

Thursday, April 21, 1988

0362C
April ✓

The Board of Commissioners of Multnomah County met at the
Courthouse at ^{9:00}~~9:30~~ A.M. this date.

Present: Commissioner McCoy, Chair; Commissioner Miller;
Commissioner Anderson; Commissioner Kafoury; Commissioner Casterline.

The following proceedings were had:

Vacation Petition #4962 submitted by Hubert E.)
and Frances D. Walker for vacation of a public)
road easement off NW Skyline Blvd., to be refer-)
red to the Department of Environmental Services)
for investigation and report R-1)

Commissioner Casterline explained this road has never been
used, ~~and that there is a map describing the location~~ ^{She} moved,
duly seconded by Commissioner Kafoury, unanimously

^{Vacation Petition be referred}
ORDERED that said recommendation be adopted as the Order of

^{to DES for investigation & report.}

~~the Board~~ (Chair)

Request of the Director of Human Services for)
approval of Budget Modification DHS #39 making an)
appropriation reduction in the amount of \$65,641)
in Social Services, MCCAAs' LIEAP budget, various)
line items, to reflect actual revenues received)
from the State Community Services Program, and)
reduces service reimbursement from the Federal/)
State fund to the Insurance Fund R-2)

Upon motion of Commissioner Anderson, duly seconded by
Commissioner Kafoury, it is unanimously

ORDERED that said request be approved, and budget
modification be implemented.

In the matter of ratification of an intergovern-)
mental agreement with the City of Portland for)
the City to perform call receipt, dispatch,)
associated services and management of the City-)
County Emergency Communications/Operations Center) R-3

Commissioner Kafoury explained this ^{agreement} ~~ratification~~ is with the City of Portland ^{+ affects} for all 911 Emergency procedures. ~~Part of the~~ ^{agreement} ~~ratification~~ includes the adoption of the new funding formula and approves provision for a users board to allow other jurisdictions to have involvement in the management of the Center. The Sheriff's Office ^{+ she} ~~along with herself~~ feel it is appropriate to ratify the ~~agreement at this time~~ with the understanding that the County is willing to settle for the finance charges, but desire ~~renegotiation~~ ^{regarding the issues} of the original (enabling) agreement, ~~in which the issue of a~~ civilian commander, and users involvement in the program. She moved, duly seconded by Commissioner Anderson, it is

ORDERED that said Agreement be ratified. Commissioner Miller voting NO.

In the matter of declaring April 29th through) PROCLAMATION
May 6, 1988 Community Law Week R-4) #88-51

Commissioner McCoy read the Proclamation.

Reduce Commissioner Miller ^{said} ~~stated~~ she did not know criminals have rights, and therefore the words do not mean the Board is advocating rights for criminals. ^{included in the proc -}

Upon motion of Commissioner Casterline, duly seconded by

Commissioner Kafoury, it is unanimously

ORDERED that said Proclamation be approved.

(See Page _____ for copy)

In the Matter of Responding to specific concerns)	
raised in Internal Audit #1-88 (Juvenile Justice)	RESOLUTION
Division) - Continued from April 14	R-5)
	#88-52

Duane Zussy, Human Services Director, explained the Resolution is a substitute Resolution, in which the final clause on the first and second page have been changed according to recommendations of other interested parties. The language addresses all known concerns, and accomplishes the original objectives of the original resolution. He recommended approval.

Judge Stephan ^eHarrell, Circuit Court Judge and Chief Judge of the Juvenile Court, said ~~that~~ ^{effective on May 1.} in nine days Judge Bergman will be ^{come} the new Chief Juvenile Court Judge. He expressed his concern that there has been a misunderstanding of what the Dependency Unit in the Juvenile Court does. The main function of these positions has changed since the program started; and ~~that~~ there has been an increase in the number of cases, ^{and} the complexity of the cases, ~~since that time.~~ Responsibility for cases may continue for many years, and therefore ^{long term} the management and ^{fragment} review of these cases becomes necessary. Counselors (case management staff) are responsible for ^{case} management of other counties. ^{therefore carry heavy case loads,} Though ~~this~~ costs should probably be the responsibility of the Court System, it is not and will not be in the near future. He ^{recommended} ~~recommended~~ the Board support ~~this program.~~

Commissioner Miller asked if Judge Harrell ~~feels~~ more money should be invested in this program.

Judge Harrell replied that though all programs could be expanded and have wish lists, he feels more money is not needed at this ^{time} point.

Commissioner Miller stated ~~that~~ the amended substitute copy being considered today includes ^a deleting the word [Court] in the last paragraph of the first page, and ^{addition of} adding the words, "Trial Court Administrator and Chief Juvenile Law Judge"; and in the BE IT

FURTHER RESOLVED paragraph on the second page, deleting
[representatives of the State and the Court], and adding
"representatives of the State of Oregon's juvenile justice service
providers in Multnomah County, Trial Court Administrator, and Chief
Juvenile Law Judge" to the paragraph.

Upon motion of Commissioner Anderson, duly seconded by
Commissioner Kafoury, it is unanimously

ORDERED that said substitute Resolution be approved.

(See Page _____ for copy)

Second Reading - An Ordinance amending MCC 7.85,)	
relating to civil forfeiture, <u>and declaring an</u>)	ORDINANCE
<u>emergency</u>	R-6) NO. 575

Copies of the above-entitled Ordinance were available to
all persons wishing a copy. Ordinance was read by title only.

A hearing was held; no one from the public wished to
testify.

Upon motion of Commissioner Kafoury, duly seconded by
Commissioner Casterline, it is unanimously

ORDERED that said Ordinance be adopted. *as an emergency*

(See Supplement, Ordinances - J. 159 for copy)

In the matter of ratification of an intergovern-)
mental agreement with the City of Portland re-)
garding the division of proceeds arising from)
civil forfeitures R-7)

Upon motion of Commissioner Kafoury, duly seconded by
Commissioner Casterline, it is unanimously

ORDERED that said intergovernmental agreement be ratified.

Upon motion of Commissioner Miller, duly seconded by
Commissioner Casterline, on a roll call vote, the following matter
was considered by unanimous consent:

In the matter of Exempting from Public Bidding a)
Contract for Replacing Dairy Creek Bridge and)
Declaring an Emergency R-8)

Order
88-53

Leave as is
*have
corrected
body*
Larry Nicholas, County Engineer, said he placed this matter on the agenda in order for the Board to be briefed on the conditions of the Dairy Creek Bridge on Sauvie Island. Upon routine examination of the structure, it has been found ~~that~~ the bridge is unable to carry loads required and is unsafe for use. This bridge is the only ingress, ^{and/or} egress to the area. Though an application for State HBR funds for replacement in-kind has been submitted, funding would neither be available until 1992/93, nor would the same kind of structure be adequate. The emergency request is because of the need to escalate the time frame for replacement of the bridge.

Commissioner Casterline moved approval, duly seconded by Commissioner Anderson.

Commissioner Anderson asked whether or not installation of culverts would affect the flow as proposed by the Sturgeon Lake Reclamation Project.

Mr. Nicholas replied ~~that~~ the channel itself will continue to function normally; and the County process will expedite the Corps of Engineers permit process by five weeks. The Corps can then invoke their own emergency procedures which will require review of the ^{entire} ~~whole~~ Sturgeon Lake Ecosystem.

Discussion was held regarding support for the Sturgeon Lake Reclamation Project. *The Bd. considered* ~~The County~~ will not be spending more money for that project at this time.

Commissioner Miller asked for clarification of access on the Island.

present
Mr. Nicholas explained that the County restriction of load limits has caused considerable inconvenience to residents of the island, but there is nothing that can be done short of replacement at this time. Fire response has been discussed, and procedures have been worked out for emergencies. Permits cannot be issued for overloads on this bridge, but in the case of a fire response, engines will stop before proceeding across the bridge, thereby reducing risk of bridge failure. He stated completion of the project can be accomplished by June 17.

At this time, the motion was considered, and upon a roll call vote, it is unanimously

ORDERED that said Exemption be approved.

(See Page _____ for copy)

There being no further action to come before the Board, the

meeting was adjourned until next Tuesday morning.

BJ

00362C



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 KALOUZY • 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
APRIL 18 - 22, 1988

Monday, April 18, 1988 - 9:00 AM - Dept. of General Services
9:30 AM - CBAC
1:30 PM - Public Hearing - DGS Budget
Work Session immediately
following

Tuesday, April 19, 1988 - 9:00 AM - Planning/Informal . . Page 2
9:30 AM - Work Session - DHS Budget
1:30 PM - Work Session - Sheriff's Budget
7:00 PM - Public Hearing - Budget
Service Districts

Wednesday, April 20, 1988 - 9:00 AM - Work Session - DJS Budget
1:30 PM - Work Session - DGS Budget

Thursday, April ²¹~~14~~, 1988 - 9:00 AM - Formal. Page 3
9:30 AM - Work Session on Nondepartmental
Library and DES Budgets

Tuesday, April 19, 1988 - 9:00 AM

Multnomah County Courthouse, Room 602

INFORMAL

1. NO Informal Review of Bids and Requests for Proposals:
2. Presentation of 2 reports: Update of Students on Safety, and Homeless Youth Project by the Metropolitan Youth Commission
3. Informal Review of Formal Agenda of April 21

Thursday, April 21, 1988, 9:30 AM
Multnomah County Courthouse, Room 602

Formal Agenda

REGULAR AGENDA

DEPARTMENT OF ENVIRONMENTAL SERVICES

- A*
- R-1 Vacation Petition #4962 submitted by Hubert E. and Frances D. Walker for vacation of a public road easement off NW Skyline Blvd., to be referred to the Department of Environmental Services for investigation and report

DEPARTMENT OF HUMAN SERVICES

- |*
- R-2 Budget Modification DHS #39 making an appropriation reduction in the amount of \$65,641 in Social Services, MCCA's LIEAP budget, various line items, to reflect actual revenues received from the State Community Services Program, and reduces service reimbursement from the Federal/State fund to the Insurance Fund

SHERIFF'S OFFICE

- Miller*
No
- R-3 In the matter of ratification of an intergovernmental agreement with the City of Portland for the City to perform call receipt, dispatch, associated services and management of the City-County Emergency Communications/Operations Center

BOARD OF COUNTY COMMISSIONERS

- A*
- R-4 Proclamation in the matter of declaring April 29th through May 6, 1988 Community Law Week *88-51*
- R-5 Resolution in the Matter of Responding to specific concerns raised in Internal Audit #1-88 (Juvenile Justice Division)
- Continued from April 14 *88-52*

ORDINANCE - NONDEPARTMENTAL

- A R-6 Second Reading - An Ordinance amending MCC 7.85, relating to civil forfeiture
- R-7 In the matter of ratification of an intergovernmental agreement with the City of Portland regarding the division of proceeds arising from civil forfeitures

R-8 *Unan Consent - 88-53*
Exemption L bidding - Queens Creek Bridge

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

0345C.13-16



GLADYS McCOY, Multnomah County Chair

Room 134, County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204
(503) 248-3308

M E M O R A N D U M

TO : Jane McGarvin
Clerk of the Board

FROM : Delma Farrell

DATE : April 12, 1988

RE : Board Agenda
April 18-22, 1988

INFORMAL

County Chair

1. Submitted by Hank Miggins X-3308

Performance Agreement - City of Portland agrees to perform all call receipt, dispatch, associated services and management of the City-County Emergency Communications/Operations Center.

2. Submitted by Barbara Donin X-3308

Presentation of two reports: Update of Students on Safety and Homeless Youth Project recommendations - time certain 9:00 a.m.

FORMAL

DHS

3. Submitted by Susan Clark X-3691

Budget Modification DHS #39 decreases MCCA's LIEAP budget by a net total of \$65,641 to reflect actual revenues received from State Community Services Program.

County Chair

4. Submitted by Barbara Donin X-3308

Proclamation declaring April 29-May 6, 1988 as Community Law Week.

BSD:ddf
0725G

April 21, 1988

Mr. Paul Yarborough, Director
Department of Environmental Services
2115 SE Morrison
Portland, OR

Dear Mr. Yarborough:

Be it remembered, that at a meeting of the Board of County Commissioners held April 21, 1988, the following action was taken:

Vacation Petition #4962 submitted by Hubert E.)
and Frances D. Walker for vacation of a public)
road easement off NW Skyline Blvd., to be refer-)
red to the Department of Environmental Services)
for investigation and report R-1)


Commissioner Casterline explained this road has never been used. She moved, duly seconded by Commissioner Kafoury, unanimously

ORDERED that said Vacation Petition be referred to the Department of Environmental Services for investigation and report.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By


Barbara E. Jones
Asst. Clerk of the Board

bj
cc: Engineering

DATE SUBMITTED _____

(For Clerk's Use)

Meeting Date 4/21/88

Agenda No. R-1

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Street Vacation

Informal Only* _____
(Date)

Formal Only 4-21-88
(Date)

DEPARTMENT Board of Commissioners DIVISION _____

CONTACT Jane McGarvin TELEPHONE 3277

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD _____

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Petition for vacation of a Public Road Easement shown on Multnomah County Map 2921 submitted by Petitioners Hubert E. and Frances D. Walker, 721 NW Skyline Crest - to be referred to the Department of Environmental Services for investigation and report

Petition #4962

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA _____

IMPACT:

PERSONNEL

☐ FISCAL/BUDGETARY

☐ - General Fund

Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Jane McGarvin

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

In the matter of vacation of a
Public Road Easement shown on
Multnomah County Map 2921 and
legally described in Exhibit I
attached and

PETITION FOR VACATION

Hubert E. Walker and Frances D.
Walker, Petitioners residing at
721 N.W. Skyline Crest, Portland,
Oregon 97229

NO: 4962

I

Said Public Road Easement is located in Multnomah County, Oregon
and was recorded August 6, 1948 in Book 1282, page 515. (See
Exhibit I attached)

II

Petitioners are the owners of T.L. 35 (Formerly T.L.s 97, 35,
and the northerly portion of T.L. 81) which are adjacent to
said Public Road Easement. Exhibit II and III attached are
copies of the owners deeds to this land. Copies of Owner's Title
Insurance Policy and Plant Service Report dated 4-1-88 follow.

III

Petitioners desire vacation of said Public Road Easement because
it serves no useful purpose in its present state of uncontrolled
wild growth, trees, trash etc. and is completely uncared for by
anyone. In addition, it can be subject to improper uses such as
vandalism, debris accumulation and easy access to the sides and
back of our future residence. It is to be noted that there are
no public facilities of any kind located on this property. See
Exhibits IV attached. In addition, Exhibit V reflects the owner
of T.L. 90's concurrence and T.L. 90 together with T.L. 35 owned
by Petitioners own all of the privately owned property adjacent
to this Easement.

Therefore, Petitioners pray for your careful review and favorable
Decision and Order to Vacate this Easement.

PETITIONERS:

Hubert E. Walker
(Hubert E. Walker)

Frances D. Walker
(Frances D. Walker)

Dated: March 17, 1988.

1282 515

EASEMENT FOR PUBLIC ROAD

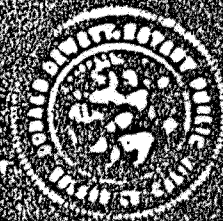
KNOW ALL MEN by these presents that we, Dwight E. Seaton and May N. Seaton, husband and wife, in consideration of bulldozing work done on our homestead and road work on our property on Skyline Blvd. by Marieta A. Kellum, do hereby grant, bargain, sell and convey a perpetual easement for ingress and egress for a public roadway over the following described real estate situated in Multnomah County, State of Oregon, to-wit:

Beginning at the center of Section 36, Township 1, North, Range 1 West of the Willamette Meridian, running thence south 89°36' West 1077.89 feet; thence north 2°00' West 404.11 feet more or less to a point which is the northeast corner of a tract of land deeded to Lillian W. Montag by deed recorded July 15, 1947 in Deed Book 1187 on page 180 deed records of Multnomah County, which point is the true point of beginning of the tract to be described; thence south 2°00' East 28.05 feet to a point; thence south 89°36' East 345 feet more or less to the west line of Skyline Boulevard; thence northerly along the west line of Skyline Boulevard 35 feet more or less to a point in the southerly line of the Kellum tract which point is south 89°36' East of the true point of beginning; thence north 89°36' West along the southerly line of Kellum tract 365 feet more or less to the true point of beginning.

To have and to hold said above described strip of land unto the said party of the second part, for the uses and purposes of a public road.

And the said vendors hereby warrant the title to said premises against the claims of all persons whomsoever.

In witness whereof we have hereunto set our hands and seals, this 10th day of June, 1948.



Dwight E. Seaton (SEAL)

May N. Seaton (SEAL)

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

BE IT REMEMBERED, That on this 10 day of June A. D. 1948, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Dwight E. Seaton and May N. Seaton, who are known to me to be the identical individuals described in and who executed the within instruments and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year last above written.

[Signature]
Notary Public for California

Small document 1282 515 539



**OREGON TITLE
Insurance Company**

**STATUTORY WARRANTY DEED
(Individual or Corporation)**

BOOK 1993 PAGE 2575

BOOK 1978 PAGE 730

FRED C. FELTER, M.D., P.C., PENSION PLAN _____
conveys and warrants to HUBERT E. WALKER and FRANCES D. WALKER, husband & wife _____, Grantor,
the following described real property in the County of Washington Multnomah _____, Grantee,
free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO.

THIS DEED IS BEING RE/RECORDED TO CORRECT THE COUNTY STATED ABOVE, AND TO
AFFIX THE NOTARY SEAL BELOW.

This property is free of liens and encumbrances, EXCEPT:
Rights of the public within NW Skyline Blvd;
Easement, 8/6/48, Bk 1281, Pg 515;

The true consideration for this conveyance is \$ 45,000.00 (Here comply with the requirements of ORS 93.030*).

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.

DATED this 4 day of February 19 87. If a corporate grantor, it has caused its name to be signed by resolution of its board of directors.

FRED C. FELTER, M.D., P.C., PENSION PLAN

[Signature]

STATE OF OREGON, County of Washington)ss.

The foregoing instrument was acknowledged before me this 4th day of February 19 87 by Fred C. Felter, trustee of Fred C. Felter M.D., P.C., Pension Plan

[Signature]

Notary Public for Oregon

My commission expires: 5/30/89

*If the consideration consists of or includes other property or value, add the following: "The actual consideration consists of or includes other property or value given or promised which is ^{the whole} _{part of the} consideration (indicate which)."

Order No. 353757-M

After recording return to:

Oregon Title Insurance Company
Beaverton Office

NAME, ADDRESS, ZIP

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

Hubert & Frances Walker
721 NW Skyline Crest
Portland, OR 97229

OTIC 508

NAME, ADDRESS, ZIP

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of _____)ss.

The foregoing instrument was acknowledged before me this _____ day of _____ 19 _____ by _____ and _____ of _____ a corporation, on behalf of the corporation.

