



Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: mult.chair@co.multnomah.or.us

Deborah Kafoury, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5220 FAX (503) 988-5440

Email: district1@co.multnomah.or.us

Jeff Cogen, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district2@co.multnomah.or.us

Judy Shiprack, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-5217 FAX (503) 988-5262

Email: district3@co.multnomah.or.us

Diane McKeel, Commission Dist. 4

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

Email: district4@co.multnomah.or.us

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JULY 7 & 9, 2009

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

NEW! Public access to wireless internet free of charge weekdays from 6AM to 9PM while attending meetings in the Boardroom. Users must have a laptop or other wireless-enabled device with IEEE 802.11a, b or g; or a WiFi compatible network card.

Pg 3	9:30 a.m. Public Comment Opportunity
Pg 3	9:40 a.m. Columbia River Gorge Commission
Pg 3	10:00 a.m. Portland Clean Energy Fund
Pg 3	10:10 a.m. Recommendations of the Feasibility Study for a One-Stop Domestic Violence Service Center
Pg 4	10:30 a.m. 1st Reading BIT Ordinance
Pg 4	10:35 a.m. Ratification of FOPPO Reopener and MCPAA Labor Agreements

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

(Portland & East County)

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

Sunday, 11:00 AM Channel 30

(East County Only)

Saturday, 10:00 AM, Channel 29

Tuesday, 8:15 PM, Channel 29

Produced through MetroEast Community Media

(503) 667-8848, ext. 332 for further info

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Tuesday, July 7, 2009 - 7:30 AM to 9:30 AM
Multnomah Building, Third Floor Conference Room 315
501 SE Hawthorne Boulevard, Portland

LOCAL PUBLIC SAFETY COORDINATING COUNCIL EXECUTIVE COMMITTEE MEETING

A quorum of the Multnomah County Board of Commissioners *may* be attending the Local Public Safety Coordinating Council Executive Committee meeting. This meeting is open to the public. For agenda topics and/or further information, contact Public Safety System Analyst Elizabeth Davies at 503 988-85002.

Tuesday, July 7, 2009 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

IF NEEDED EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
-

Thursday, July 9, 2009 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **DEPARTMENT OF COMMUNITY SERVICES**

- C-1 BUDGET MODIFICATION DCS-01 Reclassifying Two Positions in the Elections Program, as Determined by the Class/Comp Unit of Central Human Resources

- C-2 BUDGET MODIFICATION DCS-02 Reclassifying One Position in the Budget and Operations Support Program, as Determined by the Class/Comp Unit of Central Human Resources
- C-3 RESOLUTION Authorizing an Extension of the Environmental Protection Agency Clean-up Grant for the Former Gas Station Property at 1949 SE Division, to December 31, 2009

REGULAR AGENDA

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 COUNTY MANAGEMENT - 9:30 AM

- R-1 Appointment of Jon Chess, Tara Bowen-Biggs, Stephen Wright, Jodi Shaw, Sheila Isley, Dana Schnell, Theresa Sullivan, Dawn Sechrist and Leisa Vandehey to the 2009 CHARITABLE GIVING CAMPAIGN MANAGEMENT COUNCIL
- R-2 Approval of 2009 CHARITABLE GIVING CAMPAIGN Participating Funds/Federations

NON-DEPARTMENTAL - 9:40 AM

- R-3 Columbia River Gorge Commission Update on the State of the Gorge 2009 Report and Vital Signs Indicators Project. Presented by Jill Arens Executive Director of the Columbia River Gorge Commission and Jim Middaugh, Multnomah County's Representative to the Commission. 20 MINUTES REQUESTED.
- R-4 RESOLUTION Approving an Intergovernmental Agreement with the City of Portland Defining Roles and Responsibilities Related to the Portland Clean Energy Fund and the Clean Energy Works Portland Pilot Program
- R-5 RESOLUTION Accepting the Report and Recommendations of the Feasibility Study for a One-Stop Domestic Violence Service Center, Declaring a Portion of the Gateway Children's Center Building as Surplus Property and Authorizing Commissioner Cogen to Negotiate Terms for an IGA with the City of Portland

DEPARTMENT OF COUNTY MANAGEMENT – 10:30 AM

- R-6 First Reading of a Proposed ORDINANCE Providing Housekeeping Amendments to Multnomah County Code Chapter 12, Business Income Tax
- R-7 Approval of the 2009-2010 Reopener Agreement between the Federation of Oregon Parole and Probation Officers (FOPPO) and Multnomah County
- R-8 Approval of the 2009-2013 Labor Agreement between the Multnomah County Prosecuting Attorneys Association (MCPAA) and Multnomah County

DISTRICT ATTORNEY'S OFFICE – 11:00 AM

- R-9 BUDGET MODIFICATION DA2010-01 Adding Three Positions in the District Attorney's Office as a Result of a Cola and Merit Freeze Agreement by the Multnomah County Prosecuting Attorneys Association

BOARD COMMENT

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



Public Safety Coordinating Council Executive Committee Meeting

Tuesday, July 7, 2009

7:30 to 9:00 a.m.

**Multnomah Building - Room 315
501 S.E. Hawthorne Blvd.**

Agenda

Introductions, Announcements & Approval of the June 2, 2009 Meeting Minutes <i>Chair Dan Saltzman</i>	5 minutes
Discussion of the Potential Impacts of the Final State Budget <i>Chair Saltzman & LPSCC Members</i>	15 minutes
Report from the Public Safety Alignment Workgroup <i>Workgroup Co-Chair Chief Rosie Sizer</i>	5 minutes
Report from the Youth and Gang Violence Workgroup <i>Workgroup Co-Chair Michael Ware & Peter Ozanne</i>	5 minutes
Report from the Public Safety Planning Workgroup <i>Workgroup Co-Chairs Mike Schrunk & Scott Taylor</i>	5 minutes
Report from the Sheriff's Office on the Impending Change in Jail Booking Policy <i>Chief Deputy Ron Bishop & Larry Aab</i> <i>(See the accompanying "FAQ" handout)</i>	15 minutes
Discussion of Emergency Jail Releases: Recent Causes and Potential Solutions <i>Co- Chairs Saltzman & Wheeler & LPSCC Members</i>	40 minutes

NO MEETING IN AUGUST

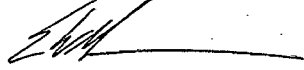
NEXT MEETING – TUESDAY, SEPTEMBER 1, 2009

**Serving
Public
Safety
Agencies in
Multnomah
County**



Ted Wheeler, Multnomah County Chair

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

To: The Local Public Safety Coordinating Council (LPSCC)
Fr: Ted Wheeler, Multnomah County Chair 
Re: Emergency Jail Population Releases & LPSCC's July 7th Meeting
Dt: July 10, 2009

Thank you for the constructive discussion at LPSCC's meeting this week regarding emergency population releases and the Board of County Commissioners' Capacity Management Action Plan that governs those releases. I appreciated the collective recognition of:

- the importance of rigorously managing the use of Multnomah County's jail space as a costly and limited resource,
- the current limits on the county's ability to fund jail space to the extent that all of us would prefer,
- the need to avoid emergency population releases unless absolutely necessary and
- the critical importance of minimizing the impact of any necessary releases on our communities.

Many of us were informed earlier this week that Sheriff Skipper has decided to reconvene his Capacity Management Plan Review Team to consider improvements in the plan. I understand that the Review Team will address the improvements we discussed on July 7, including:

- the supervision of inmates subject to emergency releases when releases are necessary,
- the expedited disposition of local charges against inmates facing deportation or more serious charges in other jurisdictions,
- the temporary postponement of the Sheriff's policy to move from double-bunk to single-bunk jail cells and
- an early warning process to permit our respective agencies to consider temporary changes in policies that affect the size of the county's jail population.

I look forward to the recommendations of the Review Team. However, because we are in the midst of the season when the demand for jail beds is historically the highest and the possibility of emergency releases is the greatest, the Board of County Commissioners must take action without further delay in order to avoid unnecessary releases.

As you no doubt recall, during our discussion at LPSCC's July 7th meeting, Scott Taylor, the Director of the Department of Community Justice, described several actions to reduce the current demand for jail space that are within the county's authority to implement immediately.

Therefore, as County Chair, I have directed Peter Ozanne in his capacity as Deputy Chief Operating Officer for Public Safety to meet with Scott Taylor and his staff to develop plans for consideration by the Board of County Commissioners as soon as possible that would help to prevent emergency jail population releases. I have also directed Peter and Scott, in the course of developing those plans, to confer with the Circuit Court, the Sheriff's office and the District Attorney's Office before presenting the plans to the Board.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 07/07/09
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 06/30/09

Agenda Title: if needed Executive Session Pursuant to ORS 192.660(2)(d),(e)and/or(h)

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

Requested Meeting Date: July 7, 2009 Amount of Time Needed: 5-55 mins
Department: Non-Departmental Division: County Attorney
Contact(s): Agnes Sowle
Phone: 503 988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): Agnes Sowle and Invited Others

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

No final decision will be made in the Executive Session.

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

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.

3. Explain the fiscal impact (current year and ongoing).**4. Explain any legal and/or policy issues involved.**

ORS 192.660(2)(d),(e)and/or(h)

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

Elected Official or
Department/
Agency Director:

Date: 06/30/09



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-1 DATE 07/09/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 06/24/09

BUDGET MODIFICATION: DCS - 01

**BUDGET MODIFICATION DCS-01 Reclassifying Two Positions in the
Agenda Elections Program, as Determined by the Class/Comp Unit of Central Human
Title: Resources**

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

Requested Meeting Date:	<u>July 9, 2009</u>	Amount of Time Needed:	<u>Consent</u>
Department:	<u>Community Services</u>	Division:	<u>Elections</u>
Contact(s):	<u>Jerry Elliott</u>		
Phone:	<u>(503) 988-4324</u>	Ext.	<u>84324</u>
	I/O Address:		<u>455/2/224</u>
Presenter(s):	<u>N/A</u>		

General Information

1. What action are you requesting from the Board?

The Department is requesting the Board approve a budget modification for the reclassification of a Clerical Unit Supervisor position to an Operations Supervisor position and an Elections Administrator position to a Program Development Specialist, Senior (PDS, Sr.) position in the Elections program as determined by the Class/Comp Unit of Central Human Resources.

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

As a result of an internal reorganization of the Elections program, Elections management requested the Class/Comp Unit of Central Human Resource determine the appropriate new classifications for these positions. It was found that the Clerical Unit Supervisor position should be reclassified upward to an Operations Supervisor, while the Elections Administrator position should be reclassified downward to a PDS, Sr. This budget modification will change the budget to include these reclassifications.

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

Budget modification detail is attached. Both these positions will increase the personnel expense budget in FY10. In future years these positions will have increases due to COLA, step increases and increased benefit costs.

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

None

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?

N/A

- What budgets are increased/decreased?

This budget modification will increase salaries, insurance, benefits and overtime by \$2,252. This increase is offset by an equivalent reduction to Professional Services. The new Operations Supervisor position will increase in the budget by \$1,934. The new PDS Sr. position will increase the budget by \$318 (after the affects of additional overtime are factored in).

- What do the changes accomplish?

This budget modification implements the results of the reclassification requests as determined by the Class/Comp unit of Central Human Resources.

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

Reclassification of existing positions.

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

Any changes will be covered within existing departmental resources.

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

This change is ongoing, contingent upon Board approval of future program offers related to this program.

- If a grant, what period does the grant cover?

N/A

- If a grant, when the grant expires, what are funding plans?

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCS - 01

Required Signatures

**Elected Official or
Department/
Agency Director:**



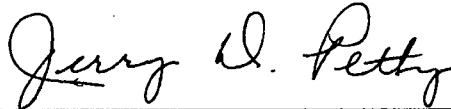
Date: 06/24/09

Budget Analyst:



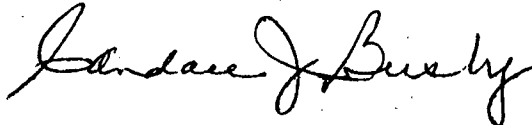
Date: 06/24/09

Department HR:



Date: 06/23/09

Countywide HR:



Date: 06/24/09

Budget Modification ID: **DCS-01****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	91-40	1000	20		908000		60000	636,925	637,981	1,056		Increase Permanent
2	91-40	1000	20		908000		60130	170,167	170,506	339		Increase Salary Related Exp
3	91-40	1000	20		908000		60140	170,636	170,912	276		Increase Insurance Ben
4	91-40	1000	20		908000		60110	64,000	64,581	581		Increase Over Time
5	91-40	1000	20		908080		60170	85,500	83,248	(2,252)		Decrease Prof. Svcs
6									0			
7	72-10	3500	20		705210		50316		(615)	(615)		Risk Fund
8	72-10	3500	20		705210		60330		615	615		Risk Fund
9									0			
10									0			
11									0			
12									0			
13									0			
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27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGEChange on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	9665	61364	Elections Administrator	701732	(1.00)	(57,616)	(18,488)	(15,074)	(91,178)
1000	6088	61364	Prog Development Spec Sr	701732	1.00	57,450	18,435	15,031	90,916
1000	6003	61364	Clerical Unit Supervisor	703113	(1.00)	(46,896)	(15,048)	(12,269)	(74,214)
1000	9140	64885	Operations Supervisor	703113	1.00	48,118	15,441	12,589	76,148
									0
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									0
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									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.00	1,056	339	276	1,671

CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	9665	61364	Elections Administrator	701732	(1.00)	(57,616)	(18,488)	(15,074)	(91,178)
1000	6088	61364	Prog Development Spec Sr	701732	1.00	57,450	18,435	15,031	90,916
1000	6003	61364	Clerical Unit Supervisor	703113	(1.00)	(46,896)	(15,048)	(12,269)	(74,214)
1000	9140	64885	Operations Supervisor	703113	1.00	48,118	15,441	12,589	76,148
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									0
									0
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									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.00	1,056	339	276	1,671



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 09/09/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 06/26/09

BUDGET MODIFICATION: DCS - 02

BUDGET MODIFICATION DCS-02 Reclassifying One Position in the Budget and Operations Support Program, as Determined by the Class/Comp Unit of Central Human Resources

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

Requested Meeting Date:	<u>July 9, 2009</u>	Amount of Time Needed:	<u>Consent</u>
Department:	<u>Community Services</u>	Division:	<u>Budget & Ops Support</u>
Contact(s):	<u>Jerry Elliott</u>		
Phone:	<u>(503) 988-4624</u>	Ext.	<u>84324</u>
		I/O Address:	<u>455/2/224</u>
Presenter(s):	<u>N/A</u>		

General Information

1. What action are you requesting from the Board?

The Department is requesting the Board approve a budget modification for the reclassification of a Finance Specialist 1 to a Finance Specialist, Senior in the Budget and Operations Support Program as determined by the Class/Comp Unit of Central Human Resources.

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

As a result of an internal reorganization of the Budget and Operations Support Program, management requested the Class/Comp Unit of Central Human Resource determine the appropriate new classification for this position. It was found that the vacant Finance Specialist 1 position should be reclassified upward to a Finance Specialist, Senior. This budget modification will change the budget to include this reclassification.

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

Budget modification detail is attached. This will increase the personnel expense budget in FY10. In future years these positions will have increases due to COLA, step increases and increased benefit

costs.

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

None

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?

N/A

- What budgets are increased/decreased?

This budget modification will increase salaries, insurance, benefits and overtime by \$5,760. This increase is offset by an equivalent reduction to Rentals.

- What do the changes accomplish?

This budget modification implements the results of the reclassification request as determined by the Class/Comp unit of Central Human Resources.

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

Reclassification of an existing vacant position.

- How will the county indirect, central finance and human resources and departmental overhead costs be covered?

Any changes will be covered within existing departmental resources.

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

This change is ongoing, contingent upon Board approval of future program offers related to this program.

- If a grant, what period does the grant cover?

N/A

- If a grant, when the grant expires, what are funding plans?

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DCS - 01

Required Signatures

**Elected Official or
Department/
Agency Director:**



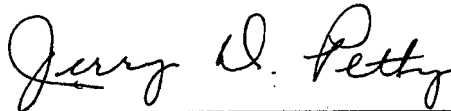
Date: 06/24/09

Budget Analyst:



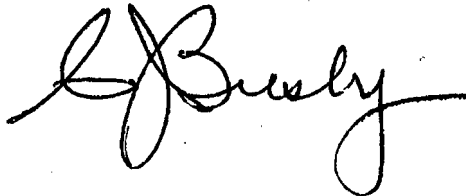
Date: 06/24/09

Department HR:



Date: 06/25/09

Countywide HR:



Date: 06/24/09

Budget Modification ID: **DCS-02****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2010

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center WBS Element						
1	90-55	1509	80		905500	60000	1,151,143	1,154,970	3,827		Increase Permanent
2	90-55	1509	80		905500	60130	337,998	339,108	1,110		Increase Salary Related Exp
3	90-55	1509	80		905500	60140	365,740	366,563	823		Increase Insurance Ben
4	90-55	1509	80			6610G 60210	32,350	26,590	(5,760)		Decrease Rentals
5								0			
6								0			
7	72-10	3500	20		705210	50316		(823)	(823)		Risk Fund
8	72-10	3500	20		705210	60330		823	823		Risk Fund
9								0			
10								0			
11								0			
12								0			
13								0			
14								0			
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27								0			
28								0			
29								0			
									0	0	Total - Page 1
									0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGEChange on a full year basis even though this action affects only a part of the fiscal year (FY).

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1509	6029	64891	Finance Specialist 1	702487	(1.00)	(48,776)	(14,145)	(15,086)	(78,007)
1509	6032	64891	Finance Specialist, Senior	702487	1.00	52,603	15,255	15,909	83,767
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.00	3,827	1,110	823	5,760

CURRENT YEAR PERSONNEL DOLLAR CHANGECalculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1509	6029	64891	Finance Specialist 1	702487	(1.00)	(48,776)	(14,145)	(15,086)	(78,007)
1509	6032	64891	Finance Specialist, Senior	702487	1.00	52,603	15,255	15,909	83,767
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.00	3,827	1,110	823	5,760



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST short form

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 06/26/09

Agenda Title: **RESOLUTION Authorizing an Extension of the Environmental Protection Agency Clean-up Grant for the Former Gas Station Property at 1949 SE Division, to December 31, 2009**

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

Date Requested: July 9, 2009 Time Requested: Consent Item
Department: Community Services Division: Tax Title
Contact(s): Jerry Elliott
Phone: 503-988-4624 Ext. 22591 I/O Address: 503/4/TT
Presenter(s): Jerry Elliott

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the extension of the EPA Clean-up Grant for the former gas station property at 1949 SE Division to December 31, 2009.

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

In 2003, Multnomah County in conjunction with the County's Affordable Housing Development Program (AHDP) applied for an EPA Clean-up Grant to be used to remediate the contamination at the county owned property located at 1949 SE Division. Once the property was cleaned up, it would then be transferred to REACH Community Development who proposes to construct affordable and market rate housing on the site. On September 10, 2003, the county was awarded an EPA Grant in the amount of \$240,000 with \$40,000 of the Grant amount to be contributed by Tax Title. The project period of the Grant was 1/01/2004 to 01/30/2006.

Once the County received the EPA Grant, we then entered into an Intergovernmental Agreement with the City of Portland to manage the project. The length of the IGA coincided with the length of the proposed project period. Through the open bidding process, the City of Portland chose Hahn & Associates to complete the environmental testing and clean-up. Due to numerous delays occurring before actual clean-up could start and after additional contamination was discovered, an extension was requested and obtained to extend the EPA project period to 1/30/2007 and the IGA to 12/31/06. Prior to the end of December 2006, all monies owed the City of Portland for their management of the project were paid. However, because the actual clean-up cost was less than estimated, there were

still EPA Grant funds remaining in the amount of \$61,609.

The County requested that EPA grant another extension of the project period. They responded by extending the project period to 9/30/07. Tax Title entered into a contract with Hahn & Associates. The Proposed Scope of Work included further project management and technical assistance as needed, additional sampling as needed, soil gas point decommissioning and design and construction of the vapor mitigation system. The goal was and still is to obtain a No Further Action letter from the State of Oregon, DEQ that will allow the county to transfer a clean property to the City of Portland and REACH.

In late 2007 the county received EPA grant extension number three to extend the date through 6/30/2008. More testing was required by DEQ at the neighboring property and completed by Hahn and Associates with grant funds totaling \$7,296. Once again the additional testing has not produced the results needed. The grant fund left for this cleanup is approximately \$38,000.

With the work still not completed, in May of 2008 we requested and received the fourth amendment to the EPA grant extending the date to 6/30/2009. The contractor was to conduct additional research and data analysis of previous testing results done at the property located at 2477 SE Ladd, during July through September of 2008 as directed by the Oregon DEQ. Hahn and Associates was to provide Technical Assistance, Ambient Air Sampling, Data Evaluation and Report Preparation with some of the remaining funds from the EPA grant.

There was some progress in late 2008 and early 2009 regarding reaching a solution with the adjacent property owner and all signs pointed toward DEQ providing a No Further Action letter. However in mid April 2009 the adjacent property owner came forward with some unexpected demands associated with the clean-up of his property. DEQ then requested that the county address the demands of the adjacent owner. The contract with Hahn & Assoc will have to be amended and the county will use them to prepare a technical memorandum outlining why the issues mentioned by the adjacent owner do not pose a risk. Hahn & Assoc will also provide consultation, research and continued project management. The county requested and received an extension of the clean-up grant from EPA until December 31, 2009.

This action affects our Vibrant Communities Program Offer by placing a once contaminated tax foreclosed property into public use and removing a longtime eyesore from the neighborhood.

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

There will be no fiscal impact.

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

No legal issues are expected.

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

No citizen or government participation is anticipated.

Required Signature

**Department/
Agency Director:**



Date: 06/26/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing an Extension of the Environmental Protection Agency (EPA) Clean-up Grant for the Former Gas Station Property at 1949 SE Division, to December 31, 2009

The Multnomah County Board of Commissioners Finds:

- a. On September 10, 2003, the county was awarded a Federal EPA Grant in the amount of \$200,000 with a County matching requirement of \$40,000 for a total of \$240,000 to clean up a certain tax foreclosed property, the former gas station at 1949 SE Division (EPA Grant).
- b. The County has contracted with Hahn and Associates to complete the environmental testing and clean-up.
- c. On June 26, 2008, by Resolution 08-092, the Board authorized the Chair to execute the EPA Grant Fourth Amendment extending the grant to June 30, 2009.
- d. The scope of the project and the tasks associated therewith have been revised based on conditions at the site and the necessary work has not been completed, accordingly the EPA has granted a fifth extension through December 31, 2009.
- e. The County has approximately \$22,000 left of EPA grant funds. The County needs to have the remaining EPA Grant funds available to help fund the contractor's services necessary to comply with DEQ's requirements.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute the EPA Grant Fifth Amendment in substantially the form as the attached Exhibit A; extending the grant period until December 31, 2009.
2. The Chair is authorized to execute future amendments to the EPA Grant without further Board action

ADOPTED this 9th day of July, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair


REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Dept. of Community Services

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment		ASSISTANCE ID NO.			DATE OF AWARD 06/18/2009 MAILING DATE 06/18/2009 ACH# X0522	
			PRG	DOC ID	AMEND#		
			BF -	97068501	- 5		
			TYPE OF ACTION No Cost Amendment				
RECIPIENT TYPE: County			Send Payment Request to: Las Vegas Finance Center FAX # 702-798-2423				
RECIPIENT: Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208 EIN: 93-6002309			PAYEE: Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208				
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST			
Gary Thomas P.O. Box 2716 Portland, OR 97208 E-Mail: gary.a.thomas@co.multnomah.or.us Phone: 503-988-3590		Mike Slater 805 SW Broadway, Suite 500, OOO Portland, OR 97205 E-Mail: Slater.Mike@epa.gov Phone: 503-326-5872		Joanne Brendle 1200 6th Ave., Ste. 900, OMP-145 Seattle, WA 98101 E-Mail: Brendle.Joanne@epa.gov Phone: 206-553-6385			
PROJECT TITLE AND EXPLANATION OF CHANGES BF-97068501-0 Multnomah County This amendment extends the project/budget period to 12/31/2009. EPA funding remains the same.							
BUDGET PERIOD 01/01/2004 - 12/31/2009		PROJECT PERIOD 01/01/2004 - 12/31/2009		TOTAL BUDGET PERIOD COST \$240,000.00		TOTAL PROJECT PERIOD COST \$240,000.00	
NOTICE OF AWARD Based on your application dated 07/08/2003, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$0. EPA agrees to cost-share <u>83.33%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$200,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.							
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)				AWARD APPROVAL OFFICE			
ORGANIZATION / ADDRESS				ORGANIZATION / ADDRESS			
EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue, Suite 900 Seattle, WA 98101				U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY							
SIGNATURE OF AWARD OFFICIAL Digital signature applied by EPA Award Official		TYPED NAME AND TITLE JoAnne Brendle, EPA Grant Specialist			DATE 06/18/2009		
AFFIRMATION OF AWARD BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION							
SIGNATURE		TYPED NAME AND TITLE Ted Wheeler, Chair, Board of County Commissioners			DATE		

EPA Funding Information

BF - 97068501 - 5 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 200,000	\$ 0	\$ 200,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 40,000	\$	\$ 40,000
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 240,000	\$ 0	\$ 240,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 101(39) CERCLA: Sec. 104(k)(3)	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation

Budget Summary Page: Special Needs Housing for the Physically Disabled

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$16,750
2. Fringe Benefits	\$0
3. Travel	\$350
4. Equipment	\$0
5. Supplies	\$500
6. Contractual	\$218,400
7. Construction	\$0
8. Other	\$4,000
9. Total Direct Charges	\$240,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>16.67</u> % Federal <u>83.33</u> %.)	\$240,000
12. Total Approved Assistance Amount	\$200,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$0
15. Total EPA Amount Awarded To Date	\$200,000

Administrative Conditions

All Administrative Conditions Remain the Same

Programmatic Conditions

All Programmatic Conditions Remain the Same
END OF ASSISTANCE AGREEMENT BF -97068501-5

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-094

Authorizing an Extension of the Environmental Protection Agency (EPA) Clean-up Grant for the Former Gas Station Property at 1949 SE Division, to December 31, 2009

The Multnomah County Board of Commissioners Finds:

- a. On September 10, 2003, the county was awarded a Federal EPA Grant in the amount of \$200,000 with a County matching requirement of \$40,000 for a total of \$240,000 to clean up a certain tax foreclosed property, the former gas station at 1949 SE Division (EPA Grant).
- b. The County has contracted with Hahn and Associates to complete the environmental testing and clean-up.
- c. On June 26, 2008, by Resolution 08-092, the Board authorized the Chair to execute the EPA Grant Fourth Amendment extending the grant to June 30, 2009.
- d. The scope of the project and the tasks associated therewith have been revised based on conditions at the site and the necessary work has not been completed, accordingly the EPA has granted a fifth extension through December 31, 2009.
- e. The County has approximately \$22,000 left of EPA grant funds. The County needs to have the remaining EPA Grant funds available to help fund the contractor's services necessary to comply with DEQ's requirements.

The Multnomah County Board of Commissioners Resolves:

1. The Chair is authorized to execute the EPA Grant Fifth Amendment in substantially the form as the attached Exhibit A; extending the grant period until December 31, 2009.
2. The Chair is authorized to execute future amendments to the EPA Grant without further Board action

ADOPTED this 9th day of July, 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:


AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

M. Cecilia Johnson, Director, Dept. of Community Services

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	ASSISTANCE ID NO.			DATE OF AWARD 06/18/2009
		PRG	DOC ID	AMEND#	
		BF - 97068501 - 5			
		TYPE OF ACTION No Cost Amendment			MAILING DATE 06/18/2009
PAYMENT METHOD:			ACH# X0522		
RECIPIENT TYPE: County			Send Payment Request to: Las Vegas Finance Center FAX # 702-798-2423		
RECIPIENT:			PAYEE:		
Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208 EIN: 93-6002309			Multnomah County Tax Title P.O. Box 2716 Portland, OR 97208		
PROJECT MANAGER		EPA PROJECT OFFICER		EPA GRANT SPECIALIST	
Gary Thomas P.O. Box 2716 Portland, OR 97208 E-Mail: gary.a.thomas@co.multnomah.or.us Phone: 503-988-3590		Mike Slater 805 SW Broadway, Suite 500, OOO Portland, OR 97205 E-Mail: Slater.Mike@epa.gov Phone: 503-326-5872		Joanne Brendle 1200 6th Ave., Ste. 900, OMP-145 Seattle, WA 98101 E-Mail: Brendle.Joanne@epa.gov Phone: 206-553-6385	
PROJECT TITLE AND EXPLANATION OF CHANGES					
BF-97068501-0 Multnomah County					
This amendment extends the project/budget period to 12/31/2009. EPA funding remains the same.					
BUDGET PERIOD 01/01/2004 - 12/31/2009		PROJECT PERIOD 01/01/2004 - 12/31/2009		TOTAL BUDGET PERIOD COST \$240,000.00	
				TOTAL PROJECT PERIOD COST \$240,000.00	
NOTICE OF AWARD					
Based on your application dated 07/08/2003, including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA), hereby awards \$0. EPA agrees to cost-share 83.33% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$200,000. Such award may be terminated by EPA without further cause if the recipient fails to provide timely affirmation of the award by signing under the Affirmation of Award section and returning all pages of this agreement to the Grants Management Office listed below within 21 days after receipt, or any extension of time, as may be granted by EPA. This agreement is subject to applicable EPA statutory provisions. The applicable regulatory provisions are 40 CFR Chapter 1, Subchapter B, and all terms and conditions of this agreement and any attachments.					
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)			AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS			ORGANIZATION / ADDRESS		
EPA Region 10 Mail Code: OMP-145 1200 Sixth Avenue, Suite 900 Seattle, WA 98101			U.S. EPA, Region 10 Office of Environmental Cleanup 1200 Sixth Avenue, Suite 900 Seattle, WA 98101		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY					
SIGNATURE OF AWARD OFFICIAL		TYPED NAME AND TITLE		DATE	
Digital signature applied by EPA Award Official		JoAnne Brendle, EPA Grant Specialist		06/18/2009	
AFFIRMATION OF AWARD					
BY AND ON BEHALF OF THE DESIGNATED RECIPIENT ORGANIZATION					
SIGNATURE		TYPED NAME AND TITLE		DATE	
		Ted Wheeler, Chair, Board of County Commissioners			

EPA Funding Information

BF - 97068501 - 5 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 200,000	\$ 0	\$ 200,000
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 40,000	\$	\$ 40,000
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 240,000	\$ 0	\$ 240,000

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.818 - Brownfields Assessment and Cleanup Cooperative Agreements	CERCLA: Sec. 101(39) CERCLA: Sec. 104(k)(3)	40 CFR PART 31

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation

Budget Summary Page: Special Needs Housing for the Physically Disabled

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$16,750
2. Fringe Benefits	\$0
3. Travel	\$350
4. Equipment	\$0
5. Supplies	\$500
6. Contractual	\$218,400
7. Construction	\$0
8. Other	\$4,000
9. Total Direct Charges	\$240,000
10. Indirect Costs: % Base	\$0
11. Total (Share: Recipient <u>16.67</u> % Federal <u>83.33</u> %.)	\$240,000
12. Total Approved Assistance Amount	\$200,000
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$0
15. Total EPA Amount Awarded To Date	\$200,000

Administrative Conditions

All Administrative Conditions Remain the Same

Programmatic Conditions

All Programmatic Conditions Remain the Same

END OF ASSISTANCE AGREEMENT BF -97068501-5



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 06/24/09

Agenda Title: Appointment of Jon Chess, Tara Bowen-Biggs, Stephen Wright, Jodi Shaw, Sheila Isley, Dana Schnell, Theresa Sullivan, Dawn Sechrist and Leisa Vandehey to the 2009 CHARITABLE GIVING CAMPAIGN MANAGEMENT COUNCIL

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

Requested Meeting Date: July 9, 2009 Amount of Time Needed: 3 minutes
Department: County Management Division: Director's Office
Contact(s): Theresa Sullivan
Phone: 503 988-3635 Ext. 83635 I/O Address: 503/531
Presenter(s): Theresa Sullivan

General Information

1. What action are you requesting from the Board?

Appointment of the following County employees as department representatives to the Multnomah County Charitable Giving Campaign:

Jon Chess	Libraries	Leisa Vandehey	Health
Tara Bowen-Biggs	Non-Departmental	Dana Schnell	Community Justice
Stephen Wright	Sheriff's Office	Sheila Isley	Community Services
Jodi Shaw	County Human Services	Dawn Sechrist	District Attorney's
Theresa Sullivan	County Management		

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

In accordance with County Code Chapter 9.62, the departments have recommended the appointment of the above to represent their respective department in the 2007 Multnomah County Charitable Giving Campaign.

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

None

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

None

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

None

Required Signature

Elected Official or
Department/
Agency Director:

Carol M. Ford

Date: 6/24/09



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: R-2
Est. Start Time: 9:35 AM
Date Submitted: 06/24/09

Agenda Title: Approval of 2009 Charitable Giving Campaign Participating Funds/Federations

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

Requested Meeting Date: July 9, 2009 Amount of Time Needed: 5 minutes
Department: County Management Division: Director's Office
Contact(s): Theresa Sullivan
Phone: 503 988-3635 Ext. 83635 I/O Address: 503/531
Presenter(s): Theresa Sullivan

General Information

1. What action are you requesting from the Board?

The Campaign Management Council recommends approval of the following organizations to participate in the 2009 County Charitable Giving Campaign:

	Term Expires
Black United Fund of Oregon	12/31/2009
Children's Trust Fund of Oregon	12/31/2009
Community Health Charities	12/31/2009
Earth Share of Oregon	12/31/2009
Equity Foundation	12/31/2009
Global Impact	12/31/2009
Habitat for Humanity of Oregon	12/31/2010
Portland Schools Foundation	12/31/2010
Work for Art (formerly RACC)	12/31/2010
United Way of Columbia-Willamette	12/31/2009

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

Per MCC 9.630, the Campaign Management Council shall select organizations for the Board to

certify and approve to participate in the County's campaign.

The funds/federations listed above all meet the qualification criteria set forth in MCC 9.630.

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

None

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

None

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

None

Required Signature

**Elected Official or
Department/
Agency Director:**

Carol M. Ford

Date: 6/24/09

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

Please complete this form and return to the Board Clerk

This form is a public record

MEETING DATE: 7/9/09

SUBJECT: Community Giving Campaign

AGENDA NUMBER OR TOPIC: R-2

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Meghan Humphreys

ADDRESS: PO Box 40333

CITY/STATE/ZIP: PORTLAND OR 97240

PHONE: DAYS: 503 223 9015 EVES: 503.774.3631

EMAIL: meghan@earthshare-oregon.org FAX: _____

SPECIFIC ISSUE: charitable giving campaign for county employees

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Address the County Commissioners from the presenter table microphones. Please limit your comments to **3 minutes**.
3. State your name for the official record.
4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

1. Please complete this form and return to the Board Clerk.
2. Written testimony will be entered into the official record.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: R-3
Est. Start Time: 9:40 AM
Date Submitted: 07/01/09

Agenda Title: Columbia River Gorge Commission Update on the State of the Gorge 2009
Report and Vital Signs Indicators Project

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

Requested Meeting Date: July 9, 2009 Amount of Time Needed: 20 minutes
Department: Non-Departmental Division: Chair's Office
Contact(s): Tara Bowen-Biggs
Phone: 503 988-3308 Ext. 83953 I/O Address: 503/600
Presenter(s): Jill Arens Executive Director of the Columbia River Gorge Commission and Jim Middaugh, Multnomah County's Representative to the Commission

General Information

1. What action are you requesting from the Board?

No action, informational briefing only.

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

This report is the first comprehensive effort to measure conditions within the boundaries of the Columbia Gorge Scenic Area. Information will continue to be collected so that as results become available, future reporting will be accessible online. Over time trends will become apparent, and evaluation of the information will assist the Gorge Commission in future decision-making.

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

N/A

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

The Vital Signs Indicators Project developed several goals, including developing a set of high level measures to assess the conditions of the gorge resources; informing future plan review sessions, and guiding adaptive management; building new and strengthening existing relations with the Columbia

Gorge Commission partner agencies and gorge communities; and sharing information through community presentations and a dedicated website.

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

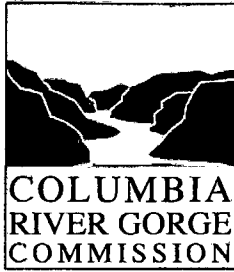
A total of 51 measures were created through an open and transparent public process, using a community advisory team and a technical advisory team comprised of gorge citizens, partner agencies, universities, tribal members and leading technical experts. The Institute for National Resources of Oregon State University served as neutral oversight. The website, www.gorgevitalsigns.org will provide the most current available information to those who are interested in gorge resources.

Required Signature

Elected Official or
Department/
Agency Director:



Date: 07/01/09



PO Box 730 • 11 Town & Country Square • White Salmon, Washington 98672 • 509-493-3323 • fax 509-493-2229
www.gorgecommission.org

Memo

To: Council members and interested parties

From: The Columbia River Gorge Commission

Date: May 29, 2009

Subject: Vital Signs Indicators Project and the State of the Gorge – 2009 Report

Over the last two years, the Columbia River Gorge Commission has devoted a significant amount of energy and staff time towards the Vital Signs Indicators Project. As the Commission's highest priority project, we are pleased to announce that the first report, *State of the Gorge 2009*, is now available. Please visit our website at www.gorgecommission.org to view a PDF of the report.

The Vital Signs Indicators Project has several goals, including:

1. Develop a set of high level measures to assess the conditions of gorge resources;
2. Inform future plan review sessions, and guide adaptive management;
3. Build new and strengthen existing relationships with our partner agencies and gorge communities; and
4. Share information through community presentations and a dedicated website.

The 2009 report contains the high level measures of gorge health described in goal one above. A total of fifty-one measures were created through an open and transparent public process, using a community advisory team as well as a technical advisory team. The teams were comprised of gorge citizens, partner agencies, universities, tribal members and leading technical experts. The Institute for Natural Resources of Oregon State University served as neutral oversight.

During the six month long advisory team process, we asked the teams to help create a set of measures that would enable us to track the conditions of gorge resources (scenic, natural, economic, cultural and recreation). To ensure the success of the project, we agreed that the measures needed to not only be grounded in the best available science, but that they were easily understood and embraced by members of the public.

This report is the first comprehensive effort to measure conditions within the boundaries of the Scenic Area. Information will continue to be collected so that as results become available, future reporting will be accessible online. Over time trends will become apparent, and evaluation of the information will assist the Gorge Commission in future decision-making. Cumulative impacts will be evaluated. Gorge Commission staff are currently working on the development of a new website, www.gorgevitalsigns.org, that will be devoted entirely to the Vital Signs Indicators Project. This site will provide the most current available information to those who are interested in gorge resources. It is our hope that by sharing this information, we can become a catalyst for new projects in other agencies and communities and work together as a region to better protect the Columbia River Gorge National Scenic Area.

Thank you for your interest in this project. Please contact Angie Kenney, Lead Planner for the Vital Signs Indicators Project, for additional information and for your comments and suggestions to improve future reporting. She can be reached at (509) 493-3323 extension 232 or by email at kenney@gorgecommission.org.



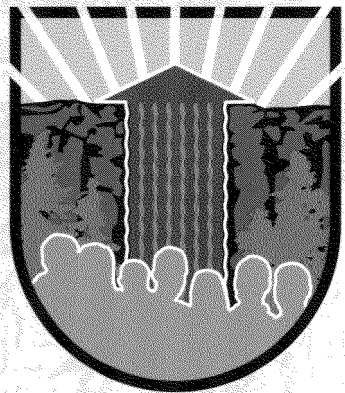
COLUMBIA GORGE
FUTURE FORUM



ENVISIONING OUR FUTURE

A SHARED VISION
AND STRATEGIES
FOR THE COLUMBIA
RIVER GORGE

COLUMBIA GORGE FUTURE FORUM



4 STRONG, HEALTHY
COMMUNITIES



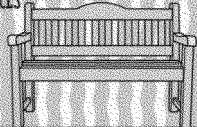
6 DYNAMIC LOCAL
ECONOMIES



8 SUSTAINABLE
ENVIRONMENT



10 VIBRANT, LIVABLE
PLACES



12 BALANCED, ACCESSIBLE
TRANSPORTATION



14 THRIVING EDUCATION
& ARTS



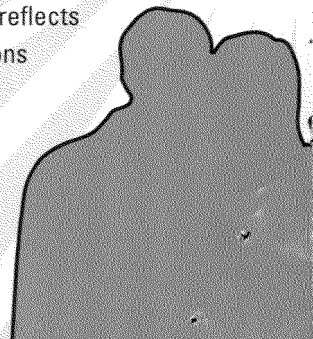
A FORUM ON OUR FUTURE

The Columbia Gorge Future Forum is a participatory public process focused on creating a shared vision for the Columbia River Gorge. The Future Forum is reaching across city, county, state and tribal boundaries to envision the future of this magnificent region in an integrated, collaborative way.

While building on past regional conversations, the Future Forum represents the first-ever sustained visioning effort for the Gorge – backed by a broad base of public support, exploring a comprehensive range of issues of concern to citizens and designed to support local communities as they plan for the future.

This publication presents the results of the Future Forum visioning process. Organized around six themes and incorporating 75 specific strategies for change, the Gorge vision reflects the input of hundreds of individuals and organizations from diverse backgrounds and perspectives.

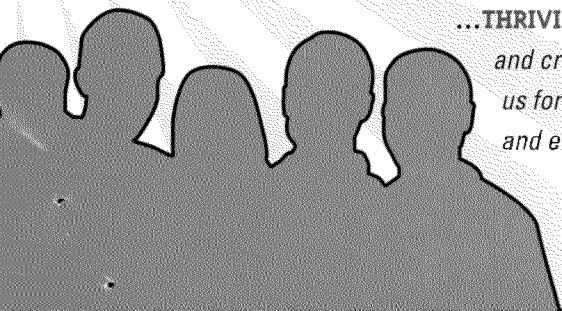
The Gorge vision stands ready to inform, guide and motivate local communities, leaders and citizens in undertaking initiatives that will bring our vision closer to reality.



BUILDING A VIBRANT, SUSTAINABLE FUTURE FOR THE GORGE

WE ENVISION...

