



# MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS  
ROOM 605, COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OREGON 97204

GLADYS McCOY • Chair • 248-3308  
PAULINE ANDERSON • District 1 • 248-5220  
GRETCHEN KAFOURY • District 2 • 248-5219  
CAROLINE MILLER • District 3 • 248-5217  
POLLY CASTERLINE • District 4 • 248-5213  
JANE MCGARVIN • Clerk • 248-3277

AGENDA OF  
MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
FOR THE WEEK OF  
June 27 - July 1, 1988

Monday, June 27, 1988 - 10:00 AM - Finance Committee . . . . . Page 2  
Special Session

Tuesday, June 28, 1988 - 9:30 AM - Informal Briefing . . . . . Page 3

Tuesday, June 28, 1988 - 1:30 PM - Informal Meeting . . . . . Page 4

Thursday, June 30, 1988 - 9:30 AM - Formal . . . . . Page 5

Monday, June 27, 1988 - 10:00 AM

Multnomah County Courthouse, Room 602

FINANCE COMMITTEE

Agenda

1. Budget Technical Amendments
2. Other

Tuesday, June 28, 1988 - 9:30 AM

Multnomah County Courthouse, Room 602

Informal Briefing

1. Briefing on developments in Community Corrections by Harley Leiber and on sentencing guidelines by Kathy Bogan of the Criminal Justice Council

Tuesday, June 28, 1988 - 1:30 PM

Multnomah County Courthouse, Room 602

INFORMAL

OK

1. Informal Review of Bids and Requests for Proposals:
  - a) Employee Newsletter
  
2. Informal Review of Formal Agenda of June 30
  - a) Presentation of Glendoveer Golf Course Upgrading Master Plan (30 minutes)

Thursday, June 30, 1988, 9:30 AM  
Multnomah County Courthouse, Room 602

Formal Agenda

REGULAR AGENDA

BOARD OF COUNTY COMMISSIONERS

- R-1 In the matter of the appointment of Useni Eugene Perkins and Patricia Wong to the Metropolitan Arts Commission, terms expiring June 30, 1990

SERVICE DISTRICTS

(Recess as the Board of County Commissioners and reconvene as the Governing Body of the Dunthorpe Riverdale Service District No. 1

- R-2 In the matter of the Adoption of the 1988-89 Budget of Dunthorpe Riverdale Service District No. 1, Multnomah County, Oregon, for the Fiscal Year July 1, 1988 to June 30, 1989

- R-3 In the matter of Levying Taxes for Dunthorpe Riverdale Service District No. 1, Multnomah County, Oregon, for the Fiscal Year, July 1, 1988 to June 30, 1989

(Recess as the Governing Body of the Dunthorpe Riverdale Service District and reconvene as the Governing Body of the West Hills Service District No. 2

- R-4 In the matter of the Adoption of the 1988-89 Budget of West Hills Service District No. 2, Multnomah County, Oregon, for the Fiscal Year July 1, 1988 to June 30, 1989

(Recess as the Governing Body of the West Hills Service District and reconvene as the Governing Body of the Central County Service District No. 3

- R-5 In the matter of the Adoption of the 1988-89 Budget of Central County Service District No. 3, Multnomah County, Oregon, for the Fiscal Year July 1, 1988 to June 30, 1989

(Recess as the Governing Body of the Central County Service District and reconvene as the Governing Body of the Mid-County Service District No. 14

- R-6 In the matter of the Adoption of the 1988-89 Budget of Mid-County Service District No. 14, Multnomah County, Oregon, for the Fiscal Year July 1, 1988 to June 30, 1989

(Recess as the Governing Body of the and reconvene as the Board of County Commissioners)

DEPARTMENT OF GENERAL SERVICES

- R-7 Resolution in the Matter of the Adoption of the 1988-89 Budget for Multnomah County, Oregon, for the Fiscal Year July 1, 1988 to June 30, 1989, and Making the Appropriations thereunder, Pursuant to ORS 294.435  
Board to move approval of Resolution adopting budget; consider and respond to the recommendations from Tax Supervising and Conservation Commission; move and approve any amendments needed, vote to adopt budget
- R-8 Resolution in the Matter of Levying Ad Valorem Property Taxes for Multnomah County, Oregon, for Fiscal Year 1988-89

