Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Jeff Cogen, Chair
501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214
Phone: (503) 988-3308 FAX (503) 988-3093
Email: mult.chair@co.multnomah.or.us

Deborah Kafoury, Commission Dist. 1
501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214
Phone: (503) 988-5220 FAX (503) 988-5440
Email: district1@co.multnomah.or.us

Barbara Willer, Commission Dist. 2
501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214
Phone: (503) 988-5219 FAX (503) 988-5440
Email: district2@co.multnomah.or.us

Judy Shiprack, Commission Dist. 3
501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214
Phone: (503) 988-5217 FAX (503) 988-5262
Email: district3@co.multnomah.or.us

Diane McKeel, Commission Dist. 4
501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214
Phone: (503) 988-5213 FAX (503) 988-5262
Email: district4@co.multnomah.or.us

Link to watch live Thursday Board meetings on-line: **www2.co.multnomah.or.us/cc/live_broadcast.shtml** Link for on-line agendas and agenda info: **www.co.multnomah.or.us/cc/agenda.shtml**
Free public access to wireless internet M-F from 6 AM to 9 PM during meetings in the Boardroom
Americans with Disabilities Act Notice: If you need this agenda in an alternate format or wish to attend a Board Meeting, please call the Board Clerk (503) 988-3277. Call the City/County Information Center **TDD number (503) 823-6868** for info on available services and accessibility.

Aug. 31 & Sept. 2, 2010 BOARD MEETINGS HIGHLIGHTS

REVISED

10:30 AM – Tues. - B-2 - Projects Briefing on Sellwood Bridge Types
9:30 am - Thur. - Opportunity for Public Comment on Non-Agenda Matters
9:30 am – Thur – R-1 & R-2 - PUBLIC HEARING for Dunthorpe Riverdale Service District
9:40 am – Thur – R-3 – RESOLUTION Consenting to Chair Appointment of Henry "Chip" Lazenby, Jr., as Chief Legal Officer of Multnomah County and Director of the Office of County Attorney
10:10 am – Thur – R-7 – PROCLAMATION of September as Emergency Preparedness Month in Multnomah County, Oregon
10:30 am – Thur – R-9 - PUBLIC HEARING and Consideration of a RESOLUTION Authorizing Transfer of a Tax Foreclosed Property to The Portland Development Commission
10:45 am – Thur. – R-11 - PROCLAMATION September 2010 National Alcohol and Drug Addiction Recovery Month in Multnomah County, Oregon

Meetings of the Multnomah County Board of Commissioners are held at 501 SE Hawthorne Blvd. most usually in the Commissioners Chamber off of the main lobby, on the first floor.

Thursday meetings are cable-cast live and recorded and may be seen by Cable subscribers in Multnomah County at the following times

(Portland & East County)
Thursday, 9:30 AM, (LIVE) Channel 30
Sunday, 11:00 AM Channel 30
(East County Only)
Saturday, 10:00 AM, Channel 29
Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media
(503) 667-8848, ext. 332 for further info
or: http://www.metroeast.org

Tuesday, August 31, 2010 - 10:00 AM
Multnomah Building, Commissioners Board Room 100

BOARD BRIEFINGS

Department of Community Services - 10:00 am

B-1 Informational Board Briefing on Master Certification Agreement with the Oregon Department of Transportation (ODOT) for Agency Management of Federal Aid Transportation Projects. Presenters: Brian Vincent, PE, County Engineer and Kim Peoples, Road Services Manager, LUT (30 min)

B-2 Projects Briefing on Sellwood Bridge Types. Presenter: Ian Cannon, Engineering Services Manager and John Ferguson – T.Y. Lin International; Ricardo Rabines – Safdie Rabines Architects; and Mike Pullen, PAO (60 min)

Departments of County Management & Community Justice - 11:30 am

B-3 BOARD BRIEFING – Budget Note Response for Upgrade to the Juvenile Justice Center Detention Electronics System. Presenters: John Lindenthal, Program Manager – DCM; Shaun Coldwell, Business Services Manager – DCJ; Craig Bachman, Sr. Manager – DCJ; and Richard Swift, Sr. Manager – DCM (30 min)

Thursday, September 2, 2010 - 9:30 AM
Multnomah Building, Commissioners Board Room 100
REVISED
REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

C-1 Appointment of Steven Burger to Multnomah County Bicycle Pedestrian Citizen Advisory (BPCA) Committee. Reappointment of Greg Olson, Joe Barcott and Andrew Holtz to the Committee.

C-2 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

C-3 BUDGET MODIFICATION DCHS 11-02, Reclassifying a Vacant Full-time Eligibility Specialist Position to a Case Manager One (1) Position in the Aging and Disability Services Division, as Determined by the Class/Comp Unit of Central Human Resource

C-4 Off Premises and Limited On Premises Sales Liquor License Renewal for First Choice Market, 2041 NW Miller Rd., Portland, Oregon 97229

REGULAR AGENDA
PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on non-agenda matters. Testimony limited to three minutes per person unless otherwise designated by the presiding officer. This is a time for the Board to hear public testimony, not for Board deliberation. Fill out a yellow speaker form available at the back of the Boardroom and give it to the Board Clerk. Unless otherwise recognized by the presiding officer, testimony is taken in the order the forms are submitted.

SERVICE DISTRICT - 9:30 AM

(Recess as the Board of County Commissioners and convene as the governing body for DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1)

R-1 Acting as the Governing Body of the DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT, Consideration of the District's Endorsing a Petition to Annex a Single Parcel of Land to the District Pursuant to ORS 198.857; Subject to Certain Conditions.

Presenters: Kenneth S. Martin, Local Boundary Change Consultant, Matthew Ryan, Assistant County Attorney and Tom Hansell, District Administrator (5 min)

(Adjourn as the governing body for Dunthorpe Riverdale Sanitary Service District No. 1 and reconvene as BOARD OF COUNTY COMMISSIONERS)

COMMUNITY SERVICES – 9:35 am

R-2 PUBLIC HEARING and Consideration of an ORDER Approving the Annexation of Territory to Dunthorpe-Riverdale County Service District. Presenters: Kenneth S. Martin, Local Boundary Change Consultant, Matthew Ryan, Assistant County Attorney and Tom Hansell, District Administrator (5 min)

NON-DEPARTMENTAL – 9:40 am

R-3 RESOLUTION Consenting to Chair Appointment of Henry "Chip" Lazenby, Jr. as Chief Legal Officer of Multnomah County and Director of the Office of County Attorney. Presenter: Jeff Cogen, Chair, board of County Commissioners (5 min)

DEPARTMENT OF COMMUNITY JUSTICE – 9:50 am

R-4 Leaders of Change Innovation Video Series: DCJ Bike Patrol. Presenters: Carl Goodman, Assistant Director of DCJ, with Members of DCJ Bike Patrol (10 min)

~~**DEPARTMENT OF COMMUNITY SERVICES 10:00 am**~~

~~R-5 Master Certification AGREEMENT with the Oregon Department of Transportation (ODOT) for Agency Management of Federal Aid Transportation Projects. Presenter: Brian Vincent, PE, County Engineer (10 min)~~

NON-DEPARTMENTAL – 10:00 am

R-6 PROCLAMATION of September as Emergency Preparedness Month in Multnomah County. Presenter: Dave Houghton, Director, Office of Emergency Management (10 min)

DEPARTMENT OF COUNTY MANAGEMENT – 10:10 am

R-7 RESOLUTION Approving the Transfer of Tax-Foreclosed Property R114766 to Community Vision, Inc., a Non-Profit Corporation, for Low Income Housing Purposes. Presenter: Randy Walruff, Division Director (10 min)

R-8 RESOLUTION Approving the Transfer of Tax-Foreclosed Property R141944 to Community Vision, Inc., a Non-profit Corporation, for Low Income Housing Purposes. Presenter: Randy Walruff, Division Director (5 min)

DEPARTMENT OF COUNTY MANAGEMENT – 10:30 am – Time Certain

R-9 PUBLIC HEARING and Consideration of a RESOLUTION Authorizing Transfer of a Tax Foreclosed Property to The Portland Development Commission. Presenter: Randy Walruff, Division Director (5 min)

R-10 ORDER Directing Chief Financial Officer to Create Comcast Tax Appeal Reserve Account Under ORS 311.814. Presenter: Randy Walruff, Division Director (10 min)

DEPARTMENT OF COUNTY HUMAN SERVICES – 10:45 am

R-11 PROCLAMATION Proclaiming September 2010 National Alcohol and Drug Addiction Recovery Month in Multnomah County, Oregon. Presenter: Ray Hudson, Addiction Services Manager; Patty Katz, Hands Across the Bridge; Jimmy Williams, Oregon Recovery Homes; and Collin Wright, Graduate from Recovery Housing (20 min)

ADJOURNMENT: 11:05 am

Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

Thursday, September 2, 2010 – 9:30 AM
Multnomah Building, Commissioners Board Room 100
501 SE Hawthorne Boulevard, Portland

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT AT 9:30 AM ON THURSDAY, SEPTEMBER 2, 2010, IN THE COMMISSIONER'S BOARD ROOM ON THE FIRST FLOOR OF THE MULTNOMAH BUILDING AT 501 SE HAWTHORNE, PORTLAND, OREGON, THERE SHALL BE A PUBLIC HEARING BY AND BEFORE THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS ON THE BOUNDARY CHANGE PROPOSAL LISTED BELOW. INTERESTED PERSONS MAY APPEAR AND WILL BE GIVEN REASONABLE OPPORTUNITY TO BE HEARD.

PROPOSAL NO. CL-1110 - ANNEXATION TO DUNTHORPE-RIVERDALE COUNTY SERVICE DISTRICT of territory located generally on the south edge of the District on the north edge of S.W. Iron Mountain Blvd. east of SW Glen Rd. and west of SW Edgecliff Rd., more particularly: Tax Lot 1200, NE 1/4 NE 1/4 Sec. 3, T2S R1E, W.M., Clackamas County, Oregon.

POSTED BY: JEFF COGEN, CHAIR
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY

GENERAL INFORMATION AND/OR A COPY OF THE STAFF REPORT MAY BE OBTAINED BY CALLING 503 222-0955.

Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

Thursday, September 2, 2010 – 10:30 AM
Multnomah Building, Commissioners Board Room 100
501 SE Hawthorne Boulevard, Portland

NOTICE OF PUBLIC HEARING
BEFORE THE MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

TIME: **10:30 A.M., Thursday September 2, 2010**

PLACE: The Multnomah Building, Room 100
501 SE Hawthorne Blvd, Portland, Oregon

SUBJECT: Proposed Sale of a Tax Foreclosed Property to the Portland Development Commission

CONTACT INFORMATION: The County Board will accept objections and comments about the proposed sale at the meeting. Please contact Tax Title for any additional information or if you would like a copy of the staff report at 503-988-3590.

Tax Account No: R243872

Legal Description: A tract of land located in Section 15 Township 1 North, Range 1 East and also being a portion of Piedmont Park, a duly recorded plat in the County of Multnomah and State of Oregon further described as: Lot 1, Block 1, except that portion in Bryant Street; AND ALSO Lot 2, 3 and 4, Block 1.

Date: September 1, 2010

To: Jeff Cogen, Chair and
County Commissioners

Attached is a revised agenda which reflects the following changes:

R-5 – ODOT Master Certification Agreement - the Department has requested that this item be postponed.

R-9 – Resolution to transfer tax foreclosed property to PDC - the title was revised to include "public hearing." Attached is the notice that was submitted yesterday. It is scheduled for 10:30 am.

The times were adjusted to reflect the postponed and public hearing items.

The "highlights" section on page 1 was changed accordingly.

The Public Hearing Notice for R-9 is attached to the back of the agenda.

Thank you.

Lynda Grow
Board Clerk

cc: Agnes Sowle, County Attorney
Marissa Madrigal, Chief of Staff

GROW Lynda

From: CANNON Ian B

Sent: Tuesday, August 31, 2010 2:03 PM

To: GROW Lynda

Subject: RE: please send names/titles &copies of all materials presented to Board today re: Sellwood Bridge, so I can put them in the permanent record

Presenters:

Ian Cannon
John Ferguson – T. Y. Lin International
Ricardo Rabines – Safdie Rabines Architects
Mike Pullen

Can you tell me what you have so I only send what you don't have?

Ian

Ian B. Cannon, P.E.
Bridge Services Manager
Multnomah County Bridges
503-988-3595

www.multco.us/bridges

From: GROW Lynda
Sent: Tuesday, August 31, 2010 11:09 AM
To: CANNON Ian B
Subject: please send names/titles &copies of all materials presented to Board today re: Sellwood Bridge, so I can put them in the permanent record

I will make the paper copies for the permanent board packet. Archives tells us the paper copies are much preferred, since they'll withstand storage for the 100-year rule; e-files will not.
Interesting, in this day and age, eh?
Nice job today!
I'll need the names/titles asap, so I can finish the minutes by Friday.
Thanks!
Lyn

It went to the board 8/26, sorry! This is the AMENDED version. So if you'll send this to Peggidy when it's fully signed.
I'm going to print out this e-mail to put in the 8/26 board file, so when we finalize the minutes, we indicate that they adopted the AMENDED version.
lyn

From: YATES Peggidy C
Sent: Monday, August 30, 2010 11:39 AM
To: GROW Lynda
Cc: THOMAS Bob C; THOMAS John S; SMITH Brian R; BABINEC Gehl P
Subject: FW: Revises Resolution to Amend the LRS Contract

Attached is the amended Resolution the Board approved on Thursday August 26. If you have any questions, please feel free to contact me.
Sincerely,

Peggidy Coffman Yates
Facilities Policy Liaison
Facilities and Property Management
Multnomah County
401 N. Dixon
Portland, Oregon 97227
503.988.4878
503.988.3093 Fax
peggidy.c.yates@co.multnomah.or.us

From: KINOSHITA Carol
Sent: Monday, August 30, 2010 9:46 AM
To: THOMAS John S; YATES Peggidy C
Subject: FW: Revises Resolution to Amend the LRS Contract

Here's the finalized resolution; please note that the date needs to be filled in. Thanx!

Carol

From: THOMAS John S
Sent: Thursday, August 26, 2010 1:43 PM
To: KINOSHITA Carol
Cc: YATES Peggidy C
Subject: FW: Revises Resolution to Amend the LRS Contract

Will you please incorporate all the changes in this document and get it ready to submit to Lynda? When it is ready please reply to all so Peggidy can forward it to Lynda.

Thanks

John

From: SOWLE Agnes
Sent: Thursday, August 26, 2010 12:53 PM
To: THOMAS John S
Subject: FW: Revises Resolution to Amend the LRS Contract

I think this was actually supposed to go to you. There was an amendment as to the $$.

Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214
(503)988-3138

From: YATES Peggidy C
Sent: Thursday, August 26, 2010 12:37 PM
To: SMITH Brian R; JELUSICH Gerald; SOWLE Agnes
Cc: THOMAS Bob C; LINDENTHAL John A; 'Steven M. Cruzen'
Subject: Revises Resolution to Amend the LRS Contract

Attached is the Amendment to the Resolution to Amend LRS's contract for the East County Courts. Please review. Upon you approval, I will forward to the Lynda for signature.
Sincerely,
Peggidy Coffman Yates
Facilities Policy Liaison
Facilities and Property Management
Multnomah County
401 N. Dixon
Portland, Oregon 97227
503.988.4878
503.988.3093 Fax
peggidy.c.yates@co.multnomah.or.us

GROW Lynda

From: Multnomah County Chair
Sent: Wednesday, September 01, 2010 2:31 PM
To: #MULTNOMAH COUNTY ALL EMPLOYEES
Subject: September is National Preparedness Month
Importance: High

Jeff Cogen, Multnomah County Chair

501 SE Hawthorne Blvd., Suite 600
Portland, Oregon 97214
Phone: (503) 988-3308
Email: mult.chair@co.multnomah.or.us

September 1, 2010

To Multnomah County Employees:

September is National Preparedness Month and Multnomah County is joining other organizations across the country to educate the public about the importance of preparing for a natural disaster or other emergencies. Our colleagues at the Red Cross have captured it well with the slogan "Do more than cross your fingers."

With that in mind, Multnomah County's Office of Emergency Management is taking action by providing tips, activities and education for our employees. Our goal for this campaign is to help employees be prepared so that we can help others who will depend on us in the event of an emergency.

A highlight of Preparedness Month will be a brown bag presentation on Oregon's geological hazards by James Roddey on September 24. Roddey is a nationally recognized speaker who will get you thinking about how quickly the world can change, and how advanced planning and preparation can make recovery easier for you and your community.

Please join us to learn how even taking small steps can make a big difference:

- Thursday September 2, 9:30 Board Presentation and Proclamation (watch live or read the proclamation).
- Thursday September 2, 12-1:00 *Are you Ready?* Brown bag lecture, Midland Library (more brown bags).
- Employees can win a prize by completing the Passport to Preparedness.
- Compete the Earthquake Home Hazard Hunt.

We are hoping that the activities and tools that we introduce during the month will be easy for you to do and compelling enough to share with family and neighbors. Please consult with your supervisor regarding attending events on your own time.

Sincerely,

Jeff Cogen
Multnomah County Chair

Dave Houghton, Director
Office of Emergency Management

9/2/2010

GROW Lynda

From: HOUGHTON David B
Sent: Thursday, September 02, 2010 10:28 AM
To: GROW Lynda
Subject: Re: your presentation this morning

No problem. He is Dave Stuckey,Deputy Director, Oregon Emergency Management.

From: GROW Lynda
To: HOUGHTON David B
Sent: Thu Sep 02 10:04:45 2010
Subject: your presentation this morning

I'm sorry, David, I forgot to bring the Proclamation and get it signed to present to you today.
I will get it processed right after the meeting.
I got sidetracked with some changes we had to make on the items for today's meeting.

One other thing – the gentleman that was with you – would you let me know his name?
I'll add it to the minutes
Thank you!

GROW Lynda

From: GOODMAN Carl E
Sent: Thursday, September 02, 2010 10:16 AM
To: GROW Lynda
Subject: : if you'll give me names of the folks you brought today, I'll make sure they get added into the minutes

Thank you, names are as follows

- Carl Goodman, Assistant Director

- Parole & Probation Officers:

1. Lisa Lewis
2. Dylan Arthur
3. Ron Kates
4. Travis Gamble (not in attendance)

- Don Trap, Community Justice Manager (Original Founder)
- Patrick Schreiner, District Manager over Bike Patrol and coordinator (not in attendance)

- Rachael Harris, IT and video
- Mark Baker Video productions

From: GROW Lynda
Sent: Thursday, September 02, 2010 9:51 AM
To: GOODMAN Carl E
Subject: if you'll give me names of the folks you brought today, I'll make sure they get added into the minutes

MULTNOMAH COUNTY TAX SUPERVISING AND CONSERVATION COMMISSION (TSCC) HEARING

MONDAY, AUGUST 30, 2010 @ 4:00 PM

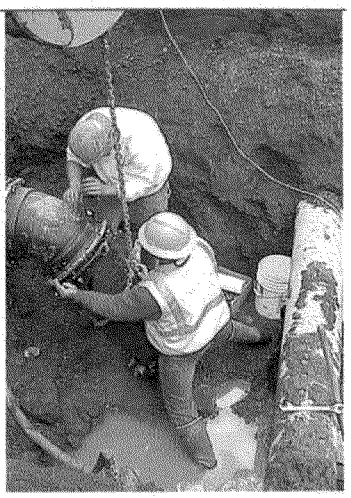
Multnomah Building, Commissioners Board Room 100
501 SE Hawthorne Blvd. Portland, Oregon

Multnomah County has approved submitting a Historical Society local option levy measure to county voters at the November 2, 2010 General Election. Under the provisions of Oregon Revised Statute (ORS) 294.655, it is now necessary for the TSCC to conduct a public hearing on the measure to allow citizens an opportunity to learn more about the measure, discuss the proposed measure and to ask questions as to the need for the local option levy.

This will confirm that TSCC will conduct a public hearing on Multnomah County's $0.0500 per $1,000 of assessed value, five year local option levy measure.

The hearing will be held as outlined above.

TSCC Who Are The Commissioners?



The five commissioners are appointed by the governor to serve four-year terms.

Javier Fernandez

Appointed: January 1, 2010

Term Expires: December 31, 2013

Experience: Javier is a Senior Vice President in the Fixed Income Capital Markets Division of D.A. Davidson & Co. where he performs underwriting and financial advisory services related to the issuance of municipal debt by Oregon Jurisdictions. His duties require a deep understanding of the Oregon tax system as these revenues secure a significant portion of the debt issued by Oregon jurisdictions. He has over 7 years of experience in the field and has participated in over 250 financings totaling in excess of $2.75 billion

Reason joined Commission: "Oregon has been my home since 2002 and it was on that same year that I started working with all different types of Oregon municipalities. I have been developing my career as a public finance banker in Oregon for over 7 years and I have studied the different budgetary challenges and opportunities faced every day by Oregon municipalities. I have familiarity with Local Government Budget Law and with the importance of budgetary discipline when accessing the capital markets. It will be an honor to contribute my education background in economics and finance and my professional background to promote reliable budget processes and prudent fiscal discipline to all the TSCC members and give back to this wonderful State that I now call home."

Susan Schneider

Appointed: January 1, 2010

Term Expires: December 31, 2013

Experience: I began my career involving people in their local government through their neighborhood in north Salem. Then, I moved on to preparing and explaining the budget for the City of Salem's Urban Renewal and community Development Department. That included presentations to the Council and Citizen's Budget Committee. After law school and working to advise small municipal governments on a variety of issues, I was hired by the City of Portland's Transportation office to help devise and negotiated the agreement for

sharing of road revenues with Multnomah County under new Urban Services policies. After a brief time as the City's Urban Services Manager I went to work in Government Relations as a city lobbyist. I spent the rest of my career representing Portland on many different infrastructure issues.

Reason joined Commission: "I have found the business of understanding the policy and technical details of local government both satisfying and fascinating. I see serving on the TSCC as a way to continue public service as a volunteer on the public finance issues critical to this region."

Terry McCall

Appointed: May 3, 2008

Term Expires: December 31, 2011

Experience: Terry is president of Portfolio Services for Government, LLC, and was Chief Financial Officer for the City of Gresham from 1996 until his retirement in 2008. Terry was a vice president with US Bank, where he worked from 1968 to 1996. Also, he was 2006-07 vice chair of the national Budget & Fiscal Policy Committee for the Government Finance Officers Association of the US and Canada.

Reason joined Commission: "I can use my local government experience as a resource to the TSCC, which will continue my public service in a volunteer capacity. The productive association I enjoy with many local government senior managers, finance professionals and elected officials may be of some assistance as well. I have long respected the TSCC for its value to the citizens."

Steven B. Nance

Appointed: February 5, 2008

Term Expires: December 31, 2011

Experience: Steve is a civic volunteer and venture capitalist after retiring in 1999 from a marketing executive career with Intel Corporation. Prior to seventeen years with Intel in a variety of management positions, Steven built and sold three private businesses. He currently serves as Vice Chair of Trillium Family Services, Oregon's most comprehensive provider of mental health services for children and families.

Reason joined Commission: "My background and career has always revolved around open communication and decision making. So many times I hear our

citizens ask about local budgets, how they get formulated, why spending occurs in certain ways, and how a particular decision was made. This is a wonderful opportunity to work with some of Oregon's best public sector minds as well as a group of talented, experienced commissioners and dedicated staff. I intend to represent the views and concerns of my community, bringing answers back to them on our local spending and budgeting process."

Dr. Roslyn Elms Sutherland

Appointed: October 13, 2005

Term Expires: December 31, 2012

Experience: Emeritus Vice Provost and Professor, OHSU. Roslyn, or Roz as she prefers to be called, was previously Vice Chancellor for the Massachusetts Board of Higher Education. Prior to that she was the Vice President at University of Northern Colorado and Senior Consultant, for the California State Assembly Ways and Means Committee. Roz served eight years on the Oregon Energy Facilities Sitting Council, including three years as Chair, and six years on the Board of the Oregon Trail Chapter of the American Red Cross.

Reason joined Commission: "I believe in public service and I am committed to public participation. The TSCC allows me to serve, use my skills in public policy and finance, and affords me an opportunity to increase my knowledge of Multnomah County."

Staff

Tom Linhares, Executive Director

Employed with the Commission since: April 2004

Tom oversees the daily operations of the Commission. In addition, Tom is active in the Oregon Municipal Finance Officers Association (OMFOA) and often assists with legislation affecting Oregon's Local Budget Law and property tax system. Prior to coming to the Commission, Tom was the elected County Assessor for Columbia County, serving in that position for 17 years. During that time he served as the president of the Oregon State Association of County Assessors (1998-99) and during the 1997 Legislative Session he was the Association's Legislative Committee Chair and helped craft legislation to implement Ballot Measure 50.

Shannon Turk, Budget Analyst

Employed with the Commission since: September, 2004

Shannon's primary responsibility with TSCC is tracking long term debt for each district. She reviews district's budget for compliance with local budget law and prepares reviews of those budgets for the Commission. Shannon has extensive experience working with the City of Gresham in both management auditing and budget analysis positions. She has also worked for Multnomah County, including two years in the county assessor's office. Shannon has a masters degree in public administration from Portland State University.

Tunie Betschart, Budget Analyst

Employed with the Commission since: September, 2004

Tunie's primary responsibility is the day to day operation on the office. She also takes a lead role in getting TSCC's Annual Report ready for printing. Tunie reviews budgets for compliance with local budget law and prepares reviews for the Commission. She also reviews annual audits of the districts as submitted by independent accountants. Tunie spent 20 years as an administrative assistant with the Maintenance Department at PGE's Trojan Nuclear Power Plant.

TSCC

Tax Supervising & Conservation Commission

PO Box 8428
Portland, Oregon
97207-8428

Telephone (503) 988-3054

Fax: (503) 988-3053

E-Mail:
TSCC@co.multnomah.or.us

Web Site:
www.co.multnomah.or.us/orgs
/tscc/

August 17, 2010

Karyne Dargan
Multnomah County
501 SE Hawthorne Blvd. 4th Floor
Portland, Oregon 97214

Dear Karyne:

Multnomah County has approved submitting a historical society local option levy measure to county voters at the November 2, 2010 General Election. Under the provisions of Oregon Revised Statute (ORS) 294.655, it is now necessary for the Multnomah County Tax Supervising & Conservation Commission (TSCC) to conduct a public hearing on the measure to allow citizens an opportunity to learn more about the measure and to ask questions as to the need for the local option levy.

This will confirm that TSCC will conduct a public hearing on Multnomah County's $0.0500 per $1,000 of assessed value, five year local option levy measure. The hearing will be held:

DATE: Monday, August 30, 2010

TIME: 4:00 p.m.

PLACE: Commission Boardroom
Multnomah Building
501 SE Hawthorne Blvd.
Portland, Oregon

You are required to publish a notice of the hearing 5-30 days prior to the hearing date. The notice should contain the above information along with a statement that public input will be received. A sample of wording that would meet the notification requirements is shown below as an option.

Feel free to give me a call if you have any questions.

Sincerely,

Tom Linhares,
Executive Director

cc: Lynda Grow, Board Clerk

NOTICE OF PUBLIC HEARING ON PROPERTY TAX MEASURE

A public hearing on the proposed ___(type of measure)___ for ___(name of district)___, Multnomah County, State of Oregon, will be held by the Tax Supervising and Conservation Commission. The hearing will take place at ___(location)___ on the _____ day of _____ at _____ am/pm. The purpose of this hearing is to discuss the proposed measure with interested persons.

Commissioners

Terry McCall, Chair
Javier Fernandez
Steven B. Nance
Susan Schneider
Dr. Roslyn Elms Sutherland

GROW Lynda

From: LINHARES Thomas W
Sent: Monday, August 16, 2010 10:29 AM
To: GROW Lynda
Subject: RE: TSCC meeting–Jeff Cogen to attend

Thanks Lynda. The public hearing is scheduled for 4:00 pm on August 30 and it won't last more than one hour.

Tom
TSCC
988-4131
8-4131

From: GROW Lynda
Sent: Monday, August 16, 2010 9:53 AM
To: LINHARES Thomas W
Subject: FW: TSCC meeting--Jeff Cogen to attend
Importance: High

Let me know how I can help you. What time do you need the board room (from when to when)? Let me know what you need, and we'll help you with the arrangements.

Lynda J. Grow, Board Clerk
Multnomah County Board of Commissioners
503-988-5274 or 988-3277
Lynda.Grow@co.multnomah.or.us
http://www2.co.multnomah.or.us/cfm/boardclerk/

From: GUTHRIE Barbara
Sent: Monday, August 16, 2010 8:47 AM
To: LINHARES Thomas W
Cc: GROW Lynda
Subject: RE: TSCC meeting--Jeff Cogen to attend
Importance: High

Tom—please direct your email to Lynda Grow – she is the Board Clerk for the County and oversees the booking for the Board Room. Lynda is copied on this email.

Barb Guthrie
Office of Chair, Multnomah County
501 SE Hawthorne, Suite 600
Portland, OR 97214
503-988-3953
barbara.guthrie@co.multnomah.or.us

From: LINHARES Thomas W
Sent: Monday, August 16, 2010 8:32 AM
To: GUTHRIE Barbara
Subject: RE: TSCC meeting--Jeff Cogen to attend

Barb:

I have sent an e-mail to Emerald Bogue to confirm that we will be using the Board Room but the e-mails keep getting sent back as undeliverable. The TSCC public hearing are always held in the Board Room but we could use a small room if necessary. It really depends on the availability of the board room.

Please let me know right away so that I can finalize our schedule.

Tom
TSCC
988-4131
8-4131

From: GUTHRIE Barbara
Sent: Tuesday, August 10, 2010 9:14 AM
To: LINHARES Thomas W
Subject: TSCC meeting--Jeff Cogen to attend

Tom, I am Jeff's scheduler.. this meeting on Aug 30 is on Jeff's calendar –I need to know the location of this meeting. Thanks.

Barb Guthrie
Office of Chair, Multnomah County
501 SE Hawthorne, Suite 600
Portland, OR 97214
503-988-3953
barbara.guthrie@co.multnomah.or.us

Thursday, September 2, 2010 - 9:30 AM
Multnomah Building, Commissioners Board Room 100

REGULAR MEETING

Chair Jeff Cogen convenes the meeting at 9:30 a.m. with Vice-Chair Diane McKeel and Commissioners Deborah Kafoury, Barbara Willer and Judy Shiprack present.

CONSENT CALENDAR - 9:30 AM

C-1 Appointment of Steven Burger to Multnomah County Bicycle Pedestrian Citizen Advisory (BPCA) Committee. Reappointment of Greg Olson, Joe Barcott and Andrew Holtz to the Committee.

C-2 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

C-3 BUDGET MODIFICATION DCHS 11-02, Reclassifying a Vacant Full-time Eligibility Specialist Position to a Case Manager One (1) Position in the Aging and Disability Services Division, as Determined by the Class/Comp Unit of Central Human Resource

C-4 Off Premises and Limited On Premises Sales Liquor License Renewal for First Choice Market, 2041 NW Miller Rd., Portland, Oregon 97229

MAY I HAVE A MOTION ON THE CONSENT CALENDAR?

COMMISSIONER MC **MOVES**
COMMISSIONER SK **SECONDS**
APPROVAL OF THE CONSENT CALENDAR

ALL IN FAVOR, VOTE AYE, OPPOSED____?

THE CONSENT CALENDAR IS APPROVED
OR THE MOTION FAILS

REGULAR AGENDA
PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on non-agenda matters. Testimony limited to three minutes per person unless otherwise designated by the presiding officer.

LYNDA WILL LET YOU KNOW IF THERE ARE FOLKS SIGNED UP.

SERVICE DISTRICT - 9:30 AM – Time Certain

(We will now recess as the Board of County Commissioners and convene as the governing body for DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1)

R-1 Acting as the Governing Body of the DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT, Consideration of the District's Endorsing a Petition to Annex a Single Parcel of Land to the District Pursuant to ORS 198.857; Subject to Certain Conditions.
Presenters: Kenneth S. Martin, Local Boundary Change Consultant, Matthew Ryan, Assistant County Attorney and Tom Hansell, District Administrator (5 min)

COMMISSIONER SW MOVES
COMMISSIONER MC SECONDS
APPROVAL OF R-1

TOM HANSELL GIVES EXPLANATION AND RESPONDS TO QUESTIONS

ANY BOARD COMMENTS?

ALL IN FAVOR, VOTE AYE, OPPOSED____?

THE PETITION IS APPROVED
OR THE MOTION FAILS

(We will now adjourn as the governing body for Dunthorpe Riverdale Sanitary Service District No. 1 and reconvene as BOARD OF COUNTY COMMISSIONERS)

COMMUNITY SERVICES – 9:35 am – Time Certain

R-2 PUBLIC HEARING and Consideration of an ORDER Approving the Annexation of Territory to Dunthorpe-Riverdale County Service District. Presenters: Kenneth S. Martin, Local Boundary Change Consultant, Matthew Ryan, Assistant County Attorney and Tom Hansell, District Administrator (5 min)

COMMISSIONER SW MOVES
COMMISSIONER Lori SECONDS
APPROVAL OF R-2

WE WILL NOW OPEN THE PUBLIC HEARING
LYNDA – DO WE HAVE ANY PUBLIC TESTIMONY?

AFTER PUBLIC TESTIMONY -
EXPLANATION/RESPONSE TO QUESTIONS

ANY BOARD COMMENTS??

ALL IN FAVOR, VOTE AYE, OPPOSED____?
THE ORDER IS ADOPTED
OR THE MOTION FAILS

NON-DEPARTMENTAL – 9:40 am

R-3 RESOLUTION Consenting to Chair Appointment of Henry "Chip" Lazenby, Jr. as Chief Legal Officer of Multnomah County and Director of the Office of County Attorney. Presenter: Chair Jeff Cogen (5 min)

MAY I HAVE A MOTION?

COMMISSIONER Kafoury **MOVES**
COMMISSIONER Wheeler **SECONDS**
APPROVAL OF R-3

agree
1 more month

CHAIR'S COMMENTS
OPPORTUNITY FOR PUBLIC TESTIMONY
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED____?
THE RESOLUTION IS ADOPTED

OR THE MOTION FAILS

DEPARTMENT OF COMMUNITY JUSTICE – 9:50 am

R-4 Leaders of Change Innovation Video Series: DCJ Bike Patrol. Carl Goodman, Assistant Director of DCJ, with members of DCJ Bike Patrol (10 min)

NON-VOTING ITEM. PRESENTATION & RESPONSE TO BOARD QUESTIONS AND DISCUSSION.

DEPARTMENT OF COMMUNITY SERVICES

REQUEST TO POSTPONE R-5 INDEFINITELY

DEPARTMENT OF COMMUNITY SERVICES - 10:00 am

R-5 Master Certification AGREEMENT with the Oregon Department of Transportation (ODOT) for Agency Management of Federal Aid Transportation Projects. Presenter: Brian Vincent, PE, County Engineer (10 min)

LYNDA READS THE TITLE INTO THE RECORD

COMMISSIONER WILLER: ON BEHALF OF THE DEPARTMENT, I MOVE THAT R-5 BE POSTPONED INDEFINITELY.

CHAIR: MAY I HAVE A SECOND?

COMMISSIONER _____ SECONDS
APPROVAL TO POSTPONE R-5 INDEFINITELY

ANY BOARD COMMENTS OR IS THE BOARD READY TO MOVE THE QUESTION?

BRIAN VINCENT & KIM PEOPLES WILL BE AVAILABLE IF THE BOARD REQUESTS AN EXPLANATION. THEY DO NOT HAVE A DATE SET TO RETURN TO THE BOARD; THUS, THE REQUEST TO POSTPONE INDEFINITELY (INSTEAD OF TO TIME CERTAIN)

ALL IN FAVOR, VOTE AYE,
OPPOSED____?

R-5 IS POSTPONED INDEFINITELY

IF THE MOTION FAILS: THE CHAIR ANNOUNCES THIS & STATES THE QUESTION ON THE MAIN MOTION.

NON-DEPARTMENTAL – 10:00 am

R-6 PROCLAMATION of September as Emergency Preparedness Month in Multnomah County. Presenter: David Houghton, Director, Office of Emergency Management (10 min)

MAY I HAVE A MOTION?

COMMISSIONER McKeel **MOVES**
COMMISSIONER Kafoury **SECONDS**
APPROVAL OF R-6

EXPLANATION, DESIGNEE READS PROCLAMATION, RESPONDS TO QUESTIONS
OPPORTUNITY FOR PUBLIC TESTIMONY
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED____?
THE PROCLAMATION IS ADOPTED

OR THE MOTION FAILS

DEPARTMENT OF COUNTY MANAGEMENT – 10:10 am

R-7 RESOLUTION Approving the Transfer of Tax-Foreclosed Property R114766 to Community Vision, Inc., a Non-profit Corporation, for Low Income Housing Purposes. Presenter: Randy Walruff, Division Director (10 min)

MAY I HAVE A MOTION?

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-7

EXPLANATION, RESPONSE TO QUESTIONS
OPPORTUNITY FOR PUBLIC TESTIMONY
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED____?
THE RESOLUTION IS ADOPTED

OR THE MOTION FAILS

R-8 RESOLUTION Approving the Transfer of Tax-Foreclosed Property R141944 to Community Vision, Inc., a Non-profit Corporation, for Low Income Housing Purposes. Randy Walruff, Division Director (5 min)

MAY I HAVE A MOTION?

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-8

EXPLANATION, RESPONSE TO QUESTIONS
OPPORTUNITY FOR PUBLIC TESTIMONY
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED____?
THE RESOLUTION IS ADOPTED

OR THE MOTION FAILS

DEPARTMENT OF COUNTY MANAGEMENT – 10:30 am – Time Certain

R-9 PUBLIC HEARING and Consideration of a RESOLUTION Authorizing Transfer of a Tax Foreclosed Property to The Portland Development Commission. Randy Walruff, Division Director (5 min)

CHAIR COGEN: TITLE REVISED – PUBLIC HEARING NOTICE SUBMITTED TUESDAY. ALL PARTIES NOTIFIED THE HEARING IS @ 10:30 AM.

MAY I HAVE A MOTION?

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-9

EXPLANATION, RESPONSE TO QUESTIONS

WE WILL NOW OPEN THE PUBLIC HEARING
DO WE HAVE ANY PUBLIC TESTIMONY?

OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED____?
THE RESOLUTION IS ADOPTED
OR THE MOTION FAILS

R-10 ORDER Directing Chief Financial Officer to Create Comcast Tax Appeal Reserve Account Under ORS 311.814. Randy Walruff, Division Director (10 min)

MAY I HAVE A MOTION?

COMMISSIONER _____ MOVES
COMMISSIONER _____ SECONDS
APPROVAL OF R-10

EXPLANATION, RESPONSE TO QUESTIONS
OPPORTUNITY FOR PUBLIC TESTIMONY
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED____?
THE MOTION FAILS OR
THE ORDER IS ADOPTED

DEPARTMENT OF COUNTY HUMAN SERVICES – 10:45 am

R-11 PROCLAMATION Proclaiming September 2010 National Alcohol and Drug Addiction Recovery Month in Multnomah County, Oregon. Presenter: Ray Hudson, Addiction Services Manager; Patty Katz, Hands Across the Bridge; Jimmy Williams, Oregon Recovery Homes & Collin Wright, Graduate from Recovery Housing (20 min)

MAY I HAVE A MOTION?

COMMISSIONER McKeel **MOVES**
COMMISSIONER Kafoury **SECONDS**
APPROVAL OF R-11

EXPLANATION, DESIGNEE READS PROCLAMATION, RESPONDS TO QUESTIONS
OPPORTUNITY FOR PUBLIC TESTIMONY
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED____?
THE PROCLAMATION IS ADOPTED
OR THE MOTION FAILS

ADJOURNMENT: 11:05 am 11:00am adjourned

Chair Cogen adjourns the meeting.

Tuesday, August 31, 2010 - 10:00 AM
Multnomah Building, Commissioners Board Room 100

BOARD BRIEFINGS

Chair Jeff Cogen convenes the meeting at 10:00 a.m. with Commissioners Deborah Kafoury, Barbara Willer and Judy Shiprack present. Vice-Chair Diane McKeel excused.

Department of Community Services - 10:00 am

B-1 Informational Board Briefing on Master Certification Agreement with the Oregon Department of Transportation (ODOT) for Agency Management of Federal Aid Transportation Projects. Presenters: Brian Vincent, PE, County Engineer and Kim Peoples, Road Services Manager, LUT (30 min)

B-2 Projects Briefing on Sellwood Bridge Types. Presenter: Ian Cannon, Engineering Services Manager (60 min)

Departments of County Management & Community Justice - 11:30 am

B-3 BOARD BRIEFING – Budget Note Response for Upgrade to the Juvenile Justice Center Detention Electronics System. Presenters: John Lindenthal, Program Manager – DCM; Shaun Caldwell, Business Services Manager – DCJ; Craig Bachman, Sr. Manager – DCJ; and Richard Swift, Sr. Manager – DCM (30 min)

Chair Jeff Cogen adjourns the meeting.

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

Board Clerk Use Only	
Meeting Date:	8/31/2010
Agenda Item #:	B-1
Est. Start Time:	10:00 am

Agenda Title:	**Informational Board Briefing on Master Certification Agreement with the Oregon Department of Transportation for Agency Management of Federal Aid Transportation Projects**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	August 31, 2010	**Amount of Time Needed:**	30 Minutes
Department:	Community Services	**Division:**	LUT Road Services
Contact(s):	Brian Vincent		
Phone:	(503) 988-5050 **Ext.** 29642	**I/O Address:**	425/2nd
Presenter Name(s) &	Brian Vincent, PE, County Engineer; Kim Peoples, Road Services Manager		

General Information

1. **What action are you requesting from the Board?**
   Informational Board briefing and in-depth discussion of the ODOT local agency "certification" program.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   Certification is a program offered within the Oregon Department of Transportation wherein an agency may apply for recognition status that they utilize robust project management and accounting systems that will enable successful completion of Federal Aid Transportation Projects. Although the County has been successfully performing these project management tasks for decades, it has been doing so with ODOT oversight as ODOT is currently the direct recipient of the federal funds that finance County federal aid projects. This formal acknowledgement recognizes that professionalism and proven success and essentially allows the County to be the direct recipient instead of ODOT. The program enables the County to utilize our own project management, procurement, and accounting systems in lieu following the ODOT models. This will directly save project time and cost, resulting in a more efficient project delivery model. This master agreement serves as the overarching guideline and must be accompanied by a supplemental project agreement for each

Federal Aid project. Supplemental agreements will be forthcoming as a project moves to implementation. Upon approval of this master agreement, we will engage in 2-4 test projects over the next 2-3 years. Until the test projects are successfully completed, the county will be considered provisionally certified. Successful completion of the test projects will afford "fully certified" status with ODOT and Federal Highways Administration (FHWA).

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

Neutral. No direct fiscal impact from previous project management structure. All costs are related to project and are eligible for reimbursement.

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

Full Certification will require documentation of Title VI of the Civil Rights Act of 1964 compliance directly by the County. Currently, ODOT as the direct recipient of federal aid is now responsible for ensuring Title VI compliance of ODOT practices. Once the County becomes a direct recipient of federal funds, the responsibility for Title VI compliance monitoring and reporting will shift to the County.

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

None for this master agreement. All project-related citizen participation will be accomplished as each respective project is initiated.

Required Signature

Elected Official or Department/ Agency Director: M. Cecilia Johnson **Date: 8/12/10**

B 1 & 2

GROW Lynda

From: Sheila Isley [sheila.l.isley@multco.us]
Sent: Tuesday, August 17, 2010 3:23 PM
To: MADRIGAL Marissa D
Cc: GROW Lynda; BAKER Marina; CANNON Ian B
Subject: APR for August 31 Briefing
Follow Up Flag: Follow up
Flag Status: Red
Attachments: IBC201~4-1.DOC

Hi Marissa,

Please find attached the electronic APR for the BCC Briefing on August 31 for your review and approval. Cecilia has signed the hard copy which is being forward to Lynda.

Respectfully,

--

Sheila Isley, CPS/CAP

Administrative Analyst

Multnomah County Dept. of Community Services

1600 SE 190th STE 224

Portland OR 97233

(503) 988-5881

--

Sheila Isley, CPS/CAP
Administrative Analyst
Multnomah County Dept. of Community Services
1600 SE 190th STE 224
Portland OR 97233
(503) 988-5881

B 1

B 2

GROW Lynda

From: Sheila Isley [sheila.l.isley@multco.us]
Sent: Thursday, August 05, 2010 4:08 PM
To: MADRIGAL Marissa D
Cc: GROW Lynda; BAKER Marina; PEOPLES Kim E; CANNON Ian B
Subject: Re: Board Briefing on August 31
Follow Up Flag: Follow up
Flag Status: Red

Marissa,

With your approval, we would like to request time on Tuesday, August 31 to do a BCC briefing on the following matters:

1) Briefing on ODOT Certification - we need 20 minutes and the presenter would be Kim Peoples; and,

2) Briefing on Sellwood Bridge Types - we need 60 minutes and the presenter would be Ian Cannon

Upon confirmation, we will submit the appropriate paperwork.

Respectfully,
Sheila
x85881

On Thu, Aug 5, 2010 at 3:56 PM, GROW Lynda <lynda.grow@co.multnomah.or.us> wrote:
We could have one, just for you, Sheila! :-)

Seriously - let me know.

I don't have anything scheduled so far.

Lyn

Lynda J. Grow, Board Clerk

Multnomah County Board of Commissioners

503-988-5274 or 988-3277

Lynda.Grow@co.multnomah.or.us

http://www2.co.multnomah.or.us/cfm/boardclerk/

B-1

GROW Lynda

From: ISLEY Sheila L
Sent: Thursday, August 12, 2010 2:34 PM
To: MADRIGAL Marissa D
Cc: GROW Lynda; BAKER Marina; PEOPLES Kim E; VINCENT Brian S
Follow Up Flag: Follow up
Flag Status: Red
Attachments: APR_Briefing_ODOT_Certification_Status.doc

Hi Marissa,

Please find attached the electronic APR for the ODOT Briefing scheduled for Tuesday, August 31. Cecilia has sign the hard copy which is being forward to Lynda.

Respectfully,

Sheila Isley CPS/CAP
Multnomah County
Department of Community Services
1600 SE 190th Ave; Room 224
Portland OR 97230
(503) 988-5881 Fax (503) 988-3048

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date:	8/31/2010
Agenda Item #:	B-2
Est. Start Time:	10:30 am

Agenda Title: **Sellwood Bridge Project Briefing**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	8/31/2010	**Amount of Time Needed:**	60
Department:	Community Services	**Division:**	Bridges
Contact(s):	Ian Cannon		
Phone:	83595 **Ext.**	**I/O Address:**	446
Presenter(s):	Ian Cannon		

General Information

1. **What action are you requesting from the Board?**

   No action – briefing only.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   The Sellwood Project is approaching the end of the National Environmental Policy Act Planning Phase. The Project has been working with the community to gather information about potential bridge types. This briefing will provide information about current project status, upcoming events and activities, the project schedule, and provide more detailed information about the bridge types and selection process.

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

   No fiscal impact.

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

   No legal or policy issues.

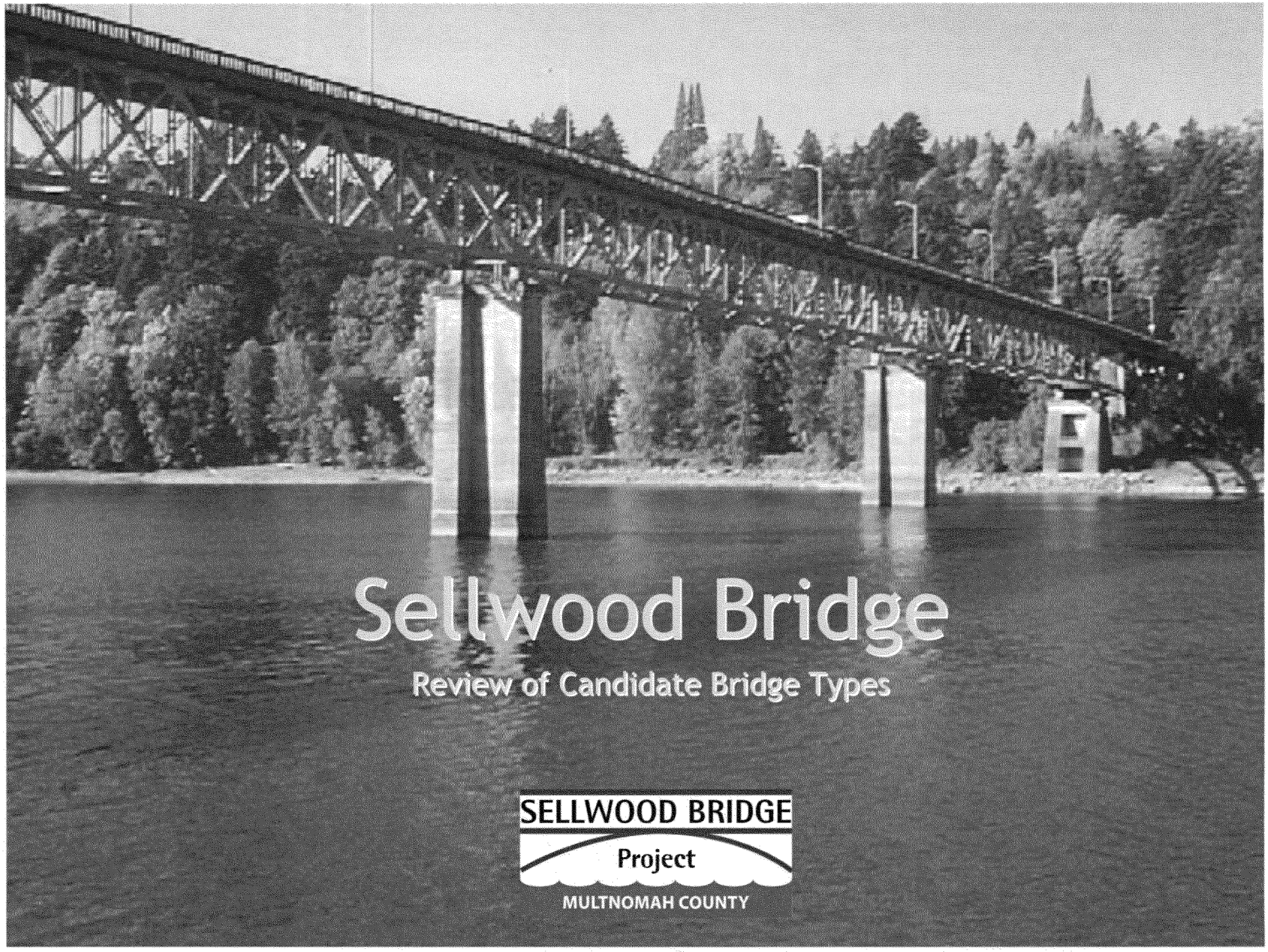
5. **Explain any citizen and/or other government participation that has or will take place.**

   The Sellwood Project has had an extensive public outreach program. There have been public meetings, open houses, and online surveys. In addition there have been numerous meetings of the

project Community Advisory Committee, a group of 17 community members representing various interests in the project. The project has a Public Stakeholder Committee (PSC) consisting of elected officials from Multnomah County, Clackamas County, Metro, Portland, Milwaukie, the Oregon House of Representatives, and Oregon Senate. In addition the PSC includes representatives from the offices of Representative Blumenauer and Senator Merkely. Officials from the Oregon Department of Transportation, TriMet, and the Federal Highway Administration are included on the PSC. The Sellwood Project has involved numerous local, state, and federal regulatory agencies. The public and agency involvement will continue throughout the design and construction phases of the project.

Required Signature

Elected Official or Department/ Agency Director: M. Cecilia Johnson **Date: 8/17/10**



Sellwood Bridge

Review of Candidate Bridge Types

SELLWOOD BRIDGE
Project
MULTNOMAH COUNTY

Candidate Bridge Type Assessment

Requirements

Feature	Criterion
Cross Section without Median	Maintenance and Operations
Cost of Bridge less than $170M*	Financial Resources
No long Term Traffic Closures	Minimize User Impacts
Construction Footprint	Minimize Environmental & Residential/Business Impacts
Versatile Cross Section	Accommodate Streetcar Location and Loading

* Includes River Span, East Approach, Temporary Construction, Demolition of Existing Bridge and Buildings within the Alignment, Design & Construction Engineering, Contingency and Inflation to Year 2014.

Candidate Bridge Types

- Deck Structures (no superstructure above deck)
  - Girder Bridges
    - Concrete box
      - Segmental
      - Conventional
    - Fabricated steel plate
    - Steel box girder
    - Concrete delta Y-leg / delta frame
  - Deck Arch
    - Concrete or steel deck arch
    - Concrete or steel deck tied arch

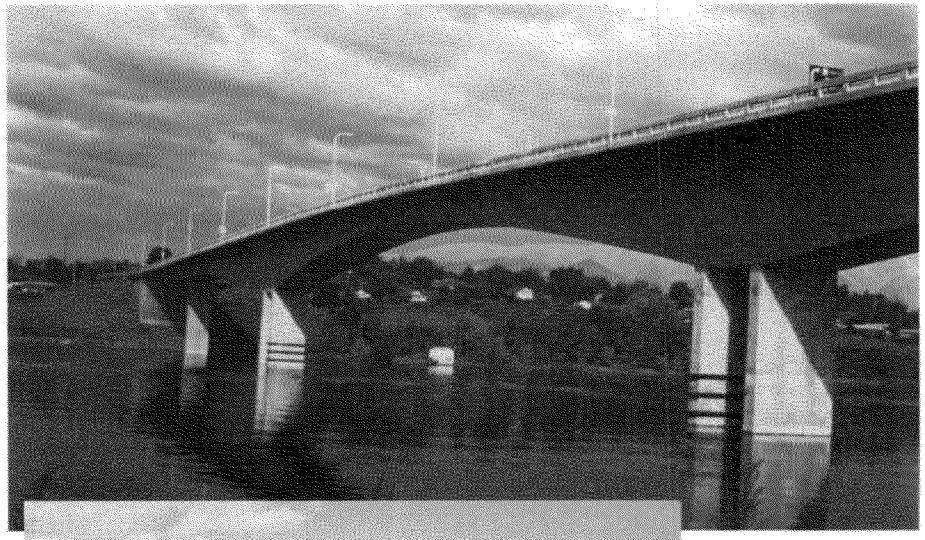
Red type indicates bridge types that require rapid construction techniques at installation in order to meet the requirements.

Candidate Bridge Types

- Thru structures (support structure above the deck)
  - Extradosed
    - Concrete box extradose
    - Steel box EG extradose
  - Thru Arch
    - Steel thru arch
    - Hybrid concrete/steel

Red type indicates bridge types that require rapid construction techniques at installation in order to meet the requirements.

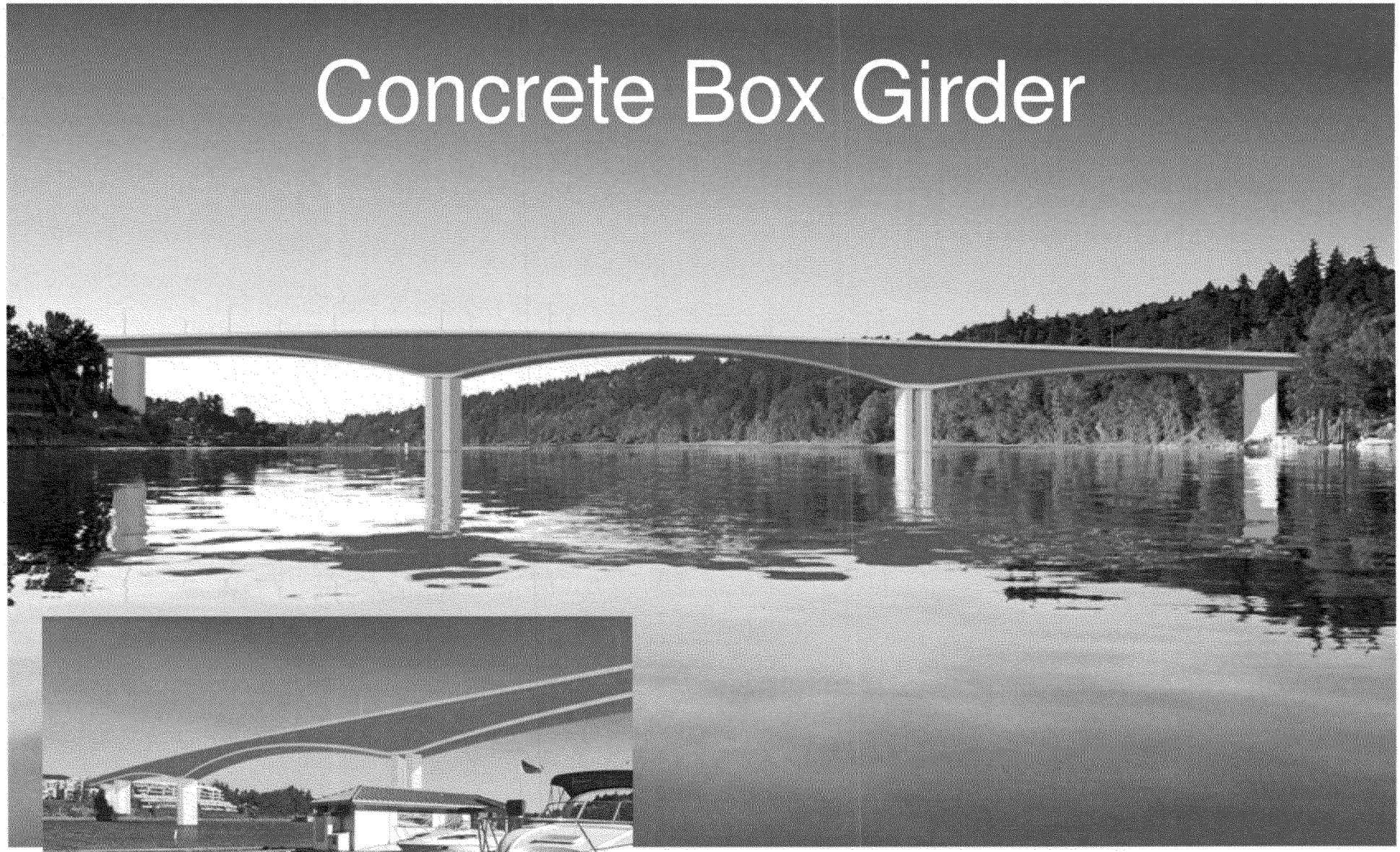
Box/Plate Girder

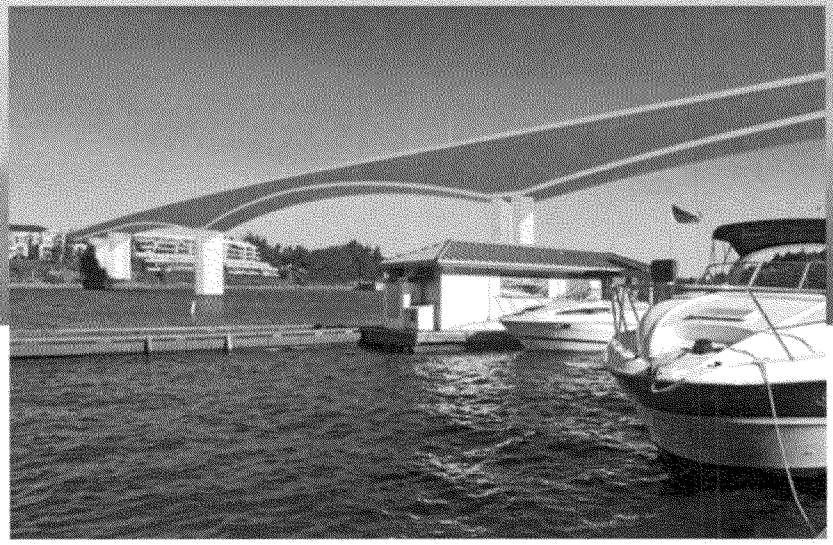


Features

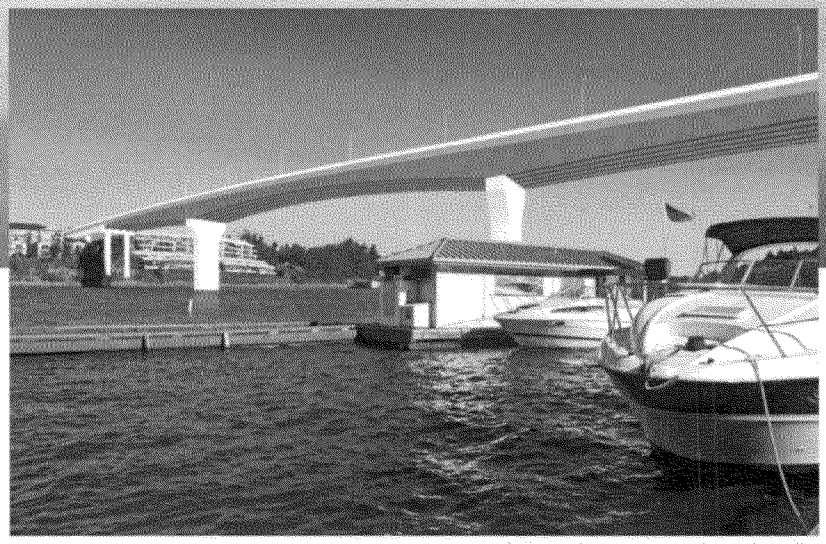
- Classical arch in profile
- Low to moderate construction cost
- Low to moderate maintenance cost
- Open palette for deck features
- Flexible alignment
- Deep profile
- Simple, dominant form
- Heavy foundations
- Not generally iconic

Concrete Box Girder



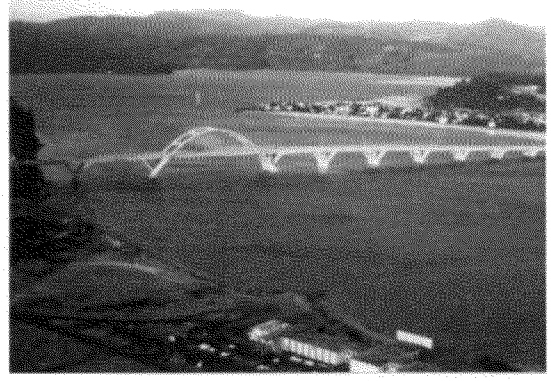


Steel Girder



Steel Box Girder Appearance is Similar

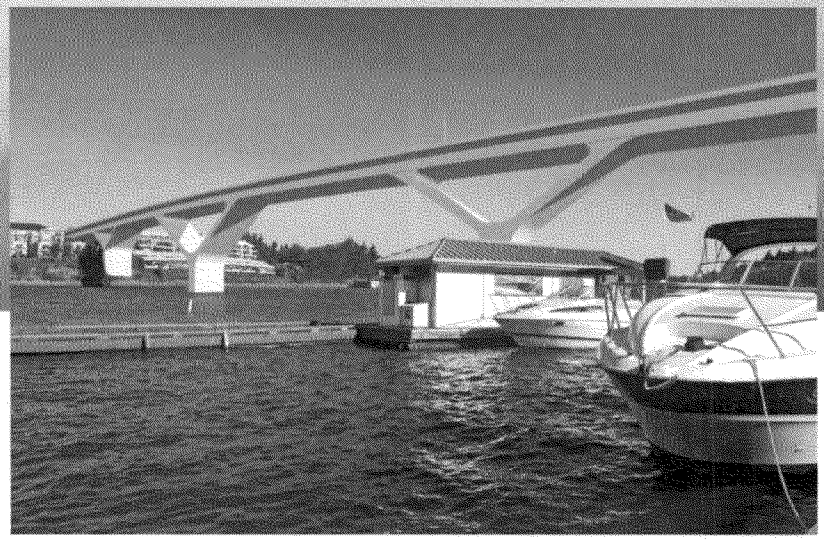
Y-Leg / Delta Frame



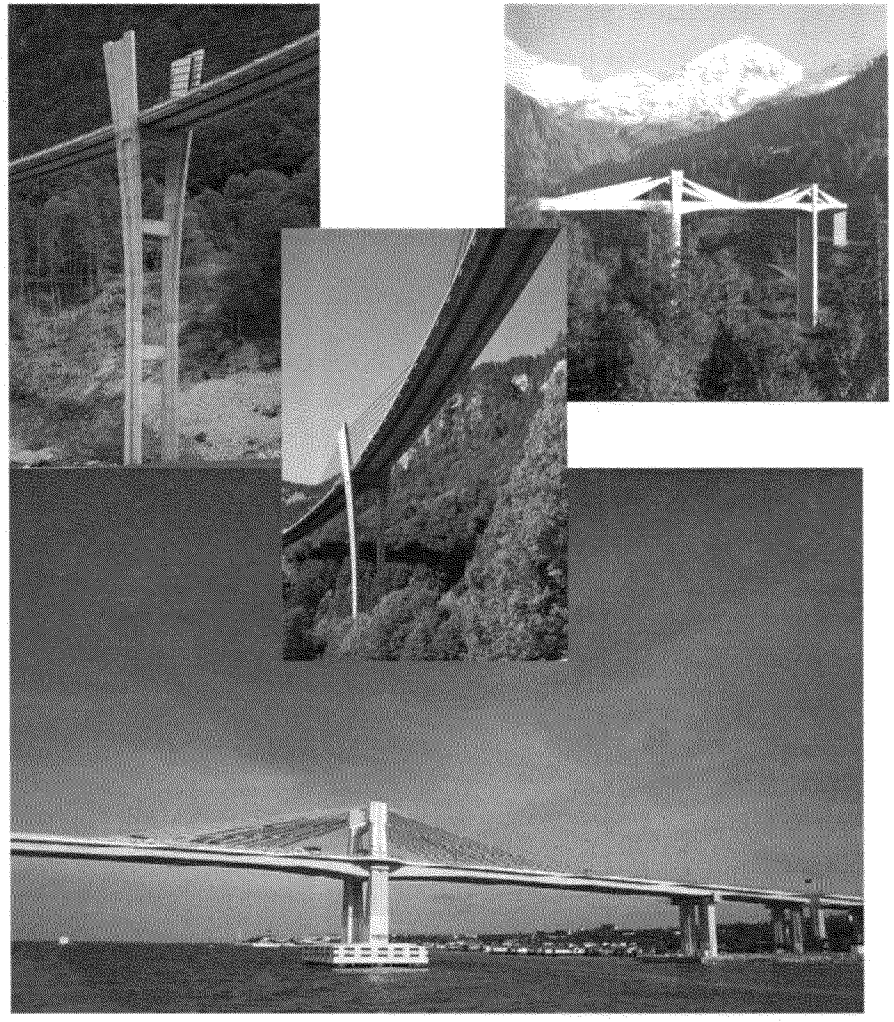
Features

- More open profile than box girder
- Arch-like impression, albeit rectilinear
- Open palette for deck features
- Moderate construction cost
- Low maintenance cost
- Constrained framing layout for Y-legs
- Heavy foundations

Concrete Y-Leg/Delta Frame



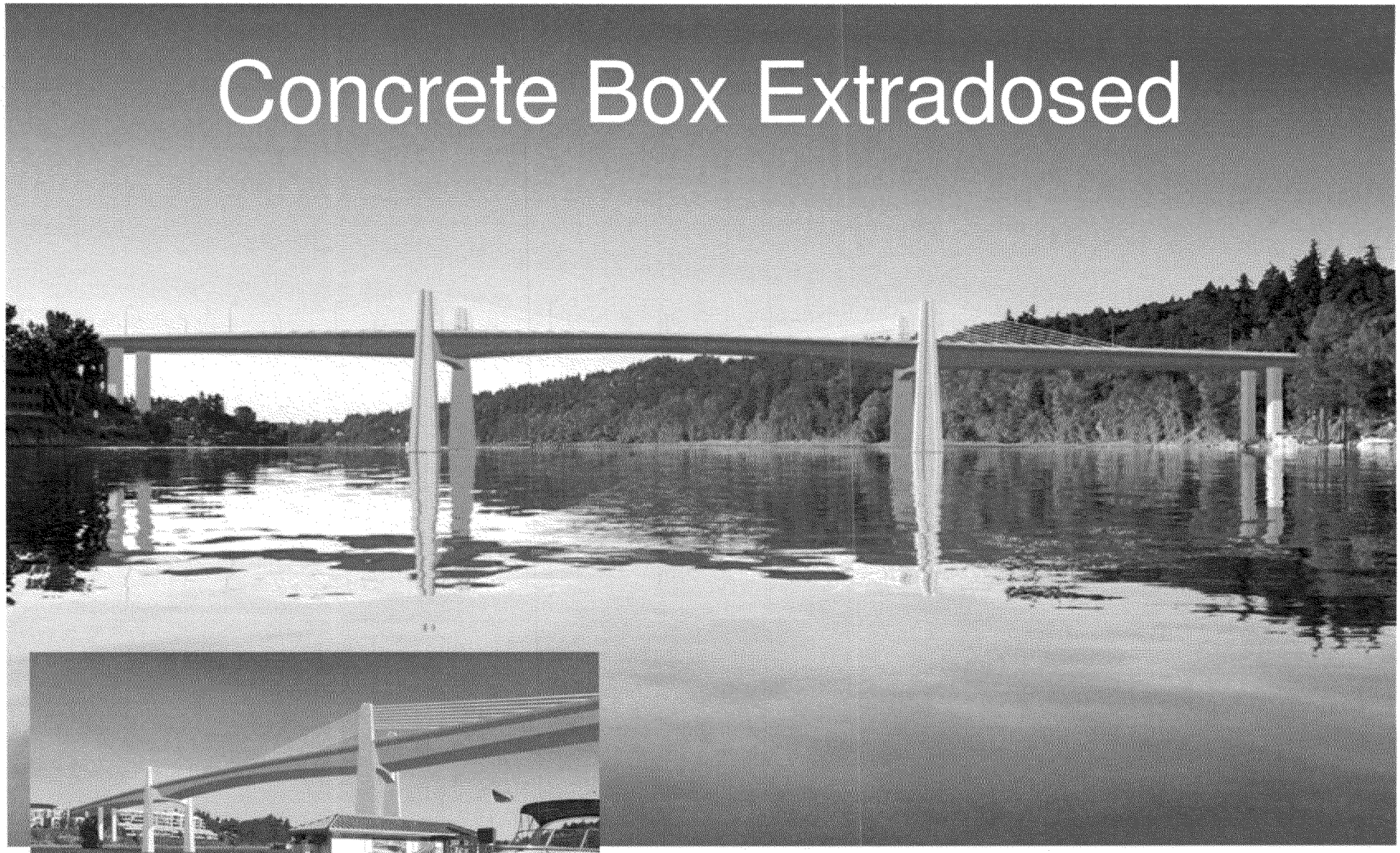
Extradosed

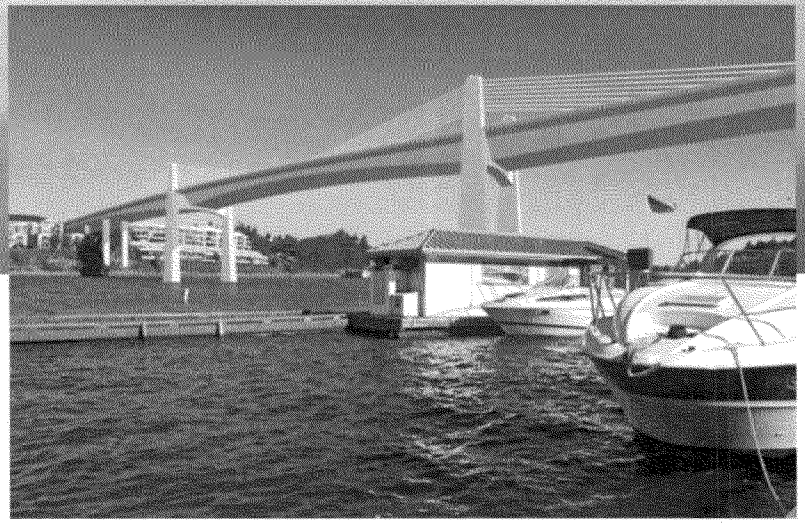


Features

- Iconic structure
- Light and elegant system
- Slender roadway deck
- Longer span – fewer piers
- Superstructure not ideal for variable width deck
- Dominant aerial form
- Moderate (concrete) to high (steel) construction cost
- Moderate to high maintenance

