County acquired through the foreclosure of liens for delinquent real property taxes, the following described real property:

CARUTHERS ADD W 6.5' OF N 10' OF LOT 3 BLOCK 33

- b. The property has an assessed value of \$200.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the irregular shape and size of the property make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. CREIGHTON TONG has agreed to pay \$26, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

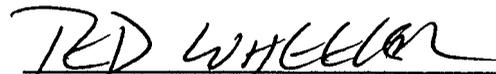
**The Multnomah County Board of Commissioners Resolves:**

1. Upon Tax Title's receipt of the payment of \$26 the Chair on behalf of Multnomah County is authorized to execute a deed conveying to CREIGHTON TONG the above described real property within Multnomah County, Oregon.

ADOPTED this 19th day of April, 2007.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

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

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CREIGHTON TONG  
623 SW SHERMAN ST  
PORTLAND OR 97201-4927

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MULTNOMAH COUNTY  
TAX TITLE DIVISION  
503/4

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BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH         )

This Deed was acknowledged before me this 19th day of April 2007, by Ted Wheeler, 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.

\_\_\_\_\_  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09

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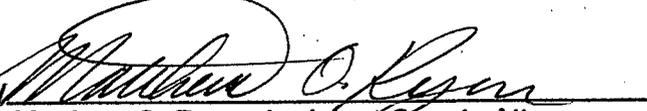


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

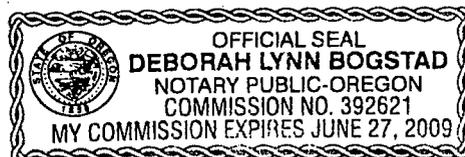
REVIEWED:

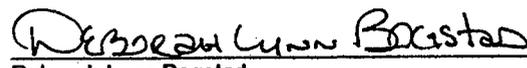
AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON                    )  
  ) ss  
COUNTY OF MULTNOMAH        )

This Deed was acknowledged before me this 19th day of April 2007, by Ted Wheeler, 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.



  
Deborah Lynn Bogstad  
Notary Public for Oregon  
My Commission expires: 6/27/09



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 04/19/07  
**Agenda Item #:** C-3  
**Est. Start Time:** 9:30 AM  
**Date Submitted:** 04/04/07

**Agenda Title:** **Ratification of an ORDER in the matter of the Measure 37 Claim by Alfred Feller for compensation or relief from regulations to allow for the development of a single family residence on property located north of 34242 SE Smith Road, Corbett [1S, R4E, Sec 03B, TL 400] (Case File T1-06-077)**

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

**Requested Meeting Date:** April 19, 2007      **Amount of Time Needed:** N/A  
**Department:** Community Services      **Division:** Land Use & Transportation  
**Contact(s):** Derrick Tokos, Don Kienholz, Sandra Duffy  
**Phone:** 503-988-3043      **Ext.** 29270      **I/O Address:** 455/116  
**Presenter(s):** Consent Calendar

**General Information**

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

Board adoption of an Order ratifying its decision regarding a Measure 37 claim by Alfred Feller to waive land use regulations which prohibit the development of a single family dwelling on property located north of 34242 SE Smith Road. Land use planning has outlined an approach to deciding this claim in a staff report dated April 4, 2007.

**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.**

For a claim to be valid, the land use regulations challenged must restrict the claimants use of private real property in a manner that reduces the fair market value of the property relative to how the property could have been used at the time the claimants acquired the property. As outlined in the staff report dated April 4, 2007, and memorandum from the County Attorney's Office, this requirement has been met.

The claimant, Alfred Feller, is seeking compensation or relief from land use regulations to allow the

2.01 acre property to be developed with a single family dwelling. He acquired an interest in the property on July 6, 1977. County zoning for the property in 1977 was F-2. Current Exclusive Farm Use (EFU) zoning regulations contain approval criteria in order to establish a new primary farm dwelling on vacant land. As discussed in the staff report, the claimant cannot satisfy these criteria.

The use the claimant asserts has been restricted is their ability to develop a single family dwelling. The F2 zone in effect at the time the claimants purchased the property allowed a dwelling. The claimants have established that land use regulations enacted after they acquired the subject property have prevented them from building a home.

Staff recommends the Board of Commissioners find this to be a valid claim.

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

Comparable sales data provided by the claimant establishes that current regulations have reduced the fair market value of the property. The County Assessor concurred in a memo dated February 21, 2007. Additional appraisal work is needed should the Board prefer compensation as an alternative to regulatory relief.

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

Policy and legal issues are outlined in a staff report from Land Use Planning dated April 4, 2007. The County Attorney has advised that any property rights obtained by relief from land use regulations are not transferable under Ballot Measure 37, consistent with the DOJ opinion of February 2005.

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

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, and the claimant. Deliberation and any action on this item will be done following a public hearing at which interested citizens will have an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

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**Required Signature**

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



**Date: 04/04/07**

# DRAFT

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

ORDER NO. \_\_\_\_\_

Order Granting, with Conditions, Ballot Measure 37 Request of Alfred Feller Relating to a Parcel of Land Located North of 34242 SE Smith Road, Tax Lot 400, Section 03B, Township 1S, Range 4E, W.M., Corbett, Multnomah County, Oregon

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

- a. **Party:** Alfred Feller is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County on November 7, 2006.
- b. **Subject Real Property:** This claim relates to real property located North of 34242 SE Smith Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 400, Section 03B, Township 1S, Range 4E, W.M.  
Tax Account # R-994030830

- c. **Adequacy of Demand for Compensation:**

**The material submitted by the Claimant constitutes a complete written demand for compensation as required by Multnomah County Code 27.520.**

On November 7, 2006, the claimant submitted a Measure 37 Claim Form. Title information from Chicago Title Insurance Company was submitted January 19, 2007. A comparative market analysis was submitted with the November 7 claim. The claimant identified the specific regulations that restrict the use of the property and reduce the fair-market value of the property. These and other materials in the claim record constitute a complete written demand for compensation complying with the county's requirements (MCC 27.520).

The Board finds that the materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.

- d. **Relevant Dates of Property Ownership:**

**The Claimant has established that he obtained an interest in the property prior to the County's adoption of the land use regulations challenged in this claim.**

The zoning of the parcel was F-2 on July 6, 1977 when the claimant acquired the property (Book 1190, Pages 2360 to 2361). The F-2 district was an agricultural zone, that allowed dwellings (§3.1231, Ord. #100). The minimum lot size in this district was 2 acres (§3.1240.1, Ord. #100). The zoning changed from F-2 to MUA-20 on October 6, 1977 (20 ac. min. lot size) and to EFU on August 14, 1980 (80 acre min. lot size). EFU rules also

# DRAFT

generally limit the establishment of new dwellings to those that are necessary for farm purposes (§35.2600 et. seq.). The claimant is challenging the current EFU regulations.

The Board finds that the claimant obtained an interest in the subject property on July 6, 1977, prior to the county adopting the challenged regulations set out in the claim.

e. **County Codes as a Restriction on Use of the Property:**

**The Claimant has established that the challenged land use regulations have restricted his use of the property.**

The F-2 zoning in effect when the claimant acquired the property allowed a dwelling (§3.1231, Ord. #100). The property is presently zoned Exclusive Farm Use (EFU). The EFU regulations contain specific standards for qualifying a dwelling that are more restrictive than the F-2 requirements, and have the effect of preventing a dwelling from being constructed on the property.

The following are the specific EFU regulations which would prevent the establishment of a dwelling on the property. These regulations and the Comprehensive Plan policies they implement, need to be set aside in lieu of compensation:

- *MCC 35.2625(D)(2) – Large Acreage Farm Dwelling on Non-High Value Farmland Soils*

The claimant's property consists of Mershon Silt Loam soils with an 8 to 15 percent slope (Unit 27C)<sup>1</sup>. These are not high-value soils. Properties, such as the claimant's, that do not contain high value soils must be 160-acres in order to qualify for a dwelling. The subject property cannot meet this requirement because it is only 4 acres in size.

- *MCC 35.2625(D)(3) – Farm Dwelling on Non-High Value Farmland Soils capable of producing the median level of annual gross sales*

This regulation includes a standard prohibiting authorization of a dwelling on properties smaller than 10 acres in size. Since the subject property is only 4 acres, a dwelling could not be approved.

- *MCC 35.2625(D)(4) – Farm Income Test for Establishing a Farm Dwelling on Non-High Value Farmland Soils*

This regulation requires proof of a certain level of farm income related to the property in order to establish a new primary farm dwelling on vacant land. The threshold for properties consisting of non-high value soils is \$40,000 gross annual income from the sale of farm products grown on a subject tract in the last two years, or for three of the last five years. At only 4 acres in size and with a creek running through the property, this property cannot produce enough agricultural yield to meet this income requirement.

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<sup>1</sup> (1983) Soil Survey of Multnomah County, United States Department of Agriculture & Soil Conservation Service.

# DRAFT

- *MCC 35.2625(F) – Heritage Tract Dwelling on parcel not containing high-value farmland.*

This regulation requires the subject tract to not contain another single family dwelling and not be identified as high-value farmland in order to qualify for a new single family dwelling. The claimant's property at 34242 SE Smith Road is part of the tract and contains a dwelling. Consequently, a second dwelling cannot be approved.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. The County anticipates the state will take a similar position with this claim. This may impact the claimant's ability to construct a dwelling on the property.

The Board finds that the Claimant has established that the challenged land use regulations have restricted his use of the subject property.

f. **County Code Restrictions Reduce Fair Market Value:**

**The Claimant has established that the challenged land use regulations have reduced the fair market value of the property.**

The zoning of the lot was F-2 when the claimant acquired the property as previously discussed. In 1977, the zone district allowed a "*Single family dwelling constructed on the site and for which a building permit is required.*" Current EFU regulations further restrict the property, such that a dwelling cannot be constructed. It is these additional restrictions that have reduced the fair market value of the property.

The claimant has not submitted an appraisal which assesses the current value of the property without the right to build a home. Instead, the claimant has submitted a comparable analysis. The dataset contains a Market Action Report prepared by Frani Grover of the Willamette Realty Group. The data set includes sales prices of buildable lots and non-buildable lots in the 97060, 97019 and 97055 zip codes.

While this information is not sufficient to establish a dollar amount for compensation, it is adequate to establish that property which is eligible for the construction of a dwelling is valued more highly than property which is not eligible for the construction of a dwelling.<sup>2</sup>

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<sup>2</sup> The alternative data submitted assumes the ability to develop the lots is transferable by sale which contradicts the Attorney General's opinion on transferability. Also, the alternative data looks only at the current market value of the property and comparable properties. It does not look at the impact of the regulations at the time they were imposed. The land use regulations challenged in this claim have constrained the supply of developable properties in this area, the result of which may impact land values of the remaining developable properties in a positive manner [(2006) Jaeger, W., The effects of Land-Use Regulations on Property Values, Environmental Law (VOL 36) Pages 105-130]. That impact on the value is not considered in the analysis.

# DRAFT

Bob Alcantara, Senior Appraisal Supervisor with the Multnomah County Division of Assessment and Taxation provided his department's interpretation on the reduction of value issue for this claim (Exhibit 10). In that memo, Mr. Alcantara indicated that the comparables were reasonable and there had been a reduction in real market value.

The Board finds that the Claimant has established that the challenged regulations have reduced the fair market value of the subject property.

**g. Public Notice**

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. The Claimant and persons who own land within 750 feet of the subject property received notice by mail.

**h. Validity of Claim for Compensation:** The Board finds that:

- (1) The claim material submitted by the Claimant constitutes a complete written demand for compensation as required by Measure 37 and Multnomah County Code 27.530.
- (2) The Claimant's acquisition of the subject property on July 6, 1977, preceded the County's adoption of the land use regulations challenged in this claim.
- (3) The Claimant has established that the challenged land use regulations have restricted his use of the subject property.
- (4) The Claimant has established that the challenged land use regulations have reduced the fair market value of the subject property.

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

- 1. Claimant's Measure 37 claim is granted.**
- 2. The County will not pay the compensation demanded by Claimant.**
- 3. In lieu of compensation, the County shall not apply the challenged regulations to allow the Claimant to use the property for residential purposes as described in this Order. This action by the Board provides the County's authorization to the claimant to use their property subject to the standards in effect on July 6, 1977.**
- 4. Section 3 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.**

# DRAFT

**5. The following Conditions of Approval apply to this decision:**

- (a) Section 3 above does not constitute a waiver or modification of corresponding state laws, state administrative rules or metropolitan service district regulations that enforce land use regulations applicable to the property.
- (b) To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the property may not be used without a permit, license, or other form of authorization or consent, this order does not authorize the use of the property unless the claimants first obtain that permit, license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the property imposed by private parties.
- (c) Any use of the property by the claimant under the terms of this order remain subject to the following laws or local codes: (a) those in effect on the date of the acquisition of the subject property; (b) any enacted or enforced by a public entity other than the County; and (c) those laws not subject to Measure 37 including, without limitation, those exempted under Section (3) of Measure 37.
- (d) Any rights obtained by a claimant through the Board's grant of a waiver of County land use regulations, is transferable only to the extent allowed by law.

ADOPTED this 18th day of April, 2007, ratified April 19, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

SUBMITTED BY:  
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 07-061**

Order Granting, with Conditions, Ballot Measure 37 Request of Alfred Feller Relating to a Parcel of Land Located North of 34242 SE Smith Road, Tax Lot 400, Section 03B, Township 1S, Range 4E, W.M., Corbett, Multnomah County, Oregon

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

- a. **Party:** Alfred Feller is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County on November 7, 2006.
- b. **Subject Real Property:** This claim relates to real property located North of 34242 SE Smith Road, Multnomah County, Oregon, more specifically described as:

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- c. **Adequacy of Demand for Compensation:**

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On November 7, 2006, the claimant submitted a Measure 37 Claim Form. Title information from Chicago Title Insurance Company was submitted January 19, 2007. A comparative market analysis was submitted with the November 7 claim. The claimant identified the specific regulations that restrict the use of the property and reduce the fair-market value of the property. These and other materials in the claim record constitute a complete written demand for compensation complying with the county's requirements (MCC 27.520).

The Board finds that the materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.

- d. **Relevant Dates of Property Ownership:**

**The Claimant has established that he obtained an interest in the property prior to the County's adoption of the land use regulations challenged in this claim.**

The zoning of the parcel was F-2 on July 6, 1977 when the claimant acquired the property (Book 1190, Pages 2360 to 2361). The F-2 district was an agricultural zone, that allowed dwellings (§3.1231, Ord. #100). The minimum lot size in this district was 2 acres (§3.1240.1, Ord. #100). The zoning changed from F-2 to MUA-20 on October 6, 1977 (20 ac. min. lot size) and to EFU on August 14, 1980 (80 acre min. lot size). EFU rules also

generally limit the establishment of new dwellings to those that are necessary for farm purposes (§35.2600 et. seq.). The claimant is challenging the current EFU regulations.

The Board finds that the claimant obtained an interest in the subject property on July 6, 1977, prior to the county adopting the challenged regulations set out in the claim.

e. **County Codes as a Restriction on Use of the Property:**

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The F-2 zoning in effect when the claimant acquired the property allowed a dwelling (§3.1231, Ord. #100). The property is presently zoned Exclusive Farm Use (EFU). The EFU regulations contain specific standards for qualifying a dwelling that are more restrictive than the F-2 requirements, and have the effect of preventing a dwelling from being constructed on the property.

The following are the specific EFU regulations which would prevent the establishment of a dwelling on the property. These regulations and the Comprehensive Plan policies they implement, need to be set aside in lieu of compensation:

- ***MCC 35.2625(D)(2) – Large Acreage Farm Dwelling on Non-High Value Farmland Soils***

The claimant's property consists of Mershon Silt Loam soils with an 8 to 15 percent slope (Unit 27C)<sup>1</sup>. These are not high-value soils. Properties, such as the claimant's, that do not contain high value soils must be 160-acres in order to qualify for a dwelling. The subject property cannot meet this requirement because it is only 4 acres in size.

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This regulation includes a standard prohibiting authorization of a dwelling on properties smaller than 10 acres in size. Since the subject property is only 4 acres, a dwelling could not be approved.

- ***MCC 35.2625(D)(4) – Farm Income Test for Establishing a Farm Dwelling on Non-High Value Farmland Soils***

This regulation requires proof of a certain level of farm income related to the property in order to establish a new primary farm dwelling on vacant land. The threshold for properties consisting of non-high value soils is \$40,000 gross annual income from the sale of farm products grown on a subject tract in the last two years, or for three of the last five years. At only 4 acres in size and with a creek running through the property, this property cannot produce enough agricultural yield to meet this income requirement.

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<sup>1</sup> (1983) Soil Survey of Multnomah County, United States Department of Agriculture & Soil Conservation Service.

- *MCC 35.2625(F) – Heritage Tract Dwelling on parcel not containing high-value farmland.*

This regulation requires the subject tract to not contain another single family dwelling and not be identified as high-value farmland in order to qualify for a new single family dwelling. The claimant's property at 34242 SE Smith Road is part of the tract and contains a dwelling. Consequently, a second dwelling cannot be approved.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. The County anticipates the state will take a similar position with this claim. This may impact the claimant's ability to construct a dwelling on the property.

The Board finds that the Claimant has established that the challenged land use regulations have restricted his use of the subject property.

f. **County Code Restrictions Reduce Fair Market Value:**

**The Claimant has established that the challenged land use regulations have reduced the fair market value of the property.**

The zoning of the lot was F-2 when the claimant acquired the property as previously discussed. In 1977, the zone district allowed a "*Single family dwelling constructed on the site and for which a building permit is required.*" Current EFU regulations further restrict the property, such that a dwelling cannot be constructed. It is these additional restrictions that have reduced the fair market value of the property.

The claimant has not submitted an appraisal which assesses the current value of the property without the right to build a home. Instead, the claimant has submitted a comparable analysis. The dataset contains a Market Action Report prepared by Frani Grover of the Willamette Realty Group. The data set includes sales prices of buildable lots and non-buildable lots in the 97060, 97019 and 97055 zip codes.

While this information is not sufficient to establish a dollar amount for compensation, it is adequate to establish that property which is eligible for the construction of a dwelling is valued more highly than property which is not eligible for the construction of a dwelling.<sup>2</sup>

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<sup>2</sup> The alternative data submitted assumes the ability to develop the lots is transferable by sale which contradicts the Attorney General's opinion on transferability. Also, the alternative data looks only at the current market value of the property and comparable properties. It does not look at the impact of the regulations at the time they were imposed. The land use regulations challenged in this claim have constrained the supply of developable properties in this area, the result of which may impact land values of the remaining developable properties in a positive manner [(2006) Jaeger, W., *The effects of Land-Use Regulations on Property Values*, Environmental Law (VOL 36) Pages 105-130]. That impact on the value is not considered in the analysis.

Bob Alcantara, Senior Appraisal Supervisor with the Multnomah County Division of Assessment and Taxation provided his department's interpretation on the reduction of value issue for this claim (Exhibit 10). In that memo, Mr. Alcantara indicated that the comparables were reasonable and there had been a reduction in real market value.

The Board finds that the Claimant has established that the challenged regulations have reduced the fair market value of the subject property.

**g. Public Notice**

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. The Claimant and persons who own land within 750 feet of the subject property received notice by mail.

**h. Validity of Claim for Compensation:** The Board finds that:

- (1) The claim material submitted by the Claimant constitutes a complete written demand for compensation as required by Measure 37 and Multnomah County Code 27.530.
- (2) The Claimant's acquisition of the subject property on July 6, 1977, preceded the County's adoption of the land use regulations challenged in this claim.
- (3) The Claimant has established that the challenged land use regulations have restricted his use of the subject property.
- (4) The Claimant has established that the challenged land use regulations have reduced the fair market value of the subject property.

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

- 1. Claimant's Measure 37 claim is granted.**
- 2. The County will not pay the compensation demanded by Claimant.**
- 3. In lieu of compensation, the County shall not apply the challenged regulations to allow the Claimant to use the property for residential purposes as described in this Order. This action by the Board provides the County's authorization to the claimant to use their property subject to the standards in effect on July 6, 1977.**
- 4. Section 3 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.**

5. The following Conditions of Approval apply to this decision:

- (a) Section 3 above does not constitute a waiver or modification of corresponding state laws, state administrative rules or metropolitan service district regulations that enforce land use regulations applicable to the property.
- (b) To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the property may not be used without a permit, license, or other form of authorization or consent, this order does not authorize the use of the property unless the claimants first obtain that permit, license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the property imposed by private parties.
- (c) Any use of the property by the claimant under the terms of this order remain subject to the following laws or local codes: (a) those in effect on the date of the acquisition of the subject property; (b) any enacted or enforced by a public entity other than the County; and (c) those laws not subject to Measure 37 including, without limitation, those exempted under Section (3) of Measure 37.
- (d) Any rights obtained by a claimant through the Board's grant of a waiver of County land use regulations, is transferable only to the extent allowed by law.

ADOPTED this 18th day of April, 2007, ratified April 19, 2007.

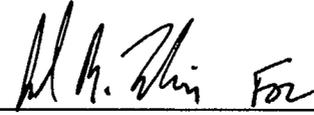


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

SUBMITTED BY:

Agnes Sowle, County Attorney



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 04/19/07
Agenda Item #: C-4
Est. Start Time: 9:30 AM
Date Submitted: 04/18/07

Ratification of an ORDER in the matter of the Measure 37 Claim by Martha Glaser for compensation or relief from regulations to allow the development of a single family residence on property located west of 13801 NW Charlton Road, Portland [T2N, R1W, Sec 16C, TL 600] (Case File T1-06-093)

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

Requested Meeting Date: April 19, 2007
Amount of Time Needed: N/A
Department: Community Services
Division: Land Use & Transportation
Contact(s): Derrick Tokos, Don Kienholz, Sandra Duffy
Phone: 503-988-3043 Ext. 29270 I/O Address: 455/116
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Board adoption of an Order ratifying its decision regarding a Measure 37 claim by Martha Glaser to waive land use regulations which prohibit the development of a single family dwelling on property located west of 13801 NW Charlton Road. Land use planning has outlined an approach to deciding this claim in a staff report dated April 3, 2007.

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.

For a claim to be valid, the land use regulations challenged must restrict the claimants use of private real property in a manner that reduces its fair market value relative to how it could have been used at the time the claimant acquired the property. As outlined in the staff report April 3, 2007, and memorandum from the County Attorney's Office, this requirement has been met.

The claimant, Martha Glaser, is seeking compensation or relief from land use regulations to allow the 2.01 acre property to be developed with a single family dwelling. She acquired an interest in the

property on October 14, 1975. County zoning for the property in 1975 was F-2. The F-2 zoning in effect when the claimant acquired the property allowed a dwelling or dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber. The minimum lot size in the F-2 zone was 2 acres. Current Exclusive Farm Use (EFU) zoning regulations contain specific standards for qualifying a dwelling that the claimant cannot meet, such as proof that she has generated \$80,000 gross annual income from the sale of farm products grown on a subject tract in the last two years, or for three of the last five years.

The use the claimant asserts has been restricted is her ability to develop a single family dwelling. The claimant has established that land use regulations enacted after she acquired the subject property have prevented her from building a home and that has reduced the fair market value of the property.

Staff recommends the Board of Commissioners find this to be a valid claim.

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

Comparable sales data provided by the claimant establishes that current regulations have reduced the fair market value of the property. The County Assessor concurred in a memo dated February 21, 2007. Additional appraisal work is needed should the Board prefer compensation as an alternative to regulatory relief.

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

Policy and legal issues are outlined in a staff report from Land Use Planning April 3, 2007. The County Attorney has advised that any property rights obtained by relief from land use regulations are not transferable under Ballot Measure 37, consistent with the DOJ opinion of February 2005.

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

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, and the claimant. Deliberation and any action on this item will be done following a public hearing at which interested citizens will have an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

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**Required Signature**

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Elected Official or  
Department/  
Agency Director:



Date: 04/04/07

# DRAFT

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

ORDER NO. \_\_\_\_\_

Order Granting, with Conditions, Ballot Measure 37 Request of Martha Glaser Relating to a Parcel of Land Located West of 13801 NW Charlton Road, Tax Lot 600, Section 16C, Township 2N, Range 1 W, W.M., Portland, Multnomah County, Oregon

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

- a. **Party:** Martha Glaser is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County on November 22, 2006.
- b. **Subject Real Property:** This claim relates to real property located West of 13801 NW Charlton Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 600, Section 16C, Township 2N, Range 1 W, W.M.  
Tax Account # R-994030830

- c. **Adequacy of Demand for Compensation:**

**The materials submitted by the Claimant constitute a complete written demand for compensation as required by Multnomah County Code 27.520.**

On November 22, 2006, the claimant submitted a Measure 37 Claim Form. Title information from Ticor Title Insurance Company was submitted January 18, 2007. A comparative market analysis was submitted with the November 22 claim, along with the zoning regulations applicable in 1975 when the claimant acquired the property. The claimant identified regulations that restrict the use of the property and explained how they reduce the fair-market value of the property. These and other materials in the claim record constitute a complete written demand for compensation complying with the county's requirements (MCC 27.520).

The Board finds that the materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.

- d. **Relevant Dates of Property Ownership:**

**The Claimant has established that she obtained an interest in the property prior to the County's adoption of the land use regulations challenged in this claim.**

The zoning of the parcel was F-2 on October 14, 1975 when the property was divided out of a larger parcel and gifted to the claimant (Book 1067, Page 946). The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The minimum lot size in this district was 2 acres (§2.10, Ord. #100). The zoning changed from

# DRAFT

F-2 to RL-C on December 5, 1975 (38 ac. min. lot size), to Exclusive Farm Use-38 on October 6, 1977 (76 acre min. lot size), and to Exclusive Farm Use on August 14, 1980. EFU rules also generally limit the establishment of new dwellings to those that are necessary for farm purposes (§34.2600 et. seq.). The claimant is challenging the current EFU regulations.