- ...**STRONG, HEALTHY COMMUNITIES** ~ each distinct in its people, places and local identity, yet sharing common qualities and values that unite our region and its hopes for the future.
- ...**DYNAMIC LOCAL ECONOMIES** ~ building on our traditional strengths and resources to create new opportunities for year-round, sustainable, locally based employment.
- ...**A SUSTAINABLE ENVIRONMENT** ~ where people prize our region's beauty, steward and protect its natural resources, and strive to minimize their impact on its natural systems.
- ...**VIBRANT, LIVABLE PLACES** ~ where growth is well managed, urban development is concentrated and local communities enjoy a rewarding quality of life.
- ...**BALANCED, ACCESSIBLE TRANSPORTATION** ~ connecting our region and allowing people and goods to move safely, efficiently and conveniently with minimal environmental impacts.
- ...**THRIVING EDUCATION AND ARTS** ~ where learning and creative expression nurture our youth, prepare us for employment, broaden our cultural horizons and enrich our daily lives.



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COLUMBIA GORGE FUTURE FORUM



THE CHALLENGE OF CHANGE

Today, Columbia Gorge communities are changing at a pace never before experienced. Every day, our world becomes 'smaller,' and even the most remote places are affected by far-flung global trends and forces.

Over the last 20 years, Gorge residents have seen their share of change – population growth, economic shifts, environmental stresses – and the impact on jobs, housing, transportation, public services, natural areas and our quality of life. Because change is a constant, it's more important than ever that Gorge communities learn to respond in a proactive way.

A vision can be a powerful tool for managing and directing change. While it's important for any community to focus on its day-to-day business and immediate challenges, a guiding vision enables us to see such activities from a long-term perspective, creating a more unified, strategic direction for our future.

The Columbia Gorge Future Forum seeks to support this goal through the creation of a shared, regional vision. A vision that unites our region can help inform and guide local actions – adding up to a vibrant, more sustainable Gorge that we all want to be part of.

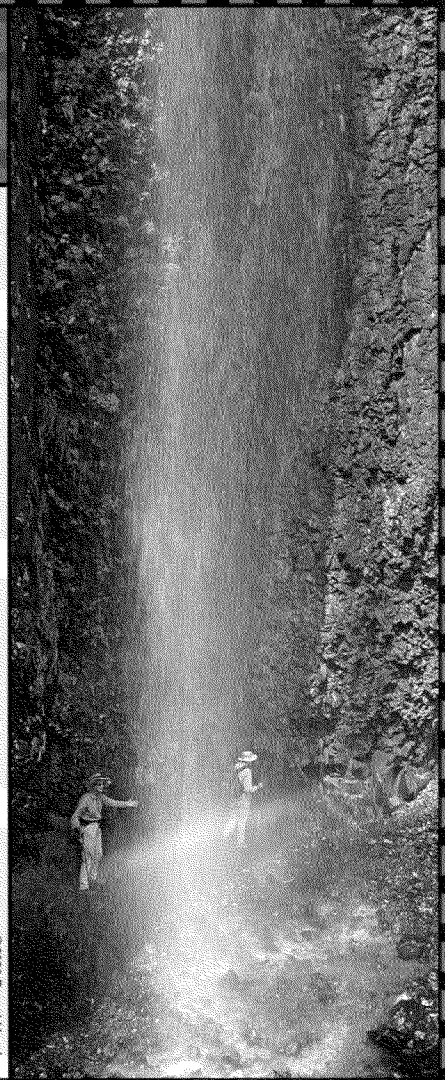
THE VISIONING PROCESS

In 2007, the Columbia Gorge Future Forum launched a public process to create a vision for our region. In October, 150 stakeholders and sponsors gathered at the Columbia Gorge Discovery Center for a dynamic day of conversation. There, a noted futurist and panel of regional experts outlined key trends and issues facing the region. Participants discussed these challenges and shared their visions for the future.

Encouraged by citizens, the Future Forum broadened the dialogue. From February to April 2008, local meetings were conducted in the Gorge's 13 cities and unincorporated communities. Special meetings were also held for Gorge Tribal and Hispanic communities. Additionally, citizens were invited to contribute their ideas electronically – via the Future Forum Web site.

At each new juncture in the discussion, participants were asked to describe what they value most about the Gorge, challenges facing our future, their own vision for the Gorge in 20 years and local actions that could help achieve such a vision.

In the end, more than 500 individuals contributed some 1,500 comments. This input was analyzed by Portland State University's Survey Research Lab to identify common themes and ideas. The results were captured in the six thematic visions and 75 specific strategies on the pages that follow...





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COLUMBIA GORGE FUTURE FORUM



WE ENVISION a network of strong, healthy communities across the Columbia Gorge – each distinct in its people, places and local identity, yet sharing common values that unite our region and its hopes for the future...

In our vision, we work to ensure that our communities protect and enhance their identities and quality of life through good governance, sound planning and sustainable development. Gorge communities remain safe, secure, welcoming places in which to grow, thrive and age. We support our families, youth and elders through affordable housing and health care, accessible transportation and diverse recreational opportunities. Our communities are built on cooperation and mutual respect, and are inclusive of our varied cultures, ethnicities and indigenous tribes. Our citizens are actively engaged in local government and work together to create solutions to the challenges of the future. Our governments and leaders listen carefully to the needs and aspirations of their citizens, and work across boundaries to cooperate in achieving our shared regional vision and goals.

OUR VISION FOR STRONG, HEALTHY COMMUNITIES

STRATEGIES FOR ACHIEVING OUR VISION

COMMUNITY IDENTITY

- ☛ Support local community-building efforts.
- ☛ Increase local volunteerism, community improvement projects and celebrations.

COOPERATION, RESPECT & DIVERSITY

- ☛ Promote opportunities for regional cooperation and resource sharing among Gorge citizens.
- ☛ Promote understanding and respect for social and cultural diversity in Gorge communities.
- ☛ Explore ways to improve the lives of Native Americans in the Gorge, including tribal rights and ceremonies, laws affecting tribes, improved housing and tribal business development.

HEALTH & SAFETY

- ☛ Increase funding and support for local and regional law enforcement programs.
- ☛ Improve and enhance local police and fire departments.
- ☛ Promote a more holistic, preventive health care model in the Gorge.

- ☛ Provide safe, healthy activities and opportunities for youth.
- ☛ Expand and improve essential services for elderly populations.

CIVIC ENGAGEMENT

- ☛ Increase public involvement programs and activities throughout Gorge governance.
- ☛ Strengthen civic engagement through a permanent regional forum for citizen dialogue.
- ☛ Support and expand opportunities for volunteers in Gorge communities, including schools and parks.

GOVERNANCE

- ☛ Strengthen regional and inter-agency planning, coordination and program implementation.
- ☛ Encourage and promote regional partnerships in economic development and other government services.
- ☛ Increase local government involvement in growth management, transportation, natural resource protection and other programs.
- ☛ Institute new financial tools and incentives to support the region's vision and goals.

"A community of individuals willing to give of themselves to preserve the passionate and diverse way of life we experience in the Gorge."

~ Vision of Cascade Locks Community Meeting Participant

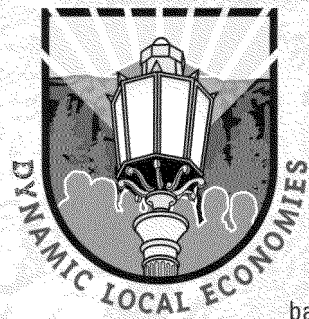
For more details on our vision and strategies go to www.GorgeFutureForum.org





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COLUMBIA GORGE FUTURE FORUM



WE ENVISION dynamic local economies for Columbia Gorge communities – building on our traditional strengths and resources to create new opportunities for year-round, sustainable, locally based employment...

In our vision, we see increased economic diversity in the Gorge, including new business and industry based on the Internet, high technology, alternative energy and sustainable development. While agriculture remains a major force in our economy, we have increased our emphasis on sustainable farming practices and food production for local markets. Tourism in the Gorge is sustainably managed and demonstrates a profound respect for our environment, communities and native cultures. Visitors enjoy ecological, agricultural and cultural tourism opportunities that highlight our natural environment, orchards and vineyards, and local communities. Small, local and home-based businesses, niche technology companies and cottage industries have expanded their role in the Gorge. Advances in telecommunications support our local entrepreneurs, allowing more people to earn a living wage in the communities where they live.

OUR VISION FOR DYNAMIC LOCAL ECONOMIES

"Communities that rely upon locally produced food and renewable energy, including wind, small scale hydro, biomass and solar." ~ Vision of Discovery Center Event Participant

STRATEGIES FOR ACHIEVING OUR VISION

LOCAL & REGIONAL ECONOMIES

- Support Gorge-based networks and professional organizations, and their activities, products and services.
- Recruit new businesses that sustain local communities, including Gorge grown or made products, 'value-added' manufacturing, alternative energy and low-impact technology.
- Encourage local businesses, retailers and banks to offer discounts and financial incentives for Gorge residents.
- Promote a 'complementary currency system' – a formalized barter and trade program.

EMPLOYMENT & SMALL BUSINESS DEVELOPMENT

- Create local living wage job opportunities for Gorge residents in sustainable industry, renewable energy, home-based business and cottage industries.
- Support development of small, locally owned businesses that serve community needs.

TECHNOLOGY

- Improve and enhance telecommunication infrastructure and services, fostering high-tech, low-impact businesses, home-based business and telecommuter-based employment.

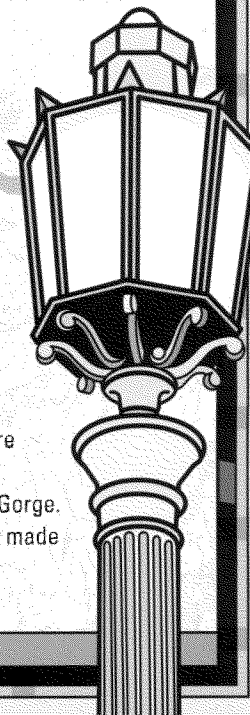
AGRICULTURE

- Refine local land use plans and zoning codes to encourage local, small-scale farms.
- Promote increased local food production to meet the needs of Gorge communities.

TOURISM

- Enhance the Gorge tourism experience by providing more visitor amenities.
- Promote 'ecotourism' and 'agritourism' programs in the Gorge.
- Develop a Gorge-based retail center for Gorge grown or made goods that cater to tourists.

For more details on our vision and strategies go to www.GorgeFutureForum.org





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COLUMBIA GORGE FUTURE FORUM



WE ENVISION a sustainable environment in the Columbia Gorge – where people prize our region's beauty, steward and protect its natural resources, and minimize their impact on its natural systems...

In our vision, we see a growing 'green ethic' in which people tread lightly on the land. Our National Scenic Area regulations are respected and enforced, development is restricted from protected areas, forests are sustainably managed and classic Gorge vistas have been preserved. We enjoy unmatched access to outdoor recreational opportunities – even as we protect some natural areas from human activity entirely. Our preservation of natural habitat helps native plants and animals thrive, while promoting recovery of endangered species. Once again, healthy salmon runs populate the Columbia River and its tributaries. We have improved our water and air quality. Our communities have greatly increased their use of small-scale alternative energy such as solar and wind. Larger alternative energy installations support our region's energy self-reliance – without compromising its scenic beauty, character or ecological integrity.

OUR VISION FOR A SUSTAINABLE ENVIRONMENT

STRATEGIES FOR ACHIEVING OUR VISION

NATIONAL SCENIC AREA & RESOURCE LANDS

- ☛ Improve National Scenic Area administration and management through periodic review and refinement of the NSA Management Plan.
- ☛ Develop a comprehensive regional strategy to promote sound management of the region's forest resources.

OUTDOOR RECREATION

- ☛ Improve planning and funding for outdoor recreational facilities, programs and activities.
- ☛ Develop a diversity of new recreational trails throughout the Gorge.

NATIVE SPECIES

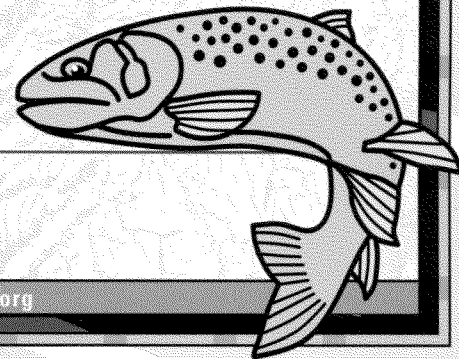
- ☛ Protect and enhance native wildlife habitat throughout the Gorge, through asset inventories, eradication of invasive species, tree-planting, wildlife corridors and land acquisition.
- ☛ Foster recovery of historical salmon runs in the Columbia River and its Gorge tributaries.

AIR & WATER QUALITY

- ☛ Develop and implement a regional air and water quality improvement strategy for the Gorge.
- ☛ Develop a wide-ranging clean skies campaign involving Gorge businesses and residents.
- ☛ Encourage adoption of local 'night skies' ordinances that reduce light pollution and promote the return of starry nighttime vistas.

ALTERNATIVE ENERGY

- ☛ Support increased use of small-scale, alternative energy applications in the Gorge.
- ☛ Promote development of renewable energy sources that do not negatively impact National Scenic Area resources and values.



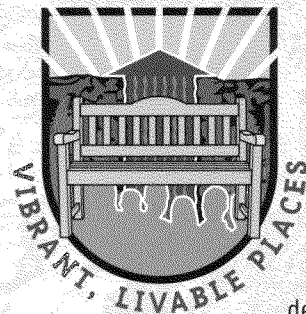
"The most important issue for my people is the great Columbia River and our fish. We honor and wish to protect the river." ~ Vision of Celilo Community Meeting Participant

For more details on our vision and strategies go to www.GorgeFutureForum.org



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COLUMBIA GORGE FUTURE FORUM



WE ENVISION vibrant, livable places in the Columbia Gorge – where growth is well managed, urban development is concentrated and local communities enjoy a rewarding quality of life...

In our vision, Gorge towns are 'complete communities' that enable residents to meet most of their needs locally. We have achieved greater densities through walkable downtowns and 'mixed-use' development that blends housing and commercial buildings with shops, restaurants and well-used public spaces. We support this density with parks, trails and access to open spaces and recreational opportunities. Many of our residents walk, bike or use local shuttles or transit for everyday needs. We have a greater diversity of affordable housing, creating opportunities for people of all incomes, backgrounds and generations to own or rent their homes. Our housing is smaller, more efficient and utilizes new technologies to reduce consumption of energy and resources. Much of our food is grown, marketed and consumed locally, through a system of small farms, farmers markets, 'community supported agriculture' and community gardens.

OUR VISION FOR VIBRANT, LIVABLE PLACES

STRATEGIES FOR ACHIEVING OUR VISION

URBAN GROWTH & DEVELOPMENT

- Promote a region-wide dialogue on population growth and urban development in the Gorge.
- Guide future urban growth in the Gorge through careful management of existing urban areas.
- Enhance and protect the character of Gorge communities through downtown preservation, design standards and careful mixed-use development.

LIVABILITY

- Promote mixed-use development in Gorge downtown districts, blending residential, office and small retail uses in denser developments.
- Support development of town squares and public spaces in Gorge communities.
- Facilitate increased pedestrian and bicycle activity in Gorge towns through improved sidewalks, pedestrian crossings and bicycle lanes.

- Develop a comprehensive regional strategy to promote affordable housing in all Gorge communities.

PARKS & OPEN SPACES

- Increase public access to the Columbia River and its tributaries.
- Improve and expand community parks and access to open space in Gorge communities.

SUSTAINABLE BUILDING

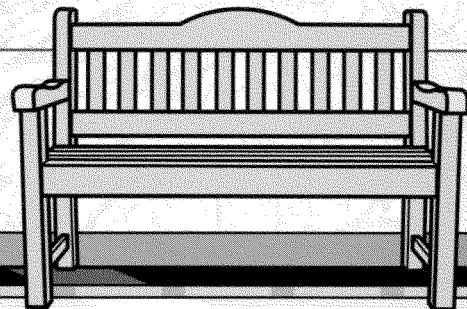
- Promote green building standards and practices in Gorge communities.

FOOD & WATER

- Develop local food systems connecting small farms to local communities, through farmers markets, 'community supported agriculture' programs, food co-ops and community gardens.
- Develop a comprehensive, regional strategy to plan for and promote sustainable usage of current and future water resources available in the Gorge.

"A thriving downtown with a community park, a great school, public transportation, local produce and goods market, music and art all making people happy." ~ Vision of Mosier Community Meeting Participant

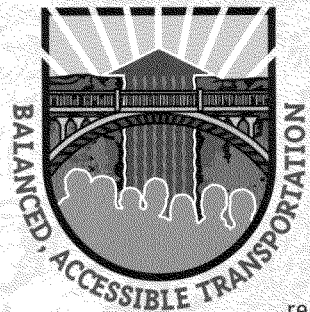
For more details on our vision and strategies go to www.GorgeFutureForum.org





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COLUMBIA GORGE FUTURE FORUM



WE ENVISION a balanced, accessible transportation system in the Columbia Gorge – connecting our region and allowing people and goods to move safely, efficiently and conveniently with minimal environmental impacts...

In our vision, we balance traditional and alternative modes of travel – lessening our dependence on cars, reducing our 'carbon footprint' and protecting our environment. We carefully maintain and improve our highways, utilizing new tools to manage, facilitate and, in some cases, restrict the flow of traffic. We have enhanced our bridges to ensure better connections across the Columbia River, safely accommodating public transit, bicycles and pedestrians. Once again, we travel by train, with regular service for residents, commuters and tourists between Gorge communities and the Portland/Vancouver area. Interregional buses and ferries also serve our communities, reducing the number of private automobiles on our roads. An interconnected system of bicycle and pedestrian trails links all Gorge communities, allowing residents and tourists to travel throughout the region – entirely free of motorized vehicles.

OUR VISION FOR BALANCED, ACCESSIBLE TRANSPORTATION

"An excellent public transportation system – linking Gorge communities with each other and Portland." ~ Vision of Underwood Community Meeting Participant

STRATEGIES FOR ACHIEVING OUR VISION

ALTERNATIVE MODES OF TRANSPORTATION

- Promote adoption of alternative modes of transportation that provide new options to Gorge residents for local travel and daily trips.

TRANSPORTATION NETWORK

- Promote a comprehensive mass transit system that serves the unique geography and population centers of the Gorge.
- Establish new rail service linking Gorge communities with the Portland/Vancouver metropolitan area.
- Explore establishment of a regular river ferry service on the Columbia River.

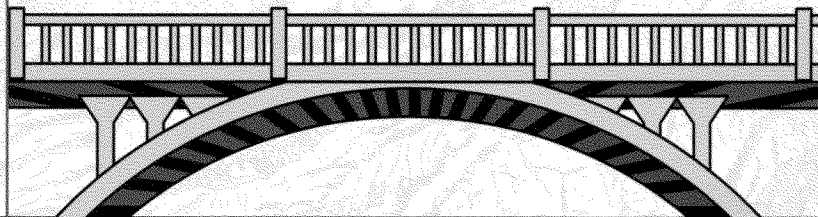
HIGHWAYS, ROADS & BRIDGES

- Support ongoing maintenance and improvement of Gorge highways, roads and bridges.
- Establish selective restrictions on through-travel on parts of the Historic Columbia River Highway (Highway 30) and Washington State Route 14.

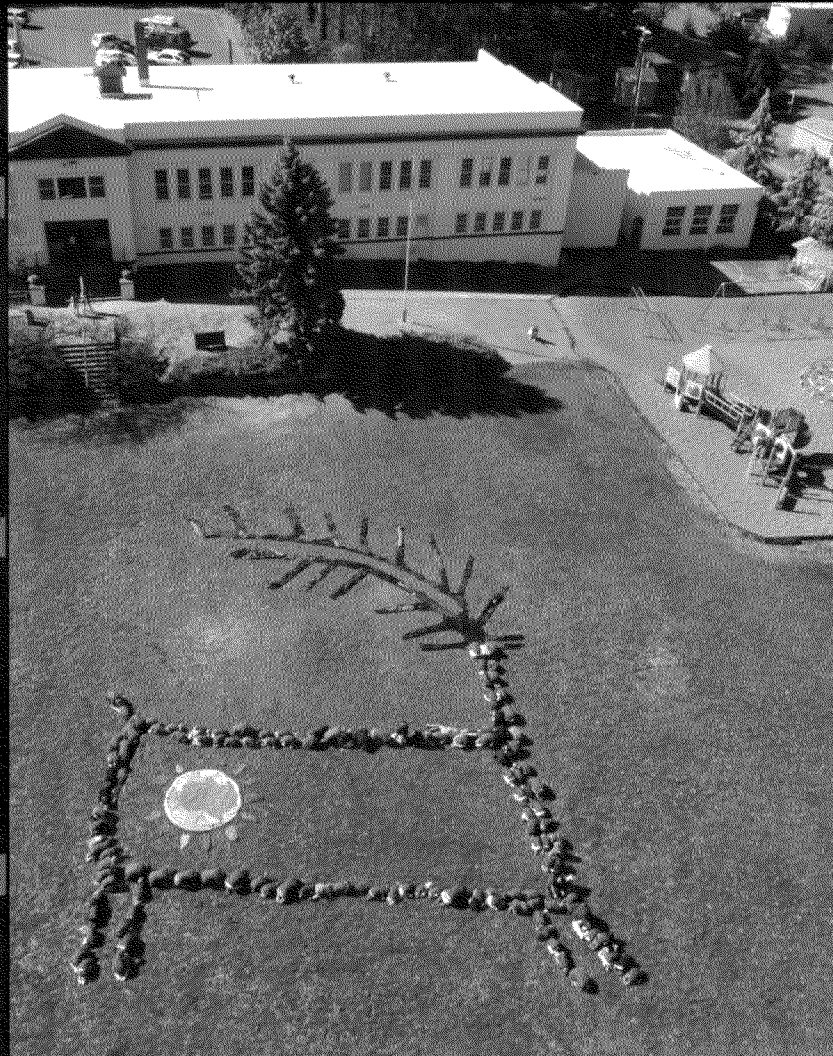
- Explore options for connections across the Columbia River that accommodate commercial and private vehicles, as well as mass transit, bicycles and pedestrians.

BICYCLES & PEDESTRIANS

- Develop financial incentives to encourage and promote bicycle use as an alternative mode of transportation in Gorge communities.
- Promote the development of new bicycle lanes and bicycle/pedestrian trails in Gorge towns.
- Develop a regional, interconnected pedestrian and bicycle trail linking all Gorge communities on both sides of the Columbia River.

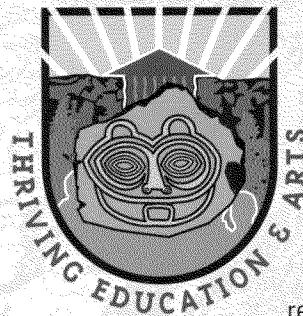


For more details on our vision and strategies go to www.GorgeFutureForum.org



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COLUMBIA GORGE FUTURE FORUM



WE ENVISION a Columbia Gorge that places a high value on thriving education and arts – where learning and creative expression nurture our youth, prepare us for employment, broaden our cultural horizons and enrich our daily lives...

In our vision, knowledge and creativity enable Gorge communities to adapt to a changing world, while respecting our core values, natural environment and cultural heritage. Our schools and community colleges have expanded educational offerings and access to advanced degrees that prepare students for the workforce and a changing economy. New scientific programs, research facilities and interpretive centers offer innovative learning opportunities based on our region's unique environmental and cultural assets. We honor our cultural heritage as an integral part of the Gorge. Tribal traditions and cultures are deeply respected, while ceremonial sites and livelihoods are protected. Arts, music and cultural programs help our communities celebrate their local identity and sense of place. Flourishing arts organizations, artist communities, events and festivals bring full creative expression into the public sphere.

OUR VISION FOR THRIVING EDUCATION & ARTS

STRATEGIES FOR ACHIEVING OUR VISION

TEACHING SUSTAINABILITY

- ☛ Develop public education and awareness programs promoting sustainable living.
- ☛ Enhance high school and community college vocational training in emerging sustainable industries.
- ☛ Expand adult education programs and classes focused on sustainable living practices.

SCHOOLS & EDUCATION

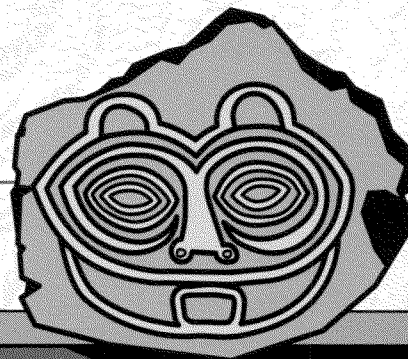
- ☛ Foster stronger support for local schools in the Gorge, including new funding sources, improved programs and classes, and increased involvement of parents and volunteers.
- ☛ Develop and improve programs in local schools and community colleges for Gorge minority youth.
- ☛ Expand college preparatory programs at Mt. Hood Community College and Columbia Gorge Community College.
- ☛ Promote development of new scientific programs, research facilities and interpretive centers.

CULTURAL HERITAGE

- ☛ Sustain the history, culture and traditions of the Gorge's indigenous peoples and tribes.
- ☛ Establish a permanent museum and interpretive center for Native American history, culture and stories in the Columbia Gorge.

ARTS & ENTERTAINMENT

- ☛ Expand arts education in Gorge schools and community colleges.
- ☛ Support continued development and expansion of arts organizations in the Gorge.
- ☛ Promote development of new seasonal artistic events and festivals in the Gorge.
- ☛ Foster creation of new studio space for existing and emerging Gorge artists.



"For each community to be thriving and based on art, culture, sustainability and education." ~ Vision of Discovery Center Event Participant

For more details on our vision and strategies go to www.GorgeFutureForum.org

COLUMBIA GORGE FUTURE FORUM



NEXT STEPS GETTING INVOLVED STAYING IN TOUCH

The Columbia Gorge Future Forum seeks to inspire local communities in collaborating to build a vibrant, more sustainable Gorge. As an ongoing public process, Future Forum activities are intended to inform local discussions, decisions and actions that may affect the future of our region.

Future Forum information can be used in a variety of ways. Foremost, the Gorge vision is a tool for citizens interested in the future of the Columbia Gorge—working to move our region closer to its shared vision and monitoring our success in achieving it over time.

No action plan is attached to the Gorge vision because the Future Forum has no authority to undertake specific actions. Rather, that responsibility rests with local governments, community agencies and institutions, businesses, citizen groups and, ultimately, the people of the Gorge themselves. It is at the local level where real change can and will happen.

In 2010, the Future Forum is planning its next major regional event. There, citizens will converge to take stock of the Gorge vision and its achievement, celebrate our accomplishments, revise and update the vision as appropriate and encourage greater community participation and support.

For now, find out how you can get involved in Future Forum discussions and help move our region toward its vision by visiting us online at www.GorgeFutureForum.org.

WITH GREAT APPRECIATION

The Columbia Gorge Future Forum could not happen without the time and resources dedicated by many organizations and individuals. See the Future Forum Final Report online for a more complete list of our supporters and participants.

WORKING GROUP MEMBERS

- › Jill Arens, Brian Litt, Jessica Metta, Columbia River Gorge Commission
- › Peggy Bryan, Skamania County Economic Development Council
- › Mike Canon, Klickitat County Economic Development
- › Laura Comini, The Dalles Chamber of Commerce
- › Lee Curtis, Amanda Remington, Mid-Columbia Economic Development District
- › Chuck Daughtry, Port of Cascade Locks
- › Jessica Davenport, Nicole Hollatz, Karen Witherspoon, Skamania County Planning & Community Development
- › Bill Fashing, Hood River County Economic Development
- › Virginia Kelly, Diana Ross, US Forest Service
- › Andrea Klaas, Port of The Dalles
- › Dean Meyerson, volunteer
- › Casey Roeder, Skamania County Chamber of Commerce
- › Dan Spatz, Columbia Gorge Community College
- › Phyllis Thiemann, Cascade Locks Event Coordinator

VISIONING CONSULTANT

- › Steven Ames, Steven Ames Planning, www.stevenamesplanning.com

BRAND DESIGN CONSULTANT

- › Pamela Trow-Johnson, 501 DRIVE LLC, www.501drive.com

EDITORIAL CONSULTANT

- › Katlin Smith, UrbanWords Group, www.urbanwordsgroup.com

CONTRIBUTING PHOTOGRAPHERS

- › Blue Ackerman, Blue Ackerman Photography, blueirth@aol.com
- › John Hardham, Light Wave Communications, www.lightwavevideo.com
- › Daniel D. Dancer, www.artforthesky.com
- › Darryl Lloyd, Long Shadow Photography, www.longshadowphoto.com
- › Peter Marbach, Peter Marbach Photography, www.petermarbach.com
- › Jessica Metta, Columbia River Gorge Commission

FINANCIAL AND IN-KIND CONTRIBUTORS

- › Avis Rent-A-Car
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- › Clark County
- › Columbia River Gorge Commission
- › The Confederated Tribes of Grand Ronde
- › Gorge Local Currency Cooperative
- › Hood River County
- › Klickitat County Economic Development
- › Metro
- › Multnomah County
- › Oregon Department of Environmental Quality
- › Oregon Parks & Recreation Department
- › Portland General Electric
- › Safeway
- › Skamania County
- › Skamania Lodge
- › Southwest Clean Air Agency
- › US Forest Service Scenic Area office
- › Wasco County
- › Washington Department of Ecology

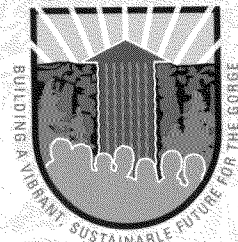
THE FINAL REPORT WAS PRESENTED TO THE FOLLOWING ORGANIZATIONS

- › Bingen City Council
- › Carson Home Valley Stabler Business Association
- › Cascade Locks City Council
- › Clark County Board of Commissioners
- › Dallesport Community Council
- › Hood River City Council
- › Hood River County Board of Commissioners
- › Klickitat County Board of Commissioners
- › Lyle Community Action Council
- › Mosier City Council
- › Multnomah County Board of Commissioners
- › North Bonneville City Council
- › Northeast Multnomah County Association
- › Skamania County Board of Commissioners
- › Stevenson City Council
- › The Dalles City Council
- › Underwood Community Council
- › Wasco County Court
- › Washougal City Council
- › White Salmon City Council
- › Wishram Community Council

For more information or to get involved go to www.GorgeFutureForum.org or call 509-493-3323.



COLUMBIA GORGE FUTURE FORUM



"The Future Forum logo was designed to provide a unifying image and brand for this signature public process. The shape of the logo subtly depicts a Gorge, embellished by such regional icons as basalt formations, conifers and a waterfall. The waterfall forms a vertical arrow that merges into a Gorge sunrise, which represents looking upward and forward into our future. The 'pool' of water at the base of the waterfall forms the silhouette of a community of people. They are both the source and recipient of the flow – our shared vision."

Pamela Trow-Johnson,
Creative Driver, 501 DRIVE LLC

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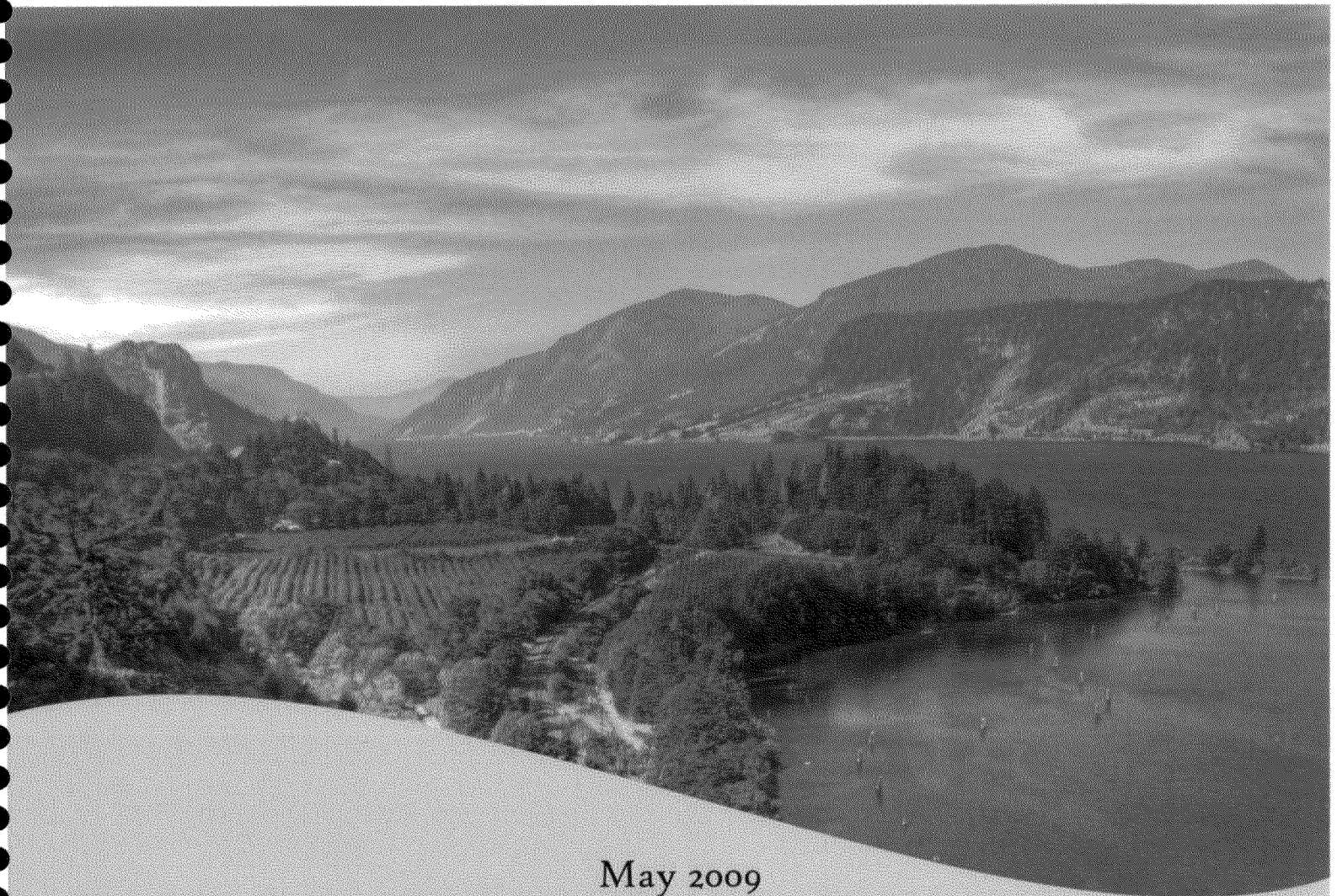
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Vital Signs Indicators Project State of the Gorge 2009



A report on the conditions of scenic, natural,
economic, cultural and recreation resources in the
Columbia River Gorge National Scenic Area



May 2009
Columbia River Gorge Commission
USDA Forest Service Columbia River Gorge NSA

Columbia River Gorge Commission Members

Joyce Reinig, Chair
Harold Abbe
Judy Davis
Sara Grigsby
Dan Harkenrider
Jane Jacobsen
Walt Loehrke
Lonny Macy
Carl McNew
Jim Middaugh
Joe Palena
Governor Barbara Roberts
Honna Sheffield

Consulting services provided by
Jeff Tryens, Indicators Consultant
Measures Matter

Sally Duncan, Manager
Policy Research Program
Oregon State University Institute of Natural Resources

Jimmy Kagan, Director
Oregon Natural Heritage Information Center and
Coordinator of the Information Program
Oregon State University Institute of Natural Resources

Columbia River Gorge Commission Staff
Jill Arens, Executive Director
Nancy Andring, Administrative Assistant
Tom Ascher, Planner
Jennifer Ball Kaden, Planner
Michele Dailey, Spatial Analyst
Aaron J. Ferguson, former Vital Signs Intern
Angie Kenney, Planner
Pieter Kleymeer, former Vital Signs Intern
Brian Litt, Planning Manager
Jeff Litwak, Counsel
Jessica Metta, former Planner
Kathy Obayashi-Bartsch, Administrative Specialist

**USDA Forest Service – Columbia River Gorge
National Scenic Area Office Staff**
Daniel Harkenrider, Area Manager
Robin Dobson, Botanist/Ecologist
Margaret Dryden, Heritage Program Manager
Chuti Fiedler, Fish and Wildlife Biologist
Mark Kreiter, Hydrologist
Diana Ross, Landscape Architect

Columbia River Gorge Commission
1 Town and Country Square
PO Box 730
White Salmon, WA 98672
(509) 493-3323
www.gorgecommission.org

USDA Forest Service
Columbia River Gorge
National Scenic Area Office
902 Wasco Ave., Suite 200
Hood River, OR 97031
(541) 308-1700
www.fs.fed.us/r6/columbia

Graphic Design
Angie Kenney, Lead Planner
Vital Signs Indicators Project

Administrative services provided by the
Columbia River Gorge Commission Staff

For a copy of this report or more
information, please visit:

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Columbia River Gorge
National Scenic Area

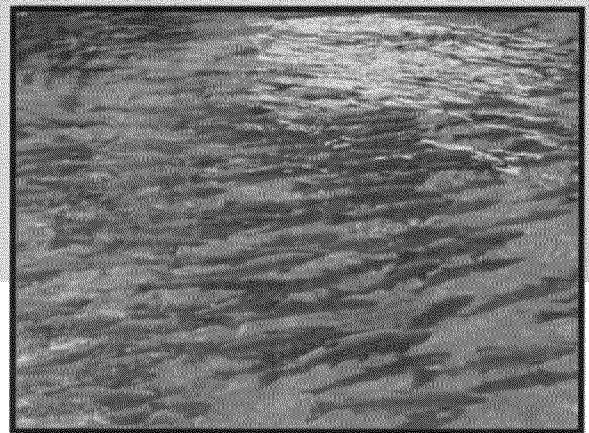
Columbia River Gorge Commission
& USDA Forest Service - Columbia
River Gorge National Scenic Area



Joanna Grammon



Hood River Waterplay



Joanna Grammon

Foreword

The Columbia River Gorge National Scenic Area Act of 1986 has two purposes. The first mandates protection and enhancement of scenic, cultural, natural and recreation resources. The second requires protection and support of the economy of the gorge by encouraging growth in existing urban areas and by allowing future economic development in a manner that is consistent with protection and enhancement of resources.

The Columbia Gorge National Scenic Area is renowned for its spectacular beauty. Scenic resources span a diverse array of landscapes including dense forests, rolling farmlands and semi-arid grasslands. Cultural resources, including prehistoric sites and historic structures are epitomized by the famous Indian petroglyph "She Who Watches," and trace a human history in the gorge that is over 10,000 years old. Natural resources include diverse landscapes that support habitat for sensitive wildlife and plants; streams; lakes; wetlands and riparian corridors. These resources and more are found in abundance throughout the National Scenic Area (NSA). And then there is recreation . . . The NSA is known worldwide for the variety and quality of its recreational opportunities: windsurfing, hiking, fishing, mountain biking, kayaking and kiteboarding. And, with all of this - it's also a place where thousands of people make their homes, work and play.

The National Scenic Area Act designated special protection for 292,500 acres on both sides of the Columbia River from the outskirts of Portland-Vancouver in the west to the semi-arid regions of Wasco County and Klickitat County in the east. The NSA is categorized into three areas: Special Management Areas, General Management Areas and Urban Areas.

Special Management Areas (SMA), which generally contain the most sensitive resources, total 114,600 acres. Much, but not all, of the SMA are national forests managed by the Forest Service. General Management Areas (GMA), with 149,400 acres, include a mixture of land uses such as farming, forest practices and cattle grazing. Development on state and private lands within the GMA and SMA are administered by gorge counties and the Columbia River Gorge Commission. Exempt from Scenic Area regulations are 13 Urban Areas in the gorge: Cascade Locks, Hood River, Mosier and The Dalles in Oregon; and North Bonneville, Stevenson, Carson, Home Valley, White Salmon, Bingen, Lyle, Dallesport and Wishram in Washington.

The Vital Signs Indicators Project is the Columbia River Gorge Commission's highest priority. To fulfill our responsibilities under the Scenic Area Act, the Commission and our partner agencies must be able to understand and track changes to the condition of gorge resources. The complexities of our region and the inter-relatedness of seemingly distinct issues make this task challenging, but no less necessary.

The Vital Signs Indicators Project has multiple goals:

1. Develop a set of high level measures to assess the conditions of gorge resources
2. Inform future plan review sessions; and guide adaptive management
3. Build new and strengthen existing relationships with our partner agencies and gorge communities
4. Share information through community presentations and a dedicated website

This report contains the high level measures of gorge health identified in the first goal listed above and what we know about them using the most current available information. The measurements were developed through a transparent public process with the help of two chartered teams (a technical advisory team as well as a community advisory team composed of experts, residents and other stakeholders in the gorge), involvement by our partner agencies and with independent oversight from the Institute of Natural Resources. Additionally, the Commission's Assessment Committee provided guidance throughout the process. The information included in this report relies heavily on work done by our partner agencies, Forest Service and Commission staff. It serves as the starting point for future reporting to track changes in condition over time, enabling more informed and proactive management decisions.

A letter from the chair

The Columbia River Gorge has a rich and storied history – historic home of native people; exploration pathway for European settlement; salmon lifeline; agricultural gem; scenic wonderland; hydroelectric power provider; and, most recently, recreational mecca. Without doubt, the gorge is one of the special places on earth.

In 1986, Congress recognized that the gorge needed protection if it was to remain special, enacting the Columbia River Gorge National Scenic Area Act. This law created an expectation that the scenic, natural, cultural and recreational qualities of the gorge would be protected and enhanced while allowing economic development to occur in ways that did not denigrate its special qualities. The Columbia River Gorge Commission was created to carry out this mission.

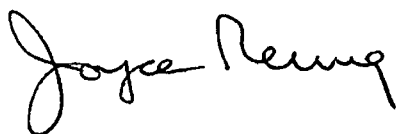
The release of *Vital Signs Indicators Project – State of the Gorge 2009* marks the beginning of a new era for the Gorge Commission. For the first time in its history, the Commission will have information that assesses and tracks the overall health of the gorge over the long term. The report provides us with a set of facts about key issues in the gorge. For the first time, we know how much visible development is increasing, the degree to which environmental degradation is occurring in recreation areas, and the status of at-risk plants in the gorge.

The release of this first report is just the beginning of our journey toward understanding the issues affecting the long term health of the gorge. We need to continue to evaluate this new information to address scenic, natural, economic, cultural and recreation issues or concerns in a timely manner. We also need to develop indicators for the remaining topics that are not included in this first report. Finally, the Commission will need to decide whether or not to set goals or identify potential thresholds for the Vital Signs once we have a better understanding of current conditions.

