



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

BOARD OF COMMISSIONERS

Diane Linn, 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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
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Lisa Naito, Commission Dist. 3

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Lonnie Roberts, Commission Dist. 4

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Email: lonnie.j.roberts@co.multnomah.or.us

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DECEMBER 9, 2004

BOARD MEETING

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Opportunity for Public Comment on Non-Agenda Matters
Pg 2	9:30 a.m. Resolution Authorizing Extension of Time for Morrison Property Disposition Plan
Pg 2	9:45 a.m. Food Policy Council Update
Pg 2	10:00 a.m. Civil Rights/ Patriot Act Resolution
Pg 3	10:30 a.m. Springwater Community Plan
Pg 3	11:00 a.m. Policy for Declaring Real Property Owned by Multnomah County Surplus
Pg 4	11:30 a.m. If Needed Executive Session
	No Board meetings are scheduled between December 20-30, 2004

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

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

Friday, 11:00 PM, Channel 30

Saturday, 10:00 AM, Channel 30

Sunday, 11:00 AM, Channel 30

Produced through Multnomah Community Television

(503) 491-7636, ext. 333 for further info

or: <http://www.mctv.org>

Thursday, December 9, 2004 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES

- C-1 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to JOSEPH E. OSTER

OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS

- C-2 Intergovernmental Revenue Agreement (Omnibus) 0405154 with the City of Portland, Bureau of Housing and Community Development, Providing Funding for Homeless Programs, Public Safety, Youth Employment and Involvement and Housing Services

REGULAR AGENDA - 9:30 AM

PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

NON-DEPARTMENTAL - 9:30 AM

- R-1 **9:30 Time Certain:** RESOLUTION Authorizing an Extension of Time for Development of the Morrison Property Disposition Plan. Presented by Commissioner Maria Rojo de Steffey. 15 MINUTES REQUESTED.
- R-2 **9:45 Time Certain:** Food Policy Council Annual Report. Presented by Commissioner Maria Rojo de Steffey, Rosemarie Cordello and Brian Rohter. 15 MINUTES REQUESTED.
- R-3 **10:00 Time Certain:** RESOLUTION Expressing Commitment to Protect Civil Rights in the Era of the USA Patriot Act and Asking Oregon's Congressional Delegation to Oppose Legislation that Infringes upon Those Rights. Presented by Commissioners Lisa Naito and Serena Cruz, and Invited Guests. 30 MINUTES REQUESTED.

- R-4 RESOLUTION Merging the Downtown Land Acquisition Work Group with the Courts Facility/Financing Work Group

DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES - 10:30 AM

- R-5 Springwater Community Plan Briefing. Presented by Land Use and Transportation Staff Chuck Beasley and Ed Abrahamson and by City of Gresham Staff Terry Vanderkooy. 30 MINUTES REQUESTED.
- R-6 RESOLUTION Adopting a Policy for Declaring Real Property Owned by Multnomah County Surplus

DEPARTMENT OF COMMUNITY JUSTICE - 11:05 AM

- R-7 Budget Modification DCJ-09 Reclassifying Forty-eight Positions in the Department of Community Justice
- R-8 Budget Modification DCJ-10 Increasing US Department of Agriculture Food Stamp Revenue by \$96,000 in River Rock's Federal State Fund

OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS - 11:10 AM

- R-9 Budget Modification OSCP-2, Increasing the Office of School and Community Partnerships Fiscal Year 2005 Budget by \$428,103 in Low Income Energy Assistance Weatherization Funding from the State of Oregon

DEPARTMENT OF HEALTH - 11:15 AM

- R-10 Budget Modification HD-05-03 to Appropriate Carryover from Ryan White Title 1-HIV Care Service Grant Year 2003-2004
- R-11 Budget Modification HD-05-05 to Appropriate Revenue from Three New Environmental Health Grants: CDC Essential Services and Environmental Public Health Tracking
- R-12 NOTICE OF INTENT to Submit Proposals to the Federal Healthy Start Grant Competition

Thursday, December 9, 2004 - 11:30 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

IF NEEDED EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(2)(h). Only Representatives of the News Media and Designated Staff are allowed to Attend. Representatives of the News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Executive Session. No Final Decision will be made in the Executive Session. Presented by Agnes Sowle. 15-30 MINUTES REQUESTED.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 11/12/04

BUDGET MODIFICATION:

Agenda Title: RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to JOSEPH E OSTER

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

Date Requested:	December 9, 2004	Time Requested:	Consent Calendar Item
Department:	Business and Community Services	Division:	Tax Title
Contact(s):	Gary Thomas		
Phone:	503-988-3590	Ext.	22591
Presenter(s):	Gary Thomas	I/O Address:	503/4/TT

General Information

1. What action are you requesting from the Board?

The Tax Title section is requesting the Board to approve the private sale of a tax foreclosed property to JOSEPH E. OSTER.

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

The subject property is a vacant lot approximately 12½' x 100' that came into Multnomah County ownership through the foreclosure of delinquent property tax liens on October 3, 1994. The lot is located between two houses located at 7227 and 7235 N Richard St. The parcel is currently vacant and in yard area. Both property owners were notified inquiring of their interest in purchasing the subject property. We propose to enter into a private sale with the property owner who lives at 7227 N Richard, Joseph Oster, who is the only property owner we heard back from.

After completing some research on the history of the parcel it appears that the property was intended to be a part of 7227 N Richard but was left off the legal description of one of the past sales transactions.

The attached Exhibit A, a plat map shows the location of the property. The attached Exhibit B is an aerial photo that shows the location of the lot in relation to 6227 and 6235 N Richard St. Two photos of the property that are a part of Exhibit C show the location of the lot in relation to the improvements.

Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 1,250 square feet, and its location make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.

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

The Private Sale will allow for a recovery of the delinquent taxes, fees and expenses (see Exhibit D).

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

No legal issues are expected. The parcel will be sold "As Is" without guarantee of clear title.

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

No citizen or government participation is anticipated.

[illegible]

7227 N Richards

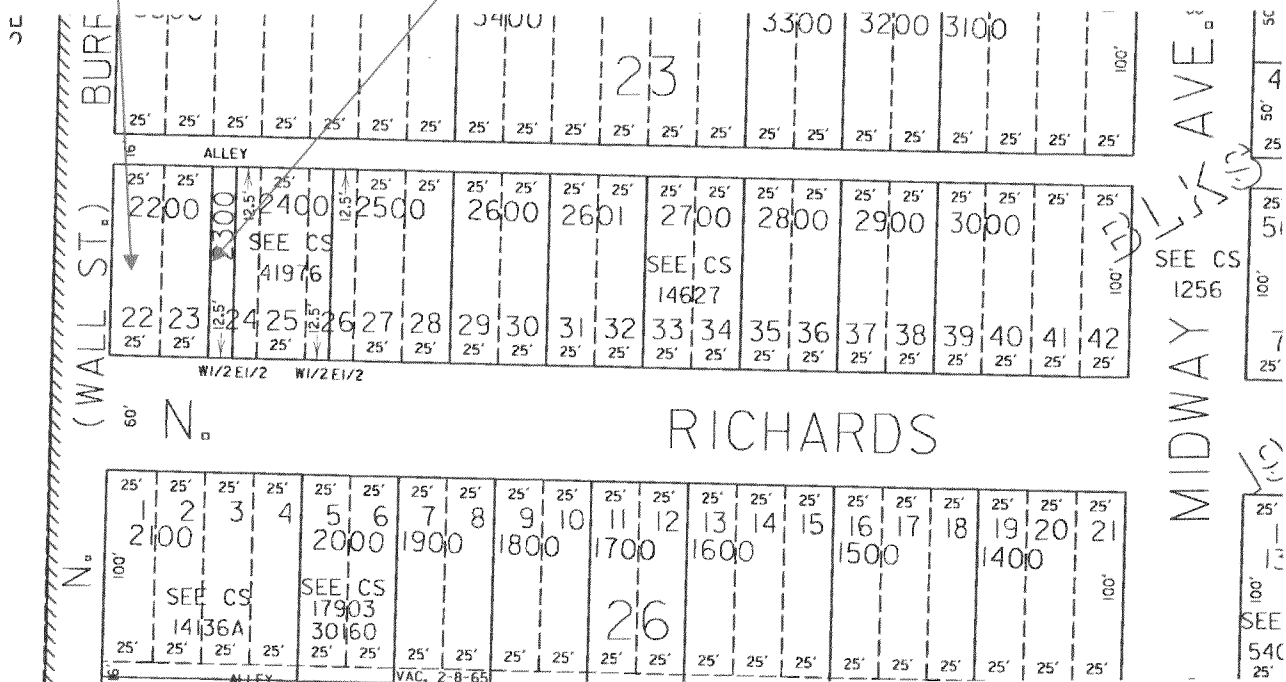


EXHIBIT B



Subject

EXHIBIT C



EXHIBIT D
PROPOSED PROPERTY LISTED FOR PRIVATE SALE
FISCAL YEAR 2004-05

LEGAL DESCRIPTION:

W ½ OF LOT 24 BLOCK 23; EAST ST JOHNS

ADJACENT PROPERTY ADDRESS: 6227 N Richards St

TAX ACCOUNT NUMBER: R151251

GREENSPACE DESIGNATION: No designation

SIZE OF PARCEL: Approximately 12½' x 100' (approx. 1,250sf)

ASSESSED VALUE: \$1,260.00

ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE

BACK TAXES & INTEREST:	\$234.81
TAX TITLE MAINTENANCE COST & EXPENSES:	\$200.00
ADVERTISING COST:	-0-
RECORDING FEE:	\$26.00
CITY LIENS:	-0-
SUB-TOTAL	\$460.81
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$600.00

Required Signatures

**Department/
Agency Director:**

M. Cecilia Johnson

Date: 11/17/04

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BOGSTAD Deborah L

From: GRACE Becky J
Sent: Friday, November 12, 2004 1:45 PM
To: BOGSTAD Deborah L
Subject: FW: Private Sale to Joseph Oster

-----Original Message-----

From: CREAN Christopher D
Sent: Friday, November 12, 2004 1:35 PM
To: GRACE Becky J
Subject: RE: Private Sale to Joseph Oster

Becky -

I have reviewed the resolution and deed for the Oster sale and they may be circulated for signature as drafted.
Thanks.

- Chris

-----Original Message-----

From: GRACE Becky J
Sent: Tuesday, November 09, 2004 3:33 PM
To: CREAN Christopher D
Subject: Private Sale to Joseph Oster

Hi Chris,

Attached for your review and approval are the private sale documents for Joseph Oster for the December 9th Board Agenda.
Thanks,

Becky Grace
Tax Title, Multnomah County
501 SE Hawthorne, Suite 310
Portland, OR 97214
503.988.3590 x27145

11/30/2004

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Private Sale of a Tax Foreclosed Property to JOSEPH E. OSTER.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes.
- b. The property has an assessed value of \$1,260 on the County's current tax roll.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 1,250 square feet, and its location make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. JOSEPH E. OSTER has agreed to pay \$600, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$600, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to JOSEPH E. OSTER, the following described real property:

West ½ of Lot 24, Block 23; EAST ST JOHNS

ADOPTED this 9th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Christopher D. Crean, Assistant County Attorney

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JOSEPH E. OSTER, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$600.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 9th day of December 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-181

Authorizing the Private Sale of a Tax Foreclosed Property to JOSEPH E. OSTER

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County acquired the real property described below through the foreclosure of liens for delinquent property taxes.
- b. The property has an assessed value of \$1,260 on the County's current tax roll.
- c. Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident that the shape and size of the property, approximately 1,250 square feet, and its location make it unsuitable for the construction or placement of a dwelling thereon under current zoning ordinances and building codes, as provided under ORS 275.225.
- d. JOSEPH E. OSTER has agreed to pay \$600, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

The Multnomah County Board of Commissioners Resolves:

1. Upon Tax Title's receipt of the payment of \$600, the Chair on behalf of Multnomah County is authorized to execute a deed conveying to JOSEPH E. OSTER, the following described real property:

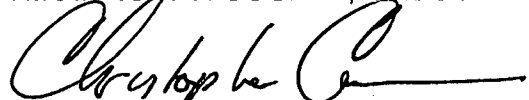
West ½ of Lot 24, Block 23; EAST ST JOHNS

ADOPTED this 9th day of December, 2004.



REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Christopher D. Crean, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JOSEPH E. OSTER, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$600.

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 9th day of December 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Christopher D. Crean
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 9th day of December 2004, by Diane M. Linn, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05

After recording, return to:
MULTNOMAH COUNTY
TAX TITLE DIVISION
503/4

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to JOSEPH E. OSTER, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described as follows:

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$600.


IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 9th day of December 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

STATE OF OREGON)
) ss.
COUNTY OF MULTNOMAH)

OFFICIAL SEAL
DEBORAH LYNN BOGSTAD
NOTARY PUBLIC-OREGON
COMMISSION NO. 345246
MY COMMISSION EXPIRES JUNE 27, 2005


Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/05



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 11/10/04

BUDGET MODIFICATION: -

Agenda Title: Intergovernmental Revenue Agreement (Omnibus) 0405154 with the City of Portland, Bureau of Housing and Community Development, Providing Funding for Homeless Programs, Public Safety, Youth Employment and Involvement and Housing Services

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

Date Requested:	December 9, 2004	Time Requested:	N/A
Department:	OSCP	Division:	Community Service
Contact(s):	Peggy Samolinski / Kathy Tinkle		
Phone:	503.988.6295	Ext.	24564 / 26858
Presenter(s):	Consent Calendar		
I/O Address:	166/2		

General Information

1. What action are you requesting from the Board?

Approval.

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

The Office of School and Community Partnerships (OSCP) annually receives a transfer of City of Portland funds for the purchase of a) human services, including homeless programs to assist homeless youth, emergency assistance and homeless prevention and family day shelter; b) Public Safety by way of a gang project; c) youth employment and involvement by way of a youth employment and empowerment (YEEP) program; and d) housing development. This will be the eighth year in which all of these services have been incorporated into one omnibus contract one set of general conditions and exhibits detailing the requirements for each program being funded.

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

This revenue agreement will provide the Department with \$1,568,845.00 for fiscal year 2004/2005.

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 City of Portland and the County along with the jointly appointed citizen oversight committee as well as the Housing and Community Development Commission agree to cooperatively develop and maintain services and housing for persons who are homeless.

Required Signatures

**Department/
Agency Director:**



Date: 11/09/04

Budget Analyst:

Date: _____

Department HR:

Date: _____

Countywide HR:

Date: _____

ROBERTS Sydney L

From: ROBERTS Sydney L
Sent: Tuesday, November 09, 2004 2:14 PM
To: CREAN Christopher D
Cc: HADLEY Jane V; BOGSTAD Deborah L
Subject: City of Portland BHCD Omnibus Agreement

Please see attached. Originals are being sent via internal mail.

Chris/Jane please forward to Deb Bogstad once you have signed the agreement.

If you have any questions or if I've forgotten anything please do not hesitate to call or email me.

Thank you!

*Sydney L. Bizzell Roberts, Contract Specialist
Multnomah County - OSCP
503.988.6295 x22701 / 503.988.3332 fax*

"Let nothing dim the light that shines from within. - Maya Angelou"

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

Contract #: 0405154

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

Amendment #: 0

Class I	Class II	Class III A
Contracts \$75,000 and less per 12 month period	Contracts over \$75,000 per 12 month period	<input type="checkbox"/> Government Contracts (190 Agreement)
<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Professional Services Contracts <input type="checkbox"/> PCRB Contracts <input type="checkbox"/> Maintenance Agreements <input type="checkbox"/> Licensing Agreements <input type="checkbox"/> Public Works Construction Contracts <input type="checkbox"/> Architectural & Engineering Contracts <input checked="" type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue Class III B <input type="checkbox"/> Government Contracts (Non-190 Agreement) <input type="checkbox"/> Expenditure <input type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Interdepartmental Contracts

Department: Office Of School & Community Partnerships Division: Community Services Date: November 4, 2004

Originator: Peggy Samolinski Phone: 24564 Bldg/Rm: 166/2

Contact: Sydney Bizzell Roberts Phone: 22701 Bldg/Rm: 166/2

Description of Contract **This Revenue Agreement (OMNIBUS) will provide funding for homeless programs, public safety, Youth Employment and Involvement and Housing services.**

RENEWAL: ☒ PREVIOUS CONTRACT #(S): 0410485

RFP/BID: IGA RFP/BID DATE: _____

EXEMPTION # _____

EFFECTIVE DATE: _____ EXPIRATION DATE: _____ ORS/AR #: _____

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor City of Portland, Bureau of Housing and Community Development	
Address 421 SW 6th Avenue, Suite 1100A	Remittance Address _____
City/State Portland, OR	(If different) _____
Zip Code 97204	Payment Schedule / Terms
Phone 503.823.2375	<input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt
Employer ID# or SS# _____	<input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30
Contract Effective Date July 1, 2004 Term Date June 30, 2005	<input type="checkbox"/> Other \$ _____ <input checked="" type="checkbox"/> Other
Amendment Effect Date _____ New Term Date _____	<input type="checkbox"/> Requirements Funding Info:
Original Contract Amount \$ 1,568,845.00	Original Requirements Amount \$ _____
Total Amt of Previous Amendments \$ 0	Total Amt of Previous Amendments \$ _____
Amount of Amendment \$ 0	Requirements Amount Amendment: \$ _____
Total Amount of Agreement \$ 1,568,845.00	Total Amount of Requirements \$ _____

REQUIRED SIGNATURES

Department Manager <u>Lorenz T. Poe Jr. ms</u>	DATE <u>11/9/04</u>
Purchasing Manager <u>[Signature]</u>	DATE <u>11/15/04</u>
County Attorney <u>[Signature]</u>	DATE <u>12.9.04</u>
County Chair <u>[Signature]</u>	DATE _____
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

COMMENTS: Customer #300043

Exhibit A, Rev. 03/07/03

EXHIBIT A

CITY CONTRACT NO.

COUNTY CONTRACT NO. 0405154

**OMNIBUS CONTRACT BETWEEN
CITY OF PORTLAND, BUREAU OF HOUSING AND COMMUNITY DEVELOPMENT
AND
MULTNOMAH COUNTY OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS**

This contract for services (CONTRACT) is between the CITY OF PORTLAND, acting through its BUREAU OF HOUSING AND COMMUNITY DEVELOPMENT (CITY) and MULTNOMAH COUNTY, acting through its OFFICE OF SCHOOL AND COMMUNITY PARTNERSHIPS (COUNTY).

This Contract consists of the following sections:

Part A: Contract
Table A: Contracted Service Programs
Part B: General Terms and Conditions
Exhibits: Program Descriptions

Page 1
Page 2
Page 3
Page 10

PART A: CONTRACT

1. **DESCRIPTION OF SERVICES:** County will provide the services included in Table A: Contracted Service Programs, and the related Exhibits.
2. **COMPENSATION:** City shall pay County quarterly for provision of services, upon receipt of invoice documenting expenditures and a service report for each program included in this Contract, as described in the Exhibits. Total compensation under this Contract shall not exceed ONE MILLION FIVE HUNDRED SIXTY EIGHT THOUSAND EIGHT HUNDRED FORTY FIVE (\$1,568,845) DOLLARS.
3. **TERM:** County's services will begin on July 1, 2004, and terminate when completed, but no later than June 30, 2005.

In witness whereof, the parties hereto have caused this Contract to be executed by their authorized officers.

MULTNOMAH COUNTY, OREGON**CITY OF PORTLAND**

BY Lorenzo T. Poe, Jr. mg 11/9/04
Lorenzo T. Poe, Jr., Director, Date
Office of School and Community Partnerships

BY _____
Commissioner Erik Sten Date
Commissioner of Public Works

BY Diane M. Linn mg 12-09-04
Diane M. Linn, Multnomah County Chair Date

REVIEWED:

Chris Crean
Chris Crean, Assistant County Attorney
Multnomah County, Oregon

Date

APPROVED AS TO FORM:

By _____
Linda Meng, City Attorney Date

TABLE A: CONTRACTED SERVICE PROGRAMS**CITY CONTRACT #:****COUNTY CONTRACT #0405154**

Program	Funding Source	Funding Level	Exhibit	BHCD Contact
HOMELESS PROGRAMS				\$1,195,263
1. Homeless Youth	a. CDBG	Janus/Night Shelter: \$203,841	A	Liora Berry
	b. General Funds	O- I and NAFY/Trans. Housing: \$638,421	B	Liora Berry
2. Emergency Assistance/ Homeless Prevention	a. PILOT	MCO/Rent Asst.: \$317,767 Special Needs Shelter: \$8,747	C	Liora Berry
3. Family Day Shelter	a. HIF	Salvation Army Winter Day Shelter: \$26,487	D	Liora Berry
PUBLIC SAFETY				\$ 89,418
1. Gang Project	a. CDBG	\$89,418	E	Karen Belsey
YOUTH EMPLOYMENT AND INVOLVEMENT				\$ 184,576
1. Youth Employment & Empowerment Program	a. General Funds	\$184,576	F	Karen Belsey
HOUSING				\$ 99,588
1. Housing Development 2. Program Delivery	a. HOME	\$87,467 \$8,522	G	Andrea Matthiessen

TOTAL: \$1,568,845

PART B: GENERAL TERMS AND CONDITIONS

- A. **TERMINATION FOR CAUSE.** In accordance with 24 CFR 85.43, if, through any cause, the Subrecipient shall fail to fulfill in timely and proper manner his/her obligations under this Contract, or if the Subrecipient shall violate any of the covenants, agreements, or stipulations of this Contract, the City may avail itself of such remedies as cited in 24 CFR 85.43 by giving written notice to the Subrecipient of such action and specifying the effective date thereof at least 30 days before the effective date of such action. In such event, all finished or unfinished documents, data, studies, and reports prepared by the Subrecipient under this Contract shall, at the option of the City, become the property of the City and the Subrecipient shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents.

Notwithstanding the above, the Subrecipient shall not be relieved of liability to the City for damages sustained by the City by virtue of any breach of the Contract by the Subrecipient, and the City may withhold any payments to the Subrecipient for the purpose of setoff until such time as the exact amount of damages due the City from the Subrecipient is determined.

- B. **TERMINATION FOR CONVENIENCE.** In accordance with 24 CFR 85.44, the City and Subrecipient may terminate this contract at any time by mutual written agreement. If the Contract is terminated by the City as provided herein, the Subrecipient will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Subrecipient covered by this Contract less payments of compensation previously made.

- C. **ENFORCEMENT AND REMEDIES.** In the event of termination under section A hereof by the City due to a breach by the Subrecipient, then the City may complete the work either itself or by agreement with another subrecipient, or by a combination thereof. In the event the cost of completing the work exceeds the amount actually paid to the Subrecipient hereunder plus the remaining unpaid balance of the compensation provided herein, then the Subrecipient shall pay to the City the amount of excess. Allowable costs shall be determined in accordance with 24 CFR 85.43(c).

The remedies provided to the City under sections A and C hereof for a breach by the Subrecipient shall not be exclusive. The City also shall be entitled to any other equitable and legal remedies that are available.

In the event of breach of this contract by the City, then the Subrecipient's remedy shall be limited to termination of the contract and receipt of payment as provided in section B hereof.

In the event of termination under Section A, the City shall provide the Subrecipient an opportunity for an administrative appeal to the Bureau Director.

- D. **CHANGES.** The City or Subrecipient may, from time to time, request changes in writing in the scope of services or terms and conditions hereunder. Such changes, including any increase or decrease in the amount of the Subrecipient's compensation, shall be incorporated in written amendments to this contract. Changes to the scope of work, budget line items, timing, reporting, or performance measures may be approved by the Project Manager.

Significant changes to the scope of work, performance measures, or compensation, unless the total contract after amendment is less than \$100,000, must be approved by ordinance of the City Council. Compensation changes in which the total contract is less than \$100,000 may be approved by the Bureau Director.

- E. **NON-DISCRIMINATION.** During the performance of this Contract, the Subrecipient agrees as follows:

1. The Subrecipient will comply with the non-discrimination provisions of Title VI of the Civil Rights Act of 1964 (24 CFR 1), Fair Housing Act (24 CFR 100), and Executive Order 11063 (24 CFR 107).

2. The Subrecipient will comply with prohibitions against discrimination on the basis of age under Section 109 of the Act as well as the Age Discrimination Act of 1975 (24 CFR 146), and the prohibitions against discrimination against otherwise qualified individuals with handicaps under Section 109 as well as section 504 of the Rehabilitation Act of 1973 (24 CFR 8).
 3. The Subrecipient will comply with the equal employment and affirmative action requirements of Executive Order 11246, as amended by Order 12086 (41 CFR 60).
 4. The Subrecipient will comply with the equal employment and non-discrimination requirements of Portland City Code Sections 3.100.005 (City Policies Relating to Equal Employment Opportunity, Affirmative Action and Civil Rights), 3.100.042 (Certification of Contractors), and Chapter 23 – Civil Rights.
 5. Subrecipient will comply with the Americans with Disabilities Act (42 USC 12131, 47 USC 155, 201, 218 and 225), which provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodation, state and local government services and telecommunications. The Act also requires the removal of architectural and communication barriers that are structural in nature in existing facilities. For HOME funded projects, the Subrecipient will also comply with affirmative marketing policy and outreach to minorities and women and to entities owned by minorities and women per 24 CFR 92.351, if the funds will be used for housing containing 5 or more assisted units.
- F. SECTION 3: The Subrecipient will comply with the training and employment guidelines of Section 3 of the Housing and Urban Development Act of 1968, as amended (12U.S.C. 1701a), and regulations pursuant thereto (24 CFR Part 135).
- G. ACCESS TO RECORDS. The City, HUD, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, general organizational and administrative information, documents, papers, and records of the Subrecipient which are directly pertinent to this contract, for the purpose of making audit or monitoring, examination, excerpts, and transcriptions. All required records must be maintained by the Subrecipient for four years after the City makes final payments and all other pending matters are closed.
- H. MAINTENANCE OF RECORDS. The Subrecipient shall maintain fiscal records on a current basis to support its billings to the City. The Subrecipient shall retain fiscal as well as all records relating to program management and operation, program beneficiaries, demographics and eligibility for inspection, audit, and copying for four years from the date of completion or termination of this contract. The City or its authorized representative shall have the authority to inspect, audit, and copy on reasonable notice and from time to time any records of the Subrecipient regarding its billings or its work here under.
- I. AUDIT OF PAYMENTS. The City, either directly or through a designated representative, may audit the records of the Subrecipient at any time during the four-year period established by Section H above.
- If an audit discloses that payments to the Subrecipient were in excess of the amount to which the Subrecipient was entitled, then the Subrecipient shall repay the amount of the excess to City.
- J. INDEMNIFICATION. The Subrecipient shall hold harmless, defend, and indemnify the City and the City's officers, agents and employees against all claims, demands, actions, and suits (including all attorney fees and costs) brought against any of them arising from the Subrecipient's work or any subcontractor's work under this contract.
- K. LIABILITY INSURANCE.
- (a) The Subrecipient shall maintain public liability and property damage insurance that protects the Subrecipient and the City and its officers, agents, and employees from any and all claims, demands, actions, and suits for damage to property or personal injury, including death, arising from the Subrecipient's work under this contract. The insurance shall provide coverage for not less than \$200,000 for personal injury to each person, \$500,000 for each occurrence, and \$500,000 for each occurrence involving property damages; or a single limit policy of not less than \$500,000

covering all claims per occurrence. The limits of the insurance shall be subject to statutory changes as to maximum limits of liability imposed on municipalities of the state of Oregon during the term of the agreement. The insurance shall be without prejudice to coverage otherwise existing and shall name as additional insureds the City and its officers, agents, and employees. Notwithstanding the naming of additional insureds, the insurance shall protect each insured in the same manner as though a separate policy had been issued to each, but nothing herein shall operate to increase the insurer's liability as set forth elsewhere in the policy beyond the amount or amounts for which the insurer would have been liable if only one person or interest had been named as insured. The coverage must apply as to claims between insureds on the policy. The insurance shall provide that it shall not terminate or be canceled without 30 days written notice first being given to the City Auditor. If the insurance is canceled or terminated prior to completion of the contract, the Subrecipient shall provide a new policy with the same terms. The Subrecipient agrees to maintain continuous, uninterrupted coverage for the duration of the contract. The insurance shall include coverage for any damages or injuries arising out of the use of automobiles or other motor vehicles by the Subrecipient.

(b) The Subrecipient shall maintain on file with the City Auditor a certificate of insurance certifying the coverage required under subsection (a). The adequacy of the insurance shall be subject to the approval of the City Attorney. Failure to maintain liability insurance shall be cause for immediate termination of this agreement by the City.

In lieu of filing the certificate of insurance required herein, the Subrecipient shall furnish a declaration that the Subrecipient is self-insured for public liability and property damage for a minimum of the amounts set forth in ORS 30.270.

L. WORKERS' COMPENSATION INSURANCE.

(a) The Subrecipient, its subcontracts, if any, and all employers working under this Contract are subject employers under the Oregon Worker's compensation law and shall comply with ORS 656.017, which requires them to provide worker's compensation coverage for all their subject workers. A certificate of insurance, or copy thereof, shall be attached to this Contract and shall be incorporated herein and made a term and part of this Contract. The Subrecipient further agrees to maintain worker's compensation insurance coverage for the duration of this Contract.

(b) In the event the Subrecipient's worker's compensation insurance coverage is due to expire during the term of this Contract, the Subrecipient agrees to timely renew its insurance, either as a carrier-insured employer or a self-insured employer as provided by Chapter 656 of the Oregon Revised Statutes, before its expiration, and the Subrecipient agrees to provide the City of Portland such further certification of worker's compensation insurance as renewals of said insurance occur.

(c) If the Subrecipient believes itself to be exempt from the worker's compensation insurance coverage requirement of (a) of this subsection, the Subrecipient agrees to accurately complete the City of Portland's Questionnaire for Worker's Compensation Insurance and Qualification as an Independent Contractor prior to commencing work under this Contract. In this case, the Questionnaire shall be attached to this Contract and shall be incorporated herein and made a term and part of this Contract. Any misrepresentation of information on the Questionnaire by the Subrecipient shall constitute a breach of this Contract. In the event of breach pursuant to this subsection, City may terminate the Contract immediately and the notice requirement contained in Section A, TERMINATION FOR CAUSE, hereof shall not apply.

M. SUBCONTRACTING AND ASSIGNMENT. The Subrecipient shall not sub-contract its work under this contract, in whole or in part, without the written approval of the City. The Subrecipient shall require any approved subcontractor to agree, as to the portion subcontracted, to fulfill all obligations of the Subrecipient as specified in this contract. Notwithstanding City approval of a subcontractor, the Subrecipient shall remain obligated for full performance hereunder, and the City shall incur no obligation other than its obligations to the Subrecipient hereunder. The Subrecipient agrees that if subcontractors are employed in the performance of this contract, the Subrecipient and its subcontractors are subject to the requirements and sanctions of ORS Chapter 656, Workers' Compensation. The Subrecipient shall not assign this contract in whole or in part or any right or obligation hereunder, without prior written approval of the City.

The subcontractor shall be responsible for adhering to all regulations cited within this contract.

If Subrecipient provides CDBG or HOME funds to for-profit owners or developers, non-profit owners or developers, subrecipients, homeowners, homebuyers, tenants receiving tenant-based rental assistance or contractors, the Subrecipient must have a written agreement that meets the requirements of 24 CFR 570.503(b) or 92.504(c), respectively.

- N. **INDEPENDENT CONTRACTOR STATUS.** The Subrecipient is engaged as an independent contractor and will be responsible for any federal, state, or local taxes and fees applicable to payments hereunder.

The Subrecipient and its subcontractors and employees are not employees of the City and are not eligible for any benefits through the City, including without limitation, federal social security, health benefits, workers' compensation, unemployment compensation, and retirement benefits.

- O. **CONFLICTS OF INTEREST.** Per 24 CFR 92.356 and/or 24 CFR 570.611, no City officer or employee, during his or her tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof. No board of directors member or employee of the Subrecipient, during his or her tenure or for one year thereafter, shall have any interest, direct or indirect, in this contract or the proceeds thereof. No City officer or employee who participated in the award of this contract shall be employed by the Subrecipient during the period of this contract.

The Subrecipient shall also comply with the provisions of 24 CFR 84.42 and/or 85.36(b)(3), which require that a written Code of Standards of Conduct be maintained by the agency, as it relates to the performance of employees engaged in the award and administration of contracts.

- P. **CONTRACT ADMINISTRATION,** 24 CFR 570.502(b). The Subrecipient shall comply with the applicable provisions of OMB Circular Nos. A-122, A-21, A-133 and A-110 as described by 24 CFR 570.502(b) and 570.610.

- Q. **OREGON LAWS AND FORUM.** This contract shall be construed according to the laws of the State of Oregon.

Any litigation between the City and the Subrecipient arising under this contract or out of work performed under this contract shall occur, if in the state courts, in the Multnomah County court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the State of Oregon.

- R. **AVAILABILITY OF FUNDS.** It is understood by all parties to this contract that the funds used to pay for services provided herein are provided to the City through a grant from the U.S. Department of Housing and Urban Development. In the event that funding is reduced, recaptured, or otherwise made unavailable to the City as a result of federal action, the City reserves the right to terminate the contract as provided under Section B hereof, or change the scope of services as provided under Section D hereof.

- S. **PROGRAM INCOME/PERSONAL PROPERTY.** For Community Development Block Grant-funded projects, the Subrecipient shall comply with provisions of 24 CFR 570.504 regarding program income. Program income shall be retained by the Subrecipient provided that it shall be used only for those activities identified in the Scope of Services, and shall be subject to all provisions of this contract.

- T. **COMPLIANCE WITH LAWS.** In connection with its activities under this contract, the Subrecipient shall comply with all applicable federal, state, and local laws and regulations. For Community Development Block Grant-funded projects, the Subrecipient shall carry out its activities in compliance with 24 CFR 570 Subpart K, excepting the responsibilities identified in 24 CFR 570.604 and 570.612. For McKinney-Vento Supportive Housing Program funded projects, Subrecipient shall carry out its activities in compliance with 24 CFR 583. For McKinney-Vento Emergency Shelter Grant funded projects, Subrecipient shall carry out its activities in compliance with 24 CFR 576.

In the event that the Subrecipient provides goods or services to the City in the aggregate in excess of \$2,500 per fiscal year, the Subrecipient agrees it has certified with the City's Equal Employment Opportunity certification process.

- U. PROGRAM AND FISCAL MONITORING. The City through the Bureau of Housing and Community Development shall monitor on a regular basis to assure contract compliance. Such monitoring may include, but are not limited to, on site visits, telephone interviews, and review of required reports and will cover both programmatic and fiscal aspects of the contract. The frequency and level of monitoring will be determined by the City Project Manager.
- V. EXPIRATION/REVERSION OF ASSETS. For Community Development Block Grant-funded projects, the Subrecipient shall comply with the Reversion of Assets provision of 24 CFR 570.503 (b)(8).

For Emergency Shelter Grant funded projects, the Subrecipient shall transfer to the City any ESG funds on hand at the time of expiration and any accounts receivable attributable to the use of ESG funds. Any real property under the Subrecipient's control that was acquired or improved in whole or in part with ESG funds in excess of \$25,000 shall be disposed of in a manner which results in the City being reimbursed in the amount of the current fair market value of the property less any portion thereof attributable to expenditures of non-ESG funds for acquisition of, or improvement to, the property. Such reimbursement is not required after a five-year period after expiration of this Contract.

The Subrecipient shall require that the language of this certification be included in the award documents at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative Contract) and that all subcontractors shall certify and disclose accordingly.

- W. RELOCATION, ACQUISITION AND DISPLACEMENT. The Subrecipient agrees to comply with 24 CFR 570.606, 574.630 or 576.80 relating to the acquisition and disposition of all real property utilizing grant funds, and to the displacement of persons, businesses, non-profit organizations and farms occurring as a direct result of any acquisition of real property utilizing grant funds. The Subrecipient agrees to comply with applicable City of Portland ordinances, resolutions and policies concerning displacement of individuals from their residences.
- X. PROGRAM ACCESS BY THE DISABLED. The Subrecipient shall, to the maximum feasible extent, follow the Bureau of Housing and Community Development's guidelines on ensuring interested persons can reasonably obtain information about, and access to, HUD-funded activities.
- Y. SEVERABILITY. If any provision of this Contract is found to be illegal or unenforceable, this Contract nevertheless shall remain in full force and effect and the provision shall be stricken.
- Z. INTEGRATION. This Contract contains the entire agreement between the City and the Subrecipient and supercedes all prior written or oral discussions or agreements.
- AA. LABOR STANDARDS. The Subrecipient agrees to comply with the requirements of the Secretary of Labor in accordance with the Davis-Bacon Act as amended, the provisions of Contract Work Hours, the Safety Standards Act, the Copeland "Anti-Kickback" Act (40 U.S.C 276, 327-333) and all other applicable federal, state and local laws and regulations pertaining to labor standards insofar as those acts apply to the performance of this contract. The Subrecipient shall maintain documentation that demonstrates compliance with hour and wage requirements of this part. Such documentation shall be made available to the City of Portland for review upon request.

The Subrecipient agrees that, except with respect to the rehabilitation or construction of residential property designed for residential use for less than eight (8) households, all contractors engaged under contracts in excess of \$2,000.00 for construction, renovation or repair of any building or work financed in whole or in part with assistance provided under this contract, shall comply with federal requirements adopted by the City of Portland pertaining to such contracts and with the applicable requirements of the regulations of the Department of Labor, under 29 CFR, Parts 3, 15

and 7 governing the payment of wages and ratio of apprentices and trainees to journeymen; provided, that if wage rates higher than those required under the regulations are imposed by state or local law, nothing hereunder is intended to relieve the Subrecipient of its obligation, if any, to require payment of the higher wage. The Subrecipient shall cause or require to be inserted in full, in all such contracts subject to such regulations, provisions meeting the requirements of this paragraph, for such contracts in excess of \$100,000.

- BB. FLOOD DISASTER PROTECTION. The Subrecipient agrees to comply with the requirements of the Flood Disaster Protection Act of 1973 (P.L.-2234) in regard to the sale, lease or other transfer of land acquired, cleared or improved under the terms of this contract, as it may apply to the provisions of this contract.
- CC. LEAD-BASED PAINT. The Subrecipient agrees that any construction or rehabilitation of residential structure with assistance provided under this contract shall be subject to HUD Lead-Based Paint Regulations at 24 CFR 570.608, 574.635 and 24 CFR Part 35, and in particular Sub-Part B thereof. Such regulations pertain to all HUD-assisted housing and require that all owners, prospective owners, and tenants or properties constructed prior to 1978 be properly notified that such properties may include lead-based paint. Such notification shall point out the hazards of lead-based paint and explain symptoms, treatment and precautions that should be taken when dealing with lead-based paint poisoning.
- DD. FUND-RAISING. City-funded dollars may be used to cover expenses directly related to the contracted project. Costs associated with general agency fund-raising activities are not eligible. No Emergency Shelter Grant (ESG) fund dollars may be used to cover expenses associated with general agency fund raising activities not directly related to ESG-funded projects.
- EE. PUBLICITY. Publicity regarding the project shall note participation of the City through the Bureau of Housing and Community Development.
- FF. LOBBYING. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any 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 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. 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 agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Subrecipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

The Subrecipient shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans and cooperative agreement) and that all Subcontractors shall certify and disclose accordingly.

- GG. CHURCH/STATE. The Subrecipient agrees to comply with the applicable provisions of 24 CFR 570.200(j) or 24 CFR 576.22 regarding the use of federal funds by religious organizations.
- HH. INDEPENDENT FINANCIAL AUDITS/REVIEWS. Any subrecipient receiving \$500,000 or more in federal funds, from all sources, in any program year is required to obtain an independent audit of the federally funded program(s), in compliance with federal OMB Circular A-133. Two copies of the audit will be submitted to the designated City Project Manager within 30 days of its completion.
- II. DRUG-FREE WORKPLACE. The Subrecipient will maintain a drug-free workplace in conformance with 24 CFR part 24, subpart F.
- JJ. ENVIRONMENTAL REVIEW. Subrecipient must comply with the requirements of the National Environmental Policy Act of 1959 [24 CFR Part 58]. No funds may be committed and no work

may be carried out on any project until the environmental review is complete and a Release of Funds is issued by HUD, if applicable.

- KK. **CONTRACT ADMINISTRATION.** If Subrecipient is a public agency, must also comply with the provisions of OMB Circulars A-87 (Cost Principles for State, Local and Indian Tribal Governments) and 24 CFR Part 85 (Administrative Requirements for Grants and Cooperative Agreements to State, Local and Federally Recognized Indian Tribal Governments).
- LL. **DEBARRED, SUSPENDED OR INELIGIBLE CONTRACTORS.** Federal funds may not be used to directly or indirectly employ, award contracts to or otherwise engage the services of any contractor or subrecipient during any period of debarment, suspension or placement of ineligibility status [24 CFR Part 24]. Contractors and subrecipients are responsible for checking the Federal publications that list debarred, suspended and ineligible contractors to assure compliance.
- MM. **SMALL AND MINORITY FIRMS, WOMEN'S BUSINESS ENTERPRISES AND LABOR SURPLUS AREA FIRMS.** Contractors and subrecipients must comply with the requirements of Executive Orders 1162, 12432 and 12138 and 24 CFR 85.36(e), which require that contractors and subrecipients take all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used when possible. Such affirmative steps would include: (i) placing qualified small and women's business enterprises on solicitation lists; (ii) assuring that small and minority businesses and women's business enterprises are solicited whenever they are potential sources; (iii) dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises; (iv) establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises; (v) using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce; and (vi) requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed above.

EXHIBIT A
JANUS YOUTH: CDBG FUNDED
HOMELESS PROGRAMS: NIGHT YOUTH SHELTER

I. AUTHORITY

The provision of services and housing options, including emergency shelter, is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City has \$203,841 in Community Development Block Grant (CDBG) funds that can be used for shelter and support services for persons who are homeless. Multnomah County, through its Office of School and Community Partnerships, administers a variety of housing and service programs for persons who are homeless. The City and the County, through their jointly appointed citizen oversight committee - the Housing and Community Development Commission - agree to cooperatively develop and maintain services and housing for persons who are homeless.

II. SCOPE OF SERVICES

County will oversee the delivery of housing and services for homeless youth by the Janus Youth at Streetlight Program Shelter (820 SW Oak).

The County shall contract with Janus Youth to provide safe and sanitary 24 -hour shelter for 30 youth per night, for an average length of stay of four months. Youth will be assessed and case managed by partner providers in the continuum; they will be expected to attend day-time activities focused on skill-building and stability to ready them for the transition to more independent living situations. The shelter will encourage youth participation in the programs and support the service coordination functions. Youth will participate in self-governance of the shelter.

III. PERFORMANCE MEASURES

A. SUBRECIPIENT will track and report on the achievement of the following levels of service (outputs) during the period of this Contract:

- ☐ Janus Youth will provide shelter for approximately 250 youth (unduplicated count)
- ☐ All youth staying in the shelter will be active in governing the shelter
- ☐ Shelter capacity will be at 90% or more at all times

B. SUBRECIPIENT will track and report on the achievement of the following accomplishments during the period of this Contract.

- ☐ 100% of youth residing in short term shelter will participate in case management service coordination at NAFY and Outside In
- ☐ 70% of all youth served will leave the shelter for safe, stable housing, which includes transitional and independent housing in the continuum as well as other stable housing in the community

IV. REPORTING REQUIREMENTS

- A. **Subcontractor Plans and Outcomes:** County will provide the City with subcontractor service plans and outcome performance goals upon execution of the annual subcontracts pursuant to this Exhibit.
- B. **Quarterly Reports:** Except as provided by subsection C. below, County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) expenditures by the subcontractor; 2) number of clients (unduplicated) served; 3) number of shelter nights provided; 4) performance and narrative data related to Section III and 5) ethnic and racial data.
- C. **Final Reports:** County shall submit a final report as its fourth quarter report. The final report shall include:
1. Year-end expenditures by the subcontractor
 2. Year-end performance assessments
 3. Number of individuals served
 4. Client demographics including ethnicity, and sex of all recipients of services
 5. Number of individuals in case management
 6. Performance data related to section III
 7. Narrative outlining program accomplishments, issues, and programmatic changes or improvements during the contract year
- D. **Reporting format** will substantively resemble tables A-1 and A-2 to include all required information and data for quarterly and final reports. A brief narrative shall be included for each quarter.

V. COMPENSATION AND METHOD OF PAYMENT

- A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.
- B. No funds under this Contract may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into Contracts without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.
- C. It is agreed that total compensation under this Contract shall not exceed TWO HUNDRED AND THREE THOUSAND, EIGHT HUNDRED AND FORTY-ONE DOLLARS (\$203,841) of CDBG funds.

VI. CITY PROJECT MANAGER

- A. The CITY Project Manager shall be Liora Berry, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this Contract as provided herein, and to carry out all other CITY actions referred to herein.

TABLE A-1

Project Report for Multnomah County – Homeless Youth System – Janus Short Term Shelter

BENEFICIARY DATA

Reporting Period From: _____ To: _____

Unduplicated Demographic Information

Participant Information	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	YTD
Households/Individuals					

1. Gender

Males					
Females					
Gender Total*					

2. Race

Ethnicity	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H
White										
Black/African American										
Asian										
American Indian/Alaskan Native										
Native Hawaiian/Other Pacific Islander										
American Indian/Alaskan Native & White										
Asian & White										
Black/African American & White										
Am. Indian/Alaskan Native & Black/African American										
Other										
Total*										

3. Age

0-18					
18-21					
21-30					
31-50					
Over 51					
Age Total*					

4. Other Characteristics (may be more than one category for an individual)

Veteran					
Employed					
Female Headed Households					
Disabled/Special Needs					

*Totals Should Equal

TABLE A-2

**Project Report for Multnomah County – Homeless Youth System – Janus Short Term Shelter
Outcome and Reporting Data**

Reporting Period From: _____ To: _____

	1 st Quarter	1 st & 2 nd Quarter	1 st , 2 nd & 3 rd Quarter	1 st , 2 nd , 3 rd , 4 th Quarter	Year End Goal
# of unduplicated Households/Individuals Served					250
# of bed nights					(9,855)
% Capacity rate					90%
# and % in case management					250/100%
# and % moved to safe and stable housing					175/70%
# and % moved directly into permanent housing from shelter					

Narrative:

On a separate page, please include as applicable:

- How youth are involved in governing shelter
- Information on the #'s and reasons (by category) for all youth dismissed from shelter
- Information on youth transitioning into longer term or permanent housing
- Updates and information on program changes that affect continuum of Homeless Youth Services
- Activities that show increase in coordination with other homeless and mainstream services systems
- Requests for technical assistance or other support requests
- Data and information from Crosswalk system or provider reports are welcome.

EXHIBIT B
OUTSIDE IN and NEW AVENUES FOR YOUTH: GENERAL FUNDS
HOMELESS PROGRAMS: YOUTH TRANSITIONAL HOUSING

I. AUTHORITY

The provision of services and housing options, including youth transitional housing and youth independent housing, is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City has \$638,421 in General Funds that can be used for such efforts. Multnomah County, through its Office of School and Community Partnerships, administers a variety of housing and service programs for persons who are homeless. The City and the County, through their jointly appointed citizen oversight committee - the Housing and Community Development Commission - agree to cooperatively develop and maintain services and housing for persons who are homeless.

II. SCOPE OF SERVICES

County will oversee the delivery of transitional and independent housing for homeless youth by Outside In and New Avenues for Youth. The transitional housing services are group living arrangements for youth who need supervised, supportive living environments to become fully independent. All residents are case managed by the service coordination programs and length of stay may be up to two years. The independent housing consists of facility-based and scattered site options with individual apartments leased either by an agency and made available to the youth, or by the youth with rent subsidies through the contracted agency. The apartments are supervised, all youth residents participate in case management services and length of stay may be up to two years. Overall, there is more independence in the independent housing component than in the group model transitional housing. It is expected that youth will be ready to move into permanent housing when they move from their independent housing unit.

City General funds totaling \$319,210.50 are available to pay for the delivery of transitional housing by New Avenues for Youth and City General funds totaling \$319,210.50 are available to pay for the delivery of transitional housing and independent housing by Outside In.

Beginning on July 1, 2004, service coordination for youth in transitional housing will be divided into two tracks: education and employment. One agency will provide education related services and the other will focus primarily on employment.

The County shall work with the agencies to achieve the following performance and outcome goals:

III. PERFORMANCE MEASURES

A. SUBRECIPIENT will track and report on the achievement of the following levels of service (outputs) during the period of this Contract:

- ☐ Service Coordination agencies will each provide transitional and independent housing for 25 homeless youth (unduplicated count) for a total of 50 youth.
- ☐ Outside In will maintain 10 units of transitional housing (3,518 bed nights).
- ☐ Outside In will provide 7 scattered site supervised independent housing units throughout the year.
- ☐ New Avenues for Youth will maintain and provide 14 beds of safe and clean transitional housing for homeless youth.
- ☐ Case managers will maintain a 20 client case load 85% of the time

B. SUBRECIPIENT will track and report on the achievement of the following accomplishments during the period of this Contract.

- ☐ 65% of all youth who complete the program will move into stable housing
- ☐ 65% of all youth who exit program to permanent housing (to a known location) will sustain permanent housing 6 months after placement.

In addition, Subrecipient will begin tracking the number and percentage of all youth who move directly into permanent housing and who sustain permanent housing 12 months after placement, with the expectation that outcome goals will be developed for the 05-06 contract year.

IV. REPORTING REQUIREMENTS

- A. **Subcontractor Plans and Outcomes:** County will provide the City with subcontractor service plans and outcome performance goals upon execution of the annual subcontracts pursuant to this Exhibit.
- B. **Quarterly Reports:** Except as provided by subsection C. below, County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) expenditures by the subcontractor; 2) number of clients (unduplicated) served; 3) number of shelter nights provided; and 4) ethnic and racial data.
- C. **Final Reports:** County shall submit a final report as its fourth quarter report. The final report shall include:
 - 1. Year-end expenditures by the subcontractor
 - 2. Year-end performance assessments
 - 3. Number of individuals served
 - 4. Client demographics including ethnicity, and sex of all recipients of services
 - 5. Performance data related to Section III.
- D. **Reporting format** will substantively resemble tables B-1 and B-2 to include all required information and data for quarterly and final reports.

V. COMPENSATION AND METHOD OF PAYMENT

- A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.
- B. No funds under this Contract may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into Contracts without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.
- C. It is agreed that total compensation under this Contract shall not exceed SIX HUNDRED AND THIRTY-EIGHT THOUSAND, FOUR HUNDRED AND TWENTY-ONE DOLLARS (\$638,421) OF GENERAL FUNDS.

VI. CITY PROJECT MANAGER

- A. The CITY Project Manager shall be Liora Berry, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this Contract as provided herein, and to carry out all other CITY actions referred to herein.

TABLE B-1

**Project Report for Multnomah County – Homeless Youth System – OI and NAFY Transitional Housing
BENEFICIARY DATA**

Reporting Period From: _____ To: _____

Unduplicated Demographic Data

Participant Information	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	YTD
Households/Individuals					

1. Gender

Males					
Females					
Gender Total*					

2. Race

Ethnicity	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H
White										
Black/African American										
Asian										
American Indian/Alaskan Native										
Native Hawaiian/Other Pacific Islander										
American Indian/Alaskan Native & White										
Asian & White										
Black/African American & White										
Am. Indian/Alaskan Native & Black/African American										
Other										
Total*										

3. Age

0-18					
18-21					
21-30					
31-50					
Over 51					
Age Total*					

4. Other Characteristics

Veteran					
Employed					
Female Headed Households					
Disabled/Special Needs					

*Totals Should Equal

TABLE B-2

**Project Report for Multnomah County – Homeless Youth System
Outside In and New Avenues for Youth Transitional Housing
Outcome and Reporting Data**

Reporting Period From: _____ To: _____

	1 st Quarter	1 st & 2 nd Quarter	1 st , 2 nd & 3 rd Quarter	1 st , 2 nd , 3 rd , 4 th Quarter	Year End Goal
# of unduplicated Households/Individuals Served					50
% moved to safe and stable housing					65%
% maintaining housing 6 months later					65%

If a client is counted in one quarter then they should not be counted in future quarters as this is a cumulative report.

Narrative:

On a separate page, please include as applicable:

- Updates and information on program changes that affect continuum of Homeless Youth Services
- Activities that show increase in coordination with other homeless and mainstream services systems
- Information re: data tracking the number and percentage of participants who move directly into permanent housing (includes those who move prior to completion of program) and the percentage who maintain permanent housing 12 months after placement
- Changes, improvements, or programmatic/systemic issues that affecting placement of youth into permanent housing.
- Crosswalk data or program reports re: program are welcome

EXHIBIT C
MULTNOMAH COUNTY: PILOT FUNDED
HOMELESS PROGRAMS: DIRECT CLIENT ASSISTANCE

I. AUTHORITY

The provision of services and housing options, including emergency shelter, is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City, from time to time, has Payment in Lieu of Taxes (PILOT) funds that can be used for support services for persons who are homeless. Multnomah County, through its Office of School and Community Partnerships, administers a variety of housing and service programs for persons who are homeless. The City and the County, through their jointly appointed citizen oversight committee - the Housing and Community Development Commission - agree to cooperatively develop and maintain services and housing for persons who are homeless.

II. SCOPE OF SERVICES

An estimated \$317,787 (plus \$8,747 in one time resources) in PILOT funds are made available through a clearinghouse and are contracted for the following services:

- A. Direct client assistance (deposits, rent or mortgage assistance, moving assistance, transportation assistance, etc.) linked with transitional or permanent housing which leads to or removes barriers to housing stabilization. A wide variety of agencies have access to PILOT funds through the clearinghouse. These agencies determine eligibility of households for the assistance and authorize payment to landlords or households. These agencies are also responsible for following up on client outcomes.
- B. One time carry over of \$8,747 of funds shall be used for medical vouchers for adults waiting for TB cards or with other serious health issues at the Salvation Army, Harbor Light facility.
- C. PILOT funds may not be used for agency staff, shelter, or transitional housing.

III. PERFORMANCE MEASURES

- A. SUBRECIPIENT will track and report on the achievement of the following levels of service (outputs) during the period of this Contract:
 - ☐ Serve at least 104 households will receive rent assistance using PILOT funds. County will provide data to BHCD on household composition (the number/percentage of households that are families with dependent children & number/percentage of adult only households).
 - ☐ Agencies will report data using OSCP's Crosswalk Data Collection System, or other data system as determined by the County.
 - ☐ Number of adults provided medical vouchers through Harbor Light. It is expected that approximately 36 individuals or households will be provided medical vouchers.
- B. SUBRECIPIENT will track and report on the achievement of the following accomplishments during the period of this Contract.
 - ☐ 65% of families will remain in stable housing six months after receiving rent assistance
 - ☐ 65% of single individuals will remain in stable housing six months after receiving rent assistance
 - ☐ 50% of families will remain in stable housing twelve months after receiving rent assistance

- ☐ 50% of single individuals will remain in stable housing twelve months after receiving rent assistance

IV. REPORTING REQUIREMENTS

- A. **Subcontractor Plans and Outcomes:** County will provide the City with subcontractor service plans and outcome performance goals upon execution of the annual subcontracts pursuant to this Exhibit.
- B. **Quarterly Reports:** Except as provided by subsection C. below, County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) expenditures by program areas and subcontractors; 2) client demographics by program areas and subcontractors; and 3) performance assessments by program areas and subcontractors.
- C. **Final Reports:** County shall submit a final report as its fourth quarter report. The final report shall include:
 - 1. Year-end expenditures by program area and subcontractors
 - 2. Year-end performance assessments by program areas and subcontractors
 - 3. Number of households and individuals served by program areas and subcontractors
 - 4. Client demographics by program area and subcontractors, including ethnicity, age, and sex of all recipients of services provided pursuant to this Contract
 - 5. Performance data related to Section III
- D. **Outside Evaluation:** County shall participate in the evaluation of City funded rental assistance programs as a component of determining effectiveness of such programs compared to Transitions to Housing Pilot Project and the Rental Assistance Supplement Program.
- E. **Reporting format** will substantively resemble tables C-1 and C-2 to include all required information and data for quarterly and final reports.

