



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 606, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308  
PAULINE ANDERSON • DISTRICT 1 • 248-5220  
GARY HANSEN • DISTRICT 2 • 248-5219  
RICK BAUMAN • DISTRICT 3 • 248-5217  
SHARRON KELLEY • DISTRICT 4 • 248-5213  
CLERK'S OFFICE • 248-3277

## AGENDA

### MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

APRIL 22 - 26, 1991

- Tuesday, April 23, 1991 - 9:30 AM - Planning Items. . . . Page 2
- Tuesday, April 23, 1991 - 10:00 AM - Board Briefing . . . . Page 3
- Tuesday, April 23, 1991 - 11:00 AM - Agenda Review. . . . Page 3
- Tuesday, April 23, 1991 - 1:30 PM - Work Session. . . . Page 3
- Wednesday, April 24, 1991 - 7:00 PM - BUDGET HEARING. . . . Page 3  
     Gresham City Hall Council Chamber  
     1333 NW Eastman Parkway
- Thursday, April 25, 1991 - 9:30 AM - Board Briefing . . . . Page 3
- Thursday, April 25, 1991 - 9:45 AM - Regular Meeting. . . . Page 4

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

- Thursday, 10:00 PM, Channel 11 for East and West side subscribers
- Friday, 6:00 PM, Channel 27 for Paragon Cable (Multnomah East) subscribers
- Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, April 23, 1991 - 9:30 AM

Multnomah County Courthouse, Room 602

PLANNING ITEMS

The Following April 1, 1991 Decisions of the Planning Commission are Reported to the Board for Acceptance and Implementation by Board Order:

1. PD 1-91 APPROVE, SUBJECT TO CONDITIONS, Requested Change in Zone Designation From RR, Rural Residential District to RR, P-D, Rural Residential, Planned-Development District;  
LD 7-91 APPROVE, SUBJECT TO CONDITIONS, Request for a 13-Lot Single Family Residential Land Division, all for Property Located at 5055 East Powell Boulevard
- 

The Following April 1, 1991 Decisions of the Planning Commission are Reported to the Board of County Commissioners for Acknowledgement by the Presiding Officer:

2. CS 2-91 APPROVE, SUBJECT TO CONDITIONS, Modification of the Community Service Designation of the Described Property to Allow up to a Maximum of 16 On-Site Residents Plus 4 Temporarily Housed on an Occasional Basis, for Property Located at 14917-15005 SE Division Street
  3. CU 5-90 APPROVE, SUBJECT TO CONDITIONS, Conditional Use Request to Allow Development of the Subject Property with a Non-Resource Related Single Family Residence, for Property Located at 6175 NW Thompson Road
- 
4. RB 1-91 RESOLUTION in the Matter of Issuance of an Industrial Development Revenue Bond State of Oregon to Lincoln & Allen Bindery
  5. C 2-91 First Reading and Possible Adoption of an ORDINANCE Amending the Multnomah County Code Chapter 11.15 by Amending Regulations Applicable to Grading and Filling Activities, and Clarifying Standards Applicable to Land Disturbing Activities within the Tualatin River Drainage Basin, and Declaring an Emergency
  6. C 3-91a First Reading of an ORDINANCE Amending the Multnomah County Code Chapter 11.15 by Restricting the Planned Development Subdistrict to the Urban and RC, RR and MUA-20 Rural Districts
  7. Business Certificate Application/Renewal Submitted by Planning Office with Recommendation for Approval as Follows: Division Street Auto Parts U-Pull-It Division, 13231 SE Division, Portland (Continued from March 28, 1991)
-

Tuesday, April 23, 1991 - 10:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFING

8. Proposed Interim Solution to Accomodate Courtroom Needs and Board Discussion Concerning Sixth Floor Space Option and Implementation of Moves and Modifications. Presented by F. Wayne George and Jim Emerson
- 

Tuesday, April 23, 1991 - 11:00 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

9. Review of Agenda for Regular Meeting of April 23, 1991
- 

Tuesday, April 23, 1991 - 1:30 PM - 3:00 PM

Multnomah County Courthouse, Room 602

WORK SESSION

1. Work Session to Receive Budget Recommendations from the Portland and Gresham Chambers of Commerce.
- 

Wednesday, April 24, 1991 - <sup>7:00pm</sup>~~7:30~~ PM - 10:00 PM

Gresham City Hall Council Chamber  
1333 NW Eastman Parkway, Gresham

PUBLIC HEARING

1. Public Hearing and Testimony on the Multnomah County Budget.
- 

Thursday, April 25, 1991 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFING

1. Liability Settlement of Litigation Regarding Taxation of 1980/87 Southern Pacific Railroad Property. Presented by County Counsel Larry Kressel and Kathy Tuneberg of the Assessment and Taxation Division
-

Thursday, April 25, 1991 - 9:45 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 In the Matter of the Multnomah County Appointments of Gene Bui, Terry Cook, Carolyn Piper and Paul Johnson to the County Comprehensive Housing Affordability Strategy (CHAS) Citizens Steering Committee; Paul Thalhofer to the Public and Assisted Housing Subcommittee; Peter Fornara to the Rental Housing Subcommittee; and Joanna Moyer to the Homeownership Subcommittee

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-1 Approval of a Notice of Intent to Co-Sponsor a Grant Proposal for the Acquisition of 428 Acres of Sensitive Wetlands Located in Northwest Multnomah County Adjacent to the Multnomah Channel and Sauvie Island (Commonly Referred to as Burlington Bottoms)
- R-2 Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code Chapter 10.15.110, Park Fees
- R-3 ORDER in the Matter of the Execution of a Deed from Multnomah County, a Political Subdivision of the State of Oregon, for Certain Real Property for Dedicated Street Purposes (S.E. Hawthorne Street - Item No. 91-121)

DEPARTMENT OF HUMAN SERVICES

*Staff  
Parking  
help*

- R-4 Request for Approval of a Lease Agreement Between Multnomah County and the State of Oregon for the Use of 16 Dedicated Parking Spaces for Clients, Visitors and Staff of the Aging Services Division West Branch
- R-5 Ratification of an Intergovernmental Agreement Between the State of Oregon Health Division and Multnomah County to Provide Start Up Funds for Equipment and Installation to Establish a Toll-Free Telephone Number for the Use of Parents to Access Information About Health Care Providers and Practitioners Providing Health Care Services Under Title V and Title XIX
- R-6 Ratification of Revision No. 2 to the Intergovernmental Agreement Between the State Health Division and Multnomah County Providing Increased Grant Funding for Various County Programs

- R-7 Ratification of Revision No. 3 to the Intergovernmental Agreement Between the State Health Division and Multnomah County Providing Increased Grant Funding for Various County Programs
- R-8 Budget Modification DHS #24 Authorizing Changes in Health Division Appropriations Due to Changes in the State Health Division Revenue Agreement and Other Miscellaneous Revenue Sources
- R-9 Budget Modification DHS #28 Authorizing Transfer of One-Time Unexpended Personnel and Uncontracted Federal and State Grant Funds to Pay for an Aging Services Division Networked Computer Client Tracking System and Shifting of Materials and Services Line Items

NON-DEPARTMENTAL

- R-10 PROCLAMATION in the Matter of Proclaiming APRIL 28, 1991 as WORKERS MEMORIAL DAY in Multnomah County, Oregon
- R-11 In the Matter of Review and Approval of the Multnomah Cable Regulatory Commission, Program in Community Television and Multnomah Community Television Locally Oriented Programming Budgets Pursuant to an Intergovernmental Agreement Among the Jurisdictions of Gresham, Troutdale, Fairview, Wood Village and Multnomah County (Continued from April 18, 1991)

PUBLIC CONTRACT REVIEW BOARD

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

- R-12 ORDER in the Matter of a Sole Source Exemption to Purchase a Micro-Imager and Mainframe System from Eastman Kodak Company

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

REDUCTIONS/REVENUES

STRONG SUPPORT (at least 3 votes)

April 24, 1991

	Cuts	Revenues	SUBTOTAL
Health Services Risk Reserve		300,000 OTO	
			300,000
<b>SUBTOTAL</b>			
CPI - Deputies, D.A.'s, C.O.'s	222,714		
ROCN Reimbursement		73,102	
Forfeiture BWC		119,541	
Raise alarm fees		?	
River Patrol	188,861		
Undersheriff position	42,633		
Sheriff Admin/Support			
P&B - C.O. & Dep.	106,318		
Info Svcs	35,354		
Personnel - Sgt	73,880		
Equipment	57,662		
Use Inmate Welfare Fund for Jail Library		60,000	
Chaplains	57,173	(Also 39,000 in Jail Fund)	
			1,037,238
<b>SUBTOTAL</b>			
Mead Building contract	32,000		
Svc. District reimbursement		19,000	
MCDC custodians	100,000		
Recreation Fund surplus		123,000	
			274,000
<b>SUBTOTAL</b>			
Limited Light (GF share)	75,225		
Increase 'Wellness' fees 100%		12,000	
ISD, 2 positions in lieu of contract	20,000		
ISD, new dev. (payroll system)	112,000		
Health Supply/Distribution	86,241		
DP Fund Transfer		500,000 OTO	
Labor Relations, prof. svcs	20,000		
DGS Admin Education & Training	65,000		
BOE Temporary (assuming A&T support)	25,959		
Finance costs added to Ins. Fund	15,000		
Bylines	20,000		
			951,425
<b>SUBTOTAL</b>			
Retiree Medical/Dental, one year (GF share)		700,000 OTO	
County Counsel costs added to Ins Fund	144,000		
Historical Society	15,000		
Chair's Office	75,000		
CIC, one position	35,000		
Extension Service	60,000		
			1,029,000
<b>SUBTOTAL</b>			
Beginning Working Capital		400,000	
Assume 11% property value increase		408,000 (Library, Jail 120,000)	
Consolidate depts (reduce contingency)	400,000		
Exempt Class/Comp	60,000		
Printing 15% (except Elections/A&T)	90,000		
Capital 50% (except A&T/Juvenile)	216,000		
Vehicle Rental Tax		560,000	
			2,134,000
<b>SUBTOTAL</b>			

<b>TOTAL CUTS AND REVENUES</b>	<b>2,451,020</b>	<b>3,274,643</b>	<b>5,725,663</b>
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RESTORATIONS

STRONG SUPPORT (at least 3 votes)

25  
April 24, 1991

#3

Amounts

SUBTOTAL

Field Services 1,941,000  
 Dental Services 851,000  
 Burnside Clinic 466,000  
 CHIERS/Acupuncture 233,000  
 Midcounty Clinic 1,158,000  
 Teen Clinics (4) 808,000

OR

Teen Clinics (7) 1,521,000  
 Youth Service Centers 200,000  
 Sex Offender Program (R.A.P.) 100,000

*Juvenile Dependency Unit*

*346,000*

*5,757,000 6,153,000*

SUBTOTAL

OR ~~6,470,000~~ *6,816,000*

Property Crimes prosecution 200,000  
 D. A. Child Abuse prosecution 100,000

SUBTOTAL

300,000

Animal Control (except dead animal pickup) 840,000 ?  
 Facilities Management 100,000  
 JDH Steam Heat 100,000

SUBTOTAL

1,040,000

Arts Commission 303,000

SUBTOTAL

303,000

	<del>7,746,000</del>	<del>7,400,000</del>	OR
TOTAL RESTORATIONS	<del>8,113,000</del>	<i>8,459,000</i>	

RESTORATIONS

EXPRESSED INTEREST (2 Commissioners)

April 24, 1991

	Amounts		SUBTOTAL
Vector Control (Offset by sewer fees)	231,000		
Sex Offender program (under age 12)	200,000		
Aging Services	132,000		
Family enhancement CHN's	300,000		
	SUBTOTAL	863,000	
District Attorney, other services	133,000		
	SUBTOTAL	133,000	
Day Reporting Center	200,000		
P.R.S.P.	65,000		
	SUBTOTAL	265,000	
Auditor, 1 position	55,000		
Arts Commission	260,000		
	SUBTOTAL	315,000	

TOTAL RESTORATIONS	1,576,000
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Meeting Date: APR 25 1991

Agenda No.: B-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM  
(For Non-Budgetary Items)

BOARD BRIEFING ON LIABILITY SETTLEMENT OF LITIGATION  
SUBJECT: RE: TAXATION OF RAILROAD PROPERTY (Southern Pacific 1980/87)

BCC Informal \_\_\_\_\_ (date) BCC Formal April 25, 1991 (date)

DEPARTMENT General Services DIVISION Assessment and Taxation

CONTACT Kathy Tuneberg TELEPHONE 248-3330

PERSON(S) MAKING PRESENTATION Larry Kressel and Kathy Tuneberg

ACTION REQUESTED:

INFORMATIONAL ONLY       POLICY DIRECTION       APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 15 minutes

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

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

(April 4, 1991 and February 14, 1991 letters attached.)

(If space is inadequate, please use other side)

SIGNATURES:

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

Or

DEPARTMENT MANAGER *Linda R. Alexander*

(All accompanying documents must have required signatures)

BOARD OF  
COUNTY COMMISSIONERS  
1991 APR 16 PM 2:15  
MULTNOMAH COUNTY  
OREGON



DEPARTMENT OF JUSTICE

GENERAL COUNSEL DIVISION

Justice Building  
Salem, Oregon 97310  
Telephone: (503) 378-4620  
FAX: (503) 378-3784

RECEIVED  
MULTNOMAH COUNTY

APR 05 1991

April 4, 1991

DIRECTOR, DIVISION OF  
ASSESSMENT & TAXATION

Janice M. Druian, Director  
Division of Assessment & Taxation  
610 S.W. Alder St., Room 315  
Portland, OR 97205-3603

Re: Southern Pacific Trans. Co. v. Dept. of Revenue, Tax Years  
1980-1987  
Calculation of Tax and Interest on Settlement Numbers

Dear Ms. Druian:

The Department of Revenue and representatives of the railroad have reached an agreement as to system values, and the allocation of Oregon values, for the Southern Pacific railroad property for years 1980 through 1987. This agreement is explained in a letter, dated March 26, 1991, to your County Counsel, a copy of which is enclosed for your information. As promised in that letter, the Department of Revenue has prepared the revised Oregon allocated values, based on the settlement numbers. However, the Department has asked that I mail this information to you, with a short explanation of the information we request you to provide.

The enclosed tables show the revised true cash values of the Southern Pacific property in your county. These numbers have been circled in green. Please use these numbers in calculating the tax and interest to be refunded, or amounts to be billed, by the county to the railroad. Interest should be calculated to May 1, but a daily number should also be indicated.

When you have made these calculations, I ask that you mail the information to Paul J. Mooney at the address shown in the enclosed letter, with a copy to me at the Department of Justice. The railroad will review your calculations and contact you with any questions. The tax and interest information should also be provided to your County Counsel, for the purpose specified in the enclosed letter.

Janice M. Druian  
April 4, 1991  
Page 2

Within the next month, we hope to prepare and sign the final settlement agreement, containing any "time to pay" provisions, and the necessary stipulated judgments for filing in both the Tax Court and Federal Court proceedings. When those are signed and filed, you will be sent court orders for official correction of the roll.

Your assistance and cooperation in this process are appreciated. Please call me if you have questions.

Sincerely,



Marilyn J. Harbur  
Assistant Attorney General  
Tax Section

MJH:lmb:pja/JGG00602

Enclosures

c: Paul Mooney, w/o enc  
Mike Webber, DOR, w/o enc  
Paul Snider, AOC, w/o enc  
Laurence Kressel, w/o enc



# MULTNOMAH COUNTY OREGON

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

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

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

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

FROM: Larry Kressel  
County Counsel (106/1530)

DATE: February 14, 1991

RE: Status Report on Railroad Property Tax  
Appeals (The 4R Cases)

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

This is an update on the status of the so called "4R" litigation. "4R" is shorthand for the federal Railroad Revitalization and Regulatory Reform Act. The Act prohibits discriminatory state taxation of railroad property.

The cases involve railroad property in fourteen counties, including Multnomah County. The issue is whether the railroads' real property has been correctly valued by DOR. The railroads claim their property was substantially over valued in various tax years.<sup>1</sup>

In 1986, the Union Pacific, Southern Pacific and Burlington Northern railroads filed actions in the U.S. District Court challenging the assessment of their properties by the Oregon

<sup>1</sup> Union Pacific Railroad challenges the values for 1983-90. Southern Pacific challenges the values for 1980-90. Burlington Northern Railroad participated in the litigation initially, but settled with DOR in June 1990 for tax years 1983-90.

OFFICE COPY

Department of Revenue. They also filed challenges in state court. DOR is represented by the Attorney General's office.

Railroad property is annually appraised by DOR as a unit, i.e., system wide. A proportionate share of an entire system's value is allocated to Oregon. See ORS 308.555. The state-wide figures are then further apportioned and equalized among the counties in which the property is located. The counties collect the taxes and apportion them among taxing districts.

For several years the AG has warned that the railroads may win favorable judgments, or (more likely) the cases may be settled. In either event, a number of counties, including Multnomah, would be required to make some refunds. The refund burden would be mitigated by two factors: (1) in 1988 the railroads obtained injunctions prohibiting future collection of disputed taxes and permitting the railroads to pay those amounts into escrow and (2) any refunds not covered by amounts in escrow would be paid from the unsegregated tax account (thus, all taxing districts in the county would share the burden).

According to recent figures supplied by DOR, if the railroads win all the relief they are seeking in court, the Multnomah County unsegregated account would owe refunds totaling \$4.5 million. The general fund's share would be about 15% of that figure. However, the lawyer for DOR says the "worst-case" figure is unlikely to be reached. She anticipates settlement of some of the claims and that the courts will not award the railroads all the requested relief in the cases that go to trial. It may also be possible to spread out the refund liability over several years.

I recently asked the AG whether any cases requiring refunds are likely to settle or be tried soon. I was told that some settlements for some tax years are beginning to take shape with one company and that details will be available by the end of February. As for those cases that don't settle, the trials may occur this fiscal year (or next year). But appeals could delay refund orders into 1992 or beyond.

cc Janice Druian (166/315)  
Dave Warren (106/1430)

ATTY.355/mw

bcc Paul Snider  
John Leahy  
Sandy Huffy



# MULTNOMAH COUNTY OREGON

DIVISION OF ASSESSMENT & TAXATION  
610 S.W. ALDER  
PORTLAND, OREGON 97205-3603

TAX INFORMATION: (503) 248-3326  
APPRAISAL SECTIONS: (503) 248-3367  
RECORD MANAGEMENT: (503) 248-3375  
ADMINISTRATION: (503) 248-3323

## MEMORANDUM

**DATE:** April 17, 1991  
**TO:** Larry Kressel, County Counsel  
**FROM:** Kathy Tunney, Tax Collection Manager  
**SUBJECT:** Potential Southern Pacific Property Tax Refund

=====  
The calculations for determining the amount of the Southern Pacific refund requested by the Department of Justice are attached. With the revised True Cash Value information provided we have determined there to be a refund of approximately \$1,020,000. The actual amount will depend on the settlement date. A daily interest amount has been calculated and can be added or subtracted from the Total Net Refund as a date is determined.

The Department of Justice has also asked for our needs regarding a payback period. Since the county will be making a refund to Southern Pacific, my recommendation is that it be paid as soon as possible. The longer we retain the money the more interest we pay at a rate of 12%.

It is also preferable to make the refund while we have a large amount of tax collections available as we do in the month of May. We would like to have at least a one week notice in which to prepare the refund and make the necessary cash availability arrangements.

If you have any questions or need additional information please call me at extension 2331.

c: Janice Druian, Director of Assessment & Taxation  
Dave Boyer, Finance Director

Multnomah County

Southern Pacific Trans. Co. v. Dept. of Revenue  
 Calculation of Tax and Interest On Settlement Numbers

	Original Value	Revised Value	Difference	Original Tax	Revised Tax	Tax Reduction	Less Discount	Net Reduction	Interest Through 4-30-91	Net Refund
1980	\$7,414,805.00	\$3,082,049.00	\$4,332,756.00	\$130,358.69	\$54,185.12	\$76,173.57	\$0.00	\$76,173.57	\$93,307.41	\$169,480.98
1981	\$6,272,165.00	\$2,984,350.00	\$3,287,815.00	\$120,695.32	\$57,427.26	\$63,268.06	\$0.00	\$63,268.06	\$69,906.88	\$133,174.94
1982	\$2,658,257.00	\$2,394,600.00	\$263,657.00	\$56,534.78	\$50,927.33	\$5,607.45	\$0.00	\$5,607.45	\$5,522.95	\$11,130.40
1983	\$3,049,160.00	\$1,789,765.00	\$1,259,395.00	\$67,224.98	\$39,459.14	\$27,765.84	\$0.00	\$27,765.84	\$24,015.55	\$51,781.39
1984	\$5,855,670.00	\$2,722,173.00	\$3,133,497.00	\$137,805.93	\$64,062.94	\$73,742.99	\$0.00	\$73,742.99	\$54,933.47	\$128,676.46
1985	\$5,739,170.00	\$1,651,864.00	\$4,087,306.00	\$147,381.90	\$42,420.01	\$104,961.89	\$0.00	\$104,961.89	\$65,593.99	\$170,555.88
1986	\$6,422,570.00	\$1,712,548.00	\$4,710,022.00	\$177,391.39	\$47,300.16	\$130,091.23	(\$3,902.73)	\$126,188.50	\$67,502.21	\$193,690.71
1987	\$5,508,390.00	\$1,579,782.00	\$3,928,608.00	\$163,378.86	\$46,855.84	\$116,523.02	(\$3,495.68)	\$113,027.34	\$46,898.60	\$159,925.94
Total	\$42,920,187.00	\$17,917,131.00	\$25,003,056.00	\$1,000,771.85	\$402,637.80	\$598,134.05	(\$7,398.41)	\$590,735.64	\$427,681.06	\$1,018,416.70

Daily Rate Of Interest                    0.0003287671  
 Daily Amount of Interest                \$194.21  
 (on \$590,735.64)