



MULTNOMAH COUNTY, OREGON

BOARD OF COMMISSIONERS

Beverly Stein, Chair

1120 SW Fifth Avenue, Suite 1515
Portland, Or 97204-1914
Phone: (503) 248-3308 FAX (503) 248-3093
Email: mult.chair@co.multnomah.or.us

Diane Linn, Commission Dist. 1

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5220 FAX (503) 248-5440
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Serena Cruz, Commission Dist. 2

1120 SW Fifth Avenue, Suite 1500
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Phone: (503) 248-5219 FAX (503) 248-5440
Email: serena.m.cruz@co.multnomah.or.us

Lisa Naito, Commission Dist. 3

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5217 FAX (503) 248-5262
Email: lisa.h.naito@co.multnomah.or.us

Sharron Kelley, Commission Dist. 4

1120 SW Fifth Avenue, Suite 1500
Portland, Or 97204-1914
Phone: (503) 248-5213 FAX (503) 248-5262
Email: sharron.e.kelley@co.multnomah.or.us

ANY QUESTIONS? CALL BOARD CLERK DEB BOGSTAD @ 248-3277

Email: deborah.l.bogstad@co.multnomah.or.us

**INDIVIDUALS WITH DISABILITIES
MAY CALL THE BOARD CLERK AT
248-3277, OR MULTNOMAH COUNTY
TDD PHONE 248-5040, FOR
INFORMATION ON AVAILABLE
SERVICES AND ACCESSIBILITY.**

MAY 4, 5 & 6, 1999

BOARD MEETINGS

FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	8:30 a.m. Tuesday Domestic Violence Budget/Policy Review Work Session
Pg 2	9:50 a.m. Tuesday District Attorney Budget/Policy Review Work Session
Pg 2	10:30 a.m. Tuesday Alcohol and Drug Treatment Facility Options Work Session
Pg 3	6:00 p.m. Tuesday Public Hearing on County Budget at Gresham Library
Pg 3	1:30 p.m. Wednesday Information and DSS Budget/Policy Review Work Session
Pg 4	9:30 a.m. Thursday JCJ RESULTS
Pg 6	9:50 a.m. Thursday Jail Resolutions

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

Thursday, 9:30 AM, (LIVE) Channel 30
Friday, 10:00 PM, Channel 30
Sunday, 1:00 PM, Channel 30

Produced through Multnomah Community
Television

Tuesday, May 4, 1999 - 8:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET/POLICY WORK SESSION

WS-1 Budget/Policy Review Work Session on Domestic Violence Issues:

1. Overview of Current Intervention System, with Information from Governor's Council Survey, Chiquita Rollins (15 minutes)
 2. Information from Budget Forums, Beverly Stein (5 minutes)
 3. Add Packages (20 minutes)
 - a. Department of Community & Family Services: Culturally Specific Services and Prevention Services, Mary Li
 - b. District Attorney Gresham Program, Michael Schrunck
 - c. DCJ, Lana McKay, Bev Kite
 4. Future Planning (15 minutes)
 - a. County Process, Chiquita Rollins
 - b. Safe Start Grant, Chiquita Rollins
 5. Policy Issue of Whether Domestic Violence Funding Should be Part of the Public Safety Levy (15 minutes)
-

Tuesday, May 4, 1999 - 9:50 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET/POLICY WORK SESSION

WS-2 Budget/Policy Review Work Session on District Attorney's Budget:

1. District Attorney's Office Citizen Budget Advisory Committee Presentation by Dick Wegner, Chair (5 minutes)
 2. District Attorney's Budget, Issues and Opportunities, Michael Schrunck, Staff (35) minutes
-

Tuesday, May 4, 1999 - 10:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET/POLICY WORK SESSION

WS-3 Board Requested Work Session to Discuss Alcohol and Drug Treatment Facility Options with Juvenile and Adult Community Justice Director Elyse Clawson, Ginger Martin, Sheriff Dan Noelle, District Attorney Mike Schrunck, Judges Jim Ellis and Julie Frantz, Jim Hennings of the Public Defenders Office, a Representative of the Portland Alcohol and Drug Managers Association, and Invited Others. 90 MINUTES REQUESTED.

Tuesday, May 4, 1999 - 6:00 PM
Gresham Library First Floor Meeting Room
385 NW Miller, Gresham

BUDGET HEARING

PH-1 Public Hearing Inviting Citizens to Speak on Multnomah County's Proposed 1999-2000 Budget. Please Contact the Budget Office at 248-3883, Extension 22137 for a Copy of the Proposed Budget or Other Information.

Wednesday, May 5, 1999 - 1:30 PM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

BUDGET/POLICY WORK SESSION

- WS-4 Budget/Policy Review Work Session on Information Services and the Department of Support Services Budget:
3. Support Services Citizen Budget Advisory Committee Presentation by Donald Dumont, Chair (10 minutes)
 4. Information Services Discussion (90 minutes)
 - a. Integrated Enterprise System
 - b. Decision Support System - Adult Justice Programs
 - c. Decision Support System - Human Services Programs
 - d. GIS
 - e. Local Public Safety Coordinating Council Budget, Suzanne Riles
 5. Department of Support Services Budget, Issues and Opportunities, Vickie Gates, Staff (45) minutes

Thursday, May 6, 1999 - 9:30 AM
Multnomah County Courthouse, Boardroom 602
1021 SW Fourth Avenue, Portland

REGULAR MEETING

CONSENT CALENDAR

SHERIFF'S OFFICE

- C-1 Intergovernmental Revenue Agreement 800869 with the City of Portland, Accepting Local Law Enforcement Block Grant Funds in the Amount of \$160,000 to Fund Overtime for County Corrections Employees

DEPARTMENT OF SUPPORT SERVICES

- C-2 Budget Modification DSS 11 Reclassifying Purchasing Supervisor to Purchasing Administrator and Purchasing Specialist 2 to Purchasing Supervisor

DEPARTMENT OF HEALTH

- C-3 Budget Modification HD 19 Approving an Increase of \$57,000 and .5 FTE in the Vector Control Budget Funded with New Contract Revenue
- C-4 Renewal of Intergovernmental Revenue Agreement 0010315 with the City of Portland for the Provision of Rodent and Mosquito Control Services in the City's Wastewater and Stormwater Collection System

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- C-5 Amendment 2 to Intergovernmental Revenue Agreement 700757 with Washington County to Increase Funding by 3.5% and to Extend Provision of Juvenile Detention Services through June 30, 2000
- C-6 Budget Modification DCJ 99-13 Reclassifying 26 Information Services Staff Positions as a Result of the Information Technology (IT) Classification Study and the Department's Information Services Division Computer Services Unit Reorganization
- C-7 Budget Modification DCJ 99-17 Adding \$66,935 Oregon Traffic Safety Commission Federal Revenue to the Federal/State Budget
- C-8 Budget Modification DCJ 99-30 Reclassifying a .58 FTE Juvenile Counsel to a .58 FTE Juvenile Counseling Assistant and a 1.0 FTE Program Development Specialist to a 1.0 FTE Administrative Analyst in the Counseling/Court Services Division
- C-9 Budget Modification DCJ 99-31 Adding \$12,000 City of Portland Revenue to the Juvenile Services Payback Restitution Program for Student Crew Restitution Payments

DEPARTMENT OF ENVIRONMENTAL SERVICES

- C-10 Report the Hearings Officer Decision Regarding Approval of CU 8-98 and SEC 37-98 with Conditions to Establish a New Single Family Residence in the Commercial Forest Use Zoning District with Significant Environmental Concerns on Property Located at 36014 SE LUSTED ROAD
- C-11 Amendment 1 to Intergovernmental Agreement 300758 with the City of Portland, Extending the Timeline for the Multnomah County - Portland Compliance Project for Metro's 2040 Functional Plan Compliance Work to September 30, 1999
- C-12 Budget Modification DES 99-13 Reorganizing Personnel and Redirecting Budgeted Amounts for Additional HVAC Engineers and After Hours Dispatchers within the Facilities and Property Management Division Budget
- C-13 Budget Modification DES 99-14 Changing Position Classifications within the Appraisal Administration Section of the Property Valuation Division Budget

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- C-14 Amendment 2 to Intergovernmental Revenue Agreement 9910334 with Oregon Mental Health and Developmental Disability Services Division, Funding Mental Health Services on a Capitated Basis for Children and Adults Enrolled in the Oregon Health Plan Medicaid Project
- C-15 Intergovernmental Revenue Agreement 9910394 with the Department of Human Resources, Adult and Family Services Division, Funding East County Housing Stabilization Pilot Program Services
- C-16 Intergovernmental Revenue Agreement 9910657 with the Department of Human Resources, Adult and Family Services Division, Funding Step Into Safety Project Services for Domestic Violence Survivors

PUBLIC CONTRACT REVIEW BOARD

- C-17 ORDER Exempting from the Formal Competitive RFP Process a Contract for the Purchase of the Instrument Recording and Indexing System (Index.Fee) from The Software Group

REGULAR AGENDA

PUBLIC COMMENT

- R-1 Opportunity for Public Comment on Non-Agenda Matters. Testimony Limited to Three Minutes Per Person.

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE

- R-2 Results from RESULTS: Using Best Practices in Juvenile Custody Services Presentation by Teresa Carroll and Staff

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES

- R-3 PUBLIC HEARING and APPROVAL of the 1999-2000 Consolidated Plan and Annual Action Plan for the Community Development Block Grant Program Allocating Funds to Eligible Projects Located within Fairview, Troutdale, Maywood Park, Wood Village and Unincorporated Multnomah County

NON-DEPARTMENTAL

- R-4 RESOLUTION Adopting Rules for Board Meetings and Repealing Prior Rules
- R-5 RESOLUTION Affirming Decision to Discontinue Efforts to Purchase Radio Towers Site and to Explore Agreement with Port of Portland to Acquire Land for a Jail in Rivergate Industrial Area
- R-6 RESOLUTION Authorizing the Sheriff to Purchase Land and Obtain All Necessary Permits to Construct a New 225-Bed Jail that Includes a Secure Treatment Facility for Mandatory Drug and Alcohol Treatment of Offenders at the Rivergate Site; Authorize the Chair to Initiate a Planning Process to Site 225 Locked Community-Based Alcohol and Drug Treatment Beds in Appropriate Facility(ies)
- R-7 RESOLUTION Authorizing the Sheriff to Purchase Land, Obtain All Necessary Permits, and Start Construction of a New Jail and a Secure Treatment Facility for Mandatory Drug and Alcohol Treatment of Offenders at a Facility at the Rivergate Site

COMMISSIONER COMMENT/LEGISLATIVE ISSUES

- R-8 Opportunity (as Time Allows) for Commissioners to Comment on Non-Agenda Items or to Discuss Legislative Issues.

MEETING DATE: MAY 06 1999
AGENDA NO: C-1
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Class III IGA between MCSO and the City of Portland

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: Next available

AMOUNT OF TIME NEEDED: five minutes

DEPARTMENT: SHERIFF'S OFFICE

DIVISION: Law Enforcement

CONTACT: Larry Aab

TELEPHONE #: 251-2489

BLDG/ROOM #: 313/228

PERSON(S) MAKING PRESENTATION: Larry Aab

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

IGA (#800869) to accept grant monies, in the amount of \$160,000, to fund overtime for County Corrections employees.

5/10/99 ORIGINALS to LARRY AAB

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT

MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

CLERK OF
COUNTY COMMISSIONERS
99 APR 27 PM 6:05
MULTI-COUNTY
OREGON

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Pre-approved Contract Boilerplate (with County Counsel signature) ☐ Attached ☐ Not Attached Contract #: 800869
Amendment #: _____

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <div style="text-align: center; font-weight: bold;"> APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-1</u> DATE <u>5/6/99</u> <u>DEB BOGSTAD</u> BOARD CLERK </div>

Department: Sheriff's Office Division: EXE Date: 3/24/99
 Originator: Dan Noelle Phone: 255-3600 Bldg/Rm: 313
 Contact: Larry Aab Phone: 251-2489 Bldg/Rm: 313/228

Description of Contract: Grant money to fund overtime

RENEWAL: ☐ PREVIOUS CONTRACT #(S): _____

RFP/BID: _____ RFP/BID DATE: _____

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

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☐ N/A ☐ NONE (Check all boxes that apply)

Contractor <u>City of Portland Police Bureau</u> Address <u>111 SW 2nd Ave</u> <u>Portland, OR</u> Attn: <u>Susan Crabtree</u> Phone <u>823-0370</u> Employer ID# or SS# _____ Effective Date <u>10/01/98</u> Termination Date <u>9-30-99</u> Original Contract Amount \$ <u>160,000</u> Total Amt of Previous Amendments \$ _____ Amount of Amendment \$ _____ Total Amount of Agreement \$ _____	Remittance address _____ (If different) _____ Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
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REQUIRED SIGNATURES

Department Manager [Signature]

Purchasing Manager [Signature]

(Class II Contracts Only)

County Counsel [Signature]

County Chair [Signature]

Sheriff [Signature]

Contract Administration [Signature]

(Class I, Class II Contracts only)

DATE April 16, 1999

DATE _____

DATE 4/27/99

DATE May 6, 1999

DATE 4/16/99

DATE _____

LGFS VENDOR CODE						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	<u>100</u>	<u>025</u>	<u>3133</u>			<u>2713</u>					
02											
03											

Exhibit A, Rev. 3/25/98 DIST: Originator, Accts Payable, Contract Admin - Original If additional space is needed, attach separate page. Write contract # on top of page.

Multnomah County/City of Portland
INTERGOVERNMENTAL AGREEMENT
for the Use of Local Law Enforcement Block Grant Funds
Effective October 1, 1998

This agreement is made and entered into pursuant to the authority found in ORS 190.010 et seq. and ORS 206.345 by and between Multnomah County Sheriff's Office (MCSO), jointly with and on behalf of Multnomah County, and the City of Portland (City).

1. GENERAL SCOPE

- A. The City of Portland Police Bureau (City) has been awarded a Local Law Enforcement Block Grant. One project of this grant identifies \$162,000 to be provided to the Multnomah County Sheriff's Office (MCSO).
- B. MCSO will use the funds for overtime for County Corrections employees processing criminals.
- C. MCSO agrees to maintain all financial records relating to participation in this agreement including, but not limited to, all payroll records. MCSO agrees to provide the City with access to the books, documents, papers and records that relate directly to this agreement for the purpose of audit requirements. MCSO agrees to retain all records related to this agreement for a period of not less than three years following the termination of this agreement.

2. COMPENSATION

- A. Total project cost to be realized by MCSO will be \$180,000. The Police Bureau, through the Bureau of Justice Assistance Block Grant, will reimburse the county up to 90% or \$162,000 of the total project costs. The reimbursement will be based on actual billings to the Portland Police Bureau.
- B. The paying party shall send payment within thirty (30) days after receipt of each billing.

3. HOLD HARMLESS

Indemnification To the extent permitted by the Oregon Tort Claims Act, MCSO and Multnomah County agree to indemnify, defend, and hold harmless the City from any and all claims, demands, suits, and actions (including attorney fees and costs) resulting from or arising out of the acts of MCSO, Multnomah County, and its officers, employees, and agents in performance of the interagency agreement. To the extent permitted by the Oregon Tort Claims Act, the City agrees to indemnify, defend, and hold harmless MCSO and Multnomah County from any and all claims, demands, suits, and actions (including attorney fees and costs) resulting from or arising out of the acts of the City and its officers, employees, and agents in performance of this interagency agreement.

4. TERM

This agreement shall extend from October 1, 1998, through and including September 30, 2000, unless earlier terminated in accordance with Section 6 of this agreement or modified as provided in Section 9.

5. COMPLIANCE WITH LAWS

In connections with its activities under this agreement, the City and MCSO shall comply with all applicable federal, state, and local laws and regulations. In addition, MCSO and City specifically agree to comply with all requirements of federal and state civil rights and rehabilitation statutes.

6. TERMINATION

- A. This agreement may be terminated upon sixty (60) days mutual written consent of the parties or upon ninety (90) days written notice by one party.
- B. Termination under any provision of this paragraph shall not affect any rights obligation, or liability of the MCSO which accrued prior such termination.

7. OREGON LAW AND FORUM

- A. This agreement shall be construed according to the laws of the State of Oregon.
- B. Any litigation between MCSO and the City arising under this agreement or out of work performed under this agreement shall occur, if in the state courts, in the Multnomah County Court having jurisdiction thereof, and if in the federal courts, in the United States District Court for the district of Oregon.

8. ASSIGNMENT

MCSO shall not assign this agreement, in whole or in part, or any right or obligation hereunder, without the prior written approval of City.

9. MODIFICATION

This agreement may be modified by mutual consent of the parties. Any modification to provisions of this agreement shall be reduced to writing and signed by all parties.

10. INTEGRATION

This agreement contains the entire agreement between the parties and supersedes all prior written or oral agreements.

11. NOTICES

All notices pursuant to the term of this agreement shall be address as follows:

Notice to Portland:

Charles A. Moose,
Chief of Police
Bureau of Portland Police

Notice to MCSO:

Dan Noelle, Sheriff
Multnomah County Sheriff's Office

12. WORKERS COMPENSATION INSURANCE

MCSO, Multnomah County and city are responsible for providing workers compensation insurance coverage to their respective employees.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed by their duly authorized officers on the last date written below.

MULTNOMAH COUNTY

By: 
Beverly Stein, Chair

Date: May 6, 1999

CITY OF PORTLAND

By: _____
Vera Katz, Mayor

Date: _____

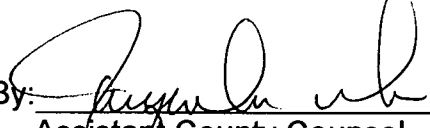
MULTNOMAH COUNTY SHERIFF'S OFFICE

By: 
Dan Noelle, Sheriff

Date: 4-16-99

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
REVIEWED: AGENDA # C-1 DATE 5/6/99
DEB BOGSTAD
BOARD CLERK

Thomas Sponsler, County Counsel
for Multnomah County, Oregon

By: 
Assistant County Counsel

Date: 4/27/99

APPROVED AS TO FORM:

By: _____
Portland City Attorney

Date: _____

BUDGET MODIFICATION NO.

DSS #11

(For Clerk's Use) Meeting Date MAY 06 1999

Agenda No. C-2

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

May 6, 1999

DEPARTMENT DSS

DIVISION Finance

CONTACT Dave Boyer

TELEPHONE x83903

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Dave Boyer

SUGGESTED

AGENDA TITLE

Budget Modification requesting reclassification Purchasing Supervisor to Purchasing Administrator and Purchasing Specialist 2 to Purchasing Supervisor

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

Personnel changes are shown in detail on the attached sheet

The Purchasing Supervisor was reclassified to a new position titled Purchasing Administrator and the Lead Purchasing Specialist was reclassified to Purchasing Supervisor. The increase in salaries will be absorbed within the Division's budget due to salary from vacancies.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

None

4. CONTINGENCY STATUS

(to be completed by Budget & Quality)

Fund Contingency before this modification

Date

After this modification

Originated By

Date

Plan/Budget Analyst

Date

Board Approval

Date

Department Director

Date

Employee Services

Date

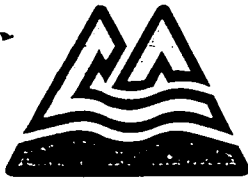
BOARD OF
QUALITY COMMISSIONERS
99 APR 28 PM 5:28
MULTI-COUNTY
OREGON

DS 411

(Compute on a full-year basis even though this action affects only a part of the fiscal year (FY).)

(Calculate costs/savings that will take place this FY; these should explain the actual dollar amounts changed by this BudMod.)

BudMod1.xls



MULTNOMAH COUNTY OREGON

BEVERLY STEIN
COUNTY CHAIR

EMPLOYEE SERVICES
FINANCE
LABOR RELATIONS
PLANNING & BUDGET
RISK MANAGEMENT

(503) 248-5015
(503) 248-3312
(503) 248-5135
(503) 248-3883
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
P.O. BOX 14700
PORTLAND, OREGON 97293

PURCHASING, CONTRACTS
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR
PORTLAND, OREGON 97202

M E M O R A N D U M

TO: Franna Hathaway

FROM: Jennifer Huntsman, Classification & Compensation
Employee Services Division *JH*

DATE: April 2, 1999

SUBJECT: Reclassification of Franna Hathaway

Decision: I have reviewed the reclassification request for Franna Hathaway's position and have approved the request to allocate the position to Purchasing Administrator, class code 9738.

Analysis: The skills/knowledge required as well as the scope/impact of the decisions made by this position warrant the level of Purchasing Administrator. This position plans, organizes, and supervises purchasing operations within the Finance Division. The size of the Purchasing staff has grown. This position provides complex staff assistance to the Finance Manager. Typical duties being performed by this position are: preparing and administering the section budget, providing information to the public, departments and employees, ensuring staff, County and vendor compliance with all applicable laws and procedures, executing County contracts on behalf of the Chair, approving/denying contract protests/appeals, and testifying/making recommendations with regards to legislative issues.

Allocation/Reclassification of Position: Franna Hathaway should be reclassified to Purchasing Administrator. Details of the position change are as follows:

	Incumbent	Class	Code	Pay Rate	BU	OT	FLSA
Current	Franna Hathaway	Purchasing Supervisor	9737	\$2403.09 S/M	Excluded	No	Exempt
New	Franna Hathaway	Purchasing Administrator	9738	\$2475.19 S/M	Excluded	No	Exempt

Effective Date: The effective date is July 16, 1998.

From July 16, 1998 to August 31, 1998 her semi-monthly salary is \$2475.19*.

Her current semi-monthly salary reflects the September 1, 1998 effective PERS pick-up rates.

*This rate reflects the pay rate in effect on these dates, adjusted by the .9434 rate change to provide for employer pick-up of PERS. The employer pays the PERS at the time the employee receives the back pay.

Her anniversary date of 2/13/89 will not change.

Budget Modification: This change will require a routine budget revision by the department to reflect this change and tell how the cost will be absorbed in future budgets.

CC: file – PurchAdmin

~~Dave Boyer SA~~

Paula Rickman

Ellen Ullrick



MULTNOMAH COUNTY OREGON

BEVERLY STEIN
COUNTY CHAIR

EMPLOYEE SERVICES
FINANCE
LABOR RELATIONS
PLANNING & BUDGET
RISK MANAGEMENT

(503) 248-5015
(503) 248-3312
(503) 248-5135
(503) 248-3883
(503) 248-3797

(503) 248-5170 TDD

PORTLAND BUILDING
1120 S.W. FIFTH, 14TH FLOOR
P.O. BOX 14700
PORTLAND, OREGON 97293

PURCHASING, CONTRACTS
& CENTRAL STORES

(503) 248-5111

2505 S.E. 11TH, 1ST FLOOR
PORTLAND, OREGON 97202

M E M O R A N D U M

TO: Jan Thompson

FROM: Jennifer Huntsman, Classification & Compensation
Employee Services Division *JH*

DATE: April 2, 1999

SUBJECT: Reclassification of Jan Thompson

Decision: I have reviewed the reclassification request for Jan Thompson's position and have approved the request to allocate the position to Purchasing Supervisor, class code 9737.

Analysis: The duties of the position have evolved with added supervisory responsibility to the level of Purchasing Supervisor. This position assists the Purchasing manager in the planning, organizing and supervision over the activities of the Purchasing Unit in the Finance Division of the Department of Support Services.

Typical duties being performed by this position include: direct supervision of 9 FTE technical and professional staff, (including 3 Purchasing Specialist II's, 4 Purchasing Specialists II's, and 2 OA II's), providing technical assistance on procurement processes, evaluating purchasing operations and making improvements, preparing and revising purchasing procedures and county-wide forms, and developing/providing training to both internal staff/departments and external County users.

The supervisory duties include hiring, firing, employee discipline, grievance handling, setting goals, performance appraisal, scheduling of work and training of staff.

Allocation/Reclassification of Position: Jan Thompson's position should be reclassified to Purchasing Supervisor. Details of the position change are as follows:

	Incumbent	Class	Code	Pay Rate	BU	OT	FLSA
Current	Jan Thompson	Purchasing Specialist II	6111	\$20.38 (plus 6% lead pay)	Local 88	Yes	Non-Exempt
New	Jan Thompson	Purchasing Supervisor	9737	\$1954.38 S/M	Excluded	No	Exempt

Effective Date: The effective date is July 16, 1998, six months prior to the date on which this request was received in the Employee Services Division. This date provides six months retroactive pay, per contract language in Article 15, AFSCME, Local 88 agreement with Multnomah County.

From July 16, 1998 to August 31, 1998 her semi-monthly salary is \$1954.38*. Her current semi-monthly salary reflects the September 1, 1998 effective PERS pick-up rates.

*This rate reflects the pay rate in effect on these dates, adjusted by the .9434 rate change to provide for employer pick-up of PERS. The employer pays the PERS at the time the employee receives back pay.

Because the employee has been receiving lead pay for more than a year, this lead pay premium is included as part of base pay for purposes of calculating her increase.

Per the rules set out in Exempt Ordinance 855, Section IX the department has set the employee's salary within the new range.

Her anniversary date of 7/1/84 remains the same, with her next exempt salary increase date being 7/1/99.

Exemption Status: This reclassification moves Jan out of the Local 88 bargaining unit and into Exempt status due to added supervisory duties.

Budget Modification: This change will require a routine budget revision by the department to reflect this change and tell how the cost will be absorbed in future budgets.

CC: file – PurchSupv
Franna Hathaway
Paula Rickman
~~Dave Boyer~~
Ellen Ullrick
Jim Younger, AFSCME Local 88



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DIANE LINN
SERENA CRUZ
LISA NAITO
SHARRON KELLEY

BUDGET AND QUALITY
PORTLAND BUILDING
1120 S.W. FIFTH - ROOM 1400
P. O. BOX 14700
PORTLAND, OR 97214
PHONE (503) 248-3883

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: J. Mark Campbell, Budget and Quality Division *Mark*

DATE: April 27, 1999

RE: Budget Modification DSS #99-11
Requesting Authorization to Reclassify Two Positions in Purchasing

1. Recommendation/Action Requested:

This budget modification reclassifies two positions in Purchasing retroactive to July 16, 1998. The positions affected, and the positions being reclassified to, are:

Purchasing Supervisor to Purchasing Administrator
Lead Purchasing Specialist to Purchasing Supervisor

These positions have been reviewed and recommended for reclassification by Employee Services. Documentation of the reclassification approval is attached.

2. Background/Analysis:

See attached memoranda from Employee Services Division.

3. Financial Impact:

None. Increases in current year costs are offset by salary savings. The ongoing, FY 99-00 cost will be absorbed within the Finance Division budget.

4. Legal Issues:

None.

5. Controversial Issues:

None.

Supplemental Staff Report
Budget Modification – DSS 99-11
4/27/99

6. Link to Current County Policies:
County's policy is to classify positions at level commensurate with their duties.
7. Citizen Participation:
N/A
8. Other Government Participation:
N/A

BUDGET MODIFICATION NO.

HD 19

(For Clerk's Use) Meeting Date MAY 06 1999
Agenda No. C-3

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR

DEPARTMENT

Health

(Date)

CONTACT

Kathy InnesDIVISION Vector ControlTELEPHONE 248-3056 x27027

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD

Dave HoughtonSUGGESTEDAGENDA TITLE

(to assist in preparing a description for the printed agenda)

Approve an increase of \$57,000 and .5 FTE in the Vector Control budget funded with new contract revenue.

(Estimated Time Needed on the Agenda)

2. DESCRIPTION OF MODIFICATION

(Explain the changes this Bud Mod makes. What budget does it increase? What do changes accomplish? Where does the money come from? What budget is reduced? Attach additional information if you need more space.)

☒ Personnel changes are shown in detail on the attached sheet

Adds .5 Chemical Application Operator

Adds \$5,000 to professional services, \$22,000 in materials and services, and \$7,890 in temporary services

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

Adds \$57,000 in contract revenue from the Port of Portland, Cowlitz and Clark Counties, and the City of Durham

4. CONTINGENCY STATUS (to be completed by Budget & Quality)

Fund Contingency before this modification

Date

After this modification

Originated By

Date

Department Director

Date

Plan/Budget Analyst

Date

Employee Services

Date

Board Approval

Date

99 APR 28 PM 5:29
MULTNOMAH COUNTY
OREGON
COUNTY COMMISSIONERS

Chris Hay4/27/99Melissa Dailen4/22/99Chlorah C. Boxstee5/6/99

PERSONNEL DETAIL FOR BUDGET MODIFICATION NO.
HD 19

5. ANNUALIZED PERSONNEL CHANGE **HD 19** (Compute on a full-year basis even though this action affects only a part of the fiscal year (FY).)

				ANNUALIZED			
Permanent Positions, Temporary, Overtime, or Premium	JCN	Org	Explanation of Change	BASE PAY Increase (Decrease)	Increase/(Decrease		TOTAL Increase (Decrease)
					Fringe	Ins.	
0.50	6093	0312	Chem Appl Opr	14,982	3,522	2,657	21,161
							0
0.50	TOTAL CHANGE (ANNUALIZED)			\$14,982	\$3,522	\$2,657	\$21,161

6. EAR PERSONNEL DOLLAR CHANGES **0** (Calculate costs/savings that will take place this FY; these should explain the actual dollar amounts changed by this BudMod.)

				CURRENT FY			
Permanent Positions, Temporary, Overtime, or Premium	JCN	Org	Explanation of Change	BASE PAY Increase (Decrease)	Increase/(Decrease)		TOTAL Increase (Decrease)
					Fringe	Ins.	
0.50	6093	0312	Chem Appl Opr	14,982	3,522	2,657	21,161
0.50							
TOTAL CURRENT FISCAL YEAR CHANGES				\$14,982	\$3,522	\$2,657	\$21,161

EXPENDITURE					HD 19		ACCOUNTING PERIOD			BUDGET FY		
TRANSACTION EB GM []			TRANSACTION DATE									
Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		100	015	0312			5100			14982		
							5200			7890		
							5500			4471		
							5550			2,657		
							6110			5,000		
							6230			22,000		
		400	070	7522			6520			2,657		
TOTAL EXPENDITURE CHANGE										59,657	0	

REVENUE					HD 19		ACCOUNTING PERIOD			BUDGET FY		
TRANSACTION RB GM []			TRANSACTION DATE									
Document Number	Action	Fund	Agency	Organization	Activity	Reporting Category	Object	Current Amount	Revised Amount	Change Increase (Decrease)	Subtotal	Description
		100	015	0312			2778			40,000		Port of Portland
							4900			10,000		Cowlitz County
							4900			5,000		Clark County
							4900			2,000		City of Durham
											57,000	
		400	070	7522			6602			2,657		
TOTAL REVENUE CHANGE										59,657		



MULTNOMAH COUNTY, OREGON

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN
DIANE LINN
SERENA CRUZ
LISA NAITO
SHARRON KELLEY

HEALTH DEPARTMENT
BUSINESS SERVICES
426 SW STARK
PORTLAND, OR 97204
PHONE (503) 248-3056

TO: Board of County Commissioners

FROM:  Gary Oxman

TODAY'S DATE: April 23, 1999

REQUESTED PLACEMENT DATE: May 6, 1999

SUBJECT: Health Budget Modification Number 19

I. Recommendation / Action Requested:

Approve an increase of \$57,000 and .5 FTE in the Vector Control budget. The increases are funded with proceeds of contracts with Cowlitz County, Clark County, the City of Durham, and the Port of Portland for mosquito control services.

II. Background / Analysis:

The Vector Control program has contracted with the Port of Portland, the City of Durham, and Cowlitz County for the provision of integrated pest management for control of mosquitoes. These agencies will reimburse Multnomah County for the costs of mosquito control. This action adds .5 FTE of Chemical Applicator, \$7,890 of temporary, \$5,000 of professional services, and \$22,000 of materials and services to the Vector Control budget.

III. Financial Impact:

Adds \$57,000 of contract revenue.

IV. Legal Issues: NA

V. Controversial Issues: NA

VI. Link to Current County Policies: NA

VII. Citizen Participation: NA

VIII. Other Government Participation: NA

MEETING DATE: MAY 06 1999
AGENDA NO.: C-4
ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement with City of Portland

BOARD BRIEFING Date Requested: _____

Requested By: _____

Amount of Time Needed: _____

REGULAR MEETING Date Requested: _____

Amount of Time Needed: n/a

DEPARTMENT: Health DIVISION: Disease Prevention & Control

CONTACT: * Ken Yee TELEPHONE #: X22402

BLDG/ROOM #: 312/Vector

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Renewal of Intergovernmental Agreement #0010315 with City of Portland Bureau of Environmental Services for rodent/mosquito control services.

5/10/99 ORIGINALS to MARIANNE METZGER

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Or

DEPARTMENT MANAGER: Jay Oxman (DE)

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk at 248-3277



MULTNOMAH COUNTY OREGON



HEALTH DEPARTMENT
BUSINESS SERVICES DIVISION
426 SW STARK, 7TH FLOOR
PORTLAND, OREGON 97204-2394
(503) 248-3056
FAX (503) 248-3015
TDD (503) 248-3816

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

Date: May 15, 1998
To: Board of County Commissioners
Via: Gary Oxman, M.D., Acting Director, Health Department
From: Dave Houghton, Director, Disease Prevention and Control
Subject: Contract #0010315 with the City of Portland for rodent and mosquito control services (revenue agreement)

HONOR CULTURE, CELEBRATE DIVERSITY AND INSPIRE QUALITY

- I. Recommendation/Action Requested: The Health Department recommends Board ratification of Contract #0010315 with the City of Portland for the period July 1, 1999, through June 30, 2000.
- II. Background/Analysis: This agreement has been renewed annually since July 1991. The City of Portland requires monitoring and control of rodents and mosquitoes in the City's wastewater and stormwater collection system. The County's Health Department staff will respond to complaints regarding rodent and mosquito infestations and provide advice to property owners regarding maintenance of their plumbing systems in an effort to eliminate points of rodent ingress and egress to and from the City's wastewater and stormwater collection system.

This year's agreement increases services by beginning to monitor targeted areas for species identification of adult mosquitoes. Specific adult mosquitoes will be sent to a California lab for disease analysis. A risk assessment can then be made for vector-borne disease in the city. The program will also provide data on new storm water mitigation sites. Vector Control and BES will analyze the data as well as new mitigation sites being tabulated and make a determination on appropriate control efforts. Compensation has been increased accordingly (from \$100,000 in FY 98-99 to \$120,028).
- II. Financial Impact: The City will pay the County \$120,028 in quarterly installments of \$30,007.
- III. Legal Issues: None
- IV. Controversial Issues: None
- V. Link to Current County Policies: Continuing to collaborate with community agencies in the provision of public health care services.
- VI. Citizen Participation: None
- VII. Other Government Participation: None

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedure CON-1)

Pre-approved Contract Boilerplate (with County Counsel signature) ☒ Attached ☐ Not Attached Contract #: 0010315
Amendment #: _____

CLASS I <input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	CLASS II <input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	CLASS III <input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # C-4 DATE 5/6/99 DEB BOGSTAD BOARD CLERK
---	---	--

Department: Health Department Division: Disease Prevention and Control Date: 04/14/99
 Originator: Ken Yee Phone: x83464 Bldg/Rm: 312/Vector
 Contact: Marianne Metzger Phone: x26207 Bldg/Rm: 160/7
 Description of Contract: _____
 County will provide rodent and mosquito control services.