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-9 In the matter of approving the Glendoveer Golf Course Upgrading Master Plan
- R-10 Notice of Intent to Apply for Grant Request to the Oregon State Marine Board for \$500,000, to acquire 67 acres on the Columbia River to 1) design and install required wetland mitigation, and 2) to cover the engineering and design costs for a six-lane boat ramp and associated parking and amenities
- R-11 In the matter of ratification of a supplemental agreement with the City of Troutdale, for Multnomah County to perform certain maintenance functions on city streets for fiscal year 1988-89
- R-12 In the matter of ratification of a supplemental agreement with the City of Wood Village, for Multnomah County to perform certain maintenance functions on city streets for fiscal year 1988-89
- R-13 In the matter of ratification of a supplemental agreement with the City of Fairview, for Multnomah County to perform certain maintenance functions on city streets for fiscal year 1988-89

- R-14 In the matter of ratification of an amendment to agreement with Oregon State Highway Division covering engineering related services extending contract from July 1, 1988 to June 30, 1989
- R-15 Budget Modification Nondepartmental #19 making an appropriation transfer in the amount of \$155,000 from Capital Outlay to Materials and Services within the CIP Budget, to reflect actual expenditures for county-wide space design, architectural and engineering fees, and advertising costs
- R-16 Budget Modification DES #18 making an appropriation transfer within the CIP Budget, to increase the Detention Center Intake Remodel project by \$34,000 and reducing the Justice Center Materials & Services budget by \$34,000
- R-17 Resolution in the Matter of Issuance of Industrial Development Revenue Bonds by the State of Oregon to Danner Shoe Manufacturing Co.

DEPARTMENT OF GENERAL SERVICES

- R-18 Budget Modification Nondepartmental #18 making an appropriation transfer in the amount of \$61,635 from General Fund Contingency to Transfer Account of the County School Fund, increasing the General Fund Transfer to the County School Fund
- R-19 Resolution in the matter of approving of the issuance and negotiated sale of \$4,225,000 Certificates of Participation; approving and authorizing the Certificate Purchase Agreement; approving the Lease-Purchase and Escrow Agreement; approving and authorizing the execution of the Preliminary Official Statement and Official Statement; and designating the Authorized Officer (Gill Building)
- R-20 Budget Modification DGS #22 making appropriation transfer in the amount of \$20,710 from DP General Fund Contingency and \$61,204 from General Fund Contingency to ISD's budget to cover current fiscal year obligations, as a result of unanticipated expenditure of a certificate of participation payment and a larger than anticipated workload
- R-21 In the matter of ratification of an agreement with the State of Oregon, Department of Revenue to conduct appraisals of industrial properties as authorized under ORS 306.125 and 306.126

ORDINANCES - DEPARTMENT OF GENERAL SERVICES

- R-22 Second Reading - An Ordinance relating to the Investment Advisory Board, and amending Ordinance No. 409

DEPARTMENT OF HUMAN SERVICES

- R-23 In the matter of ratification of an agreement with the City of Portland Bureau of Computer Services to continue the computer production services for the Aging Services Division client tracking and billing system, through December 31, 1988
- R-24 In the matter of ratification of an agreement with Medical Personnel Pool, Inc. to purchase certified nursing assistant services to provide 24 hour care for the medicaid eligible physically disabled who currently live in their own apartments at the 1200 Building
- R-25 In the matter of ratification of an agreement with Tri-Met to continue the existing services to those transit-disadvantaged elderly who cannot use regular bus service in Multnomah County
- R-26 In the matter of ratification of an agreement with the City of Portland, whereby the County will continue to have administrative responsibility for the Area Agency on Aging (Aging Services Division) Program for the period July 1, 1988 through June 30, 1989, as described in the Annual Area Plan
- R-27 Resolution in the matter of Developing Human Service Delivery Sites in Mid-County
- R-28 In the matter of ratification of a contract between Multnomah County and Community Action Agency of Portland (CAAP) whereby CAAP assigns its Community Action Agency designation and rights and responsibilities thereunder to the BCC acting as the governing board of Multnomah County, and Multnomah County agrees to contract with CAAP to serve as the administering board for countywide community action agency pursuant to the terms and conditions set forth in the contract
- R-29 In the matter of ratification of 16 revenue agreements and two addendums with the State Community Services delegating to Multnomah County various federal and state funds for emergency basic needs and community action services in the former services areas of the Community Action Agency of Portland and MCCA

