



**Multnomah County Oregon**

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

### **BOARD OF COMMISSIONERS**

#### **Beverly Stein, Chair**

1120 SW Fifth Avenue, Suite 1515  
Portland, Or 97204-1914

Phone: (503) 248-3308 FAX (503) 248-3093

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

#### **Diane Linn, Commission Dist. 1**

1120 SW Fifth Avenue, Suite 1500  
Portland, Or 97204-1914

Phone: (503) 248-5220 FAX (503) 248-5440

Email: [diane.m.linn@co.multnomah.or.us](mailto:diane.m.linn@co.multnomah.or.us)

#### **Serena Cruz, Commission Dist. 2**

1120 SW Fifth Avenue, Suite 1500  
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#### **Lisa Naito, Commission Dist. 3**

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#### **Sharron Kelley, Commission Dist. 4**

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Email: [sharron.e.kelley@co.multnomah.or.us](mailto:sharron.e.kelley@co.multnomah.or.us)

### **ANY QUESTIONS? CALL BOARD CLERK DEB BOGSTAD @ 248-3277**

Email: [deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)

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

**AUGUST 17 & 19, 1999**

### **BOARD MEETINGS**

### **FASTLOOK AGENDA ITEMS OF INTEREST**

Pg 2	9:30 a.m. Tuesday De Novo Land Use Appeal Hearing ZC 1-98/PR 1-98
Pg 2	9:00 a.m. Thursday Legislative Agenda Wrap Up Briefing
pg 2	9:30 a.m. Thursday DJACJ RESULTS
Pg 3	9:40 a.m. Thursday IMAX North Light Rail Status Report
Pg 3	10:00 a.m. Thursday Community Response to Youth Violence Plan
Pg 3	11:15 a.m. Thursday Next Step for Living Wage Activities
*	<b><u>The August 26 &amp; September 2, 1999 Board Meetings are cancelled</u></b>
*	<b>Check the County Web Site: <a href="http://www.co.multnomah.or.us/">http://www.co.multnomah.or.us/</a></b>

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

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community  
Television

Tuesday, August 17, 1999 - 9:30 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **LAND USE PLANNING MEETING**

- P-1 De Novo Hearing Regarding a Denial of ZC 1-98 and PR 1-98; a Request for a Zone Change and Plan Revision to Alter the Existing Zoning of the Subject Tract from Exclusive Farm Use to Rural Residential on Property Located at 4046 SE 302nd AVENUE, TROUTDALE. TESTIMONY LIMITED TO 20 MINUTES PER SIDE.
- 

Thursday, August 19, 1999 - 9:00 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **BOARD BRIEFING**

- B-1 1999 Legislative Summary Presentation by Gina Mattioda. 30 MINUTES REQUESTED.
- 

Thursday, August 19, 1999 - 9:30 AM  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

## **REGULAR MEETING**

### **CONSENT CALENDAR**

### **NON-DEPARTMENTAL**

- C-1 Appointment of Beverly Stein and Diane Linn to the COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY (CCFC), and Appointment of Beverly Stein as CCFC Vice-Chair

### **REGULAR AGENDA**

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

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

**DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE - 9:30 AM**

- R-2 Results from RESULTS: Employee Recognition Committee Presentation. 10 MINTUES REQUESTED.

**DEPARTMENT OF ENVIRONMENTAL SERVICES - 9:40 AM**

- R-3 RESOLUTION Authorizing Execution of Agreement for Lease of Certain Real Property for the Operation of the District Attorney's Support Enforcement Division

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Thursday, August 19, 1999 - 9:40 AM  
**(OR IMMEDIATELY FOLLOWING REGULAR MEETING)**  
Multnomah County Courthouse, Boardroom 602  
1021 SW Fourth Avenue, Portland

**BOARD BRIEFINGS**

- B-2 Interstate Max North Light Rail Status Report Presentation by Metro Staff. 15 MINUTES REQUESTED.
- B-3 Community's Response to Youth Violence: An Enforcement, Intervention and Prevention Plan for Greater Portland. Progress Report on Law Enforcement, Intervention and Prevention Goals and Results. Presented by Chair Beverly Stein, Mayor Vera Katz, City Commissioner Jim Francesconi, District Attorney Michael Schrunck, Sheriff Dan Noelle, Department and Bureau Representatives, and Invited Others. 1 HOUR, 15 MINUTES REQUESTED.
- B-4 Next Steps for Living Wage Activities Presentation by Rhys Scholes. 30 MINUTES REQUESTED.

SHARRON KELLEY  
Multnomah County Commissioner  
District 4



Portland Building  
1120 S.W. Fifth Avenue, Suite 1500  
Portland, Oregon 97204  
(503) 248-5213  
E-Mail: sharron.e.KELLEY@co.multnomah.or.us

## MEMORANDUM

TO: Chair Beverly Stein  
Commissioner Diane Linn  
Commissioner Serena Cruz  
Commissioner Lisa Naito  
Board Clerk Deb Bogstad

FROM: Debra Erickson  
Staff to Commissioner Sharron Kelley

DATE: June 30, 1999

RE: Board Meeting Absences

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Commissioner Kelley will be taking time off during the month of August. She will not be attending the Board meetings scheduled for August 3, 5, ~~12~~, 17, 19, & 26, 1999. Should an issue arise which merits her participation, the Commissioner may elect to be available for the meeting, either in person or via speakerphone.

BOARD OF  
COUNTY COMMISSIONERS  
JUN 30 PM 2:19  
MULTNOMAH COUNTY  
OREGON



MEETING DATE: AUG 19 1999  
AGENDA NO: B-1  
ESTIMATED START TIME: 9:00

(Above Space for Board Clerk's Use ONLY)

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**AGENDA PLACEMENT FORM**

**SUBJECT:** 1999 Legislative Update

**BOARD BRIEFING:** **DATE REQUESTED:** \_\_\_\_\_  
**REQUESTED BY:** \_\_\_\_\_  
**AMOUNT OF TIME NEEDED:** \_\_\_\_\_

**REGULAR MEETING:** **DATE REQUESTED:** Thursday, August 19, 1999  
**AMOUNT OF TIME NEEDED:** 30 Minutes

**DEPARTMENT:** Non-Departmental **DIVISION:** Public Affairs Office

**CONTACT:** Gina Mattioda **TELEPHONE #:** 306-5766  
**BLDG/ROOM #:** 166/1045

**PERSON(S) MAKING PRESENTATION:** Gina Mattioda

**ACTION REQUESTED:**

☒ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☐ APPROVAL   ☐ OTHER

**SUGGESTED AGENDA TITLE:**

1999 Legislative Summary

**SIGNATURES REQUIRED:**

**ELECTED OFFICIAL:** \_\_\_\_\_  
(OR)  
**DEPARTMENT**  
**MANAGER:** \_\_\_\_\_

BOARD OF  
COUNTY COMMISSIONERS  
MULTI-COUNTY  
OREGON  
99 AUG -4 AM 11:30

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



**GINA MATTIODA**  
Director

Public Affairs Office

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**MULTNOMAH COUNTY OREGON**

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421 SW Sixth Avenue, Suite 1045  
Portland, Oregon 97204  
(503) 306-5766  
(503) 202-5321 pager  
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Public Affairs Office

## **MULTNOMAH COUNTY OREGON**

421 SW Sixth Avenue, Suite 1045  
Portland, Oregon 97204  
(503) 736-6800 phone  
(503) 736-6801 fax

### **Emergency Board (E-Board) Membership**

The following legislators will serve on the 1999-2001 Emergency Board. Their first meeting is scheduled for Thursday, October 7 and Friday, October 8. Bold indicates legislators, who represent portions of Multnomah County.

<b>Senators</b>	<b>Representatives</b>
Brady Adams, Co-Chair	<b>Lynn Snodgrass, Co-Chair</b>
Gene Derfler	<b>Gary Hansen</b>
<b>Ted Ferrioli</b>	Steve Harper
Lenn Hannon	Leslie Lewis
<b>Rick Metsger</b>	<b>Karen Minnis</b>
Eileen Qutub	<b>Bob Montgomery</b>
Gene Timms	Barbara Ross
Cliff Trow	Kurt Schrader
Mae Yih	Ben Westlund
	Jackie Winters

### **Term Limits**

According to the Office of the Secretary of State, the following legislators are termed out in 2000:

#### **Senators**

- Brady Adams, Senate President, Republican from Grants Pass
- Neil Bryant, Republican from Bend
- Joan Dukes, Democrat from Astoria
- John Lim, Republican from Gresham
- Gene Timms, Co-Chair of Ways and Means, Republican from Bums

#### **Representatives**

- Mike Lehman, Democrat from Coos Bay
- Leslie Lewis, Co-Chair of Ways and Means, Republican from Carlton
- Jane Lokan, Republican from Milwaukie
- Lynn Lundquist, Republican from Powell Butte
- Bob Montgomery, Republican from Cascade Locks
- Kitty Piercy, House Democratic Leader, Democrat from Eugene
- Floyd Prozanski, Democrat from Eugene
- Anitra Rasmussen, Democrat from Portland
- Barbara Ross, Democrat from Corvallis
- Lynn Snodgrass, House Speaker, Republican from Damascus
- Ken Strobeck, Republican from Beaverton
- Jackie Taylor, Democrat from Astoria
- Terry Thompson, Democrat from Newport
- Judy Uherbelau, Democrat from Ashland
- Larry Wells, Republican from Jefferson
- Jim Welsh, Republican from Elmira

# HOUSE INTERIM

## *quick card*



Member (Party-District)	Address	Phone
Atkinson, Jason A. (R-51)	PO Box 1931, Jacksonville, 97530	541-899-5918
Backlund, Vic (R-33)	H-284 State Capitol, Salem, 97310-1347	503-986-1433
Beck, Chris (D-12)	2083 NW Johnson #30, Portland, 97209	503-274-1517
Beyer, Roger (R-28)	39486 S Cooper Rd., Molalla, 97038	503-829-6910
Bowman, Jo Ann (D-19)	3145 NE 15th, Portland, 97212	503-281-1256
Butler, R. Tom (R-60)	PO Box E, Ontario, 97914-0106	541-889-7654
Close, Betsy L. (R-36)	5220 NW Winn Dr., Albany, 97321	541-926-5418
Deckert, Ryan (D-8)	PO Box 2247, Beaverton, 97075	503-977-1609
Deviin, Richard (D-24)	10290 SW Anderson Court, Tualatin, 97062	503-691-2026
Edwards, Randall (D-15)	6666 SE Yamhill St., Portland, 97215	503-257-6592
Gardner, Dan (D-13)	PO Box 82342, Portland, 97282-0342	503-238-6533
Gianella, Juley (R-38)	H-391 State Capitol, Salem, 97310	503-986-1438
Hansen, Gary D. (D-17)	6971 N Vincent, Portland, 97217	503-289-3995
Harper, Steve (R-53)	7121 Sierra Pl., Klamath Falls, 97603	541-850-9587
Hill, Jim (R-5)	191 NE 33rd Ct., Hillsboro, 97124	503-693-8915
Hopson, Elaine M. (D-2)	PO Box 656, Tillamook, 97141	503-842-5656
Jenson, Bob (I-57)	2126 NW 21st, Pendleton, 97801	541-276-5821
Kafoury, Deborah (D-18)	4550 NE 23rd, Portland, 97211	503-281-3960
King, Al (D-44)	36890 Edgehill Rd., Springfield, 97478	541-744-8901
Knopp, Tim (R-54)	PO Box 6145, Bend, 97708	541-389-7008
Kropf, Jeff (R-37)	PO Box 430, Halsey, 97348	541-258-7363
Krummel, Jerry (R-27)	30945 SW Boones Ferry Rd., Wilsonville, 97070	503-570-8723
Kruse, Jeff (R-45)	174 Burkhart Rapids Lane, Roseburg, 97470	541-673-7201
Lehman, Mike (D-47)	PO Box 1476, Coos Bay, 97420	541-269-2308
Leonard, Randy (D-21)	PO Box 92130, Portland, 97292	503-760-9688
Lewis, Leslie (R-29)	PO Box 418, Newberg, 97132	503-537-0879
Lokan, Jane (R-25)	5317 SE El Centro Way, Milwaukie, 97262	503-654-9691
Lowe, Kathy (D-26)	PO Box 68256, Milwaukie, 97268	503-653-9681
Lundquist, Lynn (R-59)	PO Box 8, Powell Butte, 97753	541-548-1215
Mannix, Kevin L. (R-32)	2003 State St., Salem, 97301-4349	503-364-1913
Merkley, Jeff (D-16)	PO Box 16583, Portland, 97216	503-261-7826
Messerle, Ken (R-48)	1740 CC Sumner Rd., Coos Bay, 97420	541-269-2510
Minnis, Karen (R-20)	PO Box 790, Fairview, 97024	503-666-7186
Montgomery, Bob (R-56)	PO Box 65, Cascade Locks, 97014	541-374-8690
Morgan, Susan (R-46)	730 NE Leon Ave., Myrtle Creek, 97457	541-863-6212
Morrisette, William E. (D-42)	348 'G' St., Springfield, 97477	541-746-1378
Patridge, Rob (R-50)	PO Box 1161, Medford, 97501	541-779-8807
Piercy, Kitty (D-39)	1371 W 4th Ave., Eugene, 97402	541-334-6727
Prozanski, Floyd (D-40)	PO Box 11511, Eugene, 97440	541-342-2447
Rasmussen, Anitra Kitts (D-11)	3844 SW Jerald Way, Portland, 97221	503-721-0399
Rosenbaum, Diane (D-14)	1423 SE Hawthorne Blvd., Portland, 97214	503-231-9970
Ross, Barbara (D-35)	4175 NE Morning St., Corvallis, 97330	541-752-3605
Schrader, Kurt (D-23)	2525 No. Baker Dr., Canby, 97013	503-263-2585
Shetterly, Lane (R-34)	PO Box 1025, Dallas, 97338	503-623-0324
Simmons, Mark (R-58)	PO Box 572, Elgin, 97827	541-437-9060
Snodgrass, Lynn (R-10)	H-269 State Capitol, Salem, 97310	503-986-1200
Starr, Bruce (R-3)	PO Box 5262, Aloha, 97007	503-640-3780
Strobeck, Ken (R-6)	PO Box 6690, Beaverton, 97007	503-678-7734
Sunseri, Ron (R-22)	4100 SE 26th Pl., Gresham, 97080	503-663-3800
Taylor, Jackie (D-1)	1324 Miller Lane, Astoria, 97103	503-338-2927
Thompson, Terry (D-4)	6123 Agate Way, Newport, 97365	541-265-6810
Uherbelau, Judy (D-52)	PO Box 3189, Ashland, 97520	541-488-5008
Walker, Vicki L. (D-41)	PO Box 10314, Eugene, 97440	541-302-9533
Wells, Larry (R-30)	3080 Jefferson-Scio Dr. SE, Jefferson, 97352-9424	541-327-2469
Welsh, Jim (R-43)	PO Box 580, Elmira, 97437-0580	541-935-6503
Westlund, Ben (R-55)	20590 Arrowhead Drive, Bend, 97701	541-383-4444
Williams, Max (R-9)	12103 SW 135th Ave., Tigard, 97223	503-524-4275
Wilson, Carl (R-49)	PMB 502, 560 NE "F" St., Grants Pass, 97526	541-472-8960
Winters, Jackie (R-31)	2595 Alvarado Terrace S, Salem, 97302	503-362-3198
Witt, Bill (R-7)	13197 NW Helen Ln., Portland, 97229	503-614-8223

# SENATE INTERIM

## *quick card*



Member (Party-District)	Address	Phone
Adams, Brady (R-25)	S-203 State Capitol, Salem, OR 97310	503-986-1600
Beyer, Lee (D-21)	PO Box 131, Springfield, OR 97477	541-726-2533
Brown, Kate (D-7)	S-323 State Capitol, Salem, OR 97310	503-986-1700
Bryant, Neil (R-27)	PO Box 1151, Bend, OR 97709	541-382-4331
Burdick, Ginny (D-6)	4641 SW Dosch Rd, Portland, OR 97201	503-244-1444
Castillo, Susan (D-20)	PO Box 5309, Eugene, OR 97405	541-343-1581
Corcoran, Tony (D-22)	34475 Kizer Creek Rd., Cottage Grove, OR 97424	541-942-1213
Courtney, Peter (D-17)	2925 Island View Dr. N, Salem, OR 97303	503-838-8494
Derfler, Gene (R-16)	1408-34th NW, Salem, OR 97310	503-371-3132
Dukes, Joan (D-1)	S-318 State Capitol, Salem, OR 97310	503-986-1701
Duncan, Veme (R-12)	16911 SE River Rd., Milwaukie, OR 97267	503-659-8091
Ferrioli, Ted (R-28)	750 W Main, John Day, OR 97845	541-575-2321
Fisher, Bill (R-23)	268 Akin Lane, Roseburg, OR 97470	541-672-1908
George, Gary (R-2)	15195 NE Ribbon Ridge Rd., Newberg, OR 97132	503-538-4122
Gordly, Avel (D-10)	2009-B NE 16th, Portland, OR 97212	503-288-0837
Hannon, Lenn (R-26)	240 Scenic Dr., Ashland, OR 97520	
Hartung, Tom (R-3)	13975 NW Burton St., Portland, OR 97229	503-645-2114
Lim, John (R-11)	PO Box 1616, Gresham, OR 97030	503-239-5200
Metsger, Rick (D-14)	PO Box 287, Welches, OR 97067	503-622-0127
Miller, Randy (R-13)	PO Box 1795, Lake Oswego, OR 97035	503-638-2622
Nelson, David (R-29)	1407 NW Horn, Pendleton, OR 97801	541-278-2332
Qutub, Eileen (R-4)	11135 SW Partridge Loop, Beaverton, OR 97007	503-579-3165
Shannon, Marylin (R-15)	7955 Portland Road NE, Brooks, OR 97305	503-463-9624
Shields, Frank (D-9)	S-305 State Capitol, Salem, OR 97310	503-986-1709
Starr, Charles (R-5)	8330 SW River Rd., Hillsboro, OR 97123	503-642-2024
Tamo, Veral (R-24)	310 E First St., Coquille, OR 97423	541-396-6965
Timms, Gene (R-30)	1049 N Court, Burns, OR 97720	503-573-2744
Trow, Cliff (D-18)	S-319 State Capitol, Salem, OR 97310	503-986-1718
Wilde, Thomas (D-8)	3826 N Longview Ave., Portland, OR 97227-1024	503-284-9954
Yih, Mae (D-19)	34465 Yih Lane NE, Albany, OR 97321	541-327-2666



**INFORMATION  
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PHIL KEISLING  
SECRETARY OF STATE



ELECTIONS DIVISION  
COLLEEN SEALICK  
DIRECTOR  
141 STATE CAPITOL  
SALEM, OREGON 97310-0722  
ELECTIONS — (503) 986-1518

Seventieth Legislative Assembly  
Referrals to the People  
1999-2000

**DRAFT**

Special Election November 2, 1999\*

**Ballot Measure 68 (HJR 82)**

Eliminates Prison Industry Board and declares purpose of inmate work program. C

**Ballot Measure 69 (HJR 87)**

Grants victims constitutional rights in criminal and juvenile court proceedings. C

**Ballot Measure 70 (HJR 88)**

Gives prosecutor the right to demand jury trial in criminal cases. C

**Ballot Measure 71 (HJR 90)**

Limits pre-trial release of persons accused of violent felonies to protect victims, public. C

**Ballot Measure 72 (HJR 92)**

Allows murder conviction by 11 to 1 jury verdict. C

**Ballot Measure 73 (HJR 93)**

Limits immunity from criminal prosecution of person ordered to testify about alleged criminal conduct. C

**Ballot Measure 74 (HJR 94)**

Requires terms of imprisonment announced in court to be fully served, with exceptions. C

**Ballot Measure 75 (HJR 89)**

Bans jury service by persons convicted of felonies, or of misdemeanors involving violence or dishonesty. C

**Ballot Measure 76 (SJR 44)**

Requires cost responsibility to be allocated proportionally in imposition of fuel taxes. C

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## Primary Election May 16, 2000\*

### **Ballot Measure 77 (SJR 1)**

Corrects permanent tax rates for Linn and Deschutes counties and city of Sweet Home, pursuant to Ballot Measure 50 implementation error. C

### **Ballot Measure 78 (SJR 3)**

Gives Secretary of State 30 days for initiative signature verification, instead of current 15. C

### **Ballot Measure 79 (HJR 21)**

Increases signature requirement for state constitutional amendment initiatives from eight to twelve percent of votes cast for Governor in prior election. C

### **Ballot Measure xx (HJR 2)**

Allows legislature to limit damages in civil actions. C

### **Ballot Measure xx (SJR 11)**

Allows motor vehicle fees and fuel taxes to be used for policing highways. C

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## General Election November 7, 2000\*

### **Ballot Measure xx (HJR 17)**

Constitutionally mandates return of "kicker," excess biennial state general fund revenues, to taxpayers. C

### **Ballot Measure xx (SB 535)**

Increases from \$3,000 to \$5,000 the allowable deductibility of federal income taxes. S

### **Ballot Measure xx (HB 2007)**

Dedicates use of tobacco settlement money by legislature. S

### **Ballot Measure xx (HJR 28)**

Allows creation of new county of less than 400 square miles, if has population of more than 100,000. C

### **Ballot Measure xx (HJR 52)**

Authorizes local zoning regulation of sexually oriented businesses. C

### **Ballot Measure xx (SJR 2)**

Extends eligibility to receive veterans farm or home loans. C

### **Ballot Measure xx (SJR 39)**

Continues requirement of state to reimburse local governments for state-mandated program costs. C

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Ballot titles, funding, etc.

HB 2353 (ch \_\_, Or Laws 1999) - Establishes ballot titles for certain legislative referrals to the 1999 Special Election (House Joint Resolutions 87 to 90 and 92 to 94).

HB 2354 (ch 911, Or Laws 1999) - Directs Secretary of State to conduct the November 2, 1999, Special Election.

SB 1337 (ch \_\_, Or Laws 1999) - Requires that House Bill 2082 be voted on at May primary election if referred to the people by petition.

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C - Constitutional amendment.

S - Statutory proposal.

*\* Descriptions are not official ballot titles.*





# MULTNOMAH COUNTY 1999 LEGISLATIVE AGENDA



## Summary of Legislative Measures

Presented by Gina Mattioda, Public Affairs Office

### ***Maintain Public Safety***

- **Governor's Juvenile Crime Prevention Strategy (SB 555 and SB 5511)** This measure was developed as a policy framework to prevent and reduce juvenile crime, address alcohol and drug issues, and develop early childhood programs. In the end it funded \$20 million of the \$30 million request for juvenile justice.
- **Oregon Youth Authority Budget (SB 5548)** OYA is the state's juvenile corrections agency. It distributes funds to county juvenile departments for diversion programs to keep youth from being committed to state institutions. This budget reduces the gang intervention funding in Multnomah County by roughly \$200,000 per biennium. Other communities had lobbied the Legislature requesting additional funding for gang-related programs. The County's Community Justice staff presented compelling testimony, which resulted in a smaller reduction than was originally identified.
- **Extended Schools in Detention Facilities (HB 2723)** would have extended school days in all county detention facilities to 220 days. Currently, some facilities offer 220 days, while others have 180 days. The bill's fiscal impact was \$452,000. Due to other competing funding needs, this bill remained in Ways and Means.
- **Reduce Gun Violence (HB 2535)** Several measures were introduced this session to reduce gun violence. HB 2535 created a comprehensive approach to reducing gun violence and was developed with the support of several law enforcement organizations. It addressed a variety of firearm-related issues such as:
  - Requiring criminal history background checks at gun shows and flea markets.
  - Establishing a central location or hotline to run a criminal background check.This measure was defeated on the Senate floor and no comprehensive gun violence bill was passed by the legislature.
- **1145 Local Control Funding (SB 5506 and HB 2432)** The Department of Corrections Budget allocated \$2.1 million for 1145 local control funding. 1145 funding is the result of the 1995 Legislature. This was an insufficient amount to address the 1145 funding needs for the costs of supervision and community-based programs. Law enforcement officials and public safety entities were successful in stressing the importance of enhanced funding. An additional \$4.7 million was allocated through HB 2432.

- **Defining Duties of Probation and Parole Officers (SB 686)** SB 686 would have permitted non-certified, non-sworn staff to conduct routine offender contacts and perform other duties that assist in case management of the offender population under the direction of probation and parole officers or supervisors. Representative Kevin Mannix (R-Salem), Chair of the House Judiciary Criminal Law Committee, requested that a work group develop legislative language for SB 686 that all entities involved could support. The work group could not agree and were not able to accomplish this task. Rep. Mannix would like an interim committee to study the role of parole, probation, and paraprofessionals. SB 686 was later used as a "gut and stuff" for the siting of a women's correctional facility and intake center complex.

### ***Continue Oregon Health Plan***

- **Proposed Changes to Oregon Health Plan (HB 2700)** HB 2700 recommends serious changes to Oregon Health Plan (OHP). Health care advocates and lobbyists are urging Governor John Kitzhaber to veto this measure. Some proposed changes include:
  - Requires proof of Oregon residency.
  - Establishes a \$2 dollar co-payment for OHP services.
  - Prohibits payment of out-of-state claims.
- **Department of Human Resources (DHR) Budget (HB 5029 and HB 5063)** The original DHR budget (HB 5029) was vetoed by the Governor because it contained several measures that were unacceptable to human service advocates, such as:
  - Eliminated voter-approved and legal health procedures, specifically abortion and physician-assisted suicide, from OHP benefit package and extended restrictions relating to abortion throughout DHR.
  - Eliminated a group of people from OHP, i.e. students, who meet all other criteria.

Both chambers approved the final DHR budget (HB 5063) on sine die. This budget:

- Restores OHP funding for students.
- Restores abortion and physician-assisted suicide services and funding.

The approved DHR budget funds several county programs and services. Funding includes (partial list):

- \$1.0 million statewide for safety net clinics.
- \$2.0 million for community-based mental health residential treatment and foster care.
- \$2.0 million for increased payments to Area Agencies on Aging and Disabilities.
- \$10.0 million for alcohol and drug treatment and prevention.

### ***Provide a Dedicated Funding Source for the Willamette River Bridges.***

- **Funding Transportation (SJR 44, SB 1284, SB 1337, HB 2082, HB 3344 and HB 5053)** For the first time in eight years the legislature approved a gas tax. A collection of bills funded transportation. Recent newspaper reports state that HB 2082 will more than likely be referred to the voters. If so, it must survive a vote before any provision of the bill will go into effect. Provisions include:
  - Adds five cents per gallon gas tax. Three-cents for counties/cities and two-cents for Department of Transportation.

- Increases the weight-mile tax from January 1, 2000 through June 30, 2000 (to match the two-cent increase in gas tax).
- Suspends the weight-mile tax on July 1, 2000, and replaces it with a 29-cent-per gallon-diesel tax. The measure allows for the weight-mile tax to be reinstated in six years.
- Increases registration fees: a \$10 dollar per biennium increase in vehicle registration fees, increases in heavy vehicle registration fees, and an option for counties to increase the vehicle registration fee by an additional \$10 dollars per year. In Multnomah County, the majority of these funds would be used on the Willamette River Bridges.
- Places a constitutional amendment on the November 2, 1999 special election's ballot. Its intent is to continue to require "cost responsibility" between trucks and cars.
- \$10 million for High Speed Rail Program in SB 1284.
- **Secure Funding for Senior and Disabled Transit (SB 764 and SB 1284)** The Oregon Association of Area Agencies on Aging and Disabilities' (04AD) Lobbyist worked continuously to fund senior and disabled transit.
  - SB 764 would have required all existing and new transportation funds to be distributed through a competitive grant system. Despite several work group meetings to develop a compromise, the legislation failed on the Senate floor.
  - SB 1284 grants \$5.0 million for the Senior and Disabled Transit Program.

#### ***Increase School Funding***

**Funding Education** (HB 5018, SB 622, HB 2753, and HB 2567) While funding education was the main focus of the 1999 Session, legislators were frustrated in their efforts to find a solution. Educators, parents, and children urged legislative leadership to adequately fund education at \$5.1 billion. After months of debating the following was adopted:

- \$4.81 billion for K-12 education.
- Legislation allowing school districts to seek a local option property tax.
- \$112 million of lottery revenue bonds for K-12 education project grants.

#### ***Enable Counties to Address Substantial Increase of PERS Liability***

- **Public Employees Retirement System (SB 722)** would have changed how interest was distributed to employers and authorized other administrative changes. In addition, it would have established a tier three for new hires and an opt-out provision. The House and Senate were at odds over this measure. According to the Local Government Personnel Institute, the Senate would not pass this bill unless it contained a tier three and the House would not pass this if it did contain a tier three. Multnomah County's goal was to find a solution that treated both the employee and employer equitably. Local governments will be working on PERS to find alternative ways to allow for equitable interest distribution. The County is also preparing the necessary resolution to issue Pension Bonds to provide funds for its unfunded pension liability of about \$200 million. The result of issuing pension bonds will reduce the County's annual contributions to PERS.

### ***Preserve Columbia River Gorge***

- **The Columbia River Gorge Commission Budget (SB 5505)** was approved with a funding level of \$568,318 in General Fund. This was a 28.6 percent reduction from the Governor's recommended budget. Multnomah County's testimony stressed the value and importance of a fully funded Gorge Commission.

### ***Support Living Wages***

- **Equity** (SB 856 and 857) O4AD led the efforts to require Senior and Disabled Services Division (SDSD) to establish comparable budget and allocation processes for area agencies. These measures were not adopted by the Legislature, but their intent was addressed in the final approved DHR budget (HB 5063), which provided area agencies with \$2.0 million.
- **Living Wages** (SB 625) Several measures were introduced to roll back minimum wage increases. One measure would have prohibited local government from setting minimum wage requirements for public employers. In essence, this measure would have overturned Multnomah County's efforts to increase benefits and wages for employees of security and janitorial contracts.
- **Provider Wages** (HB 5063) The DHR budget granted a cost-of-living increase for fee-for-service providers of \$5.0 million.

### ***Explore Tax Reform Initiatives***

- **Living with Measures 47/50** (HB 2039) The County asked the Legislature to recognize the property tax limitations under the 1996-97 ballot measures 47 and 50. Legislation was overwhelmingly approved that requires the State to create an account to fund newly adopted or expanded property tax expenditures.

### ***Working in Partnership with the Association of Oregon Counties (AOC)***

*AOC is in the process of developing an extensive legislative booklet. The following is a brief outline of their priorities. AOC's priorities on transportation and juvenile crime are described above in the summary of the 1999 Legislative Agenda.*

Establish stable funding for **Assessment and Taxation** (HB 2139 and SB 5511)

- \$6.5 million annually for county assessment fund.
- \$5.0 million of General Fund appropriation to Department of Revenue. The department will earmark these funds for the counties' assessment and taxation grant program.

Secure state funding for **District Attorneys and Court Facilities** (HB 5510 and HB 2317)

- The legislature did not increase or secure state funding.

Seek resources for **Economic Development** including urban renewal (HB 1128 and HB 5015)

- \$12.0 million for Regional Investment Program and \$8.0 million for rural infrastructure.

## Supplemental List

*The Public Affairs Office monitored numerous bills and provided information to legislators. Below is a summary of those measures and their potential impact on the County. The bold and italic statements indicate status upon adjournment.*

### Siting of Facilities in Local Communities

- SB 1104 requires Oregon Youth Authority (OYA) and Services to Children and Families (SCF) to appoint a citizen advisory committee to work with the community before locating facilities. ***Signed by Governor.***
- SB 1040 would have established significant barriers to various agencies when siting programs and facilities in the community. Advocates, state agencies, and lobbyists opposed this measure. The Public Affairs Office (PAO) was invited to provide testimony on Multnomah County's siting and public involvement efforts. ***Motion by Rep. Jim Hill (R-Hillsboro) to Indefinitely Postpone was passed.***

### Tobacco

- HB 2007 establishes a Health Security Fund with proceeds received from the 1998 tobacco settlement agreement. Funds are to be used for health programs. Health programs have been defined as including county public health and mental health, transportation of elderly and disabled, and housing for disabled persons and low-income families. ***Filed with the Secretary of State on November 7, 2000 ballot.***

### Mental Health Insurance Benefits

- SB 1331 raises the statutory minimum requirements for mental health and chemical dependency coverage by 25 percent. For example, an adult's current insurance limit is \$10,500 (over a two-year period): under this measure it would increase to \$13,125 (2000-2002). In addition, an Interim Task Force on Mental Health and Chemical Dependency Treatment was created. ***At Governor's Desk.***

### Certain Contract Restrictions

- SB141 allows the Mental Health and Developmental Disability Services Division (MHDDSD) to develop standards, requirements, and conditions for developmental disabilities programs. The bill requires that for subcontracted services, the County may only impose those standards, requirements, and conditions created by MHDDSD. According to bill reviewers, this measure will hinder Multnomah County from establishing specific contract conditions. ***Governor Signed.***

### Abortion

- HB 2633 requires notification of a parent or guardian prior to a therapeutic abortion for clients younger than 18. This bill has considerable fiscal impact to Counties. In Multnomah County, it has been estimated that the cost of performing the duties outlined in the measure would be \$97,000 annually. ***At Governor's Desk.***

### Public Safety – Statewide Juvenile Justice Information System (JJIS)

- HB 2744 establishes a juvenile justice computer data system known as JJIS. The bill requires the Oregon Youth Authority to adopt rules governing administration of JJIS, including confidentiality, state and county roles, reporting requirements, and costs. ***Governor signed.***

## Revenue and Administrative Measures

- SB 198 provides a method for calculating debt limit after issuance of certain bonds and offers the following benefits: (1) Makes several technical changes related to issuing debt; (2) Aligns county financing authority with cities, special districts, and schools. This measure will reduce the cost of issuing debt. **Governor signed.**
- SB 535 increases the maximum personal income tax deduction for federal income taxes from \$3,000 to \$5,000. According to the Oregon Center for Public Policy, when fully implemented, this measure could reduce the 2001-03 General Fund budget by \$223 million. **Filed with the Secretary of State on November 7, 2000 ballot.**
- SB 1201 makes corrections to the Local Budget Law passed by the 1997 Legislature. This measure will improve public access to and understanding of the budget. This budget process will increase efficiencies and reduce unnecessary expense. **Governor signed.**
- HJR17 constitutionally mandates return of the "kicker." The 1979 Legislature enacted the "surplus kicker law;" this provides for the return of, or a credit on, personal and corporate taxes when collections exceed projected revenues by at least two-percent. **Filed with the Secretary of State on November 7, 2000 ballot.**
- HJR 35 would have amended the Oregon Constitution to set a spending limitation on state government General Fund expenditures for the 2001 biennium. **In Committee.**
- HB 2050 exempts intangible personal property from taxation. Some cities and counties have expressed the following concerns with this measure: it shifts the tax burden from business to residential properties. In addition, special districts with a significant amount of utility value will lose a large portion of their local revenues. **At Governor's Desk.**

## Y2K

- SB 268 creates affirmative defense for public bodies under Oregon's Tort Claims Act. According to Multnomah County bill reviewers, the County has been actively working on the Year 2000 (Y2K) computer issues since 1997 and believes this legislation is good policy. For example, taxpayers did not create this problem. Placing limits on the liability of public entities for potential Y2K losses is a reasonable protection of the taxpayers' assets. **Governor signed.**

## Dogs

- SB 795 creates an elaborate schedule of progressive civil penalties and remedial measures for counties with dog control programs to use when dogs kill, wound, injure, or chase livestock. Requires counties to notify owners of hearing, establishes procedures for hearings, and provides judicial review by circuit court for counties making determination. According to Multnomah's County Counsel, this legislation addresses concerns of rural counties rather than urban areas. The Oregon Veterinary Association and the Oregon Humane Society supported this measure. **Governor signed.**
- HB 3054 would allow a dog kennel in existence and licensed by a county in 1990 to be deemed approved in an Exclusive Farm Use (EFU) zone. This measure would impact at least 5 kennels in Multnomah County in an EFU zone. Several environmental interest groups, including 1,000 Friends of Oregon, are concerned that this measure further erodes the protection of high value farm land by allowing conflicting uses, and are requesting a Governor's veto. **At Governor's Desk**

### **Land Use**

- SB 454 requires the Department of Land Conservation and Development to do case studies regarding farm dwelling income tests in Exclusive Farm Use zones. Does not alter the current income test. Report will be given to the next legislative session. This bill was originally written in a manner that would have eliminated the only "objective" way the County's Planning Division has of determining whether a property owner is actually farming. ***Governor signed.***

### **Surveyors**

- HB 2866 revises standards for land surveys and placement of monuments. According to County Surveyors, it is an unfunded mandate and removes safeguards in place that assure boundary problems of new subdivision and partition plats will be addressed before the plat records. The Oregon Association of County Engineers and Surveyors opposes this bill. ***At Governor's Desk.***

### **Lobbying**

- HB 2648 restricts the number of government-funded registered lobbyists representing a state agency. A variety of measures were introduced to curtail lobbying by public entities. It is believed that opponents of such advocacy will attempt to place this concept on the November 2000 ballot. ***At Governor's Desk.***



# MULTNOMAH COUNTY 1999 LEGISLATIVE AGENDA



Multnomah County's Board of County Commissioners' ability to remain an accountable and productive local government and provide essential community services hinges on the partnership with the State Legislature. These services range from providing alcohol, drug, and mental health treatment to maintaining the Willamette River Bridges, operating a network of health care safety net clinics, and providing resources to reduce juvenile crime. This legislative agenda underscores our mutual commitment to improving the quality of life for all Oregonians.

**Maintain Public Safety.** Multnomah County is dedicated to the protection of our community by holding offenders accountable for their actions and by providing them with the necessary skills to become successful citizens. The County has developed several initiatives that promote public safety, reduce juvenile crime, and hold youth and families accountable.

The County endorses the Governor's Juvenile Crime Prevention Strategy and bills that prevent and reduce juvenile crime. The County supports measures that reduce gun violence. Favors legislation supporting year-round school in county juvenile detention facilities. The County requests legislative change to clarify the statutes defining the duties of Probation and Parole Officers. The County asks the Legislature to provide appropriate community corrections and 1145 local control funding that reflects the costs of supervision and community-based programs in the County.

**Continue Oregon Health Plan.** The Oregon Health Plan is designed to ensure that all people, regardless of ability to pay, have access to quality and affordable health care. The County supports the original intent of the Oregon Health Plan, which strives for universal health care access and controls costs by prioritizing health care services rather than placing limits on eligibility. The County opposes measures that attempt to erode the Plan. The County encourages the Legislature to sustain its level of funding, continue integration of mental health services, and support initiatives that reduce the fragmentation of the alcohol and drug system.

**Enhance Funding for Safety Net Clinics.** The County has a long history of responding to community health needs by operating a network of primary health care clinics. These clinics provide primary health care to low income residents, the uninsured, and under-insured. Multnomah County applauds the leadership of the 1997 Legislature that allocated resources for the first time to these clinics and calls for the 1999 Legislature to appropriate additional resources to meet the growing need.

**Provide a Dedicated Funding Source for the Willamette River Bridges.** The County requests that the Legislature provides a funding source for the six Willamette River Bridges owned, maintained and operated by the County. Without funding from the Legislature, federal funding could be in jeopardy. The majority of these bridges are over 70 years old and in need of major capital improvements to extend the bridge service life. The cost to maintain these bridges is high; painting and rehabilitation of the Hawthorne Bridge alone exceeded \$21.8 million. The County has identified a \$225 million capital shortfall over the next 20 years.

**Secure Funding for Senior and Disabled Transit.** Multnomah County's aging and disabled populations need improved access to public transportation options to seek and maintain employment, receive vital medical care, and obtain nutrition services at congregated meal sites. The County advocates for a long-term state policy on transportation services for mobility-impaired older and disabled citizens.



**Increase School Funding.** Multnomah County has recognized the critical nature of our schools in meeting our community vision of providing an opportunity for all children to succeed. The County urges the Legislature to embrace this vision by adequately funding school districts at a level that allows them to deliver education services equal or better than in previous years.

**Enable Counties to Address Substantial Increase of PERS Liability.** Wage growth, high PERS earnings and the passage of the 1995 HB 3349, increased the counties' unfunded PERS liability by \$30 million and increased employers' annual contribution rates. HB 3349 also allowed the State to collect income taxes on PERS benefits. The County requests the Legislature to consider sharing the increased income tax revenues to offset the impact of HB 3349 on local government. In addition, the County supports the proposal by the Municipal Debt Advisory Commission for a statutory change that would increase the current \$5,000 debt limitation, providing the County additional options for managing unfunded liabilities.

**Preserve Columbia River Gorge.** The County favors increased funding of the Columbia River Gorge Commission and supports a review of the Columbia River Gorge Management Plan to ensure the Commission is performing its functions effectively and efficiently.

**Support Living Wages.** Multnomah County urges the Legislature to acknowledge the critical work of social service providers by increasing their wages and benefits. The County has taken steps to increase benefits and wages for employees of security and janitorial contracts, but has been unable to take similar steps for employees of social service provider contracts. The County's ability to affect wages of employees of social service provider contracts is limited because the Legislature controls the funding. Adequate funding for these employees would reduce turnover, which is currently over 50%, ensure access to quality services, and prevent early entry into institutions of seniors and persons with disabilities.

**Explore Tax Reform Initiatives.** The County asks the Legislature to recognize that Measure 47/50 granting of property tax exemptions now directly reduces local government revenue and services. Property taxes are limited to a 3% increase per year. To curtail the impacts of Measure 47/50, the County seeks support for recommendations of the Association of Oregon Counties' Tax Reform Task Force. These recommendations, considered in the Governor's Tax Policy Phase II Committee include:

- Increase shared revenue to more appropriately balance funding and services between state and local governments.
- Restrict preemption of local revenue and increase local revenue alternatives.
- Provide payment to local governments to compensate for any new property tax exemptions granted by the Legislature.
- Swap portion of property tax base for portion of state personal income tax base.
- Share state revenue gains associated with economic development projects.

**Working in Partnership with the Association of Oregon Counties.**

Multnomah County together with AOC seeks support for the following issues:

- Establish stable funding for **Assessment and Taxation**, which collects the largest source of funding for county government property taxes
- Secure state funding for **District Attorneys and Court Facilities**
- Increase funding for the maintenance and capital needs of the state's **Transportation** system
- Seek resources for **Economic Development** including urban renewal
- Support the Governor's **Juvenile Crime Prevention Strategy**



**FOR IMMEDIATE RELEASE**  
**AUGUST 17, 1999**

**Contact:**

*Bob Applegate*  
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### **GOVERNOR RELEASES LIST OF POTENTIAL VETOES**

Governor John Kitzhaber today released a list of potential vetoes. The governor is under no obligation to veto these bills but is required by the constitution to provide five working days notice of bills which might be vetoed. The governor has until September 3, 1999 to sign or veto bills that reached his desk after the Legislature's July 24 adjournment.

The Bills on which the governor gave notice are as follows:

#### **Senate Bills**

- Senate Bill 82 relating to unitary assessments and financing of family law courts.
- Senate Bill 115 relating to the regulation of alcoholic beverages.
- Senate Bill 428 relating to school district financing of community college classes.
- Senate Bill 497 relating to property tax exemptions for historic properties.
- Senate Bill 524 dealing with the process by which streets are vacated.
- Senate Bill 558 which allows increasing the speed limit on rural highways.
- Senate Bill 874 relating to the taxation of Oregonians working overseas.
- Senate Bill 1061 relating to systems development charges for parks.
- Senate Bill 1275 relating to the "single sales factor" method of corporate taxation.
- Senate Bill 1296 which would allow the use of pilotless water skiing craft.
- Senate Bill 1304 which provides greater compensation for jurors.

#### **House Bills**

- House Bill 2050 relating to the taxation of intangible assets.
- House Bill 2226 relating to child abuse reporting.
- House Bill 2633 which requires parental notification for abortions.

- House Bill 2637 which limits motor vehicle emissions testing for certain areas
- House Bill 2700 which places a sunset on the Oregon Health Plan.
- House Bill 2753 which provides a local financing option for school districts.
- House Bill 2793 which limits the minimum wage for restaurant employees.
- House Bill 2808 relating to the registration of sex offenders.
- House Bill 2875 relating to the hunting of cougars.
- House Bill 2901 relating to property tax exemptions.
- House Bill 2942 relating to lottery appropriations for education.
- House Bill 2947 relating to charitable donation tax credits.
- House Bill 3049 relating to lawsuits of firearms manufacturers and dealers.
- House Bill 3054 relating to dog kennels on exclusive farm use zones and trespass liability.
- House Bill 3202 relating to pollution control tax credits.
- House Bill 3282 relating to the siting of churches on high value farm land.
- House Bill 3304 relating to the forfeiture of vehicles.
- House Bill 3456 relating to environmental cleanup standards.
- House Bill 3605 relating to employee safety.
- House Bill 3606 relating to pollution control tax credits.
- House Bill 3607 relating to the violation of wage laws.

Once again, the governor is under no compulsion to veto bills because he has given notice of potential veto. As of the end of the session, Gov. Kitzhaber had vetoed 44 bills.

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Return to Press Releases

Return to Governor's Office

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# Bills at Governor's Desk

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House/Sen	HB
#	Subject
2001	Elections
2043	Ass value/destroyed prop
2045	Excessive prop tax ltd
2050	Relating to property tax exemptions
2082	AOC Transp. Finance
2197	Relating to financing of transportaion projects
2197	
2317	Court Facilities
2349	Garnish to collect taxes/county tax collect
2396	Youth to Adult Court
2432	Relating to county reimbursement
2433	Relating to Oregon Law Commission
2435	Relating to ballot titles
2435	Relating to ballot titles
2567	Relating to school finance
2633	Relating to abortion; cerating new provisions; and amending ORS 431.120
2648	Prohibits employee of state agency from engaging in lobbying on behalf of any state agency
2670	Relating to education
2700	OHP Changes
2753	Taxation
2792	Taxation
2796	Relating to PERS
2814	Relating to supervisory employees under public employees collective bargaining law
2840	applies to local option taxes first imposed on or after July 1, 2000
2866	Relating to land surveys
2870	Requires parent or legal guardian of youth to attend juvenile court hearings involving youth

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3047	Relating to juveniles and modifying provision relating to duration of disposition tht may be imposed in juvenile delinquency proceedings
3054	Relating to Land
3067	Relating to county surveyors
3067	
3090	Relating to construction of highways
3158	Requires person who supervises youth offender to notify school district when yout offender transfers to that school district
3204	Relating to reimbursement of costs of smoking cessation programs
3344	Repeals weight-mile tax
3465	Relating to intergovernmental road maintenance entities
3492	Prohibits person under 18 years of age from purchasing tobacco products
3600	Individual development accounts
3602	Pesticide tracking
3605	Safety in employment

**House/Sen**

**HJR**

**#**

**Subject**

2

Allow state or political subdivisions to regualte public nudity to extent permitted by US Constitution

52

Allows political subdivisions to zone sexually oriented businesses

**House/Sen**

**SB**

**#**

**Subject**

12

Landslide Hazard

318

Protective orders

512

Relating to building code administration in Tri-county area

555

Relating to juveniles; amending various elements of ORS 419C

622

Telecommunications

634

Allows libraries that receive grant funds to use funds for public education purposes and library services for children

686

Relating to corrections

818

Relating to Oregon Health Sciences University pediatric dental residency program

1202

Relating to sexual assault

1284

Creates legislative Committee on Transportation as joint committee of Legislative Assembly

1331

Mental health benefits provided through various health insurance policies offered in this state

1337

Elections

5506

Money from GF to DOC



Public Affairs Office

**MULTNOMAH COUNTY OREGON**

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August 19, 1999

TO: County Stakeholders  
FROM: Gina Mattioda, Public Affairs Office  
RE: 1999 Final Legislative Tracking – Upon Adjournment

During the 1999 Legislature, the Public Affairs Office established and maintained a tracking system to inform our stakeholders of various legislative measures that could impact Multnomah County. For additional legislative information developed by the Public Affairs Office, explore our MINT site at <http://mint/PAO>.

Attached is the final tracking document, which includes a list of house and senate bills that were reviewed by several county employees. They examined, researched, and commented on the bill's implications to programs and services in the County. In addition, this document shows the measures' status upon adjournment. In some cases, the upon adjournment status will not be the final status. For current status check the Oregon Legislature Web site at <http://landru.leg.state.or.us>.

This document contains terms that may need further clarification; below is a glossary to assist you. For additional information, contact Barbara Disciascio, Public Affairs Assistant, who developed, maintained, and coordinated the legislative tracking system for the County. Barbara can be reached at 736-6800.

**Glossary**

- **In Committee:** The house or senate measure was in a committee when the legislature *sine die*.
- **Sine Die:** Literally means "without fixing a day for a future meeting." The last day of a legislative session.
- **At Governor's Desk:** The Governor has until Friday, September 3, 1999 to either sign or veto a measure.
- **Filed with Secretary of the State:** The bill was referred by the Legislature for a public vote in an election.
- **At Desk:** The legislation was out of committee, but not voted on by either the house or senate when the legislature *sine die*.
- **Bill failed:** The bill did not receive the required votes for passage.
- **Tabled:** Refers to stopping a bill from further action in either a committee or on the house or senate floor. A measure is tabled by a vote after a non-debatable motion from a legislator.
- **Indefinitely Postponed:** A motion from either the house or senate floor to postpone further consideration of a bill without identifying a certain time for further consideration. In the majority of cases, measures that are indefinitely postponed are not heard again.

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# 1999 Legislative Tracking - FINAL STATUS

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House/Sen	HB				
#	Subject	Reviewer	Support/Oppose	Reviewer Comment	Upon Adjournment (July 24, 1999)
2001	Elections	Vicki Ervin	Modifications	Needs some technical amendments	Governor's Desk
2007	Relating to health security fund	Wendy Rankin	Oppose	<p>Locks up money expected as part of tobacco settlement</p> <p>Has provisions which would allow money to be used for purposes other than health care. Looks suspiciously like a "rainy day" fund</p> <p>Would limit ability to expand tobacco preevention program to levels recommended by the CDC</p> <p>Mult. Co. HD would loose a portion of any such allocation</p> <p>AFTER AMENDMENTS: Barb, I would guess that Gina would be as up on this as I am. She is well apprised of the BCC position on the settlement. Speaking from a tobacco control perspective it is disconcerting to have the funds wrapped up in a trust fund. My understanding is that it will be referred to voters( wimpy legislators!) I think that housing and disabled clearly stretches the intention of the settlement agreement. In any case I would still oppose. I preferred the minority report on this one.</p> <p>SEE SUPPLEMENTAL LIST FOR SUMMARY</p>	Filed with Secretary of State



2008    Relating to notification regarding    John Lewis  
sexually dangerous persons

In Committee

1. The pertinent ORS definition: '426.510 "Sexually dangerous person" defined. As used in ORS 426.510 to 426.680, unless the context otherwise requires, "sexually dangerous person" means a person who because of repeated or compulsive acts of misconduct in sexual matters, or because of a mental disease or defect, is deemed likely to continue to perform such acts and be a danger to other persons.' Since there is no reference to a criminal conviction for a sex offense, DCJ is not directly affected by this bill.

2. This bill specifically charges the Mental Health and Development Disability Services Division with the task of notifying specified parties that a sexually dangerous person is being discharged to a community treatment facility.

3. To the extent that a person covered by this bill is also being supervised for a sex offense conviction, there are several Statutes which govern the scope of notifications to the community. If there are offenders in this situation, the supervising Parole/Probation officer would complete a notification plan and complete appropriate notifications per current practices. There do not appear to be any such persons currently being supervised by ACJ.

2015 Applies to local option taxes

Dave Warren

In Committee

1. This bill is similar to HB 2840. It allows school districts and community colleges to ask voters for local option levies. This would mean that school property taxes could approach Measure 50 limits by taking advantage of the difference between the growth in Real Market Value and the Assessed Value cap to collect more property taxes. This bill limits the amount to be collected. Community Colleges can't collect more than they lost because of M 50. School districts can't collect more than \$250 per ADMW in the first year of their levy.

2. The bill would slightly diminish the State requirement to pay for schools. That would be good.

3. The bill would increase property taxes. That would be ok, unless it triggers another tax revolt. That would be bad. This bill makes the revolt marginally less likely.

4. The bill would have no particular immediate impact on Multnomah County. I don't think it's our fight.

2021 Workers comp/self insur

Mary Boyer

Oppose

7-23-99 Governor signed/Effective 10-23-99

1. Increases permanent partial disability benefits payable under the Workers' Compensation Law; increase in dollars spent by the County.
2. Revises provisions regarding managed care organization attending physicians;
3. Removes sunset provisions relating to TPD benefits, PPD benefits, managed care organization, vocations benefits and standard for rating permanent disability. New provision will then need to be put into place; this bill will be interesting to follow.
4. Extends sunset provisions regarding exclusive remedy under Workers' Compensation Law.
5. Exempts certain types of vocational assistance from stay of compensation during appeal; this will be at an additional cost to the County..

AFTER AMENDMENTS: I pulled up the bill and read the most recent information (A-Engrossed). This bill would require us to make payments to the attending physician between the time that the patient is established to be medically stationary and when the attending physician received written notice of the workers' stationary status.

I continue to agree, as we discussed today, this is not worth written testimony to protest the bill. Services incurred once the worker was medically stationary would be minimal. Doctor would only be paid for further services until we notified him/her of the closure of the claim which outlines which services we would no longer be paying for. I also went out on the "web" to OSIA's opinions on bills and find on HB 2021 that they have "No Position". Currently the County contracts with a Managed Care Organization (MCO) for our workers' compensation claims so all billings will be paid anyway.

2022 Workers comp

Mary Boyer

Oppose

1. The County has had had on two fatally injured workers and only one worker who is permanently disabled as a result of his work related injury, so the impact on the County would be very minimal.  
2. There would be an increase in dollars spent, since this bill would increase Workers' Compensation benefits for spouse and some children of fatally injured worker.  
3. Eliminates benefits for beneficiaries of worker who is permanently and totally disabled.

8-4-99 Governor signed/Effective 10-23-99

2023 Relating to filing fees for municipal audit report

Dave Boyer

Oppose

1. It usually is not a good idea to let a State department set its costs for processing fees for documents. The cost to Multnomah Count would probably be negligible but could be a more significant cost to smaller jurisdictions. (I talked with the Secretary of States Office and they think this bill has died) let me know

6-24-99 Governor signed/Effective 9-1-99

2023 Relating to filing fees for municipal  
audit report

Linda Burglehouse

Modifications

MODIFICATION: Eliminate Multnomah  
County districts that are subject to TSCC from  
the requirement of filing.

1. This would double the amount that the  
County currently pays to file their annual audit  
report with the Secretary of State's Office.

2. An argument could be made as to why there  
is a charge made. There never was a charge  
for filing budgets with the State Department of  
Revenue.

3. The argument that could be made is why  
districts who are subject to TSCC review are  
required to file their audits with the Secretary  
of State since those same documents are filed  
and reviewed by TSCC.

4. If you go the route of opposing this bill a  
good question would be what they do with the  
audits when they get them. I would imagine  
that of the 1,500 or so that they receive only a  
handful are ever reviewed in any depth. I  
know they send out letters on - my guess is a  
hundred or so - each year, but those letters are  
not based on reviews that they do. These  
letters just summarize what the auditor has  
stated in the report. It is kind of a  
reinforcement of what the auditor has noted.  
In counties where TSCC exists we do the same  
thing for no charge.

5. It is a small dollar amount for any one  
entity and may not be worth fighting for but it  
adds up to big bucks when totaled up for the  
whole state.

6-24-99 Governor signed/Effective 9-1-99

2024	Public contracting models	Franna Hathaway	Support	<p>1. This bill came out of the sub-committee I was on. It will be good for the County in that it requires the Attorney General to have new rules based on legislation prepared within 120 days.</p> <p>2. It will require the County and all jurisdictions to do an annual bi-review of their own rules (if they have them) and reaffirm or change their own rules or the AG's rules will automatically apply.</p>	4-16-99 Governor signed/Effective 10-23-99
2026	Advisory Committees	Franna Hathaway	Support	<p>1. If this bill is passed this committee would be charged with reviewing all of ORS 279 and any other statutes related to public contracting. These statutes are long overdue for revision and would provide for a procurement process that takes into considerations today's economic and technology realities.</p> <p>2. The funding for the staffing of this committee is problematic and unless that can be worked out this bill will probably die.</p>	In Committee
2027	Prevailing wage education and enforcement account	Franna Hathaway	Support	<p>1. Part of this bill will provide funds for educating contractors on public contracting and purchasing law.</p> <p>2. The impact on the County will be positive in that we will have better educated bidders without having to expend any time or resources ourselves.</p>	5-3-99 Governor signed/Effective 10-23-99
2037	County Income Tax Funding Account	Dave Boyer	Support	<p>Would provide dollars based on population. Per capita amount is not specified so it is difficult to calculate the dollar amounts.</p>	In Committee
2039	Tax district/expenditure	Rhys Scholes	Support	<p>COMMENT AFTER AMENDMENTS: It is less good than it was, but it is still good. It is important that we continue to support this.</p> <p>SEE LEGISLATIVE AGENDA FOR SUMMARY</p>	Governor signed 7-21-99/Effective 10-23-99

2039	Tax district/expense	Kathy Tuneberg	Support	<p>COMMENTS AFTER AMENDMENTS: Partially funding future exemptions sounds great to us. There would be a little administrative cost for A&amp;T as Bob Ellis, the Assessor would have to certify something, but most of the burden is on the Department of Revenue.</p> <p>SEE LEGISLATIVE AGENDA FOR SUMMARY</p>	Governor signed 7-21-99/Effective 10-23-99
2040	Taxation		Support	<p>1. Clarifies that all disabled veterans and widows qualify for 3% increase in annual amount of exemption. Corrects a Measure 50 implementation omission.</p> <p>2. This Measure was sponsored by the Assessors Association.</p>	Governor signed 6-7-99/Effective 10-23-99
2041	Tax Court Modification	Bob Ellis	Support	1 Corrects wording as requested by Assessors assn. But adds provision relating to assessed value as determined by the tax court which has an unknown effect.	Governor signed 7-19-99/Effective 10-23-99
2042	Prop tas/constr. Impr	Bob Ellis	Support	1.. Corrects a Measure 50 implementation error. Clarifies that a gross error for appeal purposes is a difference of 20% from Real Market Value rather than Assessed Value.	In Committee
2043	Ass value/destroyed prop	Bob Ellis	Modifications	<p>1. Sponsored by the Assessors association to fix an inequity caused by Measure 50.</p> <p>2. Reduces the "Maximum Assessed Value" in proportion to value of removed or destroyed property.</p> <p>3. Due to an error in wording this bill will cause more problems than it solves as written. Contradicts other statutes relating to the assessment of Industrial properties and would be administratively impossible to handle with respect to Industrial and Personal Property assessments.</p>	Governor's desk
2044	Ass value/destroyed prop	Bob Ellis	Support	<p>1. Sponsored by the Assessors association to fix an inefficiency caused by Measure 50.</p> <p>2. Allows calculating the assessed value as of July 1 (the lien date), rather than Jan 1 (the Appraisal date) for property that is damaged by Act of God between Jan 1 and July 1.</p>	Governor signed 4-16-99/Effective 10-23-99

2045	Excessive prop tax ltd	Pat Frahler	Support	1. This bill provides for cost savings and efficiencies in Tax Collector operations by reducing administrative processes.	Governor's desk
2046	Foreclosure dates	Pat Frahler	Support	<p>1. Section 1 of the bill reduces the period of time a property can be affected by other creditor liens. This reduces the complexity of disposal of the property, i.e liens, legal fees, interested parties, hazardous situations, etc. This provision will also provide for earlier receipt of funds to taxing districts including the county.</p> <p>2. Section 2 will potentially reduce the number of accounts for which notifications are required because more accounts will be paid off before the notice must be sent. This in turn will reduce various administrative costs of which the greatest are title litigation guarantees. Also, we find that a notice that is provided closer to the redemption period expiration receives better response from the party notified.</p>	In Committee
2050	Relating to property tax exemptions			SEE SUPPLEMENTAL LIST FOR SUMMARY	Governor's desk
2079	Long term care facility tax exemptions	Mary Shortall	Support	<p>1. This bill allows a tax credit for nursing facilities and other long term care residential facilities (including adult care home provides) that have a residency (occupancy) of 70% or more Medicaid eligible individuals living thee. Adult Care Homes are eligible at 60% Medicaid clients.</p> <p>2. The providers are strongly encouraged to direct the savings toward increasing individual care giver's wages. There are no provisions in the statute tht require the provider to pass savings on to care givers.</p> <p>3. It is a BCC priority to legislatively work to raise care giver wages. Although there aren't guarantees it is expected that care givers will see some of the tax savings in inceased wages.</p>	Governor signed 7-6-99/Effective 10-23-99



2081	AOC Transportation Financing	Bob Thomas	Support	<p>1. More favorable to Multnomah County than HB2082 (AOI), HB2081 provides for increases in both state-wide fuel taxes and motor vehicle registration for high growth counties.</p> <p>2. Ratios for both present revenue and for new revenue are proposed to be changed to 50% ODOT, 30% Counties, and 20% Cities. This is a very favorable increase for Multnomah County.</p> <p>3. The "High Growth County" section provides for vehicle registration fee increase for vehicles in Multnomah County. The legislation proposes that the increase be directed toward the needs of our county's bridges.</p> <p>4. The "Safety Net" provision helps to bring the poorer counties in line with those that receive more forest revenues.</p> <p>5. The legislation also provides for payments to be made to counties having the greatest pavement maintenance needs. As need decreases, other counties would then receive a portion of this pool of funds.</p>	In Committee
2081	AOC Transp. Financing	Harold Lasley	Support	Impact would be more revenue for critical transportation work. However, we need to get \$10 VHR for high-growth counties extended beyond 2003.	In Committee
2081	AOC Transportation Financing	Karen Shilling	Support	<p>1. Help reduce funding shortfall for Willamette River Bridges</p> <p>2. Increase ability for the County to maintain and preserve the existing transportation system.</p> <p>3. Reporting on performance to the Governor could increase work required of the County.</p>	In Committee

2082	AOC Transp. Finance	Bob Thomas	Modifications	<p>1.The proposed legislation allocates new revenues generated 25% County and 25% City. This ratio fails to provide counties with a share based on need.</p> <p>2.The more favorable HB2081 (AOC) allocates all revenues based on a new ratio (presumed to be 50% ODOT, 30% counties and 20% cities. If this ratio and overall revenue conditions were added to HB2082, the legislation would be much more favorable to Multnomah County.</p> <p>3.No "High Growth County" vehicle registration fee. HB2082 provides for a \$10 increase for all state registered vehicles, without restriction on the distribution. HB2081 (AOC) provides for a special registration fee in Multnomah County to benefit the Willamette River Bridges</p> <p>4.I am not familiar enough with the "Performance" section of this legislation to comment on it</p> <p>SEE LEGISLATIVE AGENDA FOR SUMMARY</p>	Governor's desk
2083	Max. term of imprisonment	Cary Harkaway	Support	<p>. This bill would help the County by providing a mechanism for the Board of Parole and Post Prison Supervision to extend the prison terms of inmates convicted of serious person crimes. The bill allows the supervising authority (Sheriff and DCJ Director) or the Department of Corrections to initiate the process. This bill could assist in situations where there is currently no alternative to parole release even though the inmate continues to be a high risk to public safety.</p>	In Committee
2087	Affordable housing lending institution tax credit		Support	<p>Critical tool to develop affordable special needs housing HLC is looking for \$6 million Will take as much as we can get ADDITIONAL COMMENTS: Ramsey called at 9:53 am on 6/9/99 and said that HB2087 is a good bill that should be supported.</p>	Governor signed 7-23-99/Effective 10-23-99

2091	Housing	Ramsay Weit	Support	Expeands permitted use of HC's \$ Good idea	In Committee
2118	Weed control emergencies		Support	<p>1. Noxious weeds are probably the most misunderstood plan around. HB2118 recognizes that fact and sets the necessary groundwork in motion to negate this.</p> <p>2. A cohesive force is needed to recognize, track, inform and hopefully control or eradicate noxious weeds.</p> <p>3. Monies need to be allocated for biological controls where herbicide use is impractical or plainly will not do the job.</p> <p>4. Economic impact cannot be stressed highly enough. This is something that costs everyone from the farmer growing, to the consumer buying.</p>	Governor signed 7-6-99/Effective 10-23-99
2139	Delinquent tax interest rate		Support	A & T Funding Bill	Governor signed/Effective 10-23-99
				SEE LEGISLATIVE AGENDA FOR SUMMARY	
2149	Public contracts	Franna Hathaway	Support	<p>1. The effect of this bill is similar to SB271 in that it modifies the need to show substantial cost savings when requesting an exemption to use an alternative selection process other than low bid for a public improvement project. Instead of requiring findings that state the alternate process "will" result in substantial cost savings this bill proposes "is likely to" result in substantial cost savings.</p> <p>2. If this bill passes it will make it less onerous on the County to meet the exemption requirement for an alternative selection process (RFP).</p> <p>3. It is likely that this bill will also be opposed by the AGC, ABC and other contractor groups.</p>	In Committee

2166 Public Contracts

Jerry Walker

Support

1. The County currently has a Sheltered Market Program (SMP) as a result of recommendations for the Multi-jurisdictional Regional Disparity Study. In addition, the BCC has re-iterated a desire to foster economic diversity through the contracting and procurement processes. The County's SMP includes M/W/ESB firms. Based on the findings of the disparity study, we are attempting to eliminate the under utilization of MBE and WBE firms. Even so, we included ESB firms in the SMP in order to make the efforts more race and gender neutral. Should other jurisdictions establish sheltered market programs, open only to ESB firms, our efforts could be diluted with more firms seeking and acquiring ESB certification. This could adversely impact our efforts to remedy the disparity found in the utilization of M/WBE firms.

In Committee

2. This bill could provide more legal support of our SMP because of the language in Section 2 (a) which seems to allow agencies to impose additional requirements above the ESB certification. In that case, the County could theoretically require that firms be ESB, WBE and MBE certified or some combination of the three.

3. This bill should be supported and carefully monitored. Any changes to the existing language could be significant even if the changes seem superficial at first glance.

2169 Coordinates inspections of sellers

Wendy Rankin

Support

Would assure that any proposed FDA enforcement be coordinated with existing Synar checks conducted by OADAP  
Assures that controlled buys can be unannounced not just random  
Assures that controlled buys can be targeted to offenders

In Committee

2181	Limits pollution contrl tax incentives	Rhys Scholes	Support	1. Increase property tax revenue by a small, undetermined amount. (I'll try and get the number) 2. Set a good precedent for rationalizing tax expenditures. 3. Support the work of the Governors Tax Reform Task Force	Governor signed 7-21-99/Effective 10-23-99
2187	Hazardous waste transporters	Chuck Tilden	Oppose		In Committee
2190	Fuel taxes				Governor signed 7-19-99/Effective 10-23-99
2191	Personal Info. in Motor Vehicle Records	Michael Haines	Support	1. Would allow Fleet Services access to DMV records for ownership information of vehicles purchased, towed, or sold. This is not currently provided for under ORS 802.179 and ORS 802.181.	Governor signed 4-16-99/Effective 10-23-99
2197	Relating to financing of transportation projects	Dave Boyer		1. Allows State Transportation to pledge funds to repay loans. If anything it may have a slight positive impact on reducing interest rates on loans.	Governor's desk
2197		Bob Thomas	Support	Housekeeping legislation further defining the operations of the Oregon Transportation Infrastructure Bank.  2., Defines the method for replenishing the fund if the fund falls below acceptable levels	Governor's desk
2205	Juveniles	Bill Morris	Oppose	Removal of youth from home and OYA requirements Deletes provisions requiring OYA to make reasonable efforts to prevent or eliminate need for removal of youth from home.	Governor signed 4-23-99/Effective 10-23-99
2207	Chief petitioners certain election petitions	Vicki Ervin		Changes contribution and expenditure reporting requirements for statewide initiatives or referendum petitions and recall petitions. The greatest impact is to the state	In Committee
2208	Voter's pamphlets	Vicki Ervin		Limits the number of agreements that can be printed in the voter's pamphlet for the state. A smaller state pamphlet could reduce county costs when the county's pamphlet is printed as part of the state pamphlet	In Committee
2209	Election campaign finance	Vicki Ervin		Technical changes to campaign finance regulations. Minimal impact to us	In Committee

2210	Centralized voter registration system	Vicki Ervin	Support		In Committee
2211	Voter's pamphlets	Vicki Ervin		Reinstates voter's pamphlet regulations that were in place but sunsetted in 1997. This bill would eliminate duplication between the state and local voters' pamphlet	In Committee
2216	Post-prison supervision residence			Multnomah county will not be significantly impacted by this bill, it will have impact in other jurisdictions where the District Attorney weighs each case to determine if it would be best handled in juvenile or adult systems. In most of the counties in the state this is done with considerable deliberation. In some of the jurisdictions the vast majority of BMII charges continue to be handled in juvenile court.	Governor signed 7-6-99/Effective 10-23-99
2223	Relating to disclosure of awards of punitive damages	Gery Itkin	Support		In Committee
2238	Unemployment compensation	Kathy Short	Oppose	Although we don't handle unemployment claims in this office, I don't believe it's good law to allow any issue to be raised at hearing. This law allows the employment Department to address issues regardless of how they are characterized by parties. This could result in parties being "blind sided" at hearing. This could negatively impact the County if they could not prepare for issues before the hearing. I have no opinion about the other amendments to the statute (CBA; domestic violence)	Governor vetoed 7-14-99
2242	Relating to child care facilities	Lila Wickham	Modifications	Would prefer to have Sanitarian consultant affiliated with public health services. This bill is statutory clean up with minimal impact.	In Committee
2243					Governor signed 6-13-99/Effective 10-23-99
2256	Relating to actions filed by inmates against public bodies creating new provisions and amending ORS 21.605				Governor signed 7-13-99/Effective 10-23-99

2259 Crime victims compensation program Cary Harkaway Support

1. The proposed bill complements the Department's efforts to support crime victims and their reasonable claims for compensation and restitution.  
2. This bill would have no adverse impact on County. Victim Advocates in DA Office and this Department would advise victims of their rights under the amended statute.

Governor signed 7-13-99/Effective 10-23-99

2262 Student info. disclosure Jimmy Brown Support

1. The bill would allow access to information relating to a child's school attendance behavior. Currently, information sharing between Portland Public Schools, and the East Multnomah County Local School Districts is impacted by existing public law, federal (FURPA) and state. Receiving information on parent name, student assessment information (relating to classroom performance) and the sharing of such information between school district staff and School Attendance Initiative staff will go a long way toward making this a more effective program.

In Committee

2263 Waiver to municipal court

Leland Block

Support

Governor signed 5-3-99/Effective 10-23-99

1. Currently juvenile motor vehicle violations, boating violations and game violations are sent to traffic court in the county. This law does not require that other infractions or violations are sent to traffic court, but it allows that option.

2.

If this bill is adopted, infractions and violations such as illegal skate boarding, pedestrian violations and Tri-Met Fare violations involving juveniles maybe sent to traffic court where a fine could be imposed by the court. The traffic court maybe better suited to collect fines in these case rather than sending them to juvenile court.

3. If some of the infractions and violations involving juveniles that are currently handled in juvenile court are sent to traffic court, the workload will increase in traffic court and decrease in juvenile court.

4. If this bill is adopted, I would recommend that infractions and violations such as illegal skate boarding, pedestrian violations and Tri-Met Fare violations be sent to traffic court, but I would also recommend that misdemeanor property violations such as thefts and vandalism continue to be handled by the juvenile court.



2268 Relating to children; changes duties of state Commission on Children and Families Jim Clay

Support

In Committee

1. It defines the term "community-based services" in a way that is helpful to Multnomah County's innovative approach to children and family services, by including community building activities. We could more easily use state funds in ways that follow our local plan.

2. It changes the composition of the state Commission on children and families. Members would no longer be appointed by the Governor. Members would still be political appointments, however, with some to be made by the Speaker of the House, some by the President of the Senate, etc. Multnomah County would potentially need to establish all new relationships with all new members. This has pros and cons, but generally it could be an advantage, depending on who gets appointed.

3. The state Commission would allow greater flexibility to local counties that wish to access technical assistance. This could provide us with new resources. It also provides for a state audit of the commission system statewide, including our local commission, which would be something we would want to be prepared for.

4. Some members of the local Commission on Children, Families and Community are concerned about this bill and opposed to the new member appointments issue, and are proposing amendments, but I think they are not well advised.

5. This is an updated version of the original bill (HB 2004) that created the Commission on Children and Families system. It's filled with small details that are good fine tunings of the original bill. It also gives the local commission many new, large responsibilities, including taking the lead on juvenile crime prevention.