V. COMPENSATION AND METHOD OF PAYMENT

- A. Pilot funds are available under this Contract in connection with a separate IGA between the Housing Authority of Portland, City of Gresham, Multnomah County and the City of Portland.
- B. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.
- C. No funds under this Contract may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into Contracts without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, pro-rated to reflect the use of said equipment by CITY-funded programs.
- D. It is agreed that total compensation under this Contract shall not exceed THREE HUNDRED AND TWENTY-SIX THOUSAND AND FIVE HUNDRED AND THIRTY-FOUR DOLLARS (\$326,534) OF PILOT FUNDS.

VI. CITY PROJECT MANAGER

- A. The CITY Project Manager shall be Liora Berry, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.

- B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this Contract as provided herein, and to carry out all other CITY actions referred to herein.

TABLE C-1

Project Report for Multnomah County – PILOT funds in Clearinghouse

BENEFICIARY DATA

Reporting Period From: _____ To: _____

Unduplicated Demographic Information

Participant Information	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	YTD
Households/Individuals					

1. Gender

Males					
Females					
Gender Total*					

2. Race

Ethnicity	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H
White										
Black/African American										
Asian										
American Indian/Alaskan Native										
Native Hawaiian/Other Pacific Islander										
American Indian/Alaskan Native & White										
Asian & White										
Black/African American & White										
Am. Indian/Alaskan Native & Black/African American										
Other										
Total*										

3. Age

0-18					
18-21					
21-30					
31-50					
Over 51					
Age Total*					

4. Other Characteristics

Veteran					
Employed					
Female Headed Households					
Disabled/Special Needs					
Adult households					
Households with children under 18					

*Totals Should Equal

TABLE C-2

**Project Report for Multnomah County – PILOT funds in Clearinghouse
Outcome and Reporting Data**
Reporting Period From: _____ To: _____

	1 st Quarter	1 st & 2 nd Quarter	1 st , 2 nd & 3 rd Quarter	1 st , 2 nd , 3 rd , 4 th Quarter	Year End Goals
# of unduplicated Households/Individuals Served					104
% adult households in safe and stable housing 6 months from time of final assistance					65%
% families in safe and stable housing 6 months from time of final assistance					65%
% adult households in safe and stable housing 12 months from time of final assistance					50%
% families in safe and stable housing 12 months from time of final assistance					50%
# individuals/households provided medical vouchers via Salvation Army					36

Each household should only be counted one time as this is a cumulative report.

Narrative:

On a separate page, please include as applicable:

- Updates and information on program changes that affect PILOT assistance through Clearinghouse
- Continued information on assistance by subcontractor/agency
- Any other useful information, such as Crosswalk data or reports from providers relevant to this contract are also welcome.

EXHIBIT D
MULTNOMAH COUNTY: HOUSING INVESTMENT FUNDS
SALVATION ARMY WINTER DAY SHELTER FOR HOMELESS FAMILIES

I. AUTHORITY

The provision of services and housing options, including winter day shelter and related services such as meals for families, is a major goal of the City of Portland and part of the City of Portland Consolidated Plan. The City has \$26,487 in Housing Investment Funds (HIF) that can be used for such efforts. Multnomah County, through its Office of School and Community Partnerships, administers a variety of housing and service programs for families who are homeless. The City and the County, through their jointly appointed citizen oversight committee - the Housing and Community Development Commission - agree to cooperatively develop and maintain services and housing for persons who are homeless.

II. SCOPE OF SERVICES

County will oversee the delivery of winter day shelter and related services such as meals for families by the Salvation Army. The family day shelter will provide space for homeless families during the day starting November 1, 2004 and ending March 31, 2005.

HIF funds totaling \$26,487 are available to pay for the delivery of family day shelter by the Salvation Army.

The County shall work with the Salvation Army to achieve the following performance and outcome goals:

III. PERFORMANCE MEASURES

A. **SUBRECIPIENT** will track and report on the achievement of the following levels of service (outputs) during the period of this Contract:

- 50 families, 150 people will access day shelter services
- 1,400 meals will be provided to those accessing day shelter services

IV. REPORTING REQUIREMENTS

A. **Subcontractor Plans and Outcomes:** County will provide the City with subcontractor service plans and outcome performance goals upon execution of the annual subcontracts pursuant to this Exhibit.

B. **Quarterly Reports:** Except as provided by subsection C. below, County will provide the City with quarterly performance within thirty (30) days from the end of each quarter. Quarterly reports shall include: 1) expenditures by the subcontractor; 2) number of clients (unduplicated) served; 3) number of shelter nights provided; and 4) ethnic and racial data, and 5) performance assessments.

C. **Final Reports:** County shall submit a final report as its fourth quarter report. The final report shall include:

1. Year-end expenditures by the subcontractor
2. Year-end performance assessments
3. Number of individuals served
4. Client demographics including ethnicity, and sex of all recipients of services
5. Performance data related to Section III.

D. **Reporting format** will substantively resemble tables D-1 and D-2 to include all required information and data for quarterly and final reports.

V. **COMPENSATION AND METHOD OF PAYMENT**

- A. The SUBRECIPIENT will be compensated for the above described services. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service.
- B. No funds under this Contract may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into Contracts without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, prorated to reflect the use of said equipment by CITY-funded programs.
- C. It is agreed that total compensation under this Contract shall not exceed TWENTY-SIX THOUSAND, FOUR HUNDRED AND EIGHTY SEVEN DOLLARS (\$26,487) OF HOUSING INVESTMENT FUNDS.

VI. **CITY PROJECT MANAGER**

- A. The CITY Project Manager shall be Liora Berry, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this Contract as provided herein, and to carry out all other CITY actions referred to herein.

TABLE D-1

Project Report for Multnomah County – Salvation Army Day Shelter for Families

BENEFICIARY DATA

Reporting Period From: _____ To: _____

Unduplicated Demographic Information

Participant Information	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	YTD
Households/Individuals					

1. Gender

Males					
Females					
Gender Total*					

2. Race

Ethnicity	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H
White										
Black/African American										
Asian										
American Indian/Alaskan Native										
Native Hawaiian/Other Pacific Islander										
American Indian/Alaskan Native & White										
Asian & White										
Black/African American & White										
Am. Indian/Alaskan Native & Black/African American										
Other										
Total*										

3. Age

0-18					
18-21					
21-30					
31-50					
Over 51					
Age Total*					

4. Other Characteristics

Veteran					
Employed					
Female Headed Households					
Disabled/Special Needs					

*Totals Should Equal

TABLE D-2

Project Report for Multnomah County – Day Shelter for Families
Outcome and Reporting Data
Reporting Period From: _____ To: _____

	1 st Quarter	1 st & 2 nd Quarter	1 st , 2 nd , 3 rd Quarter	1 st , 2 nd , 3 rd & 4 th Quarter	Year End Goal
# of unduplicated Households/Individuals Served					50 families 150 people
# of meals served					1,400

Narrative:

On a separate page, please include as applicable:

- Updates and information on program changes that affect Winter Day shelter for families
- Any information related to subcontractor and program performance as needed

EXHIBIT E
MULTNOMAH COUNTY: COMMUNITY DEVELOPMENT BLOCK GRANT
PUBLIC SAFETY: GANG PROJECT

I. AUTHORITY

The provision of public safety services including outreach services to gang involved and affected youth is a major goal of the City of Portland and part of the City's Consolidated Plan. The City has \$89,418 in Community Development Block Grant funds budgeted for such efforts. Multnomah County through its Office of School and Community Partnerships administers programs for gang involved and affected youth. The City and the County agree that the County will administer the contract for the provision of the outreach services.

II. SCOPE OF SERVICES

The County shall provide the following services relative to gang outreach.

- A. Develop a contract with the House of Umoja to provide
 1. Crisis intervention,
 2. Case coordination and resource identification/development and referral,
 3. Special event/regularly scheduled event/situational coverage, and
 4. Public education/technical assistance.
- B. Require that the City funding benefit low-income individuals/families. This requires that income is tracked by subrecipient by census tract/block group as directed by the Bureau of Housing and Community Development in Contract with federal requirements.
- C. In coordination with the Bureau of Housing and Community Development and Multnomah County, the House of Umoja shall develop output and outcome measures, and timelines, which will be tracked and reported to the City.
- D. Require compliance with all CDBG and other pertinent federal requirements and regulations.

III. PERFORMANCE MEASURES

- A. SUBRECIPIENT will track and report on the achievement of the following levels of service (outputs) during the period of this Contract:
 - 125 youth will receive short term case management
 - A minimum of 70% of youth receiving case management will reside in a City of Portland low-income neighborhood.
 - 3,150 individual outreach contacts will be made
 - 115 special and regularly scheduled events will receive crisis response and situational coverage
 - 100 school response and interventions will be provided

IV. REPORTING REQUIREMENTS

- A. **Quarterly Reports.** The County will provide the City with quarterly performance reports within thirty (30) days from the end of each quarter. Quarterly reports shall include:
 1. Performance data related to Section III.
 2. Client demographics including ethnicity, race, gender and income data of all recipients of services provided pursuant to this Contract.
 3. Narrative or tabulative information related to program activities
 4. Year-end expendituresThe House of Umoja may submit directly to the Bureau of Housing and Community Development the income eligibility information on youth served.

V. COMPENSATION AND METHOD OF PAYMENT

- A. The City will reimburse the SUBRECIPIENT for expenses upon receipt of an itemized statement of expenditures. The SUBRECIPIENT will maintain documentation of all expenses and make such records available for inspection by the City upon request.
- B. The payments made under this Contract shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment and incidentals necessary to perform the work and services.
- C. No funds under this Contract may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into Contracts without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, prorated to reflect the use of said equipment by CITY-funded programs.
- D. All funds received by the SUBRECIPIENT, whether for actual or anticipated expenditures, must be disbursed within three (3) working days of receipt.
- E. That total compensation under this Contract shall not exceed EIGHTYNINE THOUSAND FOUR HUNDRED AND EIGHTEEN DOLLARS (\$89,418) OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS.

VI. CITY PROJECT MANAGER

- A. The CITY Project Manager shall be Karen Belsey, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder to give notices referred to herein, to terminate this Contract as provided herein, and to carry out all other CITY actions referred to herein.

TABLE E-1

**Project Report for Multnomah County – Youth Gang Outreach
BENEFICIARY DATA**

Reporting Period From: _____ To: _____

Participant Information	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	YTD
Households/Individuals					

1. Gender

Males					
Females					
Gender Total*					

2. Race

Ethnicity	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H
White										
Black/African American										
Asian										
American Indian/Alaskan Native										
Native Hawaiian/Other Pacific Islander										
American Indian/Alaskan Native & White										
Asian & White										
Black/African American & White										
Am. Indian/Alaskan Native & Black/African American										
Other										
Total*										

3. Age

0-18					
18-21					
21-30					
21-50					
Over 51					
Age Total*					

***Totals Should Equal**

4. Other Characteristics

# of youth receiving short-term casemanagement/coordination					
Number of these youth who live in City of Portland low-income neighborhoods					

TABLE E-2

**Project Report for Multnomah County – Youth Gang Outreach
Outcome and Reporting Data**
Reporting Period From: _____ To: _____

	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	YTD	GOAL
# of youth receiving short term case management						125*
# of these youth residing in low-income Portland neighborhoods**						--
# of individual contacts made						3,150
# of special and regularly scheduled events will receive crisis response and situational coverage						115
# of school response and interventions provided						100

*Unduplicated YTD may not necessarily match the sum of the quarterly unduplicated count, since one client may be served in more than one quarter.

**As defined by 03-04 and 04/05 census maps

EXHIBIT F
MULTNOMAH COUNTY: GENERAL FUND
YOUTH EMPLOYMENT AND EMPOWERMENT PROGRAM (YEEP)

I. AUTHORITY

The City of Portland has committed to supporting a coalition of business, nonprofit service agencies, and government entities that are working together to provide and coordinate services to young people involved in or affected by gangs. The goal of this coalition is to provide gang-impacted youth with career based employment opportunities. The City has \$184,576 in General Funds budgeted for such efforts. The City has designated Multnomah County to coordinate and provide service to this population through contracts with a number of community-based agencies. Funding is provided by the City of Portland and Multnomah County.

II. SCOPE OF SERVICES

- A. SUBRECIPIENT will oversee the delivery of YEEP services to be performed by designated subcontractors.
- B. The County will subcontract with Portland Opportunities Industrialization Center to operate the Youth Employment and Empowerment Program. This will involve program administration and coordination services including:
 - Subcontracting with YEEP agencies based upon performance. At the outset of the contract year, agencies will include:
 - Portland Opportunities Industrialization Center
 - Emmanuel Community General Services
 - International Refugee Center of Oregon
 - Open Meadow Learning Center
 - Portland House of Umoja
 - Management of funds related to benchmark payments and YEEP agencies' administration
 - Management and reporting of program data
 - Coordination and support of case managers through weekly meetings
 - Disbursement and tracking of Client Services Funds
 - Hiring and Supervision of a Job Developer
 - Pre-Employment Certification for participating youth
 - Maintaining guidelines for participation and termination of YEEP agencies
- C. The County will waive all administrative costs associated with this project.
- D. The target population (eligibility criteria) served through this project includes:
 - 1. Gang-impacted youth as defined by one or more of the following criteria:
 - Adjudicated and/or diverted for a crime with or against other gang members
 - Is on a gang parole/probation unit caseload
 - Identified by law officer as gang impacted
 - Known as a gang member by a case manager or has been a gang member
 - Sells or has sold drugs in an area police identified as gang territory
 - Juvenile Justice involved (arrested for non-statutory offense, adjudicated or in a diversion program
 - Boyfriend/girlfriend of an adjudicated gang member
 - Involved in persistent and escalating criminal activities
 - Has household member who meets first two criteria
 - 2. Ages 16 and older;
 - 3. Males and females.

- E. The services targeted at this population may include, but are not limited to, the following:
1. Pre-employment Preparation, Training, and Certification: This includes needs assessment, resume preparation, application writing, interviewing, career exploration, learning employment requirements (Social Security number, photo ID, Work Permits, alcohol & drug assessment and screening, Birth Certificate), as well as certification of employability.
 2. Job Readiness Skills/Work Maturity Training/Career Exposure: Teaching importance of positive attitudes and behaviors, being consistently punctual, maintaining regular attendance, presenting appropriate appearance, exhibiting good interpersonal relations, completing tasks effectively and in a timely manner, giving attention to instructions from supervisors, giving meaningful feedback to supervisor.
 3. Job Development and Placement Assistance: Identification of employers interested in hiring YEEC youth, information sharing with coalition partners regarding available jobs, coordinating employer trainings and workshops.
 4. Job Site Monitoring: Consultation and mediation with the employer and the youth to resolve difficulties, individual and group conferences to improve workplace attitude, support for the youth and employer to maintain a positive employment situation.
- F. These services will be provided through a collaborative effort of participating agencies. The service delivery model will include the following elements:
1. Intake
 - a) Multiple entry points for youth. All participating agencies will refer and serve youth.
 - b) Youth will be assessed for current level of academic functioning and employability. A common assessment process will be used by all providers for both the reading and non-reading client.
 - c) Agencies will conduct a uniform intake and collect common client information.
 - d) Agencies will insure that youth have any essential employer required information.
 2. Pre-employment Training
 - a) Standardized Pre-Employment Training for all participants. This may be provided through each participating agency or be centralized.
 - b) The Youth Employment and Empowerment Program (YEEP) Job Development Specialist will provide pre-employment testing and certification.
 - c) Youth will be evaluated for work maturity skills. Youth who have acquired work maturity skills and the accepted levels will be referred for a job placement interview. Youth who have not acquired work maturity skills will remain in extended pre-employment training and referred for other services as deemed necessary.
 3. Job Placement and Job-Site Monitoring
 - a) The YEEP Job Development Specialist will act as the single point of contact for job referrals. This individual will accept all job referrals, bring them to the participating agencies and coordinate the assignment of job referrals for interviews. Participating agencies will meet regularly to coordinate referrals to ensure a timely response to employers.
 - b) The participating agencies will refer a pool of applicants to the employers for jobs.
 - c) Once a youth is hired, the participating agencies will provide job site monitoring services. The agencies will have regular contact with the youth and the employer and act as a resource to assist in resolving difficult situations. The agency will continue to provide support to insure a positive experience for the youth and the employer as long as needed.

- G. Services funded by the CITY must result in demonstrable outcomes that contribute to the attainment and retention of unsubsidized jobs.
- H. Though some SUBRECIPIENT programs are focused on serving specific populations, no applicant may be denied access to any CITY-funded program, whether run directly by the SUBRECIPIENT or through a subcontractor, due to race or gender.
- I. The SUBRECIPIENT will include mention of the CITY's participation in this project, through the Bureau of Housing & Community Development, in all publicity to local media.
- J. The SUBRECIPIENT will maintain all records for the project, including performance; client eligibility; ethnic, gender, residence zip code and age data; and fiscal data, for a minimum of three years after termination of the contract. All records regarding the project, as well as general organizational and administrative information, will be made available to the CITY Project Manager, or other designated persons, upon request. At a minimum, records will be reviewed as part of the annual monitoring process.
- K. Additionally, the SUBRECIPIENT will require all subcontractors to maintain similar records and make them available, upon request, to the CITY Project Manager, or other designated persons. Records of subcontractors will also be reviewed as part of the annual monitoring process.
- L. All staff positions paid for with CITY funds, whether employees of SUBRECIPIENT or any subcontractor, are required to maintain time records indicating the number of hours worked on CITY-funded projects.
- M. Any changes to the Scope of Services must be approved in writing by the CITY Project Manager.

III. PERFORMANCE MEASURES

- A. SUBRECIPIENT will track and report on achievement of the following levels of service (outputs) during the period of this Contract:
 - ☐ 85 gang-impacted youth will be served.
 - ☐ 58 youth will graduate from pre-employment training
- B. SUBRECIPIENT will track and report on achievement of the following accomplishments (outcomes) during the period of this Contract:
 - ☐ 51 youth will be placed in jobs
 - ☐ During this year, 37 youth served will reach their 60-day successful employment benchmark
 - ☐ During this year, 36 youth served will reach their 90-day successful employment benchmark
 - ☐ During this year, 35 youth served will reach their 120-day successful employment benchmark

IV. PERIODIC REPORTING REQUIREMENTS

- A. On a quarterly basis SUBRECIPIENT will submit to the Bureau of Housing and Community Development a progress report including information related to participant demographics and identified performance measures. Payment will be based on receipt of these reports. Program reports will contain:
 - ☐ Demographic data regarding gender and ethnicity using the aggregate beneficiary portion of the report form attached as "Attachment F-B."

- ☐ Performance data related to Section II as well as information regarding the number of carry over youth from the previous fiscal year served using the progress portion of the report form attached as "Attachment F-B."

Reports also will include a narrative description of the YEEP program including:

- A list of current coalition service providers
- Special activities or accomplishments
- Developing relations with employers
- Challenges and lessons learned
- Anticipated changes including changes in service providers, services, etc.

Reports are due to the Bureau within 30 days of the end of the reporting period on the following dates:

1st Quarter -	October 30, 2004
2nd Quarter -	January 30, 2005
3rd Quarter -	April 30, 2005
4th Quarter -	July 20, 2005

- C. Financial reports regarding expenditures of all dollars associated with the contract for this project according to the budget included as Attachment "F-A" will be submitted within 30 days following the end of the quarter according to the above schedule and will include:
 - ☐ Program expenditures for the quarter by gross service element as well as payment summary detail by provider.
- D. All required reports must accompany the billing of each quarter in order for the billings to be paid.

V. COMPENSATION AND METHOD OF PAYMENT

- A. The SUBRECIPIENT will be compensated for the above-described services through CITY General Fund. The payment shall be full compensation for work performed, for services rendered, and for all labor, materials, supplies, equipment, and incidentals necessary to perform the work and service. Funds will be disbursed to the SUBRECIPIENT, per the budget attached as Attachment "F-1," for actual expenditures as follows:
 - 1. Payments to the SUBRECIPIENT for eligible expenses will be made quarterly, upon submission of a statement of expenditures and performance report using the invoice form included as "Attachment F-4." Expenditures will be listed by gross service element, using the same line items as are listed in the budget, attached hereto as Attachment "F-1."
 - 2. The SUBRECIPIENT will keep vendor receipts and evidence of payment for materials and services and time records and evidence of payment for program wages, salaries, and benefits, and SUBRECIPIENT services. Requests for payment will be submitted to the Bureau of Housing and Community Development.
- B. Any reallocation of funds between budget line items or between programs, as shown in the attached budget, must be approved in writing by the CITY Project Manager prior to making the change.

No funds under this Contract may be used to purchase non-expendable personal property or equipment, either by the SUBRECIPIENT or any subcontractors with whom the SUBRECIPIENT enters into Contracts without prior written permission from the CITY Project Manager. Funds may be used to pay for lease or rental costs of equipment, prorated to reflect the use of said equipment by CITY-funded programs.

- C. It is agreed that total compensation under this Contract shall not exceed ONE HUNDRED AND EIGHTY-FOUR THOUSAND FIVE HUNDRED AND SEVENTY-SIX DOLLARS (\$184,576) IN GENERAL FUNDS.

VI. CITY PROJECT MANAGER

- A. The CITY Project Manager shall be Karen Belsey, or such person as shall be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The CITY Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this Contract as provided herein, and to carry out all other CITY actions referred to herein.

**Multnomah County: General Fund
Youth Employment and Empowerment Program**

BUDGET

July 1, 2004 - June 30, 2005

Network Coordination	\$90,273
<i>Job Developer, Program Coordinator, Fiscal & Administration</i>	

Employment Administration:	\$43,376
<i>5 agencies x 12 months x \$723/month</i>	

Outcome Payments:	\$43,427
<i>51 placements @ \$216/placement =</i>	<i>\$11,016</i>
<i>37 youth @ \$505/60 day retention =</i>	<i>\$18,685</i>
<i>36 youth @ \$216/90 day retention =</i>	<i>\$ 7,776</i>
<i>35 youth @ \$170/120 day retention =</i>	<i>\$ 5,950</i>

Client Assistance	\$ 7,500
--------------------------	----------

<u>TOTAL</u>	<u>\$184,576</u>
---------------------	-------------------------

**Youth Employment and Empowerment Program
Project Report**

Section 1: AGGREGATE BENEFICIARY DATA

Reporting Period From: _____ To: _____

Participant Information	1 st Quarter	2 nd Quarter	3 rd Quarter	4 th Quarter	YTD
Individuals					

1. Gender

Males					
Females					
Gender Total*					

2. Race

Ethnicity	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H	Hisp anic	Non H
White										
Black/African American										
Asian										
American Indian/Alaskan Native										
Native Hawaiian/Other Pacific Islander										
American Indian/Alaskan Native & White										
Asian & White										
Black/African American & White										
Am. Indian/Alaskan Native & Black/African American										
Other										
Total*										

3. Age

14-15					
16-18					
19-21					
Age Total *					

***Totals Should Equal**

ATTACHMENT F-3

Youth Employment and Empowerment Program

Project Report

Section II: Performance Report

Reporting Period From: _____ To: _____

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Total YTD	Total Goal
Outputs						
# of gang impacted youth served each quarter						85
# of carry over youth from previous fiscal year served each quarter						
# of youth to successfully complete the pre-employment training (PET).						58
Outcomes						
# of youth placed in jobs						51
# of youth placed in full time unsubsidized jobs						
# of youth placed in part time unsubsidized jobs						
# youth that reach their 60-day successful employment benchmark						37
# youth that reach their 90-day successful employment benchmark						36
# youth that reach their 120-day successful employment benchmark						35

Progress Narrative: Please detail the following: A list of current coalition service providers; special program activities or accomplishments; program challenges and lessons learned; anticipated changes, including changes in service providers, services, etc.

**MULTNOMAH COUNTY
REQUEST FOR PAYMENT***

Project Name: Youth Employment and Empowerment Program Request For Payment # _____

Project Sponsor: _____

Billing Period: _____

BUDGET CATEGORY	CONTRACTED BUDGET	AMOUNT THIS BILL	AMOUNT BILLED TO DATE	BALANCE
Network Coordination	\$ 90,273			
Employment Administration	43,376			
Outcome Payments	43,427			
Client Assistance	7,500			
TOTAL	\$184,576			

In addition, please provide billing detail.

Total Amount Requested _____

Prepared By _____ Phone # _____

Approved By _____

**NOTE: Please reproduce this form on agency letterhead or submit a cover letter to this invoice that includes total requested and authorizing signature.*

EXHIBIT G
MULTNOMAH COUNTY: HOME FUNDS
PROGRAM DELIVERY: HOME INVESTMENT PARTNERSHIP PROGRAM

I. AUTHORITY

The Portland HOME Consortium is the recipient of funding under the U.S. Department of Housing and Urban Development HOME Investment Partnership Program (authorized by Public Law 101-625, Title II, November 26, 1990) for the development of affordable housing for low and moderate income households. Multnomah County (SUBRECIPIENT) is a member of the Portland HOME Consortium as a signatory of the Consortium Contract, dated June 28, 2000. The City of Portland is the lead agency for the Consortium, and as such is responsible for applying for, and receiving and managing HOME grant funds. Under the terms of the Consortium Contract, a portion of the HOME grant is attributable to Multnomah County's participation in the Consortium, and Multnomah County is entitled to plan for the expenditure of such funds. Through the Multnomah County budget process they have determined how to allocate funds and assigned implementing agencies.

The Budget (Table J-1) provides detail regarding Multnomah County's HOME allocation from the Consortium for FY 2004-05. There is a total of \$185,287 available for Multnomah County in new FY 04-05 HOME funds and \$87,467 in FY 03-04 carryover. In FY 04-05, Multnomah County will implement a portion of the HOME Program in the amount of \$99,588. The balance of Multnomah County's FY 04-05 HOME allocation, \$173,165, will be administered by the City of Portland or contracted to other implementing agencies for CHDO Operating Support to Human Solutions, Inc., the City's HOME administrative expenses, a Tenant-Based Rental Assistance Program administered by the Housing Authority of Portland. The City will provide periodic updates regarding the status of Multnomah County's HOME commitments and expenditures.

The breakout of Multnomah County's FY 2004-05 HOME allocation is set out in the table below:

Table G - 1 FY 2004-05 Multnomah County HOME Funds		
Total FY 04-05 Allocation: \$185,287		
Total FY 03-04 Carryover: \$87,467		
	ACTIVITY	AMOUNT
Mult. County HOME Funds Implemented by Multnomah County	Mult. Co. Admin	\$8,522
	West Gresham Apartments	\$76,529
	04/05 Development Fund (unprogrammed)	\$14,536
	Total Multnomah County	\$99,588

<i>Multi-County HOME Funds Implemented by City of Portland</i>	Consortium Admin	\$7,583
	CHDO Operating Supp – HSI	\$9,264
	TBRA – HAP Program	\$9,554
	TBRA – HAP Admin	\$2,423
	Willow Tree Apartments	\$144,341
	Total Portland	\$173,165
<i>Multi-County HOME Funds Implemented by City of Gresham</i>	N/A	0
	Total Gresham	0
<i>Allocation Total</i>		\$269,154

Unexpended HOME funding allocated to Multnomah County in Contracts covering prior fiscal years may be allocated by a future amendment to this Contract.

II. SCOPE OF SERVICES

The SUBRECIPIENT has committed or will commit its allocation of HOME funds to eligible projects and activities administered by various implementing agencies.

Funds provided directly to Multnomah County under this Contract will support staff and operating costs associated with program delivery and administration of Multnomah County's HOME program activities.

III. REPORTING REQUIREMENTS

The SUBRECIPIENT shall provide such reports and other information as may be required by the City from time to time. These reports shall be in the format and meet the timelines determined by the City. Reports or other information may be required as necessary for the City to track compliance with all federal regulations of the HOME Program, to provide required information to the U.S. Department of Housing and Urban Development, and to make such internal reports as may be required by the City.

IV. COMPENSATION AND METHOD OF PAYMENT

- A. The City will pay the SUBRECIPIENT for actual or anticipated expenses in accordance with the Budget (Table J-1) upon submission of an itemized statement of expenditures.
- B. It is agreed that total compensation under this Contract shall not exceed NINETY-NINE THOUSAND FIVE HUNDRED EIGHTY-EIGHT (\$99,588) OF HOME FUNDS.

V. CITY PROJECT MANAGER

- A. The City Project Manager shall be Andrea Matthiessen or such other person as may be designated in writing by the Director of the Bureau of Housing and Community Development.
- B. The City Project Manager is authorized to approve work and billings hereunder, to give notices referred to herein, to terminate this Contract as provided herein, and to carry out any other City actions referred to herein.

VI. HOME INVESTMENT PARTNERSHIP PROGRAM REQUIREMENTS

A. HOME Investment Partnership Regulations

All activities under this Contract are subject to the regulations governing the HOME Investment Partnership Program contained in 24 CFR 92 and such notices, circulars and other materials as may be issued by the U.S. Department of Housing and Urban Development. These regulations are incorporated by reference in this Contract. The SUBRECIPIENT is responsible for compliance with all such regulations.

A variety of cross-cutting regulations referred to in the HOME regulations contained at 24 CFR 92 will apply to this Contract. These include, but are not limited to, Davis-Bacon, Uniform Real Property Acquisition and Relocation Act, Environmental Review, Flood Insurance, Lead-based Paint, Debarment and Suspension, etc. These regulations are incorporated by reference in this Contract. The SUBRECIPIENT is responsible and shall comply with all such applicable regulations.

All program income generated from HOME-funded activities will be returned by the SUBRECIPIENT to the Local HOME Account maintained by the City. Program income will be reprogrammed for eligible activities under the HOME Program as determined by the City.

Definitions

Integrated Disbursement and Information System (IDIS): The system for managing disbursement of funds in the HOME Program.

Community Housing Development Organization (CHDO): A community-based, nonprofit housing organization as defined at 24 CFR 92.2.

Period of Affordability: The length of time that HUD tenant guidelines, rent affordability, Housing Quality Standards and other compliance regulations apply to a particular project. The period of affordability will vary based on the HOME activity and the amount of subsidy provided to the project per 24 CFR Part 92.252.

- B. Under the terms of the HOME Consortium Contract (Contract # 50903), dated July 24, 1997, the City of Portland retains the authority to amend this Contract for failure of the SUBRECIPIENT in performing this Contract to meet any of the obligations imposed on it as a member of the Portland HOME Consortium.
- C. The SUBRECIPIENT will be responsible for performing all actions necessary to comply with the environmental review requirements contained in 24 CFR 92.633. The SUBRECIPIENT may not commit any HOME funds to projects nor allow any activities that would have an adverse environmental impact or limit the choice of reasonable alternatives until the environmental review requirements contained in 24 CFR 92.633 and 24 CFR Part 58 have been met. The SUBRECIPIENT will be responsible for preparing all review documents and publishing all required public notices on behalf of the City and shall identify the City to receive any public comments. The City is the Certifying Officer for purposes of these requirements. The City will process all necessary Requests for Release of Funds (RROF). When the RROF has been approved by HUD, the City will notify the SUBRECIPIENT that funds may be committed to the project. All review documentation, correspondence, public notices and other documents pertaining to environmental review shall be maintained by the City.

D. Funds under this Contract must be obligated, committed and expended in the IDIS System according to the timelines described in the HOME regulations.

E. Monitoring for Regulatory Compliance

1. The SUBRECIPIENT will be responsible for assuring that all projects developed under this Contract are monitored for compliance with HOME regulations contained in 24 CFR 92 including all other applicable federal regulations such as Davis-Bacon, Lead Based Paint, etc.
2. The SUBRECIPIENT shall assure that each HOME funded project is monitored throughout the predevelopment, development and rent-up phases to insure that the project initially complies with the HOME and all other applicable federal regulations. No less than 90 percent of rental units developed under this Contract must be occupied by households whose annual incomes are at or below 60% of the area median income at initial occupancy. The remaining units must be occupied by households at or below 80% of area median income.
3. The SUBRECIPIENT shall also be responsible for assuring ongoing monitoring during the period of affordability for each project. This monitoring shall include required housing quality inspections, compliance with rent guidelines, and income verification of tenants, as well as any other periodic monitoring requirement under the HOME regulations. The SUBRECIPIENT shall allow for inspection or provide copies of reports of monitoring findings to the City as requested by the City.
4. If at any time during the period of affordability a project is found by HUD not to qualify as affordable housing, the SUBRECIPIENT will be responsible for repaying such funds to the City subject to first pursuing corrective and remedial actions and sanctions authorized at 24 CFR 92.551 and 552



Multnomah County Employees Union
American Federation of State, County and Municipal Employees
Oregon Council 75, AFL-CIO



Local 88

1125 SE Madison St, Room 100-A
Portland, Oregon 97214
www.local88.ws

- Officers -

Marla Rosenberger, Pres
Mary Orr, VP
Rebecca Steward, Secretary
Maurice Miller, Treasurer

- Executive Board -

Naomi Angier
Larry Bartasavich
Carolyn Frazier
Madolyn Frazier
Bruce Kosharek
Tressa Kovachevich
Gary Magnuson
Jackie Tate
Chris Thayer
Chris Tobkin
Christina Witka

- Chief Stewards -

Robert Clark
Jody Darr-Block
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Janet Irwin
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Debra Kidney
Bryan Lally
Eileen O'Connell

- Webmaster -

Lawrence J Bartasavich

The Officers and Executive Board of Multnomah County Employees Union American Federation of State, County, and Municipal Employees

LOCAL 88

*Request the honour of your presence
at their annual
Holiday Party*

*When: Wednesday, December 15, 2005
6:00 - 9:00 p.m.*

*Where: Ambridge Event Center
300 NE Multnomah St.
Portland, Oregon*

*Details: Light hors d'oeuvres and no host bar
Music, dancing, door prizes, company and
conversation with members of Local 88*



AFSCME
LOCAL 88
HOLIDAY PARTY

(Members & Immediate Household)
AMBRIDGE EVENT CENTER
300 NE MULTNOMAH

(NORTH OF MAX AND THE PORTLAND CONVENTION CENTER)

(Ride Max and save parking costs – lot parking is not paid by the local)

Wednesday – December 15, 2004
6:00 p.m. – 9:00 p.m.

light hors d'oeuvres served
(No Host Bar)

BE RESPONSIBLE DON'T DRINK & DRIVE

Door Prize Drawings
Music by Leslie Taylor, member Local 88

Voluntary donations accepted at the door
cash for Labor's Community Service and
canned food for union food bank



**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: 12/9/04

SUBJECT: Parry Center

AGENDA NUMBER OR TOPIC: Public comment

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Colleen Sullivan

ADDRESS: 7310 N. Mohawk Ave.

CITY/STATE/ZIP: Portland, OR 97203

PHONE: DAYS: 503 680 0584 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: ATTACHED

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.

My name is Colleen Sullivan and I am a Treatment Counselor at the Parry Center for Children. *where we are currently on strike & have been since Nov. 29*

Good Morning and thank you for this opportunity to speak. I am here today because I want to tell you about working at the Parry Center and why the Commissioners action in this issue is so important.

In my 3 ½ years at the Parry Center I have watched as time and again talented and dedicated caregivers who were unable to afford living at poverty level wages were forced to leave the Parry Center. With a Bachelor's degree and wages between \$8.86 and \$9.28 an hour this should come as no surprise. What is surprising however is the fact that the devastating impact our high turnover has on the kids is being largely ignored. I know first hand of the consequences the children are being asked to experience. Not only is each departure another broken relationship in a string of many for our clients but it also means having to start at the beginning with another staff. When our team is in a constant state of flux we are not able to work consistently and effectively together. Care is compromised as well as the children's trust, but also safety becomes a new challenge. When you have caregivers at different stages in their training who don't have established relationships with staff or kids it is less likely that violent situations will be defused early on. It is also more likely that kids will act out because they sense that they are not safe.

As caregivers my coworkers and I are deeply concerned with these treatment issues. We came to the bargaining table 8 months ago with the hope and goal that they would be fairly addressed. Unfortunately no remedy has been put forth on the part of Parry Center and in fact bargaining has proved to be a one-way process. We came to the table to get

improved treatment of staff and children and now find ourselves fighting for Union Security as well.

My coworkers and I would like to see this dispute settled as quickly as possible so that we can get back to serving our clients. We have agreed to binding arbitration and believe that it is a fair process for which neither party should have any reason not to submit to. I believe that Parry Center's unwillingness to arbitrate calls into question a few important things. Why has Parry Center spent so much money on legal fees and security during this dispute when a cost of living increase for their workers would have cost them much less? Why are employees at Trillium's other campuses paid on average a dollar an hour more for the same job? Why is Parry Center keeping substandard care inside and the experienced workers on the sidewalk by refusing to arbitrate? Why aren't Parry Center for Children's priorities about the Children?

I want to close by Thanking the Commissioners for recognizing the gravity of this situation and for their action in encouraging both parties to submit to Binding Arbitration. The action of the Commissioners is clearly in the spirit of what is best for these children and will go a long way towards ensuring a brighter future for some of our most vulnerable citizens.

Thank You



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date:	12/09/04
Agenda Item #:	R-1
Est. Start Time:	9:30 AM
Date Submitted:	12/01/04

BUDGET MODIFICATION: -

Agenda Title: RESOLUTION Authorizing an Extension of Time for Development of the Morrison Property Disposition Plan

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

Date Requested:	12/9/2004	Time Requested:	15 Minutes
Department:	Non-Departmental	Division:	Comm. Maria Rojo de Steffey
Contact(s):	Matthew Lashua		
Phone:	503 988 5220	Ext.	85220
Presenter(s):	Commissioner Maria Rojo de Steffey		
I/O Address:	503/600		

General Information

1. What action are you requesting from the Board?

Approval of a resolution granting the community a six month extension to secure financial commitments including demolition of the Morrison Building and site improvements.

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

In March, 2002 the Multnomah County Board of Commissioners resolved to dispose of certain county-owned property, deeming them surplus (02-032). The Morrison Building, located at 2115 SE Morrison Street, was one of the buildings deemed surplus.

Commissioner Rojo de Steffey received communication from several members of the public regarding this property and facilitated a Board public hearing on January 21, 2004 to invite the community to learn more about the disposition of the Morrison property and to invite public comment. Because of the close proximity to the Lone Fir Cemetery, the meeting raised many concerns.

Based on participation from the community and the BCC, a Morrison Property Taskforce was

created by resolution (04-022).

The group was composed of Nancy Chase, representing Metro, Susan Lindsay representing the Buckman Community Association, Steve Oswald representing the Friends of the Lone Fir, Mirra Meyer representing the Oregon Commission on Historic Cemeteries, Richard Engeman representing the Oregon Historical Society, Paul Loney representing SE Uplift Neighborhood Program, Brian Carleton representing Carleton-Hart Architecture, Rebecca Liu representing the Chinese Benevolent Association.

It was chaired by Commissioner Rojo de Steffey and tasked with assessing the feasibility of all disposition options and devising a plan and recommendation for disposition of the Morrison property which would enhance the Buckman neighborhood and be in the best interest of the county.

After meeting once a month for nine months the Taskforce has made a recommendation. It recommends:

- The Morrison property be re-dedicated to the Lone Fir Cemetery for cemetery uses.
- The county provide a six month period while a community-driven plan is developed. This plan will present a concept design and finance strategy for the property, including demolition of the Morrison Building and site improvements.
- The county will continue to provide technical assistance for the community-driven plan.

The Board accepts one of the recommendations of the Task Force and will take no action to dispose of the Morrison property for six months to allow the community committee to develop a plan. All work on the community plan must be completed by June 30, 2005. No extensions will be considered unless there is evidence of significant tangible progress.

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

- Currently it costs approximately \$2,500 per month to maintain the Morrison Building in its 'mothball' status. This figure does not take into account any unpredictable expenses such as fire, wind, ice etc...If a six month extension is approved, the county would continue to pay \$2,500 per month for the next fiscal year (2006).
- An informal letter from an appraiser put the value of the entire property at \$1.25 million.
- Demolition of the Morrison building is estimated at \$400,000.
- A gift/transfer of the entire property for cemetery purposes would represent approximately \$850,000 in lost net proceeds.

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

There are prior cemetery designation, historical, and easement issues surrounding the building and property that require resolution. The Board of County Commissioners must decide how the property is to be disposed of before these issues can be resolved.

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

The Taskforce members represented several organizations that have participated in this process. As shown above, many community members have been involved in this process. Metro's acceptance of this property for management is a crucial piece of the work. Metro and the state's office on Historic Cemeteries both had representatives on the Taskforce.

Required Signatures

**Department/
Agency Director:**

Maria Pijo de Stiffey

Date: 12/01/04

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



Oregon

Theodore R. Kulongoski, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St. NE, Suite C

Salem, OR 97301-1271

(503) 986-0707

FAX (503) 986-0793

www.hcd.state.or.us

December 2, 2004

Diane Linn, Chair
Multnomah County Commission
501 SE Hawthorne
Portland, OR 97214

Dear Commissioner Linn:

The Oregon Commission on Historic Cemeteries hereby states its unanimous support of the recommendations of the Morrison Property Task Force presented to the Multnomah County Commission hearing on November 23, 2004.

The OCHC is fully aware of the historic integrity of the Lone Fir Cemetery, of its significance in both regional and national historic patterns, and of its value as park like open space in the increasing density of surrounding neighborhoods.

We urge you and your fellow Commissioners to approve the requested six-month period, and to provide staff technical assistance for a sub-committee to develop a community-driven plan for the site of the Morrison Building.

As a Commission we are most willing to support appropriate long-term solutions and will assist in any way we can.

Sincerely,

Shannon Applegate, Chair
Oregon Commission on Historic Cemeteries

Cc: OCHC Commissioners

James Hamrick, Deputy State Historic Preservation Officer

Dennis Griffin, Heritage Conservation Division Archaeologist

Morrison Property Taskforce Members

Oregon Historic Cemeteries Association



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing an Extension of Time for Development of the Morrison Property Disposition Plan

The Multnomah County Board of Commissioners Finds:

- a. In March 2002, by Resolution 02-032, the Board resolved to dispose of certain county-owned property deemed surplus, including the Morrison Building, located at 2115 SE Morrison Street.
- b. Commissioner Rojo de Steffey facilitated a public hearing on January 21, 2004 regarding the disposition of the Morrison property and to invite public comment. Many concerns were raised because of the Morrison property's close proximity to the Lone Fir Cemetery.
- c. On March 4, 2004, by Resolution 04-022, the Board created the Morrison Property Task Force. The Task Force included local government representatives and community leaders. It was chaired by Commissioner Rojo de Steffey and tasked with assessing all disposition options and devising a plan for disposition of the Morrison property that enhances the Buckman neighborhood and is in the best interest of the county.
- d. After meeting once a month for nine months the Taskforce has completed its work and presented it to the Board on November 23, 2004. One of its recommendations is that the county provide a six month period while a community-driven plan is developed. This plan will present a concept design and finance strategy for the property, including demolition of the Morrison Building and site improvements.
- e. Community leaders from the Buckman neighborhood have formed a committee to develop a detailed plan to demolish the Morrison Building and improve the site and obtain funding commitments. The committee has requested that the county take no action for six months with respect to the Morrison property to allow time for their plan to be developed.

The Multnomah County Board of Commissioners Resolves:

1. The Board accepts the recommendation of the Task Force and will take no action to dispose of the Morrison property for six months to allow the community committee to develop a plan. All work on the community plan must be completed by June 30, 2005. No extensions will be considered unless there is evidence of significant tangible progress.

2. Commissioner Rojo de Steffey is directed to be the county liaison for the community committee.

ADOPTED this 9th day of December, 2004.

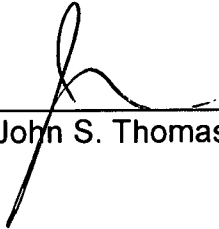
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



John S. Thomas, Assistant County Attorney

R-1
ROJO PROPOSED AMENDMENTS
BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing an Extension of Time for Development of the Morrison Property Disposition Plan

The Multnomah County Board of Commissioners Finds:

- a. In March 2002, by Resolution 02-032, the Board resolved to dispose of certain county-owned property deemed surplus, including the Morrison Building, located at 2115 SE Morrison Street.
- b. Commissioner Rojo de Steffey facilitated a public hearing on January 21, 2004 regarding the disposition of the Morrison property and to invite public comment. Many concerns were raised because of the Morrison property's close proximity to the Lone Fir Cemetery.
- c. On March 4, 2004, by Resolution 04-022, the Board created the Morrison Property Task Force. The Task Force included local government representatives and community leaders. It was chaired by Commissioner Rojo de Steffey and tasked with assessing all disposition options and devising a plan for disposition of the Morrison property that enhances the Buckman neighborhood and is in the best interest of the county.
- d. After meeting once a month for nine months the Taskforce has completed its work and presented it to the Board on November 23, 2004. One of its recommendations is that the county provide a six month period while a community-driven plan is developed. This plan will present a concept design and finance strategy for the property, including demolition of the Morrison Building and site improvements.
- e. Community leaders from the Buckman neighborhood have formed a committee to develop a detailed plan to demolish the Morrison Building and improve the site and obtain funding commitments. The committee has requested that the county take no action for six months with respect to the Morrison property to allow time for their plan to be developed.
- f. ***The Chinese Benevolent Community Association is working with the community to honor the Chinese men, women and children who were buried in Lone Fir Cemetery. The association is actively involved in fund raising efforts to build a memorial honoring these individuals.***

R-1
ROJO PROPOSED AMENDMENTS

The Multnomah County Board of Commissioners Resolves:

1. The Board accepts the recommendation of the Task Force and will take no action to dispose of the Morrison property for six months to allow the community committee to develop a plan. All work on the community plan must be completed by June 30, 2005. No extensions will be considered unless there is evidence of significant tangible progress.
2. Commissioner Rojo de Steffey is directed to be the county liaison for the community committee ***and will continue to work with the Buchman Neighborhood Association, the Friends of the Lone Fir Cemetery and the Chinese Benevolent Community Association during this six month period.***

ADOPTED this 9th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Assistant County Attorney

#1

**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: 12.09.04

SUBJECT:

Morrison Building
Develop BCA Fund Raising Committee

AGENDA NUMBER OR TOPIC: _____

FOR: ☒ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME:

Mary Ann Schwab

ADDRESS:

605 SE 38

CITY/STATE/ZIP:

Portland, OR 97214

PHONE:

DAYS:

EVES:

EMAIL:

FAX:

SPECIFIC ISSUE:

WRITTEN TESTIMONY:

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.

#2

**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: 12-9-04

SUBJECT: LONE FIR CEMETERY

AGENDA NUMBER OR TOPIC: 2

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: CHRISTINA WALSH

ADDRESS: 2920 SE 17TH AVE

CITY/STATE/ZIP: PORTLAND, OR 97202

PHONE: DAYS: 503-234-5085 EVES: _____

EMAIL: ChristinaWhiskers@comcast.net FAX: _____

SPECIFIC ISSUE: return property to Lone Fir Cemetery
& the County should pay for demolishing building

WRITTEN TESTIMONY: _____

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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-182

Authorizing an Extension of Time for Development of the Morrison Property Disposition Plan

The Multnomah County Board of Commissioners Finds:

- a. In March 2002, by Resolution 02-032, the Board resolved to dispose of certain county-owned property deemed surplus, including the Morrison Building, located at 2115 SE Morrison Street.
- b. Commissioner Rojo de Steffey facilitated a public hearing on January 21, 2004 regarding the disposition of the Morrison property and to invite public comment. Many concerns were raised because of the Morrison property's close proximity to the Lone Fir Cemetery.
- c. On March 4, 2004, by Resolution 04-022, the Board created the Morrison Property Task Force. The Task Force included local government representatives and community leaders. It was chaired by Commissioner Rojo de Steffey and tasked with assessing all disposition options and devising a plan for disposition of the Morrison property that enhances the Buckman neighborhood and is in the best interest of the county.
- d. After meeting once a month for nine months the Taskforce has completed its work and presented it to the Board on November 23, 2004. One of its recommendations is that the county provide a six month period while a community-driven plan is developed. This plan will present a concept design and finance strategy for the property, including demolition of the Morrison Building and site improvements.
- e. Community leaders from the Buckman neighborhood have formed a committee to develop a detailed plan to demolish the Morrison Building and improve the site and obtain funding commitments. The committee has requested that the county take no action for six months with respect to the Morrison property to allow time for their plan to be developed.
- f. The Chinese Benevolent Community Association is working with the community to honor the Chinese men, women and children who were buried in Lone Fir Cemetery. The association is actively involved in fund raising efforts to build a memorial honoring these individuals.

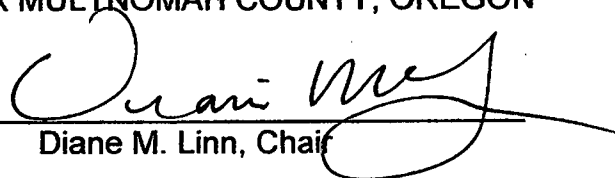
The Multnomah County Board of Commissioners Resolves:

1. The Board accepts the recommendation of the Task Force and will take no action to dispose of the Morrison property for six months to allow the community committee to develop a plan. All work on the community plan must be completed by June 30, 2005. No extensions will be considered unless there is evidence of significant tangible progress.
2. Commissioner Rojo de Steffey is directed to be the county liaison for the community committee and will continue to work with the Buchman Neighborhood Association, the Friends of the Lone Fir Cemetery and the Chinese Benevolent Community Association during this six month period.

ADOPTED this 9th day of December, 2004.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


John S. Thomas, Assistant County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: R-2
Est. Start Time: 9:45 AM
Date Submitted: 12/01/04

BUDGET MODIFICATION: -

Agenda Title: Food Policy Council Annual Report

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

Date Requested:	December 9, 2004	Time Requested:	15 min
Department:	Non-Departmental	Division:	Commissioner Maria Rojo
Contact(s):	Shelli Romero		
Phone:	503-988-4435	Ext.	84435
I/O Address:	503/600		
Presenter(s):	Rosemarie Cordello, Brian Rohter		

General Information

1. What action are you requesting from the Board?

Informational briefing and update of Food Policy Council's annual report and work plan for 2005.

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

In October 2003, the Portland-Multnomah Food Policy Council (FPC) presented its first report to the Portland City Council and the Multnomah County Board of Commissioners. In it, FPC outlined principles of a healthy food system and identified ways that local government can put these principles into action. Since then, FPC has been working with agencies on implementation strategies.

The purpose of this briefing (described in more detail in the attached report) is to:

- Describe FPC projects of the past year
- Recognize actions taken by local government to support a healthy food system
- Describe work plan of the Food Policy Council.

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

Currently (and proposed for 2005) the County supports the work of the Food Policy Council by providing staff support to work on priority projects. Staff support has been provided by Wendy Rankin, Manager of the Chronic Disease Prevention Program with the Health Department at 0.25 FTE, and Amy Joslin, Manager of the Sustainability Initiative with the Department of Business Services at 0.10 FTE.

Over the past year, comparable staff time and support was provided by the City of Portland Office of Sustainable Development. FPC was fortunate to have a small contract with Drake University Agricultural Law Center, which has an agreement with the USDA Risk Management Agency to support the work of a number of food policy councils across the country. This funded an intern from Portland State University and provided funds for FPC activities. A new agreement with Drake University is expected to be signed this fall.

FPC also relied heavily on volunteer support from members of FPC and its committees and from students at Portland State University.

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

No legal issues involved. Supports policy adopted in Resolution 02-093 Establishing a Portland-Multnomah County Food Policy Council and Resolution 03-146 Accepting the Report of the Portland-Multnomah County Food Policy Council. The institutional purchasing project also is consistent with adopted policy described in Resolution 02-058 "to advance sustainable purchasing decisions that promote the long-term interests of the community."

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

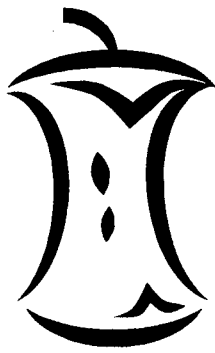
The Food Policy Council that developed this report is comprised of 11 citizens. In addition, citizen participation has been actively solicited for individual committee work such as the Neighborhood Food Access Pilot where a Lents Advisory Committee was formed comprised of community organizations and citizens. Representatives included the Oregon Food Bank, Lents residents, ROSE Community Development, Neighborhood Pride Team, Zenger Farms, Portland State University. Several City of Portland government agencies have also been involved in the work of the Food Policy Council including the Office of Sustainable Development, Bureau of Planning, Portland Development Commission, Bureau of Housing and Community Development, Parks and Recreation, and the Office of Neighborhood Involvement. In addition, County Land Use Planning, Metro and the Oregon Department of Agriculture have also been on-going partners in this work, particularly with regards to the discussions of additional agricultural protections.

Required Signatures

Department/
Agency Director:



Date: 12/01/04



Food Policy:

At The Core of a Healthy Community

Portland-Multnomah County Food Policy Council

2004 Highlights

From farm to table, good food grown well nourishes the heart, the soul, the soil and the pocketbook. Food is at the core of a livable, sustainable community.

That's why it made sense for the City of Portland and Multnomah County to form the Food Policy Council (FPC). Since 2002, the FPC has invited to its table farmers and planners, hunger advocates and chefs, environmentalists and government agencies, citizens and experts. Together, we are advancing an ambitious menu of collaborative projects.

We invite you to share our vision of a community where healthy food is available to everyone, grown with respect for land, air and water, produced and consumed by our neighbors and eaten with joy.

"The Food Policy Council has raised the profile of community food issues among local government, business and citizens."

Brian Rohter
President, New Seasons Market
Co-chair, Food Policy Council

How often can we say that the solution will actually taste good?

Fresh local food – it's a simple idea with profound potential.

- Avoidable conditions of obesity, diabetes and heart disease are time-bombs for already escalating health care costs, particularly considering their growing incidence among children. Part of the prescription? More fresh produce.
- Food purchases are an easy way to redirect dollars into the local economy. Food is a major budget item and the Northwest has an abundance of great local products.
- The energizing weekly ritual of farmers' markets transforms public space by bringing people together as a community in urban neighborhoods.
- Prosperous working farms are a key part of Oregon's tradition of a thoughtful, planned approach to growth.
- Giving kids the nourishment they need to learn is one of the best investments a community can make.
- Local food reduces reliance on fossil fuels. The average fruit or vegetable travels 1500 miles to market.

A partner in local government

Through its work in health, economic development, recreation programs, solid waste, purchasing, and urban planning, local government can influence how food gets from farm to the table and how food waste gets from table to farm. FPC is working to ensure that policies and actions are directed toward creating a healthy food system, where residents and businesses make informed choices and where strong local market networks help farmers and food entrepreneurs grow their businesses. FPC brings public and private partners together to identify opportunities and develop solutions.

Food Policy Council efforts bear fruit in 2004

Healthy, affordable, accessible:

Lessons in Lents create neighborhood model

What can be done about Oregon's high rates of food insecurity and obesity? To answer that question, FPC convened a broad-based coalition to address the needs of one low-income neighborhood. As a first step, the group completed a community survey and market study to identify challenges and opportunities in improving nutrition and food security for residents of the Lents neighborhood of Southeast Portland.

We're buying local:

County Corrections purchases local food

Multnomah County Corrections, food service vendor Aramark and local wholesaler Rinella Produce increased purchases of fresh foods from local farmers during a four-month pilot project. More than \$30,000 that would have otherwise left the region was redirected to local farms, and the program expanded to an additional seven Oregon counties.

Preserving local farms:

Expanding tools for farm protection

Regional, local, state and federal land use experts helped FPC assess how conservation easements might be used to protect farms within and at the fringe of the Urban Growth Boundary. While no substitute for statewide land-use planning, expanding the tools of farm protection is even more important with the passage Measure 37.

Direct from the fields:

FPC projects link producers and consumers.

Workshop expands opportunity for immigrant farmers



Fifty Hmong, Latino, Cambodian and Somali-Bantu farmers attended an FPC workshop on farm-direct marketing.

Market open for food stamp recipients

FPC partnered with Eastbank Farmers' Market in its pilot effort to accept electronic food stamp benefits. Over the season, a total of \$2,380 was spent at the market, with a growing amount each week.

Farmers' market needs highlighted

FPC gathered input from eight farmers' market organizations in the county and hosted a brownbag lunch on farmers' markets needs for City staff working on design and management of public space.

"We're excited to continue working with FPC to bring food stamp access to more markets."