- R-30 In the matter of ratification of a Letter of Agreement between Multnomah County Social Services Division and Multnomah County Community Action Agency (MCCAA) transferring MCCAA from County operation to Human Solutions, Inc., a newly formed private, non-profit agency effective July 1, 1988

DEPARTMENT OF JUSTICE SERVICES

- R-31 In the matter of ratification of an amendment to Section 3 of 1986 agreement with Clackamas County, increasing the annual reimbursement to Multnomah County for use of the Medical Examiner's facilities from \$7,790 to \$8,569 per year

NONDEPARTMENTAL

- R-32 Budget Modification Nondepartmental #17 making appropriation transfers from General Fund Contingency, to increase annual BIT payment to East County cities by \$148,774, and increases annual BIT payment to cover disputed arrears by \$92,000

BOARD OF COUNTY COMMISSIONERS

- R-33 Order in the matter of the conveyance to the City of Portland of Certain County Park Land Known as Woods Park; and Bargain and Sale Deed
- R-34 Order in the matter of the conveyance to the City of Portland of Certain County Park Land Known as Lesser Park; and Bargain and Sale Deed
- R-35 Order in the matter of the conveyance to the City of Portland of Certain County Park Land Known as Maricara Park; and Bargain and Sale Deed

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:  
Thursday, 10:00 PM, Channel 11 for East and West side subscribers  
Friday, 6:00 P.M., Channel 27 for Rogers Multnomah East subscribers  
Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers



TO: DAILY JOURNAL OF COMMERCE

Please run the following Classified Advertisement as indicated below, under your "CALL FOR BID" section

MULTNOMAH COUNTY

Proposals Due: July 22, 1988 at 2:00 P.M.

Proposal No. RFP# 800375

Sealed proposals will be received by the Director of Purchasing, 2505 S.E. 11th Ave., Portland, OR 97202 for:

The production of an employee oriented County Newsletter.

\*\*\*There will be an OPTIONAL pre-proposal conference July 8th, 1988, 9:00 AM, 1120 SW 5th, 14th floor, Conference Room F.

Multnomah County reserves the right to reject any or all proposals.

Specifications may be obtained at: Multnomah County Purchasing Section

2505 S.E. 11th Avenue

Portland, OR 97202

(503) 248-5111

Lillie M. Walker, Director  
Purchasing Section

PUBLISH: June 30, July 1 & 5th, 1988

SUPPLEMENTAL AGENDA

TUESDAY, JUNE 28, 1988

*Exec. Sess. 167*

9:30 AM

EXECUTIVE SESSION - Consult with legal counsel regarding Gresham BIT litigation permitted by ORS 192.660(1)(h)

BOARD OF  
COUNTY COMMISSIONERS

1988 JUN 27 PM 4:12

MULTNOMAH COUNTY  
OREGON

BUSINESS INCOME TAX AGREEMENT

**DRAFT**

This agreement is between Multnomah County, a home rule political subdivision of the State of Oregon (County), and the City of Gresham, the City of Troutdale, the City of Fairview, and the City of Wood Village, municipal corporations (Cities).

a. County Ordinance 121 (April 15, 1976), codified as Multnomah County Code (MCC) 5.70.005 et seq., establishes a business income tax and imposes a 0.6 percent tax rate on taxable income. Section 11 of that ordinance provides that County and cities having territory within County may, by written contract, agree to terms and conditions by which revenue derived from County's Business Income Tax may be shared with such cities.

b. County and Cities entered a written agreement on October 25, 1977 for sharing such revenue effective July 1, 1977. County and Cities have substantially complied with the terms and conditions of that agreement since fiscal year 1977-78.

c. County Ordinance 512 (April 24, 1986) amended MCC 5.70.005 et seq. by providing for an additional 0.35 percent tax on the net income from businesses within Multnomah County effective January 1, 1986.

d. County again amended MCC 5.70.005 et seq. by County Ordinance 552 (May 7, 1987) to provide for an additional 0.51 percent tax on the net income from businesses within Multnomah County effective January 1, 1987.

e. A dispute has arisen between the County and the Cities over whether the "Cities Collective Share" as defined in the 1977 agreement includes revenues from the tax rates imposed by Ordinances 512 and 552.

f. In order to resolve this dispute, County and Cities wish to adopt a new agreement governing distribution of business income tax revenue.