RENEWAL: ☒ PREVIOUS CONTRACT NO(S): 102872, 200173, 200264, 200435, 202025, 200087, 200058, 9910402
 RFP/BID: _____ RFP/BID DATE: _____
 EXEMPTION NO/DATE: _____ EXEMPTION EXPIRATION DATE: _____ ORS/AR #: _____
 CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF ☒ N/A ☐ NONE (Check all boxes that apply)

Contractor <u>City of Portland</u> Address <u>Bureau of Environmental Services</u> <u>1120 SW 5th Avenue, Room 400</u> <u>Portland, OR 97204-1972</u> Phone <u>823-4390 (FAX 823-7110)</u> Employer ID# or SS# <u>n/a</u> Effective Date <u>July 1, 1999</u> Termination Date <u>June 30, 2000</u> Original Contract Amount \$ <u>120,028</u> Total Amt of Previous Amendments \$ <u>n/a</u> Amount of Amendment \$ <u>n/a</u> Total Amount of Agreement \$ <u>120,028</u>	Katie Bretsch 823-4390 (PAGER 796-4860) Remittance address <u>Accounts Payable</u> (If different) <u>Columbia Blvd Wastewater Treatment Plant</u> <u>5001 N Columbia Blvd, Portland, OR 97203</u> Payment Schedule / Terms <input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt <input type="checkbox"/> Monthly \$ _____ <input type="checkbox"/> Net 30 <input checked="" type="checkbox"/> Other \$ <u>30,007/quarter</u> <input type="checkbox"/> Other <input type="checkbox"/> Requirements Not to Exceed \$ _____ Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No
---	---

REQUIRED SIGNATURES:

Department Manager <u>Gary Oxman (DC)</u>	DATE <u>4/6/99</u>
Purchasing Manager _____	DATE _____
County Counsel <u>Katie Bretsch</u>	DATE <u>4/6/99</u>
County Chair <u>Marilyn Dean</u>	DATE <u>May 6, 1999</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

(Class I, Class II Contracts only)

LGFS VENDOR CODE GV8053						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	100	015	0312			4004		0399	Rodent/Mosquito Control		
02											
03											

Rev. 2/12/98 DIST: Original - Contract Administration, Contractor, HD Contracts Unit; CC - HD Program Manager, Finance, HD Payables/Receivables

**INTERGOVERNMENTAL AGREEMENT
FOR RODENT AND MOSQUITO CONTROL SERVICES**

THIS INTERGOVERNMENTAL AGREEMENT is between MULTNOMAH COUNTY, a home rule political subdivision of the State of Oregon, hereafter "COUNTY," and the CITY OF PORTLAND, a home rule political subdivision of the State of Oregon, hereafter "CITY."

WITNESSETH:

WHEREAS, CITY's Bureau of Environmental Services requires services which COUNTY is capable of providing, under the terms and conditions hereinafter described; and

WHEREAS, COUNTY's Health Department is able and prepared to provide such services as CITY does hereinafter require, under those terms and conditions set forth;

NOW THEREFORE, in consideration of those mutual promises and the terms and conditions set forth hereafter, the parties agree as follows:

1. TERM

This Agreement shall become effective July 1, 1999, and shall expire June 30, 2000, unless sooner terminated under the provisions hereof.

2. SERVICES

A. COUNTY's services under this Agreement shall consist of the following:

- 1) Monitor and control rats and mosquitoes within and originating from CITY's wastewater and stormwater collection and treatment systems.
- 2) Respond to complaints regarding rat and mosquito infestations originating from CITY's wastewater and stormwater collection and treatment systems.
- 3) Provide advice to property owners regarding the maintenance of plumbing on their property to eliminate points of rodent ingress and egress to and from CITY's wastewater and stormwater collection and treatment systems.
- 4) Initiate a mosquito surveillance program to identify sites for breeding mosquitoes.
- 5) Treat currently identified mosquito breeding sites at Columbia Boulevard Wastewater Treatment Plant including Triangle Lake, Ramsey Lake and adjacent marsh, and approximately 20 other stormwater facility sites to be identified.

B. During the term of this Agreement, COUNTY estimates that it will:

- 1) Answer approximately 1,150 phone calls regarding rats associated with CITY's wastewater and stormwater collection system.

- 2) Make approximately 568 visits to residences in response to rodent problems involving CITY's wastewater and stormwater collection system.
- 3) Bait approximately 8,000 manholes for control of rats in CITY's wastewater and stormwater collection system.
- 4) Make approximately 163 mosquito surveillance visits to CITY's wastewater and stormwater facilities.
- 5) Treat approximately 43 acres of mosquito breeding water in CITY's wastewater and stormwater facilities for mosquito control.

3. COMPENSATION

A. CITY agrees to pay COUNTY \$120,028 for the performance of those services provided hereunder, which payment shall be subject to the following terms:

- 1) CITY will reimburse COUNTY \$30,007 per quarter upon receipt of an invoice.
- 2) Payment terms will be net 30 days

B. CITY certifies that sufficient funds are available and authorized to finance the costs of this Agreement through the fiscal year ending June 30, 2000. In the event that funds cease to be available to CITY in the amounts anticipated during the remainder of the fiscal year, either CITY or COUNTY may terminate the Agreement or the parties by mutual agreement may reduce Agreement funding accordingly. CITY will notify COUNTY as soon it receives notification from funding source. Reduction or termination will not affect payment for expenses incurred prior to the effective date of such action.

**INTERGOVERNMENTAL AGREEMENT
STANDARD CONDITIONS**

1. INDEPENDENT CONTRACTOR STATUS

COUNTY is an independent contractor and is solely responsible for the conduct of its programs. COUNTY, its employees and agents shall not be deemed employees or agents of CITY.

2. INDEMNIFICATION

A. CITY shall defend, hold and save harmless COUNTY, its officers, agents, and employees from damages arising out of the tortious acts of CITY, or its officers, agents, and employees acting within the scope of their employment and duties in performance of this Agreement subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.300, and any applicable provisions of the Oregon Constitution.

B. COUNTY shall defend, hold and save harmless CITY, its officers, agents, and employees from damages arising out of the tortious acts of COUNTY, or its officers, agents, and employees acting within the scope of their employment and duties in performance of this Agreement subject to the limitations and conditions of the Oregon Tort Claims Act, ORS 30.260 through 30.3000, and any applicable provisions of the Oregon Constitution.

3. WORKERS' COMPENSATION INSURANCE

COUNTY shall maintain workers' compensation insurance coverage for all non-exempt workers, employees, and subcontractors either as a carrier-insured employer or a self-insured employer as provided in ORS Chapter 656.

4. TAXPAYER IDENTIFICATION NUMBER

CITY shall furnish to COUNTY its federal employer identification number, as designated by the Internal Revenue Service.

5. SUBCONTRACTS AND ASSIGNMENT

COUNTY shall neither subcontract with others for any of the work prescribed herein, nor assign any of COUNTY's rights acquired hereunder without obtaining prior written approval from CITY.

6. RECORD CONFIDENTIALITY

COUNTY and CITY agree to keep all client records confidential in accordance with state and federal statutes and rules governing confidentiality.

7. ACCESS TO RECORDS

CITY's authorized representatives shall have access, upon reasonable request and during regular office hours, to the books, documents, papers and records of COUNTY which are directly pertinent to this Agreement for the purpose of making audit, examination, excerpts and transcripts.

8. ADHERENCE TO LAW

In connection with their activities under this Agreement, COUNTY and CITY agree to adhere to all applicable federal, state and local laws, including but not limited to laws, rules, regulations and policies concerning equal employment opportunity, affirmative action, workers' compensation, minimum and prevailing wage requirements, and nondiscrimination in service delivery.

9. AMENDMENTS

Any modification to the provisions of this Agreement, whether initiated by COUNTY or CITY, shall be reduced to writing and signed by both parties.

10. WAIVER OF DEFAULT

Waiver of a default shall not be deemed to be a waiver of any subsequent default. Waiver of any breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach and shall not be construed to be a modification of the provisions of this Agreement.

11. EARLY TERMINATION

A. This agreement may be terminated prior to the expiration of the agreed-upon term:

- 1) Immediately by mutual written consent of the parties or at such time as the parties agree; or
- 2) By either party upon 30 days written notice to the other, delivered by certified mail or in person.

B. Payment to COUNTY will include all services provided through the day of termination.

C. Termination under any provision of this paragraph shall not affect any right, obligation or liability of COUNTY or CITY which accrued prior to such termination.

12. NOTICE OF LITIGATION

Each party shall give the other immediate notice in writing of any action or suit filed or any claim made against that party which may result in litigation in any way related to this Agreement.

13. OREGON LAW AND FORUM

This Agreement shall be construed and governed according to the laws of the State of Oregon.

14. INTEGRATION

This Agreement contains the entire Agreement between the parties pertaining to its subject matter and supersedes all prior written or oral discussions or agreements.

IN WITNESS WHEREOF, the parties have caused this Contract, including the Standard Conditions and any attachments incorporated herein, to be executed by their duly authorized officers.

CITY OF PORTLAND

By _____

Title _____

Date _____

By _____

Title _____

Date _____

MULTNOMAH COUNTY

By Beverly Stein

Beverly Stein, Multnomah County Chair

Date May 6, 1999

By Gary Oxman (dc)

Gary Oxman, M.D., Acting Director
Health Department

Date 4/20/99

By Ken Yee

Ken Yee, Vector Control Unit

Date 4/19/99

REVIEWED:

Thomas Sponsler, County Counsel for
Multnomah County, Oregon

By Katie Gaetjens

Katie Gaetjens, Assistant County Counsel

Date 4/27/99

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 DATE 5/6/99
DEB BOGSTAD
BOARD CLERK

MEETING DATE: MAY 06 1999

AGENDA NO: C-5

9:30

(Above Space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: Intergovernmental Agreement (IGA) with Washington County, Oregon

BOARD BRIEFING

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING:

DATE REQUESTED: _____

AMOUNT OF TIME REQUESTED: N/A

DEPARTMENT: Community Justice

DIVISION: Juvenile

CONTACT: Jerry Martin

TELEPHONE #: x22222

BLDG/ROOM#: 311/RMS

PERSON(S) MAKING PRESENTATION: Consent Calendar

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Amendment to Revenue IGA #700757 between the Department of Community Justice and Washington County to increase funding by 3.5% and to extend provision of juvenile detention services through June 30, 2000.

5/10/99 ORIGINALS TO JERRY MARTIN

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

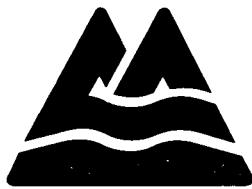
OR

DEPARTMENT MANAGER: E Clawson / Mf

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk 248-3277

CLERK OF
COUNTY COMMUNICATIONS
99 APR 26 PM 2:59
MULTNOMAH COUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Elyse Clawson, Director
Department of Community Justice

DATE: April 3, 1999

RE: Approval of an Intergovernmental Revenue Agreement for the provision of juvenile detention services by Multnomah County Department of Community Justice to Washington County Juvenile Department

- I. RECOMMENDATION REQUESTED: The Department of Community Justice recommends the Board's approval of an Intergovernmental Revenue Agreement between Washington County and Multnomah County for the continued provision of detention services to juveniles referred by the Washington County Juvenile Department.
- II. BACKGROUND/ANALYSIS: The Department of Community Justice has contracted with the Washington County Juvenile Department for more than 18 years to offer juvenile detention services.
- III. FINANCIAL IMPACT: This agreement stipulates payment by Washington County of \$717,577 to Multnomah County for the exclusive use of fourteen (14) secure custody beds for juveniles. This amount represents \$117.46 per bed per day for an original 10 guaranteed beds and \$169.71 per bed per day for an additional four (4) beds guaranteed under this agreement. If the required bed space exceeds the guaranteed fourteen (14), the rate for each additional bed will be \$169.71 per bed per day. Every youth served under this agreement will receive the daily services of supervision, food, and basic care, as do all youth placed in the detention facility.
- IV. LEGAL ISSUES: N/A
- V. CONTROVERSIAL ISSUES: N/A
- VI. LINK TO CURRENT COUNTY POLICIES: This agreement supports the Department's philosophy of offering detention services in the Tri-County area for counties which do not have a juvenile detention facility.
- VII. CITIZEN PARTICIPATION: N/A
- VIII. OTHER GOVERNMENTAL PARTICIPATION: N/A

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

(See Administrative Procedures CON-1)

Renewal []

Contract # 700757

Prior-Approved Contract Boilerplate: Attached: Not Attached

Amendment # 2

<p align="center">CLASS I</p> <p>[] Professional Services under \$50,000</p> <p>[] Intergovernmental Agreement under \$50,000</p>	<p align="center">CLASS II</p> <p>[] Professional Services over \$50,000 (RFP, Exemption)</p> <p>[] PCRB Contract</p> <p>[] Maintenance Agreement</p> <p>[] Licensing Agreement</p> <p>[] Construction</p> <p>[] Grant</p> <p>[X] Revenue</p>	<p align="center">CLASS III</p> <p>[X] Intergovernmental Agreement over \$50,000</p> <p align="center">APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS</p> <p>AGENDA # <u>C-5</u> DATE <u>5/6/99</u></p> <p align="center"><u>DEB BOGSTAD</u></p> <p align="center">BOARD CLERK</p>
--	--	---

Department: Community Justice Division: RMS Date: April 3, 1999

Contract Originator: Rich Scott Phone: 248-3798 Bldg/Room: 311/DJJS

Administrative Contact: Jerry Martin Phone: 248-3460 x22222 Bldg/Room: 311/RMS

Description of Contract: This amendment extends the term of the original revenue contract to June 30, 2000 and increases revenue by 3.5%.

RFP/BID #: Date of RFP/BID: Exemption Expiration Date:

ORS/AR #: (Check all boxes that apply) Contractor is [] MBE [] WBE [] QRF [] N/A [X] None

Original Contract No. (ONLY FOR ORIGINAL RENEWALS)

<p>Contractor Name: <u>Washington County</u></p> <p>Mailing Address: <u>222 North First Avenue</u></p> <p><u>Hillsboro, OR 97114</u></p> <p>Phone: <u>(503) 648-8861</u></p> <p>Employer ID# or SS#: <u> </u></p> <p>Effective Date: <u>July 1, 1999</u></p> <p>Termination Date: <u>June 30, 2000</u></p> <p>Original Contract Amount: <u>\$ 673,118.00</u></p> <p>Total Amount of Previous Amendments: <u>\$ 693,118.00</u></p> <p>Amount of Amendment: <u>\$ 717,577.00</u></p> <p>Total Amount of Agreement <u>\$ 2,084,006.00</u></p>	<p>Remittance Address (if different) <u> </u></p> <p><u> </u></p> <p><u> </u></p> <p>Payment Schedule Terms</p> <p>[] Lump Sum \$ <u> </u> [] Due on Receipt</p> <p>[] Monthly \$ <u> </u> [] Net 30</p> <p>[x] Other \$ <u>239,192.33</u> [x] Other (3 equal payments)</p> <p>[] Requirements contract - Requisition Required</p> <p>[] Requirements Not to Exceed \$ <u> </u></p> <p>Encumber: Yes [] No []</p>
---	--

REQUIRED SIGNATURES:

Department Manager: *E. Clauson* Date: 4-26-99

Purchasing Manager: *[Signature]* Date:

(Class II Contracts Only)

County Counsel: *[Signature]* Date: 4/28/99

County Chair/Sheriff: *[Signature]* Date: May 6, 1999

Contract Administration: *[Signature]* Date:

(Class I, Class II Contracts Only)

VENDOR CODE				VENDOR NAME				TOTAL AMOUNT: \$			
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIP	AMOUNT	INC DEC
01	100	022	2720			2777		WABD	WASH CTY	\$670,357.00	
02	100	015	0950			2777		WABD	WASH CTY	\$47,220.00	
03											

If additional space is needed, attach separate page. Write contract # on top of page.

DISTRIBUTION: Original Signatures - Contract Administration, Initiator, Finance

MULTNOMAH COUNTY DEPARTMENT OF COMMUNITY JUSTICE
CONTRACT NUMBER 700757 AMENDMENT NUMBER 2

DURATION OF AMENDMENT: July 1, 1999 TO: June 30, 2000
INTERGOVERNMENTAL AGREEMENT NAME: Washington County
TELEPHONE: (503) 648-8861
CONTRACTOR ADDRESS: 222 North First Avenue, Hillsboro, Oregon 97114

This amendment is to contract number 700757 dated June 2, 1997, between Multnomah County, hereinafter referred to as "Multnomah" and Washington County, hereinafter referred to as "Washington." It is understood by the parties that all conditions and agreements in the original contract are still in force and apply to this amendment, unless specifically superseded by the language in this amendment.

CHANGES:

#1. This amendment changes the terms of service as described in Section II, "Services to be Provided", Paragraph "A", Subparagraph 1.c. to read as follows:

"Fourteen (14) Bed spaces shall be available for the exclusive use of Washington on a continuous 24-hour-a-day basis through June 30, ~~1999~~ 2000."

#2. This amendment, also, changes the terms of compensation as described in Section II, "Services to be Provided", Paragraph "C", "Compensation Rates and Mode of Payments", Subparagraphs 1, 2 and 5 to read as follows:

1. "For the duration of this annual Agreement, Washington shall pay to Multnomah the sum of ~~\$693,311.00~~ \$717,577.00 for the provision of fourteen (14) guaranteed beds and program services and normal care. The above sum shall be paid by Washington to Multnomah in three equal installments of ~~\$231,103.67~~ \$239,192.33 payable on October 1, ~~1998~~ 1999, February 1, ~~1999~~ 2000, and June 1, ~~1999~~ 2000. This rate represents ~~\$113.49~~ \$117.46 per bed per day (excluding O&M costs) for the original 10 guaranteed beds and ~~\$163.97~~ \$169.71 per bed per day (including O&M costs) for the additional 4 beds.
2. If Washington requires bed space in excess of the fourteen (14) beds described above, the rate for each additional bed shall be ~~\$163.97~~ \$169.71 per day. Washington will be required to pay for such additional beds only for those days on which the combined Washington/Clackamas County population exceeds twenty-eight (28).
5. Multnomah's bill for these operations and maintenance costs will be included with the routine billing for beds and program services and care. The billing shall be based upon the County's established rate structure and shall not exceed ~~\$38,535~~ \$39,217.96 for the term of the agreement."

#3. This amendment, also, changes the duration as described in Section IV, "Agreement Term and Termination", Paragraphs "A" and "B" to read as follows:

- A. "This agreement shall apply from July 1, ~~1998~~ 1999 through June 30, ~~1999~~ 2000, and is subject to renewal annually."

B. This Agreement may be terminated by either party alone or otherwise unilaterally modified only as follows:

1. Either county may unilaterally terminate this Agreement on six-month's written notice; Multnomah County agrees to guarantee Washington County continuous use of 14 beds as described in the Agreement through June 30, ~~1998~~ 2000, as long as the provisions of this Agreement are met.
2. In the event that Washington does not intend to renew this Agreement for the subsequent fiscal year, Washington shall notify Multnomah on or before January 1, ~~1998~~ 2000, of its intent not to renew. In the event Washington fails to so notify Multnomah of its intent not to renew this Agreement and thereafter does not renew this Agreement, Washington shall reimburse Multnomah at the base guaranteed fourteen (14) bed rate for a period extending six months from the date of receipt by Multnomah of written notice of said intent to discontinue or not renew this Agreement. Washington shall have continued use of the guaranteed beds as agreed for the duration of this Agreement through June 30, ~~1998~~ 2000.
3. In the event Multnomah does not intend to renew this Agreement for the next fiscal year, Multnomah shall notify Washington on or before January 1, ~~1998~~ 2000, of its intent not to renew. In the event that Multnomah fails to notify Washington of its intention not to renew this Agreement and thereafter does not renew this Agreement, Multnomah shall continue to provide services under the terms of this Agreement at the same rate as provided by this Agreement for six months following the date Washington received the notice of Multnomah's intent not to renew this Agreement.
4. It is assumed the rates of compensation defined in this Agreement will be modified in subsequent fiscal years. Rates of compensation shall be based on actual costs of operation and shall be communicated to Washington by March 1, ~~1998~~ 2000, for the following fiscal year."

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

MULTNOMAH COUNTY, OREGON

By E. Clawson 4-26-99
Director, Dept. of Community Justice Date
By Beverly Stein 5/6/99
Multnomah County Chair Date

WASHINGTON COUNTY, OREGON

By _____ Date
Chair, Board of County Commissioners
By _____ Date
Washington County Counsel

REVIEWED: County Counsel for
Multnomah County, Oregon

By [Signature] 4/20/99
APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS Date

AGENDA # C-5 DATE 5/6/99
DEB BOGSTAD
BOARD CLERK

[For Clerk's Use] Meeting Date

MAY 06 1999

Agenda #

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

DEPARTMENT: Community Justice
CONTACT: Meganne Steele

DIVISION: Information Svcs
TELEPHONE: 248-3961

*NAME[S] OF PERSON MAKING PRESENTATION TO BOARD: Jann Brown

SUGGESTED AGENDA TITLE [To assist in preparing a description for the printed agenda]

The Department of Community Justice Budget Modification # DCJ 13 Reclasses 26 Information Services Staff Positions As a Result Of The Information Technology (IT) Classification Study and The Department's Information Services Division's Reorganization Of Its Computer Services Units

ESTIMATED TIME NEEDED ON THE AGENDA: N/A

2. DESCRIPTION OF MODIFICATION [Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is increased or reduced? Attach additional information if you need more space].

Personnel changes are shown in detail on the attached. Yes

This budget modification reclassifies 26 computer services staff positions in the Information Services Division to include the following:

- ♦ 13.0 FTE Data Analysts to nine IS Analyst 2's, one Sr IS Analyst, one Sr Data Analyst, one IS Spec 2 and one IS Spec 3.
- ♦ 8.0 FTE Data Technicians to seven IS Spec 2's and one IS Analyst 2.
- ♦ 1.0 FTE IS Manager to one ISD Administrator.
- ♦ 1.0 FTE Sr Data Analyst to one ISD Administrator.
- ♦ 1.0 FTE Program Analyst 2 to one IS Analyst 2.
- ♦ 1.0 FTE JJ Manager to one IS Manager.
- ♦ 1.0 FTE Sr Data Analyst to one Sr IS Analyst.

The \$25,442 additional expense is covered by vacancy savings.

3. REVENUE IMPACT [Explain revenues being changed and the reason for the change]

None.

4. CONTINGENCY STATUS [to be completed by Finance/Budget]

Contingency before this modification [as of _____] \$ _____
[Specify Fund] [Date]

After this modification \$ _____

<u>Phyllis E. Egan</u>	<u>3-16-99</u>	<u>M. Steele</u>	<u>4/19/99</u>
[Originated By]	[Date]	[Department Manager]	[Date]
<u>Debra</u>	<u>4-26-99</u>	<u>C. R. Lyman</u>	<u>3/18/99</u>
[Finance/Budget]	[Date]	[Employee Relations]	[Date]
<u>Deborah C. Beaton</u>	<u>5/6/99</u>	<u>Debra</u>	<u>4/26/99</u>
[Board Approval]	[Date]		

99 APR 26 PM 3:23
 COMMUNITY COMMISSION

5. ANNUALIZED PERSONNEL CHANGES

FUND	AGY	ORG	FTE	JCN	POSITION TITLE	SALARY BASE PAY	PREM BASE	SAL REL	INSURANCE	TOTAL
100	22	2280	(4.00)	6073	Data Analyst	(145,804)		(25,527)	(20,444)	(191,775)
100	22	2280	3.00	6189	IS Analyst 2	109,995		19,258	14,848	144,101
100	22	2280	1.00	6193	IS Spec 3	35,809		6,269	5,596	47,674
100	22	2280	(2.00)	6074	Data Tech	(63,892)		(11,186)	(12,834)	(87,912)
100	22	2280	2.00	6192	IS Specialist 2	63,892		11,186	12,834	87,912
100	22	2280	(1.00)	9653	IS Manager	(56,065)		(9,815)	(6,324)	(72,204)
100	22	2280	1.00	9457	ISD Administrator	65,069		15,658	9,082	89,809
100	22	2280	(1.00)	9747	Sr Data Analyst	(53,844)		(9,427)	(6,258)	(69,529)
100	22	2280	1.00	9457	ISD Administrator	53,120		12,732	8,724	74,576
			-		Subtotal 100-2280	8,280	-	9,148	5,224	22,652
100	22	2782	(1.00)	6035	Pgm Anal 2	(39,403)		(6,898)	(2,539)	(48,840)
100	22	2782	1.00	6189	IS Analyst 2	39,403		6,898	2,539	48,840
100	22	2782	(3.00)	6073	Data Analyst	(116,178)		(20,339)	(19,051)	(155,568)
100	22	2782	3.00	6189	IS Analyst 2	116,178		20,339	19,051	155,568
100	22	2782	(3.00)	6074	Data Tech	(97,427)		(17,059)	(8,998)	(123,484)
100	22	2782	3.00	6192	IS Specialist 2	97,427		17,059	8,998	123,484
100	22	2782	(1.00)	9701	JJ Manager	(64,189)		(11,238)	(4,220)	(79,647)
100	22	2782	1.00	9653	IS Manager	64,189		11,238	4,220	79,647
100	22	2782	(1.00)	9747	Sr Data Analyst	(47,537)		(8,322)	(7,936)	(63,795)
100	22	2782	1.00	6187	Sr IS Analyst	47,537		8,322	7,936	63,795
			-		Subtotal 100-2782	-	-	-	-	-
			-		Total Fund 100	8,280	-	9,148	5,224	22,652
156	22	2280	(5.00)	6073	Data Analyst	(185,606)	(13,509)	(34,862)	(29,628)	(263,605)
156	22	2280	1.00	6187	Sr IS Analyst	39,137	3,835	7,523	7,812	58,307
156	22	2280	2.00	6189	IS Analyst 2	74,679	4,772	13,911	8,470	101,832
156	22	2280	1.00	6192	IS Specialist 2	31,383	942	5,660	5,490	43,475
156	22	2280	1.00	9747	Sr Data Analyst	44,596	-	10,730	7,455	62,781
156	22	2280	(3.00)	6074	Data Tech	(92,629)	(2,765)	(21,742)	(13,103)	(130,239)
156	22	2280	3.00	6192	IS Specialist 2	92,629	2,765	21,742	13,103	130,239
			-		Subtotal 156-2280	4,189	(3,960)	2,962	(401)	2,790
156	22	2782	(1.00)	6073	Data Analyst	(38,912)	(1,167)	(7,017)	(7,725)	(54,821)
156	22	2782	1.00	6189	IS Analyst 2	38,912	1,167	7,017	7,725	54,821
			-		Subtotal 156-2782	-	-	-	-	-
			-		Total Fund 156	4,189	(3,960)	2,962	(401)	2,790
			-		Total All Funds	12,469	(3,960)	12,110	4,823	25,442

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES

FUND	AGCY	ORG	FTE	JCN	POSITION TITLE	SALARY BASE PAY	PREM BASE	SAL REL	INSUR	TOTAL
100	22	2280	(4.00)	6073	Data Analyst	(145,804)		(25,527)	(20,444)	(191,775)
100	22	2280	3.00	6189	IS Analyst 2	109,995		19,258	14,848	144,101
100	22	2280	1.00	6193	IS Spec 3	35,809		6,269	5,596	47,674
100	22	2280	(2.00)	6074	Data Tech	(63,892)		(11,186)	(12,834)	(87,912)
100	22	2280	2.00	6192	IS Specialist 2	63,892		11,186	12,834	87,912
100	22	2280	(1.00)	9653	IS Manager	(56,065)		(9,815)	(6,324)	(72,204)
100	22	2280	1.00	9457	ISD Administrator	65,069		15,658	9,082	89,809
100	22	2280	(1.00)	9747	Sr Data Analyst	(53,844)		(9,427)	(6,258)	(69,529)
100	22	2280	1.00	9457	ISD Administrator	53,120		12,732	8,724	74,576
100	22	2280			Vacancy Savings	(8,280)		(9,148)	(5,224)	(22,652)
			-		Subtotal 100-2280	-	-	-	-	-
100	22	2782	(1.00)	6035	Pgm Anal 2	(39,403)		(6,898)	(2,539)	(48,840)
100	22	2782	1.00	6189	IS Analyst 2	39,403		6,898	2,539	48,840

6. CURRENT YEAR PERS DOLLAR CHANGES CONT

SALARY

PREM

Page 3b

FUND	AGCY	ORG	FTE	JCN	POSITION TITLE	BASE PAY	BASE	SAL REL	INSUR	TOTAL
100	22	2782	(3.00)	6073	Data Analyst	(116,178)		(20,339)	(19,051)	(155,568)
1000	22	2782	3.00	6189	IS Analyst 2	116,178		20,339	19,051	155,568
100	22	2782	(3.00)	6074	Data Tech	(97,427)		(17,059)	(8,998)	(123,484)
100	22	2782	3.00	6192	IS Specialist 2	97,427		17,059	8,998	123,484
100	22	2782	(1.00)	9701	JJ Manager	(64,189)		(11,238)	(4,220)	(79,647)
100	22	2782	1.00	9653	IS Manager	64,189		11,238	4,220	79,647
100	22	2782	(1.00)	9747	Sr Data Analyst	(47,537)		(8,322)	(7,936)	(63,795)
100	22	2782	1.00	6187	Sr IS Analyst	47,537		8,322	7,936	63,795
			-		Subtotal 100-2782	-		-	-	-
			-		Total Fund 100	-	-	-	-	-
156	22	2280	(5.00)	6073	Data Analyst	(185,606)	(13,509)	(34,862)	(29,628)	(263,605)
156	22	2280	1.00	6187	Sr IS Analyst	39,137	3,835	7,523	7,812	58,307
156	22	2280	2.00	6189	IS Analyst 2	74,679	4,772	13,911	8,470	101,832
156	22	2280	1.00	6192	IS Specialist 2	31,383	942	5,660	5,490	43,475
156	22	2280	1.00	9747	Sr Data Analyst	44,596	-	10,730	7,455	62,781
156	22	2280	(3.00)	6074	Data Tech	(92,629)	(2,765)	(21,742)	(13,103)	(130,239)
156	22	2280	3.00	6192	IS Specialist 2	92,629	2,765	21,742	13,103	130,239
156	22	2280			Vacancy Savings	(4,189)	3,960	(2,962)	401	(2,790)
			-		Subtotal 156-2280	-	-	-	-	-
156	22	2782	(1.00)	6073	Data Analyst	(38,912)	(1,167)	(7,017)	(7,725)	(54,821)
156	22	2782	1.00	6189	IS Analyst 2	38,912	1,167	7,017	7,725	54,821
			-		Subtotal 156-2782	-	-	-	-	-
			-		Total Fund 156	-	-	-	-	-
			-		Total All Funds	-	-	-	-	-

Adopted Budget:

Reclassifications:

From From											To To							
Fund	Org	FTE	JCN	JCN Name	Employee	Base	Prem	Fringe	Ins	Total	FTE	JCN	JCN Name	Base	Prem	Fringe	Ins	Total
100	2280	(1.00)	9653	IS Manager	Nicholson	-56065		-9815	-6324	-72204	1.00	9457	ISD Administrator	65069		15658	9082	89809
100	2280	(1.00)	6073	Data Analyst	Kosydar	-36948		-6469	-1710	-45127	1.00	6189	IS Analyst 2	36948		6469	1710	45127
100	2280	(1.00)	6074	Data Tech	Manthe	-34222		-5991	-7424	-47637	1.00	6192	IS Spec 2	34222		5991	7424	47637
100	2280	(1.00)	9747	Sr Data Analyst	Williams T	-53844		-9427	-6258	-69529	1.00	9457	ISD Administrator	53120		12732	8724	74576
100	2280	(1.00)	6073	Data Analyst	Redeau	-37238		-6520	-7542	-51300	1.00	6189	IS Analyst 2	37238		6520	7542	51300
100	2280	(1.00)	6074	Data Tech	Vacant	-29670		-5195	-5410	-40275	1.00	6192	IS Spec 2	29670		5195	5410	40275
100	2280	(1.00)	6073	Data Analyst	Vacant	-35809		-6269	-5596	-47674	1.00	6189	IS Analyst 2	35809		6269	5596	47674
100	2280	(1.00)	6073	Data Analyst	Vacant	-35809		-6269	-5596	-47674	1.00	6193	IS Spec 3	35809		6269	5596	47674
100	2280	(8.00)				-319605		-55955	-45860	-421420	8.00			327885	0	65103	51084	444072

156	2280	(1.00)	6073	Data Analyst	Dettinger	-37432	-3668	-7196	-5963	-54259	1.00	6189	IS Analyst 2	37432	3668	7196	5963	54259
156	2280	(1.00)	6073	Data Analyst	(Doan) Now Vac	-39137	-3835	-7523	-7812	-58307	1.00	6187	Sr IS Analyst	39137	3835	7523	7812	58307
156	2280	(1.00)	6073	Data Analyst	Hogue	-40407	-3960	-7768	-7856	-59991	1.00	9747	Sr Data Analyst	44596	0	10730	7455	62781
156	2280	(1.00)	6074	Data Tech	Lakeside	-30394	-912	-10521	-2862	-44689	1.00	6192	IS Spec 2	30394	912	10521	2862	44689
156	2280	(1.00)	6073	Data Analyst	Max	-37247	-1104	-6715	-2507	-47573	1.00	6189	IS Analyst 2	37247	1104	6715	2507	47573
156	2280	(1.00)	6074	Data Tech	Roland-Kind	-30968	-915	-5582	-7352	-44817	1.00	6189	IS Analyst 2	30968	915	5582	7352	44817
156	2280	(1.00)	6074	Data Tech	Holloway	-31267	-938	-5639	-2889	-40733	1.00	6192	IS Spec 2	31267	938	5639	2889	40733
156	2280	(1.00)	6073	Data Analyst	Pumpelly	-31383	-942	-5660	-5490	-43475	1.00	6192	IS Spec 2	31383	942	5660	5490	43475
156	2280	(8.00)				-278235	-16274	-56604	-42731	-393844	8.00			282424	12314	59566	42330	396634

100	2782	(1.00)	9701	JJ Manager	Brown	-64189		-11238	-4220	-79647	1.00	9653	IS Manager	64189		11238	4220	79647
100	2782	(1.00)	6035	Pgm Analyst 2	Strauss	-39403		-6898	-2539	-48840	1.00	6189	IS Analyst 2	39403		6898	2539	48840
100	2782	(1.00)	6073	Data Analyst	Vacant	-43785		-7666	-5836	-57287	1.00	6189	IS Analyst 2	43785		7666	5836	57287
100	2782	(1.00)	6074	Data Tech	Chaney	-30883		-5408	-2280	-38571	1.00	6192	IS Spec 2	30883		5408	2280	38571
100	2782	(1.00)	6073	Data Analyst	Johnson	-36584		-6404	-7619	-50607	1.00	6189	IS Analyst 2	36584		6404	7619	50607
100	2782	(1.00)	6074	Data Tech	McDonald-Moore	-34222		-5991	-1228	-41441	1.00	6192	IS Spec 2	34222		5991	1228	41441
100	2782	(1.00)	9747	Sr Data Analyst	Williams S	-47537		-8322	-7936	-63795	1.00	6187	Sr IS Analyst	47537		8322	7936	63795
100	2782	(1.00)	6074	Data Tech	Vacant	-32322		-5660	-5490	-43472	1.00	6192	IS Spec 2	32322		5660	5490	43472
100	2782	(1.00)	6073	Data Analyst	(Hughes) now Vac	-35809		-6269	-5596	-47674	1.00	6189	IS Analyst 2	35809		6269	5596	47674
100	2782	(9.00)				-364734	0	-63856	-42744	-471334	9.00			364734	0	63856	42744	471334

156	2782	(1.00)	6073	Data Analyst	Pham	-38912	-1167	-7017	-7725	-54821	1.00	6189	IS Analyst 2	38912	1167	7017	7725	54821
156	2782	(1.00)				-38912	-1167	-7017	-7725	-54821	1.00			38912	1167	7017	7725	54821

No Change:

From From											To To							
Fund	Org	FTE	JCN	JCN Name	Employee	Base	Prem	Fringe	Ins	Total	FTE	JCN	JCN Name	Base	Prem	Fringe	Ins	Total
100	2782	(1.00)	6002	Senior OA	McCormick	-27520		-4818	-5345	-37683	1.00	6002	Senior OA	27520		4818	5345	37683
100	2782	(1.00)	9747	Sr Data Analyst	Lutes	-47537		-8322	-4011	-59870	1.00	9747	Sr Data Analyst	47537		8322	4011	59870




MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Meganne Steele 
Department of Community Justice

DATE: April 6, 1999

RE: REQUEST FOR FY99 DCJ #13 BUDGET MODIFICATION APPROVAL

- I. **RECOMMENDATION/ACTION REQUESTED:** Approve budget modification DCJ #13 for the Multnomah County Department of Community Justice to reclassify 26 staff positions within its Information Services Division.
- II. **BACKGROUND/ANALYSIS:** Initiated in FY98, an Information Technology (IT) Classification Study was conducted to review information technology positions and their corresponding computer services positions within Multnomah County governmental departments. As a result of this study and the Department's reorganization within its own Information Services Division's computer services area, 26 staff positions were reclassified. This modification deletes the former positions and adds the corresponding positions involved in the reclassification efforts.
- III. **FINANCIAL IMPACT:** The projected current year annual cost of these reclassifications exceed the current year budget by \$22,652 in General Fund and \$2,790 in Federal/State. The deficits are covered by vacancy savings in FY99 and by current service level in FY00.
- IV. **LEGAL ISSUES:** N/A
- V. **CONTROVERSIAL ISSUES:** N/A
- VI. **LINK TO CURRENT COUNTY POLICIES:** N/A
- VII. **CITIZEN PARTICIPATION:** N/A
- VIII. **OTHER GOVERNMENT PARTICIPATION:** N/A

[For Clerk's Use] Meeting Date **MAY 06 1999**Agenda # C-7

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

DEPARTMENT: Community Justice
CONTACT: Meganne SteeleDIVISION: ACJ Supervision
TELEPHONE: 248-3961

*NAME[S] OF PERSON MAKING PRESENTATION TO BOARD: Cary Harkaway/Lana McKay

SUGGESTED AGENDA TITLE [To assist in preparing a description for the printed agenda]

The Department of Community Justice Budget Modification # DCJ 17 Adds \$66,935 Oregon Traffic Safety Commission Revenue To The Federal/State Fund

ESTIMATED TIME NEEDED ON THE AGENDA: N/A

2. **DESCRIPTION OF MODIFICATION** [Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is increased or reduced? Attach additional information if you need more space].
Personnel changes are shown in detail on the attached. Yes

This budget modification adds \$66,935 to fund 2.0 FTE Corrections Technicians, computer hardware/software, and operational supplies for the period of October 1, 1998 through June 30, 1999. The Indirect Cost support is covered by general fund Contingency.