The Board finds that the claimant obtained an interest in the subject property on October 14, 1975, prior to the county adopting the challenged regulations set out in the claim.

e. **County Codes as a Restriction on Use of the Property:**

**The Claimant has established that the challenged land use regulations have restricted her use of the property.**

The F-2 zoning in effect when the claimant acquired the property allowed a dwelling or dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The property is presently zoned Exclusive Farm Use (EFU). The EFU regulations contain specific standards for qualifying a dwelling that are more restrictive than the F-2 requirements, and have the effect of preventing a dwelling from being constructed on the property.

The following are the specific EFU regulations which would prevent the establishment of a dwelling on the property:

- *MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils*

This regulation requires proof of a certain level of farm income related to the property in order to establish a new primary farm dwelling on vacant land. The threshold for properties consisting of high value soils is \$80,000 gross annual income from the sale of farm products grown on a subject tract in the last two years, or for three of the last five years.

Although the subject property consists of high value Burlington fine sandy loam soils (Unit 6B)<sup>1</sup>, it is only 2.01 acres in size and is unlikely to be able to produce enough agricultural yield to meet the \$80,000 farm income test.

According to statistics published jointly by the Oregon Agricultural Statistics Service and Oregon State University Extension Service in 2001, the 1999 gross sales in Multnomah County averaged only \$11,079 per acre for nursery and greenhouse operations. Of Oregon's top 40 commodities for 2000, greenhouse and nursery products ranked number one in dollar value and were estimated to have constituted over half of the total sales of farm products in the county. This provides a reasonable high end farm related income projection for an acre of farm land<sup>2</sup>. This \$11,079 estimate provides further support that the 2.01 acre subject

<sup>1</sup> (1983) Soil Survey of Multnomah County, United States Department of Agriculture & Soil Conservation Service.

<sup>2</sup> (2001) Oregon Agricultural Statistics and Oregon State University Extension Service, Oregon Agriculture: Facts and Figures.

# DRAFT

property is most likely too small to meet the \$80,000 farm income regulation required to establish a primary farm dwelling. In fact, the average farm size in Multnomah County is 48-acres<sup>3</sup> making the 2.01 acre subject property quite small in comparison.

- *MCC 34.2625(F) – Heritage Tract Dwelling on parcel not containing high-value farmland.*

This regulation requires the subject tract to not be identified as high-value farmland in order to qualify for a new single family dwelling. As referenced above, soils on the property consist of high value Burlington fine sandy loam soils (Unit 6B)

- *MCC 34.2630(N) – Heritage Tract Dwelling on parcel containing high-value farmland*

This criterion allows for a new single family dwelling on farmland that cannot practicably be managed for farm use due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. These circumstances include “very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use.” The generally flat subject property does not contain features which consist of these physical elements, and thus could not qualify for a right to develop a new home under this standard.

- *MCC 34.2630(O) – Heritage Tract Dwelling on parcel containing high-value farmland*

This regulation requires that the subject tract to not be composed of predominately irrigated or non-irrigated soils classified prime, unique, Class I or Class II. Burlington fine sandy loam is classified as a prime soil, as indicated in the High-Value Farmland Soils table in the record.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. We anticipate the state will take a similar position with this claim. This may impact the claimant’s ability to construct a dwelling on the property.

The Board finds that the Claimant has established that the challenged land use regulations have restricted her use of the subject property.

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<sup>3</sup> (2002) USDA census data.

# DRAFT

f. **County Code Restrictions Reduce Fair Market Value:**

**The Claimant has established that the challenged land use regulations have reduced the fair market value of the property.**

The zoning of the lot was F-2 when the claimant acquired the property as previously discussed. In 1975, the zone district allowed for a *“dwelling or dwellings for owner, operator and/or help required to carry out grazing, agriculture, horticulture or the growing of timber.”* Current EFU regulations further restrict the property such that a dwelling cannot be constructed. It is these additional restrictions that have reduced the fair market value of the property.

The claimant has not submitted an appraisal which assesses the current value of the property without the right to build a home. Instead, the claimant has submitted a comparable analysis. The analysis contains data on recent sales of four properties on NW Charlton Road. The dataset contains location information, physical information, sale information, and assessment information.

While this information is not sufficient to establish a dollar amount for compensation, it is adequate to establish that property which is eligible for the construction of a dwelling is valued more highly than property which is not eligible for the construction of a dwelling.<sup>4</sup>

Bob Alcantara, Senior Appraisal Supervisor with the Multnomah County Division of Assessment and Taxation provided his department’s interpretation on the reduction of value issue for this claim in a memo dated February 21, 2007. In that memo, Mr. Alcantara indicated that the comparables were reasonable and there had been a reduction in real market value.

The Board finds that the Claimant has established that the challenged regulations have reduced the fair market value of the subject property.

g. **Public Notice**

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. The Claimant and persons who own land within 750 feet of the subject property received notice by mail.

h. **Validity of Claim for Compensation:** The Board finds that:

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<sup>4</sup> The alternative data submitted assumes the ability to develop the lots is transferable by sale which contradicts the Attorney General’s opinion on transferability. Also, the alternative data looks only at the current market value of the property and comparable properties. It does not look at the impact of the regulations at the time they were imposed. The land use regulations challenged in this claim have constrained the supply of developable properties in this area, the result of which may impact land values of the remaining developable properties in a positive manner [(2006) Jaeger, W., The effects of Land-Use Regulations on Property Values, Environmental Law (VOL 36) Pages 105-130]. That impact on the value is not considered in the analysis.

# DRAFT

- (1) The claim materials submitted by the Claimant constitute a complete written demand for compensation as required by Measure 37 and Multnomah County Code 27.530.
- (2) The Claimant's acquisition of the subject property on October 14, 1975, preceded the County's adoption of the land use regulations challenged in this claim.
- (3) The Claimant has established that the challenged land use regulations have restricted her use of the subject property.
- (4) The Claimant has established that the challenged land use regulations have reduced the fair market value of the subject property.

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

- 1. Claimant's Measure 37 claim is granted and the following regulations do not apply to claimant's property:**
  - *MCC 34.2625(D)(I) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils*
  - *MCC 34.2625(F) – Heritage Tract Dwelling on parcel not containing high-value farmland.*
  - *MCC 34.2630(O) – Heritage Tract Dwelling on parcel containing high-value farmland*
  - *MCC 34.2630(N) – Heritage Tract Dwelling on parcel containing high-value farmland*
- 2. The County will not pay the compensation demanded by Claimant.**
- 3. In lieu of compensation, the County shall not apply the challenged regulations to allow the Claimant to use the property for residential purposes as described in this Order. This action by the Board provides the County's authorization to the claimant to use their property subject to the standards in effect on October 14, 1975.**
- 4. Section 3 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.**
- 5. The following Conditions of Approval apply to this decision:**
  - (a) Section 3 above does not constitute a waiver or modification of corresponding state laws, state administrative rules or metropolitan service district regulations that enforce land use regulations applicable to the property.
  - (b) To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the property may not be used without a permit, license, or other form of authorization or consent, this order does not authorize the use of the property unless the claimants first obtain that permit,

# DRAFT

license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the property imposed by private parties.

- (c) Any use of the property by the claimant under the terms of this order remain subject to the following laws or local codes: (a) those in effect on the date of the acquisition of the subject property; (b) any enacted or enforced by a public entity other than the County; and (c) those laws not subject to Measure 37 including, without limitation, those exempted under Section (3) of Measure 37.
- (d) Any rights obtained by a claimant through the Board's grant of a waiver of County land use regulations, is transferable only to the extent allowed by law.

ADOPTED this 18th day of April, 2007, ratified April 19, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

SUBMITTED BY:  
Agnes Sowle, County Attorney

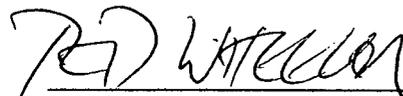
license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the property imposed by private parties.

- (c) Any use of the property by the claimant under the terms of this order remain subject to the following laws or local codes: (a) those in effect on the date of the acquisition of the subject property; (b) any enacted or enforced by a public entity other than the County; and (c) those laws not subject to Measure 37 including, without limitation, those exempted under Section (3) of Measure 37.
- (d) Any rights obtained by a claimant through the Board's grant of a waiver of County land use regulations, is transferable only to the extent allowed by law.

ADOPTED this 18th day of April, 2007, ratified April 19, 2007.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:  
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 07-062**

Order Granting, with Conditions, Ballot Measure 37 Request of Martha Glaser Relating to a Parcel of Land Located West of 13801 NW Charlton Road, Tax Lot 600, Section 16C, Township 2N, Range 1 W, W.M., Portland, Multnomah County, Oregon

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

- a. **Party:** Martha Glaser is the Ballot Measure 37 Claimant who filed a demand for compensation to Multnomah County on November 22, 2006.
- b. **Subject Real Property:** This claim relates to real property located West of 13801 NW Charlton Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 600, Section 16C, Township 2N, Range 1 W, W.M.  
Tax Account # R-994030830

- c. **Adequacy of Demand for Compensation:**

**The materials submitted by the Claimant constitute a complete written demand for compensation as required by Multnomah County Code 27.520.**

On November 22, 2006, the claimant submitted a Measure 37 Claim Form. Title information from Ticor Title Insurance Company was submitted January 18, 2007. A comparative market analysis was submitted with the November 22 claim, along with the zoning regulations applicable in 1975 when the claimant acquired the property. The claimant identified regulations that restrict the use of the property and explained how they reduce the fair-market value of the property. These and other materials in the claim record constitute a complete written demand for compensation complying with the county's requirements (MCC 27.520).

The Board finds that the materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.

- d. **Relevant Dates of Property Ownership:**

**The Claimant has established that she obtained an interest in the property prior to the County's adoption of the land use regulations challenged in this claim.**

The zoning of the parcel was F-2 on October 14, 1975 when the property was divided out of a larger parcel and gifted to the claimant (Book 1067, Page 946). The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The minimum lot size in this district was 2 acres (§2.10, Ord. #100). The zoning changed from

F-2 to RL-C on December 5, 1975 (38 ac. min. lot size), to Exclusive Farm Use-38 on October 6, 1977 (76 acre min. lot size), and to Exclusive Farm Use on August 14, 1980. EFU rules also generally limit the establishment of new dwellings to those that are necessary for farm purposes (§34.2600 et. seq.). The claimant is challenging the current EFU regulations.

The Board finds that the claimant obtained an interest in the subject property on October 14, 1975, prior to the county adopting the challenged regulations set out in the claim.

e. **County Codes as a Restriction on Use of the Property:**

**The Claimant has established that the challenged land use regulations have restricted her use of the property.**

The F-2 zoning in effect when the claimant acquired the property allowed a dwelling or dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The property is presently zoned Exclusive Farm Use (EFU). The EFU regulations contain specific standards for qualifying a dwelling that are more restrictive than the F-2 requirements, and have the effect of preventing a dwelling from being constructed on the property.

The following are the specific EFU regulations which would prevent the establishment of a dwelling on the property:

- *MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils*

This regulation requires proof of a certain level of farm income related to the property in order to establish a new primary farm dwelling on vacant land. The threshold for properties consisting of high value soils is \$80,000 gross annual income from the sale of farm products grown on a subject tract in the last two years, or for three of the last five years.

Although the subject property consists of high value Burlington fine sandy loam soils (Unit 6B)<sup>1</sup>, it is only 2.01 acres in size and is unlikely to be able to produce enough agricultural yield to meet the \$80,000 farm income test.

According to statistics published jointly by the Oregon Agricultural Statistics Service and Oregon State University Extension Service in 2001, the 1999 gross sales in Multnomah County averaged only \$11,079 per acre for nursery and greenhouse operations. Of Oregon's top 40 commodities for 2000, greenhouse and nursery products ranked number one in dollar value and were estimated to have constituted over half of the total sales of farm products in the county. This provides a reasonable high end farm related income projection for an acre of farm land<sup>2</sup>. This \$11,079 estimate provides further support that the 2.01 acre subject

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<sup>1</sup> (1983) Soil Survey of Multnomah County, United States Department of Agriculture & Soil Conservation Service.

<sup>2</sup> (2001) Oregon Agricultural Statistics and Oregon State University Extension Service, Oregon Agriculture: Facts and Figures.

property is most likely too small to meet the \$80,000 farm income regulation required to establish a primary farm dwelling. In fact, the average farm size in Multnomah County is 48-acres<sup>3</sup> making the 2.01 acre subject property quite small in comparison.

- *MCC 34.2625(F) – Heritage Tract Dwelling on parcel not containing high-value farmland.*

This regulation requires the subject tract to not be identified as high-value farmland in order to qualify for a new single family dwelling. As referenced above, soils on the property consist of high value Burlington fine sandy loam soils (Unit 6B)

- *MCC 34.2630(N) – Heritage Tract Dwelling on parcel containing high-value farmland*

This criterion allows for a new single family dwelling on farmland that cannot practicably be managed for farm use due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. These circumstances include “very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use.” The generally flat subject property does not contain features which consist of these physical elements, and thus could not qualify for a right to develop a new home under this standard.

- *MCC 34.2630(O) – Heritage Tract Dwelling on parcel containing high-value farmland*

This regulation requires that the subject tract to not be composed of predominately irrigated or non-irrigated soils classified prime, unique, Class I or Class II. Burlington fine sandy loam is classified as a prime soil, as indicated in the High-Value Farmland Soils table in the record.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. We anticipate the state will take a similar position with this claim. This may impact the claimant’s ability to construct a dwelling on the property.

The Board finds that the Claimant has established that the challenged land use regulations have restricted her use of the subject property.

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<sup>3</sup> (2002) USDA census data.

f. **County Code Restrictions Reduce Fair Market Value:**

**The Claimant has established that the challenged land use regulations have reduced the fair market value of the property.**

The zoning of the lot was F-2 when the claimant acquired the property as previously discussed. In 1975, the zone district allowed for a *"dwelling or dwellings for owner, operator and/or help required to carry out grazing, agriculture, horticulture or the growing of timber."* Current EFU regulations further restrict the property such that a dwelling cannot be constructed. It is these additional restrictions that have reduced the fair market value of the property.

The claimant has not submitted an appraisal which assesses the current value of the property without the right to build a home. Instead, the claimant has submitted a comparable analysis. The analysis contains data on recent sales of four properties on NW Charlton Road. The dataset contains location information, physical information, sale information, and assessment information.

While this information is not sufficient to establish a dollar amount for compensation, it is adequate to establish that property which is eligible for the construction of a dwelling is valued more highly than property which is not eligible for the construction of a dwelling.<sup>4</sup>

Bob Alcantara, Senior Appraisal Supervisor with the Multnomah County Division of Assessment and Taxation provided his department's interpretation on the reduction of value issue for this claim in a memo dated February 21, 2007. In that memo, Mr. Alcantara indicated that the comparables were reasonable and there had been a reduction in real market value.

The Board finds that the Claimant has established that the challenged regulations have reduced the fair market value of the subject property.

g. **Public Notice**

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. The Claimant and persons who own land within 750 feet of the subject property received notice by mail.

h. **Validity of Claim for Compensation:** The Board finds that:

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<sup>4</sup> The alternative data submitted assumes the ability to develop the lots is transferable by sale which contradicts the Attorney General's opinion on transferability. Also, the alternative data looks only at the current market value of the property and comparable properties. It does not look at the impact of the regulations at the time they were imposed. The land use regulations challenged in this claim have constrained the supply of developable properties in this area, the result of which may impact land values of the remaining developable properties in a positive manner [(2006) Jaeger, W., The effects of Land-Use Regulations on Property Values, Environmental Law (VOL 36) Pages 105-130]. That impact on the value is not considered in the analysis.

- (1) The claim materials submitted by the Claimant constitute a complete written demand for compensation as required by Measure 37 and Multnomah County Code 27.530.
- (2) The Claimant's acquisition of the subject property on October 14, 1975, preceded the County's adoption of the land use regulations challenged in this claim.
- (3) The Claimant has established that the challenged land use regulations have restricted her use of the subject property.
- (4) The Claimant has established that the challenged land use regulations have reduced the fair market value of the subject property.

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

1. **Claimant's Measure 37 claim is granted and the following regulations do not apply to claimant's property:**
  - *MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils*
  - *MCC 34.2625(F) – Heritage Tract Dwelling on parcel not containing high-value farmland.*
  - *MCC 34.2630(O) – Heritage Tract Dwelling on parcel containing high-value farmland*
  - *MCC 34.2630(N) – Heritage Tract Dwelling on parcel containing high-value farmland*
2. **The County will not pay the compensation demanded by Claimant.**
3. **In lieu of compensation, the County shall not apply the challenged regulations to allow the Claimant to use the property for residential purposes as described in this Order. This action by the Board provides the County's authorization to the claimant to use their property subject to the standards in effect on October 14, 1975.**
4. **Section 3 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.**
5. **The following Conditions of Approval apply to this decision:**
  - (a) Section 3 above does not constitute a waiver or modification of corresponding state laws, state administrative rules or metropolitan service district regulations that enforce land use regulations applicable to the property.
  - (b) To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the property may not be used without a permit, license, or other form of authorization or consent, this order does not authorize the use of the property unless the claimants first obtain that permit,

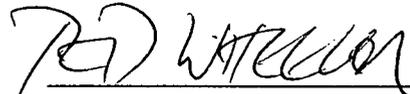
license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the property imposed by private parties.

- (c) Any use of the property by the claimant under the terms of this order remain subject to the following laws or local codes: (a) those in effect on the date of the acquisition of the subject property; (b) any enacted or enforced by a public entity other than the County; and (c) those laws not subject to Measure 37 including, without limitation, those exempted under Section (3) of Measure 37.
- (d) Any rights obtained by a claimant through the Board's grant of a waiver of County land use regulations, is transferable only to the extent allowed by law.

ADOPTED this 18th day of April, 2007, ratified April 19, 2007.

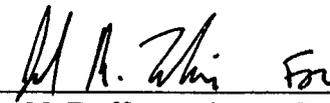


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

SUBMITTED BY:

Agnes Sowle, County Attorney



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

Meeting Date: 04/19/07  
 Agenda Item #: C-5  
 Est. Start Time: 9:40 AM  
 Date Submitted: 04/04/07

**Ratification of an ORDER in the matter of the Measure 37 Claim by Robert and Cheryl Wiley for \$225,000 in compensation or relief from regulations to allow the development of a single family residence on property located west of 13801 NW Charlton Road, Portland [T2N, R1W, Sec 16C, TL 500] (Case File T1-06-078)**

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

<b>Requested Meeting Date:</b>	<u>April 19, 2007</u>	<b>Amount of Time Needed:</b>	<u>N/A</u>
<b>Department:</b>	<u>Community Services</u>	<b>Division:</b>	<u>Land Use &amp; Transportation</u>
<b>Contact(s):</b>	<u>Derrick Tokos, Ken Born, Sandra Duffy</u>		
<b>Phone:</b>	<u>503-988-3043</u>	<b>Ext.</b>	<u>29397</u>
<b>Presenter(s):</b>	<u>Consent Calendar</u>	<b>I/O Address:</b>	<u>455/116</u>

**General Information**

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

Board adoption of an Order ratifying its decision regarding a Measure 37 claim by Robert and Cheryl Wiley to waive land use regulations which prohibit the development of a single family dwelling on property located west of 13801 NW Charlton Road. Land use planning has outlined an approach to deciding this claim in a staff report dated April 3, 2007.

**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.**

For a claim to be valid, the land use regulations challenged must restrict the claimants use of private real property in a manner that reduces its fair market value relative to how it could have been used at the time the claimants acquired the property. As outlined in the staff report dated April 3, 2007, and memorandum from the County Attorney's Office, this requirement has been met.

The claimants, Robert and Cheryl Wiley, are seeking \$225,000 in compensation or relief from land use regulations to allow the 3.61 acre property to be developed with a single family dwelling. They

acquired an interest in the property on October 14, 1975. County zoning for the property in 1975 was F-2. The F-2 zoning in effect when the claimants acquired the property allowed a dwelling or dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber. The minimum lot size in the F-2 zone was 2 acres. Current Exclusive Farm Use (EFU) zoning regulations contain specific standards for qualifying a dwelling that the claimants cannot meet, such as proof that they have generated \$80,000 gross annual income from the sale of farm products grown on a subject tract in the last two years, or for three of the last five years.

The use the claimants assert has been restricted is their ability to develop a single family dwelling. The claimants have established that land use regulations enacted after they acquired the subject property have prevented them from building a home and that has reduced the fair market value of the property.

Staff recommends the Board of Commissioners find this to be a valid claim.

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

The claimants assert a reduction in value of \$225,000. Comparable sales data provided by the claimants does establish that the above listed regulations have reduced the fair market value of the identified property. Additional appraisal work is needed should the Board prefer compensation as an alternative to regulatory relief.

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

Policy and legal issues are outlined in a staff report from Land Use Planning dated April 3, 2007. The County Attorney has advised that any property rights obtained by relief from land use regulations are not transferable under Ballot Measure 37, consistent with the DOJ opinion of February 2005.

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

Public notice of this hearing has been mailed to all property owners within 750 feet of the subject property, and the claimant. Deliberation and any action on this item will be done following a public hearing at which interested citizens will have an opportunity to testify and provide written comment in accordance with the Board of Commissioners rules of procedure for the hearing.

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**Required Signature**

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



**Date:** 04/04/07

# DRAFT

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. \_\_\_\_\_

Order Granting, with Conditions, Ballot Measure 37 Request of Robert and Cheryl Wiley Relating to a Parcel of Land Located West of 13801 NW Charlton Road, Tax Lot 500, Section 16C, Township 2N, Range 1W, W.M., Portland, Multnomah County, Oregon

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

- a. **Parties:** Robert and Cheryl Wiley are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County on November 8, 2006.
- b. **Subject Real Property:** This claim relates to real property located West of 13801 NW Charlton Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 500, Section 16C, Township 2N, Range 1 W, W.M.  
Tax Account # R-971160370

- c. **Adequacy of Demand for Compensation:**

**The materials submitted by the Claimants constitute a complete written demand for compensation as required by Multnomah County Code 27.520.**

On November 8, 2006, the claimants submitted a Measure 37 Claim Form, title information from Ticor Title Insurance Company, a comparative market analysis, and copies of applicable land use regulations in effect in 1975. On January 4, 2007, the applicants provided additional title information that the County required in order to process the claim. These and other materials in the claim record constitute a complete written demand for compensation complying with the county's requirements (MCC 27.520).

The Board finds that the materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.

- d. **Relevant Dates of Property Ownership:**

**The Claimants have established that they obtained an interest in the property prior to the County's adoption of the land use regulations challenged in this claim.**

The zoning of the parcel was F-2 on October 14, 1975 when the property was divided out of a larger parcel and gifted to the claimants (Book 1067, Page 944-945). The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The minimum lot size in this district was 2 acres (§2.10, Ord. #100). The zoning changed from F-2 to RL-C on December 5, 1975 (38 ac. min. lot size), to Exclusive Farm Use-38 on

# DRAFT

October 6, 1977 (76 acre min. lot size), and to Exclusive Farm Use on August 14, 1980. EFU rules also generally limit the establishment of new dwellings to those that are necessary for farm purposes (§34.2600 et. seq.). The claimants are challenging the current EFU regulations.

The Board finds that the claimants obtained an interest in the subject property on October 14, 1975, prior to the county adopting the challenged regulations set out in the claim.

e. **County Codes as a Restriction on Use of the Property:**

**The Claimants have established that the challenged land use regulations have restricted their use of the property.**

The F-2 zoning in effect when the claimants acquired the property allowed a dwelling or dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber only (§3.112, Ord. #100). The property is presently zoned Exclusive Farm Use (EFU). The EFU regulations contain specific standards for qualifying a dwelling that are more restrictive than the F-2 requirements, and have the effect of preventing a dwelling from being constructed on the property.

The following are the specific EFU regulations which would prevent the establishment of a dwelling on the property:

- ***MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils***

This regulation requires proof of a certain level of farm income related to the property in order to establish a new primary farm dwelling on vacant land. The threshold for properties consisting of high value soils is \$80,000 gross annual income from the sale of farm products grown on a subject tract in the last two years, or for three of the last five years.

The subject property consists of high value Burlington fine sandy loam soils (Unit 6B)<sup>1</sup>, but it is only 3.61 acres in size and cannot produce enough agricultural yield to meet the \$80,000 farm income test.

According to statistics published jointly by the Oregon Agricultural Statistics Service and Oregon State University Extension Service in 2001, the 1999 gross sales in Multnomah County averaged only \$11,079 per acre for nursery and greenhouse operations. Of Oregon's top 40 commodities for 2000, greenhouse and nursery products ranked number one in dollar value and were estimated to have constituted over half of the total sales of farm products in the county. This provides a reasonable high end farm related income projection for an acre of farm land<sup>2</sup>. This \$11,079 estimate provides further support that the 3.61 acre subject property is most likely too small to meet the \$80,000 farm income regulation required to

<sup>1</sup> (1983) Soil Survey of Multnomah County, United States Department of Agriculture & Soil Conservation Service.

<sup>2</sup> (2001) Oregon Agricultural Statistics and Oregon State University Extension Service, Oregon Agriculture: Facts and Figures.

# DRAFT

establish a primary farm dwelling. In fact, the average farm size in Multnomah County is 48-acres<sup>3</sup> making the 3.61 acre subject property quite small in comparison.

