



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

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

Email: deborah.l.bogstad@co.multnomah.or.us

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

SEPTEMBER 14 & 16, 1999

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg2	9:30 a.m. Tuesday Continued Child Receiving Center Discussion if Needed
Pg3	9:30 a.m. Thursday Minority Enterprise Development Week Proclamation
Pg3	9:40 a.m. Thursday 1999-2000 Supplemental Budget Resolution
Pg3	9:45 a.m. Thursday Health RESULTS Presentation
Pg4	10:05 a.m. Thursday ACJ West District Office Lease and Budget Modification
Pg4	10:15 a.m. Thursday Student Bus Pass Pilot Program
Pg4	10:25 a.m. Thursday Appointing a County Living Wage Work Group
*	Check the County Web Site: http://www.co.multnomah.or.us/

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

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

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community
Television

Tuesday, September 14, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BOARD BRIEFING

- B-1 Continuation of Child Receiving Center Discussion (if Needed). Presented by Chair Stein, Commissioners and Invited Others. 2.5 HOURS REQUESTED.
-

Thursday, September 16, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 Budget Modification NOND 1 Restoring Tax Supervising and Conservation Commission Budget and Correcting Clerical Errors in Various Non-Departmental Budgets

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-2 Report to the Board the Hearings Officer Decision Regarding Approval of CU 2-99 with Conditions for a Community Service Approval for a Residential Care Facility on Property Located at 18857 SE GIESE ROAD, GRESHAM
- C-3 Report to the Board the Hearings Officer Decision Regarding Approval of SEC 10-99 with Conditions for Replacement of a Dwelling within 200 Feet of the Existing Dwelling on Property Located at 11276 NW SKYLINE BOULEVARD, PORTLAND
- C-4 Amendment 1 to Intergovernmental Agreement 301138 with Oregon Department of Transportation Changing the Federal Funding Source of the Emergency Relief Project Regarding Repair and Stabilization on the Roadway Shoulder, Slope Reconstruction and Pavement Repair on Cornelius Pass Road

- C-5 ORDER Canceling Land Sale Contract 15634 with Frank Rytel Upon Default of Payments and Performance of Covenants
- C-6 RESOLUTION Authorizing Execution of Deed D001655 Upon Complete Performance of a Contract to the Heirs of Norman Binns
- C-7 RESOLUTION Authorizing Execution of Deed D001660 for Repurchase of Tax Foreclosed Property to Former Owner Richard A. Murdoch

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- C-8 Amendment 1 to Intergovernmental Revenue Agreement 700309 with Portland Public Schools to Provide Funding for Educational Services for 25 High-Risk Juvenile Offenders through the Albina Youth Opportunity School Genesis Program

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-9 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

REGULAR AGENDA

PUBLIC COMMENT - 9:30 AM

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

DEPARTMENT OF SUPPORT SERVICES - 9:30 AM

- R-2 PROCLAMATION Proclaiming the Week of October 3 to October 9, 1999 as MINORITY ENTERPRISE DEVELOPMENT WEEK
- R-3 RESOLUTION Accepting the 1999-00 Supplemental Budget and Preparing the Approved Supplemental Budget for Submittal to the Tax Supervising and Conservation Commission, Portland, Oregon

DEPARTMENT OF HEALTH - 9:45 AM

- R-4 Results from RESULTS: Process Improvement Team on Client Input/Involvement. Presented by Donna Cassidy, Brian Taylor, Debby Parrish, Jim Hopper, Jimmy Stachniewicz and Juan Flores

R-5 NOTICE OF INTENT to Apply for Grant Funds from Northwest Health Foundation to Develop Database Management System Software for the Tuberculosis Prevention and Control Center

DEPARTMENT OF ENVIRONMENTAL SERVICES - 10:05 AM

R-6 RESOLUTION Authorizing Execution of Lease Extension Agreement 301786-5 with Julia Evans Nathan Trust, and Lease Agreement 0010865 with Peter A. Nathan, Trustee for Julia E. Nathan Trust and Unity, Inc. for Holdover Beyond Lease Term and Reimbursement of Expenses Related to Holdover Regarding the Adult Community Justice West District Office

R-7 Budget Modification DES 1 Authorizing \$123,193 General Fund Contingency Transfer to Facilities Management Fund to Offset the Costs Associated with the Adult Community Justice West District Office Lease Extension and an Agreement Providing a Reimbursement to Unity, Inc. for Costs Resulting from the County Holdover

NON-DEPARTMENTAL - 10:15 AM

R-8 Budget Modification Dist. 2 01 Authorizing \$77,000 General Fund Contingency Draw to Pay for Multnomah County's Share of the Sisters in Action for Power, Multnomah County, Portland Public Schools and Tri-Met Bus Pass Pilot Program

R-9 Budget Modification Dist. 2 02 Authorizing \$75,000 General Fund Contingency Draw to Provide a Loan to Portland Public Schools for its Share of the Sisters in Action for Power, Multnomah County, Portland Public Schools and Tri-Met Bus Pass Pilot Program

R-10 RESOLUTION Appointing a County Living Wage Work Group

COMMISSIONER COMMENT/LEGISLATIVE ISSUES - 10:40 AM

R-11 Opportunity (as Time Allows) for Commissioners to Comment on Non-Agenda Items or to Discuss Legislative Issues.



Diane Linn, Multnomah County Commissioner
DISTRICT ONE

MEMORANDUM

TO: Chair Beverly Stein
Commissioner Serena Cruz
Commissioner Lisa Naito
Commissioner Sharron Kelley
Board Clerk Deb Bogstad ✓

FROM: Beckie Lee ✓
Staff to Commissioner Diane Linn

DATE: September 2nd, 1999

RE: Board Meeting Absences

Commissioner Linn will be unable to attend the Board Meeting on Thursday, September 16th, as she will be participating in a 3-day Strategic Planning Session for the Portland Public Schools.

99 SEP 17 11:40
COUNTY ADMINISTRATORS
MULTNOMAH COUNTY
OREGON



BUDGET MODIFICATION NO.

Nond 01

(For Clerk's Use) Meeting Date SEP 16 1999
Agenda No. C-1

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date)

DEPARTMENT Nondepartmental

DIVISION Budget & Quality

CONTACT Julie Neburka

TELEPHONE x27351

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Julie Neburka

SUGGESTED

AGENDA TITLE

Restores Tax Supervising & Conservation Commission budget and corrects clerical errors in various Nondepartmental budgets.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet

Adds \$50,000 to Tax Supervising & Conservation Commission budget to reflect legislative change in TSCC's budget ceiling. Also restores cost-of-living adjustments inadvertently deleted from the personnel budgets of the County's elected officials.

CLERK OF COUNTY COMMISSIONERS
99 SEP 18 PM 1:02
MULTIPLIPLY AN COUNTY
OREGON

3. REVENUE IMPACT (Explain revenues being changed and reason for the change)

Decreases General Fund contingency by \$69,184
Increases internal service funds (in total) by \$7,996

4. CONTINGENCY STATUS (to be completed by Budget & Quality)

General	Fund Contingency before this modification	<u>9/8/99</u>	<u>3,434,570</u>
		Date	
	After this modification		<u>3,365,386</u>

Originated By	Date	Department Director	Date
Dave Warren <i>Dave Warren</i>	9/8/99	Vickie Gates	9/8/99
Plan/Budget Analyst	Date	Employee Services	Date
Julie Neburka <i>Julie Neburka</i>	9/8/99		
Board Approval	Date		
<i>Wendy Borah C. Boaster</i>	9/16/99		

TSCC-Elected bud mod FY 00.XLS

EXPENDITURE												
TRANSACTION EB GM []			TRANSACTION DATE				ACCOUNTING PERIOD			03/00	BUDGET FY 00	
Document				Organi-		Reporting		Current	Revised	Change		
Number	Action	Fund	Agency	zation	Activity	Category	Object	Amount	Amount	(Decrease)	Subtotal	Description
		100	050	9000			5100		1,002	1,002		
		100	050	9000			5500		253	253		
		100	050	9000			5550		37	37		
		100	050	9025			5100		4,169	4,169		
		100	050	9025			5500		1,051	1,051		
		100	050	9025			5550		153	153		
		100	050	9235			5100		2,076	2,076		
		100	050	9235			5500		523	523		
		100	050	9235			5550		76	76		
		100	050	9245			5100		1,976	1,976		
		100	050	9245			5500		498	498		
		100	050	9245			5550		73	73		
		100	050	9250			5100		2,052	2,052		
		100	050	9250			5500		517	517		
		100	050	9250			5550		75	75		
		100	050	9275			5100		2,107	2,107		
		100	050	9275			5500		531	531		
		100	050	9275			5550		77	77		
		100	050	9040			5100		31,504	31,504		
		100	050	9040			5200		(10,000)	(10,000)		
		100	050	9040			5500		7,079	7,079		
		100	050	9040			5550		4,655	4,655		
		100	050	9040			6120		7,325	7,325		
		100	050	9040			6230		3,000	3,000		
		100	050	9040			6310		1,200	1,200		
		100	050	9040			6330		325	325		
		100	050	9040			7150		250	250		
		100	050	9040			7560		2,600	2,600		
		100	050	9040			8400		4,000	4,000		
		100	75	9120			7700		(69,184)	(69,184)		
		400	070	7531			6580		5,146	5,146		
		402	070	7990			6140		250	250		
		404	030	5950			6200		2,600	2,600		
TOTAL EXPENDITURE CHANGE										7,996		

TSCC-Elected bud mod FY 00.XLS

REVENUE												
TRANSACTION RB GM []			TRANSACTION DATE				ACCOUNTING PERIOD			03/00	BUDGET FY 00	
Document				Organi-	Reporting			Current	Revised	Change		
Number	Action	Fund	Agency	zation	Category	Object		Amount	Amount	(Decrease)	Subtotal	Description
		400	070	7531		6600			5,146	5,146		
		402	070	7990		6600			250	250		
		404	030	5950		6600			2,600	2,600		
									0			
									0			
									0			
									0			
									0			
									0			
									0			
TOTAL REVENUE CHANGE										7,996	0	



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DIANE LINN
SERENA CRUZ
LISA NAITO
SHARRON KELLEY

BUDGET & QUALITY
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503) 248-3883

TO: Board of County Commissioners

FROM: Julie Neburka, Budget Analyst *JN*

DATE: September 8, 1999

RE: Bud Mod Nond 01, increasing TSCC's budget and making clerical corrections.

The Tax Supervising & Conservation Commission (TSCC) was established in 1919 by the Oregon Legislature to supervise the budgeting and taxing activities of local governments. It is an independent County organization whose operations Multnomah County is legally required to fund. The State Legislature sets a budget "ceiling" for TSCC which, until the recent legislative session, was capped at \$230,000 as it had been for the previous ten years. It was anticipated during the budget process that TSCC's budget would be increased by the State Legislature this year, and \$50,000 was set aside in the General Fund contingency to pay for the anticipated increase. This bud mod transfers the \$50,000 into TSCC's budget.

In addition, this bud mod restores \$19,184 in cost-of-living adjustments that were inadvertently removed from the personnel budgets of several County elected officials' offices in the course of making a county-wide adjustment in budgeted COLA increases. The salaries of elected officials follow the recommendations of the Salary Commission and are benchmarked against those of state court judges or, in the case of the Chair's salary, against the mid-point of the salaries of County direct-report managers. They do not receive automatic cost-of-living adjustments, and therefore shouldn't have had their budgets reduced. This clerical error was not discovered until after the FY 2000 budget had been adopted.

The Budget Office recommends approval of this bud mod. Both the TSCC budget increase and the (correct) personnel budgets for the County's elected officials were anticipated during this year's budget process. As of September 8, 1999, the General Fund contingency was \$3,434,570. This bud mod will reduce that amount to \$3,365,386.



BOARD HEARING OF September 16, 1999

TIME 9:30am

CASE NAME: Request to change the existing use of an adult care facility in an existing residence to a residential care facility on the subject parcel. **NUMBER:** CU 2-99.

1. Applicant & Property Owner Name/ Address:

Gheorghe and Agnia Cioruta
18857 SE Giese Road
Gresham, OR 97080

Action Requested of Board	
<input checked="" type="checkbox"/>	Affirm Hearings Officer Decision
<input type="checkbox"/>	Hearing/Rehearing
Scope of Review	
<input type="checkbox"/>	On The Record
<input type="checkbox"/>	De Novo
	New information allowed

2. Action Requested by Applicant:

Request for approval to change the existing use of an adult foster care facility in an existing residence to a residential care facility on the subject parcel located at 18857 SE Giese Road. The applicant does not propose to alter the existing structure. The applicant applied for approval for the Community Service (CS) use of the site as a residential care facility. The land use application process for the CS use is a Conditional Use action in the RR zone. A Pre-Application Meeting (PA 16-99) for the proposal was held on May 26, 1999.

3. Planning Staff Recommendation

Approval, with conditions, of the Conditional Use for the applicant's request for a Community Service approval for a residential care facility.

4. Hearings Officer Decision

The Hearings Officer Decision was signed August 19, 1999 and issued on August 24, 1999. The Hearings Officer approved the Conditional Use, CU 2-99.

5. If recommendation and decision are different, why?

The Staff recommendation and the Hearings Officer Decision are the same, approval with conditions.

6. Issues:

There are no issues for this case, CU 2-99.

7. Do any of these issues have policy implications? Explain.

No policy implications for this case, CU 2-99.



DEPARTMENT OF ENVIRONMENTAL SERVICES
LAND USE PLANNING DIVISION
1600 SE 190TH AVENUE
PORTLAND, OREGON 97233
(503) 248-3043 FAX: (503) 248-3389

DECISION OF HEARINGS OFFICER

Case File: CU 2-99

Hearings Officer: Liz Fancher

Hearing Date, Time, & Place: August 18, 1999, 10:30 AM
1600 SE 190th Avenue
Portland, OR 97233

PROPOSAL: To change the existing use of an adult foster care facility in an existing residence, to a residential care facility on the subject parcel. The subject parcel is 2.7 acres in size and is zoned Rural Residential (RR). The applicant is applying for approval for the Community Service (CS) use of the site as a residential care facility. The land use application process for the CS use is a Conditional Use action in the RR zone. A Pre-Application (PA 16-99) Meeting for the proposal was held on May 26, 1999.

LOCATION: 18857 SE Giese Road.
Lot 12 of Byrline, Section 20, T1S, R3E, W.M.
R#12390-1000.
See attached map.

**APPLICANT/
PROPERTY OWNER:** Gheorghe and Agnia Cioruta
18857 SE Giese Road
Gresham, OR 97080

HEARINGS OFFICER DECISION:

Approval with Conditions of the proposed Conditional Use, CU 2-99, for the Conditional Use application for a change in use from an adult foster care facility to a residential care facility on the 2.7-acre parcel in the Rural Residential (RR) zone. The Conditional Use application is for approval of a Community Service use, the residential care facility. The applicant does not propose any exterior alterations to the existing residence to accommodate the change in use of the structure. The application materials have met the applicable Multnomah County Code provisions and Comprehensive Plan Policies.

This decision is supported by the findings listed below, prepared by County staff and the applicant. Those findings are hereby adopted as findings of the Hearings Officer.

APPROVAL CRITERIA:

ZONING ORDINANCE REQUIREMENTS:

- MCC 11.15.2202 – Rural Residential (RR)**
- MCC 11.15.6100 – Off-Street Parking and Loading (OP)**
- MCC 11.15.7005 – Community Service (CS)**
- MCC 11.15.7105 – Conditional Uses (CU)**
- MCC 11.15.7805 – Design Review (DR)**

COMPREHENSIVE PLAN POLICIES:

- 13 Air, Water and Noise Quality**
- 14 Developmental Limitations**
- 22 Energy Conservation**
- 37 Utilities**
- 38 Facilities**
- 40 Development Requirements**

CONDITIONS OF APPROVAL:

1. A Grading and Erosion Control (GEC) permit will be required for any volume of soil or earth disturbed, stored, disposed of, excavated, moved, or used as fill greater than 50 cubic yards, if any is proposed as a part of site plan review (none anticipated).
2. Approval of this Conditional Use for a Community Service Use shall expire two years from the date of issuance of a final decision approving the conditional use unless "substantial construction" has taken place in accordance with MCC 11.15.7010 (C)(3) or the subject proposal is completed as approved.
3. Prior to issuance of building permits, the applicant shall obtain approval of the Design Review application required by MCC .7820, Design Review. The provisions of MCC .7805 through .7865 apply to all Conditional Uses and Community Service Uses in any zoning district. The application shall include the applicant's responses to the criteria of MCC .6130 through .6142.
4. The applicant shall monitor the on-site water usage for a minimum of ten months to determine if the on-site sewage disposal system continues to be adequate for a 12-bedroom adult foster care. One year from the date of issuance of a final decision on CU 2-99, the applicant shall submit a letter from Mike Ebeling, or his designatee, to Staff indicating the on-site sewage disposal system is still adequate for the residential care facility. Mr. Ebeling can be reached at (503)-823-7790. If the applicant fails to comply with this condition, the County may require the applicant to improve the on-site sewage disposal system so that it is capable of serving the facility and meets all relevant environmental regulations or to reduce the number of residents in the foster care home.
5. When ready to have land use or building permits signed-off, the applicant shall contact the Staff Planner, Tricia R. Sears, at (503)-248-3043, for an appointment to review and sign the plans. The applicant shall submit three (3) copies of the required plans. Multnomah County will keep one (1) copy and two (2) copies will be returned to the applicant for building plans review with the City of Gresham.
6. No additional land use action and/or permit requests shall be accepted, relating to the subject application, until such time as all required fees for the said application has been paid in full.

7. **This approval is based on the submitted material.** The proposed change in use from an adult foster care facility to a residential care facility shall be done in accordance with the design, size, and location shown and described in the application materials submitted by the applicant in case files CU 2-99 and PA 16-99. Additional submittals and approvals may be required of the applicant as noted in these Conditions of Approval.

Summary of Staff and Applicant Comments:

The following pages contain the applicant and Staff comments.

Applicant:

The subject property is located at 1887 SE Giese Road, Gresham, Oregon 97080 and has approximately 2.7 acres. This application is made to change the classification of the existing business from Adult Foster Care Home to a Residential Care Facility. At present time, since October 1995, the business functions as an Adult Foster Care Home licensed by Multnomah County Aging Services and by City of Gresham.

The house itself has 3950 sq. ft. and consists of 11 bedrooms, 7 bathrooms, 1 living and dining room, and kitchen. The difference between the proposed Residential Care Facility and the existing Adult Foster Home is the number of residents allowed. For an Adult Foster Home there is a limit of 5 residents while in a Residential Care Facility the capacity allows 6-12 residents.

It is important to mention, that in order to change the current status to a Residential Care Facility, there is no need of extra buildings or additions to the existing facility. The extra space to accommodate more residents (from 5 to 12) was made possible by moving out of five family members that used to live in the house.

This facility meets the needs of the community for a variety of reasons:

1. It provides care very similar to "home" setting versus big institutionalized facilities. This house kept the "old farm house" character of the building.
2. Elderly people from this neighborhood do not have to move far from their roots, families, friends, or go to a different area or part of town. (E.g. It happened in the past that we had to turn down the next door neighbor's request for a place for his father.)
3. To preserve the community identity, there is a need of a facility in a "farm like" setting for people that used to live all their lives on farm. (E.g. Right now we care for a resident whose family lives 3 houses down the street, and 2 blocks away lives the family of another former resident.)
4. The subject property is consistent with the character of the area:
 - a. The size of the building is the average size in the neighborhood.
 - b. The land covered with grass is used as pasture.
5. This type of facility, long term care for the elderly, is needed for this vicinity since there is no similar business in a 10 mile radius.

It is known that this property is located in the area that is included in the first tier for future urban development in Metro plans for this part of the county.

Staff:

No previous land use cases on file with Multnomah County. The applicant has four building permits on file with the County for the subject parcel (1995, 1995, 1996, 1998).

The subject parcel is zoned Rural Residential (RR).

The applicant proposes to change the use of the site from an adult foster care facility to a residential care facility. The use requested is a Community Service under MCC .7020 (A)(5) Group Care Facility. The land use application for approval of the request is a Conditional Use, as established by MCC .2212 (A) in the Rural Residential zone.

A residential care facility as defined under OAR 411-055-000 as, "a facility that provides care for six or more persons over the age of 18 on a 24-hours basis in one or more buildings on contiguous property. For the purpose of these rules, residential care facility includes residential care homes with 6 – 15 persons and residential care centers with 16 or more persons."

Multnomah County Code defines a Group Care Facility (Section .0010) as, "A building or buildings on contiguous property used to house six or more handicapped or socially dependent persons. This definition includes the definition of Residential Care Facility, Residential Training Facility, and Residential Treatment Facility contained in ORS 443.400 (5), (7), and (9)."

The applicant states that the no physical alterations to the existing structure are proposed to accommodate the change in use of the facility. Elevation drawings of the house have been submitted by the applicant. The existing residence contains eleven (11) bedrooms. The applicant has provided floor plans of the residence. Exhibit #2 illustrates the floor plan of the first floor of the structure.

Movement of earth materials, including the cutting, filling, and storing of materials, requires a GEC permit when the amount exceeds 50 cubic yards. Grading and Erosion Control requirements of the Multnomah County Code are included in this document. Grading the site to accommodate changes to the drainfield or to create additional surface area for parking requires a GEC permit if the amount of material exceeds 50 cubic yards. Based on the applicant's submitted materials, a GEC permit is not required for the requested change in use on the site.

The subject parcel is considered a Lot of Record based on the criteria of Section .2222. Multnomah County zoning maps illustrate the subject parcel has been the same size and shape since at least 1962. Zoning maps reviewed by Staff include the 1962, 1978, 1986, 1989, and 1998 maps. Staff checked with the Assessment and Taxation Staff and found the Byrline subdivision, the subdivision in which this parcel is part of, was recorded in 1906.

The applicant has provided documentation regarding ownership of the subject parcel. A copy of the deed was submitted to Staff.

The applicant shall has addressed the applicable Comprehensive Plan Policies (13, 14, 22, 37, 38, and 40) and submitted the required Service Provider sheets. Staff points out Condition of Approval #4 requires the applicant to comply with Mike Ebeling's, Senior Environmental Soils Inspector of the City of Portland, request to continue to monitor the on-site sewage system for one year. Ebeling can be reached at (503)-823-7790.

Multnomah County Land Use Planning Staff have discussed the proposed change of use with Alan Young of the Multnomah County Right-of-Way Division. Young stated there are no Right-of-Way requirements applicable to this proposed change of use (a driveway permit is on file). Should you have any questions about this comment, contact Alan Young at (503)-248-3582.

The Conditional Use application and request for Community Service approval requires additional review of the site under the Design Review process (Section 11.15.7805). The Design Review process is a detailed review of the site for compliance with parking and landscape provisions found in Off-Street Parking and Loading (OP) (Section 11.15.6100). Section .7010 (F) requires Design Review applications for Community Service/ Conditional Use applications. Condition of Approval #3 reiterates the Design Review application must be submitted by the applicant for the site.

The parking standards, under Section .6142 (A)(8) include a parking requirement for a group care facility of 1 space per 4 beds. The applicant request is for eleven bedrooms for the residential care facility plus the continued use of the site for residential purposes for the property owner. Thus, the total # of required parking spaces at the site would be **5 parking spaces**. The applicant has illustrated the location of the required parking spaces on the full size plans submitted with the application. The reduced copy of the site plan does not illustrate the location of the parking spaces on the site.

Specific sections of the parking requirements that are applicable to this proposal include Section .6108 Plan Requirements, Section .6116 Change of Use, and Section .6140 Landscape and Screening Requirements.

Staff has discussed the proposed change in use with the State of Oregon Senior and Disabled Services Division. (SDSD). SDSD is the State agency that licenses residential care facilities in Oregon. The applicant is subject to the requirements of SDSD. The requirements are listed under the Oregon Administrative Rules (OAR) 411-55-000, Residential Care Facilities. Gary Dominic of SDSD is the Residential Care Facilities (RCF) Coordinator. He stated that applicants applying to the State for a RCF license are required to be in conformance with the requirements of the local planning and building departments. Mr. Dominic can be contacted in Salem at (503)-945-6404 for additional information.

You can access the Oregon Administrative Rules cited above via the world wide web at: http://arcweb.sos.state.or.us/rules/oars_400/oar_411/411_055.html or you may inquire about a copy from the Multnomah County Land Use Planning offices at (503)-248-3043.

The application, CU 2-99, was deemed complete on July 19, 1999. Staff visited the site on July 27, 1999.

Applicable Multnomah County Code Provisions and Comprehensive Plan Policies

Multnomah County Code

Rural Residential (RR)

11.15.2202 Purposes

The purposes of the Rural Residential District are to provide areas for residential use for those persons who desire rural living environments; to provide standards for rural land use and development consistent with desired rural character, the capability of the land and natural resources; to manage the extension of public services; to provide for public review of non-residential use proposals and to balance the public's interest in the management of community

growth with the protection of individual property rights through review procedures and flexible standards.

11.15.2204 Area Affected

MCC .2202 through .2230 shall apply to those lands designed RR on the Multnomah County Zoning Map.

Staff: The subject parcel, R#12390-1000, is zoned Rural Residential, RR, according to the zoning maps on file at Multnomah County.

11.15.2206 Uses

No building, structure or land shall be used and no building or structure shall be hereafter erected, altered or enlarged in this district except for the uses listed in MCC .2208 through .2216.

Staff: The applicant's proposed use of the site is listed as a use in Section .2212 as a Conditional Use [subsection (A)]. Section .7020 (A)(5) is part of the Community Service section and lists a group care facility as a Conditional Use.

11.15.2212 Conditional Uses

The following uses may be permitted when found by the Hearings Officer to satisfy the applicable Ordinance standards:

- (A) Community Service Uses under the provisions of MCC .7005 through .7041. *[Amended 1982, Ord. 330 § 2]*

Staff: The applicant has applied for the appropriate land use application. The applicant has submitted a narrative to address the Community Service criteria in Section .7015.

11.15.2218 Dimensional Requirements

- (A) Except as provided in MCC .2220, .2222, .2224 and .7720, the minimum lot size shall be five acres.

Staff: The subject parcel, R#12390-1000, is considered a Lot of Record based on the criteria of Section .2222. Multnomah County zoning maps illustrate the subject parcel has been the same size and shape since at least 1962. Zoning maps reviewed by Staff include the 1962, 1978, 1979, 1986, 1989, and 1998 maps. The parcel is part of the Byrline subdivision. This subdivision, according to Assessment and Taxation Staff, was recorded in 1906. The applicant meets the criterion as a Lot of Record.

- (B) That portion of a street which would accrue to an adjacent lot if the street were vacated shall be included in calculating the area of such lot.

- (C) Minimum Yard Dimensions - Feet

Front Side Street Side Rear

Maximum Structure Height – 35 feet

Minimum Front Lot Line Length – 50 feet.

Staff: The existing structure, currently an adult foster care facility, meets the required rear and side yard setback requirements. The garage is illustrated at 18 feet from the front property line; the structure does not meet the 30-foot front yard setback requirement. The applicant has four building permits on file at Multnomah County; the permits are from 1995, 1995, 1996, and 1998. The building permit from January 20, 1995 includes a site plan that illustrates the existing garage at 17 feet from the property line. The garage is listed as "2) existing shop" on the site plan submitted by the applicant. Staff is unable to determine the exact date the garage was built on the site as there are no building permits for the parcel prior to the January 20, 1995 building permit. The residence was built in 1927 according to the Multnomah County Assessment and Taxation records. Staff is not, at this time, making a determination as to whether the garage met the setback requirements at the time it was built. The applicant does not propose exterior changes to the garage or to the residence.

- (D) The minimum yard requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-way widths and additional requirements not otherwise established by Ordinance.**

Staff: This proposal has been reviewed by Alan Young in the Right-of-Way Division of Multnomah County. Young states that no additional right-of-way requirements are applicable to this case. A driveway permit is on file with the County. Young can be reached at (503)-248-3582. The application meets this criterion.

- (E) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirement if located at least 30 feet from any property line.**

Staff: This criterion does not apply to existing structures on the site and the applicant does not propose to alter the physical structure to accommodate the proposed use as a residential care facility.