3. **REVENUE IMPACT** [Explain revenues being changed and the reason for the change]

- Increases Rev code 2017 by \$66,935.
- Decreases general fund Contingency by (\$3,407) Indirect Cost support.

4. **CONTINGENCY STATUS** [to be completed by Finance/Budget]

Contingency before this modification [as of _____ \$ _____]
[Specify Fund] [Date]

After this modification \$ _____

<u>Brian H. Eighmey</u> [Originated By]	<u>3-4-99</u> [Date]	<u>E. Clawson</u> [Department Manager]	<u>4-17-99</u> [Date]
<u>Deborah C. Bogsted</u> [Finance/Budget]	<u>4-26-99</u> [Date]	<u>[Signature]</u> [Employee Relations]	<u>[Date]</u>
<u>Deborah C. Bogsted</u> [Board Approval]	<u>5/6/99</u> [Date]		

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 MULTNOMAH COUNTY
 OREGON
 BOARD OF
 COUNTY COMMISSIONERS

Page 2

				REPT	OBJ	CURR	REV			
FUND	AGCY	ORG	ACT	CATEG	CODE	AMT	AMT	CHANGE	TOTAL	DESCRIPTION
156	22	2280		OTSC	6230			6,000		Supplies (Computers)
100	22	2280			7100			305		Indirect Cost
									6,305	Subtotal Org 2280
156	22	2268		OTSC	5100			42,532		Permanent
156	22	2268		OTSC	5500			7,447		Fringe
156	22	2268		OTSC	5550			9,567		Insurance
156	22	2268		OTSC	6230			1,389		Supplies (Operational)
156	22	2268			7100			3,102		Indirect Cost
									64,037	Subtotal Org 2268
100	75	9120			7700			(3,407)	(3,407)	Contingency
								66,935	66,935	TOTAL EXPENSE

				REPT	REV	CURR	REV			
FUND	AGCY	ORG	ACT	CATEG	SO.	AMT	AMT	CHANGE	TOTAL	DESCRIPTION
156	22	2280		OTSC	2017			6,000	6,000	Oregon Traffic Safety Com
156	22	2280			7601			305	305	General Fund
156	22	2268		OTSC	2017			60,935	60,935	Oregon Traffic Safety Com
156	22	2268			7601			3,102	3,102	General Fund
100	75	7410			6602			(3,407)	(3,407)	Indirect Cost
								66,935	66,935	TOTAL REVENUE

DEPARTMENT OF COMMUNITY JUSTICE SERVICES
PERSONNEL DETAIL FOR FY99 BUD MOD NO. DCJ99_17

Page 3

5. ANNUALIZED PERSONNEL CHANGES

FUND	AGCY	ORG	FTE	JCN	POSITION TITLE	BASE PAY	SAL REL	INSUR	TOTAL
156	22	2268	2.00	6266	Corrections Tech	56,710	9,930	12,754	79,394
									-
									-
									-
			2.00		TOTAL ANNUAL	56,710	9,930	12,754	79,394

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES

FUND	AGCY	ORG	FTE	JCN	POSITION TITLE	BASE PAY	SAL REL	INSUR	TOTAL
156	22	2268	1.50	6266	Corrections Tech	42,532	7,447	9,567	59,546
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
									-
			1.50		TOTAL	42,532	7,447	9,567	59,546

Transaction Detail

Trans ID	Type	FY	Description	Process?	Date	Category	#	Fund	Agcy	Org	Obj	Rev	Amount	#	Fund	Agcy	Org	Pos	FTE	Amount
BM99DCJ_17	BM	99	Adds \$66,935 Oregon Traffic Safety Commission grant revenue. Adds 2 FTE Corrections Techs, computers, and supplies.	No			1	156	022	2280	6230		6,000	1	156	022	2268	6266	2.000	42,532
							2	156	022	2280	7100		305							
							3	156	022	2268	5100		42,532							
							4	156	022	2268	5500		7,447							
							5	156	022	2268	5550		9,567							
							6	156	022	2268	6230		1,389							
							7	156	022	2268	7100		3,102							
							8	156	022	2280		2017	6,000							
							9	156	022	2268		2017	60,935							
							10	400	070	7531		6602	9,567							
							11	100	075	7410		6602	3,407							
							12	400	070	7531	6580		9,567							
							13	100	022	9130	7608		3,407							
							14	156	022	2280		7601	305							
							15	156	022	2268		7601	3,102							



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Meganne Steele *MS*
Department of Community Justice

DATE: March 8, 1999

RE: REQUEST FOR FY99 DCJ #17 BUDGET MODIFICATION
APPROVAL

- I. **RECOMMENDATION/ACTION REQUESTED:** Approve budget modification DCJ #17 for the Multnomah County Department of Community Justice to add \$66,935 Oregon Traffic Safety Commission Federal Revenue To The FY99 Federal/State Budget.
- II. **BACKGROUND/ANALYSIS:** The Department has received an annual grant to provide the monitoring of an estimated 800 DUII bench probation cases; establish processes for notifying the Court and DA of violations; and establish protocols for judicial response. For FY99, the grant covers the period of October 1, 1998 through June 30, 1999. It purchases two Correction Technicians, one-time-only computer equipment, and operational supplies.
- III. **FINANCIAL IMPACT:** The grant is renewable for three additional years. However, the grant application prohibits use of the federal dollars to cover Indirect Cost. Therefore, the Indirect Cost coverage reduces general fund contingency in FY99 by (\$3,407). Included in the grant project is the establishment of a fee collection system for fees paid by offender clients. It is intended that the fee collection system ultimately will support the bench probation monitoring services.
- IV. **LEGAL ISSUES:** N/A
- V. **CONTROVERSIAL ISSUES:** Coverage of Indirect Cost by general fund Contingency.
- VI. **LINK TO CURRENT COUNTY POLICIES:** N/A
- VII. **CITIZEN PARTICIPATION:** N/A
- VIII. **OTHER GOVERNMENT PARTICIPATION:** Collaboration among the Department, Courts and District Attorney's Office staff.

[For Clerk's Use] Meeting Date

MAY 06 1999

Agenda #

C-8

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

DEPARTMENT: Community Justice
CONTACT: Meganne Steele

DIVISION: Counseling Services
TELEPHONE: 248-3961

*NAME[S] OF PERSON MAKING PRESENTATION TO BOARD: Bill Morris

SUGGESTED AGENDA TITLE [To assist in preparing a description for the printed agenda]

The Department of Community Justice Budget Modification # DCJ 30 Reclassifies Two Positions in the Counseling/Court Services Division

ESTIMATED TIME NEEDED ON THE AGENDA: N/A

2. **DESCRIPTION OF MODIFICATION** [Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is increased or reduced? Attach additional information if you need more space].
Personnel changes are shown in detail on the attached. Yes

This budget modification deletes a .58 FTE Juvenile Counselor position in Counseling Management and adds a .58 FTE Juvenile Counseling Assistant (JCA) position in the School Attendance Initiative program from the dollars released by the cut. This action restores the .58 FTE JCA position mistakenly deleted in Bud Mod #10. This modification also reclassifies a Program Development Specialist position in the School Attendance Program to an Administrative Assistant position. The net impact of these changes are zero in terms of FTE and dollars.

3. **REVENUE IMPACT** [Explain revenues being changed and the reason for the change]

No change.

4. **CONTINGENCY STATUS** [to be completed by Finance/Budget]

Contingency before this modification [as of _____ \$ _____]
[Specify Fund] [Date]

After this modification \$ _____

<u>David H. Eichman</u>	<u>3-18-99</u>	<u>M. Healy</u>	
[Originated By]	[Date]	[Department Manager]	[Date]
<u>Johnnie</u>	<u>4-26-99</u>	<u>CR Miller</u>	<u>3/18/99</u>
[Finance/Budget]	[Date]	[Employed Relations]	[Date]
<u>Deborah L. Bozinger</u>	<u>5/6/99</u>	<u>John Johnson</u>	<u>4/26/99</u>
[Board Approval]	[Date]		

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BOARD OF
COUNTY COMMISSIONERS

EXPENDITURE / REVENUE DETAIL FOR FY99 BUD MOD # : DCJ99_30

Page 2

FUND	AGCY	ORG	ACT	REPT CATEG	OBJ CODE	CURR AMT	REV AMT		TOTAL	DESCRIPTION
100	22	2741			5100			(20,418)		Permanent
100	22	2741			5500			(3,575)		Salary Related
100	22	2741			5550			(3,235)		Insurance
									(27,228)	Subtotal Org 2741
100	22	2758			5100			20,418		Permanent
100	22	2758			5500			3,575		Salary Related
100	22	2758			5550			3,235		Insurance
									27,228	Subtotal Org 2758
								-	-	TOTAL EXPENSE

				REPT	REV	CURR	REV			
FUND	AGCY	ORG	ACT	CATEG	SO.	AMT	AMT	CHANGE	TOTAL	DESCRIPTION
								-	-	TOTAL REVENUE

DEPARTMENT OF COMMUNITY JUSTICE SERVICES
PERSONNEL DETAIL FOR FY99 BUD MOD NO. DCJ99_30

Page 3

5. ANNUALIZED PERSONNEL CHANGES

FUND	AGCY	ORG	FTE	JCN	POSITION TITLE	BASE PAY	SAL REL	INSUR	TOTAL
100	22	2741	(1.00)	6272	Juv Counselor	(35,204)	(6,163)	(5,577)	(46,944)
100	22	2758	1.00	6285	Juv Counseling Asst	35,204	6,163	5,577	46,944
100	22	2758	(1.00)	9021	Pgm Dev Spec	(43,785)	(7,666)	(5,836)	(57,287)
100	22	2758	1.00	9006	Admin Analyst	43,785	7,666	5,836	57,287
			-		TOTAL ANNUAL	-	-	-	-

6. CURRENT YEAR PERSONNEL DOLLAR CHANGES

FUND	AGCY	ORG	FTE	JCN	POSITION TITLE	BASE PAY	SAL REL	INSUR	TOTAL
100	22	2741	(0.58)	6272	Juv Counselor	(20,418)	(3,575)	(3,235)	(27,228)
100	22	2758	0.58	6285	Juv Counseling Asst	20,418	3,575	3,235	27,228
100	22	2758	(1.00)	9021	Pgm Dev Spec	(43,785)	(7,666)	(5,836)	(57,287)
100	22	2758	1.00	9006	Admin Analyst	43,785	7,666	5,836	57,287
									-
									-
									-
									-
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									-
									-
									-
									-
									-
			-		TOTAL	-	-	-	-

FY99 Revised Budget Counseling/Court Services Budget FTE Placement, Selected Orgs

Bud Mod Actions, Informal Bud Mod 29 & Formal Bud Mod 30.

Page 3a

From																	
Fund	Org	FTE	JCN	Employee Name	Base	Prem	Fringe	Ins	Total	Action	FTE	JCN	Base	Prem	Fringe	Ins	Total
100	2741	1.00	6002	Sims	29,418		5,151	3,338	37,907								-
										Cut .58 FTE JCC; use \$s in Org 2758 to restore .58 FTE JCA deleted in error in BM #10.	(0.58)	6272	(20,418)		(3,575)	(3,235)	(27,228)
		1.00	6272	Vacant	35,204		6,163	5,577	46,944	Transfer to 2745	(1.00)	6272	(35,204)		(6,163)	(5,577)	(46,944)
		1.00	6272	Vacant	35,204		6,163	5,577	46,944	Transfer to 2745	(1.00)	6272	(35,204)		(6,163)	(5,577)	(46,944)
		1.00	9701	Morris	72,142		12,399	6,448	90,989								-
100	2741	5.00		Counseling Mgm	207,172		36,039	26,517	269,728	BM30, JCC cut; BM 29, transfers.	(2.58)		(90,826)		(15,901)	(14,389)	(121,116)
100	2742	1.00	6272	Bartemus	45,213		7,916	3,831	56,960								-
		1.00	6272	James	36,770		6,438	4,749	47,957								-
		1.00	9772	Lingelbach	57,259		10,025	7,856	75,140	Transfer to 2756	(1.00)	9772	(57,259)		(10,025)	(7,856)	(75,140)
100	2742	3.00		Turnaround Sch	139,242		24,379	16,436	180,057	BM29, transfer.	(1.00)		(57,259)		(10,025)	(7,856)	(75,140)
100	2744	1.00	6002	Richardson	30,907		5,411	5,655	41,973								-
		1.00	6272	De La Torre	41,960		7,346	7,783	57,089								-
		1.00	6272	Hilliker	34,949		6,119	5,776	46,844								-
		1.00	6272	Hulsman	44,466		7,786	7,857	60,109								-
		1.00	6272	Johnson	43,262		7,573	3,605	54,440								-
		1.00	6272	Mc Tavish	43,346		7,589	7,699	58,634								-
		1.00	6272	Mead	36,248		6,346	2,346	44,940								-
		1.00	6272	Myers	46,729		8,182	6,133	61,044								-
		1.00	6272	Niehaus	44,635		7,814	5,772	58,221								-
		1.00	6272	Vetter	36,738		6,433	5,519	48,690	Transfer to 2752	(1.00)	6272	(36,738)		(6,433)	(5,519)	(48,690)
		1.00	6272	Warren	45,285	3,081	8,468	3,762	60,596	Transfer to 2749	(1.00)	6272	(45,285)	(3,081)	(8,468)	(3,762)	(60,596)
		1.00	9772	Block	57,259		10,025	6,567	73,851								-
100	2744	12.00		Adjudication	505,784	3,081	89,092	68,474	666,431	BM 29, transfers.	(2.00)		(82,023)	(3,081)	(14,901)	(9,281)	(109,286)
100	2745	1.00	6002	Davison	31,168		5,456	7,456	44,080								-
		1.00	6002	Parker	30,683		5,371	7,413	43,467								-
		1.00	6272	Carlson	46,729		8,182	5,820	60,731	Transfer to 2753	(1.00)	6272	(46,729)		(8,182)	(5,820)	(60,731)
		1.00	6272	DeShazer	46,729		8,182	7,802	62,713								-
		1.00	6272	Fry	43,087		7,543	7,816	58,446								-
		1.00	6272	Healy	45,644		7,992	3,678	57,314								-
		1.00	6272	Kite	43,346		7,589	3,609	54,544								-
		1.00	6272	Moore	37,918		6,639	7,632	52,189								-
		1.00	6285	Vacant	31,257		5,472	5,456	42,185								-
		1.00	9772	Friedman	59,354		10,392	6,631	76,377								-
										Transfer from 2741	1.00	6272	35,204		6,163	5,577	46,944
										Transfer from 2741	1.00	6272	35,204		6,163	5,577	46,944
100	2745	10.00		Early Intervent'n	415,915	-	72,818	63,313	552,046	BM 29, transfers.	1.00		23,679	-	4,144	5,334	33,157

FY99 Revised Budget Counseling/Court Services Budget FTE Placement, Selected Orgs

Bud Mod Actions, Formal Bud Mod 30 & Informal Bud Mod 29.

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From		FTE	JCN	Employee Name	Base	Prem	Fringe	Ins	Total	Action	FTE	JCN	Base	Prem	Fringe	Ins	Total
100	2749	1.00	6002	Pfaender	31,638		5,539	5,362	42,539								-
		1.00	6273	Sheehan	37,212		6,515	3,589	47,316								-
		1.00	6285	Aguilar	35,204		6,163	7,578	48,945								-
		1.00	6285	Gallippi	32,804		5,744	3,455	42,003								-
		1.00	6285	Lamb	33,897		5,935	3,488	43,320								-
		1.00	6285	Upshaw	35,204		6,163	7,578	48,945								-
		1.00	6285	White	33,849		5,927	7,412	47,188								-
		1.00	9772	Nettles	51,394		8,997	5,805	66,196								-
									-	Transfer from 2744	1.00	6272	45,285	3,081	8,468	3,762	60,596
100	2749	8.00		Diversion	291,202	-	50,983	44,267	386,452	BM 29, transfer.	1.00		45,285	3,081	8,468	3,762	60,596
100	2752	0.63	6272	Johnson	27,541		4,821	3,609	35,971								-
		1.00	6272	Ninh	35,400		6,198	7,460	49,058								-
		1.00	6272	Winchester	46,729		8,182	5,820	60,731								-
		1.00	6285	Montgomery	33,540		5,871	7,403	46,814								-
		1.00	9772	Miller	57,259		10,025	7,953	75,237								-
									-	Transfer from 2744	1.00	6272	36,738		6,433	5,519	48,690
100	2752	4.63		NE Office	200,469	-	35,097	32,245	267,811	BM 29, transfer.	1.00		36,738	-	6,433	5,519	48,690
100	2753	1.00	6272	Bishop	45,019		7,882	7,751	60,652	Transfer to 2756	(1.00)	6272	(45,019)		(7,882)	(7,751)	(60,652)
		1.00	6272	Dang	41,403		7,249	7,767	56,419								-
		1.00	6272	Foresee	43,929		7,691	3,776	55,396								-
		1.00	6272	Harding	46,729		8,182	6,133	61,044								-
		1.00	6272	Knaap	43,346		7,589	7,727	58,662								-
		1.00	6272	Owens	40,645		7,116	3,528	51,289								-
		1.00	6272	Squier	39,609		6,935	6,512	53,056								-
		1.00	6272	Swoverland	45,178		7,909	3,665	56,752								-
		1.00	6272	Van Wechel	36,787		6,440	7,598	50,825								-
		1.00	6285	Gould	31,832		5,574	5,667	43,073	Transfer to 2756	(1.00)	6285	(31,832)		(5,574)	(5,667)	(43,073)
		1.00	9772	Fogarty	59,354		10,392	6,046	75,792								-
									-	Transfer from 2745	1.00	6272	46,729		8,182	5,820	60,731
100	2753	11.00		SE Office	473,831	-	82,959	66,170	622,960	BM 29, transfers.	(1.00)		(30,122)	-	(5,274)	(7,598)	(42,994)

FY99 Revised Budget Counseling/Court Services Budget FTE Placement, Selected Orgs

Bud Mod Actions, Formal Bud Mod 30 & Informal Bud Mod 29.

Page 3c

From																	
Fund	Org	FTE	JCN	Employee Name	Base	Prem	Fringe	Ins	Total	Action	FTE	JCN	Base	Prem	Fringe	Ins	Total
100	2756	1.00	6002	Rogers	31,884		5,582	3,427	40,893								-
		1.00	6272	Ashford	45,178		7,909	7,852	60,939								-
		1.00	6272	Garland	40,645		7,116	5,651	53,412								-
		1.00	6272	Lynch	33,596		5,881	3,331	42,808								-
		1.00	6272	Maney	34,911		6,112	5,761	46,784								-
		1.00	6272	Riley	33,561		5,876	4,651	44,088								-
		1.00	6272	Ruberg	41,894		7,334	3,565	52,793								-
		1.00	6285	Poindexter	31,832		5,574	3,261	40,667								-
										Transfer from 2742	1.00	9772	57,259		10,025	7,856	75,140
										Transfer from 2753	1.00	6272	45,019		7,882	7,751	60,652
										Transfer from 2753	1.00	6285	31,832		5,574	5,667	43,073
100	2756	8.00		Skill Developm't	293,501	-	51,384	37,499	382,384	BM 29, transfers.	3.00		134,110		23,481	21,274	178,865
100	2758	0.50	6001	Vacant	11,327		1,983	2,623	15,933								-
		1.00	6021	Vacant	43,785		7,666	5,836	57,287	Add Adm Analyst	1.00	9006	43,785		7,666	5,836	57,287
		1.00	6285	Gibson Cairns	30,951		5,419	5,448	41,818	Delete PDS (reclass to Admin Analyst).	(1.00)	9021	(43,785)		(7,666)	(5,836)	(57,287)
		1.00	6285	Salu	35,204		6,163	1,641	43,008								-
		1.00	6285	Vacant	31,257		5,472	5,456	42,185								-
FY99 Revise		1.00	6285	Vacant	31,257		5,472	5,456	42,185								-
		1.00	6285	Vacant	31,257		5,472	5,456	42,185								-
		1.00	6285	Vacant	31,257		5,472	5,456	42,185								-
		1.00	6285	Vacant	31,257		5,472	5,456	42,185								-
		1.00	9794	Brown	54,260		9,500	6,271	70,031								-
										Add from Org 2741 .58							-
										FTE JCC cut	0.58	6272	20,418		3,575	3,235	27,228
100	2758	9.50		SAI	331,812	-	58,091	49,099	439,002	BM 30, add & recl.	0.58		20,418	-	3,575	3,235	27,228

FY99 Revised Budget Counseling/Court Services Budget FTE Placement, Selected Orgs

Bud Mod Actions, Formal Bud Mod 30 & Informal Bud Mod 29.

Page 3d

From																	
Fund	Org	FTE	JCN	Employee Name	Base	Prem	Fringe	Ins	Total	Action	FTE	JCN	Base	Prem	Fringe	Ins	Total
156	2745	1.00	6272	Braman	45,178	4,524	8,702	5,910	64,314								-
		1.00	6285	Cavanaugh-Trued	35,204	1,056	6,348	7,610	50,218	Transfer to 2758	(1.00)	6285	(35,204)	(1,056)	(6,348)	(7,610)	(50,218)
156	2745	2.00		Early Intervent'n	80,382	5,580	15,050	13,520	114,532	BM 29, Transfer	(1.00)		(35,204)	(1,056)	(6,348)	(7,610)	(50,218)
									-								-
156	2752	1.00	6002	Gust	31,235	937	5,633	3,420	41,225								-
		1.00	6272	Braker	41,960	1,259	7,567	7,820	58,606								-
		1.00	6272	Desmond	46,729	4,675	8,999	4,019	64,422								-
		1.00	6272	Fritz	46,729	1,402	8,426	7,844	64,401								-
		0.37	6272	Johnson	16,175		2,832	2,120	21,127								-
		1.00	6272	Selbiger	46,412	1,393	8,369	6,166	62,340								-
		1.00	6272	Taylor	46,729	1,340	8,416	7,967	64,452								-
		1.00	6272	Willhite	46,530	1,402	8,392	3,748	60,072	Transfer to 2754	(1.00)	6272	(46,530)	(1,402)	(8,392)	(3,748)	(60,072)
156	2752	7.37		NE Office	322,499	12,408	58,634	43,104	436,645	BM 29, transfers.	(1.00)		(46,530)	(1,402)	(8,392)	(3,748)	(60,072)
									-								-
156	2754								-	Transfer from 2752	1.00	6272	46,530	1,402	8,392	3,748	60,072
156	2754			N.Office					-	BM 29, transfer.	1.00		46,530	1,402	8,392	3,748	60,072
									-								-
156	2758								-	Transfer from 2745	1.00	6285	35,204	1,056	6,348	7,610	50,218
156	2758			SAI					-	BM 29, transfer.	1.00		35,204	1,056	6,348	7,610	50,218
									-								-
Total BM 29 Fund 100										-			-	-	-	-	-
Total BM 29 Fund 156										-			-	-	-	-	-
Total BM 30 Fund 100										-			-	-	-	-	-



MULTNOMAH COUNTY OREGON

DEPARTMENT OF JUVENILE AND ADULT COMMUNITY JUSTICE
JUVENILE COMMUNITY JUSTICE
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460
TDD 248-3561

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DAN SALTZMAN • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Meganne Steele *MS*
Department of Community Justice

DATE: April 6, 1999

RE: REQUEST FOR FY99 DCJ #30 BUDGET MODIFICATION APPROVAL

- I. **RECOMMENDATION/ACTION REQUESTED:** Approve budget modification DCJ #30 to reclassify a .58 FTE Juvenile Counselor to a .58 FTE Juvenile Counseling Assistant and a 1.0 FTE Program Development Specialist to a 1.0 FTE Administrative Analyst
- II. **BACKGROUND/ANALYSIS:** This budget modification reclassifies two positions in the Counseling/Court Services Division. The reclassified positions reflect the work assignments needed by the Division in the School Attendance Initiative Program and correct a reclass action mistakenly done in error in a former budget modification, BM#10.
- III. **FINANCIAL IMPACT:** N/A
- IV. **LEGAL ISSUES:** N/A
- V. **CONTROVERSIAL ISSUES:** N/A
- VI. **LINK TO CURRENT COUNTY POLICIES:** N/A
- VII. **CITIZEN PARTICIPATION:** N/A
- VIII. **OTHER GOVERNMENT PARTICIPATION:** N/A

[For Clerk's Use] Meeting Date

MAY 06 1999

Agenda #

C-9

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

DEPARTMENT: Community Justice
CONTACT: Meganne Steele

DIVISION: Counseling Services
TELEPHONE: 248-3961

*NAME[S] OF PERSON MAKING PRESENTATION TO BOARD: Bill Morris/Steve Walker

SUGGESTED AGENDA TITLE [To assist in preparing a description for the printed agenda]

The Department of Community Justice Budget Modification # DCJ 31 Adds \$12,000 City Revenue To The Juvenile Services Payback Program

ESTIMATED TIME NEEDED ON THE AGENDA: N/A

2. DESCRIPTION OF MODIFICATION [Explain the changes this Bud Mod makes. What budget does it increase? What do the changes accomplish? Where does the money come from? What budget is increased or reduced? Attach additional information if you need more space].
Personnel changes are shown in detail on the attached. No

This budget modification adds \$12,000 additional City of Portland revenue to the Payback program. The total consists of \$11,917 Pass Thru Payment for student crew restitution payments and \$83 Indirect Cost. General fund Contingency is increased by the Indirect Cost support dollars.

3. REVENUE IMPACT [Explain revenues being changed and the reason for the change]

- Increases Rev Code 2767 by \$12,000.
- Increases general fund Contingency by \$83 Indirect Cost support.

4. CONTINGENCY STATUS [to be completed by Finance/Budget]

Contingency before this modification [as of _____ \$ _____]
[Specify Fund] [Date]

After this modification \$ _____

James H. Eglund 4/16/99 [Signature] 4/19/99
[Originated By] [Date] [Department Manager] [Date]

[Signature] 4/26/99 _____
[Finance/Budget] [Date] [Employee Relations] [Date]

Wendy H. Boast 5/6/99
[Board Approval] [Date]

BOARD OF
COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
99 APR 26 AM 11:55

Page 2

[illegible]

				REPT	REV	CURR	REV			
FUND	AGCY	ORG	ACT	CATEG	SO.	AMT	AMT	CHANGE	TOTAL	DESCRIPTION
156	22	2762			2767			12,000	12,000	City of Port Project Payback
100	75	7410			6602			83	83	Indirect Cost
								12,083	12,083	TOTAL REVENUE



MULTNOMAH COUNTY OREGON

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GARY HANSEN • DISTRICT 2 COMMISSIONER
TANYA COLLIER • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

MEMORANDUM

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Meganne Steele *[Signature]*
Department of Community Justice

DATE: April 6, 1999

RE: REQUEST FOR FY99 DCJ #31 BUDGET MODIFICATION APPROVAL

- I. **RECOMMENDATION/ACTION REQUESTED:** Approve budget modification DCJ #31 for the Multnomah County Department of Community Justice to add an additional \$12,000 City of Portland revenue to the juvenile services Payback restitution program.
- II. **BACKGROUND/ANALYSIS:** Each year the City of Portland provides revenue to the Department of Community Justice to fund maintenance of selected City properties by the juvenile services Payback program's youth crews. The City has added additional sites and, therefore, is increasing the revenue from \$48,000 to \$60,000 to cover stipends paid to the youth for their work efforts.
- III. **FINANCIAL IMPACT:** This incoming revenue covers its Indirect Cost charge. For FY00, the Department anticipates a further \$10,000 increase, bringing the City revenue total for the Payback program to \$70,000.
- IV. **LEGAL ISSUES:** N/A
- V. **CONTROVERSIAL ISSUES:** N/A
- VI. **LINK TO CURRENT COUNTY POLICIES:** N/A
- VII. **CITIZEN PARTICIPATION:** N/A
- VIII. **OTHER GOVERNMENT PARTICIPATION:** N/A

Meeting Date: MAY 06 1999
Agenda No: C-10
Est. Start Time: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Report to the Board the Hearings Officer's decision on CU 8-98 & SEC 37-98.

BOARD BRIEFING Date Requested:
 Amt. of Time Needed:
 Requested By:

REGULAR MEETING Date Requested: May 6, 1999
 Amt. of Time Needed: 5 minutes

DEPARTMENT: DES **DIVISION:** Land Use Planning
CONTACT: Chuck Beasley **TELEPHONE:** 248-3043
 BLDG/ROOM: 455 / 116

PERSON(S) MAKING PRESENTATION: Stuart Farmer

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

Report to the Board the Hearings Officer's decision regarding an **Approval** of CU 8-98 & SEC 37-98 with conditions to establish a new single family residence in the Commercial Forest Use zoning district with Significant Environmental Concerns.

SIGNATURES REQUIRED

Elected Official: _____

or
Department Manager: KB Lantz Uicklow

BOARD OF
COUNTY COMMISSIONERS
99 APR 19 AM 9:23
MULTNOMAH COUNTY
OREGON



BOARD HEARING OF May 6, 1999

TIME 9:30am

CASE NAME: Steve and Hazel DeBogart

NUMBER: CU 8-98, SEC 37-98

1. Applicant Name/Address

Steve De Bogart
8874 SE Mayberry Lane
Boring, OR 97009

2. Action Requested by Applicant

New single family dwelling in the Commercial Forest
Use district, Significant Environmental Concern Permit.

3. Planning Staff Recommendation

Denial.

4. Hearings Officer Decision

Approval with conditions.

5. If recommendation and decision are different, why?

Staff position was that the parcel did not meet the Lot of Record requirements of the CFU code. The subject parcel was created in 1967 by recordation of a deed which divided an approximately four acre parcel into one parcel with over 3 acres, and one with an area of .9 acres. At the time of the land division, the minimum parcel size for the zone was 2 acres. The parcel for which the dwelling application was made is the larger parcel, however, staff feels that the land division should have resulted in both parcels meeting the minimum parcel size for the zone.

