



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](mailto:mult.chair@co.multnomah.or.us)

**Maria Rojo de Steffey, Commission Dist. 1**

501 SE Hawthorne Boulevard, Suite 600  
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Phone: (503) 988-5220 FAX (503) 988-5440

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**Serena Cruz, Commission Dist. 2**

501 SE Hawthorne Boulevard, Suite 600  
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**Lonnie Roberts, Commission Dist. 4**

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

Phone: (503) 988-5213 FAX (503) 988-5262

Email: [lonnie.j.roberts@co.multnomah.or.us](mailto:lonnie.j.roberts@co.multnomah.or.us)

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**OCTOBER 21, 2004**

### BOARD MEETING

#### FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:30 a.m. Opportunity for Public Comment
Pg 2	9:30 a.m. Resolution Approving Delegation of Authority for Credentialing Licensed Independent Practitioners
Pg 3	9:50 a.m. Second Reading Possible Adoption of an Ordinance Amending MCC Chapter 21, Health, Hospital Outdoor No Smoking Policy
Pg 3	9:55 a.m. Public Hearing on Regional Investment Strategy of the Multnomah-Washington Regional Investment Board
Pg 3	10:25 a.m. County Attorney Annual Report
Pg 3	10:55 a.m. Authorization for County to Initiate Local Implementation of the Revised Management Plan for the Gorge NSA
Pg 3	11:15 a.m. If Needed Executive Session

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

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Thursday, October 21, 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 Private Sale of Certain Tax Foreclosed Property to MICHAEL J CEREGHINO TR ET AL
- C-2 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to EDELENE C MAC COUMBER

#### **DEPARTMENT OF COUNTY HUMAN SERVICES**

- C-3 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

#### **SHERIFF'S OFFICE**

- C-4 Government Non-Expenditure Contract (190 Agreement) 0405118 with the United States Department of Homeland Security Federal Protective Service and the Multnomah County Sheriff's Office to Consent to the Exercise of Peace Officer Authority by Federal Protective Services Law Enforcement Personnel

### **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.

#### **DEPARTMENT OF HEALTH - 9:30 AM**

- R-1 RESOLUTION Approving Delegation of Authority to Appoint Licensed Independent Practitioners in the Health Department. Presented by Patsy Kullberg and Lillian Shirley. 20 MINUTES REQUESTED.

- R-2 Second Reading and Possible Adoption of a Proposed ORDINANCE Amending MCC Chapter 21, Health, Relating to Hospital Outdoor No Smoking Policy

**NON-DEPARTMENTAL - 9:55 AM**

- R-3 Public Hearing and Consideration of a RESOLUTION Approving the 2003-05 Regional Investment Strategy of the Multnomah-Washington Regional Investment Board. Presented by Lisa Goldberg. 30 MINUTES REQUESTED.
- R-4 County Attorney Annual Report. Presented by Agnes Sowle, John Thomas, Scott Asphaug, Jenny Morf and Patrick Henry. 30 MINUTES REQUESTED.
- R-5 Authorization for Multnomah County to Initiate Local Implementation of the Revised Management Plan for the Columbia River Gorge National Scenic Area

**DEPARTMENT OF COUNTY HUMAN SERVICES - 11:05 AM**

- R-6 NOTICE OF INTENT to Partner with Oregon Health and Science University in Submitting a Research Project to the National Institutes of Health

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Thursday, October 21, 2004 - 11:15 AM  
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(1)(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. 30 MINUTES REQUESTED.



## Serena Cruz, Multnomah County Commission District Two

Suite 600, Multnomah Building  
501 SE Hawthorne Boulevard  
Portland, Oregon 97214  
Email: [serena@co.multnomah.or.us](mailto:serena@co.multnomah.or.us)

Phone: (503) 988-5219  
FAX: (503) 988-5440

### **MEMORANDUM**

TO: Chair Diane Linn  
Commissioner Maria Rojo de Steffey  
Commissioner Lisa Naito  
Commissioner Lonnie Roberts  
Board Clerk Deb Bogstad

FROM: Tara Bowen-Biggs  
Staff to Commissioner Serena Cruz

DATE: 10/20/04

RE: Board Meeting Attendance by Telephone

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Commissioner Cruz will be participating in the Thursday, October 21<sup>st</sup> Board of County Commissioners meeting by telephone.

## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** October 21, 2004

**Agenda Item #:** C-1

**Est. Start Time:** 9:30 AM

**Date Submitted:** 09/23/04

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**Requested Date:** October 21, 2004

**Time Requested:** N/A

**Department:** DBCS

**Division:** Tax Title

**Contact/s:** Gary Thomas

**Phone:** 503-988-3590

**Ext.:** 22591

**I/O Address:** 503/4 Tax Title

**Presenters:** Gary Thomas

---

**Agenda Title:** RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to the MICHAEL J CEREGHINO TR ET AL BY CEREGHINO BROS

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

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**1. What action are you requesting from the Board? What is the department/agency recommendation?**

The Tax Title Section is requesting the Board to approve the private sale of one tax foreclosed property to the MICHAEL J CEREGHINO TR ET AL BY CEREGHINO BROS. The Department of Business and Community Services recommends that the private sale be approved.

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

The subject property is a strip approximately 19.3' x 800.3' that came into Multnomah County ownership through the foreclosure of delinquent property tax liens on September 24, 2002. The strip is located between an 18.27 acre parcel and a 38.13 acre parcel both of which are in farm use.

The subject property was created as the result of a State Map Correction. The parcel to the North of the subject was described as a specific distance, 113.19 feet, which is short of the South lines of Government Lots 5 and 6. The South line of Lots 5 and 6 is also

the North line of the William Taylor Donation Land Claim. A survey completed disclosed that 133.94 feet is the correct distance for the parcels to the North to tie to the North line of the Taylor DLC. The parcel is out of omitted property and when subsequently foreclosed exists between the parcel to the North and the South lines of Government Lots 5 and 6.

The individual who we propose to enter into a private sale with owns both the 18.27 acre and 38.13 acre parcels on each side of the subject property.

The attached plat map, Exhibit A, shows the location of the property. The attached aerial photo labeled as Exhibit B shows the location of the subject strip in relation to the two parcels farmed by the proposed purchaser.

Although no written confirmation from the City of Fairview was obtained, the Tax Title Division is confident the shape and size of the property and its location between two parcels in farm use 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 C).
4. **Explain any legal and/or policy issues.**  
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.

**Required Signatures:**

**Department/Agency Director:**

*Robert A Maestre*

**Date:** 09/23/04

**Budget Analyst**

**By:**

**Date:**

**Dept/Countywide HR**

**By:**

**Date:**

SEE MAP  
IN 3E 20C

047

PARKWAY

HIGHLAND WAY

PORTAL WAY

LOT 5

LOT 6

902

SEE MAP  
IN 3E 20D

NORTH TELLER

999  
0.34 AC.

WEST 1/4 SEC. 27

N.W. COR.  
WM. TAYLOR  
D.L.C. 42

500  
18.27 AC.

N.E. COR.  
D.L.C. 42

FAIRVIEW LAKE

SEE MAP  
IN 3E 20DA

N.W. COR.  
JACOB  
ZIMMERMAN

SOUTHSHORE CORPORATE PARK

O.W.R. & N. CO.

R.R.

N.E. COR.  
D.L.C. 42

W.M. TAYLOR  
D.L.C. 42

JACOB  
ZIMMERMAN

APPROXIMATELY 20, 21, 28

SEE MAP  
IN 3E 29B

SEE MAP  
IN 3E 29A

SEE MAP  
IN 3E 20DA

IN 3E 2 &  
& INDEX  
FAIRVIEW  
CREEK

## EXHIBIT B



Subject



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

**LEGAL DESCRIPTION:**

A strip of land being approximately 19.26 feet wide by 800.27 feet long, more or less, lying within the Southeast ¼ of Section 20, Township 1 North, Range 3 East, W.M. County of Multnomah, State of Oregon, & being further described as follows:

A tract of land composed of parts of Gov't Lots 5 & 6, and other parts of said Section 20, Which is lying within said Section 20, 1 North 3 East, of which the perimeter is bordered by the following criteria;

On the South by the Northerly line of the William Taylor D.L.C.;

On the West, by the Easterly line of the George B. Pullen D.L.C.;

On the North by that parcel deeded to Robert & Charles Fitzgerald by Zachariah & Emma Fitzgerald in the deed recorded May 15, 1916, & recorded in Bk. 716, Pg. 40, Multnomah County deed records.

And on the East, by the most Westerly line of that property described in the deed recorded November 30, 1989, Bk 2256, Pg. 2575

PROPERTY NEAR TO ADDRESS:	3943 NE Fairview Lake Way
TAX ACCOUNT NUMBER:	R320335
GREENSPACE DESIGNATION:	Natural Area
SIZE OF PARCEL:	Approximately 19.3' x 800.3' (approx. 15,446sf)
ASSESSED VALUE:	\$120.00

**ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE**

BACK TAXES & INTEREST:	\$10.91
TAX TITLE MAINTENANCE COST & EXPENSES:	\$50.00
ADVERTISING COST:	-0-
RECORDING FEE:	\$26.00
CITY LIENS:	-0-
SUB-TOTAL	\$86.91
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$150.00

**BOGSTAD Deborah L**

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**From:** GRACE Becky J  
**Sent:** Thursday, September 23, 2004 8:22 AM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: October 21st Board Agenda Cereghino Private Sale

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

**From:** CREAN Christopher D  
**Sent:** Wednesday, September 22, 2004 5:54 PM  
**To:** GRACE Becky J  
**Subject:** RE: October 21st Board Agenda Cereghino Private Sale

Becky -

I have reviewed the proposed resolution and it may be forwarded to the Board for action as proposed. Thanks.

- Chris

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

**From:** GRACE Becky J  
**Sent:** Wednesday, September 22, 2004 12:55 PM  
**To:** CREAN Christopher D  
**Subject:** October 21st Board Agenda Cereghino Private Sale

Hi Chris,

Attached for your review are the Oct 21<sup>st</sup> Board Agenda Documents for your review and approval.

Thanks,

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

9/23/2004

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Authorizing Private Sale of Certain Tax Foreclosed Property to MICHAEL J CEREGHINO TR ET AL

**The Multnomah County Board of Commissioners Finds:**

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent property taxes.
- b) The property has an assessed value of \$120.00 on the County's current tax roll.
- c) Although no written confirmation from the City of Fairview was obtained, the Tax Title Division is confident the shape and size of the property and its location between two parcels in farm use 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) MICHAEL J CEREGHINO TR ET AL, has agreed to pay \$150.00, 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 \$150.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to MICHAEL J CEREGHINO TR ET AL, the real property described in Exhibit A.

ADOPTED this 21st day of October, 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

## **EXHIBIT A (RESOLUTION)**

### **Legal Description:**

A strip of land being approximately 19.26 feet wide by 800.27 feet long, more or less, lying within the Southeast  $\frac{1}{4}$  of Section 20, Township 1 North, Range 3 East, W.M. County of Multnomah, State of Oregon, & being further described as follows:

A tract of land composed of parts of Gov't Lots 5 & 6, and other parts of said Section 20,

Which is lying within said Section 20, 1 North 3 East, of which the perimeter is bordered by the following criteria;

On the South by the Northerly line of the William Taylor D.L.C.;

On the West, by the Easterly line of the George B. Pullen D.L.C.;

On the North by that parcel deeded to Robert & Charles Fitzgerald by Zachariah & Emma Fitzgerald in the deed recorded May 15, 1916, & recorded in Bk. 716, Pg. 40, Multnomah County deed records.

And on the East, by the most Westerly line of that property described in the deed recorded November 30, 1989, Bk 2256, Pg. 2575

**Multnomah County Deed No.: D051981**

**Tax Account No.: R320335**

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

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MICHAEL J CEREGHINO TR ET AL, Grantees, that certain real property, located in the City of Fairview, Multnomah County, Oregon more particularly described in the attached Exhibit A.

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

**BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

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

## **EXHIBIT A (DEED)**

### **Legal Description:**

A strip of land being approximately 19.26 feet wide by 800.27 feet long, more or less, lying within the Southeast  $\frac{1}{4}$  of Section 20, Township 1 North, Range 3 East, W.M. County of Multnomah, State of Oregon, & being further described as follows:

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**Multnomah County Deed No.:** D051981

**Tax Account No.:** R320335

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 04-148**

Authorizing Private Sale of Certain Tax Foreclosed Property to MICHAEL J CEREGHINO TR ET AL

**The Multnomah County Board of Commissioners Finds:**

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent property taxes.
- b) The property has an assessed value of \$120.00 on the County's current tax roll.
- c) Although no written confirmation from the City of Fairview was obtained, the Tax Title Division is confident the shape and size of the property and its location between two parcels in farm use 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) MICHAEL J CEREGHINO TR ET AL, has agreed to pay \$150.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

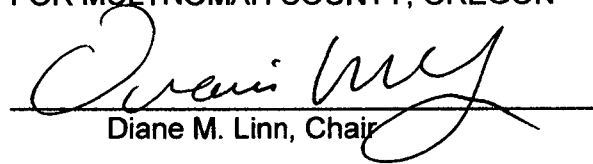
**The Multnomah County Board of Commissioners Resolves:**

- 1. Upon Tax Title's receipt of the payment of \$150.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to MICHAEL J CEREGHINO TR ET AL, the real property described in Exhibit A.

ADOPTED this 21st day of October, 2004.

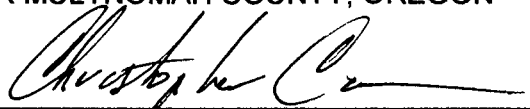


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Christopher D. Crean, Assistant County Attorney

## **EXHIBIT A (RESOLUTION)**

### **Legal Description:**

A strip of land being approximately 19.26 feet wide by 800.27 feet long, more or less, lying within the Southeast ¼ of Section 20, Township 1 North, Range 3 East, W.M. County of Multnomah, State of Oregon, & being further described as follows:

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And on the East, by the most Westerly line of that property described in the deed recorded November 30, 1989, Bk 2256, Pg. 2575

**Multnomah County Deed No.: D051981**

**Tax Account No.: R320335**



**MICHAEL J CEREGHINO TR ET AL  
BY CEREGHINO BROTHERS  
3020 NE 162nd AVE  
PORTLAND OR 97230**

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

**Deed D051981**

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MICHAEL J CEREGHINO TR ET AL, Grantees, that certain real property, located in the City of Fairview, Multnomah County, Oregon more particularly described in the attached Exhibit A.

**The true and actual consideration paid for this transfer, stated in the terms of dollars is \$150.00.**

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 21st day of October 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

**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  
Christopher D. Crean, Assistant County Attorney

STATE OF OREGON )  
 ) ss  
COUNTY OF MULTNOMAH )

This Deed was acknowledged before me this 21st day of October 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**

## **EXHIBIT A (DEED)**

### **Legal Description:**

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**Multnomah County Deed No.:** D051981

**Tax Account No.:** R320335


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


MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to MICHAEL J CEREGHINO TR ET AL, Grantees, that certain real property, located in the City of Fairview, Multnomah County, Oregon more particularly described in the attached Exhibit A.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 21st day of October 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.



  
Diane M. Linn, Chair

By   
Christopher D. Green, Assistant County Attorney

STATE OF OREGON )  
 ) ss  
COUNTY OF MULTNOMAH )

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

Page 1 of 2 – D051981

## **EXHIBIT A (DEED)**

### **Legal Description:**

A strip of land being approximately 19.26 feet wide by 800.27 feet long, more or less, lying within the Southeast  $\frac{1}{4}$  of Section 20, Township 1 North, Range 3 East, W.M. County of Multnomah, State of Oregon, & being further described as follows:

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**Multnomah County Deed No.:** D051981

**Tax Account No.:** R320335

## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** October 21, 2004

**Agenda Item #:** C-2

**Est. Start Time:** 9:30 AM

**Date Submitted:** 09/23/04

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**Requested Date:** October 21, 2004

**Time Requested:** N/A

**Department:** DBCS

**Division:** Tax Title

**Contact/s:** Gary Thomas

**Phone:** 503-988-3590

**Ext.:** 22591

**I/O Address:** 503/4 Tax Title

**Presenters:** Gary Thomas

---

**Agenda Title:** RESOLUTION Authorizing the Private Sale of a Tax Foreclosed Property to the EDELENE C MAC COUMBER

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

---

**1. What action are you requesting from the Board? What is the department/agency recommendation?**

The Tax Title Section is requesting the Board to approve the private sale of one tax foreclosed property to EDELENE C MAC COUMBER. The Department of Business and Community Services recommends that the private sale be approved.

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

The subject property is a strip approximately 20' x 160' that came into Multnomah County ownership through the foreclosure of delinquent property tax liens on September 23, 2003. The strip is located between two parcels in the ownership of the same person who wishes to purchase the subject property. The area where the property is located is in mixed commercial/industrial and residential use. The parcel is currently vacant and unimproved.

Although no written confirmation from the City of Portland was obtained, the Tax Title Division is confident the shape and size of the property 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 C).
4. **Explain any legal and/or policy issues.**  
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.

**Required Signatures:**

**Department/Agency Director:**

*Robert A Maestre*

**Date:** 09/23/04

**Budget Analyst**

**By:**

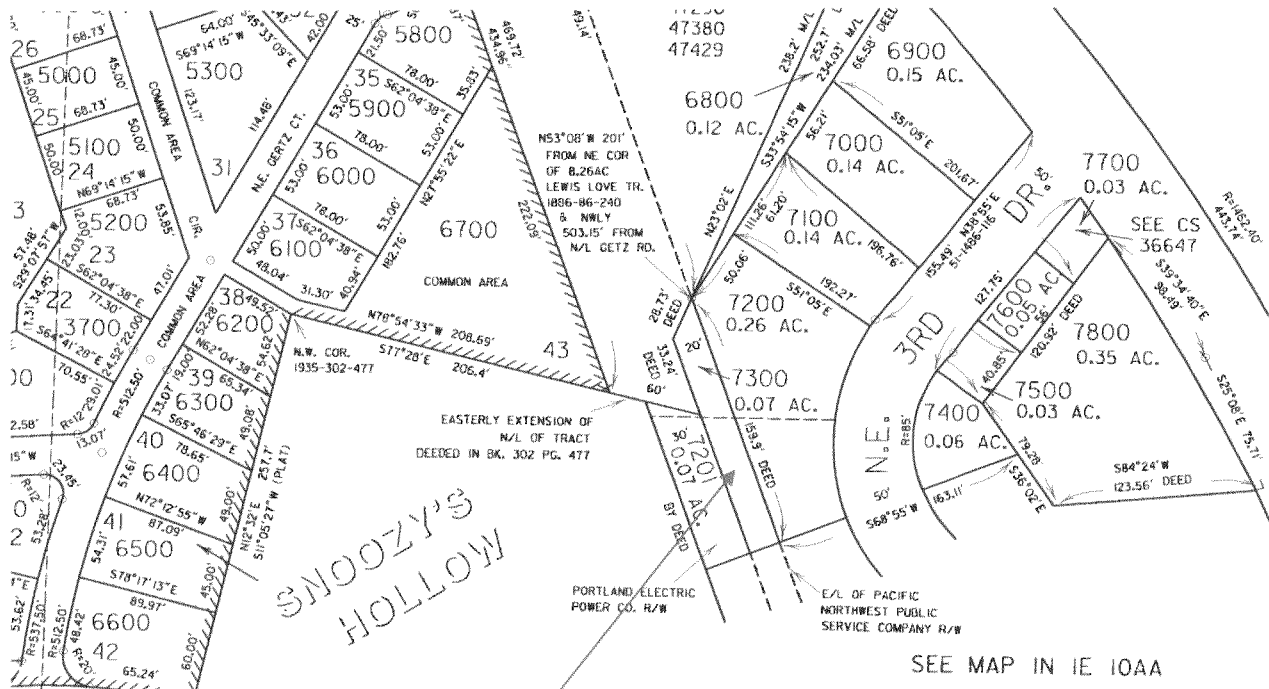
**Date:**

**Dept/Countywide HR**

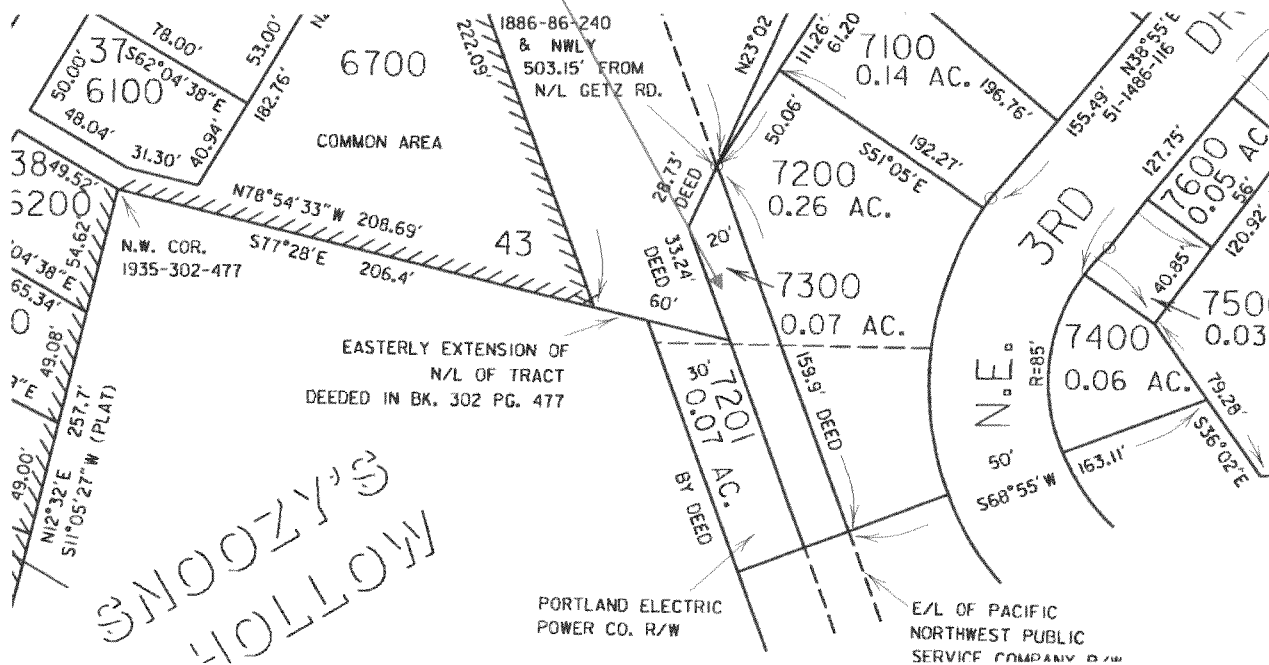
**By:**

**Date:**

# EXHIBIT A



Subject



## EXHIBIT B

Aerial Photo

2002 / 2001 / 2000 / 1998 / 1996

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

Streets: On / Off

Lots: On / Off

Dot: On / Off



0 87 FT

Subject



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

**LEGAL DESCRIPTION:**

The following described parcel in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, in the County of Multnomah, State of Oregon:

Commencing at the Northwest corner of the 8.62 acre tract of land conveyed to Lewis Love by deed recorded June 4, 1886 in Book 86, Page 240; thence North53°08'West 201 feet to the intersection of the North line of Gertz Road (County Road No. 1093) and the East line of the Pacific Northwest Public right of way; thence North21°05'West along the East line of said right of way 343.25 feet to the true point of beginning. Thence South68°55'West to a line 15 feet East and parallel to the center line of the Portland Electric Power Company's vacated right of way conveyed to T. G. Donaca, by deed recorded July 12, 1944 in Book 851 page 194; thence Northwest along said line 15 feet East of and parallel to said center line to the Easterly extension of the North line of a tract of land conveyed to Kenneth P. Gustin by deed recorded July 11, 1940 in Book 557, Page 465; thence South77°28'East along said North line to the West line of the Pacific Northwest Public Service right of way; thence North21°05'West 33.24 feet to a point; thence North23°02'East 28.73 feet to a point being on the East right of way line of aforesaid Pacific Northwest Public Service right of way; thence South21°05'East, along said right of way line, 159.9 feet to the point of beginning.

ADJACENT PROPERTY ADDRESS:	9541 NE 3 <sup>rd</sup> Drive
TAX ACCOUNT NUMBER:	341506
GREENSPACE DESIGNATION:	No designation
SIZE OF PARCEL:	Approximately 20' x 160'(approx. 3,050sf)
ASSESSED VALUE:	\$2,320.00

**ITEMIZED EXPENSES FOR TOTAL PRICE OF PRIVATE SALE**

BACK TAXES & INTEREST:	\$205.40
TAX TITLE MAINTENANCE COST & EXPENSES:	\$200.00
ADVERTISING COST:	-0-
RECORDING FEE:	\$26.00
CITY LIENS:	-0-
SUB-TOTAL	\$431.40
MINIMUM PRICE REQUEST OF PRIVATE SALE	\$750.00

## BOGSTAD Deborah L

---

**From:** GRACE Becky J  
**Sent:** Thursday, September 23, 2004 8:22 AM  
**To:** BOGSTAD Deborah L  
**Subject:** FW: October 21st Board Agenda MacCumber Private Sale

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

**From:** CREAN Christopher D  
**Sent:** Thursday, September 23, 2004 8:16 AM  
**To:** GRACE Becky J  
**Subject:** RE: October 21st Board Agenda MacCumber Private Sale

Becky -

I have reviewed the proposed resolution approving the MacCumber sale and conclude that it may be forwarded to the Board as proposed. Thanks.

- Chris

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

**From:** GRACE Becky J  
**Sent:** Thursday, September 23, 2004 8:11 AM  
**To:** CREAN Christopher D  
**Subject:** October 21st Board Agenda MacCumber Private Sale

Hi Chris,

Attached for your review and approval are the Board Agenda Documents dated October 21st for The MacCumber Private Sale.  
Thank you,

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

9/23/2004

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. \_\_\_\_\_**

Authorizing Private Sale of Certain Tax Foreclosed Property to EDELENE C MAC COUMBER

**The Multnomah County Board of Commissioners Finds:**

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent property taxes.
- b) The property has an assessed value of \$2,320.00 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 the shape and size of the property, i.e., approximately 20' x 160' 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) EDELENE C MAC COUMBER, has agreed to pay \$750.00, 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 \$750.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to EDELENE C MAC COUMBER, the real property described in Exhibit A.

ADOPTED this 21st day of October, 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

## **EXHIBIT A (RESOLUTION)**

### **Legal Description:**

The following described parcel in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, in the County of Multnomah, State of Oregon:

Commencing at the Northwest corner of the 8.62 acre tract of land conveyed to Lewis Love by deed recorded June 4, 1886 in Book 86, Page 240; thence North $53^{\circ}08'$ West 201 feet to the intersection of the North line of Gertz Road (County Road No. 1093) and the East line of the Pacific Northwest Public right of way; thence North $21^{\circ}05'$ West along the East line of said right of way 343.25 feet to the true point of beginning. Thence South $68^{\circ}55'$ West to a line 15 feet East and parallel to the center line of the Portland Electric Power Company's vacated right of way conveyed to T. G. Donaca, by deed recorded July 12, 1944 in Book 851 page 194; thence Northwest along said line 15 feet East of and parallel to said center line to the Easterly extension of the North line of a tract of land conveyed to Kenneth P. Gustin by deed recorded July 11, 1940 in Book 557, Page 465; thence South $77^{\circ}28'$ East along said North line to the West line of the Pacific Northwest Public Service right of way; thence North $21^{\circ}05'$ West 33.24 feet to a point; thence North $23^{\circ}02'$ East 28.73 feet to a point being on the East right of way line of aforesaid Pacific Northwest Public Service right of way; thence South $21^{\circ}05'$ East, along said right of way line, 159.9 feet to the point of beginning.

**Multnomah County Deed No.: D051982**

**Tax Account No.: R314506**

EDELENE C MAC COUMBER  
9541 NE 3rd DRIVE  
PORTLAND OR 97211

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

Deed D051981

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to EDELENE C MAC COUMBER, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described in the attached Exhibit A.

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$750.00.

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

IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 21st day of October 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

**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

STATE OF OREGON                                 )  
  ) ss  
COUNTY OF MULTNOMAH                     )

This Deed was acknowledged before me this 21st day of October 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

## **EXHIBIT A (DEED)**

### **Legal Description:**

The following described parcel in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, in the County of Multnomah, State of Oregon:

Commencing at the Northwest corner of the 8.62 acre tract of land conveyed to Lewis Love by deed recorded June 4, 1886 in Book 86, Page 240; thence North $53^{\circ}08'$ West 201 feet to the intersection of the North line of Gertz Road (County Road No. 1093) and the East line of the Pacific Northwest Public right of way; thence North $21^{\circ}05'$ West along the East line of said right of way 343.25 feet to the true point of beginning. Thence South $68^{\circ}55'$ West to a line 15 feet East and parallel to the center line of the Portland Electric Power Company's vacated right of way conveyed to T. G. Donaca, by deed recorded July 12, 1944 in Book 851 page 194; thence Northwest along said line 15 feet East of and parallel to said center line to the Easterly extension of the North line of a tract of land conveyed to Kenneth P. Gustin by deed recorded July 11, 1940 in Book 557, Page 465; thence South $77^{\circ}28'$ East along said North line to the West line of the Pacific Northwest Public Service right of way; thence North $21^{\circ}05'$ West 33.24 feet to a point; thence North $23^{\circ}02'$ East 28.73 feet to a point being on the East right of way line of aforesaid Pacific Northwest Public Service right of way; thence South $21^{\circ}05'$ East, along said right of way line, 159.9 feet to the point of beginning.

**Multnomah County Deed No.: D051982**

**Tax Account No.: R314506**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 04-149**

Authorizing Private Sale of Certain Tax Foreclosed Property to EDELENE C MAC COUMBER

**The Multnomah County Board of Commissioners Finds:**

- a) Multnomah County acquired the real property described in Exhibit A through the foreclosure of liens for delinquent property taxes.
- b) The property has an assessed value of \$2,320.00 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 the shape and size of the property, i.e., approximately 20' x 160' 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) EDELENE C MAC COUMBER, has agreed to pay \$750.00, an amount the Board finds to be a reasonable price for the property in conformity with ORS 275.225.

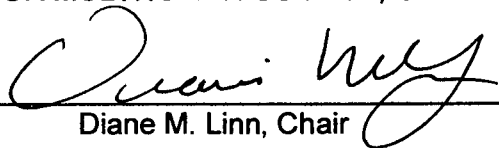
**The Multnomah County Board of Commissioners Resolves:**

- 1. Upon Tax Title's receipt of the payment of \$750.00, the Chair on behalf of Multnomah County, is authorized to execute a deed conveying to EDELENE C MAC COUMBER, the real property described in Exhibit A.

ADOPTED this 21st day of October, 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

## **EXHIBIT A (RESOLUTION)**

### **Legal Description:**

The following described parcel in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, in the County of Multnomah, State of Oregon:

Commencing at the Northwest corner of the 8.62 acre tract of land conveyed to Lewis Love by deed recorded June 4, 1886 in Book 86, Page 240; thence North $53^{\circ}08'$ West 201 feet to the intersection of the North line of Gertz Road (County Road No. 1093) and the East line of the Pacific Northwest Public right of way; thence North $21^{\circ}05'$ West along the East line of said right of way 343.25 feet to the true point of beginning. Thence South $68^{\circ}55'$ West to a line 15 feet East and parallel to the center line of the Portland Electric Power Company's vacated right of way conveyed to T. G. Donaca, by deed recorded July 12, 1944 in Book 851 page 194; thence Northwest along said line 15 feet East of and parallel to said center line to the Easterly extension of the North line of a tract of land conveyed to Kenneth P. Gustin by deed recorded July 11, 1940 in Book 557, Page 465; thence South $77^{\circ}28'$ East along said North line to the West line of the Pacific Northwest Public Service right of way; thence North $21^{\circ}05'$ West 33.24 feet to a point; thence North $23^{\circ}02'$ East 28.73 feet to a point being on the East right of way line of aforesaid Pacific Northwest Public Service right of way; thence South $21^{\circ}05'$ East, along said right of way line, 159.9 feet to the point of beginning.

**Multnomah County Deed No.: D051982**

**Tax Account No.: R314506**



EDELENE C MAC COUMBER  
9541 NE 3rd DRIVE  
PORTLAND OR 97211

Deed D051982

**MULTNOMAH COUNTY, a political subdivision of the State of Oregon, Grantor, conveys to EDELENE C MAC COUMBER, Grantee, that certain real property, located in the City of Portland, Multnomah County, Oregon more particularly described in the attached Exhibit A.**

The true and actual consideration paid for this transfer; stated in the terms of dollars is \$750.00.

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IN WITNESS WHEREOF, MULTNOMAH COUNTY has caused these presents to be executed by the Chair of the Multnomah County Board of Commissioners the 21st day of October 2004, by authority of a Resolution of the Board of County Commissioners heretofore entered of record.

**BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON**

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

Bv

Christopher D. Crean, Assistant County Attorney

STATE OF OREGON

)

) SS

COUNTY OF MULTNOMAH

)

This Deed was acknowledged before me this 21st day of October 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**

## **EXHIBIT A (DEED)**

### **Legal Description:**

The following described parcel in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, in the County of Multnomah, State of Oregon:

Commencing at the Northwest corner of the 8.62 acre tract of land conveyed to Lewis Love by deed recorded June 4, 1886 in Book 86, Page 240; thence North $53^{\circ}08'$ West 201 feet to the intersection of the North line of Gertz Road (County Road No. 1093) and the East line of the Pacific Northwest Public right of way; thence North $21^{\circ}05'$ West along the East line of said right of way 343.25 feet to the true point of beginning. Thence South $68^{\circ}55'$ West to a line 15 feet East and parallel to the center line of the Portland Electric Power Company's vacated right of way conveyed to T. G. Donaca, by deed recorded July 12, 1944 in Book 851 page 194; thence Northwest along said line 15 feet East of and parallel to said center line to the Easterly extension of the North line of a tract of land conveyed to Kenneth P. Gustin by deed recorded July 11, 1940 in Book 557, Page 465; thence South $77^{\circ}28'$ East along said North line to the West line of the Pacific Northwest Public Service right of way; thence North $21^{\circ}05'$ West 33.24 feet to a point; thence North $23^{\circ}02'$ East 28.73 feet to a point being on the East right of way line of aforesaid Pacific Northwest Public Service right of way; thence South $21^{\circ}05'$ East, along said right of way line, 159.9 feet to the point of beginning.

**Multnomah County Deed No.: D051982**

**Tax Account No.: R314506**



## **EXHIBIT A (DEED)**

### **Legal Description:**

The following described parcel in Section 3, Township 1 North, Range 1 East of the Willamette Meridian, in the County of Multnomah, State of Oregon:

Commencing at the Northwest corner of the 8.62 acre tract of land conveyed to Lewis Love by deed recorded June 4, 1886 in Book 86, Page 240; thence North $53^{\circ}08'$ West 201 feet to the intersection of the North line of Gertz Road (County Road No. 1093) and the East line of the Pacific Northwest Public right of way; thence North $21^{\circ}05'$ West along the East line of said right of way 343.25 feet to the true point of beginning. Thence South $68^{\circ}55'$ West to a line 15 feet East and parallel to the center line of the Portland Electric Power Company's vacated right of way conveyed to T. G. Donaca, by deed recorded July 12, 1944 in Book 851 page 194; thence Northwest along said line 15 feet East of and parallel to said center line to the Easterly extension of the North line of a tract of land conveyed to Kenneth P. Gustin by deed recorded July 11, 1940 in Book 557, Page 465; thence South $77^{\circ}28'$ East along said North line to the West line of the Pacific Northwest Public Service right of way; thence North $21^{\circ}05'$ West 33.24 feet to a point; thence North $23^{\circ}02'$ East 28.73 feet to a point being on the East right of way line of aforesaid Pacific Northwest Public Service right of way; thence South $21^{\circ}05'$ East, along said right of way line, 159.9 feet to the point of beginning.

**Multnomah County Deed No.: D051982**

**Tax Account No.: R314506**

## AGENDA PLACEMENT REQUEST

BUD MOD #:

**Board Clerk Use Only:**

**Meeting Date:** October 21, 2004

**Agenda Item #:** C-3

**Est. Start Time:** 9:30 AM

**Date Submitted:** 10/07/04

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**Requested Date:** 10/21/04

**Time Requested:** N/A

**Department:** DCHS

**Division:** MHASD

**Contact/s:** Jean Dentinger

**Phone:** (503) 988-5464

**Ext.:** 27297

**I/O Address:** 166/5

**Presenters:** Consent Calendar

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

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

---

- 1. What action are you requesting from the Board? What is the department/agency recommendation?**  
Requesting approval of designees. The Mental Health and Addiction Services Division is recommending approval of the designees in the accordance with ORS 426.215
- 2. Please provide sufficient background information for the Board and the public to understand this issue.**  
Outpatient mental health agencies depend upon certain staff having the ability to assess clients for a Director Designee Custody. This certification allows the designee to direct a police officer or secure transportation provider to take into custody any individual with mental health issues who is found to be dangerous to self or to others. Police then transport the individual to a hospital or other approved treatment facility for further evaluation. As agencies experience staffing turnover or increases, new staff need to be trained and certified as designees.
- 3. Explain the fiscal impact (current year and ongoing).**  
None

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

**If a budget modification, explain: N/A**

- ❖ What revenue is being changed and why?
- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

**NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain: N/A**

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

**If grant application/notice of intent, explain: N/A**

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

In accordance with ORS 426.215

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

None.

**Required Signatures:**

**Department/Agency Director:** \_\_\_\_\_

**Date: 10/13/2004**

**Budget Analyst**

**By:** \_\_\_\_\_

**Date:**

**Dept/Countywide HR**

**By:** \_\_\_\_\_

**Date:**

Deborah -

This is an F.Y.I. with no action  
required by the BOCC.

Thanks

Chris

ext. 22458



Department of County Human Services

**MULTNOMAH COUNTY OREGON**

Division of Mental Health & Addiction Services

421 SW Sixth Avenue, Suite 500  
Portland, Oregon 97204  
**(503) 988-5464 Phone**  
(503) 988-3926 Fax  
(503) 988-3598 TDD

October 7, 2004

Joey Hiller  
Cascadia Behavioral Healthcare, Inc.  
5432 NE Albina  
Portland, OR 97217

RE: Director's Designee Status

Dear Ms. Hiller,

Based on an incident involving your placement of an illegal detention on a mental health consumer on September 19, 2004, it is the decision of Multnomah County to revoke your privilege to act as Director's Designee. This revocation is effective immediately. Please return your Director's Designee photo identification card to Stacey Moret.

Multnomah County is willing to consider your application for Director's Designee status training in the future at the written request and reference of your clinical supervisor.

Sincerely,

Nancy Winters, LPC  
Interim Director  
Mental Health and Addiction Services Division

cc: Stacey Moret  
Leslie Ford  
Director's Designee file  
Board of County Commissioners



BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDER NO. \_\_\_\_\_

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

**The Multnomah County Board of Commissioners Finds:**

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

**The Multnomah County Board of Commissioners Orders:**

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

Jonathan Weedman	Donna Anderson
Jeff Chudner	Sandra Coombs
Jennifer Obermeyer	Kim Christiansen
Nelle Kesterson	George Miller

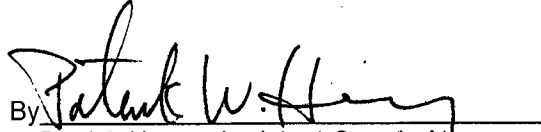
ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLES, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Patrick Henry, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDER NO. 04-150**

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

**The Multnomah County Board of Commissioners Finds:**

- a) If authorized by a county governing body, a designee of a mental health program director may direct a peace officer to take into custody a person whom the designee has probable cause to believe is dangerous to self or others and whom the designee has probable cause to believe is in need of immediate care, custody, and treatment of mental illness.
- b) There is a current need for specified designees of the Multnomah County Mental Health Program Director to have the authority to direct a peace officer to take an allegedly mentally ill person into custody.
- c) All the designees listed below have been specifically recommended by the Mental Health Program Director and meet the standards established by the Mental Health Division.

**The Multnomah County Board of Commissioners Orders:**

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

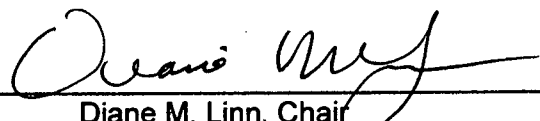
Jonathan Weedman  
Jeff Chudner  
Jennifer Obermeyer  
Nelle Kesterson

Donna Anderson  
Sandra Coombs  
Kim Christiansen  
George Miller

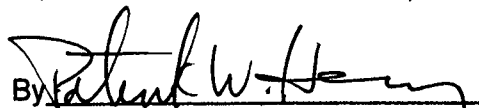
ADOPTED this 21st day of October, 2004.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

AGNES SOWLES, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Patrick Henry, Assistant County Attorney

## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** October 21, 2004

**Agenda Item #:** C-4

**Est. Start Time:** 9:30 AM

**Date Submitted:** 10/13/04

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**Requested Date:** October 21, 2004

**Time Requested:** N/A

**Department:** Sheriff's Office

**Division:** Enforcement

**Contact/s:** Brad Lynch

**Phone:** 503-988-4336

**Ext.:** 84336

**I/O Address:** 503/350

**Presenters:** Consent Calendar

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**Agenda Title:** Government Non-Expenditure Contract (190 Agreement) 0405118  
Between the United States Department of Homeland Security Federal Protective  
Service and the Multnomah County Sheriff's Office to Consent to the Exercise of Peace  
Officer Authority by Federal Protective Services Law Enforcement Personnel

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

- 
1. **What action are you requesting from the Board? What is the department/agency recommendation?**

Approval of intergovernmental agreement # 0405118.

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

The Federal Protective Service (FPS) is the Federal law enforcement branch responsible for protecting persons and property at all buildings and areas owned and occupied by the United States. They may enforce Federal laws and regulations for the protection of persons and property at these buildings and areas. However, they are unable to make arrests for state and/or local offenses

which may occur on Federal property; they must call local law enforcement authorities. With this agreement the Sheriff will grant written consent to FPS law enforcement personnel the authority of peace officers when they are engaged in the enforcement of applicable state and local laws on property owned or possessed by the United States, or on any street, sidewalk, or property adjacent thereto within the County of Multnomah.

**3. Explain the fiscal impact (current year and ongoing). None.**

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

**If a budget modification, explain:**

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

**NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain:**

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

**If grant application/notice of intent, explain:**

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

**4. Explain any legal and/or policy issues. This agreement has been reviewed by the County Attorney's Office**

5. Explain any citizen and/or other government participation that has or will take place. None, other than what has been described above.

**Required Signatures:**

**Department/Agency Director:**



**Date: 10/13/04**

**Budget Analyst**

**By:**

**Date:**

**Dept/Countywide HR**

**By:**

**Date:**

**LYNCH Brad B**

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**From:** ASPHAUG Scott E [Scott.E.Asphaug@co.multnomah.or.us]  
**Sent:** Thursday, October 07, 2004 9:19 AM  
**To:** LYNCH Brad B  
**Subject:** RE: Review Request - Federal Protective Service

Brad

sorry for the delay on getting back to you on this one.

I've reviewed the language of the IGA and approve as to form.

the IGA does need Board approval as we are giving up legal authority to the feds in limited circumstances. See below:

**1. How to get your Intergovernmental Agreement approved.**

- **The following Intergovernmental Agreements must be approved by the Board regardless of dollar amount:**
  - Agreements where the County is transferring its authority to perform a government function or activity to another government (Example: Agreement for a City to provide planning services within unincorporated Multnomah County), **or**
  - Another government is transferring its authority to perform a government function or activity to Multnomah County (Example: Agreement for the County to provide police services in a City), **or**
  - The agreement creates a new governmental entity to perform a function or activity ( This type of agreement is very rare).

Based on this rule, this does need Board approval.  
Scott

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

**From:** LYNCH Brad B  
**Sent:** Thursday, September 30, 2004 8:50 AM  
**To:** ASPHAUG Scott E  
**Cc:** DUNAWAY Susan M  
**Subject:** Review Request - Federal Protective Service

Scott, attached is a memorandum of understanding with the Federal Protective Service sent to me by Chief Graham. You may have seen this already; apparently a copy was being routed (by whom I'm not sure) and was misplaced. Please review, and also advise on whether this would need Board review/approval.

Thanks,

<<Federal Protective Services MOU Attachment A.xls>> <<Federal Protection Services MOU.doc>>  
<<Federal Protection Services MOU CAF.doc>>

**Brad Lynch**

Multnomah County Sheriff's Office  
Fiscal Unit  
501 SE Hawthorne Blvd, STE 350  
Portland, OR 97214  
Phone (503) 988-4336  
Fax (503) 988-4317

email: [brad.lynch@mcsso.us](mailto:brad.lynch@mcsso.us)

<http://www.co.multnomah.or.us/sheriff/>

# MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Attorney signature) ☐ Attached ☐ Not Attached Contract #: 0405118  
Amendment #:

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 checked="" 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 type="checkbox"/> Revenue Contracts <input type="checkbox"/> Grant Contracts <input type="checkbox"/> Non-Expenditure Contracts	<input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Non-Expenditure <input type="checkbox"/> Revenue <b>CLASS III B</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: Sheriff's Office Division: Enforcement Date: 09/29/04  
 Originator: Chief Deputy Graham Phone: 503-988-4308 Bldg/Rm: 503/350  
 Contact: Brad Lynch Phone: 503-988-4336 Bldg/Rm: 503/350  
 Description of Contract: Memorandum of understanding to consent to the exercise of peace officer authority by Federal Protective Services law enforcement personnel.

RENEWAL: ☐ PREVIOUS CONTRACT #(S):  
 RFP/BID: RFP/BID DATE:  
 EXEMPTION #: ORS/AR #:  
 Effective DATE: EXPIRATION DATE:  
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# or ☐ Self Cert ☐ Non-Profit ☒ N/A (Check all boxes that apply)

Contractor	Federal Protective Service			Remittance address	
Address	620 SW Main St, Rm 108			(If different)	
City/State	Portland, OR			Payment Schedule / Terms	
ZIP Code	97205			<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	503-326-5607	David J. Capps		<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	upon sig.	Term Date	perpetual	<input type="checkbox"/> Requirements Funding Info:	
Amendment Effect Date		New Term Date		Original Requirements Amount	\$
Original Contract Amount	\$0			Total Amt of Previous Amendments	\$
Total Amt of Previous Amendments	\$			Requirements Amount Amendment:	\$
Amount of Amendment	\$			Total Amount of Requirements	\$
Total Amount of Agreement	\$0				

## REQUIRED SIGNATURES:

Department Manager \_\_\_\_\_ DATE \_\_\_\_\_  
 Purchasing Manager \_\_\_\_\_ DATE \_\_\_\_\_  
 County Attorney S.A. \_\_\_\_\_ DATE 10/7/04  
 County Chair \_\_\_\_\_ DATE \_\_\_\_\_  
 Sheriff Bernie Giusto by LAG \_\_\_\_\_ DATE 10-13-04  
 Contract Administration \_\_\_\_\_ DATE \_\_\_\_\_

COMMENTS:



**MEMORANDUM OF UNDERSTANDING  
BETWEEN MULTNOMAH COUNTY SHERIFFS OFFICE  
AND THE  
UNITED STATES DEPARTMENT OF HOMELAND SECURITY  
FEDERAL PROTECTIVE SERVICE**

**PURPOSE**

The expressed purpose of this agreement is to establish criteria of mutual assistance between the Department of Homeland Security (DHS/FPS) Federal Protective Service (FPS), Region 10, hereafter referred to as FPS and the Multnomah County Sheriffs Office, hereafter referred to as MCSO. Both FPS and MCSO having mutual law enforcement and security responsibilities within the County of Multnomah, agree to assist one another for the purposes of providing protection to government employees, the general public and properties under the cognizance and control of the respective agencies.

**RECITALS**

The DHS/FPS is established under the authority of Title 40, United States Code, Section 1315 for the purpose of protecting persons and property at all buildings and areas owned or occupied by the United States.

DHS/FPS Police Officers and all other DHS/FPS law enforcement personnel credentialed under 40 U.S.C. 1315 while engaged in the performance of official duties, an officer or agent designated under this subsection may enforce Federal laws and regulations for the protection of persons and property; carry firearms; make arrest without a warrant for any offense against the United States committed in the presence of the officer or agent or for any felony; serve warrants and subpoenas issued under the authority of the United States; conduct investigations, on and off the property in question, of offenses that may have been committed against property owned or occupied by the Federal Government or person on the property; and carry out such other activities for the promotion of homeland security as the Secretary may prescribe.

With the written consent of the Sheriff in whose jurisdiction the property is situated, Section 133.235 grants to DHS/FPS law enforcement personnel so certified the authority of peace officers when they are engaged in the enforcement of applicable state and local laws.

It is the policy of the City and DHS that the DHS/FPS and the MCSO shall coordinate their law enforcement efforts to provide quality police services for the protection of all persons and property on or involved in the use of property owned or occupied by the Federal Government located in the County of Multnomah.

## **AGREEMENT**

In consideration of the possible need for mutual assistance the FPS and MCSO agree to the following conditions:

1. DHS/FPS shall maintain certification of those DHS/FPS law enforcement personnel who have satisfied the training requirements of Section 133.245(6) of the Oregon Revised Statutes.
2. The Sheriff, by signing this Memorandum of Understanding, consents to the exercise of peace officer authority by DHS/FPS law enforcement personnel so certified when they are engaged in the enforcement of applicable state and local laws on property owned or possessed by the United States, or on any street, sidewalk, or property adjacent thereto. This includes protection of persons identified as proper subjects for protection by the Director of DHS/FPS.
3. DHS/FPS law enforcement personnel so certified shall be authorized to exercise the powers of arrest of a peace officer for violations of state or local laws and such arrest powers are exercised incidental to their federal duties, and shall be peace officers when they are engaged in the enforcement of applicable state and local laws within the County of Multnomah.
4. The DHS/FPS shall have primary responsibility for providing police services on property owned or occupied by the Federal Government within the County of Multnomah. A list of these properties is attached hereto as "attachment A". DHS/FPS shall be responsible for notifying MCSO of any changes to the list by forwarding an amended list to the MCSO Legal Division.
5. If either the FPS or MCSO, under exigent or other emergency circumstances, requests assistance, the other agency is authorized to render any and all assistance possible and shall attempt to do so subject to the availability of resources. The agency requesting assistance can project needs based on the circumstances or the event, the assisting agency's support will be based on availability of resources. In cases where mutual aid between FPS and MCSO is required, the Incident Command System (ICS) will be implemented and adhered to.

The requesting agency, as resources permit, shall maintain command and control of the situation; the assisting agency's personnel will be under the technical command of the on-scene commander. The deployment of law enforcement personnel will be at the discretion of the requesting agency. Consistent with relevant state and federal laws, the FPS and MCSO shall

make copies of their police incident reports available to each other upon request.

6. The primary goals of this agreement is to provide assistance for:
  1. The protection of life and property.
  2. Response to officer assistance calls.
  3. Major demonstrations.
  4. Civil disobedience.
  5. Response to disasters.
  6. Training in Weapons of Mass Destruction (WMD).
7. Federal agencies are self insured, to the extent allowed under federal and state law, FPS will be liable only for the acts or omissions of its personnel. MCSO shall be individually liable for worker's compensation claims filed by its respective personnel arising from injuries sustained as a result of this MOU. With respect to the use of force, each individual will be governed by his or her respective agency's Use of Force policy.
8. This agreement shall remain in effect until such time as either agency cancels or modifies the terms and conditions of the agreement. The parties agree that termination of this agreement will be in writing with at least 30 days notice.

Ken Spitzer  
Director  
U.S. Department of Homeland Security  
Federal Protective Service

*Bernie Giusto by LAB*  
*10-13-04*

Bernie A. Giusto  
Sheriff  
Multnomah County Sheriffs Office

**Multnomah County, Oregon**

**Diane M. Linn, County Chair**

# INSP PENA (503) 793-9174

Location Code	Beat Assignment	Location Name	Address Line 1	Building City	State	Building Zip	Insp ASSIGNED	Jurisdiction	Security Level	OEP Short form	Fiscal Year Survey Date
OR6485ZZ	Portland #1	ROBERT DUNCAN PLAZA	333 SW First Ave	Portland	OR	97204-3440	Pena	Proprietary	4	y	
OR0025ZZ	Portland #1	CUSTOM HOUSE	220 NW Eighth Ave	Portland	OR	97209-3503	Pena	Exclusive	3	y	
	Portland #1	BREWERY #4(replaces Customs Hous	1125 NW Couch	Portland	OR	97209-0000	Pena	Proprietary	3	n	Apr-04
OR6624ZZ	Portland #2	I-84 CORPORATE CENTER	1060 NW Corporate Dr	Troutdale	OR	97060-9540	Pena	Proprietary	2	y	
OR6543ZZ	Portland #5	NIMBUS CORPORATE CENTER	9780 SW Nimbus	Beaverton	OR	97008-7172	Pena	Proprietary	2	y	Nov-03
OR6607ZZ	Portland #5	PARKSIDE BUSINESS PARK	7995 SW Cirrus Dr, Building 22	Beaverton	OR	97008-5977	Pena	Proprietary	2	y	Dec-03
OR6592ZZ	Portland #1	WORLD TRADE CENTER	121 SW Salmon St	Portland	OR	97204-2901	Pena	Proprietary	2	y	
OR6493ZZ	Portland #5	WILSONVILLE BUS CENTER	9025 SW Hillman Ct	Wilsonville	OR	97070-9241	Pena	Proprietary	2	y	
OR6529ZZ	Portland #1	KGON TOWER	4700 SW Council Crest Dr	Portland	OR	97201-1440	Pena	Proprietary	2	y	
OR0050ZZ	Portland #1	FEDERAL WAREHOUSE	2760 NW Yeon Ave	Portland	OR	97210-1834	Pena	Proprietary	1	y	
OR6567ZZ	Portland #2	PDX CORPORATE CENTER	14015 NE Airport Way	Portland	OR	97230-3442	Pena	Proprietary	1	y	
OR6569ZZ	Portland #2	LLYOD CENTER TOWER	825 NE Multnomah	Portland	OR	97232-2135	Pena	Proprietary	1	y	
OR6677ZZ	Portland #2	"OLD" OREGON CITY FB	256 Warner Milne Road	Oregon City	OR	97045-0000	Pena	Proprietary	2	y	
OR6626ZZ	Portland #1	CITY CENTER PARKING LOT	1025 SW Sixth Ave, #78	Portland	OR	97204-1102	Pena	Proprietary	1	y	

## New Inspector(503)

Location Code	Beat Assignment	Location Name	Address Line 1	Building City	State	Building Zip	Insp ASSIGNED	Jurisdiction	Security Level	OEP Short form	Fiscal Year Survey Date
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### INSP MAXEY (503) 572-2996

Location Code	Beat Assignment	Location Name	Address Line 1	Building City	State	Building Zip	Insp ASSIGNED	Jurisdiction	Security Level	OEP Short form	Fiscal Year Survey Date
OR0043ZZ	Portland #1	EDITH GREEN/WENDALL WYATT - F	1220 SW Third Ave	Portland	OR	97204-2825	Maxey	Proprietary	4	y	
WA7719ZZ	Portland #3	GIFFORD PINCHOT FS	10600 NE 51st Circle	Vancouver	WA	98682-5419	Maxey	Proprietary	3	y	
WA0019ZZ	Portland #3	US POST OFFICE	1603 Larch St	Longview	WA	98632-9998	Maxey	UNK	1	y	
WA7521ZZ	Portland #3	NORTHGATE IND PK	1417 NE 76 St	Vancouver	WA	98665-0464	Maxey	Proprietary	1	y	
WA7698ZZ	Portland #3	78TH ST PLAZA	1503 NE 78th St	Vancouver	WA	98665-9667	Maxey	Proprietary	1	y	
WA7726ZZ	Portland #3	COLUMBIA BUS CTR	600 SE Maritime Ave, Suite 130	Vancouver	WA	98661-8042	Maxey	Proprietary	1	y	
WA7741ZZ	Portland #3	COLUMBIA BUS CTR II	2119 SE Columbia Way	Vancouver	WA	98661-8037	Maxey	Proprietary	1	y	
WA7743ZZ	Portland #3	MAIN PLACE	1111 Main St	Vancouver	WA	98660-2970	Maxey	Proprietary	1	y	
WA7890ZZ	Portland #3	WEST COAST BANK BUILDING	500 E Broadway	Vancouver	WA	98685-5760	Maxey	Proprietary	1	y	
WA7676ZZ	Portland #3	MURDOCK EXECUTIVE	703 Broadway, Suite 650	Vancouver	WA	98660-3307	Maxey	Proprietary	2	y	
WA7818ZZ	Portland #3	COLUMBIA TECH CENTER	1300 SE Cardinal Court, Building	Vancouver	WA	98661-7049	Maxey	Proprietary	2	y	Apr-04
WA7833ZZ	Portland #3	1ST INDEPENDENCE BANK	1220 Main St	Vancouver	WA	98660-0000	Maxey	Proprietary	2	n	Nov-03
WA7882ZZ	Portland #3	U.S. Fish & Wildlife	1211 S E Cardinal Court	Vancouver	WA	98683	Maxey	Proprietary	2		
WA0094ZZ	Portland #3	FEDERAL BUILDING	500 W 12th St	Vancouver	WA	98660-2871	Maxey	Proprietary	3	y	

### INSP GREENHILL (503) 793-1115

Location Code	Beat Assignment	Location Name	Address Line 1	Building City	State	Building Zip	Insp ASSIGNED	Jurisdiction	Security Level	OEP Short form	Fiscal Year Survey Date
	Portland #1	DHS Facility(replaces 511 NW Braodway)		Portland	OR		Greenhill	Proprietary	4	n	
OR0026ZZ	Portland #1	INS BUILDING	511 NW Broadway	Portland	OR	97209-3410	Greenhill	Exclusive	3	y	Apr-04
OR0058PE	Portland #1	BPA BUILDING	905 11th Ave	Portland	OR	97232-4169	Greenhill	Proprietary	4	y	
OR6651ZZ	Portland #5	NESKOWIN PLAZA	48880 Hwy 101 S	Neskowin	OR	97149-0000	Greenhill	Proprietary	2	y	
OR6252ZZ	Portland #1	CROWN PLAZA BUILDING	1500 SW First Ave	Portland	OR	97201-5815	Greenhill	Proprietary	2	y	
OR6254ZZ	Portland #1	1500 PLAZA BUILDING	1500 NE Irving St	Portland	OR	97232-2243	Greenhill	Proprietary	2	y	
OR6359ZZ	Portland #5	EQUITABLE CENTER	530 Center St.	Salem	OR	97301-3772	Greenhill	Proprietary	3	y	
OR6593ZZ	Portland #5	PARKWAY ONE	3401 Del Webb Ave NE	Salem	OR	97303-4160	Greenhill	Proprietary	1	y	
OR6660ZZ	Portland #5	OAK STREET BUILDING	1660 Oak Street SE, Suite 300	Salem	OR	97302-6454	Greenhill	Proprietary	1	n	Apr-04
OR6603ZZ	Portland #1	CROWN PLAZA II	1500 SW First Ave	Portland	OR	97201-5815	Greenhill	Proprietary	2	y	
OR6568ZZ	Portland #1	SIXTH AVE BUILDING	400 6th Ave	Portland	OR	97204-1628	Greenhill	Proprietary	2	y	
OR6623ZZ	Portland #5	CREEKSIDE CORP CENTER	610 Hawthorne Ave SE	Salem	OR	97301-5859	Greenhill	Proprietary	1	y	
	Portland #5	CREEKSIDE CORP CENTER II		Salem	OR	97301-5859	Greenhill	Proprietary	1	n	
OR6661ZZ	Portland #1	LLOYD BUILDING	1201 Lloyd Blvd	Portland	OR	97232-0000	Greenhill	Proprietary	1	n	Nov-03
OR6644ZZ	Portland #5	SPINNAKER PLACE	2601 25th St SE, Suite 550	Salem	OR	97302-1287	Greenhill	Proprietary	2	y	

# INSP FOSTER (503) 572-2528

Location Code	Beat Assignment	Location Name	Address Line 1	Building City	State	Building Zip	Insp ASSIGNED	Jurisdiction	Security Level	OEP Short form	Fiscal Year Survey Date
OR0052ZZ	Portland #1	MARK O. HATFIELD US COURTHOU	1000 SW Third Ave	Portland	OR	97204-2930	Foster	Proprietary	4	y	
WA7803ZZ	Portland #3	SSA	6615 NE 4th Plain Blvd, Suite 200	Vancouver	WA	98632-9998	Foster	Proprietary	3	y	
OR6582ZZ	Portland #5	TAGGART BUILDING	115 W Bond St	Astoria	OR	97103-6009	Foster	Proprietary	2	y	
OR6639ZZ	Portland #2	BEVERLY BUILDING	194 Beverly Dr	Oregon City	OR	97045-4044	Foster	Proprietary	2	y	
OR6586ZZ	Portland #1	MALLORY PARK BUILDING	1538 SW Yamhill St	Portland	OR	97205-1824	Foster	Proprietary	2	y	
OR6615ZZ	Portland #1	SCHUYLER	221 NE Schuyler	Portland	OR	97212-3951	Foster	Proprietary	2	y	
OR6548ZZ	Portland #4	WILLIAMS BUILDING	300 E Fourth St	The Dalles	OR	97058-2208	Foster	Proprietary	2	y	
OR6601ZZ	Portland #2	SSA	2625 SE 98th Ave	Portland	OR	97266-1301	Foster	Proprietary	2	y	
WA7736ZZ	Portland #3	TITLE COMPANY	1145 14th Ave	Longview	WA	98632-3016	Foster	Proprietary	2	y	
OR6621ZZ	Portland #5	SSA	11975 SW 2nd Ave, Suite A	Beaverton	OR	97005-2906	Foster	Proprietary	2	y	
WA7903ZZ	Portland #3	3 Rivers Mall	351 Three Rivers Dr	Kelso	WA	98626	Foster	Proprietary	1		
OR6588ZZ	Portland #5	SSA	1055 Bain St	Albany	OR	97321-5095	Foster	Proprietary	2	y	
OR6540ZZ	Portland #4	MOUNT HOOD FS	16400 Champion Way	Sandy	OR	97055-7299	Foster	Proprietary	3	y	
WA7902ZZ	Portland #3	H&R Block Bldg.	113 S W Russell Ave	Stevenson	WA	98648	Foster	Proprietary	1		
WA7325ZZ	Portland #3	PARK VILLA BUILDING	3rd & Mill St	Ridgefield	WA	98642-0000	Foster	Proprietary	1	y	

# INSP CAPPS (503) 572-2987

Location Code	Beat Assignment	Location Name	Address Line 1	Building City	State	Building Zip	Insp ASSIGNED	Jurisdiction	Security Level	OEP Short form	Fiscal Year Survey Date
OR6566ZZ	Portland #1	CONGRESS BUILDING	1001 Fifth Ave	Portland	OR	97204-1147	Capps	Proprietary	4	y	
OR0023ZZ	Portland #1	GUS SOLOMON COURTHOUSE	620 SW Main St	Portland	OR	97205-3037	Capps	Exclusive	3	y	Dec-03
OR6481ZZ	Portland #1	ALBER MILLS	1100 NW Front Ave	Portland	OR	97208-2818	Capps	Proprietary	2	y	
OR6486ZZ	Portland #2	CENTER 205	2600 SE 98th Ave	Portland	OR	97266-1325	Capps	Proprietary	2	y	
OR6478ZZ	Portland #2	CHERRY BLOSSOM CENTER	10615 Cherry Blossom Dr	Portland	OR	97216-3103	Capps	Proprietary	2	y	
OR6620ZZ	Portland #1	ODS BUILDING	601 SW 2nd Ave	Portland	OR	97204-3154	Capps	Proprietary	2	y	Feb-04
OR6459ZZ	Portland #2	AIRPORT BUS CENTER, 6135 A-5	6135 NE 80th St	Portland	OR	97218-4033	Capps	Proprietary	2	y	
OR6594ZZ	Portland #2	AIRPORT BUS CENTER, 6135 A-8	6135 NE 80th St	Portland	OR	97218-2853	Capps	Proprietary	2	y	
OR6581ZZ	Portland #2	AIRPORT BUS CENTER, 6130 C11	6130 NE 78th Court	Portland	OR	97218-2853	Capps	Proprietary	2	y	
OR6655ZZ	Portland #2	AIRPORT BUS CENTER, 7820 B-10	7820 NE Holman St	Portland	OR	97218-2853	Capps	Proprietary	2	y	
WA7520ZZ	Portland #3	TAYLOR-BROCKER BLDG	9317 NE HWY 99	Vancouver	WA	98665-8900	Capps	Proprietary	2	y	
OR6531ZZ	Portland #2	MIUW FACILITY "VACANT"	5909 N Cutter Circle	Portland	OR	97217-3940	Capps	Proprietary	2	n	

OR6456ZZ	Portland #1	EXECUTIVE	811 SW 6th Ave	Portland	OR	97204-1334	Capps	Proprietary	2	y	
OR6668ZZ	Portland #1	FIFTH AND TAYLOR GARAGE	5th and Taylor	Portland	OR	97204-1208	Capps	Proprietary	1	n	Dec-04
WA7760ZZ	Portland #3	WHIPPLE CREEK EXECUTIVE STOR	14615 NE 13th CT	Vancouver	WA	98685-1400	Capps	Proprietary	1	y	