- *MCC 34.2625(F) – Heritage Tract Dwelling Allowed on Land Not Identified as High-Value Farmland.*

This regulation requires the subject tract to not be identified as high-value farmland in order to qualify for a new single family home. As referenced above, soils on the property consist of high value Burlington fine sandy loam soils (Unit 6B).

- *MCC 34.2630(N) - Heritage Tract Dwelling Allowed on Land Identified as High-Value Farmland Due to Extraordinary Circumstances Inherent in Physical Setting.*

This criterion allows for a new single family dwelling on farmland that cannot practicably be managed for farm use due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. These circumstances include “very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use.” The generally flat property does not contain features which consist of these physical elements, and thus could not qualify for a right to develop a new home under this standard.

- *MCC 34.2630(O) - Heritage Tract Dwelling Allowed on Land Identified as High-Value Farmland With Small Surrounding Tracts.*

This regulation requires that the subject tract not be predominately composed of irrigated or non-irrigated soils classified prime, unique, Class I or Class II. Burlington fine sandy loam is classified as a prime soil, as indicated in the High-Value Farmland Soils table included as Exhibit B.4.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. The County anticipates that the state will take a similar position with this claim. This may impact the claimants’ ability to construct a dwelling on the property.

A separate land use decision will be required in order to confirm that the dwelling is needed to carry out farm or timber operations on the subject property.

The Board finds that the Claimants have established that the challenged land use regulations have restricted their use of the subject property.

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<sup>3</sup> (2002) USDA census data.

# DRAFT

f. **County Code Restrictions Reduce Fair Market Value:**

**The Claimant has established that the challenged land use regulations have reduced the fair market value of the property.**

The zoning of the lot was F-2 when the claimants acquired the property as previously discussed. This zone district allowed for "*Dwelling or dwellings for owner, operator and/or help required to carry out grazing, agriculture, horticulture of the growing of timber.*" Current EFU regulations further restrict the property, such that a dwelling cannot be constructed. It is these additional restrictions that have reduced the fair market value of the property.

The claimants have not submitted an appraisal which assesses the current value of the property without the right to build a home. Instead, the claimant has submitted a market analysis. The analysis contains data on recent sales of four properties on NW Charlton Road. The dataset contains location information, physical information, sale information, and assessment information.

While this information is not sufficient to establish a dollar amount for compensation, it is adequate to establish that property which is eligible for the construction of a dwelling is valued more highly than property which is not eligible for the construction of a dwelling.<sup>4</sup> The data shows that, if listed as buildable, the property should be listed for sale at a value between \$76,955 and \$105,213 per acre.

Bob Alcantara, Senior Appraisal Supervisor with the Multnomah County Division of Assessment and Taxation provided his department's interpretation on the reduction of value issue for this claim. It found that the parcel as buildable would have a real market value of \$250,000 and as farmland would have a real market value of \$45,000.

The Board finds that the Claimants have established that the challenged regulations have reduced the fair market value of the subject property.

g. **Public Notice**

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. The Claimant and persons who own land within 750 feet of the subject property received notice by mail.

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<sup>4</sup> The alternative data submitted assumes the ability to develop the lots is transferable by sale which contradicts the Attorney General's opinion on transferability. Also, the alternative data looks only at the current market value of the property and comparable properties. It does not look at the impact of the regulations at the time they were imposed. The land use regulations challenged in this claim have constrained the supply of developable properties in this area, the result of which may impact land values of the remaining developable properties in a positive manner [(2006) Jaeger, W., The effects of Land-Use Regulations on Property Values, Environmental Law (VOL 36) Pages 105-130]. That impact on the value is not considered in the analysis.

# DRAFT

h. **Validity of Claim for Compensation:** The Board finds that:

- (1) The claim materials submitted by the Claimants constitute a complete written demand for compensation as required by Measure 37 and Multnomah County Code 27.530.
- (2) The Claimants' acquisition of the subject property on October 14, 1975, preceded the County's adoption of the land use regulations challenged in this claim.
- (3) The Claimants have established that the challenged land use regulations have restricted their use of the subject property.
- (4) The Claimants have established that the challenged land use regulations have reduced the fair market value of the subject property.

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

**1. Claimants' Measure 37 claim is granted and the following regulations do not apply to claimants' property:**

- *MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils*
- *MCC 34.2625(F) – Heritage Tract Dwelling Allowed on Land Not Identified as High-Value Farmland.*
- *MCC 34.2630(N) - Heritage Tract Dwelling Allowed on Land Not Identified as High-Value Farmland Due to Extraordinary Circumstances.*
- *MCC 34.2630(O) - Heritage Tract Dwelling Allowed on Land Not Identified as High-Value Farmland With Small Surrounding Tracts.*

**2. The County will not pay the compensation demanded by Claimants.**

**3. In lieu of compensation, the County shall not apply the challenged regulations to allow the Claimants to use the property for residential purposes as described in this Order. This action by the Board provides the County's authorization to the claimants to use their property subject to the standards in effect on October 14, 1975.**

**4. Section 3 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.**

**5. The following Conditions of Approval apply to this decision:**

- (a) Section 3 above does not constitute a waiver or modification of corresponding state laws, state administrative rules or metropolitan service district regulations that enforce land use regulations applicable to the property.

# DRAFT

- (b) To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the property may not be used without a permit, license, or other form of authorization or consent, this order does not authorize the use of the property unless the claimants first obtain that permit, license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the property imposed by private parties.
- (c) Any use of the property by the claimant under the terms of this order remain subject to the following laws or local codes: (a) those in effect on the date of the acquisition of the subject property; (b) any enacted or enforced by a public entity other than the County; and (c) those laws not subject to Measure 37 including, without limitation, those exempted under Section (3) of Measure 37.
- (d) Any rights obtained by a claimant through the Board's grant of a waiver of County land use regulations, is transferable only to the extent allowed by law.

ADOPTED this 18th day of April, 2007, ratified April 19, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

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

SUBMITTED BY:

Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 06-063 typo

Order Granting, with Conditions, Ballot Measure 37 Request of Robert and Cheryl Wiley Relating to a Parcel of Land Located West of 13801 NW Charlton Road, Tax Lot 500, Section 16C, Township 2N, Range 1W, W.M., Portland, Multnomah County, Oregon

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

a. **Parties:** Robert and Cheryl Wiley are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County on November 8, 2006.

b. **Subject Real Property:** This claim relates to real property located West of 13801 NW Charlton Road, Multnomah County, Oregon, more specifically described as:

Tax Lot 500, Section 16C, Township 2N, Range 1 W, W.M.  
Tax Account # R-971160370

c. **Adequacy of Demand for Compensation:**

**The materials submitted by the Claimants constitute a complete written demand for compensation as required by Multnomah County Code 27.520.**

On November 8, 2006, the claimants submitted a Measure 37 Claim Form, title information from Tigor Title Insurance Company, a comparative market analysis, and copies of applicable land use regulations in effect in 1975. On January 4, 2007, the applicants provided additional title information that the County required in order to process the claim. These and other materials in the claim record constitute a complete written demand for compensation complying with the county's requirements (MCC 27.520).

The Board finds that the materials submitted by the claimant constitute a complete "written demand for compensation" within the meaning of the measure.

d. **Relevant Dates of Property Ownership:**

**The Claimants have established that they obtained an interest in the property prior to the County's adoption of the land use regulations challenged in this claim.**

The zoning of the parcel was F-2 on October 14, 1975 when the property was divided out of a larger parcel and gifted to the claimants (Book 1067, Page 944-945). The F-2 district was an agricultural zone, that allowed dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber (§3.112, Ord. #100). The minimum lot size in this district was 2 acres (§2.10, Ord. #100). The zoning changed from F-2 to RL-C on December 5, 1975 (38 ac. min. lot size), to Exclusive Farm Use-38 on

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 07-063**

Order Granting, with Conditions, Ballot Measure 37 Request of Robert and Cheryl Wiley Relating to a Parcel of Land Located West of 13801 NW Charlton Road, Tax Lot 500, Section 16C, Township 2N, Range 1W, W.M., Portland, Multnomah County, Oregon

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

a. **Parties:** Robert and Cheryl Wiley are the Ballot Measure 37 Claimants who filed a demand for compensation to Multnomah County on November 8, 2006.

b. **Subject Real Property:** This claim relates to real property located West of 13801 NW Charlton Road, Multnomah County, Oregon, more specifically described as:

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October 6, 1977 (76 acre min. lot size), and to Exclusive Farm Use on August 14, 1980. EFU rules also generally limit the establishment of new dwellings to those that are necessary for farm purposes (§34.2600 et. seq.). The claimants are challenging the current EFU regulations.

The Board finds that the claimants obtained an interest in the subject property on October 14, 1975, prior to the county adopting the challenged regulations set out in the claim.

e. **County Codes as a Restriction on Use of the Property:**

**The Claimants have established that the challenged land use regulations have restricted their use of the property.**

The F-2 zoning in effect when the claimants acquired the property allowed a dwelling or dwellings for the owner, operator, or help required to carry out grazing, agriculture, horticulture, or the growing of timber only (§3.112, Ord. #100). The property is presently zoned Exclusive Farm Use (EFU). The EFU regulations contain specific standards for qualifying a dwelling that are more restrictive than the F-2 requirements, and have the effect of preventing a dwelling from being constructed on the property.

The following are the specific EFU regulations which would prevent the establishment of a dwelling on the property:

- ***MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils***

This regulation requires proof of a certain level of farm income related to the property in order to establish a new primary farm dwelling on vacant land. The threshold for properties consisting of high value soils is \$80,000 gross annual income from the sale of farm products grown on a subject tract in the last two years, or for three of the last five years.

The subject property consists of high value Burlington fine sandy loam soils (Unit 6B)<sup>1</sup>, but it is only 3.61 acres in size and cannot produce enough agricultural yield to meet the \$80,000 farm income test.

According to statistics published jointly by the Oregon Agricultural Statistics Service and Oregon State University Extension Service in 2001, the 1999 gross sales in Multnomah County averaged only \$11,079 per acre for nursery and greenhouse operations. Of Oregon's top 40 commodities for 2000, greenhouse and nursery products ranked number one in dollar value and were estimated to have constituted over half of the total sales of farm products in the county. This provides a reasonable high end farm related income projection for an acre of farm land<sup>2</sup>. This \$11,079 estimate provides further support that the 3.61 acre subject property is most likely too small to meet the \$80,000 farm income regulation required to

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<sup>1</sup> (1983) Soil Survey of Multnomah County, United States Department of Agriculture & Soil Conservation Service.

<sup>2</sup> (2001) Oregon Agricultural Statistics and Oregon State University Extension Service, Oregon Agriculture: Facts and Figures.

establish a primary farm dwelling. In fact, the average farm size in Multnomah County is 48-acres<sup>3</sup> making the 3.61 acre subject property quite small in comparison.

- ***MCC 34.2625(F) – Heritage Tract Dwelling Allowed on Land Not Identified as High-Value Farmland.***

This regulation requires the subject tract to not be identified as high-value farmland in order to qualify for a new single family home. As referenced above, soils on the property consist of high value Burlington fine sandy loam soils (Unit 6B).

- ***MCC 34.2630(N) - Heritage Tract Dwelling Allowed on Land Identified as High-Value Farmland Due to Extraordinary Circumstances Inherent in Physical Setting.***

This criterion allows for a new single family dwelling on farmland that cannot practicably be managed for farm use due to extraordinary circumstances inherent in the land or its physical setting that do not apply generally to other land in the vicinity. These circumstances include “very steep slopes, deep ravines, rivers, streams, roads, railroad or utility lines or other similar natural or physical barriers that by themselves or in combination separate the subject lot or parcel from adjacent agricultural land and prevent it from being practicably managed for farm use.” The generally flat property does not contain features which consist of these physical elements, and thus could not qualify for a right to develop a new home under this standard.

- ***MCC 34.2630(O) - Heritage Tract Dwelling Allowed on Land Identified as High-Value Farmland With Small Surrounding Tracts.***

This regulation requires that the subject tract not be predominately composed of irrigated or non-irrigated soils classified prime, unique, Class I or Class II. Burlington fine sandy loam is classified as a prime soil, as indicated in the High-Value Farmland Soils table included as Exhibit B.4.

Statewide Planning Goals were effective January 25, 1975, prior to the date the claimant acquired the property. Standards for farm and non-farm dwellings in Exclusive Farm zones were also codified in state law prior to 1975. While the County had not yet implemented these rules, the state has taken the position they are nonetheless applicable and that local jurisdictions must require claimants meet them. The County anticipates that the state will take a similar position with this claim. This may impact the claimants’ ability to construct a dwelling on the property.

A separate land use decision will be required in order to confirm that the dwelling is needed to carry out farm or timber operations on the subject property.

The Board finds that the Claimants have established that the challenged land use regulations have restricted their use of the subject property.

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<sup>3</sup> (2002) USDA census data.

f. **County Code Restrictions Reduce Fair Market Value:**

**The Claimant has established that the challenged land use regulations have reduced the fair market value of the property.**

The zoning of the lot was F-2 when the claimants acquired the property as previously discussed. This zone district allowed for "*Dwelling or dwellings for owner, operator and/or help required to carry out grazing, agriculture, horticulture of the growing of timber.*" Current EFU regulations further restrict the property, such that a dwelling cannot be constructed. It is these additional restrictions that have reduced the fair market value of the property.

The claimants have not submitted an appraisal which assesses the current value of the property without the right to build a home. Instead, the claimant has submitted a market analysis. The analysis contains data on recent sales of four properties on NW Charlton Road. The dataset contains location information, physical information, sale information, and assessment information.

While this information is not sufficient to establish a dollar amount for compensation, it is adequate to establish that property which is eligible for the construction of a dwelling is valued more highly than property which is not eligible for the construction of a dwelling.<sup>4</sup> The data shows that, if listed as buildable, the property should be listed for sale at a value between \$76,955 and \$105,213 per acre.

Bob Alcantara, Senior Appraisal Supervisor with the Multnomah County Division of Assessment and Taxation provided his department's interpretation on the reduction of value issue for this claim. It found that the parcel as buildable would have a real market value of \$250,000 and as farmland would have a real market value of \$45,000.

The Board finds that the Claimants have established that the challenged regulations have reduced the fair market value of the subject property.

g. **Public Notice**

Section 3.50 of the County Charter requires notice to the public of all Board agenda matters. This notice was provided. The Claimant and persons who own land within 750 feet of the subject property received notice by mail.

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<sup>4</sup> The alternative data submitted assumes the ability to develop the lots is transferable by sale which contradicts the Attorney General's opinion on transferability. Also, the alternative data looks only at the current market value of the property and comparable properties. It does not look at the impact of the regulations at the time they were imposed. The land use regulations challenged in this claim have constrained the supply of developable properties in this area, the result of which may impact land values of the remaining developable properties in a positive manner [(2006) Jaeger, W., The effects of Land-Use Regulations on Property Values, Environmental Law (VOL 36) Pages 105-130]. That impact on the value is not considered in the analysis.

**h. Validity of Claim for Compensation:** The Board finds that:

- (1) The claim materials submitted by the Claimants constitute a complete written demand for compensation as required by Measure 37 and Multnomah County Code 27.530.
- (2) The Claimants' acquisition of the subject property on October 14, 1975, preceded the County's adoption of the land use regulations challenged in this claim.
- (3) The Claimants have established that the challenged land use regulations have restricted their use of the subject property.
- (4) The Claimants have established that the challenged land use regulations have reduced the fair market value of the subject property.

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

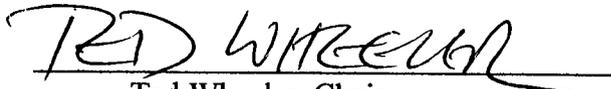
- 1. Claimants' Measure 37 claim is granted and the following regulations do not apply to claimants' property:**
  - *MCC 34.2625(D)(1) – Farm Income Test for Establishing a Farm Dwelling on High Value Farmland Soils*
  - *MCC 34.2625(F) – Heritage Tract Dwelling Allowed on Land Not Identified as High-Value Farmland.*
  - *MCC 34.2630(N) - Heritage Tract Dwelling Allowed on Land Not Identified as High-Value Farmland Due to Extraordinary Circumstances.*
  - *MCC 34.2630(O) - Heritage Tract Dwelling Allowed on Land Not Identified as High-Value Farmland With Small Surrounding Tracts.*
- 2. The County will not pay the compensation demanded by Claimants.**
- 3. In lieu of compensation, the County shall not apply the challenged regulations to allow the Claimants to use the property for residential purposes as described in this Order. This action by the Board provides the County's authorization to the claimants to use their property subject to the standards in effect on October 14, 1975.**
- 4. Section 3 above, constitutes a waiver of Comprehensive Plan and Rural Area Plan policies that the regulations implement.**
- 5. The following Conditions of Approval apply to this decision:**
  - (a) Section 3 above does not constitute a waiver or modification of corresponding state laws, state administrative rules or metropolitan service district regulations that enforce land use regulations applicable to the property.

- (b) To the extent that any law, order, deed, agreement or other legally enforceable public or private requirement provides that the property may not be used without a permit, license, or other form of authorization or consent, this order does not authorize the use of the property unless the claimants first obtain that permit, license or other form of authorization or consent. Such requirements may include, but are not limited to: a building permit, a land use decision, other permits or authorizations from local, state or federal agencies, and restrictions on the use of the property imposed by private parties.
- (c) Any use of the property by the claimant under the terms of this order remain subject to the following laws or local codes: (a) those in effect on the date of the acquisition of the subject property; (b) any enacted or enforced by a public entity other than the County; and (c) those laws not subject to Measure 37 including, without limitation, those exempted under Section (3) of Measure 37.
- (d) Any rights obtained by a claimant through the Board's grant of a waiver of County land use regulations, is transferable only to the extent allowed by law.

ADOPTED this 18th day of April, 2007, ratified April 19, 2007.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra N. Duffy, Assistant County Attorney

SUBMITTED BY:

Agnes Sowle, County Attorney



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 04/19/07  
**Agenda Item #:** R-1  
**Est. Start Time:** 9:30 AM  
**Date Submitted:** 02/22/07

**Agenda Title:** **PROCLAMATION Proclaiming the Week of April 22 through April 28, 2007**  
**Administrative Professionals Week in Multnomah County, Oregon**

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

**Requested Meeting Date:** April 19, 2007      **Amount of Time Needed:** 5 minutes  
**Department:** County Management      **Division:** Director's Office  
**Contact(s):** Theresa Sullivan  
**Phone:** 503 988-3635      **Ext.** 83635      **I/O Address:** 503/531  
**Presenter(s):** Theresa Sullivan

**General Information**

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

Approval of proclamation proclaiming the week of April 22 through April 28, 2007 Administrative Professionals Week in Multnomah County, Oregon.

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

This annual event was originally organized in 1952 as "National Secretaries Week" by the National Secretaries Association (now known as the International Association of Administrative Professionals) and a consortium of office product manufacturers. It was established as an effort to recognize secretaries for their contributions in the workplace, and to attract people to secretarial/administrative careers.

**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:**

*Carol M. Ford*

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**Date:** 02/26/07

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**PROCLAMATION NO. \_\_\_\_\_**

Proclaiming the Week of April 22 through April 28, 2007 Administrative Professionals Week in Multnomah County, Oregon

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

- a. Administrative professionals including secretaries, administrative assistants, office managers and other administrative support staff represent one of the largest segments of Multnomah County's workforce;
- b. Administrative professionals are those who master technology, effectively utilize their interpersonal and communication skills; manage projects and organize the office; apply their creativity to solve problems; and most importantly, have the willingness to learn and accept new challenges;
- c. Administrative professionals are vital contributors in today's team-oriented work environment and are key front-line public relations ambassadors for Multnomah County;
- d. Companies and organizations that invest in training and development and make a commitment toward delegating responsibilities that better utilize the skills of their administrative employees have the best opportunity to excel in the 21st century and beyond;
- e. Administrative Professionals Week was founded by the International Association of Administrative Professionals (formerly known as National Secretaries Association) in 1952 to recognize the contributions of secretaries and other office support staff in business and government and to attract people to administrative careers;
- f. Administrative Professionals Week is sponsored by the International Association of Administrative Professionals and is celebrated worldwide,

bringing together millions of people for various community events, educational seminars, and individual corporate activities.

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

The week of April 22 through 28, 2007 is proclaimed to be Administrative Professionals Week in Multnomah County, Oregon, saluting the valuable contributions of Multnomah County's administrative professionals.

ADOPTED this 19th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Ted Wheeler, County Chair

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Maria Rojo de Steffey,  
Commissioner District 1

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Jeff Cogen,  
Commissioner District 2

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Lisa Naito,  
Commissioner District 3

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Lonnie Roberts,  
Commissioner District 4

SUBMITTED BY:  
Carol M. Ford, Director Dept. of County Management

I have been a member of IAAP since 1991. I want to take this opportunity to thank Dave Boyer and Carol Ford for supporting my growth as an administrative professional. I take great pride in my work and thrive on opportunities to support others, making sure they have what they need to get their jobs done. It is very rewarding. I also want to thank the board for recognizing the hard work administrative professionals provide to Multnomah County.

I would like to invite our administrative professionals to join me in the basement training room, following this presentation, to learn about the County's new administrative training program called OPTIONS.

Thank you again.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**PROCLAMATION NO. 07-066**

Proclaiming the Week of April 22 through April 28, 2007 Administrative Professionals Week in Multnomah County, Oregon

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

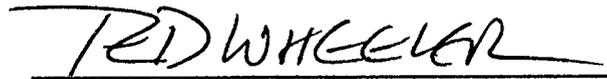
- a. Administrative professionals including secretaries, administrative assistants, office managers and other administrative support staff represent one of the largest segments of Multnomah County's workforce;
- b. Administrative professionals are those who master technology, effectively utilize their interpersonal and communication skills; manage projects and organize the office; apply their creativity to solve problems; and most importantly, have the willingness to learn and accept new challenges;
- c. Administrative professionals are vital contributors in today's team-oriented work environment and are key front-line public relations ambassadors for Multnomah County;
- d. Companies and organizations that invest in training and development and make a commitment toward delegating responsibilities that better utilize the skills of their administrative employees have the best opportunity to excel in the 21st century and beyond;
- e. Administrative Professionals Week was founded by the International Association of Administrative Professionals (formerly known as National Secretaries Association) in 1952 to recognize the contributions of secretaries and other office support staff in business and government and to attract people to administrative careers;
- f. Administrative Professionals Week is sponsored by the International Association of Administrative Professionals and is celebrated worldwide, bringing together millions of people for various community events, educational seminars, and individual corporate activities.

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

The week of April 22 through 28, 2007 is proclaimed to be Administrative Professionals Week in Multnomah County, Oregon, saluting the valuable contributions of Multnomah County's administrative professionals.

ADOPTED this 19th day of April, 2007.

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

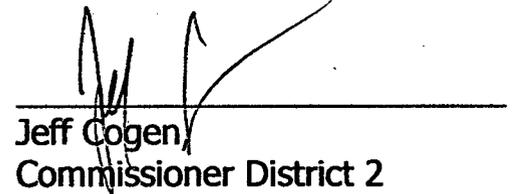


Ted Wheeler, County Chair

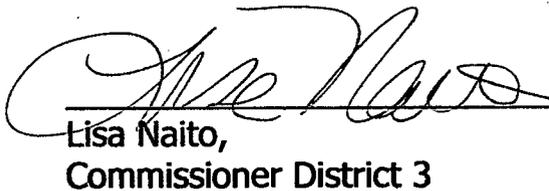


Maria Rojo de Steffey,  
Commissioner District 1

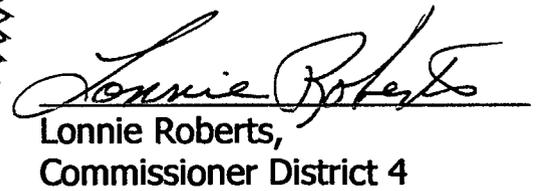




Jeff Cogen,  
Commissioner District 2



Lisa Naito,  
Commissioner District 3



Lonnie Roberts,  
Commissioner District 4

**SUBMITTED BY:**  
Carol M. Ford, Director Dept. of County Management



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

Meeting Date: 04/19/07  
 Agenda Item #: R-2  
 Est. Start Time: 9:35 AM  
 Date Submitted: 04/11/07

**Agenda Title:** **PROCLAMATION Proclaiming the week of April 22, through April 28, 2007 as NATIONAL CRIME VICTIMS' RIGHTS WEEK in Multnomah County, Oregon**

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

**Requested Meeting Date:** April 19, 2007 **Amount of Time Needed:** 5 mins  
**Department:** District Attorney's Office **Division:** \_\_\_\_\_  
**Contact(s):** Helen O'Brien  
**Phone:** 503-988-5451 **Ext.** 85451 **I/O Address:** 101/804  
**Presenter(s):** Michael D. Schrunk

**General Information**

1. **What action are you requesting from the Board?**  
 A proclamation announcing April 22 – 28, 2007 as National Crime Victims Rights Week.
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.**

Crime victims and witnesses are too often overlooked by our system of justice in its efforts to apprehend, prosecute, and fairly sanction criminal offenders.

The needs and rights of crime victims deserve more public attention, understanding and compassion.