The creation of the Vital Signs provides the Commission with the opportunity to better understand the effectiveness of its efforts to protect and enhance gorge resources. Along with the Vital Signs, the Commission is developing a set of agency performance measures that will allow us to judge our performance in carrying out the strategies that have been put in place. Together, this information will be used to inform the next update of the National Scenic Area Management Plan.

I want to thank all the individuals who devoted their valuable time and energy to this effort. In my 22 years on the Commission, I have never seen a more inclusive and transparent process than the development of this report. This Vital Signs Indicators Project would not have been possible without the collaborative involvement of the Forest Service, the treaty tribes, our stakeholders and partner agencies and the citizens of Oregon and Washington. Assessment Committee Chair Dan Harkenrider, Technical Advisory Team Chair Susan Wolff and Community Advisory Team Chair North Cheatham deserve special recognition for their leadership in this process.

In five years, I expect to be able to look back at the publication of this report as a milestone for the Columbia River Gorge Commission in focusing on the long term health of the gorge and the contributions the organization makes to that health.



Joyce Reinig
Chair, Columbia River Gorge Commission

A letter from the director

What is happening with the SNECRs (scenic, natural, economic, cultural, recreation resources)? Ever since I became the executive director of the Gorge Commission, finding out how the scenic, natural, economic, cultural and recreation resources in the gorge were faring has been my highest priority. The *Vital Signs Indicators Project – State of the Gorge 2009* report provides the Commission with its first set of clues to answer that question.

Despite its slim appearance, *Vital Signs Indicators Project – State of the Gorge 2009* contains a great deal of new information. Of the 24 indicators included in this report, only five had data that was available “off the shelf.” Thirteen required staff to perform extensive analysis on existing information to create useful information, and six others had to be developed from scratch. With few exceptions, data is simply not collected that is specific to the National Scenic Area.

No doubt this report will raise more questions than it answers. Is, for instance, an eight percent increase in visible development over a 15-year period something to be concerned about? Or is the fact that 20% of recreation sites are considered significantly environmentally degraded an issue? Or what to do about the fact that only three of 14 landscape elements in the gorge are considered to be high functioning?

Challenging, yes, but for the first time commissioners and stakeholders will be discussing a mutually agreed upon set of facts that paint the big picture when deciding a future course of action on a particular issue. As indicators consultant Jeff Tryens likes to say, “This report won’t end the bickering about what’s best for the gorge but, from now on, you can argue about the meaning of facts rather than relying on anecdotes.”

When I decided to throw this party, I wondered whether anyone would come. I am happy to say that the engagement by everyone involved in the development of this report has been extraordinary. The Community Advisory Team had almost as many members at its last meeting that it had at its first. Technical Advisory Team members provided their uncompensated expertise until the job was done. Commission Assessment Committee members provided valuable on-going guidance. And Commission staff performed admirably in the unaccustomed role of data developers. A special thanks goes to lead planner Angie Kenney for her ability to keep everyone on board and on task despite some very challenging conditions. See the acknowledgements page for a complete list of participants.

What next? Successful completion of the Vital Signs Indicators Project remains the Gorge Commission’s highest priority. Tight budgets may slow the process down but this report will most certainly not become one of those reports “gathering dust on a shelf.” The Commission will use the information to better inform itself about key issues that need to be addressed in the next update of the management plan. Adaptive management strategies will be developed to respond to issues flowing from the report. And agency performance measures that were created as part of this process will allow staff resources to be deployed more strategically. In the coming months we will begin developing data for the indicators scheduled for the second phase of the project.

Tracking these indicators over time will provide invaluable information about trends in gorge resource health. The more we and our partners use this data the better it will become. As new information becomes available, it will be posted on the Commission website. I urge every stakeholder and interested citizen to dig into this information, including all the linked back-up material, to raise questions, post theories and make suggestions for improving how the Commission goes about its business.

Jill Arens
Jill Arens,
Executive Director, Columbia River Gorge Commission

Contents

Foreword.....	Page 4
A letter from the chair.....	Page 5
A letter from the director.....	Page 6
Executive Summary	Page 9
Comprehensive list of all 51 indicators	Page 11
Goal 1: Protect and Enhance Scenic Resources.....	Page 14
Number of Buildings as Seen from Selected Public Vantage Points.....	Page 15
Number of Scenic Observation Points Significantly Impaired by Vegetation.....	Page 16
Percent of Each Landscape Type that is Developed.....	Page 17
Scenic Chapter Endnotes.....	Page 18
Goal 2: Protect and Enhance Natural Resources.....	Page 20
Functionality of Important Landscape Elements.....	Page 21
Status of At-Risk Plant Species in the Gorge.....	Page 23
Surface Water Quality of Gorge Watersheds	Page 24
Habitat Quality of Gorge Watersheds.....	Page 25
Air Quality Summary.....	Page 26
Natural Chapter Endnotes.....	Page 28
Goal 3: Protect and Support the Economy.....	Page 32
Per Capita Income of NSA Urban Area Residents as a Percent of State Non-Metro.....	Page 33
Percent Change in Per Capita Income (NSA Urban Area Residents).....	Page 34
Net Job Growth inside the NSA Urban Areas.....	Page 35
Urban Area Residential Permits	Page 36
Percent of Renter Occupied Households Paying Less than 30% of Household Income on Rent.....	Page 38
Percent of Owner Occupied Households Paying Less than 30% of Household Income on Select Monthly Owner Costs.....	Page 39

Percent of Land in Cultivation Based on Zoning.....	Page 40
Percent of Land Zoned as Forest or Agriculture, in Agricultural Use.....	Page 40
Census of Agriculture, Inventory or Farms with Cattle and Calves.....	Page 41
Number of Cattle and Calves Per County, 2002 and 2007.....	Page 42
Per Capita Income of Non-Urban Area Residents as a Percent of Non-Metro.....	Page 43
Percent Change in Per Capita Income (NSA Non-Urban Area Residents).....	Page 44
Rural Area Residential Permits	Page 45
Economy Chapter Endnotes.....	Page 46
Goal 4: Protect and Enhance Cultural Resources.....	Page 50
Number of Assessments of Effect on Significant Archaeological Resources Conducted.....	Page 51
Inventory of Significant Archaeological Resources.....	Page 53
Number of Assessments of Effect on Significant Historic Resources Conducted.....	Page 54
Inventory of Significant Historic Resources.....	Page 55
Cultural Chapter Endnotes.....	Page 56
Goal 5: Protect and Enhance Recreation Resources.....	Page 58
Percent of Recreation Sites that are Overcrowded on High Season Days.....	Page 59
Percent of Sites at Different Environmental Degradation Levels.....	Page 60
Degradation Trend for Recreation Sites.....	Page 61
Percent of Recreation Sites Meeting ADA Standards.....	Page 62
Users Rating their Overall Recreation Experience as Good or Better.....	Page 63
Average User Rating for Overall Recreation Experience.....	Page 63
Recreation Chapter Endnotes.....	Page 65
Vital Signs Indicators Project Participants.....	Page 67

Executive Summary

This report is designed to provide readers with a succinct overview of what is known about the current conditions of scenic, natural, economic, cultural and recreation resources (SNECRs) in the Columbia River Gorge National Scenic Area. With a continued effort in collecting this data, the information contained in this report will serve as a point from which to track change in conditions over time. A team of experts, citizens and stakeholders volunteered their time to help craft 51 measures that they believe can tell the story of how the gorge is faring over time. These measures are known as the Vital Signs Indicators.

Engaging in a process known as civic science, groups of technical experts and gorge citizens spent six months working together to hone a set of measures that was both technically sound and meaningful to the public. The typical “scientists propose/citizens oppose” scenario was replaced by experts and citizens working together from the beginning to identify what mattered. While interactions between the Technical Advisory Team (TAT) and the Community Advisory Team (CAT) were sometimes quite lively, the final set of indicators was enthusiastically adopted by both groups.

State of the Gorge 2009 presents data on 23 of the highest priority Vital Sign Indicators. At least a few indicators are included for each of the five SNECRs. Much of the information is brand new; either because this is the first time the data has been gathered (like number of buildings seen from selected public vantage points) or because existing data was reinterpreted to focus on the National Scenic Area, like per capita income. Some of the measures, as noted, are proxies for the original TAT/CAT measures. This is because the specific data needed to answer the original measure simply was not available. The proxy measures provide an overview of the most relevant information that is currently available while staff works toward developing new data to answer the original measure or refining the measures to provide us with better information.

What story do the measures tell? Since the indicators were chosen, at least partially, to measure areas of concern, the challenges they identify should come as no surprise in hotly contested areas like environment and scenic quality. What may surprise you is how little is known about very important aspects of gorge health. For instance, no scientific consensus exists regarding air quality trends. No clear methodology is available for gauging the overall condition of gorge cultural resources. Assessments of the condition of at-risk species in the gorge are limited to plants and are spotty at that.

State of the Gorge 2009 is not a “report card” on the health of the gorge. It is simply a report on what is known about key issues related to the long term health of the five gorge resource areas identified in the National Scenic Area Act.

The information for each of the five resource areas tells a somewhat different story.

Scenic Resources – The scenic resource story is about establishing a base for future comparison. This chapter provides new information on three important scenic resource issues: 1) the amount of development that noticeably contrasts with its surrounding landscape; 2) the amount of visual impairment of views caused by vegetation; and 3) the amount of development within landscape types.

Natural – The natural story is that most of the indicators show the resource functioning at varying levels of capability. The natural resources section provides information on five issues: terrestrial habitat quality, aquatic habitat quality, surface water quality, air quality and the condition of at-risk plant species in the gorge. This information is derived from existing sources. All of the natural indicators incorporate some standard relating to good quality (e.g. habitat types that are “properly functioning”). For all of the indicators, except air, the data shows that the current situation is less than good in the majority of cases.

Economic – In the economy arena, the gorge story is similar to that of its host states. This area has the most indicators in this report, six, and the most indicators with data available over multiple years. Issues covered include income, building activity, agricultural use of land and housing affordability. Much of the information is reported for the first time at the NSA level. Generally, the economic well being of NSA residents and the economies of the four rural gorge counties mirror state trends but the data show significant variation among counties.

Cultural – Because of the vast cultural significance of the gorge we continue to learn more about its past every day. Assessing the condition of archaeological resources that have been here for millennia and historic resources that vary greatly in type is a complex task. We learned there is no consensus among experts on a straightforward methodology for consistently gauging the condition of cultural resources. Two salient facts are known: the number of significant resources identified and the number of known resources damaged by development. The data shows that an average of five new archaeological and three new historic resources are identified each year. Also no significant sites were damaged due to development in the past two years.

Recreation – The story in recreation is the need for an understanding of what “good” is. The section covers four recreation related issues: overcrowding, environmental degradation, disability access and visitor experience. Data for the first three topics are derived from a new survey completed by the Commission in 2008. The visitor experience indicator is drawn from five surveys conducted by the Forest Service and the two US Army Corps of Engineers dams in the gorge. The Commission survey of all gorge recreation providers, another first of its kind, showed that about 1/5 of all sites are overcrowded more than 30% of the time in high season. Twenty percent of sites were deemed to have significant human-caused environmental damage. Also, about 50 percent of all sites meet at least one Americans with Disability Act requirement.

The development of this information is an important first step but it’s just the beginning. Understanding what the information is saying about the condition of gorge resources is the next task. Is a half percent per year increase in noticeably contrasting visible development in rural areas of the gorge tolerable? How serious are the problems with watersheds that are deemed impaired? What’s the Commission’s role in addressing problems raised by the report?

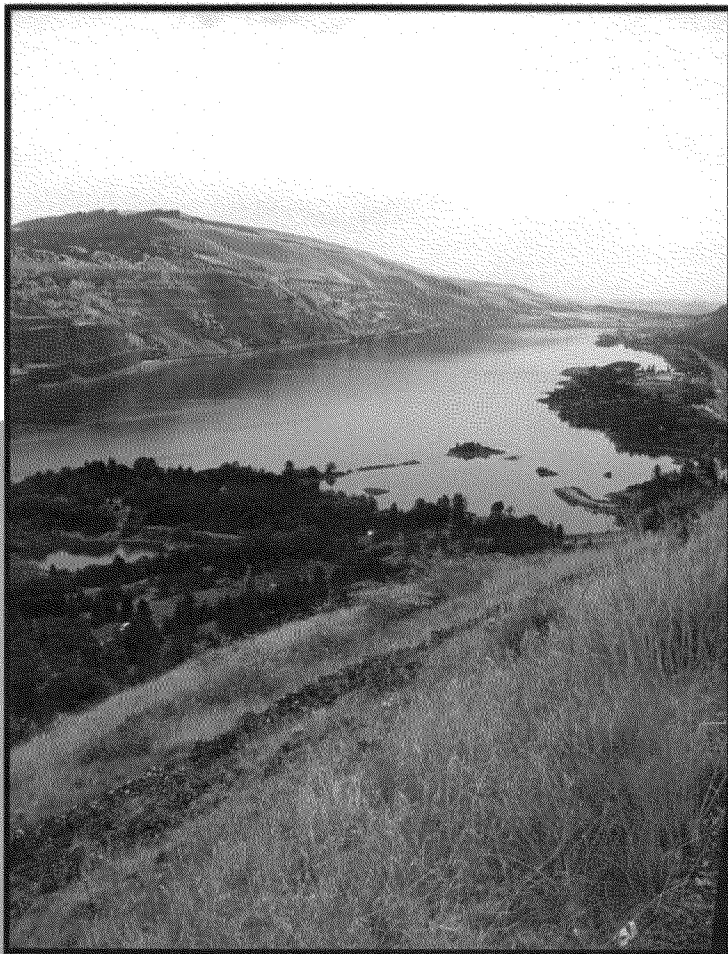
Over the next several years, the Commission will work with stakeholder groups, agency partners, tribal nations, experts and interested citizens to answer these and the many other questions raised by this important report.

Comprehensive list of all 51 Vital Signs Indicators

Goal	Indicator	Status
Scenic: Protect and enhance scenic resources		
	1.1.a: Overall Scenic Quality: Percent of public who perceive scenic resources to be in good condition or better according to both: a) residents and b) visitors.	2011
	1.1.b: Development Impacts: Percent of seen area, as viewed from public vantage points, containing development that highly contrasts with its surrounding landscape: a) within 1/4 mile; b) between 1/4 mile and 3 miles; and c) beyond 3 miles.	2011
	1.1.c: Development Impacts: Number of developed areas, as seen from public vantage points, that highly contrast with their surrounding landscape: a) within 1/4 mile; b) between 1/4 mile and 3 miles; and c) beyond 3 miles.	2009
	1.1.d: Vantage Point Quality: Number of scenic observation points with significantly impaired panoramic views due to vegetation.	2009
	1.1.e: Litter and Graffiti Impacts: Percent of highway miles with significant graffiti or litter.	2011
	1.1.f: Night Light: The effect of ambient light on the night sky.	2011
	1.1.g: Visibility: Placeholder for visibility indicator.	Summary in 2009
	1.2.a: Overall Landscape Quality: Percent of each landscape type that is in good condition.	2011
	1.2.b: Development Impacts: Percent of land area with development for each landscape type.	2009
Natural: Protect and enhance natural resources		
	2.1.a: Habitat Quality: Percent of priority habitat types rated as properly functioning.	2009
	2.1.b: Habitat Fragmentation: Percent of priority habitat types that are lost or fragmented by human activity.	2011
	2.1.c: Species Health: Percent of at-risk species whose populations in the gorge are healthy.	2009
	2.1.d: Species Range: Percent of native species (wildlife, plants, invertebrates) with ranges that are declining.	2011
	2.2.a: Surface Water Quality: Percent of streams, including the Columbia River, whose water quality is a) poor, b) fair, c) good, and d) excellent.	2009
	2.2.b: Habitat Quality: Percent of native fish habitat that is properly functioning.	2009
	2.2.c: Surface Water Quantity: Percent of streams with satisfactory in-stream flows.	2011
	2.2.d: Groundwater Quantity: Square miles of groundwater restricted areas.	2011
	2.2.e: Groundwater Quality: To be developed.	2011
	2.3.a: Air Quality: To be developed.	Summary in 2009
Economic: Protect and support the economy		
	3.1.a: Income: Per capita income of NSA urban area residents as a percent of state and non-metro per capita income: a) Oregon side and b) Washington side.	2009
	3.1.b: Job Growth: Net job growth: a) Oregon side and b) Washington side.	2009
	3.1.c: Construction: Building permits issued by urban area: a) housing, b) commercial, and c) industrial.	2009
	3.1.d: Vacancy Rate: Commercial vacancy rate by urban area.	2011
	3.1.e: Housing Affordability: Percent of households that can afford the median priced house.	2009
	3.2.a: Activity: Total number of a) agriculture and b) forestry enterprises.	2011
	3.2.b: Revenue: Total revenue of a) agriculture and b) forestry enterprises.	2011
	3.2.c: Payroll: Total payroll of a) agriculture and b) forestry enterprises.	2011
	3.2.d: Land Base: Total acreage in a) agriculture uses and b) forest uses.	2009

	3.3.a: Income: Per capita income of NSA non-urban area residents as a percent of state and non-metro per capita income: a) Oregon side and b) Washington side.	2009
	3.3.b: Job Growth: Net job growth in rural areas: a) total; b) Oregon side; c) Washington side.	2011
	3.3.c: Construction: Building permits issued in rural centers and non-urban areas: a) housing, b) commercial, and c) agricultural.	2009
	3.3.d: Activity: Number of rural and rural center enterprises: a) total; b) Oregon side; c) Washington side.	2011
Cultural: Protect and enhance cultural resources		
	4.1.a: Condition: Percent of all monitored archaeological sites in good condition.	2009
	4.1.b: Awareness: Percent of stakeholders understanding the archaeological resource protection process.	2011
	4.1.c: Awareness: Percent of residents of and visitors to the gorge understanding the importance of archaeological resources.	2011
	4.1.d: Inventory: Number of new significant archaeological resources identified each year.	2009
	4.2.a: Condition: Percent of all monitored historic resources in good condition.	2009
	4.2.b: Awareness: Percent of stakeholders with understanding of historic resource protection process.	2011
	4.2.c: Awareness: Percent of residents of and visitors to the gorge understanding the importance of historic resources.	2011
	4.2.d: Inventory: Number of new significant historic resources identified each year.	2009
	4.3.a: Condition: Percent of all monitored traditional cultural properties in good condition.	2011
	4.3.b: Awareness: Percent of stakeholders understanding the traditional cultural properties protection process.	2011
	4.3.c: Awareness: Percent of residents of and visitors to the gorge understanding the importance of traditional cultural properties.	2011
	4.3.d: Inventory: Number of new significant traditional cultural properties identified each year.	2011
Recreation: Protect and enhance recreation resources		
	5.1.a: Recreation Demand: Percent of recreation sites at or above capacity more than X percent of the time on high season days - total and by recreation activity type.	2009
	5.1.b: Environmentally Sustainable Recreation: Percent of recreation sites that are environmentally degraded - total and by recreation activity type and specified as improving or not improving.	2009
	5.1.c: Recreation Availability: Percent of visitors and residents rating the access to recreation activities as good or better - total and by recreation activity type.	2011
	5.1.d: ADA Accessibility: Percent of recreation sites that meet ADA standards - total and by recreation activity type.	2009
	5.2.a: Recreation Quality: Percent of visitors and residents rating the overall recreational qualities of the Gorge as good or better.	2011
	5.2.b: Recreation Site Quality: Percent of site users rating their overall experience as good or better - total and by recreation site.	2009
	5.2.c: Recreation-related Conflicts: Number of reported incidents relating to recreational uses by type of incident.	2011

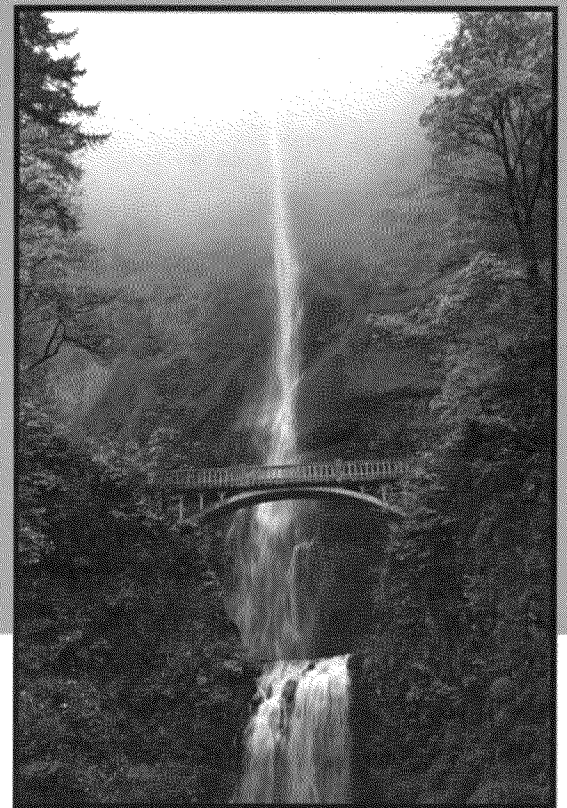
Please note that both of the air quality indicators are discussed in one summary, included in the natural resources chapter. In total, 24 of the 51 Vital Signs Indicators are discussed in this report.



Angie Kenney



Columbia River Gorge Commission



Daniel Otake

Goal 1

Protect and enhance scenic resources

The Columbia River Gorge is renowned for its outstanding scenic beauty. In a stretch of just 85 miles, one can view awe inspiring natural landscapes of forests and dramatic waterfalls, towering cliffs and sweeping grasslands, as well as a more rural landscape consisting of orchards, vineyards and pasture lands. The need to protect the special scenic resources of the gorge for future generations is an integral component of the National Scenic Area Act.

These measures track the visual impacts of development on scenic quality. To evaluate the scenic qualities of the natural and rural landscapes of the National Scenic Area, one needs to look at how the built environment contrasts with the surrounding landscape. Many thousands of gorge citizens live within the boundaries of the Scenic Area and new development does occur. In fact, one of the more complicating factors concerning assessing the health of scenic resources is the fact that the gorge is a working landscape. Much of the privately owned land outside of urban areas continues to be used for agriculture and forest practices. These uses supported by the Act, however, a recent shift from orchards and grazing to vineyards is quickly altering the appearance of the rural landscape. Assessing the impacts of these kinds of changes and whether or not they are negative will surely be a major topic of discussion as we continue to collect this data and use it for future policy decisions.

Objectives:

1.1 PROTECT AND ENHANCE SCENIC QUALITY

Protecting scenic views as seen from selected public vantage points

1.2 PROTECT THE VISUAL CHARACTER OF DIVERSE LANDSCAPES

Protecting the character of diverse landscapes regardless of visibility from public vantage points

Objective: Protect and Enhance Scenic Quality

Vital Sign Number: 1.1.c

Vital Sign Title: Development Impacts

Vital Sign Measure: Number of developed areas, as seen from public vantage points, that highly contrast with their surrounding landscape: a) within 1/4 mile; b) between 1/4 mile and 3 miles; and c) beyond 3 miles.

Proxy Measure: Number of buildings¹, as seen from selected public vantage points², which noticeably contrast with their surrounding landscape.

What We Know:

Using the visual monitoring point photographs taken in 2003, 357 noticeably contrasting buildings exist in the landscape when viewed from the public vantage points listed below:

Vantage Point	1988 Building Count	2003 Building Count	Change
Steigerwald Lake	17	30	13
Crown Point	57	74	17
Cape Horn	29	29	0
Upper Beacon Rock	44	43	-1
Dog Mountain	3	6	3
Mitchell Point	13	14	1
Hood River Jetty	49	43	-6
Straights Point	17	22	5
Memaloose Overlook	40	42	2
Rowena Crest Viewpoint	49	41	-8
Squally Point	11	11	0
Avery Boat Launch	1	2	1
Total	330	357	27

Assessment:

Between 1988 and 2003, 27 additional buildings noticeably contrasted with their surroundings as seen from the 12 representative public vantage points used for this indicator. This eight percent increase over 15 years was not uniformly spread across the gorge from end to end, however. The majority of new noticeably contrasting buildings occurred in the west end near Troutdale, Oregon and Camas, Washington. Because this data relies on human interpretation of imperfect photos, it is estimated that counts could be as much as 10 percent higher or lower than the reported figure.

¹ Buildings include clusters of pixels or visible developments that appeared to be buildings in the photographs.

² Twelve public vantage points were selected for long term monitoring based on: a) diversity of views – ranging in levels of development, b) equal representation of all six Gorge counties – providing a cross section of the eastern and western and northern and southern Gorge views, and c) their ability to encompass large panoramic views.

Objective: Protect and Enhance Scenic Quality

Vital Sign Number: 1.1.d

Vital Sign Title: Vantage Point Quality

Vital Sign Measure: Number of scenic observation points with significantly impaired³ panoramic views due to vegetation.

What We Know:

Fourteen of the 40 monitored scenic observation points are significantly impaired by vegetation.

Scenic Travel Corridor	Number of Sites Monitored	Impairment Greater than 50%	%
SR 14 - West	9	3	33%
SR 14 - East	7	0	0%
SR 14 Total	16	3	19%
HCRH - West	11	8	73%
HCRH - East	4	0	0%
HCRH - Total	15	8	53%
I-84 - West	7	3	43%
I-84 - East	2	0	0%
I-84 Total	9	3	33%
Gorge - West	27	14	52%
Gorge - East	13	0	0%
Gorge - WA	16	3	19%
Gorge - OR	24	11	46%
Total	40	14	35%

Assessment:

Of the 40 sites chosen for this assessment, 35% were found to be significantly impaired due to vegetation. All impaired sites were found in the western half of the gorge. However, impairment varies significantly among the three scenic travel corridors assessed – Washington State Route 14, Historic Columbia River Highway and Interstate 84. About three-quarters of the western portions of the Historic Highway sites are significantly impaired. Nearly half of the western I-84 sites and one-third of the western SR-14 sites are significantly impaired. Of the 13 eastern gorge sites assessed, only the Historic Highway Memaloose Overlook is even somewhat impaired (15%). While nearly half (46%) of all Oregon sites are significantly impaired, less than one in five (19%) are impaired in Washington. This is partially due to the high degree of impairment found on the historic highway (53% overall) which is exclusively in Oregon. See the Scenic Chapter Endnotes for more information.

It should be noted that the western half of the gorge contains far more forested areas than that of the east, and that in some cases, SR-14 travels closer to the railroad and the Columbia River on the Washington side (preventing some opportunities for new vegetation) than I-84 and the Historic Highway on the Oregon side.

³ For this indicator, significantly impaired means that the view was more than 50% impaired by vegetation.

Objective: Protect the Visual Character of Diverse Landscapes

Vital Sign Number: 1.2.b

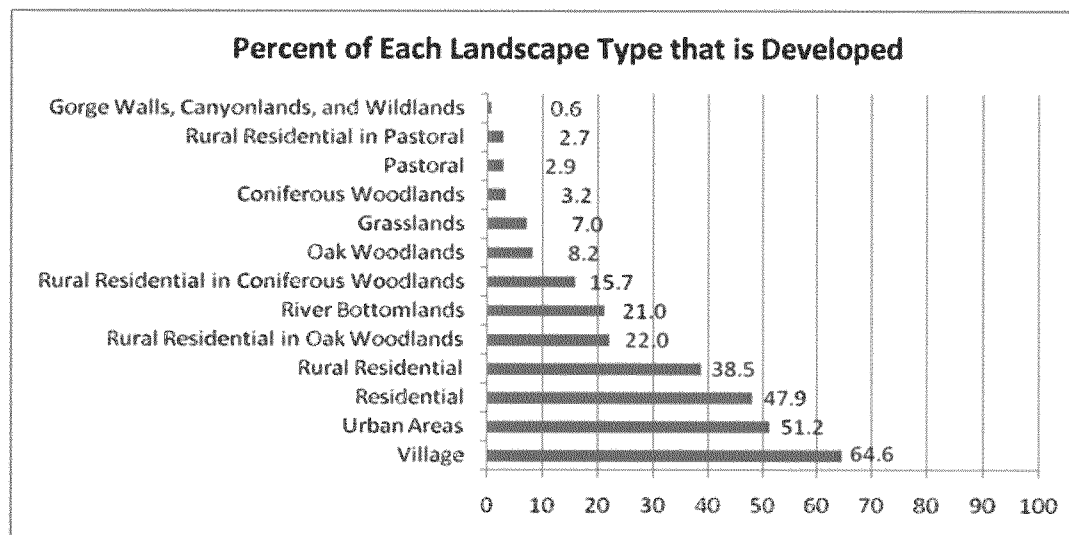
Vital Sign Title: Development Impacts

Vital Sign Measure: Percent of each landscape type that is in good condition.

Proxy Measure: Percent of land area with development⁴ for each landscape type.

What We Know:

Using existing landscape settings, the gorge was divided into 13 landscape types ranging from "Gorge Walls, Canyonlands and Wildlands" to "Urban Areas⁵". The total area of each landscape type was then assessed for how much developed land cover it contained based on 2004 satellite imagery classification ranging from less than 1% area developed in Gorge Walls, Canyonlands and Wildlands to almost 65% area developed in the Village landscape type.



Assessment:

The amount of development in a landscape setting ranges from less than 1% to over 60%. As expected, the most settled areas - Urban Areas, Village, and two types of residential settings - are more developed than others. Village has a higher percentage of developed area than Urban Areas because Urban Areas were delineated with potential city expansion in mind while villages were delineated based on existing high density areas of commercial, residential and public facility type mixed uses. Other Residential zoning development levels vary from 2.7 % for Rural Residential in Pastoral to 22% in Rural Residential in Oak Woodlands. Larger lot sizes and tree cover obscuring structures may impact these values. Gorge Walls, Canyonlands, and Wildlands and Coniferous Woodlands have low percentages of developed land cover (0.6% and 3.2% respectively). The primary owner of these lands is the federal government so these low values are not unexpected.

These data establish an estimate for developed area by landscape type in the year 2004. However, future analysis will incorporate historic and current imagery as well as classification methods designed specifically to detect development to create a more accurate picture of development over time.

⁴ Development (for this indicator only): Roads, buildings and other structures that are detected using satellite imagery.

⁵ Urban Areas are not among the landscape settings described in the Management Plan for the Columbia River Gorge National Scenic Area but are included in this analysis as a landscape type for comparative purposes.

Scenic Chapter Endnotes:

1.1.c Development Impacts

Source: Staff analysis of USFS photos taken in 1988 and 2003.

For this indicator only buildings (including building-shaped objects) were counted. Each landscape photo was divided into approximately 1/2 inch squares. The count was done by adding up the number of buildings or building-shaped objects that could be seen at first glance of an individual cell. Before being counted, identified objects were carefully examined to determine if they were buildings or natural features. Objects that appear in cells of distant areas of a photo often required the viewer to make a judgment as to whether or not it appeared to be a building. Because the difference between highly contrasting and noticeably contrasting was impossible to discern for individual structures, noticeably contracting replaced highly contrasting as the standard. Differing quality of the two sets of photos meant that small adjustments had to be made to assure that an image that obscured a building due to its darkness in 1988 was treated the same as the lighter image of 2003 that clearly showed the same building.

1.1.d Vantage Point Quality

Sources: A new inventory was created for this indicator using 2009 photographs taken in the field and Google Earth Street View images (that use photographs taken in 2006). Portions of the 1990 *Corridor Visual Inventory* and the 1988 *Fixed Point Photography Narrative* were used to help identify appropriate sites. The most nominated sites from a recent citizen survey were also included in the inventory.

To monitor the vegetation impairment of viewpoints along the three scenic travel corridors of the gorge, forty sites were selected for long term monitoring. The sites were selected as representative views, evenly distributed throughout the Washington and Oregon sides and east and west halves of the gorge. The selected views intend to encompass most of the iconic views of the National Scenic Area.

Observation points consist of pull-outs along the road and individual segments that contain iconic views but do not have a pull-out from which to view them. It should also be noted that some iconic waterfall views chosen along the Historic Highway would not be considered panoramic as specified by the indicator.

The term "significantly impaired" has been defined for this indicator to mean greater than 50%. If an observation point was more than 50% impaired by vegetation, then it was rated as "significantly impaired." Conversely, if the point was impaired 50% or less by vegetation, it was rated as "not significantly impaired." A complete inventory of the monitored sites, including locations, photographs and analysis of impairment, is available on our website at www.gorgevitalsigns.org.

1.2.b Development Impacts

Sources: Land cover classification based on 2004 satellite imagery, USFS, CRGC.
Landscape Setting designations, 1992, CRGC.

The percent of land area that is developed for each landscape type, as described by the Forest Service data, was determined by combining the satellite imagery data with the landscape setting designations. Because the original analysis was done for a different purpose, the accuracy of the findings for this indicator is limited.

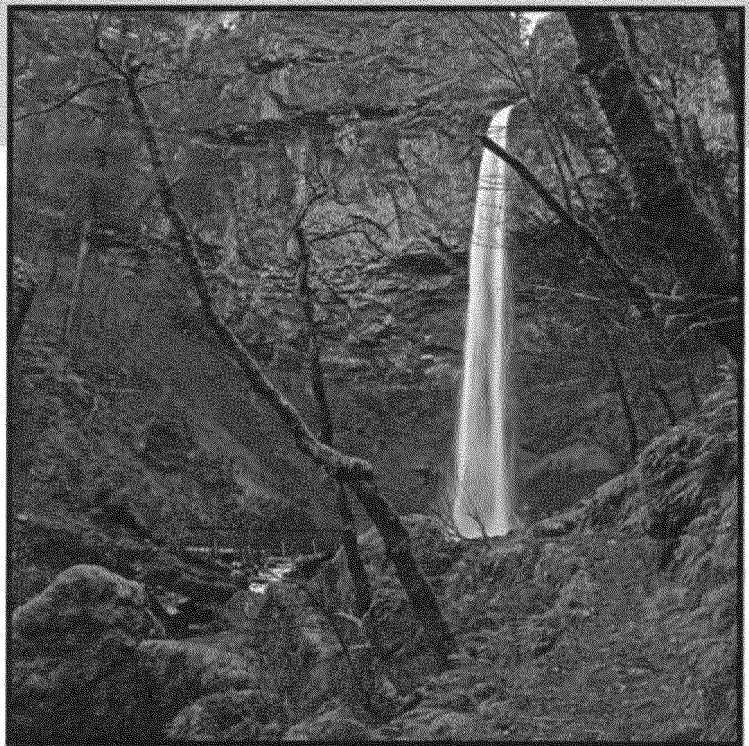
Future analysis will consist of classification of historic, current and future Landsat ETM+ imagery with methods designed to specifically extract the land cover classes of interest. (The Landsat Program is a series of Earth-observing satellite missions jointly managed by NASA and the U.S. Geological Survey. The Landsat Enhanced Thematic Mapper Plus (ETM+) is a sensor carried onboard the Landsat 7 satellite.)



John McSherry



Joanna Grammon



Michael J. Hatten

Goal 2

Protect and enhance natural resources

Climate, geology, soils, plants, wildlife and other habitat elements combine to make the gorge rich in natural resources. Many significant natural areas occur in the gorge, ranging from old growth forests in the Multnomah Basin to bunchgrass prairies in the Columbia hills. The diverse climate fosters nearly 1,000 species of wildflowers, many of which are endemic to the Gorge region. The wildlife traveling in and out of the gorge, the long rivers originating many miles away with short scenic area reaches, the quality of air passing through our region – all these are resources to be protected in the scenic area. Yet the condition of all these things depends on many factors beyond our boundaries or control. For this reason, development of indicators gauging the condition of gorge natural resources is uniquely challenging and more difficult than most other topics. Indicators were created to measure the health of native plants and animals and their habitat, surface and ground water quality, and air quality.

Objectives:

2.1 PROTECT AND ENHANCE THE NATIVE PLANTS AND ANIMALS AND THE HABITATS WHICH SUPPORT THEM

Tracking the health of gorge species and habitat function over time

2.2 PROTECT AND ENHANCE QUALITY OF THE WATER AND AQUATIC HABITATS

Measuring key characteristics of water that indicate water quality and habitat quality

2.3 PROTECT AND ENHANCE QUALITY OF THE AIR

Summarizing what's known about the air quality of the gorge

Objective: Protect and Enhance the Native Plants and Animals and the Habitats which Support Them

Vital Sign Number: 2.1.a

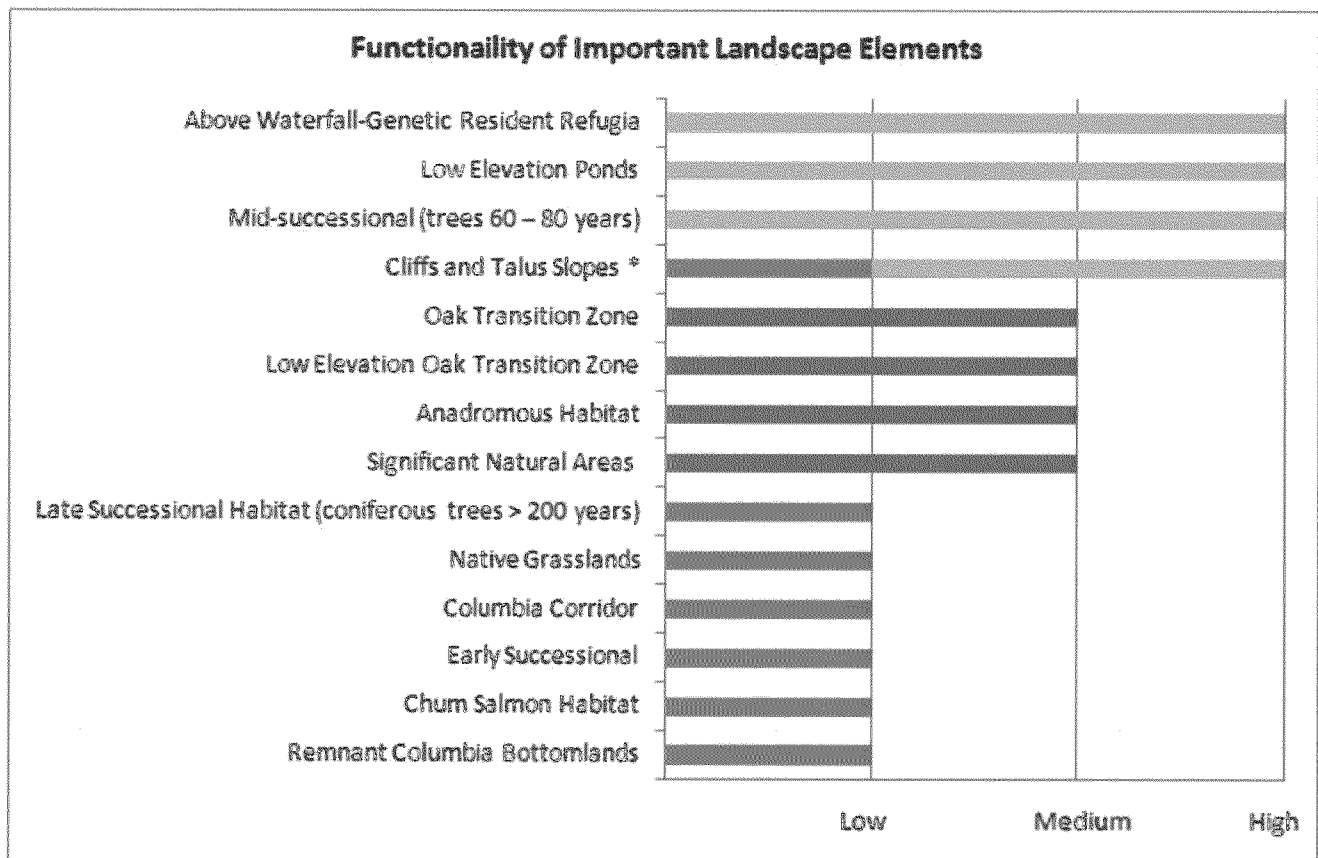
Vital Sign Title: Habitat Quality

Vital Sign Measure: Percent of priority habitat types rated as properly functioning.

Proxy Measure: Number of important landscape elements⁶ in the Scenic Area that are functioning at high levels.

What We Know:

Three of fourteen landscape elements in the gorge are considered high-functioning: Above Waterfall-Genetic Resident Refugia (i.e. areas supporting isolated populations of genetically pure fish species); Low Elevation Ponds; and Mid-successional Forests. A fourth landscape element – Cliffs and Talus Slopes – is partially high-functioning. Additionally, four elements are medium-functioning, and six are low-functioning with Cliffs and Talus Slopes rated as partially low-functioning depending upon location.



(* Cliffs and talus slopes are both high and low-functioning depending on location.)

⁶ Landscape elements are components of the priority habitats based on the unique species they support and their rarity. (They are not the same as the landscape types discussed in indicator 1.2.b)

Assessment:

Though a majority of landscape elements in the Scenic Area are functioning at a medium or high-level, many of these elements are considered marginal and fragile. However, both Anadromous Habitat and Above Waterfall Resident-Genetic Refugia are demonstrating an improving trend. This is perhaps a reflection of a regional emphasis on salmon habitat conservation and restoration and the focus of state and federal agencies and tribal nations.

Many of the low-functioning habitats reached that status due to the conversion of land to agriculture, timber harvests and the disturbance of the natural fire cycles. Other human activities such as roads, railroads, water diversions and settlements have also contributed to reduced function.

This information is based on a largely qualitative assessment by Forest Service scientists. Future analysis will focus on spatially identifying these landscape elements and when possible monitoring specific components that affect their function. The expert opinions of the Forest Service biologists and hydrologists will continue to be an important aspect of this assessment.



Washington State Tourism

Objective: Protect and Enhance the Native Plants and Animals and the Habitats which Support Them

Vital Sign Number: 2.1.c

Vital Sign Title: Species Health

Vital Sign Measure: Percent of at-risk species⁷ whose populations in the gorge are healthy⁸.

What We Know:

Rankings exist only for plants at this time. Twenty-nine percent (8 of 28) of the at-risk plant species, either currently existing or known to be present in the past, are known to be healthy. Eleven of the 28 at-risk plant species (39%) known to currently exist in the gorge have been observed but lack a health assessment. Twenty-five percent of the observed at-risk species in the gorge are considered less than healthy. No assessments of animal species are available.

Status of At-Risk Plant Species in the Gorge		
Species	Number	Percent
Observed – Healthy	8	29
Observed – Less than healthy	7	25
Observed – No ranking	11	39
Known to exist historically but not observed	2	7
Total At-Risk Plant Species	28	100

Assessment:

Findings are based on observations of 172 populations of at-risk species found in the gorge. The number of observations per species varies from just one for a few species to over 25 for others. Because observations of species used in the ranking can be quite old (45 population health rankings are over 20 years old) and because many observations lack a health ranking, these numbers should be considered rough estimates. Also, eleven of the species known to exist in the gorge have not been ranked for health status. If all of those observed but not ranked species were healthy, the overall ranking could be as high as 60%.