11.15.2222 Lot of Record

- (A) For the purposes of this district, a Lot of Record is a parcel of land:**

- (1) For which a deed or other instrument dividing land was recorded with the Department of Administrative Services, or was in recordable form prior to October 6, 1977; and**
- (2) Which, when established, satisfied all applicable laws.**

Staff: The applicant provided a deed of the subject parcel. Staff reviewed the zoning maps on file at Multnomah County and these maps (1962, 1978, 1986, 1989, 1998) illustrate the subject parcel has remained the same size and shape since at least 1962. Staff contacted the Assessment and Taxation Department for records regarding the date the parcel was created. Assessment and Taxation stated that the parcel is part of the Byrline subdivision and that

subdivision was recorded in 1906. The subdivision was recorded prior to the implementation of zoning in Multnomah County. The subject parcel meets the criterion.

- (B) A Lot of Record which has less than the area or front lot line minimums required may be occupied by any permitted or approved use when in compliance with the other requirements of this district.**

Staff: The applicant's subject parcel, addressed as 18857 SE Giese Road, has more than 50 feet of frontage on a public road. The applicant parcel has less than the required minimum lot size. As previously stated, the subject parcel has existed in its current size and shape since at least 1962 when the zoning of the subject parcel was Suburban Residential (S-R). The subject parcel, as noted above in (A), was recorded in 1906 as part of the Byrline subdivision. The application meets the criterion.

- (C) Separate Lots of Record shall be deemed created when a street or zoning district boundary intersects a parcel of land.**

Staff: This criterion is not applicable to the subject parcel.

- (D) Except as otherwise provided by MCC .2220, .2144, and .7720, no sale or conveyance of any portion of a lot other than for a public purpose shall leave a structure on the remainder of the lot with less than minimum lot or yard requirements or result in a lot with less than the area or width requirements of this district.**

11.15.2226 Off-Street Parking and Loading

Off-street parking and loading shall be provided as required by MCC .6110 through .6148.

Staff: See the criteria of MCC .6110 through .6148 as noted below.

11.15.2228 Access

Any lot in this district shall abut a street, or shall have other access determined by the Hearings Officer to be safe and convenient for pedestrians and passenger and emergency vehicles.

Staff: The applicant parcel contains a circular driveway. According to Alan Young in the Right-of-Way Division, the subject property has a driveway permit on file with Multnomah County. The application meets the criterion.

Off-Street Loading and Parking (OP)

11.15.6100 Purposes

The purposes of this subdistrict and these off-street parking and loading regulations are to reduce traffic congestion associated with residential, commercial, manufacturing, and other land uses; to protect the character of neighborhoods; to protect the public's investment in streets and arterials and to provide standards for the development and maintenance of off-street parking and loading areas.

11.15.6102 General Provisions

In the event of the erection of a new building or an addition to an existing building, or any change in the use of an existing building, structure or land which results in an intensified use by customers, occupants, employees or other persons, off-street parking and loading shall be provided according to the requirements of this Section.

11.15.6106 Continuing Obligation

The provision for and maintenance of off-street parking and loading facilities without charge to users shall be a continuing obligation of the property owner. No building or any other required permit for a structure or use under this or any other applicable rule, ordinance or regulation shall be issued until satisfactory evidence in the form of a site development plan, plans of existing parking and loading improvements, a deed, lease, contract or similar document is presented demonstrating that the property is and will remain available for the designated use as a parking or loading facility.

Staff: The applicant does not have, nor does the applicant propose, off-street parking. The applicant parcel contains an area adjacent to an entry/ exit to the residence for convenient emergency service access. No loading facilities are present on the subject parcel. The subject parcel contains the required five (5) parking spaces (two for the single-family residence and three for the residential care facility). The applicant shall continue to maintain the required number of parking spaces on the subject parcel.

11.15.6108 Plan Required

A plot plan showing the dimensions, legal description, access and circulation layout for vehicles and pedestrians, space markings, the grades, drainage, setbacks, landscaping and abutting land uses in respect to the off-street parking area and such other information as shall be required, shall be submitted in duplicate to the Planning Director with each application for approval of a building or other required permit, or for a change of classification to O-P.

Staff: The applicant has submitted a site plan illustrating the location of the existing structures on the site, the driveway, the septic system and drainfield, the fence, the required parking spaces. The site plan illustrates the setbacks. The applicant submitted a plan, as part of the pre-application materials for PA 16-99, showing the uses of the adjacent properties. The plan is attached to this decision as Exhibit #4. The applicant proposes to change the use of the residence from an adult foster care facility to a residential care facility. The existing residence will not be altered except for such things as fire exit signs and so forth as required by ADA. As stated in Section .6106, off-street parking is not used for the site nor is it requested for the change in use. The application meets the criterion.

11.15.6110 Use of Space

- (A) Required parking spaces shall be available for the parking of vehicles of customers, occupants, and employees without charge or other consideration.**
- (B) No parking of trucks, equipment, materials, structures or signs or the conducting of any business activity shall be permitted on any required parking space.**
- (C) A required loading space shall be available for the loading and unloading of vehicles concerned with the transportation of goods or services for the use associated with the loading space.**

(D) Except for residential and local commercial districts, loading areas shall not be used for any purpose other than loading or unloading.

(E) In any district, it shall be unlawful to store or accumulate equipment, material or goods in a loading space in a manner which would render such loading space temporarily or permanently incapable of immediate use for loading operations.

***Staff:** The above standards are included for informational purposes.

11.15.6112 Location of Parking and Loading Spaces

(A) Parking spaces required by this Section shall be provided on the lot of the use served by such spaces.

(C) Loading spaces and vehicle maneuvering area shall be located only on or abutting the property served.

11.15.6114 Improvements Required

(A) Required parking and loading areas shall be improved and placed in condition for use before the grant of a Certificate of Occupancy under MCC .8725, or a Performance Bond in favor of Multnomah County equivalent to the cost of completing such improvements shall be filed with the Planning Director.

Staff: The subject parcel contains the required number of parking spaces. Staff visited the site July 27, 1999. The five required parking spaces are paved and so is the driveway. Two parking spaces are required for the single-family residence [Section .6142 (A)(1)] and three parking spaces are required for the use of the site as a residential care facility [Section .6142(A)(8)]. The application meets the criterion.

(B) Any such bond shall include the condition that if the improvement has not been completed within one year after issuance of the Certificate of Occupancy, the bond shall be forfeited.

11.15.6116 Change of Use

(A) Any alteration of the use of any land or structure under which an increase in the number of parking or loading spaces is required by this Section shall be unlawful unless the additional spaces are provided.

(B) In case of enlargement or change of use, the number of parking or loading spaces required shall be based on the total area involved in the enlargement or change in use.

Staff: The applicant's proposal for CU 2-99 is for a change in use. The applicant's request is to change the existing use of the site from an adult foster care facility to a residential care facility. The applicant site plan illustrates the location of the required parking spaces. The site plan is attached as Exhibit #1. The reduced copy does not actually illustrate the location of the parking spaces but the full size plans do. Two parking spaces are required for the single-family residence [Section .6142 (A)(1)] and three parking spaces are required for the use of the site as a residential care facility [Section .6142 (A)(8)]. The application meets the criterion.

11.15.6120 Existing Spaces

Off-street parking or loading spaces existing prior to July 26, 1979 may be included in calculating the number of spaces necessary to meet these requirements in the event of subsequent enlargement of the structure or change of use to which such spaces are accessory. Such spaces shall meet the design and improvement standards of this Section.

Staff: The applicant's site parking is not altered by the proposed use of the site as residential care facility as the site already contains the appropriate level of parking required for the use. The application meets the criterion. See also Section .6120.

11.15.6126 Design Standards: Scope

- (A) The design standards of this section shall apply to all parking, loading, and maneuvering areas except those serving a single or two-family residential dwelling or mobile home on an individual lot.
- (B) All parking and loading areas shall provide for the turning, maneuvering and parking of all vehicles on the lot. After July 26, 1979 it shall be unlawful to locate or construct any parking or loading space so that use of the space requires a vehicle to back into the right-of-way of a public street.

Staff: The applicant is required to submit for a Design Review application pursuant to the requirements of MCC .7010 (C)(3)(b)(i) under Community Service, MCC .7125 under Conditional Uses, and .7820 under Design Review. This requirement has been established as Condition of Approval #3. Staff has chosen to defer the analysis of the following Code sections, related to parking, to the Design Review application: MCC .6130 through .6142. These criteria focus on the design standards of the site and Staff believes the appropriate analysis is through the Design Review application. Therefore, the criteria shall be addressed by the applicant in the subsequent application for Design Review (DR). This has been established as a Condition of Approval under item #3.

11.15.6128 Access

- (A) Where a parking or loading area does not abut directly on a public street or private street approved under MCC 11.45, the Land Division Chapter, there shall be provided an unobstructed paved drive not less than 20 feet in width for two-way traffic, leading to a public street or approved private street. Traffic directions therefore shall be plainly marked.
- (B) Parking or loading space in a public street shall not be counted in fulfilling the parking and loading requirements of this section. Required spaces may be located in a private street when authorized in the approval of such private street.

Staff: This application for a change in use from an adult foster care facility to a residential care facility does not entail the use of off-street parking.

MCC 11.15.6130 through MCC 11.15.6142 shall be addressed in the Design Review application.

11.15.6142 Minimum Required Off-Street Parking Spaces

(A) Residential Uses

- (8) **Group Care Facility, Home for Aged, or Children's Home – One space for each four beds.**

Staff: The applicant site plan, in the full size plans from the applicant, illustrates the location of the three spaces required for the residential care facility and the two single-family residence required parking spaces located on the subject parcel. The application meets the criterion.

Community Service (CS)

11.15.7005 Purpose

MCC .7005 through .7041 provides for the review and approval of the location and development of special uses which, by reason of their public convenience, necessity, unusual character or effect on the neighborhood, may be appropriate in any district, but not suitable for listing within the other sections of this Chapter.

11.15.7010 General Provisions

- (A) **Application for approval of a Community Service use shall be made in the manner provided in MCC .8205 through .8280.**
- (B) **Except as provided in MCC .7022(F) and (G), the Approval Authority shall hold a public hearing on each application for a Community Service Use, modification thereof, or time extension.**

Staff: The public hearing for the Conditional Use request for the approval of a Community Service use of a residential care facility on the subject parcel, addressed as 18857 SE Giese Road, is scheduled for August 18, 1999. The existing facility is an adult foster care facility and the applicant has proposed a change in use to a residential care facility.

- (C) **The approval of a Community Service Use shall expire two years from the date of issuance of the Board Order in the matter, or two years from the date of final resolution of subsequent appeals, unless:**
- (1) **The project is completed as approved, or**
 - (2) **The Approval Authority establishes an expiration date in excess of the two year period, or**
 - (3) **The Planning Director determines that substantial construction or development has taken place. That determination shall be processed as follows:**
 - (a) **Application shall be made on appropriate forms and filed with the Director at least 30 days prior to the expiration date.**

- (b) The Director shall issue a written decision on the application within 20 days of filing. That decision shall be based on findings that:
 - (i) Final Design Review approval has been granted under MCC .7845 on the total project; and
 - (ii) At least ten percent of the dollar cost of the total project value has been expended for construction or development authorized under a sanitation, building or other development permit. Project value shall be as determined by MCC .9025(A) or .9027(A).
 - (c) Notice of the Planning Director decision shall be mailed to all parties as defined in MCC .8225.
 - (d) The decision of the Planning Director shall become final at the close of business on the tenth day following mailed notice unless a party files a written notice of appeal. Such notice of appeal and the decision shall be subject to the provisions of MCC .8290 and .8295.
- (D) A Community Service approval shall be for the specific use or uses approved together with the limitations or conditions as determined by the approval authority. Any change of use or modification of limitations or conditions shall be subject to approval authority approval after a public hearing.
- (E) In granting approval of a Community Service Use, the approval authority may attach limitations or conditions to the development, operation or maintenance of such use including but not limited to setbacks, screening and landscaping, off-street parking and loading, access, performance bonds, noise or illumination controls, structure height and location limits, construction standards, periods of operation and expiration dates of approval.
- (F) Uses authorized pursuant to this section shall be subject to Design Review approval under MCC .7805 through .7865.
- Staff: Condition of Approval #3 requires the applicant to submit for the Design Review application. As noted earlier in this report, Staff has deferred the analysis of MCC .6130 through .6142 to the Design Review (DR) application.
- (G) A Community Service approval shall not be construed as an amendment of the Zoning Map, although the same may be depicted thereon by appropriate color designation, symbol or short title identification.

11.15.7015 Approval Criteria

In approving a Community Service use, the approval authority shall find that the proposal meets the following approval criteria, except for transmission towers, which shall meet the approval criteria of MCC .7035, and except for regional sanitary landfills which shall comply with MCC .7045 through .7070.

- (A) -Is-consistent with the character of the area;

Applicant: Currently the zoning for this property is Rural Residential (RR). The properties around are used for a variety of reasons: nurseries on the east side, pigeon growing on the west side, horse ranch, vegetables growing and orchard on the south side and raspberry farm on the north side.

The architecture of the house was preserved to look like the original 80 years old house. There is no need of any new buildings or additions for this business. The existing 3950 sq. ft. house is sufficient in size to conduct the normal operation as Residential Care Facility.

Staff: The applicant has submitted a tax lot based site map and has labeled the adjacent parcels with the types of uses described above. The plan is attached as Exhibit #4. Staff visited the site on July 27, 1999. Site visit photos are in the case file, CU 2-99. The existing facility looks like a single-family residence in rural setting. Properties adjacent to the subject parcel contain barns and farm animals. The site contains pasture and fruit bearing trees. There is no sign on the subject residence or site. The application meets the criterion.

(B) Will not adversely affect natural resources;

Applicant: There are no natural resources on the property. Besides the building itself and driveway the rest of the land is covered with grass and is used as pasture as in the past. There is no improvement or changes to be made on the property.

Staff: Staff visited the subject parcel on July 27, 1999. Photos from the site visit are located in the case file, CU 2-99. The applicant has provided the appropriate Service Provider forms for water, septic, drainage, police, and fire services. See the Staff comments under the Comprehensive Plan Policies. The applicant's proposed change in use from an existing adult care facility to a residential care facility will not adversely affect natural resources. The applicant does not propose to alter the structure's physical form. The application meets the criterion.

(C) Will not conflict with farm or forest uses in the area;

Applicant: The proposed land use is compatible with other properties. In fact, the subject property has less built area than most properties in the vicinity. Most neighbors have either big barns or big shops besides living spaces.

None of the neighbors use irrigation or large scale spraying to affect the well being of the residents.

Staff: The Staff site visit on July 27, 1999 confirmed the Staff opinion that the proposed change in use from an adult care facility to a residential care facility will not conflict with farm or forest uses in the area. The subject parcel contains the residence and the detached garage structures. The subject parcel contains, in the back yard, fruit trees and open space. The site itself is quiet in terms of noise and does not look out of place in the neighborhood. The adjacent properties are residential and farm oriented in use. Many of the adjacent sites contain barns, produce, and farm animals. The application meets the criterion.

(D) Will not require public services other than those existing or programmed for the area;

Applicant: The existing water service, own well on premises, is equipped with an extra 500 gal. holding tank to cover extra usage in case of emergencies (fire sprinklers). The system was adequate for every day operations even before the addition of the tank.

The septic tank was replaced with 2 new 500 gal. each and the septic field was doubled in size from 400 ft. to 800 ft. to meet Sanitation requirements.

The other utilities: gas, electricity, and phone are available and already in use.

The fire station is ½ mile from the property on 190th Street.

Staff: The Service Provider forms indicate that no additional services need to be implemented to accommodate the change in use from an adult foster care facility to a residential care facility. Mike Ebeling of the City of Portland Septic and Sanitation Department has provided a Condition of Approval for the applicant to continue monitoring the adequacy of the on-site sewage facilities on the site. See Condition of Approval #4. The application meets the criterion.

(E) Will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife or that agency has certified that the impacts will be acceptable;

Applicant: The subject property is located outside a big game winter habitat area.

Staff: The subject parcel is located outside of the big game winter habitat area according to maps on file at Multnomah County. The application meets the criterion.

(F) Will not create hazardous conditions; and

Applicant: The change in use of the subject property will not create hazardous conditions. The traffic flow increase will be minimal for a couple of reasons:

- a. By moving out of 5 family members the number of cars was reduced from 6 to 2.
- b. Residents of this type of facility do not have their own transportation or possibilities to come and go like those at Retirement Centers. All transportation needs are provided by family members and are mostly doctor appointments. The visits are made usually between 9:00 AM – 3:00 PM, hours that are off peak hours. From past experience the number of visits are 1 to 2 per week per resident, and most visitors live in this area.

There is no potential of pollution hazards or safety problems.

There is no soil disturbance at all.

Staff: The applicant's proposal will not create hazardous conditions on the site. The adequacy of the on-site sewage disposal facilities will be monitored for one year in accordance with Mike Ebeling's Condition of Approval listed as #4 in this decision. The applicant does not propose to alter the physical structure of the residence to change the use from an adult foster care facility to a residential care facility. No soil disturbance will occur. The required services of fire, police, water, and utilities have been addressed by the applicant. The application meets the criterion.

(G) Will satisfy the applicable policies of the Comprehensive Plan.

Applicant: *No comment. The applicant has provided a narrative response to the applicable policies; please see the applicant and Staff statements below.*

Staff: The applicant has addressed Comprehensive Plan Policies 13, 14, 22, 37, 38, and 40 as required. The applicant has satisfied the applicable Comprehensive Plan Policies for the purposes of this application, CU 2-99, and thus the application meets the criterion. The applicant narrative and Staff response is included within this decision document.

(H) Will satisfy such other applicable approval criteria as are stated in this Section.

Staff: Staff has provided a response to the applicable criteria for the request for approval of the change in use from an adult foster care facility to a residential care facility. The application meets the criterion.

11.15.7020 Uses

(A) Except as otherwise provided in MCC 11.15.2008 through .2012 and MCC 11.15.2048 through .2050, the following Community Service Uses and those of a similar nature, may be permitted in any district when approved at a public hearing by the approval authority.

(5) Group care facility.

Staff: The applicant has submitted the appropriate application for the request for the change in use from an adult foster care facility to a residential care facility. The applicant request for a Community Service approval is obtained through a Conditional Use application and review process. The public hearing is scheduled for August 18, 1999 before the Hearings Officer.

Conditional Uses (CU)

11.15.7105 Purposes

Conditional uses as specified in a district or described herein, because of their public convenience, necessity, unique nature, or their effect on the Comprehensive Plan, may be permitted as specified in the district or described herein, provided that any such conditional use would not be detrimental to the adjoining properties or to the purpose and intent of the Comprehensive Plan.

Staff: See the approval criteria in the Community Service Section .7015.

Design Review (DR)

11.15.7805 Purposes

MCC .7805 through .7865 provides for the review and administrative approval of the design of certain developments and improvements in order to promote functional, safe, innovative and attractive site development compatible with the natural and man-made environment.

11.15.7810 Elements of Design Review Plan

The elements of a Design Review Plan are: The layout and design of all existing and proposed improvements, including but not limited to, buildings, structures, parking and circulation areas,

outdoor storage areas, landscape areas, service and delivery areas, outdoor recreation areas, retaining walls, signs and graphics, cut and fill actions, accessways, pedestrian walkways, buffering and screening measures.

Staff: The applicant's submitted plans provide much of the required information noted in Section .7810. Further review of the site plan and analysis of the Design Review criteria will occur when the applicant submits the application for Design Review.

11.15.7815 Design Review Plan Approval Required

No building, grading, parking, land use, sign or other required permit shall be issued for a use subject to this section, nor shall such a use be commenced, enlarged, altered or changed until a final design review plan is approved by the Planning Director, under this ordinance.

Staff: The applicant will submit a Design Review application; see Section .7820.

11.15.7820 Application of Regulations

The provisions of MCC .7805 through .7865 shall apply to all conditional and community service uses in any district and to the following:

Staff: The applicant is required to submit for and receive approval for the Design Review application in accordance with this criterion, Section .7820, and in accordance with Section .6102. Condition of Approval #3 reiterates the applicant meet the required Code criteria.

11.15.7870 Expiration of Approval

(A) Design review approval shall expire in 18 months from the date of final design review approval, however upon application a six month extension may be granted by the Planning Director upon a written findings that the applicable provisions of this ordinance are satisfied. The Director's decision may be appealed as provided by MCC 11.15.8290. Failure to apply for an extension shall result in expiration of the approval.

Staff: This criterion is included as informational. As stated in Section .7820, the applicant is required to submit a Design Review application for the request for a Community Service approval though the land use application for a Conditional Use (this application for a change in use from an adult foster care facility to a residential care facility).

Comprehensive Plan Policies

POLICY 13 Air, Water and Noise Quality

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

A. Cooperate with private citizens, businesses, utilities and public agencies to maintain and improve the quality of air and water, and to reduce noise pollution in Multnomah County.

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

Staff: The applicant's proposal to change from an existing adult foster care facility to a residential care facility will not entail any structural changes. Items such as fire extinguishers and exit signs may be required in accordance with ADA. These are the types of things the applicant may be required to alter on or within the existing house and detached garage. Air, water, and noise impacts, as compared to the existing level, will be minimal for the proposal.

POLICY 14 Developmental Limitations

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

- A. Slopes exceeding 20%;**
- B. Severe soil erosion potential;**
- C. Land within the 100 year flood plain;**
- D. A high seasonal water table within 0-24 inches of the surface for three or more weeks of the year;**
- E. A fragipan less than 30 inches from the surface;**
- F. Land subject to slumping, earth slides or movement.**

Staff: The subject parcel contains the following soil types according to the Soils map on file at Multnomah County and according to the Soil Survey of Multnomah County, Oregon: Cascade silt loam, 3 to 8 percent slopes (7B). The slope of the parcel does not exceed 20%. The soil type has slow runoff and a low potential of erosion according to the Soil Survey of Multnomah County, OR. The land is not within the 100-year floodplain. In addition, "A water table is at a depth of 18 to 30 inches from December through April" according to the Soil Survey. A fragipan is located at a depth of 60 inches or more. The land is not subject to slumping, earth slides or movement according to the Soil Survey.

POLICY 22

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

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

Staff: The applicant's proposal will not entail the alteration of the existing street plan. The applicant proposes to change the use of the site from an adult foster care facility to a residential care facility. Parking exists on the site. No alterations to the existing house and detached garage are proposed at this time, other than those needed to comply with ADA such as exit signs and fire extinguishers.

POLICY 37 Utilities

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

Water and Disposal System

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

Staff: The applicant has provided a copy of the Certification of Private On-Site Sewage Disposal Service Provider form signed by the City of Portland. In addition, a letter from Mike Ebeling of the City of Portland Septic and Sanitation Department is attached as Exhibit #3. His request for the

applicant to continue to monitor the adequacy of the on-site sewage disposal system is established as Condition of Approval #4 in this decision for CU 2-99.

Drainage

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

Staff: The applicant will use the existing system to accommodate run-off. The applicant does not propose to expand the existing residence or the detached garage. The driveway and parking areas are already in place. No additional impervious surface area is proposed with this application. The City of Portland, as noted above, has signed the on-site disposal certificate for the site.

Energy and Communications

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

Staff: The applicant has stated, in the response to the Community Service criteria, that the utilities are adequate in their existing capacity.

POLICY 38 Facilities

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

School

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

Staff: The School Service Provider form is not required.

Fire Protection

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

Staff: The applicant has provided the Fire Services Review form. According to the Gresham Fire and Emergency Services, "There is adequate water pressure and flow for fire fighting purposes" and "approved fire sprinkler and fire detection and alarm systems [are] installed" on the site.

Police Protection

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

Staff: The applicant has provided a copy of the Police Services Review as signed by the Multnomah County Sheriff's office. According to the Sheriff's office, "the level of police service available to serve the proposed project is adequate."

POLICY 40 Development Requirements

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

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

Staff: The subject parcel is zoned single-family residential. The subject parcel does not have a sidewalk. Bicycle parking facilities and landscaped areas with benches are not required for the site for the applicant's proposed change in use. The site does have a patio in the backyard with chairs for residents of the facility to use.

Case File: CU 2-99

Location: Lot 12 of Byrline, Section 20, Township 1 South, Range 3 East, WM.

Application Timeline:

Pre-Application Conference, PA 16-99: May 26, 1999.

Application received with full fees: June 11, 1999.

Application incomplete letter mailed: NA.

Determination that application is complete and letter mailed: July 20, 1999.

Begin "120 day timeline" on July 20, 1999.

Notice of a Public Hearing (mailed): August 2, 1999.

Staff Report available: August 11, 1999.

Public Hearing before Hearings Officer: August 18, 1999. **Day 29.**

List of Exhibits:

List A: Staff/ Applicant Exhibits:

1. Applicant site plan (reduced copy).
2. Applicant 1st level floor plan.
3. Letter from Mike Ebeling of the City of Portland Septic and Sanitation Dept. (dated 6/8/99).

Case file: CU 2-99
Hearings Officer's Decision
August 19, 1999

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Staff Planner: Tricia R. Sears

(503)-248-3043

4. Applicant plan illustrating the uses of surrounding properties.
5. Copy of the Affidavit of Posting: Hearings Officer.

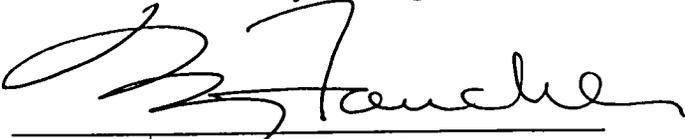
List B: Notification Information:

1. "Complete application" Letter, July 20, 1999, 3 pages.
2. Notice of Hearing, August 2, 1999, 4 pages.

List C: Multnomah County Documents

1. Staff Report – August 11, 1999
2. Photographs of 18857 Giese Road, Site Visit July 27, 1999 (three pages)

Dated this 19th day of August 1999.



Liz Fancher, Hearings Officer

Appeal to the Board of County Commissioners:

The Hearings Officer's Decision may be appealed to the Board of County Commissioners (Board) by any person or organization who appears and testifies at the hearing, or by those who submit written testimony into the record. An appeal must be filed with the County Planning Division within ten days after the Hearings Officer's decision is submitted to the Clerk of the Board or the decision will become final. An Appeal requires you to file a completed "Notice of Review" and filing fee of \$530.00 plus a \$3.70-per-minute charge for a transcript of the initial hearing(s). [ref. MCC 11.15.8260(A)(1) and MCC 11.15.9020(B)] Instructions and forms are available at the County Planning Office at 1600 SE 190th Avenue, Portland, Oregon 97233 (Gresham area) or you may call 503-248-3043, for additional instructions.



CASE NAME: SEC 10-99

NUMBER:

1. Applicant Name/Address:

Terry Chappell
2710 NW Pinnacle Dr.
Portland, OR 97229

2. Action Requested By Applicant:

Significant Environmental Concern permit

3. Planning Staff Recommendation:

Approve with conditions

4. Hearings Officer Decision:

Approve with conditions replacement of a dwelling within 200 feet of the existing dwelling.

5. If Recommendation And Decision Are Different, Why?

NA

6. Issues:

Legal access to the lot
Ensure parcels are lots of record

7. Do Any Of These Issues Have Policy Implications? Explain.

No

Action Requested Of Board

- Affirm Hearings Officer Decision**
- Hearing/Rehearing**
- Scope of Review**
 - On the Record**
 - De Novo**
 - New Information Allowed**

**MULTNOMAH COUNTY, OREGON
DECISION OF LAND USE HEARINGS OFFICER**

This Decision consists of Conditions, Findings of Fact and Conclusions.

September 1, 1999

Case File: SEC 10-99

Proposal: Construct a replacement single family dwelling within 200 feet of an existing dwelling

Location: 11276 NW Skyline Blvd.
Tax Lots 32, 33 and 34 Sec. 32, T2N, R1W, W.M.

Applicant: Terry and Barbara Chappell
2710 NW Pinnacle Dr.
Portland, OR 97229

Owners: Karen Anderson
11276 NW Skyline Blvd.
Portland, Or 97231

Terry and Barbara Chappell
2710 NW Pinnacle Dr.
Portland, OR 97229

Site Size: 17.27 acres

Present zoning: Commercial Forest Use (CFU-2)
Significant Environmental Concern (SEC - h and v)

Approval Criteria: Multnomah County Code (MCC): MCC 11.15.2042
Commercial Forest Use (CFU-2)(; MCC 11.15.6400 Significant
Environmental concern; Comprehensive Plan Policies 13, 22,
37, 38, & 40.