# INSP PATRICK (503) 793-8044

Location Code	Beat Assignment	Location Name	Address Line 1	Building City	State	Building Zip	Insp ASSIGNED	Jurisdiction	Security Level	OEP Short form	Fiscal Year Survey Date
OR0024ZZ	Portland #1	PIONEER COURTHOUSE	555 SW Yamhill St	Portland	OR	97204-1402	Patrick	Exclusive	4	y	Oct-03
OR6591ZZ	Portland #2	PORTLAND INTERNATIONAL CENTE	8337 NE Alderwood Way	Portland	OR	972218-6801	Patrick	Proprietary	3	y	Feb-04
OR6515ZZ	Portland #4	FORESTRY MODULE NO 3	4203 Holliday Lane	Warm Springs	OR	97761-3001	Patrick	Proprietary	2	y	
OR6516ZZ	Portland #4	TIMBER SALES NO 4	4205 Holliday Lane	Warm Springs	OR	97761-3001	Patrick	Proprietary	2	y	
OR6355ZZ	Portland #4	WARM SPRINGS ADMIN BLDG	PO Box C	Warm Springs	OR	97761-3001	Patrick	Proprietary	2	y	
OR6513ZZ	Portland #4	FORESTRY ADMIN NO. 1	4430 Upper Day Creek	Warm Springs	OR	97761-3001	Patrick	Proprietary	2	y	
OR6514ZZ	Portland #4	FIRE MGT NO. 2	4201 Holliday Lane	Warm Springs	OR	97761-3001	Patrick	Proprietary	2	y	
OR6517ZZ	Portland #4	PAINT SHED NO 5	4207A Holliday Lane	Warm Springs	OR	97761-3001	Patrick	Proprietary	1	y	
OR6518ZZ	Portland #4	WAREHOUSE & FIRE 6	4207B Holliday Lane	Warm Springs	OR	97761-3001	Patrick	Proprietary	1	y	
OR6519ZZ	Portland #4	COMMODITIES WHS NO 9	4217A Holliday Lane	Warm Springs	OR	97761-3001	Patrick	Proprietary	1	y	
OR6650ZZ	Portland #2	DELTA AIRLINES BUILDING	8855 NE Airport Way	Portland	OR	97220-1371	Patrick	Proprietary	2	n	Feb-04
OR6659ZZ	Portland #2	TSA BUILDING	8338 NE Alderwood Way	Portland	OR	97220-6809	Patrick	Proprietary	2	n	Nov-04
OR6678ZZ	Portland #2	TSA BUILDING	7000 NE Airport Way	Portland	OR	97220-0000	Patrick	Proprietary	2	n	Nov-04

OR0501ZZ	Portland #2	W WAREHOUSE FEDERAL DEPOT	Graham Rd Rt 2 Box 13	Troutdale	OR	97060-9539	Patrick	Proprietary	1	y	
OR0502ZZ	Portland #2	N WAREHOUSE FEDERAL DEPOT	Graham Rd Rt 2 Box 13	Troutdale	OR	97060-9539	Patrick	Proprietary	1	y	

## INSP

Location Code	Beat Assignment	Location Name	Address Line 1	Building City	State	Building Zip	Insp ASSIGNED	Jurisdiction	Security Level	OEP Short form	Fiscal Year Survey Date
OR0033PE	Portland #1	FEDERAL BUILDING	911 NE 11th St Greenhill	Portland	OR	97232-4169	Turner	Proprietary	4	y	
OR0002ZZ	Portland #5	US POST OFFICE	750 Commercial St Foster	Astoria	OR	97103-9998	Turner	Exclusive MOU	Pending	y	
OR6546ZZ	Portland #1	ONE MAIN PLACE	101 SW Main St Pena	Portland	OR	97204-3228	Turner	Proprietary	3	y	
OR6506ZZ	Portland #1	LLOYD CENTER	2201 Lloyd Center Capps	Portland	OR	97232-1315	Turner	Proprietary	2	y	Nov-03
OR6610ZZ	Portland #1	KAISER PERMANENTE	500 NE Multnomah St Maxey	Portland	OR	97232-2099	Turner	Proprietary	1	y	
OR6537ZZ	Portland #2	99 EAST BURNSIDE	9828 E Burnside St Patrick	Portland	OR	97216-2354	Turner	Proprietary	2	y	
OR6646ZZ	Portland #2	CASCADE STATION	7545 NE Ambass Pl Greenhill	Portland	OR	97220-0000	Turner	Proprietary	2	y	
OR6542ZZ	Portland #1	1515 BUILDING	1515 SW 5th Ave Pena	Portland	OR	97205-0000	Turner	Proprietary	2	y	
OR6475ZZ	Portland #5	BARBEY INVESTMENT CO	1402 Marine Dr Foster	Astoria	OR	97103-3808	Turner	Proprietary	1	y	
OR6511ZZ	Portland #1	FORUM BUILDING	525 NE Oregon St Capps	Portland	OR	97232-2765	Turner	Proprietary	2	y	Dec-03

OR6357ZZ	Portland #1	KAISER PERMANENTE BUILDING	500 NE Multnomah St Patrick	Portland	OR	97232-2099	Turner	Proprietary	2	y	
OR6657ZZ	Portland #1	MONTGOMERY PLACE	2701 NW Vaughn St Maxey	Portland	OR	97210-0000	Turner	Proprietary	2	y	

**BOGSTAD Deborah L**

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**From:** KIRK Christine A  
**Sent:** Wednesday, October 20, 2004 1:44 PM  
**To:** KIRK Christine A; CARROLL Mary P; ROMERO Shelli D; WALKER Gary R; NAITO Terri W; SMITH Andy J; LASHUA Matthew  
**Cc:** SOWLE Agnes; BOGSTAD Deborah L  
**Subject:** RE: C-4

We will send some information your way about - why does the Sheriff do this and what does it mean when it happens, as well as the Oregon law that indicates the police powers of federal agents in Oregon. After you have received and reviewed that, I would like to hear what the remaining questions are. If they pertain to what the Federal agents are assigned to do in this geographic area, we will ask the a member of Federal Protective Services to come and respond to those questions at the Board meeting.

Thanks  
 CK

Christine Kirk  
 503-988-4301

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

**From:** KIRK Christine A  
**Sent:** Wednesday, October 20, 2004 1:05 PM  
**To:** CARROLL Mary P; ROMERO Shelli D; KIRK Christine A; WALKER Gary R; NAITO Terri W; SMITH Andy J; LASHUA Matthew  
**Cc:** SOWLE Agnes; BOGSTAD Deborah L  
**Subject:** RE: C-4

The Sheriff is not available tomorrow. We will work with Deb to get another date.

Christine Kirk  
 503-988-4301

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

**From:** CARROLL Mary P [mailto:mary.p.carroll@co.multnomah.or.us]  
**Sent:** Wednesday, October 20, 2004 1:03 PM  
**To:** ROMERO Shelli D; KIRK Christine A; WALKER Gary R; NAITO Terri W; SMITH Andy J; LASHUA Matthew  
**Cc:** SOWLE Agnes; BOGSTAD Deborah L  
**Subject:** RE: C-4

After talking to Christine and Shelli, there appears to be some additional questions that should be addressed in C-4. Therefore, we are requesting it be put on the regular agenda. Christine is not sure if the Sheriff or appropriate people from the Sheriff's office can be there to answer questions tomorrow. If not, it may have to be set over for a vote. She agrees that there is not a problem if it is set over. Christine, will you let us (including Deb) if it needs to be set over? By the way, Serena will be participating by phone tomorrow.

Mary Carroll  
 Executive Assistant

10/20/2004



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](mailto:mary.p.carroll@co.multnomah.or.us)

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

**From:** ROMERO Shelli D  
**Sent:** Wednesday, October 20, 2004 10:10 AM  
**To:** KIRK Christine A; WALKER Gary R; CARROLL Mary P; NAITO Terri W; SMITH Andy J; LASHUA Matthew  
**Cc:** SOWLE Agnes  
**Subject:** RE: C-4

Thank you Christine.

Board staff: Maria is out sick today. I have provided her with her board staff briefing via email. If your commissioner has concerns with C-4 as outlined below or there is any interest in moving it off of the consent calendar to the regular agenda, can you please let me know along with your reasoning so I can share with Maria? Thank you, Shelli

Shelli Romero  
Office of Commissioner Maria Rojo de Steffey  
Multnomah County - District 1  
501 SE Hawthorne Blvd, Suite 600  
Portland, OR 97214  
(503) 988-4435 phone  
(503) 988-5440 fax  
[Shelli.D.Romero@co.multnomah.or.us](mailto:Shelli.D.Romero@co.multnomah.or.us)  
Se habla espanol

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

**From:** KIRK Christine A  
**Sent:** Tuesday, October 19, 2004 5:34 PM  
**To:** ROMERO Shelli D; WALKER Gary R; CARROLL Mary P; NAITO Terri W; SMITH Andy J  
**Cc:** SOWLE Agnes  
**Subject:** C-4

I understand a question came up about C-4. It is a general practice for the Sheriff's Office to "swear in" persons who work for other entities and need to enforce Oregon and Multnomah County laws. When doing this a contract is also created that discusses the local expectations and collaborative efforts. To my understanding, what is on the consent calendar is no different than what we do with Clark County, Metro, Animal Control or others.

If you have any questions about this, I will be happy to get answers.

Christine Kirk  
Multnomah County Sheriff's Office  
501 SE Hawthorne Suite 350, Portland OR 97214  
503-988-4301, fax 503-988-4316  
Inter-office mail - 503/350/kirk

10/20/2004

## BOGSTAD Deborah L

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**From:** KIRK Christine A  
**Sent:** Wednesday, October 20, 2004 2:16 PM  
**To:** BOGSTAD Deborah L  
**Subject:** RE: dates

11:30. Thank you

Christine Kirk  
503-988-4301

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

**From:** BOGSTAD Deborah L [mailto:deborah.l.bogstad@co.multnomah.or.us]  
**Sent:** Wednesday, October 20, 2004 2:11 PM  
**To:** KIRK Christine A  
**Subject:** RE: dates

How about 11:30 or 11:45 - take your pick!

**Deb Bogstad, Board Clerk**  
**Multnomah County Commissioners**  
**501 SE Hawthorne Boulevard, Suite 600**  
**Portland, Oregon 97214-3587**  
**(503) 988-3277 phone**  
**(503) 988-3013 fax**  
**[deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)**  
**<http://www.co.multnomah.or.us/cc/index.shtml>**

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

**From:** KIRK Christine A  
**Sent:** Wednesday, October 20, 2004 2:03 PM  
**To:** BOGSTAD Deborah L  
**Subject:** RE: dates

Thanks. I just happens we will have five of the Federal Protective Service people here late that morning, so it is perfect. Let me know what time you think it might be when you have a chance.

Christine Kirk  
503-988-4301

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

**From:** BOGSTAD Deborah L [mailto:deborah.l.bogstad@co.multnomah.or.us]  
**Sent:** Wednesday, October 20, 2004 1:48 PM  
**To:** KIRK Christine A  
**Subject:** RE: dates

I'll do it. Thank you!

**Deb Bogstad, Board Clerk**  
**Multnomah County Commissioners**  
**501 SE Hawthorne Boulevard, Suite 600**

10/20/2004

**Portland, Oregon 97214-3587**  
**(503) 988-3277 phone**  
**(503) 988-3013 fax**  
**[deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)**  
**<http://www.co.multnomah.or.us/cc/index.shtml>**

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

**From:** KIRK Christine A  
**Sent:** Wednesday, October 20, 2004 1:47 PM  
**To:** BOGSTAD Deborah L  
**Subject:** RE: dates

The 18<sup>th</sup> sounds good. Any way you can tack the time to the end of the meeting not the beginning? I bet we can get it the briefing and the vote done in 15.

Christine Kirk  
503-988-4301

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

**From:** BOGSTAD Deborah L  
[mailto:[deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)]  
**Sent:** Wednesday, October 20, 2004 1:31 PM  
**To:** KIRK Christine A  
**Subject:** RE: dates

11:00 a.m. next week? How much time do you need? The 4<sup>th</sup> is completely booked - they are starting at 8:45 that morning to be done in time for the Citizens Crime Commission luncheon; the 18<sup>th</sup> - I can ask if they will start at 9:00 that morning and give you that 30 minute time slot - if you really want to go out there - there is plenty of time on the December 9<sup>th</sup> agenda.

**Deb Bogstad, Board Clerk**  
**Multnomah County Commissioners**  
**501 SE Hawthorne Boulevard, Suite 600**  
**Portland, Oregon 97214-3587**  
**(503) 988-3277 phone**  
**(503) 988-3013 fax**  
**[deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)**  
**<http://www.co.multnomah.or.us/cc/index.shtml>**

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

**From:** KIRK Christine A  
**Sent:** Wednesday, October 20, 2004 1:27 PM  
**To:** BOGSTAD Deborah L  
**Subject:** dates

Hi there,

So when does the Board have time for a briefing and a vote?

10/20/2004

CK

**Christine Kirk**

Multnomah County Sheriff's Office

501 SE Hawthorne Suite 350, Portland OR 97214

**503-988-4301**, fax 503-988-4316

Inter-office mail - 503/350/kirk

10/20/2004

**BOGSTAD Deborah L**

**From:** BOGSTAD Deborah L  
**Sent:** Wednesday, October 20, 2004 5:42 PM  
**To:** ROMERO Shelli D; LASHUA Matthew; CARROLL Mary P; NAITO Terri W; WALKER Gary R; MARTIN Chuck T; WEST Kristen; SMITH Andy J; BELL Iris D; SOWLE Agnes; KIRK Christine A; LYNCH Brad B; MOYER Catherine M; Diane Linn; Lisa Naito; Lonnie Roberts; Maria ROJO DE STEFFEY; Serena Cruz  
**Subject:** C-4 on October 21 Board meeting agenda

Hi. At the request of Board Staff, C-4 will be taken off the consent calendar Thursday. It was decided to have this item placed on the regular agenda for further explanation and discussion at a later date convenient to Sheriff Giusto and staff. I spoke with MCSO staff and since there was a discrepancy between the original and electronic Memorandum of Understanding documents, they will resubmit a new packet for the November 18th Board meeting. Therefore, after removing C-4 from tomorrow's consent calendar, voting on consent calendar items C-1 through C-3, I would ask that you please vote to postpone C-4 indefinitely. Thank you!

**CONSENT CALENDAR - 9:30 AM**

**MAY I HAVE A MOTION ON THE CONSENT CALENDAR, WITH THE EXCEPTION OF C-4?**

**COMMISSIONER \_\_\_\_\_ MOVES  
 COMMISSIONER \_\_\_\_\_ SECONDS  
 APPROVAL OF THE CONSENT CALENDAR**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?  
 THE MOTION FAILS  
 OR  
THE CONSENT CALENDAR IS APPROVED**

**DEPARTMENT OF BUSINESS AND COMMUNITY SERVICES**

- C-1 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to MICHAEL J CEREGHINO TR ET AL
- C-2 RESOLUTION Authorizing Private Sale of Certain Tax Foreclosed Property to EDELENE C MAC COUMBER

**DEPARTMENT OF COUNTY HUMAN SERVICES**

- C-3 ORDER Authorizing Designees of the Mental Health Program Director to Direct a Peace Officer to Take an Allegedly Mentally Ill Person into Custody

10/20/2004

**REGULAR AGENDA - 9:30 AM**  
**SHERIFF'S OFFICE**

- C-4 Government Non-Expenditure Contract (190 Agreement) 0405118 with the United States Department of Homeland Security Federal Protective Service and the Multnomah County Sheriff's Office to Consent to the Exercise of Peace Officer Authority by Federal Protective Services Law Enforcement Personnel

**AT THE REQUEST OF SHERIFF GIUSTO'S STAFF,**  
**THIS ITEM WILL BE REVISED AND RESUBMITTED**  
**FOR DISCUSSION AND VOTE ON THE NOVEMBER 18**  
**REGULAR AGENDA WHEN SHERIFF GIUSTO WILL**  
**BE AVAILABLE. MAY I HAVE A MOTION TO**  
**POSTPONE INDEFINITELY?**

**COMMISSIONER \_\_\_\_\_ MOVES**  
**COMMISSIONER \_\_\_\_\_ SECONDS**  
**TO POSTPONE INDEFINITELY**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_?**

**THIS ITEM IS POSTPONED INDEFINITELY.**

**Deb Bogstad, Board Clerk**  
**Multnomah County Commissioners**  
**501 SE Hawthorne Boulevard, Suite 600**  
**Portland, Oregon 97214-3587**  
**(503) 988-3277 phone**  
**(503) 988-3013 fax**  
**[deborah.l.bogstad@co.multnomah.or.us](mailto:deborah.l.bogstad@co.multnomah.or.us)**  
**<http://www.co.multnomah.or.us/cc/index.shtml>**

## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** October 21, 2004

**Agenda Item #:** R-1

**Est. Start Time:** 9:30 AM

**Date Submitted:** 09/16/04

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**Requested Date:** October 21, 2004

**Time Requested:** 20 minutes

**Department:** MC Health Department

**Division:** Office of the Director Medical Director

**Contact/s:** Dr. Patsy Kullberg

**Phone:** 503 988 3674 **Ext.:** 26308 **I/O Address:** 160/8

**Presenters:** Patsy Kullberg, Medical Director and Lillian M Shirley, Director

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**Agenda Title:** Resolution Approving Delegation of Authority to Appoint Licensed Independent Practitioners in the Health Department

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

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**1. What action are you requesting from the Board? What is the department/agency recommendation?**

1. That BCC formally delegate the authority to appoint/approve licensed independent practitioners for credentialing and privileging (based on recommendations from the HD Medical Director) to the Health Department Director, and

2. That the BCC formally approves the concept that the HD Director has the option to delegate this decision-making and appointing to the HD Medical Director. 3. The above two actions must be documented in BCC meeting minutes, and be reflected in job descriptions for both the HD Director and Medical Director.

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

The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) currently accredits our Primary Care Clinics. A key standard, HR.4.10, states "There is a process for ensuring the competence of all practitioners permitted by law and the organization to practice independently." Element 14 of this standard states "The leaders review all

credentials information and decide whether to appoint the LIP to provide care, treatment, and services.”

**History:**

In the past, the Health Department Medical Director, Patsy Kullberg, formally approved the credentialing and privileging process for our LIP personnel. In 2002, JCAHO stipulated that “leaders” is defined as either the Board of County Commissioners (BCC) or the Community Health Council (CHC). In 2003, the Community Health Council started providing the formal approval process, in quarterly meetings, and maintained the credentialing and privileging of more than 100 physicians, nurse practitioners, and physician assistants in the Health Department. The CHC, who took on this large task on to assist the HD in meeting the standard requirements, has not been comfortable with the content or time requirements of this activity. At the same time, based on the responsibilities of the BCC, there would probably be a similar concern. Both the CHC and the BCC have many more important responsibilities than performing HR functions for the HD.

3. **Explain the fiscal impact (current year and ongoing).** None

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

**If a budget modification, explain:**

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
  
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

**NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain:**

- ❖ **Why was the expenditure not included in the annual budget process?**
  
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
  
- ❖ **Has this request been made before? When? What was the outcome?**

**If grant application/notice of intent, explain:**

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**



- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

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

The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) currently accredits our Primary Care Clinics. A key standard, HR.4.10, states "There is a process for ensuring the competence of all practitioners permitted by law and the organization to practice independently." Element 14 of this standard states "The leaders review all credentials information and decide whether to appoint the LIP to provide care, treatment, and services."

Because of this situation outlined above, a consulting conference call was initiated with standards experts at JCAHO. The remedial plan was agreed upon as outlined under item 1 above, which would place the responsibility for leadership approval of credentialing and privileging in the hands of the Health Department Director and her designee: the Medical Director.

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

1. That BCC formally delegate the authority to appoint/approve licensed independent practitioners for credentialing and privileging (based on recommendations from the HD Medical Director) to the Health Department Director, and

2. That the BCC formally approves the concept that the HD Director has the option to delegate this decision-making and appointing to the HD Medical Director.

3. The above two actions must be documented in BCC meeting minutes, and be reflected in job descriptions for both the HD Director and Medical Director.

Completion of the above steps would ensure that the HD complies with the letter of standard HR.4.10 and allow the HD to conduct the business of the department efficiently. The result would be full compliance with JCAHO accreditation standards. The Health Department conducts a very comprehensive review of LIP credentials prior to hire. Our process meets all the standards set forth by JCAHO. Here is the link to the credentialing and privileging policies and procedures (seven pages and one attachment)  
[http://mint.co.multnomah.or.us/health/hdpolicy/300/325\\_3.pdf](http://mint.co.multnomah.or.us/health/hdpolicy/300/325_3.pdf)

**Required Signatures:**



**Department/Agency Director:** \_\_\_\_\_

**Date:** 09/16/04



**Health Department**  
**MULTNOMAH COUNTY OREGON**

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**Medical Director's Office**  
**426 SW Stark, 8<sup>th</sup> Floor**  
**Portland, Oregon 97204**  
**(503) 988-3674 phone**  
**(503) 988-3676 fax**

**MEMO**

**To:** Staff of the Board of County Commissioners

**From:** Lillian Shirley, Director

Patsy Kullberg, Medical Director

**Date:** September 13, 2004

**Re:** Delegation of Authority for Credentialing Licensed Independent Practitioners (Medical Providers)

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**Background:**

The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) currently accredits our Primary Care Clinics. A key standard, HR.4.10, states "There is a process for ensuring the competence of all practitioners permitted by law and the organization to practice independently." Element 14 of this standard states "The leaders review all credentials information and decide whether to appoint the LIP to provide care, treatment, and services."

**History:**

In the past, the Health Department Medical Director, Patsy Kullberg, formally approved the credentialing and privileging process for our LIP personnel. In 2002, JCAHO stipulated that "leaders" is defined as either the Board of County Commissioners (BCC) or the Community Health Council (CHC). In 2003, the Community Health Council started providing the formal approval process, in quarterly meetings, and maintained the credentialing and privileging of more than 100 physicians, nurse practitioners, and physician assistants in the Health Department. The CHC, who took on this large task on to assist the HD in meeting the standard requirements, has not been comfortable with the content or time requirements of this activity. At the same time, based on the responsibilities of the BCC, there would probably be a similar concern. Both the CHC and the BCC have many more important responsibilities than performing HR functions for the HD.

**Remediation Proposal:**

Because of this situation, a consulting conference call was initiated with standards experts at JCAHO. An acceptable remedial plan was agreed upon – one which would place the responsibility for leadership approval of credentialing and privileging in the hands of the Health Department Director and her designee: the Medical Director. The following is required to make this happen:

1. The BCC must formally delegate the authority to appoint/approve licensed independent practitioners for credentialing and privileging (based on recommendations from the HD Medical Director) to the Health Department Director, and
2. That the BCC formally approves the concept that the HD Director has the option to delegate this decision-making and appointing to the HD Medical Director.
3. The above two actions must be documented in BCC meeting minutes, and be reflected in job descriptions for both the HD Director and Medical Director.

Completion of the above steps would ensure that the HD complies with the letter of standard HR.4.10 and allow the HD to conduct the business of the department efficiently. The result would be full compliance with JCAHO accreditation standards.

The Health Department conducts a very comprehensive review of LIP credentials prior to hire. Our process meets all the standards set forth by JCAHO. Our credentialing and privileging policies and procedures are attached for your reference.

## Revenue Increases

### Staffing/Facility Analysis

The Dental Program, in anticipation of the increased demand, has already added dentists and Dental Assistants housing them at ECC. This facility, however, is not large enough to adequately house the current staffing and maximize productivity. In order to continue to meet anticipated future demand, additional staff and facility capacity will need to be added.

Medicaid Revenue (7000 annual visits @ \$219/visit)	\$1,533,000
Self-Pay (3000 annual visits @ \$30/visit; assume 50% collection)	\$ 45,000
Reallocated MultiCare Dental Partner Contract \$\$ (437,000) & PC330 Grant (280,000)	\$ 717,000

**Summary:**

Our expansion to meet the increased demand will not cost any additional county dollars. The Business Plan is based on having this service more than cover the expenses of the Dental Service expansion for MCHD.

**BOGSTAD Deborah L**

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**From:** REYES-De-OEHLER Yolanda  
**Sent:** Tuesday, October 05, 2004 3:34 PM  
**To:** BOGSTAD Deborah L  
**Cc:** KULLBERG Patricia; TIERNEY Kim H; ERICKSON Teri M  
**Subject:** Credentialing Policy/Procedures

Hello Deb,

Here is the link to the admin policy/procedure (seven pages and one attachment)

[http://mint.co.multnomah.or.us/health/hdpolicy/300/325\\_3.pdf](http://mint.co.multnomah.or.us/health/hdpolicy/300/325_3.pdf)

(References to the Community Health Council would be changed to reflect what the Board decides)

I also wanted to confirm that Pasty will begin on Oct. 21<sup>st</sup>, at 9:30 a.m. with an time estimated up to 20 minutes regarding this matter.

Dr. Kullberg's clinic schedule has been cleared to allow her to attend during this window of time, please let me know if any changes occur. Please call me at 22674 if you need any further information. Thank you.

*Yolanda Reyes-de-Oehler*  
Administrative Secretary to the Medical Director  
Multnomah County Health Department  
426 SW Stark St., 8th floor  
Portland, Oregon 97204-2347  
503-988-3663 x 22674  
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10/5/2004



## MULTNOMAH COUNTY OREGON

### HEALTH DEPARTMENT ADMINISTRATIVE GUIDELINE

SUBJECT: Personnel	NUMBER: 325(3)
TITLE: Credentialing, License Renewals, Recredentialing and Privileging	ORIGINATED: 10/99 LAST REVIEW DATE: 05/03
APPROVED	CONTACT PERSON/S: Kullberg
	PAGE 1 OF 7

**Applies to:** Medical physicians, osteopathic physicians, nurse practitioners and physician assistants employed in all clinical divisions.

#Attachments: 1

#### POLICY STATEMENT:

It is the policy of Multnomah County Health Department to engage in a process to ensure that all providers employed by the Division are fully qualified and competent. This process includes activities of documentation review and consideration of the applicant's credentials by the Oregon Board of Medical Examiners (BME), the Oregon State Board of Nursing, Multnomah County Health Department (MCHD) and the CareOregon Credentialing Committee, and the MCHD Community Health Council. The credentialing process applies to medical physicians, osteopathic physicians, nurse practitioners and physician assistants employed in the Primary Care Division.

#### PROCEDURE:

##### Initial Credentialing and Privileging

Applicant submits to MCHD a completed, signed and dated Oregon Practitioner Credentialing Application along with the following documents:

1. Attestation regarding fitness to practice, malpractice claims history and release of information to CareOregon (included with application)
2. Copy of State of Oregon license
3. Copy of DEA certification or prescriptive privileges, if applicable.
4. Copy of prescriptive privileges (NP applicants only)
5. Copy of specialty board certificate, if applicable.
6. Three peer references and release of information for each
7. Evidence of any encumbrances on any of the licenses or certificates granted to the applicant.
8. Application for privileges with documentation as needed (see below for details)
9. Curriculum Vitae

##### Responsible party

MCHD credentials files  
designated person:

##### Procedure

1. Verifies licensure with the licensing body by telephone or on-line, documenting the date of verification, expiration date of the license, existence of any encumbrances, name of the individual

obtaining verification with signature.

2. Verifies Board Certification by querying the American Board of Medical Specialties (ABMS)
3. Solicits recommendations from references provided by applicant.
4. Establishes and maintains a file containing all the pertinent documents for each applicant.
5. Provides the completed application and all supporting documents to the MCHD Medical Director for review.
6. Forwards completed application, copy of Oregon license, copy of DEA certificate, if applicable, and curriculum vitae to the CareOregon Credentialing Committee clerk after approval by MCHD Medical Director.
7. Obtains from the CareOregon Credentialing clerk a copy of the National Practitioner Data Bank (NPDB) search results, placing the copy in each provider's credentialing file.
8. Obtains verification of provisional credentials from the CareOregon Credentialing clerk.
9. Within 120 days of temporary credentialing, obtains documentation of CareOregon Board approval of credentials and expiration date.

MCHD Medical Director:

1. Reviews completed application and all supporting documents
2. Reviews and approves privileges (see below), pending successful credentialing

CareOregon Credentialing Clerk:

1. Queries NPDB
2. Verifies licensure
3. Reviews state license action reports
4. Verifies good standing with Medicaid and Medicare
5. Reviews BME closed claim report
6. Sends all results to MCHD Medical Director.

CareOregon Medical Director:

1. Reviews application and all supporting documents
2. Grants provisional credentials as appropriate

CareOregon Credentialing Committee:

Reviews applications and makes recommendation for granting of credentials

CareOregon Board of Directors:

Reviews recommendations and approves or disproves credentials

MCHD Medical Director

Presents applicants for credentialing, recredentialing, and granting or curtailing of privileges to the Community Health Council

MCHD Community Health Council:

1. Reviews applications and supporting documents and approves or disproves credentials and

privileges

2. Issues notification of CHC decision to applicants

### **Primary Source Verification of Training**

1. MCHD designated credentials file person will verify licensure with the Oregon State Board of Medical Examiners or the Oregon State Board of Nursing.
2. The Board of Medical Examiners and the Board of Nursing conduct primary source verification of training, including medical school, nurse practitioner and physician assistant training programs and residency programs.
3. MCHD personnel will conduct an audit of the licensing policies and procedures of the Board of Medical Examiners and the Board of Nursing every three years to ascertain compliance with primary source verification.

### **Verification of License Renewals**

Individual provider's licenses often are due for renewal after the credentialing and privileging process, but prior to the renewal of privileges. The following process will ensure that all providers will have proof of current licensure in their personnel and credentialing files at all times.

#### **Responsible party**

#### **Procedure**

MCHD Human Resources (HR) Unit:

Notifies each clinic manager when a provider license is due for renewal.

MCHD clinic managers:

Verify license renewals by observing the original of the renewed license, signing the approved form that they have personally seen the renewed license. Clinic managers submit two copies of the renewed license, along with the signed form that they have seen the original. One copy is sent to the MCHD credentials files designated person and the second copy is sent to MCHD Human Resources Department. It is the expectation that there will always be evidence of current licensure in both the credentials file and in the personnel file.

MCHD person designated to maintain the credentials files:

Verifies licensure on the phone or on-line and places evidence of verification in the credentials file.

### **Renewal of Credentials and Privileges**

Each provider must renew privileges and credentials every two years. The procedure is as follows:

**Responsible party**

**Procedure**

MCHD designated  
credentials files person:

Insures that 90 days prior to the recredentialing date, the provider has received a recredentialing application, along with a copy of their previous application

Provider:

Submits the following documents:

1. Updated, signed application with attestation
2. Application for renewal of privileges, with appropriate documentation, as needed

MCHD designated  
credentials files person:

1. Reviews ABMS data if certification lapsed since last credentialing/rec credentialing process or if provider has become Board Certified since last file review
2. Places evidence of Board Certification from ABMS in file.
3. Submits application for renewal of credentials with attestation, application for renewal of privileges, supporting documents for re-privileging, results of peer review and documentation of continuing education to MCHD Medical Director.

MCHD Medical Director:

Reviews applications and supporting documents and approves renewal of privileges

MCHD designated  
credentials files person:

Forwards a copy of the application for renewal of credentials with attestation to Care Oregon Credentials Clerk

CareOregon credentials  
clerk:

1. Queries NPDB
2. Verifies license
3. Reviews member complaints against applicant, if any
4. Reviews ARC audits
5. Verifies standing with Medicaid and Medicare
6. Reviews state license actions reports
7. Sends all results to the MCHD Medical Director

CareOregon Medical  
Director:

Grants provisional credentials only if credentials have expired

CareOregon Credentialing  
Committee:

Reviews application and documents and makes recommendation for re-credentialing

CareOregon Board of  
Directors:

Reviews recommendations and approves or disapproves credentials

MCHD designated  
credentials files person:

Obtains from CareOregon Credentialing Clerk a copy of the NPDB review sheet

CareOregon Medical  
Director:

Notifies MCHD Medical Director only if credentials are denied



MCHD Medical Director                      Presents applicants for recredentialing and granting or curtailing of privileges to the Community Health Council

MCHD Community Health Council                      1. Reviews applications and approves or disproves credentials and privileges  
2. Issues notification of CHC decision to applicants

### **Denial of Credentials**

When an applicant has been informed by the Credentialing Committee that credentialing, or recredentialing has been denied, the applicant may appeal the decision. The applicant may request a hearing before the Care Oregon Board of Directors before the decision is final. The Board of Directors will consider the appeal and make a decision about credentialing or recredentialing the applicant. (See Attachment A)

### **Clinical Privileges**

Clinical privileges are granted to individual providers based on education, clinical training, experience, demonstrated current competence and/ or documented results of patient care.

Privileges will be granted within the identified scope of practice for each provider discipline (see Administrative Guideline 327(1), *Provider Scope of Practice*).

Providers may apply for any of three levels of privileges:

#### Level One

This level includes privileges for uncomplicated, basic procedures and clinical application of cognitive skills within the defined scope of practice. These privileges encompass all clinical skills normally taught in approved nurse practitioner or physician assistant training programs. Applicants must be graduates of approved training programs and possess an active nurse practitioner or physician assistant license in the State of Oregon.

#### Level Two

This level includes procedures and cognitive skills involved in the care of serious and/or complicated ambulatory medical conditions within the defined scope of practice. These privileges encompass all clinical skills normally taught in approved residency training programs. Applicants must be board eligible or certified. Graduates of approved general medicine internships with clinical experience equivalent to residency training may apply for level two privileges only with the approval of the MCHD Medical Director.

#### Level Three

This level includes privileges defined in levels one and two. Additional privileges are granted to perform those procedures that are not normally taught in training programs or that require specialized training in order to achieve technical competency or that entail significant risk for the patient. Applicants must qualify for either level one or level two privileges. Level three privileges are required within MCHD for the following procedures:

1. Endometrial biopsy
2. Colposcopy
3. Lumbar puncture
4. Spinal manipulation
5. Norplant insertion and removal
6. Advanced Cardiac Life Support
7. LEEP

8. Toenail removal
9. Skin biopsy

**Documentation:**

Levels one and two do not require additional documentation beyond proof of having current licensure and completion of the appropriate training program and board certification. This documentation is part of the credentialing process.