The data used in this proxy measure is the most relevant available information provided by the Oregon Natural Heritage Program (ONHP). The inventory itself is still a draft but contains very useful information for plants. For future reporting, Commission and Forest Service staffs will be working together with partner agencies to either refine this measure so that it is more easily answered with currently available data or develop new data to better answer the existing measure.

⁷ At-risk species are those species either listed under the federal or state Endangered Species Act or whose conservation status is ranked as endangered, threatened, imperiled, or vulnerable to extinction.

⁸ A species population (occurrence) is one with a viability ranking of good or excellent as compiled by the ONHP.

Objective 2.2: Protect and Enhance the Quality of Water and Aquatic Habitats

Vital Sign Number: 2.2.a

Vital Sign Title: Surface Water Quality

Vital Sign Measure: Percent of streams, including the Columbia River, whose water quality is a) poor, b) fair, c) good, and d) excellent.

Proxy Measure: Number of watersheds, including the Columbia River, where water quality is a) impaired, and b) good.

What We Know:

Of the 13 watersheds in the National Scenic Area, eight have impaired water quality and five have good water quality. They break down as follows:

Western Gorge

1. Lower Sandy River	Good
2. Western Gorge – Oregon	Good
3. Western Gorge – Washington	Good

Central Gorge

4. Hood River	Impaired
5. Mosier Creek	Impaired
6. Wind River	Impaired
7. Little White Salmon River	Impaired
8. White Salmon River	Good
9. Catherine & Major Creeks	Impaired

Eastern Gorge

10. Klickitat River	Good
11. Fifteen-mile Creek	Impaired
12. Lower Deschutes River	Impaired

Entire National Scenic Area

13. Columbia River	Impaired
--------------------	----------

Assessment:

With eight of the 13 watersheds in the gorge rated as impaired, poor water quality is a serious issue for the gorge. Because many of the rivers in these rated watersheds begin their journeys to the sea far outside the NSA boundaries, these ratings really reflect on the Northwest as a whole, not just the gorge. The types of issues are far-ranging, from harmful chemicals in the Columbia to higher than normal stream temperatures in many watersheds. Fortunately, three of the major rivers in the gorge – the White Salmon, the Lower Sandy and the Klickitat – still retain high water quality.

Objective 2.2: Protect and Enhance the Quality of Water and Aquatic Habitats

Vital Sign Number: 2.2.b

Vital Sign Title: Habitat Quality

Vital Sign Measure: Percent of native fish habitat that is properly functioning.

Proxy Measure: Number of watersheds, including the Columbia River, where stream habitat quality is good.

What We Know:

Of the 13 watersheds in the National Scenic Area, none had an overall rating of good for stream habitat quality. They breakdown as follows:

Western Gorge

- | | |
|-------------------------------|---|
| 1. Lower Sandy River | Impaired |
| 2. Western Gorge – Oregon | Mostly good - upper reaches; impaired - lower reaches |
| 3. Western Gorge – Washington | Mostly moderate - upper reaches; impaired - lower reaches |

Central Gorge

- | | |
|------------------------------|--|
| 4. Hood River | Impaired |
| 5. Mosier Creek | Impaired |
| 6. Wind River | Good - upper reaches; moderate - lower reaches |
| 7. Little White Salmon River | Moderate |
| 8. White Salmon River | Moderate |
| 9. Catherine & Major Creeks | Good - upper reaches; impaired - lower reaches |

Eastern Gorge

- | | |
|---------------------------|----------|
| 10. Klickitat River | Moderate |
| 11. Fifteen-mile Creek | Impaired |
| 12. Lower Deschutes River | Moderate |

Entire Gorge

- | | |
|--------------------|----------|
| 13. Columbia River | Impaired |
|--------------------|----------|

Assessment:

Despite the substantial resources that have been invested in habitat enhancement and restoration, gorge watersheds still fall far short of providing good quality habitat for fish. Problems in the watersheds causing impairments are wide ranging. Common impairments are a lack of large wood either in-stream or in riparian areas, high sediment loads, and high in-stream temperatures. Many streams are also impacted in their lower reaches where highways, railroads, and hydroelectric dams significantly alter the natural flow of materials and fish. While no watershed receives a clean bill of health for habitat quality, three are considered partially good and six are rated as moderate.

Objective 1.1: Protect and enhance scenic quality

Vital Sign Number: 1.1.g

Vital Sign Title: Visibility

Vital Sign Measure: To be developed

Objective 2.3: Protect and enhance quality of the air

Vital Sign Number: 2.3.a

Vital Sign Title: Air Quality

Vital Sign Measure: To be developed

Air Quality Summary:

This summary addresses the two air quality indicators - listed under the scenic and natural goals. Because the specific language for either measure has not yet been finalized, the available information for air quality has been summarized for this report.

What We Know:

Over the last decade a great deal has been learned about air quality in the gorge. Air quality monitoring started in the 1990s with two sites operated by the U.S. Forest Service at the east end near Wishram, WA and at the west end on Mt. Zion in eastern Clark County. In 2000 the Gorge Commission adopted an amendment to the Management Plan that called for the protection and enhancement of gorge air quality through the development and implementation of a regional air quality strategy. Since then there has been an increased level of monitoring and directed study by state agencies and the tribes under the leadership of the Yakama Nation. This monitoring has increased understanding of the causes of haze and characteristics of air quality throughout the National Scenic Area. These studies are the building blocks for an overall strategy being developed addressing gorge air quality. Below is a list of these studies and reports and a summary of their purpose:

- Columbia River Gorge Haze Gradient Study (2006): This report was produced for Southwest Clean Air Agency (SWCAA) by the Desert Research Institute. The objectives of the study were to characterize horizontal, vertical and temporal patterns in haze and to gain insight into possible source regions contributing to haze in the gorge.
- Causes of Haze in the Gorge (CoHaGo) Report (2006): This report, also produced for SWCAA by the Desert Research Institute followed the Haze Gradient Study. It was "intended to add to the understanding of the source areas and source types contributing significantly to haze in the Columbia River Gorge in the States of Washington and Oregon."
- Gorge Emission Inventory Report (2008): The Oregon Department of Environmental Quality (ODEQ) created this list of emission estimates for sources of air pollution that may impact the Scenic Area.
- Gorge CAMx Modeling Report (2007): This report was prepared for SWCAA by ENVIRON International and describes meteorological, emissions and air quality modeling that are used to "assess projected trends in future visibility impairment, to provide a simulation assessment of source apportionment by type and region, and to test several "what-if" scenarios for future year conditions."
- Gorge Science Summary Report (2008): SWCAA and ODEQ used the above four studies to prepare this report in 2008 summarizing "the results of six years of planning, ambient monitoring and visibility assessment activities to understand and characterize visibility conditions and the causes of visibility impairment in the Columbia River Gorge National Scenic Area."
- Updated Air Quality Trends for the Columbia River Gorge Report (2006): This report was prepared for Klickitat County by Kent Norville of Air Sciences Inc. to review "air quality data from 1989 to 2005 from various monitors located in and around the Columbia River Gorge (CRG) in order to examine trends in air quality."

- Analysis of 12 Years of IMPROVE Data in the Columbia River Gorge Report (2006): This report was prepared for the Yakama Nation by Dr. Dan Jaffe of the University of Washington and analyzed a 12-year record of IMPROVE aerosol data from the Wishram, Washington site in the Columbia River Gorge.
- Fog Water Deposition in the Columbia River Gorge Report (2007): This U.S. Forest Service (USFS) study sampled fog, bulk precipitation, throughfall, airborne particulates, and lichen distribution and found that the levels and pH of atmospheric deposition “likely threaten gorge ecosystems and cultural resources.”
- Ozone Injury in West Coast Forests Report (2006): This USFS study looked at the impact that ozone has had on west coast forests, and found ozone damage at a forest site in the National Scenic Area.
- Air Pollution and Climate Gradients in Oregon and Washington Indicated by Epiphytic Macrolichens (2005): This USFS study used lichen as an indicator by modeling lichen community gradients in relationship to air quality, climate and other environmental variables. The model was then applied to an entire dataset to assess regional condition and changes in the lichen community condition over time.
- Analysis of Air Quality Data in the Columbia River Gorge During Temporary Shutdowns at the PGE Boardman Plant (2008): This report was prepared for the Yakama Nation by Dr. Dan Jaffe and analyzed months when the PGE Boardman plant was temporarily shut down allowing quantification of the contribution from the Boardman plant to haze in the Columbia River Gorge.

Other currently ongoing studies are also looking at the contribution of agriculture to air quality degradation and the affects of existing air quality levels on prehistoric rock images (May 2009 release, Yakama Nation).

Assessment:

Scientists agree that air quality has been impacted, but have not reached consensus about the trend or the significance of individual sources and their contribution to haze in the gorge. The Gorge Science Summary Report found that visibility impairment in the gorge is typically worse in the winter than it is in the summer, particularly at the eastern end of the National Scenic Area when air stagnation conditions trap and concentrate pollution. Forest Service studies show that gorge haze levels are among the worst for remote area monitoring sites in the Western U.S. Winter haze episodes are dominated by easterly winds with the majority of emissions coming from sources east of the gorge, primarily PGE’s Boardman coal-fired power plant. Winter haze concentrations are most significant at the east end of the gorge, and less significant at the west end of the gorge. Summer haze episodes are dominated by westerly winds with emissions typically coming from the Portland/Vancouver area and other regional sources west of the gorge, or due to wildfires in the region. Summer haze concentrations are most significant at the west end of the gorge, less significant at the east end of the gorge.

The most significant man-made sources contributing to gorge haze were found to include PGE’s Boardman power plant emissions, motor vehicles, non-road emissions (e.g., ships, trains, trucks), agricultural sources of ammonia and woodstoves. Future monitoring work that incorporates the long-term IMPROVE data set with these alternative measurements could benefit the development of indicators of air quality.

Natural Chapter Endnotes:

2.1.a Habitat Quality

Source: EcoVision Report, USFS, 2002.

The US Forest Service 2002 *EcoVision* report describes the functional status of 14 important landscape elements occurring in the Scenic Area. In the context of this report, landscape elements are components of the priority habitats based on the unique species they support and their rarity. Functionality is based on the interruption of landscape flows that can be attributed to disturbance by humans and animals, invasive species encroachment, and the interruption of natural disturbance regimes such as flood, fire, and debris flow.

Landscape elements, physical and biological flows within landscapes, the importance of linkages, the uniqueness of features, and the functional rank of elements were assessed for the report. Forest Service staff relied on their knowledge of the Scenic Area as well as maps depicting landscape features, human development, and the extent of wildlife populations and vegetative cover.

The *EcoVision* Report also contains information on disturbance mechanisms, physical and biological components, and "priority elements" such as threats, ability to influence, uniqueness, ecosystem linkages, and improvement capability for each landscape element. This information was combined with spatial and tabular data and analysis, as well as further consultation with Forest Service scientists to explicitly map landscape elements and function and provide a quantitative assessment of habitat health.

Forty-five significant natural areas were identified using Washington and Oregon Natural Heritage data. Explanation of these determinations is documented in the 1989 report: *Identification of Representative Plant Communities and Botanically Significant Sites in the Columbia River Gorge National Scenic Area*.

2.1.c Species Health

Source: Oregon and Washington Natural Heritage Programs.

<http://www.natureserve.org/explorer/>

Using element occurrence data from the Natural Heritage Programs, species health was determined by averaging the A (assigned a value of 4) through E (assigned a value of 0) rankings made by observers of individual species' populations. Any species population receiving an average ranking of greater than 2.5 was considered good. It is important to note that element occurrence data is comprised of opportunistic observations. When an observation is reported, it is recorded into the database – with or without an assessment of overall health.

2.2.a Surface Water Quality

Sources:

Sandy River Basin Characterization Report (Sandy River Basin Working Group, 2005)

Sandy River Basin Aquatic Restoration Strategy (Sandy River Working Group, 2007)

Columbia Tributaries West Watershed Analysis (USFS 2001)

Columbia Tributaries East Watershed Analysis (USFS 1998)

Western WA Columbia Tributaries Watershed Analysis (USFS, 2002)

Technical Memorandum No. 7: Water Quality Report: WRIA 27/28 (LCFRB, 2001)

Lower Columbia Salmon Recovery and Fish & Wildlife Subbasin Plan Vol. II, Chapter L (LCFRB, 2004)

Hood River Columbia Tributaries Subbasin Summary 2000 (Northwest Power Planning Council)
Hood River Subbasin Plan, Including Lower Oregon Columbia Gorge Tributaries. (Prepared for Northwest Power and Conservation Planning Council by the Hood River Soil and Water Conservation District, 2004)
Hood River Watershed Action Plan (2008, Hood River Watershed Group)
Mosier Watershed Analysis (Mosier Watershed Council, 2002)
The Dalles Watershed Assessment, (WCSWCD, 2003 included Rowena Creek)
Lower Columbia Salmon Recovery Plan: Wind River (LCFRB, 2004)
WRIA 29 Assessment (2005, Skamania County)
Lower Columbia Salmon Recovery Plan: Little White Salmon (LCFRB, 2004)
White Salmon Subbasin Plan (NWPCC, 2004)
 Washington Department of Ecology draft 303(d) list, 2008
Cather Major Creek Watershed Open Space Plan (USFW, 2005)
Klickitat Subbasin Plan (NPCC, 2004)
Fifteenmile Watershed Assessment (WCSWCD, 2004)
Fifteenmile Basin Plan (NPCC, 2004)
The Dalles Watershed Assessment, (WCSWCD, 2003)
Deschutes Subbasin Plan, Assessment (DCG, 2004)
Columbia Gorge Mainstem Subbasin Plan 2004 (ODFW for NWPCC)
Lower Columbia Salmon Recovery & Subbasin Plan (NWPCC, 2004)
Columbia River Basin: State of the River Report for Toxics (EPA, 2009)

Helpful links to watershed reports:

- EPA Columbia River Basin State of the River Report for Toxics:
<http://yosemite.epa.gov/r10/ECOCOMM.NSF/Columbia/SoRR>
- Washington Department of Ecology Water Quality Assessment and 303(d) Information:
http://www.ecy.wa.gov/programs/wq/links/wq_assessments.html
- Oregon Department of Environmental Quality Water Quality Assessment and 303(d) info:
<http://www.deq.state.or.us/WQ/assessment/assessment.htm>
- Lower Columbia Fish Recovery Board Watershed Management Plans:
<http://www.lcfrb.gen.wa.us/Watershed%20planning%20general/Watershed.htm>
- Northwest Power and Conservation Council Sub-basin Plans:
<http://www.nwcouncil.org/fw/subbasinplanning/Default.htm>
- USGS Oregon Water Science Center: <http://or.water.usgs.gov/>
- Washington Department of Ecology Watershed Resource Inventory Areas:
<http://www.ecy.wa.gov/apps/watersheds/wriapages/index.html>
- Pacific Northwest Aquatic Monitoring Partnership:
<http://www.pnamp.org/web/Content.cfm?SectionID=8>
- Columbia River Inter-Tribal Fish Commission (CRITFC) science page:
<http://www.critfc.org/text/science.html>

- Hood River Watershed Group, Watershed Action Plan and Subbasin Plan www.hoodriverswcd.org
- Klickitat County Watershed Management
<http://www.klickitatcounty.org/NaturalR/default.asp?FD=3>

At this time, no consistent assessment of gorge water quality that addresses the data called for in Indicator 2.2.a exists. The Oregon Department of Environmental Quality has three long term monitoring stations in the NSA (at the mouths of the Sandy, Hood, and Deschutes Rivers) for which it produces a “water quality index” (WQI) measurement that rates water as poor, fair, good or excellent. The Washington Department of Ecology has devised a similar WQI, but none of its monitoring stations are located in the NSA. Subsequently, this report draws on watershed analyses, restoration plans, and other studies and databases addressing water quality in the gorge over the past 15 years. The studies are spotty in coverage, have occurred sporadically and do not use a common language for reporting results.

For this review, a watershed is considered “good” if a) an overall assessment in a reviewed report ranks water quality as generally good or b) the watershed has no listings or issues of concern on the state’s register of impaired water bodies - the 303(d) list. The 303(d) list identifies water bodies with unacceptably high levels of one or more pollutants and/or which do not meet a water quality standard like temperature. The waters of a watershed are considered “impaired” if listed on the state 303(d) list, or a plan for addressing the impairment by setting a Total Maximum Daily Load (TMDL)) has been approved by the U.S. Environmental Protection Agency.

2.2.b Habitat Quality

Source: Data derived from multiple reports on watershed quality.

Please see the sources listed under 2.2.a above.

At this time no consistent assessment of stream habitat quality that addresses the data called for in Indicator 2.2.a exists. This report draws on watershed analyses, restoration plans, and other studies and databases addressing habitat quality in the gorge over the past 15 years. Data used to characterize watershed characteristics are drawn from a number of primary sources: U.S. Forest Service, Lower Columbia Fish Recovery Board; the Northwest Power & Conservation Council, the Washington Department of Ecology and the Oregon Department of Environmental Quality. Additionally, stakeholder groups such as the Hood River Watershed Group and the Mosier Watershed Council work with the local soil and water conservation districts to produce assessments and action plans.

For this review, a watershed is considered “good” if conditions that allow for watershed functions to occur are present. This includes characteristics such as an uninterrupted flow of wood, water and/or sediment; a low level of development in the active geomorphic features of the stream system, including the riparian buffer zone; and a highly intact riparian forest with a good wood recruitment potential. Watersheds may be characterized as “moderate” if functions are somewhat impacted due to alterations in the watershed, or “impaired” if functions are significantly impacted.

2.3.a Air Quality

There are a variety of past and on-going studies looking at gorge air quality. Please see:

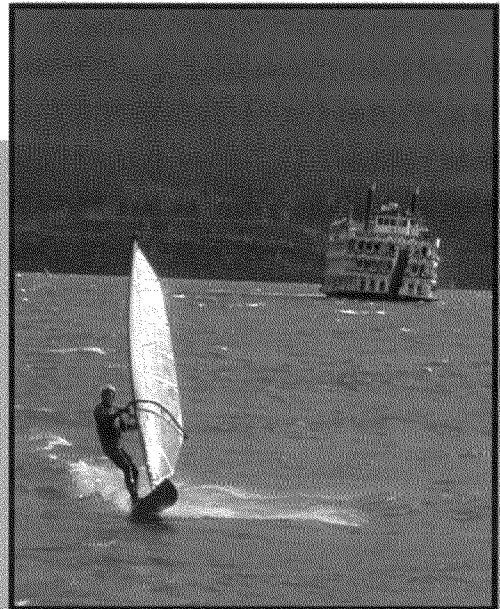
Oregon DEQ Gorge Air Quality Project Page: <http://www.deq.state.or.us/aq/gorgeair/>

Southwest Clean Air Agency Gorge Reports Page: <http://www.swcleanair.org/gorgereports.html>

USFS Gorge Air Quality Cam Page: <http://www.fsvisimages.com/cori1/cori1.html>



Columbia River Gorge Commission



Joanna Grammon



Columbia River Gorge Commission



Joanna Grammon

Goal 3

Protect and support the economy

Approximately 55,000 people live, work and play in the Columbia River Gorge National Scenic Area. The second purpose of the National Scenic Area Act mandates the Commission to protect and support the economy by encouraging growth to occur in existing urban areas and by allowing new economic development in a manner that is consistent with the protection of the scenic, natural, cultural and recreation resources. Agriculture, forestry and tourism are the chief economic sectors, and are highlighted within the measures contained in this chapter.

Objectives:

3.1 ENHANCE AND SUSTAIN THE ECONOMIC VITALITY OF THE URBAN AREAS

Documenting income, job growth, construction and housing affordability inside the urban areas of the gorge

3.2 PROTECT AND ENHANCE AGRICULTURE AND FORESTRY

Measuring the vibrancy of the agriculture and forestry economies through land use, revenue, payroll and income

3.3 ALLOW ECONOMIC DEVELOPMENT IN RURAL CENTERS AND NON-URBAN AREAS CONSISTENT WITH THE PROTECTION AND ENHANCEMENT OF THE SNCR RESOURCES

Documenting income, job growth, construction and housing affordability outside of the urban areas

Objective: Enhance and Sustain the Economic Vitality of the Urban Areas

Vital Sign Number: 3.1.a

Vital Sign Title: Income

Vital Sign Measure: Per capita income of National Scenic Area urban area⁹ residents as a percent of state non-metro¹⁰ per capita income: a) Oregon side; b) Washington side.

What We Know:

We can estimate National Scenic Area (NSA) urban area per capita income by summarizing U.S. Census data to the blocks groups¹¹ that contain significant portions of those urban areas. The table below shows the urban area income and statewide non-metro income for 1989 and 1999.

Per Capita Income of NSA Urban Area Residents as Percent of State Non-Metro						
	1989		%	1999		%
State	NSA Urban Area	Statewide Non-Metro		NSA Urban Area	Statewide Non-Metro	
Oregon	12,576	11,918	105.5%	17,794	18,057	98.5%
Washington	10,731	12,459	86.1%	17,047	18,280	93.3%

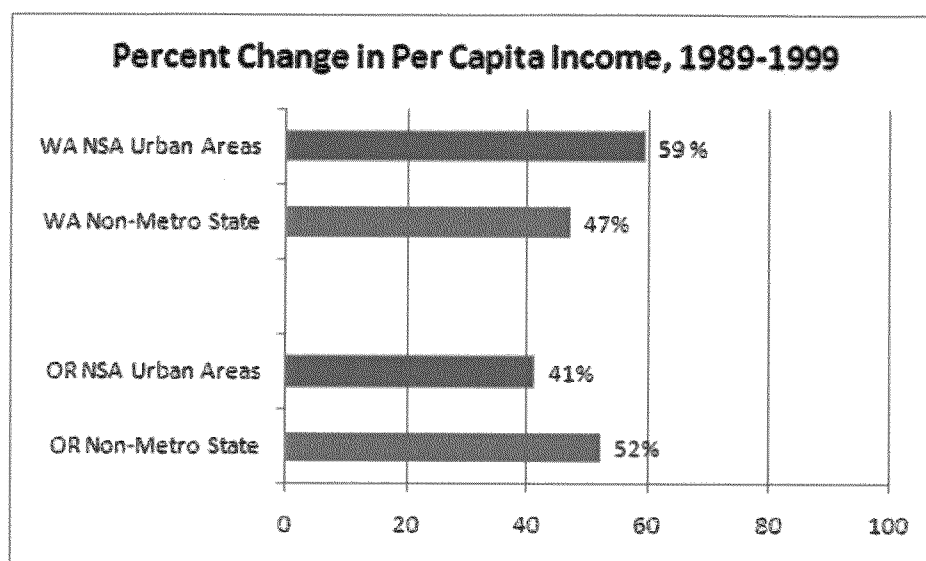
Assessment:

Relative to state-wide non-metro averages, per capita income in the NSA urban areas of Oregon has grown at a slower rate while income in the NSA urban areas of Washington has grown at a faster rate. In 1989, Oregon urban area incomes were approximately 106% of statewide non-metro incomes. However, by 1999, that number dropped to 99%. Conversely, in Washington, urban area incomes grew from 86% of the statewide non-metro average to 93% of that average.

⁹ NSA Urban Area: Census block groups that significantly intersect the 13 National Scenic Area urban areas as defined by Congress and amended by the Gorge Commission.

¹⁰ State non-metro: Those state-wide Census block groups that do not intersect "urbanized" areas as defined by the Census Bureau. There are no Census urbanized areas within the Scenic Area.

¹¹ Census Block Group: A geographical unit used by the U.S. Census Bureau to summarize data. On average, a block group contains between 600 and 3,000 people.



The growth rate of Washington and Oregon non-metro per capita incomes grew at different rates as well: 47% and 52% respectively. Therefore, it was harder for Oregon urban area incomes to maintain their lead over non-metro incomes that grew relatively quickly. And it was easier for the faster growing Washington urban area NSA incomes to catch up to the slower growing Washington non-metro incomes. By the end of the decade, both were either at or less than their state averages – unlike non-urban areas where NSA resident per capita incomes were above state-wide non-metro averages. See Vital Signs Indicator 3.3.a.

Per capita income change in urban areas varied widely between different counties. Urban area incomes in Klickitat County went up by 61%, followed by Skamania at 56%, Hood River at 50%, and Wasco at 36%. Neither Multnomah nor Clark counties have urban areas inside the NSA.

Between 1989 and 1999, some incomes in urban areas went up more slowly in relation to state averages than those in the NSA non-urban areas. See Vital Sign 3.3.a for more information.

Objective 3.1: Enhance and Sustain the Economic Vitality of the Urban Areas

Vital Sign Number: 3.1.b

Vital Sign Title: Job Growth

Vital Sign Measure: Net job growth: a) Oregon side; b) Washington side.

What We Know:

The table below shows short-term and long-term job growth for the four rural counties in the gorge. It also compares those figures to the statewide non-metropolitan job growth in Washington and Oregon. See endnote for data limitations.

Net Job Growth Inside the NSA Urban Areas			
State	Average county net jobs created per year 1992 - 2007	Average county net job growth <u>rate</u> 1992 - 2007	Average statewide non-metropolitan net job growth <u>rate</u> 1992 - 2007
a) Oregon side	323	2.1%	2.5%
b) Washington side	112	1.8%	2.3%

Assessment:

Over this period, Oregon side and Washington side counties have, on average, experienced similar job growth rates; with the Oregon side counties growing at a slightly faster rate (2.1%) than the Washington side (1.8%). However, the state average growth rate for the four gorge counties was significantly less than their respective states' non-metropolitan growth rates. The two Oregon counties combined rate of 2.1% per year between 1992 and 2007 is nearly ½ percentage point less than the 2.5% per year for Oregon. Similarly for Washington, the two gorge counties grew, on average, at 1.8% while non-metro Washington grew at 2.3% per year.

While growth rates for Washington and Oregon have been similar, job growth in the four individual counties has differed markedly. The two western counties, Hood River (2.8%) and Skamania (3.0%), outpaced their respective state averages. The two eastern counties, Wasco (1.4%) and Klickitat (1.1%) lagged far behind state averages. This may reflect the greater growth of tourism related jobs in the western counties, where the majority of overnight lodging in the Scenic Area is located.

Job growth figures show high variability in individual counties with as many as 800 jobs added and 500 jobs lost in a single year between 1992 and 2007.

Objective 3.1: Enhance and Sustain the Economic Vitality of the Urban Areas

Vital Sign Number: 3.1.c

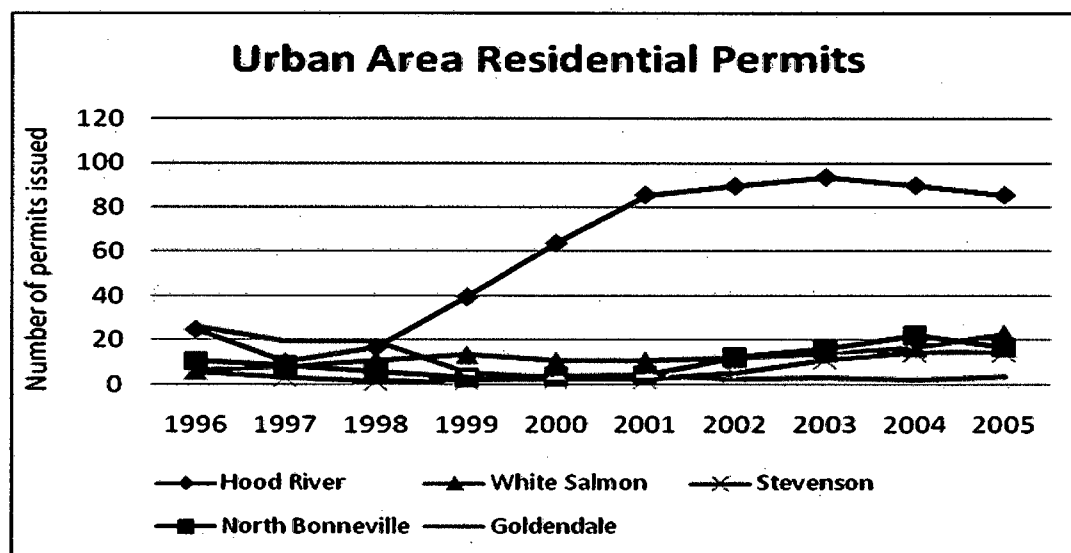
Vital Sign Title: Construction

Vital Sign Measure: Building permits issued, by urban area: a) housing, b) commercial, and c) industrial.

Proxy Measure: Number of residential building permits issued, by urban area.

What We Know:

Building permit data that differentiate between the types of permits described in 3.1.c or whether a site is in or out of the NSA or an urban area is not collected by county building departments at this time. The chart below shows residential building permit activity using data obtained from the U.S. Census Bureau – the most complete data available at this time. In order to “smooth” the data, each data point is a three-year average using the designated year as the mid-point.



Assessment:

All four gorge urban areas experienced significant increases in building permit activity between 2001 and 2005; the most recent year data are available. Hood River, on the other hand, saw dramatically higher permit activity beginning in 1999 and continuing through 2005. Generally counties were experiencing higher permit activity in 2005 than they had at anytime in the prior ten years. For comparison purposes, note that Goldendale, WA, which is outside of the NSA (and to the east), decreased from the mid-1990s and has remained very low since 2000.

Objective: Enhance and Sustain the Economic Vitality of the Urban Areas

Vital Sign Number: 3.1.e

Vital Sign Title: Housing Affordability

Vital Sign Measure: Percent of households that can afford the median priced house.

Proxy Measure:

Percent of renters and owners inside the NSA paying less than 30% of household income on rent or select monthly owner costs: a) Oregon side; and b) Washington side.

What We Know:

According to the Massachusetts Institute of Technology Center for Real Estate, the most common metric for housing affordability is the percent of household income spent on monthly housing costs. Generally, to be affordable, monthly costs should be less than 30% of income. The U.S. Census Bureau data on the percent of household income spent on rent or monthly owner costs has been summarized to the block groups that intersect the Scenic Area (NSA block groups) as well as to the entire counties that intersect the Scenic Area (all county block groups). The tables and graphs shown on the following pages show the approximate percent of households that have "affordable" monthly housing costs by renters and owners.

Assessment:

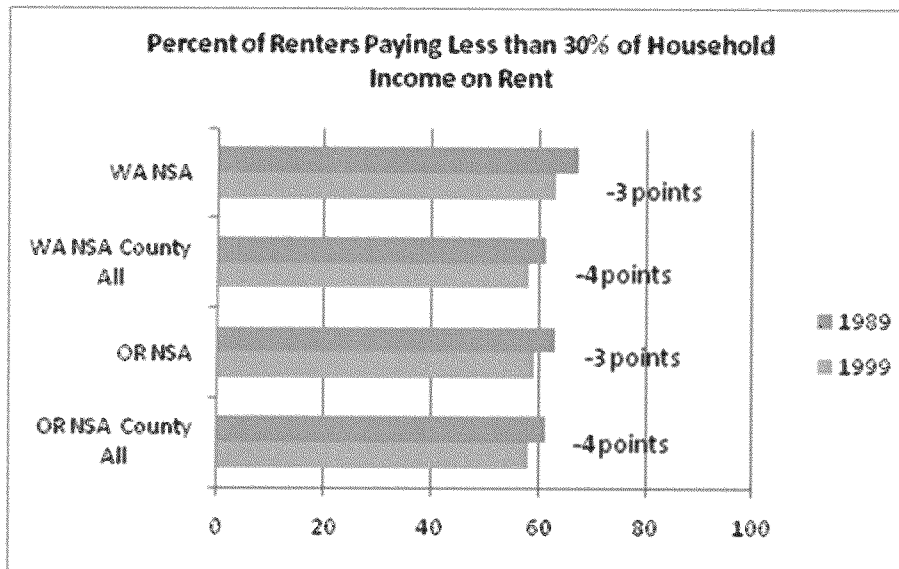
On average, housing affordability for both owners and renters has decreased for Scenic Area residents in both states between 1989 and 1999. For renters the affordability went down by four percentage points in both Oregon and Washington. Renting has also become less affordable at a similar rate throughout those counties that intersect the Scenic Area.

The affordability of home ownership in the Scenic area has also decreased but much more significantly between 1989 and 1999. Affordability has also decreased throughout the counties intersecting the Scenic Area, but at a lesser rate.

Affordability fell by nine percentage points in Oregon and a significant 15 percentage points in Washington. Washington-side homeowners inside the NSA saw a steeper decline in affordability than residents statewide. This is explained by a precipitous drop (34 percentage points) in ownership affordability in Clark County. At the same time renters in Clark County found renting significantly more affordable than average, while renters in Skamania and Multnomah Counties experienced just the opposite.

Renters:

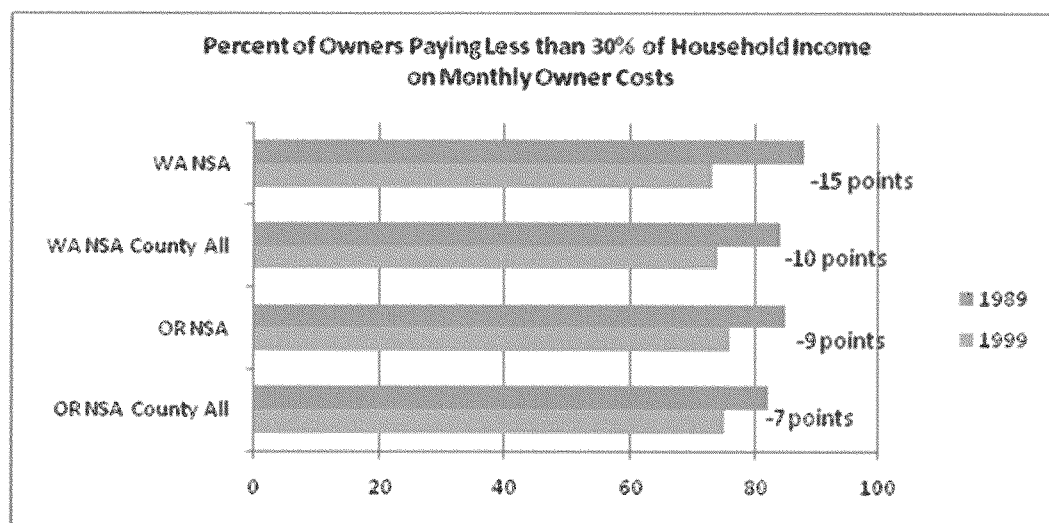
Percent of Renter Occupied Households Paying Less than 30% of Household Income on Rent				
County/State	1989		1999	
	NSA block groups	All county block groups	NSA block groups	All county block groups
Clark	53	63	80	59
Skamania	73	67	56	56
Klickitat	66	54	64	57
Multnomah	87	60	68	57
Hood River	60	60	61	63
Wasco	63	64	57	58
Oregon	63	61	59	58
Washington	67	61	63	58
NSA Overall	64	61	60	58



In general, the percent of renters residing inside the NSA urban areas that are paying less than 30% of their household income on rent is decreasing (from 64% in 1989 to 60% in 1999), meaning that it is becoming increasingly more expensive over time. However, when compared to the county block groups, renters in the NSA urban areas are paying less of their monthly income towards rent than those who live outside of the NSA.

Owners:

Percent of Owner Occupied Households Paying Less than 30% of Household Income on Select Monthly Owner Costs				
County/State	1989		1999	
	NSA block groups	All county block groups	NSA block groups	All county block groups
Clark	91	85	57	72
Skamania	87	84	76	76
Klickitat	89	82	75	75
Multnomah	80	81	73	72
Hood River	84	88	75	74
Wasco	87	87	77	77
Oregon	85	82	76	75
Washington	88	84	73	74
NSA Overall	86	83	75	74



Similar to NSA urban area renters, homeowners are on average, paying less of their monthly income towards owning a home than those who live outside of the NSA. However, the data shows that this trend may not continue for long. In 1989 three percent more NSA urban area homeowners paid less than 30% of their monthly income than the county block groups, and in 1999 there is a difference of only one percent.

Objective: Protect and Enhance Agriculture and Forestry

Vital Sign Number: 3.2.d

Vital Sign Title: Land Base

Vital Sign Measure: Total acreage in a) agriculture uses and b) forest uses*

* Forest uses are not addressed at this time.

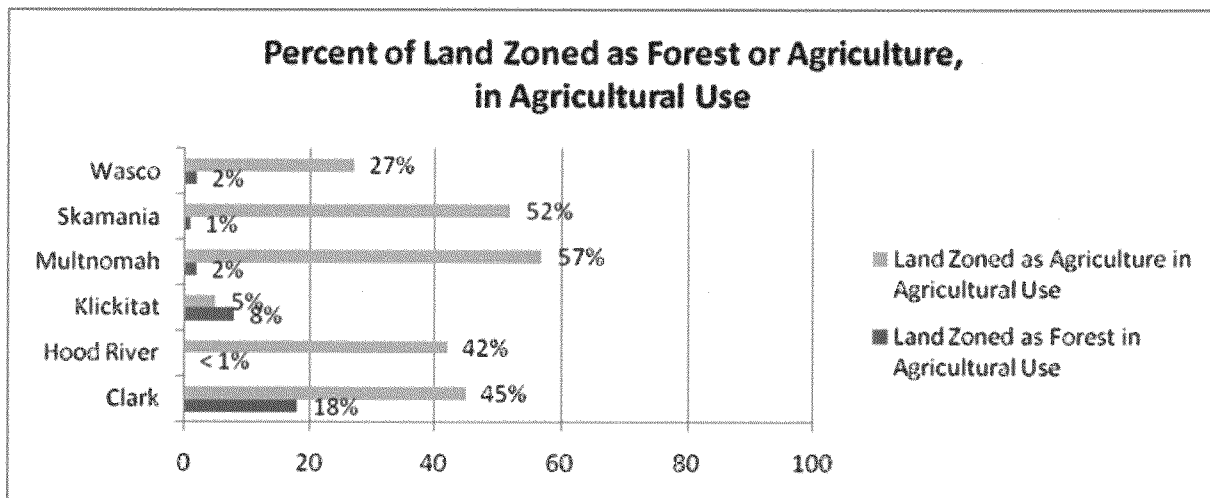
Proxy Measures:

- 1) Percent of land classified as agriculture¹² or pasture per agriculture and forest zoning.
- 2) Number of inventoried cattle and calves per [entire] county.

What We Know:

By combining land use designations and a 2004 USFS land cover classification, it is possible to estimate the amount of land that is designated forest or agriculture that was in agricultural use. See table below.

Percent of Land in Cultivation Based on Zoning						
County	Zoned as Agriculture			Zoned as Forestry		
	Acres Zoned as Agriculture	Acres in Agricultural Use	Percent in Agricultural Use	Acres Zoned as Forestry	Acres in Agricultural Use	Percent in Agricultural Use
Clark	3540	1602	45%	464	83	18%
Hood River	881	368	42%	7440	29	< 1%
Klickitat	39830	1867	5%	4394	370	8%
Multnomah	1629	922	57%	6788	135	2%
Skamania	4669	2445	52%	42830	504	1%
Wasco	25062	6868	27%	2315	51	2%



¹² Agriculture: Agricultural use in this context and according to the Management Plan can include cultivation of crops and pastures as well as cattle grazing.

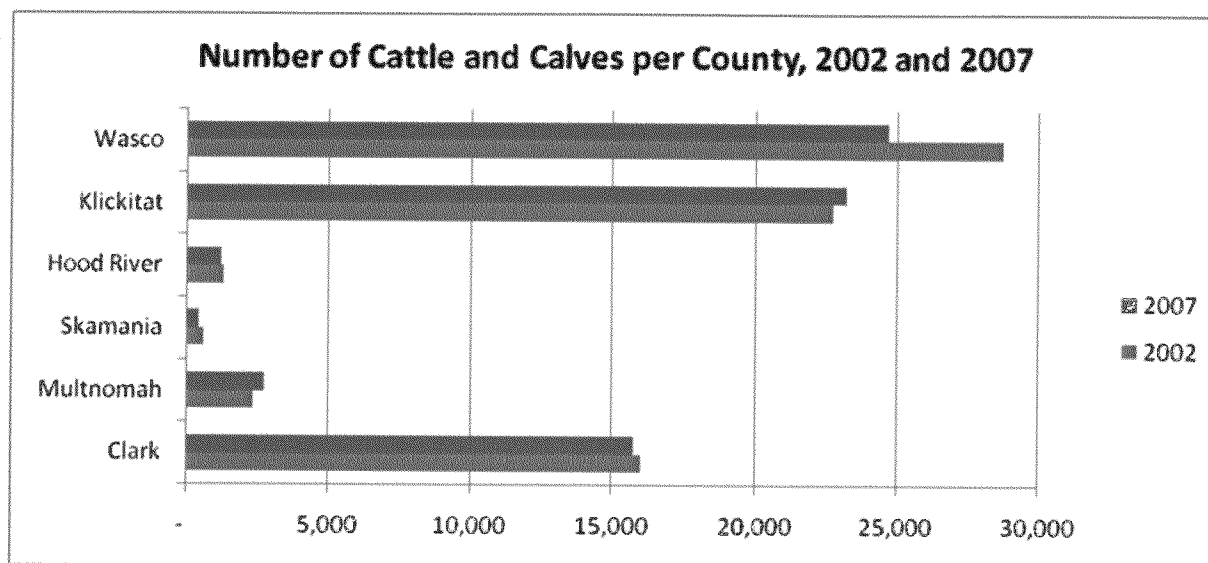
Assessment:

In 2004, between 20-60 percent of land in each county within the Scenic Area that is zoned as agriculture was used for cultivation related agriculture, with the exception of Wasco County. For lands zoned as forest, the amount in cultivation ranges from less than 1% in Hood River County up to 18% in Clark County. Most counties, with the exception of Wasco (27%) and Klickitat (5%), have approximately 50% of land zoned as agriculture in cultivation. As one may expect, there is little land zoned as forest in cultivation. However, Clark County has a significant percentage (18%) of forest land in cultivated use. Klickitat County has only 8% of its forest land in cultivated use but that is still a higher proportion than the 5% of its agriculturally zoned land in cultivated use.

These data establish a rough estimate for cultivated land by land use designation in the year 2004. However, future analysis will incorporate historic and current imagery as well as classification methods designed specifically to detect cultivation to create a more accurate picture of changes in agricultural use over time.

Grazing data are not readily available for lands within the Scenic Area; therefore Census of Agriculture data aggregated to the county level are used. The table below lists the number of animals per county as well as the number of farms raising cattle and calves.

