



MULTNOMAH COUNTY, OREGON

BOARD OF COMMISSIONERS

Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515
Portland, Or 97204-1914
Phone: (503) 248-3308 FAX (503) 248-3093
Email: mult.chair@co.multnomah.or.us

Diane Linn, Commission Dist. 1

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5220 FAX (503) 248-5440
Email: diane.m.linn@co.multnomah.or.us

Serena Cruz, Commission Dist. 2

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5219 FAX (503) 248-5440
Email: serena.m.cruz@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5217 FAX (503) 248-5262
Email: lisa.h.naito@co.multnomah.or.us

Sharron Kelley, Commission Dist. 4

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5213 FAX (503) 248-5262
Email: sharron.e.kelley@co.multnomah.or.us

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

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

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

MARCH 25, 1999

BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

| | |
|---------|-----------------------------------------------------------------------------------------------------------------------------|
| Pg 2 | 10:30 a.m. Consent Calendar of Routine County Business |
| Pg 2 | 10:30 a.m. Opportunity for Public Comment on Non-Agenda Matters |
| Pg 3 | 10:30 a.m. Resolution Authorizing Application for a Loan from the Small Scale Energy Loan Program |
| Pg 3 | 10:35 a.m. Ordinance Repealing Unnecessary County Employment and Compensation Ordinances |
| Pg 3 | 10:45 a.m. Resolution Relating to Exempt Employees and Elected Officials Benefits |
| Pg 3 | 10:55 a.m. Resolution Relating to Pay Administration for Employees Not Covered by Collective Bargaining Agreements |

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

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

Friday, 10:00 PM, Channel 30

Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community
Television

Thursday, March 25 1999 - 10:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

NON-DEPARTMENTAL

- C-1 Appointments of Lu Hodges, Patty Brost, Carrie Green and Lilia Burgos to the ELDERS IN ACTION COMMISSION
- C-2 Budget Modification CCFC 99-01 Recognizing a Juvenile Justice and Delinquency Prevention Grant Award of \$3,000 from the Oregon Commission on Children and Families to Develop a Public Engagement Process to Involve Citizens in Our Local Juvenile Justice/Delinquency Prevention Plan

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-3 ORDER Authorizing Execution of Deed D951180 for Repurchase of Tax Acquired Property to Former Owners Robert L. Jeffrey and the Estate of Judy J. Jeffrey
- C-4 ORDER Authorizing Amendment to Purchase and Sale Agreement to Purchaser Waxman & Associates, Inc.

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-5 Renewal of Intergovernmental Revenue Agreement 9910393 with the U.S. Department of Housing and Urban Development, Funding Two Additional Years of Family Futures I Services for Low Income Homeless

REGULAR AGENDA

PUBLIC COMMENT

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

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-2 RESOLUTION Authorizing an Application for a Loan from the Small Scale Energy Loan Program (SELP)

DEPARTMENT OF SUPPORT SERVICES

R-3 First Reading and Possible Adoption of an ORDINANCE Repealing Certain County Employment and Compensation Ordinances that are No Longer Necessary or that are Being Updated and Adopted by Resolution, and Declaring an Emergency

R-4 RESOLUTION Relating to Benefits for Exempt Employees and Elected Officials

R-5 RESOLUTION Relating to Pay Administration for Employees Not Covered by Collective Bargaining Agreements

COMMISSIONER COMMENT/LEGISLATIVE ISSUES

R-6 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest or to Discuss Legislative Issues.



MULTNOMAH COUNTY, OREGON

BOARD OF COMMISSIONERS

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CLERK DEB BOGSTAD @ 248-3277**

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

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MARCH 25, 1999 BOARD MEETING

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R-6 Opportunity (as Time Allows) for Commissioners to Provide Informational Comments to Board and Public on Non-Agenda Items of Interest or to Discuss Legislative Issues.



Diane Linn, Multnomah County Commissioner
DISTRICT ONE

MEMORANDUM

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

FROM: Beckie Lee
Staff to Commissioner Diane Linn

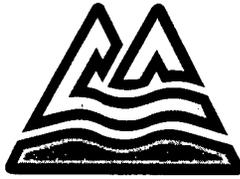
DATE: February 8, 1999

RE: Board Meeting Absences

Commissioner Linn will not be able to attend Board meetings on March 23rd and 25th as she will be out of town for with her family for Spring Break.

99 FEB -9 AM 8:55
BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON





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

MULTNOMAH COUNTY OREGON

MEMORANDUM

TO: Chair Beverly Stein
Commissioner Diane Linn
Commissioner Serena Cruz
Commissioner Sharron Kelley
Board Clerk Deb Bogstad

FROM: Charlotte Comito
Staff to Commissioner Lisa Naito

DATE: February 5, 1999

RE: Board absences

Commissioner Naito will be attending the NACO Conference in Washington D.C. on February 26 through March 3. Commissioner Naito will also be absent for the BCC briefing on Tuesday March 16 and the BCC meetings on Thursday March 18 and Thursday March 25th.

99 FEB - 8 PM 1:14
MULTNOMAH COUNTY
OREGON
COUNTY COMMISSIONERS

MEETING DATE: MAR 25 1999
AGENDA NO: C-1
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Appointments to Elders in Action Commission

BOARD BRIEFING:

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

REGULAR MEETING:

DATE REQUESTED: March 25, 1999
AMOUNT OF TIME NEEDED: Consent

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Delma Farrell

TELEPHONE #: 248-3953
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: _____

ACTION REQUESTED:

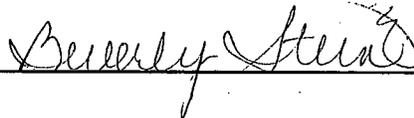
INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Appointments of Lu Hodges, Patty Brost, Carrie Green, Lilia Burgos to the Elders in Action Commission

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: _____



BOARD OF
COUNTY COMMISSIONERS
MULTI-NOMAH COUNTY
OREGON
99 MAR 10 PM 2:55

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

BUDGET MODIFICATION NO.

CCFC99-01

MAR 25 1999

(For Clerk's Use) Meeting Date

Agenda No.

C-2

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

3/25/99

DEPARTMENT

Non-Departmental

DIVISION

Commission On Children Families and Community

CONTACT

Jeanette Hankins

TELEPHONE

736-6981

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

NA

SUGGESTED

AGENDA TITLE

Oregon Commission on Children and Families Juvenile Justice Delinquency Prevention grant Award, Community justice mapping.

(Estimated Time Needed on the Agenda)

None

2. DESCRIPTION OF MODIFICATION

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

None

Personnel changes are shown in detail on the attached sheet

This Bud Mod recognizes Grant Award of \$3,000 to Commission on children Families and Community for collaboration with Dept of Juvenile & Adult Community Justice and the Public Safety Council to develop a public engagement process to involve citizens in our local juvenile justice/delinquency prevention plan that was completed in the Summer of 1998.

BOARD OF COUNTY COMMISSIONERS
99 MAR 15 PM 4:30
MULTNOMAH COUNTY
OREGON

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

New revenue of \$3000 JJDP funds added to CCFC budget.

4. CONTINGENCY STATUS

(to be completed by Budget & Quality)

General

Fund Contingency before this modification

3/15/99

3,267,799

Date

After this modification

3,267,898

Originated By

Jeanette Hankins

Date

3/9/99

Department Director

Date

3/12/99

Plan/Budget Analyst

Date

3/15/99

Employee Services

Date

Board Approval

Date

3/25/99

memorandum



TO: Board of County Commissioners
FROM: James Clay, Director
Today's Date: March 16, 1999
Requested Placement Date: March 25, 1999
SUBJECT: Budget Modification CCFC99-01

Members
Mark Rosenbaum, Chair
Pauline Anderson
Mike Balter
Alcena Boozer
Maureen Casterline
Lee Coleman
Ruth Ann Dodson
Paul Drews
Barbara Friesen
Steve Fulmer
Muriel Goldman
Carla Harris
Janet Kretzmeier
Kay Lowe
Sharon McCluskey
Larry Norvell
Eric Parsons
Lorenzo Poe
Tom Potter
Cornetta Smith
Luther Sturtevant
Nan Waller
Duncan Wyse

I. Recommendation/Action Requested: The Commission on Children Families and Community recommends approval of Budget Modification CCFC99-01. This modification recognizes a Juvenile Justice and Delinquency Prevention Grant Award of \$3,000 from the *Oregon Commission on Children and Families*.

II. Background/Analysis: The purpose of the grant award was for a collaboration to develop a public engagement process to involve citizens in our local juvenile justice and delinquency prevention plan. The public input for the plan was completed in the Summer of 1998.

III. Financial Impact: Increases the Commission on Children Families and Community budget by \$3,000.

IV. Legal Issues: None

V. Controversial Issues: None

VI. Link to Current County Policies: This planning process was completed and the resulting Strategic Plan for Juvenile Justice and Delinquency Prevention in Multnomah County was presented to the MCCF in October 1998, and approved by the BCC with resolution 98-171 October 22, 1998.

VII. Citizen Participation: Two public input sessions were held, with a total of 90 participants.

VIII. Other Government Participation: This was a collaboration project with the Dept. of Juvenile and Adult Community Justice and the Public Safety Council, and also included participation from the Cities of Portland and Gresham, Portland public Schools, and Multnomah Education Services District.

Staff
Jim Clay, Director
Erin Barnhart
Judy Brodkey
Jeff Cogen
Jeanette Hankins
Janet Hawkins
Bonnie Rosatti
Jana Rowley
Chris Tebben

421 SW 6th Avenue,
Suite 1075
Portland, OR 97204-1620
Ph: (503) 248-3897
Fx: (503) 306-5538
mccf.org@co.multnomah.or.us
inter-office: 166/1075

MEETING DATE: MAR 25 1999

AGENDA NO: C-3

ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Request Approval of Repurchase Deed to Former Owners

BOARD BRIEFING: Date Requested: _____

Requested by: _____

Amount of Time Needed: _____

REGULAR MEETING: Date Requested: _____

Amount of Time Needed: 5 minutes

DEPARTMENT: Environmental Services DIVISION: Assessment & Taxation

CONTACT: Gary Thomas TELEPHONE #: 248-3380 X22591

BLDG/ROOM #: 166/300/Tax Title

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of Repurchase Deed to former owners, ROBERT L. JEFFREY & THE ESTATE OF JUDY J. JEFFREY.

Deed D951180 and Board Order attached.

*3/26/99 ORIGINAL Deed & copies of all
to TAX Title*

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 MAR 15 AM 10:27

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

OR
DEPARTMENT
MANAGER: *kt Hunt Nicholas*

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-44

Execution of Deed D951180 for Repurchase of Tax Acquired Property to Former Owners ROBERT L. JEFFREY and THE ESTATE OF JUDY J. JEFFREY

The Multnomah County Board of Commissioners Finds:

- a) It appearing that heretofore Multnomah County acquired the real property hereinafter described through foreclosure of liens for delinquent taxes.
- b) That ROBERT L. JEFFREY and THE ESTATE OF JUDY J. JEFFREY are the former record owners thereof, and have applied to the county to repurchase said property for the amount of \$3,119.43 which amount is not less than that required by Section 275.180 ORS; and that it is for the best interests of the County that said application be accepted and that said property be sold to said former owners for said amount

The Multnomah County Board of Commissioners Orders:

1. It is hereby ORDERED that the Chair of the Multnomah County Board of County Commissioners execute a deed conveying to the former owners the following described property situated in the County of Multnomah, State of Oregon:

LOT 11, BLOCK 6, ENGLEWOOD PK, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

Dated at Portland, Oregon this 25th day of March, 1999.



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Beverly Stein
Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
for Multnomah County, Oregon

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

DEED D951180

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to ROBERT L. JEFFREY and THE ESTATE OF JUDY J. JEFFREY, Grantees, the following described real property, situated in the County of Multnomah, State of Oregon:

LOT 11, BLOCK 6, ENGLEWOOD PK, a recorded subdivision in the City of Portland, County of Multnomah and State of Oregon.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$3,119.43.

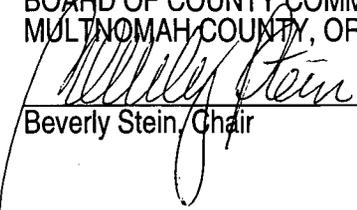
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSONS ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO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

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

ROBERT L. JEFFREY
THE ESTATE OF JUDY J. JEFFREY
4717 NE AINSWORTH ST
PORTLAND OR 97218-1818

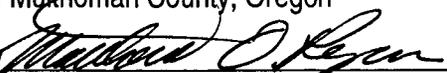
IN WITNESS, WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of County Commissioners this 25th day of March, 1999, by authority of an Order of said Board of County Commissioners heretofore entered of record.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

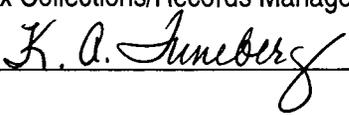

Beverly Stein, Chair



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

By 
Matthew O. Ryan, Assistant County Counsel

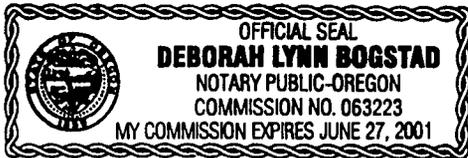
DEED APPROVED:
Kathy Tuneberg, Director
Tax Collections/Records Management

By 
Kathy A. Tuneberg

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

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

The foregoing instrument was acknowledged before me this 25th day of March, 1999, by Beverly Stein, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.



Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/01

MEETING DATE: MAR 25 1999

AGENDA NO: C-4
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: **Request Approval of Amendment to Purchase & Sale Agreement SPA11 to WAXMAN & ASSOCIATES, INC. and .**

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

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

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

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Request approval of amendment to Purchase & Sale Agreement to WAXMAN & ASSOCIATES, INC..
(Property purchased at 8-26-98 auction)

Amendment to Purchase & Sale Agreement and Board Order attached.

*3/26/99 ORIGINAL Agreement & copies of
All to tax file*

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT MANAGER: *ht Len E. Nicholas*

99 MAR 17 PM 1:47
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS

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

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. 99-45

Authorizing Amendment to Purchase and Sale Agreement to Purchaser WAXMAN & ASSOCIATES, INC..

The Multnomah County Board of Commissioners Finds:

- a) Purchaser WAXMAN & ASSOCIATES, INC. has requested an extension of closing date to September 28, 1999 from the original deadline of November 24, 1998 as stated in the Purchase and Sale Agreement recorded October 8, 1998, in the Multnomah County Deed Records at Book 98 and Page 181690.
- b) Extension is being requested in order to complete environmental testing required by Purchaser's underwriter and the Oregon Department of Environmental Quality (DEQ) and to complete negotiations with DEQ for the Propsective Purchasers Agreement (PPA).

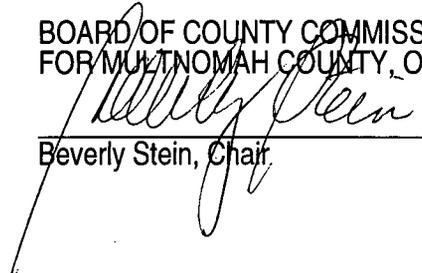
The Multnomah County Board of Commissioners Orders:

1. The Chair of Multnomah County Board of Commissioners is authorized to execute the attached amendment to the original Purchase and Sale Agreement to purchaser WAXMAN & ASSOCIATES, INC..

Adopted this 25th day of March, 1999.

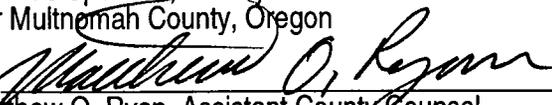


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By: 

Matthew O. Ryan, Assistant County Counsel

SECOND AMENDED REAL ESTATE
PURCHASE AND SALE AGREEMENT

RECITALS

1. Multnomah County, Oregon (Seller) and Waxman & Associates, Inc. (Purchaser) entered into a Purchase and Sale Agreement (Agreement) signed by Multnomah County Chair Beverly Stein on September 24, 1998, said Agreement is recorded in the County Deed Records at entry No. 98181690 for the real property described as:

LOTS 10-12, BLOCK 13, MILLERS ADDITION, a recorded subdivision in the County of Multnomah, and State of Oregon.

2. On or about December 7, 1998, Seller and Purchaser entered into agreement to extend the closing date (Extension) to February 28, 1999. The Extension is recorded in the County Deed Records at Entry No. 98223419.
3. The Purchaser requests an additional extension of the closing date to September 28, 1999 in order to complete environmental testing required by Purchaser's underwriter and the Oregon Department of Environmental Quality (DEQ) and to complete negotiations with DEQ for the Prospective Purchasers Agreement (PPA).

WHEREFORE, THE PARTIES NOW AGREE TO AMEND THE ORIGINAL PURCHASE AND SALE AGREEMENT AS FOLLOWS:

1. Extension of Closing Date: Seller agrees to extend the closing date to September 28, 1999.
2. Testing Approval: Purchaser shall receive written approval from DEQ for all environmental testing at the site, including the use of a "Geoplug". Purchaser shall provide a copy of the written approval to Seller prior to commencement of any testing. Purchaser shall coordinate all environmental testing with Gary Thomas, Multnomah County's Tax Foreclosed Property Coordinator. Purchaser shall undertake no testing or other activity that in any way aggravates, spreads or exacerbates any hazardous or contaminated environmental condition at the site.
3. Reporting Requirement: Purchaser shall provide Seller with a report by April 15, 1998 as to the status of the environmental testing and Purchaser's intention to continue or terminate the agreement.
4. Continuance: Except as amended herein, all other terms and conditions of the Agreement shall remain in full force and effect.

5. Effective Date: This Amended Agreement is effective upon signature of both parties.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

PURCHASER

By: *Beverly Stein*
Beverly Stein, Chair

Loren J. Waxman
Loren J. Waxman, President
Waxman & Associates, Inc.

Date: March 25, 1999

Date: 3/9/99



REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL for
Multnomah County

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

MAR 25 1999

MEETING DATE: _____

AGENDA NO: C-5

ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Revenue contract with U.S. Department of Housing and Urban Development funding two additional years of Family Futures I services for low income homeless. Services include leasing, supportive services and administration. Total funding is \$1,580,796 for the period May 1, 1999 through April 31, 2001.

BOARD BRIEFING

Date Requested: _____

Requested By: _____

Amount of Time Needed: _____

REGULAR MEETING

Date Requested: Next Available

Amount of Time Needed: Consent

DEPARTMENT: Community and Family Services

DIVISION: Community Programs and Partnerships

CONTACT: Lorenzo Poe/Mary Li

TELEPHONE: 248-3691

BLDG/ROOM: 166/7

PERSON(S) MAKING PRESENTATION:

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE

Revenue Contract with U.S. Department of Housing and Urban Development

SIGNATURES REQUIRED:

3/26/99 ORIGINALS to PATTY DEWLE

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Lorenzo Poe mgr

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

99 MAR 12 PM 2:20
MULTNOMAH COUNTY
OREGON
BOARD OF
COUNTY COMMISSIONERS



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
OFFICE OF THE DIRECTOR
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204
PHONE (503) 248-3691
FAX (503) 248-3379 TDD (503) 248-3598

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

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director *Lorenzo Poe*
Department of Community and Family Services

DATE: March 5, 1999

SUBJECT: Revenue Contract with U.S. Department of Housing and Urban Development

I. Recommendation/Action Requested: The Department is requesting approval of the revenue contract with the U.S. Department of Housing and Urban Development (HUD) for the period May 1, 1999 through April 31, 2001.

II. Background/Analysis: The Department was originally awarded the Family Futures Grant by HUD in 1995. This contract is a two year renewal of that grant. Funding supports low income homeless households in their efforts to stabilize their situations. This funding will be used to maintain stability within the established homeless services system.

III. Financial Impact: This contract is for a total of \$1,580,796. \$1,505,520 funding is used to provide supportive services and residential leasing. The balance, \$75,276, is for administrative costs. A budget modification will be completed by the Division of Community Programs and Partnerships.

IV. Legal Issues: None

V. Controversial Issues: None

VI. Link to Current County Policies: Services are directly tied to the County Urgent Bench Mark; Reduce the number of children in poverty.

VII. Citizen Participation: Division of Community Programs and Partnerships involve Multnomah Commission on Children, Family and Community in policy development and service planning.

VIII. Other Government Participation: This funding allows Multnomah County to assist HUD in accomplishing the national effort to end homelessness.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM
(See Administrative Procedure CON-1)

Contract #: 9910393

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

Amendment #: 0

| | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p align="center">Class I</p> <input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only) | <p align="center">Class II</p> <input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCR Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount) | <p align="center">Class III</p> <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <p align="center">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-5</u> DATE <u>3/25/99</u> <u>DEB BOGSTAD</u> BOARD CLERK</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Department: Community and Family Services Division: Community Programs and Partnerships Date: March 5, 1999
 Originator: Barbara Hershey Phone: X 26323 Bldg/Rm: 166/5
 Contact: Patty Doyle Phone: X 24418 Bldg/Rm: 166/7

Description of Contract: **Revenue contract funding two additional years of Family Futures I low income homeless services including: leasing, supportive services, and administration.**

| | | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------|--------|
| RENEWAL <input checked="" type="checkbox"/> | PREVIOUS CONTRACT #(S) | RFP/BID DATE | ORSIAR |
| RFP/BID | | EXEMPTION EXPIRATION DATE | # |
| EXEMPTION | | | |
| #/DATE | | | |
| CONTRACTOR IS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input type="checkbox"/> N/A <input type="checkbox"/> NONE (Check all boxes that apply) | | | |

| | | | |
|-------------------------------------|---------------------------------------------------------|---------------------------------------------------------------|----------------------------------------------------------|
| Contractor | <u>U.S. Department of Housing and Urban Development</u> | | |
| Address | <u>400 SW 6th Avenue, Suite 700</u> | Remittance Address | <u>(If different)</u> |
| | <u>Portland, OR 97204</u> | | |
| Phone | <u>326-7016</u> | Payment Schedule / Terms | |
| Employer ID# or SS# | | <input type="checkbox"/> Lump Sum \$ | <input type="checkbox"/> Due on Receipt |
| Effective Date | <u>May 1, 1999</u> | <input checked="" type="checkbox"/> Monthly \$ <u>Invoice</u> | <input type="checkbox"/> Net 30 |
| Termination Date | <u>April 31, 2001</u> | <input type="checkbox"/> Other \$ | <input type="checkbox"/> Other |
| Original Contract Amount \$ | <u>1,580,796</u> | | |
| Total Amt of Previous Amendments \$ | <u>-0-</u> | <input type="checkbox"/> Requirements \$ | |
| Amount of Amendment \$ | <u>-0-</u> | | |
| Total Amount of Agreement \$ | <u>1,580,796</u> | Encumber | <input type="checkbox"/> Yes <input type="checkbox"/> No |

REQUIRED SIGNATURES

Department Manager: *Lolenz Boe me* DATE 3/9/99
 Purchasing Manager: _____ DATE _____
 County Counsel: *Patie* DATE 3/12/99
 County Chair: *Patty Doyle* DATE March 25, 1999
 Sheriff: _____ DATE _____
 Contract Administration: _____ DATE _____

| LGFS VENDOR CODE | | | | | | DEPT REFERENCE | | | | | |
|------------------|------|--------|------|---------|----------|----------------|---------|---------|------------------|-------------|---------|
| LINE # | FUND | AGENCY | ORG | SUB ORG | ACTIVITY | OBJ/REV | SUB OBJ | REP CAT | LGFS DESCRIPTION | AMOUNT | INC DEC |
| 01 | 156 | 010 | 1101 | | | 2007 | | 9247F | | \$75,276 | |
| 02 | 156 | 010 | 1150 | | | 2007 | | 9247F | | \$1,505,520 | |
| 03 | | | | | | | | | | | |

1998 SUPPORTIVE HOUSING PROGRAM

RENEWAL GRANT AGREEMENT

This Grant Agreement is made by and between the United States Department of Housing and Urban Development (HUD) and Multnomah County Department of Community and Family Services, the Recipient, whose Tax ID number is 93-6002309 for Project Number OR16B807004 to be located in Portland, Gresham, Troutdale, Wood Village, Maywood Park, Multnomah County, Oregon.

The assistance which is the subject of this Grant Agreement is authorized by Subtitle C of Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq. as amended (the Act). The term grant or grant funds means the assistance provided under this Agreement. This grant agreement will be governed by the Act and the provisions of Attachment A which is attached hereto and made a part hereof and the Notice of Fund Availability (NOFA) published at 63 FR 23997 on April 30, 1998. The term "application" means the original and renewal application submissions on the basis of which a Grant was approved by HUD, including the certifications and assurances and any information or documentation required to meet any grant award conditions, and are incorporated herein; however, in the event of any conflict between the provisions of those documents and any provision contained herein, this Renewal Grant Agreement shall control. The Secretary agrees, subject to the terms of the Grant Agreement, to provide the grant funds in the amount specified below for the approved project described in the application.

Although this agreement will become effective only upon the execution hereof by both parties, upon execution, the term of this agreement shall run from the end of the Recipient's final operating year under the original Grant Agreement for a period of two years. Eligible costs, as defined by the Act and Attachment A, incurred between the end of Recipient's final operating year under the original Grant Agreement and the execution of this Renewal Grant Agreement may be paid with funds from the first operating year of this renewal grant.

HUD's total fund obligation for this project is \$1,580,796 allocated as follows:

- | | |
|----------------------------------|-------------|
| 1. Grant for Operating | \$ 0 |
| 2. Grant for Supportive Services | \$1,066,975 |
| 3. Grant for Leasing | \$ 438,545 |
| 4. Grant for Administration | \$ 75,276 |

The Recipient agrees to comply with all requirements of this Grant Agreement and to accept responsibility for such compliance by any entities to which it makes grant funds available.

HUD notifications to the Recipient shall be to the address of the Recipient as written above, unless HUD is otherwise advised in writing. Recipient notifications to HUD shall be to the HUD Field Office executing the Grant Agreement. No right, benefit, or advantage of the Recipient hereunder be assigned without prior written approval of HUD.

A default shall consist of any use of grant funds for a purpose other than as authorized by this Grant Agreement, failure in the Recipient's duty to provide the supportive housing for the minimum term in accordance with the requirements of Attachment A, noncompliance with the Act or Attachment A provisions, any other material breach of the Grant Agreement, or misrepresentations in the application submissions which, if known by HUD, would have resulted in this grant not being provided. Upon due notice to the Recipient of the occurrence of any such default and the provision of a reasonable opportunity to respond, HUD may take one or more of the following actions:

- (a) direct the Recipient to submit progress schedules for completing approved activities; or
- (b) issue a letter of warning advising the Recipient of the default, establishing date by which corrective actions must be completed and putting the Recipient on notice that more serious actions will be taken if the default is not corrected or is repeated; or
- (c) direct the Recipient to establish and maintain a management plan that assigns responsibilities for carrying out remedial actions; or
- (d) direct the Recipient to suspend, discontinue or not incur costs for the affected activity; or
- (e) reduce or recapture the grant; or
- (f) direct the Recipient to reimburse the program accounts for costs inappropriately charged to the program; or
- (g) continue the grant with a substitute recipient of HUD's choosing; or

- (h) other appropriate action including, but not limited to, any remedial action legally available, such as affirmative litigation seeking declaratory judgment, specific performance, damages, temporary or permanent injunctions and any other available remedies.

No delay or omission by HUD in exercising any right or remedy available to it under this Grant Agreement shall impair any such right or remedy or constitute a waiver or acquiescence in any Recipient default.

For each operating year in which funding is received, the Recipient shall file annual certifications with HUD that the supportive housing has been provided in accordance with the requirements of the Grant Agreement.

This Grant Agreement constitutes the entire agreement between the parties hereto, and may be amended only in writing executed by HUD and the Recipient. More specifically, the Recipient shall not change recipients, location, services, or population to be served nor shift more than 10 percent of funds from one approved type of activity to another, or make any other significant change, without the prior written approval of HUD.

SIGNATURES

This Grant Agreement is hereby executed as follows:

UNITED STATES OF AMERICA
Secretary of Housing and Urban Development

By:

Signature and Date

Don Phillips
Typed name of signatory

Acting Director, Community Planning and Development
Title

RECIPIENT

MULTNOMAH COUNTY

BY Lorenzo Paez 3/19/99
Director, Dept. of Community & Family Services Date

BY Beverly Stein 3/25/99
Beverly Stein Date
Multnomah County Chair

REVIEWED:
THOMAS SPONSLER, County Counsel for
Multnomah County, Oregon

By Katie Gaetjens 3/12/99
Katie Gaetjens Date
Assistant County Counsel

Official Contact Person and Telephone No. and Fax No.

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-5 DATE 3/25/99
DEB BOGSTAD
BOARD CLERK

SUPPORTIVE HOUSING PROGRAM

**Supportive Housing Program (SHP) Rule
(24 CFR Part 583)**

**References in SHP Rule to the McKinney Act
(42 U.S.C. 1381-11389)**

**References applicable to SHP in the
General HUD Program Requirements; Waiver
(61 FR 5202)**

**U.S. Department of Housing and Urban Development
Office of Special Needs Assistance Programs**

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for
Community Planning and Development

24 CFR Part 583

Supportive Housing Program

PART 583--SUPPORTIVE HOUSING PROGRAM

Subpart A--General

Sec.

583.1 Purpose and scope.

583.5 Definitions.

Subpart B--Assistance Provided

583.100 Types and uses of assistance.

583.105 Grants for acquisition and rehabilitation.

583.110 Grants for new construction.

583.115 Grants for leasing.

583.120 Grants for supportive services costs.

583.125 Grants for operating costs.

583.130 Commitment of grant amounts for leasing, supportive services, and operating costs.

583.135 Administrative costs.

583.140 Technical assistance.

583.145 Matching requirements.

583.150 Limitations on use of assistance.

583.155 Comprehensive housing affordability strategy (CHAS).

Subpart C--Application and Grant Award Process

583.200 Application and grant award.

583.230 Environmental review.

583.235 Renewal grants.

Subpart D--Program Requirements

583.300 General operation.

583.305 Term of commitment; repayment of grants; prevention of undue benefits.

583.310 Displacement, relocation, and acquisition.

583.315 Resident rent.

583.320 Site control.

583.325 Nondiscrimination and equal opportunity requirements.

583.330 Applicability of other Federal requirements.

Subpart E--Administration

583.400 Grant agreement.

583.405 Program changes.

583.410 Obligation and deobligation of funds.

AUTHORITY: 42 U.S.C. 3535(d) and 11389.

Subpart A--General

§ 583.1 Purpose and scope.

(a) General. The Supportive Housing program is authorized by title IV of the Stewart B. McKinney Homeless Assistance Act (the McKinney Act) (42 U.S.C. 11381-11389). The supportive housing program is designed to promote the development of supportive housing and supportive services, including innovative approaches to assist homeless persons in the transition from homelessness, and to promote the provision of supportive housing to homeless persons to enable them to live as independently as possible.

(b) Components. Funds under this part may be used for:

(1) Transitional housing to facilitate the movement of homeless

individuals and families to permanent housing;

(2) Permanent housing that provides long-term housing for homeless persons with disabilities;

(3) Housing that is, or is part of, a particularly innovative project for, or alternative methods of, meeting the immediate and long-term needs of homeless persons; or

(4) Supportive services for homeless persons not provided in conjunction with supportive housing.

§ 583.5 Definitions.

As used in this part:

Applicant is defined in section 422(1) of the McKinney Act (42 U.S.C. 11382(1)). For purposes of this definition, governmental entities include those that have general governmental powers (such as a city or county), as well as those that have limited or special powers (such as public housing agencies).

Consolidated plan means the plan that a jurisdiction prepares and submits to HUD in accordance with 24 CFR part 91.

Date of initial occupancy means the date that the supportive housing is initially occupied by a homeless person for whom HUD provides assistance under this part. If the assistance is for an existing homeless facility, the "date of initial occupancy" is the date that services are first provided to the residents of supportive housing with funding under this part.

Date of initial service provision means the date that supportive services are initially provided with funds under this part to homeless persons who do not reside in supportive housing. This definition applies only to projects funded under this part that do not provide supportive housing.

Disability is defined in section 422(2) of the McKinney Act (42 U.S.C. 11382(2)).

Homeless person means an individual or family that is described in section 103 of the McKinney Act (42 U.S.C. 11302).

Metropolitan city is defined in section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)). In general, metropolitan cities are those cities that are eligible for an entitlement grant under 24 CFR part 570, subpart D.

New construction means the building of a structure where none existed or an addition to an existing structure that increases the floor area by more than 100 percent.

Operating costs is defined in section 422(5) of the McKinney Act (42 U.S.C. 11382(5)).

Outpatient health services is defined in section 422(6) of the McKinney Act (42 U.S.C. 11382(6)).

Permanent housing for homeless persons with disabilities is defined in section 424(c) of the McKinney Act (42 U.S.C. 11384(c)).

Private nonprofit organization is defined in section 422(7)(A), (B), and (D) of the McKinney Act (42 U.S.C. 11382(7)(A), (B), and (D)). The organization must also have a functioning accounting system that is operated in accordance with generally accepted accounting principles, or designate an entity that will maintain a functioning accounting system for the organization in accordance with generally accepted accounting principles.

Project is defined in sections 422(8) and 424(d) of the McKinney Act (42 U.S.C. 11382(8), 11384(d)).

Recipient is defined in section 422(9) of the McKinney Act (42 U.S.C. 11382(9)).

Rehabilitation means the improvement or repair of an existing structure or an addition to an existing structure that does not increase the floor area by more than 100 percent. Rehabilitation does not include minor or routine repairs.

State is defined in section 422(11) of the McKinney Act (42 U.S.C. 11382(11)).

Supportive housing is defined in section 424(a) of the McKinney Act (42 U.S.C. 11384(a)).

Supportive services is defined in section 425 of the McKinney Act (42 U.S.C. 11385).

Transitional housing is defined in section 424(b) of the McKinney Act (42 U.S.C. 11384(b)). See also § 583.300(j).

Tribe is defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

Urban county is defined in section 102(a)(6) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(6)). In general, urban counties are those counties that are eligible for an entitlement grant under 24 CFR part 570, subpart D.

Subpart B--Assistance Provided

§ 583.100 Types and uses of assistance.

(a) Grant Assistance. Assistance in the form of grants is available for acquisition of structures, rehabilitation of structures, acquisition and rehabilitation of structures, new construction, leasing, operating costs for supportive housing, and supportive services, as described in §§ 583.105 through 583.125 of this part. Applicants may apply for more than one type of assistance.

- (b) Uses of grant assistance. Grant assistance may be used to:
- (1) Establish new supportive housing facilities or new facilities to provide supportive services;
 - (2) Expand existing facilities in order to increase the number of homeless persons served;
 - (3) Bring existing facilities up to a level that meets State and local government health and safety standards.
 - (4) Provide additional supportive services for residents of supportive housing or for homeless persons not residing in supportive housing;
 - (5) Purchase HUD-owned single family properties currently leased by the applicant for use as a homeless facility under 24 CFR part 291; and
 - (6) Continue funding supportive housing where the recipient has received funding under this part for leasing, supportive services, or operating costs.

(c) Structures used for multiple purposes. Structures used to provide supportive housing or supportive services may also be used for other purposes, except that assistance under this part will be available only in proportion to the use of the structure for supportive housing or supportive services.

(d) Technical assistance. HUD may offer technical assistance, as described in § 583.140 of this part.

§ 583.105 Grants for acquisition and rehabilitation.

(a) Use. HUD will grant funds to recipients to:

(1) Pay a portion of the cost of the acquisition of real property selected by the recipients for use in the provision of supportive housing or supportive services, including the repayment of any outstanding debt on a loan made to purchase property that has not been used previously as supportive housing or for supportive services;

(2) Pay a portion of the cost of rehabilitation of structures selected by the recipients to provide supportive housing or supportive services, including cost-effective energy measures and bringing an existing structure to a level that meets state and local government health and safety standards, ;
or

(3) Pay a portion of the cost of acquisition and rehabilitation of structures, as described in paragraphs (a)(1) and (2) of this section.

(b) Amount. The maximum grant available for acquisition, rehabilitation, or acquisition and rehabilitation is the lower of:

(1) \$200,000; or

(2) The total cost of the acquisition, rehabilitation, or acquisition and rehabilitation minus the applicant's contribution toward the cost.

(c) Increased amounts. In areas determined by HUD to have high acquisition and rehabilitation costs, grants of more than \$200,000, but not more than \$400,000, may be available.

§ 583.110 Grants for new construction.

(a) Use. HUD will grant funds to recipients to pay a portion of the cost of new construction, including cost-effective energy measures and the cost of land associated with that construction, for use in the provision of supportive housing. If the grant funds are used for new construction, the applicant must demonstrate that the costs associated with new construction are substantially less than the costs associated with rehabilitation or that there is a lack of available appropriate units that could be rehabilitated at a cost less than new construction. For purposes of this cost comparison, costs associated with rehabilitation or new construction may include the cost of real property acquisition.

(b) Amount. The maximum grant available for new construction is the lower of:

(1) \$400,000; or

(2) The total cost of the new construction, including the cost of land associated with that construction, minus the applicant's contribution toward the cost of same.

§ 583.115 Grants for leasing.

(a) General. HUD will provide grants to pay (as described in § 583.130 of this part) for the actual costs of leasing a structure or structures, or portions thereof, used to provide supportive housing or supportive services for up to five years.

(b)(1) Leasing structures. Where grants are used to pay rent for all or part of structures, the rent paid must be reasonable in relation to rents being charged in the area for comparable space. In addition, the rent paid may not exceed rents currently being charged by the same owner for comparable space.

(2) Leasing individual units. Where grants are used to pay rent for individual housing units, the rent paid must be reasonable in relation to rents being charged for comparable units, taking into account the location, size, type, quality, amenities, facilities, and management services. In addition, the rents may not exceed rents currently being charged by the same owner for comparable unassisted units, and the portion of rents paid with grant funds may not exceed HUD-determined fair market rents. Recipients may

use grant funds in an amount up to one month's rent to pay the non-recipient landlord for any damages to leased units by homeless participants.

§ 583.120 Grants for supportive services costs.

(a) General. HUD will provide grants to pay (as described in § 583.130 of this part) for the actual costs of supportive services for homeless persons for up to five years. Homeless persons receiving supportive services need not be residents of supportive housing. All or part of the supportive services may be provided directly by the recipient or by arrangement with public or private service providers.