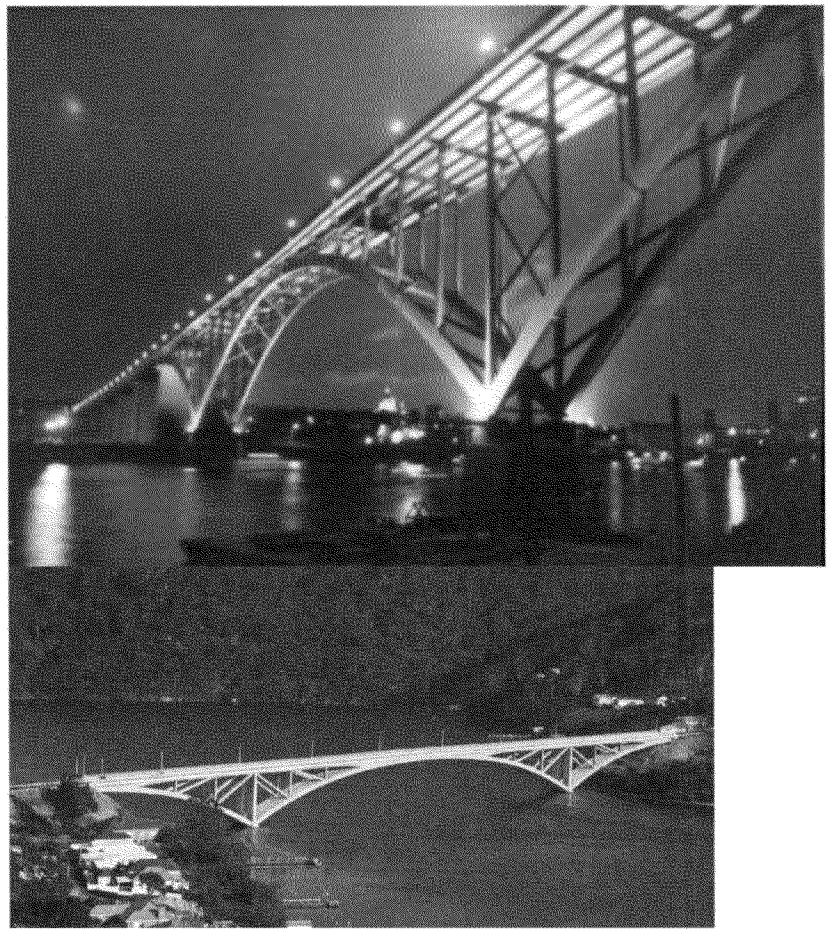
Concrete Box Extradosed





Steel Extradosed Appearance is Similar

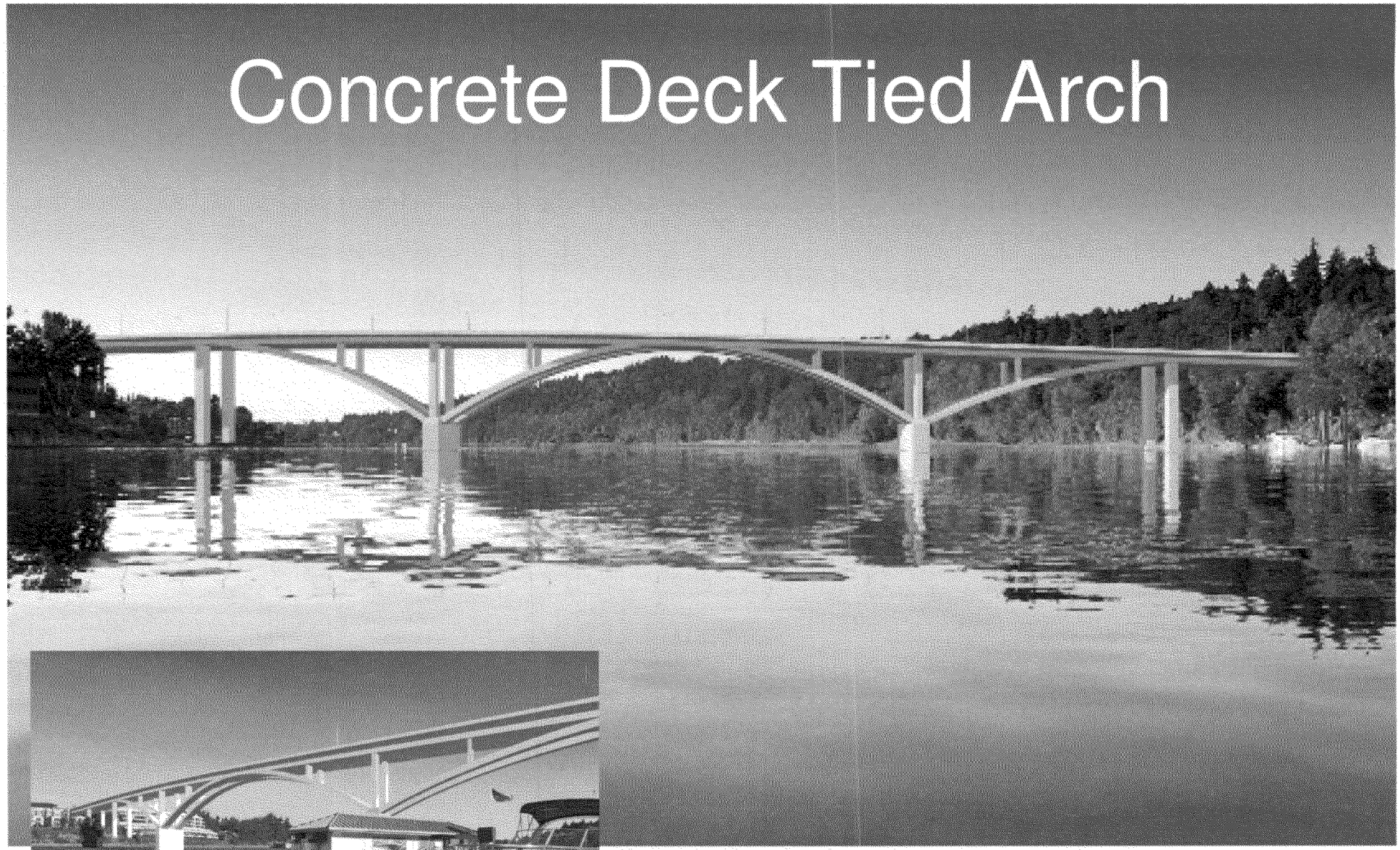
Deck Arch

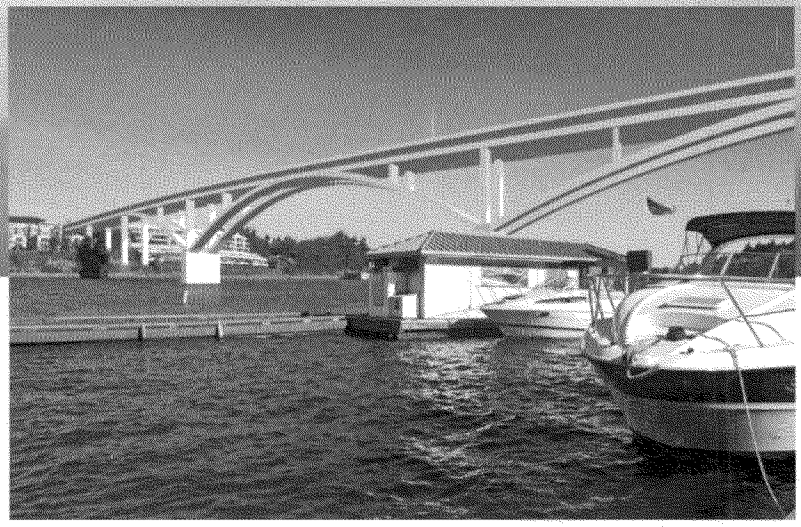


Features

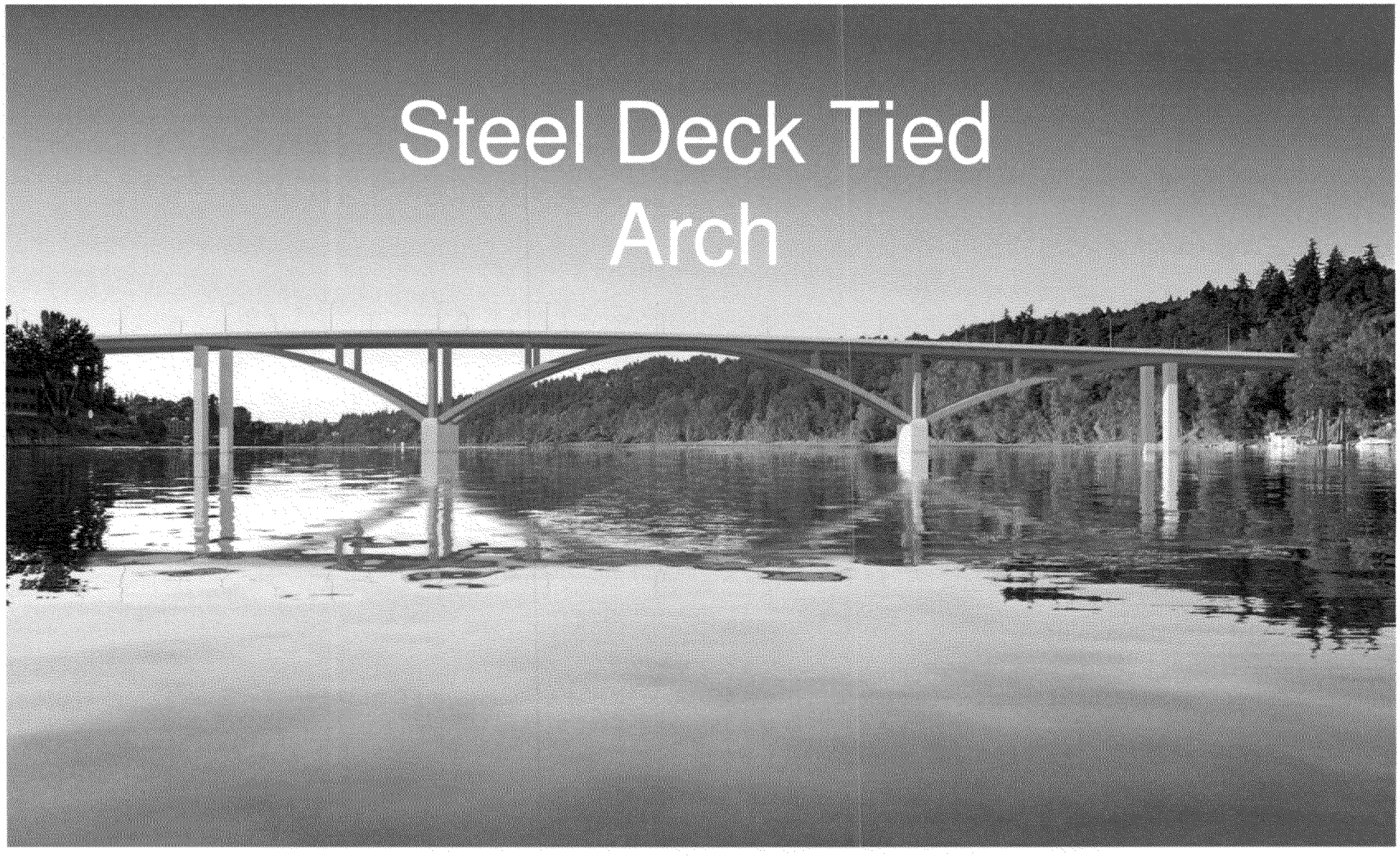
- Open palette for deck features
- Classical arch form
- Form expresses function
- Limits navigation channel
- Moderate (concrete) to high (steel) construction cost
- Low (concrete) to high (steel) maintenance cost
- Deep profile entering river flood stage

Concrete Deck Tied Arch

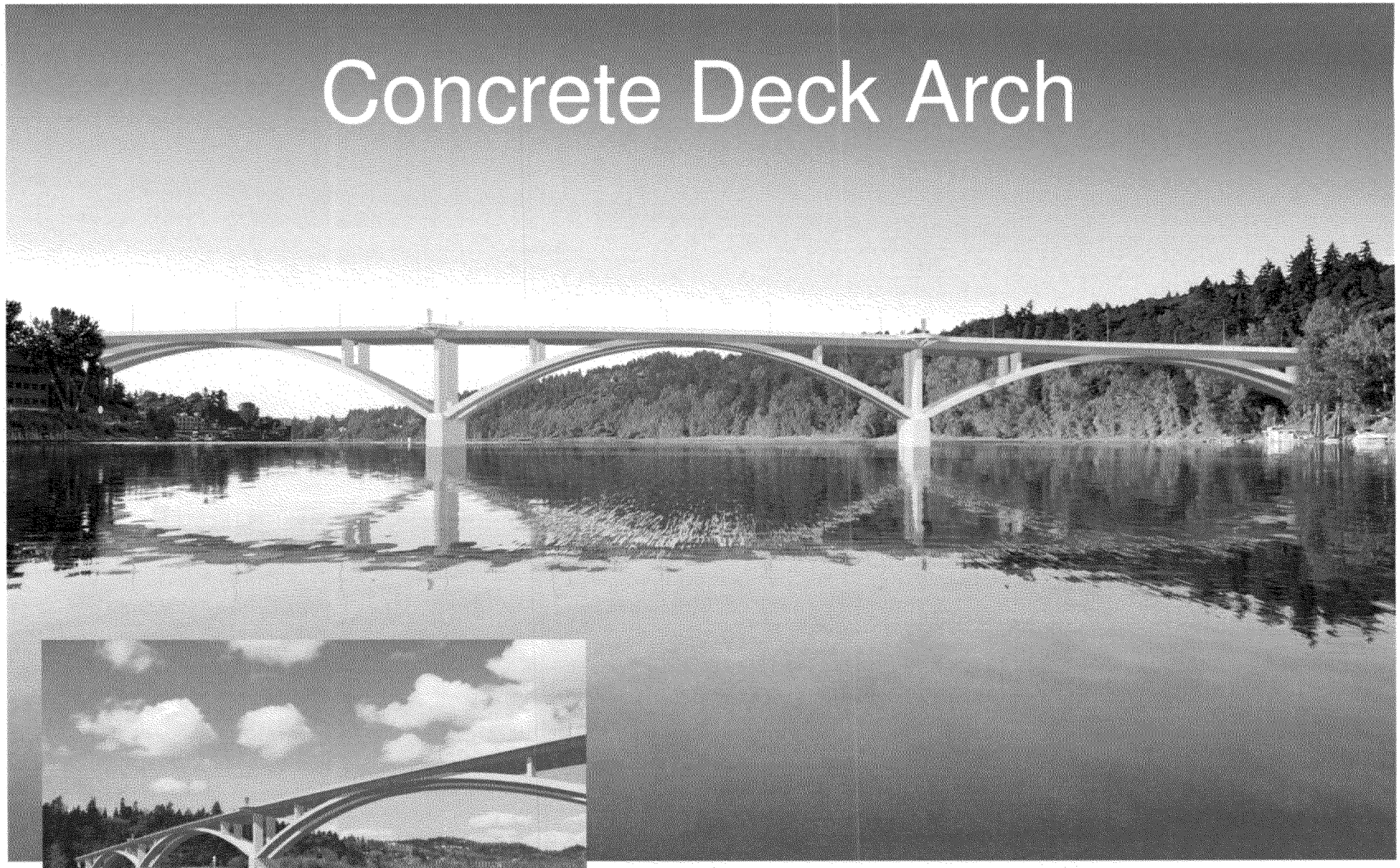


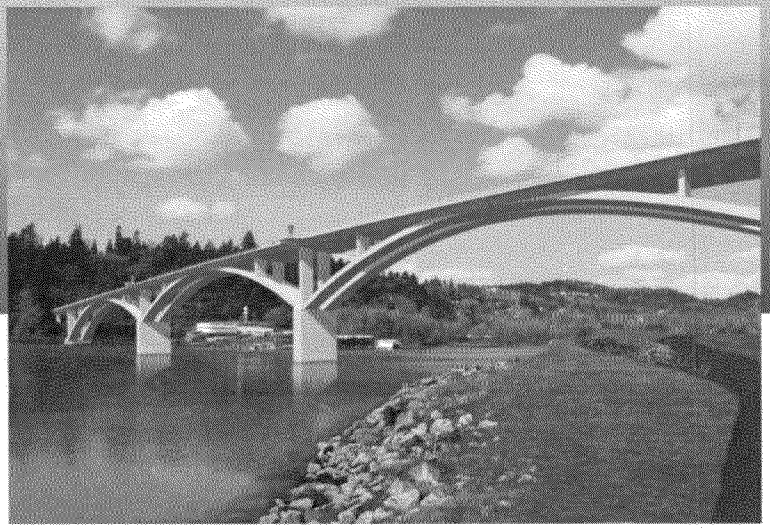


Steel Deck Tied Arch

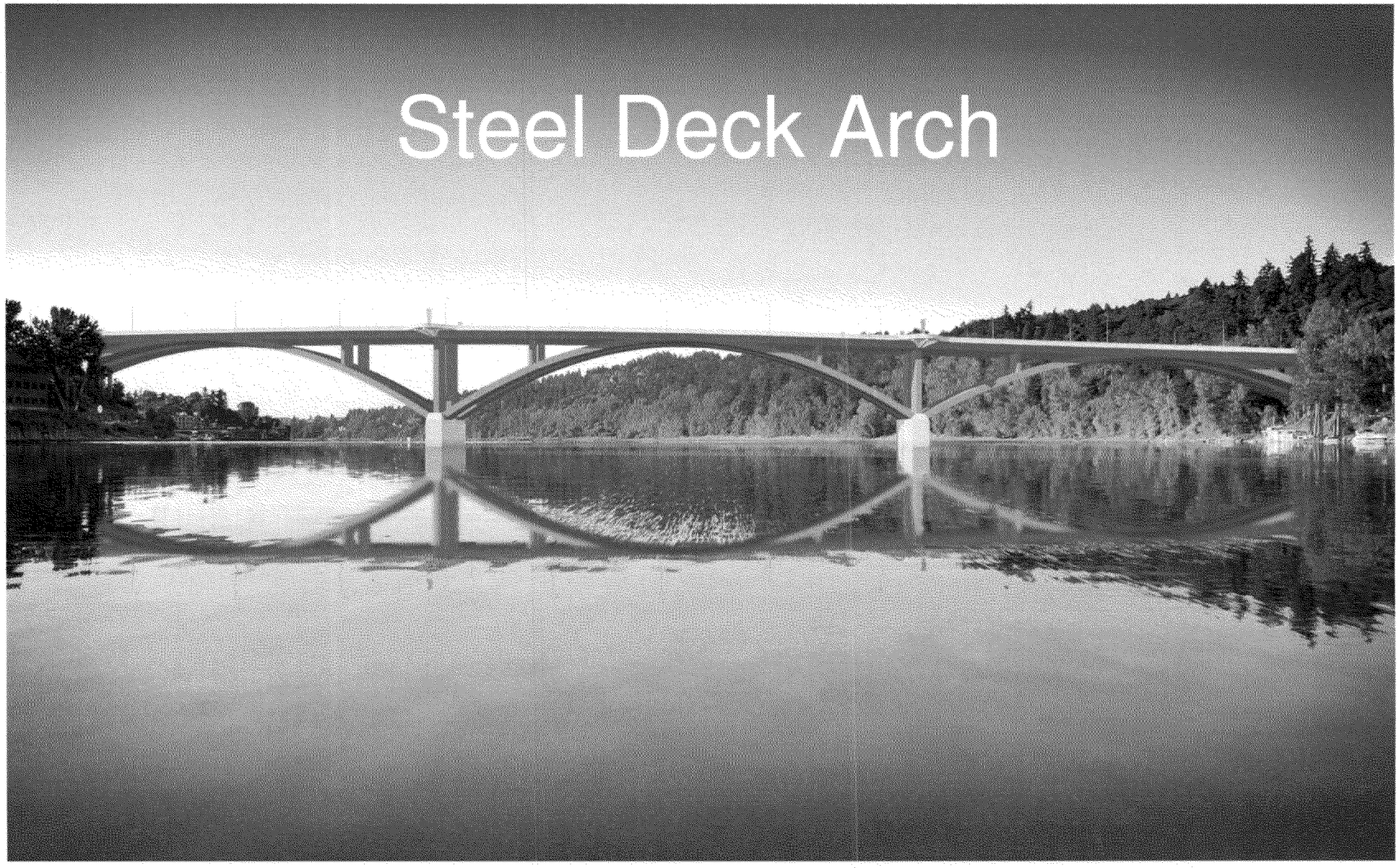


Concrete Deck Arch

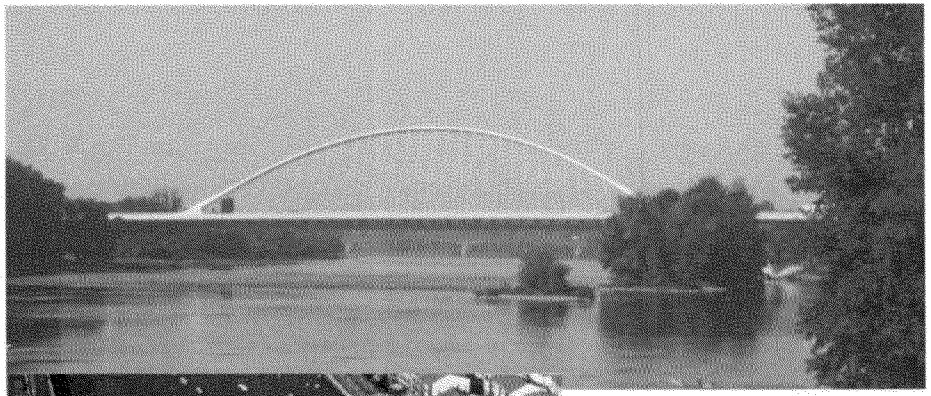


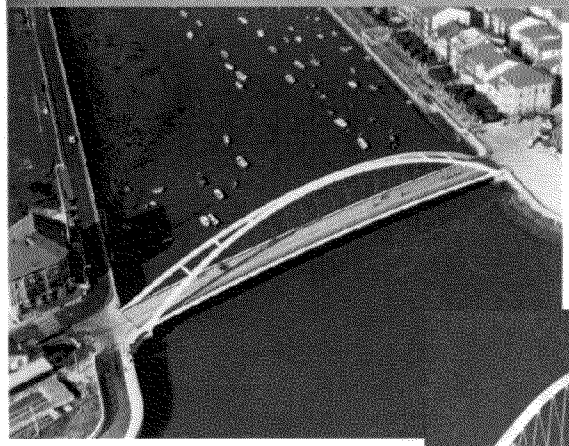


Steel Deck Arch



Thru Arch

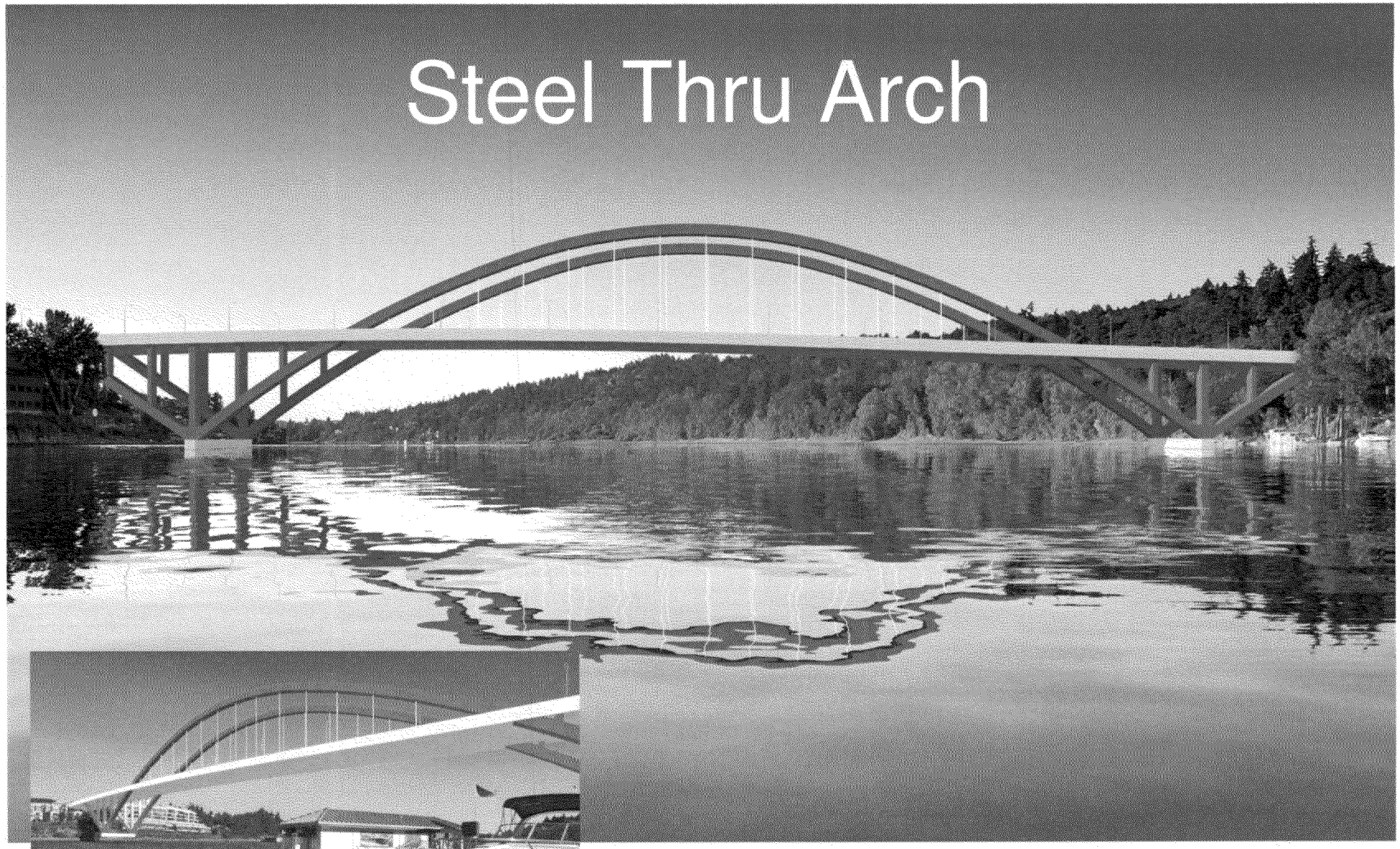


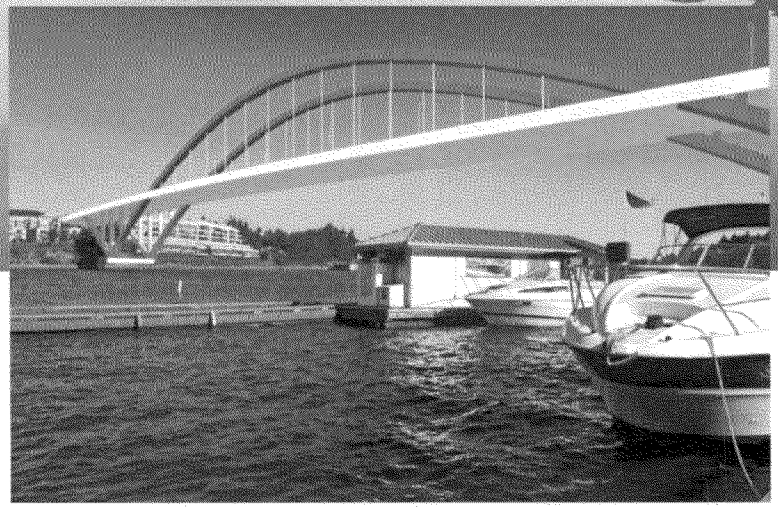


Features

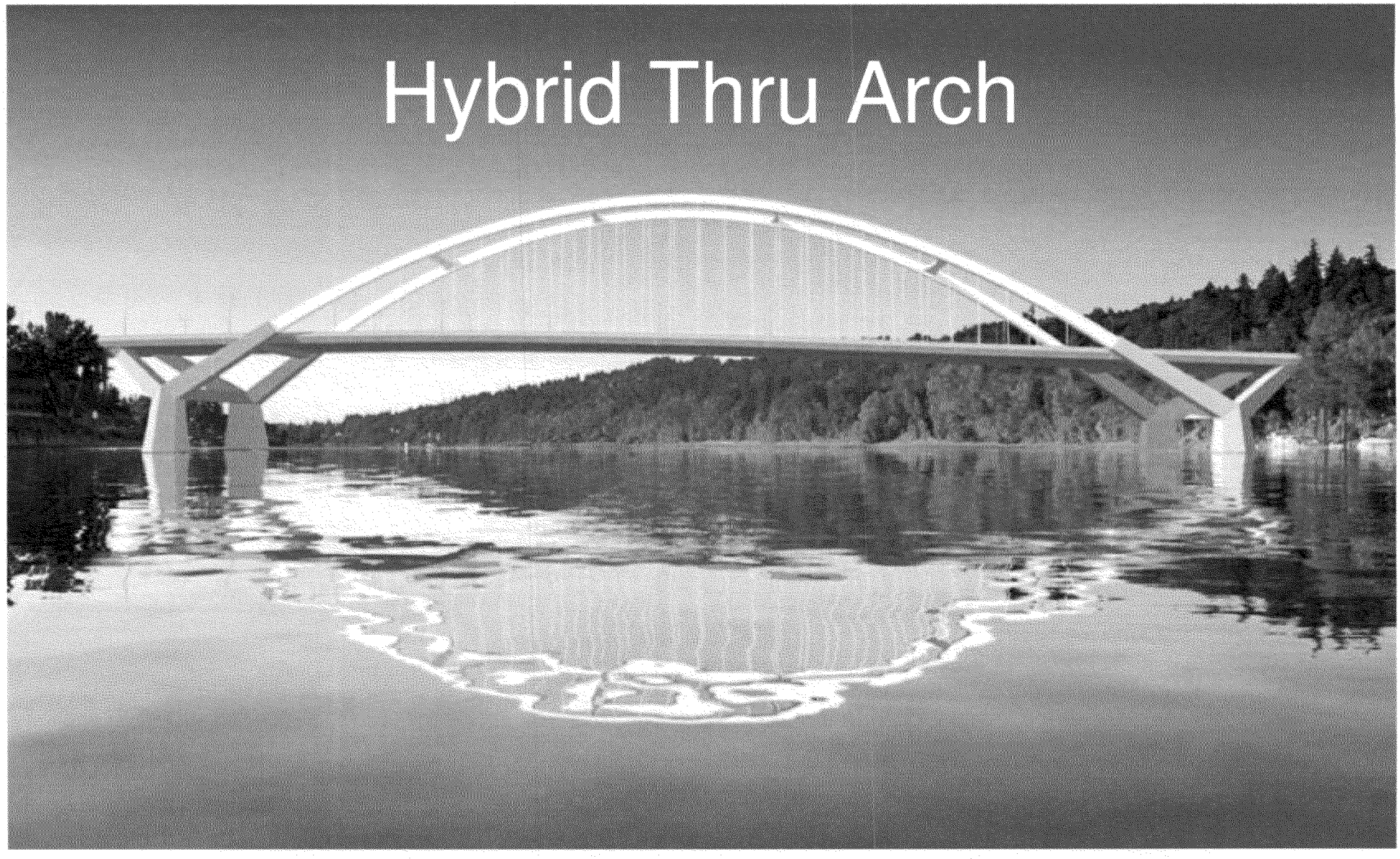
- Classical or contemporary
- Iconic structure
- Elegant form and features
- Slender deck profile
- Prefers constant width framing system
- Moderate (hybrid concrete/steel) to high (steel) construction cost
- Moderate (hybrid concrete/steel) to high (steel) maintenance

Steel Thru Arch





Hybrid Thru Arch



Sellwood Bridge Replacement

Structure Type Prescreening

Prescreening Criteria

Criteria 1-Aesthetics/User Experience

- Respond to Site Conditions
- Appropriate Bridge Character
- Impact on Landscape and Surroundings
- Materiality and Expression

Criteria 2-Construction Time

- Total Construction Duration
- Traffic Closure Duration During Construction

Criteria 3-Constructability

- Schedule Risk/In-Water Work Duration
- Provides Oregon Construction Firms Opportunities to Compete for Contracts
- Use Materials Produced or Fabricated in Oregon

Criteria 4-Cost

- Overall Construction Cost
- Overall Maintenance Cost
- Material Price Volatility
- Bid Competition

Criteria 5-Impacts to Social Environment

- Impacts to River Traffic
- Noise Impacts During Construction
- Provides Opportunities for DMWESB Firms
- Post-Construction Noise Impacts to Surrounding Area
- Post-Construction Noise Impacts to Users on Deck

Criteria 6-Impacts to Natural Environment

- Protects Habitat for Fish and Wildlife
- Protects Endangered Species and Stream Banks
- Permanent Impacts Due to River and Approach Foundation Construction
- Temporary Impacts Due to Bridge Construction

Criteria 7-Seismic Performance

- Seismic Performance

Criteria 8-Sustainability

- Carbon Footprint
- Maximize Recycling of Construction Waste
- Optimizes Conservation of Materials and Resources
- Required Painting

Criteria 9-Maintainability

- Type and Frequency of Required Maintenance and Inspection
- Reparability/Sequential Repair or Replacement of Elements
- Allowed Inspection and Maintenance Access

Sellwood Bridge

Summary of Preliminary Bridge Costs

Bridge Type	Matrix Alternative	Cost
Steel Plate Girder	C	$153M
Concrete Box Girder	A	$155M
Steel Box Girder	B	$165M
Concrete Delta Frame (Y-Leg)	D	$165M
Steel Deck Arch	F	$168M
Concrete Deck Arch	E	$168M
Concrete Deck Tied-Arch	G	$173M
Steel Deck Tied-Arch	H	$178M
Steel/Concrete Hybrid Through-Arch	L	$194M
Concrete Extradosed	I	$195M
Steel Through-Arch	K	$197M
Steel Extradosed	J	$201M

Sellwood Bridge River Span Bridge Type
Evaluation Criteria

ID #	Criteria	Weight	Alternative A	Alternative B	Alternative C	Alternative D	Alternative E	Alternative F	Alternative G	Alternative H	Alternative I	Alternative J	Alternative K	Alternative L
	1 ---------- 3 ---------- 5													
	Low Benefit/ High Impact — Average — High Benefit/ Low Impact													
	Construction Approach (Staged, Roll-In, or Both)		Concrete Box Girder	Steel Box Girder	Fabricated Steel Plate	Concrete Delta Frame	Concrete Deck Arch	Steel Deck Arch	Concrete Deck-Tied Arch	Steel Deck-Tied Arch	Concrete Extradosed	Steel Extradosed	Steel Through Arch	Hybrid Concrete/Steel Through Arch
			Staged	Both	Both	Staged	Staged	Both	Staged	Staged	Roll-in	Roll-in	Roll-in	Roll-in
Criterion 1 - Aesthetics/User Experience														
A	Respond to Site Conditions	7%	2.3	2.3	2.2	2.3	3.7	4.1	4.2	5.0	1.2	1.3	1.8	1.5
B	Appropriate Bridge Character	6%	2.3	2.4	2.2	2.3	4.1	4.7	4.1	4.8	1.2	1.3	1.6	1.5
C	Impact on Landscape and Surroundings	5%	2.3	2.3	2.4	2.1	3.4	4.3	3.6	4.4	1.4	1.5	1.9	1.9
D	Materiality and Expression	4%	1.8	1.8	2.2	2.4	3.8	4.6	3.8	4.8	1.8	1.8	2.5	2.5
	Weighted Score Criteria 1		49	49	49	50	83	97	87	105	30	32	42	39
Criterion 2 - Construction Time														
A	Total Construction Duration	5%	5	5	5	5	1	5	2	5	5	5	5	5
B	Traffic Closure Duration During Construction	4%	1	1	1	1	1	5	1	1	5	5	5	5
	Weighted Score Criteria 2		29	29	29	29	9	45	14	29	45	45	45	45
Criterion 3 - Constructability														
A	Schedule Risk/In-Water Work Duration	3%	5	3	3	5	1	4	4	4	3	3	3	2
B	Provides Oregon Construction Firms Opps to Compete for Contracts	3%	4	3	4	3	5	3	4	3	1	1	2	2
C	Use Materials Produced or Fabricated in Oregon	3%	4	3	3	4	5	3	4	3	2	1	3	3
	Weighted Score Criteria 3		39	27	30	36	33	30	36	30	18	15	24	21
Criterion 4 - Cost														
A	Overall Construction Cost	7%	4.8	4.0	5.0	4.0	3.8	3.8	3.4	2.9	1.5	1.0	1.3	1.6
B	Overall Maintenance Cost	4%	5	4	4	4	3	3	3	3	2	2	1	1
C	Material Price Volatility	2%	4	3	3	4	5	2	4	3	4	1	2	4
D	Bid Competition	2%	4	5	5	3	5	3	3	3	1	1	2	2
	Weighted Score Criteria 4		70	60	67	58	58	48	50	45	29	19	21	27
Criterion 5 - Impacts to Social Environment														
A	Impacts to River Traffic	2%	5	3	3	3	1	2	4	4	3	3	2	2
B	Noise Impacts During Construction	2%	5	3	3	3	1	3	3	3	4	4	2	2
C	Provides Opportunities for DMWESB Firms	2%	4	2	2	4	5	1	4	2	4	2	1	3
D	Post-Construction Noise Impacts to Surrounding Area	4%	4	2	2	3	3	1	3	1	5	3	1	2
E	Post-Construction Noise Impacts to Users on Deck	3%	5	4	4	5	5	4	5	4	3	2	1	1
	Weighted Score Criteria 5		59	36	36	47	41	28	49	34	51	36	17	25

			1 ---------- 3 ---------- 5 Low Benefit/ High Impact — Average — High Benefit/ Low Impact											
		Weight	Alternative A Concrete Box Girder	Alternative B Steel Box Girder	Alternative C Fabricated Steel Plate	Alternative D Concrete Delta Frame	Alternative E Concrete Deck Arch	Alternative F Steel Deck Arch	Alternative G Concrete Deck-Tied Arch	Alternative H Steel Deck-Tied Arch	Alternative I Concrete Extradosed	Alternative J Steel Extradosed	Alternative K Steel Through Arch	Alternative L Hybrid Concrete/Steel Through Arch
Criterion 6 - Impacts to Natural Environment														
A	Protects Habitat for Fish and Wildlife	3%	3	3	3	1	5	5	2	2	4	4	3	3
B	Protects Endangered Species and Stream Banks	3%	4	4	4	1	2	2	3	3	4	4	5	5
C	Permanent Impacts Due to River and Approach Foundation Constr.	3%	3	5	5	2	3	5	2	4	1	3	5	4
D	Temporary Impacts Due to Bridge Construction	2%	4	4	4	3	1	3	2	3	4	5	3	3
	Weighted Score Criteria 6		38	44	44	18	32	42	25	33	35	43	45	42
Criterion 7 - Seismic Performance														
A	Seismic Performance	5%	4	5	3	3	3	3	2	3	3	4	1	2
	Weighted Score Criteria 7		20	25	15	15	15	15	10	15	15	20	5	10
Criterion 8 - Sustainability														
A	Carbon Footprint	3%	4	4	5	3	3	2	3	1	5	2	1	2
B	Maximize Recycling of Construction Waste	2%	2	4	5	1	2	4	3	4	2	4	4	3
C	Optimizes Conservation of Materials and Resources	2%	2	5	5	2	2	4	2	4	1	4	4	3
D	Required Painting	1%	5	1	5	5	5	3	5	3	5	4	2	2
	Weighted Score Criteria 8		25	31	40	20	22	25	24	22	26	26	21	20
Criterion 9 - Maintainability														
A	Type and Frequency of Required Maintenance and Inspection	3%	5	4	4	4	3	2	3	2	2	2	1	1
B	Reparability/Sequential Repair or Replacement of Elements	3%	1	4	4	1	2	3	3	3	2	5	5	4
C	Allowed Inspection and Maintenance Access	2%	5	5	4	5	4	3	4	4	3	2	1	1
	Weighted Score Criteria 9		28	34	32	25	23	21	26	23	18	25	20	17
	Total Score (of 500):		356	335	342	298	316	351	321	336	266	261	240	246
	Ranking:		1	5	3	8	7	2	6	4	9	10	12	11

Concrete Box Girder	Steel Box Girder	Fabricated Steel Plate	Concrete Delta Frame	Concrete Deck Arch	Steel Deck Arch	Concrete Deck Tied Arch	Steel Deck Tied Arch	Concrete Extradosed	Steel Extradosed	Steel Through Arch	Hybrid Concrete/Steel Through Arch

Score calculation description:

The scores given to a bridge type for each criterion above are taken as the sum of each subcriterion score times that subcriterion's weight.
For example, under Criterion 6, for Alternative A, the score is: Score = 3*3 + 3*4 + 3*3 + 2*4 = 38.
The highest possible score is equal to 5 times the sum of the subcriterion weights. For Criterion 6 this is: (Highest possible) = 3*5 + 3*5 + 3*5 + 2*5 = 55.

The total score given to a bridge type is the sum of that type's individual criterion scores.
For Alternative A, this is: Total = 29 + 39 + 70 + 59 + 38 + 20 + 25 + 28 = 308.
The highest possible overall score is 500.

SELLWOOD BRIDGE
Project
MULTNOMAH COUNTY

Survey Summary Report

Online Survey – Bridge Values and Type Selection

August 30, 2010

The sixth survey for the Sellwood Bridge study was posted on the project homepage (*www.sellwoodbridge.org*) from July 16 to August 8, 2010. The survey period coincided with a public open house on the bridge type selection that was held at Oaks Park on July 21.

The purpose of this survey was to obtain public feedback on community values and bridge type selection preferences for the Sellwood Bridge replacement. As with previous surveys, the information obtained through the survey is intended as a guide to help inform project decision-makers. Since respondents to these online surveys are self-selected, the findings should be considered to be an informal community poll. They are not intended to be a statistically representative commentary on public opinion.

The online survey was publicized through a mass mailing sent to 22,000 households in the project vicinity, via two email announcements to the project database of over 5,000 addresses, through the local media (including newspapers, radio, and interest group websites and blogs), at community briefings, and via a banner over the bridge throughout the comment period.

At the conclusion of the survey, **2,452*** surveys were submitted from interested persons in the Sellwood neighborhood and throughout the Portland metro area. This report details the results and analyzes those responses.

** Accidental duplicate responses for a survey of this type are not uncommon. To mitigate the effect of any intentional or unintentional duplicates, the following steps were taken to identify and remove duplicate answers:*

1. *Results were sorted by email address (a required field). Duplicates with identical or incomplete entries were identified. It is common for multiple family members in the same household to use the same email address. Entries with different names and answers that used the same email address were not removed.*
2. *The remaining results were sorted by the respondent IP address that was automatically logged by the survey. Duplicate IP addresses were highlighted and suspicious blocks of entries with identical information were flagged.*
3. *Two team members reviewed possible duplicates before any entries were removed from the final tally.*

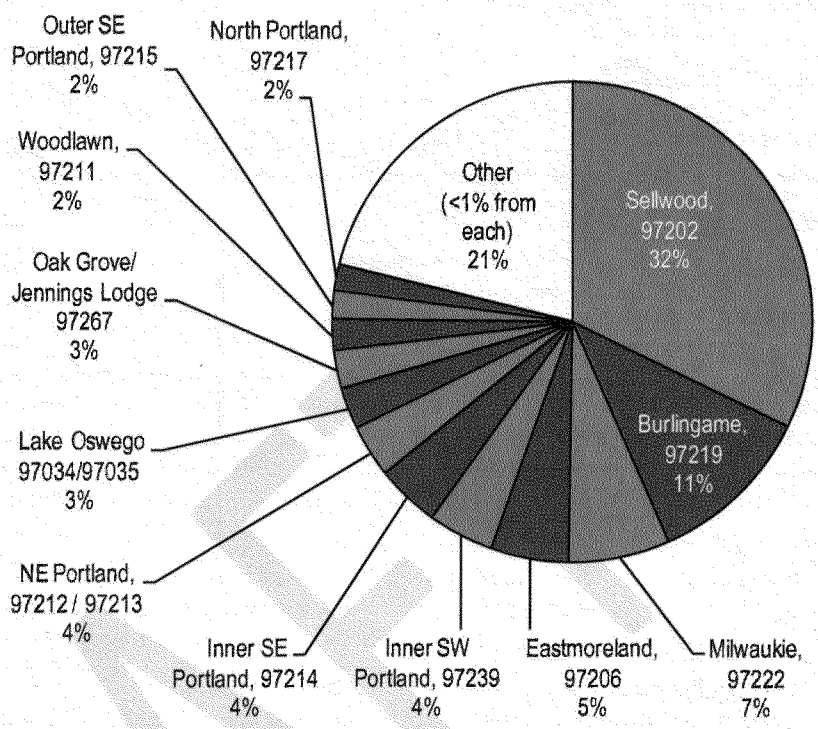
The final tally of 2,452 surveys does not include 29 submissions that were removed based on the process outlined above.

Survey Demographics

Questions 1-3

These questions asked for demographic and contact information and to determine the ZIP code distribution of survey participants.

Observations: *Responses came from a broad area and included many ZIP codes in the Portland region. Responses were consistent with earlier Sellwood Bridge surveys, with approximately 1/3 of responses coming from the greater Sellwood area.*

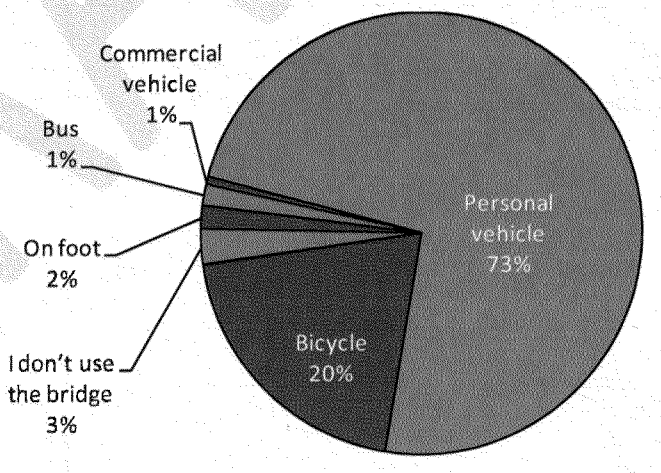


Question 4

What is your primary mode of travel across the Sellwood Bridge? (Select one, required.)

Observations: *A majority of respondents (73%) indicated that they drive a personal vehicle across the bridge. 20% of the responses were from cyclists. Only 2% of respondents indicated that they primarily walk and 3% don't use the bridge.*

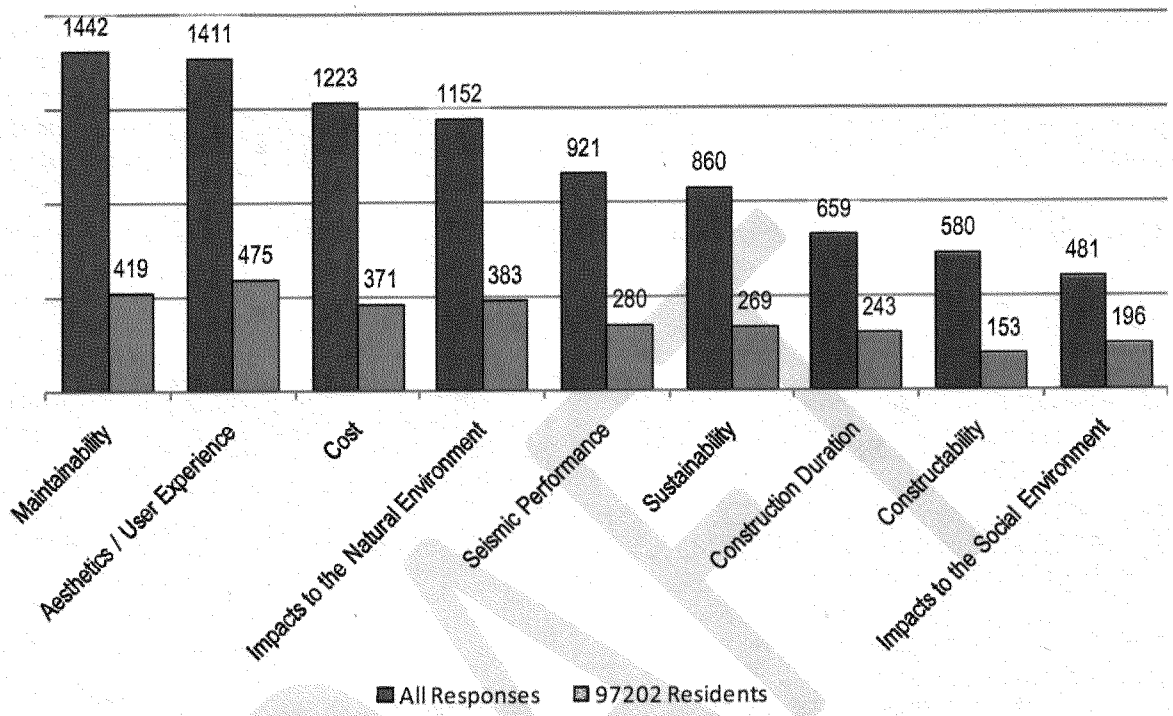
Respondents who answered with "bus" refer to bus travel prior to weight restrictions.



DRAFT

Question 5 ▸ **Which evaluation criteria are the most important to you? (Select four.)**

Responses are presented in the order of response popularity.



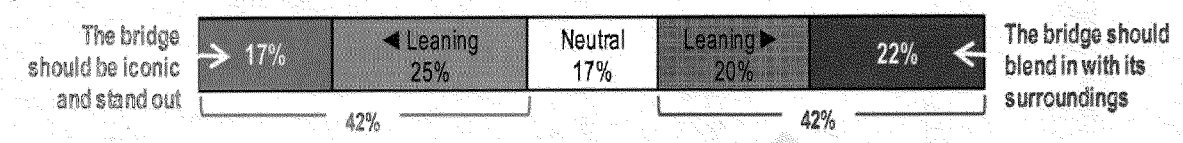
***Observations**: Responses from 97202 (Sellwood) residents were largely proportional (within 4%) of the average response. Exceptions: Maintainability (-6.2%), Constructability (-4.4%), and Impacts to the Social Environment (+5.2%).*

DRAFT

Questions 6-10 asked respondents to select a choice that represents their opinion along a preference continuum between two opposite choices for the bridge.

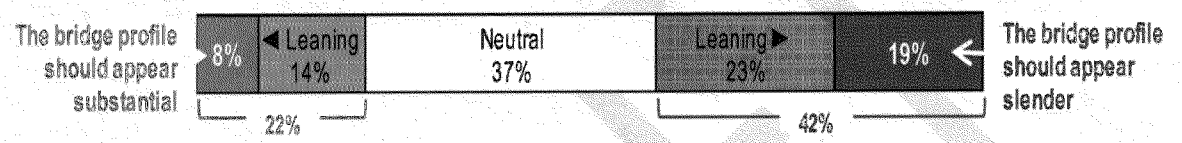
General Observations: *None of the responses to these questions revealed a clear majority opinion. For each question, only a minority expressed a strong opinion one way or the other and many responses were neutral.*

Question 6 ▸ Visibility



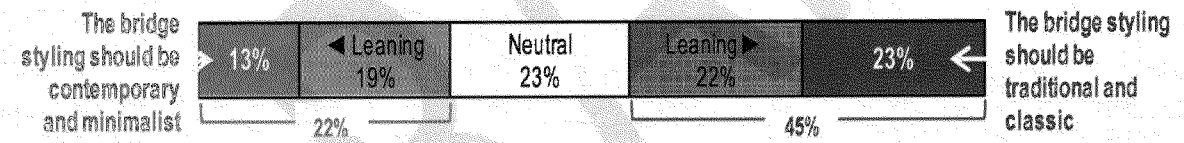
Observations: *Respondents were evenly divided (42%) regarding bridge visibility preference. Fewer people were neutral on this question than for the others.*

Question 7 ▸ Profile (side view)



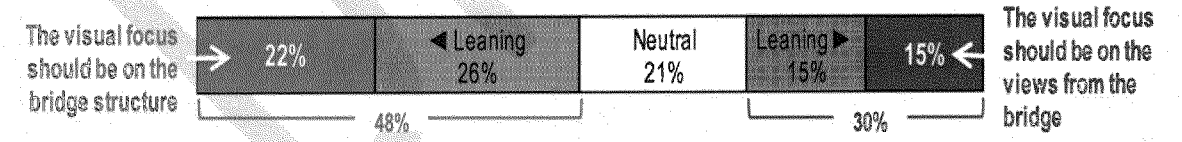
Observations: *Although 42% of respondents preferred a slender bridge, a significant number of respondents (37%) were neutral or had no opinion.*

Question 8 ▸ Style



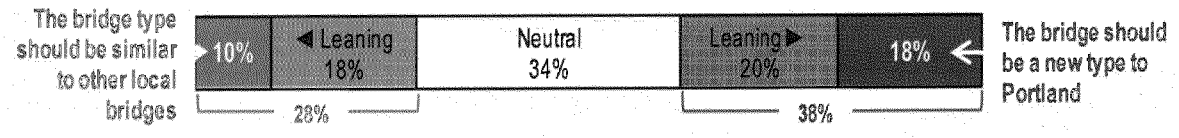
Observations: *A plurality of respondents (45%) favored a traditional and classic looking bridge.*

Question 9 ▸ Focus



Observations: *When given a choice between views from the bridge and visual focus on the bridge structure, a sizeable plurality (48%) selected the bridge structure.*

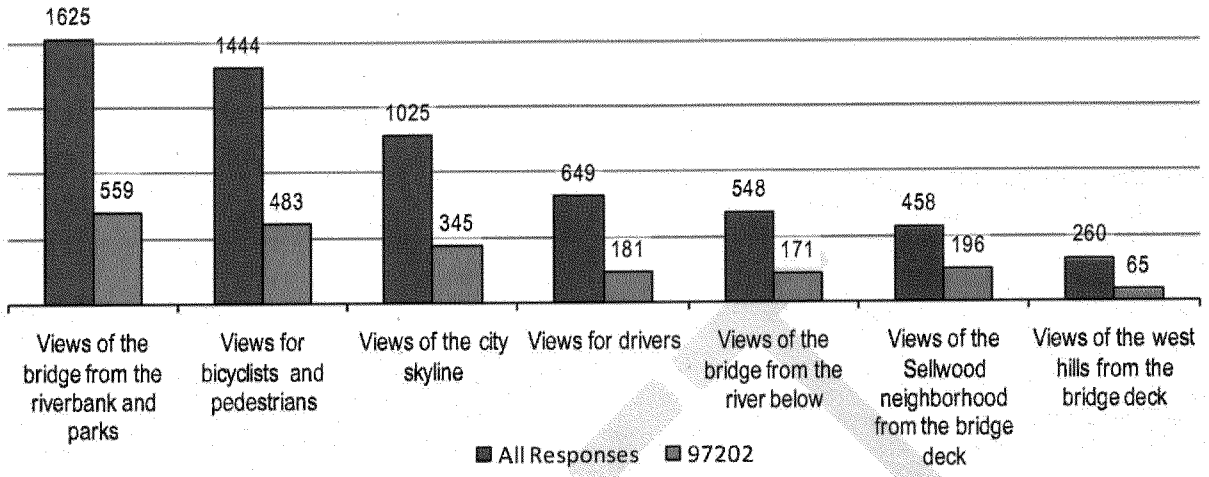
Question 10 ▸ Character



Observations: *A plurality (38%) of respondents preferred that the bridge be a type new to Portland. Nearly as many (34%) were neutral.*

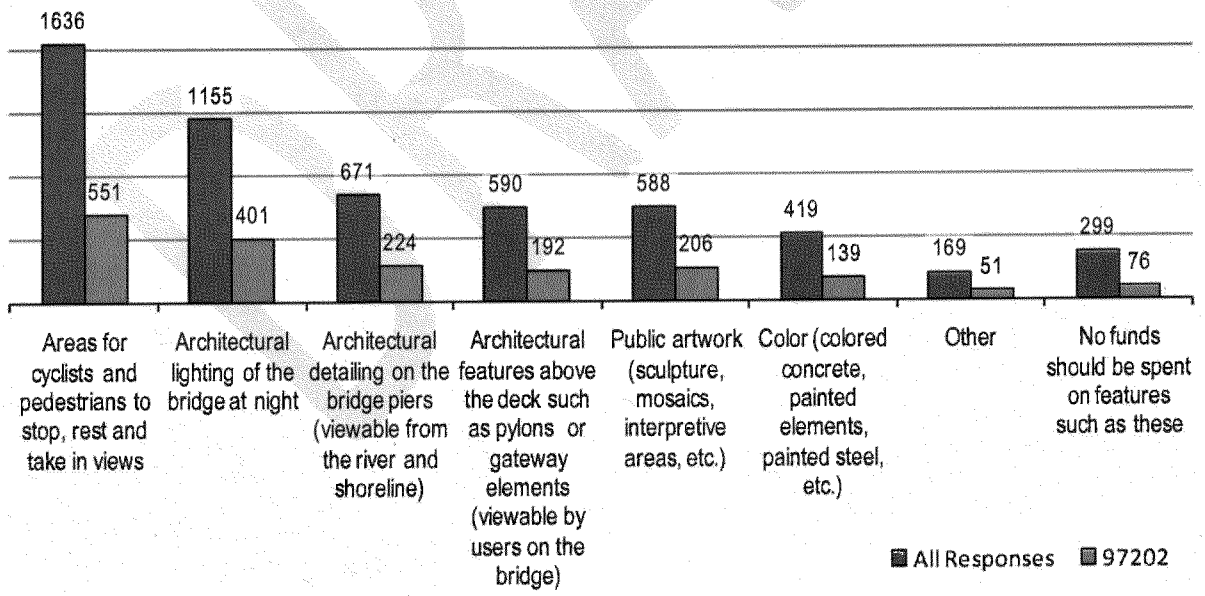
Question 11 ▸ Bridge Views – which are most important to you? (Choose your top three.)

Choices are presented in the order of response popularity.



***Observations**: Respondents heavily favored views of and from the bridge for non-drivers. Views from the bridge deck of the east and west banks were considered the least important. Responses from 97202 (Sellwood) residents were typically within 4% of the average response. Exceptions were Views for drivers (-4.3%) and Views of the Sellwood neighborhood (+6.4%).*

Question 12 ▸ Would you like to see project funds spent on the following amenities/ features for a new bridge? (Check all that apply.)



***Observations**: Facilities for cyclists and pedestrians were the most popular. Only 13% of respondents felt that no funds should be spent on additional amenities. Responses from 97202 (Sellwood) residents were roughly within 3% of the average.*

DRAFT

Question 12 (*continued*)

Other suggested amenities from the open ended responses included (responses in parentheses indicate number of comments):

General Appearance

- Arches below (6)
- Planters and greenery on the bridge deck (2)
- Decorative railing
- Aesthetic elements that don't obscure views
- Expansive entry/exit areas for bikes/peds
- Simple designs, simple expression, no faux detailing
- Towers akin to the Burnside Bridge
- Features that relate to current bridge and convey its history
- Detailing on the bridge stringers
- More features on the Sellwood end

Artwork

- Stamped impressions in concrete, such as salmon (2)
- Bridge name artistically displayed
- Artwork integrated into the structure
- Art that teaches about Portland history
- Make the *bridge* look like art
- Move the Portlandia statue to the bridge head
- Something truly unique, like the world's biggest ball of twine, or maybe really big statue of an Osprey
- Gargoyles or native American motif
- Music

Lighting

- Bicycle/pedestrian lighting (3)
- Lighting only if renewable (ex. solar) (3)
- Night sky compliant lighting
- Laser lights
- Historic type lighting

Environment

- Raptor nesting friendly (4)
- Sound dampening road features (2)
- Green uses such as water collection

Safety/Practical Concerns

- Barrier between auto and bike/ped path (6)
- Traffic calming features
- Good visual signage
- Safety features to prevent people from jumping off bridge
- Consider vandalism and graffiti re: any artwork
- Pet-friendly features

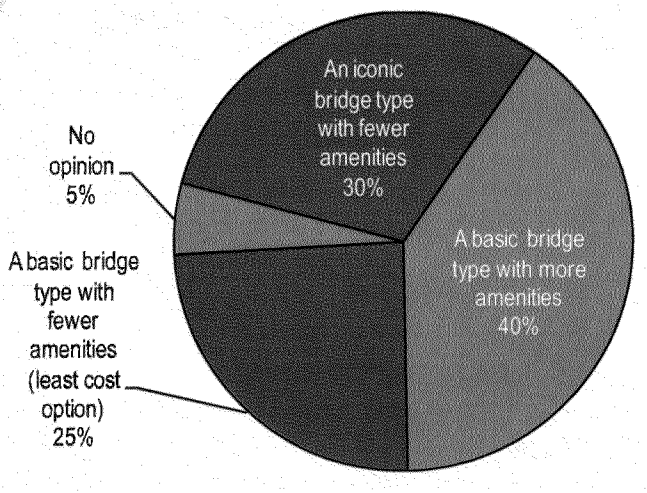
Public Facilities

- Drinking fountains/Benson Bubblers (3)
- Bathrooms
- Picnic tables
- Timed-quarter paid binoculars

Question 13 ▸

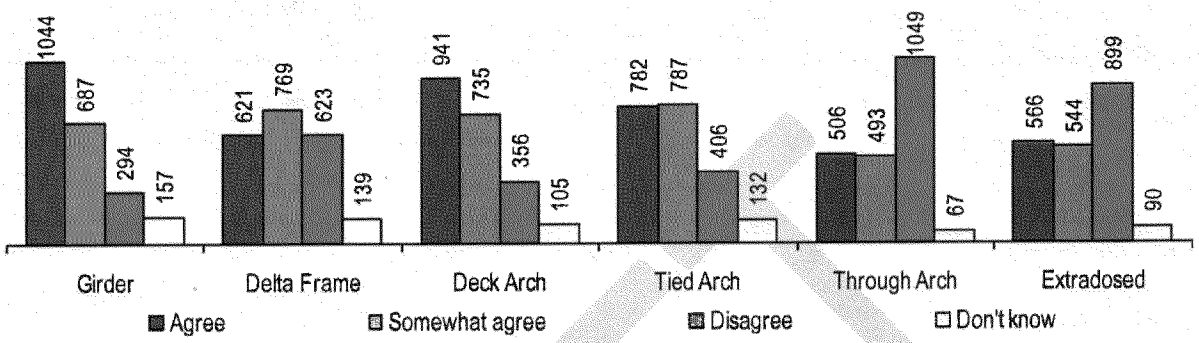
This question noted that a trade-off may be involved between bridge type and amenities on the bridge. Respondents were asked which combination they considered the most important:

Observations: *Respondents were fairly divided with a plurality preferring a more basic bridge type with more amenities. One quarter of respondents preferred a least cost option. Only 5% of respondents had no opinion.*



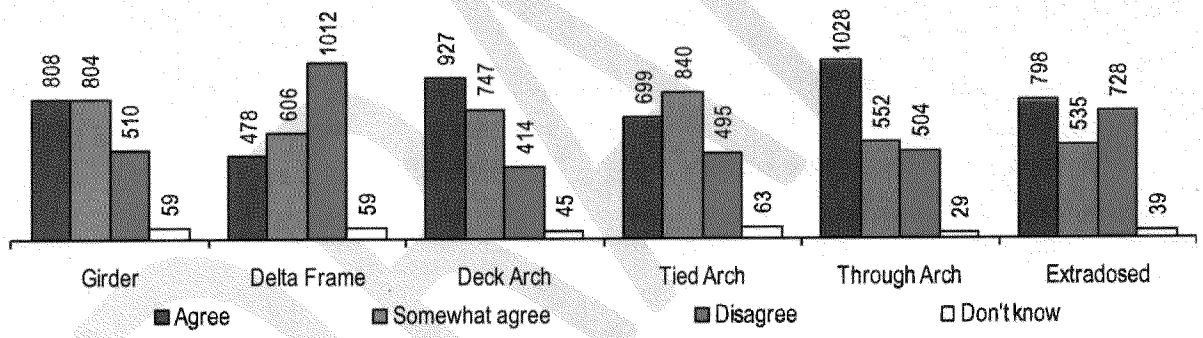
Questions 14-25 ▸ These questions were presented along with basic information and concept sketches of the candidate bridge types. Based on the drawings and descriptions, respondents were asked whether they agreed or disagreed with various statements about each type. Respondents also were asked to offer additional comments.