Level three requires submission of additional documentation such as:

1. Certificate of completion or other documentation of completion of specialized training in performance of a particular procedure
2. Letter from the director of the training program attended that the applicant has received appropriate training in performance of a particular procedure.
3. Letter from current or most recent clinical supervisor documenting current competency in the particular procedure.

**Approval and Renewal of Privileges:**

(See above for detailed procedure)

Applications for privileges will be submitted with documentation as needed to the Community Health Council for review and signature. Privileges will be reviewed every two years at the time re-credentialing takes place. Providers requesting renewal of privileges will submit a report detailing the number of procedures done since last privileged, listing any and all complications.

Hospital privileging is a separate process for those physicians who participate in the inpatient service. Granting of hospital privileges is delegated to OHSU. Evidence of successful attainment of hospital privileges will be maintained in the files of the involved physicians.

**Denial or Revocation of Privileges:**

The Community Health Council may deny a request for approval or renewal of privileges or may revoke existing privileges, if competence is not demonstrated. In the event of denial or revocation of privileges the provider may appeal the denial. A committee will be convened to review the documentation and to hear the appeal. The committee will consist of the following Providers:

Corrections Health Medical Director  
HIV Medical Director  
Pediatric Medical Director  
Psychiatric Nurse Practitioner Lead  
Women's Health Nurse Practitioner Lead

The following will be excluded from the appeals hearing: MCHD Medical Director, the MCHD Lead Nurse Practitioner and the direct supervisor of the Provider.

The provider must submit the request for an appeal in writing, within 30 days of the notification of denial. Letter will be addressed to the MCHD Medical Director. The Medical Director, or designee, will schedule the hearing and notify participants.

The Committee will review original documentation submitted to the MCHD Medical Director in the application. The provider may present oral argument at the hearing if

he/she wishes to do so. The committee will discuss (in the absence of the provider) the documentation provided, oral argument, and make a decision regarding the appeal. The results of the hearing will be presented to the Community Health Council, along with a recommendation from the hearing committee. The provider will be informed by letter of the final privileging decision made by the Community Health Council.

Last review date: May 2003

Attachment: *CareOregon Policy/Procedure Manual*

**CAREOREGON  
POLICY AND PROCEDURE MANUAL**

**Title:** Practitioner Credentialing

**Effective Date:** June 1998

**Revision Dates:** 11/00, 7/01

**Approved By:**

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**Chief Executive Officer**

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**Medical Director**

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**Associate Medical Director**

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**Director, Network and Business  
Development**

**PURPOSE:** This Practitioner Credentialing Policy establishes CareOregon's procedures for the credentialing of health care practitioners to provide health services to its members. The goal of the credentialing process is to ensure the compliance of the practitioner network with quality standards.

**POLICY**

**I. DEFINITIONS**

The following terms have the following meanings for purposes of this Policy.

**1.1 Adverse Action.** "*Adverse action*" means denial, suspension, or termination of participation in the CareOregon provider network.

**1.2 Assistant Medical Director.** "*Assistant Medical Director*" means the Assistant Medical Director of CareOregon.

**1.3 Board.** "*Board*" means the Board of Directors of CareOregon, and includes the Medical Director or Assistant Medical Director when granting provisional participation as permitted by this Policy.

**1.4 Completed Application Packet.** "*Completed application packet*" means the packet of forms furnished to a practitioner by CareOregon for the purpose of initial credentialing or recredentialing, completely filled out, signed, and dated as indicated on the forms, together with all supporting documents and information requested in such forms or in the instructions provided by CareOregon.

**1.5 Credentialing Committee.** "*Credentialing Committee*" means the Credentialing Committee of CareOregon.

**1.6 Medical Director.** "*Medical Director*" means the Medical Director of CareOregon, and includes the Assistant Medical Director when acting for the Medical Director as permitted by this Policy.

**1.7 Participation.** "*Participation*" means the authority granted by the Board to health care practitioner to participate in the CareOregon provider network, to provide care to CareOregon members, and to receive (directly or through their practice entity) compensation from CareOregon for in-area care. A contract with a practitioner's practice organization does not automatically confer participation on the practitioner.

**1.8 Special Notice.** "*Special notice*" means written notice sent by certified mail, return receipt requested, to the address of the practitioner maintained in the records of CareOregon. Special notice shall be effective three (3) days after deposited in the United States mail, postage prepaid thereon.

## **II. CREDENTIALING COMMITTEE**

**2.1** The Board appoints the members of the Credentialing Committee.

**2.2** The Credentialing Committee has the responsibilities to process the credentials of practitioners as provided in this Policy. The Credentialing Committee shall ensure that this Policy is followed consistently.

**2.3** The Credentialing Committee is responsible to meet regularly and provide for timely credentialing of practitioners and providers for the CareOregon network. Meetings shall occur at least quarterly.

**2.4** The Credentialing Committee shall have adequate representation from community practitioners to ensure technical expertise and knowledge of current practices in the medical and dental community that impact the credentialing of practitioners. Ad hoc specialty representation may be requested from time to time to assist the Committee in making credentialing decisions.

**2.5** The activities of the Credentialing Committee shall be treated in a strictly confidential manner in accordance with CareOregon's policy on Confidentiality of Peer Review Activities. Documents and minutes related to this Committee shall be considered Peer Review Information as defined in that Policy. The minutes of the Credentialing Committee shall remain locked in the Network Development Department.

**2.6** All members of the Credentialing Committee shall sign a statement that they have received, read, and agree to abide by CareOregon's policy on Confidentiality of Peer Review Activities.

**2.7** The Chairperson shall submit a report concerning its activities and recommended actions on the credentialing of practitioners at least quarterly to the Board of Directors.

**2.8** This Policy shall be reviewed at least annually and revised as necessary by the Credentialing Committee, with approval of the Board, in light of experience and evolving standards for credentialing.

### **III. CREDENTIALING ACTIVITIES GENERALLY**

**3.1** For purposes of credentialing activities, the Associate Medical Director may serve in place of the Medical Director for purposes of credentialing activities when the Medical Director is unavailable or is unable to act due to a conflict of interest or other disqualifying circumstance.

**3.2** The Credentialing Committee shall recommend to the Board lists of practitioners who have met the standards for the initial grant or renewal of participation, and lists of practitioners whom it recommends be recredentialed annually or be denied participation.

**3.3** The Board shall approve or deny the initial grant and renewal of participation to practitioners who apply for it, or shall refer the matter back to the Credentialing Committee for further processing.

**3.4** All practitioners shall be credentialed according to this Policy. The following categories of health care practitioners are eligible to apply for participation and must be granted participation by CareOregon in order to provide care to CareOregon members (if not providing out-of-area care on an emergency basis):

- (a) Certified Nurse Midwife (CNM);
- (b) Doctor of Medicine (MD);
- (c) Doctor of Osteopathy (DO);
- (d) Doctor of Podiatric Medicine (DPM);
- (e) Nurse Practitioner (NP); and
- (f) Physician Assistant (PA).

**3.5** Although physicians in training may not contract with CareOregon, CareOregon recognizes that they may be part of the health care delivery system at contracted institutions. CareOregon will require all contracting institutions to supply the names of all residents in training and to verify that they are in good standing.

**3.6** The credentialing process is for the purpose of verifying that practitioners have the training and licensure required to provide appropriate care to CareOregon members, and that their quality, disciplinary, and malpractice history is within acceptable norms, in the judgment of CareOregon.

**3.7** The following are minimum criteria for practitioner participation. Each practitioner's file shall contain sufficient documentation that these criteria have been evaluated in the credentialing process. Applications for the initial grant and renewal of participation shall be reviewed against the following criteria:

- (a) Accurate completion of credentialing application and submission of required documentation;
- (b) Completion of education and training;
- (c) Current unrestricted license to practice medicine in the state(s) where the practitioner will be providing care to CareOregon members (Oregon, Washington, or Idaho);
- (d) Admitting privileges at a participating hospital, if applicable;
- (e) DEA number, if applicable;
- (f) Proof of practitioner liability insurance of at least \$1 million per occurrence/\$3 million aggregate, or the minimum limits stated by the agency regulating the practitioner;
- (g) Good standing with Medicaid and Medicare in any state in which the applicant currently holds a license and the absence of any past action excluding the practitioner from any federal or state sponsored health program; and
- (h) Passing score on Ambulatory Records Certification ("*ARC*") audit, if applicable, for recredentialing purposes.

**3.8** Flags shall be established for any quality issues pertaining to a practitioner and shall be individually considered by the Credentialing Committee.

**3.9** The information provided by the practitioner shall be verified to ensure that the information is accurate and current.

**3.10** The Medical Director shall have the authority to grant provisional participation for a period of 180 days to those practitioners who satisfy the identified minimum criteria and whose history does not raise quality concerns, subject to review by the Credentialing Committee.

**3.11** Provisional grants of participation by the Medical Director shall be presented to the Credentialing Committee for review and acceptance at the next scheduled quarterly meeting.

**3.12** The Medical Director shall present to the Credentialing Committee for consideration and action any practitioner files that do not meet all the requirements for credentialing.

**3.13** Except in unusual circumstances, the Credentialing Committee shall make a recommendation to the Board on all applications for the initial grant or renewal of participation within 180 days following receipt by CareOregon of a completed application packet.

**3.14** Any credentialing activities that are delegated to outside organizations shall be conducted according to the standards outlined in this Policy. CareOregon retains the right to approve credentials granted through the delegated agency. See Article VII of this Policy.

**3.15** Recredentialing of practitioners shall occur at least every two (2) years and shall focus on updating initial credentialing information, with the additional review of member complaints, patient satisfaction, quality of care, and the ARC audit process for office site review and review of medical record keeping. The practitioner must continue to meet CareOregon standards in all areas.

**3.16** The Credentialing Committee may establish monitoring of one or more performance indicators if it grants participation. The imposition of monitoring shall not be considered an adverse action and shall not entitle the practitioner to a hearing under Article IX of this Policy.

**3.17** Credentialing staff in the Network and Business Development Department shall be responsible for obtaining required documentation and information on each practitioner, and for establishing and maintaining confidential files for each practitioner.

#### **IV. PROCEDURE FOR INITIAL CREDENTIALING**

**4.1** Each applicant shall submit to CareOregon the following documents:

- (a) Completed and signed practitioner application (e.g., for Oregon, Washington);
- (b) Evidence of licensure by state;
- (c) Evidence of current hospital privileges (if applicable);
- (d) Evidence of current DEA certification (if applicable);
- (e) Evidence of current practitioner liability insurance coverage or equivalent protection;
- (f) Evidence of board membership or eligibility; and
- (g) Curriculum vitae.



**4.2** The applicant shall inform the Medical Director of CareOregon within seven (7) days of any changes in employer or practice group, changes to the information called for in Sections 4.1(b) to 4.1(f) above, and the initiation, imposition, or resolution of any malpractice claim or investigation or sanction by any governmental agency.

**4.3** CareOregon credentialing staff shall review the application and the attached documents, and take the following actions or obtain the following information:

- (a) National Practitioner Data Bank query;
- (b) Verification of current state licensure;
- (c) Review of state license action reports;
- (d) Verification of hospital privileges; and
- (e) Submission of practitioner application with all the required information to the Medical Director.

**4.4** The Medical Director may grant provisional participation as provided in Section 3.1 of this Policy.

**4.5** CareOregon credentialing staff shall inform the applicant in writing if a provisional grant of participation is made.

**4.6** The CareOregon Credentialing Committee shall meet quarterly to review all credentialing applications presented by the Medical Director. The Credentialing Committee may either ratify or reverse a provisional grant of participation, and shall make a recommendation to the Board to: grant participation for a period of two years; grant participation subject to review for a period of one year; or deny participation.

**4.7** The Medical Director shall present applicants reviewed by the Credentialing Committee to the Board. The Board shall: grant participation for a period of two years; grant participation subject to monitoring for a period of one year; deny participation; or return the application to the Credentialing Committee for further processing, as instructed by the Board.

**4.8** CareOregon credentialing staff shall inform the applicant in writing of the Board's action. In the case of a denial of participation, the applicant is informed of his or her right to a hearing, as provided in Article IX below.

## **V. BIENNIAL RECREDENTIALING**

**5.1** Practitioners who have a current grant of participation that is not subject to monitoring shall apply for renewal of participation every two years.

**5.2** CareOregon credentialing staff shall notify the practitioner in writing that he or she is due for biannual recredentialing no later than ninety (90) days before the meeting of the Credentialing Committee at which the practitioner's renewal application will be considered. (For purposes of this Section 5.2, the date of notice shall be the date of mailing by CareOregon.) An application packet including a "Provider Information" cover sheet and a blank version to write in changes as needed, an "attestation questions" page, and a "recredentialing checklist" shall be provided. The practitioner shall submit a completed application packet to CareOregon no later than sixty (60) days before the expiration of the prior grant of participation. (For purposes of this Section 5.2, "**submission**" shall mean any form of delivery ensuring receipt by CareOregon by the stated deadline.) The deadline for submission of the completed application packet shall be extended by the number of days, if any, by which CareOregon has fallen short of the ninety (90) day notice to the practitioner, as shown in the records of CareOregon.

**5.3** If an applicant submits a completed application packet by the deadline, his or her participation shall remain in effect until the Board takes final action on the application, subject to the authority of the Medical Director under Section 8.10 below.

**5.4** CareOregon credentialing staff shall send reminder letters to recredentialing applicants at thirty (30) days, forty-five (45) days, and sixty (60) days after the required deadline if a completed packet is not returned. Any failure by CareOregon to send a reminder letter does not, however, extend the deadline for submission of the completed application packet to CareOregon.

**5.5** If an applicant does not submit a completed application packet by the required deadline, his or her participation shall be automatically suspended upon the expiration of the prior grant of participation. CareOregon shall process in the ordinary course any completed application packet received after the deadline and before the expiration of the prior grant of participation, but may in its sole discretion deny any application for failure to comply with the application deadline. For a period of one year following expiration of the prior grant of participation, CareOregon may, in its sole discretion, refuse to consider a subsequent application by a practitioner who has failed to meet the recredentialing application deadline.

**5.6** CareOregon credentialing staff shall review the application for any changes since the practitioner was last credentialed. In addition, the following actions shall be taken and information shall be obtained:

- (a) National Practitioner Data Bank query;
- (b) Verification of current state licensure;
- (c) Review of state license action reports;
- (d) Verification of hospital privileges;
- (e) Information on member complaints against applicant from the Quality Improvement Committee; and

- (f) Concerns identified by the ARC audit, which shall be obtained from the Quality Improvement Committee.

5.7 Any changes in the applicant's record shall be presented to the Medical Director with a summary of member complaints and issues from the ARC audit if they exist.

5.8 The CareOregon Credentialing Committee shall meet quarterly to review all recredentialing applications presented by the Medical Director. The Credentialing Committee shall make a recommendation to the Board to: grant participation for a period of two years; grant participation subject to monitoring for a period of one year; or deny participation.

5.9 The Medical Director shall present applicants reviewed by the Credentialing Committee to the Board. The Board shall: grant participation for a period of two years; grant participation subject to monitoring for a period of one year; deny participation; or return the application to the Credentialing Committee for further processing, as instructed by the Board.

5.10 CareOregon credentialing staff shall inform the applicant in writing of the decision of the Board. In the case of a denial of participation, the applicant is informed of his or her right to a hearing as provided in Article IX below.

## **VI. ANNUAL RECREDENTIALING**

6.1 Practitioners who have a current grant of participation subject to monitoring shall have their credentials reviewed annually.

6.2 CareOregon credentialing staff shall notify the practitioner in writing that he or she is due for annual recredentialing no later than ninety (90) days before the meeting of the Credentialing Committee at which the practitioner's renewal application will be considered. (For purposes of this Section 6.2, the date of notice shall be the date of mailing by CareOregon.) An application packet, including a "Provider Information" cover sheet and a blank version to write in changes as needed, an "attestation questions" page and a "recredential checklist" shall be provided. The practitioner shall submit a completed application packet no later than sixty (60) days before the expiration of the prior grant of participation. (For purposes of this Section 6.2, "*submission*" shall mean any form of delivery ensuring receipt by CareOregon by the stated deadline.) The deadline for submission of the completed application packet shall be extended by the number of days, if any, by which CareOregon has fallen short of the ninety (90) day notice to the practitioner, as shown in the records of CareOregon.

6.3 If an applicant submits a completed application packet by the deadline, his or her participation shall remain in effect until the Board takes final action on the application, subject to the authority of the Medical Director under Section 8.10 below.

6.4 CareOregon credentialing staff shall send reminder letters to recredentialing applicants at thirty (30) days, forty-five (45) days, and sixty (60) days after the required deadline if a completed application packet is not returned. Any failure by CareOregon to

send a reminder letter does not, however, extend the deadline for submission of the completed application packet to CareOregon.

**6.5** If an applicant does not submit a completed application packet by the required deadline, his or her participation shall be automatically suspended upon the expiration of the prior grant of participation. CareOregon shall process in the ordinary course any completed application packet received before the expiration of the prior grant of participation, but may in its sole discretion, deny any application for failure to comply with the application deadline. For a period of one (1) year following expiration of the prior grant of participation, CareOregon may, in its sole discretion, refuse to consider a subsequent application by a practitioner who has failed to meet the recredentialing application deadline.

**6.6** CareOregon credentialing staff reviews the application for any changes since the practitioner was last credentialed. In addition, the following actions are taken and information is obtained:

- (a) National Practitioner Data Bank query;
- (b) Verification of current state licensure;
- (c) Review of state license action reports;
- (d) Verification of hospital privileges;
- (e) Information on member complaints against the applicant received by the Quality Improvement Committee;
- (f) Concerns identified by the ARC audit received by the Quality Improvement Committee; and
- (g) Review of any other outcomes from monitoring activities identified by the Credentialing Committee.

**6.7** Any changes in the applicant's record are presented to the Medical Director, with a summary of member complaints and issues from the ARC audit if they exist.

**6.8** The CareOregon Credentialing Committee shall meet quarterly to review all recredentialing applications presented by the Medical Director. The Credentialing Committee shall make a recommendation to the Board to: grant participation for a period of two years; grant participation subject to monitoring for a period of one year; or deny participation.

**6.9** The Medical Director shall present applicants reviewed by the Credentialing Committee to the Board. The Board shall: grant participation for a period of two years; grant participation subject to monitoring for a period of one year; deny participation; or return the application to the Credentialing Committee for further processing, as instructed by the Board.

**6.10** CareOregon credentialing staff shall inform the applicant in writing of the decision the Board. In the case of a denial of credentials, the applicant shall be informed of his or her right to a hearing as provided in Article IX below.

## **VII. DELEGATION OF CREDENTIALING**

**7.1** CareOregon may delegate credentialing activities to outside organizations. All organizations to which any part of the credentialing process is delegated shall have a signed, written agreement with CareOregon. If the organization is found to be out of compliance with CareOregon standards, it shall be notified in writing and a corrective action plan developed. Uncorrected deficiencies may result in termination of the contract. CareOregon retains the right to grant, deny, suspend, or terminate participation for individual practitioners.

**7.2** The delegated agency will submit to the CareOregon Credentialing Committee the policies and procedures under which it credentials practitioners, and will provide annual updates of those credentialing policies and procedures. The Credentialing Committee will ensure that the credentialing policies and procedures of the delegated agency are consistent with CareOregon credentialing policies and procedures.

**7.3** CareOregon credentialing staff shall conduct an oversight visit with each delegated agency at least every twelve (12) months to verify that the agency is following its own credentialing procedures. At a minimum, five percent (5%) or fifty (50) credentialing files for practitioners contracted with CareOregon, whichever is less, shall be reviewed.

**7.4** Upon request, the delegated agency shall provide to CareOregon a list and the credentialing dates of practitioners contracted with CareOregon and in good standing with the delegated agency.

**7.5** Upon request, the delegated agency shall provide CareOregon information for each credentialed practitioner, which shall include, but not be limited to, degree, school, year of graduation, malpractice insurance carrier, OMAP identification number, social security number, license number, DEA number, and hospital privileges.

**7.6** The delegated agency shall inform CareOregon of any changes in the credentialing status of practitioners contracted with CareOregon within thirty (30) days of the change.

## **VIII. INVESTIGATIONS; SUSPENSION AND TERMINATION OF PARTICIPATION**

**8.1** The Credentialing Committee may, after review, recommend the termination of a practitioner's participation in the CareOregon provider network for reasons relating to the practitioner's quality of care, competence, or conduct in providing clinical care (hereinafter, "*clinical issues*"). This Policy does not pertain to termination based upon other issues such as contractual issues, retirement, relocation of practice, or other reasons not directly related to clinical issues.

**8.2** The Credentialing Committee shall be responsible for coordinating the investigation of the following clinical issues:

- (a) Violation of CareOregon policies and procedures not actively being monitored by the Quality Improvement Committee;
- (b) Failure to remain in compliance with CareOregon credentialing requirements;
- (c) Loss of privileges, employment, or independent contractor status with an organizational provider that has a provider contract with CareOregon;
- (d) National Practitioner Data Bank reports;
- (e) Malpractice incidents, settlements, or judgments;
- (f) Licensure actions in any state in which the practitioner is licensed; and
- (g) Sanction by Medicaid, Medicare, or other governmental agencies.

**8.3** The Quality Improvement Committee shall be responsible for coordinating the investigation of the following clinical issues:

- (a) Violation of CareOregon policies and procedures related to quality of care or conduct in the provision of clinical care;
- (b) Failure of the ARC audit;
- (c) Member complaints; and
- (d) Activities that affect or could adversely affect the health or welfare of CareOregon members.

**8.4** All documents reviewed and findings developed in connection with Sections 8.2 and 8.3 above shall be reported to the Medical Director, who shall review the findings within five (5) working days and, subject to Section 8.5 below, conduct any necessary additional investigation activities (which may take longer than five (5) working days following receipt of the findings).

**8.5** If the Medical Director, the Credentialing Committee, or the Quality Improvement Committee determines that an adverse action may be warranted, the investigation shall include an interview of the affected practitioner, provided that the Medical Director may nevertheless suspend participation as provided in Section 8.10 below, pending an interview with the affected practitioner.

**8.6** Those clinical issues felt by the Quality Improvement Committee to warrant potential adverse action will be referred to the Medical Director for review by the Credentialing Committee.

**8.7** The recommendation of the Credentialing Committee may include (a) no action, (b) monitoring and annual recredentialing, (c) suspension of participation, or (d) termination of participation.

**8.8** The Medical Director shall inform the practitioner in writing of the recommendation of the Credentialing Committee. If the Credentialing Committee recommends an adverse action, the Medical Director shall give the practitioner special notice. Special notice of an adverse action shall contain:

- (a) The proposed action to be taken;
- (b) The reasons for the proposed action;
- (c) That the practitioner may within thirty (30) days after the effective date of the notice submit to the Medical Director a request for a hearing;
- (d) That the proposed action will take effect thirty (30) calendar days after the effective date of the special notice;
- (e) That the Board of Directors may take any action on the matter, whether more or less severe, unless the practitioner requests a hearing; and
- (f) That CareOregon may be required to report to the National Practitioner Data Bank if the adverse action affects the practitioner's participation for more than thirty (30) days.

The special notice shall also include a copy of Article IX of this Policy (Hearing and Appeal Process) then in effect.

**8.9** If a monitoring plan has been developed for the practitioner, follow-up monitoring and reporting will be conducted by the Credentialing Committee, the Quality Improvement Committee, or as stated in the monitoring plan. If recommended improvements do not occur within the stated timeframe, the Credentialing Committee shall meet again to review the case and make a further recommendation, which may include an adverse action, based on both the original investigation and the practitioner's conduct after the imposition of the monitoring plan. The Medical Director shall give special notice of any adverse action as set forth in Section 8.8 above.

**8.10** Notwithstanding any other provision of this Policy, if at any time the Medical Director of CareOregon determines that a practitioner poses an imminent threat to patient safety, the Medical Director may suspend the participation of a practitioner, which action shall be effective at the time taken, and shall give immediate oral or written notice thereof

to the affected practitioner. In addition, the Medical Director shall give the practitioner special notice of the action, as provided in Section 8.8 above, within two (2) business days.

## **IX. HEARING AND APPEAL PROCESS**

**9.1** When the Credentialing Committee recommends or the Medical Director takes an adverse action against a practitioner, the practitioner shall have thirty (30) calendar days from the effective date of special notice of the action to request a hearing. The request for a hearing shall be in writing, addressed to the Medical Director, and delivered in person or by United States mail or delivery service before CareOregon's close of business on the thirtieth (30<sup>th</sup>) day. If a request for a hearing is not received within thirty (30) calendar days after the effective date of the special notice, the practitioner will be conclusively deemed to have waived his or her right to a hearing and to have accepted the adverse action.

**9.2** If the practitioner makes a timely request for a hearing, the practitioner shall be notified in writing of (a) the date, time, and place of the hearing, which date shall be not less than twenty-one (21) calendar days after the request for the hearing is received, (b) the name(s) of the hearing officer or hearing panel members, and (c) the names of the witnesses, if any, expected to present information on behalf of the Credentialing Committee.

**9.3** The practitioner shall also be informed in writing that:

- (a) The right to the hearing may be forfeited if the practitioner fails, without good cause, to appear;
- (b) In the hearing the practitioner has the right to:
  - (i) representation by an attorney or other person of the practitioner's choice;
  - (ii) make a record of the proceedings;
  - (iii) call, examine, and cross-examine witnesses;
  - (iv) present information for consideration by the hearing panel;
  - (v) submit a written statement at the closing of the hearing; and
- (c) Upon completion of the hearing, the practitioner has the right to receive the written recommendation of the hearing officer or panel, including the basis for the recommendation.



**9.4** The hearing shall be conducted by a hearing officer or panel appointed by CareOregon. The hearing officer or panel may consider any evidence it determines to be relevant regardless of the admissibility of the evidence in a court of law. The hearing panel or officer may, however, evaluate the reliability of any evidence presented by any party or witness.

**9.5** Within seven (7) days after the close of the hearing, the hearing officer or panel shall issue a written decision that includes a recommendation and the basis for the recommendation. The hearing officer or panel shall provide a copy of the written decision to the Medical Director and the affected practitioner.

**9.6** Within seven (7) days of receipt of the written decision thereof by the Medical Director, the Credentialing Committee shall review the decision of the hearing officer or panel and make a written recommendation, including a statement of the basis for the recommendation, to the Board for a final decision.

**9.7** The Medical Director shall give the affected practitioner special notice of the written recommendation of the Credentialing Committee on the same day the recommendation is sent to the Board.

**9.8** The practitioner shall have thirty (30) days from the effective date of special notice of the recommendation of the Credentialing Committee under Section 9.7 above, to request in writing an appeal to the Board. The request for an appeal must be in writing, addressed to the Medical Director, and delivered by United States mail or delivery service before CareOregon's close of business on the thirtieth (30<sup>th</sup>) day. If a request for an appeal is not received within thirty (30) calendar days after the effective date of the special notice, the practitioner shall be conclusively deemed to have waived his or her right to an appeal and to have accepted the recommendation of the Credentialing Committee.

**9.9** If an appeal request is received, the appeal may be heard by a committee of not fewer than three members of the Board of Directors or by an independent third party designated by the Board.

**9.10** Within fourteen (14) days following the receipt by CareOregon of a request for an appeal, the committee or third party designated to hear the appeal shall afford the practitioner the right to appear before it, to be represented by legal counsel, and to offer such argument on the record as the practitioner deems appropriate. Alternatively, the practitioner may present arguments on the record in writing to the committee or third party designated to hear the appeal. In no event shall the committee or third party designated to hear the appeal consider evidence that was not presented at the hearing.

**9.11** Within seven (7) days after the appearance by the practitioner or legal counsel or after submission of written materials in lieu of appearing, the committee or third party designated to hear the appeal shall make a written decision and deliver the same to the Chair of the Board. Within seven (7) days after receipt of the decision of the committee

or third party designated to hear the appeal, the Board shall make its final decision and give special notice thereof to the affected practitioner.

**9.12** Notwithstanding any other provision in this Policy, a practitioner shall not be entitled to more than one hearing or appeal on any fact or recommended action.

**9.13** Any person who has participated in the course of any investigation with respect to the action proposed to be taken shall be disqualified from being appointed as a hearing officer or panel member or as a member of the committee designated to hear the appeal.

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Delegation of Authority to Appoint Licensed Independent Practitioners in the Health Department

**The Multnomah County Board of Commissioners Finds:**

- a. In the past, the Health Department Medical Director, Patsy Kullberg, formally approved the credentialing and privileging process for County licensed independent practitioners (LIP).
- b. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) currently accredits County Primary Care Clinics.
- c. In 2002 JCAHO stipulated that either the Board of County Commissioners or the Community Health Council (CHC) must review credential information and decide whether to appoint the LIP to provide care, treatment and services.
- d. In 2003, the CHC started providing the formal approval process, including maintaining the credentialing and privileging of more than 100 physicians, nurse practitioners and physician assistants in the Health Department.
- e. CHC does not wish to continue the LIP approval process.

**The Multnomah County Board of Commissioners Resolves:**

1. The Health Department Director is delegated authority to appoint and approve licensed independent practitioners in the Health Department based on recommendations from the Health Department Medical Director.
2. The Health Department Director may designate the Health Department Medical Director to perform this duty.

ADOPTED this 21<sup>st</sup> day of October 2004.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

\_\_\_\_\_  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Jacqueline A. Weber, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 04-151**

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**The Multnomah County Board of Commissioners Finds:**

- a. In the past, the Health Department Medical Director, Patsy Kullberg, formally approved the credentialing and privileging process for County licensed independent practitioners (LIP).
- b. The Joint Commission on Accreditation of Healthcare Organizations (JCAHO) currently accredits County Primary Care Clinics.
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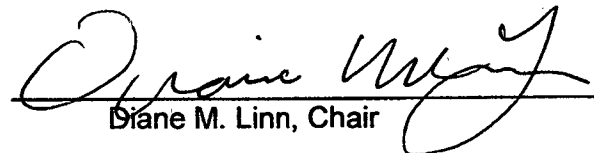
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2. The Health Department Director may designate the Health Department Medical Director to perform this duty.

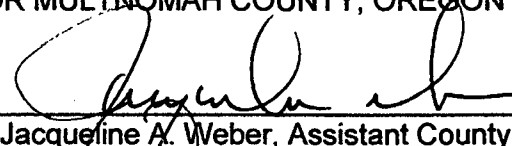
ADOPTED this 21st day of October 2004.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Jacqueline A. Weber, Assistant County Attorney

## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** October 21, 2004

**Agenda Item #:** R-2

**Est. Start Time:** 9:50 AM

**Date Submitted:** 10/06/04

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**Requested Date:** October 21, 2004

**Time Requested:** 5 minutes

**Department:** Non-Departmental

**Division:** Commissioner Cruz, District 2

**Contact/s:** Kylie Meiner, MPH

**Phone:** 503-988-3663

**Ext.:** 29356

**I/O Address:** 160/9

**Presenters:** Commissioner Cruz, Kylie Meiner, Dr. Brett Sheppard

---

**Agenda Title:** Second Reading and Possible Adoption of a Proposed ORDINANCE Amending MCC Chapter 21, Health, Relating to Hospital Outdoor No Smoking Policy

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

---

1. **What action are you requesting from the Board? What is the department/agency recommendation?** For MCC Chapter 21, Health, to be amended to require hospitals to adopt no-smoking policies for outdoor areas.
2. **Please provide sufficient background information for the Board and the public to understand this issue.** All hospitals in Multnomah County currently have policies that prohibit smoking near entryways, windows that open, and air intake vents. However, they lack the authority to prohibit smoking on public property, such as sidewalks, that are adjacent to hospital property. This amendment will give hospitals the authority to prohibit smoking on public property so that they can better protect their patients and visitors from secondhand smoke. This amendment will set a minimum standard of no-smoking within 20 feet of entryways, windows, and vents, while allowing hospitals to prohibit smoking at any distance greater than 20 feet that they determine is necessary to prevent exposure to secondhand smoke. Hospitals will be allowed to create designated outdoor smoking areas, as long as they meet the 20 feet requirement. Hospitals will be required to have a written enforcement plan for the policy, but the county will not monitor the enforcement

of the policy or respond to complaints. Hospitals will have sole responsibility for all enforcement activities.

3. **Explain the fiscal impact (current year and ongoing). None foreseen.**

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

**If a budget modification, explain:**

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

**NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain:**

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

**If grant application/notice of intent, explain:**

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

4. **Explain any legal and/or policy issues involved.** The City of Portland and the City of Gresham must also adopt amendments to approve this change to MCC Chapter 21, Health, to require hospitals to adopt no-smoking policies for outdoor areas. Both cities have indicated that they will approve the amendments.
5. **Explain any citizen and/or other government participation that has or will take place.** The original request for this amendment came from Dr. Brett Sheppard at Oregon Health & Sciences University, and has the support of the OHSU administration, including the Associate Vice President of Facilities Management & Construction. The Tobacco Prevention Program Coordinator (Health Dept.) and the Assistant to Commissioner Cruz have consulted with representatives from OHSU, Adventist Medical

Center, Legacy Health System, Mt. Hood Medical Center and Providence Portland and have taken their concerns into account when drafting this ordinance. Representatives from each of the hospitals have been invited to this Board Meeting to provide testimony.