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:**

*Michel Schoeur*

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**Date:** 04/11/07

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

PROCLAMATION NO. \_\_\_\_\_

Proclaiming the week of April 22, through April 28, 2007 as NATIONAL CRIME VICTIMS' RIGHTS WEEK in Multnomah County, Oregon

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

- a. Thousands of citizens of Multnomah County experience the trauma, pain, humiliation and personal and financial losses of being a victim of crime.
- b. Crime victims and witnesses are too often overlooked by our system of justice in its efforts to apprehend, prosecute, and fairly sanction criminal offenders.
- c. The needs and rights of crime victims deserve more public attention, understanding and compassion.
- d. Citizens can play a major role in helping victims by reporting crimes and by showing greater willingness to testify in the prosecution of criminals.

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

The week of April 22, through April 28, 2007, to be NATIONAL CRIME VICTIMS' RIGHTS WEEK in Multnomah County, Oregon.

ADOPTED this 19th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, County Chair

\_\_\_\_\_  
Maria Rojo de Steffey,  
Commissioner District 1

\_\_\_\_\_  
Jeff Cogen,  
Commissioner District 2

\_\_\_\_\_  
Lisa Naito,  
Commissioner District 3

\_\_\_\_\_  
Lonnie Roberts,  
Commissioner District 4

SUBMITTED BY:  
Michael D. Schrunck, Multnomah County District Attorney

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

**PROCLAMATION NO. 07-067**

Proclaiming the week of April 22, through April 28, 2007 as NATIONAL CRIME VICTIMS' RIGHTS WEEK in Multnomah County, Oregon

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

- a. Thousands of citizens of Multnomah County experience the trauma, pain, humiliation and personal and financial losses of being a victim of crime.
- b. Crime victims and witnesses are too often overlooked by our system of justice in its efforts to apprehend, prosecute, and fairly sanction criminal offenders.
- c. The needs and rights of crime victims deserve more public attention, understanding and compassion.
- d. Citizens can play a major role in helping victims by reporting crimes and by showing greater willingness to testify in the prosecution of criminals.

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

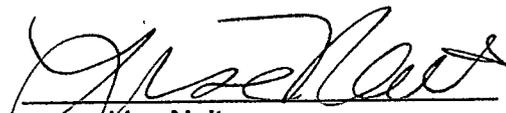
The week of April 22, through April 28, 2007, to be NATIONAL CRIME VICTIMS' RIGHTS WEEK in Multnomah County, Oregon.

ADOPTED this 19th day of April, 2007.

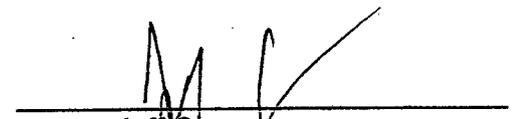
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

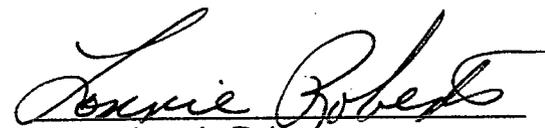
  
Ted Wheeler, County Chair

  
Maria Rojode Steffey,  
Commissioner District 1

  
Lisa Naito,  
Commissioner District 3



  
Jeff Cogen,  
Commissioner District 2

  
Lonnie Roberts,  
Commissioner District 4

SUBMITTED BY:  
Michael D. Schrunk, Multnomah County District Attorney



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

Meeting Date: 04/19/07  
 Agenda Item #: R-3  
 Est. Start Time: 9:40 AM  
 Date Submitted: 03/13/07

**Agenda Title: PROCLAMATION Proclaiming April 15 through April 21, 2007 as Multnomah County Volunteer Week and April 25, 2007 as a Special Day of Recognition for Multnomah County Volunteers**

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

Requested Meeting Date: April 19, 2007 Amount of Time Needed: 10 minutes  
 Department: Non Departmental Division: \_\_\_\_\_  
 Contact(s): Kathleen Todd  
 Phone: 503-988-3450 Ext. 22438 I/O Address: 503/6/CIC  
 Presenter(s): Kathleen Todd and CIC Members

**General Information**

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

Approval of a PROCLAMATION Proclaiming April 15 through April 21, 2007 as Multnomah County Volunteer Week and April 25<sup>th</sup> as a special day of recognition for Multnomah County Volunteers.

**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.**

Each year thousands upon thousands of volunteers across the nation tirelessly contribute to the betterment of their communities. National Volunteer Week is April 15 through 21, 2007 this year and the Citizen Involvement Committee is requesting that the Multnomah County Board of Commissioners acknowledge and honor our community volunteers as well.

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

NA

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

NA

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

The annual Citizen Involvement Committee Volunteer Awards Ceremony is scheduled for Wednesday, April 25, 2007

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**Required Signature**

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Elected Official or  
Department/  
Agency Director:



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Date: 03/13/07

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. \_\_\_\_\_

Proclaiming April 15 through April 21, 2007 as Multnomah County Volunteer Week and April 25, 2007 as a Special Day of Recognition for Multnomah County Volunteers

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

- a. One of America's greatest national resources is its volunteers, and the invaluable resources they devote toward a healthy and productive society.
- b. Each year thousands upon thousands of volunteers across the nation tirelessly contribute to the betterment of their communities.
- c. It has long been a tradition in our community for volunteers - men, women and children alike - to perform work of the highest quality and to bring sunshine and hope to the lives of others.
- d. Our community volunteers, who give so freely of their time, energy, and ability, do so only for a smile and a thank you for their countless hours of service, and for the knowledge of providing an invaluable service to others.

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

The week of April 15th through April 21, 2007 as **Multnomah County Volunteer Week** and April 25th as a Special Day of Recognition for Multnomah County Volunteers. We take great pleasure in honoring all volunteers with our sincere gratitude and appreciation for their dedicated, selfless, and compassionate efforts.

ADOPTED this 19th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Ted Wheeler, County Chair

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Maria Rojo de Steffey,  
Commissioner District 1

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Jeff Cogen  
Commissioner District 2

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Lisa Naito,  
Commissioner District 3

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Lonnie Roberts,  
Commissioner District 4

SUBMITTED BY:  
Kathleen Todd, Director, Office of Citizen Involvement

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 07-068

Proclaiming April 15 through April 21, 2007 as Multnomah County Volunteer Week and April 25, 2007 as a Special Day of Recognition for Multnomah County Volunteers

The Multnomah County Board of Commissioners Finds:

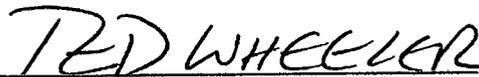
- a. One of America's greatest national resources is its volunteers, and the invaluable resources they devote toward a healthy and productive society.
- b. Each year thousands upon thousands of volunteers across the nation tirelessly contribute to the betterment of their communities.
- c. It has long been a tradition in our community for volunteers - men, women and children alike - to perform work of the highest quality and to bring sunshine and hope to the lives of others.
- d. Our community volunteers, who give so freely of their time, energy, and ability, do so only for a smile and a thank you for their countless hours of service, and for the knowledge of providing an invaluable service to others.

The Multnomah County Board of Commissioners Proclaims:

The week of April 15th through April 21, 2007 as Multnomah County Volunteer Week and April 25th as a Special Day of Recognition for Multnomah County Volunteers. We take great pleasure in honoring all volunteers with our sincere gratitude and appreciation for their dedicated, selfless, and compassionate efforts.

ADOPTED this 19th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON



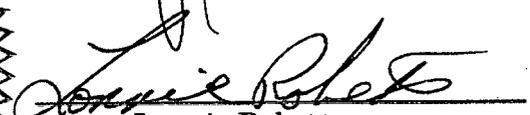
Ted Wheeler, County Chair

  
Maria Rojo de Steffey,  
Commissioner District 1

  
Lisa Naito,  
Commissioner District 3



  
Jeff Cogen,  
Commissioner District 2

  
Lonnie Roberts,  
Commissioner District 4

SUBMITTED BY:  
Kathleen Todd, Director, Office of Citizen Improvement

**PLACE HOLDER FOR**

**R-4 Chair Ted Wheeler's Executive Budget  
Message for Fiscal Year 2008**



# Ted Wheeler, Multnomah County Chair

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

## **Chair's Executive Budget Message** **April 19, 2007**

I am pleased to present my Executive Budget for fiscal 2007-2008.

Although this document ultimately reflects my spending priorities as Multnomah County Chair, I would like to collectively acknowledge and thank the dozens of engaged members of the community, policy experts, front-line employees, clients, managers and other elected officials whose considerable guidance, wisdom and experience is incorporated within these pages.

I am confident that this budget will serve as an effective blueprint for my administration during the coming fiscal year and beyond.

This year's budget reflects hard choices and significant spending reductions. Reasonable people will disagree over individual funding decisions, but it is my hope that the community will agree that the Executive Budget process was inclusive, fair and consistent. This budget will bring intensified fiscal restraint to a jurisdiction that is already struggling to cope with the impact of the six previous consecutive years of budget cuts. On the other hand, it also lays out a clear path toward financial security and stability for Multnomah County government.

### **Goals of My Executive Budget**

This budget accomplishes two key objectives: 1) it stabilizes the County's financial condition, and 2) it focuses my administration's priorities and provides clear strategic direction for the coming year and beyond.

#### **Financial Stability**

My Executive Budget ensures that Multnomah County will live within its means. This balanced budget includes over \$15 million in general fund reductions representing one of the largest single-year reductions ever taken by a local jurisdiction in Oregon. These cuts are necessary for two reasons: first, the County must reduce its spending to account for the expiration of the Multnomah County temporary income tax which supported nearly \$32 million in program spending. **This budget will bring expenditures back into line with revenues over a two-year period by offering \$15 million in cuts this year, and identifying another \$10 million in next year's Executive Budget.**

Additionally, the cost of providing our core services continues to rise at a faster rate than our revenue. Unlike the City of Portland, Multnomah County has a limited range of revenue options.

The growth of our single largest source of revenue – property taxes – was capped at three percent by Oregon voters with the passage of Measure 50 in 1997. On the other hand, our costs (especially employee costs, public health services and public safety costs) continue to grow at about six percent per year. This creates a structural deficit which grows worse each year. **This budget takes specific steps to reduce the structural deficit by investing in technologies that will improve worker productivity, creating an “innovation fund” that will support programs that bring in more than one dollar in savings for every dollar invested, and identifying specific reductions in administrative overhead.**

#### **Focus and strategic direction**

Multnomah County has historically been charged with providing an unusually wide array of services that include, among other things: public libraries, correctional facilities, health centers, elections, emergency management, senior programs, health inspections, after-school programs, bridges, mental health services, river patrol, energy assistance, animal services, land use planning and marriage licenses. In many cases, Multnomah County is required by statute to provide specific services. Multnomah County has outstanding employees who are accomplishing great things on behalf of the community in each of these and other areas. Every line of service in which the County is engaged will receive my full attention and support as the County's Chief Executive Officer.

**This budget does, however, focus attention on two areas that are urgent priorities for my administration: human services and public safety.** More specifically, Multnomah County will provide a system of accountable basic needs services to those who are the *most* vulnerable in our community, and we will provide a system of accountable public safety services to the community as a whole. Program enhancements reflected in this budget are largely concentrated in these two areas.

#### **Multnomah County Will Retain its Leadership Role**

Despite the significant spending reductions proposed in this budget, Multnomah County will continue to be a cutting-edge government agency. Focusing attention on human services and public safety with clearly articulated strategies will enable us to maintain a nationally-recognized public health system, cost-effective drug and alcohol treatment, one of the nation's premier public library systems, health clinics that serve thousands of uninsured county residents, excellent early childhood prevention and intervention services, a successful youth homeless and housing system, critical mental health services, balance in the public safety system, an effective juvenile justice system, widely-emulated parole and probation services and a robust aging and disability services system.

#### **FY 2007-2008 Executive Budget – Notable Highlights**

In 2004 Multnomah County government worked with citizens to establish six “priority areas” for the County. The Board of County Commissioners re-affirmed these priority areas early in this year's budget process: accountability, safety, basic living needs, thriving economy, school success, and vibrant communities. The Executive Budget is structured around funding for each priority area. I have highlighted some of the more notable initiatives which I am supporting in

this budget and I begin the discussion of each priority area with some remarks on my strategy around those services.

**Accountability:** "I want my government to be accountable at every level."

*Strategy: In order for Multnomah County to maintain the trust and continued support of the public, it must be accountable. To be accountable, Multnomah County must be open and engage the public in the policy-making process, it must be transparent in how it makes its decisions, cost-effective in terms of how it spends the taxpayers' hard-earned dollars and it must be accessible to all citizens. Multnomah County must be proactive in its efforts to be accountable to the public by making it easy for citizens to hold us accountable.*

*Multnomah County will take the lead in responsibility for racial and ethnic disparities that we know exist within our community and be held accountable for progress toward eliminating them.*

### **Citizen Involvement**

This budget maintains funding for open and meaningful citizen involvement, but it also reserves additional funds to "challenge" the Citizens Involvement Committee (CIC) to come up with an innovative means of coordinating public involvement across Multnomah County's various citizen engagement opportunities including CIC, Public Affairs Office, Elders in Action, libraries and elsewhere. The CIC has accepted this challenge, and I look forward to working with it to enhance our community engagement efforts. Citizen involvement is a high priority for my administration, and it is our goal to more meaningfully engage citizens in shaping and implementing county policy and also to increase the role of citizen volunteers in every part of the county organization. Specifically, we hope to double the number of volunteers engaged by Multnomah County during the coming year.

### **System of Accountability**

The Chair's Office will work with the County Budget Office to champion the "MultStat" initiative during the coming budget year. MultStat will be an outcomes-based and results-oriented program that evaluates programs against specific performance measurements and benchmarks on an ongoing basis. It will make sure that programs are on target to deliver the outcomes that were "purchased" during the budget process. I am confident that MultStat will not only help us spend our limited dollars more efficiently, but it will also enhance the delivery of County human services. MultStat will also help us cultivate leadership amongst the ranks of our employees by encouraging wider participation in the program evaluation process. It is my expectation that MultStat will more than pay for itself through cost-savings and improved service delivery.

### **New Phone system and County Web-site**

If government is not accessible, it cannot be held accountable by the public it serves. For many citizens, the best way (and for some the only way) to access Multnomah County is through our website and phone system. To be direct, neither is currently acceptable and I have asked county staff to redesign both the County website and our phone system to make them easier for citizens to navigate and to get the information they need. I believe this can be accomplished through

some reallocation of existing resources. The phone system will enable users to reach a live operator on every call. My goal is for citizens to get the information they want on their first phone call or first visit to the County website.

### **Innovation Fund**

My Executive Budget includes a \$2 million Innovation Fund (one time only) which will support programs that can demonstrate more than one dollar in savings for every dollar spent. This pilot program is a key means of reducing the County's structural deficit and encouraging innovative thinking among County employees. Grants will be awarded from this fund on a competitive basis and steps will be taken to ensure openness and transparency in the process. The goal of this program is to generate more than \$2 million in savings on an ongoing basis.

### **Technology investments**

After years of budget cuts, Multnomah County has neglected to invest in enterprise technology and core IT systems that make us innovative, cost-effective and more productive. My Executive Budget makes substantial one-time-only investments in IT systems, Assessment and Taxation systems, our land use planning system, electronic medical records and other systems which are greatly needed. It is the goal of my administration to invest in core technologies that will make us more productive, embrace new technologies that will give our employees the tools they need to do their jobs, and utilize open source platforms wherever advantageous to maximize our access to current information.

### **Reducing racial and ethnic disparities**

In Multnomah County, African Americans and increasingly Latinos, Native Americans and Asians experience lower life expectancies, higher rates of disease, poverty, and overrepresentation in the criminal justice and mental health systems. The Health Department's Program Offer 40045 which is funded through my Executive Budget, is a primary example of how we will address health outcomes disparities. It will include participation in national discussion of health disparities and will integrate community input, findings from disparities experts, and local data to identify current efforts as well as immediate and long-term solutions to address the root causes of disparities. Additionally, my office will create a framework to address disparities with an explicit focus on justice, equity and the relationship of inequities to economic and educational attainment. This initiative will offer an internal process of looking at local indicators and current efforts to tackle disparities. I will also create a Disparities Elimination Board of Advisors to identify and address the root causes of disparities in our community. I am committed to significantly raising awareness of this issue and developing concrete action plans through town halls and other forums. During my administration, Multnomah County will work to eliminate disparities based on race and ethnicity that exist in our community and we will challenge other community institutions to work with us to make this happen.

**Safety:** "I want to feel safe at home, work, school and play."

***Strategy:*** *In order for the public safety system in Multnomah County to work effectively, every jurisdiction within the County that spends money on public safety programs needs to know what the current resources are, what gaps exist, have a workable strategy to fund those gaps, and*

*ensure that the entire system is in balance (i.e. adequate police, jail beds, court services, treatment services, etc.) Emergency Management is core to public safety and includes making sure that our organization is trained and prepared to respond to any widespread emergency, is coordinated as part of any regional response, and that the community is informed and well-prepared for their role in any emergency response. As a matter of principle, the County must take specific steps to eliminate the over-representation of minority youth, particularly African-American youth, in the juvenile justice system.*

### **Public Safety Study**

My Executive Budget will fund a county-wide public safety study which will commence during the current fiscal year. This study, which will be done with the voluntary participation of all jurisdictions in Multnomah County (including the City of Portland and the City of Gresham) will take a hard look at the current resources in our public safety system, evaluate their effectiveness, identify specific gaps, evaluate treatment options and alternatives to incarceration, and make recommendations for future investment strategies in the public safety system. This study may be useful to identify specific strategies that might be funded through a possible county-wide public safety levy in 2008.

### **Jail beds**

With the support of the Multnomah County Sheriff, I am shifting jail resources to reflect known best practices and to maximize the impact on public safety. **Overall, the system capacity will remain largely unchanged.** Although we will reduce the overall level of jail beds in the County by reducing the level of double bunking at the Multnomah County Detention Center (MCDC), the funds will be directed toward both a **new work-release furlough program** and **30 additional residential treatment beds** in the community. These new services will free up approximately the same number of beds that are closed at MCDC, but will provide a greater reduction in the recidivism rate. In sum, we will be paying less for a greater reduction in crime!

At present, there are many people in the Multnomah County jails who could safely be furloughed to a work-release program instead of jail, but the County currently has no furlough program. Furlough would allow these offenders to continue to support their families. It is estimated that we could "free up" somewhere in the neighborhood of 60 – 70 beds with the furlough program.

At any given time there are 50-60 offenders at Multnomah County's Inverness Jail (MCIJ) who have gone through pre-treatment and are eligible for release to treatment, but remain in jail due to a lack of treatment beds in the community. We will "free up" 30 jail beds by investing in 30 new residential treatment beds.

My Executive Budget also reduces the number of double-bunked cells at the MCDC by 170 (but adds beds at MCIJ for a net reduction of 114.) Reducing double bunking will reduce employee costs at MCDC, make it easier to manage our most challenging jail population, reduce wear and tear at MCDC, and bring us closer to full compliance with the Prison Rape Elimination Act.

### **Wapato Jail**

The best long term use for the Wapato Jail is to operate it just as the voters intended when they voted to fund its construction in 1996. Specifically, it should be used to house local, general

population prisoners (with treatment capacity). In the short-term, there are two options actively being pursued by this administration. First, we are in ongoing discussions with Clark County to use part of the treatment capacity of the facility. We are also continuing conversations with key legislators in Salem to pursue use of the facility to house state prisoners who are serving the last year of their sentence and who we know will return to Multnomah County upon their release. I am asking the Board to hold \$2.5 million in contingency so that we will be ready to act quickly to open the facility as soon as we can close a deal with either of these potential partners. My administration has set a deadline of November 2008 to identify funding to open the Wapato facility. In the meantime we will pursue all avenues for partnership and will continue to ensure that we are spending our current public safety dollars wisely.

### **Juvenile Confinement Alternatives for Minority Youth**

My administration is committed to eliminating the overrepresentation of minority youth in our juvenile corrections system. In addition to supporting mainstream juvenile detention alternatives (50023A - existing, 50023B - new, 50015 - existing), I have supported an innovative program (50016 - alternative) that will provide detention alternatives targeted toward African American and Latino youths who are identified as likely to thrive in an alternative program. Collectively, these programs will cost significantly less per day per youth than juvenile detention and will address the significant overrepresentation of minority youths in our juvenile detention facility.

### **Emergency Management**

My Executive Budget provides additional resources (and additional staffing capacity) to the County Emergency Management Office to enhance our emergency response capacity. This funding will enable us to update our Emergency Operations Plan (EOP), train staff, conduct drills and exercises, coordinate regional emergency planning and build the capacity of the community to respond to a widespread emergency. I have also continued a separate program which enables the Multnomah County Health Department to plan and respond to widespread health-related emergencies. It is the goal of my administration for Multnomah County to demonstrate excellence in emergency preparedness by earning accreditation by the Emergency Management Accreditation Program.

### **Community Corrections (SB 1145)**

The Governor's proposed budget included increased dollars for local supervision of state prisoners by Multnomah County (SB 1145 funding). The legislative Co-Chairs budget then reduced Multnomah County's reimbursement by nearly \$5.7 million (for the biennium) from what the Governor had proposed. My administration is deeply concerned about this reduction and the impact it will have on our ability to provide basic public safety services in Multnomah County. Moreover, the Governor's SB1145 budget was negotiated in good faith by the Association of Oregon Counties (AOC), the Governor's office, and the state association which represents community corrections professionals. I will continue to lobby the legislature to restore the Governor's funding for SB1145, and my administration will work to increase Multnomah County's share of SB1145 funding in the future. The County will consider all options with regard to how manage SB1145 funding, including the option to "opt out" in the future which would return community corrections responsibility to the State of Oregon.

### **Preserving Public Safety**

While my executive budget makes some changes in the public safety system I have maintained the capacity to supervise offenders and keep the community safe. We will continue to spend more than half of our General Fund on public safety needs.

**Basic Living Needs:** “I want all Multnomah County residents and their families to have their basic living needs met.”

*Strategy: My administration will employ a general strategy for prioritizing basic needs. There will be exceptions, and every program will need to demonstrate its effectiveness, but generally, we will support intervention and prevention programs first because they are more cost-effective than after-the-fact treatment or remedies and encourage desired behaviors. We will invest with an eye toward the future, which means that generally early childhood programs will be prioritized. Above all else, we will support those in the community who have nowhere else to turn – our most vulnerable citizens - and we will prioritize programs where Multnomah County is the only agency that can provide the service. My administration is committed to supporting programs that reach out to disenfranchised communities who need basic services, including culturally specific programs that demonstrate that they can achieve desired results.*

### **Family Economic Security**

I am proud to support the highly innovative Family Economic Security Program in my executive Budget. This cost-effective poverty intervention program will directly improve the economic bottom line for low-income, working families, reducing their reliance on social services. This project will partner with 30 local employers to provide tax assistance to 600 low-income working parents to help them claim the Advance Earned Income Tax Credit. The goal for this \$75,000 pilot program is to secure \$1.8 million in tax benefits for low-income families in Multnomah County.

### **Vital Aging Commission**

My Executive Budget provides funding to support the County's new Vital Aging Commission which will identify and create increased volunteerism and employment opportunities for aging adults throughout Multnomah County. This program will ensure that Multnomah County will be prepared to both address the challenges and cultivate the opportunities provided by the rapidly changing demographics brought about by the aging baby boom generation. The Vital Aging Commission will work with existing resources in the community including Multnomah County Aging and Disability Services, Elders in Action and other agencies like Hands on Portland to fulfill its mission.

### **African American Specific Mental Health Treatment Challenge (25079)**

This is a new program that is not funded in my Executive Budget because the cost is beyond our current capacity to fund it in full. This proposal would fill a significant gap in our mental health system and would address a known disparity that exists in our community (African Americans are more likely than other groups to be referred to a hospital or public safety environment rather than receive mental health treatment). Although we cannot commit to funding it alone (the total cost would be about \$800 thousand per year) my administration will commit to finding \$200

thousand to open this clinic if we can persuade the State, hospitals or other agencies to step forward to help us fund this program.

#### **Secure Mental Health Sub-Acute Treatment Facility for Adults Challenge (25065)**

This is another program that is not funded in my Executive Budget, but which is a high priority for my administration. I have lobbied hard in Salem with Mayor Potter and State Senators Avel Gordly, Margaret Carter and Ben Westlund to try and get state funding to open this facility which will close a known gap in our mental health system. The cost is prohibitive for Multnomah County to operate it alone – about \$2.8 million per year. My administration will commit to taking a lead role in developing funding for the construction of the facility if the State of Oregon will commit to supporting the ongoing operational costs.

#### **Residential Treatment Beds**

My Executive Budget increases the number of community residential treatment beds by 30. (See discussion above in Safety.)

#### **Preserving Services for the Most Vulnerable**

Because the county has a special obligation to help those who have nowhere else to turn, I have fully funded aging and disability services and the programs that serve people with developmental disabilities.

#### **Thriving Economy: “I want Multnomah County to have a thriving economy.”**

*Strategy: The best anti-poverty program is a good job. Although the County's formal role in economic development is limited, there are many specific ways we can assist the local economy. The first is to acknowledge that it is easier to keep the jobs we already have than try to recruit new companies to the area. We should support the 40,000 small businesses that provide the majority of existing employment opportunities in our community by including them in important decisions that impact their ability to do business (such as business tax policy). The second is to serve as an integrator of the many local and regional business efforts that currently exist. Third, the County should commit to finding ways to support the deteriorating regional transportation infrastructure that it currently owns and operates. Fourth, the County can seek to link clients in our anti-poverty services to local jobs through our affiliation with WorkSystems, Inc. and other resources. Fifth, the County should ensure that its own business practices (such as procurement policies and contract management) are supportive of local business first, especially small business. Finally, the County should ensure that it supports through its own business practices the development of emerging clusters that represent a competitive advantage for our community: green energy, green building technology, open source software development, and flex-car-type fleet arrangements, etc.*

#### **Economic Development**

I am pleased to support funding for Program Offer 10038 to hire an Economic Development Coordinator to consolidate and leverage the County's limited economic development resources and enhance the County's ability to partner with government, business, and community organizations focused on workforce and economic development. Our participation with the Regional Investment Board, Worksystems, Inc., Regional Partners, and the East Metro Economic

Alliance are just a few signs of the commitment we have to economic development—this program offer will coordinate and strengthen it. There is sufficient funding to develop an Economic Development Strategic Plan for Multnomah County. This program offer will enable the County to play a more meaningful role in local economic development initiatives.