Sasha Pollack
Co-manager, Eastbank Farmers' Market

Setting the table for 2005

Turning information into action

Lents neighborhood team to create action plan

Based on the research completed in 2004, FPC will convene hunger relief programs, government agencies, community partners and neighbors to collaborate on nutrition and food security initiatives in the Lents neighborhood. This process will create a blueprint for food planning in other neighborhoods.

A network of urban farms

Creating a cultural and historic resource

Imagine a network of small urban farms dotting the region. Laboratories for teaching and learning, these pockets of history would connect neighbors of all ages to both the heritage of food and the future of sustainable agriculture. FPC is preparing to present this urban farm concept to local government agencies, farming organizations and community groups.



Zenger Farm, located on property owned by the Bureau of Environmental Services, is a cultural and educational asset in Southeast Portland.

The market connection

Farmers markets as focal points for revitalization

Markets form the thriving centers of cities around the world. Our own farmers markets can awaken the same vibrant energy. The Food Policy Council will work with planners, local governments and businesses on ideas from simple site improvements at existing farmers markets, to the development of new public plazas to house markets and other functions.

Local purchasing takes root

Multnomah County to formalize pilot project

When Multnomah County's food service contract comes up for renewal, the Food Policy Council will work with managers to incorporate local purchasing, institutionalizing the relationship between local agriculture and local government.

Room to grow

Portland to inventory available land

FPC will consult with the City of Portland as it completes an inventory of city-owned lands that may be available for community gardening or other agricultural uses.

There's room at the table

Get involved

The Food Policy Council works with a diverse group of businesses, non-profit organizations and community volunteers. Contact us to receive notice of upcoming meetings and learn about activities where you can be involved.

For more information on the Food Policy Council

Portland Office of Sustainable Development
721 NW 9th Ave #350
Portland OR 97209
Phone 503-823-7224 Fax 503-823-5310
www.sustainableportland.org

The City of Portland Office of Sustainable Development provides leadership and contributes practical solutions to ensure a prosperous community where people and nature thrive, now and in the future.

An emerging national network



**Community Outreach and
Partnership Project**

The Portland-Multnomah FPC is part of a network of state and local food policy councils receiving support from the USDA Risk Management Agency's Community Outreach and Partnership Program. The Drake Agricultural Law Center coordinates the network, providing a mechanism for sharing and partnership among communities in this emerging field.



CITY OF PORTLAND
OFFICE OF SUSTAINABLE DEVELOPMENT
A BETTER FUTURE. A BETTER NOW.

Food Policy Council

Dan Saltzman, City Commissioner

Maria Rojo de Steffey, County Commissioner

Members

(affiliations are provided for identification purposes only)

William Beamer

African American Health Coalition

Lon Boston

St. Andrew Church

Suzanne Briggs

Oregon Farmers Markets Association

Rachel Bristol

Oregon Food Bank

Rosemarie Cordello

Sustainable Development Commission

Lizabeth Danek

Norpac

Brian Rohter

New Seasons Market

Marcus Simantel

Retired farmer

Shannon Stember

Portland Public Schools

Larry Thompson

Thompson Farms

David Yudkin

Hot Lips Pizza

Staff

Matt Emlen

Portland Office of Sustainable Development

Amy Joslin

Multnomah County Sustainability Initiative

Wendy Rankin

Multnomah County Health Department



**MULTNOMAH
COUNTY**

Food Policy:

At the Core of a Healthy Community

Portland - Multnomah County Food Policy Council 2004 Report

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Neighborhood Food Project Launched

What can be done about Oregon's high rates of food insecurity and obesity? The Food Policy Council (FPC) decided to start by conducting a food planning project to make a difference in one low-income neighborhood. Bringing together a coalition of hunger relief programs, government agencies, community partners, and neighbors, FPC launched a project in the SE Portland neighborhood of Lents, with the goal of creating a model process.

2003 Recommendations

Develop community-based solutions for areas with inadequate food access.

- Identify areas with food access barriers
- Conduct a pilot planning effort in a low-income neighborhood with inadequate food access.

Results

✓ GIS Map

To identify areas with food access barriers, the FPC Food Access committee partnered with Metro in 2003 to map food resources such as grocery stores, emergency food sources, farmers markets, and community gardens, along with census data. In 2004, transit lines and automobile access were added.

✓ Lents Advisory Committee

Based on review of the map and concentrations of low and very low-income residents, FPC chose the Lents neighborhood for the pilot food planning effort. FPC formed a steering committee to guide the program. Participating partners:

Oregon Food Bank	Lents residents	Friends of Zenger Farm
ROSE Community Development	Neighborhood Pride Team	Portland State University
Portland Bureau of Planning	Portland Parks & Recreation	Multnomah County
Office of Neighborhood Involvement	Health Department	Bureau of Housing & Community Dev.

✓ Community Survey

Survey Explores Lents Food Needs

As a first step toward a food action plan for the Lents neighborhood, FPC and its partners initiated a survey of local residents. The questions explored perceptions of grocery stores and food programs, investigated shopping and cooking habits, and gauged interest in healthy eating, gardening and other potential solutions.

The Multnomah County Health Department managed the project, drawing upon volunteer survey design assistance from Portland State University and funding from the Northwest Health Foundation and the Oregon Food Bank.

Interviewers from the neighborhood administered the survey to 200 Lents residents, including Spanish and Russian speakers, at locations throughout the neighborhood.

Selected findings:

- Nearly one quarter of respondents (23%) agree "I sometimes worry about where my next meal will come from."
- Three quarters of respondents agree that they would like to eat a healthier diet (79%) and get their families to eat healthier diets (75%).
- Cost and lack of time are seen as the primary barriers to eating a healthier diet.
- Nearly half (48%) say they would grow their own food if they had the space.
- Half (51%) express dissatisfaction with the available selection of organic produce.
- Of parents whose kids had participated in the summer food program, the vast majority are satisfied with the activities (96%) and locations (85%).
- Most residents (61%) had not heard of the neighborhood farmers' market.

✓ **Market Basket Survey**

FPC enlisted a PSU student and support from Oregon Food Bank to investigate the price and availability of food products in Lents. Using a nationally-tested "market basket" survey tool, the study compared six Lents stores and three stores in other parts of the city. It found a cross-section of common grocery items to be available and slightly less expensive in Lents, suggesting that Lents is not a "food desert" where affordable groceries are not available.

Next steps

Neighborhood Food Action Plan

Continue neighborhood assessment, and use the results as the basis for a neighborhood food action plan, potentially including a combination of food assistance programs, community gardens, education on food preparation and nutrition, expansion of retail options, or improvements in transportation.

Document the Model

Document this process to provide a blueprint for planning food access in other neighborhoods. FPC's intent is that the food planning process can then be integrated in the work of Portland Planning Bureau and other agencies.

FPC Investigates Strategies to Protect Farms

Without strong land use protections, Oregon has no guarantee that agricultural land will be preserved for the future, and no control to avert the uninterrupted urban corridors of the East Coast. FPC's land-use committee monitors local land use issues to identify ways to maintain and strengthen protections for farming. Despite special farm tax assessment and statewide land use planning, continual expansion of the urban growth boundary (UGB) drives land speculation and development pressure that threatens farming at the edge of the UGB.

2003 Recommendation

Investigate an agricultural easement program for small farms in the fringe areas along the existing urban growth boundary by identifying specific properties and exploring various funding sources.

Results

✓ **Conservation Easement Report**

FPC's land use committee prepared a report on using agricultural conservation easements to protect farms in the region. In its investigation, the group collected information on programs in other areas and discussed the concept with land use experts from a number of organizations:

1000 Friends of Oregon

American Farmland Trust

Metro

Oregon Department of Agriculture

Multnomah County Planning

USDA Natural Resources Conservation Service

Portland Bureau of Planning

Oregon Department of Land Conservation and Development

The group concluded that conservation easements could be useful in two contexts:

- Providing an added layer of protection to important agricultural lands outside the UGB.
- Preserving a limited number of farms to enhance livability within the UGB (see sidebar).

In both cases, the committee felt strongly that these strategies are a complement to, not a substitute for zoning protections.

The findings were discussed with the Food Policy Council and with City and County representatives to the Metro Policy Advisory Committee.

Next Steps

Urban Farm Concept

Present the urban farm concept (see sidebar) to local government agencies, farming organizations and community groups.

Metro "Big Look" Study

Encourage City and County to advocate at Metro for additional land protections.

Metro is currently undertaking a study to analyze the regional impacts of permanent farmland preservation on lands surrounding the Urban Growth Boundary. FPC encourages the City and County to advocate with Metro for any land-use tool, including conservation easements, to place additional protection on those special agricultural lands that are part of the Portland metropolitan region.

Urban Farms: A Contradiction?

Imagine a network of small urban farms dotting the region. Laboratories for teaching and learning, these pockets of history and commerce would connect neighbors of all ages to both the heritage of food and the future of sustainable agriculture.

Can this vision fit with the region's urban growth plans? The Food Policy Council is preparing to present this urban farm concept to local government agencies, farming organizations and community groups.



Zenger Farm

County Buys Local

Responding to a recommendation from FPC, the Multnomah County Corrections Department ran a pilot project to increase purchases of local food. From June through September 2004, Aramark, the County's food service vendor, worked with Rinella Produce to source vegetables and eggs from six farms located in Oregon and southern Washington.¹

2003 Recommendation

- Incorporate sustainability criteria into food purchasing contracts issued by City and County agencies.
- Focus on criteria that will help build connections with regional food suppliers.

¹ Fuji Produce, Delta Farms, Kern Ridge, Cal Farms Oregon Onion, Art Burns, Dickey Farms.

Results

✓ Economic Impact

During the pilot project, a total of \$57,000 was spent on the local products, and Aramark estimates that 45%-65% of this would otherwise have been purchased from outside the local area. That means approximately \$30,000 was redirected to the local economy.

✓ Cost

Aramark reported that no additional costs were incurred.

✓ Scope

The project took on a more expanded scope than was initially planned. When FPC's institutional purchasing committee first met with Aramark, the plan was to source three crops locally (carrots, cabbage and bok choy), but additional crops were later included.

✓ Leverage

The pilot expanded to include other correctional institutions served by Aramark. This includes institutions in seven other Oregon counties (Columbia, Linn, Benton, Polk, Marion, Umatilla, Deschutes).

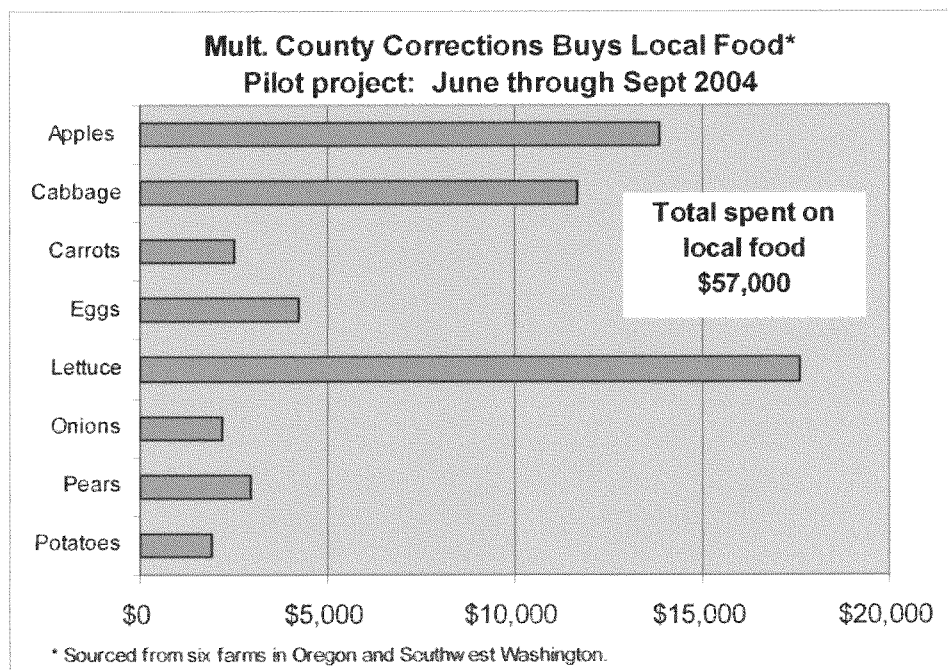
Next steps

Review Results

Review the results of the pilot and recommend how the local purchasing program could be modified or continued.

New Food Service Contract

Work with County to incorporate local purchasing in new food service contract.



FPC Promotes Farm-Direct Sales

While they represent a relatively small segment of Oregon agriculture, farm-direct sales such as farmers' markets, farm stands, and community supported agriculture play an important role in raising the visibility of local agriculture and in expanding economic opportunity. For 2004, FPC's focus was creating a vision of Portland and Multnomah County as a place where farmers' markets flourish.

2003 Recommendations

- Create policies supporting use of public space for farmers' markets. Review site requirements for farmers' markets when developing public spaces.
- Plan for a network of permanent market sites throughout Portland and Multnomah County.

Results

✓ **Market Needs Assessment**

FPC gathered input by visiting the farmers' markets, meeting with market board members, and convening a roundtable of area market managers. FPC made contact with all eight organizations operating markets in the county.

✓ **Partnership With City Staff**

In August, FPC hosted a brownbag lunch for city employees working on design and management of public space. The goal was to share information so that staff would be able to partner with farmers' markets on projects as opportunities arise. Thirty people participated, and a written summary of the event was distributed to a wider audience. Following the workshop, Bureau of Planning provided a review of city codes related to farmers' markets.

✓ **Town Center Working Group**

FPC formed a working group to explore how farmers' market sites could be integrated into a larger vision of developing town centers. Two markets, Hollywood and Hillsdale, are located in town centers designated by the Metro 2040 Plan and neighborhood plans envision a plaza that would house the farmers' market and other activities.

✓ **Access for Food Stamp Recipients**

FPC worked with a Portland State University student to compile information on use of electronic benefit transfer (EBT), which allows food stamps to be spent at farmers' markets. This work was shared with the Oregon Hunger Relief Task Force which will do further analysis on how to promote EBT at farmers' markets and farm stands. This will help build on an Eastbank Farmers' Market pilot project which processed \$2,380 in food stamp benefits over the past market season.

✓ **Immigrant Farmer Workshop** (*see following page*)

Next steps

Sites Issues

Work with public agencies to address the site issues of farmers' markets

- Clarify city code related to farmers' markets.
- Promote town center vision and identify resources.
- Serve as an ombudsman to build partnerships between the markets and the city.

Promotions

Work with public agencies to help publicize the markets. In particular, publicize the availability of EBT at markets.

Immigrant Farmer Workshop

Convene community partners to host a second farm-direct workshop for immigrant farming communities

Workshop Expands Opportunities for Immigrant Farmers

FPC convened a workshop to assist immigrant farming communities to participate in farm-direct marketing.



Participants: 50 farmers (39 Hmong, 5 Cambodian, 5 Latino, 1 Somali-Bantu) and 40 other community partners.

Topics covered: Community supported agriculture, farmers' markets and sales to institutions

Input from farmers: Create further networking and events. Provide assistance on farming and gaining access to land.

Partners:

Heifer International
Mercy Enterprise
Portland State University, National Somali-Bantu Project
Friends of Zenger Farm
Portland Farmers' Market
USDA Risk Management Agency
Drake University Agricultural Law Center
Washington State University
OSU Extension Service
Hmong Association of Washington
Food Innovation Center
Oregon Farmers' Markets Association

Local Government Supports a Healthy Food System

FPC monitors implementation of local government efforts to support a healthy food system. FPC appreciates that local government has shown leadership through the following programs:

Food Access

- ✓ Portland Parks and Recreation and the Multnomah County Commission on Children and Families worked with Portland Public Schools to expand the number of sites and days when summer lunch programs are provided to low-income youth.
- ✓ PP&R opened two new community gardens, one at Pier Park in North Portland and one at a Bureau of Environmental Services pump station in Sellwood. There are now 29 community gardens in Portland. Last season, they donated 10,000 pounds of fresh organic produce to emergency food programs. PP&R continued to offer its Children's Garden Program at three locations. This summer camp targets lower-income kids and teaches them about food and gardening.
- ✓ Metro launched the "Fork It Over" food donation program which will increase the amount of surplus food available to emergency food programs.
- ✓ Within the last year Multnomah County Health Department's WIC program increased the number of unduplicated clients served by 3,318. In the same period, the value of WIC Food Vouchers redeemed at local grocers increased from \$9,629,302 to \$10,063,553.
- ✓ City Council passed an urban agriculture resolution directing bureaus to identify city owned land that may be suitable for community gardens or other agricultural purposes. FPC will consult with the City as this is implemented.

Promoting Sustainable Agriculture

- ✓ Several City agencies contributed to Friends of Zenger Farm, an urban agricultural park in Southeast Portland, located on property owned by the Bureau of Environmental Services (BES). BES, the Water Bureau and the Office of Sustainable Development supported use of sustainable building techniques in construction and renovation of Zenger's facilities.
- ✓ The City continues to support planning for the Portland Public Market, which will be an important venue for promoting Oregon agriculture.
- ✓ Metro authorized signing a contract with a facility that can process commercial food waste. In January the City will initiate a voluntary program aimed at the largest commercial food generating businesses (groceries, manufacturers, cafeterias, institutions, hotels, and large restaurants). Food scraps and trim, food-soiled paper, cooked meats and breads will all be accepted.
- ✓ The Office of Sustainable Development implemented FPC's recommendation to create a new Sustainable Food Business Award as part of the Businesses for an Environmentally Sustainable Tomorrow (BEST) Awards. (see following page)
- ✓ Portland Parks & Recreation announced that it became certified by Salmon Safe, an organization that recognizes agricultural operations that protect water quality. This was the first time that Salmon Safe standards had been applied in an urban setting.

- ✓ Commissioner Rojo de Steffey worked with state and federal legislators, farmers and residents of Sauvie Island to secure \$35 million to replace the Sauvie Island Bridge, a critical farm-to-market link in our region.

City Recognizes Business Innovation in Sustainable Food



City Commissioner Dan Saltzman introduces the BEST Awards.

The 12th Annual BEST Business Awards included a first — a new award recognizing metro-area businesses for innovation and leadership in developing a sustainable food system.

Hosted by the Portland Office of Sustainable Development, the BEST Awards also honor businesses for excellence in energy efficiency, water conservation, transportation options and solid waste & recycling and sustainable products.

The new food award was created in response to a recommendation from the Food Policy Council. In addition, food-related projects were honored as winners in two other categories.

The breakfast also set a good example with local and sustainably produced menu items, donation of excess food to food rescue programs, and composting of food waste.

Sustainable Food Awards

Burgerville USA was recognized for being the first fast food restaurant in the Pacific Northwest to serve natural beef, tapping small co-op Oregon Country Beef as the primary source for its annual supply of 1.75 million pounds of beef.

Big City Produce was chosen for its commitment and success in providing local, quality, culturally appropriate food to a previously underserved population in North Portland.

Waste Reduction and Recycling Award

The **Port of Portland** won for their food waste recycling program at the airport.

Small Business Innovation

Hot Lips Pizza earned special citation for implementing a broad array of sustainable business practices including installing a system that uses waste heat from pizza ovens to heat water, using hybrid vehicles for pizza delivery, and sourcing wheat from Northwest farmers who use no-till practices.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: R-3
Est. Start Time: 10:00 AM
Date Submitted: 11/30/04

BUDGET MODIFICATION: -

Agenda Title: **RESOLUTION Expressing Commitment to Protect Civil Rights in the Era of the USA Patriot Act and Asking Oregon's Congressional Delegation to Oppose Legislation that Infringes Upon Those Rights**

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

Date Requested:	December 9, 2004	Time Requested:	30 mins
Department:	Non-Departmental	Division:	Districts 3 & 2
Contact(s):	Terri Naito, Mary Carroll (x85275)		
Phone:	503 988-4105	Ext.	84105
I/O Address:	503/600		
Presenter(s):	Commissioners Lisa Naito and Serena Cruz, and Invited Guests		

General Information

1. What action are you requesting from the Board?

Approval of resolution.

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

The County, in keeping with its long standing tradition of protecting civil rights, finds powers granted under the USA PATRIOT Act and other pending legislation to potentially pose a threat to the civil rights of all persons, including the right to privacy for County Library patrons whose records are required to be produced under Section 215 of the USA PATRIOT Act. Commissioners will write a letter to Oregon's Congressional delegation urging them to oppose federal measures that infringe upon civil rights.

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

No fiscal impact.

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

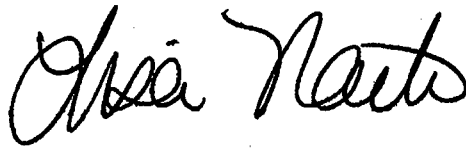
Affirms County policies protecting civil rights.

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

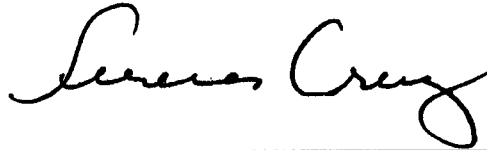
Citizens have spoken with and written to members of the Board of County Commissioners for nearly two years describing alleged civil rights violations and urging the BCC to adopt a position on the USA PATRIOT Act and related legislation.

Required Signatures

**Department/
Agency Director:**



Date: 11/30/04



Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Expressing Commitment To Protect Civil Rights In The Era Of The USA Patriot Act And Asking Oregon's Congressional Delegation To Oppose Legislation That Infringes Upon Those Rights

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County remains committed to its long standing tradition of protecting the civil rights and liberties of all persons as expressed in the Constitution of the United States, the Constitution of the State of Oregon, and the County's own policies and ordinances; and believes that a threat to any one person's rights is a threat to the rights of all.
- b. In the aftermath of September 11, 2001, Multnomah County stated its strong opposition to terrorism of any kind and recognizes that, without undermining the fundamental rights and liberties that make this nation great, it is necessary for our federal government to protect our citizens from future terrorist acts.
- c. Some provisions of the USA PATRIOT Act (Public Law 107-56) and the Homeland Security Act (Public Law 107-296) have resulted in reports of discrimination, harassment and curtailment of the constitutional rights and liberties of people who live, work, study, worship or travel in Multnomah County.
- d. New legislation entitled the "Tools to Fight Terrorism Act of 2004" (S. 2679) has been introduced for consideration by Congress; and provisions of the USA PATRIOT Act will soon be reconsidered by Congress for possible reauthorization.
- e. These proposed new powers potentially pose a continuing and growing threat to the civil rights and liberties of all persons in our country, regardless of their race, religion, country of origin or ethnicity.
- f. Under Oregon state law, ORS 192.502(22), and in keeping with library policy and practice, Multnomah County Library protects the privacy and confidentiality of library records including personal information, records of material borrowed or consulted, and use of the internet and other electronic sources.
- g. Section 215 of the USA PATRIOT Act allows a court order to be issued under the Foreign Intelligence Surveillance Act of 1978 (Public Law 95-511) without probable cause and requires Library personnel to produce library records even when there is no cause to believe the library patron has committed a crime.
- h. More than 360 communities throughout the United States and Oregon, including four states, have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that violate them, and demanding accountability from the Federal Government regarding their use of these new powers.

The Multnomah County Board of Commissioners Resolves:

1. While the Board of County Commissioners affirms its opposition to terrorism, it also affirms that any efforts to end terrorism must not be waged at the expense of fundamental civil rights, liberties, and freedoms. The Board also opposes federal measures that infringe upon the fundamental civil rights, liberties and freedoms of the people of Multnomah County and the United States.
2. The right to engage peaceably in public demonstrations, vigils, protests, marches, and similar activities to express ideas and views is protected by this affirmation and in the First Amendment of the Bill of Rights as "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This right must not be infringed upon by prosecution under federal terrorism laws or by the threat of such prosecution.
3. A copy of this resolution will be forwarded to Oregon's U.S. Senators Gordon Smith and Ron Wyden; Oregon's U.S. Representatives Earl Blumenauer, Peter DeFazio, Darlene Hooley, Greg Walden and David Wu with a letter from the Board of County Commissioners urging them to work to:
 - a. repeal all provisions of the USA PATRIOT Act and the Homeland Security Act that infringe upon the rights protected by the Constitution of the United States;
 - b. actively oppose pending and future legislation that may also unjustly infringe upon those same rights and liberties; and to continue their vigorous oversight of our constitutional liberties;
 - c. protect the privacy of Multnomah County Library patrons by repealing Section 215 of the USA PATRIOT Act.
4. A copy of this resolution will be forwarded to the President of the United States and to the Attorney General of the United States.

ADOPTED this 9th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Expressing Commitment to Protect Civil Rights in the Era of the USA Patriot Act and Asking Oregon's Congressional Delegation to Oppose Legislation that Infringes upon Those Rights

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County remains committed to its long standing tradition of protecting the civil rights and liberties of all persons as expressed in the Constitution of the United States, the Constitution of the State of Oregon, and the County's own policies and ordinances; and believes that a threat to any one person's rights is a threat to the rights of all.
- b. In the aftermath of September 11, 2001, Multnomah County stated its strong opposition to terrorism of any kind and recognizes that, without undermining the fundamental rights and liberties that make this nation great, it is necessary for our federal government to protect our citizens from future terrorist acts.
- c. Some provisions of the USA PATRIOT Act (Public Law 107-56) and the Homeland Security Act (Public Law 107-296) have resulted in reports of discrimination, harassment and curtailment of the constitutional rights and liberties of people who live, work, study, worship or travel in Multnomah County.
- d. New legislation entitled the "Tools to Fight Terrorism Act of 2004" (S. 2679) has been introduced for consideration by Congress; and provisions of the USA PATRIOT Act will soon be reconsidered by Congress for possible reauthorization.
- e. These proposed new powers potentially pose a continuing and growing threat to the civil rights and liberties of all persons in our country, regardless of their race, religion, country of origin or ethnicity.
- f. Under Oregon state law, ORS 192.502(22), and in keeping with library policy and practice, Multnomah County Library protects the privacy and confidentiality of library records including personal information, records of material borrowed or consulted, and use of the internet and other electronic sources.
- g. Section 215 of the USA PATRIOT Act allows a court order to be issued under the Foreign Intelligence Surveillance Act of 1978 (Public Law 95-511) without probable cause and requires Library personnel to produce library records even when there is no cause to believe the library patron has committed a crime.
- h. More than 360 communities throughout the United States and Oregon, including four states, have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that violate them, and demanding accountability from the Federal Government regarding their use of these new powers.

The Multnomah County Board of Commissioners Resolves:

1. While the Board of County Commissioners affirms its opposition to terrorism, it also affirms that any efforts to end terrorism must not be waged at the expense of fundamental civil rights, liberties, and freedoms. The Board also opposes federal measures that infringe upon the fundamental civil rights, liberties and freedoms of the people of Multnomah County and the United States.
2. The right to engage peaceably in public demonstrations, vigils, protests, marches, and similar activities to express ideas and views is protected by this affirmation and in the First Amendment of the Bill of Rights as "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This right must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.
3. A copy of this resolution will be forwarded to Oregon's U.S. Senators Gordon Smith and Ron Wyden; Oregon's U.S. Representatives Earl Blumenauer, Peter DeFazio, Darlene Hooley, Greg Walden and David Wu with a letter from the Board of County Commissioners urging them to work to:
 - a. repeal all provisions of the USA PATRIOT Act and the Homeland Security Act that infringe upon the rights protected by the Constitution of the United States;
 - b. actively oppose pending and future legislation that may also unjustly infringe upon those same rights and liberties; and to continue their vigorous oversight of our constitutional liberties;
 - c. protect the privacy of Multnomah County Library patrons by repealing Section 215 of the USA PATRIOT Act.
4. A copy of this resolution will be forwarded to the President of the United States and to the Attorney General of the United States.

ADOPTED this 9th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney



October 6, 2004

Dear Multnomah County Board of Commissioners:

The board of the Oregon Chapter of Physicians for Social Responsibility welcomes and enthusiastically supports the proposed "Resolution Expressing Commitment to Protect Civil Rights, and to Prevent Discrimination and Harassment, in the Era of the U.S.A. P.A.T.R.I.O.T. Act". We concur that action against discrimination in all of its manifestations is essential for the protections of our constitutional rights.

We are threatened as an organization with illegal search and investigation under the Patriot Act. We have the potential to be threatened for our freedom of speech. Many others in Oregon and the country have had their freedoms of association, information, speech, legal representation, and right to a speedy and public trial refused illegally under this act. If we succumb to agreeing to the enforcement of the P.A.T.R.I.O.T. Act we are undermining the Declaration of Independence and the Bill of Rights. It is imperative to take a stand for the rights of all Americans.

As an organization that is solidly committed to working toward peace and justice, we endorse the principles expressed by this resolution, and we commend the commissioners who proposed it. Only when we protect constitutional rights for all are they protected for us as well.

In peace and freedom,

Catherine Thomasson, MD & Rudi Nussbaum, PhD
Board members

**Stonehenge Designs
5111 SW View Point Terrace
Portland, OR 97239**

November 9, 2004

To the Multnomah County Board of Commissioners:

As a member of the Economic Justice Action Group of First Unitarian Church of Portland, I am grateful for to you for your decision to pass a resolution expressing the commitment to protect our civil rights and to prevent discrimination and harassment in the era of the U.S.A. Patriot Act.

The Unitarian Universalist Church has a deep history beginning early in the 19th century promoting the inherent worth and dignity of every person. One of the principles of our church is justice, equity and compassion for all. The Patriot Act threatens to deprive our diverse population of their dignity, their right to counsel, their equal protection before the law and their protection from unreasonable searches and seizures. Therefore, it is the duty of those of us in the faith community of our city to strongly state that the civil rights of all are the stronghold of this democracy. Without the protections of our Bill of Rights we can never be truly free and safe.

My great-great-grandfather, Edward Everett Hale, was the minister of the largest Unitarian church in Boston for 53 years from 1855-1909. He was also the author of the novel, "Man Without A Country". In this story Philip Nolan was banished from the country he loved because he dared dissent. There is a lesson here that we, as a society, need to be careful and diligent to protect our right to dissent and that we need to respect the inherent dignity of every person. American citizens, students or visitors to our country should never be detained in secrecy and they must never be without access to counsel. People need to feel safe in their homes, their churches and in their libraries.

We are all aware of the responsibility of our government to help protect us in these difficult times, but the passing of Patriot Act I and Patriot Act II only increases the threat to the civil rights and liberties of us all. Discrimination and harassment have already been directed to those who are lawfully expressing their views and to those who are victims of racial and religious profiling.

May we understand that the cornerstones of this country are truth and justice, reason and wisdom. May we all be humbled by the understanding that we are all here as one body of compassion and hope, not as messengers of fear. Our government is here to serve the common good, not to rule with an authoritarian hand.

Thank you for considering my letter as you deliberate on the county's responsibility to respect and protect its citizens.

Sincerely,

Jacqueline Jones
Economic Justice Action Group
First Unitarian Church, Portland, Oregon

TO: Multnomah County Board of Commissioners

**RE: Multnomah County Resolution Expressing
Commitment To Protect Civil Rights & To Prevent
Discrimination & Harassment in the Era of the U.S.A.
P.A.T.R.I.O.T. Act.**

DATE: 10 November 2004

**FROM: Kathy Rentenbach
Women's Health Care Nurse Practitioner
Kaiser Permanente, NW
Member, Unitarian Universalist Church
Member, Economic Justice Action Group, Unitarian
Church**

**I am writing in support of this resolution. I want to defend
our democracy and our constitution. It's as simple as that.**

Muslim Students Association
Portland Community College
Portland State University

November 11, 2004

Multnomah County Board of Commissioners
501 SE Hawthorne Boulevard
Portland, OR 97214-3587

RECEIVED

NOV 11 2004

CLERK
MULTNOMAH COUNTY CHAIR

To the Multnomah County Board of Commissioners:

On behalf of Muslim Students Association and its members, I am writing to express grateful support to you for generating a resolution expressing commitment to protect civil rights, and to prevent discrimination and harassment, in the era of the USA PATRIOT Act.

Based on information readily available in local newspapers and on television news, as well as local word of mouth, our members are well aware of many violations of civil rights that people here in Multnomah County have experienced in the past two years.

People know, for example, about Brandon Mayfield's violent arrest and secret detention; about the FBI's false claim of "one hundred percent" certainty that his fingerprints matched a picture of fingerprints on a plastic bag found in Spain, which they in fact did not match; and also about the fact that his indictment made a point of his having been observed repeatedly driving to a mosque.

People know, for example, about the removal from a Delta Airlines plane of seven Moroccan government officials with diplomatic passports, here on a goodwill visit that included attendance at your weekly meeting two days earlier; about their detention at Portland International Airport; about their luggage being searched, documents removed and returned to the wrong bags, officials becoming alarmed at seeing Arabic papers with the emergency telephone number 9-1-1 written on them, and FBI interrogation without an Arabic-speaking interpreter present.

People know, for example, about the improper arrest of former US Marine Brent Was during a peaceful demonstration in downtown Portland; about his detention by Portland police until after midnight; and about Portland's settling the case for \$3,500 after he hired a lawyer.

People know, for example, about Portland Water Bureau head Mort Anishouravini's suit against the US Customs Office for unlawful seizure of half his luggage upon his return from a visit with family members in Iran; about the agency's offer to return the improperly held property if he agreed not to sue; and about the property being returned after he hired an attorney.

These examples of humiliating assaults on people's rights and dignity here in Multnomah County, and other examples, have been reported in local, national, and international news media. There are many more such experiences that go unreported, experiences in which the victims, perhaps invisible to you, have no recourse and no relief. That is why we are grateful to you for

taking action to protect our civil rights, and for speaking out about the discrimination and harassment that so many of us experience daily.

An example:

Government surveillance of people entering and leaving mosques, and the threat of prosecution under federal terrorism laws, have been keeping Muslims in Multnomah County (as in other parts of our country) from participating freely in congregational prayers and from making donations (zakah) for the poor, the needy, and social welfare. These practices are among the most important requirements of Islam, and their disruption is a crippling assault on the First Amendment guarantee of freedom of religion.

Another example:

The fact that the government is marginalizing Islamic relief organizations by jumping to false assumptions that they are tied to violence and inhumane activities is unconstitutional. All USA based non profit Islamic organization have been under investigations by the government. So far the government has produced no evidence of malicious activities in the USA.

The profiling of Islamic organization is limiting the availabilities of much needed funds to help the needy. Muslims in this county have been discouraged to donate towards worthy causes in fear that they will be investigated and monitored by the government.

We know that "(i)t is the policy of the County to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or source of income." We know that the County recognizes that "(s)uch discrimination poses a threat to the health, safety, and general welfare of the citizens of the County and menaces the institutions and foundations of our community." We know that Multnomah County's Diversity Initiative Statement (2002) and update (2004) express a County policy which recognizes and respects the diversity of cultures and people in Multnomah County.

We appreciate your boldness and your initiative in taking action to protect the public safety, the civil rights, and the dignity of people in Multnomah County, in the face of violations of all three in the era of the USA PATRIOT Act.

Sincerely,

A handwritten signature in cursive script that reads "Saba Ahmed".

Saba Ahmed

Muslim Students Association - President

MEMORANDUM REGARDING THE PROPOSED "RESOLUTION EXPRESSING
COMMITMENT TO PROTECT CIVIL RIGHTS, AND TO PREVENT DISCRIMINATION
AND HARASSMENT IN THE ERA OF THE U.S.A. P.A.T.R.I.O.T. ACT"

11/17/04

To the Multnomah County Board of Commissioners:

We, the attorneys and legal professionals of the National Lawyers Guild, Portland Chapter, write to commend you for generating a "Resolution Expressing Commitment to Protect Civil Rights, and to Prevent Discrimination and Harassment in the Era of the U.S.A. P.A.T.R.I.O.T. Act" of the Multnomah County Board of Commissioners. In the words of Lewis Lapham, editor of Harper's magazine, we are living in an era where our "government is so frightened of its own citizens that it classifies them as probable enemies." In the wake of the tragic events of September 11, 2001, there has been a rash of anti-terrorism laws and policies which have placed significant restrictions on our constitutional rights and liberties. Most of these practices, and this fanatical response to "terrorism," have not made us safer and are an assault on the very things that make this a great nation.

As the instances outlined in the appendices to the Resolution point out, speaking out against the government has now become a dangerous endeavor. Even traveling abroad makes one subject to suspicion. Our privacy is being invaded around every corner and ethnic and religious minorities are guilty until proven innocent. Further, in this atmosphere of fear of citizens by our government, law enforcement officials have taken a "hard-line" stance against protesters.

For example, on August 22, 2002, the Portland Police Bureau used pepper spray and rubber bullets to move a crowd of protestors and make way for President Bush and several other attendees of a fund-raiser for Senator Gordon Smith. Police had surrounded the Portland Hilton Hotel, where the event was held, and erected fences to contain the thousands of protestors present. The police proceeded to push the crowd back while spraying them with pepper spray, knocking several individuals over, trampling them, and spraying directly into their eyes and faces. A lawsuit filed on behalf of several of the injured, including some children, filed by NLG members, seemed to slow down such violent police tactics for some months. However, these tactics were soon resumed during the protests against the Iraq War where victims of this brutal reaction to nonviolent protest have stretched to include even members of the media who covered such events. On March 25, 2003, a KATU engineer who was helping set up for coverage of an antiwar protest, was assaulted by a police officer without provocation.

In addition to these brutal tactics by the police, less obvious attacks on our liberty have been made. Most people in the country are aware of the wrongful accusations and imprisonment of Portland-area attorney, Brandon Mayfield. Mayfield initially came to the attention of authorities because of his religion and his representation of some Muslim clients suspected of "terrorist" involvement. Such profiling is a direct affront to the US Constitution.

In light of these examples, as well as many others, we strongly endorse the Board's decision to take a stand against these attacks on our Constitutional rights and liberties, the safety and feelings of safety of people who live, work, study and travel in Multnomah County.

This is a country of, by and for the people, not against the people.

Sincerely,
Karstan Lovorn
on behalf of the
The Portland Chapter of the National Lawyers Guild
<http://www.nlg.org>

2241 N. Menzies Drive
Portland, Oregon
November 22, 2004

Chair and County Commissioners
Multnomah Building
501 S.E. Hawthorne Boulevard #600
Portland, Oregon

Dear Chair and County Commissioners:

As a member of the League of Women Voters I voted against Measure 37. Now that it is a fact, I strongly urge you to keep the citizens involved in any compensation process. This can be done by establishing claim procedures that involve public notice, public review and public testimony by interested parties. When a landowner files a claim, neighbors and the public at large have a vested interest in the outcome and must have a say in the review process and discussion making.

Thank you for allowing me to express my views and those of my organization - the League of Women Voters.

Sincerely,

Jeanne Pulliam
Jeanne Pulliam
503-810-5521

Andy
NOV 22 2004
myh
Alan

Diane Linn, Chair, Maria Rojo de Steffey, Serena Cruz , Lisa Naito,

>Lonnie Roberts, Commissioners

>501 SE Hawthorne Blvd., Suite 600

>Portland, OR 97214

>

>

>November 26, 2004

>

>

>To Multnomah County Commissioners Linn, Cruz, Naito, Roberts, and Rojo de
>Steffey,

>

>We understand that you will be voting on a resolution regarding the

>USA-PATRIOT act on December 9th. We hope the resolution will address both

>the act itself and any other seemingly anti-civil rights/civil liberties

>legislation or guidelines enacted in the wake of the attacks of 9/11.

>

>We are writing today to encourage you to include the following as a bare

>minimum in any such resolution:

>

>1) prohibiting Multnomah County law enforcement agents from participating

>in any activity permitted by the Federal laws and guidelines but illegal

>under Oregon law (such as ORS 181.575, prohibiting the collection or

>maintenance of information unless it is part of a criminal investigation,

>and ORS 181.850, which prohibits local law enforcement from acting as

>immigration agents);

>

>2) condemning the most invasive parts of the USA PATRIOT act such as

>sneak-and-peek searches, surveillance, library information collection, and

>indefinite detentions without due process;

>

>3) urging the US Congress to allow the USA PATRIOT act to sunset in 2005

>and not to pass any similar restrictive legislation, noting that such

>heinous crimes as killing 3000 people by crashing airplanes into buildings

>were already illegal in September, 2001 and do not require new legislation

>to be investigated or prosecuted;

>

>4) showing support for Arab, Muslim, South Asian, and other communities
>who have been targeted for their ethnic or national heritage or religious
>beliefs and reiterating a prohibition on racial profiling;
>
>and
>
>5) affirming the County's commitment to First Amendment rights of free
>speech, freedom of religion, freedom of the press, freedom of assembly,
>and the right to redress grievances with the government.
>
>We appreciate your commitment to protecting civil rights and civil
>liberties in Multnomah County.
>
>Sincerely,
>
>
>Dan Handelman, board of directors Yvonne Simmons, board of directors
>on behalf of the members of Peace and Justice Works
>

December, 2004

From: Japanese American Citizens League

To: Multnomah County Board of Commissioners

Subject: Resolution expressing commitment to protect civil rights in the era of the USA PATRIOT Act

Japanese American Citizens League (JACL), one of the oldest civil rights organizations in the country, works to eliminate stereotypes, prejudice, and discrimination based upon race, ethnicity, religion, and national origin. JACL continues to be a primary voice for speaking out against discrimination and the infringement of civil rights of everyone.

The infamous period of US history during World War II has not been forgotten by members of the Japanese American community. On orders from the US government, Americans of Japanese ancestry and Japanese immigrants were rounded up and interned in assembly centers and internment camps based on many factors and assumptions, all of which proved later to be unfounded. The recent events of discrimination and harassment against individuals based on their ethnic background is a chilling reminder of a history that should never be repeated. In light of the uncertain sweeping powers and policies of the US PATRIOT Act, Portland JACL applauds and supports the Multnomah County Board of Commissioners for their resolution ensuring a commitment to protect the civil rights of everyone.

**Japanese American Citizens League
Portland Chapter
1550 SE Oak Grove Blvd.
Milwaukie, OR 97267
1-877-843-6914**

December 6, 2004

To: Multnomah County Chair Linn
Multnomah County Commissioner Cruz
Multnomah County Commissioner Natio
Multnomah County Commissioner Rojo de Steffey
Multnomah County Commissioner Roberts

From: African American Chamber of Commerce

Re: Support for addressing the issues of discrimination as it relates to the interpretation and implementation of the U.S. Patriot Act.

Dear Commissioner,

On behalf of the 914 members of the African American Chamber of Commerce we are writing you today to support in principle resolution # 969 amending Multnomah County code chapter 15 to add 15.340-15.347 relating to civil rights discrimination.

The Chambers holds a high value on our elected leaders championing the civil rights of all the residents within our community regardless of their race, social-economic status, sexual identify and/or birth place.

We hope future resolutions will clearly spell out that profiling citizens who have committed no crimes is unacceptable within Multnomah County boundaries. In addition citizens can expect their government will not conspire against them with federal law-enforcement agencies to gather data or other information based on their individual, religious or political activities.

We appreciate the stand you are taking today to approve the above resolution. We also want you to know that you will be representing your constituents well by using your position to clearly state that discrimination against any of us is a crime committed against all of us.

Thank you for your leadership on this issue.

Sincerely

Jo Ann Bowman
Vice-Chair African American Chamber

EARL BLUMENAUER
THIRD DISTRICT, OREGON

COMMITTEES:
TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEES:
HIGHWAYS, TRANSIT AND PIPELINES
WATER RESOURCES AND ENVIRONMENT
RAILROADS

INTERNATIONAL RELATIONS

SUBCOMMITTEES:
ASIA AND THE PACIFIC
EUROPE



Congress of the United States

House of Representatives

Washington, DC 20515-3703

WASHINGTON OFFICE:
2448 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-4811
FAX: (202) 225-8941

DISTRICT OFFICE:
729 N.E. OREGON STREET
SUITE 115
PORTLAND, OR 97232
(503) 231-2300
blumenauer.house.gov

December 7, 2004

To the Multnomah County Board of Commissioners:

I applaud Multnomah County's Resolution to affirm the civil rights of its citizens in the face of ever-intrusive Federal laws.

I voted against both the USA PATRIOT Act and the Homeland Security Act in large part due to provisions which represent an historic erosion of civil liberties in a way not particularly helpful in combating terrorism. The idea seems to be to cast as wide a net as possible, to the point where everyone is a suspect. This in combination with the Department of Justice's abandonment of the rule of law in pursuing terrorism cases presents a truly frightening prospect. Indeed, we have seen many cases where people have been falsely imprisoned without being charged with a crime or having access to a lawyer. America is great *because* of a strong adherence to the rule of law, not in spite of it.

The USA PATRIOT ACT and Homeland Security Act both included much-needed legislation that undoubtedly helps law enforcement combat terrorism more effectively. However, many law changes hearken back to the days before the Watergate reforms, when the likes of Martin Luther King Jr. were subjected to baseless scrutiny and harassment by the FBI. We must strive for an America that is both safe *and* free.

Sincerely,

Earl Blumenauer
Member of Congress

cc to Deb, Andy

**Multnomah County Board of Commissioners
Resolution Expressing Commitment to Protect Civil Rights,
and to Reduce Discrimination and Harassment,
in the Era of the USA PATRIOT Act.**

December 7, 2004

Chair Diane Linn and Multnomah County Board of Commissioners:

In my capacity as director of Living Earth, a Portland-based peace and cultural change non-profit organization, I am grateful to know the County Commission is considering a resolution addressing the deep concerns of citizens throughout Multnomah County regarding Constitutional protections and civil liberties.

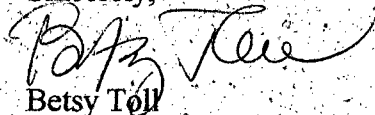
The USA PATRIOT Act (UPA) was hastily signed into law before Americans had time to sufficiently understand how the horrific attacks of 9/11 could have happened, and before we could determine the most appropriate and effective responses to this event. This voluminous bill eroding our Constitutional rights was frantically passed without our elected representatives even having read it. Congress barely even had opportunity to discuss the UPA before it was railroaded through. This reckless dereliction of duty by our representatives leaves a stain on the integrity of Congress that will not quickly fade.

American democracy depends upon active participation of our citizens. The chilling effects of surveillance under the UPA will dampen that participation. When our library materials are scrutinized by federal agents, how many of us will self-censor or hesitate to read at all? When members of our community have already been arrested and falsely accused of being terrorists, how free can we feel to worship and express our opinions in public? When federal agents can tap our phones and email, even enter and search our homes unbeknownst to us, how free can we Americans possibly consider ourselves?

Today, many members of Congress who voted in favor of the act regret their votes due to the numerous controversial and anti-democratic sections of the bill—sections which scores of legal experts consider to encroach upon the Constitutional rights of every American. These threats to our freedom make it vitally important that Multnomah County defend our Constitutional rights by passing this resolution.

I salute the County Commission for considering this resolution and urge you to pass it on behalf of all residents of Multnomah County.

Sincerely,



Betsy Toll

Director, Living Earth: Gatherings for Deep Change
2311 East Burnside, #100, Portland, OR 97214
503.788.7311

DEC 13 2004

BOGSTAD Deborah L

From: MILES Darcy
Sent: Wednesday, December 08, 2004 9:25 AM
To: BOGSTAD Deborah L
Subject: FW: Regarding the "Patriot Act" (UPA)

-----Original Message-----

From: FARRELL Delma D
Sent: Wednesday, December 08, 2004 9:24 AM
To: MILES Darcy
Subject: RE: Regarding the "Patriot Act" (UPA)

Please send this to Deb Bogstad.

Delma Farrell
Administrative Director/Scheduler
Multnomah County Chair Diane Linn's Office
501 SE Hawthorne, Room 600
Portland OR 97214
Phone: 503/988-3953
Fax: 503/988-3093

-----Original Message-----

From: MILES Darcy On Behalf Of CHAIR Mult
Sent: Wednesday, December 08, 2004 9:23 AM
To: FARRELL Delma D; SMITH Andy J; BALL John; GRAVELY Robert M
Subject: FW: Regarding the "Patriot Act" (UPA)

-----Original Message-----

From: Betsy Toll [mailto:livingearth@earthlink.net]
Sent: Wednesday, December 08, 2004 12:27 AM
To: CHAIR Mult
Subject: Regarding the "Patriot Act" (UPA)

Multnomah County Board of Commissioners
RE: Resolution Expressing Commitment to Protect Civil Rights, and to Reduce Discrimination and Harassment, in the Era of the USA PATRIOT Act.

December 7, 2004

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Sincerely,

Betsy Toll

Living Earth: Gatherings for Deep Change

2311 E Burnside, #100, Portland, OR 97214

Mail to: PO Box 86960, Portland, OR 97286 www.livingearthgatherings.org 503.788.7311

Living Earth's mission is to cultivate awareness of interdependence, empower full-hearted activism, and nurture the movement toward a just, ecologically rooted, culturally vibrant future. We present public events that challenge existing cultural models, strengthen community, enrich spiritual awareness, and stimulate creative alternatives for conducting our personal, political, economic, and cultural affairs.

The earth is alive, it's all connected, and it's all sacred.

(Note: If you prefer not to receive messages from this sender, please reply with " Please unsubscribe" in the subject line.)

Jerard S. Weigler
Attorney at Law
1300 SW Fifth Avenue, Suite 3400
Portland, Oregon 97201
Telephone: (503) 226-7677

Multnomah County Board of Commissioners
Multnomah County, Oregon

RE: Proposed Civil Rights Resolution

Dear Commissioners:

You are to be much commended for your willingness to consider passage of a resolution to protect civil rights in these troubled times. Particularly in light of proposed federal legislation designed to undermine state laws such as ORS 181.850.

As a community, we simply cannot take for granted freedom from undue harassment under color of law by government authorities, particularly against those citizens, visitors and immigrants least able to protect themselves.

The Honorable Gus Solomon, for whom I was proud to be employed after graduating from law school, sometimes spoke about his experiences in standing up for the rights of Japanese-Americans during and immediately after World War II, despite strident and vocal personal criticism. At that time, he was neither a federal judge nor even a particularly well connected local lawyer, but he had the courage to speak out for what is right for those he repeatedly saw being oppressed simply because they were "different" from the rest of the citizenry.

While our society has (painfully) eliminated many overt forms of oppression by law – I well remember being shocked by the "No Coloreds" signs I saw everywhere in the South as late as the 1950's --, creeping bigotry and unwarranted harassment by those cloaked with authority continues in every generation, most presently under guise of apprehension about possible terrorists in our midst. Over 400 years ago, in his various plays, Shakespeare bitterly wrote about such frequent kinds of abuse by government officials but they take different forms in different times. Today, a legitimate societal issue commonly seems to provide an excuse for singling out those who look or seem "different" or who question any dubious command, often treating them with punitive disrespect beyond the bounds of conduct shown to the ordinary majority.

I believe that it is right and proper that officials such as yourselves, elected by the people to leadership positions in governing our community, should stand up and officially speak out for this great cause on behalf us all .

Very truly yours,

Jerard S. Weigler

Jerard S. Weigler

To: Multnomah County Board of Commissioners
From: Congressman David Wu
Date: December 9, 2004
Re: Commitment to protecting civil rights

To the Multnomah County Board of Commissioners,

I write to you today in regards to your passage of "A Resolution Expressing Commitment to Protect Civil Rights in the Era of the U.S.A. PATRIOT Act." I appreciate the opportunity to express my commitment to civil rights and the prevention of discrimination here in Oregon.

I am very excited and pleased to see that Multnomah County will add to its existing anti-discrimination policy by reaffirming its commitment to civil rights with respect to the U.S.A. PATRIOT Act. As one of sixty-six members of the House who voted against H.R. 3162, the U.S.A. PATRIOT Act, I share your concerns about attempts to expand the government's police powers and restrict civil liberties. Since my vote against and the passage of the PATRIOT Act, the government has dramatically increased police power and employed tactics to indefinitely detain individuals. Furthermore, I have serious concerns about the consideration of a PATRIOT II Act and making such police powers permanent. I also have strong reservations about any proposal to further limit individual freedoms in speech, privacy, and association. Please know that I remain deeply concerned about the PATRIOT Act, related legislation and this Administration's intent to further limit American civil liberties. As such, I believe it is of dire importance that we do what we can – here in Multnomah County, in Portland, and throughout Oregon – to protect against any and all violations of civil rights and discrimination in any form.

Again, allow me to express my appreciation and support for the Multnomah County Board of Commissioner's efforts to provide for civil rights and protection against discrimination in the face of the U.S.A. PATRIOT Act. Please also know that I will continue to work in Congress to ensure that all individuals are treated equally and receive all due consideration in the application of our nation's laws.

Thank you for this opportunity. If I can ever be of any assistance, please do not hesitate to contact me at 503-326-2901 or 800-422-4003.

With Warm Regards,

David Wu
Member of Congress

BOGSTAD Deborah L

From: CARROLL Mary P
Sent: Wednesday, December 08, 2004 1:14 PM
To: BOGSTAD Deborah L
Subject: FW: Letters of support for R-3 on tomorrow's agenda

She should have sent this to you

Mary Carroll
Executive Assistant
Commissioner Serena Cruz
501 SE Hawthorne Blvd. Suite 600
Portland OR 97214
(503)988-5275 phn (503)988-5440 fax
mary.p.carroll@co.multnomah.or.us

-----Original Message-----

From: NAITO Terri W
Sent: Wednesday, December 08, 2004 12:58 PM
To: LINN Diane M; ROJO DE STEFFEY Maria; CRUZ Serena M; ROBERTS Lonnie J
Cc: SMITH Andy J; ROMERO Shelli D; CARROLL Mary P; WALKER Gary R
Subject: Letters of support for R-3 on tomorrow's agenda

SPEAKER #1

Dr. Herman Frankel asked that I pass on to you the attached letters in support of the resolution that will come before you tomorrow regarding civil rights and the USA Patriot Act. In addition, below is the list of speakers he has arranged to provide testimony in person in support of the resolution.

Please let me know if you have any questions, or feel free to contact Dr. Frankel directly at 503-227-1860.

Terri Naito

OFFICE OF COMMISSIONER LISA NAITO
Multnomah County

Multnomah County Board of Commissioners

Resolution Expressing Commitment to Protect Civil Rights in the Era of the USA PATRIOT Act

December 9, 2004

Scheduled Speakers
(listed alphabetically)

Joanne Bowman, Vice-Chair, African American Chamber of Commerce, and past Oregon state legislator
The Reverend Dr. Ron Clark, Preaching Minister, Metro Church of Christ, Gresham
The Reverend Dr. LeRoy Haynes, Allen Temple CME Church
Kayse Jama, Community Language and Culture Bank
Roy Jay, President/CEO, Oregon Convention and Visitor Service Network
Andrea Meyer, ACLU of Oregon
Multnomah County Library Advisory Committee
Marla P. Rosenberger, President, Multnomah County Employees Union, AFSCME Local 88
Emily Simon, Jewish Arab Muslim Dialog Group
Nohad A. Toulon, Ph.D., Dean Emeritus, PSU School of Urban and Public Affairs

12/8/2004

SPEAKING OUT

**To Protect Civil Rights
and to Reduce Discrimination and Harassment
in the Era of the U.S.A. PATRIOT ACT**



DISCLAIMER:

This publication, produced at no cost to Multnomah County, is intended only for non-profit, educational, and research purposes.

PREPARED BY:

Rights 101 Oregon

www.rights101oregon.org

and

Community Language and Culture Bank

www.clcbank.org

Report for the Public Hearing

December 9, 2004

10:00 AM

Multnomah County

Board of Commissioners

SPEAKING OUT

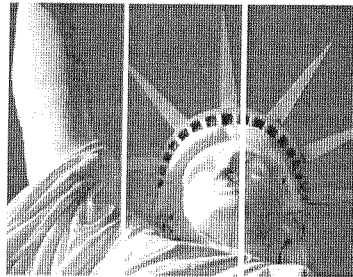
**To Protect Civil Rights
and to Reduce Discrimination and Harassment
in the Era of the U.S.A. PATRIOT ACT**

Report for the Public Hearing

December 9, 2004

10:00 AM

Multnomah County
Board of Commissioners
Portland, Oregon



To obtain an electronic copy of this report, visit www.clcbank.org/report.pdf
For hardcopies, please contact:

Community Language and Culture Bank
2808 NE Martin Luther King Jr. Blvd., Suite 13
Portland, Oregon 97212
Phone: (503) 223-4464
E-mail: info@clcbank.org
Web: www.clcbank.org

To obtain an electronic copy of this report, visit www.clcbank.org/report.pdf
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INTRODUCTION

December, 2004

Dear friends and neighbors:

On January 7, 2002, fewer than three months after the U.S.A. PATRIOT ACT was signed into law by the President of the United States, the City Council of Ann Arbor, Michigan responded by passing a resolution supporting due process, civil liberties, and human rights. By now, four state governments and 358 city and county governments have passed similar resolutions to protect the civil liberties of their residents: governments serving a total population of 55,456,916 people. Hundreds of additional resolutions critical of the U.S.A. PATRIOT ACT are in progress.