**Required Signatures:**

**Department/Agency Director:** 

**Date:** 10/06/04

**Budget Analyst**

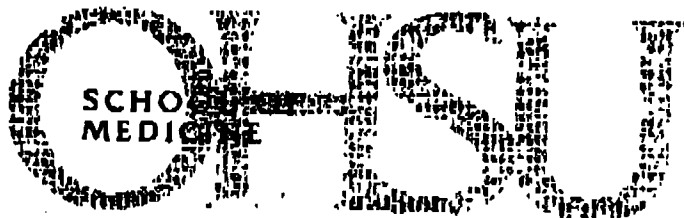
**By:** \_\_\_\_\_

**Date:**

**Dept/Countywide HR**

**By:** \_\_\_\_\_

**Date:**



R-2

OREGON HEALTH  
SCIENCES UNIVERSITY  
DIVISION OF GENERAL SURGERY  
4101 N.W. SAM JACKSON PARK RD.  
MAIL CODE 1323A  
PORTLAND, OR 97239-3898  
TEL 503-494-8372  
FAX 503-494-8884

September 15, 2003

Commissioner Serena Cruz  
Multnomah Building, Sixth Floor  
501 SE Hawthorne Street  
Portland, OR 97214

Re: No Smoking Public Zone Outside Hospital Entrances and Corridors;  
Amendments to MCC Chapter 21

Dear Commissioner Cruz:

First and foremost, thank you for your leadership in this important action to protect hospital patients from the deleterious effects of second-hand smoke in and around hospital facilities. OHSU strongly supports the amendments to Multnomah County Code Chapter 21, which would permit hospitals to prohibit smoking in outdoor public areas surrounding hospital facilities.

We at OHSU have a duty to protect the well being of our patients. The amendments to Chapter 21 are the tools we need to ensure a safe and healthy environment for patients entering and exiting our hospital facilities.

Scientific evidence in support of this ordinance is unequivocal. In numerous studies, scientists and researchers concluded that second-hand smoke is a significant risk factor in a multitude of lung-related diseases including asthma and bronchitis in adults (Chest, 2002). Second-hand smoke is a significant risk factor for the development of lung cancer. Sixteen studies have documented an increased risk of lung cancer from second-hand smoke in the workplace (Aust N. Z., J. Public Health, 2001/Int. J. Cancer, 2002/British Medical J. 1997). Conservative estimates suggest second-hand smoke is responsible for 35,000 to 40,000 excess cardiac deaths per year. The number may be as high as 65,000 excess deaths per year. Research has demonstrated that even transient exposure in healthy young adults significantly decreases blood flow in the heart. (New England J. of Medicine 1999/J. of AMA 1992, 2001/Heart Vessels 2002.) In addition to these lung and cardiac-related complications, there is a developing evidentiary link that exposure to second-hand smoke increases the risk of breast cancer and the risk of stroke in adults (Am. J. Epidemiology 1996, 2002/European J. of Epidemiology 2002/Stroke 2002).

OHSU also treats a large number of younger patients, including children. Research demonstrates that smoking outside remains harmful to children because they still absorb high levels of nicotine metabolites (Lancet 2002). There is also developing evidence linking exposure to second-hand smoke with recurring ear infections in children (Arch Otolaryngol Head and Neck Surg. 1999).



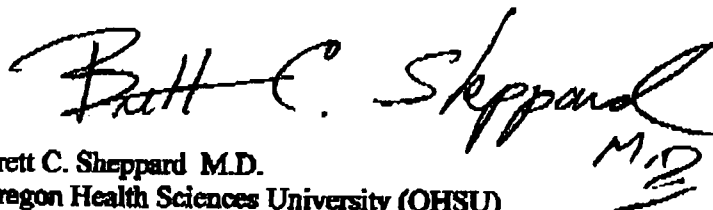
Here at OHSU, several of the entrances and exits from our hospital and clinic facilities are adjacent to public sidewalks or other public areas where people congregate to smoke. I have personally observed patients on oxygen off-loaded from ambulances surrounded by people smoking. We have seen new babies in their mother's arms waiting outside to go home surrounded by smokers. I have seen our children with cystic fibrosis and our cardiac and lung transplant patients pass through a fog of smoke on the way to follow-up appointments.

We must protect patients and members of the public by allowing hospital facilities to prohibit smoking in public areas proximate to hospital entrances, exits and access corridors.

We concur with the amended language of MCC 21.520, which requires hospitals to adopt policies prohibiting smoking in outdoor public areas that are within a distance of 20 feet or more from building entrances or exits. At OHSU, we believe 20 feet is the minimum distance necessary to protect our compromised patients. In all likelihood, under the amendment, we will establish a greater distance of at least 50 feet, wherein smoking is prohibited in public areas adjacent to hospital entrance corridors. While MCC 21.520(a)(1) establishes a minimum distance of 20 feet, subsection (a)(2) requires posting of no smoking signs in outdoor public areas within a distance of 20 feet from building entrances and exits. We propose an amendment to Subsection (a)(2) that requires no smoking signage within a distance of at least 20 feet from building entrances. This amendment is consistent with Subsection (a)(1), which establishes a minimum no smoking distance of 20 feet for outdoor public areas adjacent to hospital facilities.

In closing, we appreciate Multnomah County's leadership in addressing this threat to human health. We are certain that by creating a safer and healthier environment for our patients, the County will greatly enhance the ability of OHSU to protect the overall health of our patients.

Best regards,



Brett C. Sheppard M.D.  
Oregon Health Sciences University (OHSU)  
Professor and Vice-Chairman of Surgery  
Division of General Surgery Mail Code L223A  
3181 SW Sam Jackson Park Road  
Portland, Oregon. 97239-3098  
Phone (503) 494-8372 Fax (503) 494-8884

cc: Diane Linn, Chair  
Members of Multnomah County  
Board of Commissioners

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. \_\_\_\_\_

Amending MCC Chapter 21, Health, Relating to Hospital Outdoor No Smoking Policy

(Language ~~stricken~~ is deleted; double underlined language is new.)

**The Multnomah County Board of Commissioners Finds:**

- a. Individual cigarettes are point sources of outdoor air pollution; smoking in groups is an area source of outdoor air pollution.
- b. Outdoor exposure to second-hand tobacco smoke causes impaired breathing, asthma attacks, headache, nausea, and other symptoms in nonsmokers.
- c. People with chronic and acute respiratory diseases and other medical conditions, (i.e., hospital patients) are particularly vulnerable to the health hazards of secondhand smoke.
- d. There is a scientific consensus that outdoor sources of tobacco smoke should be kept at least 20 feet away from entrances, operable windows, and air intake vents to protect building occupants from the carcinogenic particulate matter found in outdoor tobacco smoke.
- e. State law does not currently regulate smoking in areas outside an enclosed area where smoking is prohibited.
- f. Multnomah County Home Rule Charter Chapter 2.10 grants the county authority over matters of county concern.
- g. The Board of County Commissioners declares that this ordinance is to protect the public health and welfare by requiring hospitals to prohibit smoking in certain outdoor areas that are adjacent to hospital buildings.
- h. This ordinance will be submitted to the Portland City Council to obtain its consent to application of this ordinance within the city limits, in accordance with ORS 203.040.

**Multnomah County Ordains as follows:**

**Section 1. § 21.500\* is amended to read as follows**

**21.500\* SMOKE-FREE WORK AND PUBLIC PLACES**

**Section 2. § 21.501 is renumbered and amended as follows:**

**21.501-510 Definitions.**

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

**BILLIARD PARLOR.** An establishment in which income is primarily derived from pool/billiard table rental and other pool/billiard related sales and where the sale of other products or services is secondary.

**BUSINESS.** Any sole proprietorship, partnership, joint venture, corporation, or other business entity, including retail establishments where goods or services are sold, as well as professional corporations and other entities where professional services are delivered.

**EMPLOYEE.** Any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services to a non-profit entity.

**EMPLOYER.** Any person or entity who employs the services of one or more individuals.

**ENCLOSED AREA.** All space between a floor and a ceiling that is enclosed on all sides by solid walls or windows (exclusive of door or passageways) that extend from the floor to the ceiling, including all space therein screened by partitions that do not extend to the ceiling or are not solid, such as "office landscaping" or similar structures. Enclosed areas do not include breakrooms designated for smoking (smoking room) by employers if the following conditions are met:

1. The smoking room is not accessible to minors.
2. Air from the smoking room is exhausted directly to the outside by an exhaust fan and not recirculated to other parts of the building.
3. The smoking room is in compliance with ventilation standards established by the Department of Health by administrative rule.
4. The smoking room is located in a non-work area where no one, as part of his or her work responsibilities, is required to enter. For purposes of this paragraph, "work responsibilities" does not include custodial or maintenance work carried out in the smoking room when it is unoccupied.
5. There are sufficient nonsmoking breakrooms to accommodate nonsmokers.

**HOSPITAL.** Any facility that meets the definition of "Hospital" in ORS 442.015.

**OUTDOOR PUBLIC AREA.** Any public area immediately adjacent to a Hospital building or buildings, including but not limited to sidewalks, walkways, seating areas and courtyards.

**PLACE OF EMPLOYMENT.** Any enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and rest rooms, conference and class rooms, cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a child care facility as defined in ORS 657A.250, an adult day care facility as defined in ORS 410.490 or a health care facility as defined in ORS 442.015.

**RETAIL TOBACCO STORE.** A retail store utilized primarily for the sale of tobacco products and accessories and where the sale of other products is secondary.

**SMOKING.** Any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, weed, plant, or other tobacco-like product or substances in any manner or in any form.

**TOBACCO PRODUCT.** Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco or any other form of tobacco which may be utilized for smoking, inhalation, or other means of ingestion.

**TRUCK STOP.** A facility that provides all of the following: fuel service for vehicles up to ninety feet in length; off-street parking for trucks and trailers; a twenty-four hour restaurant; and driver support services, such as showers, laundry, and truck supplies.

**Section 3. § 21.502 is renumbered and amended as follows:**

**21.502-515 Smoking Prohibited in Places of Employment.**

Every employer shall provide a place of employment free of tobacco smoke for all employees.

**Section 4. A new § 21.520 is added to read as follows**

**21.520 Hospital Outdoor No Smoking Policy.**

(A) Hospitals are required to adopt policies prohibiting smoking in outdoor public areas. These policies must meet the following minimum guidelines:

(1) Prohibits smoking within at least 20 feet of building entrances and exits, air intake vents, and windows that are capable of opening to the outside

(2) Requires posting of signs that include the international no smoking symbol and the words "no smoking" in outdoor public areas where smoking is prohibited.

(3) Includes a formal mechanism for the hospital to enforce the policy.

(B) Hospitals may adopt policies allowing smoking in designated outdoor smoking areas as long as they are at least 20 feet away from building entrances and exits, air intake vents, and windows that are capable of opening to the outside.

**Section 5. § 21.503 is renumbered to 21.525 as follows:**

**21.503-525 Places Where Smoking Is Not Regulated.**

Notwithstanding any other provision of this section to the contrary, the following areas shall not be subject to any smoking restrictions contained within this subchapter:

(A) Private residences, unless the private residence is used as a child care facility as defined in ORS 657A.250, an adult day care facility as defined in ORS 410.490 or a health care facility as defined in ORS 442.015;

(B) Rented motel or hotel rooms that are designated in some manner as smoking-allowed

rooms by the owners of the establishment renting the rooms;

(C) Private rooms rented for an occupancy that exceeds one month and that are not located in a private residence used as a child care, adult day care or health facility;

(D) Any facility or facility area licensed by the Oregon Liquor Control Commission to serve alcohol by the drink for consumption on the premises that is posted to prohibit the presence of minors at all times;

(E) Any facility or facility area licensed by the Oregon Liquor Control Commission to serve alcohol by the drink for consumption on the premises that is posted to prohibit the presence of minors during some hours, during those hours that minors are prohibited;

(F) Bingo operations licensed pursuant to ORS 464.250 et seq. and race courses operated by a licensee licensed under ORS chapter 462;

(G) Retail tobacco stores;

(H) Truck stops; and

(I) Billiard parlors.

**Section 6. § 21.504 is renumbered to 21.530 as follows:**

**21.504-530 Posting "No Smoking" Signs.**

"No smoking" signs or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across the cigarette) shall be clearly, sufficiently, and conspicuously posted in every building or other area where smoking is prohibited by this subchapter, by the owner, manager, or other person having control of such building or other area, including private residences used as a child care, adult day care or health care facility.

**Section 7. § 21.505 is renumbered to 21.535 as follows:**

**21.505-535 Other Violations.**

It shall be a violation of this subchapter for every day any person, who owns, manages, operates or otherwise controls the use of any premises, subject to regulation under §§ 21.500 et seq., fails to comply with any provisions therein. Each day shall be a separate violation.

**Section 8. § 21.506 is renumbered to 21.540 and amended as follows:**

**21.506-540 Smoking In Workplace Prohibited.**

It shall be a violation of §§ 21.500 et seq. for any person to smoke in any area where smoking in the workplace is prohibited by the provisions of §§ 21.500 et seq.

**Section 9. § 21.507 is renumbered to 21.545 as follows:**

**21.507-545 Other Laws.**

This subchapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

FIRST READING:

October 14, 2004

SECOND READING AND ADOPTION:

October 21, 2004

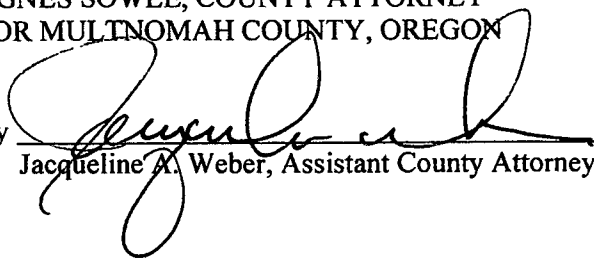
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

  
Jacqueline A. Weber, Assistant County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**ORDINANCE NO. 1051**

Amending MCC Chapter 21, Health, Relating to Hospital Outdoor No Smoking Policy

(Language ~~stricken~~ is deleted; double underlined language is new.)

**The Multnomah County Board of Commissioners Finds:**

- a. Individual cigarettes are point sources of outdoor air pollution; smoking in groups is an area source of outdoor air pollution.
- b. Outdoor exposure to second-hand tobacco smoke causes impaired breathing, asthma attacks, headache, nausea, and other symptoms in nonsmokers.
- c. People with chronic and acute respiratory diseases and other medical conditions, (i.e., hospital patients) are particularly vulnerable to the health hazards of secondhand smoke.
- d. There is a scientific consensus that outdoor sources of tobacco smoke should be kept at least 20 feet away from entrances, operable windows, and air intake vents to protect building occupants from the carcinogenic particulate matter found in outdoor tobacco smoke.
- e. State law does not currently regulate smoking in areas outside an enclosed area where smoking is prohibited.
- f. Multnomah County Home Rule Charter Chapter 2.10 grants the county authority over matters of county concern.
- g. The Board of County Commissioners declares that this ordinance is to protect the public health and welfare by requiring hospitals to prohibit smoking in certain outdoor areas that are adjacent to hospital buildings.
- h. This ordinance will be submitted to the Portland City Council to obtain its consent to application of this ordinance within the city limits, in accordance with ORS 203.040.

**Multnomah County Ordains as follows:**

**Section 1. § 21.500\* is amended to read as follows**

**21.500\* SMOKE-FREE WORK AND PUBLIC PLACES**

**Section 2. § 21.501 is renumbered and amended as follows:**

**21.501-510 Definitions.**

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

**BILLIARD PARLOR.** An establishment in which income is primarily derived from pool/billiard table rental and other pool/billiard related sales and where the sale of other products or services is secondary.

**BUSINESS.** Any sole proprietorship, partnership, joint venture, corporation, or other business entity, including retail establishments where goods or services are sold, as well as professional corporations and other entities where professional services are delivered.

**EMPLOYEE.** Any person who is employed by any employer in the consideration for direct or indirect monetary wages or profit, and any person who volunteers his or her services to a non-profit entity.

**EMPLOYER.** Any person or entity who employs the services of one or more individuals.

**ENCLOSED AREA.** All space between a floor and a ceiling that is enclosed on all sides by solid walls or windows (exclusive of door or passageways) that extend from the floor to the ceiling, including all space therein screened by partitions that do not extend to the ceiling or are not solid, such as "office landscaping" or similar structures. Enclosed areas do not include breakrooms designated for smoking (smoking room) by employers if the following conditions are met:

1. The smoking room is not accessible to minors.
2. Air from the smoking room is exhausted directly to the outside by an exhaust fan and not recirculated to other parts of the building.
3. The smoking room is in compliance with ventilation standards established by the Department of Health by administrative rule.
4. The smoking room is located in a non-work area where no one, as part of his or her work responsibilities, is required to enter. For purposes of this paragraph, "work responsibilities" does not include custodial or maintenance work carried out in the smoking room when it is unoccupied.
5. There are sufficient nonsmoking breakrooms to accommodate nonsmokers.

**HOSPITAL.** Any facility that meets the definition of "Hospital" in ORS 442.015.

**OUTDOOR PUBLIC AREA.** Any public area immediately adjacent to a Hospital building or buildings, including but not limited to sidewalks, walkways, seating areas and courtyards.

**PLACE OF EMPLOYMENT.** Any enclosed area under the control of a public or private employer that employees normally frequent during the course of employment, including, but not limited to, work areas, employee lounges and rest rooms, conference and class rooms, cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a child care facility as defined in ORS 657A.250, an adult day care facility as defined in ORS 410.490 or a health care facility as defined in ORS 442.015.

**RETAIL TOBACCO STORE.** A retail store utilized primarily for the sale of tobacco products and accessories and where the sale of other products is secondary.



**SMOKING.** Any inhaling, exhaling, burning, or carrying any lighted cigar, cigarette, weed, plant, or other tobacco-like product or substances in any manner or in any form.

**TOBACCO PRODUCT.** Any tobacco cigarette, cigar, pipe tobacco, smokeless tobacco or any other form of tobacco which may be utilized for smoking, inhalation, or other means of ingestion.

**TRUCK STOP.** A facility that provides all of the following: fuel service for vehicles up to ninety feet in length; off-street parking for trucks and trailers; a twenty-four hour restaurant; and driver support services, such as showers, laundry, and truck supplies.

**Section 3. § 21.502 is renumbered and amended as follows:**

**21.502-515 Smoking Prohibited in Places of Employment.**

Every employer shall provide a place of employment free of tobacco smoke for all employees.

**Section 4. A new § 21.520 is added to read as follows**

**21.520 Hospital Outdoor No Smoking Policy.**

(A) Hospitals are required to adopt policies prohibiting smoking in outdoor public areas. These policies must meet the following minimum guidelines:

(1) Prohibits smoking within at least 20 feet of building entrances and exits, air intake vents, and windows that are capable of opening to the outside

(2) Requires posting of signs that include the international no smoking symbol and the words "no smoking" in outdoor public areas where smoking is prohibited.

(3) Includes a formal mechanism for the hospital to enforce the policy.

(B) Hospitals may adopt policies allowing smoking in designated outdoor smoking areas as long as they are at least 20 feet away from building entrances and exits, air intake vents, and windows that are capable of opening to the outside.

**Section 5. § 21.503 is renumbered to 21.525 as follows:**

**21.503-525 Places Where Smoking Is Not Regulated.**

Notwithstanding any other provision of this section to the contrary, the following areas shall not be subject to any smoking restrictions contained within this subchapter:

(A) Private residences, unless the private residence is used as a child care facility as defined in ORS 657A.250, an adult day care facility as defined in ORS 410.490 or a health care facility as defined in ORS 442.015;

(B) Rented motel or hotel rooms that are designated in some manner as smoking-allowed

rooms by the owners of the establishment renting the rooms;

(C) Private rooms rented for an occupancy that exceeds one month and that are not located in a private residence used as a child care, adult day care or health facility;

(D) Any facility or facility area licensed by the Oregon Liquor Control Commission to serve alcohol by the drink for consumption on the premises that is posted to prohibit the presence of minors at all times;

(E) Any facility or facility area licensed by the Oregon Liquor Control Commission to serve alcohol by the drink for consumption on the premises that is posted to prohibit the presence of minors during some hours, during those hours that minors are prohibited;

(F) Bingo operations licensed pursuant to ORS 464.250 et seq. and race courses operated by a licensee licensed under ORS chapter 462;

(G) Retail tobacco stores;

(H) Truck stops; and

(I) Billiard parlors.

**Section 6. § 21.504 is renumbered to 21.530 as follows:**

**21.504-530 Posting "No Smoking" Signs.**

"No smoking" signs or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across the cigarette) shall be clearly, sufficiently, and conspicuously posted in every building or other area where smoking is prohibited by this subchapter, by the owner, manager, or other person having control of such building or other area, including private residences used as a child care, adult day care or health care facility.

**Section 7. § 21.505 is renumbered to 21.535 as follows:**

**21.505-535 Other Violations.**

It shall be a violation of this subchapter for every day any person, who owns, manages, operates or otherwise controls the use of any premises, subject to regulation under §§ 21.500 et seq., fails to comply with any provisions therein. Each day shall be a separate violation.

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**21.507-545 Other Laws.**

This subchapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

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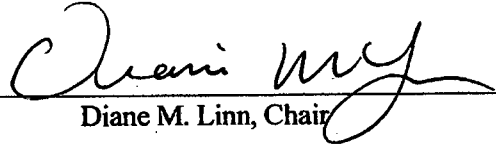
October 14, 2004

SECOND READING AND ADOPTION:

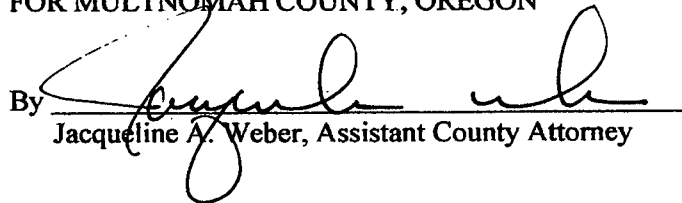
October 21, 2004



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Jacqueline A. Weber, Assistant County Attorney

## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** October 21, 2004

**Agenda Item #:** R-3

**Est. Start Time:** 9:55 AM

**Date Submitted:** 10/13/04

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**Requested Date:** 10/21/04

**Time Requested:** 30 minutes

**Department:** Non-Departmental

**Division:** Chair's Office

**Contact/s:** Lisa Goldberg

**Phone:** 503-988-4765

**Ext.:** 84765

**I/O Address:** 503/6

**Presenters:** Lisa Goldberg

---

**Agenda Title:** Public Hearing and Possible Adoption of a Resolution Approving the 2003-05 Regional Investment Strategy of the Multnomah-Washington Regional Investment Board

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

- 
1. **What action are you requesting from the Board? What is the department/agency recommendation?** This is an opportunity for the Board to review and the public to provide input on the proposed Multnomah-Washington Regional Investment Strategy for 2003-2005. The Board may adopt a resolution approving the Strategy.
  2. **Please provide sufficient background information for the Board and the public to understand this issue.** The Regional and Rural Investment Programs are state programs that provide funds to designated regions around the state for economic development purposes. To receive funds, each region must develop a regional investment strategy. State statute requires that each county's governing board adopt the regional investment strategy before it can be sent to the Governor for approval and subsequently implemented. In the 2003 legislative session, significant changes were made to the Regional and Rural Investment Programs, whereby the emphasis was shifted from a combination of economic development and community development to a focus strictly on economic development, specifically job creation and retention. For the 2003-2005 biennium, the Oregon Economic and Community Development Dept. has set guidelines for job creation/retention and at \$5,000 of expenditure for each job created or

retained, and also has specified that funding should ideally be leveraged at a 5:1 ratio of non-OECDD to OECDD funds. Given these new priorities and guidelines, an updated regional strategy was developed for this biennium.

Under this strategy the Regional Investment Board proposes to disperse the funds toward two investment tracks: Regional Economic Competitiveness and Community Economic Development. Under Regional Economic Competitiveness, approximately half the funds will be targeted toward regional traded-sector economic development via the Regional Economic Development Partners, a collaborative group of economic development practitioners from the public and private sectors operating as a 501(c)(3) organization. The Regional Partners will use the funding to support business retention and expansion in the two-county region. Under Community Economic Development, approximately half the funds will be used to fund a micro-enterprise loan program targeting minority, women, and emerging small businesses that would otherwise not have access to private loan funds. An RFP to establish this loan fund will be generated, with the RIB approving the award of the RFP.

Another change is that overall administrative costs are now limited to 10 percent of the Regional Investment Funds (there is no administrative cap on the Rural Investment Funds). The proposed Regional Investment Strategy seeks to allocate economic development funds in an efficient manner to minimize the administrative costs required. Washington and Multnomah Counties have been working closely with the newly formed Regional Investment Board and our state OECDD staff to develop a plan that will meet our counties objectives and create jobs for our communities.

3. **Explain the fiscal impact (current year and ongoing).** The funds are allocated to this program from state lottery proceeds. No county funds are involved. Since Multnomah County will act as the fiscal agent for the funds, we will receive the funds from the state and disburse them. We will collect indirect charges as we do on all pass-through funds to cover administrative costs. The regional allocation from the state is \$620,443 for the Regional Investment Program and \$83,361 for the Rural Investment Program.

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

**If a budget modification, explain:**

- ❖ **What revenue is being changed and why?**
  - ❖ **What budgets are increased/decreased?**
  - ❖ **What do the changes accomplish?**
  - ❖ **Do any personnel actions result from this budget modification? Explain.**
  
  - ❖ **Is the revenue one-time-only in nature?**
  - ❖ **If a grant, what period does the grant cover?**
  - ❖ **When the grant expires, what are funding plans?**
- NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain:**

- ❖ **Why was the expenditure not included in the annual budget process?**

- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

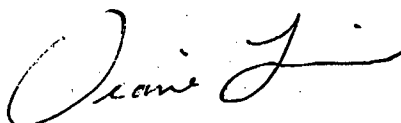
If grant application/notice of intent, explain:

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place. This public hearing is an opportunity for the public to provide input on the Regional Investment Strategy, as required by state statute. A parallel public process and subsequent vote of the County Board will take place in Washington County.

**Required Signatures:**

**Department/Agency Director:**



**Date: 10/13/04**

**Budget Analyst**

By: \_\_\_\_\_

**Date:**

**Dept/Countywide HR**

By: \_\_\_\_\_

**Date:**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. \_\_\_\_\_

Approving the 2003-05 Regional Investment Strategy of the Multnomah-Washington Regional Investment Board

**The Multnomah County Board of Commissioners Finds:**

- a. The 2003-05 Multnomah-Washington Regional Investment Strategy charts the means by which the Regional Investment Board will implement the Regional and Rural Investment Programs for the 2003-05 biennium, in compliance with the economic development criteria established by State Legislature for the Programs. The Strategy describes regional economic development priorities, identifies related investment goals, and lays out performance measures by which investments will be evaluated.
- b. The County, including distressed communities within the County, will benefit from the job creation and leveraging of Regional and Rural Investment funds that will occur as a result of the implementation of the Strategy.
- c. Oregon Revised Statute 285B.242 requires a public hearing in each county followed by a vote by the governing body of each county to recommend the Regional Investment Strategy to the Governor.

**The Multnomah County Board of Commissioners Resolves:**

1. The Board approves the 2003-05 Multnomah-Washington Regional Investment Strategy.

ADOPTED this 21st day of October, 2004.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By Sandra N. Duffy  
Sandra N. Duffy, Assistant County Attorney

**MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP**

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Please complete this form and return to the Board Clerk

\*\*\*This form is a public record\*\*\*

MEETING DATE: 10-21-04

SUBJECT: REGIONAL INVESTMENT BOARD STRATEGY

---

AGENDA NUMBER OR TOPIC: PUBLIC HEARING R-3

FOR: \_\_\_\_\_ AGAINST: ✓ THE ABOVE AGENDA ITEM

NAME: JOY BROOKHOUSE

ADDRESS: P.O. BOX 1525

CITY/STATE/ZIP: FAIRVIEW, OR 97024

PHONE: DAYS: 503-969-3475

EVES: SAME

EMAIL: JOYJBCM@AOL.COM

FAX: 503-618-7730

SPECIFIC ISSUE: USE OF REGIONAL PARTNERS TO

IDENTIFY DESERVING RECIPIENTS OF ECON DEV FUNDS

WRITTEN TESTIMONY: THE BOARD IS PROPOSING TO ADD A

LEVEL OF ADMINISTRATION TO THE PROCESS AND A

NEW ADMINISTRATIVE FEE, REDUCING THE ALREADY  
MEAGER FUNDS ALLOCATED FOR DISTRIBUTION.

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**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. 04-152**

Approving the 2003-05 Regional Investment Strategy of the Multnomah-Washington Regional Investment Board

**The Multnomah County Board of Commissioners Finds:**

- a. The 2003-05 Multnomah-Washington Regional Investment Strategy charts the means by which the Regional Investment Board will implement the Regional and Rural Investment Programs for the 2003-05 biennium, in compliance with the economic development criteria established by State Legislature for the Programs. The Strategy describes regional economic development priorities, identifies related investment goals, and lays out performance measures by which investments will be evaluated.
- b. The County, including distressed communities within the County, will benefit from the job creation and leveraging of Regional and Rural Investment funds that will occur as a result of the implementation of the Strategy.
- c. Oregon Revised Statute 285B.242 requires a public hearing in each county followed by a vote by the governing body of each county to recommend the Regional Investment Strategy to the Governor.

**The Multnomah County Board of Commissioners Resolves:**

1. The Board approves the 2003-05 Multnomah-Washington Regional Investment Strategy.


ADOPTED this 21st day of October, 2004.



BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Diane M. Linn, Chair

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Sandra N. Duffy, Assistant County Attorney

**Multnomah-Washington  
Regional Investment Strategy  
2003-05**

**Multnomah-Washington Regional Investment Board**

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## **Introduction**

The Multnomah-Washington Regional Investment Board (RIB) is charged with implementing the Regional and Rural Investment Program in accordance with ORS 285B.230 to ORS 285B.263 and ORS 285B.269, and OAR 123-044-0000 to 123-044-0090 and OAR 123-045-000 to 123-045-0060. This strategy is in satisfaction of these statutory and regulatory requirements.

The 2003-05 Regional Investment Strategy charts the means by which the RIB will implement the program this biennium. This strategy draws upon previously adopted versions of the Multnomah and Washington County Regional Investment Plan (originally approved in February 2001 and later updated in February 2002) while responding to program revisions made by the 2003 Legislature.

It is intended to serve as an update of economic development priorities, and to provide goals and performance measures to guide investment of the Multnomah-Washington Regional and Rural Investment funds.

## **1. Long-Term Goals**

Within the parameters of the evolving structure of the Regional Investment Program, the Multnomah-Washington Regional Investment Board will continue to focus on the two long-term goals identified as priorities in the 2001-03 Plan:

### **Goal #1 – Regional Economic Competitiveness**

- Increase the comparative advantage of the region's key industry clusters (High Tech; Creative Services; Nursery Products; Metals/Machinery/Transportation Equipment; Lumber and Wood Products; Specialty Foods/Craft Beverages)
- Help to develop emerging clusters
- Assist with making this region a location of choice for firms in existing and emerging industry clusters

### **Goal #2 – Community Economic Development**

- Increase the wealth and well-being of distressed and lagging communities and populations and their individual households and businesses

## **2. Investment Strategy**

The RIB will advance the two goals stated above by investing in a corresponding project for each. These investments will leverage existing resources and capacity.

### **A. Regional Investment Projects**

**Goal #1** will be addressed by funding activities of the Regional Economic Development Partners. The Regional Economic Development Partners (or "Regional Partners") is a collaborative organization comprised of about 25 cities, counties, business associations and firms in the five-county Portland metropolitan area. The Regional Partners advance shared economic priorities by working to implement business recruitment, retention and expansion plans around

the region, as well as implementing marketing strategies and policy development. Regional Partners activities focus on the region's cluster industries.

As a regional economic development organization comprised of local, state and regional government agencies, private sector businesses and associations, the Partners' work is ideally aligned with the mission of the Regional Investment Program and presents the opportunity to leverage sizable collaborative resources and efforts for improving the regional economy. Part of the region's Rural Investment funds may also be invested through the Regional Partners.

**Goal #2** will be addressed by investing in a micro-enterprise loan program. The program will provide micro-enterprise loans to Minority, Women and Emerging Small Businesses (MWESB) in the region. Such businesses often have difficulty acquiring business loans through traditional lending institutions.

The micro-enterprise loan program will complement the efforts of the Regional Partners by offering greater access to capital for small businesses that may not be part of a regional industry cluster. By subcontracting with an entity that has an established record of operating a loan program, we will expand opportunities for job creation in a traditionally underserved part of the business community. Part of the region's Rural Investment funds may also be invested through the micro-enterprise loan program.