Census of Agriculture, Inventory of Farms with Cattle and Calves				
	2002		2007	
County	Number of farms	Number of cattle and calves*	Number of farms	Number of cattle and calves*
Klickitat	267	22719	337	23223
Clark	693	16068	795	15799
Skamania	34	626	36	449
Hood River	95	1304	84	1235
Multnomah	159	2348	130	2764
Wasco	216	28779	270	24730
* Includes beef, milk and other cattle which includes pasture only cattle				



The count of cattle and calves includes the beef and dairy sectors of the cattle industry. Beef production composes a significant portion of the agricultural economic sector in the eastern side counties of Wasco and Klickitat. The apparent trend between 2002 and 2007 for these counties is an increased number of farms and a decreased average of cattle per farm. However, the number of animals in each county remained relatively stable. The exception is Wasco County where the number of farms has increased by 24% while the average number of cattle per farm has decreased by 31%, resulting in a net decrease of more than 4000 animals. In Klickitat County the number of farms increased by 26% while average number of cattle per farm decreased by 19%.

Clark County, though considered an urban county, also has a significant cattle related agricultural sector. However, unlike the eastern counties whose cattle industry is related almost entirely to beef production, Clark County's industry was composed of 40% dairy production in 2007.

Objective: Allow Economic Development in Rural Centers and Non-Urban Areas Consistent with the Protection and Enhancement of the SNCR Resources

Vital Sign Number: 3.3.a

Vital Sign Title: Income

Vital Sign Measure: Per capita income of National Scenic Area non-urban area¹³ residents as a percent of non-metro¹⁴ per capita income: a) Oregon side; b) Washington side.

What We Know:

We can estimate NSA non-urban area per capita income by summarizing U.S. Census data to the block groups that do not contain significant portions of those urban areas. The table below shows the difference between non-urban area income and statewide non-metro income for 1989 and 1999.

Per Capita Income of NSA Non-Urban Area Residents as a Percent of Non-Metro						
	1989		%	1999		%
State	NSA Non-Urban Area	Statewide Non-Metro		NSA Non-Urban Area	Statewide Non-Metro	
Oregon	13,360	11,918	112%	21,092	18,057	117%
Washington	12,809	12,459	103%	18,756	18,280	103%

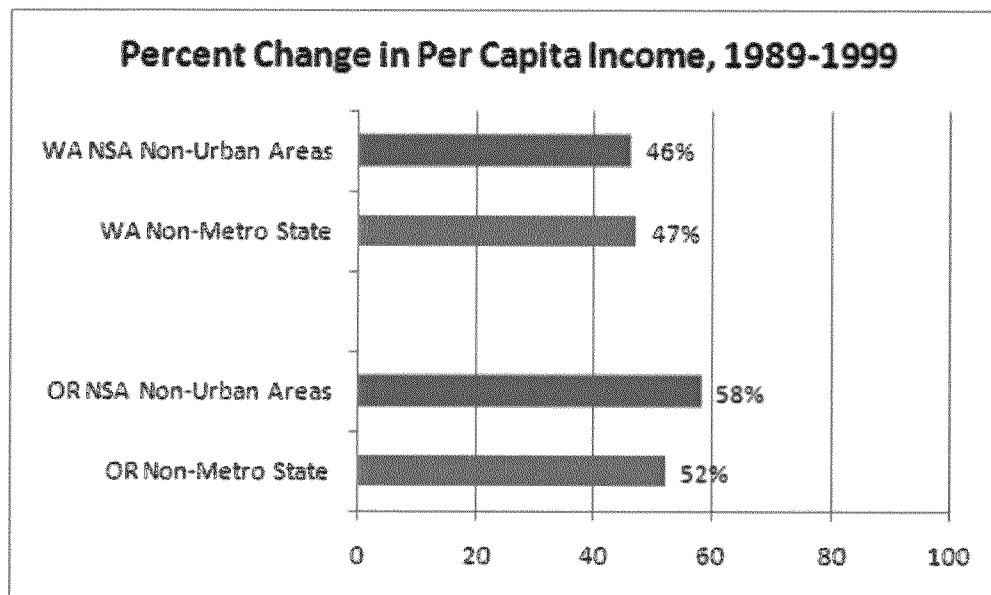
Assessment:

Relative to state-wide non-metro averages, per capita income in the NSA non-urban areas of Oregon grew at a faster rate while income in the NSA non-urban areas of Washington grew at almost the same rate. In 1989, Oregon non-urban area incomes were approximately 112% of state-wide non-metro incomes and grew to 117% by 1989. Washington non-urban area income held steady at 103% of non-metro state income in both 1989 and 1999.

¹³ NSA Non-Urban Area: Those Census block groups that intersect the National Scenic Area but do not significantly intersect the 13 National Scenic Area Urban Areas as defined by Congress and amended by the Gorge Commission.

¹⁴ State non-metro: Those state-wide Census block groups that do not intersect "urbanized" areas as defined by the Census Bureau. There are no Census urbanized areas within the Scenic Area.

The growth rate of Washington and Oregon non-metro per capita incomes grew at different rates between 1989 and 1999: 47% and 52% respectively. The higher growth rate in Oregon was exceeded by the NSA non-urban areas, resulting in an ever greater lead over state non-metro average income.



Per capita income change in the NSA non-urban area varied widely between different counties. Non-urban area per capita incomes in Multnomah County increased by 78% followed by Klickitat at 65%, Skamania at 49%, Clark at 38%, Hood River at 36%, and Wasco at 30%.

Between 1989 and 1999, some incomes in NSA urban areas went up more slowly in relation to state averages than those in the NSA non-urban areas between 1989 and 1999. See Vital Sign 3.1.a for more information.

Objective 3.3: Allow Economic Development in Rural Centers and Non-Urban Areas Consistent with the Protection and Enhancement of the SNCR Resources

Vital Sign Number: 3.3.c

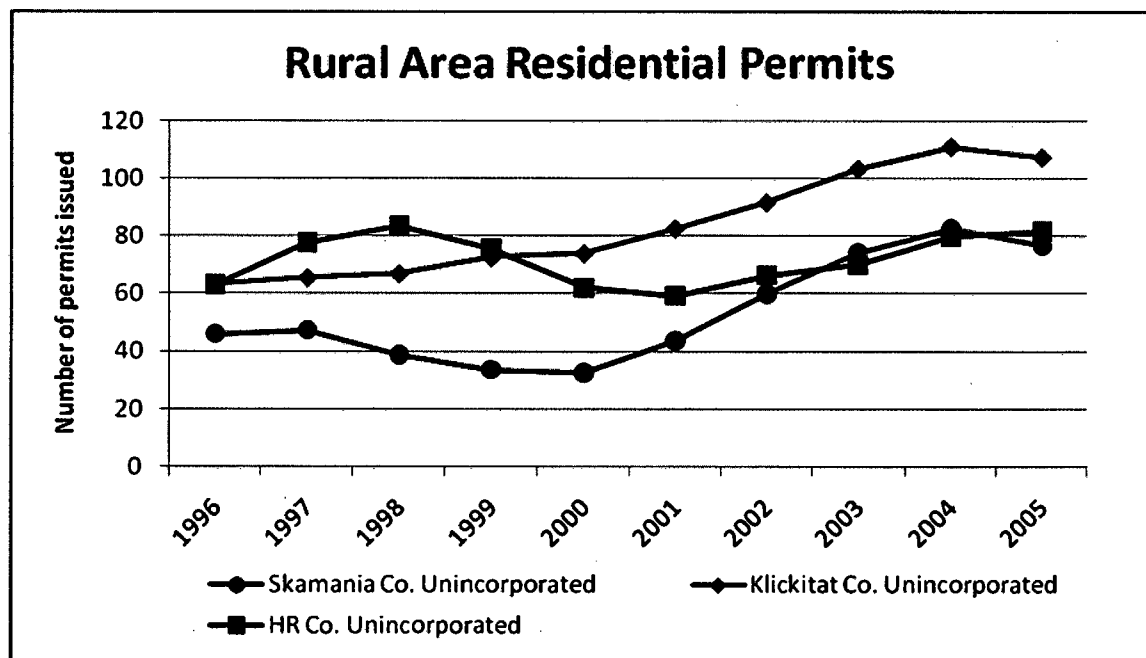
Vital Sign Title: Construction

Vital Sign Measure: Building permits issued in rural centers and non-urban areas: a) housing, b) commercial, and c) agricultural.

Proxy Measure: Number of residential building permits issued in unincorporated portions of rural NSA counties.

What We Know:

Building permit data that differentiate between the types of permits based on whether a site is in or out of the NSA is not collected by gorge building departments at this time. The chart below shows residential building permit data obtained from the U.S. Census Bureau. These data represent a three-year rolling average of each year's data, in order to smooth out the curves. It is the most complete dataset at this time. These data are not reported for Wasco County. Clark County and Multnomah County were not included due to the small size of the NSA portions of both counties.



Assessment:

Overall, annual construction rates have increased over time for NSA rural areas. Construction slumped around 2000, but three counties rebounded by 2004. The increase in rural building activity was much stronger in the early part of the decade for Washington NSA counties than the trend for unincorporated Hood River County. This is the inverse of the urban area data which show the City of Hood River growing at a much faster rate during this period than other gorge urban areas.

Economy Chapter Endnotes:

3.1.a Income

Source: U.S. Census Bureau, 1990 and 2000 surveys.

NSA data are summarized to the block groups that intersect the National Scenic Area. Because the block groups do not align with the Scenic Area boundary, information for areas outside the boundary may be included. Those block groups that significantly intersected the Scenic Area boundary were designated as "NSA." Those block groups that fell outside the Census delineated urbanized areas were designated as "non-metro." NSA block groups that contained significant portions of the Scenic Area urban areas were designated as "urban area" block groups.

3.1.b Job Growth

Source: Quarterly Workforce Indicators program of the U.S. Census Bureau:
<http://lehd.did.census.gov/led/datatools/qwiapp.html>.

Job growth data for the small portions of Clark County and Multnomah County in the National Scenic Area (NSA) are not available from any known source.

3.1.c Construction

Source: U.S. Bureau of the Census Building Permit Estimates - U.S., State, and Metropolitan Areas:
<http://censtats.census.gov/cgi-bin/bldgprmt/bldgdisp.pl>

3.1.e Housing Affordability

Source: U.S. Census Bureau, 1990 and 2000 surveys.

NSA data are summarized to the block groups that intersect the National Scenic Area. Because the block groups do not align with the Scenic Area boundary, information for areas outside the boundary may be included.

3.2.d Land Base - Agriculture use

Source: Land cover classification based on 2004 satellite imagery, USFS, CRGC.

Land use designations, 2008, CRGC.

Cattle and Calves: Inventories and Sales, USDA Census of Agriculture, 2002, 2007.

The spatial resolution of this imagery is 30 meters. There are 20 land cover classes identified, with 15 related to forest and shrub. The Ag/Golf/Pasture class was isolated and reviewed by using 2005 and 2006 aerial photographs at a coarse scale of approximately 1:24,000. Golf courses and other obvious non-agriculture areas (i.e. lawns) were removed from this class. The resulting data were combined with the forest and agricultural related land use designations and summarized. For the next report, staff hopes to have an improved evaluation of agricultural uses based in Landsat 7 ETM+ image classification. Free historic imagery as well as more recent raw imagery will be provided by the Forest Service for the new evaluation.

Grazing land use cannot be assessed with imagery and will instead be tracked through grazing permits, owner class and other information. Census of Agriculture 2002 and 2007 data were used to compute statistics on cattle inventories for this report. Sub-county data are not available.

3.3.a Income

Source: U.S. Census Bureau, 1990 and 2000 surveys.

NSA data are summarized to the block groups that intersect the National Scenic Area. Because the block groups do not align with the Scenic Area boundary, some information for areas outside the boundary may be included.

Those block groups that significantly intersected the Scenic Area boundary were designated as "NSA." Those block groups that fell outside the Census delineated urbanized areas were designated as "non-metro." Though all NSA block groups are outside Census urbanized areas, those block groups that did not contain a significant portion of an NSA defined "urban area" were designated as "rural NSA."

3.3.c Construction

Source: U.S. Bureau of the Census Building Permit Estimates - U.S., State, and Metropolitan Areas:
<http://censtats.census.gov/cgi-bin/bldgprmt/bldgdisp.p>

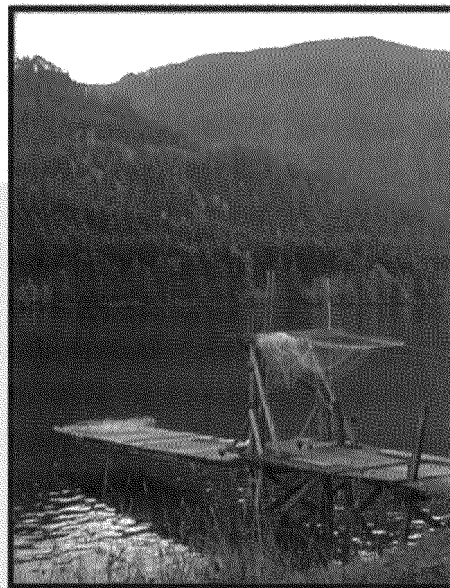
Please see www.gorgevitalsigns.org for more information.



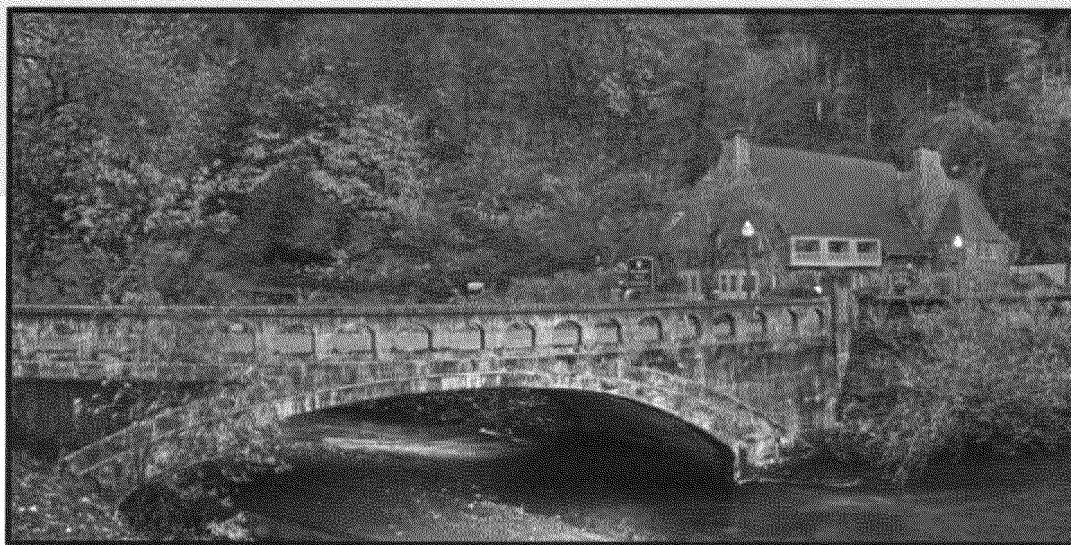
Peter Marbach



Columbia River Gorge Commission



Joanna Grammon



Michael J. Hatten

Goal 4

Protect and enhance cultural resources

Cultural resources are the evidence of past human activities that are important in history, archaeology, architecture or culture of a community or region. A rich and diverse array of cultural resources exist in the gorge, ranging from 10,000-year-old stone tools to log cabins built by pioneers to vision quest sites still used today by Native Americans. The objectives were written to encompass the three groups of cultural resources, as defined below. For each objective, measures were created to monitor the general conditions, inventory existing information and to facilitate future surveys for public and stakeholder awareness.

Objectives:

4.1 PROTECT AND ENHANCE SIGNIFICANT ARCHAEOLOGICAL RESOURCES

The physical remains or ruins of past generations, such as the remains of a rock shelter, an Indian village, or a pioneer settlement. Other examples include petroglyphs, graves, and artifacts like arrowheads and utensils.

4.2 PROTECT AND ENHANCE SIGNIFICANT HISTORIC RESOURCES

Standing buildings and structures that are at least 50 years old, including log cabins, barns, highways and wagon trails.

4.3 PROTECT AND ENHANCE SIGNIFICANT TRADITIONAL CULTURAL PROPERTIES

Objects and places associated with beliefs and practices of a living community that are rooted in that community's history and are important in maintaining the continuing cultural identity of the community. Traditional cultural properties may include a location used by past and present generations of Native Americans for ceremonial purposes or an area where a community has traditionally conducted culturally important economic or artistic activities.

Objective: Protect and Enhance Significant Archaeological Resources

Vital Sign Number: 4.1.a

Vital Sign Title: Condition

Vital Sign Measure: Percent of all monitored archaeological sites in good condition.

Proxy Measure: Percent of assessments of effect¹⁵ per year resulting in an adverse effect finding.

What We Know:

No assessments of effect resulted in an adverse effect finding in 2007 and 2008.

Number of Assessments of Effect on Significant Archeological Resources Conducted		
	2007	2008
Adverse Effect – no resolution	0	0
Adverse Effect – resolved through mitigation	0	0
No Adverse Effect ¹⁶	1	16
No Effect ¹⁷	0	2
Total Assessments	1	18

Percent Resulting in an Adverse Effect Finding	0	0
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Assessment:

Archaeological resources are physical evidence of past human activity that is an important part of the history of the region. In order to measure the health of archaeological resources in the Scenic Area, one has to know their condition and the change in their condition over time. This indicator was intended to track the physical condition of archaeological resources in the Scenic Area.

Currently, no standard rating of condition is applied to cultural resources in the gorge. Other than “no adverse effect,” staff and project advisers could not reach consensus on a definition of “good condition” for cultural resources. For this reason, the proxy of assessment of effect of proposed developments was used.

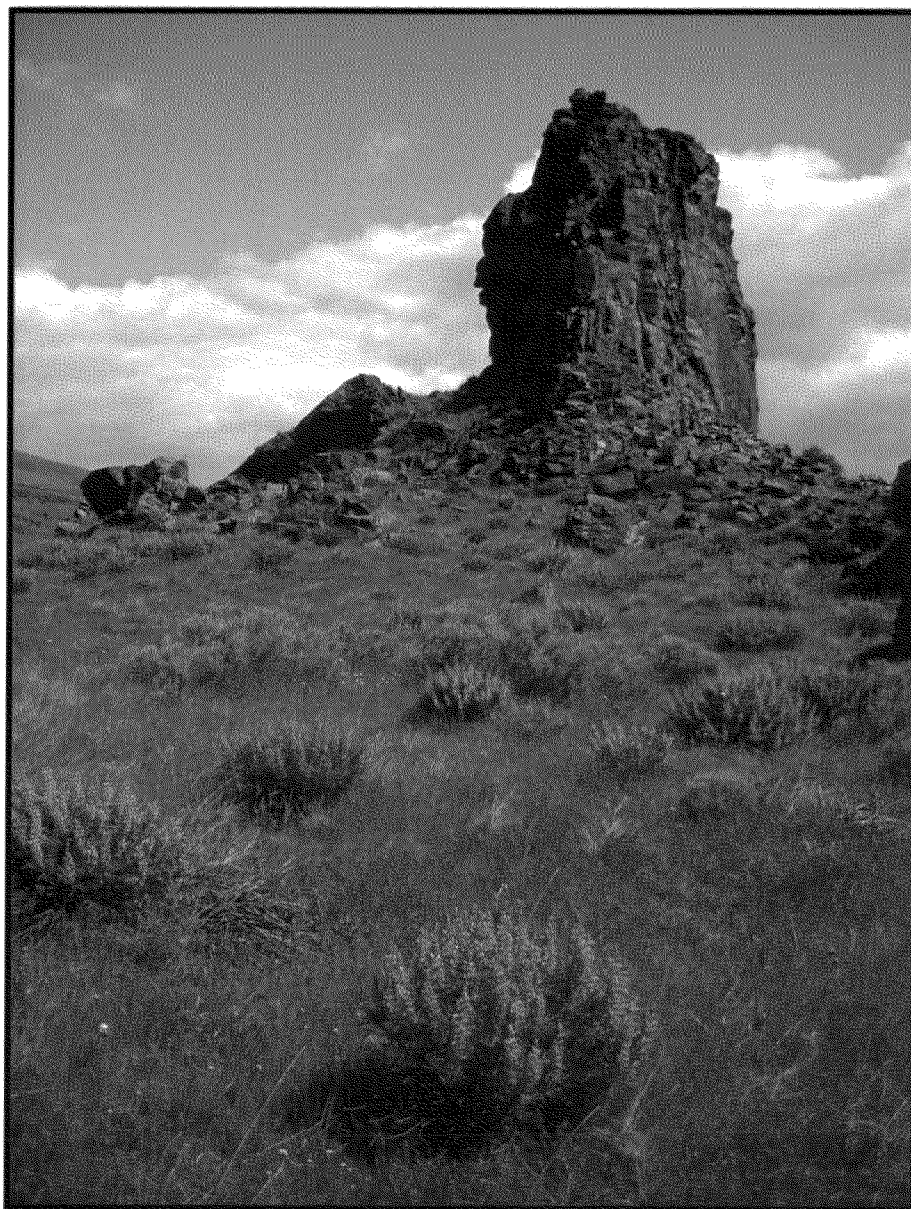
An assessment of effect occurs if a proposed land use could potentially affect a significant cultural resource. The assessment determines whether the use would: 1) adversely affect the resource with no way to resolve; 2) adversely affect the resource but with resolution through mitigation; 3) insignificantly affect the resource or 4) have no effect at all. A proposed use is considered to have an adverse effect on a cultural resource when it would alter or destroy characteristics that make the resource significant. Assessments of effect also are conducted when an action, other than a proposed land use, is thought to have had an effect on a cultural resource (e.g. unpermitted construction, train derailment). The table above shows that none (0%) of the assessments of effect conducted in 2007 and 2008 indicated an adverse result would occur from development or other actions.

¹⁵ The number of assessments of effect conducted each year is driven by new project applications. The number and type of applications can vary widely from year to year.

¹⁶ No adverse effect means that the action had some effect on the resource, but that it was not significant.

¹⁷ No effect means that the action had no effect on the resource.

For future reports, staff hopes to develop a comprehensive monitoring program that tracks the condition of an established set of archaeological resources. This program would be developed using a peer review group that includes cultural resource professionals.



Brian Litt

Objective: Protect and Enhance Significant Archaeological Resources

Vital Sign Number: 4.1.d

Vital Sign Title: Inventory

Vital Sign Measure: Number of new significant archaeological resources identified each year.

What We Know:

An average of five new significant archaeological resources is identified each year.

Inventory of Significant Archaeological Resources		
	1988	2008
Sites Listed in the National Register of Historic Places	2	3
Sites Eligible for Listing on the National Register of Historic Places	14	117
Total	16	120

Assessment:

Archaeological resources are physical evidence of past human activity that is an important part of the history of the region. Archaeological resources cannot be protected without knowing where they are and what they are. This indicator tracks the growing inventory of archaeological resources that provides the basis for protection.

Sites are considered significant if they are either listed on the National Register of Historic Places or eligible for listing. Between 1988 and 2008, 104 significant sites were identified. The number of sites identified per year is not available for past data but the average is approximately five per year.

In 1988, the first inventory of archaeological resources in the Scenic Area was compiled. The 1988 inventory includes fourteen archaeological sites that contribute to an archaeological district on the National Register and two other sites that are individually listed on the National Register. Since 1988, one additional archaeological resource has been included on the National Register of Historic Places and 103 additional archaeological resources have been identified as eligible for inclusion on the register. Significant archaeological resources include village sites, burial sites, rock features, petroglyphs, and pictographs. Archaeological resources are identified primarily during the development review process when reconnaissance surveys are required for most development proposals involving ground disturbance and for all proposed uses within 500 feet of a known cultural resource.

Objective: Protect and Enhance Significant Historic Resources

Vital Sign Number: 4.2.a

Vital Sign Title: Condition

Vital Sign Measure: Percent of all monitored historic resources in good condition.

Proxy Measure: Percent of assessments of effect per year resulting in an adverse effect finding.

What We Know:

No assessments of effect resulted in an adverse effect finding in 2007 and 2008.

Number of Assessments of Effect on Significant Historic Resources Conducted		
	2007	2008
Adverse Effect – no resolution	0	0
Adverse Effect – resolved through mitigation	0	2
No Adverse Effect	4	9
No Effect	2	3
Total Assessments	6	14

Percent Resulting in an Adverse Effect Finding	0	0
--	---	---

Assessment:

Historic resources provide physical evidence of the history of past generations and architecture of the Scenic Area. Loss or deterioration of historic resources diminishes our connection to the past. This indicator was intended to measure the condition of historic resources in the Scenic Area and the change in their condition over time.

Currently, no standard rating of condition is applied to cultural resources in the gorge. Other than “no adverse effect,” staff and project advisers could not reach consensus on a definition of “good condition” for cultural resources. For this reason, the proxy of assessment of effect of proposed developments was used.

An assessment of effect occurs if a proposed land use could potentially affect a significant cultural resource. The assessment determines whether the use would: 1) adversely affect the resource with no way to resolve; 2) adversely affect the resource but with resolution through mitigation; 3) insignificantly affect the resource or 4) have no effect at all. A proposed use is considered to have an adverse effect on a cultural resource when it would alter or destroy characteristics that make the resource significant. Assessments of effect also are conducted when an action, other than a proposed land use, is thought to have had an effect on a cultural resource (e.g. unpermitted construction). The table above shows that none (0%) of the assessments of effect conducted in 2007 and 2008 indicated an adverse result would occur from development or other actions.

For future reports, staff hopes to develop a comprehensive monitoring program that tracks the condition of an established set of historic resources. This program would be developed using a peer review group that includes cultural resource professionals.

Objective: Protect and Enhance Significant Historic Resources

Vital Sign Number: 4.2.d

Vital Sign Title: Inventory

Vital Sign Measure: Number of new significant historic resources identified each year.

What We Know:

An average of three new significant historic resources is identified each year.

Inventory of Significant Historic Resources		
	1988	2008
Sites Listed on the National Register of Historic Places	35	40
Sites Eligible for Listing on the National Register of Historic Places	0	61
Total	35	101

Assessment:

Historic resources provide physical evidence of the history of past generations and architecture of the Scenic Area. Historic resources cannot be protected without knowing where they are and what they are. This indicator tracks the growing inventory of historic resources that provides the basis for protection.

Sites are considered significant if they are either listed on the National Register of Historic Places or eligible for listing. Between 1988 and 2008, 66 significant sites were identified. The number of sites identified per year is not available for past data, but the average is approximately three per year.

In 1988 the first inventory of historic resources in the Scenic Area was compiled. Since 1988, five historic resources have been included on the National Register of Historic Places and 61 historic resources have been identified as eligible for inclusion on the register. They include standing structures and buildings that are at least 50 years old, such as cabins, homes, barns, roads, bridges, and tunnels. Historic resources are identified primarily during the development review process when historic surveys are required for developments that would alter the exterior of buildings and structures that are at least 50 years old, or that would compromise features of the surrounding area that define the historic or architectural character of such buildings or structures.

Cultural Chapter Endnotes:

4.1.a Condition

Source: Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area, USDA Forest Service.

While no comprehensive monitoring program in the Scenic Area to track the condition of archaeological resources exists, several on-going monitoring efforts include: checking known cultural resources, primarily on Forest Service lands, to determine if any change in conditions has occurred; checking known sites on private lands to assess compliance with conditions of a land use decision; monitoring of known sites with critical issues on Forest Service lands; monitoring during construction in cases of deep excavation; monitoring pictographs as part of a 50-year study for the Forest Service; and monitoring known cultural resource sites along the shorelines of the Columbia River by the U.S. Army Corps of Engineers as part of the Bonneville and The Dalles Dam projects.

4.1.d Inventory

Source: Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area, USDA Forest Service

Notes: 1) archaeological sites listed on the National Register of Historic Places as part of an historic district also can be listed individually, 2) the Forest Service database of known archaeological resources includes sites that have not been evaluated for eligibility on the National Register of Historic Places. Sites that have not been evaluated are not included in this inventory of significant sites and 3) Data is reported by federal fiscal year. The inventory includes the number of resources identified *through* 1988 and 2008 respectively.

4.2.a Condition

Source: Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area, USDA Forest Service.

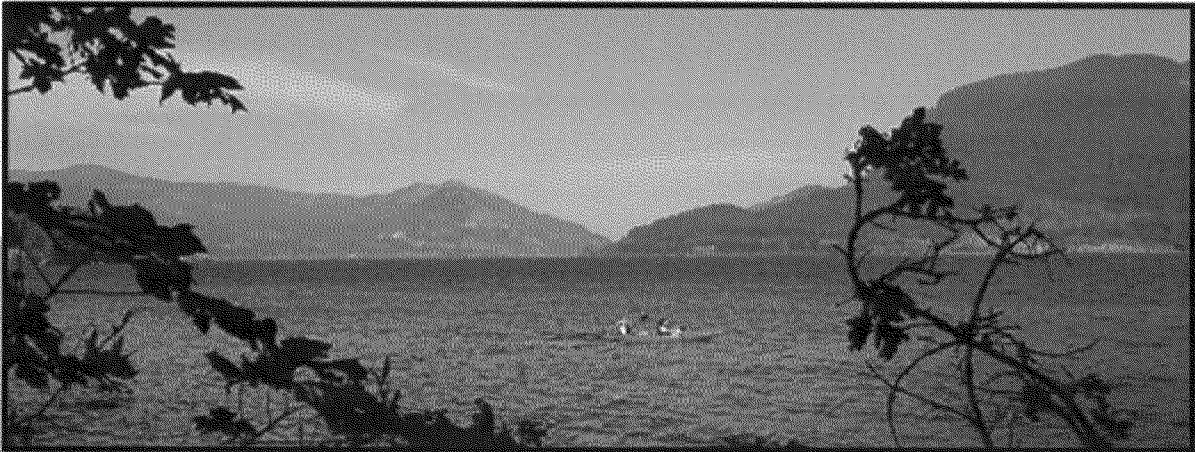
Note: The demolition of an historic structure can be assessed as “no adverse effect” if the structure’s significant features and historical importance are carefully documented prior to its demolition. In this sense, an assessment of effect does not provide a comprehensive evaluation of the *condition* of the resource.

4.2.d Inventory

Source: Margaret L. Dryden, Heritage Resources Program Manager, Columbia River Gorge National Scenic Area, USDA Forest Service.

Notes: 1) The Forest Service database of known historic resources includes sites that have not been evaluated for eligibility on the National Register of Historic Places. Sites that have not been evaluated are not included in this inventory of significant resources and 2) Data is reported by federal fiscal year. The inventory includes the number of resources identified *through* 1988 and 2008 respectively.

Please see www.gorgevitalsigns.org for more information.



Dawn Nielson



Hood River Waterplay



Stephen Datnoff

Goal 5

Protect and enhance recreation resources

With its breathtaking panoramic views, awesome waterfalls, towering cliffs, multitude of aquatic resources, historic highways and dramatically diverse terrain, the Columbia River Gorge National Scenic Area has provided outdoor recreation opportunities for many decades. In more recent years, the recreation identity of the gorge has expanded from driving, hiking and boating to include windsurfing, kiteboarding, kayaking, rafting, and mountain and road biking. With an increase in recreation types and in general, more users, overcrowding of sites and environmental degradation have become larger issues. A key question facing the gorge today is: how can we all share in the experience, without loving the gorge to death? The objectives and measures have been written to address this question.

Objectives:

5.1 ADDRESS THE DEMAND FOR RESOURCE-BASED RECREATION OPPORTUNITIES IN AN ENVIRONMENTALLY SUSTAINABLE MANNER

Assessing the impacts of existing resource-based recreation on the natural environment as well as the demand for additional sites to improve user access.

5.2 PROTECT AND ENHANCE THE QUALITY OF RECREATION EXPERIENCES

Documenting the overall quality of the gorge recreation experience as reported by both visitors and residents.

Objective: Address the Demand for Resource-based Recreation Activities in an Environmentally Sustainable Manner

Vital Sign Number: 5.1.a

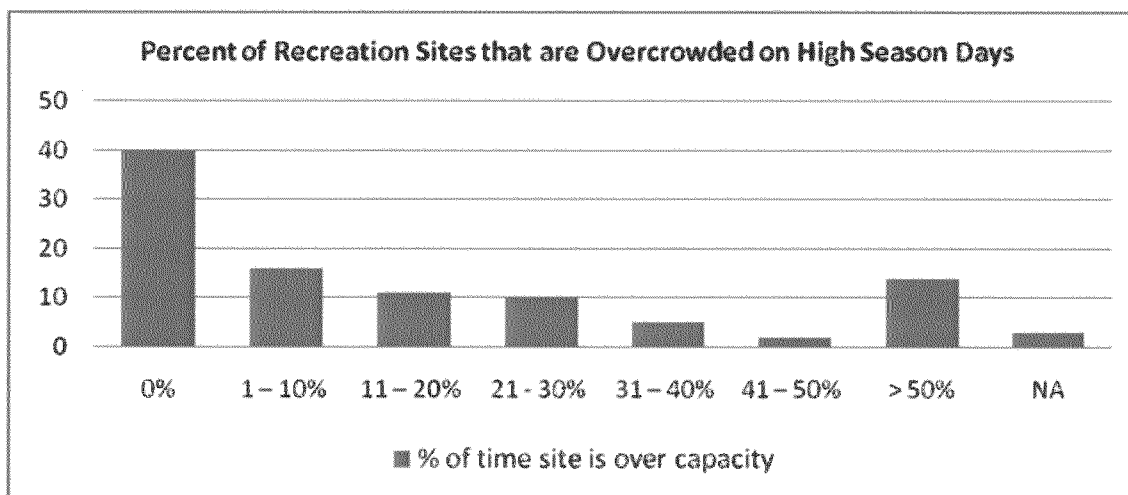
Vital Sign Title: Recreation Demand

Vital Sign Measure: Percent of recreation sites at or above capacity more than X percent of the time on high season days - total and by recreation activity type.

Proxy Measure: Percent of surveyed recreation sites above capacity more than 30 percent of the time on high season days.

What We Know:

Twenty-one percent of sites were at or above capacity more than 30% of the time during the high season in 2008.



Assessment:

In late 2008 managers of approximately 180 recreation sites in and near the NSA responded to an online survey requesting information on site use. The Commission has not agreed on a figure that would represent an overused site. The definition of overcrowded for this analysis is "above capacity 30% of the time" on high season days. Three sites related to water sports were assessed to be at or above capacity 80% of the time on high season days. An additional nine percent said their sites were at or above capacity 20% of the time. Conversely, 40% of all sites were not ever at or above capacity. See the endnote for more information.

Objective: Address the Demand for Resource-based Recreation Activities in an Environmentally Sustainable Manner

Vital Sign Number: 5.1.b

Vital Sign Title: Environmentally Sustainable Recreation

Vital Sign Measure: Percent of recreation sites that are environmentally degraded - total and by recreation activity type and specified as improving or not improving.

Proxy Measure:

1) Percent of each surveyed recreation site that is more than 10% environmentally degraded as a result of human activity and 2) percent that are a) improving, b) not changing, and c) worsening.

What We Know:

Regarding measure 1) - the percent of sites degraded, the chart below shows that, according to survey respondents, 21% of all sites are more than 10% degraded as a result of human activity.

Percent of Sites at Different Environmental Degradation Levels	
Percent of a site that is environmentally degraded by human activity	Percent of sites at each degradation level
0 % degraded	27
1 – 10% degraded	50
11 – 20% degraded	11
21 – 30% degraded	6
31 – 40% degraded	0
41 – 50% degraded	1
Greater than 50% degraded	3
Not Applicable	1

Regarding measure 2) - the percent of sites improving, worsening and not changing, the chart below shows that seven percent of sites are improving, 76% of sites are not changing and 17% of sites are worsening.

Degradation Trend for Recreation Sites	
Surveyed recreation sites that are:	Percent
a) improving	7
b) not changing	76
c) worsening	17

Assessment:

In late 2008 managers of approximately 180 recreation sites in and near the NSA responded to an on-line survey requesting information on site use. One hundred twenty-nine responded to this question. The Commission has not yet agreed on a figure that would represent significant degradation. The standard for significant degradation for this analysis is 10%. Clearly, the large majority of sites are in good and stable condition with less than five percent at what might be considered a highly degraded level.

Litter, trail erosion, soil compaction and devegetation led the list of types of degradation. Some respondents also noted that weeds and Columbia River-caused erosion were indirect forms of human-caused degradation.

Objective: Address the Demand for Resource-based Recreation Activities in an Environmentally Sustainable Manner

Vital Sign Number: 5.1.d

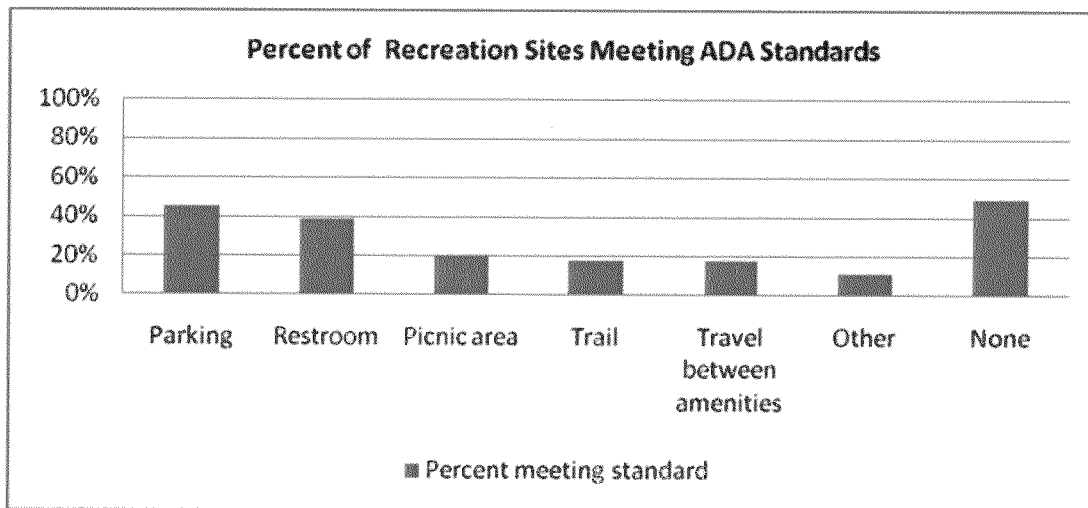
Vital Sign Title: ADA Accessibility

Vital Sign Measure: Percent of recreation sites that meet ADA standards - total and by recreation activity type.

Proxy Measure: Percent of surveyed recreation sites that meet one or more ADA accessibility standards.

What We Know:

Nearly half of the surveyed recreation sites met ADA standards.



Assessment:

In late 2008 managers of approximately 180 recreation sites in and near the NSA responded to an on line survey requesting information on site use. All respondents answered this question. For the most basic accessibility issue – parking – nearly half of all the sites meet ADA standards. We also know that 39% of all sites (or 70) have an accessible restroom. About 20% of sites (or 35) have accessible picnic areas and trails. And about 20% of the sites are constructed in such a way that individuals with disabilities can travel between amenities. Other amenities listed include access to: campsites, viewpoints, a petroglyph interpretive display, drinking fountains, covered kitchen and fishing area. Conversely, one-half of all sites have no ADA amenities. Since the survey did not establish a baseline for the total number of restrooms, trails and picnic areas, it cannot tell us what percent of each type of amenity in the gorge is accessible. See the endnote for more information.

Objective: Protect and Enhance the Quality of Recreation Experiences

Vital Sign Number: 5.2.b

Vital Sign Title: Recreation Site Quality

Vital Sign Measure: Percent of site users rating their overall experience as good or better – total and by recreation site.

What We Know:

In general, the number of recreation users who would rate their experience as good or better has increased.

Users Rating Their Overall Recreation Experience as Good or Better					
Recreation Site	1997	2001	2005	2006	Percentage Point Change
The Dalles Lock and Dam – Celilo Lake			97%	89%	- 8

Average User Rating for Overall Recreation Experience					
Recreation Site	1997	2001	2005	2006	Change
US Forest Service Facilities, Overall (Reported as the median score averaged (scale of 1 – 5) over all survey questions.)		4.2		4.5	0.3
Bonneville Lock and Dam (Reported as overall average percent satisfaction.)	74%				
Overall	NA	NA	NA	NA	NA

Assessment:

There is a lack of information available on site-user satisfaction across the broad range of recreation providers in the gorge. Although no neutral or general gorge recreation user information currently exists, survey data from two providers were found. Fortunately the largest gorge recreation provider by far - the U.S. Forest Service - has the most complete and up-to-date information on user satisfaction. Rankings for Forest Service site users were obtained in 2001 and 2006. The average ranking for all services (the survey did not ask an overall quality question) improved significantly between 2001 and 2006. Areas with the largest gains included facility quality, employee helpfulness, trail conditions, feeling of safety, restroom cleanliness and road condition.

Using information provided by the U.S. Army Corps of Engineers, another large recreation provider in the gorge, The Dalles Dam received high rankings for individual characteristics, yet its overall ranking dropped significantly between 2005 and 2006. The overall ranking for Bonneville, last reported in 1997, shows an average ranking of 74%. However, the scale for this survey uses “very satisfied” and

"extremely satisfied" which could be considered more demanding than the "good or better" used for this Vital Signs Indicator.

The Forest Service data provides the most complete information on overall quality. With an average ranking for quality of 4.5 out of 5.0, the survey reveals a substantially positive recreation experience and shows an improving trend. The quality of scenery, received a near-perfect ranking. See the endnote for more information.

The existing surveys used to make this assessment differed significantly from one another. Some were scientific surveys conducted by interviews while others were compilations of self-reported user comment cards. Most reported average or median user scores. Only one site, The Dalles Dam, reported the actual percentages of user responses by level of satisfaction. All used a five-point scale for satisfaction making rough comparisons possible.



Joanna Grammon

Recreation Chapter Endnotes:

5.1.a Recreation Demand

Source: Gorge Commission survey of recreation providers.

Gorge Commission staff attempted to identify every gorge area recreation site, both public and private – 231 in all. Not all providers were inside the NSA. The 78% response rate was above staff expectations. Managers of those sites were asked to take a brief survey regarding demand, degradation and handicapped accessibility. Results can be viewed at:

http://www.surveymonkey.com/sr.aspx?sm=wwE2d9WCvuVO7erjufFWESmhEYIGqZ6RKePunsZUzke_3d

Due to survey limitations, the sites are not categorized by recreation type.

5.1.b Environmentally Sustainable Demand

See 5.1.a: Recreation Demand endnote above.

5.1.d ADA Accessibility

See 5.1.a: Recreation Demand endnote above.

5.2.b Recreation Site Quality

Sources:

Recreationists in the Columbia River Gorge National Scenic Area: A Survey of User Characteristics, Behaviors and Attitudes, Prepared by Alan R. Graefe, Robert C. Burns and Karen Robinson for the U.S. Forest Service in 2001

National Visitor Use Monitoring Results for Columbia River Gorge National Scenic Area, data was collected by the U.S. Forest Service in 2006

National Visitor Use Monitoring Results: September 2001, USDA Forest Service, Region 6, Columbia River Gorge National Scenic Area, U.S. Forest Service in 2001

US Army Corps of Engineers Recreational Customer Satisfaction Survey; Volume 3: Bonneville Lock and Dam, Alan R. Graefe, Robert C. Burns, John Titre, and James Absher, 1999.

Comment Card Submissions from The Dalles Lock and Dam – Lake Celilo (2004 – 2008), U.S. Army Corps of Engineers

Commission staff attempted to contact all known recreation providers to determine if they had user survey information. The three providers cited in this report were the only ones responding positively. A summary of the survey results can be found at:

http://www.surveymonkey.com/sr.aspx?sm=wwE2d9WCvuVO7erjufFWESmhEYIGqZ6RKePunsZUzke_3d.

More information on the surveys including breakdowns regarding particular types of services will be made available on the Vital Signs Indicators web page at www.gorgevitalsigns.org.



Skamania Lodge

Vital Signs Indicators Project Participants:

Assessment Committee of the Columbia River Gorge Commission

Dan Harkenrider, Chair

Harold Abbe

Walt Loehrke

Carl McNew

Jim Middaugh

Honna Sheffield

Community advisory team (CAT)

North Cheatham, CAT Chair, Hood River resident

Andrew Brahe, Portland resident

Ron Carroll, Mosier area resident

Susan Garrett Crowley, Hood River area resident

Robert Leipper, Corbett resident

Robert McCormick, Lyle area resident

Don Morby, Mill A resident

Mary Repar, Stevenson area resident

Julie Reynolds, The Dalles resident

Simon Sampson, Underwood and Toppenish resident

Victor Schmidt, Corbett area resident

Phyllis Thiemann, Corbett area resident

Jamie Tolfree, Stevenson resident

Catherine Whalen, The Dalles resident

Carol York, Hood River area resident

Mark Zoller, White Salmon area resident

Technical advisory team (TAT)

Susan Wolff, TAT Chair, Chief Academic Officer for Columbia Gorge Community College

Bill Weiler, Klickitat County Wildlife Area Manager, Washington Department of Fish and Wildlife

Todd Cornett, Planning Director, Wasco County

Charles Hudson, Manager for the Columbia River Inter-Tribal Fishing Commission (CRITFC) Public Information Office

Brian Bainnson, Landscape Architect with Quatrefoil, Inc., Portland, OR

Richard Davis, Area Manager Goldendale Area, Washington State Parks

Kevin Price, District Manager Gorge District, Oregon State Parks

Greg Webb Resource Manager, The Dalles/John Day/Willow Creek Projects, U.S. Army Corps of Engineers

Jim Runkles Resource Manager, Bonneville Lock and Dam, U.S. Army Corps of Engineers

Greg Griffith, Deputy State Historic Preservation Officer, Washington Department of Archaeology and Historic Preservation

Carolyn Meece, Business Development Officer, Oregon Economic and Community Development Department (OECD)

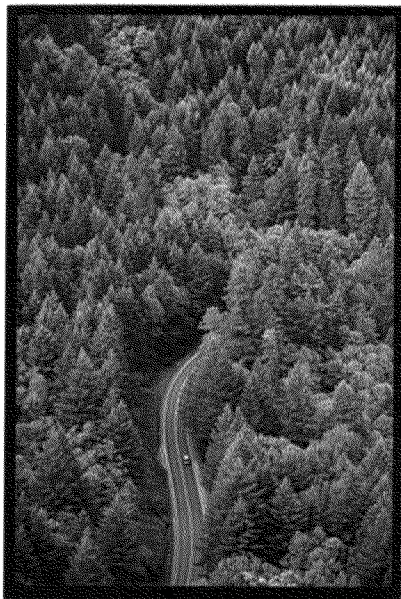
Randall Bluffstone, Professor of Economics, Environmental Economics Department, Portland State University

Technical advisory team sub-group participants (including staff)

Jill Arens, Executive Director, Columbia River Gorge Commission
Tom Ascher, Land Use Planner, Columbia River Gorge Commission
Mike Benedict, Planning Director, Hood River County
Ken Borne, Transportation Planner, Multnomah County
Peggy Bryan, Executive Director, Skamania County Economic Development Council
Jeanette Burkhardt, Biologist, Yakama Nation Fisheries Resource Management Klickitat Project
Robert Burns, Ph.D, Recreation Specialist, West Virginia University
Todd Chase, Assistant Branch Manager, FCS Group
Peter Cornelison, Field Representative, Friends of the Columbia Gorge
Greg Cox, Natural Resources & Administrative Staff Officer, U.S. Forest Service CRGNSA Office
Michele Dailey, Spatial Analyst, U.S. Forest Service CRGNSA Office & the Columbia River Gorge Commission
Robin Dobson, Ecologist/Botanist, U.S. Forest Service CRGNSA Office
Sally Donovan, Historic Preservationist
Margaret Dryden, Archaeologist and Heritage Program Manager, U.S. Forest Service CRGNSA Office
Bill Fashing, Economic Development Coordinator, Hood River County
Aaron Ferguson, Gorge Commission Vital Signs Indicators Intern (2008)
Chuti Fiedler, Fish and Wildlife Biologist, U.S. Forest Service CRGNSA Office
Jeremy Fivecrows, Publications Editor and Webmaster, Columbia River Inter-Tribal Fishing Commission (CRITFC)
Dallas Fridley, Regional Economist, Workforce and Economic Research, Oregon Employment Department
Kevin Gorman, Executive Director, Friends of the Columbia Gorge
Jergen Hess, Landscape Architect
Robert Hadlow, Ph.D, Senior Historian, Oregon Department of Transportation, Region 1
Stan Hinatsu, Forester/Recreation Manager, U.S. Forest Service CRGNSA Office
Jennifer Ball Kaden, Land Use Planner, Columbia River Gorge Commission
Andrew Kallinen, Park Ranger, Columbia Hills State Park, Washington State Parks
Angie Kenney, Lead Planner for the Vital Signs Indicators Project and Land Use Planner, Columbia River Gorge Commission
Pieter Kleymeer, Gorge Commission Vital Signs Indicators Intern (2007)
Jeanette Kloos, Friends of the Historic Columbia River Highway
Mark Kreiter, Hydrologist, U.S. Forest Service CRGNSA Office
Michael Lang, Conservation Director, Friends of the Columbia Gorge
Brian Litt, Planning Manager, Columbia River Gorge Commission
Cheryl Mack, Archaeologist for the U.S. Forest Service Gifford Pinchot
Mark Mazeski, Senior Planner, Skamania County
Jessica Metta, Project Manager, Mid-Columbia Economic Development District
Diana Ross, Landscape Architect, U.S. Forest Service CRGNSA Office
Kristen Stallman, Columbia River Gorge National Scenic Area Coordinator/Historic Columbia River Highway Coordinator, Oregon Department of Transportation
Kelly Thomas, Park Ranger, The Dalles/John Day/Willow Creek Project, U.S. Army Corps of Engineers
Karen Witherspoon, Planning Director, Skamania County

Special thanks to:

Jeff Condit, former Gorge Commissioner
Doug Crow, former Gorge Commissioner



Highway 14 by Sikora Photography

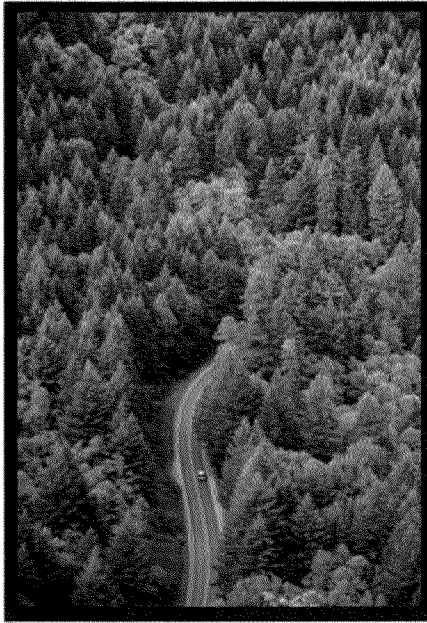


Dog Mountain Wildflowers by John McSherry



Horsethief Butte by Mike McDonald

www.gorgevitalsigns.org



Highway 14 by Sikora Photography



Dog Mountain Wildflowers by John McSherry



Horsethief Butte by Mike McDonald

www.gorgevitalsigns.org



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: R-4
Est. Start Time: 10:00 AM
Date Submitted: 07/01/09

Agenda Title: **RESOLUTION Approving an Intergovernmental Agreement with the City of Portland Defining Roles and Responsibilities Related to the Portland Clean Energy Fund and the Clean Energy Works Portland Pilot Program**

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

Requested Meeting Date: July 9, 2009 Amount of Time Needed: 15 minutes
Department: Non-Departmental Division: District 2
Contact(s): Warren Fish
Phone: 503.988.5219 Ext. 85219 I/O Address: 503/600
Presenter(s): Warren Fish, Kat West, Derek Smith and Michael Armstrong

General Information

1. What action are you requesting from the Board?

Authorizing the County Chair to sign an Intergovernmental Agreement (IGA) with the City of Portland defining roles and responsibilities related to the Portland Clean Energy Fund and the Clean Energy Works Portland pilot program.

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

Building energy efficiency is one of the most important environmental issues of the 21st Century, and is one of the key target areas in the joint Portland/Multnomah County Climate Action Plan currently in the public comment stage. Increasing the energy efficiency of buildings will allow us to slow and ultimately reverse the demand for building energy (which accounts for 40% of the greenhouse gases generated in Multnomah County). Grant funding Multnomah County has applied for from the Oregon Department of Energy will, along with significant grant funding contributions from the City of Portland, allow us to begin tackling the issue of building energy efficiency through Clean Energy Works Portland—a shared effort aimed at reducing greenhouse gas emissions, creating good green jobs, saving people money on energy costs, and increasing opportunities for low and moderate income people. Clean Energy Works Portland will launch as a 500 home pilot project this summer. Homeowners who choose to participate will receive expert project facilitation

assistance and low-cost financing to perform energy efficiency retrofits on their homes. Through a partnership with NW Natural, Pacific Power, and Portland General Electric, home owners will be able to repay the cost of the retrofit via their utility bill. We anticipate the pilot program will help homeowners overcome many of the barriers that exist today that prevent people from taking action on home energy efficiency. In addition, the revolving nature of the loan program will leverage one time funding into a self sustaining program that will lead to long term job creation and continually increasing energy savings. Anticipated project benefits include at least forty long term jobs created, and over fifteen megawatts of energy saved over a thirty year period.

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

There is no direct financial impact from this resolution. The IGA does not commit Multnomah County to making any financial contribution to the Clean Energy Works Portland (or to the Portland Clean Energy Fund—the name of the revolving loan fund within Clean Energy Works Portland). However, if the County wins our requested award of federal Energy Efficiency and Conservation Block Grant funds for this program from the Oregon Department of Energy, that award would be used to fund Clean Energy Works Portland pilot project, together with contributions from the City of Portland.

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

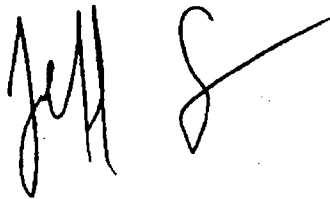
None.

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

Clean Energy Works Portland is a broad partnership involving Multnomah County, the City of Portland, the Energy Trust of Oregon, Shorebank Enterprise Cascadia, NW Natural, Pacific Power, PGE, and Worksystems, Inc., among others. The specific roles of each entity have been developed over the past eight months and are now being formalized into binding agreements, which will be brought to Portland City Council for consideration in late summer 2009. A Shared Community Benefits Agreement is being developed by Worksystems Inc. in collaboration with several local non-profit groups, unions, building trade groups, and employers. In developing the pilot program, extensive conversations with and input from the Home Performance Contractors Guild, the Metropolitan Alliance for the Common Good, Verde, Green For All, the Conservation Services Group, Multnomah County's Weatherization Assistance Program, and the Portland Development Commission have helped refine and shape the program. Within the 500 home pilot, we expect to test a 100 home neighborhood-based grass roots outreach and non-profit service delivery model for which the County and City are currently developing a Request for Qualifications.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: 07/01/09

Budget Analyst:



Date: 07/01/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving an Intergovernmental Agreement with the City of Portland Defining Roles and Responsibilities Related to the Portland Clean Energy Fund and the Clean Energy Works Portland Pilot Program

The Multnomah County Board of Commissioners Finds:

- a. In April 2001, by Resolution No. 01-052, Multnomah County adopted a joint Global Warming Action Plan with the City of Portland to establish a goal of reducing community-wide greenhouse gas emissions to 10% below 1990 levels;
- b. In April, 2008, by Resolution No. 08-035, Multnomah County adopted the U.S. Cool Counties Climate Stabilization Declaration in partnership with Clackamas County;
- c. In August of 2009, Multnomah County and the City of Portland will consider adoption of an updated version of the Joint Global Warming Action Plan, re-titled the Joint Climate Action Plan, which will include the goal of reducing community-wide greenhouse gas emissions to 80% below current levels by the year 2050;
- d. Buildings account for more than 40% of the carbon emissions in Multnomah County—a larger share of total carbon emissions than comes from transportation or industry;
- e. Clean energy retrofits to existing buildings are among the best strategies to strengthen the local economy while reducing CO² emissions;
- f. A major barrier to retrofitting existing buildings is the up-front cost of the improvements;
- g. Multnomah County has worked closely with the City of Portland Bureau of Planning and Sustainability, EnergyTrust of Oregon, NW Natural, Pacific Power, Portland General Electric, Shorebank Enterprise Cascadia, and Work Systems Inc. to establish a program to provide financing and project assistance for clean energy retrofits;
- h. Clean Energy Works Portland will establish a loan fund (called the Portland Clean Energy Fund) that will pay the upfront costs of installing energy-efficiency improvements to homes, with the loan repaid over time on the homeowners' utility bill. Because the home will use less energy, the savings will partly or wholly cover the cost of repaying the loan. Once the loan is paid off, the homeowner will keep all of the savings, while enjoying the benefits of a more energy efficient, comfortable, and healthier home;
- i. The economic arguments for implementing this program are compelling. Jobs created in the home energy retrofit sector cannot be outsourced, and money that no longer is spent on wasted energy will circulate in the local economy more productively;
- j. Clean Energy Works Portland is earning national recognition as a pioneering partnership linking good local jobs, climate protection, energy savings, and increased opportunities for low and moderate income people;

- k. The County has applied to the Oregon Department of Energy for grant funding through the federal American Recovery and Reinvestment Act (ARRA) for an Energy Efficiency and Conservation Block Grant allocation to the Clean Energy Works Portland (Portland Clean Energy Fund) pilot project. The City of Portland has received an Energy Efficiency and Conservation Block Grant allocation which they are dedicating a large part of to this program;
- l. The attached Intergovernmental Agreement spells out roles and responsibilities of the County and City of Portland related to the Portland Clean Energy Fund. Portland will take the lead on negotiating a fund management agreement with the fund manager and will handle all day to day interactions with the fund manager, but will involve the County in all major decisions. Portland will also take the lead in reporting to the federal government on federal stimulus dollars used in this program;
- m. The attached Intergovernmental Agreement requires approval from both the County and the City of Portland. Portland is scheduled to hear this matter on July 8th, 2009.

The Multnomah County Board of Commissioners Resolves:

- 1. The attached Intergovernmental Agreement Regarding Portland Clean Energy Fund is approved; and upon approval of the agreement by Portland, the County Chair is authorized and directed to sign the agreement in a form substantially as set forth in the attachment.

ADOPTED this 9th day of July 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Bernadette D. Nunley, Assistant County Attorney

SUBMITTED BY:

Jeff Cogen, Commissioner District 2

INTERGOVERNMENTAL AGREEMENT REGARDING PORTLAND CLEAN ENERGY FUND

THIS AGREEMENT is between each of the City of Portland, a municipal corporation duly incorporated under the laws of the State of Oregon, (the "City"), and Multnomah County, a home rule county formed under the laws of the State of Oregon, (the "County") hereinafter referred to as the "Jurisdictions." This Agreement is made pursuant to ORS 190.003 to ORS 190.110, the general laws and constitution of the State of Oregon, and the laws and charters of the Jurisdictions.

Section 1. General Purposes.

A. In 2007, the Portland City Council and the Multnomah County Board of Commissioners adopted resolutions directing staff to develop strategies for reducing local carbon emissions 80% by 2050 (Portland Resolution No. 36548 and Multnomah County Resolution 08-035). In an effort to achieve this mutual benchmark, one proposed strategy is to address options for accelerating energy efficiency and renewable energy measures in existing buildings. The Portland Clean Energy Fund 500-home pilot, intended to run from Summer 2009 to Summer 2010, is a vehicle for creating these options. To further the public interest, the Jurisdictions desire to clarify roles and responsibilities related to ongoing activities of the Portland Clean Energy Fund.

B. The terms of this Agreement will become effective upon execution by the County and the City. However, both the County and the City are actively pursuing funding for the Clean Energy Fund pilot project from outside sources, such as the State of Oregon or the federal government. Neither the County nor the City shall be obligated to provide any funding under this Agreement unless and until funding is provided from these third-party sources. To the extent that funding will come from third-party grants, the parties acknowledge that the funds will be subject to restrictions upon usage. The parties do not expect or anticipate any return of these funds or making any claims upon these funds after the funds have been turned over to the Fund Manager, so long as the funds are used for the purposes identified in the various third-party agreements.

Section 2. Definitions.

A. "Fund" means the Portland Clean Energy Fund.

B. "Fund Manager" means a third-party acceptable to both the County and the City that will be responsible for managing the Fund.

C. "Jurisdiction" means the City of Portland and Multnomah County initially, and any Oregon municipality or county which enters into this Agreement by amendment.

D. "Lead office" means Bureau of Planning and Sustainability for the City of Portland and Sustainability Office for Multnomah County.

Section 3. Fund Management Coordination.

A. The City will take the lead in negotiating an Agreement with a Fund Manager, who will manage the Fund and perform other activities to be defined for the Fund's pilot program. The Agreement with the Fund Manager will address the range of services to be provided by the Fund Manager, the compensation to be paid to the Fund Manager for administering the Clean Energy Fund, and other matters related to management of the Clean Energy Fund.

- B. The Jurisdictions anticipate that compensation to Fund Manager will be limited to funds received from third-parties in initiating the Clean Energy Fund, or from revenues derived from loan application fees, loan revenues or other loan-related operations. Neither the County nor the City shall be obligated to provide any general revenue resources to pay the Fund Manager for administering and overseeing the Clean Energy Fund. Some initial bridge funding may occur in anticipation of receiving third-party funding from state or federal sources. This initial bridge funding will not change the Jurisdictions' over-all expectations regarding the Fund Manager's compensation. Entering into this Agreement does not bind any of the Jurisdictions to providing bridge funding.
- C. The City will negotiate on behalf of both jurisdictions' interests in enabling equitable access to the Fund by citizens from a variety of income and credit quality levels.
- D. The City will handle all day-to-day interactions with the Fund Manager, involving the County in major decisions. Day-to-day interactions will include:
 - a. Banking functions
 - b. Loan applications
 - c. Disbursement of funds
- E. The County will respond to major decisions in a timeframe reasonable to the pace of the pilot timeline.

Section 4. Federal Stimulus Reporting.

- A. The City will take the lead in reporting to the Federal Government for purposes relating to use of Energy Efficiency Conservation Development Block Grant (EECDBG) Federal Stimulus dollars, or other reporting requirements related to the American Recovery and Reinvestment Act of 2009.
- B. The County will retain its reporting role for Weatherization Assistance Program (WAP) dollars, as well as any other County-specified, non-EECBG dollars.

Section 5. Other Collaborative Activities. The City and County will, on an ongoing basis, identify and implement mutually agreeable solutions to the following activities related to the Clean Energy Fund:

- A. Program outreach;
- B. Coordination with Energy Trust of Oregon, participating utilities and other involved parties; and,
- C. Workforce development.

Section 6. Effective Date. This Agreement shall become effective upon its adoption by all Jurisdictions.

Section 7. Duration and Termination.

- A. Duration. The duration of this Agreement is perpetual and shall continue beyond the pilot period from year to year, subject to termination or dissolution as provided below.
- B. Termination.
 - a. A Jurisdiction may terminate further participation under this Agreement by filing, with the other Jurisdiction's lead office, a written notice of withdrawal. Due to anticipated conditions upon the initial funding, as derived from the State of Oregon or the federal

government, any funds deposited into the Clean Energy Fund by the Jurisdiction shall remain with the Fund upon withdrawal, and the Jurisdiction shall have no expectation or right to claim return of the previously deposited funds. The effect of withdrawal by a Jurisdiction shall be that the remaining Jurisdictions may continue to oversee and support the Clean Energy Fund, or may turn the program over to the Fund Manager to administer.

- b. If the Fund Manager seeks to continue this program using funding sources other than those to be provided by the Jurisdictions, and without the further involvement of the Jurisdictions, then upon agreement between the Fund Manager and the Jurisdictions, the Jurisdictions may each withdraw as described above and turn the program over to the Fund Manager to administer. Upon the Jurisdictions entering into such an agreement, this Agreement will terminate.

Section 8. Dissolution. The Jurisdictions may terminate this Agreement at any time by mutual agreement of all Jurisdictions. Upon termination, the Fund shall continue to be managed by the Fund Manager, subject to the funds continuing to be used for the same or similar purposes of making loans to finance energy retrofits of residential properties within Portland and Multnomah County.

Section 9. General Terms.

- A. **Integration.** This Agreement constitutes the entire agreement between the Jurisdictions. This Agreement may be modified or amended only by ~~the~~ a separate written agreement, duly authorized by the Jurisdictions.
- B. **Severability.** The terms of this Agreement are severable and a determination by any Court or agency having jurisdiction over the subject matter of this Agreement that results in the invalidity of any part, shall not affect the remainder of this Agreement.
- C. **Interpretation.** The terms and provisions of this Agreement shall be liberally construed in accordance with its general purposes.
- D. **Increasing Member Units of Government.** The City and the County may develop a method for allowing other units of local government to enter into this Agreement.
- E. **Amendments.** The terms of this Agreement shall not be amended without the written authorization of the governing bodies of all Jurisdictions.
- F. **Indemnification.** Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, County shall indemnify, defend and hold harmless the City of Portland from and against all liability, loss and costs arising out of or resulting from the acts of County, its officers, employees and agents in the performance of this Agreement. Subject to the conditions and limitations of the Oregon Constitution and the Oregon Tort Claims Act, ORS 30.260 through 30.300, the City of Portland shall indemnify, defend and hold harmless County from and against all liability, loss and costs arising out of or resulting from the acts of the City of Portland, its officers, employees and agents in the performance of this Agreement.
- G. **Insurance.** Each party shall each be responsible for providing worker's compensation insurance as required by law. Neither party shall be required to provide or show proof of any other insurance coverage.
- H. **Adherence To Law.** Each party shall comply with all federal, state and local laws and ordinances applicable to this Agreement.

- I. Non-Discrimination. Each party shall comply with all requirements of federal and state civil rights and rehabilitation statutes and local non-discrimination ordinances.
- J. Access To Records. Each party shall have access to the books, documents and other records of the other which are related to this Agreement for the purpose of examination, copying and audit, unless otherwise limited by law.
- K. Subcontracts And Assignment. Neither party will subcontract or assign any part of this Agreement without the written consent of the other parties.

APPROVED AND EXECUTED by the appropriate officer(s) who are duly authorized to execute this Agreement on behalf of the governing body of each Jurisdiction.

MULTNOMAH COUNTY, OREGON

CITY OF PORTLAND, OREGON

By _____

By _____

Title _____

Title _____

Date: _____

Date: _____

Reviewed:

Agnes Sowle, County Attorney
for Multnomah County

Auditor, City of Portland

Date: _____

Linda Meng, City Attorney
Approved as to form

Please complete this form and return to the Board Clerk
This form is a public record

MEETING DATE: 7/9/09

SUBJECT: Clean Energy Works - ~~SEW~~

AGENDA NUMBER OR TOPIC: R-4

FOR: / AGAINST: THE ABOVE AGENDA ITEM " Bisso

NAME: Jeff Bissonnette [REDACTED]

ADDRESS: 610 SW Brunway #308

CITY/STATE/ZIP: Portland, OR 97205

PHONE: 503-516-1636 DAYS: 503-516-1636 EVES: 503-516-1636

EMAIL: FAX:

SPECIFIC ISSUE: Gen. Support for Proposed Program

WRITTEN TESTIMONY: No

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.

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. 09-095

Approving an Intergovernmental Agreement with the City of Portland Defining Roles and Responsibilities Related to the Portland Clean Energy Fund and the Clean Energy Works Portland Pilot Program

The Multnomah County Board of Commissioners Finds:

- a. In April 2001, by Resolution No. 01-052, Multnomah County adopted a joint Global Warming Action Plan with the City of Portland to establish a goal of reducing community-wide greenhouse gas emissions to 10% below 1990 levels;
- b. In April, 2008, by Resolution No. 08-035, Multnomah County adopted the U.S. Cool Counties Climate Stabilization Declaration in partnership with Clackamas County;
- c. In August of 2009, Multnomah County and the City of Portland will consider adoption of an updated version of the Joint Global Warming Action Plan, re-titled the Joint Climate Action Plan, which will include the goal of reducing community-wide greenhouse gas emissions to 80% below current levels by the year 2050;
- d. Buildings account for more than 40% of the carbon emissions in Multnomah County—a larger share of total carbon emissions than comes from transportation or industry;
- e. Clean energy retrofits to existing buildings are among the best strategies to strengthen the local economy while reducing CO² emissions;
- f. A major barrier to retrofitting existing buildings is the up-front cost of the improvements;
- g. Multnomah County has worked closely with the City of Portland Bureau of Planning and Sustainability, EnergyTrust of Oregon, NW Natural, Pacific Power, Portland General Electric, Shorebank Enterprise Cascadia, and Work Systems Inc. to establish a program to provide financing and project assistance for clean energy retrofits;
- h. Clean Energy Works Portland will establish a loan fund (called the Portland Clean Energy Fund) that will pay the upfront costs of installing energy-efficiency improvements to homes, with the loan repaid over time on the homeowners' utility bill. Because the home will use less energy, the savings will partly or wholly cover the cost of repaying the loan. Once the loan is paid off, the homeowner will keep all of the savings, while enjoying the benefits of a more energy efficient, comfortable, and healthier home;
- i. The economic arguments for implementing this program are compelling. Jobs created in the home energy retrofit sector cannot be outsourced, and money that no longer is spent on wasted energy will circulate in the local economy more productively;
- j. Clean Energy Works Portland is earning national recognition as a pioneering partnership linking good local jobs, climate protection, energy savings, and increased opportunities for low and moderate income people;

- k. The County has applied to the Oregon Department of Energy for grant funding through the federal American Recovery and Reinvestment Act (ARRA) for an Energy Efficiency and Conservation Block Grant allocation to the Clean Energy Works Portland (Portland Clean Energy Fund) pilot project. The City of Portland has received an Energy Efficiency and Conservation Block Grant allocation which they are dedicating a large part of to this program;
- l. The attached Intergovernmental Agreement spells out roles and responsibilities of the County and City of Portland related to the Portland Clean Energy Fund. Portland will take the lead on negotiating a fund management agreement with the fund manager and will handle all day to day interactions with the fund manager, but will involve the County in all major decisions. Portland will also take the lead in reporting to the federal government on federal stimulus dollars used in this program;
- m. The attached Intergovernmental Agreement requires approval from both the County and the City of Portland. Portland is scheduled to hear this matter on July 8th, 2009.

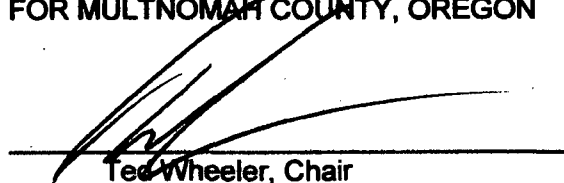
The Multnomah County Board of Commissioners Resolves:

- 1. The attached Intergovernmental Agreement Regarding Portland Clean Energy Fund is approved; and upon approval of the agreement by Portland, the County Chair is authorized and directed to sign the agreement in a form substantially as set forth in the attachment.

ADOPTED this 9th day of July 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Bernadette D. Nunley, Assistant County Attorney

SUBMITTED BY:
Jeff Cogen, Commissioner District 2

INTERGOVERNMENTAL AGREEMENT REGARDING PORTLAND CLEAN ENERGY FUND

THIS AGREEMENT is between each of the City of Portland, a municipal corporation duly incorporated under the laws of the State of Oregon, (the "City"), and Multnomah County, a home rule county formed under the laws of the State of Oregon, (the "County") hereinafter referred to as the "Jurisdictions." This Agreement is made pursuant to ORS 190.003 to ORS 190.110, the general laws and constitution of the State of Oregon, and the laws and charters of the Jurisdictions.

Section 1. General Purposes.

A. In 2007, the Portland City Council and the Multnomah County Board of Commissioners adopted resolutions directing staff to develop strategies for reducing local carbon emissions 80% by 2050 (Portland Resolution No. 36548 and Multnomah County Resolution 08-035). In an effort to achieve this mutual benchmark, one proposed strategy is to address options for accelerating energy efficiency and renewable energy measures in existing buildings. The Portland Clean Energy Fund 500-home pilot, intended to run from Summer 2009 to Summer 2010, is a vehicle for creating these options. To further the public interest, the Jurisdictions desire to clarify roles and responsibilities related to ongoing activities of the Portland Clean Energy Fund.

B. The terms of this Agreement will become effective upon execution by the County and the City. However, both the County and the City are actively pursuing funding for the Clean Energy Fund pilot project from outside sources, such as the State of Oregon or the federal government. Neither the County nor the City shall be obligated to provide any funding under this Agreement unless and until funding is provided from these third-party sources. To the extent that funding will come from third-party grants, the parties acknowledge that the funds will be subject to restrictions upon usage. The parties do not expect or anticipate any return of these funds or making any claims upon these funds after the funds have been turned over to the Fund Manager, so long as the funds are used for the purposes identified in the various third-party agreements.

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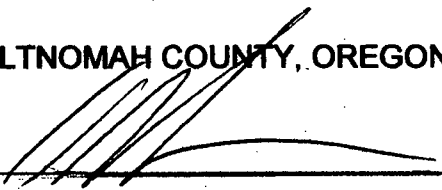
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- K. Subcontracts And Assignment. Neither party will subcontract or assign any part of this Agreement without the written consent of the other parties.

APPROVED AND EXECUTED by the appropriate officer(s) who are duly authorized to execute this Agreement on behalf of the governing body of each Jurisdiction.

MULTNOMAH COUNTY, OREGON


By



Title Ted Wheeler, Multnomah County Chair

Date: July 9, 2009

Reviewed:


Agnes Sowle, County Attorney
for Multnomah County

CITY OF PORTLAND, OREGON

By

Title _____

Date: _____

Auditor, City of Portland

Date: _____

Linda Meng, City Attorney
Approved as to form



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: R-5
Est. Start Time: 10:10 AM
Date Submitted: 06/15/09

Agenda Title: **RESOLUTION Accepting the Report and Recommendations of the Feasibility Study for a One-Stop Domestic Violence Service Center, Declaring a Portion of the Gateway Children's Center Building as Surplus Property and Authorizing Commissioner Cogen to Negotiate Terms for an IGA with the City of Portland**

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

Requested Meeting Date: July 9, 2009 Amount of Time Needed: 20 mins
Department: Non-Departmental Division: District 2
Contact(s): Karol Collymore
Phone: 503-988-6786 Ext. 86786 I/O Address: 503/600
Presenter(s): Chiquita Rollins, Martha Strawn Morris, Commissioner Dan Saltzman and Brett Taute

General Information

1. What action are you requesting from the Board?

Adoption of Resolution accepting the report and recommendations of the feasibility study for a One-Stop Domestic Violence Service Center and declaring the Gateway Children's Center building as surplus property and authorizing Commissioner Cogen to negotiate terms for an IGA with the City of Portland.

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

Responding to a proposal from Commissioner Dan Saltzman, the Portland City Council initiated a feasibility study for the development of a Domestic Violence One-Stop Center to meet the needs of victims of domestic violence. The City selected TACS, a nonprofit organization with substantial expertise in strategic planning and domestic violence service systems, to lead the feasibility study process. Commissioner Saltzman convened a steering committee to provide guidance during the study process from the perspectives of potential public partners including Multnomah County, the Portland Police Bureau, and the Multnomah County District Attorneys Office, and the view of

potential private partners including nonprofit domestic violence service providers.

The Gateway Children's Receiving Center has been recently vacated by the State Department of Human Services because of lack of funding; therefore making the building a viable option for this Center.

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

No impact

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

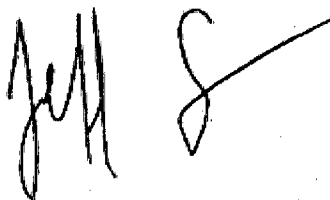
Commissioner Cogen will negotiate the IGA with the City of Portland.

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

A One Stop Domestic Violence Service Center Task Force was created and occupied by members of the DV community professionally and personally. The Task Force was co-lead by Commissioners Saltzman and Cogen.

Required Signature

**Elected Official or
Department/
Agency Director:**



Date: June 11, 2009

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Accepting the Report and Recommendations of the Feasibility Study for a One-Stop Domestic Violence Service Center, Declaring a Portion of the Gateway Children's Center Building as Surplus Property and Authorizing Commissioner Cogen to Negotiate Terms for an IGA with the City of Portland

The Multnomah County Board of Commissioners Finds:

- a. Responding to a proposal from Commissioner Dan Saltzman, the Portland City Council initiated a feasibility study for the development of a One Stop Domestic Violence Service Center to meet the needs of victims of domestic violence.
- b. City hired consultants TACS, Supporting Non-Profits Success to conduct the feasibility study.
- c. Commissioner Saltzman convened a multi-disciplinary, One-Stop Domestic Violence Service Center task force with non-profits and State representatives including: The Multnomah County Domestic Violence Coordinator, Department of Human Services, Volunteers of America, Raphael House, Portland Women's Crisis Line, Native American Youth Association and the District Attorney's Office.
- d. Commissioner Cogen agreed to work with the City as a partner in a proposed One-Stop Center and agreed to sit as co-chair of the steering committee. Commissioner Cogen also agreed to locate a suitable building within the County purview to act as a One Stop Center.
- e. The Feasibility Study was completed February 2009. It found there was a need in the community for co-located services for domestic violence. The multi-disciplinary, domestic violence one-stop center is envisioned to provide services to victims of domestic violence. It will house victim advocates, legal assistance, culturally specific services and other needed services.
- f. Based on the findings of the feasibility study, the consultants and steering Committee recommended the City and County should prioritize victim safety and support, victim access to resources and abuser accountability by creating a joint One-Stop Domestic Violence Center.
- g. The County owns property located at 10225 SE Burnside Street, Portland, Oregon, known as the Gateway Children's Center property, a portion of which is surplus to the County.

- h. It is in the best interests of the County to use the surplus property at the Gateway Children's Center as a One Stop Domestic Violence Center.
- i. Commissioner Cogen has been working with the City to explore the County's participation using the building (formerly the Children's Receiving Center) to house the One-Stop Center. The County will manage and contract for the services to design and construct all modifications to the building needed to accommodate the One-Stop Center. The County will perform the work in two phases:

Phase I – Preliminary Work – Research/Scope Definition

- 1. Review of Codes/Entitlements for the property
- 2. Document Review Historical Documents related to the facility
- 3. Space Programming/Planning – The Design Team will define the scope of work for the tenant improvements per the programs' specifications
- 4. Preparation of a preliminary budget/schedule for the proposed work

Phase II – Design/Bid/Construction

- 1. Preparation of Construction/Bid Documentation
- 2. Per project specification – Advertise/Bid/Contract for Construction Services
- 3. Construction/Contract Management
- 4. Project Close-Out

The County will advise the City of the costs for each phase and will not proceed with work until authorized by the City. County will monitor all authorized work to ensure that there are no cost overruns on the project.

- j. The City has agreed to pay for construction services, totaling \$545,000, pursuant to approving an estimated budget for each phase. County will submit an estimate of the number of hours and the hourly rate for architectural services for Phase One work. County will submit to City a detailed budget and schedule for the proposed construction work and contract supervision upon completion of Phase I of the project. Any overhead or administrative costs for County personnel will be clearly identified in the project estimates, budgets and billings.

The Multnomah County Board of Commissioners Resolves:

- 1. To accept the attached Report and Recommendations of the Feasibility Study for a One-Stop Domestic Violence Service Center dated February 2008.
- 2. The County will join with the City and other appropriate partners to negotiate the terms of an agreement to establish a One-Stop Domestic Violence Service Center.

3. The portion of the Gateway Children's Center formerly occupied by the Children's Receiving Center is surplus to County use and is appropriate to use for a One Stop Domestic Violence Center.
3. Commissioner Cogen is authorized to work with the Multnomah County Domestic Violence Coordinator and Facilities and Property Management to negotiate terms of an IGA with the City to implement the recommendations of the Feasibility Study for a One-Stop Domestic Violence Center.
4. Commissioner Cogen will report back to the Board for approval of the terms and approval of the IGA.

ADOPTED this 9th day of July, 2009.

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

Ted Wheeler, Chair

REVIEWED:

**AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

Agnes Sowle, County Attorney

SUBMITTED BY:

Commissioner Jeff Cogen

Report on the
Implementation Plan for a One-Stop Domestic Violence Service
Center

City of Portland
Multnomah County

July 2009

PREPARED BY TACS

ACKNOWLEDGEMENTS

IMPLEMENTATION STEERING COMMITTEE

Dan Saltzman, City of Portland Commissioner
Jeff Cogen, Multnomah County Commissioner
Teri Dole, Survivor
Kris Billhardt, Volunteers of America, Home Free Program
Chiquita Rollins, Multnomah County Domestic Violence Coordinator
Tawna Sanchez, Native American Youth and Family Center, Healing Circle
Greg Stewart, City of Portland Police Bureau
Rod Underhill, Multnomah County District Attorney's Office
Amy Hehn, Multnomah County District Attorney's Office
Carol Lamone, State of Oregon, Department of Human Services
Rebecca Peatow Nickels, MSW, Portland Women's Crisis Line
Teri Lorenzen, Family Violence Coordinating Council

IMPLEMENTATION STEERING COMMITTEE STAFF

Shannon Callahan, City of Portland
Karol Collymore, Multnomah County
Martha Strawn Morris, DV One Stop Director

IMPLEMENTATION PLANNING CONSULTANTS

Kay Sohl, TACS
Marlene Farnum, TACS
Margaret Mahoney, TACS

Table of Contents

I.	Executive Summary.....	4
II.	Initial Development of the DV One Stop Center.....	5
	A. Domestic Violence One Stop Center Feasibility Study Process.....	5
	B. The Incidence of domestic violence in Multnomah County.....	5
	C. Key Concepts for a Domestic Violence One Stop Center.....	6
III.	Implementation Plan.....	7
	A. Implementation Planning Task Force.....	7
	B. Organizational Structure of the One Stop Center.....	9
	C. Restraining Order Kiosk.....	10
	D. Facility Design.....	10
	E. One Stop Center Name and Communication Strategy.....	10
IV...	Timeline for Opening the One Stop Center.....	11

I. EXECUTIVE SUMMARY

The Portland – Multnomah County Domestic Violence One-Stop Center will bring together at one-site community-based victim services, criminal justice services and civil legal assistance. The Center will be easily accessible, safe, and welcoming, offering victims of domestic violence access to resources to ensure their safety and help them to address their own and their children's immediate and longer term needs. The Center will support the efforts of the entire community to hold perpetrators of domestic violence accountable for their actions.

The One Stop Center is the product of a collaborative effort of the City of Portland, Multnomah County, the Portland Police, the Multnomah County District Attorney's office, the Multnomah County Family Violence Coordinating Council, and numerous community-based nonprofit organizations providing services for victims of domestic violence. The need for the One Stop Center and core principles which should guide its development were identified through a comprehensive Feasibility Study.

The Portland City Council accepted the findings of the Feasibility Study in March, 2008, and authorized funding to move forward with implementation planning. Based on the findings of the Feasibility Study, Multnomah County expressed its interest in providing facilities for the One Stop Center. In September, 2008, City Commissioner Dan Saltzman and County Commissioner Jeff Cogen appointed a volunteer One Stop Center Implementation Task Force to guide the implementation planning process.

The Task Force worked with Commissioners Saltzman and Cogen to develop the One Stop Center's organizational structure, budget, facilities specifications, and staffing plan based on the recommendations of the Feasibility Study and the emerging commitments and needs of the public and private agencies which will collaborate in the operation of the Center. The Task Force also facilitated broad community involvement in the selection of the initial Director for the One Stop Center. In March, 2009, Commission Saltzman appointed Martha Slocum-Sloan to serve as the Center Director.

This report contains the results of the Task Force's work developing the operating plan, facility design, budget, staffing plan, and community accountability structure for the One Stop Center.

II. INITIAL DEVELOPMENT OF THE DV ONE STOP CENTER

A. Domestic Violence One Stop Center Feasibility Study Process

The Multnomah County Family Violence Coordinating Council has tracked the incidence of domestic violence, the development of resources to meet the needs of victims, and identified critical unmet needs since its inception in 1994. Beginning in 2002, the Coordinating Council has called for the development of a comprehensive point of access to connect victims to the full range of community resources needed to ensure their safety and that of their children, and to promote perpetrator accountability. The City of Portland has also recognized the damaging impact of domestic violence on families and communities. In 2007, responding to a proposal from Commissioner Dan Saltzman, the City Council authorized funding to conduct a feasibility study to evaluate the need for and potential of creating a one stop resource center to facilitate a coordinated community response to meet victims needs and support the efforts of police, the district attorney, and the courts to hold perpetrators accountable for their actions.

The City selected TACS, a nonprofit organization with substantial expertise in strategic planning and domestic violence service systems, to lead the feasibility study process. Commissioner Saltzman convened a steering committee to provide guidance during the study process from the perspectives of potential public partners including Multnomah County, the Portland Police Bureau, and the Multnomah County District Attorney's Office, and the view of potential private partners including nonprofit domestic violence service providers.

The feasibility study process included a comprehensive review of information and key informant interviews with leaders from Domestic Violence One-Stop Centers serving seven different communities located throughout the United States. Locally, the study included interviews with key leaders in public and private nonprofit agencies and six focus group discussions with survivors of domestic violence.

The consultants collected and analyzed information about unmet needs with special focus on underserved populations in Multnomah County. The Steering Committee and consultants also conducted site visits to One-Stop Centers in Tacoma, Washington, and Oakland, California.

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The One Stop Domestic Violence Service Center Feasibility Study documented the high level of domestic violence in Multnomah County, which mirrors the incidence of domestic violence in Oregon and nationwide. Recognizing that obtaining accurate prevalence data is difficult, the Feasibility Study relied on estimates, based on the number of calls to the police and to domestic violence crisis lines that almost

certainly understate the prevalence of domestic violence because many victims do not seek assistance from either source.¹

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 - 84% are white
 - 70% are employed
 - 66% have at least some college education
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 - 50% have children
 - While not all victims are poor, poor women experience domestic violence at a higher rate

C. Key Concepts for a Domestic Violence One Stop Center

Currently, victims of domestic violence in Portland and Multnomah County must connect with numerous separate services housed in multiple locations in order to receive needed assistance. These services include safety and comprehensive support for reestablishing their lives after leaving violent situations or protecting themselves and their children while working to resolve violence issues within a continuing relationship.

The consultants and Steering Committee recommended that the City of Portland and Multnomah County enter into an intergovernmental agreement to develop and operate a Domestic Violence One-Stop Center. The Portland-Multnomah County Domestic Violence One-Stop Center will play a key role in increasing public safety throughout Portland and Multnomah County. The goals of the center are to help victims protect themselves and their children from continued violence, and to enhance the ability of police, prosecutors, and the courts to hold perpetrators accountable for their actions.

¹ Source: Domestic Violence in Multnomah County, Multnomah County Health Department, 1999 and Multnomah County Coordinator's Office, 2004.

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The Feasibility Study Steering Committee included recommendations for configuration of a local one stop center and estimates regarding the amount of funding necessary to launch and sustain the center. The Portland City Council and Multnomah County Board of Commissioners accepted the Feasibility Study Report in March, 2008 and the City Council approved a funding allocation in the FY 08-09 budget to being implementation planning for the center.

III. IMPLEMENTATION PLAN

A. Implementation Planning Task Force

City Commissioner Saltzman and County Commissioner Cogen asked the members of the original Feasibility Study Steering Committee to continue their leadership as members of the Implementation Task Force. The Commissioners appointed additional members to the Implementation Task Force to represent the State of Oregon Department of Human Services, Portland Women's Crisis Line, the volunteer Leadership of the Family Violence Coordinating Council, and domestic violence survivors. The Implementation Task Force began its work in October 2008. The Task Force was charged with advising City Commissioner Dan Saltzman and County Commissioner Jeff Cogen on key implementation issues including:

- The One Stop Center Operating Budget
- Staffing Plan and job descriptions
- A design for the Facility
- A name and branding approaches for the center
- The structure of collaborative agreements for on-site and off-site partners' working relationships
- The structure for the One Stop Center Advisory Council to provide oversight and accountability for the center; and,
- Features and key provisions of Intergovernmental agreements to be developed between the City of Portland and Multnomah County for operation of the center.

Between October 2008 and May of 2009 The Steering Committee worked with TACS consultants to:

- Review the Special Budget Appropriation adopted by the City Council for the DV One Stop center and development of recommendations for budgeting the appropriation;
- Review job description and recruitment plan for the DV One Stop Director;
- Assist Commissioner Saltzman's office in reviewing applications and interviewing applicants for the Director position;
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Following extensive input from the Task Force and the broader community of individuals working on domestic violence issues, Commissioner Dan Saltzman selected Martha Strawn Morris to serve as Director of the One Stop Center effective April 1, 2009.

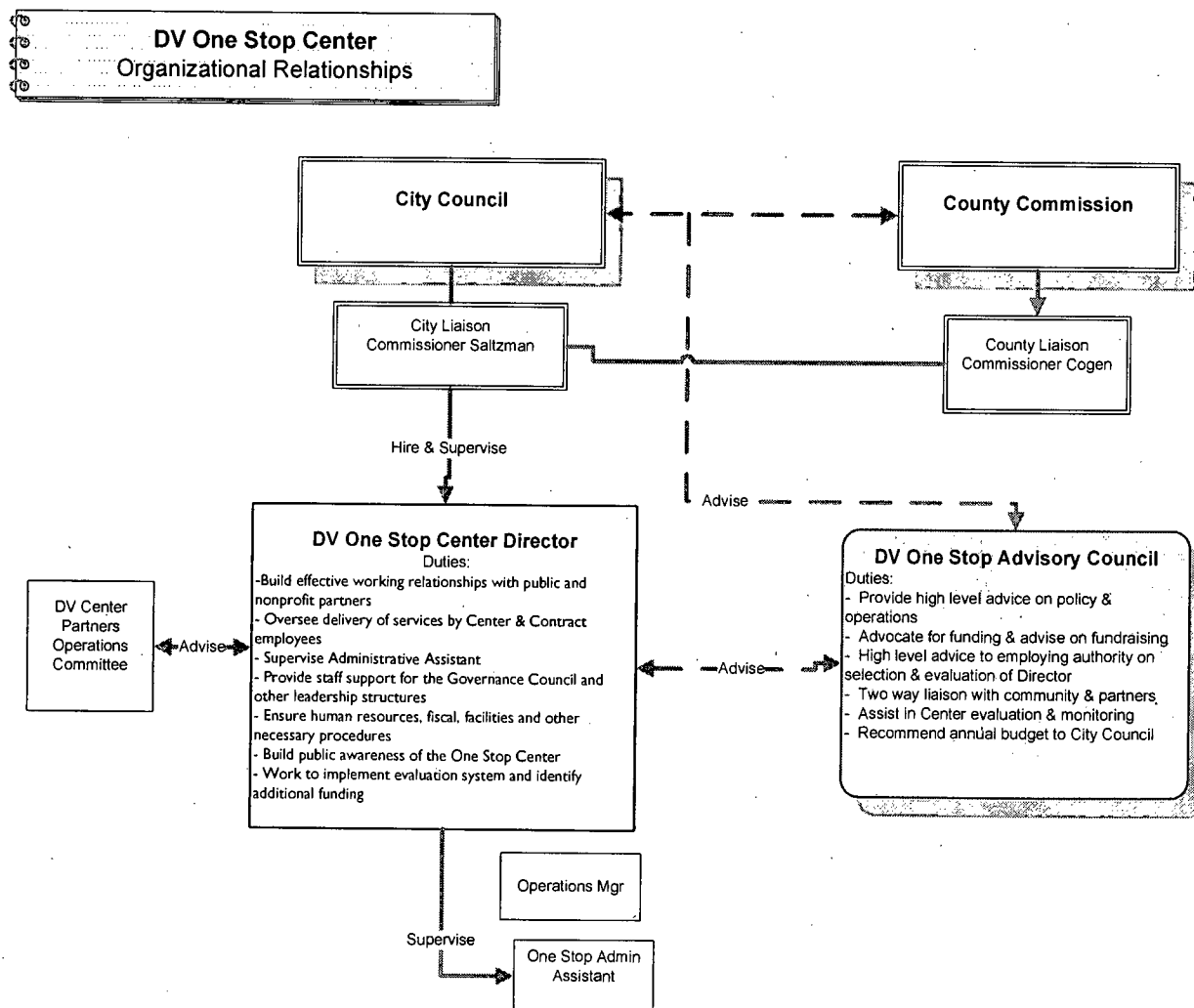
Together, the Director, Task Force, and consultants have continued work on implementation planning in order to prepare for the opening of the center in fall 2009. Key accomplishments include:

- Review and revision of descriptions of the roles and duties of Navigators to be located at the center to assist clients;
- Review the location of the center and provided input on the internal design and layout of the center;
- Further refinement of the proposed governance structure for the center.
- Input into the content of the Intergovernmental agreements to be executed by Portland and Multnomah County for the operation of the center.
- Obtained commitments for on-site partners to be located at the DV One Stop Center:
 - District Attorney – 1 FTE DA Victim Advocate;
 - DHS – Self Sufficiency – 3 FTE (Manager, Case Worker, Support/DHS Hot Line staff);
 - Legal Aid – ½ FTE attorneys to be funded with support from the DV One Stop.;
 - Volunteers of America (VOA) – drop in child care for clients visiting the center and support services and interventions for young children and teens who have witnessed or been victims of domestic violence.

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In order to ensure strong coordination with community groups providing direct services and advocacy to victims of domestic violence, an advisory committee made up of key governmental units [Police, Courts, District Attorney, etc], community agencies, and survivors of domestic violence will be appointed to provide advice and support to the Center and to the City and County commissions. The following diagram shows the organizational relationships of the city and county and the DV One Stop Center



C. Restraining Order Kiosk

Discussions have been undertaken with the members of the Family Court Section of Multnomah County Circuit Court and the Court Administrator about installation of an electronic kiosk at the DV One Stop Center. The kiosk would allow victims to file restraining order applications electronically and participate in their hearing before a Multnomah County judge by video conference, eliminating the need for victims to travel to the courthouse to obtain restraining orders. Several versions of software for court filings are being used and further developed by a number of courts around the country. The judges and court administrator are supportive of an effort at the DV One Stop center to pilot test such software for document filing and to use video conferencing capabilities to allow applicants to appear for hearing from the Center. A pilot effort at the DV One Stop would be coordinated with the statewide E-Court plans underway through the state court system.

D. Facility Design for the DV One Stop Center

Multnomah County has made the Gateway Center Building, recently vacated by the Christie School, available to house the DV One Stop Center. A subcommittee of the Implementation Task Force has worked with Multnomah County Facilities staff and the architectural firm, Carleton-Hart, to develop plans for reconfiguration of the building to fit the One Stop operation. Plans should be complete in early July with reconstruction complete in the early fall. PDC has also assisted with plans to provide parking adjacent to the center.

E. One Stop Center Name and Communications Strategy

The Implementation Task Force is committed to identifying a name and descriptive tag line for the One Stop Center which will communicate its function and core values clearly to domestic violence victims and survivors, community resource providers, and law enforcement and other governmental partners. The Task Force has obtained professional consultation from marketing experts regarding naming and branding the Center. The Task Force and Director have also sought input was sought from Family Justice Centers in other areas about the naming and branding of the center. A successful name/tagline will convey:

- Safety
- Respect
- Sanctuary (quiet)
- Warmth, caring
- Middle ground – between warmth/friendliness/informality/floweriness and technical/bureaucratic/sanitized

IV. TIMELINE FOR OPENING THE ONE STOP CENTER

Work is currently underway to develop specific agreements with on-site partners, finish the hiring for the center's core staff, and complete the design and construction work necessary to accommodate the DV Center operations in the Gateway Building. Following is an estimate of the timeline for remaining work and the opening of the Center.

- July 2009
 - Finalize space plan and let contract for building and parking lot work
 - Develop recruitment plan for additional center coordinating staff
 - Draft RFP for navigator services
 - Continue work with Courts on development of Restraining Order Kiosk
- August 2009
 - Award navigator contracts
 - Construction work underway
 - Hire administrative staff and security contractors
- September 2009
 - Construction work complete
 - 'Soft opening' – partners begin moving in, Partners Operational Committee develops and tests protocols
 - Begin community outreach and advertising
- October 2009
 - Formal Opening

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

RESOLUTION NO. 09-096

Accepting the Report and Recommendations of the Feasibility Study for a One-Stop Domestic Violence Service Center, Declaring a Portion of the Gateway Children's Center Building as Surplus Property and Authorizing Commissioner Cogen to Negotiate Terms for an IGA with the City of Portland

The Multnomah County Board of Commissioners Finds:

- a. Responding to a proposal from Commissioner Dan Saltzman, the Portland City Council initiated a feasibility study for the development of a One Stop Domestic Violence Service Center to meet the needs of victims of domestic violence.
- b. City hired consultants TACS, Supporting Non-Profits Success to conduct the feasibility study.
- c. Commissioner Saltzman convened a multi-disciplinary, One-Stop Domestic Violence Service Center task force with non-profits and State representatives including: The Multnomah County Domestic Violence Coordinator, Department of Human Services, Volunteers of America, Raphael House, Portland Women's Crisis Line, Native American Youth Association and the District Attorney's Office.
- d. Commissioner Cogen agreed to work with the City as a partner in a proposed One-Stop Center and agreed to sit as co-chair of the steering committee. Commissioner Cogen also agreed to locate a suitable building within the County purview to act as a One Stop Center.
- e. The Feasibility Study was completed February 2009. It found there was a need in the community for co-located services for domestic violence. The multi-disciplinary, domestic violence one-stop center is envisioned to provide services to victims of domestic violence. It will house victim advocates, legal assistance, culturally specific services and other needed services.
- f. Based on the findings of the feasibility study, the consultants and steering Committee recommended the City and County should prioritize victim safety and support, victim access to resources and abuser accountability by creating a joint One-Stop Domestic Violence Center.
- g. The County owns property located at 10225 SE Burnside Street, Portland, Oregon, known as the Gateway Children's Center property, a portion of which is surplus to the County.

- h. It is in the best interests of the County to use the surplus property at the Gateway Children's Center as a One Stop Domestic Violence Center.
- i. Commissioner Cogen has been working with the City to explore the County's participation using the building (formerly the Children's Receiving Center) to house the One-Stop Center. The County will manage and contract for the services to design and construct all modifications to the building needed to accommodate the One-Stop Center. The County will perform the work in two phases:

Phase I – Preliminary Work – Research/Scope Definition

- 1. Review of Codes/Entitlements for the property
- 2. Document Review Historical Documents related to the facility
- 3. Space Programming/Planning – The Design Team will define the scope of work for the tenant improvements per the programs' specifications
- 4. Preparation of a preliminary budget/schedule for the proposed work

Phase II – Design/Bid/Construction

- 1. Preparation of Construction/Bid Documentation
- 2. Per project specification – Advertise/Bid/Contract for Construction Services
- 3. Construction/Contract Management
- 4. Project Close-Out

The County will advise the City of the costs for each phase and will not proceed with work until authorized by the City. County will monitor all authorized work to ensure that there are no cost overruns on the project.

- j. The City has agreed to pay for construction services, totaling \$545,000, pursuant to approving an estimated budget for each phase. County will submit an estimate of the number of hours and the hourly rate for architectural services for Phase One work. County will submit to City a detailed budget and schedule for the proposed construction work and contract supervision upon completion of Phase I of the project. Any overhead or administrative costs for County personnel will be clearly identified in the project estimates, budgets and billings.

The Multnomah County Board of Commissioners Resolves:

- 1. To accept the attached Report and Recommendations of the Feasibility Study for a One-Stop Domestic Violence Service Center dated February 2008.
- 2. The County will join with the City and other appropriate partners to negotiate the terms of an agreement to establish a One-Stop Domestic Violence Service Center.

3. The portion of the Gateway Children's Center formerly occupied by the Children's Receiving Center is surplus to County use and is appropriate to use for a One Stop Domestic Violence Center.
3. Commissioner Cogen is authorized to work with the Multnomah County Domestic Violence Coordinator and Facilities and Property Management to negotiate terms of an IGA with the City to implement the recommendations of the Feasibility Study for a One-Stop Domestic Violence Center.
4. Commissioner Cogen will report back to the Board for approval of the terms and approval of the IGA.

ADOPTED this 9th day of July, 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON


Agnes Sowle, County Attorney

SUBMITTED BY:
Commissioner Jeff Cogen

Report on the
Implementation Plan for a One-Stop Domestic Violence Service
Center

City of Portland
Multnomah County

July 2009

PREPARED BY TACS

ACKNOWLEDGEMENTS

IMPLEMENTATION STEERING COMMITTEE

Dan Saltzman, City of Portland Commissioner

Jeff Cogen, Multnomah County Commissioner

Teri Dole, Survivor

Kris Billhardt, Volunteers of America, Home Free Program

Chiquita Rollins, Multnomah County Domestic Violence Coordinator

Tawna Sanchez, Native American Youth and Family Center, Healing Circle

Greg Stewart, City of Portland Police Bureau

Rod Underhill, Multnomah County District Attorney's Office

Amy Hehn, Multnomah County District Attorney's Office

Carol Lamone, State of Oregon, Department of Human Services

Rebecca Peatow Nickels, MSW, Portland Women's Crisis Line

Teri Lorenzen, Family Violence Coordinating Council

IMPLEMENTATION STEERING COMMITTEE STAFF

Shannon Callahan, City of Portland

Karol Collymore, Multnomah County

Martha Strawn Morris, DV One Stop Director

IMPLEMENTATION PLANNING CONSULTANTS

Kay Sohl, TACS

Marlene Farnum, TACS

Margaret Mahoney, TACS

Table of Contents

I.	Executive Summary.....	4
II.	Initial Development of the DV One Stop Center.....	5
	A. Domestic Violence One Stop Center Feasibility Study Process.....	5
	B. The Incidence of domestic violence in Multnomah County.....	5
	C. Key Concepts for a Domestic Violence One Stop Center.....	6
III.	Implementation Plan.....	7
	A. Implementation Planning Task Force.....	7
	B. Organizational Structure of the One Stop Center.....	9
	C. Restraining Order Kiosk.....	10
	D. Facility Design.....	10
	E. One Stop Center Name and Communication Strategy.....	10
IV...	Timeline for Opening the One Stop Center.....	11

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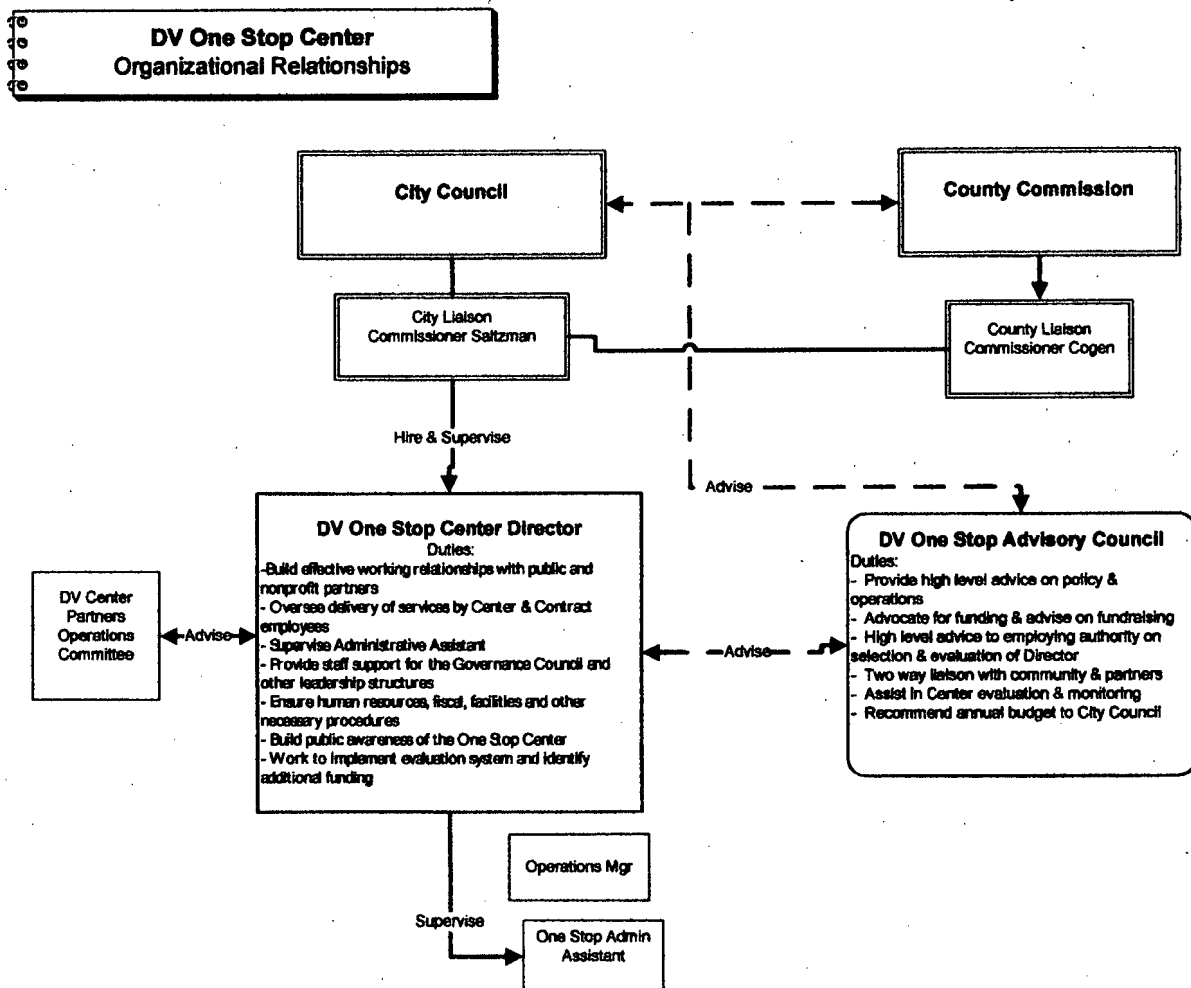
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MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: R-6
Est. Start Time: 10:30 AM
Date Submitted: 06/22/09

Agenda Title: **First Reading of a Proposed ORDINANCE Providing Housekeeping Amendments to Multnomah County Code Chapter 12, Business Income Tax**

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

Requested Meeting Date: July 9, 2009 Amount of Time Needed: 5 minutes
Department: County Management Division: Finance Risk Management
Contact(s): Mindy Harris
Phone: 503 988-3786 Ext. 83786 I/O Address: 503/531
Presenter(s): Mark Campbell

General Information

1. What action are you requesting from the Board?

Adoption of housekeeping changes to Chapter 12 - Business Income Tax law.

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

Please see attached summary of changes. The purpose of the adoption of the housekeeping changes is to align Chapter 12 with the City of Portland Business License Law.

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

No financial impact resulting from these modifications.

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

This is a simple alignment of code language to parallel similar language in the City of Portland Business License Law.

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

City of Portland revision of their License Law was fully reviewed by City Attorneys Office and Revenue Bureau Senior Auditors. The housekeeping changes to Chapter 12 were written to align

with changes within the City of Portland Business License Law.

Required Signature

**Elected Official or
Department/
Agency Director:**

Carol M. Ford

Date: 06/24/09

Chapter 12 - Business Income Tax.

Summary of Changes:

Index: 12.260 adds Information Request

12.245-545 new section

12.800 renumbered to align with City code

12.820 renumbered to align with City code

12.845 renumbered to align with City code

12.855 renumbered to align with City code

The word "shall" has been replaced throughout the document beginning with 12.020. (reworked this to correct errors, ex: 12.255.(B) "cannot" replaced with "must not" and "can" replaced with "may")

12.100 deletes a partial sentence at the beginning of the first paragraph. Terms used are as defined in this chapter (I didn't substitute "section" for "chapter" as other terms are defined in the chapter).

Controlling Shareholder - deletes the word "either".

Division – changed from "The Finance Budget & Tax Office" to "The Finance and Risk Management Division"

Employee - deletes and replaces last part of the final sentence.

Income - moved from 12.110 to align with City code. (moved entire section 12.110 Income Defined)

Person - adds parenthesis item re: tenants-in-common.

12.110 moves the definition of "income" under 12.100. (moved entire section 12.110 Income Defined)

(A) adds parenthesis item re: tenants-in-common

(B) expands "state" to define "State of Oregon" (added (sState) after State of Oregon in definition instead as it's used in a couple of places within 12.110).

(B) The word "filling" has been replaced with "filing"

12.210 (D) sentence 5 changes "division" to "Administrator". I didn't change this as 'division' is defined as our Finance and Risk Management Division and we should have copy of Administrator's rules filed as well. Also deleted an extra "s" in third sentence from the end.

12.230 deletes leading partial sentence and reworks the paragraph. (this didn't sound right (otherwise required was changed to otherwise prohibited) – didn't rework this part.

12.240(B) replaces "tax filer" with "taxfiler"

(E) deleted "I" from "must"

12.260 adds "Information Request:" to title.

(A) inserts "request information or" in first sentence.

(A)(4) pluralizes tenant in "tenants-in-common".

12.290 (A) second sentence amended to include "the Administrator mailed or delivered" removing it from the latter portion of the same sentence. This same word-smithing repeats under (B), (C), (D) & (E) as well.

(I) has been re-written.

12.400 deletes the first sentence and replaces it with a new version. Didn't delete "incomes" as it's referenced in (B)

12.500 deletes (C), (D) & (E) as it is archaic language and it is not necessary to retain this information in this version of the code. This deletion was done based upon consultation with Audit Supervisor Scott Karter. (I deleted this, but it doesn't hurt to keep it in and I think it should be retained for historical purposes).

12.545 is a new subsection of the code. (I added this but it seems redundant to 12.550 or perhaps 12.550 could be expanded to include the payment is due with the filing).

12.550 (D) replaces the conclusion of the final sentence with "taxfiler".

12.600 (A) is rewritten. (deleted but I think it's a good idea to retain for historical reference).

(C)(1) adds "per general partner or member" to end of sentence. (done, but removed duplicate phrase before)

12.610 (B) the first sentence is rewritten to align with City code.

(C)(2) deletion of the bulk of the first sentence to align with City code. (?? Shouldn't this be retained if it's applicable to the County?)

(D) has been amended to delete unnecessary language included in the first sentence. Clarifying language has been inserted into sentence three (duplicative). A new sentence has been inserted as sentences four and five, to align with changes to City code, moving existing sentence four to sentence six.

12.700 (D)(3) adds clarifying language to align with 12.260. Inserted space between "documents" and "or" at end of sentence.

(D)(4) is a new sentence.

12.715 deleted "first" at beginning of sentence, as it was used twice.

12.800 renumbered to 12.805 to align with City code.

12.820 renumbered to 12.815 to align with City code.

12.845 renumbered to 12.840 to align with City code.

12.855 renumbered to 12.850 to align with City code.

(A) & (B) reversed and relettered to align with City code. Law followed by definitions. Not done, definitions are followed by law as in the rest of our code.

Of course, all subsections will need to have the new ordinance number and adoption date for these housekeeping changes included by reference.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Providing Housekeeping Amendments to Multnomah County Code Chapter 12, Business Income Tax

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

Multnomah County Ordains as follows:

Section 1. MCC Chapter 12 is amended as follows:

12 BUSINESS INCOME TAX

12.005 Title.

This chapter ~~may be~~is known and cited as the Multnomah County Business Income Tax Law.

12.010 Taxes For Revenue.

The Board of the County Commissioners finds it is necessary to raise additional revenues to provide those county services required for the health, safety and welfare of the people of the county. The purpose of the taxes imposed by this chapter is to raise funds to provide those services within the county. All proceeds collected under this chapter ~~shall be~~are general fund revenue. This chapter is intended to establish a unified system for collection and allocation of taxes based upon business net income by the county and by cities within the county.

12.020 Conformity To State Income Tax Laws.

 The Business Income Tax Law ~~shall be~~is construed in conformity with the laws and regulations of the state imposing taxes on or measured by net income as those laws existed for that particular tax year. The Administrator ~~shall have~~ the authority by written policy, to connect to or disconnect from any legislative enactment that deals with income or excise taxation or the definition of income. Should a question arise under the Business Income Tax Law on which this chapter is silent, the Administrator may look to the laws of the State of Oregon for guidance in resolving the question, provided that the determination under state law is not in conflict with any provision of this chapter or the state law is otherwise inapplicable.

12.100 Definitions.

~~For the purpose of this chapter, the~~ terms used in this chapter ~~shall be~~are defined as provided in this chapter or in Administrative Rules, adopted under § 12.210 of this chapter, unless the context requires otherwise.

ADMINISTRATOR. The City of Portland Revenue Bureau along with its employees and agents.

APPEALS BOARD. The hearings body designated by the Board to review taxfiler appeals from final determinations by the Administrator.

BUSINESS. An enterprise, activity, profession or undertaking of any nature, whether related or unrelated, by a person in the pursuit of profit, gain or the production of income, including services performed by an individual for remuneration, but does not include wages earned as an employee.

CONTROLLING SHAREHOLDER. Any person, ~~either~~ alone or together with that person's spouse, parents, and/or children, who, directly or indirectly, owns more than 5% of any class of outstanding stock or securities of the taxfiler. The term **CONTROLLING SHAREHOLDER** may mean the controlling shareholder individually or in the aggregate.

DAY. A calendar day unless otherwise noted.

DIRECTOR. Multnomah County Chief Financial Officer.

DIVISION. The Finance ~~Budget & Tax Office~~ and Risk Management Division of the county.

DOING BUSINESS. To engage in any activity in pursuit of profit or gain, including but not limited to, any transaction involving the holding, sale, rental or lease of property, the manufacture or sale of goods or the sale or rendering of services other than as an employee. Doing business includes activities carried on by a person through officers, agents or employees as well as activities carried on by a person on his or her own behalf.

EMPLOYEE. Any individual who performs services for another individual or organization ~~having the right to control the employee as to the services to be performed and as to the manner of performance and whose compensation is reported by an IRS Form W-2.~~

INCOME. The net income arising from any business, as reportable to the State of Oregon (sState) for personal income, corporation excise, or income tax purposes, before any allocation or apportionment for operation out of state, or deduction for a net operating loss carry-forward or carry-back.

(A) Partnerships, S corporations, limited liability companies, limited liability partnerships, family limited partnerships, estates, trusts and joint ventures (including tenants-in-common arrangements) are liable for the business tax and not the individual partners, shareholders, members, beneficiaries or owners. The income of these entities must include all income received by the entity including ordinary income, interest and dividend income, income from sales of business assets and other income attributable to the entity.

(B) If one or more persons are required or elect to report their income to the sState for corporation excise or income tax purposes or personal income tax purposes in a consolidated, combined or joint return, a single return must be filed by the person filing such return. In such cases, **INCOME** means the net income of the consolidated, combined or joint group of taxfilers before any allocation or appointment for operation out of the state, or deduction for a net operating loss carrying-forward or carry-back.

(C) The absence of report income to the Internal Revenue Service or the sState does not limit the ability of the Administrator to determine the correct income of the taxfiler through examination under § 12.260 of this chapter.

INDIVIDUAL. A natural person.

NET OPERATING LOSS. The negative taxable income that may result after the deductions allowed by the Business Income Tax Law in determining net income for the tax year.

NONBUSINESS INCOME. Income not created in the course of the taxfiler's business activities.

NOTICE. A written document mailed first class by the Administrator or division to the last known address of a taxfiler as provided to the Administrator or division in the latest tax return on file with the Administrator.

OWNERSHIP OF OUTSTANDING STOCK OR SECURITIES. The incidents of ownership which include the power to vote on the corporation's business affairs or the power to vote for the directors, officers, operators or other managers of the taxfiler.

PERSON. Includes, but is not limited to a natural person, proprietorship, partnership, limited partnership, family limited partnerships, joint venture (including tenants-in-common arrangements), association, cooperative, trust, estate, corporation, personal holding company, limited liability company, limited liability partnership or any other form of organization for doing business.

RECEIVED. The postmark date affixed by the United States postal service if mailed or the date stamp if delivered by hand or sent by facsimile or the receipt date from the online file and pay application confirmation notice.

TAX YEAR. The taxable year of a person for federal or state income tax purposes.

TAXFILER. A person doing business in the county and required to file a return under the Business Income Tax Law.

12.110 Income Defined.

~~For the purpose of this chapter, the following definition shall apply unless the context requires a different meaning.~~

~~**INCOME.** The net income arising from any business, as reportable to the State of Oregon for personal income, corporation excise, or income tax purposes, before any allocation or apportionment for operation out of state, or deduction for a net operating loss carry forward or carry back.~~

~~(A) Partnerships, S corporations, limited liability companies, limited liability partnerships, family limited partnerships, estates, trusts and joint ventures shall be liable for the business tax and not the individual partners, shareholders, members, beneficiaries or owners. The income of these entities shall include all income received by the entity including ordinary income, interest and dividend income, income from sales of business assets and other income attributable to the entity.~~

~~(B) If one or more persons are required or elect to report their income to the state for corporation excise or income tax purposes or personal income tax purposes in a consolidated, combined or joint return, a single return shall be filed by the person filing such return. In such cases, **INCOME** means the net income of the consolidated, combined or joint group of taxfilers before any allocation or apportionment for operation out of the state, or deduction for a net operating loss carrying forward or carry back.~~

~~(C) The absence of report income to the Internal Revenue Service or the state shall not limit the ability of the Administrator to determine the correct income of the taxfiler through examination under § 12.260 of this chapter.~~

12.200 Administration.

(A) The City of Portland, Revenue Bureau ~~shall be~~ the Administrator of record and ~~shall have~~ the authority to administer and enforce this chapter effective January 1, 1994 to include, but not limited to, administrative return processing, auditing, determinations, collection of taxes, penalties and interest (including instituting legal action in any court of competent jurisdiction by or on behalf of the Division or Administrator), protests and appeals that occur on or after January 1, 1994.

(B) The Administrator ~~shall have~~ access to and maintains all tax filings and records, under this chapter, on behalf of the county. The Administrator may, upon request, interpret how this chapter applies, in general or for a certain set of circumstances. Nothing in this chapter ~~shall preclude~~ the informal disposition of controversy by stipulation or agreed settlement, through correspondence or a conference with the Administrator.

12.210 Administrative Authority.

(A) The Administrator may implement procedures, forms, and written policies for administering the provisions of the Business Income Tax Law.

(B) The Administrator may adopt rules relating to matters within the scope of this chapter to administer compliance with the Business Income Tax Law.

(C) Before adopting a new rule, the Administrator ~~shall must~~ hold a public hearing. Prior to the hearing, the Administrator ~~shall will~~ publish a notice in a newspaper of general circulation in the county. The notice ~~shall must~~ be published not less than ten nor more than 30 days before the hearing; ~~and it must. Such notice shall~~ include the place, time and purpose of the public hearing, a brief description of the subjects covered by the proposed rule, and the location where copies of the full text of the proposed rule may be obtained.

(D) At the public hearing, the Administrator, or designee, ~~shall take will receive~~ oral and written testimony concerning the proposed rule. The Administrator ~~shall will~~ either adopt the proposed rule, modify it, or reject it, taking into consideration the testimony received during the public hearing. If a substantial modification is made, additional public review ~~shall will~~ be conducted, but no additional public notice ~~shall be~~ required if an announcement is made at the hearing of a future hearing for a date, time and place certain at which the modification will be discussed. Unless otherwise stated, all rules ~~shall be~~ effective upon adoption by the Administrator. All rules adopted by the Administrator ~~shall will~~ be filed in the division's office. Copies of all current rules ~~shall will~~ be made available to the public upon request.

(E) Notwithstanding subsections (C) and (D), the Administrator may adopt an interim rule without prior public notice upon a finding that failure to act promptly will result in serious prejudice to the public interest or the interest of the affected parties, stating the specific reasons for such prejudice. Any interim rule adopted pursuant to this subsection ~~shall be~~ effective for a period of not longer than 180 days.

12.220 Presumption Of Doing Business.

A person is presumed to be doing business in the county and subject to this chapter if engaged in any of the following activities:

(A) Advertising or otherwise professing to be doing business within the county;

- (B) Delivering goods or providing services to customers within the county;
- (C) Owning, leasing or renting personal or real property within the county which is used in a trade or business;
- (D) Engaging in any transaction involving the production of income from holding property or the gain from the sale of property, which is not otherwise exempted in this chapter. Property may be personal, including intangible, or real in nature; or
- (E) Engaging in any activity in pursuit of gain which is not otherwise exempted in this chapter.

12.225 Ownership Of Taxfiler Information.

The county ~~shall be~~ the sole owner of all filer information under the authority of this chapter. The Director or the director's designee ~~shall have~~ access to all taxfiler information at all times.

12.230 Confidentiality.

Except as provided in this chapter or otherwise required by law, it ~~shall be~~ unlawful for the division or the Administrator, or any elected official, employee, or agent of the county, or for any person who has acquired information pursuant to § 12.240(A) and (C) to divulge, release, or make known in any manner any financial information submitted or disclosed to the county under the terms of the Business Income Tax Law. Nothing in this section ~~shall should~~ be construed to prohibit:

- (A) The disclosure of the names and addresses of any persons who have a tax account with the Administrator;
- (B) The disclosure of general statistics in a form which would prevent the identification of financial information regarding an individual taxfiler;
- (C) The filing of any legal action by or on behalf of the Division or Administrator to obtain payment on unpaid accounts or the disclosure of information necessary to do so; or
- (D) The assignment to an outside collection agency of any unpaid account balance receivable provided that the Division or Administrator notifies the taxfiler of the unpaid balance at least 60 days prior to the assignment of the claim. Any assignment to an outside collection agency is subject to a reasonable collection fee, above and beyond any amount owed to the County.

12.240 Persons To Whom Information May Be Furnished.

(A) The division or Administrator may disclose and give access to information described in § 12.230 to an authorized representative of the Department of Revenue, State of Oregon, or of any local government of the state imposing taxes upon or measured by gross receipts or net income, for the following purposes:

- (1) To inspect the tax return of any taxfiler;
- (2) To obtain an abstract or copy of the tax return;

- (3) To obtain information concerning any item contained in any return; or
- (4) To obtain information of any financial audit of the tax returns of any taxfiler.

Such disclosure and access ~~shall~~will be granted only if the laws, regulations or practices of such other jurisdiction maintain the confidentiality of such information at least to the extent provided by the Business Income Tax Law.

(B) Upon request of a taxfiler, or authorized representative, the Administrator ~~shall~~will provide copies of any tax return information filed by the tax-filer in the Administrator's possession.

(C) The division or Administrator may also disclose and give access to information described in § 12.230 to:

(1) The County Attorney, his or her assistants and employees, or other legal representatives of the County, to the extent the division deems disclosure or access necessary for the performance of the duties of advising or representing the division.

(2) The City Attorney, his or her assistants and employees, or other legal representatives of the City, to the extent the Administrator deems disclosure or access necessary for the performance of the duties of advising or representing the Administrator, including but not limited to instituting legal actions on unpaid accounts.

(3) Other county employees and agents, to the extent the division deems disclosure or access necessary for such employees or agents to perform their duties under contracts or agreements between the division and any other department, division, agency or subdivision of the county relating to the administration of the Business Income Tax Law.

(4) City of Portland employees, agents and officials of the City, to the extent the Administrator deems disclosure or access necessary for such employees, agents or officials to:

(a) Aid in any legal collection effort on unpaid accounts;

(b) Perform their duties under contracts or agreements between the Administrator and any other department, bureau, agency or subdivision of the City relating to the administration of the Business Income Tax Law; or

(c) Aid in determining whether a Business Income Tax account is in compliance with all City, State and Federal laws or policies.

(D) All employees and agents of the division or county, prior to the performance of duties involving access to financial information submitted to the county under the terms of the Business Income Tax Law, ~~shall~~must be advised in writing of the provision of § 12.730 relating to penalties for the violation of §§ 12.240-230 and 12.255. Such employees and agents ~~shall~~must execute a certificate in a form prescribed by the division, stating that the person has reviewed these provisions of law, has had them explained, and is aware of the penalties for the violation of §§ 12.230, 12.240 and 12.255.

(E) Prior to any disclosures permitted by this section, all persons described in subsection (A), to whom disclosure or access to financial information is given, ~~shall~~must:

(1) Be advised in writing of the provisions of § 12.730 relating to penalties for the violation of § 12.230; and

(2) Execute a certificate in a form prescribed by the division, stating these provisions of law have been reviewed and they are aware of the penalties for the violation of § 12.230.

(F) The director's signature on the certificate, required by subsection (E)(2), ~~shall will~~ constitute consent to disclosure to the persons executing the certificate.

12.250 Taxfiler Representation.

No person ~~shall will~~ be recognized as representing any taxfiler in regard to any matter relating to the tax of such taxfiler without written authorization of the taxfiler or unless the Administrator determines from other available information the person has authority to represent the taxfiler.

12.255 Representation Restrictions.

(A) No employee or official of the county, the Administrator, any public agency authorized to collect taxes imposed by this chapter, ~~shall may~~ represent any taxfiler in any matter before the Administrator. This restriction against taxfiler representation ~~shall will~~ continue for two years after termination of employment or official status.

(B) Members of the appeals board ~~shall must~~ not represent a taxfiler before the appeals board. No member of the appeals board ~~shall may~~ participate in any matter before the board if the appellant is a client of the member or the member's firm.

12.260 Information Request, Examination Of Books, Records Or Persons.

(A) The Administrator may request information or examine any books, papers, records, or memoranda, including state and federal income or excise tax returns, to ascertain the correctness of any tax return or to make an estimate of any tax. The Administrator ~~shall have~~ the authority, after notice, to:

(1) Require the attendance of any person required to file a tax return under the Business Income Tax Law, or officers, agents, or other persons with knowledge of the person's business operations, at any reasonable time and place the Administrator may designate;

(2) Take testimony, with or without the power to administer oaths to any person required to be in attendance;

(3) Require proof for the information sought, necessary to carry out the provisions of this chapter; and

(4) Require the property manager of a tenants-in-common arrangement to provide financial information related to the arrangement as well as information regarding the owners, including, but not limited to, the name and last known addresses of the owners.

(B) The Administrator ~~shall will~~ designate the employees who ~~shall will~~ have the power to administer oaths hereunder. Such employees ~~shall must~~ be notaries public of the State of Oregon.

12.270 Records.

Every person required to file a return under the Business Income Tax Law ~~shall~~must keep and preserve for not less than seven years such documents and records, including state and federal income and excise tax returns, accurately supporting the information reported on the taxfiler's return and calculation of tax for each year.

12.280 Deficiencies And Refunds.

(A) Deficiencies may be assessed and refunds granted any time within the period provided under ORS 314.410, 314.415, and 317.950. The Administrator may by agreement with the taxfiler extend such time periods to the same extent as provided by statute.

(B) Consistent with ORS 314.410(3), in cases where no tax return has been filed, there ~~shall be~~ no time limit for a notice of deficiency and/or the assessment of taxes, penalty and interest due.

(C) Notwithstanding subsections (A) and (B), the Administrator is not required to accept any tax return from a taxfiler if:

(1) The Administrator obtains a money judgment against the taxfiler for failure to pay an unpaid account balance due; and

(2) The Administrator or its designee lawfully served the taxfiler with the lawsuit pursuant to the Oregon Rules of Civil Procedure; and

(3) The tax return is for a taxable year that is the subject of the general money judgment; and

(4) The Administrator gave written notice stating that the taxfiler had an outstanding balance due at least ~~60~~30 days before the Administrator (or its designee) filed a lawsuit for those particular taxable years.