▸ The size and scale are appropriate (fits the site well):



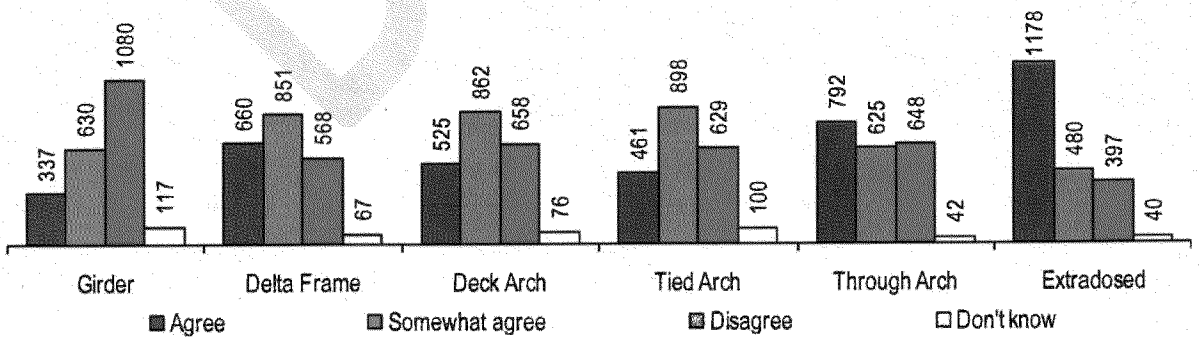
Observations: *The Girder, Deck Arch, and Tied Arch were felt to fit the site the best. Opinions were more divided on the Delta Frame. Respondents felt that the Through Arch and Extradosed types were inappropriate for the site.*

▸ The profile (side view) is attractive:



Observations: *Although respondents felt it to be inappropriate for this location, the Through Arch was considered to have the most attractive profile. The Delta Frame type was considered the least attractive option.*

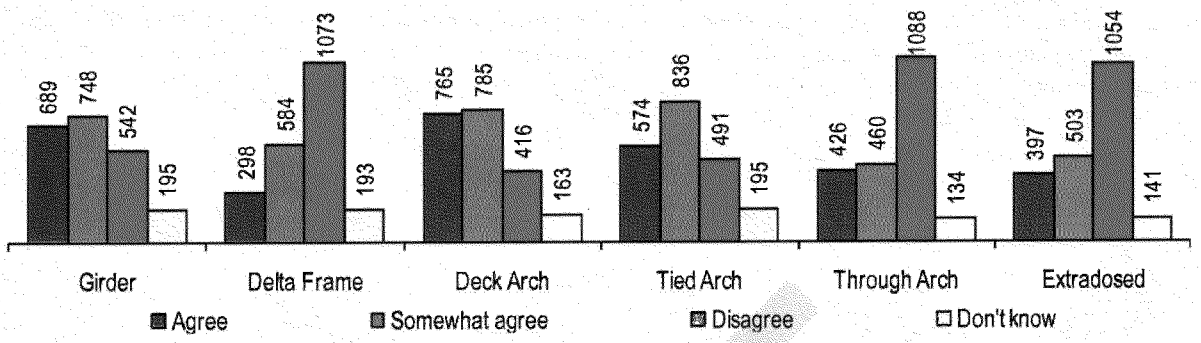
▸ It looks distinctive or unique:



Observations: *The Extradosed type, which would be new in Portland, was perceived as the most unique bridge type. The Girder was perceived as the least distinctive bridge type.*

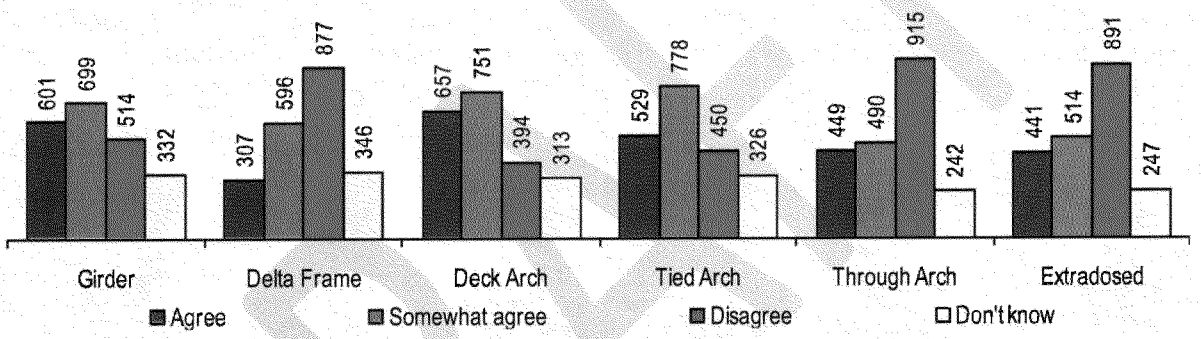
DRAFT

▸ It feels appropriate to the Sellwood neighborhood:



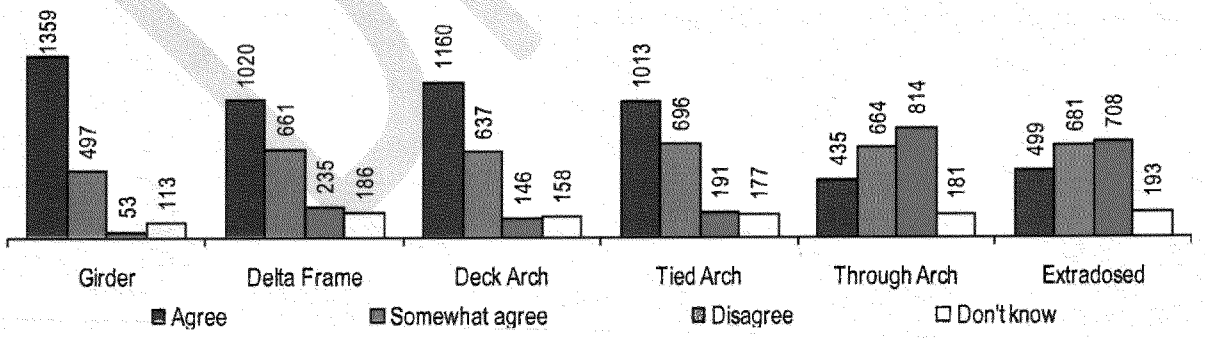
Observations: *Consistent with the question about appropriate size and scale, the Delta Frame, Through Arch, and Extradosed were described as inappropriate for the Sellwood neighborhood. There was more ambivalence about the remaining types.*

▸ It feels appropriate for the west side/hills:



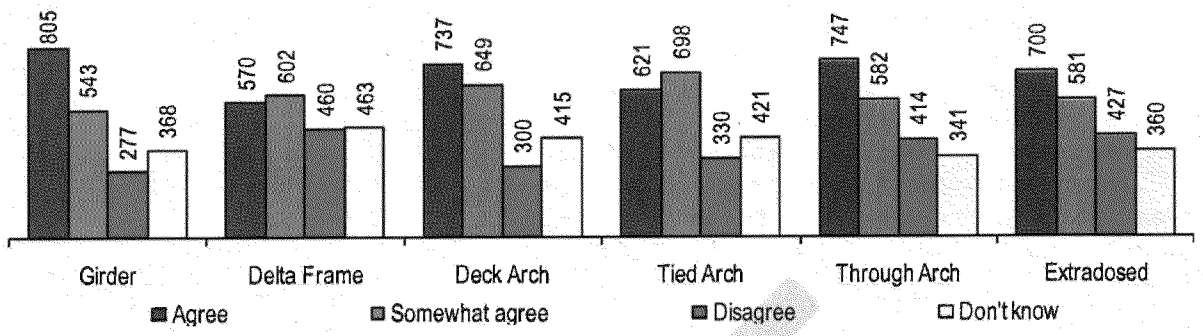
Observations: *Similar responses to the previous question about the appropriateness for the Sellwood neighborhood may indicate that respondents do not significantly differentiate between the two sides of the river in terms of bridge type.*

▸ It offers open views from the deck:



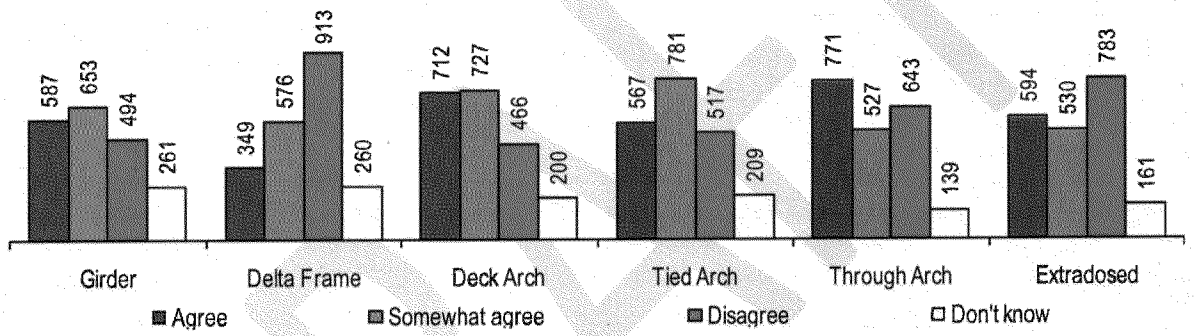
Observations: *The bridges with above deck structures were perceived as having the least open views. Of the remaining bridges, although identical with regard to above deck structural features, the Girder bridge was perceived as being the most open.*

▸ It provides a gateway for bridge users:



Observations: *Perceptions of whether each bridge type provides a gateway were mixed. The relatively high number of "Don't know" responses indicates that the use of the term "gateway" was unclear. This was confirmed by reviewing answers to the open-ended responses.*

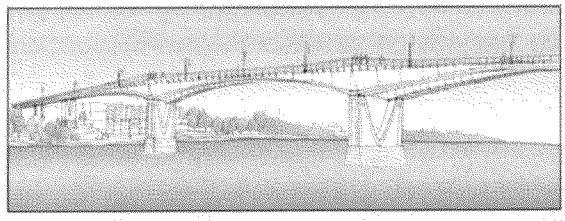
▸ It frames the river nicely:



Observations: *Responses to this question were similar to the responses about area appropriateness. Although there were varying opinions about which type best frames the river, most respondents felt that the Delta Frame does not frame the river well. As with the "gateway" statement, many people did not understand the intent here (open-ended responses).*

Questions 14-25 (Comment Summary)

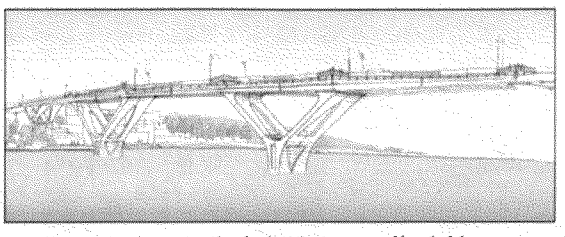
Girder



Pro ▸ People who favored the Girder type appreciated its simplicity and perceived affordability relative to the other bridge types. These people generally seemed to agree that the Girder was "suitable" even if their enthusiasm for this type was somewhat tempered by a basic design. They appreciated the open deck and felt that the structure could be dressed up with deck amenities, entryways, or by adding angles and arcs to the substructure. Several respondents preferred steel versions of this bridge. The Girder may be a popular choice because of the current economic recession. ***Descriptions included:*** *Simple, frugal, modern, sleek, low cost, decent looking.*

Con ▸ People who disliked the Girder type felt that it is too simple, not unique enough and more closely resembles a typical freeway structure. These people felt that there were enough examples of plain Girder bridges elsewhere and desired something more distinctive and befitting of the location. There were some questions about how the variable deck width would be accommodated with a Girder structure. ***Descriptions included:*** *Ugly, bulky, unremarkable, plain, boring, generic, massive, heavy, dull, flat.*

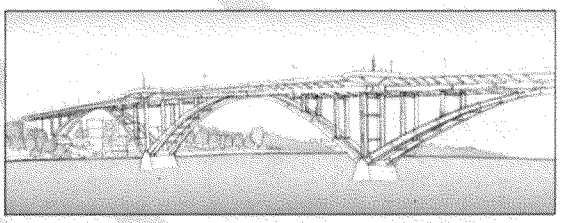
Delta Frame



Pro ▸ People who liked the Delta Frame appreciated its sleek lines and distinctive, contemporary look. Some felt it represents a good compromise choice by offering architectural interest at a lower cost. Having a new bridge type to Portland was also a priority for many people and they liked the Delta Frame for that reason. *Descriptions included: Unique, affordable, elegant, quiet style, sleek, contemporary and modern.*

Con ▸ People who disliked the Delta Frame tended to feel strongly that the type is very unattractive. They disliked the "Y" shaped piers and wondered if they would limit the clearance for river traffic or collect debris at high water. Some felt that the structure would be out of place on this section of the river and thought it looked more suited to a downtown or urban freeway setting. There were many comments that the type did not have a neighborhood scale and would not suit historic Sellwood. There were also questions about its seismic capacity. ***Descriptions included:*** *Plain, clunky, industrial, intrusive, ugly, utilitarian, forgettable, and uninspiring.*

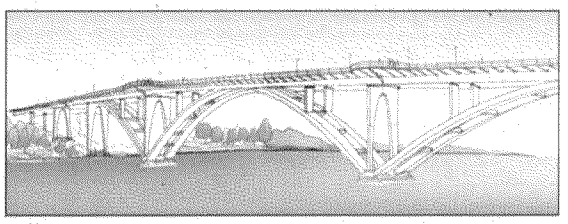
Deck Arch



Pro ▸ There were many comments that the Deck Arch resembles the current Sellwood Bridge, especially if constructed in steel. For some this was a positive thing and for others it was negative. Those who liked this option felt that the Deck Arch is graceful, frames the river well and fits the location as a nice complement to the park-like setting and Sellwood neighborhood. Others thought that it "fit" Portland's bridge collection. The arches are a popular feature. ***Descriptions included:*** *Attractive, beautiful, distinctive, has character, looks classic, graceful, historic and good proportions.*

Con ▸ There were also many concerns, expressed both by people who liked and disliked this type, that the Deck Arch might limit river navigational clearance. Many felt that to limit possible future river uses through below deck piers and arches would be unwise. Those who disliked this option thought that the Deck Arch was too dominant and intrusive for the setting and blocked views of the river. Some believed it did not fit the neighborhood. There were also comments that there are too many bridges of this type already located throughout the area. There were also some concerns about the possibility of people climbing on the arches. ***Descriptions included:*** *Industrial, old fashioned, boring, too traditional, too busy, bottom heavy, not unique enough, mundane.*

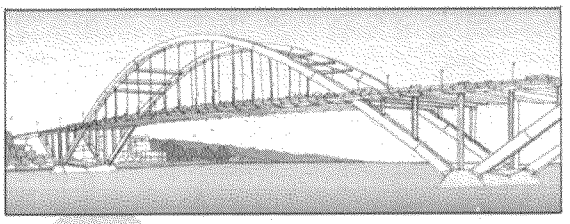
Tied Arch



Pro ▸ Some people had a difficult time seeing the distinctions between the Tied Arch and the Deck Arch. People that liked this type thought it looked graceful and open. Several remarked that the arched piers reminded them of the St. Johns Bridge, and several preferred steel as a construction material. Many also wondered if the fewer arches compared to the Deck Arch offered better river traffic clearance. This may be a reason for its popularity. The smaller scale also seemed more suitable to the neighborhood for some. Again, some people thought the type resembled the current bridge. One person wrote: "I liked this one and the one immediately previous to this one (Deck Arch) because they evoke the past the most, harkening back to the current bridge design, which is of historic and personal meaning." ***Descriptions included:*** *Attractive, pretty, appropriate to the neighborhood, industrial (nice), less fussy than the Deck Arch, traditional, good compromise between historic and modern.*

Con ▸ As with the Deck Arch, there were many concerns about the sub-structure impeding the navigational channel. Some thought that the lack of arches at the ends of the structure made it looked half done, as though parts of it are missing. The single main arch span made this type appear asymmetrical to some people. Others also thought there are too many of this type in the area already. One person thought the columns on land looked "weak" compared to the columns in the water. ***Descriptions included:*** *Awkward, looks off-balance, choppy, boring, tacky, mundane, ordinary, ugly, not elegant, sterile.*

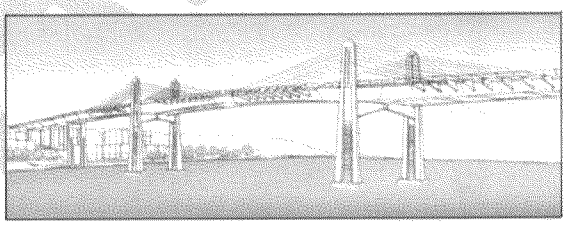
Through Arch



Pro ▸ Those who liked the Through Arch appreciated this type's iconic presence. Comparisons were made to the Fremont Bridge and several thought that a through arch Sellwood Bridge would book-end the river nicely. Someone observed that it would finally be nice to walk or bike on a through arch bridge in Portland, since the Fremont Bridge has only ever been accessible to cars. Many thought it is very attractive, but their comments were tempered that it is probably not a practical choice. One suggestion called for sidewalks outside of the arches to create separation from traffic and another respondent suggested trying to simulate the look of a through arch by adding non-structural arches to a tied or deck arch. ***Descriptions included:*** *Graceful, flowing presence, gorgeous, attractive, soaring, good gateway, inspiring, less impact to river navigation.*

Con ▸ Those who disliked this type felt strongly that a large superstructure is inappropriate and too grandiose to the Sellwood neighborhood and this part of the river. They think that it is oversized in scale and proportion to its surroundings. Negative comparisons were made to the Fremont Bridge. Some thought it took away from the focus on the river and views. Construction and ongoing maintenance costs were also concerns for many. ***Descriptions included:*** *Excessive, too fancy, ponderous, impractical, cluttered, benefit not worth the cost, over the top.*

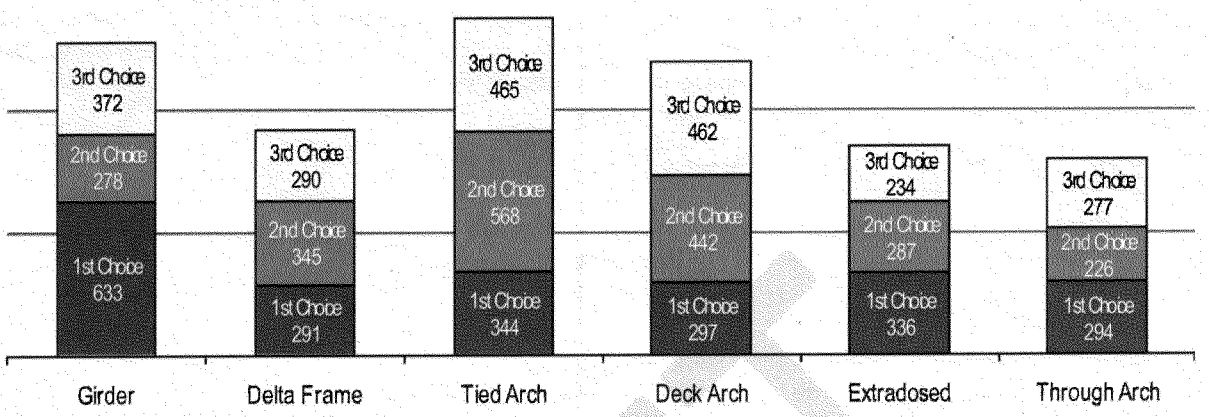
Extradosed



Pro ▸ People who liked the Extradosed type appreciated the contemporary design and sleek look. They liked the fact that this would be a new bridge type to Portland and that it would be an unusual local bridge. Many appreciated the bold statement made by this type. The fact that it offers easier river navigational clearance was also noted. However, even some people who preferred the design stated that it was not the appropriate location for this type. A few people compared it to the new Willamette River light rail bridge. Several comments focused on the tall support columns, noting that they could include adjacent pedestrian viewing areas and feature designs in the concrete. Some thought the Extradosed would have fewer impacts to the river. Other respondents suggested that they would like to see this design with a single, cable-stayed support column in the center of the bridge. ***Descriptions included:*** *Sleek, modern, harkens to an earlier age, interesting looking, unique, beautiful, distinctive.*

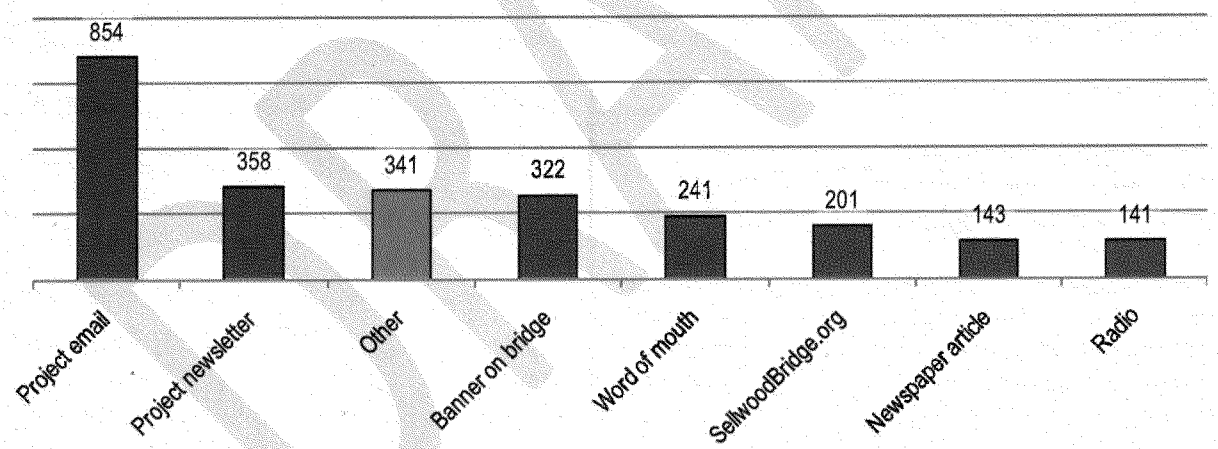
Con ▸ As with the Through Arch, many people felt that this is the wrong bridge type for this location. They felt that it is too contemporary for the Sellwood neighborhood and this part of the river. Concerns about the cost were frequently raised. A few noted that unusual bridge designs such as this invariably go over budget (the SW Gibbs Street pedestrian bridge, the original design of which was an Extradosed, was referenced). There were numerous comments that people thought the above deck columns were too stubby, detract from views for bridge users and seem more suited to a freeway structure than a pedestrian-friendly environment. Some wondered whether cable bridges in general are a fad that will soon fade due to maintenance concerns and budget constraints. ***Descriptions included:*** *Ugly, half baked, a nightmare, expensive, pretentious, horrible, too complex, cluttered, cold and high-tech looking.*

Question 26 ▸ Consider each bridge type and indicate your preference. Which three do you prefer the most? (Rank your top three.)



Observations: *The Girder bridge received the most 1st choice preferences. The Tied Arch bridge received the most cumulative 1st, 2nd and 3rd choice preferences. The Delta Frame, Extradosed, and Through Arch received the fewest cumulative preferences.*

Question 27 ▸ How did you hear about this survey? (Choose all that apply.)



Other *responses included: BikePortland.org website (120), Facebook (27), email from public officials (25), Twitter (22), friends or family members (17), forwarded emails (16), neighborhood associations (SMILE, Collins View: 14), Portland Bridge Festival (11), and online weblogs (portlandtransport.com, Oregon Economic Blog: 10).*

DRAFT

Question 28 ▸ **Is there anything else you would like to tell us?** *(Responses in parentheses indicate number of comments)*

Comments on the bridge design

- **The current design doesn't seem like it will accommodate future traffic needs (i.e. needs to be 4 lanes).** *(43)*
- **The bridge should be more bike friendly than it is now**. *Improve bike/ped facilities and infrastructure, including connections to trails and the bridge. (39)*
- **Consider lifetime maintenance.** *Don't build anything impractical or beyond the ability to maintain effectively. Consider lifetime costs, material durability, sustainability and the longevity of bridge amenities. (37)*
- **Build a simple, functional bridge.** *A simple design may be the most appropriate for the area and the most cost effective. (36)*
- **Improve bike/ped safety.** *The current bridge is highly unsafe. Consider a barrier or other means to separate bicycles from cars and pedestrians. (36)*
- **Aesthetics are important**. *Give the bridge character and invest in making it attractive. (32)*
- **Fit the community.** *Consider local character and the surrounding environment. (30)*
- **Build a special bridge**. *The bridge should be: unique; interesting; distinctive; graceful; a landmark; bold; creative. It should make a statement, instill a sense of glory, and be a source of pride. Make it a destination. (26)*
- **Preserve a historical feel.** *Consider the appearance of the current bridge and the history of existing Portland bridges. (25)*
- **Safety is the most important consideration.** *Don't make it easy to climb the bridge. Provide adequate safety lighting. Provide solid guard rails. (17) (Also see bike/ped safety above.)*
- **Appearance is *not* important.** *Other factors like safety and cost should come first. (13)*
- **Provide adequate river clearance.** *Consider the needs of current and future river traffic. (11)*
- **Design for earthquakes.** *(11)*
- **Steel is preferable.** *It is recyclable, used historically in this area, and can employ local labor. (10)*
- **The current design options are too limited.** *Other types of bridges should be reconsidered. (10)*
- **Existing designs are good.** *The small bridge with two lanes is appropriate. (8)*
- **Bridges with arches are best.** *Arches complement the site. They are iconic and common in Portland bridges. (8)*
- **Views are important.** *(7)*
- **Ornamental features should be used.** *Gateways, sculpture, columns, terraced landscaping. Be clear about what amenities may need to be sacrificed because of cost. (7)*
- **Too much space has been dedicated to bike/ped needs.** *(6)*
- **Use an open deck design.** *An open deck may be roomier than a deck with structure above. Above deck features may obscure views. (5)*
- **Consider environmental impacts from noise and light.** *(5)*
- **Streetcar and light rail are inappropriate for this bridge.** *(4)*
- **Observation areas.** *Don't cause backups on the bridge from people stopping for the view. Don't let bump-outs be an awkward looking part of the design. A bridge may not be an appropriate place for picnics. (3)*

Question 28 (*continued*)

Comments on planning/process:

- **Something must be built soon.** *The safety of the existing bridge is a concern. The process feels like it is taking a long time. (78)*
- **Keep the bridge affordable.** *Keep costs low and consider how it will be paid for. Be upfront about cost estimates. (64)*
- **Funding sources.** *Multnomah County seems to be paying more than others. User fees or tolls may be a good way to pay for the bridge. (20)*
- **Think about future transit**. *Anticipate future needs regarding other improvements when building the bridge. (12)*
- **Consider through traffic impacts**. *Think about future related traffic through neighborhoods and along Highway 43. (12)*
- **Impact from new traffic signals.** *Think about the effect on safety and traffic. (8)*
- **Seek additional public feedback.** *Ask for input on the interchange design and design decisions such as color choice. (7)*
- **The bridge should encourage slower driving.** *Traffic through neighborhoods should be discouraged. (6)*

Comments on construction

- **Minimize closures, disruptions, and delays.** *Consider whether there will be other closures at the same time and schedule appropriately. Consider detour impacts for cyclists and pedestrians. (22)*
- **Build it locally**. *Use local labor, businesses, materials and manufacturing. (14)*
- **Minimize impacts to local neighborhoods and businesses.** *(12)*

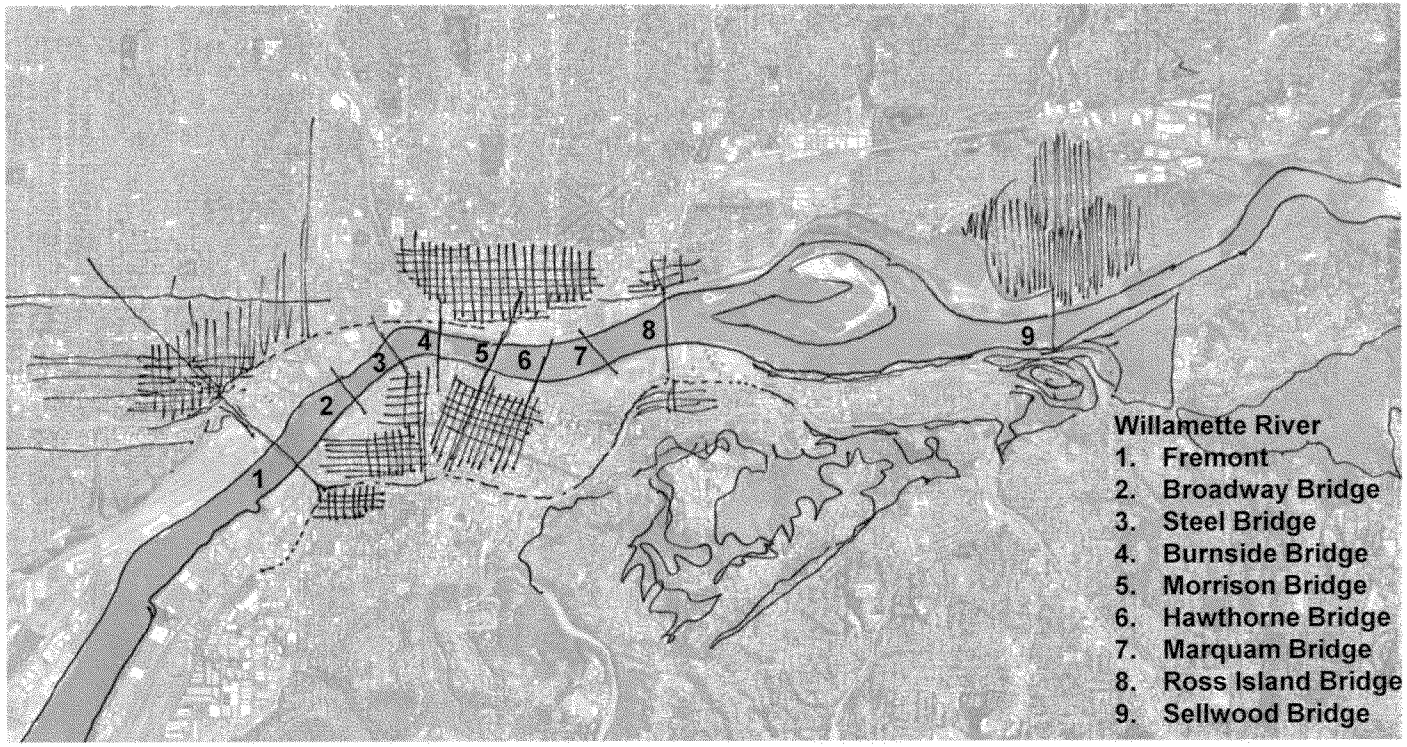
Example designs/designers

- Calatrava, Maillart, Candela, Foster
- Eads Bridge over the Mississippi River, St. Louis
- Conde McCullough (Oregon) or Robert Maillart (Europe)
- Simon Benson
- Ponte Vecchio (Florence, Italy)

SAFDIE RABINES ARCHITECTS

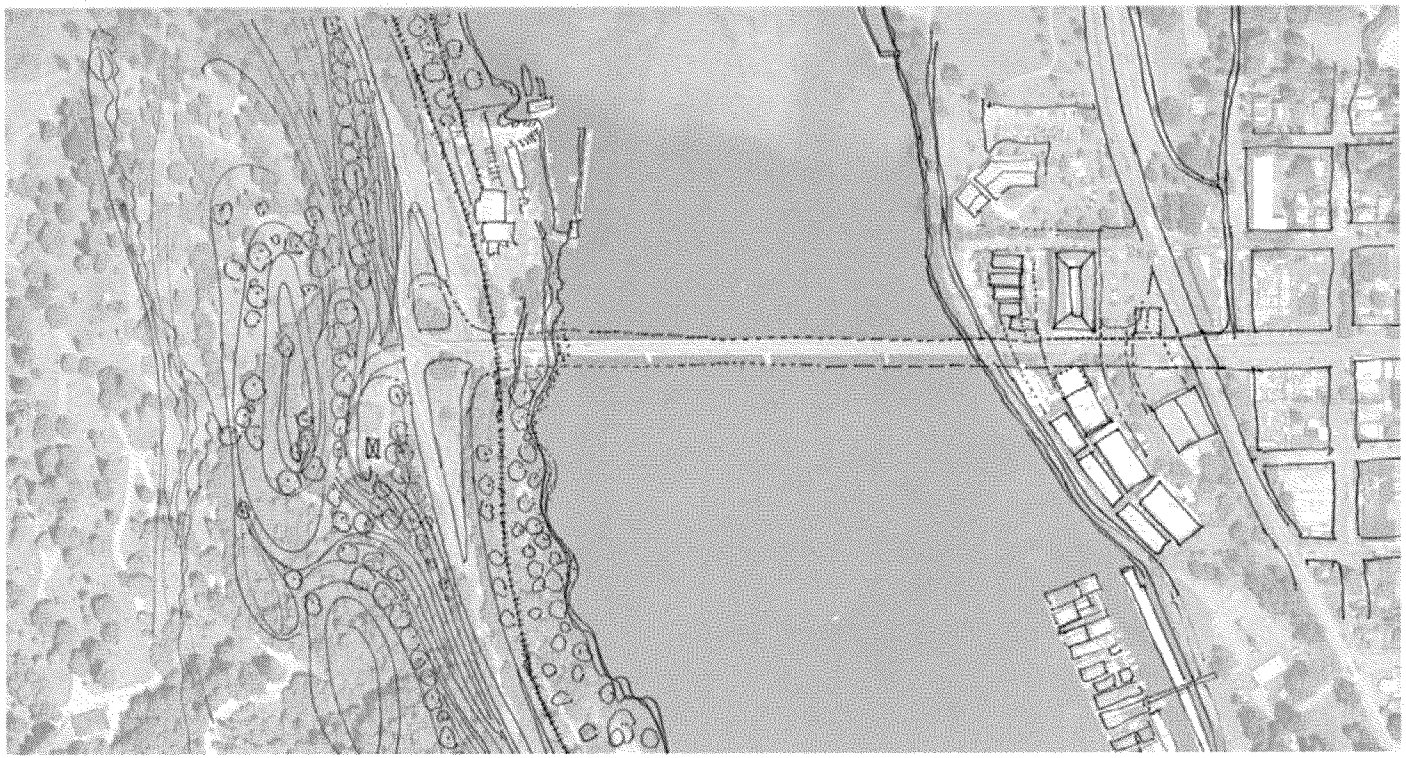
925 Ft. Stockton Drive
San Diego, California 92103
p. (619) 297-6153
f. (619) 299-6072
www.safdierabines.com

Site Evaluation



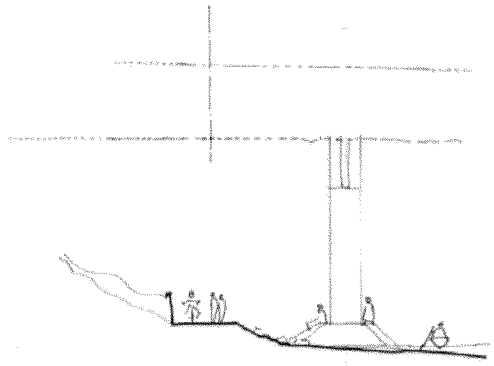
- Uniqueness
- Respond to Function
- Strong Alignments
- Connecting and Responding to Urban Grids
- Linking / Crossing
- Entry as a Door
- Entry as a Frame

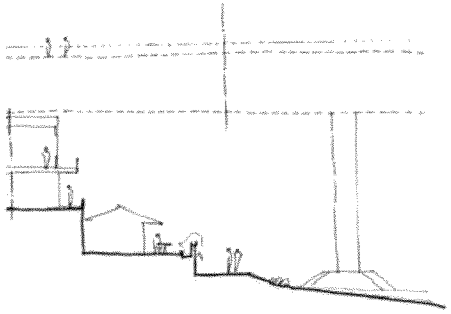
East and West Sides

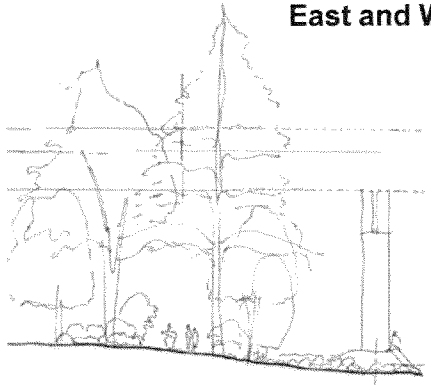


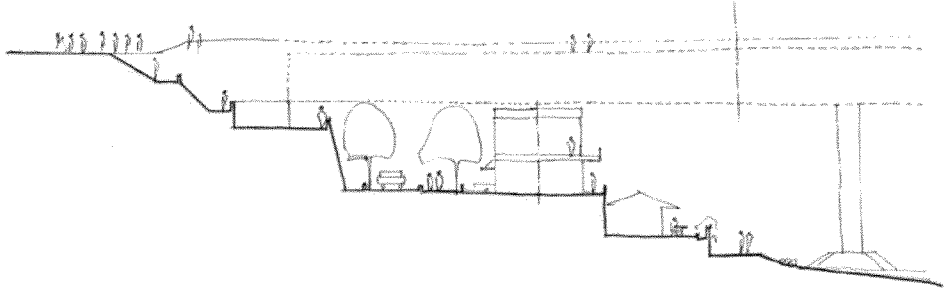
SAFDIE RABINES
ARCHITECTS

East and West Sides

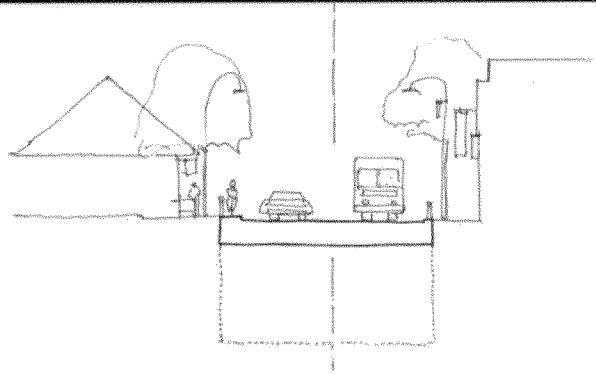


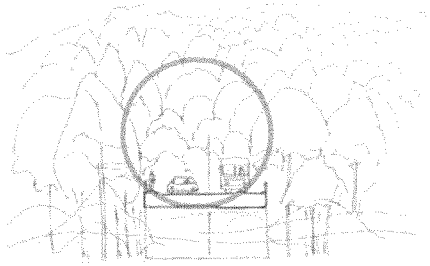


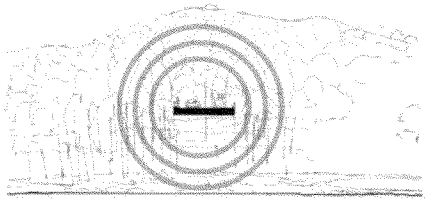




Site Evaluation







Experience

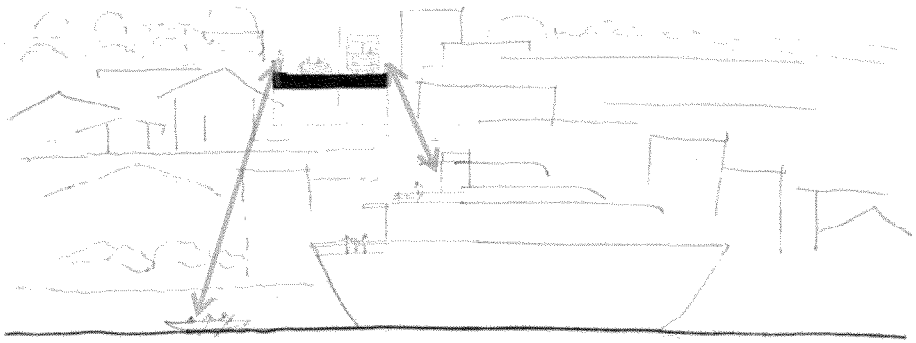
Neighborhood

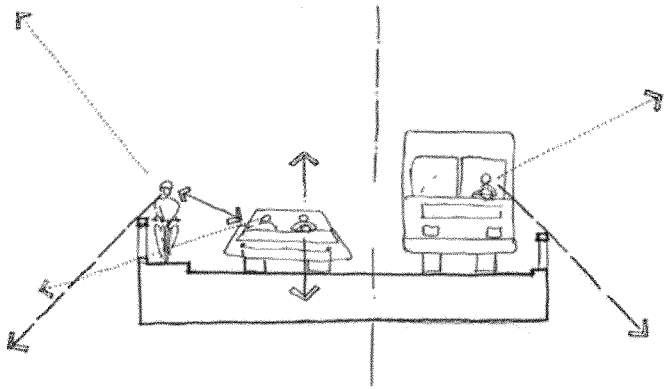
Arrival

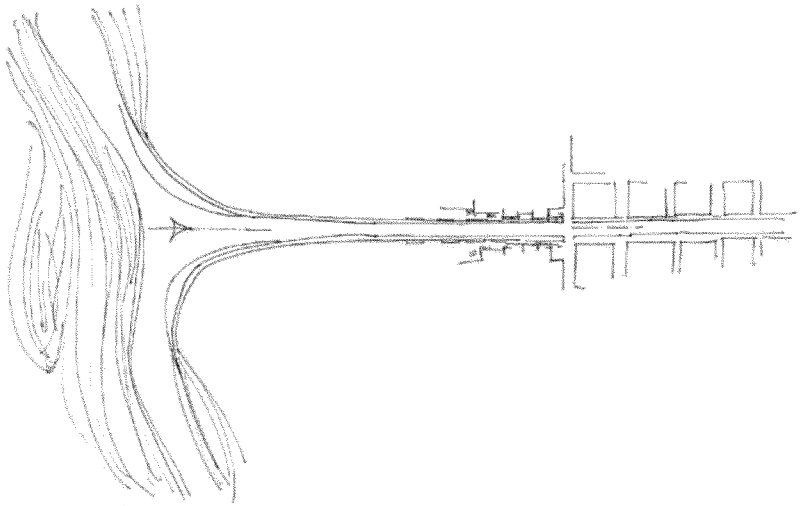
Perception

Arrival and Departure

Users



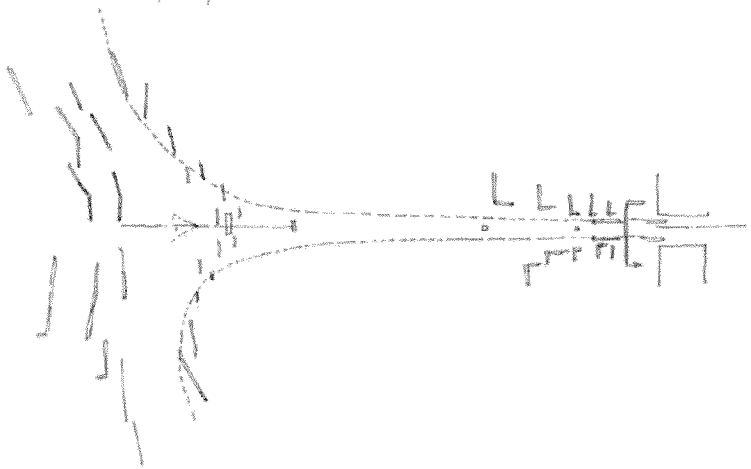




Emphasize the East and West

Bring the Urban Grid Down to the River

Bring the Mountain Close to the River



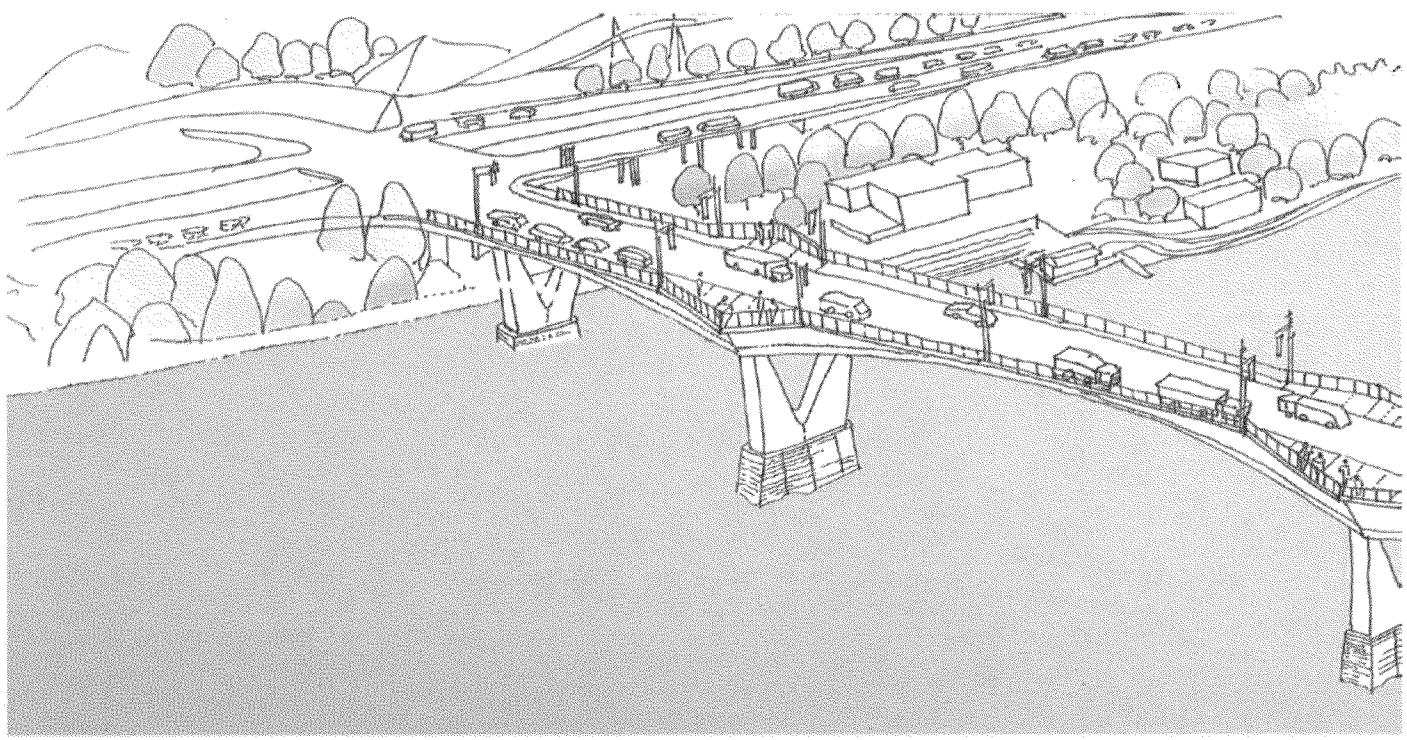
Emphasize the East and West

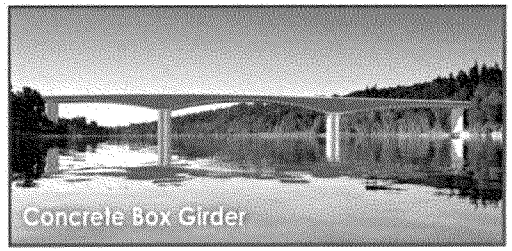
Bring the Urban Grid Down to the River

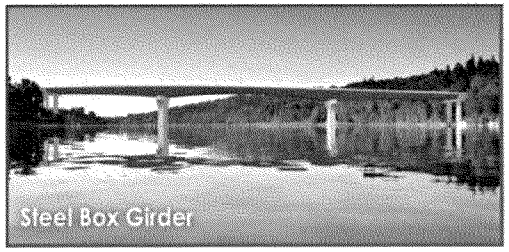
Bring the Mountain Close to the River

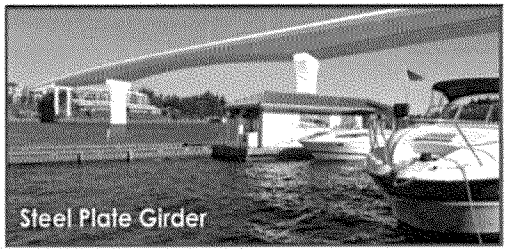
BRIDGE TYPES – BOX GIRDER

SAFDIE RABINES
ARCHITECTS



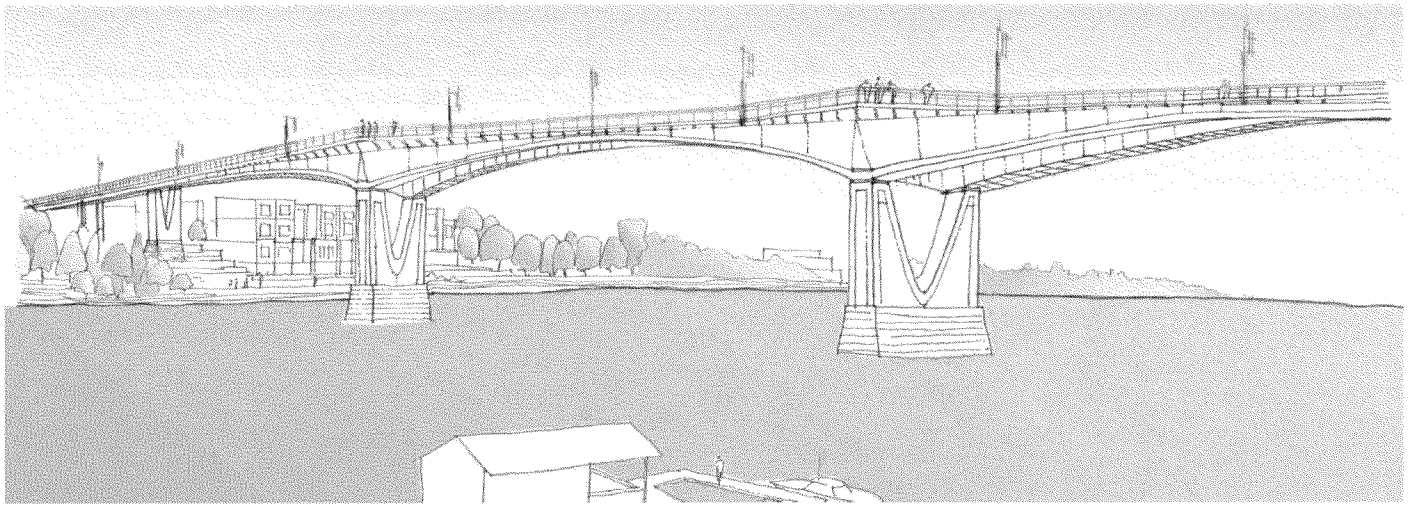

Concrete Box Girder

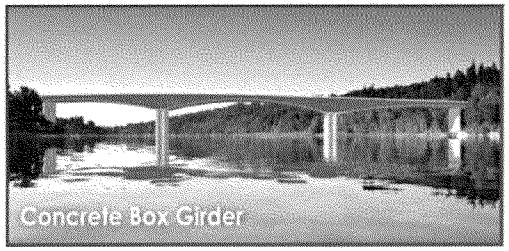

Steel Box Girder

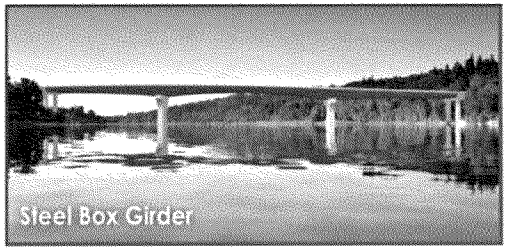

Steel Plate Girder

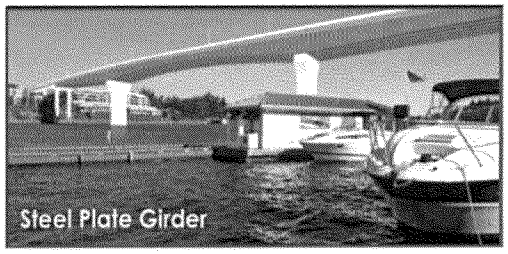
BRIDGE TYPES – BOX GIRDER

SAFDIE RABINES
ARCHITECTS



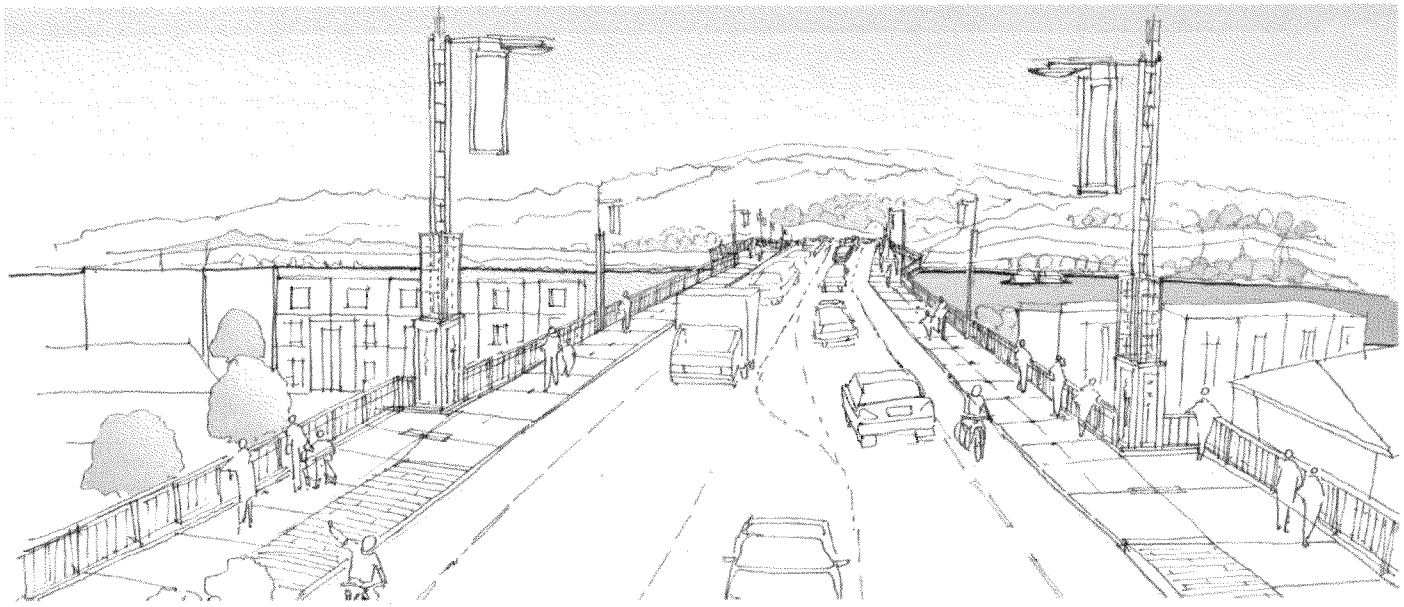


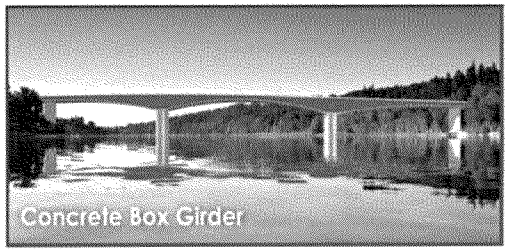


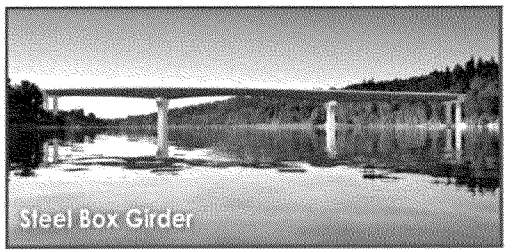


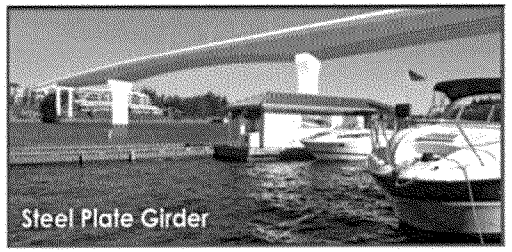
BRIDGE TYPES – BOX GIRDER

SAFDIE RABINES
ARCHITECTS



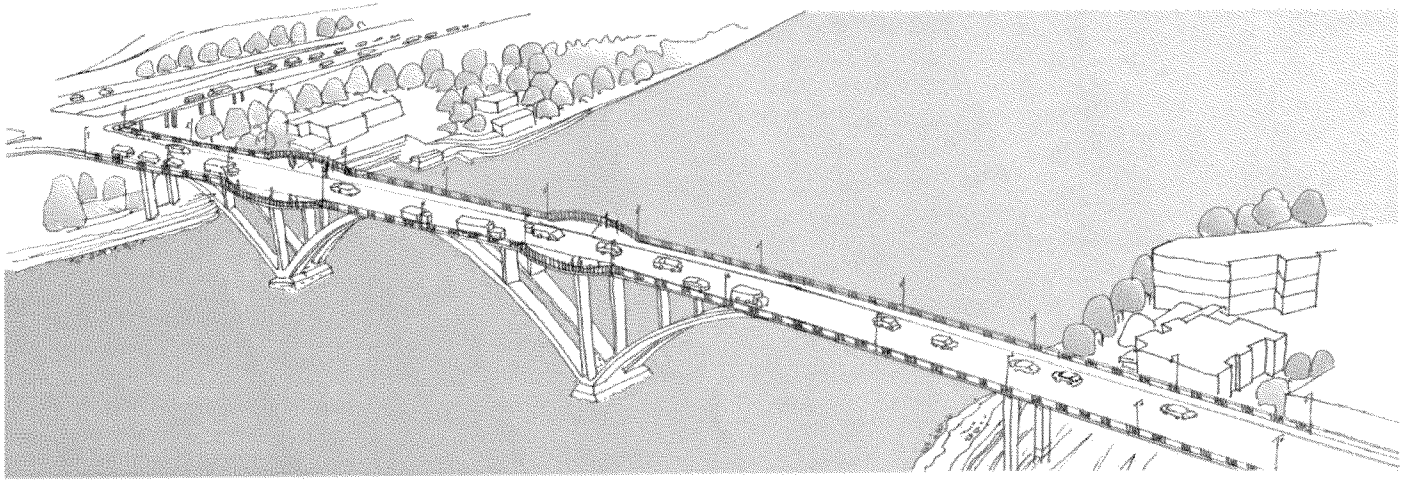


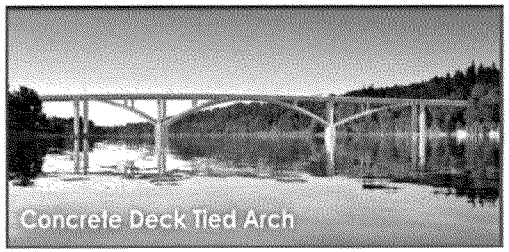


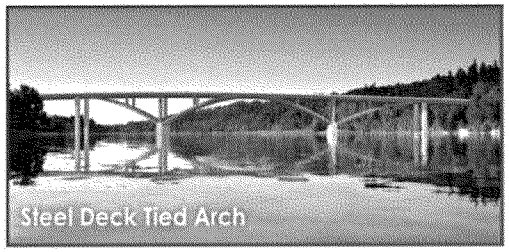


BRIDGE TYPES – DECK TIED ARCH

SAFDIE RABINES
ARCHITECTS

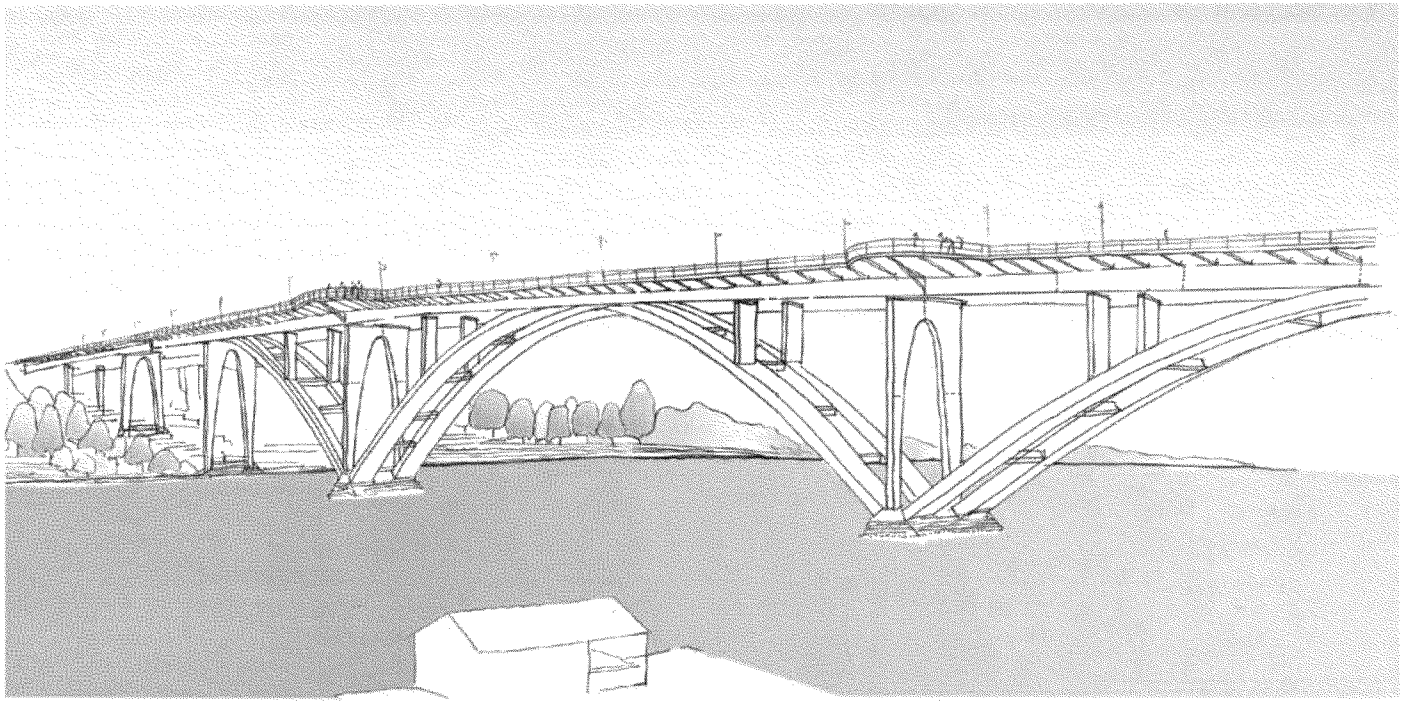


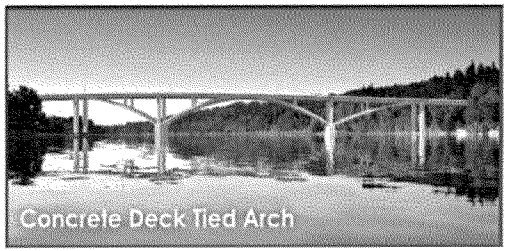




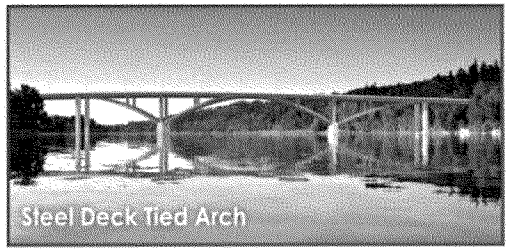
BRIDGE TYPES – DECK TIED ARCH

SAFDIE RABINES
ARCHITECTS





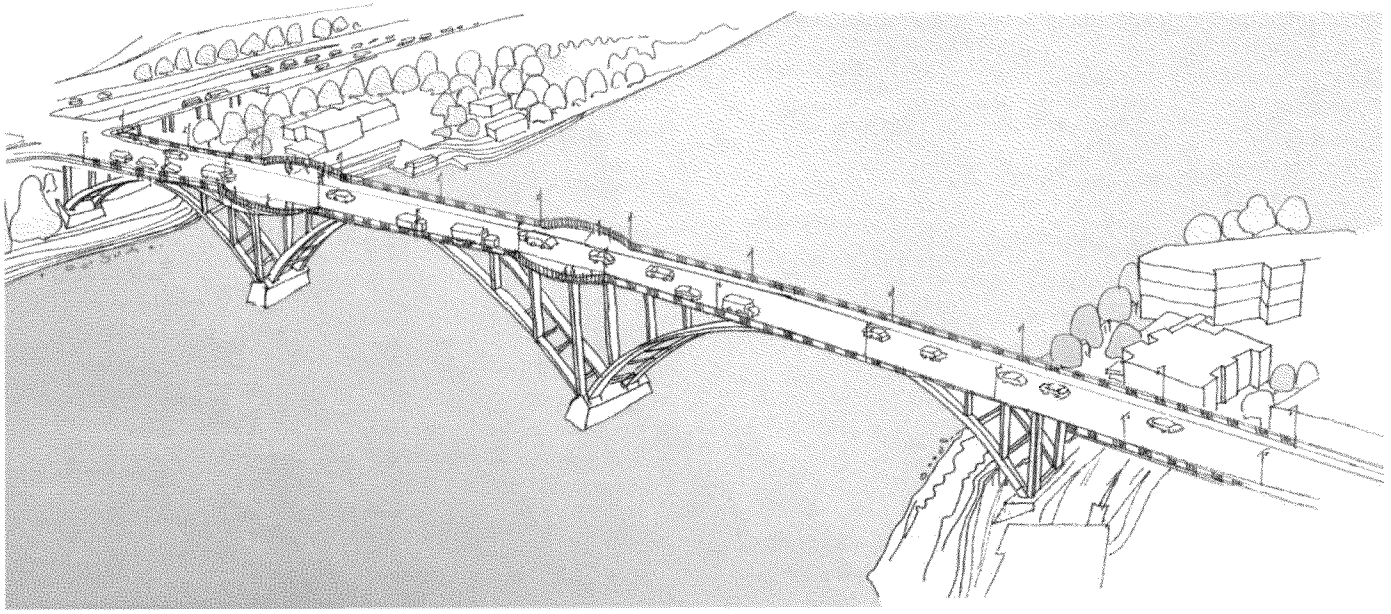
Concrete Deck Tied Arch

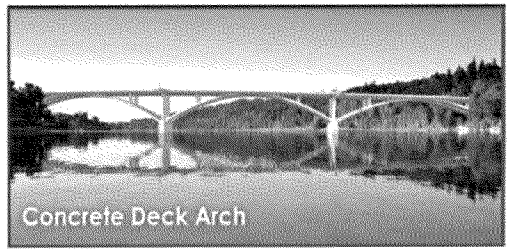


Steel Deck Tied Arch

BRIDGE TYPES – DECK ARCH

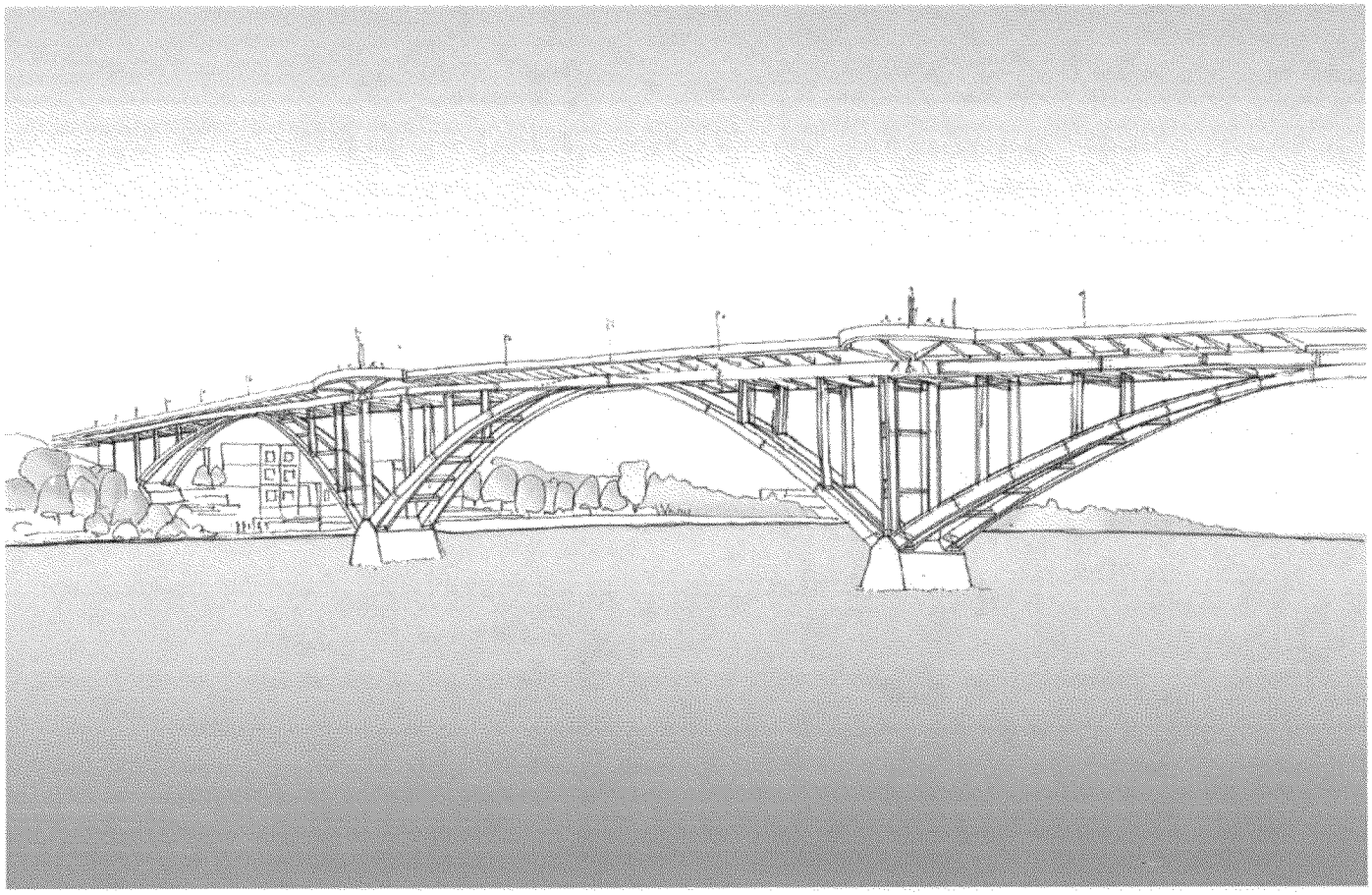
SAFDIE RABINES
ARCHITECTS

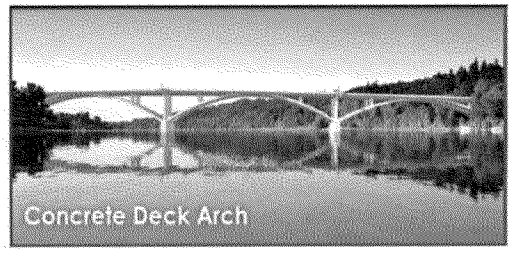


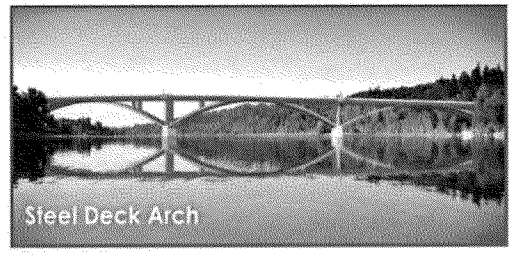


BRIDGE TYPES – DECK ARCH

SAFDIE RABINES
ARCHITECTS

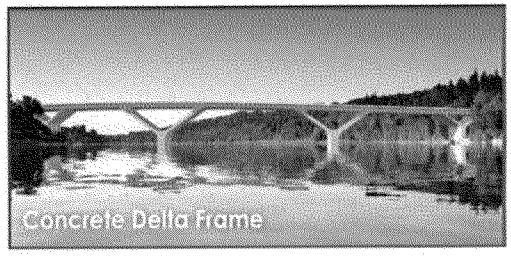


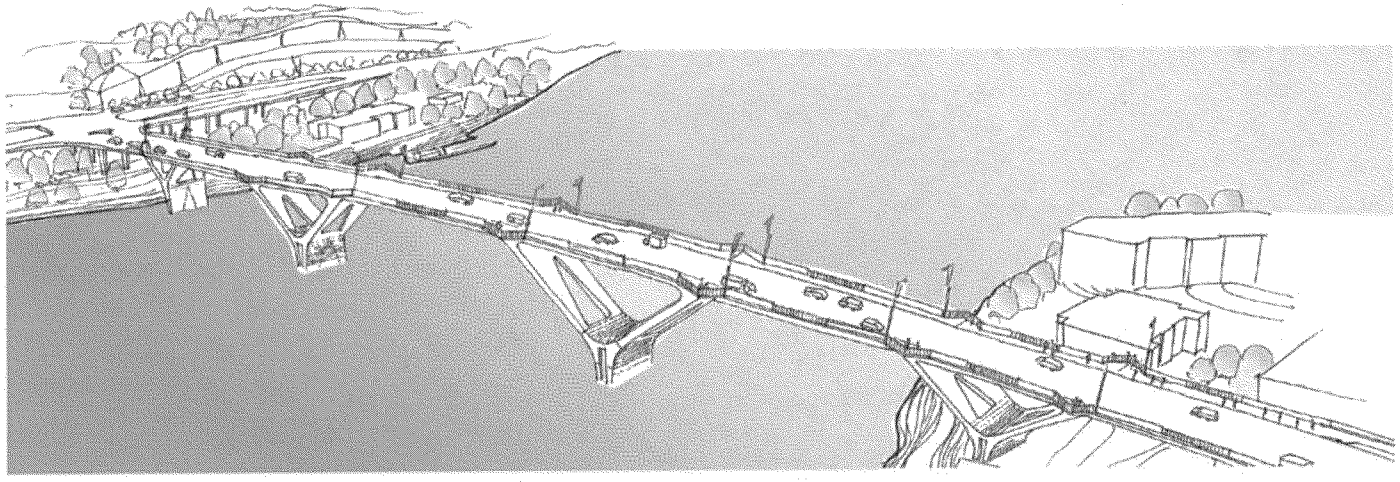




BRIDGE TYPES – DELTA FRAME

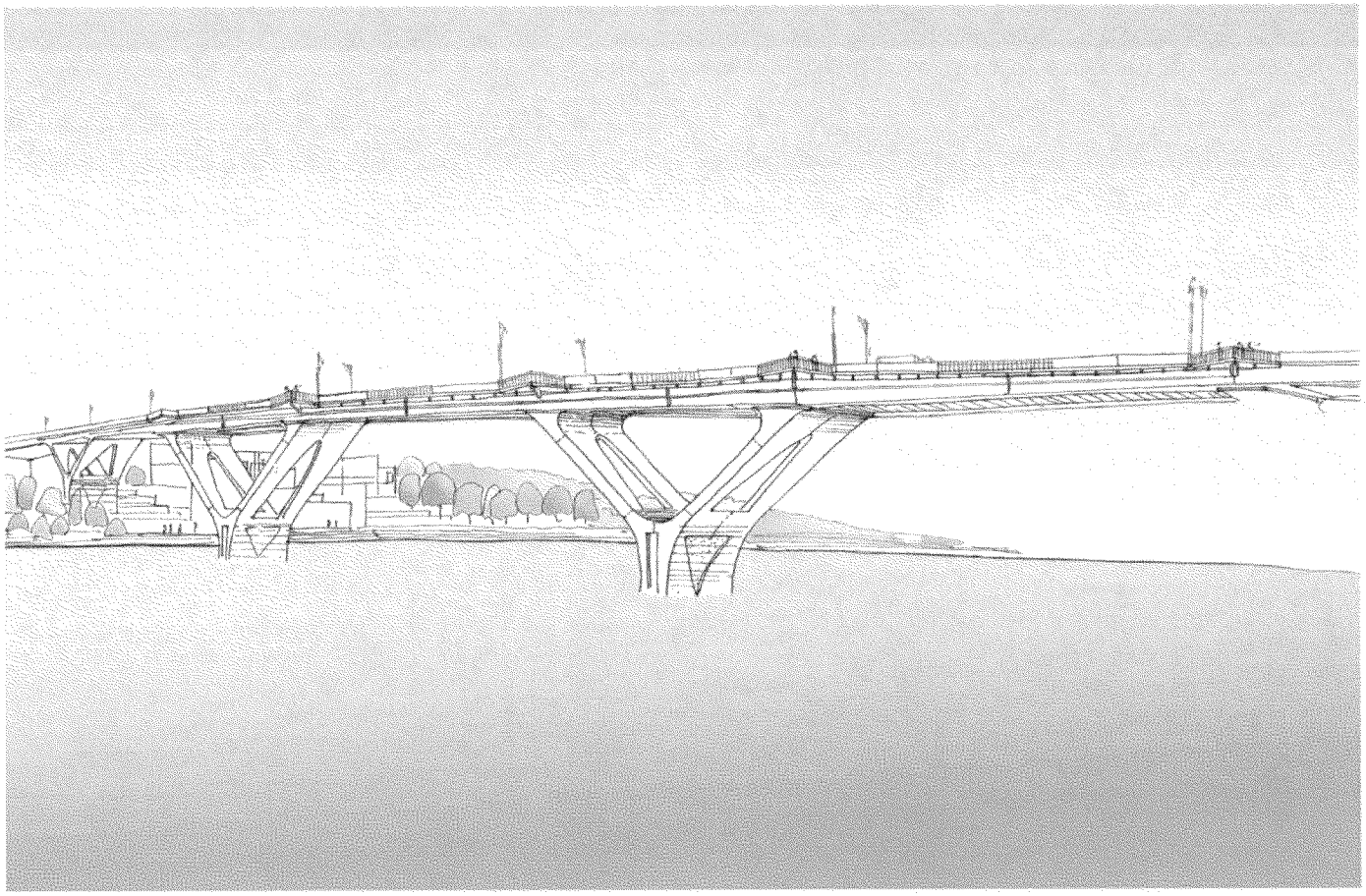
SAFDIE RABINES
ARCHITECTS

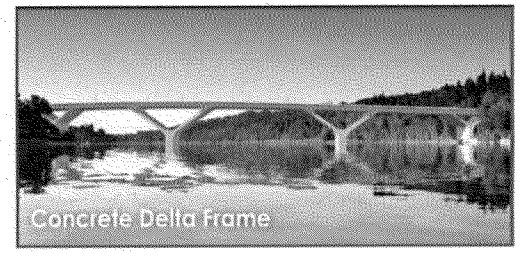




BRIDGE TYPES – DELTA FRAME

SAFDIE RABINES
ARCHITECTS

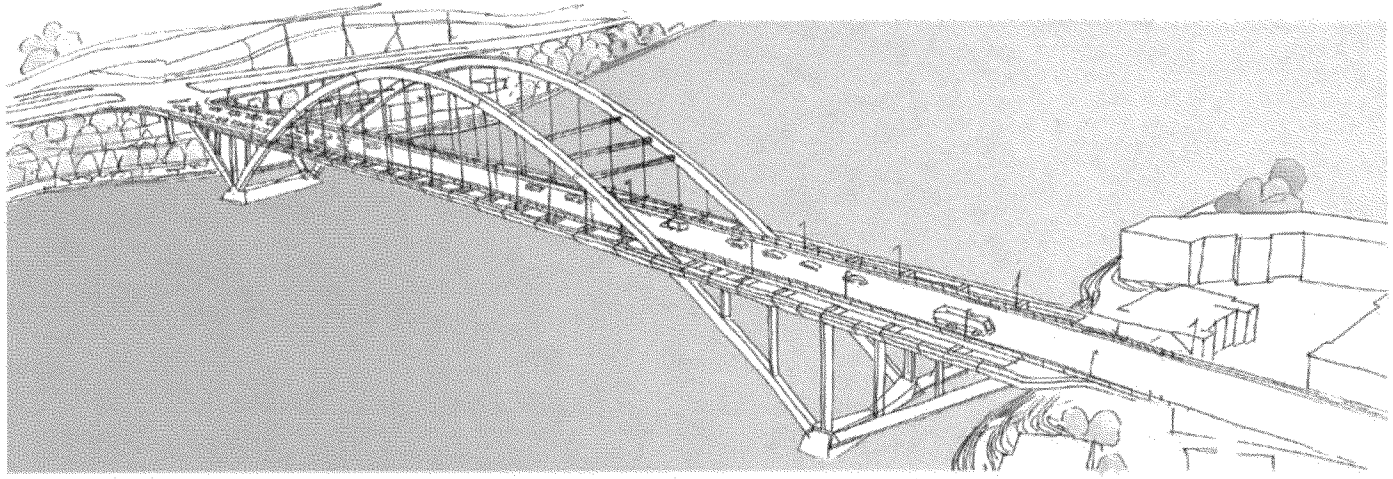


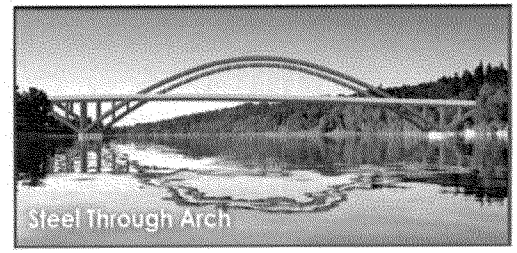


Selection Process

BRIDGE TYPES – THROUGH ARCH

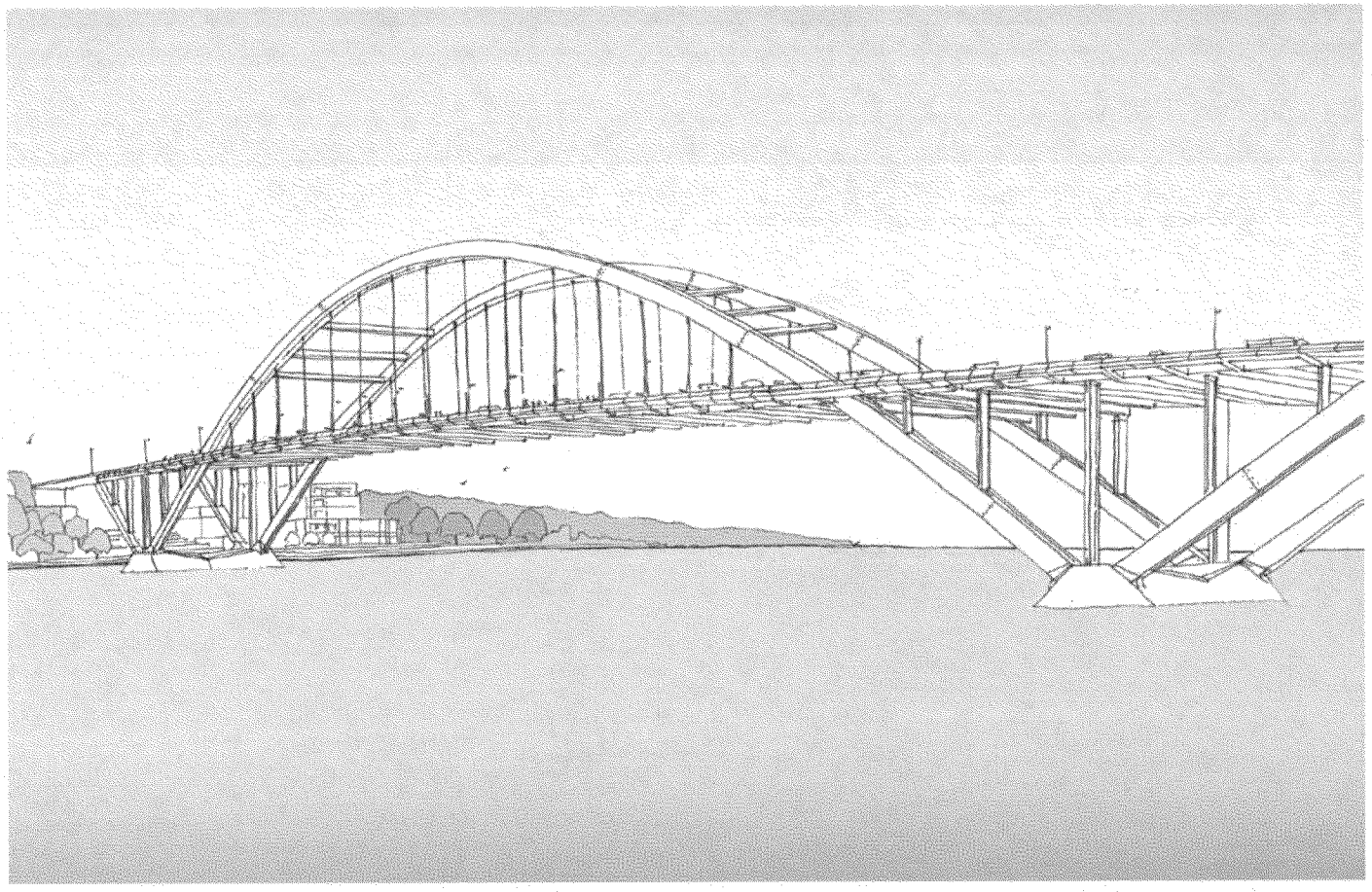
SAFDIE RABINES
ARCHITECTS

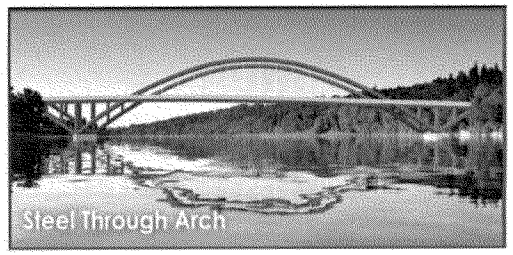


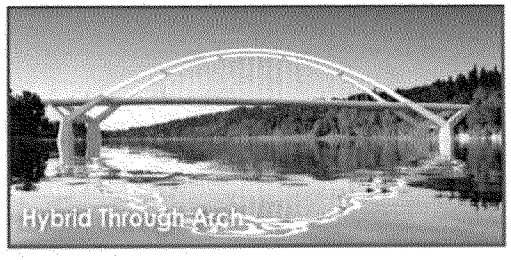


BRIDGE TYPES – THROUGH ARCH

SAFDIE RABINES
ARCHITECTS

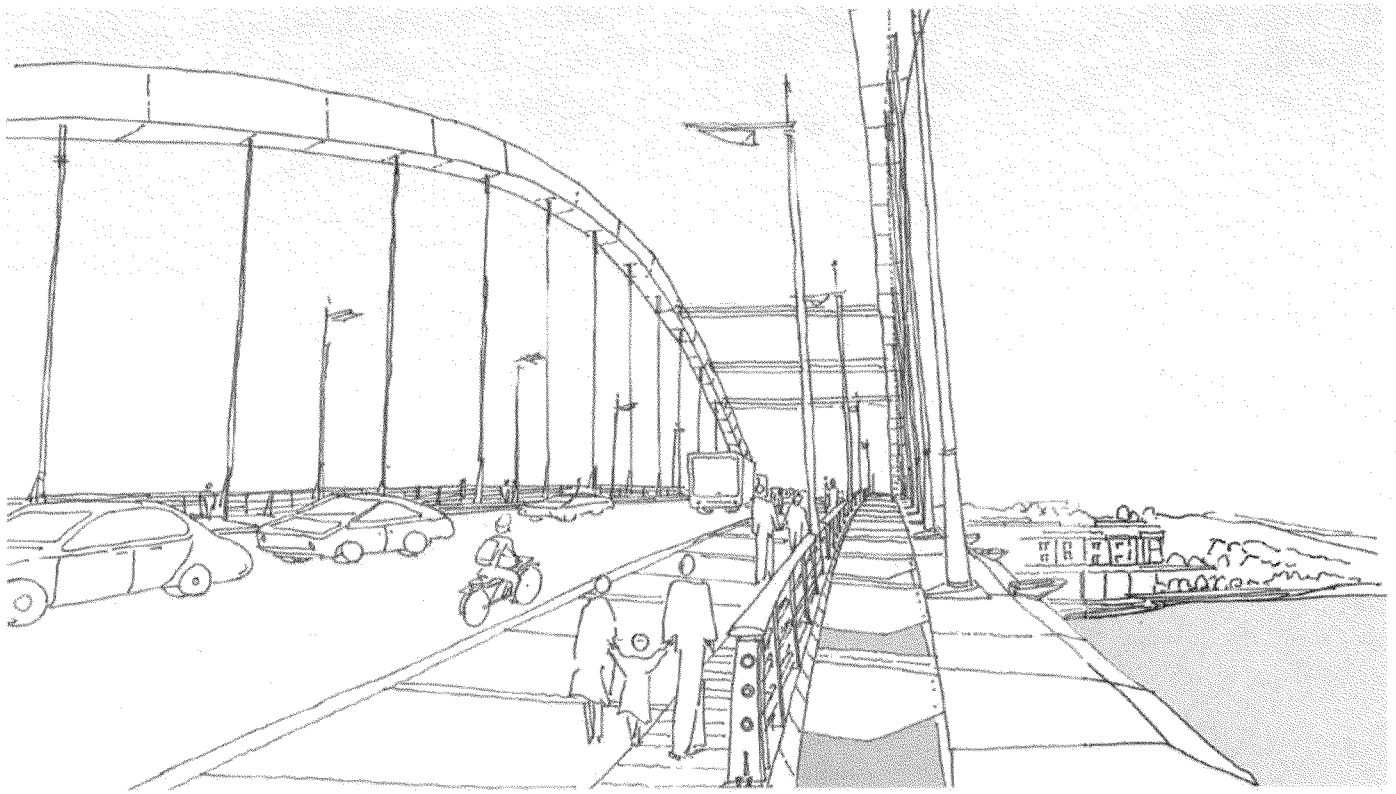


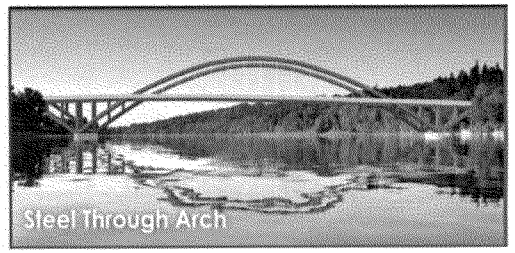




BRIDGE TYPES – THROUGH ARCH

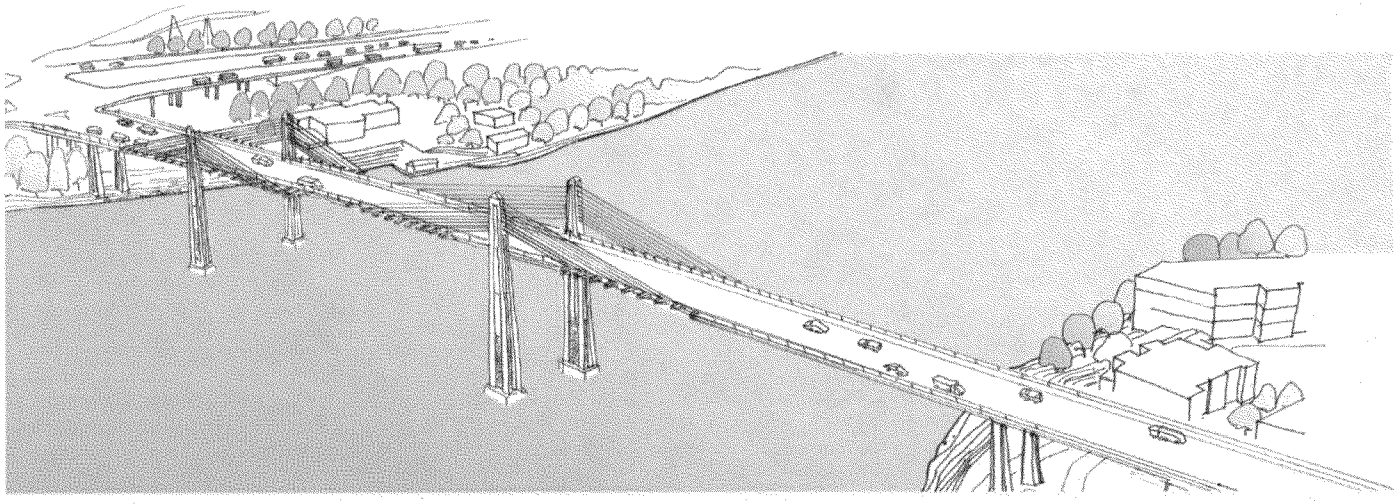
SAFDIE RABINES
ARCHITECTS

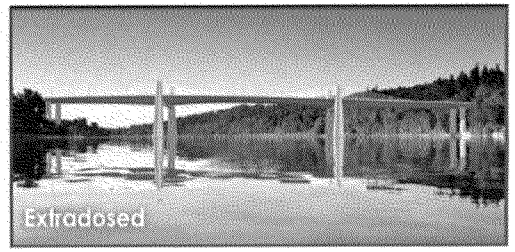


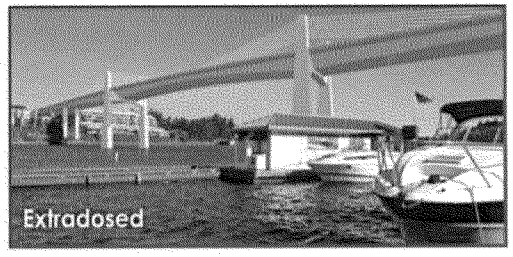


BRIDGE TYPES – EXTRADOSED

SAFDIE RABINES
ARCHITECTS

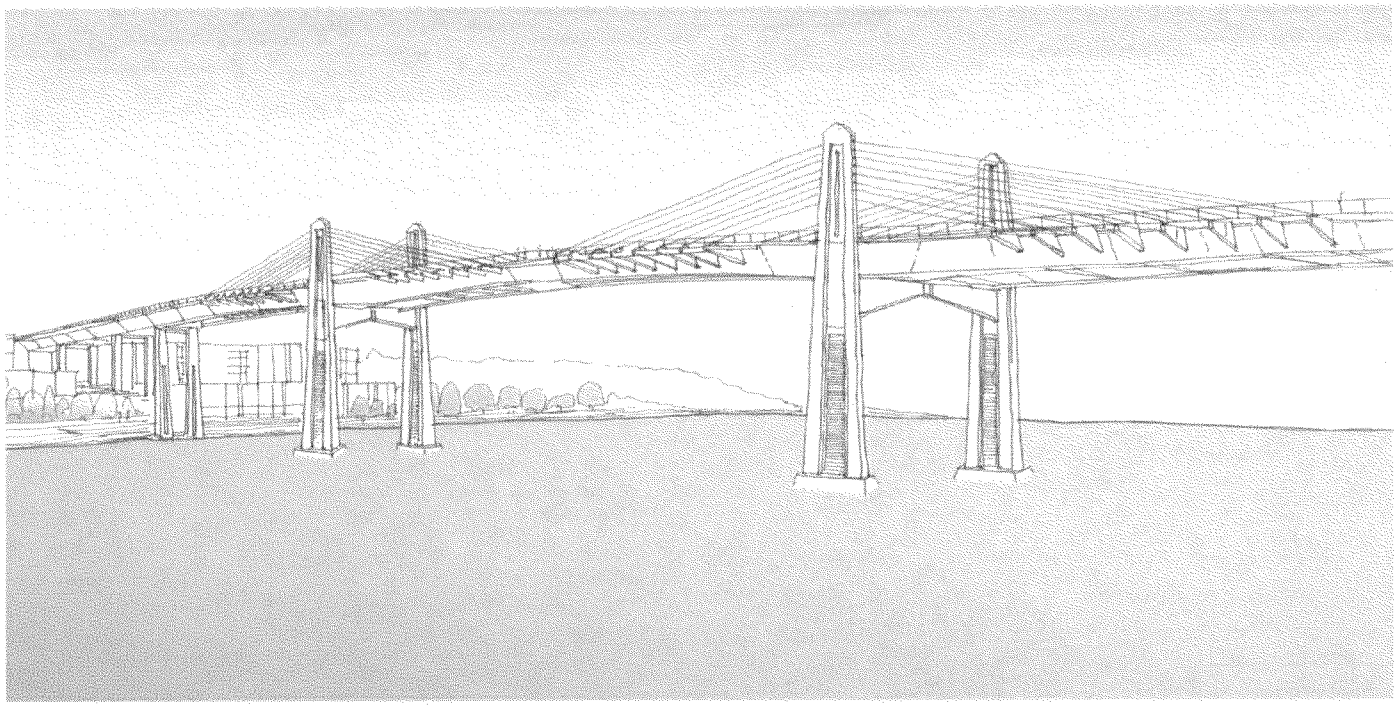


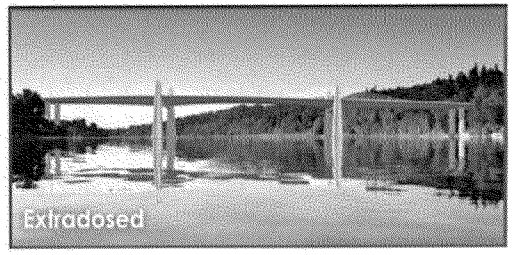


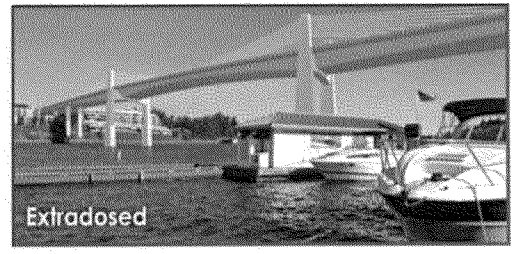


BRIDGE TYPES – EXTRADOSED

SAFDIE RABINES
ARCHITECTS

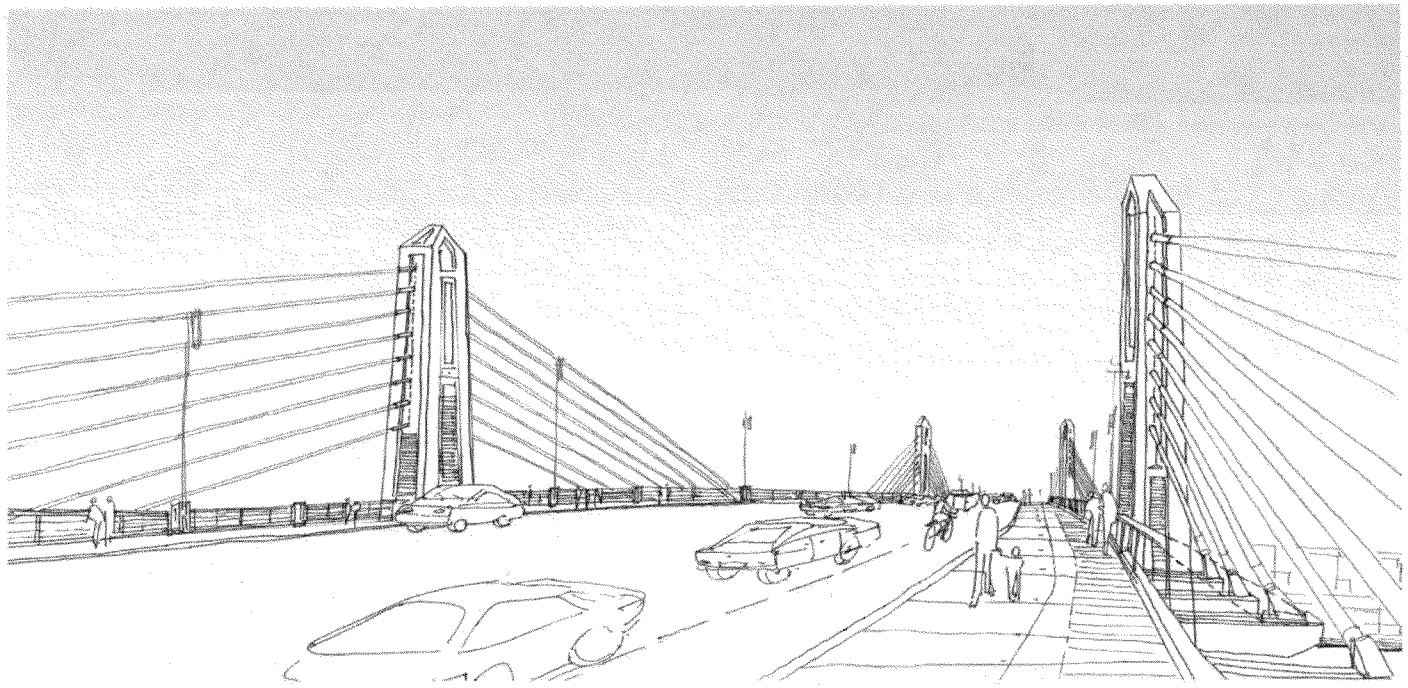


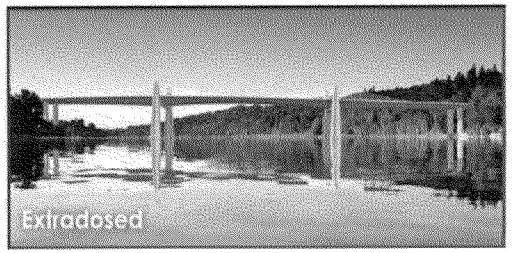


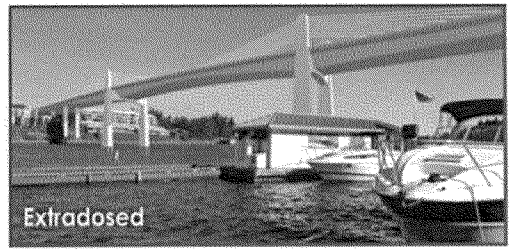


BRIDGE TYPES – EXTRADOSED

SAFDIE RABINES
ARCHITECTS







SAFDIE RABINES
ARCHITECTS

To Become Part of the
"Collection"

Site Evaluation

SELLWOOD BRIDGE Project
MULTNOMAH COUNTY

Project Briefing

Board of County Commissioners
August 31, 2010

Update

- NEPA process – Record of Decision expected mid-September
- Owners Representative – David Evans and Associates under contract
- Funding – Application for $40M TIGER II grant submitted
- Finance – Plan to bond $50M, September 23 BCC action
- Contracting – Engineer and CMGC RFP's being developed
- Design – Bridge type selection process
- Project estimate - $330M

BridgeTypes, Threshold Criteria

Bridge Aesthetics

Evaluation Matrix Overview

Public Involvement

Next Steps

- CAC final aesthetic scoring – September 15
- Record of Decision
- Final design Engineer and CMGC selection processes begin
- Right of Way acquisition begins
- CAC bridge type recommendation
- CAC/PSC joint meeting for CAC recommendation
- PSC recommendation – October 2010
- BCC selects bridge type – October 2010
- 30% design developed – November 2010
- ODOT and FHWA approval of 30% design – January 2011
- Design continues – Spring 2011 to 2013
- Permit applications – Spring 2011
- Construction starts – Summer 2012
- Construction concludes – Fall 2016

Federal Aid Certification

Transportation

Outline

- Background
- What is Certification
- What will it do for us?
- Who in the County does this affect?
- Changes?
- Where in the process are we?
- Next Steps?
- Questions

Background

FHWA ⟺ ODOT

Stewardship Agreement

⇩

Federal-aid Highway Program $$ to ODOT

Background

- **FHWA** – Federal-Aid Highway Program
  - ↓ $ Stewardship Agreement with ODOT
- **ODOT** – Administers Federal-Aid Program
  - ↓ $ Agreement with Local Agency
- **Local Agency (LA)** – Receives & Uses Funds
  - Certified Agency Process
  - Non-Certified Agency Process

Federal Aid Certification

What is Certification

- 23 CFR 1.11(b) allows ODOT to "utilize, under its supervision, the services of **well-qualified and suitably equipped engineering organizations** of other governmental instrumentalities for making surveys, preparing plans, specifications and estimates, and for supervising the construction of any project. . . . . "
- ODOT *cannot* delegate its responsibilities
- ODOT *is permitted* to delegate certain activities under its supervision to local agencies

Federal Aid Certification

What is Certification

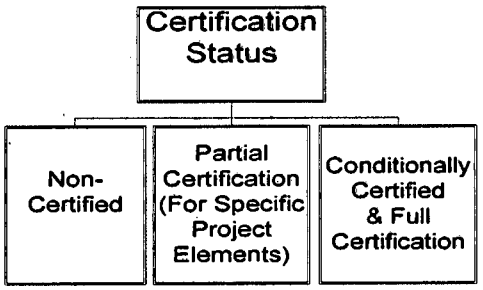
- The Certification Program provides a process for local agencies to demonstrate capabilities such as:
  - Adequate project delivery systems
  - Sufficient accounting controls to properly manage federal funds
  - Appropriate resources and staff to properly manage federally funded projects

Federal Aid Certification

What is Certification

- **Non- Federal-Aid**
  No federal funding
- **Federal-Aid "Traditional" (Non-Certified)**
  ODOT owns the construction contract
- **Federal-Aid Certified Local Agency Projects**
  Local agency owns the construction contract

Categories of Certification



Disciplines

LA is Certified to Perform Aspect(s) of a Project
Consultant Selection
Design
*Right of Way
Bid & Award
Construction Contract Administration

**ODOT must have final approval of certain elements per federal requirements*

What will this Do for us?

- Use own processes
- Save time
- Save project cost
- Bid flexibility

Who does this effect?

- Transportation
  - Roads, Bridges, Planning
- Purchasing
  - Adds 1-2 more procurements/year
  - Interface with State Office of Civil Rights

Changes

- Less ODOT oversight (less external QA)
  - Quality Control
    - QC is the primary function of a certified agency and refers to the operational activities put in place to control the quality of a product or service. These include: providing clear directions, constant supervision by experienced individuals, immediate review of completed activities for accuracy and completeness. Quality control procedures ensure that the work is done correctly. We have always performed this
  - Quality Assurance
    - is the primary function of ODOT
- Title VI (need formal plan)
- Risk

Where Are we in Process

- ✓ Preliminary Review (Show Interest & Interview)
- ✓ Procedures presented
- ✓ Qualifications assessed
- ✓ Procedures reviewed, concerns addressed
- Master Agreement Executed
- Notice of conditional Certification
- Supplemental Agreements Executed
- Test Projects Completed
- Final "Full Certification" Status

Next Steps

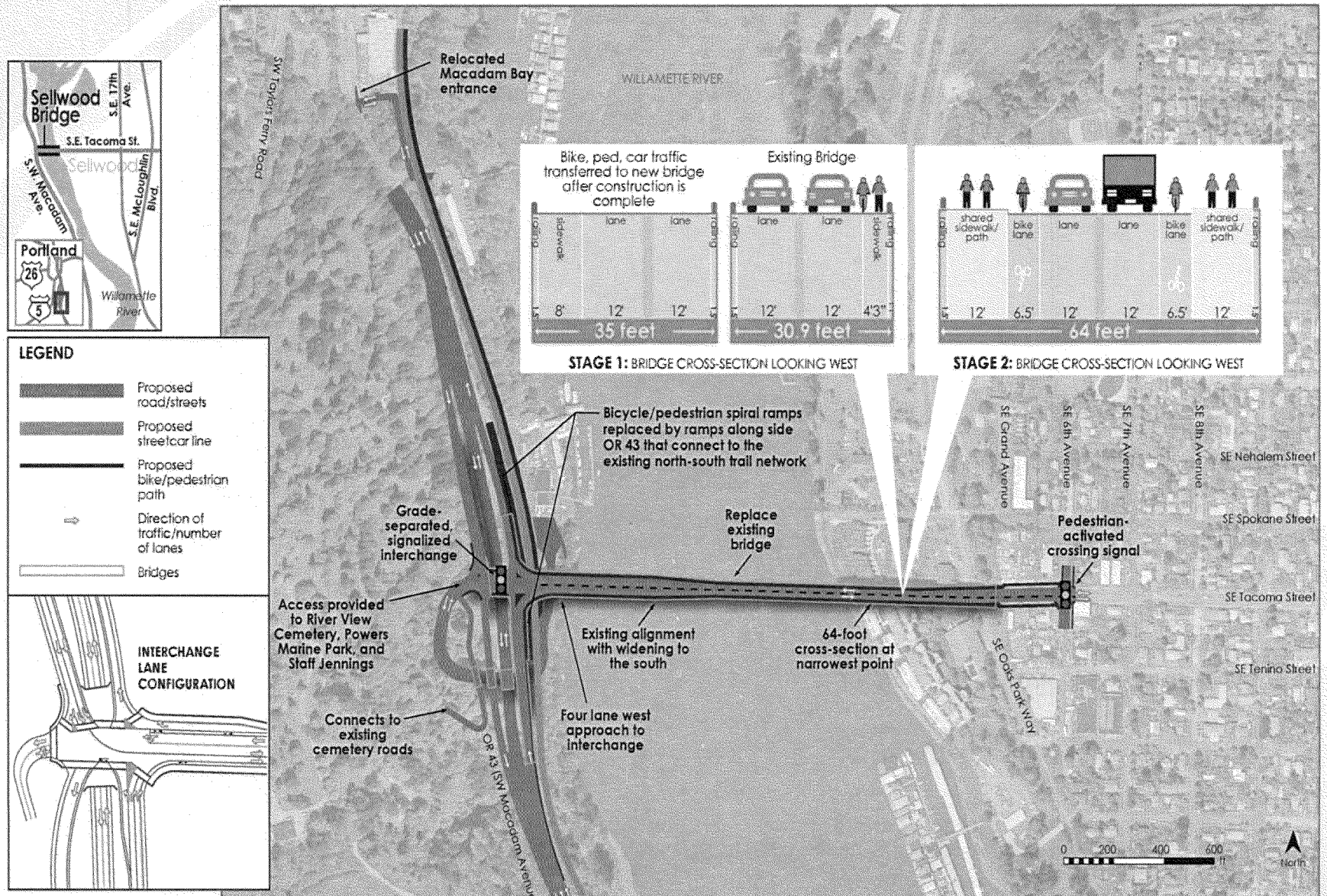
- Sign Master Certification Agreement
  - BCC Action, SEP 2, 2010
- Sign Supplemental Agreement
  - Morrison Bridge Deck – 1st "test" project, Date TBD
- Complete Other test projects
  - 238th HEP
  - TBD

Questions?

Contacts:

Brian Vincent, Road Services, 988-5050 x29642
Kim Peoples, Road Services, 988-5050 x26797

Preferred Alternative



Revised December 2009

SELLWOOD BRIDGE Project
MULTNOMAH COUNTY

SELLWOOD BRIDGE Project
MULTNOMAH COUNTY

Project Briefing

Board of County Commissioners
August 31, 2010

Update

- NEPA process – Record of Decision expected mid-September
- Owners Representative – David Evans and Associates under contract
- Funding – Application for $40M TIGER II grant submitted
- Finance – Plan to bond $50M, September 23 BCC action
- Contracting – Engineer and CMGC RFP's being developed
- Design – Bridge type selection process
- Project estimate - $330M

BridgeTypes, Threshold Criteria

Bridge Aesthetics

Evaluation Matrix Overview

Public Involvement

Next Steps

- CAC final aesthetic scoring – September 15
- Record of Decision
- Final design Engineer and CMGC selection processes begin
- Right of Way acquisition begins
- CAC bridge type recommendation
- CAC/PSC joint meeting for CAC recommendation
- PSC recommendation – October 2010
- BCC selects bridge type – October 2010
- 30% design developed – November 2010
- ODOT and FHWA approval of 30% design – January 2011
- Design continues – Spring 2011 to 2013
- Permit applications – Spring 2011
- Construction starts – Summer 2012
- Construction concludes – Fall 2016

B-2

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only

Meeting Date: _____
Agenda Item #: _____
Est. Start Time: _____
Date Submitted: _____

Agenda Title: **Sellwood Bridge Project Briefing**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	8/31/2010	**Amount of Time Needed:**	60
Department:	Community Services	**Division:**	Bridges
Contact(s):	Ian Cannon		
Phone:	83595 **Ext.**	**I/O Address:**	446
Presenter(s):	Ian Cannon		

General Information

1. **What action are you requesting from the Board?**

   No action – briefing only.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   The Sellwood Project is approaching the end of the National Environmental Policy Act Planning Phase. The Project has been working with the community to gather information about potential bridge types. This briefing will provide information about current project status, upcoming events and activities, the project schedule, and provide more detailed information about the bridge types and selection process.

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

   No fiscal impact.

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

   No legal or policy issues.

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

   The Sellwood Project has had an extensive public outreach program. There have been public meetings, open houses, and online surveys. In addition there have been numerous meetings of the

project Community Advisory Committee, a group of 17 community members representing various interests in the project. The project has a Public Stakeholder Committee (PSC) consisting of elected officials from Multnomah County, Clackamas County, Metro, Portland, Milwaukie, the Oregon House of Representatives, and Oregon Senate. In addition the PSC includes representatives from the offices of Representative Blumenauer and Senator Merkely. Officials from the Oregon Department of Transportation, TriMet, and the Federal Highway Administration are included on the PSC. The Sellwood Project has involved numerous local, state, and federal regulatory agencies. The public and agency involvement will continue throughout the design and construction phases of the project.

Required Signature

Elected Official or Department/ Agency Director: Dr. Cecilia Johnson III **Date:** 8/17/10

B-2

GROW Lynda

From: CANNON Ian B
Sent: Wednesday, August 11, 2010 12:42 PM
To: GROW Lynda
Subject: RE: August 31 Briefing

Follow Up Flag: Follow up
Flag Status: Red

Lynda:

Thanks. 10 or 10:20 is close enough for me right now.

Ian

Ian B. Cannon, P.E.
Bridge Services Manager
Multnomah County Bridges
503-988-3595

www.multco.us/bridges

From: GROW Lynda
Sent: Wednesday, August 11, 2010 9:53 AM
To: CANNON Ian B
Subject: RE: August 31 Briefing

Yes - This is what Sheila sent me.
Do you want to go first @ 10am or does Kim Peoples need to go first?
1) Briefing on ODOT Certification - we need 20 minutes and the presenter would be Kim Peoples; and,
2) Briefing on Sellwood Bridge Types - we need 60 minutes and the presenter would be Ian Cannon
--Sheila

Lynda J. Grow, Board Clerk
Multnomah County Board of Commissioners
503-988-5274 or 988-3277

From: CANNON Ian B
Sent: Wednesday, August 11, 2010 7:26 AM
To: GROW Lynda
Subject: August 31 Brieifing

Lynda:

I believe that there is a one hour Sellwood Briefing scheduled for August 31st. Can you tell me what time it is scheduled to start? Thanks.

Ian

Ian B. Cannon, P.E.
Bridge Services Manager
Multnomah County Bridges
503-988-3595

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(Revised 08/02/10)

Board Clerk Use Only	
Meeting Date:	8/31/2010
Agenda Item #:	B-3
Est. Start Time:	11:30 am

Agenda Title: **Board Budget Note Response for Upgrade to the Juvenile Justice Center Detention Electronics System**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	Tuesday, August 24, 2010	**Amount of Time Needed:**	30 minutes
Department:	Department of County Management and Department of Community Justice	**Division:**	FPM, FREDS, Juvenile Justice
Contact(s):	Brett Taute		
Phone:	(503) 988-3284 **Ext.** 83284	**I/O Address:**	274/1
Presenter Name(s) & Title(s):	John Lindenthal, Shaun Coldwell, Craig Bachman, Richard Swift		

General Information

1. **What action are you requesting from the Board?**

   None

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   On June 10, 2010, the Board of County Commissioners adopted the Fiscal Year 2011 Multnomah County Budget, including the following budget note:

   > The monitoring of and access to all internal areas (custody units, sleeping rooms, holding cells, hallways) and external areas (police gates, public entrance, sally ports) is currently operated by manual input-output switch systems located in Mail Control, Intake, Visiting Control and in each custody unit. Any time one of these system areas breaks down, extreme security and safety hazards are created. Community Justice, working with Facilities and Property Management and Electronic Services proposes to replace the existing control systems with modern, detention-grade control systems that allow for the County's Electronic Services group to provide cost effective servicing.

The Board directs Community Justice and County Management to return to the Board on or before August 31, 2010 and report on the following:

- Total estimated cost for a new or updated system
- Timeline and implementation schedule
- Financing/funding options

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

To be determined based on funding strategy.

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

No legal or policy issued involved.

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

No citizen and/or other government participation on this issue.

Required Signature

Elected Official or Department/ Agency Director: Mindy Hanes **Date: 8/11/10**

Juvenile Justice Center Detention Electronics Upgrade

Board Policy Discussion – August 26, 2010

MULTNOMAH COUNTY

Agenda

Building History

Detention Electronics System

- Description of System

Preliminary Project Proposal

- Project Cost estimate and schedule

Funding Strategies

- Next steps

MULTNOMAH COUNTY

FY11 Budget Note

On June 10, 2010, the Board of County Commissioners adopted the Fiscal Year 2011 Multnomah County Budget, including the following budget note:

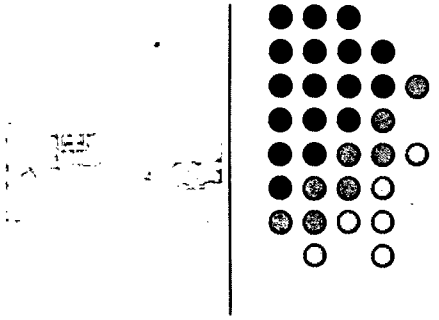
> The monitoring of and access to all internal areas (custody units, sleeping rooms, holding cells, hallways) and external areas (police gates, public entrance, sally ports) is currently operated by manual input-output switch systems located in Main Control, Intake, Visiting Control and in each custody unit. Any time one of these system areas breaks down, extreme security and safety hazards are created. Community Justice, working with Facilities and Property Management and Electronic Services proposes to replace the existing control systems with modern, detention-grade control systems that allow for the County's Electronic Services group to provide cost effective servicing.

The Board directs Community Justice and County Management to return to the Board on or before August 31, 2010 and report on the following:

Total estimated cost for a new or updated system
Timeline and implementation schedule
Financing/funding options

MULTNOMAH COUNTY

Building History and Use

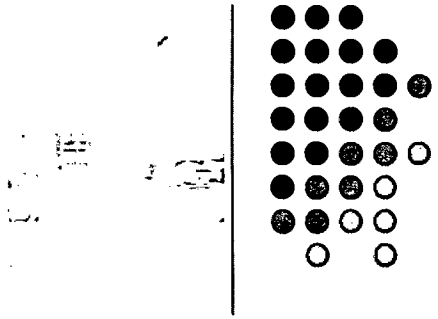


Juvenile Justice Center

- Constructed in Multiple Phases, completed in 1995
- Serves as Tri-County regional detention center
  - Multnomah, Clackamas, and Washington Counties
- Additional services at JJC
  - Juvenile Courts
  - District Attorney Offices
  - Juvenile Probation and Treatment
  - Oregon Youth Authority (State of Oregon)

MULTNOMAH COUNTY

Existing Conditions



Detention Electronics System

- Controls all access, monitoring, intercom, and perimeter security for the detention areas of the facility
- Any disruption/malfunction of the system creates potential life safety hazards
  - Examples are the inability to open holding cell doors, staff locked in sally ports, hallway access denied
- System is antiquated with parts and repairs becoming more difficult to correct
  - Operated by manual input/output switches at control desks
  - Scavenging parts within the building to make repairs

MULTNOMAH COUNTY

Photos – Control Systems

JJC Main Control Input/Output Switches

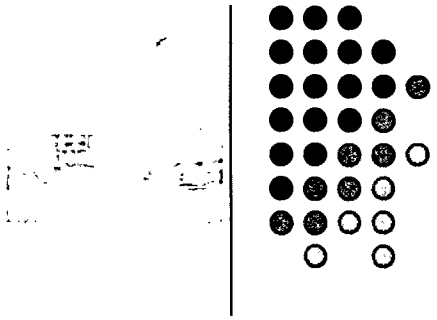
JJC Unit Control Station

MCDC Master Control Touchscreen

MCDC Master Control

MULTNOMAH COUNTY

Project Description



Objectives (partial list, refer to preliminary project plan for full list)

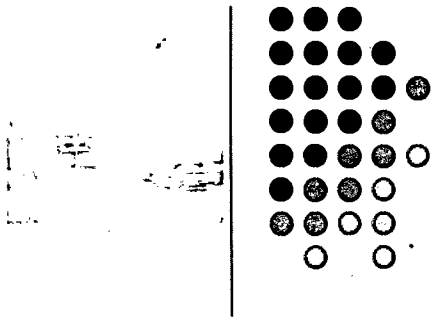
- Mitigate Life Safety risk to staff, youth and visitors
- Enhance overall security of the facility
- Provide system adaptability to respond to future Custody Operation needs

Scope of Work

- Upgrade all detention electronics systems in the facility
  - Install touchscreen panels
  - New perimeter security
  - Door operating mechanism at targeted junctions
- Field equipment and wiring are in good working order and not scheduled for replacement in this project

MULTNOMAH COUNTY

Preliminary Project Plan



Cost Estimate

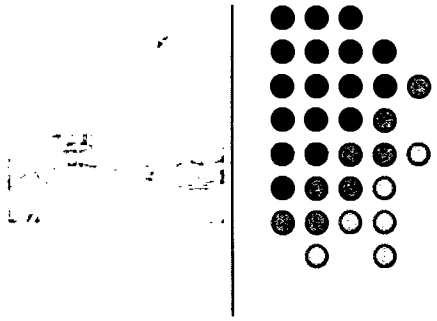
- Up to $1,400,000 (project estimate developed in conjunction with detention electronics systems consultant)
- Estimate is based on a design-build project approach

Implementation Schedule

- The overall project will take approximately 15 Months to complete
  - 10 Months are required for design and installation of the system upgrade (included in overall project schedule)
  - A significant condition of this schedule is to maintain continuous uninterrupted Custody operations throughout the project implementation

MULTNOMAH COUNTY

Finance/Funding Strategies



Current Funding Schedule

- This project is currently scheduled in the Capital Improvement Program budget to begin in FY14

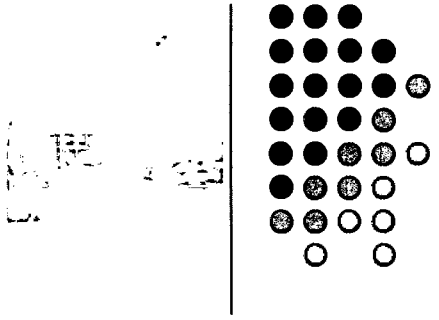
Re-Appropriation of Capital Improvement Funds

General Fund Contingency or One-Time Only Funding

Borrow Funding

MULTNOMAH COUNTY

Next Steps



MULTNOMAH COUNTY

JUVENILE JUSTICE CENTER

DETENTION ELECTRONICS UPGRADE

PRELIMINARY PROJECT PROPOSAL

Date: August 26, 2010

Introduction

On June 10, 2010, the Board of County Commissioners adopted the Fiscal Year 2011 Multnomah County Budget, including the following budget note:

> The monitoring of and access to all internal areas (custody units, sleeping rooms, holding cells, hallways) and external areas (police gates, public entrance, sally ports) is currently operated by manual input-output switch systems located in Main Control, Intake, Visiting Control and in each custody unit. Any time one of these system areas breaks down, extreme security and safety hazards are created. Community Justice, working with Facilities and Property Management and Electronic Services proposes to replace the existing control systems with modern, detention-grade control systems that allow for the County's Electronic Services group to provide cost effective servicing.
>
> The Board directs Community Justice and County Management to return to the Board on or before August 31, 2010 and report on the following:
> - Total estimated cost for a new or updated system
> - Timeline and implementation schedule
> - Financing/funding options

MULTNOMAH COUNTY

Facility Overview

The Juvenile Justice Center, which includes a three county regional detention center, was constructed in 1995. The JJC includes Juvenile Courts, District Attorney Offices, Juvenile Probation and Treatment offices, Juvenile Detention, and offices of the State Oregon Youth Authority. Multnomah, Washington and Clackamas Counties partnered on the construction and operation of the Detention Center for youth from the tri-county area.

Project Description

Upgrade the detention electronics system at the Juvenile Justice Center with a modern, detention-grade control system consisting of a network of Programmable Logic Controllers (PLC's). The project includes replacement of malfunctioning mechanical door equipment and additional security equipment.

Sponsors and Stakeholders

Sponsor:	Multnomah County Board Department of County Management
Stakeholders:	Multnomah County Board Department of Community Justice Department of County Management
Depts. Affected:	Department of Community Justice Department of County Management District Attorney State Courts State Oregon Youth Authority

Existing Conditions

The monitoring of and access to all internal areas (Custody Units, sleeping rooms, holding cells, hallways) and external areas (police gates, public entrance, sally ports) is currently operated by manual Input/Output switch systems located in main Control, Intake and Admissions, Visitation Control and in each Custody Pod (Units A1-F2). System malfunctions create potential security hazards such as being unable to open holding cells or sleeping room doors, staff being locked in sally ports, hallway access denied, etc. These situations seriously compromise the ability to back up or reach jeopardized staff or youth.

The existing detention portion of the facility was built in two phases, with each phase employing a different level of technology in its installation and operation. The first phase used proprietary circuit

boards. The parts are becoming difficult to obtain, the technology is obsolete, and the equipment has exceeded its lifespan. The second phase utilized discrete components, typically described as relay logic, and, while not proprietary, has also reached the end of its useful lifespan. Additionally, the control boards in the various control rooms use switches and indicator lamps that have become difficult to maintain due to lack of available parts.

Objectives

A. Mitigate Life/Safety Risk to staff, youth and visitors
B. Improve overall security of facility
C. Make control aspects more efficient for Custody Operations
D. Provide system adaptability to respond to future Custody Operation needs
E. Reduce the high cost of system maintenance
F. Align system functionality with current technologies
G. Provide capabilities for reporting

Deliverables

A. Preliminary Project Plan
B. Preliminary Implementation Schedule
C. Preliminary Cost Estimate

Project Scope

The project scope is to upgrade all detention electronic systems in the facility. This includes the system components, user interfaces and control desk configurations. There are approximately 18 control desks in the facility that will receive this new equipment. Additionally, the scope includes enhancements to the building security system. This project will not include installations of new field hardware (i.e., door locking mechanism, wall mounted intercom speakers); these systems are in good working condition.

See Appendix A for additional detail on project scope

Implementation Schedule

The project will take approximately 15 Months to complete (this includes allotments for procurement process). The design and installation work will take approximately 10 months of the 15 month schedule.

See Appendix B for the implementation schedule

Preliminary Cost Estimate

Project estimate is $1,400,000.

This estimate was developed in conjunction with Engineered Controls Systems per the defined scope of work.

See Appendix C for additional detail on the preliminary cost estimate

Benefits

The key benefits are:

A. Increased reliability and versatility of the access/monitoring systems
B. Ability of system to respond and adapt to needs of the Custody Operation needs
C. Integration of multiple access/monitoring systems for ease of control
D. Decrease in time spent on system maintenance

Constraints

The key constraints are:

A. Must maintain continuous uninterrupted Custody operations throughout the entire project

Assumptions

The key assumptions are:

A. All field equipment (door hardware, locks, gate operators, elevator systems, etc.) are in good operating condition and are not considered part of the project unless indicated in Project Scope.
B. All wiring is in good condition and will not be replaced unless indicated in Project Scope
C. This is a preliminary project plan; additional project scope detail will be completed upon authorization of the work.

Exclusions

The key exclusions are:

A. All control stations will remain in their current locations
B. No alterations to the building structure or systems except for those defined in the project scope

Funding Strategies

Current Funding strategy:

A. Programmed in FY14 of Capital Improvement Program Budget

The key funding strategies are:

1. Re-Appropriation of Capital Improvement Funds
2. General Fund Contingency or One-Time Only Funding
3. Borrow Funding

Location of Project Site

Building Address	**Juvenile Justice Center** **1401 NE 68th Avenue** **Portland, OR 97213**
Building Code:	**311**
Classification:	**Tier 1 – Preserve Building Integrity**
Year(s) Built:	**1995**

Prepared by: Shaun Coldwell – Department of Community Justice
Craig Bachman – Department of Community Justice
Richard Swift – Department of County Management
Aaron Wilson – Department of County Management
John Lindenthal – Department of County Management
Craig Flower – Department of County Management
Brett Taute – Department of County Management

Appendix A – Scope of Work

A. Install new PLC's (Programmable Logic Controllers), power supplies, and relays in each of the low voltage rooms/closets to replace the existing electronic control system. The system shall be the Modicon line, as manufactured by Group Schneider/Square D, to match the existing systems located at the Justice Center and to comply with the County standard.

B. Install new touchscreen workstations at all control station locations. The touchscreens shall employ SAW (Surface Acoustic Wave) technology, as manufactured by ELO, and the supporting PC's shall use Citect Vijeo software, communicating with the PLC's via a closed, dedicated Ethernet network. The touchscreen workstations will allow the operators to access all intercom, door control, CCTV, perimeter detection, and lighting control systems.
   a. Two stations in Main Control
   b. Intake and Admissions
   c. Visiting
   d. Custody Pod Housing Units A1-F2 (12 Total)
   e. Court Holding/Visitation Area
   f. Courtroom Security Control
   g. Front Desk Security

C. Install new UPS's (Uninterruptible Power Supplies) to run the new security electronics. The purpose is two-fold: 1. To keep the electronics operational until the emergency generators transfer the load, and 2. Filter out any power surges and spikes, to protect and to prolong the life of the equipment. A UPS will be provided for each electronics room/closet.

D. Install a new CCTV matrix switcher to control the video system.
   a. The switcher will be controlled by the PLC control system, such that camera views will be automatically or manually brought up by the touchscreen workstation.
   b. Switcher will have expansion capability to handle the cameras added herein, plus future additions.

E. Install new high-resolution detention-grade color cameras to cover the following areas:
   a. Visiting Rooms – 4 cameras
   b. Custody Pod Units – (B2, E2, F2) – 3 cameras
   c. Multipurpose Room, Computer Lab, Craft Room – 6 cameras

F. New casework for all control rooms to accommodate new touchscreens and flat CCTV monitors.
   a. Design to accommodate ergonomic consideration for multiple users
   b. Locations:
      1. Main Control
      2. Intake and Admissions
      3. Visiting
      4. Custody Pod Housing Units A1-F2 (12 total)
      5. Courtroom Control
      6. Front Desk Security

G. Replace mechanical door operators for the Secure Corridor and Judicial Corridor junction.

H. Replace lighting control panels in each Custody Pod Unit
      a. Low voltage switches in each panel will be removed, and control of lighting will be through the touchscreen.

b. Existing lighting panels in electrical closets will be re-used, but have low voltage wiring replaced and wired in neat, workmanlike manner.

I. Front Desk Security Station:
   a. Building "Lock Down" function will be available at this location.
   b. All non-detention Duress alarms will be annunciated at this location
   c. Fire alarm annunciator will be relocated into new casework

J. Court's Security Station:
   a. Building "Lock Down" function will be available at this location
   b. All non-detention Duress alarms will be annunciated at this location
   c. A fire alarm annunciator will be provided at this location

K. A fence-mounted climb/cut alarm detection system will be provided, using microphonic technology, to be tied into the PLC/touchscreen system for control and monitoring.
   a. Perimeter wall
   b. Roof
   c. Perimeter fences

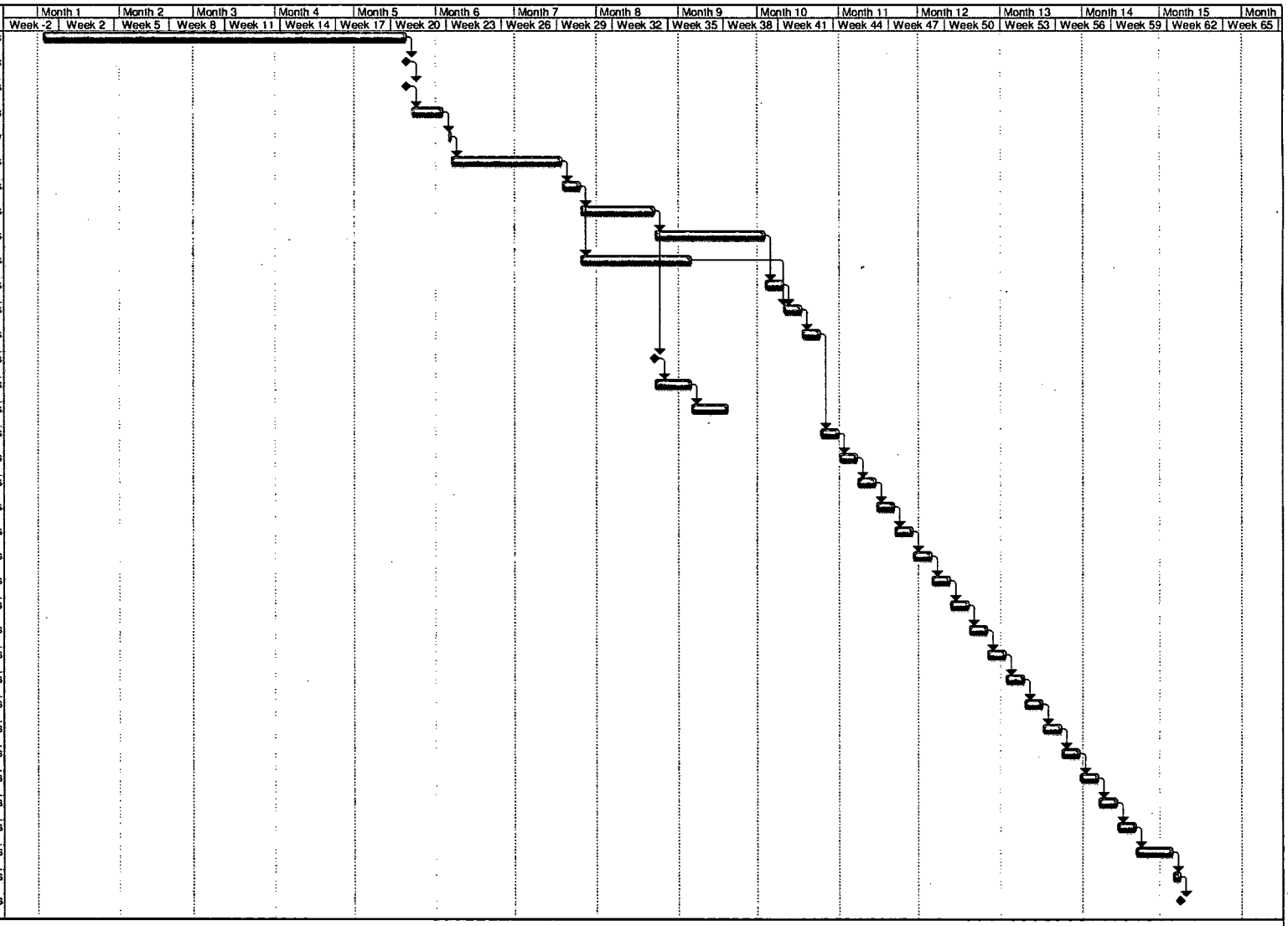
L. System programming per Custody Operations specifications
   a. Hours of control
   b. Emergency and manual transfer of control functions to other control stations

M. Monitoring of Emergency Power Generator and UPS infrastructure alarms

N. Integrate Card Access System monitoring and control to PLC/touchscreen system
   a. Modify the Administrative access control system (Kantech) to allow the touchscreen to lock the associated doors down (Lock Down function)
   b. Replace the Detention access control system (Hirsch) with a new TAC access control system (County standard), and integrate to the PLC/touchscreen system to allow for remote unlocking and override of the associated doors (Custody Administration, Health Services, Custody Administration)

O. Replace existing relay-based intercom system with new detention-grade, microprocessor-based intercom system, as manufactured by Harding Instruments.
   a. Replace existing head-end equipment and control room master stations with new
   b. Re-use existing field intercom stations and associated wiring.

ID	Task Name	Duration
1	County Procurement	100 days
2	Notice to Proceed	0 days
3	**DESIGN & ENGINEERING**	0 days
4	Field Research & Verify	10 days
5	Tenant Interview	1 day
6	System Design	30 days
7	Design Review & Approval	5 days
8	Equipment Order & Delivery	20 days
9	Head-end Fabrication	30 days
10	Software Development	30 days
11	Shop Testing	5 days
12	Owner's Shop Test	5 days
13	System Teardown & Delivery	5 days
14	**FIELD INSTALLATION**	0 days
15	Wire ID & Tagging	10 days
16	Raceway & Wire Installation	10 days
17	Preliminary Headend Install	5 days
18	Main Control Cutover	5 days
19	Visiting & Intake Control Cutover	5 days
20	Housing Unit A1 Cutover & Test	5 days
21	Housing Unit A2 Cutover & Test	5 days
22	Housing Unit B1 Cutover & Test	5 days
23	Housing Unit B2 Cutover & Test	5 days
24	Housing Unit C1 Cutover & Test	5 days
25	Housing Unit C2 Cutover & Test	5 days
26	Housing Unit D1 Cutover & Test	5 days
27	Housing Unit D2 Cutover & Test	5 days
28	Housing Unit E1 Cutover & Test	5 days
29	Housing Unit E2 Cutover & Test	5 days
30	Housing Unit F1 Cutover & Test	5 days
31	Housing Unit F2 Cutover & Test	5 days
32	Visiting Control Cutover & Test	5 days
33	Court Holding & Security Cutovers	5 days
34	O&MM's	10 days
35	Maintenance Training	3 days
36	Project Complete	0 days



APPENDIX B - Preliminary Project Schedule
Project: Juvenile Justice Center Detention Electronics
Date: August 26, 2010

Task | Summary | Rolled Up Progress | Project Summary
Progress | Rolled Up Task | Split | Group By Summary
Milestone | Rolled Up Milestone | External Tasks | Deadline

Appendix C – Cost Estimate

Preliminary Cost Estimate

Juvenile Justice Center - Detention Electronics			2010.08.26
Mark	Task Description	Costs	Comments
DE SYSTEMS/INSTALLATION			
1	BASE ELECTRONICS : PLC & Touchscreens	$ 470,000	Per ECS estimate
2	CCTV: New Switcher	$ 14,000	Per ECS estimate
3	CCTV: New Cameras	$ 26,000	Per ECS estimate
4	CCTV: Replace PTZ's	$ 8,000	Per ECS estimate
5	PERIMETER DETECTION SYSTEM	$ 290,000	Per ECS estimate
6	UPS'S	$ 34,000	Per ECS estimate
7	CARD ACCESS SYSTEM	$ 9,000	Per ECS estimate
8	CASEWORK	$ 68,000	Per ECS estimate
9	INTERCOM SYSTEM	$ 150,000	Per ECS estimate
10	CORRIDOR DOOR ACTUATORS	$ 4,000	Per ECS estimate
11	PERFORMANCE BOND	$ 14,000	Per ECS estimate
	Subtotal	***$ 1,087,000***	
MISCELLANEOUS			
1	Salvage/dispose furniture and equipment	$ 1,500	
2	Access Card	$ 1,500	FPM Alarms
3	Salvage/dispose CCTV	$ 1,500	County Electronics
	Subtotal	***$ 4,500***	
HARD COSTS (basis of soft costs)		**$ 1,091,500**	
FPM SOFT COSTS			
	Architecture/Engineering Services	$ -	Estimated as a design-build (costs included above)
0.75%	Gov Permits and Inspections	$ 8,186	
0.20%	Inspection/Testing Services	$ 2,183	
0.17%	Environmental Monitoring	$ 1,856	
0.12%	Advertisement/Solicitation	$ 1,310	
0.25%	Duplication & Printing	$ 2,729	
2.00%	Percent for Art	$ 21,830	
8.00%	Project Management (FPM)	$ 87,320	
15.00%	Contingency	$ 163,725	
26.49%	***Subtotal***	***$ 289,138***	
	Total	$ 1,380,638	
0.00%	Inflation (COLA)	$ -	
GRAND TOTAL		**$ 1,380,638**	**$ 1,400,000**

NOTES

1 These estimates are based on the proposed scope of work

2 Estimates based on information provided from Engineered Control Systems

Briefing 8-3

GROW Lynda

From: TAUTE Brett
Sent: Friday, August 06, 2010 7:47 AM
To: GROW Lynda
Subject: Re: Aug 17th Briefing confirmed - make sure to send the paperwork. thanks!
Follow Up Flag: Follow up
Flag Status: Red

Hello Lynda,
I am sorry for the misunderstanding and any confusion I may have caused last week. After initially holding the time on the 17th I was asked to re-schedule the briefing for Tuesday August 24th or the 31st to allow for some addition discussions prior to the briefing. I spoke with you later in the day to check on availability for those dates.
Again, I apologize for any misunderstanding I may have caused.
If there is still any time, I would like to schedule this briefing for Tuesday August 24th. Please let me know if this is possible, I will submit the APR through Mike Waddell.

Thank you for all of your help,
Brett Taute

From: GROW Lynda
To: TAUTE Brett
Sent: Thu Aug 05 14:17:18 2010
Subject: Aug 17th Briefing confirmed - make sure to send the paperwork. thanks!

11:00 am - 11:30 am - **Juvenile Justice Center** - Detention Electronics Upgrade - Preliminary Project Proposal. Brett Taute, Facilities. (30 min requested)

Lynda J. Grow, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Blvd., Ste. 600
Portland, OR 97214-3587
(503) 988-3277 or (503) 988-5274
lynda.grow@co.multnomah.or.us
http://www2.co.multnomah.or.us/cfm/boardclerk/

8/31

R-3

GROW Lynda

From: WADDELL Mike D
Sent: Wednesday, August 11, 2010 10:24 AM
To: GROW Lynda; MADRIGAL Marissa D; MCLELLAN Jana E
Cc: TAUTE Brett
Subject: FW: APR for Budget Note Response - JJC Detention Electronics - Briefing on Tuesday August 24th
Attachments: APR_PD_Briefing_PolicyDiscussion - Budget Note Response - Juvenile Justice Center Detention Electronics August 24 2010.doc

Lynda and Marissa, attached is the approved APR for the subject budget note to be discussed at the Aug 24th Board Briefing. Presentation materials will follow by this time next week. If you have any questions, please don't hesitate to contact Brett or me. Thanks—mdw

---

From: TAUTE Brett
Sent: Tuesday, August 10, 2010 1:16 PM
To: DCM-Business Svcs
Cc: THOMAS Bob C; COLDWELL Shaun M; SWIFT Richard F; BACHMAN Craig A; LINDENTHAL John A
Subject: APR for Budget Note Response - JJC Detention Electronics - Briefing on Tuesday August 24th

Hello
Attached is the APR for the Response to Budget Note for the Detention Electronics Upgrade at the Juvenile Justice Center. This APR is for 30 minutes on the Board Briefing Agenda on Tuesday August 24th. Presentation materials will be submitted to Lynda Grow next week.

Please contact me if any additional information is needed.

Thank you

Brett Taute
Strategic Project Team
Multnomah County Facilities & Property Management
401 N. Dixon Street Portland, OR 97227
tel. (503) 988-3284
mobile (503) 519-2768
fax (503) 988-5082

B-3

GROW Lynda

From: LASHUA Matthew
Sent: Friday, August 20, 2010 1:47 PM
To: GROW Lynda; SWIFT Richard F; COLDWELL Shaun M; LINDENTHAL John A
Cc: WIREN Corie; KIETA Karyne
Subject: JJC Bud Note Briefing Moved

Hi All

After talking with Judy, I asked Lynda to pull the briefing on the JJC budget note next Thursday (8/26). Judy will be travelling and will not be at Thursday's meeting. Lynda will put it on the agenda for Tuesday 8/31, if that works for the group.

Thanks for your understanding and see you at board staff on Monday.

Matthew Lashua
Chief of Staff
Office of Commissioner Judy Shiprack
Multnomah County
501 SE Hawthorne Street, Suite 600
Portland, OR 97214
503 988 4105
503 988 5262 fax

(9)

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-1 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date:	9/2/2010
Agenda Item #:	C-1
Est. Start Time:	9:30 AM

Agenda Title: **Appointment of Steven Burger to Multnomah County Bicycle Pedestrian Citizen Advisory Committee. Reappointment of Greg Olson, Joe Barcott and Andrew Holtz to the Committee.**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	September 2, 2010	**Amount of Time Needed:**	Consent
Department:	Community Services	**Division:**	Land Use & Transportation
Contact(s):	Jane McFarland		
Phone:	503.988.5050 **Ext.** 29620	**I/O Address:**	455/1/116
Presenter Name(s) & Title(s):	Jane McFarland, Principal Planner		

General Information

1. **What action are you requesting from the Board?**

   Appointment of one new member, and reappointment of three existing members to Multnomah County Bicycle and Pedestrian Citizen Advisory Committee.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   After a recruitment effort in the spring of 2009 brought in six new members to the Bicycle and Pedestrian Citizen Advisory Committee, another effort was initiated in the spring of 2010 specifically targeting residents of the rural unincorporated areas, in addition to the east county cities of Troutdale, Wood Village and Fairview. A press release was circulated to media outlets, bicycle and pedestrian advocacy organizations and city offices. Interest and application forms were also made available at a series of open houses hosted by the Land Use and Transportation Program.

   Steven Burger, a Sauvie Island resident, bike commuter and civil engineer, expressed interest in becoming a Committee member as a result of this latest recruitment effort. Mr. Burger attended the May 12th meeting, and gained the support of existing members for his appointment. Transportation Planning Program staff is recommending that the Board appoint Mr. Burger to the Multnomah County Bicycle and Pedestrian Citizen Advisory Committee to a two-year term at this time.

The two-year terms of three current members of the Multnomah County Bicycle and Pedestrian Citizen Advisory Committee (CAC) have expired. These members include Greg Olson, Joe Barcott and Andrew Holtz. All three are interested in continuing their membership on the Committee, and have been active contributing members during their tenure. Transportation Planning Program staff recommends appointing Mr. Olson, Mr. Barcott and Mr. Holtz to another 2-year term.

With the appointment of Mr. Burger, and reappointment of Mr. Olson, Mr. Barcott and Mr. Holtz, membership levels of the CAC remain steady, with 11 active members participating. Committee Bylaws require a minimum of seven, and a maximum of 14 members.

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

   None

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

   None

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

   The purpose of the Bicycle/Pedestrian Citizen Advisory Committee is to foster citizen involvement in transportation decisions made by the County, particularly concerning bicycle and pedestrian issues.

Required Signature

Elected Official or Department/ Agency Director: M. Cecilia Johnson **Date: 8/17/10**

Agenda Placement Request
Submit to Board Clerk

Moved to Consent R-5

GROW Lynda

From: Sheila Isley [sheila.l.isley@multco.us]
Sent: Thursday, August 05, 2010 12:11 PM
To: MADRIGAL Marissa D
Cc: GROW Lynda; BAKER Marina; SCHILLING Karen C; MCFARLAND Jane
Subject: Scheduling of items on the August 26 BCC Agenda
Follow Up Flag: Follow up
Flag Status: Red

Hi Marissa,

With your approval we would like to reserve 5 minutes on the August 26 BCC agenda for Reappointment of Bike/Ped Citizen Advisory Council members. Upon your approval we will submit the APR.

Respectfully,

--
Sheila Isley, CPS/CAP
Administrative Analyst
Multnomah County Dept. of Community Services
1600 SE 190th STE 224
Portland OR 97233
(503) 988-5881

GROW Lynda

From: Sheila Isley [sheila.l.isley@multco.us]
Sent: Thursday, August 05, 2010 4:16 PM
To: GROW Lynda
Subject: Re: Scheduling of items on the August 26 BCC Agenda
Follow Up Flag: Follow up
Flag Status: Red

Jane McFarland will be the presenter.

On Thu, Aug 5, 2010 at 4:14 PM, GROW Lynda <lynda.grow@co.multnomah.or.us> wrote:
Do you know who will present?

Lynda J. Grow, Board Clerk

Multnomah County Board of Commissioners

503-988-5274 or 988-3277

Lynda.Grow@co.multnomah.or.us

http://www2.co.multnomah.or.us/cfm/boardclerk/

From: Sheila Isley [mailto:sheila.l.isley@multco.us]
Sent: Thursday, August 05, 2010 12:11 PM
To: MADRIGAL Marissa D
Cc: GROW Lynda; BAKER Marina; SCHILLING Karen C; MCFARLAND Jane
Subject: Scheduling of items on the August 26 BCC Agenda

Hi Marissa,

With your approval we would like to reserve 5 minutes on the August 26 BCC agenda for Reappointment of Bike/Ped Citizen Advisory Council members. Upon your approval we will submit the APR.

Respectfully,

C-1

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

Board Clerk Use Only

Meeting Date: _____
Agenda Item #: _____
Est. Start Time: _____
Date Submitted: _____

Agenda Title: **Appointment of Steven Burger to Multnomah County Bicycle Pedestrian Citizen Advisory Committee. Reappointment of Greg Olson, Joe Barcott and Andrew Holtz to the Committee.**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date: September 2, 2010
Amount of Time Needed: Consent

Department: Community Services
Division: Land Use & Transportation

Contact(s): Jane McFarland

Phone: 503.988.5050 **Ext.** 29620
I/O Address: 455/1/116

Presenter Name(s) & Title(s): Jane McFarland, Principal Planner

General Information

1. **What action are you requesting from the Board?**

   Appointment of one new member, and reappointment of three existing members to Multnomah County Bicycle and Pedestrian Citizen Advisory Committee.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   After a recruitment effort in the spring of 2009 brought in six new members to the Bicycle and Pedestrian Citizen Advisory Committee, another effort was initiated in the spring of 2010 specifically targeting residents of the rural unincorporated areas, in addition to the east county cities of Troutdale, Wood Village and Fairview. A press release was circulated to media outlets, bicycle and pedestrian advocacy organizations and city offices. Interest and application forms were also made available at a series of open houses hosted by the Land Use and Transportation Program.

   Steven Burger, a Sauvie Island resident, bike commuter and civil engineer, expressed interest in becoming a Committee member as a result of this latest recruitment effort. Mr. Burger attended the May 12th meeting, and gained the support of existing members for his appointment. Transportation

Planning Program staff is recommending that the Board appoint Mr. Burger to the Multnomah County Bicycle and Pedestrian Citizen Advisory Committee to a two-year term at this time.

The two-year terms of three current members of the Multnomah County Bicycle and Pedestrian Citizen Advisory Committee (CAC) have expired. These members include Greg Olson, Joe Barcott and Andrew Holtz. All three are interested in continuing their membership on the Committee, and have been active contributing members during their tenure. Transportation Planning Program staff recommends appointing Mr. Olson, Mr. Barcott and Mr. Holtz to another 2-year term.

With the appointment of Mr. Burger, and reappointment of Mr. Olson, Mr. Barcott and Mr. Holtz, membership levels of the CAC remain steady, with 11 active members participating. Committee Bylaws require a minimum of seven, and a maximum of 14 members.

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

   None

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

   None

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

   The purpose of the Bicycle/Pedestrian Citizen Advisory Committee is to foster citizen involvement in transportation decisions made by the County, particularly concerning bicycle and pedestrian issues.

Required Signature

Elected Official or Department/ Agency Director: KS M. Lewis Johnson III **Date:** 8/17/10

C-1

GROW Lynda

From: Sheila Isley [sheila.l.isley@multco.us]
Sent: Wednesday, August 18, 2010 2:49 PM
To: MADRIGAL Marissa D
Cc: GROW Lynda; BAKER Marina; SCHILLING Karen C; MCFARLAND Jane
Subject: Fwd: Emailing: APR_BPCACappointments_Sept2010
Follow Up Flag: Follow up
Flag Status: Red
Attachments: APR_BPCACappointments_Sept2010.doc

Hi Marissa,

Please find the electronic file for the September 2 BCC Consent Calendar for your review and approval. Cecilia has signed the hard copy which is being forward to Lynda.

Respectfully,
Sheila

---------- Forwarded message ----------
From: **Sheila Isley** <sheila.l.isley@multco.us>
Date: Wed, Aug 18, 2010 at 8:19 AM
Subject: Fwd: Emailing: APR_BPCACappointments_Sept2010
To: JOHNSON Cecilia <cecilia.johnson@co.multnomah.or.us>

Hi Cecilia,

Please see the attached APR and let me know if you approve.

Thanks,
Sheila

---------- Forwarded message ----------
From: **MCFARLAND Jane** <jane.mcfarland@co.multnomah.or.us>
Date: Tue, Aug 17, 2010 at 5:28 PM
Subject: Emailing: APR_BPCACappointments_Sept2010
To: ISLEY Sheila L <sheila.l.isley@co.multnomah.or.us>
Cc: SCHILLING Karen C <karen.c.schilling@co.multnomah.or.us>

Sheila- I put the hard copy, initialed by Karen, under your door.
Jane

APR_BPCACappointments_Sept2010

Note: To protect against computer viruses, e-mail programs may prevent

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date:	9/2/2010
Agenda Item #:	C-2
Est. Start Time:	9:30 AM

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

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	Next Available	**Amount of Time Needed:**	Next Available
Department:	DCHS	**Division:**	MHASD
Contact(s):	Jean Dentinger/Karen Zarosinski (x26468)		
Phone:	503-988-5464 **Ext.** 27297	**I/O Address:**	167/1/520
Presenter Name(s) & Title(s):	Consent Calendar		

General Information

1. **What action are you requesting from the Board?**

   Requesting adoption of order and approval of designees. The Mental Health and Addiction Services Division is recommending approval of the designees in the accordance with ORS 426.215.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   Outpatient mental health agencies depend upon certain staff having the ability to assess clients for "Director Designee Custody". This certification allows the designee to direct a police officer or secure transportation provider to take into custody any individual with mental health issues who is found to be dangerous to self or to others. Police then transport the individual to a hospital or other approved treatment facility for further evaluation. As agencies experience staffing turnover or increases, new staff need to be trained and certified as designees.

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

   None.

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

   In accordance with ORS 426.215

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

None.

Required Signature

Elected Official or Department/ Agency Director:	Kathy Sinkle for Joanne Fuller	**Date:**	**08/23/10**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

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

The Multnomah County Board of Commissioners Finds:

a. If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.

b. There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody

c. The designee listed below has been specifically recommended by the Mental Health Program Director and meets the standards established by the Mental Health Division.

The Multnomah County Board of Commissioners Orders:

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

2. Added to the list of designees are:

Sara Brownell Emily Niemi Rebecca Rourke Michele Vowell
Sarah Lohmeier Kristen Skulicz Molly Finnegan Iven Hale
Michael Parker Marlena Richardson Liberty Martinez-Ross

ADOPTED this ____ day of _____, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By:_____
Patrick Henry, Assistant County Attorney

SUBMITTED BY: _
Joanne Fuller, Director, Department of County Human Services

C-2

GROW Lynda

From: TINKLE Kathy M
Sent: Monday, August 23, 2010 12:30 PM
To: GROW Lynda
Cc: MADRIGAL Marissa D
Subject: APR and Board Order for Consent Agenda
Importance: High
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Order No Director Designee training 8 20 2010.doc; APR_Director Designee training 8 20 2010.doc

Hi Lynda, attached is an APR and Board Order for the next available BCC meeting on the consent agenda. This routine agenda item authorizes Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody. Please let me know if you have questions. Thanks.

Kathy Tinkle
DCHS Business Services Director
(503) 988-3691 ext. 26858
kathy.m.tinkle@co.multnomah.or.us

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST
BUDGET MODIFICATION

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-3 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	9/2/2010
Agenda Item #:	C-3
Est. Start Time:	9:30 AM

BUDGET MODIFICATION: DCHS11 – 02

Agenda Title:	**BUDGET MODIFICATION DCHS11-02, Reclassifying a vacant full-time Eligibility Specialist position to a Case Manager 1 position in the Aging and Disability Services Division, as determined by the Class/Comp unit of Central Human Resources.**

Note: For all other submissions (i.e. Notices of Intent, Ordinances, Resolutions, Orders or Proclamations) please use the APR short form.

Requested Meeting Date:	Next Available	**Amount of Time Needed:**	N/A
Department:	County Human Services	**Division:**	Aging and Disability Services
Contact(s):	Kathy Tinkle		
Phone:	988-3691 **Ext.** 26858	**I/O Address:**	167/240
Presenter(s):	Consent Agenda		

General Information

1. **What action are you requesting from the Board?**

   The Department of County Human Services recommends approval of budget modification DCHS11-02, reclassifying a vacant full-time Eligibility Specialist position to a Case Manager 1 position in Aging and Disability Services Division (ADSD), as approved by the Class/Comp unit of Central Human Resources.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   This budget modification reflects an HR Class/Comp decision on a reclassification request initiated by ADSD management in Program Offer 25023 – Long Term Care.

   The Case Manager 1 position is needed to better meet workload demands for growing eligibility

caseloads at the Mid-County branch office. HR Class/Comp reviewed the job duties of this position and determined that a Case Manager 1 classification was the best fit for this position. The reasons for the classification decision by HR Class/Comp relate to the provision of ongoing case management services to eligible individuals and this position will serve as an advocate for assigned clients by making referrals when necessary for other appropriate resources. This position is distinguished from Eligibility Specialist classification by having assigned clients where they provide ongoing assessment of their financial benefit and Medicaid needs. The duties and requirements best fit the Case Manager 1 classification.

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

   The current fiscal year budget impact and the on-going financial impact of this reclassification are neutral since the position is currently vacant and the pay scales are the same for both job classifications.

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

   N/A

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

   N/A

ATTACHMENT A

Budget Modification

If the request is a Budget Modification, please answer all of the following in detail:

- **What revenue is being changed and why? If the revenue is from a federal source, please list the Catalog of Federal Assistance Number (CFDA).**

  No revenue is being changed. .

- **What budgets are increased/decreased?**

  The budget impact is neutral.

- **What do the changes accomplish?**

  Approves the classification decision from HR Class/Comp unit to reclassify a vacant full-time Eligibility Specialist position to a Case Manager 1 position that better reflects the functions and duties of the position involved.

- **Do any personnel actions result from this budget modification? Explain.**

  Yes. The approval of this budget modification will result in reclassifying a vacant full-time position in ADSD from an Eligibility Specialist to a Case Manager 1, as determined by the Class/Comp unit of Central Human Resources.