## **B. Criteria for Use of Regional Investment Funds by Grantees**

### **Regional Partners**

The fundamental components of this project are as follows:

- Half of the Regional and Rural Investment funds (less the administrative allowance) will be invested through the Regional Partners.
- The RIB and Regional Partners will establish contractual targets for job creation, retention and funds leveraged. These targets will be based on the Regional Investment Board's performance measurement targets presented later in this document.
- Regional Partners will provide grants to private firms for the purpose of job creation and retention. Preference will be given to firms in the region's identified cluster industries. These clusters are high technology; creative services; nursery products; metals, machinery and transportation equipment; specialty foods, food processing and craft beverages; and lumber and wood products. Only businesses operating in Multnomah or Washington County may receive a grant from the RIB. Grants may be disbursed only after the execution of a memorandum of understanding that specifies the business's plan for meeting job creation/retention, investment and other criteria that may apply to the project. The Regional Partners Executive Committee will serve as the review board for project proposals and funds will only be disbursed after the Executive Committee approves a proposal.
- Regional Partners will report quarterly to the RIB regarding investments and outcomes.

### **Micro-Enterprise Loan Program**

- Half of the Regional and Rural Investment funds (less the administrative allowance) will be invested through the micro-enterprise loan program.
- Regional Investment funds allocated to the micro-enterprise loan program are to be used to stimulate job creation in minority, women and emerging small businesses (MWESB). Loans

funded by the RIB may be granted only to businesses operating in Multnomah or Washington County.

- The RIB will conduct an RFP process to identify qualified entities and ultimately select one to administer the micro-enterprise loan program. The entity whose proposal best meets the RFP evaluation criteria as developed by the RIB will be selected to administer the program.

### **C. Program Performance Measures**

In response to policy guidance found in HB 2300, as adopted by the 2003 Oregon Legislature, the Regional Investment Board will focus 2003-05 funds on investments that result in:

- Creation of new jobs
- Retention of existing jobs that are in danger of loss
- Attraction of additional capital investment in the region

The RIB will hold grantees to the following minimum performance goals in their use of Regional and Rural Investment funds in the 2003-05 biennium:

#### Long-Term Job Creation and Retention

Regional investments in the 2003-05 biennium will lead to the creation or retention of a minimum total of **141 jobs**. It is anticipated that all of these jobs will be created or retained as a result of indirect regional investments over a longer period of time.

No investment in short-term job creation is anticipated since funds will be allocated to businesses through other entities. A majority of the jobs created or retained as a result of regional investments will exceed the average wage for the county in which they are located.

#### Leverage from Long-Term Investments

Projects funded by the RIB in the 2003-05 biennium will leverage a minimum of \$5 in additional non-state investment for each \$1 in program funds, for a total of \$3,569,020. Leverage can be in the form of equity or in-kind match, but must be easily quantifiable and well documented.

There are no short-term leverage targets because all funds and leverage will be allocated to other entities.

### **3. Resources Available and Developmental Needs**

Following is an accounting of the region's social and economic resources. Also presented is a statement of developmental needs and barriers to plan implementation that are present in the region.

#### **A. Resource Inventory**

- Substantial economic and human capital within, or in close proximity to, the two-county region
- Excellent quality of life, as reflected in both the natural and built environments

- Growing regional diversity – language, race, ethnicity
- Established regional industry clusters:
  - ✓ High tech (semiconductors/silicon, imaging display technology)
  - ✓ Metals, machinery, transportation equipment)
  - ✓ Nursery products
  - ✓ Specialty foods and food processing/craft beverages
  - ✓ Lumber and wood products
- Emerging regional industry clusters:
  - ✓ Sports apparel/recreation-related products
  - ✓ High tech (nano and micro technology, cyber-security, health/medical information technology)
  - ✓ Creative services (advertising, public relations, film & video, web content and design)
- Post-secondary educational institutions: Portland State University, Oregon Health and Science University, Mt. Hood Community College, Portland Community College, Lewis and Clark College, Reed College, University of Portland, Pacific University
- Emerging model of regional collaboration and strategic thinking through the Regional Economic Development Partners

#### **B. Development Needs / Barriers to Implementation**

- Continuing high rate of unemployment
- Reduction in the business base, particularly high tech and manufacturing
- Inadequate access to capital for small business
- Complex political and regulatory environments
- Multiple jurisdictions within the region
- Shortage of flexible economic development “opportunity funds” at the local level
- Ongoing needs to expand transportation and infrastructure capacity
- Growing regional diversity – language, race, ethnicity
- Disparate educational attainment levels among demographic groups
- Challenges to ensure skill set of existing labor force matches employers’ skill requirements
- Ongoing statewide challenges with funding for K-12 through higher education are a barrier to business recruitment, retention and expansion

- Tight supply of readily developable industrial land

#### **4. Long-Term Implementation Strategy**

Successful implementation of this strategy over the long term will rely primarily upon coordination and, where possible, integration of efforts to advance the several existing economic development plans for the state (Oregon Business Plan) and region (report of the Metropolitan Economic Policy Task Force, Westside Economic Strategy). It will also rely on sustained collaboration by numerous stakeholders, including business associations and individual firms, and local, regional and state government agencies.

Specific activities will include:

- Local governments – Several cities throughout the region have existing plans, strategies and activities centered on job creation and economic development. In addition, nearly every city in the region provides small business support. Continued local efforts in these areas will help advance the Regional Investment Strategy.
- The Private Sector – Business associations and individual firms will contribute to the plan's implementation in two main ways. First, through continued participation by associations and large firms in the Regional Economic Development Partners, and second, through the participation of small businesses in the plan's Micro Enterprise loan program. Notably, businesses can best support the plan by making available the resources needed to meet the plan's match and leverage goals. Private sector support for the plan will also include leadership and oversight through membership on the RIB.
- State government – Continued coordination, communication and collaboration around both regional and small business strategies between state agencies and local partners will be another key to the success of this plan. This collaboration currently exists through the leadership of the Oregon Economic and Community Development Department and through the activities of the Governor's Economic Revitalization Team. Specifically, OECDD technical assistance will be essential to establishing the Micro Enterprise loan program.
- Federal Government – The federal government will contribute to the plan's implementation by providing assistance to the Regional Economic Development Partners for establishment of a Comprehensive Economic Development Strategy (CEDS). The CEDS will enhance economic development efforts by making the region eligible for federal assistance with infrastructure installation.

#### **5. Short-Term Implementation Strategy – 2003-5 Biennium**

Short-term activities in support of the plan's implementation will be led primarily by the RIB and aided by local and regional government agencies, along with the private sector. Their efforts will focus on the following priority activities:

- Priority Activity #1 – Diversify, grow and retain employment in the region's established and emerging traded sector industry clusters.



- Priority Activity #2 – Assist with business formation, retention and expansion efforts in distressed and lagging communities, particularly Minority, Women and Emerging Small Businesses (MWESB).
- Priority Activity #3 – Assist with efforts to spur economic development in rural areas.

## **6. Rural Investment Strategy**

Rural Investment Funds will be utilized within the same structure as regional funds, targeted to areas in the two-county region which are located outside of the Metro Urban Growth Boundary, including incorporated cities located in those rural areas. In utilizing the Rural Investment funds, the Regional Investment Board will address the same goals (Regional Economic Competitiveness and Community Economic Development) set forth for the Regional Investment funds.

## **7. Involvement of Disadvantaged and Minority Groups**

The Multnomah-Washington Regional Investment Board recognizes that the two counties are becoming increasingly diverse in social and economic terms. It also recognizes that the counties continue to be home to communities lagging behind the region as a whole in economic terms. Within the constraints of program regulations and available funds, the Multnomah-Washington Regional Investment program will seek to address the needs and issues of disadvantaged and minority groups.

- Key leaders from the local minority private enterprise community will have leadership and oversight roles as members of the RIB.
- Traded sector firms receiving Regional Investment funds will be required to ensure opportunities for disadvantaged and minority workers, contractors and suppliers.
- The plan's micro-enterprise loan program will make business loans available to emerging women and minority-owned small businesses that may otherwise have difficulty in securing funding.

## **8. Management Plan**

Multnomah and Washington Counties have each appointed three members to the Regional Investment Board (RIB). The responsibilities and authority of the Multnomah-Washington RIB will be consistent with those set forth in applicable statute.

To enable ongoing RIB oversight of plan implementation in a more specialized manner, the RIB will organize into two subcommittees – one focused on Regional Economic Competitiveness, the other on the Micro-Enterprise Loan Program. Each subcommittee will meet as needed to review program activities and track the investments toward achievement of this plan's performance goals.

Multnomah County has been designated fiscal agent and will manage program funds. Administrative management for the program will be performed either by a qualified third party or by staff from the two counties. Through this arrangement, Multnomah County and the

administrative staff will record and document the expenditures of funds allocated by the Regional Investment Board and track the progress of projects.

Reporting requirements will be met by either county staff to the RIB or by a qualified third party. This includes periodic submission of performance reports, in the form prescribed, to the Economic and Community Development Department, to the Multnomah and Washington County Commissions, the Oregon Economic and Community Development Commission, the Governor and the Legislative Assembly.

## **9. Funding Overview**

Total funds available for the Multnomah-Washington Regional Investment Program are \$703,804. The funds will be utilized as follows between the Regional and Rural Investment areas:

### **Regional Investment: \$620,443**

- Regional Economic Competitiveness: \$279,221
- Community Economic Development: \$279,221
- Administrative costs (allowable): 10% or \$62,000

### **Rural Investment: \$83,361**

- Administrative costs allowable, no cap

## **10. Evaluation Plan**

To ensure the effectiveness of the Multnomah-Washington Regional Investment Strategy, program activities will be monitored and evaluated. The RIB will have oversight over the activities of the Regional Partners and the micro-enterprise loan program. Quarterly updates from each group documenting grants and loans made, moneys leveraged and job creation goals for each project funded will be evaluated by the RIB subcommittees against the performance measures set out in this plan. Periodic performance reports will provide an opportunity for examination of the progress toward successful implementation of this plan.

## MEMORANDUM

From: Lisa Goldberg

To: Multnomah County Board of Commissioners

Date: 10/25/04

Re: Administrative and fiscal costs for the Regional Investment Board

Thank you for your support of the Multnomah-Washington Regional Investment Strategy. I would like to clarify how the administrative and fiscal duties will be handled under the new plan. There are several pieces of administrative and fiscal oversight that will be performed by different parties. In previous biennia the fiscal and administrative functions were contracted out to the Portland Development Commission, who subsequently contracted with the Portland State University Institute of Metropolitan Studies for day-to-day staffing functions. A different arrangement is proposed for the 2003-2005 biennium, representing a different division of labor; however, we are required to stay within the 10 percent cap on administrative costs, which is the same guideline our Regional Investment Board (RIB) has used for the past two biennia.

1. Multnomah County, as fiscal agent, will retain about 1.5% of the funds to cover finance and central indirect charges. (The fiscal functions were formerly performed by PDC.)
2. Multnomah and Washington Counties and the RIB have agreed to hire a contract staff person to perform the day-to-day administrative, staffing, and reporting responsibilities for the RIB. The cost for this will be capped at \$20,000, representing less than 3 percent of the total funds. (The day-to-day staffing functions were previously carried out by PSU, under subcontract with PDC, while PDC was responsible for the reporting.)
3. The entities that are going to be contracted to allocate the funds (the Regional Economic Development Partners and the provider of the microenterprise/small business loan program) will be permitted an administrative allowance for their costs in carrying out their respective programs, which will be negotiated but will total less than 6 percent of the total funds. (This replaces a portion of the funds received by PDC to perform contract administration and oversight, which will now be the responsibility of the entities receiving funds.)

The 1999-01 biennium payment to PDC for fiscal and administrative services was \$220,129. The 2001-03 biennium payment to PDC for fiscal and administrative services was \$197,100. Subcontracted amounts paid to PSU came out of these amounts. In the current biennium, funding of approximately \$703,000 allows for about \$70,300 in administrative costs.

In the 2003-05 biennium, the shift in the strategy for investing Regional and Rural Investment funds means that the Regional Investment Board will serve largely in an oversight capacity, while funding of specific economic development projects will be the responsibility of the contractors for the two investment tracks. This is reflected in the shifting (rather than layering or duplicating) of administrative resources to cover costs fairly and achieve the goals of the program as efficiently as possible.

## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** October 21, 2004

**Agenda Item #:** R-4

**Est. Start Time:** 10:25 AM

**Date Submitted:** 10/13/04

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**Requested Date:** 10/21/2004

**Time Requested:** 30 minutes

**Department:** Non-Departmental

**Division:** County Attorney

**Contact/s:** Agnes Sowle

**Phone:** 503-988-3138

**Ext.:** 83138

**I/O Address:** 503/500

**Presenters:** Agnes Sowle, John Thomas, Scott Asphaug, Jenny Morf, Patrick Henry

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**Agenda Title:** County Attorney's Annual Report

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

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1. **What action are you requesting from the Board? What is the department/agency recommendation?** 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 03/04 Annual Report
3. **Explain the fiscal impact (current year and ongoing).** NA

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

**If a budget modification, explain:**

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**

- ❖ Is the revenue one-time-only in nature?
  - ❖ If a grant, what period does the grant cover?
  - ❖ When the grant expires, what are funding plans?
- NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain:**

- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

**If grant application/notice of intent, explain:**

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved. NA
5. Explain any citizen and/or other government participation that has or will take place. NA

**Required Signatures:**



**Department/Agency Director:**

**Date: 10/13/2004**

CLIENT:	CONTACT:
BOARD OF COMMISSIONERS	<u>Agnes Sowle</u>
CHAIR'S OFFICE	<u>Agnes Sowle</u>
DISTRICT ATTORNEY	<u>Scott Asphaug</u>
SHERIFF'S OFFICE	<u>Scott Asphaug</u> <u>Susan Dunaway</u>
AUDITOR'S OFFICE	<u>Agnes Sowle</u>
<b>BUSINESS &amp; COMMUNITY SERVICES</b>	
ANIMAL SERVICES	<u>Matt Ryan</u> <u>Jenny Morf</u>
ASSESSMENT & TAXATION	<u>John Thomas</u>
BUDGET & PERFORMANCE	<u>Agnes Sowle</u>
ELECTIONS	<u>Agnes Sowle</u>
EMERGENCY MANAGEMENT	<u>Chris Crean</u>
FACILITIES & PROPERTY MANAGEMENT	<u>John Thomas</u> <u>Matt Ryan</u>
FINANCE/ PROCUREMENT & CONTRACT ADMIN	<u>John Thomas</u> <u>Agnes Sowle</u>
FREDS (Fleet, Records, Electronics & Distribution)	<u>Matt Ryan</u>
HUMAN RESOURCES/ DEFERRED COMPENSATION	<u>Kathy Short</u>
INFORMATION TECHNOLOGY	<u>John Thomas</u>
LAND USE PLANNING	<u>Sandy Duffy</u> <u>Chris Crean</u>
TAX TITLE	<u>Chris Crean</u>
TRANSPORTATION	<u>Matt Ryan</u>
COMMUNITY JUSTICE	<u>Jacquie Weber</u>
COUNTY HUMAN SERVICES	<u>Patrick Henry</u>
HEALTH	<u>Jacquie Weber</u>
LIBRARY SERVICES	<u>Katie Lane</u>
SCHOOL & COMMUNITY PARTNERSHIPS	<u>Chris Crean</u>

<b>OFFICES, COMMISSIONS &amp; COMMITTEES</b>	
Citizen Involvement Committee	<u>Katie Lane</u>
Children, Families & Community Commission	<u>Jacquie Weber</u>
Planning Commission	<u>Sandy Duffy</u> <u>Chris Crean</u>
Public Affairs Office	<u>Agnes Sowle</u> <u>Chris Crean</u>



## OFFICE OF MULTNOMAH COUNTY ATTORNEY

We are the County's legal resource center. We provide legal services to the Chair's Office, the Board of County Commissioners, the County Sheriff, the County Auditor and County departments and employees. Matters range from land use to public meetings and records law, real property taxation to inmates' rights. We represent the County in state and federal courts.

### OFFICE OF MULTNOMAH COUNTY ATTORNEY



#### MISSION

To provide cost effective legal advice and representation.

#### OBJECTIVES

To draft legal documents and provide legal opinions in response to client requests in a timely manner.

To determine the county's legal liability when claims are filed and to efficiently and effectively resolve the claims through settlement or litigation.

To assist the county in preventing liability, as well as vigorous defense of claims.

To continuously upgrade practice skills of staff and meet professional standards for continuing legal education.

To establish an office environment that maximizes the ability of staff to respond professionally and efficiently to all legal needs.

## WHAT WE CAN DO FOR YOU

- Defend you and county if sued
- Sue for taxes & contract claims
- Advise regarding:
  - Subpoenas
  - Public record requests
  - Contracts
  - Concealed weapon permits
- Draft ordinances & resolutions
- Interpret County Code & state statutes
- Provide legal advice and training

*Please contact us with your legal issues before they become legal problems!*

## HOW TO CONTACT US

Telephone 503-988-3138  
Fax 503-988-3377

Office of County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, OR 97214

Interoffice: Bldg. 503/Rm. 500

Intranet (Mint): <http://mint/counsel/>

Internet:

<http://www.co.multnomah.or.us/counsel>

## AREAS OF EXPERTISE

The lawyers and staff of the County Attorney's office are skilled, experienced practitioners, recognized in their fields:

Administrative Law  
Constitutional Law  
Elections Law  
Health Care Law  
Labor and Employment Law  
Land Use Law  
Mental Health Law  
Municipal Law  
Property Tax Law  
Public Safety & Corrections  
Real Estate Acquisitions  
Senior Law  
Tort Law  
Workers' Compensation

## Agnes Sowle County Attorney

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## Deputy County Attorney

### John S. Thomas

Email: [john.s.thomas@co.multnomah.or.us](mailto:john.s.thomas@co.multnomah.or.us)

## Assistant County Attorneys

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### Matthew O. Ryan

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### Jacqueline A. Weber

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## Support Staff

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Email: [ona.l.davis@co.multnomah.or.us](mailto:ona.l.davis@co.multnomah.or.us)

### Lauren E. Flaherty, Paralegal

Email: [lauren.e.flaherty@co.multnomah.or.us](mailto:lauren.e.flaherty@co.multnomah.or.us)

### Jane Hadley, Office Assistant

Email: [jane.v.hadley@co.multnomah.or.us](mailto:jane.v.hadley@co.multnomah.or.us)

### Carol Kinoshita, Legislative Paralegal

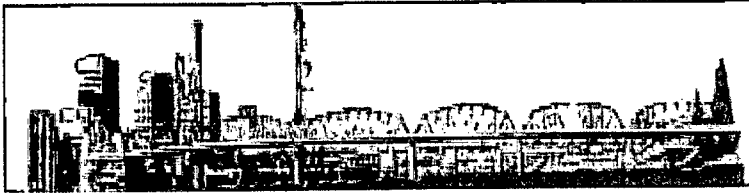
Email: [carol.kinoshita@co.multnomah.or.us](mailto:carol.kinoshita@co.multnomah.or.us)

### Rita R. Magionos, Administrative Assistant

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### Melissa A. Stewart, Paralegal

Email: [melissa.a.stewart@co.multnomah.or.us](mailto:melissa.a.stewart@co.multnomah.or.us)



## Office of Multnomah County Attorney

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

# 2003-2004 Annual Report

*County Attorney's Report to the  
Multnomah County  
Board of Commissioners  
October 21, 2004*





# OFFICE OF MULTNOMAH COUNTY ATTORNEY

*Agnes Sowle*  
County Attorney

*John S. Thomas*  
Deputy County  
Attorney

*501 S.E. Hawthorne, Suite 500*  
*Portland, Oregon 97214*

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*503.988.3138*

*Scott Erik Asphaug*  
*Michelle A. Bellia*  
*David N. Blankfeld*  
*Christopher Crean*  
*Sandra N. Duffy*  
*Susan Dunaway*  
*Patrick Henry*  
*Katie A. Lane*  
*Jenny M. Morf*  
*Matthew O. Ryan*  
*Kathryn A. Short*  
*Jacqueline A. Weber*  
*Assistants*

## 2003-2004 Annual Report

*County Attorney, Agnes Sowle's Report*  
*to the Board of County Commissioners:*

*Diane Linn, Chair*  
*Maria Rojo de Steffey, Commissioner*  
*Serena Cruz, Commissioner*  
*Lisa Naito, Commissioner*  
*Lonnie Roberts, Commissioner*

*October 21, 2004*

### Introduction

Our office has fourteen lawyers and six support staff. We provide legal services for all county officers and departments. This Annual Report summarizes the legal services we provided to county clients last year.

During the fiscal year 2003-2004, we provided 22,782.5 hours of direct legal services for litigation, legal consultation, legal document preparation and review, and client training.

We worked on many ordinances and resolutions for departments and the Board during the fiscal year. Twenty-eight of those ordinances were adopted by the Board, and all except six of those ordinances were land use related. Notable among the ordinances and resolutions are the following:

- Ord. 1018 (10/23/2003) Amending Ordinance 1012 to update and clarify ITAX;
- Res. 03-112 (7/31/2003) Approving PUD ballot title and explanatory statement;
- Res. 03-145 (10/16/2003) Adopting administrative rules to implement ITAX;

- Res. 03-155 (11/6/2003) ITAX spending policy for schools, human services and public safety;
- Res. 03-156 (11/6/2003) Adopting administrative rules to implement ITAX
- Res. 04-053 (5/6/2004) Setting public hearing for considering Willamette Electric PUD boundaries;
- Res. 04-066 (5/20/2004) Approving Columbia River PUD Annexation ballot title and explanatory statement.

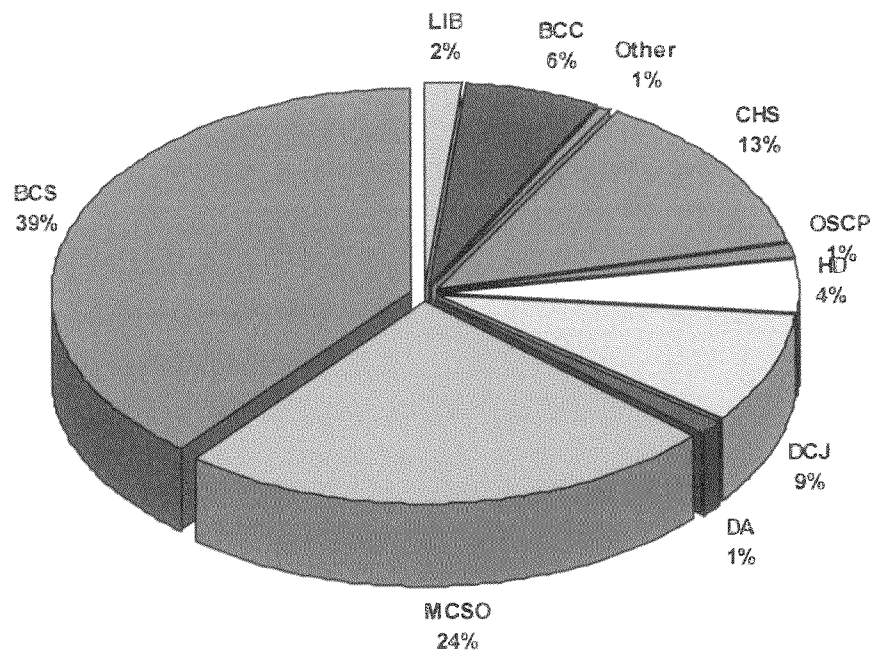
## **DIRECT SERVICE HOURS**

Graph 1 breaks down our direct services hours by department. The graph shows that the greatest amount of direct service time was devoted to Business and Community Services for the third year with 39%. The total hours for the Sheriff decreased from 28% to 24%. The hours spent on Health Department legal matters decreased for the second year to 4% from 6% last year. Community Justice increased from 6% last year to 9% this year. Services for the Board decreased slightly to 6% this year.

Graph 2 depicts direct service hours expended by the various work types. Litigation was down slightly; it consumed 52% of our time down from 54% last year and 60% the year prior. Time spent in preparation and review of contracts and other legal documents was slightly down at 12%, legal consultation was 35%, up from 31% last year, and at 1% client training remained the same.

## Direct Service Time to Departments

7/1/03 through 6/30/04

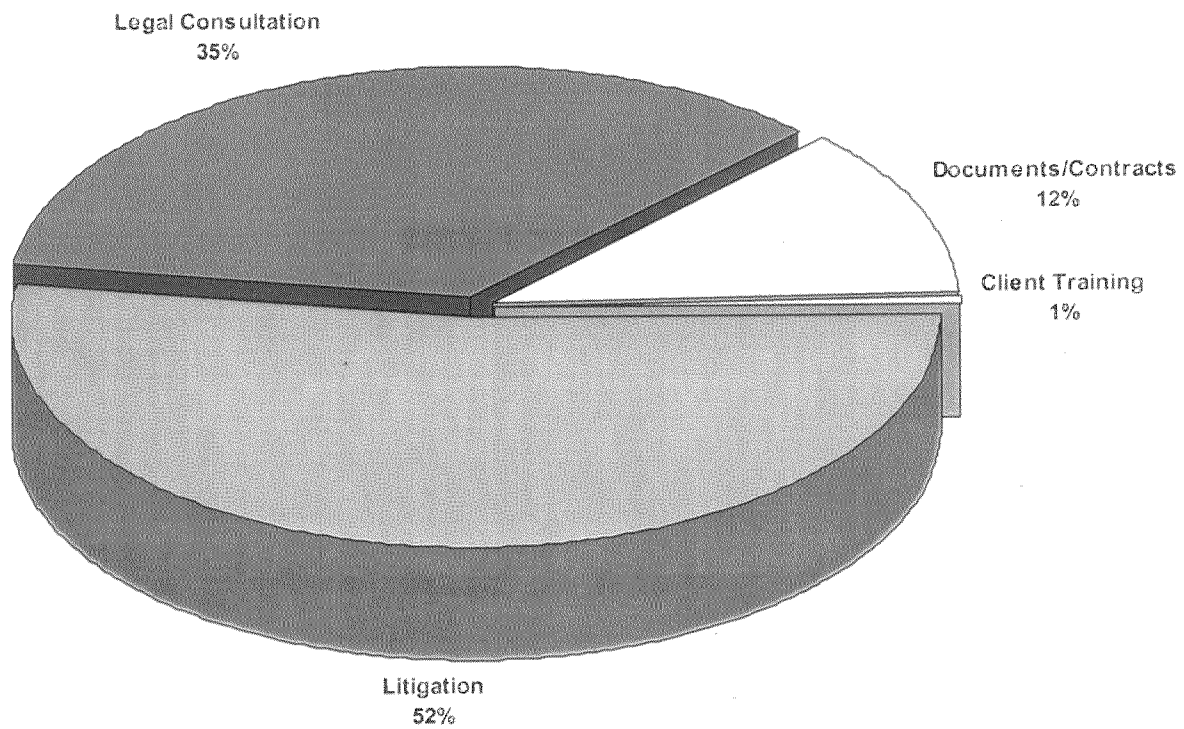


Department	Hours
Business and Community Services	8,853.90
Sheriff	5,567.44
County Human Services	2,985.75
Community Justice	2,045.86
Board of Commissioners	1,400.90
Health Department	950.15
Multnomah County Library	353.20
District Attorney	268.45
School and Community Partnerships	214.20
Other County	142.65
	<b>22,782.50</b>

Graph 1

## Direct Service Time

7/1/03 through 6/30/04



Work Type	Hours
Litigation	11,889.98
Legal Consultation	8,039.07
Documents/Contracts	2,724.35
Client Training	129.10
	22,782.50

Graph 2

## LITIGATION

Graph 3 shows our litigation hours broken down by department. The Sheriff continues to consume the most litigation hours at 35%, a significant decrease from 43% last year. County Human Services used 10% of our litigation hours, down from 17% the previous year. Litigation time for Community Justice increased from 8% to 14%.

Graph 4 highlights the top twenty of last year's cases based on hours expended. This past year the Sheriff had six of the cases, four less than last year. Business and Community Services was up from three to seven cases. Community Justice cases in the top 20 increased from one to four. County Human Services cases were down from five to three. The Health Department had no cases in the top 20. In the past fiscal year, the total top 20 cases accounted for 46.3% of all litigation hours, up slightly from 44% last year.

Brief descriptions of the top 20 cases follow graphs 3 and 4.

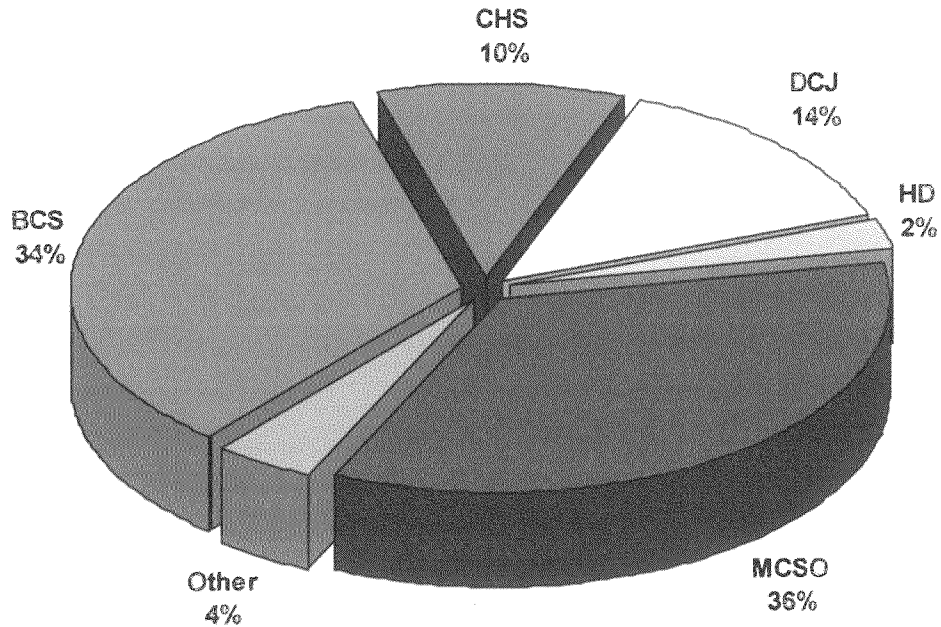
The "open booking" design change at MCDC this past year resulted in a significant reduction in claims arising out of the booking process of new inmates. There were no filed lawsuits and only one tort claim filed in the last year out of the booking area.

Four cases were filed by victims of Ladon Stephens, a parolee who repeatedly committed serious crimes while under parole supervision. Two are settled and two remain pending. In addition, the office is investigating another tort claim filed by a victim of another individual under supervision. We are working closely with DCJ to investigate and defend all of these claims in hopes of avoiding an onslaught of claims by attorneys representing crime victims.

We represent the assessor in tax court disputes concerning property valuation, exemptions and other property tax related matters. This year a significant number of older pending cases were settled involving valuation of low income housing properties and personal property owned by Fred Meyer and Columbia Sportswear. By vigorously contesting valuation appeals we have been successful in having a number of appeals dismissed.

## Litigation Time by Department

7/1/03 through 6/30/04



Department	Time
Sheriff	4,210.07
Business and Community Services	4,137.75
Community Justice	1,639.71
County Human Services	1,232.75
Health Department	297.05
County Attorney	163.70
District Attorney	156.95
Board of Commissioners	129.25
Multnomah County Library	43.30
School and Community Partnerships	18.55

Graph 3

# Litigation Time - Top 20 Cases

7/1/03 through 6/30/04

**318 total open litigation files**

## ***Business and Community Services***

7 of 127 open litigation files

Total

% of Dept's Lit

0088-04	AS	Li, Mary et al v. Gov. Kulongoski, et al 0403-03057	540.60		
0065-04	AS	Defense of Marriage Coalition v. Multnomah County	303.85		
0250-03	KAS	Block, Lyle v. Multnomah County - CV 03-1230-MO	256.70		
0348-03	SMD	Schlarp, Michael v. City of Gresham, et al - MCCC 0308-09120	185.90		
0226-03	CDC	Multnomah County v. Dorrough, Mark and Jill	180.90		
0283-03	SND	Multnomah County v. Multnomah County (Vincent and Zollner LUBA 2003-	169.10		
0251-03	AS	Horton, Joan and Nancy Newell v. Multnomah County and John Kauffman	136.80		
			<b>1,773.85</b>	<b>3,864.95</b>	<b>45.9%</b>

## ***Community Justice***

5 of 28 open litigation files

Total

% of Dept's Lit

0287-02	JMM	Lakeside-Scott, Lea v. Multnomah County; USDC 02-1505-MO	485.85		
0293-93	SMD	Mcalpine Robert v Multnomah County, Et Al (Current File)	252.80		
0660-93	SMD	Mcalpine Judith v. Multnomah County (consolidated with 0293-93)	50.20		
0287-03	SEA	Bittler - Pending Litigation (Tort Claim)	164.20		
0024-03	DNB	Tucker, Richard Herbert v. Clackamas County and Multnomah County	157.00		
			<b>1,110.05</b>	<b>1,639.71</b>	<b>67.7%</b>

## ***County Human Services***

3 of 29 open litigation files

Total

% of Dept's Lit

0283-02	JMM	Strutz, Susan v. Multnomah County USDC 02-1672 AA	378.90		
0054-03	SMD	Alpha Energy Savers, Inc. Appeal CA 03-35142	204.10		
0172-03	MAB	Wimbish (Archie), Sally v. Multnomah County, et al 04-625-MO	170.80		
			<b>753.80</b>	<b>1,232.75</b>	<b>61.1%</b>

## ***Sheriff***

6 of 97 open litigation files

Total

% of Dept's Lit

0254-02	SEA	Bryant, James E. v. Multnomah County (02-1478 MO)	845.00		
0442-98	JMM	Evans, Scott v. Multnomah County; MCCC Case No. 0002-01090	304.35		
0166-03	MAB	Edwards, Rod v. MCSO (MCCC Case No. 0308-08282)	293.45		
0112-03	SMD	Karboau v. Anderson; USDC 03-261-MO	171.72		
0144-03	MAB	Fleming, Lance v. Multnomah County; USDC 03-462 KI	167.90		
0286-03	SMD	Holiday, Marvin v. Giusto, et al - USDC Case No. 03-01385 AS	134.50		
			<b>1,916.92</b>	<b>4,210.07</b>	<b>45.5%</b>

Total Litigation Hours for these Cases **5,554.62**

Total Litigation Hours - All Departments **11,889.98**

% of Total Litigation Hours for these Cases **46.7%**

**Graph 4**

## **BUSINESS AND COMMUNITY SERVICES**

Mary Li, et al v. Gov. Kulongoski, et al – (540.60 hours); and Defense of Marriage Coalition v. Multnomah County – (303.85 hours) (total= 844.45 hours)

After the County began issuing marriage licenses to same sex couples in March, the Defense of Marriage Coalition (DOMC) filed suit in state court seeking to have the marriage statute interpreted to constitutionally allow marriage only between one man and one woman. The State of Oregon, ACLU and individual couples intervened. Plaintiff moved for a preliminary injunction which was denied. At that point, all of the parties negotiated an agreement in order to get the constitutional issue before the Supreme Court as quickly as possible. Under the agreement, the DOMC lawsuit was dismissed and ACLU and the individuals filed as plaintiffs with the state as defendant. The County and DOMC joined as intervenors. Plaintiffs and the County moved for summary judgment, which was granted in part on the Constitutional issue. All of the parties have appealed and briefing before the Supreme Court is ongoing. This case took substantial resources (hours) because there were numerous parties and all of the briefing, both at the state court level and the appellate level, was expedited.