#### **Small Business Advisory Council**

My budget supports limited funding to create and staff a Small Business Advisory Council that will advise me on business issues including those listed in the strategy above.

#### **Regional Bridge Authority**

My Executive Budget will support funding to pursue the study and creation of a Regional Bridge Authority. My concern is that Multnomah County does not have - and will never have - the capacity to properly maintain or replace the 27 bridges and overpasses (and nearly 300 miles of roadway) for which we are currently responsible. Rather than passing the buck to the next generation, it is a priority for my administration to develop an action plan for how, specifically, we will maintain the infrastructure that is critical to the future livability and economic viability of our community. Discussions are already underway.

#### **BIT Reduction**

My next Executive Budget will reflect the restructuring of the Business Income Tax that was recently unanimously supported by the Board of County Commissioners. Starting in 2008 we will raise the gross income exemption and increase the owners compensation deduction to ease some burden on small business. This will also harmonize the business tax approaches of Multnomah County and the City of Portland thus simplifying procedures for taxpayers.

#### **Education: "I want all children in Multnomah County to succeed in school."**

*Strategy: Multnomah County should not duplicate the work of the school districts or ESDs. Rather, the County should enhance their efforts by providing effective wrap-around services that Multnomah County is uniquely qualified to provide and which we know will directly improve educational outcomes: health, mental health, stable housing, anti-poverty services, etc. We should continue to support and grow the SUN service system – as a cost-effective means of delivering Multnomah County Human Services to school-age youth and their families. The SUN Coordinating Council will be encouraged by this administration to further develop the SUN System as a community-wide template for delivering a wide range of community services.*

#### **SUN Coordinating Council**

The new SUN Coordinating Council is included in this budget. It will broaden the "ownership" of the SUN service system by giving our partners a clear role in shaping the initiative. The creation of this Council was a major recommendation of the task force which studied SUN in the wake of last year's budget controversy.

#### **SUN service system**

My Executive Budget provides base level funding for the SUN sites across the county. I am also recommending that we put money in our contingency fund and work with the Coordinating Council and our partners to identify gaps and leverage additional funding. I have proposed cuts

in some school based programs (see the section on **Reductions** later in this document) but I hope that we can work with our partners to maintain the highest priority services.

**Vibrant Community:** “I want to have clean, healthy neighborhoods with a vibrant sense of community.”

*Strategy: Multnomah County will continue to support programs that are valued by the community and which contribute significantly to our core mission.*

### **Libraries**

My Executive Budget honors the commitment of Multnomah County to its citizens who voted to renew the library levy in November 2006. I have fully funded all branches, including the new Troutdale and North Portland branches.

### **Bus Pass Program**

My Executive Budget continues to fund the Bus Pass Program for Multnomah County employees. I believe that it is important that we encourage mass transit for our employees because it helps to reduce greenhouse gas emissions from vehicles and is consistent with my administration's goals around sustainability.

## **Reductions Included in My Executive Budget**

As noted earlier, this budget includes \$15 million in reductions. These were hard decisions and if the County's financial situation were different I would have proposed the continuation of many of these programs.

Not every jurisdiction faces the same fiscal constraints as Multnomah County. As noted below I have met with school and city leaders to seek advice and partnerships that could help to maintain some of these services. I think that we all agree that the community is best served when governments cooperate across jurisdictional lines.

Major reductions in the Chair's budget fall into five categories and involve two major partnerships.

1. School based services and potential for schools partnerships
2. Corrections
3. Administration
4. Quality of life services and potential for cities partnerships
5. Law enforcement

### **1. School Based Services and School Partnerships**

The extent of the reductions prompted a wide ranging review of the services currently provided to schools or on school sites. We found a wide variety of services that varied greatly by district placement and by results. Rather than continue to be the sole judge of the effectiveness and

importance of these services, we are asking the school districts to partner with us in selecting from a menu of services that the County can provide if the District can defray the County's unreimbursed costs.

For this year, we focused on the following services:

- School based mental health services
- Middle and elementary school clinics
- Touchstone
- Child care slots
- Teen pregnancy prevention program
- East County teen health clinic
- Summer hours at existing high school clinics
- Gender based training

We have discussed these reductions (totaling \$3.8 million) with the Superintendents of the school districts within the county and will be providing them with information on the cost to purchase these services, if they wish to retain them. By way of assistance to the districts in the first year, the County will be able to allocate an unanticipated \$2.1 million of delinquent ITAX collections due these districts under our agreement.

## **2. Corrections**

These reductions were described in the Public Safety section above. Reducing double bunking at MCDC saves an estimated \$2.9 million. Small reductions in court services bring the total in corrections to approximately \$3.3 million

## **3. County Administration**

In an effort to gather as many options as possible, I asked department administrators and agency heads to prioritize how they would take reductions. From those conversations, we identified small administrative savings in many areas. Collectively they total \$2.6 million. The most significant of these will involve reductions in our internal services rate in future years, focused primarily on changes in how we provide information technology services.

These are difficult reductions to make in an organization that has endured multiple years of reductions. We are unlikely to hear about them in the budget hearings. Nevertheless, they can impact staff and management workloads and indirectly the quality of services we are able to provide.

## **4. Quality of life services**

There are several reductions that are driven by our desire to respond first to the more serious public safety threats. Some of our work is currently directed to chronic users of systems or more minor criminal or nuisance activity.

Given the difficult trade offs inherent in this process, this budget eliminates funding for the sobering portion of the Hooper Detox Center, the majority of the addictions outreach services, some prosecutors who work closely with police precincts in the City of Portland, and the portion of Animal Control field services that responds to neighborhood nuisances and dead animals.

Because of the overlapping jurisdictional and programmatic charges of the City of Portland and Multnomah County, I have briefed the Mayor and City Council about my budget and asked them to consider providing funding for these services within the City of Portland. This \$2.6 million request was graciously received and the Mayor has asked for continued discussion as part of the budget process.

#### **5. Law Enforcement**

The Sheriff and I and our staff have developed an excellent working relationship. The overall need to reduce the County budget is understood and supported by the Sheriff. The specific reductions included in this budget are obviously painful for the Sheriff and his employees. Nevertheless, they largely reflect the priorities he identified through our conversations.

The most difficult reductions involve reductions in deputies in special investigations, several county wide task forces, a reduction in river patrol, and enforcement records. The need for continuing law enforcement coverage is driven not as much by call volume, but largely by the large geographical areas within the Sheriff's responsibility and the need to maintain minimally acceptable response times to emergency situations. The continuing reduction in county wide services is reflective of the growth of Gresham and other East County cities, who are assuming full responsibility for criminal activity in urban areas.

The long term answer is a single police force for East County. That has the promise of both greater efficiencies and/or higher service levels.

#### **Strategic planning for next year**

Unfortunately, this is only the first of two steps. Next year, we will return with additional reductions. We anticipate approximately \$10 million at this time. However, because of uncertainties involving our labor negotiations, ever rising health care costs, the state budget (especially involving 1145 funding), and our dangerous dependence on a business income tax, that number could easily grow to \$15 million or higher.

In preparation, I have identified program areas that need additional cooperative planning or redesign. Some will lead to reductions that our systems can afford; others may result in redesign that will provide cost avoidance or better service; others will need the active cooperation of our government partners. I will be discussing this strategic direction with the Board in the upcoming weeks and asking for their support and assistance in doing this policy work together, cooperatively over the next few months.

#### **Appreciation for my colleagues**

Before arriving at the County, I was not sure what to expect in terms of cooperation, innovative thinking and tough minded decision making, both from my fellow elected officials and the Department Managers.

Needless to say, this budget reflects a great deal of their work and support. All Board members and their staff were aware of the considerations I weighed in compiling this budget. Many of the ideas included in here came from conversations with them and with the other elected officials and managers who know first hand the painful impact of these reductions. I want to thank them all for their assistance. I particularly want to thank Karyne Dargan and the staff of the budget office whose diligence and professionalism make it possible for us to truly focus our efforts on the policy questions.

The process has left me with a more in depth understanding of the benefits of services provided by the county, the dedication of the people who deliver them, and the passion that those that receive these services have for their continuance. Together, we need to continue our resolve to work together to minimize the impact of these cuts in service and to think and rethink creatively how we can provide our core services most effectively.

TED WHEELER



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

**Board Clerk Use Only**

Meeting Date: 04/19/07  
 Agenda Item #: R-5  
 Est. Start Time: 10:15 AM  
 Date Submitted: 04/11/07

**RESOLUTION Approving the Chair's Proposed Fiscal Year 2008 Budget for  
 Agenda Submittal to the Tax Supervising and Conservation Commission as Required by  
 Title: ORS 294.421**

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

Meeting Date Requested: April 19, 2007 Amount of Time Needed: 10 minutes  
 Department: County Management Division: Budget & Evaluation  
 Contact(s): Karyne Dargan, Budget Director  
 Phone: 503-988-3312 Ext. 22457 I/O Address: 503/531  
 Presenter(s): Karyne Dargan

**General Information**

1. **What action are you requesting from the Board?**  
 Approve the FY 2008 Executive Budget for Multnomah County so that it may be transmitted to the Tax Supervising Conservation Commission (TSCC).
2. **Please provide sufficient background information for the Board and the public to understand this issue.**  
 The FY 2008 budget process is based on a plan to forward the budget to TSCC by May 4th. It does not imply agreement on the part of the Board with the policies included in the budget, nor with the Chair's proposed allocation of resources. The Chair's Office has met with other local jurisdictions, the State, union representatives, Outcome teams, and Department Heads and their key staff to receive information and to provide input and recommendations about budget allocations and cross jurisdictional impacts.
3. **Explain the fiscal impact (current year and ongoing).**  
 Approving the Executive Budget and transmitting documents to TSCC is the first Board action required to move towards adopting the budget for FY 2008. TSCC review is a requirement of Oregon Budget Law.

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

Approval of the Chair's Executive Budget and transmittal meets the legal requirements to submit a budget to the Tax Supervising. After the budget has been submitted, no Fund may be increased by more than 10% in total revenue, and no property tax greater than the amounts included in the Executive Budget may be levied. Voting to forward the budget without extensive public review and comment might produce adverse comment if it were not clearly understood that the process meets a technical requirement of the law, or if the Board were not to hold extensive public review before adopting the budget. Four weeks of hearing and work sessions have been scheduled prior to adopting the budget.

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

Three evening public hearings are scheduled to collect public input on the budget. The CIC sponsored several citizen forums where citizens could offer input to the Executive Budget. Citizen's Budget Advisory Committees have reviewed the program offers and have made a presentation with recommendations to the Board of County Commissioners; there will also be an opportunity for CBAC presentations in May. Transmitting the Executive Budget to the Tax Supervising Conservation Commission allows the public and Board further time to review the Chair's Budget before final adoption.

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**Required Signatures**

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Elected Official or  
Department/Agency  
Director

*Carol M. Ford*

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Date: 04/12/07

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Approving the Chair's Proposed Fiscal Year 2008 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by ORS 294.421

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

- a) ORS 294.341 provides that the Board of County Commissioners (Board) is the Budget Committee for Multnomah County.
- b) ORS 294.421 requires transmittal of the Budget to the Tax Supervising and Conservation Commission (TSCC) prior to May 4.
- c) On April 19, 2007 the Board received the budget message from the Multnomah County Chair (Chair) and the Proposed Budget for fiscal year July 1, 2007 to June 30, 2008 in compliance with ORS 294.401.
- d) The Chair requests that the Board approve the Proposed Budget for submittal to the TSCC as required by ORS 294.406.
- e) The Budget submitted to the TSCC establishes the maximum expenditure for each fund. The Board may not increase these expenditures by more than ten percent.
- f) The Budget submitted to the TSCC establishes the maximum property tax levy for Multnomah County. The Board may not increase property tax levies.
- g) Submitting the Budget to the TSCC does not prevent the Board from making reallocations within the limitations noted above.
- h) The Board will conduct an extensive review and public discussion of the FY 2008 Budget.

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

1. The Budget Office will prepare the FY 2008 Approved Budget and forward it to the TSCC.

2. The following property tax levies and categories are approved and included in the Approved Budget forwarded to the TSCC.
3. These taxes are a combination of four authorized tax rates

<b>General Government Category</b>	
<b>Operating Taxes</b>	Tax Rate / \$1,000
Permanent Tax Rate	\$ 4.3434
Library Local Option Levy	\$ 0.8900
<b>Total Operating Taxes</b>	<b>\$ 5.0984</b>
<b>Excluded From Limitation</b>	
<b>Bonded Indebtedness</b>	Tax Amount
General Obligation Debt Levy	\$9,308,511
<b>Total Debt Levy</b>	<b>\$9,308,511</b>

ADOPTED this 19th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Agnes Sowle, County Attorney

SUBMITTED BY:  
Carol M. Ford, Director, Dept. of County Management

**BOGSTAD Deborah L**

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**From:** CUNNINGHAM Shawn D  
**Sent:** Wednesday, April 18, 2007 11:10 AM  
**To:** #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; GRIFFIN-VALADE LaVonne L; SHERIFF; SCHRUNK Michael D  
**Cc:** #ALL PAO STAFF  
**Subject:** FW: Directors' message on budget; talking points

FYI, the message below was sent to department directors today.

Shawn Cunningham  
 Multnomah County Public Affairs Office  
 503-988-4369  
[shawn.d.cunningham@co.multnomah.or.us](mailto:shawn.d.cunningham@co.multnomah.or.us)  
 Newsroom: <http://www.co.multnomah.or.us/news>

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

**From:** CUNNINGHAM Shawn D  
**Sent:** Wednesday, April 18, 2007 11:07 AM  
**To:** LIDAY Steve G; JOHNSON Cecilia; FULLER Joanne; FORD Carol M; RAPHAEL Molly; SHIRLEY Lillian M; LEBOW Wendy C  
**Cc:** WHEELER Ted; SCHOLLES Rhys; MATTIODA Gina M  
**Subject:** Directors' message on budget; talking points

Attached is a message you may wish to use in communicating with staff in your department on Thursday about this year's budget proposal.

Please consider this a suggestion only and feel free to modify or edit as it best suits your needs. The Chair's Office will send out an all-staff email tomorrow from the Chair that will be consistent with these points and will post the Chair's full 13 page budget message on our website tomorrow morning.

Below are key messages the Public Affairs Office recommends be used during interviews with the media. If you have questions, please contact a member of the PAO staff.

**Key Messages:**

- The Chair's Executive Budget takes decisive action to stabilize the county's financial position and focus on urgent priorities.
- In order to live within our means, Multnomah County needs to cut \$15 million from our budget this year and probably another \$10 million next year.
- Our budget situation is the result of property tax limitations, expiration of the Multnomah County Temporary Income Tax and decisions by the Oregon Legislature that underfund local programs.

**Proposed message to department staff:**

Today, Chair Wheeler released his executive budget, which will be finalized on June 7. The budget reflects a series of difficult choices which require the county to live within its means and focus on the very most critical services.

Multnomah County needs to cut \$15 million from our budget this year and probably another \$10 million next year. There are many reasons for the shortfall, including reduced state funding, expiration of the temporary local income tax, rising costs—particularly healthcare—and revenue limitations from property taxes.

In recent years, the county has cut millions of dollars in programs and services and reduced its workforce by hundreds of employees. I know you are fully aware of the ramifications of further budget reductions on our staff.

4/18/2007

As the board works toward finalizing the budget, I am mindful of the added workloads and stresses each of you may be experiencing.

The county is looking at joint efforts across departments to consolidate and collaborate on programs to provide cost-effective and high quality services to the residents of Multnomah County. We will continue our efforts to identify funding opportunities and efficiencies.

Until the budget is adopted, it is difficult to predict how many people will actually be laid off due to the countywide bumping process. Staff reductions will be accomplished through a combination of vacancies, retirements, and elimination of filled positions. Human Resources will assist staff who may be leaving with transition resources.

Thank you for your continued good work. If you have any questions please contact [INSERT DEPARTMENT CON

Shawn Cunningham  
Multnomah County Public Affairs Office  
503-988-4369  
[shawn.d.cunningham@co.multnomah.or.us](mailto:shawn.d.cunningham@co.multnomah.or.us)  
Newsroom: <http://www.co.multnomah.or.us/news>



## Ted Wheeler, Multnomah County Chair

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

April 19, 2007

Dear Community Partners:

This week I am releasing my executive budget for the next Multnomah County fiscal year which begins on July 1. I am proposing that we take strong action to stabilize our financial condition and focus on urgent priorities. The two most critical elements of Multnomah County's mission are maintaining an accountable and efficient public safety system and meeting the basic needs of the most vulnerable people in our community. My spending choices have been heavily influenced by those two critical missions and by the need for the County to live within our means.

Over the next six weeks, the Board of County Commissioners will be hearing from the community and deliberating before their vote in June to adopt a final budget. I want you to have the information you need on my budget proposal and I hope that you will share your opinions with me and with my fellow commissioners. I have enclosed a summary of my budget message which explains some of the rationale behind my specific proposals. A longer version of my budget message with more detail is available on my website at <http://www.co.multnomah.or.us/chair>.

In order to live within our means, Multnomah County needs to cut \$15 million from our budget this year and an estimated \$10 million next year. These reductions are needed because of the expiration of the Multnomah County Temporary Income Tax, the long-term impacts of property tax limitation ballot measures and because of decisions by the State Legislature that underfund local programs.

I am proposing specific strategies to improve critical services in spite of our fiscal limitations. For example, I propose an expansion of alternatives to incarceration because they are proven strategies to increase community safety while reducing costs. My budget includes targeted investments in information technology to improve productivity and save money. I also propose funding for a project to reduce racial disparities in health outcomes as a first step in my administration's efforts to focus on justice and equity and ultimately eliminate disparities based on race and ethnicity.

On the back of this letter you will find information about upcoming budget hearings. We want to know what you think. We welcome your advice.

Thank you for all your help to our community and we look forward to continuing to work with you.

Sincerely,

*TED WHEELER*

**BOGSTAD Deborah L**

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**From:** Multnomah County Chair  
**Sent:** Thursday, April 19, 2007 10:14 AM  
**To:** #MULTNOMAH COUNTY ALL EMPLOYEES  
**Subject:** Message from Chair Ted Wheeler

Today I am presenting my Executive Budget to the Board of County Commissioners. This budget stabilizes the County's financial condition, focuses my administration's priorities and provides clear direction for the coming year and beyond.

In my Executive Budget Message I have laid out strategies for each of the six budget priority areas and highlighted more than two dozen current issues. You can read the full message at <http://www.co.multnomah.or.us/chair>.

My budget will bring expenditures back into line with revenues over a two-year period by offering \$15 million in cuts this year, and identifying another \$10 million in next year's Executive Budget. I acknowledge the difficulties and the impacts of the budget cuts I'm proposing. I do believe that this strategy can lead us to stability in the future and I have confidence that we can live within our means and still provide excellent public services.

The Board of County Commissioners will deliberate for the next six weeks leading up to final budget adoption on June 7. There are multiple public hearings scheduled in the coming weeks. Please see [http://www.co.multnomah.or.us/cc/budget\\_hearings.shtml](http://www.co.multnomah.or.us/cc/budget_hearings.shtml) for dates, times and locations. We value your ideas and welcome your suggestions.

Sincerely,



**Chair Ted Wheeler**

## A message from Chair Ted Wheeler

On April 19 I presented my first Executive Budget to the Board of County Commissioners and to the people of Multnomah County. My full budget message is available at these links as an [HTML page](#) and a [PDF document](#). I hope you will take a look at it and let me know what you think.



I am proposing that we take strong action to stabilize our financial condition and focus on urgent priorities. The two most critical elements of Multnomah County's mission are maintaining an accountable and efficient public safety system and meeting the basic needs of the most vulnerable people in our community. My spending choices have been heavily influenced by those two critical missions and by the need for the County to live within our means.

In the coming weeks, the Board of County Commissioners will hold hearings to get public input leading up to a June 7 vote. Check the [schedule of budget hearings](#) if you want to present testimony to the Board or you can get [contact information](#) for the Commissioners if you would like to provide your thoughts via phone, letter or email.

Thank you for your interest in our community. I look forward to hearing from you.

### **Ted Wheeler**

Chair Ted Wheeler  
Multnomah County Board of County Commissioners  
501 SE Hawthorne, Suite 600  
Portland, OR 97214  
ph. (503)988-3308  
fax (503)988-3093

[Budget Statement - PDF](#)

[Budget Statement - HTML](#)

[Fiscal Year 2008 Budget](#)

Please address any information technology security concerns to: [info.security.officer@co.multnomah.or.us](mailto:info.security.officer@co.multnomah.or.us)  
Page Created: February 13, 2007 - Page Updated: April 19, 2007

will attend a public  
Budget hearing

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

Please complete this form and return to the Board Clerk  
\*\*\*This form is a public record\*\*\*

MEETING DATE: 4-19-07

SUBJECT: River Patrol Budget

AGENDA NUMBER OR TOPIC: R-5

FOR: \_\_\_\_\_ AGAINST: \_\_\_\_\_ THE ABOVE AGENDA ITEM

NAME: Robert Wilson

ADDRESS: 9626 S.W. 50th Ave

CITY/STATE/ZIP: Portland Or. 97219

PHONE: DAYS: 503-236-4134 EVES: 503-293-9375

EMAIL: melauri@comcast.net FAX: same

SPECIFIC ISSUE: Stable Funding for the River Patrol

WRITTEN TESTIMONY: Sent previous

**IF YOU WISH TO ADDRESS THE BOARD:**

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

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 07-069**

Approving the Chair's Proposed Fiscal Year 2008 Budget for Submittal to the Tax Supervising and Conservation Commission as Required by ORS 294.421

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

- a) ORS 294.341 provides that the Board of County Commissioners (Board) is the Budget Committee for Multnomah County.
- b) ORS 294.421 requires transmittal of the Budget to the Tax Supervising and Conservation Commission (TSCC) prior to May 4.
- c) On April 19, 2007 the Board received the budget message from the Multnomah County Chair (Chair) and the Proposed Budget for fiscal year July 1, 2007 to June 30, 2008 in compliance with ORS 294.401.
- d) The Chair requests that the Board approve the Proposed Budget for submittal to the TSCC as required by ORS 294.406.
- e) The Budget submitted to the TSCC establishes the maximum expenditure for each fund. The Board may not increase these expenditures by more than ten percent.
- f) The Budget submitted to the TSCC establishes the maximum property tax levy for Multnomah County. The Board may not increase property tax levies.
- g) Submitting the Budget to the TSCC does not prevent the Board from making reallocations within the limitations noted above.
- h) The Board will conduct an extensive review and public discussion of the FY 2008 Budget.

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

- 1. The Budget Office will prepare the FY 2008 Approved Budget and forward it to the TSCC.

2. The following property tax levies and categories are approved and included in the Approved Budget forwarded to the TSCC.
3. These taxes are a combination of four authorized tax rates

<b>General Government Category</b>	
<b>Operating Taxes</b>	<b>Tax Rate / \$1,000</b>
Permanent Tax Rate	\$ 4.3434
Library Local Option Levy	\$ 0.8900
<b>Total Operating Taxes</b>	<b>\$ 5.0984</b>

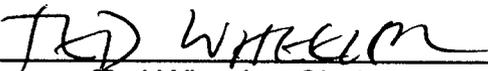
  

<b>Excluded From Limitation</b>	
<b>Bonded Indebtedness</b>	<b>Tax Amount</b>
General Obligation Debt Levy	\$9,308,511
<b>Total Debt Levy</b>	<b>\$9,308,511</b>

ADOPTED this 19th day of April, 2007.

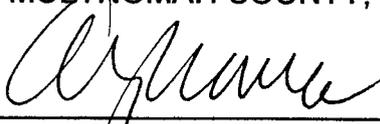


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Agnes Sowle, County Attorney

SUBMITTED BY:  
Carol M. Ford, Director, Dept. of County Management



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 04/19/07  
**Agenda Item #:** R-6  
**Est. Start Time:** 10:20 AM  
**Date Submitted:** 04/11/07

**Agenda Title:** **First Reading and Proposed Adoption of ORDINANCE Repealing Ordinances 1055 and 1060 to Delete the Real Property Compensation Law (Ballot Measure 37) Subchapter from the Multnomah County Code (§§27.500 – 27.565), and Declaring an Emergency**

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

<b>Requested Meeting Date:</b>	<u>April 19, 2007</u>	<b>Amount of Time Needed:</b>	<u>5 minutes</u>
<b>Department:</b>	<u>Non-Departmental</u>	<b>Division:</b>	<u>County Attorney</u>
<b>Contact(s):</b>	<u>Agnes Sowle, County Attorney</u>		
<b>Phone:</b>	<u>503-988-3138</u>	<b>Ext.:</b> <u>83138</u>	<b>I/O Address:</b> <u>503/500</u>
<b>Presenter(s):</b>	<u>Agnes Sowle, County Attorney</u>		

**General Information**

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

Approve first reading and adoption of ordinance repealing ordinances 1055 and 1060 to delete the Real Property Compensation Law (Ballot Measure 37) Subchapter from the Multnomah County Code (§§27.500 – 27.565)

**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 December 2, 2004, by Ordinance 1055, the Board adopted procedures implementing ORS Chapter 197, as amended by Ballot Measure 37 (passed November 2, 2004) for processing compensation claims by adding a Real Property Compensation Law subchapter to the Code (§§7.500 – 7.560).

On May 19, 2005, by Ordinance 1060, the Board amended those procedures and added a severability clause (§ 7.565).

On May 26, 2005, by Ordinance 1061, the Real Property Compensation Law subchapter of the Code (§§7.500 – 7.565) was renumbered as §§27.500 – 27.565.

Two recent Multnomah County Circuit Court rulings have held that a Measure 37 claimant need not comply with Multnomah County's Real Property Compensation Law to have a valid claim. One recent Multnomah Circuit Court ruling held that a Measure 37 claimant was entitled to attorney fees in the amount of one-third of the amount claimed for compensation plus substantial costs and expenses. If the County continues to require compliance with its ordinance, it is at risk of liability for substantial attorney fees in lawsuits in which it does not prevail.

**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**

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



**Date:** 4/10/2007

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BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Repealing Ordinances 1055 and 1060 to Delete the Real Property Compensation Law (Ballot Measure 37) Subchapter from the Multnomah County Code (§§27.500 – 27.565), and Declaring an Emergency

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

- a. On December 2, 2004, by Ordinance 1055, the Board adopted procedures implementing ORS Chapter 197, as amended by Ballot Measure 37 (passed November 2, 2004) for processing compensation claims by adding a Real Property Compensation Law subchapter to the Code (§§7.500 – 7.560).
- b. On May 19, 2005, by Ordinance 1060, the Board amended those procedures and added a severability clause (§ 7.565).
- c. On May 26, 2005, by Ordinance 1061, the Real Property Compensation Law subchapter of the Code (§§7.500 – 7.565) was renumbered as §§27.500 – 27.565.
- d. It is in the best interest of the County to process compensation claims directly under the State Ballot Measure 37 statute rather than under its Real Property Compensation Law.

**Multnomah County Ordains as follows:**

**Section 1.** Ordinances 1055 and 1060 are repealed and MCC §§ 27.500 – 27.565 are deleted.

**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:

\_\_\_\_\_  
April 19, 2007

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Agnes Sowle, County Attorney

SUBMITTED BY:  
Agnes Sowle, County Attorney

**BOGSTAD Deborah L**

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**From:** CUNNINGHAM Shawn D  
**Sent:** Wednesday, April 18, 2007 3:26 PM  
**To:** #ALL CHAIR'S OFFICE; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4  
**Cc:** TOKOS Derrick I; DUFFY Sandra N; SCHILLING Karen C; SOWLE Agnes; JOHNSON Cecilia; MATTIODA Gina M  
**Subject:** Statement on prospective Measure 37 ordinance repeal

On Thursday, April 19, the Board of County Commissioners will vote on whether to repeal the county's Measure 37 ordinance. The statement below explains the reason for this prospective repeal and may be useful in answering questions you receive from the public or the media. This language will also be posted to the Land Use website.

If you have any specific questions about this matter, please direct them to Derrick Tokos or Sandra Duffy.

Thank you.

*"The Multnomah County Board of County Commissioners has repealed the Measure 37 ordinance so that all remaining claims can be acted upon. The prior ordinance required a claimant provide a "complete application" in order for the Board to take action on the claim. The Board continues to believe that the types of information listed in the ordinance are needed to ensure its actions are based upon substantial evidence. Courts have confirmed this by requiring the same information of claimants. However, the courts have also found that the County cannot compel a claimant to provide the information. Given these circumstances, the Board believes that it is in the best interest of the public to apply the law (Measure 37) directly to all remaining claims based on information provided by the claimants.*

*The County is continuing to seek clarification in circuit court and the court of appeals on the issues of subdivisions and transferability. Decisions where the Measure 37 ordinance has been applied are not impacted by the repeal. While the County has authority to impose a fee deposit, the Board believes that it is unfair to collect it from some claimants if it cannot be collected from all of them. Accordingly, the County will be returning deposits that have been paid."*

Shawn Cunningham  
Multnomah County Public Affairs Office  
503-988-4369  
[shawn.d.cunningham@co.multnomah.or.us](mailto:shawn.d.cunningham@co.multnomah.or.us)  
Newsroom: <http://www.co.multnomah.or.us/news>

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1092**

Repealing Ordinances 1055 and 1060 to Delete the Real Property Compensation Law (Ballot Measure 37) Subchapter from the Multnomah County Code (§§27.500 – 27.565), and Declaring an Emergency

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

- a. On December 2, 2004, by Ordinance 1055, the Board adopted procedures implementing ORS Chapter 197, as amended by Ballot Measure 37 (passed November 2, 2004) for processing compensation claims by adding a Real Property Compensation Law subchapter to the Code (§§7.500 – 7.560).
- b. On May 19, 2005, by Ordinance 1060, the Board amended those procedures and added a severability clause (§ 7.565).
- c. On May 26, 2005, by Ordinance 1061, the Real Property Compensation Law subchapter of the Code (§§7.500 – 7.565) was renumbered as §§27.500 – 27.565.
- d. It is in the best interest of the County to process compensation claims directly under the State Ballot Measure 37 statute rather than under its Real Property Compensation Law.

**Multnomah County Ordains as follows:**

**Section 1.** Ordinances 1055 and 1060 are repealed and MCC §§ 27.500 – 27.565 are deleted.

**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:

April 19, 2007



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Agnes Sowle, County Attorney

SUBMITTED BY:  
Agnes Sowle, County Attorney



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 04/19/07  
**Agenda Item #:** R-7  
**Est. Start Time:** 10:25 AM  
**Date Submitted:** 03/08/07

**Agenda Title:** Sustainable Development Commission Annual Report

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

**Requested Meeting Date:** April 19, 2007      **Amount of Time Needed:** 25 minutes  
**Department:** Non-Departmental      **Division:** Commissioner Jeff Cogen  
**Contact(s):** Karol Collymore  
**Phone:** 503-988-6786      **Ext.** 8-6786      **I/O Address:** 503/600  
**Presenter(s):** Pamela Brody (Chair) and other Sustainable Development Commission members

**General Information**

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

No action, informational briefing only.

**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 Portland/Multnomah County Sustainable Development Commission (SDC) is a citizen advisory panel reporting directly to Portland City Council and the Multnomah County Board of Commissioners. The SDC offers policy recommendations and promotes projects in three main areas: sustainable internal government operations, a sustainability education campaign based on a Sustainable Community Report Card, and sustainable economic development. This annual report presents the efforts and recommendations of the SDC in the past year.

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

No impact.

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

Policy issues include recommendations on sustainable economic development.

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

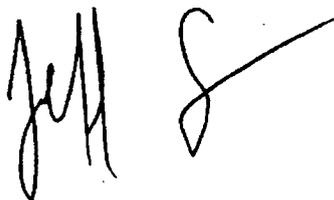
N/A

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**Required Signature**

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

A handwritten signature in black ink, appearing to be 'JMS' followed by a long horizontal stroke.

**Date: 03/08/07**



**PORTLAND/MULTNOMAH COUNTY  
SUSTAINABLE DEVELOPMENT COMMISSION**

## **Sustainable Development Commission Activities November 2005 - March 2007**

### **Members of the Sustainable Development Commission**

#### **City of Portland Appointees**

Leslie Carlson  
Christine Ervin  
Dennis Hopwood  
Mike Houck  
Chip Lazenby (Co-Chair)  
Lillian Shirley

#### **Multnomah County Appointees**

Cameron Birnie  
Pamela Brody-Heine (Co-Chair)  
Roy Koch  
Kent Snyder  
Justin Yuen

The Sustainable Development Commission (SDC) is a citizen advisory panel reporting directly to Portland City Council and the Multnomah County Board of Commissioners. The Commission is sponsored by Portland Commissioner Dan Saltzman and County Commissioner Jeff Cogen. The SDC has met regularly since November 2005 to develop programs and policies in three main areas:

- ⇒ Promote sustainable internal government operations
- ⇒ Support sustainable economic development
- ⇒ Create a sustainability education campaign

#### **SUSTAINABLE GOVERNMENT OPERATIONS**

The City and County seek to gain financial and environmental benefits from implementing sustainable best practices in operations and management. The SDC has worked closely with City and County staff, as well as other community stakeholders, to provide guidance on sustainable government efforts. For example, the SDC reviewed and provided feedback, comments and testimony on the City's Urban Forestry Management Plan, the joint City and County Toxics Reduction Strategy, the City's Sustainable City Government Partnership and the County's Waste Prevention & Recycling Plan.

The SDC has also been involved with the hiring process of key sustainability staff, including the County's Sustainability Manager. The Commission has reached out to other governments and organizations, including the Oregon Sustainability Board, the Portland Development Commission and the Portland Business Alliance. In the coming year the SDC will help the County launch a sustainability strategic planning effort, and will engage City staff and decision-makers by reviewing and providing feedback on bureau sustainability plans.

#### **SUSTAINABLE ECONOMIC DEVELOPMENT**

In the spring of 2006, the SDC set out to research the key barriers and opportunities for fostering sustainable economic development in Portland. Companies identified as belonging to the "sustainable industries cluster" vary greatly in size, stage of maturity, and function. To gain a clearer understanding of the challenges and opportunities facing businesses throughout the cluster, SDC members interviewed more than 20 business, academic and community leaders. This feedback was used to help formulate a report to the Portland City Council and the Multnomah County Board of Commissioners. The report's recommendations focus on three key areas:

1. Tapping into global demand for sustainable industries
2. Fostering regional collaboration
3. Growing the local foundation for innovation

## SUSTAINABLE DEVELOPMENT COMMISSION

The report offers a blueprint for achieving the SDC's 2020 sustainable economic development vision: To solidify Portland as an internationally renowned metropolitan community, where an extraordinary cross-sector partnership showcases the "Portland Way" — sustainability, collaboration, innovation, and passion.

### SIGNS OF SUSTAINABILITY

Growing media coverage, focus groups, surveys and public interest make it clear that our region's citizens and businesses are eager to get engaged in sustainability. Yet people consistently say they need more information on "what they can do" and "what really matters". To help answer these questions, the Sustainable Development Commission launched the "Signs of Sustainability" project, a sustainability report card for Portland and Multnomah County.

Members of the SDC selected fifteen Signs of Sustainability in collaboration with dozens of experts representing government agencies, non-profit organizations and businesses. Unlike traditional policy-oriented indicators, the Signs of Sustainability were selected based on their distinct ability to encourage specific behavior by individuals and businesses. Many cut across topic areas to encourage behaviors that offer multiple community benefits. For example:

Sign of Sustainability	Issues Affected	What people can do	What businesses can do	Data?
% Urban Forest Canopy coverage by neighborhood over time	Land, air & water quality, community engagement	Individuals and neighborhood associations work with non-profits and government to increase the urban forest canopy	Plant more trees on their property, support neighborhood planting efforts	Yes
#/% of kids that walk & bike to school	Children's health, air & water quality, emissions, community engagement	Promote walk/bike to school with own kids	Walk/bike to school week sponsor	Yes
# of farmers markets/% of food dollars spent there	economic health, human health, emissions, air & water quality, community engagement	Shop at markets on a regular basis	Help create neighborhood centers where markets can locate	No

Many of the Signs of Sustainability draw on data that is already gathered by government, educational or non-profit entities in the community. Yet approximately half of the Signs currently lack definitive or consistent data. Additional research is needed to complete the Signs, including many that represent areas of interest critical to community well being—such as the farmer's market measurement shown here, or a measurement of the percentage of dollars spent with local businesses. In the coming year, the SDC will develop community partnerships to solidify data for some of the priority Signs that currently lack information.

The Signs of Sustainability will be communicated to citizens through a comprehensive multi-media campaign. There is significant potential to implement this campaign in conjunction with other campaigns currently under development at a local and regional scale. The SDC will analyze the options for partnership with local media outlets and other cities.

### NEXT STEPS

In March 2007, the SDC held a retreat to reflect on the group's progress and to develop a plan for the coming year. The group refocused its vision and priority areas and determined that sustainable government operations, building a sustainable economy, and communicating with citizens and businesses will remain the key focus areas. In the coming months, the SDC will use the results of the retreat to develop and refine a workplan.

### FOR MOR INFORMATION

Contact Michele Crim in the Portland Office of Sustainable Development: [mcrim@ci.portland.or.us](mailto:mcrim@ci.portland.or.us) or 503-823-5638



# The world's sustainability center.

## A blueprint for global leadership in sustainable economic development prepared by the Sustainable Development Commission (SDC).

The Sustainable Development Commission (SDC) is charged with advising Portland City Council and the Multnomah County Board of Commissioners on policies and actions to promote sustainable economic development. With proper actions, the two local governments can help grow, promote, and recruit companies that provide sustainable products, technologies and services; can help businesses implement sustainable practices within their firms; and can ensure our community maintains a high quality of life that attracts and retains sustainable businesses as well as a highly skilled workforce. Companies identified as belonging to the "sustainable industries cluster" vary greatly in size, stage of maturity, and function. To gain a clearer understanding of the challenges and opportunities facing businesses throughout the "cluster," members of the SDC Economic Development committee interviewed over 20 business, academic and community leaders to help formulate the recommendations presented in this report. A list of interviewees is attached.

Our key recommendations, discussed more extensively in the report, are:

1. Tap into global demand for sustainable industries
2. Foster regional collaboration
3. Grow local foundation for innovation

To implement these recommendations, City and County leaders will need to keep several overarching considerations in plan view:

### Think beyond exports

Traditional economic development focuses on the narrow goal of increasing economic activity by expanding the export of goods and services. SDC's recommendations are intended to move Portland forward more broadly. By definition, sustainable economic development strategies should aim not only to foster economic growth, prosperity, and living wage jobs, but to also improve our natural resource base, community livability, and ecological and human health.

### Clearly articulate an audacious vision

Portland and Multnomah County elected officials must embrace sustainable economic development as the overarching strategy for promoting economic growth in the region, and also commit their voices and the power of their offices to the promotion of these strategies. In interviews with the business community, we heard clearly that companies want their government leaders to articulate an ambitious mission to serve as a rallying cry for regional economic development. The vision to which our leaders commit must be bold and specific. It must focus on a longer time horizon, forgoing the quest for immediate but insubstantial results in favor of real progress over time. And it must be articulated outside the bounds of contemporary, and temporary, political considerations. A specific goal translates into the measurable objectives needed to reach it. It will lend unity to an effort that requires input and activity from every sector and thousands of individual actors. It will guide us in answering the most important question: is our strategy working?

### Dedicate appropriate resources

Progress toward a bold, unifying goal will not be possible without substantial, dedicated resources. Leaders must commit public dollars to this effort and strategically leverage those dollars to create opportunities for private investment. SDC's recommendations offer specific suggestions for the application of financial and human resources to move the sustainable economic development agenda and engage partners from every sector. We ask Portland's City Council and the Multnomah County Board of Commissioners to continue its legacy of leadership policy and to incorporate these recommendations into upcoming budget and policy planning processes.

Sincerely,  
SDC Co-Chairs



The SDC is a citizen advisory panel reporting directly to the Portland City Council and the Multnomah County Board of Commissioners. The SDC promotes programs and policies in three main areas: sustainable internal government operations, sustainability education campaign, and sustainable economic development.

### Co-Chairs

Pamela Brody-Heine  
Chip Lazenby

### Members

Cameron Birnie  
Leslie Carlson  
Christine Ervin  
Dennis Hopwood  
Mike Houck  
Roy Koch  
Lillian Shirley  
Kent Snyder  
Justin Yuen

# 1

## TAP INTO GLOBAL DEMAND FOR SUSTAINABLE INDUSTRIES

- Embrace outcome and performance based fees and regulations
- Provide technical and financial assistance including support for emerging sustainable businesses
- Leverage City and County operational resources to stimulate economic development

The City and County must create a regulatory, policy, and operational framework that both builds demand for sustainable industries and clearly signals its encouragement of sustainable economic development. Such a framework must include incentives, streamlined permitting process, regulations, taxes, and fees that reward desirable activities such as job creation, while penalizing activities that have a negative impact on the community such as carbon emissions, air and water pollution, loss of greenspaces, and other social and environmental burdens. Not only will this framework reward individual companies whose actions move in the desired direction, but the resulting market pressure will drive demand for products and services that support movement towards sustainability.

The County and City also have multiple opportunities to impact sustainable economic development within the activities of agencies and bureaus directly and indirectly involved in economic development. From parks to police to paving, the City and County spend enormous amounts of money that can be used to leverage market transformation and promote industry development.

### Adjust City and County regulatory frameworks to become outcome and performance based fees and regulations

- Replace the City's business license fee, the County's business income tax, and other tax policies that target desirable activities such as work and job development with taxes on undesirable externalities such as carbon emissions, congestion, pollution or community health impacts.
- End the practice of providing waivers to builders of affordable housing who claim that meeting the City's current green building standards (LEED Silver for projects receiving PDC dollars) will be too expensive.
- Direct City and County staff to explore options for a City and County-wide policy requiring environmental performance standards for new commercial construction.
- Develop and fund a facilitated permitting process ensuring streamlined review of all sustainability-related projects including LEED certified construction.

### Provide technical and financial assistance to businesses and provide support to emerging sustainable businesses

- Direct OSD and PDC to work together to create business development grant and loan packages to assist emerging sustainable businesses.
  - Create a new grant fund for emerging sustainable industries
  - Expand support to the PDC Small Business Assistance Loan program to create a revolving loan fund specifically for sustainable industries for equipment, marketing and other expansion needs
- Establish a one-stop center devoted to sustainable practices - the new Business Resource Conservation Center led by the Office of Sustainable Development.
- Develop a partnership with Portland State University to provide technical assistance to sustainable industries including business management technical assistance with business plans, marketing and communications plans, human resources, accounting/budgeting, and assessment of pooled health insurance programs.
- Provide a matching investment program that can be used to leverage private venture capital and investment funds directed at sustainable industries.

### Leverage City and County operational resources to stimulate sustainable economic development

- Continue County and City activities and policies that direct local government purchasing resources toward sustainable products and services.
- Direct all City and County departments to identify specific areas where purchasing sustainable products or services can help stimulate the local companies selling those products or services.
- The economic development impacts of actions, both positive and negative, should be included in the development of sustainability plans.

"Use the tax system to entice businesses to do the right thing. We should be incenting businesses that run sustainably and penalizing those that don't."

— DENNIS WILDE, GERDING EDLEN

"Portland has made real progress recently with some of the permitting hurdles that have been challenging for the growth of our business. But there's still a mismatch between our region's progressive vision and permitting processes—even for projects that create living wage, local jobs and promote sustainable markets. For instance, our North Portland store was delayed more than a year despite unified support from neighborhood associations and other community groups. How about if we turn that around and ask businesses: how can we help you? How can we translate rigid rules into flexible instruments to create sustainable markets?"

— BRIAN ROHTER, NEW SEASONS

"More than anything, we could use technical assistance."

— ELEEK

# 2

## FOSTER REGIONAL COLLABORATION

- Integrate and focus recruitment and expansion efforts
- Foster business-to-business collaboration
- Cultivate a regional approach

Financial companies have identified our region as a key area for investment in clean energy and green building industries. To engage this investment, public sector investment tools must be leveraged effectively – the City/County must work together with governments from Seattle to Vancouver, BC, with the State of Oregon and with non-profit organizations and trade associations to create a greater level of efficiency within the sustainable industry cluster. Individual businesses also play a key collaborative role. Business-to-business networking, resource sharing, promotion and collaboration help build the strength of entire sectors.

### Integrate and focus recruitment and expansion efforts

- Analyze the economic competitiveness of the Portland area (and the Pacific Northwest region) as it relates to industries involved in solar, wind, energy efficiency, biofuels, green building, and sustainable foods. Narrow the focus of retention and expansion efforts to the industry clusters identified as regional strengths.
- Direct OSD and PDC to coordinate even more closely their relevant activities including business retention and expansion, green building guidelines, and business assistance. Update the current Memorandum of Understanding between the two agencies to include steps to centralize, organize and regularly track key data points demonstrating sustainable industry benchmarks.
- Direct OSD and PDC to work closely with other regional and state-wide efforts to prioritize the retention and recruitment of these specific industry clusters.
- Monitor changing market conditions to identify those companies that will benefit from location in the Portland region, including companies that can provide services and products as inputs to other local sustainable businesses.

### Foster business-to-business collaboration

- Direct OSD and PDC to continue support of public-private collaborations such as the PDX Lounge concept executed at Greenbuild 2006 in Denver, beginning with implementation of PDX Lounge at Greenbuild 2007 in Chicago.
- Help to create a strong network of firms focused on sustainable development to enhance peer relationships and co-marketing opportunities, and provide opportunities for established companies to help emerging businesses with mentorship and educational tools.

### Cultivate a regional approach

- Develop a regional sustainability 'brand,' highlighting Portland's advantages in a global marketplace that is demanding sustainability expertise.
- Gather leaders from each of the regional areas to develop a common direction, strategy and communication plan.
- Establish information and resource-sharing opportunities with other cities in the metropolitan area.
- Host a signature festival that reinforces Portland's leadership position in sustainability by showcasing local innovation, which results in national/international press and educates the local community about the importance sustainability plays in everyone's daily lives.

"Create forums to connect sustainable businesses with people looking for investments. Create partnerships to help the cluster grow, like what the Port of Portland did with logistics. Link the infrastructure sustainable businesses need with services from the city."

—CHRIS VAN DYKE, NAU

"The City/County should have an ongoing dialogue with members of this economic cluster. What might be more productive is for the City/County to help foster collaboration and synergy among the various groups."

—MICHELLE GIRTS, CH2MHILL

"When I look into Portland's sustainability future, I see a strong community with solid government support, peer learning groups, events, a high level of collaboration, and a very strong regional brand image."

—ANNA COHEN, ANNA COHEN

# 3

## GROW LOCAL FOUNDATION FOR INNOVATION

- Enhance quality of life for all citizens and businesses
- Support academic sustainability programs
- Strengthen County involvement in economic development

### Enhance quality of life for all citizens and businesses

The economic vision must also be tied to the ecological health and livability of the community and equitable, sustainable employment opportunities. The provision of ample parks, trails, and natural areas for recreational opportunities, access to nature, and an overall quality of life is essential to attracting and retaining highly skilled employees and attracting businesses that support a sustainable city and region. And the growing sustainable economy should be strong enough to lift people out of poverty.

- Analyze and document the economic impact of various factors that contribute to the city and region's high quality of life that attract sustainable development oriented businesses. Some of these factors include access to parks, trails, and natural areas; clean air and water; access to nature, etc.
  - Direct Portland Parks and Recreation (PPR), Bureau of Environmental Services (BES), and Portland Department of Transportation to research and gather data on the "value added" of the city's green infrastructure (e.g., parks, trails, natural areas, greenstreets, ecoroofs, etc.).
  - Direct PPR and BES to document the economic savings and multiple objectives achieved (economic, environmental, social, and aesthetic) of protecting and utilizing the city's green infrastructure to improve water quality, manage flooding, improve air quality, and maintain biological diversity. Also, contribute to similar efforts in the region.
- Direct BES to review impediments to using green solutions to address stormwater quality and quantity problems and revise standards for what projects are recognized as capital investments to allow for green solutions to compete on an equal footing with 'engineered solutions,' e.g. the \$1.4 billion "Big pipe."
- Invest in sustainable industries workforce development for citizen of all backgrounds.

### Support academic sustainability programs

A strong system of higher education is critical for strong economic development. This is particularly true for the emerging clean technology sectors. Increased support of sustainability programs in higher education help translate the region's entrepreneurial vibrancy into scalable technologies and growing businesses. Academia plays a lynchpin role in research commercialization, business incubation, and demonstration projects. These create a 'magnet' for new and expanding green businesses and offer a natural talent pool for the local economy. As local leaders have noted, start-up companies in emerging areas need these resources in order to increase their chances of success. To that end, more than \$3 million has been proposed to launch the Oregon Bio-Economy and Sustainable Technologies Center (Oregon-BEST) to support the research and testing of commercial applications of various green technologies. However, initial efforts will focus on biofuels and bio-based products rather than the systems and technologies important for next generation of green building systems that are of keen interest in the Portland region.

- Increased support for the Oregon BEST Center.
  - Target top priority technologies and systems for green buildings in the Portland region. Target funds for 1-2 top priority projects identified by the local green building industry sector for collaboration with Portland State University and/or the University of Oregon branch in Portland.
  - Establish other mechanisms to make better use of PSU research capabilities.
  - Increase the use of interns from PSU and PCC to work on sustainability issues.

### Strengthen county involvement in economic development

Multnomah County has the opportunity to become more engaged in regional economic development efforts. The Board of Commissioners should explore ways to adjust the regulatory framework, provide additional technical and financial assistance to emerging sustainable businesses, and leverage County policies to drive market demand for sustainable products and services.

- Multnomah County should create a full time position focused on building a strong partnership with the City and private industry groups related to sustainable economic development.