Decision: **Approve** with conditions replacement of a dwelling within 200 feet of the existing dwelling.

MULTNOMAH COUNTY
PLANNING SECTION

99 SEP -2 PM 3:54

RECEIVED

A. Conditions of Approval:

1. This approval is based on written narratives, site plan, elevations, and other submitted materials. Unless otherwise described by this decision, it shall be the responsibility of the property owner to comply with these documents and the conditions of approval described herein.
2. The applicant shall make an appointment with the Staff Planner, Virginia Dodson, at Multnomah County, (503) 248-3043, for building permit sign-off. The applicant shall bring five (5) sets of site and building plans to the County for sign-off before submittal of the building permits to the Portland Building Department.
3. The applicant shall sign and submit to the County a Replacement Dwelling Agreement before building permit sign-off which demonstrates that the existing dwelling will be removed, demolished or converted to a nonresidential use within three months of the completion of the replacement dwelling.
4. The applicant shall remove all brush and prune any trees within 30 feet of the new dwelling and continuously maintain the primary fire safety zone in a manner consistent with MCC .2074(5)(c)(i).
5. The applicant shall continuously maintain the secondary fire safety zone in a manner consistent with MCC .2074(5)(c)(iii).
6. The chimney shall have a spark arrester acceptable to the building official.
7. A final access road shall be approved by Tualatin Valley Fire and Rescue District.
8. A grading and erosion control permit, if applicable, shall be obtained before the County issues a building permit.
9. The site shall be cleared of construction debris, waste, and solid waste material after construction of the home.
10. The applicant shall plant nine evergreen trees, at least six-feet tall, northeast of the proposed house and outside of the fire safety zone. The trees should be spaced 20 feet on center in a line or can be clustered in groups of two or three and spaced 30 feet on center. The site plan submitted before or when a building permit is issued shall show the final location of these trees.
11. The existing stand of trees on the eastern portion of the site shall be retained to the maximum extent possible.

12. The applicant is responsible for the proper maintenance and survival of all trees used for screening.
13. Himalayan Blackberry and Scotch Broom are prohibited plants and shall be removed from all of the cleared areas of the site, not just within the house footprint. The applicant is reminded not to plant any prohibited plants within the landscaped area of their property. The prohibited plant list is attached to the May 7, 1999 staff report.
14. Trees and natural vegetation located outside the primary and secondary fire safety zones which create good habitat for wildlife shall be protected to the maximum extent possible.
15. Old fencing within the boundaries of the property shall be removed. The applicant is encouraged to work with adjacent property owners to remove other old fencing, particularly on the tract's east property boundary. Any new fencing shall comply with the fence plan in Exhibit H11.
16. The bulk of the proposed dwelling shall be visually reduced by use of natural materials compatible with the natural colors and character of the surrounding area, finished in natural earth tone colors. Any exterior lighting shall be near ground level for safety and landscaping purposes only. The lighting shall be of low wattage and not accent the house to make it visible from any distance. All light fixtures shall be hooded to avoid glare being directed to any other properties or identified Viewing Areas.
17. The applicant shall provide documentation that the Restated Easement Agreement has been recorded and that Tax Lots 32, 33 and 34 have been consolidated before the County issues a building permit.

B. Hearing and Testimony

1. A duly noticed public hearing was held on June 16, 1999 from which it was continued to July 21, August 18, and August 26, 1999 at the applicant's request. Because the applicant requested the continuances, the 150-day decision making period was suspended for the period of the continuances.
2. At the June 16, 1999 hearing Virginia Dodson, County planner, summarized the Supplemental Staff Report. The main issue is access to Tax Lots 32 and 34. Tax Lot 33 has legal access by a private road crossing Tax Lots 28 and 30 conveyed as part of the deed. At the time of the application, Tax Lots 32 and 34 do not have legal access. The proposed house straddles tax lots 33 and 34. Mr. Chappell is working on obtaining access to Tax Lots 32 and 34.

Other issues raised concern design standards applicable to the private road. Staff believes those criteria that are part of MCC .2074 do not apply. Ms. Dodson submitted her notes on this issue as Exhibit H8.

Another issue raised in the appeal was the water source. Ms. Dodson called the Portland Water Bureau which informed her they would serve the proposed dwelling.

The proposed location of the fence as within the path of a wildlife trail was raised as an issue in the notice of appeal. Ms. Dodson submitted a letter from Karen Anderson about her observations of wildlife on the property as Exhibit H5. Elk are in the area. The site has a wildlife habitat overlay. Staff suggested that the biologist's suggestion that the garden fence be moved would be a compromise position.

An issue was raised in the appeal about whether the parcels are lots of record. The staff report outlined the history of the parcelization in this area. The subject parcels, as well as Tax Lots 28 and 30, were part of single large parcel. The owner of the original parcel divided it into eight parcels by deed. No proposal was taken to the Planning Commission for review. In 1974 there was a planning commission approval to legalize Tax Lot 33, case file number M 41-63-I (See Exhibit H2). The Planning Commission conditioned its 1974 approval legalizing Tax Lot 33 on a requirement that the property owner, David Weich, also provide access to Tax Lots 32 and 34. He later disputed the requirement and the County planning staff waived the condition.

Staff found a map, Exhibit H3, on which "hold permits" was stamped on the six parcels, including the three subject parcels. The map shows the "hold permits" stamps crossed out and there is a margin notation by the planner, Irv Ewen, that says: "Hold permits designation removed, remaining parcels will require CU approval." The staff does not know where that map came from or why the "hold permits" designations were removed.

The applicant submitted a copy of the decision on Karen Anderson's application for a house on Tax Lot 34, CU 2-91 (Exhibit H4) which states that a previous Planning Commission decision (CU 9-83) regarding residential development of adjacent Tax Lot 30 determined that all five lots were legal Lots of Record. . . ." The Planning Commission decision for CU 9-83 (Exhibit H6) was provided by the staff. The only lot of record discussed in the decision is Tax Lot 30. Staff found no record of any other decision discussing the legality of other parcels. Staff believes that Tax Lots 32 and 34 are illegal. The concern is that at the time Tax Lot 34 was created it met the minimum parcel size, however, there was no access provided, it is not adjacent to a public road and there is no record of an easement. Staff recommended there be a property line adjustment so that there is one large parcel consisting of Tax Lots 32, 33 and 34. If an easement could not be obtained to serve Tax Lot 34, there could be a replacement house allowed, but a replacement house would have to be entirely on Tax Lot 33 and meet the dimensional standards.

The notice of appeal also raised an issue concerning the requirement that a replacement dwelling be on the same lot. A lot is a parcel under the ownership or control of one ownership. The staff testified that the applicant meets that requirement. The difficulty is that two are not lots of record.

3. Terry Chappell, applicant, testified in favor of his application. He addressed the easement issue. At the first hearing he stated that he had verbal agreements for grants of an easement from Ms. Nass (owner of Tax Lot 28) and Les and Florence Shields (owners of Tax Lot 30) and drafts of the agreements have been prepared and provided to them.

He addressed the issue of whether all three lots are lots of record or need to be consolidated. He stated that the County has on previous occasions found that these are legal lots of record. In 1991 the County, having concluded that tax Lot 34 was a legal of record, approved an application by Karen Anderson for placement of a house on Tax Lot 34 (CU 2-91). She later bought Tax Lot 33 and built there instead. The facts cited in the decision on CU 2-91 in support of the conclusion that Tax Lot 34 was a lot of record refer back to the CU 9-83 decision. Although the decision on CU 9-83 was found, it was not found in a conventional location for County records. It was found in the minutes of the hearing for CU 2-91. Mr. Chappell argued that it is possible that additional information existed at one time in the County records but that the primary records have been lost. He argued that the County should recognize all three lots as lots of record as it has in the past. In the alternative, the lots could be consolidated so that there is one legal lot of record. Another alternative would be to locate the dwelling entirely on Tax Lot 33, which is a lot of record and has legal access, but that is a less favorable location considering light and terrain.

4. Karen Anderson, owner of Tax Lots 33 and 34 testified that she wrote the letter dated June 10, 1999 about the elk (Exhibit H5). She asked a wildlife biologist, Tom

Thornton, to look at the property. He didn't see evidence that there is a wildlife trail. Her observation is that the elk enter her property from the northeast from the woods and by doing that they don't have to go over the two barbed wire fences at the northwest corner of her property. If they are startled, they leave by going to the east, they don't leave by going over the fences at the west. She hasn't seen the elk go on the property since the Shields built the arena on their adjacent property to the west. Elk go almost everywhere on her property because there is an apple tree that they like. Mr. Thornton thought that even with the proposed fence some of the elk would use the corridor and some wouldn't because they are very individually minded and there would still be a lot of pasture left for the elk.

Concerning the issue of whether Tax Lot 34 is a lot of record Ms. Anderson stated that before purchasing the lot she applied to the County so that she would know what the legal status of the lot was, CU 2-91. She testified that the staff report and the decision both say that Tax Lot 34 is a lot of record. She relied on that decision in purchasing Tax Lot 34. She finds it distressing to find that now the County may not be bound by its conclusion that tax Lot 34 is a lot of record.

5. Kaye Plumb, adjacent owner, at 14715 NW Newberry, testified that she is concerned by the pettiness of the issues raised and feels it's a vendetta. She argued that because the County Planning Commission previously found that Tax Lot 34 was a Lot of record, the burden should be on the opponent to prove that it's not.
6. Les Shields, appellant and owner of Tax Lot 30 adjacent to the west, stated that it is not his intent to deny the Chappell's application or to deny them access. He has full intent to grant them access. He also has a land use application pending before the County, which was decided by this Hearings Officer (E 1-99). His purpose for the appeal is to assure that the Code is applied uniformly to all applications. He saw 16 elk recently by his arena. Access is the only issue, the lot of record concerns can be solved. He and his wife have been negotiating with Ms. Nass and the Chappells to achieve a global solution to access concerns for both themselves and the Chappells. He submitted a letter from his attorney, Chris Koback, (Exhibit H9).
7. At the August 18, 1999 hearing, planner Virginia Dodson testified that Mr. Chappell and Ms. Anderson have filed two applications to combine Tax Lots 32, 33 and 34. The first application was to consolidate the two parcels owned by Mrs. Anderson, Tax Lots 33 and 34. That application has been approved, there was no appeal and it is a final decision. The second application is to combine the Anderson consolidated lots with Chappell's Tax Lot 32. That application is in process and will be completed when the access issue is resolved and the purchase by Chappell is closed.
8. At the August 18, 1999 hearing Terry Chappell submitted a revised site plan (Exhibit H11) which proposes a minor change in the proposed footprint that has no effect on the SEC or dimensional standards. He also submitted an easement grant

signed by Les and Florence Shields. He is still negotiating an easement with Ms. Nass. He submitted a letter from Paul Norr, attorney for Ms. Nass (Exhibit H12).

9. At the August 26, 1999 hearing Terry Chappell submitted a letter to Virginia Dodson, outlining the timing of his property line adjustment as part of his application for SEC 10-99 (Exhibit H14). He also submitted a final Revised Easement Agreement executed by Ms. Nass, Les & Florence Shields, and Mr. & Mrs. Chappell which grants access to all three tax lots subject to this application. Completion of the consolidation of Tax Lot 32 (owned by the Chappells) with the consolidated Tax Lots 33 and 34 (owned by Karen Anderson) is contingent upon approval of the subject application, closing on Chappell's purchase of the Anderson property, and recordation of the Restated Easement Agreement. If the conditions set out in Exhibit H14 are not satisfied, the Restated Easement Agreement will become null and void and the Chappells will withdraw their application to consolidate the parcels.

C. FINDINGS OF FACT

Except as specifically set forth in this Decision the Hearings Officer hereby adopts the Findings of Fact and Conclusions in the Staff Report dated May 7, 1999.

11.15.8290 Appeal of Administrative Decision by the Planning Director.

- (A) A decision by the Planning Director on an administrative matter made appealable under this Section by ordinance provision, shall be final at the close of business on the tenth calendar day following the filing of the written Decision, Findings and Conclusions with the Director or the Department of Environmental Services, unless prior thereto, the applicant files a Notice of Appeal with the Department, under subsections (B) and (C).

* * *

11.15.8295 Procedure on Appeal

Except as otherwise provided in this Section, proceedings before the Hearings Officer on matters appealed under MCC .8290(A) and appeals therefrom to the Board of County Commissioners shall be conducted according to the provisions of MCC .8230 through .8290.

- (A) A hearing before the Hearings Officer on a matter appealed under MCC .8290(A) shall be limited to the specific grounds relied on for reversal or modification of the decision in the Notice of Appeal.
- (B) The provisions of subsection MCC .8230(D) and (E) shall not apply to

hearings on appeals filed under MCC .8290(A).

- (C) The findings adopted by the Hearings Officer shall specifically address the relationships between the grounds for reversal or modification of the decision as stated in the Notice of Appeal and the criteria on which the Planning Director's decision was required to be based under this Chapter.

Findings and conclusions. The Administrative Decision on the above matter was mailed to the applicant and neighbors on May 7, 1999. The appellant timely filed a Notice of Appeal on May 17, 1999, and paid the appropriate fee. The hearing is scheduled for June 16, 1999.

On June 14, 1999, this Hearings Officer wrote a letter to the Board of County Commissioners on an appeal of E 1-99 by Les and Florence Shields. In that letter the Hearings Officer concluded that state law requires an opportunity for at least one full evidentiary hearing on all approval criteria. ORS 215.416, which contains procedures for permits, provides in part:

- (3) Except as provided in subsection (11) of this section, the hearings officer shall hold at least one public hearing on the application.
- (4) The application shall not be approved if the proposed use of land is found to be in conflict with the comprehensive plan of the county and other applicable land use regulation or ordinance provisions . . .

* * *

- (8) Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.

* * *

- (9) Approval or denial of a permit . . . shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

ORS 215.416, thus requires at least one public hearing on a permit application, unless the exception in subsection (11) applies. It also prohibits approval if a permit would conflict with any land use regulation criterion applicable to the permit. The approval must be based on findings of fact and conclusions on all applicable approval criteria.

The exception to the required public hearing requirement in ORS 215.416(11) allows an administrative decision on a permit to be final but there must be notice and an opportunity for a hearing:

(11)(a) The . . . person as the governing body designates, may approve or deny an application for a permit without a hearing if the . . . designated person gives notice of the decision and provides an opportunity for appeal of the decision to those persons who would have had a right to notice if a hearing had been scheduled or who are adversely affected or aggrieved by the decision . . . An appeal from [the designated person] shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be a de novo hearing.

ORS 215.416(11)(a) allows the decision to approve a permit without a hearing to be made by either a "hearings officer, or such other person as the governing body designates." Multnomah County has designated the planning director as the initial decision-maker. If the designated person is a hearings officer, an appeal from that decision-maker may be made to the Planning Commission or the Board. If the initial decision maker is "such other person as the governing body designates," an appeal may be made to a hearings officer, the planning commission or Board. Multnomah County has provided that the appeal of the planning director's administrative decision is made to a hearings officer. An appeal from the hearings officer decision is covered in ORS 215.422, discussed below. It provides that the appeal may be made to the Planning Commission or the Board. The Board has provided that the appeal shall be to the Board.

A decision made without a hearing may be final if persons who were entitled to notice of the permit application or who are adversely affected or aggrieved have an opportunity for a hearing. The appeal is required to be a "de novo" hearing. The statute gives counties the option not to conduct a hearing "in the first instance if a de novo hearing and a meaningful ability to pursue it are provided for at a later stage of the county process." *Tarjoto v. Lane County*, 137 Or App 305, 309, 904 P.2d 641 (1995).

The Appeals Court explained this process, stating:

"In the event that the right to an appeal is invoked, ORS 215.416(11)(a) provides further that depending on the circumstances, the appeal shall take the form of a de novo hearing before a hearings officer or the county planning commission or governing body. In effect, once the right is pursued, the hearing process that is mandated by ORS 215.402 et seq comes into operation in more or less the same way it would have if the county had not initially exercised the no-hearing option under ORS 215.416(11)(a). ORS 215.416(5) requires, as part of that process, that prehearing notice be given "to the applicant and * * * to other persons as otherwise provided by law." Under ORS 215.416(10), those persons who participate in the hearing are also entitled to a post-decision notice of the county's approval or denial of the application. The statutory right to notice and to participate in or pursue hearing and appeal procedures are interconnected, with each serving to assure that the others cannot be rendered illusory. See *Flowers v. Klamath County*, 98 Or.App. 384, 780 P.2d 277, rev. den. 308 Or 592, 784 P.2d 1099(19989)."

"* * * The clear purpose of the notice and appeal provision in ORS 215.416(11)(a) is to safeguard opportunities to pursue and participate in hearing and appeal procedures in cases where a county elects to make an initial decision without a hearing . . . "

Wilber Residents for a Clean Neighborhood v. Douglas County, 151 Or App 523, 528-529, 950 P2d 368, (1997).

ORS 215.416(11)(a) authorizes an exception to the mandatory hearing requirement for

permits. The administrative decision can be final if there is an opportunity for notice and a hearing. ORS 215.416(11)(a) does not alter the provisions that require the permit to comply with all applicable criteria and to be based on findings of fact and conclusions concerning all applicable criteria. If there is a request for a hearing, the provisions in ORS 215.416(1) through (10) remain applicable, including the provision that there be at least one hearing and that the application comply with all criteria applicable to the permit.

ORS 215.412 authorizes the County to adopt procedures of the conduct of hearings. Nonetheless, certain other statutory requirements are mandatory. The authorization to adopt procedures relates to procedures not to limiting the substantive requirements contained in the statutes or County regulations. The notice and hearing requirements of ORS 215.416 are legislative mandates. *Doughton v. Douglas County*, 88 Or App 198, 744 P.2d 1299 (1987), citing *League of Women Voters v. Coos County*, 82 Or App 673, 729 P.2d 588 (1986); *Overton v. Benton County*, 61 Or App 667, 658 P.2d 574 (1983). In *Doughton*, the Court of appeals stated:

The notice and hearing requirements of ORS 215.416 are legislative mandates. Moreover, they are directly tied to the LUBA appeal rights and appellate procedures which ORS 215.422 and ORS 197.930 to 197.845 require with respect to discretionary county land use decisions involving the issuance of permits. As respondent argues, the term "[w]hen required or authorized by [county legislation]" in ORS 215.416(1) is not a condition precedent to the county's compliance with the requirements of ORS 215.416; the term relates to what the applicant must do to obtain a discretionary permit, not to what the county must do in deciding whether to issue one. The other subsections of the statute answer the latter question.

The appeal hearing is required by statute to be a "de novo hearing." "Hearing de novo" is defined in Black's Law Dictionary as follows:

"Generally, a new hearing or a hearing for the second time, contemplating an entire trial in the same manner in which the matter was originally heard and a review of previous hearing. On hearing 'de novo' court hears matter as a court of original and not appellate jurisdiction. * * * Black's Law Dictionary, p. 649 (5th ed 1979).

The most recent case involving ORS 215.416 is *Hugo v. Columbia County*, 157 Or App 1 (1998). In *Hugo*, a rock quarry operator applied to increase the area of their mining operation exempt from the county's surface mining ordinance regulations in the county's Surface Mining Ordinance (SMO). Under the SMO, applications were first reviewed by a Surface Mining Advisory committee (committee), which makes recommendations to the county board of commissioners (commissioners). The commissioners make a decision on the application during a 'public meeting,' but are not required to hold a hearing. Landowners or applicants adversely affected by the decision could appeal the decision to the commissioners and receive an evidentiary hearing. At the hearing, only the appellant could present evidence and argument; the commissioners were not required to consider evidence or testimony from other persons. At the Board of County Commissioner's hearings on the application the applicant and other proponents were permitted to present evidence and testimony supporting approval, but opponents Hugo and others present at the proceeding were not allowed to present evidence and argument opposing the application. The County approved the requested expanded exemption. LUBA agreed with Hugo's

arguments that the procedures followed by the county violated ORS 197.763, ORS 215.416 and ORS 215.422. In rejecting petitioners' contrary arguments, LUBA observed:

"ORS 197.763 and 215.416 are designed to ensure that citizens have the opportunity to participate in local land use decisions. That opportunity is a substantive right, perhaps the most fundamental right extended by Oregon's land use system. The county's refusal to allow [Hugo] and other opponents to participate in the proceedings it conducted denied [Hugo] that substantive right."

The appeals court agreed with that opinion in its entirety and reiterated its statement in *Flowers* that counties must comply with the requirements of ORS 215.416 without modification or deviation.

The County has determined that decisions by the Planning Director are final unless appealed by the applicant. Specifically, MCC 11.15.8290(A) states:

"A decision by the Planning Director on an administrative matter made appealable . . . shall be final at the close of business on the tenth calendar day following the filing of the written Decision . . . unless prior thereto, the applicant files a Notice of Appeal with the Department, under subsections (B) and (C)."

Emphasis added. I note that this provision is not consistent with ORS 215.416(11)(a) because the Code provides an opportunity for an appeal hearing only by the applicant but not by "those persons who would have had a right to notice if a hearing had been scheduled or who are adversely affected or aggrieved by the decision." This appeal was filed by an adjacent property owner, not the applicant. The County in practice has not limited appeals to only applicants. It appears that this subsection erroneously uses the term "applicant" when the term "appellant" was intended.

In conclusion, the provisions in the county Code for appeals from an administrative decision violate mandatory statutory requirements for a full evidentiary hearing on an application for a permit. The Multnomah County Code impermissibly limits the issues that may be heard on an appeal from the planning director's decision to the hearings officer.

As noted above, the Hearings Officer addresses in this Decision, those criteria that were at issue in the appeals hearing and herein adopts the findings and conclusions in the staff report on all other criteria.

11.WH.2048 Uses Permitted Outright

- (E) **Replacement of an existing lawfully established single family dwelling on the same lot, subject to the following:**

Findings and conclusions. The appellant argued that:

10. *The staff found that the proposed dwelling is permitted outright because it is a replacement dwelling on the same lot. The proposed replacement dwelling will not be on the same lot. The existing*

dwelling is on Lot 33. The proposed dwelling will be on Lot 33 and Lot 34. [11.WH.2048(E)]

The Code defines a "lot" as "a plot, parcel or area of land owned by or under the lawful control and in the lawful possession of one distinct ownership." Lot 32 is currently owned by the applicant. MCC 11.15.0010. Lots 33 and 34 have been consolidated into one lot and are under contract to with the applicant to purchase the property. The two land owners have filed applications to consolidate the parcels subject to this application. The consolidation of the two parcels owned by Karen Anderson has become final. The application to consolidate the Chappells' parcel with the Anderson consolidated parcel will be completed after the Chappells receive final approval on this application. Upon consolidation of the three parcels, the proposed replacement dwelling will be on the same lot as the existing dwelling. This decision is conditioned upon a requirement that the three parcels be consolidated before a building permit can be issued for the replacement dwelling.

11.WH.2062 Lot of Record

(A) For the purposes of this district, a Lot of Record is

*** * ***

(2) A parcel of land:

- (a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;**
- (b) Which satisfied all applicable laws when the parcel was created;**
- (c) Does not meet the minimum lot size requirements of MCC .2058; and**
- (D) Which is not contiguous to another substandard parcel or parcels under the same ownership, or**

*** * ***

(B) For the purposes of this subsection:

- (1) Contiguous refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other**

right-of-way;

- (2) **Substandard Parcel** refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2058; and
- (3) **Same Ownership** refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

Findings and Conclusions. The appellant argued:

11. *The staff found that tax lots 32, 33, and 34, together, constituted a Lot of Record. However, there is no evidence in the record to support that conclusion. Lot 34 did not satisfy all applicable laws when created. The Hearings Officer in our case (E 1-99) concluded that our Lot 29, which is comparable to Lot 34 in that it was created as a land locked parcel with no access, was not a Lot of Record because it did not satisfy all applicable laws when created in that it did not have legal access. Based upon that conclusion, Lot 34 can not be a Lot of Record. [11.WH.2062(A)(3)]*

Findings and conclusions. Staff asserted that the lots 32, 33 and 34 were a Lot of record under the MCC .2062(3) because the applicant was proposing to purchase all three lots. Because there is an existing legally established dwelling, a replacement dwelling is allowed. The staff saw the primary question is where can the house be located.

If all three parcels are found to be a Lot of record, the proposed dwelling could be located as proposed, as long as the applicant obtains access to Tax Lot 34. If Tax Lots 32 and 34 are not found to be Lots of Record, the proposed dwelling will have to be relocated to be entirely on Tax Lot 33. The staff recommended these three lots should be made into one through a property line adjustment which would eliminate confusion in the future.

The subject parcels as well as Tax Lots 28 and 30 originally were part of a large parcel. In 1962, Tax Lot 14, the parent parcel, contained 37.08 acres encompassing current Tax Lots 28, 29, 30, 32, 33, 34, 49, 54, and 55 (See Exhibit H1). In 1963, the property owners, Mr. and Mrs. Smith discussed subdividing the parent parcel with Multnomah County Planning staff. No subdivision proposal was taken to the Planning Commission for review. Nonetheless, records show that in 1963, Lot 14 was divided into eight lots by deeds to the owners' children.

In 1974, David Weich, owner of Tax Lots 33 and 31 requested approval of an easement as a means of access to his two lots (to be combined as one parcel TL 33). The Planning Commission approved the land division proposal, M 41-63 I, (see Exhibit H2) and granted "an exception to Section 3.1536 of the S-R zoning district" and approved granting for a

"way" for the purpose of partitioning land pursuant to ORS 92.014 subject to several conditions. See Exhibit H2. The 1974 staff report noted that the easement crossed two other parcels (Tax Lots 28 now owned by Ms. Nass, and Tax Lot 30, now owned by Les and Florence Shields). According to that staff report the staff found that there existed an apparent illegal subdivision. In addition the staff found that six of the eight parcels (including the Tax Lots subject to SEC 10-99) did not have access as then required by the Code. Consequently, the parcels were in violation of the zoning code. In addition the staff found that two other parcels beyond the site subject to the 1974 application were not included as beneficiaries of the easement. The Planning Commission conditioned its 1974 approval on a requirement that the property owner, David Weich, also provide access to Tax Lots 32 and 34. He disputed the requirement and the County planning staff waived the condition.

Staff found a map of the subject parcels, Exhibit H3, on which the phrase "hold permits" was stamped on six parcels, including the three subject parcels. The map also contains notations concerning the recorded deeds which created the parcels. Four of those deeds are dated June 24, 1963, while state law required a subdivision process when more than three lots are created. The map contains the margin notation by the staff planner, Irv Ewen, dated June 9 of a year that is not legible on Exhibit H3, that the map shows and "'illegal subdivision' when created under S-R zoning in 1963. Four lots (TL 29, 30, 32 & 33) recorded same day!" The map shows the "hold permits" stamps crossed out and there is a margin notation by the same planner that says: "Hold permits designation removed, remaining parcels will require CU approval." The staff does not know where that map came from or why the "hold permits" designations were removed.

The applicant submitted a copy of the decision on Karen Anderson's application for a house on Tax Lot 34, CU 2-91 (Exhibit H4) which contains the following staff comment: "This lot, along with four other neighboring lots, was created in 1963. A previous Planning Commission decision (CU 9-83) regarding residential development of one those neighboring lots determined that all five lots were legal Lots of Record. . . ." The Planning Commission decision for CU 9-83 (Exhibit H6) was provided by the staff. That decision approved a non-resource dwelling on Tax Lot 30. The only lot of record discussed in the decision is tax lot 30. Contrary to the statement in the decision on CU 2-91, the decision on CU 9-83 does not contain a statement that any other lots are legal lots of record. Staff found no record of any other decision discussing the legality of other parcels. Staff believes that Tax Lots 32 and 34 are illegal. The concern is that at the time Tax Lot 34 was created it met the minimum parcel size, there was no access provided, and it's not adjacent to a public road and there is no record of an easement. Staff recommends there be a property line adjustment so that there is one large parcel consisting of Tax Lots 32, 33 and 34. If the easement could not be obtained there could be a replacement house allowed, but it would have to be entirely on Tax Lot 33 and meet the dimensional standards.

All three parcels were recorded before February 20, 1990. Tax Lot 33 satisfied all applicable laws when created. There is conflicting evidence concerning whether Tax Lot 34 satisfied all applicable laws when created. There is no reliable evidence that Tax Lot 32

satisfied all applicable laws when created. Because neither Tax Lot 32 nor Tax Lot 34 has access, it appears more probable that neither parcel satisfied all applicable laws when created. None of the parcels meets the minimum parcel size for the CFU-2 zone but did meet the minimum parcel size for the SR zone when they were created. When the application was filed, Tax Lot 33 was a lot of record whereas Tax Lots 32 and 34 were not. (The Hearings Officer notes that the Planning Commission approved a non-resource dwelling for Tax Lot 34 in 1991, which indicates that Tax Lot 34 was a lot of record. That is evidence that Tax Lot 34 was a lot of record. Because Tax Lot 34 has now been consolidated with Tax Lot 33 the issue of whether Tax Lot 34 was a lot of record is moot. The Hearings Officer is not making a conclusion as to whether or not Tax Lot 34 was a lot of record, but for purposes of this decision, assumes it was not.)

Tax Lots 33 and 34 are owned by Karen Anderson and are contiguous. During these proceedings these two lots have been consolidated. Tax Lot 32 is owned by Terry and Barbara Chappell who have a contract with Karen Anderson to purchase her land. An application is pending to consolidate the two owners' lots contingent upon approval of this SEC permit application. Consolidation of an illegal lot with a lot of record results in a larger lot of record whose date of creation is the date the original lot of record was legally created. Upon compliance with the conditions of this approval the three lots will comply with the lot of record requirements of 11.WH.2062(A)(2).

11.WH.2068 Access

Any lot in this district shall abut a street, or shall have other access deemed by the approval authority to be safe and convenient for pedestrians and for passenger and emergency vehicles.

Findings and conclusions. The appellant argued that:

1. *Tax lots 32 and 34 do not have legal access rights or easement to the existing private access road through Tax Lot 28 or 30. [11.WH.2068]*

During these proceedings a Restated Easement Agreement was executed in which the owners of Tax Lots 28 and 30 grant an easement to Tax Lots 32, 33 and 34. One dwelling already exists on the site. Replacing that dwelling on the site a different location will have no effect on the safety and convenience of the road. The access requirement is satisfied.

11.WH.2074 Development Standards for Dwellings and Structures

Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993 shall comply with the following:

(A) The dwelling or structure shall be located such that:

- (1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058(C) through (G);**

Findings and Conclusions. The appellant argued:

2. *There is no evidence in the record that the proposed location will have the least impact on our property, which adjoins the subject property. The staff has not adequately addressed the impact of the proposed dwelling on our property. A building of the size and magnitude of the one proposed will have a significant impact on our view. [11.WH.2074(A)(1)]*

The criteria in MCC .2074 do not apply. The former code provisions for a replacement dwelling at MCC 11.WH.2048(E) did not cite the MCC .2074 standards as applying to replacement dwellings, but the 1998 amended code does. However, MCC .2074 itself states that "except for replacement dwellings" the standards apply. The staff looked up the old zoning code from 1998, reviewed the minutes and tapes of the Planning Commission Hearings on April 6, 1998 and April 20, 1998, and consulted the planner who drafted the amendments. The intent of the 1998 zoning code amendments was to comply with state standards for fire safety. The 1998 amendments concerned only the fire safety setbacks. MCC .2048(D), relating to alterations of dwellings, states that alterations of a dwelling shall satisfy "the development standards of .2074(A)(5) and (B) if an expansion exceeds 400 square feet of ground coverage." Staff determined that it was not the County's intent to include a requirement that the standards in MCC .2074 apply to replacement dwellings. The language included in MCC .2048(D) was inadvertently omitted for replacement dwellings. The Hearings Officer concludes that the development standards in MCC .2074, except for subsections (A)(5) and (B), do not apply to replacement dwellings. Therefore the applicant does not have to provide evidence that the proposed location has the least impact on adjoining property.

- (iv) No requirement in (i), (ii), or (iii) above may restrict or contradict a forest management plan approved by the State of Oregon Department of Forestry pursuant to the State Forest Practice Rules; and**

Findings and Conclusions. The appellant argued:

3. *Staff was not aware that the adjoining Tax lot 13 to the north is in fact currently under a practicing forest plan and growing fir trees for harvest. [11.WH.2074(A)(c)(iv)]*

This criterion does not apply. See discussion under MCC .2074(A)(1).

- (C) **The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of ground water (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a Class 11 stream as defined in the Forest Practices Rules.**
- (1) **If the water supply is unavailable from public sources, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been obtained permitting domestic water lines to cross the properties of affected owners.**
- (2) **Evidence of a domestic water supply means:**
- (a) **Verification from a water purveyor that the use described in the application will be served by the purveyor under the purveyor's rights to appropriate water; or**
- (b) **A water use permit issued by the Water Resources Department for the use described in the application; or**
- (c) **Verification from the Water Resources Department that a water use permit is not required for the use described in the application. If the proposed water supply is from a well and is exempt from permitting requirements under ORS 537.545, the applicant shall submit the well constructor's report to the county upon completion of the well.**

Findings and Conclusions. The appellant argued:

4. *Lots 32 and 34 do not have their own water source. Because they are in Multnomah County and not within the City of Portland's boundary, the city's water source would not serve the dwelling's new location. [11.WH.2074(C)]*

This criterion does not apply. See discussion under MCC .2074(A)(1). The Hearings Officer notes that Mari Moore of the Portland Water Bureau in a phone call told the County staff that the Water Bureau will service this site but that a new water permit may be required. In addition, an extraterritorial water line approval may be required under Metro's boundary change ordinance.

- (D) **A private road (including approved easements) accessing two or more**

dwelling, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:

- (1) **Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;**

Findings and Conclusions. The appellant argued:

5. *The existing access road was viewed to be unsuitable for heavy vehicles in the Shields Case File E1-99. The Chappells have not shown any factually supporting evidence to support the conclusion that the road can bear 52,000 pound vehicles. [11.WH.2074 (D)]*

This criterion does not apply. MCC11.WH.2074 states "Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048(D), .2048(E) and .2049(B), all dwellings and structures located in the CFU district after January 7, 1993, shall comply with the following": The subject development is allowed as a replacement dwelling under .2048(E). Staff cited this section in the staff decision only because it clarified wildfire safety standards referred to under MCC .2058 and driveway standards required by the fire district.

- (2) **Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;**

Findings and Conclusions. The appellant argued:

6. *The width of the access road is inadequate. According to Tualatin Valley Fire & Rescue District's adopted roadway design criteria, the road width must be no less than 20 feet along its entire length from Skyline Blvd. to the new dwelling. [11.WH.2074 (D)]*

This criterion does not apply. See discussion under MCC .2074(A)(1). However, Multnomah County requires service provider forms for new dwellings from the appropriate fire district. This is done to satisfy Comprehensive Plan Policy 38. In addition, Tualatin Valley Fire and Rescue District can require improvements based on their standards. TVF&R provided conditional approval for the proposed replacement dwelling. The conditionally approved plan calls for widening the driveway to 15 feet, including 100 feet of the access way west of the Lot 33.

- (3) **Provide minimum curve radii of 48 feet or greater;**

Findings and Conclusions. The appellant argued:

3. *There is no curve radius of 48 feet for fire vehicle access turnaround every 500 feet or turnouts measuring 20 x 40 feet placed every 500 feet along the road. [11.WH.2074 (D)]*

This criterion does not apply. See discussion under MCC .2074(A)(1) above.

- (5) **Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below:**
- (a) **Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;**
- (b) **The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;**

Findings and Conclusions. The appellant argued:

7. *According to the Zoning Code, there is no evidence showing the grade of road does not exceed an average of 8 percent with a maximum of 12 percent for lengths less than 200 feet.*

This criterion does not apply. See discussion under MCC .2074(A)(1) above.

11.15.6426 Criteria for Approval of SEC-h Wildlife Habitat

* * *

- (3) **The wildlife conservation plan must demonstrate the following:**

* * *

- (c) **That no fencing will be built and existing fencing will be removed outside of areas cleared for the site development except for existing cleared areas used for agricultural purposes.**

Findings and Conclusions. The appellant argued:

8. *The proposed placement of the Chappell's fenced garden, dog run and wire enclosure in the NW section is in a direct path of an established elk wildlife habitat trail. This is not protecting their natural habitat. [11.15.6426(C)(3)(c)]*

This decision includes a condition of approval that requires the applicant to remove old fencing in the northwest corner and also a section of fence that separate lot 32 and 33. The applicant was permitted to install new fencing for a garden, dog run and around the

house, as illustrated on the revised site plan, Exhibit H11.

The elk use this site for grazing and have been known to exit and enter from the northwest corner of the subject tract. According to the Oregon Department of Fish and Wildlife District Biologist, Tom Thornton, there is no established trail. The elk may or may not continue to go to this area if a fence is installed. Typically, elk stay under cover/forested areas during the day and visit open fields to graze during the morning and evenings. Elk may damage fencing that is four feet or lower. Fencing needs to be at least 7 feet high to keep out elk. It should also be noted that other human activities disturb elk as much or more than fencing does. Mr. Thornton suggested that the garden fence be moved toward the south so that the north fence lines up with the dog run.

Based on this suggestion, staff recommended that the applicant move the north fence of the garden lot to the south to allow a wider area for elk to pass.

D. CONCLUSION

Based on the findings and the substantial evidence cited or referenced herein, I conclude that the application for SEC approval satisfies all applicable approval criteria provided that the Conditions of Approval are complied with. Accordingly, the SEC permit is hereby granted for the subject site, subject to the Conditions of Approval contained herein.

IT IS SO ORDERED, this 1st day of September, 1999.


DENIECE B. WON, Hearings Officer

List of Exhibits Received in Hearing Process:

- H1 Map of Original Tax Lot 14
- H2 Case File M 41-63-I (Tax Lot 33)
- H3 Map of 1989 A&T with "Hold Permit" Removed
- H4 Page 6 of CU 2-91 (Tax Lot 34)
- H5 Letter from Karen Anderson Regarding Wildlife
- H6 CU 9-83 (Tax Lot 30)
- H7 Site Plan for Subject Lot Attached to Staff Report
- H8 Staff Nots Concerning Mcc.2074
- H9 Letter from Chris Koback, Davis Wright Tremaine

- H10 Copy of Entire CU 2-91 Report
- H11 Revised Site Plan Dated 8/18/99
- H12 Letter from Paul Norr
- H13 Easement Agreement executed by Chappell and Shields
- H14 Closing Timeline
- H15 Final Easements executed by Chappell, Shields and Nass, Dated 8/18/99

MEETING DATE: SEP 16 1999
AGENDA NO: C-4
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: IGA Supplement No. 1 to Emergency Relief Project regarding the repair and stabilization on the roadway shoulder, slope reconstruction and pavement repair on Cornelius Pass Road. This amendment changes the federal funding source.

BOARD BRIEFING: DATE REQUESTED: _____
 REQUESTED BY: _____
 AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Sept. 16 1999
 AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Environmental Services DIVISION: Transportation/Land Use

CONTACT: Randy Shannon TELEPHONE 29636
 BLDG/ROOM # 455/Yeon Annex

PERSON(S) MAKING PRESENTATION: Mike Phillips

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Supplement No. 1 to Emergency Relief Project - Cornelius Pass Road.

9/20/99 ORIGINALS to CATHEY KRAMER

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT MANAGER: *Lawrence E. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
MULTIPLUMAH COUNTY
OREGON
99 SEP - 8 PM 2:09



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
TRANSPORTATION DIVISION
1600 SE 190TH AVENUE
PORTLAND, OREGON 97233
(503) 248-5050

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Harold Lasley, P.E., Dir. Transportation Division
W.E. Chuck Henley, P.E., Engineering Services Manager/County Engineer

TODAY'S DATE: August 31, 1999

REQUESTED PLACEMENT DATE: September 16, 1999

RE: Cornelius Pass Road Slide Repair Supplemental Agreement #1

I. Recommendation/Action Requested:

Please approve and sign the IGA.

II. Background/Analysis:

Cornelius Pass Road was damaged in the 1996 flood. The damage qualified for Federal ER funds to repair the damage. The current Federal ER fund account is empty. Future ER funds are anticipated to eventually pay for the federal share of this repair project. The best option found is to use the Federal Rural STP funds to construct this project and replace these funds with ER money if and when available.

III. Financial Impact:

The County is responsible for the ten percent match. The use of Rural STP funds will delay a project to repair a slide area at MP 2 on Cornelius Pass, until the Federal ER funds become available and replace the Rural STP fund account. If this project is not bid and awarded the County will become responsible for 100% of the design engineering already completed.

IV. Legal Issues:

Change in funding source requires amending of the IGA.

V. Controversial Issues:

None

VI. Link to Current County Policies:

The County has a policy to maintain the transportation system.

VII. Citizen Participation:

None

VIII. Other Government Participation:

ODOT, Federal Highway

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) Attached Not Attached Contract #: 301138
 Amendment #: 1

<p style="text-align: center;">CLASS I</p> <p><input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption)</p> <p><input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption)</p> <p><input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000</p> <p style="margin-left: 20px;"><input type="checkbox"/> Expenditure</p> <p style="margin-left: 20px;"><input type="checkbox"/> Revenue</p> <p><input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)</p>	<p style="text-align: center;">CLASS II</p> <p><input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount)</p> <p><input type="checkbox"/> PCRB Contract</p> <p><input type="checkbox"/> Maintenance Agreement</p> <p><input type="checkbox"/> Licensing Agreement</p> <p><input type="checkbox"/> Construction</p> <p><input type="checkbox"/> Grant</p> <p><input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)</p>	<p style="text-align: center;">CLASS III</p> <p><input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000</p> <p style="margin-left: 20px;"><input checked="" type="checkbox"/> Expenditure</p> <p style="margin-left: 20px;"><input type="checkbox"/> Revenue</p> <p style="text-align: center;">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-4</u> DATE <u>9/16/99</u></p> <p style="text-align: center;"><u>DEB BOGSTAD</u></p> <p style="text-align: center;">BOARD CLERK</p>
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Department: Environmental Services Division: Transportation Division Date: August 31, 1999
 Originator: Randall Shannon Phone: 248-5050 x29636 Bldg/Rm: #455/215
 Contact: Cathey Kramer Phone: X22589 Bldg/Rm: 455/Yeon

Description of Contract: Supplement No. 1 to Emergency Relief Project Agreement (No. 16,279) - Cornelius Pass Road, between the County and Oregon Dept of Transportation regarding repair and stabilization on the roadway shoulder, slope reconstruction, and pavement repair. This amendment changes the project funding source and adds funds to project budget.

RENEWAL: PREVIOUS CONTRACT #(S): _____
 RFP/BID: _____ RFP/BID DATE: _____
 EXEMPTION #/DATE: _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR #: _____
 CONTRACTOR IS: MBE WBE ESB QRF N/A NONE (Check all boxes that apply)

<p>Contractor <u>Oregon Dept. of Transportation</u></p> <p>Address <u>123 NW Flanders St.</u> <u>Portland OR 97209-4037</u> <u>Debbie Burgess</u></p> <p>Phone <u>(503) 892-3089 or (503) 731-8276</u></p> <p>Employer ID# or SS# _____</p> <p>Effective Date <u>Upon Execution</u></p> <p>Termination Date <u>Upon Completion</u></p> <p>Original Contract Amount \$ <u>33,500.00</u></p> <p>Total Amt of Previous Amendments \$ <u>0</u></p> <p>Amount of Amendment \$ <u>316,500.00</u></p> <p>Total Amount of Agreement \$ <u>350,000.00</u></p>	<p>*This is Multnomah County's Portion - 10% of cost.</p> <p>Remittance address _____ (If different) _____</p> <p>Payment Schedule / Terms</p> <p><input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt</p> <p><input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30</p> <p><input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other</p> <p><input type="checkbox"/> Requirements Not to Exceed \$ _____</p> <p>Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No</p>
--	---

REQUIRED SIGNATURES:

Department Manager *Alex E. L. ...* DATE 9/13/99
 Purchasing Manager _____ DATE _____
 County Counsel *[Signature]* DATE 9/8/99
 County Chair *[Signature]* DATE 9/16/99
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____
 (Class I, Class II Contracts only)

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	150	030	6125			8300					
02											
03											

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original If additional space is needed, attach separate page. Write contract # on top of page.

Misc. Contracts & Agreements
No. 16,279

SUPPLEMENT NO. 1
EMERGENCY RELIEF PROJECT
Cornelius Pass Road

The State of Oregon, acting by and through its Department of Transportation (State), and Multnomah County, acting by and through its County Officials (Agency), entered into Local Agency Agreement No.16,279 on June 12, 1998. Said agreement covers the repair and stabilization on the roadway shoulder, slope reconstruction and pavement repair on Cornelius Pass Road, hereinafter referred to as "Project."

It has now been determined by State and Agency that the agreement referenced above, although remaining in full force and effect, shall be amended by this agreement to provide additional funds for the project.

Paragraph 2 of Page 1 which reads:

"2. The project shall be conducted as a part of the Emergency Relief Program under Title 23, United States Code, and the Oregon Action Plan. The project shall be financed with Federal Emergency Relief Funds. Agency shall be responsible for the match for the federal funds and any portion of the project which is not covered by federal funding."

Shall be amended to read:

"2. A portion of the project shall be conducted as a part of the Emergency Relief Program under Title 23, United States Code, and the Oregon Action Plan.

A portion of the project shall be financed with Surface Transportation Program (STP) funds available to the Agency through the Surface Transportation Program Guidelines and Working Agreement No. 17,130. The STP portion of the project will be financed with Surface Transportation Program funds at the maximum allowable federal participating amount, with Agency providing the required match for the combined total federal funds and any portion of the project which is not covered by federal funding."

Key 10257

M C & A No. 16,279
MULTNOMAH COUNTY

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

The Governor of Oregon declared Multnomah County as a disaster area and Federal Relief Funds were approved on February 8, 1996.

On March 18, 1999 the Oregon Transportation Commission approved Subdelegation Order No. 2, in which the Director grants authority to the Executive Deputy Director/Chief Engineer to approve and execute agreements over \$75,000 when the work is related to a project included in the approved biennial budget.

APPROVAL RECOMMENDED

By *Kay Van Arkel*
Region 1 Manager

STATE OF OREGON, by and through
its Department of Transportation

By _____
Executive Deputy Director/Chief Engr.

Date _____

APPROVED AS TO
LEGAL SUFFICIENCY

By *Matthew Ryan*
County Counsel

MULTNOMAH COUNTY, by and
through its elected officials

By *Deb Bogstad*
Chair

Date September 16, 1999

Agency Billing Address:

MULTNOMAH COUNTY
Administrative Manager
1620 SE 190th Avenue
Portland, OR 97233

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 DATE 9/16/99
DEB BOGSTAD
BOARD CLERK

MEETING DATE: SEP 16 1999
AGENDA NO: C-5
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Cancellation of Defaulted Land Sales Contract
BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____
REGULAR MEETING: Date Requested: _____
Amount of Time Needed: Consent
DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation
CONTACT: Kathy Tuneberg TELEPHONE #: 248-3590
BLDG/ROOM #: 166/300/Tax Title
PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request cancellation of Land Sales Contract 15634 to FRANK RYTEL.

Cancellation Order and Copy of Default Notice attached

*9/20/99 certified true copies
to TAX TITLE*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 SEP - 8 AM 10:54

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
OR
DEPARTMENT MANAGER: *Stacy E. Nicholas*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-177

Cancelling Land Sale Contract 15634 with FRANK RYTEL upon Default of Payments and Performance of Covenants

The Multnomah County Board of Commissioners Finds:

- a) Contract purchaser, FRANK RYTEL, by contract dated February 19, 1992, book 2467 and Page 1743, agreed to purchase from Multnomah County upon terms and conditions provided therein, the following tax foreclosed property:

LOT 9, BLOCK 2, COLSON SUB, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon.
- b) The purchaser is now in default of the terms of contract in that purchaser

Failed to make monthly payments of \$60.28 since January 2, 1998 for a total of \$1,205.60.
Failed to pay delinquent taxes for tax years 94/95, 95/96, 96/97, 97/98, & 98/99 for a total of \$2,781.22.
Failed to provided proof of homeowner & fire insurance as required per contract.
- c) ORS 275.220 provides that upon default, the Board may cancel the contract:
- d) The County sent notice to contract purchaser and other interested parties of this cancellation consistent with ORS 93.915.

The Multnomah County board of Commissioner Orders:

1. That the subject contract be and is declared CANCELLED.
2. That the Multnomah County Tax Collector remove the above property from taxation and cancel all unpaid taxes in accordance with the provisions of ORS 275.240.
3. That the MULTNOMAH COUNTY SHERIFF serve a certified copy of this order and a return of service be made upon such copy of the order to:

FRANK RYTEL, 12710 SE ELLIS ST, PORTLAND OR 97236-4216

Adopted this 16th day of September, 1999.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By *Beyerly Stein*
Beyerly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
for Multnomah County, Oregon

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

MULTNOMAH COUNTY TAX TITLE
PO BOX 2716, PORTLAND OR 97208
421 SW 6TH AVE, RM 300, PORTLAND OR 97204
503-248-3590

Plc 4/9

April 9, 1999

URGENT, REQUIRES IMMEDIATE ACTION

FRANK RYTEL
12710 SE ELLIS ST
PORTLAND OR 97236-4216

FINAL NOTICE OF DEFAULT AND PENDING CANCELLATION OF CONTRACT 15634

YOU ARE HEREBY NOTIFIED THAT YOU ARE IN DEFAULT UNDER CONTRACT #15634 RECORDED ON February 19, 1992, BOOK 2467, PAGE 1743 BETWEEN SELLER, MULTNOMAH COUNTY AND CONTRACT PURCHASER, FRANK RYTEL FOR THE PROPERTY LEGALLY DESCRIBED AS:

LOT 9, BLOCK 2, COLSON SUB, a recorded subdivision in the City of Portland, County of Multnomah, and State of Oregon, also known as WEST OF 12710 SE ELLIS ST or tax account number (R-17260-0470).

This contract is in Default due to:

- 1) Starting from January 2, 1998, no installments have been paid on Contract 15634. As of August 9, 1999, the amount due on the contract will be \$1,205.60. This figure includes interest and principal. Make certified funds payable to TAX TITLE, ref 15741.
- 2) The delinquent taxes have not been paid for tax years 94/95, 95/96, 96/97, 97/98, & 98/99 for a total of \$2,781.22. This figure includes taxes, interest, and fees through August 9, 1999. Make certified funds payable to TAX COLLECTOR, ref R-75020-0970.
- 3) Failure to provide proof of homeowner & fire insurance as required per contract. **PROOF OF HOMEOWNER & FIRE INSURANCE MUST BE PRESENTED TO OUR OFFICE.**

TOTAL OF DEFAULT IS \$4,194.82. You have 120 days to cure this default. The deadline is August 9, 1999.

IN ORDER TO CURE THE DEFAULT YOU MUST PAY ALL INSTALLMENTS DUE, INCLUDING INTEREST, ALL DELINQUENT TAXES, INCLUDING INTEREST AND FEES, AND ALL COSTS INCURRED BY THE COUNTY RESULTING FROM THIS DEFAULT AS DESCRIBED ABOVE. PLEASE BE ADVISED THAT THE BACK INSTALLMENTS AND TAXES MUST BE PAID CURRENT TO THE DATE OF ACTUAL PAYMENT AND ARE SUBJECT TO CONTINUING ACCUMULATION OF INTEREST OR PRINCIPAL OR BOTH. PAYMENT MUST BE MADE IN CERTIFIED FUNDS (NO PERSONAL OR BUSINESS CHECKS WILL BE ACCEPTED). YOU CAN MAIL TO THE PO BOX OR BRING YOUR PAYMENT IN PERSON TO THE STREET ADDRESS LISTED IN THE ABOVE LETTERHEAD.

IF THE DEFAULT IS NOT CURED BEFORE August 9, 1999, (120 days) THIS CONTRACT WILL BE CANCELED, AND EVERY RIGHT, OR INTEREST OF ANY PERSON IN THE PROPERTY WILL BE FOREITED FOREVER TO THE COUNTY.

SINCERELY,

Gary Thomas

GARY THOMAS
FORECLOSED PROPERTY COORDINATOR

cc: Dady K Blake, Attorney at Law

Recorded in the County of Multnomah, Oregon
C. Swick, Deputy Clerk



99072254 2:09pm 04/09/99

014 20024494 02 15
A90 1 0.00 5.00 3.00 0.00 0.00

MEETING DATE: SEP 16 1999

AGENDA NO: C-6
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: **Request Approval of Deed to Contract Purchaser for Completion of Contract.**

BOARD BRIEFING: Date Requested: _____
Requested by: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____
Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation
CONTACT: Gary Thomas TELEPHONE #: 248-3590 x22591
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of deed to contract purchaser, THE HEIRS OF NORMAN BINNS AS THEY SHALL BECOME KNOWN, for completion of Contract #13984 (Property repurchased by former owner).

Deed D001655 and Board Order attached.

*9/20/99 original Deed & copies of all to
TAX TITLE*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: *St. Louis D. Wickless*

BOARD OF
COUNTY COMMISSIONERS
99 SEP - 8 AM 9:43
MULTI-NORMAN COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
Any Questions: Call the Board Clerk @ 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-179

Authorizing the Execution of Deed D001655 Upon Complete Performance of a Contract to THE HEIRS OF NORMAN BINNS AS THEY SHALL BECOME KNOWN

The Multnomah County Board of Commissioners Finds:

- a) On July 11, 1978, Multnomah County entered into a county contract 13984, recorded in the County Deed Records at Book 1278, Page 1230 with NORMAN BINNS, for the sale of the real property hereinafter described
- b) Purchaser has since deceased but the heirs of Mr. Binns have fully performed the terms and conditions of said contract and are now entitled to a deed conveying the property to them; now therefore

The Multnomah County Board of Commissioners Resolves:

1. That the Chair of the Multnomah County Board of County Commissioners is authorized to execute a deed in a form substantially complying with the attached deed conveying to the heirs of the contract purchaser the following described real property:

WEST 40' OF LOT 11 & 12, BLOCK 6, WILLIAMS AVE ADD, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

2. The County's Division of Assessment and Taxation is authorized to forward the signed deed to the appropriate Escrow Officer under letter of instruction which shall provide: (a) that the deed is to be processed only upon the receipt by the County of all funds the County is due in consideration for the above described property, and (b) that if the escrow is closed without the proper payment to the County the deed and any copies there of shall be returned immediately to the County.

Approved this 16th day of September, 1999.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____

Matthew O. Ryan

REVIEWED:

Thomas Sponsler, County Counsel
Multnomah County, Oregon

By _____

Matthew O. Ryan
Matthew O. Ryan, Assistant County Counsel

DEED D001655

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to THE HEIRS OF NORMAN BINNS AS THEY SHALL BECOME KNOWN, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

WEST 40' OF LOT 11 & 12, BLOCK 6, WILLIAMS AVE ADD, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$1,577.20.

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.

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

THE HEIRS OF NORMAN BINNS AS THEY SHALL BECOME KNOWN
81 NE IVY ST
PORTLAND OR 97212-2037

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 16th day of September, 1999, by authority of an Order of the Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By *Beverly Stein*
Beverly Stein, Chair

REVIEWED:
Thomas Sponsler, County Counsel
Multnomah County, Oregon

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

DEED APPROVED:
Kathleen A. Tuneberg, Director
Tax Collections/Records Management

By *K.A. Tuneberg*

After recording, return to Multnomah County Tax Title/166/300

MEETING DATE: SEP 16 1999

AGENDA NO: C-7

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Repurchase Deed to Former Owner

BOARD BRIEFING: Date Requested: _____
Requested By: _____
Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____
Amount of Time Needed: Consent

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Gary Thomas TELEPHONE #: 248-3590 x22591
BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of Repurchase Deed to former Owner, RICHARD A. MURDOCH.

Deed D001660 and Board Order attached.

*9/20/99 original deed & copies of all to
Tax title*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
OR
DEPARTMENT MANAGER: kt Kaye L. Nicholas

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 SEP - 7 PM 2:34

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES
Any Questions: Call the Board Clerk 248-3277

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-180

Authorizing Execution of Deed D001660 for Repurchase of Tax Foreclosed Property to
Former Owner RICHARD A. MURDOCH

The Multnomah County Board Of Commissioners Finds:

- a) Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes, and that RICHARD A. MURDOCH is the former record owner
- b) The above former owner has applied to the County to repurchase said property for the amount of \$16,752.02, which amount is not less than that required by ORS 275.180; and it is in the best interest of the County that said property be sold to said former owner.

The Multnomah County Board of Commissioners Resolves:

1. That the Chair of the Multnomah County Board of County Commissioners is authorized to execute a deed in a form substantially complying with the attached deed conveying to the contract purchaser the following described real property:

LOT 3 & 4, BLOCK 20, HYDE PK, a recorded subdivision in the City of Portland,
County of Multnomah and State of Oregon.

2. The County's Division of Assessment and Taxation is authorized to forward the signed deed to the appropriate Escrow Officer under letter of instruction which shall provide: (a) that the deed is to be processed only upon the receipt by the County of all funds the County is due in consideration for the above described property, and (b) that if the escrow is closed without the proper payment to the County the deed and any copies there of shall be returned immediately to the County.

Approved this 16th day of September, 1999.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
Multnomah County, Oregon

By Matthew O. Ryan
Matthew O. Ryan, Assistant County Counsel

DEED D001660

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to RICHARD A. MURDOCH, Grantee, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 3 & 4, BLOCK 20, HYDE PK, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$16,752.02.

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 PERSONS 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.

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

RICHARD A. MURDOCH
3935 NE 70TH AVE
PORTLAND OR 97213

IN WITNESS, WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 16th day of September, 1999, by authority of an Order of said Board of County Commissioners heretofore entered of record.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

Beverly Stein
Beverly Stein, Chair

REVIEWED:
Thomas Sponsler, County Counsel
for Multnomah County, Oregon

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

DEED APPROVED:
Kathy Tuneberg, Director
Tax Collection/Records Management

By *K. A. Tuneberg*

After recording return to 166/300/Multnomah County Tax Title

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

The foregoing instrument was acknowledged before me this 16th day of September, 1999, by Beverly Stein, 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: 6/27/01

MEETING DATE: SEP 16 1999
AGENDA NO: C-8
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: IGA between the Department of Juvenile and Adult Community Justice and Portland Public School District

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: _____

DEPARTMENT: DJACJ DIVISION: Juvenile Justice
CONTACT: Alandria Taylor TELEPHONE #: X83968
BLDG/ROOM #: 311/DJACJ

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Intergovernmental Revenue Agreement #700309 between the Department of Community Justice and Portland Public School District to provide funding for educational services for 25 high-risk juvenile offenders through AYOS/Genesis Program. (Amendment #1)

9/20/99 originals to Alandria Taylor

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: E. Clawson / juy

CLERK OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 SEP - 7 PM 1:41

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Beverly Stein, Chair
Board of County Commissioners

FROM: Elyse Clawson, Director *EC*
Department of Community Justice

DATE: August 9, 1999

SUBJECT: Renewal of an Intergovernmental Revenue Agreement between
The Department of Juvenile and Adult Community Justice and Portland Public
Schools -- # 700309

- I. **RECOMMENDATION/ACTION REQUESTED:** The Department of Community Justice (DCJ) recommends the Board's approval to renew the intergovernmental revenue agreement (IGA) between the Department of Community Justice and Portland Public Schools. This renewal period runs from July 1, 1999 through June 30, 2000.
- II. **BACKGROUND/ANALYSIS:** This agreement continues the relationship established in 1990 with Portland Public Schools and DJACJ as part of the overall State Downsizing Agreement. The \$250,000 allocated through this agreement provides for alternative education services to youth referred through juvenile probation, juvenile parole or the Portland Public Schools.

These alternative education services are provided by Albina Youth Opportunity School Genesis Program (AYOS/Genesis).
- III. **FINANCIAL IMPACT:** The \$250,000 provided by PPS is included in DJACJ's FY 98-99 adopted budget. DJACJ will be reimbursed by PPS for the actual expenses it incurs to purchase the alternative education services at AYOS/Genesis.
- IV. **LEGAL ISSUES:** N/A
- V. **CONTROVERSIAL ISSUES:** N/A
- VI. **LINK TO CURRENT COUNTY POLICIES:** This IGA links directly with the County's benchmark of reducing juvenile crime and reducing truancy.
- VII. **CITIZEN PARTICIPATION:** N/A
- VIII. **OTHER GOVERNMENT PARTICIPATION:** N/A

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Contract #: 700309

pre-approved Contract Boilerplate (with County Counsel signature) Attached:

Amendment #: 01

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by Rfp or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <div style="text-align: center;"> APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-8</u> DATE <u>9/16/99</u> DEB BOGSTAD BOARD CLERK </div>

Department: Department of Community Justice Division: JJD Date: 8/12/99
 Originator: Bill Morris Phone: (503) 248-3460 Bldg/Rm: 311/DCJ
 Contact: Alandria Taylor Phone: (503) 248-3460 Bldg/Rm: 311/DJACJ

Description of Contract: ***This amendment extends the contract term for 12 months at an amount not to exceed \$250,000.***

Renewal? Previous Contract #(S): 700309
 Exemption? RFP/Exemp#: _____ RFP/ Exemp Issue Date: _____ RFP/ Exemp Expiration Date: _____ ORS/AR #: _____
 Contract is: MBE WBE ESB QRF N/A NONE

Contractor: Portland Public Schools
 Address: 2508 NE Everett
Portland, OR 97232
 Phone: (503) 916-5858
 Employer ID# or SS#: _____ 93-6000830
 Effective Date: _____ 7/1/99
 Termination Date: _____ 6/30/00
 Original Contract Amount: _____ \$250,000.00
 Total Amt of Previous Amendments: _____
 Amount of Amendments: _____ \$250,000.00
 Total Amount of Agreement: _____ \$500,000.00

Remittance address _____
 (if different) _____

Payment Schedule / Terms

Lump Sum _____ Due on Receipt
 Monthly _____ \$20,833.33 Net 30
 Other _____ Other
 Requirements Not to Exceed \$250,000.00
 Encumber

RECEIVED
AUG 25 1999

CONTRACT ADMINISTRATION

Required Signatures:

Department Manager Eclawson Date 8-20-99
 Purchasing Manager _____ Date _____
 (Class II Contracts Only)
 County Counsel Patricia H. Date 9/2/99
 County Chair Patricia H. Date 9/16/99
 Sheriff _____ Date _____
 Contract Administration _____ Date _____
 (Class I, Class II Contracts Only)

LGFS Vendor Code							Department Reference				
Line#	Fund	Agency	Org	SubOrg	Activity	Obj/Rev	SubObj	RptCat	LGFS Description	Amount	IncDec
1	156	22	2740			2766		PPSD		\$250,000.00	

AGREEMENT

PARTIES:

School District No. 1, Multnomah County, 501 N. Dixon, Portland, Oregon 97227 (District).

Multnomah County Juvenile Justice Services Division, Multnomah County, Oregon (County).

RECITALS:

1. County presents itself to District as operating the Genesis Program which has staff, facilities, management and experience to perform services required of it by this Agreement.
2. District desires to obtain these services.
3. County will operate its Genesis Program through a subcontractor.

AGREED:

1. County shall maintain at Genesis an attendance of 25 full-time equivalent (one full-time equivalent equals 222 school days of full-time attendance in a fiscal year) school age students in an educational program for students who cannot be served in the Portland Public Schools. Students shall be residents of the District as verified by District enrollment services. Of the youth served, a minimum of fifteen (15) FTE students will be referred from the County as part of its "diverted" population from the state training schools, and a minimum of five (5) FTE students will be referred by the District when it is determined they are eligible for alternative schooling under ORS 339.250 and are not currently benefitting from attendance in the public school system but can benefit from the County's program. The remaining five (5) FTE students will be used by the District, the County, or Children's Services Division Parole Office. County shall operate this program in strict compliance with the following:
 - A. County shall keep the District advised of the goals and objectives of its educational program. The educational program will:

- (1) Provide basic academic skills instruction using individualized skill curricula in math, reading, and language arts:
- (2) Meet special education and related service needs as students require, and fulfill state and Federal requirements for Individualized Education Plans as required by Special Education (I.D.E.A.);
- (3) Provide grade-level appropriate educational programs;
- (4) Develop short-and long-term individual education goals that are coordinated with the treatment, counseling, and job skill training components.
- (5) Provide for GED preparation as needed.
- (6) Provide remedial tutoring in course subjects as necessary;
- (7) Meet all State educational requirements for each student.

B. Prior to enrollment each student who was not enrolled in a Portland Public School on October 1, 1999 shall be approved by the Office of Alternative Education in writing using an Alternative Education Plan (A). Prior to enrollment each student who was enrolled in any Portland Public School on October 1, 1999 shall be recommended by a Portland Public Schools' principal or principal's designee in writing using Alternative Education Plan (B) and approved by District's Office of Alternative Education. The County shall inform the District of its progress on these plans by submitting a completed Alternative Education Plan (A) or (B). Each Alternative Education Plan (A) and (B) expires at the end of this Agreement.

Special Education students shall be served under Alternative Education Plans (A) or (B). An Individualized Education Plan (I.E.P.) must be included as part of these plans and may be substituted. Special Education Direction Services must approve these plans.

Students may not transfer from enrollment in County's program to another alternative education program without prior written approval of the new

program's Alternative Education Plan (A) or (B) by the Office of Alternative Education.

- C. County shall provide to students an educational program as required by the District's standards, regulations, and policies, applicable Oregon Administrative Rules and ORS 336.615 to 336.665.
- D. County shall carefully interview, screen and shall provide to District a list of all staff members and a satisfactory criminal records check for each one at the beginning of the school year and for each additional or replacement staff (both paid and volunteer staff) during the school year.

County shall provide screening and direction to each person who shall under this contract come into contact with the students. The screening and direction shall assure that the individual is appropriate to be trusted with young persons and can productively help the young person with his/her school work. County shall assure that the location of the services is in an area subject to regular overview and supervision. Each employee assigned under this contract by County shall be carefully instructed and supervised regarding: (1) the confidentiality of information learned about students and their families and all records regarding students and their families, and (2) maintaining a professional relationship with students and their families and avoiding any behavior that undermines the professional character of that relationship.

- E. County will complete a District Student Registration Form for each student upon admittance to their program using program number 767, and update the form according to District regulations when a student leaving the program. The Student Registration Form update shall be due after ten days of the date enrollee leaves the program.
- F. County will furnish to District at least twice each year a list of those full time equivalent students enrolled in its program. This information shall be reported to the Oregon Department of Education by completion of State School Fund Report of ADM in Registered Alternative Programs for Students Attending Pursuant to ORS 336.635, Forms 581-3201A-C (Rev. 12/93), supplied by District for ADM reporting. If the fully completed forms

are not received by Deputy Clerk Services (916-3299) of District by the time required by District, the District will not receive State School Funds and like amount will immediately be due and owing to District by County. If not paid to District within ten days of billing, this Agreement will be in default without further action or notice by District.

- G. County will report to the District, in writing, its evaluation of the success of its educational program, or lack thereof, with respect to each enrollee served under Alternative Educational Plan (A) or (B) by submitting a copy of the completed plan to the Office of Alternative Education within ten (10) days of each plan's completion.
- H. County shall participate in an annual report: *Evaluation Report to the Superintendent: Alternative Education Programs*, which uses as its basis District Standards for Alternative Programs as presented in Board Policy 6.10.022 (Amended 8/31/95). County's subcontractor shall be reviewed by an alternative education advisory committee, annually, in a method determined by that committee. The annual evaluation shall provide that all students receive instruction in the state content standards at appropriate benchmark levels providing the opportunity to receive the Certificates of Initial and/or Advanced Mastery.
- I. County shall report to District, in a form provided by District, information necessary for the annual Oregon Department of Education report entitled Dropout Rates in Oregon High Schools.
- J. County shall account for all registered students by administering the Portland Achievement Levels Tests (PALT) on dates and in a manner specified by District. Students who have not met minimum standards on PALT during their eighth grade year must be administered Graduation Standards Tests (GST) on dates and in a manner specified by District. These students must meet minimum standards on the GST in order to be eligible to receive a regular high school diploma from District.

County shall account for all students' RIT scores in reading and math using Alternative Education Plan (A) or (B) upon entry and exit from the Gensis

program. District will provide CARAT testing software and group training. County shall maintain (1) a secure testing environment for test administration to assure test score validity and (2) computer and disk security to protect the test material from disclosure.

All registered students in grades 3, 5, 8, and 10 shall be tested using the Statewide Assessments on dates and in a manner specified by District. Only students whose Individualized Education Plans preclude them, or who refuse to participate, or who are absent shall be exempt from these tests.

Center shall evaluate student work samples in specific content areas, as required by state regulations.

- K. It will not in any manner (by express advocacy or other affirmative conduct) seek to compete with District for the attendance of students or engage in any conduct for the purpose of inducing students eligible for attendance in schools of District to refuse such attendance.
2. District will pay County for these services an amount not to exceed \$250,000 for the services specified in this Agreement. The District will pay on a monthly basis. County guarantees that at all times during the term of this Agreement the County's subcontractor will have an average of twenty-five (25) full-time approved Portland Public Schools students in attendance each school day. The total maximum number of days of attendance for the term of this contract is 5,550. County will bill District on the fifth of each month for the previous month, payable within 30 days, at a rate of \$45.05 per full day equivalent of attendance. Subsequent payments will be made at a similar time of month through June 30, 2000. County's subcontractor shall serve 25 FTE students until the end of the term of this Agreement. Billing for attendance of an individual student may not exceed 175 school days during the term of this Agreement. Payment for an individual student commences on the date Alternative Education Plans (A) or (B) are approved by the Office of Alternative Education. County's monthly billings will have attached the number of school days Genesis was in session that month, an alphabetical list of students served, the date enrollment was approved, the number of school days each student was enrolled that month, and the number of school days the student was in attendance that month. Billings will have \$45.05 deducted for each day of attendance claimed for students without approval of Alternative Education Plans (A) or (B) by the Office

of Alternative Education, or incorrect enrollment dates.

A program budget must be provided at the beginning of the contract period and an actual expenditure/budget report along with an overall operating budget must be provided at year-end.

3. District may audit Genesis records for compliance with this Agreement. County shall maintain such records for two years after the termination of this Agreement.
4. County shall, upon expiration or termination of the contract, immediately reimburse to District any amount paid but not earned. Except for those costs chargeable by a public school, County services under this contract shall be without cost to the student or his/her family.
5. Each parent, when enrolling his/her student, shall sign a copy of the following statement:

"I understand that alternative services provided are not supervised by the Portland School District and Genesis is not an agent of the District. I will not expect the Portland School District to take any responsibility for any aspect of the program for the services, or the manner in which the services are provided even if the school staff has knowledge of any particular aspect of the program or suggests it as a resource."

6. County is an independent contractor and shall not for any purpose be deemed or represented to be an agent or employee of the District.
7. The provision of ORS 279.310 through 279.320 hereby are incorporated as if specifically set forth herein.
8. County shall forward student records to District upon student leaving County's subcontractor.
9. To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, County shall defend and hold harmless District from all claims in any forum resulting from performance under this Agreement. County's subcontractor shall maintain during the term of this Agreement a policy of general liability insurance in

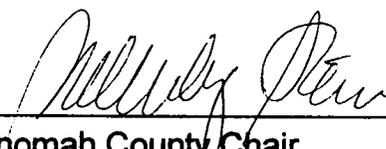
an amount of no less than \$500,000 single limit naming District as an additional insured.

10. In performance hereof County's contractor shall not discriminate against any person, student, or teacher because of race, religion, gender, national origin, or handicap.
11. County shall obtain inspection of its facilities used pursuant to this contract to assure that the facility complies with city and state building, fire, and health codes; the District's air quality standards; and the Environmental Protection Agency's identification and notice standards relative to asbestos.
12. Prior to commencement of services hereunder, County shall provide District with evidence that its subcontractor has workers compensation and liability insurance satisfactory in form, amount and insuring company to District.
13. This Agreement is for the period of July 1, 1999 through June 30, 2000.

IN WITNESS WHEREOF, District has executed by authority of Resolution Number 0148 of its Board of Directors adopted June 14, 1999 and County has executed by authority of a special resolution of its Board of Directors.

MULTNOMAH COUNTY
DEPARTMENT OF COMMUNITY JUSTICE

SCHOOL DISTRICT NO. 1
MULTNOMAH COUNTY,
OREGON

By: 
Multnomah County Chair

By: _____
Deputy Clerk

Date: September 16, 1999

Date: _____

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-8 DATE 9/16/99
DEB BOGSTAD
BOARD CLERK

DEPARTMENT OF COMMUNITY JUSTICE

By: E. Clawson/ug
Elyse Clawson, Director

Date: 8-20-99

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By: Patricia W. Henry

Date: 9/2/99

MEETING DATE: SEP 16 1999
AGENDA NO: C-9
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Director Custody Holds per ORS 426.215

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: Community & Family Services DIVISION: Behavioral Health

CONTACT: Cathy Horey TELEPHONE #: 248-5464 Ext 24447
BLDG/ROOM #: 166/6

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Order Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to take an Allegedly Mentally Ill person into custody.

9/20/99 copies to Cathy Horey

BOARD OF
COUNTY COMMISSIONERS
MULTI-NOMAH COUNTY
OREGON
99 SEP - 7 PM 1:31

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: *Lolenz Poe ms*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

1. The individuals listed below are authorized as designees of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
2. Added to the list of designees are:

Tracy Hutch	021-54-3922	Elisabeth Rogolsky	278-42-4229
Daniel Haynes	544-78-6534	Jim Underwood	369-50-0311
Cassandra Gemelli	208-58-9309	Madelyn Antinucci	556-98-7479
Marla Dow	406-92-7934	Nancy Moore	001-62-3465
Tom Van de Brauth	549-90-9423	Jeffery Sayers	473-50-2965
Barry Knorr	161-52-5863	Linda Hurley	540-48-5105
Peggy West	104-34-9513	Lark Roe	524-70-2663
Kay Eudres	550-84-6130	Bree Ahrens	540-19-1570
Trudy Metzger	544-56-8173	James Prather	514-40-2223
Mary Gwaltney	541-68-9162	Anne Martin-Gibini	516-80-4572

Adopted this _____ day of _____, 1999.

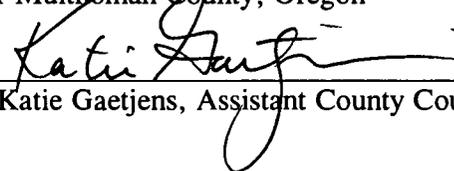
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By


Katie Gaetjens, Assistant County Counsel

Wednesday, September 01, 1999

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-181

Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

The Multnomah County Board of Commissioners Finds:

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

1. The individuals listed below are authorized as designees of the Mental Health Program Director for Multnomah County to direct any peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody or treatment for mental illness.
2. Added to the list of designees are:

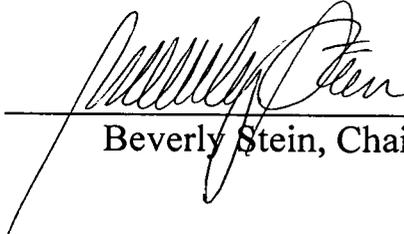
Tracy Hutch	021-54-3922	Elisabeth Rogolsky	278-42-4229
Daniel Haynes	544-78-6534	Jim Underwood	369-50-0311
Cassandra Gemelli	208-58-9309	Madelyn Antinucci	556-98-7479
Marla Dow	406-92-7934	Nancy Moore	001-62-3465
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Barry Knorr	161-52-5863	Linda Hurley	540-48-5105

Peggy West	104-34-9513	Lark Roe	524-70-2663
Kay Eudres	550-84-6130	Bree Ahrens	540-19-1570
Trudy Metzger	544-56-8173	James Prather	514-40-2223
Mary Gwaltney	541-68-9162	Anne Martin-Gibini	516-80-4572

Adopted this 16th day of September, 1999.

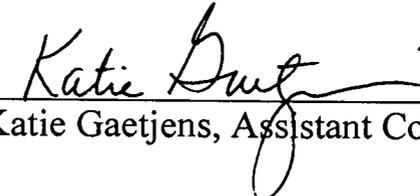


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 
Katie Gaetjens, Assistant County Counsel



LISA H. NAITO
Multnomah County Commissioner, District 3
1120 SW Fifth Avenue, Suite 1500
Portland, Oregon 97204-1914
Phone (503) 248-5217 Fax (503) 248-5262

MULTNOMAH COUNTY OREGON

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioners Lisa Naito

DATE: September 16, 1999

RE: Resolution Creating a Siting Advisory Committee to Recommend a Site for a New Child Abuse Center.

1. Recommendation/Action Requested:

Approval of Resolution.

2. Background/Analysis:

The Public Safety Ballot Measures, No. 26-45 authorized the issuance of \$79.7 million in General Obligation Bonds for the construction of a new jail, a mandatory secure treatment facility for substance abuse offenders, expansion at Inverness, bookings facilities, technological improvements and a child abuse center. Those bonds were issued on October 1, 1996. The only significant part of the bond package that essentially remains to be started is the child abuse (or receiving) center. This resolution directs the Chair to start the siting process with budget scenarios ranging from \$4 million to \$7 million.

3. Financial Impact:

This will require expenditure of the bond proceeds as the voters have directed. For full operation of the facility, some funding may be required in a public safety levy.

4. Legal Issues:

Proceeding in a timely manner may allow the County to avoid Internal Revenue Service filing for failing to spend the bond proceeds within the legal time limits.

5. Controversial Issues:

Siting of social services can be controversial. This has also be an area that has traditionally been under the jurisdiction of the state.

6. Link to Current County Policies:

This resolution is linked to Multnomah County's long term benchmarks, *Reduce Children in Living Poverty*, and, *Reduce Crime*. It may also help to *Increase School Completion With Life Skills Equivalency*, by helping to place children in non-threatening environments and helping family and with foster placement. The resolution follows the will of the people in passing Measures 26-45.

7. Citizen Participation:

The Siting Advisory Committee will provide for citizen involvement.

8. Other Government Participation:

The committee will have representatives from the State of Oregon and the City of Portland Police Bureau.

BOGSTAD Deborah L

From: FORD Carol M
Sent: Tuesday, September 14, 1999 1:36 PM
To: KELLEY Sharron E; NAITO Lisa H
Cc: MARCH Steve J; BAX Carolyn M; ERICKSON Debra J; JOHNSON Marialisa; CARROLL Mary P - Cruz; DINGLER Lynn; BOWMAN JoAnn A
Subject: Scheduling Child Receiving Center siting resolution

I talked with Steve after the briefing today - it is my mistake that the Child Receiving Center siting resolution is not on the agenda for Sept 16. But as discussed with Steve, it can go as an Unanimous Consent item based on today's BCC discussions. I've asked Maria Lisa to work with Steve on revising the resolution.

Also, we had been holding an hour tentatively on Oct. 7 for more Child Receiving Center discussion. Based on approving the siting resolution Thursday - it appears that we don't need this time on Oct 7th. So I'll have Deb take the continuation of the Receiving Center discussion off Oct 7 and free up some time for additional agenda items.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Creating a Siting Advisory Committee to Recommend a Site for a new Child Abuse Center

The Multnomah County Board of Commissioners Finds:

- a. In May of 1996 the voters of Multnomah County approved Ballot Measure No. 26-45, authorizing the issuing of \$79.7 million in General Obligation Bonds to be used for facilities that would improve public safety, including "a Child Abuse Center that responds to increased victimization of children and, the excess time many children spend in police custody waiting for placement and evaluation" and, on October 1, 1996 the County issued the Public Safety General Obligation Bonds to fund that center.
- b. The remaining project authorized under Measure No. 26-45 is the Child Abuse Center, for which some of the arguments were:
 - i. Over 2000 times a year, a child in Multnomah County must be removed from their home for their own safety;
 - ii. Because there is no 24-hour facility consistently available to take in and care for a child, children are sometimes forced to ride in the back of a patrol car or sit at a caseworker's desk for hours, while attempts at placement are made;
 - iii. Children are further traumatized by multiple foster home placements, and little chance for visitation with birth parents for family reunification.
- c. The current a system limits opportunities for family visitation and family reunification efforts.

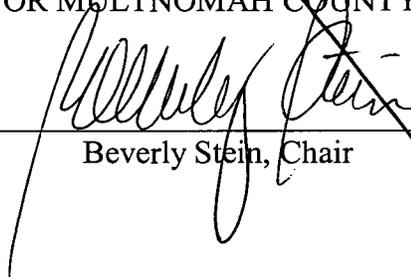
The Multnomah County Board of Commissioners Resolves:

1. A Siting Advisory Committee (SAC) will be appointed by the Chair to recommend to the Board of County Commissioners a site for the new Child Abuse Center, also known as the Child Receiving Center;
2. The SAC will have up to ten members including representatives from the Office of the District Attorney, the Portland Police Child Abuse Team, the State Office of Services to Children and Families, the Lead Planning Agency (Christie School), and other interested persons from the community;

3. The SAC will explore improved or unimproved properties that could serve as a location for the Child Receiving Center, and potential co-located services under three general scenarios:
 - a. The Receiving Center with a child/family service facility, not to exceed \$4,000,000; or,
 - b. The Receiving Center complex with the MDT/CAT co-located on a single site, at about \$6,000,000 but in no case to exceed \$7,000,000; or,
 - c. The Receiving Center and MDT/CAT co-developed on separate but conveniently located sites not to exceed \$7,000,000, or as further directed by the Board of County Commissioners.
4. The Child Receiving Center functions shall receive priority in selection of properties and design;
5. The Child Receiving Center should provide a residential feel for the children housed there and should provide sufficient space for services to abused and neglected children in a safe and child-friendly environment;
6. The SAC will use the above criteria and develop additional essential siting criteria referenced in the siting plan to be approved by the Chair to guide their recommendations;
7. The SAC will make recommendations under the various scenarios to the Board of County Commissioners by October 26, 1999.

Approved this 16th day of September 1999.

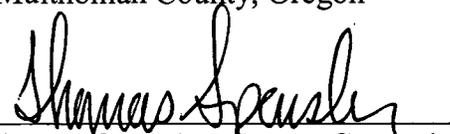
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 

Thomas Sponsler, County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-183

Creating a Siting Advisory Committee to Recommend a Site for a new Child Abuse Center

The Multnomah County Board of Commissioners Finds:

- a. In May of 1996 the voters of Multnomah County approved Ballot Measure No. 26-45, authorizing the issuing of \$79.7 million in General Obligation Bonds to be used for facilities that would improve public safety, including “a Child Abuse Center that responds to increased victimization of children and, the excess time many children spend in police custody waiting for placement and evaluation” and, on October 1, 1996 the County issued the Public Safety General Obligation Bonds to fund that center.
- b. The remaining project authorized under Measure No. 26-45 is the Child Abuse Center, for which some of the arguments were:
 - i. Over 2000 times a year, a child in Multnomah County must be removed from their home for their own safety;
 - ii. Because there is no 24-hour facility consistently available to take in and care for a child, children are sometimes forced to ride in the back of a patrol car or sit at a caseworker’s desk for hours, while attempts at placement are made;
 - iii. Children are further traumatized by multiple foster home placements, and little chance for visitation with birth parents for family reunification.
- c. The current a system limits opportunities for family visitation and family reunification efforts.

The Multnomah County Board of Commissioners Resolves:

1. A Siting Advisory Committee (SAC) will be appointed by the Chair to recommend to the Board of County Commissioners a site for the new Child Abuse Center, also known as the Child Receiving Center;
2. The SAC will have up to ten members including representatives from the Office of the District Attorney, the Portland Police Child Abuse Team, the State Office of Services to Children and Families, the Lead Planning Agency (Christie School), and other interested persons from the community;

3. The SAC will explore improved or unimproved properties that could serve as a location for the Child Receiving Center, and potential co-located services under three general scenarios:
 - a. The Receiving Center with a child/family service facility, not to exceed \$4,000,000; or,
 - b. The Receiving Center complex with the MDT/CAT co-located on a single site, at about \$6,000,000 but in no case to exceed \$7,000,000; or,
 - c. The Receiving Center and MDT/CAT co-developed on separate but conveniently located sites at about \$6,000,000 but in no case to exceed \$7,000,000, or as further directed by the Board of County Commissioners.
4. The Child Receiving Center functions shall receive priority in selection of properties and design;
5. The Child Receiving Center should provide a residential feel for the children housed there and should provide sufficient space for services to abused and neglected children in a safe and child-friendly environment;
6. The SAC will use the above criteria and develop additional essential siting criteria referenced in the siting plan to be approved by the Chair to guide their recommendations;
7. The SAC will make recommendations under the various scenarios to the Board of County Commissioners by October 26, 1999.

Approved this 16th day of September 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein

Beverly Stein, Chair

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By *Thomas Sponsler*
Thomas Sponsler, County Counsel

SEP 16 1999
UC-2
9:30

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming September 26 through October 30, 1999 as the Time for the Charitable Giving Campaign for Multnomah County Employees

The Multnomah County Board of Commissioners Finds:

- a. On September 26, 1999 Multnomah County will begin its 1999 Charitable Giving Campaign, the theme of which is "from the heart".
- b. This public event marks the formal beginning in Multnomah County of the annual Charitable Giving Campaign.
- c. The following funds and federations will participate in this year's Charitable Giving Campaign:

International Service Agencies	United Way of the Columbia-Willamette
Black United Fund of Oregon	Oregon Health Appeal
Equity Foundation	Environmental Federation of Oregon
- d. These funds and federations improve the quality of life for everyone in our community and elsewhere, and the work they do addresses needs that impact each of us and cross social, economic and geographic boundaries.
- e. Each year Multnomah County employees demonstrate a strong concern for and awareness of the problems of the less fortunate by assisting in the campaign and donating to these charitable organizations, last year giving a total of \$118,823 to the combined campaign.

The Multnomah County Board of Commissioners Proclaims:

1. September 26 through October 30, 1999 as the time for the Charitable Giving Campaign for Multnomah County Employees, "from the heart".

ADOPTED this 16th day of September 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

9/16/99 original to
KAREN STEIN

Beverly Stein, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 99-182

Proclaiming September 26 through October 30, 1999 as the Time for the Charitable Giving Campaign for Multnomah County Employees

The Multnomah County Board of Commissioners Finds:

- a. On September 26, 1999 Multnomah County will begin its 1999 Charitable Giving Campaign, the theme of which is "from the heart".
- b. This public event marks the formal beginning in Multnomah County of the annual Charitable Giving Campaign.
- c. The following funds and federations will participate in this year's Charitable Giving Campaign:

International Service Agencies	United Way of the Columbia-Willamette
Black United Fund of Oregon	Oregon Health Appeal
Equity Foundation	Environmental Federation of Oregon
- d. These funds and federations improve the quality of life for everyone in our community and elsewhere, and the work they do addresses needs that impact each of us and cross social, economic and geographic boundaries.
- e. Each year Multnomah County employees demonstrate a strong concern for and awareness of the problems of the less fortunate by assisting in the campaign and donating to these charitable organizations, last year giving a total of \$118,823 to the combined campaign.

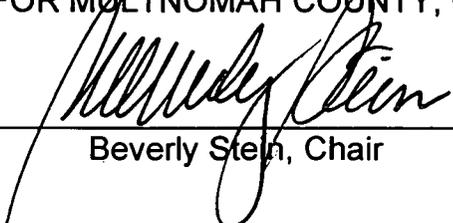
The Multnomah County Board of Commissioners Proclaims:

1. September 26 through October 30, 1999 as the time for the Charitable Giving Campaign for Multnomah County Employees, "from the heart".

ADOPTED this 16th day of September 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

RECEIVED
PROPERTY SECTION
99 JUL 19 AM 10:20
MULTNOMAH COUNTY



MULTNOMAH COUNTY, OREGON

DEPARTMENT OF SUPPORT SERVICES FINANCE DIVISION

COUNTY COMMISSIONERS

BEVERLY STEIN, CHAIR
DIANE LINN, DISTRICT #1
GARY HANSEN, DISTRICT #2
LISA NAITO, DISTRICT #3
SHARRON KELLEY, DISTRICT #4

DIRECTORS OFFICE
ACCOUNTS PAYABLE
GENERAL LEDGER
PAYROLL
TREASURY
LAN ADMINISTRATION

PORTLAND BUILDING
1120 SW FIFTH AVENUE, SUITE 1430
PO BOX 14700
PORTLAND, OR 97293-0700
PHONE (503) 248-3312
FAX (503) 248-3292

CONTRACTS
MATERIEL MANAGEMENT
PURCHASING

FORD BUILDING
2505 SE 11TH 1ST FLOOR
PORTLAND, OR 97202
PHONE (503) 248-5111
FAX (503) 248-3252
TDD (503) 248-5170

MEMORANDUM

TO: Board of County Commissioners

FROM: Jerry Walker, Department of Support Services

DATE: July 1, 1999

REQUESTED PLACEMENT DATE: September 16, 1999

RE: Proclaim October 3 - 9, 1999 as Minority Enterprise Development Week in Multnomah County

1. Recommendation/Action Requested:
Approve Proclamation and take photograph with the local committee.
2. Background/Analysis:
The President of the United States of America proclaims Minority Enterprise Development (MED)-Week each year. Municipalities and metropolitan areas throughout the nation plan luncheons/celebrations to honor Minority Business in conjunction with MED-Week.
3. Financial Impact:
None
4. Legal Issues:
None
5. Controversial Issues:
None
6. Link to Current County Policies:
Consistent with fostering a diverse business community.
7. Citizen Participation:
A local committee representing the public and private sector will be on-hand to take a photo with the BCC.
8. Other Government Participation:
Other jurisdictions are proclaiming October 3 - 9 as MED-Week and planning a MED-Week luncheon.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 99-178

Proclaiming the Week of October 3 to October 9, 1999 as Minority Enterprise Development Week

The Multnomah County Board of Commissioners finds:

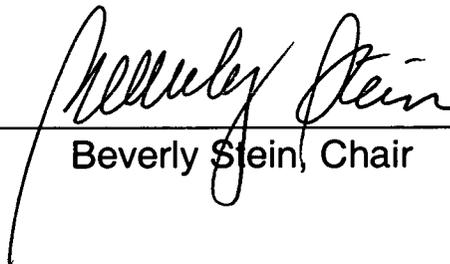
- a. Multnomah County's growth and prosperity depends on the full participation of all citizens at every level of our economy.
- b. Minority Americans contribute invaluable to our County's progress and well being, and minority owned businesses have emerged as a dynamic and vital force in our County's 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 3 to October 9, 1990 as MINORITY ENTERPRISE DEVELOPMENT WEEK IN MULTNOMAH COUNTY, to thank all our minority business owners for their contributions to the County and to show our continuing commitment to the promotion of minority business opportunities.

ADOPTED this 16th day of September 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 99-178

Proclaiming the Week of October 3 to October 9, 1999 as Minority Enterprise Development Week

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.

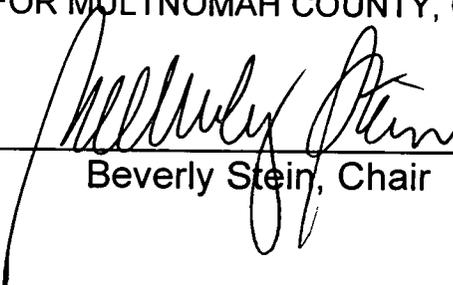
The Multnomah County Board of Commissioners Proclaims:

1. October 3 to October 9, 1999 as MINORITY ENTERPRISE DEVELOPMENT WEEK IN MULTNOMAH COUNTY, to thank all our minority business owners for their contributions to the County and to show our continuing commitment to the promotion of minority business opportunities.

ADOPTED this 16th day of September 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

MEETING DATE SEP 16 1999

AGENDA NUMBER R-3

9:40

AGENDA PLACEMENT FORM

SUBJECT: Approving the Supplemental Budget

BOARD BRIEFING: Date Requested: September 16, 1999

Amount of Time Needed: 5 minutes

DEPARTMENT: DSS DIVISION Budget Office

CONTACT: Dave Warren TELEPHONE : 248-3822

BLDG/ROOM: 106/1400

PERSON(S) MAKING PRESENTATION: Dave Warren

ACTION REQUESTED

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUMMARY (Statement of rationale for action requested, personnel and fiscal/budgetary impacts, if applicable):

A Supplemental Budget is the vehicle allowed by ORS 294. for the Board to address changes in financial conditions not anticipated at the time the budget was adopted. This supplemental budget creates a new fund, the PERS Pension Bond Fund, records the proceeds from sale of revenue bonds to pay off the County's unfunded liability for pensions, and also authorizes the first interest payment on this bond issue.

The process for a full supplemental budget is:

1. Convene the Board of County Commissioners to approve the supplemental budget,
2. Submit the approved supplemental budget to Tax Supervising,
3. Attend a Tax Supervising hearing on the supplemental budget,
4. Adopt the supplemental budget after Tax Supervising has certified that it is legal.

This action is step one of the process.

9/17/99 copies to DAVE WARREN

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: David C. Warren

CLERK OF BOARD OF COUNTY COMMISSIONERS
 MULTNOMAH COUNTY
 OREGON
 99 SEP - 8 AM 11:16

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Office of the Board Clerk 248-3277



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DIANE LINN
GARY HANSEN
LISA NAITO
SHARRON KELLEY

BUDGET AND QUALITY
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503) 248-3883

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Dave Warren, Budget Manager *DCW*

DATE: September 8, 1999

RE: Approval of Supplemental Budget for 1999-00

1. Recommendation/Action Requested:

Approve the Supplemental Budget creating a new fund, the PERS Pension Bond Fund, and authorizing payment of up to \$200,000,000 to PERS to cover unfunded pension liabilities.

2. Background/Analysis:

Every two years, PERS contracts for actuarial studies to determine the unfunded liability of governments participating in the retirement system. As of 1998, the County's actuarially determined unfunded liability grew from \$51 million (the 1996 amount) to \$159 million. This change triggered an increase in the rate that PERS will charge the County. Even though PERS is willing to allow the County to approach the new rate gradually, by 2001, the County will be paying approximately 6.6% of covered payroll to amortize the unfunded liability.

While this is a serious increased drain on County resources (an annual cost increase of about \$9 million by the time the new rate is phased in), it is not the worst case. The actuary estimates that future benefits (and PERS earnings on investment) will be 8% per year. If the earnings and benefits exceed 8% per year (as they have in virtually every year since the County joined PERS in 1981), then the unfunded liability will continue to grow. PERS cannot invest money it does not have. Therefore, the County will have to make up the difference between the estimated 8% earnings and whatever the actual earnings are. However, if the County prepays an amount equal

to the unfunded liability, that asset will be invested in the same way as other PERS funds, and it will grow as fast as the earnings PERS achieves.

An example of what is very likely to occur is that the County's unfunded liability now computed by PERS actuaries has grown another \$16 million dollars since last year. PERS earnings translate into higher benefits, but County contributions in PERS's hands to cover those benefits fall short of the needed amount. Consequently, interest earned on the County's contributions falls ever farther behind the growth in benefits.

Therefore, if the County can issue bonds at a favorable interest rate so that annual debt retirement is no greater than the PERS rates, we can avoid likely increases in future unfunded liability computations.

3. Financial Impact:

It appears, given the current interest rates, that the County can do somewhat better than just break even by issuing bonds and repaying them. Over the 30 years, the County's estimated savings (present value basis) will be approximately \$30 million.

This is admittedly a rough estimate because it makes very long range projections of overall growth in County covered wages (4% per year) and makes fairly conservative or unfavorable estimates of the interest rates we would pay on borrowed money. Even so, the raw numbers over the thirty year period are that we would have to pay PERS \$631 million to amortize the unfunded pension liability while repaying the proposed bonds would cost about \$442 million. The total estimated savings would be in the neighborhood of \$189 million. The actual numbers will be different if the assumptions are wrong. However, nothing in the information we have leads to the conclusion that the County will not save substantially using this financing mechanism.

4. Legal Issues:

The 1999 legislature authorized counties to issue full faith and credit revenue bonds. That permission makes it possible to borrow the amounts needed to cover the unfunded liability.

5. Controversial Issues:

There should be none. The County will pay for the unfunded liability over 30 years in one way or another. This mechanism is far less expensive than the alternative of paying PERS, and it reduces the risk of future increases in the size of the liability.

6. Link to Current County Policies:

The proposal is consistent with Financial and Budget Policy adopted by the Board.

7. Citizen Participation:

None required

8. Other Government Participation:

Portland is also planning a similar bond issue and will be going through a similar supplemental budget process. It is the County's intent to coordinate with Portland so that bond rating agencies receive a consistent message.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-184

Accepting the 1999-00 Supplemental Budget and preparing the Approved Supplemental Budget for submittal to the Tax Supervising and Conservation Commission, Portland, Oregon

The Multnomah Board of County Commissioners Finds:

1. The above-entitled matter is before the Board of County Commissioners under ORS 294 to consider approval of the Multnomah County Supplemental Budget for the fiscal year July 1, 1999, to June 30, 2000.
2. On September 16, 1999, the Board of County Commissioners received the proposed supplemental budget document in compliance with ORS 294.480.
3. This supplemental budget is required to create the PERS Pension Bond Fund receive the proceeds from revenue bonds accounted for in this fund, authorize payment to PERS to cover the unfunded pension liability of the County, and authorize an interest payment on the bonds.

The Multnomah Board of County Commissioners Resolves:

1. The 1999-00 Supplemental Budget is approved and the Budget Division shall forward the approved 1999-00 Supplemental Budget to the Tax Supervising and Conservation Commission.

Adopted this 16th day of September, 1999.

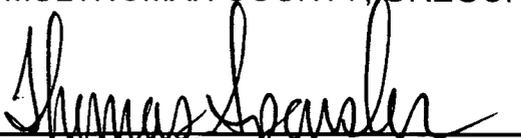


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

TOM SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Tom Sponsler, County Counsel

SUPPLEMENTAL BUDGET MESSAGE

THE DOCUMENT

The document consists of three sections:

1. The budget message explaining the proposed action,
2. A detailed estimate sheet for the expenditures in the new fund,
3. A financial summary of the resources and requirements of the new fund.

REASONS FOR CHANGES

A Supplemental Budget is the vehicle allowed by ORS 294. for the Board to address changes in financial conditions not anticipated at the time the budget was adopted. In cases where no fund's expenditures are increased by more than 10 percent of the adopted budget figure, the law allows the Board to make additional appropriations after advertising a hearing on the Supplemental Budget. However, since this supplemental budget creates an entirely new fund, the process for the supplemental budget action is to:

1. Convene the Board of County Commissioners to approve the supplemental budget,
2. Submit the approved supplemental budget to Tax Supervising,
3. Attend a Tax Supervising hearing on the supplemental budget,
4. Adopt the supplemental budget after Tax Supervising has certified that it is legal.

This 1999-00 Supplemental Budget provides legal authorization to expend the proceeds from revenue bonds to finance the estimated unfunded actuarial liability of the County in the Oregon Public Employees' Retirement System (PERS).

Until the last legislature, counties did not have the authority to issue full faith and credit debt instruments. Until late last calendar year, Multnomah County was misinformed about the size of the actuarial liability incurred by County employees in PERS. The 1999-00 budget must be modified so that the County can address the unfunded liability by using the additional borrowing mechanism permitted by the legislature.

The revenue bonds the County proposes to issue (discussed with the Board on September 9, 1999), will not be general obligations of the County, nor do they authorize the County to levy additional taxes. However, the County will, in the absence of this action, be required to cover the same unfunded liability through payments to PERS over the next 30 years. Issuing the bonds and repaying them at interest rates that can

1999-00 Supplemental Budget

currently be obtained will reduce the overall cost to the County substantially over the same period. Further, funding the unfunded liability will eliminate the risk of its increasing through higher earnings than actuaries have used in calculating the full shortfall.

The proposal is to issue up to \$200,000,000 of revenue bonds. The proceeds will be paid to PERS (shown as object code 6050 – Supplements on the following detailed estimate sheet). The payment is expected to be made in December 1999.

Beginning January 1, 2000, payments formerly budgeted to be made to PERS to amortize the unfunded pension liability will be diverted into payments of bond interest and principal. No change will occur in any County expenditure budgets other than the new PERS Pension Bond Fund. In other budgets the payments to PERS are recorded in object code 5500 – Salary Related Expenses. An average of 3.5% of base pay, overtime, and premium pay, now remitted to PERS, will become service reimbursements to the PERS Pension Bond Fund. In fiscal year 1999-00 the County may be required to make an interest payment on the \$200,000,000 of bonds. The service reimbursements to the PERS Pension Bond Fund will cover this interest payment.

Interest on the issued bonds is not easy to predict. For purposes of this supplemental budget, the County assumes average interest will be 7% on the borrowing. The estimated cost in 1999-00, \$4,750,000, is shown on the detailed estimate sheet as

1999-00 Supplemental Budget

PERS Bond Fund

PERS Pension Bond Fund		1999-00 Current	This Action	1999-00 Revised
5100 Permanent		0	0	0
5200 Temporary		0	0	0
5300 Overtime		0	0	0
5400 Premium		0	0	0
5500 Salary Related		0	0	0
	Total External	0	0	0
5550 Insurance		0	0	0
	Total Personal Services	0	0	0
6050 County Supplements		0	200,000,000	200,000,000
6060 Pass-through Payments		0	0	0
6110 Professional Svcs		0	0	0
6120 Printing		0	0	0
6130 Utilities		0	0	0
6140 Communications		0	0	0
6170 Rentals		0	0	0
6180 Repairs and Mtce		0	0	0
6190 Maintenance Contracts		0	0	0
6200 Postage		0	0	0
6230 Supplies		0	0	0
6270 Food		0	0	0
6310 Education and Training		0	0	0
6330 Local Travel and Mileage		0	0	0
6520 Insurance		0	0	0
6530 External Data Processing		0	0	0
6550 Drugs		0	0	0
6580 Claims Paid		0	0	0
6610 Awards and Premiums		0	0	0
6620 Dues and Subscriptions		0	0	0
6700 Library Materials		0	0	0
7810 Principal		0	0	0
7820 Interest		0	4,750,000	4,750,000
	Total External	0	204,750,000	204,750,000
7100 Indirect Costs		0	0	0
7150 Telephone		0	0	0
7200 Data Processing		0	0	0
7300 Motor Pool		0	0	0
7400 Building Management		0	0	0
7500 Other Internal		0	0	0
7550 Capital Lease Retirement		0	0	0
7560 Distribution / Postage		0	0	0
	Total Internal	0	0	0
	Total Materials and Services	0	204,750,000	204,750,000
8100 Land		0	0	0
8200 Buildings		0	0	0
8300 Other Improvements		0	0	0
8400 Equipment		0	0	0
	Total Capital	0	0	0
	Direct Budget	0	204,750,000	204,750,000
	Total Budget	0	204,750,000	204,750,000

1999-00 Supplemental Budget

Financial Summary

PERS Pension Bond Fund

	Revenue Code	1999-00 Current Budget	This Action	Revised Budget
<u>Resources</u>				
Bond Sales	7710	0	200,000,000	200,000,000
Service Reimbursements		0	4,750,000	4,750,000
<u>Total Resources</u>		0	204,750,000	204,750,000
<u>Requirements</u>				
Nondepartmental				
Materials & Services		0	200,000,000	200,000,000
Principal and Interest		0	4,750,000	4,750,000
<u>Total Expenditures</u>		0	204,750,000	204,750,000
Contingency		0	0	0
<u>Total Requirements</u>		0	204,750,000	204,750,000



DONNA CASSIDY
CLINIC MANAGER

MULTNOMAH COUNTY OREGON

HIV HEALTH SERVICES CENTER
426 SW STARK, 4TH FLOOR
PORTLAND, OREGON 97204
(503) 248-5020 X 22428
FAX (503) 248-5022
TDD (503) 248-3816
E-MAIL donna.j.cassidy@co.multnomah.or.us

MEETING DATE: SEP 16 1999
AGENDA NO: R-4
ESTIMATED START TIME: 9:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: RESULTS presentation: Health Department Presentation

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, September 16, 1999
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Health DIVISION: Disease Prevention and Control

CONTACT: Donna Cassidy TELEPHONE #: 248-5020, ext. 22428
BLDG/ROOM #: 160/4

PERSON(S) MAKING PRESENTATION: Donna Cassidy, Brian Taylor, Debby Parrish, Jim Hopper, Jimmy Stachniewicz, Juan Flores

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Results of Process Improvement Team on client input/involvement

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: Lillian Shirley

CLERK OF COUNTY COMMISSIONERS
99 SEP 15 AM 11:52
MULTI-COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

MEETING DATE: SEP 16 1999
AGENDA NO: R-4
ESTIMATED START TIME: 9:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: RESULTS presentation: Health Department Presentation

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, September 16, 1999
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DEPARTMENT: Health DIVISION: Disease Prevention and Control

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PERSON(S) MAKING PRESENTATION: Donna Cassidy, Brian Taylor, Debby Parrish, Jim Hopper, Jimmy Stachniewicz, Juan Flores

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Results of Process Improvement Team on client input/involvement

BOARD OF
COUNTY COMMISSIONERS
99 SEP - 8 AM 11:04
MULTI-NOMINATING COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



**MULTNOMAH COUNTY HEALTH DEPARTMENT
HIV Health Services Center (HHSC)
Client Input Process Improvement Team (PIT)**

PROBLEM STATEMENT

HHSC did not have a systematic way of obtaining client input and providing clients with late breaking information.

PIT TEAM MEMBERSHIP

HHSC is a multidisciplinary unit, staff members were recruited to represent all of the disciplines. The staff members of the Process Improvement Team (PIT) were:

Donna Cassidy, Clinic Manager - Team sponsor
Hector Roche - facilitator
Brian Taylor, Clinic Lead Nurse - Team leader
Kim Baller, CHN
Jan Monical, HIS SR.
Debby Parrish, Clinical Pharmacist
Karin Clancey, Office Assistant
Isabel Villar, Health Assistant
Gus Wong, Nutritionist

Result: Representative participation

CLIENT INVOLVEMENT

After the first meeting, it became clear to the staff members of the PIT that, if they were going to be looking at ways to gain client input, the logical place to start was to have clients included on the PIT. Clients were recruited and five were appointed:

• Jim • Lee • Sidney • Suzanne • Tim

Result: Client involvement in Process Improvement Team

TEAM PROCESS

The PIT reviewed group process and CQI techniques to assure that all members, particularly the clients, had the same framework, expectations and understanding. The PIT worked to consensus around group direction and the establishment of common goals. Whenever possible, the data gathering was accomplished by working in pairs – i.e. staff and client.

Result: Training provided

DATA GATHERING

The PIT utilized brainstorming to come up with a list of options and then researched and benchmarked them by talking with other clinics and organizations, locally and around the country.

Result: Through CQI tools, gathered quality information

RECOMMENDED SOLUTION

The PIT recommended to the clinic management that HHSC have a Client Advisory Board who would, among other things, take the lead in determining the best ways to obtain client input, implement the methods and evaluate the results. This recommendation was enthusiastically adopted.

Result: Process defined

FINAL WORK OF THE PIT

The members of the PIT wrote an initial CAB charter, developed and implemented a recruitment plan, reviewed applications, set up the interview process and made selection recommendations to management. Two of the PIT members, one staff and one client, volunteered to act in a consultant role as the "transition team" for the newly formed CAB.

Result: Client Advisory Board established

CAB MEMBERSHIP

The CAB consists of 7 clinic clients and 2 clinic staff. To date, the CAB has had two orientation/training sessions, one where they worked on their vision and mission and one that focused on building skills such as respectful communication, conflict resolution, and the consensus model of decision-making. They have their next meeting later this morning.

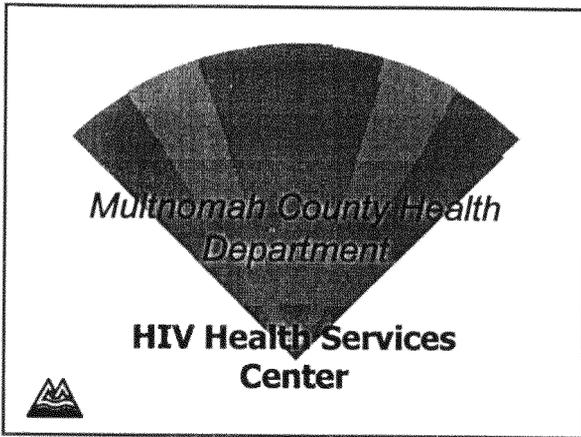
Result: The group is enthusiastic, excited, challenged and ready to make a difference!

SIDE BENEFIT

The HIV community has always been active in their own advocacy and are needed and valued as representatives on planning councils and other boards. We view membership on the HHSC CAB as yet another way for clients and staff to develop skills and gain experience that will, in the long run, benefit all of us.

WHAT WE LEARNED

- Need client involvement in defining process to gather client input
- When involving clients, need to provide training to enable them to participate fully
- Time line may need to be adjusted to allow for training and process



- ⌘ The HHSC Process Improvement Team (PIT) on client involvement

Result

- ⌘ The establishment of a Client Advisory Board (CAB)

Problem Statement

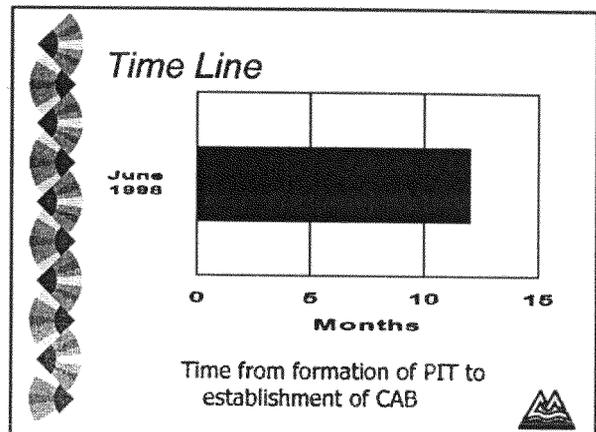
- ⌘ No systematic way of obtaining client input or of providing clients with late-breaking information
- ⌘ Staff retreat identified this as a priority

Previous Practice

- ⌘ Sporadic satisfaction surveys and anecdotal comments made by clients
- ⌘ Not sure we were asking the right questions
- ⌘ Assumptions and decisions made on potentially incomplete information
- ⌘ No feedback mechanism to clients

Process Improvement Team

- ⌘ Volunteers from HHSC Staff
- ⌘ Team leader established
- ⌘ Facilitated





Missing link identified - How can staff establish a method of obtaining client input?

- ⌘ PIT was staff only
- ⌘ Decision to involve clients in the PIT
- ⌘ 5 clients recruited



Advocacy

- ⌘ Long tradition in persons living with HIV
- ⌘ Resulted in significant contributions



Process Learning Opportunity

- ⌘ Different levels of understanding and experience with group process
- ⌘ Different expectations

- ⌘ Resulted in taking time out for training, building relationships and consensus building



Activities of the PIT

Data gathering:

- ⌘ Brainstorming
 - Newsletters
 - Surveys
 - Client Advisory Board
 - Focus groups
 - Exit Interviews
 - Suggestion box
- ⌘ Benchmarking
 - Interview other clinics, Title III organizations, and public health centers



Activities of the PIT cont.

- ⌘ Recommendation
 - Establishment of a Client Advisory Board



Activities of the PIT cont.

- ⌘ Development of an initial charter
- ⌘ Recruitment
- ⌘ Selection
- ⌘ Training
- ⌘ Evaluation of process





Client involvement in PIT

- ⌘ Jim - His story




HHSC CAB - Who

- ⌘ Membership on the board is open to HIV Health Services Clinic clients with an interest and commitment to our Clinic and a willingness to participate




HHSC CAB - WHY

- ⌘ The purpose of this board is to involve clients in the development, implementation and evaluation of clinic services, and to function in an advisory capacity between the clinic, the administration and the HIV community




HHSC CAB - What

- ⌘ Quality and level of services
- ⌘ Customer service
- ⌘ Cultural competence and sensitivity
- ⌘ Operational systems
- ⌘ Future plans for the clinic




HHSC CAB - What cont.

- ⌘ Community relations and expectations of the clinic
- ⌘ Advocacy for patients and consumer rights
- ⌘ Health concerns of the HIV/AIDS community
- ⌘ Aesthetics of the clinic




CAB members - Why I got involved

- ⌘ Juan
- ⌘ Paul
- ⌘ Jimmy





Result

A systematic way of obtaining client input and of providing information which will lead to:

- Improved services
- Informed clients
- Better client outcomes



Charter
Multnomah County Health Department
HIV Health Services Center Client Advisory Board

- PURPOSE:** To involve clients in development, implementation and evaluation of clinic/center services.
- SCOPE:** The diverse population of the clinic will be considered in all Citizen Advisory Board (CAB) activities and decisions.
- The role of the CAB is to represent client's opinions, ideas and recommendations with the Multnomah County Health Department (MCHD) HIV Health Services Center (HHSC) administration and HHSC clients.
- The role of the Center administration is to respond to the Client Advisory Board as appropriate and to share opinions, ideas and recommendations with CAB.
- FUNCTION:** To meet the needs and expectations of HHSC clients, the Client Advisory Board may, but is not limited to, address such issues as:
- ◆ Administrative Services (i.e. Appointments, waiting time, etc)
 - ◆ Aesthetics
 - ◆ Quality and level of services
 - ◆ Customer service
 - ◆ Health concerns of the HIV/AIDS community
 - ◆ Client expectations of clinic
 - ◆ Future plans for the Clinic
 - ◆ Cultural competence and sensitivity
 - ◆ Advocacy for patients and consumer rights
 - ◆ HHSC Community relations
 - ◆ Maintenance and update of this Charter

MEMBERSHIP

Membership is open to clients and staff with an interest and commitment to the MCHD HHSC and a willingness to work on tasks and assignments related to the purpose and function of the Client Advisory Board.

COMPOSITION & STRUCTURE

1. The Client Advisory Board membership may consist of :
 - 4-8 HHSC Clients
 - 2 HHSC Staff
 - Community members & others at Boards discretion
2. The members shall serve 1-year terms. The number of terms a person may serve on the Client Advisory Board is at the Boards discretion.
3. Co-Chairs will be selected by Board Members. At a minimum, one Co-Chair shall be a MCHD HHSC Client. The Co-Chairs terms shall be staggered, so both terms do not begin or end at the same time.
4. Meetings: The Client Advisory Board shall meet monthly, or as needed by duties and workgroups process.
5. All Client Advisory Board meetings shall have minutes recorded, distributed and archived.

RESPONSIBILITIES OF CAB MEMBERS:

- ◆ Serve on at least one work activity per year.
- ◆ Act as liaison to HHSC Community. Liaison includes, but not limited to: gather and disseminate information on issues, decisions and functions.
- ◆ Commit to attendance, purpose, function and participation in Client Advisory Board meetings.

RECRUITMENT & SELECTION PROCESS:

The CAB will invite participation of HHSC clients, staff and others as appropriate that are Committed to the Purpose & Function of the board.

The Board will consider & review candidates and select members with input of the MCHD HHSC Director.

EXPECTATIONS:

- ◆ Members have no more than three (3) un-excused meeting absences in a year .
- ◆ Members will show adherence to the function and purpose of the board .
- ◆ Members who do not meet expectations may face removal at Boards discretion.
- ◆ The membership of the Client Advisory Board will use HHSC recommended process to resolve membership issues as they occur.

CONFLICT OF INTEREST

- ◆ Definition:
A Client Advisory Board member who also serves as a director, trustee, or salaried employee or otherwise materially benefits from associations with any agency that may seek funds from the MCHD HHSC is deemed to have an "interest".
- ◆ If any representative believes they have a conflict, they should make this conflict explicit to the remaining Client Advisory Board Members. If the "interest" becomes a stumbling block in the advisory process, those members experiencing such a conflict should abstain from the decision making process on that specific issue.
- ◆ The Board is the final arbiter of conflicts of interest issues.

CONFIDENTIALITY:

Each Client Advisory Board member is expected to maintain privacy rights of clients, staff and Board members.

GET INVOLVED!



The **Multnomah County HIV Health Services Clinic** is actively seeking client participation on a Client Advisory Board for the clinic. This will be an ongoing board initially made up of 4-8 clinic clients, and 2 clinic staff.

- **WHO**

Membership on the board is open to HIV Health Services Clinic clients with an interest and commitment to our Clinic and a willingness to participate.

- **WHY**

The purpose of this board is to involve clients in the development, implementation and evaluation of clinic services, and to function in an advisory capacity between the clinic, the administration and the HIV community.

- **WHAT**

- Quality and level of services
- Customer service
- Community relations and expectations of the clinic
- Health concerns of the HIV/AIDS community
- Future plans for the clinic
- Cultural competence and sensitivity
- Advocacy for patients and consumer rights
- Aesthetics of the clinic
- Administrative services (i.e. appointments, waiting time, etc.)

Members agree to serve on the board for a 1 year term and will attend monthly meetings.

The only mandatory qualification presently is that all board members agree to maintain patient privacy rights and that no individual client names or references will ever be discussed. We have a strong commitment for the membership of the board to reflect the diversity of the client population.

An initial charter has been drafted.

Think about it.

GET INVOLVED IN MAKING THIS CLINIC WHAT YOU NEED

The clinic needs your opinions, ideas and recommendations.

If interested please contact:

Brian Taylor (clinic contact) Or Jim Hopper (community contact)

248-5020

731-4029

Or talk to your provider, nurse or the front desk staff.

Send or bring completed applications to:

CAB Applications

MCHD HHSC

426 SW Stark, 4th floor

Portland, OR 97204



Application on reverse side

**Multnomah County Health Department (MCHD)
HIV Health Services Center (HHSC)
Client Advisory Board (CAB)
Membership Application**

Name

Address


Phone

Please answer the following:

1. Describe the things you would like us to know about yourself.
2. Why do you want to be involved ?
3. Selection process and interviews will begin in early May, 1999. How should we contact you (by phone or mail, etc) ?

The first CAB meeting is scheduled for July 5, 1999. If you need more information, please contact either Brian Taylor (Clinic Representative) at 503.248.5020 or Jim Hopper (Community Representative) at 503.731.4029.

Please mail or deliver completed application to the HHSC at 426 SW Stark, 4th Floor, Portland OR 97204

THANKS

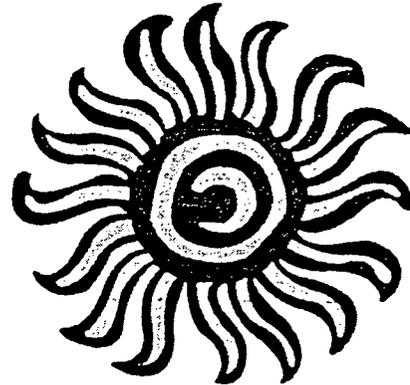


Multnomah County
HIV HEALTH SERVICES CENTER
Specializing in HIV care since 1990

Our full service clinic offers:

MEDICAL

- ✓ 5 Primary Health Care Providers
- ✓ 24 hour Triage/Advice Nurse
- ✓ Complete Nursing Services
- ✓ On site lab, pharmacy and x-ray
- ✓ Specialty referrals as needed
- ✓ Hospital and ER services through OHSU



MEDICATION MANAGEMENT

- ✓ Guidance, education and advice with our Clinical Pharmacist
- ✓ Field Nurse Services: home visit help with medications and managing your care

NUTRITION

- ✓ Diet and exercise assessment and counseling. Body composition test

RESEARCH

- ✓ Clinical trials offered through the Research and Education Group

MENTAL HEALTH

- ✓ Counseling, assessment, medications
- ✓ Wellness Program—support, focus, goal setting, stress reduction

CASE MANAGEMENT Members of **Partnership Project**

- ✓ Support, information, referral.

On site Spanish speaking staff. Other interpretive services available.

Oregon Health Plan provider: CareOregon

Most insurance plans accepted.

426 SW Stark 4th Floor
Portland, OR 97204
248-5020

An Equal Opportunity Employer



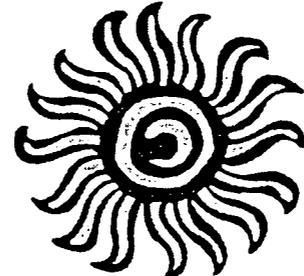
Condado de Multnomah Centro de Salud VIH

Cuidado Especializado del VIH desde 1990

Nuestra clínica ofrece los siguientes servicios:

SERVICIO MEDICO

- ✓ 5 Proveedores de Cuidado Médico Primario
- ✓ "Triage"/Consulta con enfermeras 24 horas diarias
- ✓ Servicio completo de enfermería
- ✓ Laboratorio, farmacia y radiografías
- ✓ Referencia a especialistas
- ✓ Hospitalización y visitas de Emergencia a través de OHSU



MANEJO DE MEDICINAS

- ✓ Orientación, educación y consejos con nuestra Farmacista de Planta
- ✓ Visitas en su hogar por enfermeros especializados para manejar su cuidado y administrar sus medicinas

NUTRICION

- ✓ Evaluación y consejería de dieta y ejercicios. Prueba de composición orgánica del cuerpo

INVESTIGACION

- ✓ Ensayos Clínicos de drogas ofrecidos a través del "Education Group"

SALUD MENTAL

- ✓ Consejería, evaluaciones, medicinas
- ✓ Programa de bienestar "Wellness" - apoyo, enfoque, metas, reducción del estrés

MANEJO DE CASOS Somos miembros del "Partnership Project"

- ✓ Apoyo, información, referencias

Personal de habla hispana. Disponemos de servicio de interpretación en otros idiomas.

Proveemos el Plan de Salud de Oregon a través de CareOregon

Aceptamos otros planes de seguro.

426 SW Stark 4º Piso
Portland, OR 97212

248-5020

Igualdad de oportunidades en el empleo

MEETING DATE: SEP 16 1999
AGENDA NO: R-5
ESTIMATED START TIME: 9:55

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Health Department Notice of Intent to apply for grant funds

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: September 9, 1999
AMOUNT OF TIME NEEDED: 10-15 minutes

DEPARTMENT: Health DIVISION: Disease Control and Prevention

CONTACT: Dave Houghton TELEPHONE #: 248-3674
BLDG/ROOM #: 160/8

PERSON(S) MAKING PRESENTATION: Dave Houghton, Bruce Bliatout, Mary Ann Ware, MD

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Notice of Intent to apply for grant funds to develop a data management system for the TB Prevention and Control Center.

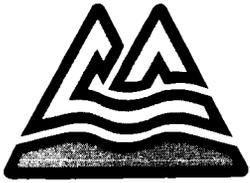
SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: Lillian Shuley

BOARD OF
COUNTY COMMISSIONERS
MULTI-COUNTY
OREGON
SEP - 7 PM 1:30

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



MULTNOMAH COUNTY OREGON



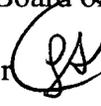
HEALTH DEPARTMENT
426 S.W. STARK STREET, 2ND FLOOR
PORTLAND, OREGON 97204-2394
(503) 248-3674
FAX (503) 248-3283
TDD (503) 248-3816

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

DATE: August 31, 1999

TO: Beverly Stein, Chair, Multnomah County Board of Commissioners

FROM: Lillian Shirley, BSN, MPH, MPA, Director 

SUBJECT: Notice of Intent to Respond to a Grant Opportunity from the Northwest Health Foundation

REQUESTED PLACEMENT DATE: September 9, 1999

I. Recommendation/Action Requested

The Multnomah County Health Department is requesting approval from the Board of Commissioners to respond to a grant funding opportunity from the Northwest Health Foundation. The purpose of the Health Department's grant request is to develop database management software to more efficiently monitor, evaluate and report cases of TB in Multnomah County.

II. Background/Analysis

Tuberculosis (TB) is an airborne-infection that can spread from person to person through casual contact. If left untreated, TB can lead to severe disability and death. Over the past ten years in the US, Oregon and Multnomah County, TB morbidity has been the highest in homeless populations, and in refugees and immigrants from areas in the world where TB is common. An activity of the Health Department's TB Prevention and Treatment Center is to test high-risk persons for TB in order to identify active TB cases and latent infections. Each year the Center evaluates several thousand individuals for TB. This includes individuals who are homeless and refugees who originate from countries identified as high risk for TB. Of the homeless individuals tested during 1998, the TB Prevention and Treatment Center identified ten active cases of TB, and ten percent of those tested showed TB infection without disease. Of refugees and immigrants tested, 60 percent showed infection without disease.

The Multnomah County Health Department's TB Prevention and Treatment Center is seeking funding to develop database management capabilities necessary to access data collected through its TB prevention and screening programs. Information provided through a database management system is essential to evaluate health outcomes, and to track and improve TB prevention activities. In addition, having the ability to access TB data generated through the Prevention and Screening Program would enable the Health Department to improve services it provides to people who are at risk of TB (i.e., homeless individuals, refugees/immigrants).

The Health Department currently uses public domain software to track and report cases of TB and TB screening activities as required by state and federal health regulations. However, these software programs do not incorporate geographically oriented data to allow TB program staff to identify "hot spots" where many TB cases may be originating. This limits the effectiveness of the Department's TB prevention activities.

III. Financial Impact

The Multnomah County Health Department will request \$19,500 from the Foundation for a one-year capacity building project. Funds will be used to hire a professional computer programmer. The Department will provide contract oversight as an inkind service.

IV. Legal Issues

None identified. The project involves the development of software to evaluate program results and improve screening of TB clients.

V. Controversial Issues

The proposed database software program will be used by TB clinic personnel to identify hotspots of TB activity in the community. Such locations may require close monitoring to ensure that public health is not unnecessarily compromised.

VI. Link to Current County Policies

This project is consistent with the Health Department's vision and mission of Healthy People in Healthy Communities.

VII. Citizen Participation

None identified. The project involves the development of software to evaluate program results and improve screening of TB clients.

VIII. Other Government Participation

The project will involve representatives from the Oregon Health Division and Oregon Health Sciences University.

MEETING DATE: SEP 16 1999
AGENDA NO: R-6
ESTIMATED START TIME: 10:05

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Adult Community Justice West District Office Facility

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: September 16, 1999
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Environmental Services **DIVISION:** Facilities and Property Management

CONTACT: Bob Oberst **TELEPHONE #:** 248-3851
BLDG/ROOM #: 421/3rd

PERSON(S) MAKING PRESENTATION: Bob Oberst

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Extension of Lease for Adult Community Justice West District Office and Agreement Providing reimbursement to Subsequent Lessee for Costs Resulting from County Holdover.

9/17/99 ORIGINAL LDF & Agreements & copies of all to Bob Oberst; copy to Kevin Criswell

CLERK OF COUNTY COMMISSIONERS
MULTIPLUMAH COUNTY
OREGON
99 SEP - 8 PM 2:10

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: Lois E. Nicholas

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

SUPPLEMENTAL STAFF REPORT

To: Board of County Commissioners

From: Facilities & Property Management, Department of Environmental Services

Date: August 30, 1999

Re: Extension of Lease Term for Adult Community Justice West District Office and Agreement Providing Reimbursement to Subsequent Lessee for Costs Resulting from County Holdover.

1. Recommendation/Action Requested: Board of Commissioners approval of the EXTENSION AGREEMENT and AGREEMENT FOR HOLD OVER BEYOND LEASE TERM AND REIMBURSEMENT OF EXPENSES RELATED TO HOLD OVER before the Board and authorizing County Chair to execute said AGREEMENTS.
2. Background/Analysis: The previous lease of the facility for ACJ/West District expired April 30, 1999. The ACJ/West District Office programs have grown from approximately 37 employees to over 90 employees during the occupancy of the present facility and training programs requiring training room facilities have been added, making the current facility inadequate. No acceptable replacement facility was found for lease. A decision was made to relocate the West District Office to the Mead Building or such other County-owned facility as may be determined appropriate. This is estimated to require a period extending through December 1999 to complete.

The AGREEMENTS before the Board have been negotiated by Multnomah County staff with the owner of the present facility and its replacement tenant, Unity, Inc., to allow holdover by the West District Office at its present location through December 1999. Unity will incur certain costs resulting from the holdover and the delay of its occupancy of the current West District Office facility consisting of rental differential between that of its current space and that of the current West District Office facility, legal costs related to the AGREEMENTS and the cost of repairing its present communications cabling to remain at its current site. The AGREEMENTS provide for reimbursement of those costs by Multnomah County.

3. Financial Impact: Rental for the eight month period of the EXTENSION AGREEMENT will be \$21,612.19 per month for a total of \$172,897.52 (\$14.97/sf). The reimbursement of cost incurred by Unity resulting from the County holdover will be \$123,192.48.
4. Legal Issues: None expected.

5. Controversial Issues: None, to the knowledge of Facilities & Property Management Division.
6. Link to Current County Policies: Utilize County owned facilities to house County programs rather than leased facilities where feasible.
7. Citizen Participation: None.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Execution of an Extension of Lease for Adult Community Justice West District Office and Agreement Providing Reimbursement to Subsequent Lessee for Costs Resulting from County Holdover

The Multnomah County Board of Commissioners Finds:

- a) Adult Community Justice West District Office is to be relocated to the County owned Mead Building which will be improved to accommodate that Office by December 31, 1999.
- b) The Adult Community Justice West District Office lease of its current facility expired April 30, 1999.
- c) The lessor of the current facility, Julia Evans Nathan Trust, entered into a subsequent lease of the facility to Unity, Inc. which lease was to commence May 1, 1999.
- d) Unity, Inc. will incur costs as a result of Adult Community Justice West District Office holding over in the current facility beyond the expiration of its lease that would not have been incurred otherwise.
- e) Julia Evans Nathan Trust is willing to extend the term of the Adult Community Justice West District Lease of the current facility to December 31, 1999 and Unity, Inc. is willing to agree to such extension upon the conditions and provisions contained in the EXTENSION AGREEMENT and the AGREEMENT FOR HOLD OVER BEYOND LEASE TERM AND REIMBURSEMENT OF EXPENSES RELATED TO HOLD OVER before the Board this date.
- f) That is in the best interest of Multnomah County that it enter into the EXTENSION AGREEMENT and AGREEMENT FOR HOLD OVER BEYOND LEASE TERM AND REIIMBURSEMENT OF EXPENSES RELATED TO HOLD OVER before the Board this date.



MULTNOMAH COUNTY OREGON

REAL PROPERTY LEASE DESCRIPTION FORM

- Revenue Rent Free Agreement Taxpayer ID (lessor) _____
 Expense County Owned Renewal of Lease

Property Management
 Contact Person Bob Oberst Phone 248-3851 Date 9-3-99

Division Requesting Lease Adult Community Justice

Contact Person Kevin Criswell Phone 248-3301

Lessor Name Julia Evans Nathan Trust

Mailing Address 2455 NW Marshall
Portland, OR 97210

Phone 227-4911

Lessee name Multnomah County

Mailing Address 2505 SE 11th Ave.
Portland, OR 97202

Phone 248-3322

Address of 1122 SW Stark St.

Lease Property Portland, OR

Purpose of Lease ACJ West District Office
Hold over

Effective Date May 1, 1999

Termination Date December 31, 1999

Total Amount
 of Agreement \$ 172,897.52

Payment Terms
 Annual \$ _____ Monthly \$ 21,612.19
 Other \$ _____

FUND	AGENCY	ORGANIZATION	ACTIVITY	OBJ	SUB OBJ	REV SOURCE	SUB REV	REPT CATEG
410	030	5650		6170				

REQUIRED SIGNATURES:

Department Head [Signature] Date 9/2/99
 County Counsel [Signature] Date 9/8/99
 Property Management [Signature] Date 9-7-99
 County Executive/Sheriff [Signature] Date 9/16/99

CODE		FOR ACCOUNTING / PURCHASING ONLY									
VENDOR NAME		YEAR	AUTHORIZATION NOTICE						ENCUMBRANCE "APRON" ONLY		
LINE NO.	NUMBER	FUND	AGENCY	ORGANIZATION	ACTIVITY	OBJECT	SUB OBJ	REPT CATEG	DESCRIPTION	AMOUNT	INC. DEC IND
	301786-5										

WHITE-PURCHASING

CANARY-INITIATOR

PINK-FINANCE



MULTNOMAH COUNTY OREGON

REAL PROPERTY LEASE DESCRIPTION FORM

- Revenue Rent Free Agreement Taxpayer ID (lessor) _____
 Expense County Owned Renewal of Lease

Property Management
 Contact Person Bob Oberst Phone 248-3851 Date 9-3-99

Division Requesting Lease Adult Community Justice

Contact Person Kevin Criswell Phone 248-3301

Lessor Name Unity, Inc.
 Mailing Address 710 SW Second Ave.
Portland, OR 97204
 Phone Attn: Nancy Stuart 273-8433

Effective Date May 1, 1999
 Termination Date December 31, 1999
 Total Amount of Agreement \$ 123,192.48

Lessee name Multnomah County
 Mailing Address 2505 SE 11th Ave.
Portland, OR 97202
 Phone 248-3322

Payment Terms
 Annual \$ _____ Monthly \$ _____
 Other \$ 123,192.48

Agreement Providing Reimbursement to Subsequent Lessee (Unity, Inc.) for Costs Resulting from County Holdover

Address of 710 SW Second Ave.
 Lease Property Portland, OR
 Purpose of Lease ACJ West District Office
hold over

FUND	AGENCY	ORGANIZATION	ACTIVITY	OBJ	SUB OBJ	REV SOURCE	SUB REV	REPT CATEG
100	075	9120						
<u>410</u>	<u>030</u>	<u>5650</u>		<u>6170</u>				

REQUIRED SIGNATURES:

Department Head [Signature] Date 9/9/99
 County Counsel [Signature] Date 9/9/99
 Property Management [Signature] Date 9-7-99
 County Executive/Sheriff [Signature] Date 9/16/99

CODE		FOR ACCOUNTING / PURCHASING ONLY									
VENDOR NAME		YEAR	AUTHORIZATION NOTICE						ENCUMBRANCE "APRON" ONLY		
LINE NO.	NUMBER	FUND	AGENCY	ORGANIZATION	ACTIVITY	OBJECT	SUB OBJ	REPT CATEG	DESCRIPTION	AMOUNT	INC. DEC. IND
	0010865										

WHITE-PURCHASING

CANARY-INITIATOR

PINK-FINANCE

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-185

Authorizing Execution of an Extension of Lease for Adult Community Justice West District Office and Agreement Providing Reimbursement to Subsequent Lessee for Costs Resulting from County Holdover

The Multnomah County Board of Commissioners Finds:

- a) Adult Community Justice West District Office is to be relocated to the County owned Mead Building, which will be improved to accommodate that Office by December 31, 1999.
- b) The Adult Community Justice West District Office lease of its current facility expired April 30, 1999.
- c) The lessor of the current facility, Julia Evans Nathan Trust, entered into a subsequent lease of the facility to Unity, Inc. which lease was to commence May 1, 1999.
- d) Unity, Inc. will incur costs as a result of Adult Community Justice West District Office holding over in the current facility beyond the expiration of its lease that would not have been incurred otherwise.
- e) Julia Evans Nathan Trust is willing to extend the term of the Adult Community Justice West District Lease of the current facility to December 31, 1999 and Unity, Inc. is willing to agree to such extension upon the conditions and provisions contained in the EXTENSION AGREEMENT and the AGREEMENT FOR HOLD OVER BEYOND LEASE TERM AND REIMBURSEMENT OF EXPENSES RELATED TO HOLD OVER before the Board this date.
- f) That is in the best interest of Multnomah County that it enter into the EXTENSION AGREEMENT and AGREEMENT FOR HOLD OVER BEYOND LEASE TERM AND REIIMBURSEMENT OF EXPENSES RELATED TO HOLD OVER before the Board this date.

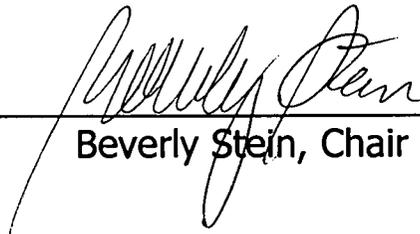
The Multnomah County Board of Commissioners Resolves:

1. The Chair of the Multnomah County Board of Commissioners is authorized and directed to execute the attached EXTENSION AGREEMENT and the AGREEMENT FOR HOLD OVER BEYOND LEASE TERM AND REIMBURSEMENT OF EXPENSES RELATED TO HOLD OVER before the Board this date and any other documents required for the completion of these agreements on behalf of Multnomah County.

Adopted this 16th day of September, 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 

Matthew O. Ryan, Assistant County Counsel

EXTENSION AGREEMENT

This Extension Agreement (Agreement) is made as of June __, 1999 between JULIA EVANS NATHAN TRUST (Owner) and MULTNOMAH COUNTY, a political subdivision of the State of Oregon (Tenant), concerning Tenant's lease from Owner of a commercial building at 1122 SW Stark Street, Portland, Oregon (Premises).

RECITALS

- A. Tenant leased the premises from Owner by a written lease (Lease) which gave Tenant the right to occupy the Premises as Owner's tenant for a period ending on April 30, 1999 (Original Expiration Date), subject to the terms of the Lease.
- B. Owner has leased the Premises to Unity, Inc. (Unity) for a period originally set to begin in the summer of 1999.
- C. Tenant has remained in possession of the Premises as a holdover tenant and wishes to remain as Owner's tenant until December 31, 1999. Owner is willing to extend Tenant's right of possession of the Premises until December 31, 1999, but no later, on the terms of this Agreement, subject to receiving consent from Unity. This Agreement modifies and supplements the Lease but does not replace it.

NOW, THEREFORE, OWNER AND TENANT AGREE:

- 1. The recitals above are true and correct and are a part of this Agreement.
- 2. Tenant's right of possession of the Premises, and the term of the Lease, are extended to include the period from the Original Expiration Date to December 31, 1999 (End Date), but no further. This period is hereinafter called the Extension Period. The terms of the Lease remain in force through the Extension Period, except as modified by this Agreement.
- 3. At 5:00 PM on the End Date, Tenant will remove all personal property from the Premises and deliver possession of the Premises to Owner. Tenant agrees that Owner may retake possession of the Premises on or after January 1, 2000 by self-help or any other means which does not involve breach of the peace, without any judicial process or other filing. At Owner's sole election, Owner may consider any personal property that remains on the Premises on January 1, 2000 to be abandoned and to be the property of Owner, or may remove and store it at the cost of Tenant.

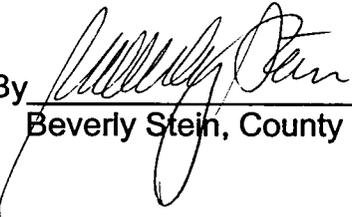
4. In consideration of Owner extending the Lease term and Tenant's right of possession to include the Extension Period, Tenant will pay Owner a base monthly rent of \$21,612.19, retroactive to May 1, 1999. The monthly rent payments are due in advance on the first day of each month from May to December 1999, inclusive.
5. In addition to the base monthly rent, Tenant will pay Owner all other sums that the Lease as extended obligates Tenant to pay Owner.
6. Any holdover of Tenant after the End Date shall be as a tenant at sufferance, and not as a month to month tenant, and at a base rent equal to 150% of the base monthly rent for the Extension Period. In addition if the Tenant holds over beyond the End Date, Tenant will defend, indemnify and hold Owner harmless against any claim of Unity against Owner that results from Owner not being able to deliver possession of the Premises to Unity in accordance with Owner's lease to Unity.
7. Oregon Tort Claims Act. Any covenant herein or in the Lease by Tenant to defend, indemnify or hold harmless the Owner shall be subject to the provisions of the Oregon Tort Claims Act, ORS 30.260-30.300, and within the limits in ORS 30.275.
8. Owner's obligations under this Agreement are subject to Owner receiving the consent of Unity to the extension to December 31, 1999 in the form of the AGREEMENT FOR HOLD OVER BEYOND LEASE TERM AND REIMBURSEMENT OF EXPENSES RELATED TO HOLD OVER attached hereto on or before October 1, 1999. If Owner does not receive the consent of Unity to the extension on or before October 1, 1999, then this Agreement remains in force, but subject to termination by Owner on 30 days' notice to Tenant.
9. This Agreement may be signed in any number of counterparts, or with signatures sent by facsimile, each of which will be considered an original but which together form one Agreement.
10. The terms of the Lease that do not conflict with this Agreement and were not modified by this Agreement remain in force.

11. The persons signing this Agreement on behalf of Owner and Tenant represent and warrant that they are authorized to sign this Agreement on behalf of their respective parties and that their signatures are sufficient to bind the parties for whom they sign.

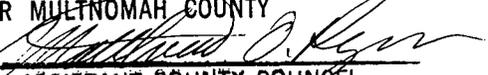
OWNER:
JULIA EVANS NATHAN TRUST

TENANT:
MULTNOMAH COUNTY

By: _____

By: 
Beverly Stein, County Chair

REVIEWED:
THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY

BY: 
ASSISTANT COUNTY COUNSEL

DATE: Sept 8, 1999

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 9/16/99
DEB BOGSTAD
BOARD CLERK

**AGREEMENT FOR HOLD OVER BEYOND LEASE TERM AND
REIMBURSEMENT OF EXPENSES RELATED TO HOLD OVER**

This Agreement is made this ___ day of September, 1999 by and among Peter A. Nathan, Trustee for Julia E. Nathan Trust (Nathan), Multnomah County, Oregon (County), and Unity, Inc. (Unity).

Whereas Nathan leased to County a premises located at 1122 SW Stark Street, Portland, Oregon (Premises), which lease expired April 30, 1999; and

Whereas Unity has entered a lease of the Premises to become effective upon vacation of the Premises by County; and

Whereas Unity occupies another facility (the Lindsay Building) which it intends to vacate in order to relocate to the Premises thereby reducing its facilities rental cost; and

Whereas County wishes to remain in the Premises until December 31, 1999;

It is hereby agreed by the parties as follows:

1. Unity agrees that Nathan may provide for extension of lease or holdover by County at the Premises through December 31, 1999 upon conditions agreeable to Nathan and County. It is agreed and understood that no further holdover at the Premises by County will be agreed to and that County will vacate the Premises no later than December 31, 1999.
2. In consideration of the agreement of Unity to the holdover, County will compensate Unity for the rental differential between monthly rental and related expenses in the Lindsay Building and the monthly rental and related expenses for the Premises as follows:
 - (a) County will pay to Unity the sum of \$50,246.24 upon full execution of this Agreement, as rental differential for one half the period of holdover through December 31, 1999.
 - (b) County will pay to Unity the sum of \$50,246.24 on the first day of November, 1999, as rental differential for one half the period of holdover through December 31, 1999.
3. In the event that routine maintenance and repair expenses at the Lindsay Building increase during the holdover period from the similar period one year earlier, County will reimburse Unity for the reasonable amount of such increase payable by Unity upon invoice therefor, to be supported by evidence of such increase.

4. County will compensate Unity for any holdover by County after December 31, 1999 at the rate of 200% of the rate of daily rent differential during such period after December 31, 1999. Nothing herein shall extend the lease term beyond December 31, 1999 and any holding over thereafter by County shall be as a Tenant at sufferance.
5. County shall pay to Unity upon full execution of this agreement the sum of \$1,700.00 as reimbursement for Unity's legal fees and expenses incurred through August 24, 1999 as a result of the holdover. County shall pay any additional attorney fees and legal expenses incurred by Unity after August 24, 1999 as a result of County's holdover.
6. County shall pay to Unity the actual costs of repair to its computer cabling system incurred during the period of the holdover, not to exceed the sum of \$21,000.00 upon invoice therefor, to be supported by evidence of such repair.
7. County will fully cooperate with Nathan and its contractors in performing building maintenance and repair during the holdover period, including roof repair, HVAC work, exterior painting, provided that such maintenance and repair shall not prevent or unreasonably interfere with County's use of the Premises during the holdover period for those purposes of use prior to the holdover.
8. Entire Agreement. This Agreement sets forth the entire understanding of the parties with respect to the subject matter of this Agreement and supercedes any and all prior understandings and agreements, whether written or oral, between the parties with respect to such subject matter.
9. Time of the Essence. Time is of the essence for each and every provision of this Agreement.
10. Attorney Fees. If any party to this Agreement breaches any term of this Agreement, then any other party shall be entitled to recover all expenses of whatever form or nature, costs and attorney fees reasonably incurred to enforce the terms of this Agreement, whether or not suit is filed, including such costs or fees as may be awarded in arbitration or by a court at trial or on appeal.

Peter A. Nathan, Trustee for Julia E. Nathan Trust

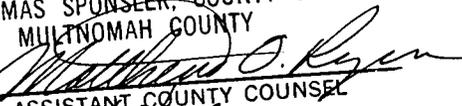
AGREEMENT FOR HOLDOVER BEYOND LEASE TERM AND
REIMBURSEMENT OF EXPENSES RELATED TO HOLDOVER (CONT.)

Unity, Inc.

By: _____

Multnomah County, Oregon

By:  _____
Beverly Stein, County Chair

REVIEWED:
THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY
BY:  _____
ASSISTANT COUNTY COUNSEL
DATE: 9/8/99

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 9/16/99
DEB BOGSTAD
BOARD CLERK

BUDGET MODIFICATION NO.

BM00DES-01

(For Clerk's Use) Meeting Date

SEP 16 1999

Agenda No.

R-7

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

(Date)

DEPARTMENT

Dept. of Environmental Services

DIVISION

Facilities

CONTACT

Karyne Dargan

TELEPHONE

22457

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

SUGGESTED

AGENDA TITLE

Request to approve a \$123,193 transfer from the General Fund Contingency account to the Facilities Management Fund to offset the costs associated with the Adult Community Justice West District Office lease extension and Agreement Providing Reimbursement to Unity for costs resulting from the County holdover.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet

The Facilities Management Fund will increase by \$123,193 as a result of the General Fund Contingency transfer. The previous lease for ACJ/West District office expired April 30, 1999. No acceptable replacement facility was found to lease. West District is now slated to move into the Mead Building for which improvements will not be completed until December, 1999. As a result the new tenants (Unity) of the current West District office location will incur additional rental, legal and maintenance costs due to the moving delay. This Budmod will allow Facilities Management to reimburse Unity for the rental differential between that of its current space and that of the current West District Office facility, legal costs related to the agreements and the cost of repairing its communication cabling system at current site.

99 SEP 8 AM 11:21
 CLERK OF COUNTY COMMISSIONERS
 MULTNOMAH COUNTY
 OREGON

3. REVENUE IMPACT (Explain revenues being changed and reason for the change)

N/A

4. CONTINGENCY STATUS (to be completed by Budget & Quality)

General

Fund Contingency before this modification

9/7/1999

\$ 3,434,570

Date

After this modification

\$3,311,377

Originated By

Date

Karyne Dargan

9/8/99

Department Director

[Signature]

Date

9/8/99

Plan/Budget Analyst

Date

Karyne Dargan

9/8/99

Employee Services

Date

Board Approval

[Signature]

Date

9/16/99

REQUEST FOR GENERAL FUND CONTINGENCY TRANSFER

1. Attachment to Bud Mod No.. BM00DES-01
2. Amount requested from General Fund Contingency \$123,193
3. Summary of Request

Request to approve a \$123,193 transfer from the General Fund Contingency account to the Facilities Management Fund to offset the costs associated with the Adult Community Justice West District Office lease extension and agreement providing reimbursement to Unity for costs resulting from the County holdover.

4. Has the expenditure for which this transfer is sought been included in any budget request during the past five years? No.

If so, when? N/A

If so, what were the circumstances of its denials? N/A

5. Why was this expenditure not included in the annual budget process?

The decision to move West District Office into the Mead Building and the subsequent amount of time required to complete the tenant improvements were not known at the time the annual budget was being considered.

6. What efforts have been made to identify funds from another source within the Department, to cover this expenditure? Why are no other Departmental sources of funds available?

There are not sufficient funds in the Facilities Management Contingency to absorb this unanticipated costs. Although Community Justice will pay the \$12,000 differential for rent in their current location, there are not sufficient funds within their budget to allow them to absorb the Unity payment as well.

7. Describe any new revenue that this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.

There are no new revenues associated with this project that would result in a repayment to the contingency account. The expenditure is also one-time-only in nature.


Signature of Department Head/Elected Official

9/8/99
Date



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
DIVISION OF FACILITIES AND
PROPERTY MANAGEMENT
2505 S.E. 11TH AVENUE
PORTLAND, OREGON 97202
(503) 248-3322

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Facilities & Property Management, *MW*
Department of Environmental Services

DATE: September 7, 1999

RE: Request to approve \$123,193 transfer from the General Fund Contingency account to the Facilities Management Fund to offset the costs associated with the Adult Community Justice West District Office lease extension and agreement providing reimbursement to Unity for costs resulting from the County holdover.

1. Recommendation/Action Requested:
It is recommended that the Board approve the general fund contingency request in the amount of \$123,193.
2. Background/Analysis:
The previous lease of the facility for ACJ/West District expired April 30, 1999. The ACJ/West District Office programs have grown from approximately 37 employees to over 90 employees during the occupancy of the present facility and training programs requiring training room facilities have been added, making the current facility inadequate. No acceptable replacement facility was found for lease. A decision was made to relocate the West District Office to the Mead Building or such other County-owned facility as may be determined appropriate. This is estimated to require a period extending through December 1999 to complete.

Agreements have been negotiated by Multnomah County staff with the owner of the present facility and its replacement tenant, Unity, Inc., to allow holdover by the West District Office at its present location through December 1999. Unity

will incur certain costs resulting from the holdover and the delay of its occupancy of the current West District Office facility consisting of rental differential between that of its current space and that of the current West District Office facility, legal costs related to the agreements and the cost of repairing its present communications cabling to remain at its current site. The agreements provide for reimbursement of those costs by Multnomah County. This Budmod will allow Facilities Management to reimburse Unity.

2. Financial Impact:

The reimbursement of costs to Unity consist of \$100,493 in rental differential (the current West District location occupies less square footage than the current location Unity is occupying, thus the rental differential), \$1,700 in legal fees for lease revisions and advice related to the holdover and \$21,000 maximum costs of computer/telecom repairs and maintenance for the continued occupancy during the holdover period.

Additionally, there is approximately \$12,000 in additional lease costs incurred for West District's extended stay at it's current location from the time the lease expired in May, through the renegotiated lease extension in December totaling approximately \$12,000. These additional lease costs will be absorbed by the Department of Community Justice.

3. Legal Issues:

Any anticipated legal issues have been addressed through the agreements.

4. Controversial Issues:

N/A

6. Link to Current County Policies:

Utilize County owned facilities to house County programs rather than leased facilities where feasible.

7. Citizen Participation:

N/A

8. Other Government Participation:

N/A



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DIANE LINN
SERENA CRUZ
LISA NAITO
SHARRON KELLEY

BUDGET & QUALITY
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503) 248-3883

TO: Board of County Commissioners
FROM: Mike Jaspin, Budget Analyst *MJ*
DATE: September 8, 1999
SUBJECT: General Fund Contingency Request by the Department of Environmental Services --
Budget Modification DES-01

Budget Modification DES-01 by the Facilities & Property Management Division in the Department of Environmental Services requests the Board approve the transfer of \$123,193 from the **General Fund Contingency** account to the **Facilities Management Fund**. The transferred funds will be used to offset the costs associated with the Adult Community Justice West District Office lease extension and an agreement providing a reimbursement to Unity Inc. for costs resulting from the County holdover.

The purpose of this memo is to merely state that the use of General Fund Contingency for this purpose is consistent with the Financial & Budget Policies of the County and as found in Resolution 99-120. (It is general practice and policy for the Budget Office to inform the Board if contingency requests submitted for approval satisfy the general guidelines and policies for using General Fund Contingency). In particular, the contingency request is one-time-only in nature and, to some degree, for unanticipated costs. Moreover, the Board indicated that it would consider contingency requests surrounding Mead Building operations and relocation of the Adult Probation West District Office when adopting the FY 1999-2000 budget. More detailed information may be found in the Department's budget modification request.

As of September 8, 1999 there was \$3,434,570 in the General Fund Contingency. This budget modification will reduce that amount to \$3,311,377.

BUDGET MODIFICATION Dist 2 - 01

(For Clerk's Use) Meeting Date **SEP 16 1999**
 Agenda No. **R-8**

1. REQUEST FOR PLACEMENT ON THE AGENDA

09/07/1999

DEPARTMENT Nondepartmental DIVISION Commissioner District 2
 CONTACT Beckie Lee TELEPHONE 248-5219
 * NAME(S) OF PERSON MAKING PRESENTATION TO Commissioner Cruz

SUGGESTED

AGENDA TITLE Student Bus Pass Pilot Program. Approval requested for \$77,000 of general fund contingency in the 1999-2000 Budget to improve student attendance through providing free transportation. This match of \$75,000 from Portland Public Schools and Tri-Met will provide bus passes to certain qualified high school students.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet

Provides \$77,000 from General Fund Contingency for bus passes, program coordination, and evaluation in FY 2000.

99 SEP 01 AM 11:48
 CLERK OF COUNTY COMMISSIONERS
 MULTNOMAH COUNTY
 OREGON

3. REVENUE IMPACT

Decreases General Fund Contingency by \$77,000.

4. CONTINGENCY (to be completed by Budget & Quality)

General Fund Contingency before this modification 9/8/99 3,434,570
 Date
 After this modification 3,357,570

Originated By <u>Beckie Lee</u> <i>Beckie Lee</i>	Date <u>09/01/1999</u>	Department Director <u>Commissioner Cruz</u> <i>Serena Cruz</i>	Date <u>9/9/99</u> <u>09/01/1999</u>
Plan/Budget Analyst <u>Julie Neburka</u> <i>Julie Neburka</i>	Date <u>09/01/1999</u>	Employee Services	Date
Board Approval	Date		



COMMISSIONER SERENA CRUZ, DISTRICT 2
MULTNOMAH COUNTY OREGON

1120 SW Fifth Avenue, Suite 1500
Portland, Oregon 97204-1914
(503) 248-5219 phone
(503) 248-5440 fax
e-mail: district2@co.multnomah.or.us
www.co.multnomah.or.us/cc/ds2/

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM: Commissioner Serena Cruz
DATE: 9/8/99
RE: Bus Pass Pilot Project

1. Recommendation/Action Requested:
Approve \$77,000 for a collaborative project between Portland Public Schools, Tri-Met and Multnomah County to increase school attendance by providing free transportation to low-income students.
2. Background/Analysis:
In 1992, Portland Public Schools was granted a waiver from the State of Oregon requirement to provide transportation for high school students, shifting the burden of transportation to the students and their families. For a lot of students, especially those from low-income families, this cost inhibits their ability to get to school. In a study done by Sisters in Action for Power, 37% of students said the cost to ride transit was a problem in getting to school.

Tri-Met, Portland Public Schools, City of Portland and Multnomah County have been working together on a pilot project to alleviate this burden on students by providing free bus passes. The pilot, if approved, would pool \$77,000 from Multnomah County, \$75,000 from Portland Public Schools and \$75,000 from Tri-Met. Students who qualify for free lunch and live more than 1.5 miles from their neighborhood school would



receive a monthly bus pass, provided that they meet monthly attendance criteria.

County funds will be broken up into the following categories:

- \$50,000 to Portland Public Schools General Fund to purchase bus passes.
- \$25,000 will be contracted out to an organization to handle the outreach, planning and coordination of the pilot.
- \$2,000 to be used for an evaluation of the program.

3. Financial Impact:

The \$77,000 requested was designated in the General Fund contingency for this purpose, pending a specific proposal. The resolution asks that that money be formally dedicated to this pilot project. The amount requested is \$23,000 less than originally set aside in contingency.

4. Legal Issues:

There are no apparent legal issues regarding this request.

5. Controversial Issues:

Receivables for the \$25,000 contract, as well as the appropriate department to oversee the contract, are still being refined.

6. Link to Current County Policies:

This pilot project helps to meet the current benchmark of increasing school success. This pilot identifies transportation as a major obstacle in attendance. The project extends the work of the Student Attendance Initiative by giving students another tool they can use to be successful.

7. Citizen Participation:

This project was brought to Multnomah County, Tri-Met, the City of Portland and Portland Public Schools by a multi-generational, multi-racial group called SPIRIT (now Sisters in Action for Power). Their membership organization spent two years working with and interviewing students, parents and teachers about transportation. This is truly a grassroots project.

Sisters in Action for Power, if chosen as the contracting agent, will continue to be involved and involve their membership as the coordinators of this project and research other funding mechanisms to expand the scope of this pilot. This includes expanding the project to include students outside of the Portland Public School District and outside of high school.

1. Other Government Participation:
Multnomah County will work in coordination with Portland Public Schools and Tri-Met on this project.



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
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SERENA CRUZ
LISA NAITO
SHARRON KELLEY

BUDGET & QUALITY
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503) 248-3883

TO: Board of County Commissioners
FROM: Julie Neburka, Budget Analyst *JN*
DATE: September 8, 1999
RE: Portland Public Schools Bus Pass Pilot Program contingency draw

Commissioner District 2 is heading up a pilot program proposed by Sisters in Action for Power (formerly known as SPIRIT) that would provide free bus passes to certain qualified low-income high school students within the Portland Public Schools district. This pilot program will be a collaborative effort between Multnomah County, Portland Public Schools, and Tri-Met, all of whom are pledging to help fund the program in FY 2000. This program was discussed late in the FY 2000 budget process, and \$100,000 was set aside in the General Fund contingency to pay for the County's share of the pilot.

District 2 is requesting \$77,000 from contingency to pay for Multnomah County's share of the pilot. \$50,000 will be passed through to PPS to purchase bus passes, \$25,000 will pay for a contractor to oversee the pilot program, and \$2,000 will be budgeted in the Department of Support Services' Evaluation Research Unit for evaluation assistance. It is understood that this expenditure will be a one-time-only contribution to this program.

The Budget Office recommends approval of this bud mod. The program was discussed during the annual budget process, and funds to pay for it were set aside in contingency. As of September 8, 1999, the General Fund contingency was \$3,434,570. This bud mod will reduce that amount to \$3,357,570.

BUDGET MODIFICATION NO.

Dist 2 - 02

SEP 16 1999

(For Clerk's Use) Meeting Date

Agenda No.

R-9

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

9/8/1999

DEPARTMENT Nondepartmental
CONTACT Beckie Lee
* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

DIVISION Commissioner District 2
TELEPHONE 248-5219
Commissioner Cruz

SUGGESTED
AGENDA TITLE

Budget Modification to loan Portland Public Schools \$75,000 for their participation in the Bus Pass Pilot Program.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION (Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet

Provides \$75,000 from General Fund Contingency for a one-time "bridge" loan to Portland Public Schools for their participation in the Student Bus Pass Program. This loan is contingent on a written commitment from PPS to repay it in FY 2000-2001.

3. REVENUE IMPACT

Decreases General Fund Contingency by \$75,000.

CLERK OF COUNTY COMMISSIONERS
99 SEP 8 AM 11:48
MULTNOMAH COUNTY
OREGON

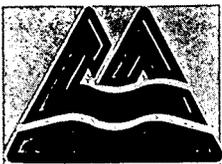
4. CONTINGENCY STATUS (to be completed by Budget & Quality)

Fund Contingency before this modification

Date

After this modification

Originated By Beckie Lee <i>Beckie Lee</i>	Date 9/8/99	Department Director Commissioner Cruz <i>Serena Cruz</i>	Date 9/8/99
Plan/Budget Analyst Julie Neburka <i>JNeburka</i>	Date 9/8/99	Employee Services	Date
Board Approval	Date		



COMMISSIONER SERENA CRUZ, DISTRICT 2
MULTNOMAH COUNTY OREGON

1120 SW Fifth Avenue, Suite 1500
Portland, Oregon 97204-1914
(503) 248-5219 phone
(503) 248-5440 fax
e-mail: district2@co.multnomah.or.us
www.co.multnomah.or.us/cc/ds2/

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioner Serena Cruz

DATE: 9/8/99

RE: A budget modification to offer a bridge loan to Portland Public Schools for the bus pass pilot project.

1. Recommendation/Action Requested:

Request the Board of County Commissioners to approve the attached budget modification to loan \$75,000 from General Fund contingency to Portland Public Schools.

2. Background/Analysis:

Portland Public Schools, working in cooperation with Multnomah County and Tri-Met, has agreed to dedicate \$75,000 to purchase bus passes for low-income students identified through the bus pass pilot project. This loan will provide them with the cash flow they need to make this contribution until they are reimbursed by the State of Oregon. This loan will be repaid by Portland Public Schools in Fiscal Year 2000-2001.

3. Financial Impact:

The loan of \$75,000 will be passed through to Portland Public Schools in FY '99-'00 and be paid back the following fiscal year. This budget modification will decrease General Fund contingency by \$75,000.

4. Legal Issues:

There are no apparent legal issues regarding this request.



5. Controversial Issues:
Portland Public Schools is still learning if this program will affect the waiver that they currently have in providing transportation to high school students. If it does jeopardize the waiver, they will not seek reimbursement from the State of Oregon and may not have the resources to pay off this debt. Firm commitment to pay back the loan must be made before the loan is offered. If Portland Public Schools is not able to make that commitment, Multnomah County will not extend the loan.

6. Link to Current County Policies:
This loan will make it possible for Portland Public Schools to be a partner in the bus pass pilot program. This pilot program, by providing students with free transportation to school, is another tool Multnomah County can use to increase student success. The program continues with the work that the Student Attendance Initiative is doing to keep kids in school.

7. Citizen Participation:
The bus pass pilot project was brought to Multnomah County, Tri-Met, the City of Portland and Portland Public Schools by a multi-generational, multi-racial group called SPIRIT (now Sisters in Action for Power). Their membership organization spent two years working with and interviewing students, parents and teachers about transportation. This is truly a grassroots project.

Additionally, the notice of public hearing on this budget modification is being given following county procedures. The public hearing allows for public testimony.

8. Other Government Participation:
As stated above, this loan will allow Portland Public Schools the ability to be an integral partner in the bus pass pilot program, along with Multnomah County and Tri-Met.



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
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SERENA CRUZ
LISA NAITO
SHARRON KELLEY

BUDGET & QUALITY
PORTLAND BUILDING
1120 SW FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503) 248-3883

TO: Board of County Commissioners

FROM: Julie Neburka, Budget Analyst *JN*

DATE: September 8, 1999

RE: Portland Public Schools Bus Pass Pilot Program contingency draw

Commissioner District 2 is heading up a pilot program proposed by Sisters in Action for Power (formerly known as SPIRIT) that would provide free bus passes to certain qualified low-income high school students within the Portland Public Schools district. This pilot program will be a collaborative effort between Multnomah County, Portland Public Schools, and Tri-Met, all of whom are pledging to help fund the program in FY 2000. As the pilot is currently envisioned, Portland Public Schools will purchase the student bus passes, and a contractor (as yet to be selected by the County) would oversee and administer the program.

This bud mod requests \$75,000 from the General Fund contingency to provide a loan to the Portland Public Schools for their share of the FY 2000 pilot bus pass program. The reason to provide this loan is that PPS receives reimbursement from the state for the money it pays out for student transportation to school—but it receives this reimbursement one year later, based on actual expenditures the previous year. Therefore, PPS could be expected to repay this loan in FY 2001 with funds it receives from the state.

Portland Public Schools is one of two school districts in the state that are waived from providing transportation to school for all students. The reason for this is that Tri-Met is available and provides comprehensive bus service throughout the school district. It is possible that the student bus pass program would jeopardize PPS' transportation waiver, and if that is the case, PPS would not ask to be reimbursed for bus passes provided through this program. Such a circumstance could make it more difficult for the school district to repay the loan. The Budget Office recommends that this loan not be extended without a firm commitment from PPS that it be repaid.

Otherwise, the Budget Office recommends approval of this bud mod. As of September 8, 1999, the General Fund contingency was \$3,434,570. This bud mod would reduce that amount to \$3,359,570.

SPEAKER SIGN UP CARDS

DATE 9/16/99

NAME Tricia Schultz

ADDRESS 130 SE 30th Place, #3

Portland, OR 97214

PHONE 236-6864

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Living Wage Work Group

GIVE TO BOARD CLERK R-10

MEETING DATE: SEP 16 1999
AGENDA NO: R-10
ESTIMATED START TIME: 10:25

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT Living Wage Work Group
BOARD BRIEFING:

DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: September 16, 1999
AMOUNT OF TIME NEEDED: 15 minutes

DEPARTMENT: Non-Departmental

DIVISION: Chair's Office

CONTACT: Rhys Scholes

TELEPHONE #: 248-3928

BLDG/ROOM #: 105/1515

PERSON(S) MAKING PRESENTATION: Rhys Scholes

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Appointing a County Living Wage Work Group

9/20/99 copies to Rhys Scholes

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

**DEPARTMENT
MANAGER:** _____

Beverly Stein

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BOARD OF
COUNTY COMMISSIONERS
99 SEP - 8 PM 12: 09
MULTNOMAH COUNTY
OREGON



Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Phone: (503) 248-3308
FAX: (503) 248-3093
E-Mail: mult.chair@co.multnomah.or.us

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM: Chair's Office
DATE: September 8, 1999
RE: Living Wage Work Group Resolution

1. Recommendation/Action Requested:

Adopt resolution.

2. Background/Analysis:

In October, 1998 the Board adopted a resolution that enhanced the living wage program for janitors and security guards and mandated a \$9 per hour total compensation floor.

In April, 1999 the Board held a hearing regarding the wages and benefits of social and human service workers. Subsequently, Board members joined with community advocates in attempts to gain increased funding from the State Legislature. Results of these efforts were minimal.

In August, 1999 the Board discussed the creation of a work group to undertake specific research, to facilitate the implementation of pilot projects and to provide the Board with information and options for increasing wages and benefits of employees of County contractors.

The proposed structure of an open work group with an appointed steering committee is designed to maximize participation while maintaining accountability. The diverse stakeholders and the diverse projects require a flexible structure. Work group meetings will have focused agendas with



participation varying by topic. Use of electronic communication will be maximized to reduce the need for meetings.

3. Financial Impact:

Based on a budget note, \$10,000 is designated to fund the research on wages and benefits of employees of contractors.

4. Legal Issues:

None identified.

5. Controversial Issues:

Some living wage advocates would prefer that the County adopt an ordinance that requires increased wages and benefits. They might characterize the approach outlined in this resolution as inadequate.

In other jurisdictions there has been opposition from those who consider any government action regarding wages and benefits as inappropriate. No such concern has yet been voiced regarding Multnomah County's efforts.

6. Link to Current County Policies:

Improvements in the quality of services support the good government benchmark. Increasing wages and benefits for low paid workers supports benchmarks aimed at reducing the number of children living in poverty and increasing access to health services.

7. Citizen Participation:

The Living Wage campaign began with a petition drive that produced thousands of signatures in support of increased wages and benefits for low paid workers. The County has received extensive testimony at public hearings regarding this issue. The Work Group (and its Steering Committee) will include citizen participants.

8. Other Government Participation:

Representatives of other governments will be invited to participate in the work group.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-186

Appointing a County Living Wage Work Group

The Multnomah County Board of Commissioners Finds:

- a. Reducing the number of residents living in poverty is an urgent benchmark for Multnomah County.
- b. Employees of non-profit social and human service agencies receive low wages and limited benefits. Some of these employees are recipients of County programs for low-income residents.
- c. Multnomah County desires to set an example and raise wages for employees whose current earnings are below the federal poverty level.
- d. The County Living Wage and Benefit project increased custodial and security employees wages and benefits, and improved contracted services.
- e. Expanding the categories of contracts covered will advance the County's goal of reducing poverty.
- f. Funding for social and human service agencies is complex and the County's ability to influence funding is limited.

The Multnomah County Board of Commissioners Resolves:

1. The Chair will appoint a steering committee to convene a living wage work group to collect information regarding wages and benefits of employees of County contractors and identify ways to raise these wages and benefits.
2. The work group meetings will be open to any who wish to attend. County Departments will designate liaisons. County contractors and living wage advocates will be invited to participate.
3. The Board requests the cooperation of County contractors in providing information regarding wages and benefits of employees.
4. The work group will report to the Board identifying the specific contracts and programs which employ the lowest paid workers and the funding sources for those programs.

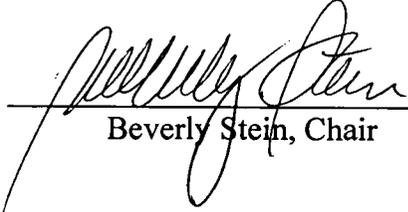
5. The work group will identify programs where it may be possible to reduce the services provided and raise wages and benefits within existing funding.
6. The work group will identify programs where wages and benefits of employees may be raised by making those wages and benefits a scored item in a Request for Proposals process, and will work to implement changes where appropriate.
7. The work group will identify programs where the County may be able to partner with agencies to assist in providing improved health benefits to employees, and will work to implement changes where appropriate.
8. The work group will examine proposals for addressing workers' rights relating to County contracts and will provide information to the Board for consideration of such proposals.
9. The work group will examine contractor concerns about County policies that may restrict contractors' ability to pay higher wages and benefits and will provide information to the Board for consideration of those concerns.
10. The work group will investigate opportunities for the County to promote adequate wages and benefits for all social and human service workers and will provide information to the Board about such opportunities.
11. The work group will provide formal reports to the Board every six months and informal reports more frequently.

Adopted this 16th day of September, 1999.



REVIEWED:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 
Sandra N. Duffy, Chief Assistant Counsel