Lyle Block v. Multnomah County and Jan Thompson – (256.70 hours)

This is an action brought by Lyle Block, a current employee of defendant Multnomah County, against the County and his former supervisor Jan Thompson. Plaintiff alleges four violations in his Complaint: (1) gender discrimination; (2) sexual harassment/hostile work environment; (3) retaliation; and (4) First Amendment rights to free speech. The court granted summary judgment against plaintiff's Section 1983 claim based on the First Amendment. We are currently scheduled to begin trial on October 19, 2004.

Michael Schlarp v. City of Gresham, et al – (185.9 hours)

This case arises out of an automobile-pedestrian accident that occurred in 2002 in the area of 187th and Stark Street in Gresham. Although Stark Street is in Gresham it is a county road. A twelve year old boy was hit by a car while he was in a marked crosswalk on Stark at about 10:30 at night. The boy sustained serious head and knee injuries and his mother incurred substantial medical bills. Plaintiff's liability theory against the County and the other governmental defendants is that the traffic plans that resulted in marking the crosswalk on Stark constitute a negligent traffic design and created a foreseeable risk of injury to the plaintiff. Plaintiff seeks damages in the amount of \$650,000. The County intends to file a motion for summary judgment on the basis of discretionary immunity. Trial is set for Spring, 2005.



Multnomah County v. Mark and Jill Dorrough – (180.9 hours)

This matter arises out of a land use enforcement action. The Dorroughs live in a subdivision inside the City of Troutdale, OR and own an undeveloped lot adjacent to it, located in unincorporated Multnomah County. The City of Troutdale approved the storm water system for the subdivision but the developer failed to comply with some of the conditions. In October 2002 the Dorrough's retained a logger to log all the trees on the county parcel. This exacerbated the erosion problem. The Dorroughs refused to obtain a Grading and Erosion Control permit required by the County to legalize the placement of boulders in the drainage area and to arrest the erosion problem on the lot. The County filed an enforcement action in Multnomah County Circuit Court against Dorroughs who filed a Third Party Complaint against the Developer and against the City of Troutdale. The trial judge determined that the Dorroughs and/or the developer were required to obtain a GEC permit from the county. Post trial briefing is taking place at this time. The court will then decide the issues of liability between the Dorroughs, the developer and the City of Troutdale. The county has no liability for damages in this case.

Multnomah County v. Multnomah County (Vincent and Zollner LUBA) – (169.1 hours)

This case is a land use planning matter in which applicant sought a partition of a 10 acre lot on land zoned for minimum 5-acre parcels. The county approved the partition with conditions which included road improvements because the roadway creates traffic conflicts and is inadequate for emergency vehicles. The applicant appealed the conditions to the Hearings Officer, who found that the County did not have the authority to impose the conditions, that the imposition of off site conditions was a "taking" and approved the application. The Planning Director appealed the HO decision to LUBA because the HO approved an application that does not meet the criteria for approval and allows an unsafe condition on the gravel roadway to exist. LUBA found that the county could not appeal its own hearings officer's decision because the county code provision is inconsistent with state law outlining LUBA jurisdiction. Based on the outcome of this case, the Planning Department has presented amendments to the land use appeals process for the county. The matter will come before the Planning Commission for final action in November.

Joan Horton and Nancy Newell v. Multnomah County and John Kauffman – (136.80 hours)

Following hearing on the petition for formation of Multnomah County People's Utility District, we filed a ballot title which included the 3% warning required by statute to be included on all ballots for local levy taxes. Plaintiff was a chief petitioner for the formation of the PUD. She filed a federal lawsuit claiming that the statute requiring the 3% warning was unconstitutional. Judge Haggarty agreed and enjoined the County from enforcing the statute in the future. He also ordered the County to take out multiple advertisements informing voters that the language on the ballots (which had already been printed and mailed to voters) was misleading. The County appealed the order to the Ninth Circuit Court of Appeals because the election was already underway and that printing a warning mid-election would harm the election

process. The Ninth Circuit agreed and stayed the order pending appeal. Once the election concluded and the formation failed, the appeals court dismissed the appeal on the grounds that it was moot, and Judge Haggarty granted the County's motion for summary judgment for the same reason.

## **COMMUNITY JUSTICE**

### Lakeside-Scott vs. Multnomah County and Jann Brown – (485.85 hours)

On February 14, 2002, Ms. Lakeside-Scott was terminated from her job in the Information Services Division of the Department of Community Justice for accessing the email and calendars of her coworkers and management, and using County time and resources to create, print, and distribute a 167-page journal. She filed a Federal lawsuit claiming that she was retaliated against in at least 12 different ways in violation of the First Amendment and violated Oregon Whistleblower laws. The Court dismissed the majority of plaintiff's claims at summary judgment and the remaining claims will go to trial in mid-November 2004.

### Robert McAlpine v. Multnomah County, et al - (252.80 hours); and Judith McAlpine v. Multnomah County – (50.20 hours) (total=303)

These consolidated cases arose after both plaintiffs were assaulted by a parolee under the supervision of a Multnomah County parole officer. Robert McAlpine sustained substantial physical injuries during the assault. The Washington County trial court had dismissed these cases in 1994. Plaintiffs appealed. The Court of Appeals reversed and the County appealed to the Supreme Court. This case then spent a good amount of time in abeyance pending a decision by the Oregon Supreme Court on a State of Oregon case concerning negligent supervision of offenders. The Supreme Court decision's in the related State case was adverse to the County's interests. Due to the seriousness of the plaintiffs' injuries, adverse facts and the age of the case, the County entered mediation with the plaintiff when the case was remanded to the trial court. Prior to mediation the County filed a third party complaint against the offender who perpetrated the assault. Perhaps for this reason Plaintiffs did not pursue reimbursement for all their medical and dental bills during mediation and the County was able to settle these cases for \$212,000.

### Bittler v. Multnomah County – (164.2 hours)

Ms. Bittler was murdered by a parolee under the supervision of the Department of Community Justice. Along with its companion case, Banks v. Multnomah County, the plaintiffs argued that the County was negligent in its supervision of the parolee and that the civil rights of his victims were violated as a result. A settlement of both cases was approved by the Board on July 15, 2004.

Richard Herbert Tucker v. Clackamas County and Multnomah County – (157 hours)

Plaintiff brought this action against Multnomah and Clackamas Counties alleging false imprisonment and negligence. The claims against Multnomah County included erroneously calculating plaintiff's probation expiration date, failing to ascertain probation had expired prior to requesting a detainer warrant and inappropriate reliance on information in the Corrections Information System. Plaintiff sought monetary damages to compensate him for spending 14 days too many in custody. The case was eventually settled by the County for \$5500 after arbitration and Clackamas County settled for a slightly lesser amount for their role.

**COUNTY HUMAN SERVICES**

Susan Strutz v. Multnomah County – (378.9 hours)

Ms. Strutz was an Operations Administrator with the Mental Health Division of the Department of Human Services. In September 2002, Strutz's position was eliminated and she accepted a position as a Clerical Unit Supervisor, in lieu of lay off. Strutz filed a federal lawsuit alleging that her position was eliminated because she took medical leave under FMLA to undergo and recover from cancer treatments. The parties settled this case with the assistance of Federal Judge Coffin in December 2003. As a part of the settlement Strutz agreed to a voluntary resignation and a full release of claims.

Alpha Energy Savers, Inc. and Obrist v. Multnomah County et al – (204.1 hours)

An independent contractor who has performed weatherization services for the County under a non-exclusive contract brought both state and federal claims against the County and two of its employees who work in the Weatherization department. The federal claim alleged that the defendants retaliated against the contractor for exercising his First Amendment rights by testifying at a union hearing and by volunteering to testify in a federal case brought against the County by a former County employee. Plaintiffs seek a million dollars in damages plus attorney fees. The federal district court granted the County defendants' motion for summary judgment finding that plaintiff Obrist had not spoken out on a matter of public concern. Plaintiffs appealed and the Ninth Circuit three-judge panel reversed finding that Obrist had spoken out on a matter of public concern and that disputed issues of fact remained concerning whether or not the County defendants had taken adverse actions in retaliation for the protected speech. The County is scheduled to file a motion for hearing before the full Court in October.

Sally Wimbish (Archie) v. Multnomah County, et al, (170.8 hours)

Wimbish, who is developmentally disabled and suffers from mental health issues, received services from Multnomah County. During the time she was receiving services from Multnomah County, she moved out of the house in which she was

living with her Aunt, began living with a man, and eventually became pregnant. Wimbish filed a federal lawsuit against the County and three County employees alleging a violation of her federal constitutional right to Due Process and violations of state law related to negligence. Wimbish seeks a declaration that the County violated her constitutional rights, money damages, and attorney fees. The parties are in the process of exchanging documents, and we intend to file a motion for summary judgment that we expect will resolve this case in its entirety.

## **SHERIFF'S OFFICE**

### James E. Bryant v. Krafve and Multnomah County – (845 hours)

In this federal lawsuit, the plaintiff was arrested for murder. The charges were dismissed one year later. He alleged the County and Detective Krafve failed to provide the prosecutors with exculpatory material which would have resulted in his earlier release. After extensive pre-trial discovery practice, the County moved for dismissal, arguing that his constitutional rights were not violated, that the defendants acted in good faith and that there was probable cause to hold plaintiff throughout the entirety of his incarceration. The motion to dismiss is currently under advisement.

### Scott Evans v. Multnomah County – (304.35 hours)

Mr. Evans was terminated from employment as a Corrections Officer in 1999 because he was no longer able to have contact with inmates. The County was granted summary judgment at the trial court. Evans appealed and the Oregon Court of Appeals reversed and remanded the matter to the trial court to determine if Evans was able to perform the essential functions of a Corrections Officer with no inmate contact. The parties agreed to mediation and ultimately settled the case for \$125,000.

### Rod Edwards v. MCSO – (293.45 hours)

Edwards, a deputy sheriff, was not selected for a sergeant position during the last MCSO promotional process. He complained that the Sheriff and command staff discriminated against him because he applied for and received preference points because of his status as a disabled veteran. Edwards pursued this complaint with the Merit Council, which ruled in the County's favor on Edwards' claim of discrimination. Edwards filed a Writ of Review challenging the Merit Council decision, and at the same time filed this action, a state lawsuit alleging the County retaliated against him because he filed a civil proceeding (the Merit Council appeal) and because he disclosed to the Sheriff and command staff that they were violating state law (related to the veteran preference points). The parties have completed discovery, including substantial document exchange and numerous depositions, and we have filed a motion for summary judgment asking the Court to dismiss Edwards'

claims. We also prevailed on our motion to postpone the trial in this action pending resolution of the Writ of Review.

Karboau v. Anderson – (171.72 hours)

Inmate brought claims in federal court against corrections deputy and corrections technician alleging various violations of his constitutional rights related to religious rights and access to the courts. County defendants filed a motion of summary judgment which was granted in its entirety by the federal court. The County is still waiting to see if plaintiff files an appeal with Ninth Circuit.

Lance Fleming v. Multnomah County – (167.9 hours)

Fleming, an inmate at MCDC, was on his way to the MCDC law library when a corrections officer, who was returning Fleming's legal papers to him, slapped him in the chest with the documents. He filed a federal lawsuit alleging that the County violated his constitutional right to be free from cruel and unusual punishment and that the County was negligent under state law. We filed a motion for summary judgment against these claims. The Court granted the motion against the federal constitutional claim, but declined to rule on the state law claim and instead directed plaintiff to pursue this claim in state court. As of the date of this writing, plaintiff has not pursued his negligence claim in state court.

Holiday and Ramsey v. Giusto, et al. – (134.5 hours)

Inmates filed claims against the Sheriff and a Sheriff's Office chaplain alleging violation of their religious rights under the First Amendment and the Religious Land Use and Institutionalized Persons Act. The inmate's claims that they were entitled to pre-packaged Halal meals or certification as a Halal meal service provider and to a permanent full-time Muslim chaplain. They also claim that the defendants' had unconstitutionally and unlawfully interfered with their ability to pray as a group. The federal magistrate judge granted summary judgment on most of the plaintiffs' claims but denied summary judgment on a policy claim concerning the right to pray in groups on the basis that the facts are in dispute. The defendants have filed Objections to the magistrate's Findings and Recommendations and a ruling on those Objections is pending.

## **ADVISORY WORK**

We continue to look for opportunities to provide high quality legal advice to our clients. This year we have again faced unique issues which required substantial attorney time. Issues regarding and surrounding the issuance of marriage licenses presented legal analysis and response never before required by our office. Elections issues continued to present new issues: Petitions for repeal of commissioners, for repeal of the personal income tax, and for another People's Utility District were also challenging. Finally this was a year in which a Charter Review Committee was convened, and our office staffed the committee's meetings, answered members' legal questions about the Charter and provided the drafting of their report and ballot titles. Here are brief descriptions of noteworthy matters handled by our advisory attorneys this past year:

## **BUSINESS AND COMMUNITY SERVICES**

### **Facilities**

This office represented facilities in negotiating a contract with Hoffman Construction to complete the Hillsdale Library and in matters related to property disposition. We advised the auditor and FM on issues relating to the audit of county leases and we have worked closely with FM to implement improvements to the lease process recommended in the audit. We also negotiated settlements related to early termination of two leases required by cuts in state funding. We continue to work with FM on the adoption of new contract forms for construction and for architectural and engineering services. We have also advised FM and others on matters related to increasing minority, women and emerging small business participation in county contracts.

### **Contracts**

We initiated a program to provide for electronic review of contracts by this office. This replaces a system where hard copies of contracts were circulated for attorney signature in interoffice mail. If changes had to be made, the hard copies had to be returned to the department for revision and then circulated again. Electronic review has substantially reduced the time required to process contracts and has reduced staff frustration with the review process.

### **Transportation**

All of the property acquisitions required for the 257<sup>th</sup> Avenue/Orient Drive road improvements were completed. Condemnation was required for acquisition of four of the properties but two of the cases were settled in mediation, a third settled without mediation and the fourth case was resolved after a very abbreviated hearing

to the court. A long-standing dispute with a property owner arising out of construction required by the 1996 floods was also resolved in mediation.

## **Labor Relations**

The County attorney's office has started handling all labor arbitrations. Previously the County contracted out for these services, at significant expense to the County. Our office responds to complaints filed with Oregon's Bureau of Labor and Industries and the Equal Employment Opportunity Commission, as well as the Employment Relations Board. We've continued to provide labor and employment advice to all of the County's departments on a variety of issues including FMLA, ADA, FLSA and comp time, USERRA, fitness for duty, harassment, investigations, discipline and discharge, criminal records checks, personnel rules, recruitment, benefits as well as responding to public records requests and request for personnel records and responding to tort claim notices. We also conducted FMLA trainings for supervisors and managers in the Department of County Human Services, as well as Personnel Training for managers in Department of Community Justice.

## **SHERIFF'S OFFICE**

In addition to the day-to-day advisory services, the following are a few of the projects undertaken:

- Updating the Multnomah County Alarm Permit Ordinance and the Intergovernmental Agreements pertaining to the administration of alarm permits that the County has with the East County municipalities;
- Updating the the Jail Management Plan;
- Updating corrections policies in response to the Religious Land Use and Institutionalized Persons Act (RLUIPA); and
- Updating the Extradition and California Shuttle procedures in conjunction with the Governor's Office.

## **COUNTY HUMAN SERVICES**

Our office has taken in lead in negotiating with the state to improve the intergovernmental agreements between the State Department of Human Services and Multnomah County. Over the last several years, the state has imposed a disproportionate share of the burdens associated with the delivery of human services on the County. Last year we have spent hundreds of hours collaborating with the Association of Oregon Counties and other County Counsel offices from around the state to develop a coherent and organized response to the state's new

aggressive approach to its relationship with the counties. We have seen some improvements but hope that we will see more significant changes as policymakers begin to address these problems and begin to insist that the state return to its former collaborative relationship with the County.

### **Library**

This office aided the Library in assessing the legal requirements of the Children's Internet Protection Act (CIPA) so that an informed decision about applying for E-Rate and LSCA funds could be made. We also provided analysis of the many innovative suggestions that were proposed by the Library Access Committee to deliver quality Internet service with a policy respectful of our community's values.

### **Administrative Agencies**

Due to budget restrictions that necessitated the elimination of certain jobs within the County's administrative agencies, some clients lost individuals who served as compliance specialists. This office has reached out to those clients to offer additional advisory service to minimize the impact of those losses. One such example has been with the Adult Care Home Program to whom we provide advice on proper enforcement of Multnomah County Administrative Rules and represent in administrative hearings.



## EFFECTIVE RATE

The effective rate paid for each hour of direct legal service was \$98.38. This rate saved the County and taxpayers a significant amount of money from rates charged by private law firms. Legal fees charged by Portland firms for representing government clients now exceeds \$225 per hour and, in some cases, is as high as \$250 per hour. Our rate is also less than that charged by other government law firms.

Of all hours reported by County Attorneys 86% went to direct client legal services; the percentage of our hours devoted to administrative and professional development services is only 14%, the same as last year. In addition, the average number of direct legal service hours provided during the fiscal year by each lawyer was 1,637.26, about the same as last year. The following chart summarizes the effective hourly rate computation:

Total Hours Reported		26,564.42
Direct Service	(86.28%)	22,921.60
Non-Direct Service	(13.71%)	3,642.82
Administrative	(9.65%)	2,564.72
Professional	(4.06%)	1,078.10
14 Lawyer FTE Average Direct Service Hours*		1,637.26
Office Actual Budget Expenditures		\$2,254,985.00
Divided by Direct Service Hours		22,921.60
Effective Hourly Rate		\$98.38

## CONCLUSION

We have now compiled six years of reliable 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.

Three statistics that particularly show the efficiency of the County Attorney Office are:

- (1) About 86% of lawyer office hours go to direct legal services;
- (2) Each lawyer averages 1,637 direct service hours per year; and
- (3) The cost of each direct service hour is \$98.38.

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 the largest 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 high quality, customer-focused service and good value for the tax dollar. We believe we perform that mission well.

## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** October 21, 2004

**Agenda Item #:** R-5

**Est. Start Time:** 10:55 AM

**Date Submitted:** 10/12/04

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**Requested Date:** October 21, 2004

**Time Requested:** 5 minutes

**Department:** Non-Departmental

**Division:** Chair's Office

**Contact/s:** Derrick Tokos, Karen Schilling

**Phone:** 503-988-3043

**Ext.:** 22682

**I/O Address:** 455/116

**Presenters:** Derrick Tokos

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**Agenda Title:** Authorization for Multnomah County to Initiate Local Implementation of the Revised Management Plan for the Columbia River Gorge National Scenic Area

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

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**1. What action are you requesting from the Board? What is the department/agency recommendation?**

Land Use Planning is asking for direction from the Board of Commissioners as to whether or not the County should update its land use codes to include recent changes that the Columbia River Gorge Commission has made to the National Scenic Area Management Plan. A copy of the revised Plan was transmitted on September 8, 2004 (letter attached) and the Scenic Area Act requires counties to inform the Gorge Commission of their intentions within 60 days of this date, that being no later than November 10, 2004. Land Use Planning recommends the Board advise the Gorge Commission that while Multnomah County is prepared to update its codes, the approach the County will be taking will not include consideration of the new land use rules related to commercial events and fish processing and revisions to scenic guidelines designed to replace the "minimize visibility" standard. Lawsuits have been filed challenging the Gorge Commission's actions in these three areas and we believe it appropriate to avoid investing resources and engaging our citizenry on these issues until there is some certainty that they will withstand legal challenge. The Management Plan allows county codes to vary provided they are more protective of the scenic, natural, cultural, and recreational resources of the Scenic Area. We believe a case can be made that

Multnomah County is doing just that by not taking these up at this time. To facilitate the Board's deliberation, Land Use Planning has prepared a draft letter for the Chair's signature indicating that the County is prepared to move forward, as described. A copy of this letter is enclosed.

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

Multnomah County is one of six counties in Oregon and Washington that are within the Columbia River Gorge National Scenic Area. Portions of the County that are within this area are subject to policies and guidelines of the Management Plan for the Columbia River Gorge National Scenic Area. These policies regulate land uses to ensure that development does not compromise the scenic, natural, cultural, and recreational resources of the gorge.

As part of the National Scenic Area Act, Congress directed the Gorge Commission to conduct a comprehensive review of the Management Plan at least once every 10 years, to determine if it needs to be revised. The Commission started their first 10 year review in the spring of 2001, and has held public workshops and formed subcommittees to evaluate the plan and prepare recommendations for revisions to the document based upon feedback that they obtained from the Forest Service, Indian Tribes, gorge counties and the general public. The Gorge Commission released drafts of the revised Plan for public comment on January 26, 2004 and April 9, 2004, and after taking testimony at several public meetings they adopted a revised Plan on April 27, 2004. As required under the Act, the Secretary of Agriculture has since concurred with the revisions and the Gorge Commission transmitted a final version of the Plan to the County on September 8, 2004. From this date, the County has 60 days to inform the Gorge Commission if it will be revising its codes to implement the changes and 9 months to update its land use plans and ordinances. Lawsuits challenging the decisions of the Gorge Commission and Secretary of Agriculture have been filed with the Oregon Court Appeals and federal district court in Portland.

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

The cost of the implementation project is offset through a grant received from the Department of Land Conservation and Development (DLCD) and budgeted funds. The DLCD grant must be acted upon by June 30, 2005.

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

**If a budget modification, explain:**

- ❖ **What revenue is being changed and why?**
- ❖ **What budgets are increased/decreased?**
- ❖ **What do the changes accomplish?**
- ❖ **Do any personnel actions result from this budget modification? Explain.**
  
- ❖ **Is the revenue one-time-only in nature?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**

**NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain:**

- ❖ **Why was the expenditure not included in the annual budget process?**
- ❖ **What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?**
- ❖ **Why are no other department/agency fund sources available?**
- ❖ **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.**
- ❖ **Has this request been made before? When? What was the outcome?**

**If grant application/notice of intent, explain:**

- ❖ **Who is the granting agency?**
- ❖ **Specify grant requirements and goals.**
- ❖ **Explain grant funding detail – is this a one time only or long term commitment?**
- ❖ **What are the estimated filing timelines?**
- ❖ **If a grant, what period does the grant cover?**
- ❖ **When the grant expires, what are funding plans?**
- ❖ **How will the county indirect and departmental overhead costs be covered?**

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

A significant policy issue is whether or not the County wants to implement. The County has until November 8th, 2004 to make this decision. Should the Board of Commissioners choose not to update its codes, then the Gorge Commission would take over land use regulatory responsibilities and the County would lose its' eligibility for federal funds for economic development, transportation, and recreation facilities that are authorized under the Act. Counties that adopt implementing ordinances maintain local control of permitting and are eligible for these funds.

There is a range of policy issues that will need to be addressed as part of the legislative process the County must follow to update its codes. We provided the Board with a summary of several of the key policy themes in a letter dated February 10, 2004 (attached), and updated that with a briefing on September 28, 2004. The slides from that briefing are enclosed. A complete copy of the revised Management Plan is available at our office or can be viewed on the Gorge Commission web site, located at <http://www.gorgecommission.org/>.

While counties cannot enact ordinances that are less restrictive than the Plan, they may choose to adopt alternative language if it provides greater resource protection. As part of the implementation process, it is our intent to identify for the Board and public where these opportunities exist, allowing them to weigh in as to whether or not it is appropriate for the County to exercise this option.

Much of the Gorge Commission's work was targeted to correcting specific language in the Management Plan that through experience or feedback they understood to be overly onerous, ambiguous, redundant or otherwise ineffective. This same problematic language resides in the County's existing Scenic Area code, causing confusion and appeals that delay and complicate the review process. Our objective is to incorporate

these positive changes into our land use ordinance, to clarify and streamline land use reviews.

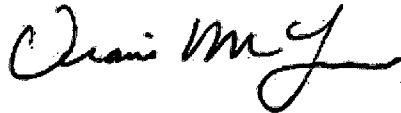
Any legal issues would relate to the litigation we have referenced, challenging some of the changes that have been made to the Management Plan. Neither of the lawsuits has developed to the point where there is detailed information that we can report on, and our recommendation for how the Board proceed, given what we know to date, is summarized in Section 1 above.

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

Effective public involvement is critical, as Multnomah County has a large metropolitan population close to the Scenic Area with diverse opinions about how best to protect the gorge and many of the most prominent scenic resources within the gorge reside within our jurisdiction. The work program the County will follow is designed to provide citizens a tangible opportunity to participate in the planning process. Opportunities will include meetings and/or workshops to learn how changes to the Management Plan influence the approach the County must follow in regulating land uses within the National Scenic Area, and to provide meaningful input to the County in implementing those changes.

**Required Signatures:**

**Department/Agency Director:** \_\_\_\_\_



**Date:** 10/12/04

**Budget Analyst**

**By:** \_\_\_\_\_

**Date:**

**Dept/Countywide HR**

**By:** \_\_\_\_\_

**Date:**



**Department of Business and Community Services**  
**MULTNOMAH COUNTY OREGON**

**Land Use and Transportation Program**  
1600 SE 190<sup>th</sup> Avenue  
Portland, Oregon 97233-5910  
PH. (503) 988-3043 Fax (503) 988-3389  
[www.co.multnomah.or.us/dbcs/LUT/land\\_use](http://www.co.multnomah.or.us/dbcs/LUT/land_use)

To: Multnomah County Board of Commissioners

From: Derrick I. Tokos, AICP, Principal Planner *DT*

Date: February 10, 2004

RE: Gorge Commission's Release of Draft Revised Management Plan for the  
Columbia River Gorge National Scenic Area

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On January 26, 2004 the Columbia River Gorge Commission released for public comment a draft copy of a revised Management Plan for the Columbia River Gorge National Scenic Area. This document incorporates policy direction given by the Commission at a series of public meetings held since the spring of 2001 and, when adopted, will conclude the process for comprehensive review of the Plan that the National Scenic Area Act requires occur at least once every 10 years. A copy of the revised Plan is available on the Gorge Commission web site, located at <http://www.gorgecommission.org/>.

In announcing the release of the revised plan the Executive Director of the Gorge Commission, Martha Bennett, and the Scenic Area Manager for the U.S. Forest Service, Dan Harkenrider, issued a joint letter summarizing the content of the document, outlining a schedule for its adoption, and providing direction for those interested in providing comment. A copy of this letter is attached. Within the National Scenic Area, the Gorge Commission is responsible for lands that have been designated General Management Areas and Forest Service for properties within Special Management Areas. To assist the public in reviewing the Plan, staffs from these agencies have prepared memorandums summarizing changes to each of these parts of the Management Plan. Copies of the memos are enclosed.

**Background**

At the beginning of 2001 the Gorge Commission and Forest Service approached each of the six counties in the National Scenic Area, the Tribes, and general public seeking feedback on issues that they would like to see addressed as part of Plan Review. To facilitate public input, Commission staff held open houses in each county. The open house in Multnomah County was held at the Corbett Grade School, in October of 2001.

Taking the information they had collected, the Commission's staff organized and consolidated issues into categories for land use, and scenic, cultural, and natural resources. The Gorge Commission then held a number of public meetings in which they pared down the list of topics that they would consider as part of Plan Review and formed sub-committees to evaluate the Plan and prepare recommendations for revisions to the document. The sub-committees met every two to four weeks through the better part of 2002 and early 2003. Their recommendations were presented by Gorge Commission and

Forest Service staff to the full Commission for policy direction. This happened incrementally at public meetings held over the last year or so, resulting in this initial Draft of the Revised Management Plan that was recently released for public comment.

### Key Policy Themes in Management Plan

From the onset of Plan Review, Multnomah County Land Use and Transportation staff have participated in the Gorge Commission's process by reviewing materials prepared by their staff, attending public meetings, and providing both oral and written testimony on "technical" planning issues. In doing so, we observed three significant themes that evolved out of the Plan Review process.

1. The Gorge Commission stuck with the existing structure of the Management Plan, affirming its basic policies and guidelines as effectively protecting scenic, natural, cultural, and recreational resources within the National Scenic Area. This allowed them to focus their energy in Plan Review on correcting specific language that through experience or feedback they understood to be overly onerous, ambiguous, redundant or otherwise ineffective. For example, the Commission retained the concept of Key Viewing Areas (KVAs) as a way of identifying features within the Scenic Area, the views from which warrant specific scenic protection and kept "visual subordination" as the primary standard for safeguarding these resources. The Commission; however, eliminated the requirement that new development "minimize visibility" as viewed from KVAs because it at times forced development to be totally screened when visual subordination only requires that it not noticeably contrast with the landscape as viewed from a Key Viewing Area.
2. The Gorge Commission deferred a substantial amount of the detailed work in implementing scenic guidelines for color, reflectivity, and landscaping to a "Scenic Resource Implementation Handbook" to be developed by the Commission and Forest Service prior to the end of 2005. These guidelines apply to new development visible from Key Viewing Areas and are the types of requirements that landowners and planners struggle with, as it is sometimes difficult to determine the right blend of design, construction, and landscaping techniques necessary to achieve visual subordination. In their press release, the Commission's staff accurately represents the concept of this Handbook as a "safe harbor" specifying colors, textures and design elements that landowners and planners can rely upon as meeting Management Plan guidelines for scenic protection. It is a critical in making the Plan easier to implement for all involved. An example of where this detailed work was deferred to a future Handbook is the scenic guideline requiring the exterior of buildings seen from KVAs be composed of non-reflective or low-reflective materials, with a pre-approved list of acceptable materials to be included in the Handbook.
3. The Gorge Commission truncated their list of Plan Review topics as a result of budget constraints, meaning a number of issues that warrant attention will not be addressed. In the spring of 2003 the Commission elected to "triage" the range of plan review topics that they had planned to consider as a result of budget cuts from the states of Oregon and Washington. Examples include how to effectively respond to cumulative impacts of development on scenic and natural resources; alternative standards to "visual subordination" in the General Management Area where development occurs on the KVA (such as within a highway prism); appropriateness of the existing farm plan requirement versus a State of Oregon style farm income test approach to qualifying a dwelling on farm land; and an allowance for additional uses for structures that are on the National Register of Historic Places to facilitate their preservation. Several of the "triaged" items were identified by County staff as meriting consideration as part Plan Review. The Gorge Commission has indicated that they may pick-up some of the issues within the next two years, as resources are available.