(b) Supportive services costs. Costs associated with providing supportive services include salaries paid to providers of supportive services and any other costs directly associated with providing such services. For a transitional housing project, supportive services costs also include the costs of services provided to former residents of transitional housing to assist their adjustment to independent living. Such services may be provided for up to six months after they leave the transitional housing facility.

§ 583.125 Grants for operating costs.

(a) General. HUD will provide grants to pay a portion (as described in § 583.130 of this part) of the actual operating costs of supportive housing for up to five years.

(b) Operating costs. Operating costs are those associated with the day-to-day operation of the supportive housing. They also include the actual expenses that a recipient incurs for conducting on-going assessments of the supportive services needed by residents and the availability of such services; relocation assistance under § 583.310, including payments and services; and insurance.

(c) Recipient share of operating costs. Assistance for operating costs will be initially available for up to 75 percent of the total cost for two years and up to 50 percent of the total cost for the next three years. The recipient must pay the percentage of the actual operating costs not funded by HUD. At the end of each operating year, the recipient must demonstrate that it has met its share of the costs for that year.

§ 583.130 Commitment of grant amounts for leasing, supportive services and operating costs.

Upon execution of a grant agreement covering assistance for leasing, supportive services, or operating costs, HUD will obligate amounts for a period not to exceed five operating years. The total amount obligated will be equal to an amount necessary for the specified years of operation, less the recipient's share of operating costs.

(Approved by the Office of Management and Budget under OMB Control Number 2506-0112)

§ 583.135 Administrative costs.

(a) General. Up to five percent of any grant awarded under this part may be used for the purpose of paying costs of administering the assistance.

(b) Administrative costs. Administrative costs include the costs associated with accounting for the use of grant funds, preparing reports for submission to HUD, obtaining program audits, similar costs related to administering the grant after the award, and staff salaries associated with these administrative costs. They do not include the costs of carrying out eligible activities under §§ 583.105 through 583.125.

§ 583.140 Technical assistance.

(a) General. HUD may set aside funds annually to provide technical assistance either directly by HUD staff or indirectly through third-party

providers, for any supportive housing project. This technical assistance is for the purpose of promoting the development of supportive housing and supportive services as part of a continuum of care approach, including innovative approaches to assist homeless persons in the transition from homelessness, and promoting the provision of supportive housing to homeless persons to enable them to live as independently as possible.

(b) Uses of technical assistance. HUD may use these funds to provide technical assistance to prospective applicants, applicants, recipients, or other providers of supportive housing or services for homeless persons, for supportive housing projects. The assistance may include, but is not limited to, written information such as papers, monographs, manuals, guides, and brochures; person-to-person exchanges; and training and related costs.

(c) Selection of providers. From time to time, as HUD determines the need, HUD may advertise and competitively select providers to deliver technical assistance. HUD may enter into contracts, grants, or cooperative agreements, when necessary, to implement the technical assistance.

§ 583.145 Matching requirements.

(a) General. The recipient must match the funds provided by HUD for grants for acquisition, rehabilitation, and new construction with an equal amount of funds from other sources.

(b) Cash resources. The matching funds must be cash resources provided to the project by one or more of the following: the recipient, the Federal government, State and local governments, and private resources.

(c) Maintenance of effort. State or local government funds used in the matching contribution are subject to the maintenance of effort requirements described at § 583.150(a) of this part.

§ 583.150 Limitations on use of assistance.

(a) Maintenance of effort. No assistance provided under this part (or any state or local government funds used to supplement this assistance) may be used to replace state or local funds previously used, or designated for use, to assist homeless persons.

(b) Primarily religious organizations. (1) Provision of assistance.

(i) HUD will provide assistance to a recipient that is a primarily religious organization if the organization agrees to provide housing and supportive services in a manner that is free from religious influences and in accordance with the following principles:

(A) It will not discriminate against any employee or applicant for employment on the basis of religion and will not limit employment or give preference in employment to persons on the basis of religion;

(B) It will not discriminate against any person applying for housing or supportive services on the basis of religion and will not limit such housing or services or give preference to persons on the basis of religion;

(C) It will provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing, and exert no other religious influence in the provision of housing and supportive services.

(ii) HUD will provide assistance to a recipient that is a primarily religious organization if the assistance will not be used by the organization to construct a structure, acquire a structure or to rehabilitate a structure owned by the organization, except as described in paragraph (b)(2) of this section.

(2) Rehabilitation of structures owned by a primarily religious organization. Rehabilitation grants may be used to rehabilitate a structure owned by a primarily religious organization, if the following conditions are met:

(i) The structure (or portion of the structure) that is to be rehabilitated with HUD assistance has been leased to a recipient that is an existing or newly established wholly secular organization (which may be established by the primarily religious organization under the provisions of paragraph (b)(3) of this section);

(ii) The HUD assistance is provided to the wholly secular organization (and not the primarily religious organization) to make the improvements;

(iii) The leased structure will be used exclusively for secular purposes available to all persons regardless of religion;

(iv) The lease payments paid to the primarily religious organization do not exceed the fair market rent of the structure before the rehabilitation was done;

(v) The portion of the cost of any improvements that benefit any unleased portion of the structure will be allocated to, and paid for by, the primarily religious organization;

(vi) The primarily religious organization agrees that, if the recipient does not retain the use of the leased premises for wholly secular purposes for the useful life of the improvements, the primarily religious organization will pay an amount equal to the residual value of the improvements to the secular organization, and the secular organization will remit the amount to HUD.

(3) Assistance to a wholly secular private nonprofit organization established by a primarily religious organization. (i) A primarily religious organization may establish a wholly secular private nonprofit organization to serve as a recipient. The wholly secular organization may be eligible to receive other forms of assistance available under this part.

(A) The wholly secular organization must agree to provide housing and supportive services in a manner that is free from religious influences and in accordance with the principles set forth in paragraph (b)(1)(i) of this section.

(B) The wholly secular organization may enter into a contract with the primarily religious organization to operate the supportive housing or to provide supportive services for the residents. In such a case, the primarily religious organization must agree in the contract to carry out its contractual responsibilities in a manner free from religious influences and in accordance with the principles set forth in paragraph (b)(1)(i) of this section.

(C) The rehabilitation grants are subject to the requirements of paragraph (b)(2) of this section.

(ii) HUD will not require the primarily religious organization to establish the wholly secular organization before the selection of its application. In such a case, the primarily religious organization may apply on behalf of the wholly secular organization. The application will be reviewed on the basis of the primarily religious organization's financial responsibility and capacity, and its commitment to provide appropriate resources to the wholly secular organization after formation. The requirement with regard to site control, described in § 583.320 of this part, may be satisfied if the primarily religious organization demonstrates site control and a commitment to transfer control of the site to the wholly secular organization after its formation. If such an application is selected for funding, the obligation of funds will be conditioned upon the establishment of a wholly secular organization that meets the definition of private nonprofit organization in § 583.5 of this part.

(c) Participant control of site. Where an applicant does not propose to have control of a site or sites but rather proposes to assist a homeless family or individual in obtaining a lease, which may include assistance with rent payments and receiving supportive services, after which time the family or individual remains in the same housing without further assistance under this part, that applicant may not request assistance for acquisition, rehabilitation, or new construction.

§ 583.155 Consolidated plan.

(a) Applicants that are States or units of general local government. The applicant must have a HUD-approved complete or abbreviated consolidated plan, in accordance with 24 CFR part 91, and must submit a certification that the application for funding is consistent with the HUD-approved consolidated plan. Funded applicants must certify in a grant agreement that they are following the HUD-approved consolidated plan.

(b) Applicants that are not States or units of general local government. The applicant must submit a certification by the jurisdiction in which the proposed project will be located that the applicant's application for funding is consistent with the jurisdiction's HUD-approved consolidated plan. The certification must be made by the unit of general local government or the state, in accordance with the consistency certification provisions of the consolidated plan regulations, 24 CFR part 91, subpart F.

(c) Indian tribes and the Insular Areas of Guam, the U.S. Virgin Islands, American Samoa and the Northern Mariana Islands. These entities are not required to have a consolidated plan or to make consolidated plan certifications. An application by an Indian tribe or other applicant for a project that will be located on a reservation of an Indian tribe will not require a certification by the tribe or the state. However, where an Indian tribe is the applicant for a project that will not be located on a reservation, the requirement for a certification under paragraph (b) of this section will apply.

(d) Timing of consolidated plan certification submissions. Unless otherwise set forth in the NOFA, the required certification that the application for funding is consistent with the HUD-approved consolidated plan must be submitted by the funding application submission deadline announced in the NOFA.

Subpart C--Application and Grant Award Process

§ 583.200 Application and grant award.

When funds are made available for assistance, HUD will publish a notice of funding availability (NOFA) in the Federal Register, in accordance with the requirements of 24 CFR part 4. HUD will review and screen applications in accordance with the requirements in section 426 of the McKinney Act (42 U.S.C. 11386) and the guidelines, rating criteria, and procedures published in the NOFA.

§ 583.230 Environmental review.

(a) Generally. Project selection is subject to completion of an environmental review of the proposed site, and the project may be modified or the site rejected as a result of that review. The environmental effects must be assessed in accordance with the provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4320) (NEPA) and the related environmental laws and authorities listed in HUD's implementing regulations at 24 CFR parts 50 or 58, depending on who is responsible for environmental review.

(b) Environmental review by HUD. HUD will perform an environmental review, in accordance with part 50 of this title, before approval of conditionally selected applications received directly from private nonprofit organizations and governmental entities with special or limited purpose powers. Any application subject to environmental review by HUD that requires an Environmental Impact Statement (EIS) in accordance with the procedures in 24 CFR part 50, subpart E, will not be eligible for assistance under this part.

(c) Environmental review by applicants. Applicants that are States, metropolitan cities, urban counties, tribes, or other governmental entities

with general purpose powers must assume responsibility for environmental review, decisionmaking, and action for each application for assistance in accordance with part 58 of this title. These applicants must include in their applications an assurance that they will assume all the environmental review responsibility that would otherwise be performed by HUD as the responsible Federal official under NEPA and related authorities listed in 24 CFR part 58. The grant award is subject to completion of the environmental responsibilities set out in 24 CFR part 58 within a reasonable time period after notification of the award. Applicants may, however, enclose an environmental certification and Request for Release of Funds with their applications.

§ 583.235 Renewal grants.

(a) General. Grants made under this part, and grants made under subtitles C and D (the Supportive Housing Demonstration and SAFAH, respectively) of the Stewart B. McKinney Homeless Assistance Act as in effect before October 28, 1992, may be renewed on a noncompetitive basis to continue ongoing leasing, operations, and supportive services for additional years beyond the initial funding period. To be considered for renewal funding for leasing, operating costs, or supportive services, recipients must submit a request for such funding in the form specified by HUD, must meet the requirements of this part, and must submit requests within the time period established by HUD.

(b) Assistance available. The first renewal will be for a period of time not to exceed the difference between the end of the initial funding period and ten years from the date of initial occupancy or the date of initial service provision, as applicable. Any subsequent renewal will be for a period of time not to exceed five years. Assistance during each year of the renewal period, subject to maintenance of effort requirements under § 583.150(a) of this part, may be for: (1) up to 50 percent of the actual operating and leasing costs in the final year of the initial funding period; (2) up to the amount of HUD assistance for supportive services in the final year of the initial funding period; and (3) an allowance for cost increases.

(c) HUD review. (1) HUD will review the request for renewal and will evaluate the recipient's performance in previous years against the plans and goals established in the initial application for assistance, as amended. HUD will approve the request for renewal unless the recipient proposes to serve a population that is not homeless, or the recipient has not shown adequate progress as evidenced by an unacceptably slow expenditure of funds, or the recipient has been unsuccessful in assisting participants in achieving and maintaining independent living. In determining the recipient's success in assisting participants to achieve and maintain independent living, consideration will be given to the level and type of problems of participants. For recipients with a poor record of success, HUD will also consider the recipient's willingness to accept technical assistance and to make changes suggested by technical assistance providers. Other factors which will affect HUD's decision to approve a renewal request include the following: a continuing history of inadequate financial management accounting practices, indications of mismanagement on the part of the recipient, a drastic reduction in the population served by the recipient, program changes made by the recipient without prior HUD approval, and loss of project site.

(2) HUD reserves the right to reject a request from any organization with an outstanding obligation to HUD that is in arrears or for which a payment schedule has not been agreed to, or whose response to an audit finding is overdue or unsatisfactory.

(3) HUD will notify the recipient in writing that the request has been approved or disapproved.

(Approved by the Office of Management and Budget under OMB Control Number 2506-0112)

Subpart D--Program Requirements

§ 583.300 General operation.

(a) State and local requirements. Each recipient of assistance under this part must provide housing or services that are in compliance with all applicable State and local housing codes, licensing requirements, and any other requirements in the jurisdiction in which the project is located regarding the condition of the structure and the operation of the housing or services.

(b) Habitability standards. Except for such variations as are proposed by the recipient and approved by HUD, supportive housing must meet the following requirements:

(1) Structure and materials. The structures must be structurally sound so as not to pose any threat to the health and safety of the occupants and so as to protect the residents from the elements.

(2) Access. The housing must be accessible and capable of being utilized without unauthorized use of other private properties. Structures must provide alternate means of egress in case of fire.

(3) Space and security. Each resident must be afforded adequate space and security for themselves and their belongings. Each resident must be provided an acceptable place to sleep.

(4) Interior air quality. Every room or space must be provided with natural or mechanical ventilation. Structures must be free of pollutants in the air at levels that threaten the health of residents.

(5) Water supply. The water supply must be free from contamination.

(6) Sanitary facilities. Residents must have access to sufficient sanitary facilities that are in proper operating condition, may be used in privacy, and are adequate for personal cleanliness and the disposal of human waste.

(7) Thermal environment. The housing must have adequate heating and/or cooling facilities in proper operating condition.

(8) Illumination and electricity. The housing must have adequate natural or artificial illumination to permit normal indoor activities and to support the health and safety of residents. Sufficient electrical sources must be provided to permit use of essential electrical appliances while assuring safety from fire.

(9) Food preparation and refuse disposal. All food preparation areas must contain suitable space and equipment to store, prepare, and serve food in a sanitary manner.

(10) Sanitary condition. The housing and any equipment must be maintained in sanitary condition.

(11) Fire safety. (1) Each unit must include at least one battery-operated or hard-wired smoke detector, in proper working condition, on each occupied level of the unit. Smoke detectors must be located, to the extent practicable, in a hallway adjacent to a bedroom. If the unit is occupied by hearing-impaired persons, smoke detectors must have an alarm system designed for hearing-impaired persons in each bedroom occupied by a hearing-impaired person.

(2) The public areas of all housing must be equipped with a sufficient number, but not less than one for each area, of battery-operated or hard-wired smoke detectors. Public areas include, but are not limited to, laundry rooms, community rooms, day care centers, hallways, stairwells, and other common areas.

(c) Meals. Each recipient of assistance under this part who provides supportive housing for homeless persons with disabilities must provide meals or meal preparation facilities for residents.

(d) Ongoing assessment of supportive services. Each recipient of assistance under this part must conduct an ongoing assessment of the supportive services required by the residents of the project and the

availability of such services, and make adjustments as appropriate.

(e) Residential supervision. Each recipient of assistance under this part must provide residential supervision as necessary to facilitate the adequate provision of supportive services to the residents of the housing throughout the term of the commitment to operate supportive housing. Residential supervision may include the employment of a full- or part-time residential supervisor with sufficient knowledge to provide or to supervise the provision of supportive services to the residents.

(f) Participation of homeless persons. (1) Each recipient must provide for the participation of homeless persons as required in section 426(g) of the McKinney Act (42 U.S.C. 11386(g)). This requirement is waived if an applicant is unable to meet it and presents a plan for HUD approval to otherwise consult with homeless or formerly homeless persons in considering and making policies and decisions. See also § 583.330(e).

(2) Each recipient of assistance under this part must, to the maximum extent practicable, involve homeless individuals and families, through employment, volunteer services, or otherwise, in constructing, rehabilitating, maintaining, and operating the project and in providing supportive services for the project.

(g) Records and reports. Each recipient of assistance under this part must keep any records and make any reports (including those pertaining to race, ethnicity, gender, and disability status data) that HUD may require within the timeframe required.

(h) Confidentiality. Each recipient that provides family violence prevention or treatment services must develop and implement procedures to ensure:

(1) The confidentiality of records pertaining to any individual provided services; and

(2) That the address or location of any project assisted will not be made public, except with written authorization of the person or persons responsible for the operation of the project.

(i) Termination of housing assistance. The recipient may terminate assistance to a participant who violates program requirements. Recipients should terminate assistance only in the most severe cases. Recipients may resume assistance to a participant whose assistance was previously terminated. In terminating assistance to a participant, the recipient must provide a formal process that recognizes the rights of individuals receiving assistance to due process of law. This process, at a minimum, must consist of:

(1) Written notice to the participant containing a clear statement of the reasons for termination;

(2) A review of the decision, in which the participant is given the opportunity to present written or oral objections before a person other than the person (or a subordinate of that person) who made or approved the termination decision; and

(3) Prompt written notice of the final decision to the participant.

(j) Limitation of stay in transitional housing. A homeless individual or family may remain in transitional housing for a period longer than 24 months, if permanent housing for the individual or family has not been located or if the individual or family requires additional time to prepare for independent living. However, HUD may discontinue assistance for a transitional housing project if more than half of the homeless individuals or families remain in that project longer than 24 months.

(k) Outpatient health services. Outpatient health services provided by the recipient must be approved as appropriate by HUD and the Department of

Health and Human Services (HHS). Upon receipt of an application that proposes the provision of outpatient health services, HUD will consult with HHS with respect to the appropriateness of the proposed services.

(1) Annual assurances. Recipients who receive assistance only for leasing, operating costs or supportive services costs must provide an annual assurance for each year such assistance is received that the project will be operated for the purpose specified in the application.

(Approved by the Office of Management and Budget under OMB Control number 2506-0112)

§ 583.305 Term of commitment; repayment of grants; prevention of undue benefits.

(a) Term of commitment and conversion. Recipients must agree to operate the housing or provide supportive services in accordance with this part and with sections 423(b)(1) and (b)(3) of the McKinney Act (42 U.S.C. 11383(b)(1), 11383(b)(3)).

(b) Repayment of grant and prevention of undue benefits. In accordance with section 423(c) of the McKinney Act (42 U.S.C. 11383(c)), HUD will require recipients to repay the grant unless HUD has authorized conversion of the project under section 423(b)(3) of the McKinney Act (42 U.S.C. 11383(b)(3)).

§ 583.310 Displacement, relocation, and acquisition.

(a) Minimizing displacement. Consistent with the other goals and objectives of this part, recipients must assure that they have taken all reasonable steps to minimize the displacement of persons (families, individuals, businesses, nonprofit organizations, and farms) as a result of supportive housing assisted under this part.

(b) Relocation assistance for displaced persons. A displaced person (defined in paragraph (f) of this section) must be provided relocation assistance at the levels described in, and in accordance with, the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR part 24.

(c) Real property acquisition requirements. The acquisition of real property for supportive housing is subject to the URA and the requirements described in 49 CFR part 24, subpart B.

(d) Responsibility of recipient. (1) The recipient must certify (*i.e.*, provide assurance of compliance) that it will comply with the URA, the regulations at 49 CFR part 24, and the requirements of this section, and must ensure such compliance notwithstanding any third party's contractual obligation to the recipient to comply with these provisions.

(2) The cost of required relocation assistance is an eligible project cost in the same manner and to the same extent as other project costs. Such costs also may be paid for with local public funds or funds available from other sources.

(3) The recipient must maintain records in sufficient detail to demonstrate compliance with provisions of this section.

(e) Appeals. A person who disagrees with the recipient's determination concerning whether the person qualifies as a "displaced person," or the amount of relocation assistance for which the person is eligible, may file a written appeal of that determination with the recipient. A low-income person who is dissatisfied with the recipient's determination on his or her appeal may submit a written request for review of that determination to the HUD field office.

(f) Definition of displaced person. (1) For purposes of this section,

the term "displaced person" means a person (family, individual, business, nonprofit organization, or farm) that moves from real property, or moves personal property from real property permanently as a direct result of acquisition, rehabilitation, or demolition for supportive housing projects assisted under this part. The term "displaced person" includes, but may not be limited to:

(i) A person that moves permanently from the real property after the property owner (or person in control of the site) issues a vacate notice or refuses to renew an expiring lease in order to evade the responsibility to provide relocation assistance, if the move occurs on or after the date the recipient submits to HUD the application or application amendment designating the project site.

(ii) Any person, including a person who moves before the date described in paragraph (f)(1)(i) of this section, if the recipient or HUD determines that the displacement resulted directly from acquisition, rehabilitation, or demolition for the assisted project.

(iii) A tenant-occupant of a dwelling unit who moves permanently from the building/complex on or after the date of the "initiation of negotiations" (see paragraph (g) of this section) if the move occurs before the tenant has been provided written notice offering him or her the opportunity to lease and occupy a suitable, decent, safe and sanitary dwelling in the same building/complex, under reasonable terms and conditions, upon completion of the project. Such reasonable terms and conditions must include a monthly rent and estimated average monthly utility costs that do not exceed the greater of:

(A) The tenant's monthly rent before the initiation of negotiations and estimated average utility costs, or

(B) 30 percent of gross household income. If the initial rent is at or near the maximum, there must be a reasonable basis for concluding at the time the project is initiated that future rent increases will be modest.

(iv) A tenant of a dwelling who is required to relocate temporarily, but does not return to the building/complex, if either:

(A) A tenant is not offered payment for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation, or

(B) Other conditions of the temporary relocation are not reasonable.

(v) A tenant of a dwelling who moves from the building/complex permanently after he or she has been required to move to another unit in the same building/complex, if either:

(A) The tenant is not offered reimbursement for all reasonable out-of-pocket expenses incurred in connection with the move; or

(B) Other conditions of the move are not reasonable.

(2) Notwithstanding the provisions of paragraph (f)(1) of this section, a person does not qualify as a "displaced person" (and is not eligible for relocation assistance under the URA or this section), if:

(i) The person has been evicted for serious or repeated violation of the terms and conditions of the lease or occupancy agreement, violation of applicable Federal, State, or local or tribal law, or other good cause, and HUD determines that the eviction was not undertaken for the purpose of evading the obligation to provide relocation assistance;

(ii) The person moved into the property after the submission of the application and, before signing a lease and commencing occupancy, was provided written notice of the project, its possible impact on the person (e.g., the person may be displaced, temporarily relocated, or suffer a rent increase) and the fact that the person would not qualify as a "displaced person" (or for any assistance provided under this section), if the project is approved;

(iii) The person is ineligible under 49 CFR 24.2(g)(2); or

(iv) HUD determines that the person was not displaced as a direct result of acquisition, rehabilitation, or demolition for the project.

(3) The recipient may request, at any time, HUD's determination of whether a displacement is or would be covered under this section.

(g) Definition of initiation of negotiations. For purposes of determining the formula for computing the replacement housing assistance to be

provided to a residential tenant displaced as a direct result of privately undertaken rehabilitation, demolition, or acquisition of the real property, the term "initiation of negotiations" means the execution of the agreement between the recipient and HUD.

(h) Definition of project. For purposes of this section, the term "project" means an undertaking paid for in whole or in part with assistance under this part. Two or more activities that are integrally related, each essential to the others, are considered a single project, whether or not all component activities receive assistance under this part.

§ 583.315 Resident rent.

(a) Calculation of resident rent. Each resident of supportive housing may be required to pay as rent an amount determined by the recipient which may not exceed the highest of:

- (1) 30 percent of the family's monthly adjusted income (adjustment factors include the number of people in the family, age of family members, medical expenses, and child care expenses);
- (2) 10 percent of the family's monthly income; or
- (3) If the family is receiving payments for welfare assistance from a public agency and a part of the payments, adjusted in accordance with the family's actual housing costs, is specifically designated by the agency to meet the family's housing costs, the portion of the payments that is designated.

(b) Use of rent. Resident rent may be used in the operation of the project or may be reserved, in whole or in part, to assist residents of transitional housing in moving to permanent housing.

(c) Fees. In addition to resident rent, recipients may charge residents reasonable fees for services not paid with grant funds.

§ 583.320 Site control.

(a) Site control. (1) Where grant funds will be used for acquisition, rehabilitation, or new construction to provide supportive housing or supportive services, or where grant funds will be used for operating costs of supportive housing, or where grant funds will be used to provide supportive services except where an applicant will provide services at sites not operated by the applicant, an applicant must demonstrate site control before HUD will execute a grant agreement (e.g., through a deed, lease, executed contract of sale). If such site control is not demonstrated within one year after initial notification of the award of assistance under this part, the grant will be deobligated as provided in paragraph (c) of this section.

(2) Where grant funds will be used to lease all or part of a structure to provide supportive housing or supportive services, or where grant funds will be used to lease individual housing units for homeless persons who will eventually control the units, site control need not be demonstrated.

(b) Site change. (1) A recipient may obtain ownership or control of a suitable site different from the one specified in its application. Retention of an assistance award is subject to the new site's meeting all requirements under this part for suitable sites.

(2) If the acquisition, rehabilitation, acquisition and rehabilitation, or new construction costs for the substitute site are greater than the amount of the grant awarded for the site specified in the application, the recipient must provide for all additional costs. If the recipient is unable to demonstrate to HUD that it is able to provide for the difference in costs, HUD may deobligate the award of assistance.

(c) Failure to obtain site control within one year. HUD will recapture or deobligate any award for assistance under this part if the recipient is not in control of a suitable site before the expiration of one year after initial

notification of an award.

§ 583.325 Nondiscrimination and equal opportunity requirements.

(a) General. Notwithstanding the permissibility of proposals that serve designated populations of disabled homeless persons, recipients serving a designated population of disabled homeless persons are required, within the designated population, to comply with these requirements for nondiscrimination on the basis of race, color, religion, sex, national origin, age, familial status, and disability.

(b) Nondiscrimination and equal opportunity requirements. The nondiscrimination and equal opportunity requirements set forth at part 5 of this title apply to this program. (1) The Indian Civil Rights Act (25 U.S.C. 1301 et seq.) applies to tribes when they exercise their powers of self-government, and to Indian housing authorities (IHAs) when established by the exercise of such powers. When an IHA is established under state law, the applicability of the Indian Civil Rights Act will be determined on a case-by-case basis. Projects subject to the Indian Civil Rights Act must be developed and operated in compliance with its provisions and all implementing HUD requirements, instead of title VI and the Fair Housing Act and their implementing regulations.

(2) The prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101-07) and implementing regulations at 24 CFR part 146, and the prohibitions against discrimination against handicapped individuals under section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) and implementing regulations at 24 CFR part 8.

(3) The requirements of Executive Order 11246 (3 CFR 1964-65, Comp., p. 339) (Equal Employment Opportunity) and the regulations issued under the Order at 41 CFR chapter 60.

(4) The requirements of section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and the regulations in 24 CFR part 135.

(5) The requirements of Executive order 11625, as amended by Executive Order 12007 (3 CFR, 1971-1975 Comp., p. 616 and 3 CFR, 1977 Comp., p.39) (Minority Business Enterprises); Executive Order 12432 (3 CFR, 1983 Comp., p. 198) (Minority Business Enterprises Development); and Executive Order 12138 (3 CFR, 1977 Comp., p. 393) (Women's Business Enterprises). Consistent with HUD's responsibilities under these Orders, recipients must make efforts to encourage the use of minority and women's business enterprises in connection with funded activities.

(c) Procedures. (1) If the procedures that the recipient intends to use to make known the availability of the supportive housing are unlikely to reach persons of any particular race, color, religion, sex, age, national origin, familial status, or handicap who may qualify for admission to the housing, the recipient must establish additional procedures that will ensure that such persons can obtain information concerning availability of the housing.

(2) The recipient must adopt procedures to make available information on the existence and locations of facilities and services that are accessible to persons with a handicap and maintain evidence of implementation of the procedures.

(d) Accessibility requirements. The recipient must comply with the new construction accessibility requirements of the Fair Housing Act and section 504 of the Rehabilitation Act of 1973, and the reasonable accommodation and rehabilitation accessibility requirements of section 504 as follows:

(1) All new construction must meet the accessibility requirements of 24 CFR 8.22 and, as applicable, 24 CFR 100.205.

(2) Projects in which costs of rehabilitation are 75 percent or more of the replacement cost of the building must meet the requirements of 24 CFR 8.23(a). Other rehabilitation must meet the requirements of 24 CFR 8.23(b).

§ 583.330 Applicability of other Federal requirements.

In addition to the requirements set forth in 24 CFR part 5, use of assistance provided under this part must comply with the following Federal requirements:

(a) Flood insurance. (1) The Flood Disaster Protection Act of 1973 (42 U.S.C. 4001-4128) prohibits the approval of applications for assistance for acquisition or construction (including rehabilitation) for supportive housing located in an area identified by the Federal Emergency Management Agency (FEMA) as having special flood hazards, unless:

(i) The community in which the area is situated is participating in the National Flood Insurance Program (see 44 CFR parts 59 through 79), or less than a year has passed since FEMA notification regarding such hazards; and

(ii) Flood insurance is obtained as a condition of approval of the application.

(2) Applicants with supportive housing located in an area identified by FEMA as having special flood hazards and receiving assistance for acquisition or construction (including rehabilitation) are responsible for assuring that flood insurance under the National Flood Insurance Program is obtained and maintained.

(b) The Coastal Barrier Resources Act of 1982 (16 U.S.C. 3501 et seq.) may apply to proposals under this part, depending on the assistance requested.

(c) Applicability of OMB Circulars. The policies, guidelines, and requirements of OMB Circular No. A-87 (Cost Principles Applicable to Grants, Contracts and Other Agreements with State and Local Governments) and 24 CFR part 85 apply to the award, acceptance, and use of assistance under the program by governmental entities, and OMB Circular Nos. A-110 (Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations) and A-122 (Cost Principles Applicable to Grants, Contracts and Other Agreements with Nonprofit Institutions) apply to the acceptance and use of assistance by private nonprofit organizations, except where inconsistent with the provisions of the McKinney Act, other Federal statutes, or this part. (Copies of OMB Circulars may be obtained from E.O.P. Publications, Room 2200, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-7332. (This is not a toll-free number.) There is a limit of two free copies.)

(d) Lead-based paint. Any residential property assisted under this part constitutes HUD-associated housing for the purposes of the Lead Based Paint Poisoning Prevention Act and is, therefore, subject to 24 CFR part 35.

(e) Conflicts of interest. (1) In addition to the conflict of interest requirements in 24 CFR part 85, no person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a personal or financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter. Participation by homeless individuals who also are participants under the program in policy or decisionmaking under § 583.300(f) of this part does not constitute a conflict of interest.

(2) Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (e)(1) of this section on a case-by-case basis when it determines that the exception will serve to further the purposes of the program and the effective and efficient administration of the recipient's project. An exception may be considered only after the recipient has provided the following:

(i) For States and other governmental entities, a disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(ii) For all recipients, an opinion of the recipient's attorney that the interest for which the exception is sought would not violate state or local law.

(3) In determining whether to grant a requested exception after the recipient has satisfactorily met the requirement of paragraph (e)(2) of this section, HUD will consider the cumulative effect of the following factors, where applicable:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the project which would otherwise not be available;

(ii) Whether the person affected is a member of a group or class of eligible persons and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(iii) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;

(iv) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (e)(1) of this section;

(v) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vi) Any other relevant considerations.

(f) Audit. The financial management systems used by recipients under this program must provide for audits in accordance with 24 CFR part 44 or part 45, as applicable. HUD may perform or require additional audits as it finds necessary or appropriate.

(g) Davis-Bacon Act. The provisions of the Davis-Bacon Act do not apply to this program.

Subpart E--Administration

§ 583.400 Grant agreement.

(a) General. The duty to provide supportive housing or supportive services in accordance with the requirements of this part will be incorporated in a grant agreement executed by HUD and the recipient.

(b) Enforcement. HUD will enforce the obligations in the grant agreement through such action as may be appropriate, including repayment of funds that have already been disbursed to the recipient.

§ 583.405 Program changes.

(a) HUD approval. (1) A recipient may not make any significant changes to an approved program without prior HUD approval. Significant changes include, but are not limited to, a change in the recipient, a change in the project site, additions or deletions in the types of activities listed in § 583.100 of this part approved for the program or a shift of more than 10 percent of funds from one approved type of activity to another, and a change in the category of participants to be served. Depending on the nature of the change, HUD may require a new certification of consistency with the consolidated plan (see § 583.155 of this part).

(2) Approval for changes is contingent upon the application ranking remaining high enough after the approved change to have been competitively selected for funding in the year the application was selected.

(b) Documentation of other changes. Any changes to an approved program

that do not require prior HUD approval must be fully documented in the recipient's records.

§ 583.410 Obligation and deobligation of funds.

(a) Obligation of funds. When HUD and the applicant execute a grant agreement, funds are obligated to cover the amount of the approved assistance under subpart B of this part. The recipient will be expected to carry out the supportive housing or supportive services activities as proposed in the application.

(b) Increases. After the initial obligation of funds, HUD will not make revisions to increase the amount obligated.

(c) Deobligation. (1) HUD may deobligate all or parts of grants for acquisition, rehabilitation, acquisition and rehabilitation, or new construction:

(i) If the actual total cost of acquisition, rehabilitation, acquisition and rehabilitation, or new construction is less than the total cost anticipated in the application; or

(ii) If proposed activities for which funding was approved are not begun within three months or residents do not begin to occupy the facility within nine months after grant execution.

(2) HUD may deobligate the amounts for annual leasing costs, operating costs or supportive services in any year:

(i) If the actual leasing costs, operating costs or supportive services for that year are less than the total cost anticipated in the application; or

(ii) If the proposed supportive housing operations are not begun within three months after the units are available for occupancy.

(3) The grant agreement may set forth in detail other circumstances under which funds may be deobligated, and other sanctions may be imposed.

(4) HUD may:

(i) Readvertise the availability of funds that have been deobligated under this section in a notice of fund availability under § 583.200 of this part, or

(ii) Award deobligated funds to applications previously submitted in response to the most recently published notice of fund availability, and in accordance with subpart C of this part.

REFERENCES IN SHP RULE TO THE MCKINNEY ACT (42 U.S.C. 11381-11389)

§ 583.5 Definitions.

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| <p>Section 422(1) of the McKinney Act (42 U.S.C. 11382(1))</p> | <p>(1) The term "applicant" means a State, Indian tribe, metropolitan city, urban county, governmental entity, private nonprofit organization, or community mental health association that is a public nonprofit organization, that is eligible to receive assistance under this subtitle and submits an application under section 426(a).</p> |
| <p>Section 422(2) of the McKinney Act (42 U.S.C. 11382(2))</p> | <p>(2) The term "disability" means-- (A) a disability as defined in section 223 of the Social Security Act, (B) to be determined to have, pursuant to regulations issued by the Secretary, a physical, mental, or emotional impairment which (i) is expected to be of long-continued and indefinite duration, (ii) substantially impedes an individual's ability to live independently, and (iii) of such a nature that such ability could be improved by more suitable housing conditions, (C) a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act, or (D) the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agency for acquired immunodeficiency syndrome.</p> <p>Subparagraph (D) shall not be construed to limit eligibility under subparagraphs (A) through (C) or the provisions referred to in subparagraphs (A) through (C).</p> |
| <p>Section 103 of the McKinney Act (42 U.S.C. 11302)</p> | <p>(a) IN GENERAL.--For purposes of this Act, the term "homeless" or "homeless individual or homeless person" includes-- (1) An individual who lacks a fixed, regular, and adequate nighttime residence; and (2) An individual who has a primary nighttime residence that is: (A) a supervised publicly or privately operated shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); (B) an institution that provides a temporary residence for individuals intended to be institutionalized; or (C) a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.</p> <p>(b) INCOME ELIGIBILITY.-- (1) IN GENERAL.--A homeless individual shall be eligible for assistance under any program provided by this Act, only if the individual complies with the income eligibility requirements otherwise applicable to such program. (2) EXCEPTION.--Notwithstanding paragraph (1), a homeless individual shall be eligible for assistance under the Job Training Partnership Act.</p> <p>(c) EXCLUSION.--For purposes of this Act, the term "homeless" or "homeless individual" does not include any individual imprisoned or otherwise detained under an Act of the Congress or a State law.</p> |

REFERENCES IN SHP RULE TO THE MCKINNEY ACT (42 U.S.C. 11381-11389)

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| <p>Section 422(5) of the McKinney Act (42 U.S.C. 11382(5))</p> | <p>(5) The term "operating costs" means expenses incurred by a recipient operating supportive housing under this subtitle with respect to-- (A) the administration, maintenance, repair, and security of such housing; (B) utilities, fuel, furnishings, and equipment for such housing; and (C) the conducting of the assessment under section 426(c)(2).</p> |
| <p>Section 422(6) of the McKinney Act (42 U.S.C. 11382(6))</p> | <p>(6) The term "outpatient health services" means outpatient health care, outpatient mental health services, outpatient substance abuse services, and case management.</p> |
| <p>Section 424(c) of the McKinney Act (42 U.S.C. 11384(c))</p> | <p>(c) PERMANENT HOUSING FOR HOMELESS PERSONS WITH DISABILITIES.--For purposes of this section, the term "permanent housing for homeless persons with disabilities" means community-based housing for homeless persons with disabilities that provides long-term housing and supportive services for not more than-- (1) 8 such persons in a single structure or contiguous structures; (2) 16 such persons, but only if not more than 20 percent of the units in a structure are designated for such persons; or (3) more than 16 persons if the applicant demonstrates that local market conditions dictate the development of a large project and such development will achieve the neighborhood integration objectives of the program within the context of the affected community.</p> |
| <p>Section 422(7)(A), (B) & (D) of the McKinney Act (42 U.S.C. 11382(7)(A), (B), & (D))</p> | <p>(7) The term "private nonprofit organization" means an organization-- (A) no part of the net earnings of which inures to the benefit of any member, founder, contributor, or individual; (B) that has a voluntary board; (D) that practices nondiscrimination in the provision of assistance.</p> |
| <p>Sections 422(8) & 424(d) of the McKinney Act (42 U.S.C. 11382(8), 11384(d))</p> | <p>422(8) The term "project" means a structure or structures (or a portion of such structure or structures) that is acquired, rehabilitated, constructed, or leased with assistance provided under this subtitle or with respect to which the Secretary provides technical assistance or annual payments for operating costs under this subtitle, or supportive services. 424(d) SINGLE ROOM OCCUPANCY DWELLINGS.--A project may provide supportive housing or supportive services in dwelling units that do not contain bathrooms or kitchen facilities and are appropriate for use as supportive housing or in projects containing some or all such dwelling units.</p> |
| <p>Section 422(9) of the McKinney Act (42 U.S.C. 11382(9))</p> | <p>(9) The term "recipient" means any governmental or nonprofit entity that receives assistance under this subtitle.</p> |
| <p>Section 422(11) of the McKinney Act (42 U.S.C. 11382(11))</p> | <p>(11) The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and Palau.</p> |

REFERENCES IN SHP RULE TO THE MCKINNEY ACT (42 U.S.C. 11381-11389)

Section 424(a) of the McKinney Act (42 U.S.C.11384(a))

(a) IN GENERAL.--Housing providing supportive services for homeless individuals shall be considered supportive housing for purposes of this subtitle if--

- (1) the housing is safe and sanitary and meets any applicable State and local housing codes and licensing requirements in the jurisdiction in which the housing is located; and
- (2) the housing--
 - (A) is transitional housing;
 - (B) is permanent housing for homeless persons with disabilities; or
 - (C) is, or is a part of, a particularly innovative project for, or alternative methods of, meeting the immediate and long-term needs of homeless individuals and families.

Section 425 of the McKinney Act (42 U.S.C. 11385)

(a) IN GENERAL.--To the extent practicable, each project shall provide supportive services for residents of the project and homeless persons using the project, which may be designed by the recipient or participants.

(b) REQUIREMENTS.--Supportive services provided in connection with a project shall address the special needs of individuals (such as homeless persons with disabilities and homeless families with children) intended to be served by a project.

(c) SERVICES.--Supportive services may include such activities as (A) establishing and operating a child care services program for homeless families, (B) establishing and operating an employment assistance program, (C) providing outpatient health services, food, and case management, (D) providing assistance in obtaining permanent housing, employment counseling, and nutritional counseling; (E) providing security arrangements necessary for the protection of residents of supportive housing and for homeless persons using the housing or project, (F) providing assistance in obtaining other Federal, State, and local assistance available for such residents (including mental health benefits, employment counseling, and medical assistance, but not including major medical equipment), and (G) providing other appropriate services.

Section 424(b) of the McKinney Act (42 U.S.C. 11384(b))

(b) TRANSITIONAL HOUSING.--For purposes of this section, the term "transitional housing" means housing, the purpose of which is to facilitate the movement of homeless individuals and families to permanent housing within 24 months or such longer period as the Secretary determines necessary. The Secretary may deny assistance for housing based on a violation of this subsection only if the Secretary determines that a substantial number of homeless individuals or families have remained in the housing longer than such period.

REFERENCES IN SHP RULE TO THE MCKINNEY ACT (42 U.S.C. 11381-11389)

§ 583.200 Application and grant award.

Section 426 of the McKinney Act (42 U.S.C. 11386)

Reviewing and screening applications

(b) SELECTION CRITERIA.--The Secretary shall select applicants approved by the Secretary as to financial responsibility to receive assistance under this subtitle by a national competition based on criteria established by the Secretary, which shall include--

- (1) the ability of the applicant to develop and operate a project;
- (2) the innovative quality of the proposal in providing a project;
- (3) the need for the type of project proposed by the applicant in the area to be served;
- (4) the extent to which the amount of assistance to be provided under this subtitle will be supplemented with resources from other public and private sources;
- (5) the cost-effectiveness of the proposed project;
- (6) the extent to which the applicant has demonstrated coordination with other Federal, State, local, private and other entities serving homeless persons in the planning and operation of the project, to the extent practicable; and
- (7) such other factors as the Secretary determines to be appropriate to carry out this subtitle in an effective and efficient manner.

§ 583.300 General operation.

Section 426(g) of the McKinney Act (42 U.S.C. 11386(g))

(g) PARTICIPATION OF HOMELESS INDIVIDUALS.--The Secretary shall, by regulation, require each recipient to provide for the participation of not less than 1 homeless individual or former homeless individual on the board of directors or other equivalent policy-making entity of the recipient, to the extent that such entity considers and makes policies and decisions regarding any project, supportive services, or assistance provided under this subtitle. The Secretary may grant waivers to applicants unable to meet the requirement under the preceding sentence if the applicant agrees to otherwise consult with homeless or formerly homeless individuals in considering and making such policies and decisions.

§ 583.305 Term of commitment; repayment of grants; prevention of undue benefits

Sections 423(b)(1) & (b)(3) of the McKinney Act (42 U.S.C. 11383(b)(1), 11383(b)(3))

Term of commitment; conversion of project

(b) USE RESTRICTIONS.--

- (1) ACQUISITION, REHABILITATION, AND NEW CONSTRUCTION.--Projects assisted under subsection (a)(1) or (2) shall be operated for not less than 20 years for the purpose specified in the application.
- (3) CONVERSION.--If the Secretary determines that a project is no longer needed for use as supportive housing and approves the use of the project for the direct benefit of low-income persons pursuant to a request for such use by the recipient operating the project, the Secretary may authorize the recipient to convert the project to such use.

REFERENCES IN SHP RULE TO THE MCKINNEY ACT (42 U.S.C. 11381-11389)

Section 423(c) of the McKinney Act (42 U.S.C. 11383(c))

Repayment of grant

(c) REPAYMENT OF ASSISTANCE AND PREVENTION OF UNDUE BENEFITS.--

(1) REPAYMENT.-- The Secretary shall require recipients to repay 100 percent of any assistance received under subsection (a)(1) or (2) if the project ceases to be used as supportive housing within 10 years after the project is placed in service. If such project is used as supportive housing for more than 10 years, the secretary shall reduce the percentage of the amount required to be repaid by 10 percentage points for each year in excess of 10 that the project is used as supportive housing.

(2) PREVENTION OF UNDUE BENEFITS.--Except as provided in paragraph (3), upon any sale or other disposition of a project assisted under subsection (a)(1) or (2) occurring before the expiration of the 20-y. period beginning on the date that the project is placed in service, the recipient shall comply with such terms and conditions as the Secretary may prescribe to prevent the recipient from unduly benefiting from such sale or disposition.

(3) EXCEPTION.-- A recipient shall not be required to comply with the terms and conditions prescribed under paragraphs (1) and (2) if the sale or disposition of the project results in the use of the project for the direct benefit of very low-income persons or if all of the proceeds are used to provide supportive housing meeting the requirements of this subtitle.

GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS - 61 FR 5202
(REFERENCES APPLICABLE TO SHP RULE)

§ 5.100 Definitions

Department

Department means the Department of Housing and Urban Development.

HUD

HUD means the same as the Department.

§ 5.110 Waivers

Waivers

Upon determination of good cause, the Secretary may, subject to statutory limitations, waive any provision of this title and delegate this authority in accordance with section 106 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3535(q)).

MEETING DATE: MAR 25 1999
AGENDA #: R-2
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Small Scale Energy Loan Approval for Animal Control & Justice Center

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

REGULAR MEETING: DATE REQUESTED: March 25, 1999
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: DES DIVISION: Facilities & Property Mgmt

CONTACT: Amy Joslin TELEPHONE #: x24544
BLDG/ROOM #: 421/3rd floor

PERSON(S) MAKING PRESENTATION: Amy Joslin

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Resolution authorizing an application for a loan from the Small Scale Energy Loan Program to implement energy efficiency upgrades at the Animal Control & Justice Center facilities.

3/26/99 copies to Amy Joslin

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR) DEPARTMENT MANAGER: [Signature]

BOARD OF
COUNTY COMMISSIONERS
99 MAR 12 AM 11:33
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

SUPPLEMENTAL STAFF REPORT

To: Board of County Commissioners
From: DES
Date: 03/08/99
Subject: Small Scale Energy Loan Approval for Animal Control & Justice Center

- I. Recommendation/Action Requested Authorize an application for a State Energy Loan in the amount of \$133,900 for the Animal Control facility and \$70,000 for the Justice Center facility.
- II. Background/Analysis Energy efficiency upgrades were evaluated in conjunction with construction improvements at the Animal Control facility. Energy efficiency measures included in the project scope are: lighting upgrades, energy management controls, high efficiency boiler & air distribution systems, addition of exterior wall insulation, roof insulation, and energy efficient windows. Energy efficiency upgrades were also evaluated in conjunction with the Mechanical Upgrades & Test & Balance of the Justice Center. The addition of 100% outside air and 100% exhausted air from the jail cell areas provides an opportunity for heat recovery from exhausted air to preheat incoming outside air.
- III. Financial Impact Energy savings as a result of these improvements are estimated at \$13,560 annually for Animal Control & \$9,294 annually for the Justice Center. Debt service on the principal and interest will be \$13,476 annually for 15 years for Animal Control & \$9288 annually for 10 years for the Justice Center.
- IV. Legal Issues None anticipated.
- V. Controversial Issues None anticipated.
- VI. Link to Current County Policy Current policy supports the replacement of outdated, inefficient equipment with newer equipment, particularly when the replacement generates enough energy savings to pay for a portion of the replacement costs.
- VII. Citizen Participation None anticipated.
- VIII. Other Government Participation. The funds are being loaned to the County via the State Small Scale Energy Loan Program (SELP).

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-46

Authorizing an application for a Loan from the Small Scale Energy Loan Program (SELP)

The Multnomah County Board of Commissioners Finds:

- a. Improvements in energy efficiency of mechanical systems at two County-owned facilities: Animal Control & Justice Center to be cost effective.
- b. The Board of County Commissioners has determined that it would be cost-effective to borrow funds from SELP in order to make the desired energy efficiency improvements.
- c. Financial and Budget Policies authorize the County to apply for a loan from the SELP.

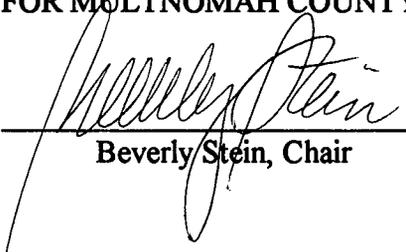
The Multnomah County Board of Commissioners Resolves:

1. Multnomah County is authorized to borrow up to \$203,900 from the Small Scale Energy Loan Program.
2. The Finance Director is authorized to sign any and all loan documents relating to the mechanical systems for the two above mentioned facilities on behalf of Multnomah County.

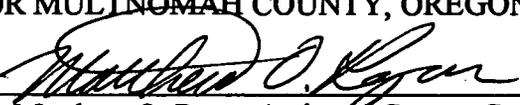
ADOPTED this 25TH day of March, 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Counsel

MEETING DATE: MAR 25 1999
AGENDA NO: R-3
ESTIMATED START TIME: 9:35

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Ordinance Repealing Unnecessary Employment and Compensation Ordinances

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

REGULAR MEETING: DATE REQUESTED: March 25, 1999
AMOUNT OF TIME NEEDED: 15 Minutes

DEPARTMENT: Support Services DIVISION: _____

CONTACT: Vickie Gates, Leila Wrathall TELEPHONE #: 65880,24422
BLDG/ROOM #: 106,1400

PERSON(S) MAKING PRESENTATION: Vickie Gates, Leila Wrathall

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Ordinance repealing certain county employment and compensation ordinances that are no longer necessary or that are being updated and adopted by resolution, and declaring an emergency.

3/29/99 copies to Vickie Gates & Leila WRATHALL
& copies to ordinance distribution list

SIGNATURES REQUIRED:

ELECTED OFFICIAL (OR) DEPARTMENT MANAGER: Vickie S. Gates

BOARD OF
COUNTY COMMISSIONERS
99 MAR 16 AM 11:34
MULTNOMAH COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



MULTNOMAH COUNTY OREGON

VICKIE S. GATES, DIRECTOR
DEPARTMENT OF SUPPORT SERVICES

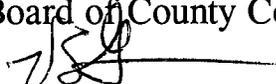
PORTLAND BUILDING
1120 S.W. FIFTH AVENUE, SUITE 1400
P.O. BOX 14700
PORTLAND, OREGON 97293-0700

PHONE (503) 306-5881
FAX (503) 248-3292

AFFIRMATIVE ACTION
BUDGET AND QUALITY
EMERGENCY MANAGEMENT SERVICES
EMPLOYEE SERVICES
FINANCE
INFORMATION SERVICES
LABOR RELATIONS
RISK MANAGEMENT

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: 
Vickie Gates, Department of Support Services

DATE: March 15, 1999

RE: Ordinance on Repeal of Employment and Compensation Ordinances

1. Recommendation/Action Requested:

Adoption of the attached Ordinance repealing certain county employment and compensation ordinances that are no longer necessary or that are being updated and adopted by resolution.

2. Background/Analysis:

The repeal of these ordinances is a result of two changes: the revision of the County Code that went into effect on July 1, 1998 and the August 1998 decentralization of human resources functions within the County.

In 1998 the County Code was rewritten and streamlined. Prior to this revision, all personnel policy, philosophy, compensation increases and some Rules were contained in Ordinances and the Code. The revision reflected a new philosophy underlying the County Code. Policy and philosophy on personnel matters would be embodied in Ordinances and the Code; compensation issues requiring Board approval, such as salary increases, would be written as resolutions; and rules implementing policies and philosophy would be issued as Administrative Rules.

This revision of the County Code coincided with the changes in the County's human resources function. In 1997, a committee was formed with the purpose of improving human resources service delivery to all Departments. The result was the adoption of a recommendation to re-engineer human resources within the County and delegate the previously centralized functions of recruitment and selection to the Departments. The Department of Support Services has primary responsibility for development of policies and procedures, providing technical assistance to the Departments and employees, development of state of the art personnel systems and best practices, County classification and compensation plans, and monitoring and evaluating the human resources functions.

As a result of the County Code revision and the re-engineering of human resources, all human resources related ordinances, rules and procedures were reviewed to ascertain what changes were required. The intent behind this process was not to make policy changes, but to legally recognize the change in structure and authority of the human resources functions within the County.

The ordinances proposed for repeal fall into several basic categories:

- Ordinances that are no longer needed because they have been replaced by subsequent ordinances over the years without repeal of the obsolete ordinance, for example ordinances approving the latest changes to salary ranges for exempt employees. This category will be handled by resolution in the future.
- Ordinances no longer necessary because the language in the new County Code incorporates the ordinance, for example the ordinance adding sexual orientation to the non-discrimination clause in the Code. Technically these ordinances were rescinded when the new County Code was adopted. This ordinance will serve the "housekeeping" function of officially rescinding them.
- Ordinances for which there are proposed replacement resolutions being presented to the Board today and which will also be replaced by Executive Rule promulgated by the Chair. Specifically, these are Ordinances 740, 760, 829 and 855.

In cooperation with County Counsel's updating of the legal infrastructure and the reengineering of human resources, Support Services worked with Countywide representatives to review the existing structure and propose any changes. The intent was not to make policy changes and to limit all other proposed changes. Changes in the rules have been limited. They include changes required by the new personnel structure; changes to make exempt benefits congruent with labor agreements such as the addition of personal holidays to vacation, and changes to make the County more competitive such as creating criteria for setting initial salary levels rather than specifying the midpoint.

In the future, changes will either be Resolutions, if there is financial impact, or changes in the rules.

3. Financial Impact:

None.

4. Legal Issues:

None

5. Controversial Issues:

None

6. Link to Current County Policies:

These and the County Code serve as the basis for the revised Personnel Rules to be issued as Executive Rules. This fits into the County's commitment to the RESULTS continual process improvement.

7. Citizen Participation:

None.

8. Other Government Participation:

None.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

An ordinance repealing certain county employment and compensation ordinances that are no longer necessary or that are being updated and adopted by resolution, and declaring an emergency.

Multnomah County Ordains as follows:

Section 1. The following ordinances adopted by the Multnomah County Board of County Commissioners are no longer necessary and are repealed:

| Ordin | Date | Title |
|--------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 231 | 6/12/80 | AMENDING THE PERSONNEL ORDINANCE OF MULTNOMAH COUNTY TO PROVIDE A RIGHT OF APPEAL FROM PERSONNEL ACTIONS, INCLUDING COMPLAINTS OF DISCRIMINATION BY EMPLOYEES OF AND APPLICANTS FOR THE CLASSIFIED SERVICE; PROVIDING RETROACTIVITY AND DECLARING AN EMERGENCY |
| 342 | 9/23/82 | FIXING THE SALARIES OF ELECTED OFFICIALS OF MULTNOMAH COUNTY AND REFERRING THE MATTER TO THE NOVEMBER 2, 1982, GENERAL ELECTION |
| 343 | 9/28/82 | FIXING THE COUNTY SALARY SUPPLEMENT OF THE DISTRICT ATTORNEY OF MULTNOMAH COUNTY AND REFERRING THE MATTER TO THE NOVEMBER 2, 1982, GENERAL ELECTION |
| 344 | 9/28/82 | FIXING THE SALARIES OF ELECTED OFFICIALS OF MULTNOMAH COUNTY AND REFERRING THE MATTER TO THE NOVEMBER 2, 1982, GENERAL ELECTION |
| 426 | 7/12/84 | IN THE MATTER OF ADOPTION OF SALARY RANGES AND INCREASES FOR EXEMPT CLASSIFICATIONS, EFFECTIVE JULY 1, 1984 |
| 437 | 10/18/84 | IN THE MATTER OF ADOPTION OF SALARY RANGES, SALARY ADJUSTMENT APPROPRIATION AND FRINGE BENEFITS FOR FISCAL YEAR 1984-85 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 444 | 12/13/84 | AMENDING MULTNOMAH COUNTY ORDINANCE NO. 437 (EXEMPT EMPLOYEES' COMPENSATION PLAN) |
| 472 | 7/3/85 | IN THE MATTER OF ADOPTION OF SALARY RANGES FOR FISCAL YEAR 1985-86 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 489 | 1/2/86 | AMENDING MULTNOMAH COUNTY ORDINANCE NO. 437 AND ESTABLISHING THAT MARTIN LUTHER KING, JR.'S BIRTHDAY BE OBSERVED AS A LEGAL HOLIDAY, PURSUANT TO THE EXEMPT CLASSIFICATION/COMPENSATION PLAN, ON THE THIRD MONDAY IN JANUARY |

| Ordin | Date | Title |
|-------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 494 | 1/23/86 | RELATING TO EXPENSE REIMBURSEMENT OF MULTNOMAH COUNTY ELECTED OFFICIALS |
| 497 | 2/13/86 | CREATING PROCEDURES FOR PLACEMENT OF THE RECOMMENDATIONS OF THE MULTNOMAH COUNTY SALARY COMMISSION ON THE PRIMARY ELECTION BALLOT |
| 498 | 2/13/86 | IN THE MATTER OF REFERRING SALARY ADJUSTMENT FOR ELECTED COUNTY OFFICIALS TO THE MAY 20, 1986 PRIMARY ELECTION: AMENDING MULTNOMAH COUNTY CODE (MCC) 2.30.810, SUBSECTION A |
| 499 | 2/13/86 | IN THE MATTER OF REFERRING THE ESTABLISHMENT OF A SALARY FOR THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO THE MAY 20, 1986 PRIMARY ELECTION: AMENDING MULTNOMAH COUNTY CODE (MCC) 2.30.810, SUBSECTION A |
| 500 | 2/13/86 | IN THE MATTER OF REFERRING THE ESTABLISHMENT OF A SALARY FOR THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO THE MAY 20, 1986 PRIMARY ELECTION: AMENDING MULTNOMAH COUNTY CODE (MCC) 2.30.810, SUBSECTION A |
| 521 | 7/24/86 | REFERRING A CHARTER AMENDMENT TO THE VOTERS OF MULTNOMAH COUNTY, TO ALLOW VOTERS TO SET THE COMPENSATION FOR ELECTED COUNTY OFFICIALS AT A GENERAL OR A PRIMARY ELECTION |
| 555 | 6/25/87 | IN THE MATTER OF ADOPTION OF SALARY RANGES FOR FISCAL YEAR 1987-88 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 570 | 2/11/88 | REFERRING SALARY ADJUSTMENTS FOR ELECTED COUNTY OFFICIALS AS RECOMMENDED BY THE SALARY COMMISSION AND AMENDING MULTNOMAH COUNTY CODE (MCC) 2.30.810 |
| 617 | 5/25/89 | IN THE MATTER OF THE ADOPTION OF SALARY RANGES FOR FISCAL YEAR 1989-90 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN, AND REPEALING ORDINANCE NO. 580 |
| 636 | 2/8/90 | AMENDING THE COUNTY CODE TO PROVIDE ANNUAL COST OF LIVING SALARY ADJUSTMENTS FOR THE MULTNOMAH COUNTY DISTRICT ATTORNEY AS RECOMMENDED BY THE SALARY COMMISSION, REFERRING THE MEASURE TO THE VOTERS AND DECLARING AN EMERGENCY |
| 637 | 2/8/90 | AMENDING THE COUNTY CODE TO PROVIDE ANNUAL COST OF LIVING SALARY ADJUSTMENTS FOR THE MULTNOMAH COUNTY SHERIFF, AS RECOMMENDED BY THE SALARY COMMISSION, AND REFERRING THE MEASURE TO THE VOTERS AND DECLARING AN EMERGENCY |
| 638 | 2/8/90 | AMENDING THE COUNTY CODE TO PROVIDE ANNUAL COST OF LIVING SALARY ADJUSTMENTS FOR EACH MEMBER OF THE BOARD OF COUNTY COMMISSIONERS AND COUNTY CHAIR AS RECOMMENDED BY THE SALARY COMMISSION, REFERRING THE MEASURE TO THE VOTERS, AND DECLARING AN EMERGENCY |

| Ordin | Date | Title |
|-------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 666 | 10/25/90 | ADOPTING SALARY RANGES FOR FISCAL YEAR 1990-91 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION COMPENSATION PLAN AND REPEALING ORDINANCE 655 |
| 747 | 12/29/92 | RELATING TO THE STATUS OF CERTAIN EMPLOYEES WHOSE FUNCTIONS ARE BEING TRANSFERRED TO MULTNOMAH COUNTY, AND DECLARING AN EMERGENCY |
| 760 | 4/29/93 | RELATING TO BENEFITS FOR EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENT, AND AMENDING ORDINANCE NO. 740 |
| 792 | 6/16/94 | RELATING TO THE PAY RANGES AND COLA INCREASES FOR EXEMPT EMPLOYEES AND REPEALING ORDINANCE NOS. 767, 774, 777 AND 788 |
| 793 | 7/7/94 | AMENDING ORDINANCE NO. 792, IN ORDER TO ADD AND REVISE EXEMPT PAY RANGES |
| 808 | 12/15/94 | ADJUSTING EXEMPT EMPLOYEE WAGES AND BENEFITS IN ORDER TO CARRY OUT MEASURE 8 AND TO EQUALIZE BENEFITS FOR NONEXEMPT AND EXEMPT EMPLOYEES; REPEALING CERTAIN PROVISIONS IN ORDINANCE NO. 740 RELATING TO PENSION BENEFITS; INCREASING SALARIES AND SALARY RANGES |
| 809 | 12/29/94 | AMENDING ORDINANCE NO. 792, IN ORDER TO ADD, DELETE AND REVISE EXEMPT PAY RANGES |
| 819 | 6/1/95 | AMENDING ORDINANCE NO. 792, IN ORDER TO ADD AND DELETE EXEMPT PAY RANGES |
| 822 | 6/15/95 | RELATING TO THE PAY RANGES AND COLA INCREASES FOR EXEMPT EMPLOYEES |
| 829 | 8/31/95 | AMENDING ORDINANCE NO. 740 RELATAING TO BENEFITS FOR EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENT |
| 837 | 10/26/95 | AMENDING MCC CHAPTER 3.10.010(P), 3.10.015(B)(3), AND 3.10.270(A) RELATING TO THE MERIT SYSTEM FOR COUNTY EMPLOYEES AND REPEALING AND REPLACING SECTIONS OF ORDINANCE NO. 448 AND ORDINANCE NO. 461 |
| 840 | 11/30/95 | AMENDING ORDINANCE NO. 822, IN ORDER TO ADD, DELETE AND REVISE EXEMPT PAY RANGES AND TITLES |
| 846 | 3/21/96 | AMENDING ORDINANCE NO. 822, IN ORDER TO ADD AND DELETE EXEMPT PAY RANGES AND TITLES |
| 855 | 6/13/96 | REPEALING ORDINANCE NO. 778 AND NO. 820, AND ADOPTING A NEW ORDINANCE RELATING TO PAY ADMINISTRATION FOR EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENT |
| 856 | 6/13/96 | RELATING TO THE PAY RANGES AND COLA INCREASES FOR EXEMPT EMPLOYEES |
| 867 | 10/17/96 | AMENDING ORDINANCE NO. 856, IN ORDER TO ADD, DELETE AND REVISE EXEMPT PAY RANGES AND TITLES AND MAKE SPECIAL ADJUSTMENTS |

| Ordin | Date | Title |
|-------|----------|---------------------------------------------------------------------------------------------------------------------|
| 880 | 6/5/97 | RELATING TO THE PAY RANGES AND COLA INCREASES FOR EXEMPT EMPLOYEES AND TO MAKE SPECIAL ADJUSTMENTS |
| 891 | 11/25/97 | AMENDING ORDINANCE NO. 880, IN ORDER TO ADD, DELETE AND REVISE EXEMPT PAY RANGES AND TITLES |
| 906 | 4/30/98 | AMENDING ORDINANCE NO. 880, IN ORDER TO ADD AND DELETE EXEMPT PAY RANGES AND TITLES AND TO MAKE SPECIAL ADJUSTMENTS |

Section 2. The following ordinances adopted by the Board were partially or not explicitly repealed and are repealed:

| Ordin | Date | Title |
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| 10 | 1/3/67 | PROVIDING FOR A CIVIL SERVICE SYSTEM FOR PERSONS IN THE CLASSIFIED SERVICE OF MULTNOMAH COUNTY, OREGON |
| 21 | 2/20/69 | PROVIDING FOR THE EXEMPTION OF CIRCUIT COURT EMPLOYEES FROM CLASSIFIED CIVIL SERVICE AND AMENDING ARTICLE IV, SECTION (5), OF ORDINANCE NO. 10 |
| 22 | 2/27/69 | PROVIDING FOR THE EXEMPTION OF THE SECRETARY OF THE MULTNOMAH COUNTY CIVIL SERVICE COMMISSION FROM CLASSIFIED CIVIL SERVICE AND AMENDING ARTICLE IV, SECTION (8), OF ORDINANCE NO. 10 |
| 26 | 7/31/69 | PROVIDING FOR THE EXEMPTION OF THE CITIZENS AFFAIRS COORDINATOR, DEPARTMENT OF PUBLIC SAFETY, FROM CLASSIFIED CIVIL SERVICE AND AMENDING ARTICLE IV, SECTION (7), OF ORDINANCE NO. 10 |
| 28 | 4/23/70 | PERTAINING TO THE MULTNOMAH COUNTY DEPUTY SHERIFFS RETIREMENT FUND, AMENDING ARTICLE III, SECTION (1), OF MULTNOMAH COUNTY ORDINANCE NO. 25 |
| 33 | 6/25/70 | PERTAINING TO THE QUALIFICATIONS OF APPLICANTS TO TAKE CIVIL SERVICE EXAMINATIONS IN THE CIVIL SERVICE SYSTEM OF MULTNOMAH COUNTY, AMENDING ARTICLE VII, SECTION 1.111 (1) OF MULTNOMAH COUNTY ORDINANCE NO. 10 |
| 39 | 3/4/71 | PROVIDING FOR AN EXTENSION OF PROBATIONARY PERIOD FOR DEPUTY SHERIFFS AND AMENDING ARTICLE VIII, SECTION 1.120, SUBSECTION (1), OF ORDINANCE NO. 10 |
| 44 | 6/24/71 | PERTAINING TO PROMOTION IN CERTAIN CAREER POSITION CLASSIFICATIONS UNDER THE MULTNOMAH COUNTY EMPLOYEES RETIREMENT SYSTEM, AMENDING ARTICLE VII, SECTION 1.115, OF MULTNOMAH COUNTY ORDINANCE NO. 10 |
| 52 | 3/30/72 | PROVIDING FOR THE EXEMPTION OF THE DIRECTOR, CITY-COUNTY DATA PROCESSING AUTHORITY, FROM CLASSIFIED CIVIL SERVICE, AND AMENDING ARTICLE IV, SECTION (11), OF ORDINANCE NO. 10 |

| Ordin | Date | Title |
|--------------|-------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 82 | 10/31/74 | AMENDING ORDINANCE NO. 78 PROVIDING FOR INVESTMENT OF RETIREMENT FUND MONEY AND PROVIDING FOR PERSONS ELIGIBLE TO PARTICIPATE IN THE RETIREMENT FUND |
| 87 | 12/19/74 | AMENDING ORDINANCE NO. 78 AS AMENDED BY ORDINANCE NO. 82 TO PROVIDE FOR RETIREMENT FOR ELECTED OFFICIALS, PROVIDING FOR INVESTMENT OF RETIREMENT FUND MONEY AND DECLARING AN EMERGENCY |
| 142 | 3/17/77 | INCREASING THE MINIMUM PENSION OF EMPLOYEES RETIRING AFTER JULY 1, 1949; AMENDING SECTION 9 AND SECTION 10 OF MULTNOMAH COUNTY ORDINANCE NO. 78; AND DECLARING AN EMERGENCY |
| 146 | 4/21/77 | RELATING TO MINIMUM PENSIONS FOR CERTAIN RETIRED EMPLOYEES; AMENDING SECTION 3 OF ORDINANCE NO. 142; AND DECLARING AN EMERGENCY |
| 227 | 5/1/80 | AMENDING ORDINANCE NO. 179 RELATING TO A RETIREMENT SYSTEM FOR MULTNOMAH COUNTY EMPLOYEES, AND ADDING NEW PROVISIONS |
| 244 | 7/24/80 | IN THE MATTER OF ADOPTION OF SALARY RANGES AND BENEFITS FOR FISCAL YEAR 1980-1981 FOR EMPLOYEES COVERED BY THE EXEMPT COMPENSATION PLAN |
| 247 | 8/21/80 | AMENDING SECTION 5(B) OF ORDINANCE NO. 244 RELATING TO CASH PAYMENT TO EXEMPT EMPLOYEES FOR NON-EXEMPT ACCUMULATED UNUSED SICK LEAVE |
| 248 | 8/28/80 | RELATING TO THE MERIT SYSTEMS FOR MULTNOMAH COUNTY EMPLOYEES; CREATING NEW PROVISIONS; AMENDING MCC 3.10.010, 3.10.015, 3.10.040, .10.080, 3.10.090, 3.10.100, 3.10.110, 3.10.120, 3.10.130, 3.10.140, 3.10.150, 3.10.160, 3.10.170, 3.10.180, 3.10.190, 3.10.2 |
| 260 | 12/11/80 | RELATING TO COUNTY RETIREMENT; PROVIDING FOR OPTIONAL NON-PARTICIPATION FOR CERTAIN COUNTY EMPLOYEES; AND AMENDING ORDINANCE NO. 179 |
| 263 | 1/15/81 | IN THE MATTER OF ADOPTION OF MID-YEAR SALARY ADJUSTMENTS FOR SELECTED EMPLOYEES COVERED BY THE EXEMPT COMPENSATION PLAN |
| 270 | 4/16/81 | IN THE MATTER OF ADOPTION OF SALARY AND FRINGE BENEFIT ADMINISTRATION POLICY AND PROCEDURES FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 271 | 4/16/81 | IN THE MATTER OF ADOPTION OF SALARY RANGES, SALARY ADJUSTMENT APPROPRIATIONS AND FRINGE BENEFITS FOR FISCAL YEAR 1980-1981 AND 1981-1982 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 275 | 7/23/81 | IN THE MATTER OF REVISIONS OF THE SALARY RANGES FOR FISCAL YEAR 1981-1982 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |

| Ordin | Date | Title |
|-------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 327 | 7/15/82 | IN THE MATTER OF ADOPTION OF SALARY RANGES, SALARY ADJUSTMENT APPROPRIATION AND FRINGE BENEFITS FOR FISCAL YEAR 1982-83 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 388 | 7/7/83 | IN THE MATTER OF SALARY RANGES AND FRINGE BENEFITS FOR FISCAL YEAR 1983/84 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN, DECLARING AN EMERGENCY |
| 448 | 12/20/84 | AMENDING MCC CHAPTER 3.10.010(P), 3.10.015(B)(3), 3.10.270(A) AND CREATING NEW PROVISIONS |
| 461 | 3/20/85 | REPEALING ORDINANCE NO. 448 AND DECLARING AN EMERGENCY |
| 599 | 12/8/88 | AMENDING MULTNOMAH COUNTY ORDINANCE NO. 580 (EXEMPT EMPLOYEES COMPENSATION PLAN) |
| 683 | 6/6/91 | ADOPTING SALARY RANGES FOR FISCAL YEAR 1991-92 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION-COMPENSATION PLAN AND REPEALING ORDINANCE NO. 667 |
| 740 | 12/3/92 | RELATING TO BENEFITS FOR, AND EQUAL TREATMENT OF, EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENT, AND REPEALING ORDINANCES NOS. 534, 566, 600, AND 721 |

Section 3. 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.

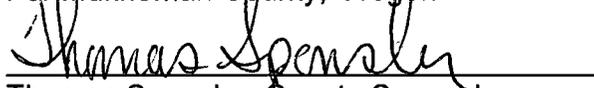
FIRST READING AND ENACTMENT:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon



Thomas Sponsler, County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 930

An ordinance repealing certain county employment and compensation ordinances that are no longer necessary or that are being updated and adopted by resolution, and declaring an emergency.

Multnomah County Ordains as follows:

Section 1. The following ordinances adopted by the Multnomah County Board of County Commissioners are no longer necessary and are repealed:

| Ordin | Date | Title |
|--------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 231 | 6/12/80 | AMENDING THE PERSONNEL ORDINANCE OF MULTNOMAH COUNTY TO PROVIDE A RIGHT OF APPEAL FROM PERSONNEL ACTIONS, INCLUDING COMPLAINTS OF DISCRIMINATION BY EMPLOYEES OF AND APPLICANTS FOR THE CLASSIFIED SERVICE; PROVIDING RETROACTIVITY AND DECLARING AN EMERGENCY |
| 342 | 9/23/82 | FIXING THE SALARIES OF ELECTED OFFICIALS OF MULTNOMAH COUNTY AND REFERRING THE MATTER TO THE NOVEMBER 2, 1982, GENERAL ELECTION |
| 343 | 9/28/82 | FIXING THE COUNTY SALARY SUPPLEMENT OF THE DISTRICT ATTORNEY OF MULTNOMAH COUNTY AND REFERRING THE MATTER TO THE NOVEMBER 2, 1982, GENERAL ELECTION |
| 344 | 9/28/82 | FIXING THE SALARIES OF ELECTED OFFICIALS OF MULTNOMAH COUNTY AND REFERRING THE MATTER TO THE NOVEMBER 2, 1982, GENERAL ELECTION |
| 426 | 7/12/84 | IN THE MATTER OF ADOPTION OF SALARY RANGES AND INCREASES FOR EXEMPT CLASSIFICATIONS, EFFECTIVE JULY 1, 1984 |
| 437 | 10/18/84 | IN THE MATTER OF ADOPTION OF SALARY RANGES, SALARY ADJUSTMENT APPROPRIATION AND FRINGE BENEFITS FOR FISCAL YEAR 1984-85 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 444 | 12/13/84 | AMENDING MULTNOMAH COUNTY ORDINANCE NO. 437 (EXEMPT EMPLOYEES' COMPENSATION PLAN) |
| 472 | 7/3/85 | IN THE MATTER OF ADOPTION OF SALARY RANGES FOR FISCAL YEAR 1985-86 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 489 | 1/2/86 | AMENDING MULTNOMAH COUNTY ORDINANCE NO. 437 AND ESTABLISHING THAT MARTIN LUTHER KING, JR.'S BIRTHDAY BE OBSERVED AS A LEGAL HOLIDAY, PURSUANT TO THE EXEMPT CLASSIFICATION/COMPENSATION PLAN, ON THE THIRD MONDAY IN JANUARY |

| Ordin | Date | Title |
|-------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 494 | 1/23/86 | RELATING TO EXPENSE REIMBURSEMENT OF MULTNOMAH COUNTY ELECTED OFFICIALS |
| 497 | 2/13/86 | CREATING PROCEDURES FOR PLACEMENT OF THE RECOMMENDATIONS OF THE MULTNOMAH COUNTY SALARY COMMISSION ON THE PRIMARY ELECTION BALLOT |
| 498 | 2/13/86 | IN THE MATTER OF REFERRING SALARY ADJUSTMENT FOR ELECTED COUNTY OFFICIALS TO THE MAY 20, 1986 PRIMARY ELECTION: AMENDING MULTNOMAH COUNTY CODE (MCC) 2.30.810, SUBSECTION A |
| 499 | 2/13/86 | IN THE MATTER OF REFERRING THE ESTABLISHMENT OF A SALARY FOR THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO THE MAY 20, 1986 PRIMARY ELECTION: AMENDING MULTNOMAH COUNTY CODE (MCC) 2.30.810, SUBSECTION A |
| 500 | 2/13/86 | IN THE MATTER OF REFERRING THE ESTABLISHMENT OF A SALARY FOR THE CHAIR OF THE BOARD OF COUNTY COMMISSIONERS TO THE MAY 20, 1986 PRIMARY ELECTION: AMENDING MULTNOMAH COUNTY CODE (MCC) 2.30.810, SUBSECTION A |
| 521 | 7/24/86 | REFERRING A CHARTER AMENDMENT TO THE VOTERS OF MULTNOMAH COUNTY, TO ALLOW VOTERS TO SET THE COMPENSATION FOR ELECTED COUNTY OFFICIALS AT A GENERAL OR A PRIMARY ELECTION |
| 555 | 6/25/87 | IN THE MATTER OF ADOPTION OF SALARY RANGES FOR FISCAL YEAR 1987-88 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 570 | 2/11/88 | REFERRING SALARY ADJUSTMENTS FOR ELECTED COUNTY OFFICIALS AS RECOMMENDED BY THE SALARY COMMISSION AND AMENDING MULTNOMAH COUNTY CODE (MCC) 2.30.810 |
| 617 | 5/25/89 | IN THE MATTER OF THE ADOPTION OF SALARY RANGES FOR FISCAL YEAR 1989-90 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN, AND REPEALING ORDINANCE NO. 580 |
| 636 | 2/8/90 | AMENDING THE COUNTY CODE TO PROVIDE ANNUAL COST OF LIVING SALARY ADJUSTMENTS FOR THE MULTNOMAH COUNTY DISTRICT ATTORNEY AS RECOMMENDED BY THE SALARY COMMISSION, REFERRING THE MEASURE TO THE VOTERS AND DECLARING AN EMERGENCY |
| 637 | 2/8/90 | AMENDING THE COUNTY CODE TO PROVIDE ANNUAL COST OF LIVING SALARY ADJUSTMENTS FOR THE MULTNOMAH COUNTY SHERIFF, AS RECOMMENDED BY THE SALARY COMMISSION, AND REFERRING THE MEASURE TO THE VOTERS AND DECLARING AN EMERGENCY |
| 638 | 2/8/90 | AMENDING THE COUNTY CODE TO PROVIDE ANNUAL COST OF LIVING SALARY ADJUSTMENTS FOR EACH MEMBER OF THE BOARD OF COUNTY COMMISSIONERS AND COUNTY CHAIR AS RECOMMENDED BY THE SALARY COMMISSION, REFERRING THE MEASURE TO THE VOTERS, AND DECLARING AN EMERGENCY |

| Ordin | Date | Title |
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| 666 | 10/25/90 | ADOPTING SALARY RANGES FOR FISCAL YEAR 1990-91 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION COMPENSATION PLAN AND REPEALING ORDINANCE 655 |
| 747 | 12/29/92 | RELATING TO THE STATUS OF CERTAIN EMPLOYEES WHOSE FUNCTIONS ARE BEING TRANSFERRED TO MULTNOMAH COUNTY, AND DECLARING AN EMERGENCY |
| 760 | 4/29/93 | RELATING TO BENEFITS FOR EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENT, AND AMENDING ORDINANCE NO. 740 |
| 792 | 6/16/94 | RELATING TO THE PAY RANGES AND COLA INCREASES FOR EXEMPT EMPLOYEES AND REPEALING ORDINANCE NOS. 767, 774, 777 AND 788 |
| 793 | 7/7/94 | AMENDING ORDINANCE NO. 792, IN ORDER TO ADD AND REVISE EXEMPT PAY RANGES |
| 808 | 12/15/94 | ADJUSTING EXEMPT EMPLOYEE WAGES AND BENEFITS IN ORDER TO CARRY OUT MEASURE 8 AND TO EQUALIZE BENEFITS FOR NONEXEMPT AND EXEMPT EMPLOYEES; REPEALING CERTAIN PROVISIONS IN ORDINANCE NO. 740 RELATING TO PENSION BENEFITS; INCREASING SALARIES AND SALARY RANGES |
| 809 | 12/29/94 | AMENDING ORDINANCE NO. 792, IN ORDER TO ADD, DELETE AND REVISE EXEMPT PAY RANGES |
| 819 | 6/1/95 | AMENDING ORDINANCE NO. 792, IN ORDER TO ADD AND DELETE EXEMPT PAY RANGES |
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| 840 | 11/30/95 | AMENDING ORDINANCE NO. 822, IN ORDER TO ADD, DELETE AND REVISE EXEMPT PAY RANGES AND TITLES |
| 846 | 3/21/96 | AMENDING ORDINANCE NO. 822, IN ORDER TO ADD AND DELETE EXEMPT PAY RANGES AND TITLES |
| 855 | 6/13/96 | REPEALING ORDINANCE NO. 778 AND NO. 820, AND ADOPTING A NEW ORDINANCE RELATING TO PAY ADMINISTRATION FOR EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENT |
| 856 | 6/13/96 | RELATING TO THE PAY RANGES AND COLA INCREASES FOR EXEMPT EMPLOYEES |
| 867 | 10/17/96 | AMENDING ORDINANCE NO. 856, IN ORDER TO ADD, DELETE AND REVISE EXEMPT PAY RANGES AND TITLES AND MAKE SPECIAL ADJUSTMENTS |

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| 21 | 2/20/69 | PROVIDING FOR THE EXEMPTION OF CIRCUIT COURT EMPLOYEES FROM CLASSIFIED CIVIL SERVICE AND AMENDING ARTICLE IV, SECTION (5), OF ORDINANCE NO. 10 |
| 22 | 2/27/69 | PROVIDING FOR THE EXEMPTION OF THE SECRETARY OF THE MULTNOMAH COUNTY CIVIL SERVICE COMMISSION FROM CLASSIFIED CIVIL SERVICE AND AMENDING ARTICLE IV, SECTION (8), OF ORDINANCE NO. 10 |
| 26 | 7/31/69 | PROVIDING FOR THE EXEMPTION OF THE CITIZENS AFFAIRS COORDINATOR, DEPARTMENT OF PUBLIC SAFETY, FROM CLASSIFIED CIVIL SERVICE AND AMENDING ARTICLE IV, SECTION (7), OF ORDINANCE NO. 10 |
| 28 | 4/23/70 | PERTAINING TO THE MULTNOMAH COUNTY DEPUTY SHERIFFS RETIREMENT FUND, AMENDING ARTICLE III, SECTION (1), OF MULTNOMAH COUNTY ORDINANCE NO. 25 |
| 33 | 6/25/70 | PERTAINING TO THE QUALIFICATIONS OF APPLICANTS TO TAKE CIVIL SERVICE EXAMINATIONS IN THE CIVIL SERVICE SYSTEM OF MULTNOMAH COUNTY, AMENDING ARTICLE VII, SECTION 1.111 (1) OF MULTNOMAH COUNTY ORDINANCE NO. 10 |
| 39 | 3/4/71 | PROVIDING FOR AN EXTENSION OF PROBATIONARY PERIOD FOR DEPUTY SHERIFFS AND AMENDING ARTICLE VIII, SECTION 1.120, SUBSECTION (1), OF ORDINANCE NO. 10 |
| 44 | 6/24/71 | PERTAINING TO PROMOTION IN CERTAIN CAREER POSITION CLASSIFICATIONS UNDER THE MULTNOMAH COUNTY EMPLOYEES RETIREMENT SYSTEM, AMENDING ARTICLE VII, SECTION 1.115, OF MULTNOMAH COUNTY ORDINANCE NO. 10 |
| 52 | 3/30/72 | PROVIDING FOR THE EXEMPTION OF THE DIRECTOR, CITY-COUNTY DATA PROCESSING AUTHORITY, FROM CLASSIFIED CIVIL SERVICE, AND AMENDING ARTICLE IV, SECTION (11), OF ORDINANCE NO. 10 |

| Ordin | Date | Title |
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| 82 | 10/31/74 | AMENDING ORDINANCE NO. 78 PROVIDING FOR INVESTMENT OF RETIREMENT FUND MONEY AND PROVIDING FOR PERSONS ELIGIBLE TO PARTICIPATE IN THE RETIREMENT FUND |
| 87 | 12/19/74 | AMENDING ORDINANCE NO. 78 AS AMENDED BY ORDINANCE NO. 82 TO PROVIDE FOR RETIREMENT FOR ELECTED OFFICIALS, PROVIDING FOR INVESTMENT OF RETIREMENT FUND MONEY AND DECLARING AN EMERGENCY |
| 142 | 3/17/77 | INCREASING THE MINIMUM PENSION OF EMPLOYEES RETIRING AFTER JULY 1, 1949; AMENDING SECTION 9 AND SECTION 10 OF MULTNOMAH COUNTY ORDINANCE NO. 78; AND DECLARING AN EMERGENCY |
| 146 | 4/21/77 | RELATING TO MINIMUM PENSIONS FOR CERTAIN RETIRED EMPLOYEES; AMENDING SECTION 3 OF ORDINANCE NO. 142; AND DECLARING AN EMERGENCY |
| 227 | 5/1/80 | AMENDING ORDINANCE NO. 179 RELATING TO A RETIREMENT SYSTEM FOR MULTNOMAH COUNTY EMPLOYEES, AND ADDING NEW PROVISIONS |
| 244 | 7/24/80 | IN THE MATTER OF ADOPTION OF SALARY RANGES AND BENEFITS FOR FISCAL YEAR 1980-1981 FOR EMPLOYEES COVERED BY THE EXEMPT COMPENSATION PLAN |
| 247 | 8/21/80 | AMENDING SECTION 5(B) OF ORDINANCE NO. 244 RELATING TO CASH PAYMENT TO EXEMPT EMPLOYEES FOR NON-EXEMPT ACCUMULATED UNUSED SICK LEAVE |
| 248 | 8/28/80 | RELATING TO THE MERIT SYSTEMS FOR MULTNOMAH COUNTY EMPLOYEES; CREATING NEW PROVISIONS; AMENDING MCC 3.10.010, 3.10.015, 3.10.040, .10.080, 3.10.090, 3.10.100, 3.10.110, 3.10.120, 3.10.130, 3.10.140, 3.10.150, 3.10.160, 3.10.170, 3.10.180, 3.10.190, 3.10.2 |
| 260 | 12/11/80 | RELATING TO COUNTY RETIREMENT; PROVIDING FOR OPTIONAL NON-PARTICIPATION FOR CERTAIN COUNTY EMPLOYEES; AND AMENDING ORDINANCE NO. 179 |
| 263 | 1/15/81 | IN THE MATTER OF ADOPTION OF MID-YEAR SALARY ADJUSTMENTS FOR SELECTED EMPLOYEES COVERED BY THE EXEMPT COMPENSATION PLAN |
| 270 | 4/16/81 | IN THE MATTER OF ADOPTION OF SALARY AND FRINGE BENEFIT ADMINISTRATION POLICY AND PROCEDURES FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 271 | 4/16/81 | IN THE MATTER OF ADOPTION OF SALARY RANGES, SALARY ADJUSTMENT APPROPRIATIONS AND FRINGE BENEFITS FOR FISCAL YEAR 1980-1981 AND 1981-1982 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 275 | 7/23/81 | IN THE MATTER OF REVISIONS OF THE SALARY RANGES FOR FISCAL YEAR 1981-1982 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |

| Ordin | Date | Title |
|-------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 327 | 7/15/82 | IN THE MATTER OF ADOPTION OF SALARY RANGES, SALARY ADJUSTMENT APPROPRIATION AND FRINGE BENEFITS FOR FISCAL YEAR 1982-83 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN |
| 388 | 7/7/83 | IN THE MATTER OF SALARY RANGES AND FRINGE BENEFITS FOR FISCAL YEAR 1983/84 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION/COMPENSATION PLAN, DECLARING AN EMERGENCY |
| 448 | 12/20/84 | AMENDING MCC CHAPTER 3.10.010(P), 3.10.015(B)(3), 3.10.270(A) AND CREATING NEW PROVISIONS |
| 461 | 3/20/85 | REPEALING ORDINANCE NO. 448 AND DECLARING AN EMERGENCY |
| 599 | 12/8/88 | AMENDING MULTNOMAH COUNTY ORDINANCE NO. 580 (EXEMPT EMPLOYEES COMPENSATION PLAN) |
| 683 | 6/6/91 | ADOPTING SALARY RANGES FOR FISCAL YEAR 1991-92 FOR EMPLOYEES COVERED BY THE EXEMPT CLASSIFICATION-COMPENSATION PLAN AND REPEALING ORDINANCE NO. 667 |
| 740 | 12/3/92 | RELATING TO BENEFITS FOR, AND EQUAL TREATMENT OF, EMPLOYEES NOT COVERED BY COLLECTIVE BARGAINING AGREEMENT, AND REPEALING ORDINANCES NOS. 534, 566, 600, AND 721 |

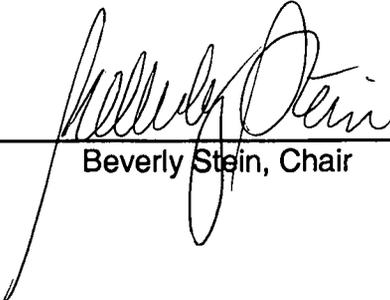
Section 3. This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance shall take effect upon its execution by the County Chair, pursuant to section 5.50 of the Charter of Multnomah County.

FIRST READING AND ENACTMENT:

March 25, 1999

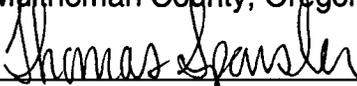


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 
Thomas Sponsler, County Counsel

MEETING DATE: MAR 25 1999
AGENDA NO: R-4
ESTIMATED START TIME: 9:45

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution relating to benefits for exempt employees and elected officials

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

REGULAR MEETING: DATE REQUESTED: March 25, 1999
AMOUNT OF TIME NEEDED: 15 minutes

DEPARTMENT: Support Services DIVISION: _____

CONTACT: Vickie Gates, Leila Wrathall TELEPHONE #: 65880,24422
BLDG/ROOM #: 106/1400

PERSON(S) MAKING PRESENTATION: Vickie Gates, Leila Wrathall

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Resolution relating to benefits for exempt employees and elected officials

3/29/99 copies to Vickie Gates & LEILA WRATHALL

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 MAR 16 AM 11:34

SIGNATURES REQUIRED:

ELECTED OFFICIAL:
(OR)
DEPARTMENT
MANAGER: Vickie S. Gates

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



MULTNOMAH COUNTY OREGON

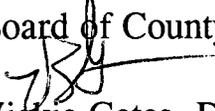
VICKIE S. GATES, DIRECTOR
DEPARTMENT OF SUPPORT SERVICES

PORTLAND BUILDING
1120 S.W. FIFTH AVENUE, SUITE 1400
P.O. BOX 14700
PORTLAND, OREGON 97293-0700

PHONE (503) 306-5881
FAX (503) 248-3292

AFFIRMATIVE ACTION
BUDGET AND QUALITY
EMERGENCY MANAGEMENT SERVICES
EMPLOYEE SERVICES
FINANCE
INFORMATION SERVICES
LABOR RELATIONS
RISK MANAGEMENT

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners
FROM:  Vickie Gates, Department of Support Services
DATE: March 15, 1999
RE: Resolution on Benefits for Exempt Employees and Elected Officials

1. Recommendation/Action Requested:
Adoption of the attached Resolution which authorizes benefits for exempt employees and elected officials.

2. Background/Analysis:
Previously the Board has supported the decentralization of the County's human resources functions and the change in the structure of the County Code. That approach recognizes that the authorization of benefits should be embodied in a resolution. The specific benefits offered are developed and proposed to the Board annually as part of the County's compensation plan.

This Resolution includes the benefits currently provided to exempt employees and elected officials and, along with the Resolution on Exempt Pay Administration, provides a necessary piece of the legal framework for personnel under the new County Code. The

implementation procedures for this Resolution will be part of the administrative rules to be promulgated by the Chair.

As indicated in the discussion accompanying the repeal Ordinance, there are some minor changes. Benefits changes in the Personnel Rules include a leave provision giving new unclassified employees their entire first year vacation and sick leave accrual when their employment begins. This is an aid to recruitment of senior staff. Mirroring the AFSCME Local 88 collective bargaining agreement, exempt employees will be able to use sick leave to care for their and their spouse/domestic partners' family members not residing in their households. Again, like the AFSCME agreement, personal holidays are being folded into vacation leave accruals.

3. Financial Impact:

There could be a minor impact if newly hired unclassified employees use a disproportionate amount of vacation or sick leave accruals and terminate prior to end of first year. There also may be some slight increase in sick leave usage rate to care for additional family members.

4. Legal Issues:

None.

5. Controversial Issues:

None.

6. Link to Current County Policies:

This Resolution and the County Code serve as the basis for the revised Personnel Rules to be issued as Executive Rules.

7. Citizen Participation:

None.

8. Other Government Participation:

None.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

A resolution relating to benefits for exempt employees and elected officials.

Multnomah County finds as follows:

- (a) Multnomah County Oregon (county) employs individuals not covered by any collective bargaining agreement (exempt employees).
- (b) The Board of County Commissioners (Board) adopted a compensation policy in MCC 9.202.
- (c) The Chair is responsible for developing and presenting annual compensation plan adjustment recommendations to the Board, including changes to the benefits program (MCC 9.203).
- (d) The county wishes to continue the benefits it currently provides exempt employees and elected officials.

The Multnomah County Board of Commissioners Resolves:

Section 1. Definitions.

- (A) Full-time Employee means an employee regularly scheduled to work at least 32 hours per week or .8 FTE, or an employee regularly scheduled to work 30 or more hours per week or .75 FTE, if on a 10-hour per day schedule.
- (B) Part-time Employee means an employee regularly scheduled to work at least 20 hours per week or .5 FTE, but less than full-time.

Section 2. Benefits for Less than Part-time, Temporary, and Confidential.

- (A) Exempt employees who are regularly scheduled to work less than 20 hours per week or .5 FTE receive only the employee benefits required by state or federal law.
- (B) Temporary appointees to exempt positions who are regularly scheduled to work 20 or more hours per week or at least .5 FTE receive all employee benefits. No other temporary or on-call employee receives benefits. If a temporary appointee to an exempt position is a current member of a bargaining unit, the appointee will receive exempt employee vacation accruals. Other benefits are subject to the provisions of the applicable collective bargaining agreement.
- (C) The benefits for confidential employees are those provided for positions included in collective bargaining agreements.

Section 3. Paid Holidays.

(A) Holidays

- (1) Any day declared a holiday by the Board of County Commissioners
- (2) New Year's Day (January 1)
- (3) Dr. Rev. Martin Luther King, Jr.'s birthday (third Monday in January)
- (4) President's Day (third Monday in February)
- (5) Memorial Day (last Monday in May)
- (6) Independence Day (July 4)
- (7) Labor Day (first Monday in September)
- (8) Veteran's Day (November 11); except Library employees
- (9) Thanksgiving Day (fourth Thursday in November)
- (10) Four (4) hours on either Christmas Eve or New Year's Eve. Library employees, Christmas Eve Day.
- (11) Christmas Day (December 25)

- (B) In lieu of the holidays listed above, Sheriff's Office employees are awarded eleven and one-half (11 1/2) personal holidays per year on each July 1, to be used at the discretion of the employee with the consent of the appointing manager.

Section 4. Paid Vacation Leave.

The Chair establishes vacation accrual rates as part of the compensation plan.

Section 5. Paid Sick Leave.

The Chair establishes sick leave accrual rates and incentive programs to help reduce sick leave usage as part of the compensation plan.

Section 6. Other Leaves.

The Chair establishes administrative rules governing judicial leave, military leave, bereavement leave, educational leave, and leaves of absence without pay.

Section 7 Long-term Disability.

Each exempt employee is enrolled in a county-paid long-term disability program. Specific terms and conditions of insurance programs are controlled by the plan documents.

Section 8 Education Assistance

The Chair establishes an educational assistance program as part of the compensation plan.

Section 9. Benefits for Elected Officials

Elected Officials receive the following benefits as provided for exempt employees: Health & Life Insurance; Flexible Spending (Section 10(A), (B) (C)1 and 3, and (D)); Deferred Compensation Program (Section 11); Bus Pass Program (Section 12); Pensions (Section 13); Workers' Compensation and Supplemental Benefits (Section 14).

Section 10. Health & Life Insurance; Flexible Spending Accounts.

(A) Medical, Vision and Dental Insurance

1. Premium Payments. The county pays the monthly premiums for medical, vision and dental benefits for full-time exempt employees and employees' eligible dependents. The county pays 50% of the monthly premiums for part-time exempt employees who elect coverage. Employee-paid premium contributions toward county medical and dental plans may be paid with pre-tax dollars through payroll deduction according to guidelines for premium conversion in the Internal Revenue Code Section 125.
2. Coverage. Coverage is provided for employees and their immediate families, i.e., spouses and eligible dependent children. Any child whose medical/dental coverage must be paid by court order is an "eligible dependent child" for purposes of coverage. In lieu of spouse coverage an employee may enroll a domestic partner and the partner's eligible dependents. This coverage is subject to the administrative rules concerning marriage and domestic partnership.

(B) Flexible Spending Accounts.

Exempt employees may participate in medical expense flexible spending accounts and dependent care flexible spending accounts under Internal Revenue Service Code Section 125. The flexible spending accounts are fully described in Section 125 plan documents.

(C) Life Insurance.

1. The county insures each exempt employee, at no charge, under a term life insurance policy in the amount of the employee's base annual salary, up to a maximum of \$50,000.
2. The county insures each retiree from exempt service who has at least 10 years of county service, at no charge, under a \$2,000 term life insurance policy during the period the retiree receives pension benefits.
3. The county may provide exempt employees the option of purchasing supplemental term life.

(D) Terms and Conditions.

Specific terms and conditions of insurance programs are controlled by the plan documents and by administrative rules established by the Chair.

Section 11. Deferred Compensation Program.

Each exempt employee employed for at least 30 days in a county budgeted position has the option of participating in the county's deferred compensation program, a pre-tax retirement savings plan administered under Internal Revenue Code Section 457.

Section 12. Bus Pass Program.

The county contributes an amount equal to 75% of the monthly cost of Tri-Met or C-Tran public bus passes used for employees commuting to and from work. The monthly dollar amount contributed will not exceed the maximum non-taxable amount allowed by IRS regulations.

Section 13. Pensions.

- (A) This Resolution does not affect benefits of Library exempt employees under the Library Association of Portland pension plan.
- (B) Exempt employees are eligible to participate in the Oregon Public Employees Retirement System (PERS).
- (C) In addition to salaries paid to exempt employees and in lieu of employee contributions to PERS, the county assumes or "picks up" the uniform six percent of salary contribution as permitted by state law.
- (D) The full amount of contributions "picked up" is considered salary only for computing an employee member's final average salary under state law.
- (E) The full amount of contributions "picked up" is added to employees' individual account balances for their annuities and is considered to be employee contributions for all other purposes of state law.

Section 14. Workers' Compensation and Supplemental Benefits.

All exempt employees are provided full coverage as required by the Oregon Workers' Compensation Law, including supplemental benefits paid by the County.

Adopted this _____ day of _____, 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By Thomas Sponsler
Thomas Sponsler, County Counsel

(3/99)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-47

A resolution relating to benefits for exempt employees and elected officials.

Multnomah County finds as follows:

- (a) Multnomah County Oregon (county) employs individuals not covered by any collective bargaining agreement (exempt employees).
- (b) The Board of County Commissioners (Board) adopted a compensation policy in MCC 9.202.
- (c) The Chair is responsible for developing and presenting annual compensation plan adjustment recommendations to the Board, including changes to the benefits program (MCC 9.203).
- (d) The county wishes to continue the benefits it currently provides exempt employees and elected officials.

The Multnomah County Board of Commissioners Resolves:

Section 1. Definitions.

- (A) Full-time Employee means an employee regularly scheduled to work at least 32 hours per week or .8 FTE, or an employee regularly scheduled to work 30 or more hours per week or .75 FTE, if on a 10-hour per day schedule.
- (B) Part-time Employee means an employee regularly scheduled to work at least 20 hours per week or .5 FTE, but less than full-time.

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- (A) Exempt employees who are regularly scheduled to work less than 20 hours per week or .5 FTE receive only the employee benefits required by state or federal law.
- (B) Temporary appointees to exempt positions who are regularly scheduled to work 20 or more hours per week or at least .5 FTE receive all employee benefits. No other temporary or on-call employee receives benefits. If a temporary appointee to an exempt position is a current member of a bargaining unit, the appointee will receive exempt employee vacation accruals. Other benefits are subject to the provisions of the applicable collective bargaining agreement.
- (C) The benefits for confidential employees are those provided for positions included in collective bargaining agreements.

Section 3. Paid Holidays.

(A) Holidays

- (1) Any day declared a holiday by the Board of County Commissioners
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- (11) Christmas Day (December 25)

- (B) In lieu of the holidays listed above, Sheriff's Office employees are awarded eleven and one-half (11 1/2) personal holidays per year on each July 1, to be used at the discretion of the employee with the consent of the appointing manager.

Section 4. Paid Vacation Leave.

The Chair establishes vacation accrual rates as part of the compensation plan.

Section 5. Paid Sick Leave.

The Chair establishes sick leave accrual rates and incentive programs to help reduce sick leave usage as part of the compensation plan.

Section 6. Other Leaves.

The Chair establishes administrative rules governing judicial leave, military leave, bereavement leave, educational leave, and leaves of absence without pay.

Section 7 Long-term Disability.

Each exempt employee is enrolled in a county-paid long-term disability program. Specific terms and conditions of insurance programs are controlled by the plan documents.

Section 8 Education Assistance

The Chair establishes an educational assistance program as part of the compensation plan.

Section 9. Benefits for Elected Officials

Elected Officials receive the following benefits as provided for exempt employees: Health & Life Insurance; Flexible Spending (Section 10(A), (B) (C)1 and 3, and (D)); Deferred Compensation Program (Section 11); Bus Pass Program (Section 12); Pensions (Section 13); Workers' Compensation and Supplemental Benefits (Section 14).

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(A) Medical, Vision and Dental Insurance

1. Premium Payments. The county pays the monthly premiums for medical, vision and dental benefits for full-time exempt employees and employees' eligible dependents. The county pays 50% of the monthly premiums for part-time exempt employees who elect coverage. Employee-paid premium contributions toward county medical and dental plans may be paid with pre-tax dollars through payroll deduction according to guidelines for premium conversion in the Internal Revenue Code Section 125.
2. Coverage. Coverage is provided for employees and their immediate families, i.e., spouses and eligible dependent children. Any child whose medical/dental coverage must be paid by court order is an "eligible dependent child" for purposes of coverage. In lieu of spouse coverage an employee may enroll a domestic partner and the partner's eligible dependents. This coverage is subject to the administrative rules concerning marriage and domestic partnership.

(B) Flexible Spending Accounts.

Exempt employees may participate in medical expense flexible spending accounts and dependent care flexible spending accounts under Internal Revenue Service Code Section 125. The flexible spending accounts are fully described in Section 125 plan documents.

(C) Life Insurance.

1. The county insures each exempt employee, at no charge, under a term life insurance policy in the amount of the employee's base annual salary, up to a maximum of \$50,000.
2. The county insures each retiree from exempt service who has at least 10 years of county service, at no charge, under a \$2,000 term life insurance policy during the period the retiree receives pension benefits.
3. The county may provide exempt employees the option of purchasing supplemental term life.

(D) Terms and Conditions.

Specific terms and conditions of insurance programs are controlled by the plan documents and by administrative rules established by the Chair.

Section 11. Deferred Compensation Program.

Each exempt employee employed for at least 30 days in a county budgeted position has the option of participating in the county's deferred compensation program, a pre-tax retirement savings plan administered under Internal Revenue Code Section 457.

Section 12. Bus Pass Program.

The county contributes an amount equal to 75% of the monthly cost of Tri-Met or C-Tran public bus passes used for employees commuting to and from work. The monthly dollar amount contributed will not exceed the maximum non-taxable amount allowed by IRS regulations.

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- (C) In addition to salaries paid to exempt employees and in lieu of employee contributions to PERS, the county assumes or "picks up" the uniform six percent of salary contribution as permitted by state law.
- (D) The full amount of contributions "picked up" is considered salary only for computing an employee member's final average salary under state law.
- (E) The full amount of contributions "picked up" is added to employees' individual account balances for their annuities and is considered to be employee contributions for all other purposes of state law.

Section 14. Workers' Compensation and Supplemental Benefits.

All exempt employees are provided full coverage as required by the Oregon Workers' Compensation Law, including supplemental benefits paid by the County.

Adopted this 25th day of March, 1999.

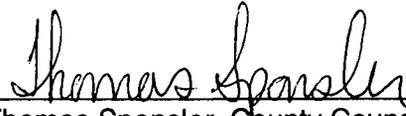


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Thomas Sponsler, County Counsel

(3/99)

MEETING DATE: MAR 25 1999
AGENDA NO: R-5
ESTIMATED START TIME: 9:55

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution on Pay Administration for employees not covered by collective bargaining agreements.

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

REGULAR MEETING: DATE REQUESTED: March 25, 1999
AMOUNT OF TIME NEEDED: 15 Minutes

DEPARTMENT: Support Services DIVISION: _____

CONTACT: Vickie Gates, Leila Wrathall TELEPHONE #: 65880, 24422
BLDG/ROOM #: 106/1400

PERSON(S) MAKING PRESENTATION: Vickie Gates, Leila Wrathall

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL OTHER

SUGGESTED AGENDA TITLE:

Resolution covering pay administration for employees not covered by collective bargaining agreements.

3/29/99 copies to Leila WRATHALL & VICKIE GATES

BOARD OF
COUNTY ADMINISTRATORS
99 MAR 16 AM 11:34
MULTNOMAH COUNTY
OREGON

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: Vickie L. Gates

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES



MULTNOMAH COUNTY OREGON

VICKIE S. GATES, DIRECTOR
DEPARTMENT OF SUPPORT SERVICES

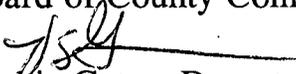
PORTLAND BUILDING
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FAX (503) 248-3292

AFFIRMATIVE ACTION
BUDGET AND QUALITY
EMERGENCY MANAGEMENT SERVICES
EMPLOYEE SERVICES
FINANCE
INFORMATION SERVICES
LABOR RELATIONS
RISK MANAGEMENT

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: 
Vickie Gates, Department of Support Services

DATE: March 15, 1999

RE: Resolution on Pay Administration for Employees not Covered by Collective Bargaining Agreements

1. Recommendation/Action Requested:

Adoption of the attached Resolution authorizing pay administration practices for employees not covered by collective bargaining agreements.

2. Background/Analysis:

This Resolution is one of two that accompanies the ordinance to update the legal framework for Multnomah County's human resources administration. Previously the Board has supported the decentralization of the County's human resources functions and the change in the structure of the County Code. That approach recognizes that the authorization of pay administration practices should be embodied in resolution. The implementation of this Resolution will be issued in administrative rule format, as Personnel Rules.

The items included in this Resolution are pay administration practices currently followed by the County with two exceptions. Under pay ranges, there is the provision for employees to receive special pay adjustments. The implementation of this provision is included in the revised Personnel Rules being issued as Executive Rules. Under the Personnel Rules, exempt employees could be considered for special pay adjustments for factors such as labor market changes, inequitable differences in pay rates within work units, attainment of additional skills, etc.

Second, this Resolution specifically authorizes general salary increases for cost of living for all exempt employees, subject to the approval of the Board. Unclassified employees, such as Department Directors, were precluded from receiving general increases under Ordinance 855, which has been proposed for repeal. Unclassified employees were only eligible for merit based increases. In actual practice, the Board approved a general cost-of-living increase effective July 1, 1998 for unclassified employees equaling the increase received by classified exempt employees rather than paying it as part of merit increases.

An additional change was made in the Personnel Rules as part of the shift of recruitment and selection to the Departments. Departments will be given the authority to hire exempt employees at rates above the first step of the salary range if they meet specified criteria. Previously if they hired employees above the mid-point of the salary range they needed the approval of the appropriate elected official.

3. Financial Impact: There could be a minor impact from creation of special pay adjustment provision, however, these have to be within already authorized salary ranges.

3. Legal Issues:
None.

4. Controversial Issues:
None.

5. Link to Current County Policies:

County Codes serve as the basis for the revised this Resolution and the new Personnel Rules to be issued by the Chair. Providing a non duplicative and easily understood framework for personnel administration will serve the County's RESULTS goal of excellence in the workplace.

6. Citizen Participation:

None.

7. Other Government Participation:

None.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Pay administration for employees not covered by collective bargaining agreements.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County (County) employs individuals not covered by any collective bargaining agreement (exempt employees).
- b. The Multnomah County Board of Commissioners (Board) adopted County compensation policy in MCC 9.202.
- c. In accordance with MCC 9.202 Board desires to adopt administrative rules and procedures governing pay administration for exempt employees.

The Multnomah County Board of Commissioners Resolves:

1. **Applicability.** These rules apply to County exempt employees with the following exceptions:
 - (a) Confidential employees are governed by provisions applicable to employees in equivalent classifications subject to collective bargaining agreements.
 - (b) The pay rates, performance appraisal system and pay administration practices for Elected Officials' Staff are set by the elected officials, within the limits set by funds allotted for the various positions in this category.
 - (c) Exempt employees who regularly work less than 20 hours per week.
2. **Pay Ranges.** The compensation plan for exempt employees includes a pay range consisting of a minimum and a maximum base rate for each exempt classification. The Board will establish pay ranges and make any changes to the ranges. The Chair will make recommendations based on periodic surveys of comparable employers, internal classification relationships, financial constraints and actual or anticipated pay adjustments for nonexempt employees. Exempt employees are also eligible for special pay adjustments within pay ranges.
3. **Merit Increases, Classified.** Each July 1 classified exempt employees are eligible for merit increases in base pay equal to three percent (3%) or to the maximum of the ranges, whichever is less. Merit increases will be based on rules and procedures established by the Chair.
4. **Merit Increases, Unclassified.** The Chair is responsible for developing and presenting an annual recommendation to the Board for merit pay for unclassified exempt employees. Each July 1 unclassified exempt employees are eligible for merit pay based on accomplishments of performance objectives set for the prior fiscal year.
5. **General Salary Increases.** Exempt employees will receive cost of living increases approved by the Board.

6. **Incentive Payments.** Incentive payments are part of the merit pay system. Department Directors may authorize incentive payments to employees. Incentive payments are for outstanding contributions to the county during the evaluation period. Incentive payments will not be added to employees' base pay.

7. **Overtime Pay.** No exempt employee excluded from coverage of the Fair Labor Standards Act (FLSA) will receive overtime pay. Exempt employees subject to the FLSA shall be eligible for overtime pay in accordance with county's personnel rules, and state and federal law. The rate is one and one-half times the hourly pay rate for the employee. Compensatory time in lieu of overtime pay is available at the rate of one and one-half hours for additional time worked in excess of:
 - a. 8 hours in any work day for a five-day, 40-hour-a-week employee;
 - b. 10 hours in any work day for a four-day, 40-hour-a-week employee; or
 - c. 40 hours in any FLSA work week.

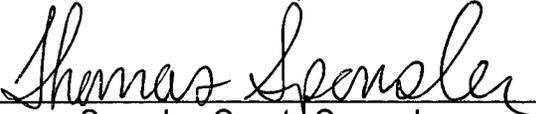
8. **Working in Higher Classification.** When an exempt employee replaces another exempt employee in a higher classification for five or more work days and performs most of the duties of the higher classification, the Department director has discretion to pay the employee at a higher rate. The higher pay rate will be no less than the minimum, nor more than the maximum rate for the higher classification. The higher rate will be paid retroactive to the first day of work in the higher classification.

Adopted this _____ day of _____, 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

By _____
Beverly Stein, Chair

REVIEWED:
THOMAS SPONSLER, COUNTY COUNSEL FOR
MULTNOMAH COUNTY, OREGON



Thomas Sponsler, County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-48

Pay administration for employees not covered by collective bargaining agreements.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County (County) employs individuals not covered by any collective bargaining agreement (exempt employees).
- b. The Multnomah County Board of Commissioners (Board) adopted County compensation policy in MCC 9.202.
- c. In accordance with MCC 9.202 Board desires to adopt administrative rules and procedures governing pay administration for exempt employees.

The Multnomah County Board of Commissioners Resolves:

1. **Applicability.** These rules apply to County exempt employees with the following exceptions:
 - (a) Confidential employees are governed by provisions applicable to employees in equivalent classifications subject to collective bargaining agreements.
 - (b) The pay rates, performance appraisal system and pay administration practices for Elected Officials' Staff are set by the elected officials, within the limits set by funds allotted for the various positions in this category.
 - (c) Exempt employees who regularly work less than 20 hours per week.
2. **Pay Ranges.** The compensation plan for exempt employees includes a pay range consisting of a minimum and a maximum base rate for each exempt classification. The Board will establish pay ranges and make any changes to the ranges. The Chair will make recommendations based on periodic surveys of comparable employers, internal classification relationships, financial constraints and actual or anticipated pay adjustments for nonexempt employees. Exempt employees are also eligible for special pay adjustments within pay ranges.
3. **Merit Increases, Classified.** Each July 1 classified exempt employees are eligible for merit increases in base pay equal to three percent (3%) or to the maximum of the ranges, whichever is less. Merit increases will be based on rules and procedures established by the Chair.
4. **Merit Increases, Unclassified.** The Chair is responsible for developing and presenting an annual recommendation to the Board for merit pay for unclassified exempt employees. Each July 1 unclassified exempt employees are eligible for merit pay based on accomplishments of performance objectives set for the prior fiscal year.
5. **General Salary Increases.** Exempt employees will receive cost of living increases approved by the Board.

- 6. **Incentive Payments.** Incentive payments are part of the merit pay system. Department Directors may authorize incentive payments to employees. Incentive payments are for outstanding contributions to the county during the evaluation period. Incentive payments will not be added to employees' base pay.

- 7. **Overtime Pay.** No exempt employee excluded from coverage of the Fair Labor Standards Act (FLSA) will receive overtime pay. Exempt employees subject to the FLSA shall be eligible for overtime pay in accordance with county's personnel rules, and state and federal law. The rate is one and one-half times the hourly pay rate for the employee. Compensatory time in lieu of overtime pay is available at the rate of one and one-half hours for additional time worked in excess of:
 - a. 8 hours in any work day for a five-day, 40-hour-a-week employee;
 - b. 10 hours in any work day for a four-day, 40-hour-a-week employee; or
 - c. 40 hours in any FLSA work week.

- 8. **Working in Higher Classification.** When an exempt employee replaces another exempt employee in a higher classification for five or more work days and performs most of the duties of the higher classification, the Department director has discretion to pay the employee at a higher rate. The higher pay rate will be no less than the minimum, nor more than the maximum rate for the higher classification. The higher rate will be paid retroactive to the first day of work in the higher classification.

Adopted this 25th day of March, 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein

Beverly Stein, Chair

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By *Thomas Sponsler*

Thomas Sponsler, County Counsel