2276	Relating to children's issues	Jim Clay	Modifications	<p>Need to track amendments</p> <p>1. This is the appropriations bill for the commission on children and families.</p> <p>2. It gives the local commission lots of new money and commensurate responsibilities (for juvenile crime prevention, for example.)</p> <p>3. It is the vehicle for bringing significant new early childhood funding to the county (Healthy Start, Family Nursery)</p>	In Committee
2301	Juvenile Drug Court	Cary Harkaway	Support	<p>. The Bill should not prescribe only one model for Drug Courts when many models are being implemented around the country and are being considered by Oregon counties. The Bill should allow a model whereby offenders enter the Drug Court treatment program after conviction. Satisfactory completion of the program would then result in expungement (clearing the record). We are considering a change to that model in Multnomah County. Section 1(2)(a) and (d) of the bill apparently only recognizes the diversion model, where no conviction is entered upon admission to the Drug Court program. The bill should not get into that level of operational detail. Local steering committees (Section 2) should make those determinations.</p>	In Committee
2302	Parole/post-prison supervision	Michael Haines	Oppose	<p>1. I do not think this bill should go far given that it is confusing because it throws too much in the mix and it is mostly window dressing and the periods of supervision appear to be sufficient at this period in time. Work load impact is minimal.</p>	Governor signed 5-3-99/Effective 10-23-99
2303	Definition of escape	Cary Harkaway	Support	<p>1. Bill would help counties maintain effective supervision of local control populations by allowing charge of Escape to be made against offenders who unlawfully leave or fail to return to their place of confinement.</p>	In Committee

2304	Allows defendant to remain in custody pending trial formore than 60 days	Cary Harkaway	Support	1. Reasonable legislation that would keep defendant in custody for more than 60 days to allow for participation in trial of victim or witness or because of any of several circumstances defined in the bill. Multnomah County would be well-served by this bill which could extend periods of pretrial detention in the interests of achieving justice.	Governor signed 8-22-99/Effective 10-23-99
2306	Admission of prior evidence of sexual offenses	Michael Haines	Support	1. This bill will let the sentencing judge know more about the person they are about to sentence, and this is extremely important information when dealing with a sex offender considering that they commitment dozens of offenses before they are caught. This will really put the dangerousness in perspective.	In Committee
2308	Tort	Gerry Itkin	Oppose	Encourage frivolous and marginal cases to be brought because the potential payoff is high. 3. Require additional gov't personel to be needed for defending the increased caseload	In Committee
2317	Court Facilities	Wayne George	Support	+ Less budgetary impact on County for Cort related facilities + More state responsibility and control over energy conservation measures + Additional flexibility for State to control maintenance performance measures + Would allow State to control space utilization and construct new Courts space when needed without relaying on County funding + Allows Court Facilities Taxk Force to Benchmark across state to validate most efficient measures  SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor's desk

2325	Foreign restraining orders	Annie Neal	Support	Makes changes in restraining order law (Family Abuse Prevention Act) that makes it conform with the Federal Violence Against Women Act (VAWA); this will allow for firearm dispossession and full faith and credit enforcement in other states. Supported by the Governor's Council on Domestic Violence and the Oregon Coalition against Domestic and Sexual Violence (OCADSV). COMMENTS AFTER AMENDMENTS: Amendments are technical only. They do not change the principal of the bill.	Governor signed 6-10-99/Effective 10-23-99
2327	Enhanced sentences for sexually violent offenders	Michael Haines	Modifications	I. I have a concern to the listed offenses for this piece as it excludes Sex Abuse I. Also, of financial concern is the fact that the "rolling " 180 days is served locally. This is a big expense. The life time supervision is both good and bad. The best sex offenders ever perform is while under specialized supervision, BUT caseloads could continue to grow and we would need to add resources in the form of more PPO over time. I am told that this bill is not likely to make it due to some of these issues and the significant involvement of local courts.	Governor signed 5-3-99/Effective 10-23-99
2328	Dangerous offenders appropriates money	Michael Haines	Modifications	This one is a no brainer, but again, it is a bill that excludes the important offense of Sex Abuse in the First Degree. It has funding which is a novel idea. In practice though, we currently supervise all such people at the highest level of supervision throughout their period of supervision, so this just insures that they not be bumped down, thereby putting the community at risk.	Governor signed 8-2-99
2330	Creates crimes of domestic violence	Chiquita Rollins		Creates the crime of domestic violence, and requires notice of VAWA application in restraining orders. This is intended to make tracking of domestic violence assaults easier, and thus make enforcement of VAWA, including dispossession of firearms. Supported by the Governor's Council on Domestic Violence and the OCADSV.	In Committee

2330	Creates crimes of domestic violence		Support	<p>Would be positive as far as enforcing issues of weapons</p> <p>Would help to bring the state more in sync with Federal guidelines. For enforcement of weapons violation in regards to domestic violence cases.</p>	In Committee
2331	Prohibits investment of specified state funds in companies with interests in tobacco products	Wendy Rankin	Support	<p>As a the public health authority it seems prudent to oppose any legislation that supports the tobacco industry</p> <p>Any divestiture could have implications (good or bad) for PERS members</p>	In Committee
2346	Child abuse			<p>Changes mandatory child abuse reporting law to require reporting of drug and alcohol abuse by a parent; require reporting of a parent who allows a child to see or hear abuse as defined in FAPA; and adds shelter and safe home workers to the list of mandatory reporters. It appears that these proposed changes will increase reporting requirements for shelter and safe home workers, and may deter women from seeking assistance from shelters and safe homes. The bill also makes other changes in the child abuse reporting law.</p>	In Committee
2349	Garnish to collect taxes/county tax collect	Cary Harkaway	Oppose	<p>Increases the number of offenders subject to lengthy mandatory minimum terms. Prison population would expand. Resulting pressure on State budget to fund new construction could jeopardize State commitments to community corrections, health and mental health, education, etc.</p> <p>Adequate mandatory sentencing statutes are already in effect</p>	Governor's desk
2350	Mandatory sentence	Cary Harkaway	Oppose	<p>1. Bill would have a negative impact on County by increasing the number of offenders subject to lengthy mandatory minimum terms. Prison population would expand. Resulting pressure on State budget to fund new prison construction could jeopardize State commitments to community corrections, health and mental health, education, etc.</p> <p>2. Adequate mandatory sentencing statutes are already in effect.</p>	Governor signed 7-20-99/Effective 10-23-99

2354	Special elections	Vicki Ervin		Boilerplate provisions Establishes procedure for a state special election in May 99	Governor signed 7-30-99/Effective 7-30-99
2362	Elections	Vicki Ervin	Support w Mod	Technical amendments	In Committee
2364	PERS	Dave Boyer	Oppose	1. This is another bill that will increase PERS costs to the County. Until we get the bigger PERS issue settled we should not support any bills that increase County PERS costs.	In Committee
2396	Youth to Adult Court	Cary Harkaway	Oppose	1. The juvenile justice system is better able to rehabilitate youth aged 15 to 17 than the adult system. The public safety interests of the citizens of Multnomah County are best served by the programs available to 15-17 year olds in the juvenile system. 2. Ballot Measure 11 resulted in a list of crimes that may be waived to adult court. This list, which includes the most serious crimes, should not be expanded to include additional crimes because that may ultimately work against the public safety interests of our communities. The proposed legislation would subject the targeted youth to an adult justice system that is not able to respond to the risk and need factors of juvenile offenders and their families.	Governor's desk
2404	Contract/labor agree	Franna Hathaway	Support	1. Current state law does not allow this now anyway but this would make it clearer.	In Committee
2411	Watershed restoration	John Dorst			In Committee
2412	Ad Valorem Taxation	Bob Ellis	Modifications	1. proposes to increase the threshold for cancelation of personal property taxes to an assessed value of \$25,000 rather than present \$10,000.  2. Support if limit left at \$10,000 and either Section 1 (3) was modified or ORS 308.290 (1) (a) was modified to allow the Assessor discretion in mailing forms and requiring a filing for low valued accounts.	In Committee
2419	Aggregate mining	Don Hauskins	Support	. This bill is favorable to Multco. All of our mining operations are permitted yearly.	Governor signed 6-25-99/Effective 6-25-99

2421		Vicki Ervin	Support	This is good government since it is more efficient and eliminates confusion for campaigns County would still be included in the local voters' pamphlet	In Committee
2421	State Initiatives	Tom Sponsler	Support	1. Some past measures may have been changed or not approved by the voters if the AG had pointed out constitutional issues 2. Appears that bill will delete Sec. State obligation to print county measures in voter's pamphlet.	In Committee
2422	Manager qualifications	Ramsay Weit	Support		In Committee
2423	Firearms	Bill Morris	Modifications	1. We are currently taking youth into custody and bringing them to detention in Mult. County if they are in possession of a firearm in a school. We are not doing the mental health exam at this point., as outlined in this statute. 2. The mental health exam may involve more resource, but overall it's a good idea. 3. Even with this law, there may be youth who are prone to violence who are 'below the radar of this law'.	In Committee
2428	Public Contracting	Jerry Walker	Support	This bill expands thee County's ability to disqualify prime & sub-bidders on public contracts. The additional findings at the County's disposal, as outlined in this bill, are clear and straight forward.	In Committee
2428	Public contracting	Franna Hathaway	Support	1. This bill is being opposed by AGC so it may not get very far but if it did pass it would allow the County to look at a greater number of factors in making a decision regarding disqualifying a contractor.	In Committee

2432	Relating to county reimbursement	Elyse Clawson	Oppose/See Comment	<p>It seems he may be trying to check in the funding at the current level of 465.00/day. The counties and the state have agreed on a rate of \$78.00 based on a review of actual costs.</p> <p>The Governor has requested 7.7 million in emergency fundings to bring the allocation to this level.</p> <p>COMMENTS AFTER A-ENGROSSED: I think this is ok what i think it is is the \$78.00 perday Jail and the \$18.69 per day for community supervision in the 75/25 split that is \$63.44 per day and that establishes that as the new baseline.</p> <p>SEE LEGISLATIVE AGENDA FOR SUMMARY</p>	Governor's desk
2433	Relating to Oregon Law Commission	Tom Sponsler	Support	<p>Could replace the Measure 30 mandate constitutional amendment that sunsets</p> <p>A policy statement that could serve as a reference for legislation or practices of the state that impose services or requirements without resources</p> <p>Makes editorial improvements to existing statute</p>	Governor's desk
2435	Relating to ballot titles	Vicki Ervin		Policy call on the drafting and substance of certain state measure ballot titles	Governor's desk
2435	Relating to ballot titles	Tom Sponsler		No apparent impact on county or county ballot titles	Governor's desk
2436	Relating to fitness to proceed	Floyd Martinez	Support	<ol style="list-style-type: none"> <li>1. Would expedite the delivery of clients to Oregon State Hospital</li> <li>2. Places pressure on OSH to "expand" bed capacity</li> </ol>	Governor signed 8-24-99/Effective 10-23-99
2438	Ballots delivered by mail	Vicki Ervin		Would require the state to pay return postage on all vote by mail and absentee ballots	In Committee



2450	Workers compensation under certain bargaining agreements	Darrell Murray	Oppose	<p>Although not 100% clear from the text, this seems to apply only to certain private sector employers in the construction industry. This is not to say that it is an idea we should ignore, because it would set a precedent that might later find its way to our doorstep. My initial reaction to the thought of negotiating alternative worker's compensation procedues under the labor agreement is not favorable. We have so much difficulty gaining anything approaching consistency between contracts that I have to think this would be a real problem.</p> <p>COMMENTS AFTER AMENDMENT: The basic problem with this proposal is that it strikes at the heart of the common worker's compensation system in which all employers and employees participate. It would open up the door for disparate time loss and disability benefit structures depending on who you worked for. While this proposal only applies to private employers, it would set a precedent that might put us on the same track down the road. The amendments can't cure these concerns. It's a bad proposal, in my view.</p>	Governor signed 7-22-99/Effective 10-23-99
2454	Relating to sentencing	Cary Harkaway	Oppose	<p>1. Mandatory sentencing guidelines have reduced the sentencing disparities around the state that were a cause for concern when the guidelines were implemented</p> <p>2. Mandatory sentencing guidelines have helped the state forecast prison and community supervision populations.</p> <p>3. Sentencing guidelines were developed based on a wide range of input, including representatives of major stakeholders in the justice system. There are provisions for modifying the guidelines.</p>	In Committee
2461	Relating to taxation	Wendy Rankin		<p>We are pleased that the 10cent surcharge is still in effect. It is too bad that we have to go back to it again next session. The cigar thing is lousy.</p>	At Desk

2473	Relating to Environmental Tax Study Commission	Rhys Scholes	Modifications	<p>Modification: Need to include local government representatives on commission</p> <ol style="list-style-type: none"> <li>1. Many people believe that the tax system could be better used to create a system of incentives and disincentives for environmental improvement.</li> <li>2. A broad commission and a two year study is an appropriate vehicle.</li> </ol>	In Committee
2481	Judicial review of LUBA orders	Bob Ellis		Does not appear to affect A & T. This seems to be a planning related bill.	Governor signed 7-8-99/Effective 10-23-99
2483	Weapons	Carl Jaber	Oppose	<ol style="list-style-type: none"> <li>1. This bill could seriously compromise community safety by allowing gun owners to carry a concealed handgun with few restrictions and for no justification other than self protection.</li> <li>2. Removing concealed handgun licensing requirements may make it difficult for law enforcement agencies to monitor and control the proliferation of firearms in public areas within the county.</li> <li>3. This legislation, if adopted, would increase the potential for the use of a firearm in minor disputes or altercations, resulting in serious injury and/or death to participants.</li> </ol>	In Committee
2484	Relating to appeal of local land use decisions	Sandra Duffy	Oppose	The county often does not want to participate in appeals by neighbors against other neighbors. Very often the issues on appeal do not concern the county, but are neighbor disputes resulting in or from land use matters. These cases should be between only the appellant and the applicant	Governor signed 6-18-99/Effective 10-23-99
2500	Chemical castration pilot program	Michael Haines	Support	Much better. Initially, it was not a pilot and I was extremely concerned as chemical treatment works in less than 10% of our cases. This bill should provide us with solid data.	Governor signed 7-1-99/Effective 10-23-99

2513	Relating to firearms	Carl Jaber	Support	<p>This bill helps support the county's benchmark of reducing crime by imposing a minimum term of imprisonment for the display, use or discharge of a firearm that results in the injury of another person during the commission of a crime</p> <p>2. The bill promotes community safety by prohibiting persons sentenced to prison for firearms related offenses from becoming eligible for parole, temporary leave, or terminal leave prior to serving the minimum term of imprisonment.</p>	In Committee
2514	Relating to crime victims' ombudsman	Cary Harkaway	Support	<p>1. Provides an additional resource for crime victims. The Office could help resolve issues that cannot be resolved at the local level. This is less significant in Multnomah and other counties that have active victim programs in several criminal justice agencies (including DCJ), but we would welcome an allied office in the Dept of State Police.</p>	In Committee
2520	Relating to Prescription drugs	Debbie Juul	Oppose	<p>Could significantly increase the cost of the prescription drug benefit in the County's self-insured health plan.</p>	Governor signed 7-28-99/Effective 10-23-99
2522	Relating to bicycles passing on the right	April Siebenaler	Support	<p>Large number of bicycle/motor vehicle crashes in the county as the result of bicycles riding the wrong way on a road or in a bike lane</p> <p>Law would allow for County enforcement and education to help reduce riding the wrong way</p>	In Committee
2525	Administrative proceedings	Jon Thomas		<p>"Neutral: Bill provides that there will be a central hearings officer panel for state agencies to use. All agencies (except for about 20 agencies that are exempt) must use this H.O. service. The only thing that affects the county is that local governments may contract with the state for H.O.'s if we and the state want to."</p>	Governor signed 7-22-99/Effective 8-1-99

2543 Public Contracting

Jerry Walker

Oppose

In Committee

1. As a result of this bill, any delays that are caused by an electrical, plumbing or mechanical firm under contract with the County, could result in increased County liability should the delays cause increased costs or damages to other contractors on the project.
2. The coordination activities and the more labor intensive project management function would increase the cost of the project.
3. At the very least the requirements of this bill should be permissive. The direct contracting concept identified in this bill could be instrumental in remedying document disparity in the utilization of M/WBE firms. The obligatory requirements in this bill does not seem to address any identified problem and does not appear to be in the best interest of the County (or Taxpayer).
4. This bill could diminish the County's ability to take a comprehensive approach to promote diversity on public improvement projects.
5. The requirements in this bill could make the procurement process much more cumbersome and convoluted. The procurement activities associated with each affected project would not only increase costs, but would increase project timelines and the adversely affect the overall coordination of the bidding and contracting processes.

2543 Public Contracting

Robert Kieta

Oppose

This bill can lead to confusion over the Prime Contractors responsibilities in construction jobs over \$75,000. 1. By having the County contract separately with electrical, plumbing and mechanical system contractors, the County may be relieving the Prime of their contractual responsibilities regarding the overall liability, coordination and quality assurance of the project. 2. Providing separate contracts for each of these word division swill create extreme hardship and cost to the County by the increased work required to produce separate bid documents; separate bids; timing delays caused by some bids bewing accepted and others rejected in bidding. The increased work will lead to the Couny hiring additional Construction Management staff to oversee scheduling and coordination of projects as well as specification development and bidding. 3. Could be union issues related to subcontractors of the various specialty contractors objecting to non-union subs being employed by other contractors. Overlapping responsibilities such as control wiring for equipment (electrical, mechanical\_ could result in more than one sub within a trade being on-site at the same time. 4. Separating these divisions of work may exclude them from the Sheltered Market progra, Good Faith Effort and Workforce Training programs established to increase the use of MWESB contractors in formal construction contracting. This separation will provide additional contracts for dollars under the formal contracting limits reducing the number of contracts included in these programs. 5. Higher project cost, less quality and longer project timelines.

In Committee

2556 realting to liability of public bodies  
for Y2K failures

Gerry Itkin

Support

See Barb for memo from DOJ

In Committee

2563	Students exhibiting a preoccupation with violence	Bill Morris	Oppose	<p>1. This bill would have a chilling effect on relationships between school personnel and their students, and could conceivably cause schools to refer dozens of youth to juvenile departments each week for 'school yard behavior' that has nothing to do with the dangerousness of the youth.</p> <p>2. The other bill (HB 2423) has much firmer foundations for schools to respond to. This bill is based on assumptions, innuendo and conjecture, and would be interpreted differently by everyone who reads it.</p>	In Committee
2566	Relating to school finance	Ramsay Weit		<p>Need to know what impact ESD has on schools in the County</p> <p>Check with PPS lobby</p>	Governor vetoed 7-22-99
2567	Relating to school finance	Ramsay Weit		<p>Need to check with PPS lobby to identify impact on PPS</p> <p>SEE LEGISLATIVE AGENDA FOR SUMMARY</p>	Governor's desk

2574	Relating to public contracts	Jerry Walker	Oppose	<p>1. This bill is flawed in that it does not designate to whom the contractor must demonstrate that an employee drug program is in place.</p> <p>2. The bill appears to require that all employees engaged in work on the affected projects be drug and alcohol tested. This could add significant costs to project budgets. It is common for employers to have a random drug testing program. Random drug testing programs do not seem to me the strict requirements of this bill.</p> <p>3. This bill could conflict with existing labor agreements already in place for union contractors.</p> <p>4. The requirements of this bill places an undue burden on public sector contractors.</p> <p>5. Most project budgets are based on an engineer's estimate. This bill would require knowledge of the number of workers that a potential prime contractor and all potential sub-contractors are bringing to the job and the cost of alcohol and drug testing. There is no way to know these facts prior to the procurement process thus making it virtually impossible for an engineer to accurately estimate the cost of a project.</p>	Governor signed 7-12-99/Effective 10-23-99
2574		Franna Hathaway	Support	<p>1. This bill requires the contractor (in (5)) to "demonstrate" his compliance but there is no statement as to how this is to be done or what the County's responsibility would be in requiring this demonstration.</p>	Governor signed 7-12-99/Effective 10-23-99
2580	Relating to insurance coverage of adolescent pregnancy; amending ORS 750.055 and 750.333	Linda Doyle	Support	<p>From a public health perspective, it is obvious that the prenatal care coverage for these teens (even though small in number) would far out weigh the costs associated with the potential birth outcomes (i.e., low birth weight, infant mortality, learning disabilities) due to lack of or inadequate prenatal care.</p>	In Committee

2585	Relating to announcements of conflict of interest	Tom Sponsler	Support	<p>1. Clarifies conflict disclosure requirements for commissioners and other county public officials.</p> <p>2. Easer to explian, understand and comply</p> <p>COMMENTS AFTER AMENDMENTS: Clarifies requiremets for appointed county officials Clarifies and makes easier disclosures for commissioners</p>	In Committee
2593	Relating to firearms; creating new provisions and amending various elements of OR 166	Carl Jaber	Support	<p>The bill grants reciprocity to persons who possess concealed handgun licenses or permits issued by other state providing that they meet the requirements as outlined for Oregon residents. Consequently, the impact to the County should be minimal</p> <p>The sheriff must fingerprint, photograph, and investigate all applications, subsequently approving or denying such requests. Although the sheriff may charge \$50 for the issuance or renewal of a concealed handgun license, this bill could result in an increas in the sheriff's workload</p>	In Committee
2599	Relating to children	Cary Harkaway	Modifications	<p>1. The bill would take us back to circa 1973 in terms of paying attention to runaways.</p> <p>2. I think the power to do all of this already lies within the juvenile justice statutes. It is more a matter of resources (ie. Shelter beds) than legal ability to take runaways into custody.</p> <p>3. I did not read the attending statutes, but if the system takes a youth into shelter care we will need to have a preliminary hearing in front of the juvenile court the following day. That may impact court and docket time.</p> <p>4. The major issue is to attach resource to do something other than just pick youth up and adjudicate them.</p>	Governor signed 7-14-99/Effective 7-14-99



2605	Relating to sex offenses	Michael Haines	Support	<p>1. We had previously supported this Bill, but as amended, it has the advantage of excluding the less serious crimes Rape II &amp; III, Sodomy II &amp; III, etc.). The Bill now focuses on the most serious sexual offenders (Rape I, Sodomy I, etc.). It also specifies that the life sentence will only be invoked when the prior offense afforded the defendant with an opportunity to participate in treatment. So, presumably, the defendant is unwilling or unable to benefit from treatment, increasing his/her risk to the community.</p> <p>2. The B-engrossed Bill reduces the number of specified prior sex offenses that result in life without parole from two to one. This is acceptable given the more narrowly defined scope of offenses to which the measure applies.</p>	In Committee
2606	School finance	Ramsay Weit		Check with PPS lobbyist and Coalition for School Funding to measure impact or the effects of funding the 5.1 mil. Goal	In Committee
2612	Relating to sex offenses, amending ORS 163.315	Michael Haines	Support	<p>I think we should support this change, as the current version, under sub-section is not specific enough. It simply says, "physically helpless," and the new, proposed bill addresses the different methods by which this can occur, so we would be better able to obtain convictions, at this is a method used by child abusers and rapists. Should be an easy sell.</p> <p>COMMENTS AFTER AMENDMENTS: Still works for me.</p> <p>B-ENGROSSED: This is better</p>	Governor signed 7-26-99/Effective 10-23-99
2618	Relating to mail ballots	Vicki Ervin		Would have little economic impact on the County buty would slow down election results-similar to what Washington State experiences	In Committee
2633	Relating to abortion; cerating new provisions; and amending ORS 431.120			SEE SUPPLEMENTAL LIST FOR SUMMARY	Governor's desk
2648	Prohibits employee of state agency from engaging in lobbying on behalf of any state agency			SEE SUPPLEMENTAL LIST FOR SUMMARY	Governor's desk

2657	Relating to construction excise taxes	John Dorst		I am not sure what they are really trying to get at with this bill. It does not seem to be anything in our interest though. It does not seem the type of bill that will progress but please let me know if it does.	Governor vetoed 6-29-99
2658	Relating to affordable housing				Governor signed 7-22-99/Effective 10-23-99
2670	Relating to education			1. Does not change the dollar amounts that County's are required to pay.  2. This is an agreement between ESD and a school to provide facilities and Counties will only be required to transfer the funds to an alternat entity. Would need to make sure a valid agreement was in place before funds were transferred Little administrative impact.	Governor's desk
2672	Establishing property tax exemptions	Bob Ellis	Oppose	1. Allows a property tax exemption starting at \$50,000 for senior citizens and disabled persons. Requires applicant to apply to the DOR and for the DOR to notify county of accounts that qualify and for Assesor to bill the DOR for the taxes being exempted. Requires additional detail on the tax bill. Reimburses the County for lost taxes but not for administrative expense including additional computer programming.	In Committee
2673	Relating to fire safety; appropriating money and declaring an emergency	Wnedy Rankin	Support	Could reduce injury and death due to fires caused by smoking	In Committee
2679	Relating to allocations of moneys to counties	Karen Schilling	Oppose	1. This bill helps counties with declining motor vehicle registrations at the expense of the State's share of revenues. If the State has less funding, the County will see less improvements within the County.	In Committee
2691	Relating to state investment in tobacco companies	Wnedy Rankin	Support	Provision for accountability regarding involvement in tobacco industry. This is consistent with changing community norms ie: acceptability of tobacco use Positive public health outcome Could have implications for PERS and other county employee investments	In Committee

2698	Relating to unemployment insurance charges	George Fetzter	Support	Would relieve employers of the cost of paying unemployment benefits for an individual that is discharged because they could not satisfy a job prerequisite required by law or administrative rule Makes sense as written, but should be tracked for changes	Governor signed 6-29-99/Effective 10-23-99
2700	OHP Changes	Julie Bergstrom		We are concerned about the co-pay for every service. It would probably mean that many of our clients wouldn't seek treatment or would postpone until more serious problems exist  SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor's desk
2708	voter registration cards	Vicki Ervin		No impact to the county as long as enforcement goes to the state.	In Committee
2723	Relating to education in county detention facilities; amending ORS 336.585			SEE LEGISLATIVE AGENDA FOR SUMMARY	In Committee
2744	Requires county juvenile departments to enter specified information about youths into juvenile justice information system utilized by counties and state			SEE SUPPLEMENTAL LIST FOR SUMMARY	Governor signed 7-12-99/Effective 10-23-99
2753	Taxation			SEE SUPPLEMENTAL LIST FOR SUMMARY	Governor's desk
2765	Creating property tax exemption	Bob Ellis	Oppose	1. Expands the scope of exemptions under ORS 307.130 to include artistic, historical and educational institutions. This would create little impact on the workload of A & T and would cause a loss of tax revenue to all taxing districts in proportion to the dollar amount of property exempted.	In Committee
2776	State initiatives	Tom Sponsler	Support	Applies only to state measures	In Committee

2777	Relating to motor vehicle registration fees	Karen Schilling	Modifications	<p>Suggested Modification: Eliminate appropriating the funding increase to the State Police.</p> <p>1. Increase in VRF without a sunset date will help the County in meeting our transportation needs.</p> <p>2. Appropriating VRF to State Police will negatively affect our revenue stream. Tolerance for increases seems to be very limited and if this bill passes but the additional VRF for high growth counties does not, we will not see an increase from the VRF.</p>	In Committee
2777	Relating to motor vehicle registration	Bob Thomas	Oppose	<p>1., This legislation would raise State Motor Vehicle Fees by \$10 to provide support for the State Police.</p> <p>2., State Motor Vehicle Fees are currently used for Transportation Funding, in general. This legislation would bring another State service under its funding umbrella.</p> <p>3., Would require a vote of the state electorate for SJR 11 to authorize the use of these funds for State Police.</p>	In Committee
2779	Election notices	Vicki Ervin	Oppose	<p>Would require us to mail a notice to all non-voters in an election that requires 50% turnout in order to pass a measure</p>	In Committee
2792	Taxation	Dave Boyer		<p>Kathy Tuneberg could respond better to 2792B better than I could</p>	Governor's desk

2792	Freezing value of principal residence of senior citizen	Bob Ellis	Oppose/See Comment	<p>1. Provides for freezing the Assessed value for property tax purposes for senior citizens.</p> <p>2. Freezing the AV of properties would mean a loss of tax revenue to all taxing districts.</p> <p>3. Requires the Assessor to mail out annual filing forms which would be an additional expense to administrate as well as to track and process exemptions created by the frozen assessed values.</p> <p>COMMENTS AFTER AMENDMENTS: In my opinion the changes would effectively remove any objections that I had to the original bill. I would rate A &amp; T position as neutral however the County as a whole might be supportive based on the benefit to some of the populace.</p>	In Committee
2796	Relating to PERS	Dave Boyer	Oppose	Allows employee to buy service for years in military. Would require employer to match this amount with no funding. Increases employer rates.	Governor's desk
2805	Relating to liability	Tom Sponsler	Support	<p>Not many occasions where this would apply</p> <p>Could increase uninhibited language at board meetings; even less reason to control language</p> <p>COMMENTS AFTER AMENDMENTS:</p> <p>Does not seem a real problem for county hearings</p> <p>Comissions (and probably) staff already have imunity.</p>	In Committee
2809	Expands group of persons to whom juvenile may be released after being taken into custody	Bill Morris	Support	Frees detention space - offers more positive placement options	Tabled on Senate floor
2813	Relating to unemployment	Chiquita Rollins	Support	The impact of HB2813 will be to give victims of domestic violence another choice and provide them with much needed economic resources as they take steps to build lives free of violence. It will give employers a way to help support and provide safety for victims of domestic violence.	In Committee

2814 Relating to supervisory employees  
under public employees collective  
bargaining law

Darrell Murray

Oppose

Governor's desk

1. The bill changes the definition of a supervisor that would be excluded from the bargaining unit by adding the following: "No lead worker who merely assigns or directs the work of other employees, but who has no authority to impose economic discipline on those employees, shall be considered to be supervisory."

2. The change is, in part, an attempt to make express a statement of legislative intent, made by sponsors on the floor during final debate over SB 750 in the 1995 session, that although the legislature knew it was making it easier to for employer to exclude managers from the bargaining units based on supervisory duties, mere lead workers were not to be excluded.

3. Unfortunately, the bill goes further than merely codifying legislative history. It defines a lead worker, in a back door manner, as someone who does more than assign, direct and impose oral or written reprimands. This is accomplished by the phrase "who has no authority to impose economic discipline" – which means suspensions without pay, demotions, pay reductions or dismissals. This would arguably preclude exclusion of someone who handles grievances, does hiring, and a list of other clearly supervisory tasks but who can only give a written reprimand under the management structure of the organization.

4. The County would not be harmed by a bill that excepted from the supervisory definition lead workers who merely assign or direct work, but the rest of the change would be potentially problematic.

2815	Relating to binding arbitration	Dasrrell Murray	Oppose	Would alter the criteria that an arbitrator is to follow in interest arbitration to those in effect prior to the passage of SB 750. This would seriously undermine County interests by replacing the public interest as the most important criteria and eliminating turnover rates as a relevant criteria. These would ultimately produce significantly more expensive results than those produced by current arbitration criteria	In Committee
2830	Occupational safety	Chuck Tilden	Support	STRONGLY support The bill would establish proper guidelines for OR-OSHA to follow when conducting business. The bill would help to protect county departments and county facilities from uninsurable and unnecessary OSHA inspections by establishing guidelines for when OSHA can make an inspection. Without this bill, and with the changes OSHA is making to their Division 1 rules, they will be granted free inspection rights whenever they choose for whatever reason they want.	In Committee
2840	applies to local option taxes first imposed on or after July 1, 2000	Dave Warren		1. The bill allows school districts to ask voters for local option levies. This would mean that school property taxes could approach Measure 50 limits by taking advantage of the difference between the growth in Real Market Value and the Assessed Value cap to collect more property taxes.  2. The bill would slightly diminish the State requirement to pay for schools. That would be good.  3. The bill would increase property taxes. That would be ok, unless it triggers another tax revolt. That would be bad.  4. The bill would have no particular immediate impact on Multnomah County. I don't think it's our fight.	Governor's desk
2842	Relating to financial impact statement for urban growth boundary expansion	Sandra Duffy	Oppose	This places huge financial burden on county (unfunded mandate) It would be impossible to determine all the financial impacts of a UGB expansion	In Committee

2850	Relating to workplace safety	Wendy Rankin	Modifications	Support only with ammendment Excellent legislationbut very open to pre-empting local control Strongly recommend opposing unless language is added to retain local control	In Committee
2855	Probation	Cary Harkaway	Support	1. Would allow probation officers to supervise and sanction misdemeanants with the same tools and efficiencies available for felons.  2. Would decrease the number of probation violation hearings on court dockets, allowing more efficient court operations.	In Committee
2863	Relating to civil actions	Gerry Itkin	Oppose	would allow persons to assert claims against public entities withoug first giving adequate notice of intent to do so and thus prevent rapid investigation and the setting of reserves	In Committee



Suggested Modification: SECTION 1; Only support or am neutral on revisions to ORS 92.050 (1) & (2). Not sure about deletion of the geodetic tie required by 92.050 (9) & (10). SECTION 2; Not sure about these revisions. Not needed if 92.050 (9) & (10) are not deleted.

Oppose revisions to ORS 92.060, 92.065, 92.070, 92.080, 92.100 & 100.115.

1. ORS 92.050: Deletion of paragraphs 9 & 10; I'm not sure if anyone in the county uses the geodetic tie to build maps. May be an important tool for GIS in the future.

2. ORS 92.060: Revisions to paragraphs 3, 5, 8 are not needed. Existing law works well and has not caused any problems. Allowing the private surveyor set another type of monument is not in the public's best interest. Some will set anything that is easy. Allowing the county surveyor to authorize other monumentation works well.

3. ORS 92.065 & 92.070: Allowing the private surveyor to set exterior monuments of the plat after it is recorded is not in the public's best interest. I would support changing the law to allow exterior monuments on a subdivision plat to be delayed similar to interior monuments per ORS 92.065 (2).

4. ORS 92.080: Deleting allowing "Silver Halide permanent photocopy" is not in the best interest of the public. State & Federal archivist have stated that is material very archival. Allowing the Secretary of State to determine the plat material is a crapshoot. We have no idea what we will get.

5. ORS 92.100: Adding the last sentence to paragraph (1) is not protecting the public. If this was existing law, many plat would have to be approve that have serve title problems that would not be required to be resolve. Purchasers of parcels and lots would not be sure that they have title to all lots or parcels purchased.

I'm not sure if the proposed revisions to ORS 92.100 (1) and (2) were in the bill when I reviewed it a while back. The proposed changes are not in the public's best interest. If this legislation is approved, we would only check plats for compliance with ORS 209.250. ORS 209.250 is requirements for surveys. The present laws require that all plats comply with ORS 209.250 plus other items as outlined in ORS 92.100.

The proposed language would not allow the county surveyor to review the plat for boundary problems, ownership, proper dedications, proper approvals, etc. If this was present law, many plats would have been required to be approved that have major problems. The purchasers of the parcels or lots could be greatly harmed by not having clear title and/or boundary problems.

COMMENT AFTER REVIEW OF

AMEND: The subject bill does not look like it will be amended to an acceptable form. Please due what you can to see that it does not pass. It does not properly protect the public.

COMMENT 5-6-99: The House Water and Environment committee held a work session on HB 2866 on April 26th and the committee told the Professional Land Surveyors of Oregon (PLSO) and Oregon Association of County Engineers and Surveyors (OACES) to get their differences resolved and come back in a couple of weeks. OACES tried to meet with PLSO last monday, but they didn't show up. Later, PLSO said that they were just going to let the bill die.

OACES feels that PLSO may try to "gut and stuff" the changes proposed by HB 2866 in this bill or some other bill. If you see any proposed changes to ORS 92.100, please let me know.

SEE SUPPLEMENTAL LIST FOR  
SUMMARY

2870	Requires parent or legal guardian of youth to attend juvenile court hearings involving youth	Bill Morris	Modifications	<p>I support the rationale behind the bill. All parents SHOULD attend hearings with their youths. However, the practicality of telling all youth's parents to hearings places the court in the position of determining punishments for parents, too.</p> <p>COMMENTS AFTER AMENDMENTS: Hi Barbara, I don't recognize any changes from the original. This language sounds like I remember the previous one to look like. I'm ambivalent about what happens if a parent doesn't show. Does the court hold them in contempt???</p>	Governor's desk
2893	Relating to registration fees	Karen Schilling	Modifications	<p>Suggested Modifications: Eliminate the sunset date or review it based on analysis in the future. Add reference to VRF provides funding to the Willamette River Bridges as a high priority (or a specific %) for Multnomah county. Sunset date provides a limited amount of funding. The needs have been shown for a 20 year timeframe that short bursts will not help us meet our long-term need. We need a long-term solution.</p>	In Committee
2895	Relating to public contracts	Franna Hathaway	Modifications	<p>1. The language around determining the interest rate is very confusing and needs to be clarified</p>	In Committee
2909	Relating to expedited alnd divisions	Bob Hovden		<p>1. From the county surveyor's point of view, I see no survey impacts on the county. I don't think this bill should have any effect on the county surveyor's office.</p>	Governor signed 7-14-99/Effective 01-01-2000
2919	Relating to public employee retirement	Dave Boyer	Oppose	<p>1. This bill will allow public safety employees to purchase up to four years of credit for out of state public safety employment. Employees would need to pay for their contributions but the employers share is not paid and when the employee retires the employer, Multnomah County, would be levied a higher contribution rate. Another PERS hidden cost.</p>	In Committee
2920	Ballots	Vicki Ervin		<p>This would triple printing costs for the general election Each voter would get 3 ballots instead of one</p>	In Committee

2932	Relating to cleanup of toxic contaminatin from illegal drug manufacturing	Bob Ellis		affects Health Division and recording	In Committee
2939	Freezes, for property tax purposes, value of principal residence of senior citizen, age 65 or older, at value for 1999-2000 tax year.	Bob Ellis	Oppose	<p>1. Allows a property tax exemption for senior citizens by freezing the assessed value of owner occupied principal residences.</p> <p>2. Requires applicant to apply to the Assessor for the exemption during July and allows only one month to process and accept or deny the applications. Would have considerable administrative expense and loss of tax dollars.</p>	In Committee
2941	Relating to traffice offenses	John Thomas	Oppose	Limits ability to tax. May wipe out current taxes, specifically car rental tax and hotel motel tax	In Committee
2941	Relating to state preemption of auhority of local governments to levey certain taxes				In Committee
2943	Establishes property tax exemption for owner-occupied principal residence.	Bob Ellis	Oppose	<p>1. Allows a property tax exemption starting at 75% of assessed value for owner-occupied principal residence.</p> <p>2. Requires applicant to apply to the DOR and for the DOR to notify county of accounts that qualify and for Assesor to bill the DOR for the taxes being exempted. Requires additional detail on the tax bill. Reimburses the County for lost taxes but not for administrative expense including additional computer programming.</p>	In Committee

2963	Relating to county ambulance service plan contracts	Darrell Murray	Oppose	<p>1. If the county enters a contract for ambulance services, this bill appears to require that the contract contain a provision whereby employees of the ambulance company would not be permitted to strike and would be subject to binding arbitration of contract disputes instead.</p> <p>2. The measure has many problems. To the extent it seeks to eliminate the right to strike for private sector employees of an employer meeting the NLRB's jurisdiction standards, it would probably be invalid under the federal preemption doctrine. This area of law is generally governed by the National Labor Relations Act.</p> <p>3. The bill would give to the Health Division a limited jurisdiction over private sector labor relations now regulated by the National Labor Relations Board and, for small employers, by the Oregon Employment Relations Board (OERB). The Health Department is ill-suited to promulgate rules governing arbitration, since they are not a labor relations agency. The OERB would be the correct body to handle that job.</p> <p>4. The form of the arbitration set out in the proposal is not specified. My experience is that "last best offer" arbitration is the best form. This would help prevent costs of escalating excessively and being passed on to the contracting county.</p>	In Committee
2970	Relating to PERS	Dave Boyer	Support	Allows employee to buy service for years in military. Would require employer to match this amount with no funding. Increases employer rates.	In Committee

2973 Relating to vehicle size limitations

John Dorst

Oppose

In Committee

1. This bill would result in loss of revenue \$50,000. And even more important may result in endangering county structures and increasing risk to workers on road projects.

2. The existing permit system is in place to regulate the movement of oversize/over weight vehicles. The amount of weight and size varies per bridge and most overloads need to be calculated to see if they are allowable. The roads are monitored to avoid conflicts with construction projects both private and public as well as special events.

3. The county is in the process of developing the overdimensional permitting system to be available over the internet. We also have an agreement in place with ODOT that they may issue permits at the points of entry to facilitate ease of permitting.

4. Currently we issue two kinds of permits an annual and a trip permit. The annual allows for overdimensional movements on a yearly basis with just the one permit that can be renewed yearly. These permits contain the current restrictions based on the type of vehicle requested for permit. The trip permit is issue for a specific trip and a specific route based on its particular size and weight. The trip permits are overly wide, long, high, or heavy and require specific knowledge of the current road conditions. We often have to coordinate with other County sections to determine if the route is appropriate.

5. For all of the above reasons and having specific experience with the need for regulation I would be opposed to this bill. Last year we had a problem with a proposed permit to haul corn over the Sauvie Island Bridge. The loaded weight of the truck hauling the corn was more than the bridge could bear and very special condition needed to be developed to allow even the reduced loads.

2983	Relating to juveniles and establishing conditions of probation concerning firearms	Bill Morris	Oppose	This bill makes sweeping gestures about firearms that have nothing to do with crime We need more discreet ways of determininig whou should come under this law. How about youths charged with illegal firearms possession or cases involving assultive behavior with a weapon other than a firearm	Governor signed 7-6-99/Effective 10-23-99
2985	Relating to torts	Gerry Itkin	Support	Would lessen the cost of defending marginal lawsuits	In Committee
2988	Relating to rulemaking	Tom Sponsler		In theory could prevent state rules thateither help or harm county programs	Governor vetoed 7-23-99
2998	Relating to attorneys	Tom Sponsler	Support	Prevent county Das from striking (they are members of union) Prevent county ass't counsels from striking (they are not members of union)	In Committee
3029	Relating to written examinations for licensure by Oregon Board of Dentistry	Gordon Empey	Support	We currently have difficulty recruiting dentists for our program partially because of State Board Licensure Requirement of a Practical Board Exam. This exam is costly and time consuming and is a barrier to providers entering this state and seeking employment We reuiare a current Oregon State Dentist License and this biol which established "licensure by credentials" lifts a barrier and makes it much easier for qualified dentists to enter the state and practice or work for organizations like ourselves	Governor signed /Effective 10-23-99
3033	Establishes property tax exemption for principal residence of senior citizen age 60 or older or person of any age receiving SSI for up to \$50,000 of assessed value for yer 2000-2001	Bob Ellis	Oppose	1. Allows a property tax exemption starting at \$50,000 for senior citizens and disabled persons. Has an income limit of \$32,000 on applicant.  2. Requires applicant to apply to the DOR and for the DOR to notify county of accounts that qualify and for Assesor to bill the DOR for the taxes being exempted. Requires additional detail on the tax bill. Reimburses the County for lost taxes but not for administrative expense including additional computer programming.	In Committee

3035	Agency rules	Tom Sponsler	Oppose	Does not directly effect county. Could incease uncertainty in state rules that several county departments must follow- Health, Aging & Disability, DCJ and CFS	Governor signed 6-23-99/Effective 10-23-99
3047	Relating to juveniles and modifying provision relating to duration of disposition tht may be imposed in juvenile delinquency proceedings	Cary Harkaway	Oppose	1. This measure appears on a brief reading to increase penalties for juveniles who commit delinquent acts at a time when juvenile crime is going down and we do not need to spend the increased resources to incarcerate more youth. These state resources could be better spent on education and other asset building activities for our youth. AFTER B-ENGROSSED FROM JOANNE FULLER: This has not changed at all, youth would be spending significantly more time in the Oregon Youth Authority institutions than they are today and since juvenile crime is currently going down it does not appear that there is a need for increased length of sentences.	Governor's desk
3054	Relating to Land			Sauvie Island Kennel Bill	Governor's desk
				SEE SUPPLEMENTAL LIST FOR SUMMARY	
3067		Bob Hovden	Oppose	This bill requires that county surveyor to review subdivision plats within 30 days. We certainly try to accomplish this, but in the past, we have not meet this. This could have a financial impact by having to hire additional personnel if to meet heavy workloads. If you want me to respond by your form, please let me know.	Governor's desk
3067	Relating to county surveyors	Bob Hovden	Oppose	1. This bill requires the county surveyor to review subdivision plats within 30 days. We certainly try to accomplish this, but in the past, we have not always met this. This could have a financial impact on the county by having to hire additional personnel to meet heavy workloads.  2. Eliminates the requirement for election of county surveyor. No impact on Multnomah County as position is appointed per home rule charter.	Governor's desk



3084 Conditional discharge

Chiquita Rollins

Governor signed 7-21-99/Effective 10-23-99

I'm not sure how to respond to your request for comments on this bill. In terms of domestic violence, it appears to be okay. I have faxed a copy of the bill to Helen Smith in the DA's office for her comment. It appears to protect Multnomah County's deferred sentencing program. It would be a low priority for domestic violence legislation.

However, I don't know if it's a good idea, for reasons having nothing to do with domestic violence. As I understand current law, diversion programs are not allowed for person crimes. This law allows diversion/deferred sentencing programs for all crimes except DUII and domestic violence (i.e., many other person crimes). Is that something we want to see happen.

Sorry, I can't be any more definitive.

Chiquita forwarded this to me for comment. We have been in touch with the Oregon District Attorneys' Association about this bill to make sure that it does not hamper our Domestic Violence Deferred Sentencing Program. Based upon my review of the A-Engrossed version, it looks like they have addressed that. The rest of the bill is okay from our standpoint. Please call (248-3154) or email if you have anymore questions.

3090	Relating to construction of highways	Karen Schilling	Oppose	<p>1. Tolls on roadways cause some traffic to divert to other free roads. County roads could experience increased traffic that would cause our maintenance and reconstruction costs to increase.</p> <p>2. Could affect future construction of 242nd Ave Connector both on the north and south ends since presumably these would be limited access highways. ORS 383.007 already allows for tollways but requiring a tollway could potentially delay or prohibit construction. If 242nd Ave Connector were a toll, the diversion rate could be quite high since there are many other options.</p> <p>COMMENTS AFTER AMENDMENTS: 1. Gives preference to projects that can be self-funded with tolls without consideration of other merits of a project. The County usually has a few projects in the STIP and they are not necessarily projects that would fare well under a toll analysis. The end result is that we could lose out on funding if all projects that could be funded with tolls automatically get a higher ranking.</p> <p>2. Added costs to projects if determining what portion could be recovered through tolls is a requirement for every modernization project.</p>	Governor's desk
3104	Relating to number of attending physicians for each opening of workers' compensation claim	Mary Boyer	Oppose	<p>1. Permits injured workers to select 3-attending physicians for each opening of their workers' compensation claim.</p> <p>2. Currently there are three selections for the life of a claim. Limiting the selection to three is a much more practical way to have the law read.</p> <p>3. The current limitation helps eliminate doctor shopping for a physician that will give the injured worker the answer they.</p>	In Committee
3111	Relating to increase of marriage license fee	Bob Ellis		tax collection division issue	In Committee

3113	Allows county juvenile departments to place juvenile parole and probation officers in public schools to work with delinquent children	Bill Morris	Modifications	We support the concept of juvenile counselors working in schools with the understanding they would work with a heterogeneous population that might include non delinquent along with delinquent youths	In Committee
3137	Relating to preexisting conditions in workers' compensation claims	Mary Boyer	Oppose	<ol style="list-style-type: none"> <li>1. This bill will change the definition of preexisting conditions for workers' compensation claims.</li> <li>2. It will expand the requirements for acceptance of a claim, having factors not related to the injury.</li> <li>3. It would add language that conditions of the body because of or attributable to gender, age, race or the aging or development of the body are not preexisting conditions and must not be considered in determining the major contributing cause of an otherwise compensable condition.</li> </ol>	In Committee
3138	Relating to permanent total disability benefits in workers' comp. Claims	Mary Boyer		<ol style="list-style-type: none"> <li>1. Modifies the definition of permanent total disability for workers' compensation benefits.</li> <li>2. It deletes in this chapter the language that reads that "gainful occupation is one that pays wages equal to or greater than the state mandated hourly minimum wage."</li> </ol>	In Committee
3139	Relating to exceptions to exclusive remedy provisions of workers' compensation statutes	Mary Boyer	Oppose	<ol style="list-style-type: none"> <li>1. Expands exception to exemption from liability for certain person for injuries to subject workers.</li> <li>2. There could potentially be lawsuits arise at the County where the exemption from liability had been increased to allow situations that previously had not been allowed.</li> </ol>	In Committee
3146	Relating to construction of statutes	Tom Sponsler	Support	Clarification of word use	In Committee
3152	Relating to concealed handgun licenses	Carl Jaber	Support	This bill grants reciprocity to concealed handgun licensee's from other states without compromising Oregon statutes. Consequently, it should have little or no adverse effect on the county	In Committee

3153	Relating to prevailing wage rate determinations	Darrell Murray		<p>1. The impact would be indirect. The bill would create a contested case hearing process for prevailing wage determinations. If approved, and if the unions are successful in pushing prevailing wages higher as a result of that process, the County could end up paying more to outside contractors required to pay prevailing wages on county contracts. Whether this is good or bad is a matter of perspective. On the one hand, maintaining a higher standard for wages on public construction projects benefits wage earners in the construction industry. On the other hand, it costs taxpayers more. Since the actual effect of this measure is speculative, I recommend against spending much effort on it, given limited resources.</p>	In Committee
3158	Requires person who supervises youth offender to notify school district when yout offender transfers to that school district	Bill Morris	Support	<p>We should try to make this work. However school districts must not pre-judge our youth based on probation  AFTER AMENDMENTS: I'm ok with the new addition.</p>	Governor's desk
3162	Tally of ballots for certain candidate elections	Vicki Ervin		<p>this was a proposal that came from the Charter Review committee in 1998. It was defeated handilyby the voters.</p>	In Committee
3166	Established Education Service District Grant	Ramsay Weit	Support	<p>Seems ok - supports ESD</p>	In Committee
3170	Relating to public contracting	Franna Hathaway	Oppose	<p>1. This bill would set governmental procurement back 20 years. It disallows the use of most criteria other than low bid in making contract awards, reduces the dollar threshold for formal bidding to \$5,000 (the County's current threshold is \$50,000 and the State's is \$75,000) and it deletes all affirmative action in regard to contracting.</p>	In Committee

3204	Relating to reimbursement of costs of smoking cessation programs	Wendy Rankin	Oppose	Has the possibility of diverting all tobacco settlement dollars to cessation (a black hole) Most health plans already cover the cost of tobacco cessation This bill would mitigate pressure on identifying insurers who still do not provide coverage for cessation AFTER AMENDMENTS: This one stinks and always will. It would completely defund the Multnomah County tobacco prevention program by redirecting the money to OHD so that they could administer cessation services. YIKES!!!	Governor's desk
3207	Expands low income rental housing property tax exemption to include existing low income rental housing	Bob Ellis	Oppose	1. extends the sunset date of exemption statute. Causes additional loss of tax revenue to the extent the granting authority (City of Portland) allows additional properties to qualify.  2. Could have offsetting positive benefits to the community due to encouraging low income housing.	In Committee
3244	Allows school district to seek voter approval for local option property tax	Ramsay Weit	Support	This is plan B in case 5.1 isn't achieved	Governor signed 7-15-99/Effective 10-23-99
3248	Relating to presidential preference primary election ballots	Vicki Ervin	Oppose	Would require us to do the same amount of work for the election but gives us 7 fewer days to do it. Probably would result in more overtime. Gives voters 7 fewer days to get the ballot, vote and return it. This could be a problem for our voters who are out of the area.	In Committee
3256	Relating to child care assistance to low income post-secondary students	Floyd Martinez		Nice idea but probably won't get anywhere. I am not aware of any support for this	In Committee
3259	Relating to urban reserve areas	Jeff Litwak	Oppose	This bill would effectively gut the UGB/URA system of orderly land use planning	Governor vetoed 7-20-99

3266	Relating to insurer-requested medical examinations for injured workers	Mary Boyer		<p>1. This bill would allow for additional compensation to be paid to and injured worker who must travel beyond a "set" worker's residential area (20 miles) when the insurer has requested the examination.</p> <p>2. It would allow for the worker's lost "net wages" to be paid for the period during which the worker is away from work. The County currently pays either time loss when the worker is off work or regular pay for a worker that is in a working status.</p> <p>3. The additional compensation would be waived if it was established that no qualified physician were available in the worker's residential area.</p>	In Committee
3286	Changes temporary cigarette tax to tax continuing indefinitely	Wendy Rankin	Support	<p>On going cigarette tax supports OHP</p> <p>Higher costs on tobacco discourage teen smokers from purchasing</p> <p>Higher costs encourage current smokers to quit</p> <p>REFER TO HB 2461</p>	In Committee
3300	Relating to PERS	Dave Boyer	Oppose	<p>1. This bill provides an ad-hoc increase (above COLA) to certain PERS members</p> <p>Would increase the PERS rates to the County.</p>	In Committee
3310	Relating to workers' compensation claims	Mary Boyer	Oppose	<p>1. Modified the limitations on compensable condition for purposes of workers' compensation claims.</p> <p>2. Workers' Compensation system has been an exclusive remedy for noncompensable injuries; this bill would eliminate the exclusive remedy.</p> <p>3. Modifies the definition of permanent total disability</p>	In Committee
3322	Modifies personal and corporate surplus refund kicker	Ramsay Weit	Support	<p>Support if we support "keeping the kicker"</p>	In Committee
3328	Relating to safety-net clinics			<p>SEE LEGISLATIVE AGENDA FOR SUMMARY (HB 5063)</p>	In Committee
3328	Relating to safety-net clinics				In Committee
3335	Relating to taxation and tourism promotion	John Thomas	Oppose	<p>Stupid but legal</p> <p>Would impose limits on how tax money is spent and make tourism promotion a priority for county spending</p>	In Committee

3336	Relating to taxation	Dave Boyer	Oppose	<p>1. The County currently allows for a 5% collection fee on the tax revenue collected for Metro, Merc etc. Not all jurisdictions allow for this collection fee so there will be a cost to other jurisdictions state wide.</p> <p>2. This is a local policy decision not a State issue. Bad policy of taking away from local control and putting it into statutes and to the control of the state legislature.</p>	In Committee
3343	Creates Joint Legislative Task Force on Juvenile Violence	Bill Morris	Oppose	Why?	In Committee
3344	Repeals weight-mile tax			SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor's desk
3345	Relating to use of public rights of way by telecommunications utility	Tom Sponsler	Oppose	Franchise fees are an important revenue source for cities which if lost will place more stress on limited (and shared) property taxes. Counties probably support greater local control of road right of ways rather than less city control of street right of ways. County support on this bill may ensure city support for county issues.	Governor signed 7-1-99/Effective 7-1-99
3349	Allows school districts to seek voter approval for local option tax	Ramsay Weit		Another local option. Check to see how it works with the others	In Committee
3364	Relating to school finance	Ramsay Weit		Check with coalition. Don't know what service equity fund dues	In Committee
3365	Relating to school finance and special education reimbursement	Ramsay Weit		Seems ok	Governor signed 7-14-99/Effective 10-23-99
3367	Relating to school financing and special education	Ramsay Weit		Looks good for special ed kids	In Committee
3368	Relating to school financing and ADMw for students in poverty families	Ramsay Weit		Not familiar with the use of ADM. Not clear	In Committee
3371	Modifies rate of tax imposed on cigars to fixed amounty per cigar	Wendy Rankin	?	<p>I am not able to determine if this would result in a higher or lower tax. I presume a lower one. In that case I recommend opposition.</p> <p>Higher tax = higher price = less consumption = better public health</p>	In Committee

3379	Amends open space lands definition	Bob Ellis	Oppose	<p>1.. Provides for farm and forest land within two miles of an interstate highway to be assessed at an unknown percentage less than the current farm or forest values.</p> <p>2. Specially assessed farm and forest values are already well below the actual market value.</p> <p>3. Creates an additional work load issue and loss of tax revenue.</p>	In Committee
3380	Relating to allocation of tobacco settlement	Wendy Rankin	Modifications	<p>MODIFICATIONS: Clarify % deducted to prevention vs. cessation</p> <p>1. Provide some assurance of Medicaid cost reimbursement</p> <p>Assure that 20% of moneys be set aside for prevention/cessation</p> <p>3. Possible negative effect - emphasis on support rural communities</p>	In Committee
3406	Relating to school facilities	Ramsay Weit		Seems ok assuming it allows over-crowded district to lease space	In Committee
3407	Relating to urban residential density	Sandy Duffy	Oppose	This is contrary to Metro's entire 2040 plan and is an end run around Urban Growth Boundaries. Bad idea	In Committee
3408	Relating to community mental health programs	Floyd Martinez	Support	<p>Known as the Clatskanie county bill to amend ORSs §414.022</p> <p>Makes ORS 414 supportive of counties continuing as preferred option for OHP behavioral health funds</p> <p>Very strong support from AOCMHP</p>	Governor signed 7-21-99/Effective 10-23-99
3417	Relating to authority of nurse practitioners in workers' compensation claims	Mary Boyer	Oppose	<p>1. This bill would allow a nurse practitioner to provide compensable medical services and authorize temporary disability for an injured worker; currently they are restricted.</p> <p>2. Such authorization should remain with a licensed physician, allowing it to extend to a nurse practitioner will create a more difficult path from which to obtain information regarding the injured worker; making plans-of-action to return a worker to work more cumbersome; making medically stationary dates harder to obtain.</p>	In Committee
3431	Relating to civil actions	Gerry Itkin	Support	Several liability is fair. The elimination of the "second" look avoids later problems for the county as a potential "deep pocket"	In Committee



3434	Relating to legal notice	Tom Sponsler	Support	Seems to permit, but not require, county to use broadcast notice As state law requires broader and more frequent public notice, perhaps broadcast notice could be good option Costs unknown, but not required	In Committee
3436	Relating to administrative rules of Land Conservation and Development Commissions	Sandy Duffy	Oppose	The result of new administrative rules is often a "rush" to obtain permits prior to the new rules-especially if the new rules would result in some limitation. Applications are often written hastily and without care The County could see a huge increase in permit applications following adoption of new rules, but prior to effective date This would lead to poor planning. If rules are written to protect a resource, then the resource should not be allowed to be degraded by ill conceived projects done solely to avoid the effect of the new rule.	In Committee
3440	Relating to pensions	Dave Boyer	Support	This bill repeals HB 3349 provisions of the 1995 legislative session. Is bill or bills with similar language is being supported by AOC/LOC PERS task force.	In Committee
3443	Tax incidence study	Dave Boyer	Support	1. Bill would establish a task force to model state revenue estimates.  2. Political subdivisions would be a part of this task force.  3. Suggest that we monitor progress	In Committee
3454	Requires local government to comply with land use planning goals and guidelines for citizen involvement when developing transportation corridor plan	Karen Schilling	Oppose	1. Increased costs for mailings to notify property owners prior to each action. 2. Unfunded mandates can have extremely high cost impacts to local governments.	In Committee
3458	Establishes county victim and offender reconciliation programs	Bill Morris	Modifications	We have a mediation program in effect (Resolutions Northwest) We support the concept of victims - offenders mediation in lieu of formal court process and most adjudications	In Committee

3465	Relating to intergovernmental road maintenance entities	Matt Ryan		Provides for the creation of "governmental entities" between the counties and the state. This new entity would work on road projects in (partnership?) with the state. County employees would be transferred to the entity under the supervision of "superintendent" yet they would remain employees of the County. That can create problems with management and discipline. But the coordinating of resources might lead to greater efficiencies for the Transportation program.	Governor's desk
3469	Relating to the free exercise of religion	Tom Sponsler	Oppose	It is difficult to imagine all the possible claims that county actions or inactions burden peoples' free exercise of religion. One category of claims would come from employees re work assignments. Many county customers could claim that the nature or method of county services or limitation on service violate this law. Very burdensome on county to anticipate and respond to numerous possible claims. Misuse of county resources for this purpose. COMMENTS AFTER AMENDMENTS: Still negative opinion. Courts have for many years struggled with definition and application of "free exercise of religion". To authorize every "customer" and employee to construct their own definition and place burden on County to justify any perceived restriction invites chaos and could be very expensive and time consuming. What is the perceived need for this legislation? Why are not present constitutional (state as well as federal) adequate?	In Committee
3492	Prohibits person under 18 years of age from purchasing tobacco products	Wendy Rankin	Oppose	Almost impossible to enforce. Deters attention from merchants and clerks, something the industry loves.	Governor's desk

3511	Relating to highway projects	Karen Schilling	Oppose	<p>1. This bill eliminates the road modernization program.</p> <p>2. 90% fair or better rating for road condition is too high given the current funding levels and any proposals that are currently in the legislature.</p> <p>3. Reduces local control of projects.</p>	In Committee
3514	Eliminates participation of district attorney or county counsel in certain mental commitment hearings	Katie Gaetjen		<p>Persons conducting commitment investigations are not attorneys. Would be pitted against Counsel in every commitment. Would require significant training and would compromise quality of the case</p> <p>DA's office currently receives county funds to staff hearings. Would reduce this funding</p> <p>Cannont speak to major focus of billl, which is criminal proceedings</p>	In Committee
3520	Relating to corrections facility siting	Cary Harkaway	Oppose	<p>Facility supersiting law is necessary. It provides adequate protection for diverse public interests.</p>	In Committee

3522 Relating to sex offenses

John Lewis

In Committee

1. The effect of this Bill is to increase the mandatory sentences for a second (or more) conviction of Measure 11 sex offenses, or when the victim was under 14 years of age. The result will be increased incarceration for offenders already serving lengthy sentences in Prison. There should be no impact on local jails but the costs of incarceration, up to an additional 50 months in prison, may impact other criminal justice programs. This bill should stipulate that additional funds will be allocated.

2. The crimes included are:

(J) Rape in the first degree, as defined in ORS 163.375 100 months

(K) Rape in the second degree, as defined in ORS 163.365 75 months

(L) Sodomy in the first degree, as defined in ORS 163.405 100 months

(M) Sodomy in the second degree, as defined in ORS 163.395 75 months

(N) Unlawful sexual penetration in the first degree, as defined in ORS 163.411 100 months

(O) Unlawful sexual penetration in the second degree, as defined in ORS 163.408 75 months

(P) Sexual abuse in the first degree, as defined in ORS 163.427 75 months

COMMENTS AFTER AMENDMENT: I received the following e-mail from Barbara Disciascio requesting my input on the completely revised HB 3522. While there were implication for PPOs supervising adult sex offenders in the previous iteration of this bill, the current version seems, to me, to impact exclusively on employees and contracted persons in correctional institutions. Thus this may have impact on the Juvenile side. I do not see any relevance to the Adult side.

3524 Relating to exemption from employer payroll taxes of mass transit districts

Karen Shilling

Oppose

In Committee

1. Reduced revenues to the transit district would place greater competition on fun sources that are available to the County for other modes.

3527	Peace officers	Bill Morris	oppose	This bill creates another beauracracy that is already being done by OYA administration and by independent legal counsel representing youth at the state training schools Section 10: OYA has facilities all over the state. Why bring all matters to Marion county Circuit Court	In Committee
3528	Relating to weapons	Bill Morris	Oppose	There are laws currently in effect that manage this situation now. This appears redundant	In Committee
3538	Individuals incapable of making health care decisions	Mary Shortall	Support	1. The bill covers individuals receiving case management services under Senior & Disabled Services or Mental Health and Developmental Disabilities programs and who also are not competent to make their own health care decisions. It establishes a health care representative team. 2. The bill uses already existing statute to determine incapacity and establishes the composition of a team. The team may only make specific decisions related to the individuals nees on a time limited basis. 3. There are several exceptions to the health care representative team ranging from withholding life sustaining treatment to sterilization and psycho-surgery. 4. Case managers in the ADS and CFS programs are automatic members of the healthcare representative team, as is the individual client. 5. The bill may lower or lessen the need for temporaryor emerging guardianships in the aDS Public Guardian Program.	In Committee
3544	Relating to study of urban growth policies	Sandy Duffy	Modifications	The studies should be done periodically instead of in support of every boundary change There is no guidance in the scope of the studies	In Committee
3547	Relating to school finance	Ramsay Weit		Not clear. I'm not sure districts can NOT pay if state placement is appropriate for student	In Committee
3557	Verification of certain petition signatures	Vicki Ervin		This bill is not feasible, technically. The impact to the county can't be determined until the technicl questions are answered	In Committee

3564	Relating to firearms	Carl Jaber	Oppose	Could allow individuals who may no longer legally own, posses, or purchase a firearm to obtain one without a recent criminal history check	In Committee
3568	Relating to concealed handgun licenses	Carl Jaber	Support	Bill reduces the fee and etends the period that a concealed handgun license is valid, however, it leaves intact the qualifications and requirements for such license. The sheriff is required to notify the licensee by mail at least six weeks prior to the expiration date of the license	In Committee
3578	Judicial Review	Tom Sponsler	Oppose	See letter in file	In Committee
3581	County Clerks	Bob Hovden	Oppose	This would take about 1/3 of our PLCPF money to be deposited in the "County Clerk Record Fund". This would be a major impact on our PLCPF program. COMMENT AFTER A-ENGROSSED: I think HB 3581 as amended is OK. It will not have a negative effect on my department.	Governor signed 7-13-99/Effective 10-23-99
3595	Taxation	Dave Boyer	Oppose	1. This is being brought on by one individual and relates more to the City of Portland than the County but it sets a very bad precedent.  2. Dollar impact is minimal but again is not good policy.	Governor vetoed 7-23-99
3595	Taxation	John Thomas		I don't know if we tax lawers without offices in Multnomah County who simply appear in court here. If we do, this bill will end the practice which seems fair to me. Probably a small effect, if any. Is anyone from A&T looking at this?	Governor vetoed 7-23-99
3600	Individual development accounts				Governor's desk

3602 Pesticide tracking

Glenn Lanz

Oppose

1. We strongly urge that this bill not be passed. The Dept. of Agriculture & DEQ compliance requirements are sufficient.

2. Multnomah County Transportation's herbicide program is currently monitored by our NPDES program and the Department of Agriculture. It is recorded and made available to the public.

3. The not more than 2% fee on wholesale herbicides will be passed on is nothing more than a sales tax. This will not only increase our cost at a time when budgets are strained, but increase paperwork on a system in place now that surpasses the proposal

Governor's desk

3605 Safety in employment

Kathy Short

Support

It seems important that there is a limitation for recovery and that the negligence standard conforms with other tort cases. This bill would seem to reduce the amount of liability the County would have in health and safety issues.

Governor's desk

In my reading of this bill, I do not believe it would effect the Department of Community and Family Services. The bill applies specifically to records which result from and adjudication; INFOS only collects data about kids who have been diverted. However, it would most certainly effect the Department of Juvenile and Adult Community Justice by adding additional workload; someone in DJACJ should be definitely consulted about it.

If I may also offer an opinion about the legislation in general, I think it is bad public policy and should be opposed.

From my reading, this is a bill in which an individual who commits a sex crime prior to age 12, and then has a clean record for 5 years can petition to have the court limit access to this record. The crimes covered are:

- (x) Rape in the third degree under ORS 163.355;
- (xi) Rape in the second degree under ORS 163.365;
- (xii) Rape in the first degree under ORS 163.375;
- (xiii) Sodomy in the third degree under ORS 163.385;
- (xiv) Sodomy in the second degree under ORS 163.395;
- (xv) Sodomy in the first degree under ORS 163.405;
- (xvi) Unlawful sexual penetration in the second degree under ORS 163.408;
- (xvii) Unlawful sexual penetration in the first degree under ORS 163.411;
- (xviii) Sexual abuse in the third degree under ORS 163.415;
- (xix) Sexual abuse in the second degree under ORS 163.425;
- (xx) Sexual abuse in the first degree under ORS 163.427;

Additionally, the bill would also prohibit classifying "a person as a predatory sex offender if the person's only offense was



committed prior to the person attaining 12 years of age." [Section 3 (3)].

Records for sex offenses are already very difficult to obtain, and further hiding them seems unnecessary and possibly counter to public safety concerns. I had a discussion this morning with Multnomah County Detective Harry Smith, who works with the Multidisciplinary Child Abuse Team who currently has two separate cases awaiting trial right now where the defendants (both in their late 20's) committed sex crimes at age 11 or 12. This defendants themselves offered up this information, but it cannot be used to support the DA's case, because the records have been expunged. Not exactly the same case I know, but illustrative of some of the difficulties resulting from making records "disappear".

And finally, while I assume the motivation behind this measure may be to preserve that kid who screwed up early in his or her adolescence from the stigma of being a sex offender, these are some pretty serious crimes. Which leaves me wondering why the legislature would want to make a special exemption classification for these kids and not the ones convicted of Theft I, II or III?

5015 Economic Development

SEE LEGISLATIVE AGENDA FOR SUMMARY

Governor signed 7-19-99/Effective 7-19-99

5029 Appropriates money from GF to HDR Billi Odegaard  
for biennial expenses

Modifications

Doesn't include \$ for safety net clinics  
Makes cuts to OHP  
Doesn't include MS 20 \$ non-medicaid eligible  
Cuts to SDSD with impact to County

Governor vetoed 7-23-99

SEE LEGISLATIVE AGENDA FOR SUMMARY

5053 ODOT Budget

SEE LEGISLATIVE AGENDA FOR SUMMARY

Governor signed 7-30-99/Effective 7-30-99

5055 Funds from GF to OYA

SEE LEGISLATIVE AGENDA FOR SUMMARY (SB 5548)

Governor vetoed 7-1-99

5063 Funds from GF to DHR

SEE LEGISLATIVE AGENDA FOR SUMMARY

Governor signed 7-30-99/Effective 7-30-99

**House/Sen****HJR**

#	Subject	Reviewer	Support/Oppose	Reviewer Comment	Upon Adjournment (July 24, 1999)
2	Allow state or political subdivisions to regulate public nudity to extent permitted by US Constitution	Tom Sponsler	Oppose	See comments to HJR 52 In addition this amendment gives broader authority to regulate nudity not just by zoning Legal risk and consequence to finding limits to such regulation under US Constitution could be even more time consuming and expensive than actions under HJR 52	Governor's desk
17	Kicker			SEE SUPPLEMENTAL LIST FOR SUMMARY	Filed with Secretary of State
25	Creates interim committee to oversee and make recommendations regarding operation of D'OT	Bob Thomas	Support	1. This bill sets up an Interim Legislative Committee to oversee activities of ODOT.  2., This Committee will be vital to the "ODOT Accountability" designated by most proposed State Transportation Funding Proposals.  3., The bill does not specify the outcomes of the committee, only the broad process.	In Committee
26	Ballot titles	Vicki Ervin		Changes the way measures are voted upon. Depending on the technical details this may force us to two ballots per voter at the general election	In Committee

35 Provide for spending limitations on  
state government

Dave Warren

Oppose

In Committee

1. It's a stupid bill. It would prevent the State from ever recognizing and using any unanticipated revenue, would prevent the state from major capital projects, and would force the State to rely on local taxpayers to fund statewide programs.

2. It would provide a lousy precedent for legislators and local initiatives to use in directing similar parameters to local governments.

3. It does not recognize that the State has accumulated a sizable unfunded liability in its capital plant. The highway and road system is rapidly failing. Mass transit is necessary if economically viable cities are to survive. The bridges of the state are long overdue for replacement. This constitutional amendment would prohibit the State from dealing with any of these issues.

COMMENTS AFTER AMENDMENTS:

Well, the amendments make the bill more comprehensible, but the idea is still nonsense. As if the State had it's funding house in order now (adequate school system, adequate higher education program, adequate highway and transportation systems), the amendment would limit changes in such a way that the current situation would be likely to be the best we could expect. God help us if we have an average decline in private sector payroll for a five year period. Just when the State will have to come up with economic development money and will have to bail out an already overburdened education establishment, it would be required to refund revenues even if (through some quirk) they were expanding relative to the need. I reckon it's tough enough to allocate resources to required programs without adding another handicap. If the Legislature thinks State spending is excessive, the Legislature should cut it. I won't like the cuts. Multnomah County won't like the cuts. But the Legislature only has to satisfy itself and its constituents. If they like the cuts, then the cuts should be made. Forcing cuts on

elected representatives who would not choose to make them is ethically challenged as well as dumb.

AFTER B-ENGROSSED: Alas, Barb, the bill is just a terrible idea. This version is nice and clear. It would be a disaster waiting to happen.

SEE SUPPLEMENTAL LIST FOR SUMMARY

38	Prohibits state and local initiative petitions that would result in taking of private property;	Jeff Litwak	Oppose	<p>This bill is repetitive. The Constitution already prohibits "taking" of private property, why do we need a bill prohibiting initiatives which would result in takings?</p> <p>It is difficult to analyze whether an initiative might result in a taking prior to actual implementation</p> <p>The County might get involved in disputes over whether an initiative might result in a taking as disputants would likely need to use county resources - maps, etc. to support their claims.</p>	In Committee
51	Creates joint interim committee to study enforcement of county ordinances	Tom Sponsler	?	<p>Would apparently have little impact on county as we have few ordinance enforcement issues other than animal control</p> <p>Not sure what problem interim committee will address, assume concern is about county criminal ordinances</p> <p>In Multnomah County, most ordinance enforcement is of city rather than county ordinances</p>	In Committee
52	Allows political subdivisions to zone sexually oriented businesses	Tom Sponsler	Oppose	<p>Given that almost all county zoning authority is limited to rural areas, this constitutional amendment would have little impact on county. However, if passed, the county would receive political pressure to adopt a zoning ord. That could cost the county time, money and effort to develop, enact and legally defend</p>	Governor's desk
55	State Stabilization Fund	Wendy Rankin		<p>This fund would include 75% of the tobacco settlement money. Bill had not been referred as of 3-5</p>	In Committee

59 Use of certain moneys

Bob Thomas

Oppose

1. This legislation authorizes spending State Highway Fund being spent by the State Police

In Committee

2. Proposed Transportation Funding increases (HB2082B) in the legislature do not provide adequate transportation funding for Multnomah County. This legislation would deplete this limited source even more greatly. There will not be another revenue source to backfill into the State Highway Fund to cover losses.

3. Opening the door to the State Police for use of the State Highway Fund would be just the first raid on this dedicated revenue. Future legislatures would feel that other programs, as well, should use the fund for their own purposes.

59 Allowing funding of OSP by revenues from fuel taxes Harold Lasley

Oppose

1. Bill would create competition between state police and transportation agencies for Vehicle related fees and taxes. Since legislature and the public will only accept a modest increase in these revenue sources at any given time, transportation funding would be reduced as a result of sharing the increase with state police. This would reduce revenue available to meet the County's transportation needs.

In Committee

2. Voters have previously rejected using dedicated road funds for state police. That means this bill would almost certainly be referred out to voters for their support. I think this would increase the likelihood of a referral of the transportation funding proposal to the voters as well to see which, if either, voters preferred.

AFTER AMENDMENTS: Only significant difference is that it would refer the bill to the voters. Does not change our opinions.

ADDITIONAL COMMENTS: Ditto Bob's comments for me. I have commented previously on this bill and my views have not changed. The voters have rejected this proposal several times at the ballot box.

60	Establish an Economic Stabilization Fund	Wendy Rankin		Would include all of the tobacco settlement money.	In Committee
67	Reapportionment of legislative districts	Vicki Ervin	Oppose	This bill forces all judges onto the general election ballot with an option for "None of the above" This will likely increase the length of the ballot enough to force a second ballot for every voter, essentially doubling printing costs.	In Committee
75	Creates interim committee to study and make recommendations relating to the feasibility of granting authority for land use planning and oversight to local governments	Sandy Duffy	Oppose	Bad idea. This is an end run around the entire land use planning system in Oregon. Like the fox guarding the chicken coop.	In Committee
79	Amendment to decrease number of signatures required to propose initiative laws and modify number of signatures required to propose initiative amendments to Constitution. Allows submission of initiative petitions amending Oregon Constitution or Legislative Assembly. Requires LA to refer petition without change to people or amend petition with permission of chief petitioners, and refer amended petition to people. Refers proposed amendment to people for their approval or rejection at next biennial primary election	Vicki Ervin			In Committee
84	Legislative powers granted to cities and counties by charters	Tom Sponsler	support	<p>1. Would seem to expand "home rule"</p> <p>2.. Courts may decide that matters of predominantly local concern are about same as "matters of county concern" in present county home rule</p> <p>3. Would probably permit Eugene &amp; Corvallis ordinances to survive preemption</p> <p>4. However, legislative one matters if state concern would still prevail</p> <p>5. Chances of voter approval?</p>	In Committee

House/Sen

SB

# Subject

Reviewer

Support/Oppose

Reviewer Comment

Upon Adjournment (July 24, 1999)

3	Relating to siting correctional facility	Cary Harkaway	Support	Siting of a correctional facility in Portland metropolitan area would help inmates from the area maintain their family relationships. This could result in more successful periods of post-prison supervision.	Governor vetoed 6-3-99
3	Relating to siting correctional facility	Cary Harkaway	Oppose	NOTE THIS IS REVISED COMMENT: . Siting of a correctional facility in Portland metropolitan area would help inmates from the area maintain their family relationships. This could result in more successful periods of post-prison supervision.	Governor vetoed 6-3-99
12	Landslide Hazard	George Fetzer	Support	The risk management implications of this bill are very limited	Governor's desk
13	Geotechnical Hazard	Matt Ryan		The County is exempted from having to do any disclosure statement unless other changes are made taking away the exemption	In Committee
34	Criminal discovery			Denies a defendant access to a victim's address and telephone number unless a court orders it. Supported by the OCADSV.	Governor signed 6-22-99/Effective 10-23-99
76	Consolidation of matters in juvenile court	Bill Morris	Support	This was a bill that our Chief Judge worked on, and doesn't really involve the Juvenile Department, only the judges. I still don't have a position on it, except to support our Judges.	Governor signed 6-22-99/Effective 10-23-99
78	Detention	Cary Harkaway	Oppose	1. Bill would have a negative impact on County. It is not appropriate to detain youth in adult jail for traffic, boating, or fish and game offense.  2. Current statutes allow for detention of youth charged with the most serious crimes in adult jails. Expanding those provisions to include the offenses named in the bill does not serve public safety interests and is not in the best interests of the youth or the community.	Governor signed 7-12-99/Effective 10-23-99
79	Child abuse	Andrew Altman	Support	More involvement with custody/visitation issues Only change is to allow renewal	Governor signed 4-20-99/Effective 10-23-99

107 Public records

Dwight Wallis

Support

Governor signed 4-19-99/Effective 10-23-99

1. Clarifies certain terms used in the definition of a public record. Most clarifications are, in my opinion, of minor import.

2. The specific records declared as not being public records (ie. not subject to the public records law) are not maintained by the county.

3. The main impact of this bill will be to maintain the confidentiality of "whistleblowers", both in the complaints they are making and their identities, if that individual wishes to maintain that confidentiality. By declaring such information "non-public record" as opposed to a public record which is "exempt from disclosure", my assumption is that the intent is to protect the release of that information to individuals within an agency, as well as to the public (non-disclosure rules generally relate to those outside of a given function or agency). Note that the whistleblower law, as cited in this amendment, already has the intent of maintaining such confidentiality, so this bill seems aimed at plugging a loophole in that law (in other words, without this amendment, the information could conceivably be released to the very people in the agency the complainant is expressing concerns about).

4. I cannot comment on the effect of the amendments, as the copy of the bill I received off of the internet has no line numbers.



1. Section 6 of the bill would impose a significant workload on the Tax and Records Division by requiring corrections to prior years transactions, issuance of refunds and sending of notifications. Also, there would be significant workload for the Valuation Division in correcting the tax roll and corrected the maximum assessed value for 97 and 98 tax years. In addition, the provisions of Section 6 are inequitable and unfair in the treatment of taxpayers as a whole.

2. Some provisions of the bill will result in inequitable treatment of taxpayers owning different types of property. For example, homeowners who reside in manufactured structures (mobile homes) and houseboats are treated differently than other homeowners. Also, businesses will be treated differently depending on whether their equipment is classified as real property or personal property.

3. What are probably oversights, omissions and technical errors in the bill will result in numerous inconsistencies, confusion and unintended results. This will increase workload in the Division, create problems for outside groups such as title companies and create inequalities and unfairness to taxpayers.

The amendments did address some of the issues. Primarily the retroactive provisions were removed from the bill. This will save several hundred thousand dollars that would have been lost revenue from Multnomah County taxing districts. Also, it relieves our office of a significant workload.

Unfortunately, while I was away on vacation, some of my more technical amendments did not get included. This will result in some inconsistencies, conflicts and unintended consequences in the law. Attached is a memo I sent last week about this (may be more info than you are interested in). There were actually 10 different proposed amendments to the bill drafted by Legislative Counsel, so the

process became quite complex, and I'm not sure everyone understood it all. I was able to get an amendment added to SB 125 that eliminated an unintended consequence in the A&T Funding bill (HB 2139) that would have cost Multnomah County taxing districts millions of dollars each year.

So, although the process was frustrating, and some things didn't get fixed, overall we were very successful regarding the financial impact to the county and its taxing districts (assuming that the Senate concurs with the amendments, which were passed in the House yesterday).

For example, we would be required to order taxpayers to return certain refunds issued to them between 1/1/98 and the effective date of the bill. No, the amendments didn't address the concerns. However, Representative Rasmussen contacted me about the bill (she also was concerned about it) and I am working with her and State Legislative Counsel on some proposed modifications on the House side.

135 Sr/Disabled Transit Julie Bergstrom

It is more important to direct the funds to serve the Elderly as well as to meet ADA requirements. In Committee

141 Community mental health programs Rex Surface Oppose

Adversely effect consumer protection and increase County liability Governor signed 7-8-99/Effective 10-23-99  
Each community has unique issues which require special contract conditions  
Per Howard Klink: this bill has the potential to severely limit a county's ability to enforce contract requirements on non profit agencies. I understand that amendments have been negotiated to minimize the impact of the bill, but it should still be killed.

SEE SUPPLEMENTAL LIST FOR SUMMARY

141	Community mental health programs	Donald Acker	Oppose	<p>Restricts county to SMHDDSD standards &amp; requirements</p> <p>Prohibits unique county contract conditions. Negative impact on Health/Safety/Legal issues for DD consumers. (ie) Multnomah County has a "Behavior Intervention Committee," unique in the state. BIC review intrusive individual service plans for necessity, safety, appropriateness. Contract requires compliance Multnomah County has ability to levee fines on providers that fail to comply with Protective Services requirements</p> <p>SEE SUPPLEMENTAL LIST FOR SUMMARY</p>	Governor signed 7-8-99/Effective 10-23-99
146	Judicial review of quasi judicial decisions				In Committee
147	Govt. Parking Lots	Wayne George	Support	<p>- Could have potential of prohibiting County from having one operator for all its public parking facilities</p> <p>+ Could result in the award to a MBE firm</p> <p>- May cost the County more</p> <p>+ Opportunity for MBE to contract with County</p> <p>- If no MBE bidders, County may have to operate lots themselves</p>	In Committee
147	Govt. Parking Lots	Franna Hathaway	Support	<p>1. Right now this bill would not effect the County because we have only two parking lots that we operate for use by the public but if we did acquire one more it would affect us in how we contracted for the management of those lots. We just need to know if this bill passes.</p>	In Committee

149	Hearings officers may not make binding decisions	Sandra Duffy	Oppose	<p>Rewrite of zoning code to change/eliminate HO responsibilities</p> <p>Possible 150 day rule violations because of limited time to get on BCC agenda</p> <p>More BCC meetings to hear HO decisions</p> <p>Time, expense of BCC hearings</p> <p>Is a neutral HO a better decision maker than political body</p> <p>BCC wants to discuss not making land use decisions</p> <p>Could develop "consent agenda" process for adopting HO recommendations</p> <p>Why have HO, decision can go from Planner to BCC-this could save time and money if combined with "consent agenda" process by BCC</p>	In Committee
180	Claims-public works contractor's bonds	Franna Hathaway	Support		Governor signed 7-8-99/Effective 10-23-99
198	Public Finance	Dave Boyer	Support	<p>1. Allows municipalities to make bond covenants that will protect investors which lowers interest rates</p> <p>2. Clarifies debt calculations</p> <p>SEE SUPPLEMENTAL LIST FOR SUMMARY</p>	Governor signed 7-8-99/Effective 10-23-99
199	Borrowing by local governments	Dave Boyer	Support	<p>1. This will allow Counties to issue full faith and credit obligations similar to cities, school districts and special districts. Would lower interest rates (expenditures) on leases or other financings because we would not need to include a non-appropriation clause. Counties would be able to negotiate better leases. Summary on bill addresses the other issues very well.</p>	In Committee

221	Workers comp/self insur	Mary Boyer	Support	<p>1. I have and keep current my claims examiner certification, this bill is of interest to me for that reason.</p> <p>2. If passed our third party administrator, for workers' compensation claims, would no longer be required to continue with their claims examiner certifications.</p> <p>3. Our third party administrator would only be able to employee certified workers' compensation claims examiners to process workers' compensation claims.</p> <p>4. The Director would adopt rules standards for certification of workers' compensation claims examiners. This may be better than the hours or credit they now use for renewal of the certification.</p>	Governor signed 6-29-99/Effective 10-23-99
222	Relating to workers' compensation advisory committees	Mary Boyer	Support	Revises composition and duties of advisory committee on medical care for purposes of Workers' Compensation	Governor signed 7-30-99/Effective 10-23-99
268	Y2K	Gerry Itkin	Support	SEE SUPPLEMENTAL LIST FOR SUMMARY	Governor signed 6-16-99/Effective 6-16-99
268	Y2K	Jim Munz		<p>Under this legislation, a County that was not able to provide comple and accurate data to the State could find themselves on the hook for any lost revenue or revenue tht had to be returned to the Federal Government. I can constructt scenarios where the State's inability to correct Y2K problems in their systems does not allow the Counties adequate time to reprogram the interfaces to these systems. The counties will find themselves picking up the tab for the State's inability to correct their data systems in a timely fashion. I don't like the idea of being protected from everyone except the State of Oregon.</p> <p>SEE SUPPLEMENTAL LIST FOR SUMMARY</p>	Governor signed 6-16-99/Effectibe 6-16-99

271	Public contracting exemptions	Franna Hathaway	Support	<p>1. This bill removes the requirement of showing "substantial" cost savings by deleting the word substantial.</p> <p>2. Often it is in the County's best interest to exempt a contract from the formal bid process and even though cost savings can be shown it is difficult to substantiate "substantial" cost savings.</p> <p>3. This change has been defeated in past legislative attempts.</p> <p>AFTER AMENDMENTS: Amendments to this bill are ok.</p> <p>B-ENGROSSED: This Bill is still fine with the changes.</p>	Governor signed 7-13-99/Effective 10-23-99
272	Disqualifying public contract	Franna Hathaway	Support	<p>1. This bill would make it easier for jurisdictions to disqualify contractors from being awarded contracts based on poor performance on previous contracts with either that jurisdiction or other jurisdictions.</p> <p>2. I expect that there will be opposition to this bill from the AGC, ABC and other contracting groups.</p>	In Committee
274	Relating to employment of disabled persons in state service	Floyd Martinez	Support	<p>Proposes to establish program for bringing disabled persons into state service. Good thing! Directs Commission for Blind and DVR to establish process.</p> <p>This bill seems to be redundant to what DVR and Commission for Blind already do</p>	In Committee
274	Relating to employment of disabled persons in state service	Howard Klink	Support	<p>Consistent with program development initiative to integrate those with disabilities into the community and expand vocational opportunities.</p> <p>It improves the potential for persons with disabilities to lead satisfying lives and become tax paying contributing members of the community</p>	In Committee
276	Relating to public employees retirement	Dave Boyer		<p>I think this would have a positive impact on labor/management relations and will not have a major financial impact on the County. I will defer the labor/management impact and support details to Darrell.</p>	In Committee

276	Relating to public employees retirement	Darell Murray	Oppose	1. This is for one person and will be a poor president setting bill. Oppose COMMENTS AFTER AMENDMENTS: No. This bill remains entirely inappropriate.	In Committee
312	MHDDSD	Donald Acker	Support	Allows SMHDDSD to apply our licensing criteria to (previously) SCF licensed foster care homes Licensure will be state, not local, function	Governor signed 6-23-99/Effective 7-1-99
312	Relating to Mental Health and Developmental disability Services Division	Howard Klink	Support	Any supportive action of this bill should be coordinated with DHR; DD program office. This is a major initiative for them and legislation completes the SCF transfer (the transfer of DD kids from SCF-DD). As Multnomah County Case managers will have case management responsibility for these kids, the state DD office must be the licensing authority.	Governor signed 6-23-99/Effective 7-1-99
317	Firearms	Carl Jaber	Support	1. This bill helps support the county's benchmark of reducing crime by restricting the accessibility of firearms to minors and children. 2. This bill promotes community safety by prohibiting gun owners from storing a firearm in such a manner that a child or minor may gain access to the weapon without adult supervision.	In Committee
318	Protective orders			Technical amendments to the FAPA/restraining order and stalking order laws which assist in applying VAWA to restraining orders and stalking orders; entry of stalking and release agreements into Law Enforcement Data Entry System (LEDS); lets victims more easily receive proof of service; and imposes gun liabilities on stalking order respondents. Supported by the Governor's Council on Domestic Violence and OCADSV.	Governor's desk

319	Relating to DV	Andrew Altma	Support	<p>Concern page 2 line 2 - qualifications for RO - Family or household member. Denies access to boyfriend/girlfriend and exboyfriend/girlfriend</p> <p>Concern page 2 awarding relief to petitioner: Who is eligible? What are the determining factors? How much relief? Who is going to facilitate transfer of relief? Asking for relief may damage credibility of some petitioners and give respondent's attorney ammunition</p> <p>Sp,e [etotopmers ,au actia;u fo:e RP om attem[t tp get fomamcoa; re;ofe</p> <p>Good stuff on</p>	Governor signed 7-12-99/Effective 10-23-99
323	PERS	Dave Boyer	Oppose	<p>1. Three sections of the Bill may have a negative impact on the County. We should not support any PERS bill with a cost until the bigger PERS issue is settled. Three sections may have increased cost impacts on the County. Average final salary calculations, contract with out-of-state- health providers and rules for disability retirement. PERS staff is suppose to be coming up with fiscal impact.</p> <p>COMMENTS AFTER AMENDMENTS: Language is still not acceptable. I think it will pass. Not a big cost impact, just the principal of the bill.</p>	Governor signed 6-29-99/Effective 10-23-99
324	Oregon Investment Council	Dave Boyer	Oppose	<p>Oppose until bigger PERS issue is settled. Having PERS Exec Dir as voting member may not be appropriate.</p>	In Committee
325	Relating to public employees retirement	Dave Boyer	Oppose	<p>1. This bill will allow employees to buy retirement service credit which will increase the amount of funds that an employer will have to contribute. This will increase our rates and until the current PERS issues are unresolved the County should not support any bill that has the potential to increase costs.</p>	At desk



340	Max. age for offenders in youth correction facility	Horace Howard	Modifications	I am presently facilitating a group looking at housing of over 18 youth, so this bill fits what we are presently considering. Adult; juvenile; counseling and detention (also measure 11), sheriff, juvenile court judges and referees, OYA are all part of this group. We are trying to follow state statute to not house 18 and above in juvenile detention but work out arrangements with sheriff to house them in adult facility. County counsel opinion is in agreement with our position. The bill to benefit us should be consistent with what we are trying to do. We have checked other counties around the state, and most are housing 18 and over with adults.	Governor signed 4-23-99/Effective 10-23-99
344	Requires public employees to report any person who unlawfully possesses firearm or destructive device while on public property	George Fetzner	Support	Appears to have miniscule effect on the County, but is good public policy.	Governor signed 7-9-99/Effective 10-23-99
351	Title Manufactured structure	Pat Fraher	Modifications	<p>1. Analysis indicates this bill has greatest impact for the assessor in the appraisal of manufactured structures. Appraisal supervisors are asking how title/deed would be established and how they would obtain information to determine how the manufactured structure is valued and who is assigned ownership.</p> <p>2. It appears that the purpose this bill serves is to shift the workload from DMV to the county assessor.</p> <p>3. Although it is not specifically stated in the new language of this bill, it is implied that there is land involved also, making foreclosure possible.</p>	Governor signed 6-28-99/Effective 10-23-99

358	Tax statements manuf structure/recreation	Pat Frahler	Support	<p>1. This bill came about because of proposed size changes to the form 113. The bill would remove the requirement of the trip permit to be 8 1/2 by 11 inches.</p> <p>2. The greatest impact for county tax collectors is the removal of assessor from current law in being able to sign the certificate of taxes paid and limiting it to only the tax collector. By eliminating the assessor, administrative processes could clearly be affected.</p> <p>NOTE: On 1/28/99, a representative from Dept. of Transportation/DMV stated that removal of the assessor was an oversight and error and was not the intent of this bill. The proposal to correct the wording will be submitted as assessor and/or tax collector. If the bill is amended to include this corrected wording it is recommended we support it completely in its entirety.</p>	Governor signed 6-28-99/Effective 10-23-99
388	Collective bargaining	Darrell Murray	Support	<p>I believe the change here is in making public sector arbitrator subpoenas enforceable in court. I am AMAZED that anyone introduced this measure. I thought I was about the only person on the planet who understood that these subpoenas were not enforceable against non-partys to the litigation. I have harped far and wide on the subject, garnering little interest along the way. But the lack of an enforceable subpoena against non-parties and their effects has been a BIG problem for us at times in past arbitrations. I strongly support the measure, and commend whoever brought it up. It is fine as written.</p>	Governor signed 4-20-99/Effective 4-20-99
394	Severe emotional disturbance predisposition	Michael Haines	Support	<p>1. I have mixed emotions about this case. It will detain the most serious sex offenders for longer periods of time, and not send those who are unfit for community release, but it is not very realistic if it does not come with the money attached. Why- this will result in the use of more and more hard beds. It is a better bill than the unrealistic one proposing civil commitment. This is a form of that, but within the walls. I do not think this one will fly, but it would benefit the field and the community.</p>	Governor signed 4-20-99/Effective 10-23-99

400	Telephone harassment	Chiquita Rollins	Support	Most of the impact would be at the level of the Court & police in terms of adding cases to their work load Make it easier for victims to get a response	Governor signed 4-23-99/Effective 10-23-99
405	Housing for developmentally disabled	Howard Klink	Support	this is an excellent bill and has a potential positive impact on urban and rural counties. The direct effect would be to create a new funding source for community housing development and expand the availability of community programs for disability populations. It eventually allows the "recycling" of community housing funds through the creation of a special fund. Great idea!	Governor signed 7-19-99/Effective 10-23-99
406	Relating to premium rates for individual health insurance plans; based on tobacco use	Wendy Rankin	Oppose	The non-smoking status provision would disproportionately affect low income individuals who have higher rates of tobacco use The jury is out on this. OHLAT members think this could be an incentive to quit. I don't agree	In Committee
421	Adult Care Homes	Mary Shortall	Oppose	1. The history of unsubstantiated complaints for Adult Care Homes would not appear in the public file. 2. Potential users of Adult Care Homes or their family would not have knowledge of issues that may indicate lower or questionable patterns of care. The removal of immunity for complainants would discourage reports of poor quality of care.	In Committee
423	Increases no. of person in Adult Care Homes	Mary Shortall	Oppose	1. Adding another resident to homes lowers the quality of life for other residents 2. State Fire Marshall will probably be opposed to this too.	In Committee
424	Requires uniform administrative rules and regs for adult foster homes	Mary Shortall	Oppose	1. Would lower County licensing requirements 2. State rates for licensing is 50% lower than in Multnomah County 3. Our sanctions for abuse findings are double what the state sanctions	In Committee

425	Criminal records check	Mary Shortall	Oppose	1. Would lower the quality of care 2. Cause additional workload for hearing staff and licensing staff who need to revoke a license. CONTINUE TO OPPOSE AFTER AMENDMENTS	Governor signed 5-28-99/Effective 10-23-99
426	Medicaid reimbursement	Mary Shortall	Modification	Would impact State Medicaid budget, not directly Multnomah County We suggest a modification of the bill that rates for community based care providers take into account to costs of doing business in the geographic area.	In Committee
427	Prohibits use of Dammasch as correctional facility	Cary Harkaway	Oppose	Siting of correctional facility in Portland metropolitan area would help inmates from the area maintain their family relationships. This could result in more successful periods of post prison supervision.	In Committee
435	Suspend Public Employment	Agnes Sowle	Support	Gives county more flexibility in making employment decisions regarding a very select few employees	In Committee
439	Elections	Vicki Ervin		Would move the primary election (currently in May) to September. It's hard to say the exact impact but there could be increased costs because of the compressed time fram between the primary and the general	In Committee
448	Relating to cemetery plots	Bob Hovden	Oppose	Negative financial impact We could not do a proper review of a cemetery plat for \$250, even a simple one.	Governor signed 6-28-99/Effective 10-23-99
454	Relating to crieteria for establishing farm dwellings in EFU zone	Susan Lee		Amended to create interim study  SEE SUPPLEMENTAL LIST FOR SUMMARY	Governor signed 7-14-99/Effective 10-23-99

460	Worker's compensation	Mary Boyer	Oppose	<p>1. Increases permanent partial disability benefits payable under the Workers' Compensation Law; this will be a cost the County on it's claims.</p> <p>2. Revises provisions regarding managed care organization attending physicians.</p> <p>3. Removes sunset provisions relating to TPD benefits, PPD benefits, managed care organizations, vocations benefits and standards for rating permanent disability. With the provision removed new laws will need to be put into place.</p> <p>4. Extends sunset provision regarding exclusive remedy under Workers' Compensation Law.</p> <p>5. Exempts certain types of vocational assistance from stay of compensation pending appeal; this will be a cost the County will pay with claims filed that are appealed.</p>	Governor signed 3-1-99/Effective 10-23-99
470	Relating to nonconforming land uses	Bob Ellis		Does not appear to affect A & T. This seems to be a planning related bill. Relates to nonconforming land.	Governor signed 7-1-99/Effective 10-23-99
479	Relating to homeless persons	Ramsay Weit	Modifications	<p>I'm concerned that cities "must allow". Does this mean that the city has no choice or does it simply mean that it can't be prohibited?</p> <p>Cities will want to regulate neighborhood impact</p> <p>COMMENTS AFTER A-ENGROSSED: aye-likely jurisdictions would want consistency with surrounding zoning, design, etc</p>	Governor signed 6-23-99/Effective 10-23-99
494	Relating to consent for scenic area designation	Bob Ellis		Does not appear to affect A & T. This seems to be a planning related bill. Allows property owner to refuse consent to scenic designation.	In Committee

500 Rule Adopt Local Government

Tom Sponsler

Oppose

1. Conflicts with county home rule and legislative authority over matters of county concern.
2. Wold require elaborate process to adopt restructuring county to resond in timely way to needs
3. Parts of proposed bill may be unconstitutional
4. Treats county as state administrative agency rther than government with elected governing body.
5. Greatly incease county administrative and legal costs for legislative adminstrative and quasi-judicial decisions.

In Committee

504 Relating to insurance

Gerry Itkan

Modifications

Modify to provide that attorney fees can be awarded where the result is that plaintiffs receive less than they demanded. Otherwise, the negotiation playing field will be severely tilted in favor of plaintiffs!!

Governor signed 7-20-00/Effective 10-23-99

512 Relating to building code  
administration in Tri-county area

Jerry Walker

Support

1. As a result of this bill, any delays that are caused by an electrical, plumbing or mechanical firm under contract with the County, could result in increased County liability should the delays cause increased costs or damages to other contractors on the project.

2. The coordination activities and the more labor intensive project management function would increase the cost of the project.

3. At the very least the requirements of this bill should be permissive. The direct contracting concept identified in this bill could be instrumental in remedying document disparity in the utilization of M/WBE firms. The obligatory requirements in this bill does not seem to address any identified problem and does not appear to be in the best interest of the County (or Taxpayer).

4. This bill could diminish the County's ability to take a comprehensive approach to promote diversity on public improvement projects.

5. The requirements in this bill could make the procurement process much more cumbersome and convoluted. The procurement activities associated with each affected project would not only increase costs, but would increase project timelines and the adversely affect the overall coordination of the bidding and contracting processes.

Governor's desk

514 Relating to compensation of impacts  
of regulation on private real property

Sandra Duffy

Oppose

Practically any land use action of the count could give rise to a takings claim under this bill. This bill is an additional remedy to unconstitutional takings under federal and state constitutions (ie: we could be subject to double compensation). This bill is very likely to get vetoed.

In Committee

521	Requires health insurance coverage for contraceptives	Linda Doyle	Support	<p>Family planning services are cost-effective. Studies have shown that for every \$1.00 spent on family planning for the prevention of an unintended pregnancy, there is \$4.40 saved the next year on costs associated with a pregnancy and childbirth.</p> <p>Through a combination of financial and system barriers inherent in health insurance plans, many women and men responsibly trying to manage their fertility, through the number and spacing of their children, are faced with financial gaps in their coverage for effective methods of contraception.</p> <p>Access to and use of contraception is affected by insurance coverage.</p> <p>Action: Take the lead in changing the way we currently do business around family planning and require health insurance coverage for contraceptives. Take a responsible step forward and guarantee coverage for family planning services through all of the health insurance plans throughout Oregon.</p>	In Committee
523	Nonretail fuel facilities	Michele Gardner	Support	<p>1. Would allow specific county agencies (law enforcement, health, medical and sanitation, public works and engineering, public information and communications) to dispense fuel from a non-retail (cardlock) fuel facility during an emergency defined as man-made or natural events causing or threatening loss of life, injury, property damage, human suffering, financial loss.</p>	Governor signed 7-1-99/Effective 10-23-99
529	Limitations on health insurance	Debbie Juul	Oppose	<p>1. Could increase medical benefit costs by up to 5%.</p> <p>2. House version (HB 3594) exempts government, this one does not.</p>	In Committee
535	Taxation			SEE SUPPLEMENTAL LIST FOR SUMMARY	Filed with Secretary of State
548	Taxation	Bob Ellis	Oppose	<p>1. Would exempt from property tax, property used for the cleaning or decontamination of agricultural commodity cargo. Anticipated loss in taxable value in the first year would be just over 3 million dollars. - - or around \$50,000 in taxes.</p>	Governor signed 7-8-99/Effective 10-23-99



550 Relating to taxation and establishing     Dave Warren  
procedures by which school district  
may obtain voter approval and enact  
local option taxes

In Committee

1. The bill allows school districts to ask voters for several different types of taxes not just additional property taxes. This would increase the chance of school funding being less dependent on State support.

2. If school districts succeeded in implementing income, business income, or sales taxes, the effect on taxpayers might result in a backlash that would limit Multnomah County's capacity to impose taxes of the same kinds. This would be a negative result. But an unlikely one.

3. The bill would have no short term impact on the County.

4.

5. Note: the bill has a great deal of language requiring the government (read school) imposing a local option tax of whatever kind to go through the notification process that we now use for property taxes, that is, notify the assessor so the amounts can be certified and measured against M 5 limits. This is probably overzealous editing (trying to eliminate "property" wherever "local option" is found in the current law). If the bill looks like it will pass, we should push to have these sections deleted. They have no meaning and they would require A&T to process some nonsensical mathematical computations with no purpose.

555 Relating to juveniles; amending  
various elements of ORS 419C

Jim Clay

Support

Governor's desk

1. Bring new dollars to MC.
  2. Put pressure on CCFC to undertake more technical/administrative tasks, which could divert us from our asse building agenda
  3. Gretly increase CCFC workload
- COMMENTS 7-15-99: If this is not too late, here is some thinking on the impact of SB555 on the Commission on Children, Families, and Community to share with the BCC.

"SB555-A, among many, many other things, gives the local commissions on children and families the responsibility for leading and coordinating a process to assess needs and identify outcomes to be achieved. The process is to be in conjunction with other bodies, including government entities and others. The commissions must develop and prepare a single local plan for coordinating programs, strategies and services for children who are 0 to 18 and their families. The local plan shall be a comprehensive area-wide service delivery plan for all services to be provided for children and families in the county or region."

Above language is only slightly edited for space. The language in the bill itself is more extensive, but above is nearly an exact quote. As you can see, it would be nearly impossible to do, because of it's scope! I understand that the Oregon Commission on Children and Families revenue bill gives a token amount of funds to support this work at the local level, but in any event, this is a substantial unfunded mandate and will require additional staff or contract support.

SEE LEGISLATIVE AGENDA FOR  
SUMMARY

559    Taxation

Bob Ellis

This is a rather difficult one to respond to. Communication companies are among those that are appraised by the Department of Revenue. At the local level we would have no idea to what extent the value of an FCC license would be included in the appraisal, or to what extent there would be an impact on tax revenue. I will see if I can get any info from the Dept of Revenue.

At desk

561    Relating to speed limits

Carl Baughman

Modifications

1.  
Would transfer County's authority and control over county road network to the Cities.

In Committee

2.  
Might be used by Cities to create speed traps & bottlenecks on County network in Cities, thereby discouraging flow of traffic through the city boundary and redirecting it outside Cities.

3.  
Suggest modification to section (11) as given here:  
A city may exercise any authority that is given to the department by this section to designate speeds on highways within the city limits, including state highways. When a county is the primary jurisdiction over a highway in a city by city-county agreement, the county may exercise the authority of the department on said highways within that city. A county may exercise any authority that is given to the department by this section to designate speeds  
....

4.  
Passage of the bill would likely politicize the designation of speed zones at the local level.

579    Relating to local Commissions on  
Children and Families; amending  
ORS 417.765

Jim Clay

Support

1. Requires appointment of person with knowledge of municipal government to local commission on children and families. We currently comply with this, so it would have no immediate impact, except to be supportive of the interests of the League of Oregon Cities that sponsored this bill.

Governor signed 7-8-99/Effective 10-23-99

591	Relating to self-insured employer groups	Mary Boyer		<p>1. This bill modifies requirements for self-insured employer groups for purposes of workers' compensation insurance.</p> <p>2. The only change is in (7) that reads the director may certify five or more subject employers with the changes those five or more subject employers will not have to be in the same industry.</p>	Governor signed 6-18-99/Effective 10-23-99
592	Relating to workers' compensation assessments	Mary Boyer	Support	<p>1. Currently Work Comp Dept can raise our assessment, without any hearings.</p> <p>2. Rates over all have increased dramatically over the past year.</p> <p>3. This bill, if passed would make the WCD more accountable by making the assessment issue part of the approval for assessment increases.</p> <p>4. It would force the WCD into legislative overview of any assessment increases.</p> <p>Amendments: Yes, I continue to support the bill. Same comments as before.</p>	Governor signed 6-29-99/Effective 10-23-99
594	Establishes property tax exemption for principal residence of senior citizen 65 years of age or older	Bob Ellis	Oppose	<p>1. Allows a property tax exemption for principal residence of senior citizens. Varies the percentage of value that is exempt based upon the household income.</p> <p>2. Requires applicant to apply to the Dept of Revenue for the exemption and for the DOR to notify the county of amount of exemption and to pay the lost tax revenue. Would have considerable administrative expense that would not be reimbursed.</p>	In Committee

604 Amends definition of sex crime for  
purposes of sex offender registration John Lewis

In Committee

1. The definition of Sexual Abuse 1 (ORS 163.427) includes: "The victim is less than 14 years of age;"

An offender, even if under 18 years of age who subjects a child under 14 years of age to sexual contact, and there is a significant difference in their ages, should be registered as a sex offender. This bill could be improved by stipulating that if there is less than 3 years age difference between the victim and the offender the Sexual Abuse 1 would not be considered a "sex crime" for the purpose of registration.

2. ORS 163.415 defines Sexual abuse in the third degree. (1) A person commits the crime of sexual abuse in the third degree if the person subjects another person to sexual contact and:

(a) The victim does not consent to the sexual contact; or

(b) The victim is incapable of consent by reason of being under 18 years of age.

In those cases where section (a) above does not apply, and the offender is under 18 years old, and there is less than 3 years difference in ages, it would seem appropriate to exclude the offender from sex offender registration as proposed in this bill.

3. ORS 163.345 Age as a defense in certain cases. (1) In any prosecution under ORS 163.355, 163.365, 163.385, 163.395, 163.415, 163.425 or 163.427 in which the victim's lack of consent was due solely to incapacity to consent by reason of being less than a specified age, it is a defense that the actor was less than three years older than the victim at the time of the alleged offense.

4. ORS 163.315 Incapacity to consent. A person is considered incapable of consenting to a sexual act if the person is:

615	Exempts cities with population less than 10K from transportation land use planning goals	Karen Schilling	Oppose	(1) Under 18 years of age; or 1. Lack of coordinated transportation planning between the County and small cities in East Multnomah County. 2. Fragmented results if small cities are not required to plan for local transportation facilities in relation to the regional system 3. Section 2 (4) could be construed to exclude urban unincorporated areas of the county which would result in lack of coordination, vision and extremely fragmented results in pockets throughout the urban area AFTER AMENDMENTS: I would still oppose this bill with the same arguments as before.	Governor signed 7-19-99/Effective 10-23-99
616	Relating to public employees prohibited from striking; amending ORS 243/736	Elyse Clawson	Oppose	Not in the best interest of the County nor the staff Would require the County to enter binding arbitration if contract negotiations break down PO have not gone on strike in the past and if they did, it would not necessarily be a public safety issue	In Committee
622	Telecommunications			SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor's desk
625	Minimum wage requirements			SEE LEGISLATIVE AGENDA FOR SUMMARY	In Committee
634	Allows libraries that receive grant funds to use funds for public education purposes and library services for children	Jeane Goodrich	Support	1. This bill increases funds for Ready to Read grants to public libraries. Multnomah County Library receives these grants. We hope the funding formula will go from 75 cents per child to \$1 (ie, children served by the public library receiving the funding).  2. It authorizes the state library to make grants to school libraries and academic libraries which will strengthen libraries of all types and encourage resource sharing, which benefits our users.	Governor's desk
668	Relating to the arts		Modifications	Likely to increase funding for the arts in Multnomah County	In Committee

672	Exempting logging equipment from taxation	Bob Ellis	Oppose	There is very little logging equipment in this County and the loss in tax revenue would be minimal.	In Committee
685	Relating to parole and probation officers	Cary Harkaway	Support	Nothing substantial has changed since Version A-Engrossed so we are supporting it in spite of the odd requirement of 20 hours of training for part-time Pos, but not for full time Pos.	Governor signed 7-23-99/Effective 10-23-99
686	Relating to corrections			SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor's desk
696	Relating to ombudsman to represent private property owners in proceedings involving governmental action	John Thomas		Does not affect the County. It relates only to actions by State Agencies It is stupid and fraught with difficulties If we must take a position -- oppose	In Committee
696	Relating to ombudsman to represent private property owners in proceedings involving governmental action				In Committee
700	Relating to firearms; Creating new provisions and amending various elements of ORS 166	Carl Jaber	Support	Helps control the display,sale,lease and transfer of firearms at gun shows. Recent research indicates that nation-wide, gun show vendors have been a major source for many of the firearms which have been used during the commission of crimes The bill should help reduce the number of firearms that are now being made available to individuals who have a propensity to commit crimes. A recent study by the Bureau of Alcohol, Tobacco, and Firearms found that between one third to a half of traced guns used by youg criminals were distributed to them illegally after being purchased from licensed dealers by "straw" buyers. The same study determined that many of the traced guns were purchase from licensed dealers by intermediaries and that 35% were stolen. The rest came from private sellers who were not required to request indentification and/or subject potential buyers to background checks.  SEE LEGISLATIVE AGENDA FOR SUMMARY	In Committee

700	Gun Show Background Checks	Linda Jaramillo	Support	<p>Wash. Cease Fire is sponsoring a similar bill. If both bills were passed, it is felt that we could stop the I-5 stream.</p> <p>Strongest bill to stop felons from obtaining guns</p> <p>Most important gun regulation bill introduced</p> <p>SEE LEGISLATIVE AGENDA FOR SUMMARY (HB2535)</p>	In Committee
708	Non-profit agencies for disabled individuals	Franna Hathaway	Oppose	<p>1. If this bill were adopted it would effect our security and temporary services contracts which are currently contracted to Qualified Rehabilitation Facilities (QRF) in that they would have to be canceled due to the fact that not 75% of the workforce on those contracts meet the requirements of being disabled under this law.</p> <p>2. This would also have a sever impact on QRF's who currently meet the statute requirement by have more than 75% of the workforce on some contracts made up of disabled individuals and less on others.</p>	In Committee
711	Relating to public records	Darell Murray	Support	<p>Would give a bargaining agent access to the address of an employee they represent.</p>	Governor signed 6-28-99/Effective 10-23-99
714	Relating to withholdings from the earnings of government employees	Darrell Murray	Oppose	<p>Prohibits deduction of union dues. This is a rehash of the ballot measures recently defeated by a wide margin by voters. Because it would waste resources to run that election again,</p>	In Committee
722	Relating to PERS			<p>SEE LEGISLATIVE AGENDA FOR SUMMARY</p>	Failed on House Floor



726	Relating to closure of workers' compensation claims	Mary Boyer	Oppose	<p>1. Eliminates mandatory reconsideration prior to request for hearing in workers' compensation claims.</p> <p>2. It would extend the time that a worker can request that reconsideration from 60 to 180 days.</p> <p>3. A claim would have to remain in an open status while when the worker engaged in training.</p> <p>4. Allows (at a later date) the raising of issues not raised at reconsideration.</p> <p>5. Allows for evaluation of worker's disability as of the date of hearing (not date of claim closure)</p>	In Committee
728	Relating to authority to hear disputes concerning certain medical service issues in workers' compensation claims	Mary Boyer	Oppose	<p>1. Under certain conditions when a medical service's is denied it is currently reviewed by the director from DCBS. This bill would eliminate that review and allow a contested medical service to precede directly to a hearing.</p>	Governor signed 8-4-99/Effective 10-23-99
729	Relating to temporary partial disability benefits in workers' compensation claims	Mary Boyer		<p>1. Currently a worker may receive for 2 years (maximum) aggregated receipt of temporary partial payment in work comp claim. This would eliminate that 2 year limit, leaving it ongoing or for the life of the worker.</p> <p>COMMENTS AFTER AMENDMENTS: My negative has moved to a non-committal; still would like to monitor it.</p>	Governor signed 7-8-99/Effective 10-23-99
731	Relating to provision of medical evidence in worker's compensation proceeding	Mary Boyer		<p>1. This bill would limit the exemption from liability for the party providing medical evidence in workers' compensation proceeding.</p> <p>2. Limiting the exemption from liability would only be to the "strict confines of the workers' compensation system" could be a concern for the medical community.</p>	In Committee
732	Relating to processing time for workers' compensation claims	Mary Boyer	Oppose	<p>1. Modifies time for acceptance or denial of w/c claim from 90 to 30 days.</p> <p>2. The current allowance of 90 days is used to obtain medical information (current and past), take statements, and obtain an independent medical examination. 30-days is not enough time to obtain appropriate information to make an informed decision.</p>	In Committee

738 Relating to unemployment insurance Dave Boyer  
tax rate of employing unit that  
acquires employer

County is self insured for unemployment  
benefits and does not pay an unemployment  
tax. . Will have no financial impact

In Committee

\*The American Academy of Pediatrics endorses breastfeeding as the referred feeding method to ensure the best possible health, development, and psychological outcomes for infants, and encourages that infants be breastfed for at least the first 12 months of life.

\*Breastfeeding benefits the mother, resulting in numerous health advantages, such as the reduced risk of ovarian and premenopausal breast cancers, osteoporosis, and earlier return to pre-pregnant weight.

\*Breastfeeding benefits society, with reductions in health care costs, environmental damage, employment turnover, and employee absenteeism, and especially by directly aiding in the raising of healthier members of society.

\*Oregon has a high rate of breastfeeding initiation with 65% of Oregon women leaving the hospital breastfeeding. l

\*Breastfeeding progressively decreases over time. National data indicates that at 6 months of age only 22% of infants are continuing to breastfeed.

\*While the law does not prohibit breastfeeding in public, current social constraints of society impede a woman's choice to breastfeed. Barriers known to reduce the duration of breastfeeding include difficulty breastfeeding, lack of support from family, the medical system, the community, and the workplace.

\*Incidences in which Oregon mothers were discriminated against, or harassed, while publicly breastfeeding:

\*An assistant manager at the Hillsboro Waremart told a breastfeeding mother that Waremart's policies consider breastfeeding "indecent exposure" and that she could not breastfeed.

\*A mother breastfeeding in JK Gill at Washington Square was told by a could not

				continue to do so. *During the mother-toddler hour 4 at the North Clackamas Aquatic Park in Milwaukie, a mother "was harassed by employees for breastfeeding." COMMENTS AFTER REVIEW: 1. Supports women breastfeeding their infants in public space, reinforces that this is a traditional, normal and accepted practice. 2. Breastfed infants have fewer illnesses than non-breastfed, reducing impact on access to health services. 3. Medicaid cost savings of \$112. per infant was realized in first 6 months of life. JADA, 4-97, vol 97, no. 4. 4. Medicaid pharmacy reimbursement costs for breast-fed infants were one half that of formula fed infants. JADA, 4-97 vol. 97, no. 4.	
745	Relating to representational standing	Tom Sponsler	Oppose	Allows greater attack on state administrative rules/review Could make county programs more efficient if rules useful Could permit greater delay in rules harmful to county, but county already has input and review options	In Committee
757	Relating to funding for highways	Karen Schilling	Oppose	1. Use of financing is too restrictive for only new highways, new lanes and new bridges. Excludes other modes such as bike and pedestrian. Also does not allow for any maintenance projects.  2. Reduces flexibility of federal dollars that are currently allowed to be spent on other modes.  3. Restriction of project completion within 6 years does not address how projects that develop problems would be handled.	In Committee
764	Relating to access to public transportation			SEE LEGISLATIVE AGENDA FOR SUMMARY	Failed on Senate Floor
777	Disability retirement	Dave Boyer	Modifications	1. This bill would allow PERS board to grant disability for police/fire for members disabled and would make the disability irrevokable no matter what conditions occur at a later date. Would increase the PERS rates to the County.	In Committee

792 Relating to the qualifying statute  
required under the Tobacco master  
Settlement Agreement

Wendy Rankin

I'm not sure about this. This bill sets out the  
parameters for an escrow account. It seems  
like a legal technicality-it was written at the  
request of the AG. Not sure if it would have  
implications for local governments

Governor signed 6-16-99/Effective 10-23-99

795 Relating to Animals

Matt Ryan

Oppose

Governor signed 7-19-99/Effective 10-23-99

1. Will detrimentally impact County's animal control enforcement program by adding costly additional steps to our enforcement actions against dogs involved in chase or attack of livestock.

2. Requires BCC to hold hearings upon party's request as a kind of appeal prior to going to court. Presently BCC does not hold hearing on dog cases.

3. Interferes with ORS Chap 34. Writ of Review proceedings by altering timelines and standards of review.

4. Necessitates the County doing major amendments to its animal control ordinance to avoid non-compliance with mandatory state imposed process.

COMMENTS AFTER AMENDMENTS

Will detrimentally impact County's AC enforcement program by adding costly additional steps to our enforcement actions against dogs involved in chase or attack of livestock

\*\*\*\* Requires BCC to hold hearings upon party's request as a kind of appeal prior to going to court. Presently BCC does not hold hearings on dog cases

AFTER B-ENGROSSED: Didn't see that it changes anything. Concern has always been 9A which mandates 2,5 & 9, and it looks like we have the same objects as previously.

Interfers with ORS Chap 34. Writ of Review proceedings by altering timelines and standards of review

Necessitates the County doing major amendments to its AC ordinance to avoid non-compliance with mandatory state imposed process

SEE SUPPLEMENTAL LIST FOR SUMMARY

798	Relating to PERS	Dave Boyer	Modifications	<p>1. This bill would allow PERS board to grant disability for police/fire for members disabled from on-the-job injury caused by international tort. Would increase the PERS rates to the County.</p> <p>2. If disability is off set by workers comp it would probably not cost the County.</p>	In Committee
799	Relating to PERS	Dave Boyer	Oppose	<p>1. This bill would allow PERS board to grant cost of living increases to retirees (beyond the 2% COLA)increase the PERS rates to the County.</p> <p>2. If the increase is paid by the State (unfunded mandate law) it will reduce the amount of funds available for State programs</p>	In Committee
801	Relating to PERS	Dave Boyer	Oppose	<p>1. This bill provides an ad-hoc increase (above COLA) to certain PERS members Would increase the PERS rates to the County.</p>	In Committee
802	Relating to PERS	Dave Boyer	Oppose	<p>1. Pays death benefit to the date of death. Current law pays death benefits through the last day of the month preceeding death). Would increase the PERS rates to the County.</p>	In Committee
806	Election petitions	Vicki Erwin		<p>If passed we would probably need to change county code to match</p>	Governor signed 6-16-99/Effective 6-16-99
815	Relating to toll roads	Karen Schilling	Oppose	<p>1. The intention is to fund this bill with federal funds currently dedicated for road modernization and preservation. An undetermined dollar amount is being proposed.</p> <p>2. Reduce the state gas tax dollars available for distribution to counties and cities.</p> <p>3. This is an unfunded mandate to start 3 environmental studies at one time. Studies should occur when funding is available and it is timely for construction of the project.</p>	In Committee

818	Relating to Oregon Health Sciences University pediatric dental residency program	Gordon Empey	Support	Graduate Pediatric Dentist Specialty Training Program closed at OHSU in 1993. The result is fewer and fewer pediatric dentists establishing in Oregon Results is a shortage of Pediatric Dentists to treat low income or Medicaid, OHP, CHP and FHIAP children The capacity of treatment of children for dental services is compromised and getting worse.	Governor's desk
826	Relating to public participation in public meetings	Tom Sponsler	Oppose	Currently almost impossible for advisory committee to hold executive session, global addition to AC at every GB may create such sessions Public meeting law currently applies to advisory committees. Amendment not needed	In Committee
830	List of electors	Vicki Erwin		This would require the Elections Division to capture phone number onto our computer records Free lists for political parties would be slightly more costly to produce	In Committee
832	Relating to recreational use of waterways	Bob Ellis		1. exempts bed and banks of waterways from taxation. Probably a minimal loss of tax revenue however such an exemption would create some difficult appraisal issues that we may not have sufficient staff to handle if the City and County governing bodies agree to grant exemptions.	In Committee
833	Relating to taxation of resale restricted property	Bob Ellis	Oppose	1. Provides a special tax assessment for resale properties. 2. Would require computer programming and administrative time to handle a small number of properties. 3. Some potential loss of tax revenue (unknown how many properties might qualify). 4. Contradicts existing policy that ad valorem appraisals are to be the value of the entire properties "bundle of rights".	In Committee
836	Relating to firearms	Carl Jaber	Support	This bill will help limit the access to firearms by minors or individuals who are not otherwise qualified to possess such weapons. It should help reduce the incidence of firearms related injuries and/or deaths in the County	In Committee



841	Relating to victims' rights	Cary Harkaway	Support	Reasonable statement of victims' rights. Having these rights enumerated will help justice system gain understanding of and sensitivity to victims' needs.	In Committee
855	Relating to highway signs	Franna Hathaway		1. If this bill passes the County will have to place the required signage on work sites using state funds. 2. You may want to run this past someone in Transportation	Governor signed 6-28-99/Effective 10-23-99
856	Relating to Senior and Disabled Services Division budget determinations for type B area agencies			SEE LEGISLATIVE AGENDA FOR SUMMARY	In Committee
857	Relating to Budget		Support	Equity (methodology only) moved out of general government yesterday with a do pass recommendation. All 5 Senate Committee members are carrying the bill on the floor! (this is unheard of!). We got rid of the referral to Ways And Means. It will be on the Senate Floor early next week for a vote.  SEE LEGISLATIVE AGENDA FOR SUMMARY	In Committee
858	Prohibits city or county from granting exclusinve franchise to for-hire carrier of persons	Matt Ryan		I'm not aware of the County's regulation if any of taxi cab service. Recommend continuing the Finance Division. Bill moves to limit authority of local governments to grant exclusive franchise to such carriers Section 2 of the bill also restricts local governments rights "interfearing " with the fares charged by carriers. I wonder how "interfere" would be interpreted	In Committee
863	Relating to land use decisions on remand from Land Use board of Appeals	Sandra Duffy	Oppose	Would require more staff to handle expedited cases Very often a remand requires development or gathering of lots of complex information from many different sources. Should not constrain our ability to make the RIGHT decision	Governor signed 7-8-99/Effective 10-23-99

864	Relating to transportation planning	Karen Schilling	Oppose	<p>1. Lack of coordinated transportation planning between the County and the small cities in East Multnomah County.</p> <p>2. Fragmented results if small cities are not required to plan for local transportation facilities in relation to the regional system.</p> <p>3. Section 1 (4) could be construed to exclude urban unincorporated areas of the county which would result in lack of coordination, vision and extremely fragmented results in pockets throughout the urban area.</p>	In Committee
881	State Highway Fund	Karen Schilling	Oppose	<p>1. This bill would take away the funding the County currently uses as match for grants and other funding opportunities to provide bike lanes and sidewalks that are not part of other roadway construction or reconstruction projects.</p> <p>2. This bill would severely reduce the progress the County has made towards providing a multi-modal transportation system by eliminating the dedicated 1% of gas tax dollars for bike lanes and sidewalks.</p> <p>3. Progress toward reducing reliance on the single occupant vehicle and conformance with the Transportation Planning Rule would be impeded.</p> <p>4. It would remove the funding source for pedestrian projects that typically benefits most the economically disadvantaged, those who use the bus and Max .</p> <p>5. The repeal of the bike bill could result in roadways being constructed without bike lanes and sidewalks as a way to save money with the long-term result being no room or right-of-way in the future for bike lanes or sidewalks. Cost to retrofit bike lanes and sidewalks on these roadways would be exponentially higher.</p>	In Committee
887	Relating to firearm safety education programs	Bill Morris	Oppose	Schools can't afford to run programs they have now. This is frivolous and unnecessary!	Governor vetoed 7-14-99

890	Election	Vicki Ervin		Appears to be a form of public financing for certain state-wide and legislative campaigns	In Committee
891	Relating to public employee collective bargaining	Darrell Murray	Support	1. The law would be modified to exclude managerial employees (e.g. Drs., lawyers, etc.) from local government collective bargaining units. The law presently has such an exclusion for state government. However, as it pertains to our largest bargaining unit, the practical effect on Multnomah County would be only to buttress an existing exemption for managerial employees in the text of the Local 88 agreement. Other bargaining units might be affected at the margin by additional exclusion, but the impact would be limited.	In Committee
897	Permits disabled person aged 60 or older with household income of less than 24,500 to elect to defer property taxes	Bob Ellis		D.O.R and tax collection work load issue	In Committee
920	Relating to changes in terms of coverage under health benefit plans	Debbie Juul	Oppose	Could increase our medical costs by up to 4%	In Committee
928	Relating to disability retirement	Dave Boyer	Support	Allows for periodic medical evaluations to ensure disabled persons are still disabled. Good policy.	In Committee
934	Relating to prison siting	Cary Harkaway	Oppose	Facility supersiting law is necessary. It provides adequate protection for diverse public interests.	In Committee

936	Relating to locating specified facilities	Cary Harkaway	Oppose	<p>1. The language in this bill would not impact DCJ as significantly as other language that had been suggested because it only refers to contracted facilities, not government operated facilities. Nevertheless, the bill should be opposed. It specifically targets Multnomah County, but current legislation, local zoning requirements, and the County's own policy on siting facilities include adequate notice and hearing provisions.</p> <p>2. The bill is flawed in attempting to specify a maximum number of facilities in a community. One size does not fit all. Communities, as defined in the bill, differ in terms of square miles, population, and other factors that impact their ability to absorb additional facilities without negative impact.</p> <p>3. The bill is flawed in its requirement that all property owners in a community (neighborhood association) receive notice. In fact, some neighbors in an adjacent community may be more impacted than residents of the community in which the facility is to be located. A more focused approach is called for and is reflected in existing statute and local policy.</p>	In Committee
936	Relating to locating specified facilities	Floyd Martinez	Oppose	<p>This is part of the "siting cluster" Very intrusive movement regarding siting various rehab and treatment facilities Probably a violation of federal law &amp; OCR regulatory structure.</p>	In Committee
939	Relating to state financial administration	Ramsay Weit	Support	<p>Based on the sponsors, probably should support although I'm not familiar with the account at issue</p>	In Committee
942	Relating to mental health	Floyd Martinez	Support	<p>Proposes to use Tobacco settlement funds</p>	In Committee
953	Relating to claims against construction contractor bond	Franna Hathaway	Support	<p>1. This may have a financial impact on the County and small contractors if this increases the cost of the bond but the protection provided to sub-contractors is worth it.</p>	In Committee
957	Relating to nonretail fuel facilities	Michele Gardner	Support	<p>Minimal impact.</p>	In Committee

966	Relating to public employees retirement	Dave Boyer		Allows employees from other State PERS to acquire up to four years of service credits. Would not increase costs to local govt because it requires full payment to the PERS system for both employee and employer	In Committee
979	Requires ballot title caption of state measures to include statement listing state services that could be reduced if measure is adopted.	Vicki Ervin	Oppose	Requires additional language to be printed on the ballot for certain state measures. These requirements pushus to the brink of running out of space on the balot. The cost of printing a second ballot is substantial and would be paid by the county. (I presume)	In Committee
1005	Relating to confidential personal information	Debbie Juul	Oppose	Could increase medical costs by up to 3%.	In Committee
1009	Relating to criminal sentences	Cary Harkaway	Support	1. This has more impact on DOC. It expands a needed management tool for prison managers to a population of offenders sentenced to mandatory minimus. It encourages inmates to participate in programs and generally comply with expectations in return for time credits.	In Committee

1040 Relating to locating specified facilities Jim Emerson

Oppose

At Desk

Notice provisions would significantly increase costs and time. A half-mile notice zone means direct contact with all parties in a 100 block area in the city! A 180 day lead time is unrealistic for effective operational management

2. It would become almost impossible to site justice facilities in MC due to the 1500 foot exclusion zones and r-zone restriction. New facilities would have to be concentrated in a few spots downtown/industrial

3. Compliance of existing facilities under the 50% petition rule would be extremely problematic. Of the 16 existing county buildings, definitely housing justice programs, at least 10 are within 1500 feet of a school or childcare, and/or in a residential zone. Are we to shut down or move the JJC, courthouse jail, justice center, etc.?

4. Drastic effects on contract providers (CFS, DCJ, DOH) and even school-based health clinics could follow interpretations of the "treatment, counseling, monitoring,...any drug rehabilitation" clauses for the subject population - affecting hundreds of sites

5. Litigation is likely to result from lack of clarity over outcomes (#3 above) scope (#4 above) and definitions. Is a "school" public, private, home schooling? What about children's service center (a few blocks from PBSE?) Does a "zone change" include the conditional use permit process (required for all these uses?) what about portions of buildings like temporary detention in a courthouse?

#### SEE SUPPLEMENTAL LIST FOR SUMMARY

#### COMMENTS AFTER AMENDMENTS:

Thanks for the chance to comment. My perspective is no doubt more limited than that of the agencies involved in operating such facilities, but for what it's worth:

SB 1040-A engrossed, as transmitted (May 27 version) retains the unclarity (for example, in

the definition of "school") and virtual unworkability of the version I commented on originally. I recommend strong opposition.

On the other hand - and not knowing what the work group may have discussed - the proposed amendments as transmitted (June 30 memo from Pam Curtis & Stephanie Soden) result in a much different piece of legislation ... one that seems reasonable to me. The only change I recommend is under Section 2 (1) in which "an established citizen group ..." gets to nominate all members of the committee. These groups are not always truly representative; there may be more than one such group; and the interests of the agency need to be heard within the group, even if represented by only one member. So I would make the committee selection a little more complicated by permitting multiple nominating paths.

## Executive Summary

At Desk

1. A lot better than the original bill.
2. Not big problems
3. Do they know what they are doing?

## Discussion

I think that the use of the term "in custody" will provide a very narrow scope for this bill. I'm not an expert on these language issues, but I think that very few programs (that are not jails) actually have "custody" of the offender.

It is also arguable that this would not apply to contracted facilities. Note that Mr. Jester of OYA is always quick to point out that they don't operate these facilities and compare that to Section 2 (1)(a) "....public agency establishes..." There are very few cases where the public agency establishes. The public agency contracts, the private agency establishes.

If the desire is to have this really apply to a bunch of facilities than the respective roles of contracting public agency and establishing private agency would need to be clarified. The second subsection (2) under section two there are usually at least two governmental bodies having jurisdiction ... so that should be clarified.

Looking more broadly, this seems to simply require an advisory body and some communication. In principle we support this kind of idea. The restitution center is one facility that probably has people "in custody" and it already has such an advisory body. It also seems like this would only apply to new facilities.

I'd like to see an amendment that explicitly excludes facilities for people with disabilities that are subject to Federal Fair Housing Act.

SEE SUPPLEMENTAL LIST FOR  
SUMMARY



1040 Relating to locating specified facilities Cary Harkaway

Oppose

At Desk

1. Proposed bill places unnecessary burdens on the county and providers of services for offenders
2. Proposed bill does little to enhance public safety. Crime rates are not higher around correctional facilities and offices. The offenders targeted by the bill are already living in all of our neighborhoods. This bill would prevent them from receiving reformative services and supervision in the neighborhoods in which they live

COMMENTS AFTER AMENDMENTS:  
Maggie Miller and I reviewed the proposed amendments to SB 1040 and offer these comments:

1. It is a better bill than 1040 A-engrossed.
2. It only covers domiciliary facilities and youth care facilities. The original bill covered almost all locations providing community corrections services, including basic supervision.
3. It is not retroactive.
4. There are no requirements for bonds.
5. There are no requirements for excluding categories of offenders.
6. There are no requirements for security plans.

However, there probably should be some clause in the bill that recognizes certain restrictions related to Federal Fair Housing Act and the people with disabilities (including alcohol, drug, mental health, and other disabilities). County Counsel indicates that there are limits to what we can disclose in "good neighbor" policies and other dealings with neighborhood groups. Please get a copy of the Kathie Gaetjens memo to Bev Stein on Legal Issues in Proposed Facility Siting Policy, dated 1/13/99.

#### SEE SUPPLEMENTAL LIST FOR SUMMARY

1044 Relating to concealed handgun licenses

Carl Jaber

Support

In Committee

although the bill waives residency requirements, it does establish and maintain requirements for a concealed handgun license

1045	Relating to concealed handgun license	Carl Jaber	Support	The sheriff must provide procedures for renewal of a concealed handgun license by mail along with a means of indicating on the license that it has been renewed.	In Committee
1046	Relating to firearms	Carl Jarber	Oppose	This bill could allow individuals who may no longer legally own, possess, or purchase a firearm to obtain one without the completion of a thorough background check	In Committee
1054	Government bodies competing with businesses	Tom Sponsler	Oppose	Not a big concern to county as written because probably only "road construction" currently effected However, non-competition principles could expand to other areas such as health services Anti-government proposal, so may want to join with other more directly impacted by this version	In Committee
1071	Homeless individuals	Wayne George	Support	Well, it at least prevents the homeless individual from moving 3' away and receiving another citation in a couple of hours. I suppose the 24 hours will give the homeless opportunity to seek social service assistance. Homeless around County facilities has not been a major problem.	Governor signed 7-19-99/Effective 10-23-99
1080	Relating to health insurance coverage of TMJ	Debbie Juul		. Could increase medical costs by up to 3%.	In Committee
1099	Enforcement authority of the Land Conservation and Development Commission	Jeff Litwok	Oppose	Mediation must be voluntary process in order to work	In Committee

1104 Juveniles

Rhys Scholes

Many (perhaps most) of the facilities described in this Bill are designed to provide specific treatment to people with disabilities. Because the facilities are small, disclosure of the purpose ("use") of the facility might unlawfully disclose confidential information regarding one or more residents. This problem could be remedied with an amendment that exempts from disclosure any information that is otherwise protected. (Let's save the taxpayers the cost of the lawsuit.)

Governor signed 7-19-99/Effective 10-23-99

This is an unfunded mandate.

My hunch is that the use of the phrase "in the custody of..." limits the number of facilities. I think that there are few such facilities.

SEE SUPPLEMENTAL LIST FOR  
SUMMARY

1104 Juveniles

Jim Emerson

Gina, I'm no expert on this but do have a few comments for clarity:

Governor signed 7-19-99/Effective 10-23-99

169.690 (1) : "...designate a citizens advisory committee..."

? I would add, "of no fewer than six nor more than twelve members." This could keep the exercise from being limited to a couple of cronies in rural Oregon, and keep the committee from ballooning to unworkable size - with every advocacy group bent on inclusion. You could pick different numbers, but there should be a limit.

...(1)(b) : The citizens group or neighborhood org., if any,, should not have sole authority to nominate to the citizens advisory comm. It's not unusual for an established group to NOT represent the actual total community, and/or for more than one such group to exist or to claim interest.

? I would change this section to reflect 50% appointment by local gov't body (or, if overlapping jurisdictions, bodies - with equal share to each in the appointment process.)... and 50% appointment by one or more citizen/neighborhood group(s.)

...(1)(c) (B) : If "Youth care centers or other..." are not already so defined under the cited statute, there should be a definition if, for the purposes of 169.690, these are domiciliary facilities only. It needs to be clear whether or not this applies to drop-in, day use facilities where youths may be counseled, assessed, etc.

Otherwise, the bill seems reasonable to me.

SEE SUPPLEMENTAL LIST FOR SUMMARY

1104 Juveniles

Cary Harkaway

Joanne and I think this is a lot less troublesome than some other bills we have seen this session.

Governor signed 7-19-99/Effective 10-23-99

SEE SUPPLEMENTAL LIST FOR SUMMARY

1104	Juveniles	Joanne Fuller		Sounds ok.	Governor signed 7-19-99/Effective 10-23-99
				SEE SUPPLEMENTAL LIST FOR SUMMARY	
1108	Relating to farm-to-market roads	Karen Schilling	Modifications	<p>If the word "bridge" could be added to (2) along with road, street or highway it would explicitly include the Sauvie Island Bridge.</p> <p>1. This bill directly improves chances for funding for Sauvie Island Bridge. Sauvie Island Bridge is the only one of the Willamette River Bridges that is in the rural area. It is a very important farm-to-market bridge as it is the only access to the island.</p> <p>2. Farm-to-market roads in the rural areas are extremely important in helping the state reach planning goals for rural and urban areas. Due to limited funding available for rural projects, this bill would help meet the planning goals.</p>	Governor signed 7-8-99/Effective 10-23-99
1124	Special road districts	Tom Sponsler	Oppose	<p>Oppose on general purposes</p> <p>County does not have road districts</p> <p>does use of "county court" mean this bill only applies to 9 counties?</p> <p>Elected road commissioners delute authority and responsibility of county board</p>	Governor signed 7-19-99/Effective 10-23-99
1133	Relating to PERS	Dave Boyer	Support	<p>1. Allows employer the option to withdraw from PERS.</p> <p>2.. This option could be used if the PERS issues are not fixed.</p> <p>3. Would not impact current members.</p>	In Committee
1134	Relating to PERS	Dave Boyer	Support	<p>1. Close to SB 1134. Allows employer the option to withdraw from PERS.</p> <p>2.. This option could be used if the PERS issues are not fixed.</p> <p>3. Would not impact current members.</p>	In Committee
1135	Relating to PERS	Dave Boyer	Support	<p>1. Allows variable earnings for employers.</p> <p>2.. This is a positive bill and will reduce County PERS rates</p>	In Committee

1170	Relating to the Corporation for Health Care Quality	Debbie Juul	Support	1. Creates a public, non-profit corporation to improve the quality of health care services. Has the potential to improve quality while reducing costs of health care.	In Committee
1176	Office of Manage Health Care Ombudsman	Floyd Martinez	Support	Probably a duplication of what already happens locally	In Committee
1177	Requires all insurers offering health benefit plan to maintain a sufficient network of providers	Debbie Juul	Oppose	Could increase cost of medical benefits by up to 5%.	In Committee
1178	Elections	Vicki Ervin	Support	Implements vote by mail for primary and general elections. Mostly technical changes but could save some money by allowing larger precincts	Governor signed 6-29-99/Effective 10-23-99
1192	Alternative fuel vehicles	Tom Guiney	Support	1. This bill appears to create another incentive for the use of alternative fuel vehicles by providing a cash payment rather than a tax credit related to the additional cost of alternative fueled vehicles. This could help expand the market for AFV's and thereby reduce their costs.  2. While not specifically addressed, this bill may allow the County to utilize the incentive that would not be available to us through a tax credit.	Governor signed 7-19-99/Effective 10-23-99

1193 Local governments

Tom Guiney

Oppose

In Committee

1. Most emphasis in this region for alternative fuel is for compressed natural gas. The cost of purchasing a vehicle equipped for use of compressed natural gas is a premium of \$3500 to \$5000 above the cost of a conventional gasoline powered vehicle. While the bill would not be effective until July, 2000, the additional purchase cost for the vehicles being purchased in FY9900 would be between \$252,000 and \$360,000. The year FY0001 replacement list is not identified yet, but would most likely have a similar impact. Funds would need to be diverted from direct service programs to pay this additional upfront cost and the resulting increase in long term replacement costs.

2. Current vehicle driving range for most natural gas vehicles is about 100 miles, significantly less than conventional gasoline vehicles. This results in more staff time being required for fueling vehicles.

3. Natural gas fueling station availability is severely limited. The cost of installing our own natural gas fueling stations would be over \$250,000 per station.

4. The Federal government has determined that the best way to implement alternative fuels is through education and mandates on federal, state, and utility companies to purchase alternative fuel vehicles.

5. Promotion of alternative fueled vehicles can better be addressed through incentives that offset the increased costs and restricted uses of these vehicles and through participation in educational programs like the Clean Cities Program. Multnomah County is a member of the Federal DOE Clean Cities program.

1201	Relating to municipal financial administration	Dave Boyer	Support	<p>1 Bill allows local governments to borrow funds internally</p> <p>2. Bill allows a more efficient way to handle budget adjustment for pass through funds</p> <p>3. Bill makes all publication dates the same</p> <p>4. Bill makes modifications for BM 50</p> <p>5. County has signed a letter supporting this bill</p> <p>SEE SUPPLEMENTAL LIST FOR SUMMARY</p>	Governor signed 7-12-99/Effective 10-23-99
1202	Relating to sexual assault	Annie Neal	Support	<p>Set aside 2% of SFAA money to fund sexual assault crisis lines and crisis centers throughout the state. This should inceas sexual assault services in Mult. Co.</p> <p>Directs the Asst. Director of SCF to establish minimum standards for sexual assault programs receiving these funes. This should ensure quality services for sexual assault survivors.</p> <p>Establishes confidentiality for clients of these programs. Should protect sexual assault survivors' privacy and prevent harassment or misuse of information</p> <p>AFTER AMENDMENTS: we still support</p>	Governor's desk
1225	Relating to PERS	Dave Boyer	Oppose	<p>1. This bill would increase the PERS rates to the County.</p> <p>2. If the increase is paid by the State (unfunded mandate law) it will reduce the amount of funds available for State programs</p>	In Committee
1235	Requires person entering land for survey purposes to give peronal notice to landowner or occupant befoe entering upon land	Bob Hovden	Oppose	<p>1. Present law requires that surveyors give notice before entering upon land for surveying purposes. Notice maybe by letter or personal contact. Requiring notice by certified mail is excessive. This eliminates personal contact, such as asking the occupant in person.</p> <p>2. Should have little or no effect on the County Surveyors operations.</p>	In Committee



1251	Relating to transportation policy	Harold Lasley	Oppose	<p>1. Without a definition of safety, this bill is too vague to provide direction in making decisions.</p> <p>2. Local jurisdictions would lose control over decisions for their own area.</p>	In Committee
1272	Long term care facilities	Julie Bergstrom		As of April 5, O4AD had given this bill high priority for monitoring, but no other info. I will have Mary Shortall and Kathy State look at it.	In Committee
1284	Creates legislative Committee on Transportation as joint committee of Legislative Assembly			SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor's desk
1293	Appropriates moneys to DHR for Mental Health and Developmental disability Services division	Floyd Martinez	Support	Probably doesn't have a chance! But should support	In Committee
1294	Dental instructor licensure	Gordon Empey	Support		In Committee
1308	Locating specified facilities	Wayne George	Oppose	In an nutshell....I would like to think that our Facilities Siting Public Involvement Manual provides enough information and guidance to both Multco and the surrounding community when we site facilities, whether "contentious" or not. SB 1308 seems like it would severely limit our options and bind us way to tightly. I recommend we watch it closely, and oppose the bill.	In Committee
1308	Locating specified facilities	Rhys Scholes	Oppose	<p>1. Depending on what the definitions really mean this bill could prevent siting of facilities necessary to maintain public safety.</p> <p>2. Requires large expenditures for silly newspaper ads</p> <p>3. Might require closure of school at juvenile justice facility (or prevent various youth from being held there)</p> <p>4. No good reason to single out Multnomah County</p> <p>5. Unclear definitions and intent likely to result in expensive litigation, possible violations of federal fair housing and ADA.</p>	In Committee

1308 Locating specified facilities

Cary Harkaway

Oppose

In Committee

The Bill does not appear to impact any current Adult Community Justice locations if the definition of facility in SECTION 1 remains as printed: "detention and rehabilitation." The key word is and. We do not have Adult Community Justice programs in Multnomah County that provide detention (though we operate or contract for those programs in other counties with less than 500,000 population). We have residential programs in Multnomah County that provide rehabilitation, but the residents are not detained or prevented from walking out. In fact, ALL of our locations are involved in rehabilitation. If the word and is changed to or, ALL of our offices, programs, and contracted services would probably be impacted. Also, please note that our planned A&D Residential Center could be considered as a detention program because it will provide secure treatment. The Bill would prevent us from treating sex offenders in the Center.

Regarding the impact of the Bill on Juvenile Justice, it would appear that our Juvenile Detention facility falls under the definition of a "facility" in SECTION 1 because it provides both detention and rehabilitation services to youth offenders. However, the limitations in SECTION 3 against serving convicted sex offenders if the facility is within 1,000 feet of a school or child care location may not apply to all juvenile sex offenders at Juvenile Detention since juvenile offenders are not convicted. Those juvenile offenders who are remanded and convicted in adult criminal court would have to be excluded from being detained or treated at Juvenile Detention. The impact of this Bill would be greater if, as noted above, the definition of facility is changed to "detention or rehabilitation." Then, all Juvenile Justice program locations would be included in the definition of facility.

This Bill should be OPPOSED because of the burdens it will place on our planned treatment center and our existing detention center, and especially because it adds to the already

				difficult process of treating and housing sex offenders.	
1311	Ballot titles	Tom Sponsler	support	Seems worded in manner that assists returning of current "state mandate" constitutional provision (Measure 30, 1996)	Governor signed 7-19-99/Effective 10-23-99
1322	Relating to workers' compensation	Mary Boyer	Oppose	1. The County is currently with an MCO and as such we have contracted to pay for the medical billing of our workers either through workers' compensation or their county paid medical benefits. The worker is not out of pocket for any medical payments on a denied claim.	In Committee
1331	Mental health benefits provided through various health insurance policies offered in this state	Floyd Martinez		SEE SUPPLEMENTAL LIST FOR SUMMARY	Governor's desk
1333	Assessments for local improvements	John Thomas		1. This bill places the burden of cost overruns on a bonded project (LID) on the taxpayers and not on the benefitted property owners. The owners who get the benefit should share the full cost of the improvements and not gain a windfall because someone miscalculated the cost of an improvement. AFTER AMENDMENTS: "Neutral. Much better than the last version."	In Committee
1337	Elections			SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor's desk
5504	Relating to financial administration of State Commission on Children and Families; appropriating money; limiting expenditures; and declaring an emergency			See SB 5548  SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor vetoed 6-18-99
5505	Columbia River Gorge Funding			SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor signed 6-29-99/Effective 7-01-99
5506	Money from GF to DOC			SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor's desk
5510	DA Funding			SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor signed 6-16-99/Effective date 7-01-99
5511	Establish emergency fund allocation			SEE LEGISLATIVE AGENDA FOR SUMMARY	Governor signed 7-30-99/Effective 7-30-99

5548 OYA-State Commission on Children  
and Families budget

SEE LEGISLATIVE AGENDA FOR  
SUMMARY

Governor signed 7-30-99/Effective 7-30-99

House/Sen SJM

#	Subject	Reviewer	Support/Oppose	Reviewer Comment	Upon Adjournment (July 24, 1999)
3	Time period during which Secretary of State must verify signatures of state initiatives and referendum petitions	Vicki Ervin	Support	May become more important depending on the outcome of court cases which may change our processes for checking signatures using random sampling	Filed with Secretary of State

House/Sen SJR

#	Subject	Reviewer	Support/Oppose	Reviewer Comment	Upon Adjournment (July 24, 1999)
11	Fuel taxes to be used for police	Bob Thomas	Oppose	1. Would allow State Motor Vehicle Fees to be used for State Police funding.  2., Would require a vote of the state electorate to approve this Constitutional Amendment.  3., State Motor Vehicle Fees would no longer be dedicated solely for Transportation Funding.	Filed with Secretary of State
18	Disapprove administrative agency rules	Tom Sponsler	Oppose	Measure does not seem to directly affect county County does follow many OARs in its programs. Legislative approval/disapproval could increase uncertainty Potential for expense to county Legislature has authority by statute to overrule rules now	In Committee

39	Repeal section 15 or Article XI, which requires state government to pay local governments for costs of state-mandated programs	Tom Sponsler	Oppose	<p>Would allow vote to repeal measure 30 approved by voters 11-5-96 (56.36% yes vote)</p> <p>The current provision requires state to finance programs imposed on local govts after 1-1-97</p> <p>It requires at 60% of each house to approve reduction of state tax money distribution to local governments.</p> <p>If authorizes the legislature to identify and direct imposition of fees and charges for local governments to recover actual costs of state programs</p> <p>This resolution could do away with the requirement if approved by voters</p> <p>COMMENT AFTER AMENDMENTS:</p> <p>Removes "sunset:" revote proposition in section 151</p> <p>Retains requirement that state fund local government mandates in section 15</p>	Filed with Secretary of State 6-22-99
44	Requiring that revenues from fuel taxes and fees on motor vehicles be generated in manner that ensures that classes of vehicles pay fair and proportionate share of costs of highway system.	Harold Lasley		<p>I have no problem with this legislation.</p> <p>SEE LEGISLATIVE AGENDA FOR SUMMARY</p>	Filed with Secretary of State
44	Requiring that revenues from fuel taxes and fees on motor vehicles be generated in manner that ensures that classes of vehicles pay fair and proportionate share of costs of highway system.			<p>SEE LEGISLATIVE AGENDA FOR SUMMARY</p>	Filed with Secretary of State



# **1999 Legislative Final Report**

Presented by  
Multnomah County  
Public Affairs Office

AUG 19 1999  
UC-1

**BOGSTAD Deborah L**

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**From:** LITWAK Jeff  
**Sent:** Tuesday, August 17, 1999 11:54 AM  
**To:** BOGSTAD Deborah L  
**Subject:** Stafford Order

Deb:

Here is the order for the DeNovo hearing from the this morning. I am delivering a signed original to you too.

We are presenting this rather quickly because the 150 day clock will expire before the Board meets again in September.

Please let me know if there is anything else you need to accompany this.

Jeff



Stafford Order.doc

8/17/99

FOR

★ UNANIMOUS CONSENT  
ON 8/19/99

COS Linn, Cruz & Stein

(CO NAITO to BE EXCUSED  
FOR VOTE AS SHE WAS NOT  
PRESENT @ DE NOVO HEARING  
TODAY)

8/19/99 copies to TRICIA SEARS & County  
Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Upholding the decision of the Planning Commission denying ZC 1-98 & PR 1-98.

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

- a. On May 3, 1999, the Multnomah County Planning Commission denied the Zone Change, ZC 1-98, and the Plan Revision, PR 1-98, for the request for a change in zoning from Exclusive Farm Use (EFU) to Rural Residential (RR) for the subject property.
- b. On August 17, 1999, the Multnomah County Board of Commissioners held a DeNovo Hearing regarding an appeal of the Planning Commission's decision denying ZC 1-98 and PR 1-98.

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

1. The decision of the Planning Commission denying the Zone Change, ZC 1-98, and the Plan Revision, PR 1-98, is hereby upheld.
2. The findings and conclusions contained in the decision of the Multnomah County Planning Commission for ZC-98 and PR 1-98 (May 3, 1999) and the Staff Report dated April 26, 1999 are hereby affirmed and adopted by reference.

APPROVED this \_\_\_\_\_ day of August, 1999.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By

Jeffrey B. Litwak  
Jeffrey B. Litwak, Assistant County Counsel





MULTNOMAH COUNTY

Department of Environmental Services  
Land Use Planning Division  
1600 SE 190<sup>th</sup> Avenue  
Portland, OR 97233 Phone: (503) 248-3043

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## STAFF REPORT

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This notice concerns a public hearing scheduled to consider the land use case cited and described below.

**Case File:** ZC 1-98 and PR 1-98

**Scheduled Before:** Multnomah County Planning Commissioners:  
Patrick Brothers, Laurie Craghead, Tim Crail,  
Chris Foster, John Ingle, Daniel Kearns,  
Dave Kunkel, John Rettig, and Nancy Wilson.

**Hearing Date, Time, & Place:** Monday, May 3, 1999; at 6:30 PM, or soon  
thereafter.  
1600 SE 190<sup>th</sup> Avenue, Columbia Room  
Portland, OR 97233

This Building Is Wheel-Chair Accessible. Multnomah County TDD Line - (503) 248-5040.

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**WHAT:** Request for a Zone Change and Plan Revision to change the existing zoning of the subject parcels from Exclusive Farm Use (EFU) to Rural Residential (RR).

**WHERE:** 4046 SE 302<sup>nd</sup> Avenue.  
Township 1 South, Range 4 East, WM, Section 8,  
Tax Lots 5, 6, 11, 12, and the north half of Tax Lots 7 and 10.  
State ID Map: 1S4E08CC 100 and 300.  
Tax Account R#75170-1340 and R#75170-0570.  
See attached map.

**WHO:** *Applicant:* Frank Walker  
37708 Kings Valley Highway  
Philomath, OR 97370

*Property Owner:* Jack and Marilyn Stafford  
4046 SE 302<sup>nd</sup> Avenue  
Troutdale, OR 97060

**ZONING:** Exclusive Farm Use (EFU).



## **DECISION RECOMMENDED BY STAFF:**

**Denial** of the request for the Zone Change, ZC 1-98, and Plan Revision, PR 1-98, for the subject tract for the proposed change in zoning from Exclusive Farm Use (EFU) to Rural Residential (RR). The application does not carry the burden of meeting the applicable approval criteria.

Staff recommends the denial based on the following:

- 1) The applicant has provided an inadequate analysis of adjacent uses occurring on adjacent tracts and of adjacent tracts (as in the land). Staff's analysis demonstrates the subject tract and adjoining tracts include High-Value Farmland. Most of the adjacent tracts are zoned EFU, in Farm Deferral tax accounts, and have average tract sizes exceeding 20 acres. Staff has provided a chart on page 17 of this report that summarizes this information.
- 2) It is the applicant's burden to demonstrate, in accordance with MCC 11.05.290 Burden of Proof, that the subject tract, and not just the area being requested for the Zone Change and Plan Revision, cannot be practicably put to uses authorized under Goal 3. The list under Goal 3 (OAR 660-33-120 Uses on Agricultural Lands) is a demanding and exhaustive list of uses for which the applicant must demonstrate as impracticable uses for the subject tract. It is also the burden of the applicant to demonstrate that no land use conflicts will be created, the land use pattern will not be destabilized, and that public services will be available to those areas [MCC 11.05.290 (A)(3)]. Further, the applicant attempts to show farm use is impracticable while stating that farm uses occur on the subject tract. The subject tract currently includes farm uses and the applicant has indicated that the site could accommodate other crops on the tract. The applicant also stated that nursery stock and livestock were prior uses on the tract.
- 3) The proposed zone change would result in land zoned for Rural Residential use. A primary use allowed in the RR zone is single-family residential development on 5-acre parcels. The area proposed for rezoning from EFU to RR includes lands with slopes in excess of 20%. The applicant narrative submitted April 6, 1999 via fax, describes "steep slopes" and a "Geologic Hazard Zone" for the subject tract. The applicant submitted a map entitled "Figure 4 Detailed Topographic Analysis" that shows areas of the subject tract with slope greater than 20%. Staff used soil maps, the Slope Hazard Map, and the Soil Survey of Multnomah County, OR as resources for slope determinations of the subject tract and adjacent tracts. Multnomah County's Comprehensive Plan Policy #14, Developmental Limitations, states that development shall be directed away from areas with slopes exceeding 20%. Staff has provided a response to Policy #14 in this Staff Report. Staff states that if the subject tract contains geologically limiting factors such as a stream, a ravine, steep slopes, and heavy vegetation ("helps stabilize the steep slopes and should be retained" according to the applicant), then it is illogical to conclude the parcels would be better served by being zoned with a designation that allows a five acre minimum lot size and single-family residential development. It is also worthy to note that even if a portion of the tract were demonstrated to be unfarmable, retention of the land in open space is consistent with Goal 3, and clearly would have no impact on the ability to use the remainder of the parcel for uses allowed under Goal 3.
- 4) The applicant has argued that traffic in the area has resulted in conflicts with farm uses. Staff notes that the applicant argument actually substantiates Staff's reasons for denial. Staff states that additional residential development would exacerbate the traffic problems cited by the applicant and would necessitate additional access across High-Value Farmland.

Comprehensive Plan Policy #34, Trafficways, includes an analysis of traffic impacts and concerns.

### **APPROVAL CRITERIA:**

The applicable approval criteria for this application include criteria of the Oregon Statewide Planning Goals, the Oregon Administrative Rules, the Oregon Revised Statutes, the Multnomah County Comprehensive Plan Policies, and the Multnomah County Code (MCC). The Board of County Commissioners must find that the proposal meets the approval criteria.

The approval criteria include: OAR Chapter 660, Division 4, Interpretation of Goal 2 Exception Process; OAR 660-04-018; OAR 660-04-025; OAR 660-04-028; OAR 660-33-120; LCDRC, Goal 3 Agricultural Land; ORS 197.732; ORS 215.203; ORS 197.610-.625; MCC 11.05.290; MCC 11.15.2002; MCC 11.15.8230; Comprehensive Plan Policies 2, 3, 8, 9, 13, 14, 22, 34, 37, 38, and 40.

The Code and Comprehensive Plan Policies noted here may be obtained by contacting the Land Use Planning Division at (503)-248-3043. The Staff Report, available seven (7) days before the public hearing before the Planning Commission, will contain the above noted OAR, ORS, Code and Comprehensive Plan Policies.

### **BACKGROUND AND PROCESS:**

The subject tract consists of 19.55 acres and two parcels identified by State ID as Tax Lot (TL) 100 (12.10 acres)(R#75170-1340) and TL 300 (9.45 acres) (R#75170-0570), of T1S R4E Section 8CC. Tax Lot 100 includes (as designated under the state ratio code) Tax Lots 11, 12, and the north half of 10 while Tax Lot 300 includes Tax Lots 5, 6 and the north half of 7. Both parcels are listed as Farm Deferral tax accounts. The applicant is requesting a Comprehensive Plan and Zone Change from Exclusive Farm Use (EFU) to Rural Residential (RR). The applicant provided a site map of the property, identified as "Figure 3 Topography" in the application materials, that shows a portion of the subject tract is proposed for the rezone from EFU to RR. The applicant, based on this map, does not propose to rezone the entire tract.

The applicant representative, Frank Walker, acting on behalf of the property owners, Jack and Marilyn Stafford, submitted a final statement to the County on April 6, 1999. Mr. Walker stated, "This submittal is the final one we want to make prior to scheduling a public hearing. We have addressed the specific criteria in the January 25, 1999 letter from Phil Bourquin to my firm."

Subsequent to receiving the faxed document and the original via mail service, Staff scheduled the meeting before the Planning Commission for May 3, 1999. Staff is obligated by MCC 11.15.8239 (A) and 11.15.8210 (B) to schedule a public hearing before the Planning Commission within 90 days of deeming the case complete. Section .8210 (B) states, in reference to the initiation action (submittal of application), "...which shall contain all information requested." With the applicant statement of final submittal of information pursuant to the Staff request for information, Staff concludes the scheduling of the public hearing before the Planning Commission should occur within 90 days of April 6, 1999. The Notice of Public Hearing was mailed April 21, 1999.

The applicant's submitted narrative is quite lengthy. Staff did not include the applicant's narrative statement in its entirety in this Staff Report. Staff chose to include the narrative by reference and as an attachment (exhibit) to the Staff Report. An Exhibit list and the exhibits will

be available as a separate document to this Staff Report. Four exhibits, described below, are attached to this report.

The Multnomah County Exclusive Farm Use Plan Designation and Zone is considered a resource zone under Statewide Planning Goal 3 - Agricultural Lands. A Comprehensive Plan and Zone Change from EFU to a non-resource zone (RR) requires an exception to Statewide Planning Goal 3. This Exceptions Process is laid out under Statewide Planning Goal 2 - Part II. Goal 2 - Part II outlines three instances when an exception to a goal may be authorized. Generally these exceptions are described as the 1) Physically Developed, 2) Irrevocably Committed, or 3) Reasons exceptions. In this application, the applicant is pursuing an Irrevocably Committed exception.

**Exhibits:**

- 1) Figure 3 Topography.
- 2) Figure 4 Detailed Topographic Analysis.
- 3) Figure 5 Geologic Hazard Zones.
- 4) Figure 6 Plot Plan.

**APPLICABLE CRITERIA AND FINDINGS:**

**I. Compliance with LCDC Statewide Planning Goals:**

**Staff:** The Multnomah County Comprehensive Plan and implementing policies and ordinances have been found by LCDC to be in conformance with statewide land use planning goals and guidelines. Goals applicable to this proposal, with the exception of Goal 2 which is outlined here, are addressed under related policies from the Multnomah County Comprehensive Plan. [See Compliance with Comprehensive Plan Policies section]. The applicant is requesting an exception to Goal 3 -Agricultural land.

**LCDC Goal 2, Land Use Planning**

**Staff:** This goal requires the establishment of a land use planning process and policy framework which conforms to the applicable goals. OAR Chapter 660, Division 4 (Interpretation of Goal 2 Exception Process) explains three types of exceptions set forth in Goal 2: "developed" exception; "irrevocably committed" exception; and "reasons" exception. It appears applicant is requesting an "irrevocably committed" exception. The relevant sections are set forth below:

Statewide Planning Goal 2 -Part II (b) provides, *"A local government may adopt an exception to a goal when: (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable"*.

The above citation is also found as ORS 197.732(1). The Statute implements the Statewide Planning Goal.

The applicable Oregon Administrative Rules, Oregon Revised Statutes, and Multnomah County criteria that the Board of County Commissioners must find the proposal meets in order to satisfy the Irrevocably Committed exception stated in Goal 2 - Part II (c) are specified in the following findings and conclusions.

## **PART II – EXCEPTIONS:**

**A local government may adopt an exception to a goal when:**

- (a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;**

**Staff:** The subject tract is not physically developed, at the current time, to the extent that is no longer available for the uses allowed by Goal 3 or OAR 660-33-120, Uses Authorized on Agricultural Lands. The applicant submitted a site plan entitled, "Figure 6, Plot Plan" that illustrates the existing structures as an old farmhouse, a dwelling, and a shop. The plan also shows the land uses of "timber" and "meadow" on the subject tract.

*The application does not meet the criterion.*

- (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because the existing adjacent uses and other relevant factors make uses allowed by the applicable impracticable; or**

**Staff:** The applicant addresses the definition of *practical* in the submitted narrative and refers to it several times in the narrative. The term used in the ORS and the Statewide Planning Rule is *impracticable*. The two words are distinctly different by definition. The American Heritage Dictionary states that *impractical* means "unwise to implement or maintain in practice." Webster's New Collegiate Dictionary states that *impracticable* is defined as, "not practicable; incapable of being performed or accomplished by the means employed or at command." The threshold for not doing a use on a site is much stronger under the definition of *impracticable* than under *impractical*.

The applicant states that a burden of proof exists for the applicant to demonstrate that "every use under Goal 3 is impractical as a result of existing surrounding uses. This premise can be argued from two different perspectives: (1) Those uses that are non-resource-related and that would impact farm uses, and (2) those uses that are resource-related and that, by their nature and scope, would make farming on the subject property impractical."

The applicant states "...it is impractical for the subject property to be farmed as a result of the existing surrounding uses. In other words, they are much larger in terms of their acreage requirements, they use sophisticated farming practices, and they have irrigation and drainage systems in place that enhance productivity. The subject property, by contrast, has a relatively small acreage available for nursery stock crops, lacks an economy of scale for justifying equipment purchases, and has no irrigation and drainage systems in place." Staff states that not all of the uses listed in OAR 660-33-120, Uses Authorized on Agricultural Land, require the items cited by the applicant. The list is included below. The list is quite lengthy and the applicant does not show that each listed use is impracticable. Additionally, the ability of this tract of land or portions of this tract of land to be farmed by the current owner or leased for farming to adjoining tracts exists. A statement from adjoining owners that are not willing to lease, purchase, or utilize the land does not demonstrate the land is irrevocably committed. The conditions must be inherent in the land, not the people who occupy the land.

*The application does not meet the criterion.*

(c) The following standards are met:

- (1) Reasons justify why the state policy embodied in the applicable goals should not apply;
- (2) Areas which do not require a new exception cannot reasonably accommodate the use;
- (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and
- (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.

**Staff:** The applicant does not address this criterion.

*The application does not meet the criterion.*

**Compatible**, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met.

**Staff:** The findings of fact and reasons that demonstrate the standards for an exception have not been met by the application are included herein this Staff Report for ZC 1-98 and PR 1-98 as made available on April 26, 1999.

Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.

**Staff:** The Notice of Public Hearing for ZC 1-98 and PR 1-98 was mailed April 21, 1999. The notice contained a list of the applicable approval criteria, including the request for the goal exception.

Upon review of a decision approving or denying an exception:

- (a) The commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;
- (b) The commission shall determine whether the local government's findings and reasons demonstrate that the standards for an exception have or have not been met; and
- (c) The commission shall adopt a clear statement of reasons which sets forth the basis for the determination that the standards for an exception have or have not been met.

**Exception** means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that;

- (a) **Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;**

**Staff:** The applications submitted for the Zone Change, ZC 1-98, and Plan Revision, PR 1-98, are for a specific site identified as by the State ID system as 1S 4E Section 08 Tax Lots 100 and 300. The request submitted by the applicant is to rezone a portion of the subject tract from EFU land to RR land.

- (b) **Does not comply with some or all goal requirements applicable to the subject properties or situations; and**

**Staff:** See subsection (c).

- (c) **Complies with standards for an exception.**

**Staff:** In the cases ZC 1-98 and PR 1-98, the applicant requests an exception to Goal 3. Staff makes findings that the applicant does not comply with the standards for an exception. Those findings are contained within this document. The subject tract is not irrevocably committed.

## **II. Findings:**

### **A. OAR 660-04-018: Planning and Zoning for Exception Areas**

- (1) **Purpose.** This rule explains the requirements for adoption of plan and zone designations for exception areas. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses or activities other than those recognized or justified by the applicable exception. Physically developed and irrevocably committed exceptions under OAR 660-04-025 and 660-04-028 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions which would allow changes in existing types of uses requires application of standards outlined in this rule.

- (2) **"Physically Developed" and "Irrevocably Committed" Exceptions to goals other than Goals 11 and 14. Plan and zone designations shall limit uses to:**

- (a) **Uses which are the same as the existing types of land use on the exception site;**

**Staff:** The applicant states that the "uses that would be allowed in a Rural Residential Exception sufficiently similar to the existing types of land use in the Exception Area as to minimize potential adverse impacts." In addition, the applicant states, "The proposed use of the property for two additional rural residences can easily be made compatible with adjacent uses because of the inherent configuration of the land, topographic barriers, and thick vegetative screens." Staff fails to see how the inherent configuration of the land, the topographic barriers, and thick vegetative



cover would make the case stronger for the applicant request to establish a zoning that would provide an opportunity for two additional residences. If the land is not appropriate for farm use then how is it appropriate to excavate, fill, and remove vegetation to accommodate a driveway and a dwelling on the proposed new parcels of land? Additional dwellings would result in additional traffic, and the potential for greater complaints regarding accepted farm or forest practices such as spraying of crops, slash burning, and other accepted practices. The site characteristics would be altered by the change in zoning designation. Staff states the characteristics of the land, as outlined by the applicant in the application materials (narrative, site plans, photographs) and as researched by the Staff, support reasons to not change the zoning designation from EFU. In addition, on lands zoned RR it is unlikely that any farming would occur and hence this leaves the applicant's comparison of uses "which are the same as existing types" as lacking in support.

*The application does not meet the criterion.*

**(b) Rural uses which meet the following requirements:**

- (A) The rural uses are consistent with all other applicable Goal requirements; and**
- (B) The rural uses will not commit adjacent or nearby resource land to non-resource use as defined in OAR 660-04-028; and**
- (C) The rural uses are compatible with adjacent or nearby resource use.**

**Staff:** The applicant argues that "the proposed rural uses will not commit adjacent or nearby resource lands to non-resource use". In very clear and simple terms, the rezoning of High-Value Farmland on the subject property from EFU to RR would result in resource land being developed with non-resource dwellings. In light of the fact that the applicant has stated that two additional parcels of land would be created and then a single-family residence would be constructed on each parcel if the zoning (RR) were to permit it, the zone change would indeed commit additional lands to a non-resource designation and hence use. The neighboring parcels or adjacent lands are primarily resource lands (EFU and CFU). The chart on page 17 illustrates the zoning and size of the adjacent tracts of land.

The applicant states that "Any prospective use of these lots for Rural Residential can be made compatible with the resource uses to the east by leaving vegetation and maintaining large setbacks (200'). The applicant also states "Over 140 acres of rural uses are located north and east of the subject property, and these acreages are interspersed with resource uses. A high degree of compatibility exists between these uses because most of the houses are located in wooded areas which afford substantial screening. The houses also

tend to be located on steeper land rather than on level productive land." The applicant fails to indicate what 140-acre area he is referring to for the purposes of this evaluation. If the rural uses are interspersed with resource uses, how does that make it appropriate for the subject tract to be zoned RR? Within the narrative, the applicant states that two parcels would be created if the subject land were rezoned to RR. Thus, the potential for placing the land in agricultural uses would likely be abandoned for the purposes of single-family residential use on the newly created parcels.

*The application does not meet the criterion.*

- (c) Changes to plan or zone designations are allowed consistently with subsections (a) or (b) of this section or where the uses or zones are identified and authorized by specific related policies contained in the acknowledged plan.**

**Staff:** Staff made the findings, as noted above, that the application was not consistent with subsections (a) and (b) of this section.

- (d) Uses not meeting the above requirements may be approved only under provisions for a reasons exception as outlined in OAR 660-04-020 through 660-04-022.**

**Staff:** OAR 660-04-018(2)(a) through (c) applies in this case. Since an "irrevocably committed" exception is requested, OAR 660-04-028 must be addressed.

**B. OAR 660-04-025: Exception Requirements for land Physically Developed:**

**Staff:** Findings of compliance with the Land Physically Developed requirements of this section is required to satisfy the "committed" criteria under OAR 660-04-028(6)(f).

- (1) A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that is no longer available for uses allowed by the applicable goal.**
- (2) Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.**

**C. OAR 660-04-028: Exception Requirements for Land Irrevocably Committed to Other Uses:**

- (1) A local Government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

- (a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II (b), and with the provisions of this rule.
- (b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken.
- (c) An "applicable goal", as used in this section, is a statewide planning goal or goals requirement that would apply to the exception area if an exception were not taken.

Staff: In *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995), LUBA stated "to approve an irrevocably committed exception, the county must find that all uses allowed by the goals are impracticable, primarily as a result of uses established on adjacent parcels." (emphasis added). The courts have also stated that the "impracticability standard is a demanding one." *Sandgren v. Clackamas County*.

In analyzing the types of uses allowed by the goal it cannot be assumed that noncommercial farm and forest uses are not allowed by the goal. *1000 Friends of Oregon v. Yamhill*, 27 Or LUBA 508 (1994).

The applicant provides, "The impracticability standard is not confined to impacts that result from human occupancy of the land but also apply to the physical characteristic of adjacent lands such as those just referenced." The physical characteristics of the adjacent lands may limit the types of uses of uses that can be accomplished on the land. However, the zoning designation provides the parameters for allowed uses on the resource and non-resource lands. Staff provides a chart on page 17 that shows the relative size and the zoning of adjacent tracts. Again, the list of uses under OAR 660-33-120, Uses Authorized on Agricultural Lands, is lengthy. The applicant narrative includes the historical use of the subject tract for nursery stock and livestock uses. The applicant states that those uses are no longer "practicable at this location". The uses described by the applicant may no longer be practicable by the applicant's description, for the subject parcel. However, this does not preclude the use of the site for other agricultural uses listed under OAR 660-33-120.

*The application does not meet the criterion.*

- (2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:

- (a) The characteristics of the exception area;

Staff: The applicant provides a description of the subject tract and the proposed exception area located within the tract. The applicant request is to rezone the exception area from EFU to RR. The applicant describes a stream on the property, steep slopes, a small area still used for nursery stock, and the lack of

any large contiguous area as factors that characterize the exception area. Staff finds these characteristics do not preclude the ability of the site to be used for the uses listed by OAR 660-33-120. The site is not irrevocably committed as defined by the OAR.

*The application does not meet the criterion.*

**(b) The characteristics of adjacent lands;**

**Staff:** The applicant provides a description of the characteristics of adjacent lands. Staff provides a chart on page 17 that summarizes the zoning and size of adjacent tracts. The adjacent lands are not irrevocably committed.

*The application does not meet the criterion.*

**(c) The relationship between the exception area and the lands adjacent to it; and**

**Staff:** The applicant has described the relationship between the exception area and the lands adjacent to it. The adjacent lands are primarily resource lands. As noted in subsection (b), Staff has included a chart on page 17 that provides a summary of characteristics of surrounding or adjacent tracts. The relationship of the exception area and the adjacent lands does not preclude the use of the lands for agricultural uses described in OAR 660-33-120. The lands are not irrevocably committed.

*The application does not meet the criterion.*

**(d) The other relevant factors set forth in OAR 660-04-028(6).**

**Staff:** Those factors are addressed within the respective subsections of OAR 660-33-120(6).

- (3) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource-protection goal. It shall not be required that local government demonstrate that every use allowed by the applicable goal is "impossible".**

**Staff:** The applicant argues (page 4, applicant narrative) that, "the standard that applies to OAR 660-04-028 is whether or not farm use can practicably be conducted on the subject property" and goes on to make arguments why some farm uses cannot be conducted at a commercial level.

Goal 3 - USES provides that, "Counties may authorize farm uses and those non-farm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices". These "allowable" uses under the goal are found in OAR 660-33-120. The test that must be met is an exhaustive one. According to

OAR 660-04-028(3), determining whether or not a "committed exception" may be authorized does not require a demonstration that every use allowed under OAR 660-33-120 be "impossible" as a result of existing adjacent uses and other relevant factors. It does, however, require that "every use" be determined to be impracticable as a result of existing adjacent uses<sup>1</sup>.

The subject parcels are considered High-Value Farmland based on the Soil Survey of Multnomah County, Oregon, Soil Conservation Service, USDA, August 1983. According to the Soil Survey, the subject parcels include the following soil types according to soil maps on file at Multnomah County: 10B Cornelius silt loam, 3 to 8 percent; 34B Powell silt loam, 3 to 8 percent slope; 34C Powell silt loam, 8 to 15 percent slopes; 34D Powell silt loam, 15 to 30 percent slopes; and 57 Wollent silt loam. The soil types of 10B, 34B, and 57 are High-Value Farmland Soils. OAR 660-33-020(8) defines High-Value Farmland. Uses allowed on Agricultural Lands designated as High-Value Farmland under OAR 660-33-120 are as follows:

#### **OAR 660-33-120 Uses Authorized on Agricultural Lands**

**Farm use as defined in ORS 215.203;**  
**Other buildings customarily provided in conjunction with farm use;**  
**Propagation or harvesting of a forest product;**  
**A facility for the primary processing of forest products;**  
**Creation of, restoration of, or enhancement of wetlands;**  
**The propagation, cultivation, maintenance and harvesting of aquatic species;**  
**Dwelling customarily provided in conjunction with farm use;**  
**A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator;**  
**Accessory Farm Dwellings;**  
**One Single family dwelling on a lawfully created lot or parcel;**  
**One manufactured dwelling in conjunction with an existing dwelling as a temporary use;**  
**Single-family residential use not provided in conjunction with farm use;**  
**Seasonal farmworker housing as defined in ORS 197.675;**  
**Residential home or facility as defined in ORS 197.660, in existing dwellings;**  
**Room and board arrangements for a maximum of five unrelated persons in existing residences;**  
**Alteration, restoration, or replacement of a lawfully established dwelling;**  
**Commercial activities in conjunction with farm use;**  
**Home occupations as provided in ORS 215.448;**  
**A winery as described in ORS 215.452;**  
**Farm stands;**  
**Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the**

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<sup>1</sup> "to approve an irrevocably committed exception, the county must first find that all uses allowed by the goals are impracticable, primarily as a result of uses established on adjacent parcels"... "the impracticability standard is a demanding one" *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995)

"In analyzing the types of uses allowed by the applicable goal it cannot be assumed that noncommercial farm and forest uses are not allowed by the goal". *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 (1994) LUBA

placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead;  
 Operations for the exploration for minerals as defined by ORS 517.750;  
 Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under this rule;  
 Operations conducted for mining, crushing or stockpiling of aggregate or other mineral and other subsurface resources subject to ORS 215.298;  
 Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement;  
 Processing of other mineral resources and other subsurface resources;  
 Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities;  
 Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;  
 Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;  
 Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;  
 Roads, highway and other transportation facilities, and improvements not otherwise allowed under this rule;  
 Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height;  
 Transmission towers over 200 feet in height;  
 Commercial utility facilities for the purpose of generating power for public use by sale;  
 Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization;  
 Living history museum

**Staff:** Additionally, the impracticable test must be applied to all "farm uses" allowed under ORS 215.203, below.

ORS 215.203(2)(a) - "farm use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof, "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise, "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267.(1)(e) or 321.415(5). (ORS 215.203(2)(a).

The applicant has indicated the subject parcel is capable of producing farm products including 500 lbs. of cabbage per acre per year on seven acres, hay, and grazing. Staff finds that land capable of growing 3,500 lbs. of cabbage per year is capable of obtaining a profit and it is therefore practicable to conduct a "farm use". Further, and most vital, the applicant has substantially failed in his burden to do a complete analysis addressing and demonstrating that every use allowed under Goal 3 (OAR 660-33-120) is impracticable as a result of existing surrounding uses.

In addition, ORS 197.732 (1)(b) allows a County to adopt an exception when "The land subject to the exception is irrevocably committed as described by the Department of Land Conservation and Development (LCDC) rule to uses **not allowed** by the applicable goal because existing **adjacent uses** and other relevant factors make uses allowed by the goal impracticable."

As was stated by Staff under "Part II – Exceptions" the application does not meet the Exceptions criterion.

*The application does not meet the criteria noted herein.*

- (4) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area,**

Staff: This criteria requires a statement of reasons why the facts support a conclusion that the uses allowed under Goal 3 are impracticable under a Rural Residential designation. Lacking adequate analysis on the part of the applicant regarding each and every use allowed under Goal 3, a conclusion that the exception area proposed is irrevocably committed cannot be made, nor could a statement as to the impracticability of Goal 3 uses occurring in a RR designation be made.

*The application does not meet the criterion.*

- (5) A conclusion that an exception area is irrevocably committed shall be supported by finding of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.**

Staff: Please see below for the Staff responses to subsection (6).

- (6) Findings of fact for a committed exception shall address the following factors:**

- (a) Existing adjacent uses;**

Staff: As noted above in the Staff response to OAR 660-04-028 (2)(b), the applicant provided a narrative describing the adjacent uses. The adjacent lands are not irrevocably committed and hence Staff made the finding that the application did not meet the criterion.

*The application does not meet the criterion.*

**(b) Existing public facilities and services (water and sewer lines, etc.);**

**Staff:** The applicant states that "Existing domestic water service has no applicability for agricultural production and is strictly for domestic consumption." Staff disagrees with the applicant. The existing capacity is important as future services would need to be available in the area. The applicant proposes to rezone the area to RR and then to create two additional parcels for the purposes of single-family residential use. These residences would need to have water and sewer capabilities. The applicant submitted a Certification of Water Service signed by the Lusted Water District. The comments on the form state, "future service" under the section titled, "The proposed use should be required to make the following water system improvements." The applicant does not state whether the "domestic water line" that is available to the site is "via a Lusted Water Cooperative line" could accommodate the two possible future single-family residences that may be established on RR land if the rezone were approved.

*The application does not meet the criterion.*

**(c) Parcel size and ownership patterns of the exception area and adjacent lands:**

**(A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed. Resource and non-resource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for non-farm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;**

**(B) Existing parcel sizes and contiguous ownership's shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownership's are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.**



**Staff:** The applicant refers to statements made earlier in the submitted narrative and chooses not to address this criterion specifically.

The OAR states, "Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed."

The OAR also states, "The mere fact that small parcels exist does not in itself constitute irrevocable commitment."

In addition, the OAR states, "Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations."

*In accordance with the above statements and with reference to previous Staff comments, Staff states the application does not meet the application criterion in Sections (A) and (B).*

**(d) Neighborhood and regional characteristics;**

**Staff:** When evaluating the lands actual use for the purposes of the exception, Staff considered the entire contiguous ownership as one.

**(e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;**

**(f) Physical development according to OAR 660-040-0025; and**

**(g) Other relevant factors.**

**Staff:** The table below illustrates the characteristics of adjoining tracts. When considering adjoining tracts the subject tract must be considered one unit of land (not simply the proposed exception area). The table was created by Staff using on the most recent Multnomah County Assessment and Taxation records.

SID	Zoning	Tract Size	Farm/Forest Deferral	Development
West				
1S 4E 07DD 100	MUA 20	4.80 acres	none	Dwelling
1S 4E 07DD 200	EFU	26.12 acres	25.12 acres	Dwelling
South				
1S 4E 08CC 200	EFU	14.00 acres	13.00 acres	Dwelling
East				
1S 4E 08CD 400; 1S 4E 17BA 400	EFU	57.42 acres	56.42 acres	Dwelling
North				
1S 4E 08CB 1200	EFU	2.90 acres	none	Dwelling
1S 4E 08CB 1000	RR	5.00 acres	None	Vacant
Subject Tract				
1S 4E 08CC 100, 300	EFU	21.55 acres	20.55 acres	Dwellings

The tracts identified in the above table as contiguous to the subject tract consist of 110.24 acres. Of this 110.24 acres, 5 acres are zoned Rural Residential, 4.80 acres are zoned MUA-20, and 100.44 acres are zoned EFU.

There are four adjoining tracts zoned EFU for an average tract size of 25.11 acres (100.44 acre/ 4 tracts) while the subject tract consists of 21.55 acres. Farm or forest deferral is received on 94.54 acres of the adjoining EFU tracts, indicating the presence of income from farm or forest production on the surrounding tracts. Only 15.70 acres of all adjacent EFU tracts are not in Farm or Forest deferral. Further, when reviewing soils maps all adjoining tracts were identified as High-Value Farmland with the only exception being the one parcel zoned Rural Residential.

The applicant submits the following as "other relevant factors": geologic hazard zones, steep slopes, slope stabilizing vegetation, inaccessability to farmable areas, physical development, adverse soils related to hardpans, persistent soil disease, exception areas that are directly contiguous, and dangerous access to property from 302<sup>nd</sup> Avenue."

- (7) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph, which shows the exception area and adjoining lands, and any other means needed to convey information about factors set forth in this rule. For example, a local government may use tables, charts, summaries or narratives to supplement the maps or photos. The applicable factors set forth in Section (6) of this rule shall be shown on the map or aerial photo.

**Staff:** The submitted maps inconsistently identify the proposed zone boundary being requested. The applicant provided a map entitled "Figure 3 Topography" that shows a portion of the subject tract labeled as the Rezone Area. An aerial photo was submitted with the Pre-Application materials (PA 4-96).

- (8) The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:
- (a) Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and
  - (b) Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged comprehensive plan and land use regulations.

**Staff:** Section (8)(b) applies in this case.

#### **D. GOAL 3 AGRICULTURAL LANDS**

**To preserve and maintain agricultural lands.**

**Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215 243 and 215 700**

**Staff:** The applicant seeks the proposed Exception "because the property owner recognizes the extreme limitations for agriculture on the majority of the site. Fully half the site is inherently unsuitable for agriculture because of exceedingly steep slopes." The applicant also states, "With the exception of six acres, the subject property is largely unusable for agricultural land, as opposed to simply being difficult to manage." Staff has made findings, already stated within this Staff Report, that the application does not meet the Exception criteria. The application materials submitted by the applicant do not demonstrate the existing tract (19.55 acres) and the adjacent tracts have met the irrevocably committed standard. The applicant reiterates that the subject tract still is used for agricultural activity (six acres noted above). The tract is a Farm Deferral tax account. The agricultural or resource lands should be preserved and maintained for farm use in accordance with Goal 3.

#### **USES**

**Counties may authorize farm uses and those non-farm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices.**

#### **IMPLEMENTATION**

**Zoning applied to agricultural land shall limit uses which can have significant adverse effects on agricultural and forest land, farm and forest uses or accepted farming or forest practices.**

Counties shall establish minimum sizes for new lots or parcels in each agricultural land designation. The minimum parcel size established for farm uses in farmland zones shall be consistent with applicable statutes. If a county proposes a minimum lot or parcel size less than 80 acres or 160 acres for rangeland, the minimum shall be appropriate to maintain the existing commercial agricultural enterprise within the area and meet the requirements of ORS 215.243.

Counties authorized by ORS 215.316 may designate agricultural land as marginal land and allow those uses and land divisions on the designated marginal land as allowed by law.

LCDC shall review and approve plan designations and revisions to land use regulations in the manner provided by ORS Chapter 197.

## DEFINITIONS

**Agricultural Land** - in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural in any event.

More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal.

Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 and 4.

**Farm Use** - is as set forth in ORS 215.203.

**High-Value Farmlands** - are areas of agricultural land defined by statute and Commission rule.

## Guidelines

### A. Planning

1. Urban growth should be separated from agricultural lands by buffer or transitional areas of open space.
2. Plans providing for the preservation and maintenance of farm land for farm use should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

**Staff:** The applicant states that adequate carrying capacity of the available resources exists to accommodate the proposed use of the site. On the Service Provider forms submitted by the applicant, the applicant describes the proposed use as, "Retain farmable portion of property

for farming uses and to establish two additional dwelling sites on unfarmable portion of property." The applicant also states that the Rural Residential zoned properties act as a buffer or transitional area of open space. Staff's evaluation of the Service Provider forms submitted by the applicant (including one blank form), reveals the applicant has provided no determination of carrying capacity of the land. Several of the forms indicate the level of service would have to be determined. The application does not demonstrate the ability of the land, with a proposed designation of RR, to accommodate two additional single-family residences. What is the operating level of the site and how does it compare to the level that would be required to accommodate the proposed use?

*Staff recommends the subject tract remain zoned EFU as the application materials do not demonstrate the carrying capacity standard has been met.*

## **B. Implementation**

1. Non-farm uses permitted within farm use zones under ORS 215.213(2) and (3) and 215.283(2) and (3) should be minimized to allow for maximum agricultural productivity.
2. Extension of services, such as sewer and water supplies into rural areas should be appropriate for the need of agriculture, farm use and non-farm uses established under ORS 215.213 and 215.283.
3. Services that need to pass through agricultural lands should not be connected with any use that is not allowed under ORS 215.203, 215.213 and 215.283 should not be assessed as part of the farm unit and should not be limited in capacity to serve specific service areas and identified needs.
4. Forest and open space uses should be permitted on agricultural land that is being preserved for future agricultural growth. The interchange of such lands should not be subject to penalties.

**Staff:** The implementation of Goal 3 requires that non-farm uses be kept to a minimum. The extension of services, as established in (A) above, requires the applicant to meet a carrying capacity standard. That standard has not been demonstrated. The applicant states the subject tract contains six acres used for agricultural purposes. The site also contains heavily wooded areas and meadow areas.

*Staff recommends the subject tract remain zoned EFU based on the evaluation of (B).*

## **E. Multnomah County Code:**

### **MCC 11.15.8230 Hearings**

- (A) The Hearings Officer or a quorum of at least three members of the Planning Commission, as is appropriate, shall conduct a hearing on the application within 90 days of the initiation thereof, under MCC .8210(B), unless such time is extended with the written consent of the one initiating the action.
- (B) Three members of the Planning Commission shall constitute a quorum in acting on applications under MCC .8115(B).
- (C) No action shall be heard unless a Staff Report is completed and available at the office of the Planning Director at least seven days prior to the date fixed for hearing. A copy of the

Report shall be mailed, upon completion, to the one initiating the action and to the Planning Commission or Hearings Officer, as appropriate. In addition, a copy shall be furnished to other persons who request the same upon payment of the fee provided for under MCC .9020. The Staff Report may be supplemented only at the hearing.

**(D) The burden of proof is upon the person initiating an action. Unless otherwise provided in this Ordinance, that burden shall be to persuade that:**

- (1) Granting the request is in the public interest;**
- (2) There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other available property;**

**Staff:** The applicant argues that the "County's policy is to promote the use of EFU-zoned land for commercial agriculture" and the subject parcel has had no commercial agricultural use for "almost 20 years". Multnomah County's policy as established under Comprehensive Plan Policy #9 and further evaluated below, "is to designate and maintain *as exclusive* (emphasis added) agricultural land". The focus of the County's policy is on agricultural uses, both commercial and non-commercial. Staff provides further comments under Policy #9 below.

- (3) The proposed action fully accords with the applicable elements of the Comprehensive Plan; and**

**Staff:** Staff finds the proposed action does not fully comply with the applicable elements of the Comprehensive Plan. Staff provides further comment under MCC 11.05.290 Burden of Proof and the Comprehensive Plan Policies included below.

- (4) The factors listed in ORS 215.055 have been considered.**

**(E) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to be considered under subpart (D). above.**

\* \* \*

#### **11.05.290. Burden of proof.**

**(A) The burden of proof is upon the person initiating a quasi-judicial plan revision. That burden shall be to persuade that the revision is:**

- (1) Consistent with the procedures of ORS 197.610 through 197.625 and the standards of ORS 197.732 if a goal exception is required, including any OAR's adopted pursuant to these statutes;**

**Staff:** Staff has provided findings within this Staff Report that the application does not meet the standard for granting an Exception. The application does not carry the burden of proof, including the burden of proof to demonstrate the subject tract is irrevocably committed.

- (2) Evidence that the proposal conforms to the intent of relevant policies in the comprehensive plan or that the plan policies do not apply. In the case of a land use plan map amendment for a commercial, industrial, or public designation, evidence must also be presented that the plan does not provide adequate areas in appropriate locations for the proposed use; and

**Staff:** Staff comments regarding the applicable Comprehensive Plan Policies are included below. The application does not provide evidence that all the Policy requirements have been met.

- (3) Evidence that the uses allowed by the proposed changes will (1) not destabilize the land use pattern in the vicinity, (2) not conflict with existing or planned uses on adjacent lands, and (3) that necessary public services are or will be available to serve allowed uses.

**Staff:** The application does not demonstrate the subject tract and adjacent parcels are irrevocably committed. Land use patterns in the vicinity would be altered if two more residences were added; traffic problems already exist according to the applicant. Adjacent properties are used for farm purposes. Residential use on lands designated non-resource (if the subject tract were rezoned) may or may not conflict with existing agricultural uses. Properties adjacent to the subject tract, as Staff established earlier in the report, are primarily zoned MUA-20, EFU, and CFU. Only one adjacent property, a five-acre parcel to the north of the subject tract, is zoned RR. Refer to the chart on page 17 for additional information.

- (B) Proof that circumstances in the area affected by the proposed revision have changed since adoption of the plan, or that there was a mistake in the plan, are additional relevant factors which may be considered under subsection (A) of this section.

#### **F. Comprehensive Plan Policies:**

### **POLICY 2 Off-Site Effects**

The County's policy is to apply conditions to its approval of land use actions where it is necessary to:

- A. Protect the public from the potentially deleterious effects of the proposed use; or

**Staff:** The subject tract is 19.55 acres (Tax Lot 100 is 12.10 acres and Tax Lot 300 is 9.45 acres). The applicant states that the proposed use will not have any "deleterious effects on the public". If the subject tract was rezoned to RR, a zone with a five-acre minimum lot size, two additional parcels may be created out of the existing tract. At several points in the narrative the applicant describes traffic issues as a concern. Staff provides further comments regarding traffic concerns under Policy 34.

- B. Fulfill the need for public service demands created by the proposed use.

**Staff:** The application does not meet the carrying capacity standard, as discussed earlier in this report. Staff provides additional comments under Policy 37 Utilities.

### **POLICY 3 Citizen Involvement**

The County's policy is to maintain a Committee for Citizen Involvement and an ongoing Citizen Involvement Program that is appropriate to the scale of the ongoing planning effort and that offers opportunities for citizens to be involved in all phases of the land planning process, and it will provide:

- A. Assistance through the distribution of information on planning;**
- B. Coordination of public involvement;**
- C. Structures for public involvement in the development of land use plans and policies;**
- D. Opportunities for citizen involvement in regional, state and federal programs and the administrative decision making process; and**
- E. A Community Group Participation Program.**

**Staff:** The applicant had a Pre-Application meeting with Multnomah County Land Use Planning Staff on November 13, 1997 (PA 4-96). The applications for the Zone Change, ZC 1-98, and the Plan Revision, PR 1-98, are subject to the requirements noted above. The application has followed the applicable processes.

### **POLICY 8 Rural Residential Land**

It is the County's policy to designate certain limited areas for rural residential development. Such areas are established based upon the following:

- A. Significant parcelization when an average of five (5) acres or less has already occurred, the majority of which are separately owned and developed;**

**Staff:** The applicant states that "a high degree of parcelization of the area surrounding the property to the north and west" exists. Staff again refers to the chart on page 17 that shows the zoning and the size of the tracts adjacent to the subject tract proposed to be rezoned from EFU to RR. The chart shows the average size of the adjacent lands, held in the same ownership, is approximately 20 acres.

- B. The area is not a cohesive commercial farm or forest resource area;**

**Staff:** The parcels or tracts adjacent to the subject tract are primarily zoned EFU and CFU. These zoning designations are farm and forest resource areas. The high amount of agricultural activity in the area and the fact that a portion of the subject tract remains in farm use, supports the Staff recommendation that the subject tract remain zoned EFU.

- C. The designated area is compatible with any adjacent farm or forest uses and would not cause any substantial conflict with these natural resource uses;**



**Staff:** The applicant provides a lengthy description of the natural resource characteristics of the land on the subject tract. The applicant argues that this supports the request for the rezone from EFU to RR. Staff provides comments under Policy #14 that addresses these natural resource uses. The subject tract has several development limitations, as further described in Policy #14. Policy #14 directs development away from areas with developmental limitations. Staff finds the applicant has not carried the burden to show how residential development is effectively served rather than farm uses on a property, with the development limitations to the extent described by the applicant. These limitations support the conclusion that the subject tract should remain zoned EFU.

**D. The land resource is predominantly forest or forest-agricultural in nature (discounting the residences), rather than agricultural in character;**

**Staff:** The subject tract is a Farm Deferral account. The subject tract contains six acres, as described by the applicant, used for agricultural purposes. The land is not predominantly forest or forest-agricultural in nature. The applicant describes the adjacent parcels contain agricultural uses.

**E. There are no physical development limitations which would cause the areas to be hazardous for development; and**

**Staff:** The applicant has described, at length in the submitted narrative, the physical limitations and characteristics of the subject tract. Staff provides comments under Policy #14, Developmental Limitations, regarding the limitations of the subject tract.

**F. Limited, but adequate, services must be available for these areas, including those provided on-site (water and subsurface sewage disposal), as well as off-site (school, fire, police).**

**Staff:** Staff has addressed the services to the site under Policy #37 and #38.

## **POLICY 9 Agricultural Land**

The County's policy is to designate and maintain as exclusive agricultural land, areas which are:

- A. Predominantly agricultural soil capability I, II, III, and IV, as defined by U.S. Soil Conservation Service;**
- B. Of parcel sizes suitable for commercial agriculture;**
- C. In predominantly commercial agriculture use; and**
- D. Not impacted by urban service; or**
- E. Other areas, predominantly surrounded by commercial agriculture lands, which are necessary to permit farm practices to be undertaken on these adjacent lands.**

**The County's policy is to restrict the use of these lands to exclusive agriculture and other uses, consistent with state law, recognizing that the intent is to preserve the best agricultural lands from inappropriate and incompatible development.**

**Staff:** The criteria of (A) through (E) have been addressed repeatedly throughout this Staff Report. The findings within this report show that the subject tract contains High-Value Farmland. The subject tract has land, approximately six acres as described by the applicant, used for agricultural purposes. As stated earlier, Staff finds the applicant has not carried the burden to show the lands are irrevocably committed. The applicant does not carry the burden of proof. Based on the submitted application materials, Staff makes the recommendation that the land remain zoned EFU.

## **POLICY 13 Air, Water and Noise Quality**

**Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore, it is Multnomah County's policy to:**

- A. Cooperate with private citizens, businesses, utilities and public agencies to maintain and improve the quality of air and water, and to reduce noise pollution in Multnomah County.**
- B. Support and participate in the implementation of state and regional plans and programs to reduce pollution levels.**
- C. Maintain healthful air quality levels in the regional airshed, to maintain healthful ground and surface water resources, and to prevent or reduce excessive sound levels while balancing social and economic needs in Multnomah County.**
- D. Discourage the development of noise-sensitive uses in areas of high noise impact.**

**Staff:** The applicant states that the air, water, and noise quality levels will be maintained and will be met as required if the proposed use to rezone the subject tract from EFU to RR is rezoned. It is likely the air, water, and noise quality standards would be met but an evaluation of the applicable standards would be necessary at the time of subsequent land use applications and building permit review.

## **POLICY 14 Developmental Limitations**

**The County's policy is to direct development and land form alterations away from areas with development limitations, except upon a showing that design and construction techniques can mitigate any public harm or associated public cost and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:**

- A. Slopes exceeding 20%;**
- B. Severe soil erosion potential;**

**C. Land within the 100-year floodplain;**

**D. A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;**

**E. A fragipan less than 30 inches from the surface;**

**F. Land subject to slumping, earth slides or movement.**

**Staff:** As described in the Staff response to OAR 660-04-028(3), the tract contains the following soil types: 10B Cornelius silt loam, 3 to 8 percent slopes; 34B Powell silt loam, 3 to 8 percent slopes; 34C Powell silt loam, 8 to 15 percent slopes; 34D Powell silt loam, 15 to 30 percent slopes; and 57 Wollent silt loam according to the Soil Survey of Multnomah County, Oregon. The High-Value Farmland soil types include 10B, 34B, and 57.

Slopes exceed 20% based on the soil types identified on the soil maps on file at Multnomah County and as described by the Soil Survey. Runoff is slow and the hazard of erosion is slight for soil types 10B, 34B, and 57. Runoff is medium and the hazard of erosion is moderate for soil type 34C. For soil type 34D, runoff is medium and the hazard of erosion is high.

The depth of the water table and the fragipan for the soil types of the tract are:

<u>Soil Type</u>	<u>Water Table Depth</u>	<u>Fragipan</u>
10B	30-40 in. from Dec. to April	60 in. or more
34B	18-24 in. from Dec. to April	60 in. or more
34C	18-24 in. from Dec. to April	60 in. or more
34D	18-24 in. from Dec. to April	60 in. or more
57	12 in. above to 12 in. below from Nov. to May	60 in. or more

Soil type 34D is subject to slumping in areas of cut and fill.

The subject parcels (Tax Lots 100 and 300 on the State ID system) are not within the 100-year floodplain according to the Federal Insurance Rate Map (FIRM) community panel #410179-0450B. The appropriate Flood Boundary and Floodway Map, community panel #410179-0450B, was not on file with Multnomah County. The applications, ZC 1-98 and PR 1-98, are not subject to the Code requirements for Flood Hazard.

Staff has considered the above established site development limitations. Staff notes that the applicant's narrative included a substantial amount of description of the characteristics (steep slopes, ravines, etc) of the subject tract. The applicant argues the site can't be farmed and therefore the subject parcel should be rezoned from EFU to RR to allow for single-family residential development. The County's policy is to "direct development and land form alterations away from areas with developmental limitations." The applicant's proposal to increase development on a site and in an area that is limited by the very characteristics the applicant described, is an illogical conclusion.

## **POLICY 22** Energy Conservation

The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah County to reduce dependency on non-renewable energy resources and to support greater utilization of renewable energy resources. The County shall require a finding, prior to the approval of legislative or quasi-judicial action, that the following factors have been considered:

- A. The development of energy-efficient land uses and practices;
- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers;
- C. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;
- D. Street layouts, lotting patterns and designs that utilize natural environmental and climatic conditions to advantage;
- E. Finally, the County will allow greater flexibility in the development and use of renewable energy resources.

**Staff:** The proposed change of zoning of the subject tract may alter the future street layout of the area. The proposed zone change would possibly increase the density of the area and the intensity of development; through land partitioning and additional non-farm dwellings. Rezoning the subject tract from Exclusive Farm Use (EFU) to Rural Residential (RR) would provide an option to the property owners to divide the subject tract into smaller parcels, so long as the requirements of the RR zone were met. The RR zone requires a five-acre minimum lot size. The subject tract is currently 19.55 acres in size. If the subject property (tract) were rezoned from EFU to RR, it may be possible to create two additional parcels of land. Transportation concerns are addressed under Comprehensive Plan Policy 34, Trafficways.

## **POLICY 34** Trafficways

The purpose of this policy is to direct the County to develop the existing trafficway system to maximize efficiency, and to consider the mobility of pedestrians by providing safe crossings.

The County's policy is to develop a safe and efficient trafficway system using the existing road network, and by:

- A. Maintaining a trafficway classification system;
- B. Improving streets to the standards established by the classification system, where necessary and/or appropriate, to mitigate identified transportation problems;
- C. Placing priority on maintaining the existing trafficways;

- D. Developing additional transportation facilities to meet community and regional transportation needs where capacity of the existing system has been maximized through transportation system management and demand management measures;**
- E. Providing a safe and convenient pedestrian environment with road crossings and sidewalk network designed for pedestrian travel;**
- F. Limiting the number of, and consolidating ingress and egress points, on arterials and major collectors to preserve traffic flow;**
- G. Reducing reliance on the automobile and assuring that the planned transportation system supports patterns of travel and land use which will avoid or mitigate problems of air pollution, traffic congestion and community livability;**
- H. Encouraging ride-share and flextime programs to help meet the projected increase in travel demand. The County will work with METRO and Tri-Met to develop ride-share programs, flextime and other transportation demand strategies to achieve the ride-share goal given in the Regional Transportation Plan; and**
- I. Implementing the Street Standards Chapter 11.60 and street standards codes and rules, including adherence to access control and intersection design guideline criteria, and establishing a procedure for allowing variances from that ordinance.**

**Staff:** The applicant argues that "A positive finding can be made that both efficiency and safety can be increased if this proposal is approved." However, the applicant provides narrative comments that conflict with that statement. The applicant describes the traffic in the area of the subject tract "has a limiting effect on the practicality of farming" and "The overall growth of the area (Gresham and Troutdale) and the resultant traffic increase on 302<sup>nd</sup> Avenue have made safe traveling for slow-moving farm implements necessary for nursing stock and berry operations much more difficult." Staff has already discussed the applicant's intent to construct single-family dwellings on each of the parcels that would be created as a result of the proposed zone change from EFU to RR. An increase in traffic would certainly result from the addition of single-family residences in the neighborhood. The increase level of traffic would be across High-Value Farmland. The level of traffic in the area of 302<sup>nd</sup> Avenue is a concern pointed out several times in the applicant narrative, and Staff finds the arguments used by the applicant serve to support Staff's recommendation the land remain zoned EFU. The applicant also offers, "The area west of the property on 302<sup>nd</sup> Avenue is zoned for non-resource use and has residences that can adversely effect farming practices and costs." The applicant does not provide supporting evidence for this statement. Staff does not agree with the applicant's argument. In conclusion, Staff finds the applicant's proposed would serve to exacerbate the traffic problems in the area of the subject tract.

**Excluding that portion of Multnomah County included in the Columbia River Gorge National Scenic Area, this policy, and the functional classification of trafficways map accompanying this policy, shall control over conflicting provisions of community plans or other preexisting plans in determining the functional classification of trafficways. Trafficways located within the Columbia River Gorge National Scenic Area are subject to, and superceded by, provisions of the Columbia River Gorge Scenic Area Management Plan.**

## **POLICY 37** Utilities

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

### **Water and Disposal System**

- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or**
- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or**
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- D. There is an adequate private water system and a public sewer with adequate capacity.**

**Staff:** The applicant has submitted the Certification of Water Service form. The form was completed by the Lusted Water District with the comment, "future service" under "The proposed use should be required to make the following water system improvements." The applicant has submitted a blank copy of the Certification of Private On-Site Sewage Disposal.

### **Drainage**

- E. There is adequate capacity in the storm water system to handle the run-off; or**
- F. The water run-off can be handled on the site or adequate provisions can be made; and**
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands.**

**Staff:** The applicant states "culverts and check dams can be placed along ditches to delay stormwater run-off and channel water into specific areas for erosion control."

### **Energy and Communications**

- H. There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**
- I. Communications facilities are available.**

Furthermore, the County's policy is to continue cooperation with the Department of Environmental Quality for the development and implementation of a groundwater quality plan to meet the needs of the County.

**Staff:** The applicant states, "this project should have a minimal effect on utilities..." but the applicant does not specifically address communication facilities or energy supplies.

## **POLICY 38** Facilities

The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

### **School**

- A. The appropriate school district has had an opportunity to review and comment on the proposal.**

**Staff:** The applicant has submitted the School District Review form, it was signed by the Gresham School District on 9/20/96.

### **Fire Protection**

- B. There is adequate water pressure and flow for fire fighting purposes; and**
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.**

**Staff:** The applicant has submitted the Fire District Review, it was signed by the Gresham Fire and Emergency Service for Multnomah Rural Fire Protection District #10 and 9/22/96.

### **Police Protection**

- D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.**

**Staff:** The applicant has submitted the Police Services Review, it was signed by the Multnomah County Sheriff's office on 9/20/96.

## **POLICY 40** Development Requirements

The County's policy is to encourage a connected parks and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:

- A. Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the Bicycle Corridor Capital Improvements Program and map.**
- B. Landscaped areas with benches will be provided in commercial, industrial and multiple-family developments where appropriate.**
- C. Areas for bicycle parking facilities will be required in development proposals where appropriate.**

**Staff:** The subject tract, if rezoned from EFU to RR, would provide an opportunity to create two additional parcels. The residential use of the site would not require landscaped area, bicycle parking, and public recreation areas as described by this Policy.

## **CONCLUSIONS:**

### **Staff:**

The applicant has not carried the burden necessary for granting a Zone Change and Plan Revision under the applicable approval criteria described herein. The proposal does not satisfy ZC and PR approval criteria as detailed in the findings section above.

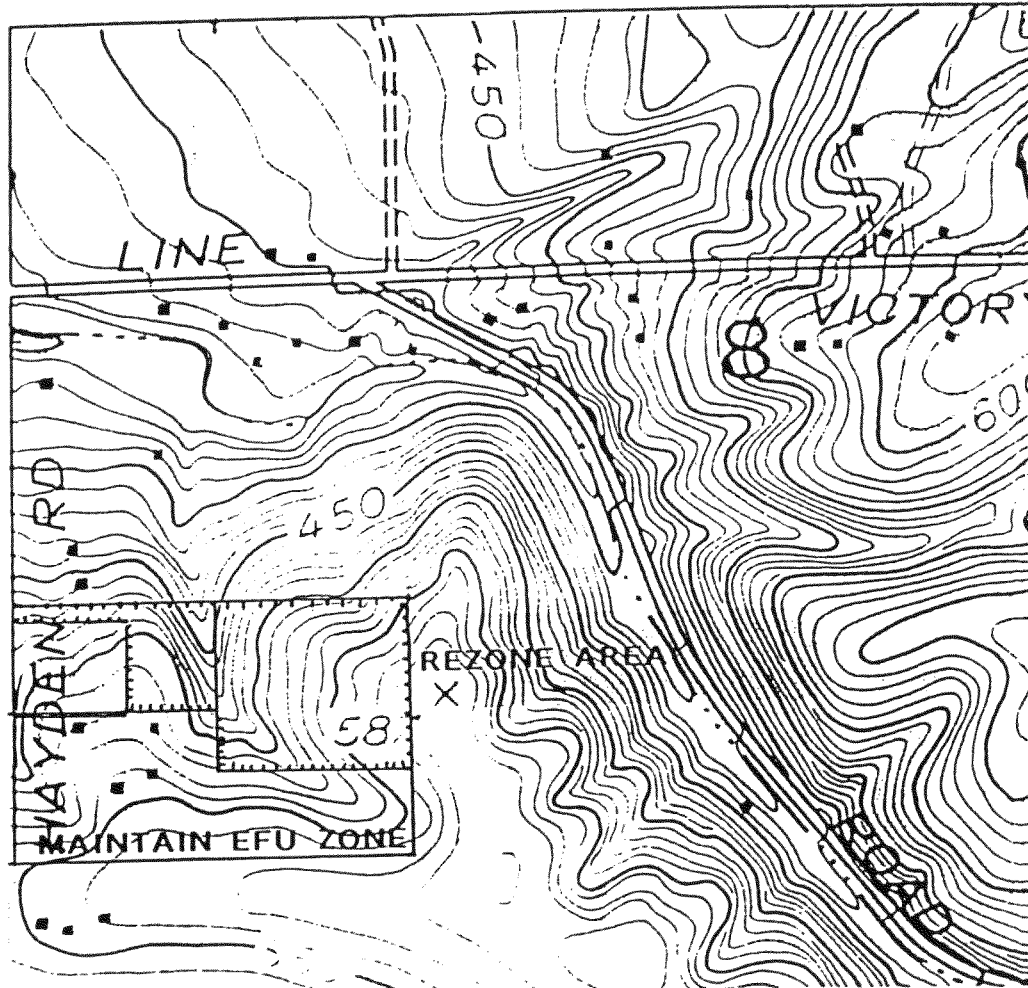
Staff recommends denial of the applications, ZC 1-98 and PR 1-98, based on the applicant's submitted materials and Staff findings. A summary of the reasons for denial of the application is included on page 2 of this Staff Report.

### **Notice to Mortgagee, Lien Holder, Vendor or Seller:**

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.



FIGURE 3  
TOPOGRAPHY

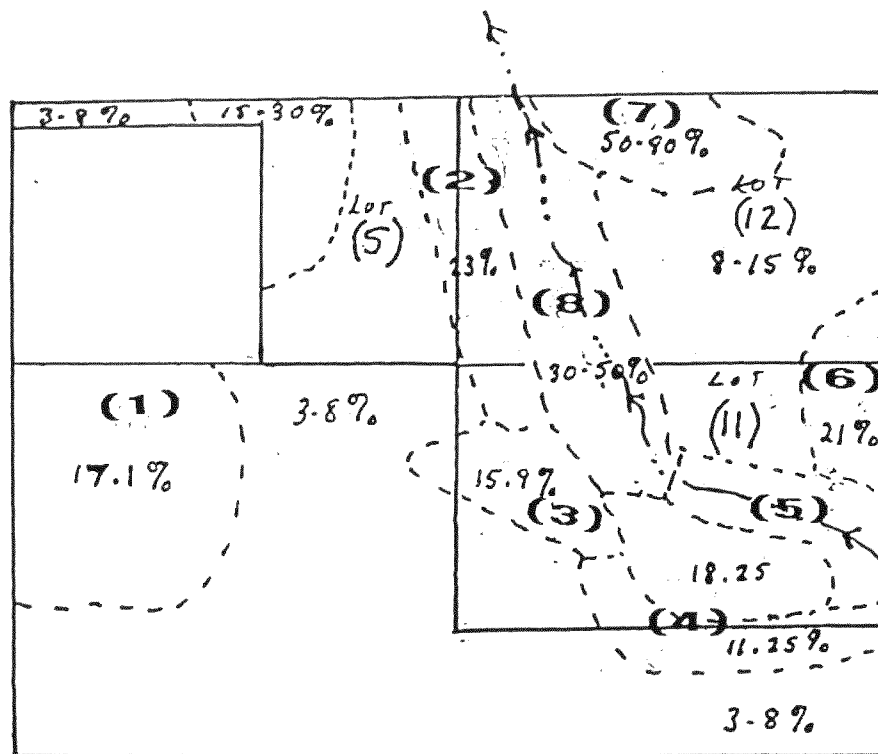


SCALE 1" = 660'

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FIGURE 4

DETAILED TOPOGRAPHIC ANALYSIS



1" = 300'



FIELD MEASUREMENTS: SUUNTO 360 CLINOMETER

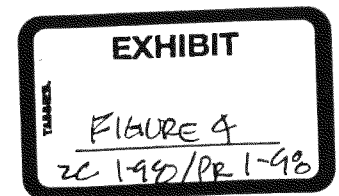


FIGURE 5

GEOLOGIC HAZARD ZONES

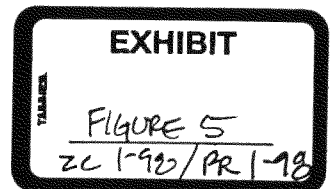
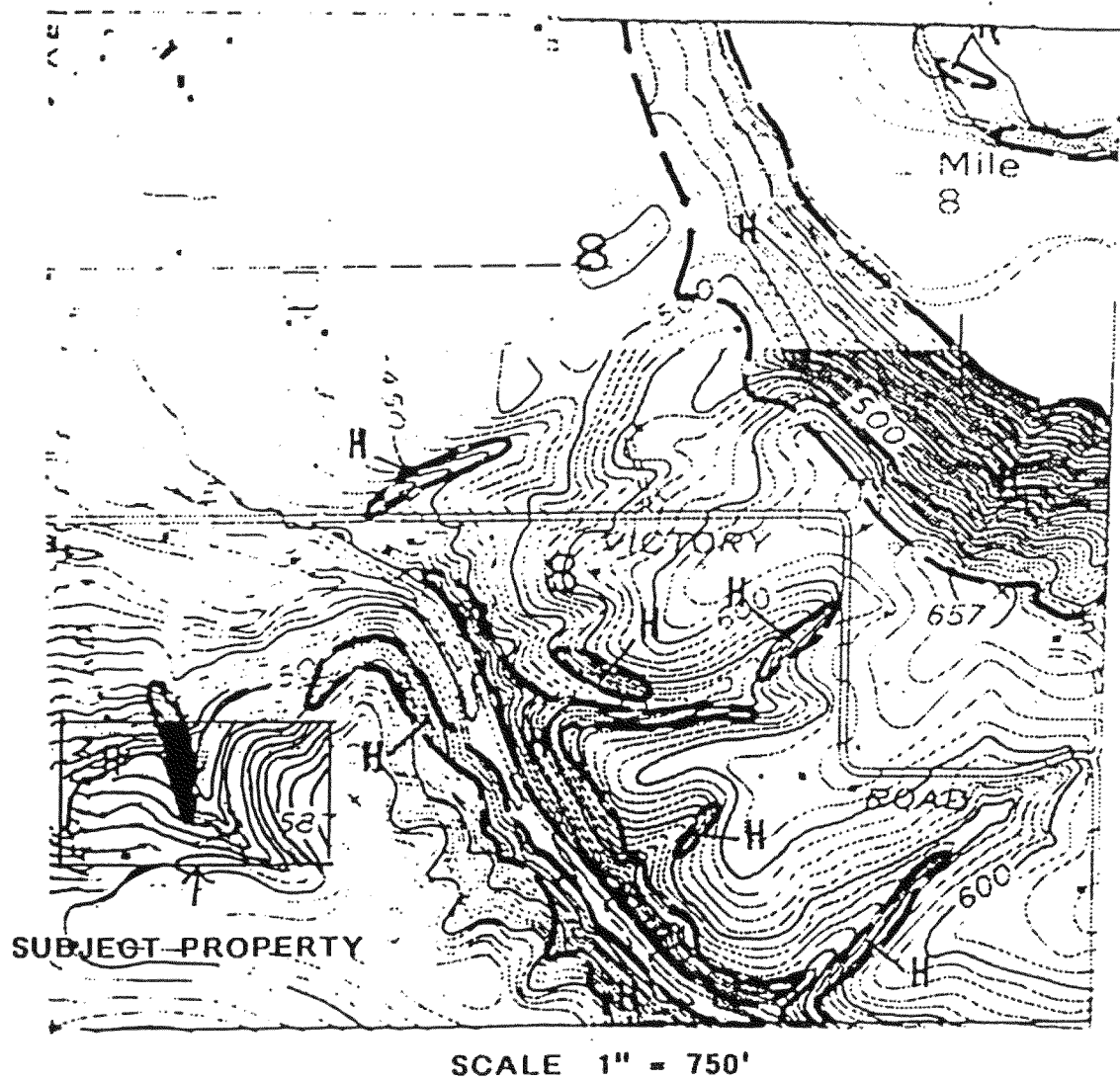
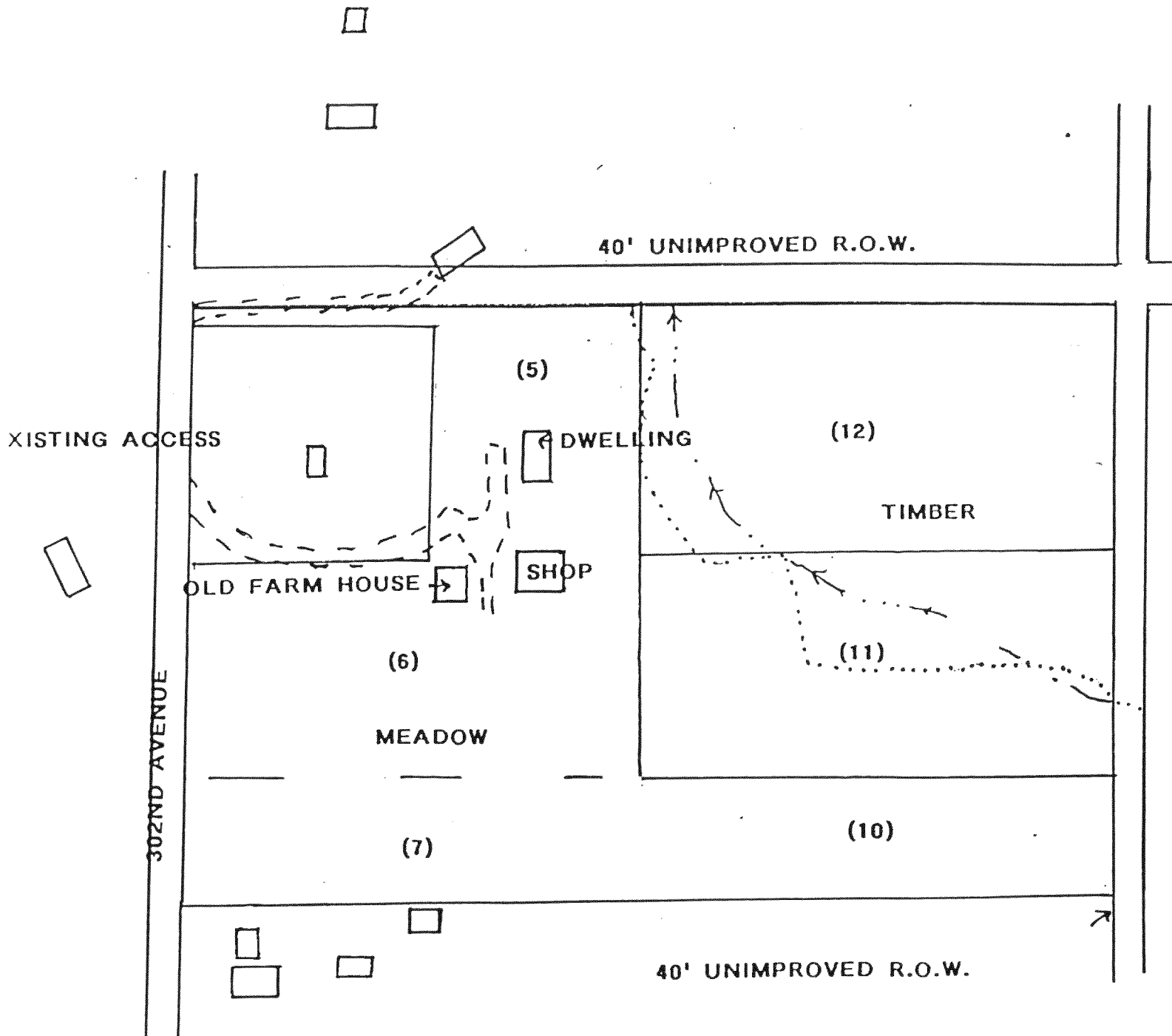


FIGURE 6

PLOT PLAN



EXHIBIT

Figure 6

201-98/PR1-98

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 99-163**

Upholding the decision of the Planning Commission denying ZC 1-98 & PR 1-98.

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

- a. On May 3, 1999, the Multnomah County Planning Commission denied the Zone Change, ZC 1-98, and the Plan Revision, PR 1-98, for the request for a change in zoning from Exclusive Farm Use (EFU) to Rural Residential (RR) for the subject property.
- b. On August 17, 1999, the Multnomah County Board of Commissioners held a DeNovo Hearing regarding an appeal of the Planning Commission's decision denying ZC 1-98 and PR 1-98.

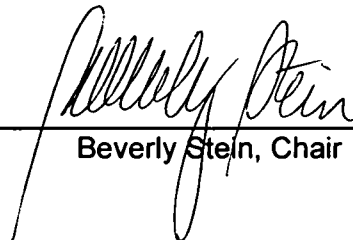
**The Multnomah County Board of Commissioners Orders:**

1. The decision of the Planning Commission denying the Zone Change, ZC 1-98, and the Plan Revision, PR 1-98, is hereby upheld.
2. The findings and conclusions contained in the decision of the Multnomah County Planning Commission for ZC-98 and PR 1-98 (May 3, 1999) and the Staff Report dated April 26, 1999 are hereby affirmed and adopted by reference.

APPROVED this 19th day of August, 1999.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By   
Jeffrey B. Litwak, Assistant County Counsel



MULTNOMAH COUNTY

Department of Environmental Services  
Land Use Planning Division  
1600 SE 190<sup>th</sup> Avenue  
Portland, OR 97233 Phone: (503) 248-3043

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## STAFF REPORT

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This notice concerns a public hearing scheduled to consider the land use case cited and described below.

**Case File:** ZC 1-98 and PR 1-98

**Scheduled Before:** Multnomah County Planning Commissioners:  
Patrick Brothers, Laurie Craghead, Tim Crail,  
Chris Foster, John Ingle, Daniel Kearns,  
Dave Kunkel, John Rettig, and Nancy Wilson.

**Hearing Date, Time, & Place:** Monday, May 3, 1999; at 6:30 PM, or soon  
thereafter.  
1600 SE 190<sup>th</sup> Avenue, Columbia Room  
Portland, OR 97233

This Building Is Wheel-Chair Accessible. Multnomah County TDD Line - (503) 248-5040.

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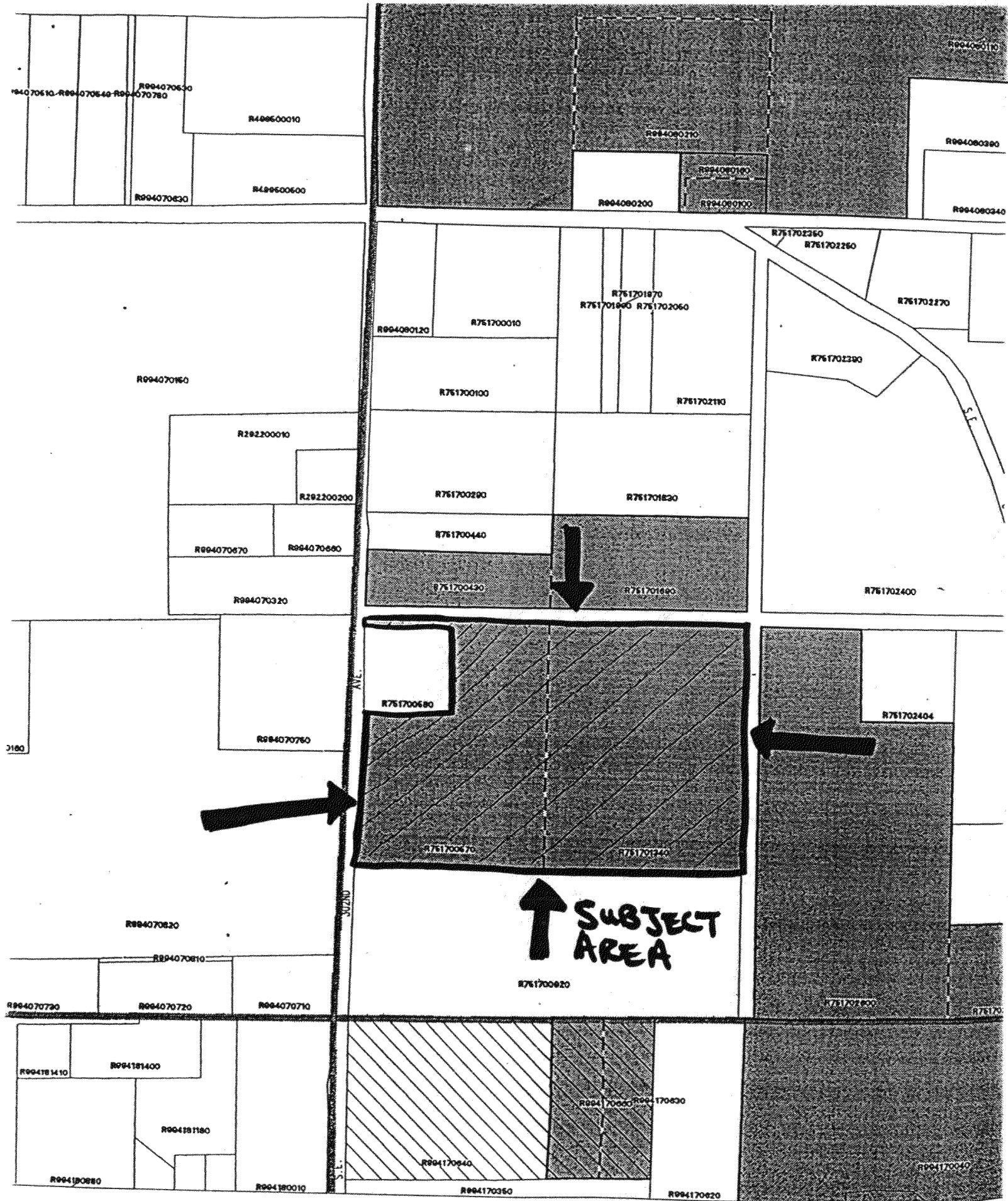
**WHAT:** Request for a Zone Change and Plan Revision to change the existing zoning of the subject parcels from Exclusive Farm Use (EFU) to Rural Residential (RR).

**WHERE:** 4046 SE 302<sup>nd</sup> Avenue.  
Township 1 South, Range 4 East, WM, Section 8,  
Tax Lots 5, 6, 11, 12, and the north half of Tax Lots 7 and 10.  
State ID Map: 1S4E08CC 100 and 300.  
Tax Account R#75170-1340 and R#75170-0570.  
See attached map.

**WHO:** *Applicant:* Frank Walker  
37708 Kings Valley Highway  
Philomath, OR 97370

*Property Owner:* Jack and Marilyn Stafford  
4046 SE 302<sup>nd</sup> Avenue  
Troutdale, OR 97060

**ZONING:** Exclusive Farm Use (EFU).



15 4E Section 8

## **DECISION RECOMMENDED BY STAFF:**

**Denial** of the request for the Zone Change, **ZC 1-98**, and Plan Revision, **PR 1-98**, for the subject tract for the proposed change in zoning from Exclusive Farm Use (EFU) to Rural Residential (RR). The application does not carry the burden of meeting the applicable approval criteria.

Staff recommends the denial based on the following:

- 1) The applicant has provided an inadequate analysis of adjacent uses occurring on adjacent tracts and of adjacent tracts (as in the land). Staff's analysis demonstrates the subject tract and adjoining tracts include High-Value Farmland. Most of the adjacent tracts are zoned EFU, in Farm Deferral tax accounts, and have average tract sizes exceeding 20 acres. Staff has provided a chart on page 17 of this report that summarizes this information.
- 2) It is the applicant's burden to demonstrate, in accordance with MCC 11.05.290 Burden of Proof, that the subject tract, and not just the area being requested for the Zone Change and Plan Revision, cannot be practicably put to uses authorized under Goal 3. The list under Goal 3 (OAR 660-33-120 Uses on Agricultural Lands) is a demanding and exhaustive list of uses for which the applicant must demonstrate as impracticable uses for the subject tract. It is also the burden of the applicant to demonstrate that no land use conflicts will be created, the land use pattern will not be destabilized, and that public services will be available to those areas [MCC 11.05.290 (A)(3)]. Further, the applicant attempts to show farm use is impracticable while stating that farm uses occur on the subject tract. The subject tract currently includes farm uses and the applicant has indicated that the site could accommodate other crops on the tract. The applicant also stated that nursery stock and livestock were prior uses on the tract.
- 3) The proposed zone change would result in land zoned for Rural Residential use. A primary use allowed in the RR zone is single-family residential development on 5-acre parcels. The area proposed for rezoning from EFU to RR includes lands with slopes in excess of 20%. The applicant narrative submitted April 6, 1999 via fax, describes "steep slopes" and a "Geologic Hazard Zone" for the subject tract. The applicant submitted a map entitled "Figure 4 Detailed Topographic Analysis" that shows areas of the subject tract with slope greater than 20%. Staff used soil maps, the Slope Hazard Map, and the Soil Survey of Multnomah County, OR as resources for slope determinations of the subject tract and adjacent tracts. Multnomah County's Comprehensive Plan Policy #14, Developmental Limitations, states that development shall be directed away from areas with slopes exceeding 20%. Staff has provided a response to Policy #14 in this Staff Report. Staff states that if the subject tract contains geologically limiting factors such as a stream, a ravine, steep slopes, and heavy vegetation ("helps stabilize the steep slopes and should be retained" according to the applicant), then it is illogical to conclude the parcels would be better served by being zoned with a designation that allows a five acre minimum lot size and single-family residential development. It is also worthy to note that even if a portion of the tract were demonstrated to be unfarmable, retention of the land in open space is consistent with Goal 3, and clearly would have no impact on the ability to use the remainder of the parcel for uses allowed under Goal 3.
- 4) The applicant has argued that traffic in the area has resulted in conflicts with farm uses. Staff notes that the applicant argument actually substantiates Staff's reasons for denial. Staff states that additional residential development would exacerbate the traffic problems cited by the applicant and would necessitate additional access across High-Value Farmland.



Comprehensive Plan Policy #34, Trafficways, includes an analysis of traffic impacts and concerns.

### **APPROVAL CRITERIA:**

The applicable approval criteria for this application include criteria of the Oregon Statewide Planning Goals, the Oregon Administrative Rules, the Oregon Revised Statutes, the Multnomah County Comprehensive Plan Policies, and the Multnomah County Code (MCC). The Board of County Commissioners must find that the proposal meets the approval criteria.

The approval criteria include: OAR Chapter 660, Division 4, Interpretation of Goal 2 Exception Process; OAR 660-04-018; OAR 660-04-025; OAR 660-04-028; OAR 660-33-120; LCDRC, Goal 3 Agricultural Land; ORS 197.732; ORS 215.203; ORS 197.610-.625; MCC 11.05.290; MCC 11.15.2002; MCC 11.15.8230; Comprehensive Plan Policies 2, 3, 8, 9, 13, 14, 22, 34, 37, 38, and 40.

The Code and Comprehensive Plan Policies noted here may be obtained by contacting the Land Use Planning Division at (503)-248-3043. The Staff Report, available seven (7) days before the public hearing before the Planning Commission, will contain the above noted OAR, ORS, Code and Comprehensive Plan Policies.

### **BACKGROUND AND PROCESS:**

The subject tract consists of 19.55 acres and two parcels identified by State ID as Tax Lot (TL) 100 (12.10 acres) (R#75170-1340) and TL 300 (9.45 acres) (R#75170-0570), of T1S R4E Section 8CC. Tax Lot 100 includes (as designated under the state ratio code) Tax Lots 11, 12, and the north half of 10 while Tax Lot 300 includes Tax Lots 5, 6 and the north half of 7. Both parcels are listed as Farm Deferral tax accounts. The applicant is requesting a Comprehensive Plan and Zone Change from Exclusive Farm Use (EFU) to Rural Residential (RR). The applicant provided a site map of the property, identified as "Figure 3 Topography" in the application materials, that shows a portion of the subject tract is proposed for the rezone from EFU to RR. The applicant, based on this map, does not propose to rezone the entire tract.

The applicant representative, Frank Walker, acting on behalf of the property owners, Jack and Marilyn Stafford, submitted a final statement to the County on April 6, 1999. Mr. Walker stated, "This submittal is the final one we want to make prior to scheduling a public hearing. We have addressed the specific criteria in the January 25, 1999 letter from Phil Bourquin to my firm."

Subsequent to receiving the faxed document and the original via mail service, Staff scheduled the meeting before the Planning Commission for May 3, 1999. Staff is obligated by MCC 11.15.8239 (A) and 11.15.8210 (B) to schedule a public hearing before the Planning Commission within 90 days of deeming the case complete. Section .8210 (B) states, in reference to the initiation action (submittal of application), "...which shall contain all information requested." With the applicant statement of final submittal of information pursuant to the Staff request for information, Staff concludes the scheduling of the public hearing before the Planning Commission should occur within 90 days of April 6, 1999. The Notice of Public Hearing was mailed April 21, 1999.

The applicant's submitted narrative is quite lengthy. Staff did not include the applicant's narrative statement in its entirety in this Staff Report. Staff chose to include the narrative by reference and as an attachment (exhibit) to the Staff Report. An Exhibit list and the exhibits will

be available as a separate document to this Staff Report. Four exhibits, described below, are attached to this report.

The Multnomah County Exclusive Farm Use Plan Designation and Zone is considered a resource zone under Statewide Planning Goal 3 - Agricultural Lands. A Comprehensive Plan and Zone Change from EFU to a non-resource zone (RR) requires an exception to Statewide Planning Goal 3. This Exceptions Process is laid out under Statewide Planning Goal 2 -Part II. Goal 2 -Part II outlines three instances when an exception to a goal may be authorized. Generally these exceptions are described as the 1) Physically Developed, 2) Irrevocably Committed, or 3) Reasons exceptions. In this application, the applicant is pursuing an Irrevocably Committed exception.

**Exhibits:**

- 1) Figure 3 Topography.
- 2) Figure 4 Detailed Topographic Analysis.
- 3) Figure 5 Geologic Hazard Zones.
- 4) Figure 6 Plot Plan.

**APPLICABLE CRITERIA AND FINDINGS:**

**I. Compliance with LCDC Statewide Planning Goals:**

**Staff:** The Multnomah County Comprehensive Plan and implementing policies and ordinances have been found by LCDC to be in conformance with statewide land use planning goals and guidelines. Goals applicable to this proposal, with the exception of Goal 2 which is outlined here, are addressed under related policies from the Multnomah County Comprehensive Plan. [See Compliance with Comprehensive Plan Policies section]. The applicant is requesting an exception to Goal 3 -Agricultural land.

**LCDC Goal 2, Land Use Planning**

**Staff:** This goal requires the establishment of a land use planning process and policy framework which conforms to the applicable goals. OAR Chapter 660, Division 4 (Interpretation of Goal 2 Exception Process) explains three types of exceptions set forth in Goal 2: "developed" exception; "irrevocably committed" exception; and "reasons" exception. It appears applicant is requesting an "irrevocably committed" exception. The relevant sections are set forth below:

Statewide Planning Goal 2 -Part II (b) provides, *"A local government may adopt an exception to a goal when: (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable"*.

The above citation is also found as ORS 197.732(1). The Statute implements the Statewide Planning Goal.

The applicable Oregon Administrative Rules, Oregon Revised Statutes, and Multnomah County criteria that the Board of County Commissioners must find the proposal meets in order to satisfy the Irrevocably Committed exception stated in Goal 2 - Part II (c) are specified in the following findings and conclusions.

## **PART II – EXCEPTIONS:**

**A local government may adopt an exception to a goal when:**

- (a) The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;**

**Staff:** The subject tract is not physically developed, at the current time, to the extent that is no longer available for the uses allowed by Goal 3 or OAR 660-33-120, Uses Authorized on Agricultural Lands. The applicant submitted a site plan entitled, "Figure 6, Plot Plan" that illustrates the existing structures as an old farmhouse, a dwelling, and a shop. The plan also shows the land uses of "timber" and "meadow" on the subject tract.

*The application does not meet the criterion.*

- (b) The land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because the existing adjacent uses and other relevant factors make uses allowed by the applicable impracticable; or**

**Staff:** The applicant addresses the definition of *practical* in the submitted narrative and refers to it several times in the narrative. The term used in the ORS and the Statewide Planning Rule is *impracticable*. The two words are distinctly different by definition. The American Heritage Dictionary states that *impractical* means "unwise to implement or maintain in practice." Webster's New Collegiate Dictionary states that *impracticable* is defined as, "not practicable; incapable of being performed or accomplished by the means employed or at command." The threshold for not doing a use on a site is much stronger under the definition of *impracticable* than under *impractical*.

The applicant states that a burden of proof exists for the applicant to demonstrate that "every use under Goal 3 is impractical as a result of existing surrounding uses. This premise can be argued from two different perspectives: (1) Those uses that are non-resource-related and that would impact farm uses, and (2) those uses that are resource-related and that, by their nature and scope, would make farming on the subject property impractical."

The applicant states "...it is impractical for the subject property to be farmed as a result of the existing surrounding uses. In other words, they are much larger in terms of their acreage requirements, they use sophisticated farming practices, and they have irrigation and drainage systems in place that enhance productivity. The subject property, by contrast, has a relatively small acreage available for nursery stock crops, lacks an economy of scale for justifying equipment purchases, and has no irrigation and drainage systems in place." Staff states that not all of the uses listed in OAR 660-33-120, Uses Authorized on Agricultural Land, require the items cited by the applicant. The list is included below. The list is quite lengthy and the applicant does not show that each listed use is impracticable. Additionally, the ability of this tract of land or portions of this tract of land to be farmed by the current owner or leased for farming to adjoining tracts exists. A statement from adjoining owners that are not willing to lease, purchase, or utilize the land does not demonstrate the land is irrevocably committed. The conditions must be inherent in the land, not the people who occupy the land.

*The application does not meet the criterion.*

**(c) The following standards are met:**

- (1) Reasons justify why the state policy embodied in the applicable goals should not apply;**
- (2) Areas which do not require a new exception cannot reasonably accommodate the use;**
- (3) The long-term environmental, economic, social and energy consequences resulting from the use of the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and**
- (4) The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts.**

**Staff:** The applicant does not address this criterion.

*The application does not meet the criterion.*

**Compatible**, as used in subparagraph (4) is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses.

**A local government approving or denying a proposed exception shall set forth findings of fact and a statement of reasons which demonstrate that the standards for an exception have or have not been met.**

**Staff:** The findings of fact and reasons that demonstrate the standards for an exception have not been met by the application are included herein this Staff Report for ZC 1-98 and PR 1-98 as made available on April 26, 1999.

**Each notice of a public hearing on a proposed exception shall specifically note that a goal exception is proposed and shall summarize the issues in an understandable manner.**

**Staff:** The Notice of Public Hearing for ZC 1-98 and PR 1-98 was mailed April 21, 1999. The notice contained a list of the applicable approval criteria, including the request for the goal exception.

**Upon review of a decision approving or denying an exception:**

- (a) The commission shall be bound by any finding of fact for which there is substantial evidence in the record of the local government proceedings resulting in approval or denial of the exception;**
- (b) The commission shall determine whether the local government's findings and reasons demonstrate that the standards for an exception have or have not been met; and**
- (c) The commission shall adopt a clear statement of reasons which sets forth the basis for the determination that the standards for an exception have or have not been met.**

**Exception** means a comprehensive plan provision, including an amendment to an acknowledged comprehensive plan, that;

- (a) **Is applicable to specific properties or situations and does not establish a planning or zoning policy of general applicability;**

**Staff:** The applications submitted for the Zone Change, ZC 1-98, and Plan Revision, PR 1-98, are for a specific site identified as by the State ID system as 1S 4E Section 08 Tax Lots 100 and 300. The request submitted by the applicant is to rezone a portion of the subject tract from EFU land to RR land.

- (b) **Does not comply with some or all goal requirements applicable to the subject properties or situations; and**

**Staff:** See subsection (c).

- (c) **Complies with standards for an exception.**

**Staff:** In the cases ZC 1-98 and PR 1-98, the applicant requests an exception to Goal 3. Staff makes findings that the applicant does not comply with the standards for an exception. Those findings are contained within this document. The subject tract is not irrevocably committed.

## **II. Findings:**

### **A. OAR 660-04-018: Planning and Zoning for Exception Areas**

- (1) **Purpose.** This rule explains the requirements for adoption of plan and zone designations for exception areas. Exceptions to one goal or a portion of one goal do not relieve a jurisdiction from remaining goal requirements and do not authorize uses or activities other than those recognized or justified by the applicable exception. Physically developed and irrevocably committed exceptions under OAR 660-04-025 and 660-04-028 are intended to recognize and allow continuation of existing types of development in the exception area. Adoption of plan and zoning provisions which would allow changes in existing types of uses requires application of standards outlined in this rule.

- (2) **"Physically Developed" and "Irrevocably Committed" Exceptions to goals other than Goals 11 and 14. Plan and zone designations shall limit uses to:**

- (a) **Uses which are the same as the existing types of land use on the exception site;**

**Staff:** The applicant states that the "uses that would be allowed in a Rural Residential Exception sufficiently similar to the existing types of land use in the Exception Area as to minimize potential adverse impacts." In addition, the applicant states, "The proposed use of the property for two additional rural residences can easily be made compatible with adjacent uses because of the inherent configuration of the land, topographic barriers, and thick vegetative screens." Staff fails to see how the inherent configuration of the land, the topographic barriers, and thick vegetative

cover would make the case stronger for the applicant request to establish a zoning that would provide an opportunity for two additional residences. If the land is not appropriate for farm use then how is it appropriate to excavate, fill, and remove vegetation to accommodate a driveway and a dwelling on the proposed new parcels of land? Additional dwellings would result in additional traffic, and the potential for greater complaints regarding accepted farm or forest practices such as spraying of crops, slash burning, and other accepted practices. The site characteristics would be altered by the change in zoning designation. Staff states the characteristics of the land, as outlined by the applicant in the application materials (narrative, site plans, photographs) and as researched by the Staff, support reasons to not change the zoning designation from EFU. In addition, on lands zoned RR it is unlikely that any farming would occur and hence this leaves the applicant's comparison of uses "which are the same as existing types" as lacking in support.

*The application does not meet the criterion.*

**(b) Rural uses which meet the following requirements:**

- (A) The rural uses are consistent with all other applicable Goal requirements; and**
- (B) The rural uses will not commit adjacent or nearby resource land to non-resource use as defined in OAR 660-04-028; and**
- (C) The rural uses are compatible with adjacent or nearby resource use.**

**Staff:** The applicant argues that "the proposed rural uses will not commit adjacent or nearby resource lands to non-resource use". In very clear and simple terms, the rezoning of High-Value Farmland on the subject property from EFU to RR would result in resource land being developed with non-resource dwellings. In light of the fact that the applicant has stated that two additional parcels of land would be created and then a single-family residence would be constructed on each parcel if the zoning (RR) were to permit it, the zone change would indeed commit additional lands to a non-resource designation and hence use. The neighboring parcels or adjacent lands are primarily resource lands (EFU and CFU). The chart on page 17 illustrates the zoning and size of the adjacent tracts of land.

The applicant states that "Any prospective use of these lots for Rural Residential can be made compatible with the resource uses to the east by leaving vegetation and maintaining large setbacks (200'). The applicant also states "Over 140 acres of rural uses are located north and east of the subject property, and these acreages are interspersed with resource uses. A high degree of compatibility exists between these uses because most of the houses are located in wooded areas which afford substantial screening. The houses also

tend to be located on steeper land rather than on level productive land." The applicant fails to indicate what 140-acre area he is referring to for the purposes of this evaluation. If the rural uses are interspersed with resource uses, how does that make it appropriate for the subject tract to be zoned RR? Within the narrative, the applicant states that two parcels would be created if the subject land were rezoned to RR. Thus, the potential for placing the land in agricultural uses would likely be abandoned for the purposes of single-family residential use on the newly created parcels.

*The application does not meet the criterion.*

- (c) **Changes to plan or zone designations are allowed consistently with subsections (a) or (b) of this section or where the uses or zones are identified and authorized by specific related policies contained in the acknowledged plan.**

**Staff:** Staff made the findings, as noted above, that the application was not consistent with subsections (a) and (b) of this section.

- (d) **Uses not meeting the above requirements may be approved only under provisions for a reasons exception as outlined in OAR 660-04-020 through 660-04-022.**

**Staff:** OAR 660-04-018(2)(a) through (c) applies in this case. Since an "irrevocably committed" exception is requested, OAR 660-04-028 must be addressed.

**B. OAR 660-04-025: Exception Requirements for land Physically Developed:**

**Staff:** Findings of compliance with the Land Physically Developed requirements of this section is required to satisfy the "committed" criteria under OAR 660-04-028(6)(f).

- (1) **A local government may adopt an exception to a goal when the land subject to the exception is physically developed to the extent that is no longer available for uses allowed by the applicable goal.**
- (2) **Whether land has been physically developed with uses not allowed by an applicable Goal, will depend on the situation at the site of the exception. The exact nature and extent of the areas found to be physically developed shall be clearly set forth in the justification for the exception. The specific area(s) must be shown on a map or otherwise described and keyed to the appropriate findings of fact. The findings of fact shall identify the extent and location of the existing physical development on the land and can include information on structures, roads, sewer and water facilities, and utility facilities. Uses allowed by the applicable goal(s) to which an exception is being taken shall not be used to justify a physically developed exception.**

**C. OAR 660-04-028: Exception Requirements for Land Irrevocably Committed to Other Uses:**

- (1) A local Government may adopt an exception to a goal when the land subject to the exception is irrevocably committed to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable:

- (a) A "committed exception" is an exception taken in accordance with ORS 197.732(1)(b), Goal 2, Part II (b), and with the provisions of this rule.
- (b) For the purposes of this rule, an "exception area" is that area of land for which a "committed exception" is taken.
- (c) An "applicable goal", as used in this section, is a statewide planning goal or goals requirement that would apply to the exception area if an exception were not taken.

**Staff:** In *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995), LUBA stated "to approve an irrevocably committed exception, the county must find that all uses allowed by the goals are impracticable, primarily as a result of uses established on adjacent parcels." (emphasis added). The courts have also stated that the "impracticability standard is a demanding one." *Sandgren v. Clackamas County*.

In analyzing the types of uses allowed by the goal it cannot be assumed that noncommercial farm and forest uses are not allowed by the goal. *1000 Friends of Oregon v. Yamhill*, 27 Or LUBA 508 (1994).

The applicant provides, "The impracticability standard is not confined to impacts that result from human occupancy of the land but also apply to the physical characteristic of adjacent lands such as those just referenced." The physical characteristics of the adjacent lands may limit the types of uses of uses that can be accomplished on the land. However, the zoning designation provides the parameters for allowed uses on the resource and non-resource lands. Staff provides a chart on page 17 that shows the relative size and the zoning of adjacent tracts. Again, the list of uses under OAR 660-33-120, Uses Authorized on Agricultural Lands, is lengthy. The applicant narrative includes the historical use of the subject tract for nursery stock and livestock uses. The applicant states that those uses are no longer "practicable at this location". The uses described by the applicant may no longer be practicable by the applicant's description, for the subject parcel. However, this does not preclude the use of the site for other agricultural uses listed under OAR 660-33-120.

*The application does not meet the criterion.*

- (2) Whether land is irrevocably committed depends on the relationship between the exception area and the lands adjacent to it. The findings for a committed exception therefore must address the following:
- (a) The characteristics of the exception area;

**Staff:** The applicant provides a description of the subject tract and the proposed exception area located within the tract. The applicant request is to rezone the exception area from EFU to RR. The applicant describes a stream on the property, steep slopes, a small area still used for nursery stock, and the lack of



any large contiguous area as factors that characterize the exception area. Staff finds these characteristics do not preclude the ability of the site to be used for the uses listed by OAR 660-33-120. The site is not irrevocably committed as defined by the OAR.

*The application does not meet the criterion.*

**(b) The characteristics of adjacent lands;**

**Staff:** The applicant provides a description of the characteristics of adjacent lands. Staff provides a chart on page 17 that summarizes the zoning and size of adjacent tracts. The adjacent lands are not irrevocably committed.

*The application does not meet the criterion.*

**(c) The relationship between the exception area and the lands adjacent to it; and**

**Staff:** The applicant has described the relationship between the exception area and the lands adjacent to it. The adjacent lands are primarily resource lands. As noted in subsection (b), Staff has included a chart on page 17 that provides a summary of characteristics of surrounding or adjacent tracts. The relationship of the exception area and the adjacent lands does not preclude the use of the lands for agricultural uses described in OAR 660-33-120. The lands are not irrevocably committed.

*The application does not meet the criterion.*

**(d) The other relevant factors set forth in OAR 660-04-028(6).**

**Staff:** Those factors are addressed within the respective subsections of OAR 660-33-120(6).

- (3) Whether uses or activities allowed by an applicable goal are impracticable as that term is used in ORS 197.732(1)(b), in Goal 2, Part II(b), and this rule shall be determined through consideration of factors set forth in this rule. Compliance with this rule shall constitute compliance with the requirements of Goal 2, Part II. It is the purpose of this rule to permit irrevocably committed exceptions where justified so as to provide flexibility in the application of broad resource-protection goal. It shall not be required that local government demonstrate that every use allowed by the applicable goal is "impossible".**

**Staff:** The applicant argues (page 4, applicant narrative) that, "the standard that applies to OAR 660-04-028 is whether or not farm use can practicably be conducted on the subject property" and goes on to make arguments why some farm uses cannot be conducted at a commercial level.

Goal 3 - USES provides that, "Counties may authorize farm uses and those non-farm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices". These "allowable" uses under the goal are found in OAR 660-33-120. The test that must be met is an exhaustive one. According to

OAR 660-04-028(3), determining whether or not a "committed exception" may be authorized does not require a demonstration that every use allowed under OAR 660-33-120 be "impossible" as a result of existing adjacent uses and other relevant factors. It does, however, require that "every use" be determined to be impracticable as a result of existing adjacent uses<sup>1</sup>.

The subject parcels are considered High-Value Farmland based on the Soil Survey of Multnomah County, Oregon, Soil Conservation Service, USDA, August 1983. According to the Soil Survey, the subject parcels include the following soil types according to soil maps on file at Multnomah County: 10B Cornelius silt loam, 3 to 8 percent; 34B Powell silt loam, 3 to 8 percent slope; 34C Powell silt loam, 8 to 15 percent slopes; 34D Powell silt loam, 15 to 30 percent slopes; and 57 Wollett silt loam. The soil types of 10B, 34B, and 57 are High-Value Farmland Soils. OAR 660-33-020(8) defines High-Value Farmland. Uses allowed on Agricultural Lands designated as High-Value Farmland under OAR 660-33-120 are as follows:

#### **OAR 660-33-120 Uses Authorized on Agricultural Lands**

**Farm use as defined in ORS 215.203;**  
**Other buildings customarily provided in conjunction with farm use;**  
**Propagation or harvesting of a forest product;**  
**A facility for the primary processing of forest products;**  
**Creation of, restoration of, or enhancement of wetlands;**  
**The propagation, cultivation, maintenance and harvesting of aquatic species;**  
**Dwelling customarily provided in conjunction with farm use;**  
**A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator;**  
**Accessory Farm Dwellings;**  
**One Single family dwelling on a lawfully created lot or parcel;**  
**One manufactured dwelling in conjunction with an existing dwelling as a temporary use;**  
**Single-family residential use not provided in conjunction with farm use;**  
**Seasonal farmworker housing as defined in ORS 197.675;**  
**Residential home or facility as defined in ORS 197.660, in existing dwellings;**  
**Room and board arrangements for a maximum of five unrelated persons in existing residences;**  
**Alteration, restoration, or replacement of a lawfully established dwelling;**  
**Commercial activities in conjunction with farm use;**  
**Home occupations as provided in ORS 215.448;**  
**A winery as described in ORS 215.452;**  
**Farm stands;**  
**Operations for the exploration for and production of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the**

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<sup>1</sup> "to approve an irrevocably committed exception, the county must first find that all uses allowed by the goals are impracticable, primarily as a result of uses established on adjacent parcels"... "the impracticability standard is a demanding one" *Sandgren v. Clackamas County*, 29 Or LUBA 454 (1995)

"In analyzing the types of uses allowed by the applicable goal it cannot be assumed that noncommercial farm and forest uses are not allowed by the goal". *1000 Friends of Oregon v. Yamhill County*, 27 Or LUBA 508 (1994) LUBA

placement and operation of compressors, separators and other customary production equipment for an individual well adjacent to the wellhead;  
Operations for the exploration for minerals as defined by ORS 517.750;  
Operations conducted for mining and processing of geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005 not otherwise permitted under this rule;  
Operations conducted for mining, crushing or stockpiling of aggregate or other mineral and other subsurface resources subject to ORS 215.298;  
Processing as defined by ORS 517.750 of aggregate into asphalt or portland cement;  
Processing of other mineral resources and other subsurface resources;  
Personal-use airports for airplanes and helicopter pads, including associated hangar, maintenance and service facilities;  
Construction of additional passing and travel lanes requiring the acquisition of right of way but not resulting in the creation of new land parcels;  
Reconstruction or modification of public roads and highways, not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result;  
Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed;  
Roads, highway and other transportation facilities, and improvements not otherwise allowed under this rule;  
Utility facilities necessary for public service, except commercial facilities for the purpose of generating power for public use by sale and transmission towers over 200 feet in height;  
Transmission towers over 200 feet in height;  
Commercial utility facilities for the purpose of generating power for public use by sale;  
Parks, playgrounds or community centers owned and operated by a governmental agency or a nonprofit community organization;  
Living history museum

**Staff:** Additionally, the impracticable test must be applied to all "farm uses" allowed under ORS 215.203, below.

**ORS 215.203(2)(a) - "farm use"** means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof, "Farm use" includes the preparation and storage of the products raised on such land for human use and animal use and disposal by marketing or otherwise, "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species. It does not include the use of land subject to the provisions of ORS chapter 321, except land used exclusively for growing cultured Christmas trees as defined in subsection (3) of this section or land described in ORS 321.267.(l)(e) or 321.415(5). (ORS 215.203(2)(a)).

The applicant has indicated the subject parcel is capable of producing farm products including 500 lbs. of cabbage per acre per year on seven acres, hay, and grazing. Staff finds that land capable of growing 3,500 lbs. of cabbage per year is capable of obtaining a profit and it is therefore practicable to conduct a "farm use". Further, and most vital, the applicant has substantially failed in his burden to do a complete analysis addressing and demonstrating that every use allowed under Goal 3 (OAR 660-33-120) is impracticable as a result of existing surrounding uses.

In addition, ORS 197.732 (1)(b) allows a County to adopt an exception when "The land subject to the exception is irrevocably committed as described by the Department of Land Conservation and Development (LCD) rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the goal impracticable."

As was stated by Staff under "Part II – Exceptions" the application does not meet the Exceptions criterion.

*The application does not meet the criteria noted herein.*

- (4) A conclusion that an exception area is irrevocably committed shall be supported by findings of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area,**

**Staff:** This criteria requires a statement of reasons why the facts support a conclusion that the uses allowed under Goal 3 are impracticable under a Rural Residential designation. Lacking adequate analysis on the part of the applicant regarding each and every use allowed under Goal 3, a conclusion that the exception area proposed is irrevocably committed cannot be made, nor could a statement as to the impracticability of Goal 3 uses occurring in a RR designation be made.

*The application does not meet the criterion.*

- (5) A conclusion that an exception area is irrevocably committed shall be supported by finding of fact which address all applicable factors of section (6) of this rule and by a statement of reasons explaining why the facts support the conclusion that uses allowed by the applicable goal are impracticable in the exception area.**

**Staff:** Please see below for the Staff responses to subsection (6).

- (6) Findings of fact for a committed exception shall address the following factors:**

- (a) Existing adjacent uses;**

**Staff:** As noted above in the Staff response to OAR 660-04-028 (2)(b), the applicant provided a narrative describing the adjacent uses. The adjacent lands are not irrevocably committed and hence Staff made the finding that the application did not meet the criterion.

*The application does not meet the criterion.*

**(b) Existing public facilities and services (water and sewer lines, etc.);**

**Staff:** The applicant states that "Existing domestic water service has no applicability for agricultural production and is strictly for domestic consumption." Staff disagrees with the applicant. The existing capacity is important as future services would need to be available in the area. The applicant proposes to rezone the area to RR and then to create two additional parcels for the purposes of single-family residential use. These residences would need to have water and sewer capabilities. The applicant submitted a Certification of Water Service signed by the Lusted Water District. The comments on the form state, "future service" under the section titled, "The proposed use should be required to make the following water system improvements." The applicant does not state whether the "domestic water line" that is available to the site is "via a Lusted Water Cooperative line" could accommodate the two possible future single-family residences that may be established on RR land if the rezone were approved.

*The application does not meet the criterion.*

**(c) Parcel size and ownership patterns of the exception area and adjacent lands:**

**(A) Consideration of parcel size and ownership patterns under subsection (6)(c) of this rule shall include an analysis of how the existing development pattern came about and whether findings against the Goals were made at the time of partitioning or subdivision. Past land divisions made without application of the**

**Goals do not in themselves demonstrate irrevocable commitment of the exception area. Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed.**

**Resource and non-resource parcels created pursuant to the applicable goals shall not be used to justify a committed exception. For example, the presence of several parcels created for non-farm dwellings or an intensive commercial agricultural operation under the provisions of an exclusive farm use zone cannot be used to justify a committed exception for land adjoining those parcels;**

**(B) Existing parcel sizes and contiguous ownership's shall be considered together in relation to the land's actual use. For example, several contiguous undeveloped parcels (including parcels separated only by a road or highway) under one ownership shall be considered as one farm or forest operation. The mere fact that small parcels exist does not in itself constitute irrevocable commitment. Small parcels in separate ownership's are more likely to be irrevocably committed if the parcels are developed, clustered in a large group or clustered around a road designed to serve these parcels. Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations.**

**Staff:** The applicant refers to statements made earlier in the submitted narrative and chooses not to address this criterion specifically.

The OAR states, "Only if development (e.g., physical improvements such as roads and underground facilities) on the resulting parcels or other factors make unsuitable their resource use or the resource use of nearby lands can the parcels be considered to be irrevocably committed."

The OAR also states, "The mere fact that small parcels exist does not in itself constitute irrevocable commitment."

In addition, the OAR states, "Small parcels in separate ownerships are not likely to be irrevocably committed if they stand alone amidst larger farm or forest operations, or are buffered from such operations."

*In accordance with the above statements and with reference to previous Staff comments, Staff states the application does not meet the application criterion in Sections (A) and (B).*

**(d) Neighborhood and regional characteristics;**

**Staff:** When evaluating the lands actual use for the purposes of the exception, Staff considered the entire contiguous ownership as one.

**(e) Natural or man-made features or other impediments separating the exception area from adjacent resource land. Such features or impediments include but are not limited to roads, watercourses, utility lines, easements, or rights-of-way that effectively impede practicable resource use of all or part of the exception area;**

**(f) Physical development according to OAR 660-040-0025; and**

**(g) Other relevant factors.**

**Staff:** The table below illustrates the characteristics of adjoining tracts. When considering adjoining tracts the subject tract must be considered one unit of land (not simply the proposed exception area). The table was created by Staff using on the most recent Multnomah County Assessment and Taxation records.

SID	Zoning	Tract Size	Farm/Forest Deferral	Development
West				
1S 4E 07DD 100	MUA 20	4.80 acres	none	Dwelling
1S 4E 07DD 200	EFU	26.12 acres	25.12 acres	Dwelling
South				
1S 4E 08CC 200	EFU	14.00 acres	13.00 acres	Dwelling
East				
1S 4E 08CD 400; 1S 4E 17BA 400	EFU	57.42 acres	56.42 acres	Dwelling
North				
1S 4E 08CB 1200	EFU	2.90 acres	none	Dwelling
1S 4E 08CB 1000	RR	5.00 acres	None	Vacant
Subject Tract				
1S 4E 08CC 100, 300	EFU	21.55 acres	20.55 acres	Dwellings

The tracts identified in the above table as contiguous to the subject tract consist of 110.24 acres. Of this 110.24 acres, 5 acres are zoned Rural Residential, 4.80 acres are zoned MUA-20, and 100.44 acres are zoned EFU.

There are four adjoining tracts zoned EFU for an average tract size of 25.11 acres (100.44 acre/ 4 tracts) while the subject tract consists of 21.55 acres. Farm or forest deferral is received on 94.54 acres of the adjoining EFU tracts, indicating the presence of income from farm or forest production on the surrounding tracts. Only 15.70 acres of all adjacent EFU tracts are not in Farm or Forest deferral. Further, when reviewing soils maps all adjoining tracts were identified as High-Value Farmland with the only exception being the one parcel zoned Rural Residential.

The applicant submits the following as "other relevant factors": geologic hazard zones, steep slopes, slope stabilizing vegetation, inaccessability to farmable areas, physical development, adverse soils related to hardpans, persistent soil disease, exception areas that are directly contiguous, and dangerous access to property from 302<sup>nd</sup> Avenue."

- (7) The evidence submitted to support any committed exception shall, at a minimum, include a current map, or aerial photograph, which shows the exception area and adjoining lands, and any other means needed to convey information about factors set forth in this rule. For example, a local government may use tables, charts, summaries or narratives to supplement the maps or photos. The applicable factors set forth in Section (6) of this rule shall be shown on the map or aerial photo.

**Staff:** The submitted maps inconsistently identify the proposed zone boundary being requested. The applicant provided a map entitled "Figure 3 Topography" that shows a portion of the subject tract labeled as the Rezone Area. An aerial photo was submitted with the Pre-Application materials (PA 4-96).

- (8) **The requirement for a map or aerial photograph in section (7) of this rule only applies to the following committed exceptions:**
- (a) **Those adopted or amended as required by a Continuance Order dated after the effective date of section (7) of this rule; and**
  - (b) **Those adopted or amended after the effective date of section (7) of this rule by a jurisdiction with an acknowledged comprehensive plan and land use regulations.**

**Staff:** Section (8)(b) applies in this case.

#### **D. GOAL 3 AGRICULTURAL LANDS**

**To preserve and maintain agricultural lands.**

**Agricultural lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state's agricultural land use policy expressed in ORS 215 243 and 215 700**

**Staff:** The applicant seeks the proposed Exception "because the property owner recognizes the extreme limitations for agriculture on the majority of the site. Fully half the site is inherently unsuitable for agriculture because of exceedingly steep slopes." The applicant also states, "With the exception of six acres, the subject property is largely unusable for agricultural land, as opposed to simply being difficult to manage." Staff has made findings, already stated within this Staff Report, that the application does not meet the Exception criteria. The application materials submitted by the applicant do not demonstrate the existing tract (19.55 acres) and the adjacent tracts have met the irrevocably committed standard. The applicant reiterates that the subject tract still is used for agricultural activity (six acres noted above). The tract is a Farm Deferral tax account. The agricultural or resource lands should be preserved and maintained for farm use in accordance with Goal 3.

#### **USES**

**Counties may authorize farm uses and those non-farm uses defined by commission rule that will not have significant adverse effects on accepted farm or forest practices.**

#### **IMPLEMENTATION**

**Zoning applied to agricultural land shall limit uses which can have significant adverse effects on agricultural and forest land, farm and forest uses or accepted farming or forest practices.**



Counties shall establish minimum sizes for new lots or parcels in each agricultural land designation. The minimum parcel size established for farm uses in farmland zones shall be consistent with applicable statutes. If a county proposes a minimum lot or parcel size less than 80 acres or 160 acres for rangeland, the minimum shall be appropriate to maintain the existing commercial agricultural enterprise within the area and meet the requirements of ORS 215.243.

Counties authorized by ORS 215.316 may designate agricultural land as marginal land and allow those uses and land divisions on the designated marginal land as allowed by law.

LCDC shall review and approve plan designations and revisions to land use regulations in the manner provided by ORS Chapter 197.

## **DEFINITIONS**

***Agricultural Land*** - in western Oregon is land of predominantly Class I, II, III and IV soils and in eastern Oregon is land of predominantly Class I, II, III, IV, V and VI soils as identified in the Soil Capability Classification System of the United States Soil Conservation Service, and other lands which are suitable for farm use taking into consideration soil fertility, suitability for grazing, climatic conditions, existing and future availability of water for farm irrigation purposes, existing land use patterns, technological and energy inputs required, or accepted farming practices. Lands in other classes which are necessary to permit farm practices to be undertaken on adjacent or nearby lands, shall be included as agricultural in any event.

More detailed soil data to define agricultural land may be utilized by local governments if such data permits achievement of this goal.

Agricultural land does not include land within acknowledged urban growth boundaries or land within acknowledged exceptions to Goals 3 and 4.

***Farm Use*** - is as set forth in ORS 215.203.

***High-Value Farmlands*** - are areas of agricultural land defined by statute and Commission rule.

## **Guidelines**

### **A. Planning**

1. Urban growth should be separated from agricultural lands by buffer or transitional areas of open space.
2. Plans providing for the preservation and maintenance of farm land for farm use should consider as a major determinant the carrying capacity of the air, land and water resources of the planning area. The land conservation and development actions provided for by such plans should not exceed the carrying capacity of such resources.

**Staff:** The applicant states that adequate carrying capacity of the available resources exists to accommodate the proposed use of the site. On the Service Provider forms submitted by the applicant, the applicant describes the proposed use as, "Retain farmable portion of property

for farming uses and to establish two additional dwelling sites on unfarmable portion of property." The applicant also states that the Rural Residential zoned properties act as a buffer or transitional area of open space. Staff's evaluation of the Service Provider forms submitted by the applicant (including one blank form), reveals the applicant has provided no determination of carrying capacity of the land. Several of the forms indicate the level of service would have to be determined. The application does not demonstrate the ability of the land, with a proposed designation of RR, to accommodate two additional single-family residences. What is the operating level of the site and how does it compare to the level that would be required to accommodate the proposed use?

*Staff recommends the subject tract remain zoned EFU as the application materials do not demonstrate the carrying capacity standard has been met.*

#### **B. Implementation**

1. Non-farm uses permitted within farm use zones under ORS 215.213(2) and (3) and 215.283(2) and (3) should be minimized to allow for maximum agricultural productivity.
2. Extension of services, such as sewer and water supplies into rural areas should be appropriate for the need of agriculture, farm use and non-farm uses established under ORS 215.213 and 215.283.
3. Services that need to pass through agricultural lands should not be connected with any use that is not allowed under ORS 215.203, 215.213 and 215.283 should not be assessed as part of the farm unit and should not be limited in capacity to serve specific service areas and identified needs.
4. Forest and open space uses should be permitted on agricultural land that is being preserved for future agricultural growth. The interchange of such lands should not be subject to penalties.

**Staff:** The implementation of Goal 3 requires that non-farm uses be kept to a minimum. The extension of services, as established in (A) above, requires the applicant to meet a carrying capacity standard. That standard has not been demonstrated. The applicant states the subject tract contains six acres used for agricultural purposes. The site also contains heavily wooded areas and meadow areas.

*Staff recommends the subject tract remain zoned EFU based on the evaluation of (B).*

#### **E. Multnomah County Code:**

##### **MCC 11.15.8230 Hearings**

- (A) The Hearings Officer or a quorum of at least three members of the Planning Commission, as is appropriate, shall conduct a hearing on the application within 90 days of the initiation thereof, under MCC .8210(B), unless such time is extended with the written consent of the one initiating the action.

*[Amended 1982, Ord. 351 § 2]*

- (B) Three members of the Planning Commission shall constitute a quorum in acting on applications under MCC .8115(B).

- (C) No action shall be heard unless a Staff Report is completed and available at the

office of the Planning Director at least seven days prior to the date fixed for hearing. A copy of the Report shall be mailed, upon completion, to the one initiating the action and to the Planning Commission or Hearings Officer, as appropriate. In addition, a copy shall be furnished to other persons who request the same upon payment of the fee provided for under MCC .9020. The Staff Report may be supplemented only at the hearing. [Amended 1998, Ord. 915 § 11]

(D) The burden of proof is upon the person initiating an action. Unless otherwise provided in this Ordinance, that burden shall be to persuade that:

- (1) Granting the request is in the public interest;
- (2) There is a public need for the requested change and that need will be best served by changing the classification of the property in question as compared with other available property;

**Staff:** The applicant argues that the "County's policy is to promote the use of EFU-zoned land for commercial agriculture" and the subject parcel has had no commercial agricultural use for "almost 20 years". Multnomah County's policy as established under Comprehensive Plan Policy #9 and further evaluated below, "is to designate and maintain *as exclusive* (emphasis added) agricultural land". The focus of the County's policy is on agricultural uses, both commercial and non-commercial. Staff provides further comments under Policy #9 below.

- (3) The proposed action fully accords with the applicable elements of the Comprehensive Plan; and

**Staff:** Staff finds the proposed action does not fully comply with the applicable elements of the Comprehensive Plan. Staff provides further comment under MCC 11.05.290 Burden of Proof and the Comprehensive Plan Policies included below.

- (4) The factors listed in ORS 215.055 have been considered.

(E) Proof of change in a neighborhood or community or mistake in the planning or zoning for the property under consideration are additional relevant factors to be considered under subpart (D). above.

\* \* \*

#### 11.05.290. Burden of proof.

(A) The burden of proof is upon the person initiating a quasi-judicial plan revision. That burden shall be to persuade that the revision is:

- (1) Consistent with the procedures of ORS 197.610 through 197.625 and the standards of ORS 197.732 if a goal exception is required, including any OAR's adopted pursuant to these statutes;

**Staff:** Staff has provided findings within this Staff Report that the application does not meet the standard for granting an Exception. The application does not carry the burden of proof, including the burden of proof to demonstrate the subject tract is

irrevocably committed.

- (2) Evidence that the proposal conforms to the intent of relevant policies in the comprehensive plan or that the plan policies do not apply. In the case of a land use plan map amendment for a commercial, industrial, or public designation, evidence must also be presented that the plan does not provide adequate areas in appropriate locations for the proposed use; and

**Staff:** Staff comments regarding the applicable Comprehensive Plan Policies are included below. The application does not provide evidence that all the Policy requirements have been met.

- (3) Evidence that the uses allowed by the proposed changes will (1) not destabilize the land use pattern in the vicinity, (2) not conflict with existing or planned uses on adjacent lands, and (3) that necessary public services are or will be available to serve allowed uses.

**Staff:** The application does not demonstrate the subject tract and adjacent parcels are irrevocably committed. Land use patterns in the vicinity would be altered if two more residences were added; traffic problems already exist according to the applicant. Adjacent properties are used for farm purposes. Residential use on lands designated non-resource (if the subject tract were rezoned) may or may not conflict with existing agricultural uses. Properties adjacent to the subject tract, as Staff established earlier in the report, are primarily zoned MUA-20, EFU, and CFU. Only one adjacent property, a five-acre parcel to the north of the subject tract, is zoned RR. Refer to the chart on page 17 for additional information.

- (B) Proof that circumstances in the area affected by the proposed revision have changed since adoption of the plan, or that there was a mistake in the plan, are additional relevant factors which may be considered under subsection (A) of this section.

*[Ord. 133 § II(1.37) (1976); Ord. 641 § 2 (1990)]*

#### **F. Comprehensive Plan Policies:**

### **POLICY 2 Off-Site Effects**

The County's policy is to apply conditions to its approval of land use actions where it is necessary to:

- A. Protect the public from the potentially deleterious effects of the proposed use; or

**Staff:** The subject tract is 19.55 acres (Tax Lot 100 is 12.10 acres and Tax Lot 300 is 9.45 acres). The applicant states that the proposed use will not have any "deleterious effects on the public". If the subject tract was rezoned to RR, a zone with a five-acre minimum lot size, two additional parcels may be created out of the existing tract. At several points in the narrative the applicant describes traffic issues as a concern. Staff provides further comments regarding traffic concerns under Policy 34.

- B. Fulfill the need for public service demands created by the proposed use.

**Staff:** The application does not meet the carrying capacity standard, as discussed earlier in this report. Staff provides additional comments under Policy 37 Utilities.

### **POLICY 3 Citizen Involvement**

**The County's policy is to maintain a Committee for Citizen Involvement and an ongoing Citizen Involvement Program that is appropriate to the scale of the ongoing planning effort and that offers opportunities for citizens to be involved in all phases of the land planning process, and it will provide:**

- A. Assistance through the distribution of information on planning;**
- B. Coordination of public involvement;**
- C. Structures for public involvement in the development of land use plans and policies;**
- D. Opportunities for citizen involvement in regional, state and federal programs and the administrative decision making process; and**
- E. A Community Group Participation Program.**

**Staff:** The applicant had a Pre-Application meeting with Multnomah County Land Use Planning Staff on November 13, 1997 (PA 4-96). The applications for the Zone Change, ZC 1-98, and the Plan Revision, PR 1-98, are subject to the requirements noted above. The application has followed the applicable processes.

### **POLICY 8 Rural Residential Land**

**It is the County's policy to designate certain limited areas for rural residential development. Such areas are established based upon the following:**

- A. Significant parcelization when an average of five (5) acres or less has already occurred, the majority of which are separately owned and developed;**

**Staff:** The applicant states that "a high degree of parcelization of the area surrounding the property to the north and west" exists. Staff again refers to the chart on page 17 that shows the zoning and the size of the tracts adjacent to the subject tract proposed to be rezoned from EFU to RR. The chart shows the average size of the adjacent lands, held in the same ownership, is approximately 20 acres.

- B. The area is not a cohesive commercial farm or forest resource area;**

**Staff:** The parcels or tracts adjacent to the subject tract are primarily zoned EFU and CFU. These zoning designations are farm and forest resource areas. The high amount of agricultural activity in the area and the fact that a portion of the subject tract remains in farm use, supports the Staff recommendation that the subject tract remain zoned EFU.

- C. The designated area is compatible with any adjacent farm or forest uses and would not cause any substantial conflict with these natural resource uses;**

**Staff:** The applicant provides a lengthy description of the natural resource characteristics of the land on the subject tract. The applicant argues that this supports the request for the rezone from EFU to RR. Staff provides comments under Policy #14 that addresses these natural resource uses. The subject tract has several development limitations, as further described in Policy #14. Policy #14 directs development away from areas with developmental limitations. Staff finds the applicant has not carried the burden to show how residential development is effectively served rather than farm uses on a property, with the development limitations to the extent described by the applicant. These limitations support the conclusion that the subject tract should remain zoned EFU.

- D. The land resource is predominantly forest or forest-agricultural in nature (discounting the residences), rather than agricultural in character;**

**Staff:** The subject tract is a Farm Deferral account. The subject tract contains six acres, as described by the applicant, used for agricultural purposes. The land is not predominantly forest or forest-agricultural in nature. The applicant describes the adjacent parcels contain agricultural uses.

- E. There are no physical development limitations which would cause the areas to be hazardous for development; and**

**Staff:** The applicant has described, at length in the submitted narrative, the physical limitations and characteristics of the subject tract. Staff provides comments under Policy #14, Developmental Limitations, regarding the limitations of the subject tract.

- F. Limited, but adequate, services must be available for these areas, including those provided on-site (water and subsurface sewage disposal), as well as off-site (school, fire, police).**

**Staff:** Staff has addressed the services to the site under Policy #37 and #38.

## **POLICY 9 Agricultural Land**

The County's policy is to designate and maintain as exclusive agricultural land, areas which are:

- A. Predominantly agricultural soil capability I, II, III, and IV, as defined by U.S. Soil Conservation Service;**
- B. Of parcel sizes suitable for commercial agriculture;**
- C. In predominantly commercial agriculture use; and**
- D. Not impacted by urban service; or**
- E. Other areas, predominantly surrounded by commercial agriculture lands, which are necessary to permit farm practices to be undertaken on these adjacent lands.**

**The County's policy is to restrict the use of these lands to exclusive agriculture and other uses, consistent with state law, recognizing that the intent is to preserve the best agricultural lands from inappropriate and incompatible development.**

**Staff:** The criteria of (A) through (E) have been addressed repeatedly throughout this Staff Report. The findings within this report show that the subject tract contains High-Value Farmland. The subject tract has land, approximately six acres as described by the applicant, used for agricultural purposes. As stated earlier, Staff finds the applicant has not carried the burden to show the lands are irrevocably committed. The applicant does not carry the burden of proof. Based on the submitted application materials, Staff makes the recommendation that the land remain zoned EFU.

## **POLICY 13** Air, Water and Noise Quality

**Multnomah County, recognizing that the health, safety, welfare, and quality of life of its citizens may be adversely affected by air, water and noise pollution, supports efforts to improve air and water quality and to reduce noise levels. Therefore, it is Multnomah County's policy to:**

- A. Cooperate with private citizens, businesses, utilities and public agencies to maintain and improve the quality of air and water, and to reduce noise pollution in Multnomah County.**
- B. Support and participate in the implementation of state and regional plans and programs to reduce pollution levels.**
- C. Maintain healthful air quality levels in the regional airshed, to maintain healthful ground and surface water resources, and to prevent or reduce excessive sound levels while balancing social and economic needs in Multnomah County.**
- D. Discourage the development of noise-sensitive uses in areas of high noise impact.**

**Staff:** The applicant states that the air, water, and noise quality levels will be maintained and will be met as required if the proposed use to rezone the subject tract from EFU to RR is rezoned. It is likely the air, water, and noise quality standards would be met but an evaluation of the applicable standards would be necessary at the time of subsequent land use applications and building permit review.

## **POLICY 14** Developmental Limitations

**The County's policy is to direct development and land form alterations away from areas with development limitations, except upon a showing that design and construction techniques can mitigate any public harm or associated public cost and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:**

- A. Slopes exceeding 20%;**

- B. Severe soil erosion potential;**
- C. Land within the 100-year floodplain;**
- D. A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;**
- E. A fragipan less than 30 inches from the surface;**
- F. Land subject to slumping, earth slides or movement.**

**Staff:** As described in the Staff response to OAR 660-04-028(3), the tract contains the following soil types: 10B Cornelius silt loam, 3 to 8 percent slopes; 34B Powell silt loam, 3 to 8 percent slopes; 34C Powell silt loam, 8 to 15 percent slopes; 34D Powell silt loam, 15 to 30 percent slopes; and 57 Wollent silt loam according to the Soil Survey of Multnomah County, Oregon. The High-Value Farmland soil types include 10B, 34B, and 57.

Slopes exceed 20% based on the soil types identified on the soil maps on file at Multnomah County and as described by the Soil Survey. Runoff is slow and the hazard of erosion is slight for soil types 10B, 34B, and 57. Runoff is medium and the hazard of erosion is moderate for soil type 34C. For soil type 34D, runoff is medium and the hazard of erosion is high.

The depth of the water table and the fragipan for the soil types of the tract are:

<u>Soil Type</u>	<u>Water Table Depth</u>	<u>Fragipan</u>
10B	30-40 in. from Dec. to April	60 in. or more
34B	18-24 in. from Dec. to April	60 in. or more
34C	18-24 in. from Dec. to April	60 in. or more
34D	18-24 in. from Dec. to April	60 in. or more
57	12 in. above to 12 in. below from Nov. to May	60 in. or more

Soil type 34D is subject to slumping in areas of cut and fill.

The subject parcels (Tax Lots 100 and 300 on the State ID system) are not within the 100-year floodplain according to the Federal Insurance Rate Map (FIRM) community panel #410179-0450B. The appropriate Flood Boundary and Floodway Map, community panel #410179-0450B, was not on file with Multnomah County. The applications, ZC 1-98 and PR 1-98, are not subject to the Code requirements for Flood Hazard.

Staff has considered the above established site development limitations. Staff notes that the applicant's narrative included a substantial amount of description of the characteristics (steep slopes, ravines, etc) of the subject tract. The applicant argues the site can't be farmed and therefore the subject parcel should be rezoned from EFU to RR to allow for single-family residential development. The County's policy is to "direct development and land form alterations away from areas with developmental limitations." The applicant's proposal to increase development on a site and in an area that is limited by the very characteristics the applicant described, is an illogical conclusion.



## **POLICY 22** Energy Conservation

The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. In addition, it is the policy of Multnomah County to reduce dependency on non-renewable energy resources and to support greater utilization of renewable energy resources. The County shall require a finding, prior to the approval of legislative or quasi-judicial action, that the following factors have been considered:

- A. The development of energy-efficient land uses and practices;**
- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreational centers;**
- C. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;**
- D. Street layouts, lotting patterns and designs that utilize natural environmental and climatic conditions to advantage;**
- E. Finally, the County will allow greater flexibility in the development and use of renewable energy resources.**

**Staff:** The proposed change of zoning of the subject tract may alter the future street layout of the area. The proposed zone change would possibly increase the density of the area and the intensity of development; through land partitioning and additional non-farm dwellings. Rezoning the subject tract from Exclusive Farm Use (EFU) to Rural Residential (RR) would provide an option to the property owners to divide the subject tract into smaller parcels, so long as the requirements of the RR zone were met. The RR zone requires a five-acre minimum lot size. The subject tract is currently 19.55 acres in size. If the subject property (tract) were rezoned from EFU to RR, it may be possible to create two additional parcels of land. Transportation concerns are addressed under Comprehensive Plan Policy 34, Trafficways.

## **POLICY 34** Trafficways

The purpose of this policy is to direct the County to develop the existing trafficway system to maximize efficiency, and to consider the mobility of pedestrians by providing safe crossings.

The County's policy is to develop a safe and efficient trafficway system using the existing road network, and by:

- A. Maintaining a trafficway classification system;**
- B. Improving streets to the standards established by the classification system, where necessary and/or appropriate, to mitigate identified transportation problems;**
- C. Placing priority on maintaining the existing trafficways;**

- D. Developing additional transportation facilities to meet community and regional transportation needs where capacity of the existing system has been maximized through transportation system management and demand management measures;**
- E. Providing a safe and convenient pedestrian environment with road crossings and sidewalk network designed for pedestrian travel;**
- F. Limiting the number of, and consolidating ingress and egress points, on arterials and major collectors to preserve traffic flow;**
- G. Reducing reliance on the automobile and assuring that the planned transportation system supports patterns of travel and land use which will avoid or mitigate problems of air pollution, traffic congestion and community livability;**
- H. Encouraging ride-share and flextime programs to help meet the projected increase in travel demand. The County will work with METRO and Tri-Met to develop ride-share programs, flextime and other transportation demand strategies to achieve the ride-share goal given in the Regional Transportation Plan; and**
- I. Implementing the Street Standards Chapter 11.60 and street standards codes and rules, including adherence to access control and intersection design guideline criteria, and establishing a procedure for allowing variances from that ordinance.**

**Staff:** The applicant argues that "A positive finding can be made that both efficiency and safety can be increased if this proposal is approved." However, the applicant provides narrative comments that conflict with that statement. The applicant describes the traffic in the area of the subject tract "has a limiting effect on the practicality of farming" and "The overall growth of the area (Gresham and Troutdale) and the resultant traffic increase on 302<sup>nd</sup> Avenue have made safe traveling for slow-moving farm implements necessary for nursing stock and berry operations much more difficult." Staff has already discussed the applicant's intent to construct single-family dwellings on each of the parcels that would be created as a result of the proposed zone change from EFU to RR. An increase in traffic would certainly result from the addition of single-family residences in the neighborhood. The increase level of traffic would be across High-Value Farmland. The level of traffic in the area of 302<sup>nd</sup> Avenue is a concern pointed out several times in the applicant narrative, and Staff finds the arguments used by the applicant serve to support Staff's recommendation the land remain zoned EFU. The applicant also offers, "The area west of the property on 302<sup>nd</sup> Avenue is zoned for non-resource use and has residences that can adversely effect farming practices and costs." The applicant does not provide supporting evidence for this statement. Staff does not agree with the applicant's argument. In conclusion, Staff finds the applicant's proposed would serve to exacerbate the traffic problems in the area of the subject tract.

**Excluding that portion of Multnomah County included in the Columbia River Gorge National Scenic Area, this policy, and the functional classification of trafficways map accompanying this policy, shall control over conflicting provisions of community plans or other preexisting plans in determining the functional classification of trafficways. Trafficways located within the Columbia River Gorge National Scenic Area are subject to, and superceded by, provisions of the Columbia River Gorge Scenic Area Management Plan.**

## **POLICY 37** Utilities

**The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:**

### **Water and Disposal System**

- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or**
- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or**
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or**
- D. There is an adequate private water system and a public sewer with adequate capacity.**

**Staff:** The applicant has submitted the Certification of Water Service form. The form was completed by the Lusted Water District with the comment, "future service" under "The proposed use should be required to make the following water system improvements." The applicant has submitted a blank copy of the Certification of Private On-Site Sewage Disposal.

### **Drainage**

- E. There is adequate capacity in the storm water system to handle the run-off; or**
- F. The water run-off can be handled on the site or adequate provisions can be made; and**
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes, or alter the drainage on adjoining lands.**

**Staff:** The applicant states "culverts and check dams can be placed along ditches to delay stormwater run-off and channel water into specific areas for erosion control."

### **Energy and Communications**

- H. There is an adequate energy supply to handle the needs of the proposal and the development level projected by the plan; and**
- I. Communications facilities are available.**

**Furthermore, the County's policy is to continue cooperation with the Department of Environmental Quality for the development and implementation of a groundwater quality plan to meet the needs of the County.**

**Staff:** The applicant states, "this project should have a minimal effect on utilities..." but the applicant does not specifically address communication facilities or energy supplies.

## **POLICY 38** Facilities

**The County's policy is to require a finding prior to approval of a legislative or quasi-judicial action that:**

### **School**

- A. The appropriate school district has had an opportunity to review and comment on the proposal.**

**Staff:** The applicant has submitted the School District Review form, it was signed by the Gresham School District on 9/20/96.

### **Fire Protection**

- B. There is adequate water pressure and flow for fire fighting purposes; and**
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.**

**Staff:** The applicant has submitted the Fire District Review, it was signed by the Gresham Fire and Emergency Service for Multnomah Rural Fire Protection District #10 and 9/22/96.

### **Police Protection**

- D. The proposal can receive adequate local police protection in accordance with the standards of the jurisdiction providing police protection.**

**Staff:** The applicant has submitted the Police Services Review, it was signed by the Multnomah County Sheriff's office on 9/20/96.

## **POLICY 40** Development Requirements

**The County's policy is to encourage a connected parks and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:**

- A. Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the Bicycle Corridor Capital Improvements Program and map.**
- B. Landscaped areas with benches will be provided in commercial, industrial and multiple-family developments where appropriate.**
- C. Areas for bicycle parking facilities will be required in development proposals where appropriate.**

**Staff:** The subject tract, if rezoned from EFU to RR, would provide an opportunity to create two additional parcels. The residential use of the site would not require landscaped area, bicycle parking, and public recreation areas as described by this Policy.

## **CONCLUSIONS:**

**Staff:**

The applicant has not carried the burden necessary for granting a Zone Change and Plan Revision under the applicable approval criteria described herein. The proposal does not satisfy ZC and PR approval criteria as detailed in the findings section above.

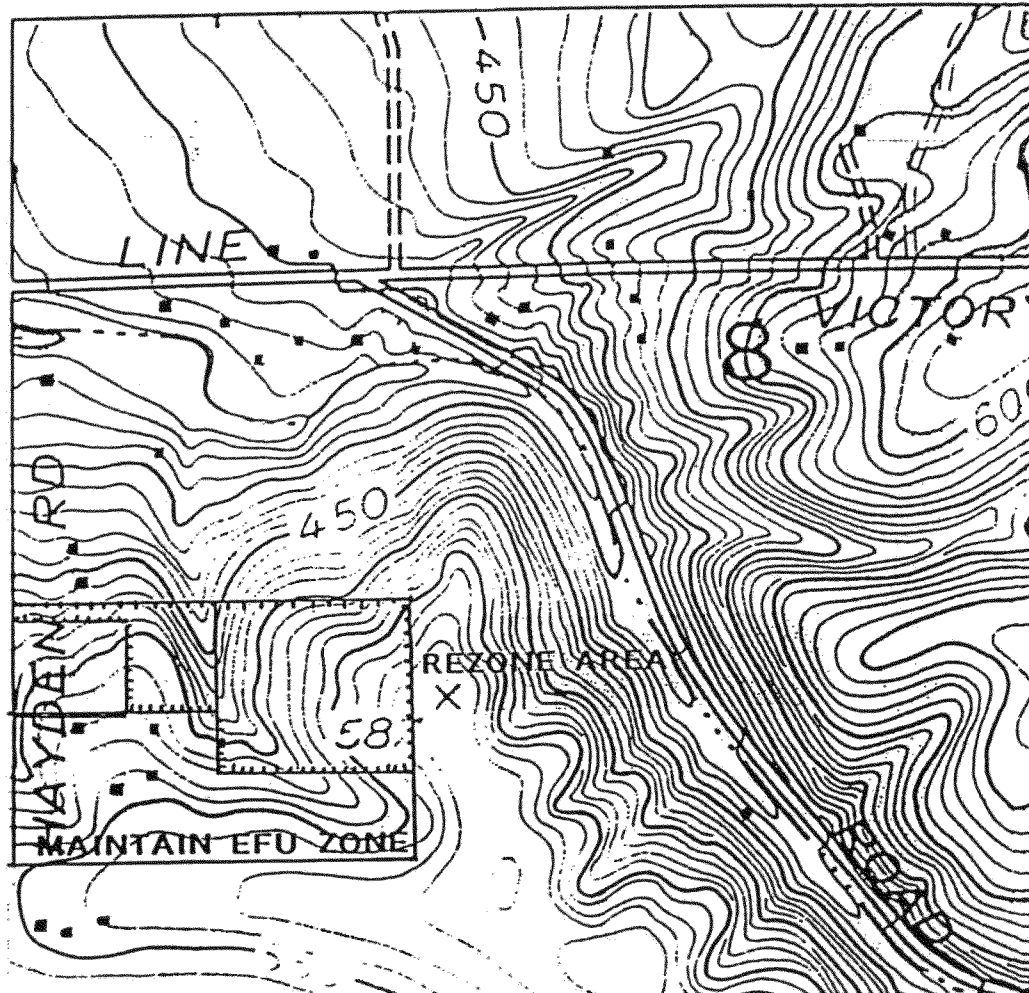
Staff recommends denial of the applications, ZC 1-98 and PR 1-98, based on the applicant's submitted materials and Staff findings. A summary of the reasons for denial of the application is included on page 2 of this Staff Report.

**Notice to Mortgagee, Lien Holder, Vendor or Seller:**

ORS Chapter 215 requires that if you receive this notice it must be promptly forwarded to the purchaser.

FIGURE 3

TOPOGRAPHY



SCALE 1" = 660'

↑  
N

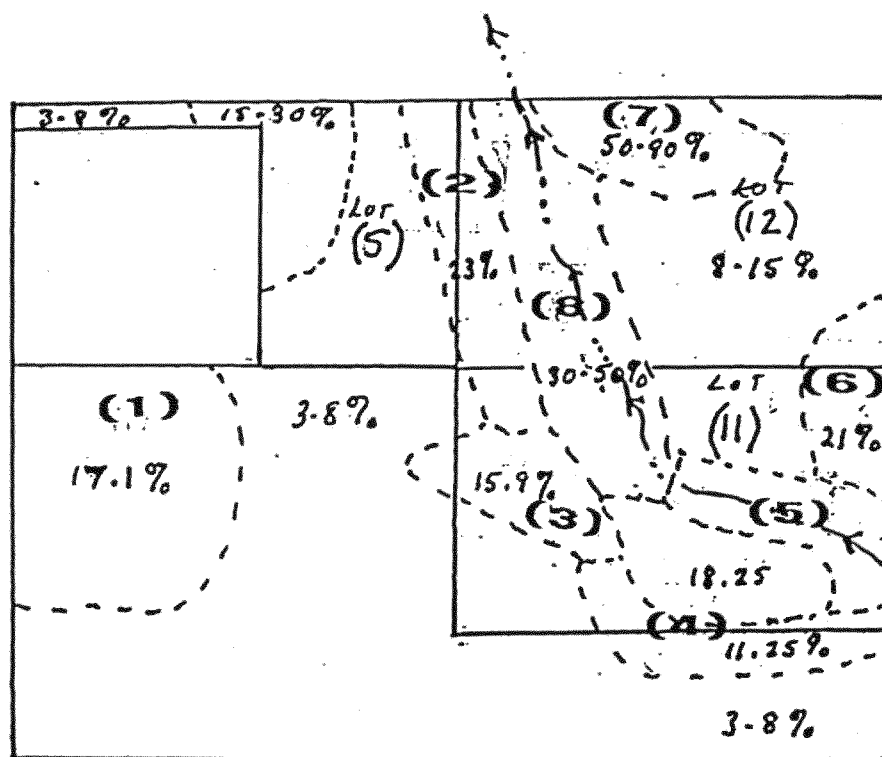
EXHIBIT

FIGURE 3

201-98/PR 1-98

FIGURE 4

DETAILED TOPOGRAPHIC ANALYSIS



1" = 300'

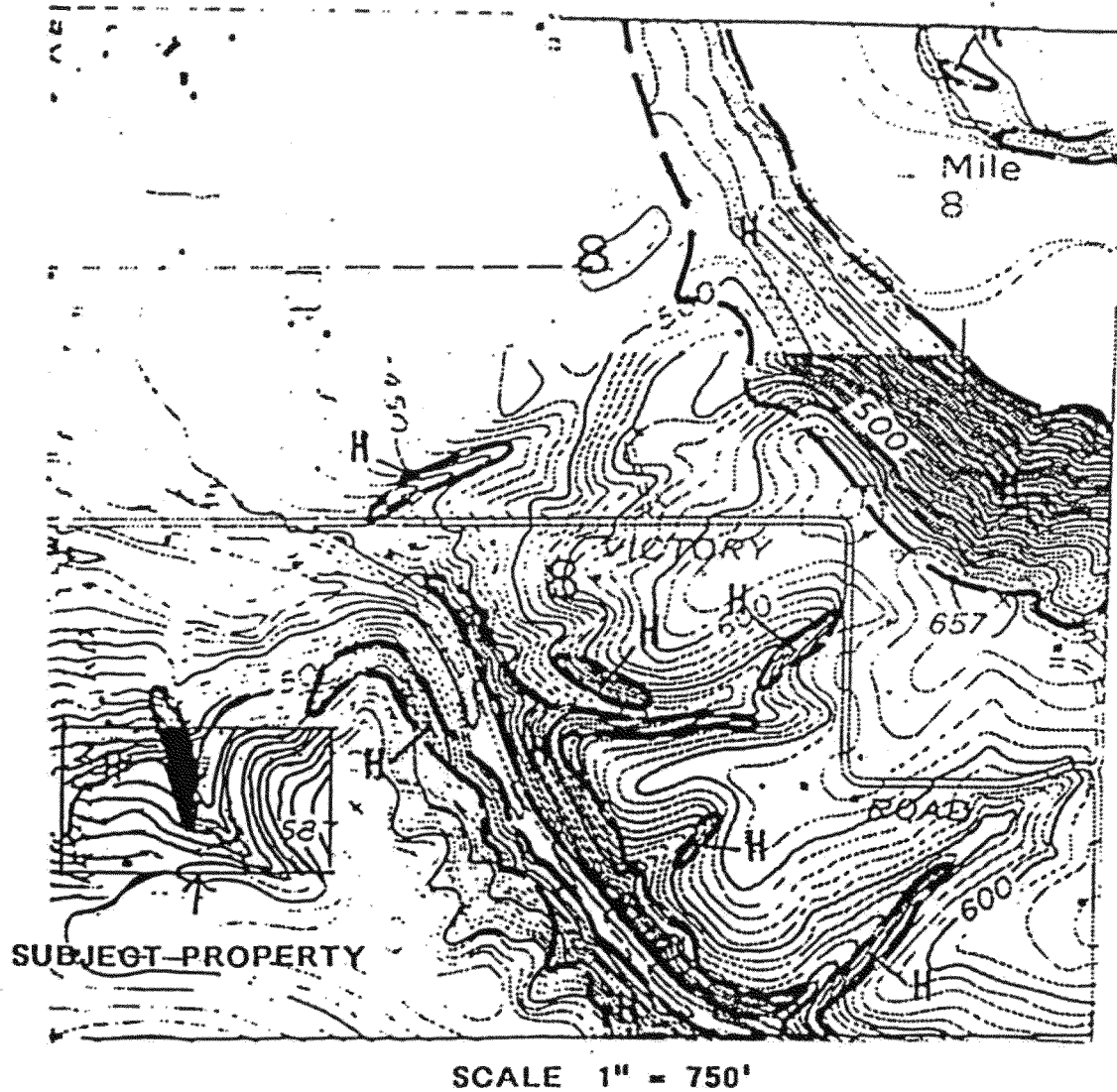


FIELD MEASUREMENTS: SUUNTO 360 CLINOMETER

EXHIBIT  
FIGURE 4  
20 1992/PR 1-98

FIGURE 5

GEOLOGIC HAZARD ZONES



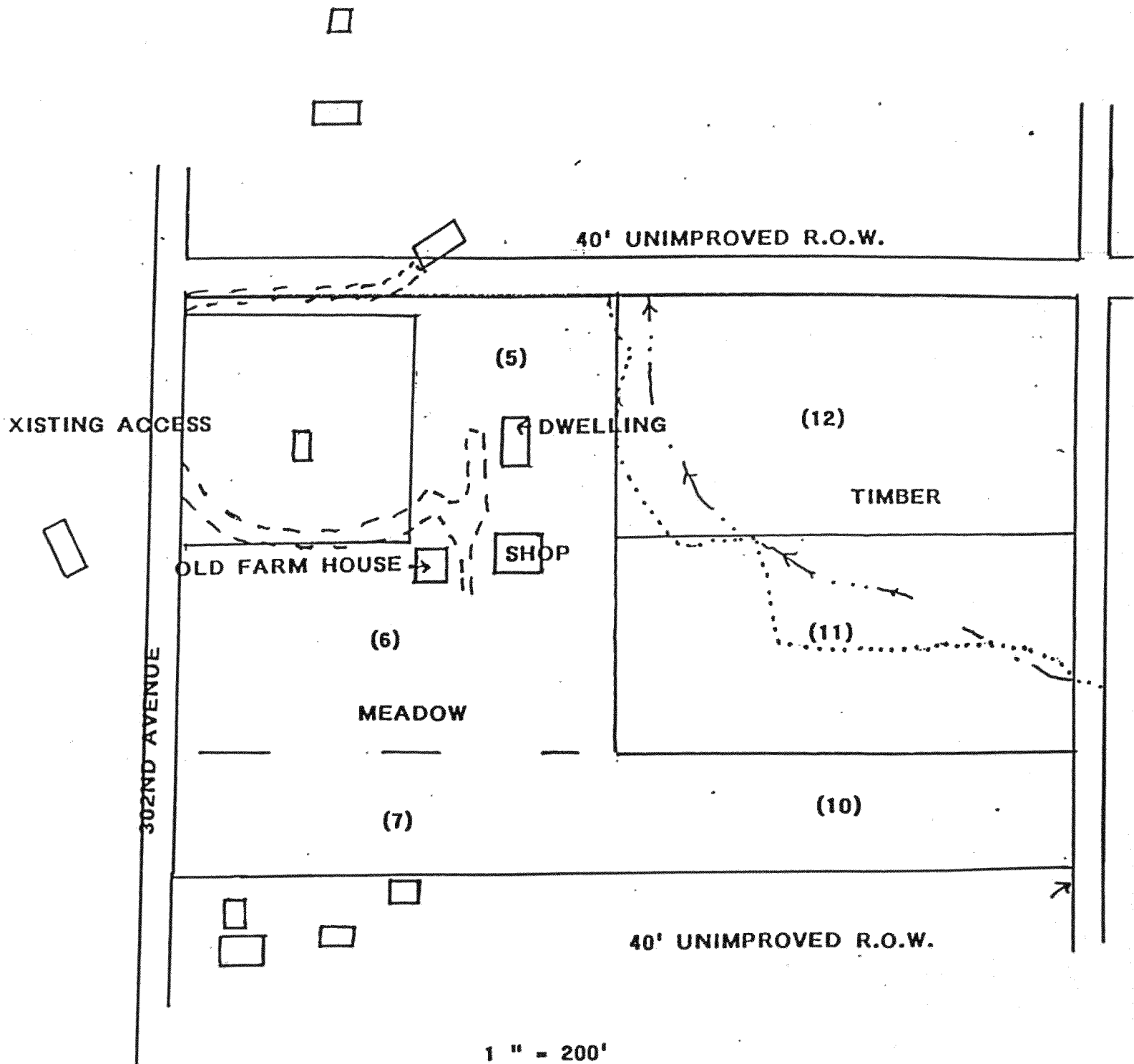
EXHIBIT

Figure 5  
ZC 1-92/PR 1-98



FIGURE 6

PLOT PLAN



EXHIBIT

Figure 6  
201-98/PR1-98

MEETING DATE: AUG 19 1999

AGENDA NO: LC-2

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

**AGENDA PLACEMENT FORM**

**SUBJECT: Revenue Agreement with the City of Portland for \$137,000 for Block By Block Weatherization services.**

**BOARD BRIEFING**

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

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

Amount of Time Needed: \_\_\_\_\_

**REGULAR MEETING**

Date Requested: Next Available

Amount of Time Needed: Unanimous Consent

**DEPARTMENT: Community and Family Services**

**DIVISION: Community Programs and Partnerships**

**CONTACT: Lorenzo Poe/Mary Li**

**TELEPHONE: 248-3691**

**BLDG/ROOM: 166/7**

**PERSON(S) MAKING PRESENTATION: Susan Clark**

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☒ APPROVAL   ☐ OTHER

**SUGGESTED AGENDA TITLE**

**Block By Block Revenue Agreement with the City of Portland for Weatherization Services**

**SIGNATURES REQUIRED:**

**8/19/99 ORIGINALS DELIVERED TO PATTY DOYLE**

**ELECTED OFFICIAL: \_\_\_\_\_**

**OR**

**DEPARTMENT MANAGER: Lorenzo Poe SL**

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions: Call the Board Clerk @ 248-3277**

CLERK OF  
COUNTY COMMISSIONERS  
99 AUG 17 PM 4:14  
MULTI-COUNTY  
OREGON



# MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES  
OFFICE OF THE DIRECTOR  
421 SW SIXTH AVENUE, SUITE 700  
PORTLAND, OREGON 97204  
PHONE (503) 248-3691  
FAX (503) 248-3379 TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS  
BEVERLY STEIN • CHAIR OF THE BOARD  
DIANE LINN • DISTRICT 1 COMMISSIONER  
SERENA CRUZ • DISTRICT 2 COMMISSIONER  
LISA NAITO • DISTRICT 3 COMMISSIONER  
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director *Lorenzo Poe/slc*  
Department of Community and Family Services

DATE: August 16, 1999

SUBJECT: Intergovernmental Revenue Agreement with the City of Portland, Block By Block Weatherization Funding

**I. Retroactive Statute:** The Department of Community and Family Services recommends Board of County Commissioner approval of the revenue agreement with the City of Portland beginning July 1, 1999. This contract is retroactive to provide services beginning July 1, 1999.

**II. Recommendation/Action Requested:** The Department is requesting Board of County Commissioners approval of the attached revenue agreement with the City of Portland. Funding will provide weatherization services to low income households residing in the Portland area. Services include energy audits, blower door tests, weatherization, air leakage control, and inspection services for qualified homes.

**III. Background/Analysis:** The City has provided funding for these services for the past several years. It is a continuing effort between the City and the County to increase the efficient use of energy through energy education and structural improvements.

**IV. Financial Impact:** This revenue agreement is for up to \$137,000.

**V. Legal Issues:** None

**VI. Controversial Issues:** None

**VII. Link to Current County Policies:** Weatherization efforts increase the efficient use of energy by providing low income households access to energy education services and home energy improvements.

**VIII. Citizen Participation:** This program is operated by the weatherization unit of the Division of Community Programs and Partnerships. The Division has community representation on the Multnomah Commission on Community, Children, and Family.

**IX. Other Government Participation:** The State of Oregon participates in weatherization programs in the County through the provision of additional funding for weatherization and energy education services.

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

Contract #: 0010209

Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☒ Not Attached

Amendment #: 0

Class I	Class II	Class III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCR Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <div style="text-align: center;"> <b>APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</b>  <b>AGENDA # UC-2 DATE 8/19/99</b>  <b>DEB BOGSTAD</b>  <b>BOARD CLERK</b> </div>

Department:	Community and Family Services	Division:	Community Programs and Partnership	Date:	August 16, 1999
Originator:	Tom Brodbeck	Phone:	X 26057	Bldg/Rm:	116/5
Contact:	Patty Doyle	Phone:	X 244 18	Bldg/Rm:	166/7

Description of Contract **This revenue agreement provides funding for the Block By Block Weatherization program.**

RENEWAL: <input checked="" type="checkbox"/>	PREVIOUS CONTRACT #(S):	9910360
RFP/BID:	RFP/BID DATE:	
EXEMPTION	EXEMPTION EXPIRATION	ORS/AR
#/DATE:	DATE:	#:
CONTRACTOR IS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input type="checkbox"/> N/A <input type="checkbox"/> NONE (Check all boxes that apply)		

Contractor	City of Portland, Energy Office	
Address	1211 SW 5th Avenue, Suite 1170 Pacwest Center Portland, OR 97204-3711	
Remittance Address	(If different) _____	
Phone	(503) 823-7582	
Employer ID# or SS#		
Effective Date	July 1, 1999	
Termination Date	June 30, 2000	
Original Contract Amount \$	137,000	
Total Amt of Previous Amendments \$	0	
Amount of Amendment \$	0	
Total Amount of Agreement \$	137,000	
Payment Schedule / Terms	<input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other <input type="checkbox"/> Requirements \$ _____	
Encumber	<input type="checkbox"/> Yes <input type="checkbox"/> No	

## REQUIRED SIGNATURES

Department Manager	<i>Volenzo Poy</i>	DATE	8/17/99
Purchasing Manager		DATE	
County Counsel	<i>Katei</i>	DATE	8/17/99
County Chair	<i>Patty Doyle</i>	DATE	8/19/99
Sheriff		DATE	
Contract Administration		DATE	

LGFS VENDOR CODE GV5554C						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	156	010	1140			2798					
02											
03											

City Of Portland  
Block-By-Block Weatherization Program  
1999-00

## INTERGOVERNMENTAL AGREEMENT

This Agreement for Services (Agreement) is between the CITY OF PORTLAND, OREGON (City) and MULTNOMAH COUNTY DEPT. OF COMMUNITY AND FAMILY SERVICES, DIVISION OF COMMUNITY PROGRAMS AND PARTNERSHIPS (DCPP) (Contractor).

### RECITALS:

The purpose of this Agreement is to assist the Portland Energy Office with implementation of the 1999-00 Block-By-Block (BBB) Weatherization Program. The contractor will provide energy audits, blower door tests, weatherization, air leakage control, and inspection services for qualified homes. The contractor will maintain records of homes served and apply for and collect utility and state weatherization rebates resulting from the work performed, in accordance with this Agreement.

### AGREEMENT:

#### 1. SCOPE OF CONTRACTOR SERVICES

- (a) The Contractor shall provide services specifically to the Energy Office. The Contractor shall provide the City those services set out below:

The Contractor shall provide the services set out in  
Exhibit A - Scope Of Work,  
Exhibit B - Schedule For Contractor Services, and  
Exhibit C - Budget.

- (b) The Contractor shall provide the services set out in subsection (a) above in accordance with the schedule set out below:

Refer to Exhibit B - Schedule For Contractor Services.

#### 2. SCOPE OF CITY SERVICES

- (a) To assist the Contractor in carrying out its obligations hereunder, the City shall perform the services set out below:

- (1) Provide completed applications from eligible households.

- (2) Make program policy decisions and provide overall program direction. Prioritize energy efficiency measures to be installed, jointly determine audit methodology and cost effective criteria, goals for numbers of completed jobs.

- (b) The City shall perform the services set out in subsection (a) above in accordance with the schedule set out below:

- (1) Provide completed applications year round and following each Fix-it Fair.

- (2) In sufficient numbers to meet the audit and installation schedule set out in Exhibit B - Schedule For Contractor Services.

#### 3. COMPENSATION

The City shall pay the Contractor for work performed under this Agreement after the effective date as set out below. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and services.

The City shall pay Multnomah up to \$137,000 as compensation for these services. The budget is set out in Exhibit C - Budget..

**4. BILLING AND PAYMENT PROCEDURE**

The Contractor's billing and City's payment procedures shall be as set out below:

Billings shall be accompanied by supporting documentation. The City shall pay the billed amount within thirty (30) days provided the project manager has certified the billing and documentation as complete and valid.

**5. EFFECTIVE AND TERMINATION DATES**

This Agreement shall be effective as of July 1, 1999 and shall terminate as of June 2000.

**6. EARLY TERMINATION OF AGREEMENT**

- (a) The City and Contractor, by mutual written agreement, may terminate this Agreement at any time.
- (b) This contract may be terminated by either party by 30 days written notice to the other party.
- (c) Either the City or the Contractor may terminate this Agreement in the event of a breach of the Agreement by the other. Prior to such termination, however, the party seeking the termination shall give to the other party written notice of the breach and of the party's intent to terminate. If the party has not entirely cured the breach within fifteen (15) days of the notice, then the party giving the notice may terminate the Agreement at any time thereafter by giving a written notice of termination.

**7. PAYMENT ON EARLY TERMINATION**

- (a) In the event of termination under subsection 6 (a) or (b) EARLY TERMINATION OF AGREEMENT, hereof, the City shall pay the Contractor for work performed in accordance with the Agreement prior to the termination date.
- (b) In the event of termination under subsection 6 (c), EARLY TERMINATION OF AGREEMENT, hereof, by the Contractor due to a breach by the City, then the City shall pay the Contractor as provided in subsection (a) of this section.
- (c) In the event of termination under subsection 6 (c), EARLY TERMINATION OF AGREEMENT, hereof, by the City due to a breach by the Contractor, then the City shall pay the Contractor as provided in subsection (a) of this section, subject to set off of excess costs, provided for in section 8 (a), REMEDIES.
- (d) In the event of early termination all Contractor's work product will become and remain property of the City.

**8. REMEDIES**

- (a) In the event of termination under subsection 6 (c), EARLY TERMINATION OF AGREEMENT, hereof, by the City due to a breach by the Contractor, then the City may complete the work either itself or by agreement with another contractor, or by a combination thereof. In the event the cost of completing the work exceeds the amount actually paid to the Contractor hereunder plus the remaining unpaid balance of the compensation provided under section 3, COMPENSATION, hereof, then the Contractor shall pay to the City the amount of the excess.

- (b) The remedies provided to the City and the Contractor under sections 6, EARLY TERMINATION OF AGREEMENT, and 8, REMEDIES, hereof, for a breach shall not be exclusive. The City and the Contractor also shall be entitled to any other equitable and legal remedies that are available.

**9. CITY PROJECT MANAGER**

- (a) The City Project Manager shall be David Tooze or such other person as shall be designated in writing by the director of the Portland Energy Office.
- (b) The Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this Agreement as provided herein, and to carry out any other City actions referred to herein.

**10. COMPLIANCE WITH LAWS**

- (a) In connection with its activities under this Agreement, the Contractor shall comply with all applicable federal, state, and local laws and regulations.
- (b) In the event the Contractor provides goods or services to the City in the aggregate in excess of \$2,500 per fiscal year, Contractor agrees it has certified with the City's Equal Employment Opportunity certification process.

**11. OREGON LAW AND FORUM**

- (a) This Agreement shall be construed according to the law of the State of Oregon.
- (b) Any litigation between the City and the Contractor arising under this Agreement or out of work performed under this Agreement shall occur, if in the state courts, in the Multnomah County Court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the District of Oregon.

**12. MAINTENANCE OF RECORDS**

The Contractor shall maintain records on a current basis to support its billings to the City. The City or its authorized representative shall have the authority to inspect, audit, and copy on reasonable notice and from time to time any records of the Contractor regarding its billings or its work hereunder. The Contractor shall retain these records for inspection, audit, and copying for five (5) years from the date of completion or termination of this Agreement. If after three years the Contractor desires to destroy weatherization job files, the Contractor shall notify the Program Manager for transfer to the City.

**13. AUDIT OF PAYMENTS**

- (a) The City, either directly or through a designated representative, may audit the records of the Contractor at any time during the three (3) year period established by section 12, MAINTENANCE OF RECORDS.
- (b) If an audit discloses that payments to the Contractor under section 3, COMPENSATION, and section 4, BILLING AND PAYMENT PROCEDURE, were in excess of the amount to which the Contractor was entitled, then the Contractor shall repay the amount of the excess to the City.

**14. INDEMNIFICATION**

The Contractor agrees to hold and save harmless and defend the City, its officers, agents and employees, against all suits, actions or claims of any character arising out of the acts or omissions of the Contractor, or its officers, agents or employees, in carrying out the terms of this agreement, subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 et seq., and the Oregon Constitution, Article XI, Section 9.

The City agrees to hold and save harmless and defend the Contractor, its officers, agents and employees, against all suits, actions or claims of any character arising out of the acts or omissions of the City, or its officers, agents or employees, in carrying out the terms of this agreement, subject to the limitations and conditions of the Oregon Tort Act, ORS 30.260 et seq., and the Oregon Constitution, Article XI, Section 9.

**15. LIABILITY INSURANCE**

- (a) The Contractor shall maintain public liability and property damage insurance that protects the Contractor and the City and its officers, agents, and employees from any and all claims, demands, actions, and suits for damage to property or personal injury, including death, arising from the Contractor's work under this Agreement. The insurance shall provide coverage for not less than \$200,000 for personal injury to each person, \$500,000 for each occurrence, and \$500,000 for each occurrence involving property damages; or a single limit policy of not less than \$500,000 covering all claims per occurrence. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the State of Oregon during the term of the Agreement.
- (b) In the alternative to maintaining public liability and property damage insurance, Contractor may self-insure. The Contractor's self-insurance shall provide the same amount of protection for the Contractor and the City, its officers, agents and employees as otherwise required under this section. The Contractor shall provide the City with a statement regarding the status of its self-insurance program.

**16. WORKERS' COMPENSATION INSURANCE**

The Contractor, its subcontractors, if any, and all employers working under this Agreement are subject employers under the Oregon Workers' compensation law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers. The Contractor further agrees to maintain workers' compensation insurance coverage for the duration of this Agreement.

**17. SUBCONTRACTING**

The Contractor shall not subcontract its work under this Agreement, in whole or in part, without the written approval of the City. The Contractor shall require any approved subcontractor to agree, as to the portion subcontracted, to fulfill all obligations of the Contractor as specified in this Agreement. Notwithstanding City approval of a subcontractor, the Contractor shall remain obligated for full performance hereunder, and the City shall incur no obligation other than its obligations to the Contractor hereunder. Contractor agrees that if subcontractors are employed in the performance of this Agreement, Contractor and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation.

**18. ASSIGNMENT**

The Contractor shall not assign this Agreement, in whole or in part, or any right or obligation hereunder, without the prior written approval of the City.

**19. INDEPENDENT CONTRACTOR STATUS**

- (a) The Contractor is engaged as an independent contractor and will be responsible for any federal, state, and local taxes and fees applicable to payments hereunder.
- (b) The Contractor, its subcontractors, and their employees, are not employees of the City and are not eligible for any benefits through the City, including without limitation federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.

**20. BREACH OF AGREEMENT**

- (a) The City or the Contractor shall breach this Agreement if it fails to perform any substantial obligation under the Agreement, except as provided in subsection (b) of this section.



- (b) Neither the City nor the Contractor shall have breached this Agreement by reason of any failure to perform a substantial obligation under the Agreement if the failure arises out of causes beyond its control and without its fault or negligence. Such causes may include, without limitation, acts of God or the public enemy, acts of the federal, state, or local governments, fires, floods, epidemics, volcanic eruptions, quarantine restrictions, strikes, freight embargoes, and unusually severe weather. Should either the City or the Contractor fail to perform because of a cause described in this subsection, the City and the Contractor shall make a mutually acceptable revision in the Scope of Services, Schedule, or Compensation.

## 21. OWNERSHIP OF DOCUMENTS

- (a) All work the Contractor performs under this Agreement shall be considered work made for hire, and shall be the property of the City. The City shall own any and all data, documents, plans, copyrights, specifications, working papers, and any other materials the Contractor produces in connection with this Agreement. On completion or termination of the Agreement, the Contractor shall deliver these materials to the Project Manager.
- (b) The Contractor may retain for its own use and at its own cost copies of the materials referred to in subsection (a) of this section, subject to the following exceptions:  
  
None
- (c) Any use the City makes of the materials referred to in subsection (a) of this section, except for purposes of the work contemplated by this Agreement, shall be at the City's risk.

## 22. NOTICE

Any notice provided for under this Agreement shall be sufficient if in writing and delivered personally to the following addressee or deposited in the United States Mail, postage prepaid, certified mail, return receipt requested, addressed as follows, or to such other address as the receiving party hereafter shall specify in writing:

If to the City:	Portland Energy Office 1211 S.W. Fifth Avenue, Suite 1170 Portland, Oregon 97204
If to the Contractor:	Multnomah County Dept. of Community and Family Services Division of Community Programs and Partnerships (DCPP) 421 SW 6th Avenue, Suite 500 Portland, Oregon 97204

## 23. SEVERABILITY

If any provision of this Agreement is found to be illegal or unenforceable, this Agreement nevertheless shall remain in full force and effect and the provision shall be stricken.

## 24. AMENDMENTS

- (a) The City and the Contractor may amend this Agreement at any time only by written amendment executed by the City and the Contractor. Unless otherwise provided, any amendment that increases the amount of compensation payable to the Contractor must be approved by ordinance of the City Council. If authorized by the City Council, the Project Manager may agree to and execute any other amendment on behalf of the City.
- (b) Any change in the Scope of Contractor Services shall be deemed an amendment subject to subsection (a).

**25. PROGRESS REPORTS**

The Contractor shall provide monthly progress reports to the Project Manager. Each progress report shall contain the following information:

For the reporting month and year-to-date report: (1) the number of houses audited, (2) the number of houses having had air infiltration work, (3) the number of houses having a major measure installed, (4) the cost of air infiltration and insulation, (5) the contractor, (6) the serving utility, (7) rebates applied for, and (8) rebates received.

**26. INTEGRATION**

This Agreement contains the entire agreement between the City and the Contractor and supersedes all prior written or oral discussions or agreements.

**27. NON-WAIVER**

The City and the Contractor shall not be deemed to have waived any breach of this Agreement by the other party except by an express waiver in writing. An express written waiver as to one breach shall not be deemed a waiver of any other breach not expressly identified, even though the other breach be of the same nature as that waived.

**28. PROHIBITED INTEREST**

- (a) No City officer or employee, during his or her tenure or for one year thereafter, shall have any interest, direct or indirect, in this Agreement or the proceeds thereof.
- (b) No City officer or employee who participated in the award of this Agreement shall be employed by the Contractor during the period of the Agreement.

**29. PAYMENTS TO VENDORS AND SUBCONTRACTORS**

The Contractor shall pay timely all suppliers, lessors, and contractors providing it services, materials or equipment for carrying out its obligations under this Agreement. The Contractor shall not take or fail to take any action in a manner that causes the City or any materials that the Contractor provides hereunder to be subject to any claim or lien of any person without the City's prior written consent.

**30. FUNDS**

City certifies that sufficient funds are available and authorized for expenditure to finance the cost of this Agreement.

**31. COMMENCEMENT OF WORK**

Contractor agrees that work being done pursuant to this Agreement will not be commenced until after:

- (a) workers' compensation insurance is obtained, as outlined in section 16, WORKERS' COMPENSATION INSURANCE; and
- (b) this Agreement is fully executed by the parties and approved by the City Attorney's Office; and
- (c) the effective date of this Agreement as specified in section 5, EFFECTIVE AND TERMINATION DATES.

**32. ADDITIONAL PROVISIONS**

None

**CONTRACTOR:** Multnomah County, Oregon,  
Department Of Community And Family Services,  
Office For Community Action And Development.

By: *Lorenzo Frey sec* Date: 8/17/99  
Dept. of Community and Family Services, Director

By: *Melley Rem* Date: 8/19/99  
Multnomah County Chair

Reviewed: Multnomah County Counsel

By: *Kati Gault* Date: 8/17/99  
County Counsel

**APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # UC-2 DATE 8/19/99  
DEB BOGSTAD  
**BOARD CLERK****

**CITY OF PORTLAND**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Portland City Commissioner

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

**Approved as to form:**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
City Attorney

City Of Portland  
Block-By-Block Weatherization Program  
1999-00

## **Exhibit A**

# **SCOPE OF CONTRACTOR SERVICES**

For Multnomah County, Oregon  
Department of Community and Family Services  
Division of Community Programs and Partnerships (DCPP)

The Block-By-Block (BBB) Weatherization Program is a City of Portland funded, neighborhood-based conservation program providing free air sealing and insulation work in low-income homes. This program will be marketed to lower-income households by partnering with neighborhood associations and neighborhood coalition offices.

Two "Fix-it Fairs" will be held to help residents learn about a variety of home improvement topics including energy savings, buying a new furnace, home security, home repair and improvement, fire safety, water conservation and other fix-it subjects. Do-it-yourself weatherization kits will be distributed at energy efficiency workshops offered at each fair. Qualifying lower income households can sign-up for free insulation services through Block-By-Block. These residents will receive in-home education and an energy audit to identify cost effective weatherization work to be installed by licensed contractors or Multnomah County staff.

Multnomah County, Department of Community and Family Services Division of Community Programs and Partnerships (DCPP) will perform energy audits to identify measures to be paid for by BBB and select, schedule and pay contractors to perform the work. DCPP will provide in-home energy education, job inspections, submit applications for utility and state weatherization rebates and report to the City Energy Office.

The contractor shall perform the following.

1. Receive Block-By-Block application from the Portland Energy Office, entering names into a client database. The Energy Office will deliver up to 200 qualified participant names. These will be added to the existing BBB waiting list (if any) and serviced on a first come first served basis, unless otherwise directed. If during the contract period, it appears that additional qualified enrollments will be needed to meet the goal to weatherize 140 homes, DCPP will notify the Energy Office.
2. Provide qualified Energy Auditors sufficient to complete energy audits in a timely manner.
3. Contact each BBB participant to schedule and perform a "Home Energy Visit" on each home enrolled. The "Home Energy Visit" has two major components, including, A) a weatherization audit, and B) in-home energy education.
  - A. Weatherization Audit.
    - (1) This weatherization/energy audit shall be a "short form" assessment with a level of detail to meet minimum requirements of the BBB audit approved for use by State of Oregon and utility programs. Audit methodology, procedures and priority of measures will be jointly agreed to by DCPP and the Energy Office. The weatherization program WXEOR is pre-approved for use by DCPP on BBB jobs.

The purpose of the audit is to prioritize and identify the most cost effective insulation and/or oil furnace measures to be installed, keeping in mind that the objective of BBB is to provide one major conservation measure and air infiltration work at a job cost of about \$950. DCPD and the Energy Office have jointly created a priority list stating which measures will be recommended and under which circumstances. The priority list will be revised as needed.

- (2) When a natural gas or oil furnace is present, perform an efficiency test determining net exhaust gas temperature, smoke spot, O<sub>2</sub> and CO percentages, and steady state furnace efficiency. Also perform a combustion safety test. The auditor shall include in the audit report their recommendation to either (a) tune the furnace, (b) install a flame retention burner and/or fire box liner (oil furnaces), (c) power vacuum the fire box, (d) clean the oil tank, (e) refer this customer to DCPD's program for furnace replacement if eligible and if funds are available, or (f) recommend no action. Furnace tune-ups will be offered along with one insulation measure. Oil burner replacement will be considered a major measure by itself, but may be combined with an insulation measure if an exceptionally good savings opportunity exists to also add insulation.
- (3) Perform a blower door air leakage test, recording the results, and identifying major infiltration points to be sealed by a subcontractor, or County staff, if an insulation measure is installed.
- (4) Recognizing (a) that many BBB households are also eligible for services under federally funded weatherization programs and (b) that service under DCPD a home usually receives full insulation services rather than one major insulation measure, some BBB jobs may be transferred or "rolled-over" for service under DCPD's county-wide program. The number of BBB homes rolled over, and the type of rollover, will be mutually agreed on by city and county program managers.

There will be two categories of BBB rollover homes. The first category is "full-pay rollovers", meaning DCPD will fully weatherize the home without charge to BBB.

The second category is a "shared rollover", meaning BBB will pay for one major measure and DCPD will complete the weatherization package with funding under the county-wide program. In the case of shared rollovers, any utility rebates will be split between BBB and the county based on the percentage of weatherization dollars spent by each agency.

B. In-Home Energy Education.

- (1) DCPD staff, as part of the Home Energy Visit, will meet with members of the household to discuss energy use in the home. The objectives of this visit will be to (a) review what uses account for most of the cost of energy, i.e. space heat and hot water, (b) identify actions that household members can take to reduce use, and (c) to enlist a written commitment from the resident to follow through on their Energy Action Plan. Follow-up will include mailing a postcard reminding the customer of their commitment approximately ten days after the home visit. The targeted time for the energy education component is 30 minutes.
- (2) The Energy Office has worked jointly with DCPD to develop the In-Home Education Procedure, and produce supporting materials. These will be revised as needed.
- (3) At the discretion of the energy auditor, the auditor may turn down the thermostat setting on water heaters.

4. Select contractor(s), schedule and pay for major measure work on approximately 125 homes as recommended and prioritized in the energy audit report. Standards for work performance shall comply with the most recent edition of Multnomah County's Weatherization Specifications. For wall insulation, DCPD will require use of dense fill cellulose application for walls, (or an alternative only if approved by the Energy Office), with a maximum voided area of five percent. Charges for subcontractor services shall be based upon a predetermined pricing schedule developed by DCPD for use in their state funded weatherization program. The target for average subcontractor cost is \$950 per home.

At the option of the DCPD, major measure and air sealing work may installed by Multnomah County employees and/or DCPD jobs training personnel. Inspections will be required for all jobs performed by training crews.

5. Billing to the Block-By-Block program for this weatherization work will be made using a price schedule similar to the one developed for private sector contractors.
6. Conduct post work inspections on at least 75 percent of the homes weatherized. In general, wall and attic insulation will receive first priority for scheduling inspections with burner replacement having less importance. Infrared scan inspection of wall insulation is desirable, and should be used when equipment is available to determine if the work meets the five percent maximum voided area standard. The inspection call will also include a blower test when insulation measures are installed. Complete inspections within 10 working days of receipt of contractor invoices.
7. Complete all necessary documentation, and apply for all weatherization rebates and administrative reimbursement from the Oregon Office of Energy, Northwest Natural, Portland General Electric Co., and Pacific Power and Light Co. for all completed weatherization jobs. All applications and supporting paperwork should be submitted by DCPD in a timely manner. Utility and state rebates shall be collected, documented and applied directly to weatherization costs of BBB. This years program budget anticipates receipt of \$25,000 in rebates and administrative reimbursement.
8. Carryover to the 1999-00 BBB weatherization budget any rebates applied for and/or collected but not spent on BBB jobs in previous years. This years budget, Exhibit C, notes approximately zero dollars in carryover rebates (collection is pending) to be used for direct weatherization work this year. Similarly, any unspent rebates from this years contract will be transferred to the 2000-01 Block-By-Block Program or returned to the Energy Office.
9. Keep accurate records on the work performed and the corresponding cost, and deliver monthly reports as set out in Section 25, Progress Reports.
10. Maintain a client/job database, and use the database for monthly and final reports.
11. Produce a final report, both written and in data base form. Include name, address, utility, cost of work, rebate amount for each job, and a brief narrative discussing program problems, strengths, and recommendations for improvement. Include statistics on type of space heat, utility, household income, breakdown of measures installed, blower door readings, etc.
12. The City desires to encourage the development of stronger economic bases in the neighborhoods served by BBB, as well as a qualified and experienced labor pool. If private contractors are used for the performance of weatherization services, DCPD shall consider this goal. When possible, preference in selecting contractors shall be given to residents of and businesses located in this years participating neighborhoods. Additionally, small disadvantaged businesses with previous weatherization experience should be used, when possible.

City Of Portland  
Block-By-Block Weatherization Program  
1999-00

**Exhibit B**  
**SCHEDULE FOR CONTRACTOR SERVICES**

For Multnomah County, Oregon  
Department of Community and Family Services  
Division of Community Programs and Partnerships (DCPP)

- |    |  |                                    |
|----|--|------------------------------------|
| 1. | Contract begins.   | July 1, 1999                       |
| 2. | Two Fix-it Fairs are produced by the Energy Office and neighborhood associations.  | Winter 1999 - 2000                 |
| 3. | Begin home energy visits.  | July 1, 1999                       |
| 4. | Assign and complete all weatherization work within 60 days of the audit/infiltration date.<br>The schedule for completion is: <ul style="list-style-type: none"><li>• 65 completed by</li><li>• 140 completed by</li></ul> | December 31, 1999<br>June 30, 2000 |
| 5. | Complete inspections on 75 percent of the jobs. Perform inspections within two weeks of receiving contractor invoice.  | On-going                           |
| 6. | Complete applications for utility and state rebates on all jobs.   | On-going                           |
| 7. | Contract ends.   | June 30, 2000                      |
| 8. | Submit final billing to Energy Office.   | July 30, 2000                      |
| 9. | Submit final report.   | August 30, 2000                    |

City Of Portland  
Block-By-Block Weatherization Program  
1999-00

**Exhibit C**  
**BUDGET FOR CONTRACTOR SERVICES**

For Multnomah County, Oregon  
Department of Community and Family Services  
Division of Community Programs and Partnerships (DCPP)

1. Supplies, transportation, office space, and all additional non-personnel expenses to perform the Scope of Work. Perform energy audits and home education visits on all applications delivered to DCPP, post-job inspections, maintain the BBB data base, select, supervise and pay sub-contractors, produce monthly and final reports, and apply for and process weatherization rebates. \$28,000

2. Provide insulation and weatherization services for approximately 125 houses. Qualified subcontractors will perform the major measure insulation work as identified and directed in the energy analysis.

This budget item will increase beyond \$92,000 as DCPP applies for and collects utility and state rebates and administrative reimbursements for this and previous years work. (see Rebate Budget on the following page)

+\$109,000

**SUB-TOTAL: City Direct Funding**

**\$137,000**

3. In addition to the contract budget, a rebate budget of \$25,000 is included (see the following page for details). This represents our best estimate of weatherization rebates to be collected under utility and state rebates and administrative reimbursements for this and previous years work. In no case shall the contractor spend rebate funds prior to receipt from utilities and the state.

(Therefore the combined weatherization rebate budget is zero carry-over, plus \$25,000 new =\$25,000)

+\$25,000

**GRAND TOTAL**

**\$162,000**



**REBATE BUDGET  
1999-00**

In addition to the above contracted budget, DCPD will collect rebates and administrative reimbursements from utilities and State weatherization programs for work performed. When collected, current year rebates will be combined with rebates carried over from 1998-99 to be used only for direct weatherization, and will be used after funds in this year's budget for weatherization (item 2, previous page) are expended. If the rebates are not spent in this fiscal year, they will be carried over into next year's Block-By-Block program or returned to the Energy Office. The following is an accounting of the source of rebate funds to be used as a supplement to the \$109,000 budgeted for weatherization (item 2, previous page) on the current year's program.

1.	Rebates carried over from 1997-98.	\$0
2.	1998-99 Rebates. As of May 7, 1999 both parties estimate a zero balance for BBB rebates from the 1998-99 program budget. When a final accounting is completed, the rebates (if any) will be carried into the 1999-00 budget for direct weatherization.	\$0
3.	Estimated of rebates to be collected on jobs weatherized during this current 1999-00 BBB Program.	<u>+25,000</u>
	<b>REBATE TOTAL (estimated)</b>	<b>\$25,000</b>

MEETING DATE: AUG 19 1999  
AGENDA NO: C-1  
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Appointments to Commission on Children, Families & Community

BOARD BRIEFING:

DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING:

DATE REQUESTED: 8/19/99

AMOUNT OF TIME NEEDED: Consent

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION:

**ACTION REQUESTED:**

☐ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☒ APPROVAL   ☐ OTHER

**SUGGESTED AGENDA TITLE:**

Appointment of Beverly Stein and Diane Linn to the Commission on Children, Families and Community (CCFC) and appointment of Beverly Stein as CCFC Vice-Chair

**SIGNATURES REQUIRED:**

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

(OR)

DEPARTMENT

MANAGER: \_\_\_\_\_

*Beverly Stein*

BOARD OF  
COUNTY COMMISSIONERS  
99 AUG -5 PM 3:24  
MULTI-COUNTY  
OREGON

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions: Call the Board Clerk @ 248-3277**

MEETING DATE: AUG 19 1999  
AGENDA NO: R-2  
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

SUBJECT: RESULTS Briefing

Board Briefing:

DATE REQUESTED: \_\_\_\_\_

REQUESTED BY: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

REGULAR MEETING: Yes

DATE REQUESTED: 8/19/98

AMOUNT OF TIME NEEDED: 10 min

DEPARTMENT: Community Justice

DIVISION: Juvenile & Adult

CONTACT: Kathy Treb

TELEPHONE #: 736-6131

BLDG/ROOM#: 311

PERSON(S) MAKING PRESENTATION: Wayne Salvo

### ACTION REQUESTED

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

### SUGGESTED AGENDA TITLE

RESULTS Briefing for Department of Community Justice: Employee Recognition Committee

### SIGNATURES REQUIRED

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

(OR)

DEPARTMENT

MANAGER: E. Clawson

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES.

Any questions? Please call the Board Clerk @ 248-3277

CLERK OF  
JUNIOR COURT  
99 AUG 11 AM 11:39  
MULTI-COUNTY  
OREGON

# Community Justice Employee Recognition Committee

August 1999

## 1

### Problem Statement

In 1991 there was no formal mechanism to recognize and celebrate employee performance. Because of the type and nature of the work, positive reinforcement was very rare.

## 2

### Problem Analysis

Morale within the Department was low but many staff members were providing excellent public service.

Awards needed to be based on performance judged by an autonomous group of peers.

All employees needed to be encouraged to participate in the nomination process and the recognition event.

The recognition event needed to be fiscally responsible, fun, and well designed.

## 3

### Solution/Pilot

A luncheon held in 1993 titled "Celebrating Excellence".

Nominations submitted by staff were evaluated by the Committee and handsome plaques and certificates were awarded to those recognized

## Outcomes/History

	1993	1999
Nominations	approx. 80	approx. 180
Attendees	104	approx. 300
% of staff	41 %	48 %
Budget	\$750	\$4000
Awards	9	29

Based on employee input and Committee responsiveness to a changing environment:

- the annual event has moved from a luncheon format to an afternoon event.
- additional awards have been created to celebrate Teams, community partners, and other criminal justice professionals.
- the printed event agenda has become a significant program brochure.
- an event "report card" is completed by attendees to allow the Committee to continuously improve the event.

## 5

### Future Committee Actions

Expand recognition activities beyond an annual one-time-only event.

Understand how positive recognition is demonstrated within the Department and how to enhance intra unit recognition.

*The Multnomah County  
Department  
Of  
Community Justice*

*Seventh Annual  
Employee Recognition Ceremony*



*March 31, 1999*

# Welcome to the Seventh Annual Employee Recognition Celebration

March 31, 1999

## Agenda

### Opening Remarks

Rachael DeMartini, Chair  
Employee Recognition Committee

David Bordeaux, Master of Ceremonies (ACJ)  
Jim Stegmiller, Master of Ceremonies (JCJ)

### Director's Remarks

Elyse Clawson, Director

### Presentations

20 Year Service Awards  
25 Year Service Awards  
30 Year Service Awards  
Community Justice Appreciation Awards  
Meritorious Service Awards - Individual  
Team Awards for Meritorious Service  
Highest Professional Standards Awards  
Lifesaving Awards  
Valor Awards  
Director's Awards  
Employee of the Year

### Closing Comments

## Nominees

Admissions/Control Team

ACS Placement Specialists

AITP

Maria Alvarez

Kimberly Andersen

Ken Andresen

Steve Arthur

Katharine "Tinker" Bagley

Officer David Barrios, PPB

Devika Battan

John Bisset

Kathy Brennan

Christine Bridwel

Doug Brown

Leonard Brown

Marcie Buntrock

Donna Busto

Katherine Butcher

Henry Carey

Kelly Carroll

Chantal Casey-Johnson

Caron Cavanaugh

Centralized Team Supervision Support Staff

Pam Chandler

Counseling & Court Svcs. Program Administrators

CPI Team

Cultural Diversity Committee

Thanh Dang

Delta Pod

Rachael DeMartini

Domestic Violence Unit

EIU Team

Louisa Evans

Diedra Gibson-Cairns

Ron Glynn

Carl Goodman

Sheryl Goodman

Kamron Graham, Transition Projects

ReGina Guion

Michael Haines  
Terrilyn Hanson  
Sally Hampshire  
Glenn Harding  
Rachel Harris  
Melvin Hawkins  
Monna Hogue  
Lynda Hutchings  
Information Services – Document Services  
Information Services – Mead Network Services  
Intake Pretrial Services  
Carl Jaber  
Jerri Jarmer  
Christine Jensen  
Jobs Program  
Juanita Johnson  
Tamara Johnston  
Ralph Kallenbarger  
Alisa Karin  
Scott Keir  
Janell Krieger  
Virginia Lindley  
Logan Building Support Staff  
Pam Mallory  
Russ Martin  
Rick Matter  
Judge Michael McShane  
Connie Meyer  
Maggie Miller  
Pam Mindt  
Sgt. Pam Moen, PPB  
Multnomah County Sheriff's Office  
Jill Munz  
Tim Nacoste  
John Neelands  
Thach Nguyen  
North Office Support Staff  
Paula Oatley  
Robert O'Donnell  
Armando Owsley



Phyllis Palmer  
Vickie Parker  
Dave Paul  
Peninsula Office Support Staff  
Soukphananh Phandouangsy  
Tau Porter  
Probation Intake Team  
Recreation and Emergency Response Team  
Resource Management Contracts Team  
Julie Rogers  
Sandra Rorick  
Kathy Ruberg  
Wayne Salvo  
Joshua Sandberg  
Frank Sardone  
Chuck Seeley, CRCI  
Jon Shields  
Skill Development Team  
Glenda Sonies  
Debbie Spicer  
Stephan Spurel  
Sgt. Ann Sundstrom, PPB  
Support Process Improvement Team  
Debbie Sweet  
Delaina Swoverland  
Jan Taggart  
Christine Tobkin  
Cynthia Toronto  
Don Trapp  
Kathy Treb  
John Turner  
Thuy Vanderlinde  
Victim Impact Partners  
Roy Washington  
Jennifer Wheeler  
Ruth Wieber  
Women's Services  
Paul Wurtsmith  
Kathy Zimmerman

## Service Awards

### 20 Years

Ruth Crossen  
Bertie L. Eddington  
Marc B. Hess  
Allan Hovde  
Nancy J. Janes  
Sandra L. Norman  
James E. Parent  
Murray Singleton

### 25 Years

Teresa E. Carroll  
Charlene L. McCarthy  
Sharon White

### 30 Years

Henry L. Carey  
Barry A. Friedman  
Larry J. Harding  
Phil M. Lingelbach  
William G. Morris  
Ron G. Pitney  
James E. Rood  
Richard Scott  
James Stegmiller

## Community Justice Appreciation

### Debbie Spicer

Ms. Spicer, better known as 'Debbie-the-Nurse', is a health professional working at the Donald E. Long facility. As a nurse, a bystander might expect that Ms. Spicer's activities would be focused on health care. However, Ms. Spicer regularly spends additional time with youth to calm their fears of the unknown and to use cognitive restructuring and core corrections practices to support detention staff. Ms. Spicer provides care to "the whole person" in her interactions with youth and approaches her assignment as a team effort.

### Officer David Barrios, Portland Police Bureau, Gang Unit

Officer Barrios is recognized for his high energy approach to police work and community safety. Bureau Officers have contributed in numerous ways to our Department, but Officer Barrios is specially recognized for his many contributions to the supervision of adult offenders by his regular interactions with adult Parole and Probation Officers. He works cooperatively with Department staff on community supervision plans, and provides regular feedback and information to Department staff on offender behavior in the community. Officer Barrios is an excellent example of a Teamwork approach to community safety.

# Community Justice Appreciation

## Judge Michael McShane

Judge McShane is often assigned to "JC 2", and in this venue interacts with a number of Department staff involved with probation violation hearings for adult offenders. Judge McShane has been consistently courteous and professional in a court setting that is routinely intense and high energy. Judge McShane is specially recognized by the Department for the concern and care he brings to each case. The Department staff member who wrote the nomination concluded; '... what I learned from the Judge was that no matter how busy I get, to take a few minutes to really listen, we can make a difference... '.

## Sergeants Pam Moen and Ann Sundstrom, Portland Police Bureau, Domestic Violence Reduction Unit

Sergeants Moen and Sundstrom are well known to professionals who work in the area of domestic violence. They exemplify inter-agency cooperation, professionalism, diligence, and dedication to the reduction of domestic violence. The two Sergeants are accorded special recognition for 1998 for their extra efforts and tenacity in locating and arresting a domestic violence offender who was extremely dangerous. Over a period of 15 days Sergeants Moen and Sundstrom maintained a regular flow of communication with our DV staff and worked aggressively to arrest the offender.

## Meritorious Service Awards – Individual

### Cynthia Toronto

Ms. Toronto is recognized for her quiet, stable leadership as a Lead P.P.O. in the Diagnostic Center Intake unit. In addition to performing all regular intake duties, Ms. Toronto also trains new staff and has actively assisted in a number of re-designs of the Intake unit to meet new program needs. She works well with other criminal justice system partners and service providers. Intake is known as a high energy environment that would strain many, however Ms. Toronto maintains her sense of humor, high personal performance standards, and a clear desire to contribute to the Intake team.

### Julie Rogers

Ms. Rogers was described “as the glue that holds our office together”. Working as an Office Assistant Senior in the Turnaround School, she is recognized for her extensive system knowledge and willingness to help others. Ms. Rogers is known for her productivity and high organizational skills. Ms. Rogers has special expertise in gathering data and creating helpful statistical summaries that support her work unit and the goals of the Department.

## Meritorious Service Awards – Individual

### Wayne C. Salvo

Mr. Salvo is a Program Administrator at the Peninsula Office. Mr. Salvo has been very successful working with unit staff to meet OCMS contact standards and to maintain a strong field work presence in the unit neighborhoods. In addition to a high level of production, this award recipient also attends several additional neighborhood meetings each month, contributes to the Department through special committees, and works collaboratively with a one-of-a-kind unit Advisory Committee.

### Chantal Casey-Johnson

Ms. Casey-Johnson is a Lead Custody Services Specialist in Detention. In that role she is recognized for her motivational and communication skills. She sets high standards for herself and holds others accountable to policy and procedures. She is a member of many unit and Department committees as well as a respected shop steward. Her nomination described her as a “punctual, dependable, goal oriented, and positive person who works daily above and beyond the call of duty”.

## **Meritorious Service Awards – Individual**

### **Katherine “Tinker” Bagley**

As a Community Service Placement specialist, Ms. Bagley works in a combined intake unit with other program staff. In addition to performing her own tasks in an exemplary manner, Ms. Bagley frequently volunteers to assist other programs co-housed with her, setting the stage for intra-unit teamwork. She has mastered a number of new skills due to her extra efforts and often acts as a cross-unit resource for problem solving. Ms. Bagley was also the primary/lead Community Service representative to the bond technology project, and devoted many additional hours to making that project a success.

### **Monna Hogue**

Ms. Hogue is recognized for her leadership in the successfully implementing of the Community Justice/Adult LAN network. This major project required, according to the nomination, “intense dedication, professional skill, grace, and diplomacy.” Ms. Hogue, a Senior Data Analyst for the Department’s Information Services section, “leads by example”. She has worked with the Department’s criminal justice partner agencies to define data protocols and resolve issues.

## Meritorious Service Awards - Individual

### Caron Cavanaugh

Ms. Cavanaugh is recognized with this award for her contributions to the youth and the community of North Portland. By her personal vision and commitment she was successful in spearheading a project that resulted in the opening of a youth/community center in the St. Johns Woods housing project. Her expertise in field work combined with her obvious care and concern for community youth has reduced both crime and truancy. She is unstinting in contributing additional hours of effort to the community center, working with youth to give them the academic tools and moral strength required to succeed in a difficult environment.



## **Team Awards for Meritorious Service**

### **Delta Pod, Juvenile Justice Detention**

Detention staff working in area "D",, a.k.a. "Delta Pod", are recognized for their special esprit and extra effort they invest to develop individual client plans for youth being held in the facility.

Delta Pod staff hold one another accountable to demonstrate appropriate behavior and to show respect and support to all team-mates. Delta Pod staff work as a Team to provide opportunities for youth to earn positive recognition. Individual Team members contribute additional personal hours to community organizations as volunteer coaches, mentors, and activity directors.

### **Domestic Violence Unit**

The Domestic Violence Unit is awarded a second Team Award for continuing excellence in working with a volatile and difficult offender group. DV Unit staff maintain high contact standards with offenders while meeting extra-ordinary requirements to respond to victims and sentencing courts. All Team members work together to support the team model, which includes a high degree of partnership and collaboration with other domestic violence specialists in other criminal justice agencies.

# Highest Professional Standards Awards

## **Tau Porter**

Mr Porter is employed as a Custody Services Specialist working the graveyard shift at Juvenile Detention Admissions. He has been responsible for training on-call staff and new full time staff. The admissions function is a critical component of the entire system, and many of the experiences youth have in admissions have a lasting impression. Mr. Porter is viewed as a person who develops an excellent rapport with youth and maintains rapport with other staff by his "steadying influence" on the unit.

## **Frank Sardone**

Parole and Probation Officer Frank Sardone was assigned to the Peninsula unit in 1998. Mr. Sardone was assigned to the St. Johns neighborhood caseload, the largest and most active caseload at the Peninsula unit. He recorded 417 field contacts, 120 percent of the OCMS requirement. He is a multi-talented trainer and educator; instructing at DPSST and within the department as an ASP baton instructor, con-sim instructor, and continuum of force instructor. Additionally he is on numerous training and education committees. Mr. Sardone was awarded the 1998 Parole and Probation Instructor of the Year award by DPPST, the second time he has been so honored.

# Highest Professional Standards Awards

## Sheryl Goodman

The nomination for Ms. Goodman described her as "very skilled, efficient, and effective... working during the busiest shifts". She completes "prodigious amounts of high quality casework" while unhesitatingly volunteering to assist other staff and to assume other duties as needed. Ms. Goodman is seen as a team player who can effectively lead or support a leader. She has been the subject of numerous positive comments by co-workers, other agency staff, and the families of youth. She is especially appreciated for the extra efforts she takes to communicate with other staff and agencies.

## Paula Oatley

Parole and Probation Officer Paula Oatley is assigned to the Peninsula unit of the Department. In 1998 Ms. Oatley performed 489 field contacts, seized 2 shotguns, 2 pistols, and a semi-automatic assault rifle from various offenders under her supervision. Ms. Oatley has received expressions of appreciation from other staff, citizens, and other agencies for her superior fieldwork and willingness to intervene in offender misbehavior. She is also a renowned field training officer and department trainer. She is active with the Kenton neighborhood association and the Portland Police neighborhood response team.

# Highest Professional Standards Awards

## Thach Nguyen

Mr. Nguyen is a Program Evaluation Specialist in Resource Management responsible for data analysis of juvenile operations within the Department. Mr. Nguyen is recognized for the consistent high quality and clarity of his reports. Due to the demands of media and other external interests, reliable and comprehensive information may be required in very short time frames. Mr. Nguyen has mastered the ability to produce information under such difficult circumstances. He works cooperatively with other analysts and other agencies with critical information. This employee's efforts have allowed decision-makers to act on factual information and analysis. His dedication and willingness to succeed in the face of adversity, within the Department and his personal life, have been an inspiration.

## Kelly Carroll

Kelly Carroll is a Parole and Probation Officer assigned to the Gresham office. Mr. Carroll supervises adult offenders living in East County. He is known as a talented officer who blends the best of counseling and public safety into his daily activities. In addition to his regular duties, Mr. Carroll is repeatedly invited to public forums and community workshops to represent the Department. In that venue his skills as a public speaker and talented professional have won praise and respect. Mr. Carroll is a curriculum advisor to Mt. Hood Community College, and a shadowing mentor for several local schools.

# Lifesaving Awards

## Russ Martin

As an Midcounty Office Parole and Probation Officer, Russ Martin was given an opportunity to attend the American Parole and Probation Association conference in Norfolk, VA. While relaxing in the hotel pool Mr. Martin observed a 2-year-old child who had panicked and submerged. Russ immediately intervened, lifting the child to safety and returning the child to her parent. His quick reflexes and immediate understanding of the situation prevented death or serious injury to the child.

## John (Jack) Bissett

Mr. Bissett is a Community Works Leader with the Forest Project. While leading a crew of Forest Project clients on a routine work assignment, Mr. Bissett encountered an accident scene on the Eliot Creek footbridge. A citizen, hiking with his spouse, fell from the footbridge into Eliot creek and was tumbled by the creek for an additional 40 to 50 feet. Eliot creek is fed by snow pack, and very cold. The citizen was rapidly going into hypothermic shock, a deadly condition. Mr. Bissett organized the crew members and each crew member contributed an item of clothing to warm the victim. Mr. Bissett's leadership and response to the challenge presented converted a high risk/deadly situation into a hiking memory for one lucky citizen.

## Valor Awards

### Caron Cavanaugh

Just before Christmas, Ms. Cavanaugh was spending her off-duty time wrapping Christmas presents for community youth at the St. Johns Woods community center. She noticed smoke coming from an apartment building across the parking lot. She ran to the building, climbing over a cyclone fence. She began pounding on apartment doors to alert residents to the impending danger. Ms. Cavanaugh then observed one adult and a small child standing inside one apartment but apparently unable to move. Ms. Cavanaugh immediately entered the apartment and ushered the adult and child to a safe area. While moving these two residents to safety Ms. Cavanaugh suffered smoke inhalation and a picture window, bursting from the heat, showered her with broken glass and flaming material. In one nomination describing this event, the writer concluded "Ms. Cavanaugh is a heroine and more". For her willingness to risk her personal safety to assist those at risk, Caron Cavanaugh is accorded the Department of Community Justice award for Valor.

## Director's Awards

By the Director and her Deputies with input from the Small Management Teams

### Bill Morris

Bill Morris has worked with the Juvenile System for over thirty years and is currently the Manager of Counseling Services. He started his career as a detention worker, and has held many different positions throughout the Department. He is extremely knowledgeable about the Juvenile Justice system and willingly assists with solving and streamlining complex system challenges.

Bill develops and supports collaborative projects including Turnaround School, the Student Attendance Initiative, an enhanced Diversion Program, the Alternative Placement Committee and a variety of projects with the Oregon Youth Authority. He understands different organizational cultures and is able to leverage support for community initiatives that benefit all youth.

Bill continues to value new ideas, and is continuously striving to improve the quality of services and interventions available to youth and their families. He strives to make data-driven decisions and is knowledgeable about research in the Juvenile Justice field. Bill has the ability to listen to a lengthy discussion and ask critical questions, assisting the workgroup with making effective decisions. Bill's colleagues and staff respect his leadership qualities, pleasant sense of humor and willingness to listen to others.

## Director's Awards

By the Director and her Deputies with input from the Small Management Teams

### Jennifer Wheeler

Jennifer Wheeler was hired as a Juvenile Group Worker in November 1995, and was a lead worker for almost two years. She is an excellent formal and informal leader and has embraced the mission and direction of the Department. Jennifer is the pivotal person for implementing core correctional practices throughout Custody Services, including ongoing training for staff and on-call workers. She has developed a comprehensive manual of policies and activities for the recreation program in Custody Services.

Jennifer is well respected by other staff, shows good judgement and is an excellent group worker. She is dependable and consistently performs the duties of her job in a professional manner. Her communication skills and creative ideas are assets to the Department.



## Director's Awards

By the Director and her Deputies with input from the Small Management Teams

### Robert Ladd

Robert Ladd has been a Probation/Parole Officer in Multnomah County since 1992. Currently, he is at the Peninsula office and supervises both mental health clients and a generalized caseload. He works collaboratively with local mental health agencies and is part of the Department's mental health network.

Robert regularly attends the Overlook Neighborhood Association meetings and is very responsive to the community. Each month he meets or exceeds the targeted number of field contacts per offender. His commitment and dedication to field work is commendable. He exemplifies a balanced approach between public safety and behavior change and between sanctions and services.

Robert is supportive of peers and his work unit. He is described as a positive, steady worker, respectful of others and has the ability to skillfully handle delicate situations with offenders.

# Director's Awards

By the Director and her Deputies with input from the Small Management Teams

## Collaborative Partners Awards

### Carol Matarazzo

Carol Matarazzo is the Assistant Superintendent of Secondary Academic Accountability. (Which means, among other things, she's responsible for the academic achievement of Portland middle and high school students). In that capacity Carol has been a powerful advocate for getting the best programs for Portland students. During a severe budget crisis in Portland Public Schools, Carol 'walked the talk' and offered support and money to fund the Turnaround school to give some of Portland's most difficult students a better chance to succeed.

In her current role and her previous role as Director of Alternative Education, Carol has proven her interest and commitment to sound education for all students. She is a proven advocate of collaborative programming and has been a friend of Juvenile Justice in its efforts to give difficult kids a chance to succeed in mainstream education.

She is active in the Local Public Safety Council and in every way has been a 'barrier buster' to provide a good education for all Portland Public School students.

## Director's Awards

By the Director and her Deputies with input from the Small Management Teams

### Collaborative Partners Awards

#### Sue Ritchey

Sue is the Director of Alternative Education for the Multnomah Education Service District. She is responsible for a host of alternative education programs in Multnomah County and brings to her job a passionate belief that all youth deserve a good education. In her calm and persistent manner, Sue has been a vital and articulate partner in the collaborations between Portland Public Schools, Multnomah County Juvenile Justice, the Multnomah Education Service District in the Turnaround School Project and the Student Attendance Initiative.

Through creative budgeting and a willingness 'to go the extra mile', Sue brought extra resources to the Turnaround project in the form of nurses, support staff, teachers and administration.

Sue was an early advocate of the Student Attendance Initiative. She participated in the creation of the proposal and assisted throughout the development of the initiative in East County Schools.

Sue has been the County's liaison with the Superintendents of the Multnomah ESD. She has the confidence of everyone she works with, and everyone she works with knows to listen when she speaks.

She is active in the Local Public Safety Council and in every way has been a 'barrier buster' to provide a good education for all Portland Public School students.

# Employee of the Year

## Adult Community Justice

### Maggie Miller

Ms. Miller is assigned as the Public Information Officer for the Department. She is the first incumbent in this position, and has, over the last three years, developed the position into an array of tasks that has won the respect of line staff and management. Ms. Miller is highly respected by elected officials, newspaper, radio and television reporters, neighborhood associations, and City crime prevention specialists. She has enabled the Department to become a national leader in sexual offender notification. She has been a tireless promoter of the Department and has been personally responsible for many supportive news reports describing our programs and staff. She is frequently targeted for verbal abuse and harassment by disaffected community members, but she steadfastly maintains her professional aplomb and a rich sense of humor. She is a multi-task specialist, who is able to bring several projects to fruition simultaneously. Although her current assignment is unique within the Department, her competence, energy, and professional demeanor are an inspiration to all employees.

# Employee of the Year

## Juvenile Community Justice

### Henry Carey

Mr. Carey is a Supervisor in Custody Services. He is known as a positive role model, always available to listen, to encourage, and to offer advice. He maintains the highest professional standards for himself and strives to assist others to do as well. During emergency situations Mr. Carey takes control in a quiet and confident manner, exercising a form of quiet leadership that is both calming and inspiring.

Mr. Carey is ever willing to assist in unit activities, flexing his schedule or using his personal time to meet the needs of the unit. In addition to working with youth in custody, Mr. Carey has also assisted youth after their release by supporting them in their various athletic events.

Mr. Carey's nomination concluded: "He is always willing to go the extra mile, and to show what can be accomplished with a little extra effort". Mr. Carey exemplifies the professional skills, attributes, and attitudes that are worthy of emulation by all employees.

**Doorprizes Donated By**

Cookie Bouquets Unlimited      289-9088 or (360) 896-7101

Marcie Buntrock

Linda Dodge

• Co-workers, Honored Guests, and Members of the Public:

Welcome to the Seventh Annual Community Justice Recognition Celebration. Your Employee Recognition Committee, comprised of staff from all classes and sections of the Department, are pleased to host this opportunity to celebrate excellence.

Each of you has contributed to this event by your presence here today and by nominating your peers, co-workers, other professionals and citizens.

Our Department and community are blessed with talented, hardworking individuals who add immeasurably to the County Workforce and the quality of community life.

We are pleased to recognize some of those people today.

The Employee Recognition Committee, 1998-99:

Rachael DeMartini, Chair, Centralized Team Supervision

Tracy Hill, Vice-Chair, Information Services

Michelle Aguilar, Diversion

David Bordeaux, East Parole/Probation Office

Marcie Buntrock, East Parole/Probation Office

Linda Dodge, Custody Services

Lynda Hutchings, Centralized Team Supervision

Candace Johnson, Adjudication

Karl Johnson, Gang Resource Intervention Team

Mike Petersen, Custody Services

Wayne Salvo, Peninsula Parole/Probation Office

Event Photographer:

Francisco Menezes, Centralized Team Supervision

## *Awards*

**Director's Award/Collaborative Partners Award:** These awards recognize employees and collaborative partners who have made significant contributions to the Department outside the purview of normal operations. These awards are determined by the Small Management Team.

**Community Justice Appreciation Award:** Significant contributions to our Department made by citizens, other county employees or agencies, or other community-based programs are recognized in this category.

**Valor:** To recognize citizens or employees who distinguish themselves in the performance of a selfless and heroic act beyond the normal expectations of the Department of Community Justice. The citizen or employee shall have displayed exceptional presence of mind, personal courage, and valorous behavior while aware of the risks to personal welfare and safety.

**Lifesaving:** Awarded to recognize citizens and employees who act or intervene in situations in which there is a high likelihood that a lack of intervention would have led to serious injury or loss of life.

**Meritorious Service:** Six staff members and two teams are recognized annually for excellence in their work assignment, high personal productivity, and additional efforts they have undertaken to enhance and improve the Department or the Community.

**Highest Professional Standards:** Six staff members are recognized annually for excellence in their work assignment, high personal productivity, and who make additional and significant contributions to the Department or the Community.

**Employee of the Year:** The Employee of the Year is selected based on professional excellence in their work, contributions to the Department or Community, and personal and professional conduct which is inspiring to others.

\*\*In very rare circumstances, or in "tie" situations, more awards may be given.



MEETING DATE: AUG 19 1999  
AGENDA NO: R-3  
ESTIMATED START TIME: 9:40

(Above Space for Board Clerk's Use ONLY)

### AGENDA PLACEMENT FORM

**SUBJECT:** Amendment to Support Enforcement Division Lease at 1001 Fifth Building

**BOARD BRIEFING:**

**DATE REQUESTED:** \_\_\_\_\_

**REQUESTED BY:** \_\_\_\_\_

**AMOUNT OF TIME NEEDED:** \_\_\_\_\_

**REGULAR MEETING:**

**DATE REQUESTED:** August 19, 1999

**AMOUNT OF TIME NEEDED:** 5 minutes

**DEPARTMENT:** Environmental Services

**DIVISION:** Facilities and Property Management

**CONTACT:** Jennifer de Haro

**TELEPHONE #:** 736-6094

**BLDG/ROOM #:** 421/3rd

**PERSON(S) MAKING PRESENTATION:** Jennifer de Haro

#### ACTION REQUESTED:

☐ INFORMATIONAL ONLY   ☐ POLICY DIRECTION   ☒ APPROVAL   ☐ OTHER

#### SUGGESTED AGENDA TITLE:

Amendment to Support Enforcement Division Lease to Extend Term an Additional Two Years

Bliala original IGAS & CAP &  
copies of all to Jennifer de Haro

#### SIGNATURES REQUIRED:

**ELECTED OFFICIAL:** \_\_\_\_\_

(OR)

**DEPARTMENT  
MANAGER:** \_\_\_\_\_

D. Scott Marney for E. E. Nicholas

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions: Call the Board Clerk @ 248-3277**

CLERK OF COUNTY COMMISSIONERS  
99 AUG 10 AM 11:56  
POLK COUNTY  
OREGON



**MICHAEL D. SCHRUNK**, District Attorney for Multnomah County

Family Justice Division • Support Enforcement Office • (503) 248-3150

1001 S.W. 5th Avenue, Suite 1075 • Portland, Oregon 97204 • FAX (503)248-3160

## **SUPPLEMENTAL STAFF REPORT**

**To: Multnomah County Board of County Commissioners**

**From: D. Scott Marcy Operations Administrator  
District Attorney Support Enforcement Office**

**Date: July 2, 1999**

**Re: Lease Agreement for District Attorney Support Enforcement  
main office, located at 1001 SW Fifth Ave suite 1075 Portland, Oregon**

1. Recommendation/Action Required:

Approve renewal of lease agreement with Wright Runstad.

2. Background/Action Requested:

The Multnomah County District Attorney's Support Enforcement Office has been located at the 1001 SW 5th Ave. address for the past five years. The five year lease agreement expired in June of 1999.

The Support Enforcement Office (main branch) houses a total of twenty four full time employees, including: three Deputy District Attorney's, nine Support Enforcement Agents, a District Attorney Investigator and support staff. The office is contracted with the State of Oregon Department of Human Resources Child Support Program to provide program services such as paternity establishment, child support order establishment, child support enforcement and child support order modifications to approximately ten thousand child support cases in Multnomah County.

The renewal of the lease will allow our office to continue to serve the public's interest through the enforcement of child support obligations in Multnomah County.

3. Financial Impact:

Lease payments included in this year's budget. The Support Enforcement Office receives a 66% federal match for program expenses related to child support program services.

4. Legal Issues:

None known

5. Controversial Issues:

None known

6. Link to Current County Policy:

Meets current Board policy and county Benchmarks of reducing children in poverty, good government practices and providing the people of Multnomah County with excellent quality, customer-focused service that is a good value for their tax dollar.

7. Citizen Participation:

None known

8. Other Government Participation:

The Support Enforcement program is contracted with the State of Oregon Department of Human Resources to provide federally mandated child support program services on behalf of the people of Multnomah County. In return, the program receives a 66% off



# MULTNOMAH COUNTY OREGON

## REAL PROPERTY LEASE DESCRIPTION FORM

☐ Revenue ☐ Rent Free Agreement ☐ Taxpayer ID (lessor) \_\_\_\_\_  
☒ Expense ☐ County Owned ☐ Renewal of Lease

Property Management  
Contact Person Bob Oberst Phone 248-3851 Date August 9, 1999

Division Requesting Lease DA Support Enforcement

Contact Person Scott Marcy Phone 248-3610

Lessor Name EOP Properties  
Mailing Address 1005 Fifth Ave. Bldg.  
P.O. Box 3834  
Phone Seattle, WA 98124-3834  
503-224-2375  
Lessee name Multnomah County  
Mailing Address 2505 SE 11th Ave.  
Portland, OR 97202  
Phone 248-3322

Address of 1005 SW 5th Avenue  
Lease Property Portland, OR  
Purpose of Lease Support Enforcement Office

Effective Date June 1, 1999

Termination Date May 31, 2001

Total Amount  
of Agreement \$ 336,389.28

### Payment Terms

☐ Annual \$ \_\_\_\_\_ ☒ Monthly \$ 14,106.22  
☐ Other \$ \_\_\_\_\_

FUND	AGENCY	ORGAN- IZATION	ACTIVITY	OBJ	SUB OBJ	REV SOURCE	SUB REV	REPT CATEG
410	030	5650		6170				

### REQUIRED SIGNATURES:

Department Head [Signature] Date 8/9/99  
County Counsel [Signature] Date 8/10/99  
Property Management [Signature] Date 8-9-99  
County Executive/Sheriff [Signature] Date 8/19/99

CODE		FOR ACCOUNTING / PURCHASING ONLY									
VENDOR NAME		YEAR		AUTHORIZATION NOTICE						ENCUMBRANCE "APRON" ONLY	
LINE NO.	NUMBER	FUND	AGENCY	ORGANIZATION	ACTIVITY	OBJECT	SUB OBJ	REPT CATEG	DESCRIPTION	AMOUNT	INC. DEC IND
	301604-9										

WHITE-PURCHASING

CANARY-INITIATOR

PINK-FINANCE

## SECOND AMENDMENT

This Second Amendment (the "Amendment") is made and entered into as of \_\_\_\_\_, 1999, by and between EOP-NORTHWEST PROPERTIES, LLC, a Delaware limited liability company ("Landlord"), and MULTNOMAH COUNTY, a political subdivision of the State of Oregon ("Tenant").

### WITNESSETH

- A. WHEREAS, Landlord (as successor in interest to The Equitable-Wright Portland Company) and Tenant are parties to that certain lease dated the 1<sup>st</sup> day of March, 1994 for space currently containing approximately 7,067 rentable square feet (the "Premises") described as Suite No. 1075 on the 10<sup>th</sup> floor of the building commonly known as 1001 Fifth Avenue and the address of which is 1001 SW 5<sup>th</sup> Avenue, Portland, Oregon (the "Building"), which lease has been previously amended or assigned by an instrument dated May 6, 1996 (collectively, the "Lease"); and
- B. WHEREAS, the Lease by its terms expired on May 31, 1999 ("Prior Termination Date"), and the parties desire to extend the term of the Lease, all on the terms and conditions hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

- I. Extension. The lease term is hereby (retroactively) extended for a period of **twenty-four (24)** months and shall expire on **May 31, 2001** ("Extended Termination Date"), unless sooner terminated in accordance with the terms of the Lease. That portion of the lease term commencing the day immediately following the Prior Termination Date ("Extension Date") and ending on the Extended Termination Date shall be referred to herein as the "Extended Term".

- II. Rent. As of the Extension Date, the schedule of monthly installments of Rent with respect to the Premises during the Extended Term is the following:

Tenant shall pay Landlord the sum of **Three Hundred Thirty-six Thousand Three Hundred Eighty-nine and 28/100 Dollars (\$336,389.28)** as Rent for the Premises during the Extended Term in twenty-four (24) monthly installments as follows:

- A. **twenty-four (24)** equal installments of **Fourteen Thousand Sixteen and 22/100 Dollars (\$14,016.22)** each payable on or before the first day of each month during the period beginning (retroactively) June 1, 1999 and ending **May 31, 2001**.
- B. [Intentionally omitted.]

All such Rent shall be payable by Tenant in accordance with the terms of Section 4 of the Lease.

- III. Real Estate Taxes and Operating Expenses. For the period commencing on the Extension Date and ending on the Extended Termination Date, Tenant shall pay for Tenant's Share of the increase or decrease in Real Estate Taxes and Tenant's Share of the increase or decrease in Operating Expenses in accordance with the terms of the Lease, provided, however, during such period, the Base Year for the computation of Tenant's Share of Operating Expenses is amended from 1993 to 1999, and the Base Year for the computation of Tenant's Share of Real Estate Taxes is amended from 1993/94 to 1998/99.

IV. Improvements to Premises.

- A. Condition of Premises. Tenant is in possession of the Premises and accepts the same "as is" without any agreements, representations, understandings or obligations on the part of Landlord to perform any alterations, repairs or improvements, except as may be expressly provided otherwise in this Amendment.
- B. Cost of Improvements to Premises. Provided Tenant is not in default, Tenant shall be entitled to receive an improvement allowance (the "Extension Improvement Allowance") in an amount not to exceed Twenty-two Thousand Six Hundred Fourteen and 40/100 Dollars (\$22,614.40) to be applied toward the cost of performing construction, alteration or improvement of the Premises, including but not limited to the cost of space planning, design and related architectural and engineering services. In the event the total cost of the improvements to the Premises exceeds the Extension Improvement Allowance, Tenant shall pay for such excess upon demand. The entire unused balance of the Extension Improvement Allowance, if any, shall accrue to the sole benefit of Landlord. Landlord shall pay such Extension Improvement Allowance directly to the contractors retained to perform the construction, design or related improvement work to the Premises.
- C. Responsibility for Improvements to Premises. Landlord shall enter into a direct contract for the improvements to the Premises with a general contractor selected by Landlord. Tenant shall devote such time in consultation with Landlord or Landlord's architect as may be required to provide all information Landlord deems necessary in order to enable Landlord to complete, and obtain Tenant's written approval of, the plans for the improvements to the Premises in a timely manner. All plans for the improvements to the Premises shall be subject to Landlord's consent, which consent shall not be unreasonably withheld. If the cost of such improvements exceeds the Expansion Improvement Allowance, then prior to commencing any construction of improvements to the Premises, Landlord shall submit to Tenant a written estimate setting forth the anticipated cost, including but not limited to the cost of space planning, design and related architectural and engineering services, labor and materials, contractor's fees, and permit fees. Within a reasonable time thereafter, Tenant shall either notify Landlord in writing of its approval of the cost estimate or specify its objections thereto and any desired changes to the proposed improvements. In the event Tenant notifies Landlord of such objections and desired changes, Tenant shall work with Landlord to reach a mutually acceptable alternative cost estimate.

V. Other Pertinent Provisions. Landlord and Tenant agree that, effective as of the date hereof (unless different effective date(s) is/are specifically referenced in this Section), the Lease shall be amended in the following additional respects:

- A. Address for Notices. The address for notices for Landlord set forth in Section 1(i) of the Lease is hereby revised to:

EOP Northwest Properties, L.L.C.  
c/o Wright Runstad & Company  
1001 Fifth Avenue Building  
1001 SW Fifth Avenue, Suite 1511  
Portland, OR 97204  
Attention: Building Manager

With a copy to:

Equity Office Properties Trust  
Two North Riverside Plaza  
Suite 2200  
Chicago, Illinois 60606  
Attention: Regional Counsel – West Region

Payments of Rent only shall be made payable to the order of:  
Equity Office Properties

at the following address:

EOP Northwest Properties, L.L.C.  
1001 Fifth Avenue Building  
P.O. Box 3834  
Seattle, WA 98124-3834

- B. Limitation of Liability. Section 30 of the Lease is hereby deleted and replaced with the following:

NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS LEASE, THE LIABILITY OF LANDLORD (AND OF ANY SUCCESSOR LANDLORD HEREUNDER) TO TENANT SHALL BE LIMITED TO THE INTEREST OF LANDLORD IN THE BUILDING, AND TENANT AGREES TO LOOK SOLELY TO LANDLORD'S INTEREST IN THE BUILDING FOR THE RECOVERY OF ANY JUDGMENT OR AWARD AGAINST THE LANDLORD, IT BEING INTENDED THAT NEITHER LANDLORD NOR ANY MEMBER, PRINCIPAL, PARTNER, SHAREHOLDER, OFFICER, DIRECTOR OR BENEFICIARY OF LANDLORD SHALL BE PERSONALLY LIABLE FOR ANY JUDGMENT OR DEFICIENCY. TENANT HEREBY COVENANTS THAT, PRIOR TO THE FILING OF ANY SUIT FOR AN ALLEGED DEFAULT BY LANDLORD HEREUNDER, IT SHALL GIVE LANDLORD AND ALL MORTGAGEES WHOM TENANT HAS BEEN NOTIFIED HOLD MORTGAGES OR DEED OF TRUST LIENS ON THE PROPERTY, BUILDING OR PREMISES NOTICE AND REASONABLE TIME TO CURE SUCH ALLEGED DEFAULT BY LANDLORD. IN ADDITION, TENANT ACKNOWLEDGES THAT ANY ENTITY MANAGING THE BUILDING ON BEHALF OF LANDLORD, OR WHICH EXECUTES THIS LEASE AS AGENT FOR LANDLORD, IS ACTING SOLELY IN ITS CAPACITY AS AGENT FOR LANDLORD AND SHALL NOT BE LIABLE FOR ANY OBLIGATIONS, LIABILITIES, LOSSES OR DAMAGES ARISING OUT OF OR IN CONNECTION WITH THIS LEASE, ALL OF WHICH ARE EXPRESSLY WAIVED BY TENANT.

- C. Renewal Option. A new Section 36, Renewal Option, is hereby added to the Lease as follows:

1. Tenant shall have the right to extend the lease term (the "Renewal Option") for one additional period of **two (2) years** commencing on the day following the Extended Termination Date and ending on the 1<sup>st</sup> anniversary of the Extended Termination Date (the "Renewal Term"), if:
  - a. Landlord receives notice of exercise of the Renewal Option ("Initial Renewal Notice") not less than one hundred eighty (180) days prior to the expiration of the Extended Term and not more than two hundred seventy (270) days prior to the expiration of the Extended Lease Term; and
  - b. Tenant is not in default under the Lease beyond any applicable cure periods at the time that Tenant delivers its Initial Renewal Notice or at the time Tenant delivers its Binding Notice; and
  - c. No part of the Premises is sublet at the time that Tenant delivers its Initial Renewal Notice or at the time Tenant delivers its Binding Notice other than in connection with a Permitted Transfer; and

- d. The Lease has not been assigned prior to the date that Tenant delivers its Initial Renewal Notice or prior to the date Tenant delivers its Binding Notice; and
  - e. Tenant executes and returns the Renewal Amendment (hereinafter defined) within fifteen (15) days after its submission to Tenant.
2. The initial Rent rate per rentable square foot for the Premises during the Renewal Term shall equal the Prevailing Market (hereinafter defined) rate per rentable square foot for the Premises.
  3. Tenant shall pay Additional Rent (i.e. Tenant's Share of Real Estate Taxes and Operating Expenses) for the Premises during the Renewal Term in accordance with Section 8 of the Lease.
  4. Within thirty (30) days after receipt of Tenant's Initial Renewal Notice, Landlord shall advise Tenant of the applicable Rent rate for the Premises for the Renewal Term. Tenant, within fifteen (15) days after the date on which Landlord advises Tenant of the applicable Rent rate for the Renewal Term, shall either (i) give Landlord final binding written notice ("Binding Notice") of Tenant's exercise of its option, or (ii) if Tenant disagrees with Landlord's determination, provide Landlord with written notice of rejection (the "Rejection Notice"). If Tenant fails to provide Landlord with either a Binding Notice or Rejection Notice within such fifteen (15) day period, Tenant's Renewal Option shall be null and void and of no further force and effect. If Tenant provides Landlord with a Binding Notice, Landlord and Tenant shall enter into the Renewal Amendment upon the terms and conditions set forth herein. If Tenant provides Landlord with a Rejection Notice, Landlord and Tenant shall work together in good faith to agree upon the Prevailing Market Rent rate for the Premises during the Renewal Term. Upon agreement Tenant shall provide Landlord with Binding Notice and Landlord and Tenant shall enter into the Renewal Amendment in accordance with the terms and conditions hereof. Notwithstanding the foregoing, if Landlord and Tenant are unable to agree upon the Prevailing Market Rent rate for the Premises within thirty (30) days after the date on which Tenant provides Landlord with a Rejection Notice, Tenant's Renewal Option shall be null and void.
  5. If Tenant is entitled to and properly exercises its Renewal Option, Landlord shall prepare an amendment (the "Renewal Amendment") to reflect changes in the Rent, lease term, Expiration Date and other appropriate terms. The Renewal Amendment shall be:
    - a. sent to Tenant within a reasonable time after receipt of the Binding Notice; and
    - b. executed by Tenant and returned to Landlord in accordance with paragraph 1(e) above.

An otherwise valid exercise of the Renewal Option shall, at Landlord's option, be fully effective whether or not the Renewal Amendment is executed.

6. For purpose hereof, "Prevailing Market" shall mean the arms length fair market annual rental rate per rentable square foot under renewal leases and amendments entered into on or about the date on which the Prevailing Market is being determined hereunder for space comparable to the Premises in the Building and office buildings comparable to the Building in Portland, Oregon. The determination of Prevailing Market shall take into account any material economic differences between the terms of this Lease and any comparison lease, such as rent abatements, construction costs and other concessions and the manner, if any, in which the Landlord



under any such lease is reimbursed for operating expenses and taxes. The determination of Prevailing Market shall also take into consideration any reasonably anticipated changes in the Prevailing Market rate from the time such Prevailing Market rate is being determined and the time such Prevailing Market rate will become effective under this Lease.

7. Notwithstanding anything herein to the contrary, Tenant's Renewal Option is subject and subordinate to the expansion rights (whether such rights are designated as a right of first offer, right of first renewal, expansion option or otherwise) of any tenant of the Building existing on the date hereof.

VI. Miscellaneous.

- A. This Amendment sets forth the entire agreement between the parties with respect to the matters set forth herein. There have been no additional oral or written representations or agreements. Under no circumstances shall Tenant be entitled to any Rent abatement, improvement allowance, leasehold improvements, or other work to the Premises, or any similar economic incentives that may have been provided Tenant in connection with entering into the Lease, unless specifically set forth in this Amendment.
- B. Except as herein modified or amended, the provisions, conditions and terms of the Lease shall remain unchanged and in full force and effect.
- C. In the case of any inconsistency between the provisions of the Lease and this Amendment, the provisions of this Amendment shall govern and control.
- D. Submission of this Amendment by Landlord is not an offer to enter into this Amendment but rather is a solicitation for such an offer by Tenant. Landlord shall not be bound by this Amendment until Landlord has executed and delivered the same to Tenant.
- E. The capitalized terms used in this Amendment shall have the same definitions as set forth in the Lease to the extent that such capitalized terms are defined therein and not redefined in this Amendment.
- F. Tenant hereby represents to Landlord that Tenant has dealt with no broker in connection with this Amendment. Tenant agrees to indemnify and hold Landlord, its members, principals, beneficiaries, partners, officers, directors, employees, mortgagee(s) and agents, and the respective principals and members of any such agents (collectively, the "Landlord Related Parties") harmless from all claims of any brokers claiming to have represented Tenant in connection with this Amendment. Landlord hereby represents to Tenant that Landlord has dealt with no broker in connection with this Amendment. Landlord agrees to indemnify and hold Tenant, its members, principals, beneficiaries, partners, officers, directors, employees, and agents, and the respective principals and members of any such agents (collectively, the "Tenant Related Parties") harmless from all claims of any brokers claiming to have represented Landlord in connection with this Amendment.

IN WITNESS WHEREOF, Landlord and Tenant have duly executed this Amendment as of the day and year first above written.

LANDLORD: EOP-NORTHWEST PROPERTIES, L.L.C., a  
Delaware limited liability company

By: EOP Operating Limited Partnership, a Delaware  
limited partnership, its sole member

By: Equity Office Properties Trust, a Maryland  
real estate investment trust, its managing  
general partner

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

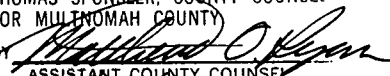
TENANT: MULTNOMAH COUNTY, a political subdivision  
of the State of Oregon

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

Name: Beverly Stein

Title: Multnomah County Chair

WCW\4382\034\1048707.01

REVIEWED:  
THOMAS SPONSLER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY  
BY   
ASSISTANT COUNTY COUNSEL  
DATE 8/10/99

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-3 DATE 8/19/99  
DEB BOGSTAD  
BOARD CLERK

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 99-164**

Authorizing Execution of Agreement for Lease of Certain Real Property for the Operation of the District Attorney's Support Enforcement Division.

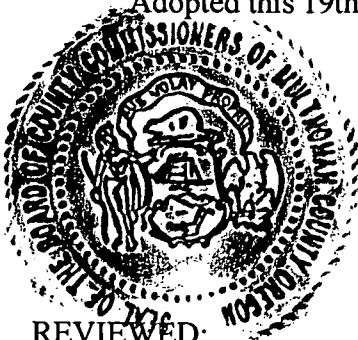
The Multnomah County Board of Commissioners Finds:

- a) The Multnomah County Support Enforcement Division provides services in coordination with the court system, and its function requires being located close to the Portland downtown area, within a reasonable distance from court services.
- b) The County owns no space that will accommodate the immediate space needs of the Support Enforcement Division, and will be unable to meet these needs on County owned premises for at least two years.
- c) Real property suited to the function of the Support Enforcement Division has been leased for the past five years, and is available for an additional two years.
- d) The premises described in the attached Lease Agreement before the Board this date are those leased for the past five years, and have been determined to be available at a reasonable rental for the additional two years needed, from the owner, EOP Northwest Properties, LLC.
- e) It appears that the lease of the premises described in the Lease Agreement before the Board this date will benefit Multnomah County.

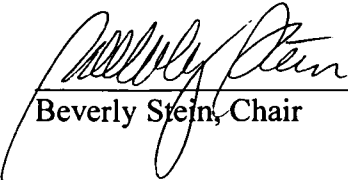
The Multnomah County Board of Commissioners Resolves:

- 1. The Chair of the Multnomah County Board of Commissioners is authorized and directed to execute the attached Lease Agreement before the Board this date and any other documents required for the completion of this lease on behalf of Multnomah County.

Adopted this 19th day of August 1999.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Beverly Stein, Chair

Thomas Sponsler, County Counsel  
For Multnomah County, Oregon

By 

Matthew O. Ryan, Assistant County Counsel

## SECOND AMENDMENT

This Second Amendment (the "Amendment") is made and entered into as of \_\_\_\_\_, 1999, by and between EOP-NORTHWEST PROPERTIES, LLC, a Delaware limited liability company ("Landlord"), and MULTNOMAH COUNTY, a political subdivision of the State of Oregon ("Tenant").

### WITNESSETH

- A. WHEREAS, Landlord (as successor in interest to The Equitable-Wright Portland Company) and Tenant are parties to that certain lease dated the 1<sup>st</sup> day of March, 1994 for space currently containing approximately 7,067 rentable square feet (the "Premises") described as Suite No. 1075 on the 10<sup>th</sup> floor of the building commonly known as 1001 Fifth Avenue and the address of which is 1001 SW 5<sup>th</sup> Avenue, Portland, Oregon (the "Building"), which lease has been previously amended or assigned by an instrument dated May 6, 1996 (collectively, the "Lease"); and
- B. WHEREAS, the Lease by its terms expired on May 31, 1999 ("Prior Termination Date"), and the parties desire to extend the term of the Lease, all on the terms and conditions hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Landlord and Tenant agree as follows:

- I. Extension. The lease term is hereby (retroactively) extended for a period of **twenty-four (24) months** and shall expire on **May 31, 2001** ("Extended Termination Date"), unless sooner terminated in accordance with the terms of the Lease. That portion of the lease term commencing the day immediately following the Prior Termination Date ("Extension Date") and ending on the Extended Termination Date shall be referred to herein as the "Extended Term".

- II. Rent. As of the Extension Date, the schedule of monthly installments of Rent with respect to the Premises during the Extended Term is the following:

Tenant shall pay Landlord the sum of **Three Hundred Thirty-six Thousand Three Hundred Eighty-nine and 28/100 Dollars (\$336,389.28)** as Rent for the Premises during the Extended Term in twenty-four (24) monthly installments as follows:

- A. **twenty-four (24) equal installments of Fourteen Thousand Sixteen and 22/100 Dollars (\$14,016.22)** each payable on or before the first day of each month during the period beginning (retroactively) June 1, 1999 and ending **May 31, 2001**.
- B. [Intentionally omitted.]

All such Rent shall be payable by Tenant in accordance with the terms of Section 4 of the Lease.

- III. Real Estate Taxes and Operating Expenses. For the period commencing on the Extension Date and ending on the Extended Termination Date, Tenant shall pay for Tenant's Share of the increase or decrease in Real Estate Taxes and Tenant's Share of the increase or decrease in Operating Expenses in accordance with the terms of the Lease, provided, however, during such period, the Base Year for the computation of Tenant's Share of Operating Expenses is amended from 1993 to 1999, and the Base Year for the computation of Tenant's Share of Real Estate Taxes is amended from 1993/94 to 1998/99.

IV. Improvements to Premises.

- A. Condition of Premises. Tenant is in possession of the Premises and accepts the same "as is" without any agreements, representations, understandings or obligations on the part of Landlord to perform any alterations, repairs or improvements, except as may be expressly provided otherwise in this Amendment.
- B. Cost of Improvements to Premises. Provided Tenant is not in default, Tenant shall be entitled to receive an improvement allowance (the "Extension Improvement Allowance") in an amount not to exceed Twenty-two Thousand Six Hundred Fourteen and 40/100 Dollars (\$22,614.40) to be applied toward the cost of performing construction, alteration or improvement of the Premises, including but not limited to the cost of space planning, design and related architectural and engineering services. In the event the total cost of the improvements to the Premises exceeds the Extension Improvement Allowance, Tenant shall pay for such excess upon demand. The entire unused balance of the Extension Improvement Allowance, if any, shall accrue to the sole benefit of Landlord. Landlord shall pay such Extension Improvement Allowance directly to the contractors retained to perform the construction, design or related improvement work to the Premises.
- C. Responsibility for Improvements to Premises. Landlord shall enter into a direct contract for the improvements to the Premises with a general contractor selected by Landlord. Tenant shall devote such time in consultation with Landlord or Landlord's architect as may be required to provide all information Landlord deems necessary in order to enable Landlord to complete, and obtain Tenant's written approval of, the plans for the improvements to the Premises in a timely manner. All plans for the improvements to the Premises shall be subject to Landlord's consent, which consent shall not be unreasonably withheld. If the cost of such improvements exceeds the Expansion Improvement Allowance, then prior to commencing any construction of improvements to the Premises, Landlord shall submit to Tenant a written estimate setting forth the anticipated cost, including but not limited to the cost of space planning, design and related architectural and engineering services, labor and materials, contractor's fees, and permit fees. Within a reasonable time thereafter, Tenant shall either notify Landlord in writing of its approval of the cost estimate or specify its objections thereto and any desired changes to the proposed improvements. In the event Tenant notifies Landlord of such objections and desired changes, Tenant shall work with Landlord to reach a mutually acceptable alternative cost estimate.

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EOP Northwest Properties, L.L.C.  
c/o Wright Runstad & Company  
1001 Fifth Avenue Building  
1001 SW Fifth Avenue, Suite 1511  
Portland, OR 97204  
Attention: Building Manager

With a copy to:

Equity Office Properties Trust  
Two North Riverside Plaza  
Suite 2200  
Chicago, Illinois 60606  
Attention: Regional Counsel - West Region

Payments of Rent only shall be made payable to the order of:  
Equity Office Properties

at the following address:

EOP Northwest Properties, L.L.C.  
1001 Fifth Avenue Building  
P.O. Box 3834  
Seattle, WA 98124-3834

- B. Limitation of Liability. Section 30 of the Lease is hereby deleted and replaced with the following:

NOTWITHSTANDING ANYTHING TO THE CONTRARY CONTAINED IN THIS LEASE, THE LIABILITY OF LANDLORD (AND OF ANY SUCCESSOR LANDLORD HEREUNDER) TO TENANT SHALL BE LIMITED TO THE INTEREST OF LANDLORD IN THE BUILDING, AND TENANT AGREES TO LOOK SOLELY TO LANDLORD'S INTEREST IN THE BUILDING FOR THE RECOVERY OF ANY JUDGMENT OR AWARD AGAINST THE LANDLORD, IT BEING INTENDED THAT NEITHER LANDLORD NOR ANY MEMBER, PRINCIPAL, PARTNER, SHAREHOLDER, OFFICER, DIRECTOR OR BENEFICIARY OF LANDLORD SHALL BE PERSONALLY LIABLE FOR ANY JUDGMENT OR DEFICIENCY. TENANT HEREBY COVENANTS THAT, PRIOR TO THE FILING OF ANY SUIT FOR AN ALLEGED DEFAULT BY LANDLORD HEREUNDER, IT SHALL GIVE LANDLORD AND ALL MORTGAGEES WHOM TENANT HAS BEEN NOTIFIED HOLD MORTGAGES OR DEED OF TRUST LIENS ON THE PROPERTY, BUILDING OR PREMISES NOTICE AND REASONABLE TIME TO CURE SUCH ALLEGED DEFAULT BY LANDLORD. IN ADDITION, TENANT ACKNOWLEDGES THAT ANY ENTITY MANAGING THE BUILDING ON BEHALF OF LANDLORD, OR WHICH EXECUTES THIS LEASE AS AGENT FOR LANDLORD, IS ACTING SOLELY IN ITS CAPACITY AS AGENT FOR LANDLORD AND SHALL NOT BE LIABLE FOR ANY OBLIGATIONS, LIABILITIES, LOSSES OR DAMAGES ARISING OUT OF OR IN CONNECTION WITH THIS LEASE, ALL OF WHICH ARE EXPRESSLY WAIVED BY TENANT.

- C. Renewal Option. A new Section 36, Renewal Option, is hereby added to the Lease as follows:

1. Tenant shall have the right to extend the lease term (the "Renewal Option") for one additional period of **two (2) years** commencing on the day following the Extended Termination Date and ending on the 1<sup>st</sup> anniversary of the Extended Termination Date (the "Renewal Term"), if:
  - a. Landlord receives notice of exercise of the Renewal Option ("Initial Renewal Notice") not less than one hundred eighty (180) days prior to the expiration of the Extended Term and not more than two hundred seventy (270) days prior to the expiration of the Extended Lease Term; and
  - b. Tenant is not in default under the Lease beyond any applicable cure periods at the time that Tenant delivers its Initial Renewal Notice or at the time Tenant delivers its Binding Notice; and
  - c. No part of the Premises is sublet at the time that Tenant delivers its Initial Renewal Notice or at the time Tenant delivers its Binding Notice other than in connection with a Permitted Transfer; and

- d. The Lease has not been assigned prior to the date that Tenant delivers its Initial Renewal Notice or prior to the date Tenant delivers its Binding Notice; and
  - e. Tenant executes and returns the Renewal Amendment (hereinafter defined) within fifteen (15) days after its submission to Tenant.
2. The initial Rent rate per rentable square foot for the Premises during the Renewal Term shall equal the Prevailing Market (hereinafter defined) rate per rentable square foot for the Premises.
  3. Tenant shall pay Additional Rent (i.e. Tenant's Share of Real Estate Taxes and Operating Expenses) for the Premises during the Renewal Term in accordance with Section 8 of the Lease.
  4. Within thirty (30) days after receipt of Tenant's Initial Renewal Notice, Landlord shall advise Tenant of the applicable Rent rate for the Premises for the Renewal Term. Tenant, within fifteen (15) days after the date on which Landlord advises Tenant of the applicable Rent rate for the Renewal Term, shall either (i) give Landlord final binding written notice ("Binding Notice") of Tenant's exercise of its option, or (ii) if Tenant disagrees with Landlord's determination, provide Landlord with written notice of rejection (the "Rejection Notice"). If Tenant fails to provide Landlord with either a Binding Notice or Rejection Notice within such fifteen (15) day period, Tenant's Renewal Option shall be null and void and of no further force and effect. If Tenant provides Landlord with a Binding Notice, Landlord and Tenant shall enter into the Renewal Amendment upon the terms and conditions set forth herein. If Tenant provides Landlord with a Rejection Notice, Landlord and Tenant shall work together in good faith to agree upon the Prevailing Market Rent rate for the Premises during the Renewal Term. Upon agreement Tenant shall provide Landlord with Binding Notice and Landlord and Tenant shall enter into the Renewal Amendment in accordance with the terms and conditions hereof. Notwithstanding the foregoing, if Landlord and Tenant are unable to agree upon the Prevailing Market Rent rate for the Premises within thirty (30) days after the date on which Tenant provides Landlord with a Rejection Notice, Tenant's Renewal Option shall be null and void.
  5. If Tenant is entitled to and properly exercises its Renewal Option, Landlord shall prepare an amendment (the "Renewal Amendment") to reflect changes in the Rent, lease term, Expiration Date and other appropriate terms. The Renewal Amendment shall be:
    - a. sent to Tenant within a reasonable time after receipt of the Binding Notice; and
    - b. executed by Tenant and returned to Landlord in accordance with paragraph 1(e) above.

An otherwise valid exercise of the Renewal Option shall, at Landlord's option, be fully effective whether or not the Renewal Amendment is executed.

6. For purpose hereof, "Prevailing Market" shall mean the arms length fair market annual rental rate per rentable square foot under renewal leases and amendments entered into on or about the date on which the Prevailing Market is being determined hereunder for space comparable to the Premises in the Building and office buildings comparable to the Building in Portland, Oregon. The determination of Prevailing Market shall take into account any material economic differences between the terms of this Lease and any comparison lease, such as rent abatements, construction costs and other concessions and the manner, if any, in which the Landlord

under any such lease is reimbursed for operating expenses and taxes. The determination of Prevailing Market shall also take into consideration any reasonably anticipated changes in the Prevailing Market rate from the time such Prevailing Market rate is being determined and the time such Prevailing Market rate will become effective under this Lease.

7. Notwithstanding anything herein to the contrary, Tenant's Renewal Option is subject and subordinate to the expansion rights (whether such rights are designated as a right of first offer, right of first renewal, expansion option or otherwise) of any tenant of the Building existing on the date hereof.

VI. Miscellaneous.

- A. This Amendment sets forth the entire agreement between the parties with respect to the matters set forth herein. There have been no additional oral or written representations or agreements. Under no circumstances shall Tenant be entitled to any Rent abatement, improvement allowance, leasehold improvements, or other work to the Premises, or any similar economic incentives that may have been provided Tenant in connection with entering into the Lease, unless specifically set forth in this Amendment.
- B. Except as herein modified or amended, the provisions, conditions and terms of the Lease shall remain unchanged and in full force and effect.
- C. In the case of any inconsistency between the provisions of the Lease and this Amendment, the provisions of this Amendment shall govern and control.
- D. Submission of this Amendment by Landlord is not an offer to enter into this Amendment but rather is a solicitation for such an offer by Tenant. Landlord shall not be bound by this Amendment until Landlord has executed and delivered the same to Tenant.
- E. The capitalized terms used in this Amendment shall have the same definitions as set forth in the Lease to the extent that such capitalized terms are defined therein and not redefined in this Amendment.
- F. Tenant hereby represents to Landlord that Tenant has dealt with no broker in connection with this Amendment. Tenant agrees to indemnify and hold Landlord, its members, principals, beneficiaries, partners, officers, directors, employees, mortgagee(s) and agents, and the respective principals and members of any such agents (collectively, the "Landlord Related Parties") harmless from all claims of any brokers claiming to have represented Tenant in connection with this Amendment. Landlord hereby represents to Tenant that Landlord has dealt with no broker in connection with this Amendment. Landlord agrees to indemnify and hold Tenant, its members, principals, beneficiaries, partners, officers, directors, employees, and agents, and the respective principals and members of any such agents (collectively, the "Tenant Related Parties") harmless from all claims of any brokers claiming to have represented Landlord in connection with this Amendment.



IN WITNESS WHEREOF, Landlord and Tenant have duly executed this Amendment as of the day and year first above written.

LANDLORD: EOP-NORTHWEST PROPERTIES, L.L.C., a  
Delaware limited liability company

By: EOP Operating Limited Partnership, a Delaware  
limited partnership, its sole member

By: Equity Office Properties Trust, a Maryland  
real estate investment trust, its managing  
general partner

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

Name: \_\_\_\_\_

Title: \_\_\_\_\_

TENANT: MULTNOMAH COUNTY, a political subdivision  
of the State of Oregon

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

Name: Beverly Stein

Title: Multnomah County Chair

WCW\4382\034\1048707.01

REVIEWED:  
THOMAS SPONSER, COUNTY COUNSEL  
FOR MULTNOMAH COUNTY

BY:  \_\_\_\_\_  
ASSISTANT COUNTY COUNSEL

DATE: 8/10/99

APPROVED MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-3 DATE 8/19/99  
DEB BOGSTAD  
BOARD CLERK

MEETING DATE: AUG 19 1999  
AGENDA NO: B-2  
ESTIMATED START TIME: 9:40

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: IMAX North Light Rail Status Report

BOARD BRIEFING: DATE REQUESTED: August 19, 1999  
REQUESTED BY: Karen Schilling  
AMOUNT OF TIME NEEDED: 15 minutes  
REGULAR MEETING: DATE REQUESTED: \_\_\_\_\_  
AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Environmental Services DIVISION: Transportation  
CONTACT: Karen Schilling TELEPHONE 248-5050 x29635  
BLDG/ROOM # 455/Yeon Annex

PERSON(S) MAKING PRESENTATION: Metro Staff

ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

IMAX North Light Rail Status Report.

SIGNATURES REQUIRED:

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

(OR)

DEPARTMENT MANAGER: Larry F. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

CLERK OF  
COUNTY COMMISSIONERS  
99 AUG 10 PM 3:05  
MULTNOMAH COUNTY  
OREGON

# FACTS ABOUT INTERSTATE MAX

## MOVING FORWARD

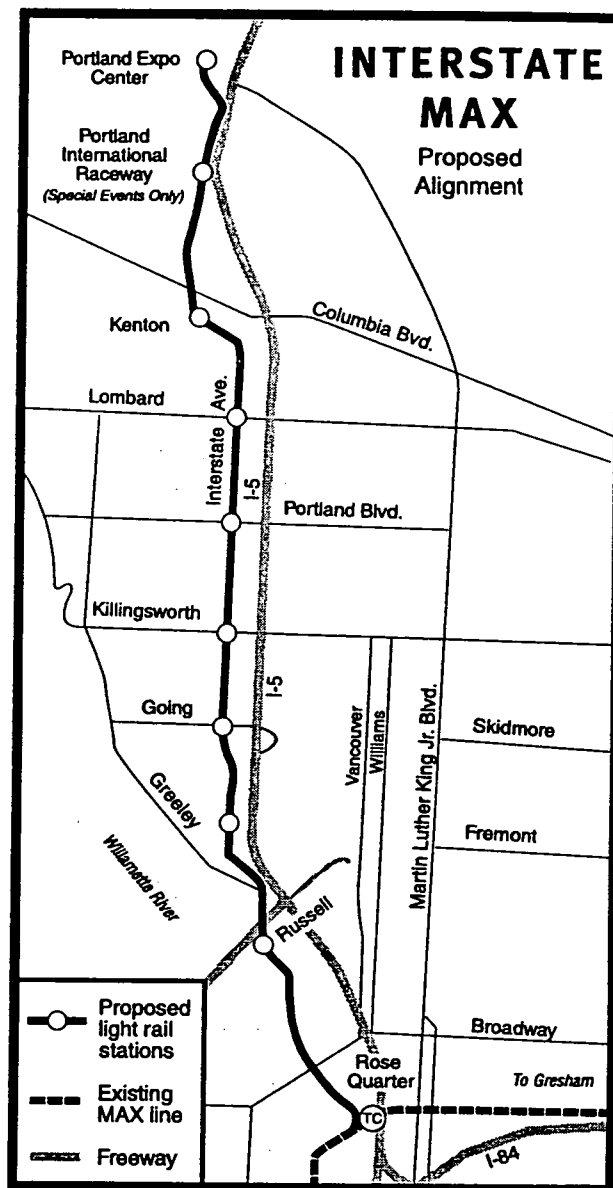
The City of Portland, Tri-Met and Metro have endorsed the next phase of the proposed \$350 million, 5.6-mile Interstate MAX light rail line extension from the Rose Quarter Transit Center to the Expo Center. The project now enters into a more detailed engineering and environmental study phase. Over the next four months, the Final Environmental Impact Statement will be completed.

Building an Interstate MAX line is being considered for five key reasons:

- Provides another transportation option to help meet the growing demand in the I-5/Interstate Ave. area.
- Provides additional transit service in the area that is dependable, since light rail doesn't get stuck in traffic and capacity can expand with growing demand. It also expands the regional transportation system and links to jobs throughout the metro area, including Beaverton, Hillsboro, Gresham and at the airport.
- Provides the opportunity to revitalize Interstate Avenue with employment, housing and retail.
- Takes cars off the roads, reduces air pollution and related health illnesses.
- Provides the opportunity to expand to Clark County in the future if Washington residents approve funding for an extension. It also gives Vancouver commuters an alternative to driving on I-5 through North Portland with a potential park & ride lot at the Expo Center.

## LOOKING SOUTH

This project emerged from the former South/North Light Rail proposal. While studying light rail expansion in North Portland, Tri-Met will expand bus service over the next several years from downtown Portland through Milwaukie to Oregon City. This includes more frequent service, park & ride facilities, customer amenities and the introduction of technology to speed buses through traffic. Metro has begun a comprehensive south corridor study analyzing all transit options in the area. The study will guide Tri-Met's implementation of future enhancements in the corridor. Metro and Tri-Met will also work with the community, and other government agencies, to determine how to improve transit in this area.



### PROPOSED ROUTE

The 5.6-mile line would be *built* from the Rose Quarter Transit Center along Interstate Avenue to Kenton Business District, then travel on Denver Avenue to the Expo Center. Nine stations would be located approximately every half mile. The Interstate MAX line would *operate* from Expo Center through downtown Portland to SW 11th Avenue.



## A LONGER, LESS EXPENSIVE PROJECT

This alignment goes farther and is less expensive than the North segment voted on in November 1998. Project costs were reduced with a different alignment where no businesses or homes would be displaced, and the elimination of one tunnel and five bridges.

## TRAVEL TIME

Travel time is estimated at 27 minutes from Expo Center to downtown Portland's Galleria/10th Avenue Station.

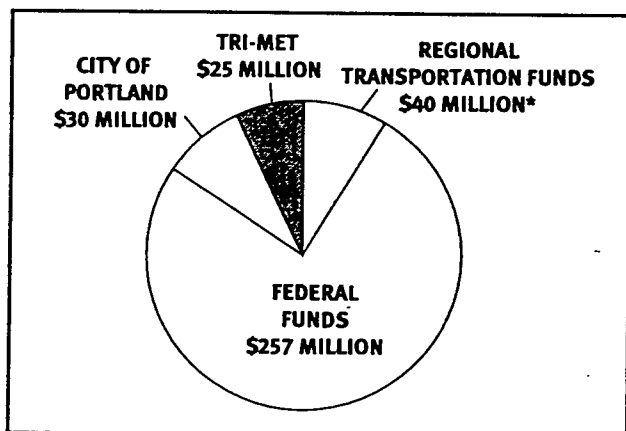
## RIDERSHIP

Early analysis estimates ridership at about 14,000 daily boardings in 2015.

## COST OF THE PROJECT

It's estimated to cost \$350 million, *with no additional property taxes used to fund the project*. The financing package is still being worked out, but it's proposed that the federal government would fund \$257 million, with regional funds making up the balance.

## PROPOSED FUNDING BREAKDOWN:



*\*Funds exceed the \$350 budget because \$2 million of regional transportation funds is lost to borrowing costs.*

If the region decides that the project should move forward and adequate federal funds are appropriated, the Interstate MAX extension could begin construction in 2001. The line would begin operating in fall 2004.

## NEIGHBORHOOD IMPACTS

No businesses or homes would be displaced because of the project. Construction work would be managed to

minimize disruption to residents and businesses. Bike lanes would extend adjacent to the MAX line; additional pedestrian crossings, street trees and lighting would be included in the design of the project. Most of the existing parking would remain intact.

## BUS SERVICE

There would be a net increase in transit service in the corridor. This summer, Tri-Met will begin working with the community to determine how bus service should be designed to better serve the area with the introduction of MAX. Community workshops will begin in late July. Call 247-3958 for a list of meetings.

## CITIZENS ADVISORY COMMITTEE

A community-based advisory group has been created to evaluate the Interstate MAX proposal, make suggestions and ensure neighborhood issues are addressed. For a list of Interstate MAX Advisory Committee members and their meeting schedule, please call 247-3958.

## DECISION-MAKING TIMELINE

Now that local governments have endorsed the proposal, more detailed engineering and environmental studies are underway. By October, the local funding package will be finalized, as well as the Final Environmental Impact Statement. The City of Portland, Tri-Met and Metro will vote in the fall on whether to approve the financing package and pursue federal funds.

## ENVIRONMENTAL STUDY

The Supplemental Draft Environmental Impact Statement is available for review. The report studies the light rail corridor from SW 11th Avenue to the Expo Center. Copies of the report are available by calling 247-3958.

## GETTING INVOLVED

Community workshops on Interstate MAX are scheduled in July-September 1999. Call 247-3958 for a list of meetings on bus service, stations and streetscape, bikes and traffic, urban revitalization and more. For more information, visit our neighborhood office in North Portland (5101 N. Interstate, at Webster), call 247-3958 or check out our website at [www.tri-met.org/interstatemax/](http://www.tri-met.org/interstatemax/).



How we get there matters.

Tri-County Metropolitan Transportation District of Oregon  
4012 SE 17th Ave., Portland, OR 97202 • (503) 247-3958 • TTY (503) 238-5811  
email: [media@tri-met.org](mailto:media@tri-met.org) • website: [www.tri-met.org](http://www.tri-met.org)

July 1999

MEETING DATE: AUG 19 1999  
AGENDA NO: B-3  
ESTIMATED START TIME: 10:00

(Above Space for Board Clerk's Use ONLY)

## AGENDA PLACEMENT FORM

**SUBJECT:** Progress Report: Community's Response to Youth Violence - An Enforcement, Intervention and Prevention Plan for Greater Portland

**BOARD BRIEFING:** DATE REQUESTED:  
REQUESTED BY:  
AMOUNT OF TIME NEEDED:

**REGULAR MEETING:** DATE REQUESTED: August 19, 1999  
AMOUNT OF TIME NEEDED: 1 hour, 15 mins

**DEPARTMENT:** Non-Departmental **DIVISION:** Office of the Chair  
**CONTACT:** Carol M. Ford **TELEPHONE #:** 248-3956  
**BLDG/ROOM #:** 106/1515

**PERSON(S) MAKING PRESENTATION:** Chair Beverly Stein, Mayor Vera Katz, City Commissioner Jim Francesconi, DA Michael Schrunk, Sheriff Dan Noelle, Department and Bureau representatives and invited others.

### ACTION REQUESTED:

☒ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☐ APPROVAL ☐ OTHER

### SUGGESTED AGENDA TITLE:

**Community's Response to Youth Violence:**  
**An Enforcement, Intervention and Prevention Plan for Greater Portland.**  
Progress Report on Law Enforcement, Intervention and Prevention  
Goals and Results

### SIGNATURES REQUIRED:

**ELECTED OFFICIAL:** Beverly Stein  
**(OR)**  
**DEPARTMENT**  
**MANAGER:**

CLERK OF  
JUDICIAL COMMISSION  
99 AUG 11 AM 10:56  
MULTI-COUNTY  
OREGON

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions: Call the Board Clerk @ 248-3277**



## **Beverly Stein, Multnomah County Chair**

Room 1515, Portland Building  
1120 S.W. Fifth Avenue  
Portland, Oregon 97204

Phone: (503) 248-3308  
FAX: (503) 248-3093  
E-Mail: [mult.chair@co.multnomah.or.us](mailto:mult.chair@co.multnomah.or.us)

### **Multnomah Board of County Commissioners Briefing**

Thursday, August 19, 1999. 10:00 a.m.  
Multnomah County Courthouse, Boardroom 602

### ***Community's Response to Youth Violence: An Enforcement, Intervention and Prevention Plan for Greater Portland***

Chair Stein to facilitate

#### **Law Enforcement Goals and Results (15-20 mins with Q&A)**

Portland Mayor Vera Katz  
Interim Chief Lynnae Berg, Portland Police Bureau  
DA Mike Schrunk  
Eric Bergstrom, DA's Office  
Sheriff Dan Noelle

#### **Intervention Goals and Results (15-20 mins with Q&A)**

Carl Jaber, John Miller and Kate Desmond, Community Corrections

#### **Prevention Intervention Goals and Results (15-20 mins with Q&A)**

Portland Commissioner Jim Francesconi  
Ministry Representatives





CITY OF  
**PORTLAND, OREGON**



**The Community's Response to Youth Violence:  
An Enforcement, Intervention and Prevention Plan  
for Greater Portland**

**Progress Report**

**Mission**

Focus law enforcement and community efforts to develop and implement multi-year strategies to eliminate youth violence crimes.

**Lead Administrator for Law Enforcement: Mayor Vera Katz and Portland Police Bureau**

**Results:**

- 25% decrease in person crimes from 1995 to 1998 (8,857 to 6,654)
- 38% decrease in murder from 1995 to 1998 (45 to 28)
- 76% decrease in the total number of reported incidents of drive-by shootings from 1995 to 1998 (168 to 41)
- 73% decrease in the number of homicide victims who are age 24 or younger from 1996 to 1998 (22 to 6)

**Law Enforcement Goal 1:**

**Track youth gangs and youth violence incidents**

**Results:**

- Expanded the Mayor's Friday Gang Group membership and participation for information sharing and problem solving among precincts and agency partners.
- Added crime analyst capabilities to the Youth Gun Anti-violence Task Force for data collection, analysis and information sharing.

**Strategy updates:**

- 1.1 Integrate information received from the following sources to better track problem areas: Police Bureau Problem Identification Forms, Bureau of Buildings nuisance property information and License Bureau information on problem liquor outlets and problem businesses. *Portland Police Bureau-Youth Gun Anti-Violence Task Force (PPB-YGAT)*
  - Portland Police Neighborhood Response Teams track problem areas.
- 1.2 Prepare mapping and intelligence information on city gangs (size, turf and victimization patterns); present information to the Mayor. *PPB-YGAT*
  - YGAT crime analyst regularly presents information. Information shared between agencies and presented at the Mayor's Friday Gang Group meetings twice a month.

**Law Enforcement Goal 2:**

**Reduce/eliminate youth violence in neighborhood "hot spots"**

**Results:**

- Created Gang Violence Response Team to respond to drive-by shootings and other hot spots; since Aug. 1998 it has been activated 14 times and made 9 arrests.

- Developing new strategies based on national and local research as part of the Strategic Approaches to Community Safety (STACS) initiative headed by the U.S. Attorney's office.
- Created the Strategic Intervention Team as a component of the STACS project to leverage federal law enforcement assistance with local efforts.
- Targeted the most active offenders for law enforcement intervention and heavier sanctions.

#### **Strategy updates:**

- 2.1 Target the most active/most recent offenders (drug traffickers, violent gang members) for intervention and heavier sanctions. Target those offenders with outstanding warrants for parole and probation violations. *YGAT-Multnomah Co. Dept. Juvenile/Adult Community Justice*
  - YGAT immediately reviews incident reports and targets active, recent offenders for law enforcement intervention and heavier sanctions.
- 2.2 Identify neighborhood "hot spots" for targeted intervention. (This strategy was shown to reduce overall crime by 13 percent in Minneapolis and reduced gun crimes in Kansas City by 50 percent.) *PPB-Multnomah County Sheriff's Office (MCSO)-Gresham Police Department (All Law Enforcement)*
  - Created the Gang Violence Response Team to respond to drive-by shootings and other hot spots.
- 2.3 Establish an Interagency Working Group to develop and implement strategies impacting identified gangs and other targeted offenders (patterned after successful work in Boston).
  - Worked with the U.S. Attorney's office STACS project to identify youth gun violence as the topic to receive research and evaluation to develop new strategies and sanctions.
- 2.4 Develop neighborhood strategies for "zero tolerance" in hot spots for prostitution, liquor sales to minors, traffic violations, violation of noise ordinance, etc. *PPB-YGAT-Office of Neighborhood Involvement (ONI)*
  - Precinct Neighborhood Response Team targeted hot spots, precincts conducted sting operations and Traffic Division conducted enhanced patrols.
- 2.5 Conduct visible curfew enforcement in strategic areas. *PPB (All Law Enforcement)- Mult. Co.*
  - Precincts conducted curfew sweeps and missions at strategic times and locations.
- 2.6 Team parole and probation officers with police officers to target specific offenders for night home visits to enforce curfew rules. *YGAT*
  - Police Bureau offered to partner with parole officers for night home visits. Assigned to Multnomah County intervention partners for follow up.
- 2.7 Require forfeiture of a vehicle if discharge of the firearm from the vehicle occurs while committing or attempting to commit murder, manslaughter, assault, menacing, reckless endangerment, assaulting a police officer, intimidation or unlawful use of a weapon. *Portland Legislative Team*
  - Included as part of the City's legislative package. Continuing to lobby state legislature.
- 2.8 Request judges to order juveniles convicted of gun possession to obtain a GED within one year or go to jail. *PPB-Mult. Co. District Attorney (DA)*
  - Ongoing effort to work with individual judges.
- 2.9 Partner with Boys and Girls clubs and other community service providers to refer at-risk youth. *YGAT-City of Portland Prevention Coordinator*
  - Worked primarily through the Police Activities League to refer to providers.

#### **Law Enforcement Goal 3:**

##### **Disrupt the flow of illegal guns to juveniles**

#### **Results:**

- PPB Youth Crime Unit conducted 62 search warrants from July 1998 through May 1999, seizing 286 guns.
- 24 guns were seized in Portland Public Schools in 1998-99 school year (through May 1999), including a rifle, a shotgun, a .38 revolver, a 9 mm Glock and a semi-auto Ruger handgun. (A total of 15 guns were seized in Portland Public Schools in 1997-98 school year.)

#### **Strategy updates:**

- 3.1 Apply to President Clinton to be named a Youth Crime Gun Interdiction Initiative city. This program, which began in 1996, selects cities as part of a national effort to develop information about gun trafficking to juveniles. All crime guns in the participating cities are traced and



analyzed. Using the data, law enforcement agencies can identify and prosecute illegal firearms traffickers. *City of Portland-Senator Gordon Smith*

- Named a Youth Crime Gun Interdiction Initiative city in 1998.
- 3.2 Conduct aggressive enforcement to confiscate guns from juveniles carrying them on the street. *PPB-MCSO-Oregon State Police (OSP) (All Law Enforcement)*
  - Part of ongoing efforts by precincts and Youth Crime Unit.
- 3.3 Formalize an agreement from the U.S. Attorney and District Attorney that in any plea agreement where the use of a firearm was alleged, the defendant must agree to provide information as to where the firearm was obtained. *United States Attorney (USA)-Mult. Co. DA*
  - Re-evaluating this strategy; looking at implementing this in selective cases.
- 3.4 Support the District Attorney's efforts to charge adults with the crime of recklessly endangering others if it is determined that an adult either intentionally, knowingly or recklessly provided a juvenile access to a gun. *Mult. Co. DA*
  - There were no applicable cases during this time period to implement this strategy.
- 3.5 Develop a community policing partnership among the city, ATF and local gun show promoters to require the state's instant background check on the sale of all guns, including long guns, at gun shows. *PPB-YGAT*
  - Included as part of the City's legislative package. Continuing to lobby state legislature and support these efforts at the federal level.
- 3.6 Disrupt illegal gun markets by means of undercover buys and sting operations at wholesale and retail levels. *PPB-YGAT*
  - Precincts and investigative divisions continue to conduct stings and missions.
- 3.7 Require pawn shops to thumb print anyone pawning a firearm to help identify and prosecute felons who are selling or possessing illegal guns. *Portland City Council*
  - Developed a proposed ordinance requiring second hand dealers to collect thumb prints from all sellers; will be presented to City Council by fall 1999.
- 3.8 Initiate a "gun stoppers" reward program in schools, with the use of 9-1-1; the message would be, "See a kid with a gun. Call 9-1-1." These tips can provide reasonable grounds for search and seizure. *PPB-Portland Public Schools*
  - Started Campus Crime Stoppers program in January 1999. Statistics show an increase in the number of guns seized from 15 in 1997-98 to 24 in 1998-99 (through May).
- 3.9 Initiate a Campus Crime Stoppers program, giving monetary rewards for tips leading to the arrest of persons illegally possessing a weapon. *PPB*
  - Since January 1999, the program has received about 300 calls, as a result: 7 weapons were seized, 14 arrests were made and 18 cases were cleared.
- 3.10 Invest in technology that can detect guns from a distance. *PPB/Other Law Enforcement*
  - Trained officers in new techniques to detect people carrying guns. Continuing to examine new technologies; none appear to be applicable and feasible at this point.
- 3.11 Draft a Police Bureau Training Bulletin with instructions for the property room to conduct Bureau of Alcohol, Tobacco and Firearms (ATF) gun traces on all firearms lodged as evidence. *PPB*
  - Completed and distributed in 1998.
- 3.12 Enhance training for local law enforcement officers by ATF to improve report writing for gun trace follow-up. *ATF-Mult. Co. DA*
  - ATF personnel trained Portland police in enhanced report writing to trace guns.

#### **Lead Administrator for Intervention: Multnomah County Chair Bev Stein**

##### **Intervention Goal 1:**

**Provide a well-monitored, efficient system while youth are awaiting trial for violent offenses**

##### **Results:**

- Juvenile referrals to the juvenile justice system have decreased from 6,097 in 1997 to 5,602 in 1998, continuing a downward trend that began in 1993.
- The number of unduplicated juvenile offenders referred to the juvenile system has decreased from 4,377 in 1997 to 3,943 in 1998 continuing a downward trend started in 1995.
- Since 1993, the number of juvenile offenders coming to the Multnomah County Department of Community Justice has decreased by almost 15%.

- Juvenile weapons offenses have decreased by 33% from 1993 to 1998 (178 in 1993 to 119 in 1998). Weapons offenses decreased 32% from 1997 to 1998 (175 in 1997 to 119 in 1998).
- Juvenile justice is utilizing a wide variety of community detention options to manage youth awaiting adjudication in a safe and cost-effective manner. Of youth brought to detention pre-adjudication, 17% are detained, 13% are placed on community detention and 70% are released most with conditions.

#### **Strategy updates:**

- 1.1 Expedite case processing where appropriate.
- 1.2 Use objective screening instruments to identify the highest risk youth and detain them in either jail or detention while awaiting trial.
- 1.3 Closely monitor appropriate lesser risk youth in community detention, house arrest and electronic monitoring programs.

#### **Intervention Goal 2:**

**Structure a comprehensive, well-scrutinized program for youth on probation/parole supervision**

#### **Results:**

- The Multnomah County Juvenile Justice system has a wide variety of interventions and sanctions to impose upon youth who are violating the conditions of their probation including: detention, 30 day mental health secure assessment unit, 180 day sex offender treatment unit, anti-violence training, victim/offender mediation, day reporting conditions, community service, forest work camp and intensive supervision. Youth who violate parole may be placed in a local parole unit and/or returned to state institutions to ensure public safety.
- The recidivism rate in Multnomah County has remained approximately the same (32.8% in 1996 and 32.2% in 1997).
- However, because the number of offenders in the system has decreased since 1993, the number of youth re-offending has decreased substantially (1,600 in 1993 to 1,409 in 1997).
- Juvenile Probation Counselors have conducted 106 home visits, 99 Hot Spot visits, and 16 evenings of special event monitoring with police in the last year.
- The juvenile Gang Resource Intervention Team has supervised an average of 179 offenders per month with a total of 88 referrals to victim restitution programs, 172 referrals to the Forest Work Camp and 116 referrals to community service work crews in the last year.

#### **Strategy updates:**

- 2.1 Use objective screening instruments to identify the highest risk youth.
- 2.2 Increase supervision of higher risk offenders by establishing minimum standards that require face to face contact or intensive supervision such as Day Reporting Centers for probation. *Multnomah County Department of Juvenile and Adult Community Justice-Oregon Youth Authority.*
- 2.3 Decrease the time between disposition and first probation contact by providing a Probation Orientation Program for youth within the first week after they are placed on Probation.
- 2.4 Increase the ability to impose sanctions by expanding the number and type of sanctions that can be imposed by probation/parole staff. Also implement systems to provide opportunities for probation/parole staff to impose certain sanctions directly without obtaining a court order, thereby decreasing the burden on court dockets.
- 2.5 Provide appropriate sanctions for youth convicted of violent offenses. These sanctions could include:
  - 2.5.1 Restitution and Community Service placements and work crews for appropriate offenders including Project Payback, which provides contracted community service placements, supervision, and garnished wages to contribute to restitution payments.
  - 2.5.2 Forest Camp Project, a collaborative with the U.S. Forest Service to provide a supervised residential community service sanction.
  - 2.5.3 Day Reporting Centers which provide consistent, supervised day and evening activities.
  - 2.5.4 Community confinement of various durations for the highest risk youth in the form of jail for youth older than 18 years of age. For youth under 18 years, detention and a 30-day secure Assessment, Intervention and Transition program (AITP).

- 2.5.5 Longer term incarcerations (e.g. prison sentences and commitment to the state training schools) for very serious offenders, repeat offenders and serious probation/parole violators.
- 2.5.6 Parole revocations for parole violators and detention or jail for parole violators awaiting revocation.
- 2.6 Coordinate programs to youth on probation that promote and teach personal life skills, and help delinquent probationers make better life choices. This can include counseling groups and a conflict resolution program, Save Our Youth (SOY) for youth middle and high school aged youth referred for violence and weapons related behavior. *Multnomah County Department of Juvenile and Adult Community Service, Oregon Peace Institute, Emanuel Hospital, Portland Public Schools and Portland State University*
- 2.7 Monitor follow-up services for youth offenders returning to the community from community confinement or training school, which could include: AIT Aftercare Skill Group that teaches problem-solving and building a positive peer culture; increased supervision and immediate Secure Detention backup for targeted parolees who violate their parole (while awaiting revocation decisions).
- 2.8 Conduct intensive family focused treatment services for gang affiliated juvenile offenders and 40 targeted offenders with identified alcohol and drug problems.

**Lead for Prevention: Commissioner Jim Francesconi**

**Prevention Goal 1:**

**Create opportunities for at-risk youth to have positive adult role models.**

**Results:**

- Increased the opportunity for relationships between over 300 at-risk/high-risk youth and positive adult role models by developing or expanding the capacity of five community-based programs, in addition to programs initiated by the Time for Kids initiative.
- Secured funding for implementation of a city/county outreach consortium that connects high-risk youth in various ethnic communities with adult role models, education, employment and support services.

**Strategy updates:**

- 1.1 Assign outreach workers and mentors to develop relationships with gang members and other high-risk youth and serve as the point of contact for other service providers.
  - Planned, designed and secured funding for a city/county outreach consortium to be initiated this summer. The effort will put five to seven neighborhood-based outreach workers on the streets six days a week with a primary responsibility for relationship building with youth and connecting them to other adult role models they may relate to. Outreach workers will maintain a manageable caseload with priority on the "hardest to reach youth." They will also have access to transportation and incentives such as movie tickets and dinner money to entertain youth.
- 1.2 Allow City employees to use administrative time off, which employees match with their own time, to mentor a child before school, after school or in summer programs.
  - Under the direction of Mayor Katz' office, a task force was convened to research the potential of granting time off to city employees to mentor or volunteer in after-school programs. A draft report was presented to the City Council in November 1998, which also included the following recommendations:  
By the year 2005, increase the involvement of city employees in the education and well being of youth by 10%.  
Track and review the volunteering efforts of city employees.
- 1.3 Recruit 25 places of worship to provide mentorships for high-risk youth and parental training for family members.
  - Created a coalition of 17 churches, "We Care", that jointly provide an after school academic and recreation program, parent training, and mentorship to over 300 youth and families.
- 1.4 Expand the capacity of effective youth programs to provide positive role models for African American men.
  - Expanded the capacity of Bridge Builders, a program that focuses on character development, educational enhancement, community service and long-term mentoring for African American males, to recruit 75 new volunteers and mentors. To date they have recruited 55 volunteers.

## **Prevention Goal 2:**

**Ensure that all youth possess job-readiness skills linked to industry needs**

### **Results:**

- A youth employment task force initiated in August 1998, surveyed over 40 agencies serving youth to identify employment and training services, population served, linkages to employers, and performance measures utilized. The survey identified a gap in service for high risk youth.
- By December 1998, the task force developed recommendations to increase the capacity of employment and training services for high risk youth:
- Establish a technical assistance fund to improve the organizational capacity of community-based organizations serving youth. \$50,000 has been set aside for this fund. Criteria to assist agencies in accessing the fund has been developed, and Worksystems, Inc. will be the administrator of the fund.
- Link employers to youth employment agencies.
- Create a pool of knowledgeable agency administrators willing to meet with small, community-based organizations to provide one-time technical assistance.
- Create a youth service fund to assist low income, newly employed youth with transportation and child care expenses.

### **Strategy updates:**

- 2.1 Create and expand apprenticeship opportunities for high-risk youth in 10 or more bureaus to serve 100 or more youth.
  - Under the direction of City Council, several bureaus have undertaken the task of creating summer jobs or apprenticeship opportunities for young adults, including the Bureaus of General Services, Environmental Services, and Parks and Recreation.
- 2.2 Identify strategies to increase services to a large number of high-risk youth.
  - Distributed the youth employment task force survey of over 40 agencies serving youth on employment and training services to these organizations and others such as Worksystems, Inc.
- 2.3 Recruit businesses who can offer job shadow, part-time, and full-time work to 100 or more high risk youth.
  - Since many of the youth employment providers have requested linkages to employers, the focus for fiscal year 1999-2000 is to convene employers open to working with this population and facilitate improved collaborations between providers and employers.
- 2.4 Work with the Youth Empowerment and Employment Coalition (YEEC) to increase employment opportunities for high-risk youth and to increase the number and diversity of youth served.
  - YEEC has approached this strategy in two phases. This past year they focused on strengthening the management and service aspects of their program, improving their pre-employment training and workplace readiness component, as well as their ongoing communication with employers. Once the infrastructure is strengthened, phase two will involve increased recruitment of youth.
- 2.5 Expand the capacity of the Oregon Council for Hispanic Advancement's (OCHA) employment program for Latino youth.
  - In support of OCHA's strategy to develop a high technology academy to meet its CAM standards and requirements, city staff facilitated linking the agency to in-kind and financial resources.
- 2.6 Work with the Asian communities to create an employment program for high-risk youth.
- 2.7 Expand Youth Conservation Corps program linking alternative school youth with the Parks Bureau and the Bureau of Environmental Services (CRUE).

## **Prevention Goal 3:**

**Expand after-school activities to serve at-risk youth.**

### **Results:**

- Expanded the capacity of two after-school programs in the Latino and the outer southeast Portland community to serve over 150 at-risk and high-risk youth. Approximately 20% of the youth served are on parole or probation.
- Created the SUN School model which extends school hours until 9:00 p.m. The extended school hours will allow additional after-school activities and provide social services for families. It is estimated that SUN Schools will provide services to over 3,000 children, youth and families.

- The Faith community "We Care" has designed an after-school tutoring and recreation program for middle school students through the Maranatha Church. It is estimated that 50 to 75 children will participate in the program.

#### **Strategy updates:**

- 3.1 Expand the capacity of existing organizations for youth that provide after-school activities for high-risk youth.
  - Expanded the capacity of the Oregon Council for Hispanic Advancement's LISTOS Alternative Learning Center to operate over the summer and offer extended school hours to 9:30 p.m. during the academic year. The center serves 250 high-risk youth, of which 50% are gang involved, 30% are homeless, 40% are parenting or pregnant, and 20% are on parole or probation.
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- 3.5 Coordinate Parks and Recreation fees and schedules to offer feasible programs for high-risk youth.
  - Through Parks and Recreation, coordinated fee reductions in many public swimming pools to allow low income, at-risk youth the opportunity to access summer swimming.

#### **Prevention Goal 4:**

**Provide all youth with the opportunity to achieve educational success.**

#### **Strategy updates:**

- 4.1 Request regular performance reports from the school district regarding schools that are not meeting acceptable academic standards.
  - The City Council will require this as a condition of its \$2.3 million contract with the Portland Public Schools to implement their performance audit.
- 4.2 Require and support the hiring of bicultural and minority teachers by the school district.
  - The Leaders Roundtable has started to look at this issue as part of the bigger issue of teacher shortage.
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- 4.6 Conduct Project Turnaround, a Court School alternative and educational collaborative for 80 students per year. Replicate the school for East County youth and schools.

## **Prevention Goal 5:**

**Develop and support long-term strategies to help youth.**

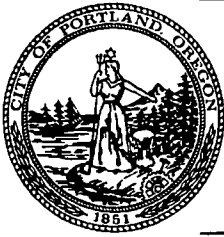
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  - The Student Attendance Initiative addresses this strategy under the direction of Multnomah County Chair Beverly Stein.
- 5.2 Support innovative efforts designed to connect one caring adult with each youth through mentorships, coaching and participation in positive skill building organizations.
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Other agencies and organizations in youth services, gang services or firearms reduction efforts  
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Edgefield Childrens Center  
Workforce Development Board  
Bureau of Housing and Community Development  
We're Here, We Care (formed by various ministries)



CITY OF  
**PORTLAND, OREGON**



**The Community's Response to Youth Violence:  
An Enforcement, Intervention and Prevention Plan  
for Greater Portland**

**Progress Report**

**Mission**

Focus law enforcement and community efforts to develop and implement multi-year strategies to eliminate youth violence crimes.

**Lead Administrator for Law Enforcement: Mayor Vera Katz and Portland Police Bureau**

**Results:**

- 25% decrease in person crimes from 1995 to 1998 (8,857 to 6,654)
- 38% decrease in murder from 1995 to 1998 (45 to 28)
- 76% decrease in the total number of reported incidents of drive-by shootings from 1995 to 1998 (168 to 41)
- 73% decrease in the number of homicide victims who are age 24 or younger from 1996 to 1998 (22 to 6)

**Law Enforcement Goal 1:**

**Track youth gangs and youth violence incidents**

**Results:**

- Expanded the Mayor's Friday Gang Group membership and participation for information sharing and problem solving among precincts and agency partners.
- Added crime analyst capabilities to the Youth Gun Anti-violence Task Force for data collection, analysis and information sharing.

**Strategy updates:**

- 1.1 Integrate information received from the following sources to better track problem areas: Police Bureau Problem Identification Forms, Bureau of Buildings nuisance property information and License Bureau information on problem liquor outlets and problem businesses. *Portland Police Bureau-Youth Gun Anti-Violence Task Force (PPB-YGAT)*
  - Portland Police Neighborhood Response Teams track problem areas.
- 1.2 Prepare mapping and intelligence information on city gangs (size, turf and victimization patterns); present information to the Mayor. *PPB-YGAT*
  - YGAT crime analyst regularly presents information. Information shared between agencies and presented at the Mayor's Friday Gang Group meetings twice a month.

**Law Enforcement Goal 2:**

**Reduce/eliminate youth violence in neighborhood "hot spots"**

**Results:**

- Created Gang Violence Response Team to respond to drive-by shootings and other hot spots; since Aug. 1998 it has been activated 14 times and made 9 arrests.

- Developing new strategies based on national and local research as part of the Strategic Approaches to Community Safety (STACS) initiative headed by the U.S. Attorney's office.
- Created the Strategic Intervention Team as a component of the STACS project to leverage federal law enforcement assistance with local efforts.
- Targeted the most active offenders for law enforcement intervention and heavier sanctions.

#### **Strategy updates:**

- 2.1 Target the most active/most recent offenders (drug traffickers, violent gang members) for intervention and heavier sanctions. Target those offenders with outstanding warrants for parole and probation violations. *YGAT-Multnomah Co. Dept. Juvenile/Adult Community Justice*
  - YGAT immediately reviews incident reports and targets active, recent offenders for law enforcement intervention and heavier sanctions.
- 2.2 Identify neighborhood "hot spots" for targeted intervention. (This strategy was shown to reduce overall crime by 13 percent in Minneapolis and reduced gun crimes in Kansas City by 50 percent.) *PPB-Multnomah County Sheriff's Office (MCSO)-Gresham Police Department (All Law Enforcement)*
  - Created the Gang Violence Response Team to respond to drive-by shootings and other hot spots.
- 2.3 Establish an Interagency Working Group to develop and implement strategies impacting identified gangs and other targeted offenders (patterned after successful work in Boston).
  - Worked with the U.S. Attorney's office STACS project to identify youth gun violence as the topic to receive research and evaluation to develop new strategies and sanctions.
- 2.4 Develop neighborhood strategies for "zero tolerance" in hot spots for prostitution, liquor sales to minors, traffic violations, violation of noise ordinance, etc. *PPB-YGAT-Office of Neighborhood Involvement (ONI)*
  - Precinct Neighborhood Response Team targeted hot spots, precincts conducted sting operations and Traffic Division conducted enhanced patrols.
- 2.5 Conduct visible curfew enforcement in strategic areas. *PPB (All Law Enforcement)- Mult. Co.*
  - Precincts conducted curfew sweeps and missions at strategic times and locations.
- 2.6 Team parole and probation officers with police officers to target specific offenders for night home visits to enforce curfew rules. *YGAT*
  - Police Bureau offered to partner with parole officers for night home visits. Assigned to Multnomah County intervention partners for follow up.
- 2.7 Require forfeiture of a vehicle if discharge of the firearm from the vehicle occurs while committing or attempting to commit murder, manslaughter, assault, menacing, reckless endangerment, assaulting a police officer, intimidation or unlawful use of a weapon. *Portland Legislative Team*
  - Included as part of the City's legislative package. Continuing to lobby state legislature.
- 2.8 Request judges to order juveniles convicted of gun possession to obtain a GED within one year or go to jail. *PPB-Mult. Co. District Attorney (DA)*
  - Ongoing effort to work with individual judges.
- 2.9 Partner with Boys and Girls clubs and other community service providers to refer at-risk youth. *YGAT-City of Portland Prevention Coordinator*
  - Worked primarily through the Police Activities League to refer to providers.

#### **Law Enforcement Goal 3:**

##### **Disrupt the flow of illegal guns to juveniles**

#### **Results:**

- PPB Youth Crime Unit conducted 62 search warrants from July 1998 through May 1999, seizing 286 guns.
- 24 guns were seized in Portland Public Schools in 1998-99 school year (through May 1999), including a rifle, a shotgun, a .38 revolver, a 9 mm Glock and a semi-auto Ruger handgun. (A total of 15 guns were seized in Portland Public Schools in 1997-98 school year.)

#### **Strategy updates:**

- 3.1 Apply to President Clinton to be named a Youth Crime Gun Interdiction Initiative city. This program, which began in 1996, selects cities as part of a national effort to develop information about gun trafficking to juveniles. All crime guns in the participating cities are traced and



analyzed. Using the data, law enforcement agencies can identify and prosecute illegal firearms traffickers. *City of Portland-Senator Gordon Smith*

- Named a Youth Crime Gun Interdiction Initiative city in 1998.
- 3.2 Conduct aggressive enforcement to confiscate guns from juveniles carrying them on the street. *PPB-MCSO-Oregon State Police (OSP) (All Law Enforcement)*
  - Part of ongoing efforts by precincts and Youth Crime Unit.
- 3.3 Formalize an agreement from the U.S. Attorney and District Attorney that in any plea agreement where the use of a firearm was alleged, the defendant must agree to provide information as to where the firearm was obtained. *United States Attorney (USA)-Mult. Co. DA*
  - Re-evaluating this strategy; looking at implementing this in selective cases.
- 3.4 Support the District Attorney's efforts to charge adults with the crime of recklessly endangering others if it is determined that an adult either intentionally, knowingly or recklessly provided a juvenile access to a gun. *Mult. Co. DA*
  - There were no applicable cases during this time period to implement this strategy.
- 3.5 Develop a community policing partnership among the city, ATF and local gun show promoters to require the state's instant background check on the sale of all guns, including long guns, at gun shows. *PPB-YGAT*
  - Included as part of the City's legislative package. Continuing to lobby state legislature and support these efforts at the federal level.
- 3.6 Disrupt illegal gun markets by means of undercover buys and sting operations at wholesale and retail levels. *PPB-YGAT*
  - Precincts and investigative divisions continue to conduct stings and missions.
- 3.7 Require pawn shops to thumb print anyone pawning a firearm to help identify and prosecute felons who are selling or possessing illegal guns. *Portland City Council*
  - Developed a proposed ordinance requiring second hand dealers to collect thumb prints from all sellers; will be presented to City Council by fall 1999.
- 3.8 Initiate a "gun stoppers" reward program in schools, with the use of 9-1-1; the message would be, "See a kid with a gun. Call 9-1-1." These tips can provide reasonable grounds for search and seizure. *PPB-Portland Public Schools*
  - Started Campus Crime Stoppers program in January 1999. Statistics show an increase in the number of guns seized from 15 in 1997-98 to 24 in 1998-99 (through May).
- 3.9 Initiate a Campus Crime Stoppers program, giving monetary rewards for tips leading to the arrest of persons illegally possessing a weapon. *PPB*
  - Since January 1999, the program has received about 300 calls, as a result: 7 weapons were seized, 14 arrests were made and 18 cases were cleared.
- 3.10 Invest in technology that can detect guns from a distance. *PPB/Other Law Enforcement*
  - Trained officers in new techniques to detect people carrying guns. Continuing to examine new technologies; none appear to be applicable and feasible at this point.
- 3.11 Draft a Police Bureau Training Bulletin with instructions for the property room to conduct Bureau of Alcohol, Tobacco and Firearms (ATF) gun traces on all firearms lodged as evidence. *PPB*
  - Completed and distributed in 1998.
- 3.12 Enhance training for local law enforcement officers by ATF to improve report writing for gun trace follow-up. *ATF-Mult. Co. DA*
  - ATF personnel trained Portland police in enhanced report writing to trace guns.

#### **Lead Administrator for Intervention: Multnomah County Chair Bev Stein**

##### **Intervention Goal 1:**

**Provide a well-monitored, efficient system while youth are awaiting trial for violent offenses**

##### **Results:**

- Juvenile referrals to the juvenile justice system have decreased from 6,097 in 1997 to 5,602 in 1998 continuing a downward trend that began in 1993.
- The number of unduplicated juvenile offenders referred to the juvenile system has decreased from 4,377 in 1997 to 3,943 in 1998 continuing a downward trend started in 1995.
- Since 1993, the number of juvenile offenders coming to the Multnomah County Department of Community Justice has decreased by almost 15%.

- Juvenile weapons offenses have decreased by 33% from 1993 to 1998 (178 in 1993 to 119 in 1998). Weapons offenses decreased 32% from 1997 to 1998 (175 in 1997 to 119 in 1998).
- Juvenile justice is utilizing a wide variety of community detention options to manage youth awaiting adjudication in a safe and cost-effective manner. Of youth brought to detention pre-adjudication, 17% are detained, 13% are placed on community detention and 70% are released most with conditions.

#### **Strategy updates:**

- 1.1 Expedite case processing where appropriate.
- 1.2 Use objective screening instruments to identify the highest risk youth and detain them in either jail or detention while awaiting trial.
- 1.3 Closely monitor appropriate lesser risk youth in community detention, house arrest and electronic monitoring programs.

#### **Intervention Goal 2:**

#### **Structure a comprehensive, well-scrutinized program for youth on probation/parole supervision**

#### **Results:**

- The Multnomah County Juvenile Justice system has a wide variety of interventions and sanctions to impose upon youth who are violating the conditions of their probation including: detention, 30 day mental health secure assessment unit, 180 day sex offender treatment unit, anti-violence training, victim/offender mediation, day reporting conditions, community service, forest work camp and intensive supervision. Youth who violate parole may be placed in a local parole unit and/or returned to state institutions to ensure public safety.
- The recidivism rate in Multnomah County has remained approximately the same (32.8% in 1996 and 32.2% in 1997).
- However, because the number of offenders in the system has decreased since 1993, the number of youth re-offending has decreased substantially (1,600 in 1993 to 1,409 in 1997).
- Juvenile Probation Counselors have conducted 106 home visits, 99 Hot Spot visits, and 16 evenings of special event monitoring with police in the last year.
- The juvenile Gang Resource Intervention Team has supervised an average of 179 offenders per month with a total of 88 referrals to victim restitution programs, 172 referrals to the Forest Work Camp and 116 referrals to community service work crews in the last year.

#### **Strategy updates:**

- 2.1 Use objective screening instruments to identify the highest risk youth.
- 2.2 Increase supervision of higher risk offenders by establishing minimum standards that require face to face contact or intensive supervision such as Day Reporting Centers for probation. *Multnomah County Department of Juvenile and Adult Community Justice-Oregon Youth Authority.*
- 2.3 Decrease the time between disposition and first probation contact by providing a Probation Orientation Program for youth within the first week after they are placed on Probation.
- 2.4 Increase the ability to impose sanctions by expanding the number and type of sanctions that can be imposed by probation/parole staff. Also implement systems to provide opportunities for probation/parole staff to impose certain sanctions directly without obtaining a court order, thereby decreasing the burden on court dockets.
- 2.5 Provide appropriate sanctions for youth convicted of violent offenses. These sanctions could include:
  - 2.5.1 Restitution and Community Service placements and work crews for appropriate offenders including Project Payback, which provides contracted community service placements, supervision, and garnished wages to contribute to restitution payments.
  - 2.5.2 Forest Camp Project, a collaborative with the U.S. Forest Service to provide a supervised residential community service sanction.
  - 2.5.3 Day Reporting Centers which provide consistent, supervised day and evening activities.
  - 2.5.4 Community confinement of various durations for the highest risk youth in the form of jail for youth older than 18 years of age. For youth under 18 years, detention and a 30-day secure Assessment, Intervention and Transition program (AITP).

- 2.5.5 Longer term incarcerations (e.g. prison sentences and commitment to the state training schools) for very serious offenders, repeat offenders and serious probation/parole violators.
- 2.5.6 Parole revocations for parole violators and detention or jail for parole violators awaiting revocation.
- 2.6 Coordinate programs to youth on probation that promote and teach personal life skills, and help delinquent probationers make better life choices. This can include counseling groups and a conflict resolution program, Save Our Youth (SOY) for youth middle and high school aged youth referred for violence and weapons related behavior. *Multnomah County Department of Juvenile and Adult Community Service, Oregon Peace Institute, Emanuel Hospital, Portland Public Schools and Portland State University*
- 2.7 Monitor follow-up services for youth offenders returning to the community from community confinement or training school, which could include: AIT Aftercare Skill Group that teaches problem-solving and building a positive peer culture; increased supervision and immediate Secure Detention backup for targeted parolees who violate their parole (while awaiting revocation decisions).
- 2.8 Conduct intensive family focused treatment services for gang affiliated juvenile offenders and 40 targeted offenders with identified alcohol and drug problems.

### **Lead for Prevention: Commissioner Jim Francesconi**

#### **Prevention Goal 1:**

**Create opportunities for at-risk youth to have positive adult role models.**

#### **Results:**

- Increased the opportunity for relationships between over 300 at-risk/high-risk youth and positive adult role models by developing or expanding the capacity of five community-based programs, in addition to programs initiated by the Time for Kids initiative.
- Secured funding for implementation of a city/county outreach consortium that connects high-risk youth in various ethnic communities with adult role models, education, employment and support services.

#### **Strategy updates:**

- 1.1 Assign outreach workers and mentors to develop relationships with gang members and other high-risk youth and serve as the point of contact for other service providers.
  - Planned, designed and secured funding for a city/county outreach consortium to be initiated this summer. The effort will put five to seven neighborhood-based outreach workers on the streets six days a week with a primary responsibility for relationship building with youth and connecting them to other adult role models they may relate to. Outreach workers will maintain a manageable caseload with priority on the "hardest to reach youth." They will also have access to transportation and incentives such as movie tickets and dinner money to entertain youth.
- 1.2 Allow City employees to use administrative time off, which employees match with their own time, to mentor a child before school, after school or in summer programs.
  - Under the direction of Mayor Katz' office, a task force was convened to research the potential of granting time off to city employees to mentor or volunteer in after-school programs. A draft report was presented to the City Council in November 1998, which also included the following recommendations:  
By the year 2005, increase the involvement of city employees in the education and well being of youth by 10%.  
Track and review the volunteering efforts of city employees.
- 1.3 Recruit 25 places of worship to provide mentorships for high-risk youth and parental training for family members.
  - Created a coalition of 17 churches, "We Care", that jointly provide an after school academic and recreation program, parent training, and mentorship to over 300 youth and families.
- 1.4 Expand the capacity of effective youth programs to provide positive role models for African American men.
  - Expanded the capacity of Bridge Builders, a program that focuses on character development, educational enhancement, community service and long-term mentoring for African American males, to recruit 75 new volunteers and mentors. To date they have recruited 55 volunteers.

## **Prevention Goal 2:**

### **Ensure that all youth possess job-readiness skills linked to industry needs**

#### **Results:**

- A youth employment task force initiated in August 1998, surveyed over 40 agencies serving youth to identify employment and training services, population served, linkages to employers, and performance measures utilized. The survey identified a gap in service for high risk youth.
- By December 1998, the task force developed recommendations to increase the capacity of employment and training services for high risk youth:
- Establish a technical assistance fund to improve the organizational capacity of community-based organizations serving youth. \$50,000 has been set aside for this fund. Criteria to assist agencies in accessing the fund has been developed, and Worksystems, Inc. will be the administrator of the fund.
- Link employers to youth employment agencies.
- Create a pool of knowledgeable agency administrators willing to meet with small, community-based organizations to provide one-time technical assistance.
- Create a youth service fund to assist low income, newly employed youth with transportation and child care expenses.

#### **Strategy updates:**

- 2.1 Create and expand apprenticeship opportunities for high-risk youth in 10 or more bureaus to serve 100 or more youth.
  - Under the direction of City Council, several bureaus have undertaken the task of creating summer jobs or apprenticeship opportunities for young adults, including the Bureaus of General Services, Environmental Services, and Parks and Recreation.
- 2.2 Identify strategies to increase services to a large number of high-risk youth.
  - Distributed the youth employment task force survey of over 40 agencies serving youth on employment and training services to these organizations and others such as Worksystems, Inc.
- 2.3 Recruit businesses who can offer job shadow, part-time, and full-time work to 100 or more high risk youth.
  - Since many of the youth employment providers have requested linkages to employers, the focus for fiscal year 1999-2000 is to convene employers open to working with this population and facilitate improved collaborations between providers and employers.
- 2.4 Work with the Youth Empowerment and Employment Coalition (YEEC) to increase employment opportunities for high-risk youth and to increase the number and diversity of youth served.
  - YEEC has approached this strategy in two phases. This past year they focused on strengthening the management and service aspects of their program, improving their pre-employment training and workplace readiness component, as well as their ongoing communication with employers. Once the infrastructure is strengthened, phase two will involve increased recruitment of youth.
- 2.5 Expand the capacity of the Oregon Council for Hispanic Advancement's (OCHA) employment program for Latino youth.
  - In support of OCHA's strategy to develop a high technology academy to meet its CAM standards and requirements, city staff facilitated linking the agency to in-kind and financial resources.
- 2.6 Work with the Asian communities to create an employment program for high-risk youth.
- 2.7 Expand Youth Conservation Corps program linking alternative school youth with the Parks Bureau and the Bureau of Environmental Services (CRUE).

## **Prevention Goal 3:**

### **Expand after-school activities to serve at-risk youth.**

#### **Results:**

- Expanded the capacity of two after-school programs in the Latino and the outer southeast Portland community to serve over 150 at-risk and high-risk youth. Approximately 20% of the youth served are on parole or probation.
- Created the SUN School model which extends school hours until 9:00 p.m. The extended school hours will allow additional after-school activities and provide social services for families. It is estimated that SUN Schools will provide services to over 3,000 children, youth and families.

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Volunteers of America  
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Services for Humanity  
Edgefield Childrens Center  
Workforce Development Board  
Bureau of Housing and Community Development  
We're Here, We Care (formed by various ministries)

June 1, 1998



# TACTICAL OPERATIONS DIVISION Response to Youth Violence Report

Portland Police Bureau

August 19th, 1999



**YOUTH** as used in this report  
refer to those 15 to 24 years of  
age.



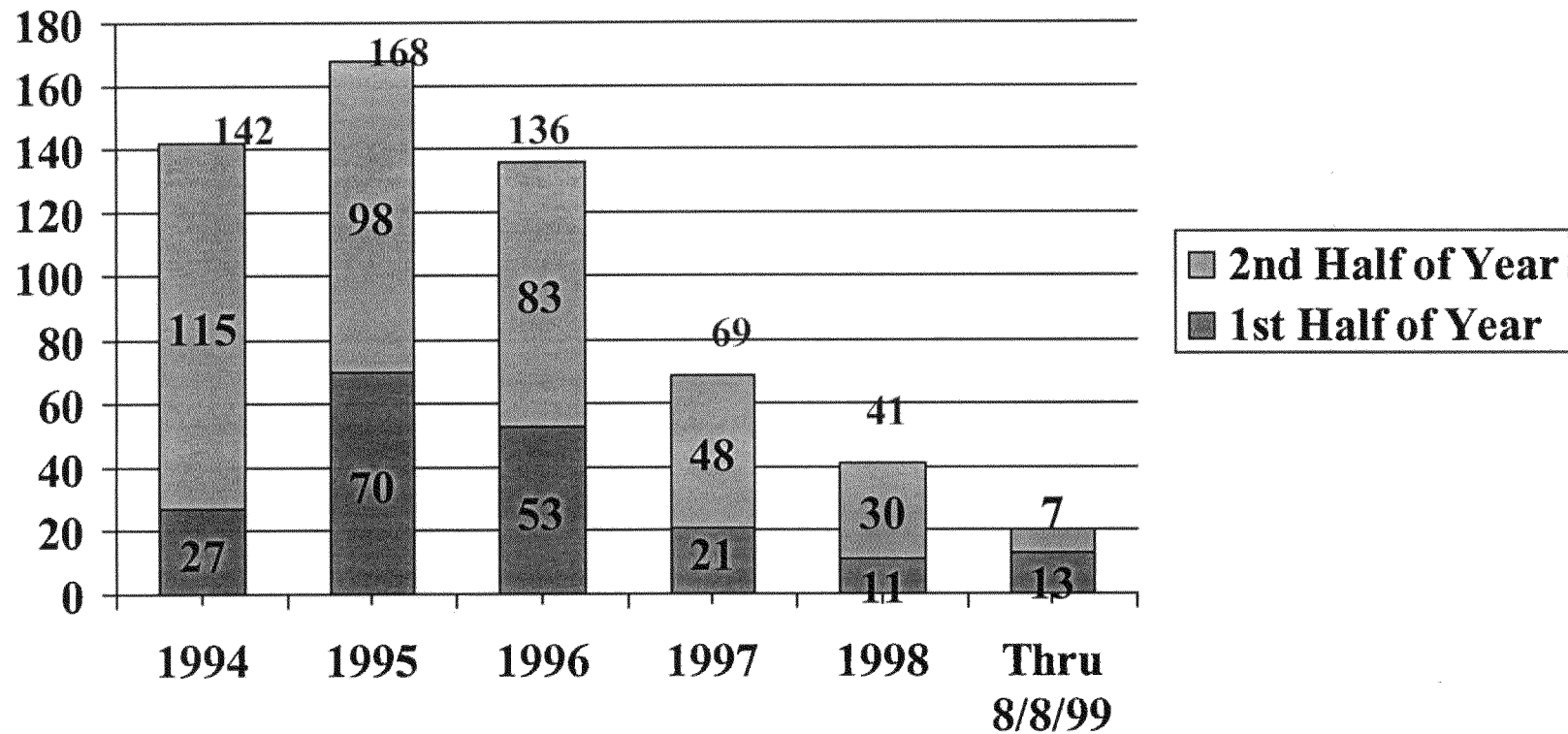


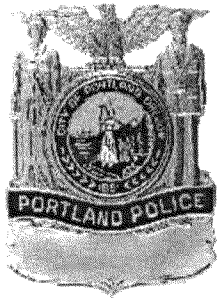
# STATUS OF YOUTH VIOLENT CRIME

- 76% Decrease in reported drive-by shootings (1995-1998)
- 73% Decrease in youth victims of murder (1996-1998) (44% drop overall)



# City Wide Drive-by Shootings





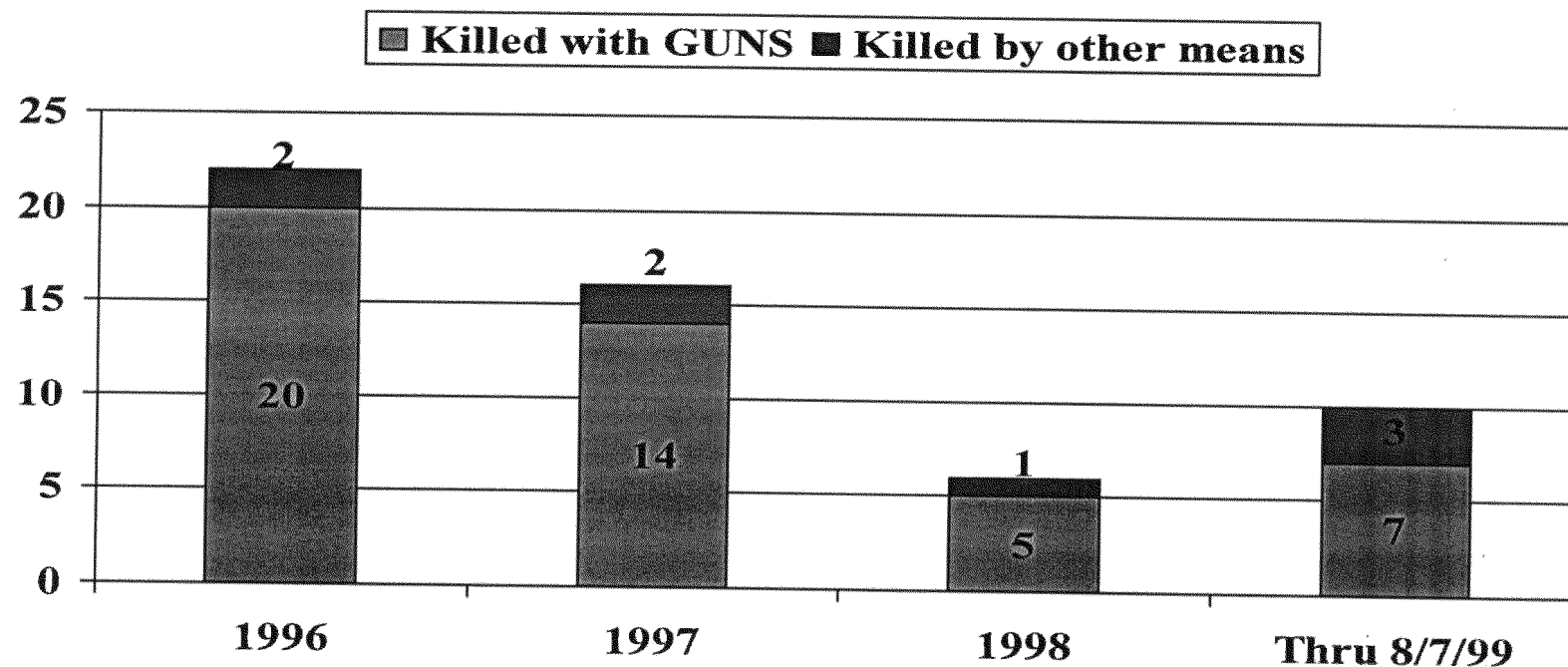
# STATUS OF YOUTH VIOLENT CRIME

- 76% Decrease in reported drive-by shootings (1995-1998)
- 73% Decrease in youth\* victims of murder (1996-1998)



# HOMICIDE

## Youth as Victims



**\* 73% decrease in youth as homicide victims,  
44% general population drop**



## LAW ENFORCEMENT GOAL1

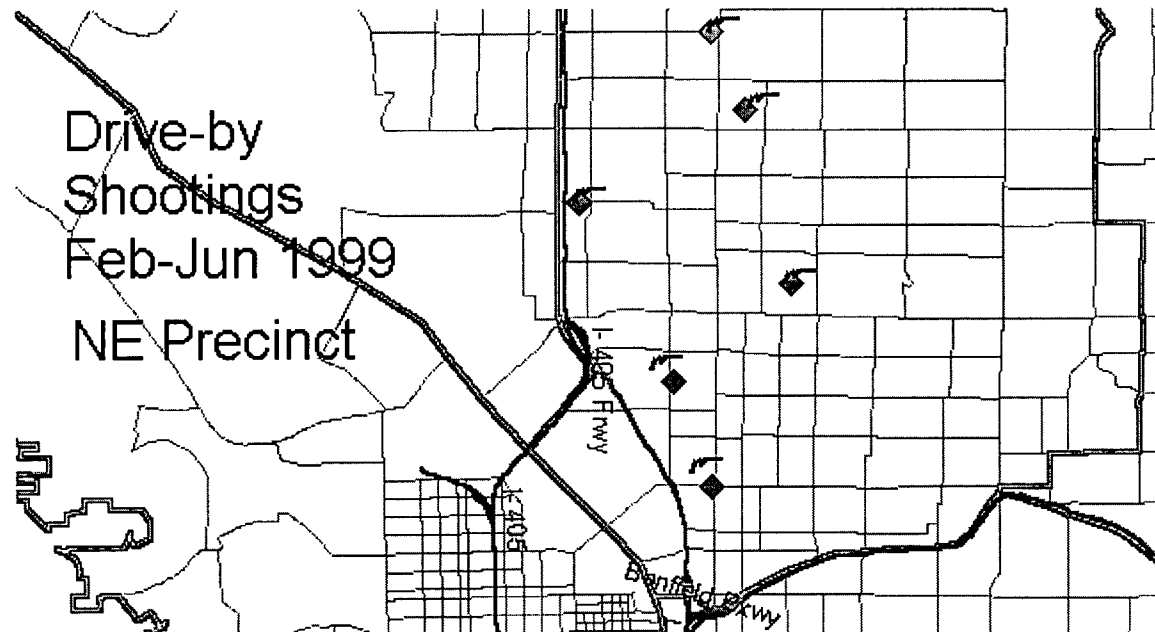
*Track youth gangs and youth violence incidents.*

- Improved information sharing and problem solving among precincts and agency partners.
- Added crime analysis capabilities



# LAW ENFORCEMENT GOAL1

*Track youth gangs and youth violence incidents.*



**Crime Analysis Map Example**



## LAW ENFORCEMENT GOAL2

### *Reduce/eliminate youth violence in neighborhood “hot spots”*

- Developing new strategies through Strategic Approaches to Community Safety (STACS)(2.3)
- Created the Strategic Intervention Team (SIT) as a sub-component of STACS (2.3)
- Targeted the most active offenders and promoted heavier sanctions (2.1)
- Started the Gang Violence Response Team with 24 hour response to ‘hotspots’ (2.2)



# GANG VIOLENCE RESPONSE TEAM (G.V.R.T.)

- Successes through 8/99:
  - 19 activation's resulting in:
    - 9 arrests
    - 1 warrant issued
    - 3 suspended
    - 6 pending cases

**Providing 24 hour-a-day precinct support to hotspot  
incidents since 8/98**





# YOUTH ENHANCEMENT STRATEGIES “Y.E.S.”

## PURPOSE AND GOAL

To promote a collaborative effort by law enforcement, educators, students, parents and community to offer educational & recreational programs to prevent or reduce youth violence.(2.9)

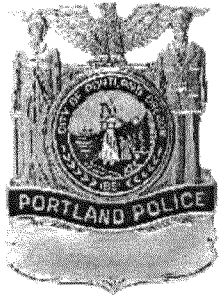


# Youth Enhancement Strategies

**D.A.R.E.**<sup>®</sup>

Drug Abuse Resistance Education





# Youth Enhancement Strategies "Y.E.S."

May '98 - May '99	Officers	Schools	Youth Served	Full Curriculum
<b>GREAT</b>	<b>28</b>	<b>14</b>	<b>6,500</b>	<b>4,205</b>
<b>DARE</b>	<b>13</b>	<b>14</b>	<b>4,403</b>	<b>843</b>
<b>PAL</b>	<b>130*</b>	<b>----</b>	<b>8,500</b>	<b>----</b>
<b>AFC</b>	<b>7*</b>	<b>----</b>	<b>700</b>	<b>----</b>
<b>TOTAL</b>	<b>42</b>	<b>28</b>	<b>19,613</b>	<b>5,048</b>

**\* Volunteer non-paid status**



# LAW ENFORCEMENT GOAL<sup>3</sup>

## ***Disrupt the Flow of Illegal Guns to Youths***

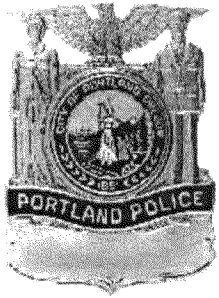
- City of Portland Designated Youth Crime Gun Interdiction Initiative (YCGII) city - 1999 (3.1)
  - **Special thanks to Senator Gordon Smith for his efforts in this success!**



## LAW ENFORCEMENT GOAL3

### *Disrupt the Flow of Illegal Guns to Youths*

- City of Portland Designated Youth Crime Gun Interdiction Initiative (YCGII) city - 1999 (3.1)
- Conducted concealed firearm detection training (3.10)



## LAW ENFORCEMENT GOAL3

### *Disrupt the Flow of Illegal Guns to Youths*

- City of Portland Designated Youth Crime Gun Interdiction Initiative (YCGII) city - 1999 (3.1)
- Conducted training in concealed firearm detection (strategy 3.10)
- Youth Gun Anti-Violence Team (YGAT) submitted 25 cases for Federal Prosecution with 19 indictments, May1998-July1999 (3.3)



## LAW ENFORCEMENT GOAL3

### *Disrupt the Flow of Illegal Guns to Youths*

- City of Portland Designated Youth Crime Gun Interdiction Initiative (YCGII) city - 1999 (3.1)
- Conducted training in concealed firearm detection (3.10)
- YGAT submitted 25 cases for Federal Prosecution with 19 indictments, May1998-June1999 (3.3)
- Focused Youth Crime Unit on 'gun' related crime (3.2)



## Law Enforcement Goal #3 Disrupt the Flow of Illegal Guns to Youths

	ARRESTS	SEARCH WARRANT	GUNS SIEZED
GET 7/1/98 TO 7/31/99	500	12	54
YGAT 5/1/98 TO 7/31/99	204	50	291
<b>TOTAL</b>	<b>704</b>	<b>62</b>	<b>345</b>

**June 98- May 99 Police place 1,779 guns in  
Property Evidence Control.**





## **Portland Police Bureau**

**Through improving  
information management,  
targeting of 'hot spots', and  
disrupting the illegal flow of  
guns to youths, we are  
working to reduce youth  
violence.**



**U.S. Department of Justice**

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**A DESCRIPTION OF PORTLAND'S  
STRATEGIC APPROACHES TO COMMUNITY SAFETY PROJECT**

In February 1998, Attorney General Janet Reno selected Portland and four other cities across the country (Indianapolis, Memphis, New Haven and Winston-Salem) to participate in an innovative new partnership with the U.S. Department of Justice called Strategic Approaches to Community Safety, or "STACS" for short. The purpose of this partnership is to develop and implement the kinds of interagency, data-driven, problem-solving methods that have proven so successful in reducing crime in cities like Boston and New York; while adapting or changing those methods to combat particular crime problems in each of the STACS cities. (Such methods are ably described in Robert Landauer's November 14, 1998 column in The Oregonian, a copy of which is attached.)

There are four key features of the STACS partnership. First, STACS recognizes that nearly all crime problems are local. Although the U.S. Department of Justice is offering its considerable resources and assistance as part of this project, STACS is committed to local direction and control. As a result, Portland STACS reports to the same public officials and private citizens who make up our Local Public Safety Coordinating Council, and who have chosen youth gun violence as the project's first target crime problem. Second, STACS recognizes that knowledge and expertise in local universities and research institutes have often been neglected or underutilized in the process of developing crime-fighting strategies and interventions. Thus, Portland STACS has formed a Research Team of senior researchers and consultants from Reed College and Portland State University to work shoulder-to-shoulder with front-line criminal justice professionals in analyzing crime trends and designing practical and effective gun violence-reduction strategies. Third, STACS acknowledges that the causes and solutions to local crime problems are many and varied. Therefore, Portland's STACS project is seeking broad and direct participation from local criminal justice and law enforcement agencies, public and private service providers and private citizens, including stakeholders in safe and healthy communities who are not formally part of the criminal justice system, such as professional educators, the faith community, business executives and physicians. Finally, STACS' approach is based on the belief that too many public safety policies have been developed in the past exclusively through a "top-down" process that fails to address the street-level realities of front-line professionals who deal with crime and violence on a

daily basis. As a result, Portland STACS' center of activities involving the analysis of crime trends and data and the development of gun violence reduction strategies is its Strategic Intervention Team, made up of a small group of front-line professionals from outreach, social service, law enforcement and parole and probation, and supported by the technical expertise of STACS' Research Team.

Portland was chosen for the STACS project, first, due to its historic willingness to adopt innovative crime-fighting strategies like community-policy and drug courts; and second, because of the close cooperation and working relationships among Portland's and Multnomah County's elected officials and law enforcement authorities, as evidenced by the success of their Local Public Safety Coordinating Council, the development of their county-wide Juvenile Delinquency and Crime Prevention Plan, and their most recent "Community Response to Gun Violence." Since each STACS site was free to choose its own local crime problem to target, and because the Community Response to Gun Violence was well under way when Attorney General Reno announced the STACS Initiative, Portland STACS adopted youth gun violence as the first problem to attack. Working with law enforcement authorities, probation and parole agencies and outreach professionals, Portland's project is adapting and refining the three-pronged, enforcement-intervention-outreach strategies that have proven so successful in reducing youth gang homicide rates in cities like Boston. With its final research funding approved at the end of last year, Portland STACS has begun to analyze the nature and extent of its gun violence problem, and to develop additional strategies to combat the problem. Progress Reports describing those efforts are attached.

# 'Light switch' from Boston turns on here

*Government agencies in Oregon showing seamless cooperation to quash deadly youth violence with tools that fit local settings*

**D**avid Kennedy and the Boston Gun Project were searching for a "light switch." They wanted to clear up how to cut deadly youth violence.

They found that 1,300 youths caused 70 percent of the violence. Street workers targeted them with tough-minded tactics. Homicides and gun assaults dropped by more than 60 percent over 18 months and stayed down.

Could Boston's light switch work here? "It's happening," Kennedy said at an Oregon Department of Corrections seminar last week.

The "light switch" has several parts:

- City, county, state and federal agencies here are collecting and sharing information about the most dangerous young offenders, their motives, their weapons and their victims. They are also researching successful prevention and enforcement programs wherever they find them.

- Core groups sift the data, then develop strategies to fit local conditions. Portland, for example, has created a Youth Gun Anti-Violence Task Force.

- The plans envision more interagency coordination than ever before. State and local police, a county deputy district attorney, parole, probation and court personnel and researchers from all levels of government assist the task force.

This city program is folded into the juvenile-justice plan (three years in development) that Multnomah County commissioners approved last month for local action and for state funding as part of Gov. John Kitzhaber's \$30 million juvenile-crime initiative.

It is also part of a two-year federal effort in which Portland serves as one of five sites demonstrating how intergovernmental teams can rein in the most violence-prone youths, trace their weapons and prosecute their suppliers.



Unlike Lone Ranger justice, this initiative goes beyond any one crime. It is not based on any one justice agency. It relies on no single silver-bullet program.

"Instead," explains Peter A. Ozanne, point person on this project for Oregon U.S. Attorney Kristine Olson. "It is a new data-driven, problem-solving process" in which agencies at all levels collaborate to prevent target crimes or join forces to collar those who commit them.

Youth violence is the current target. But agencies can team up to use the tools on other targets — domestic violence, career criminals, sexual predators.

High-risk youths are told informally that they are targets of a campaign to cut violence. Consequences are spelled out if they commit violent crimes. "When the probation officer goes to a house with a cop and both say they're just checking up, the message is clear; they know that we're serious and we're working hand in hand," says Portland Mayor Vera Katz.

- A social-service prong helps with recreation, schooling, jobs and training for those edging away from violence. Portland City Commissioner Jim Francesconi, for example, has formed an "after-school Cabinet" of parks, schools and nonprofit agency members to try to extend the school day or have other activities that fill young people's time in high-risk hours and during school vacations.

- Programs that are data-driven also need to be evaluation-driven, with strategies adjusted to reflect results and new circumstances. The agencies are showing refreshing awareness that they must prove that fine-sounding theories actually produce desired results.

All programs in the county's justice plan, for example, have been tested nationally with positive results and "will require ongoing analysis to ensure they work locally," says Elyse Clawson, director of the Department of Adult and Juvenile Community Justice.

All of this is a justice package of intelligence and cooperation in action. But the leap forward here tries to go beyond those of admired and honored programs in Boston, New York and elsewhere.

The local effort is enriched by recognition that Oregon still desperately needs breakthroughs in preventing crime. Enforcement, after all, is after-the-fact adjustment to prevention's failures.

Prevention must begin early, says Clawson, long before a youth becomes a menace. The county is trying to step in at the first sign of delinquency — shoplifting, truancy or fighting in school. "If we deal with family issues, if we can keep kids in school, we can prevent crime."

That's the next switch to turn on.

*Robert Landauer is editorial columnist of The Oregonian. He can be telephoned at 221-8157 or reached by mail at 1320 S.W. Broadway, Portland 97201 or by electronic mail to robertlandauer@news.oregonian.com.*



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**PORTLAND'S STRATEGIC APPROACHES TO  
COMMUNITY SAFETY PROJECT**

**PROGRESS REPORT  
March 1999**

**Introduction.** The **organizational structure** of Portland's "STACS" project is now fully operational. A **Core Group** of 35 federal, state and local officials and agency heads, citizens, service providers and criminal justice practitioners, acting as the project's board of directors, was formed at the outset of the project and integrated into the operations of Multnomah County's Local Public Safety Coordinating Council.

Following the identification and initial investigation of **youth gun violence** as STACS' first target crime problem, the Core Group adopted a three-pronged, interagency strategy combining law enforcement with parole and parole intervention and youth outreach. This strategy is designed to focus on youths aged 15 to 24, who use, possess or are at risk of using firearms unlawfully, through coordinated interagency tactics such as gun interdiction and tracing, random and scheduled home visits of targeted probationers and parolees, specialized response teams for shooting incidents and intensive street presence at hot spots and high risk social events. STACS' strategies and tactics are being developed and refined with the assistance of a **Research Team** made up of experienced researchers on the faculties of Reed College and Portland State University. The Research Team has been collecting and analyzing data on local crime patterns and conditions associated with youth violence, with particular attention to relationships between gun violence and **alcohol use and drug sales**.

In order to develop, implement and evaluate each element of STACS' three-pronged strategy, the Core Group formed three **Working Groups** in July 1998, when the project officially began with the selection of a Project Coordinator. These three Working Groups (focusing, respectively, on (1) Law Enforcement (originally known as the Youth Gun Violence Task Force or "YGAT") (2) Parole and Probation Intervention and (3) Youth Outreach) meet regularly to refine their roles and relationships in the development and implementation of STACS' overall violence reduction strategy. One member of the Research Team has been assigned to each Working Group for the purposes of supporting its deliberations with data and information on best practices and developing benchmarks to guide and evaluate STACS' intervention tactics and overall strategy.

**Recent developments** in STACS' current project include:

- Final approval of STACS' Research Proposal and authorization of administrative funding for the project;
- Establishment of a "**Strategic Intervention Team**" made up of a small group of experienced, front-line criminal justice practitioners and stakeholders, for the purpose of developing and refining STACS' strategies and tactics using methods developed by David Kennedy and his colleagues in Boston.
- Confirmation of the general nature and extent of STACS' target crime problem through presentations by the Research Team at the Core Group's March 19, 1999 meeting, to be followed by a written report to the Core Group.
- An all-day "Investigative Retreat" on April 5, 1999, gathering together key professionals and stakeholders who have been directly involved in past and present efforts to reduce youth and gang violence for the purpose of identifying current trends and conditions, and potentially successful and unsuccessful strategies for reducing youth violence.
- Development of a strategic plan for the establishment of a new Youth Outreach Consortium to carry out STACS' gun violence reduction strategy, funded by Portland's and Multnomah County's federal Youth Accountability Block Grant allocations.
- Reorganization of the Portland Police Bureau's Tactical Operations Division, including the formation of a Youth Crimes Unit covering YGAT, the Gang Enforcement Team and Police prevention efforts, thereby increasing opportunities for further interagency efforts through the STACS' project.
- Development of a strategic plan for parole and probation interventions under the STACS' project.
- Preliminary agreement by the National Institute of Justice's Crime Mapping Center, subject to a site visit and further investigation, that the Public Safety Coordinating Council's new "Decision Support System" is the appropriate location for GIS enhancements under the STACS project.

**Conclusion.** Portland's STACS project is now fully operational. The existence of a Local Public Safety Coordinating Council and work during the first eight months of STACS' operations have established the personal and organizational relationships necessary to support the kinds of interagency approaches and team-building efforts in which STACS is now engaged. And those relationships are clearly starting to pay off.

STACS' law enforcement efforts by the Portland Police Bureau and ATF are already producing operational results. In its first eight months of operation, YGAT made 115 gun-related arrests leading to 265 charges, the seizure of 139 guns and \$51,378 in cash and the recovery of \$46,700 in stolen property. Gun cases referred for prosecution by ATF have increased from 32 (against 37 defendants) in 1997 to 102 (against 128 defendants) in 1998.

STACS' Research Team has confirmed the general nature of our target crime problem, and is undertaking plans to further assess its extent and refine STACS' focus, with particular attention to current street-level conditions and more effective interventions being developed by STACS' Strategic Intervention Team. The Strategic Intervention Team, with its access to street-level experience and practical expertise, has become the center of STACS' strategic development efforts. Wider community involvement has been achieved by recent initiatives like the April 5th Investigative Retreat and STACS' community-based Youth Outreach Consortium.

STACS next challenge is to develop, refine and implement additional violence reduction strategies, along with a set of operational and outcome benchmarks to measure the effectiveness of those strategies.



**U.S. Department of Justice**

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**PORTLAND'S STRATEGIC APPROACHES TO  
COMMUNITY SAFETY PROJECT**

**PROGRESS REPORT  
June 1999**

**Introduction.** Portland STACS continues to adapt and refine its three-pronged, enforcement-intervention-outreach strategies to reduce youth gun violence. With the design and implementation of STACS Outreach Consortium complete by this September, these strategies will be fully operational. Having received final approval from NIJ for its funding, our Research Team has begun implementing its research design to gain a more complete and systematic understanding of our target populations of youth and to assist the Strategic Intervention Team in designing additional strategies to reduce gun violence. The key developments in the STACS project over the last Quarter include:

1. **STACS' Strategic Intervention Team.** This group of front-line professionals and supervisors has become our project's principal forum for the development of research designs and new intervention strategies, and the coordination and refinement of current strategies. Following an "Information-Gathering Retreat" in early April, SIT has undertaken incident reviews using juvenile and adult probation files in order to understand more about the causes, nature and extent of Portland's youth gun violence problem, and to direct our Research Team's efforts to further "unpack" and "drill down" into the problem. The Team has also been considering new intervention strategies, such as the placement of outreach and supervision services in adult correctional facilities to anticipate the return and adjustments of high risk offenders in our communities. Finally, SIT is overseeing the design of a new Outreach Consortium, spearheaded by Multnomah County's Juvenile Community Justice Department and supported by funds from the City and the County under the federal Youth Accountability Block Grant program. This Consortium will support and fully implement STACS' three-pronged violence reduction strategy of law enforcement, supervision and outreach.

2. **SIT's April 5, 1999 Information-Gathering Retreat.** To begin its work, SIT decided to seek the support and expertise of particular criminal justice professionals, service providers and citizen volunteers throughout Portland who have had long and direct experience dealing with youth violence. On April 5, 1999, SIT held an Information-Gathering Retreat, with over 40 participants and the assistance of a professional facilitator, at McMenamins Kennedy School. In addition to



generating many practical ideas, including the importance of retrospective and "real-time" incident reviews, the Retreat generated a core constituency of experts who will support, advise and prod our efforts.

3. The Current Operations of STACS' Participating Agencies. STACS' participating agencies will report directly on the progress of their intervention strategies and cooperative efforts. Y.G.A.T. continues to successfully pursue its aggressive gun-interdiction strategies. As a result of the STACS' initiative, as well as President Clinton's March 1999 Directive to all federal law enforcement agencies to build on the nation's recent success in reducing violent crime, gun cases prosecuted by the U.S. Attorney's Office jumped to 124 in 1999 (and are proceeding at the same rate in 1999), after averaging about 50 per year from 1992 to 1997. Supervision and law enforcement agencies are working together more closely and effectively on such joint strategies as appearances at "hot spots" and "special events," like the Rose Festival and high school sporting events, and in the conduct of home visits of targeted offenders. STACS, primarily through SIT and its staff, continues to serve the role of "neutral convener" of the participating agencies and a forum to coordinate and refine their joint operations. With the establishment of STACS' Outreach Consortium, our original three-pronged intervention strategies will be fully operational.

4. STACS Outreach Consortium. With staff assistance from City Commissioner Jim Francesconi's office and the Juvenile Community Justice Department, and funding support from the City of Portland and Multnomah County through their Youth Accountability Block Grant funds, SIT and members of STACS' participating agencies have developed a design for STACS' Outreach Consortium. Following final review by SIT and the relevant agencies, release of an RFP and selection of contractors, STACS will have four professional outreach workers and one lead outreach worker to support and advance its youth gun violence reduction strategies.

5. STACS' Research Team. Our Research Team is fully-funded, staffed, integrated with the processes of our project, and ready to take advantage of their available time this Summer. Starting with SIT's incident reviews of juvenile and adult parole and probation cases, the Team's goals are to further "unpack" and understand Portland's youth gun violence problem and to assist SIT in the development of new intervention strategies and refining existing ones.

Conclusion. With our Strategic Intervention and Research Teams gaining traction, we expect to have a far more detailed understanding of the nature and extent of Portland's gun violence problem and the relevant youth populations, along with new intervention strategies for consideration by the Core Group, by the end of the next Quarter of 1999. STACS Outreach Consortium should also be fully operational, thereby providing the essential third prong to STACS first set of intervention strategies.

## Editorial

## The Oregonian

## A safer city

*Portland's anti-youth-violence strategy launched a year ago has worked and is building bridges for the future*

**T**he anti-youth-violence strategy launched a year ago by city, county, state, federal and community leaders has made Portland a safer city. Youth violence is down, and it isn't just because of the demographic changes, tougher sentences and strong economy that are contributing to crime reduction nationwide.

Only six drive-by shootings were reported in 1998, for example; two so far this year. Compare that to the almost nightly occurrences in some Portland neighborhoods in the recent past.

Mayor Vera Katz initiated the comprehensive law-enforcement and community-based anti-youth-violence strategy in June 1998. Since then, authorities have seized 286 guns, conducted 62 search warrants to retrieve illegal firearms, and made 626 arrests involving violence.

Hot spots are targeted, curfews are enforced. In 1997, the federal Alcohol, Tobacco and Firearms office here traced 682 guns. In 1998, it traced 1,139 guns.

Aggravated assaults are down 12 percent this year.

The accomplishments are impressive.

School and county truancy programs are getting kids back in school. Authorities are finding out why the kids are not in school, then addressing the reasons.

Police and county parole and probation officers pair up now for home visits and patrols of areas where trouble is likely to erupt, including special events. This is a key step because parole and probation officials have more latitude with those who have recently been released from custody or who are other-

wise under court jurisdiction.

This year, youths stepping over the line were more quickly identified and redirected.

Sometimes the alternative might be detention, but more often now police can turn to programs provided by Multnomah County, such as mental health and alcohol and drug treatment programs, and by community groups.

Twenty-five churches are recruiting and training mentors for at-risk youths. Some are conducting parenting classes, Saturday schools, monthly dances and other youth activities, including job-readiness programs. All require more volunteers.

A 1997 survey commissioned by the Multnomah Commission on Children and Families showed that children need certain "assets" for success in their lives. No. 1 is support from adults: family, neighbors, other adults. Peer pressure is significant, but adult caring, and attention, is essential.

Government can do only so much to address the emotional poverty in the lives of young people that leads some of them to crime.

Still lacking is focus on the 4-7 age group. Many authorities believe troubled children can be identified as early as 4 years old. Intervention has to be considered.

In all, though, city, county, state, federal and community leaders are doing a lot of smart things that they should be doing. More important, the concerted, cooperative, comprehensive effort to reduce juvenile violence is creating the foundation that is needed to make kids' lives better and Portland safer.

We're Here ... We Care.



John D. Holley  
Program Director

(503) 493-3136 Fax: (503) 493-4068 Cell: (503) 957-4182

3138 N. Vancouver Ave  
Portland, OR 97212

**WE'RE HERE...WE CARE  
PARENTING PROGRAM  
PARENTS HELPING PARENTS  
A TWENTY WEEK PARENTING CLASS**

**Providing Alternatives to Youth Violence by Building Positive Families.**

**"We're Here ... We Care" Mission Statement**

An association of pastors and ministers from various faiths who believe in providing positive alternatives to youth violence and to build the family unit toward spiritual, emotional, mental and physical health.

**Vision Statement:**

As members of the Faith Community, networking together, we will provide positive role models and activities for the youth in our community. We will also provide nurturing support to the families of these young people. We will use the resources within our respective congregations and community to see youth and families reclaimed, redirected and restored to useful community activities.

**Parents Helping Parents Class Statement:**

It has been created to serve families facing today's challenges of raising morally, good children in non-violent and nourishing ways. This is done by learning new, proactive parenting skills in an atmosphere of respect, love, and compassion.

**Parents Helping Parents Class Vision:**

To encourage and motivate the groups of parents to evolve into support groups, that provides opportunities for problem solving, networking, friendship, involvement in social activities, and personal empowerment.

**Parents Helping Parents Curriculum:**

This course will help families on their journeys towards mental, spiritual, emotional, and physical health.

The course is twenty weeks long with class length two hours a day.

**1. UNIT ONE: THE COUPLE'S RELATIONSHIP**

- Getting to know each other
- Unresolved emotional programming affects our relationships
- Creating a healthy married love team
- Managing the family economy as a team

**2. UNIT TWO: BECOMING PARENTS, CREATING A FAMILY**

- Becoming parents; creating a family
- The significance of the birth order

**3. UNIT THREE: NONVIOLENT PARENTING, PARENTING WITH LOVE**

- Nonviolent parenting; parenting with love
- Family roles and increasing children's appropriate behavior
- Decreasing misbehavior with assertive discipline

- Assertive discipline that inspires cooperation
- Setting limits that create personal responsibility
- Consequences versus punishment

4. **UNIT FOUR: HEALTHY COMMUNICATION IN THE FAMILY**

- How we block and open communication
- Problems: who owns them and how to solve them
- Making decisions as a family
- Self-esteem and goal setting
- A blueprint for school success

5. **UNIT FIVE: THE FAMILY BREAKDOWN**

- The gang, the pseudo family
- Overcoming drugs
- Sexuality, teenage pregnancy, and sexually transmitted diseases
- Teenage runaways and suicide
- Domestic violence: the self destructive family
- Identification and management of different forms of anger

## SPEAKER SIGN UP CARDS

DATE August 19/99

NAME Louise Weidlich

ADDRESS Neighborhood Protective Ass'n  
PO Box 19224 Portland

PHONE Oregon 97219

SPEAKING ON AGENDA ITEM NUMBER OR  
TOPIC Board Briefing B3 Youth Violence  
GIVE TO BOARD CLERK

A U.S. Police Action

Exhibit, Regarding B- 3  
Community Response To Youth Violence

31

**GOALS OF AMERICA'S ENEMIES****KARL MARX:** "My object in life is to dethrone God and destroy capitalism." (Question: Has he succeeded?)**LEV DAVIDOVICH TROTSKY:** "Religions are illogical primitive ignorance. There is nothing as ridiculous and tragic as a religious government."**ANOTHER QUESTION:** Is Trotsky's or Marx's plan any different than the Humanist Movement's plan? Check below.**AMERICAN HUMANIST MOVEMENT,** Doctrinal statement:

"We are humanists....We are not for God....We are for socialism."

**HUMANIST MAGAZINE,** 1983 Jan.-Feb. issue. Humanist John J. Dunphy: "I am convinced that the battle for humankind's future must be waged and won in the public school classroom by teachers that correctly perceive their role as proselytizers of a new faith which will replace the rotting corpse of Christianity."**HAVE THEY REACHED THEIR GOALS? (Check it out below.)****COMMUNIST RULES FOR REVOLUTION**  
(Captured at Dusseldorf in May 1919 by Allied Forces)

1. Corrupt the young; get them away from religion. Get them interested in sex. Make them superficial; destroy their ruggedness.
2. By specious argument cause the breakdown of the old moral virtues: honesty, sobriety, continence, faith in the pledged word, ruggedness.
3. Encourage civil disorders and foster a lenient and soft attitude on the part of government toward such disorders. (L.A. riots were just a coincidence?!.....Of course!)
4. Divide the people into hostile groups by constantly harping on controversial matters of no importance. (Racial differences?)
5. Get people's minds off their government by focusing their attention on athletics, sexy books, plays, and other trivialities.

Operation Vampire Killer 2000

P. O. Box 8712, Phoenix, Ariz. 85066

**THE LINCOLN YEAR BOOK**  
JANUARY 18.**The Approach of Danger.**

(Extract from the Springfield address in 1838. Continued from preceding page.)



At what point shall we expect the approach of danger? Shall we expect some transatlantic military giant to step the ocean and crush us at a blow? Never! All the armies of Europe, Asia, and Africa combined, with all the treasures of the earth (our own excepted) in their military chest, with a Bonaparte for a commander, could not, by force, take a drink from the Ohio, or make a track on the Blue Ridge, in a trial of a thousand years. At what point, then, is this approach of danger to be expected? I answer: If it ever reaches us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time or die by suicide.

ers turned him down when they discovered he had taken a powerful anti-depressant drug called Luvox. (*Washington Post*, April 29, 1999)

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### **Death Education at Columbine**

In 1987 Eagle Forum of Colorado produced a two-hour video in which student Tara Becker spoke at length about the relentless focus on death, dying and suicide in her junior class at Columbine High School in Littleton, Colorado. She and several of her classmates attempted suicide as a result of this depressing curriculum, and it took them many months to recover from the experience.

Tara was subsequently interviewed for an ABC-TV 20/20 program (aired Sept. 21, 1990) where she said, "I had thought about [suicide] as a possible option for a lot of years, but I never would have gone through with it, never, because I wasn't brave enough. The things that we learned in the class taught us how to be brave enough to face death." She added, "We talked about what we wanted to look like in our caskets."

The 20/20 segment showed morbid visuals of student visits to cemeteries, to embalming labs where they were encouraged to touch "still warm human remains," and to crematoriums where they were told about picking bones out of the ashes. ABC stated that one out of ten schools teaches death education, that there is no approved curriculum, and that the teachers' training often consists only of a one-day workshop. It was clear that ABC's Hugh Downs and Tom Jarriel thought that death education was bizarre. Jarriel concluded the segment by asking if these courses "suggest death as an answer to adolescent problems." We urge ABC to re-air that important segment because of its relevance today. Curiously, ABC refused to release a tape of this program to Matt Drudge.

In 1988, *Atlantic Monthly* published an investigative article ("Mortal Fears," Feb. 1988, p.30) confirming that death and dying courses are given in "thousands of schools," often sneaked into health, social studies, literature or home-economics courses without parents' knowledge. *Atlantic* described how these courses require students to visit cemeteries and funeral homes, write their own epitaphs to be put on tombstones made out of construction paper, write obituaries, wills, or suicide notes, decide how they would prefer to die, and plan their own funerals, body disposal and pallbearers.

*Atlantic* quoted from professional journals to demonstrate the widespread support for death education among educators. It quoted *The School Counselor* as stating in 1977: "Death education will play as important a part in changing attitudes toward death as sex education played in changing attitudes toward sex information and wider acceptance of various sexual practices." *Atlantic* also quoted a National Education Association report entitled "Education for the 70's" which stated: "Schools will

become clinics whose purpose is to provide individualized, psycho-social treatment for the student, and teachers must become psycho-social therapists."

Most parents are unaware that the mission of the public schools has dramatically changed in the last 20 years by downgrading basic academics and instead using teachers as pseudo-psychologists conducting group therapy. This change was best described by the late U.S. Senator (and former university president) Sam Hayakawa, who — in successfully persuading Congress to pass the Protection of Pupil Rights Amendment (PPRA) in 1978 — said that the public schools have adopted "an educational heresy . . . that rejects the idea of education as the acquisition of knowledge and skills . . . and regards the fundamental task in education as therapy."

This invasion of the public school classroom by pseudo-psychologists conducting group therapy opened the floodgates to all sorts of psychological courses and surveys in sexuality, drugs, incest, death, suicide, stress, and self-esteem. Some of these courses incorporate guided imagery or New Age or occult practices. Readers used in elementary schools are often filled with weird or violent images, and little children are often taught to take their problems to Pumsy the dragon or DUSO the dolphin.

Surely, one of the weirdest of these psychological courses is death education. According to the *Atlantic Monthly* article, parents in Illinois, Missouri, Michigan and Florida have attributed their sons' suicides to public school courses in death, dying, or suicide.

Littleton, Colorado is an area where public schools for many years have adopted all the trendy "edufads" such as Outcome Based Education. OBE is a dumbing-down process that is heavy on the use of attitudinal and subjective materials and tests, rather than (in Hayakawa's words) "the acquisition of knowledge and skills."

In 1993, at the high school in the district adjacent to Columbine, parents rebelled against this dumbing-down process and, by a two-to-one vote, elected a "back-to-basics" school board. The teachers union struck back in the following election and retook control. The union was supported by People for the American Way, using the usual negative slurs to accuse those opposed to OBE of being "fundamentalists" and part of the "religious right."

Some politicians, unfortunately, are using the Columbine tragedy to push their liberal political agenda, such as gun control. That's obviously not the answer since killers Harris and Klebold violated at least 17 current federal and state gun control laws that, had they lived, would have kept them locked up for the rest of their lives.

Does anybody think that Harris and Klebold would not have known how to release a mandatory gun lock? Or would have been deterred by a three-day waiting period, since Harris's own journal detailed year-long plans for the killing?

The tragedies at Columbine High School, as well as those in Washington, Mississippi, Kentucky, Arkansas, Oregon, and Georgia, demand that we investigate the curriculum taught in the public schools, the value system that is taught, and the powerful legal drugs that children are taking. We are paying a terrible price for allowing public school curricula to teach students to create "their own value system" instead of respecting moral laws such as "Thou shalt not kill."



To Concerned Parents and  
United States Citizens,

THE OREGONIAN ♦ WEDNESDAY, AUGUST 18, 1999

What is the opposite of  
violence? Loving kindness  
patience? loving one an-  
other? Bible truths and  
public schools. Not hate  
death & violence!!

Louise Weidlich, Director  
THE AVERAGE AGE OF THE WORLD'S GREAT  
CIVILIZATIONS HAS BEEN 200 YEARS. THESE  
NATIONS PROGRESSED THROUGH THIS SE-  
QUENCE:

From Bondage to Spiritual Faith  
From Spiritual Faith to Great Courage  
From Courage to Liberty  
From Liberty to Abundance  
From Abundance to Spishness  
From Spishness to Complacency  
From Complacency to Apathy  
From Apathy to Dependency  
From Dependency back again into Bondage.

## National News

"It's sort of like talking to your kids about sex. Every parent  
knows they should talk about it. But how do they start?"

TIGARD-TUALATIN

the Ten Commandments need to be put back in our

# About Violence



RON EDMONDS/ASSOCIATED PRESS

Lellani Tessillo, a Los Angeles student, becomes nervous as she introduces President Clinton on Tuesday in Washington.

TIGARD-TUALATIN SCHOOL BOARD MEMBER, DISCUSSING THE ADMINISTRATION'S ANTI-VIOLENCE AD CAMPAIGN

## Ads urge parents to discuss violence

TV networks donate \$1.5  
million worth of time for a  
campaign prompted by  
recent school shootings

By MARK O'KEEFE  
THE OREGONIAN

WASHINGTON — If you're a  
parent of an 8- to 12-year-old,  
President Clinton has an advertis-  
ing message for you on network  
and cable television tonight.

He wants you to "talk to your  
kids about violence."

Clinton and first lady Hillary  
Rodham Clinton unveiled the ad  
campaign Tuesday in the wake of  
school shootings in Springfield, Lit-  
tleton, Colo., and elsewhere.

The advertising campaign also  
comes after a recent Gallup poll  
found that Americans named  
ethics, morality and family decline  
as the country's most significant  
problems, followed closely by  
crime and violence.

"Will this public service ad get  
every parent in America and every  
child to talk about every dangerous  
thing that happens at every  
school?" the president asked. "No.  
But it will have a huge impact."

Television networks have com-  
mitted \$1.5 million worth of time  
for the ads tonight, prompting  
Clinton to quip, "That's more blan-  
ket coverage than I get for the State  
of the Union" address.

### Ads expected to continue

The ads are privately financed  
by the Henry J. Kaiser Family  
Foundation, a health care philan-  
thropy, and Children Now, an ad-  
vocacy group for children.

According to the Advertising  
Council, the commitment by more  
than two dozen broadcast and ca-  
ble networks is unprecedented.



RON EDMONDS/ASSOCIATED PRESS

President Clinton and Harrison Boatwright, 9, listen to speakers  
Tuesday at a Washington event discussing youth violence.

"Will this public service  
ad get every parent in  
America and every child to  
talk about every  
dangerous thing that  
happens at every school?  
No. But it will have a huge  
impact."

PRESIDENT CLINTON,  
UNVEILING TELEVISION COMMERCIALS  
AIMED AT PREVENTING VIOLENCE

a school fight. In rapid sequence,  
other children talk about a knife, a  
gun, not knowing if a weapon is  
fake or real, and being scared. The  
ad ends with Clinton saying: "Our  
children need our help to deal with  
tough issues like violence. Please  
talk with your kids."

A toll-free number (800-CHILD-  
44 or 800-244-5344) and the ad-  
dress of a Web site ([www.talking-withkids.org](http://www.talking-withkids.org)) flash on the screen,  
offering a free booklet. The booklet  
includes practical suggestions on  
how parents can initiate discus-  
sions and communicate their val-  
ues.

### Shaping values

One example has a parent and  
child watching a violent scene on  
television, with the parent saying,  
"That TV program we saw seemed  
pretty scary to me. What did you  
think about it?"

Drew Altman, president of the  
Kaiser foundation, said children  
ages 8 to 12 are critical to reach be-  
cause research shows they look to  
parents first and teachers second.  
Children ages 12 to 14 view friends  
and the media as more important  
in shaping their values.

Lois Salisbury, a 1988 Reed Col-  
lege graduate who is president of  
Children Now, said it was impos-  
sible to say whether such ads could  
have prevented the shootings last  
year in Springfield. She said televi-  
sion ads aren't enough without  
changes in violent television pro-  
gramming.

But she called the ad campaign  
an important start, especially if it  
gives more children "an open-  
ended opportunity" to talk about  
violence with a trusted adult.

An article published this month  
in the Journal of the American  
Medical Association shows that  
fighting and weapon-carrying  
among adolescents decreased be-  
tween 1991 and 1997. The Depart-  
ment of Education also has report-  
ed a decrease in overall violence in  
schools.

Many schools have increased  
anti-violence efforts in recent  
years, drawing parents into the  
process. Merrily Haas, a school  
board member in the Tigard-  
Tualatin School District, said the  
ads could reach parents who  
haven't read the district's newslet-  
ters or attended workshops and  
meetings on the subject.

She said parents are hungry for  
practical information on how to  
approach the subject. "It's sort of  
like talking to your kids about sex,"  
Haas said. "Every parent knows  
they should talk about it. But how  
do they start?"

You can reach Mark O'Keefe at  
[mark.okeefe@newhouse.com](mailto:mark.okeefe@newhouse.com) or at  
202-383-7857.

60:12,

The nation and kingdom that will not serve thee shall perish. Isaiah

Neighborhood Protective Association, PO Box 19274, Portland OR 97210

## Excerpts from: NOTICE AND DECLARATION OF PARENTAL RIGHTS

### Compiled by the Texas Justice Foundation

#### Surveys and Evaluations:

b.) I \_\_\_\_\_ (do/do not) give my written consent to the Educational Institution or School District to require or otherwise subject my child(ren) to any survey, analysis, personal inventory or evaluation that reveals information concerning political affiliations; mental and psychological problems potentially embarrassing to the child(ren) or his/her family; sex behavior and attitudes; illegal, anti-social, self-incriminating and demeaning behavior; critical appraisals of other individuals with whom the child(ren) has/have close family relationships; legally recognized privileged or analogous relationships, such as those of lawyers, physicians, and ministers; or income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

This includes, but is not limited to: (1) all surveys, personal inventories, questionnaires, or any other document that is personally intrusive, invading the privacy of my child(ren), myself, or our family, and/or that delves into the psyche or thoughts of my child(ren), (2) any method of obtaining information, individually or in a group activity, that is not directly related to academic instruction and that is designed to elicit information about attitudes, habits, traits, opinions, beliefs or feelings of my child(ren), and/or (3) any activities that have been designed to affect behavioral, emotional, or attitudinal characteristics of my child(ren).

#### Removal of Child From Classroom or Activity:

n.) I hereby exercise my right to remove my child(ren) temporarily from any and every class or other school activity that presents, covers or discusses the following topics or activities because they conflict with my religious and/or moral beliefs. I request that my child(ren) be placed instead in an academic program in accordance with his intellectual abilities. I request that the classroom materials on these subjects be provided to me and I will then determine how they will be covered with my child(ren):

• Affective Development (including, but not limited to, Non-Academic Decision Making, Non-Academic Problem Solving, Self-Esteem, Interpersonal Effectiveness and Cross-Cultural Effectiveness) • Death Education (including, but not limited to, Suicide Education and Euthanasia) • Dream interpretations, evaluations, meanings, or discussions • Drug Education • Evolution (other than as a theory only) • Family Planning and/or Parenting Skills • Globalism curriculum, One-World Government, Anti-American or Anti-Nationalism teaching, advocacy, or promotion • Guidance Counseling, whether group or individually • Human Sexuality (including, but not limited to, Abortion, AIDS, Alternative Lifestyles, Birth Control, Contraceptives and/or their use, Divorce, Extramarital Sex, Homosexuality, Incest, Premarital Sex, Prostitution, Roles and Society Norms of Males and Females, Sex Behavior or Activity) • Internet Access without direct adult supervision • Journaling (including Log Books, Diaries, Personal Journals) on topics that are personally intrusive and/or invasive to my child(ren)'s, my or our family's right to privacy and other personal matters • Life Skills Instruction • Social and Personal Training (including, but not limited to, Interpersonal Relationships; Non-Academic Personality Tests or Evaluations; Sensitiv-

ity Training; exercises in, or strategies that call for or elicit self-disclosure; attitudes towards or about parents, or the relationship between my child(ren) and his/her parent(s) • Meditation, Visualization • Origin of the Universe (other than as a theory only) • Population Growth, Control, or Reduction • Psychology or Psychoanalysis (including, but not limited to, Group Encounter Sessions, Sociograms, Self-Evaluations and/or Auto-Criticism, Sociodrama and/or Psychodrama Exercises • Religiously offensive literature or reading material • Relaxation techniques or exercises (including, but not limited to, Hypnotic Exercises or Techniques, Imagery, Suggestology or other Yoga Techniques) • Values Clarification (including, but not limited to Moral Dilemma Exercises, Life/Death Decision Exercises or Survival Games, Role-Playing involving moral issues) • Witchcraft, Magic ("Black" or "White"), Mysticism, Mother Earth, Gaia, New Age, Occultism, the Supernatural, Wicca.

#### Duty to Care for and Control Child's Medical Care:

p.) As the Parent/Guardian/Managing Conservator of the above-mentioned child(ren) I have the right and duty to care for, control and protect my child(ren); and provide for their medical and dental care and psychiatric, psychological and surgical treatment. (Texas Family Code §151.003). Therefore, before any physician, nurse, or other health care provider is provided by you to my child(ren) (as an employee, agent, contractor or affiliate) or is allowed to care for or treat my child(ren), other than reasonably necessary emergency care, they must disclose to me, as the person authorized to consent for my child(ren), the risks and hazards involved in the care or procedure, and must receive my written, signed consent to the medical care, including therapy and guidance counseling, before any such care or procedures are administered.

#### Retaliation and Harassment for Exercise of Constitutionally Protected Rights:

u.) Both my child(ren) and I have the right to be free from any and all acts of retaliation, harassment, intimidation, interrogation, or other acts of retribution by any employee or agent of the School District or Educational Institution for the exercise of any of my constitutionally protected rights, including, but not limited to, the right to direct the moral upbringing and education of my child(ren).

*This Notice of Parental Rights was prepared by the Texas Justice Foundation. The full text appears in Eagle Forum's Education Reporter, June 1999, and is available from the Texas Justice Foundation, 8122 Datapoint Dr., Suite 812, San Antonio, Texas 78229, (210) 614-7157, Fax: (210) 614-6656, Email: TxJF@prodigy.net, Web site: <http://www.tjff.org>*

#### The Phyllis Schlafly Report

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<http://www.eagleforum.org>

[eagle@eagleforum.org](mailto:eagle@eagleforum.org)

## Parents Win Victory Over Nosy Surveys

Parents have just won a tremendous legal victory over the widespread public school practice of forcing students to answer nosy, privacy-invading questions about themselves and their families. The U.S. District Court in San Antonio, Texas, has signed the final order of judgment in a class action case against the San Antonio Independent School District (SAISD) brought by parents, who were represented by the Texas Justice Foundation.

The wide-reaching order is of landmark and nationwide importance. For many years, parents have objected to the way that schools force students to respond to nonacademic questionnaires intruding on pupil and family privacy and involving matters that are none of the school's business.

Parents also object to the way that the so-called therapeutic classroom is crowding out academics and basic skills. Schoolchildren are routinely subjected, not only to intrusive, depressing surveys, but also to psychological and attitudinal exams and guidance counseling, usually without parental knowledge or consent.

The case called *Lisa T. v. SAISD* began when 10-year-old Melissa's mother voiced her objections to the Hillcrest Elementary School about sex education, death and suicide education, and the lack of academic instruction. Lisa T.'s daughter tested three years below grade level and her son tested four years below grade level as a result of being taught about UFOs, the Bermuda Triangle, and how to embalm, etc., instead of spelling and math.

Complaints to the superintendent and the school board got Lisa T. nothing but harassment of Melissa, who was subjected to interrogations about "what her mother was up to." The SAISD then administered intrusive, psychological surveys to students at Jefferson High School, delving into their feelings and emotions and invading their personal privacy and family relationships.

Teachers assured students that their survey responses would remain confidential even from parents. Concurrently, the school conducted daily classes that gave comprehensive group guidance counseling, without parental preview or consent, and without respecting the conscience or convictions of the parents or students.

Here are samples from the nosy questionnaires. "What do you consider to be the best thing about your home and the worst? How do you get along at home? If you could change one thing about your family, what would it be and why?"

More depressing questions from the SAISD's surveys included: "What's the thing you need most that you are not getting from your family? Has anybody close to you died in the last year or so? Do you ever wish you were a boy or a girl instead of what you are? What things do you worry about?"

Another question reveals the dramatic curriculum changes that have taken place in the public schools: "Select the group counseling sessions you would like to participate in: Managing Anger; Parent/Teen Conflict; Coping with Stress; Interpersonal Relationship; Grief/Loss; Study Skills;

Other."

The court's order in the *Lisa T.* case requires the school district henceforth to obtain parental consent for all guidance counseling, psychological exams, and intrusive surveys. The consent forms must notify parents if the surveys include controversial topics such as political affiliations, sexual behavior and attitudes, or requests for privileged information, including potentially embarrassing mental and psychological problems.

SAISD shredded all its objectionable intrusive surveys in the presence of parent representatives. Parents were notified that they could review their own children's questionnaires prior to the shredding.

SAISD will establish a new district-wide committee of parents and school staff to review possibly-intrusive surveys prior to submitting them for approval or rejection by the school board and before asking for parental consent. The district will give employees in-service training on state and federal parental rights and instruct them that they may not retaliate, intimidate, interrogate, or harass students or parents who are exercising their rights.

This Texas case is the latest chapter in a long-running battle against nosy surveys about sex, drugs, death, attitudes, and family matters, and against psychological tests and courses, that first received national attention with the passage of the Protection of Pupil Rights Amendment (PPRA) by Congress in 1978. The public school establishment, led by the National Education Association, had a collective tantrum when the Reagan Administration issued regulations in 1984.

Seven days of hearings held by the Department of Education in 1984 put hundreds of cases of psychological abuse in the classroom on the record, but the public school establishment continued to bitterly oppose enforcement of PPRA.

Despite a strengthening of the law's language by Senator Chuck Grassley's amendment in 1994, despite pledges of enforcement in the Contract With America, and despite notorious violations such as the 149-question federally-financed survey given to Minnesota children in 1989, PPRA has never been enforced until now. This issue is more important in 1999 than ever before because technology now allows the data collected on nosy surveys to be entered in student computer portfolios that can be used against the student all his life.

The *Lisa* case marks a real turning point in the battle for parents' rights. It provides a model for what parents and their lawyers can accomplish elsewhere.

The need for the Protection of Pupil Rights Amendment and its regulation was explained in the best-selling 1984 book *Child Abuse in the Classroom* edited by Phyllis Schlafly (Pere Marquette Press, Box 495, Alton, IL 62002, \$8). For another important source of information on the changes in public school curriculum, see Eagle Forum's video documentary, *Crisis in the Classroom* (\$25).

ers turned him down when they discovered he had taken a powerful anti-depressant drug called Luvox. (Washington Post, April 29, 1999)

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Board of Commissioners, Beverly Stein, Chair  
and Members of the Commission, and others  
participating in the Youth Violence Issue.

August 19, 1999

(Some "Goals of America's  
Enemies" also enclosed.)

**Attention**

Deb Bogstad  
Board Clerk

Enclosed is the Phillis Schafley Report regarding violence at the  
Columbine High School, including death education!! Earnestly,  
*Louise Weidlich*

Thursday, August 19, 1999 - 9:40 AM (Mrs.) Louise Weidlich,

**(OR IMMEDIATELY FOLLOWING REGULAR MEETING)** President

Multnomah County Courthouse, Boardroom 602 Mothers For Children  
Box 19224, Portland, Oregon 97219  
1021 SW Fourth Avenue, Portland, P.O.

B-3 Community's Response to Youth Violence: An Enforcement, Intervention and  
Prevention Plan for Greater Portland. Progress Report on Law Enforcement,  
Intervention and Prevention Goals and Results. Presented by Chair Beverly  
Stein, Mayor Vera Katz, City Commissioner Jim Francesconi, District  
Attorney Michael Schunk, Sheriff Dan Noelle, Department and Bureau  
Representatives, and Invited Others. 1 HOUR, 15 MINUTES REQUESTED.

Copies  
to  
Others



The

# Phyllis Schlafly Report



VOL. 32, NO. 11

P.O. BOX 818, ALTON, ILLINOIS 62002

JUNE 1999

## What Caused Columbine?

Everybody's looking for the causes of the terrible tragedy at Columbine High School in Littleton, Colorado, and for ways to prevent such horrible happenings in the future.

Hillary Clinton has volunteered her intuition that "part of growing up is learning how to control one's impulses." Putting aside the point that most of us don't have impulses to go on a killing rampage, who is going to teach kids to control their impulses? Certainly not the "village" (i.e., the government or government schools), which Mrs. Clinton believes should have prime responsibility for raising children.

For the past 25 years, the prevailing dogma in public school teaching has been *Values Clarification* (as in the tremendously influential 1972 book of the same name by Sidney Simon). That means teaching students to reject "the old moral and ethical standards," and instead "make their own choices" and "build their own value system."

Indeed, Eric Harris and his sidekick, Dylan Klebold, did "build their own value system," which allowed them to kill 13 people at Columbine, then take their own lives. Harris and Klebold were not dumb or underprivileged; they came from affluent two-parent families. Professionals who evaluated them concluded that Harris was "a very bright young man who is likely to succeed in life," and that Klebold was "intelligent enough to make any dream a reality." (*New York Times*, April 23, 1999)

*Values Clarification* teaches that, since there are absolutely no absolutes, students should engage in personal "decision making" about behavior instead of looking to God, the Ten Commandments, parents, church, or other authority which teaches that behavior should conform to traditional morality.

*Values Clarification* is a book of 79 dilemmas for the teacher to present to the students. The most frequently used classroom dilemma is the "lifeboat game" (and its numerous variations, such as the fallout shelter). The student is told there are ten people in a sinking lifeboat and four must be thrown out to drown so that the other six may live. The student is vested with the authority to decide who lives and who dies. Shall it be the famous author, or the pregnant woman, or the rabbi, or the Hollywood dancer, or the policeman?

Any answer is acceptable — whatever each student feels comfortable with is OK, and the students can all

choose different drowning targets because there are no right or wrong answers. No wrong answers, that is, except one. One mother told our Eagle Forum Parents Advisory Center that her child answered the question by saying, "Jesus brought another boat and nobody had to drown." That child got an F for giving an unacceptable answer.

The world view of Cassie Bernall, who looked into the barrel of a gun and said, "Yes, I believe in God," is not acceptable within the rubric of *Values Clarification*. She was killed by a fellow student who had built his own value system.

As in the "lifeboat game," Harris and Klebold had already decided that it was their right to decide who would live and who would die. Harris posted on the Internet: "My belief is that if I say something, it goes. I am the law, and if you don't like it, you die. . . . Feel no remorse, no sense of shame." (*Washington Post*, April 29, 1999)

As part of a Government and Economics class at Columbine, Harris and Klebold made a video in which they showed themselves as hit men hired out to do violence to athletes. The video was violent and ended with the two bludgeoning the head of a dummy amid much fake blood. It amounted to a practice run for the Columbine shooting. The teacher of that class has refused to talk to reporters about the tape. (*Washington Post*, April 29, 1999) Another student-made video ends with four students walking away from Columbine High School, which explodes in a scene of orange special-effects flashings. (*Denver Rocky Mountain News*, May 6, 1999)

When a surviving student was asked if anybody noticed anything odd about these student-made videos, she replied that "everybody's video involved fighting." She noted that many of the videos were violent and that her own contained sexual scenes.

In Creative Writing class, Harris wrote his will as one of his assignments. Harris's and Klebold's writings were filled with gore and profanity. According to another student, they wrote about "rocket launchers, grenades, zombies killing people, ripping people's flesh." Harris and Klebold spent hours and hours playing "death matches" with violent computer games. (*Associated Press*, April 22, 1999)

Harris was thrilled when Bill Clinton started bombing Yugoslavia. A classmate who sat next to him remembers Harris saying, "I hope we do go to war. . . . [I want to] shoot every one." Harris tried to enlist, but Marine recruit-

MEETING DATE: AUG 19 1999  
AGENDA NO: B-4  
ESTIMATED START TIME: 11:15

(Above Space for Board Clerk's Use ONLY)

**AGENDA PLACEMENT FORM**

SUBJECT: Living Wage Briefing

BOARD BRIEFING:

DATE REQUESTED: August 19, 1999

REQUESTED BY: Beverly Stein

AMOUNT OF TIME NEEDED: 30 minutes

REGULAR MEETING:

DATE REQUESTED: \_\_\_\_\_

AMOUNT OF TIME NEEDED: \_\_\_\_\_

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Rhys Scholes

TELEPHONE #: \_\_\_\_\_

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Rhys Scholes

**ACTION REQUESTED:**

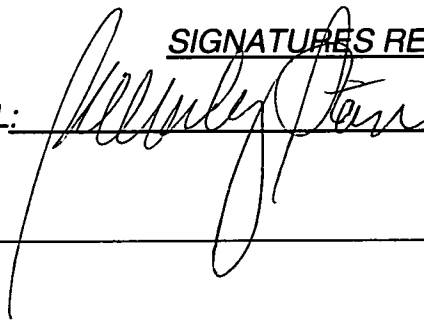
☐ INFORMATIONAL ONLY   ☒ POLICY DIRECTION   ☐ APPROVAL   ☐ OTHER

**SUGGESTED AGENDA TITLE:**

Next Steps for Living Wage Activities

**SIGNATURES REQUIRED:**

ELECTED OFFICIAL: \_\_\_\_\_  
(OR)  
DEPARTMENT  
MANAGER: \_\_\_\_\_



BOARD OF  
COUNTY COMMISSIONERS  
99 AUG 11 PM 4:29  
MULTI-COUNTY  
OREGON

**ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES**

**Any Questions: Call the Board Clerk @ 248-3277**

**To: Board of County Commissioners**  
**Fm: Beverly Stein**  
**Date: August 11, 1999**  
**Re: Next Steps on Living Wages**

The completion of the State legislative session and the County budget process clears the deck for further development of the County's Living Wage Program. The purpose of this memo is to propose a plan for moving forward. The Board will discuss this plan (and any alternative approaches you would like to propose) during a briefing on August 19.

## **Brief Background**

Multnomah County began working on living wage issues in 1993. The program for employees of contractors providing janitorial and security services began in 1994. The program was revised and expanded by Board resolution in 1998 at which time the Board also committed to work on issues regarding wages for employees of contractors providing human services. The Board held a hearing this past April to receive testimony on that topic. County Commissioners worked with other living wage advocates to gain additional resources from the state legislature through early 1999 but had very little success.

## **General Approach**

What we have learned in several years of work is that this problem is both important and complicated. The decision made decades ago to contract many social services to private providers was successful in reducing the costs of those services but those cost reductions were largely achieved by reducing wages and benefits for workers.

There is little controversy that the situation for low-wage workers is inappropriate and needs to be remedied. Prospects for substantially increased resources are bleak. For some kinds of work, service reductions could free up resources for improved wages and benefits. In addition there are several other options that may be able to produce some modest improvements for low wage workers at the current level of resources.

Pursuing these options will require research, discussions among stakeholders, development and analysis of policy alternatives, testing through pilot programs, monitored implementation and evaluation. I am proposing that we convene a work group to accomplish these tasks.

## **The Work**

### **1. Develop Better Analysis**

We need to conduct a small research project to answer these questions: How many low wage workers are there? What are their wages and benefits? How much would it cost to raise those wages and benefits? What are the funding streams that provide the resources?



A budget note suggests funding for work with PSU's Hatfield Center in order to accomplish this. It should be our first priority.

## **2. Expand Our Existing Program**

The Living wage program developed by our Facilities and Property Management Division is unique in its operation and has generated interest around the country. At its heart, it uses the RFP process to provide incentives to contractors to increase wages. It creates an environment where contractors compete to provide the best wages and benefits for employees at the least cost to the taxpayers. It has worked well.

We know that it won't work for all human service workers. Some funding streams are so small that there is presently little or no competition for the contracts. Where funding is better this is clearly an option. We need to identify the categories of human service work where we can implement a program patterned after our current successful efforts with janitors and security guards.

## **3. Partner for Benefit Improvement**

The testimony at the Board hearing on living wage issues made it clear that poor benefits are a major issue, particularly dependent care. The current health care environment makes it difficult for small agencies to obtain good benefits at a reasonable price.

Multnomah County has made great strides in providing benefits for our employees. We have the scale and the expertise that small agencies lack. There may be a way for us to help those agencies provide better benefits. There may be some assistance available from State Agencies to assist with such projects.

While we can only hope for modest results from such an approach, it could make a significant difference in the lives of some of the low wage workers.

## **4. Rebalance Quality vs. Quantity of Services**

At the conceptual level we understand that, with appropriate authority, the County could reduce services and use the savings to increase wages. We don't know what level of service reductions would be needed or what impacts the change would produce. We need the answers to those questions.

We also need to understand where this could be done, where it couldn't be done and where it could be done only with waivers from the state and/or federal governments.

## **5. Analyze Options for Worker Empowerment**

Living wages advocates have repeatedly suggested that the County put language in contracts that makes it easier for workers at contract agencies to organize unions. Previous guidance from County Counsel has been that most of those proposals would be illegal based on Federal



preemption in regulating labor relations for private sector entities. In the last year some jurisdictions around the country have taken some steps toward supporting private sector unionization but as far as we know there have not yet been court tests. We need to revisit this issue and find out what options are available to the County.

## **6. Analyze Options for Increased Contractor Flexibility**

Some contractors believe that burdensome County procedures increase costs and make less money available for wages. This issue is already under investigation in other forums but the specific connection to wages and benefits could be probed. At a minimum we need to insure good communication between these efforts.

## **7. Build a Movement for Change**

The last session of the Oregon Legislature had the ability to make a big difference on living wages. They didn't do it. We know that there is broad support for these policies, but that support is not deep. It is unusual for a government to decide to engage in vigorous advocacy on an issue such as this one, but it is clearly possible.

## **The Structure**

This structural proposal is driven by the following assumptions: The work listed above requires the collaboration of diverse stakeholders. Multiple county departments and divisions are involved. The range of policy choices is relatively obvious. The impact of potential policy changes is unknown but knowable. In general, relations between stakeholders are not unduly contentious and there should be little difficulty in initiating dialogue. However, the issue is always in danger of being pushed to the "back burner."

Based on these assumptions we need a structure that is aimed at getting work done. I am proposing a work group with open membership, project specific sub-groups, regular meetings and frequent reports to the Board of County Commissioners. It should include representation from several county departments, provider agencies and labor activists as well as other community advocates. It would be charged with overseeing research projects, developing pilot projects, analyzing options, suggesting methods of implementing Board policies and other tasks as assigned by the Board. It would provide progress reports to the Board at least every six months.

To manage the agenda of the work group and insure that the process moves forward and timely reports are provided to the Board I would designate a small steering committee with representatives of the major stakeholder groups. Rhys Scholes from my staff would be charged with bringing the group together.

There are several reasons why I am recommending an open work group rather than a more defined task force. The work is diverse, and we need different people at the table for different topics. The stakeholders are diverse and it is difficult to identify individuals who could represent

all the different perspectives. Finally, we want to be as inclusive as possible and that means listening to all kinds of voices.

The challenge for the open structure is that accountability could be a problem. That is the reason for the steering committee. They would be accountable and empowered to make whatever decisions needed to be made.

### **Proposed Next Steps**

- Set up Work Group with Steering Committee. Staffed by Rhys Scholes
- Charge to Work Group: oversee research projects, develop pilot projects, analyze options, suggest methods of implementing Board policies and other tasks as assigned by the Board. Report to the Board at least every six months.
- Work to be done:
  1. Develop Better Analysis
  2. Expand Our Existing Program
  3. Partner for Benefit Improvement
  4. Rebalance Quality vs. Quantity of Services
  5. Analyze Options for Worker Empowerment
  6. Analyze Options for Increased Contractor Flexibility
  7. Build a Movement for Change

We will use our Board Briefing on August 19 to discuss this proposal and any modifications or alternatives that you would like to present. Based on the outcome of that discussion, my staff will draft a resolution for us to consider in early September. That will provide an opportunity for community stakeholders to have input at the outset. Assuming that we decide to proceed with this effort, the work group would have its first meeting later in September.