12.290 Protests And Appeals.

(A) Any determination by the Administrator may be protested by the taxfiler. Written notice of the protest must be received by the Administrator within 30 days after the Administrator mailed or delivered the notice of determination ~~was mailed or delivered to the taxfiler~~. The protest ~~shall~~must state the name and address of the taxfiler and an explanation of the grounds for the protest. The Administrator ~~shall~~must respond within 30 days after the protest is filed ~~with the Administrator~~ with either a revised determination or a final determination. The Administrator's determination ~~shall~~must include the reasons for the determination and state the time and manner for appealing the determination. The time to file a protest or the time for the Administrator's response may be extended by the Administrator, for good cause. Requests for extensions of time must be received prior to the expiration of the original 30-day protest deadline. Written notice ~~shall~~will be given to the taxfiler if the Administrator's deadline is extended.

(B) Any final determination by the Administrator may be appealed by the taxfiler to the appeals board. Written notice of the appeal must be received by the Administrator within 30 days after the Administrator mailed or delivered the final determination ~~was mailed or delivered to the appellant~~. The notice of appeal ~~shall~~must state the name and address of the appellant and include a copy of the final determination.

(C) Within 90 days after the Administrator mails or delivers the final determination was mailed or delivered to the taxfilerappellant, the appellant shall must file with the appeals board a written statement containing:

- (1) The reasons the Administrator's determination is incorrect; and
- (2) What the correct determination should be.

Failure to file such a written statement within the time permitted shall will be deemed a waiver of any objections, and the appeal shall will be dismissed.

(D) Within 150 days after the Administrator mails or delivers the final determination was mailed or delivered to the taxfilerappellant, the Administrator shall will file with the appeals board a written response to the appellant's statement. A copy of the Administrator's response shall must be promptly mailed to the address provided by the appellant within 10 days.

(E) The Administrator must provide the appellant shall be given not less than 14 days prior written notice of the hearing date and location at least 14 days prior to the hearing. The appellant and the Administrator shall have the opportunity to may present relevant testimony and oral argument at the hearing. The appeals board may request such additional written comment and documents as it deems appropriate.

(F) Decisions of the appeals board shall must be in writing, state the basis for the decision and be signed by the appeals board chair.

(G) The decision of the appeals board shall be final on as of the date it is issue date and no further administrative appeal shall will be provided.

(H) The filing of an appeal with the appeals board shall temporarily suspend the obligation to pay any tax that is the subject of the appeal pending a final decision by the appeals board.

(I) Penalty waiver and/or reduction requests are not subject to the protest/appeal process or timeline outlined in Sections 12.290(A) through 12.290(H). The taxfiler must file a written request with the Administrator detailing why a penalty should be waived within 30 days of receipt of a billing notice that assesses a penalty. The Administrator must respond to requests to reduce and/or waive penalties within 60 days from the date the written request is received. As provided in Section 12.700(G), the Administrator may waive or reduce penalties in certain situations. If the taxfiler has requested that penalties be waived and the Administrator denies the taxfiler's request for this discretionary waiver of penalties, the taxfiler may request a conference with the Administrator (or Administrator's designee) within 30 days of the date of the Administrator's notice of denial. If the conference with the Administrator results in a denial of the penalty waiver request, that decision is final and may not be appealed to the Appeals Board. ~~until the taxfiler receives written notice from the Administrator that the taxfiler's request was either denied or only approved in part. The Administrator shall respond to requests to reduce and/or waive late and/or underpayment penalties within 60 days from the date that the written request is received by the Administrator.~~

12.400 Exemptions.

The Administrator may require the filings of tax returns or other documentary verification of any exemption claimed under this section. To the extent set forth below, the following persons or incomes are exempt from payment of tax requirements imposed by the Bbusiness Iincome Ttax Law;

(A) Persons whom the county is prohibited from taxing under the Constitution or laws of the United States or the Constitution or laws of the State of Oregon or County Charter.

(B) Income arising from transactions which the county is prohibited from taxing under the Constitution or the laws of the United States or the Constitution or laws of the State of Oregon or County Charter.

(C) Persons whose gross receipts from all business, both within and without the county, amount to less than \$50,000 (\$25,000 for tax years that begin prior to January 1, 2008). The Administrator may demand a statement that the person's gross receipts for any tax year were less than the stated exemption amount for the tax year for which exemption is claimed.

(D) Corporations exempt from the State of Oregon Corporation Excise Tax under ORS 317.080, provided that any such corporation subject to the tax on unrelated business income under ORS 317.920 to 317.930 ~~shall~~ must pay a tax based solely on such income.

(E) Trusts exempt from federal income tax under Internal Revenue Code Section 501, provided that any exempt trust subject to tax on unrelated business income and certain other activities under Internal Revenue Code Section 501(b) ~~shall be~~ are subject to the tax under this chapter based solely on that income.

(F) Any individual whose only business transactions are exclusively limited to the renting or leasing of residential real property dwelling units provided that the beneficial owner rents or leases less than ten total units, regardless of whether the units are located inside or outside of the County. For purposes of this subsection, payments to foster care and other service providers ~~shall be~~ are considered payments for "services" and not for "rent". If a building contains more than one residential living quarter, the term "dwelling unit" refers to each separate living quarter. This exemption does not apply if any income is recognized from the sale of residential property.

(G) Income of an individual from:

- (1) Sales, exchanges or involuntary conversions of a primary or secondary residence;
- (2) Sale of personal property acquired for household or other personal use by the seller;
- (3) Interest and dividend income earned from investments, if the income is not created in the course of or related to the taxfiler's business activities; and
- (4) Gains and losses incurred from the sale of investments (other than real property) that are not a part of a business.

(H) Any person whose only business transactions are exclusively limited to the following activities:

- (1) Raising, harvesting and selling of the person's own crops, or the feeding, breeding, management and sale of the person's own livestock, poultry, furbearing animals or honeybees, or sale of the produce thereof, or any other agricultural, horticultural or animal husbandry activity carried on by any person on the person's own behalf and not for others, or dairying and the sale of dairy products to processors. This exemption ~~shall~~ does not apply if, in addition to the farm activities described in this subsection, the person does any processing of the person's own farm products which changes their character or form, or the person's business includes the handling, preparation, storage, processing or marketing of farm products raised or produced by others; or the processing of milk or milk products whether produced by said person or by others for retail or wholesale distribution.

(2) Operating within a permanent structure a display space, booth or table for selling or displaying merchandise by an affiliated participant at any trade show, convention, festival, fair, circus, market, flea market, swap meet or similar event for less than 14 days in any tax year.

12.500 Imposition And Rate Of Tax.

(A) Except as otherwise provided in this chapter, a tax is imposed upon each person doing business within the county equal to 1.45% of the net income from the business within the county effective with tax years beginning on or after January 1, 1993. For tax years beginning on or after January 1, 2008 each taxfiler not otherwise exempt ~~shall~~must determine their tax at the rate established in this section, provided that each ~~shall~~must pay at least a minimum tax of \$100.00.

(B) The payment of a tax required hereunder and the acceptance of such tax ~~shall~~does not entitle a taxfiler to carry on any business not in compliance with all the requirements of this code and all other applicable laws.

~~———— (C) For the business year beginning on or after January 1, 1998, if the tax imposed by this section exceeds \$100, each person doing business within Multnomah County shall pay, in addition, a Temporary Education Surcharge equal to one half percent (.50%) of the net income from the business within the County. This surcharge shall be in effect only for 1998 and shall not apply to business years beginning on or after January 1, 1999.~~

~~———— (D) The receipts from the surcharge imposed by subsection (C) shall be used only to benefit public schools in Multnomah County. Receipts from the Temporary Educational BIT surcharge shall only be used to maintain or reduce class size by preventing teacher layoffs in FY 1998-99. The public school districts with projected budget shortfalls in FY 98-99 shall only spend surcharge revenues to pay for salaries of teacher positions or other state certified personnel, which would otherwise be eliminated. To be eligible for BIT surcharge funds, school districts with projected budget shortfalls in FY 98-99 shall submit a list of positions for state certified positions subject to elimination from the budget and their accompanying salary, to Multnomah County no later than May 30, 1998. Districts without budget shortfalls in FY 98-99 shall submit a list of additional teaching positions and other staff certified positions and materials directly related to instruction. Multnomah County will allocate the BIT surcharge revenues to each public school to pay for teacher positions or other state certified positions, based upon the list submitted by each school district.~~

~~———— (E) The Temporary Education Surcharge receipts shall be distributed to every public school district in Multnomah County according to a formula approved by the Board of County Commissioners.~~

12.510 Return Due Date.

(A) Tax returns ~~shall~~must be on forms provided or approved by the Administrator. All tax returns ~~shall~~must be filed, together with the specified tax by the fifteenth day of the fourth month following the end of the tax year.

(B) The Administrator may, for good cause, grant extensions for filing returns, except that no extension may be granted for more than six months beyond the initial due date. This extension does not extend the time to pay the tax.

(C) The tax return ~~shall~~must contain a written declaration, verified by the taxfiler, to the effect that the statements made therein are true.

(D) The Administrator ~~shall will~~ prepare blank tax returns and make them available upon request. Failure to receive or secure a form ~~shall does~~ not relieve any person from the obligation to pay a tax under the Business Income Tax Law.

12.520 Quarterly Estimates.

For tax years beginning on or after January 1, 1993, every taxfiler who incurred a tax liability, under § 12.500 of \$1,000 or greater ~~shall must~~ estimate the taxfiler's tax liability for the current tax year under this chapter and pay the amount of tax determined as provided in § 12.530.

12.530 Schedule For Payment Of Estimated Tax.

A taxfiler required under § 12.520 of this chapter to make payments of estimated tax ~~shall must~~ make the payments in installments as follows:

(A) One quarter or more of the estimated tax on or before the fifteenth day of the fourth month of the tax year;

(B) One quarter or more of the estimated tax on or before the fifteenth day of the sixth month of the tax year;

(C) One quarter or more of the estimated tax on or before the fifteenth day of the ninth month of the tax year; and

(D) The balance of the estimated tax ~~shall must~~ be paid on or before the fifteenth day of the twelfth month of the tax year.

(E) Any payment of the estimated tax received by the Administrator for which the taxfiler has made no designation of the quarterly installment to which the payment is to be applied, ~~shall will~~ first be applied to underpayments of estimated tax due for any prior quarter of the tax year. Any excess amount ~~shall will~~ be applied to the installment that next becomes due after the payment was received.

12.545 Tax Return.

Each tax return must be accompanied by a tax payment at the rate established in Section 12.500, provided that each such tax return must be accompanied by a minimum tax of \$100. The minimum payment may have previously been paid by quarterly payments, an extension payment, or credit available from a prior tax year.

12.550 Presumptive Tax.

(A) If a person fails to file a return, a rebuttable presumption ~~shall exists~~ that the tax payable amounts to \$500 for every tax year for which a return has not been filed.

(B) Nothing in this section ~~shall prevents~~ the Administrator from assessing a tax due which is less than or greater than \$500 per tax year.

(C) If the taxfiler filed a tax return the previous tax year, then presumptive taxes assessed under this subsection ~~shall will~~ be considered a tax return. Presumptive taxes assessed under this subsection ~~shall beare~~ considered filed documents and ~~shall beare~~ subject to the time limitations for deficiencies and refunds as described in subsection 12.280.

(D) Taxes determined under this subsection ~~shall be assessed and are~~ subject to penalties and interest from the date the taxes should have been paid as provided in subsection 12.510 in accordance with subsections 12.700 and 12.710. The Administrator ~~shall will~~ send notice of the determination and assessment to the ~~person doing business in the County~~ taxfiler.

12.560 Payment Plan Fee.

If a person fails to pay the Multnomah County Business Income tax when due, the Administrator may establish a payment plan pursuant to written policy. The Administrator may charge a set up fee for each payment plan established.

12.600 Income Determinations.

(A) *Owners compensation deduction.* **OWNERS COMPENSATION DEDUCTION** is defined as the additional deduction allowed in subsections (B), (C) and (D) below.

(1) ~~For tax years beginning prior to January 1, 1999, the owner's compensation deduction as defined in this section cannot exceed \$50,000 per owner.~~

~~(2) For tax years beginning on or after January 1, 1999, the owners compensation deduction will be~~ indexed by the Consumer Price Index - All Urban Consumers (CPI-U) U.S. City Average as published by the U.S. Department of Labor, Bureau of Labor Statistics, using the September to September index, not seasonally adjusted (unadjusted index). ~~The initial index will be the September 1998 to September 1999 index.~~ The Administrator ~~will determines~~ the exact deduction amount and ~~publishes~~ the amount on forms. Any increase or decrease under this subsection which is not a multiple of \$500 ~~shall will~~ be rounded up or down to the next multiple of \$500 at the Administrator's discretion.

(32) For tax years beginning on or after January 1, 2008, the owners compensation deduction cannot exceed \$80,000 plus CPI-U for September 2007 to September 2008 per owner as defined in Sections (B), (C) and (D) below.

(43) For tax years beginning on or after January 1, 2009, the owners compensation deduction will be indexed as described in (21) above.

(B) *Sole proprietorship.* In determining income, no deductions ~~shall be~~ allowed for any compensation for services rendered by, or interest paid to, owners. However, 75% of income determined without such deductions ~~shall be~~ allowed as an additional deduction, not to exceed the amount per owner as determined in subsection (A) above.

(C) *Partnerships.* In determining income, no deduction ~~shall be~~ allowed for any compensation for services rendered by, or interest paid to, owners of partnerships, limited partnerships, limited liability companies, limited liability partnerships or family limited partnerships. Guaranteed payments to partners or members ~~shall beare~~ deemed compensation paid to owners for services rendered. However:

(1) For general partners or members, 75% of income determined without such deductions ~~shall be~~ allowed as an additional deduction, not to exceed the amount ~~per general partner or member~~ as determined in subsection (A) above ~~per general partner or member~~.

(2) For limited partners or members of limited liability corporations who are deemed partners by administrative rule or policy, 75% of income determined without such deductions ~~shall be~~ allowed as an additional deduction, not to exceed the lesser of actual compensation and interest paid or the amount determined in subsection (A) above per compensated limited partner.

(D) *Corporations.* In determining income, no deduction ~~shall be~~ allowed for any compensation for services rendered by, or interest paid to, controlling shareholders of any corporation, including, but not limited to C and S corporations and any other entity electing treatment as a corporation, either C or S. However, 75% of the corporation's income, determined without deduction of compensation or interest, ~~shall be~~ allowed as a deduction in addition to any other allowable deductions, not to exceed the lesser of the actual compensation and interest paid or the amount for each controlling shareholder as determined in subsection (A) above.

(1) For purposes of this subsection, to calculate the compensation for services rendered by or interest paid to controlling shareholders that must be added back to income, wages, salaries, fees, or interest paid to all persons meeting the definition of a controlling shareholder, must be included.

(2) For purposes of this subsection, in determining the number of controlling shareholders, a controlling shareholder and that person's spouse, parents and children count as one owner, unless such spouse, parent or child individually own more than 5% ownership of outstanding stock or securities in their own name. In that case, each spouse, parent or child who owns more than 5% of stock ~~shall be~~ deemed to be an additional controlling shareholder.

(3) For purposes of this subsection (C), joint ownership of outstanding stock or securities ~~shall is~~ not be considered separate ownership.

(E) *Estates and trusts.* In determining income for estates and trusts, income ~~shall be~~ measured before distribution of profits to beneficiaries. No additional deduction ~~shall be~~ allowed.

(F) *Nonbusiness income.* In determining income under this section, an allocation ~~shall be~~ allowed for nonbusiness income as reported to the State of Oregon. However, income treated as nonbusiness income for State of Oregon tax purposes may not necessarily be defined as nonbusiness income under the Business Income Tax Law. Interest and dividend income, rental income or losses from real and personal business property, and gains or losses on sales of property or investments owned by a trade or business ~~shall be~~ treated as business income for purposes of the Business Income Tax Law. Income derived from non-unitary business functions reported at the state level may be considered nonbusiness income. Non-unitary income will not be recognized at an intrastate level. The taxfiler ~~shall~~ have the burden of showing that income is nonbusiness income.

(G) *Tax based on or measured by net income.* In determining income, no deduction ~~shall be~~ allowed for taxes based on or measured by net income. No deduction ~~shall be~~ allowed for the federal built-in gains tax.

(H) *Ordinary gain or loss.* In determining income, gain or loss from the sale, exchange or involuntary conversion of real property or tangible and intangible personal property not exempt under § 12.400(G) and § 12.400(H) ~~shall must~~ be included as ordinary gain or loss.

(I) *Net operating loss.* In determining income, a deduction ~~shall be~~ allowed equal to the aggregate of the net operating losses incurred in prior years, not to exceed 75% of the income determined

for the current tax year before this deduction but after all other deductions from income allowed by this section and apportioned for business activity both within and without the county.

(1) When the operations of the taxfiler from doing business both within and without the county result in a net operating loss, such loss ~~shall~~will be apportioned in the same manner as the net income under § 12.600. However, in no case ~~shall may~~ a net operating loss be carried forward from any tax year during which the taxfiler conducted no business within the county or the taxfiler was otherwise exempt from tax filing requirements.

(2) In computing the net operating loss for any tax year, the net operating loss of a prior tax year ~~shall is not be~~ allowed as a deduction.

(3) In computing the net operating loss for any tax year, no compensation allowance deduction ~~shall be~~ allowed to increase the net operating loss. **COMPENSATION ALLOWANCE DEDUCTION** is defined as the additional deduction allowed by subsection (A).

(4) The net operating loss of the earliest tax year available ~~shall~~must be exhausted before a net operating loss from a later tax year may be deducted.

(5) The net operating loss in any tax year ~~shall be~~ allowed as a deduction in any of the five succeeding tax years until used or expired. Any partial tax year ~~shall will~~ be treated the same as a full tax year in determining the appropriate carry-forward period.

12.610 Apportionment Of Income.

(A) Business activity means any of the elements of doing business. However, a person ~~shall is~~ not be considered to have engaged in business activities solely by reason of sales of tangible personal property in any state or political subdivision, or solely the solicitation of orders for sales of tangible personal property in any state or political subdivision. Business activities conducted on behalf of a person by independent contractors are not considered business activities by the person in any state or political subdivision.

(B) ~~Any In computing the tax, taxfilers that have~~ing income from business activity both within and without the county ~~shall in computing the tax, must~~ determine the income apportioned to the county by multiplying the total net income from the taxfiler's business by a fraction, the numerator of which is the total gross income of the taxfiler from business activity in the county during the tax year, and the denominator of which is the total gross income of the taxfiler from business activity everywhere during the tax year.

(C) In determining the apportionment of gross income within the county under subsection (B):

(1) Sales of tangible personal property ~~shall be~~are deemed to take place in the county if the property is delivered or shipped to a purchaser within the county regardless of the f.o.b. point or other conditions of sale. Sales of tangible personal property shipped from the county to a purchaser located where the taxfiler is not taxable ~~shall are not be~~ apportioned to the county.

(2) Sales other than sales of tangible personal property ~~shall be~~are deemed to take place in the county, if the income producing activity is performed in the county ~~or the income producing activity is performed both in and outside the county and a greater portion of the income producing activity is performed in the county than outside the county based on costs of performance.~~

(D) Certain industries or incomes ~~shall be~~ subject to specific apportionment or allocation methodologies. Such methodologies ~~shall be~~ described in administrative rules adopted in accordance with § 12.210. Industry specific or income specific apportionment methodologies required by Oregon Revised Statutes for apportionment of gross sales shall will be used in cases where no rule has been adopted by the Administrator regarding the apportionment of such industry or income. When gross sales as reported to Oregon are used for apportionment purposes, such gross sales will be defined as gross income for apportionment purposes herein. All apportionment methodologies directed under this subsection will be a single factor gross income apportionment as directed under § 12.210 (B) and § 12.210 (C). In those specific cases where the state has directed allocation of income, such income ~~shall~~ will be apportioned for purposes of this chapter, unless allocation is otherwise allowed in this chapter.

(E) If the apportionment provisions of subsection (B) do not fairly represent the extent of the taxfiler's business activity in the county and result in the violation of the taxfiler's rights under the Constitution of this state or the United States, the taxfiler may petition the Administrator to permit the taxfiler to:

(1) Utilize the method of allocation and apportionment used by the taxfiler under the applicable laws of the state imposing taxes upon or measured by net income; or

(2) Utilize any other method to effectuate an equitable apportionment of the taxfiler's income.

12.620 Changes To Federal Or State Tax Returns.

(A) If a taxfiler's reported net income under applicable state laws imposing a tax on or measured by income is changed by the Federal Internal Revenue Service or the state Department of Revenue, or amended by the taxfiler to correct an error in the original federal or state return, a report of such change ~~shall must~~ be filed with the Administrator within 60 days after the date of the notice of the final determination of change or after an amended return is filed with the federal or state agencies. The report ~~shall must~~ be accompanied by an amended tax return with respect to such income and by any additional tax, penalty, and interest due.

(B) The Administrator may assess deficiencies and grant funds resulting from changes to federal, state or business income tax returns within the time periods provided for in § 12.280 of this chapter, treating the report of change in federal, state or business income tax returns as the filing of an amended tax return.

(C) The Administrator may assess penalties and interest on the additional tax due as provided in §§ 12.700 (A) and 12.710 or may refuse to grant a refund of taxes as a result of the amended return if the amended return is not filed with the Administrator within the time limits set forth in subsection (A).

12.700 Penalty.

(A) (1) A penalty ~~shall will~~ be assessed if a person:

(a) Fails to file a tax return or extension request at the time required under §§ 12.510(A) or 12.620(A); or

(b) Fails to pay a tax when due.

(2) The penalty under subsection (A) ~~shall be calculated as:~~

four months;

(a) Five percent of the total tax liability if the failure is for a period less than

(b) An additional penalty of 20% of the total tax liability if the failure is for a period of four months or more; and

(c) An additional penalty of 100% of the total tax liability of all tax years if the failure to file is for three or more consecutive tax years.

(B) (1) A penalty ~~shall~~will be assessed if a person who has filed an extension request:

(a) Fails to file a tax return by the extended due date; or

(b) Fails to pay the tax liability by the extended due date.

(2) The penalty under subsection (B) ~~shall be calculated as~~:

(a) Five percent of the total tax liability if the failure is for a period of less than four months; and

(b) An additional penalty of 20% of the total tax liability if the failure is for a period of four months or more.

(C) (1) A penalty ~~shall~~will be assessed if a person:

(a) Fails to pay at least 90% of the total tax liability by the original due date;
or

(b) Fails to pay at least 100% of the prior year's total tax liability by the original due date.

(2) The penalty under subsection (C) ~~shall be calculated as~~ 5% of the tax underpayment, but not less than \$5.

(D) The Administrator may impose a civil penalty of up to \$500 for each of the following violations of this chapter:

(1) Failure to file any tax return within 60 days of the Administrator's original written notice to file; or

(2) Failure to pay any tax within 60 days of the Administrator's original written notice for payment; or

(3) Failure to provide either documents or information as required by §§ 12.260 within 60 days of the Administrator's original written notice to provide the documents or information; or

(4) Failure to fully complete any form required under this chapter.

(E) The Administrator may impose a civil penalty under subsection (D) only if the Administrator gave notice of the potential for assessment of civil penalties for failure to comply or respond in the original written notice.

(F) The Administrator may waive or reduce any penalty determined under subsections (A) through (D) for good cause, according to and consistent with written policies.

12.710 Interest.

(A) Interest ~~shall~~will be ~~collected~~assessed on any unpaid tax at the rate of .833% simple interest per month or fraction thereof (10% per annum), computed from the original due date of the tax to the fifteenth day of the month following the date of payment.

(B) Interest ~~shall~~will be ~~collected~~assessed on any unpaid or underpaid quarterly estimated payment required by §§ 12.520 and 12.530 at the rate of .833% simple interest per month or fraction thereof (10% per annum), computed from the due date of each quarterly estimated payment to the original due date of the tax return to which the estimated payments apply.

(C) Notwithstanding subsection (B), there ~~shall be~~is no interest on underpayment of quarterly estimated payments if:

- (1) The total tax liability of the prior tax year was less than \$1,000;
- (2) An amount equal to at least 90% of the total tax liability for the current tax year was paid in accordance with § 12.530; or
- (3) An amount equal to at least 100% of the prior year's total tax liability was paid in accordance with § 12.530.

(D) For purposes of subsection (B), the amount of underpayment is determined by comparing 90% of the current total tax liability amount to quarterly estimated payments made prior to the original due date of the tax return. However, if 100% of the prior year's total tax liability is paid to the Administrator by the due date of the fourth quarterly payment, the Administrator may use the prior year's tax liability if doing so will reduce the amount of interest owed.

(E) For purposes of subsection (A), the amount of tax due on the tax return ~~shall~~will be reduced by the amount of any tax payment made on or before the date for payment of the tax in accordance with § 12.510(A) or 12.530.

(F) Interest at the rate specified in subsection (A) ~~shall accrue~~s from the original due date without regard to any extension of the filing date.

(G) Any interest amounts properly assessed in accordance with this section may not be waived or reduced by the Administrator, unless specifically provided for by written policy.

12.715 Payments Applied.

Taxes received ~~shall~~will ~~first~~be applied first to any penalty accrued, then to interest accrued, then to taxes due, unless the Administrator determines in accordance with its written policies that a more equitable method exists for a particular taxfiler's account.

12.720 Interest On Refunds.

When, under a provision of the Business Income Tax Law, taxfilers are entitled to a refund of a portion or all of a tax paid to the Administrator, they ~~shall~~will receive simple interest on such amount at the rate specified in § 12.710(A), subject to the following:

(A) Any overpayments ~~shall~~will be refunded with interest for each month or fraction thereof for a period beginning four months after the later of:

- (1) the due date of the tax return;
- (2) the date the tax return was filed or the refund was otherwise requested; or
- (3) the date the tax was paid, to the date of the refund; and

(B) Any overpayments of taxes that are the result of an amended return being filed ~~shall~~will be refunded with interest for each month or fraction thereof for the period beginning four months after the date the taxfiler filed the amended return. This subsection ~~shall apply~~will apply to tax returns that are amended due to a change to the federal, state or business income tax return.

12.730 Criminal Penalties.

Violation of §§ 12.230 or 12.240 is punishable, upon conviction thereof, by a fine not exceeding \$500 or by imprisonment for a period not exceeding six months, or by both fine and imprisonment. In addition, any county employee convicted for violation of §§ 12.230 or 12.240 ~~shall~~will be dismissed from employment and ~~shall~~will be barred from employment for a period of five years thereafter. Any agent of the county ~~shall, upon who is convicted, be is~~ ineligible for participation in any county contract for a period of five years thereafter.

12.800-805 Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is for any reason held to be unconstitutional or otherwise invalid, that decision ~~shall~~will not affect the validity of the remaining portions of this chapter. The Board of County Commissioners hereby declares that it would have passed each section, subsection, paragraph, sentence, clause or phrase regardless of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

12.820-815 Operative Date.

This chapter ~~shall apply~~will apply to tax years beginning on or after January 1, 1993. For tax years ending on or before December 31, 1992, this chapter ~~shall apply~~will apply to any administrative determination made on or after January 1, 1994.

12.845-840 Frivolous Filing.

A \$500.00 penalty ~~shall~~will be assessed if a taxfiler takes a "frivolous position" in respect to preparing the taxfiler's tax return. A tax return is considered frivolous if a taxfiler does not provide information on which the substantial correctness of the self-assessment may be judged or if the tax return contains information that on its face indicates that the self-assessment is substantially incorrect. Examples of "frivolous positions" as provided in Oregon Administrative Rule 150-316.992(5) are adopted by direct reference.

12.855-850 Hacking.

(A) **Definitions.** As used in this section, the following definitions apply:

ADMINISTRATOR'S COMPUTER DATABASE. Computer application(s) used by the Administrator to calculate and store business and financial data collected under the authority granted by the Business Income Tax Law.

LOSS. Any reasonable cost incurred by the City of Portland, including but not limited to the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred, or other consequential damages incurred because of interruption of service.

DAMAGE. Any impairment to the integrity or availability of data, a program, a system, or information.

(B) Any individual who intentionally accesses the Administrator's computer database without authorization ~~shall~~ will be fined:

(1) \$500 if the individual acquires any information regarding any business account found in the database;

(2) \$1,000 or the cost of the loss (whichever is greater) if the individual uses or attempts to use the acquired information for financial gain of any kind; or

(3) \$5,000 or the cost of the loss (whichever is greater) if the individual causes the transmission of a program, information, code, or command to the Administrator's computer database, and, as a result of such conduct, causes damage to the database.

12.990 Participation Of Cities.

To facilitate a unified system of collection and allocation of all county and municipal taxes upon business net income within the county, any city the territory of which is in whole or in part within the county may, if authorized by its governing body, participate under and share in the revenue derived from this chapter, upon such terms and conditions as the county and city may agree by written contract.

12.995 Former Regulations Superseded By This Subchapter; Exceptions.

Effective for tax years beginning on or after January 1, 1993, '90 MCC Chapter 5.70 ~~shall be~~ is superseded and given no effect until this chapter is repealed or otherwise ceases to be effective. For tax years ending on or before December 31, 1992, all determinations of obligations and responsibilities required of any persons under '90 MCC Chapter 5.70, made on or before December 31, 1993 ~~shall~~ remains binding upon those persons. However, on and after January 1, 1994, this chapter [formerly §§ 11.500 et seq.] ~~shall apply~~ applies to all determinations of obligations and responsibilities for tax years ending on or before December 31, 1992 with the exceptions of:

(A) Determination of income under '90 MCC 5.70.015;

(B) Treatment of payments to owners or controlling shareholders under '90 MCC 5.70.025;

(C) Net operating loss deduction under '90 MCC 5.70.030;

- (D) Ordinary gain or loss under '90 MCC 5.70.035;
- (E) Rate of tax under '90 MCC 5.70.045;
- (F) Apportionment of income under '90 MCC 5.70.050;
- (G) Partnerships, S corporations, estates and trusts under '90 MCC 5.70.055;
- (H) Exemptions under '90 MCC 5.70.060;
- (I) State laws incorporated by reference under '90 MCC 5.70.075 (except that the City of Portland, Bureau of Licenses will ~~shall~~ replace any references to the state Department of Revenue as the Administrator of the Tax.);
- (J) Amendments under '90 MCC 5.70.110.

FIRST READING:

July 9, 2009

SECOND READING AND ADOPTION:

July 16, 2009

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By Stephanie E. Duvall, Assistant County Attorney

SUBMITTED BY:
Carol M. Ford, Director, Dept of County Management



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: R-7
Est. Start Time: 10:35 AM
Date Submitted: 07/01/09

Agenda Title: Approval of the 2009-2010 Reopener Agreement between the Federation of Oregon Parole and Probation Officers (FOPPO) and Multnomah County

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

Requested Meeting Date: July 9, 2009 Amount of Time Needed: 10 minutes
Department: Dept. of County Management Division: Central HR/Labor Relations
Contact(s): Blaise M. Lamphier, Labor Relations Manager
Phone: 503 988-5135 Ext. 22168 I/O Address: 503/4
Presenter(s): Blaise M. Lamphier, Carl Goodman, Pat Brasesco, Stu Walker

General Information

1. What action are you requesting from the Board?

Approval of COLA freeze and an extension through June 30, 2011 of the labor agreement between the County and the Federation of Oregon Parole and Probation Officers (FOPPO) covering the Parole and Probation Officers employed by the County.

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

The current 2007-2010 collective bargaining agreement (CBA) between the County and FOPPO includes a limited reopener on wages and two other issues for 2009-2010. The parties came to an agreement for both the Reopener of 2009-2010 and an extension of the CBA through June 30, 2011. The agreement, which was ratified by the membership of FOPPO on June 26, 2009, is now subject to ratification by Board of County Commissioners.

The highlights of this agreement are as follows:

- Effective July 1, 2009: 0%, (No increase, COLA Freeze)
- Effective July 1, 2010: Minimum of 2% maximum 5% COLA, equal to CPI-W for Portland, 2nd half
- Overtime: The tour of duty shall consist of 84 hours worked (instead of the previous 86 hours worked) in a fourteen (14) consecutive day work period. The time worked over 80

but less than 84 will continue to be taken hour for hour as flex-time off to be scheduled by mutual agreement.

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

FY 2010

The agreement calls for a COLA freeze in FY 2010. Members will continue to receive their steps in accordance with the CBA. A 2.8% COLA freeze is estimated to save the County \$82,500 in the General Fund and \$240,000 in other funds for a total savings of \$322,500. The savings from the COLA freeze is intended to be used to retain three (3.00) fulltime parole and probation officers who would otherwise have been subject to layoff.

Note: At the time of estimating the COLA freeze the State had not completed their work on the FY 2009-2011 budget. It is anticipated that Community Justice may face additional cuts from the State which could impact the number of FOPPO positions and the estimated savings.

FY 2011

The agreement calls for a COLA increase of a minimum of 2.0% to a maximum of 5.0% equal to the CPI-W for Portland 2nd Half (from the 2nd Half of 2008 through the 2nd Half of 2009).

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

N/A

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

N/A

Required Signature

Elected Official or
Department/
Agency Director:



Date: 07/01/09



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: R-8
Est. Start Time: 10:45 AM
Date Submitted: 06/29/09

Agenda Title: Approval of the 2009-2013 Labor Agreement between the Multnomah County Prosecuting Attorneys Association (MCPAA) and Multnomah County

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

Requested Meeting Date: July 9, 2009 Amount of Time Needed: 15 minutes
Department: Department of County Management Division: Human Resources Division
Contact(s): Carol Brown
Phone: 503 988-3005 Ext. 83005 I/O Address: 503/4
Presenter(s): Carol Brown, Stacy Heyworth

General Information

1. What action are you requesting from the Board?

Approval of the 2009-2013 collective bargaining agreement between the Multnomah County Prosecuting Attorneys Association and Multnomah County.

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

The parties opened negotiations for a successor agreement in late March and reached a tentative agreement on June 19. The Association members ratified the agreement on June 29. Significant changes include:

- A four year contract, with a freeze on both step increases and cost of living adjustments for FY 2010 (July 1, 2009-June 30, 2010), with savings to be used to restore Prosecuting Attorney positions in the District Attorney's Office that would otherwise be lost due to budgetary reductions.
- Effective July 1, 2010, Minimum of 2%, maximum 5% COLA equal to CPI-W for Portland, 2nd half
- Effective July 1, 2011, Minimum of 2%, maximum 5% COLA equal to CPI-W for Portland,

2nd half

- Effective July 1, 2012, Minimum of 2%, maximum 5% COLA equal to CPI-W for Portland, 2nd half
- Total of 5% market adjustment to wage table over life of contract, at the beginning of years three (7/1/2011) and/or four (7/1/2012), depending on market analysis.
- An increase in vacation accrual caps for employees with 8-15 years service and 15+ years service, consistent with the caps for both management service and other public safety association employees.
- A one-time only option to cash out 50 hours of vacation leave in the last year of employment prior to retirement.
- Effective 7/1/2010, salary anniversary date will change from hire date to 7/1 of each year, consistent with management service rules.
- Health and Welfare benefits consistent with those provided to all other county employees.
- Increase in the life insurance benefit, from \$20,000 to 1 time annual salary up to \$50,000, to be consistent with benefit provided to management service and other public safety association employees.

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

Vacation Accrual

Vacation accrual rates have not changed, but the accrual ceiling has changed from 400 hours to 500 hours. If a MCPAA member leaves County employment with an additional 100 hours of vacation accrued at the highest wage level, this could be up to \$9k per employee. The option to cash out 50 hours of vacation in the last year of employment is estimated to be \$4,500/employee at the highest existing wage level.

FY 2010

The MCPAA has agreed to both a COLA and a step freeze. This is estimated to save about \$413k in the General Fund and \$95k in other funds for total savings of \$508k. The proposed agreement states that these savings are to be used to restore MCPAA positions that were eliminated in the Adopted Budget. The DA's Office will propose the restorations via a budget modification. If the modification is not approved, then the wage freeze will not take effect. Association members will then receive a 2.8% COLA and their step increases.

FY 2011

The wage scales for members will increase between 2% and 5%. In addition, MCPAA members will receive their steps on July 1 instead of on their anniversary date which is typically the date they moved into their current position. This is estimated at between \$80k and \$85k.

FY 2012

The wage scales for members will increase between 2% and 5% unless General Fund revenues fall 15% below the prior year's revenues. The County may reopen negotiations if this occurs. In addition, MCPAA may reopen negotiations if wages are at or below 98% of the prevailing market. This adjustment can be up to 5%. If the 5% is not adjusted this year, the balance will be adjusted next year. A 5% adjustment is estimated to be between \$250k to \$300k.

FY 2013

The wage scales for members will increase between 2% and 5% unless General Fund revenues fall 15% below the prior year's revenues. The County may reopen negotiations if this occurs.

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

N/A

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

N/A

Required Signature

Elected Official or
Department/
Agency Director:

Carol M. Ford

Date: 06/29/09



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 07/09/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 07/09/09
Agenda Item #: R-9
Est. Start Time: 11:00 AM
Date Submitted: 06/30/09

BUDGET MODIFICATION: DA2010-01

BUDGET MODIFICATION DA2010-01 Adding Three Positions in the District
Agenda Attorney's Office as a Result of a Cola and Merit Freeze Agreement by the
Title: Multnomah County Prosecuting Attorneys Association

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

Requested Meeting Date:	<u>July 9, 2009</u>	Amount of Time Needed:	<u>2 to 5 minutes</u>
Department:	<u>District Attorney's Office</u>	Division:	<u>Administration</u>
Contact(s):	<u>D. Scott Marcy</u>		
Phone:	<u>503-988-3863</u>	Ext.	<u>83863</u>
	I/O Address:		<u>101/600</u>
Presenter(s):	<u>Michael D. Schrunk</u>		

General Information

1. What action are you requesting from the Board?

Approve the creation/restoration of three Deputy DA positions as a result of the agreement with MCPAA to freeze cola and merit increases during fiscal year 2009/2010.

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

On Monday June 29, 2009 the members of MCPAA voted to approve a new four year contract. The Board of County Commissioners approved the contract on July 9, 2009. As part of that contract, the MCPAA members have agreed to forgoe their cola and merit increases for fiscal year 2009/2010. Savings from the freeze, which amounts to \$410, 876, will be used by the District Attorney to restore three Deputy District Attorney positions with Board approval. The positions restored will be a Deputy District Attorney in Unit D Serious Person Crimes, MDT Child Abuse Unit and Domestic Violence Unit.

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

There is no additional general fund revenue required. This action would increase the insurance fund

by \$53,191.

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

None

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

None

ATTACHMENT A

Budget Modification

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

- **What revenue is being changed and why?**

Total general fund revenue allocated is not affected; however insurance fund will increase by 53,191 due to addition positions added.

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

The County's insurance fund is increased by \$53,191

- **What do the changes accomplish?**

The change accomplishes savings from cola and merit increase freeze and restores 3 deputy District Attorney positions.

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

Yes, adds a Deputy DA 3 to MDT/Child Abuse Unit, Deputy DA3 to Unit D Serious Person Crimes Unit, and a Deputy DA 3 to the Domestic Violence Unit.

- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**

N/A

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

N/A

- **If a grant, what period does the grant cover?**

N/A

- **If a grant, when the grant expires, what are funding plans?**

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: DA2010-01

Required Signatures

**Elected Official or
Department/
Agency Director:**

Michael Schroed

Date: 06/30/09

Budget Analyst:

Chris

Date: 06/26/09

Department HR:

Gamila K Harris

Date: 06/30/09

Countywide HR:

Joe E. Orr

Date: 06/30/09

Budget Modification ID: **DA2010-01****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2009

Line No.	Fund Center	Fund Code	Program #	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
						Cost Center	WBS Element						
1	15-30	1000		50		153500		60000	629,292	514,088	(115,204)		permanent
2	15-20	1000		50		152100		60000	950,505	792,548	(157,957)		permanent
3	15-10	1000		50		151301		60000	1,017,138	879,423	(137,715)		permanent
4	15-10	1000		50		151601		60000	647,893	740,889	92,996		permanent
5	15-10	1000		50		151601		60130	187,889	214,839	26,950		salary related
6	15-10	1000		50		151601		60140	124,495	142,264	17,769		insurance
7	15-30	1000		50		153300		60000	386,456	494,343	107,887		permanent
8	15-30	1000		50		153300		60130	112,072	143,338	31,266		salary related
9	15-30	1000		50		153300		60140	72,276	91,080	18,804		insurance
10	15-30	1000		50		153500		60000	514,088	590,523	76,435		permanent
11	15-30	10000		50		153500		60130	180,194	202,345	22,151		salary related
12	15-30	1000		50		153500		60140	132,968	149,586	16,618		insurance
13	72-10	1000		20		705210		50316		53,191	53,191		insurance revenue
14	72-10	1000		20		705210		60330		(53,191)	(53,191)		off setting insurance claim
15										0			
16										0			
17										0			
18										0			
19										0			
20										0			
21										0			
22										0			
23										0			
24										0			
25										0			
26										0			
27										0			
28										0			
29										0			
											0	0	Total - Page 1
											0	0	GRAND TOTAL

ANNUALIZED PERSONNEL CHANGE

Change on a full year basis even though this action affects only a part of the fiscal year (FY).

							ANNUALIZED			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6253	61097	153300	Deputy District Attorney 3	702783	1.00	107,887	31,266	18,804	157,957
1000	6253	63050	151601	Deputy District Attorney 3	700723	1.00	92,996	26,950	17,769	137,715
1000	6253	61099	153500	Deputy District Attorney 2	709279	1.00	76,435	22,151	16,618	115,204
										0
										0
										0
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										0
										0
										0
TOTAL ANNUALIZED CHANGES						3.00	277,318	80,367	53,191	410,876

CURRENT YEAR PERSONNEL DOLLAR CHANGE

Calculate costs/savings that will take place in this FY; these should explain the actual dollar amounts being changed by this Bud Mod.

							CURRENT YEAR			
Fund	Job #	HR Org	CC/WBS/IO	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1000	6253	61097	153300	Deputy District Attorney 3		1.00	107,887	31,266	18,804	157,957
1000	6253	63050	151601	Deputy District Attorney 3		1.00	92,996	26,950	17,769	137,715
1000	6253	61099	153500	Deputy District Attorney 2		1.00	76,435	22,151	16,618	115,204
										0
										0
										0
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										0
										0
										0
										0
										0
										0
										0
										0
										0
TOTAL CURRENT FY CHANGES						3.00	277,318	80,367	53,191	410,876