- **If a grant, is 100% of the central and department indirect recovered? If not, please explain why.**

  N/A

- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**

  N/A

- **If a grant, what period does the grant cover? When the grant expires, what are funding plans? Are there any particular stipulations required by the grant (i.e. cash match, in kind match, reporting requirements etc)?**

  N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCHS11 – 02

Required Signatures

Elected Official or Department/ Agency Director:	Mary Shortell *for JoanneFuller*	**Date:** *08/11/2010*
Budget Analyst:		**Date:** **08/12/2010**
Department HR:	Ursula Shelton Jon E. Doi	**Date:** **8/16/2010** August 23, 2010
Countywide HR:		**Date:**

Budget Modification ID: DCHS11-02

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2011

Line No.	Fund Center	Fund Code	Program #	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Internal Order	*Cost Center*	*WBS Element*						
1	30-55	26090	25023	0041			ADSDIVLTCMCXIX	50190	(6,199,350)	(6,277,443)	(78,093)		IG OP Fed Thru State
2	30-55	26090	25023	0040			ADSDIVLTCMCXIX	60000	3,195,401	3,233,382	37,981		Permanent (Case Manager 1)
3	30-55	26090	25023	0040			ADSDIVLTCMCXIX	60130	974,076	986,416	12,340		Fringe
4	30-55	26090	25023	0040			ADSDIVLTCMCXIX	60140	1,077,084	1,092,988	15,904		Insurance
5	30-55	26090	25023	0040			ADSDIVLTCMCXIX	60180	24,938	25,222	284		Printing
6	30-55	26090	25023	0040			ADSDIVLTCMCXIX	60230	518	524	6		Postage
7	30-55	26090	25023	0040			ADSDIVLTCMCXIX	60240	39,238	40,042	804		Supplies
8	30-55	26090	25023	0040			ADSDIVLTCMCXIX	60260	11,370	11,586	216		Travel & Training
9	30-55	26090	25023	0040			ADSDIVLTCMCXIX	60270	41,503	41,858	355		Local Travel & Mileage
10	30-55	26090	25023	0040			ADSDIVLTCMCXIX	60430	286,399	295,297	8,898		Buliding Mgt Services
11	30-55	26090	25023	0040			ADSDIVLTCMCXIX	60350	103,627	104,932	1,305		Central Indirect @ 1.70%
12													
13													
14	30-55	26090	25023	0041			ADSDIVLTCEDXIX	50190	(5,111,569)	(5,033,476)	78,093		IG OP Fed Thru State
15	30-55	26090	25023	0040			ADSDIVLTCEDXIX	60000	2,258,381	2,220,400	(37,981)		Permanent (Eligibility Specialist)
16	30-55	26090	25023	0040			ADSDIVLTCEDXIX	60130	691,786	679,446	(12,340)		Fringe
17	30-55	26090	25023	0040			ADSDIVLTCEDXIX	60140	794,513	778,609	(15,904)		Insurance
18	30-55	26090	25023	0040			ADSDIVLTCEDXIX	60180	10,260	9,976	(284)		Printing
19	30-55	26090	25023	0040			ADSDIVLTCEDXIX	60230	100	94	(6)		Postage
20	30-55	26090	25023	0040			ADSDIVLTCEDXIX	60240	18,849	18,045	(804)		Supplies
21	30-55	26090	25023	0040			ADSDIVLTCEDXIX	60260	6,750	6,534	(216)		Travel & Training
22	30-55	26090	25023	0040			ADSDIVLTCEDXIX	60270	19,353	18,998	(355)		Local Travel & Mileage
23	30-55	26090	25023	0040			ADSDIVLTCEDXIX	60430	874,943	866,045	(8,898)		Buliding Mgt Services
24	30-55	26090	25023	0040			ADSDIVLTCEDXIX	60350	85,444	84,139	(1,305)		Central Indirect @ 1.70%
25													
26													
27													
28													
29													
											0	**0**	**Total - Page 1**
											0	**0**	**GRAND TOTAL**

C-3

GROW Lynda

From: HEATH Patrick
Sent: Monday, August 23, 2010 3:37 PM
To: GROW Lynda; MADRIGAL Marissa D
Cc: TINKLE Kathy M
Subject: FW: Bud Mod DCHS11- 02 for Agenda Placement
Follow Up Flag: Follow up
Flag Status: Red
Attachments: DCHS11-02 ADS Reclass #1489.pdf; DCHS11-02 ADS Reclass Elig Spec to CM1.doc; DCHS11-02 ADS Reclass Elig Spec to CM1.xls

Hi Lynda,

Attached is DCHS11-02 for placement on the next available Board Agenda. Please let me know if you have any questions about this budget modification.

Thanks,

Patrick

From: TINKLE Kathy M
Sent: Monday, August 23, 2010 3:04 PM
To: HEATH Patrick
Cc: JONES Ed A
Subject: Bud Mod DCHS11- 02 for Agenda Placement

Patrick, I know that you've already signed off on this but here is DCHS11-02 will all of the necessary signatures and its ready for placement on the next available BCC consent agenda. Please forward to the Lynda and Marissa once you give it your final review. Let me know if you have any questions. Thanks.

Kathy Tinkle
DCHS Business Services Director
(503) 988-3691 ext. 26858
kathy.m.tinkle@co.multnomah.or.us

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	9/2/2010
Agenda Item #:	C-4
Est. Start Time:	9:30 AM

Agenda Title:	**Off Premises and Limited On Premises Sales Liquor License Renewal for First Choice Market, 2041 NW Miller Rd., Portland, Oregon 97229**

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

Date Requested:	**August 17, 2010**	**Time Requested:**	**N/A**
Department:	**Sheriff's Office**	**Division:**	**Enforcement**
Contact(s):	**Kimberly Walker-Norton**		
Phone:	**(503) 251-2520** Ext.	**I/O Address:**	**313/122**
Presenter(s):	**Consent Calendar**		

General Information

1. **What action are you requesting from the Board?**

   Board approval of liquor license application

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

   The Multnomah County Sheriff's Office has completed its investigation for the above liquor license renewal. Assessment and Taxation reported that the address of 2041 NW Miller Rd., Portland, Oregon, is in compliance with the Assessment and Taxation Office. The Land Use Planning Division reported that they have no objection to renewal of the liquor license as the property is outside of Multnomah Counties land jurisdiction.

   Nothing in the background check of owner/s raised any questions or concerns.

   With the investigation completed the Multnomah County Sheriff's Office forwards a **FAVORABLE RECOMMENDATION** for the Liquor License Permit.

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

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

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

Required Signatures

Department/ Agency Director: **Date:** 08/17/2010

Budget Analyst: _____ **Date:** _____

Department HR: _____ **Date:** _____

Countywide HR: _____ **Date:** _____

OREGON LIQUOR CONTROL COMMISSION
LIQUOR LICENSE APPLICATION

Application is being made for:

LICENSE TYPES
- ☐ Full On-Premises Sales ($402.60/yr)
  - ☐ Commercial Establishment
  - ☐ Caterer
  - ☐ Passenger Carrier
  - ☐ Other Public Location
  - ☐ Private Club
- ☐ Limited On-Premises Sales ($202.60/yr)
- ☒ Off-Premises Sales ($100/yr)
  - ☐ with Fuel Pumps
- ☐ Brewery Public House ($252.60)
- ☐ Winery ($250/yr)
- ☐ Other: _____

ACTIONS
- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other _____

90-DAY AUTHORITY

☐ Check here if you are applying for a change of ownership at a business that has a current liquor license, or if you are applying for an Off-Premises Sales license and are requesting a 90-Day Temporary Authority

APPLYING AS:

☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company ☐ Individuals

CITY AND COUNTY USE ONLY

Date application received: _____

The City Council or County Commission:

_____ (name of city or county)

recommends that this license be:

☐ Granted ☐ Denied

By: _____ (signature) (date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by: STEVE BRINKHOFF

Date: 7/7/10 Pending

90-day authority: ☐ Yes ☐ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① Trio Investment Partners, Inc ③ _____

② _____ ④ _____

2. Trade Name (dba): 1st Choice Market

3. Business Location: 2041 NW Miller Rd (number, street, rural route) Portland (city) Multnomah (county) OR (state) 97229 (ZIP code)

4. Business Mailing Address: 908 NW 35th Ave (PO box, number, street, rural route) Camas (city) Wa (state) 98607 (ZIP code)

5. Business Numbers: (360) 601-5404 (phone) _____ (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: _____ Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? ☐ Yes ☒ No Name: _____ (manager must fill out an Individual History form)

10. What is the local governing body where your business is located? Portland / Multnomah (name of city or county)

11. Contact person for this application: Sharwinder (Tony) Singh (name) 360 601-5404 (phone number(s))

908 NW 35th Ave (address) Camas, Wa 98607 (fax number) _____ (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① _____ Date 6/23/10 ③ _____ Date _____

② _____ Date _____ ④ _____ Date _____

OREGON LIQUOR CONTROL COMMISSION

CORPORATION QUESTIONNAIRE

● See section 2 of Guide for help with this form #698168-91 6-30-10

Please Print or Type

Corporation Name: Trio Investment Partners, Inc Year Incorporated: 2007

Trade Name (dba): 1st Choice Market

Business Location Address: 2041 NW Miller Rd

City: Portland ZIP Code: 97229

List Corporate Officers:

(name)	(title)
Gurjit Singh	President
Hindpreet Singh	Director
Bharwinder Singh	Sec / Treasurer

List Board of Directors:

(name)
Gurjit Singh
Hindpreet Singh
Bharwinder Singh

List Stockholders: (Note: If any stockholder is another legal entity, that entity may also need to complete another Corporation Questionnaire. See Liquor License Application Guide for more Information.)

Stockholders:	Number of Shares Held:
Gurjit Singh	95
Hindpreet Singh	155
Bharwinder Singh	250

Number of Stock Shares:

Issued: 500

Unissued: 500

Total Shares Authorized to Issue: 1000

Server Education Designee: N/A **DOB:** _____

(See Liquor License Application Guide for more information)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Officer's Signature: _____ (name) Director (title) **Date:** 6/23/10

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): 1st Choice Market **City:** Portland

1. Name: Singh (last) Gurjit (first) (middle)
2. Other names used (maiden, other): N/A
3. Residence Address: 2239 NW Oxford St. (number and street) Camas (city) Wa (state) 98607 (ZIP code)
4. Home Phone: (360) 909-7375 Business Phone: ( )
5. *SSN: 532-19-1228 Place of Birth: India (State/Country) DOB: 10 (mm) 07 (dd) 1962 (yyyy) Sex: M X F
6. Driver License or State ID #: Singhg381PG State: Wa Spouse's name: Kaur, Hitpreet
7. List all states, other than Oregon, where you have lived during the past ten years: Washington
8. Do you currently hold, or have you ever held a liquor license in this or any other state? X Yes No
   If yes, when, where and name of premises? Current - Wa - Trio Investment Partners, Inc
9. In the past twelve years, have you been convicted of **any** violation, misdemeanor or felony? ___Yes X No
   If yes, what, when and where?
10. Have you ever entered into a diversion agreement? ___Yes X No
    If yes, when and where?
11. Do you have any arrests or citations that have not been resolved? ___Yes X No
    If yes, arrested/cited for: ___ Date___ County/City/State/ ___
12. If you are applying for a retail liquor license:
    a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___Yes X No **If yes,** what and where:
    b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___Yes X No **If yes,** who?
13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ___Yes X No **If yes,** when: ___ where:

OSP/DMV Search Completed JUL 01 2010 INITIALS:

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [signature] **Date:** 6/23/10

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [signature] **Date:** 6/23/10

4 5 1 0 0 1 A 1

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): 1st Choice Market **City:** Portland

1. Name: Singh, Hindpreet (last) (first) (middle)
2. Other names used (maiden, other): N/A
3. Residence Address: 3902 NW 29th Ave (number and street) Camas (city) Wa (state) 98607 (ZIP code)
4. Home Phone: (360) 450-7143 Business Phone: ( )
5. *SSN: 533-41-8034 Place of Birth: India (State/Country) DOB: 11 / 07 / 1969 (mm) (dd) (yyyy) Sex: M X F
6. Driver License or State ID #: Singh*3486G State: Wa Spouse's name: Talwar, Manpreet
7. List all states, other than Oregon, where you have lived during the past ten years: Washington
8. Do you currently hold, or have you ever held a liquor license in this or any other state? X Yes No
   If yes, when, where and name of premises? Current - Wa - Trio Investment Partners Inc
9. In the past twelve years, have you been convicted of **any** violation, misdemeanor or felony? ___Yes X No
   If yes, what, when and where?
10. Have you ever entered into a diversion agreement? ___Yes X No
    If yes, when and where?
11. Do you have any arrests or citations that have not been resolved? ___Yes X No
    If yes, arrested/cited for: ___ Date___ County/City/State/
12. If you are applying for a retail liquor license:
    a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___Yes X No **If yes**, what and where:
    b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___Yes X No **If yes**, who?
13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ___Yes X No **If yes**, when: ___ where:

OSP/DMV Search Completed JUL 01 2010

INITIALS

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: [signature] **Date:** 6/23/10

*SOCIAL SECURITY NUMBER DISCLOSURE As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: [signature] **Date:** 6/23/10

451001A1

1-800-452-OLCC (6522)
www.oregon.gov/olcc

(rev. 12/07)

OREGON LIQUOR CONTROL COMMISSION

INDIVIDUAL HISTORY

PLEASE PRINT OR TYPE

YOU MUST ANSWER ALL QUESTIONS ON THIS FORM. IF THE QUESTION DOES NOT APPLY, WRITE N/A IN THE SPACE. ATTACH ADDITIONAL SHEETS IF NECESSARY.

Trade Name (d.b.a.): 1st Choice Market **City:** Portland

1. Name: Singh (last) Bhavinder (first) (middle)
2. Other names used (maiden, other): N/A
3. Residence Address: 908 NW 35th Ave (number and street) Camas (city) Wa (state) 98607 (ZIP code)
4. Home Phone: (360) 601-3404 Business Phone: ( )
5. *SSN 603-58-2514 Place of Birth: India (State/Country) DOB: 06/09/1972 (mm/dd/yyyy) Sex: M X F
6. Driver License or State ID #: 9871277 State: OR Spouse's name: Minhas, Kamlesh
7. List all states, other than Oregon, where you have lived during the past ten years: OR, WA
8. Do you currently hold, or have you ever held a liquor license in this or any other state? X Yes ___No
   If yes, when and where? Current- Washington - Trio Investment Partners, Inc
9. In the past twelve years, have you been convicted of **any** violation, misdemeanor or felony? (include traffic violations, if the fine was more than $50.00) ___Yes X No
   If yes, what, when and where? ___
10. Have you ever entered into a diversion agreement? ___Yes X No
    If yes, when and where? ___
    OSP/DMV Search Completed JUL 01 2010
11. Do you have any arrests or citations that have not been resolved? ___Yes X No
    If yes, arrested/cited for: ___ Date ___ County/City/State/ ___
12. If you are applying for a retail liquor license:
    a. Do you have any financial interest, direct or indirect, in any manufacturer or distributor of alcohol? ___Yes X No **If yes**, what and where: ___
    b. Does any person having a financial or ownership interest in a manufacturer or distributor have an interest in, or potential claim upon your business or premises, for instance through investment, a loan, lease or contract? ___Yes X No **If yes**, who? ___
13. Have you ever had a warning, violation, suspension, fine, cancellation or refusal as a licensee or service permittee, in Oregon or any other state? ___Yes X No **If yes**, when: ___ where: ___

INITIALS:

I UNDERSTAND THE OLCC WILL USE THE ABOVE INFORMATION TO CHECK FOR CRIMINAL RECORDS. I UNDERSTAND IF MY ANSWERS ARE NOT TRUE AND COMPLETE, THE OLCC MAY DENY MY LICENSE APPLICATION.

Applicant Signature: ___ **Date:** 6/22/10

***SOCIAL SECURITY NUMBER DISCLOSURE** As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). The OLCC will refuse a license to any applicant or licensee who fails to provide his/her SSN. Your SSN will be used only for child support enforcement purposes unless you sign below.

Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your voluntary consent to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)). If you consent to these uses, please sign here:

Applicant Signature: ___ **Date:** 6/22/10

451001A1

1-800-452-OLCC (6522)
www.olcc.state.or.us

(rev. 05/03)

OREGON LIQUOR CONTROL COMMISSION

BUSINESS INFORMATION

Please Print or Type

Applicant Name: Trio Investment Partners Inc Phone: 360 601-5404

Trade Name (dba): 1st Choice Market

Business Location Address: 2041 NW. Miller Rd.

City: Portland ZIP Code: 97229

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday	6 AM	to	10 pm
Monday	6 a.m.	to	10 pm
Tuesday	6 AM	to	10PM
Wednesday	6 AM	to	10 pm
Thursday	6 AM	to	10 pm
Friday	6 AM	to	11 pm
Saturday	6 AM	to	11 pm

Outdoor Area Hours:

Sunday		to	
Monday		to	
Tuesday		to	
Wednesday		to	
Thursday	N	to	
Friday		to	
Saturday		to	

The outdoor area is used for:

☐ Food service Hours: _____ to _____

☐ Alcohol service Hours: _____ to _____

☐ Enclosed, how _____

The exterior area is adequately viewed and/or supervised by Service Permittees.

_____ (Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: _____

ENTERTAINMENT

Check all that apply: N/A

- ☐ Live Music
- ☐ Recorded Music
- ☐ DJ Music
- ☐ Dancing
- ☐ Nude Entertainers
- ☐ Karaoke
- ☐ Coin-operated Games
- ☐ Video Lottery Machines
- ☐ Social Gaming
- ☐ Pool Tables
- ☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday		to	
Monday		to	
Tuesday		to	N/A
Wednesday		to	
Thursday		to	
Friday		to	
Saturday		to	

SEATING COUNT

None

Restaurant: _____ Outdoor: _____

Lounge: _____ Other (explain): _____

Banquet: _____ Total Seating: _____

OLCC USE ONLY

Investigator Verified Seating: ___(Y) ___(N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: _____ **Date:** 6/28/10

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)

Consent
C-4

GROW Lynda

From: WALKER-NORTON Kimberly [kimberly.walker-norton@mcso.us]
Sent: Tuesday, August 17, 2010 5:21 PM
To: GROW Lynda
Cc: WALKER-NORTON Kimberly
Subject: First Choice Market - Agenda Placement Request
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Pages from First Choice Market Application.pdf; First Choice Market - Agenda Placement Request.doc

Linda,

Please let me know if anything else is needed for the this applicant for the board to review.

Regards,
Kimberly

J. Kimberly Walker-Norton
Law Enforcement Support Units Manager
MCSO LEDS Representative
Multnomah County Sheriff's Office
12240 NE Glisan Street
Portland, Oregon 97230-2117
[Office] 503-251-2520
[Nextel] 503-793-5284
[Fax] 503-251-2517
[Web] www.mcso.us

REPRESENTING Sheriff Daniel Staton

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-1 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date:	9/2/2010
Agenda Item #:	R-1
Est. Start Time:	9:30 am

Agenda Title: **Acting as the Governing Body of the DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT, Public Hearing and Consideration of the District's Endorsing a Petition to Annex a Single Parcel of Land to the District Pursuant to ORS 198.857**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	September 2, 2010	**Amount of Time Needed:**	10 minutes
Department:	Community Services	**Division:**	LUT - Road Services
Contact(s):	Kenneth Martin/Matthew Ryan/Tom Hansell		
Phone:	(503) 988-5050 **Ext.** 29833	**I/O Address:**	425/2
Presenter Name(s) & Title(s):	Kenneth Martin, Local Government Boundary Change Consultant; Matthew Ryan, Assistant County Attorney; & Tom Hansell, District Administrator		

General Information

1. **What action are you requesting from the Board?**

   Convene as the Governing Body of the Dunthorpe-Riverdale Sanitary Service District No. 1 and endorse annexation petition.

   Reconvene as the Multnomah County Board of County Commissioners and open a Public Hearing to consider the annexation petition and adopt an order approving annexation of territory to Dunthorpe-Riverdale Sanitary Service District No. 1.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   See attached Boundary Consultant Report.

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

   Annexation provides the District with the taxing authority to assess properties the necessary fees to meet the District's operational requirements.

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

   The Dunthorpe-Riverdale County Sanitary Service District is a county service district for sewer

service for which the Multnomah County Board of County Commissioners serve as the District Board of Directors. As required by statute, the Board of the District will endorse the annexation prior to the hearing.

The property is located in unincorporated Clackamas County and falls inside the City of Lake Oswego's Urban Service Boundary. The petitioner entered into an annexation contract with the City of Lake Oswego to obtain the City's approval. The annexation contract recognizes the City is unable to provide sewer service to this property at this time. At such time the City can provide public sewer, the property will disconnect from the District, and annexation into the City shall take effect.

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

Prescribed noticing for this public hearing was completed per statute. Noticing includes a mailing to affected local governments and the petitioner.

Required Signature

Elected Official or Department/ Agency Director:	M. Cecilia Johnson	**Date:**	**8/10/10**

Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

Thursday, September 2, 2010 – 9:30 AM
Multnomah Building, Commissioners Board Room 100
501 SE Hawthorne Boulevard, Portland

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT AT 9:30 AM ON THURSDAY, SEPTEMBER 2, 2010, IN THE COMMISSIONER'S BOARD ROOM ON THE FIRST FLOOR OF THE MULTNOMAH BUILDING AT 501 SE HAWTHORNE, PORTLAND, OREGON, THERE SHALL BE A PUBLIC HEARING BY AND BEFORE THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS ON THE BOUNDARY CHANGE PROPOSAL LISTED BELOW. INTERESTED PERSONS MAY APPEAR AND WILL BE GIVEN REASONABLE OPPORTUNITY TO BE HEARD.

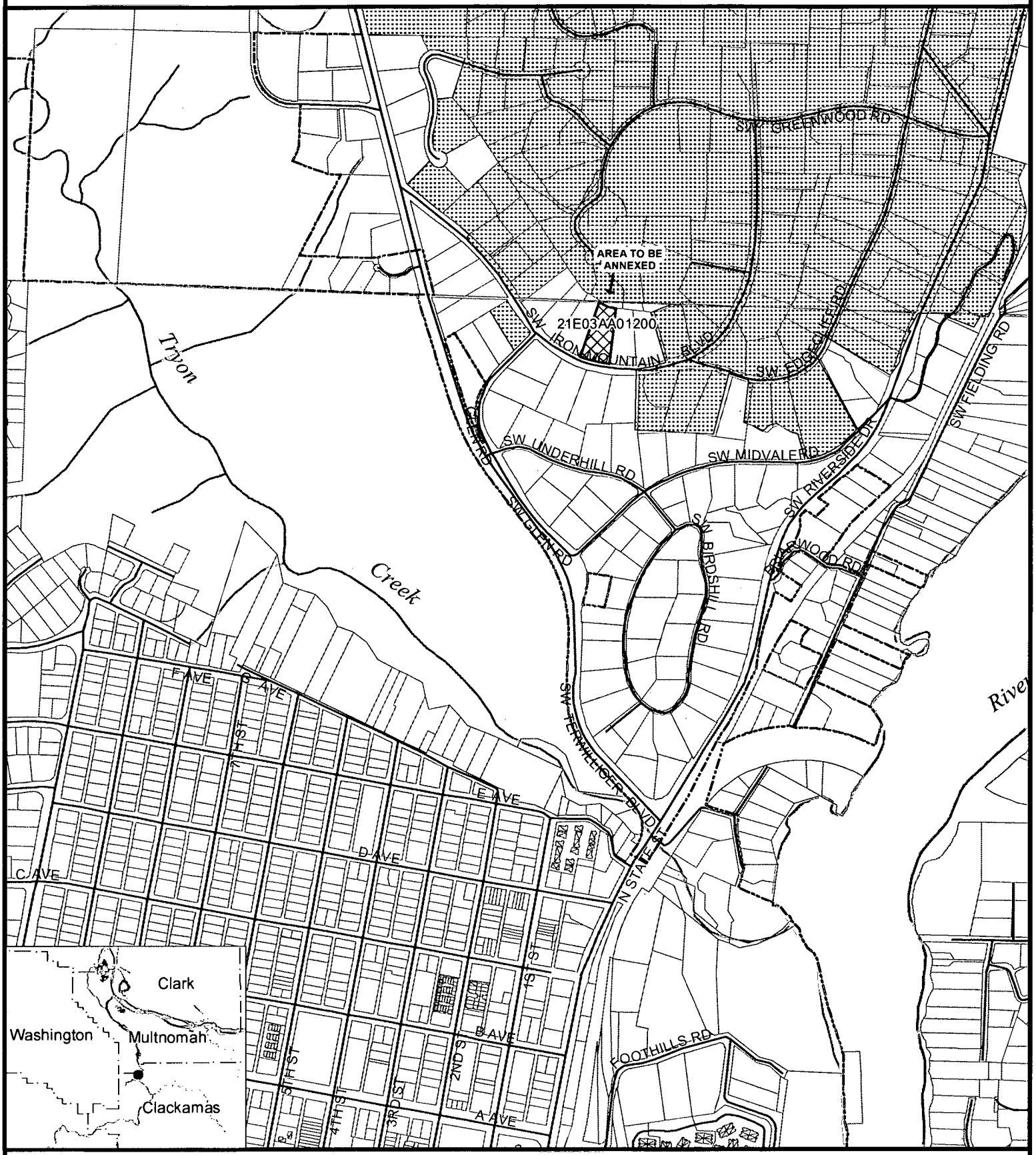
PROPOSAL NO. CL-1110 - ANNEXATION TO DUNTHORPE-RIVERDALE COUNTY SERVICE DISTRICT of territory located generally on the south edge of the District on the north edge of S.W. Iron Mountain Blvd. east of SW Glen Rd. and west of SW Edgecliff Rd., more particularly: Tax Lot 1200, NE 1/4 NE 1/4 Sec. 3, T2S R1E, W.M., Clackamas County, Oregon.

POSTED BY: JEFF COGEN, CHAIR
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY

GENERAL INFORMATION AND/OR A COPY OF THE STAFF REPORT MAY BE OBTAINED BY CALLING 503 222-0955.

CL1110

2S1E03 **Dunthorpe-Riverdale Service District** Clackamas County



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.oregonmetro.gov/drc

METRO

Dunthorpe-Riverdale Service District

Area to be annexed

CL1110

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

KMC

1:9,043

TO: Board of County Commissioners

FROM: Ken Martin - Local Government Boundary Change Consultant

Date: August 9, 2010

RE: Boundary Change Proposal No. CL-1110, Annexation to Dunthorpe-Riverdale County Service District for Sewers Set For September 2, 2010 Hearing

1.	Recommend./Action Requested:	Approval
2.	Background/Analysis:	See Attached Staff Report
3.	Financial Impact:	None
4.	Legal Issues:	None
5.	Controversial Issues:	None
6.	Link to Current County Policies:	The relationship to the Lake Oswego Comprehensive Framework Plan is covered in the attached staff report.
7.	Citizen Participation:	Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and one notice by the County hearing room 20 days prior to the hearing; 2) Publishing notice twice in the Daily Journal of Commerce; 3) Mailed notice sent to affected local governments, all property owners within 100 feet of the area to be annexed.
8.	Other Government Participation:	The Dunthorpe-Riverdale County Service District is a county service district for sewers for which the Multnomah County Board serves as the board of Directors. The Board of the District will endorse the annexation prior to the hearing as it is required to do by statute.

September 2, 2010 Hearing

PROPOSAL NO. CL-1110 - DUNTHORPE-RIVERDALE CSD - Annexation

Petitioners: Property Owner – Ron & Lynn Penner-Ash

Proposal No. CL-1110 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). If the Board approves the proposal the boundary change could become effective immediately.

The territory to be annexed is located on the south edge of the District, on the north edge of SW Iron Mountain Blvd. west of SW Edgecliff Road and east of SW Glen Road. The territory contains 1.07 acres, one single family dwelling, a population of 2 and is evaluated at $1,336,570.

JURISDICTION

The property to be annexed lies within Clackamas County. According to State statue the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Dunthorpe-Riverdale County Service District lies within Multnomah County.

REASON FOR ANNEXATION

The property owners desire sanitary sewer service to replace the existing septic system.

CRITERIA

Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County must:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

(B) Any applicable annexation plan adopted pursuant to ORS 195.205;

(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

(E) Any applicable comprehensive plan; and

(2) Consider whether the boundary change would:

(A) Promote the timely, orderly and economic provision of public facilities and services;

(B) Affect the quality and quantity of urban services; and

(C) Eliminate or avoid unnecessary duplication of facilities and services.

LAND USE PLANNING

REGIONAL PLANNING

This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

COUNTY PLANNING

The territory is zoned R-30 which allows single family dwellings on 30,000 square foot lots. The lot contains one single family dwelling and no additional development is proposed.

Urban Planning Area Agreements

LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban growth management agreements between each city and county.

The territory to be annexed to the Dunthorpe-Riverdale CSD is covered by an Urban Growth Management Agreement between Clackamas County and the City of Lake Oswego. The agreement acknowledges that areas covered by the agreement can and should ultimately be provided with a full range of services by the City of Lake Oswego and that this should be

accomplished through annexation to the City. However this territory is not currently contiguous to the City.

CITY PLANNING

The City of Lake Oswego has established an Urban Service Boundary which covers this area and identifies it as potential for an R-10 residential use. The City does not oppose annexation to the District since the property is not currently contiguous to the City and the property owner has signed a contract to eventually annex to the City. The City's position is based on [Lake Oswego] Comprehensive Plan Policy 22. The policy states:

22. The City will support expansion of an existing service district's boundaries only if:

- *a) It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be, made available and are adequate;*
- *b) The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;*
- *c) Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation; and*
- *d) The service district can maintain an adequate level of service over both the short and long term.*

FACILITIES AND SERVICES

ORS 195 Agreements. This statute requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no ORS 195 agreements between the Dunthorpe-Riverdale County Service District and other entities.

Sewers - The Dunthorpe-Riverdale County Service District is a separate governmental entity which has as its board of directors the County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of the County. Through an agreement with the City of Portland, sewage from the District is treated at the City's Tryon Creek regional sewage treatment plant. While previously staffed and run by County employees, the District is now maintained by the City of Portland through a contract. The existing dwelling can be served from a District line which is in an easement on the north property line of the territory to be annexed.

Water. The territory receives water service from the Palatine Hill Water District.

Fire. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.

Police. The site is served generally by Clackamas County.

Other services are provided generally by Clackamas County.

RECOMMENDATION.

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. CL-1110 be ***approved***.

Exhibit A
Proposal CL-1110

FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Commission found that:

1. The territory to be annexed contains 1.07 acres, one single family dwelling, a population of 2 and is evaluated at $1,336,570.

2. The property to be annexed lies within Clackamas County. According to State statue the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Dunthorpe-Riverdale County Service District lies within Multnomah County.

3. The property owners desire sanitary sewer service to replace the existing septic system.

4. Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

   A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County must:

   (1) Find that the change is consistent with expressly applicable provisions in:

      (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

      (B) Any applicable annexation plan adopted pursuant to ORS 195.205;

      (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

      (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

      (E) Any applicable comprehensive plan; and

   (2) Consider whether the boundary change would:

      (A) Promote the timely, orderly and economic provision of public facilities and services;

(B) Affect the quality and quantity of urban services; and

(C) Eliminate or avoid unnecessary duplication of facilities and services.

5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

6. The territory is zoned R-30 which allows single family dwellings on 30,000 square foot lots. The lot contains one single family dwelling and no additional development is proposed.

7. LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban growth management agreements between each city and county.

   The territory to be annexed to the Dunthorpe-Riverdale CSD is covered by an Urban Growth Management Agreement between Clackamas County and the City of Lake Oswego. The agreement acknowledges that areas covered by the agreement can and should ultimately be provided with a full range of services by the City of Lake Oswego and that this should be accomplished through annexation to the City. However this territory is not currently contiguous to the City.

8. The City of Lake Oswego has established an Urban Service Boundary which covers this area and identifies it as potential for an R-10 residential use. The City does not oppose annexation to the District since the property is not currently contiguous to the City and the property owner has signed a contract to eventually annex to the City. The City's position is based on [Lake Oswego] Comprehensive Plan Policy 22. The policy states:

   22. The City will support expansion of an existing service district's boundaries only if:

   a) It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be, made available and are adequate;
   b) The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;
   c) Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation; and
   d) The service district can maintain an adequate level of service over both the short and long term.

9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and

streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no ORS 195 agreements between the Dunthorpe-Riverdale County Service District and other entities.

10. The Dunthorpe-Riverdale County Service District is a separate governmental entity which has as its board of directors the County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of the County. Through an agreement with the City of Portland, sewage from the District is treated at the City's Tryon Creek regional sewage treatment plant. While previously staffed and run by County employees, the District is now maintained by the City of Portland through a contract. The existing dwelling can be served from a District line which is in an easement on the north property line of the territory to be annexed.

11. The territory receives water service from the Palatine Hill Water District.

12. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.

13. The site is served generally by Clackamas County.

14. Other services are provided generally by Clackamas County.

CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. The Metro Code calls for consistency with expressly applicable provisions of urban service agreements adopted pursuant to ORS 195. The annexing entity (Dunthorpe-Riverdale County Service District) is not a party to an urban service agreement. Therefore no inconsistencies exist.

2. The Metro Code requires consistency with expressly applicable provisions of any applicable annexation plan adopted pursuant to ORS 195.205. No city or district annexation plan covers this area. Therefore the boundary change is not inconsistent with any such plan.

3. Metro Code 3.09.045 (d) (1) (C) requires the County to find that the boundary change is consistent with any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party. The District is not a party to a cooperative agreement required by ORS 195. Therefore the Board concludes the proposal is consistent with this requirement.

4. The Metro Code at 3.09.045 (d) (1) (C) calls for consistency between the Board decision and any "expressly applicable provisions" contained in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services. The City's Public Facility Plan calls for service to be ultimately provided by the City and the City allows for interim service to be provided by the District.

5. The Metro Code calls for consistency with expressly applicable provisions in any applicable comprehensive land use plans. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the Lake Oswego Comprehensive Plan and specifically Policy 22 and concludes this proposal complies with it. As noted in Finding 8, the Plan allows annexation to the District because the District has service available and the property owner has agreed to eventual annexation to the City.

6. Metro Code 3.09.045 (d) (2) (A) requires consideration of whether the boundary change would "Promote the timely, orderly and economic provision of public facilities and services." The District already provides service to the surrounding areas. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.

7. The Metro Code at 3.09.045 (d) (2) (B) calls for consideration of whether the boundary change will affect the quality and quantity of urban services. Given the size of the District, this one-lot annexation will have little or no impact on the District's ability to provide services.

8. The Board is to consider whether the boundary change would "Eliminate or avoid unnecessary duplication of facilities or services." Annexation legitimizes service provision by the District which is the only entity with sewer lines in the area. Therefore the Board concludes this criterion is met.

Proposal No. CL-1110

EXHIBIT B

LEGAL DESCRIPTION

2 1E 03AA 01200

A part of Blocks 130 and 131, DUNTHORPE, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the intersection of Iron Mountain Boulevard with the East line of said Block 131; thence Westerly along the North line of said boulevard, 114 feet to the East line of that tract conveyed to C.D. Dobbins, et ux, by Deed recorded August 23, 1973 as Fee No. 73-26921, Clackamas County Records; thence Northeasterly along said East line, 333 feet to a point on the North line of said Block 131, which bears North 61° 10' West, 52 feet from the Northeast corner of said Block 131; thence South 61° 10 East, 52 feet to the Northeast corner of said Block 131; thence South 84° 32' East, 49.55 feet to the Northwest corner of that tract conveyed to William Richard Meyer by Deed recorded October 4, 1977 as Fee No. 77-40352, Clackamas County Records; thence Southwesterly along the West line of said Meyer Tract, 325 feet to a point on the North line of Iron Mountain Boulevard, which bears Easterly 41 feet when measured along said North line from the East line of said Block 131; thence Westerly along said North line, 41 feet to the point of beginning.

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

Board Clerk Use Only	
Meeting Date:	R1 & R-2
Agenda Item #:	
Est. Start Time:	
Date Submitted:	

Agenda Title: **Acting as the Governing Body of the DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT, Public Hearing and Consideration of the District's Endorsing a Petition to Annex a Single Parcel of Land to the District Pursuant to ORS 198.857**

PUBLIC HEARING and Consideration of an Order Approving the Annexation of Territory to Dunthorpe-Riverdale County Service District

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	September 2, 2010	**Amount of Time Needed:**	10 minutes
Department:	Community Services	**Division:**	LUT - Road Services
Contact(s):	Kenneth Martin/Matthew Ryan/Tom Hansell		
Phone:	(503) 988-5050 **Ext.** 29833	**I/O Address:**	425/2
Presenter Name(s) & Title(s):	Kenneth Martin, Local Government Boundary Change Consultant; Matthew Ryan, Assistant County Attorney; & Tom Hansell, District Administrator		

General Information

1. **What action are you requesting from the Board?**

   Convene as the Governing Body of the Dunthorpe-Riverdale Sanitary Service District No. 1 and endorse annexation petition.

   Reconvene as the Multnomah County Board of County Commissioners and open a Public Hearing to consider the annexation petition and adopt an order approving annexation of territory to Dunthorpe-Riverdale Sanitary Service District No. 1.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   See attached Boundary Consultant Report.

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

   Annexation provides the District with the taxing authority to assess properties the necessary fees to meet the District's operational requirements.

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

The Dunthorpe-Riverdale County Sanitary Service District is a county service district for sewer service for which the Multnomah County Board of County Commissioners serve as the District Board of Directors. As required by statute, the Board of the District will endorse the annexation prior to the hearing.

The property is located in unincorporated Clackamas County and falls inside the City of Lake Oswego's Urban Service Boundary. The petitioner entered into an annexation contract with the City of Lake Oswego to obtain the City's approval. The annexation contract recognizes the City is unable to provide sewer service to this property at this time. At such time the City can provide public sewer, the property will disconnect from the District, and annexation into the City shall take effect.

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

Prescribed noticing for this public hearing was completed per statute. Noticing includes a mailing to affected local governments and the petitioner.

Required Signature

Elected Official or Department/ Agency Director: Lorrie Johnson **Date:** 8/11/2010

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Approving The Annexation Of Territory To Dunthorpe-Riverdale County Service District

The Multnomah County Board of Commissioners Finds:

a. A request for annexation was received pursuant to procedures set forth in ORS 198 and Metro Code 3.09.

b. The annexation was endorsed by the Board of the District as required by ORS 198.850 (1).

c. A staff report which addressed factors mandated in the Metro Code and ORS 198 was presented to the Board 15 days prior to the hearing as required by the Metro Code.

d. A public hearing was held before the Board of County Commissioners on September 2, 2010 to determine whether the boundary change was appropriate as required by ORS 198 and whether it met the criteria laid out in the Metro Code.

The Multnomah County Board of Commissioners Orders:

1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. CL-1110 is approved.

2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Dunthorpe-Riverdale County Service District.

3. The staff is directed to file this document with the required parties.

ADOPTED this 2nd day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

Reviewed:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By:_____
Matthew O. Ryan, Assistant County Attorney

TO: Board of County Commissioners

FROM: Ken Martin - Local Government Boundary Change Consultant

Date: August 9, 2010

RE: Boundary Change Proposal No. CL-1110, Annexation to Dunthorpe-Riverdale County Service District for Sewers Set For September 2, 2010 Hearing

1.	Recommend./Action Requested:	Approval
2.	Background/Analysis:	See Attached Staff Report
3.	Financial Impact:	None
4.	Legal Issues:	None
5.	Controversial Issues:	None
6.	Link to Current County Policies:	The relationship to the Lake Oswego Comprehensive Framework Plan is covered in the attached staff report.
7.	Citizen Participation:	Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and one notice by the County hearing room 20 days prior to the hearing; 2) Publishing notice twice in the Daily Journal of Commerce; 3) Mailed notice sent to affected local governments, all property owners within 100 feet of the area to be annexed.
8.	Other Government Participation:	The Dunthorpe-Riverdale County Service District is a county service district for sewers for which the Multnomah County Board serves as the board of Directors. The Board of the District will endorse the annexation prior to the hearing as it is required to do by statute.

PROPOSAL NO. CL-1110 - DUNTHORPE-RIVERDALE CSD - Annexation

Petitioners: Property Owner – Ron & Lynn Penner-Ash

Proposal No. CL-1110 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). If the Board approves the proposal the boundary change could become effective immediately.

The territory to be annexed is located on the south edge of the District, on the north edge of SW Iron Mountain Blvd. west of SW Edgecliff Road and east of SW Glen Road. The territory contains 1.07 acres, one single family dwelling, a population of 2 and is evaluated at $1,336,570.

JURISDICTION

The property to be annexed lies within Clackamas County. According to State statue the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Dunthorpe-Riverdale County Service District lies within Multnomah County.

REASON FOR ANNEXATION

The property owners desire sanitary sewer service to replace the existing septic system.

CRITERIA

Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County must:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

(B) Any applicable annexation plan adopted pursuant to ORS 195.205;

(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

(E) Any applicable comprehensive plan; and

(2) Consider whether the boundary change would:

(A) Promote the timely, orderly and economic provision of public facilities and services;

(B) Affect the quality and quantity of urban services; and

(C) Eliminate or avoid unnecessary duplication of facilities and services.

LAND USE PLANNING

REGIONAL PLANNING

This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

COUNTY PLANNING

The territory is zoned R-30 which allows single family dwellings on 30,000 square foot lots. The lot contains one single family dwelling and no additional development is proposed.

Urban Planning Area Agreements

LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban growth management agreements between each city and county.

The territory to be annexed to the Dunthorpe-Riverdale CSD is covered by an Urban Growth Management Agreement between Clackamas County and the City of Lake Oswego. The agreement acknowledges that areas covered by the agreement can and should ultimately be provided with a full range of services by the City of Lake Oswego and that this should be

accomplished through annexation to the City. However this territory is not currently contiguous to the City.

CITY PLANNING

The City of Lake Oswego has established an Urban Service Boundary which covers this area and identifies it as potential for an R-10 residential use. The City does not oppose annexation to the District since the property is not currently contiguous to the City and the property owner has signed a contract to eventually annex to the City. The City's position is based on [Lake Oswego] Comprehensive Plan Policy 22. The policy states:

22. The City will support expansion of an existing service district's boundaries only if:

- *a) It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be, made available and are adequate;*
- *b) The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;*
- *c) Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation; and*
- *d) The service district can maintain an adequate level of service over both the short and long term.*

FACILITIES AND SERVICES

ORS 195 Agreements. This statute requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no ORS 195 agreements between the Dunthorpe-Riverdale County Service District and other entities.

Sewers - The Dunthorpe-Riverdale County Service District is a separate governmental entity which has as its board of directors the County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of the County. Through an agreement with the City of Portland, sewage from the District is treated at the City's Tryon Creek regional sewage treatment plant. While previously staffed and run by County employees, the District is now maintained by the City of Portland through a contract. The existing dwelling can be served from a District line which is in an easement on the north property line of the territory to be annexed.

Water. The territory receives water service from the Palatine Hill Water District.

Fire. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.

Police. The site is served generally by Clackamas County.

Other services are provided generally by Clackamas County.

RECOMMENDATION.

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. CL-1110 be ***approved***.

Exhibit A
Proposal CL-1110

FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Commission found that:

1. The territory to be annexed contains 1.07 acres, one single family dwelling, a population of 2 and is evaluated at $1,336,570.

2. The property to be annexed lies within Clackamas County. According to State statue the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Dunthorpe-Riverdale County Service District lies within Multnomah County.

3. The property owners desire sanitary sewer service to replace the existing septic system.

4. Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

   A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County must:

   (1) Find that the change is consistent with expressly applicable provisions in:

   (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

   (B) Any applicable annexation plan adopted pursuant to ORS 195.205;

   (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

   (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

   (E) Any applicable comprehensive plan; and

   (2) Consider whether the boundary change would:

   (A) Promote the timely, orderly and economic provision of public facilities and services;

(B) Affect the quality and quantity of urban services; and

(C) Eliminate or avoid unnecessary duplication of facilities and services.

5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

6. The territory is zoned R-30 which allows single family dwellings on 30,000 square foot lots. The lot contains one single family dwelling and no additional development is proposed.

7. LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban growth management agreements between each city and county.

   The territory to be annexed to the Dunthorpe-Riverdale CSD is covered by an Urban Growth Management Agreement between Clackamas County and the City of Lake Oswego. The agreement acknowledges that areas covered by the agreement can and should ultimately be provided with a full range of services by the City of Lake Oswego and that this should be accomplished through annexation to the City. However this territory is not currently contiguous to the City.

8. The City of Lake Oswego has established an Urban Service Boundary which covers this area and identifies it as potential for an R-10 residential use. The City does not oppose annexation to the District since the property is not currently contiguous to the City and the property owner has signed a contract to eventually annex to the City. The City's position is based on [Lake Oswego] Comprehensive Plan Policy 22. The policy states:

   22. The City will support expansion of an existing service district's boundaries only if:

   a) It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be, made available and are adequate;
   b) The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;
   c) Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation; and
   d) The service district can maintain an adequate level of service over both the short and long term.

9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and

streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no ORS 195 agreements between the Dunthorpe-Riverdale County Service District and other entities.

10. The Dunthorpe-Riverdale County Service District is a separate governmental entity which has as its board of directors the County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of the County. Through an agreement with the City of Portland, sewage from the District is treated at the City's Tryon Creek regional sewage treatment plant. While previously staffed and run by County employees, the District is now maintained by the City of Portland through a contract. The existing dwelling can be served from a District line which is in an easement on the north property line of the territory to be annexed.

11. The territory receives water service from the Palatine Hill Water District.

12. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.

13. The site is served generally by Clackamas County.

14. Other services are provided generally by Clackamas County.

CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. The Metro Code calls for consistency with expressly applicable provisions of urban service agreements adopted pursuant to ORS 195. The annexing entity (Dunthorpe-Riverdale County Service District) is not a party to an urban service agreement. Therefore no inconsistencies exist.

2. The Metro Code requires consistency with expressly applicable provisions of any applicable annexation plan adopted pursuant to ORS 195.205. No city or district annexation plan covers this area. Therefore the boundary change is not inconsistent with any such plan.

3. Metro Code 3.09.045 (d) (1) (C) requires the County to find that the boundary change is consistent with any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party. The District is not a party to a cooperative agreement required by ORS 195. Therefore the Board concludes the proposal is consistent with this requirement.

4. The Metro Code at 3.09.045 (d) (1) (C) calls for consistency between the Board decision and any "expressly applicable provisions" contained in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services. The City's Public Facility Plan calls for service to be ultimately provided by the City and the City allows for interim service to be provided by the District.

5. The Metro Code calls for consistency with expressly applicable provisions in any applicable comprehensive land use plans. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the Lake Oswego Comprehensive Plan and specifically Policy 22 and concludes this proposal complies with it. As noted in Finding 8, the Plan allows annexation to the District because the District has service available and the property owner has agreed to eventual annexation to the City.

6. Metro Code 3.09.045 (d) (2) (A) requires consideration of whether the boundary change would "Promote the timely, orderly and economic provision of public facilities and services." The District already provides service to the surrounding areas. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.

7. The Metro Code at 3.09.045 (d) (2) (B) calls for consideration of whether the boundary change will affect the quality and quantity of urban services. Given the size of the District, this one-lot annexation will have little or no impact on the District's ability to provide services.

8. The Board is to consider whether the boundary change would "Eliminate or avoid unnecessary duplication of facilities or services." Annexation legitimizes service provision by the District which is the only entity with sewer lines in the area. Therefore the Board concludes this criterion is met.

Proposal No. CL-1110

EXHIBIT B

LEGAL DESCRIPTION

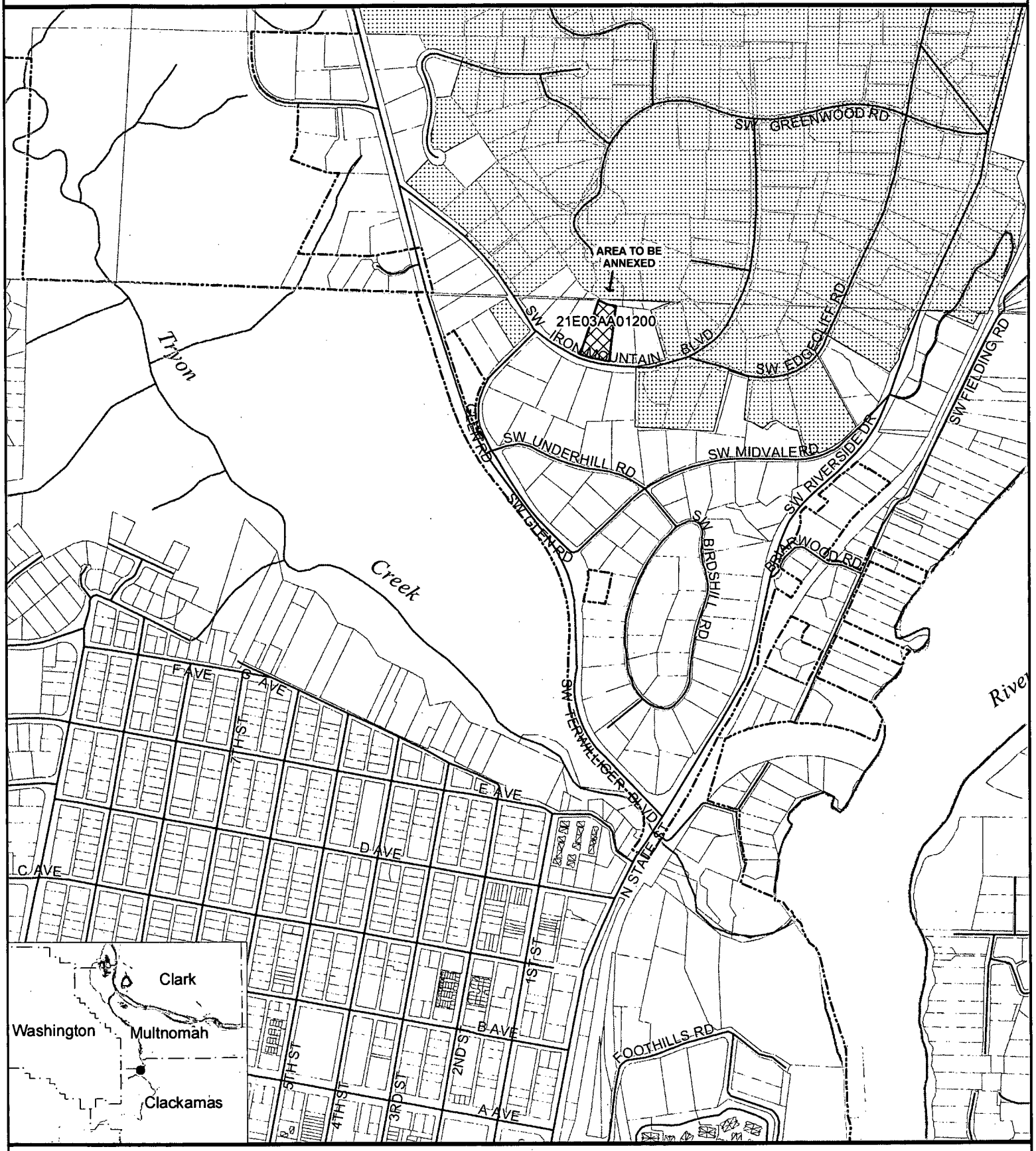
2 1E 03AA 01200

A part of Blocks 130 and 131, DUNTHORPE, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the intersection of Iron Mountain Boulevard with the East line of said Block 131; thence Westerly along the North line of said boulevard, 114 feet to the East line of that tract conveyed to C.D. Dobbins, et ux, by Deed recorded August 23, 1973 as Fee No. 73-26921, Clackamas County Records; thence Northeasterly along said East line, 333 feet to a point on the North line of said Block 131, which bears North 61° 10' West, 52 feet from the Northeast corner of said Block 131; thence South 61° 10 East, 52 feet to the Northeast corner of said Block 131; thence South 84° 32' East, 49.55 feet to the Northwest corner of that tract conveyed to William Richard Meyer by Deed recorded October 4, 1977 as Fee No. 77-40352, Clackamas County Records; thence Southwesterly along the West line of said Meyer Tract, 325 feet to a point on the North line of Iron Mountain Boulevard, which bears Easterly 41 feet when measured along said North line from the East line of said Block 131; thence Westerly along said North line, 41 feet to the point of beginning.

CL1110

2S1E03 **Dunthorpe-Riverdale Service District** Clackamas County



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.oregonmetro.gov/drc
METRO

Dunthorpe-Riverdale Service District

Area to be annexed

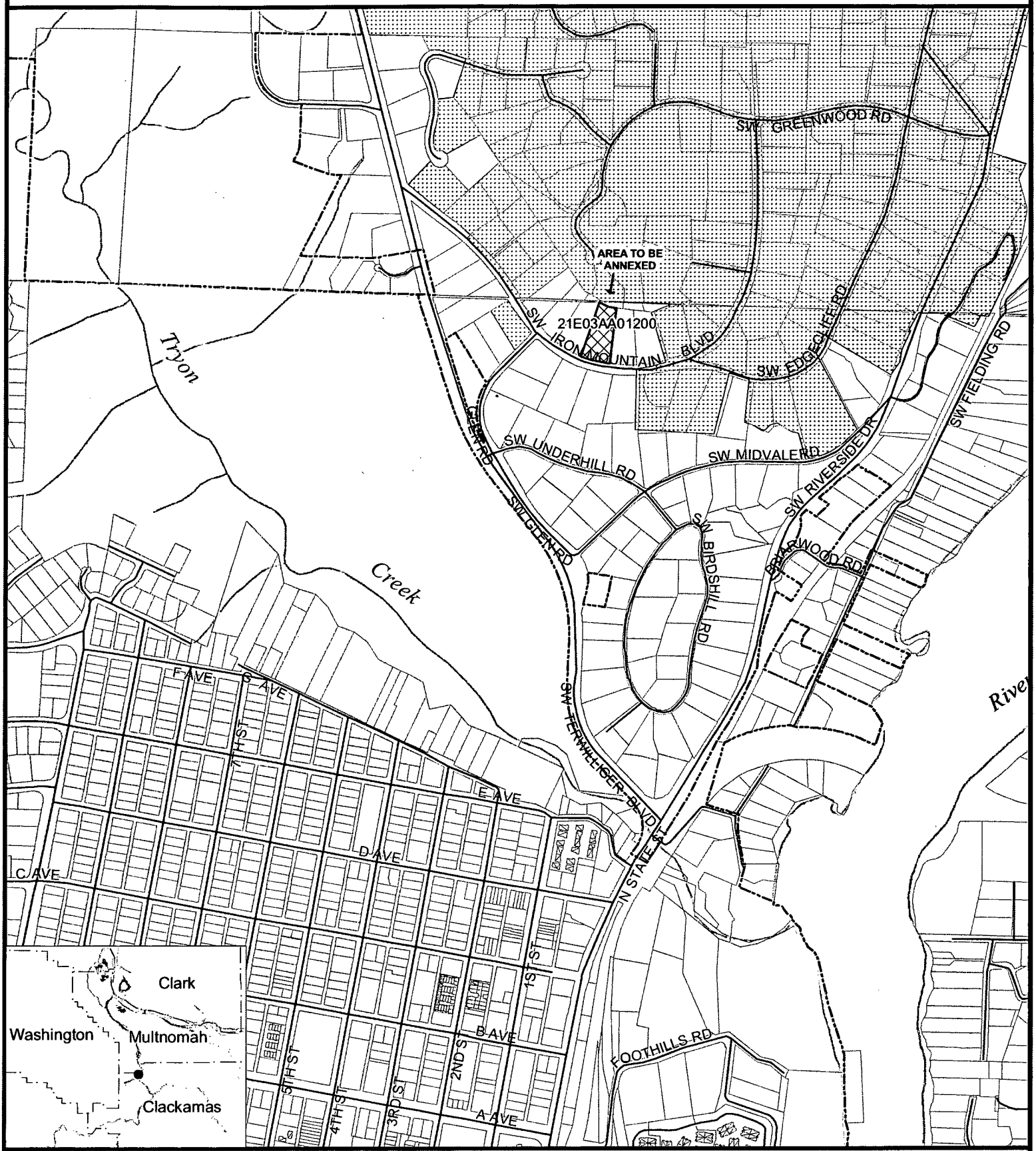
CL1110

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955
KMC

1:9,043

CL1110

2S1E03 | **Dunthorpe-Riverdale Service District** | Clackamas County



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.oregonmetro.gov/drc

METRO

Dunthorpe-Riverdale Service District

Area to be annexed

CL1110

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

KMC

1:9,043

Exhibit A
Proposal CL-1110

FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Commission found that:

1. The territory to be annexed contains 1.07 acres, one single family dwelling, a population of 2 and is evaluated at $1,336,570.

2. The property to be annexed lies within Clackamas County. According to State statue the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Dunthorpe-Riverdale County Service District lies within Multnomah County.

3. The property owners desire sanitary sewer service to replace the existing septic system.

4. Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

   A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County must:

   (1) Find that the change is consistent with expressly applicable provisions in:

      (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

      (B) Any applicable annexation plan adopted pursuant to ORS 195.205;

      (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

      (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

      (E) Any applicable comprehensive plan; and

   (2) Consider whether the boundary change would:

      (A) Promote the timely, orderly and economic provision of public facilities and services;

(B) Affect the quality and quantity of urban services; and

(C) Eliminate or avoid unnecessary duplication of facilities and services.

5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

6. The territory is zoned R-30 which allows single family dwellings on 30,000 square foot lots. The lot contains one single family dwelling and no additional development is proposed.

7. LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban growth management agreements between each city and county.

   The territory to be annexed to the Dunthorpe-Riverdale CSD is covered by an Urban Growth Management Agreement between Clackamas County and the City of Lake Oswego. The agreement acknowledges that areas covered by the agreement can and should ultimately be provided with a full range of services by the City of Lake Oswego and that this should be accomplished through annexation to the City. However this territory is not currently contiguous to the City.

8. The City of Lake Oswego has established an Urban Service Boundary which covers this area and identifies it as potential for an R-10 residential use. The City does not oppose annexation to the District since the property is not currently contiguous to the City and the property owner has signed a contract to eventually annex to the City. The City's position is based on [Lake Oswego] Comprehensive Plan Policy 22. The policy states:

   22. The City will support expansion of an existing service district's boundaries only if:

   a) It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be, made available and are adequate;
   b) The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;
   c) Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation; and
   d) The service district can maintain an adequate level of service over both the short and long term.

9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and

streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no ORS 195 agreements between the Dunthorpe-Riverdale County Service District and other entities.

10. The Dunthorpe-Riverdale County Service District is a separate governmental entity which has as its board of directors the County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of the County. Through an agreement with the City of Portland, sewage from the District is treated at the City's Tryon Creek regional sewage treatment plant. While previously staffed and run by County employees, the District is now maintained by the City of Portland through a contract. The existing dwelling can be served from a District line which is in an easement on the north property line of the territory to be annexed.

11. The territory receives water service from the Palatine Hill Water District.

12. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.

13. The site is served generally by Clackamas County.

14. Other services are provided generally by Clackamas County.

CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. The Metro Code calls for consistency with expressly applicable provisions of urban service agreements adopted pursuant to ORS 195. The annexing entity (Dunthorpe-Riverdale County Service District) is not a party to an urban service agreement. Therefore no inconsistencies exist.

2. The Metro Code requires consistency with expressly applicable provisions of any applicable annexation plan adopted pursuant to ORS 195.205. No city or district annexation plan covers this area. Therefore the boundary change is not inconsistent with any such plan.

3. Metro Code 3.09.045 (d) (1) (C) requires the County to find that the boundary change is consistent with any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party. The District is not a party to a cooperative agreement required by ORS 195. Therefore the Board concludes the proposal is consistent with this requirement.

4. The Metro Code at 3.09.045 (d) (1) (C) calls for consistency between the Board decision and any "expressly applicable provisions" contained in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services. The City's Public Facility Plan calls for service to be ultimately provided by the City and the City allows for interim service to be provided by the District.

5. The Metro Code calls for consistency with expressly applicable provisions in any applicable comprehensive land use plans. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the Lake Oswego Comprehensive Plan and specifically Policy 22 and concludes this proposal complies with it. As noted in Finding 8, the Plan allows annexation to the District because the District has service available and the property owner has agreed to eventual annexation to the City.

6. Metro Code 3.09.045 (d) (2) (A) requires consideration of whether the boundary change would "Promote the timely, orderly and economic provision of public facilities and services." The District already provides service to the surrounding areas. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.

7. The Metro Code at 3.09.045 (d) (2) (B) calls for consideration of whether the boundary change will affect the quality and quantity of urban services. Given the size of the District, this one-lot annexation will have little or no impact on the District's ability to provide services.

8. The Board is to consider whether the boundary change would "Eliminate or avoid unnecessary duplication of facilities or services." Annexation legitimizes service provision by the District which is the only entity with sewer lines in the area. Therefore the Board concludes this criterion is met.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Approving the annexation of territory to Dunthorpe-Riverdale County Service District.

The Multnomah County Board of Commissioners Finds:

(a) A request for annexation was received pursuant to procedures set forth in ORS 198 and Metro Code 3.09.

(b) The annexation was endorsed by the Board of the District as required by ORS 198.850 (1).

(c) A staff report which addressed factors mandated in the Metro Code and ORS 198 was presented to the Board 15 days prior to the hearing as required by the Metro Code.

(d) A public hearing was held before the Board of County Commissioners on September 2, 2010 to determine whether the boundary change was appropriate as required by ORS 198 and whether it met the criteria laid out in the Metro Code.

The Multnomah County Board of Commissioners Orders:

1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. CL-1110 is approved.

2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Dunthorpe-Riverdale County Service District.

3. The staff is directed to file this document with the required parties.

ADOPTED this 2nd day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogan, Chair

Reviewed:

AGNESS SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

by_____
Agness Sowle
County Attorney

TO: Board of County Commissioners

FROM: Ken Martin - Local Government Boundary Change Consultant

Date: August 9, 2010

RE: Boundary Change Proposal No. CL-1110, Annexation to Dunthorpe-Riverdale County Service District for Sewers Set For September 2, 2010 Hearing

1.	Recommend./Action Requested:	Approval
2.	Background/Analysis:	See Attached Staff Report
3.	Financial Impact:	None
4.	Legal Issues:	None
5.	Controversial Issues:	None
6.	Link to Current County Policies:	The relationship to the Lake Oswego Comprehensive Framework Plan is covered in the attached staff report.
7.	Citizen Participation:	Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and one notice by the County hearing room 20 days prior to the hearing; 2) Publishing notice twice in the Daily Journal of Commerce; 3) Mailed notice sent to affected local governments, all property owners within 100 feet of the area to be annexed.
8.	Other Government Participation:	The Dunthorpe-Riverdale County Service District is a county service district for sewers for which the Multnomah County Board serves as the board of Directors. The Board of the District will endorse the annexation prior to the hearing as it is required to do by statute.

PROPOSAL NO. CL-1110 - DUNTHORPE-RIVERDALE CSD - Annexation

Petitioners: Property Owner – Ron & Lynn Penner-Ash

Proposal No. CL-1110 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). If the Board approves the proposal the boundary change could become effective immediately.

The territory to be annexed is located on the south edge of the District, on the north edge of SW Iron Mountain Blvd. west of SW Edgecliff Road and east of SW Glen Road. The territory contains 1.07 acres, one single family dwelling, a population of 2 and is evaluated at $1,336,570.

JURISDICTION

The property to be annexed lies within Clackamas County. According to State statue the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Dunthorpe-Riverdale County Service District lies within Multnomah County.

REASON FOR ANNEXATION

The property owners desire sanitary sewer service to replace the existing septic system.

CRITERIA

Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County must:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

(B) Any applicable annexation plan adopted pursuant to ORS 195.205;

(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

(E) Any applicable comprehensive plan; and

(2) Consider whether the boundary change would:

(A) Promote the timely, orderly and economic provision of public facilities and services;

(B) Affect the quality and quantity of urban services; and

(C) Eliminate or avoid unnecessary duplication of facilities and services.

LAND USE PLANNING

REGIONAL PLANNING

This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

COUNTY PLANNING

The territory is zoned R-30 which allows single family dwellings on 30,000 square foot lots. The lot contains one single family dwelling and no additional development is proposed.

Urban Planning Area Agreements

LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban growth management agreements between each city and county.

The territory to be annexed to the Dunthorpe-Riverdale CSD is covered by an Urban Growth Management Agreement between Clackamas County and the City of Lake Oswego. The agreement acknowledges that areas covered by the agreement can and should ultimately be provided with a full range of services by the City of Lake Oswego and that this should be

accomplished through annexation to the City. However this territory is not currently contiguous to the City.

CITY PLANNING

The City of Lake Oswego has established an Urban Service Boundary which covers this area and identifies it as potential for an R-10 residential use. The City does not oppose annexation to the District since the property is not currently contiguous to the City and the property owner has signed a contract to eventually annex to the City. The City's position is based on [Lake Oswego] Comprehensive Plan Policy 22. The policy states:

22. The City will support expansion of an existing service district's boundaries only if:

- *a) It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be, made available and are adequate;*
- *b) The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;*
- *c) Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation; and*
- *d) The service district can maintain an adequate level of service over both the short and long term.*

FACILITIES AND SERVICES

ORS 195 Agreements. This statute requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no ORS 195 agreements between the Dunthorpe-Riverdale County Service District and other entities.

Sewers - The Dunthorpe-Riverdale County Service District is a separate governmental entity which has as its board of directors the County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of the County. Through an agreement with the City of Portland, sewage from the District is treated at the City's Tryon Creek regional sewage treatment plant. While previously staffed and run by County employees, the District is now maintained by the City of Portland through a contract. The existing dwelling can be served from a District line which is in an easement on the north property line of the territory to be annexed.

Water. The territory receives water service from the Palatine Hill Water District.

Fire. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.

Police. The site is served generally by Clackamas County.

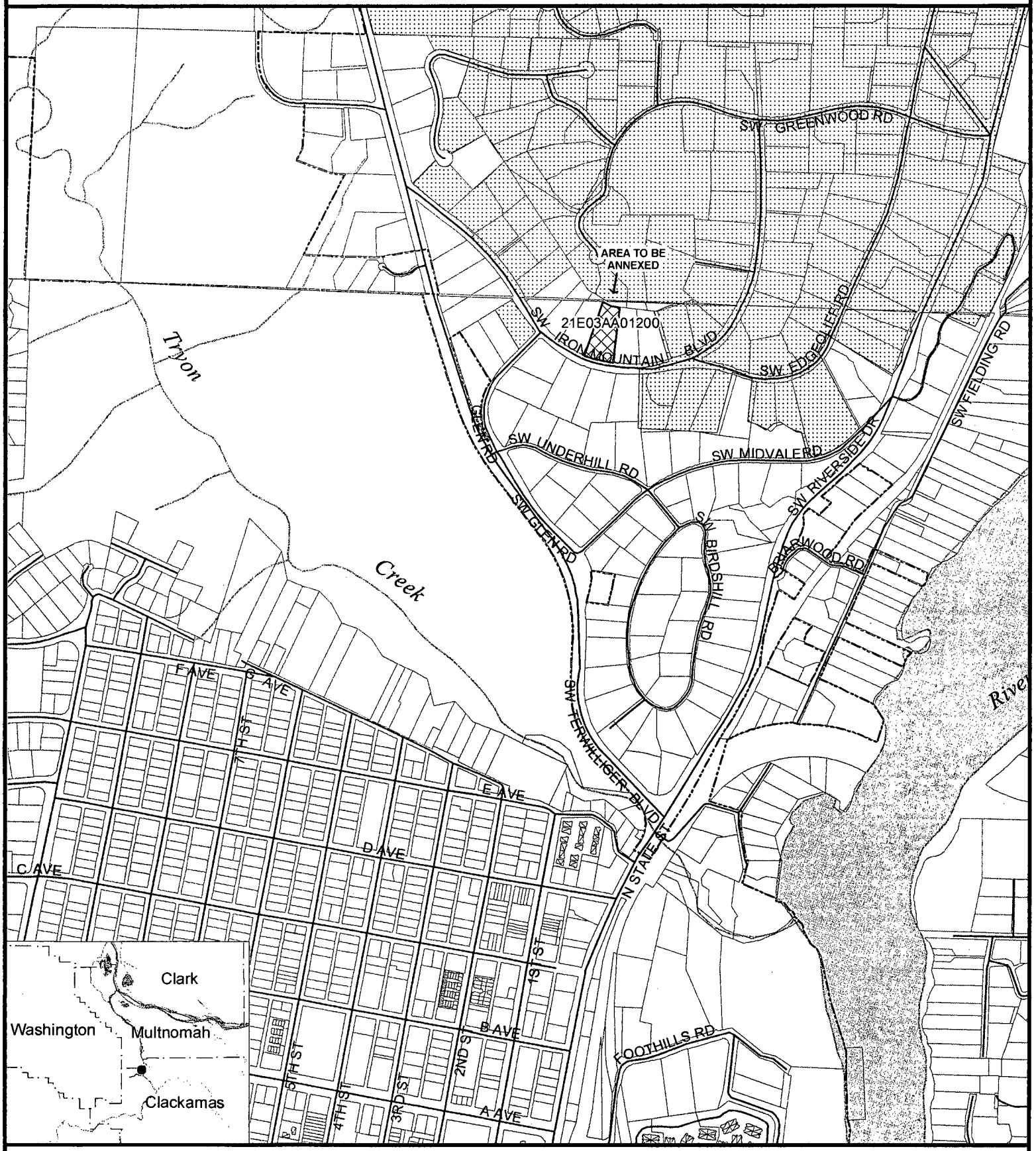
Other services are provided generally by Clackamas County.

RECOMMENDATION.

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. CL-1110 be ***approved***.

CL1110

2S1E03 **Dunthorpe-Riverdale Service District** Clackamas County



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.oregonmetro.gov/drc

METRO

Dunthorpe-Riverdale Service District

Area to be annexed

CL1110

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

KMC

1:9,043

Exhibit A
Proposal CL-1110

FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Commission found that:

1. The territory to be annexed contains 1.07 acres, one single family dwelling, a population of 2 and is evaluated at $1,336,570.

2. The property to be annexed lies within Clackamas County. According to State statue the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Dunthorpe-Riverdale County Service District lies within Multnomah County.

3. The property owners desire sanitary sewer service to replace the existing septic system.

4. Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

   A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County must:

   (1) Find that the change is consistent with expressly applicable provisions in:

      (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

      (B) Any applicable annexation plan adopted pursuant to ORS 195.205;

      (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

      (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

      (E) Any applicable comprehensive plan; and

   (2) Consider whether the boundary change would:

      (A) Promote the timely, orderly and economic provision of public facilities and services;

(B) Affect the quality and quantity of urban services; and

(C) Eliminate or avoid unnecessary duplication of facilities and services.

5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

6. The territory is zoned R-30 which allows single family dwellings on 30,000 square foot lots. The lot contains one single family dwelling and no additional development is proposed.

7. LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban growth management agreements between each city and county.

   The territory to be annexed to the Dunthorpe-Riverdale CSD is covered by an Urban Growth Management Agreement between Clackamas County and the City of Lake Oswego. The agreement acknowledges that areas covered by the agreement can and should ultimately be provided with a full range of services by the City of Lake Oswego and that this should be accomplished through annexation to the City. However this territory is not currently contiguous to the City.

8. The City of Lake Oswego has established an Urban Service Boundary which covers this area and identifies it as potential for an R-10 residential use. The City does not oppose annexation to the District since the property is not currently contiguous to the City and the property owner has signed a contract to eventually annex to the City. The City's position is based on [Lake Oswego] Comprehensive Plan Policy 22. The policy states:

   22. The City will support expansion of an existing service district's boundaries only if:

   a) It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be, made available and are adequate;
   b) The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;
   c) Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation; and
   d) The service district can maintain an adequate level of service over both the short and long term.

9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and

streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no ORS 195 agreements between the Dunthorpe-Riverdale County Service District and other entities.

10. The Dunthorpe-Riverdale County Service District is a separate governmental entity which has as its board of directors the County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of the County. Through an agreement with the City of Portland, sewage from the District is treated at the City's Tryon Creek regional sewage treatment plant. While previously staffed and run by County employees, the District is now maintained by the City of Portland through a contract. The existing dwelling can be served from a District line which is in an easement on the north property line of the territory to be annexed.

11. The territory receives water service from the Palatine Hill Water District.

12. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.

13. The site is served generally by Clackamas County.

14. Other services are provided generally by Clackamas County.

CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. The Metro Code calls for consistency with expressly applicable provisions of urban service agreements adopted pursuant to ORS 195. The annexing entity (Dunthorpe-Riverdale County Service District) is not a party to an urban service agreement. Therefore no inconsistencies exist.

2. The Metro Code requires consistency with expressly applicable provisions of any applicable annexation plan adopted pursuant to ORS 195.205. No city or district annexation plan covers this area. Therefore the boundary change is not inconsistent with any such plan.

3. Metro Code 3.09.045 (d) (1) (C) requires the County to find that the boundary change is consistent with any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party. The Districtis not a party to a cooperative agreement required by ORS 195. Therefore the Board concludes the proposal is consistent with this requirement.

4. The Metro Code at 3.09.045 (d) (1) (C) calls for consistencybetween the Board decision and any "expressly applicable provisions" contained in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services. The City's Public Facility Plan calls for service to beultimately provided by the City and the City allows for interim service to be provided by the District.

5. The Metro Code calls for consistency with expressly applicable provisions in any applicable comprehensive land use plans. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the Lake Oswego Comprehensive Plan and specifically Policy 22 and concludes this proposal complies with it. As noted in Finding 8, the Plan allows annexation to the District because the District has service available and the property owner has agreed to eventual annexation to the City.

6. Metro Code 3.09.045 (d) (2) (A) requires consideration of whether the boundary change would "Promote the timely, orderly and economic provision of public facilities and services." The District already provides service to the surrounding areas. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.

7. The Metro Code at 3.09.045 (d) (2) (B) calls for consideration of whether the boundary change will affect the quality and quantity of urban services. Given the size of the District, this one-lot annexation will have little or no impact on the District's abilty to provide services.

8. The Board is to consider whether the boundary change would "Eliminate or avoid unnecessary duplication of facilities or services." Annexation legitimizes service provision by the District which is the only entity with sewer linesin the area. Therefore the Board concludes this criterion is met.

July 16, 2010

Ref: CL-1110

Lynda Grow, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne, Suite 600
Portland, OR 97214-3587

VIA E-MAIL

Dear Lynda:

ORS 198 requires the posting of a Public Hearing Notice "on or near the doors of the meeting room . . . or upon any official public bulletin board customarily used for the purpose of posting notices by or pertaining to the . . . county."

In order to meet the requirements of Metro Code 3.09.030 (b), the notice needs to be posted by August 13, 2010.

Could you please post the enclosed NOTICE OF HEARING and map in order to comply with this requirement.

Thank you.

Kenneth S. Martin

Enclosures

NOTICE OF HEARING
PROPOSED ANNEXATION TO DUNTHORPE-RIVERDALE COUNTY SERVICE DISTRICT

NOTICE IS HEREBY GIVEN THAT AT 9:30 AM ON THURSDAY, SEPT. 2, 2010, IN THE FIRST FLOOR COMMISSIONER'S BOARDROOM, MULTNOMAH BUILDING, 501 SE HAWTHORNE, PORTLAND, OREGON, THERE SHALL BE A PUBLIC HEARING BY AND BEFORE THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS ON THE BOUNDARY CHANGE PROPOSAL LISTED BELOW. INTERESTED PERSONS MAY APPEAR AND WILL BE GIVEN REASONABLE OPPORTUNITY TO BE HEARD.

PROPOSAL NO. CL-1110 - ANNEXATION TO DUNTHORPE-RIVERDALE COUNTY SERVICE DISTRICT of territory located generally on the south edge of the District on the north edge of S.W. Iron Mountain Blvd. east of SW Glen Rd. and west of SW Edgecliff Rd., more particularly: Tax Lot 200, NE 1/4 NE 1/4 Sec. 3, T2S R1E, W.M., Clackamas County, Oregon.

The purpose of this annexation is to acquire sanitary sewer service for one existing single family dwelling.

The decision on annexation to the District does not authorize or prevent any specific use of land. Current county zoning and planning designations will not be affected by this proposed change.

Applicable criteria may be found in ORS 198 and Metro Code 3.09.050.

To speak at the hearing please fill out a speakers card prior to the beginning of the hearing. All speakers are generally limited to three minutes.

Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the County Board an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

A copy of the staff report will be available for inspection at no cost 15 days before the hearing and will be provided at reasonable cost.

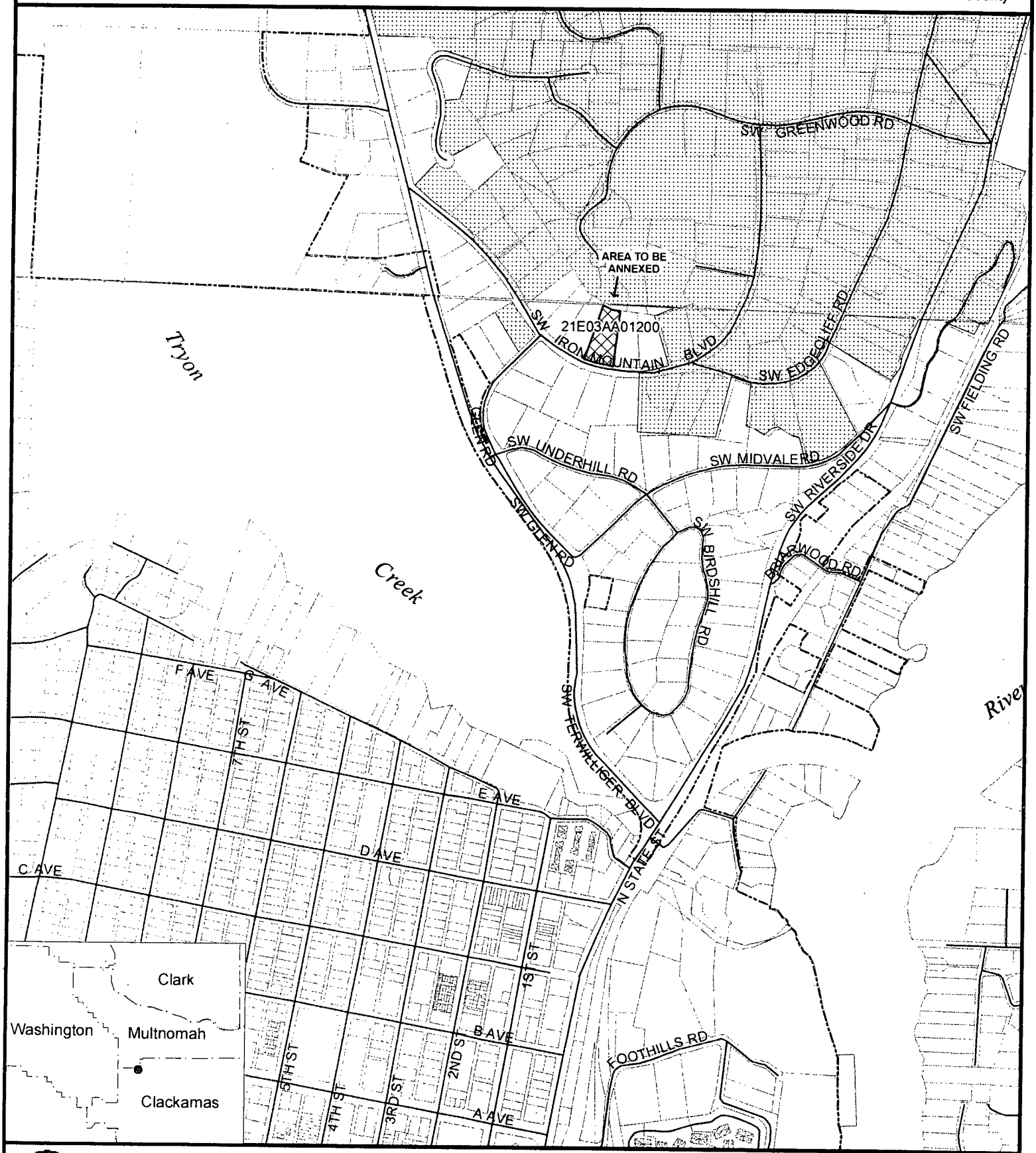
To review the information in the application or staff report, acquire copies of these items or for other general information contact Ken Martin at 503 222-0955.

July 9, 2010

JEFF COGAN, CHAIR

CL1110

2S1E03 **Dunthorpe-Riverdale Service District** Clackamas County



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.oregonmetro.gov/drc
METRO

Dunthorpe-Riverdale Service District

Area to be annexed

CL1110

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955
KMC

1:9,043

GROW Lynda

From: ksmconsult@comcast.net
Sent: Thursday, July 29, 2010 11:57 AM
To: RYAN Matthew O
Cc: KINOSHITA Carol; GROW Lynda; HANSELL Tom J
Subject: Re:

Matthew,

The Metro Code does require posting. Since the code is not terribly clear on how much posting we have traditionally followed the rules for posting if this were initiated by electors under 198.850 and by reference 198.800 & 198.730. Thus one notice is posted by the hearing room (to be done Lynda Grow per request sent to her on July 14th) and three notices in/near the territory to be annexed (to be done by the property owner's agent per request sent to Ken Sandblast July 15th.

Ken Martin
----- Original Message -----
From: "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
To: ksmconsult@comcast.net
Cc: "KINOSHITA Carol" <carol.kinoshita@co.multnomah.or.us>, "GROW Lynda" <lynda.grow@co.multnomah.or.us>, "HANSELL Tom J" <tom.j.hansell@co.multnomah.or.us>
Sent: Monday, July 19, 2010 2:45:47 PM
Subject: RE:

Ken,
Actually I think both matters are on the regular agenda; the Board gavels in as the D-R Service District to consent to the annexation; than gavels out to hear the matter as the County Board. Question about notice and posting, ORS 198.857 doesn't require posting of notice, but the Metro code may; could you confirm what notice posting you have or will do? Is there any notice posted in the community? The County can post the notice on the notice board down in the lobby of this building. Thanks.

Matthew O. Ryan
Assistant County Attorney
Office of Multnomah County Attorney
501 SE Hawthorne Blvd, Suite 500
Portland, Oregon 97214
Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us
CONFIDENTIALITY: This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately

---

From: ksmconsult@comcast.net [mailto:ksmconsult@comcast.net]
Sent: Wednesday, July 14, 2010 4:04 PM
To: GROW Lynda
Cc: RYAN Matthew O

Subject: Re:

Lynda,

No, it goes twice on the same day (September 2nd. First they must endorse it with their Board of the District hats on and then they convene the public hearing with their Board of County Commissioner's hats on. So it will appear two places on the agenda. I think the first time is on the consent agenda and the second on the regular hearing agenda but Matt can tell you exactly.

Ken Martin
----- Original Message -----
From: "GROW Lynda" <lynda.grow@co.multnomah.or.us>
To: ksmconsult@comcast.net, "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
Cc: "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
Sent: Wednesday, July 14, 2010 3:55:42 PM
Subject: RE:

Ken: you mentioned that this has to go to the Board twice? Would that be Sept. 2nd and Sept. 9th or Aug. 27th and Sept. 2nd??
Lynda

Lynda J. Grow, Board Clerk
Multnomah County Board of Commissioners
503-988-5274 or 988-3277
Lynda.Grow@co.multnomah.or.us
http://www2.co.multnomah.or.us/cfm/boardclerk/

From: ksmconsult@comcast.net [mailto:ksmconsult@comcast.net]
Sent: Wednesday, July 14, 2010 3:55 PM
To: RYAN Matthew O; GROW Lynda
Subject:

Matt, Lynda,

Proposal No. CL-1110, annexation of a single lot to the Dunthorpe-Riverdale CSD, is now scheduled for the Commission's September 2, 2010 meeting. All of the notice requirements have been taken care of. As I am going to be out of the office for several weeks starting July 19th, I am sending you the staff report, map and findings at this early date. These are attached. Also attached for your use, Matt, is a draft order. I do not have the legal description which you need for the order in electronic format so I am sending you this in the mail.

If you have any questions on this matter please let me know in the next couple of days. Or leave me a message as I will be back in the office well before the hearing.

Ken Martin

GROW Lynda

From: ksmconsult@comcast.net
Sent: Wednesday, July 14, 2010 2:01 PM
To: GROW Lynda
Attachments: CL 1110 poslt-LG.doc; CL 1110 Postntc.doc; CL1110.pdf

Lynda,

Please see attached Posting Notice request.

Ken Martin

July 16, 2010

Ref: CL-1110

Lynda Grow, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne, Suite 600
Portland, OR 97214-3587

VIA E-MAIL

Dear Lynda:

ORS 198 requires the posting of a Public Hearing Notice "on or near the doors of the meeting room . . . or upon any official public bulletin board customarily used for the purpose of posting notices by or pertaining to the . . . county."

In order to meet the requirements of Metro Code 3.09.030 (b), the notice needs to be posted by August 13, 2010.

Could you please post the enclosed NOTICE OF HEARING and map in order to comply with this requirement.

Thank you.

Kenneth S. Martin

Enclosures

PUBLIC HEARING

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN THAT AT 9:30 AM ON THURSDAY, SEPTEMBER 2, 2010, IN THE FIRST FLOOR COMMISSIONER'S BOARDROOM, MULTNOMAH BUILDING, 501 SE HAWTHORNE, PORTLAND, OREGON, THERE SHALL BE A PUBLIC HEARING BY AND BEFORE THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS ON THE BOUNDARY CHANGE PROPOSAL LISTED BELOW. INTERESTED PERSONS MAY APPEAR AND WILL BE GIVEN REASONABLE OPPORTUNITY TO BE HEARD.

PROPOSAL NO. CL-1110 - ANNEXATION TO DUNTHORPE-RIVERDALE COUNTY SERVICE DISTRICT of territory located generally on the south edge of the District on the north edge of S.W. Iron Mountain Blvd. east of SW Glen Rd. and west of SW Edgecliff Rd., more particularly: Tax Lot 200, NE 1/4 NE 1/4 Sec. 3, T2S R1E, W.M., Clackamas County, Oregon.

July 16, 2010

JEFF COGAN, CHAIR

GENERAL INFORMATION AND/OR A COPY OF THE STAFF REPORT MAY BE OBTAINED BY CALLING 503 222-0955.

GROW Lynda

From: ksmconsult@comcast.net
Sent: Wednesday, July 14, 2010 4:04 PM
To: GROW Lynda
Cc: RYAN Matthew O
Subject: Re:

Lynda,

No, it goes twice on the same day (September 2nd. First they must endorse it with their Board of the District hats on and then they convene the public hearing with their Board of County Commissioner's hats on. So it will appear two places on the agenda. I think the first time is on the consent agenda and the second on the regular hearing agenda but Matt can tell you exactly.

Ken Martin
----- Original Message -----
From: "GROW Lynda" <lynda.grow@co.multnomah.or.us>
To: ksmconsult@comcast.net, "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
Cc: "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
Sent: Wednesday, July 14, 2010 3:55:42 PM
Subject: RE:

Ken: you mentioned that this has to go to the Board twice? Would that be Sept. 2nd and Sept. 9th or Aug. 27th and Sept. 2nd??
Lynda

Lynda J. Grow, Board Clerk
Multnomah County Board of Commissioners
503-988-5274 or 988-3277
Lynda.Grow@co.multnomah.or.us
http://www2.co.multnomah.or.us/cfm/boardclerk/

From: ksmconsult@comcast.net [mailto:ksmconsult@comcast.net]
Sent: Wednesday, July 14, 2010 3:55 PM
To: RYAN Matthew O; GROW Lynda
Subject:

Matt, Lynda,

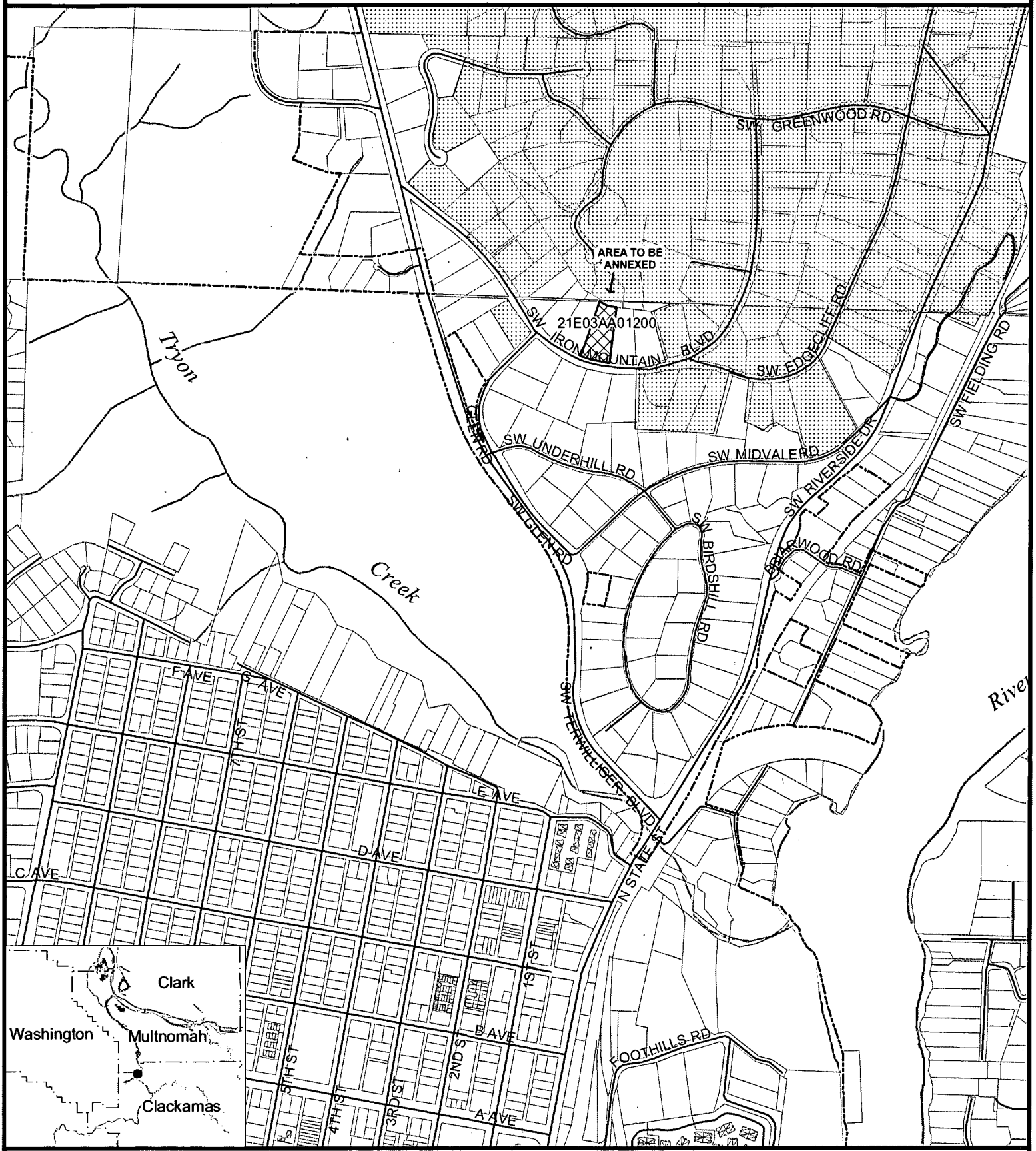
Proposal No. CL-1110, annexation of a single lot to the Dunthorpe-Riverdale CSD, is now scheduled for the Commission's September 2, 2010 meeting. All of the notice requirements have been taken care of. As I am going to be out of the office for several weeks starting July 19th, I am sending you the staff report, map and findings at this early date. These are attached. Also attached for your use, Matt, is a draft order. I do not have the legal description which you need for the order in electronic format so I am sending you this in the mail.

If you have any questions on this matter please let me know in the next couple of days. Or leave me a message as I will be back in the office well before the hearing.

Ken Martin

CL1110

2S1E03 **Dunthorpe-Riverdale Service District** Clackamas County



Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.oregonmetro.gov/drc

METRO

Dunthorpe-Riverdale Service District

Area to be annexed

CL1110

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

KMC

1:9,043

GROW Lynda

From: ksmconsult@comcast.net

Sent: Wednesday, July 14, 2010 3:55 PM

To: RYAN Matthew O; GROW Lynda

Attachments: CL 1110 SR.doc; CL 1110 FDG.doc; CL 1110 order.doc; CL1110.pdf

Matt, Lynda,

Proposal No. CL-1110, annexation of a single lot to the Dunthorpe-Riverdale CSD, is now scheduled for the Commission's September 2, 2010 meeting. All of the notice requirements have been taken care of. As I am going to be out of the office for several weeks starting July 19th, I am sending you the staff report, map and findings at this early date. These are attached. Also attached for your use, Matt, is a draft order. I do not have the legal description which you need for the order in electronic format so I am sending you this in the mail.

If you have any questions on this matter please let me know in the next couple of days. Or leave me a message as I will be back in the office well before the hearing.

Ken Martin

TO: Board of County Commissioners

FROM: Ken Martin - Local Government Boundary Change Consultant

Date: August 9, 2010

RE: Boundary Change Proposal No. CL-1110, Annexation to Dunthorpe-Riverdale County Service District for Sewers Set For September 2, 2010 Hearing

1.	Recommend./Action Requested:	Approval
2.	Background/Analysis:	See Attached Staff Report
3.	Financial Impact:	None
4.	Legal Issues:	None
5.	Controversial Issues:	None
6.	Link to Current County Policies:	The relationship to the Lake Oswego Comprehensive Framework Plan is covered in the attached staff report.
7.	Citizen Participation:	Notice of this hearing invites testimony from any interested party. Notice consisted of: 1) Posting 3 notices near the territory and one notice by the County hearing room 20 days prior to the hearing; 2) Publishing notice twice in the Daily Journal of Commerce; 3) Mailed notice sent to affected local governments, all property owners within 100 feet of the area to be annexed.
8.	Other Government Participation:	The Dunthorpe-Riverdale County Service District is a county service district for sewers for which the Multnomah County Board serves as the board of Directors. The Board of the District will endorse the annexation prior to the hearing as it is required to do by statute.

September 2, 2010 Hearing

PROPOSAL NO. CL-1110 - DUNTHORPE-RIVERDALE CSD - Annexation

Petitioners: Property Owner – Ron & Lynn Penner-Ash

Proposal No. CL-1110 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 198.855 (3) (double majority annexation law), ORS 198.750 (section of statute which specifies contents of petition) and Metro Code 3.09.040 (a) (lists Metro's minimum requirements for petition). If the Board approves the proposal the boundary change could become effective immediately.

The territory to be annexed is located on the south edge of the District, on the north edge of SW Iron Mountain Blvd. west of SW Edgecliff Road and east of SW Glen Road. The territory contains 1.07 acres, one single family dwelling, a population of 2 and is evaluated at $1,336,570.

JURISDICTION

The property to be annexed lies within Clackamas County. According to State statue the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Dunthorpe-Riverdale County Service District lies within Multnomah County.

REASON FOR ANNEXATION

The property owners desire sanitary sewer service to replace the existing septic system.

CRITERIA

Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County must:

(1) Find that the change is consistent with expressly applicable provisions in:

(A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

(B) Any applicable annexation plan adopted pursuant to ORS 195.205;

(C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

(D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

(E) Any applicable comprehensive plan; and

(2) Consider whether the boundary change would:

(A) Promote the timely, orderly and economic provision of public facilities and services;

(B) Affect the quality and quantity of urban services; and

(C) Eliminate or avoid unnecessary duplication of facilities and services.

LAND USE PLANNING

REGIONAL PLANNING

This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

COUNTY PLANNING

The territory is zoned R-30 which allows single family dwellings on 30,000 square foot lots. The lot contains one single family dwelling and no additional development is proposed.

Urban Planning Area Agreements

LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban growth management agreements between each city and county.

The territory to be annexed to the Dunthorpe-Riverdale CSD is covered by an Urban Growth Management Agreement between Clackamas County and the City of Lake Oswego. The agreement acknowledges that areas covered by the agreement can and should ultimately be provided with a full range of services by the City of Lake Oswego and that this should be

accomplished through annexation to the City. However this territory is not currently contiguous to the City.

CITY PLANNING

The City of Lake Oswego has established an Urban Service Boundary which covers this area and identifies it as potential for an R-10 residential use. The City does not oppose annexation to the District since the property is not currently contiguous to the City and the property owner has signed a contract to eventually annex to the City. The City's position is based on [Lake Oswego] Comprehensive Plan Policy 22. The policy states:

22. *The City will support expansion of an existing service district's boundaries only if:*

   a) *It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be, made available and are adequate;*
   b) *The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;*
   c) *Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation; and*
   d) *The service district can maintain an adequate level of service over both the short and long term.*

FACILITIES AND SERVICES

ORS 195 Agreements. This statute requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no ORS 195 agreements between the Dunthorpe-Riverdale County Service District and other entities.

Sewers - The Dunthorpe-Riverdale County Service District is a separate governmental entity which has as its board of directors the County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of the County. Through an agreement with the City of Portland, sewage from the District is treated at the City's Tryon Creek regional sewage treatment plant. While previously staffed and run by County employees, the District is now maintained by the City of Portland through a contract. The existing dwelling can be served from a District line which is in an easement on the north property line of the territory to be annexed.

Water. The territory receives water service from the Palatine Hill Water District.

Fire. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.

Police. The site is served generally by Clackamas County.

Other services are provided generally by Clackamas County.

RECOMMENDATION.

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends Proposal No. CL-1110 be ***approved***.

Exhibit A
Proposal CL-1110

FINDINGS AND REASONS FOR DECISION

Based on the staff report and the public hearing, the Commission found that:

1. The territory to be annexed contains 1.07 acres, one single family dwelling, a population of 2 and is evaluated at $1,336,570.

2. The property to be annexed lies within Clackamas County. According to State statue the Board of the County containing the largest proportion of the assessed value of the annexing district shall be the decision maker. The bulk of the assessed value of the Dunthorpe-Riverdale County Service District lies within Multnomah County.

3. The property owners desire sanitary sewer service to replace the existing septic system.

4. Oregon Revised Statute Chapter 198 directs the Board to "consider the local comprehensive plan for the area and any service agreement executed between a local government and the affected district."

   A second set of criteria can be found in the Metro Code. To approve a boundary change, the reviewing entity [the County Board] must apply the criteria and consider the factors set forth in the Code. To approve a boundary change the County must:

   (1) Find that the change is consistent with expressly applicable provisions in:

      (A) Any applicable urban service agreement adopted pursuant to ORS 195.205;

      (B) Any applicable annexation plan adopted pursuant to ORS 195.205;

      (C) Any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party;

      (D) Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services; and

      (E) Any applicable comprehensive plan; and

   (2) Consider whether the boundary change would:

      (A) Promote the timely, orderly and economic provision of public facilities and services;

(B) Affect the quality and quantity of urban services; and

(C) Eliminate or avoid unnecessary duplication of facilities and services.

5. This territory is inside of Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

6. The territory is zoned R-30 which allows single family dwellings on 30,000 square foot lots. The lot contains one single family dwelling and no additional development is proposed.

7. LCDC required each jurisdiction requesting acknowledgement of their plan to include in the plan a written statement " . . . setting forth the means by which a plan for management of the unincorporated area within the urban growth boundary will be implemented and by which the urban growth boundary may be modified." This takes the form of urban growth management agreements between each city and county.

   The territory to be annexed to the Dunthorpe-Riverdale CSD is covered by an Urban Growth Management Agreement between Clackamas County and the City of Lake Oswego. The agreement acknowledges that areas covered by the agreement can and should ultimately be provided with a full range of services by the City of Lake Oswego and that this should be accomplished through annexation to the City. However this territory is not currently contiguous to the City.

8. The City of Lake Oswego has established an Urban Service Boundary which covers this area and identifies it as potential for an R-10 residential use. The City does not oppose annexation to the District since the property is not currently contiguous to the City and the property owner has signed a contract to eventually annex to the City. The City's position is based on [Lake Oswego] Comprehensive Plan Policy 22. The policy states:

   22. The City will support expansion of an existing service district's boundaries only if:

   a) It can be shown that it is the only feasible way to provide a particular service. City services, rather than district services shall be provided when they are, or can be, made available and are adequate;
   b) The provision of service is consistent with the City's Public Facility Plan and Comprehensive Plan goals and policies;
   c) Annexation agreements are recorded for the property receiving service, to the extent permitted by law, that provides for non-remonstrance to annexation; and
   d) The service district can maintain an adequate level of service over both the short and long term.

9. ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and

streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. There are no ORS 195 agreements between the Dunthorpe-Riverdale County Service District and other entities.

10. The Dunthorpe-Riverdale County Service District is a separate governmental entity which has as its board of directors the County Commissioners. The District provides collector sanitary sewer service in the Dunthorpe-Riverdale portion of the County. Through an agreement with the City of Portland, sewage from the District is treated at the City's Tryon Creek regional sewage treatment plant. While previously staffed and run by County employees, the District is now maintained by the City of Portland through a contract. The existing dwelling can be served from a District line which is in an easement on the north property line of the territory to be annexed.

11. The territory receives water service from the Palatine Hill Water District.

12. The territory is within the Multnomah County Rural Fire Protection District #11 (also known as Dunthorpe-Riverdale RFPD #60). This District provides fire protection services via a contract with the City of Lake Oswego.

13. The site is served generally by Clackamas County.

14. Other services are provided generally by Clackamas County.

CONCLUSIONS AND REASONS FOR DECISION

Based on findings, the Board concluded that:

1. The Metro Code calls for consistency with expressly applicable provisions of urban service agreements adopted pursuant to ORS 195. The annexing entity (Dunthorpe-Riverdale County Service District) is not a party to an urban service agreement. Therefore no inconsistencies exist.

2. The Metro Code requires consistency with expressly applicable provisions of any applicable annexation plan adopted pursuant to ORS 195.205. No city or district annexation plan covers this area. Therefore the boundary change is not inconsistent with any such plan.

3. Metro Code 3.09.045 (d) (1) (C) requires the County to find that the boundary change is consistent with any applicable cooperative planning agreement adopted pursuant to ORS 195.020 (2) between the affected entity and a necessary party. The District is not a party to a cooperative agreement required by ORS 195. Therefore the Board concludes the proposal is consistent with this requirement.

4. The Metro Code at 3.09.045 (d) (1) (C) calls for consistency between the Board decision and any "expressly applicable provisions" contained in any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services. The City's Public Facility Plan calls for service to be ultimately provided by the City and the City allows for interim service to be provided by the District.

5. The Metro Code calls for consistency with expressly applicable provisions in any applicable comprehensive land use plans. ORS 198 requires consideration of the applicable comprehensive plan and any service agreements affecting the area. The Board has reviewed the Lake Oswego Comprehensive Plan and specifically Policy 22 and concludes this proposal complies with it. As noted in Finding 8, the Plan allows annexation to the District because the District has service available and the property owner has agreed to eventual annexation to the City.

6. Metro Code 3.09.045 (d) (2) (A) requires consideration of whether the boundary change would "Promote the timely, orderly and economic provision of public facilities and services." The District already provides service to the surrounding areas. The Board therefore concludes that annexation promotes the timely, orderly and economic provision of this service.

7. The Metro Code at 3.09.045 (d) (2) (B) calls for consideration of whether the boundary change will affect the quality and quantity of urban services. Given the size of the District, this one-lot annexation will have little or no impact on the District's ability to provide services.

8. The Board is to consider whether the boundary change would "Eliminate or avoid unnecessary duplication of facilities or services." Annexation legitimizes service provision by the District which is the only entity with sewer lines in the area. Therefore the Board concludes this criterion is met.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Approving the annexation of territory to Dunthorpe-Riverdale County Service District.

The Multnomah County Board of Commissioners Finds:

(a) A request for annexation was received pursuant to procedures set forth in ORS 198 and Metro Code 3.09.

(b) The annexation was endorsed by the Board of the District as required by ORS 198.850 (1).

(c) A staff report which addressed factors mandated in the Metro Code and ORS 198 was presented to the Board 15 days prior to the hearing as required by the Metro Code.

(d) A public hearing was held before the Board of County Commissioners on September 2, 2010 to determine whether the boundary change was appropriate as required by ORS 198 and whether it met the criteria laid out in the Metro Code.

The Multnomah County Board of Commissioners Orders:

1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. CL-1110 is approved.

2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Dunthorpe-Riverdale County Service District.

3. The staff is directed to file this document with the required parties.

ADOPTED this 2nd day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogan, Chair

Reviewed:

AGNESS SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

by_____
Agness Sowle
County Attorney

Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

Thursday, September 2, 2010 – 9:30 AM
Multnomah Building, Commissioners Board Room 100
501 SE Hawthorne Boulevard, Portland

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT AT 9:30 AM ON THURSDAY, SEPTEMBER 2, 2010, IN THE COMMISSIONER'S BOARD ROOM ON THE FIRST FLOOR OF THE MULTNOMAH BUILDING AT 501 SE HAWTHORNE, PORTLAND, OREGON, THERE SHALL BE A PUBLIC HEARING BY AND BEFORE THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS ON THE BOUNDARY CHANGE PROPOSAL LISTED BELOW. INTERESTED PERSONS MAY APPEAR AND WILL BE GIVEN REASONABLE OPPORTUNITY TO BE HEARD.

PROPOSAL NO. CL-1110 - ANNEXATION TO DUNTHORPE-RIVERDALE COUNTY SERVICE DISTRICT of territory located generally on the south edge of the District on the north edge of S.W. Iron Mountain Blvd. east of SW Glen Rd. and west of SW Edgecliff Rd., more particularly: Tax Lot 1200, NE 1/4 NE 1/4 Sec. 3, T2S R1E, W.M., Clackamas County, Oregon.

POSTED BY: JEFF COGEN, CHAIR
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY

GENERAL INFORMATION AND/OR A COPY OF THE STAFF REPORT MAY BE OBTAINED BY CALLING 503 222-0955.

21 & 22

Use Carol's Revised submittals

Tom

---------- Forwarded message ----------
From: **KINOSHITA Carol** <carol.kinoshita@co.multnomah.or.us>
Date: Tue, Aug 10, 2010 at 3:05 PM
Subject: FW:
To: RYAN Matthew O <matthew.o.ryan@co.multnomah.or.us>
Cc: HANSELL Tom J <tom.j.hansell@co.multnomah.or.us>

I just fixed the order a bit (misspelled names and format), but I didn't do anything to the other docs.

Carol

From: RYAN Matthew O
Sent: Wednesday, July 14, 2010 4:17 PM
To: KINOSHITA Carol
Subject: FW:

FYI

Matthew O. Ryan

Assistant County Attorney

Office of Multnomah County Attorney

501 SE Hawthorne Blvd, Suite 500

Portland, Oregon 97214

Tel: 503-988-3138; Fax: 503-988-3377

matthew.o.ryan@co.multnomah.or.us

CONFIDENTIALITY: This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately

---

R 1 *2

GROW Lynda

From: RYAN Matthew O
Sent: Tuesday, July 06, 2010 3:28 PM
To: GROW Lynda
Cc: KINOSHITA Carol; SOWLE Agnes
Subject: RE: Ken Martin Metro boundary changes Sept. 2nd?

Lynda,

I was planning to be on vacation the week of 8/23- 8/27. I had mentioned to Ken to check with you to see if September 2nd would work. If that doesn't work and it has to go to the BCC on 8/26, someone else from this office will handle it. Thanks.

Matthew O. Ryan

Assistant County Attorney

Office of Multnomah County Attorney

501 SE Hawthorne Blvd, Suite 500

Portland, Oregon 97214

Tel: 503-988-3138; Fax: 503-988-3377

matthew.o.ryan@co.multnomah.or.us

CONFIDENTIALITY: This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately

---

From: GROW Lynda
Sent: Tuesday, July 06, 2010 3:21 PM
To: GROW Lynda; RYAN Matthew O
Cc: KINOSHITA Carol
Subject: Ken Martin Metro boundary changes Sept. 2nd?

Matt Ryan:

Ken Martin called and left me a message.

Referenced our conversation about Boundary Changes for Metro

Said he talked to you about having it on August 26th but that 8/26 is a bad day for you and now he is

looking at Sept. 2nd???

He requested that I confirm we have a meeting on that date. However, that is the Thursday before Labor Day and I am just not sure if we will have a quorum and therefore a meeting.

How would you like me to proceed?

The number he left on the message is: 503 222 0955

Lynda J. Grow, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Blvd., Ste. 600
Portland, OR 97214-3587
(503) 988-3277 or (503) 988-5274
lynda.grow@co.multnomah.or.us
http://www2.co.multnomah.or.us/cfm/boardclerk/

GROW Lynda

From: RYAN Matthew O
Sent: Tuesday, July 06, 2010 3:38 PM
To: GROW Lynda
Subject: RE: Ken Martin Metro boundary changes Sept. 2nd?

I don't know, what he said to me was that 9/2 was pushing it as there are statutory timelines that need to be met. Thanks.

Matthew O. Ryan

Assistant County Attorney

Office of Multnomah County Attorney

501 SE Hawthorne Blvd, Suite 500

Portland, Oregon 97214

Tel: 503-988-3138; Fax: 503-988-3377

matthew.o.ryan@co.multnomah.or.us

CONFIDENTIALITY: This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately

---

From: GROW Lynda
Sent: Tuesday, July 06, 2010 3:28 PM
To: RYAN Matthew O
Subject: RE: Ken Martin Metro boundary changes Sept. 2nd?

Or – what about 9/9? Too late?

Lynda J. Grow, Board Clerk
Multnomah County Board of Commissioners
503-988-5274 or 988-3277
Lynda.Grow@co.multnomah.or.us
http://www2.co.multnomah.or.us/cfm/boardclerk/

From: RYAN Matthew O

GROW Lynda

From: ksmconsult@comcast.net
Sent: Wednesday, July 07, 2010 2:47 PM
To: GROW Lynda
Cc: RYAN Matthew O

Lynda,

As I mentioned in my phone message yesterday, Matt Ryan would like to schedule the boundary change hearing (Dunthorpe-Riverdale County Service District annexation) for September 2, 2010 instead of August 26, 2010 as we had discussed earlier. Can you confirm the September date so that i can begin to process this annexation. Thanks.

Ken Martin

GROW Lynda

From: ksmconsult@comcast.net
Sent: Wednesday, July 07, 2010 3:02 PM
To: GROW Lynda
Subject: Re:

Lynda,

Thanks for the quick response. Just keep me posted. I do not have a problem with either the 26th or 2nd. I just need to get the notices out by the end of next week.

Ken Martin

Ken Martin
----- Original Message -----
From: "GROW Lynda" <lynda.grow@co.multnomah.or.us>
To: ksmconsult@comcast.net
Sent: Wednesday, July 7, 2010 2:48:19 PM
Subject: RE:

No, Ken, I can't. I chatted w/Matt by e-mail yesterday. He's on vacation the week before. I doubt we'll have a meeting 9/2 because of the holiday weekend.
Let me check with Marissa & see if she has a feel for what's ahead?
Lyn

Lynda J. Grow, Board Clerk
Multnomah County Board of Commissioners
503-988-5274 or 988-3277
Lynda.Grow@co.multnomah.or.us
http://www2.co.multnomah.or.us/cfm/boardclerk/

From: ksmconsult@comcast.net [mailto:ksmconsult@comcast.net]
Sent: Wednesday, July 07, 2010 2:47 PM
To: GROW Lynda
Cc: RYAN Matthew O
Subject:

Lynda,

As I mentioned in my phone message yesterday, Matt Ryan would like to schedule the boundary change hearing (Dunthorpe-Riverdale County Service District annexation) for September 2, 2010 instead of August 26, 2010 as we had discussed earlier. Can you confirm the September date so that i can begin to process this annexation. Thanks.

Ken Martin

GROW Lynda

From: ksmconsult@comcast.net
Sent: Wednesday, July 14, 2010 4:04 PM
To: GROW Lynda
Cc: RYAN Matthew O
Subject: Re:

Lynda,

No, it goes twice on the same day (September 2nd. First they must endorse it with their Board of the District hats on and then they convene the public hearing with their Board of County Commissioner's hats on. So it will appear two places on the agenda. I think the first time is on the consent agenda and the second on the regular hearing agenda but Matt can tell you exactly.

Ken Martin
----- Original Message -----
From: "GROW Lynda" <lynda.grow@co.multnomah.or.us>
To: ksmconsult@comcast.net, "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
Cc: "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
Sent: Wednesday, July 14, 2010 3:55:42 PM
Subject: RE:

Ken: you mentioned that this has to go to the Board twice? Would that be Sept. 2nd and Sept. 9th or Aug. 27th and Sept. 2nd??
Lynda

Lynda J. Grow, Board Clerk
Multnomah County Board of Commissioners
503-988-5274 or 988-3277
Lynda.Grow@co.multnomah.or.us
http://www2.co.multnomah.or.us/cfm/boardclerk/

From: ksmconsult@comcast.net [mailto:ksmconsult@comcast.net]
Sent: Wednesday, July 14, 2010 3:55 PM
To: RYAN Matthew O; GROW Lynda
Subject:

Matt, Lynda,

Proposal No. CL-1110, annexation of a single lot to the Dunthorpe-Riverdale CSD, is now scheduled for the Commission's September 2, 2010 meeting. All of the notice requirements have been taken care of. As I am going to be out of the office for several weeks starting July 19th, I am sending you the staff report, map and findings at this early date. These are attached. Also attached for your use, Matt, is a draft order. I do not have the legal description which you need for the order in electronic format so I am sending you this in the mail.

If you have any questions on this matter please let me know in the next couple of days. Or leave me a message as I will be back in the office well before the hearing.

Ken Martin

GROW Lynda

From: ksmconsult@comcast.net
Sent: Thursday, July 29, 2010 11:57 AM
To: RYAN Matthew O
Cc: KINOSHITA Carol; GROW Lynda; HANSELL Tom J
Subject: Re:

Matthew,

The Metro Code does require posting. Since the code is not terribly clear on how much posting we have traditionally followed the rules for posting if this were initiated by electors under 198.850 and by reference 198.800 & 198.730. Thus one notice is posted by the hearing room (to be done Lynda Grow per request sent to her on July 14th) and three notices in/near the territory to be annexed (to be done by the property owner's agent per request sent to Ken Sandblast July 15th.

Ken Martin
----- Original Message -----
From: "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
To: ksmconsult@comcast.net
Cc: "KINOSHITA Carol" <carol.kinoshita@co.multnomah.or.us>, "GROW Lynda" <lynda.grow@co.multnomah.or.us>, "HANSELL Tom J" <tom.j.hansell@co.multnomah.or.us>
Sent: Monday, July 19, 2010 2:45:47 PM
Subject: RE:

Ken,
Actually I think both matters are on the regular agenda; the Board gavels in as the D-R Service District to consent to the annexation; than gavels out to hear the matter as the County Board. Question about notice and posting, ORS 198.857 doesn't require posting of notice, but the Metro code may; could you confirm what notice posting you have or will do? Is there any notice posted in the community? The County can post the notice on the notice board down in the lobby of this building. Thanks.

Matthew O. Ryan
Assistant County Attorney
Office of Multnomah County Attorney
501 SE Hawthorne Blvd, Suite 500
Portland, Oregon 97214
Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us
CONFIDENTIALITY: This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately

---

From: ksmconsult@comcast.net [mailto:ksmconsult@comcast.net]
Sent: Wednesday, July 14, 2010 4:04 PM
To: GROW Lynda
Cc: RYAN Matthew O

GROW Lynda

From: ksmconsult@comcast.net
Sent: Wednesday, July 14, 2010 3:55 PM
To: RYAN Matthew O; GROW Lynda
Follow Up Flag: Follow up
Flag Status: Red
Attachments: CL 1110 SR.doc; CL 1110 FDG.doc; CL 1110 order.doc; CL1110.pdf

Matt, Lynda,

Proposal No. CL-1110, annexation of a single lot to the Dunthorpe-Riverdale CSD, is now scheduled for the Commission's September 2, 2010 meeting. All of the notice requirements have been taken care of. As I am going to be out of the office for several weeks starting July 19th, I am sending you the staff report, map and findings at this early date. These are attached. Also attached for your use, Matt, is a draft order. I do not have the legal description which you need for the order in electronic format so I am sending you this in the mail.

If you have any questions on this matter please let me know in the next couple of days. Or leave me a message as I will be back in the office well before the hearing.

Ken Martin

R 1 4 2

GROW Lynda

From: RYAN Matthew O
Sent: Monday, July 19, 2010 2:46 PM
To: 'ksmconsult@comcast.net'
Cc: KINOSHITA Carol; GROW Lynda; HANSELL Tom J
Subject: RE:

Ken,
Actually I think both matters are on the regular agenda; the Board gavels in as the D-R Service District to consent to the annexation; than gavels out to hear the matter as the County Board. Question about notice and posting, ORS 198.857 doesn't require posting of notice, but the Metro code may; could you confirm what notice posting you have or will do? Is there any notice posted in the community? The County can post the notice on the notice board down in the lobby of this building. Thanks.

Matthew O. Ryan
Assistant County Attorney
Office of Multnomah County Attorney
501 SE Hawthorne Blvd, Suite 500
Portland, Oregon 97214
Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us
CONFIDENTIALITY: This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately

---

From: ksmconsult@comcast.net [mailto:ksmconsult@comcast.net]
Sent: Wednesday, July 14, 2010 4:04 PM
To: GROW Lynda
Cc: RYAN Matthew O
Subject: Re:

Lynda,

No, it goes twice on the same day (September 2nd. First they must endorse it with their Board of the District hats on and then they convene the public hearing with their Board of County Commissioner's hats on. So it will appear two places on the agenda. I think the first time is on the consent agenda and the second on the regular hearing agenda but Matt can tell you exactly.

Ken Martin
----- Original Message -----
From: "GROW Lynda" <lynda.grow@co.multnomah.or.us>
To: ksmconsult@comcast.net, "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
Cc: "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
Sent: Wednesday, July 14, 2010 3:55:42 PM
Subject: RE:

Ken: you mentioned that this has to go to the Board twice? Would that be Sept. 2nd and Sept. 9th or Aug. 27th

and Sept. 2nd??
Lynda

Lynda J. Grow, Board Clerk
Multnomah County Board of Commissioners
503-988-5274 or 988-3277
Lynda.Grow@co.multnomah.or.us
http://www2.co.multnomah.or.us/cfm/boardclerk/

From: ksmconsult@comcast.net [mailto:ksmconsult@comcast.net]
Sent: Wednesday, July 14, 2010 3:55 PM
To: RYAN Matthew O; GROW Lynda
Subject:

Matt, Lynda,

Proposal No. CL-1110, annexation of a single lot to the Dunthorpe-Riverdale CSD, is now scheduled for the Commission's September 2, 2010 meeting. All of the notice requirements have been taken care of. As I am going to be out of the office for several weeks starting July 19th, I am sending you the staff report, map and findings at this early date. These are attached. Also attached for your use, Matt, is a draft order. I do not have the legal description which you need for the order in electronic format so I am sending you this in the mail.

If you have any questions on this matter please let me know in the next couple of days. Or leave me a message as I will be back in the office well before the hearing.

Ken Martin

R 1 4 2

GROW Lynda

From: Sheila Isley [sheila.l.isley@multco.us]
Sent: Wednesday, August 11, 2010 8:29 AM
To: MADRIGAL Marissa D
Cc: GROW Lynda; BAKER Marina; PEOPLES Kim E; HANSELL Tom J
Subject: Fwd: Sept 2nd APR & Supporting Docs for DR Annexation
Follow Up Flag: Follow up
Flag Status: Red
Attachments: CL 1110 SR.doc; CL 1110 FDG.doc; CL 1110 order.doc; CL1110.pdf; CL1110-ExhibitB.pdf; APR_DunthorpeAnnexation2010-Sept2-Rev1.DOC

Good Morning Marissa,

Please find attached the electronic APR for the September 2 BCC Agenda for your review and approval. Cecilia has signed the hard copy which is being forward to Lynda.

Respectfully,
Sheila

---------- Forwarded message ----------
From: **Kim Peoples** <kim.e.peoples@multco.us>
Date: Tue, Aug 10, 2010 at 4:41 PM
Subject: Fwd: Sept 2nd APR & Suporting Docs for DR Annexation
To: Sheila Isley <sheila.l.isley@multco.us>
Cc: HANSELL Tom J <tom.j.hansell@multco.us>

Sheila:

Attached please find the e-files for the Dunnthorpe Riverdale Annexation Board Item.

Kim

---------- Forwarded message ----------
From: **Tom Hansell** <tom.j.hansell@multco.us>
Date: Tue, Aug 10, 2010 at 3:33 PM
Subject: Sept 2nd APR & Suporting Docs for DR Annexation
To: PEOPLES Kim E <kim.e.peoples@multco.us>

Kim,

Here is my APR and other supporting documents for the Sept 2nd Dunthorpe-Riverdale Annexation. I'll walk a hard copy down to you for routing.

Please let me know if you woudl like to discuss.

GROW Lynda

From: SOWLE Agnes
Sent: Wednesday, September 01, 2010 2:20 PM
To: GROW Lynda
Subject: RE: Agenda format clarification re: Dunthorpe-Riverdale

R-2 is the hearing. R-1 is really only endorsing the petition for annexation; R-2 is the hearing.

I am not sure what you are asking about R-9 ?

On R-5, whether or not anyone is there to speak to postponement, just have Chair ask for a motion to postpone. If Brian is not there, I can say that the department has asked for postponement if Jeff doesn't get right to it.

Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214
(503)988-3138

From: GROW Lynda
Sent: Wednesday, September 01, 2010 2:12 PM
To: SOWLE Agnes
Cc: KINOSHITA Carol
Subject: RE: Agenda format clarification re: Dunthorpe-Riverdale
Importance: High

I only have one more question – are you saying we have a public hearing in both places???
Both as Dunthorpe, and as the BCC?
How do I know where the testimony will be given?
I want to make sure his Script accurately reflects what is supposed to transpire.

Two other things – R-9 public hearing @ 10:30 am fine w/presenters, pdc, etc. per presenter. R-5 (ODOT) is being postponed. At Tuesday's briefing, they talked about the ramifications of the Title Six to the other departments, so they suggested staff pull it, and they did. I'm waiting to hear if Brian Vincent or someone else will speak to this so I can finalize the Chair's Script.

Lynda

From: SOWLE Agnes
Sent: Wednesday, August 25, 2010 11:32 AM
To: GROW Lynda
Cc: KINOSHITA Carol
Subject: RE: Agenda format clarification re: Dunthorpe-Riverdale

Lynda, Carol and I both came to the same conclusion. See below.

Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214

(503)988-3138

From: KINOSHITA Carol
Sent: Wednesday, August 25, 2010 11:31 AM
To: SOWLE Agnes
Subject: RE: Agenda format clarification re: Dunthorpe-Riverdale

I think Lynda's correct that Deb was not correctly stating this – it's a tiny correction, but I'd insert the reconvene right after the first action (I know Deb probably lumped both because she felt that whenever the Board acted on these matters, it was acting as the service district board; but I don't think that's correct). I think it should be as follows so that R-4 is actually our Board acting as the boundary commission:

(Recess as the Board of County Commissioners and convene as the governing body for DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1)

R-3 Acting as the Governing Body of the DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT, Public Hearing and Consideration of the District's Endorsing a Petition to Annex a Single Parcel of Land to the District Pursuant to ORS 198.857

(Adjourn as the governing body for Dunthorpe Riverdale Sanitary Service District No. 1 and reconvene as BOARD OF COUNTY COMMISSIONERS)

R-4 PUBLIC HEARING and Consideration of an ORDER Approving the Annexation of Territory to Dunthorpe-Riverdale County Service District

Carol

From: SOWLE Agnes
Sent: Wednesday, August 25, 2010 7:38 AM
To: KINOSHITA Carol
Subject: FW: Agenda format clarification re: Dunthorpe-Riverdale
Importance: High

Does this seem right to you?

Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214
(503)988-3138

From: GROW Lynda
Sent: Tuesday, August 24, 2010 5:04 PM
To: RYAN Matthew O
Cc: SOWLE Agnes
Subject: Agenda format clarification re: Dunthorpe-Riverdale
Importance: High

Matt: I know you have been in touch with Ken, and I hate to pester you, but I am looking for format clarification so I can go final on the agenda for 9/2.
If I read Ken Martin's note correctly (below in green) we have this item appear under Dunthorpe, then as BCC again and vote on this item in both places. But when I look back at Deb's agendas for guidance, she didn't do that way. Here is an example of what she used.

SERVICE DISTRICT - 9:40 AM

(Recess as the Board of County Commissioners and convene as the governing body for DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT NO. 1)

R-3 Acting as the Governing Body of the DUNTHORPE RIVERDALE SANITARY SERVICE DISTRICT, Public Hearing and Consideration of the District's Endorsing a Petition to Annex a Single Parcel of Land to the District Pursuant to ORS 198.857

R-4 PUBLIC HEARING and Consideration of an ORDER Approving the Annexation of Territory to Dunthorpe-Riverdale County Service District

(Adjourn as the governing body for Dunthorpe Riverdale Sanitary Service District No. 1 and reconvene as BOARD OF COUNTY COMMISSIONERS)

Then it went on to other business. Not once in the last 10 years, can I find where they approved an item under the Service District, then approved it again as BCC.
Would you please guide me as to what is accurate?
Thanks!
Lynda

From: ksmconsult@comcast.net [mailto:ksmconsult@comcast.net]
Sent: Wednesday, July 14, 2010 4:04 PM
To: GROW Lynda
Cc: RYAN Matthew O
Subject: Re:

Lynda,

No, it goes twice on the same day (September 2nd. First they must endorse it with their Board of the District hats on and then they convene the public hearing with their Board of County Commissioner's hats on. So it will appear two places on the agenda. I think the first time is on the consent agenda and the second on the regular hearing agenda but Matt can tell you exactly.

Ken Martin
----- Original Message -----
From: "GROW Lynda" <lynda.grow@co.multnomah.or.us>
To: ksmconsult@comcast.net, "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
Cc: "RYAN Matthew O" <matthew.o.ryan@co.multnomah.or.us>
Sent: Wednesday, July 14, 2010 3:55:42 PM
Subject: RE:

Ken: you mentioned that this has to go to the Board twice? Would that be Sept. 2nd and Sept. 9th or Aug. 27th and Sept. 2nd??
Lynda

Lynda J. Grow, Board Clerk
Multnomah County Board of Commissioners
503-988-5274 or 988-3277
Lynda.Grow@co.multnomah.or.us

http://www2.co.multnomah.or.us/cfm/boardclerk/

From: ksmconsult@comcast.net [mailto:ksmconsult@comcast.net]
Sent: Wednesday, July 14, 2010 3:55 PM
To: RYAN Matthew O; GROW Lynda
Subject:

Matt, Lynda,

Proposal No. CL-1110, annexation of a single lot to the Dunthorpe-Riverdale CSD, is now scheduled for the Commission's September 2, 2010 meeting. All of the notice requirements have been taken care of. As I am going to be out of the office for several weeks starting July 19th, I am sending you the staff report, map and findings at this early date. These are attached. Also attached for your use, Matt, is a draft order. I do not have the legal description which you need for the order in electronic format so I am sending you this in the mail.

If you have any questions on this matter please let me know in the next couple of days. Or leave me a message as I will be back in the office well before the hearing.

Ken Martin

GROW Lynda

From: KINOSHITA Carol
Sent: Monday, July 26, 2010 4:46 PM
To: GROW Lynda
Cc: RYAN Matthew O
Subject: FW:
Follow Up Flag: Follow up
Flag Status: Red
Attachments: CL 1110 poslt-LG.doc; CL 1110 Postntc.doc; CL1110.pdf

Hi Lynda!
Would you please post the above notice (by 8/13) instead of the one Ken Martin sent you, as it's been corrected to reflect the correct tax lot reference of 1200 instead of 200. Thanx much!

Carol

From: KINOSHITA Carol
Sent: Monday, July 26, 2010 4:03 PM
To: RYAN Matthew O
Subject: FW:

Hi Matt!
If Lynda's going to post the above notice (by 8/13), shouldn't the correct legal be attached or at least change the tax lot from 200 to 1200 (I don't know if the rest of the description is accurate)?

Carol

From: RYAN Matthew O
Sent: Thursday, July 15, 2010 1:42 PM
To: KINOSHITA Carol
Subject: FW:

Carol,
See attached.

Matthew O. Ryan
Assistant County Attorney
Office of Multnomah County Attorney
501 SE Hawthorne Blvd, Suite 500
Portland, Oregon 97214
Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us
CONFIDENTIALITY: This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately

---

From: GROW Lynda
Sent: Thursday, July 15, 2010 12:05 PM
To: RYAN Matthew O

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date:	9/2/2010
Agenda Item #:	R-2
Est. Start Time:	9:35 am

Agenda Title: **PUBLIC HEARING and Consideration of an Order Approving the Annexation of Territory to Dunthorpe-Riverdale County Service District**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	September 2, 2010	**Amount of Time Needed:**	10 minutes
Department:	Community Services	**Division:**	LUT - Road Services
Contact(s):	Kenneth Martin/Matthew Ryan/Tom Hansell		
Phone:	(503) 988-5050 **Ext.** 29833	**I/O Address:**	425/2
Presenter Name(s) & Title(s):	Kenneth Martin, Local Government Boundary Change Consultant; Matthew Ryan, Assistant County Attorney; & Tom Hansell, District Administrator		

General Information

1. **What action are you requesting from the Board?**

   Convene as the Governing Body of the Dunthorpe-Riverdale Sanitary Service District No. 1 and endorse annexation petition.

   Reconvene as the Multnomah County Board of County Commissioners and open a Public Hearing to consider the annexation petition and adopt an order approving annexation of territory to Dunthorpe-Riverdale Sanitary Service District No. 1.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   See attached Boundary Consultant Report.

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

   Annexation provides the District with the taxing authority to assess properties the necessary fees to meet the District's operational requirements.

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

   The Dunthorpe-Riverdale County Sanitary Service District is a county service district for sewer service for which the Multnomah County Board of County Commissioners serve as the District Board of Directors. As required by statute, the Board of the District will endorse the annexation

prior to the hearing.

The property is located in unincorporated Clackamas County and falls inside the City of Lake Oswego's Urban Service Boundary. The petitioner entered into an annexation contract with the City of Lake Oswego to obtain the City's approval. The annexation contract recognizes the City is unable to provide sewer service to this property at this time. At such time the City can provide public sewer, the property will disconnect from the District, and annexation into the City shall take effect.

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

Prescribed noticing for this public hearing was completed per statute. Noticing includes a mailing to affected local governments and the petitioner.

Required Signature

Elected Official or Department/ Agency Director:	M. Cecilia Johnson	**Date:**	**8/10/10**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Approving The Annexation Of Territory To Dunthorpe-Riverdale County Service District

The Multnomah County Board of Commissioners Finds:

a. A request for annexation was received pursuant to procedures set forth in ORS 198 and Metro Code 3.09.

b. The annexation was endorsed by the Board of the District as required by ORS 198.850 (1).

c. A staff report which addressed factors mandated in the Metro Code and ORS 198 was presented to the Board 15 days prior to the hearing as required by the Metro Code.

d. A public hearing was held before the Board of County Commissioners on September 2, 2010 to determine whether the boundary change was appropriate as required by ORS 198 and whether it met the criteria laid out in the Metro Code.

The Multnomah County Board of Commissioners Orders:

1. On the basis of the Findings and Conclusions listed in Exhibit "A", Proposal No. CL-1110 is approved.

2. The territory described in Exhibit "B" and depicted on the attached map, be annexed to Dunthorpe-Riverdale County Service District.

3. The staff is directed to file this document with the required parties.

ADOPTED this 2nd day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

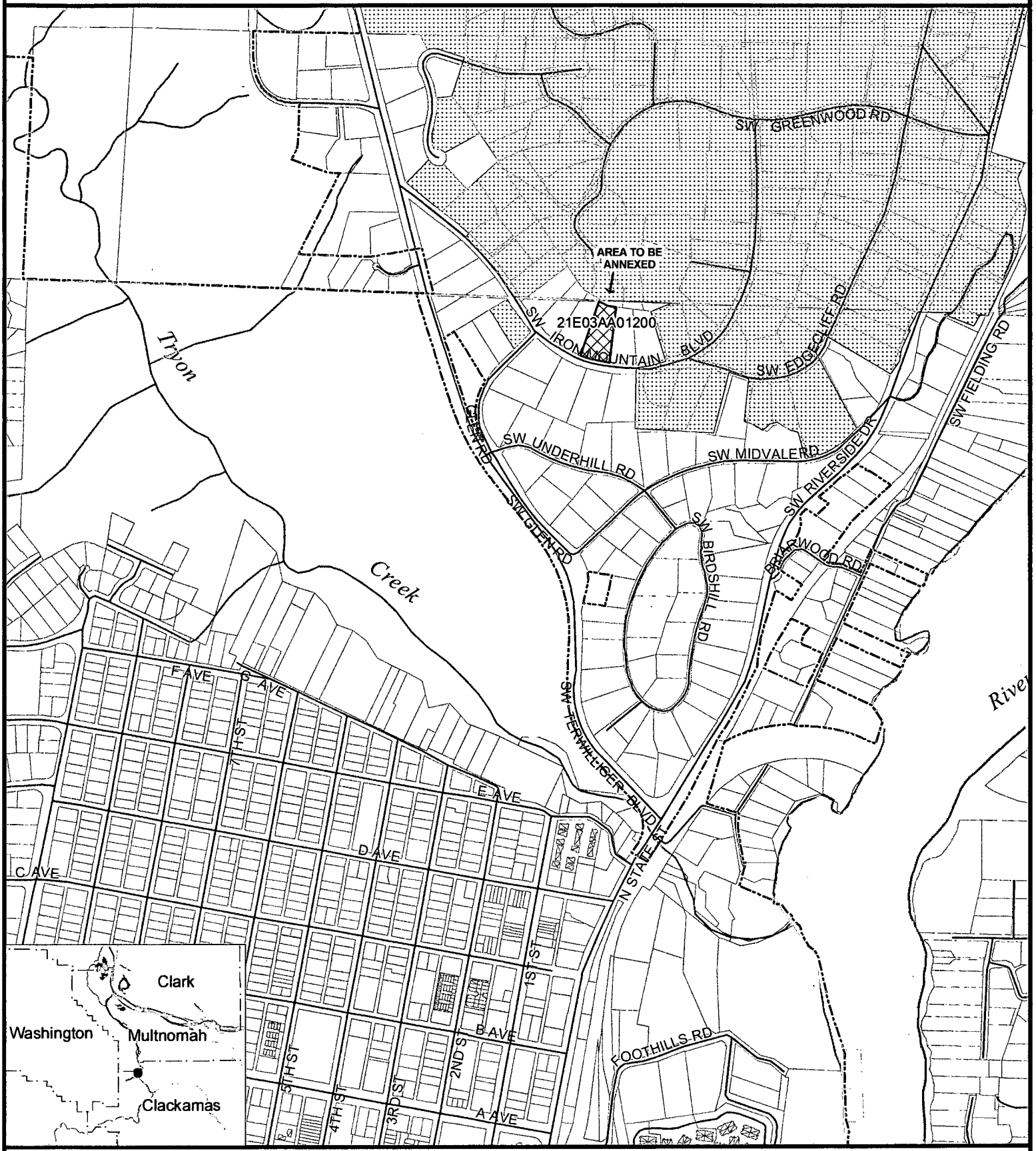
Reviewed:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By:_____
Matthew O. Ryan, Assistant County Attorney

CL1110

2S1E03 **Dunthorpe-Riverdale Service District** Clackamas County



METRO

Data Resource Center
600 NE Grand Ave
Portland, OR 97232-2736
(503) 797-1742
http://www.oregonmetro.gov/drc

Dunthorpe-Riverdale Service District

Area to be annexed

CL1110

Ken Martin Consulting
P.O. Box 29079
Portland, OR 97296-9079
(503) 222-0955

KMC

1:9,043

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date:	9/2/2010
Agenda Item #:	R-3
Est. Start Time:	9:40 am

Agenda Title: **Resolution Consenting to Chair Appointment of Henry "Chip" Lazenby, Jr. as Chief Legal Officer of Multnomah County and Director of the Office of County Attorney**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	September 2, 2010	**Amount of Time Needed:**	5 minutes
Department:	Non-departmental	**Division:**	
Contact(s):	Jeff Cogen, Multnomah County Chair		
Phone:	**Ext.**	**I/O Address:**	**503/6**
Presenter(s):	Jeff Cogen, Multnomah County Chair		

General Information

1. **What action are you requesting from the Board?**

   Consent to appointment of Henry "Chip" Lazenby, Jr. to fill the vacancy of Chief Legal Officer of the County and Director of the Office of County Attorney.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   Agnes Sowle will resign as County Attorney effective October 1, 2010. The Chair has selected Henry "Chip" Lazenby, Jr. to replace Agnes Sowle as County Attorney. Under MCC §7.200, the Chair's appointment of the County Attorney is subject to consent by a majority of the Board. Approval of this resolution would fulfill that requirement.

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

   None.

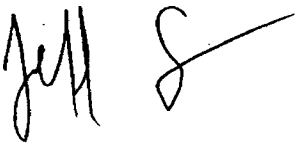
4. **Explain any legal and/or policy issues involved.**

   Under MCC 7.200, the Chair's appointment of the County Attorney is subject to consent by a majority of the Board.

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

None

Required Signature

Elected Official or Department/ Agency Director: 

Date: 8/25/2010

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Consenting to Chair Appointment of Henry "Chip" Lazenby, Jr. as Chief Legal Officer of Multnomah County and Director of the Office of County Attorney

The Multnomah County Board of Commissioners Finds:

a. As established by the Multnomah County Code (MCC) §7.200, the County Attorney is the Chief Legal Officer of the County and the Director of the Office of County Attorney.

b. The County Attorney is appointed by the Chair subject to consent of a majority of the entire Board.

c. The Chair appoints Henry "Chip" Lazenby, Jr. as Chief Legal Officer of Multnomah County and Director of the Office of County Attorney, beginning October 1, 2010.

The Multnomah County Board of Commissioners Resolves:

In accordance with MCC 7.200, the Board consents to the appointment of County Attorney Henry "Chip" Lazenby, Jr. as Chief Legal Officer of Multnomah County and Director of the Office of County Attorney.

ADOPTED this 2nd day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By_____
Agnes Sowle, County Attorney

SUBMITTED BY:
Jeff Cogen, Multnomah County Chair

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only	
Meeting Date:	R-3
Agenda Item #:	
Est. Start Time:	
Date Submitted:	

Agenda Title:	**Resolution Consenting to Chair Appointment of Henry "Chip" Lazenby, Jr. as Chief Legal Officer of Multnomah County and Director of the Office of County Attorney**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	September 2, 2010	**Amount of Time Needed:**	5 minutes
Department:	Non-departmental	**Division:**	
Contact(s):	Jeff Cogen, Multnomah County Chair		
Phone:	Ext.	**I/O Address:**	503/6
Presenter(s):	Jeff Cogen, Multnomah County Chair		

General Information

1. **What action are you requesting from the Board?**

   Consent to appointment of Henry "Chip" Lazenby, Jr. to fill the vacancy of Chief Legal Officer of the County and Director of the Office of County Attorney.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   Agnes Sowle will resign as County Attorney effective October 1, 2010. The Chair has selected Henry "Chip" Lazenby, Jr. to replace Agnes Sowle as County Attorney. Under MCC §7.200, the Chair's appointment of the County Attorney is subject to consent by a majority of the Board. Approval of this resolution would fulfill that requirement.

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

   None.

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

   Under MCC 7.200, the Chair's appointment of the County Attorney is subject to consent by a majority of the Board.

R-3

GROW Lynda

From: SOWLE Agnes
Sent: Tuesday, August 24, 2010 11:00 AM
To: KINOSHITA Carol
Cc: GROW Lynda
Subject: approval of Chip

Carol, would you draft an APR and resolution to approve Chip as Jeff's appointment as CA? They want it to go on next week (Sept 2). Jeff will be the presenter.
Lynda, this will need five minutes on September 2.

Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214
(503)988-3138

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 12/31/09)

Board Clerk Use Only	
Meeting Date:	9/2/2010
Agenda Item #:	R-4
Est. Start Time:	9:50 am

Agenda Title: **Leaders of Change Innovation Video Series: DCJ Bike Patrol**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	September 2, 2010	**Amount of Time Needed:**	10
Department:	Department of Community Justice (DCJ)	**Division:**	
Contact(s):	Rachel Harris		
Phone:	503-988-6048 **Ext.**	**I/O Address:**	
Presenter(s):	Carl Goodman, Assistant Director of DCJ, with members of DCJ Bike Patrol		

General Information

1. What action are you requesting from the Board?

No action requested.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Today's innovation video highlights a pilot Bike Patrol program in the county's Department of Community Justice. Starting this spring, four uniformed probation officers ride bicycles to maintain contact with their most hard-to-reach clients, particularly the homeless. Bicycles are more practical because these offenders tend to congregate in places that are hard to reach by car and may be too distant to reach on foot. Bike patrols concentrate in downtown Portland, near transitional housing and homeless shelters. Probation officers who volunteered for the program completed a free one-week Bicycle Training Program provided by the Portland Police Bureau. The program has led to an increase in contacts, communication and engagement in supervision. Side benefits of the program are its low carbon footprint and the health benefits for officers.

The innovation video series is a project of Leaders of Change, a cross departmental group of county employees working to support innovation (defined as new ideas with action or implementation that lead to improvement, gain or profit) in Multnomah County. Leaders of Change have documented

successful innovations throughout the County and are currently developing ways to share and spread these innovations. The innovation video series seeks to change the stories we tell about Multnomah County. Innovation is prevalent throughout our organization and the video series highlights new innovations. Videos are available for the public and all county employees to view.

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

   The cost of creating these videos is currently covered by the video resources of the Public Affairs Office (PAO). DCJ staff assisted with producing the Bike Patrol video.

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

   PAO will ensure that all parties shown in Innovation series videos have appropriate media release authorizations on file. DCJ clients appearing in this video were not identified for privacy reasons.

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

   Leaders of Change is led by COO Jana McLellan. Members represent nine County departments/agencies (County Attorney; Commission on Children, Families & Community; Facilities; Health Department; Human Resources; Human Services; Information Technology, Public Affairs, and Roads).

Required Signature

Elected Official or Department/ Agency Director: Carl Goodson **Date:** 8/25/2010

MULTNOMAH COUNTY OREGON
Department of Community Justice Parole and Probation West Office
421 SW 5th Avenue, Suite 200, Portland, Oregon 97204
(503) 988-3136 phone (503) 988-3239 fax

INCIDENT REPORT

REPORTING STAFF Lisa Lewis_____ARMED: Y DRAWN N
(Y/N) (Y/N)
ASSISTING STAFF 1: Ron Kates_____ARMED: Y DRAWN N
(Y/N) (Y/N)
ASSISTING STAFF 2:_____ARMED:____DRAWN_____
(Y/N) (Y/N)

OFFENDER/OTHER: Tasha (unknown last name) SID#:

UNIT:Bike Patrol DATE/TIME OF INCIDENT: 8/24/10 1545 hours

LOCATION OF INCIDENT: Waterfront

OUTSIDE AGENCY INVOLVED: PPB

TYPE OF INCIDENT (CHECK ONE OR MORE):

( ) ARREST
( ) PHYSICAL FORCE
( ) THREAT
( ) INJURY
( ) FIREARM
( ) CONTROLLED SUBSTANCE
( ) HAZARDOUS MATERIALS EXPOSURE
( ) BODY FLUID EXPOSURE
( ) ESCAPE ( ) ATTEMPT
( ) DAMAGE TO PROPERTY
( ) ANIMAL BITE
( ) FORMAL SEARCH CONDUCTED BY_____
( ) OTHER WEAPON (SPECIFY) _____
(X) OTHER SAFETY HAZARD (SPECIFY) _____

NARRATIVE:
On 8/24/10, at approximately 1545 hours, myself and PO Ron Kates were working bike patrol and riding along the waterfront to see if we could contact any P&P clients. A citizen stopped us, and told us that there was a woman sitting on a pillar on the sea wall, and she was crying. This citizen was worried about the woman. We rode over, and I made contact with the woman. She was sitting on a pillar on the seawall, and was crying. I was concerned because it did not appear that she had a straight fall into the water if she jumped, as there appeared to be concrete she could possibly hit. I asked her to come down from the pillar and she stated "no". I asked her if she was contemplating jumping and hurting herself, and she said, "yes". I asked her name, and she stated that her name was Tasha. I continued to ask her to come down from the ledge, and she was refusing. I attempted to position myself close enough to be able to grab her if she attempting to jump, however I stayed far enough away so not to scare her. I did not use my radio to call for assistance, as I was worried that the movement, distraction and noise would scare her and I was attempting to keep her calm. Tasha reported that she was "tired", and wanted it to be over. I asked Tasha if she was under the influence of alcohol or other drugs, and she reported that she had a couple beers and had smoked a "blunt". I discussed with Tasha that she would not make her best decision right now, and again pleaded with her to come off the ledge so we could talk. Tasha eventually came down off the pillar, and I asked her if there was anyone I could call for her. Tasha gave me her grandmother's phone number. As I was talking to Tasha's grandmother, Tasha started to walk away. I asked her to stay, but she continued to leave. I attempted calling Project Respond; but

remained on hold for a significant period of time. I then hung up, and called 911 dispatch and gave them the information. PPB attempted to locate Tasha, but did not find her. PO Kates and I rode our bikes in the area that she had walked to, but were unable to locate her again.

REPORTING STAFF: Lisa Lewis DATE: 9/1/10

MANAGER: _____ DATE: _____

DISTRIBUTION:
{X} File {X} DM {X} Use of Force Administrator { X } Supervisor

Postponed indefinitely

MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 08/02/10)

Board Clerk Use Only
Meeting Date: 9/2/2010
Agenda Item #: R-5
Est. Start Time: 10:00 am

Agenda Title: **Master Certification Agreement with the Oregon Department of Transportation for Agency Management of Federal Aid Transportation Projects**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	September 2, 2010	**Amount of Time Needed:**	10 Minutes
Department:	Community Services	**Division:**	LUT Road Services
Contact(s):	Brian Vincent		
Phone:	(503) 988-5050 **Ext.** 29642	**I/O Address:**	425
Presenter Name(s) & Title(s):	Brian Vincent, P.E., County Engineer		

General Information

1. **What action are you requesting from the Board?**

   Approval of a Master Certification Agreement (IGA) with the Oregon Department of Transportation (ODOT).

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   Certification is a program offered within the Oregon Department of Transportation wherein an agency may apply for recognition that they utilize robust project management and accounting systems that will enable successful completion of Federal Aid Transportation Projects. Although the County has been successfully performing these project management tasks for decades it has been doing so with ODOT oversight as ODOT is currently the direct recipient of the federal funds that finance County federal aid projects. This formal acknowledgement recognizes that professionalism and proven success and essentially allows the County to be the direct recipient instead of ODOT. The program enables the County to utilize our own project management, procurement, and accounting systems in lieu following the ODOT models. This will directly save project time and cost, resulting in a more efficient project delivery model. This master agreement serves as the overarching guideline and must be accompanied by a supplemental project agreement for each Federal Aid project. Supplemental agreements will be forthcoming as a project moves to implementation. Upon approval of this master agreement, we will engage in 2-4 test projects over

the next 2-3 years. Until the test projects are successfully completed, the county will be considered provisionally certified. Successful completion of the test projects will afford "fully certified" status with ODOT and Federal Highways Administration (FHWA).

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

   Neutral. No direct fiscal impact from previous project management structure. All costs are related to project and are eligible for reimbursement.

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

   Full Certification will require documentation of Title VI of the Civil Rights Act of 1964 compliance directly by the County. Currently, ODOT, as the direct recipient of federal aid, is now responsible for ensuring Title VI compliance of ODOT practices. Once the County becomes a direct recipient of federal funds the responsibility for Title VI compliance, monitoring and reporting will shift to the County.

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

   None for this master agreement. All project related citizen participation will be accomplished as each respective project is initiated.

Required Signature

Elected Official or Department/ Agency Director: M. Cecilia Johnson **Date:** 8/12/10

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Check all that apply

- ☒ County Attorney email approval attached
- ☐ Retro Memo attached
- ☐ Proof of insurance attached
- ☐ EEO Exhibit 5 attached (contracts over $75,000)
- ☐ Expenditure ☐ Revenue ☒ Non-Financial Agreement ☐ Inter-Departmental

Contract Number: 4710000352
Amendment Number:
Vendor Number: 55216
Date: 8/12/2010

CAF Purpose

☒ New Contract ☐ Renewal ☐ Date Change ☐ Funding Change ☐ Service Change

Department: Community Services
Division/Program: Land Use & Transportation Program
Originator: Brian Vincent
Phone: x29642
Mail Stop: 425/2
Contact: Cathey Kramer
Phone: x22589
Mail Stop: 425/2

Contract/Amendment Procurement Details

Procurement No.(s):
Effective Date:
End Date:
Exemption or Citation No.(s):
Effective Date:
End Date:
Check all that apply to contractor: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert No.: ☐ Non-Profit ☒ N/A

Contractor: Oregon Dep't of Transportation
Address: 123 NW Flanders St
City/State/Zip: Portland OR 97209-4012
Telephone: 503-731-8288

Payment Schedule/Terms:
☐ Lump Sum $ ☐ Due on Receipt
☐ Monthly $ ☐ Net 30
☐ Quarterly $ ☐ Other
☐ Other $

Contract Effect Date: 10/1/10
Term Date: n/a
Amend Effect Date:
New Term Date:

☐ Price Agreement or Requirements Funding Information:

Original Contract Amount: $
Total Amount Previous Amend: $
Amount of Amendment: $
Total Amount of Agreement: $

Original PA/Requirements Amt: $
Total Amount Previous Amend: $
Requirements Amount Amend: $
Total Amount of PA/Requirements: $

Required Signatures

Dept Director or Designee: [signature] Date: 8/12/2010
County Chair: Date:

Vendor Contact Information

☐ *Changed from Previous CAF*

Name: Mark Foster Title: email:
Name: Title: email:
Name: Title: email:

Contract/Amendment Description Or Comments

Local Agency Certification Program Agreement

roadeg520

MULTNOMAH COUNTY OREGON

Non-Financial Agreement

Vendor Address

OREGON DEPT OF TRANSPORTATION
235 UNION ST NE
SALEM OR 97301

Information

Contract Number	4710000352
Date	08/12/2010
Vendor No.	55216
Contact/Phone	Land Use & Trans / X26798
Validity Period:	08/12/2010 - 08/12/2030
Minority Indicator:	Not Identified

Item	Material/Description	Target Qty	UM	Unit Price
0001	Local Agency Certification Program Agree Plant: F030 Community Service			$ 0.0000

From: RYAN Matthew O
Sent: Wednesday, August 11, 2010 10:53 AM
To: VINCENT Brian S
Cc: PEOPLES Kim E
Subject: FW: Please sign and return: Agreement No. 26226 - Certification Agreement

Brian,
The attached IGA has been reviewed and is approved for submission to the BCC for its consideration.

Added below however, is the discussion of the Title VI compliance issue triggered by this IGA (from an April 2010 email); which I just wanted to be part of the record on the final review of this document. Thanks

> Title VI compliance as set forth at Pg 12 of the IGA, requires the County to comply with *"Local Agency Guidelines Manual"* which amongst other things requires the County to develop a "Title VI Program Plan". The plan template for counties with over 200,000 in population requires there be an Administrator and a Coordinator appointed to oversee the local government's Title VI Program. It is my understanding we haven't taken any of those actions to date. Further the Title VI Program must ultimately apply to all program and activities of the County and not just Transportation Division. The IGA doesn't set a timeline for this, and the oral assurances of ODOT that we do not need to do this "right away" do not resolve this. We have discussed this uncertainty and my understanding is the Transportation Division including the Bridge Shop understands this uncertainty as well as the binding obligation to implement this plan and has or will be sure to advise the County Board of these obligations when this matter is before that body.

Matthew O. Ryan
Assistant County Attorney
Office of Multnomah County Attorney
501 SE Hawthorne Blvd, Suite 500
Portland, Oregon 97214
Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us
CONFIDENTIALITY: This email transmission may contain confidential and privileged information. The information contained herein is intended for the addressee only. If you are not the addressee, please do not review, disclose, copy or distribute this transmission. If you have received this transmission in error, please contact the sender immediately

Misc. Contracts & Agreements
Agreement No. 26226

Oregon Department of Transportation
LOCAL AGENCY CERTIFICATION PROGRAM AGREEMENT
Multnomah County

THIS AGREEMENT is made and entered into by and between THE STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State"; and Multnomah County, acting by and through its elected officials, hereinafter referred to as "County," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

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

2. Under the authority of Section 106 of Title 23 United States Code (USC), and as explained in the 1999 Stewardship Plan between State and the Federal Highway Administration (FHWA), State, in a letter dated November 17, 1992, notified FHWA of its decision to request State's exemption from required FHWA review and approval of Plans, Specifications and Estimates (PS&E) for all non-National Highway System (NHS) projects, regardless of size. By the authority granted in the Stewardship Plan, State can delegate authority for approvals on PS&E on local agency projects, but cannot delegate its responsibility. State remains responsible for ensuring that all federal requirements are met.

3. State, pursuant to authority under Section 106 of Title 23 USC and in accordance with the 1999 Stewardship Plan, in a letter to FHWA dated December 27, 2004, requested FHWA to allow State to continue developing, defining and implementing the Certification Program. FHWA, in a letter to State dated December 29, 2004, concurred with State's request to proceed with Certification.

4. The Local Agency Certification Program (Certification Program) allows State to certify a local agency's procedures and delegates authority to the certified local agency to administer federal-aid projects that are not on the NHS.

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

TERMS OF AGREEMENT

As used in this Agreement, abbreviations shall mean as follows:

AASHTO	American Association of State Highway and Transportation Officials
ADA	Americans with Disabilities Act
AKA	Also Known As
BOLI	Oregon State Bureau of Labor and Industries
CFR	Code of Federal Regulations
DBE	Disadvantaged Business Enterprise
DOJ	Department of Justice
EEO	Equal Employment Opportunity
FAPG	Federal-Aid Policy Guide
FHWA	Federal Highway Administration
ISTEA	Intermodal Surface Transportation Efficiency Act
NHS	National Highway System
OAR	Oregon Administrative Rules
ODOT	Oregon Department of Transportation
OJT	On-the-Job Training
OMB	Office of Management and Budget
ORS	Oregon Revised Statutes
PS&E	Plans, Specifications and Estimates (includes schedule)
PTESC	Professional, Technical and Expert Services Contracts (This term, for the purpose of this Agreement, shall be synonymous with State's term "personal services contracts")
USC	United States Code
USDOT	United States Department of Transportation

Certification

1. County is currently pursuing certification in: consultant selection; design; bridge design, advertising, bid and award; and construction contract administration. As a result, this Agreement grants authority to County, for those test projects identified under Paragraph three (3) of this Section, to select consultants, design, design bridges, advertise, bid and award, make contractor payments, provide construction contract administration, and ensure a construction quality assurance and quality control program for County's federal-aid non NHS projects. State shall retain responsibility for all environmental review, permitting, agreements or approvals that are necessary as a result of the federal action. State shall administer on behalf of County, State's Civil Rights plan including the Disadvantaged Business Enterprise (DBE) program, Equal Employment Opportunity (EEO) program, and On-The-Job Training (OJT)/APPRENTICESHIP program. Professional, Technical and Expert Services Contracts (PTESC) shall conform to FHWA requirements and all requirements outlined under the subtitle "Professional, Technical and Expert Services Contracts" shown below in this Agreement.

2. County understands and agrees that only through the County's Land Use and Transportation Program (LUTP), a division of the County's Department of Community Services; has the County met all certification criteria and that full certified status is conditioned upon County's successful completion of test projects and written approval from State. County also understands and agrees that while federal-aid projects may originate from one or more of County's other divisions or departments, only LUTP and County's Certification Program Manager shall provide quality control, oversight and all such federal-aid projects and ensure that rules, regulations, and processes outlined in this Agreement are followed and have final approval authority; and LUTP's approval shall be obtained prior to any further County action through its Board of Commissioners or other appropriate County officials to authorize or approve any such federal-aid project.

3. County understands and agrees that it must successfully perform two (2) to four (4) test projects, which may be select project phases, and until successful, County shall retain conditional certified status. State will conduct performance measurement and quality assurance reviews during all phases of the test projects. At the conclusion of the second test project and each subsequent test project, an assessment will be made by County and State to determine whether County should proceed to full certified status or continue with another test project. Upon successful completion of the test projects and written approval by State, County shall be fully certified to administer future federal-aid projects that are not on the NHS in accordance with this Agreement.

4. State retains its responsibility to FHWA for the administration of all federal-aid projects. If requested by County, or if deemed necessary by State in order to meet its obligations to FHWA, State will act for County in other matters pertaining to projects. Prior to taking such action, State will confer with County concerning actions necessary to meet federal obligations.

5. State and County shall each assign a liaison to coordinate activities under this Agreement and assure that the interests of both Parties are considered during all phases of any projects. State's Regional Local Agency Liaison shall provide program advice and support as needed throughout all projects.

6. County understands and agrees that final approval for full certified status is conducted through the State's Certification Program Manager in conjunction with State's Region Manager and may be rescinded at any time upon County's request or if, in the opinion of the State's Certification Program Manager and State's Region Manager, it is necessary to do so. The rescission may be applied to all or part of the programs or projects approved under the Certification Program.

7. State shall conduct random oversight reviews on County's Certification Program and projects through the State's Local Government Section at least once every two (2) years after County has been awarded full certified status. State may, at any time, initiate a formal audit using professional auditing standards of a federal-aid project.

8. The terms of this Agreement shall begin on the date all required signatures are obtained and shall terminate twenty (20) years following the date all required signatures are obtained, unless extended by an executed amendment. The Agreement may also be terminated upon County's or State's written request pursuant to the "Termination" Section of this Agreement.

Program Administration

Projects must be consistent with the Regional Transportation Plan and appear in the Metropolitan Planning Organization's Transportation Improvement Program and the State Transportation Improvement Program if the projects receive federal funding through Title 23 Code of Federal Regulations (CFR).

Project Funding Request

1. County shall submit a separate agreement to State for each project, hereinafter referred to as "Supplemental Project Agreement." The Supplemental Project Agreements will be signed by both County and State before any federal-aid project work begins. At least one (1) of County's approval authorities identified in "Signature Authorities" Section of this Agreement, is required to sign the Supplemental Project Agreements. The Supplemental Project Agreements will, at a minimum, cover specific project details including project name, County's project manager's title or designee, description of work, schedule and funding sources. The Supplemental Project Agreements shall include services to be provided by State, County, or others.

2. State shall submit a separate written project funding request to FHWA requesting approval of federal-aid participation for each project phase including a) Program Development (Planning) b) Preliminary Engineering (National Environmental Policy Act - NEPA, Permitting and Project Design) c) Right of Way Acquisition, d) Utilities e) Construction Advertising, Bid and Award, and f) Construction. Any work performed prior to acceptance by FHWA will be considered nonparticipating and paid for at County expense. County shall not proceed on any activity in which federal-aid participation is desired until such written approval for each corresponding phase is obtained by State. State shall notify County in writing when authorization to proceed has been received from FHWA. All work and records of such work shall be in conformance with FHWA rules and regulations. The federal funding for projects

covered by individual Supplemental Project Agreements is contingent upon approval by FHWA.

3. County shall, on any project that uses federal funds in project development, submit final PS&E documents, construction schedule, environmental requirements and right of way certification to State's Regional Local Agency Liaison at least five (5) weeks prior to bid opening. State shall review such submittals and then submit a request to FHWA for approval of federal-aid participation for the construction phase when federal-aid participation is desired in this phase.

Finance

1. Federal funds shall be applied toward individual project costs at the current federal-aid matching ratio, unless otherwise agreed to and allowed by law. County shall be responsible for the entire match amount for the federal funds and any portion of the individual projects, which are not covered by federal funding unless otherwise agreed to and specified in the Supplemental Project Agreements. County must obtain written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement. State considers County a subrecipient of the federal funds it receives as reimbursement under the Supplemental Project Agreements. The Catalog of Federal Domestic Assistance (CFDA) number and title for these Projects is 20.205, Highway Planning and Construction, unless otherwise indicated in the individual Supplemental Project Agreements.

2. County shall pay one hundred (100) percent of the cost of any item in which FHWA will not participate. If County has not repaid any non-participating costs, future allocations of federal funds, or allocations of State Highway Trust Funds to County may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration outside the Local Agency Guidelines that result in items being declared non-participating, those items will be negotiated between County and State.

3. County agrees that costs incurred by State and County for services performed in connection with any phase on any individual federal-aid project shall be charged to the project, unless otherwise mutually agreed upon by the Parties. State will send an estimate of anticipated project service costs to County at thirty (30) percent plans review. Costs will be negotiated and reflected in the Supplemental Project Agreements.

4. If County makes a written request for the cancellation of a federal-aid project, County shall bear one hundred (100) percent of all costs incurred as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear one

hundred (100) percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or County, County shall bear all costs, whether incurred by State or County, either directly or through contract services, and State shall bear any State administrative costs incurred.

5. County shall follow the requirements stated in the Single Audit Act. Local governments receiving $500,000 or more in federal funds must follow the requirements stated in the Single Audit Act. The Single Audit Act of 1984, PL 98-502 as amended by PL 104-156, described in OMB Circular A-133, requires local governments to obtain an audit that includes internal controls and compliance with federal laws and regulations of all federal-aid programs in which County participates. The cost of this audit can be partially prorated to the federal program.

6. County shall present invoices for one hundred (100) percent of actual costs incurred by County on behalf of each project directly to State's Regional Local Agency Liaison for review, approval and reimbursement to County. Such invoices shall a) have an invoice number, b) reference a vendor number, c) include a "remit to" name and address, d) reference this Certification Program Agreement No. 26,226, e) include State's Expenditure Account number f) reference State's Supplemental Project Agreement number, g) identify the project by the project name in the Supplemental Project Agreement, and h) itemize and explain all expenses for which reimbursement is claimed. Invoices for services including, but not limited to, preliminary engineering and construction engineering shall be presented for periods of not less than one-month duration, based on actual expenses to date. (See paragraph 7 of Construction Activities and Administration of this Agreement for the construction contractor invoice period.) All invoices received from County must be approved by State's Regional Local Agency Liaison prior to payment. County's actual costs eligible for federal-aid or State participation shall be those allowable under the provisions of the Federal-Aid Policy Guide (FAPG), Title 23 CFR Parts 1.11, 140, and 710. Final invoices shall be submitted to State for processing within three (3) months from the end of each funding phase as follows: a) award date of a construction contract for preliminary engineering b) last payment for right of way acquisition and c) contract completion for construction. Partial invoices (progress payment) shall be submitted to State within three (3) months from the date that costs are incurred. Final invoices submitted after the three (3) months shall not be eligible for reimbursement. If County has an approved or certified indirect cost rate proposal which applies to federal-aid projects, as defined in Title 2 CFR 225, that rate must be clearly outlined in any invoices, either as a line item or submitted in the invoice transmittal cover letter.

7. County shall, upon State's request for reimbursement, in accordance with Title 23, CFR 630.112(c) 1 and 2, as directed by FHWA, reimburse State for federal-aid funds distributed to County if any of the following events occur:

   a) Right of way acquisition is not undertaken utilizing federal-aid funds or actual construction is not started by the close of the twentieth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized for right of way acquisition. County may submit a written request to State's Regional Local Agency Liaison for a time extension beyond the twenty (20) year limit with no repayment of Federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.

   b) Right of way acquisition or actual construction of the facility for which preliminary engineering is undertaken is not started by the close of the tenth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized. County may submit a written request to State's Regional Local Agency Liaison for a time extension beyond the ten (10) year limit with no repayment of Federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.

8. County shall maintain all project documentation in keeping with State and FHWA standards and specifications for all individual projects. This shall include, but not be limited to, daily work records, quantity documentation, material invoices, quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that projects are completed in conformance with approved plans and specifications.

9. State shall submit all claims received from County for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. State shall pay County all reimbursable costs on each project. State may request from County a statement of costs to date at any time by submitting a written request. When the actual total cost of each project has been computed, County shall furnish State with an itemized statement of final costs. County shall pay one hundred (100) percent of the final total actual project costs. The actual cost of services provided by State will be covered in the Supplemental Project Agreements.

10. County agrees to refund to State all federal funds paid to County, if FHWA requests such funds from State, because County has not followed a process, rule or procedure outlined in County's Procedures, this Agreement or Supplemental Project Agreements. Refund from County shall be within thirty (30) days upon State notification. If County does not repay State within thirty (30) days, State shall

withhold County's proportionate share of State Highway Trust Fund distribution until repayment has been made in full.

11. County shall, upon completion of each individual federal-aid project that constructs or improves any facility that would not be eligible for State Highway Trust Fund moneys subject to Oregon Constitution, Article IX, section 3a, complete and file with the appropriate County Clerk, an Acknowledgment of Federal Assistance. The Acknowledgement of Assistance is attached as Exhibit A. In such circumstances, the Supplemental Project Agreement will include this Exhibit for that project.

Standards

1. In accordance with the County's standard contract specifications and design standards, County shall include in the title sheet of the plans the following: federal-aid project number, location sketch, title of project, project limits, plan sheet index, applicable Oregon Standard Drawings, and a provision for approving official(s) signature(s) and date(s) and scale(s). County agrees that PS&E and construction plans shall, at a minimum, be in conformance with the current, State approved edition of the following unless otherwise requested by County and approved by State, which are incorporated hereto by reference, and made a part of this Agreement:

   a) County's *Public Improvement Design Standards Manual;*
   b) County's Standard Construction Specifications;
   c) All AASHTO policies and guidelines;
   d) *Oregon Standard Specifications for Construction* (APWA Oregon Chapter) or County's Standard Provisions as approved by ODOT;
   e) *Manual on Uniform Traffic Control Devices* and Oregon Supplements;
   f) *Transportation Research Board's Highway Capacity Manual;*
   g) Local Agency Certification Procedures found in the *Local Agency Guidelines Manual;*
   h) Title 23 and Title 49, USC, Highways and Regulations;
   i) *FHWA Contract Administration Core Curriculum Participants Manual & Reference Guide;*
   j) *ODOT Right of Way Manual;*
   k) *ODOT Bridge Cost Data Manual;*
   l) *ODOT Bridge Element Coding Guide;*
   m) *ODOT Bridge Section Load Rating* Procedures *(Tier 1, 2004),* as amended by *ODOT Load Rating Technical Memos;* or *Tier 2* (for bridges designed using Load Resistance Factor Design);
   n) *Oregon Bicycle and Pedestrian Plan*; and
   o) *Bridge Design and Drafting Manual.*

2. County agrees that design standards for all projects on the Oregon State Highway System shall be in compliance with standards specified in State's current edition of the *Highway Design Manual* and related references, which are incorporated hereto by reference and made a part of this Agreement. County agrees construction plans shall be in conformance with the standard practices of State for plans prepared by its own staff.

3. County shall verify that the installation of traffic control devices meets the warrants prescribed in the *Manual on Uniform Traffic Control Devices and Oregon Supplements.* County further understands and agrees that any installation of traffic control devices on or adjacent to State facilities requires the approval of the State Traffic Engineer or State's Region Traffic Engineer as described in the *ODOT Traffic Signal Policy and Guidelines* and the *ODOT Traffic Manual.*

4. The standard unit of measurement for all aspects of the project shall be English Units. All project documents and products shall be in English. This includes, but is not limited to, right of way, environmental documents, plans and specifications, and utilities.

5a. County shall, on all National Scenic Byways and All-American Road projects, include the America's Byways ™ logo in publications, videos, and on other materials produced with National Scenic Byway Program funds. Where possible and in addition to the logo, County shall include the following statement: "Funded in part by FHWA".

b. County shall make photos, brochures, plans, designs, and videos funded with the National Scenic Byways Program funds available to the National Scenic Byways Program for use in presentations, publications, and posting on the websites.

c. The value of the required match on Scenic Byway and All-American road projects may come from donations or contributions. County shall be responsible for documenting the value of donations or contributions. County shall obtain approval from State's Transportation Program Office for any donations or contributions before the project begins. The services provided by County and match donations or contributions shall described in an attachment to the Supplemental Project Agreement.

6a. County shall, for On-System Bridge projects, be responsible for funding the road approach work on individual Supplemental Project Agreements. County shall submit a letter identifying the funding source for this work six (6) weeks prior to advertisement for bid opening of individual On-System Bridge projects.

b. State shall provide free bridge design pursuant to ORS 366.155(1)(h), only when free bridge design has been requested by County.

7. County must obtain State's written concurrence for any changes to the Part 100's, General Conditions, of the Standard Specifications for Construction before being added to the construction contract.

Professional, Technical and Expert Services Contracts

1. County shall conduct consultant selection processes to obtain Architectural and Engineering (A&E) and Non-A&E personal services consultants in accordance with all applicable state and federal laws, regulations and policies in the solicitation and award process of any Supplemental Project Agreements containing federal funds. County shall follow County's documented processes for consultant selection, which have been reviewed and approved by State and FHWA.

2. Upon written request, State may make Region's consultant services contracts available for preliminary engineering and/or construction engineering services for County's federal-aid projects. If County chooses to use said services, County agrees to manage the work done by the consultant and make funds available to State for payment of those services.

3. County or others may perform preliminary and construction engineering. County or others may perform preliminary and construction engineering. In the event that County elects not to use County's certified consultant selection process to engage the services of a professional, technical and expert services consultant to perform any work covered by this Agreement, County may request State's two-tiered consultant selection processes, as allowed by OAR 137-048-0260, or work with another certified local agency to solicit consultants to perform architectural, engineering, land surveying and related services (A&E Services) as needed for federal-aid transportation projects. Use of this process is required to ensure federal reimbursement. State, or another certified agency that County chooses to obtain consultant services through, will award and execute the contracts. State's personal services contracting process and resulting contract document will follow Title 23 Code of Federal Regulations (CFR) 172, Title 49 CFR 18, ORS 279A.055, 279C.110, 279C.125, Oregon Administrative Rule 137-048-0130 OAR 137-048-0220(4) and State Personal Services Contracting Procedures as approved by the FHWA. If County obtains consultant services from another certified agency, that certified agency will follow the processes approved by State for obtaining consultant services. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. No reimbursement shall be made using federal-aid funds for any costs incurred by County or contractors, including any consultant, prior to receiving written authorization to

proceed from State or certified agency County engages to perform services. Any amendments to such contract(s) also require State's approval or the approval of certified agency County engages to perform services.

Preliminary Engineering

1. State shall, at project expense, review, process and approve or submit for approval to the federal regulators all environmental statements. State shall, if State prepares these documents, offer County the opportunity to review and approve the documents prior to advertising for bids.

2. County or its consultant shall, as a federal-aid participating preliminary engineering function a) conduct the necessary field surveys, b) conduct environmental studies, c) conduct traffic investigations, d) conduct foundation explorations, and hydraulic studies, e) assist State with acquisition of necessary right of way and/or easements, and f) perform all preliminary engineering and design work required to produce final plans, preliminary/final specifications and cost estimates, g) conduct all public involvement processes and h) identify and obtain all required permits necessary for the construction of the project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction. All design exceptions from AASHTO design standards shall be reviewed by State for concurrence prior to advertisement of final plans and specifications.

3. Bridge design will be by qualified consultants, contracted by State or by County if certified for consultant selection, with County oversight. If the County desires to design bridges, then State first must monitor a test project with the bridge design component. Full certified status for bridge design is conditioned upon County's successful completion of test project and written approval from State.

Right of way

1. County and its consultant, if any, agree that right of way activities shall be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FAPG, CFR, the *ODOT Right of Way Manual*, Title 23 CFR Part 710 and Title 49 Part 24. State, at project expense, shall review all right of way activities engaged in by County to ensure compliance with all laws and regulations.

2. State is responsible for proper acquisition of the necessary right of way and easements for construction and maintenance of projects. County may perform acquisition of the necessary right of way and easements for construction and maintenance of projects provided County or its consultant are qualified to do such

work, as required by the *ODOT Right of Way Manual*, and County has obtained prior approval from State's Region Right of Way office to do such work.

3. Regardless of who acquires or performs any of the right of way activities, a right of way services agreement shall be created by State's Region Right of Way office setting forth the responsibilities and activities to be accomplished by each Party. On any project that has the potential of needing additional right of way, to ensure compliance in the event that additional right of way is unexpectedly needed, a right of way services agreement will be required. State at project expense, shall be responsible for requesting the obligation of project funding from FHWA. State, at project expense, shall be responsible for coordinating certification of the right of way, and providing oversight and monitoring. Funding authorization requests for federal right of way funds must be sent through State's Regional Local Agency Liaison, who will forward the request to State's Region Right of Way office on all projects. County must receive written authorization to proceed from State's Right of Way Section prior to beginning right of way activities. All projects must have right of way certification coordinated through State's Region Right of Way office to declare compliance and project readiness for construction (even for projects where no federal funds were used for right of way, but federal funds were used elsewhere on the project). County shall contact State's Regional Local Agency Liaison, who will contact State's Region Right of Way office for additional information or clarification on behalf of County.

4. County agrees that if any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations, which are in effect at the time of disposition. Reimbursement to State and FHWA of the required proportionate shares of the fair market value may be required.

5. County ensures that all project right of way monumentation will be conducted in conformance with ORS 209.155.

Title VI

1. County agrees to comply with all the requirements imposed by Title VI of the Civil Rights Act of 1964, Title 49 CFR Part 21, and Executive Order 11246, relative to the employment practices under any engineering contract awarded in conjunction with this Agreement. If County fails to comply with any federal or state civil rights requirements identified in this Agreement, sanctions may be imposed by FHWA or State as appropriate, including, but not limited to:

   a) Withholding of payments to County under this Agreement until County causes compliance, or

b) Cancellation, termination, or suspension of this Agreement, in whole or in part.

2. County shall consider Title VI issues from the beginning of project development, through the entire project process, including project closure. County understands and agrees to comply with the Title VI requirements listed in the *Local Agency Guidelines Manual*, Section A Title VI, attached hereto by reference and made a part of this Agreement. In order to meet the requirements of the Title VI of the Civil Rights Act of 1964, County shall develop one of the following items, which must be approved by State's Office of Civil Rights.

   a) A Title VI Program Plan (applicable to counties over 200,000 in population); or

   b) A Title VI Program Plan or a Nondiscrimination Agreement (applicable to counties under 200,000 in population.)

3. Complaint Procedures: County shall comply with Title VI by deferring all Civil Rights discrimination complaints to the State's Office of Civil Rights and County must include the following language in any of is contracts under the certification program:

   "Any person who believes that he/she has been excluded from participation in, denied benefits or services of any program or activity administered by the Department or its subrecipients, consultants, and contractors on the basis of age, disability, race, color, national origin, sex or income status may bring forth a complaint of discrimination under Title VI and related statutes to the Oregon Department of Transportation, Office of Civil Rights, 355 Capitol Street NE, Room 504, Salem, Oregon, 97301, (503)986-3169."

Construction – Bid, Award and Contract Administration

Civil Rights

Disadvantaged Business Enterprise (DBE), Equal Employment Opportunity Program (EEO), and On-the-Job Training (OJT) /APPRENTICESHIP

1. County, its contractors and subcontractors shall comply with the "United States Department of Transportation (USDOT) Approved Disadvantaged Business Enterprise (DBE) Commitment Requirements" and the "USDOT Approved Disadvantaged Business Enterprise (DBE) Supplemental Required Contract Provisions," incorporated hereto by reference and made a part of this Agreement. County shall send electronic copies of all completed Committed DBE Breakdown and Certification forms described in the "USDOT Approved DBE Commitment Requirements" to State's Small Business and DBE Program Manager, with a copy to State's Regional Local Agency Liaison, for review and approval. County shall not

award any contracts under this Agreement prior to receiving written approval of said forms from the State's Small Business and DBE Program Manager. County agrees to ensure that the above provisions (including references therein) shall be incorporated into all contracts and subcontracts (regardless of tier) describing the work to be performed by DBEs on projects financed in whole or in part with federal funds. Failure by County to carry out these requirements on any project is a material breach of contract, which may result in the termination of the contract or such other remedy as State deems appropriate. Federal regulations Title 49 CFR Part 26, as approved by USDOT, are also incorporated by reference and shall be made a part of any contract specifications and this Agreement.

2. County, its contractors and subcontractors, shall not discriminate on the basis of race, color, national origin, or sex in the award, administration, and performance of any federal-aid contract in the administration of DBE requirements under Title 49 CFR Part 26.

3. County, its contractors and subcontractors shall comply with the EEO and the OJT/APPRENTICESHIP requirements, as referenced in the *Local Agency Guidelines Manual,* incorporated herein by reference and made a part of this Agreement. County agrees to ensure that the EEO and OJT/APPRENTICESHIP requirements listed in the *Local Agency Guidelines Manual* shall be a part of all solicitations for bids on all federal-aid construction contracts or subcontracts of $10,000 or more. Section 140 of Title 23, USC, Equal Employment Opportunity, as in effect on May 1, 1982, is incorporated hereto by reference and shall be made a part of any contract specifications and this Agreement. The OJT/APPRENTICESHIP requirements shall also be part of all solicitations for bids on all federal-aid construction contracts or subcontracts when OJT/APPRENTICESHIP is assigned and is in implementation of Title 23 USC 140(a). Federal regulations Title 23 CFR Part 230, as approved by USDOT, are also incorporated hereto by reference and shall be made a part of any contract specifications and this Agreement.

4. County its contractors and subcontractors shall not discriminate on the basis of age, disability, race, color, national origin, sex, income status or religion in the award, administration, and performance of any federal-aid contract in the administration of EEO and OJT/APPRENTICESHIP requirements under Title 23 CFR Part 230.

5. County shall include in all construction bid books, relative to receiving federal-aid, the following paragraph.

   "The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of Title 49 CFR Part 26 in the award and administration

of federal-aid contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as County deems appropriate."

6. State shall make available to County, by electronic medium, all current and pertinent DBE, EEO and OJT/APPRENTICESHIP forms. County will include the forms in County's bid books, as defined in the County's manual and procedures as appropriate. State's Office of Civil Rights will be available to provide EEO, OJT/APPRENTICESHIP and DBE training during the test projects.

7. State shall review and determine goals or requirements DBE, and OJT/APPRENTICESHIP for each project as appropriate. To initiate this review, County shall submit to State's Regional Local Agency Liaison, approximately thirteen (13) weeks before bid opening, the plans, specifications ninety (90) percent complete), engineer's estimate, cost and completion data as well as the DBE/OJT/APPRENTICESHIP Civil Rights Sheet also known as (aka) "yellow sheet" by electronic means, fax, or hard copy to the State's Small Business/DBE Program Manager in the Office of Civil Rights. If County disagrees with State's assigned goals or requirements for DBE and OJT/APPRENTICESHIP, County and State shall discuss, however, State will have final determination.

8. County understands that the DBE provisions and bid document inserts are required even if the DBE goal is set to zero (0). Federal regulations encourage contractors to involve DBE firms even if the DBE goal is zero (0). All prime bidders shall submit the Subcontractor Solicitation and Utilization Report (SSUR) (ODOT form 734-2721) to the County within ten (10) days of bid opening. County shall forward the SSUR by electronic means or fax, to the State's Small Business/DBE Program Manager in the Office of Civil Rights regardless of whether the DBE goal is zero or not.

9. County shall fax or send a list of the prime bidders with bid amounts for all bidders to the State's Small Business/DBE Program Manager in the State's Office of Civil Rights. In addition, County shall forward appropriate civil rights forms and information within twenty-four (24) hours of bid opening. After award, and prior to contract execution, County shall forward copies of all forms received by County from contractor(s) to State's Regional Local Agency Liaison within ten (10) days. After the contract is executed, County shall forward all forms received from contractor(s) to State's Regional Local Agency Liaison with ten (10) days.

10. County shall comply with the goals or requirements for DBE, and OJT/APPRENTICESHIP established by State for each federal-aid project.

11. State shall provide support, compliance monitoring, and on-site reviews (as required) for the DBE, EEO, and OJT/APPRENTICESHIP programs. State shall

deliver to the County the Standard Precon package for each project. State shall act on behalf of County regarding all civil rights contract administration activities and shall report any discrepancies or issues to County, not the contractor. County maintains responsibility to uphold the programs with the contractor.

12. If County's lowest bidder has not met the DBE goal on a project, State's Office of Civil Rights shall determine if good-faith efforts were made and make a recommendation to County regarding award as it applies to meeting the DBE goal assigned for that particular project. If State's Office of Civil Rights determines that County's apparent low bidder has not made good faith efforts, State's Office of Civil Rights will provide a paragraph to be included in a letter to the contractor from County that the bidder is non-responsive. The paragraph will include the reason for the determination that the bid is non-responsive and provide the bidder an opportunity for administrative reconsideration. County shall use the information provided by the State's Office of Civil Rights verbatim and make no changes to the wordage when submitting to the contractor. If the bidder requests administrative reconsideration, County shall notify State's Office of Civil Rights and State's Office of Civil Rights shall conduct the administrative reconsideration. State's Office of Civil Rights shall provide the results of the administrative reconsideration to County. County shall use the information provided by the State's Office of Civil Rights verbatim and make no changes to the wordage when submitting to the contractor. County shall defend the administrative reconsideration committee decision with State and Department of Justice providing assistance.

13. If a protest is filed involving a DBE goal, State's Office of Civil Rights shall provide a written response to the protest and forward to County for finalizing and signature. County shall use verbatim the wordage provided by State's Office of Civil Rights in connection with the DBE goal issue. If County disagrees with the response, County may discuss with State's Office of Civil Rights, however State's Office of Civil Rights has the final determination.

Construction Activities and Administration

1. County understands and agrees that certification is only for the low bid contracting process. If County wishes to use an alternate method of bidding other than low bid, County shall contact the State's Regional Local Agency Liaison to obtain State's and/or FHWA written approval.

2. County may use Additive Alternate Bidding (aka Bid Alternates). County's first Additive Alternate Bidding project using the Certification Program will be considered a test project and County will need to inform State's Regional Local Agency Liaison in writing at ninety (90) percent PS&E.

3. County agrees that contract administration, quality control, quality assurance, material sampling and testing will be accomplished in accordance with County's current standards for federal-aid projects or County may use State's current Construction Manual. Said manuals are incorporated hereto by reference, and made a part of this Agreement.

4. After receipt of ninety (90) percent PS&E, State shall determine whether state Bureau of Labor & Industries (BOLI) wage rates apply or if BOLI and federal Davis-Bacon wage rates must be compared and the higher of the two (2) rates paid per classification and inform County within ten (10) working days. County shall monitor labor compliance and prevailing wage rate compliance.

5. County shall include in the bid book the requirement of a bid guaranty in an amount not to exceed ten (10) percent of the bid amount; a performance bond in an amount equal to the full contract price; and a payment bond in the amount equal to the full contract price. Each bid guaranty, performance bond and each payment bond must be executed solely by a surety company or companies holding a certificate of authority to transact surety business in Oregon.

6. If County awards a construction contract, County shall follow County's materials quality program. County shall process and pay all contractor progress estimates, make final contractor payment, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of each project.

7. State will reimburse County for construction contractor payments within ten (10) working days of receipt of payment request from County. Once State's Regional Local Agency Liaison has received invoice from County, State's Regional Local Agency Liaison shall forward the invoice to State's Financial Services Office for payment. Receipt of payment requests shall include the items listed in paragraph six (6) of Finance in this Agreement.

8. County shall prepare contract and bidding documents, advertise for bid proposals, and award all contracts, and conduct all contract administration. Upon County's award of the construction contract, County, or its consultant, shall be responsible to perform all construction engineering, field testing of materials, technical inspection and project manager services for administration of the contract and making contractor payments.

9. County shall send State, within one (1) year following contract completion for construction, a final copy of "As Constructed" plans if a roadway project is on or affects the state highway system and for all bridge projects both on and off the state highway system where the State has responsibility for inspection of such bridges.

Contract Claims and Contractor Change Orders

1. County shall follow County's procedures for contractor claims and Contract Change Orders as described in County's current standards for federal-aid projects. County's contract specifications are required to include a process for dispute and claim resolution. Those specifications must require a claims review by State of any unresolved claims prior to the contractor being allowed to pursue litigation. State will conduct claims reviews and will make independent determinations on contractor's entitlement and award of damages.

2. County cannot exceed any project authorization without following State's process, and obtaining approval for an increase in project authorization.

3. FHWA retains approval authority over waiver for Buy America provisions. State retains approval authority over the following Contract Change Orders including:

   a) Changes which affect environmental mitigation classification or commitments;
   b) Right of way access control on or impacting State's facilities;
   c) Changes in the scope of work or extension of the contract limits shown in the project documents approved by State and FHWA;
   d) Any contract change altering the DBE goals or requirements;
   e) Any impact or changes to traffic mobility including width, height, weight, length, access to the route or additional travel delay on or impacting State's facilities; and
   f) Any change(s) resulting in less than AASHTO Design Standards for projects on the NHS.

Railroads

County shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through the appropriate State Regional Local Agency Liaison, who will contact State's Railroad Liaison on behalf of County. Only those costs allowable under Title 23 CFR Part 140 Subpart I, and Title 23 Part 646 Subpart B shall be included in the total project costs; all other costs associated with railroad work will be at the sole expense of County, or others. County may request State, in writing and at project expense, to provide railroad coordination and negotiations. However, State is under no obligation to agree to perform said duties.

Utilities

County shall follow State established statutes, policies and procedures when impacts occur to privately or publicly-owned utilities. Policy, procedures and forms

are available through the State Utility Liaison or the State's Regional Local Agency Liaison. County shall provide copies of all signed utility notifications, agreements and Utility Certification to the State Utility Liaison. Only those utility relocations, which are eligible for reimbursement under the FAPG, Title 23 Code of Federal Regulations (CFR) Part 645 Subpart A and B, shall be included in the total project costs; all other utility relocations shall be at the sole expense of County, or others. County may send a written request to State, at project expense, to arrange for utility relocations/adjustments lying within County jurisdiction. This request must be submitted no later than twenty-one (21) weeks prior to bid let date. However, State is under no obligation to agree to perform said duties. (County shall not perform any utility work on state highway right of way without first receiving written authorization from State).

Maintenance Responsibilities

1. County shall, upon completion of each project, maintain, operate and provide power as needed to operate the projects at its own cost and expense for the useful life of each project. The useful life of each project shall be identified as eight (8) years for pavement overlay projects and twenty years (20) for all other projects, unless otherwise indicated in the individual Supplemental Project Agreements. In the event a project will include or affect a state highway, this provision does not address maintenance of that state highway.

Projects on or Impacting State Highway

1. County shall contact the appropriate State District Office prior to commencement of work to determine if any permits are needed to occupy State right of way. County agrees to comply with all provisions of any State issued permits to occupy or perform operations upon a state highway and to also obtain road approach permits from the State District Office if they are needed, according to OAR 734, Division 51. County agrees to comply with all provisions of required permits, and shall require its developers, contractors, subcontractors, or consultants performing such work to comply with such provisions.

2. Pursuant to OAR 734-020-0430, County shall obtain the approval of the State Traffic Engineer prior to the design and construction of any traffic signal to be installed on a state highway.

3. County and State shall enter into a separate traffic signal agreement to cover obligations for any traffic signal being installed on a state highway.

4. County, or its contractor's, electrical inspectors shall possess a current State Certified Traffic Signal Inspector certificate, in order to inspect electrical installations

on state highways. The State District Permitting Office shall verify compliance with this requirement prior to construction. The permit fee should also cover the State electrician's supplemental inspection.

5. State shall, at project expense, perform the signal equipment environmental testing. State Signal Technicians shall, at project expense, perform the signal field testing, and turn-on.

6. Traffic signal timing shall be the responsibility of State, unless there is an agreement that specifically allows County to perform that function. State shall retain the right of review of the traffic signal timing for signals on state highways, or those which State maintains, and shall reserve the right to request adjustments when needed. In cases where the County modifies timing to add railroad or emergency vehicle preemption, bus priority, or other changes that affect vehicle or pedestrian clearances, or operation of the state highway, such modifications shall be reported to State's Region Traffic Engineer. State's Region Traffic Engineer will notify County whenever timing changes that affect the operation of local street connections to the state highway are scheduled. All modifications shall follow guidelines set forth in the current Manual on Uniform Traffic Control Devices, and the current ODOT Traffic Signal Policy and Guidelines.

7. County shall, upon completion of individual projects and at its own expense, maintain the pavement surrounding the vehicle detector loops installed in the County roads and streets in such a manner as to provide adequate protection for said detector loops. Failure to do so may result in State requiring County to repair or replace the damaged loops at County expense. Future County roadwork activities involving the detector loops may also result in the same State requirements. County shall also adequately maintain the pavement markings and signing installed in accordance with the approved signal plan sheets for the signal installation or current Manual on Uniform Traffic Control Devises standards.

8. State shall, upon completion of individual projects and at its own expense, maintain the pavement surrounding the vehicle detector loops installed in the state highway in such a manner as to provide adequate protection for said detector loops. State shall also adequately maintain the pavement markings and signing installed on the state highway in accordance with current State standards.

9. County shall include the following stipulations in the Special Provisions for construction contract work for any project where County is contracting work on a state highway:

   a) Contractor shall name State as a third party beneficiary of the resulting contract.

b) Contractor shall indemnify, defend and hold harmless County, State and their officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature whatsoever resulting from, arising out of, or relating to the activities of contractor or its officers, employees, sub-contractors, or agents under this contract.

c) Commercial General Liability. Contractor shall obtain, at contractor's expense, and keep in effect during the term of this contract, Commercial General Liability Insurance covering bodily injury and property damage in a form and with coverages that are satisfactory to State and County. This insurance shall include personal and advertising injury liability, products and completed operations. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Coverage shall be written on an occurrence basis. If written in conjunction with Automobile Liability the combined single limit per occurrence shall not be less than $1,000,000 for each job site or location. Each annual aggregate limit shall not be less than $2,000,000.

d) Automobile Liability. Contractor shall obtain, at Contractor's expense, and keep in effect during the term of this contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence shall not be less than $1,000,000.

e) Additional Insured. The liability insurance coverage, except Professional Liability, Errors and Omissions, or Workers' Compensation, if included, required for performance of the contract shall include State and County and its divisions, officers and employees as Additional Insured but only with respect to the contractor's activities to be performed under this contract. Coverage shall be primary and non-contributory with any other insurance and self-insurance.

f) Notice of Cancellation or Change. There shall be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from the contractor or its insurer(s) to State and County. Any failure to comply with the reporting provisions of this clause shall constitute a material breach of contract and shall be grounds for immediate termination of this contract.

g) County shall require its contractor(s) and/or subcontractor(s), as appropriate, to acquire construction and performance bonding covering State's interests where project construction affects State property. State will be covered individually under the bonding arrangement, not as a party in a dual obligation bond. Proof of said bonding will be provided to State by the acquiring party. If County fails to

meet the requirements of this paragraph or the underlying agreement conditions, including all incorporated state and federal laws, rules and regulations and costs are incurred by State because of it, State may withhold the County's proportional share of Highway Trust Fund distribution necessary to reimburse State for those costs.

10. Traffic signal poles and foundations installed on state highways shall conform to ODOT standards, as per Technical Bulletins TR06-01(B) and TR07-03(B).

11. County shall be responsible for any behind the curb improvements including areas located within highway right of way. Such improvements shall be maintained at the same level as are similar facilities owned by State. County may require the adjacent property owners to fund or perform maintenance of the behind the curb improvements. County shall remain responsible for compliance with the terms of this Agreement, and for the performance of such work, even when maintenance is performed by County contractors or property owners, or if right of way behind the curb is partly or entirely on state highway right of way.

12. County shall maintain the landscaping and irrigation to be installed for all improvements behind the curbs or roadway. Maintenance along and on the state highway shall include replacement of dead or dying plants and trees, removal of litter, removal of weeds or weed control and tree trimming to maintain a seventeen (17) foot clear zone in the travel lane, leaf removal and irrigation for healthy sustainability of said landscaping.

13. County shall be responsible for one hundred (100) percent of water and power costs associated with the landscape and irrigation installed as part of improvements behind the curbs or roadway. County shall ensure that the water and power companies send water and power bills directly to County.

14. State grants the County or others designated by the County and permitted by State District Permitting Office, permission to access State right of way for the purpose of maintaining project related landscaping and sidewalks. In lieu of State district permits, State hereby grants County or others designated by County the right to enter and occupy State right of way for the purpose of routine maintenance of all project related landscaping and sidewalk improvements. County shall contact State's Regional Local Agency Liaison to determine if a permit is required from State's District Office for all other activities beyond the listed routine maintenance prior to commencing activities.

15. County grants State or others designated by State the right to enter onto and occupy County right of way for the purpose of inspection, audit, maintenance and operation

of State-owned and other designated facilities, and performance of any other State duty or obligations.

16. County shall be responsible for the cost of decorative embellishment on any signal or separate illumination poles and shall be responsible for any decorative embellishment maintenance on such poles upon completion of County projects. Any decorative lighting shall be the responsibility of the County for both power costs and maintenance. Such illumination shall be served by a separate system from the signal system. Any such additional illumination on the state highway must be reviewed by the office of the State Traffic Engineer. State District Office shall coordinate all such reviews. Decorative poles and foundations installed on state highways must conform to ODOT standards, as pursuant to Technical Bulletin TR07-06(B).

17. State may conduct periodic inspections during the life of County certification projects to verify that projects are being properly maintained and continue to serve the purpose for which federal funds were provided.

18. State shall, at its own expense, maintain and operate the portions of the individual projects on state highway right of way.

General Provisions

1. County agrees to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.

2. County agrees and understands that it will conduct all contracting in compliance with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work including, but not limited to, the provisions of ORS Chapters 279A, 279B, and 279C, the provisions of ORS 279C.505, 279C.515, 279C.520, 279.530, and 279B.270, Title 2 CFR 225; Title 23 CFR Parts 1.11, 140, 710, and 771; Title 49 CFR Parts 18, 24 and 26; and OMB CIRCULAR NO. A-133; Title 23, United States Code (USC), Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, provisions of FAPG, *FHWA Contract Administration Core Curriculum Participants Manual* & Reference Guide, *Local Contract Review Board Contracting Rules,* and State Attorney General's Model Rules pursuant to 279A.060 and 279A.065(5).

3. County acknowledges and agrees that State, the Oregon Secretary of State's Office, USDOT Office of Inspector General, FHWA, any other federal government agency, and their duly authorized representatives shall have access to such fiscal records

and other books, project documents, papers, plans and writings of County pertaining to work covered by the Supplemental Project Agreements to perform examinations and audits and make excerpts and transcripts. County is responsible for using its procedures, as approved by State, for project documentation and long term retention of project documentation. In all contracts, the County shall expressly require that the contractor and subcontractor(s) maintain the records and keep the records accessible and available at reasonable times and places for a minimum period of six (6) years from the date of final payment under the contract or subcontract or until the conclusion of any audit, controversy or litigation arising out of or related to the contract, whichever date is later, unless a different period is required by law. See the Secretary of State's Retention Schedule; e.g. OAR Chapter 166, Division 150 for counties and Division 300 for state agencies. This shall include, but is not limited to:

a) daily work records;
b) quantity documentation;
c) material invoices and quality documentation;
d) certificate of materials origin;
e) process control records;
f) project diary;
g) erosion control reports;
h) temporary protection and direction of traffic reports;
i) foreign steel summary;
j) test results; and
k) inspection records to ensure that projects are completed in conformance with approved plans and specifications.

4. County shall retain and keep all files and records for a minimum of six (6) years following the date of final voucher to FHWA. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition (Title 49 CFR Part 18 Subpart 42).

County Indemnifications

1. County shall, to the extent permitted by State law, indemnify, hold harmless and provide legal defense for State against all claims brought by the contractor, or others resulting from County's failure to comply with the terms of this Agreement and Supplemental Project Agreements.

2. On all construction projects where County is doing the construction engineering and project management, County, subject to any limitations imposed by state law and the Oregon Constitution, agrees to accept all responsibility, defend lawsuits, indemnify and hold State harmless, for all tort claims, contract claims, or any other

lawsuit arising out of the contractor's work or County's supervision of individual projects.

3. County shall, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, indemnify, defend, save and hold harmless the State of Oregon from any and all claims, suits, actions of whatsoever nature resulting from or arising out of activities of County, its officers, agents or employees under this Agreement and Supplemental Project Agreements. County's total liability shall not exceed the tort claims limits provided in Oregon Tort Claims Act, ORS 30.260 to 30.300, for 'local public bodies.'

4. County shall require its contractor(s) to indemnify the State of Oregon, Oregon Transportation Commission and its members, and Department of Transportation, its officers and employees, for performance of the obligations of contractor(s) under its contracts with County.

5. Notwithstanding the foregoing defense obligations under paragraphs listed under "Indemnifications" above, neither County or its contractor(s), nor any attorney engaged by County shall defend any claim in the name of State of Oregon or any agency of the State of Oregon, nor purport to act as legal representative of the State of Oregon or any of its agencies, without the prior written consent of the Oregon Attorney General. The State of Oregon may, at any time at its election assume its own defense and settlement in the event that it determines that County is prohibited from defending the State of Oregon, or that County is not adequately defending the State of Oregon's interests, or that an important governmental principle is at issue or that it is in the best interests of the State of Oregon to do so. The State of Oregon reserves all rights to pursue any claims it may have against County if the State of Oregon elects to assume its own defense.

6. County, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for County's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds on Supplemental Project Agreements, and shall, upon County's breach of any such conditions that requires the State to return funds to FHWA, hold harmless and indemnify the State for an amount equal to the funds received under the Supplemental Project Agreements; or if legal limitations apply to the indemnification ability of County, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under individual Supplemental Project Agreements.

State Indemnifications

1. State shall, to the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, indemnify, defend, save and hold harmless County from any and all claims, suits, actions of whatsoever nature resulting from or arising out of activities of State, its officers, agents or employees under this Agreement or Supplemental Project Agreements.

2. Notwithstanding the foregoing defense obligations under the paragraph above, neither State or its contractor(s), nor any attorney engaged by State shall defend any claim in the name of the County or any agency/department/division of County, nor purport to act as legal representative of County or any of its agencies/departments/divisions, without the prior written consent of the legal counsel of County. County may, at any time at its election assume its own defense and settlement in the event that it determines that State is prohibited from defending County, or that State is not adequately defending County's interests, or that an important governmental principle is at issue or that it is in the best interests of County to do so. County reserves all rights to pursue any claims it may have against State if County elects to assume its own defense.

Insurance

1. County shall require its construction contractor(s) to list the State of Oregon, Oregon Transportation Commission and its members, and Department of Transportation, its officers and employees, as additional insured in the insurance certificates required of contractor(s) under any contract. Prior to Notice to Proceed, contractor shall provide insurance certificates to County. For railroad insurance, the maximum dollar amounts of coverage to be reimbursed for federal funds with respect to bodily injury, death and property damage is limited to a combined amount of $2,000,000 per occurrence with an aggregate of $6,000,000 applying separately to each annual period. FHWA must approve any exceptions to the maximum railroad protective insurance limits. County should contact local railroad for insurance requirements. The required insurance coverage shall be in effect for the life of the contract.

2. County shall include State as a third party beneficiary in the specifications of County's construction contract on any projects, with express authority to enforce the terms and conditions of the contract.

Workers' Compensation Coverage

All employers, including County that employ subject workers who work under this Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt

under ORS 656.126. County shall ensure that each of its contractors complies with these requirements.

Termination

1. This Agreement or Supplemental Project Agreements may be terminated by mutual written consent of both Parties.

2. State may terminate or rescind this Agreement or Supplemental Project Agreements if County fails to comply with the above-mentioned requirements, and after receipt of written notice from State, fails to correct such compliance within ten (10) days or such longer period as State may authorize.

3. State may terminate this Agreement or Supplemental Project Agreements effective upon delivery of written notice to County, or at such later date as may be established by State, under any of the following conditions:

   a) If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make federal fund reimbursements to County as provided under the Certification Program.

   b) If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the Certification Program is prohibited or State is prohibited from reimbursing County with federal funds.

4. Any termination of this Agreement or Supplemental Project Agreements shall not prejudice any rights or obligations accrued to the Parties prior to termination.

Lobbying Restrictions – pursuant to Form FHWA-1273, Required Contract Provisions

County certifies by signing the Agreement that:

a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of

any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit, for each Supplemental Project Agreement, Standard Form-LLL "Disclosure Form to Report Lobbying," in accordance with its instructions.

c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed $100,000, and that all such subrecipients shall certify and disclose accordingly.

d) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 USC Section 1352.

e) Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Signature Authorities

1. County agrees that it has the means to provide adequate expertise and has support staff available to perform the functions being subdelegated. The support staff may include consultants or state services. County shall ensure that any contracts entered into with consultants, contractors or subcontractors shall adhere to the same requirements as those required of County under this Agreement.

2. County's approval authorities for any work performed by County under conditional certification, and after final certification has been granted, shall be identified in a letter to be provided to State. The letter must be sent to Certification Program Manager upon execution of this Agreement. If any of the titles identified by County as having approval authority change, County shall immediately send a new letter to Certification Program Manager identifying all the Parties by title that have approval authority. State's Certification Program Manager will provide a copy of any updates to the State's Regional Local Agency Liaison. County agrees that the signatures on each project prospectus, Supplemental Project Agreement, contract, and all project development phases shall adhere to said approval authority.

3. County certifies and represents that the individuals signing this Agreement have been authorized to enter into and execute this Agreement on behalf of County,

under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind County.

4. The provisions of this Agreement shall apply to all federal-aid Supplemental Project Agreements County enters into with State. If needed, and agreed to by both State and County, the provisions of this Agreement may be modified by use of special provisions in the Supplemental Project Agreements. In the event of a conflict, the Supplemental Project Agreement shall control over this Agreement.

5. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

6. This Agreement and the attached exhibits constitutes the entire agreement between the Parties on the subject matter hereof. Supplemental Project Agreements will incorporate this Agreement and the exhibit(s) for purposes of those specific projects. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledges that its signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

The Oregon Transportation Commission on December 29, 2008, approved Delegation Order No. 2, which authorizes the Director to approve and execute agreements for day-to-day operations.

Multnomah County/ODOT
Agreement No. 26226

On September 15, 2006, the Director of the Oregon Department of Transportation approved Subdelegation Order No. 2, in which the Director delegates day-to-day authority to the Deputy Director for Highways to approve and sign agreements.

MULTNOMAH COUNTY, acting by and through its elected officials

By _____
Jeff Cogen, County Chair

Date _____

By _____

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By /s/ Matthew O. Ryan
Assistant County Attorney
for Multnomah County, Oregon

Date 8/11/2010

County Contact:
Brian Vincent, County Engineer
Multnomah County
1620 SE 190th
Portland, OR97233
Telephone:(503)988-5050 x29642
Fax: (503)988-3321
brian.s.vincent@co.multnomah.or.us

STATE OF OREGON, acting by and through its Department of Transportation

By _____
Deputy Director, Highways

Date _____

APPROVAL RECOMMENDED

By:_____
Local Government Section Manager

Date_____

By _____
Region 1 Manager

Date _____

APPROVED AS TO LEGAL SUFFICIENCY

By_____
Assistant Attorney General

Date _____

State Contact:
Mark Foster
ODOT
123 NW Flanders Street
Portland OR 97209-4012
Telephone: 503-731-8288
mark.a.foster@odot.state.or.us

Multnomah County/ODOT
Agreement No. 26226

STATE OF OREGON
DEPARTMENT OF TRANSPORTATION

County is seeking certified status in the following functional areas as marked below:
☒Consultant Selection
☒Design
☒Bridge Design
☒Advertise, Bid and Award
☒Construction Contract Administration

EXHIBIT A
Agreement Number:
Project Name:
Key Number:

ACKNOWLEDGMENT OF FEDERAL ASSISTANCE

The property and assets under the jurisdiction of _____ were improved with assistance from the United States Government under an agreement executed between _____ and the Oregon Department of Transportation dated _____. Such assistance was provided to _____ in reimbursement of costs associated with the _____
_____.

The use and disposition of said property is subject to the terms of the above noted agreement, copies of which may be obtained from the Director, Oregon Department of Transportation, and is also subject to 49 CFR Part 18 which may be obtained from the Federal Highway Administration, U.S. Department of Transportation, 400 7th Street, S.W., Washington D.C. 20590.

By : _____

Title : _____

SUBSCRIBED and SWORN to before me this _____ day of _____, 20__

_____

NOTARY PUBLIC FOR OREGON

My commission expires: _____

Forward the completed document to the following:

Oregon Department of Transportation
State Project Liaison
Mark Foster
ODOT
123 NW Flanders Street
Portland OR 97209-4012

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-6 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date:	9/2/2010
Agenda Item #:	R-6
Est. Start Time:	10:10 am

Agenda Title: **Proclamation of September as Emergency Preparedness Month in Multnomah County**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	September 2, 2010	**Amount of Time Needed:**	10 minutes
Department:	Non-Departmental	**Division:**	Chair Jeff Cogen
Contact(s):	Dave Houghton or Tina Harris		
Phone:	503-988-4580 **Ext.** 84580	**I/O Address:**	503/6
Presenter Name(s) & Title(s):	Dave Houghton, Director, Office of Emergency Management		

General Information

1. **What action are you requesting from the Board?**

   Proclamation of September as Emergency Preparedness Month in Multnomah County

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   September 2010 is the 7th annual National Preparedness Month (NPM). Our goal is to help our employees and the residents of Multnomah County understand the need for personal, family and business emergency preparedness to build a disaster-resilient community. This year, Multnomah County Emergency Management will focus on our county employees. During an emergency, Multnomah County employees are often a part of day-to-day essential services that need to continue during a disaster. By promoting personal and family preparedness, and giving the tools and knowledge to help our employees prepare for disasters, the County is better prepared to respond during a disaster. Activities for this month will include lunch time brown bag trainings and lectures on personal and family preparedness and a "Passport to Preparedness" activity.

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

   No fiscal impact.

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

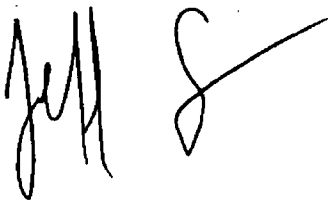
None

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

This year Emergency Preparedness Month will primarily focus on county employees. In following years we will focus on family, community and business preparedness for the public and our partner agencies.

Required Signature

Elected Official or Department/ Agency Director:



Date: **8/25/2010**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming the Month of September as Emergency Preparedness Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

a. Whereas, the residents and businesses of Multnomah County can be severely impacted by natural and human-caused events that can disrupt services and overburden emergency response agencies; and
b. Whereas, investing in the preparedness of ourselves, our families, businesses and communities can reduce human and economic harm in our communities; and
c. Whereas, the County supports the Federal Emergency Management Agency's Ready Campaign to increase public awareness about the importance of preparing for emergencies and the County believes that our community will be more resilient if individuals, families and businesses are prepared.

NOW THEREFORE, the Multnomah County Board of Commissioners Proclaims:

The month of September as Emergency Preparedness Month in Multnomah County, Oregon, and urges all residents to make preparedness a priority by taking four simple steps: 1. Prepare an emergency kit; 2. Make a family emergency plan; 3. Be informed about the types of emergencies that can occur in our area; and 4. Get involved with local preparedness efforts.

ADOPTED this 2nd day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

_____
Deborah Kafoury
Commissioner District 1

_____
Barbara Willer
Commissioner District 2

_____
Judy Shiprack
Commissioner District 3

_____
Diane McKeel
Commissioner District 4

Submitted by: Jeff Cogen, Chair

12-R0

GROW Lynda

From: BIRCH Tina
Sent: Tuesday, August 17, 2010 9:40 AM
To: GROW Lynda
Subject: RE: 9/2/2010 board agenda item
Follow Up Flag: Follow up
Flag Status: Red
Attachments: EPM proclamation 2010.doc; APR National Emergency Preparedness Month 09-10.doc

Good Morning Lynda,

Attached are the documents for the 9/2/10 board meeting for the proclamation of September as Emergency Preparedness Month. If we need to modify anything or you need more information, please let myself or Dave Houghton know. Thank you!

Tina Birch
x25402

From: GROW Lynda
Sent: Thu 8/12/2010 5:48 PM
To: BIRCH Tina
Cc: GROW Lynda
Subject: 9/2/2010 board agenda item

Ok, sounds good – thanks!

Lynda J. Grow, Board Clerk
Multnomah County Board of Commissioners
503-988-5274 or 988-3277
Lynda.Grow@co.multnomah.or.us
http://www2.co.multnomah.or.us/cfm/boardclerk/

From: BIRCH Tina
Sent: Thursday, August 12, 2010 4:26 PM
To: GROW Lynda
Subject: RE: Sample Board Resolution

OK, if I haven't told you already, we would like to present the proclamation for Emergency Preparedness Month at the board meeting on September 2nd. I should have the documents by Monday, August 16th. Also, would it be possible to have time at the board briefing on the 31st? We may have James Roddy, a state geologist, available to talk to the board about preparedness. He will also be doing a presentation that week to the City of Portland leadership and can tailor the same presentation to whatever time frame we would have available (the presentation he would provide is specifically for community and government leadership). He's nationally known (was recently featured on CNN) and is an amazing speaker. If there is anything I will need to provide for that, please let me know. We plan to have him available for a brown bag lecture during Preparedness Month as well.

Thank you!!!

Tina Birch
ECC Readiness Coordinator

Multnomah County Emergency Management
P: 503.988.6700 Option 7
F: 503.988.6095
http://www.multco.us/em

From: GROW Lynda
Sent: Wednesday, August 04, 2010 12:06 PM
To: BIRCH Tina
Subject: RE: Sample Board Resolution

Great! When you know what date you have in mind, let me know, and I'll put it on the calendar to hold the time until you have the final documents in to my office. I think it's more likely that you'll need to use a Proclamation rather than a Resolution. I'm attaching examples, plus our newly updated Board Rules. You'll also need to fill out an APR and submit it to me two weeks beforehand. Copy Marissa Madrigal, Chief of Staff.
Let me know!
Lynda

Lynda J. Grow, Board Clerk
Multnomah County Board of Commissioners
503-988-5274 or 988-3277
Lynda.Grow@co.multnomah.or.us
http://www2.co.multnomah.or.us/cfm/boardclerk/

From: BIRCH Tina
Sent: Wednesday, August 04, 2010 11:46 AM
To: GROW Lynda
Subject: Sample Board Resolution

Good Morning Lynda,

Do you have an example board resolution or a previous one that was brought to the board for declaration of a county week/month? September is National Preparedness Month and we would like to bring a resolution to the board for declaring the same for Multnomah County. I have been working with Tara Bowen-Biggs in Public Affairs and she said you would be the person to contact for an example or any information we may need to do this.
Thank you!!

Tina Birch
ECC Readiness Coordinator
Multnomah County Emergency Management
P: 503.988.6700 Option 7
F: 503.988.6095
http://www.multco.us/em

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date:	9/2/2010
Agenda Item #:	R-7
Est. Start Time:	10:20 am

Agenda Title: **RESOLUTION Approving the Transfer of Tax-Foreclosed Property R114766 to Community Vision, Inc., a Non-profit Corporation, for Low Income Housing Purposes**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	9/2/2010	**Amount of Time Needed:**	10 minutes
Department:	County Management	**Division:**	Assessment, Recording and Taxation / Tax Title
Contact(s):	Sally Brown and Becky Grace		
Phone:	503-988-3349 **Ext.** 22349	**I/O Address:**	503/1
Presenter Name(s) & Title(s):	Randy Walruff, Division Director		

General Information

1. **What action are you requesting from the Board?**

   Approve the transfer of tax-foreclosed property to Community Vision, Inc., a non-profit corporation, for low income housing purposes.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   The County has obtained title to certain real property through foreclosure for failure to pay lawfully imposed taxes and assessments. The former owners, an elderly couple currently residing at the property have been determined to have significant cognitive impairment. An assessment was requested and received from Adult Protective Services which states the residents are 'high risk' older adults whose deficits have impacted their ability to handle their affairs. The Tax Title Program would like to transfer the property to Community Vision, Inc (CVI), who will be able to address the special needs of the occupants. If CVI determines that the occupants qualify for low-income housing they will be able to continue to stay at the property for as long as they are able, provided the home is safe and suitable for human habitation subject to the Low Income Housing Development Agreement attached to the resolution.

Under ORS 271.330, the County may elect to donate the property to a qualified, non-profit corporation; provided such non-profit uses it for low income housing. Community Vision, Inc. (CVI) is a qualified non-profit under ORS 271.330, and CVI has agreed to develop the Property after transfer under the terms of the attached agreement.

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

   NA

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

   NA

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

   NA

Required Signature

Elected Official or Department/ Agency Director: Mindy Hanes **Date:** 8/16/10

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving the Transfer of Tax-Foreclosed Property to Community Vision, Inc., a Non-profit Corporation, for Low Income Housing Purposes

The Multnomah County Board of Commissioners Finds:

a. The County has obtained title to certain real property more particularly described as:

Lot 2, Block 11, Benedictine Heights

(the "Property") through foreclosure for failure to pay lawfully imposed taxes and assessments.

b. Under ORS 271.330 (2), the County may elect to donate property acquired through tax-foreclosure to qualified, non-profit corporations; provided such non-profits use the property for low income housing.

c. Community Vision, Inc. (CVI) is a qualified non-profit under ORS 271.330, and CVI has agreed to use and or further develop the Property for the purposes of low income housing after transfer under the terms of the attached Low Income Housing Development Agreement (Agreement).

The Multnomah County Board of Commissioners Resolves:

1. The transfer of the Property to CVI and development of the Property in accordance with the attached Agreement is approved.

2. The Chair is authorized to execute all documentation required to complete said transfer, including a deed and the Agreement in a form substantially in conformance with the terms and conditions of the attached Agreement.

3. The County shall cause all appropriate documentation relating to the transfer to be recorded in the County Deed Records.

ADOPTED this 2nd day of September 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By_____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Mindy Harris, Interim Director, Dept. of County Management

Until a change is requested, all tax statements
Shall be sent to the following address:
COMMUNITY VISION, INC.
1750 SW Skyline Blvd., Suite 102
Portland, OR 97221
After recording return to:
Multnomah County Tax Title 503/4

Deed D112217 for R114766

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to COMMUNITY VISION, INC., an Oregon non-profit corporation, **Grantee**, certain real property located in Multnomah County, Oregon more particularly described as follows:

Lot 2, Block 11, Benedictine Heights

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true consideration paid for this transfer is $0, but consists of other consideration the receipt whereof is hereby acknowledged.

IN WITNESS WHEREOF, The Multnomah County Board of Commissioners by authority of a Resolution of the Board, entered of record: has caused this deed to be executed by the chair of the County Board.

Dated this 2nd day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 2nd day of September 2010, by Jeff Cogen, 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.

_____
Marina A Baker
Notary Public for Oregon
My Commission expires: 7/14/2014

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By_____
Matthew O. Ryan, Assistant County Attorney

AFTER RECORDING RETURN TO:
MULTNOMAH COUNTY, OREGON
Div. of School and Community Partnerships
421 S.W. Oak Street, Suite 200
Portland, Oregon 97204
B167/R200

LOW INCOME HOUSING DEVELOPMENT AGREEMENT

Dated: _____, 2010

The Parties:

COMMUNITY VISION, INC.; an Oregon non-profit corporation, headquartered 1750 SW Skyline Blvd., Suite 102; Portland, OR 97221("CVI"); and **MULTNOMAH COUNTY, OREGON**, a Political Subdivision of the State of Oregon; located at 501 SE Hawthorne, Portland, Oregon 97214 ("County"); collectively referred to herein as the "Parties".

Recitals:

A. The County as required under state law obtains title to real property that is foreclosed for failure to pay lawfully imposed taxes and assessments.

B. As authorized under ORS 271.330, the County may elect to donate property acquired through tax-foreclosure to qualified, non- profit corporations; provided such non-profits use the donated property for low income housing. For purposes of this Agreement, "Low income housing" means either providing low income rental unit(s) or home ownership opportunities to eligible persons or families with incomes adjusted for family size at or below 80% of the median income in Multnomah County, Oregon ("Eligible Buyers" or "Eligible Individuals").

C. CVI is an Oregon non-profit corporation, is qualified under ORS 271.330 to receive the donation of tax-foreclosed property by the County for the use as low income housing.

D. The County and CVI have agreed to the transfer "AS IS, WHERE IS" of certain real property located at 3924 SE 14th AVE, Portland, Oregon and more particularly described as:

Lot 2, Block 11, Benedictine Heights

hereinafter referred to as "the Property."

E. The consideration for the donation of the Property is CVI's stipulation and commitment as evidenced by its duly authorized representative's signature below, to use the Property solely for low income housing purposes for a period of not less than thirty (30) years from the date of transfer.

F. The restrictions contained herein are intended to limit the use of the Property to the use as the primary residence of Eligible Individual(s) and to require for a period of 30 years and that subsequent buyers of the Property only resell it to Eligible Buyers who occupy the Property as their primary residence. It is the policy of the County to ensure that safe, decent and affordable housing is made available to qualifying individuals at affordable prices throughout the entire term of this Agreement in order to ensure the long-term availability of affordable housing in Multnomah County, Oregon.

G. To the best of the Parties' knowledge the property on the date of this transfer is presently occupied by the former owners Jesse and Nancy Kraut, husband and wife.

H. The Parties understanding at the time of this transfer is that the Kraut's are an elderly couple with special needs; whose financial condition is not fully known. CVI shall promptly assess if the Krauts do qualify as Eligible Individuals under the State's and the County's programs for low income housing. If CVI determines that Jesse and Nancy Kraut do not qualify as Eligible Individuals, CVI shall promptly pursue appropriate action to relocate the Kraut's from the Property as soon as practicable upon the transfer of the Property.

I. Should CVI determine that Jesse and Nancy Kraut qualify as Eligible Individuals, CVI shall allow the Kraut's to continue to occupy the Property for as long as they are able, provided the improvements thereon are safe, and suitable for human habitation; subject to the following conditions:

a. Should the Property upon examination be determined by CVI to not be reasonably suitable for residential purposes and further determines that the property cannot reasonably and feasibly be renovated; at such time CVI shall make best efforts to find suitable alternative low-income housing for Jesse and Nancy Kraut and provide for relocation to such alternative housing.

b. If CVI determines that the property can be renovated but that renovation cannot be reasonably accomplished with Jesse and Nancy Kraut on site, CVI shall provide for suitable alternative housing for the Kraut's during the renovation period.

c. If at any time CVI reasonably determines that Jesse and Nancy Kraut are no longer able to provide for their own well being and livelihood, CVI shall make best efforts at such time to relocate the Kraut's to a suitable residential housing to address their special needs.

d. If at any time during the term of this Agreement, CVI determines that Jesse and Nancy Kraut no longer qualify as Eligible Individuals, CVI shall pursue appropriate action to relocate the Kraut's from the Property.

J. Further, the Parties stipulate that the Property and its improvements has not been the subject of any examinations or inspections at the time of this transfer and their existing condition are unknown, and that the transfer of the Property is "AS IS, WHERE IS".

Agreement

Therefore, in consideration of the promises and covenants set forth herein and of other valuable consideration, the receipt and sufficiency of which is acknowledged, CVI and the County agree as follows:

Section 1: Incorporation of Recitals.

1. Recitals. The foregoing recitals are incorporated into this Agreement by this reference.

Section 2: Representations and Warranties of CVI.

2. Representations and Warranties. The CVI represents and warrants as follows:

2.1 Non-Profit. The CVI is (i) a duly organized non-profit corporation under the laws of the state of Oregon, (ii) qualified to transact business in the state of Oregon, (iii) has the power and authority to own its properties and assets and to carry on its business as now being conducted, and (iv) has the full legal right, power, and authority to execute and deliver this Declaration.

2.2 No Violation of Law or Contract. The execution and performance of this Agreement by the CVI (i) will not violate or, as applicable, has not violated any provision of law, rule or regulation, or any order of any court or other agency or governmental body, (ii) will not violate or, as applicable, has not violated any provision of any indenture, agreement, mortgage, mortgage note, or other instrument to which the CVI is a party or by which it or the Project is bound, and (iii) will not result in the creation or imposition of any prohibited encumbrance of any nature.

2.3 Financial Status. There is no action, suit, or proceeding at law or in equity, or by or before any governmental instrumentality or other agency now pending, or to the knowledge of the CVI, threatened against or affecting it, or any of its properties or rights, which if adversely determined, would materially impair its right to carry on business substantially as now conducted and as now contemplated by this Agreement or would materially adversely affect its financial condition.

2.4 Property. CVI covenants that it will forever defend rights hereunder and the priority of this Agreement against the adverse claims and demands of all persons.

2.5 Impositions. CVI will pay when due all taxes, assessments, fees, and other governmental and nongovernmental charges of every nature now or hereafter assessed against any part of the Property (the "Impositions"); however, if by law any such Imposition may be paid in installments, CVI may pay the same in installments, together with accrued interest on the unpaid balance thereof, as they become due. CVI will furnish to County promptly on request satisfactory evidence of the payment of all Impositions. County is hereby authorized to request and receive from the responsible governmental and nongovernmental personnel written

statements with respect to the accrual and payment of all Impositions. As of the date of transfer there are no ad valorem real property tax liens against the Property.

2.6 Liens. CVI will pay when due all claims for labor and materials that, if unpaid, might become a lien on the Property.

Section 3: Property Use.

3.1 Low Income Housing. As soon as practicable upon transfer to CVI the Property shall be used for low income housing purposes, which condition is satisfied by the continued occupancy of the present occupant identified in the Recitals herein. The Parties acknowledge that CVI shall as soon as possible thereafter examine and inspect the property to determine its habitability under applicable codes and regulations.

3.2 Renovation or New Construction. If CVI in its reasonable best judgment determines the existing improvements at the Property need major renovation, CVI shall renovate the single-family residence on the Property to a safe and sanitary standard in compliance with all applicable codes and regulations in a timely and responsible manner. If CVI in its reasonable best judgment determines the existing improvements at the Property are in such condition that renovation is infeasible, than CVI shall pursue the timely and safe removal of all or any portion of the existing improvements and shall reconstruct residential dwelling unit(s) to a safe and sanitary standard in compliance with all applicable codes and regulations in a timely and responsible manner.

3.3 Resale. Any resale of the Property by CVI during the 30 year term of this Agreement shall be to one or more individual purchasers whose aggregate income is equal to or less than eighty percent (80%) of the area median income, as adjusted for family size, for Multnomah County, Oregon as established from time to time during the term of this Agreement by the United Stated Department of Housing and Urban Development, or any successor agency ("Area Median Income"). During the 30 year term of this Agreement, all subsequent owners who desire to sell the Property may sell the Property provided, however, that the Property is sold for occupancy as the principal residence of the purchaser or purchasers and then only to one or more individuals whose aggregate income is at or below eighty percent (80%) of the then current Area Median Income.

3.4 Occupancy. During the term of this Agreement, at least one of the then current owners or occupants of the Property, except for CVI, shall at all times occupy the Property as his or her primary personal residence, except for such periods of time that repair, renovation, demolition or reconstruction or similar activities shall make occupancy impractical; provided that this exception shall be based on a reasonable schedule for completion of such activities, and that any undue period of vacancy shall be deemed a default.

3.5 Inspections and Documentation.

3.5.1. CVI shall permit the County, or any duly authorized representative of the County, during normal business hours and upon reasonable notice to inspect the Property.

3.5.2. CVI shall submit any other information, documents, or certifications requested by the County that the County in its reasonable discretion shall deem necessary or appropriate to substantiate the CVI's continuing compliance with the provisions of this Agreement.

3.6 Maintenance. The CVI shall maintain the Property in good repair, working order and condition, including without limitation maintaining the Property in compliance with any nuisance abatement standards which may apply to the Property. CVI will not commit or suffer any waste or strip of the Property.

3.7 Damage or Destruction. If the improvements on the Property are damaged or destroyed, the CVI shall use its best efforts, subject to the rights of any mortgagee, to repair and restore improvements on the Property to substantially the same condition as existed prior to the event causing such damage or destruction, and specifically with respect to damage or takings in Condemnation as provided in Section 8; and thereafter to operate the Property in accordance with the terms of this Agreement.

3.8 Environmental Compliance.

3.8.1. For purposes of this section, *Environmental Law* means any federal, state, or local law or regulation now or hereafter at any time pertaining to Hazardous Substances or environmental conditions. For purposes of this section, *Hazardous Substance* includes, without limitation, any substance that is or becomes classified as hazardous, dangerous, or toxic under any federal, state, or local law or regulation.

3.8.2. CVI will not use, generate, store, release, discharge, or dispose of on, under, or about the Trust Property or the groundwater thereof any Hazardous Substance and will not permit any other person to do so, except for storage and use of Hazardous Substances (and in such quantities) as may commonly be used for household purposes, as long as those substances are stored and used in compliance with all Environmental Laws. CVI will keep and maintain the Property in compliance with all Environmental Laws.

3.8.3 If any investigation, monitoring, containment, cleanup, or other remedial work of any kind is required on the Property under any applicable Environmental Law or by any governmental agency or person in connection with a release of a Hazardous Substance, CVI will promptly complete all that work at CVI's expense.

3.8.4 All representations, warranties, and covenants in this Section 3.8 are to survive beyond the term of the Agreement.

3.9 Limitations of Use. CVI will not initiate or consent to any replatting, partitioning, or rezoning of the Property or any change in any covenant or other public or private restrictions limiting or defining the uses that may be made of the Property without the prior written consent of County, which shall not be unreasonably withheld.

Section 4: Recording and Filing; Covenants To Run With the Land.

4. Recording and Filing. This Agreement shall be recorded and filed in the Deed Records of Multnomah County, Oregon.

4.1 Covenants to Run With the Land. Upon recording and for the duration of the thirty (30) year term of this Agreement; the terms and conditions set forth in this Agreement regulating and restricting the use, occupancy and transfer of the Property (i) shall be and are covenants running with the Property, including all improvements on the Property, encumbering the Property for the term of this Agreement, binding upon the CVI's successors in title and all subsequent owners; (ii) are not merely personal covenants of the CVI and its successors and assigns; and (iii) shall bind the CVI and its successors and assigns during the term of this Agreement with the benefits inuring to the County.

4.2. Compliance with Law. CVI agrees that any and all requirements of the laws of the state of Oregon to be satisfied in order for the provisions of this Agreement to constitute deed restrictions and covenants running with the land shall be deemed to be satisfied in full, and that any requirements or privileges of estate are intended to be satisfied, or in the alternate, that an equitable servitude has been created to insure that these restrictions run with the Property, including all improvements thereon, for the term of this Agreement. The covenants contained herein shall survive and be effective regardless of whether such contract, deed, or other instrument hereafter executed conveying the Property, or a portion thereof, provides that such conveyance is subject to this Agreement.

Section 5: Default.

5.1 Defined. The failure by the CVI to perform or comply with any term, covenant or condition of this Agreement within 30 days after written notice from the County to perform or satisfy the term, covenant or condition, or if the performance or compliance cannot be completed within such 30-day period through the exercise of reasonable diligence, the failure to commence the required performance or compliance with diligence to completion shall constitute an event of default ("Event of Default").

5.2 Remedies. Upon the occurrence of an Event of Default, the County, its successors and assigns may institute and prosecute any proceeding at law or in equity to abate, prevent or enjoin any such violation or attempted violation, or to recover monetary damages caused by such violation or attempted violation, such damages to include but not be limited to all costs, expenses including but not limited to staff and administrative expense, fees including but not limited to all reasonably attorneys' fees which may be incurred by the County or any other party in enforcing or attempting to enforce this Agreement following such Event of Default on the part of the CVI or its successors, whether the same shall be enforced by suit or otherwise.

Section 6: Term.

The term of this Agreement commenced as of the date first set forth above and shall end at 11:59 p.m. on OCTOBER 1, 2040.

Section 7: Insurance.

7.1 Property and Other Insurance. CVI will obtain and maintain during the term of this Agreement Basic Form property insurance, in an amount not less than the amount of the full replacement cost of the Property, without reduction for coinsurance.

7.2. Insurance Companies and Policies. All insurance must (a) be written by a company or companies reasonably acceptable to County, (b) require 10 days' prior written notice to County of cancellation or reduction in coverage. CVI will furnish to County on request a certificate evidencing the coverage required under this Agreement and a copy of each policy.

7.3 Casualty/Loss Restoration.

7.3.1. After the occurrence of any casualty to the Property, whether or not covered by insurance, CVI will give prompt written notice thereof to County. County may make proof of loss if CVI fails to do so promptly and to County's satisfaction.

7.3.2. All insurance proceeds with respect to the Property must be applied to the renovation, repair, restoration or reconstruction of the Property for the purpose of reinstating the authorized use of the Property. Provided, CVI shall have reasonable discretion to renovate or rebuild improvements differently than the existing structure on site in a manner in its professional judgment, best suited to accomplish viable, sustainable low income housing at the Property.

Section 8: Condemnation.

If the Property or any part of it is taken or damaged by reason of any public improvement, eminent domain, condemnation proceeding, or in any other manner (a "Condemnation"), or if CVI receives any notice or other information regarding such action, CVI will give immediate notice thereof to County. All compensation, awards, relocation assistance and other payments or relief therefore ("Condemnation Proceeds") up to the full amount of the value of the Property shall be applied first to the restoration of the Property and the intended use thereof as low income housing; provided, that if the intended use of the Property is no longer reasonably capable as a direct result of the Condemnation; towards the purchase of suitable residential property to relocate the then occupants for the purpose to continue the provision of low income housing at such new residential property.

Section 9: General Provisions.

9.1 Severability. The invalidity of any clause, part, or provision of this Agreement shall not affect the validity of the remains provisions thereof.

9.2 Amendment. The County, together with the CVI and the then current CVI of the Property, if other than the CVI, may execute and record any amendment to, or modification of, this Agreement, and such amendment or modification shall be binding on parties and their successors and assigns.

9.3 Notices. All notices or other communications to be given pursuant to the Agreement, shall be in writing and shall be deemed given when mailed by certified or registered mail, return receipt requested, to the recipient at the address first set forth above, or to such other address as a party may from time to time designate by notice given as provided in this Section.

9.4 Governing Law. This Agreement shall be governed by the laws of the State of Oregon without regard to the conflict of law provisions.

9.5 Venue. Venue for any suit or action commenced to enforce or interpret this Agreement shall be in the Circuit Court of Multnomah County, Oregon.

9.6 Indemnity. CVI will, to the fullest extent allowed by law, hold County, its respective, officers, employees, agents, and lawyers harmless from and indemnify them for any and all claims, demands, damages, liabilities, and expenses, including but not limited to attorney fees and court costs, arising out of or in connection with County's interests and rights under this Agreement.

9.7 Time is of the Essence. Time is of the essence with respect to all covenants, terms and conditions of CVI under this Agreement.

IN WITNESS WHEREOF, the parties have signed this Agreement as of the date first set forth above.

FOR COMMUNITY VISION, INC.:

By:_____
Joe Wykowski, Executive Director
of Community Vision, Inc.

FOR MULTNOMAH COUNTY:

BOARD OF COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By:_____
Jeff Cogen, Chair

REVIEWED:

_____
Matthew O. Ryan, Assistant County Attorney

Acknowledgments

STATE OF OREGON)
)ss.
County of Multnomah)

The foregoing instrument was acknowledged before me this _____day of _____ _____, 2010, by Joe Wykowski, as Executive Director of Community Vision, Inc., an Oregon non-profit corporation, on behalf of its Board of Directors.

_____
Notary Public for Oregon
My Commission expires:

STATE OF OREGON)
)ss.
County of Multnomah)

This instrument was acknowledged before me on this _____ day of _____, 2010, by Jeff Cogen, Chair, Board of Commissioners, Multnomah County, Oregon, on behalf of its Board of County Commissioners; and that the said instrument is the free act and deed of said County.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first in this, my certificate, written.

_____
Marina A Baker
Notary Public for Oregon
My Commission expires:7/14/2014

12-8
7

GROW Lynda

From: WADDELL Mike D

Sent: Tuesday, August 17, 2010 12:12 PM

To: GROW Lynda; MADRIGAL Marissa D; MCLELLAN Jana E

Cc: GRACE Becky J; BROWN Sally A; SANDERMAN Richard A; ANDERSON Debra A

Subject: APR Transferring a Tax Foreclosed Property R114766 (Krauts) to a Non Profit CVI for Low Income Housing

Follow Up Flag: Follow up

Flag Status: Red

Attachments: APR_nonprofitCVI R114766.doc; RES_CommunityVisionR114766.doc; CommunityVisionDeedD112217R114766.doc; LIHA_CommunityVision-finalR114766.doc; FW: September 2nd Board Agenda Tax Foreclosed Property R114766 (Krauts) Transfer to Non Profit for Low Income Housing

Hello Lynda and Marissa, attached is an APR for the subject transfer of tax foreclosed property to Community Vision Inc. We are asking that this be placed on the **Sept 2nd board agenda** along with other similar Tax Title Board actions. Mindy and the county attorney have both approved. If you have any questions, please don't hesitate to call me or the APR contacts. Thanks—mdw

Mike Waddell
Business Services Manager
(503) 988-4283 | Fax: (503) 988-3292 | I/O: 503/531
Please consider the environment before printing this e-mail

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-8 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date:	9/2/2010
Agenda Item #:	R-8
Est. Start Time:	10:30 am

Agenda Title: **RESOLUTION Approving the Transfer of Tax-Foreclosed Property R141944 to Community Vision, Inc., a Non-profit Corporation, for Low Income Housing Purposes**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	9/2/2010	**Amount of Time Needed:**	10 minutes
Department:	County Management	**Division:**	Assessment, Recording and Taxation / Tax Title
Contact(s):	Sally Brown and Becky Grace		
Phone:	503-988-3349 **Ext.** 22349	**I/O Address:**	503/1
Presenter Name(s) & Title(s):	Randy Walruff Division Director		

General Information

1. **What action are you requesting from the Board?**

   Approve the transfer of tax-foreclosed property to Community Vision, Inc., a non-profit corporation, for low income housing purposes.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   The County has obtained title to certain real property through foreclosure for failure to pay lawfully imposed taxes and assessments. The property was put on Public Auction on May 24th with a minimum bid of $63,500. No bids were received at the auction. Since the auction, the property has been available to purchase on our website.

   Under ORS 271.330, the County may elect to donate the property to a qualified, non-profit corporation; provided such non-profit uses it for low income housing. Community Vision, Inc. (CVI) is a qualified non-profit under ORS 271.330, and CVI has agreed to develop the Property after transfer under the terms of the attached agreement.

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

NA

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

   NA

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

   NA

Required Signature

Elected Official or Department/ Agency Director: Mindy Harris **Date:** 8/16/10

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving the Transfer of Tax-Foreclosed Property to Community Vision, Inc., a Non-profit Corporation, for Low Income Housing Purposes

The Multnomah County Board of Commissioners Finds:

a. The County has obtained title to certain real property more particularly described as:

Unit 17, Country Club Estate Townhouse Condominium

(the "Property") through foreclosure for failure to pay lawfully imposed taxes and assessments.

b. Under ORS 271.330 (2), the County may elect to donate property acquired through tax-foreclosure to qualified, non-profit corporations; provided such non-profits use the property for low income housing.

c. Community Vision, Inc. (CVI) is a qualified non-profit under ORS 271.330, and CVI has agreed to use and or further develop the Property for the purposes of low income housing after transfer under the terms of the attached Low Income Housing Development Agreement (Agreement).

The Multnomah County Board of Commissioners Resolves:

1. The transfer of the Property to CVI and development of the Property in accordance with the attached Agreement is approved.

2. The Chair is authorized to execute all documentation required to complete said transfer, including a deed and the Agreement in a form substantially in conformance with the terms and conditions of the attached Agreement.

3. The County shall cause all appropriate documentation relating to the transfer to be recorded in the County Deed Records.

ADOPTED this 2nd day of September 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

REVIEWED:
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By_____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Mindy Harris, Director, Dept. of County Management

Until a change is requested, all tax statements
Shall be sent to the following address:
COMMUNITY VISION, INC.
1750 SW Skyline Blvd., Suite 102
Portland, OR 97221
After recording return to:
Multnomah County Tax Title 503/4

Deed D112218 for R141944

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to COMMUNITY VISION, INC., an Oregon non-profit corporation, **Grantee**, certain real property located in Multnomah County, Oregon more particularly described as follows:

Unit 17, Country Club Estate Townhouse Condominium

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true consideration paid for this transfer is $0, but consists of other consideration the receipt whereof is hereby acknowledged.

IN WITNESS WHEREOF, The Multnomah County Board of Commissioners by authority of a Resolution of the Board, entered of record: has caused this deed to be executed by the chair of the County Board.

Dated this 2nd day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 2nd day of September 2010, by Jeff Cogen, 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.

_____
Marina A Baker
Notary Public for Oregon
My Commission expires: 7/14/2014

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By_____
Matthew O. Ryan, Assistant County Attorney

R-6/8

GROW Lynda

From: WADDELL Mike D

Sent: Monday, August 16, 2010 4:30 PM

To: GROW Lynda; MADRIGAL Marissa D; MCLELLAN Jana E

Cc: GRACE Becky J; ANDERSON Debra A; BROWN Sally A; SANDERMAN Richard A

Subject: APR Transfer of Tax Foreclosed Property R141944 to Community Visions for Low Income Housing

Follow Up Flag: Follow up

Flag Status: Red

Attachments: APR_nonprofitCVI R14944.doc; RES_CommunityVisionR141944.doc; CommunityVisionDeedD112218R141944.doc; LIHA_CommunityVisionR141944.doc; FW: September 2nd Board Agenda Condo R141944 Transfer to Community Vision for Low-Income Housing

Hello Lynda and Marissa, attached is an APR for the subject transfer of tax foreclosed property to Community Vision Inc. The property was put on Public Auction on May 24th with a minimum bid of $63,500; no bids were received at the auction, nor has there been any buyer interest since the auction. Under ORS 271.330, the County may elect to donate the property to a qualified, non-profit corporation; provided such non-profit uses it for low income housing.

We are asking that this be placed on the **Sept 2nd board agenda**. Mindy and the county attorney have both approved. If you have any questions, please don't hesitate to call me or the APR contacts. Thanks—mdw

Mike Waddell
Business Services Manager
(503) 988-4283 | Fax: (503) 988-3292 | I/O: 503/531
Please consider the environment before printing this e-mail

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date:	9/2/2010
Agenda Item #:	R-9
Est. Start Time:	10:35 am

Agenda Title: **RESOLUTION Authorizing Transfer of a Tax Foreclosed Property to The Portland Development Commission**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	September 2, 2010	**Amount of Time Needed:**	10 Minutes
Department:	County Management	**Division:**	Assessment Recording and Taxation/Tax Title
Contact(s):	Sally Brown and Becky Grace		
Phone:	503-988-3349 **Ext.** 22349	**I/O Address:**	503 / 1
Presenter Name(s) & Title(s):	Randy Walruff, Division Director		

General Information

1. **What action are you requesting from the Board?**

   The Tax Title Section is requesting the Board to authorize the transfer of a Tax Foreclosed Property (See Exhibits A and B) to the Portland Development Commission.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   The subject property is currently an automotive repair shop that came into county ownership through the foreclosure of delinquent tax liens on November 3, 1989. The lot is approximately 14,968 SF and the building is 4,096 SF.

   In 2004 the County sold to C&M Motors on contract the Tax Foreclosed Property located at 6931 NE ML King Blvd. The Portland Development Commission (PDC) helped to finance that sale and loaned the buyer over $250,000 which in part went toward financing the purchase price. $150,000 of that PDC loan was paid directly to the County and the remaining $50,000 balance was the principal on a land sale contract between the County and the buyer. The contract buyer defaulted on the land sale contract and the County canceled the contract by Board Order No. 2010-086 issued June 17, 2010.

   PDC has offered to pay what the County was due in principal, interest and taxes on the cancelled

contract, i.e. $74,558.10. In light of the financial commitment PDC has made to the Property, and that Agency's offer to pay the remainder on the cancelled contract, the County's Tax Title Program recommends the County Board approve the sale to PDC and waive the reversionary interest.

ORS 271.330 (1) allows for transfer of tax foreclosed real property to governmental bodies provided the property is used for a public purpose.

3. **Explain the fiscal impact (current year and ongoing).**
   The government sale will allow for the recovery of the delinquent taxes and contract (see Exhibit C).
4. **Explain any legal and/or policy issues involved.**
   No legal issues are expected. The parcel will be deeded "As Is" without guarantee of clear title.
5. **Explain any citizen and/or other government participation that has or will take place.**
   The Tax Title Program published notice of the September 2, 2010, public hearing to consider the proposed transfer as required under ORS 271.330 (5).

Required Signature

Elected Official or Department/ Agency Director: Mindy Harris **Date:** 8/12/10

EXHIBIT A

Agenda Placement Request
Submit to Board Clerk

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Transfer of a Tax Foreclosed Property to The Portland Development Commission

The Multnomah County Board of Commissioners Finds:

a. In 2004 the County sold to C&M MOTORS, BMW AND MERCEDES BENZ, LLC ("the buyer") on contract for $200,000.00 total purchase price, the following described property:

> A tract of land located in Section 15 Township 1 North, Range 1 East and also being a portion of Piedmont Park, a duly recorded plat in the County of Multnomah and State of Oregon further described as: Lot 1, Block 1, except therefrom that portion in Bryant Street; AND ALSO Lot 2, 3 and 4, Block 1. ("The Property")

b. The Portland Development Commission (PDC) helped to finance that sale and loaned the buyer over $250,000 which in part went toward financing the purchase price. $150,000 of that PDC loan was paid directly to the County and the remaining $50,000 balance was the principal on a land sale contract between the County and the buyer.

c. The contract buyer defaulted on the land sale contract and the County cancelled the contract by Board Order No. 2010-086 issued June 17, 2010.

d. ORS 271.330 (1) authorizes the transfer of tax foreclosed property to a governmental body provided the property is used for public purposes; the conveyance is subject to a reversionary interest retained by the grantor to ensure the property is used for a purpose consistent with the grant. ORS 271. 330 (5) allows the government conveying the property in question to waive the reversionary interest requirement.

e. PDC has offered to pay what the County was due in principal, interest and taxes on the cancelled contract: $74,558.10. In light of the financial commitment PDC has made to the Property, and that Agency's offer to pay the remainder on the cancelled contract, the County's Tax Title Program recommends the County Board approve the sale to PDC and waive the reversionary interest.

f. The Tax Title Program published notice of the September 2, 2010, public hearing to consider the proposed transfer as required under ORS 271.330 (5).

g. The public interest is best served by the County conveying the property to PDC at the price proposed herein and by waiving the reversionary interest.

The Multnomah County Board of Commissioners Resolves:

1. The above-described property is transferred to PDC as requested for public purposes, and the County waives its right to a reversionary interest.

2. County Chair is authorized to execute a deed, substantially in conformance with the attached deed, conveying the property to PDC.

ADOPTED this 2nd day of September 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By_____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Mindy Harris, Director, Dept. of County Management

Until a change is requested, all tax statements shall be sent to the following address:
Portland Development Commission
Attention: Real Estate Services
222 Northwest 5th Avenue
Portland, OR 97209

After recording return to:
Multnomah County Tax Title 503/4

Deed D112220 For R243872

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys to the City of Portland, a municipal corporation of the State of Oregon, through the Portland Development Commission **Grantee,** the following real property, located in the City of Portland:

> A tract of land located in Section 15 Township 1 North, Range 1 East and also being a portion of Piedmont Park, a duly recorded plat in the County of Multnomah and State of Oregon further described as: Lot 1, Block 1, except therefrom that portion in Bryant Street; AND ALSO Lot 2, 3 and 4, Block 1.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

The true consideration for this conveyance is $74,558.10

IN WITNESS WHEREOF, the Multnomah County Board of Commissioners by authority of a Resolution of the Board, entered of record; has caused this deed to be executed by the Chair of the of County Board.

Dated this 2nd day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 2nd day of September, 2010, by Jeff Cogen, 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.

_____
Marina A Baker
Notary Public for Oregon;
My Commission expires: 7/14/14

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

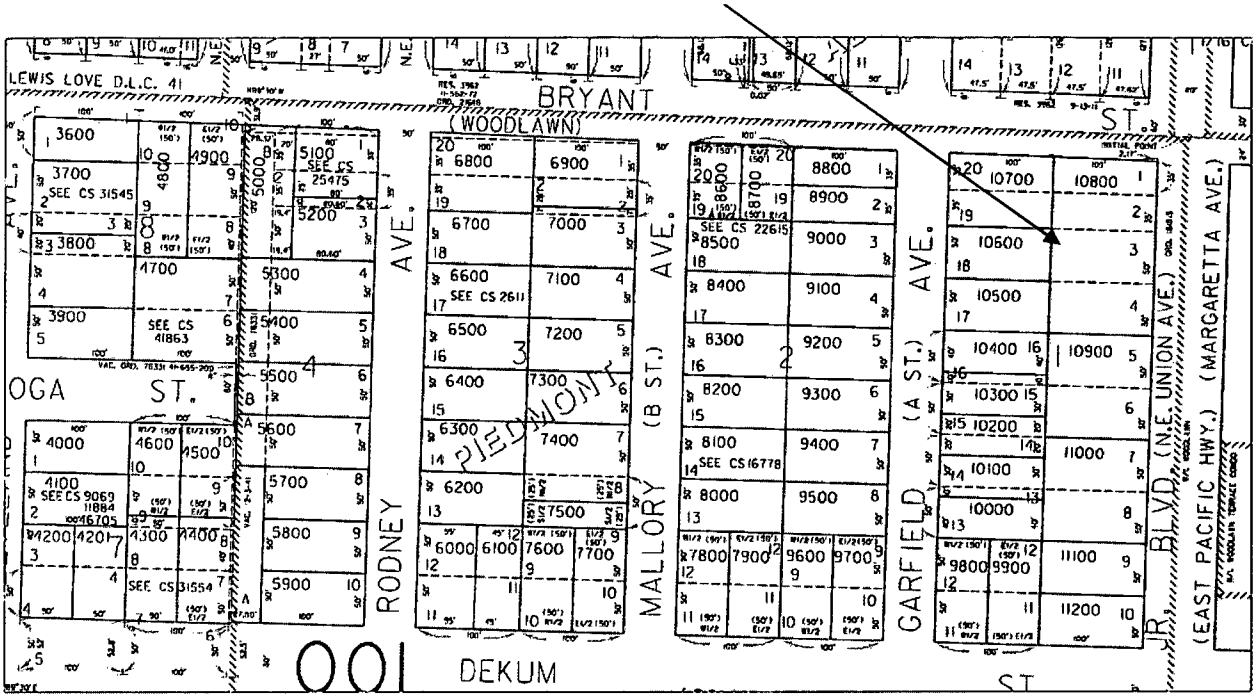
By_____
Matthew O. Ryan, Assistant County Attorney

ACCEPTED:

PORTLAND DEVELOPMENT COMMISSION

By_____
Bruce A. Warner, Executive Director

R243872 Subject 6931 NE ML King Boulevard



R243872

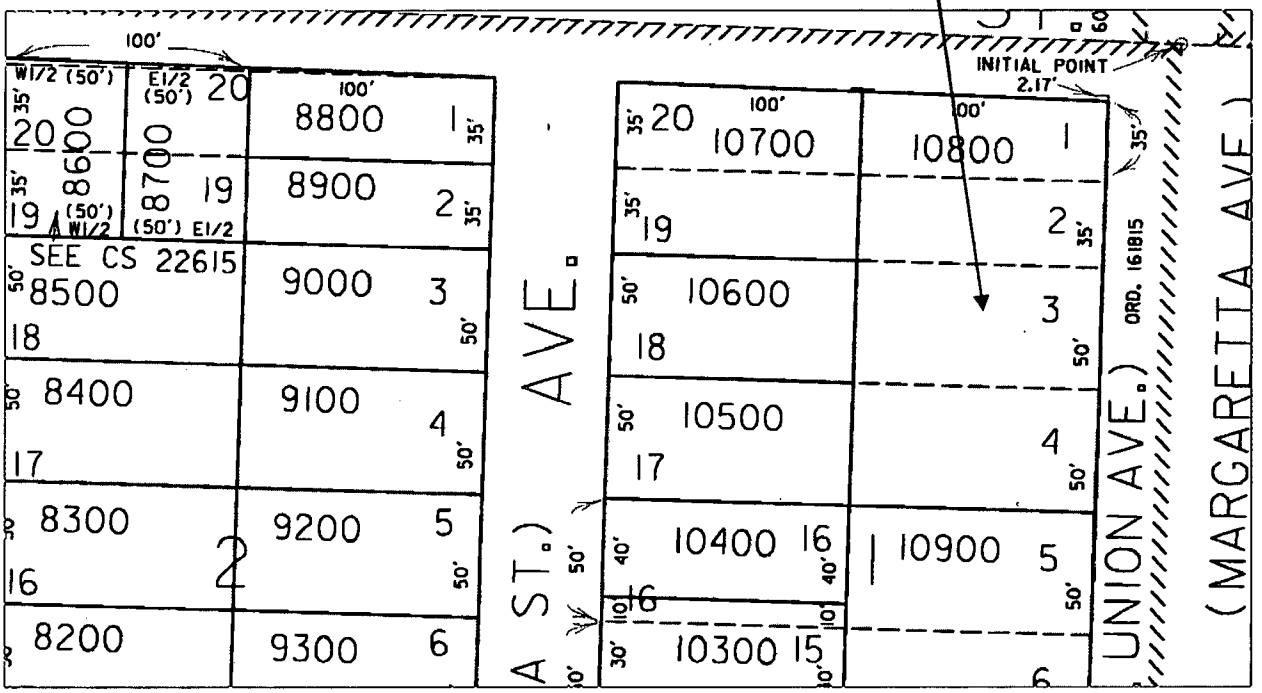


EXHIBIT B

Agenda Placement Request
Submit to Board Clerk

R243872 6931 NE ML King Boulevard

Exhibit C

LEGAL DESCRIPTION:

A tract of land located in Section 15 Township 1 North, Range 1 East and also being a portion of Piedmont Park, a duly recorded plat in the County of Multnomah and State of Oregon further described as: Lot 1, Block 1, except therefrom that portion in Bryant Street; AND ALSO Lot 2, 3 and 4, Block 1.

PROPERTY ADDRESS	6931 NE ML King BLVD
TAX ACCOUNT NUMBER:	R243872
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	More or less 14,968 square feet
ASSESSED VALUE:	$434,610

ITEMIZED EXPENSES FOR TOTAL PRICE OF GOVERNMENT SALE

BACK TAXES, INTEREST & FEES:	$19,194.17
TAX TITLE MAINTENANCE COST & EXPENSES:	$0.00
CONTRACT CANCELLATION	$55,363.93
SUB-TOTAL	$74,558.10
MINIMUM PRICE REQUEST OF GOVERNMENT SALE	$74,558.10

GROW Lynda

From: GROW Lynda
Sent: Wednesday, September 01, 2010 6:26 PM
To: BROWN Sally A; GRACE Becky J
Cc: ANDERSON Debra A; WADDELL Mike D; WALRUFF Randy P; MADRIGAL Marissa D
Subject: RE: APR DART residential property sale to PDC
Attachments: CURRENT-BoardRules-Adopted010407-014.pdf; CURRENT-BCC-1_AdminRules_07-06-2010.pdf

Sally:

We have a public hearing for Dunthorpe-Riverdale tomorrow at 9:30 am that was scheduled six weeks in advance. Since I didn't know your item was a Public Hearing, or that you had advertised it to start at 9:30 am, it is on the agenda for 10:30 am. I heard back from Mike Waddell, who advised me that we don't have to change the order/time for tomorrow's board meeting.

I revised the agenda to reflect "Public Hearing" as part of the title, and reformatted the Notice provided yesterday, changed the time from 9:30 am to 10:30 am and changed it to a "time certain," which we do for Public Hearings. Those were uploaded to our electronic packet and paper copies given to the Chair, Commissioners, Attorney and Chief of Staff. I have corrected the Chair's script as well.

For procedural clarification purposes going forward:

Please check the time and date with the Board Clerk's office before you advertise a Public Hearing. It is not unusual for departments to check with us six weeks in advance. If the time slot you want is not available, we will work with you to provide you with another time and/or date so that you can provide proper notice.

Departments are responsible for providing a copy of all documentation, including public hearing notice in time for inclusion in the board packet. The deadline for all items submitted to the Board is Wedneday at noon, two weeks in advance, with a copy to Marissa Madrigal, Chief of Staff for the Chair. The procedures are outlined in BCC-1 and posted on line, but I've attached a copy for your convenience.

As to "public hearing indicated in the APR" - the title of the APR is what appears on the agenda, so "Public Hearing" needs to be part of the title, regardless whether reference is made to a "public hearing" at the bottom of the APR. I review all incoming items for format, spelling, etc., but if I am not told it's a public hearing, and if I am not given the documentation that it's a public hearing, and if it's not in the title, it won't go on the agenda as a public hearing.

As to your comment that "Sally tried to reach me several times" she stopped by yesterday and dropped off the Notice while I was in the Board Briefings.

I hope this clarifies the process for you. If you have a question, you are welcome to call.

From Sally:
Thank you all for the lively communication and effort to resolve this situation. I'm still not sure what we should do, going forward, to avoid confusion in the future when a public hearing is involved. It sounds like "public hearing" was in both the APR & the Resolution. Would a separate email notice or phone call with the "heads up" be helpful?

Becky has made several attempts to contact Lynda & set up a time the two of them can get together and work out a process to facilitate the workflow & avoid problems/confusion. I realize all are busy but perhaps Becky & Lynda can find some time to discuss. If there is anything we can do to assist, change or improve the process please know we are on board & willing.

GROW Lynda

From: SOWLE Agnes
Sent: Tuesday, August 31, 2010 1:35 PM
To: GROW Lynda; RYAN Matthew O
Subject: RE: R-9 for Thursday

Matt has informed me that R-9 is the sale to PDC under ORS 271.330. The sale was subject to published notice in the newspaper. We are unaware of any internal need within the County to do additional notice. I do not recall ever seeing the notice as part of a packet.

Agnes Sowle
Multnomah County Attorney
501 SE Hawthorne Blvd., Ste. 500
Portland, OR 97214
(503)988-3138

From: GROW Lynda
Sent: Tuesday, August 31, 2010 1:33 PM
To: RYAN Matthew O
Cc: SOWLE Agnes
Subject: R-9 for Thursday

Matt: I am sorry to bother you on your 2nd day back, but we just found out today that R-9 on Thursday's agenda is supposed to include a Public Hearing. It is not in the title on the agenda, and it was not included in the board packet that we provided to the Commissioners on Friday morning, nor is it posted on our on-line agenda page or in our on-line board packet. However, Becky Grace tells me it was published in an ad by DCJ on Aug. 20 & 27th, so I didn't know if that constitutes sufficient notice or not. She sent me a copy of the notice this morning, but isn't it too late for us to post for this Thursday (if we're applying the 72 hour notice rule) or is their notice sufficient? I reviewed the public records/meetings handbook and our BCC Rules, etc.,and I don't see that particular issue clearly defined.
Can you please guide us? Thank you.

From: GRACE Becky J
Sent: Tuesday, August 31, 2010 11:23 AM
To: GROW Lynda
Cc: BROWN Sally A
Subject: FW: September 2nd 2010 R-9 Resolution authorizing transfer of a Tax Foreclosed Property to PDC

Lynda,
Here is a copy of the public hearing notice.
Thanks,
Becky

GROW Lynda

From: GROW Lynda
Sent: Tuesday, August 31, 2010 1:44 PM
To: BROWN Sally A
Cc: GRACE Becky J
Subject: RE: September 2nd 2010 R-9 Resolution authorizing transfer of a Tax Foreclosed Property to PDC

Here is the answer from Agnes. As to helping Becky with public hearing nuances, I don't think I'd be much help. Each is different. For example, the TSCC public hearing we just had – that notice was only two weeks in advance. But the Dunthorpe public hearing notice for this Thursday, was advertised a month ago. Apparently each is different. I have to rely on the sender to let me know what they need, and then we follow through.

It would be nice to have the information in advance, so we can include in their packets. And in the future, I would suggest we possibly add "public hearing" to our title.
I think I'm going to need to update the agenda for other reasons, so what I can do, is revise the agenda to show that right in the title. If that's okay with your department. That way when I call out the title we actually mention it.
And I will change the Chair's Script so he does ask "is there any public testimony?"

Do we actually get people that come out to speak on this? Just curious....thanks for your help.

I'll upload the Public Hearing Notice to the online packet now.

From Agnes:
Matt has informed me that R-9 is the sale to PDC under ORS 271.330. The sale was subject to published notice in the newspaper. We are unaware of any internal need within the County to do additional notice. I do not recall ever seeing the notice as part of a packet.

From: BROWN Sally A
Sent: Tuesday, August 31, 2010 1:38 PM
To: GROW Lynda; GRACE Becky J
Subject: RE: September 2nd 2010 R-9 Resolution authorizing transfer of a Tax Foreclosed Property to PDC

Greetings Lynda and Becky,

R-9 was advertised for the required two weeks and under "f" of the Resolution, is identify as a public hearing. If at all possible Randy Walruff wants this to remain on the 9/2 agenda.

Becky, I think requesting time with Lynda is a great idea. Working together to understand the complete process and avoid future situations would benefit all.

Thanks to you both!

From: GROW Lynda
Sent: Tuesday, August 31, 2010 1:22 PM
To: GRACE Becky J
Subject: RE: September 2nd 2010 R-9 Resolution authorizing transfer of a Tax Foreclosed Property to PDC

Becky:
I don't have the answer to that yet. I have turned it back to the attorneys to determine whether we can still qualify.

From: GRACE Becky J
Sent: Tuesday, August 31, 2010 1:17 PM
To: GROW Lynda
Cc: BROWN Sally A
Subject: RE: September 2nd 2010 R-9 Resolution authorizing transfer of a Tax Foreclosed Property to PDC

Lynda,
At your convenience, can we meet so that I can understand the correct procedure to follow in regards to a public hearing?
Thank you,
Becky

From: GROW Lynda
Sent: Tuesday, August 31, 2010 10:36 AM
To: GRACE Becky J
Cc: SOWLE Agnes; WALRUFF Randy P
Subject: RE: September 2nd 2010 R-9 Resolution authorizing transfer of a Tax Foreclosed Property to PDC

It does? It's not called out, Becky. Was it advertised? I wasn't given a Public Hearing notice to post, so I have not given proper notice of this Hearing.

Agnes: what action should we take, postpone or ??

The issue is:
R-9 Resolution authorizing transfer rof a tax foreclosed property to the PDC. Randy Walruff submitted.
Randy, does this impact your other submittals? Do they also require public hearings? (R 7, 8 & 10)

Please let us know.
Thanks!

From: GRACE Becky J
Sent: Monday, August 30, 2010 1:09 PM
To: GROW Lynda
Cc: BAKER Marina; BROWN Sally A
Subject: September 2nd 2010 R-9 Resolution authorizing transfer of a Tax Foreclosed Property to PDC
Importance: High

Hi Lynda,

I was reading your agenda email and I started looking at the items I have submitted and I happened to notice "Community Services" submission of R-2 titled Public Hearing... One of my resolutions R-9 required a public hearing as well and I was wondering if I should included public hearing in my title? Are we covered under regular agenda public comment?

I have not had any phone calls regarding the transfer so I'm assuming no one will come in for public comment but I just wanted to make sure that you were aware of the possibility.

Thank you for your help!

Becky Grace

From: GROW Lynda
Sent: Tuesday, August 31, 2010 10:36 AM
To: GRACE Becky J
Cc: SOWLE Agnes; WALRUFF Randy P
Subject: RE: September 2nd 2010 R-9 Resolution authorizing transfer of a Tax Foreclosed Property to PDC

It does? It's not called out, Becky. Was it advertised? I wasn't given a Public Hearing notice to post, so I have not given proper notice of this Hearing.

Agnes: what action should we take, postpone or ??

The issue is:
R-9 Resolution authorizing transfer rof a tax foreclosed property to the PDC. Randy Walruff submitted.
Randy, does this impact your other submittals? Do they also require public hearings? (R 7, 8 & 10)

Please let us know.
Thanks!

From: GRACE Becky J
Sent: Monday, August 30, 2010 1:09 PM
To: GROW Lynda
Cc: BAKER Marina; BROWN Sally A
Subject: September 2nd 2010 R-9 Resolution authorizing transfer of a Tax Foreclosed Property to PDC
Importance: High

Hi Lynda,

I was reading your agenda email and I started looking at the items I have submitted and I happened to notice "Community Services" submission of R-2 titled Public Hearing... One of my resolutions R-9 required a public hearing as well and I was wondering if I should included public hearing in my title? Are we covered under regular agenda public comment?

I have not had any phone calls regarding the transfer so I'm assuming no one will come in for public comment but I just wanted to make sure that you were aware of the possibility.

Thank you for your help!

Becky Grace
Tax Title
503-988-3590

NOTICE OF PUBLIC HEARING
BEFORE THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

TIME: 9:30 A.M., Thursday September 2, 2010

PLACE: The Multnomah Building, Room 100
501 SE Hawthorne Blvd, Portland, Oregon

SUBJECT: Proposed Sale of a Tax Foreclosed Property to the Portland Development Commission

CONTACT INFORMATION: The County Board will accept objections and comments about the proposed sale at the meeting. Please contact Tax Title for any additional information or if you would like a copy of the staff report at 503-988-3590.

Tax Account No: R243872
Legal Description: A tract of land located in Section 15 Township 1 North, Range 1 East and also being a portion of Piedmont Park, a duly recorded plat in the County of Multnomah and State of Oregon further described as: Lot 1, Block 1, except therefrom that portion in Bryant Street; AND ALSO Lot 2, 3 and 4, Block 1.

R-10
9

GROW Lynda

From: WADDELL Mike D
Sent: Friday, August 13, 2010 5:21 PM
To: GROW Lynda; MADRIGAL Marissa D; MCLELLAN Jana E
Cc: ANDERSON Debra A; GRACE Becky J; BROWN Sally A; SANDERMAN Richard A
Subject: APR DART residential property sale to PDC
Follow Up Flag: Follow up
Flag Status: Red
Attachments: APR_GOVSALE_PDC_R243872a.doc; RESDeedPDCR243872a mor.doc; FW: September 2nd Board Agenda authorizing transfer of a Tax Foreclosed Property to PDC

Hello Lynda and Marissa, attached is an APR for the subject sale of tax foreclosed property to PDC. We are asking that this be placed on the **Sept 2nd board agenda**. Mindy and the county attorney have both approved. If you have any questions, please don't hesitate to call me or the APR contacts. Thanks—mdw

Mike Waddell
Business Services Manager
(503) 988-4283 | Fax: (503) 988-3292 | I/O: 503/531
Please consider the environment before printing this e-mail

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST

(revised 08/02/10)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-10 DATE 9/2/2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only

Meeting Date:	9/2/2010
Agenda Item #:	R-10
Est. Start Time:	10:40 am

Agenda Title: **ORDER Directing Chief Financial Officer to Create Comcast Tax Appeal Reserve Account Under ORS 311.814**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title sufficient to describe the action requested.

Requested Meeting Date:	09/02/2010	**Amount of Time Needed:**	10 Minutes
Department:	County Management	**Division:**	Assessment, Recording and Taxation
Contact(s):	Randy Walruff		
Phone:	503-988-3326 **Ext.** 24068	**I/O Address:**	503/1
Presenter Name(s) & Title(s):	Randy Walruff, Division Director		

General Information

1. **What action are you requesting from the Board?**

   An order establishing a reserve account to partially fund a potential refund in the Tax Court appeal, Comcast Corporation vs Department of Revenue, State of Oregon.

2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**

   Multnomah County has been notified by the Oregon Department of Revenue (DOR) that Comcast Corporation appealed their 2009/2010 property value. The potential tax refund is approximately $4,119,000 plus 1% interest per month. There is the potential this appeal could impact multiple tax years before final resolution. Oregon law (ORS 311.814) allows the county governing body to establish an interest bearing reserve account for large appeals, and maintain it until the appeal is resolved. A reserve account would partially fund a refund if Comcast were to prevail in the litigation. If no reserve account were established, a tax refund covering several years, plus 1% per month interest, would be required to be paid in a single lump sum payment. That would result in a significant unbudgeted reduction in revenue. If the DOR prevails in the appeal, the reserve fund, including interest earnings, would be distributed to the taxing districts.

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

The potential estimated annual tax refund is $4,119,000 plus interest at 1% per month. At December, 2010, the refund and interest would be 0.39% of the tax revenues to the tax districts. Appeals of this magnitude can take several years to work their way through the Tax Court. The intent of the reserve account is to mitigate the impact of any refund that may result from the appeal. Exhibit A, attached, illustrates the potential refund through 12/2016 if a reserve account is established and if one is not. As it demonstrates, if a reserve account is not established, the potential refund should the appeal not be resolved until 2016 is $42,961,170; a 3.6% unbudgeted reduction in tax revenue to the districts. Exhibit B shows the impact to the individual taxing districts.

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

ORS 311.814 allows for the creation of an interest bearing reserve account, if ordered by the county governing body, in cases where the difference between the value asserted by the taxpayer and the value asserted by the opposing party exceeds one-fourth of one percent (.25%) of the total assessed value in the county. (In Multnomah County the value difference for this appeal accounted for .45% of the total assessed value.) The DOR shall notify the county treasurer prior to October 15 if the appeal is not resolved. The county treasurer, if ordered by the county governing body, shall set up the reserve account from taxes collected in the current year for the disputed value amount, and for each tax year that the appeal remains unresolved. The statute does not allow the county to set aside an amount to fund interest that will accrue on the potential refund. The reserve fund for this appeal will account for the disputed tax amount, but interest will continue to accrue until the appeal is resolved. (See Exhibit A)

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

A notification was sent on July 7, 2010 to the Multnomah County taxing districts advising them of the Comcast appeal and its potential tax impacts. We asked for their feedback regarding establishment of the reserve fund and invited them to attend a meeting on July 29, 2010 in the Multnomah Building Board Room. At the meeting we discussed the background of the appeal, the potential impacts to their districts and opened the floor for a question and answer session. The opinion of the districts has been overwhelmingly in favor of the establishment of the reserve fund.

Required Signature

Elected Official or Department/ Agency Director: Mindy Harris **Date:** 8/12/10

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. _____

Directing Chief Financial Officer to Create Comcast Tax Appeal Reserve Account Under ORS 311.814

The Multnomah County Board of Commissioners Finds:

a. In certain cases involving large valuation appeals, under ORS 311.814, the Department of Revenue (DOR) must notify the county with respect to a property tax assessment appeal to the Oregon Tax Court after taxes on the property have been imposed.

b. As stated in ORS 311.814, the County may set aside in an interest bearing account that portion of the taxes paid attributable to the amount in dispute pending resolution of the controversy.

c. The County has received the attached notice from the DOR with respect to the appeal filed by Comcast.

d. The creation of a reserve account for the Comcast appeal is appropriate under the circumstances.

The Multnomah County Board of Commissioners Orders:

1. The Chief Financial Officer is directed to set aside in an interest bearing account an amount representing that portion of taxes paid by Comcast attributable to the amount of value in dispute commencing in the 2010-11 tax year and each tax year thereafter that the appeal remains unresolved.

2. Upon final resolution of the controversy, the funds will be distributed in accordance with ORS 311.814.

ADOPTED this 2nd day of September, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By_____
John S. Thomas, Deputy County Attorney

SUBMITTED BY:
Mindy Harris, Director, Dept. of County Management

EXHIBIT A

POTENTIAL COMCAST REFUND AND RESERVE							
Year	12/2010 Refund	12/2011 Refund	12/2012 Refund	12/2013 Refund	12/2014 Refund	12/2015 Refund	12/2016 Refund
2009/10 Tax	$4,119,000	$4,119,000	$4,119,000	$4,119,000	$4,119,000	$4,119,000	$4,119,000
Refund Interest	$535,470	$1,029,750	$1,524,030	$2,018,310	$2,512,590	$3,006,870	$3,501,150
Total	$4,654,470	$5,148,750	$5,643,030	$6,137,310	$6,631,590	$7,125,870	$7,620,150
2010/11 Tax		$4,119,000	$4,119,000	$4,119,000	$4,119,000	$4,119,000	$4,119,000
Refund Interest		$535,470	$1,029,750	$1,524,030	$2,018,310	$2,512,590	$3,006,870
Total		$4,654,470	$5,148,750	$5,643,030	$6,137,310	$6,631,590	$7,125,870
2011/12 Tax			$4,119,000	$4,119,000	$4,119,000	$4,119,000	$4,119,000
Refund Interest			$535,470	$1,029,750	$1,524,030	$2,018,310	$2,512,590
Total			$4,654,470	$5,148,750	$5,643,030	$6,137,310	$6,631,590
2012/13 Tax				$4,119,000	$4,119,000	$4,119,000	$4,119,000
Refund Interest				$535,470	$1,029,750	$1,524,030	$2,018,310
Total				$4,654,470	$5,148,750	$5,643,030	$6,137,310
2013/14 Tax					$4,119,000	$4,119,000	$4,119,000
Refund Interest					$535,470	$1,029,750	$1,524,030
Total					$4,654,470	$5,148,750	$5,643,030
2014/15 Tax						$4,119,000	$4,119,000
Refund Interest						$535,470	$1,029,750
Total						$4,654,470	$5,148,750
2015/16 Tax							$4,119,000
Refund Interest							$535,470
Total							$4,654,470
Grand Total Refund	$4,119,000	$8,238,000	$12,357,000	$16,476,000	$20,595,000	$24,714,000	$28,833,000
Grand Total Refund Interest	$535,470	$1,565,220	$3,089,250	$5,107,560	$7,620,150	$10,627,020	$14,128,170
GT Refund and Interest	**$4,654,470**	**$9,803,220**	**$15,446,250**	**$21,583,560**	**$28,215,150**	**$35,341,020**	**$42,961,170**
% of Tax Roll	**0.390%**	**0.821%**	**1.293%**	**1.807%**	**2.362%**	**2.958%**	**3.596%**
Reserve	$4,119,000	$8,299,785	$12,486,646	$16,736,309	$21,049,717	$25,427,827	$29,871,608
Earnings 1.5%	$61,785	$67,861	$130,663	$194,408	$259,110	$324,781	$391,438
Total Reserve	**$4,180,785**	**$8,367,646**	**$12,617,309**	**$16,930,717**	**$21,308,827**	**$25,752,608**	**$30,263,046**
Net Refund	**$473,685**	**$1,435,574**	**$2,828,941**	**$4,652,843**	**$6,906,323**	**$9,588,412**	**$12,698,124**
% of Tax Roll	**0.040%**	**0.120%**	**0.237%**	**0.389%**	**0.578%**	**0.803%**	**1.063%**

EXHIBIT B

Multnomah County Distribution Schedule Potential Comcast Refund in 2016						
DISTRICT NAME	Taxing District Code	Tax Fund Code	Net Distribution	Distribution Percentage	*Total Refund No Reserve* $42,961,170	*Net Refund after Reserve* $12,698,124
Multnomah County	170	8010	230,957,568.27	0.193322568938	$8,305,364	$2,454,834
Multnomah County Advance Recovery	170	8020	353,220.36	0.000295662393	$12,702	$3,754
Multnomah County TSCC Allocation	170	8025	93,668.94	0.000078405398	$3,368	$996
Personal & Ind Prop Penalties (511,512,513 & LFP)	511	8030	969,476.58	0.000811498425	$34,863	$10,305
Multnomah County Library Local Option	170L	8101	41,381,417.10	0.034638232121	$1,488,099	$439,841
Multnomah County General Obligation Debt Levy	170	8104	9,250,613.06	0.007743207094	$332,657	$98,324
Multnomah County - Cancel & Omit	170	8105	343,480.73	0.000287509856	$12,352	$3,651
Dunthorpe Riverdale Service District Sewer	530	8160	770,901.17	0.000645281277	$27,722	$8,194
Mid-County Street Lighting	561	8200	350,482.30	0.000293370506	$12,604	$3,725
Port of Portland	101	1001	3,754,959.98	0.003143081714	$135,030	$39,911
Port of Portland Cancel & Omit	101	1004	4,485.16	0.000003754294	$161	$48
Metro Service District	143	1100	5,088,666.01	0.004259457669	$182,991	$54,087
Metro Service District Bonds	143	1102	18,474,146.62	0.015463747346	$664,341	$196,361
Metro Service District Cancel & Omit	143	1105	27,552.19	0.000023062505	$991	$293
Tri Met Bonds	198	1152	4,672,137.61	0.003910803325	$168,013	$49,660
Tri Met Cancel & Omit	198	1155	5,461.94	0.000004571906	$196	$58
City of Fairview	125	2000	1,975,898.74	0.001653922074	$71,054	$21,002
City of Fairview Sewer Liens	525	2003	6,128.00	0.000005129430	$220	$65
City of Gresham	126	2050	23,472,735.06	0.019647805766	$844,093	$249,490
City of Gresham Delinquent Sewer	524	2051	168,618.26	0.000141141576	$6,064	$1,792
City of Gresham Urban Renewal	626	2054	2,411,317.06	0.002018388105	$86,712	$25,630
City of Gresham Cancel & Omit	126	2055	13,123.12	0.000010984681	$472	$139
City of Lake Oswego	127 & 192	2100	1,430,846.00	0.001197686772	$51,454	$15,208
City of Lake Oswego Bonds	127 & 192	2102	201,006.07	0.000168251727	$7,228	$2,136
City of Lake Oswego Urban Renewal	191	2103	22,358.20	0.000018714886	$804	$238
City of Lake Oswego Cancel & Omit	127	2105	13,242.70	0.000011084775	$476	$141
City of Portland	130	2201	304,092,912.32	0.254540361869	$10,935,352	$3,232,185
City of Portland Delinquent Sewer	130	2203	265,860.56	0.000222538048	$9,560	$2,826
City of Portland Bonds	130	2206	9,527,214.11	0.007974735447	$342,604	$101,264
City of Portland Childrens Fund Local Option	130L	2211	14,257,508.09	0.011934218528	$512,708	$151,542
City of Portland Cancel & Omit	130	2215	433,218.75	0.000362624885	$15,579	$4,605
City of Portland Urban Renewal	171	2222	92,186,219.12	0.077164289674	$3,315,068	$979,842
City of Portland Urban Renewal Special	173	2223	14,458,713.02	0.012102636711	$519,943	$153,681
City of Troutdale	131	2250	4,063,937.78	0.003401710961	$146,141	$43,195
City of Troutdale Bonds	131	2252	672,430.81	0.000562856860	$24,181	$7,147
City of Troutdale Urban Renewal	631	2253	38,244.02	0.000032012080	$1,375	$406
City of Troutdale Cancel & Omit	131	2255	1,897.13	0.000001587989	$68	$20
City of Wood Village	132	2300	753,518.35	0.000630731022	$27,097	$8,009
City of Wood Village Cancel & Omit	132	2305	797.94	0.000000667914	$29	$8
Mult County ESD (Elem & High combined)	304	3100	24,576,962.34	0.020572096995	$883,801	$261,227
Mult County ESD Cancel & Omit	304	3105	29,063.06	0.000024327176	$1,045	$309
Portland School District #1	311	4010	192,291,981.34	0.160957617004	$6,914,928	$2,043,860
Portland School District #1 Local Option	311	4011	39,399,438.18	0.032979220644	$1,416,826	$418,774
Portland School District #1 Cancel & Omit	311	4015	297,553.61	0.000249066652	$10,700	$3,163
Parkrose School District #3	312	4031	13,279,191.56	0.011115320641	$477,527	$141,144
Parkrose School Dist #3 Bonds	312	4032	3,507,403.06	0.002935864691	$126,128	$37,280
Parkrose School Dist #3 Cancel & Omit	312	4035	3,327.37	0.000002785168	$120	$35
Orient Elem Schl #6 Bonds	419	4062	105,945.39	0.000088681376	$3,810	$1,126
Orient Elem Schl #6 Bonds Cancel & Omit	419	4065	128.96	0.000000107946	$5	$1
Reynolds School District #7	314	4071	21,221,501.37	0.017763415125	$763,137	$225,562
Reynolds School District #7 Bonds	314	4072	5,451,659.26	0.004563300441	$196,045	$57,945
Reynolds School District #7 Cancel & Omit	314	4075	14,929.34	0.000012496574	$537	$159
Scappoose School District #9	320	4090	1,160,959.44	0.000971778769	$41,749	$12,340
Scappoose School District #9 Bonds	485	4092	11,410.45	0.000009551094	$410	$121
Scappoose School District #9 & #19 Bonds	320	4094	298,447.30	0.000249814713	$10,732	$3,172
Scappoose School District #9 Cancel & Omit	320	4095	71.94	0.000000060217	$3	$1

Multnomah County Distribution Schedule Potential Comcast Refund in 2016						
DISTRICT NAME	Taxing District Code	Tax Fund Code	Net Distribution	Distribution Percentage	*Total Refund No Reserve* $42,961,170	*Net Refund after Reserve* $12,698,124
Gresham-Barlow School District #10	310	4101	19,202,913.60	0.016073760284	$690,548	$204,107
Gresham-Barlow School District #10 Bonds	310	4102	4,664,595.39	0.003904490208	$167,741	$49,580
Gresham-Barlow Schl Dist #10 Cancel & Omit	310	4105	10,494.50	0.000008784400	$377	$112
Centennial School District #28	321	4281	9,404,631.08	0.007872127568	$338,196	$99,961
Centennial School District #28 Bonds	321	4282	3,940,653.31	0.003298515943	$141,708	$41,885
Centennial School District #28 Cancel & Omit	321	4285	1,791.03	0.000001499178	$64	$19
Corbett School District #39	316	4391	1,399,032.12	0.001171057028	$50,310	$14,870
Corbett School District #39 1994 Bonds	467	4393	607,420.51	0.000508440119	$21,843	$6,456
Corbett School District #39 Bonneville Bonds	468	4394	25,176.91	0.000021074282	$905	$268
Corbett School District #39 Cancel & Omit	316	4395	3,804.17	0.000003184273	$137	$40
David Douglas School District #40	317	4401	12,606,922.06	0.010552598805	$453,352	$133,998
David Douglas School District #40 Bonds	317	4402	5,075,643.85	0.004248557497	$182,523	$53,949
David Douglas School District #40 Cancel & Omit	317	4405	75,367.41	0.000063086139	$2,710	$801
Beaverton School District #48	322	4480	444,585.63	0.000372139509	$16,988	$4,726
Beaverton School District #48 Bonds	322	4482	207,740.54	0.000173888802	$7,470	$2,208
Riverdale School District #51	323	4511	1,969,419.85	0.001648498932	$70,821	$20,933
Riverdale School District #51 Bonds	323	4512	1,427,880.71	0.001195204682	$51,347	$15,177
Riverdale School Dist #51 Local Option	323	4513	520,597.62	0.000435765193	$18,721	$5,533
Lake Oswego School District #57	324	4570	112,327.92	0.000094023860	$4,039	$1,194
Lake Oswego School District #57 Bonds	324	4572	25,070.88	0.000020985530	$902	$266
Mt Hood Community College	308	4901	8,229,456.22	0.006888449810	$295,936	$87,470
Mt Hood Community College Cancel & Omit	308	4905	8,921.80	0.000007467975	$321	$95
Portland Community College	309	4950	10,557,477.63	0.008837115459	$379,653	$112,215
Portland Community College Bonds	309	4952	13,260,520.64	0.011099692185	$476,856	$140,945
Portland Community College Cancel & Omit	309	4955	28,875.41	0.000024170104	$1,038	$307
Burlington Water District	145	5100	105,909.10	0.000088651000	$3,809	$1,126
Corbett Water District	147	5250	135,449.11	0.000113377406	$4,871	$1,440
Corbett Water District Cancel & Omit	147	5255	224.91	0.000000188260	$8	$2
East Multnomah Soil & Water Conversation	164	5270	3,766,453.68	0.003152702493	$135,444	$40,033
East Multnomah Soil & Water Conversation Cancel/Om	164	5275	5,361.80	0.000004488084	$193	$57
West Multnomah Soil & Water Conversation	164	5280	612,958.88	0.000513076000	$22,042	$6,515
West Multnomah Soil & Water Conversation Cancel/Or	164	5285	436.56	0.000000365422	$16	$5
Valley View Water District	161	5750	171,487.81	0.000143543527	$6,167	$1,823
Multnomah Fire District #10	136	6100	1,342,373.41	0.001123630968	$48,273	$14,268
Multnomah Fire Dist #10 Cancel & Omit	136	6105	1,319.68	0.000001104635	$47	$14
Riverdale Fire District #11JT	137	6110	605,164.52	0.000506551747	$21,762	$6,432
Corbett Fire District #14	139	6140	370,095.07	0.000309787335	$13,309	$3,934
Corbett Fire Protection District #14 Cancel & Omit	139	6145	713.68	0.000000597384	$26	$8
Sauvie Island RFPD #30	142	6210	163,865.29	0.000137163112	$5,893	$1,742
Sauvie Island RFPD #30 Bonds	142	6212	23,877.41	0.000019986538	$859	$254
Scappoose Fire District #31	177	6310	109,505.26	0.000091661158	$3,938	$1,164
TV Fire/Rescue District #1JT	134	6910	1,223,582.77	0.001024197502	$44,001	$13,005
TV Fire/Rescue District #1JT Bonds	134	6912	82,367.27	0.000068945358	$2,962	$875
TV Fire/Rescue District #1JT Cancel & Omit	134	6915	500.04	0.000000418557	$18	$5
Multnomah County Drainage #1	502	7000	1,795,880.50	0.001503238168	$64,581	$19,088
Multnomah County Drainage #1 Bonds	552	7002	588,560.00	0.000492652967	$21,165	$6,256
Peninsula Drainage District #1	503	7050	177,790.33	0.000148819039	$6,393	$1,890
Peninsula Drainage District #2	504	7060	597,259.41	0.000499934790	$21,478	$6,348
Sandy Drainage Improvement Co	555	7100	156,980.00	0.000131399794	$5,645	$1,669
Sauvie Drainage Improvement Co	556	7150	209,234.38	0.000175139218	$7,524	$2,224
Total Levy 2009-10		9999	1,194,674,628.76	1.000000000000	$42,961,170	$12,698,124

** Included Districts with Monthly Distribution for 2009-10

Oregon
Theodore R. Kulongoski, Governor

Department of Revenue
Property Tax Division
955 Center St NE
PO Box 14380
Salem OR 97309-5075

August 4, 2010

Multnomah County Treasurer
Finance, Budget and Tax Office
501 SE Hawthorne Blvd., Ste. 531
Portland OR 97214-3501

Re: Comcast Corporation
Oregon Tax Court # 4909, tax year 2009-10

In accordance with ORS 311.814(1), the Oregon Department of Revenue has determined that the appeal relates to property assessed under ORS 308.505 to 308.665 and the dollar difference between the total value asserted by the taxpayer and the total value asserted by the opposing party (Multnomah County and the Oregon Department of Revenue) exceeds one-fourth of one percent (0.0025) of the total assessed value in Multnomah County. A copy of ORS 311.814 setting forth the county's options for this appeal is appended for your convenience.

The taxpayer's complaint does not plead a lower value; instead the complaint appears to appeal the method used in determining the 2009-10 value and requests a refund of all taxes paid. For the purpose of satisfying the statutory requirement of ORS 311.814(1) the department has determined the amount in dispute to be the 2009-10 centrally assessed value.

If you have any questions regarding this matter, please contact me.

Robert DePuy
Litigation Coordinator
Valuation Section, Property Tax Division

Telephone: (503) 945-8255
Cell: (503) 428-1551
Fax: (503) 945-8737
robert.m.depuy@state.or.us

CC: Randy Walruff
Marilyn Harbur
Doug Adair
Mike Olson

311.814 Appeal of large amounts of value; reserve account for refunds. (1) Whenever any property value or claim for exemption or cancellation of a property tax assessment is appealed to the Oregon Tax Court after taxes on the property have been imposed, the Department of Revenue shall notify the county treasurer of the appeal not later than the following October 15, if the appeal is not finally resolved before the end of the tax year to which the appeal relates and the dollar difference between the total value asserted by the taxpayer and the total value asserted by the opposing party exceeds one-fourth of one percent (0.0025) of the total assessed value in the county, or if the appeal relates to property assessed under ORS 308.505 to 308.665, and the value of such property asserted by the opposing party and attributable to the county exceeds one-fourth of one percent (0.0025) of the total assessed value in the county. After notification, the county treasurer shall set aside, if so ordered by the county governing body, from taxes collected in the current tax year, an interest bearing reserve account as provided in this section.

(2) The reserve shall consist of an amount representing that portion of taxes paid by the petitioner attributable to the amount of value in dispute for each tax year that the appeal remains unresolved. Upon termination of the controversy, the principal amount in the account necessary to pay any refund, and any interest provided for under ORS 311.812, shall be paid to the petitioner. Any excess remaining in the reserve after termination of the controversy and payment of a refund, if any, shall be deposited in the unsegregated tax collections account in full satisfaction of the tax due on the property.

(3) If the final resolution of the controversy results in additional taxes due on the property, the amount in the reserve account shall be deposited into the unsegregated tax collections account and shall be distributed according to the distribution percentage schedule for the current tax year prepared in accordance with ORS 311.390. The additional taxes shall be collected as provided in ORS 311.513. [1991 c.459 §265; 1993 c.270 §63; 1995 c.256 §8; 1995 c.650 §72; 1997 c.541 §§299,300; 2003 c.274 §4; 2007 c.126 §1]

RTT 8/10

GROW Lynda

From: WADDELL Mike D

Sent: Monday, August 16, 2010 11:52 AM

To: GROW Lynda; MADRIGAL Marissa D; MCLELLAN Jana E

Cc: WALRUFF Randy P; ANDERSON Debra A

Subject: APR Board Order to Create Comcast Tax Appeal Reserve Account under ORS 311.814

Follow Up Flag: Follow up

Flag Status: Red

Attachments: APR_Comcast Refund Reserve 09022010.doc; APR_Comcast Exhibit A.pdf; APR_Comcast Exhibit B.pdf; FW: Board Order Approval - Comcast Appeal Refund Reserve ; Order taxappealreserve.doc; Comcast Appeal DOR Ltr to Mult Cty Treasurer 12-09.pdf; 1 qtr 1 percent LTR Mult Cty Treasurer.08042010.pdf

Lynda and Marissa, attached is an APR and Board Order along with other supporting documentation to create a Comcast Tax Appeal Reserve Account under ORS 311.814. We request that this be placed on the Sept 2nd board agenda. If you have any questions, please don't hesitate to call me or the APR contacts. Thanks—mdw

Mike Waddell
Business Services Manager
(503) 988-4283 | Fax: (503) 988-3292 | I/O: 503/531
Please consider the environment before printing this e-mail

MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-11 DATE 9-2-2010
LYNDA GROW, BOARD CLERK

Board Clerk Use Only	
Meeting Date:	9/2/2010
Agenda Item #:	R-11
Est. Start Time:	10:50 am

Agenda Title:	**Proclaiming September 2010 National Alcohol and Drug Addiction Recovery Month in Multnomah County, Oregon**

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

Requested Meeting Date:	Sept. 2, 2010	**Amount of Time Needed:**	20 minutes
Department:	County Human Services	**Division:**	MHASD
Contact(s):	David Austin		
Phone:	503-988-4746 **Ext.** 84746	**I/O Address:**	167/1/200
Presenter(s):	Ray Hudson, Addiction Services Manager, and invited guest speakers		

General Information

1. What action are you requesting from the Board?

Adoption of Proclamation: Proclaiming September 2010 National Alcohol and Drug Addiction Recovery Month in Multnomah County, Oregon.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

- 23.1 million people aged 12 or older in the United States needed treatment for a substance use disorder in 2008; and
- People who are part of the recovery community lead more productive and fulfilling lives, personally and professionally; and add to the health of our community.
- Real stories of long-term recovery can inspire others to ask for help and improve their own lives, the lives of their families, and the entire community; and
- Educating our community members that substance use disorders are serious, but treatable, health care problems is essential.

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

N/A

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

   N/A

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

   The 9th annual "Hands Across The Bridge" event is scheduled to begin at 10 a.m. on Sept. 6. Individuals in recovery, as well as friends, families and supporters will join hands and span the I-5 bridge to kick off Recovery Month. Numerous other events are planned statewide to celebrate the accomplishments of individuals in recovery.

Required Signature

Elected Official or Department/ Agency Director: **Joanne Fuller** Joanne Fuller **Date:** **8/3/2010**

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO._____

Proclaiming September 2010 National Alcohol and Drug Addiction Recovery Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- In 2008, an estimated 23.1 million people of every age, race, ethnicity, and socio-economic status needed treatment for substance dependence or abuse in the United States; and
- People who are part of the recovery community lead more productive and fulfilling lives, personally and professionally; and add to the health of our community; and
- Real stories of long-term recovery can inspire others to ask for help and improve their own lives, the lives of their families, and the entire community; and
- Educating our community about how substance use disorders affect all people in the community, including public safety officials, the workforce, older adults, and families, is therefore essential to combat misconceptions associated with addiction; and
- Through education, prevention and treatment we can improve the quality of life for the entire community.

The Multnomah County Board of Commissioners Proclaims:

The month of September 2010 is proclaimed to be National Alcohol and Drug Addiction Recovery Month in Multnomah County, Oregon. We invite all residents of Multnomah County to observe this month with activities like the ninth annual "Hands Across the Bridge" on September 6, 2010 that supports this year's theme, *"Join the Voices for Recovery: Now More Than Ever!"*

ADOPTED this 2nd day of September 2010.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

_____
Jeff Cogen, County Chair

_____
Deborah Kafoury
Commissioner District 1

_____
Barbara Willer
Commissioner District 2

_____
Judy Shiprack
Commissioner District 3

_____
Diane McKeel
Commissioner District 4

SUBMITTED BY:
Joanne Fuller, Director, Department of County Human Services

HANDS ACROSS THE BRIDGE

Come celebrate Recovery Month at the 9th annual Hands Across the Bridge 2010

Monday, Sept. 6th 2010, Labor Day Beginning 10:00 am

Oregon
Jantzen Beach Red Lion Inn
909 N. Hayden Drive
Portland, OR. 97217
(503) 208-HATB
(503) 208-4282

Washington
Esther Short Park
301 W. 8th Street
Vancouver, WA 98660
(360) 52 HANDS
(360) 524-2637

Be a part of hope, sharing, and unity as we span the I-5 Bridge to Celebrate Recovery and Join:

OXFEST

A One Day Celebration of recovery from Substance Addiction sponsored by the 400 Oxford Houses of Oregon and Washington. Self Run, Self Supported, Recovery Houses. WWW.OXFEST.NET

A&E | THE RECOVERY PROJECT

We Print 4 U

PARTNERSHIP FOR SAFETY and JUSTICE

CENTRAL CITY concern

ATTC

Visit or Contact Us on Our Website: handsacrossthebridge.org

Event Organized by: *Hands Across the Bridge Project*

facebook
HANDS ACROSS BRIDGE

R-12

GROW Lynda

From: AUSTIN David
Sent: Tuesday, August 03, 2010 12:21 PM
To: GROW Lynda
Cc: TINKLE Kathy M; HUDSON Ray; MURPHY Chris
Subject: APR for September 2010 Addiction and Recovery Month
Follow Up Flag: Follow up
Flag Status: Red
Attachments: APR_Shortform Recovery Proc 10.doc; Recovery Month Proclamation 10.doc

Hi Lynda,

Thanks so much for scheduling us on Sept. 2, 2010, for the Board meeting. Let me know if you need anything else...Dave A.

R-12

GROW Lynda

From: AUSTIN David
Sent: Wednesday, August 25, 2010 2:16 PM
To: GROW Lynda
Subject: Fw: APR for September 2010 Addiction and Recovery Month

---

From: HUDSON Ray
To: AUSTIN David; MURPHY Chris; HIDALGO David A
Cc: MONTGOMERY Susan K
Sent: Wed Aug 25 13:42:14 2010
Subject: RE: APR for September 2010 Addiction and Recovery Month

Yes, thx Dave. I'm planning to talk to Bd staff on the Monday before - I believe Chris is setting that up for me. I'm going to have 3 people with me, I'll have their names by that Monday. Our focus is going to be on Housing and Recovery. Last year we talked about Treatment and Recovery - how one leads into the other - and this year about the importance of Housing to recovery, as so many of our clients need some help/support with housing during and after treatment.

I'm going to have a graduate of one of our more innovative housing programs speak, someone from the Oregon Recovery Homes network (they've set up 10 or 15 or more houses in Mult. Cty lately - we'll have details) and someone from the 'Hands Across the Bridge' celebration that is occurring Labor Day.

Hope you're at the staff meeting that Monday.

Ray Hudson
Addictions Program Manager
Department of County Human Services
Multnomah County, Oregon
(503) 988 5018

-----Original Message-----
From: AUSTIN David
Sent: Wednesday, August 25, 2010 12:25 PM
To: MURPHY Chris; HUDSON Ray; HIDALGO David A
Subject: FW: APR for September 2010 Addiction and Recovery Month

Hey guys,

Can someone let me or Lynda know the answers to ask below? This is coming up next week and I want to make sure y'all look stellar!! Thanks...Dave A.

From: GROW Lynda
Sent: Wednesday, August 25, 2010 11:24 AM
To: AUSTIN David

Subject: RE: APR for September 2010 Addiction and Recovery Month

David:
If you find out who else is attending, let me know, and I'll add their names to the agenda. It's always nice if the Chair and Commissioners know who is coming and can address them by name.
Do you think 20 min. will be sufficient?
As soon as I can finalize the agenda, I'll shoot it over to you with the time listed.
Lynda

From: AUSTIN David
Sent: Tuesday, August 03, 2010 12:21 PM
To: GROW Lynda
Cc: TINKLE Kathy M; HUDSON Ray; MURPHY Chris
Subject: APR for September 2010 Addiction and Recovery Month

Hi Lynda,

Thanks so much for scheduling us on Sept. 2, 2010, for the Board meeting. Let me know if you need anything else...Dave A.

MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 S.E. HAWTHORNE BLVD., Suite 600
PORTLAND, OREGON 97204
(503) 988-5213

Diane McKeel • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: Chair Jeff Cogen
Commissioner Deborah Kafoury
Commissioner Barbara Willer
Commissioner Judy Shiprack
Board Clerk Lynda Grow

FROM: Sean Files
Staff Assistant to Commissioner Diane McKeel

DATE: August 23, 2010

RE: August 31, 2010 Board Work Session

Commissioner McKeel will not be able to attend and participate in the August 31, 2010, Board Executive Work Session, as she will be out of town at a Human Trafficking CSEC Conference.

Thank you,

Sean Files

MULTNOMAH COUNTY BOARD OF COMMISSIONERS
PUBLIC TESTIMONY SIGN-UP

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

MEETING DATE: 9/2/2010

SUBJECT: HEALTHCARE

AGENDA NUMBER OR TOPIC: —

FOR: — AGAINST: — THE ABOVE AGENDA ITEM

NAME: PAUL, ADOLPH PHILLIPS

ADDRESS: 1212 S.W CLAY APT #217

CITY/STATE/ZIP: PORTLAND, OREGON 97201

PHONE: DAYS: — EVES: —

EMAIL: — FAX: —

SPECIFIC ISSUE: SAME

WRITTEN TESTIMONY: NO

IF YOU WISH TO ADDRESS THE BOARD:

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

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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