The parties agree as follows:

1. County shall allocate to Cities an aggregate amount of 25 percent of County gross cash receipts collected under authority of Multnomah County Code (MCC) 5.70.045(A). This amount is defined as the Cities' Collective Share. The Cities' Collective Share shall be paid out of County's cash receipts from the Business Income Tax received from the Oregon Department of Revenue in any fiscal year from the 0.6 percent

tax rate levied by MCC 5.70.045(A). County and Cities agree that regardless of actual cash receipts collected under MCC 5.70.045(A) in fiscal year 1988-89 Cities' Collective Share shall be \$1,203,681.

2. The County shall apportion the Cities Collective Share into two equal subparts:

(a) One subpart shall be apportioned among the Cities in percentages equal to the quotient of the most recent total certified population for each City, as shown by the latest published supplement then maintained by the Portland State University Center for Population and Census Research, divided by the total of such certified population in all Cities.

(b) The second subpart shall be apportioned among the Cities in percentages equal to the quotient of the most recent total assessed valuation for each city, as shown by the latest data then maintained by the Multnomah County Division of Assessment & Taxation, divided by the total of such assessed valuation in all Cities.

3. County shall distribute to each City the amounts apportioned to it pursuant to paragraph 2. Distributions shall be made by the 15th of the month following County's receipt of payments of Business Income Tax revenue from the Oregon Department of Revenue.

4. It is agreed that no allocations, apportionments or distributions shall be made in any fiscal year until County receives payment of Business Income Tax revenue from the Oregon Department of Revenue.

5. County shall be responsible for all auditing and related functions in connection with the required allocations, apportionments and distributions.

(a) With each payment made to each City, County shall provide information including the gross amount received from the Oregon Department of Revenue from the tax levied by MCC 5.70.045(A), the amount (if any) deducted before distribution to Cities and the reason for any deduction, and the total amount distributed to the Cities to date for the fiscal year.

(b) Within 10 days of receipt of each annual audit, County shall provide each City with a certification from the County Auditor of the total amount of Business Income Tax revenue from MCC 5.70.045(A), and the amount anticipated to be distributed to each City.

(c) County shall provide each city quarterly with a written projection of the total Business Income Tax revenue and the amount anticipated to be distributed to each City.

6. This agreement shall take effect on July 1, 1988. It shall renew automatically on July 1 of each succeeding year unless one of the following provisions applies.

(a) In the event the County's Business Income Tax is repealed, this agreement shall automatically terminate as of the effective date of the repeal.

(b) In the event County wishes to maintain its Business Income Tax but terminate this revenue sharing agreement, County shall send notice of termination to each city, effective not less than two years prior to July 1 of the year the agreement is to terminate.

(c) In the event any City enacts a city business income tax, notice of the enactment shall be mailed to County within 10 days. County may terminate this agreement with respect to that city, effective not less than one year after enactment of the tax by the city.

(d) Any City may terminate its status as a party to this agreement upon six months written notice to each of the other parties.

7. Cities declare it is the intention of their governing bodies as of the date of this agreement not to impose city business income taxes. County declares it is the intention of its governing body as of the date of this agreement not to impose any additional business income tax. The parties recognize that such expressions of intent are limited because future or present governing bodies are required by law to retain discretion over all matters.

8. County agrees to give the Cities at least 60 days written notice prior to the first reading of any ordinance amending Section 5.70.045(A) of the business income tax. In the event County proposes an ordinance to reduce the rate set forth in MCC 5.70.045(A) and two or more cities file written objections to the reduction prior to the first reading of the proposed ordinance, the reduced rate will take effect two years from July 1 of the year the ordinance is adopted.

9. The parties shall comply with all applicable laws in connection with this agreement.

10. No party may assign its rights or obligations under this agreement, except that County may assign by written

contract to the Oregon Department of Revenue its obligations in connection with allocation, apportionment, distribution, and auditing and related functions. No such assignment may affect any rights of Cities without their written concurrence.

11. This agreement supercedes the agreement between the parties dated October 25, 1977.

The parties have approved this agreement and caused it to be executed by their duly authorized officers.