## County Issues

Multnomah County staff provided a preliminary list of issues to the Gorge Commission in February of 2001 and supplemented that list with written and oral testimony throughout the Plan Review process. We focused our efforts on elements of the existing Plan that are ambiguous, redundant or otherwise difficult to implement and worked with the Commission and their staff to make the Management Plan as user friendly as possible. While there are issues we raised that were not considered by the Gorge Commission, or were addressed in a manner in which we do not entirely agree, on balance this revised Management Plan improves upon the existing body of work and can be successfully implemented. We conclude this in part, because the Management Plan allows counties to adopt codes that vary from the policies and guidelines as long as they provide greater resource protection. This gives the County some ability to clarify elements of the Plan through adoption of an implementing ordinance. A summary of significant issues that we raised as part of Plan Review or that may be of particular interest to Multnomah County residents are as follows:

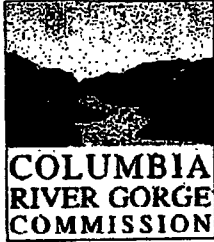
- Key Viewing Area Maps: Maps provided by the Gorge Commission when the existing Management Plan was adopted more than a decade ago are very general, identifying most of the properties within the County as visible from Key Viewing Areas but providing no guidance as to the specific KVAs a landowner should focus on in preparing and application. Further, the Management Plan does not define a threshold for visibility (i.e. screened by vegetation, topographically visible, etc.) This is a major point of frustration for applicants seeking to develop their property and was a concern that we raised as part of Plan Review. The Gorge Commission addressed this problem. They clarified that it is properties that are topographically visible from a KVA that are subject to review and Forest Service staff has mapped each of the Key Viewing Areas and identified properties from which they are visible.
- Geologic Hazards: Early in the Plan Review process we asked the Gorge Commission to consider adding a geologic element to the Management Plan to address such issues as landslides, steep slopes, and geologic events, particularly considering that geologic features are the first item listed in the Plan's table of resources to be inventoried and that there may not even be Scenic Area if it were not for the unique geologic features of the region. The Commission chose not to include this as a topic for consideration as part of Plan Review. Multnomah County land use ordinances presently regulate earthwork on steep slopes, including those in the Scenic Area, and the County may be able to establish such regulations as expressly authorized under the Management Plan by adopting an implementing ordinance utilizing the alternative language clause discussed above.
- Expedited Review: We raised this as an issue, seeking a clear streamlined process for the review and approval of small scale development such as minor additions to structures, fences, lighting, etc. The Commission addressed this issue by developing an expedited review process, and determining a range of uses that qualify for such review. While the Commission did a thorough job of defining a break point between uses eligible for expedited review and those that are not, the process they have created for expedited review, including comment and appeal periods, may not appreciably reduce review timelines.
- Size Restriction for Accessory Structures: This was not an issue raised by staff; however, it is one of the few areas where the Commission noticeably tightened land use regulations. The proposed language restricts the combined footprint for all accessory structures to 1,500 square feet in residential zones, and 2,500 square feet in agricultural and forest zones where the properties are larger than 10 acres in size. This does not include agricultural buildings. The Multnomah County land use ordinance does not presently contain a restriction of this nature.

- Existing Uses or Structures: Existing uses or structures are those that were lawfully established and predate the Management Plan. The requirements for altering such uses, or replacing them in the event of a disaster are ambiguous and confusing. This is an issue that we raised in Plan Review and; for the most part, the Commission has addressed our concerns. The nature and extent of the landscaping required for replacement of a dwelling due to disaster is still not clear; however, the Commission staff is working to clarify the issue.
- Minimize Visibility: While this was not an issue that we raised, it will impact how land owners approach scenic standards in preparing a permit application. The Gorge Commission eliminated the existing standard requiring development "minimize visibility" from KVAs, reasoning that it went beyond what is necessary to achieve visual subordination, at times requiring development be entirely concealed. The Commission replaced the standard with a new guideline emphasizing and prioritizing different techniques used to achieve visual subordination, such as siting, design, height, shape, color, reflectivity, and landscaping.
- Historic Structures: We asked the Commission to consider allowing additional uses for structures on the National Register of Historic Places because the range of allowed uses for some properties are very limited and could prevent the preservation of structures. The Commission did not take action on this issue.
- SMA/GMA Terminology: There are discrepancies between GMA and SMA portions of the Management Plan in the use of terms such as "building" and "accessory structure," causing confusion. This is an issue that we had identified as a problem and the Commission addressed it as part of Plan Review.
- Small Scale Fish Processing/Support Facilities: – The Gorge Commission added this as an allowed use within certain General Management Area (GMA) land use designations when the activity is in conjunction with a family-based commercial fishing business. Such uses are presently considered industrial and restricted to urban areas.
- Dwellings on SMA Residential Land: The Management Plan appears to be inconsistent with the Scenic Area Act, with the Plan allowing new dwellings on SMA residential lands and the Act prohibiting them on smaller lots. The issue is specific to Latourell Falls in Multnomah County and Rowena Dell in Wasco County. While we raised the issue, the Forest Service, which is responsible for the SMA portion of the Plan, did not take it up.
- Cultural Resources: We had asked the Commission to streamline the steps involved in the cultural review process as it is process intensive and time consuming. While the Commission chose not to make changes to this process, Forest Service staff and the Tribes put together probability maps for cultural resources that might speed up their review for projects on low impact sites.
- Natural Resources: The Forest Service responsibility for reviewing SMA natural resource applications is unclear and causes confusion in the processing of applications. We raised this as an issue, and Forest Service staff made a concerted effort to correct the problem. We had also sought updated inventories for Sensitive Wildlife and Rare Plants, to assist in our work with the public. While the Forest Service and Gorge Commission have indicated that they are working on the issue, we are not certain as to how far they have progressed.

### **Next Steps**

We are presently reviewing the draft Management Plan in preparation for the Gorge Commission's February 24, 2004 hearing in The Dalles. The County will have an opportunity to present testimony directly to the Gorge Commission at this hearing, or submit written comment prior to March 10, 2004. After the close of the comment period, the Commission will revise the plan as appropriate, and re-issue the document as a final draft in early April. They have tentatively scheduled a hearing on the final draft for April 27, 2004. Once the Management Plan is adopted, the Secretary of Agriculture has 90 days within which to concur, meaning that the Plan could go into effect between May and August of this year.

Once the revised Management Plan goes into effect, the Gorge Commission process is concluded. The Scenic Area Act gives counties 60 days from the effective date of the Plan to inform the Commission as to whether or not they will implement the ordinance or give that responsibility to the Gorge Commission. Counties that choose to implement the revised Management Plan will effectively have the balance of the year to adopt their implementing ordinances and forward them to the Commission and Forest Service for concurrence.



PO Box 730 • #1 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2729  
[www.gorgecommission.org](http://www.gorgecommission.org)

September 8, 2004

Diane Linn, Chair  
Multnomah County Board of Commissioners  
501 SE Hawthorne Blvd.  
Suite 600  
Portland, OR 97214

Dear Chair Linn:

On behalf of the Columbia River Gorge Commission, I am transmitting the *Revisions to the Management Plan for the Columbia River Gorge National Scenic Area*. These enclosed revisions were adopted by the Gorge Commission in April 2004 as the conclusion of Plan Review. Linda Goodman, Regional Forester for USDA Forest Service Region 6, formally concurred with these revisions as consistent with the National Scenic Area Act under authority delegated to her by the United States Secretary of Agriculture on August 10, 2004.

By transmitting the enclosed Revisions to the Management Plan, I am requesting that you initiate local adoption of these revisions into your county's land use ordinance as spelled out in Section 7 of the National Scenic Area Act. Under the Act, the deadlines that apply to county action are as follows:

- Within 60 days of receipt of these revisions, each Gorge County needs to notify the Gorge Commission about their intent to revise their Gorge land use ordinance to enact these revisions. We hope to have this response from you around the 10<sup>th</sup> of November.
- Within 270 days of receipt of these revisions (including the 60 days spelled out above), each County needs to adopt their revised ordinances and submit those ordinances to the Commission for review. We hope that your adoption would be complete in June 2005.
- Within 90 days of receiving your revised ordinance, the Gorge Commission will review whether your modified land use ordinance is consistent with the Management Plan as revised. We will make final determinations for the portions of your ordinances that apply in the General Management Area and will make recommendations to the Secretary of Agriculture (or her designee) about the portions of the ordinance that apply in the Special Management Area. In the event that any portion of your county's ordinance is not found to be consistent with the Management Plan, we will make specific recommendations to you for changes.

To assist you with your work in revising your land use ordinance, Gorge Commission and USDA Forest Service staff will be assigned to provide technical assistance to each county. Gorge Commission staff will contact your planning staff during September to discuss the Revisions to the

Transmittal of Revisions to Management Plan  
September 8, 2004  
Page 2

Management Plan and answer any questions about the revisions or the process of adopting these revisions into county code.

As we have discussed with county staff, the Friends of the Columbia Gorge have filed a lawsuit challenging the Revisions to the Management Plan with the Oregon Court of Appeals. Additional lawsuits may be filed in the next few weeks, possibly challenging the decision of the Regional Forester to concur or possibly challenging the portions of the Revisions that apply only in the Special Management Areas (SMA). The Commission has directed that, despite this legal challenge, the adoption of the revisions should continue. The Commission, however, is sensitive to the need to ensure that neither county governments nor recipients of Scenic Area land use approvals face additional legal risk as a result of the pending lawsuit. Therefore, the Commission directed me to do two things:

- First, when you send us the formal letter informing the Commission of whether you intend to adopt the Revisions to the Management Plan, please include a tentative work plan and schedule for adoption of your revised ordinance. We would particularly like to know what your schedule will be for formal adoption by the Planning Commission and county governing body. We will use this schedule and work plan to coordinate with your planning and legal staff, and we will endeavor to provide more information about the pending lawsuit prior to any formal adoption step to reduce the potential legal risks to your county.
- Second, the Commission has requested that we regularly apprise them as the lawsuit proceeds so that they can provide you with additional recommendations and direction. In other words, as we move through the next steps in the pending lawsuit, from preparing the record to preparation of the briefs, we will keep the Commission and counties informed about new issues or new risks that we haven't anticipated to date.

The Gorge Commission looks forward to working with your county in adopting these revisions into the land use ordinances that affect the National Scenic Area. As envisioned by the Act, county governments are critical partners in ensuring the protection of the resources of the Gorge.

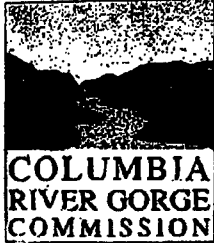
Please feel free to contact me or your county's representative to the Gorge Commission with any questions.

Sincerely,



Martha J. Bennett  
Executive Director

- c. Columbia River Gorge Commission  
Dan Harkenrider, Area Manager, USDA Forest Service  
National Scenic Area Tribal Nations  
Lance Clark, Office of Governor Kulongoski  
Ron Schultz, Office of Governor Locke



**PO Box 730 • #1 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229**  
**www.gorgecommission.org**

Date: 9-22-04

To: Derek

**Fax No:** \_\_\_\_\_

From: Jeff Letwale

**Comments:**

Pages to follow: 2

# PROSECUTION

04 SEP 22 PM 2:16

# Multnomah County National Scenic Area Compliance Project

Board of Commissioners Briefing  
September 28, 2004

## Key Dates that Drive the County Implementation Process

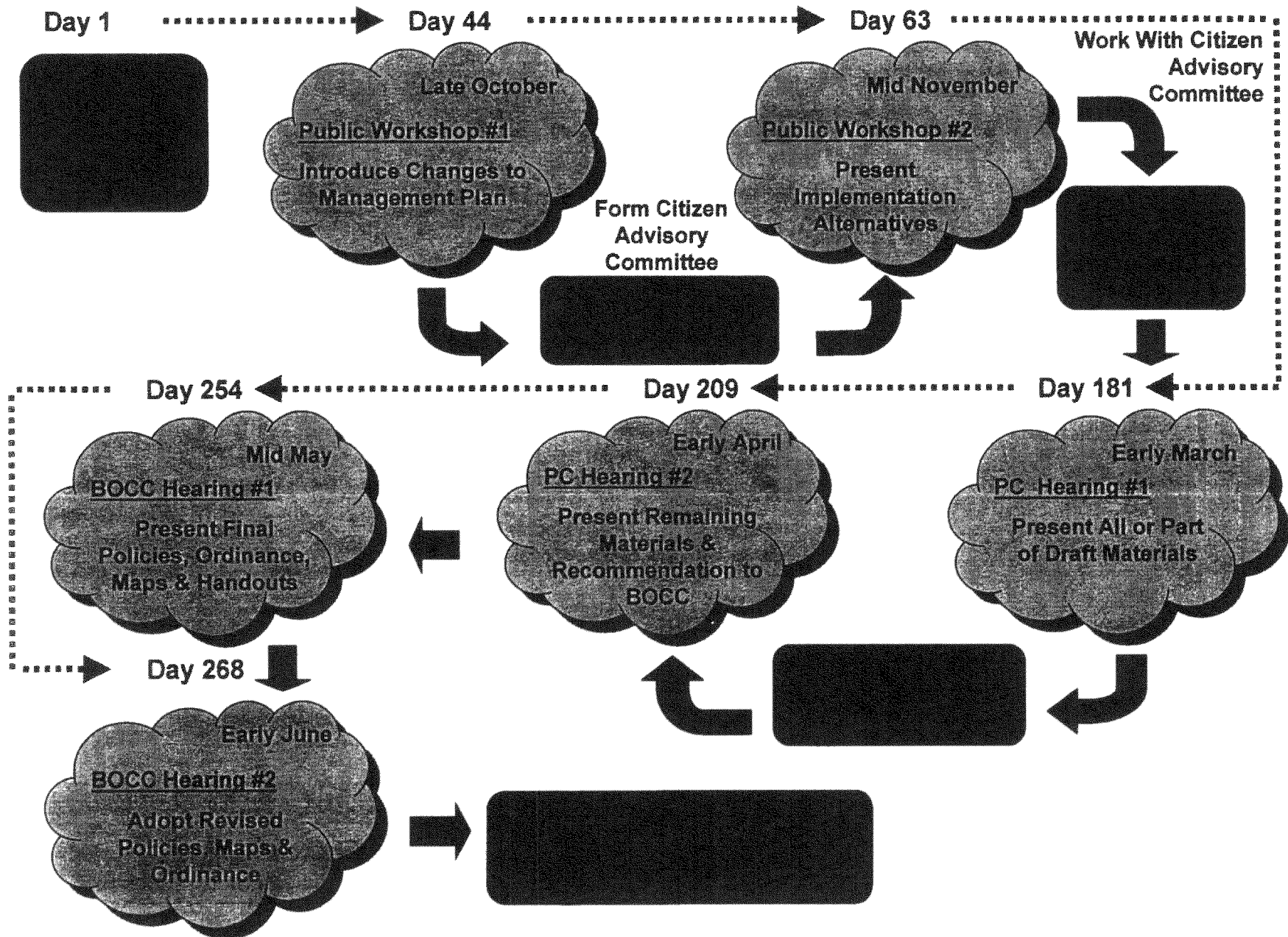
- **September 8, 2004:** The revised Plan was delivered to the counties with instruction from the Gorge Commission to implement notwithstanding pending litigation.
- **November 10, 2004:** Deadline for the counties to inform the Gorge Commission as to whether or not they will be revising their codes to include the changes contained in the revised Management Plan
- **June 4, 2005:** Deadline for the counties to adopt implementing ordinances. Section 7(b) of the Act gives counties 270 days from the date the revised Plan is delivered to accomplish this task.



# **Objectives of the County Compliance Project**

- Adopt revisions to the Multnomah County Code that are consistent with the Management Plan and National Scenic Area (NSA) Act
- Provide meaningful citizen involvement in the planning process
- Clarify and streamline NSA land use reviews
- Maintain eligibility for economic and recreation development grants

# National Scenic Area Implementation Process



# Expected Outcomes

- Updated local plan policies describing relationship between the Management Plan and local codes
- New land use ordinance
- Updated County zoning maps showing changes related to Section 8(o) of the Act
- New GIS layers showing properties visible from sensitive scenic areas
- Improved implementation handouts

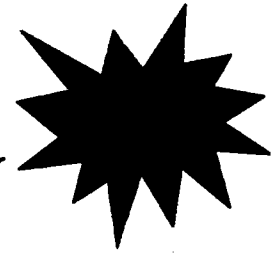
# Key Issues

- Small Scale Fish Processing Operations
- Commercial Events
- Geologic Hazards
- Revised Scenic Protection Guidelines
- Stream and Riparian Buffers

# Implementation Options

- Incorporate language from the revised Management Plan directly into the Multnomah County Code; or
- Include the changes in a more limited or alternative fashion as long as they are more protective of scenic, cultural, natural, and recreational resources; or
- Choose not to adopt certain changes as long as they are more protective of Gorge resources; or
- Where related to litigation, make the operability of changes contingent upon successful resolution of legal challenges

# Small Scale Fish Processing: Overview



- Allows fishing support activities, including the maintenance, repair, and storage of boats, nets and other commercial fishing gear and garaging of hauling trucks, trailers and related equipment
- Processing of fish is limited to cleaning, gutting, heading, icing or freezing of fish caught by the operator
- Business must be family based and located on property that is adjacent to the Columbia River
- A dwelling must be situated on the parcel and the resident must participate in the business
- Allowed only on GMA Residential, Agricultural and Forest lands
- The operation may employ only residents of the dwelling and up to 3 outside employees
- All gear and equipment must be stored within buildings, the total square footage of which is capped at 2,500 sq. ft.
- No retail sales are permitted

# Small Scale Fish Processing: Pros & Cons

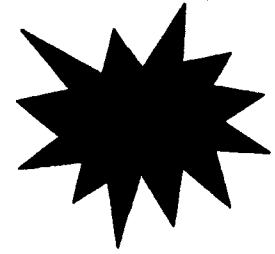
## Arguments For:

- Provides an avenue to more readily resolve code compliance issues involving the Heuker properties
- Limited exposure: Is limited to family based businesses where the principals reside on the premise and applies only to a narrow group of parcels adjacent to the Columbia River
- Economic development where limited opportunities exist

## Arguments Against:

- Provides for a level of development that is not presently allowed.
- The language is tailored such that it benefits a specific, small group of property owners
- The activity may be an industrial use in violation Section 6(d) of the Act which prohibits such uses outside urban areas

# Commercial Events: Overview



- Includes weddings, receptions, parties, and other gatherings incidental to the primary use of the property
- Limited to GMA lands, in conjunction with winery, bed and breakfast, commercial uses, or historic places
- Must be owner operated with the owner living on-site
- Limited to 18 events a year, up to one day in length with no single event hosting more than 100 guests
- Parking must be screened and located on same parcel
- Owner must provide at least 7 day advance notice to neighbors and the County
- Approvals are good for a maximum of 2 years, after which an operator must reapply



# Commercial Events: Pros & Cons

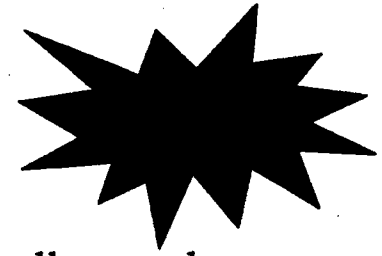
## Arguments For:

- Economic development opportunity for small businesses
- Could be an incentive for people to invest in and maintain historic structures
- Might serve to attract more people to visit and experience the beauty of the Gorge

## Arguments Against:

- Large visible gatherings might adversely impact the scenic and natural resources within the Columbia Gorge
- Potential nuisance in established residential areas in terms of traffic and noise
- Very difficult to enforce

# Geologic Hazards: Overview



- The Management Plan and Scenic Area Act do not specifically regulate geologic hazards but allow counties to be stricter for purposes of resource protection
- Within the National Scenic Area, Multnomah County presently protects geologic resources with a Hillside Development (HD) overlay
- The HD zoning overlay applies to grading on steep slopes (greater than 25%) and areas susceptible to landslides and debris flows to protect against earth movement and soil erosion
- When applying for a HD permit owners must hire a Geotechnical Engineer or Engineering Geologist to certify property as suitable for proposed development
- The HD overlay predates the Scenic Area Act, drawing its authority from Statewide Planning Goals and the County Comprehensive Plan policies that have been replaced by the National Scenic Area Act and Management Plan
- The County has never made a connection between the HD overlay and Management Plan

# Geologic Hazards: Pros & Cons

(Establish the existing HD overlay as implementing the Management Plan by providing greater protection to geologic resources)

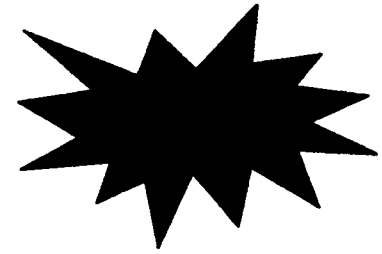
## Arguments For:

- Ensuring that development on steep or potentially unstable slopes is done correctly is necessary to prevent loss of life and destruction of property
- Erosion control is needed on steep slopes to avoid environmental damage
- Geologic resources deserve protection from avoidable hazards as they are the primary natural and scenic feature within the Gorge

## Arguments Against:

- Regulations are not mandated by the Management Plan
- Significant cost to land owner to hire geotechnical engineer and prepare plans
- Effectively prohibits any significant new development in residentially zoned areas prone to debris flows (e.g. Dodson/Warrendale)

# Revised Scenic Protection Guidelines: Overview



- The Gorge Commission adopted new standards for protecting scenic resources, emphasizing the use of terrain, existing vegetation, design elements and, if necessary, new landscaping to achieve visual subordination
- This new standard replaces the existing requirement that development “minimize visibility” as seen from Key Viewing Areas (KVA’s) to ensure that it is visually subordinate as viewed from these areas
- The “minimize visibility” standard requires development be located on the least visible portion of the property
- The Commission replaced this standard because it goes beyond what is necessary to achieve visual subordination, at times requiring development be entirely concealed

# Revised Scenic Protection Guidelines: Overview

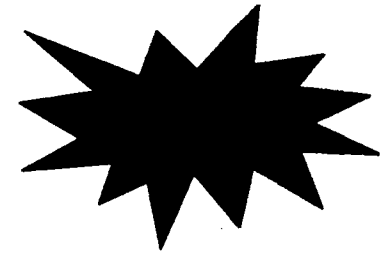
## Arguments For:

- Logical progression of techniques that the public and planners can use to ensure development is visually subordinate
- Strikes a balance between scenic protection and allowing people a reasonable view from their property

## Arguments Against:

- New standard is untested and may be inconsistently applied
- Existing “minimize visibility” standard has proven effective in protecting scenic resources

## Stream Buffers: Overview



- The Gorge Commission considered expanding buffers to 300 feet for perennial streams and 150 feet for intermittent streams, but ultimately rejected the concept on the basis that there is a lack of empirical evidence that they are needed
- Some citizens would like the larger buffers believing they will better protect and enhance water resources
- Current Management Plan riparian buffers, which the Gorge Commission did not change, require a 100 foot setback from perennial streams and 50 foot setback from intermittent tributaries on GMA lands
- County environmental zoning for streams and riparian areas outside of the National Scenic Area generally exceeds the 100 foot setback, but varies by rural area and the types of rules they implement (e.g. Metro Title 3, Statewide Planning Goal 5, etc.)

# Increasing Stream Buffers: Pros & Cons

## Arguments For:

- Larger buffers might provide greater resource protection

## Arguments Against:

- There is no empirical evidence that the existing buffers are inadequate
- Expanding the buffers further restricts property rights



## 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**

---

October 21, 2004

Anne W. Squier, Chair  
Columbia River Gorge Commission  
P.O. Box 730  
#1 Town and Country Square  
White Salmon, WA 98672

Dear Ms. Squier:

On behalf of the Multnomah County Board of Commissioners, I would like to acknowledge receipt of your September 8, 2004 transmittal of the revised Management Plan for the Columbia River Gorge National Scenic Area and wish to inform the Gorge Commission of our intent to adopt a land use ordinance consistent with this Plan.

In your cover letter, you advise county governments to proceed notwithstanding litigation challenging the revised Management Plan. While we appreciate your recognition of the risk it poses to local governments and offer to keep us informed as the litigation unfolds, we do not believe it a wise use of resources or fair to our citizens to initiate a legislative process over land use matters that might be overturned or amended as a result of this litigation. Specifically, we have asked our staff to take an approach to implementation that does not incorporate the new land use rules for commercial events, fish processing, and revisions to scenic guidelines designed to replace the existing requirement that development "minimize visibility" as viewed from significant scenic vantage points. Each is specifically cited in the litigation, and we believe the most prudent course of action at this point is to be more protective of resources in the gorge until these legal challenges are resolved.

You have asked for a work plan and schedule for adoption to assist in coordinating with our staff on the status of the litigation prior to critical decision making dates. At this time, I can provide only general timeframes, with Planning Commission hearings likely to occur in early March and April of 2005 followed by hearings before the Board of Commissioners in mid May and early June. I expect we will have a more specific schedule in the upcoming weeks, as we proceed with implementation, and will ask our staff to provide you with this information as it becomes available.

Thank you for your time and consideration.

Sincerely,

  
Diane M. Linn, Chair



## AGENDA PLACEMENT REQUEST

BUD MOD #:

APPROVED : MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-6 DATE 10-21-04  
DEBORAH L. BOGSTAD, BOARD CLERK

**Board Clerk Use Only:**

**Meeting Date:** October 21, 2004

**Agenda Item #:** R-6

**Est. Start Time:** 11:05 AM

**Date Submitted:** 10/13/04

**Requested Date:** October 21, 2004

**Time Requested:** 5 minutes

**Department:** DCHS

**Division:** MHASD

**Contact/s:** Traci Goff

**Phone:** 503-988-5464

**Ext.:** 28409

**I/O Address:** 166/6

**Presenters:** Godwin Nwerem, Judith Kendall, and Traci Goff

**Agenda Title:** Notice of Intent to partner with Oregon Health and Science University in Submitting a Research Project to the National Institutes of Health

→ **Note: An exception to the Agenda Review Team's four-week review period is requested to minimize the delay in submitted applications to these organizations.** ←

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

- 1. What action are you requesting from the Board? What is the department/agency recommendation?**  
The Mental Health and Addiction Services Division, Department of County Human Services is requesting approval to partner with Oregon Health & Science University's (OHSU) School of Nursing in submitting a proposal to the National Institute of Nursing Research, National Institutes of Health. OHSU would be the lead agency and DCHS would be a subcontractor in the project. The Department of County Human Services recommends that this request be approved.
- 2. Please provide sufficient background information for the Board and the public to understand this issue.**  
Attention deficit hyperactivity disorder (ADHD) is the most common mental health disorder of childhood, affecting as many as 3% to 17% of children and adolescents in the United States. While the potential negative effects of ADHD on family function are

clear and family-based interventions have consistently been reported as being effective in families with children with externalizing problems (problems of conduct and behavior), few family-based studies have been conducted to support families with ADHD children.

To begin to address this gap, the overall aim of this study is to test a home-based nurse case-management intervention, called *PACT: Parents and Children Together*. *PACT* was designed to provide intensive in-home services and to advocate for the needs of families with children with ADHD. The specific aims of this study are to: 1) evaluate the efficacy of a nurse case-management intervention for families with children and adolescents with ADHD and determine if the intervention, when compared to the control group, decreases child behavior problems, decreases maternal distress, and improves family functioning, 2) test if the effects of the nursing case-management intervention is similarly effective across Hispanic and non-Hispanic groups, 3) describe family perceptions of the intervention and identify what they found helpful, and 4) identify ethnic and cultural factors that influence intervention effectiveness.

As a subcontractor for this project, MHASD has agreed provide a .50 FTE Mental Health Consultant to assist in recruiting families, whose children have ADHD, to participate in this project, to represent MHASD as any project related meetings, conferences, etc., and to assist other project staff in ensuring that the research participants receive the appropriate support services (additional mental health services, housing, food, etc.).

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

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

**If grant application/notice of intent, explain:**

- ❖ **Who is the granting agency?** The granting agency is the National Institute on Nursing Research (NIMR), National Institutes of Health (NIH).
- ❖ **Specify grant requirements and goals.** The proposed project is aimed at improving family outcomes for families with children with ADHD by demonstrating the efficacy of a nurse case-management intervention across ethnic groups. The overall long-term goals of this program are to develop, refine and test culturally sensitive and relevant family-based interventions for families with children with ADHD, and eventually, for families with children with other disruptive behavioral disorders, in order to help ameliorate the difficulties they experience.
- ❖ **Explain grant-funding detail – is this a one-time only or long-term commitment?** This is a one-time only grant. The entire project budget is \$2.2 million dollars, over a four-year period, and as a sub-contractor, DCHS would receive \$154,747, over a four-year period, to fund a .50 FTE Mental Health Consultant position and to cover in-state travel costs. This grant does not have a match component.

- ❖ **What are the estimated filing timelines?** The proposal is due Monday, November 1, 2004. However, OHSU's Sponsored Projects Department requires the entire proposal by Monday, October 18, 2004 in order to review it before submitting it to NIH.
- ❖ **If a grant, what period does the grant cover?** This is a four-year research grant that will start on July 1, 2005 and end on June 30, 2009.
- ❖ **When the grant expires, what are funding plans?** DCHS related activities would end when the grant ends. Any plans for future funding will be developed by OHSU.
- ❖ **How will the county indirect and departmental overhead costs be covered?** Indirect costs will be built into the sub-contract.

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

There are no legal and/or policy issues involved that relate to the County.

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

This proposal is being developed between OHSU's School of Nursing and the Mental Health and Addiction Services Division, Department of County Human Services. OHSU will act as the lead agency and DCHS will be a sub-contractor. MHASD was chosen by OHSU for this project because of our extensive experience and work in the field of mental health.

**Required Signatures:**

**Department/Agency Director:** \_\_\_\_\_



**Date: 10/13/04**

**Budget Analyst**

**By:** \_\_\_\_\_



**Date: 10/13/04**

**Dept/Countywide HR**

**By:** \_\_\_\_\_

**Date:**

**BOGSTAD Deborah L**

**From:** GOFF Traci M  
**Sent:** Wednesday, October 13, 2004 10:00 AM  
**To:** #AGENDA REVIEW TEAM; #ALL DISTRICT 1; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4; #ALL CHAIR'S OFFICE; BOGSTAD Deborah L  
**Cc:** JASPIN Michael D; PATE Patricia; WILTON Nancy L  
**Subject:** Exception NOI for the OHSU/DCHS Research Project Grant to NIH

Good Morning,

Attached please find a NOI for MHASD/DCHS to partner with Oregon Health & Science University's (OHSU) School of Nursing to submit a research project to the National Institute of Nursing Research, National Institutes of Health (NIH). The purpose of this research project is to assess the effectiveness of a home-based, nurse case-management intervention, entitled *PACT: Parents and Children Together*, for families with children who have been diagnosed with Attention Deficit/Hyperactivity Disorder (ADHD), with a special emphasis on targeting African American and Latino families.

OHSU is the lead agency on this project and the Mental Health and Addiction Services Division, Department of County Human Services will be a subcontractor. As a subcontractor, MHASD will provide a .50 Mental Health Consultant to assist in recruiting African American and Latino families to participate in the study, assist the project's program manager in linking participant families with other support services (food, employment training, preventative health screening, other mental health services, etc.), and representing MHASD at any meetings, conferences, etc.

I am requesting to present the NOI to the Board on Thursday, October 21, 2004. Therefore, I am requesting an exception of the Agenda Review Team's four-week review period, as OHSU's Sponsored Project's Department requires the entire proposal by Monday, October 18, 2004 in order to review it before submitting it to NIH, and NIH's proposal due date is Monday, November 1, 2004.

I apologize for any inconvenience this tight turn around may cause you. If you have any questions about the NOI or the project, please contact me.

Traci Goff  
Development Director  
Department of County Human Services  
421 SW Sixth Avenue, Suite 600  
Portland OR 97204  
(503) 988-5464 ext. 28409 (phone)  
(503) 988-5905 (fax)  
(503) 604-4827 (pager)  
[traci.goff@co.multnomah.or.us](mailto:traci.goff@co.multnomah.or.us) (e-mail)



OHSU DCHS  
ID Project NOI.doc

## AGENDA PLACEMENT REQUEST

**BUD MOD #:**

**Board Clerk Use Only:**

**Meeting Date:** October 21, 2004

**Agenda Item #:** E-1

**Est. Start Time:** 11:15 AM

**Date Submitted:** 10/12/04

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**Requested Date:** October 21, 2004

**Time Requested:** 30 mins

**Department:** Non-Departmental

**Division:** County Attorney

**Contact/s:** Agnes Sowle

**Phone:** 503 988-3138

**Ext.:** 83138

**I/O Address:** 503/500

**Presenters:** Agnes Sowle

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**Agenda Title: IF NEEDED** - The Multnomah County Board of Commissioners Will Meet in Executive Session Pursuant to ORS 192.660(1)(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.

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

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- 1. What action are you requesting from the Board? What is the department/agency recommendation?**
- 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).**

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

**If a budget modification, explain:**

❖ **What revenue is being changed and why?**

- ❖ What budgets are increased/decreased?
- ❖ What do the changes accomplish?
- ❖ Do any personnel actions result from this budget modification? Explain.
- ❖ Is the revenue one-time-only in nature?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?

**NOTE: Attach Bud Mod spreadsheet (FORM FROM BUDGET)**

**If a contingency request, explain:**

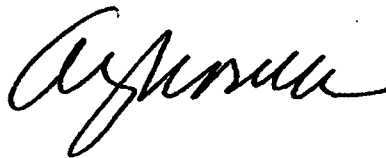
- ❖ Why was the expenditure not included in the annual budget process?
- ❖ What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?
- ❖ Why are no other department/agency fund sources available?
- ❖ Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account.
- ❖ Has this request been made before? When? What was the outcome?

**If grant application/notice of intent, explain:**

- ❖ Who is the granting agency?
- ❖ Specify grant requirements and goals.
- ❖ Explain grant funding detail – is this a one time only or long term commitment?
- ❖ What are the estimated filing timelines?
- ❖ If a grant, what period does the grant cover?
- ❖ When the grant expires, what are funding plans?
- ❖ How will the county indirect and departmental overhead costs be covered?

4. Explain any legal and/or policy issues involved.
5. Explain any citizen and/or other government participation that has or will take place.

**Required Signatures:**



**Department/Agency Director:** \_\_\_\_\_

**Date:** 10/12/04

**Budget Analyst**

**By:** \_\_\_\_\_

**Date:**

**Dept/Countywide HR**

**By:** \_\_\_\_\_

**Date:**