"Academia plays a crucial role in helping translate some of our regional entrepreneurial vibrancy into scalable technologies and growing businesses. The new BEST center should be a huge priority. No, make that our top priority!"  
— NIK BLOSSER, CELILO MEDIA GROUP

"Helping families live close to the businesses they work at or own in Portland ensures the long-term health of the city. It reduces commute times and traffic congestion, enriches our schools, and ensures that our neighborhoods remain vibrant and diverse. Encourage families to stay in Portland by maintaining reasonably priced homes through shared equity homeownership or some other method."  
— DAVID PRAUSE & SELENA DECKELMANN, KING CYCLE GROUP

"A lot going on in regards to sustainability, but we need to connect it with social justice, so all groups can be an integral part of the sustainable economy."  
— NOELLE STUDER, PORTLAND COMMUNITY COLLEGE



# The world's sustainability center.

## The SDC's 2020 sustainable economic development vision

Portland is an internationally renowned metropolitan community working closely together through an extraordinary cross-sector partnership focused on the "Portland Way" — sustainability, collaboration, innovation, and passion — which is reflected in:

- A thriving community known for its livability (economic, environmental, and social innovation)
- A hotbed of emerging commercial enterprises and innovation focused on sustainable business practices, products, and services that contribute to making the world a better place
- A commitment to the "local economy" reflected in the high degree of independent, locally owned sustainable businesses
- Strong employment, predominantly in sustainable industries and support services that provide for an abundance of natural resources and diversity of life for all
- Economic vitality and competitive advantage supported with tax and regulatory systems which reward sustainability
- A business sector that is passionate about and actively involved in community development, social justice, and corporate social responsibility

### Interviewers

Leslie Carlson

Christine Erwin

Dennis Hopwood

Kent Snyder

Justin Yuen

### Interviewees

Anna Cohen • Oregon Business

Council • Cogan, Owens & Cogan

CH2MHill • Jeff Allen • Rick

Schulberg • Yolo Colorhouse • Intel

Eleek • Oregon Natural Step

Network • King Cycle Group • nau

BrightWorks • Nth Power

Celilo Media Group • Gerding Edlen

Earth Advantage • Northwest

Technology Ventures • entermodal

Portland Community College • Ziba

Design • New Seasons • Office of

the Governor • ShoreBank Pacific



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

Meeting Date: 04/19/07  
 Agenda Item #: R-8  
 Est. Start Time: 10:50 AM  
 Date Submitted: 04/03/07

**Agenda Title: RESOLUTION Certifying an Estimate of Expenditures for Fiscal Year 2007-08 for Assessment & Taxation in Accordance with ORS 294.175**

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

Requested Meeting Date: April 19, 2007 Amount of Time Needed: 5 minutes  
 Department: County Management Division: Assessment & Taxation  
 Contact(s): Kathy Tuneberg  
 Phone: 5038-988-5132 Ext. 22331 I/O Address: 503 /1  
 Presenter(s): Kathy Tuneberg / Carol Ford

**General Information**

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

Approval of resolution and certification for filing of the Assessment & Taxation estimated 2007-08 budget totaling \$14,701,087

The department recommends approval.

**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.**

Since the 1989 inception of HB2338 (ORS 294.175) all county Assessment and Taxation offices have participated in a Grant fund administered by the Department of Revenue. This program was created to assist Counties to adequately fund the A & T offices in order to maintain sufficient staff to comply with the Statutes and was also aimed at assuring uniformity and quality of operations in the assessment and taxation function. The pool of grant funds comes from the statewide collection of a percentage of the delinquent property tax interest and a \$10 fee on all recorded documents.

As a condition of participating in the grant process, the County's Board of Commissioners must approve and submit the proposed A&T budget to the Department of Revenue (DOR). The A&T

budget must be approved and submitted to the DOR by May 1, 2007, to be eligible for funds available from the pool of grant money. The DOR will review all 36 County applications and by June 15, 2007, will inform the County of our percentage share of the funds from the County Assessment Function Funding Assistance (CAFFA) grant account.

Once the County approves the A&T budget, the County is obligated to fund and appropriate expenditures at 100% of the amount certified in the grant resolution.

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

The proposed budget's direct expenditures of \$14,001,607 are a net increase of \$484 K over last year's budget, and includes an increase of \$347 K in Personal Services due to COLA of 3.25%, an increase of \$137K in M&S. There is no change in Capital Budget over last year

The net increase in M&S of \$137 K is primarily due to increases in IT Data Processing, Motorpool, and Hardware & Software Maintenance Agreements.

The Department of Revenue is projecting Multnomah County's share of the CAFFA grant will be approximately \$ 3,783,000 for 2007-08.

The total requested for approval is \$14,701,087 which includes \$699,480 of allowable indirect costs in addition to the \$14,001,607 direct expenditures.

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

House Bill 2338 (ORS 274.175) requires the Board of Commissioners to approve and certify the Assessment & Taxation budget by May 1st for eligibility in the grant funding pool.

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

While taxation issues generate citizen interest, the approval of the Assessment & Taxation budget is unlikely to generate significant citizen participation issues.

Other than review and authorization by the State of Oregon Department of Revenue, no other government participation is expected.

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**Required Signature**

---

Elected Official or  
Department/  
Agency Director:

*Carol M. Ford*

Date: 04/03/07

---



## Ted Wheeler, Multnomah County Chair

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

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

April 19, 2007

Grant Application Coordinator  
Property Tax Division  
Oregon Department of Revenue  
P. O. Box 14380  
Salem, Oregon 97309-5075

Enclosed is Multnomah County's FY 2007-08 Property Tax Program as approved by the Board of County Commissioners on April 19, 2007.

We trust the enclosed materials provide everything you require for your analysis. Should you have any questions, or if you require additional information, please contact Kathy Tuneberg, Assessment and Taxation Director at 503-988-5132. We appreciate your anticipated cooperation in the review and approval of Multnomah County's plan.

Sincerely,

Ted Wheeler, County Chair

enclosure

cc: Board of County Commissioners  
Melinda Harris, Chief Financial Officer, Department of County Management  
Elizabeth Harchenko, Oregon Department of Revenue

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Certifying an Estimate of Expenditures for Fiscal Year 2007-08 for Assessment and Taxation in Accordance with ORS 294.175

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

- a. ORS 294.175 requires counties to file by May 1st of each calendar year an estimate of expenditures for assessment and taxation for the ensuing year with the Department of Revenue.
- b. Assessment & Taxation has prepared such an estimate of expenditures in accordance with the requirements of ORS 294.175 and Department of Revenue administrative rules. A copy of the estimate is attached.

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

1. The attached estimate of expenditures for the fiscal year 2007-08 for assessment and taxation for Multnomah County is certified for filing with the Department of Revenue as required by ORS 294.175.

ADOPTED this 19th day of April, 2007.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
John S. Thomas, Deputy County Attorney

SUBMITTED BY:  
Carol Ford, Director Department of County Management

**Form 7**

County : **Multnomah County**

**SUMMARY OF EXPENSES FORM**

**2007-08**

EXPENDITURES FOR:	A	B	C	D	E	F	G
	ASSESSMENT ADMINISTRATION	VALUATION	BOPTA	TAX COLLECTION & DISTRIBUTION	CARTOGRAPHY *	A&T DATA PROCESSING	TOTAL
<b>1 Personal Services</b>	\$2,735,937	\$4,833,677	\$90,352	\$2,364,849	\$638,901	\$126,809	\$10,790,525
<b>2 Materials and Services</b>	\$520,211	\$599,045	\$28,491	\$860,271	\$141,487	\$956,541	\$3,106,046
<b>3 Cost of Transportation**</b> (Do not include in Materials & Services or Capital Outlay)	\$2,488	\$87,303	\$308	\$2,530	\$82	\$325	\$93,036
<b>4 Capital Outlay</b> (Do not include in Materials and Services)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12,000.00	\$12,000
<b>5. TOTAL Direct Expenditures</b>	<b>\$3,258,636</b>	<b>\$5,520,025</b>	<b>##### ##</b>	<b>\$3,227,650</b>	<b>\$780,470</b>	<b>\$1,095,675</b>	<b>\$14,001,607</b>

\* Include approved ORMAP grant funding.

6. Check the box that indicates the method your county uses to determine indirect costs:

- 5% of total direct expenditures less capital outlay. Indirect costs = (the total of rows 1,2, and 3 in column G) X 5%. OR  
 Percent amount approved by a federal granting agency. (6A) \_\_\_\_\_ (use a decimal of (6B) \_\_\_\_\_)

7. From # 6 above, the total indirect costs allowed are:

8. Total indirect costs and direct expenditures for consideration in the grant: (Sum of # 7 above + column G, row 5)

9. The total budgeted capital outlay limitation imposed by the grant based on the method chosen in # 6 above:

10. Enter the amount of your total budgeted capital outlay without regard to the limitation imposed by the grant:



## **Grant Application Resolution**

Multnomah County is applying to the Department of Revenue in order to participate in the Assessment and Taxation Grant.

This state grant provides funding for counties to help them come into compliance or remain in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and other laws requiring equity and uniformity in the system of property taxation.

Multnomah County has undertaken a self-assessment of its compliance with the laws and rules that govern the Oregon property tax system. County is generally in compliance with ORS 308.232, 308.234, Chapters 309, 310, 311, 312, and other laws requiring equity and uniformity in the system of property taxation.

Multnomah County agrees to appropriate the budgeted dollars based on 100 percent of the expenditures certified in the grant application in the amount of \$14,701,087. If 100 percent is not appropriated, no grant shall be made to the county for the quarter in which the county is out of compliance.

County designates: Kathy Tuneberg, phone number 503-988-5132, e-mail address [kathleen.a.tuneberg@co.multnomah.or.us](mailto:kathleen.a.tuneberg@co.multnomah.or.us) as the county contact person for this grant application.

---

Ted Wheeler, Multnomah County Chair

April 19, 2007

Date Signed



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A handwritten signature in black ink that reads 'TED WHEELER'.

Ted Wheeler, Multnomah County Chair

April 19, 2007

Date Signed



## Ted Wheeler, Multnomah County Chair

Suite 600, Multnomah Building  
501 SE Hawthorne Boulevard  
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enclosure

cc: Board of County Commissioners  
Melinda Harris, Chief Financial Officer, Department of County Management  
Elizabeth Harchenko, Oregon Department of Revenue

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 07-070**

Certifying an Estimate of Expenditures for Fiscal Year 2007-08 for Assessment and Taxation in Accordance with ORS 294.175

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

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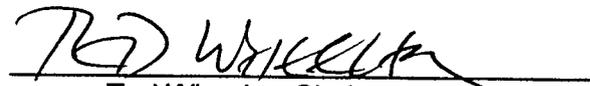
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ADOPTED this 19th day of April, 2007.



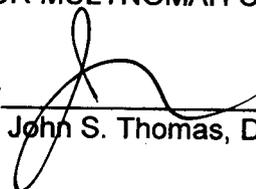
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

  
John S. Thomas, Deputy County Attorney

SUBMITTED BY:

Carol Ford, Director Department of County Management

**Form 7**

County : Multnomah County

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2007-08

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3 Cost of Transportation*II (Do not include in Materials & Services or Capital Outlay)	\$2,488	\$87,303	\$308	\$2,530	\$82	\$325	\$93,036
4 Capital Outlay (Do not include in Materials and Services)	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$12,000.00	\$12,000
5. TOTAL Direct Expenditures	\$3,258,636	\$5,520,025	##### ##	\$3,227,650	\$780,470	\$1,095,675	\$14,001,607

\* Include approved ORMAP grant funding.

6. Check the box that indicates the method your county uses to determine indirect costs:

- 5% of total direct expenditures less capital outlay. Indirect costs = (the total of rows 1,2, and 3 in column G) X 5%. OR  
 Percent amount approved by a federal granting agency. (6A) \_\_\_\_\_ (use a decimal of (6B) \_\_\_\_\_)

7. From # 6 above, the total indirect costs allowed are:

8. Total indirect costs and direct expenditures for consideration in the grant: (Sum of # 7 above + column G, row 5)

9. The total budgeted capital outlay limitation imposed by the grant based on the method chosen in # 6 above:

10. Enter the amount of your total budgeted capital outlay without regard to the limitation imposed by the grant:



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (long form)**

APPROVED : MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # R-9 DATE 04.19.07  
 DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

**Meeting Date:** 04/19/07  
**Agenda Item #:** R-9  
**Est. Start Time:** 10:55 AM  
**Date Submitted:** 03/27/07

**BUDGET MODIFICATION: DCHS - 19**

**Budget Modification DCHS-19 Increasing the Mental Health and Addiction Services Appropriation by \$1,853,919 to Reflect State of Oregon Funding Revisions, Increased Oregon Health Plan Premiums, and Increasing County General Contingency by \$37,550**

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

<b>Requested Meeting Date:</b>	<u>April 19, 2007</u>	<b>Amount of Time Needed:</b>	<u>5 minutes</u>
<b>Department:</b>	<u>Dept of County Human Services</u>	<b>Division:</b>	<u>Mental Health &amp; Addictions</u>
<b>Contact(s):</b>	<u>Chris Yager</u>		
<b>Phone:</b>	<u>503 988-3691</u>	<b>Ext.:</b>	<u>26777</u>
		<b>I/O Address:</b>	<u>167/1/620</u>
<b>Presenter(s):</b>	<u>Keith Mitchell/Chris Yager</u>		

**General Information**

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

The Department of County Human Services recommends approval of budget modification DCHS-19 appropriating \$1,621,454 of Federal/State funding, \$232,465 of OHP funding, and increasing County General Contingency Appropriation by \$37,550.

**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 State Mental Health Grant Award is routinely amended by the State via Financial Assistance Awards (FAAs) which refine and clarify the scope of services and funding available. This budget modification reflects changes to our 2005-2007 biennium County Fiscal Assistance Contract (CFAC) with the State of Oregon through amendment # 96 dated 2-14-07. Additional Local Administration funding of \$37,550 specifically dedicated to residential treatment staffing allows the department to reduce County General Fund expenses by \$37,550 and increasing the County General Fund Contingency by a like amount. Some of the services designated in the amendments include

start up funds; client designated mental health services, case management, residential treatment services, and housing.

Oregon Health Plan (OHP) funding increase of \$232,465 is based on current year to date projections. \$14,906 of funding is used to temporarily increase two existing Mental Health Consultant positions in the Family Care Coordination unit to full time for the remainder of the fiscal year due to increased work load needs. \$112,925 of funding is for temporary on call Mental Health Consultants for the Mental Health Call Center based on current projections. Because the Call Center is a 24/7 operation, on call staffing coverage is needed for vacation and sick time. Funding for on call staffing coverage is included in next year's budget request. \$91,891 OHP funds are allocated to outpatient mental health services allocated to adults (54%) and children (46%) based on current enrollment. \$12,743 is for the 5.8% state provider tax on OHP premiums.

The following program offers are impacted: 25024 Adult Protective Services, 25055 Mental Health Crisis Call Center, 25060 Bridgeview Transitional Housing, 25061 Mental Health Residential Services, 25062 Mental Health Outpatient Treatment Services, 25066 Mental Health Organization Provider Tax, 25067 Family Care Coordination Team, 25068 Early Childhood and School Aged Outpatient Mental Health Services, 25075 Emergency Holds, and 25102 Mental Health Respite Services.

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

This modification increases Mental Health and Addiction Services (MHAS) Fed/State appropriation by \$991,163 for the current fiscal year 2006-07 in the following service elements, local administration allocation, and \$232,465 Oregon Health Plan (Verity) funds:

MH 20 Non-Residential Adult MH	\$ 297,410
MH 22 Child & Adolescent MH	\$ 25,023
MH 24 Regional Acute Psychiatric Inpatient	\$ 76,742
MH 25 Community Crisis-Adult & Child	\$ 72,899
MH 28 Residential Treatment Services	\$120,206
MH 30 PSRB Treatment & Supervision	\$ 99,439
MH 35 Older/Disabled Adult Mental Health	\$ 29,875
MH 37 Mental Health Special Projects	\$133,557
MH 38 Supported Employment Service	\$ 1,924
MH 201 NonResidential Designated Services	\$ 96,538
Local Administration funds for Residential Services staff	\$ 37,550
Oregon Health Plan (Verity) funds	\$232,465

In addition, the MHAS Fed/State appropriation is increased by \$630,291 as a result of unspent allocations from prior year one of the biennium agreement for the following service elements:

MH 22 Child & Adolescent MH (PFY)	\$ 91,372
MH 28 Residential Treatment Services (PFY)	\$ 60,805
MH 30 PSRB Treatment & Supervision (PFY)	\$ 21,640
MH 37 Mental Health Special Projects (PFY)	\$204,675
MH 38 Supported Employment Service(PFY)	\$ 19,342
MH 39 Community Support Services Homeless (PFY)	\$ 8,507
MH 201 NonResidential Designated Services (PFY)	\$223,950

Personnel expenses increase by \$127,831. Professional services expenses increase by \$19,142 for secure transportation and the balance of \$1,669,396 is for pass through expenses.

County general expenses for residential services staffing decrease by \$37,550 and return to County General Fund Contingency due to increased Local Administration funds specifically dedicated to Residential Services staffing.

Service reimbursement from the Fed/State fund to General fund increases by \$37,550. Service reimbursement from the Behavioral Health Fund to the Risk Management fund increase by \$6,318.

**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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# ATTACHMENT A

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## Budget Modification

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

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

State Mental Health Grant revenue is increased by \$1,621,454 to reflect the current agreement and appropriate unspent funds from year one of the biennium agreement and OHP revenue is increased by \$232,465.

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

Mental Health and Addiction Services Fed/State budget appropriation increases \$1,621,454; Behavioral Health Fund increases \$232,465 and the department County General Fund appropriation decreased by \$37,550. Risk management budget increases by \$6,318 and County General Fund Contingency increases by \$37,550.

- **What do the changes accomplish?**

The changes bring the budget in line with current state agreements through amendment # 96 which includes the balance of funds from year one of the biennium agreement. This modification also increases OHP appropriation to reflect current year estimates.

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

The additional Oregon Health Plan-Verity funding allows for two Mental Health Consultant positions (one .80 FTE and one .50 FTE) in the Family Care Coordination Unit to be increased to full time status for the remainder of FY 07 to cover current need and provides funding for on-call Mental Health Consultants in the Call Center.

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

The state service element funding is restricted to services only. Oregon Health Plan (OHP) has historically not been charged county indirect.

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

No, this is an ongoing biennium grant.

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

7/1/2005 – 6/30/2007

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

On going biennium grant with the State of Oregon.

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

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## ATTACHMENT B

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**BUDGET MODIFICATION: DCHS - 19**

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### Required Signatures

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

*Joanne Fulmer*

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**Date:** 03/15/07

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**Budget Analyst:**

*Michael D. Gaspin*

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**Date:** 03/27/07

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**Department HR:**

*Jeri E. Orr*

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**Date:** 03/16/07

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**Countywide HR:**

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

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### EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Program Offer	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element							
1	20-80	82024	40	25055		MA SN CR TR 24		50190	0	(19,381)	(19,381)	IG-OP Fed thru State	
2	20-80	82024	40	25055		MA SN CR TR 24		60160	0	239	239	pass thru	
3	20-80	82024	40	25055		MA SN CR TR 24		60170	0	19,142	19,142	professional services	
4													
5	20-80	82037	40			MA SN MC SP PROJ 37		50190	0	(133,557)	(133,557)	IG-OP Fed thru State	
6	20-80	82037	40			MA SN MC SP PROJ 37		60160	0	133,557	133,557	pass thru - Special Projects	
7													
8	20-80	82024	40	25075		MA SN IP HOLD 24		50190	(1,357,639)	(1,415,000)	(57,361)	IG-OP Fed thru State	
9	20-80	82024	40	25075		MA SN IP HOLD 24		60160	1,357,639	1,415,000	57,361	pass thru	
10													
11	20-80	82020	40	25061		MA SN MC RES 20		50190	(652,313)	(949,723)	(297,410)	IG-OP Fed thru State	
12	20-80	82020	40	25061		MA SN MC RES 20		60160	652,313	949,723	297,410	pass thru	
13													
14	20-80	82022	40	25068		MA SC PP CH 22		50190	(288,853)	(313,876)	(25,023)	IG-OP Fed thru State	
15	20-80	82022	40	25068		MA SC PP CH 22		60160	288,853	313,876	25,023	pass thru	
16													
17	20-80	82028	40	25061		MA SN MC RES 28		50190	(135,918)	(256,124)	(120,206)	IG-OP Fed thru State	
18	20-80	82028	40	25061		MA SN MC RES 28		60160	135,918	256,124	120,206	pass thru	
19	20-80	84028	40	25061		MA SN MC RES PFY 28		50190	0	(60,805)	(60,805)	IG-OP Fed thru State	
20	20-80	84028	40	25061		MA SN MC RES PFY 28		60160	0	60,805	60,805	pass thru	
21	20-80	82030	40	25061		MA SN MC RES 30		50190	(456,089)	(555,528)	(99,439)	IG-OP Fed thru State	
22	20-80	82030	40	25061		MA SN MC RES 30		60160	456,089	555,528	99,439	pass thru	
23	20-80	84030	40	25061		MA SN MC RES PFY 30		50190	0	(21,640)	(21,640)	IG-OP Fed thru State	
24	20-80	84030	40	25061		MA SN MC RES PFY 30		60160	0	21,640	21,640	pass thru	
25													
26	20-80	84038	40	25061		MA SN MC RES PFY 38		50190	0	(19,342)	(19,342)	IG-OP Fed thru State	
27	20-80	84038	40	25061		MA SN MC RES PFY 38		60160	0	19,342	19,342	pass thru	
28	20-80	82038	40	25061		MA SN MC RES 38		50190	(80,152)	(82,076)	(1,924)	IG-OP Fed thru State	
29	20-80	82038	40	25061		MA SN MC RES 38		60160	80,152	82,076	1,924	pass thru	
										0	0	Total - Page 1	
										0	0	GRAND TOTAL	

Budget Modification ID: DCHS-19

### EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Program Offer	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element							
30	20-80	82035	40	25024		MA SN MC OD 35		50190	(122,511)	(152,386)	(29,875)		IG-OP Fed thru State
31	20-80	82035	40	25024		MA SN MC OD 35		60160	122,511	152,386	29,875		pass thru
32													
33	20-80	84037	40			MA SN MC SP PROJ PFY 37		50190	0	(204,675)	(204,675)		IG-OP Fed thru State
34	20-80	84037	40			MA SN MC SP PROJ PFY 37		60160	0	204,675	204,675		pass thru
35													
36	20-80	84022	40	25068		MA SC CMH PFY 22		50190	0	(91,372)	(91,372)		IG-OP Fed thru State
37	20-80	84022	40	25068		MA SC CMH PFY 22		60160	0	91,372	91,372		pass thru
38													
39	20-80	82025	40	25102		MA SN IP RS 25		50190	(300,000)	(372,899)	(72,899)		IG-OP Fed thru State
40	20-80	82025	40	25102		MA SN IP RS 25		60160	300,000	372,899	72,899		pass thru
41													
42	20-80	80001	40	25061		MA SN MC RES LA		50190	0	(37,550)	(37,550)		IG-OP Fed thru State
43	20-80	80001	40	25061		MA SN MC RES LA		60000	0	24,000	24,000		Regular
44	20-80	80001	40	25061		MA SN MC RES LA		60130	0	10,000	10,000		Salary Related
45	20-80	80001	40	25061		MA SN MC RES LA		60140	0	3,550	3,550		Insurance
46	20-80	1000	40	25061		MA SN RES CGF		60000	365,891	341,891	(24,000)		Regular
47	20-80	1000	40	25061		MA SN RES CGF		60130	114,105	104,105	(10,000)		Salary Related
48	20-80	1000	40	25061		MA SN RES CGF		60140	86,915	83,365	(3,550)		Insurance
49													
50													
51	20-80	3002	520	25067		MA SC CMH XIX		50190	(578,171)	(593,077)	(14,906)		IG-OP Fed thru State
52	20-80	3002	520	25067		MA SC CMH XIX		60000	356,122	365,649	9,527		Regular
53	20-80	3002	520	25067		MA SC CMH XIX		60130	105,696	108,754	3,058		Salary Related
54	20-80	3002	520	25067		MA SC CMH XIX		60140	92,353	94,674	2,321		Insurance
55													
56													
57	20-80	82201	40	25061		MA SC MC RES 201		50190	(979,663)	(1,076,201)	(96,538)		IG-OP Fed thru State
58	20-80	82201	40	25061		MA SC MC RES 201		60160	979,663	1,076,201	96,538		pass thru
											(37,550)	0	<b>Total - Page 2</b>
											0	0	<b>GRAND TOTAL</b>

### EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Program Offer	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
59	20-80	84201	40			MA SC MC EIC PFY201	50190	0	(223,950)	(223,950)		IG-OP Fed thru State
60	20-80	84201	40			MA SC MC EIC PFY201	60160	0	223,950	223,950		pass thru
61												
62	20-80	84039	40	25060		MA SN MC HM PFY39	50190	0	(8,507)	(8,507)		IG-OP Fed thru State
63	20-80	84039	40	25060		MA SN MC HM PFY39	60160	0	8,507	8,507		pass thru
64												
65	20-80	3002	520	25062		MA SC PP AD XIX	50190	(11,705,823)	(11,755,445)	(49,622)		IG-OP Fed thru State
66	20-80	3002	520	25062		MA SC PP AD XIX	60160	11,705,823	11,755,445	49,622		pass thru
67												
68	20-80	3002	520	25068		MA SC PP CH XIX	50190	(5,126,643)	(5,168,912)	(42,269)		IG-OP Fed thru State
69	20-80	3002	520	25068		MA SC PP CH XIX	60160	5,126,643	5,168,912	42,269		pass thru
70												
71	20-80	3002	520	25055		MA SN CR CALL XIX	50190	0	(112,925)	(112,925)		IG-OP Fed thru State
72	20-80	3002	520	25055		MA SN CR CALL XIX	60100	0	99,934	99,934		Temporary
73	20-80	3002	520	25055		MA SN CR CALL XIX	60135	0	8,994	8,994		Non Base Fringe
74	20-80	3002	520	25055		MA SN CR CALL XIX	60145	0	3,997	3,997		Non Base Insurance
75												
76	20-80	3002	520	25066		MA SA PROVTAX XIX	50190	0	(12,743)	(12,743)		IG-OP Fed thru State
77	20-80	3002	520	25066		MA SA PROVTAX XIX	60160	0	12,743	12,743		Pass Thru
78												
79	19	1000	20		950001000		60470	0	37,550	37,550		Contingency
80												
81												
82	72-10	3500	20		705210		50316	0	(6,318)	(6,318)		Svc Reim Insurance
83	72-10	3500	20		705210		60330	0	6,318	6,318		Claims paid
84												
85												
86												
87												
										<b>37,550</b>	<b>0</b>	<b>Total - Page 3</b>
										<b>0</b>	<b>0</b>	<b>GRAND TOTAL</b>

**ANNUALIZED PERSONNEL CHANGE**

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

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3002	6365	64401	Mental Health Consultant	709952	0.20	12,222	3,922	2,732	18,876
3002	6365	64401	Mental Health Consultant	712599	0.50	25,885	8,306	6,550	40,741
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
<b>TOTAL ANNUALIZED CHANGES</b>					<b>0.70</b>	<b>38,107</b>	<b>12,228</b>	<b>9,282</b>	<b>59,617</b>

**CURRENT YEAR PERSONNEL DOLLAR CHANGE**

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

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
3002	6365	64401	Mental Health Consultant	709952	0.05	6,471	2,077	1,638	10,186
3002	6365	64401	Mental Health Consultant	712599	0.13	3,056	981	683	4,720
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
<b>TOTAL CURRENT FY CHANGES</b>					<b>0.18</b>	<b>9,527</b>	<b>3,058</b>	<b>2,321</b>	<b>14,906</b>



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST (long form)**

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-10 DATE 04-19-07  
DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

Meeting Date: 04/19/07  
Agenda Item #: R-10  
Est. Start Time: 11:00 AM  
Date Submitted: 03/28/07

**BUDGET MODIFICATION: DCJ - 17**

**Budget Modification DCJ-17 Appropriating \$3,750 in U.S. Department of Justice Funds to Support Collaboration between the Department of Corrections and the Community for Re-entry Programs for Offenders that are Released from Institutions to Multnomah County**

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

<b>Requested Meeting Date:</b>	<u>April 19, 2007</u>	<b>Amount of Time Needed:</b>	<u>5 minutes</u>
<b>Department:</b>	<u>Dept. of Community Justice</u>	<b>Division:</b>	<u>Adult Services Division</u>
<b>Contact(s):</b>	<u>Shaun Coldwell</u>		
<b>Phone:</b>	<u>503-988-3961</u>	<b>Ext.</b>	<u>83961</u>
		<b>I/O Address:</b>	<u>503 / 250</u>
<b>Presenter(s):</b>	<u>Liv Jenssen and/or Don Trapp</u>		

**General Information**

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

The Department of Community Justice (DCJ) requests approval of a budget modification to appropriate \$3,750 in U.S. Department of Justice funds to support collaboration between the Department of Corrections (DOC) and the community for re-entry programs for offenders that are released from institutions to Multnomah County.