The hearings officer, after researching applicable case law, found that the subject parcel was lawfully created because Multnomah County did not regulate the process of partitioning of land at the time the lots were created. All that was required was recordation of a deed. The lot satisfied the minimum parcel size when it was created, and therefore met the Lot of Record provisions of the code.

ISSUES

(who raised them?)

6. The following issues were raised:

The lawful creation issue by staff.

Action Requested of Board



Affirm Hearings Officer Dec.



Hearing/Rehearing

Scope of Review



On the record



De Novo

New information allowed

7. **Do any of these issues have policy implications? Explain:** This decision will likely be controlling law in this area. The question which is unanswered is whether the .9 acre parcel is also a "lawfully created" lot under this decision.

**BEFORE THE HEARINGS OFFICER
 FOR MULTNOMAH COUNTY, OREGON
 FINAL ORDER**

This Decision consists of Conditions, Findings of Fact and Conclusions.

April 8, 1999

Case File: Conditional Use CU-8-98
 Significant Environmental Concern SEC 37-98

The applicant requests Conditional Use approval to allow a new single family dwelling in the Commercial Forest Use zone. The request also includes Significant Environmental Concern review for areas within the Sandy River Corridor.

Location: 36014 SE Lusted Road

Property Description: Tax Lot 66 of Section 22, T1S, R4E

Zoning Designation: CFU, Commercial Forest Use
 SEC, Significant Environmental Concern

**Applicant/
 Owner:** Steven T. and Hazel DeBogart
 8874 SE Mayberry Lane
 Boring, OR 97202

**Applicant's
 Representative:** Frank Walker & Associates
 37708 Kings Highway
 Philomath, OR 97370

**Applicant's
 Attorney:** Jeannette M. Launer
 1521 N. Jantzen, Suite 574
 Portland, OR 97217

PROCEDURAL ISSUES

1 - Impartiality of the Hearings Officer

- A. No ex parte contacts. I did not have any ex parte contacts prior to the hearing of this matter. I did not make a site visit.
- B. No conflicting personal or financial or family interest. I have no financial interest in the outcome of this proceeding. I have no family or financial relationship with any of the parties.

2 - Jurisdictional Issues

At the commencement of the hearing I asked the participants to indicate if they had any objections to jurisdiction. The participants did not allege any jurisdictional or procedural violations regarding the conduct of the hearing.

3 - Application Time Line

The applicant original began the application process in 1998. An application was submitted on September 17, 1998. On October 16, 1998, the County notified the applicant's representative that the application was incomplete. On February 11, 1999 the applicant submitted additional application materials with a new general application form. Accordingly, I find that the application was complete as of February 11, 1999. As of April 8, 1999, 56 days on the 150-day clock have passed.

BURDEN OF PROOF

In this proceeding, the burden of proof is upon the Owner/Applicant.

FACTS

1 - Applicant's Proposal

This application is a request for a new dwelling in the Commercial Forest Use district. In addition, the application requires a Significant Environmental Concern permit, and that is part of the applicant's proposal. The applicant proposes to establish a template dwelling on a 3.24 acre parcel located in the CFU zone. The property is currently vacant and is located on Lusted Road. The property is partially located within the Significant

Environmental Concern area, and therefore a separate application addressing the SEC criteria was submitted concurrently with the application for conditional use approval.

2 - Site and Vicinity Information

The physical attributes of the site are described under each of the following major topical headings:

Soils - According to the Soil Survey for Multnomah County Area, Oregon, four soil mapping units are located on the subject property (see Figure 2). Only the Mershon silt loam (27B) has a timber productivity rating; however, its rating of 135 is relatively low for the area. The proposed dwelling will be located in the area mapped with soils designated as the Mershon silt loam,

Topography - The topography of the site ranges from highly steep to depressional. The proposed dwelling will be located near the east side of the property where the 340' contour interval crosses the site from southeast to northwest (see Figure 3. Topography). The relative relief on the property is 220' despite the small size of the parcel. The steep portion of the property occupies the western one-fourth of the site. No improvements of any type are planned west of the 360' contour interval. The location of the proposed dwelling on a flat valley floor is safer than a hillside location since fire burns uphill.

Geologic Hazard - According to the Geologic and Slope Hazard maps for unincorporated Multnomah County, the subject property does not lie within such an area.

Flood Plain - The subject property is not located within a flood plain according to FEMA maps for the Sandy River Basin.

Wetlands - The applicant met with the Multnomah County Planning staff to determine if wetlands were located on the subject property. No wetlands are located on the property according to the maps at the Multnomah County Planning office.

Sewage Disposal - The subject property has been approved for a standard serial distribution system according to LFS 66-97a. The date of approval was June 30, 1997 (see service letter).

Water Availability - The subject property already has a domestic water meter from the Lusted Water District, the service letter does state that no further hookups will be allowed. This meter pre-exists modern zoning laws.

Fire Protection - The service letter from the Gresham Fire District states that the fire department will use water tankers for fire fighting purposes since there are no water hydrants in the area. The dwelling will be highly visible from Lusted Road.

Police Service - The service letter from the Multnomah County Sheriff's Office indicates that they can provide service to the subject property.

3 - Testimony and Evidence Presented

- A. The exhibits listed in Exhibit "A", which is attached hereto and incorporated by this reference herein, were reviewed by the Hearings Officer and received in reference to this application. At the hearing, three additional exhibits were received. Those consisted of the Affidavit of Posting, which is marked Exhibit H-1, and written testimony by applicant's attorney, Jeannette M. Launer, which is marked Exhibit H-2. In addition, at the hearing, copies were made of portions of the Multnomah County Zoning Map, as it existed in 1967. That map was labelled Exhibit H-3.
- B. At the March 17, 1999 hearing, Chuck Beasley testified for the County, summarized the history of the application and his staff report and played a video tape which depicted the property.
- C. At the hearing, Hazel DeBogart appeared personally and was represented by Frank Walker, applicant's representative, and by Jeannette Launer, applicant's attorney, who presented testimony in support of the application.
- D. There was no testimony presented in opposition to the application from any party who received notice of the pending application.

STANDARDS CRITERIA ANALYSIS AND FINDINGS OF FACT

1. Criteria for Approval of a Dwelling in the CFU Zone:

MCC 11.15.2045 Definitions: As used in MCC .2042 through .2075, unless otherwise noted, the following words and their derivations shall have the following meanings:

* * *

(F) Date of Creation and Existence - When a lot, parcel or tract is reconfigured pursuant to applicable law after November 4, 1993, the effect of which is to qualify a lot of record pursuant to MCC .2062 or tract for the siting of a dwelling, the date of the reconfiguration is the date of creation or existence. Reconfigured means any change in the boundary of the lot of record or tract.

* * *

(G) Tract - One or more contiguous Lots of Record, pursuant to MCC .2062, in the same ownership. A tract shall not be considered to consist of less than the required acreage because it is crossed by a public road or waterway. Lots that are contiguous with a common boundary of only a single point are not a tract. **Criteria for Approval of a Temporary Hardship Dwelling in the EFU Zone:**

MCC 11.15.2052 (A): A template dwelling may be sited on a *tract*, subject to the following:

MCC 11.15.2052 (A)(1): The lot or lots in the *tract* shall meet the lot of record standards of MCC .2062(A) and (B) and have been lawfully created prior to January 25, 1990;

Applicant: This provision requires two findings: That the lot in the tract is a lot of record, and that the lot has been lawfully created prior to January 25, 1990. For purposes of this application, the "tract" consists of only one lot: the subject parcel.

As discussed in the Lot of Record Standards on page 15 and 16, the lot meets the lot of record standards of MCC 11.15.2062(A) and (B). In the pre-application conference, planning staff suggested that the parcel was not lawfully created because the conveyance of the parcel in 1967 resulted in a remainder parcel (Tax Lot 22) which was smaller than the minimum two-acre lot size for an F2 zone. The applicant disagrees. In the case of McKay Creek Valley Association v. Washington County, 24 Or LUBA 187 (1992), affirmed at 118 Or App 543 (1993), LUBA and the Court of Appeals agreed that under a local standard requiring that a lot or parcel be shown to have been "legally created," the applicant must establish that at the time the lot or parcel is created, any local government approval required at that time was given. LUBA stated that the local standard requiring a legally created lot did not require a complete reexamination of compliance with every approval standard that may have been applied at the time the lot or parcel was created. In McKay, recording a deed of conveyance was sufficient to create a parcel. No additional government approval was needed, and therefore the parcel was lawfully created.

In 1967, Multnomah County did not regulate the partition of property. There is no evidence that the 1967 deed is legally insufficient as a conveyance document. Therefore, this parcel was lawfully created since the conveying party in 1967 had no legal obligation to take any action other than the delivery of the deed to the buyer.

It is not relevant to the "legal creation" of this parcel that the remainder parcel was less than the required minimum lot size. There is a distinction between the "lawful creation" of a lot and the ability of a lot owner to develop the lot separately if the lot does not meet minimum acreage requirements. The owners of Tax Lot 22 may have difficulty in making additional improvements on their property. However, Tax Lot 22 is not the subject of this review.

A deed is enclosed in the record that shows the subject property was created in a recordable form prior to January 25, 1990.

Staff: Staff understands that the essence of the McKay case cited above is if the question of whether a lot or parcel was legally created must be answered in considering this application. This approval criterion clearly requires a finding of lawful creation.

The deed cited above (Exhibit A2, bk 544 pg 500) indicates that Tax Lots '22' and '66' (the subject parcel) were created in 1967. At that time, the property was zoned F2, and was subject to a minimum parcel size of 2 acres (see Exhibit C2 and C3). This deed partitioned a legal lot which was 4.15 acres in size into two lots, one of which was only .91 acres in size. Recordation of the deed changed the existing legal lot in a way that resulted a lot that did not meet the zone standard.

Hearings Officer Analysis: I concur with staff that MCC 11.15.2052(A)(1) requires that the lot or lots in the tract have been lawfully created. However, I cannot concur with staff's determination that the lot subject to this application fails to meet that standard.

On January 18, 1967 the Morlans and Shepherds conveyed to Albert and Mildred Nash, a portion of the property the grantors owned. The portion of the property so conveyed consisted of a 3.2 acre parcel that is the subject of this application. At the time of the conveyance, the property was zoned "F-2", in accordance with the County's zoning ordinance in effect in 1967. The lot in question exceeded the two acre minimum in the F-2 zone.

County staff was concerned that because the remainder parcel of .91 acres was also created, the "partition" could not have resulted in a "lawful creation" of a lot.

The applicant's attorney has cited several cases dealing directly with the issue of how to determine whether a parcel is lawfully created. In determining lawful creation, we must go beyond looking at simply the legality of the purchaser's property interest, but the legality of the lot or parcel itself for purposes of land use planning. Yamhill County v. Ludwick, 294 Or 778 (1983). In determining whether the lot was lawfully created for purposes of land use planning, we must inquire as to whether the lot or parcel obtained all necessary State and local government approvals required at the time the lot or parcel was created.

In McKay Creek Valley Association v. Washington County, 24 Or LUBA 187 (1992), aff'd 118 Or App 543 (1993), the LUBA opinion which was affirmed by the Court of Appeals, indicated that the appropriate inquiry is to ask whether at the time the lot or parcel was created, any or all required local government approvals were obtained. Id., at 193. Such a local standard does not require a complete re-examina-

tion of compliance with every approval standard that may have applied at the time the lot or parcel was created.

The undisputed evidence from both the County and the applicant was that at the time of the 1967 deed, the County had no approval criteria for a partition or requirements for County review. The County simply did not regulate partitions at that time. Similarly, the provisions in the F-2 zone that two acres was the minimum parcel size, did not make that lot size a condition for a partition or require a partition approval. There was in essence no restrictions in the County Code which would prohibit the division of a parcel into two lots.

The cases cited above also contain the standard that the division of the parcel, in order to be considered lawfully created, must also comply with applicable state law at the time of the division. It is not surprising that the County did not have regulations relating to partitions, given the language in ORS Chapter 92, in 1967.

A number of amendments to the State subdivision law were adopted in 1973. Prior to that time, ORS 92.010, as constituted in 1967, did not have any definitions for "Partition", "Minor partition", "Major partition", or "Partition land". Those definitions were added in 1973. The term "Subdivide land" was defined as "partition a parcel of land into four or more parcels of less than five acres each for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the partitioning." The term "Subdivision" was defined as "either an act of subdividing land or a tract of land subdivided as defined in this section." Thus, a partition of a parcel of land into two lots did not come under the definition of "subdivide land" or "subdivision" as the State statutes were constituted in 1967.

ORS 92.044 now requires a County governing body to adopt standards and procedures for the approval of certain subdivisions and partitions. Prior to 1973, the subdivision statutes simply provided that a County may adopt standards and procedures in addition to those provided in State law.

In 1967, the emphasis in State law was on regulating subdivisions, not partitions. It was, in fact, common practice to divide a unit of land into two parcels by deed. The 1967 deed in the instant case is indicative of the common practices at that time. The 1967 deed predates the adoption of Senate Bill 100 in 1973, which established statewide land use planning. There were, in fact, significant changes made to the subdivision partition laws in 1973, the same year that the State adopted Senate Bill 100.

In the instant case, I concur with the applicant's position that a parcel was lawfully created if it met all of the approval standards for a partition under State and local law at the time that it was created. In 1967, the County did not require a property owner to submit an application for a partition. Accordingly, the creation of

the lot was lawfully created under the County standards as they existed in 1967. Under State law in 1967, a parcel could be created by deed.

Accordingly, I find that the 3.24 acre subject parcel was lawfully created in 1967.

MCC 11.15.2052 (A)(2): The tract shall be of sufficient size to accommodate siting the dwelling in accordance with MCC.2074 with minimum yards of 60 feet to the centerline of an adjacent public or private road serving two or more properties and 130 feet to all other property lines. Exceptions to this standard shall be pursuant to MCC .2075 as applicable;

Applicant: An exception to the setbacks standard will be required since the property averages less than 330' in width where the proposed dwelling is located. This proposal does meet the minimum 60' setback standard to a public road.

Staff: The property is 120' wide in the area of the dwelling according to the applicant's plot plan Figure 4 of Exhibit A1. The exceptions standards of MCC .2075 are discussed in that section.

Hearings Officer Analysis: I concur with staff.

MCC 11.15.2052 (A)(3): The *tract* shall meet the following standards:

- (c) The *tract* shall be composed primarily of soils which are capable of producing above 85 cf/ac/yr of Douglas Fir timber; and

Applicant: All of the soils are capable of producing above the 85cf/ac/yr of Douglas Fir timber according to the soil survey.

Hearings Officer Analysis: I concur.

- (i) The lot upon which the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160-acre square when centered on the center of the subject *tract* parallel and perpendicular to section lines; and

Applicant: According to assessment data provided by the Multnomah County Assessor's Office, at least 24 lawfully created lots exist partially or wholly within the template (see Appendix 2 of this report for map of template dwelling). These parcels lawfully existed on the above-referenced date.

Hearings Officer Analysis: Staff confirms 18 lawfully created parcels by use of the 1977 zoning map, including Exhibit C-3. Accordingly, I find that the lot upon which

the dwelling is proposed to be sited and at least all or part of 11 other lawfully created lots existed on January 1, 1993 within a 160 acre square.

- (ii) **At least five dwellings lawfully existed on January 1, 1993 within the 160 acre square.**

Applicant: At least 12 dwellings lawfully existed on January 1, 1993, according to Multnomah County Assessor's records (please refer to Template Map in appendix of report). This criterion is met.

Hearings Officer Analysis: At least six dwellings lawfully existed within the template area. Accordingly, I find that this criteria has been met.

- (d) **Lots and dwellings within urban growth boundaries shall not be counted to satisfy (a) through (c) above.**

Applicant: No urban growth boundaries are located within the template for the subject property according to county zoning data.

Staff: Agrees with the applicant's assessment of the relationship of the subject Tax Lot to UGB.

Hearings Officer Analysis: I concur.

MCC 11.15.2052 (A)(3)(e): There is no other dwelling on the *tract*;

Hearings Officer Analysis: For the reasons stated above, I find that the parcel was lawfully created and therefore meets the definition of tract. There is no other dwelling on the tract.

MCC 11.15.2052 (A)(3)(f): No other dwellings are allowed on other lots (or parcels) that make up the *tract*;

Hearings Officer Analysis: There is a single lot making up this tract, and there is no dwelling on that parcel.

MCC 11.15.2052 (A)(3)(g): Except as provided for a replacement dwelling, all lots (or parcels) that are part of the *tract* shall be precluded from all future rights to site a dwelling; and

Hearings Officer Analysis: No other dwellings will be allowed.

MCC 11.15.2052 (A)(3)(h): No lot (or parcel) that is part of the *tract* may be used to qualify another *tract* for the siting of a dwelling;

Applicant: This situation does not apply to the subject property.

Hearings Officer Analysis: I concur with applicant.

MCC 11.15.2052 (A)(4): The dwelling will be located outside a big game winter habitat area as defined by the Oregon Department of Fish and Wildlife, or that agency has certified that the impacts of the additional dwelling, considered with approvals of other dwellings in the area since acknowledgment of the Comprehensive plan in 1980, will be acceptable.

Applicant: The subject property is located outside of an Oregon Department of Fish and Wildlife big game winter habitat area. A letter from the State Game Biologist is included in the appendix of this report outlining that agencies concerns.

Staff: The referenced letter is dated July 15, 1996 (see Exhibit A3).

Hearings Officer Analysis: The applicant has met this criteria.

MCC 11.15.2052 (A)(5): Proof of a long-term road access use permit or agreement shall be provided if road access to the dwelling is by a road owned and maintained by a private party or by the Oregon Department of forestry, the Bureau of Land Management or the United States Forest Service. The road use permit may require the applicant to agree to accept responsibility for road maintenance.

Applicant: The road to the subject property is a county-dedicated road (Lusted Road). A new access permit will be requested.

Staff: Agrees.

Hearings Officer Analysis: I concur.

MCC 11.15.2052 (A)(6): A condition of approval requires the owner of the *tract* to plant a sufficient number of trees on the *tract* to demonstrate that the *tract* is reasonably expected to meet Department of Forestry stocking requirements at the time specified in Department of Forestry administrative rules, provided however, that:

- (a) The planning department shall notify the county assessor of the above condition at the time the dwelling is approved.
- (b) The property owner shall submit a stocking survey report to the county assessor and the assessor shall verify that the minimum stocking requirements have been met by the time required by Department of Forestry Rules. The assessor shall inform the Department of Forestry

in cases where the property owner has not submitted a stocking survey report or where the survey report indicates that minimum stocking requirements have not been met.

- (c) Upon notification by the assessor the Department of Forestry shall determine whether the *tract* meets minimum stocking requirements of the Forest Practices Act. If the department determines that the *tract* does not meet those requirements, the department shall notify the owner and the assessor that the land is not being managed as forest land. The assessor shall then remove the forest land designation pursuant to ORS 321.359 and impose the additional tax pursuant to ORS 321.372;

Applicant: The property owner has a plan to restock some scattered pockets of cleared areas on the property with forest trees. The principal area for planting will occur west of the proposed dwelling site and the slough located at the base of the Sandy River Bluff.

The restocking will be consistent with stocking levels published in the Oregon Administrative Rules under Reforestation and Stocking Standards (OAR 629-610-020).

Staff: No stocking survey report has been submitted with the application, however the ordinance allows implementation of this requirement with a condition of approval.

Hearings Officer Analysis: A condition of approval will be imposed requiring that the applicant comply in accordance with this criteria.

MCC 11.15.2052 (A)(7): The dwelling meets the applicable development standards of MCC.2074;

Applicant: The specific development criteria will be addressed under MCC .2074.

Staff: See analysis under the appropriate section below.

Hearings Officer Analysis: This criteria will be addressed in a subsequent section.

MCC 11.15.2052 (A)(8): A statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the rights of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules, and to conduct accepted farming practices;

Applicant: The property owners respectfully request that this be made a condition of approval rather than a condition of submittal.

Hearings Officer Analysis: A condition will be imposed requiring the applicant to complete and record with the Division of Records the above-described acknowledgment.

MCC 11.15.2052 (A)(9): Evidence is provided, prior to the issuance of a building permit, that the covenants, conditions and restrictions form adopted as "Exhibit A" to the Oregon Administrative Rules (OAR), Chapter 660, Division 6 (December, 1995), or a similar form approved by the Planning Director, has been recorded with the county Division of Records;

- (i) All lots (or parcels) that are part of the tract shall be precluded from all future rights to site a dwelling; and
- (ii) No lot (or parcel) that is part of the tract may be used to qualify another tract for the siting of a dwelling;

Applicant: The subject property is not part of a tract but is a lawfully created lot that pre-dates existing modern zoning. Neither of the above criteria apply to this situation.

Hearings Officer Analysis: There are no other lots to which this requirement would be applicable.

- (b) The covenants, conditions and restrictions are irrevocable, unless a statement of release is signed by an authorized representative of Multnomah County. That release may be given if the tract is no longer subject to protection under Statewide Planning Goals for forest or agricultural lands;
- (c) Enforcement of the covenants, conditions and restrictions shall be as specified in OAR 660-06-027 (December, 1995).

Applicant: The property owners acknowledge that the covenants and conditions and restrictions would preclude any further dwellings from being constructed on the parcel. They also recognize that the covenant could be revoked if the resource zoning designation were ever removed.

Staff: Under the cited Oregon Administrative Rules (OAR), this provision is applicable only to situations where an applicant is seeking approval of a large tract dwelling using either contiguous or non-contiguous parcels as provided in OAR 660-006-0027(1)(e) (June, 1998).

Hearings Officer Analysis: I concur with staff on this issue.

MCC 11.15.2058 Dimensional Requirements

MCC 11.15.2058(A) Except as provided in MCC .2060, .2061, .2062, and .2064, the minimum lot size shall be 80 acres.

Applicant: The subject property is a lawfully created pre-existing lot of record. This lot existed in its current state as early as 1967, which predates modern zoning (see deed for subject property in application packet). This proposal is evaluated according to the

standards contained in Chapter 11.15.2062 of the Multnomah County Code, and the subject parcel is a lot of record pursuant those standards.

Staff: The subject property is less than 80 acres. The applicable standards are the Lot of Record provisions of MCC .2062.

Hearings Officer Analysis: The lot in question is less than 80 acres. Accordingly, the lot will be reviewed in a subsequent section to determine compliance with the lot of record provisions of MCC .2062.

MCC 11.15.2058(C) Minimum Forest Practices Setback Dimensions From Tract Boundary - Feet:

Road Frontage	Other Front	Side	Rear
60 from centerline of road from which access is gained	130	130	130

Maximum Structure Height - 35 feet

Minimum Front Lot Line Length - 50 feet.

Forest practices setback dimensions shall not be applied to the extent they would have the effect of prohibiting a use permitted outright. Exceptions to forest practices setback dimensions shall be pursuant to MCC 11.15.2075, as applicable, but in no case shall they be reduced below the minimum primary fire safety zone required by MCC 11.15.2074(A)(5)(c)(ii).

Applicant: This proposal conforms with all of the above standards.

Staff: The site plan in the applicant's Figure 4 shows the dwelling location 90' from the center line of Lusted Rd., and side yard setbacks of 30' to the north, and 50' to the south property lines. The distance to the rear property line is over 700'. Exceptions to the yard setbacks are subject to MCC .2075.

Hearings Officer Analysis: I concur with staff's evaluation of this criteria.

MCC 11.15.2058(E) The minimum forest practices setback requirement shall be increased where the yard abuts a street having insufficient right-of-way width to serve the area. The Planning Commission shall determine the necessary right-of-

way widths and additional yard requirements not otherwise established by ordinance.

Applicant: This criterion is not applicable since the yard abutting Lusted Road is more than that prescribed by code.

Staff: The property abuts Lusted Road, which has a 60' wide right-of-way. This is the standard width for a Rural Collector, which is the Lusted Rd. classification.

Hearings Officer Analysis: It is unnecessary in the instant case to increase the minimum forest practices setback requirement.

MCC 11.15.2058(F) Structures such as barns, silos, windmills, antennae, chimneys, or similar structures may exceed the height requirements.

Applicant: None of the above-referenced appurtenant structures or outbuildings apply to this property.

Hearings Officer Analysis: No buildings other than the dwelling are proposed.

MCC 11.15.2062 Lot of Record

MCC 11.15.2062(A) For the purposes of this district, a Lot of Record is:

* * *

(2) A parcel of land:

(a) For which a deed or other instrument creating the parcel was recorded with the Department of General Services, or was in recordable form prior to February 20, 1990;

Applicant: A deed that was recorded prior to February 20, 1990, is entered into evidence in this report as Appendix 1, The property as it exists now is recorded in a 1967 deed.

Hearings Officer Analysis: The deed creating the parcel was recorded prior to February 20, 1990.

(b) Which satisfied all applicable laws when the parcel was created;

Applicant: The exact date that the parcel was created has not been established. However, a recorded 1967 deed (Appendix 1) shows the parcel in its current configuration, containing 3.24 acres. Based on a review of the original zoning and parcel map of the area, the parcel was zoned F2 between 1961 and 1975. The F2 zone required a minimum two-acre parcel size. Therefore, the parcel complied with applicable laws when the parcel was created. The applicant knows of no other laws which would have applied to the creation of this parcel. The various zones that have applied to the property pre-dating modern zoning did reveal that the parcel complied with applicable laws.

Hearings Officer Analysis: As discussed earlier, in response to criteria .2052 (A)(1), the subject parcel at the time of the recording of the 1967 deed, met all Multnomah County approval criteria for a partition. Multnomah County in fact did not regulate partitions at that time. The parcel in question at the time of its apparent creation in 1967, also complied with the parcel size provisions of the F2 zone.

(c) Does not meet the minimum lot size requirements of MCC .2058; and

Applicant: The subject property is 3.24 acres, and the minimum lot size is 80 acres in the CFU zone, The property does comply with this criterion because it was created specifically to deal with sub-minimum lot size parcels.

Hearings Officer Analysis: The parcel does not meet the current minimum lot size requirements of MCC .2058.

(d) Which is not contiguous to another substandard parcel or parcels under the same ownership, or

Applicant: None of the parcels contiguous to the subject property are under the same ownership according to Multnomah County Assessor's records.

Staff: As stated under MCC .2052(A)(1) on pages 5 and 6 of this report, the referenced deed created two parcels, the subject parcel and an adjacent parcel which did not meet the minimum lot size at the time. A copy of the ordinance then in effect, including the lot size standard for each district, is included as Exhibit C2. The description of the zoning districts states that the area regulations are "uniform", which means always the same; without fluctuation or variation.

Hearings Officer Analysis: The parcel in question is not contiguous to another substandard parcel or parcels under the same ownership.

Staff was concerned that provisions of the F-2 zone, as that zone was constituted in 1967, provided that the area of regulations are uniform, which to staff meant always the same, without fluctuation or variation. However, the code at that time did not contain a partition requirement, nor was there any requirement that in order to be valid, a partition must comply with the County lot size standards. However, the subject parcel did in fact meet the minimum lot size described in the F-2 zone.

MCC 11.15.2062(B) For the purposes of this subsection:

- (1) *Contiguous* refers to parcels of land which have any common boundary, excepting a single point, and shall include, but not be limited to, parcels separated only by an alley, street or other right-of-way;**

- (2) ***Substandard Parcel*** refers to a parcel which does not satisfy the minimum lot size requirements of MCC .2058; and
- (3) ***Same Ownership*** refers to parcels in which greater than possessory interests are held by the same person or persons, spouse, minor age child, single partnership or business entity, separately or in tenancy in common.

MCC 11.15.2074 - Development Standards for Dwellings and Structures: Except as provided for the alteration, replacement or restoration of dwellings under MCC .2048 (E) and .2049 (B), all dwellings and structures located in the CFU district after January 7, 1993, shall comply with the following:

MCC 11.15.2074(A) The dwelling or structure shall be located such that:

MCC 11.15.2074(A)(1) It has the least impact on nearby or adjoining forest or agricultural lands and satisfies the minimum yard and setback requirements of .2058 (C) through (G);

Applicant: The proposed dwelling is located in a manner that it has the least amount of impact on nearby lands dedicated to resource uses. The dwelling is clustered near the road frontage with an existing habitable and uninhabitable dwelling. The nearest sensitive farming areas are across Lusted Road approximately 190' away, and the nearest forested area is actually located on the subject property approximately 350' away. The physical segregation of the dwelling compound from active resource use areas should assure that the dwelling has the least impact. Other houses in the area are as close or closer to very active farming areas. The placing of this dwelling on the parcel in no way sets a precedent for increasing impact to resource uses.

Staff: The subject property is in an area where some small scale forest management occurs on the slope between Lusted Road and the higher farm areas east of Gresham. However, there are no lands managed for commercial forest use adjacent to the subject property. Small-scale nursery farming uses exist across Lusted Road and further north of the property. The proposed development area is not adjacent to any areas managed for farm use.

Hearings Officer Analysis: I find that the applicant has met this criteria.

MCC 11.15.2074(A)(2) Adverse impacts on forest operations and accepted farming practices on the *tract* will be minimized;

Applicant: The subject property is not a tract, but this criterion will be addressed nevertheless. The subject property contains no agricultural activity, and the forest activities are found only west of the slough that lies at the base of the Sandy River Bluff. The forested area, as indicated in the Plot Plan (Figure 4), occupies all areas that are not under buildings, driveways, drainfields, and replacement drainfield areas.

The dwelling is totally isolated from the forested area of the parcel which is 400' away to the west. It is difficult to envision how the dwelling compound will have any adverse impact on this portion of the ownership. None of the improvements proposed will have any impact at all on this section of the property. The lack of accessibility to the forest area is directly related to the wetness and width of the slough. The forested area is not accessible by even a foot path.

Hearings Officer Analysis: I find that the adverse impacts on forest operations and accepted farming practices on the tract will be minimized.

MCC 11.15.2074(A)(3) The amount of land used to site the dwelling or other structures, access roads, and service corridor is minimized.

Applicant: The amount of forest land used to site the dwelling or other structure, access road, and service corridor is minimized;

The amount of forest land used to site the dwelling and access was zero. The area up to the slough is almost totally devoid of any commercial tree species. The area proposed for the dwelling and driveway require no tree removal at all. The land has capability for commercial forestry and will be planted to required stocking levels, but the amount of land utilized for the dwelling and other improvements is minimal.

The proposed dwelling will be located as far forward on the lot as possible to maximize the amount of forested land that can be planted to the west. The area in front of the dwelling represents the combined total of the front yard setback and the 30' primary fire safety zone. The 60' setback on the southeast corner of the proposed dwelling represents a commitment on the part of the property owner to maximize the amount of land for forest production. The setback on the northeast corner will be greater than 60' because of the angle of Lusted Road.

A 30' fire safety zone will also be located west of the proposed dwelling, and another area that has been approved for the septic drainfield and replacement drainfield must be totally free of planted timber. The only areas on the property that will not be fully stocked with commercial timber are the homesite, the accessory structure site, and the drainfield and replacement drainfield areas. Timber production can even be conducted within the 30' primary fire safety zone. Please refer to Figure 4, Plot Plan, for location of structures and timber production areas.

Staff: The dwelling is shown with a 60' setback from Lusted Road, which is within 30' of the minimum setback required under MCC .2058(C).

Hearings Officer Analysis: The applicant has met this criteria.

MCC 11.15.2074(A)(4) Any access road or service corridor in excess of 500 feet in length is demonstrated by the applicant to be necessary due to physical limitations unique to the property and is the minimum length required; and

Applicant: The access road to the subject property will be far less than 500' (see Plot Plan).

Staff: Agrees.

Hearings Officer Analysis: I find that the road is less than 500 feet.

MCC 11.15.2074(A)(5) The risks associated with wildfire are minimized. Provisions for reducing such risk shall include:

- (a) The proposed dwelling will be located on a *tract* within a rural fire protection district, or the dwelling shall be provided with residential fire protection by contract;

Applicant: The property is located within the Gresham Fire District, and a Service Letter has been signed by the district stating they will provide service to the site.

Hearings Officer Analysis: The applicant has submitted the requisite service letter.

- (b) Access for a pumping fire truck to within 15 feet of any perennial water source on the lot. The access shall meet driveway standards of MCC .2074 (D) with permanent signs posted along the access route to indicate the location of the emergency water source;

Applicant: No perennial water source is located on the property.

Hearings Officer Analysis: I find this criteria is not applicable.

- (c) Maintenance of a primary and a secondary fire safety zone on the subject *tract*.

- (i) A primary safety zone is a fire break extending a minimum of 30 feet in all directions around a dwelling or structure ...
- (ii) On lands with 10 percent or greater slope the primary fire safety zone shall be extended down the slope from a dwelling or structure as follows:

Percent Slope	Distance in Feet
Less than 10	Not Required
Less than 20	50

Less than 30
Less than 40

75
100

- (iii) A secondary fire safety zone is a fire break extending a minimum of 100 feet in all directions around the primary safety zone... . The secondary fire safety zone required for any dwelling or structure may be reduced under the provisions of MCC 11.15.2058(D) and .2075.
- (iv) No requirement in (i), (ii) , or (iii) above may restrict or contradict a forest management plan approved by the state of Oregon Department of Forestry pursuant to the state Forest Practices Rules; and
- (v) Maintenance of a primary and a secondary fire safety zone is required only to the extent possible within the area of an approved yard (setback to property line).

Applicant: The primary fire safety zone is a fire break extending 30' in all directions (please refer to Figure 4, Plot Plan). No existing low woody vegetation or trees are located in this area.

The slope of the land is almost perfectly level, so the primary fire zone will not have to be extended. This proposal conforms to the maintenance of the primary fire safety zones.

Staff: The proposed dwelling location does not meet the secondary fire safety zone standards for the side (north and south) yards due the limited 120' width of the property. The application is subject to the provisions of MCC .2075 as required under .2074(A)(5)(c)(iii) above. The secondary fire break can be met on the west (rear) side of the proposed dwelling.

Hearings Officer Analysis: A condition of approval will be imposed requiring the applicant to maintain primary, and to the extent possible on his own property, secondary fire safety zones around the new structure, in accordance with the requirements of this section.

(d) The building site must have a slope less than 40 percent.

Hearings Officer Analysis: I find that the building site slope is less than 40 percent.

MCC 11.15.2074 (B) The dwelling shall:

MCC 11.15.2074 (B)(1) Comply with the standards of the Uniform Building Code or as prescribed in ORS 446.002 through 446.200 relating to mobile homes;

Applicant: The property owners are planning to construct a stick-built home, as shown in the appendix of this report. This may not be the exact home plan but is similar in nature to the home that will likely be constructed. The proposed dwelling will comply with the Uniform Building Standards since Multnomah County does require building permits.

Hearings Officer Analysis: The applicant will be required to comply with the Building Code.

MCC 11.15.2074 (B)(2) Be attached to a foundation for which a building permit has been obtained; and

Applicant: The proposed dwelling will be a stick-built home, and consequently a foundation will be required.

Hearings Officer Analysis: A foundation will be required.

MCC 11.15.2074(B)(4) Have a fire retardant roof.

Applicant: The Uniform Building Code now requires fire retardant roofs and specifically prohibits cedar shake roofing material.

Hearings Officer Analysis: A fire retardant roof will be required.

MCC 11.15.2074(B)(5) Have a spark arrester on each chimney.

Applicant: One chimney is indicated in the proposed farm house design. This chimney will be equipped with a spark arrester pursuant to the Uniform Building Code.

Staff: The dwelling has not been issued a Building Permit, therefore compliance with the applicable portions of this section, (2), (4), and (5) has not been demonstrated (the applicant proposes a dwelling approximately 2,200 in size-see findings under .6420(L) of this report). Compliance with these standards can be ensured by a condition of approval to be satisfied prior to zoning approval of the Building Permit.

Hearings Officer Analysis: A condition will be so imposed.

MCC 11.15.2074 (C) The applicant shall provide evidence that the domestic water supply is from a source authorized in accordance with the Department of Water Resources Oregon Administrative Rules for the appropriation of groundwater (OAR 690, Division 10) or surface water (OAR 690, Division 20) and not from a class II stream as defined in the Forest Practices Rules. If the water supply is unavailable from a public source, or sources located entirely on the property, the applicant shall provide evidence that a legal easement has been

obtained permitting domestic water lines to cross the properties of affected owners.

Applicant: The subject property has a water meter hookup with the Lusted Water District. A Service Letter from the District is included with the application form. The property has a water meter that was issued prior to the enactment of modern zoning.

Staff: Agrees.

Hearings Officer Analysis: The applicant has met this condition.

MCC 11.15.2074(D) A private road (including all easements) accessing two or more dwellings, or a driveway accessing a single dwelling, shall be designed, built, and maintained to:

MCC 11.15.2074(D)(1) Support a minimum gross vehicle weight (GVW) of 52,000 lbs. Written verification of compliance with the 52,000 lb. GVW standard from an Oregon Professional Engineer shall be provided for all bridges or culverts;

Applicant: The proposed driveway will have a base composed of 3" minus rock and an overlayment of 1 1/2" minus rock. The property owners are submitting an application for an approach permit to the subject property, and it is not known whether or not a culvert will be required. Any culvert that is placed at the driveway entrance will be designed to sustain 52,000 lbs., or 26 tons, of gross vehicle weight. The Gresham Fire District has 9 engines and two aerial snorkels for fire suppression. The 52,000 capacity is not exceeded by any of the engines when loaded.

MCC 11.15.2074(D)(2) Provide an all-weather surface of at least 20 feet in width for a private road and 12 feet in width for a driveway;

Applicant: The proposed plot plan (Figure 4) shows the location and size of the proposed driveway. The all-weather surface will be gravel.

MCC 11.15.2074(D)(3) Provide minimum curve radii of 48 feet or greater;

Applicant: The proposed driveway apron will conform with the specifications issued by the Multnomah County Transportation Department through the approach permit. The 481 turning radius standard will be followed.

MCC 11.15.2074(D)(4) Provide an unobstructed vertical clearance of at least 13 feet 6 inches;

Applicant: The proposed driveway corridor is totally devoid of any overhanging vegetation or structures and can easily conform with this criterion.

MCC 11.15.2074(D)(5) Provide grades not exceeding 8 percent, with a maximum of 12 percent on short segments, except as provided below;

- (a) Rural Fire Protection District No. 14 requires approval from the Fire Chief for grades exceeding 6 percent;
- (b) The maximum grade may be exceeded upon written approval from the fire protection service provider having responsibility;

Applicant: According to the topographic map provided in Figure 3, the slopes for the driveway alignment are 0 to 3%. A site visit to the subject property confirmed that the proposed driveway grade is very nearly level. It should be pointed out that the subject property does not lie within Multnomah County Rural Fire Protection District.

The proposed driveway easily conforms with the maximum grade requirements.

MCC 11.15.2074(D)(6) Provide a turnaround with a radius of 48 feet or greater at the end of any access exceeding 150 feet in length;

Applicant: The proposed driveway as shown in Figure 4, Plot Plan, is 60' long; and therefore no turnaround would be required.

MCC 11.15.2074(D)(7) Provide for the safe and convenient passage of vehicles by the placement of:

- (a) Additional turnarounds at a maximum spacing of 500 feet along a private road; or
- (b) Turnouts measuring 20 feet by 40 feet along a driveway in excess of 200 feet in length at a maximum spacing of $\frac{1}{2}$ the driveway length or 400 feet whichever is less.

Applicant: The proposed driveway is only 60' in length, and therefore the provisions of (a) and (b) above are not applicable. Fire apparatus can literally park along the road and have enough hose available to suppress fire at the proposed dwelling.

Staff: Agrees with the information provided by the applicant in response to the seven standards in this section. However, the plans for the road have not been reviewed and approved as meeting these standards.

Hearings Officer Analysis: A condition of approval will be imposed to require compliance with this section.

MCC 11.15.2075 Exceptions to Secondary Fire Safety Zones and Forest Practices Setbacks

MCC 11.15.2075 (A) The secondary fire safety zone and forest practices tract setbacks for dwellings and structures may be reduced pursuant to the provisions of .2075(B) when:

- (1) The tract on which the dwelling or structure is proposed has an average lot width or depth of 330 feet or less, or
- (2) The dwelling or structure is proposed to be located within 130 feet of the centerline of a public or private road serving two or more properties; or
- (3) The proposed dwelling or structure is proposed to be clustered with a legally existing dwelling or structure.

Staff: The average lot width is 120'. The proposed dwelling is shown on the Plot Plan in Figure 4 as 90' from the centerline of Lusted Rd.

Hearings Officer Analysis: The average lot width of 120 feet qualifies this parcel for a reduced secondary fire safety zone setback.

MCC 11.15.2075 (B) Exceptions to secondary fire safety zones and forest practices setbacks shall only be granted upon satisfaction of the following standards:

- * * *
- (2) If the proposed secondary fire safety zone is less than fifty feet, the dwelling or structure shall be constructed in accordance with the International Fire Code Institute Urban-Wildland Interface Code Section 504 Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, and
 - (3) There shall be no combustible fences within 12 feet of the exterior surface of the dwelling or structure; and
- * * *
- (5) A dwelling shall have a central station monitored 13D sprinkler system if the secondary fire safety zone equivalents of MCC .2075(B)(2) are utilized. Exception: Expansions of existing single family dwellings as allowed by MCC .2048(D) shall not be required to meet this standard, but shall satisfy the standard of MCC .2074(B)(4) above.
 - (6) All accessory structures within the fire safety zone setbacks required by MCC .2074, and all accessory structures within 50 feet of a dwelling, shall have a central monitored alarm system.
 - (7) All accessory structures within 50 feet of a building containing shall:
 - (a) Have a central monitored alarm system;
 - (b) Have exterior walls constructed with materials approved for a minimum of one-hour-rated fire-resistive construction, heavy timber, log wall construction or constructed with noncombustible materials on the exterior side.
 - (8) When a detached accessory structure is proposed to be located so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all underfloor areas enclosed to within 6 inches of the ground, with exterior wall construction in accordance with Section 504.5 of the International Fire Code Institute Urban-Wildland Interface Code Class 1 Ignition Resistant Construction as adopted August, 1996, or as later amended, or underfloor protection in accordance with Section 504.6 of that same publication.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior one-hour-rated fire-resistive construction or heavy-timber construction.

Staff: The setbacks to the north and south property lines of 30' and 50' as shown on Figure 4 allow for less than 50' of secondary fire safety zone. The applicable provisions of this section are (2), (3), and (5). The provisions of (6), (7) and (8) are not applicable because no accessory structures are proposed. The information available on the proposed dwelling shape, and size is that shown in the perspective drawing of the "Stately Farmhouse" in Exhibit A3.

Hearings Officer Analysis: A condition of approval will be imposed relating to how the exception standards are to be met.

TEMPLATE DWELLING CONCLUSIONS:

1. I find that the subject tax lot does meet the provisions of MCC .2052 (A)(1). In order to qualify as a "legally created" lot, the lot at the time of creation must have received any necessary State or local approvals. In 1967, at the apparent time of creation of the subject lot, State law did not mandate County review of partitions and Multnomah County had no approval criteria relating to partitions or any requirement that a party partitioning a parcel into two lots submit an application. Similarly, the County had no requirements or prohibitions that made it unlawful to partition a lot without County approval or create a remainder parcel that did not meet the minimum zoning ordinance standards. Whether the remainder parcel is a "lawfully created" lot, was not a question before me in this proceeding and I make no ruling on that issue. I do find that the subject lot was lawfully created and meets the lot of record standards of MCC .2062(A)(2).

2. The parcel can meet the adequate size provision of MCC .2052 through compliance with the exceptions to forest setbacks as provided in MCC .2075. The parcel is not wide enough to meet the listed standards for forest practices setbacks in MCC .2074, which requires 130' side yards. A condition of approval will be imposed in order to insure compliance with the exception standards.

3. The parcel exceeds the Template Dwelling requirements in MCC .2052(A)(3) for the number of houses and dwellings within the template area based on the evidence submitted by the applicant and the Assessor's mapping as of September of 1977. Compliance with the Department of Forestry stocking requirements is required in MCC .2052(A)(6), and this code provision could be satisfied by a condition of approval that the property owner submit a stocking survey report which demonstrates that the property will meet forestry stocking requirements, and by notification of the Assessor by the planning department as provided for in MCC .2052 (A)(6)(a). The deed restriction to acknowledge the rights of nearby property owners to conduct farm and forest management in MCC .2052(A)(8), could also be met by a

condition of approval that the restriction is recorded prior to issue of a building permit, and such conditions will be imposed.

4. The dimensional/yard provisions of .2058 are met with the structure as proposed except for the side yard setbacks. As noted under conclusion 2. above, a condition that requires compliance to be demonstrated on the building plans could ensure compliance with this standard.

5. All of the development standards of section .2074 are met with the information presented by the applicant, or could be met through imposition of conditions. Except for MCC .2074(A)(5), the dwelling locational standards of .2074(A) are met by the dwelling location near Lusted Road. This minimizes access corridor length and the distance between the dwelling and the small-scale resource lands in the area. A condition of approval requiring MCC .2075 compliance will be imposed.

6. Compliance with the provisions of .2074(B) cannot be determined at this time because the dwelling has not been designed. However, the required features can easily be incorporated into the final building design, and could therefore be met for purposes of this application through imposition of a condition of approval. In addition, the water supply elements of .2074(C) are met by the existing connection of the property to the Lusted Water District.

7. The road/driveway standards of .2074(D) have not been met because the road has not been designed or constructed. Based on the information provided by the applicant, a conclusion that a road which meets the standards of this section can be constructed as proposed. A condition of approval which requires the road design and construction to meet these standards could be imposed because the applicant has demonstrated that they can be met.

2. Criteria for approval of SEC Permit:

MCC 11.15.6404 Uses-SEC Permit Required

Applicant: This permit is being submitted concurrently with a Forest Template Dwelling Permit. According to the Multnomah County Comprehensive Plan and Zoning Ordinance, a portion of the subject property is located in a Stream Conservation Area. The significant Environmental Concern Permit is designed to protect, conserve, enhance, restore, and maintain significant natural and man-made features which are of public value, including among other things river corridors. Since the subject property is located in the Sandy River Stream Conservation Area, the SEC Permit requirements are outlined in Section 11.15.6428 (B). Each criterion will be evaluated in the next section.

Staff: The subject Tax Lot is bisected by the SEC overlay zone boundary as shown on the zoning map in Exhibit C. This SEC boundary depicts the Scenic Waterway boundary for the Sandy River, and development within this area requires approval of

the Oregon Parks and Recreation Department, in addition to demonstration of compliance with the general criteria in MCC .6420.

MCC 11.15.6404(A) All uses permitted under the provisions of the underlying district are permitted on lands designated SEC; provided, however, that the location and design of any use or change or alteration of a use, except as provided in MCC. 6406, shall be subject to an SEC permit.

Staff: The applicant has applied for the SEC permit concurrently with the Conditional Use request as required in .6408(B). Approval of the CU request qualifies the dwelling as a permitted use.

MCC 11.15.6408 Application for SEC Permit

An application for an SEC permit for a use or for the change or alteration of an existing use on land designated SEC, shall address the applicable criteria for approval, under MCC .6420 through .6428, and shall be filed as follows:

MCC 11.15.6408(C) An application for an SEC permit shall include the following:

- (1) A written description of the proposed development and how it complies with the applicable approval criteria of MCC .6420 through .6428.
- (2) A map of the property showing:

Staff: The applicant has submitted a written narrative as required in (1) above (Exhibit A3). The maps submitted by the applicant generally contain the information required in (2) above.

Hearings Officer Analysis: I concur with staff's comments.

MCC 11.15.6420: Criteria for Approval of SEC Permit (General Provisions):

The SEC designation shall apply to those significant natural resources, natural areas, wilderness areas, cultural areas, and wild and scenic waterways that are designated SEC on the Multnomah County sectional maps. Any proposed activity or use requiring an SEC permit shall be subject to the following:

MCC 11.15.6420(A): The maximum possible landscaped area, scenic and aesthetic enhancement, open space or vegetation shall be provided between any use and a river, stream, lake, or floodwater storage area.

Applicant: The subject property does not lie adjacent to the Sandy River but is located along the west side of Lusted Road. The proposed dwelling will be situated in a cleared field approximately 60' from the road right-of-way. The 30' primary fire safety zone requires that no low-growing fire fuel be present, and the property owners

will maintain a normal type of lawn in front of the house up to the road. This lawn may include plantings of decorative trees and shrubs.

The area west of the house (but at least 30' away in order to meet primary fire safety zone standards) will be replanted to meet stocking levels for forest trees; however, a cleared area including the drain field will be located directly to the west of the proposed dwelling. Most of the property will be left in its present natural state, which is predominantly open meadow, a small seasonal slough, and a timbered hillside. The aesthetics of the property will definitely be enhanced with the addition of an attractive home and accompanying landscaped surroundings.

Staff: The relationship between the proposed dwelling and the intermittent stream is shown in Figure 4.

Hearings Officer Analysis: The applicant has met this criteria.

MCC 11.15.6420 (B): Agricultural land and forest land shall be preserved and maintained for farm and forest use.

Applicant: This proposal strongly conforms with this criterion because the owners are going to restock areas of the property that have been neglected for forest use. Under the Oregon Administrative Rules, they are required to have 200 live tree stems survive a two-year period. None of the property is currently utilized for agricultural activities, and under the management program the cleared land will be converted to timber production. Areas that are currently forested will remain so. The owners will have additional incentive to maintain forest use because of their forest use tax deferral.

Staff: Agrees.

Hearings Officer Analysis: The application, as submitted, demonstrates compliance with this criteria.

MCC 11.15.6420 (C): A building, structure, or use shall be located on a lot in a manner which will balance functional considerations and costs with the need to preserve and protect areas of environmental significance.

Applicant: The proposed location of the structure has taken into account many considerations, including but not limited to accessibility for emergency vehicle access, drainage, soils, proximity to other dwellings, setbacks, on-site sewage disposal, water availability, driveway costs, passive solar potential, visibility from the road, and overall development cost. It should also be noted that the proposed dwelling will not displace any land that is currently utilized for agriculture, forestry, or wildlife habitat. This proposal strongly conforms with this criterion.

Staff: Agrees.

Hearings Officer Analysis: The application demonstrates compliance with this criteria.

MCC 11.15.6420 (D): Recreational needs shall be satisfied by public and private means in a manner consistent with the carrying capacity of the land and with minimum conflict with areas of environmental significance.

Applicant: This particular criterion is not highly applicable to this proposal since the property is not located adjacent to the river. The recreational needs in the area will in no way be satisfied by the improvement program for the subject property. The aesthetics of the property will, however, not detract from the recreational appeal of the area.

Staff: Agrees.

Hearings Officer Analysis: The subject property is not adjacent to the river and does not impact recreational needs.

MCC 11.15.6420 (E): The protection of the public safety and of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.

Applicant: This criterion also is not highly applicable to the subject property because of its distance from the river. The protection of the public safety and of public and private property, especially from vandalism and trespass, will be enhanced if this proposal is approved because a dwelling will be present in an otherwise remote stretch of Lusted Road.

Staff: Agrees.

Hearings Officer Analysis: The application has demonstrated compliance with this criteria.

MCC 11.15.6420 (F): Significant fish and wildlife habitats shall be protected.

Applicant: The subject property is not located within a significant fish and wildlife habitat according to maps obtained from the Multnomah County Planning Department.

Staff: Agrees.

Hearings Officer Analysis: I concur.

MCC 11.15.6420 (G): The natural vegetation along rivers, lakes, wetlands and streams shall be protected and enhanced to the maximum extent practicable to

assure scenic quality and protection from erosion, and continuous riparian corridors.

Applicant: The subject property is not located along a river or lake, nor are any wetland areas identified on this property according to the Division of State Lands Inventory; however, the natural vegetation that is currently on the property will not be disturbed at all to assure scenic quality and protection from erosion. The proposed dwelling is located several hundred feet from the most heavily timbered areas on the property, and no roads or other improvements are planned in the timbered areas. The obvious wetland area immediately east of the timber will also remain totally undisturbed by any of the activities proposed on the subject property. While this wetland is not identified on the National Wetlands Inventory Map, it will nevertheless be protected from any encroachment from any of the property improvements.

Staff: Agrees.

Hearings Officer Analysis: The subject parcel is not adjacent to the river and the proposed development will not impact the natural vegetation along the river.

MCC 11.15.6420 (H): Archaeological areas shall be preserved for their historic, scientific, and cultural value and protected from vandalism or unauthorized entry.

Applicant: None of the Goal 5 values were identified for the subject property.

Staff: No archaeological areas are identified on the subject property.

Hearings Officer Analysis: The subject site does not contain any archaeological areas which must be preserved.

MCC 11.15.6420 (I): Areas of annual flooding, floodplains, water areas, and wetlands shall be retained in their natural state to the maximum possible extent to preserve water quality and protect water retention, overflow, and natural functions.

Applicant: The property has no identified flood plains or wetlands, but it will be maintained to the maximum extent possible in its current state to comply with the intent of this criterion.

Staff: The property appears to contain a wetland that is not shown on the official NWI map. The area is shown as a non-delineated wetland on Figure 4. Based on observation of standing water in the area by staff, and on the poorly drained soil type, staff is convinced that this area is wetland. No development is shown in this area.

Hearings Officer Analysis: The applicant has demonstrated compliance with this criteria.

MCC 11.15.6420 (J): Areas of erosion or potential erosion shall be protected from loss by appropriate means. Appropriate means shall be based on current Best Management Practices and may include restrictions on timing of soil disturbing activities.

Applicant: All of the improvements proposed for the subject property are on slopes of 0-3%, and all of the side hill of the bluff will remain undisturbed from any human activities. Virtually all of the property improvements will occur within 250' of the Lusted Road right-of-way, including the dwelling, drain field, and driveway.

Staff: Agrees. A Grading and Erosion Control Permit pursuant to MCC 29.300 will likely be required for the development of this property, and will include specific measures to protect water quality during and after construction. If such permits are not required, the applicant can demonstrate erosion control measures on a Grading plan to be submitted with the building permit. The Best Management Practices are those identified in the 1994 edition of the "Erosion Control Technical Guidance Handbook."

Hearings Officer Analysis: I concur.

MCC 11.15.6420 (K): The quality of the air, water, and land resources and ambient noise levels in areas classified SEC shall be preserved in the development and use of such areas.

Applicant: The quality of the air will not be impaired by the addition of a single dwelling. The quality of the water in the area will be protected through a DEQ-approved on-site sewage disposal system. The land resources will be protected by utilizing the minimum amount of space possible for the property improvements, the management of existing timbered areas and the restocking of barren areas that have timber growing potential.

According to DEQ standards, the noise levels in the area would have to increase by 10 decibels (Dba) in order for DEQ to require that mitigation measures be taken. A 10 Dba increase is usually associated with a commercial or industrial activity.

Staff: The resources that could be impacted by the project are water quality (on-site sanitation, stormwater) and soil erosion. Soil erosion/stormwater control issues will be addressed through the Grading plan. The on-site sanitation will be permitted under DEQ rules as discussed in the findings under Framework Plan Policy 37 Utilities.

Hearings Officer Analysis: The applicant has demonstrated compliance with this criteria.

MCC 11.15.6420 (L): The design, bulk, construction materials, color and lighting of buildings, structures and signs shall be compatible with the character and visual quality of areas of significant environmental concern.

Applicant: A copy of a prototype dwelling that will likely be built on this property is shown in the appendix of this report. The proposed dwelling is approximately 2,200 square feet and will be constructed of standard materials that are available in the local building market. The design and bulk of the structure are consistent with the houses in the general area and consistent with the size of the lot dimensions at that particular location on the property. The visual quality of the house appears to be very pleasing and would be compatible with the character of the area. The colors of the building exterior will likely be earth tones which are compatible with the Sandy River Greenway.

Staff: It is not clear what the applicant means by a "prototype dwelling". No exterior lighting is indicated on the site plan in Figure 4, and the range of colors is not well defined.

Hearings Officer Analysis: The applicant has not submitted final plans for a building permit. This application, as submitted, should demonstrate that this condition is met.

MCC 11.15.6420 (M): An area generally recognized as fragile or endangered plant habitat or which is valued for specific vegetative features, or which has an identified need for protection of natural vegetation, shall be retained in a natural state to the maximum extent possible.

Applicant: According to the maps provided to the property owners and their representative, no endangered plant habitats or other natural areas lie within the subject property.

Staff: No identified fragile or endangered plant habitats are on site.

Hearings Officer Analysis: There are no fragile or endangered plant habitats on the site which need to be protected.

MCC 11.15.6420 (N): The applicable Policies of the Comprehensive Plan shall be satisfied.

Staff: The County requires a finding prior to approval of a Quasi-Judicial Action that Plan Policies 13, 22, 37, 38, and 40, are met. In addition, Policy 14, Development Limitations applies as indicated in the findings under Multnomah County Comprehensive Plan Policies, of this report.

MULTNOMAH COUNTY COMPREHENSIVE PLAN POLICIES:

Policies in the Comprehensive Plan which are applicable to this Quasi-judicial Decision are addressed as follows:

Policy No. 13, Air, Water and Noise Quality: Multnomah County, ... Supports efforts to improve air and water quality and to reduce noise levels. ... Furthermore, it is the County's policy to require, prior to approval of a legislative or quasi-judicial action, a statement from the appropriate agency that all standards can be met with respect to Air Quality, Water Quality, and Noise Levels.

Applicant: This application shows compliance with the Air, Water and Noise Quality Policy Statements contained in the Multnomah County Comprehensive Framework Plan Summary.

Staff: The primary issue under this policy is water quality related to septic system construction, and site development. This policy will be satisfied when a septic system construction permit and any necessary grading and erosion control permit is obtained and the property developed in compliance with the permits.

Hearings Officer Analysis: The applicant can meet the requirements of this plan policy by complying with the conditions of the septic system construction permit and compliance with a grading and erosion control permit, if such permit is required.

Policy No. 14, Development Limitations: The County's Policy is to direct development and land form alterations away from areas with development limitations except upon a showing that design and construction techniques can mitigate any public harm or associated public cost, and mitigate any adverse effects to surrounding persons or properties. Development limitations areas are those which have any of the following characteristics:

- A. Slopes exceeding 20%;
- B. Severe soil erosion potential;
- C. Land within the 100-year flood plain;
- D. A high seasonal water table within 0-24 inches of the surface for more than 3 or more weeks of the year;
- E. A fragipan less than 30 inches from the surface; and
- F. Lands subject to slumping, earth slides or movement.

Applicant: The subject property does not contain any of the developmental limitations listed under Policy 14 and therefore shows strong compliance with the developmental limitations policy.

Staff: Disagrees with the applicant's view based on both mapping and site inspection. The westernmost part of the property contains relatively steep slopes of >25% as shown on the Slope Hazard Map. The applicant's plot plan (Figure 4) indicates slopes of approximately 40% in this area. These slopes are classified as 20C in the

Soil Survey for Multnomah County, and the characteristics include severe limitations for homesites due to steep slopes and slumping in areas of cut and fill. The soils in the central portion of the property are classified in the Soil Survey as 57 Wollent silt loam, and are characterized as poorly drained soils with the water table from 12 inches above to 12 inches below the surface from November through May. This area includes a low area at the base of the slope to the west which staff believes to be wetland. The soil on the east portion of the property is classified as 27C Mershon silt loam, which has none of the characteristics listed in Policy 14.

The applicant's site plan indicates that the proposed development area is on the eastern portion of the property corresponding to the 27C Mershon soils. Staff agrees that the development can comply with this policy by meeting the DEQ and GEC permitting requirements.

Hearings Officer Analysis: The applicant can meet the conditions of this policy by directing the development of the parcel away from that portion of the parcel containing development limitations. Compliance will be demonstrated by satisfying the DEQ and GEC permitting requirements.

Policy No. 22, Energy Conservation: The County's policy is to promote the conservation of energy and to use energy resources in a more efficient manner. ... The County shall require a finding prior to approval of a legislative or quasi-judicial action that the following factors have been considered:

- A. The development of energy-efficient land uses and practices;
- B. Increased density and intensity of development in urban areas, especially in proximity to transit corridors and employment, commercial and recreation centers;
- C. An energy-efficient transportation system linked with increased mass transit, pedestrian and bicycle facilities;
- D. Street layouts, lotting patterns and designs that utilize natural environmental and climactic conditions to advantage.
- E. Finally, the County will allow greater flexibility in the development and use of renewable energy resources.

Applicant: This proposal definitely promotes the conservation of energy and energy resources in an efficient manner by providing adequate setbacks for passive solar energy collection and by minimizing such factors as driveway length and building size.

Staff: The parcel is in a rural area. Urban energy, transportation and lotting pattern issues do not apply.

Hearings Officer Analysis: I find that Policy 22 has been considered to the extent that it is applicable to this application.

Policy No. 37, Utilities: The County's policy is to require a finding prior to approval of a legislative hearing or quasi-judicial action that:

WATER DISPOSAL SYSTEM:

- A. The proposed use can be connected to a public sewer and water system, both of which have adequate capacity; or
- B. The proposed use can be connected to a public water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system on the site; or
- C. There is an adequate private water system, and the Oregon Department of Environmental Quality (DEQ) will approve a subsurface sewage disposal system; or
- D. There is an adequate private water system, and a public sewer with adequate capacity.

DRAINAGE:

- E. There is adequate capacity in the storm water system to handle the increased run-off; or
- F. The water run-off can be handled on the site or adequate provisions can be made; and
- G. The run-off from the site will not adversely affect the water quality in adjacent streams, ponds, lakes or alter the drainage on adjacent lands.

ENERGY AND COMMUNICATIONS:

- H. There is an adequate energy supply to handle levels projected by the plan; and
- I. Communications facilities are available.

Applicant: The subject property already has an approved water source and sewage disposal system. Drainage can be accommodated through proper yard grading and on-site retention. Electric power is available to the property along the Lusted Road right-of-way.

Staff: The Disposal System element "B", and the Drainage elements of F. and G. apply to this request. The property has an approved Land Feasibility Study and an approved septic system drainfield area. The septic system itself will be constructed under a subsequent permit. Staff agrees that the property appears to be capable of meeting the on-site water run-off and protection of water quality elements of this policy. Improvements needed to meet the drainage provisions are most often considered under a Grading and Erosion Control permit.

Hearings Officer Analysis: I concur with staff's comments.

Policy No. 38, Facilities: The County's Policy is to require a finding prior to approval of a legislative or quasi-judicial action that:

- A. The appropriate School District has had an opportunity to review and comment on the proposal.
- B. There is adequate water pressure and flow for fire fighting purposes; and
- C. The appropriate fire district has had an opportunity to review and comment on the proposal.
- D. The proposal can receive adequate local police protection with the standards of the jurisdiction providing police protection.

Applicant: Service Letters in the record indicate adequate service levels for schools, fire protection, and police protection.

Staff: Agrees.

Hearings Officer Analysis: I find that the appropriate service districts have submitted the appropriate service letters.

Policy No. 40, Development Requirements: The County's policy is to encourage a connected park and recreation system and to provide for small private recreation areas by requiring a finding prior to approval of legislative or quasi-judicial action that:

- A. Pedestrian and bicycle path connections to parks, recreation areas and community facilities will be dedicated where appropriate and where designated in the bicycle corridor capital improvements program and map.
- B. Landscaped areas with benches will be provided in commercial, industrial and multiple family developments, where appropriate.
- C. Areas for bicycle parking facilities will be required in development proposals, where appropriate.

Applicant: This policy is not appropriate for this remote rural location, particularly since there are no pedestrian ways, bicycle routes, or bus stops.

Staff: The property is not subject to dedication of land for bicycle corridor improvements.

Hearings Officer Analysis: It would not be appropriate to require dedication of land for bicycle corridor improvements in relation to this application.

SIGNIFICANT ENVIRONMENTAL CONCERN CONCLUSIONS:

1. Compliance with the approval criteria of .6420(J) and Framework Plan Policy 14, relies on approval and compliance with a Grading and Erosion Control

Permit pursuant to MCC 29.300 if required. If the project meets one of the exemptions for a formal grading permit, the property owner can satisfy these standards by submittal of a Grading plan which contains erosion and stormwater control measures consistent with the Grading and Erosion Control Handbook.

2. The approval criterion of .6420(L) requires that the building features are compatible with the visual character of SEC areas. The information in the application about building details is not adequate to conclude make a specific finding of compliance. This approval will be conditioned in a way to ensure compliance.

3. The applicant has demonstrated compliance with the applicable Comprehensive Framework Plan Policies except for Policy 13 and 14 as they relate to development impacts. These policies will be satisfied by development of the septic system under DEQ permits, and by implementing Grading and Erosion Control best management practices.

HEARINGS OFFICER DECISION

Approve this application for Conditional Use Permit and Significant Environmental Concern Permit, subject to the following conditions:

CONDITIONS OF APPROVAL

1. This Conditional Use approval shall be specific to the use(s) described together with the limitation or conditions as determined herein. Any change of use from the use described in the land use application or modification of limitations or conditions shall be subject to approval by the approval authority and may require a public hearing.

2. The property owner is required to plant a sufficient number of trees on the tract to meet Department of Forestry stocking requirements.

3. Prior to zoning approval of a building permit, the applicant is to provide verification that the proposed driveway from the public road to the home has been constructed to the specified width, grade, and location and that the surface can support 52,000 lbs. GVW. [MCC 11.15.2074(D).] That verification shall be provided, in writing, from a qualified professional engineer.

4. The applicant will submit proof that the statement has been recorded with the Division of Records that the owner and the successors in interest acknowledge the right of owners of nearby property to conduct forest operations consistent with the Forest Practices Act and Rules and to conduct accepted farming practices, as provided by MCC 11.15.20529(A)(8).

5. Prior to final approval of building permit, the applicant shall obtain a septic permit from the City of Portland Sanitarian.

6. Prior to issuance of a building permit and as long as the property is under forest resource zoning, the applicant is to maintain primary and, to the extent possible, secondary fire safety zones around all new structures, in accordance with MCC 11.15.2074(A)(5).

7. The dwelling shall have a fire retardant roof and all chimneys shall be equipped with spark arresters. The dwelling shall also comply with Uniform Building Code, be attached to a foundation for which a building permit has been obtained, and have a minimum floor area of 600 square feet.

8. The applicant shall submit specific evidence of how the exception standards of .2075 are to be met for review by staff, and such review and approval will be a condition for zoning approval of the building permit.

9. The applicant will be required to apply for a Grading and Erosion Control Permit, or demonstrate that the property qualifies for an exemption therefrom. If such permit is not required, the applicant must illustrate the proposed erosion control measures on a grading plan to be submitted with the building permit. These measures must be consistent with the provisions of the Grading and Erosion Control Handbook.

10. The color of the structure shall be earthtones consistent with the Sand River Greenway. Exterior lighting shall be directed downward and hooded or shielded so that it does not shine directly on neighboring properties. The dwelling shall be similar in size, design, width and height as the stately farmhouse design which was proposed in the application.

11. Approval of this Conditional Use shall expire two years from the date of the Board Order unless "substantial construction" has taken place in accordance with MCC 11.15.7110(C) or the subject proposal is completed as approved. For the purposes of this decision, "completion" of the development under this conditional use review will involve, at a minimum, the following (summarized actions) to have taken place prior to the expiration date of the Conditional Use:

- A. Compliance with the exceptions standards of .2075 approved in the building permit.
- B. Applying for and approval of a Grading and Erosion Control permit, if necessary, or qualifying from an exemption therefrom;
- C. Forest stocking survey report submitted;
- D. Fire safety zones cleared and inspected by Planning staff;
- E. The conditions of approval relating to the fire retardant roof, chimney spark arresters, foundation, and floor area are shown on the building plans.
- F. The constructed building shall be a single family dwelling based on the following characteristics: be lawfully established under required building permits; have intact interior walls and roof structures inspected under

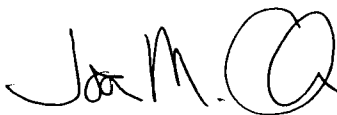
that building permit; has indoor plumbing consisting of a kitchen sink, toilet and bathing facilities connected to an approved and permitted sanitary waste disposal system; has interior wiring for interior lights inspected under an electrical permit; and has a heating system.

- G. If the dwelling is not completed, then the method of determination that "substantial construction" has taken place is an application to the Planning Director. The application must be submitted on a General Application Form with supporting documentation at least 30 days prior to the expiration date. The decision of the Planning Director will be a land use decision that may be appealed to a Hearings Officer by a party entitled to notice [MCC 11.15.7110 (C)(3)].

CONCLUSION

Considering the findings and other information provided herein, and the testimony and evidence provided at the hearing, this application for approval of a Template Dwelling Conditional Use Permit CU 8-98, and for Significant Environmental Concern Permit SEC 37-98, to allow the construction of a new single family dwelling on Commercial Forest Use zoned property, subject to the conditions contained herein, satisfies applicable Comprehensive Framework Plan policies and Multnomah County Zoning Ordinance requirements. Accordingly, the issuance of the aforementioned permits is approved subject to all conditions imposed herein.

IT IS SO ORDERED, this 8th day of April, 1999.



JOAN M. CHAMBERS, Hearings Officer

List of Exhibits for CU 8-98, SEC 37-98

"A" Applicant Submittals:

- A1 Applicant's 2/11/99 Submittal.
Includes Narrative Justification of
Approval Criteria, Service Provider
Forms, Maps, Site Plans (Figure 4),
Appendix 1 Pre-App Notes, Appendix
2 Template map and supporting deeds
and Assessor's parcel and dwelling
data.
- A2 Deeds of subject and contiguous
properties, Assessor's Tax Lot record.
- A3 SEC application, narrative, 11/5/98
letter from OPRD, Dwelling
perspective drawing, 7/15/96 letter
from ODFW, soils productivity maps

"B" Notification Information

- B1 3/4/99 Notice of Public Hearing

"C" Staff Report

- C1 CU 8-98, SEC 37-98 Staff Report,
3/10/99
- C2 F2 zone standards, Ord. 100, 1962.
- C3 A&T Maps, Current and 1977 Zoning
Maps, Slope Hazard Map.
- C4 10/16/98 Incomplete ltr.

"H" Documents Submitted at 3/17/99 Public Hearing:

- H1 _____
- H2 _____
- H3 _____

Meeting Date: MAY 06 1999
Agenda No: C-11
Est. Start Time: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: An amendment to the Intergovernmental Agreement extending the timeline to September 30, 1999 for the Multnomah County - City of Portland Compliance Project for Metro's 2040 Functional Plan Compliance work.

BOARD BRIEFING Date Requested:
 Amt. of Time Needed:
 Requested By:

REGULAR MEETING Date Requested: May 6, 1999
 Amt. of Time Needed: 5 minutes

DEPARTMENT: DES **DIVISION:** Land Use Planning
CONTACT: Susan Muir **TELEPHONE:** 248-3043
 BLDG/ROOM: 412 / 109

PERSON(S) MAKING PRESENTATION: Susan Muir

ACTION REQUESTED

☐ Informational Only ☐ Policy Direction ☒ Approval ☐ Other

SUGGESTED AGENDA TITLE

An amendment to the Intergovernmental Agreement extending the timeline to September 30, 1999 for the Multnomah County - City of Portland Compliance Project for Metro's 2040 Functional Plan Compliance work.

5/10/99 originals to Stuart Garner

SIGNATURES REQUIRED

Elected Official: _____

or

Department Manager: _____

KB Larry F. Nicholas / ms

99 APR 27 PM 6:09
MULTNOMAH COUNTY
CLERK OF COUNTY COMMISSIONERS
OREGON

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

To: Board of County Commissioners

From: Planning Staff, Susan Muir, Principal Planner

Today's Date: April 21, 1999

**Requested
Placement Date:** May 6, 1999

Subject: Amendment of IGA extending the timeline for the Multnomah County – Portland Compliance Project for Metro's 2040 Functional Plan Compliance work.

I. Recommendation / Action Requested:

Recommend approval of the extension of the timeline from the original IGA adopted February 4, 1998 to extend the agreement to September 30, 1999.

II. Background / Analysis:

The original intergovernmental agreement with the City of Portland was adopted with an end date of February 1, 1999. Because of the complexities involved in developing the plan to address the requirements of Metro's Urban Growth Management Functional Plan, the City of Portland and Multnomah County have requested an extension from Metro to complete the work. Significant issues regarding the public involvement process and compliance work will require work to continue until September 30, 1999.

III. Financial Impact

Extending the timeline of the IGA with the City of Portland will not cause a financial impact to the County.

IV. Legal Issues

No legal issues have been identified.

V. Controversial Issues

No controversial issues regarding amending the end date of the IGA have been discovered.

VI. Link to Current County Policies

The extension of the timeline has been incorporated into the Land Use Planning Division's work program.

VII. Citizen Participation

The amendment of the IGA does not require a public hearing.

VIII. Other Government Participation

The Multnomah County Land Use Planning Division is working in conjunction with the City of Portland and Metro to complete this project and will continue to do so throughout the project.

Attachments:

Amended intergovernmental signed by the City of Portland
Original IGA – 2040 Urban Growth Management Functional Plan

**INTERGOVERNMENTAL AGREEMENT
2040 URBAN GROWTH MANAGEMENT FUNCTIONAL
PLAN COMPLIANCE WORK PROGRAM AND TASKS**

This Intergovernmental Agreement (IGA) is between Multnomah County (County) and the City of Portland (City).

RECITALS:

1. ORS 190.010 authorizes the above named parties to enter into this Intergovernmental Agreement.
2. The parties desire to enter into this agreement in order to accomplish the statutory (ORS 197.195 and ORS 197.170), Administrative Rule (OAR 660-21) and Metropolitan Service District requirements (Metro Code 3.01 and Ordinance No. 96-647C) for coordination and for the orderly conversion of urbanizable land to urban uses as provided for in the Urban Planning Area Agreement.
3. This agreement implements Section II.A of the Urban Planning Area Agreement (UPAA) between the City and County which calls for the City to prepare for the County's consideration and adoption all applicable comprehensive plan and implementing ordinance work required to enable the County to comply with the Metro Urban Growth Management Functional Plan. This agreement does not transfer responsibility for implementing and administering comprehensive plan and zoning regulations from the County to the City as described in Section II.B of the UPAA. This transfer of functions will be accomplished either through a future amendment of the UPAA or through a separate agreement between the County and City.

TERMS AND CONDITIONS:

1. City Responsibilities:

A. The City agrees to complete all necessary work to document compliance with the requirements of Metro's Urban Growth Management Functional Plan (Functional Plan) for those areas within unincorporated urban (i.e., areas within the Urban Growth Boundary) Multnomah County and within the City's Urban Planning Area. Necessary work will include all tasks associated with Titles 1,2,3,7 and 8 listed in the Functional Plan. An initial draft of the compliance report and code amendments listed in sub sections (1) through (5) of this section shall be completed by June 1, 1998 and submitted to Multnomah County Planning office for review and processing. A final report and compliance recommendations shall be submitted to Multnomah County Planning office by

County's Comprehensive Plan to include boundaries for each of the 2040 design types shown on the 2040 Growth Concept Map within the City's urban unincorporated areas.

(2) Work to be completed to comply with Title 2 Requirements of the Functional Plan includes the following task:

- a. The City shall recommend Parking Standards and a Variance procedure to comply with requirements of Section 2, Title 2 of the Functional Plan.

(3) Metro must adopt Title 3 before the City can recommend a comprehensive implementation strategy to comply with the performance standards in Title 3. While it is anticipated that Title 3 may not be adopted within the term of this contract, it is recognized that the county lacks a State Goal 5 environmental protection system in some unincorporated urban areas. The city's goal 5 environmental zones and code incorporates water quality elements and will be the backbone of its compliance with Title 3's water quality performance standards. Therefore a parallel system is needed for Multnomah County.

Once Title 3 is adopted, it is likely that some follow up changes to city code will be necessary to comply with the erosion control and flood management sections as well as the water quality section. Some of the applicable regulations may be housed within the codes of other city bureaus. These changes may need to be made under a separate IGA between the city and the county.

As the first step toward compliance with Title 3, the city agrees to:

- a. Data Collection. Collect necessary background information from previous studies, including any information the County may have collected.
- b. Inventory. Prepare an inventory of Goal 5 resources for the project area. The inventory will include a narrative of site characteristics that identifies the locations, quantity, and quality of natural resources in the study area. The inventory of wildlife and natural resources will use the City of Portland's wildlife habitat assessment forms. The inventory will identify and evaluate streams and drainage's and will provide information on anadromous and other fish habitat.
- c. Conflicting Use Analysis and ESEE. Conduct the conflicting use analysis and prepare the economic, social, environmental, and energy analysis (ESEE) based on the resource inventory and existing zoning. This analysis will follow the example of other recent projects such as West Hayden Island and the

C. The City shall be responsible for preparing all extension request for Metro's staff review, if additional time is required to complete the task assigned to the City per this agreement. All extension request shall be submitted to the County's Planning office in a timely manner, i.e., allowing sufficient time for Metro to consider the request prior to deadlines established per this agreement.

D. The City shall prepare all background materials to amend the County's Comprehensive Plan and Zoning Code as required per subsection "A" of this section.

2. County Responsibilities:

A. The Planning staff will provide all necessary and available historical documents, mapping information and other information requested by the City to facilitate the City's analysis as listed under City Responsibilities, Section 1 of this contract.

B. The County's staff will review the City's recommendations and prepare recommendations for the County Planning Commission and Board of County Commissioners. This means that County staff will be responsible for preparing modifications to the City's recommendations if the County's planning staff deems changes are appropriate.

C. The County's staff will prepare all necessary notices and arrange for hearings before the County's Planning Commission and Board of Commissioners.

D. The County will be responsible for submitting all compliance materials and extension request to Metro.

E. The County staff will prepare and process ordinances before the County Planning Commission and County Board of Commissioners.

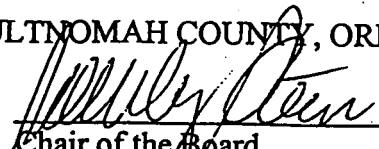
F. The County staff will be available to attend and participate in meetings and public hearings as necessary and appropriate.

3. Compensation:

The County agrees to pay the City \$116,200 for the performance of services by City under this IGA. Payment shall be made within 30 days of receipt of an invoice from the City. Billing will be on a time and materials basis according to the City's billing schedule.

9. THIS AGREEMENT contains the entire agreement between parties and supersedes any and all other agreements, written or oral, expressed or implied, pertaining to the subject matter hereof.

MULTNOMAH COUNTY, OREGON

By: 
Chair of the Board

Date: January 8, 1998

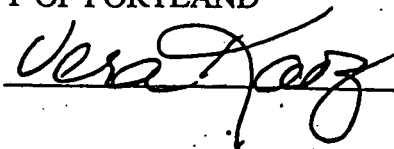
REVIEWED:

THOMAS SPONSER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By: 
Sandra N. Duffy
Chief Assistant County Counsel

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 1/8/98
DEB BOGSTAD
BOARD CLERK

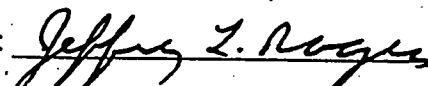
CITY OF PORTLAND

By: 

Date: January 8, 1998

Approved as to Form:

CITY ATTORNEY FOR
CITY OF PORTLAND, OREGON

By: 



CONTRACT APPROVAL FORM (See Administrative Procedure #2106)

MULTNOMAH COUNTY OREGON

Contract # 300758Amendment # 1

CLASS I	CLASS II	CLASS III
<input type="checkbox"/> Professional Services under \$25,000	<input type="checkbox"/> Professional Services over \$25,000 (RFP, Exemption) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue	<input checked="" type="checkbox"/> Intergovernmental Agreement APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-11</u> DATE <u>5/6/99</u> <u>DEB BOGSTAD</u> BOARD CLERK

Department DES Division Land Use Planning Date 4/26/99Contract Originator Kathy Busse Phone 306-5651 Bldg/Room 455/116Administrative Contact Stuart Farmer Phone 248-5276 Bldg/Room 455/116

Description of Contract IGA implementing the Urban Growth Management Functional Plan Provisions of the Multnomah County - City of Portland Urban Planning Area Agreement This amendment extends the timeline from February 1, 1999 to September 30, 1999.

RFP/BID # _____ Date of RFP/BID _____ Exemption Exp. Date _____

ORS/AR # _____ Contractor is ☐ MBE ☐ WBE ☐ ORF

Contractor Name City of Portland
 Mailing Address 1120 SW Fifth Ave., #930
Portland, OR 97204
 Phone _____
 Employer ID# or SS# _____
 Effective Date May 6, 1999
 Termination Date September 30, 1999
 Original Contract Amount \$ 116,200
 Total Amount of Previous Amendments \$ 116,200
 Amount of Amendment \$ 0
 Total Amount of Agreement \$ 116,200

Remittance Address _____
(If Different) _____

Payment Schedule Terms

☒ Lump Sum \$ 116,200 ☐ Due on receipt

☐ Monthly \$ _____ ☐ Net 30

☐ Other \$ _____ ☐ Other _____

☐ Requirements contract - Requisition required.

Purchase Order No. _____

☐ Requirements Not to Exceed \$ _____**REQUIRED SIGNATURES:**Department Manager K. Blum F. Nicholas / moPurchasing Director _____
(Class II Contracts Only)County Counsel Sandra DuffyCounty Chair / Sheriff Wally PanContract Administration _____
(Class I, Class II Contracts Only)Encumber: Yes ☐ No ☐Date 4/27/99

Date _____

Date 4-27-99Date May 6, 1999

Date _____

VENDOR CODE			VENDOR NAME							TOTAL AMOUNT	\$	
LINE NO.	FUND	AGENCY	ORGANIZATION	SUB ORG	ACTIVITY	OBJECT/ REV SRC	SUB OBJ	REPT CATEG	LGFS DESCRIPTION	AMOUNT	INC/ DEC	IND
01.	100	030	5200			6110				116,200		
02.												
03.												
* If additional space is needed, attach separate page. Write contract # on top of page.												

INSTRUCTIONS ON REVERSE SIDE

WHITE - CONTRACT ADMINISTRATION

CANARY - INITIATION

PINK - FINANCE

**Intergovernmental Agreement
2040 Urban Growth Management Functional
Plan Compliance Work Program and Tasks**

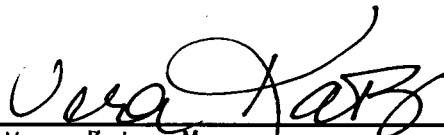
AMENDMENT NO. 1

We, the undersigned, agree to amend Agreement No. 51023, adopted by ordinance 171980 on
February 4, 1998 between


the City of Portland (city) and Multnomah County (county), by
extending the termination date of this Agreement to September 30, 1999.

All other terms and conditions remain in full force and effect.

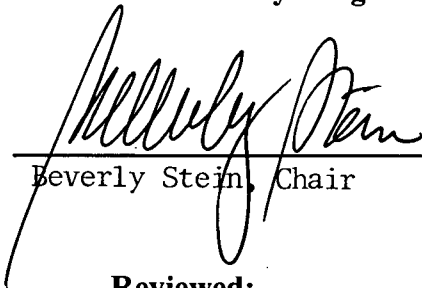
CITY OF PORTLAND


Vera Katz, Mayor

APPROVED AS TO FORM:


Pete Kastang, Deputy
City Attorney

Multnomah County Oregon


Beverly Stein, Chair

Reviewed:

**Thomas Sponsler, County Counsel
For Multnomah County, Oregon**

BY:  4.27.99

**APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-11 DATE 5/6/99
DEB BOGSTAD
BOARD CLERK**

ORDINANCE NO.

173067

* Authorize amendment to extend Intergovernmental Agreement with Multnomah County for the 2040 Urban Growth Management Functional Plan Compliance Work Program (Ordinance; amend Contract No. 51023)

The City of Portland ordains:

Section 1. The Council finds that:

1. The City of Portland and Multnomah County entered into The 2040 Urban Growth Management Functional Plan Compliance Work Program agreement No. 51023 on February 4, 1998.
2. The City of Portland's Bureau of Planning and Multnomah County recognize the importance placed on the public education and involvement program and recognize new timelines must be established to enable its completion.
3. The completion date of the program to be changed to September 30, 1999.

NOW THEREFORE, the Council directs:

- a. The Mayor is hereby authorized to amend the City's portion of this agreement on behalf of the City of Portland to September 30, 1999.

Section 2. The Council declares that an emergency exists because the contract period began on February 4, 1998 and ends February 1, 1999 and the program is in progress. Therefore this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council: FEB 03 1999
Commissioner Hales
Faye Doty/Planning
Jan. 20, 1999

GARY BLACKMER
Auditor of the City of Portland,

By:

Bette Olson Deputy

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: Environmental ServicesDIVISION: Facilities & Property MgmtCONTACT: Lance DuncanPHONE: x83278* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD: Lance DuncanSUGGESTED AGENDA TITLE (to assist in preparing a description for the printed agenda)**Budget Modification # DES99-13 to add HVAC Engineers and reorganize After Hours Dispatch operations in Facilities & Property Management**

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?]

[X] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This budget modification redistributes vacant positions, funding for temporary employees, and materials & services to add the annualized equivalent of 4.0 FTE HVAC Engineers and 2.0 FTE After Hours Dispatchers, it reduces vacant Office Assistant 2 positions by an annualized amount of 2.0 FTE, for a net annualized FTE increase of 4.0.

These changes are in response to increased workload requirements in the County's HVAC systems, and the need to appropriately classify and recruit staff for the responsibility of after-hours dispatch work

BOARD OF
 COUNTY COMMISSIONERS
 99 APR 29 PM 1:12
 MULTNOMAH COUNTY
 OREGON

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

none

TOTAL \$0

4. CONTINGENCY STATUS [to be completed by Budget & Planning]

Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____

(Specify Fund)

AFTER THIS MODIFICATION: \$ _____

Originated By:

Date:

Lance Duncan

4/27/1999

Department Director:

Date:

Lance Duncan 4/29/99

Plan / Budget Analyst:

Date:

Chris Hany

4-29-99

Employee Services:

Date:

Board Approval:

Date:

Deborah C. Bostea

5/6/99

BUDGET MODIFICATION NO. DES99-13

5. ANNUALIZED PERSONNEL CHANGE (Change on a full-year basis even though this action affects only a part of the fiscal year (FY)).					
		ANNUALIZED			
FTE	POSITION TITLE	BASE PAY	FRINGE	INSUR	TOTAL
4.00	HVAC Engineer	201,450	35,274	23,676	260,400
2.00	Facilities Maintenance Dispatch/Scheduler	75,878	13,286	11,049	100,213
(2.00)	Office Assistant 2	(47,773)	(8,365)	(10,157)	(66,295)
					0
					0
					0
					0
					0
					0
					0
					0
					0
4.00	TOTAL ANNUALIZED CHANGES	229,555	40,195	24,568	294,318

6. 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			
FTE	POSITION TITLE	EXPLANATION	BASE PAY	FRINGE	INSUR	TOTAL
0.67	HVAC Engineer	4.0 FTE for 2 months 1998-99	33,575	5,879	3,946	43,400
0.33	FM Dispatch/Scheduler	2.0 FTE for 2 months 1998-99	12,646	2,214	1,842	16,702
(0.33)	Office Assistant 2	-2.0 FTE for 2 months 1998-99	(7,962)	(1,394)	(1,693)	(11,049)
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
						0
0.67	TOTAL CURRENT FISCAL YEAR CHANGES		38,259	6,699	4,095	49,053

BUDGET MODIFICATION NO. DES99-13

EXPENDITURES

TRANS EB GM

TRANS DATE:

ACCTING PERIOD:

Budget Fiscal Year: 98/99

Line No.	Doc No.	Action	Fund	Agency	Org	Activity	Report Categor	Object	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
1	DES99-13		410	030	5610			5100	534,280	526,318	(7,962)		Eliminate 2 OA2's from Admin
2	DES99-13		410	030	5610			5500	98,371	96,977	(1,394)		Eliminate 2 OA2's from Admin
3	DES99-13		410	030	5610			5550	76,506	74,813	(1,693)	(11,049)	Eliminate 2 OA2's from Admin
4	DES99-13		410	030	5630			5100	2,733,692	2,779,913	46,221		Add 4 HVAC Engr/2Dispatch
5	DES99-13		410	030	5630			5500	544,296	552,389	8,093		Add 4 HVAC Engr/2Dispatch
6	DES99-13		410	030	5630			5550	430,491	436,278	5,787		Add 4 HVAC Engr/2Dispatch
7	DES99-13		410	030	5630			5200	281,271	276,938	(4,333)	55,768	Reduce Temporary
8	DES99-13		410	030	5630			6180	1,283,747	1,239,028	(44,719)	(44,719)	Reduce Repairs/Maint
9													
10													
11													
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											0	0	GRAND TOTAL

Staff Report Supplement

To: Board of County Commissioners
From: Lance Duncan
Date: April 28, 1999
Subject: Budget Modification DES99-13

I. Recommendation/Action Requested

Approval of budget modification.

II. Background/Analysis

A growing number of requests for service are falling outside the normal business hours of the Facilities & Property Management Division, between the hours of 4:00 PM and 7:00 AM weekdays, and on weekends. In the last calendar year, over 1850 after hours calls were received. The top ranking reasons for these calls are HVAC repairs, followed by Alarm responses, and finally by locksmith requests. Upon analyzing these requests against current staffing and contractor support strategies, it became apparent that there could be a more efficient and cost effective means of staffing to support the existing workload, and plan for expansion of the Inverness Jail and Multnomah Building. Assigning HVAC engineers to the most common workload requirement, and providing dispatch personnel to assign them to after-hours work results in a more efficient and productive organization.

III. Financial Impact

There is no net financial impact related to this budget modification to the Facilities Fund, or its customers as a result of this budget modification. This modification shifts personnel from one section of F&PM to another, and redirects budgeted amounts in other M&S line items to add the personnel described. This budget modification will reduce the amounts being paid to contractor support, to overtime pay, and will result in an increase of approximately 600 hours in available productivity by reducing comp-time taken for personnel placed on-call to respond to after-hours priority calls.

IV. Legal Issues

No specific issues known, although the unions should be supportive of reducing contractor and temporary support for positions that are filled with permanent employees.

V. Controversial Issues

None known. This is a minor reorganization with no impact to others except improvement of services and increased efficiency and effectiveness.

VI. Link to Current County Policy

The action contemplated in this budget modification is responsive to current policy regarding appropriate classification of employees, as well as responding to the County Benchmarks of good government, and the RESULTS vision. In short, it is designed to be a cost-effective way of providing more uniform and timely service to F&PM's customers, regardless to the time of occurrence of situations requiring service from F&PM.

VII Citizen Participation

None anticipated.

VIII Other Government Participation.

None required or expected.

1. REQUEST FOR PLACEMENT ON THE AGENDA FOR:

(Date)

DEPARTMENT: DES

DIVISION: Property Valuation

CONTACT: Bob Ellis

PHONE: 126987

* NAME(S) OF PERSON MAKING PRESENTATION TO BOARD:

Bob Ellis

SUGGESTED AGENDA TITLE (to assist in preparing a description for the printed agenda)

Changes position classifications within the Appraisal Administration section of Property Valuation.

2. DESCRIPTION OF MODIFICATION: [Explain the changes being made: What budget does it increase / decrease? What do the changes accomplish? Where does the money come from?

[] PERSONNEL CHANGES ARE SHOWN IN DETAIL ON THE ATTACHED SHEET

This budget modification deletes 1 Administrative Analyst and 1 Administrative Analyst Sr to 1 Administrative Services Officer and 1 Administrative Secretary. No dollar change requested.

This position change has been included in the Chair's Proposed Budget for 1999-2000.

3. REVENUE IMPACT

(Explain revenues being changed and reason for the change)

TOTAL \$0

4. CONTINGENCY STATUS [to be completed by Budget & Planning]

Fund Contingency BEFORE THIS MODIFICATION (as of _____): \$ _____
(Specify Fund) AFTER THIS MODIFICATION: \$ _____

Originated By:

Date:

Department Director:

Date:

Plan / Budget Analyst:

Date:

Employee Services:

Date:

Board Approval:

Date:

BUDGET MODIFICATION NO. DES 99-14

5. **ANNUALIZED PERSONNEL CHANGE** (Change on a full-year basis even though this action affects only a part of the fiscal year (FY).

		ANNUALIZED			
FTE	POSITION TITLE	BASE PAY	FRINGE	INSUR	TOTAL
(1.00)	Admin Analyst Sr	(46,247)	(8,098)	(6,085)	(60,430)
(1.00)	Admin Analyst	(42,468)	(7,436)	(5,953)	(55,857)
1.00	Admin Svcs Off	57,123	10,002	6,570	73,695
1.00	Admin Secretary	31,592	5,532	5,467	42,591
					0
					0
					0
					0
					0
					0
					0
0.00	TOTAL ANNUALIZED CHANGES	0	0	0	(1)

6. **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			
FTE	POSITION TITLE	EXPLANATION	BASE PAY	FRINGE	INSUR	TOTAL
(0.08)	Admin Analyst Sr	Deleted effective 6/1/99	(3,854)	(675)	(507)	(5,036)
(0.08)	Admin Analyst	Deleted effective 6/1/99	(3,539)	(620)	(496)	(4,655)
0.08	Admin Svcs Off	Added effective 6/1/99	4,760	834	548	6,142
0.08	Admin Secretary	Added effective 6/1/99	2,633	461	456	3,549
						0
						0
						0
						0
						0
						0
						0
0.00	TOTAL CURRENT FISCAL YEAR CHANGES		0	0	0	0

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Bob Ellis, Property Valuation Manager
Property Valuation Division

DATE: April 15, 1999

RE: Classification Changes in the Appraisal Administration Section of the
Property Valuation Division

1. Recommendation/Action Requested:

Delete 1 Administrative Analyst Sr and 1 Administrative Analyst position in the Appraisal Administration Section, and add 1 Administrative Services Officer and 1 Administrative Secretary. All changes effective June 1, 1999.

2. Background/Analysis:

Due to retirements of existing staff and anticipated changes in organizational responsibilities within tax valuations, changes to current job classifications are requested. These changes have been made in the Chair's budget for fiscal year 1999-2000; this would enable the organizational changes to begin in the current fiscal year

3. Financial Impact:

No fiscal impact within fiscal year 1998-99.

4. Legal Issues:

None.

5. Controversial Issues:

None.

6. Link to Current County Policies:

None.

7. Citizen Participation:

None.

8. Other Government Participation:

None.

MEETING DATE: MAY 06 1999
AGENDA NO: C-14
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Amendment to IGA with Oregon Mental Health and Developmental Disabilities Division for revenue supporting the Children, Adolescent and Adult Mental Health capitation project (CAAPCare).

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: _____
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: Community and Family Services DIVISION: Behavioral Health

CONTACT: Lorenzo Poe/Floyd Martinez TELEPHONE #: 248-3691
BLDG/ROOM #: 166/7th

PERSON(S) MAKING PRESENTATION: Consent

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

Amendment to Intergovernmental Revenue Agreement with Oregon Mental Health and Developmental Disabilities Division, funding mental health services on a capitated basis for children and adults enrolled in the Oregon Health Plan Medicaid Project.

5/6/99 originals to Lou Olson

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT
MANAGER: _____



99 APR 23 PM 5:06
MULTI-MEDIA SECURITY
OFFICE

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

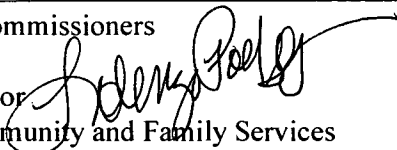


MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
OFFICE OF THE DIRECTOR
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204
PHONE (503) 248-3691
FAX (503) 248-3379 TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director 
Department of Community and Family Services

DATE: April 7, 1999

SUBJECT: Amendment to Revenue Agreement for Child and Adult Mental Health Capitation Services

I. Recommendation/Action Requested: Department of Community and Family Services recommends Board of County Commissioner approval of this amendment to the revenue agreement from the Oregon Mental Health and Developmental Disability Services Division (MHDDSD), effective April 6, 1999 through September 30, 1999.

II. Background/Analysis: The Department of Community and Family Services (DCFS) was awarded the contract for the Oregon Health Plan (OHP) Mental Health Organization (MHO) effective November 1, 1997. Subsequent agreements have maintained that relationship and the Child, Adolescent, and Adult Plan (CAAPCare) has continued to operate in this capacity. This amendment reflects a rate change for specific services due to a transposition error on the original rate sheet. Rates for ABAD without Medicare and ABAD with Medicare were reversed. This amendment replaces Exhibit J – Capitation Rates with Admin Fee. There is no fiscal impact with this amendment.

III. Financial Impact: No fiscal impact.

IV. Legal Issues: None

V. Controversial Issues: None

VI. Link to Current County Policies: This is an amendment to the DCFS MHO agreement which supports the County benchmark to increase access to mental health services.

VII. Citizen Participation: N/A

VIII. Other Government Participation: None

MULTNOMAH COUNTY CONTRACT APPROVAL FORM

Contract #: 9910334

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

Amendment #: 2

Class I	Class II	Class III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # C-14 DATE 5/6/99 DEB BOGSTAD BOARD CLERK


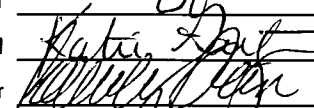
Department: Community and Family Services Division: Behavioral Health Date: April 7, 1999
 Originator: Bill Thomas Phone: 248-3999 x22095 Bldg/Rm: 166/5
 Contact: Alicia Boris Phone: 248-3691 x24692 Bldg/Rm: 166/7

Description of Contract **Amendment providing for a specific capitation rate change to the Intergovernmental Revenue Agreement for Multnomah County's Mental Health Organization (MHO), CAAPCare, to provide child, adolescent and adult mental health services through the Oregon Health Plan. There is no fiscal impact with this amendment.**

RENEWAL: <input checked="" type="checkbox"/>	PREVIOUS CONTRACT #(S):	#102708
RFP/BID: <u>N/A REV</u>	RFP/BID DATE:	
EXEMPTION	EXEMPTION EXPIRATION	ORS/AR
#/DATE:	DATE:	#
CONTRACTOR IS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input type="checkbox"/> N/A <input type="checkbox"/> NONE (Check all boxes that apply)		

Contractor Oregon Mental Health and Developmental Disability Services Division	
Address <u>2575 Bittern Street, N.E.</u> <u>Salem, OR 97310-0520</u>	Remittance Address (If different) _____
Phone <u>(503) 945-9499</u>	Payment Schedule / Terms
Employer ID# or SS# <u>93-0576060</u>	<input type="checkbox"/> Lump Sum \$ <input type="checkbox"/> Due on Receipt
Effective Date <u>April 6, 1999</u>	<input checked="" type="checkbox"/> Monthly \$ <u>Per Eligible Client</u> <input type="checkbox"/> Net 30
Termination Date <u>September 30, 1999</u>	<input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other
Original Contract Amount \$ <u>17,658,813.00</u>	
Total Amt of Previous Amendments \$ <u>160,000.00</u>	<input type="checkbox"/> Requirements \$ _____
Amount of Amendment \$ <u>0.00</u>	
Total Amount of Agreement \$ <u>17,828,813.00</u>	Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No

REQUIRED SIGNATURES

Department Manager  DATE 4/12/99
 Purchasing Manager _____ DATE _____
 County Counsel  DATE 4/26/99
 County Chair _____ DATE May 6, 1999
 Sheriff _____ DATE _____
 Contract Administration _____ DATE _____

LGFS VENDOR CODE						DEPT REFERENCE					
						REV124					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01									No fiscal impact.		
02											
03											

Multnomah County
Agreement # 75110

1. This constitutes Amendment #2 to the 1998-99 Oregon Health Plan Mental Health Organization Agreement between the Mental Health and Developmental Disability Services Division (MHDDSD) acting by and through its Department of Human Resources (DHR) and Multnomah County to be effective beginning February 1, 1999 or when signed by all parties involved, whichever is later, and run through September 30, 1999, the end of the original Agreement period.
2. This amendment corrects Exhibit J. Due to a transposition error, the rates for ABAD w/o Medicare and ABAD w/Medicare were reversed. The correct eligibility category and corresponding rates are reflected in a new Exhibit J, attached hereto and made a part of this amendment..
3. Except as expressly amended above, all other terms and conditions of the original Agreement are still in full force and effect. Contractor certifies that the representations, warranties and certifications contained in the original Agreement are true and correct as of the effective date of this Amendment and with the same effect as though made at the time of this Amendment.
4. The individual signing on behalf of Contractor hereby certifies and swears under penalty of perjury that s/he is authorized to act on behalf of Contractor, s/he has authority and knowledge regarding Contractor's payment of taxes, and to the best of her/his knowledge, Contractor is not in violation of any Oregon tax laws including without limitation state inheritance tax, gift tax, personal income tax, withholding tax, corporation income and excise taxes, amusement device tax, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, the homeowners and renters property tax relief program and local taxes administered by the Department of Revenue (Multnomah County Business Income Tax, Lane Transit District Tax, Tri-Metropolitan Transit District Employer Payroll Tax, and Tri-Metropolitan Transit District Self-Employment Tax).

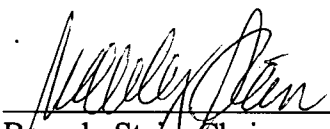
If Contractor is not a Corporation, a county, or an intergovernmental entity organized under ORS Chapter 190, or is a professional corporation, then the individual signing this Agreement on behalf of Contractor must certify that Contractor is an Independent Contractor and that the Contractor meets the following standards: (a) that the Contractor is registered under ORS chapter 701 to provide labor or services for which such registration is required; (b) that the Contractor has filed federal and state income tax returns in the name of the Contractor's business or a business Schedule C as part of the personal income tax return, for previous year, or expects to file federal and state income tax returns, for labor or services performed as an independent contractor in the previous year; (c) that the Contractor will furnish the tools or equipment necessary for the contracted labor or services; (d) that the Contractor has the

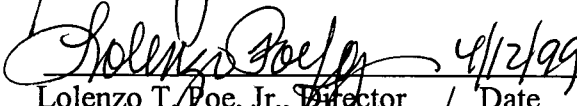
authority to hire and fire employees who perform the labor or services; and (e) that the Contractor represents to the public that the labor or services are to be provided by it's independently established business as four or more of the following circumstances exist: (I) the labor or services are primarily carried out at a location that is separate from the Contractor's residence or is primarily carried out in a specific portion of the Contractor's residence, which is set aside as the location of the business; (ii) commercial advertising or business cards are purchased for the business, or the Contractor has a trade association membership; (iii) telephone listing is used for the business that is separate for the personal residence listing; (iv) labor or services are performed only pursuant to written contracts; (v) labor or services are performed for two or more different persons within a period of one year; (vi) Contractor assumes financial responsibility for defective workmanship or for services not provided as evidenced by the ownership of performance bonds, warranties, errors and omission insurance or liability insurance relating to the labor or services to be provided.

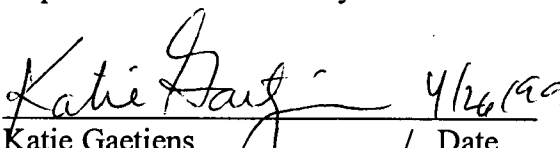
5.

CONTRACTOR

Multnomah County

 May 6, 1999
Beverly Stein, Chair / Date
Board of County Commissioners

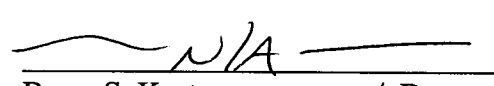
 4/12/99
Lorenzo T. Poe, Jr., Director / Date
Department of Community Services

 4/26/99
Katie Gaetjens / Date
Assistant County Counsel

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-14 DATE 5/6/99
DEB BOGSTAD
BOARD CLERK

STATE OF OREGON

Mental Health and Developmental
Disability Services Division

 N/A
Barry S. Kast / Date
Administrator


 3/11/99
Maynard Hammer / Date
Assistant Administrator
Office of Finance

EXHIBIT J

MULTNOMAH CAAPCARE
Capitation Rates with Admin Fee
1998-99
Mental Health Organization Agreement

Eligibility Category 2/1/99 through
9/30/99

AFDC	\$12.89
General Assistance	138.92
PLM Adults Below 100% OF FPL	2.47
PLM Adults 100% to 170% of FPL	2.21
CHIP Children 0 < 1	.21
PLM Children 0 < 1	.21
PLM & CHIP Children Aged 1-5	2.19
PLM CHIP Children Aged 6-18	9.64
OHP Families	6.80
OHP Adults and Couples	17.12
ABAD w/Medicare	115.50
ABAD w/o Medicare	115.99
OAA w/Medicare	14.04
OAA w/Medicare Part B	14.09
OAA w/o Medicare	12.34
SCF Children	148.69

MEETING DATE: MAY 06 1999
AGENDA NO: C-15
ESTIMATED START TIME: 9:30

(Above space for Board Clerk's Use Only)

AGENDA PLACEMENT FORM

SUBJECT: \$250,000 Revenue Agreement with the Oregon Department of Human Resources, Adult and Family Services for East County housing stabilization services.

BOARD BRIEFING

Date Requested: _____

Requested By: _____

Amount of Time Needed: _____

REGULAR MEETING

Date Requested: Next Available

Amount of Time Needed: Consent

DEPARTMENT: Community and Family Services

DIVISION: Community Programs and Partnerships

CONTACT: Lorenzo Poe/Mary Li

TELEPHONE: 248-3691

BLDG/ROOM: 166/7

PERSON(S) MAKING PRESENTATION: N/A

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE

\$250,000 Revenue Agreement with Oregon Department of Human Resources/Adult and Family Services

SIGNATURES REQUIRED:

5/6/99 ORIGINALS to Lou Olson

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: *Lorenzo Poe*

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

99 APR 28 PM 5:17
MULTICOUNTY
OREGON
COUNTY COMMUNITY
BOARD OF



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
OFFICE OF THE DIRECTOR
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204
PHONE (503) 248-3691
FAX (503) 248-3379 TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director *Lorenzo Poe*
Department of Community and Family Services

DATE: April 27, 1999

SUBJECT: Revenue Agreement with Oregon Department of Human Resources/Adult and Family Services, East County Housing Stabilization

I. Recommendation/Action Requested: The Department of Community and Family Services is recommends Board of County Commissioner approval of this Revenue Agreement with the Oregon Department of Human Resources/Adult and Family Services (DHR/AFS) upon execution through June 30, 1999.

II. Background/Analysis: DHR/AFS is providing funding for East County Housing Stabilization services. They are contracting with the Department of Community and Family Services, Division of Community Programs and Partnerships to provide housing stabilization services to low income residents of East Multnomah County. The funding will be used by the Division to subcontract these services to existing non-profit providers (Human Solutions, Volunteers of America, and Edgefield/East Wind Family Center) with experience providing the specific services. This agreement allows for subcontracting, Section 4. Statement of Work. Part d.

III. Financial Impact: This revenue contract is for \$250,000. A budget modification is needed to bring this revenue into the Department budget.

IV. Legal Issues: None

V. Controversial Issues: None

VI. Link to Current County Policies: Funding provided through this contract will assist the Department to achieve three County benchmarks: reduce children living in poverty, increase school completion, and reduce crime.

VII. Citizen Participation: The Division of Community Programs and Partnerships receives citizen input from the Multnomah Commission on Children, Family, and Community.

VIII. Other Government Participation: This pilot program is a collaboration between Oregon Housing and Community Development, Adult and Family Services, and Multnomah County.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM
(See Administrative Procedure CON-1)

Contract #: **9910394**

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

Amendment #: **0**

Class I	Class II	Class III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input type="checkbox"/> Revenue <div style="text-align: center;"> APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # C-15 DATE 5/6/99 DEB BOGSTAD BOARD CLERK </div>

Department: <u>Community and Family Services</u>	Division: <u>Community Programs and Partnerships</u>	Date: <u>April 27, 1999</u>
Originator: <u>Nancy Culver</u>	Phone: <u>X 26121</u>	Bldg/Rm: <u>166/5</u>
Contact: <u>Patty Doyle</u>	Phone: <u>X 24418</u>	Bldg/Rm: <u>166/7</u>

Description of Contract: **This personal/professional services contract is in fact a revenue contract funding East County Housing Stabilization Pilot Program. Funding will be used to subcontract the provision of the services.**

RENEWAL: <input type="checkbox"/>	PREVIOUS CONTRACT #(S): _____
RFP/BID: _____	RFP/BID DATE: _____
EXEMPTION _____	EXEMPTION EXPIRATION _____
#/DATE: _____	DATE: _____
CONTRACTOR IS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input type="checkbox"/> N/A <input type="checkbox"/> NONE (Check all boxes that apply)	

Contractor Department of Human Resources, Adult and Family Services Division	
Address 500 Summer Street NE	Remittance Address _____
Salem, OR 97310-1013	(If different) _____
Phone (503) 945-5600	Payment Schedule / Terms
Employer ID# or SS# _____	<input type="checkbox"/> Lump Sum \$ _____ <input type="checkbox"/> Due on Receipt
Effective Date Upon Execution	<input checked="" type="checkbox"/> Monthly \$ <u>Invoice</u> <input type="checkbox"/> Net 30
Termination Date June 30, 1999	<input type="checkbox"/> Other \$ _____ <input type="checkbox"/> Other
Original Contract Amount \$ 250,000	<input type="checkbox"/> Requirements \$ _____
Total Amt of Previous Amendments \$ -0-	
Amount of Amendment \$ -0-	
Total Amount of Agreement \$ 250,000	Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No

REQUIRED SIGNATURES

Department Manager <u><i>Lorenzo Paez</i></u>	DATE <u>4/26/99</u>
Purchasing Manager _____	DATE _____
County Counsel <u><i>Patricia Doyle</i></u>	DATE <u>4/27/99</u>
County Chair <u><i>Patricia Doyle</i></u>	DATE <u>May 6, 1999</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

LGFS VENDOR CODE REV132						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	156	010	1121			2338		9264S		\$250,000.	
02											
03											

Contract Number: 84179

Department of Human Resources
Adult and Family Services Division
Personal/Professional Services Contract

Multnomah County Department of Community and Family Services

1. Parties.

This Contract is between the State of Oregon acting by and through its Adult and Family Services Division Field Services 500 Summer Street, NE Salem, Oregon 97310-1013, hereafter called Division, and Multnomah County Department of Community and Family Services, Division of Community Programs and Partnerships, 421 Southwest Sixth Avenue, Portland, Oregon 97204, hereafter called Contractor. Division's Contract Administrator for this Contract is Dave Flock. Contractor's Contract Administrator for this Contract is Nancy Culver.

2. Purpose.

To provide: Expansion of housing stabilization services to families at risk of becoming homeless.

3. Effective Date; Duration; and Approval.

The Contract becomes effective the later of March 15, 1999 or the date of execution by every party and, when required, approved by the State of Oregon Department of Justice. Unless terminated or extended, this Contract shall expire when Division accepts Contractor's completed performance or through the end of business on June 30, 1999, whichever date occurs first. Expiration shall not extinguish or prejudice Division's right to enforce this Contract with respect to any breach of a Contractor warranty or any default or defect in Contractor performance that has not been cured.

4. Statement of Work.

Contractor shall perform the following services under the following standards:

- a. Contractor shall provide housing stabilization services to residents of Multnomah County who are at risk of becoming homeless and of entering the public welfare system, and whose incomes range up to one hundred twenty-five (125) per cent of the Federal Poverty Level (FPL).
- b. Contractor shall utilize Contract funds for the immediate match to funds provided by Oregon Housing and Community Services for the expansion of existing housing services provided to homeless Multnomah County residents with incomes one hundred (100) per cent of the FPL or lower.
- c. Contractor services shall include assistance locating shelters, resolving shelter matters, referrals to other housing service providers, and case management services.
- d. Contractor can sub-contract for the provision of services under this Contract.

5. Consideration.

Payments for all work performed under this Contract shall be subject to the provisions of ORS 293.462 and shall not exceed the total maximum sum of \$250,000.00, which includes any allowable expenses and any travel and other expense reimbursement when noted below.

Contractor shall not submit invoices for, and the Division will not pay, any amount in excess of the maximum compensation amount set forth above. If this maximum compensation amount is increased by amendment of this Contract, the amendment must be fully effective before the Contractor performs work subject to the amendment. No payment will be made for any services performed before the beginning date or after the expiration date of this Contract, as it may be amended from time to time in accordance with its terms.

6. Billings.

Payment shall be made to Contractor receipt of a descriptive invoice. Contractor shall submit invoice to Dave Flock, Adult and Family Services Division, District Two Office, 3965 Southeast Powell Boulevard, Portland, Oregon 97202.

Division reserves the right to have the Contractor submit written documentation in support of its invoices. Division shall specify which invoiced items, if any, require such documentation as a condition of payment. Any questioned item shall be severed from the invoice and not paid until the issue is resolved. The remaining balance of the invoice shall be paid in accordance with the terms of this Contract.

7. Dual Payment.

Contractor shall not be compensated for work performed under this Contract by any other Department of the State of Oregon or by the Federal Government or by any other party.

8. Final Billing.

The final billing invoice for the Contract expenditure shall be submitted by Contractor to Division no later than forty-five (45) calendar days after the close of the contract.

9. Service Reports.

The monthly service reports as defined by Division must be submitted prior to, or in conjunction with, the monthly billing invoice and must reach the Division on the twelfth (12th) of the following month.

10. Notice.

Except as otherwise expressly provided in this Contract, any communications relating to Contractual provisions between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, or mailing the same, postage prepaid, to Contractor or Division at the addresses set forth in the section titled "Parties", or to such other addresses as either party may hereafter indicate pursuant to this Section. Any communication or notice so addressed and mailed shall be deemed to be given five (5) days after mailing. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.

11. Amendments.

The terms of this Contract shall not be waived, altered, modified or supplemented, except by a duly executed amendment. Any amendments to this Contract shall be effective only when they are reduced to writing and duly signed by both parties, and when required, approved by the Department of Justice. During the period of amendment negotiation and amendment processing, the Contractor shall be bound by the existing terms of the Contract. The budget shall not be modified or otherwise adjusted after the thirtieth (30th) calendar day before the close of this Contract.

Requests for amendment or modification of this Contract must be submitted in writing to Division thirty (30) calendar days in advance of the desired effective date.

Requests for amendment or modification of this Contract with less than thirty (30) calendar days advance notice will be considered by Division on a case-by-case basis.

Division may request clarification, additional detail, or further documentation of the amendment request. Such request by Division will be made no later than fifteen (15) calendar days following receipt of the amendment request.

12. Subcontracts and Assignment.

Except if specified in this Contract, Contractor shall not enter into any subcontracts for any of the work required by this Contract, or assign or transfer any of its interest in this Contract, without the prior written consent of Division. In addition to any other provisions Division may require, Contractor shall include in any permitted subcontract under this Contract a requirement that the subcontractor be bound by all Sections of this Contract as if the subcontractor were the Contractor. Division's consent to any subcontract shall not relieve Contractor of any of its duties or obligations under this Contract. The provisions of this Contract shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns, if any. Contractor shall, within fifteen (15) calendar days of entering into a subcontract, provide Division with a fully executed copy of such agreement.

13. No Third Party Beneficiaries.

Division and Contractor are the only parties to this Contract and are the only parties entitled to enforce its terms. Nothing in this Contract gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Contract.

14. Funds Available and Authorized.

Contractor shall not be compensated for work performed under this Contract by any other agency or department of the State of Oregon or by the federal government or by any other party. Division has sufficient funds currently available and authorized for expenditure to finance the costs of this Contract within Division's biennial appropriation or limitation. Contractor understands and agrees that Division's payment of amounts under this Contract attributable to work performed after June 30 of every odd numbered year is contingent on Division receiving from the Oregon Legislative Assembly appropriations, limitations, or other expenditure authority sufficient to allow Division, in the exercise of its reasonable administrative discretion, to continue to make payments under this Contract.

Budget Contingency Provision: In the event that the Oregon Legislative Assembly and the Governor have not approved the Division biennial budget by the start of the next biennium,

and instead approve one or more short term budgets or one or more short term limited amounts of appropriation, limitations and other expenditure authority, or both, Contractor understands and agrees that:

- (1) Division may terminate this Contract at any time without penalty or liability to the agency; and
- (2) Division may limit the term of the Contract to the period of time for which the Division has received budget authority and may limit the amount to be paid under this Contract to an amount which reflects a proportionate Contract budget based upon the time period for which budget authority is received or some lesser percentage of that amount, depending upon the level of spending authorized for the limited time period. The Division decision on the term of the Contract and the amount to be paid is final.

Notice(s) of the termination of the Contract or of the limitation of the term or payment amount or both are effective upon the delivery of written notice to Contractor with no further liability to Contractor.

15. Record Maintenance; Access, and Audit Reports.

Contractor shall maintain all fiscal records relating to this Contract in accordance with generally accepted accounting principles. Contractor shall maintain separate accounting of Contract income, expenditures and cash balances resulting from this Contract and any other Contract between the Contractor and Division, or any other source. In addition, Contractor shall maintain any other records pertinent to this Contract in such a manner as to clearly document Contractor's performance. Contractor acknowledges and agrees that Division and the Oregon Secretary of State's Office and the Federal government and any duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans and writings of Contractor that in the auditors and/or Division's opinion are pertinent to this Contract to perform examinations and audits and make excerpts and transcripts. Contractor shall retain and keep accessible all such fiscal records, books, documents, papers, plans, and writings for a minimum of three (3) years, or such longer period as may be required by applicable law, following final payment and termination of this Contract, or until the conclusion of any audit, controversy or litigation arising out of or related to this Contract, whichever date is later. At the sole discretion of Division, access shall include the right to remove original records from the Contractor's office.

The Division, or its representative, may perform such research, data collection, evaluations, monitoring, and auditing activities, including the making of copies and excerpts, which Division, in its sole discretion, may determine are pertinent to the Contract. The Contractor shall cooperate fully with all such research, data collection, evaluation, monitoring, and auditing, and shall permit access to all records and to staff of the Contractor or any subcontractor. The State of Oregon and any Federal agency having an interest in the subject of this Contract shall have the same rights conferred under this section. At the sole

discretion of Division, access to records shall include the removing of records from the Contractor's office. Failure by Contractor to cooperate and participate in research, data collection, evaluations, monitoring, or auditing may result in termination of this Contract.

16. Workers' Compensation Coverage and Insurance Coverage.

- a. The services rendered under this Contract are those of an independent contractor in accordance with relevant provisions of ORS Chapter 316, 656 and 657. The Contractor, its permitted subcontractors, and all employers working under this Contract are subject employers under the Oregon Workers' Compensation law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all of their subject workers.
- b. During the term of this Contract, Contractor shall maintain in force at its own expense, each insurance noted below:

- (1) ☐ Required by Division ☒ Not required by Division

Professional Liability insurance with a combined single limit, or the equivalent, of not less than ☐ \$200,000, ☐ \$500,000, ☐ \$1,000,000, or ☐ \$2,000,000, each claim, incident or occurrence. This is to cover damages caused by error, omission, or negligent acts related to the professional services to be provided under this Contract.

- (2) ☒ Required by Division ☐ Not required by Division

General Liability insurance with a combined single limit, or the equivalent, of not less than ☐ \$200,000, ☒ \$500,000, ☐ \$1,000,000, or ☐ \$2,000,000, each occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this Contract. It shall provide that the State of Oregon, Department of Human Resources, Adult and Family Services Division, and their divisions, officers and employees are Additional Insureds but only with respect to the Contractor's services to be provided under this Contract.

- (3) ☐ Required by Division ☒ Not required by Division

Automobile Liability insurance with a combined single limit, or the equivalent, of not less than ☐ Oregon Financial Responsibility Law (ORS 806.060), ☐ \$200,000, ☐ \$500,000, or ☐ \$1,000,000 each accident for Bodily Injury and Property Damage, including coverage for owned, hired or non-owned vehicles, as applicable.

- c. Notice of cancellation or change: There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) calendar days prior written notice from the Contractor or its insurer(s) to Division.
- d. Certificates of Insurance. As evidence of the insurance coverages required by this Contract, Contractor shall furnish acceptable insurance certificates to Division within thirty (30) calendar days of the effective date of this Contract. The certificate will specify all of the parties who are Additional Insureds. Insuring companies or entities are subject to state acceptance. If requested, complete copies of insurance policies, trust agreements, etc. shall be provided to Division. Contractor shall be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance.

17. Independent Contractor; Responsibility for Taxes and Withholding; and Retirement.

- a. Contractor shall perform all required work as an independent Contractor in accordance with the relevant provisions of ORS Chapters 316, 656 and 657. Division reserves the right to determine (and modify) the delivery schedule for the work to be performed and to evaluate the quality of the performance.
- b. If Contractor is performing work for the State of Oregon or the Federal government, Contractor by signature to this Contract declares and certifies that: Contractor's work to be performed under this Contract creates no potential or actual conflict of interest as defined by ORS 244 or Federal Law and no rules or regulations of Contractor's employing Division (state or federal) would prohibit Contractor's work under this Contract. Contractor is not an "officer", "employee", or "agent" of the State, as those terms are used in ORS 30.265.
- c. Contractor shall be responsible for all federal or state taxes applicable to compensation or payment paid to Contractor under this Contract and, unless Contractor is subject to backup withholdings, Division will not withhold from such compensation or payments any amount(s) to cover Contractor's federal or state tax obligations.
- d. Contractor is not eligible for any Social Security unemployment insurance or workers' compensation benefits from compensation or payments paid to Contractor under this Contract, except as a self-employed individual.

18. Confidentiality.

Contractor and its agents, employees, and subcontractors shall maintain all records fully confidential. The confidential status standards maintained by Contractor shall be in compliance with the requirements stated in ORS 411.320, ORS 418.130, 42 USC 602 (a) (1) (A) (iv), 42 USC 1396a (a) (7), 7 USC 2020 (a) (8), 42 CFR 431.300 et seq., and 7 CFR 272.1 (c), as applicable.

All individuals with access to participant and project records, the Division's computer system, or to any computer system containing Department of Human Resources client information, shall comply with Division confidentiality policy and shall indicate their understanding of this policy by signing a copy of the attached designated Confidentiality Certificate. A copy of the Confidentiality Certificate shall be reviewed, signed and dated prior to the individual's access to participant and project records. The individual's signed and dated Confidentiality Certificate shall be retained by Contractor in its files for a minimum of three (3) years and one (1) month following the term of this Contract and will be made available for Division inspection upon request. A supply of the Division Confidentiality Policy Training Packet will also be made available to Contractor.

19. Decision Review.

a. Reconsideration.

Contractor may request from Division reconsideration from any order issued or action taken by Division under this Contract. The request for reconsideration must be filed no later than ten (10) calendar days after the date of receipt of the order or action, and must specify the relief requested. The reconsideration must be filed in writing with Division Field Services Section Manager.

If Contractor disagrees with Division's decision on reconsideration Contractor may request review by an interagency panel representing workforce interests and appointed by the Division. The panel shall make a recommendation to the Division. The panel's recommendation is not binding on the Division. A written request for such panel review must be made within ten (10) calendar days after the date of receipt of Division's decision on reconsideration. The panel's decision is not subject to review under ORS Chapter 183. At any time during or after this reconsideration process Contractor may pursue all and any rights available to Contractor under law.

b. Service Appeal.

Contractor shall have in place a system through which individuals receiving services under this Contract may present grievances.

20. Regulations; Requirements; and Acts.

a. Equal Opportunity.

Contractor agrees to comply with Executive Order 11246 titled Equal Employment Opportunity as amended by Executive Order 11375 and 12086 and as supplemented in Department of Labor Regulation 41 CFR Part 60.

b. Energy Policy and Conservation Act.

Contractor shall abide by all mandatory standards and policies which relate to energy efficiency and which are contained in the State of Oregon energy conservation plan which was issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).

c. Clean Air Act.

If the sum payable under this Contract exceeds \$100,000, by execution of this Contract, Contractor hereby provides the State of Oregon a written assurance that the Contractor will comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 USC 7401 et.seq.), the Federal Water Pollution Control Act, as amended (33 USC 1251 et.seq.), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738 and Environmental Protection Agency regulations (40 CFR, Part 15), and further, Contractor agrees to promptly report all infractions to the State of Oregon and to the U.S. Environmental Protection Agency.

d. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions.

By execution of this Contract, Contractor hereby certifies:

- (1) Neither Contractor nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Contractor is unable to certify to any of the statements in this certification, Contractor shall have attached an explanation to this Contract.
- (3) This certification is a material representation of fact upon which Division relied when this transaction was entered into. If it is later determined that the Contractor knowingly rendered an erroneous certification, in addition to other remedies available, Division or the Federal Government, or both, may pursue available remedies, including suspension and/or debarment.
- (4) Contractor shall provide immediate written notice to the Division if at any time the Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (5) The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this section, have

the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549: 45 CFR Part 76. Upon request, the Division will provide a copy of those regulations or the definitions.

- (6) Contractor shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Division.
- (7) Contractor will include this subsection titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- (8) If Contractor knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government or the Division, the Division may pursue available remedies, including suspension and/or debarment.

A participant/contractor in a covered transaction may rely upon a certification of a prospective participant/contractor in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant/contractor may decide the method and frequency by which it determines the eligibility of its principals. Each participant/contractor may, but is not required to, check the Nonprocurement List (of excluded parties).

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant/contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

e. Drug Free Workplace Certificate.

The Contractor certifies that it will or will continue to provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition.(2)Establishing an ongoing drug-free awareness program to inform employees about:
 - (a) The dangers of drug abuse in the workplace;

- (b) The policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (3) Making it a requirement that each employee be given a copy of the statement required by paragraph (1).
- (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment, the employee will:
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
- (5) Notifying the Division and the Federal grantor agency in writing, within ten (10) calendar days after receiving notice under subparagraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.
- (6) Taking one of the following actions, within thirty (30) calendar days of receiving notice under subparagraph (4)(b), with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5) and (6).

f. Restrictions on Lobbying.

Contractor, by execution of this Contract, certifies, to the best of Contractor's knowledge and belief that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the contract, grant, loan, or cooperative agreement, Contractor shall complete and submit the Standard Form-LLL "Disclosure Form to Report Lobbying" in accordance with its instructions.

If instructions do not require filing the form with the Division, and as a material condition of this Contract, Contractor shall then also file a copy of the Standard Form-LLL with the Division. This filing shall occur at the same time as the filing in accordance with the instructions.

- (3) The Contractor shall include the language of this certification in all subcontracts at all tiers and require the subcontractors to certify and disclose accordingly.
- (4) Contractor understands this certification is a material representation of fact upon which the Division has relied in entering into this Contract. Contractor further understands that submission of this certification is a prerequisite, imposed by section 1352, title 31, U.S. Code, for entering into required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for such failure.
- (5) All subcontracts shall also be in compliance with the provisions of this Contract subsection.
- (6) Contractor shall be solely responsible for all liability arising from a failure to comply with this provision and shall indemnify the State for any damages suffered by the State as a result of failure to comply with the terms of this provision.

g. Ownership of Work Products.

All work product of Contractor that results from this Contract (the "Work Product") is the exclusive property of Division. Division and Contractor intend that such Work Product be deemed "work made for Hire" of which Division shall be deemed the author. If for any reason the Work Product is not deemed "work made for hire", Contractor hereby irrevocably assigns to Division all of its right, title, and interest in and to any and all of the Work Product, whether arising from copyright, patent, trademark, trade secret, and any other state or federal intellectual property law or doctrine. Contractor shall execute such further documents and instruments as Division may reasonably request in order to fully vest such rights in Division. Contractor forever waives any and all rights relating to the Work Product, including without limitation, any and all rights arising under 17 USC 106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.

h. Compliance with Applicable Laws.

Contractor shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the work under this Contract, including, without limitations, the provisions of ORS 279.312, 279.314, 279.316 as amended, 279.320, 279.555, and OAR 150-305.385 (6)-(B). Without limiting the generality of the foregoing, Contractor expressly agrees to comply with: Title VI of the Civil Rights Act of 1964; Title II Section V of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990 and ORS 659.425; Public Law 103-227, Part C - Environmental Tobacco Smoke (Pro-Children Act of 1994). Contractor shall comply with applicable sections of Public Law 104-193: Title I Block Grants for Temporary Assistance for Needy Families (TANF); Title II Supplemental Security Income; Title III Child Support; Title IV, Part A of the Social Security Act as amended Welfare to Work; Title V Child Protection; Title VI Child Care; Title VII Child Nutrition Programs; Title VIII Food Stamps and Commodity Distribution; Title IX Miscellaneous, and all regulations and administrative rules established pursuant to the foregoing laws; and all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

Recycling: As required by ORS 279.555, in the performance of this Contract the Contractor shall use, to the maximum extent economically feasible, recycled products.

i. Disclosure of Social Security Number.

Contractor must provide Contractor's Social Security number unless Contractor provides a Federal tax ID number. This number is requested pursuant to ORS 305.385, OAR 125-20-410(3) and OAR 150-305.100. Social Security numbers provided pursuant to this authority will be used for the administration of State, Federal and local tax laws.

k. Additional Regulations.

Contractor must comply with 20 CFR Part 645, the relevant parts of 7 CFR Subchapter C, 42 CFR Subchapter C, 45 CFR Parts 74, 76, 80, 84, 86, 90, 91, and 92 and OMB Circular A-128 or A-133 as appropriate, and any other applicable Federal statutes or regulations.

All equipment is allowable only when specifically authorized through a formal written request made to and approved by Division in writing prior to the acquisition. Acquisition means purchase, lease purchase, lease option, and other equivalent terms. The Contractor must ensure that all acquisitions meet all standards of the provisions of 45 CFR, Part 74.

Title to all goods, including software, hardware, equipment, furniture, and fixtures shall be taken in the name of the State of Oregon and written advice of title shall be submitted to Division within thirty (30) calendar days of acquisition. Contractor shall take custodial responsibility for all property acquired under this Contract, ensure its safety, and ensure that it is used to carry out the purposes of this Contract. The Contractor shall keep a log of all capital outlay. The value of all acquisitions shall be treated in accordance with the accounting methods under 45 CFR Part 74 and Generally Accepted Accounting Practices (GAAP). Equipment of whatever nature used by Contractor or any subcontractor shall not be claimed as an expense, except pursuant GAAP and 45 CFR Part 74 principles.

At the termination of this Contract, disposition of the property acquired, whether purchased wholly or in part with funds provided under this Contract or purchased with DHHS, Administration of Children and Families, funding shall be made according to such terms as Division prescribes. The Division intent is that the property will be used, first, to carry out other Division activities and, second, other federally assisted programs and, last, for any other State programs. The Division will, in connection with the performance of this Contract provision, provide the Contractor with written directions.

21. Time is of the Essence.

Contractor agrees that time is of the essence under this Contract.

22. Termination.

a. Parties' Right to Terminate for Convenience.

This Contract may be terminated at any time by mutual written consent of both parties.

b. Division's Right to Terminate for Convenience.

Division may, at its sole discretion, terminate this Contract, in whole or in part, upon thirty (30) days notice in writing to Contractor.

c. Division's Right to Terminate for Cause.

Division may terminate or modify this Contract, in whole or in part, in writing, immediately upon notice to Contractor, or at such later date as Division may establish in such notice, upon the occurrence of any of the following events:

- (1) Division fails to receive funding, or appropriations, limitations, or other expenditure authority at levels sufficient to allow for purchase of the indicated Contractor services;
- (2) Federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the services under this Contract are prohibited or Division is prohibited from paying for such services from the planned funding source;
- (3) Contractor no longer holds any license or certificate that is required to perform the work; or
- (4) Contractor commits any material breach of default of any covenant, warranty, obligation or agreement under this Contract, fails to perform the work under this Contract within the time specified herein or any extension thereof, or so fails to pursue the work as to endanger Contractor's performance under this Contract in accordance with its terms, and such breach, default or failure is not cured within ten (10) business days after delivery of Division's notice, or such longer period as Division may specify in such notice.

d. Contractor's Right to Terminate for Cause.

Contractor may terminate this Contract upon thirty (30) calendar days notice to Division if Division fails to pay Contractor pursuant to the terms of this Contract and Division fails to cure within thirty (30) calendar days after receipt of Contractor's notice, or such longer period of cure as Contractor may specify in such notice.

e. Remedies.

- (1) In the event of termination pursuant to subsections a., b., c.(1), c.(2), or d., of this Section, Contractor's sole remedy shall be a claim for the sum designated for accomplishing the work completed and accepted by Division, less previous amounts paid and claim(s) which Division has against Contractor. If the previous amounts paid to Contractor exceed the amount due to Contractor under this subsection, Contractor shall pay any excess to Division upon demand.

- (2) In the event of termination pursuant to subsections c.(3), or c.(4) of this Section, Division shall have any remedy available to it in law or equity. If it is determined for any reason that Contractor was not in default under subsection c.(3) or c.(4) of this Section, the rights and obligation of the parties shall be the same as if the Contract was terminated pursuant to subsection b., of this Section.

f. Contractor's Tender Upon Termination.

Upon receiving a notice of termination of this Contract, Contractor shall immediately cease all activities under this Contract, unless Division expressly directs otherwise in such notice of termination. Upon termination of this Contract, Contractor shall deliver to Division all documents, information, works-in-progress and other property that are or would be deliverables had the Contract been completed. Upon Division's request, Contractor shall surrender to anyone Division designates, all documents, research or objects or other tangible things needed to complete or continue the work.

23. Attorney Fees.

In the event a lawsuit of any kind is instituted on behalf of the State to collect any payment due under this Contract or to obtain performance of any kind under this Contract, Contractor agrees to pay such additional sums as the court may adjudge for reasonable attorney fees and to pay all costs and disbursements incurred therein.

24. Compliance Notice - 2000.

Contractor represents and warrants to the Division that all computer hardware and software purchased pursuant to this Contract will, individually and in combination, correctly process, sequence and calculate all date and date related data for all dates prior to, through and after January 1, 2000.

25. Survival.

All rights and obligations shall cease upon termination or expiration of this Contract, except for the right and obligations set forth in Sections: "Effective Date; Duration and Approval"; "Indemnity"; "Regulations; Requirements; and Acts"; "Termination"; "Record Maintenance; Access; and Contract Monitoring and Auditing"; "Compliance Notice - 2000"; "Survival"; and "Governing Law; Venue; Consent to Jurisdiction".

26. Limitation of Liabilities.

Except for liability arising under or related to the "Representation and Warranties", "Compliance Notice - 2000", and "Termination Remedies e. (2)" Sections of this Contract, neither party shall be liable for any indirect, incidental, consequential or special damages under the Contract or any damages of any sort arising solely from the termination of the Contract in accordance with its terms.

27. Severability.

The parties agree that if any term or provision of this Contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Contract did not contain the particular term or provision held to be invalid.

28. Governing Law; Venue; Consent to Jurisdiction.

This Contract shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between Division (and/or any other agency or department of the State of Oregon) and Contractor that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim, must be brought in a Federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. Contractor, by execution of this Contract, hereby consents to the in personam jurisdiction of said courts.

29. Force Majeure.

Neither Division nor Contractor shall be held responsible for delay or default caused by fire, riot, acts of God, or war where such cause was beyond the reasonable control of Division or Contractor, respectively. Contractor shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Contract.

30. Hold Harmless Provision.

To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, Contractor agrees to indemnify, defend, and hold harmless the State of Oregon, AFS and their officers, agents, and employees from all claims, law suits, and actions of whatever

nature brought against those parties which arise from the Contractor's performance or omissions under this Contract.

31. Contractor's Representation and Warranties.

Contractor represents and warrants to Division that:

- a. Contractor has the power and authority to enter into and perform this contract;
- b. This Contract, when executed and delivered, shall be a valid and binding obligation of Contractor enforceable in accordance with its terms;
- c. The work under this Contract shall be performed in a good and workmanlike manner and in accordance with the highest professional standards;
- d. Contractor shall at all times during the term of this Contract, be qualified, professionally competent and duly licensed to perform this work.

32. Counterparts.

This Contract may be executed by several identical signature pages, all of which when taken together shall constitute one agreement binding on all parties. Each copy of the Contract so executed shall constitute an original.

33. Merger Clause; Waiver.

This Contract and attached proposal constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Contract. No Waiver, consent, modification or change of terms of this Contract shall bind either party unless in writing and signed by both parties and all necessary State approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of Division to enforce any provision of this Contract shall not constitute a waiver by Division of that or any other provision.

34. Independent Contractor Status and Certification.

Name: (tax filing): _____

Address: _____

Citizenship, if applicable: Non-resident alien ☐ Yes ☐ No

Business Designation (check one):

- ☐ Corporation ☐ Partnership ☐ Limited Partnership ☐ Limited Liability Company
☐ Limited Liability Partnership ☐ Sole Proprietorship ☐ Government/Non-profit Corporation
☐ Other _____

Federal Tax ID# _____ - _____ or SSN# _____

Above payment information must be provided prior to Contract final approval. This information will be reported to the Internal Revenue Service (IRS) under the name and taxpayer identification submitted. (See IRS 1099 for additional instructions regarding taxpayer ID numbers.) Information not matching IRS records could subject Contractor to 31 percent backup withholding.

Certification: The individual signing on behalf of Contractor hereby certifies and swears under penalty of perjury: (a) the number shown on this form is Contractor's correct taxpayer identification; (b) Contractor is not subject to backup withholding because (i) Contractor is exempt from backup withholding, (ii) Contractor has not been notified by the IRS that Contractor is subject to backup withholding as a result of a failure to report all interest or dividends, or (iii) the IRS has notified Contractor that Contractor is no longer subject to backup withholding; (c) Contractor is an independent contractor as defined in ORS 670.600; and (d) the above Contractor data is true and accurate.

The individual signing on behalf of Contractor hereby certifies and swears under penalty of perjury that she/he is authorized to act on behalf of Contractor, she/he has authority and knowledge regarding Contractor's payment of taxes, and to the best of her/his knowledge, Contractor is not in violation of any Oregon tax laws including without limitation state inheritance tax, gift tax, personal income tax, withholding tax, corporation income and excise taxes, amusement devise taxes, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, the homeowners and renters property tax relief program and local taxes administered by the Department of Revenue (Multnomah County Business Income Tax, Lane Transit District Tax, Tri-Metropolitan Transit District Employer Payroll Tax, and Tri-Metropolitan Transit District Self-Employment Tax).