MULTNOMAH COUNTY

\_\_\_\_\_  
Gladys McCoy,  
Multnomah County Chair

\_\_\_\_\_  
DATE

CITY OF GRESHAM

\_\_\_\_\_  
Larry Deyo,  
Mayor

\_\_\_\_\_  
F. Wallace Douthwaite,  
City Manager

\_\_\_\_\_  
DATE

CITY OF FAIRVIEW

\_\_\_\_\_  
Fred M. Carlson,  
Mayor

\_\_\_\_\_  
Marilyn Holstrom,  
City Administrator

\_\_\_\_\_  
DATE

CITY OF TROUTDALE

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Sam K. Cox,  
Mayor

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Pam Christian,  
City Administrator

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DATE

CITY OF WOOD VILLAGE

---

Derald Ulmer,  
Mayor

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Sheila Ritz Arthur,  
City Administrator

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DATE

APPROVED AS TO FORM

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Thomas Sponsler,  
Gresham City Attorney

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Laurence Kressel,  
Multnomah County Counsel

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(c) County shall provide each city quarterly with a written projection of the total Business Income Tax revenue and the amount anticipated to be distributed to each City.

6. This agreement shall take effect on July 1, 1988. It shall renew automatically on July 1 of each succeeding year unless one of the following provisions applies.

(a) In the event the County's Business Income Tax is repealed, this agreement shall automatically terminate as of the effective date of the repeal.

(b) In the event County wishes to maintain its Business Income Tax but terminate this revenue sharing agreement, County shall send notice of termination to each city, effective not less than two years prior to July 1 of the year the agreement is to terminate.

(c) In the event any City enacts a city business income tax, notice of the enactment shall be mailed to County within 10 days. County may terminate this agreement with respect to that city, effective not less than one year after enactment of the tax by the city.

(d) Any City may terminate its status as a party to this agreement upon six months written notice to each of the other parties.

7. Cities declare it is the intention of their governing bodies as of the date of this agreement not to impose city business income taxes. County declares it is the intention of its governing body as of the date of this agreement not to impose any additional business income tax. The parties recognize that such expressions of intent are limited because future or present governing bodies are required by law to retain discretion over all matters.

8. County agrees to give the Cities at least 60 days written notice prior to the first reading of any ordinance amending Section 5.70.045(A) of the business income tax. In the event County proposes an ordinance to reduce the rate set forth in MCC 5.70.045(A) and two or more cities file written objections to the reduction prior to the first reading of the proposed ordinance, the reduced rate will take effect two years from July 1 of the year the ordinance is adopted.

9. The parties shall comply with all applicable laws in connection with this agreement.

10. No party may assign its rights or obligations under this agreement, except that County may assign by written

County.

1. Upon dismissal of the lawsuit, the County agrees to distribute \$92,205 to the cities. This would represent complete settlement of the dispute for the period between 1977 and FY 86-87.

I think you will agree that the language in the enclosed draft is consistent with the sense of your June 17 version. Our objective was to make certain points clearer.

Paragraph 6 now includes all provisions relating to the duration of the agreement. (The June 17 version split the provisions among several paragraphs.)

Under paragraph 6, the agreement will automatically renew each year on July 1. There are certain exceptions to this rule.

The first exception, which was implicit in the 1977 agreement and your June 17 version, is that if the county repeals the BIT, the revenue sharing agreement automatically terminates. This is an important point to the county.

The other exceptions to automatic renewal track provisions from your June 17 version.

With respect to amendment of the tax rate in MCC 5.70.045(A), the county appreciates the cities' desire to be assured the rate will not be reduced. However, giving that assurance in a legally enforceable manner is problematic, as you know.

2. Upon dismissal of the lawsuit, the County agrees to distribute a total of \$736,038 to the cities as their share of the BIT revenue for FY 87-88.

3. As noted in the attached agreement, the County also agrees to distribute a total of \$1,203,681 to the cities as their share of the BIT revenue for FY 88-89.

4. The distributions referred to in paragraphs 1-3 will be apportioned to the cities in accord with the apportionment formula in the attached agreement.

5. In 1989-90 and future years, the county will distribute BIT revenues to the cities in accordance with the attached agreement.

For the most part, the attached agreement tracks the draft you sent on June 17. The substantive exceptions concern the circumstances under which the agreement can be terminated (paragraph 6) and the circumstances under which the county can amend the rate in MCC 5.70.045(A) (paragraph 8).

The June 17 provision, by which the cities could veto an amendment of MCC 5.70.045(A) was overly restrictive and probably unenforceable. The alternative we propose is to significantly delay the effective date of a rate amendment if that is requested by two or more cities (paragraph 8). This may also present enforceability problems, but it is preferable to a veto.

The county's version of the agreement also adds a sentence to state that this agreement supercedes the 1977 agreement (paragraph 11).