Why?

What is the U.S.A. PATRIOT ACT? What does it do? What interim regulations and executive orders have been enacted to establish procedures and authorization for its use in a variety of settings? What fundamental changes to our legal rights have resulted? What have been the effects on people in our community?

In this publication, we begin to answer these questions, and other questions as well.

The December 9, 2004 Multnomah County Board of Commissioners' "Resolution Expressing Commitment to Protect Civil Rights in the Era of the U.S.A. PATRIOT ACT" is a timely and important document, enacted by wise and courageous elected officials. It was developed in the course of a year of public discourse. Preliminary drafts were posted on the rights101oregon.org website for many months and have been reviewed, commented upon, and supported by many people and organizations: religious, academic, labor, immigrant, minority, peace and social justice, business, and professional. The December 9 Resolution, the background material and links to original sources, the letters and statements of support and concern, the information from and about people who live, work, study, worship, and travel in Multnomah County—all contribute to our educating ourselves and helping one another work to protect our civil rights, our Constitution, our democracy itself.

If not we, who?

If not now, when?

Warmly,

Herman M. Frankel, M.D.

William Pickard

Mark La Malfa

Melodie Presler

In loving memory of A. Kaelin Bowers, whose great capacity to care continues to inspire us all.

PROPOSED MULTNOMAH COUNTY RESOLUTION

DRAFT BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Expressing commitment to protecting civil rights in the era of the U.S.A. PATRIOT ACT and asking Oregon's Congressional Delegation to oppose legislation that infringes upon those rights.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County remains committed to its long standing tradition of protecting the civil rights and liberties of all persons as expressed in the Constitution of the United States, the Constitution of the State of Oregon, and the County's own policies and ordinances; and believes that a threat to any one person's rights is a threat to the rights of all.
- b. In the aftermath of September 11, 2001, Multnomah County stated its strong opposition to terrorism of any kind and recognizes that, without undermining the fundamental rights and liberties that make this nation great, it is necessary for our Federal Government to protect our citizens from future terrorist acts.
- c. Some provisions of the U.S.A. PATRIOT ACT (Public Law 107-56) and the Homeland Security Act (Public Law 107-296) have resulted in reports of discrimination, harassment and curtailment of the constitutional rights and liberties of people who live, work, study, worship or travel in Multnomah County.
- d. New legislation entitled the "Tools to Fight Terrorism Act of 2004" (S. 2679) has been introduced for consideration by Congress; and provisions of the U.S.A. PATRIOT ACT will soon be reconsidered by Congress for possible reauthorization.
- e. These proposed new powers potentially pose a continuing and growing threat to the civil rights and liberties of all persons in our country, regardless of their race, religion, country of origin or ethnicity.
- f. Under Oregon state law, ORS 192.502(22), and in keeping with library policy and practice, Multnomah County Library protects the privacy and confidentiality of library records including personal information, records of material borrowed or consulted, and use of the internet and other electronic sources.
- g. Section 215 of the U.S.A. PATRIOT ACT allows a court order to be issued under the Foreign Intelligence Surveillance Act of 1978 (Public Law 95-511) without probable cause and requires Library personnel to produce library records even when there is no cause to believe the library patron has committed a crime.
- h. More than 360 communities throughout the United States and Oregon, including four states, have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that violate them, and demanding accountability from the Federal Government regarding their use of these new powers.

The Multnomah County Board of Commissioners Resolves:

1. While the Board of County Commissioners affirms its opposition to terrorism, it also affirms that any efforts to end terrorism must not be waged at the expense of fundamental civil rights, liberties, and freedoms; and it also opposes federal measures that infringe upon the fundamental civil rights, liberties and freedoms of the people of Multnomah County and the United States.
2. The right to engage peaceably in public demonstrations, vigils, protests, marches, and similar activities to express ideas and views is protected by this affirmation and in the First Amendment of the Bill of Rights as "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This right must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.
3. A copy of this resolution will be forwarded to Oregon's U.S. Senators Gordon Smith and Ron Wyden; Oregon's U.S. Representatives Earl Blumenauer, Peter DeFazio, Darlene Hooley, Greg Walden and David Wu with a letter from the Board of County Commissioners urging them to work to:
 - a. repeal all provisions of the U.S.A. PATRIOT ACT and the Homeland Security Act that infringe upon the rights protected by the Constitution of the United States;
 - b. actively oppose pending and future legislation which may also unjustly infringe upon those same rights and liberties; and to continue their vigorous oversight of our constitutional liberties;
 - c. protect the privacy of Multnomah County Library patrons by repealing Section 215 of the U.S.A. PATRIOT ACT.
4. A copy of this resolution will be forwarded to the President of the United States and to the Attorney General of the United States.

ADOPTED this 9th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

(Allow 2" space for County Seal)

Diane Linn, Chair

REVIEWED:

AGNES SOWLE,
COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____

SCHEDULED SPEAKERS

*Transcripts of speakers' remarks
will be included in future editions
of this publication.*

SCHEDULED SPEAKERS

(listed alphabetically)

December 9, 2004

Joanne Bowman

Vice-Chair, African American Chamber of Commerce, and past Oregon state legislator

The Reverend Dr. Ron Clark

Preaching Minister, Metro Church of Christ, Gresham

Cindy Gibbon, Senior Library Manager

Multnomah County Library

The Reverend Dr. LeRoy Haynes

Allen Temple CME Church

Kayse Jama

Founder, Community Language and Culture Bank

Roy Jay

President/CEO, Oregon Convention and Visitor Service Network

Andrea Meyer

ACLU of Oregon

Marla P. Rosenberger

President, Multnomah County Employees Union, AFSCME Local 88

Emily Simon

Jewish Arab Muslim Dialog Group

Nohad A. Toulon, Ph.D.

Dean Emeritus, PSU School of Urban and Public Affairs

LETTERS OF SUPPORT

AFRICAN AMERICAN CHAMBER OF COMMERCE

December 6, 2004

To: Multnomah County Chair Linn
Multnomah County Commissioner Cruz
Multnomah County Commissioner Natio
Multnomah County Commissioner Rojo de Steffey
Multnomah County Commissioner Roberts

From: African American Chamber of Commerce

Re: Support for addressing the issues of discrimination as it relates to the interpretation and implementation of the U.S. Patriot Act.

Dear Commissioners,

On behalf of the 914 members of the African American Chamber of Commerce we are writing you today to support in principle resolution # 969 amending Multnomah County code chapter 15 to add 15.340-15.347 relating to civil rights discrimination.

The Chambers holds a high value on our elected leaders championing the civil rights of all the residents within our community regardless of their race, social-economic status, sexual identify and/or birth place.

We hope future resolutions will clearly spell out that profiling citizens who have committed no crimes is unacceptable within Multnomah County boundaries. In addition citizens can expect their government will not conspire against them with federal law-enforcement agencies to gather data or other information based on their individual, religious or political activities.

We appreciate the stand you are taking today to approve the above resolution. We also want you to know that you will be representing your constituents well by using your position to clearly state that discrimination against any of us is a crime committed against all of us.

Thank you for your leadership on this issue.

Sincerely,

Jo Ann Bowman
Vice-Chair African American Chamber

MULTNOMAH COUNTY EMPLOYEES UNION
AFSCME Local 88

A RESOLUTION SUPPORTING THE COMMITMENT TO PROTECT CIVIL RIGHTS, AND TO PREVENT DISCRIMINATION AND HARASSMENT, IN THE ERA OF THE U.S.A. PATRIOT ACT

Multnomah County Employees Union
AFSCME Local 88

RESOLUTION

WHEREAS

Multnomah County Employees Union, AFSCME, Local 88 has:

- ▶ a diverse membership providing vital services to the public
- ▶ a long history of protecting the civil rights and liberties of all its members
- ▶ a policy of eliminating discrimination based on social factors such as race, religion, color, sex or gender (including orientation and identity), marital or familial status, national origin, age, disability or inability, or source of income

WHEREAS

It has been reported in the local press and other media that as a direct result of specific federal laws, regulations, and executive orders enacted since September 11th, 2004 related to implementation of such federal statutes as the U.S.A. PATRIOT ACT and the Homeland Security Act members of our community have:

- ▶ been discriminated against and harassed
- ▶ experienced curtailment of their constitutional rights and liberties such as
 - a. freedom of speech, association, and religion
 - b. right to privacy
 - c. right to counsel and due process before the law
 - d. right to equal protection before the law
 - e. protection from unreasonable searches and seizures, and
 - f. protection from cruel and unusual punishment

WHEREAS

We recognize the need for government to protect the public from terrorist attacks, we firmly believe their obligation is to do so in a rational and deliberative manner to ensure public safety without harm or impairment to constitutional guarantees, infringing on civil liberties and/or establishing a climate which fosters discrimination or harassment of any segment of the population.

WHEREAS

Many communities across the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that violate them, and demanding accountability from law enforcement agencies regarding their use of their new powers.

AND FINALLY WHEREAS

AFSCME has a history of being in the forefront protecting civil liberties and civil rights.
Local 88 supports that long and valued history.

THEREFORE BE IT RESOLVED

That Multnomah County Employees Union, AFSCME, Local 88 supports a resolution by the Multnomah County Board of Commissioners protecting the constitutional rights and civil liberties of all Multnomah County residents.

And BE IT FURTHER RESOLVED

That we support the direction of the employees of Multnomah County in process of their assigned duties to protect and defend those constitutional rights and civil liberties within their power of all Multnomah County residents.

And BE IT FINALLY RESOLVED

If any phrase, clause, sentence or provision of this resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of AFSCME International or the Constitution of the United States or the State of Oregon, or the applicability thereof to any agency, person, or circumstance is held invalid, the validity of the remainder of this resolution and the applicability thereof to any agency, person, or circumstance shall not be affected thereby.

RESOLVED this 7th day of December, 2004.

FOR THE MULTNOMAH COUNTY EMPLOYEES UNION,
AFSCME, LOCAL 88

signed
Marla P Rosenberger, President

absent
Mary C Orr, Vice President

signed
Maurice Miller, Treasurer

signed
Becky A Steward, Secretary

signed
Naomi Angier, Library Services

absent
Carolyn Frazier, Health Dept

signed
Bruce Kosharek, JCSS

signed
Gary Magnuson, DCHS

absent
Jackie Tate, DSCP

signed
Chris Tobkin, DCJ

signed
Chris Witka, At Large

absent
Chris Thayer, CCC

signed
Robert Clark, Chief Steward

signed
Jody Darr-Block, Chief Steward

signed
Janet Irwin, Chief Steward

absent
Sandy Kaufman, Chief Steward

EARL BLUMENAUER
THIRD DISTRICT, OREGON

COMMITTEES:
TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEES:
HIGHWAYS, TRANSIT AND PIPELINES
WATER RESOURCES AND ENVIRONMENT
RAILROADS

INTERNATIONAL RELATIONS

SUBCOMMITTEES:
ASIA AND THE PACIFIC
EUROPE



Congress of the United States
House of Representatives
Washington, DC 20515-3703

WASHINGTON OFFICE:
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WASHINGTON, DC 20515
(202) 225-4811
FAX: (202) 225-8841

DISTRICT OFFICE:
729 N.E. OREGON STREET,
SUITE 115
PORTLAND, OR 97232
(503) 231-2300
blumenauer.house.gov

December 7, 2004

To the Multnomah County Board of Commissioners:

I applaud Multnomah County's Resolution to affirm the civil rights of its citizens in the face of ever-intrusive Federal laws.

I voted against both the USA PATRIOT Act and the Homeland Security Act in large part due to provisions which represent an historic erosion of civil liberties in a way not particularly helpful in combating terrorism. The idea seems to be to cast as wide a net as possible, to the point where everyone is a suspect. This in combination with the Department of Justice's abandonment of the rule of law in pursuing terrorism cases presents a truly frightening prospect. Indeed, we have seen many cases where people have been falsely imprisoned without being charged with a crime or having access to a lawyer. America is great *because* of a strong adherence to the rule of law, not in spite of it.

The USA PATRIOT ACT and Homeland Security Act both included much-needed legislation that undoubtedly helps law enforcement combat terrorism more effectively. However, many law changes hearken back to the days before the Watergate reforms, when the likes of Martin Luther King Jr. were subjected to baseless scrutiny and harassment by the FBI. We must strive for an America that is both safe *and* free.

Sincerely,

Earl Blumenauer
Member of Congress

PRINTED ON RECYCLED PAPER

COMMUNITY LANGUAGE AND CULTURE BANK

And the Undersigned

November 30, 2004

To the Multnomah County Board of Commissioners:

On behalf of the organizations and individuals listed below, I am writing to express grateful support to you for generating a resolution expressing commitment to protect civil rights, and to prevent discrimination and harassment, in the era of the U.S.A. PATRIOT ACT. On the basis of information readily available in local newspapers and on television news, our members are well aware of many violations of civil rights that people here in Multnomah County have experienced over the past two years.

People know, for example, about Brandon Mayfield's violent arrest and secret detention; about the FBI's false claim of "one hundred percent" certainty that his fingerprints matched a picture of fingerprints on a plastic bag found in Spain, which they in fact did not match; and also about the fact that his indictment made a point of his having been observed repeatedly driving to a mosque.

People know, for example, about the removal from a Delta Airlines plane of seven Moroccan government officials with diplomatic passports, here on a goodwill visit that included attendance at your weekly meeting two days earlier; about their detention at Portland International Airport; about their luggage being searched, documents removed and returned to the wrong bags, officials becoming alarmed at seeing Arabic papers with the emergency telephone number 9-1-1 written on them, and FBI interrogation without an Arabic-speaking interpreter present.

People know, for example, about the improper arrest of former US Marine Brent Was during a peaceful demonstration in downtown Portland; about his detention by Portland police until after midnight; and about Portland's settling the case for \$3,500 after he hired a lawyer. People know, for example, about Portland Water Bureau head Mort Anishouravini's suit against the US Customs Office for unlawful seizure of half his luggage upon his return from a visit with family members in Iran; about the agency's offer to return the improperly held property if he agreed not to sue; and about the property being returned after he hired an attorney.

People know, for example, of the wrongful arrest of well-known Portland area Muslim cleric Sheik Mohamed Abdirahman Kariye at Portland International Airport on September 8, 2002; that authorities claimed his brother's luggage contained traces of TNT. The FBI later admitted the TNT test had been faulty and there was not, in fact, any explosives present. Even then, it took vocal protests and strenuous work by attorneys to get Kariye released on bail.

Attendees of the Islamic Center of Portland—Masjed As-Saber—learned during the Kariye trial that an informant for the FBI had attended their mosque in June 2002, for the purpose of secretly recording conversations with individuals in search of information regarding the "Portland Seven" defendants. For many Muslim immigrants, this secrecy and intrusive questioning was reminiscent of the countries they left, where people were guilty until proven innocent.

These examples of humiliating assaults on people's rights and dignity here in Multnomah County, and other examples, have been reported in local, national, and international news media. There are many more such experiences that go unreported, experiences in which the victims, perhaps invisible to you, have no recourse and no relief. That is why we are grateful to you for taking action to protect our civil rights, and for speaking out about the discrimination and harassment that so many of us experience daily.

It is important for us to let you know that government surveillance, and the threat of prosecution under federal terrorism laws, constrain Muslims in Multnomah County (as elsewhere) from participating freely in congregational prayers and in both making obligatory contributions (zakah) and giving anonymous voluntary charity (sadaqa-h) to serve the needy and the common good. Practitioners of Islam are required to engage in these activities. We believe that the right to the free exercise of religion, guaranteed in the First Amendment, must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.

Federal legislation such as the Domestic Security Enhancement Act of 2003 (DSEA, also known as PATRIOT II) contains an array of new and sweeping law enforcement and intelligence gathering powers that are not related to terrorism, and that, if enacted, threaten many basic constitutional rights and would disrupt our unique system of checks and balances. We know that proposed federal legislation would make some federal funding contingent upon the participation of state and local law enforcement agencies in apprehending those whose only offense is a federal immigration violation, a requirement which is contrary to ORS 181.850. These proposed new powers pose a continuing and growing threat to the civil rights and liberties of all persons in our country, regardless of their race, religion, country of origin, and ethnicity, and pose a particular threat to the civil rights and liberties of persons who are of Arab, Muslim, or South Asian descent. We believe that the rights of immigrants must be protected, and measures that single out individuals for legal scrutiny or enforcement activity based on their ancestry, nationality, or religion must be opposed.

We know that "(i)t is the policy of the County to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or source of income." We know that the County recognizes that "(s)uch discrimination poses a threat to the health, safety, and general welfare of the citizens of the County and menaces the institutions and foundations of our community." We know that Multnomah County's Diversity Initiative Statement (2002) and update (2004) express a County policy, which recognizes and respects the diversity of cultures and people in Multnomah County.

We appreciate your boldness and your initiative in taking action to protect the public safety, the civil rights, and the dignity of people in Multnomah County, in the face of violations of all three in the era of the U.S.A. PATRIOT ACT.

Sincerely,

Kayse Mohamed Jama

Founder/Director

Community Language and Culture Bank

ORGANIZATIONS

Education Without Borders
Hope for Africa
Japanese American Citizens
League
Jobs with Justice
Latino Network
Love Makes a Family
Northwest Workers Justice
Project
Portland Gray Panthers
Portland Solidarity
Somali Community Services
Coalition
Somali Women's Association

INDIVIDUALS

Sanjeev Balajee
Kristin Amy Sierra Crandall
Nicole Edner
Shari Exo
Theresa Ellen Fagin
Liz Fehrenbach
Samuel Gioia
Marian Grebanier
Katie Haas
Marjory Hamann
Kathleen Joy
Karin Kibler
Victoria LaFara
Lori McGilchrist

INDIVIDUALS (continued)

Mary Protsman
Rev. Sarah-Andrea Morrigan
Daniel J. Shea
Dmae Roberts
Bruce M. Watts

FIRST UNITARIAN CHURCH, ECONOMIC JUSTICE ACTION GROUP

November 9, 2004

To the Multnomah County Board of Commissioners:

As a member of the Economic Justice Action Group of First Unitarian Church of Portland, I am grateful for to you for your decision to pass a resolution expressing the commitment to protect our civil rights and to prevent discrimination and harassment in the era of the U.S.A. PATRIOT ACT.

The Unitarian Universalist Church has a deep history beginning early in the 19th century promoting the inherent worth and dignity of every person. One of the principles of our church is justice, equity and compassion for all. The U.S.A. PATRIOT ACT threatens to deprive our diverse population of their dignity, their right to counsel, their equal protection before the law and their protection from unreasonable searches and seizures. Therefore, it is the duty of those of us in the faith community of our city to strongly state that the civil rights of all are the stronghold of this democracy. Without the protections of our Bill of Rights we can never be truly free and safe.

My great-great-grandfather, Edward Everett Hale, was the minister of the largest Unitarian church in Boston for 53 years from 1855-1909. He was also the author of the novel, "Man Without A Country". In this story Philip Nolan was banished from the country he loved because he dared dissent. There is a lesson here that we, as a society, need to be careful and diligent to protect our right to dissent and that we need to respect the inherent dignity of every person. American citizens, students or visitors to our country should never be detained in secrecy and they must never be without access to counsel. People need to feel safe in their homes, their churches and in their libraries.

We are all aware of the responsibility of our government to help protect us in these difficult times, but the passing of PATRIOT Act I and PATRIOT Act II only increases the threat to the civil rights and liberties of us all. Discrimination and harassment have already been directed to those who are lawfully expressing their views and to those who are victims of racial and religious profiling.

May we understand that the cornerstones of this country are truth and justice, reason and wisdom. May we all be humbled by the understanding that we are all here as one body of compassion and hope, not as messengers of fear. Our government is here to serve the common good, not to rule with an authoritarian hand.

Thank you for considering my letter as you deliberate on the county's responsibility to respect and protect its citizens.

Sincerely,

Jacqueline Jones

Economic Justice Action Group
First Unitarian Church, Portland, Oregon

JAPANESE AMERICAN CITIZENS LEAGUE, PORTLAND CHAPTER

Japanese American Citizens League (JACL), one of the oldest civil rights organizations in the country, works to eliminate stereotypes, prejudice, and discrimination based upon race, ethnicity, religion, and national origin. JACL continues to be a primary voice for speaking out against discrimination and the infringement of civil rights of everyone.

The infamous period of US history during World War II has not been forgotten by members of the Japanese American community. On orders from the US government, Americans of Japanese ancestry and Japanese immigrants were rounded up and interned in assembly centers and internment camps based on many factors and assumptions, all of which proved later to be unfounded. The recent events of discrimination and harassment against individuals based on their ethnic background is a chilling reminder of a history that should never be repeated. In light of the uncertain sweeping powers and policies of the U.S.A. PATRIOT ACT, Portland JACL applauds and supports the Multnomah County Board of Commissioners for their resolution ensuring a commitment to protect the civil rights of everyone.

Japanese American Citizens League

Portland Chapter
1550 SE Oak Grove Blvd.
Milwaukie, OR 97267
1-877-843-6914



Jewish Arab Muslim Dialog
Portland, Oregon

Contact: jamd@mail.com

Dear County Commissioners:

By this letter of endorsement, the Jewish Arab Muslim Dialog Group of Portland applauds you for generating a resolution you will be considering on December 9, 2004, expressing the County's commitment to protect civil rights, and to prevent discrimination and harassment in the era of the Patriot Act. We are a group of mainstream Jewish, Arab, and Muslim community and religious leaders who regularly meet to protect civil rights, promote cross cultural understanding, and work towards bringing about a just and peaceful resolution to the terrible and urgent situation in Israel and Palestine. Our support for this resolution became even stronger after this month's election results and we urge you to adopt the resolution without delay. We believe that it is essential that local governments forcefully declare that the right to practice one's religion, travel freely and peacefully assemble is an American value that should not be dispensed with because of one's ethnic or religious background.

The Government surveillance and the threat of prosecution under the Patriot Act deters Muslims in Multnomah County, and elsewhere, from participating freely in congregational prayers, and making obligatory contributions (zakah) and giving anonymous voluntary charity (sadaqa-h). We, therefore, particularly support the clause in the resolution which provides:

"The right to the free exercise of religion, including such practices as participating in congregational prayers and making contributions to serve the needy and the common good, must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution."

It is a shame that we are living in a time when the basic tenets of one of the world's great religions are viewed suspiciously by some elected officials. We are grateful that the Multnomah County Commission will not be joining this governmental bandwagon of fear and distrust and pledge our assistance in helping you reaffirm all people's rights to live freely, travel freely and exercise their religion.

Sincerely,



Emily Simon
On behalf of the Jewish Muslim Arab Dialog Group

Rohad A. Toulah, Ph.D.

METRO CHURCH OF CHRIST, GRESHAM

December 1, 2004

To the members of the Multnomah County Board of Commissioners:

In the past leaders of the Christian Church and have turned their heads while governments have violated the rights of thousands of human beings. Other times these leaders have spoken out in order to protect the rights of the oppressed. I believe that all human beings are created in the image of God. As an American I believe our churches should be free to develop relationships with all human beings and be able to invite them to come to the table of fellowship. I also believe that all religious, ethnic, and social groups should be able to practice their First Amendment rights, which involve the right to public assembly, expression of their faith views, and giving to the poor and needy; unless these actions threaten the safety and rights of other people.

In my opinion various points in the U.S.A. PATRIOT ACT may prevent us from fulfilling our mission for Christ and allow our government to violate the rights of others without providing a checks and balances system to maintain justice for all human beings. While government may take a neutral stance concerning its view of religion, I believe that God's people are called to be prophets. We are the mouthpieces for our God and cry out against injustice toward aliens, immigrants, and the strangers who live among us. While I have been shaken by the events of 9/11, I have been even more appalled by the targeting of Middle Eastern people as potential terrorists. This, in light of the fact that Oklahoma City, the US Forestry Department, and Commercial Shipping industries have been victims of local terrorists. We also have millions of women who have been terrorized by their intimate partners since 9/11. It seems, in my opinion, that the U.S.A. PATRIOT ACT is an attempt to point the finger at the wrong individuals.

As a servant of God I feel called to encourage you, our government leaders, to practice justice, peace, and mercy. I ask the Board of Multnomah County Commissioners to protect the constitutional rights of all people in our county and call our government to accountability by passing the Resolution Expressing Commitment to Protect Civil Rights in the Era of the U.S.A. PATRIOT ACT.

We will be praying for you during this time and appreciate your effort.

Sincerely,

Dr. Ron Clark

Metro Church of Christ

ronclark@metrocofc.org



MEMORANDUM

To: Multnomah County Board of Commissioners
From: Library Advisory Board
Date: December 7, 2004
Subject: Proposed Resolution on the USA PATRIOT Act

We are pleased that the Multnomah County Board of Commissioners will consider a resolution questioning provisions of the USA PATRIOT Act at the December 9 meeting. As citizen advocates for the people who use Multnomah County's libraries, we have grave concerns about Section 215 of the PATRIOT Act.

As Carol Brey-Casiano, president of the American Library Association, recently stated, "The right to read freely in our nation's libraries is grounded in the belief that people must be able to access information and ideas without fear of reprisal." When librarians fight against Section 215 of the PATRIOT Act, they're fighting for the public's right to read.

Unlike a criminal search warrant, which requires probable cause that a crime has been committed, Section 215 allows a court order to be issued under the Foreign Intelligence Surveillance Act of 1978 (FISA) **without probable cause** if "a significant purpose of the investigation is to obtain foreign intelligence information." The pre-PATRIOT Act standard required that the "sole or main purpose" of the surveillance be to obtain foreign intelligence information. This change is critical, because it allows the lower standard to be used outside the foreign intelligence context.

Under Section 215 of the PATRIOT Act, federal agents may obtain orders from the secret FISA Court for the production of "**any tangible thing**" (including library records) for an investigation to protect against international terrorism or clandestine intelligence activities:

- Only the Attorney General and his staff have access to this court.
- Neither the library nor the person whose records are sought can challenge the order.
- The proceedings of the court are sealed.
- The order cannot disclose its purpose.

- Library staff members face criminal penalties if they reveal that the library has received a Section 215 order.

Thus it is virtually impossible to track how often Section 215 orders are issued and whether this power is being abused.

As required by state law ORS 192.502(22) and in keeping with library policy and practice, Multnomah County protects the privacy and confidentiality of library records, including personal information contained in the library's patron database, records of materials borrowed or consulted, questions asked and use of the Internet and other electronic resources. The library retains personally identifiable information about use of library services only so long as those records are needed for business purposes. The library has long-established practices regarding requests for library records, including requests from law enforcement agencies:

- Only the library director, acting on advice from the county attorney, may authorize release of patron records.
- The library does release records when it receives an order issued by a court of competent jurisdiction that is legal and binding upon the library and shows cause why the records are related to a criminal investigation.

As described above, Section 215 orders can compel the library director to release records when there is no cause to believe the library user has committed a crime.

We urge you to convey these concerns to the Multnomah County congressional delegation and ask them to redouble their efforts to:

- amend or repeal Section 215 of the USA PATRIOT Act;
- block reauthorization of Section 215 so it will sunset, if it cannot be amended;
- scrutinize and amend or block future federal legislation that seeks to promote national security at the expense of civil liberties.

Multnomah County Library Advisory Board

Dean Gisvold, Chair
Joe Arellano
Charlotte Beeman
Robert Brading
Stephen Feltz
Mark Garber
Martha Gies
Molly Gloss

Alice Meyer, Vice Chair
Rick Gustafson
Gwen Farnham Hyland
Jon Kruse
Marneet Lewis
Diane McKeel
Donna Oden-Orr
Diane Xiong

NATIONAL LAWYERS GUILD, PORTLAND CHAPTER

11/17/04

To the Multnomah County Board of Commissioners:

We, the attorneys and legal professionals of the National Lawyers Guild, Portland Chapter, write to commend you for generating a "Resolution Expressing Commitment to Protect Civil Rights, and to Prevent Discrimination and Harassment in the Era of the U.S.A. P.A.T.R.I.O.T. Act" of the Multnomah County Board of Commissioners. In the words of Lewis Lapham, editor of Harper's magazine, we are living in an era where our "government is so frightened of its own citizens that it classifies them as probable enemies." In the wake of the tragic events of September 11, 2001, there has been a rash of anti-terrorism laws and policies which have placed significant restrictions on our constitutional rights and liberties. Most of these practices, and this fanatical response to "terrorism," have not made us safer and are an assault on the very things that make this a great nation.

As the instances outlined in the appendices to the Resolution point out, speaking out against the government has now become a dangerous endeavor. Even traveling abroad makes one subject to suspicion. Our privacy is being invaded around every corner and ethnic and religious minorities are guilty until proven innocent. Further, in this atmosphere of fear of citizens by our government, law enforcement officials have taken a "hard-line" stance against protesters.

For example, on August 22, 2002, the Portland Police Bureau used pepper spray and rubber bullets to move a crowd of protesters and make way for President Bush and several other attendees of a fund-raiser for Senator Gordon Smith. Police had surrounded the Portland Hilton Hotel, where the event was held, and erected fences to contain the thousands of protesters present. The police proceeded to push the crowd back while spraying them with pepper spray, knocking several individuals over, trampling them, and spraying directly into their eyes and faces. A lawsuit filed on behalf of several of the injured, including some children, filed by NLG members, seemed to slow down such violent police tactics for some months. However, these tactics were soon resumed during the protests against the Iraq War where victims of this brutal reaction to nonviolent protest have stretched to include even members of the media who covered such events. On March 25, 2003, a KATU engineer who was helping set up for coverage of an anti-war protest, was assaulted by a police officer without provocation.

In addition to these brutal tactics by the police, less obvious attacks on our liberty have been made. Most people in the country are aware of the wrongful accusations and imprisonment of Portland-area attorney, Brandon Mayfield. Mayfield initially came to the attention of authorities because of his religion and his representation of some Muslim clients suspected of "terrorist" involvement. Such profiling is a direct affront to the US Constitution.

In light of these examples, as well as many others, we strongly endorse the Board's decision to take a stand against these attacks on our Constitutional rights and liberties, the safety and feelings of safety of people who live, work, study and travel in Multnomah County.

This is a country of, by and for the people, not against the people.

Sincerely,

Karstan Lovorn

on behalf of the

The Portland Chapter of the National Lawyers Guild

<http://www.nlg.org>

PEACE AND JUSTICE WORKS

Diane Linn, Chair, Maria Rojo de Steffey, Serena Cruz, Lisa Naito,
Lonnie Roberts, Commissioners
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

November 26, 2004

To Multnomah County Commissioners Linn, Cruz, Naito, Roberts, and Rojo de Steffey,

We understand that you will be voting on a resolution regarding the U.S.A. PATRIOT ACT on December 9th. We hope the resolution will address both the act itself and any other seemingly anti-civil rights/civil liberties legislation or guidelines enacted in the wake of the attacks of 9/11.

We are writing today to encourage you to include the following as a bare minimum in any such resolution:

- 1) prohibiting Multnomah County law enforcement agents from participating in any activity permitted by the Federal laws and guidelines but illegal under Oregon law (such as ORS 181.575, prohibiting the collection or maintenance of information unless it is part of a criminal investigation, and ORS 181.850, which prohibits local law enforcement from acting as immigration agents);
- 2) condemning the most invasive parts of the U.S.A. PATRIOT ACT such as sneak-and-peek searches, surveillance, library information collection, and indefinite detentions without due process;
- 3) urging the US Congress to allow the USA PATRIOT act to sunset in 2005 and not to pass any similar restrictive legislation, noting that such heinous crimes as killing 3000 people by crashing airplanes into buildings were already illegal in September, 2001 and do not require new legislation to be investigated or prosecuted;
- 4) showing support for Arab, Muslim, South Asian, and other communities who have been targeted for their ethnic or national heritage or religious beliefs and reiterating a prohibition on racial profiling;

and
- 5) affirming the County's commitment to First Amendment rights of free speech, freedom of religion, freedom of the press, freedom of assembly, and the right to redress grievances with the government.

We appreciate your commitment to protecting civil rights and civil liberties in Multnomah County.

Sincerely,

Dan Handelman, board of directors **Yvonne Simmons**, board of directors on behalf of the members of Peace and Justice Works

PHYSICIANS FOR SOCIAL RESPONSIBILITY, OREGON CHAPTER

October 6, 2004

Dear Multnomah County Board of Commissioners:

The board of the Oregon Chapter of Physicians for Social Responsibility welcomes and enthusiastically supports the proposed "Resolution Expressing Commitment to Protect Civil Rights, and to Prevent Discrimination and Harassment, in the Era of the U.S.A. PATRIOT ACT". We concur that action against discrimination in all of its manifestations is essential for the protections of our constitutional rights.

We are threatened as an organization with illegal search and investigation under the PATRIOT Act. We have the potential to be threatened for our freedom of speech. Many others in Oregon and the country have had their freedoms of association, information, speech, legal representation, and right to a speedy and public trial refused illegally under this act. If we succumb to agreeing to the enforcement of the U.S.A. PATRIOT ACT we are undermining the Declaration of Independence and the Bill of Rights. It is imperative to take a stand for the rights of all Americans.

As an organization that is solidly committed to working toward peace and justice, we endorse the principles expressed by this resolution, and we commend the commissioners who proposed it. Only when we protect constitutional rights for all are they protected for us as well.

In peace and freedom,

Catherine Thomasson, MD
Rudi Nussbaum, PhD

Board members

KATHY RENTENBACH

TO: Multnomah County Board of Commissioners

RE: Multnomah County Resolution Expressing Commitment To Protect Civil Rights & To Prevent Discrimination & Harassment in the Era of the U.S.A. PATRIOT ACT.

DATE: 10 November 2004

FROM: Kathy Rentenbach
Women's Health Care Nurse Practitioner
Kaiser Permanente, NW
Member, Unitarian Universalist Church
Member, Economic Justice Action Group, Unitarian Church

I am writing in support of this resolution. I want to defend our democracy and our constitution. It's as simple as that.

ELSA WARNICK

Multnomah County Board of Commissioners
501 SE Hawthorne Blvd, Ste 600
Portland, OR 97214

November 18, 2004

Dear Ms. Linn, Ms. Steffey, Ms. Cruz, Ms. Naito and Mr. Roberts:

I write to express my appreciation for your creating a resolution which describes your commitment to the protection of civil rights in the era of the U.S.A. PATRIOT ACT.

I feel it is my duty to state, unequivocally, that my government must not allow the irrational fear of a perceived enemy to erode or compromise the law. Secrecy, spying, invasion of privacy, nondisclosure, all have no place in the activities of government.

History shows us the inevitable end result when control by fear allows governments to rise above the law.

The U.S.A. PATRIOT ACT is an example of the step-by-step journey toward giving government the permission to erode the very rights they are elected to uphold.

By creating a resolution about these matters you support the law, and hopefully encourage other regional governments to support similar resolutions, as more than 350 local governments have already done. County by county, state by state, just as pennies add up to dollars, we can gain enough currency to stop the activities of fear mongers.

Please stop the activities of those who would, in a climate of fear, attack our constitutional rights, and in your doing so, accept my thanks.

Sincerely,

Elsa Warnick
636 NW 20th Ave #7
Portland, OR 97209

JERARD S. WEIGLER

Jerard S. Weigler
Attorney at Law
1300 SW Fifth Avenue, Suite 3400
Portland, Oregon 97201
Telephone: (503) 226-7677

Multnomah County Board of Commissioners
Multnomah County, Oregon

RE: Proposed Civil Rights Resolution

Dear Commissioners:

You are to be much commended for your willingness to consider passage of a resolution to protect civil rights in these troubled times. Particularly in light of proposed federal legislation designed to undermine state laws such as ORS 181.850.

As a community, we simply cannot take for granted freedom from undue harassment under color of law by government authorities, particularly against those citizens, visitors and immigrants least able to protect themselves.

The Honorable Gus Solomon, for whom I was proud to be employed after graduating from law school, sometimes spoke about his experiences in standing up for the rights of Japanese-Americans during and immediately after World War II, despite strident and vocal personal criticism. At that time, he was neither a federal judge nor even a particularly well connected local lawyer, but he had the courage to speak out for what is right for those he repeatedly saw being oppressed simply because they were "different" from the rest of the citizenry.

While our society has (painfully) eliminated many overt forms of oppression by law—I well remember being shocked by the "No Coloreds" signs I saw everywhere in the South as late as the 1950's—creeping bigotry and unwarranted harassment by those cloaked with authority continues in every generation, most presently under guise of apprehension about possible terrorists in our midst. Over 400 years ago, in his various plays, Shakespeare bitterly wrote about such frequent kinds of abuse by government officials but they take different forms in different times. Today, a legitimate societal issue commonly seems to provide an excuse for singling out those who look or seem "different" or who question any dubious command, often treating them with punitive disrespect beyond the bounds of conduct shown to the ordinary majority.

I believe that it is right and proper that officials such as yourselves, elected by the people to leadership positions in governing our community, should stand up and officially speak out for this great cause on behalf us all.

Very truly yours,

Jerard S. Weigler

CONGRESSMAN DAVID WU

To: Multnomah County Board of Commissioners
From: Congressman David Wu
Date: December 9, 2004
Re: Commitment to protecting civil rights

To the Multnomah County Board of Commissioners,

I write to you today in regards to your passage of "A Resolution Expressing Commitment to Protect Civil Rights in the Era of the U.S.A. PATRIOT ACT." I appreciate the opportunity to express my commitment to civil rights and the prevention of discrimination here in Oregon.

I am very excited and pleased to see that Multnomah County will add to its existing anti-discrimination policy by reaffirming its commitment to civil rights with respect to the U.S.A. PATRIOT ACT. As one of sixty-six members of the House who voted against H.R. 3162, the U.S.A. PATRIOT ACT, I share your concerns about attempts to expand the government's police powers and restrict civil liberties. Since my vote against and the passage of the U.S.A. PATRIOT ACT, the government has dramatically increased police power and employed tactics to indefinitely detain individuals. Furthermore, I have serious concerns about the consideration of a PATRIOT II Act and making such police powers permanent. I also have strong reservations about any proposal to further limit individual freedoms in speech, privacy, and association. Please know that I remain deeply concerned about the U.S.A. PATRIOT ACT, related legislation and this Administration's intent to further limit American civil liberties. As such, I believe it is of dire importance that we do what we can—here in Multnomah County, in Portland, and throughout Oregon—to protect against any and all violations of civil rights and discrimination in any form.

Again, allow me to express my appreciation and support for the Multnomah County Board of Commissioner's efforts to provide for civil rights and protection against discrimination in the face of the U.S.A. PATRIOT ACT. Please also know that I will continue to work in Congress to ensure that all individuals are treated equally and receive all due consideration in the application of our nation's laws.

Thank you for this opportunity. If I can ever be of any assistance, please do not hesitate to contact me at 503-326-2901 or 800-422-4003.

With Warm Regards,

David Wu
Member of Congress

APPENDIX A

Appendix A: Effects on Constitutional Rights and Liberties of Specific Federal Legislation, Executive Orders, and Departmental Regulations Adopted or Drafted after September 11, 2001

Federal policies and procedures enacted and implemented since September 11, 2001, including provisions in the UPA and related executive orders and departmental regulations, threaten or curtail fundamental rights and liberties by:

- a. authorizing the indefinite incarceration of non-citizens based on mere suspicion (UPA, sections 411 and 412), and the indefinite incarceration of citizens designated by the President as "enemy combatants" without access to counsel or meaningful recourse to the federal courts (White House Order June 9, 2002; Department of Defense Report October 2, 2002);
- b. establishing secret military tribunals for terrorism suspects, without judicial oversight or constitutional safeguards (Military Order, November 13, 2001);
- c. permitting wiretapping of conversations between federal prisoners and their attorneys (28 CFR 501.3);
- d. limiting disclosure of public documents and records under the Freedom of Information Act ("Memorandum for Heads of all Federal Departments and Agencies," Attorney General John Ashcroft, October 12, 2001);
- e. permitting the use the secret Foreign Intelligence Courts to oversee law enforcement use of electronic surveillance in anti-terrorism investigations and in ordinary criminal investigations (UPA, section 216);
- f. expanding the authority of federal agents under the secrecy of Foreign Intelligence Courts to conduct so-called "sneak and peek" or "black bag" searches, in which the subjects of the search warrant are unaware that their property has been searched for citizens and non-citizens alike. (UPA, section 213);
- g. granting law enforcement and intelligence agencies broad access to personal medical, financial, library and education records with little if any judicial oversight (UPA, sections 215, 218, 358 and 508);
- h. chilling constitutionally protected speech through overbroad definitions of "terrorism," which include political expression, writings, protests and other political demonstrations (UPA, section 411 and 802);
- i. driving a wedge between immigrant communities and the police that protect them by encouraging involvement of state and local police in enforcement of federal immigration law (Public Law 107-296, Title VIII, Subtitle I: Homeland Security Information Sharing Act; Department of Justice Legal Opinion April 10, 2002);
- j. permitting the FBI to conduct surveillance of religious services, Internet chatrooms, political demonstrations, and other public meetings of any kind without having any

evidence that a crime has been or may be committed (Amendments to Attorney General's Investigative Guidelines promulgated in May, 2002);

- k. eliminating many safeguards designed to prevent the potential for broad dissemination of unsubstantiated, incorrect or inappropriate information via law enforcement (Public Law 107-296, section 202; Department of Justice Rule amending 28 CFR Part 16 Privacy Act of 1974, March 24, 2003);
- l. allowing the Attorney General to override court decisions granting bond to immigrants seeking asylum, by requiring most immigrants to be jailed indefinitely without bond when "national security" risks exist (Interim Decision #3488, from John Ashcroft April 17, 2003);
- m. failing to ensure the accuracy of National Crime Information Center (NCIC) records (Department of Justice Order issued March 24, 2003, amending 28 CFR part 16, Privacy Act of 1974);
- n. granting the Attorney General broad discretion to determine which political and religious organizations are "terrorist organizations," with no judicial or congressional oversight; (Executive Order 13224).

Proposed federal legislation identified as the Domestic Security Enhancement Act of 2003 (DSEA) (also known as PATRIOT II) establishes an array of new and sweeping law enforcement and intelligence gathering powers, many of which are not related to terrorism, that would severely dilute or curtail many basic constitutional rights, and would disturb our unique system of checks and balances by:

- a. diminishing personal privacy by removing important checks on government surveillance authority;
- b. reducing the accountability of government to the public by increasing government secrecy;
- c. expanding the definition of "terrorism" in a manner that threatens the constitutionally protected rights of Americans;
- d. seriously eroding the right of all persons to due process of law; and
- e. revoking the citizenship of a U.S. citizen convicted of terrorism.

APPENDIX B

Appendix B: Curtailments of Constitutional Rights and Liberties Reported by People Who Live, Work, Study, Worship, or Travel in Multnomah County

Report 1: Brent Was

On March 27, 2003, Portland police officers approached ex-Marine Brent Was after he had walked up to a group of fellow war protesters. One of them asked for his ID. He refused, and was improperly cited for interfering with a police officer, taken to a holding cell, and held until after midnight (even after providing identification). After he hired a lawyer, Portland settled the case for \$3,500. (Mari Brookshire. Name that peacenik: City reviewing policy of jailing mum marchers. Willamette Week 12/24/03.)

<http://www.wweek.com/flatfiles/News4663.lasso>

Report 2: Mort Anoushiravani

Mort Anoushiravani heads the Portland Water Bureau, is listed as a "distinguished alumnus" of Portland State University, and has been a US citizen for more than 20 years. On February 13, 2004, he filed suit in federal court against the U.S. Customs office in Portland. The suit alleges that when he returned from visiting family in Iran on Oct. 30, 2003, U.S. Customs seized half of his personal baggage and, after three months of wrangling, offered to return the property that was exempt from the trade embargo with Iran if he agreed not to sue the agency. After he hired a lawyer, Customs agreed to make an exception in his case, but said that the policy would remain in place for others. "Imagine how many people have been forced to give up their constitutional rights to get their things back. This is not right," Anoushiravani said. "And I need to stand up for my rights. It's part of my contract with my country, to hold government accountable." (Steve Duin. The customary vigilance, service, and integrity. The Sunday Oregonian 01/15/04 Page B1, col. 1.)

Report 3: Jeffrey Thomas

During his lunch hour on a sunny day in mid-December 2003, some of his previous black-and-white photographs having been featured in a local exhibit, Jeffrey Thomas was taking pictures of the white handrail in front of the old federal courthouse building on SW Broadway. A guard came out, told him that he was not allowed to take pictures of federal buildings, and called for backup. When asked for ID, Jeffrey produced his driver's license. Two more guards arrived. One stood next to him, the other behind him. He was scared. "I didn't move. Since I had been carefully surrounded I never felt I had the option to leave . . . I certainly didn't want to be taken to a small room somewhere and questioned. All I was doing was taking pictures in a public space . . . After 15 minutes they gave me back my driver's license and told me I couldn't take pictures." In fact, it is not illegal to photograph federal buildings. (Margie Boulé. Photographer with eye on federal building puts focus on law. The Sunday Oregonian 01/18/04 Page L1 col. 1-4, Page L3 col. 1 - 3.)

<http://www.oregonlive.com/search/index.ssf?/base/living/1074258241122040.xml?oregonian?ylvcmb>

Report 4: Ian McEwan

US Homeland Security officials in Vancouver, BC stopped distinguished British novelist and screenwriter Ian McEwan from boarding his plane on March 30, 2004, a day before he was to speak in Seattle and two days before he was scheduled to appear as the final speaker in the 2003-2004 Portland Arts and Lectures series. The US inspector who barred him from entering the US said that Mr. McEwan

lacked the proper visa, because the speaking fees he was to receive for his appearances were too large to qualify as honoraria. There is, in fact, no such rule, and Homeland Security officials later issued a written apology; but Mr. McEwan and Portland lawyer Brent Renison, who represented him while he was held for more than 24 hours, worried that he might be delayed entering the country again because his passport is stamped "Entrance Denied" to the United States. "That doesn't make coming to the United States again massively attractive," McEwan said. "But I have many friends in the U.S., and it is a country that I adore, so I don't want to sulk about this. I want to do something about it."

<http://www.heraldonline.com/24hour/entertainment/books/news/story/1305734p-8445491c.html>
oregonlive.com/search/index.ssf?/base/entertainment/1081339661131751.xml?oregonian?albs
oregonlive.com/search/index.ssf?/base/living/1082549382295540.xml?oregonian?ylvcjnx

[Ian McEwan is the author of *Atonement* (2001), winner of the National Book Critics Circle Award. John Updike called it "A beautiful and majestic fictional panorama." McEwan is the author of more than ten books, including *Amsterdam* (1998), winner of the Booker Prize; *The Child in Time* (1987), winner of the Whitbread Award; as well as the story collection, *First Love, Last Rites* (1975), winner of the Somerset Maugham Award. "His books have a natural 45-degree tilt, leaning forward, through a fog of mounting unease, toward claret-dark revelation." -The New York Times.]

Report 5: Members of the Parliament of the Kingdom of Morocco

Seven members of the Moroccan parliament, visiting Portland as part of a goodwill tour of the United States, were removed from a Delta Air Lines flight Saturday morning, January 31, 2004, and detained at the Portland International Airport in what officials described as an embarrassing series of coincidences, wrong assumptions and miscommunications.

The Moroccans were released but missed a connecting flight and spent all day at the airport before boarding another flight late Saturday night. In the meantime, officials searched their luggage, the FBI questioned their intent and their American hosts—including Multnomah County Commissioner Serena Cruz—found themselves apologizing for what appeared to be a case of post-9/11 jitters. . .

Speaking through an interpreter, the visitors said they fully understand security precautions but said their treatment was unacceptable. They carried diplomatic passports and Delta officials were aware of their status, they said. . .

The group was preparing to board a 7 a.m. flight when one of their members, Abdellah Abbassi, left to get a cup of coffee, leaving his carry-on bag behind. The other six got on board before he returned, and in the meantime, someone reported the unattended baggage.

Abbassi was detained when he returned and tried to board, and the other members of parliament protested to the flight crew. Due to the language barrier, neither could understand the other. The pilot, using his authority, ordered the Moroccans off the flight, and the Transportation Security Administration became involved.

The visitors' luggage was removed from the plane, and officials became alarmed when they saw documents in Arabic with 911 written on them. It turned out that one of the group's host in Dallas, a previous stop, had given them instructions to call the 9-1-1 emergency number if they got into trouble, but it was mistaken for a reference to the Sept. 11 terrorist attacks.

Andrew Coose, the TSA's deputy security director in Portland, said the documents were removed from the luggage and photographed but apparently not returned to the correct bags, a development that further infuriated the Moroccans.

The FBI began to question the group, a process that was delayed until an agent who spoke Arabic could arrive at the scene. The agents determined the visitors were not a threat and released them.

Coose was apologetic about the incident, calling it "absolutely unfortunate." The agency was not equipped to handle the incident quickly, he said.

www.oregonlive.com/search/index.ssf?/base/news/1075640113239800.xml?oregonian?lcg

(Eric Mortenson. Moroccan lawmakers detained at Portland airport. Sunday Oregonian Metro Section 02/01/04 Page C1, columns 2-5, and page C3, columns 1-2)

Report 8: Federal judge awards \$300,000 to 12 people in civil rights cases after Portland police use pepper spray and stingballs during non-violent protest demonstrations

August 22, 2002¹

*"It was clear to me that the police could see that there were young children in strollers within the crowd, yet the police ignored of that fact, and continued to spray pepper spray indiscriminately . so that the spray it the children and their mothers. Members of the press were also indiscriminately sprayed."*²

On August 22, 2002, President Bush attended a fundraising event at the Hilton Hotel in downtown Portland, Oregon. A large group of demonstrators were present to protest the policies of the Bush administration. The Portland Police Bureau had established a perimeter around the Hilton that ran less than one block in all directions, and right before the event claimed that the protesters were interfering with the ability of fundraiser attendees to enter the Hilton. The police claimed that they had used a loud-speaker to order the protesters to move back approximately 120 ft. "The announcement was barely audible and was only heard by a few of us at the front of the barricades. . . Although the police ordered the crowd to move back the people at the front of the crowd could not move without knocking over people behind him and trampling them." The police then used pepper spray against the protesters and applied force in order to move them. Later in the day, the police fired multiple rounds of rubber bullets at members of the protest.

Videotapes, especially that of local television station Channel 12, do not show anyone in the crowd threatening the police or taking any action that could be perceived as threatening, provocative, or dangerous.³

Members of the National Lawyers Guild filed a lawsuit, *Lloyd Marbet et al. v. City of Portland et al.*,³ asserting that it is the custom, policy, and practice of the Portland police to use excessive force against lawful protesters and 50 municipalities training and supervision of police officers is inadequate. The suit cites violations of the First, Fourth, and Fourteenth Amendments through 42 U.S.C Sec. 1983, as well as various common law claims.

On September 8, 2003, the court ruled that pepper spraying nonviolent protesters violates the Fourth Amendment.

March 20, 2003 and March 25, 2003⁴

On March 20, the KATU-TV news team was covering a demonstration against the attacks on Iraq. Without provocation, and with no apparent reason, two police officers struck a KATU engineer in the head and shoved him into the news van. On March 25, at another antiwar rally, two protesters were, without provocation, detained, seized, arrested, battered, and pepper-sprayed. A lawsuit, *Ellis et al., v. City of Portland*, was filed in May 2003 alleging that the Portland police Bureau has demonstrated had demonstrated a pattern and practice of flagrantly violating nonviolent demonstrators First Amendment rights, violating the rights of the press, and using excessive force in demonstrations on a continuing and regular basis. The suit sought injunctive relief in the form of court-ordered and court-appointed civilian review boards and a court-ordered ban on the use of chemical weapons and batons to control crowds at nonviolent demonstrations. It also (sought) compensatory and punitive damages under 42 U. S. C. Section 1983.

November 30, 2004⁵ and December 2, 2004⁶

The front-page lead news story published in the Oregonian on November 30 reported that the federal judge who spent at least five months mediating these claims awarded a \$300,000 settlement to the plaintiffs.

A follow-up story published two days later was headlined, "Plaintiffs unhappy police tactics kept: Some are upset that Portland and the police bureau haven't restricted use of pepper spray or munitions in controlling crowds."

References:

1. Boghosian H. The Assault on Free Speech, Public Assembly, and Dissent: A National Lawyers Guild Report on Government Violations of First Amendment Rights in the United States, 2004. Great Barrington, MA: North River Press, 2004, pp. 83-84.
[\http://www.nlg.org/resources/DissentBookWeb.pdf, pp. 84-85]
2. Letter from attorney Alan Graf to Portland Mayor Vera Katz, 23 August 2002.
3. Ibid.
4. Boghosian H. The Assault on Free Speech, Public Assembly, and Dissent: A National Lawyers Guild Report on Government Violations of First Amendment Rights in the United States, 2004. Great Barrington, MA: North River Press, 2004, pp. 91-92.
[\http://www.nlg.org/resources/DissentBookWeb.pdf, pp. 92-93]
5. Bernstein M. Suit by protesters costs city \$300,000: The City Council is set to OK a settlement with 12 people who claim police violated their rights. The Oregonian 30 Nov 2004: Page A1 col 1-5, Page A15 col 1-5.
http://www.oregonlive.com/news/oregonian/index.ssf?/base/front_page/1101819487209090.xml#continue
6. Bernstein M. Plaintiffs unhappy police tactics kept: Some are upset that Portland and the police bureau haven't restricted use of pepper spray or munitions in controlling crowds The Oregonian 2 Dec 2004: Page B1 col 4, B3 col 1-5.
<http://www.oregonlive.com/search/index.ssf?/base/news/110199289172221.xml?oregonian?lcps>

Report 9: Wrongful Arrest and Detention of Attorney Brandon Mayfield

Perhaps the most famous case of curtailment of constitutional rights is that of attorney Brandon Mayfield, who was detained on May 6, 2004 as a material witness in connection with the March 11 subway bombings in Madrid, Spain. The FBI soon alleged that his fingerprints were found on a bag containing detonating devices near the site of the blasts. The next week, the Oregonian reported that Mayfield's detention was "shrouded in secrecy" and that his family did not even know where he was being held.¹ Mayfield was released on May 20th, after the FBI admitted its mistake.

While the FBI denied that prejudice against Muslims had anything to do with their mistake, officials have used evidence found in Mayfield's home and car to defend the agents' error. Assistant US Attorney Charles Groder wrote, "the evidence demonstrates that the government and its agents were acting in good faith when they continued the material witness investigation and sought Mayfield's continued detention after his initial arrest." Among that evidence, contend Mayfield's lawyers, was a letter Mayfield's daughter had written, two sentences of which criticized the United States' bombing of Afghanistan.²

Mayfield was wrongfully detained based partly on FBI negligence with regard to the fingerprint match, which was substantiated by what they believed to be an opinion he held about US foreign policy.

1. <http://www.oregonlive.com/special/terror/index.ssf?/special/oregonian/terror/may040515.html>
2. <http://www.oregonlive.com/special/terror/index.ssf?/special/oregonian/terror/may040921.html>

APPENDIX C

Appendix C: History and Provisions of the Bill of Rights

History of the Bill of Rights:

http://www.archives.gov/national_archives_experience/bill_of_rights.html

During the debates on the adoption of the Constitution, its opponents repeatedly charged that the Constitution as drafted would open the way to tyranny by the central government. Fresh in their minds was the memory of the British violation of civil rights before and during the Revolution. They demanded a "bill of rights" that would spell out the immunities of individual citizens. Several state conventions in their formal ratification of the Constitution asked for such amendments; others ratified the Constitution with the understanding that the amendments would be offered.

On September 25, 1789, the First Congress of the United States therefore proposed to the state legislatures 12 amendments to the Constitution that met arguments most frequently advanced against it. The first two proposed amendments, which concerned the number of constituents for each Representative and the compensation of Congressmen, were not ratified. Articles 3 to 12, however, ratified on December 15, 1791 by three-fourths of the state legislatures, constitute the First Ten Amendments of the Constitution, known as the Bill of Rights.

Provisions of the Bill of Rights:

http://www.archives.gov/national_archives_experience/print_friendly.html?page=bill_of_rights_transcript_content.html&title=NARA%20%7C%20The%20Bill%20of%20Rights%3A%20A%20Transcription

Amendment I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Amendment II

A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

Amendment III

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

Amendment IV

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized,

Amendment V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Amendment VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Amendment VII

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

Amendment VIII

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

APPENDIX D

Appendix D: Rights 101: Civil Rights in the Era of the U.S.A. PATRIOT ACT

RIGHTS 101: CIVIL RIGHTS IN THE ERA OF THE U.S.A. P.A.T.R.I.O.T. ACT*

Why did we prepare this material?

Beginning in the summer of 2003, and especially in the months since the Portland City Council unanimously passed a resolution "Expressing concern about the U.S.A. P.A.T.R.I.O.T. Act" on October 29, 2003, more and more people in our community have been asking questions and expressing concern about that Act and related interim regulations and executive orders. Our daily and weekly newspapers have reported on increasing violations of civil rights; many readers responded, and expressions of outrage were intense. Portland State University and the Portland City Club have conducted public forums; attendance was high, and people expressed strong feelings about hidden information, inconsistent information, and confusing information. In response to questions that we have heard people ask, and acting as private citizens without external funding or commercial interest, we have prepared this material for non-profit educational purposes. Throughout, we have included links or references to the publicly available documents from which we have quoted; in all cases, we have acted in accordance with the "fair use doctrine" as it is defined in Section 107 of Title 17, Chapter 1 of the U.S. Code. William Pickard, Kaelin Bowers, and Herman M. Frankel, M.D. (editor@rights101oregon.org) Portland resolution: <http://www.portlandonline.com/shared/cfm/image.cfm?id=31817>

What is the U.S.A. P.A.T.R.I.O.T. Act?

[This answer, from a US government agency, was published 04/18/02 as the first paragraph of a Report for Congress from the Congressional Research Service of the US Library of Congress. It was written by Charles Doyle, Senior Specialist in the American Law Division.] <http://www.fas.org/irp/crs/RS21203.pdf> Congress passed the U.S.A. Patriot Act (the Act) in response to the terrorist attacks of September 11, 2001. The act gives federal officials greater authority to track and intercept communications, both for law enforcement and foreign intelligence gathering purposes. It vests the Secretary of the Treasury with regulatory powers to combat corruption of US financial institutions for foreign money laundering purposes. It seeks to further close our borders to foreign terrorists and to detain and remove those within our borders. It creates new crimes, new penalties, and new procedural efficiencies for use against domestic and international terrorists. Although it is not without safeguards, critics contend some of its provisions go too far. Although it grants many of the enhancements sought by the Department of Justice, others are concerned that it does not go far enough.

[This answer, from a civil rights organization, was published 10/31/01 (updated 10/27/03) as the first paragraph of the Electronic Frontier Foundation Analysis of the U.S.A. PATRIOT Act That Relate to Online Activities.] http://www EFF.org/Privacy/Surveillance/Terrorism/20011031_eff_U.S.A._patriot_analysis.php

On October 26, 2001, President Bush signed the U.S.A. PATRIOT Act (PATRIOT) into law. PATRIOT gave sweeping new powers to both domestic law enforcement and international intelligence agencies and eliminated the checks and balances that previously gave courts the opportunity to ensure that such powers were not abused. Most of these checks and balances were put into place after previous misuse of surveillance powers by these agencies were uncovered, including the revelation in 1974 that the FBI and foreign intelligence agencies had spied on over 10,000 U.S. citizens, including Martin Luther King.

What is the meaning of the initials in the name of the "U.S.A. P.A.T.R.I.O.T. Act"?

The first sentence of the Act signed on 10/26/01 reads as follows: "This Act may be cited as the 'Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (U.S.A. PATRIOT ACT) Act of 2001'". The full text is posted in pdf format (342 pages) and text format at http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=107_cong_bills&docid=f:h3162rds.txt

What are "interim regulations" and "executive orders", and how can they affect civil rights?

Interim regulations are issued by government agencies to implement new policies and practices to be used by agency officials, and go into effect without congressional input and without any provision for prior public comment. Executive orders are issued solely at the behest of the president, without any required involvement by other branches of government or governmental agencies. By changing how agencies operate and the rules they must enforce, both interim regulations and executive orders have the effect of law. However, they remain wholly outside the purview of the legislative branch, and to a more limited extent, outside the reach of the judiciary as well.

<http://www.ccr-ny.org/v2/reports/report.asp?ObjID=nQdbIRkDgG&Content=153>

*02/11/04, 03/15/04. William Pickard and Kaelin Bowers, as Portland members of the national network of Bill of Rights Defense Committees, participated in the activities leading to the passage of the Portland City Council's 10/29/03 resolution, "Expressing Concern About the U.S.A. Patriot Act." In February and March 2004, they worked with Portland pediatrician Herman M. Frankel, M.D. in preparing these information pages, "Rights 101," for use by people interested in learning about civil rights in the era of the U.S.A. P.A.T.R.I.O.T. Act and related interim regulations and executive orders. Users are encouraged to send comments, experiences, and questions to the editor at www.rights101oregon.org.

What changes to legal rights have resulted from the U.S.A. P.A.T.R.I.O.T. Act and related regulations and orders?

This is the way the Associated Press summarized, on September 5, 2002, "some of the fundamental changes to Americans' legal rights by the Bush administration and the U.S.A. Patriot act following the terror attacks": <http://www.lanerights.org/overviewenglish.pdf> ; <http://groups.msn.com/WhatIsTheGovernmentReallyUpTo/apwireknowyourrights.msnw> ; http://www.sun-times.com/special_sections/sept11/nation/legalrights.html

FREEDOM OF ASSOCIATION: Government may monitor religious and political institutions without suspecting criminal activity to assist terror investigation. U.S.A. PATRIOT Act Sections 215, 411, and 802; and Attorney General's Investigative Guidelines promulgated May 2002

FREEDOM OF INFORMATION: Government has closed once-public immigration hearings, has secretly detained hundreds of people without charges, and has encouraged bureaucrats to resist public records requests. U.S.A. PATRIOT Act sections 411 and 412; Department of Justice Interim Regulation Sep 20, 2001 (66 FR 183 at 48334, 09/20/01); and Attorney General's "Memorandum for Heads of All Federal Departments and Agencies," October 12, 2001

FREEDOM OF SPEECH: Government may prosecute librarians or keepers of any other records if they tell anyone that the government subpoenaed information related to a terror investigation. U.S.A. PATRIOT Act Section 215

RIGHT TO LEGAL REPRESENTATION: Government may monitor Federal prison jailhouse conversations between attorneys and clients, and deny lawyers to Americans accused of crimes. Department of Justice issued Bureau of Prisons interim regulation, made effective 10/31/01 (66 FR 211, at 55062, 10/31/01)

FREEDOM FROM UNREASONABLE SEARCHES: Government may search and seize Americans' papers and effects without probable cause to assist terror investigation. U.S.A. PATRIOT Act sections 203, 206, 213, 215, and 218

RIGHT TO A SPEEDY AND PUBLIC TRIAL: Government may jail Americans indefinitely without a trial. Department of Justice interim regulation Sep 20, 2001 (66 FR at 48334, 9/20/01); U.S.A.

PATRIOT Act Section 412; and Executive Order designating "enemy combatant."

RIGHT TO LIBERTY: Americans may be jailed without being charged or being able to confront witnesses against them. Department of Justice Interim Regulation Sep 20, 2001 (66 FR 183 at 48334, 9/20/01); presidential Military Order establishing military tribunals, and order designating "enemy combatants"; and U.S.A. PATRIOT Act Section 412

What is the meaning of the "Bill of Rights"?

http://www.archives.gov/national_archives_experience/bill_of_rights.html

During the debates on the adoption of the Constitution, its opponents repeatedly charged that the Constitution as drafted would open the way to tyranny by the central government. Fresh in their minds was the memory of the British violation of civil rights before and during the Revolution. They demanded a "bill of rights" that would spell out the immunities of individual citizens. Several state conventions in their formal ratification of the Constitution asked for such amendments; others ratified the Constitution with the understanding that the amendments would be offered.

On September 25, 1789, the First Congress of the United States therefore proposed to the state legislatures 12 amendments to the Constitution that met arguments most frequently advanced against it. The first two proposed amendments, which concerned the number of constituents for each Representative and the compensation of Congressmen, were not ratified. Articles 3 to 12, however, ratified by three-fourths of the state legislatures, constitute the First Ten Amendments of the Constitution, known as the Bill of Rights.

What are some examples of specific rights guaranteed by the Bill of Rights that are affected by the U.S.A. P.A.T.R.I.O.T. Act and related regulations and orders?

<http://www.ccr-ny.org/v2/reports/report.asp?ObjID=nQdbIRkDgG&Content=153>

The First Amendment protects our rights to free speech and assembly and the independence of the press, and prohibits official establishment of or denigration of any particular religion. Free speech rights can be construed as having two facets: the right to have unfettered access to ideas, and the right to express ideas freely. The right to peaceable assembly is inextricable from the right to free speech, given that demonstrations and other political activity are protected as expressive conduct. While Government actions threaten all these rights conferred by the First Amendment, it is our free speech and assembly rights which are most at risk.

The U.S.A. PATRIOT Act contains provisions that will chill or even criminalize people's legitimate expressions of their political views. For example, the Act creates a new category of crime, domestic terrorism, which blurs the line between speech and criminal activity. Section 802 of the Act defines domestic terrorism as "acts dangerous to human life that are violation of criminal laws" that "appear to be intended to influence the policy of the government by intimidation or coercion." This definition is so vague that acts of civil disobedience may be construed to violate the law. Civil disobedience typically seeks to influence government policy, and therefore may be construed as an attempt to coerce that change. Furthermore, the portion of the definition stating that acts must be "dangerous to human life" is extremely broad: it does not distinguish between intentional acts and those that might cause inadvertent harm. Thus, a spontaneous demonstration that blocks the path of an ambulance might invite charges of domestic terrorism under the new law. Such a broad definition invites abuse, in which the distant possibility of danger creates the pretext under which political activists can be arrested and charged with felony domestic terrorism rather than the misdemeanor charges that they typically incur. This new crime will inhibit free speech regardless of whether it is enforced because it creates the fear of a disproportionate response to legitimate political expression.

The Fourth Amendment protects against unreasonable searches and seizures and requires law enforcement officers to obtain a warrant from a judge certifying that there is probable cause to believe that criminal activity has taken place before any search. Because Government investigations can have a chilling effect on speech, Fourth Amendment rights have been closely linked to those protected by the First Amendment. In addition, the Fourth Amendment ensures that law enforcement agencies and officers do not act maliciously or conduct investigations where no credible evidence of wrongdoing exists . . .

(Specific) provisions of the U.S.A. PATRIOT Act . . . greatly weaken the requirement that investigators show probable cause for many types of searches. Prior laws governing electronic communications provided for a lower standard than probable cause to put a trace on telephone calls, allowing investigators to determine who a suspect is calling but not to monitor the conversations themselves. Under the Act the same standard is applied to e-mail communications -- investigators are allowed to access "dialing, routing, and signaling information" without a showing of probable cause. However, routing information on e-mail cannot be physically separated from the content of the message. This means that FBI agents must be entrusted to examine the address information while disregarding the content of the message. Such a practice is tantamount to doing away with the probable cause requirement for reading the content of e-mail communications.

What about the Fifth Amendment, Sixth Amendment, and Eighth Amendments?

These Amendments are imperiled in the same ways. Examples are posted at <http://www.bordc.org/Repeal.pdf>

What about conflicting information regarding threats to security and threats to civil rights?

Sorting out conflicting claims is not an easy matter. Sometimes, one person is simply not telling the truth. For example, in the Foreword to the American Civil Liberties Union 2003 report, "PATRIOT Propaganda: The Justice Department's Campaign to Mislead The Public About the U.S.A. PATRIOT Act," Laura W. Murphy, Director of the ACLU Washington Legislative Office, wrote this:

Take, for instance, the US Attorney for Alaska's testimony in front of a state Senate Committee: 'I think, for instance, there is concern that under the PATRIOT Act, federal agents are now able to review library records and books checked out by U.S. citizens,' he said. 'If you read the Act, that's absolutely not true . . . It can't be for US citizens.'

In fact, the U.S. Attorney was wrong. Section 215 of the U.S.A. PATRIOT Act . . . makes it clear that "U.S. persons," a term referring to citizens and certain types of non-citizens alike, can have their records seized.

That is but one example of the misleading statements that Justice Department officials and supporters of the U.S.A. Patriot Act made in recent months. Our report details others and we plan future reports looking at other ways the government is misleading the American public.

Is the Justice Department telling the truth? You decide.

www.aclu.org/SafeandFree/SafeandFree.cfm?ID=13099&c=207

[For further study: Compare arguments from the Justice Department and from some of its critics at <http://www.bordc.org/doj.htm> and <http://www.bordc.org/Debating.htm>]

What can we do to protect our rights?

1. **Read.** Learn about our rights. Learn about their history. Learn about the personal courage and the determined cooperation that have always been needed, generation after generation, in order to protect them.
2. **Ask questions.** Ask questions of our librarians. Ask questions of our neighbors, our friends, our relatives, our teachers, and the people in our classes and in our workplaces and in the line with us at the supermarket.
3. **Listen.** Listen with deep respect to the ideas of people who seem to think that they do not know as much as we do. Listen with careful attention to people who act as though they have all the answers, but who seem to be leaving out important information when they tell us their conclusions or when they speak disrespectfully about what others have said.

4. **Speak.** Be ready to say, "I need to know more about the sources of your information. I need to know more about how you came to that conclusion. I need to know more about why you said that." When you are ready to talk about your own experiences and thoughts, consider answering these questions without being asked: What are the sources of your information? How did you come to your conclusion? Why are you saying what you are saying?
5. **Write.** As often as we choose, we can write a note - even one sentence - to a newspaper reporter or columnist who has moved us or informed us or inspired us, and send it by e-mail, with a copy to the newspaper editor. Each of us can write Letters to the Editor, and letters to our Senators and Representatives, as often as we choose: current, respectful, short (no more than 150 words for a Letter to the Editor), positive, saying what we understand, telling what supports our conclusion, identifying what we think needs to be done.
6. **Think.** Think about what's missing from what we've just heard or read. Think about what just doesn't make sense. Think about what helps. Think about ways we can learn more, understand more, and become more effective at doing what needs to be done so that we can work together at the task of protecting our rights. Think about whether or not we agree with the idea that Benjamin Franklin expressed in 1759: "They that give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety."
<http://www.bard.edu/hrp/HRresponses/security/ignatieff.9.12.01.htm>
7. **Give.** Give support—by envelope mail, by e-mail, by phone, by your own face-to-face presence—to the people we appreciate, the people we admire, the people who teach us, and the people who inspire us. Give support to our elected representatives, our potential leaders, our organizations, our friends, our companions.
8. **Care.** Care about our values, our history, our future, our planet. Care about our elders, and about those who will come after us. Care about those who work hard and take risks for us, here at home and far away. Care about our cousins all over the world whose names we do not know, whose languages we do not speak, and who worship in ways that are unfamiliar to us.
9. **Pause.**
10. **Start again.**

"On important issues, like the balance between liberty and security, if the public doesn't care, then the security side is going to outweigh the other."

—US Supreme Court Justice Ruth Bader Ginsburg, February 3, 2004

http://www.truthout.org/docs_04/013104B.shtml

You can find more information, conflicting arguments, and opportunities for involvement by visiting the web sites and suggestions that appear in these pages.

If we do not defend our rights, who will?

And if not now, when?

SPEAKER #1
Herman Frankel
INTRODUCTION

December, 2004

Dear friends and neighbors:

On January 7, 2002, fewer than three months after the U.S.A. PATRIOT ACT was signed into law by the President of the United States, the City Council of Ann Arbor, Michigan responded by passing a resolution supporting due process, civil liberties, and human rights. By now, four state governments and 358 city and county governments have passed similar resolutions to protect the civil liberties of their residents: governments serving a total population of 55,456,916 people. Hundreds of additional resolutions critical of the U.S.A. PATRIOT ACT are in progress.

Why?

What is the U.S.A. PATRIOT ACT? What does it do? What interim regulations and executive orders have been enacted to establish procedures and authorization for its use in a variety of settings? What fundamental changes to our legal rights have resulted? What have been the effects on people in our community?

In this publication, we begin to answer these questions, and other questions as well.

The December 9, 2004 Multnomah County Board of Commissioners' "Resolution Expressing Commitment to Protect Civil Rights in the Era of the U.S.A. PATRIOT ACT" is a timely and important document, enacted by wise and courageous elected officials. It was developed in the course of a year of public discourse. Preliminary drafts were posted on the rights101oregon.org website for many months and have been reviewed, commented upon, and supported by many people and organizations: religious, academic, labor, immigrant, minority, peace and social justice, business, and professional. The December 9 Resolution, the background material and links to original sources, the letters and statements of support and concern, the information from and about people who live, work, study, worship, and travel in Multnomah County—all contribute to our educating ourselves and helping one another work to protect our civil rights, our Constitution, our democracy itself.

If not we, who?

If not now, when?

Warmly,

Herman M. Frankel, M.D.

William Pickard

Mark La Malfa

Melodie Presler

In loving memory of A. Kaelin Bowers, whose great capacity to care continues to inspire us all.



PROPOSED MULTNOMAH COUNTY RESOLUTION

DRAFT BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Expressing commitment to protecting civil rights in the era of the U.S.A. PATRIOT ACT and asking Oregon's Congressional Delegation to oppose legislation that infringes upon those rights.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County remains committed to its long standing tradition of protecting the civil rights and liberties of all persons as expressed in the Constitution of the United States, the Constitution of the State of Oregon, and the County's own policies and ordinances; and believes that a threat to any one person's rights is a threat to the rights of all.
- b. In the aftermath of September 11, 2001, Multnomah County stated its strong opposition to terrorism of any kind and recognizes that, without undermining the fundamental rights and liberties that make this nation great, it is necessary for our Federal Government to protect our citizens from future terrorist acts.
- c. Some provisions of the U.S.A. PATRIOT ACT (Public Law 107-56) and the Homeland Security Act (Public Law 107-296) have resulted in reports of discrimination, harassment and curtailment of the constitutional rights and liberties of people who live, work, study, worship or travel in Multnomah County.
- d. New legislation entitled the "Tools to Fight Terrorism Act of 2004" (S. 2679) has been introduced for consideration by Congress; and provisions of the U.S.A. PATRIOT ACT will soon be reconsidered by Congress for possible reauthorization.
- e. These proposed new powers potentially pose a continuing and growing threat to the civil rights and liberties of all persons in our country, regardless of their race, religion, country of origin or ethnicity.
- f. Under Oregon state law, ORS 192.502(22), and in keeping with library policy and practice, Multnomah County Library protects the privacy and confidentiality of library records including personal information, records of material borrowed or consulted, and use of the internet and other electronic sources.
- g. Section 215 of the U.S.A. PATRIOT ACT allows a court order to be issued under the Foreign Intelligence Surveillance Act of 1978 (Public Law 95-511) without probable cause and requires Library personnel to produce library records even when there is no cause to believe the library patron has committed a crime.
- h. More than 360 communities throughout the United States and Oregon, including four states, have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that violate them, and demanding accountability from the Federal Government regarding their use of these new powers.

The Multnomah County Board of Commissioners Resolves:

1. While the Board of County Commissioners affirms its opposition to terrorism, it also affirms that any efforts to end terrorism must not be waged at the expense of fundamental civil rights, liberties, and freedoms; and it also opposes federal measures that infringe upon the fundamental civil rights, liberties and freedoms of the people of Multnomah County and the United States.
2. The right to engage peaceably in public demonstrations, vigils, protests, marches, and similar activities to express ideas and views is protected by this affirmation and in the First Amendment of the Bill of Rights as "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This right must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.
3. A copy of this resolution will be forwarded to Oregon's U.S. Senators Gordon Smith and Ron Wyden; Oregon's U.S. Representatives Earl Blumenauer, Peter DeFazio, Darlene Hooley, Greg Walden and David Wu with a letter from the Board of County Commissioners urging them to work to:
 - a. repeal all provisions of the U.S.A. PATRIOT ACT and the Homeland Security Act that infringe upon the rights protected by the Constitution of the United States;
 - b. actively oppose pending and future legislation which may also unjustly infringe upon those same rights and liberties; and to continue their vigorous oversight of our constitutional liberties;
 - c. protect the privacy of Multnomah County Library patrons by repealing Section 215 of the U.S.A. PATRIOT ACT.
4. A copy of this resolution will be forwarded to the President of the United States and to the Attorney General of the United States.

ADOPTED this 9th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

(Allow 2" space for County Seal)

Diane Linn, Chair

REVIEWED:

AGNES SOWLE,
COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____

SCHEDULED SPEAKERS

*Transcripts of speakers' remarks
will be included in future editions
of this publication.*

SCHEDULED SPEAKERS

(listed alphabetically)

December 9, 2004

Joanne Bowman

Vice-Chair, African American Chamber of Commerce, and past Oregon state legislator

The Reverend Dr. Ron Clark

Preaching Minister, Metro Church of Christ, Gresham

SPEAKER #3

Cindy Gibbon, Senior Library Manager

Multnomah County Library

The Reverend Dr. LeRoy Haynes

Allen Temple CME Church

SPEAKER #2

Kayse Jama

Founder, Community Language and Culture Bank

Roy Jay

President/CEO, Oregon Convention and Visitor Service Network

Andrea Meyer

ACLU of Oregon

Marla P. Rosenberger

President, Multnomah County Employees Union, AFSCME Local 88

Emily Simon

Jewish Arab Muslim Dialog Group

Nohad A. Toulon, Ph.D.

Dean Emeritus, PSU School of Urban and Public Affairs

SPEAKER #4

MARLA ROSENBERGER
MULTNOMAH COUNTY EMPLOYEES UNION
AFSCME Local 88

A RESOLUTION SUPPORTING THE COMMITMENT TO PROTECT CIVIL RIGHTS, AND TO PREVENT DISCRIMINATION AND HARASSMENT, IN THE ERA OF THE U.S.A. PATRIOT ACT

Multnomah County Employees Union
AFSCME Local 88

RESOLUTION

WHEREAS

Multnomah County Employees Union, AFSCME, Local 88 has:

- ▶ a diverse membership providing vital services to the public
- ▶ a long history of protecting the civil rights and liberties of all its members
- ▶ a policy of eliminating discrimination based on social factors such as race, religion, color, sex or gender (including orientation and identity), marital or familial status, national origin, age, disability or inability, or source of income

WHEREAS

It has been reported in the local press and other media that as a direct result of specific federal laws, regulations, and executive orders enacted since September 11th, 2004 related to implementation of such federal statutes as the U.S.A. PATRIOT ACT and the Homeland Security Act members of our community have:

- ▶ been discriminated against and harassed
- ▶ experienced curtailment of their constitutional rights and liberties such as
 - a. freedom of speech, association, and religion
 - b. right to privacy
 - c. right to counsel and due process before the law
 - d. right to equal protection before the law
 - e. protection from unreasonable searches and seizures, and
 - f. protection from cruel and unusual punishment

WHEREAS

We recognize the need for government to protect the public from terrorist attacks, we firmly believe their obligation is to do so in a rational and deliberative manner to ensure public safety without harm or impairment to constitutional guarantees, infringing on civil liberties and/or establishing a climate which fosters discrimination or harassment of any segment of the population.

WHEREAS

Many communities across the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that violate them, and demanding accountability from law enforcement agencies regarding their use of their new powers.

AND FINALLY WHEREAS

AFSCME has a history of being in the forefront protecting civil liberties and civil rights.
Local 88 supports that long and valued history.

THEREFORE BE IT RESOLVED

That Multnomah County Employees Union, AFSCME, Local 88 supports a resolution by the Multnomah County Board of Commissioners protecting the constitutional rights and civil liberties of all Multnomah County residents.

LETTERS OF SUPPORT

AFRICAN AMERICAN CHAMBER OF COMMERCE

December 6, 2004

To: Multnomah County Chair Linn
Multnomah County Commissioner Cruz
Multnomah County Commissioner Natio
Multnomah County Commissioner Rojo de Steffey
Multnomah County Commissioner Roberts

From: African American Chamber of Commerce

Re: Support for addressing the issues of discrimination as it relates to the interpretation and implementation of the U.S. Patriot Act.

Dear Commissioners,

On behalf of the 914 members of the African American Chamber of Commerce we are writing you today to support in principle resolution # 969 amending Multnomah County code chapter 15 to add 15.340-15.347 relating to civil rights discrimination.

The Chambers holds a high value on our elected leaders championing the civil rights of all the residents within our community regardless of their race, social-economic status, sexual identify and/or birth place.

We hope future resolutions will clearly spell out that profiling citizens who have committed no crimes is unacceptable within Multnomah County boundaries. In addition citizens can expect their government will not conspire against them with federal law-enforcement agencies to gather data or other information based on their individual, religious or political activities.

We appreciate the stand you are taking today to approve the above resolution. We also want you to know that you will be representing your constituents well by using your position to clearly state that discrimination against any of us is a crime committed against all of us.

Thank you for your leadership on this issue.

Sincerely,

Jo Ann Bowman
Vice-Chair African American Chamber

And BE IT FURTHER RESOLVED

That we support the direction of the employees of Multnomah County in process of their assigned duties to protect and defend those constitutional rights and civil liberties within their power of all Multnomah County residents.

And BE IT FINALLY RESOLVED

If any phrase, clause, sentence or provision of this resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of AFSCME International or the Constitution of the United States or the State of Oregon, or the applicability thereof to any agency, person, or circumstance is held invalid, the validity of the remainder of this resolution and the applicability thereof to any agency, person, or circumstance shall not be affected thereby.

RESOLVED this 7th day of December, 2004.

FOR THE MULTNOMAH COUNTY EMPLOYEES UNION,
AFSCME, LOCAL 88

signed
Marla P Rosenberger, President

absent
Mary C Orr, Vice President

signed
Maurice Miller, Treasurer

signed
Becky A Steward, Secretary

signed
Naomi Angier, Library Services

absent
Carolyn Frazier, Health Dept

signed
Bruce Kosharek, JCSS

signed
Gary Magnuson, DCHS

absent
Jackie Tate, DSCP

signed
Chris Tobkin, DCJ

signed
Chris Witka, At Large

absent
Chris Thayer, CCC

signed
Robert Clark, Chief Steward

signed
Jody Darr-Block, Chief Steward

signed
Janet Irwin, Chief Steward

absent
Sandy Kaufman, Chief Steward

EARL BLUMENAUER
THIRD DISTRICT, OREGON

COMMITTEES:
TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEES:
HIGHWAYS, TRANSIT AND PIPELINES
WATER RESOURCES AND ENVIRONMENT
RAILROADS

INTERNATIONAL RELATIONS

SUBCOMMITTEES:
ASIA AND THE PACIFIC
EUROPE



Congress of the United States
House of Representatives
Washington, DC 20515-3703

WASHINGTON OFFICE:
2446 RAYBURN BUILDING
WASHINGTON, DC 20515
(202) 225-4811
FAX: (202) 225-8841

DISTRICT OFFICE:
729 N.E. OREGON STREET,
SUITE 115
PORTLAND, OR 97232
(503) 231-2300
blumenauer.house.gov

December 7, 2004

To the Multnomah County Board of Commissioners:

I applaud Multnomah County's Resolution to affirm the civil rights of its citizens in the face of ever-intrusive Federal laws.

I voted against both the USA PATRIOT Act and the Homeland Security Act in large part due to provisions which represent an historic erosion of civil liberties in a way not particularly helpful in combating terrorism. The idea seems to be to cast as wide a net as possible, to the point where everyone is a suspect. This in combination with the Department of Justice's abandonment of the rule of law in pursuing terrorism cases presents a truly frightening prospect. Indeed, we have seen many cases where people have been falsely imprisoned without being charged with a crime or having access to a lawyer. America is great *because* of a strong adherence to the rule of law, not in spite of it.

The USA PATRIOT ACT and Homeland Security Act both included much-needed legislation that undoubtedly helps law enforcement combat terrorism more effectively. However, many law changes hearken back to the days before the Watergate reforms, when the likes of Martin Luther King Jr. were subjected to baseless scrutiny and harassment by the FBI. We must strive for an America that is both safe *and* free.

Sincerely,

Earl Blumenauer
Member of Congress

PRINTED ON RECYCLED PAPER
100% RECYCLED PAPER

SPEAKER # 4
MARLA ROSENBERGER

WHEREAS

Many communities across the country have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that violate them, and demanding accountability from law enforcement agencies regarding their use of their new powers.

AND FINALLY WHEREAS

AFSCME has a history of being in the forefront protecting civil liberties and civil rights. Local 88 supports that long and valued history.

THEREFORE BE IT RESOLVED

That Multnomah County Employees Union, AFSCME, Local 88 supports a resolution by the Multnomah County Board of Commissioners protecting the constitutional rights and civil liberties of all Multnomah County residents.

And BE IT FURTHER RESOLVED

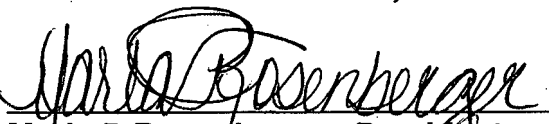
That we support the direction of the employees of Multnomah County in process of their assigned duties to protect and defend those constitutional rights and civil liberties within their power of all Multnomah County residents.

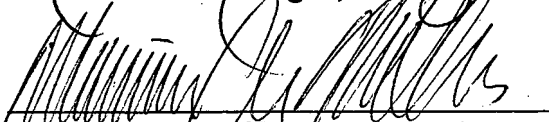
And BE IT FINALLY RESOLVED

If any phrase, clause, sentence or provision of this resolution is declared by a court of competent jurisdiction to be contrary to the Constitution of AFSCME International or the Constitution of the United States or the State of Oregon, or the applicability thereof to any agency, person, or circumstance is held invalid, the validity of the remainder of this resolution and the applicability thereof to any agency, person, or circumstance shall not be affected thereby.

RESOLVED this 7th day of December, 2004.

**FOR THE MULTNOMAH COUNTY EMPLOYEES UNION,
AFSCME, LOCAL 88**

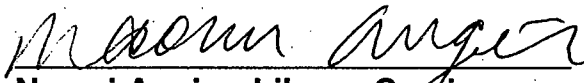

Marla P Rosenberger, President


Maurice Miller, Treasurer

Mary C Orr, Vice President


Becky A Steward, Secretary

RESOLUTION SIGNATURES CONTINUED

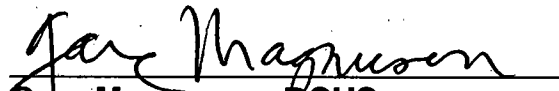

Naomi Angier, Library Services

Carolyn Frazier, Health Dept


Madolyn Frazier, DA's Office



Bruce Kosharek, JCSS

Tressa Kovachevich, MCSO



Gary Magnuson, BCHS

Jackie Tate, DSCP

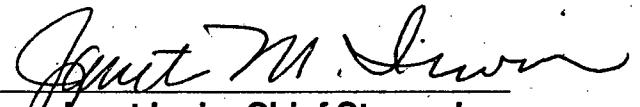

Chris Tobkin, DCJ


Chris Witka, At Large

Chris Thayer, CCC


Robert Clark, Chief Steward


Jody Darr-Block, Chief Steward


Janet Irwin, Chief Steward

~~Sandy Kaufman, Chief Steward~~

Statement by Roy Jay, President/CEO of Oregon Convention and Visitor Services Network

Multnomah County Board of Commissioners Resolution Expressing Commitment to Protect Civil Rights, and to Reduce Discrimination and Harassment, in the Era of the USA PATRIOT Act.

December 9, 2004

Chair Linn, and members of the Multnomah County Board of Commissioners:

I am Roy Jay, President and CEO of the Oregon Convention and Visitor Services Network.

I am grateful to you for generating a resolution addressing the matter of civil rights, and the matters of discrimination and harassment, in the era of the USA PATRIOT Act. Here's why, for three reasons:

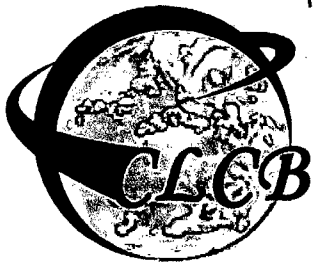
Violations of civil rights, and discrimination and harassment, and the climate of fear and contempt that they create, are devastating to people. I know this because I am part of a minority population that has had this experience, and I know that this is the experience that many people are having in the era of the USA PATRIOT Act.

Violations of civil rights, and discrimination and harassment, and the climate of fear and contempt that they create, are devastating to employers and employees. I know this because my work experience shows me that it is easier to attract and keep businesses – and the jobs they create – when people know that in their workplaces and in their streets and in their places of worship they will be safe from attacks on their rights and their personal well-being. It is harder to attract and keep businesses – and the jobs they create – when people know that their law enforcement agencies are allowed to violate their rights, and that their governments tolerate discrimination in the workplace and elsewhere.

Violations of civil rights, and discrimination and harassment, and the climate of fear and contempt that they create, are devastating to tourism and travel. I know this because I listen to travelers who come here, and to potential travelers who do not come here. I attend meetings of convention and travel professionals all over the United States, and I know that all kinds of travelers are drawn to communities whose elected leaders insist upon equal rights for all people and equal treatment for all people – and are repelled by communities whose elected leaders do not.

Thank you for your wisdom and foresight in preparing a resolution addressing the matter of civil rights, and the matters of discrimination and harassment, in the era of the USA PATRIOT Act.

SPEAKER #6 KAYSE MOHAMED JAMA



November 30, 2004

Multnomah County Board of Commissioners
501 SE Hawthorne Blvd, Suite 600
Portland, Oregon 97214

*Community Language
and Culture Bank*

2808 NE Martin Luther
King Jr. Blvd, Suite 13
Portland, Oregon 97212
Phone: (503) 223-4464
E-mail: info@clcbank.org
Web: www.clcbank.org

Officers

Kayse Mohamed Jama
founder/director

Michelle Neal
president

Sam Gioia
vice-president

Andy Wheeler
treasurer

Stephanie D. Stephens
secretary

Abdullah Y. Mohamed
community organizer

Our Mission

Community Language and Culture Bank (CLCB) fosters intercultural understanding through educational programming, cultural sensitivity training, language interpretation, and open forums on pressing issues. We promote global consciousness and endorse peaceful conflict resolution.

To the Multnomah County Board of Commissioners:

On behalf of the organizations and individuals listed below, I am writing to express grateful support to you for generating a resolution expressing commitment to protect civil rights, and to prevent discrimination and harassment, in the era of the U.S.A. P.A.T.R.I.O.T. Act. On the basis of information readily available in local newspapers and on television news, our members are well aware of many violations of civil rights that people here in Multnomah County have experienced over the past two years.

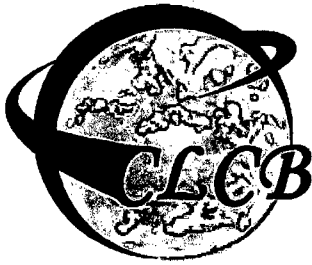
People know, for example, about Brandon Mayfield's violent arrest and secret detention; about the FBI's false claim of "one hundred percent" certainty that his fingerprints matched a picture of fingerprints on a plastic bag found in Spain, which they in fact did not match; and also about the fact that his indictment made a point of his having been observed repeatedly driving to a mosque.

People know, for example, about the removal from a Delta Airlines plane of seven Moroccan government officials with diplomatic passports, here on a goodwill visit that included attendance at your weekly meeting two days earlier; about their detention at Portland International Airport; about their luggage being searched, documents removed and returned to the wrong bags, officials becoming alarmed at seeing Arabic papers with the emergency telephone number 9-1-1 written on them, and FBI interrogation without an Arabic-speaking interpreter present.

People know, for example, about the improper arrest of former US Marine Brent Was during a peaceful demonstration in downtown Portland; about his detention by Portland police until after midnight; and about Portland's settling the case for \$3,500 after he hired a lawyer. People know, for example, about Portland Water Bureau head Mort Anishouravini's suit against the US Customs Office for unlawful seizure of half his luggage upon his return from a visit with family members in Iran; about the agency's offer to return the improperly held property if he agreed not to sue; and about the property being returned after he hired an attorney.

People know, for example, of the wrongful arrest of well-known Portland area Muslim cleric Sheik Mohamed Abdirahman Kariye at Portland International Airport on September 8, 2002; that authorities claimed his brother's luggage contained traces of TNT. The FBI later admitted the TNT test had been faulty and there was not, in fact, any explosives present. Even then, it took vocal protests and strenuous work by attorneys to get Kariye released on bail.

Attendees of the Islamic Center of Portland—Masjed As-Saber—learned during the Kariye trial that an informant for the FBI had attended their mosque in June 2002, for the purpose of secretly recording conversations with individuals in search of information regarding the "Portland Seven" defendants. For many Muslim immigrants, this secrecy and intrusive questioning was reminiscent of their countries they left, where people were guilty until proven innocent.



Community Language and Culture Bank

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community organizer

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These examples of humiliating assaults on people's rights and dignity here in Multnomah County, and other examples, have been reported in local, national, and international news media. There are many more such experiences that go unreported, experiences in which the victims, perhaps invisible to you, have no recourse and no relief. That is why we are grateful to you for taking action to protect our civil rights, and for speaking out about the discrimination and harassment that so many of us experience daily.

It is important for us to let you know that government surveillance, and the threat of prosecution under federal terrorism laws, constrain Muslims in Multnomah County (as elsewhere) from participating freely in congregational prayers and in both making obligatory contributions (zakah) and giving anonymous voluntary charity (sadaqa-h) serve the needy and the common good. Practitioners of Islam are required to engage in these activities. We believe that the right to the free exercise of religion, guaranteed in the First Amendment, must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.

Federal legislation such as the Domestic Security Enhancement Act of 2003 (DSEA, also known as PATRIOT II) contains an array of new and sweeping law enforcement and intelligence gathering powers that are not related to terrorism, and that, if enacted, threaten many basic constitutional rights and would disrupt our unique system of checks and balances. We know that proposed federal legislation would make some federal funding contingent upon the participation of state and local law enforcement agencies in apprehending those whose only offense is a federal immigration violation, a requirement which is contrary to ORS 181.850. These proposed new powers pose a continuing and growing threat to the civil rights and liberties of all persons in our country, regardless of their race, religion, country of origin, and ethnicity, and pose a particular threat to the civil rights and liberties of persons who are of Arab, Muslim, or South Asian descent. We believe that the rights of immigrants must be protected, and measures that single out individuals for legal scrutiny or enforcement activity based on their ancestry, nationality, or religion must be opposed.

We know that "(i)t is the policy of the County to eliminate discrimination based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, or source of income." We know that the County recognizes that "(s)uch discrimination poses a threat to the health, safety, and general welfare of the citizens of the County and menaces the institutions and foundations of our community." We know that Multnomah County's Diversity Initiative Statement (2002) and update (2004) express a County policy, which recognizes and respects the diversity of cultures and people in Multnomah County.

We appreciate your boldness and your initiative in taking action to protect the public safety, the civil rights, and the dignity of people in Multnomah County, in the face of violations of all three in the era of the U.S.A. P.A.T.R.I.O.T. Act.

Sincerely,

Kayse Mohamed Jama
Founder/Director
Community Language and Culture Bank

Co-signers submitted under separate cover.



Jewish Arab Muslim Dialog
Portland, Oregon

Contact: jamd@mail.com

Dear County Commissioners:

By this letter of endorsement, the Jewish Arab Muslim Dialog Group of Portland applauds you for generating the resolution you will be considering on December 9, 2004, concerning the County's commitment to protect civil rights, and to prevent discrimination and harassment in the era of the Patriot Act. We are a group of mainstream Jewish, Arab, and Muslim community and religious leaders who regularly meet to protect civil rights, promote cross cultural understanding, and work towards bringing about a just and peaceful resolution to the terrible and urgent situation in Israel and Palestine. Our support for this resolution became even stronger after this month's election results and we urge you to adopt the resolution without delay. We believe that it is essential that local governments forcefully declare that the right to practice one's religion, travel freely and peacefully assemble is an American value that should not be dispensed with because of one's ethnic or religious background.

The Government surveillance and the threat of prosecution under the Patriot Act deters Muslims in Multnomah County, and elsewhere, from participating freely in congregational prayers, and making obligatory contributions (zakah) and giving anonymous voluntary charity (sadaqa-h). We, therefore, particularly support the clause in the resolution which provides:

"The right to the free exercise of religion, including such practices as participating in congregational prayers and making contributions to serve the needy and the common good, must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution."

It is a shame that we are living in a time when the basic tenets of one of the world's great religions are viewed suspiciously by some elected officials. We are grateful that the Multnomah County Commission will not be joining this governmental bandwagon of fear and distrust and pledge our assistance in helping you reaffirm all people's rights to live freely, travel freely and exercise their religion.

Sincerely,



Emily Simon

On behalf of the Jewish Muslim Arab Dialog Group



Mohad A. Toulon, Ph.D.

#9

**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: 12/9/04

SUBJECT: Resolution Expressing Commitment on
Civil Liberties / Rights

AGENDA NUMBER OR TOPIC: B-3

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Andrea Meyer

ADDRESS: ACLU of Oregon

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____

EVE: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: yes

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.



**AMERICAN CIVIL LIBERTIES UNION
of OREGON**

TESTIMONY IN SUPPORT OF RESOLUTION TO PROTECT CIVIL LIBERTIES

December 9, 2004

The ACLU of Oregon is pleased to join with other voices in the community in support of the proposed resolution that expresses Multnomah County Board of Commissioners' commitment to civil liberties and urging our congressional delegation to oppose legislation that infringes on our civil liberties and civil rights.

Assuming this resolution is approved Multnomah County will join 12 other Oregon jurisdictions (Port Orford, Wheeler, Portland, Douglas County, Astoria, Lane County, Corvallis, Gaston, Talent, Benton County, Ashland, Eugene), and more than 360 other communities in 43 states (including four state resolutions), in passing similar resolutions in opposition to provisions of the USA PATRIOT Act.

The Patriot Act has become emblematic of many other excesses implemented by Congress and the Executive Branch since 9/11. The Act was passed just 45 days after the September 11 attacks, with virtually no debate, and gave federal law enforcement agents greatly expanded surveillance powers with very little oversight by either the courts or Congress. Given that context, it is not surprising that some of its 158 provisions need adjustment.

Lest there is any confusion, the concerns about the Patriot Act cover the political spectrum. I have provided separately, quotes from the Chairman of the American Conservative Union, Americans for Tax Reform, National Rifle Association, former U.S. Representatives Bob Barr and Newt Gingrich, and Representatives Jim Sensenbrenner and Butch Otter, to name just a few. All of them have criticized portions of the Patriot Act as going too far in infringing on civil liberties. As Kevin Starrett, Executive Director of Oregon Firearms Federation said earlier this year: "Had the Clinton administration proposed the Patriot Act, which is a real scary thing for gun owners, the Republican-controlled Congress would have been apoplectic."

So, as Multnomah County joins many others in expressing its concern, it does so on behalf of a broad spectrum of Multnomah County residents.

In addition, there is legislation before Congress, called the SAFE Act that would address many of our concerns. It would, among other things:

-- over --

- Restore judicial safeguards for search warrants – including a renewable seven-day limit on delay notice, and a requirement to give specific reasons for delayed notice (Section 213);
- Require “articulable suspicion” of a connection to a terrorist or other foreign agent before a secret foreign intelligence court may approve demands for personal records from a third party. This is a standard far lower than probable cause, but more than nothing. In addition, it would clarify that libraries are not “communications service providers” subject to FBI “national security letters” (records demands that require no court order at all) (Section 215);
- Require that a “roving wiretap” in intelligence cases have the same standards as in criminal cases, in order to guard against interception of innocent conversations; and
- Expand the “sunset clause” to require Congressional review, by 2005, of three new Patriot Act surveillance provisions – nationwide search warrants, broad “sneak and peek” searches, and expanded “national security letters.”

The ACLU has and will continue to do its part in challenging the most egregious portions of the Patriot Act in court. On September 29, 2004 in an ACLU case, a New York District Court struck down all of Section 505 of the UPA, which gave the government unchecked authority to issue “National Security Letters” used to obtain sensitive customer records from Internet Service Providers and other business without a court order, indeed without any judicial oversight. In addition, Section 505 also contained a broad gag provision, that prevented the ACLU from disclosing this lawsuit for three weeks after it was filed, disclosing sections of the Complaint filed in the court, including identifying who the plaintiffs were other than the ACLU (indeed, we couldn’t confirm or deny that there was another plaintiff). It was truly Orwellian but fortunately, the court eventually held that this broad gag provision in the law was an unconstitutional prior restraint on speech.

All of us must continue to work to ensure that civil liberties are respected and protected; there is much for us to do. This is an important step. We thank the Commissioners for bringing this important resolution before the Board today and urge your unanimously approve.

American Civil Liberties Union

www.aclu.org

URL: <http://www.aclu.org/SafeandFree/SafeandFree.cfm?ID=12634&c=206>

Conservative Voices Against PATRIOT Act II

Bob Barr, former Republican member of Congress ("Subpoena plan stirs alarm," *Atlanta Journal Constitution*, 9/26/2003)

[On the President's request to give law enforcement administrative subpoenas]:

"This moves us in the direction of the executive law enforcement power extending to the point where they can do whatever they want, whenever they want, however they want to do it... All in the name of fighting terrorism."

Sen. Richard Shelby (R-AL) (*CNN: Lou Dobbs Tonight*, 9/25/2003)

"I supported the Patriot Act that President Bush signed into law. I thought that was necessary. Some of the proposals that have been floated now to Patriot Act II amendments to it, I think we better be very careful with our constitutional rights there."

Rep. James Sensenbrenner (R-WI), Chair of the House Judiciary Committee ("Sensenbrenner not eager to expand subpoena powers," *Milwaukee Journal Sentinel*, 9/16/2003)

[On the President's request to give law enforcement broad new powers]:

"I don't see an urgency involved in any of these things. It will be subject to extensive hearings... Is the judiciary committee going to drop everything on its schedule to do this? The answer is no."

[On the President's request to give law enforcement administrative subpoenas]:

Sensenbrenner said he was "particularly troubled" by the subpoena power requested by the administration.

"You can't in one breath defend (the) Patriot Act, saying (intelligence) warrants are reviewed by a judge, then in the second breath say we'll have administrative subpoenas."

Steve Lilienthal, Free Congress Foundation ("Hatch alarms right over anti-terror act," *Salt Lake Tribune*, 9/15/2003)

[Responding to provisions of a draft narco-terrorism bill, the VICTORY Act]

"We're not supportive of illegal drugs, but we would say the federal government has plenty of resources already on hand for this. The government was seeking a lot of these powers before 9-11, but after the attacks, they seized upon terrorism as a way to get what they had always wanted."

Paul Weyrich, Chairman, Free Congress Foundation ("Hatch alarms right over anti-terror act," *Salt Lake Tribune*, 9/15/2003)

[Responding to provisions of a draft narco-terrorism bill, the VICTORY Act]

"We are concerned not about Ashcroft, but about a possible subsequent attorney general, named by President Hillary Rodham Clinton, who might define as terrorists those of us who peacefully oppose government polices."

Grover Norquist, president of Americans for Tax Reform, board member, National Rifle Association and American Conservative Union ("Hatch alarms right over anti-terror act," *Salt Lake Tribune*, 9/15/2003)

[Responding to Sen. Orin Hatch's (R-UT) pledge to grant President Bush's request to expand law enforcement powers beyond the Patriot Act]

"That's like somebody saying they'll raise taxes indefinitely. Why would he want to give the federal government indefinite power?"

"These federal prosecutors are like teenage boys on prom night who have one thing on their mind and they want more of it. It's Congress' job to sometimes tell them no. [House Judiciary Chairman Rep. James] Sensenbrenner has certainly been more aggressive in that than Hatch, unless Hatch is doing it quietly behind closed doors."

Sen. Arlen Specter (R-PA), member of the Senate Judiciary Committee ("Bush Seeks to Expand Access to Private Data," *New York Times*, 9/14/2003)

[On the President's request to give law enforcement administrative subpoenas]:

"I'm concerned that it may be too sweeping."

[On the President's request to help terrorism suspects without bail]:

"The Justice Department has gone too far. You have to have a reason to detain."

James Gilmore, Chair, Federal Commission on Terrorism Policy and former Virginia Governor ("Gilmore Cautious Over State Of Security And Civil Liberties," *National Journal: Technology Daily*, 5/12/2003)

"I am not prepared to say that the [USA] PATRIOT Act is being used in any unlawful way, but as citizens, we have a duty to be watchful of that, particularly if PATRIOT Act II comes along."

Bob Barr, former Republican member of Congress ("Unusual coalition of left and right says civil liberties under attack," *Atlanta Journal Constitution*, 5/11/2003)

"It looked like a proposal. It smelled like a proposal and it quacked like a proposal. Therefore, I think it is a proposal and a very serious one. Anybody that is lulled into a sense that this is not going to be a real battle is deluding themselves."

Rep. James Sensenbrenner (R-WI), Chair of the House Judiciary Committee ("Sensenbrenner vows to uphold sunset of added police powers," *Milwaukee Journal Sentinel*, 4/18/2003)

Stated it was "way premature" for Congress to consider the PATRIOT Act II.

Rep. James Sensenbrenner (R-WI), Chair of the House Judiciary Committee ("Key Republican Not Sure on Patriot Act," *Associated Press*, 4/16/2003)

[When asked about the future of the USA PATRIOT Act]

"I can't answer that because the Justice Department has classified as top-secret most of what it's doing under the Patriot Act. The burden will be on the Justice Department and whomever is

attorney general at that time to convince Congress and the president to extend the Patriot Act or modify it. But because of the fact that everything has been classified as top-secret, the public debate is centering on (the act's) onerousness."

Bob Barr, former Republican member of Congress ("GOP Calls for Wider Powers to Track Citizens," *Seattle Post-Intelligencer*, 4/11/2003)

"Already, government investigative powers have been dramatically expanded. Already, intelligence is working under the flawed premise that to get the bad guys you need to spy unmercifully on the good guys."

Lori Waters, Executive Director, Eagle Forum ("GOP Calls for Wider Powers to Track Citizens," *Seattle Post-Intelligencer*, 4/11/2003)

[Passage would edge the country closer to a philosophy] "where there are two types of people: the caught and the uncaught. We see a growing effort of the government to tag and track everything we do. We don't think these are the most effective way of preventing terrorists from getting on planes and blowing them up."

Stephen Thayer, American Conservative Union Executive Director, ("Conservative Backlash Provisions of 'Patriot II' Draft Worry Those on Right," *ABCNews.com*, 3/12/2003)

"There's no question the government has to have the tools to protect us from terror attacks and to prosecute those who want to harm us. But having said that, the American Conservative Union wants to be sure that Congress takes into account the civil liberties of the citizens and through their deliberations reaches the proper balance between law enforcement and protecting citizens' rights."

Christopher Pyle, former U.S. Army intelligence officer, served on the Church Committee, ("Conservative Backlash Provisions of 'Patriot II' Draft Worry Those on Right," *ABCNews.com*, 3/12/2003)

"I don't think the Fourth Amendment exists anymore. I think it's been buried by the Patriot Act and some of the court rulings that have been handed down. We need a requiem mass for the Fourth Amendment, because it's gone."

Michael Hammond, Gun Owners of America consultant, ("Conservative Backlash Provisions of 'Patriot II' Draft Worry Those on Right," *ABCNews.com*, 3/12/2003)

"We have some serious concerns and part of our concerns spring from the fact that some of our members are part of the so-called militia movement. We're looking into whether some of these groups or even the NRA [National Rifle Association] could be designated terrorists by this or a future administration."

"We're going to make our case why basically suspending the Constitution could have an adverse effect on conservatives, either under this administration or under a future administration... All of a sudden it became apparent that a lot of people could be made noncitizens. We're very concerned about that. The whole thing is Orwellian."

Nat Hentoff, Syndicated Columnist, ("Sweet Land of Liberty," *The Washington Times*, 2/24/2003)

"Attorney General John Ashcroft, with support from President Bush, has increasingly forgotten that the Constitution is ours - not just his. The Center for Public Integrity has now exposed Ashcroft's sequel to the Patriot Act for what it is: an assault on the Bill of Rights drafted without consultation with Congress."

"I can't, within a single column, detail every abuse against the Bill of Rights contained in the Justice Department draft."

"The bill says, an 'intent to relinquish nationality need not be manifested in words, but can

be inferred from conduct.' Who will do the inferring? An employee of Ashcroft? The same Ashcroft who has

accused his critics of '(scaring) peace-loving people with phantoms of lost liberty.' This section of the bill means that if you were to send a check for the legal activities of an organization and, unbeknownst to you, it has been labeled as a terrorist group, then you could be deported. Deportations of American citizens are not 'phantoms of lost liberty.'"

"We the People' must turn to Congress to protect us from this out-of-control Justice Department, since the president has yet to keep it within the bounds of the Constitution and its principles. Clearly, they can't be trusted to solely interpret the Constitution - something the Constitution doesn't give them the power to do anyway."

Bob Barr, former Republican Member of Congress, ("Ashcroft wants even more," *The News & Observer*, 2/20/2003)

The proposed legislation seeks "all sorts of powers far beyond what any normal person would deem necessary to fight terrorists acts."

Ernie Blazar, spokesman for Republican Senator Christopher Bond, member of the Select Committee on Intelligence, ("Secret Arrests in the U.S.?", *The News-Leader*, 2/16/2003)

While the senator has "a blanket policy" of not commenting on early drafts of legislation, Blazar noted that Bond would have "some trouble" with any proposal that would allow secret arrests of U.S. citizens.

Larry Klayman, Judicial Watch, ("Fighting terrorism is one thing, subverting Americans' freedom is another," *Asheville Citizen-Times*, 2/14/2003) [on the issue of secrecy behind PATRIOT II]

"We're very concerned about it. This is a case where left and right agree. ... True conservatives don't act this way."

Bill O'Reilly, Host, Fox News: The O'Reilly Factor, ("Does the Domestic Security Enhancement Act Violate Rights?" *The O'Reilly Factor*, 2/13/2003)

"First of all, if passed, they can come up to you and me and demand a DNA sample for no reason at all other than we're suspected terrorists... They want to go up to you and me, no reason, all right, and say, hey, give me that DNA sample. I don't want that."

"But this, if passed, sends a chilling signal that I can be, and you can be pulled over, and anybody watching could be pulled over. And a cop could take you right out of the car and say, 'Hey, give me your fingerprints right now. For no reason at all other than we suspect that you're a terrorist.' Not going to fly with me."

"Now, the wiretap. This is another thing. Now -- and believe me, I'm kind of with you in the sense that I want the government to have the tools to protect us. I mean, I'm not the ACLU poster boy, as you know, OK? But now they want to have a window where they don't have to explain to anybody why they're wiretapping anybody else."

"The president should have [emergency powers], as Abraham Lincoln had during the Civil War, in times of emergency stress or emergency to make these things happen. Just to give it to the attorney general, no. I mean, look, Janet Reno was the attorney general, John Mitchell was

the attorney general. I don't want these people to have this power. And this guy Ashcroft is throwing sheets over statues. Come on."

"I trust an elected official like the president, not an appointee."

[On loss of citizenship due to affiliation with a terrorist organization]

Yes, and that's fine with me. And I would say foreign terrorist groups and domestic that are defined in writing, I would say OK. But not the way it is now. So they've got a lot of work to do on this. Because I don't want people pulling a hair out of my head just because they don't like me because I'd be bald in two seconds."

Errol Louis, Editorial, (*New York Sun*, 2/10/2003)

"The 80-page document is a catalog of authoritarianism that runs counter to the basic tenets of modern democracy."

Andrew Napolitano, Fox News Senior Judicial Analyst, ("Analysis With Andrew Napolitano," *Fox News: The Big Story With John Gibson*, 2/10/2003)

"Well, it is wrong to assume that a person gives up their citizenship because they installed a telephone in an office building that happens to be used by a terrorist organization. The problem with the statute is, it doesn't -- it makes it easy for the government, so easy it's unconstitutional, critics say, because it doesn't require the government to prove that the person intended to aid the terrorist organization... So the government would have itself -- be given enough power, declare a person aided a terrorist organization, strip them of their American citizenship, and deport them, without a trial, and without judicial review."

[Question: Right. But why do you find this so personally threatening? They're not going to come after you, judge, or me.]

"Well, I don't think they're going to -- they're going to after you or me, even though we at times have given the attorney general some elbows in the ribs when we think he deserved it. It is personally offensive because the whole purpose of our Constitution is to guarantee liberty, it's to guarantee that things like this will not happen in stressful times."

[Question: But we confer upon people who ask it, who come here. We confer the citizenship upon them. What you're saying is that once we realize they came here with nefarious motives, we can't take it back?]

"That's correct. They have to be tried and prosecuted like anybody else, because it is too much power, critics argue, in the hands of the government just to strip citizenship and punish without trial."

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Conservative Voices Against the USA PATRIOT Act

Harry Schneider, Legislative Chairman, Pennsylvania Sportsman's Association. ("Administration policies prompt some gun owners to recoil," *Associated Press*, 4/14/04)

"Most gun owners are not very enthusiastic and they're very apprehensive about aspects of the Patriot Act, specifically about search-and-seizure rules. They're just not going to dig into their wallets or devote their time to help Bush."

Kevin Starrett, Executive Director, Oregon Firearms Federation ("Gun Groups May Not Be Bush Campaign Weapon," *Los Angeles Times*, 4/13/04)

"Had the Clinton administration proposed the Patriot Act, which is a real scary thing for gun owners, the Republican-controlled Congress would have been apoplectic."

Bob Barr, former Republican member of Congress ("Patriot Act divides Bush loyalists," *Washington Times*, 4/5/2005)

"The Fourth Amendment is a nuisance to the administration, but the amendment protects citizens and legal immigrants from the government's monitoring them whenever it wants, without good cause -- and if that happens, it's the end of personal liberty."

"I don't care if there were no examples so far. We can't say we'll let government have these unconstitutional powers in the Patriot Act because they will never use them. Besides, who knows how many times the government has used them? They're secret searches."

Larry Pratt, Executive Director, Gun Owners of America (Coalition for Constitutional Liberties Weekly Update, *Free Congress Foundations*, 2/27/2004)

"Anytime the government is in a conflict, they see it as an opportunity to aggrandize themselves and run roughshod over the Constitution"

"More laws are being made making things illegal. All of us stand to be in violation of some law."

"Farmers [including some who were wielding guns] participated in civil disobedience at the site of the main water valve. [Under the PATRIOT Act,] The Klamath farmers would have been a terrorist organization."

On the membership of Gun Owners of America:

"They see the Bill of Rights and defense of freedom as seamless"

"The government feels that we, the people, need to be transparent. It should be the other way around."

Rep. Chris Chocola (R-IN-2) ("Bush gets 'high marks'," *South Bend Tribune*, 1/21/2004)

[Chocola held back an immediate endorsement of the president's call for renewal of the Patriot Act when it expires next year]

"That's a debate we've got to have."

Rep. Richard Pombo (R-CA-11) ("Feedback to the state of the union address," *Contra Costa Times*, 1/24/2004)

"I think Congress will spend more time debating the Patriot Act, or any reauthorization of the Patriot Act. We passed it originally in a time of crisis. I have concerns about provisions in the Patriot Act, particularly when it comes to protecting the privacy of the average American citizen."

Rep. James Sensenbrenner (R-WI), Chair of the House Judiciary Committee ("Inside Politics," *Washington Times*, 1/23/2004)

Mr. Sensenbrenner, a member of the House Homeland Security Committee, said "over my dead body" will the act be reauthorized without undergoing thorough re-examination in hearings held by the House.

Newt Gingrich, the former speaker of the House ("The Policies of War: Refocus the mission," *San Francisco Chronicle*, 11/11/03)

"We must ensure that the legal tools provided are not abused, and indeed, that they do not undermine the very foundation our country was built upon."

"I strongly believe the Patriot Act was not created to be used in crimes unrelated to terrorism."

"Recent reports, including one from the General Accounting Office, however indicate that the Patriot Act has been employed in investigations unconnected to terrorism or national security."

In our battle against those that detest our free and prosperous society, we cannot sacrifice any of the pillars our nation stands upon, namely respect for the Constitution and the rule of law. Our enemies in the war against terrorism abuse the Islamic law known as the Sharia that they claim to value. It is perversely used as justification for their horrific and wanton acts of violence.

We must demonstrate to the world that America is the best example of what a solid Constitution with properly enforced laws can bring to those who desire freedom and safety. If we become hypocrites about our own legal system, how can we sell it abroad or question legal systems different than our own?

I strongly believe Congress must act now to rein in the Patriot Act, limit its use to national security concerns and prevent it from developing "mission creep" into areas outside of national security.

Similarly, if prosecutors lack the necessary legislation to combat other serious domestic crimes, crimes not connected to terrorism, then lawmakers should seek to give prosecutors separate legislation to provide them the tools they need, but again not at the expense of civil rights. But in no case should prosecutors of domestic crimes seek to use tools intended for national security purposes.

This war against terrorism requires Americans and American institutions to have the "courage to be safe," this courage must include keeping to the American principles that have made this country great for more than 200 years."

Rep. C.L. "Butch" Otter (R-ID) ("Otter to speak on Patriot Act dissent," *Idaho State Journal*, 11/9/2003)

"You cannot give up freedom, you cannot give up liberty, and be safe. When your freedom is lost, it makes no difference who took it away from you. (The terrorists) have won. What did they want to do? Take away our

freedom. They've won in some cases."

Senator Larry Craig (R-ID), member of the Senate Judiciary Committee ("Senators join forces to roll back parts of Patriot Act," *Washington Times*, 10/16/03)

[On the introduction of the Security and Freedom Ensured (SAFE) Act]

"This has nothing to do with the current administration; it's about putting into effect the right law."

"It's time we adjusted this law to assure civil liberties are not being trampled."

David Keene, Chairman of the American Conservative Union ("Civil liberties advocates laud Sununu for stand on Patriot Act reform," *Manchester Union Leader*, 10/16/2003)

"These are people who are now taking a look at it and saying much of this is a good law, but let's make sure we didn't go too far. While the government should have all the power it needs to protect us, it shouldn't have all the power it'd like to have."

Sen. Lisa Murkowski (R-AK) ("Hatch alarms right over anti-terror act," *Salt Lake Tribune*, 9/15/2003)

"To date it appears portions of the Patriot Act may have moved the scales out of balance"

Grover Norquist, president of Americans for Tax Reform, board member, National Rifle Association and American Conservative Union ("Hatch alarms right over anti-terror act," *Salt Lake Tribune*, 9/15/2003)

"I don't know whether Hatch is slower to see this than other Republicans, but the Butch Otter vote was a statement to the administration that Congress is not going to stand there like potted plants and accept everything they send over. It's been two years since 9-11, and for the administration to still answer the public's questions about how these powers are being used with 'Just trust us' is insulting."

Rep. Jim Leach, (R-IA) ("Latest Anti-Terrorism Proposals Not Likely to Move Through Congress Quickly," *Congressional Quarterly*, 9/11/2003)

"There are very few acts of Congress that deserve more careful oversight than the Patriot Act."

John W. Whitehead, President, Rutherford Institute (Memo on "Life, Liberty and the Pursuit of Terrorists: A Rutherford Institute Response to Attorney General John Ashcroft's 'Patriot Act Tour' and Website," 8/27/03 available at: <http://www.rutherford.org/PDF/JWWPatriotActResponse.pdf>)

"Attorney General Ashcroft charges that passage of the Patriot Act radically changed 'a culture of law enforcement inhibition' in America. When the Act restricts or weakens constitutional and statutory protections for fundamental rights of privacy and personal autonomy, including a right characterized by the Supreme Court as being 'as old as the Magna Carta,' one can surely forgive a reasonable observer for wondering whether, in throwing off "inhibitions" on law enforcement for the sake of its pursuit of terrorists, America has carefully calibrated the ramifications of this authoritarian revolution for its continued commitment to the life and liberty of all its people."

Sen. Arlen Specter (R-PA), member of the Senate Judiciary Committee ("Specter blasts part of anti-terrorism act," *Associated Press*, 8/2/2003)

[On section 215 of the USA PATRIOT Act]:

"I don't think that's any of the government's business. I don't think what people read is subject to inquiry. What difference does that make? It has a chilling effect on fundamental freedom of activity."

Sen. Lisa Murkowski (R-AK) ("Murkowski Proposes Changes to USA PATRIOT Act to Protect Civil

Liberties While Fighting Terrorism," Press Release from the Office of Senator Lisa Murkowski, 8/01/2003)

"Given the tragic events of Sept. 11th there is no question that federal law enforcement agencies needed more tools and that Congress needed to update our nation's anti-terrorism laws. But it is also clear that Congress has an obligation to make sure the law is working as intended. We must strike a careful and constitutional balance between protecting the individual rights of Americans and giving our law enforcement and intelligence officials the tools they need to prevent future terrorist attacks. To date it appears portions of the Patriot Act may have moved the scales out of balance.

My goal is simply to make sure that our laws are balanced. I want to make sure that law enforcement has all the tools they need to protect us, while also protecting our individual freedoms and liberties - the very same principles upon which the United States was founded and that make this nation so great today."

Rep. C.L. "Butch" Otter (R-ID) ("House Lawmakers Limit Scope of Patriot Act Powers," Fox News, 7/29/2003)

"I think [law enforcement officials] are trampling on our rights and they are doing it in the name of trying to protect us from domestic terrorism"

Rep. C.L. "Butch" Otter (R-ID) (Congressional Record, Page H7289, 7/22/2003)

"Mr. Chairman, over 200 years ago when the formulation of this great republic was being put together, John Stuart Mill sat down and probably put the essence of this government in writing better than anyone could. 'A people,' he said, 'may prefer a free government, but if from indolence or carelessness, or cowardice, or want of public spirit, they are unequal to the exertions necessary for preserving it; if they will not fight for it when it is directly attacked; if by momentary discouragement or temporary panic, they can be deluded by the artifices used to cheat them out of it; or if in a fit of enthusiasm for an individual, they can be induced to lay their liberties at the feet of even a great man, in all these cases, they are more or less unfit for liberty. And though it may have been to their good to have had it for a short time, they are unlikely long to enjoy it.'

The United States PATRIOT Act was well intentioned, Mr. Chairman, especially during a time of uncertainty and panic. However, now we have had a chance to step back and examine it objectively. The legislation deserves serious reevaluation. While I agree with some of the new powers granted to the Federal law enforcement authorities that may be, and I stress 'may be,' necessary, many more are unjustified and are dangerously undermining our civil liberties.

We have the opportunity to revisit these sections of the USA PATRIOT Act and to correct these mistakes from those first frenzied weeks after September 11, 2001.

One provision, section 213, allows delayed notification of the execution of a search warrant. It authorizes no-knock searches of private residences, our homes, either physically or electronically. By putting off notice of the execution of a warrant, even delaying it indefinitely, section 213 of the USA PATRIOT Act prevents people, or even their attorneys, from reviewing the warrant for correctness in legalities.

These 'sneak and peek' searches give the government the power to repeatedly search a private residence without informing the residents that he or she is the target of an investigation. Not only does this provision allow the seizure of personal property and business records without notification, but it also opens the door to nationwide search warrants and allows the CIA and the NSA to operate domestically.

American citizens, whom the government has pledged to protect from terrorist activities, now find themselves the victims of the very weapon designed to uproot their enemies.

It is in defense of these freedoms that I offer this amendment today to the Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act for the fiscal year 2004 bill. This amendment would prohibit any funds from being used to carry out section 213 of the USA PATRIOT Act as signed into law on October 26, 2001. Through the passage of this amendment, Americans would have reinstated a different kind of security; one giving them renewed confidence in their government in tirelessly protecting their individual freedom from

unjustified and unnecessary intrusion.

Being secure at the expense of our freedom is no real security. Like many Idahoans who have come to me with their concerns about the USA PATRIOT Act and in passionate defense of their freedoms, we must continue to examine our actions to correct our mistakes to guard against the apathy or the indifference to safeguarding our liberties.

To these Federal agencies, it is a house, it is a building, it is a business; but to us, Mr. Chairman, it is our homes, and there is nothing more sacred than homes in America because it is the foundation on which we build our families. It is the arsenal in which the virtue and hope of every generation resides, and it is the fundamental primer of any free people.

We can, with the adoption of this first alteration to the PATRIOT Act, begin the reclamation of our title of a Nation as a people fit for liberty."

Rep. James Sensenbrenner (R-WI), Chair of the House Judiciary Committee (Statement of Chairman Sensenbrenner at House Judiciary Committee Oversight Hearing on the Department of Justice, 6/05/2003)

"As I stressed during legislative consideration of the PATRIOT Act, my support for this legislation is neither perpetual or unconditional. I believe the Department of Justice and Congress must be vigilant toward short-term gains which ultimately may cause long-term harm to the spirit of liberty and equality which animate the American character. We must maintain a fundamental commitment to ensure the protection of Americans while defending the beliefs that make us American. To my mind, the purpose of the PATRIOT Act is to secure our liberties, not undermine them."

Rep. Wally Herger (R-CA) ("Patriot Act seen as danger to civil liberties," *Mount Shasta News*, 6/04/2003)

"It's a fine line we walk between our freedoms and having to defend ourselves. The Act has to be carefully monitored so it is not abused and the innocent are not harmed."

Wayne Anthony Ross, former National Rifle Association vice president ("I Spy," *Anchorage Daily News*, 5/23/2003)

"This (act) needs a substantial amount of review."

Rep. Don Young (R-AK) ("Young wants changes in Patriot Act," *Associated Press*, 5/13/2003)

"I think the Patriot Act was not really thought out. I'm very concerned that, in our desire for security and our enthusiasm for pursuing supposedly terrorists, that sometimes we might be on the verge of giving up the freedoms which we're trying to protect."

[On the possibility that he would co-sponsor legislation introduced by Rep. Bernie Sanders (I-VT), that prevent judges on the FISA court from issuing warrants to search library and bookstore records for "personally identifiable information concerning a patron."]

"It goes to show you I'm willing to look at the right side of an issue. I think he's right in this issue. I don't think it's anybody's business what I'm reading in the library."

James Gilmore, Chair, Federal Commission on Terrorism Policy and former Virginia Governor ("Gilmore Cautious Over State Of Security And Civil Liberties," *National Journal: Technology Daily*, 5/12/2003)

"I am not prepared to say that the [USA] PATRIOT Act is being used in any unlawful way, but as citizens, we have a duty to be watchful of that, particularly if PATRIOT Act II comes along."

Rep. Chris Cannon (R-UT), member of the House Judiciary Committee, ("Senate OKs More Power for FBI Surveillance," *Salt Lake Tribune*, 5/10/2003)

[On Senator Hatch's proposal to lift the sunset clauses from the PATRIOT Act]

"On the House side, and I can assure in the Judiciary Committee especially, there is not going to be much traction for Sen. Hatch's idea. It's just not going to go anywhere on this side, nor should it, from my perspective."

"Nobody knows how this law is being used, that's a fair knock, and if U.S. attorneys could do anything they wanted, nobody would be safe. It's going to take a while for [law enforcement] to adjust their procedures and their safeguards, and if they are not forthcoming on what they are doing, they are going to get slapped really hard."

James Gilmore, Chair, Federal Commission on Terrorism Policy and former Virginia Governor ("Gilmore: Security Must Not Come at Freedom's Expense," *Daily Press*, 5/9/2003)

"It's almost un-American to think about challenging the law. I am not prepared to say that the application of the Patriot Act is being done improperly. But as citizens and as lawyers, we need to be watchful."

Bob Barr, former Republican member of Congress ("Both right and left condemn Patriot Act," *The Hill*, 5/6/2003)

"There are a lot of people who say, 'I don't have anything to hide.' But every one of us is subject to being criminalized."

Rep. James Sensenbrenner (R-WI), Chair of the House Judiciary Committee ("Sensenbrenner vows to uphold sunset of added police powers," *Milwaukee Journal Sentinel*, 4/18/2003)

[On the issue of making permanent many of the expanded police powers]

"That will be done over my dead body."

"If they want the sunset to be repealed, they're going to have to show that Patriot Act One is constitutional and has done good things."

Rep. James Sensenbrenner (R-WI), Chair of the House Judiciary Committee ("Key Republican Not Sure on Patriot Act," *Associated Press*, 4/16/2003)

[When asked about the future of the USA PATRIOT Act]

"I can't answer that because the Justice Department has classified as top-secret most of what it's doing under the Patriot Act. The burden will be on the Justice Department and whomever is attorney general at that time to convince Congress and the president to extend the Patriot Act or modify it. But because of the fact that everything has been classified as top-secret, the public debate is centering on (the act's) onerousness."

David Keene, Chairman of the American Conservative Union ("National Security vs. Civil Liberties: Finding a Balance" Press Release, American Conservative Union, 4/10/2003)

"These infringements on the individual freedoms of American citizens are not part of some plot or conspiracy to deprive us of our civil liberties. The President, the Attorney General and those interested in maximizing individual liberty need to work together to guarantee that we can defend ourselves without altering the nature of the greatest society on earth. The USA PATRIOT Act was passed in haste included ideas previously shelved by the Congress, like expanded civil forfeiture and roving wiretaps: ideas that law enforcement wanted, but could never get. When creating sound anti-terrorism legislation, the line should not be drawn at 'what is helpful for law enforcement,' but at what is needed to protect us while preserving the proper balance between preserving civil liberties and our nation's national security needs."

Dick Armey, former Republican member of Congress and former House Majority Leader ("Judiciary - Armey Bashes Ashcroft's Leadership On Privacy Issues," *National Journal: Congress Daily*, 3/14/2003)

"Before they ever got through with a full implementation of the authorities under the PATRIOT Act, they were back asking for more."

"If you talk with Sensenbrenner, he is furious with the Department of Justice's refusal to cooperate on oversight."

Christopher Pyle, former U.S. Army intelligence officer, served on the Church Committee, ("Conservative Backlash Provisions of 'Patriot II' Draft Worry Those on Right," ABCNews.com, 3/12/2003)

"I don't think the Fourth Amendment exists anymore. I think it's been buried by the Patriot Act and some of the court rulings that have been handed down. We need a requiem mass for the Fourth Amendment, because it's gone."

Rep. Don Young (R-AK), (*Talk of Alaska* Radio Interview, 2/11/2003)

"Everybody voted for it [the PATRIOT Act] but it was stupid, it was what you call 'emotional voting'...because we didn't follow it through, we didn't study it. I say it's the worst piece of legislation we've ever passed."

Rep. Dick Armey (R-TX), House Majority Leader and Chair of the House Select Committee on Homeland Security, ("Armey: Justice 'Out of Control'" *USA TODAY*, 10/16/2002)

"I told the President I thought his Justice Department was out of control... Are we going to save ourselves from international terrorism in order to deny the fundamental liberties we protect to ourselves?... It doesn't make sense to me."

David Keene, Chairman of the American Conservative Union ("Ashcroft: Good Intentions on a Bad Road" *The Hill*, 7/31/2002)

"The Bush administration argues convincingly that roving wiretaps, reading people's e-mail, putting video cameras on every corner and perusing their library habits will make it easier to catch terrorists before they act...the problem is that once all this is in place, we will no longer be living in the same country we lived in prior to Sept. 11."

Paul Weyrich, President of the Free Congress Foundation ("Ashcroft's Terrorism Policies Dismay Some Conservatives" *The New York Times*, 7/24/2002)

"A lot of the social conservatives appreciate the stands he's taken on child pornography and the Second Amendment and a number of social issues. But there is suddenly a great concern that what was passed in the wake of 9-11 were things that had little to do with catching terrorists but a lot to do with increasing the strength of government to infiltrate and spy on conservative organizations." [In an 8/6/2002 op-ed in the *Washington Times*, Weyrich indicated that his concerns primarily related to how a future Attorney General, not Ashcroft, would use new governmental powers.]

Ken Connor, President of the Family Research Council ("Ashcroft's Terrorism Policies Dismay Some Conservatives" *The New York Times*, 7/24/2002)

"It's important that we conservatives maintain a high degree of vigilance. We need to ask ourselves the questions, 'How would our groups fare under these new rules?'"

Rep. James Sensenbrenner (R-WI), Chair of the House Judiciary Committee ("J. Edgar Hoover Is Back" *Washington Times*, 6/10/2002)

"The Justice Department has gone too far. [We can have security]... without throwing respect for civil liberties into the trash heap. We don't have to go back to the bad old days when the FBI was spying on people like Martin Luther King."

John W. Whitehead, President, Rutherford Institute (Forfeiting "Enduring Freedom" for "Homeland

Security": A Constitutional Analysis of the USA PATRIOT Act of 2001 and the Justice Department's Anti-Terrorism Initiatives, 1/9/02, available

at: http://www.rutherford.org/documents/pdf/tri_analysis_of_usa_pat_act.pdf)

"While Congress's anti-terrorism law—the so-called "USA Patriot Act"—may not have been designed to restrict the civil liberties of American citizens, its unintended consequences threaten the fundamental constitutional rights of people who have absolutely nothing to do with terrorism."

"We must be mindful that while ensuring the security of our husbands, wives, children, and friends may be worth some price paid in terms of our freedoms, even small infringements over time could become major compromises that alter the American way of life."

"Unlike previous wars, this time there may be no truce to signal the return of our freedoms. With or without sunset clauses, there is no horizon for recapturing any freedoms we relinquish today. And the U.S. Constitution, if compromised now, will, in my opinion, never again be the same."

In today's world, once we place a barbed-wire fence around our civil liberties, they may never be freed. Yet the outcome, at least for now, is perhaps less important than understanding that we are operating in a new paradigm. Concerns for security and freedom will always conflict to some degree. And while Americans must understand that this is a new kind of war on terrorism, with no immediate end in sight, it is also a new kind of challenge to our civil liberties.

Thus, it is time for a fundamental rethinking of what we consider our basic freedoms. We may decide—and I, for one, hope we do—that certain freedoms, especially those guaranteed in the United States Constitution, are simply too precious to sacrifice, at any cost, on the altar of security."

"To set aside the lessons of 225 years of American freedom, enshrined in the Declaration of Independence as a commitment to the truth that "All men are created equal [and] endowed by their Creator with certain inalienable rights...life, liberty and the pursuit of happiness," as politically or practically inexpedient in a time of "war," would be to allow the extremists to win by surrendering who we are as a nation. If the American people accept a form of police statism in the name of a promise of personal security, that would be the greatest defeat imaginable."

Robert A. Levy, Senior Fellow in Constitutional Studies at the Cato Institute, ("The USA Patriot Act: We Deserve Better" *Cato Institute*, 11/27/01)

"If you think the Bill of Rights is just so much scrap paper, and the separation of powers doctrine has outlived its usefulness, then the USA PATRIOT Act, passed overwhelmingly on Oct. 25, is the right recipe to deal with terrorists. On the other hand, if you are concerned about Fifth Amendment protection of due process, and Fourth Amendment safeguards against unreasonable searches and seizures, then you should be deeply troubled by the looming sacrifice of civil liberties at the altar of national security."

Phyllis Schlafly, President of the Eagle Forum (Letter to Congress, 10/2/2001, <http://www.cdt.org/security/011002eagleforum.shtml>)

"We can have security and civil liberties in a time of crisis. The Fourth Amendment is one of our most precious constitutional rights, and we will not hand it over to the terrorists. Proposals that give the federal government unprecedented police power to snoop and spy on law-abiding citizens must be rejected. We do not want an American society where everyone is treated as a terrorist, money launderer, drug trafficker, or criminal. Only totalitarian regimes monitor the private actions of law-abiding citizens."

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Federal judge awards \$300,000 to 12 people in civil rights cases after Portland police use pepper spray and stingballs during non-violent protest demonstrations

August 22, 2002¹

*"It was clear to me that the police could see that there were young children in strollers within the crowd, yet the police ignored of that fact, and continued to spray pepper spray indiscriminately . so that the spray it the children and their mothers. Members of the press were also indiscriminately sprayed."*²

On August 22, 2002, President Bush attended a fundraising event at the Hilton Hotel in downtown Portland, Oregon. A large group of demonstrators were present to protest the policies of the Bush administration. The Portland Police Bureau had established a perimeter around the Hilton that ran less than one block in all directions, and right before the event claimed that the protesters were interfering with the ability of fundraiser attendees to enter the Hilton. The police claimed that they had used a loudspeaker to order the protesters to move back approximately 120 ft. "The announcement was barely audible and was only heard by a few of us at the front of the barricades... Although the police ordered the crowd to move back the people at the front of the crowd could not move without knocking over people behind him and trampling them." The police then used pepper spray against the protesters and applied force in order to move them. Later in the day, the police fired multiple rounds of rubber bullets at members of the protest.

Videotapes, especially that of local television station Channel 12, do not show anyone in the crowd threatening the police or taking any action that could be perceived as threatening, provocative, or dangerous.³

Members of the National Lawyers Guild filed a lawsuit, *Lloyd Marbet et al. v. City of Portland et al.*,³ asserting that it is the custom, policy, and practice of the Portland police to use excessive force against lawful protesters and 50 municipalities training and supervision of police officers is inadequate. The suit cites violations of the First, Fourth, and Fourteenth Amendments through 42 U.S.C Sec. 1983, as well as various common law claims.

On September 8, 2003, the court ruled that pepper spraying nonviolent protesters violates the Fourth Amendment.

March 20, 2003 and March 25, 2003⁴

On March 20, the KATU-TV news team was covering a demonstration against the attacks on Iraq. Without provocation, and with no apparent reason, two police officers struck a KATU engineer in the head and shoved him into the news van. On March 25, at another antiwar rally, two protesters were, without provocation, detained, seized, arrested, battered, and pepper-sprayed. A lawsuit, *Ellis et al., v. City of Portland*, was filed in May 2000 alleging that the Portland police Bureau has demonstrated had

demonstrated a pattern and practice of flagrantly violating nonviolent demonstrators First Amendment rights, violating the rights of the press, and using excessive force in demonstrations on a continuing and regular basis . The suit sought injunctive relief in the form of court-ordered and court-appointed civilian review boards and a court-ordered ban on the use of chemical weapons and batons to control crowds at nonviolent demonstrations. It also (sought) compensatory and punitive damages under 42 U. S. C. Section 1983.

November 30, 2004⁵ and December 2, 2004⁶

The front-page lead news story published in the Oregonian on November 30 reported that the federal judge who spent at least five months mediating these claims awarded a \$300,000 settlement to the plaintiffs.

A follow-up story published two days later was headlined, "Plaintiffs unhappy police tactics kept: Some are upset that Portland and the police bureau haven't restricted use of pepper spray or munitions in controlling crowds."

References:

1. Boghosian H. The Assault on Free Speech, Public Assembly, and Dissent: A National Lawyers Guild Report on Government Violations of First Amendment Rights in the United States, 2004. Great Barrington, MA: North River Press, 2004, pp. 83-84.
[<http://www.nlg.org/resources/DissentBookWeb.pdf> , pp. 84-85]
2. Letter from attorney Alan Graf to Portland Mayor Vera Katz, 23 August 2002.
3. *Ibid.*
4. Boghosian H. The Assault on Free Speech, Public Assembly, and Dissent: A National Lawyers Guild Report on Government Violations of First Amendment Rights in the United States, 2004. Great Barrington, MA: North River Press, 2004, pp. 91-92.
[<http://www.nlg.org/resources/DissentBookWeb.pdf> , pp. 92-93]
5. Bernstein M. Suit by protesters costs city \$300,000: The City Council is set to OK a settlement with 12 people who claim police violated their rights. The Oregonian 30 Nov 2004: Page A1 col 1-5, Page A15 col 1-5.
http://www.oregonlive.com/news/oregonian/index.ssf?/base/front_page/1101819487209090.xml#continue
6. Bernstein M. Plaintiffs unhappy police tactics kept: Some are upset that Portland and the police bureau haven't restricted use of pepper spray or munitions in controlling crowds The Oregonian 2 Dec 2004: Page B1 col 4, B3 col 1-5.
<http://www.oregonlive.com/search/index.ssf?/base/news/110199289172221.xml?oregonian?1cps>

SPEAKER # 10
CINDY GIBSON

MULTNOMAH COUNTY
LIBRARY

205 N.E. Russell Street • Portland, OR 97212-3796 • PHONE: 503.988.5402 • FAX: 503.988.5441



MEMORANDUM

To: Multnomah County Board of Commissioners

From: Library Advisory Board

Date: December 7, 2004

Subject: Proposed Resolution on the USA PATRIOT Act

We are pleased that the Multnomah County Board of Commissioners will consider a resolution questioning provisions of the USA PATRIOT Act at the December 9 meeting. As citizen advocates for the people who use Multnomah County's libraries, we have grave concerns about Section 215 of the PATRIOT Act.

As Carol Brey-Casiano, president of the American Library Association, recently stated, "The right to read freely in our nation's libraries is grounded in the belief that people must be able to access information and ideas without fear of reprisal." When librarians fight against Section 215 of the PATRIOT Act, they're fighting for the public's right to read.

Unlike a criminal search warrant, which requires probable cause that a crime has been committed, Section 215 allows a court order to be issued under the Foreign Intelligence Surveillance Act of 1978 (FISA) **without probable cause** if "a significant purpose of the investigation is to obtain foreign intelligence information." The pre-PATRIOT Act standard required that the "sole or main purpose" of the surveillance be to obtain foreign intelligence information. This change is critical, because it allows the lower standard to be used outside the foreign intelligence context.

Under Section 215 of the PATRIOT Act, federal agents may obtain orders from the secret FISA Court for the production of "**any tangible thing**" (including library records) for an investigation to protect against international terrorism or clandestine intelligence activities:

- Only the Attorney General and his staff have access to this court.
- Neither the library nor the person whose records are sought can challenge the order.
- The proceedings of the court are sealed.
- The order cannot disclose its purpose.

- Library staff members face criminal penalties if they reveal that the library has received a Section 215 order.

Thus it is virtually impossible to track how often Section 215 orders are issued and whether this power is being abused.

As required by state law ORS 192.502(22) and in keeping with library policy and practice, Multnomah County protects the privacy and confidentiality of library records, including personal information contained in the library's patron database, records of materials borrowed or consulted, questions asked and use of the Internet and other electronic resources. The library retains personally identifiable information about use of library services only so long as those records are needed for business purposes. The library has long-established practices regarding requests for library records, including requests from law enforcement agencies:

- Only the library director, acting on advice from the county attorney, may authorize release of patron records.
- The library does release records when it receives an order issued by a court of competent jurisdiction that is legal and binding upon the library and shows cause why the records are related to a criminal investigation.

As described above, Section 215 orders can compel the library director to release records when there is no cause to believe the library user has committed a crime.

We urge you to convey these concerns to the Multnomah County congressional delegation and ask them to redouble their efforts to:

- amend or repeal Section 215 of the USA PATRIOT Act;
- block reauthorization of Section 215 so it will sunset, if it cannot be amended;
- scrutinize and amend or block future federal legislation that seeks to promote national security at the expense of civil liberties.

Multnomah County Library Advisory Board

Dean Gisvold, Chair
Joe Arellano
Charlotte Beeman
Robert Brading
Stephen Feltz
Mark Garber
Martha Gies
Molly Gloss

Alice Meyer, Vice Chair
Rick Gustafson
Gwen Farnham Hyland
Jon Kruse
Marneet Lewis
Diane McKeel
Donna Oden-Orr
Diane Xiong

#11

**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: 12.9.04

SUBJECT: Institute for Christian-Muslim Understanding
Letter of Support for Resolution

AGENDA NUMBER OR TOPIC: R-3 Res. Expressing Commitment to Protect
Civil Rights

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Jennifer Grosvenor

ADDRESS: 5111 SW Windsor Ct

CITY/STATE/ZIP: Portland OR 97221

PHONE: DAYS: 503.297.2353 EVES: Same

EMAIL: grosvenor@hevanent.com FAX: _____

SPECIFIC ISSUE: Support + need for resolution/adoption

WRITTEN TESTIMONY: already submitted

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.

Jennifer L. Grosvenor
5111 SW Windsor Ct
Portland, OR 97221-2139

12.9

Dear County Clerk -
We will attend the hearing,
Thursday. If the board
desires, I can publicly read
our ICMU letter of support.
If that is desired, please
let me know so I'm prepared.

Sincerely, Jennifer
Grosvenor
Co-Pres.
ICMU

503.297.2353

institute for *Christian Muslim*
understanding

Institute for Christian-Muslim Understanding
P.O. Box 152
Portland, OR 97207

December 6, 2004

Board of Commissioners
Multnomah County
501 SE Hawthorne, Blvd., Suite 600
Portland, OR 97214

Dear Multnomah County Board of Commissioners,

It has come to our attention that on December 9, the Board of Commissioners will vote on the "Resolution Expressing Commitment to Protect Civil Rights, and to Prevent Discrimination and Harassment, in the Era of the Patriot Act." We, of the Institute of Christian-Muslim Understanding (ICMU) of Oregon and Southwest Washington, applaud this resolution and encourage its adoption.

As a volunteer organization deeply connected within the community, ICMU works to promote mutual understanding and improve relationships between Christians and Muslims locally. Our mission is to foster educational and cultural interaction to eliminate negative stereotypes and prejudices which may exist.

We are painfully aware that the violations of rights, as documented in the resolution's appendix, have resulted in an atmosphere of apprehension and fear which adversely impacts both personal and community life. This has created an erosion of trust in our government and police which has undermined the freedom to practice one's religion and to freely speak and associate. These violations have also promulgated misinformation and misunderstandings.

We thank the County Board for its leadership in addressing these issues and upholding and protecting the rights of all.

Sincerely,

Aseel Nasir Dyck
Aseel Nasir Dyck
Co-President

Rev. W.J. Mark Knutson
Rev. Mark Knutson
President, Ecumenical Ministries of Oregon
Pastor, Augustana Lutheran Church

Jennifer L. Grosvenor
Jennifer L. Grosvenor
Co-President

Ayoob Ramjan
Ayoob Ramjan
Chair, Board of Trustees
Muslim Educational Trust

ICMU BOARD MEMBERS AND AFFILIATIONS (for identification purpose only):

Jan Abushakrah, Ph.D., Muslim Educational Trust
Shahriar Ahmed, President, Bilal Mosque Association
Mike Branch, Muslim Educational Trust
Rev. Diane Dulin, First Congregational /United Church of Christ, Hillsboro; Chair, Inter Religious Action Network of Washington County
Aseel Nasir Dyck, Historian/librarian, Muslim Educational Trust
Rev. Tom Farley, Pastor of St. Clare Catholic Church
Jennifer Grosvenor, member, Central Lutheran Church (ELCA)
Shaheed Haamid, MSW, Muslim Community Center/Mosque
Laila Hajoo, President, Islamic Social Services of Oregon State
Arif Kareem, Bilal Mosque Association
Ali Khaki, MD
Rev. Mark Knutson, Augustana Lutheran Church; President, Ecumenical Ministries of Oregon
Rev. Chris Laing, Lutheran-Episcopal Ministry, Campus Chaplain; PSU Campus Ministry
Rev. Dr. Hector E. Lopez, Conference Minister, Central Pacific United Church of Christ
David W. McCreery, Ph.D., Willamette University
Rev. James Moiso, Westminster Presbyterian Church, Head of Staff
Ayoob Ramjan, Muslim Educational Trust Board of Trustees, Chair
Gail Ramjan, Assistant-Director, Muslim Educational Trust
Muhammad Ra'oof, Deputy Sheriff, Multnomah County; President, College of Islamic Chaplains
Sister Mollie Reavis, SNJM
Rodney Reeves, member, First Christian Church (Disciples of Christ); Board Member, PSU Campus Ministry
Dr. Richard Rohrbaugh, Professor Emeritus, Lewis and Clark College
Wajdi Said, Executive-Director, Muslim Educational Trust
Imam Mikal H. Shabazz, President, Oregon Islamic Chaplains Organization, Portland
Jahed M. Sukhun, Board member, Muslim Educational Trust
Gloria Tuma, MSW, LCSW; member, Westminster Presbyterian Church

#12

**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: _____

SUBJECT: USA PATRIOT ACT

AGENDA NUMBER OR TOPIC: R-3

FOR: ☒ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: DAN HANDELMAN - POLICE AND JUSTICE WORKS

ADDRESS: PO Box 42456

CITY/STATE/ZIP: PORTLAND OR 97217

PHONE: _____ DAYS: 236 3065 EVES: _____

EMAIL: pjw@pjw.net FAX: _____

SPECIFIC ISSUE: SUPPORT OF RESOLUTION WITH RESERVATIONS
181.575 & 181.850
WE WOULD LIKE TO SEE OREGON STATE LAW REFERENCED AS WELL

WRITTEN TESTIMONY: ATTACHED

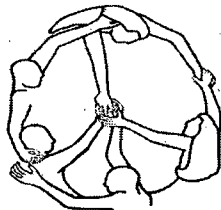
IF YOU WISH TO ADDRESS THE BOARD:

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.

Andy



Peace and Justice Works
PO Box 42456
Portland, OR 97242
(503) 236-3065

Copy to
Board, Anan,
Bob, JB 2004

Diane Linn, Chair, Maria Rojo de Steffey, Serena Cruz, Lisa Naito, Lonnie Roberts, Commissioners
501 SE Hawthorne Blvd., Suite 600
Portland, OR 97214

November 26, 2004

To Multnomah County Commissioners Linn, Cruz, Naito, Roberts, and Rojo de Steffey,

We understand that you will be voting on a resolution regarding the USA-PATRIOT act on December 9th. We hope the resolution will address both the act itself and any other seemingly anti-civil rights/civil liberties legislation or guidelines enacted in the wake of the attacks of 9/11.

We are writing today to encourage you to include the following as a bare minimum in any such resolution:

- 1) prohibiting Multnomah County law enforcement agents from participating in any activity permitted by the Federal laws and guidelines but illegal under Oregon law (such as ORS 181.575, prohibiting the collection or maintenance of information unless it is part of a criminal investigation, and ORS 181.850, which prohibits local law enforcement from acting as immigration agents);
 - 2) condemning the most invasive parts of the USA PATRIOT act such as sneak-and-peek searches, surveillance, library information collection, and indefinite detentions without due process;
 - 3) urging the US Congress to allow the USA PATRIOT act to sunset in 2005 and not to pass any similar restrictive legislation, noting that such heinous crimes as killing 3000 people by crashing airplanes into buildings were already illegal in September, 2001 and do not require new legislation to be investigated or prosecuted;
 - 4) showing support for Arab, Muslim, South Asian, and other communities who have been targeted for their ethnic or national heritage or religious beliefs and reiterating a prohibition on racial profiling;
- and
- 5) affirming the County's commitment to First Amendment rights of free speech, freedom of religion, freedom of the press, freedom of assembly, and the right to redress grievances with the government.

We appreciate your commitment to protecting civil rights and civil liberties in Multnomah County.

Sincerely,

Dan Handelman, board of directors
on behalf of the members of Peace and Justice Works

Dan Handelman

Yvonne Simmons, board of directors

Yvonne Simmons

Done

#13

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: 12/9

SUBJECT: RESOLUTION RE: THE PATRIOT ACT

AGENDA NUMBER OR TOPIC: R-3

FOR: ✓ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: AMY D. SACKS

ADDRESS: 6609 NE 15TH AVE.

CITY/STATE/ZIP: PORTLAND, OR 97211-4823

PHONE: DAYS: 503-988-3375 EVES: 503-737-0141

EMAIL: alsi's35@upshoo.com ^{X226654} FAX: X

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: I HEREBY EXPRESS MY SUPPORT FOR THIS RESOLUTION. THE PATRIOT ACT IS A FRAUD PUSHED UPON US BY ^{OPPORTUNISTS AND} COWARDS WHO DID NOT EVEN BOTHER TO READ THE ACT WHEN THEY SIGNED IT. WE DESERVE BETTER FROM OUR LEADERS AND REPRESENTATIVES. THANK YOU.

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.

#14

**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:

12/9/04

SUBJECT:

Patriot Act Civil rights

AGENDA NUMBER OR TOPIC:

R3

FOR: ☒

AGAINST: ☒

THE ABOVE AGENDA ITEM

NAME:

Yvonne Simmons

ADDRESS:

835 NE Failing

CITY/STATE/ZIP:

Portland Or 97212

PHONE:

DAYS: 503 288 8958

EVES:

EMAIL:

powee.yvonne@yahoo.com

FAX:

SPECIFIC ISSUE:

WRITTEN TESTIMONY:

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.

#15

**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: Dec 9 - 2004

SUBJECT: Petition Act

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Olivia Watt

ADDRESS: 16625 NW Wapato

CITY/STATE/ZIP: Portland Ore 97231

PHONE: DAYS: 503-621-1082

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: Petition Act violates our Constitution - is
not legal - we need to restrict it

WRITTEN TESTIMONY: Submitted

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.

Speaker #15

Olivia Watt
16625 NW Wapato Dr.
Portland, Or 97231

DEC 07 2004

cc to
all commiss-
Annay, Bob
JB

December 2004

CHAIR

To the Multnomah County Commissioners Linn, Cruz, Naito, Roberts, and Steffey:

I hope when you vote on a resolution re the USA Patriot Act, on Dec. 9th, that you will free us citizens and yourselves of the draconian effects of this illegal legislation passed in hysteria reminiscent of the Joe McCarthy era of hysteria over Communism.

I remind you. The Fourth Amendment to our U.S. Constitution states:

The right of the people to be secure in their person, houses, paper and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized."

Let us free ourselves of this intimidation by those who are obviously benefitting from our fears.. According to Congressman Lee Hamilton, Homeland Security is expanding the role of government hugely, not just in money, not just in people, but by intrusion into your life and my life. We are developing a homeland security industrial complex. How those moneys are being spent is highly pork and political. We cannot protect ourselves from terrorist attacks this way.

I depend on your commitment to protecting my civil rights and your own in Multnomah County.

Sincerely,



Olivia Watt

SPEAKER #15



Women's International League for Peace and Freedom

Portland Branch

1819 NW Everett, Portland, OR 97209

503-224-5190

December 2004

Portland Branch
CO-CHAIRS
Georgia Pinkel
Barbara Drageaux

RECORDING
SECRETARY
Mary Rose

CORRESPONDING
SECRETARY
Olivia Watt

TREASURER
Anne McLaughlin

WILPF OFFICES

National Office
1213 Race St.
Philadelphia, PA
19107-1691
215-563-7110
212-563-5527 fax
wilpf@wilpf.org
www.wilpf.org

United Nations Office
777 UN Plaza
New York, NY 10017
212-682-1265
212-286-2811
wilpfun@igc.apc.org

Legislative Office

110 Maryland Ave. NE
Suite 112
Washington DC 20002
202-546-6727
202-544-9613 fax

International Office
Centre International
1 rue de Varembe
1211 Geneva 21
Switzerland
41-22-919-7080
41-22-919-7081 fax

Multnomah County Commissioner Diane Linn,
501 SE Hawthorne Blvd.
Portland, OR.

□

I trust that when you vote on a resolution regarding the USA Patriot Act, on the Dec. 9th meeting, that your actions will free all citizens of the county from the draconian effects of this illegal legislation passed in hysteria reminiscent of the Joe McCarthy era of hysteria over Communism.

I remind you. The Fourth Amendment to our U.S. Constitution states:

"The right of the people to be secure in their person, houses, paper and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized."

Let us free ourselves of this intimidation by those who are obviously pushing their own agenda and benefiting from our initial fear.

□

According to Congressman Lee Hamilton, Homeland Security is hugely expanding the punitive role of government, not just with money, not just by people, but by intrusion into our lives, both public and private. The government is developing a 'homeland security industrial complex,' to match the military industrial complex of the cold war. These moneys are being spent in ways that are highly political and subject to pork barrel manipulations. Spent without regard to real priorities such as to support for first responders or real concerns for modes of import at ports.

We cannot protect ourselves from terrorist attacks this way! Just what is real security anyway? That's the discussion we need to have without jeopardizing our constitutionally guaranteed civil rights.

All the citizens in Multnomah County depend on your commitment to protecting our civil rights here closest to home as well as realistic priorities with regard to security.

Sincerely,

Olivia Watt

Georgia Lee Pinkel

Georgia Lee Pinkel, Co-Facilitator
Portland Branch, Women's International League for Peace and Freedom

Olivia Watt, Co-Facilitator

#10

**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: 12.09.04

SUBJECT: resolution opposing Patriot Act

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: GUY BERLINER

ADDRESS: 4921 SE Glenwood

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

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.

#17

**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: 12.09.04

SUBJECT: Resolution opposing Patriot Act

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: ~~Carey Klein~~ CAREY KLEIN

ADDRESS: 3414 SE 21st

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

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.

#18

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: 12-09-04

SUBJECT: Resolution Patriot Act

AGENDA NUMBER OR TOPIC: _____

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: ELSA WARVICK

ADDRESS: 636 NW 20th AVE #7 97209

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: ATTACHED 

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.

ELSA WARNICK

Multnomah County Board of Commissioners
501 SE Hawthorne Blvd, Ste 600
Portland, OR 97214

November 18, 2004

Dear Ms. Linn, Ms. Steffey, Ms. Cruz, Ms. Naito and Mr. Roberts:

I write to express my appreciation for your creating a resolution which describes your commitment to the protection of civil rights in the era of the U.S.A. PATRIOT ACT.

I feel it is my duty to state, unequivocally, that my government must not allow the irrational fear of a perceived enemy to erode or compromise the law. Secrecy, spying, invasion of privacy, nondisclosure, all have no place in the activities of government.

History shows us the inevitable end result when control by fear allows governments to rise above the law.

The U.S.A. PATRIOT ACT is an example of the step-by-step journey toward giving government the permission to erode the very rights they are elected to uphold.

By creating a resolution about these matters you support the law, and hopefully encourage other regional governments to support similar resolutions, as more than 350 local governments have already done. County by county, state by state, just as pennies add up to dollars, we can gain enough currency to stop the activities of fear mongers.

Please stop the activities of those who would, in a climate of fear, attack our constitutional rights, and in your doing so, accept my thanks.

Sincerely,

Elsa Warnick
636 NW 20th Ave #7
Portland, OR 97209

JERARD S. WEIGLER

Jerard S. Weigler
Attorney at Law
1300 SW Fifth Avenue, Suite 3400
Portland, Oregon 97201
Telephone: (503) 226-7677

Multnomah County Board of Commissioners
Multnomah County, Oregon

RE: Proposed Civil Rights Resolution

Dear Commissioners:

You are to be much commended for your willingness to consider passage of a resolution to protect civil rights in these troubled times. Particularly in light of proposed federal legislation designed to undermine state laws such as ORS 181.850.

As a community, we simply cannot take for granted freedom from undue harassment under color of law by government authorities, particularly against those citizens, visitors and immigrants least able to protect themselves.

The Honorable Gus Solomon, for whom I was proud to be employed after graduating from law school, sometimes spoke about his experiences in standing up for the rights of Japanese-Americans during and immediately after World War II, despite strident and vocal personal criticism. At that time, he was neither a federal judge nor even a particularly well connected local lawyer, but he had the courage to speak out for what is right for those he repeatedly saw being oppressed simply because they were "different" from the rest of the citizenry.

While our society has (painfully) eliminated many overt forms of oppression by law—I well remember being shocked by the "No Coloreds" signs I saw everywhere in the South as late as the 1950's—creeping bigotry and unwarranted harassment by those cloaked with authority continues in every generation, most presently under guise of apprehension about possible terrorists in our midst. Over 400 years ago, in his various plays, Shakespeare bitterly wrote about such frequent kinds of abuse by government officials but they take different forms in different times. Today, a legitimate societal issue commonly seems to provide an excuse for singling out those who look or seem "different" or who question any dubious command, often treating them with punitive disrespect beyond the bounds of conduct shown to the ordinary majority.

I believe that it is right and proper that officials such as yourselves, elected by the people to leadership positions in governing our community, should stand up and officially speak out for this great cause on behalf us all.

Very truly yours,

Jerard S. Weigler

BOGSTAD Deborah L

From: SOWLE Agnes
Sent: Thursday, December 09, 2004 10:29 AM
To: BOGSTAD Deborah L
Subject: here is the languag

The right to the free exercise of religion, including such practices as participating in congregational prayers and making contributions to serve the needy and the common good, must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.

12/9/2004

Patriot Act Talking Points
December 9, 2004

Your testimony today has been compelling and I am very grateful for your courage in sharing these personal stories and events.

I would like to especially recognize Dr. Herman Frankel who has been the leader and shepherd in bringing this issuing formally to our Board. Herman has been extraordinarily diligent in attending nearly every one of our board meetings over the last 6 months. He deserves a round of applause for his honesty, courage and passion. Thank you Herman.

He came
isolated,
worked
to
under-
stand
to work
of the
BoD.

I am particularly saddened to hear of the fear some of you and many others in our community face every day-----fear that is experienced just because of your religious faith.

Our nation was founded on the rule of law and the protection of individual civil liberties.

The fourth amendment of our constitution requires probable cause and bans unreasonable searches and seizures. Our Declaration of Independence proclaimed Liberty as an "unalienable right."

As mentioned,

Unfortunately, we have a tendency to forget that our civil liberties have been in widespread jeopardy in our generation. During the 40's, 50's and 60's and even 70's, we now all know that our Country had an FBI and an FBI Director that was monitoring the lives of individuals in ways that many of us think could never happen today.

The sad reality is that we do not have confidence that our government has appropriate limitations on their powers. Are we repeating our mistakes?

We all must not take our constitutional rights for granted. Especially in an era when we face ongoing national security, and are in fact at war, citizens and leaders at all levels of government must be alert to the need for protection of fundamental civil liberties guaranteed by our constitution.

I think one the greatest mistakes we make is to ignore this issue.

The case of Brandon Mayfield, which I think will become national focus point for these issues in coming months, will highlight many of the very real risks that need to be addressed.

I also want to emphasize the tremendous stakes for libraries. Multnomah County residents use our libraries at one of the highest rates in the entire country. We must question our laws-----are they reasonable? Are they being abused? Where and how are the checks and balances of our constitution in jeopardy? Has the judiciary's role to monitor abuses of executive power been weakened?

Provisions of the USA PATRIOT Act will soon be reconsidered by Congress for possible reauthorization. Because of the impact the Patriot Act has already had on our local citizens -----only some of whom we have heard from today--- I do think it is especially appropriate and indeed is our patriotic responsibility to understand and take action upon the testimony we've heard today.

We should bring these issues to continued attention of our national lawmakers and I am proud to support this resolution today.

Again, I want to thank Dr. Frankel and each of the guests who have give their testimony today-----your words and stories are ones we all need to hear.

Possible Questions to ask guest speakers:

It is my understanding that members of our local Muslim community are not attending religious services because of fears of surveillance? What have you experienced?

Similarly, I understand that one the tenets of Muslim faith are for members to make financial contributions to their local mosque. I've heard that there is perception that the federal government is monitoring financial contributions and that this is intimidating members from making contributions they've made in the past.....can you tell me more about this?

Let's focus
on strategies
that really
improve safety
while not
diminishing
rights

[Safe & Free]

Furthermore I believe
you are all
Patriots.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-183

Expressing Commitment to Protect Civil Rights in the Era of the USA Patriot Act and Asking Oregon's Congressional Delegation to Oppose Legislation that Infringes upon Those Rights

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County remains committed to its long standing tradition of protecting the civil rights and liberties of all persons as expressed in the Constitution of the United States, the Constitution of the State of Oregon, and the County's own policies and ordinances; and believes that a threat to any one person's rights is a threat to the rights of all.
- b. In the aftermath of September 11, 2001, Multnomah County stated its strong opposition to terrorism of any kind and recognizes that, without undermining the fundamental rights and liberties that make this nation great, it is necessary for our federal government to protect our citizens from future terrorist acts.
- c. Some provisions of the USA PATRIOT Act (Public Law 107-56) and the Homeland Security Act (Public Law 107-296) have resulted in reports of discrimination, harassment and curtailment of the constitutional rights and liberties of people who live, work, study, worship or travel in Multnomah County.
- d. New legislation entitled the "Tools to Fight Terrorism Act of 2004" (S. 2679) has been introduced for consideration by Congress; and provisions of the USA PATRIOT Act will soon be reconsidered by Congress for possible reauthorization.
- e. These proposed new powers potentially pose a continuing and growing threat to the civil rights and liberties of all persons in our country, regardless of their race, religion, country of origin or ethnicity.
- f. Under Oregon state law, ORS 192.502(22), and in keeping with library policy and practice, Multnomah County Library protects the privacy and confidentiality of library records including personal information, records of material borrowed or consulted, and use of the internet and other electronic sources.
- g. Section 215 of the USA PATRIOT Act allows a court order to be issued under the Foreign Intelligence Surveillance Act of 1978 (Public Law 95-511) without probable cause and requires Library personnel to produce library records even when there is no cause to believe the library patron has committed a crime.
- h. More than 360 communities throughout the United States and Oregon, including four states, have enacted resolutions reaffirming support for civil rights and civil liberties in the face of government policies that violate them, and demanding accountability from the Federal Government regarding their use of these new powers.

The Multnomah County Board of Commissioners Resolves:

1. While the Board of County Commissioners affirms its opposition to terrorism, it also affirms that any efforts to end terrorism must not be waged at the expense of

fundamental civil rights, liberties, and freedoms. The Board also opposes federal measures that infringe upon the fundamental civil rights, liberties and freedoms of the people of Multnomah County and the United States.

2. The right to engage peaceably in public demonstrations, vigils, protests, marches, and similar activities to express ideas and views is protected by this affirmation and in the First Amendment of the Bill of Rights as "the right of the people peaceably to assemble, and to petition the Government for a redress of grievances." This right must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.
3. The right to the free exercise of religion, including such practices as participating in congregational prayers and making contributions to serve the needy and the common good, must not be infringed upon by prosecution under federal terrorism laws, nor by the threat of such prosecution.
4. A copy of this resolution will be forwarded to Oregon's U.S. Senators Gordon Smith and Ron Wyden; Oregon's U.S. Representatives Earl Blumenauer, Peter DeFazio, Darlene Hooley, Greg Walden and David Wu with a letter from the Board of County Commissioners urging them to work to:
 - a. repeal all provisions of the USA PATRIOT Act and the Homeland Security Act that infringe upon the rights protected by the Constitution of the United States;
 - b. actively oppose pending and future legislation that may also unjustly infringe upon those same rights and liberties; and to continue their vigorous oversight of our constitutional liberties;
 - c. protect the privacy of Multnomah County Library patrons by repealing Section 215 of the USA PATRIOT Act.
5. A copy of this resolution will be forwarded to the President of the United States and to the Attorney General of the United States.

ADOPTED this 9th day of December, 2004.



AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Agnes Sowle, County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE, SUITE 600
PORTLAND, OREGON 97214
(503) 988-3308

DIANE M. LINN • CHAIR
MARIA ROJO DE STEFFEY • DISTRICT 1
SERENA CRUZ • DISTRICT 2
LISA NAITO • DISTRICT 3
LONNIE ROBERTS • DISTRICT 4

December 13, 2004

George W. Bush
President of the United States
Washington, D.C.

Dear President Bush,

On December 9, 2004, the Multnomah County Board of Commissioners passed Resolution 04-183, "Expressing commitment to protecting civil rights in the era of the USA PATRIOT Act and asking Oregon's Congressional Delegation to oppose legislation that infringes upon those rights." Resolution 04-183 affirms our opposition to terrorism, and affirms our determination that any efforts to end terrorism must not be waged at the expense of fundamental civil rights, liberties, and freedoms. Further, we oppose federal measures that infringe upon the fundamental civil rights, liberties and freedoms of the people of Multnomah County and the United States.

We, the members of Multnomah County Board of Commissioners, write to urge you to work to repeal all provisions of the USA Patriot Act and the Homeland Security Act that infringe upon the rights protected by the Constitution of the United States. We also call upon you to actively oppose pending and future legislation which may unjustly infringe upon those same rights and liberties.

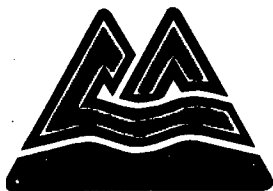
Sincerely,
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn
County Chair

Maria Rojo de Steffey
Commissioner Dist 1

Serena Cruz
Commissioner Dist 2

Lisa Naito
Commissioner Dist 3



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE, SUITE 600
PORTLAND, OREGON 97214
(503) 988-3308

DIANE M. LINN • CHAIR
MARIA ROJO DE STEFFEY • DISTRICT 1
SERENA CRUZ • DISTRICT 2
LISA NAITO • DISTRICT 3
LONNIE ROBERTS • DISTRICT 4

December 13, 2004

John Ashcroft
Attorney General of the United States
Washington, D.C.

Dear Attorney General Ashcroft,

On December 9, 2004, the Multnomah County Board of Commissioners passed Resolution 04-183, "Expressing commitment to protecting civil rights in the era of the USA PATRIOT Act and asking Oregon's Congressional Delegation to oppose legislation that infringes upon those rights." Resolution 04-183 affirms our opposition to terrorism, and affirms our determination that any efforts to end terrorism must not be waged at the expense of fundamental civil rights, liberties, and freedoms. Further, we oppose federal measures that infringe upon the fundamental civil rights, liberties and freedoms of the people of Multnomah County and the United States.

We, the members of Multnomah County Board of Commissioners, write to urge you to work to repeal all provisions of the USA Patriot Act and the Homeland Security Act that infringe upon the rights protected by the Constitution of the United States. We also call upon you to actively oppose pending and future legislation which may unjustly infringe upon those same rights and liberties.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn
County Chair

Maria Rojo de Steffey
Commissioner Dist 1

Serena Cruz
Commissioner Dist 2

Lisa Naito
Commissioner Dist 3



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 SE HAWTHORNE, SUITE 600
PORTLAND, OREGON 97214
(503) 988-3308

DIANE M. LINN • CHAIR
MARIA ROJO DE STEFFEY • DISTRICT 1
SERENA CRUZ • DISTRICT 2
LISA NAITO • DISTRICT 3
LONNIE ROBERTS • DISTRICT 4

December 13, 2004

The Honorable Gordon Smith, United States Senate
The Honorable Ron Wyden, United States Senate
The Honorable Earl Blumenauer, United States House of Representatives
The Honorable Peter DeFazio, United States House of Representatives
The Honorable Darlene Hooley, United States House of Representatives
The Honorable Greg Walden, United States House of Representatives
The Honorable David Wu, United States House of Representatives
Washington, D.C.

Dear Senators and Representatives,

We, the members of Multnomah County Board of Commissioners, write to urge you to work to repeal all provisions of the USA Patriot Act and the Homeland Security Act that infringe upon the rights protected by the Constitution of the United States. We also call upon each of you to actively oppose pending and future legislation which may unjustly infringe upon those same rights and liberties, and to continue your vigorous oversight of our constitutional liberties.

On December 9, 2004, the Multnomah County Board of Commissioners passed Resolution 04-183, "Expressing commitment to protecting civil rights in the era of the USA PATRIOT Act and asking Oregon's Congressional Delegation to oppose legislation that infringes upon those rights." Resolution 04-183 affirms our opposition to terrorism, and affirms our determination that any efforts to end terrorism must not be waged at the expense of fundamental civil rights, liberties, and freedoms. Further, we oppose federal measures that infringe upon the fundamental civil rights, liberties and freedoms of the people of Multnomah County and the United States.

Sincerely,
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn
County Chair

Maria Rojo de Steffey
Commissioner Dist 1

Serena Cruz
Commissioner Dist 2

Lisa Naito
Commissioner Dist 3

BOGSTAD Deborah L

From: MILES Darcy on behalf of CHAIR Mult
Sent: Wednesday, December 15, 2004 9:46 AM
To: SMITH Andy J; BALL John; FARRELL Delma D; BOGSTAD Deborah L
Subject: FW: Linn Website Feedback Form

-----Original Message-----

From:
Sent: Tuesday, December 14, 2004 4:45 PM
To: CHAIR Mult
Subject: Linn Website Feedback Form

Below is the result of your feedback form. It was submitted by
() on Tuesday, December 14, 2004 at 16:45:02

Name: Bill Michtom

Email: michtom@pacifier.com

Address: 8925 SW 40th Ave

City: Portland

State: OR

ZIP: 97219

District: District 1

Phone: 503 246-1614

WherePhone: HOME

Re: Resolution against PATRIOT Act

Message: I write to congratulate you and offer any support I can for your stand on the Resolution Expressing Commitment To Protect Civil Liberties And Rights, And To Prevent Discrimination And Harassment, In The Era Of The U.S.A. P.A.T.R.I.O.T. Act.

You and your three colleagues did the right thing. I only regret it wasn't unanimous.

Bill Michtom

January 7, 2005

Dear Multnomah County Commissioners,
Diane Linn
Maria Rojo de Steffey
Serena Cruz
Lisa Naito
Lonnie Roberts:

I was a resident of the great State of Oregon for fifty years and, for over twenty years I lived in the greater Portland area. I thoroughly enjoyed my time in the Pacific Northwest and was always a proud Oregonian. Damp, gray skies and age and finally initiated a permanent move to the California Desert in 1999.

I recently visited my Oregon family and friends and, on a drive back to Portland from down valley, radio station KXL broadcast the wonderful news that the Multnomah County Commissioners had passed the anti-USA Patriot Act Resolution opposing the anti terrorism measures because they were in violation of civil rights and liberties. I also heard of that august body's appeal to not be a party to Homeland Security measures because that Act obviously interferes with constituents' privacy!

Bravo, Commissioners! It is nice to learn that County coffers are so overflowing that you can easily spend your taxpayers' money to pass this important quasi-legislation. The next time I visit Portland, I hope to see signs posted at the Multnomah County line proudly announcing your anti-anti terrorism proclamation. Clearly, with such vast resources and time on your hands, I'm certain you could do even better than Lane County's essential, yet stylish "Nuclear Free Zone" notices.

As happy as I am to see your concern with protecting your residents' privacy, I also look forward to your demand to eliminate security at Portland International Airport. If you are going to protect against the possibility of having your residents' privacy invaded, why not defend those who have their privacy assaulted EVERY DAY at PDX? Surely this must be the next critical issue on the Commissioners' agenda.

On my next visit, I anxiously await a hassle-free and completely private passage through your Portland International Airport so please carry on your vital and priceless work.

Sincerely,
Barbara Cutter
Palm Desert, Ca



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: R-4
Est. Start Time: 10:25 AM
Date Submitted: 12/01/04

BUDGET MODIFICATION:

Agenda Title: RESOLUTION Merging the Downtown Land Acquisition Work Group with the Courts Facility/Financing Work Group

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

Date Requested:	12/9/04	Time Requested:	5 minutes
Department:	Non-Departmental	Division:	Commissioner Maria Rojo de Steffey & Chair Diane Linn
Contact(s):	Shelli Romero		
Phone:	(503) 988-4435	Ext.	84435
Presenter(s):	Doug Butler	I/O Address:	503/600

General Information

1. What action are you requesting from the Board?

Approval to merge the Downtown Land Acquisition Work Group with the Courts Facility/Financing Work Groups.

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

- Resolution 04-028 created three separate work groups to further explore the five solution elements recommended by the Courthouse Blue Ribbon Steering Committee.
- Having addressed their individual elements since April 2004, the Downtown Courthouse Land Acquisition and Courts Facility/Finance Work Group members are proposing the two work groups converge as a means of:
 - Blending the member's expertise
 - Alleviating the overlapping considerations regarding a new courts facility
 - Creating a unified focus in developing a plan which addresses the full range of downtown

courts and facilities issues

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.

None

Required Signatures

**Department/
Agency Director:**

Maria Pijo de Stiffley

Date: 12/01/04

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Merging the Downtown Land Acquisition Work Group with the Courts Facility/Financing Work Group

The Multnomah County Board of Commissioners Finds:

- a. Resolution 04-028 adopted on March 11, 2004, created three work groups to further explore the recommendations of the Courthouse Blue Ribbon Steering Committee.
- b. The Downtown Courthouse Land Acquisition and Courts Facility/Finance Work Group members are proposing the two work groups converge as a means of:
 - Blending the members' expertise;
 - Alleviating the overlapping considerations regarding a new courts facility; and
 - Creating a unified focus in developing a plan which addresses the full range of downtown courts and facilities issues.
- c. Resolution 02-136 established a policy for major facilities capital projects, and outlines specific steps for Board review and approval of capital projects including preliminary planning proposals, project proposals, project plans and project design and construction.
- d. As required by Resolution 02-136, Administrative Procedure FAC-1 was developed by Facilities Management and approved by the Chair in June of 2004 to define major facilities capital projects; identify participants' roles and responsibilities; and designate key milestones for project control and authorization.

The Multnomah County Board of Commissioners Resolves:

1. The Downtown Courthouse Land Acquisition and Courts Facility/Finance Work Groups are combined to form a single work group.
2. Consistent with Resolution 02-136 and FAC-1, the combined work group is directed to work with Facilities Management to prepare and present to the Board no later than March 2005 its Preliminary Planning Proposal.

ADOPTED this 9th day of December, 2004.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



John S. Thomas, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-184

Merging the Downtown Land Acquisition Work Group with the Courts Facility/Financing Work Group

The Multnomah County Board of Commissioners Finds:

- a. Resolution 04-028 adopted on March 11, 2004, created three work groups to further explore the recommendations of the Courthouse Blue Ribbon Steering Committee.
- b. The Downtown Courthouse Land Acquisition and Courts Facility/Finance Work Group members are proposing the two work groups converge as a means of:
 - Blending the members' expertise;
 - Alleviating the overlapping considerations regarding a new courts facility; and
 - Creating a unified focus in developing a plan which addresses the full range of downtown courts and facilities issues.
- c. Resolution 02-136 established a policy for major facilities capital projects, and outlines specific steps for Board review and approval of capital projects including preliminary planning proposals, project proposals, project plans and project design and construction.
- d. As required by Resolution 02-136, Administrative Procedure FAC-1 was developed by Facilities Management and approved by the Chair in June of 2004 to define major facilities capital projects; identify participants' roles and responsibilities; and designate key milestones for project control and authorization.

The Multnomah County Board of Commissioners Resolves:

1. The Downtown Courthouse Land Acquisition and Courts Facility/Finance Work Groups are combined to form a single work group.
2. Consistent with Resolution 02-136 and FAC-1, the combined work group is directed to work with Facilities Management to prepare and present to the Board no later than March 2005 its Preliminary Planning Proposal.

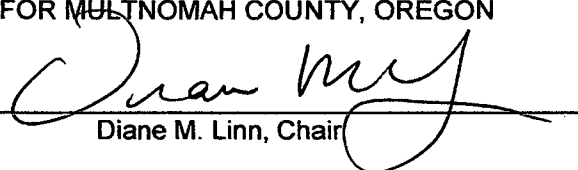
ADOPTED this 9th day of December, 2004.



AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John S. Thomas, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: R-5
Est. Start Time: 10:30 AM
Date Submitted: 11/16/04

BUDGET MODIFICATION:

Agenda Title: **Springwater Community Plan Briefing**

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

Date Requested:	<u>December 9, 2004</u>	Time Requested:	<u>30 minutes</u>
Department:	<u>Business and Community Services</u>	Division:	<u>Land Use & Transportation</u>
Contact(s):	<u>Ed Abrahamson</u>		
Phone:	<u>503-988-5050</u>	Ext.	<u>29620</u>
I/O Address:	<u>455/2</u>		
Presenter(s):	<u>Terry Vanderkooy, City of Gresham; Chuck Beasley and Ed Abrahamson, Multnomah County LUT</u>		

General Information

- What action are you requesting from the Board?**
This Briefing provides an update to the Board on the status of the Springwater Community Plan that has resulted in a draft Concept Plan Map. The draft Concept Plan Map is based on the findings and conclusions of the Springwater Community Scenarios.
- Please provide sufficient background information for the Board and the public to understand this issue.**
Multnomah County in partnership with the City of Gresham is preparing a plan for future development of an area of approximately 1,500 acres. The Springwater area borders southeast Gresham, from the western city limits near 242nd Ave./Hogan Rd. east to 282nd Ave., and south to the Multnomah County line. The area is part of the 18,700 acre Urban Growth Boundary expansion adopted by Metro in 2002.

The plan will focus on future development that will include industrial areas, residential areas, and redevelopment opportunities. Analysis of transportation, natural areas,

wastewater, water, storm water, parks and open spaces, schools, and other urban services needed by a community will be included

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

NA

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

To accomplish the Springwater Community Plan, Multnomah County and the City of Gresham entered into an Intergovernmental Agreement (No. 0410573) for Springwater Urbanization Planning and the creation of a Rural/Urban Edge. To help accomplish this, Multnomah County and the City of Gresham adopted a Joint Resolution (#02-135) that included acceptable conditions to facilitate the Springwater addition.

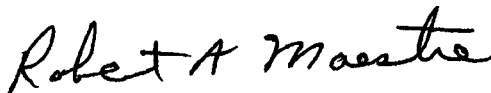
5. Explain any citizen and/or other government participation that has or will take place.

Citizen Involvement: Throughout the planning process, a number of citizen open houses and workshops have been held and will continue to be held. To help guide the planning, a Community Working Group (CWG) was formed. Citizen participants on the CWG included representatives of agriculture, neighborhoods, developers, natural resources, property owners, school district, emergency services, business, and industry.

Government Involvement: To assist in drafting the concept plan, a number of technical advisory committees (TACs) were established. Representatives from the cities of Gresham, Troutdale, Fairview and Wood Village; Multnomah and Clackamas Counties; Metro; ODOT; LCDC, and various service districts are members of the TACs.

Required Signatures

**Department/
Agency Director:**



Date: 11/10/04

Budget Analyst:



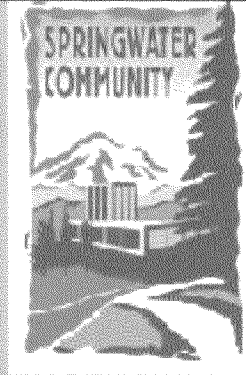
Date: 11/16/04

Department HR:

Date:

Countywide HR:

Date:



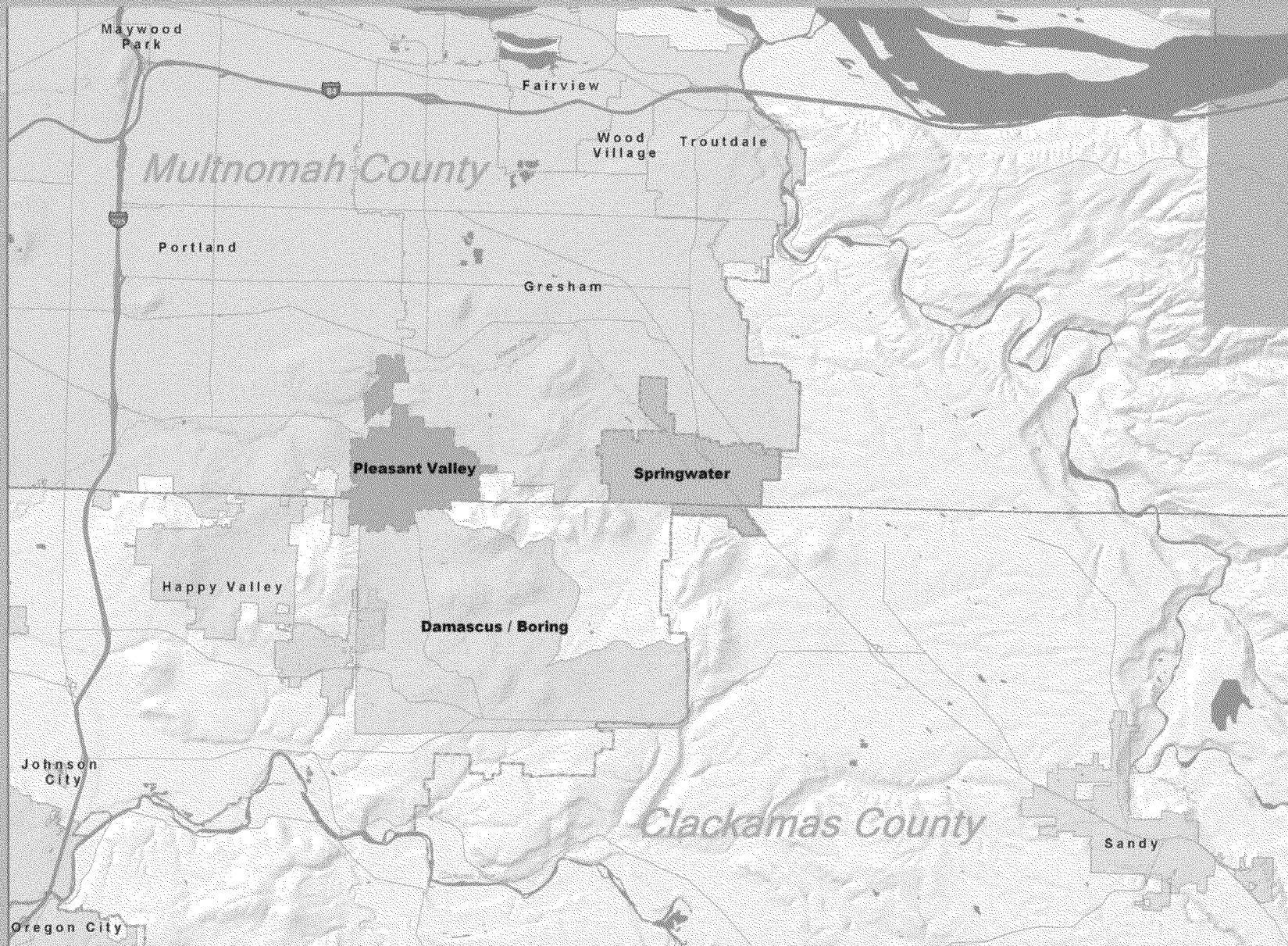
City of Gresham Springwater Community Plan

Multnomah County Commission

December 9, 2004

SPRINGWATER COMMUNITY PLAN

City of Gresham, Oregon in partnership with Multnomah County



SPRINGWATER COMMUNITY PLAN

City of Gresham, Oregon in partnership with Multnomah County

Plan Purpose

- The Plan will guide:
- WHEN development happens
- WHERE development does and does not occur
- WHAT type of development
- HOW development and infrastructure is paid for

PROJECT SCHEDULE

Project Phases	Data gathering & issues identification	Develop scenarios	Evaluate & analyze scenarios	Recommend preferred scenario & develop Plan	Plan review & adoption
Task	Fall '03/Winter '04	Spring 2004	Summer 2004	Fall '04/Winter '05	Spring 2005
Community Working Group	★	★ ★ ★	★ ★ ★	★ ★ ★	★
Community Open Houses & Workshops	★	★	★	★	★



We are Here

SPRINGWATER COMMUNITY PLAN
City of Gresham, Oregon in partnership with Multnomah County

Project Schedule

- Fall 2003: Data Gathering and Issues Identification
- Winter 2004: Develop Scenarios
- Spring 2004: Evaluate and Analyze Scenarios
- Fall 2004: Recommend Preferred Scenario and Develop Plan
- Winter 2004/05: Plan Review and Adoption
- 2005: Annexation/Development Ready

Stakeholder Input

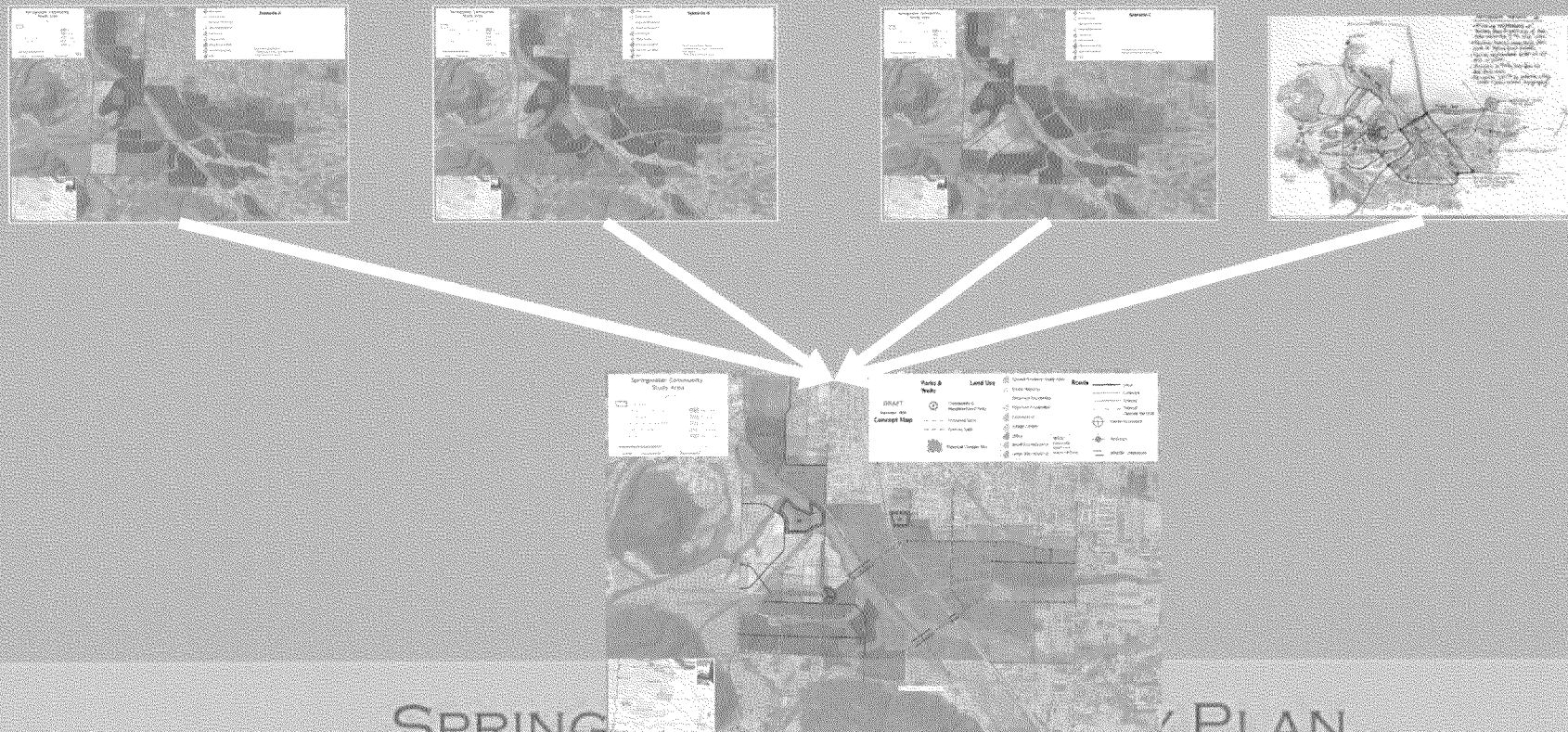
- 3 Public Open Houses
- Public Workshop
- Community Working Group
- Focus Groups
 - Industrial
 - Natural Resources
 - Sustainability
 - Residential
 - Village Center



SPRINGWATER COMMUNITY PLAN
City of Gresham, Oregon in partnership with Multnomah County

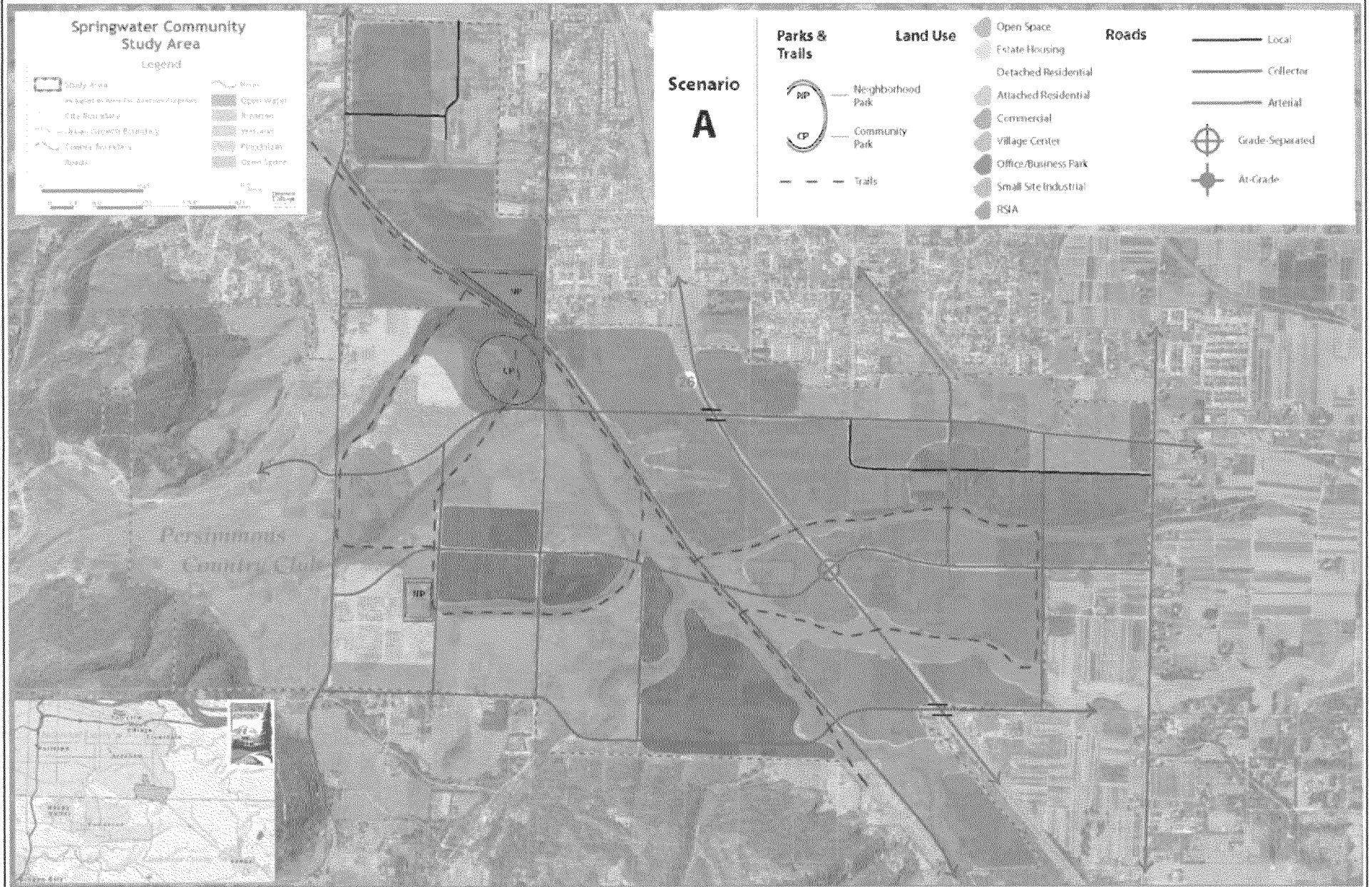
Scenario Approach

Goals, Analysis, Input

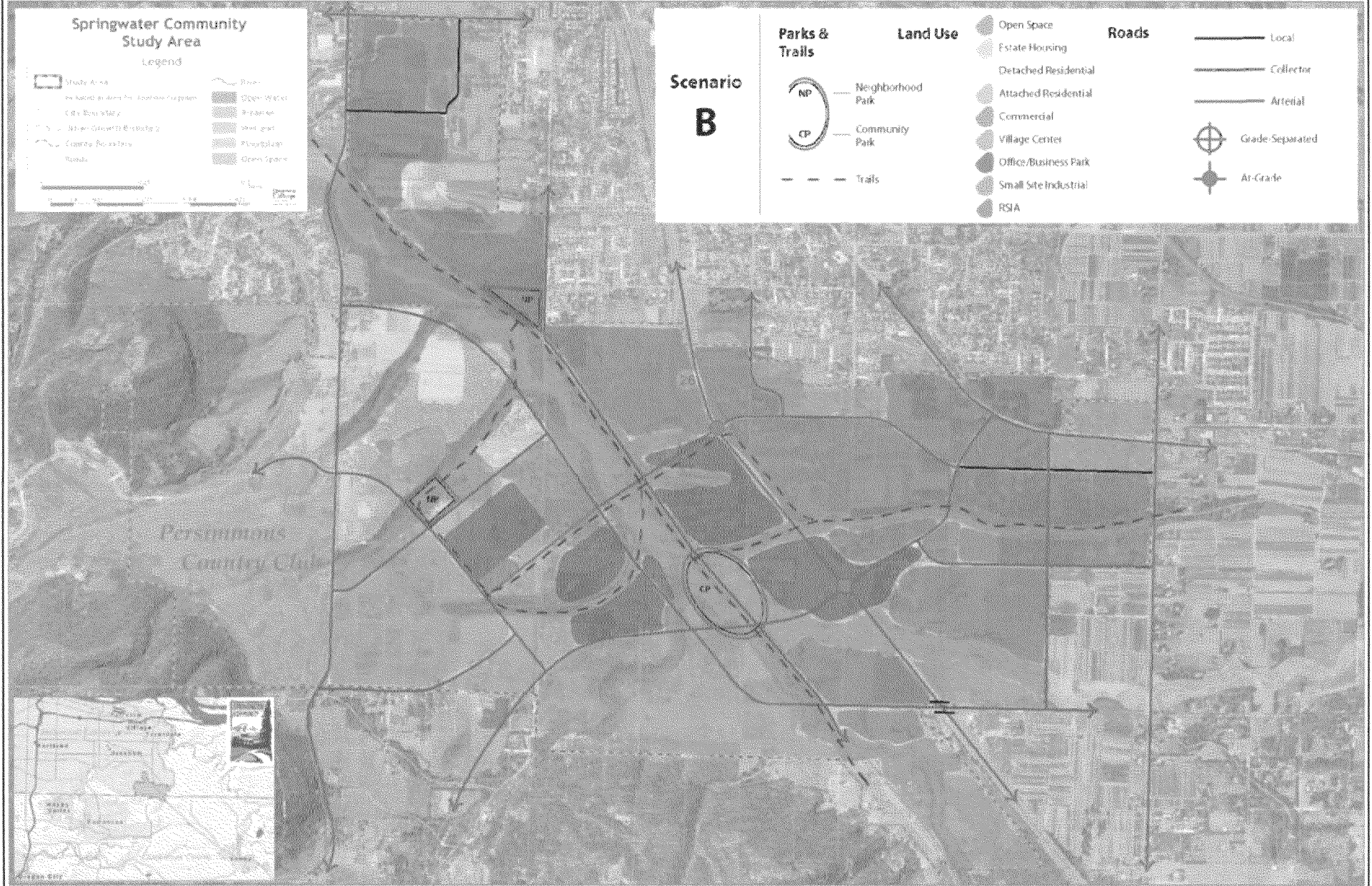


SPRINGWATER COMMUNITY PLAN
City of Gresham, Oregon in partnership with Multnomah County

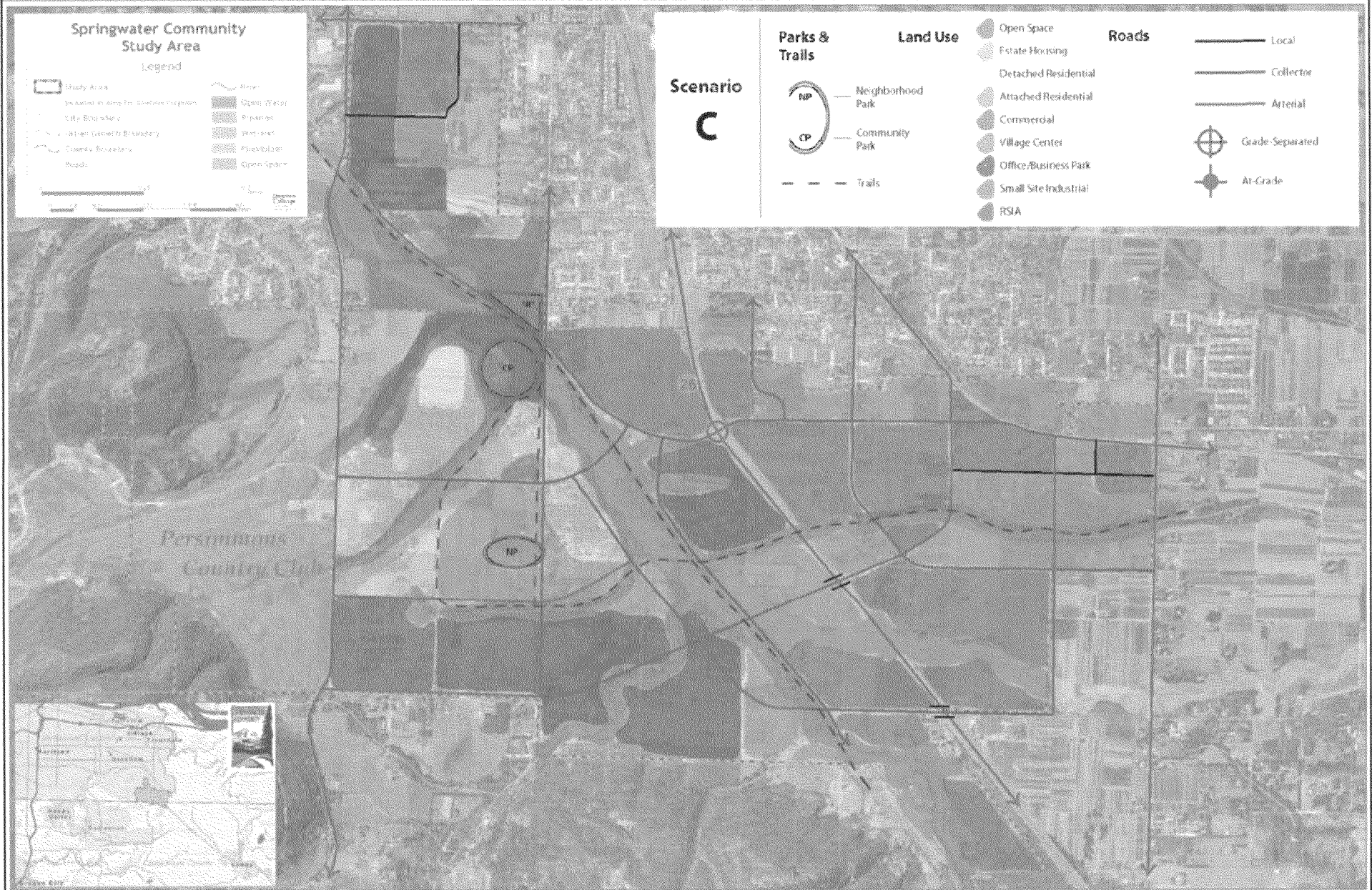
Scenario A - Land Uses



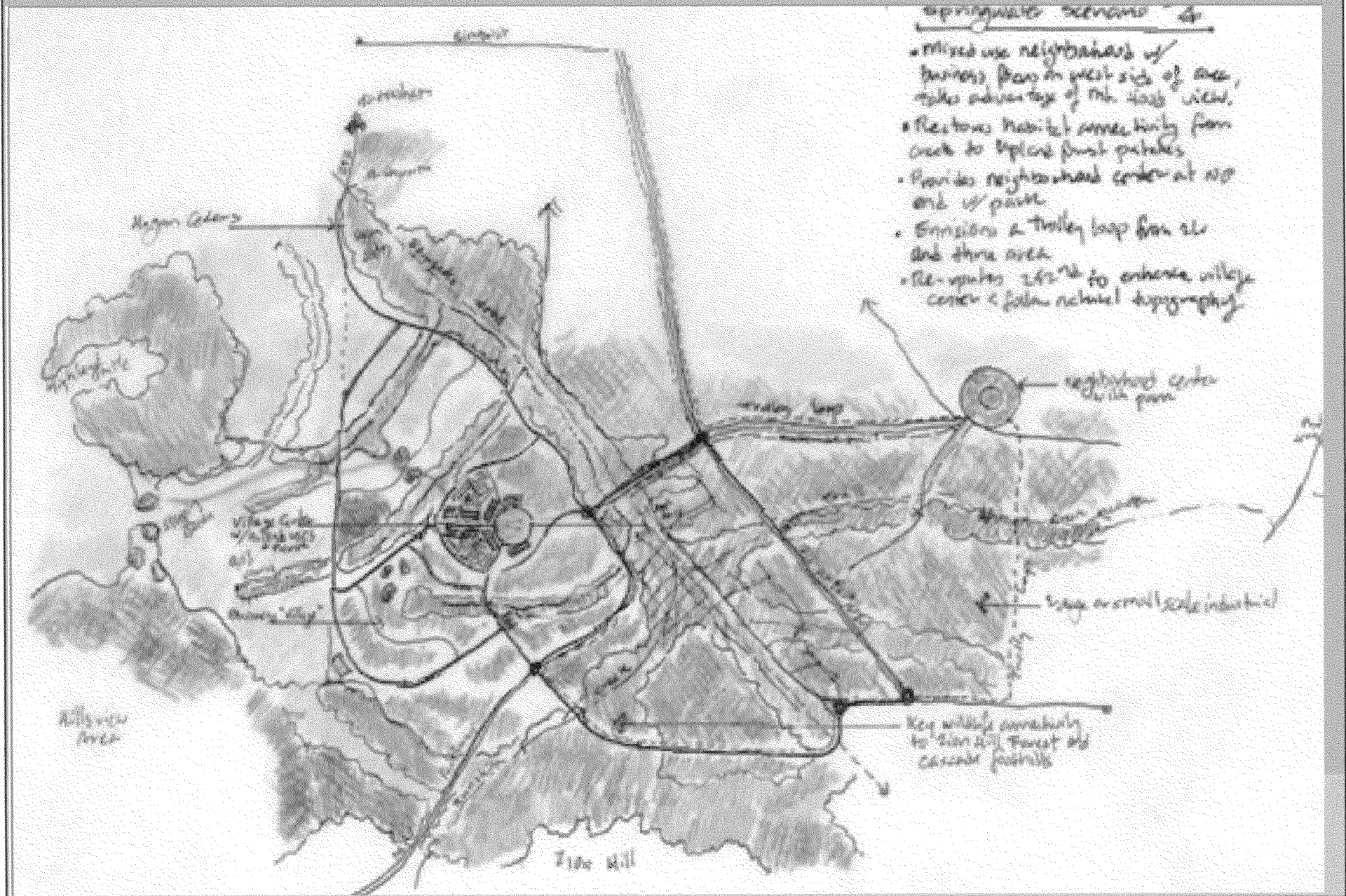
Scenario B - Land Uses



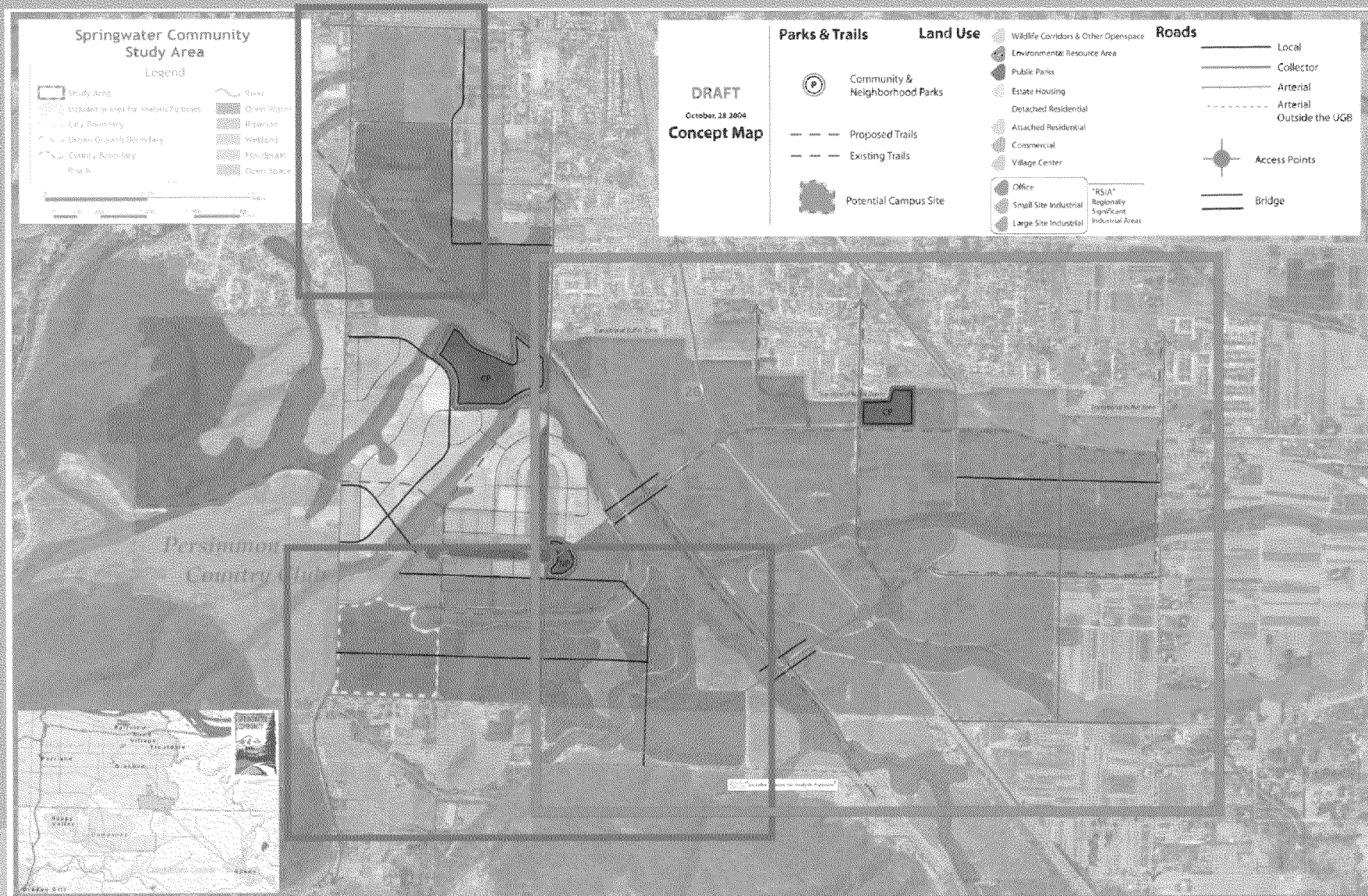
Scenario C - Land Uses



CWG Input The "4th Scenario" Sketch



Employment Areas



City of Gresham, Oregon in partnership with Multnomah County

Sm./Lg. Site Industrial Land

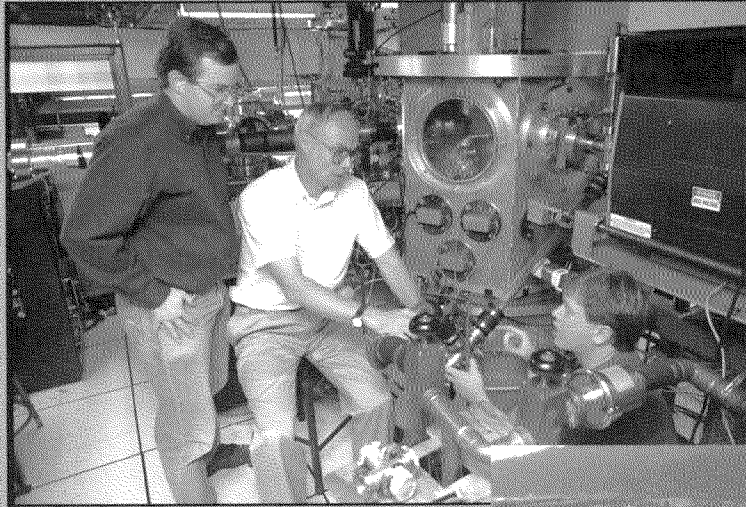
Focused to
flatter areas with
good access

Flexible mix of
large and small
sites

Industrial
serving
retail

WATER COMMUNITY PLAN
Oregon in partnership with Multnomah County

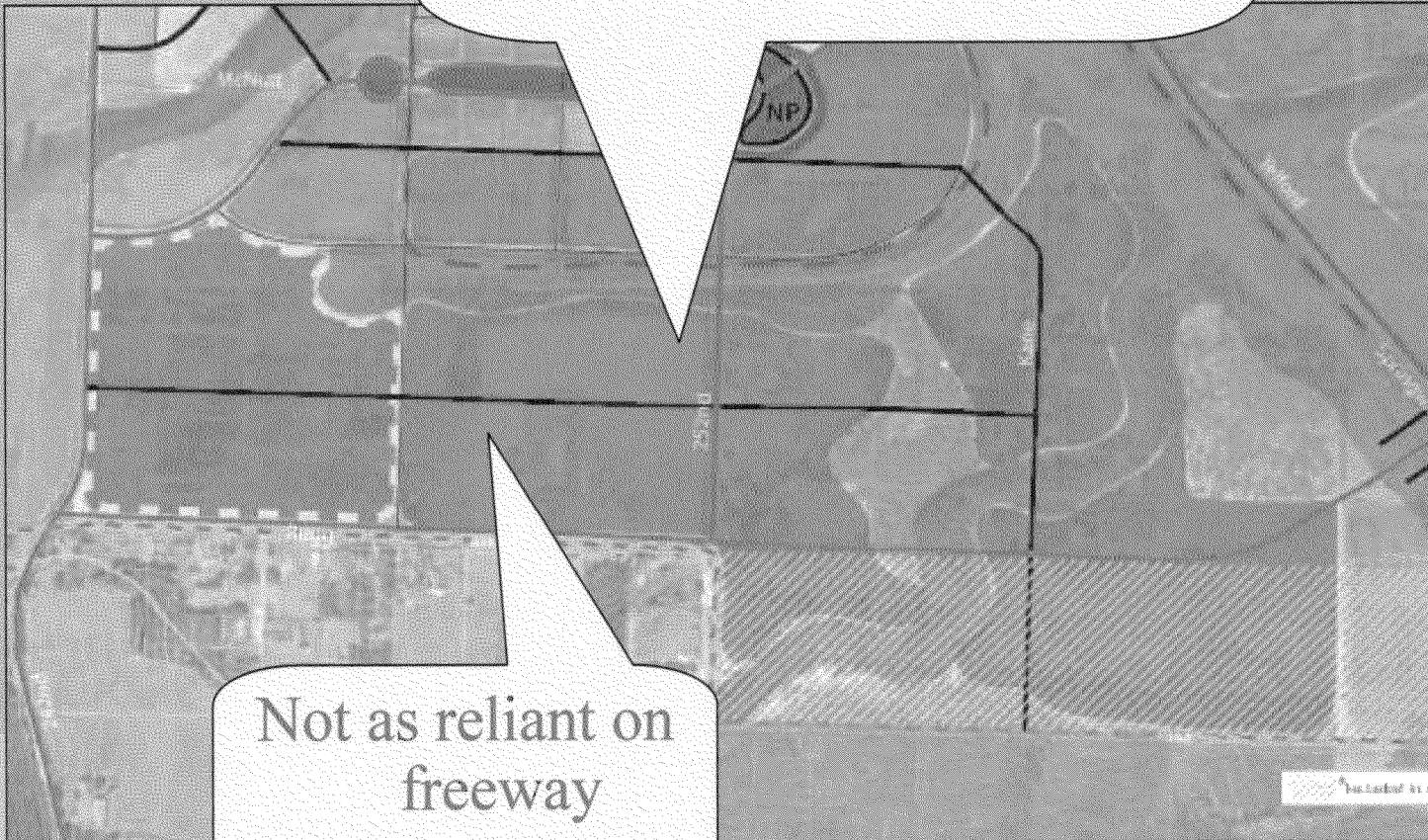
Industrial Lands



SPRINGWATER COMMUNITY PLAN
City of Gresham, Oregon in partnership with Multnomah County

Office Industrial Land

- Research & Development
- Corporate Headquarters
- Tech/Flex



Not as reliant on
freeway
access

region in partnership with Multnomah County



Add Latest
Design

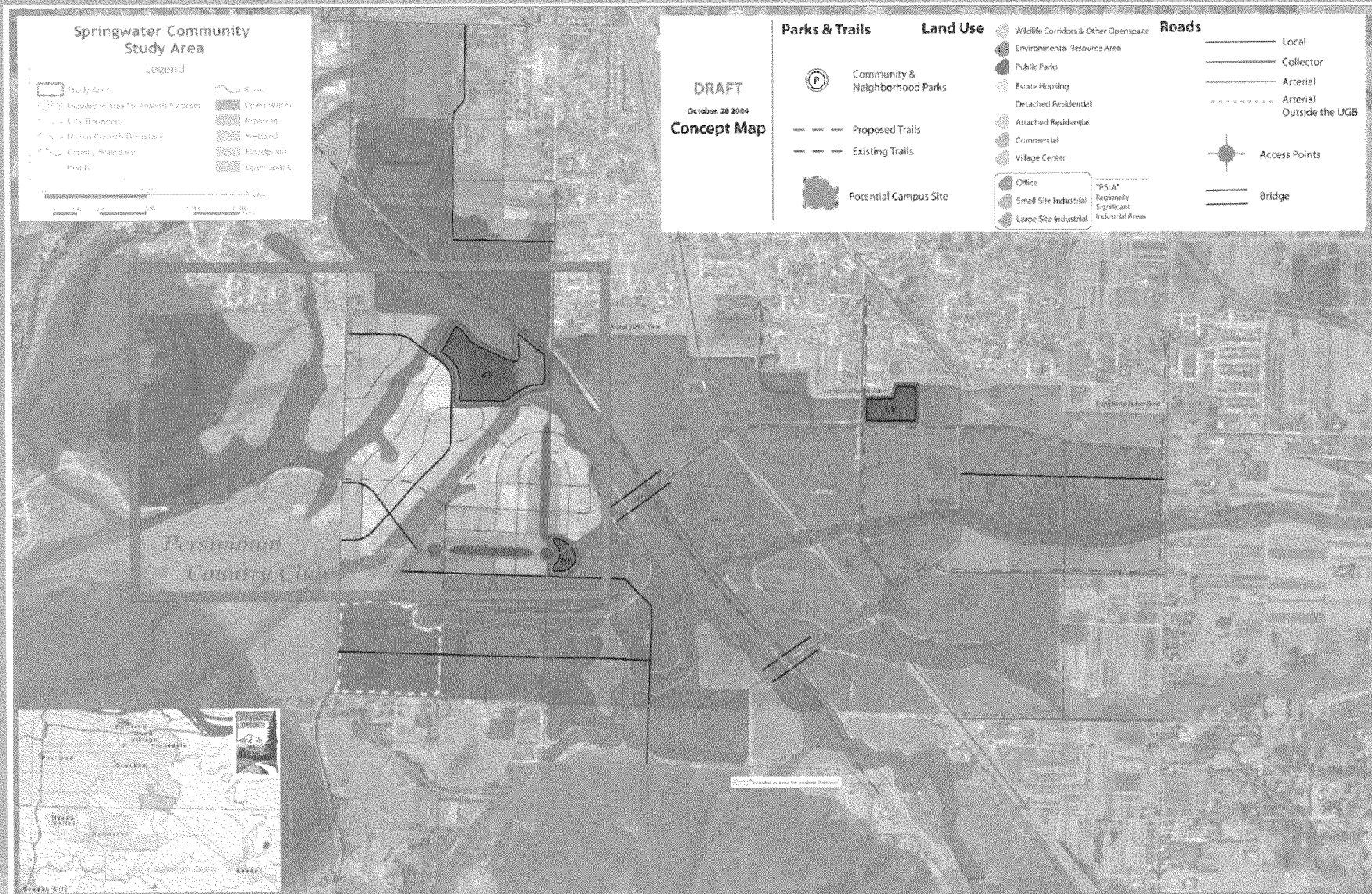
Brickworks Site:

- **Residential surrounding schools**
- **Mixed Use Commercial at intersection of 242nd & Palmquist**
- **Office Industrial and Small Site Industrial**



TE
on in

Residential Areas



Residential Areas

Low density on
sloped areas

Attached
housing on
Hogan with
single-family
behind

Townhouses
around the
village



COMMUNITY PLAN
City of C...ship with Multnomah County



SPRINGWATER COMMUNITY PLAN
City of Gresham, Oregon in partnership with Multnomah County

Mixed-Use Village Center

- Retail, commercial, service, and housing
- Vistas of the Cascades and Mt. Hood
- Park blocks with higher density housing
- Access to Johnson Creek and the Springwater Corridor

Mixed-Use Village Center



View of Mt.
Hood from
Village Core

Easy access
from all of
Springwater

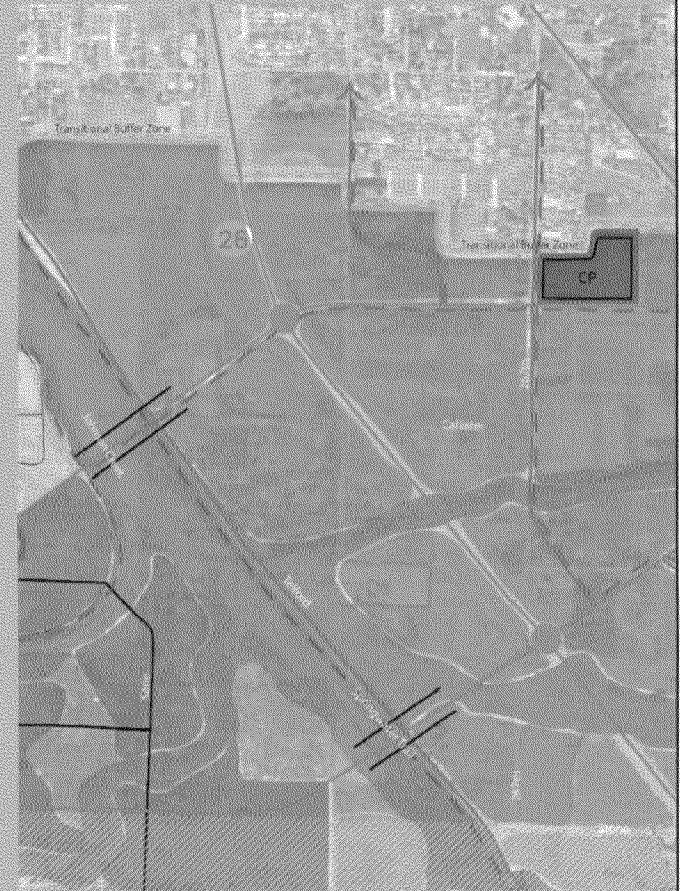
COMMUNITY PLAN
Partnership with Multnomah County



SPRINGWATER COMMUNITY PLAN
City of Gresham, Oregon in partnership with Multnomah County

Transportation

- 2 Options for US 26:
 - A new interchange plus over pass
 - Or, two at-grade intersections
- Green streets to provide natural stormwater conveyance



COMMUNITY PLAN

City of Gresham, Oregon in partnership with Multnomah County

Natural Resources




- An integrated natural resources system based on Johnson Creek and its tributaries



SPRINGWATER COMMUNITY PLAN
City of Gresham, Oregon in partnership with Multnomah County

Protect
mature
forests



Wildlife
Corridors

Restore riparian
habitat along
Johnson
Creek
tributaries

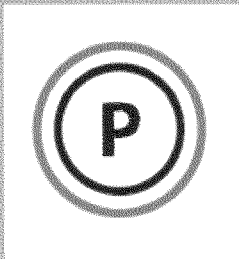
Protect the five
creeks
confluence
area

SPRINGWATER COMMUNITY PLAN

City of Gresham, Oregon in partnership with Multnomah County

Three New Parks

- A neighborhood park located in the village center
- Two new community parks
- Trails to provide access to neighborhoods and the regional trail system.



SPRING
City of Gresham, Oregon in partnership with Multnomah County

Water, Wastewater, and Stormwater Infrastructure

- Green streets
- Regional stormwater detention facilities
- Efficient infrastructure design



City of Gresham, Oregon in partnership with

Next Steps

- Currently: Develop Code & Implementation Strategies
- Spring 2005: Plan Adoption



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: R-6
Est. Start Time: 10:55 AM
Date Submitted: 11/22/04

BUDGET MODIFICATION:

Agenda Title: RESOLUTION Adopting a Policy for Declaring Real Property Owned by Multnomah County Surplus

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

Date Requested:	December 9, 2004	Time Requested:	5 mins
Department:	Business and Community Services	Division:	F& PM
Contact(s):	Richard Swift / Althea Milechman		
Phone:	503 988-5015	Ext.	24367
I/O Address:	503/4		
Presenter(s):	Doug Butler, Althea Milechman, Richard Swift		

General Information

1. What action are you requesting from the Board?

Adopting policy that establishes a process for declaring County property surplus and that provides for public input before sale or other disposition.

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

The County does not currently have a policy that guides the process for declaring County property surplus. This policy establishes criteria for the determination of property as surplus. This policy will not effect properties acquired through tax foreclosure.

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

The fiscal impact will depend on the particular property being considered for surplus. The policy in and of itself will cause no fiscal impact.

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

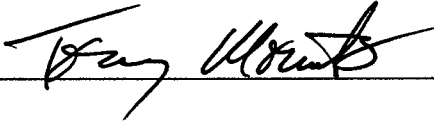
Creates a policy to guide the surplus decision through the creation of criteria and provides for uniform process of public involvement before sale or other disposition.

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

Staff from the Department of Community and Business Services have worked with Board staff over the last three months to develop this resolution. Development has taken place over three Board staff meetings and via email. County Counsel has reviewed the policy. No community meetings have taken place to date.

Required Signatures

**Department/
Agency Director:**




Date: 12/01/04

Budget Analyst:

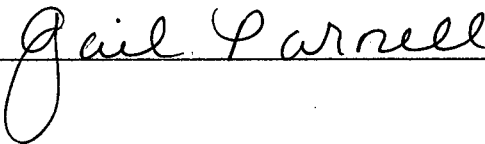
Date: _____

Department HR:



Date: 12-01-04

Countywide HR:



Date: 12-1-04

BOGSTAD Deborah L

From: SWIFT Richard F
Sent: Monday, November 22, 2004 11:33 AM
To: #AGENDA REVIEW TEAM
Cc: BOGSTAD Deborah L
Subject: Surplus property policy and Agenda Placement for 12-9 Board Meeting

Please see the attached policy and the placement form describing its submission. This policy is the result of a collaborative effort between DBCS staff and Board staff. I realize that this submission for 12/9 is within the three week cut off. The Board has requested that this policy be adopted before actions are taken on Facilities and Property Managements Disposition Strategy and properties that were recently declared surplus (11/18). In order for that work to move forward it is necessary to get this on the 12/9 agenda. Thank you for your time and consideration and let me know if you have any questions.

Rich

Richard F. Swift, Jr., MPA
Multnomah County Business Services
501 SE Hawthorne, Suite 400
Portland OR 97214 - 3586
Office 503.988 - 5015 X. 24367
Fax 503.988 - 4592
Pager: 503.604 - 7209
Text Message via email: 6047209@page.metrocall.com

11/22/2004

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Adopting a Policy for Declaring Real Property Owned by Multnomah County Surplus

The Multnomah County Board of Commissioners Finds:

- A. The decision to declare real property surplus rests solely with the Multnomah County Board of Commissioners.
- B. This policy affects all real property owned by Multnomah County except for property acquired through tax foreclosure.
- C. It is in the best interest of the County to adopt a policy for declaring properties surplus which provides for public input before sale or other disposition occurs.

The Multnomah County Board of Commissioners Resolves:

- 1. The Director of Facilities and Property Management ("Director") may determine that a property is no longer required for County use if the property meets one or more of the following criteria:
 - a. The County has or soon will have no practical, efficient, or appropriate use for the property, and will have no use for the property in the near future; or
 - b. The purpose served by the property can be accomplished by use of a better, less costly, or more efficient alternative; or
 - c. The facilities or building on the property are damaged, worn out or otherwise inoperable, and it is not in the best interest of the County to repair or replace them.
- 2. Upon determining that a property meets one or more of the above criteria the Director will submit a recommendation to the Board to declare the property surplus.
- 3. If the Board, by resolution, declares a property surplus, the Director will place a sign on the property for not less than 45 days declaring it surplus. The sign will say:

"Notice of surplus property: this property has been designated surplus by the Multnomah Board of County Commissioners. Multnomah County is seeking input as to the future of this property. Interested parties are invited to express an interest in the property and any proposals for disposition. The Board will hold a public hearing to consider disposition of the property after receiving public

input. All those who submit statements of interest will be notified by mail of the date and time of the hearing. "

The sign will provide the date by which the statements must be submitted, an address where statements are to be submitted and contact information. A notice containing the same information will also be published in a newspaper of general circulation in the County once a week for three consecutive weeks with the last publication not less than one week prior to the date by which statements must be submitted.

4. Facilities and Property Management will prepare a report to the Board not later than 45 days from the date statements of interest are due. The report will be developed in conjunction with the Public Affairs Office, affected Departments and Board Staff. The report shall contain, at a minimum, the following:
 - a. Property Data: plat plan, survey, location issues, zoning, etc;
 - b. Building Data: square feet, floor plan, unique features, etc;
 - c. Legal Information: chain of title, easements, etc;
 - d. Financial Data: debt service, encumbrances, replacement value, etc;
 - e. County Data: reiteration of findings under part one of this policy;
 - f. Historical Research: past County use, historical uses;
 - g. Summary of public comment;
 - h. Plans for working with community interest groups;
 - i. Recommendations for sale and/or disposal.
5. Facilities and Property Management will schedule a time on the Board agenda to present the report to the Board. Facilities and Property Management will mail a notice of the date and time of the hearing to all persons who submitted statements of interest. Facilities and Property Management will also publish a notice in a newspaper of general circulation in the county describing the property and stating that the Board will consider disposition of the property at a public hearing on the date and time set forth in the notice. This notice will be published once a week for three consecutive weeks with the last publication not less than one week prior to the date of the presentation to the Board.
6. After consideration of the report, the Board, by resolution, shall direct further disposition of the property.

7. The Board may exempt a particular property from the process set forth in this resolution upon determining that it is in the best interest of the County to do so. The following properties are already in the process of disposition and are therefore exempt from the process set forth in this resolution: Montavilla Building; Morrison Building; Portland Building; and Hooper Center.

ADOPTED this 9th day of December, 2004

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



John S. Thomas, Assistant County Attorney

**Medical Examiner, Hansen, Edgefield Property Disposition
Public Involvement Worksheet**

TASK	WHO'S RESPONSIBLE	DATE	NOTES
1. Notify Chair, Commissioner whose district is impacted, PAO, Department of intent to ask Board to declare property as surplus	F&PM	Done	Strategy meeting scheduled
2. Item placed on Board agenda	F&PM	Done	Notify PAO and others of date on agenda
3. Property declared surplus	Board of Commissioners	Done	
4. Website updated	F&PM	Dec. 10	Immediately following BCC approval
5. Sign is posted on property	F&PM	Dec. 10 Day one of public comment period begins	Immediately following BCC approval
6. Notice of Surplus Property display ad placed in Oregonian	PAO	12/10, 12/17, 12/27	Placed in Metro section, all zones, once per week for period of 3 weeks
7. Notice mailed/emailed to local neighborhood association, business association, and others	F&PM	Dec. 10 Immediately following BCC approval	Input from Chair and Commissioner on notification list
8. Mid-project assessment meeting scheduled	F&PM	Early January	Reps from Chair's Office, Commissioner, PAO, F&PM
9. Website closed for comment @ midnight	F&PM	Jan 24 Day 45 midnight	
10. Public comment compiled in database from 45 day process	PAO		F&PM forwards comments from website, any other sources to PAO
11. Summary of public comment provided to F&PM for inclusion in summary report	PAO		
12. Reserve date for Board Agenda	F&PM		
13. Summary report draft completed	F&PM		Reviewed by Chair, Commissioner, PAO
14. Item placed on Board Agenda to present report to BCC	F&PM	Day 90 March 10	Chair, Commissioner, PAO notified of date
15. Communication by mail and/or email to database and all interested parties announcing public hearing	F&PM	Feb 21 Minimum 3 weeks prior to public hearing	Need for public hearing to be determined by Chair, Commissioner
16. Display ad announcing public hearing placed in Oregonian if needed	PAO	Feb 21, Feb 28, March 7 Minimum 3 weeks prior to public hearing	Placed in Metro section, all zones, once per week for period of 3 weeks
17. Report presented to BCC	F&PM	If no public hearing, Day 90	

11/30/2004

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-185

Adopting a Policy for Declaring Real Property Owned by Multnomah County Surplus

The Multnomah County Board of Commissioners Finds:

- A. The decision to declare real property surplus rests solely with the Multnomah County Board of Commissioners.
- B. This policy affects all real property owned by Multnomah County except for property acquired through tax foreclosure.
- C. It is in the best interest of the County to adopt a policy for declaring properties surplus which provides for public input before sale or other disposition occurs.

The Multnomah County Board of Commissioners Resolves:

- 1. The Director of Facilities and Property Management ("Director") may determine that a property is no longer required for County use if the property meets one or more of the following criteria:
 - a. The County has or soon will have no practical, efficient, or appropriate use for the property, and will have no use for the property in the near future; or
 - b. The purpose served by the property can be accomplished by use of a better, less costly, or more efficient alternative; or
 - c. The facilities or building on the property are damaged, worn out or otherwise inoperable, and it is not in the best interest of the County to repair or replace them.
- 2. Upon determining that a property meets one or more of the above criteria the Director will submit a recommendation to the Board to declare the property surplus.
- 3. If the Board, by resolution, declares a property surplus, the Director will place a sign on the property for not less than 45 days declaring it surplus. The sign will say:

"Notice of surplus property: this property has been designated surplus by the Multnomah Board of County Commissioners. Multnomah County is seeking input as to the future of this property. Interested parties are invited to express an interest in the property and any proposals for disposition. The Board will hold a public hearing to consider disposition of the property after receiving public

input. All those who submit statements of interest will be notified by mail of the date and time of the hearing. "

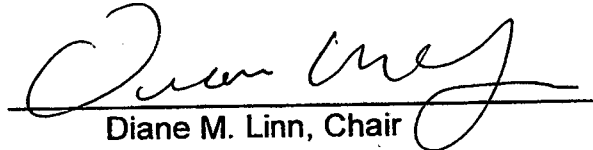
The sign will provide the date by which the statements must be submitted, an address where statements are to be submitted and contact information. A notice containing the same information will also be published in a newspaper of general circulation in the County once a week for three consecutive weeks with the last publication not less than one week prior to the date by which statements must be submitted.

4. Facilities and Property Management will prepare a report to the Board not later than 45 days from the date statements of interest are due. The report will be developed in conjunction with the Public Affairs Office, affected Departments and Board Staff. The report shall contain, at a minimum, the following:
 - a. Property Data: plat plan, survey, location issues, zoning, etc;
 - b. Building Data: square feet, floor plan, unique features, etc;
 - c. Legal Information: chain of title, easements, etc;
 - d. Financial Data: debt service, encumbrances, replacement value, etc;
 - e. County Data: reiteration of findings under part one of this policy;
 - f. Historical Research: past County use, historical uses;
 - g. Summary of public comment;
 - h. Plans for working with community interest groups;
 - i. Recommendations for sale and/or disposal.
5. Facilities and Property Management will schedule a time on the Board agenda to present the report to the Board. Facilities and Property Management will mail a notice of the date and time of the hearing to all persons who submitted statements of interest. Facilities and Property Management will also publish a notice in a newspaper of general circulation in the county describing the property and stating that the Board will consider disposition of the property at a public hearing on the date and time set forth in the notice. This notice will be published once a week for three consecutive weeks with the last publication not less than one week prior to the date of the presentation to the Board.
6. After consideration of the report, the Board, by resolution, shall direct further disposition of the property.

7. The Board may exempt a particular property from the process set forth in this resolution upon determining that it is in the best interest of the County to do so. The following properties are already in the process of disposition and are therefore exempt from the process set forth in this resolution: Montavilla Building; Morrison Building; Portland Building; and Hooper Center.

ADOPTED this 9th day of December, 2004

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

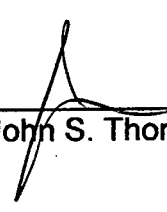

Diane M. Linn, Chair



REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


John S. Thomas, Assistant County Attorney



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-7 DATE 12-09-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: R-7
Est. Start Time: 11:05 AM
Date Submitted: 11/15/04

BUDGET MODIFICATION: DCJ - 09

Budget Modification DCJ-09 Reclassifying Forty-eight Positions in the
Agenda Title: Department of Community Justice

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

Date Requested:	<u>December 9, 2004</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u></u>
Contact(s):	<u>Robb Freda-Cowie</u>		
Phone:	<u>503 988-5820</u>	Ext.	<u>85820</u>
		I/O Address:	<u>503/2</u>
Presenter(s):	<u>Joanne Fuller</u>		

General Information

1. What action are you requesting from the Board?

To approve the reclassification of DCJ Program Manager 1's , Program Supervisors and one other supervisory position to the classification of "Community Justice Manager". To approve the reclassification of DCJ's Volunteer Coordinator to the classification of "MCSO Volunteer Coordinator".

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

DCJ requested a classification and compensation study to determine the appropriate classification for staff classified within Program Supervisor and Program Manager 1 positions. Many of these positions had formerly been within the same classification and pay scale, until a 2001-2002 study placed them in different classifications and salary ranges.

Because the 2001-2002 study divided staff that had performed within the same classification into two groups and pay ranges, staff perceived the results as arbitrary and inequitable. In addition, the results limited DCJ's flexibility in making assignments.

Despite the findings of the 2001-2002 class/comp study, these managers continued to perform many of the same functions and to display similar expertise. From the Department's perspective, this position is best reflected under the classification: Community Justice Manager. This position requires a specialized understanding of correctional best practices, laws and procedures as they relate to adults and juveniles, and the ability to carry this specialized knowledge into the diverse situations in which DCJ operates.

DCJ asked for a new classification/compensation study because a new managerial classification will more accurately reflect the nature of the work performed by Department managers and supervisors, promote equity within our staff, and provide flexibility in making managerial and supervisory assignments across the Department.

On November 2, 2004, Class/Comp issued a final report that recommended the creation of a Community Justice Manager. The study examined, and recommended for inclusion forty-eight (48) budgeted positions under this classification: twenty-nine (29) Program Supervisors, eighteen (18) Program Manager I positions, and one (1) Administrative Analyst, Sr. The final report also recommended the change of a budgeted Volunteer Coordinator to a MCSO Volunteer Program Coordinator position, due to the supervisory duties performed by this position. In addition the report viewed the work duties of several employees who temporarily have been working out of class as consistent with the Community Justice Manager classification.

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

Because all of the positions are budgeted higher than the minimum established for the Criminal Justice Manager classification, there is no fiscal impact in the current year. Ongoing, these positions will receive the standard COLA and merit increases equivalent to those otherwise received under the former 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.

Local 88 represented employees have a contractual right to appeal and arbitrate the outcome of a reclassification request, which would include Board action to disapprove the request (However, this reclassification only applies to one Local 88 employee position, that of Volunteer Coordinator. The remaining positions all were exempt staff job classifications). It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other non-merit factor.

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?
There is no revenue change, this is a housekeeping budget modification.
- What budgets are increased/decreased?
No budgets or FTE were increased or decreased.
- What do the changes accomplish?
The changes apply a standard exempt job classification to the 48 budgeted supervisory positions and an exempt classification to one formerly represented Local 88 position.
- Do any personnel actions result from this budget modification? Explain.
Yes. 48 positions are changed to Community Justice Manager and one position is changed to MCSO Volunteer Program Coordinator. The net change to total FTE equals zero.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
Because there are no changes in revenue, there are no changes, likewise in indirect and operational costs.
- Is the revenue one-time-only in nature?
N/A
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
N/A

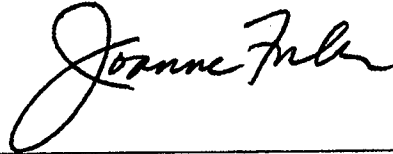
NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 09


Required Signatures

Department/
Agency Director:



Date: 11/15/04

Budget Analyst:



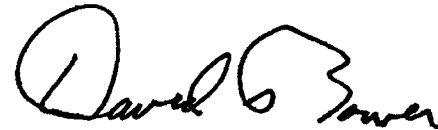
Date: 11/15/04

Department HR:



Date: 11/15/04

Countywide HR:



Date: 11/15/04

Budget Modification or Amendment ID: **DCJ-09****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1									0			
2									0			
3									0			
4									0			
5									0			
6									0			
7									0			
8									0			
9									0			
10									0			
11									0			
12									0			
13									0			
14									0			
15									0			
16									0			
17									0			
18									0			
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21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL

50-10	9361	61816	Pgm Sup	700796	(1.00)					0
50-10	9620	61816	Community Justice Manager	700796	1.00					0
50-10	9361	61817	Pgm Sup	93711608	(1.00)					0
50-10	9620	61817	Community Justice Manager	93711608	1.00					0
50-10	9361	61818	Pgm Sup	700862	(1.00)					0
50-10	9620	61818	Community Justice Manager	700862	1.00					0
50-10	9615	64426	Pgm Mgr 1	701957	(1.00)					0
50-10	9620	64426	Community Justice Manager	701957	1.00					0
50-10	9615	61823	Pgm Mgr 1	700542	(1.00)					0
50-10	9620	61823	Community Justice Manager	700542	1.00					0
50-10	9361	61823	Pgm Sup	701933	(1.00)					0
50-10	9620	61823	Community Justice Manager	701933	1.00					0
50-10	9615	61827	Pgm Mgr 1	702348	(1.00)					0
50-10	9620	61827	Community Justice Manager	702348	1.00					0
50-10	9615	64203	Pgm Mgr 1	711603	(1.00)					0
50-10	9620	64203	Community Justice Manager	711603	1.00					0
50-10	9615	61830	Pgm Mgr 1	702510	(1.00)					0
50-10	9620	61830	Community Justice Manager	702510	1.00					0
50-10	9615	64025	Pgm Mgr 1	710316	(1.00)					0
50-10	9620	64025	Community Justice Manager	710316	1.00					0
50-10	9361	64025	Pgm Sup	710319	(1.00)					0
50-10	9620	64025	Community Justice Manager	710319	1.00					0
50-10	9361	64298	Pgm Sup	710317	(1.00)					0
50-10	9620	64298	Community Justice Manager	710317	1.00					0
50-10	9361	64298	Pgm Sup	710318	(1.00)					0
50-10	9620	64298	Community Justice Manager	710318	1.00					0
50-10	9361	61847	Pgm Sup	705699	(1.00)					0
50-10	9620	61847	Community Justice Manager	705699	1.00					0
50-10	9361	61848	Pgm Sup	705915	(1.00)					0
50-10	9620	61848	Community Justice Manager	705915	1.00					0
50-10	9615	61850	Pgm Mgr 1	702473	(1.00)					0
50-10	9620	61850	Community Justice Manager	702473	1.00					0
50-10	9615	61859	Pgm Mgr 1	706111	(1.00)					0
50-10	9620	61859	Community Justice Manager	706111	1.00					0
50-50	9361	61869	Pgm Sup	703996	(1.00)					0
50-50	9620	61869	Community Justice Manager	703996	1.00					0
50-50	9361	61869	Pgm Sup	705185	(1.00)					0
50-50	9620	61869	Community Justice Manager	705185	1.00					0
50-50	9361	61869	Pgm Sup	705211	(1.00)					0
50-50	9620	61869	Community Justice Manager	705211	1.00					0
50-50	9361	61869	Pgm Sup	90706154	(1.00)					0
50-50	9620	61869	Community Justice Manager	90706154	1.00					0
50-50	9361	61866	Pgm Sup	705973	(1.00)					0
50-50	9620	61866	Community Justice Manager	705973	1.00					0
50-50	9361	64250	Pgm Sup	90706383	(1.00)					0
50-50	9620	64250	Community Justice Manager	90706383	1.00					0
50-50	9615	62777	Pgm Mgr 1	707901	(1.00)					0
50-50	9620	62777	Community Justice Manager	707901	1.00					0
50-50	9361	64279	Pgm Sup	700745	(1.00)					0
50-50	9620	64279	Community Justice Manager	700745	1.00					0
50-50	9361	64281	Pgm Sup	705134	(1.00)					0
50-50	9620	64281	Community Justice Manager	705134	1.00					0
50-50	9361	64285	Pgm Sup	701859	(1.00)					0
50-50	9620	64285	Community Justice Manager	701859	1.00					0
50-50	9361	61898	Pgm Sup	700931	(1.00)					0
50-50	9620	61898	Community Justice Manager	700931	1.00					0
50-50	9615	61903	Pgm Mgr 1	704595	(1.00)					0
50-50	9620	61903	Community Justice Manager	704595	1.00					0
50-50	9361	63526	Pgm Sup	705140	(0.80)					0
50-50	9620	63526	Community Justice Manager	705140	0.80					0
50-50	9615	64286	Pgm Mgr 1	702550	(1.00)					0

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

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
			Annualized Change = Current Change below						0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.00	0	0	0	0

CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-40	9615	62761	Pgm Mgr 1	701564	(1.00)				0
50-40	9620	62761	Community Justice Manager	701564	1.00				0
50-40	9361	62761	Pgm Sup	706536	(1.00)				0
50-40	9620	62761	Community Justice Manager	706536	1.00				0
50-40	9361	62761	Pgm Sup	707833	(1.00)				0
50-40	9620	62761	Community Justice Manager	707833	1.00				0
50-10	9005	61560	Admin Analyst/Sr	701021	(1.00)				0
50-10	9620	61560	Community Justice Manager	701021	1.00				0
50-10	9361	61560	Pgm Sup	707059	(1.00)				0
50-10	9620	61560	Community Justice Manager	707059	1.00				0
50-10	9361	61805	Pgm Sup	705336	(1.00)				0
50-10	9620	61805	Community Justice Manager	705336	1.00				0
50-10	9615	63857	Pgm Mgr 1	703731	(0.12)				0
50-10	9620	63857	Community Justice Manager	703731	0.12				0
50-10	9615	63860	Pgm Mgr 1	703731	(0.88)				0
50-10	9620	63860	Community Justice Manager	703731	0.88				0
50-10	9615	61813	Pgm Mgr 1	704770	(1.00)				0
50-10	9620	61813	Community Justice Manager	704770	1.00				0
50-10	9615	62979	Pgm Mgr 1	704441	(1.00)				0
50-10	9620	62979	Community Justice Manager	704441	1.00				0
50-10	9361	63334	Pgm Sup	90702430	(1.00)				0
50-10	9620	63334	Community Justice Manager	90702430	1.00				0
50-10	9615	61819	Pgm Mgr 1	705744	(1.00)				0
50-10	9620	61819	Community Justice Manager	705744	1.00				0
50-10	9361	61821	Pgm Sup	701353	(1.00)				0
50-10	9620	61821	Community Justice Manager	701353	1.00				0
50-10	9361	61815	Pgm Sup	704641	(1.00)				0
50-10	9620	61815	Community Justice Manager	704641	1.00				0

50-50	9620	64296	Community Justice Manager	702550	1.00				0
50-50	9361	61567	Pgm Sup	705209	(1.00)				0
50-50	9620	61567	Community Justice Manager	705209	1.00				0
50-50	9615	61567	Pgm Mgr 1	709364	(1.00)				0
50-50	9620	61567	Community Justice Manager	709364	1.00				0
50-50	9361	64211	Pgm Sup	700417	(1.00)				0
50-50	9620	64211	Community Justice Manager	700417	1.00				0
50-05	6263	63274	Volunteer Coordinator	700229	(1.00)				0
50-05	9640	63274	MCSO Volunteer Pgm Coord	700229	1.00				0
									0
			TOTAL CURRENT FY CHANGES	0.00		0	0	0	0



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-8 DATE 12-09-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/9/04
Agenda Item #: R-8
Est. Start Time: 11:10 AM
Date Submitted: 11/10/04

BUDGET MODIFICATION: DCJ - 10

Agenda Title: Budget Modification DCJ-10 Increasing US Department of Agriculture Food Stamp Revenue by \$96,000 in River Rock's Federal State Fund

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

Date Requested:	<u>December 9, 2004</u>	Time Requested:	<u>2 mins</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Adult Services Division</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
Presenter(s):	<u>Shaun Coldwell</u>	I/O Address:	<u>503/250</u>

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification to increase the FY 2005 Federal/State budget by \$96,000 from the US Department of Agriculture Food Stamp Program.

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

The US Department of Agriculture has issued a permit to the Department of Community Justice to receive food stamps on behalf of River Rock residents. Oregon Administrative Rule 641-135-0550 states that residents in a public drug and alcohol treatment facility certified by Oregon Department of Human Services (DHS) Office of Mental Health & Addiction Services are eligible to receive food stamp benefits by applying for them through the treatment program.

River Rock residents complete a DHS Application for Services and authorize River Rock to receive food stamps on their behalf. DHS determines eligibility and issues benefits. The food stamp benefit is converted to revenue for River Rock by swiping the electronic benefit card (Oregon Trail Card)

through a point of sale machine located at DCJ Finance. The revenue will be used to provide daily meals and snacks to 60 River Rock residents (average daily population). The revenue also pays county indirect, department indirect and Finance Operation costs.

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

The Food Stamp revenue increases the Federal/State fund by \$96,000 which includes a \$231 increase to Central Indirect, a \$3,664 increase in Department Indirect and a \$6,696 increase for Finance Operations.

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?
The Food Stamp revenue increases the Federal/State fund by \$96,000 and increases Central Indirect by \$231, Department Indirect by \$3,664 and Finance Operations by \$6,696.
- What budgets are increased/decreased?
The Federal/State Revenue for River Rock is being increased by \$96,000 in FY 2005.
- What do the changes accomplish?
The US Department of Agriculture Food Stamp Revenue will be used to purchase daily food and snacks for River Rock residents.
- Do any personnel actions result from this budget modification? Explain.
N/A
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
The US Department of Agriculture Food Stamp Program covers Central Indirect, Department Indirect, and Finance Operations Costs.
- 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?
The revenue is anticipated to be ongoing from the US Department of Agriculture Food Stamp Program.
- If a grant, what period does the grant cover?
N/A
- If a grant, when the grant expires, what are funding plans?
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: DCJ - 10

Required Signatures

Department/
Agency Director:

*Sharon L. Lusk for
Joanne Fuller*

Date: 11/10/04

Budget Analyst:

C. E. E.

Date: 11/10/04

Department HR:

N/A

Date:

Countywide HR:

Date:

Budget Modification or Amendment ID: **DCJ-10****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	50-10	32142	50			CJ032.FOODSTAMPS	50180	-	(96,000)	(96,000)		Incr Food Stamp Revenue
2	50-10	32142	50			CJ032.FOODSTAMPS	60250	0	85,409	85,409		Incr Food for clients
3	50-10	32142	50			CJ032.FOODSTAMPS	60350	0	231	231		Incr Central Indirect .27% rate
4	50-10	32142	50			CJ032.FOODSTAMPS	60355		3,664	3,664		Incr Dept Indirect 4.29% rate
5	50-10	32142	50			CJ032.FOODSTAMPS	60360		6,696	6,696		Incr Fin Ops 7.84% rate
6								0				
7	19	1000	20		9500001000		50310		(231)	(231)		Indirect Reimb rev GF
8	19	1000	20		9500001000		60470		231	231		CGF Contingency expenditure
9								0				
10	50-00	1000	50		509600		50370		(3,664)	(3,664)		Dept Indirect Revenue
11	50-00	1000	50		509600		60170		3,664	3,664		Incr Prof Svc
12								0				
13	71-10	3506	20		711100		50310		(6,996)	(6,996)		Incr Fin Ops Svc reimbursement
14	71-10	3506	20		711100		60240		6,996	6,996		Incr. Offsetting expenditure
15								0				
16								0				
17								0				
18								0				
19								0				
20								0				
21								0				
22								0				
23								0				
24								0				
25								0				
26								0				
27								0				
28								0				
29								0				
									0	0		Total - Page 1
									0	0		GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Form Instructions

- For **HELP** on some of the form fields Press the **F1** key.
- Tab from each field for efficiency and to allow automatic formatting.
- To enable Spell Check go to View/Toolbars and select "Spell-Check". A button will appear titled "Spell Check the Form". This will spell check the APR. *Note: Macros must be enabled.*

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 12-09-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: R-9
Est. Start Time: 11:10 AM
Date Submitted: 11/10/04

BUDGET MODIFICATION: OSCP - 02

Agenda Title: Budget Modification OSCP-2, Increasing the Office of School and Community Partnerships Fiscal Year 2005 Budget by \$428,103 in Low Income Energy Assistance Weatherization Funding from the State of Oregon

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

Date Requested:	<u>December 9, 2004</u>	Time Requested:	<u>5 mins</u>
Department:	<u>OSCP</u>	Division:	<u></u>
Contact(s):	<u>Kathy Tinkle, Heather McGillivray</u>		
Phone:	<u>988-3691</u>	Ext.	<u>26858, 24261</u>
Presenter(s):	<u>Kathy Tinkle</u>	I/O Address:	<u>166-2</u>

General Information

1. What action are you requesting from the Board?

The Office of School and Community Partnerships requests the approval of Budget Modification OSCP_2. This budget modification increases the Office of School and Community Partnerships Fiscal Year '05 budget for the Low Income Energy Assistance Program (LIEAP) Weatherization grant by \$428,103.

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

The Low Income Energy Assistance (LIEAP) Weatherization funds are awarded by the State each

biennium.

In Fiscal Year '04, the Office of School and Community Partnerships experienced a delay in contracting some of the weatherization projects. Due to issues involving this service system and contractors, The Office of School and Community Partnerships conducted the procurement process for the new contracts at the direction of County Purchasing and County Attorney. Based upon their advice in terms of additional review and scrutiny in order to prevent unintended legal consequences, the process took significantly more time than usual.

Because of the delay, the Office of School and Community Partnerships did not spend the full Fiscal Year '04 portion of the award by June 30th, 2004. The State agreed to roll over the remaining balance of \$279,770 into the first quarter of Fiscal Year '05. This is a one time only increase in the LIEAP Weatherization grant funding for Fiscal Year '05.

Additionally, the amount in the award for July 1, 2004 through June 30 2005 is \$148,333 more than originally anticipated when the Fiscal Year '05 budget was adopted.

The Office of School and Community Partnerships is requesting approval to add the total increase of \$428,103 to the Fiscal Year '05 budget.

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

This budget modification adds an additional \$428,103 in Low Income Energy Assistance (LIEAP) Weatherization funding to the Fiscal Year '05 budget, increasing the total Fiscal Year '05 budget for LIEAP Weatherization to \$1,071,778.

The State awards LIEAP Weatherization funding each biennium. At this time, the amount that will be awarded for the biennium 7/1/05-6/30/07 has not been determined, but it is expected that it will be at the same level as in the current biennium.

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?**

The Office of School and Community Partnerships Fiscal Year '05 budget will be increased by \$428,103 in Low Income Energy Assistance (LIEAP) funding. This will bring the Fiscal Year '05 total LIEAP Weatherization budget to \$1,071,778 and increase the budget to the level of funding that is available in the grant.

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

The Office of School and Community Partnerships' Fiscal Year '05 budget will be increased by \$428,103. These funds will be used for carbon monoxide detectors, smoke detectors, and repair and replacement of insulation and heating systems in low income and elderly-occupied homes.

The installation and repair work will be contracted to local vendors that have successfully completed a competitive bidding process. The bids and vendor information are kept in a program database and work is assigned to the vendors as needed.

- **What do the changes accomplish?**

Approximately 100 low income and elderly households will receive carbon monoxide detectors, smoke detectors, and repair and replacement of insulation and heating systems.

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

There are no personnel changes.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

The increase in funding includes \$25,263 that can be used for administrative costs. Based on the established Shared Services rates, \$9,910 will be used for Shared Service Finance costs, and the remaining \$15,353 will cover the Central and Departmental Indirect costs.

- **Is the revenue one-time-only in nature?**

\$279,770 is one-time-only, \$148,333 is ongoing

- **If a grant, what period does the grant cover?**

This covers the State biennium period of 7/1/03-6/30/05

- **If a grant, when the grant expires, what are funding plans?**

The State renews this funding each biennium.

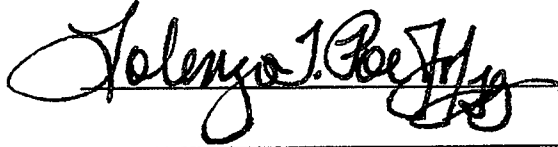
NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: OSCP - 02

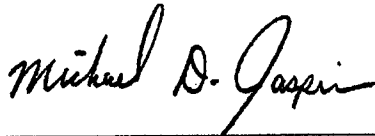
Required Signatures

Department/
Agency Director:



Date: 11/03/04

Budget Analyst:



Date: 11/09/04

Department HR:

Date:

Countywide HR:

Date:

Budget Modification or Amendment ID: **OSCP_02****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
1	21-62	20730	40			SCPCESRR.LIEAPWX.03.PG	60160	0	214,519	214,519		Pass-Thru Payments
2	21-62	20730	40			SCPCESRR.LIEAPWX.03.PG	50190	0	(214,519)	(214,519)	0	IG-OP-Fed Thru St
3									0			
4	21-62	20730	40			SCPCESRR.LIEAPWX.04.PG	60160	537,469	667,121	129,652		Pass-Thru Payments
5	21-62	20730	40			SCPCESRR.LIEAPWX.04.PG	50190	(537,469)	(667,121)	(129,652)	0	IG-OP-Fed Thru St
6									0			
7	21-62	20730	40			SCPCESRR.LIEAPWX.03.PD	60000	0	8,479	8,479		Permanent Personnel
8	21-62	20730	40			SCPCESRR.LIEAPWX.03.PD	60130	0	2,438	2,438		Salary Related Exp
9	21-62	20730	40			SCPCESRR.LIEAPWX.03.PD	60140	0	1,835	1,835		Insurance Benefits
10	21-62	20730	40			SCPCESRR.LIEAPWX.03.PD	60240	0	37,400	37,400		Supplies
11	21-62	20730	40			SCPCESRR.LIEAPWX.03.PD	50190	0	(50,152)	(50,152)	0	IG-OP-Fed Thru St
12									0			
13	21-62	20730	40			SCPCESRR.LIEAPWX.04.PD	60000	33,315	24,836	(8,479)		Permanent Personnel
14	21-62	20730	40			SCPCESRR.LIEAPWX.04.PD	60130	9,602	7,164	(2,438)		Salary Related Exp
15	21-62	20730	40			SCPCESRR.LIEAPWX.04.PD	60140	7,564	5,729	(1,835)		Insurance Benefits
16	21-62	20730	40			SCPCESRR.LIEAPWX.04.PD	60240	1,000	22,269	21,269		Supplies
17	21-62	20730	40			SCPCESRR.LIEAPWX.04.PD	50190	(54,712)	(63,229)	(8,517)	0	IG-OP-Fed Thru St
18									0			
19	21-62	20730	40			SCPCESPA.LIEAPWX.03.AD	60360	0	6,197	6,197		Shared Svcs Finance
20	21-62	20730	40			SCPCESPA.LIEAPWX.03.AD	60365	0	238	238		Shared Svcs HR
21	21-62	20730	40			SCPCESPA.LIEAPWX.03.AD	60350	0	715	715		Central Indirect
22	21-62	20730	40			SCPCESPA.LIEAPWX.03.AD	60355	0	7,949	7,949		Department Indirect
23	21-62	20730	40			SCPCESPA.LIEAPWX.03.AD	50190	0	(15,099)	(15,099)	0	IG-OP-Fed Thru St
24									0			
25	21-62	20730	40			SCPCESPA.LIEAPWX.04.AD	60360	13,288	17,001	3,713		Shared Svcs Finance
26	21-62	20730	40			SCPCESPA.LIEAPWX.04.AD	60365	973	735	(238)		Shared Svcs HR
27	21-62	20730	40			SCPCESPA.LIEAPWX.04.AD	60350	1,599	1,972	373		Central Indirect
28	21-62	20730	40			SCPCESPA.LIEAPWX.04.AD	60355	35,634	41,950	6,316		Department Indirect
29	21-62	20730	40			SCPCESPA.LIEAPWX.04.AD	50190	(51,494)	(61,658)	(10,164)	0	IG-OP-Fed Thru St
									0		0	Total - Page 1
									0		0	GRAND TOTAL

Budget Modification or Amendment ID: **OSCP_02****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 05

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
30	21-62	1000	40			SCPCESPA.CGF	60240	4,862	19,127	14,265		Supplies
31	21-79	1000	40			SCPFS.CGF	50370	(4,931)	0	4,931		Dept Indirect Revenue
32	21-02	1000	40			SCPOP.CGF	50370	(708,943)	(728,139)	(19,196)	0	Dept Indirect Revenue
33									0			
34	19	1000	20		9500001000		50310		(1,088)	(1,088)		Intl Svc Reimburse
35	19	1000	20		9500001000		60470		1,088	1,088		Contingency
36									0			
37	71-10	3506	20		711100		50310		(9,910)	(9,910)		Intl Svc Reimburse
38	71-10	3506	20		711100		60240		9,910	9,910		Supplies
39									0			
40									0			
41									0			
42									0			
43									0			
44									0			
45									0			
46									0			
47									0			
48									0			
49									0			
50									0			
51									0			
52									0			
53									0			
54									0			
55									0			
56									0			
57									0			
58									0			
									0	0		Total - Page 2
									0	0		GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-10 DATE 12-09-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: R-10
Est. Start Time: 11:15 AM
Date Submitted: 11/16/04

BUDGET MODIFICATION: HD - 05-03

Budget Modification HD-05-03 to Appropriate Carryover from Ryan
Agenda Title: White Title 1-HIV Care Service Grant Year 2003-2004

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

Date Requested:	<u>December 9, 2004</u>	Time Requested:	<u>5 mins</u>
Department:	<u>Health Dept.</u>	Division:	<u>Integrated Clinical Services</u>
Contact(s):	<u>Angela Burdine, Budget Manager</u>		
Phone:	<u>503 988-3663</u>	Ext.	<u>26457</u>
	I/O Address:		<u>106/1430</u>
Presenter(s):	<u>Angela Burdine, Budget Manager</u>		

General Information

1. What action are you requesting from the Board?

Approval of budget modification to increase the Health Department revenue budget by \$234,247 as a result of a carryover from the Ryan White Title 1-HIV Care Services Grant from previous year.

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

The Health Department receives an annual Health Resources and Services Administration (HRSA) grant funded by Title I of the federal Ryan White CARE Act. This grant provides health and support services to low-income individuals living with HIV in a six county area surrounding Portland. HRSA has approved an additional \$234,247 in our FY 2004-2005 grant award, in a reallocation of unspent funds from the previous grant year. These additional funds will support a variety of health and support services for persons living with HIV – dental care, housing assistance, complementary health care, transportation, substance abuse treatment, and psychosocial support services – and will also fund service planning activities.

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

This budget modification increases the Health Department's budget by \$234,247 in FY 05. These

funds are considered carryover and should be expended before February 28, 2005.

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

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

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?
Increase grant revenue in Federal State fund by \$234,247 for FY 05. (OTO)
- What budgets are increased/decreased?
Increase in revenue and expenditures in HIV Services located in the Integrated Clinical Services Area of the Health Department budget.
- What do the changes accomplish?
In this Title I grant, an HIV Services Planning Council, composed of community members appointed by the Chair's office, does broad community planning for services to persons living with HIV and make decisions about what services are actually funded by the grant. With these additional funds, services will be implemented according to the service priorities and allocations that have been determined by the Planning Council.
- Do any personnel actions result from this budget modification? Explain.
No personnel actions are necessary
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
All indirect and fees are accounted for and will be covered by revenues
- Is the revenue one-time-only in nature?
Yes
- If a grant, what period does the grant cover?
March 1, 2004 - February 28, 2005
- If a grant, when the grant expires, what are funding plans?
These funds will not be used for ongoing expenditures

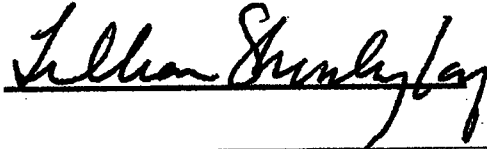
NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.

ATTACHMENT B

BUDGET MODIFICATION: HD - 05-03

Required Signatures

Department/
Agency Director:



Date: 11/09/04

Budget Analyst:



Date: 11/15/04

Department HR:

Date: _____

Countywide HR:

Date: _____

EXPENDITURES & REVENUES

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

Line No.	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
	40-30				4FA14-10-1	50170		(234,247)	(234,247)		Federal Ryan White Title I-HIV Care Services grant - carryover from 2003-04 grant year.
								0			
	40-30	1505		403550		60160		134,500	134,500		
	40-30	1505		403550		60170		90,679	90,679		
	40-30	1505		403550		60360		22,766	22,766		
								0			
	40-90	1000		409001		60000		(13,698)	(13,698)		Increase dept salary savings to cover Int Svcs- Finance charges not allowed by grantor
								0			
	71-10	3506		711100		50310		(22,766)	(22,766)		Finance (60360)
	71-10	3506		711100		60240		22,766	22,766		Finance (60360)
1								0			
2								0			
3								0			
4								0			
5								0			
6								0			
7								0			
8								0			
9								0			
0								0			
1								0			
2								0			
3								0			
4								0			
5								0			
6								0			
7								0			
8								0			
9								0			
0								0			
1								0			
2								0			
3								0			
4								0			
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6								0			
7								0			
8								0			
9								0			
0								0			
1								0			
2								0			
3								0			
4								0			
5								0			
								0	0	0	GRAND TOTAL



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-11 DATE 12-09-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: R-11
Est. Start Time: 11:20 AM
Date Submitted: 11/16/04

BUDGET MODIFICATION: HD - 05-05

**Budget Modification HD-05 to Appropriate Revenue from Three New
Environmental Health Grants: CDC Essential Services and Environmental
Agenda Title: Public Health Tracking**

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

Date Requested:	<u>December 9, 2004</u>	Time Requested:	<u>5 mins</u>
Department:	<u>Health Department</u>	Division:	<u>Integrated Clinical Services</u>
Contact(s):	<u>Angela Burdine, Budget Manager</u>		
Phone:	<u>503 988-3663</u>	Ext.	<u>26457</u>
	I/O Address:		<u>106/1430</u>
Presenter(s):	<u>Lila Wickham, Program Manager</u>		

General Information

1. What action are you requesting from the Board?

Approval of budget modification to increase the Health Department revenue budget by;
\$158,379 for CDC Environmental Health Essential Services
\$ 14,685 for Environmental Public Health Tracking

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

--CDC Environmental Health: Public health at the national level has identified the ten essential services that are necessary to have appropriate capacity to perform fully functional public health services. In 2002 the Multnomah County Environmental Health unit performed a gap analysis using the essential services model. The gap analysis identified the need for 1) research capacity, 2) workforce development capacity, 3) education and empowerment of the community capacity. A grant for Essential Services of Environmental Health Capacity was applied for and received from the Center for Disease Control to address the gaps identified in the 2002 gap analysis.

--Environmental Health Tracking: Environmental Health has been using the Protocol for Assessing

Community Excellence in Environmental Health as a model to identify community environmental health concerns, develop solutions, support community action and strategize changes that are necessary to support solutions. The Health Department has been working with the N/NE Portland affordable housing community. Identified issues are mold and mildew, trash, lead and communication with housing managers. Significant work was conducted identifying issues from a community perspective (focus groups/questionnaires/photo voice). Additional work needs to be done from a data perspective to create quantifiable data to support the community perspective. Additional work needs to be done to support communication between housing and residents. This grant supports the capacity for database analysis of housing complaints and inspection results and support to develop communication strategies between residents and housing.

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

This budget modification increases the Health Department's budget by \$173,064 in FY 05. \$158,379 from CDC Essential is a 3 year grant with addtl funding each year. The \$14,685 Environmental Public Health funds are considered "one time only" and should be spent this year.

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.

--CDC Essential Services: Research component includes development of a risk based model of performing restaurant inspections that focuses on the risk of food borne illness rather than the current risk based upon seating capacity. Ultimately this could lead to statutory change. The research component includes representatives from other government entities and industry. The development of a citizen advisory committee for provision of recommendations about Multnomah County Health Department environmental health practice is one of the strategies presented as a grant objective. A environmental health educator and community health outreach worker will work closely with the community to identify methods and types of education that are critical to the community adopting healthy behaviors (examples: advice on consuming fish from the Willamette, preventive measures for the reduction of West Nile Virus)

--Environmental Health Tracking: This is an enhancement of current work being performed through the Protocol for Assessing Community Excellence in Environmental Health which is heavily invested in citizen participation and work with government stakeholders

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?
Increase grant revenue in Federal State fund by \$173,064 for FY 05. Funds for the CDC Essential Services grant will be accounted for in budget preparation for the next 2 years. Remaining funds are OTO for FY 05
- What budgets are increased/decreased?
Increase in revenue and expenditures in Environmental Services located in the Community Health Services Area of the Health Department budget.
- What do the changes accomplish?
Funding for personnel & materials to accomplish the tasks identified above.
- Do any personnel actions result from this budget modification? Explain.
Hiring of 1.0 FTE Environmental Health Educator (3 yrs) , Hiring of .5 FTE bilingual Community Health Worker (3 yrs), Personnel services contract work for a) data base development (one yr) b) facilitation of multi agency stakeholders for consensus development on risk model for restaurant inspections (one yr). Recruitment and hiring of 1 FTE Environmental Health Educator (3yrs), .5 FTE Bilingual Community Health Worker (3yrs)
Personnel services contract for database development. Personnel services contract(s) or temporary employee to develop community linkages and facilitate collaborative model for development of communication guidelines between housing and residents.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
All indirect and fees are accounted for and will be covered by revenues
- Is the revenue one-time-only in nature?
CDC Essential Services is 3 years. The other funds are OTO for FY 05
- If a grant, what period does the grant cover?
CDC Essential Services: September 1, 2004 - August 30, 2007
Environmental Public Health Tracking : September 1, 2004 - August 30, 2005
- If a grant, when the grant expires, what are funding plans?
Project will be completed.

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: HD - 05-05

Required Signatures

**Department/
Agency Director:**

Date: _____

Budget Analyst:



Date: 11/16/04

Department HR:

Date: _____

Countywide HR:

Date: _____

EXPENDITURES & REVENUES

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

e	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
	40-30	32152			4FA34-01-1	50170	0	(158,379)	(158,379)		New CDC grant 9/1/04: Environmental Health Essential Services
								0			
	40-30	32152			4FA34-01-1	60000	0	54,372	54,372		
	40-30	32152			4FA34-01-1	60120	0	2,864	2,864		
	40-30	32152			4FA34-01-1	60130	0	15,740	15,740		
	40-30	32152			4FA34-01-1	60140	0	14,277	14,277		
	40-30	32152			4FA34-01-1	60170	0	2,000	2,000		
	40-30	32152			4FA34-01-1	60240	0	24,831	24,831		
	40-30	32152			4FA34-01-1	60260	0	4,800	4,800		
	40-30	32152			4FA34-01-1	60270	0	2,700	2,700		
	40-30	32152			4FA34-01-1	60350	0	366	366		
	40-30	32152			4FA34-01-1	60355	0	12,872	12,872		
	40-30	32152			4FA34-01-1	60360	0	3,471	3,471		
	40-30	32152			4FA34-01-1	60365	0	1,795	1,795		
	40-30	32152			4FA34-01-1	60370	0	2,760	2,760		
	40-30	32152			4FA34-01-1	60460	0	240	240		
	40-30	32152			4FA34-01-1	90002	0	15,291	15,291		
								0		0	
								0			
	40-30	32155			4SA61-1	50190	0	(14,685)	(14,685)		New state grant: Environmental Public Health Tracking
								0			
	40-30	32155			4SA61-1	60170	0	6,339	6,339		
	40-30	32155			4SA61-1	60350	0	34	34		
	40-30	32155			4SA61-1	60355	0	1,221	1,221		
	40-30	32155			4SA61-1	60360	0	641	641		
	40-30	32155			4SA61-1	60365	0	111	111		
	40-30	32155			4SA61-1	90002	0	6,339	6,339		
								0		0	
								0			
	70-80	3500		708000		50310		(14,277)	(14,277)		Insurance (60140)
	70-80	3500		708000		60330		14,277	14,277		Insurance (60140)
								0			
	70-03	3503		709525		50310		(2,760)	(2,760)		Telecomm (60370)
	70-03	3503		709525		60200		2,760	2,760		Telecomm (60370)
								0			
	90-40	3504		904400		50310		(240)	(240)		Mail & Distribution (60460)
	90-40	3504		904400		60230		240	240		Mail & Distribution (60460)
								0			
	71-10	3506		711100		50310		(4,112)	(4,112)		Finance (60360)
	71-10	3506		711100		60240		4,112	4,112		Finance (60360)

EXPENDITURES & REVENUES

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

Line Item	Fund Center	Fund Code	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
			Internal Order	Cost Center	WBS Element						
1							0				
2	71-20	3506		712006		50310	(1,906)	(1,906)			HR (60365)
3	71-20	3506		712006		60240	1,906	1,906			HR (60365)
4							0				
5	19	1000		9500001000		50310	(400)	(400)			Central Indirect (60350)
6	19	1000		9500001000		60470	400	400			Central Indirect (60350)
7							0				
8	40-90	1000		409050		50370	(14,093)	(14,093)			Department Indirect (60355)
9	40-90	1000		409001		60000	14,093	14,093			Use additional dept indirect to reduce dept salary savings
10							0		0		
11							0				
12							0				
13							0				
14							0				
15								0	0		GRAND TOTAL

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

						ANNUALIZED			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6352	63707	HEALTH EDUCATOR		1.00	40,445	11,657	10,945	63,047
1505	6047	63707	COMMUNITY HEALTH SPECIALIST 2		0.50	16,036	4,622	5,202	25,860
1505	6021	63707	PROGRAM DEVELOPMENT SPEC		0.35	16,823	4,848	4,003	25,674
1505	6087	63707	RESEARCH/EVALUATION ANALYST/SENIOR		0.15	8,855	2,552	1,823	13,230
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					2.00	82,159	23,679	21,973	127,811

6. CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org Unit	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1505	6352	63707	HEALTH EDUCATOR		0.58	23,458	6,761	6,348	36,567
1505	6047	63707	COMMUNITY HEALTH SPECIALIST		0.29	9,301	2,681	3,017	14,999
1505	6021	63707	PROGRAM DEVELOPMENT SPEC		0.29	13,939	4,017	3,317	21,273
1505	6087	63707	RESEARCH/EVALUATION ANALYS		0.13	7,674	2,212	1,580	11,466
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					1.29	54,372	15,671	14,262	84,305



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-12 DATE 12-09-04
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 12/09/04
Agenda Item #: R-12
Est. Start Time: 11:25 AM
Date Submitted: 11/23/04

BUDGET MODIFICATION: -

Agenda Title: Notice of Intent to Submit Proposals to the Federal Healthy Start Grant Competition

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

Date Requested:	<u>December 9, 2004</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Health Dept.</u>	Division:	<u>Community Health Services</u>
Contact(s):	<u>Jodi Davich</u>		
Phone:	<u>503-988-3663</u>	Ext.	<u>26561</u>
		I/O Address:	<u>160/09</u>
Presenter(s):	<u>Sharon Smith and Jan Wallinder</u>		

General Information

1. What action are you requesting from the Board?

The Health Department requests approval to submit two proposals to federal Healthy Start grant competitions, a continuation application and a new project application. The continuation project would enable the Health Department to continue serving pregnant, high risk African American women in North and Northeast Portland. The new project would focus on pregnant Hispanic teens throughout Multnomah County.

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

The Healthy Start Program is a program of the Health Resources and Services Administration's (HRSA), Maternal and Child Health Bureau (MCHB), Division of Perinatal Systems and Women's Health (DPSWH). The purpose of this program is to address significant disparities in perinatal health including disparities experienced by Hispanics, American Indians, African-Americans, Asian/Pacific Islanders, and immigrant populations.

Differences in perinatal health indicators may occur by virtue of education, income, disability, or

living in rural/isolated areas. To address disparities and the factors contributing to it in these indicators, it is anticipated that the proposed scope of project services will cover the pregnancy and interconceptional phases for women and infants residing in the proposed project area. In order to promote longer interconceptional periods (spacing pregnancies) and prevent relapses of risk behaviors, the woman and infant are to be followed through the infant's second year of life and/or two years following delivery. In addition, this funding is to be used to enhance the capacity of the community's perinatal service system which will also help meet the goal of reducing ethnic, racial, and other disparities in perinatal health.

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

We propose to submit two applications, a competing continuation application and a new project application. If funded, the competing continuation project would provide \$850,000 in grant funds per year for four years, and the new project would project \$750,000 in grant funds for four years.

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

No legal or policy issues are involved.

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

The current Healthy Start project, Healthy Birth Initiative (HBI), maintains a community consortium that involves HBI participants, community members and other organizations in program planning activities. Consortium members, HBI participants, HBI staff, Health Department staff, and other key informants have been involved in program planning.

Grant Application/Notice of Intent

If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

Health Resources and Services Administration, Bureau of Maternal Child Health

- **Specify grant (matching, reporting and other) requirements and goals.**

The Health Resources and Services Administration has announced two Healthy Start grant competition due dates, December 2004 and August 2005. These competitions are structured so that current grantees may apply for competitive funds equal to their current grant award which in our case is \$850,000 per year. New applicants may request up to \$750,000 per year. Organizations can apply for more than one grant as long as the proposed projects are serving different populations or geographic target areas. The Health Department plans to submit two proposals, a competing continuation application and a new project application.

1. **Competing Continuation Project:** The Health Department has operated a federal Healthy Start program (Healthy Birth Initiative) for the past 7.5 years in North/Northeast Portland with a primary emphasis on serving African American women. Latinas have also been served by HBI. The Healthy Birth Initiative (HBI) focuses on pregnant, high risk women in their first trimester. Major project components are: outreach and recruitment; case management; health education; depression screening and referral; interconceptional care (period of time between pregnancies); and community involvement through a local consortium. Women and their children are served by the project until their baby is two years old. We plan to submit a competing application to continue HBI under the current grantee status in December 2004.

In the competing application, we propose to primarily serve African American women (adults and teens). As a group, African Americans have the highest infant mortality rates in the County. The three-year (1999-2001) infant mortality rate for African Americans (13.33 per 1000 births) in the project area is significantly higher than for Hispanics (11.25 per 1000 births) and than for Whites (4.15 per 1000 births). The federal eligibility requirement is a three-year rate (1999-2001) of 10.58 per 1000 births. Latinas in the project area barely meet the infant mortality threshold for the 1999-2001 period of time. For the next three-year period (2000-2002), Latinas in the project area have an infant mortality rate of 8.16 per 1000 births, which is significantly below the threshold. These data support the decision to focus the grant application on African American women who have highest and persistent disparities in birth outcomes.

2. The New Project: The new project, which will be submitted in August 2005, will focus on Multnomah County's pregnant Hispanic teens. The teen pregnancy rate for Multnomah County's Latinas is triple that of the general population. The 1999 – 2001 infant mortality rate for these teens is 12 per 1000 births which meets the required Healthy Start threshold. In order to address this particular group of Latina women who demonstrate higher risk of infant mortality, we propose to tailor a program to meet the needs of this population. The Health Department will begin the planning for this second Healthy Start application in January 2005. The planning process will engage community organizations and agencies who are already working with the Latina teen parent population. Through this planning process, a culturally appropriate services delivery model and interventions would be developed. At a minimum, the model would include the following mandated Healthy Start services: outreach and recruitment; case management; health education; depression screening and referral; interconceptional care (period of time between pregnancies); and community involvement through a local consortium.

- Explain grant funding detail – is this a one time only or long term commitment?
We plan to submit two proposals, a competing continuation application in December 2004 and a new project application in August 2005. These are one-time projects that have a four-year project period.
- What are the estimated filing timelines?
The competing continuation application is due 12/28/04, and the new project application is due August 30, 2005.
- If a grant, what period does the grant cover?
The competing continuation grant period would be 6/1/05 through 5/31/09. The new project grant period would be 2/1/06 through 1/31/2010.
- When the grant expires, what are funding plans?
To apply for continuation funding.
- How will the county indirect, central finance and human resources and departmental overhead costs be covered?
These costs will be integrated in to the two projects' budgets.

Required Signatures

**Department/
Agency Director:**



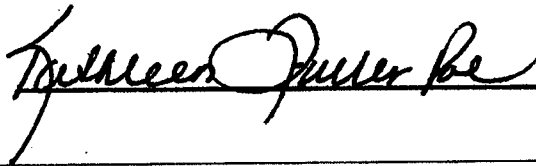
Date: 11/22/04

Budget Analyst:



Date: 11/22/04

Department HR:



Date: 11/22/04

Countywide HR:

Date: