

ANNOTATED MINUTES

Tuesday, November 7, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

Chair Diane Linn convened the meeting at 9:33 a.m., with Vice-Chair Lonnie Roberts and Commissioners Lisa Naito and Maria Rojo de Steffey present, and Commissioner Serena Cruz Walsh arriving at 9:36 a.m.

- B-1 Update on Multnomah County Sheriff's Office Operations and Policy Issues. Presented by MCSO Chief of Staff Christine Kirk and Business Services Director Larry Aab. 10 MINUTES REQUESTED.

CHRISTINE KIRK PRESENTATION ON DEVELOPING ISSUE IN RESPONSE TO STAFFING STUDY. MS. KIRK ADVISED ADDITIONAL INFORMATION WILL BE PROVIDED DURING THE THURSDAY, NOVEMBER 30, 2006 BOARD MEETING. AND LARRY AAB PRESENTATION AND UPDATE ON SOFTWARE PROGRAM IMPLEMENTING WEB BASED SYSTEM FOR SCHEDULING AND TRACKING HOURS.

IN RESPONSE TO CONCERNS EXPRESSED BY COMMISSIONERS CRUZ AND NAITO REGARDING HEAVY TRAFFIC, LACK OF BALLOT COLLECTORS OUTSIDE THE ELECTIONS OFFICE THIS MORNING AND "UNOFFICIAL" BALLOT COLLECTORS, MS. KIRK EXPLAINED THAT THE SHERIFF'S OFFICE IS ASSISTING WITH TRAFFIC PROBLEMS. CHAIR LINN ADVISED SHE DROVE BY THE ELECTIONS OFFICE THIS MORNING AND SPOKE WITH ELECTIONS DIVISION DIRECTOR JOHN KAUFFMAN AND DEPARTMENT DIRECTOR CECILIA JOHNSON AND THAT THE SITUATION IS BEING HANDLED. CHAIR LINN ADVISED THE BOARD WOULD BE KEPT INFORMED.

COMMISSIONERS ROBERTS AND CRUZ EXPRESSED CONCERN OVER "UNOFFICIAL" BALLOT COLLECTORS AND NEED TO ENSURE THAT APPROPRIATE DESIGNEES ARE IDENTIFIED. CHAIR LINN ASKED THE COMMISSIONERS TO WAIT UNTIL MR. KAUFFMAN REPORTS BACK BEFORE SENDING STAFF TO THE ELECTIONS OFFICE.

- B-2 SE Division/Ladd Brownfield Plan Update and REACH Community Development, Inc. Proposal. Presented by HC Tupper, Housing Development Specialist and Michelle Haynes, REACH Community Development, Inc. Housing Development Manager. 20 MINUTES REQUESTED.

HC TUPPER, MICHELLE HAYNES AND ALLISON HANDLER PRESENTATIONS AND RESPONSE TO BOARD QUESTIONS REGARDING REACH DEVELOPMENT PROPOSAL IN PARTNERSHIP WITH PORTLAND COMMUNITY LAND TRUST TO DEVELOP THE COUNTY'S SEVEN CORNERS PROPERTY FOR MIXED USE, GROUND FLOOR PARKING AND COMMERCIAL USE; TWO FLOORS OF CONDOS FOR SALE TO AFFORDABLE HOUSING QUALIFIED BUYERS; AND ONE FLOOR OF CONDOS FOR MORE EXPENSIVE, MARKET RATE HOUSING. BOARD COMMENTS IN APPRECIATION AND SUPPORT.

- B-3 County Attorney's 2005-2006 Annual Litigation Report. Presented by Agnes Sowle, John Thomas, Jacqueline Weber, Jenny Morf and Stephen Madkour. 30 MINUTES REQUESTED.

COUNTY ATTORNEY AGNES SOWLE AND ASSISTANT COUNTY ATTORNEYS JACQUIE WEBER, SUSAN DUNAWAY, STEPHEN MADKOUR AND JENNY MORF PRESENTATIONS AND RESPONSE TO BOARD COMMENTS IN APPRECIATION.

There being no further business, the meeting was adjourned at 10:40 a.m.

Tuesday, November 7, 2006 - 10:35 AM
(OR IMMEDIATELY FOLLOWING BOARD BRIEFINGS)
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

Chair Diane Linn convened the meeting at 10:43 a.m., with Vice-Chair Lonnie Roberts and Commissioners Lisa Naito, Serena Cruz Walsh and Maria Rojo de Steffey present.

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

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 11:27 a.m.

Thursday, November 9, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

Chair Diane Linn convened the meeting at 9:30 a.m., with Vice-Chair Lonnie Roberts and Commissioners Serena Cruz Walsh and Maria Rojo de Steffey present, and Commissioner Lisa Naito arriving at 9:31 a.m.

CONSENT CALENDAR

**COMMISSIONER ROBERTS MOVED AND
COMMISSIONER CRUZ SECONDED, APPROVAL
OF THE CONSENT CALENDAR.**

Commissioner Naito arrived at 9:31 a.m.

THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-3) WAS UNANIMOUSLY APPROVED.

NON-DEPARTMENTAL

- C-1 Reappointment of Tom Landye and Appointment of Jack Pessia to the Multnomah County INVESTMENT ADVISORY BOARD

DEPARTMENT OF COUNTY HUMAN SERVICES

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

ORDER 06-182

DEPARTMENT OF COMMUNITY SERVICES

- C-3 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to PETRA WOODWORTH

RESOLUTION 06-183

REGULAR AGENDA
PUBLIC COMMENT

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.

GEOFF THOMPSON, WITH ANGELO SIMIONE, COMMENTS ON OCTOBER LAND USE HEARING REGARDING THE VIEW POINT INN CONDITIONAL USE PERMIT, THE INCONVENIENCES TO APPLICANTS' ATTORNEY AND OTHER PARTICIPANTS, AND THE MISSED SUBMISSION DEADLINE OF THE HEARINGS OFFICER DECISION. MR. THOMPSON EXPRESSED HIS FRUSTRATION AND LACK OF CONFIDENCE IN COUNTY STAFF AND ELECTED OFFICIALS. CHAIR LINN EXPLAINED THE INDEPENDENT HEARINGS OFFICER, NOT COUNTY STAFF, GENERATED THE DELAY, AND

ADVISED THE HEARINGS OFFICER MISSED HER DEADLINE YESTERDAY AFTERNOON, THAT SHE MADE AN ERROR ON HER DECISION AND THAT SHE IS WORKING ON CORRECTING IT AND SUBMITTING HER DECISION TODAY.

DEPARTMENT OF COUNTY HUMAN SERVICES

- R-1 Budget Modification DCHS-11 Appropriating \$53,340 from a New Edward Byrne Memorial Grant Awarded to Domestic Violence and Providing Funding for a New 0.26 FTE Program Development Technician

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-1. CHIQUITA ROLLINS EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-2 Budget Modification DCHS-12 Increasing Developmental Disabilities Services Division Federal/State Appropriation by \$2,054,697 to Reflect State of Oregon Funding Revisions

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-2. PATRICE BOTSFORD EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-3 Budget Modification DCHS-13 Appropriating \$241,678 of Title XIX for Limited Duration Eligibility Specialist Positions for the Medicare Modernization Act in Aging and Disabilities Services Division

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-3. DANA LLOYD EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

DEPARTMENT OF COMMUNITY SERVICES

- R-4 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Troutdale's Recent Land Use Code, Plan and Map Revisions in Compliance with Metro's Functional Plan and Declaring an Emergency

ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ROBERTS MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF FIRST READING AND ADOPTION. KAREN SCHILLING EXPLANATION AND RESPONSE TO QUESTION OF COMMISSIONER ROBERTS REGARDING THE EMERGENCY ADOPTION CLAUSE. NO ONE WISHED TO TESTIFY. ORDINANCE 1085 UNANIMOUSLY ADOPTED.

- R-5 Intergovernmental Expenditure Agreement 4600006289 with Metro for Traffic Studies for Sellwood Bridge Rehabilitation or Replacement Project

COMMISSIONER ROJO MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-5. JERRY ELLIOTT EXPLANATION. MR. ELLIOTT AND MS. SCHILLING UNABLE TO RESPOND TO QUESTION OF COMMISSIONER ROJO ASKING WHY THE TERM OF THE CONTRACT WITH METRO IS FOR THREE YEARS WHEN THE TRAFFIC STUDY WILL ONLY TAKE TWO YEARS. COMMISSIONER ROJO ADVISED SHE WOULD VOTE IN SUPPORT OF THE AGREEMENT TODAY AS THE CONTRACT AMOUNT IS NOT TO EXCEED \$100,000. STAFF TO PROVIDE RESPONSE TO COMMISSIONER ROJO'S QUESTION. AGREEMENT UNANIMOUSLY APPROVED.

- R-6 RESOLUTION Authorizing Multnomah County Staff to Initiate Proceedings to Legalize a Portion of SW Hewett Boulevard, County Road No. 405

COMMISSIONER ROJO MOVED AND COMMISSIONER CRUZ SECONDED, APPROVAL OF R-6. PATRICK HINDS AND ASSISTANT COUNTY ATTORNEY MATTHEW RYAN EXPLANATION AND RESPONSE TO QUESTION OF COMMISSIONER ROBERTS. RESOLUTION 06-184 UNANIMOUSLY ADOPTED.

DEPARTMENT OF COMMUNITY JUSTICE

- R-7 Budget Modification DCJ-09 Creating a Full-time Community Works Leader and a Half-time Office Assistant 2, as Determined by the Class/Comp Unit of Central Human Resources, and Using a Vacant Juvenile Counseling Assistant Position

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-7. DAVID KOCH EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-8 Budget Modification DCJ-10 Appropriating \$47,270 in Federal Project Safe Neighborhoods Funds to Support Educational Advocacy for Delinquent Youth Who are Involved in Gangs

COMMISSIONER CRUZ MOVED AND COMMISSIONER NAITO SECONDED, APPROVAL OF R-8. DAVID KOCH EXPLANATION AND RESPONSE TO COMMENTS IN APPRECIATION AND SUPPORT BY COMMISSIONER NAITO. MR. KOCH RESPONSE TO QUESTION OF COMMISSIONER ROJO. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-9 Budget Modification DCJ-11 Appropriating \$52,334 in Federal Project Safe Neighborhoods Funds to Promote Successful Transition of Gang Offenders Back into the Community

COMMISSIONER CRUZ MOVED AND COMMISSIONER ROBERTS SECONDED, APPROVAL OF R-9. SHADMAN AFZAL AND CARL GOODMAN EXPLANATION. BUDGET MODIFICATION UNANIMOUSLY APPROVED.

- R-10 Budget Modification DCJ-13 Appropriating \$17,254 in Federal Funds Administered by Housing Authority of Portland Provided by the City of Portland to Provide Rental Assistance for Clients and their Families Through the DCJ Adult Transitional Housing Unit

COMMISSIONER CRUZ MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF SUBSTITUTE BUDGET MODIFICATION INCREASING THE APPROPRIATION AMOUNT. LIV JENSSEN EXPLANATION. BUDGET

**MODIFICATION DCJ-13 APPROPRIATING \$25,454
IN FEDERAL FUNDS ADMINISTERED BY
HOUSING AUTHORITY OF PORTLAND
PROVIDED BY THE CITY OF PORTLAND TO
PROVIDE RENTAL ASSISTANCE FOR CLIENTS
AND THEIR FAMILIES THROUGH THE DCJ
ADULT TRANSITIONAL HOUSING UNIT
UNANIMOUSLY APPROVED.**

SCHOOL AND COMMUNITY PARTNERSHIPS

R-11 Budget Modification OSCP-06 Increasing the School and Community Partnerships' Fiscal Year 2007 Budget by \$56,943 in State of Oregon Emergency Housing Account and Housing Stabilization Program Grant Funding

**COMMISSIONER CRUZ MOVED AND
COMMISSIONER ROJO SECONDED, APPROVAL
OF R-11. MARY LI EXPLANATION. BUDGET
MODIFICATION UNANIMOUSLY APPROVED.**

DEPARTMENT OF HEALTH

R-12 Budget Modification HD-07 Approving Three Position Changes in the Health Department's School and Community Dental Program to Better Fit the Needs of the Department

**COMMISSIONER CRUZ MOVED AND
COMMISSIONER ROJO SECONDED, APPROVAL
OF R-12. MARY LOOS EXPLANATION. BUDGET
MODIFICATION UNANIMOUSLY APPROVED.**

NON-DEPARTMENTAL

R-13 RESOLUTION Declaring Board Policy for All Multnomah County Sheriff Deputies to Receive Crisis Intervention Training (CIT) and to Review the Costs and Processes to Achieve this Policy

**COMMISSIONER NAITO MOVED AND
COMMISSIONER ROJO SECONDED, APPROVAL
OF R-13. COMMISSIONER NAITO EXPLANATION
AND COMMENTS IN SUPPORT. SHERIFF
BERNIE GIUSTO COMMENTS IN APPRECIATION**

FOR COMMISSIONER NAITO'S LEADERSHIP AND IN SUPPORT OF THE TRAINING IN PARTNERSHIP WITH THE CITY OF PORTLAND POLICE BUREAU. ANGELA KIMBALL OF OREGON PARTNERS IN CRISIS TESTIMONY IN SUPPORT OF RESOLUTION AND THE NEED FOR CRISIS INTERVENTION TRAINING. CHAIR LINN THANKED MS. KIMBALL FOR HER EXTRAORDINARY ADVOCACY. PORTLAND POLICE OFFICER PAUL WARE EXPLANATION AND COMMENTS IN SUPPORT, ADVISING FIVE SHERIFFS OFFICE DEPUTIES WILL BE INCLUDED IN EACH PORTLAND POLICE BUREAU TRAINING SESSION. COMMISSIONER NAITO EXPRESSED HER APPRECIATION TO OFFICER WARE FOR HIS EXPERTISE AND ADVOCACY. COMMISSIONER ROBERTS COMMENTS IN SUPPORT AND SUGGESTION THAT EAST COUNTY CITIES ARE INCLUDED IN THE TRAINING SESSIONS. COMMISSIONER CRUZ EXPRESSED HER APPRECIATION TO COMMISSIONER NAITO FOR HER INITIATIVE AND PROMPTNESS IN THIS MATTER. CHAIR LINN COMMENTS IN SUPPORT AND APPRECIATION. RESOLUTION 06-185 UNANIMOUSLY ADOPTED.

R-14 RESOLUTION Endorsing the Housing Alliance 2007 Housing Opportunity Agenda and Urging the Legislature to Meet the Housing Needs of Low and Very Low Income Oregonians in Urban and Rural Areas

COMMISSIONER CRUZ MOVED AND COMMISSIONER ROJO SECONDED, APPROVAL OF R-14. COMMISSIONER CRUZ EXPLANATION AND COMMENTS IN SUPPORT. NEIGHBORHOOD PARTNERSHIP EXECUTIVE DIRECTOR JANET BOYD EXPLANATION OF HOUSING ALLIANCE HOUSING OPPORTUNITIES AGENDA, PROPOSED SOURCE OF FUNDS, HOW RESOURCES WOULD BE USED AND MULTNOMAH COUNTY'S PROPOSED SHARE. IN RESPONSE TO QUESTIONS OF COMMISSIONER ROBERTS, MS. BOYD ADVISED THEY WOULD

REQUEST ONE-TIME-ONLY LOTTERY PROCEEDS AND SUGGESTED A COUPLE OF WAYS TO DETERMINE ELIGIBILITY TO RECEIVE HOUSING ASSISTANCE. GRESHAM POLICE CHIEF CARLA PILUSO COMMENTED IN SUPPORT OF RESOLUTION AND THE NEED TO PROVIDE AFFORDABLE HOUSING, IMPROVE SELF ESTEEM AND REDUCE CRIMINAL BEHAVIOR. COMMISSIONER CRUZ ADVISED THAT PUBLIC AFFAIRS DIRECTOR GINA MATTIODA WAS UNABLE TO BE HERE TODAY, BUT IS READY TO ADD THIS ISSUE TO THE LEGISLATIVE AGENDA. COMMISSIONER CRUZ ADVISED SHE SPOKE TO ASSESSMENT AND TAXATION DIRECTOR KATHY TUNEBERG WHO ASSURED HER THAT INCREASING THE DOCUMENT RECORDING FEE WOULD NOT BE A PROBLEM. COMMISSIONER NAITO COMMENTED IN SUPPORT OF FUNDING FOR AFFORDABLE HOUSING AND SUGGESTED THAT MS. MATTIODA MOVE FORWARD AND MAKE THIS ISSUE ONE OF THE BOARD'S LEGISLATIVE PRIORITIES. COMMISSIONER ROJO COMMENTED IN SUPPORT AND APPRECIATION FOR CHIEF PILUSO'S PRESENTATION AND THANKED COMMISSIONER CRUZ FOR BRINGING THIS RESOLUTION FORWARD AND FOR HER WORK ON HOMELESSNESS AND AFFORDABLE HOUSING ISSUES. COMMISSIONER ROBERTS AND CHAIR LINN COMMENTS IN SUPPORT AND APPRECIATION. RESOLUTION 06-186 UNANIMOUSLY ADOPTED.

There being no further business, the meeting was adjourned at 10:38 a.m.

Thursday, November 9, 2006 - 10:45 AM
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

Chair Diane Linn convened the meeting at 10:40 a.m., with Vice-Chair Lonnie Roberts and Commissioners Lisa Naito, Serena Cruz Walsh and Maria Rojo de Steffey present.

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

EXECUTIVE SESSION HELD.

There being no further business, the meeting was adjourned at 11:00 a.m.

BOARD CLERK FOR MULTNOMAH COUNTY, OREGON

Deborah L. Bogstad



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

REVISED

BOARD OF COMMISSIONERS

Diane Linn, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

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Maria Rojo de Steffey, Commission Dist. 1

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Email: district1@co.multnomah.or.us

Serena Cruz Walsh, Commission Dist. 2

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Lisa Naito, Commission Dist. 3

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Lonnie Roberts, Commission Dist. 4

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NOVEMBER 7 & 9, 2006 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

| | |
|--|---|
| Pg 2 | 9:30 a.m. Tuesday Update on Sheriff's Office Operations and Policy Issues |
| Pg 2 | 9:40 a.m. Tuesday SE Division/Ladd Brownfield Plan Update and REACH Community Development, Inc. Proposal |
| Pg 2 | 10:00 a.m. Tuesday County Attorney's Report |
| Pg 2 | 10:30 a.m. Tuesday Executive Session |
| Pg 3 | 9:30 a.m. Thursday Public Comment |
| Pg 5 | 10:05 a.m. Thursday Resolution Declaring Board Policy for All Multnomah County Sheriff Deputies to Receive Crisis Intervention Training |
| Pg 5 | 10:35 a.m. Thursday Resolution Endorsing the Housing Alliance 2007 Housing Opportunity Agenda |
| The November 16, 23 and December 21 and 28 Board are Meetings Cancelled | |

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
Saturday, 10:00 AM, Channel 29
Sunday, 11:00 AM, Channel 30
Tuesday, 8:00 PM, Channel 29

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Tuesday, November 7, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFINGS

- B-1 Update on Multnomah County Sheriff's Office Operations and Policy Issues. Presented by MCSO Chief of Staff Christine Kirk and Business Services Director Larry Aab. 10 MINUTES REQUESTED.
- B-2 SE Division/Ladd Brownfield Plan Update and REACH Community Development, Inc. Proposal. Presented by HC Tupper, Housing Development Specialist and Michelle Haynes, REACH Community Development, Inc. Housing Development Manager. 20 MINUTES REQUESTED.
- B-3 County Attorney's 2005-2006 Annual Litigation Report. Presented by Agnes Sowle, John Thomas, Jacqueline Weber, Jenny Morf and Stephen Madkour. 30 MINUTES REQUESTED.

CABLE PLAYBACK INFO:

Tuesday, November 7 - 9:30 AM LIVE Channel 29
Thursday, November 9 - 8:00 PM Channel 29
Friday, November 10 - 1:00 PM Channel 30
Saturday, November 11 - 2:00 PM Channel 29

Tuesday, November 7, 2006 - 10:35 AM
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EXECUTIVE SESSION

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Thursday, November 9, 2006 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

- C-1 Reappointment of Tom Landye and Appointment of Jack Pessia to the Multnomah County INVESTMENT ADVISORY BOARD

DEPARTMENT OF COUNTY HUMAN SERVICES

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

DEPARTMENT OF COMMUNITY SERVICES

- C-3 RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to PETRA WOODWORTH

REGULAR AGENDA - 9:30 AM **PUBLIC COMMENT**

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.

DEPARTMENT OF COUNTY HUMAN SERVICES - 9:30 AM

- R-1 Budget Modification DCHS-11 Appropriating \$53,340 from a New Edward Byrne Memorial Grant Awarded to Domestic Violence and Providing Funding for a New 0.26 FTE Program Development Technician
- R-2 Budget Modification DCHS-12 Increasing Developmental Disabilities Services Division Federal/State Appropriation by \$2,054,697 to Reflect State of Oregon Funding Revisions

- R-3 Budget Modification DCBS-13 Appropriating \$241,678 of Title XIX for Limited Duration Eligibility Specialist Positions for the Medicare Modernization Act in Aging and Disabilities Services Division

DEPARTMENT OF COMMUNITY SERVICES - 9:40 AM

- R-4 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Troutdale's Recent Land Use Code, Plan and Map Revisions in Compliance with Metro's Functional Plan and Declaring an Emergency
- R-5 Intergovernmental Expenditure Agreement 4600006289 with Metro for Traffic Studies for Sellwood Bridge Rehabilitation or Replacement Project
- R-6 RESOLUTION Authorizing Multnomah County Staff to Initiate Proceedings to Legalize a Portion of SW Hewett Boulevard, County Road No. 405

DEPARTMENT OF COMMUNITY JUSTICE - 9:50 AM

- R-7 Budget Modification DCJ-09 Creating a Full-time Community Works Leader and a Half-time Office Assistant 2, as Determined by the Class/Comp Unit of Central Human Resources, and Using a Vacant Juvenile Counseling Assistant Position
- R-8 Budget Modification DCJ-10 Appropriating \$47,270 in Federal Project Safe Neighborhoods Funds to Support Educational Advocacy for Delinquent Youth Who are Involved in Gangs
- R-9 Budget Modification DCJ-11 Appropriating \$52,334 in Federal Project Safe Neighborhoods Funds to Promote Successful Transition of Gang Offenders Back into the Community
- R-10 Budget Modification DCJ-13 Appropriating \$17,254 in Federal Funds Administered by Housing Authority of Portland Provided by the City of Portland to Provide Rental Assistance for Clients and their Families Through the DCJ Adult Transitional Housing Unit

SCHOOL AND COMMUNITY PARTNERSHIPS - 10:00 AM

- R-11 Budget Modification OSCP-06 Increasing the School and Community Partnerships' Fiscal Year 2007 Budget by \$56,943 in State of Oregon Emergency Housing Account and Housing Stabilization Program Grant Funding

DEPARTMENT OF HEALTH - 10:03 AM

R-12 Budget Modification HD-07 Approving Three Position Changes in the Health Department's School and Community Dental Program to Better Fit the Needs of the Department

NON-DEPARTMENTAL - 10:05 AM

R-13 RESOLUTION Declaring Board Policy for All Multnomah County Sheriff Deputies to Receive Crisis Intervention Training (CIT) and to Review the Costs and Processes to Achieve this Policy

R-14 RESOLUTION Endorsing the Housing Alliance 2007 Housing Opportunity Agenda and Urging the Legislature to Meet the Housing Needs of Low and Very Low Income Oregonians in Urban and Rural Areas

Thursday, November 9, 2006 - **10:45 AM**
(OR IMMEDIATELY FOLLOWING REGULAR MEETING)
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IF NEEDED EXECUTIVE SESSION

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



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 11/07/06
 Agenda Item #: B-1
 Est. Start Time: 9:30 AM
 Date Submitted: 11/01/06

BUDGET MODIFICATION: -

Agenda Title: Update on Multnomah County Sheriff's Office Operations and Policy Issues

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

Date Requested: November 7, 2006 **Time Requested:** 10 minutes
Department: Sheriff's Office **Division:** Administration
Contact(s): Christine Kirk
Phone: 503.988.4301 **Ext.** 84301 **I/O Address:** 503 / 350
Presenter(s): Chief of Staff Christine Kirk and Business Services Director Larry Aab

General Information

1. **What action are you requesting from the Board?**
 Briefing
2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**
 The Sheriff has offered to provide regularly scheduled briefings on major policy issues and operational choices to the Board on a regular basis.
3. **Explain the fiscal impact (current year and ongoing).**
4. **Explain any legal and/or policy issues involved.**
5. **Explain any citizen and/or other government participation that has or will take place.**

Required Signatures

**Department/
Agency Director:**

Berrie Lefato

Date: 11/01/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



**MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST**

Board Clerk Use Only

Meeting Date: 11/07/06
 Agenda Item #: B-2
 Est. Start Time: 9:40 AM
 Date Submitted: 10/31/06

BUDGET MODIFICATION: -

Agenda Title: SE Division/Ladd Brownfield Plan Update and REACH Community Development, Inc. Proposal

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

Date Requested: November 7, 2006 **Time Requested:** 20 minutes
Department: Non-Departmental **Division:** Commissioner Maria Rojo de Steffey
Contact(s): Matthew Lashua
Phone: 503 988 6796 **Ext.** 86796 **I/O Address:** 503/6
Presenter(s): HC Tupper, Housing Development Specialist and Michelle Haynes, REACH Community Development, Inc. Housing Development Manager

General Information

1. **What action are you requesting from the Board?**
Informational Only
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
3. **Explain the fiscal impact (current year and ongoing).**
4. **Explain any legal and/or policy issues involved.**
5. **Explain any citizen and/or other government participation that has or will take place.**

Required Signatures

**Department/
Agency Director:**

Mania Rojo de Steffen

Date: 10/31/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date:



REACH

Community Development, Inc.

1135 SE Salmon Street • Portland, OR 97214 • 503.231.0682 • Fax: 503.236.3429 • www.reachcdc.org

Board of Directors

Betsy Ames
President
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Dee Walsh

October 17, 2006

HC Tupper, Housing Development Specialist.
Multnomah County
421 SW Sixth Avenue, Suite 200
Portland, OR 97204-1623

RE: 1949 SE Division

Dear Mr. Tupper,

This letter will outline REACH Community Development's proposal to acquire and redevelop the County-owned lot at 1949 SE Division as a mixed-use affordable condominium project. This 9,500 SF parcel is located in an excellent location: it is in the thriving "Seven Corners" neighborhood commercial district on the edge of Ladd's Addition, and it has superb access to retail services and transit. Zoning designation is Storefront Commercial with an historic overlay.

Project History

A brief recap of the property's history might be helpful to readers who are new to the project. This triangular lot at the intersection of SE Division and Ladd, was used as a gas station for decades, during which it suffered significant soil contamination from leaking underground gasoline storage tanks. Multnomah County acquired the site through tax foreclosure in the mid 1990's.

In 1999, the County placed the property in the Affordable Housing Development Program (AHDP) and awarded it to REACH. For liability reasons, REACH asked to postpone taking title until environmental assessment and clean-up was complete. From 1999 through 2005, the Multnomah County worked in partnership with REACH and Portland's Bureau of Environmental Services to secure federal EPA grants and clean up the site for redevelopment. The clean-up and a six-month ground water monitoring period were finally completed in August 2006.

The site will very soon be approved by DEQ for redevelopment, but DEQ will require installation of a passive environmental ventilation system under the ground floor of the new building. As an additional precaution, DEQ has prohibited construction of residential units on the ground floor and will require indoor air quality monitoring.

REACH originally intended to develop the property as rental housing for very low income elderly or physically disabled. In June 2006, REACH executed a one-year Purchase and Sale agreement with Multnomah County with the intent to submit a HUD grant application for project financing. However, HUD standards regarding development of "brownfield" sites have recently been tightened to prohibit use of any property with an environmental condition like the one on the Division site. Late in June, REACH was informed that the lot cannot be used to develop a HUD-funded project.

REACH then assessed alternative uses that meet the intent of Multnomah County's AHDP. We determined that the lot is too small to support a Low Income Housing Tax Credit or other rental housing project.

But we recognized that it a superb location for a mixed-use condominium project. As a long-term SE Portland property owner, REACH is acutely aware of soaring property values and the scarcity of affordable homeownership opportunities in the neighborhood. This site presents a rare opportunity to accomplish several public goals: give lower-income buyers a chance to buy a home in a very desirable neighborhood, enhance the vitality of a diverse commercial district *and* return a former brownfield lot to the tax rolls.

REACH Proposal

Recognizing the unique appeal of the Division lot's "Seven Corners" location, we asked the Portland Community Land Trust (PCLT) to partner with us to develop a condominium project with homes that will be permanently affordable to buyers in the 80%MFI income range.

Due to the small size and triangular shape of the Division lot, it is apparent that most of the condo units must be small, one-bedroom units. While these homes are ideal for first-time buyers who wish to secure a "toehold" in the housing market, they are not suitable for most families. Since most public homeownership subsidies are restricted to family housing, *it is clear that the Division lot must be developed without public subsidies* other than the County's land donation.

Therefore, REACH and PCLT are proposing to develop a mixed-income project that relies primarily on "cross-subsidy". Through this approach, profits from the sale of ground-floor commercial spaces and some market-rate condominiums on the upper floors will be used to subsidize the cost of the other condos, allowing us to sell them at a very affordable price. This mechanism will create a true mixed-use, mixed-income building with over half of the units remaining permanently affordable.

We propose to develop a four-story building with three floors of residential condominiums over a ground-floor with two retail bays and on-grade parking. Our preliminary analysis indicates that we can develop about 25 residential units, of which *at least* 13-15 will be Portland Community Land Trust (PCLT) units affordable to buyers at 80%MFI or less (\$126,500 for a one- bedroom condo).

When the original buyers of the PCLT condos sell their homes, approximately $\frac{3}{4}$ of the appreciation remains as effective subsidy to keep the unit affordable. This allows PCLT to re-sell units to new buyers in the same 80% MFI income range. PCLT will use an affordability covenant (deed restriction) to ensure that the condos will be permanently affordable. The affordability covenant will contain substantially the same restrictions as the PCLT land lease agreement, the legal mechanism by which PCLT ensures affordability for its single-family and duplex houses.

The commercial space and 5-10 of the residential condos will be sold at the highest rate the market will bear, with the sales proceeds subsidizing the affordable units.

REACH and PCLT will refine our pricing and affordability strategy as we firm up our design, cost estimates, and financing. We will determine the optimal mix of PCLT and market-rate units, and we may opt to offer some "recapture" units at an intermediate price affordable to buyers in the 100% MFI range. While these intermediate units would not remain affordable permanently to future buyers, they would be sold to the initial buyers at a below-market price. When the initial buyers sold their condos, a portion of the sales proceeds would be "recaptured" or returned to REACH to invest in a future homeownership project.

REACH plans to contribute substantial amounts of its own cash equity in the project to reduce predevelopment and financing costs. In addition, REACH and PCLT will seek foundation funding to further reduce costs and provide even deeper affordability.

Development Partners' Roles

REACH and PCLT have agreed in principle on a development partnership. We plan to memorialize our understanding in a formal Memo of Understanding (MOU) once we receive approval of our concept from Multnomah County. Under our proposed partnership, REACH will serve as the lead developer. REACH's responsibilities will include:

- Financial structuring, feasibility analysis, and obtaining of predevelopment and construction financing from third parties.
- Contribution of REACH equity (predevelopment and construction loans at 3% interest- our cost of funds), for project development as necessary to meet the equity requirements of our lenders.
- Retention of project development team, including the architect, general contractor, appraiser, legal counsel, development consultants, etc.
- Construction management
- Sales of market-rate and any "recapture" units
- Marketing and sales of ground-floor commercial condominiums

REACH anticipates that its role in the project will end after all initial commercial and residential condominium sales are complete and all construction financing is paid off. If the team opts to include some intermediately-priced units affordable to buyers at 100% MFI, REACH will "recapture" a portion of the appreciation when the initial buyer sells,

and apply the recaptured funds to the cost of developing a new affordable home ownership project.

PCLT's role in project development will include:

- Work with legal counsel and consultants to fashion affordability covenants for the Land Trust units
- Approval of major project decisions that effect project feasibility and unit marketability, including design, project amenities, condo legal structuring, etc.
- Pricing, marketing and buyer identification for the Land Trust units. PCLT and REACH will work together on pricing to ensure that the units are marketable and feasible to develop.
- Identification of foundations and other funding sources to write down the price of the affordable units, and participation with REACH in funding applications

Most importantly, PCLT will act as the long term steward of the project's Land Trust units. In perpetuity, PCLT will market the condos to new Land Trust buyers as the units turn over.

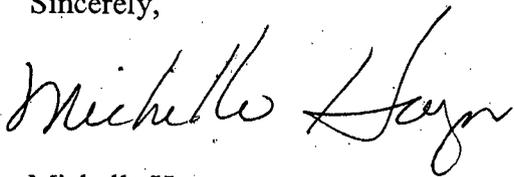
Requested Approval

REACH is requesting County approval of our proposal to redevelop the Division lot as a mixed-use, mixed income condominium project in partnership with the Portland Community Land Trust. **At a minimum, REACH pledges that at least half of the residential units will be permanently affordable to buyers at 80%MFI or less.** But we will strive to exceed this standard.

All profits from the sale of the market-rate condos and commercial space, except for a modest developer fee, will be applied to subsidize the price of the affordable units. We anticipate that this "cross-subsidy", combined with the County land donation, low-interest REACH equity contributions, and foundation fundraising by REACH and PCLT, will allow us to do better.

Thus, while REACH and PCLT are pledging only that at least 50% of the residential units will be affordable at 80%MFI, we believe that we can make a higher percentage of the condos affordable, offer deeper affordability on the Land Trust condos, or both.

Sincerely,



Michelle Haynes
Housing Development Manager

Reach - SE Ladd and Division
 2 commercial spaces, 15 units @ 80% MFI, 10 units @ market

| Unit Breakdown | # | SF | Value/SF | Price/Unit* | 80% price | Total Sales Price |
|-----------------------------------|-----------|---------------|----------|-------------|-----------|-------------------|
| Office/Commercial 1 | 1 | 946 | 350 | 331,100 | | 331,100 |
| Office/Commercial 2 | 1 | 1,474 | 350 | 515,900 | | 515,900 |
| 1-BR (80% MFI) | 13 | 650 | 201 | 130,500 | 138,600 | 1,696,500 |
| 2-BR (80% MFI) | 2 | 740 | 222 | 164,500 | 173,303 | 329,000 |
| 1-BR (market) | 3 | 650 | 325 | | | 633,750 |
| 2-BR (market) | 2 | 740 | 325 | | | 481,000 |
| 2-BR (top floor market) | 5 | 758 | 396 | 300,000 | | 1,500,000 |
| Parking spaces | 16 | | | 5,000 | | 55,000 |
| For-sale commercial | 2 | 2,420 | | | | |
| Common commercial (incl. parking) | | 5,588 | | | | |
| For-sale residential | 25 | 13,720 | | | | |
| Common residential | | 7,200 | | | | |
| Total | 27 | 16,140 | | | | 5,542,250 |

| USES | Pre-closing | Updated | Source/Notes |
|--|-------------|------------------|---|
| Land Costs | | | |
| Acquisition | - | - | Based on per/sf assessed value of land |
| Vacant land appraisal | 2,500 | 2,500 | May not be required |
| Closing costs | 200 | 200 | Reach |
| Carrying costs | - | - | Reach |
| Construction Costs | | | |
| Construction | 3,509,360 | | Reach |
| Contingency | 10.0% | 350,936 | Reach |
| T/I (commercial spaces) | | 25,000 | \$5-\$10/sf per Michelle R. |
| Liability Ins. (if not included in GC) | 4.0% | 140,374 | Reach |
| Performance Bond, if required | | - | Unlikely to be required, per Wells |
| Builder's Risk | | 15,000 | Reach |
| Development Costs | | | |
| Design | 248,655 | 198,924 | Reach |
| SDCs and Permits | 246,847 | 74,054 | Reach/HDC (I researched some SDCs) |
| Construction testing | 10,000 | | Reach |
| Surveys (ALTA, condo plat) | 12,000 | | Reach/HDC |
| Borrower legal | 15,000 | | HDC (~\$8K for condo docs per R.A.) |
| CLT legal | 10,000 | | HDC |
| Accounting | 2,000 | | Reach/HDC |
| Condo recording/review | 1,600 | | ~\$1,400 County; \$100+ State |
| Environmental / Geotech | 6,000 | 6,000 | Reach/HDC (Eli will discuss w/ lenders) |
| Property taxes | - | - | HDC (unless Reach already knows) |
| Financing Costs | | | |
| Const. Loan - fee | 0.75% | 33,254 | Estimate from Wells |
| Const. Loan - closing costs | | 16,000 | HDC |
| Const. Loan - legal | | 10,000 | Estimate from Wells |
| Const. Loan - inspections | | 8,000 | Estimate from Wells |
| Const. Loan - appraisal | | 8,000 | Estimate from Wells |
| Total loan interest | | 347,691 | Calculated; see detail |
| Sales | | | |
| Title, recording, closing fees | 1% | 55,423 | |
| Broker fee - commercial | 6% | 50,820 | Estimate from Michelle R. |
| Marketing/Realtor | 0% | | Reach |
| Developer Fee | | | |
| Soft cost contingency | 5.0% | 54,064 | HDC |
| Developer / Marketing / Sales Fee | 7.0% | 362,511 | Reach / PCLT / HDC |
| TOTAL | | 5,541,235 | 289,678 |

| Construction | SF | Cost/SF | Total |
|---------------|---------------|--------------|------------------|
| Comm/Park | 8,008 | 70.0 | 560,560 |
| Residential | 20,920 | 140.0 | 2,928,800 |
| Off-site work | - | - | - |
| Ventilation | - | - | 20,000 |
| Total | 28,928 | 121.3 | 3,509,360 |

| Design | % | Total |
|--------------|----|----------------|
| Architect | 7% | 245,655 |
| Reimb. | | 3,000 |
| Civil | | - |
| Landscape | | - |
| Structural | | - |
| Total | | 248,655 |

| Permits/SDCs | Com. | | Res. | |
|--------------|--------------|----------|--------|----------------|
| | per SF | per Unit | per SF | per Unit |
| Trans. | 15.29 | 1,197 | | 66,927 |
| Parks | | | | 1,986 |
| Storm | | | | 1,929 |
| Sewer | 2,995 | 2,396 | | 62,895 |
| Sewer branch | | | | 2,136 |
| Water | | | | 13,310 |
| Permits | | | 2000 | 50,000 |
| Total | 9,142 | | | 246,847 |

Note: Assumes no waivers for low income units
 Waivers could be worth: 83,685

| SOURCES | Rate | Amount | % of total | Predev | Const | Sales | Hand enter | Interest | Notes |
|--------------|------|------------------|---------------|--------|-------|-------|----------------|----------------|---|
| Mult. County | - | - | 0.0% | 0 | | | | | |
| Const. loan | 8.0% | 4,433,800 | 80.0% | 0 | 10 | 4 | 295,558 | 295,587 | .60 draw factor, full interest for 4 months of sales |
| Reach equity | 3.0% | 1,001,193 | 18.1% | 8 | 10 | 6 | 52,133 | 52,062 | .60 draw factor during predev, full interest during sales |
| Loan 2 | 0.0% | - | 0.0% | 0 | | | | | |
| At sale | | 106,243 | 1.9% | | | | | | |
| Total | | 5,541,235 | 100.0% | | | | 347,691 | 347,649 | |

| Alt. Sources calculation based on unrestricted market value | | | | | | | | | |
|---|------|------------------|---------------|--------|-------|-------|----------------|----------------|---|
| SOURCES | Rate | Amount | % of total | Predev | Const | Sales | Hand enter | Interest | Notes |
| Mult. County | - | - | 0.0% | 0 | | | | | |
| Const. loan | 8.0% | 5,395,200 | 80.0% | 0 | 10 | 4 | 295,558 | 359,680 | .60 draw factor, full interest for 4 months of sales |
| Reach equity | 3.0% | 39,793 | 0.7% | 8 | 10 | 6 | 52,133 | 2,069 | .60 draw factor during predev, full interest during sales |
| Loan 2 | 0.0% | - | 0.0% | 0 | | | | | |
| At sale | | 106,243 | 1.9% | | | | | | |
| Total | | 5,541,235 | 100.0% | | | | 347,691 | 361,749 | |

14,101 Added interest cost
 7,211 Added loan fee cost
 21,311 Total added cost

| Unit mix by floor | | | | | |
|-------------------|-----------|-----------|-----------|-----------|-----------|
| | 2nd floor | 3rd floor | 4th floor | Total | Check |
| 1-BR | 8 | 8 | 0 | 16 | 16 |
| 2-BR | 2 | 2 | 5 | 9 | 9 |
| Total | 10 | 10 | 5 | 25 | 25 |

| Unit mix by income level | | | |
|--------------------------|---------|--------|-------|
| | 80% MFI | Market | Total |
| 1-BR | 13 | 3 | 16 |
| 2-BR | 2 | 7 | 9 |
| | 15 | 10 | 25 |
| Percentage | 60% | 0% | 40% |
| | | | 100% |

| *Price/Unit note | |
|---|---------|
| Based on these sales prices, the actual MFI of the affordable units would be: | |
| 1-BR | 76% MFI |
| 2-BR | 77% MFI |

Const. Financing Surplus (Gap) [Redacted]
 Sales Surplus (Gap) [Redacted] (Nets out land cost)

ach - SE Ladd and Division
commercial spaces, 13 units @ 80% MFI, 7 units @ 100% MFI, 5 units @ market

| Unit Breakdown | # | SF | Value/SF | Price/Unit | 80% price | Total Sales Price |
|-----------------------------------|-----------|---------------|----------|------------|-----------|-------------------|
| Office/Commercial 1 | 1 | 946 | 350 | 331,100 | | 331,100 |
| Office/Commercial 2 | 1 | 1,474 | 350 | 515,900 | | 515,900 |
| 1-BR (80% MFI) | 12 | 650 | 195 | 126,500 | 138,600 | 1,518,000 |
| 2-BR (80% MFI) | 1 | 740 | 217 | 160,500 | 173,303 | 160,500 |
| 1-BR (100% MFI) | 4 | 650 | 293 | | | 761,176 |
| 2-BR (100% MFI) | 3 | 740 | 316 | | | 702,230 |
| 2-BR (top floor market) | 5 | 758 | 396 | 300,000 | | 1,500,000 |
| Parking spaces | 16 | | | 5,000 | | 55,000 |
| For-sale commercial | 2 | 2,420 | | | | |
| Common commercial (incl. parking) | | 5,588 | | | | |
| For-sale residential | 25 | 12,330 | | | | |
| Common residential | | 8,590 | | | | |
| Total | 27 | 14,750 | | | | 5,543,906 |

| USES | Pre-closing | Updated | Source/Notes |
|--|-------------|------------------|---|
| Land Costs | | | |
| Acquisition | - | - | Based on per/sf assessed value of land |
| Vacant land appraisal | 2,500 | 2,500 | May not be required |
| Closing costs | 200 | 200 | Reach |
| Carrying costs | - | - | Reach |
| Construction Costs | | | |
| Construction | 3,509,360 | | Reach |
| Contingency | 10.0% | 350,936 | |
| T/I (commercial spaces) | | 25,000 | \$5-\$10/sf per Michelle R. |
| Liability Ins. (if not included in GC) | 4.0% | 140,374 | Reach |
| Performance Bond, if required | | - | Unlikely to be required, per Wells |
| Builder's Risk | | 15,000 | Reach |
| Development Costs | | | |
| Design | 248,655 | 198,924 | Reach |
| SDCs and Permits | 246,847 | 74,054 | Reach/HDC (I researched some SDCs) |
| Construction testing | 10,000 | | Reach |
| Surveys (ALTA, condo plat) | 12,000 | | Reach/HDC |
| Borrower legal | 15,000 | | HDC (~\$8K for condo docs per R.A.) |
| CLT legal | 10,000 | | HDC |
| Accounting | 2,000 | | Reach/HDC |
| Condo recording/review | 1,600 | | ~\$1,400 County; \$100+ State |
| Environmental / Geotech | 6,000 | 6,000 | Reach/HDC (Eli will discuss w/ lenders) |
| Property taxes | - | - | HDC (unless Reach already knows) |
| Financing Costs | | | |
| Const. Loan - fee | 0.75% | 33,263 | Estimate from Wells |
| Const. Loan - closing costs | | 16,000 | HDC |
| Const. Loan - legal | | 10,000 | Estimate from Wells |
| Const. Loan - inspections | | 8,000 | Estimate from Wells |
| Const. Loan - appraisal | | 8,000 | Estimate from Wells |
| Total loan interest | | 347,691 | Calculated; see detail |
| Sales | | | |
| Title, recording, closing fees | 1% | 55,439 | |
| Broker fee - commercial | 6% | 50,820 | Estimate from Michelle R. |
| Marketing/Realtor | 0% | | Reach |
| Developer Fee | | | |
| Soft cost contingency | 5.0% | 54,066 | HDC |
| Developer / Marketing / Sales Fee | 7.0% | 362,513 | Reach / PCLT / HDC |
| TOTAL | | 5,541,265 | 289,678 |

| Construction | SF | Cost/SF | Total |
|---------------|---------------|--------------|------------------|
| Comm/Park | 8,008 | 70.0 | 560,560 |
| Residential | 20,920 | 140.0 | 2,928,800 |
| Off-site work | - | - | - |
| Ventilation | - | - | 20,000 |
| Total | 28,928 | 121.3 | 3,509,360 |

| Design | % | Total |
|--------------|----|----------------|
| Architect | 7% | 245,655 |
| Reimb. | | 3,000 |
| Civil | | - |
| Landscape | | - |
| Structural | | - |
| Total | | 248,655 |

| Permits/SDCs | Com. | | Res. | | Total |
|--------------|--------------|----------|--------|----------|----------------|
| | per SF | per Unit | per SF | per Unit | |
| Trans. | 15.29 | 1,197 | | | 66,927 |
| Parks | | | | | 1,986 |
| Storm | | | | | 1,929 |
| Sewer | 2,995 | 2,396 | | | 62,895 |
| Sewer branch | | | | | 2,136 |
| Water | | | | | 13,310 |
| Permits | | | 2000 | | 50,000 |
| Total | 9,142 | | | | 246,847 |

Note: Assumes no waivers for low income units
 Waivers could be worth: 72,527

| SOURCES | Rate | Amount | % of total | Predev | Const | Sales | Hand enter | Interest | Notes |
|--------------|------|------------------|---------------|--------|-------|-------|----------------|----------------|---|
| Mult. County | - | - | 0.0% | 0 | | | | | |
| Const. loan | 8.0% | 4,435,125 | 80.0% | 0 | 10 | 4 | 295,558 | 295,675 | .60 draw factor, full interest for 4 months of sales |
| Reach equity | 3.0% | 999,881 | 18.0% | 8 | 10 | 6 | 52,133 | 51,994 | .60 draw factor during predev, full interest during sales |
| Loan 2 | 0.0% | - | 0.0% | 0 | | | | | |
| At sale | | 106,259 | 1.9% | | | | | | |
| Total | | 5,541,265 | 100.0% | | | | 347,691 | 347,669 | |

| Alt. Sources calculation based on unrestricted market value | | | | | | | | | |
|---|------|------------------|---------------|--------|-------|-------|----------------|----------------|---|
| SOURCES | Rate | Amount | % of total | Predev | Const | Sales | Hand enter | Interest | Notes |
| Mult. County | - | - | 0.0% | 0 | | | | | |
| Const. loan | 8.0% | 5,395,200 | 80.0% | 0 | 10 | 4 | 295,558 | 359,680 | .60 draw factor, full interest for 4 months of sales |
| Reach equity | 3.0% | 39,806 | 0.7% | 8 | 10 | 6 | 52,133 | 2,070 | .60 draw factor during predev, full interest during sales |
| Loan 2 | 0.0% | - | 0.0% | 0 | | | | | |
| At sale | | 106,259 | 1.9% | | | | | | |
| Total | | 5,541,265 | 100.0% | | | | 347,691 | 361,750 | |

14,081 Added interest cost
 7,201 Added loan fee cost
 21,282 Total added cost

| Unit mix by floor | | | | | |
|-------------------|-----------|-----------|-----------|-----------|-----------|
| | 2nd floor | 3rd floor | 4th floor | Total | Check |
| 1-BR | 8 | 8 | 0 | 16 | 16 |
| 2-BR | 2 | 2 | 5 | 9 | 9 |
| Total | 10 | 10 | 5 | 25 | 25 |

| Unit mix by income level | | | | |
|--------------------------|---------|----------|--------|-------|
| | 80% MFI | 100% MFI | Market | Total |
| 1-BR | 12 | 4 | 0 | 16 |
| 2-BR | 1 | 3 | 5 | 9 |
| | 13 | 7 | 5 | 25 |
| Percentage | 52% | 28% | 20% | 100% |

| *Price/Unit note | |
|---|---------|
| Based on these sales prices, the actual MFI of the affordable units would be: | |
| 1-BR | 75% MFI |
| 2-BR | 75% MFI |

Const. Financing Surplus (Gap) [Redacted]
 Sales Surplus (Gap) [Redacted] (Nets out land cost)

Attachment C

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1949 SE DIVISION ST - HOSFORD-ABERNETHY -
PORTLAND

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Aerial Photo

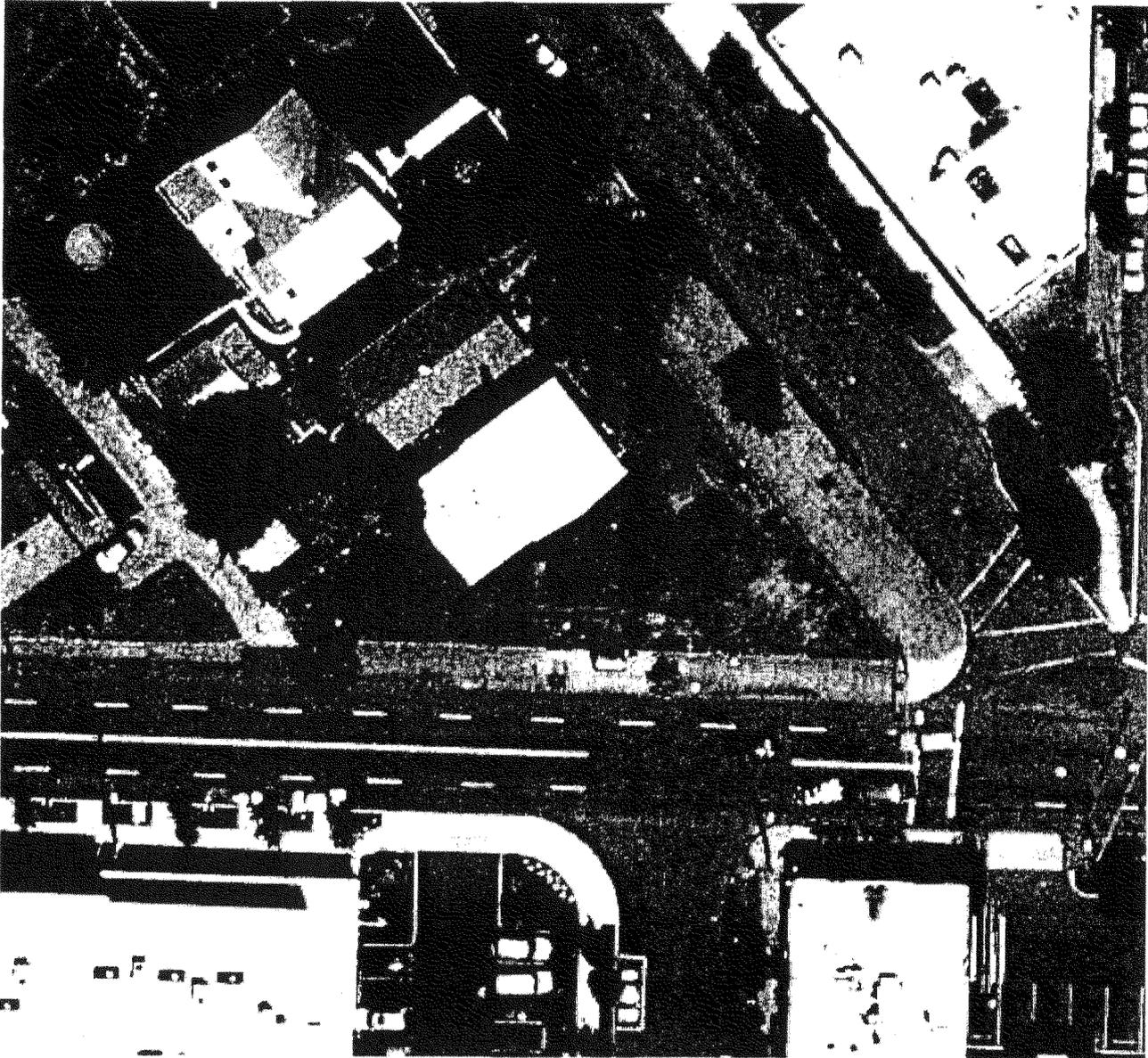
2005 / '04 / '03 / '02 / '01 / '00

6" / 2' / 4' / 10' / 20'

Streets: On / Off

Lots: On / Off

Dot: On / Off



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City of Portland, Corporate GIS

10/16/2006

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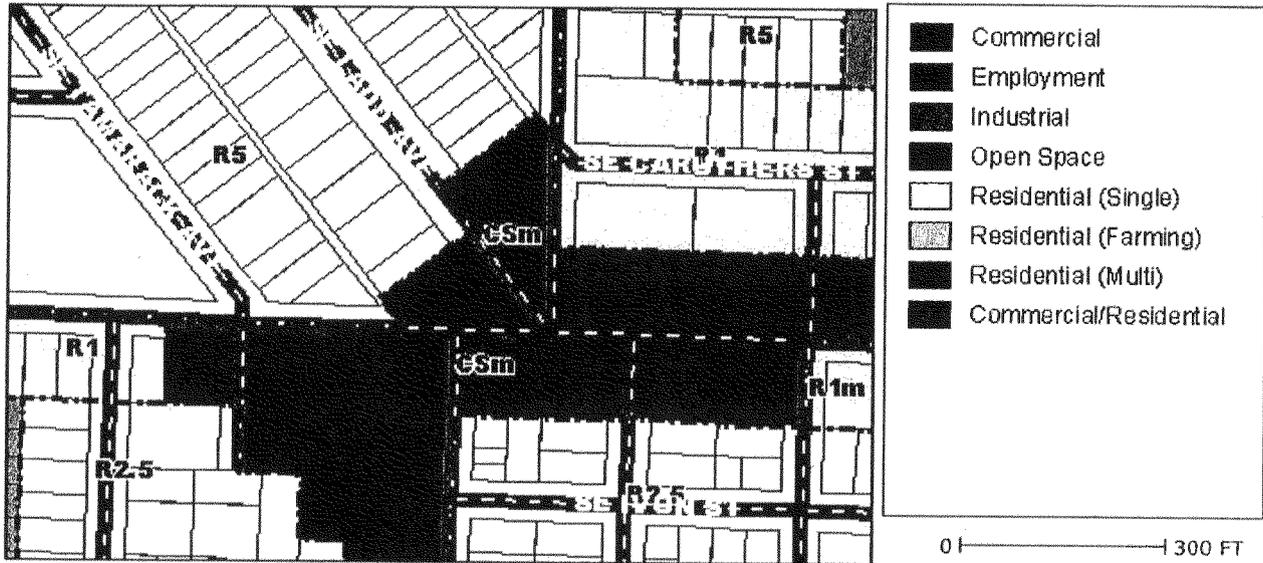
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[Explorer](#) | [Property](#) | **Maps** | [Crime](#) | [Census](#) | [Transportation](#)

[Resources](#) | [Photo](#) | [Property](#) | [Water](#) | [Sewer](#) | [Tax Map](#) | [UGB](#) | [Watershed](#) | [Zip Code](#) | **Zoning**

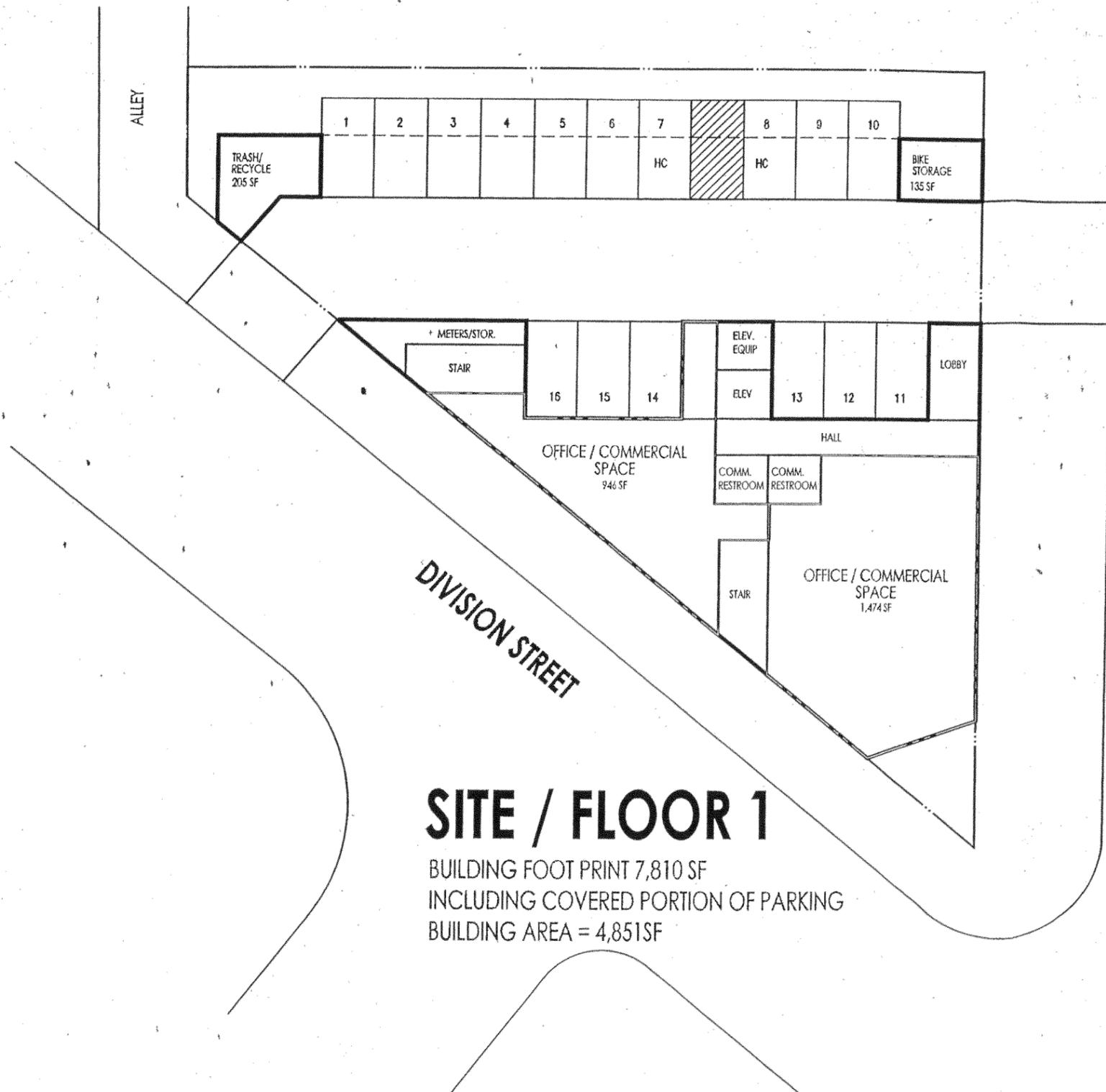
Zoning



| | | | |
|-------------------|-----------------------|--------------------------|--------------------------|
| Zone | CS | Plan District | |
| Description | Storefront Commercial | NRMP District | |
| Overlay | m | Historical Resource Type | |
| Comp Plan | UC | Historic District | Ladd's Addition Historic |
| Comp Plan Overlay | | Conservation District | |
| Zoning Map | 3232 | Urban Renewal Area | n/a |

Historical Resource Information

| | | | |
|-------------------------|-----------------|------------|--|
| District Classification | Noncontributing | Year Built | |
| Historic Name | | Architect | |
| Common Name | | Style | |



SITE / FLOOR 1

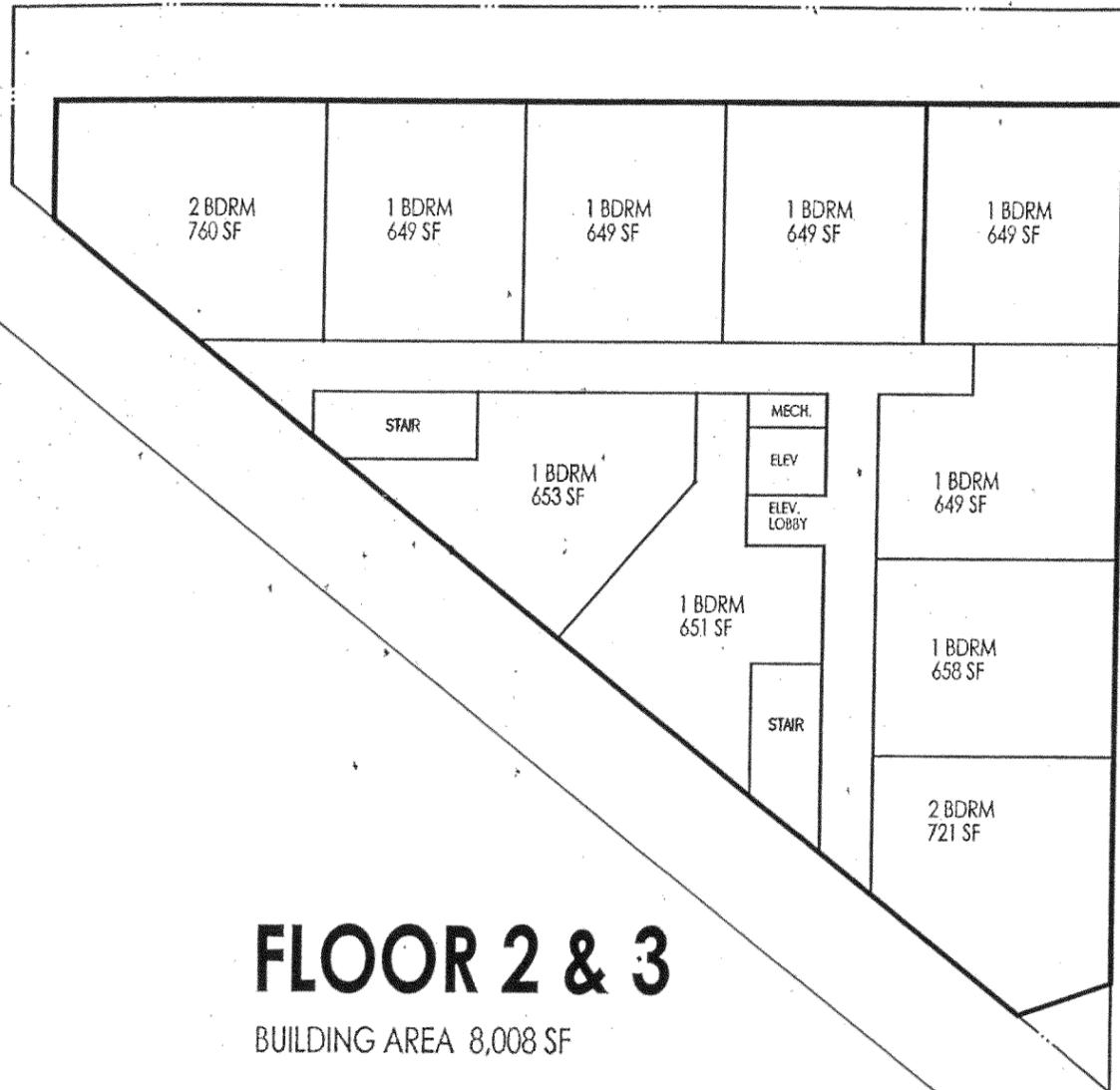
BUILDING FOOT PRINT 7,810 SF
 INCLUDING COVERED PORTION OF PARKING
 BUILDING AREA = 4,851SF

| DATA | |
|--------------------|------------------|
| SITE AREA | 9,549 SF |
| FIRST FLOOR | 3,861 SF |
| SECOND FLOOR | 8,008 SF |
| THIRD FLOOR | 8,008 SF |
| FOURTH FLOOR | 4,904 SF |
| TOTAL | 24,781 SF |
| ALLOWABLE F.A.R. | 3:1 |
| | =28,647 SF |
| PROPOSED F.A.R. | 2.6:1 |
| | =24,781 SF |
| UNIT MIX | |
| ONE BEDROOMS | 16 |
| TWO BEDROOMS | 9 |
| FIRST FLOOR | 0 |
| SECOND FLOOR | 10 |
| THIRD FLOOR | 10 |
| FOURTH FLOOR | 5 |
| TOTAL UNITS | 25 |

SE 20th & DIVISION STREET
 REACH COMMUNITY DEVELOPMENT, INC.
 6/14/2006

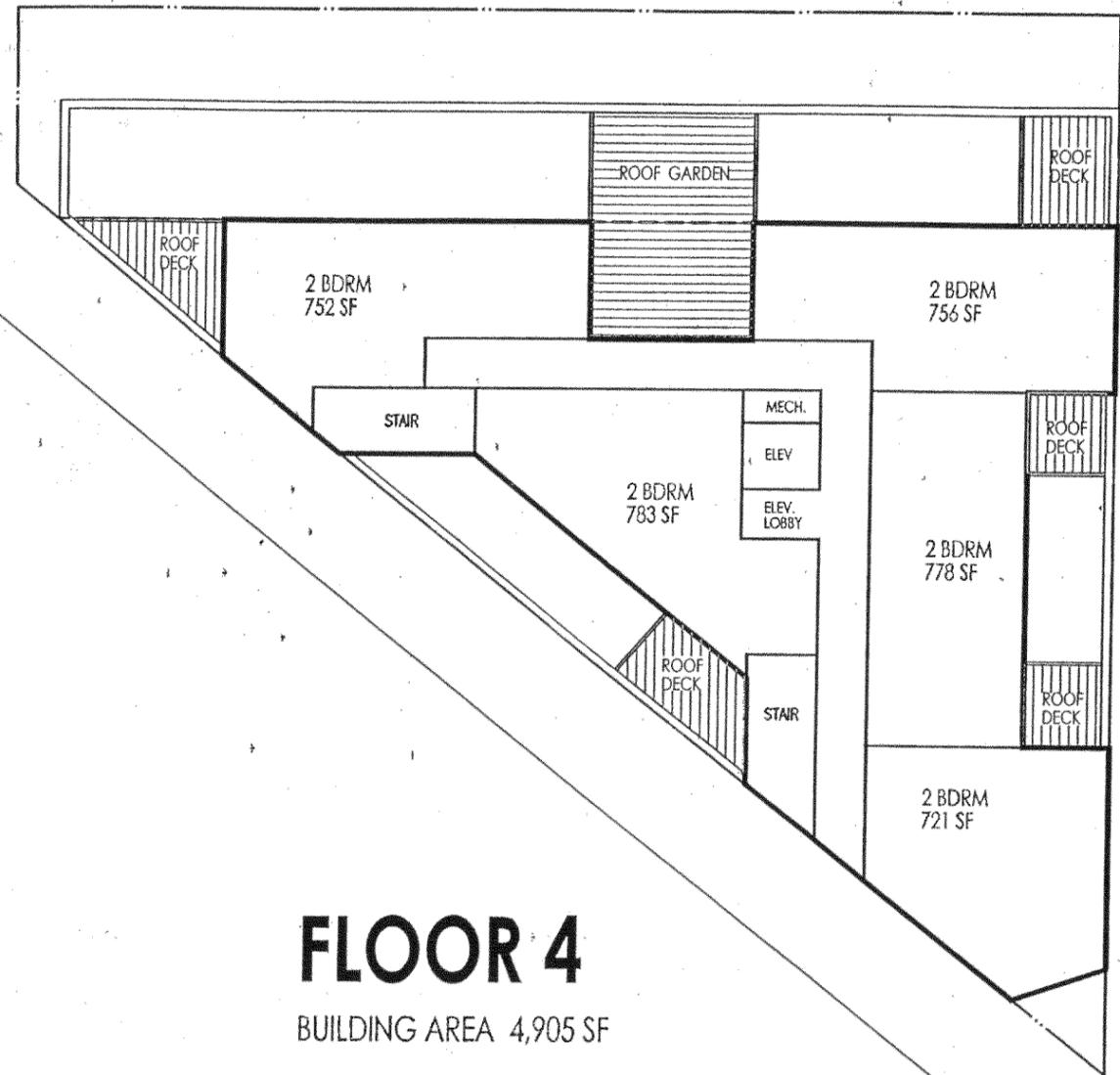
REACH Community Development, Inc.

william **wilson** architects pc
 1010 SW Eleventh, Portland, OR 97205 tel. 503 223-6693



FLOOR 2 & 3

BUILDING AREA 8,008 SF



FLOOR 4

BUILDING AREA 4,905 SF

SE 20th & DIVISION STREET
 REACH COMMUNITY DEVELOPMENT, INC.
 6/14/2006

REACH Community Development, Inc.

william **wilson** architects pc
 1010 SW Eleventh, Portland, OR 97205 tel. 503 223-6693

Attachments

Attached is supplementary information to help explain how our proposal will work:

- Attachment A: Sample pro forma with 15 PCLT units (affordable at 80%MFI) and 10 market-rate units.
- Attachment B: Sample pro forma with 13 PCLT units (affordable to buyers at 80%MFI), 7 “recapture” units (affordable at 100%MFI) and 5 market-rate units.
- Attachment C: Schematic design and site plan.
- Attachment D: Preliminary development schedule
- Attachment E: PCLT and the Land Trust model.

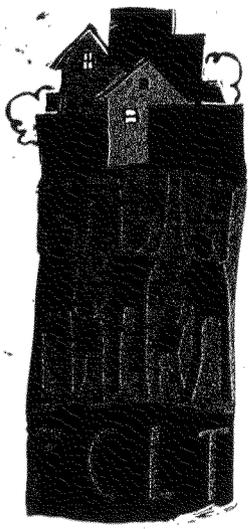


EXHIBIT E

About the Portland Community Land Trust

Housing gives people an opportunity to build better lives. Owning a home gives families pride, stability, and the opportunity for upward economic mobility. For children, the stability of homeownership is tied to success in school and in life.

Since 1999, Portland Community Land Trust has been helping families attain the American dream of homeownership. Though housing costs in Portland are skyrocketing, PCLT moves working families into homes they can afford by taking the land costs out of the equation:

- PCLT holds the land in trust and the homeowner owns the house.

- A 99-year, renewable lease gives the family full rights to use of the land: they can do the kinds of things homeowners want to be able to do, all while building wealth based on homeownership.

- Homes re-sell at prices working families can continue to afford.

affordable

homes

today &

tomorrow

PCLT bridges the gap by removing land costs from the housing equation. We hold the land in trust and make it available and accessible for permanently affordable homeownership. Land trust homeowners are able to purchase and own homes at prices they can afford. In 2006, PCLT had new homes for sale between \$115,000 and \$135,000—by comparison, the median home price in Portland is upwards of \$250,000.

PCLT uses a shared-appreciation resale formula based on market appraisals. **The resale formula ensures permanent affordability:** When land trust homeowners decide to sell, the resale price is determined by a formula: sellers are entitled to 25% of any gain in value, determined by an appraisal, in addition to receiving the equity earned servicing their debt. Part of the original purchase agreement, the formula is designed to give homeowners a fair return on their investment while giving future homebuyers access to housing at an affordable price.

By design and by intent, PCLT is committed to preserving the affordability of homes – one owner after another, one generation after another, forever.

More About Portland Community Land Trust

Homebuyer Education & Assistance: PCLT staff work closely with homebuyers to ensure they understand land trust homeownership and the overall homebuying process. Funds are available to assist homebuyers in the purchase of land trust homes.

Homeowner Support Services: PCLT homeowners have the ongoing support and information they need to protect their investment. PCLT offers workshops on topics including home maintenance and estate planning, and produces & distributes the *PCLT Homeowners Resource Guide*.

Acquisition and Housing Development: In partnership with both nonprofit and market rate developers, PCLT builds and sells new homes at prices working families can afford.

www.pclt.org

PORTLAND COMMUNITY LAND TRUST

3109-B NE Broadway, Portland, Oregon 97232

tel 503 493 7333 fax 503 493 7333 info@pclt.org

493-0293

Snapshot of PCLT

65 homes in trust, and 75+ more in various development stages.
118 units of rental housing on land held in trust.
80+ potential homebuyers on our waiting list.
\$2.9 million in assets via land in trust.
350 members – *and growing!*
Partners with nine different non-profit developers.

Who are PCLT homeowners?

73% are households with children.
44% are single-parent households.
60% are female-headed households.
49% are minorities.
10% are disabled.
Average annual household income: \$29,000

Preserving affordability: stewardship of community assets

PCLT has overseen the resale of six land trust homes and is currently managing the resale of three more. PCLT manages the resale of land trust homes in order to ensure that affordability is preserved, and that generations of homeowners are able to benefit from the community's single, substantial investment of land and capital.

While our results show PCLT homeowners leaving land trust homeownership with equity, the number of resales of PCLT homes is too small to be statistically significant. However, the Burlington Community Land Trust (Vermont) has managed 97 resales of homes in its portfolio over the past two decades. All of those homes were subject to durable controls over occupancy and resale, "controls designed to maintain their availability and affordability for low-income households far into the future." BCLT commissioned an independent study of its resales, to determine whether the CLT model performed as it promised, balancing wealth creation with subsidy retention. Excerpts from the study follow.

"The study's principal findings were as follows:

- **Preserving affordability.** Affordability not only continued between successive generations of low-income homebuyers, but improved – even when the favorable effect of falling mortgage interest rates was eliminated. The average BCLT home was affordable to a household earning 62% of Area Median Income (AMI) on initial sale. On resale, it was affordable to a household earning 57% of AMI.
- **Retaining community wealth.** Public subsidies (land and capital) invested in these houses and condominiums remained in the homes at resale, underwriting their affordability not only for the first buyers but for subsequent buyers as well.... On the initial sale, the total value of the public subsidies put into the BCLT's homes was \$1,525,148. On resale, the total value of these retained subsidies was \$2,099,590.
- **Enhancing residential stability.** Land and housing brought under the stewardship of the BCLT were rarely removed from its portfolio. Affordability and owner-occupancy protections remained in place for ninety-five percent (95%) of the 259 units of owner

occupied housing developed by the BCLT between 1984 and 2002. Even in cases where homeowners defaulted on their mortgages, their resale restricted homes stayed under the BCLT's care – neither lost to the market nor lost to absentee ownership.

- **Expanding homeownership.** Access to homeownership for persons excluded from the market was expanded. All of the households served by the BCLT earned less than median income. A majority earned considerably less than 80% of AMI
- **Creating individual wealth.** When reselling their BCLT homes, most homeowners walked away with more wealth than they had possessed when first buying a BCLT home. Their equity gains were modest when compared to what they might have realized from the resale of an unrestricted, market-rate home, had they been able to afford such a home, but BCLT homeowners still earned a respectable return on their initial investment. Their annualized rate of return, across all 97 resales, averaged 17%. The average BCLT homeowner, reselling after five years, recouped her original down payment and then realized a net gain in equity of \$6,184.
- **Enabling residential mobility.** Mobility was assured, with households who left the BCLT doing so for similar reasons, with similar destinations, and with similar success as homeowners buying and selling on the open market. Probably the most surprising finding, in light of the relatively modest equity gains realized by these homeowners on resale, was that a majority of them bought market-rate homes after leaving the BCLT. Sixty (60) households made the leap into market-rate homeownership; four (4) bought another resale-restricted BCLT home; sixteen (16) became renters; and one died. (The subsequent housing situations of another sixteen (16) households could not be determined, primarily because they left the state.) Among the BCLT homeowners whose subsequent housing situations were known, 74% of them bought market-rate homes within six months of reselling their limited-equity houses or condominiums; another 5% traded their first resale-restricted home for another, choosing to remain within the BCLT.

"The Burlington Community Land Trust operates in a housing market with rising prices, a growing demand for moderately-priced housing, and a chronic shortage of houses and condominiums within the financial reach of persons earning below 80% of median income. Community land trusts operating in markets different from the BCLT's may achieve different results. Nevertheless, the performance of the BCLT's portfolio of resale-restricted, owner-occupied housing provides encouraging evidence of the model's effectiveness, while lending credibility to the limited-equity homeownership programs of many other organizations, CLT and non-CLT alike, that seek to promote the legitimate interests of first-time homebuyers, without sacrificing the legitimate interests of a larger community. For over nineteen years, the community land trust in Burlington, Vermont has been doing what it promised to do."

The report, "Permanently Affordable Homeownership, Does the Community Land Trust Model Deliver on Its Promises?" contains complete findings and is available upon request.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 11/07/06
 Agenda Item #: B-3
 Est. Start Time: 10:00 AM
 Date Submitted: 09/25/06

Agenda Title: County Attorney's 2005-2006 Annual Litigation Report

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

Date Requested: November 7, 2006 **Time Requested:** 30 minutes
Department: Non-Departmental **Division:** County Attorney
Contact(s): Agnes Sowle, County Attorney
Phone: 503-988-3138 **Ext.** 83138 **I/O Address:** 501/500
Presenter(s): Agnes Sowle, John Thomas, Jacqueline Weber, Jenny Morf, Stephen Madkour

General Information

1. **What action are you requesting from the Board?**
Informational Only
2. **Please provide sufficient background information for the Board and the public to understand this issue.**
Presentation of the County Attorney's FY 05/06 Report
3. **Explain the fiscal impact (current year and ongoing).**
N/A
4. **Explain any legal and/or policy issues involved.**
N/A
5. **Explain any citizen and/or other government participation that has or will take place.**
N/A

Required Signatures

**Department/
Agency Director:**

Date: 09/5/2006



Office of Multnomah County Attorney

501 SE Hawthorne Blvd., Ste. 500,
Portland, OR 97214

2005-2006 Annual Litigation Report

*County Attorney's Litigation Report
to the Multnomah County
Board of Commissioners
November 7, 2006*



OFFICE OF MULTNOMAH COUNTY ATTORNEY

AGNES SOWLE
County Attorney

JOHN S. THOMAS
Deputy County Attorney

501 S.E. HAWTHORNE, SUITE 500
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STEPHEN L. MADKOUR
JENNY M. MORF
MATTHEW O. RYAN
KATHRYN A. SHORT
JED R. TOMKINS
JACQUELINE A. WEBER
Assistants

MEMORANDUM

TO: Board of County Commissioners
Diane Linn, Chair
Maria Rojo de Steffey, Commissioner
Serena Cruz, Commissioner
Lisa Naito, Commissioner
Lonnie Roberts, Commissioner

FROM: Agnes Sowle

DATE: November 7, 2006

RE: 2005-2006 Annual Litigation Report

INTRODUCTION

Our office has fourteen lawyers, six permanent support staff and five limited duration ITAX support staff. The office provides legal services for all county elected officials, officers and departments. Multnomah County Code Section 7.201(I) requires the County Attorney to submit a formal annual litigation report to the Board. This Annual Litigation Report summarizes the legal services we provided to county clients last fiscal year.

During the fiscal year 2004-2005, we provided 20,229 hours of direct legal services for litigation, legal consultation, legal document preparation and review, and client training. This is

slightly fewer hours than we provided the previous year due, in part, because of FMLA leaves and vacancies required to replace two attorneys.

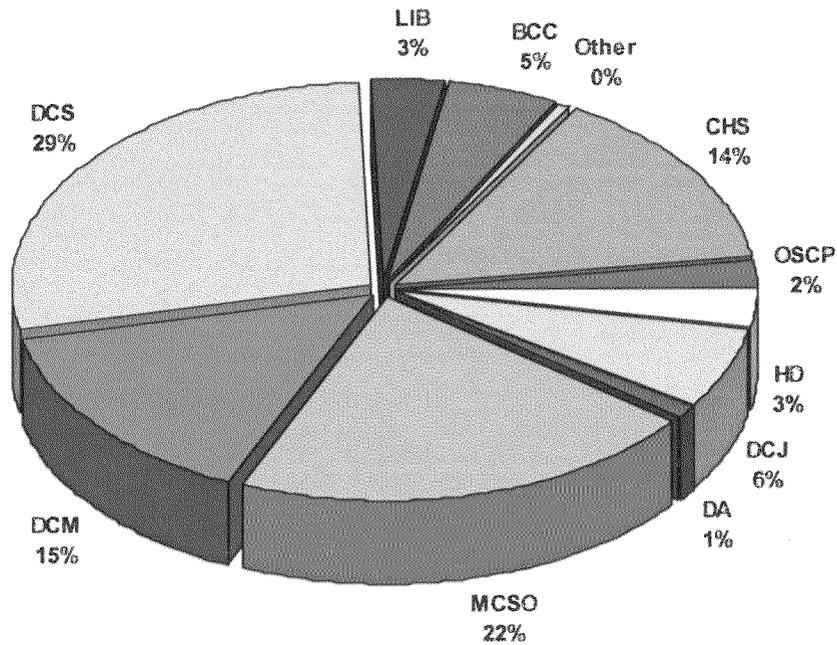
DIRECT SERVICE HOURS

Graph 1 breaks down our direct services hours by department. The greatest amount of direct service time was devoted to Community Services with 29%. This increase from previous years resulted from several major transportation issues and the implementation of and litigation required by Measure 37. The total hours for the Sheriff increased slightly to 22%. County Management had 15% with County Human Services at 14%, about the same as previous years. The hours spent on Health Department legal matters remained the same as last year at 3%. Community Justice decreased to 6%. Services for the Board increased slightly to 5% this year.

Graph 2 depicts direct service hours expended by the various work types. Litigation was down for the third year; it required 42% of our time down from 45% last year and 52% the year prior. Time spent in preparation and review of contracts and other legal documents was slightly down at 12%, legal consultation was 45%, up from 40% last year, and at 1% client training remained the same.

Direct Service Time to Departments

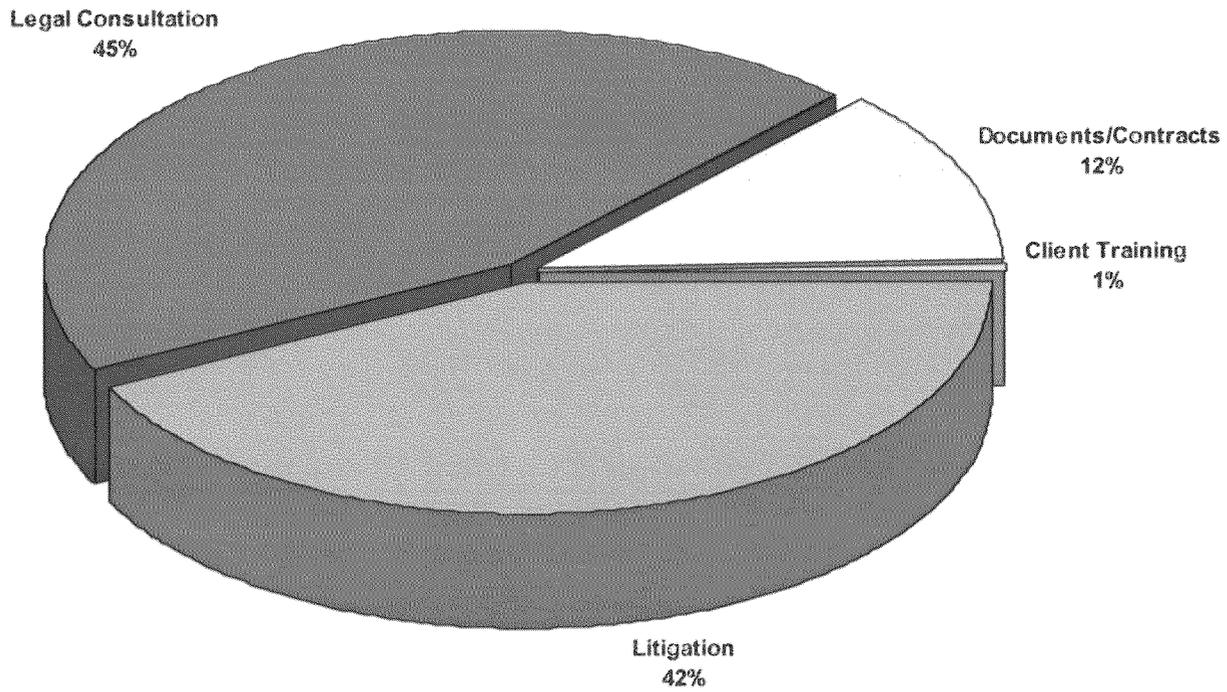
7/1/05 through 6/30/06



| Department | Hours |
|-----------------------------------|------------------|
| Community Services | 5,607.85 |
| Sheriff | 4,268.70 |
| County Management | 3,043.15 |
| County Human Services | 2,926.50 |
| Community Justice | 1,312.45 |
| Board of Commissioners | 1,049.55 |
| Multnomah County Library | 655.40 |
| Health Department | 583.10 |
| School and Community Partnerships | 467.75 |
| District Attorney | 216.15 |
| Other County | 98.50 |
| | 20,229.10 |

Direct Service Time

7/1/05 through 6/30/06



| Work Type | Hours |
|---------------------|------------------|
| Legal Consultation | 9,133.30 |
| Litigation | 8,495.20 |
| Documents/Contracts | 2,497.80 |
| Client Training | 102.80 |
| | 20,229.10 |

LITIGATION

Graph 3 shows our litigation hours broken down by department. The Sheriff used 39% of the litigation hours. Although it was an increase from 28% last year, it was similar to past years as MCSO generally uses about one third of our litigation hours. Community Services required 18% of our litigation hours with County Human Services taking 15%. The County Management required 9% and Community Justice, 11%.

Graph 4 highlights the top twenty of last year's litigated cases based on hours expended. This past year the Sheriff had ten of the cases, three more than last year. These cases include inmate civil rights cases, corrections health cases and employment cases. The Health Department had no cases in the top 20; however, the corrections health division was involved in several MCSO cases. Community Services had four cases in the top twenty. Two of the cases are Measure 37 cases, one is a condemnation case, and one a death at a railroad crossing. Community Justice had three cases of the top 20. Two of the cases involved supervision of parolees; the last is an employment case. County Human Services had two cases, one of which was a contract case. In the past fiscal year, the total top 20 cases accounted for 47.1% of all litigation hours, down slightly from 51.34% last year.

During the year, we received approximately 130 new tort claims, the same as last year. We received 54 new lawsuits to defend, not including those involving tax matters. About one half of the lawsuits were brought against the Sheriff's Office. Community Services received a number of the lawsuits, including those alleging Measure 37 claims.

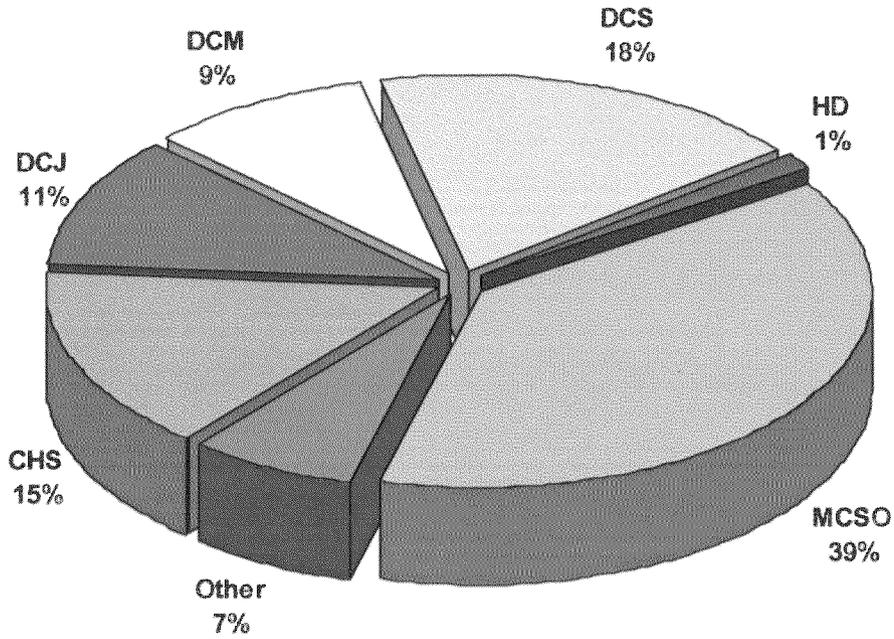
During the year we concluded 43 lawsuits. Of those lawsuits, 13 were settled with the County paying from a low of \$750 to a high of \$232,000. One lawsuit was lost at trial with a jury verdict of \$25,000. All of the rest were completed in the County's favor as the result of

motions to dismiss, motions for summary judgment and voluntary dismissals. One was won at trial.

From the risk management fund the County paid a total of \$929,236 in general liability and bodily injury for lawsuits and tort claims. Another \$239,517 was paid in property damage and costs to litigate cases for a total of \$1,168,753 paid in 2005-2006. This compares with \$838,128 in 2004-2005 and \$1,378,773 in 2003-2004.

Litigation Time by Department

7/1/05 through 6/30/06



| Department | Time |
|-----------------------------------|----------|
| Sheriff | 3,321.80 |
| Community Services | 1,552.00 |
| County Human Services | 1,321.75 |
| Community Justice | 928.50 |
| County Management | 801.30 |
| Board of Commissioners | 168.50 |
| County Attorney | 148.00 |
| Health Department | 128.00 |
| Multnomah County Library | 127.60 |
| District Attorney | 122.55 |
| School and Community Partnerships | 21.80 |

Litigation Time - Top 20 Cases

7/1/05 through 6/30/06

736 total open litigation files

| <i>Board of Commissioners</i> | | | 1 of 4 open litigation files | Total | % of Dept's Lit |
|---|-----|--|---------------------------------|-----------------|-----------------------|
| 0514-05 | MOR | Stoloff, Peter v. City of Portland | | 143.80 | |
| | | | | 143.80 | 168.50 85.3% |
| <i>Community Justice</i> | | | 3 of 44 open litigation files | Total | % of Dept's Lit |
| 0447-05 | JMM | Lakeside-Scott, Lea 9th Circuit Appeal - 05-35896 | | 273.70 | |
| 0441-05 | MAB | Lee, Robert Edward v. Jeremiah Jones & Sue Elfving 05-789-MO | | 114.90 | |
| 0283-04 | SMD | Perez and Imel v. Richardson, et al; Washington County #C043646 | | 100.80 | |
| | | | | 489.40 | 928.50 52.7% |
| <i>Community Services</i> | | | 4 of 70 open litigation files | Total | % of Dept's Lit |
| 0477-05 | JST | Multnomah County v. Larson et al 0509-09438 | | 156.90 | |
| 0594-05 | CDC | Hall, Fred Petition for Review | | 147.20 | |
| 0117-06 | SND | Hall, Fred v. Multnomah County 0603-02342 | | 99.20 | |
| 0379-05 | MAB | Vann, Estate of Brian v. Union Pacific Railroad, et al | | 96.40 | |
| | | | | 499.70 | |
| <i>County Human Services</i> | | | 2 of 35 open litigation files | Total | % of Dept's Lit |
| 0343-01 | SMD | Alpha Energy Savers, Inc., and Robert Obrist v. Multnomah County | | 796.95 | |
| 0270-04 | PWH | Menashe, Lynn R. Estate of v. Multnomah County | | 133.50 | |
| | | | | 930.45 | 1,321.75 70.4% |
| <i>Sheriff</i> | | | 10 of 182 open litigation files | Total | % of Dept's Lit |
| 0059-04 | SMD | Estate of Gladys Loennig v. Multnomah County 0412-12464 | | 560.50 | |
| 0166-03 | MAB | Edwards, Rod v. MCSO (MCCC Case No. 0308-08282) | | 285.80 | |
| 0011-05 | MAB | Walker, Steven v. Multnomah County 05-115-AA | | 190.00 | |
| 0023-05 | SMD | Bundy, Henry E. v. Multnomah County 05-00002-HO | | 165.80 | |
| 0480-05 | SMD | Estate of Dennis Saban v. Multnomah County 0509-09506 | | 162.70 | |
| 0396-05 | MAB | Phillips, Kenneth W. v. Multnomah County, et al 05-105-CO | | 129.50 | |
| 0575-05 | SLM | Vaughn, Todd v. Deputy Schneider - 05-1750- MO | | 120.20 | |
| 0137-04 | MAB | Anthony, Jacob v. Multnomah County, et al 04-229-MO | | 114.50 | |
| 0221-04 | KAS | Obie, Sandra v. Multnomah County, USDC Case No. 04-1243-PK | | 104.90 | |
| 0565-05 | MAB | Anderson, Deggeary v. State of OR 0505-05096 | | 101.20 | |
| | | | | 1,935.10 | 3,321.80 58.3% |
| Total Litigation Hours for these Cases | | | | 3,998.45 | |
| Total Litigation Hours - All Departments | | | | 8,495.20 | |
| % of Total Litigation Hours for these Cases | | | | 47.1% | |

EFFECTIVE RATE

The effective rate paid for each hour of direct legal service was \$118.03, up from last year's \$108.36. The rate is calculated by dividing the actual expenditures of the office, including payroll for attorneys and staff, rent, supplies, professional dues and the like, by the hours of direct service provided by the attorneys. Despite the increase, our rate saved the county and taxpayers a significant amount of money from rates charged by private law firms. Legal fees charged by Portland firms to represent government clients now exceeds \$225 per hour and, in some cases, is as high as \$250 per hour. In recent litigation, private attorneys have requested the court approve fees at an hourly rate of \$300.

Of all hours reported by county attorneys 89% went to direct client legal services; the percentage of our hours devoted to administrative and professional development services is only 10.8%, a little less than last year, and significantly less than the several years before. Those hours include management of the office, staff meetings, litigation meetings, library maintenance. The greatest number of hours are the hours attorneys spend in professional development including the hours they attend Mandatory Continuing Legal Education to maintain their licenses.

The following chart summarizes the effective hourly rate computation:

| | | |
|--|----------|-----------------|
| Total Hours Reported | | 22,687.00 |
| Direct Service | (89.17%) | 20,229.10 |
| Non-Direct Service | (10.83%) | 2,457.90 |
| 14 Lawyer FTE Average Direct Service Hours* | | 1,444.94 |
| Office Actual Budget Expenditures | | \$2,387,720.00 |
| Divided by Direct Service Hours | | 20,229.10 |
| Effective Hourly Rate | | \$118.03 |

CONCLUSION

We have now compiled seven years of legal service data permitting us to quantify the hours of legal services, the nature of the services and the clients that receive services. The data allows us to more efficiently manage, monitor and deploy county legal assets. We continue to work to improve the accuracy of our data.

Our challenge is to continue to provide efficient and effective legal services and increase appropriate non-litigation use of our resources. We also must meet the increasing demands of more complex and serious litigation. We continue to work closely with the Sheriff, the department that uses a large share of our resources. We continue to seek opportunities to effectively use county legal resources and look for ways to improve our services to best meet the county's legal needs. Our mission is to provide the highest quality, customer-focused service and good value for the tax dollar. We believe we perform that mission well.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 11/07/06
 Agenda Item #: E-1
 Est. Start Time: 10:35 AM
 Date Submitted: 10/30/06

BUDGET MODIFICATION:

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(d)

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

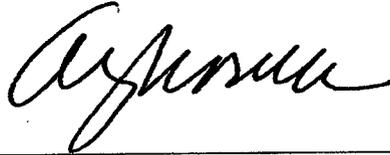
| | | | |
|------------------------|--|------------------------|------------------------|
| Date Requested: | <u>November 7, 2006</u> | Time Requested: | <u>1 hour</u> |
| Department: | <u>Non-Departmental</u> | Division: | <u>County Attorney</u> |
| Contact(s): | <u>Agnes Sowle</u> | | |
| Phone: | <u>503 988-3138</u> | Ext.: | <u>83138</u> |
| I/O Address: | <u>503/500</u> | | |
| Presenter(s): | <u>County Attorney Agnes Sowle, Travis Graves and Invited Others</u> | | |

General Information

- What action are you requesting from the Board?**
No Final Decision will be made in the Executive Session.
- Please provide sufficient background information for the Board and the public to understand this issue.**
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.
- Explain the fiscal impact (current year and ongoing).**
- Explain any legal and/or policy issues involved.**
ORS 192.660(2)(d).
- Explain any citizen and/or other government participation that has or will take place.**

Required Signatures

**Department/
Agency Director:**



Date: 10/30/06

Budget Analyst:

Date:

Department HR:

Date:

Countywide HR:

Date: