

ANNOTATED MINUTES

Thursday, September 11, 2003 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Chair Diane Linn convened the meeting at 9:34 a.m., with Vice-Chair Maria Rojo de Steffey and Commissioners Lisa Naito, Serena Cruz and Lonnie Roberts present.

AT THE REQUEST OF CHAIR LINN THE BOARD HELD A MOMENT OF SILENCE IN OBSERVANCE OF THE ANNIVERSARY OF SEPTEMBER 11, 2001.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER ROBERTS, SECONDED BY COMMISSIONER CRUZ, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-4) WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

C-1 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to the University of Portland

RESOLUTION 03-124.

C-2 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to Dianne C. Anderson

RESOLUTION 03-125.

DEPARTMENT OF COMMUNITY JUSTICE

C-3 Budget Modification 04_DCJ_BCC_01 Adding \$50,000 in Suspension Grant Revenue to the Department of Community Justice Federal/State Budget

SHERIFF'S OFFICE

C-4 Government Revenue Contract (190 Agreement) 0310504 with the State of Oregon Department of Transportation, Providing Patrol and Enforcement in Specified Work-Zones on State Highways through June 30, 2005

REGULAR AGENDA
PUBLIC COMMENT

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

NO ONE WISHED TO COMMENT.

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

R-1 PROCLAMATION Proclaiming the Week of October 13 to October 17, 2003 as MINORITY ENTERPRISE DEVELOPMENT WEEK in Multnomah County, Oregon

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-1. FRANNA HATHAWAY AND HERMAN BRAME EXPLANATION AND COMMENTS IN APPRECIATION FOR BOARD SUPPORT. MS. HATHAWAY READ PROCLAMATION. INVITED GUESTS MARY JO WITTY, MINORITY BUSINESS OPPORTUNITY COMMITTEE VICE-CHAIR AND MINORITY ENTERPRISE DEVELOPMENT CHIEF FOR US SMALL BUSINESS ADMINISTRATION DIVISION; JUDY TROTTER, AFFIRMATIVE ACTION OFFICER FOR THE PORT OF PORTLAND; JOHN PERSEN, MINORITY AND WOMEN EMERGING SMALL BUSINESS PROGRAM MANAGER FOR PORTLAND COMMUNITY COLLEGE; AND JIM WAKI, CONTRACT ADMINISTRATOR FOR TRI-MET, PRESENTATIONS, INCLUDING INFORMATION CONCERNING MED WEEK ACTIVITIES AND COMMENTS IN SUPPORT OF THE EVENT. CHAIR LINN PRESENTED PROGRESS REPORT ON COUNTY'S CONTINUING EFFORTS TO PROVIDE OPPORTUNITIES FOR PARTNERSHIPS WITH MINORITY AND WOMEN EMERGING SMALL

BUSINESSES, AND IN APPRECIATION AND HONOR OF THE PARTICIPANTS OF THE MED WEEK EVENT. PROCLAMATION 03-126 UNANIMOUSLY APPROVED.

(The Board took a short recess for a group photo opportunity with Minority Enterprise Development attendees.)

R-2 RESOLUTION Authorizing Issuance of One or More Series of Refunding Obligations

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-2. DAVE BOYER EXPLANATION AND RESPONSE TO COMMISSIONER NAITO QUESTION AND REQUEST FOR BOARD POLICY DECISION TO PLACE REFUNDING SAVINGS BACK INTO COUNTY RESERVES. AT THE REQUEST OF COMMISSIONER CRUZ, MR. BOYER RECAPPED HIGHLIGHTS OF PRIOR REFUNDING SAVINGS FOR COUNTY TAXPAYERS THAT HE HAS INITIATED, WHICH HAVE BEEN IN EXCESS OF \$45 MILLION OVER THE COURSE OF HIS CAREER WITH THE COUNTY. CHAIR LINN RESPONSE TO REQUEST FOR BOARD POLICY ON SAVINGS AND COMMENTS IN APPRECIATION OF THE EFFORTS OF MR. BOYER. RESOLUTION 03-127 UNANIMOUSLY ADOPTED.

NON-DEPARTMENTAL

R-3 PROCLAMATION Proclaiming September 2003 as NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH in Multnomah County, Oregon

COMMISSIONER CRUZ MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-3. COMMISSIONER CRUZ INTRODUCTIONS, INCLUDING KATHLEEN TREB IN AUDIENCE, AND PRESENTATION IN SUPPORT OF THE NEED TO SUPPORT PEOPLE IN SOBRIETY, THOSE NEEDING TO BE IN SOBRIETY,

AND THEIR FAMILIES. VALERIE MOORE, EXECUTIVE DIRECTOR OF INACT INCORPORATED AND PATTY KATZ, COMMUNITY COORDINATOR FOR THE ASIAN PACIFIC AMERICAN CONSORTIUM ON SUBSTANCE ABUSE AND A CO-CHAIR OF THE RECOVERY ASSOCIATION PROJECT, READ PROCLAMATION AND PRESENTED TESTIMONY AND INFORMATION ON RECOVERY PROGRAM EFFORTS WITHIN THE COMMUNITY, AND IN APPRECIATION TO THE BOARD FOR ITS VISION AND CONTINUING SUPPORT. JEAN BUCCIARELLI FORMER COUNTY EMPLOYEE AND STAFF TO THE COUNTY'S ALCOHOL AND DRUG CRIMINAL JUSTICE WORK GROUP, SHARED HER STORY OF ALCOHOLISM AND 22 YEARS OF SOBRIETY. COMMISSIONER CRUZ THANKED MS. MOORE, MS. KATZ AND MS. BUCCIARELLI FOR COMING TODAY AND THANKED THE BOARD FOR ITS CONTINUING SUPPORT OF ALCOHOL AND DRUG TREATMENT PROGRAMS. COMMISSIONER ROBERTS SHARED HIS EXPERIENCE WITH OF LOSING HIS FATHER AT AGE FIVE DUE TO ALCOHOLISM AND DIABETES. COMMISSIONER ROJO EXPRESSED HER APPRECIATION FOR THE COMMENTS OF THE PRESENTERS AND TO MS. BUCCIARELLI FOR SHARING HER STORY, AND COMMENTED ON HER EXPERIENCE WITH HAVING AN ALCOHOLIC BROTHER. COMMISSIONER NAITO EXPRESSED HER APPRECIATION FOR THE WILLINGNESS OF PEOPLE TO SHARE THEIR PERSONAL STORIES OF LIVING WITH OR AMONG THOSE WITH ADDICTIONS, THEREBY REMOVING THE STIGMA. CHAIR LINN THANKED HER COLLEAGUES FOR THEIR SUPPORT IN FUNDING ADDICTION TREATMENT PROGRAMS, AND COMMENTED ON STATISTICAL DATA OF ADDICTED ADULT MALES IN COUNTY JAILS. PROCLAMATION 03-128 UNANIMOUSLY APPROVED.

R-4 RESOLUTION Appointing a Commission to Report on Alternate Assessment Methodologies for the Multnomah County Drainage District No.

1

COMMISSIONER CRUZ MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-4. AT THE REQUEST OF CHAIR LINN AND UPON MOTION OF COMMISSIONER NAITO, SECONDED BY COMMISSIONER CRUZ, AN AMENDMENT DELETING LANGUAGE IN RESOLUTION EXHIBIT 2, WORK PLAN, THE SECOND SENTENCE OF DECEMBER, 2003, TO HAVE IT READ: "LANDOWNER MEETING CONDUCTED BY THE DISTRICT BOARD; RECEIVE PUBLIC COMMENT ON PROPOSED METHODOLOGY." WAS UNANIMOUSLY APPROVED. DISTRICT EXECUTIVE DIRECTOR BOB EATON AND DISTRICT ACCOUNTANT AND SECRETARY-TREASURER DOUG ROSS EXPLANATION AND RESPONSE TO BOARD QUESTIONS, INCLUDING THE OPPORTUNITIES FOR LANDOWNERS TO PARTICIPATE IN THE PROCESS; THE WORK PLAN TIMELINE; THE ROLE THE PORT OF PORTLAND, AS THE LANDOWNER OF 40% OF THE PROPERTY WITHIN THE DISTRICT, WILL PLAY IN THE PROCESS; AS WELL AS THE ROLL OF FAIRVIEW LAKE PROPERTY ASSOCIATION, ANOTHER MAJOR LANDOWNER. COMMISSIONER NAITO COMMENTED IN SUPPORT OF APPOINTEE DAN VIZZINI AS CHAIR OF THE COMMISSION APPOINTED TO PREPARE A REPORT ON UPDATING THE ASSESSMENT METHODOLOGY FOR THE DRAINAGE DISTRICT. RESOLUTION 03-129 UNANIMOUSLY ADOPTED, AS AMENDED.

There being no further business, the meeting was adjourned at 10:23 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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SEPTEMBER 11, 2003

BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Opportunity for Public Comment on Non-Agenda Matters
Pg 2	9:30 a.m. Proclaiming the Week of October 13 to October 17, 2003 as Minority Enterprise Development Week in Multnomah County
Pg 2	9:40 a.m. Resolution Authorizing Issuance of One or More Series of Refunding Obligations
Pg 3	9:45 a.m. Proclaiming September 2003 as National Alcohol and Drug Addiction Recovery Month in Multnomah County
Pg 3	10:00 a.m. Resolution Appointing a Commission to Report on Alternate Assessment Methodologies for the Multnomah County Drainage District No. 1

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, 11:00 PM, Channel 30
Saturday, 10:00 AM, Channel 30
Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community Television
(503) 491-7636, ext. 333 for further info
or: <http://www.mctv.org>

Thursday, September 11, 2003 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- C-1 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to the University of Portland
- C-2 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to Dianne C. Anderson

DEPARTMENT OF COMMUNITY JUSTICE

- C-3 Budget Modification 04_DCJ_BCC_01 Adding \$50,000 in Suspension Grant Revenue to the Department of Community Justice Federal/State Budget

SHERIFF'S OFFICE

- C-4 Government Revenue Contract (190 Agreement) 0310504 with the State of Oregon Department of Transportation, Providing Patrol and Enforcement in Specified Work-Zones on State Highways through June 30, 2005

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 9:30 AM

- R-1 PROCLAMATION Proclaiming the Week of October 13 to October 17, 2003 as MINORITY ENTERPRISE DEVELOPMENT WEEK in Multnomah County, Oregon
- R-2 RESOLUTION Authorizing Issuance of One or More Series of Refunding Obligations

NON-DEPARTMENTAL - 9:45 AM

R-3 PROCLAMATION Proclaiming September 2003 as NATIONAL ALCOHOL AND DRUG ADDICTION RECOVERY MONTH in Multnomah County, Oregon

R-4 RESOLUTION Appointing a Commission to Report on Alternate Assessment Methodologies for the Multnomah County Drainage District No. 1

The property originally sold at a Multnomah County public auction of foreclosed properties held on 12/10/90 for \$100. The individual who purchased the property apparently had no use for it or was unwilling to sell it. The County eventually foreclosed on the property for non-payment of taxes.

The attached plat map, Exhibit A, shows the location of the property. The attached Exhibit B is an aerial photo showing the composition of the properties around the strip. The party with whom we propose to enter into the private sale, The University of Portland, owns the adjacent property at 5618 N Strong St.

Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident the irregular shape and size and the location of the property, make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

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

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

4. Explain any legal and/or policy issues.

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

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

No citizen or government participation is anticipated.

Required Signatures:



Department/Agency Director:

Date: 08/11/03

Budget Analyst

By:

Date:

Dept/Countywide HR

By:

Date:

EXHIBIT B



Subject Property

EXHIBIT C
PROPOSED PROPERTY LISTED FOR PRIVATE SALE
FISCAL YEAR 2003-04

LEGAL DESCRIPTION:

A parcel of land located in the Northeast one-quarter of Section 18, Township 1 North, Range 1 East, Willamette Meridian, Multnomah County and State of Oregon, described as follows:

The Southerly 30 feet of Lot 1, Block 35, EXCEPT part in street thereof, AND the Southerly 10 feet of Lot 2 & 3, Block 35 all in the plat of Portsmouth, a duly recorded plat in Multnomah County deed records.

ADJACENT PROPERTY ADDRESS: 5618 N Strong St
 TAX ACCOUNT NUMBER: R248483
 GREENSPACE DESIGNATION: None
 SIZE OF PARCEL: Approximately 1332 square feet
 ASSESSED VALUE: \$110

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE
--

BACK TAXES & INTEREST:	\$65.33
TAX TITLE MAINTENANCE COST & EXPENSES:	-0-
ADVERTISING COST:	-0-
RECORDING FEE:	\$24
CITY LIENS:	\$-0-
SUB-TOTAL	\$89.33
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$150.00

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY

RESOLUTION NO. _____

Authorizing Private Sale of Certain Tax Foreclosed Property to THE UNIVERSITY OF PORTLAND.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent taxes.
- b) The property has an assessed value of \$110.00 on the County's current tax roll.
- c) Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident the irregular shape and size of the property, i.e., approximately 10' x 66.67" strip with an irregular shaped portion approximately 30' x 33.33' at the west end of the parcel, make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) THE UNIVERSITY OF PORTLAND, has agreed to pay \$150.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$150.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to THE UNIVERSITY OF PORTLAND, the real property described in Exhibit A.

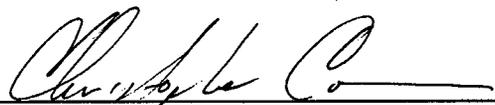
ADOPTED this 11TH day of September 2003.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Christopher D. Crean, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

A parcel of land located in the Northeast one-quarter of Section 18, Township 1 North, Range 1 East, Willamette Meridian, Multnomah County and State of Oregon, described as follows:

The Southerly 30 feet of Lot 1, Block 35, EXCEPT part in street thereof, AND the Southerly 10 feet of Lot 2 & 3, Block 35 all in the plat of Portsmouth, a duly recorded plat in Multnomah County deed records.

Multnomah County Deed No.: D041928

Tax Account No.: R248483

EXHIBIT A (DEED)

Legal Description:

A parcel of land located in the Northeast one-quarter of Section 18, Township 1 North, Range 1 East, Willamette Meridian, Multnomah County and State of Oregon, described as follows:

The Southerly 30 feet of Lot 1, Block 35, EXCEPT part in street thereof, AND the Southerly 10 feet of Lot 2 & 3, Block 35 all in the plat of Portsmouth, a duly recorded plat in Multnomah County deed records.

Multnomah County Deed No.: D041928

Tax Account No.: R248483

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-124

Authorizing Private Sale of Certain Tax Foreclosed Property to THE UNIVERSITY OF PORTLAND

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent taxes.
- b) The property has an assessed value of \$110.00 on the County's current tax roll.
- c) Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident the irregular shape and size of the property, i.e., approximately 10' x 66.67" strip with an irregular shaped portion approximately 30' x 33.33' at the west end of the parcel, make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) THE UNIVERSITY OF PORTLAND, has agreed to pay \$150.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

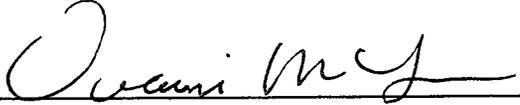
The Multnomah County Board of Commissioners Resolves:

- 1. Upon Tax Title's receipt of the payment of \$150.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to THE UNIVERSITY OF PORTLAND, the real property described in Exhibit A.

ADOPTED this 11th day of September 2003.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

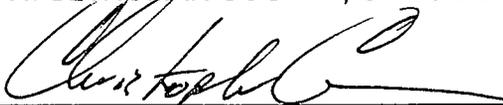
By 
Christopher D. Crean, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

A parcel of land located in the Northeast one-quarter of Section 18, Township 1 North, Range 1 East, Willamette Meridian, Multnomah County and State of Oregon, described as follows:

The Southerly 30 feet of Lot 1, Block 35, EXCEPT part in street thereof, AND the Southerly 10 feet of Lot 2 & 3, Block 35 all in the plat of Portsmouth, a duly recorded plat in Multnomah County deed records.

Multnomah County Deed No.: D041928

Tax Account No.: R248483

Until a change is requested, all tax statements shall be sent to the following address:
THE UNIVERSITY OF PORTLAND
5000 N WILLAMETTE BLVD
PORTLAND OR 97203-5798

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

Deed D041928

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to THE UNIVERSITY OF PORTLAND, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

As shown in attached Exhibit A.

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$150.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

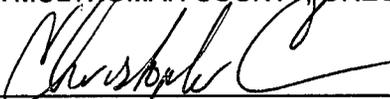
IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 11th day of September 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 11th day of September 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

EXHIBIT A (DEED)

Legal Description:

A parcel of land located in the Northeast one-quarter of Section 18, Township 1 North, Range 1 East, Willamette Meridian, Multnomah County and State of Oregon, described as follows:

The Southerly 30 feet of Lot 1, Block 35, EXCEPT part in street thereof, AND the Southerly 10 feet of Lot 2 & 3, Block 35 all in the plat of Portsmouth, a duly recorded plat in Multnomah County deed records.

Multnomah County Deed No.: D041928

Tax Account No.: R248483

EXHIBIT A (DEED)

Legal Description:

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Multnomah County Deed No.: D041928

Tax Account No.: R248483

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: September 11, 2003

Agenda Item #: C-2

Est. Start Time: 9:30 AM

Date Submitted: 08/14/03

Requested Date: September 11, 2003

Time Requested: Consent Calendar

Department: DBCS

Division: Tax Title

Contact/s: Gary Thomas

Phone: 503-988-3590

Ext.: 22591

I/O Address: 503/4 Tax Title

Presenters: Gary Thomas

Agenda Title: Authorizing the Private Sale of a Tax Foreclosed Property to DIANNE C. ANDERSON

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Tax Title Section is requesting the Board to approve the private sale of one tax foreclosed property to DIANNE C. ANDERSON. The Department of Community Services recommends that the private sale be approved.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The subject property is a strip approximately 27.78' wide at one end and 20.27' wide at the other end and 127.70 feet long, that came into Multnomah County ownership through the foreclosure of delinquent tax liens on September 23, 1999. The property is located adjacent to NE 90th Ave and a four-plex located at 9009-9015 NE Oregon St. It is presently in shrubs and landscaping and appears to be a part of the adjacent property.

The subject property was formerly owned by Portland General Electric who let it come into County ownership through the foreclosure of taxes. When PGE was in ownership of the property, they agreed to a request by the City of Portland to vacate certain portions of an unnamed street commonly known at the Old Mt. Hood Railway Right-of-Way of which the subject property appears to have been a part.

The attached plat map, Exhibit A, shows the location of the property. The attached Exhibit B is an aerial photo showing the composition of the properties around the parcel. The attached Exhibit C is two photos of the property. The party with whom we propose to enter into the private owns the four-plex adjacent to the subject property.

Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident the irregular shape and size of the property make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

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

Up to the time that the property was foreclosed on and came into County ownership it was valued at a much higher amount than it is currently valued. Consequently, a higher tax bill was generated and the decree amount was in excess of \$1,600. The property is currently valued as excess land with a substantially lower value.

The subject property currently has a Mid County Sewer LID lien against it of close to \$4,000. Because of the type of bond funding used by the City of Portland only a portion of the lien amount can be forgiven. The sale price of the property will equal the amount owing on the lien at the time it is approved plus the recording cost. The sale will also reinstate the property on the tax roll (see Exhibit D).

4. Explain any legal and/or policy issues.

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

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

No citizen or government participation is anticipated.

Required Signatures:

Department/Agency Director:



Date: 08/13/03

EXHIBIT B



Subject

9009 - 9015 NE Oregon

EXHIBIT C



Subject



Subject

9009-9015 NE Oregon

EXHIBIT D

**PROPOSED PROPERTY LISTED FOR PRIVATE SALE
FISCAL YEAR 2003-04**

LEGAL DESCRIPTION:

A parcel of land located in Section 33, Township 1 North, Range 2 East, Willamette Meridian, Multnomah County, State of Oregon, described as follows:

Beginning at the intersection of the East line of N.E. 90th Avenue with the North line of N.E. Oregon Street; thence East along said North line of N.E. Oregon Street 27.78 feet to the West line of Lot 12, Block 4, SANFORD; thence Northwesterly along said West line of Lot 12, 128.41 feet to the Northwest corner thereof; thence West 20.27 feet to the East line of N.E. 90th Avenue; thence South 127.70 feet along said East line to the point of beginning, said parcel being a portion of vacated excess right-of-way described in

ADJACENT PROPERTY ADDRESS: 9009-9015 NE Oregon St
TAX ACCOUNT NUMBER: R319678
GREENSPACE DESIGNATION: None
SIZE OF PARCEL: Approximately 3,900 square feet
ASSESSED VALUE: \$2,220

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$1,620.51
TAX TITLE MAINTENANCE COST & EXPENSES:	\$202.55
ADVERTISING COST:	-0-
RECORDING FEE:	\$24.00
CITY LIENS:	\$2,686.08
SUB-TOTAL	\$4,533.14
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$2,787.00

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY

RESOLUTION NO. _____

Authorizing Private Sale of Certain Tax Foreclosed Property to DIANNE C. ANDERSON.

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent taxes.
- b) The property has an assessed value of \$2220.00 on the County's current tax roll.
- c) Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident the irregular shape and size of the property, i.e., approximately 27.78' wide at one end and 20.27' wide at the other end and 127.70 feet long, make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) DIANNE C. ANDERSON, has agreed to pay \$2787.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$2787.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to DIANNE C. ANDERSON, the real property described in Exhibit A.

ADOPTED this 11TH day of September 2003.

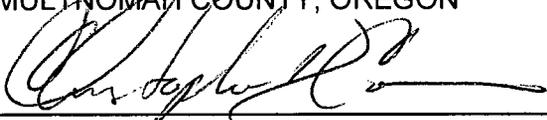
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Christopher D. Crean, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

A parcel of land located in Section 33, Township 1 North, Range 2 East, Willamette Meridian, Multnomah County, State of Oregon, described as follows:

Beginning at the intersection of the East line of N.E. 90th Avenue with the North line of N.E. Oregon Street; thence East along said North line of N.E. Oregon Street 27.78 feet to the West line of Lot 12, Block 4, SANFORD; thence Northwesterly along said West line of Lot 12, 128.41 feet to the Northwest corner thereof; thence West 20.27 feet to the East line of N.E. 90th Avenue; thence South 127.70 feet along said East line to the point of beginning, said parcel being a portion of vacated excess right-of-way described in

Multnomah County Deed No.: D041929

Tax Account No.: R319678

EXHIBIT A (DEED)

Legal Description:

A parcel of land located in Section 33, Township 1 North, Range 2 East, Willamette Meridian, Multnomah County, State of Oregon, described as follows:

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Multnomah County Deed No.: D041929

Tax Account No.: R319678

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-125

Authorizing Private Sale of Certain Tax Foreclosed Property to DIANNE C. ANDERSON

The Multnomah County Board of Commissioners Finds:

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent taxes.
- b) The property has an assessed value of \$2220.00 on the County's current tax roll.
- c) Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident the irregular shape and size of the property, i.e., approximately 27.78' wide at one end and 20.27' wide at the other end and 127.70 feet long, make it unsuitable for construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d) DIANNE C. ANDERSON, has agreed to pay \$2787.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

- 1. Upon Tax Title's receipt of the payment of \$2787.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to DIANNE C. ANDERSON, the real property described in Exhibit A.

ADOPTED this 11th day of September 2003.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

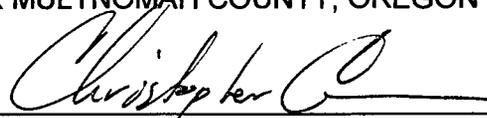
By 
Christopher D. Crean, Assistant County Attorney

EXHIBIT A (RESOLUTION)

Legal Description:

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Multnomah County Deed No.: D041929

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Multnomah County Deed No.: D041929

Tax Account No.: R319678

Until a change is requested, all tax statements shall be sent to the following address:
DIANNE C. ANDERSON
2227 NE 19TH AVENUE
PORTLAND OR 97212

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

Deed D041929

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to DIANNE C. ANDERSON, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described in the attached Exhibit A.

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$2787.00.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 11th day of September 2003, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn
Diane M. Linn, Chair

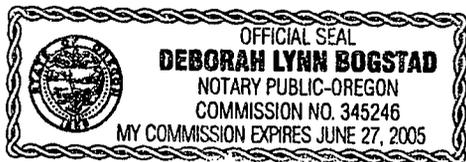
REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By *Christopher D. Crean*
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 11th day of September 2003, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad
Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

EXHIBIT A (DEED)

Legal Description:

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Multnomah County Deed No.: D041929

Tax Account No.: R319678

AGENDA PLACEMENT REQUEST

BUD MOD #: 04_DCJ_BCC_01

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-3 DATE 09-11-03
PER BOGSTAD BOARD CLERK

Board Clerk Use Only:

Meeting Date: September 11, 2003

Agenda Item #: C-3

Est. Start Time: 9:30 AM

Date Submitted: 08/18/03

Requested Date: September 11, 2003

Time Requested: 3 min

Department: Community Justice

Division: Juvenile Community Justice

Contact/s: Shaun Coldwell

Phone: 503 988-3961

Ext.: 83961

I/O Address: 503/250

Presenters: Dave Koch/Shawn Coldwell

Agenda Title: Budget Modification 04_DCJ_BCC_01 adds \$50,000 in Suspension Grant revenue to the Department of Community Justice Federal/State Budget

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

The Department of Community Justice (DCJ) requests approval of a budget modification to increase the FY04 Federal/State budget by a \$50,000 Suspension Grant from Portland Public Schools.

2. Please provide sufficient background information for the Board and the public to understand this issue.

In FY03, the Portland Public Schools [PPS] system awarded a \$52,300 grant to the Department of Community Justice to contribute 58% towards the salary and benefits of a DCJ Juvenile Court Counselor [JCC] who would work with the Major Suspension Program [MSP]. The JCC received referrals from the schools and provided direct services to the suspended students and their families. PPS has continued that grant in the

amount of \$50,000 for FY04, contributing 57% towards the cost of the Juvenile Counselor position and \$1,865 toward a flex fund to be used for evaluation and student support/activities. Because the Department did not know that the grant would be received for FY04, no initial dollars were reserved for partial funding of the JCC position. If additional funds can be reprogrammed, the position will be extended to full coverage for the year.

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

The grant increases the Department's Federal/State fund by \$50,000 and covers the Indirect Cost of the new revenue. Because of the funding issues surrounding the public school system, we do not know now if the grant will continue in the forthcoming FY05.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ **What revenue is being changed and why?** The Department's revenue is increased by \$50,000 from Portland Public Schools to pay for a portion of a Juvenile Counselor's time to work with suspended students and their families.
- ❖ **What budgets are increased/decreased?** The Department's Federal/State budget is increased by \$50,000.
- ❖ **What do the changes accomplish?** This change continues the on-going support provided by the Department's Juvenile Community Justice Division to Portland Public Schools' efforts to keep students in school.
- ❖ **Do any personnel actions result from this budget modification? Explain.** The funding by Portland Public Schools both covers the associated Indirect Cost and adds a 0.57 FTE Juvenile Counselor position to the Department's personnel staffing.
- ❖ **Is the revenue one-time-only in nature?** Because of funding issues surrounding the public school system, we do not know now if the grant will be continued in the forthcoming FY05 budget year.
- ❖ **If a grant, what period does the grant cover?** The grant covers part-time personnel funding for the period of July 1, 2003 through June 30, 2004.
- ❖ **When the grant expires, what are funding plans?** The Portland Public Schools will continue funding for FY05 if the budget permits. Otherwise, this personnel position would be terminated.

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues. N/A
5. Explain any citizen and/or other government participation that has or will take place. N/A

Required Signatures:

Department/Agency Director: *Shaun Coldwell for Joanne Fuller* Date: 08/14/03

Budget Analyst

By: *Christian M. Yeager* Date: 08/19/03

Dept/Countywide HR

By: *Colette R. Umbras* Date: 08/14/03

Budget Modification: 04-DCJ-BCC-01

EXPENDITURES & REVENUES

Please show an increase in revenue as a negative value and a decrease as a positive value for consistency with MERLIN.

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1							0			JCJ Suspension Grant:	
2	50-50	32051			CJ006.SUSPENSION.PPS	60000	0	32,888	32,888	Incr Perm, add 0.57 FTE JCC.	
3	50-50	32051			CJ006.SUSPENSION.PPS	60130	0	3,618	3,618	Incr Sal Rel Exp, add 0.57 FTE JCC.	
4	50-50	32051			CJ006.SUSPENSION.PPS	60140	0	8,245	8,245	Incr Ins, add 0.57 FTE JCC.	
5	50-50	32051			CJ006.SUSPENSION.PPS	60240	0	1,865	1,865	Incr Supplies, Suspension grant client flexfund	
6	50-50	32051			CJ006.SUSPENSION.PPS	60350	0	946	946	Incr Central IC, \$46,616 x 2.03% IC rate.	
7	50-50	32051			CJ006.SUSPENSION.PPS	60355	0	2,438	2,438	Incr Dept IC, \$46,616 x 5.23% IC rate.	
8							0		50,000	Total CJ006.SUSPENSION.PPS Expense	
9	50-50	32051			CJ006.SUSPENSION.PPS	50200	0	(50,000)	(50,000)	(50,000) Total CJ006.SUSPENSION.PPS Revenue	
10							0				
11	50-00	1000		509600		60170	7,501	9,939	2,438	Incr Prof Svcs by Dept Indirect & reserve	
12							0			for future reprogramming by DCJ Mgmt.	
13							0		2,438	Total CCtr 509600 Expense	
14	50-00	1000		509600		50370	(1,169,857)	(1,172,295)	(2,438)	(2,438) Total CCtr 509600 Dept Indirect Rev	
15							0				
16	19	1000		9500001000		60470		946	946	946 CGF Contingency Expenditure	
17	19	1000		9500001000		50310		(946)	(946)	(946) Indirect Reimbursement Rev in GF	
18							0				
19	70-01	3500		705210		60330		8,245	8,245	8,245 Insurance Expenditure	
20	70-01	3500		705210		50316		(8,245)	(8,245)	(8,245) Insurance Revenue	
21							0				
22							0				
23							0				
24							0				
25							0				
26							0				
27							0				
28							0				
29							0				
								0	0	Total - Page 1	
								0	0	GRAND TOTAL	

5. ANNUALIZED PERSONNEL CHANGE

Change on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-50	6272	61879	JCC [Bartemus]	705374	1.00	51,457	12,900	13,592	77,949
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					1.00	51,457	12,900	13,592	77,949

6. CURRENT YEAR PERSONNEL DOLLAR CHANGE

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-50	6272	61879	JCC [Bartemus]	705374	0.57	32,888	3,618	8,245	44,751
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.57	32,888	3,618	8,245	44,751

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: September 11, 2003

Agenda Item #: C-4

Est. Start Time: 9:30 AM

Date Submitted: 08/28/03

Requested Date: September 11, 2003

Time Requested: N/A

Department: SHERIFF'S OFFICE

Division: ENFORCEMENT

Contact/s: BRAD LYNCH

Phone: 503-988-4336

Ext.: 84336

I/O Address: 503/350

Presenters: Brad Lynch

Agenda Title: Government Revenue Contract (190 Agreement) 0310504 with the State of Oregon Department of Transportation, Providing Patrol and Enforcement in Specified Work-Zones on State Highways through June 30, 2005

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation?** APPROVAL OF GOVERNMENT CONTRACT
- 2. Please provide sufficient background information for the Board and the public to understand this issue.** ODOT WILL PROVIDE THE SHERIFF'S OFFICE COMPENSATION FOR PATROL AND ENFORCEMENT IN ODOT TRAFFIC WORK ZONES. THIS IS A NEW CONTRACT FOR SERVICES NOT PREVIOUSLY PROVIDED TO ODOT. CONTRACT PERIOD IS UNTIL JUNE 30, 2005.
- 3. Explain the fiscal impact (current year and ongoing).** REVENUES ARE BASED ON PROVIDING WORK ZONE ENFORCEMENT NOT TO EXCEED \$70,200.00 FOR THE TERM OF THE CONTRACT. THIS REVENUE UNANTICIPATED; BUD MOD TO FOLLOW.

- 4. **Explain any legal and/or policy issues.** THIS HAS BEEN REVIEWED BY THE COUNTY ATTORNEY.
- 5. **Explain any citizen and/or other government participation that has or will take place.** NONE, OTHER THAN ABOVE.

Required Signatures:

Department/Agency Director:



Date: 8/25/03

Budget Analyst

By:

Date:

Dept/Countywide HR

By:

Date:

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Contract #: 0310504
 Amendment #: _____

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

CLASS I	CLASS II	CLASS III A
Contracts \$75,000 and less per 12 month period <input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	Contracts over \$75,000 per 12 month period <input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input checked="" type="checkbox"/> Government Contracts (190 Agreement) <input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input checked="" type="checkbox"/> Revenue <hr/> <div style="text-align: center;">CLASS III B</div> <input type="checkbox"/> Government Contracts (Non-190 Agreement) <input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Interdepartmental Contracts

Department: Sheriff Division: Enforcement Date: 08/21/2003
 Originator: Lt. David Rader Phone: _____ Bldg/Rm: 313
 Contact: Brad Lynch Phone: 503-988-4336 Bldg/Rm: 503/350
 Description of Contract: Provide work-zone enforcement.

RENEWAL: PREVIOUS CONTRACT #(S): _____
 RFP/BID: _____ RFP/BID DATE: _____
 EXEMPTION #: _____ ORS/AR #: _____
 Effective DATE: _____ EXPIRATION DATE: _____
 CONTRACTOR IS: MBE WBE ESB QRF State Cert# _____ or Self Cert Non-Profit N/A (Check all boxes that apply)

Contractor <u>OREGON DEPARTMENT OF TRANSPORTATION</u> Address <u>235 UNION STREET N. E.</u> City/State <u>SALEM OR</u> ZIP Code <u>97301-1054</u> Phone <u>503-986-4195 LARRY CHRISTIANSON</u> Employer ID# or SS# _____ Contract Effective Date <u>upon sig.</u> Term Date <u>06/30/2005</u> Amendment Effect Date _____ New Term Date _____ Original Contract Amount <u>\$70,200.00</u> Total Amt of Previous Amendments <u>\$</u> Amount of Amendment <u>\$</u> Total Amount of Agreement \$ <u>\$70,200.00</u>	Remittance address _____ (If different) _____ 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 Funding Info: Original Requirements Amount \$ _____ Total Amt of Previous Amendments \$ _____ Requirements Amount Amendment: \$ _____ Total Amount of Requirements \$ _____
---	--

REQUIRED SIGNATURES:

Department Manager _____	DATE _____
Purchasing Manager _____	DATE _____
County Attorney <u><i>Scott H. Lynch</i></u>	DATE <u>8-27-03</u>
County Chair <u><i>Chris Meyer</i></u>	DATE <u>9-11-03</u>
Sheriff <u>Bernie Giusto by LAG</u>	DATE <u>8-25-03</u>
Contract Administration _____	DATE _____

COMMENTS: _____

APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS
 AGENDA # C-4 DATE 9-11-03
 DEB BOGSTAD, BOARD CLERK

**INTERAGENCY AGREEMENT
2003-2005 Work Zone Enforcement Project**

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "ODOT"; and the Multnomah County Sheriff's Office, hereinafter referred to as "MCSO".

RECITALS

1. By the authority granted in ORS 190.110 and 283.110, state agencies may enter into agreements with units of local government or other state agencies for the performance of any or all functions and activities that a party to the agreement, its officers, or agents have the authority to perform.

NOW THEREFORE, the premises being in general as stated in the foregoing recitals, it is agreed by and between the parties hereto as follows:

TERMS OF AGREEMENT

1. Under such authority, ODOT wishes to retain the services of MCSO to patrol specified work zones on state highways in an effort to increase driver awareness and reduce traffic related deaths and injuries within highway work zones, by reducing speeds within these work zones. The work to be performed is shown on Exhibit "A", attached hereto and by this reference made a part hereof. Payment for said services shall not exceed a maximum amount of \$70,200 in federal funds. MCSO shall pay all required match and all non-participating costs through matching in-kind services.
2. The work shall begin on the date all required signatures are obtained and shall be completed no later than June 30, 2005, or at substantial completion of Project as determined by ODOT. This Agreement automatically terminates if either of these conditions is met, unless extended by a fully executed amendment.

MCSO OBLIGATIONS

1. MCSO shall perform the work described in Exhibit A.
2. MCSO shall present invoices for 100 percent of actual costs incurred and match hours worked on behalf of the construction project directly to ODOT's Region representative for review and approval. Under no conditions shall ODOT's obligations exceed \$70,200, including all expenses, nor shall state highway funds be used. Invoices shall be presented for periods of not less than one-month duration,

based on actual expenses incurred. Such bills shall be submitted on MCSO letterhead with the following information at a minimum:

- a. Bill to: ODOT Transportation Safety Division; 235 Union Street, NE; Salem, OR; 97301-1054
 - b. Project name
 - c. Project number
 - d. Agreement number: 20947
 - e. Invoice number
 - f. Period covered
 - g. Specific hourly rate information
 - h. Total billed
 - i. Match effort hours at straight time rate
3. MCSO agrees to fund any costs not covered by federal participation. For the purposes of this Agreement, ODOT will reimburse MCSO for eligible costs at the federal participating rate of 89.73 percent of hours worked as outlined in the Work Plan (Exhibit A). Matching effort required is 14% of overtime hours billed, e.g., 14 hours or more of regular time enforcement relating to the project for every 100 hours of overtime billed. Payment may be withheld if match effort is not achieved.
 4. MCSO shall not enter into any subcontracts for any of the work scheduled under this Agreement without obtaining prior written approval from ODOT.
 5. MCSO agrees to comply with all federal, state, and local laws, regulations, executive orders and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279.312, 279.314, 279.316, 279.320 and 279.555, which hereby are incorporated by reference. Without limiting the generality of the foregoing, MCSO expressly agrees to comply with (i) Title VI of Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans with Disabilities Act of 1990 and ORS 659A.142; (iv) all regulations and administrative rules established pursuant to the foregoing laws; and (v) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.
 6. MCSO shall perform the service under this Agreement as an independent contractor and shall be exclusively responsible for all costs and expenses related to its employment of individuals to perform the work under this Agreement including, but not limited to, retirement contributions, workers compensation, unemployment taxes, and state and federal income tax withholdings.
 7. All employers, including MCSO, that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. MCSO shall ensure that each of its subcontractors complies with these requirements.

8. MCSO's project manager for this Agreement is Sgt. Jason Gates (503)251-2451, 12240 NE Glisan Portland, OR 97230.

ODOT OBLIGATIONS

1. In consideration for the services performed, ODOT agrees to pay MCSO an amount not to exceed \$70,200. Said maximum amount shall include reimbursement for all expenses, including travel expenses. Travel expenses shall be reimbursed to MCSO in accordance with the current State Department of Administrative Services' rates. Patrols for this Agreement will be overtime only. The overtime rate, including equipment expenses, is \$52.00/hour.
2. ODOT shall utilize alternate law enforcement agencies in the event that MCSO is unable to provide enforcement services in a particular area or in particular circumstances. ODOT shall enter into separate agreements with the alternate law enforcement agencies.
3. ODOT certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within ODOT's current appropriation or limitation of current biennial budget.
4. ODOT's statewide project manager for this Agreement is Larry Christianson, 235 Union St. NE, Salem, OR 97301-1054, Phone: 503-986-4195.
5. ODOT's Region representative for this Agreement is Don Bergmann, 3700 SE 92nd, Portland, OR 97266, Phone: 503-731-3060.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both parties. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the parties prior to termination.

ODOT may terminate this Agreement effective upon delivery of written notice to MCSO, or at such later date as may be established by ODOT, under any of the following conditions:

- a. If MCSO fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
- b. If MCSO fails to perform any of the other provisions of this Agreement or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from ODOT fails to correct such failures within 10 days or such longer period as ODOT may authorize.

- c. If ODOT fails to receive funding, appropriations, limitations or other expenditure authority at levels sufficient to pay for the work provided in the Agreement.
 - d. If Federal or State laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if ODOT is prohibited from paying for such work from the planned funding source.
2. MCSO acknowledges and agrees that ODOT, the Secretary of State's Office of the State of Oregon, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of MCSO which are directly pertinent to the specific agreement for the purpose of making audit, examination, excerpts, and transcripts for a period of three years after final payment. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by ODOT.
 3. As federal funds are involved in this Agreement, EXHIBITS B and C are attached hereto and by this reference made a part of this Agreement, and are hereby certified to by a MCSO representative.
 4. MCSO, as a recipient of grant funds, pursuant to this Agreement with ODOT, shall assume sole liability for MCSO's breach of the conditions of the grant, and shall, upon MCSO's breach of grant conditions that requires ODOT to return funds to the Federal Highway Administration, the grantor, hold harmless and indemnify ODOT for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of MCSO, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.
 5. This Agreement and attached exhibits constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of ODOT to enforce any provision of this Agreement shall not constitute a waiver by ODOT of that or any other provision.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their seals as of the day and year hereinafter written.

The Oregon Transportation Commission on February 13, 2002, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations when the work is related to a project included in the Statewide

Transportation Improvement Program or a line item in the biennial budget approved by the Commission.

On September 6, 2002, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates authority to the Executive Deputy Director for Highways, Executive Deputy Director for Central Services, Deputy Director for OTIA, and the Chief of Staff to approve and execute agreements over \$75,000 when the work is related to a project included such as the Traffic Safety Performance Plan, or in a line item in the approved biennial budget.

On January 30, 2002 the Director approved Subdelegation Order No. 13, granting the Transportation Safety Division Manager authority to approve and execute agreements included in the Oregon Traffic Safety Performance Plan.

Multnomah County, by and through its Sheriff's Office

STATE OF OREGON, by and through its Department of Transportation

By Bernie Giusto by LAG
Bernie Giusto, Sheriff

BY _____
Transportation Safety Division Manager

Date 8.25.03

Date _____

By Diane M. Linn
Diane M. Linn, County Chair

REVIEWED FOR ODOT

BY _____
Assistant Attorney General

Date 9.11.03

Date _____

Reviewed by Agnes Sowle, County Attorney

By [Signature]
Assistant County Attorney

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 DATE 9-11-03
DEB BOGSTAD, BOARD CLERK

EXHIBIT A
WORK ZONE ENFORCEMENT PROJECT
WORK PLAN

In recent years, there has been a decrease in traffic deaths and injuries in roadway work zones. In 2002, the lowest number of fatalities since 1995 was reached (5). The decrease may be attributable to the combined efforts of law enforcement, engineering improvements and an increased education effort. It's important to remember, though, that since most of today's work is done "under traffic" and traffic volumes continue to increase, risk exposure is still on the rise for both drivers and construction workers. Federal studies show that work zone crashes tend to be more severe than other types of crashes. It's also important to note that over 40 percent of work zone crashes occur in the transition zone prior to the work area.

Under this Agreement, ODOT will enlist the forces of state and local law enforcement agencies as authorized by ODOT and in compliance with the provisions of local cooperative policing agreements, to patrol specified work zones on State highways. The prevailing wage rates paid under this Agreement will include salary, OPE and vehicle/equipment costs. The overtime rate will also include salary, OPE and vehicle/equipment costs. This provision will apply to both state and local law enforcement agencies.

Oregon Work Zones:

Year	Fatalities*	Crashes**	Construction M \$\$***	% Change \$\$
1985	3	N/A	149.7	N/A
1986	12	360	166.2	11%
1987	12	395	158.9	-4%
1988	11	416	240.8	52%
1989	17	492	230.6	-4%
1990	11	504	283.3	23%
1991	15	371	209.6	-26%
1992	4	429	195.1	-7%
1993	12	416	278.0	42%

1994	20	447	292.9	5%
1995	3	488	208.7	-29%
1996	8	549	343.4	65%
1997	21	370	392.3	14%
1998	14	485	264.5	-33%
1999	9	412	305.0	15%
2000	6	348	271.4	-11%
2001	6	321	241.7	-11%
2002	5	N/A	250.7	4%
To Date:	189	6,803		

Project Objectives

- a. Increase driver attentiveness.
- b. Reduce traffic-related deaths and injuries in roadway work zones by reducing average speeds through these zones.
- c. Concentrate on reducing vehicle speeds transition zone prior to the work area.
- d. Provide information to local media sources.

Project Operation

Law enforcement is hired on a straight or overtime basis to patrol ODOT road construction projects. These projects must meet federal design and construction standards to be eligible for federal participation in reimbursement for enforcement. They may be state or federally funded projects. Maintenance projects and projects that do not meet federal standards are not eligible under the federal funding source supporting this Agreement.

The program is paid for with Federal Highway Administration funds. It is a statewide program operated on a biennial basis. Funds are not tied to specific projects. The budget of the entire program for the 2003-05 biennium is \$1,035,000. This does not include Match efforts by law enforcement agencies. Funds are split out to ODOT Regions based on need identified by communication with Region Work Zone

Enforcement Program coordinators, Region Construction Project Managers, and state and local enforcement agencies.

The program is primarily with the Oregon State Police, although funds may be used to hire other agencies, within the provisions of local cooperative policing agreements. As stewards of the state highway system, OSP will have the first opportunity to cover the enforcement need in work zones on state highways. If OSP does not have the resources to accomplish the enforcement, they will help identify the appropriate alternative agency to provide the service. If the work zone is on a state highway, located within a City or County, OSP will be notified that patrol hours are available. If OSP indicates they will not be able to cover the identified enforcement schedule enforcement, hours may be offered to the local police department (PD) or sheriff's office (SO). With OSP's approval and the local PD/SO's agreement to do so, ODOT will contract with the local PD/SO for the patrol hours.

Each ODOT Region has a Work Zone Enforcement Program Coordinator. These representatives generally have the following duties:

- a. Work with ODOT construction project managers to establish project-by-project enforcement needs on a biennial basis and reflect that need in a general biennial plan.
- b. Work with state and/or local law enforcement to ensure needs are met with available staff either on a straight or overtime basis.
- c. Be aware of changing needs within the Region and re-allocate available enforcement hours as needed during the biennium.
- d. Track expenditure of enforcement hours by project within the Region.
- e. Meet regularly with project and enforcement staff to assess program progress in the Region.
- f. Establish a process for ODOT approval of billings submitted by the law enforcement agency(s).
- g. Work with local media as needed.

Reimbursable work zone enforcement activities includes:

- a. Direct travel from unit headquarters to project.

- b. Travel between work zone sites within twenty miles or distances agreed to between local enforcement and local ODOT units and travel time to distant work zones. Travel claimed separately on the billing form will be paid at the rate (regular or overtime) the project patrol activity is being reimbursed.
- c. General patrols one mile before and after work sites as agreed to by local ODOT and OSP personnel to a maximum of 5 miles.
- d. Traffic stops resulting from above patrols.
- e. Response to accidents, obstructions, incidents, or disabled vehicles that adversely affect traffic through the work zone.
- f. Administrative time spent by the enforcement agency in relation to the project. Administrative costs shall not exceed ten percent of total costs and will be paid at the regular hourly rate. Administrative activities eligible for reimbursement include:
 - i. Supervisory documentation of hours and activities.
 - ii. Enforcement consultation with ODOT personnel.
 - iii. Scheduling and coordinating enforcement patrols.
 - iv. Coordination of public safety announcements with news media.

Non-reimbursable work zone enforcement activities shall include:

- a. Enforcement at work sites not approved by ODOT.
- b. Time spent on unrelated service calls.

Responsibilities

Project responsibilities have been divided into four sections: ODOT Transportation Safety Division, ODOT Regions, ODOT Project Manager, and Enforcement Agency.

ODOT

Transportation Safety Division:

- a. Develop interagency agreement on a biennial basis.
- b. Monitor program at statewide level.
- c. Revise project scope as necessary.
- d. Adjust Region budget allocations as needed.
- e. Track total project expenditures.
- f. Work with statewide press regarding overall project.

Region:

- a. Develop biennial enforcement plan in conjunction with ODOT Project Managers and state and/or local law enforcement.
- b. Allocate enforcement hours and update project list and allocations as needed.
- c. Monitor work zone enforcement program status at Region level.
- d. Establish ODOT payment approval procedure for project expenditures in cooperation with law enforcement agency(s).
- e. Work with ODOT Region public information representative to provide information to local media as needed.

Construction Project Manager's Office:

- a. Coordinate individual project work schedule with enforcement agency(s) and Region Work Zone Enforcement Program coordinator.
- b. Schedule specific overtime enforcement within acceptable timeline to allow sufficient response time for enforcement agency to comply.
- c. Monitor projects for adherence to enforcement guidelines.
- d. Consider provision of safe enforcement areas such as "launch pads" and pull-outs within project signing, when possible.
- e. Monitor shoulder areas for debris which could be hazardous to motor patrols.
- f. Authorize payment to OSP or forward to Region Enforcement Coordinator per agreement.
- g. Assist as requested on project evaluation.
- h. Encourage notation of presence of patrols on Daily Progress Report or similar log when possible.

Enforcement Agency

- a. Provide for staffing per agreed enforcement plan.
- b. Work with ODOT to identify alternative law enforcement resources if agency is unable to provide resources per the provisions of the enforcement plan.
- c. Contact ODOT personnel on project whenever possible to alert to presence of patrols.
- d. Submit billings on standard form for approval by ODOT Project Manager or Region Enforcement Program Coordinator.

- e. Document "routine enforcement" in the work zone on standard form and submit with billing. Target is a minimum of six percent of total enforcement effort per the Federal Highway Administration Oregon Division (FHWA) Office.
- f. Track number of hazardous violations and warnings issues in the work zone. Report on standard form. Includes "routine" and grant effort work periods.
- g. Work with other parts of the enforcement agency regarding resource needs, if applicable.
- h. Assist in evaluation as necessary.
- i. Maintain project files for audit purposes.
- j. Operate according to project guidelines.
- k. Participate in project design meetings as requested, pending availability.
- l. Provide information to local media as necessary.

For purposes of Exhibits B and C, references to Department shall mean ODOT, references to Contractor shall mean MCSO and references to Contract shall mean Agreement.

**EXHIBIT B
CONTRACTOR CERTIFICATION**

Contractor certifies by signing this Contract that Contractor has not:

- (a) Employed or retained for a commission, percentage, brokerage, contingency fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above Contractor) to solicit or secure this Contract,
- (b) agreed, as an express or implied condition for obtaining this Contract, to employ or retain the services of any firm or person in connection with carrying out the Contract, or
- (c) paid or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above Contractor), any fee, contribution, donation or consideration of any kind for or in connection with, procuring or carrying out the Contract, except as here expressly stated (if any):

Contractor further acknowledges that this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

DEPARTMENT OFFICIAL CERTIFICATION

Department official likewise certifies by signing this Contract that Contractor or his/her representative has not been required directly or indirectly as an expression of implied condition in connection with obtaining or carrying out this Contract to:

- (a) Employ, retain or agree to employ or retain, any firm or person or
- (b) pay or agree to pay, to any firm, person or organization, any fee, contribution, donation or consideration of any kind except as here expressly stated (if any):

Department official further acknowledges this certificate is to be furnished to the Federal Highway Administration, and is subject to applicable State and Federal laws, both criminal and civil.

EXHIBIT C

**Federal Provisions
Oregon Department of Transportation**

I. CERTIFICATION OF NONINVOLVEMENT IN ANY DEBARMENT AND SUSPENSION

Contractor certifies by signing this Contract that to the best of its knowledge and belief, it and its principals:

1. Are not presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from covered transactions by any Federal department or agency;
2. Have not within a three-year period preceding this Contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery falsification or destruction of records, making false statements or receiving stolen property;
3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
4. Have not within a three-year period preceding this Contract had one or more public transactions (federal, state or local) terminated for cause or default.

Where the Contractor is unable to certify to any of the statements in this certification, such prospective participant shall submit a written explanation to Department.

List exceptions. For each exception noted, indicate to whom the exception applies, initiating agency, and dates of action. If additional space is required, attach another page with the following heading: Certification Exceptions continued, Contract Insert.

EXCEPTIONS:

Exceptions will not necessarily result in denial of award, but will be considered in determining Contractor responsibility. Providing false information may result in criminal prosecution or administrative sanctions.

The Contractor is advised that by signing this Contract, the Contractor is deemed to have signed this certification.

II. INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS—PRIMARY COVERED TRANSACTIONS

1. By signing this Contract, the Contractor is providing the certification set out below.
2. The inability to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The Contractor shall explain why he or she cannot provide the certification set out below. This explanation will be considered in connection with the Department determination to enter into this transaction. Failure to furnish an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the Department determined to enter into this transaction. If it is later determined that the Contractor knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government or the Department may terminate this transaction for cause of default.
4. The Contractor shall provide immediate written notice to the Department if at any time the Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction", "participant", "person", "primary covered transaction", "principal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the Department's Program Section (Tel. (503) 986-3400)

to which this proposal is being submitted for assistance in obtaining a copy of those regulations.

6. The Contractor agrees by entering into this Contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transactions with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the Department or agency entering into this transaction.
7. The Contractor further agrees by entering into this Contract that it will include the Addendum to Form FHWA-1273 titled, "Appendix B--Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions", provided by the Department entering into this covered transaction without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List published by the U. S. General Services Administration.
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a

participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government or the Department, the Department may terminate this transaction for cause or default.

III. ADDENDUM TO FORM FHWA-1273, REQUIRED CONTRACT PROVISIONS

This certification applies to subcontractors, material suppliers, vendors, and other lower tier participants.

- Appendix B of 49 CFR Part 29 -

Appendix B--Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

Instructions for Certification

1. By signing and submitting this Contract, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this Contract is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction", "debarred", "suspended", "ineligible", "lower tier covered transaction",

"participant", "person", "primary covered transaction", "principal", "proposal", and "voluntarily excluded", as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this Contract is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this Contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this Contract that it will include this clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transaction", without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement list.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a

prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion--Lower Tier Covered Transactions

- a. The prospective lower tier participant certifies, by entering into this Contract, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any Federal department or agency.
- b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall submit a written explanation to Department.

IV. EMPLOYMENT

1. Contractor warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for Contractor, to solicit or secure this Contract and that he has not paid or agreed to pay any company or person, other than a bona fide employee working solely for Contractors, any fee, commission, percentage, brokerage fee, gifts or any other consideration contingent upon or resulting from the award or making of this Contract. For breach or violation of this warranting, Department shall have the right to annul this Contract without liability or in its

discretion to deduct from the Contract price or consideration or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.

2. Contractor shall not engage, on a full or part-time basis or other basis, during the period of the Contract, any professional or technical personnel who are or have been at any time during the period of this Contract, in the employ of Department, except regularly retired employees, without written consent of the public employer of such person.
3. Contractor agrees to perform consulting services with that standard of care, skill and diligence normally provided by a professional in the performance of such consulting services on work similar to that hereunder. Department shall be entitled to rely on the accuracy, competence, and completeness of Contractor's services.

V. NONDISCRIMINATION

During the performance of this Contract, Contractor, for himself, his assignees and successors in interest, hereinafter referred to as Contractor, agrees as follows:

1. Compliance with Regulations. Contractor agrees to comply with Title VI of the Civil Rights Act of 1964, and Section 162(a) of the Federal-Aid Highway Act of 1973 and the Civil Rights Restoration Act of 1987. Contractor shall comply with the regulations of the Department of Transportation relative to nondiscrimination in Federally assisted programs of the Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time (hereinafter referred to as the Regulations), which are incorporated by reference and made a part of this Contract. Contractor, with regard to the work performed after award and prior to completion of the Contract work, shall not discriminate on grounds of race, creed, color, sex or national origin in the selection and retention of subcontractors, including procurement of materials and leases of

equipment. Contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices, when the Contract covers a program set forth in Appendix B of the Regulations.

2. Solicitation for Subcontractors, including Procurement of Materials and Equipment. In all solicitations, either by competitive bidding or negotiations made by Contractor for work to be performed under a subcontract, including procurement of materials and equipment, each potential subcontractor or supplier shall be notified by Contractor of Contractor's obligations under this Contract and regulations relative to nondiscrimination on the grounds of race, creed, color, sex or national origin.
3. Nondiscrimination in Employment (Title VII of the 1964 Civil Rights Act). During the performance of this Contract, Contractor agrees as follows:
 - a. Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex or national origin. Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notice setting forth the provisions of this nondiscrimination clause.
 - b. Contractor will, in all solicitations or advertisements for employees placed by or on behalf of Contractor,

state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex or national origin.

4. Information and Reports. Contractor will provide all information and reports required by the Regulations or orders and instructions issued pursuant thereto, and will permit access to his books, records, accounts, other sources of information, and his facilities as may be determined by Department or FHWA as appropriate, and shall set forth what efforts he has made to obtain the information.
5. Sanctions for Noncompliance. In the event of Contractor's noncompliance with the nondiscrimination provisions of the Contract, Department shall impose such agreement sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. Withholding of payments to Contractor under the agreement until Contractor complies; and/or
 - b. Cancellation, termination or suspension of the agreement in whole or in part.
6. Incorporation of Provisions. Contractor will include the provisions of paragraphs 1 through 6 of this section in every subcontract, including procurement of materials and leases of equipment, unless exempt from Regulations, orders or instructions issued pursuant thereto. Contractor shall take such action with respect to any subcontractor or procurement as Department or FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance; provided, however, that in the event Contractor becomes involved in or is threatened with litigation with a subcontractor or supplier as a result of such direction, Department may, at its option, enter into such litigation to protect the interests of Department, and, in addition, Contractor may request Department to enter into such litigation to protect the interests of the State of Oregon.

VI. DISADVANTAGED BUSINESS ENTERPRISE (DBE) POLICY

In accordance with Title 49, Code of Federal Regulations, Part 26, Contractor shall agree to abide by and take all necessary and reasonable steps to comply with the following statement:

DBE POLICY STATEMENT

DBE Policy. It is the policy of the United States Department of Transportation (USDOT) to practice nondiscrimination on the basis of race, color, sex and/or national origin in the award and administration of USDOT assist contracts. Consequently, the DBE requirements of 49 CFR 26 apply to this Contract.

Required Statement For USDOT Financial Assistance Agreement. If as a condition of assistance the Agency has submitted and the US Department of Transportation has approved a Disadvantaged Business Enterprise Affirmative Action Program which the Agency agrees to carry out, this affirmative action program is incorporated into the financial assistance agreement by reference.

DBE Obligations. The Department and its Contractor agree to ensure that Disadvantaged Business Enterprises as defined in 49 CFR 26 have the opportunity to participate in the performance of contracts and subcontracts financed in whole or in part with Federal funds. In this regard, Contractor shall take all necessary and reasonable steps in accordance with 49 CFR 26 to ensure that Disadvantaged Business Enterprises have the opportunity to compete for and perform contracts. Neither Department nor its contractors shall discriminate on the basis of race, color, national origin or sex in the award and performance of federally-assisted contracts. The Contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of such contracts. Failure by the Contractor to carry out these requirements is a material breach of this Contract, which may result in the

termination of this Contract or such other remedy as Department deems appropriate.

The DBE Policy Statement and Obligations shall be included in all subcontracts entered into under this Contract.

Records and Reports. Contractor shall provide monthly documentation to Department that it is subcontracting with or purchasing materials from the DBEs identified to meet Contract goals. Contractor shall notify Department and obtain its written approval before replacing a DBE or making any change in the DBE participation listed. If a DBE is unable to fulfill the original obligation to the Contract, Contractor must demonstrate to Department the Affirmative Action steps taken to replace the DBE with another DBE. Failure to do so will result in withholding payment on those items. The monthly documentation will not be required after the DBE goal commitment is satisfactory to Department.

Any DBE participation attained after the DBE goal has been satisfied should be reported to the Departments.

DBE Definition. Only firms DBE certified by the State of Oregon, Department of Consumer & Business Services, Office of Minority, Women & Emerging Small Business, may be utilized to satisfy this obligation.

CONTRACTOR'S DBE CONTRACT GOAL

DBE GOAL 0 %

By signing this Contract, Contractor assures that good faith efforts have been made to meet the goal for the DBE participation specified in the Contract for this project as required by ORS 200.045, and 49 CFR 26.53 and 49 CFR, Part 26, Appendix A.

VII. LOBBYING

The Contractor certifies, by signing this agreement to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf

of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment or modification of any Federal contract, grant, loan or cooperative agreement.

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress or an employee of a Member of Congress in connection with this agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The Contractor also agrees by signing this agreement that he or she shall require that the language of this certification be included in all lower tier subagreements, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.

FOR INQUIRY CONCERNING
DEPARTMENT'S DBE
PROGRAM REQUIREMENT
CONTACT OFFICE OF CIVIL
RIGHTS AT (503)986-4354.

Highway/MP:		EXHIBIT D: <i>Enforcement, Engineering, Education - The "3-Es" Working Together for Safety</i>			Project:					
Agency:					Project Mgr:					
Month/Year:										
OSP Region:										
ODOT Region:					Page of				Project Mgr Contacted?	
County:										
Station/Member	Date / Time	Cites/Warnings	Other Significant Activity	OT Hours	Reg Hours	Travel Hours	Admin Hours	Yes/No?		
	/									
	/									
	/									
	/									
	/									
	/									
Totals:		0		0	0	0	0			
OT Conversion to Straight Hours¹:		0.00	MCSO Rates:	OT:	\$ 52.00					
MCSO Supervisor:						Date:				
ODOT Approval:						Date:				
Comments:										
¹ OT and Straight Rates must be entered										

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:
Meeting Date: September 11, 2003
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 08/06/03

Requested Date: September 11, 2003

Time Requested: 5 mins

Department: DBS

Division: CPCA

Contact/s: Lisa Williams

Phone: 503-988-5111

Ext.: 22596

I/O Address: 503/4

Presenters: Franna Hathaway & Herman Brame

Agenda Title: PROCLAMATION Proclaiming the Week of October 13 to October 17, 2003 as Minority Enterprise Development Week in Multnomah County, Oregon

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation? Approval of Proclamation.**
- 2. Please provide sufficient background information for the Board and the public to understand this issue. Each year the President of the United States proclaims Minority Enterprise Development Week. Municipalities and metropolitan areas throughout the nation plan luncheons/celebrations to honor Minority Business in conjunction with Minority Enterprise Development Week.**
- 3. Explain the fiscal impact (current year and ongoing). None**

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ What revenue is being changed and why?**

- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved. None
5. Explain any citizen and/or other government participation that has or will take place. None

Required Signatures:

Department/Agency Director: David A. Boyer Date: 07/31/03

Budget Analyst

By: _____ Date:

Dept/Countywide HR

By: _____ Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming the Week of October 13 to October 17, 2003 as Minority Enterprise Development Week in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County's growth and prosperity depends on the full participation of all citizens at every level of our economy.
- b. Minority Americans contribute invaluablely to our County's progress and well-being, and minority owned businesses have emerged as a dynamic and vital force in our County's market places, providing both employment and training for hundreds of Multnomah County residents.
- c. Multnomah County takes pride in the achievements and accomplishments of our Minority business owners; we are delighted to pay them tribute for their contributions on behalf of Multnomah County's economic growth.

The Multnomah County Board of Commissioners Proclaims:

1. October 13 to October 17, 2003 is MINORITY ENTERPRISE DEVELOPMENT WEEK in Multnomah County, Oregon, to thank all our minority business owners for their contributions to the County and to show our continuing commitment to promotion of minority business opportunities.

ADOPTED this 11th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

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

MEETING DATE: 9/11/03

SUBJECT: MaTDWeek

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Mary Witty

ADDRESS: 1515 SW 5th, Ste 1050

CITY/STATE/ZIP: Portland

PHONE: DAYS: (503) 326-5105 EVES: _____

EMAIL: mary.witty@sba.gov FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: MBOC / Small Business Administration

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: Sept. 11, 2003

SUBJECT: Minority Enterprise Development Week (MED) week

AGENDA NUMBER OR TOPIC: R1

FOR: AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Judy Trotter

ADDRESS: 121 NW Everett Port of Portland

CITY/STATE/ZIP: Portland / OR / 97208

PHONE: DAYS: 944-7550

EVES: _____

EMAIL: ~~trottj@portptl.or~~

FAX: _____

SPECIFIC ISSUE: MED Week event

WRITTEN TESTIMONY: Participation of Port of Portland in
MED Week activity

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#3

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

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

MEETING DATE: 9-11-03

SUBJECT: MED WEEK

AGENDA NUMBER OR TOPIC: _____

FOR: AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: John A. FERSEN JR.

ADDRESS: 18624 NW WALKER

CITY/STATE/ZIP: Bend Oregon OR

PHONE: _____ DAYS: 503-533-2859 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: Portland Community College
Support of MED WEEK

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#4

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

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

MEETING DATE: 9/11/03

SUBJECT: MED WEEK PROCLAMATION / EVENT
OCT. 15, 2003

AGENDA NUMBER OR TOPIC: R 1

FOR: AGAINST: THE ABOVE AGENDA ITEM

NAME: JIM WAKL

ADDRESS: 7590 S. W. DAISY DR.

CITY/STATE/ZIP: ALOHA OR

PHONE: DAYS: (503) 649-3938 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 03-126

Proclaiming the Week of October 13 to October 17, 2003 as Minority Enterprise Development Week in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County's growth and prosperity depends on the full participation of all citizens at every level of our economy.
- b. Minority Americans contribute invaluablely to our County's progress and well-being, and minority owned businesses have emerged as a dynamic and vital force in our County's market places, providing both employment and training for hundreds of Multnomah County residents.
- c. Multnomah County takes pride in the achievements and accomplishments of our Minority business owners; we are delighted to pay them tribute for their contributions on behalf of Multnomah County's economic growth.

The Multnomah County Board of Commissioners Proclaims:

1. October 13 to October 17, 2003 is MINORITY ENTERPRISE DEVELOPMENT WEEK in Multnomah County, Oregon, to thank all our minority business owners for their contributions to the County and to show our continuing commitment to promotion of minority business opportunities.

ADOPTED this 11th day of September, 2003.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

R-1

Talking Points for Minority Enterprise Development Week Resolution September 11, 2003

- As part of my Diversity Initiative, I made a commitment to significantly increase County resources targeted to expand contracting opportunities for Minorities, Women and Emerging Small Businesses in the areas of professional services, trade related services and supplies.
- Through funds made available last fiscal year, the County was able to increase our staffing for outreach and compliance efforts and to create a satellite office located at the OAME Center.
- Both of these steps have allowed us to begin capturing data necessary to show us where we've been, where we're going and develop goals that we can achieve.
- Despite the downturn in the economy there is still good news to report.
- Even though the County has had to cutback on the number and size of construction projects last fiscal year **we were still able to exceed our goal of 17% for minority and women apprenticeship participation for a total of 21%.**
- In the area of public works contracts for Facilities and Property Management, while contracting out less than 50% of the dollars in FY 03 as were contracted in FY 02, **we increased out percentage of contracts with Minority, Women and Emerging Small Businesses from 11% to 18%.**
- I would like to commend Franna Hathaway, Cecila Johnson, Herman Braeme and Lisa Williams for their outstanding work to help us reach our goals.
- We should be proud of this recent progress and I am very pleased to support this Resolution today and look forward to ongoing success in the coming year.

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: September 11, 2003

Agenda Item #: R-2

Est. Start Time: 9:40 AM

Date Submitted: 08/25/03

Requested Date: September 11, 2003

Time Requested: 15 minutes

Department: Business and Community Services

Division: Finance, Budget and tax

Contact/s: Dave Boyer

Phone: (503) 988-3903 **Ext.:** 83903

I/O Address: 501/4th Floor

Presenters: Dave Boyer

Agenda Title: RESOLUTION Authorizing Issuance of One or More Series of Refunding Obligations

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

1. What action are you requesting from the Board? What is the department/agency recommendation?

Approve resolution authorizing issuance of refunding obligations to refund (refinance) the Series 1998 Certificates of Participation, Series 1999A Certificates of Participation, Series 2000A 3 Full Faith and Credit Obligations, Series 1994 A General Obligations Bonds, Series 1996A General Obligation Bonds, Series 1996B General Obligation Bonds, Series 1998, 2000A and 2000B Motor Vehicle Revenue.

2. Please provide sufficient background information for the Board and the public to understand this issue.

The following are the various issues that will be analyzed to refund. The actual amounts to be refunded will be adjusted based on the market conditions at the time of the refunding. The savings will also not be known until the sale but because of the low

interest rates we are anticipating a significant savings over the life of the various obligations. The savings will be reported back to the Board.

- a. The County previously issued its Certificates of Participation, Series 1998, dated as of February 1, 1998 to finance possible land acquisition and bridge renovation; constructing and equipping County facilities; acquisition of computer equipment and software; a debt reserve account, if necessary; advance refunding of all or any portion of the outstanding Certificates of Participation, Series 1992A (Juvenile Justice Complex Project) issued in the original aggregate principal amount of \$36,000,000; and all costs of issuance of the Certificates (the "1998 Certificates of Participation"). Current Outstanding amount is \$27,510,000.
- b. The County previously issued its Certificates of Participation, Series 1999A, dated as of April 1, 1999 to finance the costs of acquiring an administrative building, including land and a parking structure, and renovation, equipment and moving costs; acquisition of land; construction of an East County multi-use facility and to pay costs of issuance and, if necessary, a debt service reserve (the "1999A Certificates of Participation"). Current outstanding amount is \$32,480,000.
- c. The County previously issued its Full Faith and Credit Obligations, Series 2000A, dated as of April 1, 2000 to finance the costs of acquiring and installing an Integrated Enterprise computer system, acquisition of land for future public use; construction of East County multi-use facilities, acquisition of land and construction and renovation of library facilities; renovation of several County facilities; acquisition of space in other governmental facilities; renovation and construction of public safety facilities; construction or reconstruction of road improvements; acquisition of equipment, moving costs and costs of issuance (the "2000A Full Faith and Credit Obligations"). Current amount outstanding is \$51,775,000.
- d. The County previously issued its General Obligation Bonds, Series 1994, dated as of March 1, 1994 to finance the renovation of the Central Library and reconstruction/remodeling of the Midland Branch Library, to possibly acquire additional land for the Midland Branch Library and to pay the cost of issuance of the bonds (the "1994 General Obligation Bonds"). Current outstanding is \$4,010,000.
- e. The County previously issued its General Obligation Bonds, Series 1996A, dated as of October 1, 1996 to finance the costs of acquiring computer equipment, library resources and technology infrastructure for the Library system; acquiring land and modifying, reconstructing, constructing or making improvements to several branch library facilities; bond issuance costs and underwriter fees related to the issuance of the bonds (the "1996A General Obligation Bonds"). Current outstanding is \$2,965,000.
- f. The County previously issued its General Obligation Bonds, Series 1996B, dated as of October 1, 1996 to finance constructing and equipping a new 210 bed jail facility and acquiring land; expanding the Inverness Jail by 120 beds and equipping the expansion; constructing or acquiring and equipping 150 beds total alcohol and drug treatment center(s) and acquiring land; modifying the

Courthouse Jail, Multnomah County Detention Center and Inverness Jail Release Center; providing for computer equipment and technology infrastructure for criminal records processing and tracking; providing permanent financing for the 64 bed expansion of the existing Juvenile Justice Complex; constructing or acquiring and equipping facilities to assist abused children; providing for bond issuance costs and underwriter fees related to the issuance of the bonds (the "1996B General Obligation Bonds"). Current amount outstanding is \$3,025,000.

- g. The County previously issued its Revenue Bonds, Series 1998, dated as of October 1, 1998 to finance the costs of construction, renovation, improvement and equipping of certain facilities located on County-owned property known as the Regional Children's Campus, Inc. (formerly Edgefield Regional Children's Campus Trust Inc.) and to fund a debt service reserve account and pay certain costs incidental thereto (the "1998 Revenue Bonds"). Current outstanding amount is \$2,665,000.
- h. The County previously issued its Motor Vehicle Rental Tax Revenue Bonds, Series 2000A (501(c)(3)), dated as of November 1, 2000 to finance acquisition of land and the costs of construction, renovation, improvement and equipping of certain facilities for Port City, a non-profit corporation; fund a debt service reserve account; and pay certain costs of issuance (the "2000A Motor Vehicle Rental Tax Revenue Bonds"). Current outstanding amount is \$1,900,000.
- i. The County previously issued its Motor Vehicle Rental Tax Revenue Bonds, Series 2000B (501(c)(3)), dated as of November 1, 2000 to finance acquisition of land, repayment of an interim loan which financed the acquisition of land, construction, renovation, improvement and equipping of a new facility for the Oregon Food Bank, a non-profit corporation to consolidate its administrative and distribution functions in Multnomah County; funding of a debt service reserve account, if required; and payment of certain costs of bond issuance incidental thereto (the "2000B Motor Vehicle Rental Tax Revenue Bonds"). Current outstanding amount is \$3,325,000.

This financing will be issued using a negotiated sale. A Request for Proposal was issued and Banc of America Securities was selected to be the County's underwriter.

This financing is authorized by Internal Revenue Codes, State Statutes and the County Financial and Budget Policy. The County will retain Preston Gates, Bond Counsel, to ensure that the County's legal requirements are met and retain Regional Financial Advisor as our expert financial advisor. State law requires that we retain these professional firms. Once approved the Chief Financial Officer, or designee, will ensure that all publication and legal requirements are met.

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

The refundings will lower the County's debt payment on the Full Faith and Credit Obligations and Certificates of Participation. The lower debt payments will provide additional funds for County programs that are housed in the facilities being refinanced. The exact savings will not be known until the financing is complete.

The savings on the refunding of the General Obligation Bonds will lower the property tax bills of County residents. Again the exact savings will not be known until the financing is complete.

The savings on the refunding of the Revenue Bonds will also be a savings to the County. I am recommending that any savings realized on the refinancing of the Revenue Bonds remain in the revenue bond debt service fund until the bonds are paid off. We have had to renegotiate or are in the process of renegotiating the lease arrangements with the non-profits and the savings will allow the County to provide better security for these transactions.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. Explain any legal and/or policy issues.

The Resolution contains all legal requirements and was reviewed by all parties. Preston Gates is Bond Counsel to the County. This financing is consistent with the Financial and Budget Policy adopted by the Board.

The revenue bond refinancings will need to have a special Tax Exempt Financing Reform Act (TEFRA) hearing. The Resolution appoints the Chief Financial Officer as the Hearings Officer for the TEFRA Hearing. A report will be sent to the Board on the results of the hearing and if issues are raised at the hearing the Board will be briefed on the issues and will have the final authority determine if the bonds should be refinanced.

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

The revenue bond TEFRA Hearing will be held prior to the refunding. The other obligations will not have public input.

Required Signatures:

Department/Agency Director: *Dave A. Boyer* Date: 08/25/03

Budget Analyst

By: _____ Date: _____

Dept/Countywide HR

By: _____ Date: _____

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Issuance of One or More Series of Refunding Obligations

The Multnomah County Board of Commissioners finds:

- a. The County previously issued its Certificates of Participation, Series 1998, dated as of February 1, 1998 to finance possible land acquisition and bridge renovation; constructing and equipping County facilities; acquisition of computer equipment and software; a debt reserve account, if necessary; advance refunding of all or any portion of the outstanding Certificates of Participation, Series 1992A (Juvenile Justice Complex Project) issued in the original aggregate principal amount of \$36,000,000; and all costs of issuance of the Certificates (the "1998 Certificates of Participation").
- b. The County previously issued its Certificates of Participation, Series 1999A, dated as of April 1, 1999 to finance the costs of acquiring an administrative building, including land and a parking structure, and renovation, equipment and moving costs; acquisition of land; construction of an East County multi-use facility and to pay costs of issuance and, if necessary, a debt service reserve (the "1999A Certificates of Participation").
- c. The County previously issued its Full Faith and Credit Obligations, Series 2000A, dated as of April 1, 2000 to finance the costs of acquiring and installing an Integrated Enterprise computer system, acquisition of land for future public use; construction of East County multi-use facilities, acquisition of land and construction and renovation of library facilities; renovation of several County facilities; acquisition of space in other governmental facilities; renovation and construction of public safety facilities; construction or reconstruction of road improvements; acquisition of equipment, moving costs and costs of issuance (the "2000A Full Faith and Credit Obligations").
- d. The County previously issued its General Obligation Bonds, Series 1994, dated as of March 1, 1994 to finance the renovation of the Central Library and reconstruction/remodeling of the Midland Branch Library, to possibly acquire additional land for the Midland Branch Library and to pay the cost of issuance of the bonds (the "1994 General Obligation Bonds").
- e. The County previously issued its General Obligation Bonds, Series 1996A, dated as of October 1, 1996 to finance the costs of acquiring computer equipment, library resources and technology infrastructure for the Library system; acquiring land and modifying, reconstructing, constructing or making improvements to several branch library facilities; bond issuance costs and underwriter fees related to the issuance of the bonds (the "1996A General Obligation Bonds").
- f. The County previously issued its General Obligation Bonds, Series 1996B, dated as of October 1, 1996 to finance constructing and equipping a new 210 bed jail facility and acquiring land; expanding the Inverness Jail by 120 beds and equipping the expansion; constructing or acquiring and equipping 150 beds total alcohol and drug treatment center(s) and acquiring land; modifying the Courthouse Jail, Multnomah County Detention Center and Inverness Jail Release Center; providing for computer equipment and technology infrastructure for criminal records processing and tracking; providing permanent financing for the 64 bed expansion of the existing Juvenile Justice Complex; constructing or acquiring and equipping facilities to assist abused children; providing for bond issuance costs and underwriter fees related to the issuance of the bonds (the "1996B General Obligation Bonds").

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-127

Authorizing Issuance of One or More Series of Refunding Obligations

The Multnomah County Board of Commissioners finds:

- a. The County previously issued its Certificates of Participation, Series 1998, dated as of February 1, 1998 to finance possible land acquisition and bridge renovation; constructing and equipping County facilities; acquisition of computer equipment and software; a debt reserve account, if necessary; advance refunding of all or any portion of the outstanding Certificates of Participation, Series 1992A (Juvenile Justice Complex Project) issued in the original aggregate principal amount of \$36,000,000; and all costs of issuance of the Certificates (the "1998 Certificates of Participation").
- b. The County previously issued its Certificates of Participation, Series 1999A, dated as of April 1, 1999 to finance the costs of acquiring an administrative building, including land and a parking structure, and renovation, equipment and moving costs; acquisition of land; construction of an East County multi-use facility and to pay costs of issuance and, if necessary, a debt service reserve (the "1999A Certificates of Participation").
- c. The County previously issued its Full Faith and Credit Obligations, Series 2000A, dated as of April 1, 2000 to finance the costs of acquiring and installing an Integrated Enterprise computer system, acquisition of land for future public use; construction of East County multi-use facilities, acquisition of land and construction and renovation of library facilities; renovation of several County facilities; acquisition of space in other governmental facilities; renovation and construction of public safety facilities; construction or reconstruction of road improvements; acquisition of equipment, moving costs and costs of issuance (the "2000A Full Faith and Credit Obligations").
- d. The County previously issued its General Obligation Bonds, Series 1994, dated as of March 1, 1994 to finance the renovation of the Central Library and reconstruction/remodeling of the Midland Branch Library, to possibly acquire additional land for the Midland Branch Library and to pay the cost of issuance of the bonds (the "1994 General Obligation Bonds").
- e. The County previously issued its General Obligation Bonds, Series 1996A, dated as of October 1, 1996 to finance the costs of acquiring computer equipment, library resources and technology infrastructure for the Library system; acquiring land and modifying, reconstructing, constructing or making improvements to several branch library facilities; bond issuance costs and underwriter fees related to the issuance of the bonds (the "1996A General Obligation Bonds").
- f. The County previously issued its General Obligation Bonds, Series 1996B, dated as of October 1, 1996 to finance constructing and equipping a new 210 bed jail facility and acquiring land; expanding the Inverness Jail by 120 beds and equipping the expansion; constructing or acquiring and equipping 150 beds total alcohol and drug treatment center(s) and acquiring land; modifying the Courthouse Jail, Multnomah County Detention Center and Inverness Jail Release Center; providing for computer equipment and technology infrastructure for criminal records processing and tracking; providing permanent financing for the 64 bed expansion of the existing Juvenile Justice Complex; constructing or acquiring and equipping facilities to assist abused children; providing for bond issuance costs and underwriter fees related to the issuance of the bonds (the "1996B General Obligation Bonds").

- g. The County previously issued its Revenue Bonds, Series 1998, dated as of October 1, 1998 to finance the costs of construction, renovation, improvement and equipping of certain facilities located on County-owned property known as the Regional Children's Campus, Inc. (formerly Edgefield Regional Children's Campus Trust Inc.) and to fund a debt service reserve account and pay certain costs incidental thereto (the "1998 Revenue Bonds").
- h. The County previously issued its Motor Vehicle Rental Tax Revenue Bonds, Series 2000A (501(c)(3)), dated as of November 1, 2000 to finance acquisition of land and the costs of construction, renovation, improvement and equipping of certain facilities for Port City, a non-profit corporation; fund a debt service reserve account; and pay certain costs of issuance (the "2000A Motor Vehicle Rental Tax Revenue Bonds").
- i. The County previously issued its Motor Vehicle Rental Tax Revenue Bonds, Series 2000B (501(c)(3)), dated as of November 1, 2000 to finance acquisition of land, repayment of an interim loan which financed the acquisition of land, construction, renovation, improvement and equipping of a new facility for the Oregon Food Bank, a non-profit corporation to consolidate its administrative and distribution functions in Multnomah County; funding of a debt service reserve account, if required; and payment of certain costs of bond issuance incidental thereto (the "2000B Motor Vehicle Rental Tax Revenue Bonds").
- j. The 1998 Certificates of Participation, the 1999A Certificates of Participation and the 2000A Full Faith and Credit Obligations are herein collectively referred to as the "Refundable Full Faith and Credit Obligations." The 1994 General Obligation Bonds, the 1996A General Obligation Bonds and the 1996B General Obligation Bonds are herein collectively referred to as the "Refundable General Obligation Bonds." The 1998 Revenue Bonds, the 2000A Motor Vehicle Rental Tax Revenue Bonds and the 2000B Motor Vehicle Rental Tax Revenue Bonds are herein collectively referred to as the "Refundable Revenue Bonds." The Refundable Full Faith and Credit Obligations, the Refundable General Obligation Bonds and the Refundable Revenue Bonds are herein collectively referred to as the "Refundable Obligations".
- k. The County is authorized pursuant to the Oregon Constitution and Oregon Revised Statutes Sections 288.160, 288.592 and 288.605 through 288.695 (the "Act") to issue refunding bonds for the refunding of all or any portion of its outstanding obligations.
- l. For the refunding of the portion of the Refundable Obligations that are Refundable Full Faith and Credit Obligations, the County is further authorized pursuant to ORS 271.390 and laws of the State of Oregon and the County Charter to enter into financing agreements for the refinancing of the County's full faith and credit obligations.
- m. For the refunding of the portion of the Refundable Obligations that are Refundable Revenue Bonds, the County is further authorized pursuant to the provisions and limitations outlined in each respective trust indenture.
- n. The County has determined that it is in the best interest of the taxpayers of the County to refund all or any portion of the Refundable Obligations. The Authorized Representative shall select all or any portion of the Refundable Obligations to be refunded in accordance with Section 7 hereof. Such refunding of the Refundable Obligations will provide significant debt service savings to the County or provide for a restructuring of the Refundable Obligations to benefit the County. The County adopts this resolution to provide the terms under which one or more series of refunding obligations may be issued, subject to changes in the municipal bond market providing the required present value savings to the County.

The Multnomah County Board of Commissioners Resolves:

1. Authorization. For the purposes above, the County hereby authorizes the issuance of one or more series of Refunding Obligations (the "Refunding Obligations") in a principal amount sufficient to pay the maturing principal and interest of the Refundable Obligations and the costs incident to the authorization, sale, issuance and delivery of the Refunding Obligations. The Refunding Obligations shall be issued upon such financial terms and covenants as may be approved by the Chair, the Chief Financial Officer, the Treasury Manager or their designee (the "Authorized Representative"). The remaining terms of the Refunding Obligations shall be established as provided in Section 7 hereof.

For the refunding of the portion of Refundable Obligations that are Refundable Revenue Bonds, the County is limited to refunding pursuant to the provisions and limitations outlined in each respective trust indenture.

2. Security.
 - i. Full Faith and Credit Obligations. For the portion of Refunding Obligations that are refunding Refundable Full Faith and Credit Obligations, the County is further authorized pursuant to ORS 287.053 to pledge its limited tax revenues for payment of the County's limited tax bonded indebtedness, provided that the County shall not have at any one time outstanding limited tax bonded indebtedness in a principal amount that exceeds one percent of the real market value of all taxable property within the County. The County will make certifications as to both of these factors in the financing agreement.
 - ii. General Obligation Bonds. For the portion of Refunding Obligations that are refunding Refundable General Obligation Bonds, the full faith and credit of the County are pledged to the successive owners of each of the Refunding Obligations for the punctual payment of such obligations, when due. The County covenants with the owners of the Refunding Obligations to levy annually a direct ad valorem tax upon all of the taxable property within the County in an amount without limitation as to rate or amount, and outside of the limitations of sections 11 or 11b, Article XI of the Oregon Constitution, after taking into consideration discounts taken and delinquencies that may occur in the payment of such taxes, to pay interest accruing and the principal maturing on the Refunding Obligations promptly when and as they become due.
 - iii. Revenue Bonds. For the portion of Refunding Obligations that are refunding the 1998 Revenue Bonds, the Refunding Obligations shall not be general obligations of the County, nor a charge upon its property tax revenues, but shall be payable solely from the revenues which the County pledges to payment of the Refunding Obligations pursuant to ORS 288.825(1).

For the portion of Refunding Obligations that are refunding the 1998 Revenue Bonds, the 2000A Motor Vehicle Rental Tax Revenue Bonds and the 2000B Motor Vehicle Rental Tax Revenue Bonds, the County pledges to the holders of the Refunding Obligations the properties, assets, moneys and rights and interests pledged pursuant to their respective trust indentures and shall be subject to the parity provisions of their respective trust indentures.

3. Book-Entry System. The Refunding Obligations shall be initially issued as a book-entry only security issue with no Refunding Obligations being made available to the Owners pursuant to the terms of a Blanket Issuer Letter of Representations (the "Letter of Representations") executed and delivered by the County to The Depository Trust Company ("DTC"), New York, New York, as the securities depository of the Refunding Obligations.

Ownership of the Refunding Obligations shall be recorded through entries on the books of banks and broker-dealer participants and correspondents that are related to entries on DTC's book-entry only system. The Refunding Obligations shall be initially issued in the form of separate single fully registered typewritten Refunding Obligations for each maturity of the Refunding Obligations (the "Global Refunding Obligations") in substantially the form approved by the Authorized Representative.

Each Global Refunding Obligation shall be registered in the name of CEDE & CO. as nominee (the "Nominee") of DTC (DTC and any other qualified securities depository designated by the County as a successor to DTC, collectively the "Depository") as the "Registered Owner," and such Global Refunding Obligations shall be lodged with the Depository until early redemption or maturity of the Refunding Obligation issue. The Registrar shall remit payment for the maturing principal and interest on the Refunding Obligations to the Registered Owner for the benefit of the owners (the "Beneficial Owner") by recorded entry on the books of the Depository participants and correspondents. While the Refunding Obligations are in book-entry only form, the Refunding Obligations will be available in denominations of \$5,000 or any integral multiple thereof.

In the event:

- i. The Depository determines not to continue to act as securities depository for the Refunding Obligations, or
- ii. The County determines that the Depository shall no longer so act, then the County will discontinue the book-entry only system with the Depository. If the County fails to designate another qualified securities depository to replace the Depository or elects to discontinue use of a book-entry only system, the Refunding Obligations shall no longer be a book-entry only issue but shall be registered in the registration books maintained by the Registrar in the name of the Owner as appearing on the register and thereafter in the name or names of the Owners of the Refunding Obligations transferring or exchanging Refunding Obligations.

With respect to Refunding Obligations registered in the registration books maintained by the Registrar in the name of the Nominee of the Depository, the County and the Registrar shall have no responsibility or obligation to any participant or correspondent of the Depository or to any Registered Owner on behalf of which such participants or correspondents act as agent for the Owner with respect to:

- i. The accuracy of the records of the Depository, the Nominee or any participant or correspondent with respect to any ownership interest in the Refunding Obligations;
- ii. The delivery to any participant or correspondent or any other person, other than an Owner as shown in the registration books maintained by the Registrar, of any notice with respect to the Refunding Obligations, including any notice of prepayment;
- iii. The selection by the Depository of the beneficial interest in Refunding Obligations to be redeemed prior to maturity; or
- iv. The payment to any participant, correspondent, or any other person other than the Owner of the Refunding Obligations as shown in the registration books maintained by the Registrar, or any amount with respect to principal of or interest on the Refunding Obligations.

Notwithstanding the book-entry only system, the County may treat and consider the Registered Owner in whose name each Refunding Obligation is registered in the registration books

maintained by the Registrar as the Owner and absolute Owner of such Refunding Obligation for the purpose of payment of principal and interest with respect to such Refunding Obligation, or for the purpose of giving notices of redemption and other matters with respect to such Refunding Obligation, or for all other purposes whatsoever. The County shall pay or cause to be paid all principal and interest on the Refunding Obligations only to or upon the order of the Registered Owner, as shown in the registration books maintained by the Registrar, or their respective attorneys duly authorized in writing, and all such payments shall be valid and effective to fully satisfy and discharge the County's obligation with respect to payment thereof to the extent of the sum or sums so paid.

Upon delivery by the Depository to the County and to the Owner of written notice to the effect that the Depository has determined to substitute a new nominee in place of the Nominee, then the word "Nominee" in this Resolution shall refer to such new nominee of the Depository, and upon receipt of such notice, the County shall promptly deliver a copy thereof to the Registrar. The Depository shall tender the Refunding Obligations it holds to the Registrar for re-registration.

4. Appointment of Registrar. The County authorizes the Authorized Representative to designate a Registrar and Paying Agent (the "Registrar") for the Refunding Obligations. A successor Registrar may be appointed for the Refunding Obligations by the Authorized Representative. The Registrar shall provide notice to owners of the Refunding Obligations of any change in the Registrar not later than the next principal or interest payment date following the change in Registrar.
5. Authentication, Registration, Exchange and Transfer.
 - i. No Refunding Obligation shall be entitled to any right or benefit under this Resolution unless it shall have been authenticated by an authorized officer of the Registrar. The Registrar shall authenticate all Refunding Obligations to be delivered at closing, and shall additionally authenticate all Refunding Obligations properly surrendered for exchange or transfer pursuant to this Resolution.
 - ii. All Refunding Obligations shall be in registered form. The Authorized Representative shall appoint a Registrar for the Refunding Obligations. A successor Registrar may be appointed for any Series or all of the Refunding Obligations by resolution of the County. The Registrar shall provide notice to Owners of any change in the Registrar not later than the principal or interest payment date following the change in Registrar.
 - iii. The ownership of all Refunding Obligations shall be entered in the Refunding Obligation register maintained by the Registrar, and the County and Registrar may treat the person listed as Owner in the Refunding Obligation register as the Owner of the Refunding Obligation for all purposes.
 - iv. The Registrar shall mail or cause to be delivered each interest payment on the Interest Payment Date (or the next Business Day if the Interest Payment Date is not a Business Day) to the name and address of the Owner, as that name and address appear on the register as of the Record Date. If payment is so mailed or delivered, neither the County nor the Registrar shall have any further liability to any party for such payment.
 - v. In the event the Refunding Obligations cease to be book-entry only bonds, the Refunding Obligations may be exchanged for an equal principal amount of Refunding Obligations of the same maturity which are in different authorized denominations, and Refunding Obligations may be transferred to other Owners if the Owner submits the following to the Registrar:

- A. Written instructions for exchange or transfer satisfactory to the Registrar, signed by the Owner or his attorney in fact and guaranteed or witnessed in a manner satisfactory to the Registrar; and
 - B. The Refunding Obligations to be exchanged or transferred.
- vi. The Registrar shall not be required to exchange or transfer any Refunding Obligations submitted to it during any period beginning with a Record Date and ending on the next following payment date; however, such Refunding Obligations shall be exchanged or transferred promptly following the payment date.
 - vii. The Registrar shall not be required to exchange or transfer any Refunding Obligation which has been designated for redemption if such Refunding Obligations are submitted to it during the fifteen-day period preceding the designated redemption date.
 - viii. For purposes of this section, Refunding Obligations shall be considered submitted to the Registrar on the date the Registrar actually receives the materials described in Section 5.v.
 - ix. The County may alter these provisions regarding registration and transfer by mailing notification of the altered provisions to all Owners. The altered provisions shall take effect on the date stated in the notice, which shall not be earlier than 45 days after notice is mailed.

6. Notice of Redemption.

- i. (Depository). So long as the book-entry only system remains in effect with respect to the Refunding Obligations, the County shall notify the Registrar of any early redemption not less than 40 days prior to the date fixed for redemption. The Registrar shall notify the Depository of any early redemption not less than 30 but no more than 60 days prior to the date fixed for redemption, and shall provide such information in connection therewith as required by the Letter of Representations submitted to DTC in connection with the issuance of the Refunding Obligations.
- ii. (No Depository). During any period in which the book-entry only system is not in effect with respect to the Refunding Obligations, unless waived by any Owner of the Refunding Obligations to be redeemed, official notice of any redemption of Refunding Obligations shall be given by the Registrar on behalf of the County by mailing a copy of an official redemption notice by first class mail postage prepaid at least 30 days and not more than 60 days prior to the date fixed for redemption to the Owner of the Refunding Obligation or Refunding Obligations to be redeemed at the address shown on the register or at such other address as is furnished in writing by such Owner to the Registrar. The County shall notify the Registrar of any intended redemption not less than 45 days prior to the redemption date. All such official notices of redemption shall be dated and shall state:
 - A. The redemption date,
 - B. The redemption price,
 - C. If less than all Outstanding Refunding Obligations are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Refunding Obligations to be redeemed,

- D. That on the redemption date the redemption price will become due and payable upon each such Refunding Obligation or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date,
 - E. The place where such Refunding Obligations are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Registrar, and
 - F. The assigned CUSIP numbers.
- iii. Deposit of Funds. The County shall deposit with the Registrar, on or before the redemption date, an amount of money sufficient to pay the redemption price of all the Refunding Obligations or portions of Refunding Obligations which are to be redeemed on that date.
 - iv. Effect of Redemption. Official notice of redemption having been given as aforesaid, the Refunding Obligations or portions of Refunding Obligations to be redeemed shall, on the redemption date, become due and payable at the Redemption Price therein specified, and from and after such date (unless the County shall default in the payment of the redemption price) such Refunding Obligations or portions of Refunding Obligations shall cease to bear interest. Upon surrender of such Refunding Obligations for redemption in accordance with said notice, such Refunding Obligations shall be paid by the Registrar at the Redemption Price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Refunding Obligation, there shall be prepared for the registered owner a new Refunding Obligation or Refunding Obligations of the same maturity in the amount of the unpaid principal. All Refunding Obligations which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued. Notwithstanding that any Refunding Obligations called for redemption shall not have been surrendered, no further interest shall accrue on any such Refunding Obligations. From and after such notice having been given and such deposit having been made, the Refunding Obligations to be redeemed shall not be deemed to be Outstanding hereunder, and the County shall be under no further liability in respect thereof.
7. Delegation. The Authorized Representative is hereby authorized, on behalf of the County to:
- i. Establish the final principal amount, dated date, denominations, payment dates, redemption provisions; series designation and all other terms of the Refunding Obligations in accordance with this Resolution, including designating any Refunding Obligations as taxable or tax-exempt;
 - ii. Establish the terms under which the Refunding Obligations shall be sold and enter into a purchase agreement, if applicable, for the sale of the Refunding Obligations in one or more series, and execute and deliver such purchase agreements;
 - iii. Appoint a certified public accounting firm to act as verification agent to produce a report demonstrating the ability of the escrow account to meet all future debt service and related costs relative to the Refunding Obligations;
 - iv. Contract with an escrow agent and a paying agent/registrar for the Refunding Obligations;
 - v. Execute and deliver any financing agreements and escrow agreements;

- vi. Approve, authorize, execute and deliver any indentures, leases, documents of sale or conveyances, security documents, closing documents and all other documents necessary in the opinion of the Authorized Representative to consummate the financings;
 - vii. Enter into covenants regarding the use of the proceeds of the Refunding Obligations and the projects financed or refinanced with the proceeds of the Refunding Obligations, to maintain the tax-exempt status of any designated Refunding Obligations;
 - viii. Approve and authorize the distribution of preliminary and final official statements for the Refunding Obligations and execute any continuing disclosure certificates;
 - ix. Obtain ratings on the Refunding Obligations as required;
 - x. Take such actions as are necessary to qualify the Refunding Obligations for the Book-Entry System of The Depository Trust Company, New York, New York;
 - xi. Pledge the County's full faith and credit and all or any portion of the County's legally available revenues, taxes and other funds to pay amounts due under any financing agreements provided such taxing power is subject to the limitations of Section 11 or 11b, Article XI of the Oregon Constitution;
 - xii. Obtain a municipal bond insurance policy, if cost effective, and fund a debt service reserve, if necessary, from Refunding Obligation proceeds or with a reserve surety policy; and
 - xiii. Execute and deliver any other certificates, documents or agreements and take any actions that are necessary to issue, sell and deliver the Refunding Obligations in accordance with this Resolution.
8. Appointment of Specialists. The County hereby appoints Preston Gates & Ellis to serve as bond counsel in connection with the execution and delivery of the Refunding Obligations, Regional Financial Advisors, Inc., as financial advisor and Banc of America Securities, as underwriter.
 9. Continuing Disclosure. The County shall undertake in one or more Continuing Disclosure Certificates for the benefit of the registered owners and beneficial owners of the Refunding Obligations to provide to each Nationally Recognized Municipal Securities Information Repository ("NRMSIRs"), and if and when one is established, the State Information Depository ("SID"), on an annual basis on or before 270 days after the end of each fiscal year, commencing with the fiscal year ending June 30, 2003, the information required pursuant to paragraphs (b)(5)(i)(A)(B) and (D) of the Securities and Exchange Commission Rule 15c2-12 (17 C.F.R. § 240.15c2-12 (the "Rule")). In addition, the County will undertake for the benefit of the registered owners and beneficial owners to provide in a timely manner to the NRMSIRs or to the Municipal Securities Rulemaking Board ("MSRB") notices of certain material events required to be delivered pursuant to paragraph (b)(5)(i)(C) of the Rule.
 10. Defeasance. The County may defease the Refunding Obligations by setting aside, with a duly appointed escrow agent, in a special escrow account irrevocably pledged to the payment of the Refunding Obligations to be defeased, cash or direct obligations of the United States in an amount which, in the opinion of an independent certified public accountant, is sufficient without reinvestment to pay all principal and interest on the defeased Refunding Obligations until their maturity date or any earlier redemption date. Refunding Obligations which have been defeased pursuant to this section shall be deemed paid and no longer outstanding, and shall cease to be

entitled to any lien, benefit or security under this Resolution except the right to receive payment from such special escrow account.

11. Resolution to Constitute Contract. In consideration of the purchase and acceptance of any or all of the Refunding Obligations by those who shall own the Refunding Obligations from time to time (the "Owners"), the provisions of this Resolution shall be part of the contract of the County with the Owners and shall be deemed to be and shall constitute a contract between the County and the Owners. The covenants, pledges, representations and warranties contained in this Resolution or in the closing documents executed in connection with the Refunding Obligations, including without limitation the County's covenants and pledges contained herein, and the other covenants and agreements herein set forth to be performed by or on behalf of the County shall be contracts for the equal benefit, protection and security of the Owners, all of which shall be of equal rank without preference, priority or distinction of any of such Refunding Obligations over any other thereof, except as expressly provided in or pursuant to this Resolution.
12. Public Hearing. Pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986, as amended, the revenue bond Refunding Obligations may not be issued as tax-exempt qualified bonds until the elected legislative body of the County, as a unit of government issuing the Refunding Obligations, holds a public hearing, following reasonable public notice, in order that the residents of the County may have reasonable opportunity to be heard by the County relating to the issuance of the Refunding Obligations. The County is the governmental unit issuing the Refunding Obligations. The County directs that such public hearing be conducted following reasonable public notice and that the Director, Finance, Budget and Tax is designated the hearing official for the County to conduct such hearing. The Director of Finance Budget and Tax shall report to the Chair of the Board the results of the public hearing, whereupon the Chair may approve of the issuance of the Refunding Obligations for the benefit of the County.

ADOPTED this 11th day of September, 2003.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Agnes Sowle, County Attorney

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: September 11, 2003

Agenda Item #: R-3

Est. Start Time: 9:45 AM

Date Submitted: 08/29/03

Requested Date: September 11, 2003

Time Requested: 15 mins

Department: Non-Departmental

Division: Commissioner Serena Cruz

Contact/s: Mary Carroll

Phone: 503-988-5275

Ext.: 85275

I/O Address: 503/600

Presenters: Representatives from Recovery Association Project

Agenda Title: Proclaiming September 2003 as National Alcohol and Drug Addiction Recovery Month in Multnomah County, Oregon

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

1. **What action are you requesting from the Board? What is the department/agency recommendation?**
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
3. **Explain the fiscal impact (current year and ongoing).**

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**

- ❖ Is the revenue one-time-only in nature?
 - ❖ If a grant, what period does the grant cover?
 - ❖ When the grant expires, what are funding plans?
- NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

If a contingency request, explain:

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

Required Signatures:

Department/Agency Director:  Date: 08/29/03

Budget Analyst

By: _____ Date:

Dept/Countywide HR

By: _____ Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. ____

Proclaiming September 2003 as National Alcohol and Drug Addiction Recovery Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Substance use and co-occurring mental disorders and co-existing physical illness are major public health problems that affect millions of Americans of all ages, races and ethnic backgrounds in all communities, and have significant medical, societal and economic costs.
- b. People with co-occurring substance abuse and mental disorders can and do recover; and people with co-occurring substance abuse and mental disorders deserve access to the services they need to recover.
- c. Thousands of health care providers in Multnomah County have dedicated their lives to the recovery process and to the education of the public about alcoholism, drug dependence, and treatment issues.
- d. September 2003 offers individuals in the substance abuse treatment community an opportunity to educate the public and policymakers about the effectiveness of treatment, both societal and financial.

The Multnomah County Board of Commissioners Proclaims:

September 2003 as National Alcohol and Drug Addiction Recovery Month in Multnomah County and encourages all citizens to support this year's theme: *"Join the Voices for Recovery: Celebrating Health"*, by supporting men, women, and youth who are in drug and alcohol addiction treatment and recovery and their families.

ADOPTED this 11th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

#1

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 09/11/03

SUBJECT: Multnomah Co. Proclaimed
as National Recovery Month

AGENDA NUMBER OR TOPIC: R-3

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Valeria Moore

ADDRESS: 5725 S.W. FLORIDA ST.

CITY/STATE/ZIP: PORTLAND, OR 97219

PHONE: DAYS: (503) 228-9229 ext. 203 EVES: (503) 246-3066

EMAIL: vmoore@inact.org FAX: (503) 228-9558

SPECIFIC ISSUE:

WRITTEN TESTIMONY:

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

#2

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

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

MEETING DATE: 09.11.03

SUBJECT: Mult County National Recovery
Month Proclamation

AGENDA NUMBER OR TOPIC: R-3

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Patty Katz

ADDRESS: 4937 SE Woodstock

CITY/STATE/ZIP: Portland 97206

PHONE: DAYS: 503-775-2458 EVES: 360-903-4645

EMAIL: Patty.Katz@apacsar.org FAX: 503 775-0004

SPECIFIC ISSUE:

WRITTEN TESTIMONY:

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 03-128

Proclaiming September 2003 as National Alcohol and Drug Addiction Recovery Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. Substance use and co-occurring mental disorders and co-existing physical illness are major public health problems that affect millions of Americans of all ages, races and ethnic backgrounds in all communities, and have significant medical, societal and economic costs.
- b. People with co-occurring substance abuse and mental disorders can and do recover; and people with co-occurring substance abuse and mental disorders deserve access to the services they need to recover.
- c. Thousands of health care providers in Multnomah County have dedicated their lives to the recovery process and to the education of the public about alcoholism, drug dependence, and treatment issues.
- d. September 2003 offers individuals in the substance abuse treatment community an opportunity to educate the public and policymakers about the effectiveness of treatment, both societal and financial.

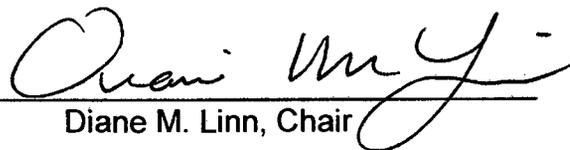
The Multnomah County Board of Commissioners Proclaims:

September 2003 as National Alcohol and Drug Addiction Recovery Month in Multnomah County and encourages all citizens to support this year's theme: "*Join the Voices for Recovery: Celebrating Health*", by supporting men, women, and youth who are in drug and alcohol addiction treatment and recovery and their families.

ADOPTED this 11th day of September, 2003.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

AGENDA PLACEMENT REQUEST

BUD MOD #:

Board Clerk Use Only:

Meeting Date: September 11, 2003

Agenda Item #: R-4

Est. Start Time: 10:00 AM

Date Submitted: 09/03/03

Requested Date: September 11, 2003

Time Requested: 10 mins

Department: Non-Departmental

Division: Chair's Office

Contact/s: Bob Eaton and Doug Ross

Phone: 503.281.5675

I/O Address: N/A

Presenters: Bob Eaton - Executive Director, Multnomah County Drainage District No. 1 and Doug Ross - Accountant, Secretary - Treasurer, Multnomah County Drainage District No. 1

Agenda Title: RESOLUTION Appointing a Commission to Report on Alternate Assessment Methodologies for the Multnomah County Drainage District No. 1

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

1. **What action are you requesting from the Board? What is the department/agency recommendation?**
Appoint a three-person commission to study alternate methods to allocate District operating costs to the District landowners.

2. **Please provide sufficient background information for the Board and the public to understand this issue.**
The District Multnomah County Drainage District No. 1 has been in existence since 1917. It provides flood protection in north Portland along the Columbia River: between NE 18th and NE 223rd east to west and the Columbia River and Sandy/Columbia Boulevards north to south. The District contains a dense mix of urban land uses: trucking industry businesses, light manufacturing, containers and storage, commercial businesses, single and multi-family residential areas, parks, golf courses, moorages and boating businesses, hotels, restaurants and the Portland International Airport.

Current Assessment Methodology The current assessment methodology was adopted in 1989 and is based on the assumption that the costs of District are split equally between flood protection and storm water management. The land use and demographics of the District are very different today. The newer and more diverse land uses influence the level of benefit provided by the Drainage District. For example, properties with high impervious surface area generate more stormwater runoff (and District expense) than properties with more natural, vegetated areas. The current assessment methodology does not fairly represent the newer land uses that have proportionately higher impervious areas.

Board of Supervisor Action An independent review done at the request of the District determined that current assessment models are inconsistent with the current assessment methodology that was adopted in the June 26, 1989 Report of Reassessment, resulting in possibly inaccurate or inconsistently applied assessments. On August 4, 2003, the District Board of Supervisors unanimously adopted MCDD Resolution #03-4, authorizing a Reassessment of Benefits. The resolution called for a landowner petition to be circulated, as required by ORS 547.245 and authorized District staff to take all necessary steps to facilitate the reassessment process.

Reassessment Process. Whenever the landowners of at least one-tenth of the total acreage of the district petition the County to appoint a commission to review the fairness of the district assessment methodology, the County must respond to that request.

On September 3, 2003, Multnomah County Assessor Robert L. Ellis reviewed the August 29, 2003 Petition to Appoint Commissioners for Reassessment of Benefits (attached to the resolution) and reported as follows:

"Based upon the 2002 assessments applied to tax accounts (following the instructions of the Multnomah County Drainage District No. 1) we have calculated a total of 7,715.91 acres, slightly more than the 7,558 reported by the District.

I have verified that the owners listed on the petition own greater than ten percent of the total acres. It appears that the signers of the petition represent about 43 percent of the total acreage which received special assessments for drainage from the District."

ORS 547.245 and 547.215 establish a process for completing a study of alternative assessment methodologies and reporting those results to the County Commission for formal action. The first step of this process is for the County Commission to appoint an independent commission to oversee the study and preparation of the report. This is the purpose of the recommended resolution.

Appointment of Commission Members ORS 547.215 requires that the members of the special commission not own land in the District and not be related to any

person owning land in the District. One commission member must be a registered civil engineer. The individuals proposed for appointment are:

Dan Vizzini is a utility rate financial analyst with the City of Portland, Bureau of Environmental Services. Mr. Vizzini is proposed to be the chair of the commission.

David Crawford, PE, is a registered civil engineer, specializing in stormwater management computer modeling.

Don Oakley is a registered engineer, who was the lead consultant for the 1989 assessment methodology change in the Multnomah County Drainage District No.1.

The petitioners have represented that Messrs. Vizzini, Crawford, and Oakley meet the requirements of ORS 547.215.

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

Conducting the reassessment methodology study will have no financial impact on the County; all costs will be borne by Multnomah County Drainage District No. 1. The District has agreed to pay for the required publication cost the County will incur under ORS 547.245.

NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

If a budget modification, explain:

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)

If a contingency request, explain:

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

If grant application/notice of intent, explain:

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**

- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

ORS 547 ("Drainage Districts") is the state's enabling statute for local government drainage districts formed by landowners within an area proposed for protection by a district. The county government plays a role during the organization of a district by appointing the independent commission that recommends the method of assessing district costs to the landowners of the district. When this process is complete and the County adopts the recommendation of the independent commission, the new drainage district functions as a local government providing a special function.

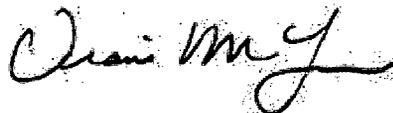
5. Explain any citizen and/or other government participation that has or will take place.

Citizen Participation A change of this type can always generate a range of public reaction. Considerable discussion regarding the need for change has already taken place between District Supervisor and staff. The District process for studying alternate assessment methodologies and the function of the special commission to oversee this process anticipates controversy and will facilitate considerable landowner participation in designing the change.

Project Work Plan The work plan for the assessment methodology study (attached to the resolution) includes considerable opportunity for involvement by landowners in the District. The landowners will vote at their December meeting on a preferred alternative from the assessment methodology study.

Other Government Participation The assessment methodology change causes impacts that are solely internal in the Drainage District. The District does all of the work to compute the annual assessment for each landowner by using the assessment methodology and District land ownership records. These annual assessments are provided to the County Assessor for inclusion on the annual property tax assessments.

Required Signature:



Department/Agency Director: _____

Date: 09/04/03

BOGSTAD Deborah L

From: ELLIS Bob L
Sent: Wednesday, September 03, 2003 3:05 PM
To: BOGSTAD Deborah L
Cc: KINOSHITA Carol; RYAN Matthew O
Subject: RE: additional info

We do not have the boundaries of the Multnomah County drainage District # 1 in the A & T computer system. The district notifies us annually of the assessments to be placed on accounts.

Based upon the 2002 assessments applied to tax accounts (following the instructions of the drainage district) we have calculated a total of 7,715.91 acres slightly more than the 7,558 reported by the district.

I have verified that the owners listed below own greater than ten percent of the total acres.

The following exceptions are noted:

Halton Company owns 27.77 vs. 32 reported
Warren Limited Partnership II owns 28.13 as reported and an additional seven accounts totaling 13.11 acres
Warren Family Properties LLC owns 6.3 as reported and one additional account of 1.76 acres
The Port of Portland owns 3246.34 acres totaling 239 accounts upon which an assessment for drainage appears vs.. 3,310.5 acres reported

It appears that the signers of the petition represent about 43% of the total acreage which received special assessments for drainage from the district.

Robert L. Ellis
Multnomah County Assessor

The Multnomah County Drainage District No. 1 has just today submitted a petition to appoint commissioners for reassessment of benefits to me in connection with ORS 547.245 and of course they want the Board resolution to be on next week's agenda. According to the attorney for the District, the District consists of 7,558 assessable acres and the petition is signed by the owners of at least one-tenth of the total acreage (756 acres) within the District. Our attorney has asked me to see if you would be able to take a look at the petition and verify that the six landowners who have signed the petition are in the district. I'll bring the document down to you or whomever you want me to. They represent the following: (1) Warren Limited Partnership II, Interstate Cross Roads Lots 8, 9, 10 – 28.13 acres – signed by Tim Warren, General Partner; (2) Warren Family Properties LLC,

9/3/2003

Interstate Cross Roads Lots 21, 22, 23 – 6.3 acres – signed by Tim Warren, Manager; (3) Cooper Tractor and Equipment, 4545 NE 148th Avenue, Portland, 97230 – 2.6 acres – signed by Larry Cooper, President; (4) Owens-Brockway Glass Containers, Inc., 9710 NE Glass Plant Road, Portland, 97220 – 43.05 acres – signed by Robert __, Plant Engineer; **(5) Port of Portland, 121 NW Everett, Portland, 97209 - 3,310.5 acres – signed by Executive Director Bill Wyatt and Port of Portland Commissioner Anne C. Nelson;** and (6) The Halton Company, 4421 NE Columbia Blvd., Portland, 97218 – 32 acres – signed by Mark __, Vice-President.

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

From: BOGSTAD Deborah L
Sent: Wednesday, September 03, 2003 2:10 PM
To: ELLIS Bob L
Cc: KINOSHITA Carol; RYAN Matthew O
Subject: additional info

ROBERT DOLPHIN
MARK FATTEY

Bob, here is some follow up info – I am still waiting to hear back from the District for information that would verify their attorney's statement concerning the amount of assessable acreage. Multnomah County Drainage District No. 1 has been in existence since 1917. The current assessment methodology was adopted by County Board Order 89-162 on July 27, 1989, however the report was not made an exhibit to the order and is no longer a part of the records of the Board Clerk, at least not in a manner I have been able to discern. (I was hired in December, 1989 – things changed forthwith.) The June 22, 1989 Order 89-128 appointing commissioners for reassessment **did** contain an exhibit copy of the petition submitted by the District and it does not appear to have had any County Clerk/Assessor certification, nor did it contain any information regarding the number of assessable acres of the District, nor the amount of acres owned by each of the 7 petitioners who were alleged to represent 10 percent of the District.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

BOGSTAD Deborah L

From: KINOSHITA Carol
Sent: Wednesday, September 03, 2003 9:57 AM
To: THOMAS John S
Cc: RYAN Matthew O; BOGSTAD Deborah L
Subject: FW: Request for County Board Action Relating to Multnomah County Drainage District No. 1
Importance: High

Hi John!

As discussed, Deb says Multnomah Drainage District petitioners are filing their petition today at 11:30 am and wanted the Board to appoint a commission to report on alternate assessment methodologies at next week's Board meeting. I checked the procedures set out in ORS 547.245 and 547.215 (see below), and there is no requisite timeline. So Deb will tell them the Board may hear this on 9/18 so Matt can handle the matter. And Deb and I will dummy up a resolution similar to the Peninsula Drainage District for Matt's review.

547.245 Reassessment of benefits. At any time after the expiration of five years from the confirmation of the report of the commissioners, as provided by ORS 547.235, and upon the filing of a petition with the county clerk signed by at least one-tenth of the owners of the lands within the drainage district or the owners of at least one-tenth of the lands within such district, setting forth that the original assessments or benefits are inequitable and unjust, the county court shall appoint three commissioners, as provided by ORS 547.215, to reassess the benefits in the district. The commissioners shall report the reassessment to the court. Upon the filing of the report of the commissioners, the county clerk shall give notice of hearing thereon by publication once a week for three consecutive weeks in some newspaper published in each county in the district, the last insertion to be made at least 15 days prior to the hearing. At least 10 days before the day set for hearing, exceptions may be filed by any interested person, and upon hearing the same the court shall approve the report or direct how it shall be modified and, when so modified or approved, shall confirm it. The assessment as confirmed shall take the place of all prior assessments; provided, that in no case shall the total amount of assessments be less than the outstanding obligations. The county clerk shall transmit a certified copy of the court's decree and copy of the commissioners' report, as confirmed or amended by the court, to the secretary of the board of supervisors of the district and to the county clerk of each county having lands in the district.

547.215 Commissioners; appointment; qualifications; quorum; continuing existence. Upon adoption of the plan for reclamation, the county judge shall, by order, appoint three commissioners (who shall not be landowners in the district nor of kin within the fourth degree of consanguinity to any person owning land in the district), one of whom shall be a civil engineer and two of whom shall be freeholders residing within the state. A majority of the commissioners shall constitute a quorum and shall control the action of the board on all questions. Such commissioners shall constitute a body which shall continue in office and may be convened at any time by the county court for the purpose of correcting any errors, omissions or other mistakes that shall have been discovered in its original report as the same may have been amended and supplemented from time to time or for any other good cause shown. The court shall fill any vacancy occurring in such body of commissioners by appointment of a person who has the qualifications required by this section of the commissioner the person is to replace. Whenever said body of commissioners has been reconvened by the court, it shall thereafter make its report in response to the directions of the court and such report when completed shall be subject to ORS 547.245, with reference to a hearing thereon and a confirmation thereof by order or decree of the court before such supplemental report shall go into effect. [Amended by 1953 c.434 §2]

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

9/3/2003

From: BOGSTAD Deborah L
Sent: Tuesday, August 19, 2003 2:22 PM
To: RYAN Matthew O; KINOSHITA Carol
Cc: 'Doug Ross [dross@mcdd.org]'
Subject: Request for County Board Action Relating to Multnomah County Drainage District No. 1
Importance: High

Hi Matt and Carol. If you will recall, back in October, 2000, the Peninsula Drainage District No. 2 submitted a Petition to Appoint Commissioners for Reassessment which generated a Board resolution, followed in April, 2002 by a Resolution Approving and Confirming the Report and Assessment Methodology of the Commission. I have been advised by Multnomah County Drainage District No. 1 Secretary/Treasurer Doug Ross that the County Drainage District would like to initiate similar proceedings, albeit more expedited than that of the Peninsula District. The County District is represented by attorney Eileen Eakins, and it is their hope to have a petition submitted to the County Commissioners via me, by August 28th, in time to get the appointing resolution on the September 11th Board agenda if possible. Either Mr. Ross or Ms. Eakins will be contacting you about this when you return from vacation next week. I have faxed the 2000 agenda packet to Mr. Ross for his review and I've made a copy for you. I'm also attaching the e resolutions and e packet from the April, 2002 Board meeting. Hope this helps. Mr. Ross can be reached at 503 281-5675, extension 103. His fax number is 503 281-0392.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

September 3, 2003

Board of County Commissioners
Multnomah County Courthouse
1021 SW 4th Ave
Portland OR 97204

Re: **Multnomah County Drainage District**
Reassessment of Benefits
Our File No. 45727/27791

EILEEN G. EAKINS

Dear Commissioners:

This office represents Multnomah County Drainage District. Pursuant to ORS 547.245, the District submits the enclosed petition, requesting the Multnomah County Commissioners to initiate proceedings to conduct a reassessment of benefits within the District. The reassessment report provides the methodology for determining how properties within the District should be assessed for the cost of providing drainage works and services. The District consists of 7,558 assessable acres. As required by statute, the petition is signed by the owners of at least one-tenth of the total acreage (756 acres) within the District.

Direct Dial
503.598.5587

E-mail
eileen.eakins@jordanschrader.com

After conducting an independent review of its current assessment process, the District's Board of Supervisors has determined that the existing methodology—which was adopted in 1989—is not workable, and that there have been errors in its implementation that need to be addressed to ensure that assessments for drainage services are fair and equitable for landowners within the District.

The process for reassessment is described in ORS 547.245. This statute requires the County Commissioners to appoint a board of three commissioners to assess benefits and damages, and estimate the cost of improvements within the District. (The secretary of the District's Board of Supervisors serves as an *ex officio* member of this board, and provides the information needed to make these determinations.) The process for selecting and notifying these commissioners is provided in ORS 547.215 and 547.220. The commissioners may not be landowners within the District,

JORDAN SCHRADER PC

Multnomah County
Board of County Commissioners
September 3, 2003
Page 2

nor related to anyone owning land in the District. One commissioner must be a civil engineer and two must be "freeholders" residing in the state of Oregon. Selection of the commissioners is within the County Commissioners' discretion. In the event the County desires assistance in selecting qualified commissioners for this board, attached to this letter is a list of individuals recognized by the District to meet the required qualifications and to be knowledgeable about drainage district operations and/or rate-setting.

The commissioners must file their written report with the county clerk, who then provides notice of a hearing, as provided in ORS 547.245. Any interested person may file an exception to the commissioners' report, and the County Commissioners then adopt the report as presented or modified, and confirm it. Once confirmed, the report replaces the existing methodology.

A proposed resolution appointing a commission is attached for your convenience. If you have questions about this process, please contact me at (503) 598-7070. Otherwise, the reassessment process may be coordinated with Doug Ross or Bob Eaton at the District, (503) 281-5675.

Very truly yours,

JORDAN SCHRADER PC



Eileen G. Eakins

Enclosure

cc: Multnomah County Drainage District No. 1

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Reassessment of Benefits
in MULTNOMAH COUNTY DRAINAGE
DISTRICT NO. 1

**PETITION TO APPOINT
COMMISSIONERS FOR
REASSESSMENT OF BENEFITS**

The undersigned petitioners hereby request that proceedings be taken for the
reassessment of benefits for Multnomah County Drainage District No. 1 ("District"), and in
furtherance thereof do hereby join in this petition.

1. This petition is for reassessment of benefits in the District, and is filed pursuant to
ORS 547.245.

2. As required by ORS 547.245, the undersigned petitioners represent at least
one-tenth of the owners of the lands within the District, or the owners of at least one-tenth of the
lands within the District.

3. The undersigned petitioners set forth that, for the reasons described in the
Resolution of the District's Board of Supervisors, which is attached hereto as Exhibit A and
incorporated herein by reference, the current assessments of benefits are inequitable and unjust,
and a reassessment of such benefits is necessary to ensure accurate and equitable distribution of
costs for such benefits.

4. As provided by ORS 547.235, more than five years having expired from the
confirmation of the original report of benefits, and since the first Reassessment of Benefits in
1989, and pursuant to ORS 547.245, this petition requests the County Commissioners to appoint
a board of three commissioners who are not landowners within the District, nor kin within the

1 fourth degree of consanguinity of any person owning land within the District, to reassess the
2 benefits in the District and report the reassessment to the County Commissioners. The secretary
3 of the District's Board of Supervisors shall be an *ex officio* member of such board of
4 commissioners, pursuant to ORS 547.220.

5 WHEREFORE, pursuant to ORS 547.245, the petitioners pray for the following:

6 1. An order appointing qualified persons as this Board may designate as
7 commissioners, and convening the same and directing them to examine the previous report of the
8 commissioners in the light of this petition and of all relevant facts, and prepare an amended and
9 supplemental report as may be warranted by the law and the facts; and

10 2. Pursuant to relevant portions of ORS Chapter 547, upon filing of the
11 commissioners' report, that the County Commissioners cause notice of hearing upon such report
12 to be published; conduct such hearing and receive exceptions timely filed by any interested
13 person; and, upon hearing the same, approve the report or direct how it shall be modified and,
14 when so modified or approved, confirm such report by decree; and

15 3. That the County Commissioners grant any other relief which this court may deem
16 appropriate.

17 ////
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25 ////

1 Dated this 29th day of August, 2003.

2 PRINT LANDOWNER NAME AND ADDRESS

SIGNATURE OF OWNER OR
OWNER'S REPRESENTATIVE

3 WARREN LIMITED PARTNERSHIP II
4 INTERSTATE CROSSROADS
5 LOTS 8, 9, 10
6 No. of acres owned: 28.13

[Signature]
Its: Genl Partner

7 WARREN FAMILY PROPERTIES LLC
8 INTERSTATE CROSSROADS LOTS 21, 22, 23
9 No. of acres owned: 6.3

[Signature]
Its: Manager

10 Cooper Tractor & Equipment
11 4545 NE 148th Ave
12 Portland, OR 97230
13 No. of acres owned: 2.6

[Signature]
Its: President

14 Owens Brockway Glass Container Inc
15 9710 NE Glass Plant Rd Portland 97220
16 No. of acres owned: 43.05

[Signature]
Its: Plant Engineer

17 Port of Portland
18 121 NW Everett
19 No. of acres owned: 3,310.5

[Signature]
Its: Executive Director

20 The Halton Company
21 4421 NE Columbia Blvd
22 No. of acres owned: ~32 Portland OR 97218

[Signature]
Its: Vice President

23 _____
24 _____
25 No. of acres owned: _____

Its: _____

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Dated this 29th day of August, 2003.

PRINT LANDOWNER NAME AND ADDRESS

SIGNATURE OF OWNER OR OWNER'S REPRESENTATIVE

Part of Portland

Part of Portland Commissioner

121 NW Everett Portland OR

Its: [Signature]

No. of acres owned: 3,310.5 97209

No. of acres owned: _____

Its: _____

No. of acres owned: _____

Its: _____

No. of acres owned: _____

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No. of acres owned: _____

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No. of acres owned: _____

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No. of acres owned: _____

Its: _____

Exhibit A

**MULTNOMAH COUNTY DRAINAGE DISTRICT #1
RESOLUTION NO. #03-4**

A RESOLUTION AUTHORIZING A REASSESSMENT OF BENEFITS

WHEREAS, after an independent review done at the request of the Multnomah County Drainage District No. 1 ("District"), the Board of Supervisors ("Board") has determined that current assessment models are inconsistent with the assessment methodology adopted in the *Report of Reassessment* dated June 26, 1989 which is now in effect, resulting in possibly inaccurate or inconsistently applied assessments; and

WHEREAS, the Board has further determined that certain methodologies in the adopted *Report of Reassessment* are outdated or impracticable, and therefore need to be revised; and

WHEREAS, ORS 547.245 provides that, at any time after the expiration of five years from the confirmation of the original assessment report as provided by ORS 547.235, a petition signed by at least one-tenth of the owners of the lands within the drainage district or the owners of at least one-tenth of the lands within such district may be filed with the county clerk, setting forth that the original assessments or benefits are inequitable and unjust, and requesting the county court to appoint three commissioners as provided by ORS 547.215 to reassess the benefits of the district; now, therefore,

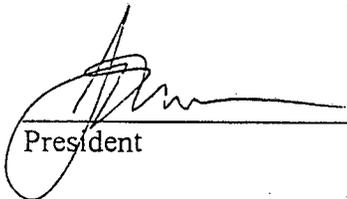
BE IT RESOLVED:

- 1) That the Board authorizes the initiation of the process for conducting a reassessment of benefits pursuant to ORS 547.245.
- 2) That the Board authorizes District staff to take all necessary steps to facilitate the reassessment process, including coordinating with legal counsel as needed.
- 3) That pursuant to ORS 547.220, the Secretary of the Board, as an *ex officio* member of the board of commissioners to be appointed by the County court, shall provide any required assistance and information required by such commissioners to complete the reassessment.

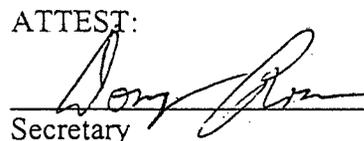
Approval of this Resolution moved by Nelson, seconded by Cooper.

Adopted by the Board of Supervisors of the Multnomah County Drainage District No. 1 on this 4th day of August, 2003, by the following vote:

Ayes: -3- Nays: -0-



President

ATTEST:


Secretary

Exhibit B

**Multnomah County Drainage District #1
Petition to Appoint Commissioners for Reassessment of Benefits
Dated this 29th day of August, 2003**

Proposed Commissioners:

Dan Vizzini; 13830 Verte CT, Lake Oswego, OR 97034

David Crawford; 3120 NE US Grant Place, Portland, OR 97212

Don Oakley; 14490 SE Oregon Trial Drive, Clackamas, OR 97015

Dan Vizzini is a utility rate financial analyst with the City of Portland, Bureau of Environmental Services. Mr. Vizzini is proposed to be the chair of the commission.

David Crawford, PE, is a registered civil engineer, specializing in storm water management computer modeling.

Don Oakley, is a registered engineer, who was the lead consultant for the 1989 assessment methodology change in Multnomah County Drainage District No. 1.

The petitioners represent that Messrs. Vizzini, Crawford and Oakley meet the requirements of ORS 547.215.

BOGSTAD Deborah L

From: Eileen Eakins [Eileen.Eakins@jordanschrader.com]
Sent: Friday, September 05, 2003 11:16 AM
To: 'KINOSHITA Carol'; 'Doug Ross'
Cc: SOWLE Agnes; BOGSTAD Deborah L
Subject: RE: District Resolution

Carol:

I should have caught this yesterday, but we need to amend the work plan and the Agenda Placement Request to eliminate the requirement for a landowner vote on the methodology . This is not a legal requirement, and I believe we have built in considerable opportunities for landowner input. We can change it to a discretionary requirement for the District if the Commissioners prefer, but the County can't impose a mandatory one. I can prepare a supplemental memorandum for the Commissioners if the documents are already final.

Eileen G. Eakins, Attorney
Jordan Schrader
(503) 598-7070
eileen.eakins@jordanschrader.com

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

From: KINOSHITA Carol [mailto:carol.kinoshita@co.multnomah.or.us]
Sent: Thursday, September 04, 2003 4:48 PM
To: 'Doug Ross'
Cc: SOWLE Agnes; BOGSTAD Deborah L; 'Eileen Eakins'
Subject: RE: District Resolution

Here are the final documents for the 9/11 Board meeting for appointment of the commissioners listed in Exhibit B to the petition. Please let us know if you have any questions or additional materials to provide. Thanx!

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

From: KINOSHITA Carol
Sent: Thursday, September 04, 2003 4:12 PM
To: 'Doug Ross'
Cc: SOWLE Agnes; BOGSTAD Deborah L; Eileen Eakins
Subject: RE: District Resolution

As discussed, here's the revised (see highlites) Exhibit 2 and Exhibit B to the petition that adds the one sentence representation. Please let me know asap if these meet with your approval. Thanx!

Exhibit 2

9/8/2003

BOGSTAD Deborah L

From: KINOSHITA Carol
Sent: Monday, September 08, 2003 1:30 PM
To: 'Eileen Eakins'
Cc: BOGSTAD Deborah L; 'Doug Ross'; RYAN Matthew O
Subject: RE: District Resolution

Thanks, but all we need to do is have the Chair move to adopt the resolution as amended to delete the redlined landowner vote language from the work plan as shown, and I believe Deb will take care of that.

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

From: Eileen Eakins [mailto:Eileen.Eakins@jordanschrader.com]
Sent: Monday, September 08, 2003 1:25 PM
To: 'KINOSHITA Carol'; Eileen Eakins
Cc: BOGSTAD Deborah L; 'Doug Ross'; RYAN Matthew O
Subject: RE: District Resolution

Carol:

Thanks for your help. Do you need me to prepare the amendment, or are you guys taking care of that on your end?

Eileen G. Eakins
Jordan Schrader
(503) 598-7070
eileen.eakins@jordanschrader.com

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

From: KINOSHITA Carol [mailto:carol.kinoshita@co.multnomah.or.us]
Sent: Monday, September 08, 2003 8:25 AM
To: 'Eileen Eakins'
Cc: BOGSTAD Deborah L; 'Doug Ross'; RYAN Matthew O
Subject: RE: District Resolution

I talked with Matt Ryan, the attorney handling this matter (who just got back from vacation), and deleted the landowner vote on preferred alternatives from the work plan. The amendment to the resolution will have to be made at the meeting this week because the packet was published last Thursday. Please let us know if you have any problems with this change. Thanx much!

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

From: Eileen Eakins [mailto:Eileen.Eakins@jordanschrader.com]
Sent: Friday, September 05, 2003 11:16 AM
To: 'KINOSHITA Carol'; 'Doug Ross'
Cc: SOWLE Agnes; BOGSTAD Deborah L
Subject: RE: District Resolution

Carol:

9/8/2003

BOGSTAD Deborah L

From: BOGSTAD Deborah L
Sent: Monday, September 08, 2003 3:49 PM
To: LINN Diane M; ROJO DE STEFFEY Maria; CRUZ Serena M; NAITO Lisa H; ROBERTS Lonnie J
Cc: RYAN Matthew O; SOWLE Agnes; KINOSHITA Carol; COMITO Charlotte A; MARTIN Chuck T; CARROLL Mary P; UHERBELAU Rebecca A; ROMERO Shelli D; NAITO Terri W; BELL Iris D; SMITH Andy J; BELL Iris D
Subject: request for amendment to R-4 on September 11th

Eileen Eakins, the Attorney representing Multnomah County Drainage District No. 1 did not get back to our attorney until Friday, the day after this week's agenda packets had been distributed. She has asked that a portion of the Resolution Exhibit 2, Work Plan, be amended by deleting the stricken language:

December 2003: Conclude work sessions with landowners. Landowner meeting conducted by the District board; receive public comment on proposed methodology ~~and landowners vote on a preferred alternative~~. Final Special Commission meeting for public comment.

It is Ms. Eakins' contention that the District has "built in considerable opportunities for landowner input" into the Work Plan and that the County cannot legally impose a mandatory vote. Matt Ryan has agreed to this request. On Thursday, would Commissioner Cruz please make a motion to amend the Resolution, Exhibit 2, the Work Plan by striking/eliminating the requirement for a landowner vote on the methodology, with Commissioner Naito seconding the motion and the Board approving same? Thank you very much.

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

EXHIBIT 2

**MULTNOMAH COUNTY DRAINAGE DISTRICT NO. 1
WORK PLAN**

Project Work Plan. The work plan for the assessment methodology study includes considerable opportunity for involvement by landowners in the District. The project schedule, with opportunities for landowner involvement, is:

September 2003: County appoints special commission; analysis of impervious area by tax lot and financial issues begins.

October 2003: Impervious area study complete; preliminary financial analysis and draft financial report reviewed by special commission.

October/November 2003: District staff begins meeting in work sessions (3 to 4) with landowners. Special commission reviews public input.

December 2003: Conclude work sessions with landowners. Landowner meeting conducted by the District board; receive public comment on proposed methodology ~~and landowners vote on a preferred alternative.~~ Final Special Commission meeting for public comment.

January 2004: Commission completes final report, adopts the report as its 'final draft and forwards it to the County.

February 2004: Upon timely submission of the final report in compliance with ORS Chapter 547, the Board of County Commissioners considers the final report; and if approved, the District publishes new assessment method to landowners.

June 2004: District implements revised assessment methodology at start of new fiscal year.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Appointing a Commission to Report on Alternate Assessment Methodologies for the Multnomah County Drainage District No. 1

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Drainage District No. 1 (“District”) is organized under the provisions of ORS Chapter 547, “Drainage Districts,” serving an area of north Portland that is surrounded by flood protection levees and served by a stormwater conveyance and pumping system. The District operates and maintains the system of levees, stormwater conveyance, and pumps. The landowners of properties within the District elect a board of supervisors to govern the District.
- b. ORS 547.245, “Reassessment of Benefits,” provides procedures for changing the District’s method of assessing District properties when the existing assessment method has become out of date (“inequitable or unjust”). After conducting an independent review of its current assessment process, the District’s Board of Supervisors has determined that the existing methodology - which was adopted in 1989 - is not workable, and that there have been errors in its implementation that need to be addressed to ensure that assessments for drainage services are fair and equitable for landowners within the District. In addition, the landowners of more than 10 percent of the lands within the District have signed a petition, filed with the County Board Clerk, requesting the County to invoke the formal assessment change process contained in ORS 547.245. A copy of the petition is attached as Exhibit 1.
- c. The District has agreed to pay for the required publication cost the County will incur under ORS 547.245.
- d. ORS 547.215 and 547.245 provide that the County “. . . shall, by order, appoint three commissioners (who shall not be landowners in the district nor of kin within the fourth degree of consanguinity to any person owning land in the district), one of whom shall be a civil engineer . . .” These commissioners will follow the ORS Chapter 547 process of preparing a formal report on reassessment methods and submitting the report to the “county court” (Board of County Commissioners).
- e. The District has prepared a “Work Plan” to accomplish public awareness and acceptance of this assessment change. The Work Plan is attached as Exhibit 2.

The Multnomah County Board of Commissioners Resolves:

1. A commission is appointed to prepare a report on updating the assessment methodology for Multnomah County Drainage District No. 1.
2. The commission members will be :

 Dan Vizzini, Chair
 David Crawford, PE (a Registered Professional Civil Engineer in the State of Oregon), Member
 Donald W. Oakley, PE, Member
3. The commissioners and the District Board of Supervisors must comply with ORS Chapter 547 in completing and submitting a report on alternate assessment methodologies with a recommended methodology. The commissioners and the District Board of Supervisors must substantially comply with the attached Work Plan to promote public awareness and acceptance of the proposed reassessment method.
4. The Board of Supervisors of Multnomah County Drainage District No. 1 will provide support to the commission to enable it to complete and submit the report on assessment methodologies.

ADOPTED this 11th day of September, 2003.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

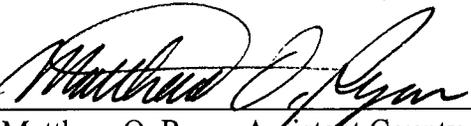
By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT 2

MULTNOMAH COUNTY DRAINAGE DISTRICT NO. 1 WORK PLAN

Project Work Plan. The work plan for the assessment methodology study includes considerable opportunity for involvement by landowners in the District. The project schedule, with opportunities for landowner involvement, is:

September 2003: County appoints special commission; analysis of impervious area by tax lot and financial issues begins.

October 2003: Impervious area study complete; preliminary financial analysis and draft financial report reviewed by special commission.

October/November 2003: District staff begins meeting in work sessions (3 to 4) with landowners. Special commission reviews public input.

December 2003: Conclude work sessions with landowners. Landowner meeting conducted by the District board; receive public comment on proposed methodology ~~and landowners vote on a preferred alternative.~~ Final Special Commission meeting for public comment.

January 2004: Commission completes final report, adopts the report as its final draft and forwards it to the County.

February 2004: Upon timely submission of the final report in compliance with ORS Chapter 547, the Board of County Commissioners considers the final report; and if approved, the District publishes new assessment method to landowners.

June 2004: District implements revised assessment methodology at start of new fiscal year.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 03-129

Appointing a Commission to Report on Alternate Assessment Methodologies for the Multnomah County Drainage District No. 1

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Drainage District No. 1 (“District”) is organized under the provisions of ORS Chapter 547, “Drainage Districts,” serving an area of north Portland that is surrounded by flood protection levees and served by a stormwater conveyance and pumping system. The District operates and maintains the system of levees, stormwater conveyance, and pumps. The landowners of properties within the District elect a board of supervisors to govern the District.
- b. ORS 547.245, “Reassessment of Benefits,” provides procedures for changing the District’s method of assessing District properties when the existing assessment method has become out of date (“inequitable or unjust”). After conducting an independent review of its current assessment process, the District’s Board of Supervisors has determined that the existing methodology - which was adopted in 1989 - is not workable, and that there have been errors in its implementation that need to be addressed to ensure that assessments for drainage services are fair and equitable for landowners within the District. In addition, the landowners of more than 10 percent of the lands within the District have signed a petition, filed with the County Board Clerk, requesting the County to invoke the formal assessment change process contained in ORS 547.245. A copy of the petition is attached as Exhibit 1.
- c. The District has agreed to pay for the required publication cost the County will incur under ORS 547.245.
- d. ORS 547.215 and 547.245 provide that the County “. . . shall, by order, appoint three commissioners (who shall not be landowners in the district nor of kin within the fourth degree of consanguinity to any person owning land in the district), one of whom shall be a civil engineer . . .” These commissioners will follow the ORS Chapter 547 process of preparing a formal report on reassessment methods and submitting the report to the “county court” (Board of County Commissioners).
- e. The District has prepared a “Work Plan” to accomplish public awareness and acceptance of this assessment change. The Work Plan is attached as Exhibit 2.

The Multnomah County Board of Commissioners Resolves:

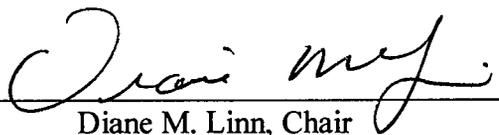
1. A commission is appointed to prepare a report on updating the assessment methodology for Multnomah County Drainage District No. 1.
2. The commission members will be :

Dan Vizzini, Chair
David Crawford, PE (a Registered Professional Civil Engineer in the State of Oregon), Member
Donald W. Oakley, Member
3. The commissioners and the District Board of Supervisors must comply with ORS Chapter 547 in completing and submitting a report on alternate assessment methodologies with a recommended methodology. The commissioners and the District Board of Supervisors must substantially comply with the attached Work Plan to promote public awareness and acceptance of the proposed reassessment method.
4. The Board of Supervisors of Multnomah County Drainage District No. 1 will provide support to the commission to enable it to complete and submit the report on assessment methodologies.

ADOPTED this 11th day of September, 2003.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

EXHIBIT 1

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

In the Matter of the Reassessment of Benefits
in MULTNOMAH COUNTY DRAINAGE
DISTRICT NO. 1

**PETITION TO APPOINT
COMMISSIONERS FOR
REASSESSMENT OF BENEFITS**

The undersigned petitioners hereby request that proceedings be taken for the reassessment of benefits for Multnomah County Drainage District No. 1 ("District"), and in furtherance thereof do hereby join in this petition.

1. This petition is for reassessment of benefits in the District, and is filed pursuant to ORS 547.245.

2. As required by ORS 547.245, the undersigned petitioners represent at least one-tenth of the owners of the lands within the District, or the owners of at least one-tenth of the lands within the District.

3. The undersigned petitioners set forth that, for the reasons described in the Resolution of the District's Board of Supervisors, which is attached hereto as Exhibit A and incorporated herein by reference, the current assessments of benefits are inequitable and unjust, and a reassessment of such benefits is necessary to ensure accurate and equitable distribution of costs for such benefits.

4. As provided by ORS 547.235, more than five years having expired from the confirmation of the original report of benefits, and since the first Reassessment of Benefits in 1989, and pursuant to ORS 547.245, this petition requests the County Commissioners to appoint a board of three commissioners who are not landowners within the District, nor kin within the

1 fourth degree of consanguinity of any person owning land within the District, to reassess the
2 benefits in the District and report the reassessment to the County Commissioners. The secretary
3 of the District's Board of Supervisors shall be an *ex officio* member of such board of
4 commissioners, pursuant to ORS 547.220.

5 WHEREFORE, pursuant to ORS 547.245, the petitioners pray for the following:

6 1. An order appointing qualified persons as this Board may designate as
7 commissioners, and convening the same and directing them to examine the previous report of the
8 commissioners in the light of this petition and of all relevant facts, and prepare an amended and
9 supplemental report as may be warranted by the law and the facts; and

10 2. Pursuant to relevant portions of ORS Chapter 547, upon filing of the
11 commissioners' report, that the County Commissioners cause notice of hearing upon such report
12 to be published; conduct such hearing and receive exceptions timely filed by any interested
13 person; and, upon hearing the same, approve the report or direct how it shall be modified and,
14 when so modified or approved, confirm such report by decree; and

15 3. That the County Commissioners grant any other relief which this court may deem
16 appropriate.

17 ////

18 ////

19 ////

20 ////

21 ////

22 ////

23 ////

24 /////

25 ////

1 Dated this 29th day of August, 2003.

2 PRINT LANDOWNER NAME AND ADDRESS

SIGNATURE OF OWNER OR
OWNER'S REPRESENTATIVE

3 WARREN LIMITED PARTNERSHIP II
4 INTERSTATE CROSSROADS
5 LOTS 8, 9, 10
6 No. of acres owned: 28.13

[Signature]
Its: Genl Partner

7 WARREN FAMILY PROPERTIES LLC
8 INTERSTATE CROSSROADS LOTS 21, 22, 23
9 No. of acres owned: 6.3

[Signature]
Its: Manager

10 Cooper Tractor & Equipment
11 4545 NE 148th AVE
12 Portland, OR 97230
13 No. of acres owned: 2.6

[Signature]
Its: President

14 Owens-Brockway Glass Container Inc
15 9710 NE Glass Plant Rd Portland 97220
16 No. of acres owned: 43.05

[Signature]
Its: Plant Engineer

17 Port of Portland
18 121 NW Everett
19 No. of acres owned: 3,310.5

[Signature]
Its: Executive Director

20 The Halton Company
21 4421 NE Columbia Blvd
22 No. of acres owned: 4.32 Portland 97218

[Signature]
Its: Vice President

23 _____
24 _____
25 No. of acres owned: _____

Its: _____

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Dated this 29th day of August, 2003.

PRINT LANDOWNER NAME AND ADDRESS

SIGNATURE OF OWNER OR OWNER'S REPRESENTATIVE

Port of Portland
121 NW Everett, Portland OR
No. of acres owned: 3,310.5 97209

Port of Portland Commissioner
Its: Alvin C. Walker

No. of acres owned: _____

Its: _____

No. of acres owned: _____

Its: _____

No. of acres owned: _____

Its: _____

No. of acres owned: _____

Its: _____

No. of acres owned: _____

Its: _____

No. of acres owned: _____

Its: _____

Exhibit A

**MULTNOMAH COUNTY DRAINAGE DISTRICT #1
RESOLUTION NO. #03-4**

A RESOLUTION AUTHORIZING A REASSESSMENT OF BENEFITS

WHEREAS, after an independent review done at the request of the Multnomah County Drainage District No. 1 ("District"), the Board of Supervisors ("Board") has determined that current assessment models are inconsistent with the assessment methodology adopted in the *Report of Reassessment* dated June 26, 1989 which is now in effect, resulting in possibly inaccurate or inconsistently applied assessments; and

WHEREAS, the Board has further determined that certain methodologies in the adopted *Report of Reassessment* are outdated or impracticable, and therefore need to be revised; and

WHEREAS, ORS 547.245 provides that, at any time after the expiration of five years from the confirmation of the original assessment report as provided by ORS 547.235, a petition signed by at least one-tenth of the owners of the lands within the drainage district or the owners of at least one-tenth of the lands within such district may be filed with the county clerk, setting forth that the original assessments or benefits are inequitable and unjust, and requesting the county court to appoint three commissioners as provided by ORS 547.215 to reassess the benefits of the district; now, therefore,

BE IT RESOLVED:

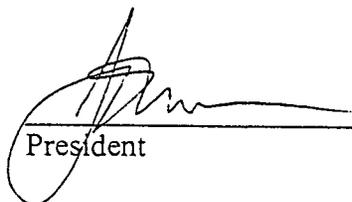
- 1) That the Board authorizes the initiation of the process for conducting a reassessment of benefits pursuant to ORS 547.245.
- 2) That the Board authorizes District staff to take all necessary steps to facilitate the reassessment process, including coordinating with legal counsel as needed.
- 3) That pursuant to ORS 547.220, the Secretary of the Board, as an *ex officio* member of the board of commissioners to be appointed by the County court, shall provide any required assistance and information required by such commissioners to complete the reassessment.

Approval of this Resolution moved by Nelson, seconded by Cooper.

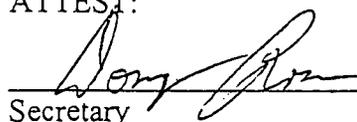
Adopted by the Board of Supervisors of the Multnomah County Drainage District No. 1 on this 4th day of August, 2003, by the following vote:

Ayes: - 3 - Nays: - 0 -

ATTEST:



President



Secretary

Exhibit B

**Multnomah County Drainage District #1
Petition to Appoint Commissioners for Reassessment of Benefits
Dated this 29th day of August, 2003**

Proposed Commissioners:

Dan Vizzini; 13830 Verte CT, Lake Oswego, OR 97034

David Crawford; 3120 NE US Grant Place, Portland, OR 97212

Don Oakley; 14490 SE Oregon Trial Drive, Clackamas, OR 97015

Dan Vizzini is a utility rate financial analyst with the City of Portland, Bureau of Environmental Services. Mr. Vizzini is proposed to be the chair of the commission.

David Crawford, PE, is a registered civil engineer, specializing in storm water management computer modeling.

Don Oakley, is a registered engineer, who was the lead consultant for the 1989 assessment methodology change in Multnomah County Drainage District No. 1.

The petitioners represent that Messrs. Vizzini, Crawford and Oakley meet the requirements of ORS 547.215.

EXHIBIT 2

MULTNOMAH COUNTY DRAINAGE DISTRICT NO. 1 WORK PLAN

Project Work Plan. The work plan for the assessment methodology study includes considerable opportunity for involvement by landowners in the District. The project schedule, with opportunities for landowner involvement, is:

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June 2004: District implements revised assessment methodology at start of new fiscal year.