Notary Public for Oregon

My commission expires:

THIS SPACE RESERVED FOR RECORDER'S USE

100117

EXHIBIT II

Number: 353757 M
Legal Description

AMENDED EXHIBIT "A"

PARCEL I

Beginning at the center of Section 36, Township 1 North, of Range 1 West of the Willamette Meridian, running thence South 88° 36' West on the East and West center line of said Section 36, 1077.89 feet; thence North 2° West, 404.11 feet, more or less, to a point which is the Northeast corner of a tract of land deeded to Lillian W. Montag, by deed recorded July 15, 1947 in PS Deed Book 1187, Page 190, Deed Records of Multnomah County, Oregon; thence North 89° 36' East 200 feet to a point which is the true point of beginning of the tract to be described; thence South 2° 00' East, 150.3 feet; thence North 89° 36' East, 160.77 feet, more or less, to the center line of Skyline Boulevard; thence Northerly along the center line of Skyline Blvd., 195.51 feet; thence South 89° 36' West, 200 feet to the place of beginning.

PARCEL II

A tract of land in the Northwest quarter of Section 36, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the intersection of the centerline of Skyline Boulevard, and the East and West center line of Section 36, Township 1 North of Range 1 West of the Willamette Meridian, said intersection being South 88° 36' West, 630.14 feet from an iron pipe at the center of said Section 36; thence South 88° 36' West, 447.75 feet to the Southeast corner of a tract conveyed to Lillian W. Montag by deed recorded July 15, 1947 in Book 1187, Page 190, Deed Records; thence North 2° 00' West along the East line of said Montag Tract, 259.1 feet to the true point of beginning; thence North 2° 00' West along the East line of said Montag tract, 145.01 feet to the North line of a tract conveyed to Dwight E. Seaton and wife by deed recorded March 6, 1939 in Book 487, Page 599, Deed records; thence North 89° 36' East, along the North line of said Seaton tract, 200 feet to the Northwest corner of a tract conveyed to May Kuks by deed recorded October 17, 1947 in Book 1364, page 534, Deed Records;

(CONTINUED)

EXHIBIT II

~~100117~~
100118

Number: 353757 M
Legal Description Continued
Page 2

BOOK 1993 PAGE 2577

Thence South 2° 00' East along the West line of said Kuks tract, 150.3 feet to the Southwest corner thereof and the North line of a tract conveyed to Lillian W. Montag by deed recorded January 7, 1948 in Book 1234, Page 68, Deed records, thence Westerly along the North line of said Montag tract, 200 feet, more or less, to the true place of beginning.

028563

RE-RECORD

STATE OF OREGON }
Multnomah County } ss.

I, a Deputy for the Recorder of Conveyances, in and for said County, do hereby certify that the within instrument of writing was received for record and recorded in the record of said County

1987 APR -8 PM 2:25

RECORDING SECTION
MULTNOMAH CO. OREGON

In Book 1001119 On Page 2575

witness my hand and seal of office affixed.

Recorder of Conveyances

M. Butna

Deputy

009944

STATE OF OREGON }
Multnomah County } ss.

I, a Deputy for the Recorder of Conveyances, in and for said County, do hereby certify that the within instrument of writing was received for record and recorded in the record of said County

FEB 6 1987 -8 30 AM

MULTNOMAH COUNTY, OREGON

In Book 1001197 On Page 790

witness my hand and seal of office affixed.

Recorder of Conveyances

M. Butna

Deputy

13
10

100121



**OREGON TITLE
Insurance Company**

STATUTORY WARRANTY DEED
(Individual or Corporation)

MALCOLM CARTER

_____, Grantor,
conveys and warrants to HUBERT E. WALKER and ETTIE D. WALKER, husband & wife
_____, Grantee,
the following described real property in the County of Multnomah and State of Oregon
free of liens and encumbrances, except as specifically shown herein:

SEE EXHIBIT "A" ATTACHED HERETO.

This property is free of liens and encumbrances, EXCEPT:

Easement, recorded May 22, 1933, Book 222 page 156.

The true consideration for this conveyance is \$ 8,800.00 (Here comply with the requirements of ORS 93.030*).

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.

DATED this 31st day of December 1986. If corporate grantor, it has caused its name to be signed by resolution of its board of directors.

Malcolm Carter
Malcolm Carter

CORPORATE ACKNOWLEDGEMENT

STATE OF OREGON, County of Washington DATE OF OREGON, County of _____ ss.

The foregoing instrument was acknowledged before me this 31st day of December 1986 by Malcolm Carter

The foregoing instrument was acknowledged before me this _____ day of _____ 19 _____ and _____

_____, corporation, on behalf of the corporation.

Notary Public for Oregon

Notary Public for Oregon

My commission expires: 9/30/89

My commission expires:

*If the consideration consists of or includes other property or value the following: "The actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which)."

THIS SPACE RESERVED FOR RECORDER'S USE

Order No. 353893-M

Book 1969

After recording returns to:

Page 3685

Oregon Title Insurance Company
Beaverton Office

recorded
2/31/86

100162

NAME, ADDRESS, ZIP

Under a change in requirement all tax statements shall be sent to the following address:

Hubert Walker
721 NW Skyline Crest
Portland 97209

OREGON TITLE INS. CO. 353893M

EXHIBIT "A"

A tract of land in Section 36, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the Southwest corner of that certain tract of land conveyed by deed to Dwight E. Seaton and May W. Seaton, recorded in P.S. Book 487, page 599, Deed Records of Multnomah County, Oregon, March 16, 1939, and running North 8°00' West following the legal subdivision line, 409.19 feet to the Northwest corner of said tract; thence Easterly following the North line of said tract 235 feet; thence Southerly and parallel to the West line of said tract 404.11 feet more or less to the South line of said tract; thence West 233.07 feet to the place of beginning.

EXCEPTING THEREFROM the South 258.8 feet of the above described property.

TOGETHER WITH an easement for ingress and egress as described in instrument recorded August 6, 1948 in Book 1282, Page 515.

110066

STATE OF OREGON }
Multnomah County }

I, a Deputy for the Recorder of Conveyances, in and for said County, do hereby certify that the within instrument of writing was received for record and recorded in the record of said County.

1966 DEC 31 PM 4: 27

RECORDED SECTION
MULTNOMAH CO. OREGON

In Book On Page
BOOK 1969 PAGE 3685

Witness my hand and seal of office this 27th day of December, 1966.

Recorder of Conveyances

M Butts
Deputy

9
10

Hubert E. Walker
721 N.W. Skyline Crest
Portland, Oregon 97229

In the matter of a Public Road Easement adjacent to
TL 35,97,81 and 90 in NW1/4 Sec 36 T1N R1W WM in Multnomah
County, Oregon, we hereby declare that we have
No facilities of any kind located therein and
No objection to vacation of the Easement.

Yours very truly,

FC Talain 12/22/86
F. C. Talain 2/26/88

EXHIBIT IV

100233

Fil C. Talain
Manager-Engineering



Pacific Northwest Bell
421 Southwest Oak Street, Room 5N14
Portland, Oregon 97204
Phone (503) 242-4324

100234



Portland General Electric Company

Date : 2-26-88

Hubert E. Walker
721 N.W. Skyline Crest
Portland , Or 97229

Mr. Walker,

Thank you for your concern as we appreciated the opportunity to follow up on requests of this nature to ensure all of the pieces are taken care of.

This letter will reaffirm the previous letter dated December 16, 1986 sent to you by Rick Syring stating that Portland General Electric has no facilities on the public road easement in the area described. (att)

If I can be of any further assistance please call me at 643-5454 on extension 222.

Thanks,

A handwritten signature in dark ink, appearing to read 'J. Thompson'.

Jerry Thompson
Service and Design Supervisor

EXHIBIT IV



Portland General Electric Company

December 16, 1986

Hubert E. Walker
721 SW Skyline Crest
Portland OR 97229

Dear Mr. Walker:

As we discussed by phone, PGE has no facilities on the public road easement that runs west off Skyline south of Cornell Road that is bounded by Lots 97, 35, 81 and 90 in Section 36, Township 1 North, Range 1 West.

Sincerely,

A handwritten signature in cursive script that reads 'Rick Syring'.

Rick Syring
Service and Design Supervisor
Western Region

RS/5B11

EXHIBIT IV

100238

NORTHWEST



NATURAL GAS COMPANY

220 N.W. SECOND AVENUE

PORTLAND, OREGON 97209

(503) 226-4211

February 23, 1988

Hubert E. Walker
721 N.W. Skyline Crest
Portland, Oregon 97229

Re: Proposed Vacation of an Unnamed Public Road
off of Skyline Bv, T1N, R1W, Section 36B

Dear Mr. Walker:

Please be advised that Northwest Natural Gas Company has no facilities within the proposed vacation area as shown on the sketch included with your letter dated December 16, 1986. Attached you will find a sketch showing the location of our facilities within the general area of the proposed vacation.

If additional information is required please don't hesitate to call.

Sincerely,

Diantha G. Beal
Engineering Dept.

cc: Vacation File

Plat: 29-21

EXHIBIT IV

EXHIBIT IV

Road Easement

#605
(87) (P) 792' (C) 798'

#817

(W) 1693'

6-114-64

REPL.
#805

RECON.
#707

115' 135'

Ease. #500

INSULATE

10+50

#525
(77)

(W) 768'

#507

(W) 705'

N.W. SKYLINE 1'-41'

4770-41

3506
(84)

N.W. SKYLINE BLVD. = 0+00

RECON. #63
(79)

1164'

(W) 1082'

10'

1052'

(W) 1311'

RD.

4770-41

1'-41'

12'

10'

7'

15+28

1509'

1'-41'

1638'

1'-41'

(W) 1056'

1'-41'

1693'

(W)

#80

Hubert E. Walker
721 N.W. Skyline Crest
Portland, Oregon 97229

In the matter of a Public Road Easement adjacent to
TL 35,97,81 and 90 in NW1/4 Sec 36 T1N R1W WM in Multnomah
County, Oregon, we hereby declare that we have
No facilities of any kind located therein and
No objection to vacation of the Easement.

Yours very truly,

DG Beal

EXHIBIT IV

100232



CITY OF
PORTLAND, OREGON
BUREAU OF WATER WORKS

Bob Koch, Commissioner
Edward Tenny, Administrator
1120 S.W. 5th Avenue
Portland, Oregon 97204-1926

March 11, 1988

BG 3.6.13
Street Vacation

Mr. Hubert Walker
721 N.W. Skyline Crest
Portland, Oregon 97229

Re: Right-Of-Way Between Tax Lots 35 and 90, Section 36 T1N R1W WM

Dear Mr. Walker:

The City of Portland Water Bureau currently maintains and operates the water facilities adjacent to the referenced property. There are no water facilities within this property, and we have no objection to the vacation of this right-of-way.

Sincerely,

Hill Hampton
Hill Hampton, P.E.
Customer Service Engineer

HH:RGN:nhn
COM:GEN88-066

EXHIBIT IV

Roberta J. McCready
645 NW Skyline Blvd.
Portland, OR 97229
(503) 292-8118

December 30, 1986

**MULTNOMAH COUNTY
BOARD OF COMMISSIONERS**

Re.: Public Road Easement
Dated 6-10-48
Recorded in Book 1282 Page 515
Adjacent to Tax Lots 97, 35, 81, and 90
In NW Quarter Section of Map 36,
Township IN - R - 1 - W - WM
In Multnomah County, Oregon

The undersigned owner of tax lot 90 is in favor of vacating said easement as it does not serve any useful purpose and as a public easement may be subject to uncontrolled wild growth, improper use--such as vandalism, accumulation of debris, and easy access to sides and back of our property and residence.


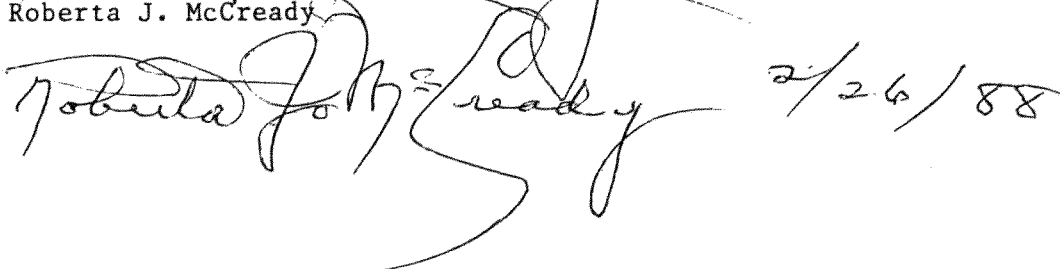

Roberta J. McCready


EXHIBIT V

100240

POLICY OF TITLE INSURANCE

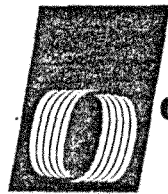
ISSUED BY

OREGON TITLE INSURANCE COMPANY

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS CONTAINED IN SCHEDULE B AND THE PROVISIONS OF THE CONDITIONS AND STIPULATIONS HEREOF, OREGON TITLE INSURANCE COMPANY, an Oregon corporation, herein called the Company, insures, as of Date of Policy shown in Schedule A, against loss or damage, not exceeding the amount of insurance stated in Schedule A, and costs, attorneys' fees and expenses which the Company may become obligated to pay hereunder sustained or incurred by the insured by reason of:

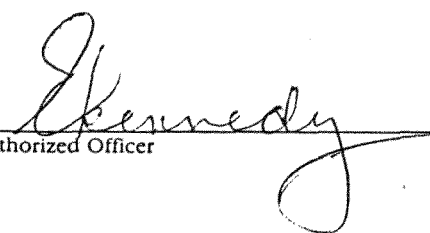
1. title to the estate or interest described in Schedule A vested otherwise than as stated therein;
2. any defect in or lien or encumbrance on such title;
3. lack of a right of access to and from the land; or
4. unmarketability of such title.

IN WITNESS WHEREOF, OREGON TITLE INSURANCE COMPANY has caused its corporate name and seal to be hereunto affixed and authenticated by the facsimile signatures of its President and Secretary, provided this policy is valid only when countersigned by a duly authorized officer or agent of the corporation.



OREGON TITLE INSURANCE COMPANY

Countersigned


Authorized Officer

BY



PRESIDENT

ATTEST



SECRETARY

100125

SCHEDULE OF EXCLUSIONS FROM COVERAGE

THE FOLLOWING MATTERS ARE EXPRESSLY EXCLUDED FROM THE COVERAGE OF THIS POLICY:

1. ANY LAW, ORDINANCE OR GOVERNMENTAL REGULATION (INCLUDING BUT NOT LIMITED TO BUILDING AND ZONING ORDINANCES) RESTRICTING OR REGULATING OR PROHIBITING THE OCCUPANCY, USE OR ENJOYMENT OF THE LAND, OR REGULATING THE CHARACTER, DIMENSIONS OR LOCATION OF ANY IMPROVEMENT NOW OR HEREAFTER ERECTED ON THE LAND, OR PROHIBITING A SEPARATION IN OWNERSHIP OR A REDUCTION IN THE DIMENSIONS OR AREA OF THE LAND, OR THE EFFECT OF ANY VIOLATION OF ANY SUCH LAW, ORDINANCE OR GOVERNMENTAL REGULATION.
2. RIGHTS OF EMINENT DOMAIN OR GOVERNMENTAL RIGHTS OF POLICE POWER UNLESS NOTICE OF THE EXERCISE OF SUCH RIGHTS APPEARS IN THE PUBLIC RECORDS AT DATE OF POLICY.
3. DEFECTS, LIENS, ENCUMBRANCES, ADVERSE CLAIMS, OR OTHER MATTERS (a) CREATED, SUFFERED, ASSUMED OR AGREED TO BY THE INSURED CLAIMANT; (b) NOT KNOWN TO THE COMPANY AND NOT SHOWN BY THE PUBLIC RECORDS BUT KNOWN TO THE INSURED CLAIMANT EITHER AT DATE OF POLICY OR AT THE DATE SUCH CLAIMANT ACQUIRED AN ESTATE OR INTEREST INSURED BY THIS POLICY AND NOT DISCLOSED IN WRITING BY THE INSURED CLAIMANT TO THE COMPANY PRIOR TO THE DATE SUCH INSURED CLAIMANT BECAME AN INSURED HEREUNDER; (c) RESULTING IN NO LOSS OR DAMAGE TO THE INSURED CLAIMANT; (d) ATTACHING OR CREATED SUBSEQUENT TO DATE OF POLICY; OR (e) RESULTING IN LOSS OR DAMAGE WHICH WOULD NOT HAVE BEEN SUSTAINED IF THE INSURED CLAIMANT HAD PAID VALUE FOR THE ESTATE OR INTEREST INSURED BY THIS POLICY.

CONDITIONS AND STIPULATIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

(a) "insured": the insured named in Schedule A, and, subject to any rights or defenses the Company may have had against the named insured, those who succeed to the interest of such insured by operation of law as distinguished from purchase including, but not limited to, heirs, distributees, devisees, survivors, personal representatives, next of kin, or corporate or fiduciary successors.

(b) "insured claimant": an insured claiming loss or damage hereunder.

(c) "knowledge": actual knowledge, not constructive knowledge or notice which may be imputed to an insured by reason of any public records.

(d) "land": the land described, specifically or by reference to Schedule A and improvements affixed thereto which by law constitute real property; provided, however, the term "land" does not include any property beyond the lines of the area specifically described or referred to in Schedule A, nor any right, title, interest, estate or easement in abutting streets, roads, avenues, alleys, lanes, ways or waterways, but nothing herein shall modify or limit the extent to which a right of access to and from the land is insured by this policy.

(e) "mortgage": mortgage, deed of trust, trust deed, or other security instrument.

(f) "public records": those records which by law impart constructive notice of matters relating to said land.

2. CONTINUATION OF INSURANCE AFTER CONVEYANCE OF TITLE

The coverage of this policy shall continue in force as of Date of Policy in favor of an insured so long as such insured retains an estate or interest in the land, or holds an indebtedness secured by a purchase money mortgage given by a purchaser from such insured, or so long as such insured shall have liability by reason of covenants or warranty made by such insured in any transfer or conveyance of such estate or interest; provided, however, this policy shall not continue in force in favor of any purchaser from such insured of either said estate or interest or the indebtedness secured by a purchase money mortgage given to such insured.

3. DEFENSE AND PROSECUTION OF ACTIONS—NOTICE OF CLAIM TO BE GIVEN BY AN INSURED CLAIMANT

(a) The Company, at its own cost and without undue delay, shall provide for the defense of an insured in all litigation consisting of actions or proceedings commenced against such insured, or a defense interposed against an insured in an action to enforce a contract for a sale of the estate or interest in said land, to the extent that such litigation is founded upon an alleged defect, lien, encumbrance, or other matter insured against by this policy.

(b) The insured shall notify the Company promptly in writing (i) in case any action or proceeding is begun or defense is interposed as set forth in (a) above, (ii) in case knowledge shall come to an insured hereunder of any claim of title or interest which is adverse to the title to the estate or interest, as insured, and which might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if title to the estate or interest, as insured, is rejected as unmarketable. If such prompt notice shall not be given to the Company, then as to such insured all liability of the Company shall cease and terminate in regard to the matter or matters for which such prompt notice is required; provided, however, that failure to notify shall in no case prejudice the rights of any such insured under this policy unless the Company shall be prejudiced by such failure and then only to the extent of such prejudice.

(c) The Company shall have the right at its own cost to institute and without undue delay prosecute any action or proceeding or to do any other act which in its opinion may be necessary or desirable to establish the title to the estate or interest as insured, and the Company may take any appropriate action under the terms of this policy, whether or not it shall be liable thereunder, and shall not thereby concede liability or waive any provision of this policy.

(d) Whenever the Company shall have brought any action or interposed a defense as required or permitted by the provisions of this policy, the Company may pursue any such litigation to final determination by a court of competent jurisdiction and expressly reserves the right in its sole discretion, to appeal from any adverse judgment or order.

(e) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding, the insured

hereunder shall secure to the Company the right to so prosecute or provide defense in such action or proceeding, and all appeals therein, and permit the Company to use, at its option, the name of such insured for such purpose. Whenever requested by the Company, such insured shall give the Company all reasonable aid in any such action or proceeding, in effecting settlement, securing evidence, obtaining witnesses, or prosecuting or defending such action or proceeding, and the Company shall reimburse such insured for any expense so incurred.

4. NOTICE OF LOSS—LIMITATION OF ACTION

In addition to the notices required under paragraph 3(b) of these Conditions and Stipulations, a statement in writing of any loss or damage for which it is claimed the Company is liable under this policy shall be furnished to the Company within 90 days after such loss or damage shall have been determined and no right of action shall accrue to an insured claimant until 30 days after such statement shall have been furnished. Failure to furnish such statement of loss or damage shall terminate any liability of the Company under this policy as to such loss or damage.

5. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS

The Company shall have the option to pay or otherwise settle for or in the name of an insured claimant any claim insured against or to terminate all liability and obligations of the Company hereunder by paying or tendering payment of the amount of insurance under this policy together with any costs, attorney's fees and expenses incurred up to the time of such payment or tender of payment, by the insured claimant and authorized by the Company.

6. DETERMINATION AND PAYMENT OF LOSS

(a) The liability of the Company under this policy shall in no case exceed the least of:

(i) the actual loss of the insured claimant; or

(ii) the amount of insurance stated in Schedule A.

(Continued on inside back cover)

SCHEDULE A

Date of Policy: February 6, 1987

At: 8:30 A.M.

Policy No. 353757 M

Amount of Insurance: \$45,000.00

Order No. 353757 M

Charge: \$280.00

1. Insured:

HUBERT E. WALKER AND FRANCES D. WALKER

2. The estate or interest referred to herein is, at the date hereof, vested in:

HUBERT E. WALKER AND FRANCES D. WALKER,
as tenants by the entirety

3. The land referred to in this policy is described as:

PLEASE SEE AMENDED EXHIBIT "A" ATTACHED HERETO

4. The estate or interest in the land described in this schedule is:

A FEE

SCHEDULE B

This policy does not insure against loss or damage by reason of the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement or encumbrances, not shown by the public records, reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water.
4. Any lien, or right to a lien, for taxes, workman's compensation, services, labor, equipment rental or material heretofore or hereafter furnished, imposed by law and not shown by the public records.
5. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose.

100127

SCHEDULE B, CONTINUED

6. Subject to possible additional taxes by reason of property not being on current tax bills as set forth in ORS 380.242 and 311.205. (Affects underlying easement shown as Exception No. 8 herein.

7. The rights of the public in and to that portion of the premises herein describing within the limits of N.W. Skyline Boulevard.

8. An easement created by instrument including the terms and provisions thereof,

Dated : July 10 1948

Recorded : August 1948 Book : 1281 Page : 515

In favor of : Public

For : Ingress and egress

Affects : North portion, see recorded document for details
(Affects Parcel I)

100128

Number: 353757 M
Legal Description

AMENDED EXHIBIT "A"

PARCEL I

Beginning at the center of Section 36, Township 1 North, of Range 1 West of the Willamette Meridian, running thence South 88° 36' West on the East and West center line of said Section 36, 1077.89 feet; thence North 2° West, 404.11 feet, more or less, to a point which is the Northeast corner of a tract of land deeded to Lillian W. Montag, by deed recorded July 15, 1947 in PS Deed Book 1187, Page 190, Deed Records of Multnomah County, Oregon; thence North 89° 36' East 200 feet to a point which is the true point of beginning of the tract to be described; thence South 2° 00' East, 150.3 feet; thence North 89° 36' East, 160.77 feet, more or less, to the center line of Skyline Boulevard; thence Northerly along the center line of Skyline Blvd., 195.51 feet; thence South 89° 36' West, 200 feet to the place of beginning.

PARCEL II

A tract of land in the Northwest quarter of Section 36, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the intersection of the centerline of Skyline Boulevard, and the East and West center line of Section 36, Township 1 North of Range 1 West of the Willamette Meridian, said intersection being South 88° 36' West, 630.14 feet from an iron pipe at the center of said Section 36; thence South 88° 36' West, 447.75 feet to the Southeast corner of a tract conveyed to Lillian W. Montag by deed recorded July 15, 1947 in Book 1187, Page 190, Deed Records; thence North 2° 00' West along the East line of said Montag Tract, 259.1 feet to the true point of beginning; thence North 2° 00' West along the East line of said Montag tract, 145.01 feet to the North line of a tract conveyed to Dwight E. Seaton and wife by deed recorded March 6, 1939 in Book 487, Page 599, Deed records; thence North 89° 36' East, along the North line of said Seaton tract, 200 feet to the Northwest corner of a tract conveyed to May Kuks by deed recorded October 17, 1947 in Book 1364, page 534, Deed Records;

(CONTINUED)

100129

Number: 353757 M
Legal Description Continued
Page 2

Thence South 2° 00' East along the West line of said Kuks tract, 150.3 feet to the Southwest corner thereof and the North line of a tract conveyed to Lillian W. Montag by deed recorded January 7, 1948 in Book 1234, Page 68, Deed records, thence Westerly along the North line of said Montag tract, 200 feet, more or less, to the true place of beginning.

100130

Indorsement

Attached To Policy No. 353757 M

Issued By

OREGON TITLE INSURANCE COMPANY

The said Policy is hereby amended in the following manner:

EXCLUSIONS FROM COVERAGE Nos. 1 and 2 are revised to read as follows:

1. (a) Governmental police power.

(b) Any law, ordinance or governmental regulation relating to environmental protection.

(c) Any law, ordinance or governmental regulation (including but not limited to building and zoning ordinances) restricting or regulating or prohibiting the occupancy, use or enjoyment of the land, or regulating the character, dimensions or location of any improvement now or hereafter erected on the land, or prohibiting a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part.

(d) The effect of any violation of the matters excluded under (a), (b) or (c) above, unless notice of a defect, lien or encumbrance resulting from a violation has been recorded at Date of Policy in those records in which under state statutes deeds, mortgages, lis pendens, liens or other title encumbrances must be recorded in order to impart constructive notice to purchasers of the land for value and without knowledge; provided, however, that without limitation, such records shall not be construed to include records in any of the offices of federal, state or local environmental protection, zoning, building, health or public safety authorities.

2. Rights of eminent domain unless notice of the exercise of such rights appears in the public records at Date of Policy.

The total liability of the Company under said policy and any endorsement thereon shall not exceed, in aggregate, the face amount of said policy and costs which the Company is obligated, under the conditions and stipulations thereof, to pay.

This endorsement is made a part of said policy and is subject to the schedule, conditions and stipulations therein, except as modified by the provisions hereof.

Nothing herein contained shall be construed as extending or changing the effective date of said Policy, unless otherwise expressly stated.

This indorsement is made a part of said policy and is subject to the schedules, conditions and stipulations therein, except as modified by the provisions hereof.

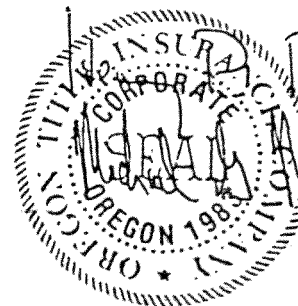
Dated: February 6, 1987

OREGON TITLE INSURANCE COMPANY

By

Attest:

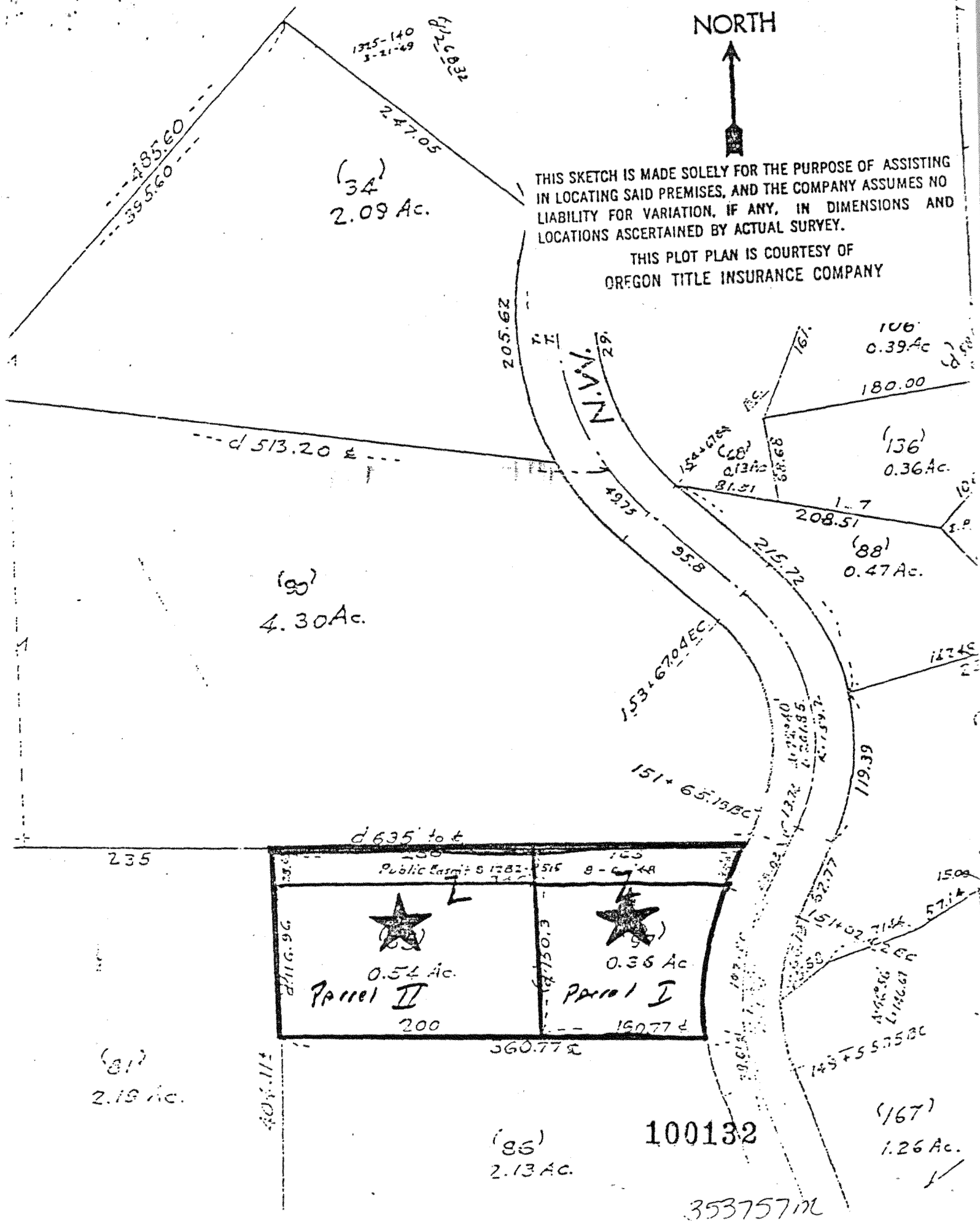
100131



President

Secretary

THIS PLOT PLAN IS COURTESY OF
OREGON TITLE INSURANCE COMPANY



CONDITIONS AND STIPULATIONS

(Continued from inside front cover)

(b) The Company will pay, in addition to any loss insured against by this policy, all costs imposed upon an insured in litigation carried on by the Company for such insured, and all costs, attorney's fees and expenses in litigation carried on by such insured with the written authorization of the Company.

(c) When liability has been definitely fixed in accordance with the conditions of this policy, the loss or damage shall be payable within 30 days thereafter.

7. LIMITATION OF LIABILITY

No claim shall arise or be maintainable under this policy (a) if the Company, after having received notice of an alleged defect, lien or encumbrance insured against hereunder, by litigation or otherwise, removes such defect, lien or encumbrance or establishes the title, as insured, within a reasonable time after receipt of such notice; (b) in the event of litigation until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals therefrom, adverse to the title, as insured, as provided in paragraph 3 hereof; or (c) for liability voluntarily assumed by an insured in settling any claim or suit without prior written consent of the Company.

8. REDUCTION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees and expenses, shall reduce the amount of the insurance pro tanto. No payment shall be made without producing this policy for endorsement of such payment unless the policy be lost or destroyed, in which case proof of such loss or destruction shall be furnished to the satisfaction of the Company.

9. LIABILITY NONCUMULATIVE

It is expressly understood that the amount of insurance under this policy shall be reduced by any amount the Company may pay under any policy insuring either (a) a mortgage shown or referred to in Schedule B hereof which is a lien on the estate or interest covered by this policy, or (b) a mortgage hereafter executed by an insured which is a charge or lien on the estate or interest described or referred to in Schedule A, and the amount so paid shall be deemed a payment under this policy. The Company shall have the option to apply to the payment of any such mortgages any amount that otherwise would be payable hereunder to the insured owner of the estate or interest covered by this policy and the amount so paid shall be deemed a payment under this policy to said insured owner.

10. APPORTIONMENT

If the land described in Schedule A consists of two or more parcels which are not used as a single site, and a loss is established affecting one or more of said parcels but not all, the loss shall be computed and settled on a pro rata basis as if the amount of insurance under this policy was divided pro rata as to the value on Date of Policy of each separate parcel to the whole, exclusive of any improvements made subsequent to Date of Policy, unless a liability or value has otherwise been agreed upon as to each such parcel by the Company and the insured at the time of the issuance of this policy and shown by an express statement herein or by an endorsement attached hereto.

11. SUBROGATION UPON PAYMENT OR SETTLEMENT

Whenever the Company shall have settled a claim under this policy, all right of subrogation shall vest in the Company unaffected by any act of the insured claimant. The Company shall be subrogated to and be entitled to all rights and remedies which such insured claimant would have had against any person or property in respect to such claim had this policy not been issued, and if requested by the Company, such insured claimant shall transfer to the Company all rights and remedies against any person or property necessary in order to perfect such right of subrogation and shall permit the Company to use the name of such insured claimant in any transaction or litigation involving such rights or remedies. If the payment does not cover the loss of such insured claimant, the Company shall be subrogated to such rights and remedies in the proportion which said payment bears to the amount of said loss. If loss should result from any act of such insured claimant, such act shall not void this policy, but the Company, in that event, shall be required to pay only that part of any losses insured against hereunder which shall exceed the amount, if any, lost to the Company by reason of the impairment of the right of subrogation.

12. LIABILITY LIMITED TO THIS POLICY

This instrument together with all endorsements and other instruments, if any, attached hereto by the Company is the entire policy and contract between the insured and the Company.

Any claim of loss or damage, whether or not based on negligence, and which arises out of the status of the title to the estate or interest covered hereby or any action asserting such claim, shall be restricted to the provisions and conditions and stipulations of this policy.

No amendment of or endorsement to this policy can be made except by writing endorsed hereon or attached hereto signed by either the President, a Vice President, the Secretary, an Assistant Secretary, or validating officer or authorized signatory of the Company.

13. NOTICES, WHERE SENT

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at its main office at 1515 S.W. 5th Avenue, Portland, Oregon 97201 and Commonwealth Land Title Insurance Company, Eight Penn Center, Philadelphia, Pennsylvania 19103.

REINSURANCE

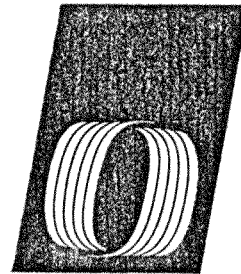
As additional protection to the insured, an automatic reinsurance agreement exists between Oregon Title Insurance Company and Commonwealth Land Title Insurance Company, a Pennsylvania corporation, duly authorized to transact the business of title insurance in the State of Oregon.

Commonwealth Land Title Insurance Company by terms of said reinsurance agreement assumes a portion of the loss risk hereinafter a primary retention of loss risk by Oregon Title Insurance Company. A certificate of reinsurance is available upon request.

100133

POLICY OF
TITLE INSURANCE

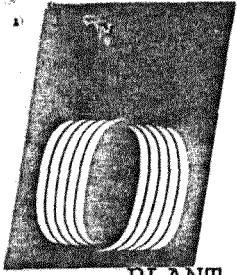
ISSUED BY



**OREGON
TITLE INSURANCE
COMPANY**

HOME OFFICE
1515 Southwest Fifth Avenue
Portland, Oregon 97201

100134



**OREGON TITLE
Insurance Company**

PLANT SERVICE REPORT

OTIC NO. 754511 M
FEE \$75.00

OREGON TITLE INSURANCE COMPANY,
herein the Company

has provided the attached information as a special service based on the records and indices listed herein. THIS IS NOT A PRELIMINARY TITLE REPORT, NOR A COMMITMENT TO ISSUE TITLE INSURANCE, since no examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for errors and/or omissions is limited to the amount of fee paid, and the company will not otherwise be responsible. The Company has no liability for any error or omission which does not result in actual loss to the named customer.

The charge for this service will not include supplemental reports, updates, or any other additional services.

If additional services are requested, the following charges will be assessed by the Company:

(1) Fifteen dollars (\$15.00) for each supplemental, update, or related service, verbal or written within a 90 day period, provided that the Company will assess a minimum \$25.00 charge for any work done at the courthouse.

(2) After 90 days, the charge shall be thirty-five dollars (\$35.00) per hour, minimum charge twenty dollars (\$20.00).

Copies of documents may be assessed at the rate of ten cents (\$.10) a page, or at the rate charged by a government agency, e.g., copies of court filings.

Hubert Walker
721 NW Skyline Crest
Portland, OR 97229

DATED: April 1, 1988

OREGON TITLE INSURANCE COMPANY

BY Kim N. Powell
Kim N. Powell

Customer Reference: WALKER

PLANT SERVICE REPORT:

Subject to the limitations specified on the cover sheet, the Company has examined its title plant records, and the Company reports as follows:

According to the Company's tract indices as to the land described as follows:

PARCEL I

Beginning at the center of Section 36, Township 1 North, of Range 1 West of the Willamette Meridian, running thence South 88° 36' West on the East and West center line of said Section 36, 1077.89 feet; thence North 2° West, 404.11 feet, more or less, to a point which is the Northeast corner of a tract of land deeded to Lillian W. Montag, by deed recorded July 15, 1947 in PS Deed Book 1187, Page 190, Deed Records of Multnomah County, Oregon; thence North 89° 36' East 200 feet to a point which is the true point of beginning of the tract to be described; thence South 2° 00' East, 150.3 feet; thence North 89° 36' East, 160.77 feet, more or less, to the center line of Skyline Boulevard; thence Northerly along the center line of Skyline Blvd., 195.51 feet; thence South 89° 36' West, 200 feet to the place of beginning.

PARCEL II

A tract of land in the Northwest quarter of Section 36, Township 1 North, Range 1 West of the Willamette Meridian, in the County of Multnomah and State of Oregon, described as follows:

Beginning at the intersection of the centerline of Skyline Boulevard, and the East and West center line of Section 36, Township 1 North of Range 1 West of the Willamette Meridian, said intersection being South 88° 36' West, 630.14 feet from an iron pipe at the center of said Section 36; thence South 88° 36' West, 447.75 feet to the Southeast corner of a tract conveyed to Lillian W. Montag by deed recorded July 15, 1947 in Book 1187, Page 190, Deed Records; thence North 2° 00' West along the East line of said Montag Tract, 259.1 feet to the true point of beginning; thence North 2° 00' West along the East line of said Montag tract, 145.01 feet to the North line of a tract conveyed to Dwight E. Seaton and wife by deed recorded March 6, 1939 in Book 487, Page 599, Deed records; thence North 89° 36' East, along the North line of said Seaton tract, 200 feet to the Northwest corner of a tract conveyed to May Kuks by deed recorded October 17, 1947 in Book 1364, page 534, Deed Records;

(CONTINUED)

Number: 754511 MPS
Page 2

Thence South 2° 00' East along the West line of said Kuks tract, 150.3 feet to the Southwest corner thereof and the North line of a tract conveyed to Lillian W. Montag by deed recorded January 7, 1948 in Book 1234, Page 68, Deed records, thence Westerly along the North line of said Montag tract, 200 feet, more or less, to the true place of beginning.

for a period of time from February 6, 1987 through March 24, 1988 at 5:00 o'clock P.M., the Company finds the following matters, which affect said property:

1. Subject to possible additional taxes by reason of property not being on current tax rolls as set forth in ORS 380.242 and 311.205. (Affects underlying easement shown as Exception 3 herein.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of N.W. Skyline Boulevard.

NOTE: Taxes for 1987-88, paid in full.

Original Amount	:	\$373.65
Tax Amount	:	\$373.65
Code No.	:	217
Account No.	:	R-96136-0350
Map No	:	2921

Based on a review of the above tract indices, the apparent vested owner is:

HUBERT E. WALKER AND FRANCES D. WALKER
as tenants by the entirety

NOTE: ORS 93.040 (amended 1985 by House Bill 2359) requires that any instrument transferring or contracting to transfer fee title to real property, e.g. contracts and/or deeds, to real property contain the following language:

"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."

NOTE: A transfer or conveyance of the herein described property may be subject to a public land corner preservation account fee under ORS 203.148 and as implemented under a local county ordinance. The fee may be as high as \$10.00. Instruments which may be subject to the fee, include, but are not limited to, bargain and sale deed, quitclaim deed, deed in lieu of foreclosure, timber deed, dedication deed, estoppel deed, trustee's deed, land patent, mineral deed, sheriff's deed and warranty deed.

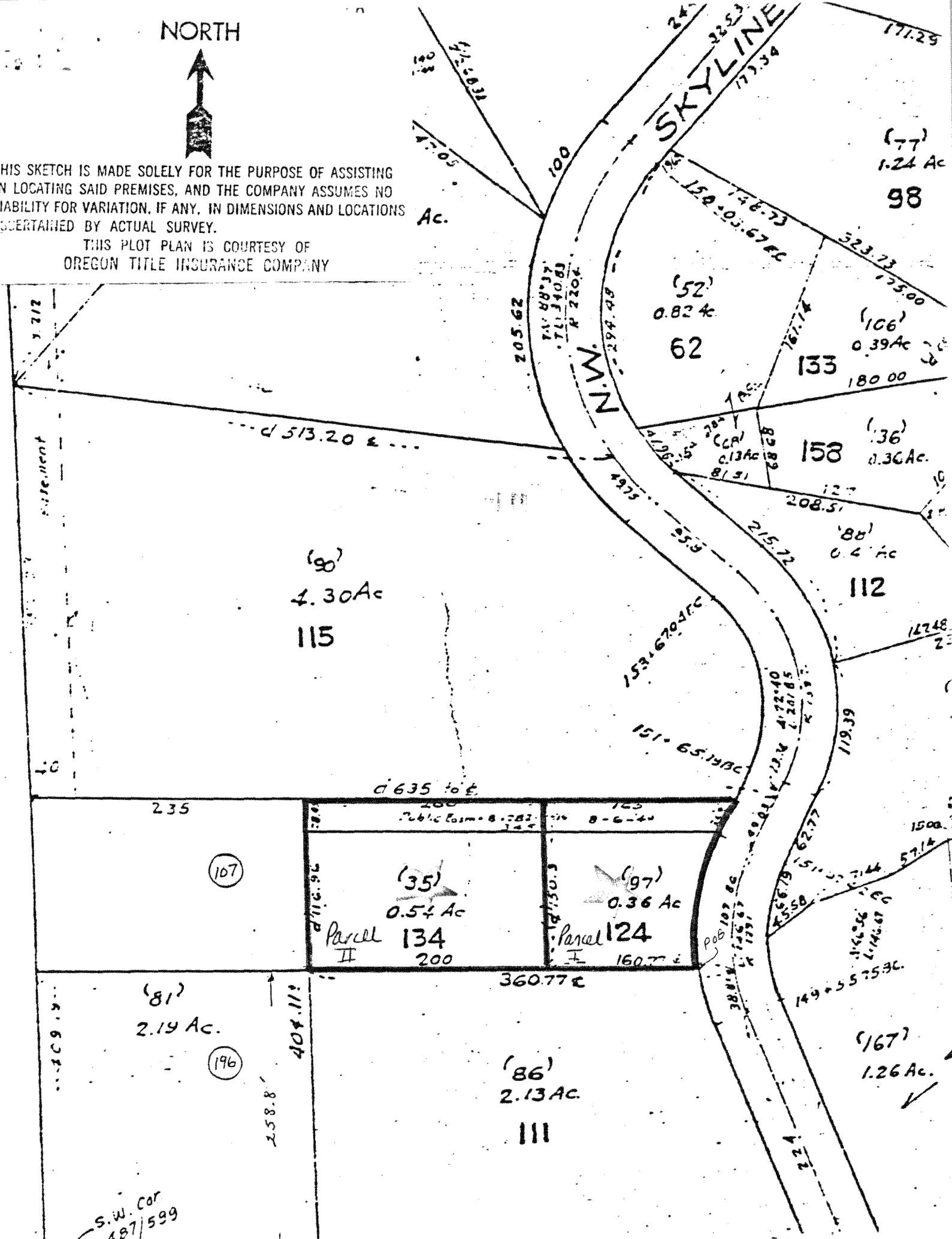
KP/maf pre353

NORTH



THIS SKETCH IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATION, IF ANY, IN DIMENSIONS AND LOCATIONS ASCERTAINED BY ACTUAL SURVEY.

THIS PLOT PLAN IS COURTESY OF OREGON TITLE INSURANCE COMPANY



1. REQUEST FOR PLACEMENT ON THE AGENDA FOR _____

(Date)

DEPARTMENT Human ServicesDIVISION Social ServicesCONTACT Susan ClarkTELEPHONE 248-3691*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Susan Clark

SUGGESTED

AGENDA TITLE (to assist in preparing a description for the printed agenda)

Budget Modification DHS #39 decreases MCCA's LIEAP budget by a net total of \$65,641 to reflect actual revenues received from State Community Services 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 the changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

[x] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

Budget modification DHS #39 requests Board approval to decrease MCCA's Low Income Energy Assistance Program (LIEAP) budget by a net total of \$65,641 to reflect actual revenues received from State Community Services Program for FY 87/88. This reduction results from two revenue sources: Exxon Oil Rebate and LIEAP. \$25,000 in Exxon Oil Rebate was not allocated by the State this year as originally anticipated by MCCA. As a result, MCCA will have \$25,000 less in utility bill assistance for low income individuals in mid- and east Multnomah County. In addition, LIEAP Assistance is reduced by \$40,641 due to a lower than expected final allocation by Congress. 3,596 hours of temporary Human Service Assistant hours will be reduced along with supporting M&S items to cover this reduction.

See Contract DHS #272-1.

*To Budget
5/3/88*

1988 APR 12 PM 4:55
CLERK OF DISTRICT COURT
MULTNOMAH COUNTY
OREGON

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

Low Income Energy Assistance revenue (Rev. Code 2072) reduced by \$40,641. Contract #272-1. Exxon Oil Rebate revenue (Rev. Code 2076) deleted--(\$25,000). Service Reimbursement reduce from the F/S to Insurance Fund (\$1,574).

4. CONTINGENCY STATUS (to be completed by Finance/Budget)

Contingency before this modification (as of _____)

(Specify Fund)

(Date)

\$

After this modification

\$

Originated By

Date

Department Director

Date

*Susan Clark**3/18/88**Duane Lussy (DC)**3/29/88*

Finance/Budget

Date

Employee Relations

Date

*Tom Wink**4.3.88**S. Ayers**3/31/88*

Board Approval

Date

*Barbara E. Jones**4/21/88*

EXPENDITURE

Budget Modification DHS #39

TRANSACTION EB []

GM []

TRANSACTION DATE _____

ACCOUNTING PERIOD _____

BUDGET FY _____

Document Number	Action	Fund	Agency	Organi- zation	Reporting Activity Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Sub- Total	Description
		156	010	1660		5100			(4,962)		Reduce Permanent
		156	010	1660		5200			(20,000)		Reduce Temporary
		156	010	1660		5500			(3,505)		Reduce Fringe
		156	010	1660		5550			(1,574)		Reduce Insurance
									(30,041)		Total Personnel
		156	010	1660		6060			(25,000)		Reduce Pass Through
		156	010	1660		6110			(140)		Reduce Professional Svcs.
		156	010	1660		6130			(900)		Reduce Utilities
		156	010	1660		6140			(4,260)		Reduce Communications
		156	010	1660		6170			(4,500)		Reduce Rentals
		156	010	1660		6330			(800)		Reduce Travel
									(35,600)		Tot. Materials & Svcs.
		400	040	7231		6520			(1,574)		Reduce Insurance

TOTAL EXPENDITURE CHANGE

(67,215)

TOTAL EXPENDITURE CHANGE

REVENUE

TRANSACTION RB []

GM []

TRANSACTION DATE _____

ACCOUNTING PERIOD _____

BUDGET FY _____

Document Number	Action	Fund	Agency	Organi- zation	Reporting Activity Category	Revenue Source	Current Amount	Revised Amount	Change Increase (Decrease)	Sub- Total	Description
		156	010	1660		2076			(25,000)		Exxon Oil Rebate-SCSP
		156	010	1660		2072			(40,641)		LIEAP Assistance Grant-SCSP
		400	040	7231		6602			(1,574)		Ser. Reimb. to Insur. Fund

TOTAL REVENUE CHANGE

(67,215)

TOTAL REVENUE CHANGE

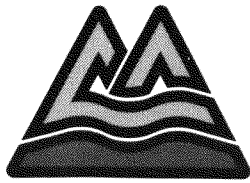
5. ANNUALIZED PERSONNEL CHANGES (Compute on a full year basis even though this action affects only a part of the fiscal year.)

FTE Increase (Decrease)	POSITION TITLE	A n n u a l i z e d		
		BASE PAY Increase (Decrease)	FRINGE Increase (Decrease)	TOTAL Increase (Decrease)

TOTAL CHANGE (ANNUALIZED)

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES (calculate costs or savings that will take place within this fiscal year; these should explain the actual dollar amounts being changed by this Bud Mod.)

Full Time Positions, Part-Time, Overtime, or Premium	Explanation of Change	C u r r e n t F Y		
		BASE PAY Increase (Decrease)	FRINGE Increase (Decrease)	TOTAL Increase (Decrease)
Temporary	Reduce temporary Human Service Assistant hours by 2,882.	(20,000)	<u>Fringe</u> (3,505)	<u>Ins.</u> (1,574) (25,079)
Permanent	Salary savings in HSA position while hiring process completed.	(4,962)		(4,962)



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
SOCIAL SERVICES DIVISION
ALCOHOL & DRUG PROGRAM OFFICE
426 S.W. STARK, 6TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3696

BOARD OF COUNTY COMMISSIONERS
GLADYS MCCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
CAROLINE MILLER • DISTRICT 3 COMMISSIONER
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Gladys McCoy
Multnomah County Chair

VIA: Duane Zussy *Duane Zussy (cc)*
Director, Department of Human Services

FROM: Gary Smith
Director, Social Services Division

DATE: February 26, 1988

SUBJECT: Recommendation for Approval of Amendment to Low Income Energy
Assistance Grant and Accompanying Budget Modification

RECOMMENDATION: Social Services Division recommends approval of the attached amendment to the Low Income Energy Assistance Grant for the calendar year January 1, 1988 through December 31, 1988.

ANALYSIS: This amendment awards MCCA A an additional \$16,814 in State Community Services/Low Income Energy Assistance revenue for the calendar year 1988--an amount substantially lower than expected and appropriated in the budget. As a result, MCCA A must reduce personnel and supporting M&S to balance revenue received.

A budget modification^{#39}(attached) is in process simultaneously to adjust MCCA A's budget to reflect actual LIEAP revenue received. In addition, MCCA A was notified that no Exxon Oil Rebates will be awarded this year. The budget adjustment is also made in the accompanying budget modification.

BACKGROUND: As you may recall, MCCA A received the annual LIEAP contract renewal late in December, which caused a delay in implementing the 1988 LIEAP program. The original grant amount was a conservative estimate by the State as final federal allocations had not been made. Now that Congress has notified all state's of their final LIEAP award, the State is amending MCCA A's grant award to reflect some additional revenue. Overall, the amount received from the State is approximately \$40,641 less than expected. Temporary staff hours and supporting materials and services will be reduced to cover this reduction.

2865B

4/21/88

RECEIVED FROM JANE MCGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS • MULTNOMAH COUNTY, OREGON

BUDGET

BUDGET MODIFICATION DHS #39 APPROVED

R-2

Callie V. Roney

BOARD OF
COUNTY COMMISSIONERS

1988 MAY -5 PM 12:05

MULTNOMAH COUNTY
OREGON



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

April 21, 1988

Mr. Duane Zussy, Director
Department of Human Services
426 SW Stark
Portland, OR

Dear Mr. Zussy:

Be it remembered, that at a meeting of the Board of County Commissioners held April 21, 1988, the following action was taken:

Request of the Director of Human Services for)
approval of Budget Modification DHS #39 making an)
appropriation reduction in the amount of \$65,641)
in Social Services, MCCA's LIEAP budget, various)
line items, to reflect actual revenues received)
from the State Community Services Program, and)
reduces service reimbursement from the Federal/)
State fund to the Insurance Fund R-2)

Upon motion of Commissioner Anderson, duly seconded by Commissioner Kafoury, it is unanimously

ORDERED that said request be approved, and budget modification be implemented.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By Jane McGarvin
Jane McGarvin
Clerk of the Board

jm
cc: Budget
Finance
Social Services
Employee Relations
MCCA

DATE SUBMITTED 4/12/88

(For Clerk's Use)
Meeting Date 4/21/88
Agenda No. B-3

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: _____

Informal Only* 4/19/88
(Date)

Formal Only _____
(Date)

DEPARTMENT County Chair DIVISION _____

CONTACT Hank Miggins TELEPHONE 248-3308

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Undersheriff Charles Fessler

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

City of Portland agrees to perform call receipt, dispatch, associated services and management of the City-County Emergency Communications/Operations Center.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

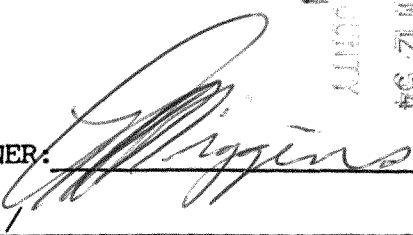
☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☐ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA _____

IMPACT:

☐ PERSONNEL
☐ FISCAL/BUDGETARY
☐ General Fund
☐ Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: 

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

CONTRACT APPROVAL FORM

TYPE I

- Amendment to above, Number _____
(Original Contract Amount _____)

TYPE II

- ☐ Professional Services over \$10,000 (RFP, Exemption)
☐ PCRb Contract
☐ Maintenance Agreement
☐ Licensing Agreement

Amendment to above, Number _____
(Original Contract Amount _____)

Contact Person Charles Fessler Phone 255-3600 Date 12-31-87

Department Sheriff's Office Division _____ Bldg/Room 313/103

Description of Contract City of Portland to provide call receipt, dispatch, associated services and management of the City-County Emergency Communications/Operations Center.

RFP/BID # _____ Date of RFP/BID _____ Date of Exemption _____

Reviewed For ☐ MBE ☐ FBE Participation Contractor is ☐ MBE ☐ FBE

Contractor Name City of Portland, BOEC

Mailing Address 2960 SE 103rd Drive

Portland, OR 97266

Phone 760-6730

Employer ID# or SS# _____

Effective Date July 1, 1987

Termination Date Indefinite

Total Amount of Agreement \$_____

Payment Terms

☐ Lump Sum \$_____☐ Monthly \$_____☒ Other \$ as billed

☐ Requirements contract-requisition required

Purchase Order No. _____

Required Signatures:

Department Head Fred B. Kears

Date 1-20-88

Purchasing Director_____

Date _____

(Type II Contracts Only)

County Counsel Sandra Myers

Date 1-22-88

Budget Office James W. ...

Date 2/1/88

County Executive/Sheriff Richard J. McLean

Date 11/1

TRANSACTION CODE		P O		AGENCY		PO DATE		m m d d y y		ACCOUNTING PERIOD		m m y y		BUDGET FY		y y		ACTION <input type="checkbox"/> Original Entry (E) <input type="checkbox"/> Adjustment (M)	
VENDOR CODE				VENDOR NAME										TOTAL AMOUNT		\$			
LINE NO.	CONTRACT NUMBER	FUND	AGENCY	ORGANIZATION	ACTIVITY	OBJECT	SUB OBJ	REPT CATEG	DESCRIPTION						AMOUNT		INC/ DEC IND		
	200838	100	020	3134		6110									\$				
															\$				
															\$				

EMERGENCY COMMUNICATIONS
PERFORMANCE AGREEMENT

The City of Portland (Portland) and the Multnomah County Sheriff's Office (MCSO) agree as follows:

1. General Scope

Portland agrees to perform call receipt, dispatch, associated services and management of the City-County Emergency Communications/Operations Center (Center).

2. Administrative Responsibility

Portland shall possess and exercise administrative authority and responsibility to manage and maintain the Center, and nothing in this Agreement shall change title to, ownership of, or access to the Center, any of its equipment or any other real and personal property of the parties.

3. User Policy Board

- a. There shall be a User Policy Board (Board) composed of a representative of each of the following:

1. Portland Police
2. Portland Fire
3. Multnomah County Sheriff's Office
4. Gresham Police
5. Gresham Fire
6. Multnomah County EMS
7. Troutdale Police

Representatives will be appointed by the administrator of each agency. The Center Commander shall provide assistance to the user policy board.

- b. This Board shall act as a Policy Board. The Board shall not interfere with the administrative responsibilities of the Center, or of the management of the Center's daily operations.
- c. Decisions by the Policy Board affecting user services shall be decided by consensus. Policy Board decisions shall be forwarded to the Mayor of the City of Portland through the Chief of Police by the Board chair-person.
- d. Consistent with paragraph b. the authority and responsibility of the Board includes the following:

- (1) To review and approve operational policies and procedures of the Center that affect the user agencies or the agencies' operations,
- (2) To evaluate the performance of the Center and advise the Mayor of the City of Portland through the Portland Chief of Police in writing by January 31,
- (3) To review, make recommendations, and endorse the approval of the annual budget, and the user charges covering the expenses of the Center as prepared and presented by the Commander. The review will include both user general funds, and 911 revenues and the proposed and actual expenditures of these funds,
- (4) To act as the liaison representatives between participating users,
- (5) To participate in the planning, development, and the implementation of any new communication, computer, or other technical operational system that the users participate in the funding of or that has an impact on the user agencies' operational capabilities,

- (6) Any reassignment of the Center sworn Commander will be accomplished after notification to the user board.

In the event that the Center would be managed by a civilian director, the board will participate in the selection process.

4. Reports and Files

- a. MCSO shall have access at all times to all of the Center's manual and automated records, files, reports, and tapes for MCSO. They shall not be disclosed without written permission from MCSO. MCSO shall have the right to review all computer programs written for or by the Center.
- b. Portland and MCSO agree to share with other user agencies all non user-specific information on operational data pertaining to incidents received for or dispatched as part of its periodic information processing requirements. The Center is not prohibited from using user-generated data for annual reporting and budgetary purposes. These shall be in the form of Computer Assisted Dispatch (CAD) and Mobile DATA Terminals (MDT) transaction history printouts.

5. Monthly Reports

- a. During the period of this Agreement, Portland shall continue to submit monthly management reports to MCSO in accordance with a mutually agreed upon format.
- b. Portland shall send to MCSO monthly all citizen requests for MCSO service, the action taken, and the ultimate disposition of requests for service.

6. Data Retention and Dissemination

All CAD and MDT magnetically recorded data shall be retained for a period of at least twelve months unless an extension is specifically requested. Audio tapes shall be retained for at least seven months unless MCSO requests that specific audio tapes be retained for an additional period. Any additional costs incurred by Portland in the storage of CAD and MDT magnetically recorded data and audio tapes beyond the agreed upon time shall be paid by MCSO.

7. Special Reports

Special requests for non-routine data, not readily retrievable from the CAD system shall be honored when authorized by the MCSO chief liaison with the Center or designee. Special requests shall be made through the Commander or the Operations Manager. Such requests shall not exceed 50 cumulative hours per year of staff time, excluding

requests for investigation of official complaints and incident information requested during the shift when it occurred, and shall not require the use of unbudgeted resources.

8. Security and Privacy

The confidentiality and privacy of Center records and tapes shall be protected under a mutually agreed upon security and privacy plan consistent with relevant laws and regulations.

9. Service Complaints

Complaints received by the Center from citizens concerning MCSO members' performance will be referred directly to MCSO. Complaints from citizens about Center services received by MCSO will be referred directly to Center administration.

10. System Maintenance

Maintenance which interferes with the operation of the primary system shall not be permitted unless a back-up system is in place that provides the same service to field units. Center shall also notify MCSO of any major system failures or maintenance which affects service to the user agencies.

11. Air Time

Air time usage and procedures on each channel will conform to all applicable federal and state regulations. The radio log and summaries of hourly traffic shall be available on request. Operational channels will be kept open to ensure the maximum effective air time usage possible.

12. Levels of Service

a. The Center shall maintain and support all operations, including computer programs and software required to provide MCSO with the highest level of communications service. The Center shall notify MCSO in writing at least 30 days before the implementation of any change in the Center's level of service or operation procedures which will impact MCSO operations. All such changes proposed shall be reviewed by the Center User Policy Board.

b. MCSO agrees to accept the following call taking performance specifications and response time requirements:

- 1) Police Communications Telephone Performance Specifications

System Performance Specification:

Overall four week (28 day) average--no more than 5.5% of the calls will be delayed more than 20 seconds during any one 28 day reporting period.

2) Response Time Goals

Priority 1 Calls

Create to Send = Not to Exceed 60 seconds, 90% of the time.

Priority 2 Calls

Create to Send = Not to Exceed 108 seconds, 90% of the time.

The Center agrees to attempt to reduce Priority 2 create to dispatch time average to absolute minimum.

- c. Service level changes which have a significant operational or budgetary impact on the Center shall be implemented only after consultation with the User Policy Board. Unanticipated major changes will be subject to a separate service charge mutually agreed upon prior to implementation.
- d. When in the opinion of a field supervisor, an incident requires the exclusive use of a radio net, a dispatcher staffed and dedicated channel will be provided.

13. Sworn Personnel

The maximum number of sworn law enforcement personnel assigned to the Center on a full-time basis for all user agencies shall not exceed six (6) sworn personnel assigned by the Portland Police Bureau, and two (2) sworn personnel assigned by the Multnomah County Sheriff's Office.

Assignment and transfers of sworn personnel to and from the Center shall be made after timely consultation and agreement between the appropriate parties.

14. Charges for Services

a. Charges for communications delivered by the Center to MCSO shall be based on the attached billing methodology.

b. Whenever users are added to or deleted from and affect the communications system, the billing methodology will be revised to reflect services provided to the additional, or remaining users.

c. Charges for separately contracted Multnomah County services provided to the Center such as microwave and sworn personnel overtime authorized by the BOEC

Commander shall be set off against the Center's service charges to the Sheriff.

15. Billings

- a. Statements will be sent to MCSO every 28 days beginning June 1, 1987. Payments are due to Portland within 30 days thereafter. Computations shall be based on statistics from thirteen 28-day periods ending on or about the previous December 31.
- b. A penalty on late payments will be assessed at the rate of 1 percent per month on amounts not received within 30 days of billing.
- c. Reconciliation to actual user costs shall be made using the most recent previous quarter.

16. Budget Review

At a time no later than each January 31, the Center will provide MCSO with the opportunity to review and submit written comments to the Center prior to the Center submitting the budget to Portland City Council.

17. Agreement Review

- a. MCSO shall review this agreement and submit notice to the Center of intent to propose any amendments no later than September 30. Prior to September 30, Center shall submit to MCSO any amendments or changes it proposes.
- b. Prior to October 15, upon mutual notice and agreement, MCSO and the Center shall meet to discuss any proposed changes to this performance agreement.

18. Liability

Portland shall defend against any and all claims brought or actions filed against the Center or any of its employees, shall hold MCSO harmless from any and all claims of whatever nature which result from any activity of the Center not undertaken at the direction of MCSO or its officers, employees or agents. Portland shall indemnify MCSO and hold it harmless from any and all liability, loss or damage MCSO may suffer as a result of claims, demands, costs or judgments against MCSO as a result of any Center activity. MCSO agrees to promptly notify the Center and Portland's Bureau of Risk Management of any claims or demands made against MCSO as a result of any activity of the Center.

19. Term of Agreement

This agreement shall take effect on July 1, 1987. It shall continue in effect indefinitely, but is subject to amendment by mutual agreement in writing. This agreement may be canceled by either party at the end of any fiscal year upon 90 days prior written notice.

20. Notices

All notices pursuant to the terms of this agreement shall be addressed as follows:

Notice to City of Portland:

Commander of Bureau of Emergency Communications
2960 S. E. 103rd Drive
Portland, Oregon 97266

Notice to County of Multnomah:

Multnomah County Sheriff
Multnomah County Sheriff's Office
12240 N. E. Glisan
Portland, Oregon 97230

COUNTY OF MULTNOMAH, OREGON

BY _____
Sheriff Fred Pearce

APPROVED AS TO FORM:

Date: _____

Sandra Duffy for
Laurence Kressel
County Counsel

BY Gladys McCoy
Gladys McCoy
County Chair

Date: 4/21/88

CITY OF PORTLAND, OREGON

BY _____
Mayor J. E. Bud Clark

APPROVED AS TO FORM:

Date: _____

Jeffrey L. Rogers
City Attorney

BY _____
Auditor Barbara Clark

Date: _____

BUREAU OF EMERGENCY COMMUNICATIONS

FORMULAS FOR COST AND REVENUE

DEFINITIONS

<u>Formula Letter</u>	<u>Definition</u>
A = HOURS TO ANSWER	(Number of calls, multiplied by answer time) divided by 3600 seconds per hour
AN = AGENCY DISPATCH NET PERSONNEL	% of dispatchers assigned to police dispatch required for dispatch services to any particular agency
AP = AGENCY POLICE PHONE DISTRIB.	% of incidents created for any particular agency based on activity during the six month period beginning 1 JUL of the previous year and will be adjusted semi-annually
AT = ANSWER TIME (est.)	30 seconds (estimated)
BC = BUDGETED COST	Total approved requirements of the Emergency Communications Fund, (including a General Operating Contingency and Capital Replacement Reserve, if any), less resources of the Fund not attributable to the current year operations, including Beginning Fund Balance and Refunds or Dividends from other funds if any
CALL	A request by phone received by a BOEC operator which results in the creation of an incident
CALL RECEIPT	The act of answering the phone and determining whether police, fire, or medical is needed and turning over the call
DC = DIRECT COST	Wages plus overtime plus premium pay plus benefits of dispatchers
DISPATCH	Call turnover to a field unit (police vehicle, police responder unit, ambulance, fire apparatus, or first responder)
DISPATCHERS	Personnel required to perform 9-1-1 answering, police call-taking, police dispatch, and emergency medical call receipt and dispatch as determined by the Bureau's approved staffing formula
E = EMS PERSONNEL	% of dispatchers required for EMS services

EMC = EMERGENCY MEDICAL COSTS	Total cost of providing Emergency Medical service
H = HOURS ON PHONE	(Number of calls, multiplied by the average process time per call) divided by 3600 seconds per hour
IC = INDIRECT COST	Total budgeted costs minus direct costs, phone costs, and revenues received for services other than Call-Taking, EMS and Police Dispatch Services
INCIDENT	A request for assistance in which a police vehicle, fire apparatus, EMS, police report unit, ambulance, or first responder is dispatched
N = DISPATCH NET PERSONNEL	% of Personnel required for dispatch services
NPC = 9-1-1 PHONE COSTS	Total cost of providing 9-1-1 answering and screening services
P = PHONE PERSONNEL	% of dispatchers required for telephone services
PDC = POLICE DISPATCH COSTS	Total cost of providing police dispatch
% of 9-1-1 TIME =	Total 9-1-1 time divided by total hours (A+D)/T
% of POLICE PHONE TIME	Total Police Phone Time divided by total hours (H-A)/T
PPC = POLICE PHONE COSTS	Total cost of providing police phone service
POP = POPULATION	% of population in any particular jurisdiction of the total Multnomah County population based on the projected population at the beginning of the next fiscal year and will be adjusted semi-annually
PS = PHONE SYSTEM	Cost of the telephone system including business lines, 9-1-1 trunk, leased lines, and maintenance/replacement
T = TOTAL HOURS	Hours worked per employee, multiplied by the phone positions per shift, multiplied by the number of shifts
TOTAL 9-1-1 TIME =	Total Hours minus Total Police Phone Time
TOTAL POLICE PHONE TIME	Hours on phone, minus hours to answer

COST FORMULAS

Formula for 911 Call Taking Costs

(Direct cost of the percent of personnel devoted to call receipt, multiplied by the percent of 9-1-1 time) plus cost of phone system plus (((total indirect cost minus the cost of the phone system) multiplied by the percent of personnel devoted to call receipt multiplied by the percent of 9-1-1 time).

$$NPC = ((DC \times P) \times \% \text{ of 9-1-1 time}) + PS + (((IC-PS) \times P) \times \% \text{ of 9-1-1 time})$$

$$\text{Example: } NPC = ((3,338,661 \times .46) \times .652) + 230,000 + (((2,244,119 - 230,000) \times .46) \times .652) = 1,835,406$$

Formula for Allocating 9-1-1 Call Taking Costs

Total 9-1-1 call taking costs multiplied by the percent of population in each jurisdiction = users share.

$$NPC \times POP = \text{Share}$$

$$\text{Example: (Portland Share)} = 1,835,406 \times .6534 = 1,199,254$$

Formula for EMS Costs

Direct cost of the percent of personnel devoted to EMS dispatch plus ((total indirect cost minus the cost of the phone system) multiplied by the percent of personnel devoted to EMS dispatch).

$$EMC = ((DC \times E) + (IC - PS) \times E)$$

$$\text{Example: } EMC = ((3,338,660 \times .18 + (2,244,119 - 230,000) \times .18)$$

Formula for Allocating EMS Costs

Total EMS costs multiplied by the percent of population in each jurisdiction equals user's share.

$$EMC \times POP$$

$$\text{Example: (Portland Share)} = 963,500 \times .6534 = 629,551$$

Formula for Police Phone Costs

(Direct cost of the percent of personnel devoted to call receipt multiplied by the percent of police phone time) plus ((total indirect cost minus the cost of the phone system) multiplied by the percent of personnel devoted to call receipt) multiplied by the percent of police phone time)).

$$PPC = ((DC \times P) \times \% \text{ Police Phone Time} + ((IC - PS) \times P) \times \% \text{ of Police Phone Time})$$

$$\text{Example: } PPC = ((3,338,660 \times .46) \times .348 + ((2,244,119 - 230,000) \times .46) \times .348)$$

Formula for Allocating Police Phone Costs

Total Police Phone costs multiplied by the percent of incidents for each jurisdiction equals user's share.

PPC x AP

Example: (Portland Share) = $856,873 \times .8558 = 733,312$

Formula for Police Dispatch Costs

Direct cost of the percent of personnel devoted to police dispatch, plus ((total indirect cost minus the cost of the phone system) multiplied by the percent of personnel devoted to police dispatch).

$PDC = ((DC \times N) + (IC - PS) \times N)$

Example: $PDC = ((3,338,660 \times .36) + (2,244,119 - 230,000) \times .36)$
 $= 1,927,001$

Formula for Allocating Police Dispatch Costs

Total Police Dispatch Costs multiplied by the percent of personnel required to provide dispatch service to the jurisdiction. Where more than one agency shares dispatch service from a single dispatcher, the cost will be distributed by multiplying the cost of the dispatch services by the percentage of calls dispatched or service requested.

PDC x AN

Example: (Portland Share) = $1,927,001 \times .7932 = 1,528,497$



GLADYS McCOY, Multnomah County Chair

Room 134, County Courthouse
1021 S.W. Fourth Avenue
Portland, Oregon 97204
(503) 248-3308

March 30, 1988

Mayor Bud Clark
Commissioner Earl Blumenauer
Portland City Hall
Portland, Oregon 97204

Dear Mayor Clark and Commissioner Blumenauer:

Multnomah County is committed to renegotiating its 1984 Road Fund Intergovernmental Agreement with the City of Portland.

The Multnomah County Board of County Commissioners is budgeting \$8.4 million of County Road Fund dollars to the City of Portland for 1988 - 89. However, the County proposes to place in trust an additional \$2.4 million of County and City money from the new State Gas Tax until a new agreement is negotiated. Approximately \$600,000 of that sum represents disbursements to the County from the State of Oregon for FY 1987 - 88, and \$1.8 million for FY 1988 - 89.

Our actions to date do not breach any contract. Rather they are an "escrow" of new (and for the County, currently unbudgeted) funds which both the County and the City will share. The escrowed amount ought to be distributed pursuant to a reworked agreement which avoids what we perceive to be inequities in transportation allocations.

There is a consensus on the Board of County Commissioners that Multnomah County must responsibly address road needs throughout the county. We are convinced that this can be accomplished in a cooperative manner, with the balancing of capital and maintenance needs of all road providers, and with no violation of our longstanding commitment to the citizens of Portland.

The present agreement has a formula which in 1984 proposed to make up for past inequities. Unfortunately, there is no provision in the original agreement to recognize new circumstances, such as increased capital needs in areas served by the County or significant new State Highway Trust Fund dollars being distributed to cities and counties. Thus, the Intergovernmental Agreement is out of date and must be adjusted before it causes new inequities to be perpetuated. Since the Willamette River Bridge capital portion of the Agreement must be

Bud Clark & Earl Blumenauer
March 30, 1988
Page two

adjusted now, and as no moneys have yet been disbursed to the County under House Bill 2112, this is the most compelling time for us to sit down together and reach a mutually acceptable revision of the Agreement, one which neither harms the City's short term maintenance needs or the County's long term capital needs, and which allows for recurring communication and concurrence.

We want the matter resolved as quickly as possible and strongly urge The City of Portland to come again to the table and negotiate for the long-term good of all road users in Multnomah County. Please review Commissioner Anderson's letter of March 23 and let her know which of the dates she outlines are available to you. Only by meeting together can we avoid a public policy impasse harmful to all our constituents.

Sincerely yours,

Gladys McCoy
Multnomah County Chair

Pauline Anderson
Multnomah County Commissioner

cc: Portland City Council
Board of Commissioners

GM:vbq



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

April 21, 1988

Sheriff Fred Pearce
12240 NE Glisan
Portland, OR

Dear Sheriff Pearce:

Be it remembered, that at a meeting of the Board of County Commissioners held April 21, 1988, the following action was taken:

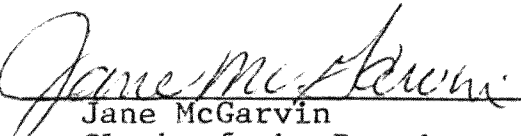
In the matter of ratification of an intergovern-)
mental agreement with the City of Portland for)
the City to perform call receipt, dispatch,)
associated services and management of the City-)
County Emergency Communications/Operations Center) R-3

Commissioner Kafoury explained this agreement is with the City of Portland and affects all 911 Emergency procedures. The agreement includes adoption of the new funding formula, and approves provision for a users board to allow other jurisdictions to have involvement in the management of the Center. The Sheriff's Office and she feel it is appropriate to ratify the agreement with the understanding that the County is willing to settle for the finance charges, but desire renegotiation of the original (enabling) agreement, regarding the issues of civilian commander and users involvement in the program. She moved, duly seconded by Commissioner Anderson, it is

ORDERED that said Agreement be ratified. Commissioner Miller voting NO.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By 
Jane McGarvin
Clerk of the Board

jm
cc: Budget
Finance
Purchasing
Harriet Weber

DATE SUBMITTED April 12, 1988

(For Clerk's Use)
Meeting Date 4-21-88
Agenda No. R-4

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Community Law Week

Informal Only* _____
(Date)

Formal Only April 19, 1988
(Date)

DEPARTMENT County Chair DIVISION _____

CONTACT Barbara S. Donin TELEPHONE 248-3308

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD _____

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Proclamation declaring April 29 through May 6, 1988 as
Community Law Week

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA _____

IMPACT:

☐ PERSONNEL
☐ FISCAL/BUDGETARY
☐ General Fund

☐ Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Gladys T. McCoy

BUDGET / PERSONNEL _____

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) _____

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

BEFORE THE BOARD OF COMMISSIONERS
OF
MULTNOMAH COUNTY

In the matter of declaring April 29th)
through May 6, 1988 Community Law Week)

PROCLAMATION

88 - 51

WHEREAS, the greatest heritage of American citizenship is the system of government under laws devised by elected representatives and administered by independent courts in which every American enjoys equal standing; and

WHEREAS, it has so often been said that we are not a nation of men and women but of laws, and if we are to survive, we must respect the inherent rights of others to life, liberty, and the pursuit of justice; and

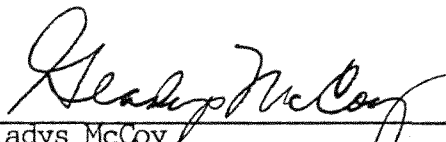
WHEREAS, the Multnomah County Bar Association Young Lawyers Section and other groups have organized an innovative community education program for the week of April 29 through May 6, 1988; and

WHEREAS, that legal education program will be a comprehensive community activity with members of the Multnomah County Bar Association and the Oregon Legal Assistants Association donating their time and talent at free legal information centers throughout the City of Portland and Multnomah County;

NOW, THEREFORE, BE IT RESOLVED that Multnomah County Board of Commissioners hereby proclaims April 29 through May 6, 1988 to be COMMUNITY LAW WEEK and recommends its observance and participation to all our citizens; and

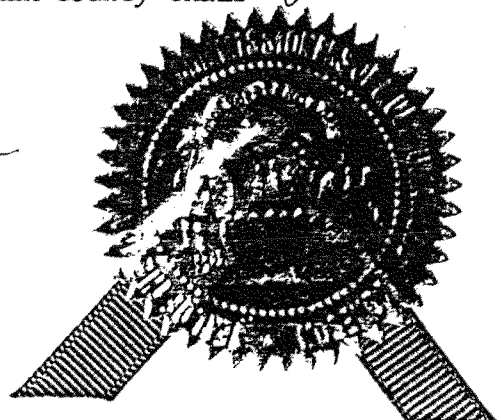
BE IT FURTHER RESOLVED that members of the Multnomah County Bar Association and the Oregon Legal Assistants Association are to be commended on their efforts in providing direct services and preventative legal education and in assisting our residents in understanding and defending their civil and criminal rights under the law.

(SEAL)
April 21, 1988


Gladys McCoy
Multnomah County Chair

Approved


Laurence Kressel
Multnomah County Counsel



April 21, 1988

In the matter of declaring April 29th through)	PROCLAMATION
May 6, 1988 Community Law Week	R-4)	#88-51

Commissioner McCoy read the Proclamation.

Commissioner Miller discussed the wording of the Proclamation regarding criminal rights, and the Board concurred the words do not mean the Board is advocating rights for criminals.

Upon motion of Commissioner Casterline, duly seconded by Commissioner Kafoury, it is unanimously

ORDERED that said Proclamation be approved.

DATE SUBMITTED April 7, 1988

(For Clerk's Use)
Meeting Date 4/14/88
Agenda No. R-10

REQUEST FOR PLACEMENT ON THE AGENDA

Cont. 4/21/88-R-5

Subject: IAR # 1-88

Informal Only* _____
(Date)

Formal Only April 12, 1988
(Date)

DEPARTMENT County Chair DIVISION _____

CONTACT Barbara S. Donin TELEPHONE 248-3308

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD _____

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Resolution responding to specific concerns raised in Internal Audit #1-88 of the Juvenile Justice Division

F

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA _____

IMPACT:

☐ PERSONNEL
☐ FISCAL/BUDGETARY
☐ General Fund
☐ Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Gladys Belcoy

BUDGET / PERSONNEL /

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) Arminia

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

R5
Amended

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF
MULTNOMAH COUNTY

In the Matter of responding)
to specific concerns raised)
in Internal Audit # 1-88)

RESOLUTION

WHEREAS the County Auditor has just completed an Internal Audit (IAR #1-88) of the Juvenile Justice Division of the Department of Human Services; and

WHEREAS the audit reflects a comprehensive and thorough analysis of issues confronting Multnomah County and the Juvenile Justice Division; and

WHEREAS the audit covers systems and organizational issues many of which have fiscal impact; and

WHEREAS the recommendations of the audit specifically cover the role and level of involvement of the Juvenile Justice Division in dependency matters and diversion policy, agreements with the Youth Service Centers, operating policies for counseling functions and clarification of responsibilities per SB 780; and

WHEREAS Multnomah County currently spends approximately \$372,000 in personnel costs to assist in the handling of dependency cases; and

WHEREAS Children's Service Division, the District Attorney, the Community Review Boards and Court Appointed Special Advocates are also involved in the proper processing of dependency cases; and

WHEREAS the audit recommends that the Juvenile Justice Division should develop more complete and detailed operating policies covering counseling functions; and

WHEREAS the audit recommends that a system be developed which would increase the likelihood that diverted offenders are held accountable for their actions and receive appropriate treatment and that this recommendation challenges the existing philosophy of diversion; and

WHEREAS SB 780 does not clearly delineate the County's and State's responsibilities in a variety of issues;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners directs the Juvenile Justice Division to work with the District Attorney, Children Services Division and the [Court] Trial Court Administrator, and the Chief Juvenile Law Judge to submit recommendations regarding the County's involvement in dependency cases to the Board of County Commissioners no later than June 1, 1988; and

BE IT FURTHER RESOLVED that the Juvenile Justice Division should continue to develop a work plan for Offense Specific Case Management which will be submitted to the manager of the Department of Human Services no later than June 15, 1988; and

BE IT FURTHER RESOLVED that the Juvenile Justice Division should work with representatives from the Youth Program Office, Youth Service Center, the Board and others to develop recommendations regarding appropriate sanctions for youth who do not voluntarily participate in youth service activities. These recommendations will be submitted to the Board of County Commissioners no later than September 1, 1988; and

BE IT FURTHER RESOLVED that the Department of Human Services and the Department of Justice Services should work with [representatives of the State and the Court] representatives of the State of Oregon's juvenile justice service providers in Multnomah County, the Trial Court Administrator and the Chief Juvenile Law Judge to reach agreement on respective responsibilities as detailed in SB 780. A report will be submitted to the Board of County Commissioners no later than June 15, 1988.

ADOPTED This _____ Day of _____ 1988.

Gladys McCoy
Multnomah County Chair

SEAL

APPROVED

Laurence Kressel
Multnomah County Counsel



*Copy to:
Jane McHarvin
Barbara Dorin*

**CIRCUIT COURT OF THE STATE OF OREGON
DISTRICT COURT OF THE STATE OF OREGON**

for MULTNOMAH COUNTY
1021 SOUTHWEST FOURTH AVENUE
PORTLAND, OREGON 97204

Room 225
(503) 248-3939

DOUGLAS M. BRAY
CRIMINAL COURTS DIRECTOR

April 15, 1988

Mr. Duane Zussy, Director
Department of Human Resources
426 S.W. Stark
Portland, Oregon

Re: Juvenile Justice Division - Board of County Commissioners'
Resolution regarding concerns raised in the Internal Audit 1-88.

Dear Duane:

It is my suggestion that the attached Resolution be amended in two of its paragraphs as follows:

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners directs the Juvenile Justice Division to work with the District Attorney, Children Services Division, the Trial Court Administrator, and the Chief Juvenile Law Judge to submit recommendations regarding the County's involvement in dependency cases to the Board of County Commissioner no later than June 1, 1988; . . .

*

*

*

*

BE IT FURTHER RESOLVED that the Department of Human Services and the Department of Justice Services should work with the representatives of the State of Oregon's juvenile justice service providers in Multnomah County, the Trial Court Administrator and the Chief Juvenile Law Judge to determine the administrative responsibilities to be performed by each unit. A report will be submitted to the Board of County Commissioners no later than June 15, 1988.

These amendments will provide the County with assistance both from administrative and judicial officers in the Circuit Court, and leaves the door open to involve any state service providers (such as the Childrens Services Division, Court Appointed Special Advocates and the Citizen Review Board) in the allocation of administrative responsibilities.

Respectfully,


Douglas M. Bray

cc: Judge Donald H. Londer
Judge Linda Bergman
Dorothy Coy

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF
MULTNOMAH COUNTY

In the Matter of responding)
to specific concerns raised)
in Internal Audit # 1-88)

RESOLUTION

WHEREAS the County Auditor has just completed an Internal Audit (IAR #1-88) of the Juvenile Justice Division of the Department of Human Services; and

WHEREAS the audit reflects a comprehensive and thorough analysis of issues confronting Multnomah County and the Juvenile Justice Division; and

WHEREAS the audit covers systems and organizational issues many of which have fiscal impact; and

WHEREAS the recommendations of the audit specifically cover the role and level of involvement of the Juvenile Justice Division in dependency matters and diversion policy, agreements with the Youth Service Centers, operating policies for counseling functions and clarification of responsibilities per SB 780; and

WHEREAS Multnomah County currently spends approximately \$372,000 in personnel costs to assist in the handling of dependency cases; and

WHEREAS Children's Service Division, the District Attorney, the Community Review Boards and Court Appointed Special Advocates are also involved in the proper processing of dependency cases; and

WHEREAS the audit recommends that the Juvenile Justice Division should develop more complete and detailed operating policies covering counseling functions; and

WHEREAS the audit recommends that a system be developed which would increase the likelihood that diverted offenders are held accountable for their actions and receive appropriate treatment and that this recommendation challenges the existing philosophy of diversion; and

WHEREAS SB 780 does not clearly delineate the County's and State's responsibilities in a variety of issues;

NOW THEREFORE BE IT RESOLVED that the Board of County Commissioners directs the Juvenile Justice Division to work with the District Attorney, Children Services Division and the Court to submit an implementation plan and budget for an adjudicative unit in delinquency matters to the Chair no later than June 1, 1988. Funding for this new unit will use the general fund dollars currently budgeted for dependency cases; and

BE IT FURTHER RESOLVED that the Juvenile Justice Division should continue to develop a work plan for Offense Specific Case Management which will be submitted to the manager of the Department of Human Services no later than June 15, 1988; and

BE IT FURTHER RESOLVED that the Juvenile Justice Division should work with representatives from the Youth Program Office, Youth Service Center, the Board and others to develop recommendations regarding appropriate sanctions for youth who do not voluntarily participate in youth service activities. These recommendations will be submitted to the Board of County Commissioners no later than September 1, 1988; and

BE IT FURTHER RESOLVED that the Department of Human Services and the Department of Justice Services should work with representatives of the State and the Court to reach agreement on respective responsibilities as detailed in SB 780. A report will be submitted to the Board of County Commissioners no later than June 15, 1988.

ADOPTED This _____ Day of _____ 1988.

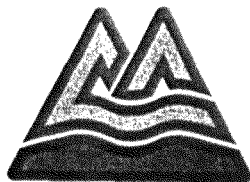
Gladys McCoy
Multnomah County Chair

SEAL

APPROVED



Laurence Kressel
Multnomah County Counsel



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
7th FLOOR J. K. GILL BUILDING
426 S.W. STARK STREET
PORTLAND, OREGON 97204
(503) 248-3782

BOARD OF COUNTY COMMISSIONERS
GLADYS MCCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
CAROLINE MILLER • DISTRICT 3 COMMISSIONER
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

M E M O R A N D U M

TO: Gladys McCoy, Multnomah County Chair

FROM: Duane Zussy, Director
Department of Human Services

DATE: April 20, 1988

RE: Agenda Item R-5-Resolution in the Matter of Responding to Specific Concerns Raised in the Internal Audit of the Juvenile Justice Division

As you may recall from my brief presentation yesterday morning at your "Informal" agenda review, Mr. Doug Bray of the Trial Court Administration Office has suggested two possible changes in the language of the resolution that will be before you on Thursday of this week. That resolution is the one which directs this Department and other involved parties to study the role that the Juvenile Justice Division Counselors are performing in dependency matters before the Court, and other related issues involving Senate Bill 780 and Internal Audit No. 1-88 and to make recommendations to you and the Board accordingly by June 1, 1988.

After reviewing these suggestions with Barbara Donin of your staff, I am in full support of the language in the "revised resolution" she has drafted and provided to the Clerk of the Board for the Board's consideration on Thursday at your "Formal" Board meeting. This revised version of the resolution picks up most of the more specific language Mr. Bray had suggested and also retains the original focus upon the issues raised in Senate Bill 780 as well as the immediate issue of proper support for dependency cases. Barbara and I are confident that this revised resolution adequately addresses all known concerns in a way that does not dilute the original purpose or intent of the resolution.

I recommend adoption of the proposed revised resolution.

cc: Commissioner Pauline Anderson
Commissioner Polly Casterline
Commissioner Gretchen Kafoury
Commissioner Caroline Miller
Judge Bergman
Judge Herrell

Anne Kelly Feeney
Doug Bray
Hal Ogburn
Maggie Gareau
Jane McGavin



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

April 21, 1988

Mr. Duane Zussy, Director
Department of Human Services
426 SW Stark
Portland, OR

Dear Mr. Zussy:

Be it remembered, that at a meeting of the Board of County Commissioners held April 21, 1988, the following action was taken:

In the Matter of Responding to specific concerns)	
raised in Internal Audit #1-88 (Juvenile Justice)	RESOLUTION
Division) - Continued from April 14 R-5)	#88-52

Duane Zussy, Human Services Director, explained the Resolution is a substitute Resolution, in which the final clause on the first and second page have been changed according to recommendations of other interested parties. The language addresses all known concerns, and accomplishes the original objectives of the original resolution. He recommended approval.

Judge Stephen Herrell, Circuit Court Judge and Chief Judge of the Juvenile Court, said on May 1, Judge Bergman will become the new Chief Juvenile Court Judge. He expressed his concern that there has been a misunderstanding of what the Dependency Unit in the Juvenile Court does. The main function of these positions has changed since the program started; and there has been an increase in the number of cases, and in the complexity of the cases. Responsibility for cases may continue for many years, and therefore long term management and frequent review of these cases becomes necessary. Counselors (case management staff) are responsible for case management of cases from other counties, as well as those of Multnomah County, therefore their caseloads are very heavy. Though costs for this program should be the responsibility of the Court System, it is not and will not be in the near future. He requested Board support.

Commissioner Miller asked if more money should be invested in this program.

Judge Herrell replied that though all programs could be expanded and have wish lists, he feels more money is not needed at this time.

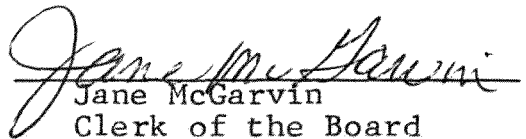
Commissioner Miller stated that the amended substitute copy being considered today includes a deletion the word [Court] in the last paragraph of the first page, and the addition of the words, "Trial Court Administrator and Chief Juvenile Law Judge"; and in the BE IT FURTHER RESOLVED paragraph on the second page, deletion of the words [representatives of the State and the Court], and addition of ". . . representatives of the State of Oregon's juvenile justice service providers in Multnomah County, Trial Court Administrator, and Chief Juvenile Law Judge. . .".

Upon motion of Commissioner Anderson, duly seconded by Commissioner Kafoury, it is unanimously

ORDERED that said substitute Resolution be approved.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By 
Jane McGarvin
Clerk of the Board

jm
cc: Juvenile Justice
Auditor's Office
Commissioner McCoy

DATE SUBMITTED April 7, 1988

(For Clerk's Use)

Meeting Date 4/14/88

Agenda No. R-6

REQUEST FOR PLACEMENT ON THE AGENDA 2nd Reading
4/21/88

Subject: Amendment of Ordinance on Civil Forfeiture

Informal Only* April 12, 1988
(Date)

Formal Only April 14, 1988
(Date)

DEPARTMENT Chair _____

DIVISION 248 3308

CONTACT Grant Nelson

TELEPHONE 248 3308

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Grant Nelson

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Amendments to existing ordinance providing for division of proceeds in civil forfeiture cases where the Portland Police Department is the arresting agency. Extends time for filing from 3 to 10 days and adds promoting prostitution to list of criminal activities which can result in forfeitures.

Ord. 575

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 5 minutes

IMPACT:

☐ PERSONNEL
☒ FISCAL/BUDGETARY
☒ General Fund

☐ Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL or COUNTY COMMISSIONER: _____

BUDGET / PERSONNEL Grant Nelson

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) Grant Nelson

OTHER _____

(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

ORDINANCE FACT SHEET

Procedure # 1201

Page #4 of 4

(Title Amendment to Civil Forfeiture Ordinance Effective Date 30 days after adoption

Brief statement of purpose of ordinance (include the rationale for adoption of ordinance, a description of persons benefited, and other alternatives explored).

The amendments to this ordinance would create new provisions for the distribution of proceeds from cases involving civil forfeitures. The amendments would also extend the filing period from the present three to a new period of ten days. Amendments also add the promotion of prostitution to the list of criminal activities which can result in forfeiture.

What other local jurisdictions in the metropolitan area have enacted similar legislation?

Both Washington and Clackamas counties have asset forfeiture ordinances. Thirteen other counties around the state also have similar ordinances as well as eight cities in Oregon.

What has been the experience in other areas with this type of legislation?

Seven counties and 3 cities have actually used their ordinances while six counties and eight cities have not actually used ordinances they have enacted. Eight counties and an equal number of cities which did not have ordinances responded that they were contemplating passing one according to a statewide survey conducted by the Asset Forfeiture Subcommittee of the Governor's Commission on Organized Crime chaired by District Attorney Michael Schrunk.

What authority is there for Multnomah County to adopt this legislation? (State statute, home rule charter). Are there constitutional problems?

Amendments to existing ordinance.

Fiscal Impact Analysis

See attached memorandum.

(If space is inadequate, please use other side)

SIGNATURES:

Office of County Counsel

Office of County Management

Department Head

Commissioner

(Underlined sections are new or replacements; [bracketed] sections are deleted.)

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. 575

An Ordinance amending MCC Chapter 7.85, relating to civil forfeitures, and declaring an emergency.

Multnomah County ordains as follows:

Section 1. Findings.

A. The ordinance governing civil forfeitures is in need of amendment to expand the scope of illegal activities that are subject to forfeiture proceedings, to increase the number of days between the seizure and the filing of the complaint and application for restraining order, and to provide for the allocation of proceeds in cases arising out of arrests by the City of Portland.

Section 2. Amendment.

MCC 7.85.010(E) is amended to read:

(E) "Illegal activity" means:

(1) Gambling or promotion of gambling;

or

(2) The manufacture or delivery of controlled substances; [or]

(3) The possession of controlled substances with the intent to deliver[.]; or

(4) Promoting prostitution.

Section 3. Amendment.

MCC 7.85.035(B) is amended to read:

(B) The proceedings shall be instituted promptly and in accordance with the Oregon Rules of Civil Procedure and the Oregon Rules of Evidence relating to civil actions. Within [three] ten judicial days after the seizure, the District Attorney

shall file the complaint and initiate an application for a temporary restraining order restraining the return of the seized property to the defendant or property owner. The defendant or the owner of the property may demand a trial by jury in any civil action brought pursuant to this section.

Section 4. Amendment.

MCC 7.85.035(C) is amended to read:

(C) In a case arising out of an arrest by County law enforcement officers the District Attorney shall be entitled to deduct from the proceeds any attorney fees, costs and expenses incurred in the litigation. In a case arising out of an arrest by City law enforcement officers, the amount deductible for attorney fees, costs and expenses shall be determined by intergovernmental agreement with the City.

Section 4. Adoption.

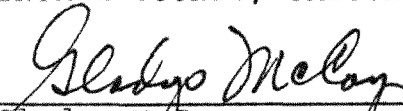
This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the Ordinance shall take effect upon its execution by the County Chair, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 21st day of April, 1988, being the date of its 2nd reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

(SEAL)

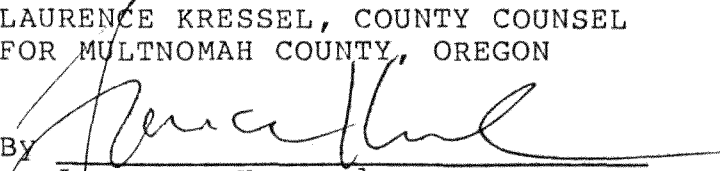
By


Gladys McCoy
Multnomah County Chair

APPROVED AS TO FORM:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By


Laurence Kressel
County Counsel

0710R/dm
041488:2:1



GLADYS McCOY, Multnomah County Chair

MEMORANDUM

TO : Gladys McCoy, Multnomah County Chair
Mike Schrunk, District Attorney

FROM : Grant Nelson, Staff Assistant
Office of the County Chair

RE : Civil Forfeiture Changes

DATE : 3/10/88

The City of Portland wishes to change the distribution formula for the division of proceeds from civil forfeitures from the present equal distribution of net proceeds, after the deduction of fees, costs, and expenses incurred in litigation. The change they propose would substitute a new distribution formula relative to city cases whereby the gross proceeds would be divided one-half for the City to be used solely for law enforcement purposes, one-third to the Multnomah County District Attorney's Office, and one-sixth to the Multnomah County general fund. The county is also asked to "seriously consider" various amendments to county ordinance 422 which provides for civil forfeiture (See Mayor Clark's letter to Commissioner McCoy of 2/29/88, attached).

What follows is an attempt to estimate the impact of the proposed changes on the amounts collected by the various parts of the Justice Services system.

ACTUAL 1986-87
Distributions:

IF PROPOSED CHANGES HAD BEEN IN EFFECT

County General Funds	\$136,313.88	\$ 96,396.82
District Attorney	136,313.88	146,501.79
Portland Police	<u>88,549.77</u>	<u>148,104.16</u>
County Counsel (fees, costs, & expenses)	30,509.89	14,381.13
(distributions not affected by proposed changes)		
Sheriff	45,943.17	45,943.17
Other Agencies	<u>1,823.50</u>	<u>1,823.50</u>
TOTAL DISTRIBUTED	\$453,150.57	\$453,150.57

Memorandum
RE: Civil Forfeiture Changes
March 10, 1988
Page 2

ESTIMATES FOR FY 1988-89

County General Fund	\$ 66,670.05	46,842.72
D.A. Share	66,670.05	70,918.42
Recovered Costs (D.A.)	21,951.37	7,024.43
Portland Police	44,730.24	75,236.56
(distributions not affected by proposed changes)		
Sheriff	20,458.58	20,458.58
Other Agencies	803.71	803.71
<hr/>		<hr/>
ESTIMATED TOTAL TO BE DISTRIBUTED	\$221,284.00	\$221,284.00

If the proposed distribution formula is accepted by ratification of a new intergovernmental agreement it will probably also be necessary to amend county ordinance No. 422 to reflect the division of gross proceeds in city civil forfeiture cases while preserving the District Attorney's ability to recover fees, costs and expenses in other civil forfeiture proceedings. As long as totals to be distributed remain near the levels experienced recently the changes proposed would not unfavorably affect the District Attorney's capacity to recover costs (est. personnel costs \$72,000). However, if amounts subject to civil forfeiture fall below about \$150,000 for city cases, the proposed new sharing formula may not cover the costs of processing the cases.

(Underlined sections are new or replacements; [bracketed] sections are deleted.)

BEFORE THE BOARD OF COMMISSIONERS

FOR THE COUNTY OF MULTNOMAH

ORDINANCE NO. _____

An Ordinance amending MCC Chapter 7.85, relating to civil forfeitures.

Multnomah County ordains as follows:

Section 1. Findings.

A. The ordinance governing civil forfeitures is in need of amendment to expand the scope of illegal activities that are subject to forfeiture proceedings, to increase the number of days between the seizure and the filing of the complaint and application for restraining order, and to provide for the allocation of proceeds in cases arising out of arrests by the City of Portland.

Section 2. Amendment.

MCC 7.85.010(E) is amended to read:

(E) "Illegal activity" means:

(1) Gambling or promotion of gambling;
or

(2) The manufacture or delivery of
controlled substances; [or]

(3) The possession of controlled
substances with the intent to deliver[.]; or

(4) Promoting prostitution.

Section 3. Amendment.

MCC 7.85.035(B) is amended to read:

(B) The proceedings shall be
instituted promptly and in accordance with
the Oregon Rules of Civil Procedure and the
Oregon Rules of Evidence relating to civil
actions. Within [three] ten judicial days
after the seizure, the District Attorney

shall file the complaint and initiate an application for a temporary restraining order restraining the return of the seized property to the defendant or property owner. The defendant or the owner of the property may demand a trial by jury in any civil action brought pursuant to this section.

Section 4. Amendment.

MCC 7.85.035(C) is amended to read:

(C) In a case arising out of an arrest by County law enforcement officers the District Attorney shall be entitled to deduct from the proceeds any attorney fees, costs and expenses incurred in the litigation. In a case arising out of an arrest by City law enforcement officers, the amount deductible for attorney fees, costs and expenses shall be determined by intergovernmental agreement with the City.

Section 4. Adoption.

This Ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, shall take effect on the thirtieth (30th) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this _____ day of _____, 1988, being the date of its _____ reading before the Board of County Commissioners of Multnomah County.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By _____
Gladys McCoy
Multnomah County Chair

APPROVED AS TO FORM:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By


Laurence Kressel
County Counsel

0710R/dm
032988:1:1

INTERGOVERNMENTAL AGREEMENT

Multnomah County and the City of Portland enter into this agreement pursuant to the authority granted in Chapter 190 of Oregon Revised Statutes for the reimbursement to the City of Portland of expenses incurred in the investigation of criminal cases leading to civil forfeitures.

Parties to the Agreement

Multnomah County is a Home Rule political subdivision of the State of Oregon, organized and existing under the laws and constitution of the State of Oregon and is hereinafter referred to as "the County".

The City of Portland is a municipal corporation organized and existing under the laws and constitution of the State of Oregon and is hereinafter referred to as "the City".

Recitals

WHEREAS the County has adopted Multnomah County Ordinance No. 422, which is known as the forfeiture ordinance, and

WHEREAS the parties recognize that the forfeiture ordinance is county-wide in effect, and

WHEREAS the forfeiture ordinance provides for the forfeiture to Multnomah County of the proceeds of instrumentalities of narcotics transactions and major gambling offenses, and

WHEREAS the County desires to reimburse the City for expenses incurred in forfeiture cases that arise from City arrests; and

WHEREAS the County and the City entered into an agreement in 1985 to permit such reimbursement to the City and to permit the City to use certain forfeited property for law enforcement purposes, and

WHEREAS the County and the City wish to amend that agreement in certain particulars, more particularly set forth below;

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. This agreement replaces and supercedes any and all prior agreements between the County and the


City concerning forfeitures under County Ordinance No. 422. However, the prior agreement shall govern forfeiture proceedings filed prior to the date this agreement is signed by both parties.

2. When the County obtains a judgment of forfeiture in a case that arose from an investigation or arrest by the City (hereinafter referred to as a "City case"), the gross proceeds of that judgment shall be shared with the City as follows:
 - a. The County shall transfer to the City one-half of the gross of any monies, such as currency or securities.
 - b. The monies so transferred shall be used solely for law enforcement purposes.
 - c. The remainder of the monies shall be disbursed as follows: one-third shall be disbursed to the Multnomah County District Attorney's Office, and one sixth shall be deposited in the County general fund.
 - d. The City Chief of Police may elect to retain any real or personal property obtained by a judgment of forfeiture arising out of a City case. In such an event, the Chief shall notify the County in writing. The County shall then transfer title or deed to said property to the City, if the property is of such nature as to be subject to proof of ownership by title or deed. Any property so retained by the City shall be used solely for law enforcement purposes. Upon a determination by the Chief of Police that the property is no longer useful for law enforcement purposes, the property shall be promptly transferred to the City's property control office for disposition as provided in Portland City Code Section 5.36.010(c). Allocation of proceeds shall be pursuant to subparagraphs f. and g. below.
 - e. During the period of City's use of any such property, the City agrees to hold the County harmless from and defend County from all claims, loss or damage resulting or arising from City's use of the property.

- f. Upon sale, one-half of the gross proceeds shall be retained by the City to be used solely for law enforcement purposes.
 - g. The remainder of the proceeds of the sale shall be disbursed as follows: one-third shall be disbursed to the Multnomah County District Attorney's Office, and one-sixth shall be deposited in the County general fund.
- 2. A "City case" is defined as follows:
 - a. a case in which a search warrant was obtained by a City officer and which warrant, upon execution, led to the seizure of forfeiture property; or if no search warrant was obtained,
 - b. a case in which City officers completed the police reports, referred the case to the District Attorney for prosecution; provided, however, that
 - c. providing assistance to another police agency during the course of an arrest or execution of a search warrant does not constitute a "City case" unless one of the two criteria of 2a or 2b above have been met.
- 3. "Law enforcement activities" are actions which are calculated to lead to the detection or apprehension of accused persons or criminal offenders.
- 4. In the event a court of competent jurisdiction orders that forfeited monies, properties, or other assets be returned to the owner or otherwise transferred to a third party, the City shall return its proportionate share of the forfeited assets.

5. This agreement shall continue indefinitely, but may be terminated by either party with sixty (60) days' written notification to the other party.

J.E. Bud Clark
Mayor

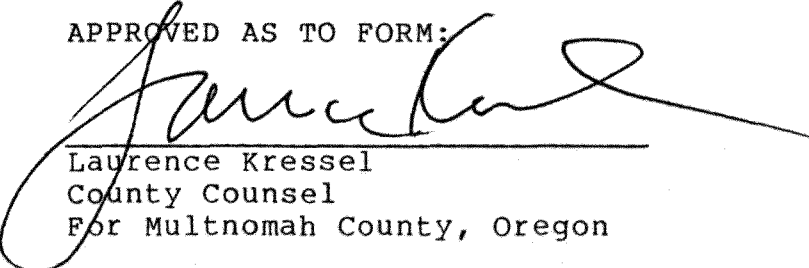


Gladys McCoy
County Chair

APPROVED AS TO FORM:

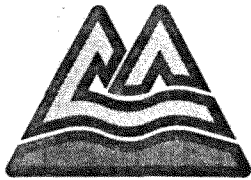
Jeffrey Rogers
City Attorney

APPROVED AS TO FORM:



Laurence Kressel
County Counsel
For Multnomah County, Oregon

0580R/dm
040788:3:1



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

April 21, 1988

Mr. John Angell, Director
Department of Justice Services
1120 SW Fifth
Portland, OR

Dear Mr. Angell:

Be it remembered, that at a meeting of the Board of County Commissioners held April 21, 1988, the following action was taken:

Second Reading - An Ordinance amending MCC 7.85,)
relating to civil forfeiture, and declaring an)
emergency R-6)
ORDINANCE
NO. 575

Copies of the above-entitled Ordinance were available to all persons wishing a copy. Ordinance was read by title only.

A hearing was held; no one from the public wished to testify.

Upon motion of Commissioner Kafoury, duly seconded by Commissioner Casterline, it is unanimously

ORDERED that said Ordinance be adopted as an emergency.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By

Jane McGarvin
Jane McGarvin
Clerk of the Board

jm
cc: County Counsel
District Attorney

DATE SUBMITTED April 7, 1988

(For Clerk's Use)
Meeting Date 4/21/88
Agenda No. R-7

REQUEST FOR PLACEMENT ON THE AGENDA

Subject: Intergovernmental Agreement (Civ. Forfeiture)

Informal Only *April 12, 1988
(Date)

Formal Only April 14, 1988
(Date)

DEPARTMENT Chair DIVISION _____

CONTACT Grant Nelson TELEPHONE 248 3308

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Grant Nelson

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

An intergovernmental agreement on the division of proceeds arising from civil forfeitures. This agreement would supercede the existing agreement between the City and the County and would be effective when approved by both Boards.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐ INFORMATION ONLY ☐ PRELIMINARY APPROVAL ☐ POLICY DIRECTION ☒ APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 10 minutes

IMPACT:

☐ PERSONNEL
☒ FISCAL/BUDGETARY
☒ General Fund

☐ Other _____

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: [Signature]

BUDGET / PERSONNEL [Signature]

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) [Signature]

OTHER _____
(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

INTERGOVERNMENTAL AGREEMENT

Multnomah County and the City of Portland enter into this agreement pursuant to the authority granted in Chapter 190 of Oregon Revised Statutes for the reimbursement to the City of Portland of expenses incurred in the investigation of criminal cases leading to civil forfeitures.

Parties to the Agreement

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Recitals

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WHEREAS the parties recognize that the forfeiture ordinance is county-wide in effect, and

WHEREAS the forfeiture ordinance provides for the forfeiture to Multnomah County of the proceeds of instrumentalities of narcotics transactions and major gambling offenses, and

WHEREAS the County desires to reimburse the City for expenses incurred in forfeiture cases that arise from City arrests; and

WHEREAS the County and the City entered into an agreement in 1985 to permit such reimbursement to the City and to permit the City to use certain forfeited property for law enforcement purposes, and

WHEREAS the County and the City wish to amend that agreement in certain particulars, more particularly set forth below;

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

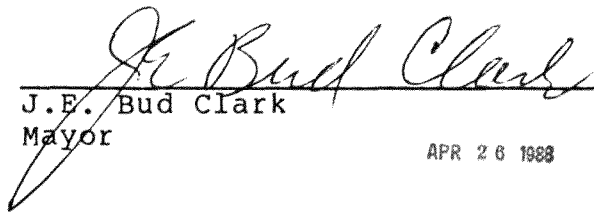
1. This agreement replaces and supercedes any and all prior agreements between the County and the

City concerning forfeitures under County Ordinance No. 422. However, the prior agreement shall govern forfeiture proceedings filed prior to the date this agreement is signed by both parties.

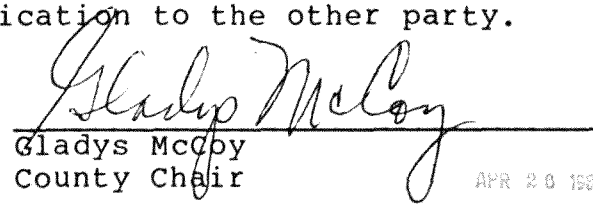
2. When the County obtains a judgment of forfeiture in a case that arose from an investigation or arrest by the City (hereinafter referred to as a "City case"), the gross proceeds of that judgment shall be shared with the City as follows:
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 - b. The monies so transferred shall be used solely for law enforcement purposes.
 - c. The remainder of the monies shall be disbursed as follows: one-third shall be disbursed to the Multnomah County District Attorney's Office, and one sixth shall be deposited in the County general fund.
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 - c. providing assistance to another police agency during the course of an arrest or execution of a search warrant does not constitute a "City case" unless one of the two criteria of 2a or 2b above have been met.
- 3. "Law enforcement activities" are actions which are calculated to lead to the detection or apprehension of accused persons or criminal offenders.
- 4. In the event a court of competent jurisdiction orders that forfeited monies, properties, or other assets be returned to the owner or otherwise transferred to a third party, the City shall return its proportionate share of the forfeited assets.

5. This agreement shall continue indefinitely, but may be terminated by either party with sixty (60) days' written notification to the other party.

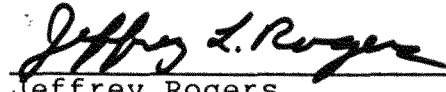

J.E. Bud Clark
Mayor

APR 26 1988

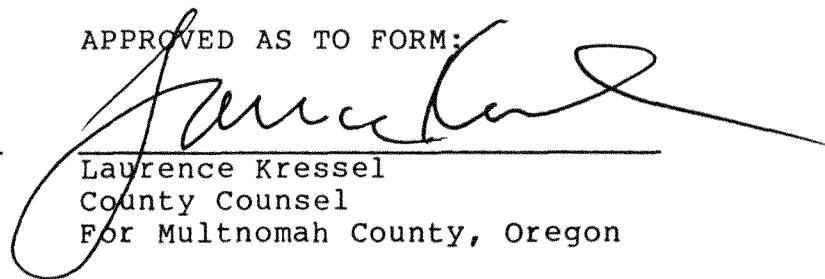

Gladys McCoy
County Chair

APR 20 1988

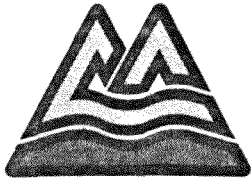
APPROVED AS TO FORM:


Jeffrey Rogers
City Attorney

APPROVED AS TO FORM:


Laurence Kressel
County Counsel
For Multnomah County, Oregon

0580R/dm
040788:3:1



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

April 21, 1988

Mr. John Angell, Director
Department of Justice Services
1120 SW Fifth
Portland, OR

Dear Mr. Angell:

Be it remembered, that at a meeting of the Board of County Commissioners held April 21, 1988, the following action was taken:

In the matter of ratification of an intergovern-)
mental agreement with the City of Portland re-)
garding the division of proceeds arising from)
civil forfeitures R-7)

Upon motion of Commissioner Kafoury, duly seconded by Commissioner Casterline, it is unanimously

ORDERED that said intergovernmental agreement be ratified.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By Jane McGarvin
Jane McGarvin
Clerk of the Board

jm
cc: Budget
Finance
Purchasing
Harriet Weber
District Attorney

DATE SUBMITTED

(For Clerk's Use)

Meeting Date

Agenda No.

4/21/88
R-8

Unanimous Consent
REQUEST FOR PLACEMENT ON THE AGENDA

Subject: EMERGENCY EXEMPTION REQUEST

Informal Only* _____

(Date)

Formal Only April 21, 1988

(Date)

DEPARTMENT Multnomah County Chair

DIVISION _____

CONTACT Lillie Walker, Purchasing

248-5111

Larry Nicholas, DES

TELEPHONE 248-5050

*NAME(s) OF PERSON MAKING PRESENTATION TO BOARD Larry Nicholas

BRIEF SUMMARY Should include other alternatives explored, if applicable, and clear statement of rationale for the action requested.

Emergency exemption requested to replace Dairy Creek Bridge on Sauvie Island. Physical survey indicated structure deteriorated to degree that it is unsafe to carry legal loads, thus jeopardizing public safety. There is no alternate route for truck movement, including agricultural, school bus and fire emergencies.

(IF ADDITIONAL SPACE IS NEEDED, PLEASE USE REVERSE SIDE)

ACTION REQUESTED:

☐

INFORMATION ONLY

☐

PRELIMINARY APPROVAL

☐

POLICY DIRECTION

☒

APPROVAL

INDICATE THE ESTIMATED TIME NEEDED ON AGENDA 20 minutes

IMPACT:

PERSONNEL

☒

FISCAL/BUDGETARY

☐

General Fund

Other _____

BOARD OF
COUNTY COMMISSIONERS
1988 APR 20 AM 11:19
MULTNOMAH COUNTY
OREGON

SIGNATURES:

DEPARTMENT HEAD, ELECTED OFFICIAL, or COUNTY COMMISSIONER: Gladys McCoy

BUDGET / PERSONNEL Sharon Cordova

COUNTY COUNSEL (Ordinances, Resolutions, Agreements, Contracts) [Signature]

OTHER Lillie M. Walker

(Purchasing, Facilities Management, etc.)

NOTE: If requesting unanimous consent, state situation requiring emergency action on back.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

In the Matter of Exempting)
from Public Bidding of a Contract)
for Replacing Dairy Creek Bridge)
and Declaring an Emergency)

A P P L I C A T I O N

Application to the Public Contract Review Board on behalf of a request from the Department of Environmental Services, Transportation Division is hereby made pursuant to the Board's Administrative Rules AR 10.010 and 10.110, adopted under the provisions of ORS 279.015 and 279.017, for an order exempting from the requirements of public bidding, the contracting for rebuilding the Dairy Creek Bridge.

This request is made for the following reasons:

1. Due to deteriorated timber piles and cracking of the concrete deck, the bridge was found to be structurally unsafe for legal loads over 5 tons.
2. The weight limitations eliminate transport for garbage disposal and severely limit bridge use for fire emergency trucks and school buses, and there is no alternate route for the northeast area of the island. Public health and safety require a prompt execution of a contract.

The Road Fund will be the funding source for this project.

The Purchasing Section recommends the declaration of emergency and use of an alternate competitive contracting method to expedite completion of the bridge.

Dated this 20th day of April , 1988.



Lillie M. Walker, Director
Purchasing Section



MULTNOMAH COUNTY OREGON

DEPARTMENT OF ENVIRONMENTAL SERVICES
2115 S.E. MORRISON
PORTLAND, OREGON 97214
(503) 248-5000

BOARD OF COUNTY COMMISSIONERS
GLADYS MC COY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GRETCHEN KAFOURY • DISTRICT 2 COMMISSIONER
CAROLINE MILLER • DISTRICT 3 COMMISSIONER
POLLY CASTERLINE • DISTRICT 4 COMMISSIONER

April 19, 1988

Gladys McCoy, Chair
Board of County Commissioners
134 County Court House
1021 SW Fourth Ave.
Portland, OR 97204

RE: Dairy Creek Bridge - Declaration of Emergency

Recently a condition investigation was completed on the Dairy Creek Bridge along Reeder Road on Sauvie Island. This structure serves as the only access to the northeast part of the Island which is primarily for agricultural and recreational users in both Multnomah County and Columbia County. The timber/concrete structure, built in 1950, is located in an above normal wet environment. Results of the structural investigation have grave implications to load capacity, public safety and economic impact.

Although previous repairs have been made, the combination of over-stressed members and wet environment have caused accelerated deterioration of the structure. Timber piles are cracked and have substantial internal decay. Timber caps are rotten and have crush, rotation and shear failures existing at every bent. The concrete deck also shows definite signs of cracking and tilting. The bridge is structurally unsafe to carry legal loads. As a result a 5 ton load limit was placed on the structure effective Tuesday, April 5, 1988.

On Monday, April 11, 1988, County staff participated in a public meeting with area residents to discuss the impact of the weight limitation. Discussions and subsequent follow-up have determined the weight limitations severely restrict or eliminate the following users:

1. School transportation.
2. Fire emergency.
3. Garbage and sewage disposal.
4. Agricultural activities such as farming equipment movement and transporting of livestock, feed, fuel and produce.
5. Business deliveries and recreation.
6. Road and utility maintenance.

RE: Dairy Creek Bridge - Declaration of Emergency
April 19, 1988
Page Two

Chart #1 attached illustrates the number of crossings per day for each user restricted or eliminated by the 5 ton weight restriction.

Originally staff considered strengthening the existing structure until a replacement could occur in 1990 or 1991 at which time federal funding would be available. The strengthening would be completed by July 15, 1988, at an estimated cost of \$50,000 and would raise the weight limitations to 15 ton for 2 axle, 17 ton for 3 axle and 27 ton for 5 axle vehicles. The majority of the area users would remain banned from crossing the bridge due to weight restrictions as shown on Chart #2.

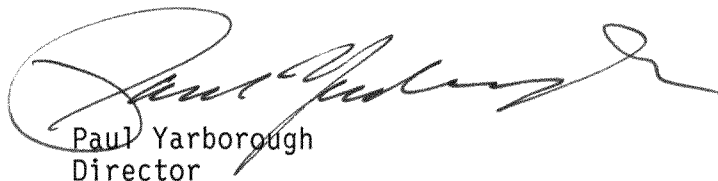
Staff is designing a permanent replacement utilizing an embankment/culvert solution. The estimated cost is \$300,000 which would eliminate the weight restriction.

Under normal conditions with contract documents completed by April 29, 1988, it is estimated construction could be completed by August 19, 1988. This includes 12 weeks for administrative procedures (i.e., county procedures, right-of-way purchase, Corp of Engineer and Division of State Lands Permits).

However, under emergency procedures as provided for under PCRB Administrative Rule 10.110, it is estimated the time line for completion of the contract could be accelerated 9 weeks with completion by June 17, 1988. This can be explained by shortening county administrative procedures by 5 weeks and Corp of Engineer/State Lands permit by 4 weeks.

Therefore, it is the recommendation of this department and the County Engineer that an emergency be declared to allow replacement of the Dairy Creek Bridge on Sauvie Island to be accomplished in the shortest possible time. This will minimize the economic impact and inconvenience to area users.

Very truly yours,



Paul Yarborough
Director

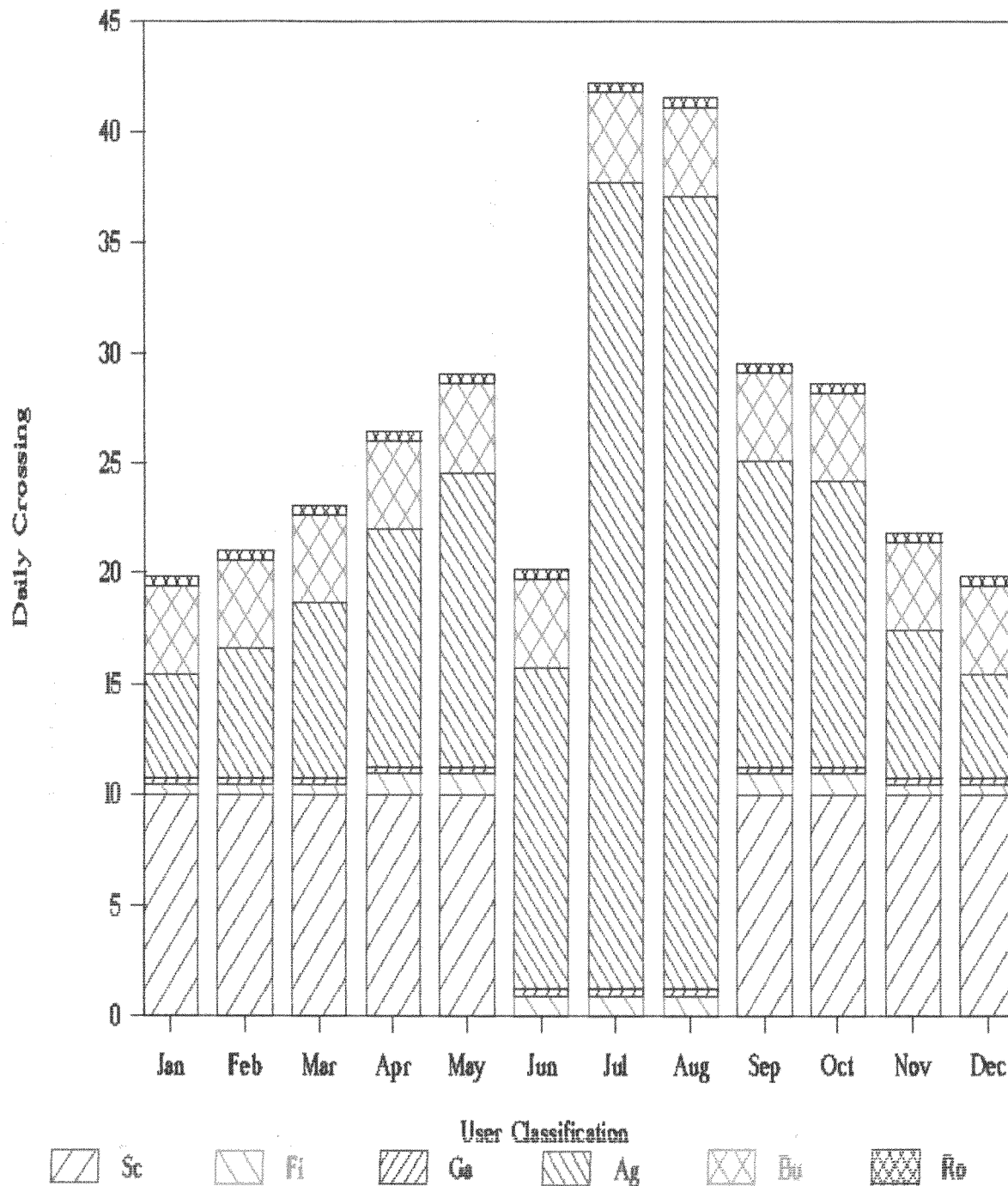
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Enclosure

4183V

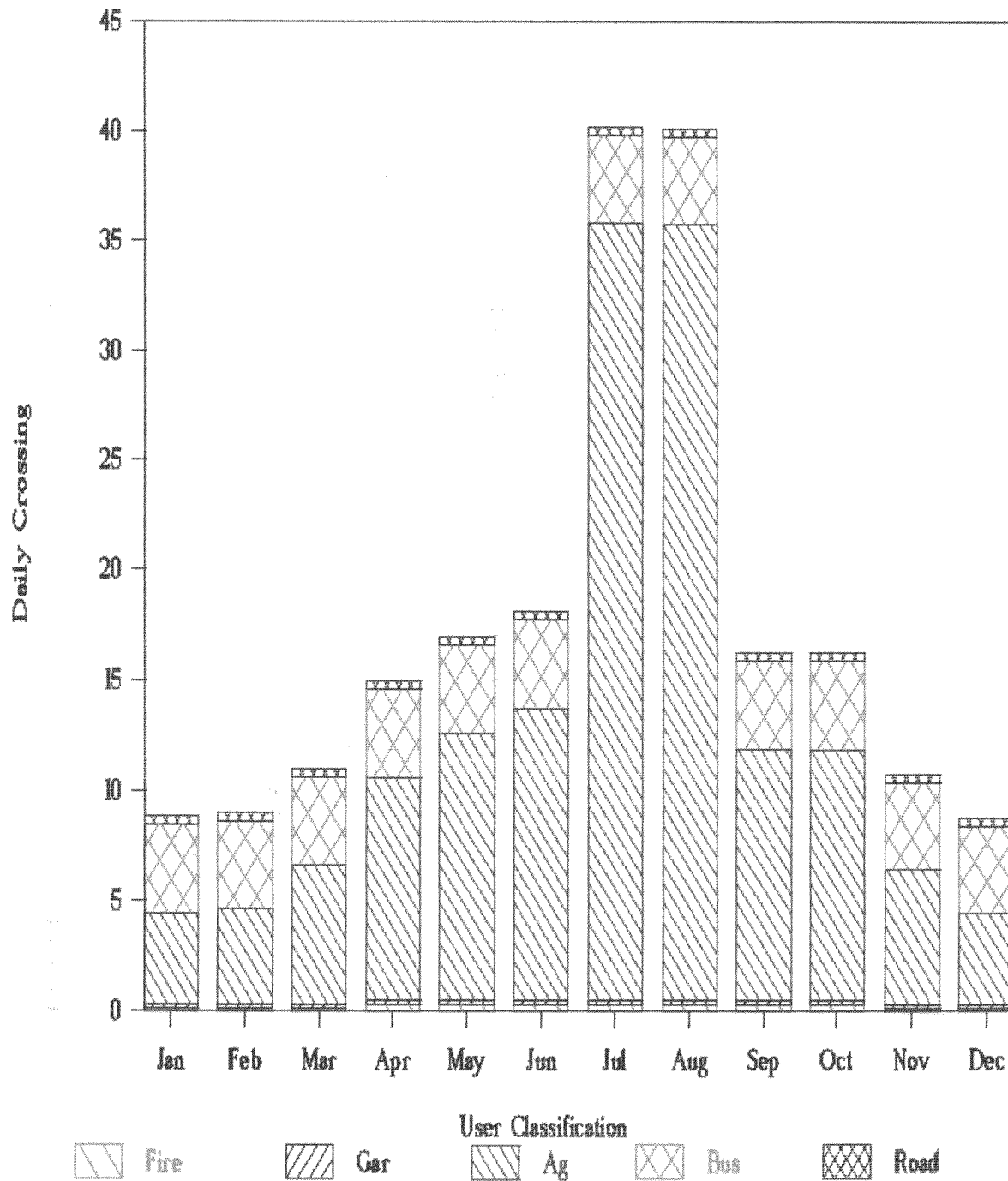
Reeder Road Bridge - Dairy Creek

Chart 1 - Loads over 5 Tons



Reeder Road Bridge - Dairy Creek

Chart 2 - Loads over 17 Tons





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


April 25, 1988

N O T I C E

Notice is hereby given that on April 21, 1988 at 9:30 am in Room 602 of the County Courthouse, 1021 SW Fourth Avenue, The Board of Commissioners of Multnomah County, Oregon, acting as the Public Contract Review Board for Multnomah County, considered and approved, by Unanimous Consent, an application and Order exempting from public bidding of a Contract for Replacing Dairy Creek Bridge, and declaring an emergency.

Copies of the Application and Order are enclosed.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Barbara E. Jones
Assistant Clerk of the Board

BJ
Enclosures

4/21/88

RECEIVED FROM JANE MCGARVIN

CLERK, BOARD OF COUNTY COMMISSIONERS . MULTNOMAH COUNTY, OREGON

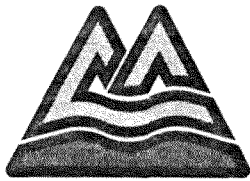
ENGINEERING

APPLICATION AND ORDER FOR EXEMPTION ^{From} ~~FOR~~ PUBLIC BIDDING FOR CONTRACT FOR
REPLACING DAIRY CREEK BRIDGE

#88-53

R-8 (UNANIMOUS CONSENT)

Denise Dietrich



MULTNOMAH COUNTY OREGON

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

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JANE McGARVIN • Clerk • 248-3277

Thursday, April 21, 1988

Mr. Paul Yarborough, Director
Department of Environmental Services
2115 SE Morrison
Portland, OR

Dear Mr. Yarborough:

Be it remembered, that at a meeting of the Board of County Commissioners held April 21, 1988, the following action was taken:

In the matter of Exempting from Public Bidding a)	O R D E R
Contract for Replacing Dairy Creek Bridge and)	#88-53
Declaring an Emergency R-8)	

Larry Nicholas, County Engineer, said he placed this matter on the agenda in order for the Board to be briefed on the conditions of the Dairy Creek Bridge on Sauvie Island. Upon routine examination of the structure, it has been found that the bridge is unable to carry loads required and is unsafe for use. This bridge is the only ingress, egress to the area. Though an application for State HBR funds for replacement in-kind has been submitted, funding would neither be available until 1992/93, nor would the same kind of structure be adequate. The emergency request is because of the need to escalate the time frame for replacement of the bridge.

Commissioner Casterline moved approval, duly seconded by Commissioner Anderson.

Commissioner Anderson asked whether or not installation of culverts would affect the flow as proposed by the Sturgeon Lake Reclamation Project.

Mr. Nicholas replied that the channel itself will continue to function normally; and the County process will expedite the Corps of Engineers permit process by five weeks. The Corps can then invoke their own emergency procedures which will require review of the whole Sturgeon Lake Ecosystem.

Discussion was held regarding support for the Sturgeon Lake Reclamation Project. The County will not be spending more money for that project at this time.

Commissioner Miller asked for clarification of access on the Island.

Mr. Nicholas explained that the County restriction of load limits has caused considerable inconvenience to residents of the island, but there is nothing that can be done short of replacement at this time. Fire response has been discussed, and procedures have been worked out for emergencies. Permits cannot be issued for overloads on this bridge, but in the case of a fire response, engines will stop before proceeding across the bridge, thereby reducing risk of bridge failure. He stated completion of the project can be accomplished by June 17.

At this time, the motion was considered, and upon a roll call vote, it is unanimously

ORDERED that said Exemption be approved.

Very truly yours,

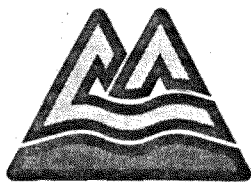
BOARD OF COUNTY COMMISSIONERS

By



Barbara E. Jones
Asst. Clerk of the Board

bj
cc: Purchasing
General Services
Engineering



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 605, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
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POLLY CASTERLINE • District 4 • 248-5213
JANE McGARVIN • Clerk • 248-3277

April 21, 1988

Ms. Linda Alexander, Director
Department of General Services
1120 SW Fifth
Portland, OR

Dear Ms. Alexander:

Be it remembered, that at a meeting of the Board of County Commissioners held April 21, 1988, the following action was taken:

Upon motion of Commissioner Miller, duly seconded by Commissioner Casterline, on a roll call vote, the following matter was considered by unanimous consent:

In the matter of Exempting from Public Bidding a)	O R D E R
Contract for Replacing Dairy Creek Bridge and)	#88-53
Declaring an Emergency R-8)	

Larry Nicholas, County Engineer, said he placed this matter on the agenda in order for the Board to be briefed on the conditions of the Dairy Creek Bridge on Sauvie Island. Upon routine examination of the structure, it has been found that the bridge is unable to carry loads required and is unsafe for use. This bridge is the only ingress, egress to the area. Though an application for State HBR funds for replacement in-kind has been submitted, funding would neither be available until 1992/93, nor would the same kind of structure be adequate. The emergency request is because of the need to escalate the time frame for replacement of the bridge.

Commissioner Casterline moved approval, duly seconded by Commissioner Anderson.

Commissioner Anderson asked whether or not installation of culverts would affect the flow as proposed by the Sturgeon Lake Reclamation Project.

Mr. Nicholas replied that the channel itself will continue to function normally; and the County process will expedite the Corps of Engineers permit process by five weeks. The Corps can then invoke their own emergency procedures which will require review of the whole Sturgeon Lake Ecosystem.

Discussion was held regarding support for the Sturgeon Lake Reclamation Project. The County will not be spending more money for that project at this time.

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At this time, the motion was considered, and upon a roll call vote, it is unanimously

ORDERED that said Exemption be approved.

Very truly yours,

BOARD OF COUNTY COMMISSIONERS

By


Jane McGarvin
Clerk of the Board

jm
cc: Purchasing
Transportation

R-5
sub
--- M