**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 Prisoner Re-Entry Initiative (PRI) Grant serves offenders released from the Department of Corrections institutions to Multnomah County and will support and strengthen the critical thread of collaboration between DOC and the community that is needed in successful re-entry programs. Male and female inmates with non-violent crime histories are eligible for the pre-release services. These services include access to community-based opportunities such as housing, counseling, A&D treatment, mental health services, life skill training, employment and Joint Access to Benefits. DCJ

Parole Officers will assist in plan development, communication with partner agencies and early identification of resources and opportunities to fill individual offender needs in the community. DCJ will provide support to the offender once released to the community by providing or facilitating employment services and other wrap-around services. The PRI Grant requires 200 male and female inmates be served with pre release services.

This Budget Modification compliments Program Offer 50027 Transitional and Re-Entry Services.

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

Federal/State revenue increases \$3,750 for FY07. The FY08 Federal/State revenue will increase \$15,000 and FY09 will increase \$11,250 for a total Grant amount of \$30,000 through June 30, 2009.

**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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## ATTACHMENT A

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### Budget Modification

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

- **What revenue is being changed and why?**  
Federal/State revenue is increased \$3,750
- **What budgets are increased/decreased?**  
Adult Services Division, Transitional Housing increases \$3,750
- **What do the changes accomplish?**  
Direct Client Services increases \$3,490 to provide bus tickets, clothing vouchers, birth certificates and other forms of identification to offenders being released from DOC institutions to Multnomah County. Central Indirect increases \$86 and Department Indirect increases \$174.
- **Do any personnel actions result from this budget modification? Explain.**  
N/A
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**  
The Prisoner Re-Entry Initiative grant allows for administrative costs.
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**  
The Prisoner Re-Entry Initiative Grant will continue through June 30, 2009 and Multnomah County DCJ will receive \$3,750 quarterly for a total of \$30,000.
- **If a grant, what period does the grant cover?**  
April 15, 2007 through June 30, 2009
- **If a grant, when the grant expires, what are funding plans?**  
Program will be discontinued

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

4

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## ATTACHMENT B

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**BUDGET MODIFICATION: DCJ - 17**

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### Required Signatures

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

*Sharon Connor for Steve Lewis*

---

**Date:** 03/28/07

**Budget Analyst:**

*[Handwritten Signature]*

---

**Date:** 03/29/07

**Department HR:**

\_\_\_\_\_

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

**Countywide HR:**

\_\_\_\_\_

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

Budget Modification ID: DCJ-17

### EXPENDITURES & REVENUES

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

**Budget/Fiscal Year: 2007**

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	50-10	32246	50			CJ049.PRI	60155	-	3,490	3,490		Incr. Direct Client Svc
2	50-10	32246	50			CJ049.PRI	60350	-	86	86		Incr. Central Indirect 2.46%
3	50-10	32246	50			CJ049.PRI	60355	-	174	174		Incr Dept Indirect 4.98%
4									0		<b>3,750</b>	
5									0			
6	50-10	32246	50			CJ049.PRI	50190	-	(3,750)	(3,750)		Incr Revenue PRI Grant
7									0		<b>(3,750)</b>	
8									0			
9	19	1000	20		9500001000		50310	-	(86)	(86)		Incr indirect reimb rev GF
10	19	1000	20		9500001000		60470	-	86	86		Incr CGF Contingency exp
11								-	0		<b>0</b>	Central Indirect
12								-	0			
13	50-00	1000	50		509600		50370	-	(174)	(174)		Incr. Dept Indirect Revenue
14	50-00	1000	50		509600		60170	-	174	174		Incr. Prof Svc by Indirect
15									0		<b>0</b>	Dept Indirect
16									0			
17									0			
18									0			
19									0			
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
									0		<b>0</b>	<b>Total - Page 1</b>
									0		<b>0</b>	<b>GRAND TOTAL</b>



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (long form)**

APPROVED : MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # R-11 DATE 04-19-07  
 DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	<u>04/19/07</u>
Agenda Item #:	<u>R-11</u>
Est. Start Time:	<u>11:05 AM</u>
Date Submitted:	<u>03/28/07</u>

**NOTICE OF INTENT to Apply for Grant Funding through the Northwest Health Foundation to Support the *Community Coalition to Address Childhood Obesity in North Portland* Project**

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

**Requested Meeting Date:** April 19, 2007      **Amount of Time Needed:** 5 minutes  
**Department:** Health      **Division:** Chronic Disease Prevention Program  
**Contact(s):** Sonia Manhas, Tom Waltz, Nicole Hermanns  
**Phone:** 503-988-3663      **Ext.** 26221      **I/O Address:** 160/9  
**Presenter(s):** Sonia Manhas, Nicole Hermanns

**General Information**

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

Authorize the Director of the Health Department to apply for \$60,000 of grant funding through the Northwest Health Foundation to support the *Community Coalition to Address Childhood Obesity in North Portland* project.

**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.**

**Purpose of the Project** – The purpose of this project is to expand the focus of the Clarendon Elementary School’s Healthy Eating/Active Living Coalition (an initiative to address social and environmental factors that influence healthy eating and active living for students) to include multiple schools in the North Portland area. The Coalition’s work will be broadened to implement promising practices to reduce childhood obesity through healthy eating and physical activity for students, and it will work to address health disparities in terms of obesity rates among low income, African American, and Latino communities in North Portland.

According to the Oregon Department of Human Services, about 63% of the Latino community in Oregon is overweight or obese, less that one-third of the Latino population meets current physical activity guidelines, and the Latino population is less likely to have received preventive services such as cholesterol or high blood pressure screenings than the Oregon population. 63% of Oregon’s

African-Americans are overweight or obese, increasing the risks of high blood pressure, stroke, heart disease, and diabetes. Only 38% of this group meets current physical activity guidelines. These statistics are mirrored in the population of North Portland.

**Description of the project** – This project will be modeled after the Clarendon *Healthy Eating/Active Living Coalition*. As such, the project will engage local residents to better understand the causes and implications of the obesity epidemic, and it will support a process to address the root causes of obesity among children, including factors of food choice and physical activity. Specific objectives of the project are to (1) Build community leadership, (2) Increase access to healthy food, (3) Increase opportunities to be physically active, and (4) Identify promising practices to reduce disparities in obesity rates among low income, African American and Latino children.

**Program offers that may be associated with this request include:**

This grant will be directly related to program offer 40047: Obesity and Chronic Disease Prevention, and it will support the goal of program offer 40045: Reducing Racial and Ethnic Disparities with data generated from the project. **Funds associated with this grant will not supplant County funding requested in these program offers. Funds will be used to enhance the proposed program offers.**

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

The grant award will allow the Health Department to hire a part-time Community Health Worker to support the expansion and implementation of the *Community Coalition to Address Childhood Obesity in North Portland* project.

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

None known.

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

The founding coalition members of the Clarendon Elementary School's Healthy Eating/Active Living Coalition include the Health Department, Clarendon Elementary School, Latino Alliance, Portland State University, and Portland Parks and Recreation. This coalition grew to include parents, community members, and local organizations such as churches, the Portland Food Bank, the Portsmouth Neighborhood Association, and local businesses. As this project is expanded through the application of these grant funds, the coalition members and community partners will expand as well to reflect the larger North Portland area.

Allies such as Community Health Partnership, Active Living by Design, Kaiser Permanente, and the State Health Promotion and Chronic Disease Prevention Program have been briefed on the project and have made a commitment to provide technical assistance as our coalition builds and interventions are implemented. Many other potential allies and future partners have been identified and will be informed of the project as part of the overall outreach and communication plan.

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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?**

Northwest Health Foundation.

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

The total funding request for this grant is \$60,000 over three years with no required match. Regular progress reports and final project outcome data will be required.

The Northwest Health Foundation will support projects that address the social and environmental factors that influence healthy eating and active living. The Foundation is particularly interested in efforts to establish community designs that promote physical activity, strong physical education requirements in schools, and access to healthy food choices in schools and the wider community.

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

This grant requires a commitment of three years, with the total funding request of \$60,000 dispersed evenly throughout the duration of the grant.

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

April 26, 2007

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

The grant period will cover a three year period beginning at the time of grant award.

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

When the grant expires, this funding stream should no longer be needed. If additional funds are required due to unforeseen program changes, the development team will work to obtain new sources of grant funds.

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

These costs will be covered by the grant.

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**ATTACHMENT B**

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**Required Signatures**

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

*Lillian Shirley*

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**KJ  
Date: 03-27-07**

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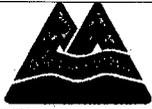
**Budget Analyst:**

*Debra*

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**Date: 03/27/07**

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**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST (long form)**

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-12 DATE 04-19-07  
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	<u>04/19/07</u>
Agenda Item #:	<u>R-12</u>
Est. Start Time:	<u>11:07 AM</u>
Date Submitted:	<u>03/27/07</u>

**BUDGET MODIFICATION: HD - 14**

<b>Agenda Title:</b>	<b>Budget Modification HD-14 Appropriating \$49,534 Grant Funding from the Oregon Research Institute to the Health Department for Research and Evaluation Services</b>
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*Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.*

<b>Requested Meeting Date:</b>	<u>April 19, 2007</u>	<b>Amount of Time Needed:</b>	<u>5 minutes</u>
<b>Department:</b>	<u>Health Department</u>	<b>Division:</b>	<u>Community Health Promotion, Partnerships and Planning (CHP3)</u>
<b>Contact(s):</b>	<u>Wendy Lear, Business Services Manager</u>		
<b>Phone:</b>	<u>503-988-3674</u>	<b>Ext.:</b>	<u>27574</u>
<b>Presenter(s):</b>	<u>Mike Stark</u>	<b>I/O Address:</b>	<u>167/2/210</u>

**General Information**

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

Approval of appropriation of \$49,534 in funding from the Oregon Research Institute for the Health Department to provide research and evaluation services.

**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 Health Department's Program Design and Evaluation Services (PDES) is well known for their evaluation expertise nationally. For example, PDES has contracts with the State of Washington and the State of Alaska.

The Health Department's PDES will conduct analyses to describe the effects of school tobacco prevention funding termination on smoking behaviors among youth in Oregon. Some Oregon schools were funded for tobacco prevention and education programs before 2002, none were funded during 2003-2005, and then some were funded again in 2006. Using Oregon Healthy Teens (OHT) survey data for the years 1999 - 2006, PDES will examine data from four successive birth cohorts

for their patterns of growth in smoking prevalence. In addition, PDES will examine patterns for cohorts of students in Oregon school Districts with State-sponsored tobacco program funding during 1999-2001 and 2001-2003 and compare these patterns to those for cohorts of students in Oregon Districts without funding and nationally (using Monitoring the Future data). PDES will prepare a manuscript based on these results.

This grant is new in FY07 and was not included in an FY07 or FY08 Program Offer. Funds have been awarded for the period 10/1/2006 through 3/31/07.

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

The Bud Mod will increase the Health Department's CHP3 - Planning, Development & Evaluation Services (PDES) FY07 budget by \$49,534: Temporary Personnel, Insurance, Benefits = \$37,654; Pass-Through = \$8,222; Indirect = \$3,658. The project will be completed in FY07.

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

There are no legal or policy issues involved with this work.

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

There is no citizen or other government participation that has or will take place with this work. The contract is to conduct analyses and write a paper to describe the effects of school tobacco prevention funding termination on smoking behaviors among youth in Oregon using existing datasets.

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# ATTACHMENT A

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## Budget Modification

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

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

The Health Department's FY07 Fed/State Revenue will increase by \$49,534 as a result of the work performed under this contract.

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

The Bud Mod will increase the Health Department's CHP3 - Planning, Development & Evaluation Services (PDES) FY07 budget by \$49,534: Temporary Personnel, Insurance, Benefits = \$37,654; Pass-Through = \$8,222; Indirect = \$3,658. The project will be completed in FY07.

- **What do the changes accomplish?**

PDES will conduct analyses to describe the effects of school tobacco prevention funding termination on smoking behaviors of Oregon youth.

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

This budget modification does not increase FTE. Current FTE (Principal Investigators, Research & Evaluation Supervisor) will work on this project. Also, research assistants will be hired on a temporary basis to assist with data analysis.

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

Revenue covers all indirect costs.

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

This is a new revenue stream from the Oregon Research Institute and it is a one-time-only contract at this time.

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

The grant period is 10/1/06 – 3/31/07 (FY07 only.)

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

The project will be completed in FY07. There will be no expenditures beyond the grant period.

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

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## ATTACHMENT B

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**BUDGET MODIFICATION: HD - 14**

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### Required Signatures

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

*Lillian Shirley*

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**KJ  
Date: 03/27/07**

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**Budget Analyst:**

*Debra*

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**Date: 03/27/07**

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**Department HR:**

*Loreen Heller*

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**Date: 03/26/07**

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**Countywide HR:**

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

Budget Modification ID: **HD-07-14**

**EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-16	32227	30			4CA86-01-1	50195		(49,534)	(49,534)		Oregon Research Institute
2												
3	40-16	32227	30			4CA86-01-1	60100	25,468	25,468			Princ. Invest., Res. Eval. Sup., Res. Assist.
4	40-16	32227	30			4CA86-01-1	60135	7,730	7,730			Non Base Fringe
5	40-16	32227	30			4CA86-01-1	60145	4,456	4,456			Non Base Insurance
6	40-16	32227	30			4CA86-01-1	60160	8,222	8,222			to DHS, to pay for .10 SrRA
7	40-16	32227	30			4CA86-01-1	60350	1,129	1,129			Central Indirect
8	40-16	32227	30			4CA86-01-1	60355	2,529	2,529			Departmental Indirect
9												
10	19	1000	20		9500001000		50310		(1,129)	(1,129)		Indirect reimbursement revenue in GF
11	19	1000	20		9500001000		60470		1,129	1,129		CGF Contingency expenditure
12												
13	40-90	1000	30		409050		50370		(2,529)	(2,529)		Indirect Dept reimbursement revenue in GF
14	40-90	1000	30		409001		60000		2,529	2,529		Off setting Dept expenditure in GF
15												
16	72-10	3500	20		705210		50316		(4,456)	(4,456)		Insurance Revenue
17	72-10	3500	20		705210		60330		4,456	4,456		Offsetting expenditure
18												
19												
20												
21												
22												
23												
24												
25												
26												
27												
28												
29												
										0	0	Total - Page 1
										0	0	GRAND TOTAL



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST (long form)**

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-13 DATE 04-19-07  
DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

Meeting Date: 04/19/07  
Agenda Item #: R-13  
Est. Start Time: 11:09 AM  
Date Submitted: 03/28/07

**BUDGET MODIFICATION: HD - 20**

**Agenda Title: Budget Modification HD-20 Appropriating \$13,962 in Additional Revenue for the Health Department, Community Health Services from a Grant Award from the Robert Wood Johnson Foundation**

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

**Requested Meeting Date:** April 19, 2007      **Amount of Time Needed:** 5 minutes  
**Department:** Health Department      **Division:** Community Health Services (CHS)  
**Contact(s):** Wendy Lear, Business Services Manager  
**Phone:** (503) 988-3674      **Ext.** 27574      **I/O Address:** 160-2-210  
**Presenter(s):** Amy Sullivan

**General Information**

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

Approval for appropriation of \$13,962 in additional grant funding for Community Health Services (CHS). This grant, "Common Ground: Transforming Public Health Information Systems," was awarded to the Multnomah County Health Department from the Robert Wood Johnson Foundation. It will support training in business processes and informatics, and initial business redesign planning to improve our network of public health information.

**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.**

CHS will review existing business processes across CHS with an emphasis on communicable disease and preventive public health services. Through training provided by the grant, CHS will conduct this review using the best practices developed by the Public Health Informatics Institute.

Specific outcomes include:

- Trained staff from CHS and County IT who understand best practices in business process

analyses and redesign and can lead business process analyses & redesign for Multnomah County public health systems.

- Integrated business process documentation for Multnomah County CHS program activities that address public health disease surveillance and public health intervention.
- Three year plan of action for business process redesign in existing CHS public health data systems that would provide a framework to transform these existing systems into a more cohesive information system for internal program needs and external reporting requirements.

This grant is new in FY07 and was not part of the FY07 Program Offer process. Funds have been awarded for the period 12/1/2006 through 2/29/08. FY08 Program Offer #40010 includes the FY08 balance = \$15,957.

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

Increase the Health Departments Fed/State budget by \$13,962 in FY07: IT = \$5,776; Prof. Svcs. = \$1,050; Supplies = \$393; Travel/Trainings = \$6,139; Indirect = \$604. Funds have been awarded for the period 12/1/2006 through 2/29/08. FY08 Program Offer #40010 includes the FY08 balance = \$15,957.

**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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## ATTACHMENT A

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### **Budget Modification**

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

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

The Health Department's FY07 Fed/State revenue will increase by \$13,962 as a result of a contract between the Robert Wood Johnson Foundation and Multnomah County Health Department.

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

Health Department's Community Health Services program will increase by \$13,962: IT = \$5,776; Prof. Svcs. = \$1,050; Supplies = \$393; Travel/Trainings = \$6,139; Indirect = \$604.

- **What do the changes accomplish?**

Through training provided by the grant, CHS will conduct a review of existing business processes across CHS with an emphasis on communicable disease and preventive public health services.

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

No personnel actions.

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

Grant revenue covers county and departmental overhead costs.

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

The revenue is one-time only, 15 month contract.

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

The project period is 12/1/06 - 2/29/08: FY07 = 12/1/06 - 6/30/07 = \$13,962; FY08 = 7/1/07 - 2/29/08 = \$15,957 under FY08 Program Offer 40010. The total award amount is \$29,919.

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

Research Project will be completed.

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

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## ATTACHMENT B

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**BUDGET MODIFICATION: HD - 20**

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### Required Signatures

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

*Lillian Shirley*

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**KJ  
Date: 03-28-07**

**Budget Analyst:**

*Debra*

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**Date: 03/27/07**

**Department HR:**

*Lillian Shirley*

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**Date: 03/26/07**

**Countywide HR:**

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





# MULTNOMAH COUNTY

## AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # R-14 DATE 04-19-07  
 DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only**

**Meeting Date:** 04/19/07

**Agenda Item #:** R-14

**Est. Start Time:** 11:12 AM

**Date Submitted:** 03/28/07

**BUDGET MODIFICATION: HD - 26**

**Agenda Title: Budget Modification HD-26 Appropriating \$50,000 from the Northwest Health Foundation to the Health Department for MultiCare Dental Services**

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

<b>Requested Meeting Date:</b> <u>April 19, 2007</u>	<b>Amount of Time Needed:</b> <u>5 minutes</u>
<b>Department:</b> <u>Health</u>	<b>Division:</b> <u>Integrated Clinical Services (ICS)</u>
<b>Contact(s):</b> <u>Wendy Lear, Business Services Manager</u>	
<b>Phone:</b> <u>503-988-3674</u> <b>Ext.</b> <u>27574</u>	<b>I/O Address:</b> <u>167/2/210</u>
<b>Presenter(s):</b> <u>Pam Olbrich</u>	

### General Information

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

Approval of appropriation of \$50,000 in funding from the Northwest Health Foundation (NWHF) for the Health Department's Integrated Clinical Services (ICS) to provide MultiCare dental services.

**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 Northwest Health Foundation has awarded \$50,000 through the Kaiser Permanente Community Fund to MultiCare Dental for general operating support. MultiCare Dental is a Dental Managed Care plan under the Oregon Health Plan managed by Multnomah County. Because the dental needs are great for uninsured residents of Multnomah County, we plan to use the majority of the grant funds to provide services for uninsured. The grant will fund outreach materials for MultiCare dental enrollees (approximately \$1,000), dentures for uninsured Multnomah County clients with no other financial resources (approximately \$20,500), and dental services to uninsured pregnant mothers residing in Multnomah County referred through the WIC Program (approximately \$28,500).

This grant is new in FY07 and was not part of the FY07 Program Offer process. Funds have been

awarded for the period 1/1/2007 through 12/31/2007. The project will be completed in FY07 and is not included in an FY08 Program Offer.

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

This Bud Mod will increase the Health Department's Integrated Clinical Services FY07 budget by \$50,000: Temporary Personnel, Benefits, Insurance = \$28,500; Professional Services = \$20,500; Printing = \$1,000. No additional FTE will be added. Current FTE will be utilized to provide services. The funds will be used in FY07 and services will not continue in FY08.

**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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## ATTACHMENT A

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### **Budget Modification**

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

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

The Health Department's Fed/State Revenue will increase by \$50,000 as a result of the work performed under this grant.

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

The Health Department's ICS budget will increase by \$50,000: Temporary Personnel, Benefits, Insurance = \$28,500; Professional Services = \$20,500; Printing = \$1,000.

- **What do the changes accomplish?**

The changes will provide needed dental services to the uninsured population.

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

There will be no increase in FTE. Existing staff will provide services.

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

The grant does not cover indirect. No indirect cost will be incurred.

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

The revenue is one-time-only in nature. The function will not be ongoing.

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

The Grant Period is 1/1/2007 through 12/31/2007. All grant funds will be used in FY07 and services will not continue in FY08.

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

Once the grant funds have been exhausted, services will be discontinued.

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

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**ATTACHMENT B**

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**BUDGET MODIFICATION: HD - 26**

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**Required Signatures**

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

*Lillian Shirley*

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**KJ  
Date: 03-28-07**

**Budget Analyst:**

*Debra*

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**Date: 03/28/07**

**Department HR:**

*Patricia Keller*

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**Date: 03/27/07**

**Countywide HR:**

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

Budget Modification ID: **HD-07-26****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	40-60	1505	30			TBD	50210	(50,000)	(50,000)		NWHF Kaiser Permanente Community Fund	
3	40-60	1505	30			TBD	60100	18,680	18,680		Dental Hygienist, Dentist	
4	40-60	1505	30			TBD	60135	5,995	5,995		Non-Base Fringe	
5	40-60	1505	30			TBD	60145	3,825	3,825		Non-Base Insurance	
7	40-60	1505	30			TBD	60170	20,500	20,500		All City Denture	
9	40-60	1505	30			TBD	60180	1,000	1,000		Outreach postcards	
23												
24	72-10	3500	20		705210		50316	(3,825)	(3,825)		Insurance Revenue	
25	72-10	3500	20		705210		60330	3,825	3,825		Offsetting expenditure	
26												
27												
28												
29												
									0	0	<b>Total - Page 1</b>	
									0	0	<b>GRAND TOTAL</b>	