35. Acknowledgment.

Contractor, by execution of this Contract, hereby acknowledges that Contractor has read this Contract, understands it, and agrees to be bound by its terms and conditions. Contractor will not be paid for services rendered prior to necessary State approvals.

36. Contractor Data.

Name: _____

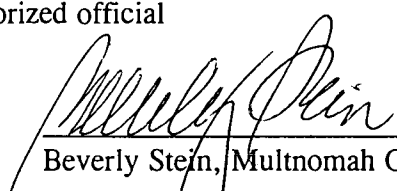
Authorized Official: _____

Title: _____

Telephone Number: _____ Facsimile Number: _____

SIGNATURES:

CONTRACTOR by and through
authorized official

By: 
Beverly Stein, Multnomah County Chair

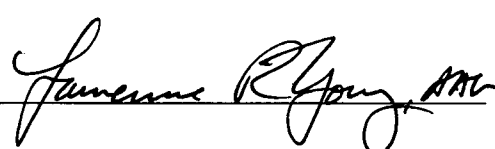
Date: May 6, 1999

STATE OF OREGON by and through
its Adult and Family Services Division

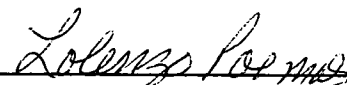
By: _____

Date: _____

APPROVED FOR LEGAL SUFFICIENCY

BY: 

Date: 4/22/99

BY: 
Lorenzo Poe, Director
Department of Community and Family

Date: 4/26/99

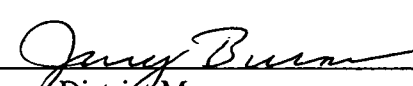
REVIEWED

Field Services


Date: _____

DHR Contract Officer

Date: _____


District Manager

Date: 4/20/99

 4/28/99
Thomas Sponsler
County Counsel for Multnomah County,
Oregon

Contract: Multnomah County
April 12, 1999
District Two

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-15 DATE 5/6/99
DEB BOGSTAD
BOARD CLERK

AGENDA NO: C-14
ESTIMATED START TIME: 9:30

AGENDA PLACEMENT FORM

BOARD BRIEFING

Date Requested: _____
Requested By: _____
Amount of Time Needed: _____

REGULAR MEETING

Date Requested: Next Available
Amount of Time Needed: Consent

DEPARTMENT: Community and Family Services
CONTACT: Lorenzo Poe/Mary Li

DIVISION: Community Programs and Partnerships
TELEPHONE: 248-3691
BLDG/ROOM: 166/7

PERSON(S) MAKING PRESENTATION: N/A

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE

\$185,500 Revenue Agreement with Oregon Department of Human Resources/Adult and Family Services

SIGNATURES REQUIRED:

5/6/99 ORIGINALS to Lou Olson

ELECTED OFFICIAL: _____

OR

DEPARTMENT MANAGER: Lolene Poe MD

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

LETTER OF
COURTESY COMMUNICATIONS
99 APR 20 PM 5:18
FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C. 20535
DIRECTOR



MULTNOMAH COUNTY OREGON

DEPARTMENT OF COMMUNITY AND FAMILY SERVICES
OFFICE OF THE DIRECTOR
421 SW SIXTH AVENUE, SUITE 700
PORTLAND, OREGON 97204
PHONE (503) 248-3691
FAX (503) 248-3379 TDD (503) 248-3598

BOARD OF COUNTY COMMISSIONERS
BEVERLY STEIN • CHAIR OF THE BOARD
DIANE LINN • DISTRICT 1 COMMISSIONER
SERENA CRUZ • DISTRICT 2 COMMISSIONER
LISA NAITO • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Board of County Commissioners

FROM: Lorenzo Poe, Director *Lorenzo Poe*
Department of Community and Family Services

DATE: April 27, 1999

SUBJECT: Revenue Agreement with Oregon Department of Human Resources/Adult and Family Services

I. Recommendation/Action Requested: The Department of Community and Family Services is recommends Board of County Commissioner approval of this Revenue Agreement with the Oregon Department of Human Resources/Adult and Family Services (DHR/AFS) upon execution through June 30, 1999.

II. Background/Analysis: DHR/AFS is providing funding for Step Into Safety Project Services. Funding is intended to increase capacity to service domestic violence survivors. Services included are: a) emergency safe shelter, b) case management, c) participant support, d) childcare services, and e) domestic violence resource training.

III. Financial Impact: This revenue contract is for \$185,500. A budget modification is needed to bring this revenue into the Department budget.

IV. Legal Issues: None

V. Controversial Issues: None

VI. Link to Current County Policies: Funding provided through this contract will assist the Department to achieve three County benchmarks: reduce children living in poverty, Increase school completion, and reduce crime.

VII. Citizen Participation: The Division of Community Programs and Partnerships receives citizen input from the Multnomah Commission on Children, Family, and Community and the County's Domestic Violence Steering Committee.

VIII. Other Government Participation: Services for domestic violence survivors provided through the County are also funded by Oregon Housing and Community Development and the City of Portland.

MULTNOMAH COUNTY CONTRACT APPROVAL FORM
(See Administrative Procedure CON-1)

Contract #: **9910657**

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

Amendment #: **0**

Class I	Class II	Class III
<input type="checkbox"/> Professional Services not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Revenue not to exceed \$50,000 (and not awarded by RFP or Exemption) <input type="checkbox"/> Intergovernmental Agreement (IGA) not to exceed \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <input type="checkbox"/> Architectural & Engineering not to exceed \$10,000 (for tracking purposes only)	<input type="checkbox"/> Professional Services that exceed \$50,000 or awarded by RFP or Exemption (regardless of amount) <input type="checkbox"/> PCRB Contract <input type="checkbox"/> Maintenance Agreement <input type="checkbox"/> Licensing Agreement <input type="checkbox"/> Construction <input type="checkbox"/> Grant <input type="checkbox"/> Revenue that exceeds \$50,000 or awarded by RFP or Exemption (regardless of amount)	<input checked="" type="checkbox"/> Intergovernmental Agreement (IGA) that exceeds \$50,000 <input type="checkbox"/> Expenditure <input checked="" type="checkbox"/> Revenue <div style="text-align: center;"> APPROVED MULTNOMAH COUNTY BOARD OF COMMISSIONERS AGENDA # <u>C-16</u> DATE <u>5/6/99</u> <u>DEB BOGSTAD</u> BOARD CLERK </div>

Department: <u>Community and Family Services</u>	Division: <u>Community Programs and Partnerships</u>	Date: <u>April 27, 1999</u>
Originator: <u>Nancy Culver</u>	Phone: <u>X 26121</u>	Bldg/Rm: <u>166/5</u>
Contact: <u>Patty Doyle</u>	Phone: <u>X 24418</u>	Bldg/Rm: <u>166/7</u>

Description of Contract: **This personal/professional services contract is in fact a revenue contract funding the Step Into Safety Project Services. These services are intended to increase capacity to service domestic violence survivors.**

RENEWAL: <input type="checkbox"/>	PREVIOUS CONTRACT #(S): _____	
RFP/BID: _____	RFP/BID DATE: _____	
EXEMPTION #/DATE: _____	EXEMPTION EXPIRATION DATE: _____	ORS/AR # _____
CONTRACTOR IS: <input type="checkbox"/> MBE <input type="checkbox"/> WBE <input type="checkbox"/> ESB <input type="checkbox"/> QRF <input type="checkbox"/> N/A <input type="checkbox"/> NONE (Check all boxes that apply)		

Contractor	Department of Human Resources, Adult and Family Services Division		
Address	<u>500 Summer Street NE</u>	Remittance Address	_____
	<u>Salem, OR 97310-1013</u>	(If different)	_____
Phone	<u>(503) 945-5600</u>	Payment Schedule / Terms	
Employer ID# or SS#	_____	<input type="checkbox"/> Lump Sum \$ _____	<input type="checkbox"/> Due on Receipt
Effective Date	<u>Upon Execution</u>	<input checked="" type="checkbox"/> Monthly \$ <u>Invoice</u>	<input type="checkbox"/> Net 30
Termination Date	<u>June 30, 1999</u>	<input type="checkbox"/> Other \$ _____	<input type="checkbox"/> Other
Original Contract Amount \$	<u>185,500</u>	<input type="checkbox"/> Requirements \$ _____	
Total Amt of Previous Amendments \$	<u>-0-</u>		
Amount of Amendment \$	<u>-0-</u>		
Total Amount of Agreement \$	<u>185,500</u>	Encumber <input type="checkbox"/> Yes <input type="checkbox"/> No	

REQUIRED SIGNATURES

Department Manager <u><i>Lolenz Poe</i></u>	DATE <u>4/26/99</u>
Purchasing Manager _____	DATE _____
County Counsel <u><i>Patty Doyle</i></u>	DATE <u>4/28/99</u>
County Chair <u><i>Allyson</i></u>	DATE <u>May 6, 1999</u>
Sheriff _____	DATE _____
Contract Administration _____	DATE _____

LGFS VENDOR CODE REV133						DEPT REFERENCE					
LINE #	FUND	AGENCY	ORG	SUB ORG	ACTIVITY	OBJ/ REV	SUB OBJ	REP CAT	LGFS DESCRIPTION	AMOUNT	INC DEC
01	156	010	1130			2338		9225S		185,500	
02											
03											

Contract Number: 84298

**Department of Human Resources
Adult and Family Services Division
Personal/Professional Services Contract**

Multnomah County Department of Community and Family Services

1. Parties.

This Contract is between the State of Oregon acting by and through its Adult and Family Services Division Field Services 500 Summer Street, NE Salem, Oregon 97310-1013, hereafter called Division, and Multnomah County Department of Community and Family Services, 421 Southwest Sixth Avenue, Suite 700, Portland, Oregon 97204-1618, hereafter called Contractor. Division's Contract Administrator for this Contract is David Flock. Contractor's Contract Administrator for this Contract is Chiquita Rollins.

2. Purpose.

To provide: Increased capacity to serve Division domestic violence survivors through the Step Into Safety project.

3. Effective Date; Duration; and Approval.

The Contract becomes effective the later of April 30, 1999 or the date of execution by every party and, when required, approved by the State of Oregon Department of Justice. Unless terminated or extended, this Contract shall expire when Division accepts Contractor's completed performance or through the end of business on June 30, 1999, whichever date occurs first. Expiration shall not extinguish or prejudice Division's right to enforce this Contract with respect to any breach of a Contractor warranty or any default or defect in Contractor performance that has not been cured.

4. Statement of Work.

Contractor shall perform the following services in accordance with the following standards:

a. Step Into Safety Project Services

- (1) Contractor, in consultation with Division and through the Step Into Safety project, shall utilize Contract funds to supplement additional funding resources available to

Contractor so as to ensure the continuing availability of project services to participants selected by Division.

- (2) Step Into Safety project services will be designed to assist recipient families of Division benefit programs, or families at risk of becoming recipients, who are escaping domestic violence situations to establish stable and secure residences and to overcome barriers to self sufficiency.
- (3) Contractor shall provide Step Into Safety project services to ninety (90) participant families selected by Division.
- (4) Contractor shall conclude any such agreement (interagency, intergovernmental, or other contracts) as is necessary and allowable to provide services required for the operation of the Step Into Safety project. Contractor shall monitor the implementation and delivery of project services under such agreements and ensure the appropriate and effective utilization of Contract funding.
- (5) Contractor shall conduct an assessment of the needs of Division referred families for security and stabilization services, and shall, in consultation with Division, the participant, and such community organizations as befit the family's service needs, develop for each family selected for participation in the Step Into Safety project a written individual service plan. In accordance with Contractor family assessment, the individual service plan shall describe the services Contractor shall provide to the participant, and Contractor expectations for participant cooperation, behavior and performance.
- (6) Step Into Safety project services shall consist of, but are not limited to, the following:

(a) *Emergency Safe Shelter*

Contractor shall ensure the availability and provision to project participants of emergency safe shelter to participants escaping domestic violence situations. Contractor shall ensure that Contractor emergency shelter facilities are secure and continually supervised, and observe stringent confidentiality standards.

(b) *Case Management*

Contractor shall, in consultation with Division and partner organizations, provide case management services to Step Into Safety project participants. Contractor shall monitor participant progress in fulfilling the conditions of the individual service plan and participate in Division case planning efforts in the event that the individual service plan requires modifications.

Contractor case management activities shall include, but are not limited to, assistance locating emergency safe shelter; assistance with identifying resources for transitional housing for participants; referrals to public and private providers of transitional housing; referrals to domestic violence and other service providers; and advocacy for participants seeking to secure transitional housing from public and private transitional housing providers.

Contractor shall inform Division of participants who fail or neglect to satisfy the conditions of the individual service plan.

(c) *Participant Support*

Contractor shall provide such support services as are required by the participant individual service plan. Contractor shall require documentation from participants that support funds made available to participants are utilized for the purposes required by the individual service plan.

(d) *Child Care Support*

Contractor shall provide such child care support services as are required by the participant individual service plan. Contractor shall require documentation from participants that child care support funds made available to participants are utilized to defray participant child care expenses.

(e) *Domestic Violence Resource Training*

Contractor shall provide participants with training on community service organizations available to serve domestic violence survivors. Contractor shall provide referrals to domestic violence service organizations to participants who request service referrals.

b. Performance Objective for Step Into Safety Project

- (1) Step Into Safety project services provided to ninety (90) participant families selected by Division.

c. Budget for Step Into Safety Project

- (1) Estimated budget for Step Into Safety project: \$185,500.

(2) Step Into Safety project budget funding shall be utilized for:

Emergency Safe Shelter:	\$75,500.00
Case Management:	\$87,000.00
Participant Support:	\$12,000.00
Child Care Support:	\$8,000.00
Domestic Violence Training:	\$3,000.00

d. Service Period for Step Into Safety Project

- a. Project service period for the Step Into Safety Project: April 30, 1999 through June 30, 1999.
- b. It has been determined at this time that there will be no funding of this project beyond June 30, 1999.

5. Consideration.

Payments for all work performed under this Contract shall be subject to the provisions of ORS 293.462 and shall not exceed the total maximum sum of \$185,500.00, which includes any allowable expenses and any travel and other expense reimbursement when noted below. This sum is limited to the actual, reasonable, and necessary costs of providing the services and shall be earned only after the effective date of this Contract. Interim payments may be made under this Contract. Payment will be made only for completed and accepted work.

Contractor shall not submit invoices for, and the Division will not pay, any amount in excess of the maximum compensation amount set forth above. If this maximum compensation amount is increased by amendment of this Contract, the amendment must be fully effective before the Contractor performs work subject to the amendment. No payment will be made for any services performed before the beginning date or after the expiration date of this Contract, as it may be amended from time to time in accordance with its terms.

6. Billings.

The Contractor shall render a signed and itemized invoice as prescribed by Division for services performed under this Contract. Contractor shall submit the invoices to David Flock, Adult and Family Services Division Service District Two, 3965 Southeast Powell Boulevard, Portland, OR 97202.

If the Contractor is utilizing permitted subcontractors, signed itemized invoices are required from the subcontractor to support all subcontract costs invoiced on the Contractor billing.

Division reserves the right to have the Contractor submit written documentation in support of its invoices. Division shall specify which invoiced items, if any, require such documentation as a condition of payment. Any questioned item shall be severed from the invoice and not paid until the issue is resolved. The remaining balance of the invoice shall be paid in accordance with the terms of this Contract.

7. Dual Payment.

Contractor shall not be compensated for work performed under this Contract by any other Department of the State of Oregon or by the Federal Government or by any other party.

8. Final Billing.

The final billing invoice for the Contract expenditure shall be submitted by Contractor to Division no later than forty-five (45) calendar days after the close of the contract.

9. Service Reports.

A service report as defined by Division must be submitted prior to, or in conjunction with, the billing invoice and must reach the Division within forty-five (45) working days of the completed service. The service report will discuss and explain all major contracted services, performance measures as defined in the Contract, and written explanations of all variations from such measures.

10. Notice.

Except as otherwise expressly provided in this Contract, any communications relating to Contractual provisions between the parties hereto or notices to be given hereunder shall be given in writing by personal delivery, or mailing the same, postage prepaid, to Contractor or Division at the addresses set forth in the section titled "Parties", or to such other addresses as either party may hereafter indicate pursuant to this Section. Any communication or notice so addressed and mailed shall be deemed to be given five (5) days after mailing. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.

11. Amendments.

The terms of this Contract shall not be waived, altered, modified or supplemented, except by a duly executed amendment. Any amendments to this Contract shall be effective only when they are reduced to writing and duly signed by both parties, and when required, approved by the Department of Justice. During the period of amendment negotiation and amendment processing, the Contractor shall be bound by the existing terms of the Contract. The budget shall not be modified or otherwise adjusted after the thirtieth (30th) calendar day before the close of this Contract.

Requests for amendment or modification of this Contract must be submitted in writing to Division thirty (30) calendar days in advance of the desired effective date.

Requests for amendment or modification of this Contract with less than thirty (30) calendar days advance notice will be considered by Division on a case-by-case basis.

Division may request clarification, additional detail, or further documentation of the amendment request. Such request by Division will be made no later than fifteen (15) calendar days following receipt of the amendment request.

12. Subcontracts and Assignment.

Except if specified in this Contract, Contractor shall not enter into any subcontracts for any of the work required by this Contract, or assign or transfer any of its interest in this Contract, without the prior written consent of Division. In addition to any other provisions Division may require, Contractor shall include in any permitted subcontract under this Contract a requirement that the subcontractor be bound by all Sections of this Contract as if the subcontractor were the Contractor. Division's consent to any subcontract shall not relieve Contractor of any of its duties or obligations under this Contract. The provisions of this Contract shall be binding upon and shall inure to the benefit of the parties hereto, and their respective successors and assigns, if any. Contractor shall, within fifteen (15) calendar days of entering into a subcontract, provide Division with a fully executed copy of such agreement.

13. No Third Party Beneficiaries.

Division and Contractor are the only parties to this Contract and are the only parties entitled to enforce its terms. Nothing in this Contract gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly, indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this Contract.

14. Funds Available and Authorized.

Contractor shall not be compensated for work performed under this Contract by any other agency or department of the State of Oregon or by the federal government or by any other party. Division has sufficient funds currently available and authorized for expenditure to finance the costs of this Contract within Division's biennial appropriation or limitation. Contractor understands and agrees that Division's payment of amounts under this Contract attributable to work performed after June 30 of every odd numbered year is contingent on Division receiving from the Oregon Legislative Assembly appropriations, limitations, or other expenditure authority sufficient to allow Division, in the exercise of its reasonable administrative discretion, to continue to make payments under this Contract.

Budget Contingency Provision: In the event that the Oregon Legislative Assembly and the Governor have not approved the Division biennial budget by the start of the next biennium, and instead approve one or more short term budgets or one or more short term limited amounts of appropriation, limitations and other expenditure authority, or both, Contractor understands and agrees that:

- (1) Division may terminate this Contract at any time without penalty or liability to the agency; and
- (2) Division may limit the term of the Contract to the period of time for which the Division has received budget authority and may limit the amount to be paid under this Contract to an amount which reflects a proportionate Contract budget based upon the time period for which budget authority is received or some lesser percentage of that amount, depending upon the level of spending authorized for the limited time period. The Division decision on the term of the Contract and the amount to be paid is final.

Notice(s) of the termination of the Contract or of the limitation of the term or payment amount or both are effective upon the delivery of written notice to Contractor with no further liability to Contractor.

15. Record Maintenance; Access, and Audit Reports.

Contractor shall maintain all fiscal records relating to this Contract in accordance with generally accepted accounting principles. Contractor shall maintain separate accounting of Contract income, expenditures and cash balances resulting from this Contract and any other Contract between the Contractor and Division, or any other source. In addition, Contractor shall maintain any other records pertinent to this Contract in such a manner as to clearly document Contractor's performance. Contractor acknowledges and agrees that Division and the Oregon Secretary of State's Office and the Federal government and any duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans and writings of Contractor that in the auditors and/or Division's opinion are pertinent to this Contract to perform examinations and audits and make excerpts and transcripts.

Contractor shall retain and keep accessible all such fiscal records, books, documents, papers, plans, and writings for a minimum of three (3) years, or such longer period as may be required by applicable law, following final payment and termination of this Contract, or until the conclusion of any audit, controversy or litigation arising out of or related to this Contract, whichever date is later. At the sole discretion of Division, access shall include the right to remove original records from the Contractor's office.

The Division, or its representative, may perform such research, data collection, evaluations, monitoring, and auditing activities, including the making of copies and excerpts, which Division, in its sole discretion, may determine are pertinent to the Contract. The Contractor shall cooperate fully with all such research, data collection, evaluation, monitoring, and auditing, and shall permit access to all records and to staff of the Contractor or any subcontractor. The State of Oregon and any Federal agency having an interest in the subject of this Contract shall have the same rights conferred under this section. At the sole discretion of Division, access to records shall include the removing of records from the Contractor's office. Failure by Contractor to cooperate and participate in research, data collection, evaluations, monitoring, or auditing may result in termination of this Contract.

At the discretion of the Division, the Contractor may be required to submit the Contractor's annual audit report and Contractor's response. This audit must comply with the Single Audit Act. This report and response shall be provide within thirty (30) calendar days of the issuance of the audit report. Contractor shall provide all assistance required by the Division in establishing and enforcing corrective action that may be needed as a result of the annual audit report.

16. Workers' Compensation Coverage and Insurance Coverage.

- a. The services rendered under this Contract are those of an independent contractor in accordance with relevant provisions of ORS Chapter 316, 656 and 657. The Contractor, its permitted subcontractors, and all employers working under this Contract are subject employers under the Oregon Workers' Compensation law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all of their subject workers.
- b. During the term of this Contract, Contractor shall maintain in force at its own expense, each insurance noted below:

- (1) ☐ Required by Division ☒ Not required by Division

Professional Liability insurance with a combined single limit, or the equivalent, of not less than ☐ \$200,000, ☐ \$500,000, ☐ \$1,000,000, or ☐ \$2,000,000, each claim, incident or occurrence. This is to cover damages caused by error, omission, or negligent acts related to the professional services to be provided under this Contract.

- (2) ☒ Required by Division ☐ Not required by Division

General Liability insurance with a combined single limit, or the equivalent, of not less than ☐ \$200,000, ☐ \$500,000, ☒ \$1,000,000, or ☐ \$2,000,000, each occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this Contract. It shall provide that the State of Oregon, Department of Human Resources, Adult and Family Services Division, and their divisions, officers and employees are Additional Insureds but only with respect to the Contractor's services to be provided under this Contract.

- (3) ☐ Required by Division ☒ Not required by Division

Automobile Liability insurance with a combined single limit, or the equivalent, of not less than ☐ Oregon Financial Responsibility Law (ORS 806.060), ☐ \$200,000, ☐ \$500,000, or ☐ \$1,000,000 each accident for Bodily Injury and Property Damage, including coverage for owned, hired or non-owned vehicles, as applicable.

- c. Notice of cancellation or change: There shall be no cancellation, material change, reduction of limits or intent not to renew the insurance coverage(s) without thirty (30) calendar days prior written notice from the Contractor or its insurer(s) to Division.
- d. Certificates of Insurance. As evidence of the insurance coverages required by this Contract, Contractor shall furnish acceptable insurance certificates to Division within thirty (30) calendar days of the effective date of this Contract. The certificate will specify all of the parties who are Additional Insureds. Insuring companies or entities are subject to state acceptance. If requested, complete copies of insurance policies, trust agreements, etc. shall be provided to Division. Contractor shall be financially responsible for all pertinent deductibles, self-insured retentions and/or self-insurance.

17. Independent Contractor; Responsibility for Taxes and Withholding; and Retirement.

- a. Contractor shall perform all required work as an independent Contractor in accordance with the relevant provisions of ORS Chapters 316, 656 and 657. Division reserves the right to determine (and modify) the delivery schedule for the work to be performed and to evaluate the quality of the performance.
- b. If Contractor is performing work for the State of Oregon or the Federal government, Contractor by signature to this Contract declares and certifies that: Contractor's work to be performed under this Contract creates no potential or actual conflict of interest as defined by ORS 244 or Federal Law and no rules or regulations of Contractor's employing Division (state or federal) would prohibit Contractor's work under this

Contract. Contractor is not an "officer", "employee", or "agent" of the State, as those terms are used in ORS 30.265.

- c. Contractor shall be responsible for all federal or state taxes applicable to compensation or payment paid to Contractor under this Contract and, unless Contractor is subject to backup withholdings, Division will not withhold from such compensation or payments any amount(s) to cover Contractor's federal or state tax obligations.
- d. Contractor is not eligible for any Social Security unemployment insurance or workers' compensation benefits from compensation or payments paid to Contractor under this Contract, except as a self-employed individual.

18. Confidentiality.

Contractor and its agents, employees, and subcontractors shall maintain all records fully confidential. The confidential status standards maintained by Contractor shall be in compliance with the requirements stated in ORS 411.320, ORS 418.130, 42 USC 602 (a) (1) (A) (iv), 42 USC 1396a (a) (7), 7 USC 2020 (a) (8), 42 CFR 431.300 et seq., and 7 CFR 272.1 (c), as applicable.

All individuals with access to participant and project records, the Division's computer system, or to any computer system containing Department of Human Resources client information, shall comply with Division confidentiality policy and shall indicate their understanding of this policy by signing a copy of the attached designated Confidentiality Certificate. A copy of the Confidentiality Certificate shall be reviewed, signed and dated prior to the individual's access to participant and project records. The individual's signed and dated Confidentiality Certificate shall be retained by Contractor in its files for a minimum of three (3) years and one (1) month following the term of this Contract and will be made available for Division inspection upon request. A supply of the Division Confidentiality Policy Training Packet will also be made available to Contractor.

19. Decision Review.

a. Reconsideration.

Contractor may request from Division reconsideration from any order issued or action taken by Division under this Contract. The request for reconsideration must be filed no later than ten (10) calendar days after the date of receipt of the order or action, and must specify the relief requested. The reconsideration must be filed in writing with Division Field Services Section Manager.

If Contractor disagrees with Division's decision on reconsideration Contractor may request review by an interagency panel representing workforce interests and appointed

by the Division. The panel shall make a recommendation to the Division. The panel's recommendation is not binding on the Division. A written request for such panel review must be made within ten (10) calendar days after the date of receipt of Division's decision on reconsideration. The panel's decision is not subject to review under ORS Chapter 183. At any time during or after this reconsideration process Contractor may pursue all and any rights available to Contractor under law.

b. Service Appeal.

Contractor shall have in place a system through which individuals receiving services under this Contract may present grievances.

20. Regulations; Requirements; and Acts.

a. Equal Opportunity.

Contractor agrees to comply with Executive Order 11246 titled Equal Employment Opportunity as amended by Executive Order 11375 and 12086 and as supplemented in Department of Labor Regulation 41 CFR Part 60.

b. Energy Policy and Conservation Act.

Contractor shall abide by all mandatory standards and policies which relate to energy efficiency and which are contained in the State of Oregon energy conservation plan which was issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).

c. Clean Air Act.

If the sum payable under this Contract exceeds \$100,000, by execution of this Contract, Contractor hereby provides the State of Oregon a written assurance that the Contractor will comply with all applicable standards, orders, or requirements issued under Section 306 of the Clean Air Act (42 USC 7401 et.seq.), the Federal Water Pollution Control Act, as amended (33 USC 1251 et.seq.), Section 508 of the Clean Water Act (33 USC 1368), Executive Order 11738 and Environmental Protection Agency regulations (40 CFR, Part 15), and further, Contractor agrees to promptly report all infractions to the State of Oregon and to the U.S. Environmental Protection Agency.

d. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions.

By execution of this Contract, Contractor hereby certifies:

- (1) Neither Contractor nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the Contractor is unable to certify to any of the statements in this certification, Contractor shall have attached an explanation to this Contract.
- (3) This certification is a material representation of fact upon which Division relied when this transaction was entered into. If it is later determined that the Contractor knowingly rendered an erroneous certification, in addition to other remedies available, Division or the Federal Government, or both, may pursue available remedies, including suspension and/or debarment.
- (4) Contractor shall provide immediate written notice to the Division if at any time the Contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
- (5) The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this section, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549: 45 CFR Part 76. Upon request, the Division will provide a copy of those regulations or the definitions.
- (6) Contractor shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the Division.
- (7) Contractor will include this subsection titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
- (8) If Contractor knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government or the Division, the Division may pursue available remedies, including suspension and/or debarment.

A participant/contractor in a covered transaction may rely upon a certification of a prospective participant/contractor in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant/contractor may decide the method and frequency by which it determines the eligibility of its principals. Each

participant/contractor may, but is not required to, check the Nonprocurement List (of excluded parties).

Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant/contractor is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

e. Drug Free Workplace Certificate.

The Contractor certifies that it will or will continue to provide a drug-free workplace by:

- (1) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition. (2) Establishing an ongoing drug-free awareness program to inform employees about:
 - (a) The dangers of drug abuse in the workplace;
 - (b) The policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace.
- (3) Making it a requirement that each employee be given a copy of the statement required by paragraph (1).
- (4) Notifying the employee in the statement required by paragraph (1) that, as a condition of employment, the employee will:
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five (5) calendar days after such conviction.
- (5) Notifying the Division and the Federal grantor agency in writing, within ten (10) calendar days after receiving notice under subparagraph (4)(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted

employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant.

- (6) Taking one of the following actions, within thirty (30) calendar days of receiving notice under subparagraph (4)(b), with respect to any employee who is so convicted:
 - (a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.
- (7) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5) and (6).

f. Restrictions on Lobbying.

Contractor, by execution of this Contract, certifies, to the best of Contractor's knowledge and belief that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the Contractor, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the contract, grant, loan, or cooperative agreement, Contractor shall complete and submit the Standard Form-LLL "Disclosure Form to Report Lobbying" in accordance with its instructions.

If instructions do not require filing the form with the Division, and as a material condition of this Contract, Contractor shall then also file a copy of the Standard Form-LLL with the Division. This filing shall occur at the same time as the filing in accordance with the instructions.

- (3) The Contractor shall include the language of this certification in all subcontracts at all tiers and require the subcontractors to certify and disclose accordingly.
- (4) Contractor understands this certification is a material representation of fact upon which the Division has relied in entering into this Contract. Contractor further understands that submission of this certification is a prerequisite, imposed by section 1352, title 31, U.S. Code, for entering into required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for such failure.
- (5) All subcontracts shall also be in compliance with the provisions of this Contract subsection.
- (6) Contractor shall be solely responsible for all liability arising from a failure to comply with this provision and shall indemnify the State for any damages suffered by the State as a result of failure to comply with the terms of this provision.

g. Ownership of Work Products.

All work product of Contractor that results from this Contract (the "Work Product") is the exclusive property of Division. Division and Contractor intend that such Work Product be deemed "work made for Hire" of which Division shall be deemed the author. If for any reason the Work Product is not deemed "work made for hire", Contractor hereby irrevocably assigns to Division all of its right, title, and interest in and to any and all of the Work Product, whether arising from copyright, patent, trademark, trade secret, and any other state or federal intellectual property law or doctrine. Contractor shall execute such further documents and instruments as Division may reasonably request in order to fully vest such rights in Division. Contractor forever waives any and all rights relating to the Work Product, including without limitation, any and all rights arising under 17 USC 106A or any other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications.

h. Compliance with Applicable Laws.

Contractor shall comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the work under this Contract, including, without limitations, the provisions of ORS 279.312, 279.314, 279.316 as amended, 279.320, 279.555, and OAR 150-305.385 (6)-(B). Without limiting the generality of the foregoing, Contractor expressly agrees to comply with: Title VI of the Civil Rights Act of 1964; Title II Section V of the Rehabilitation Act of 1973; the Americans with Disabilities Act of 1990 and ORS 659.425; Public Law 103-227, Part C - Environmental Tobacco Smoke (Pro-Children Act of 1994). Contractor shall comply with applicable sections of Public Law 104-193: Title I Block Grants for Temporary Assistance for Needy Families (TANF); Title II Supplemental Security Income; Title III

Child Support; Title IV, Part A of the Social Security Act as amended Welfare to Work; Title V Child Protection; Title VI Child Care; Title VII Child Nutrition Programs; Title VIII Food Stamps and Commodity Distribution; Title IX Miscellaneous, and all regulations and administrative rules established pursuant to the foregoing laws; and all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

Recycling: As required by ORS 279.555, in the performance of this Contract the Contractor shall use, to the maximum extent economically feasible, recycled products.

i. Disclosure of Social Security Number.

Contractor must provide Contractor's Social Security number unless Contractor provides a Federal tax ID number. This number is requested pursuant to ORS 305.385, OAR 125-20-410(3) and OAR 150-305.100. Social Security numbers provided pursuant to this authority will be used for the administration of State, Federal and local tax laws.

k. Additional Regulations.

Contractor must comply with 20 CFR Part 645, the relevant parts of 7 CFR Subchapter C, 42 CFR Subchapter C, 45 CFR Parts 74, 76, 80, 84, 86, 90, 91, and 92 and OMB Circular A-128 or A-133 as appropriate, and any other applicable Federal statutes or regulations.

All equipment is allowable only when specifically authorized through a formal written request made to and approved by Division in writing prior to the acquisition. Acquisition means purchase, lease purchase, lease option, and other equivalent terms. The Contractor must ensure that all acquisitions meet all standards of the provisions of 45 CFR, Part 74.

Title to all goods, including software, hardware, equipment, furniture, and fixtures shall be taken in the name of the State of Oregon and written advice of title shall be submitted to Division within thirty (30) calendar days of acquisition. Contractor shall take custodial responsibility for all property acquired under this Contract, ensure its safety, and ensure that it is used to carry out the purposes of this Contract. The Contractor shall keep a log of all capital outlay. The value of all acquisitions shall be treated in accordance with the accounting methods under 45 CFR Part 74 and Generally Accepted Accounting Practices (GAAP). Equipment of whatever nature used by Contractor or any subcontractor shall not be claimed as an expense, except pursuant GAAP and 45 CFR Part 74 principles.

At the termination of this Contract, disposition of the property acquired, whether purchased wholly or in part with funds provided under this Contract or purchased with DHHS, Administration of Children and Families, funding shall be made according to such terms as Division prescribes. The Division intent is that the property will be used,

first, to carry out other Division activities and, second, other federally assisted programs and, last, for any other State programs. The Division will, in connection with the performance of this Contract provision, provide the Contractor with written directions.

21. Time is of the Essence.

Contractor agrees that time is of the essence under this Contract.

22. Termination.

a. Parties' Right to Terminate for Convenience.

This Contract may be terminated at any time by mutual written consent of both parties.

b. Division's Right to Terminate for Convenience.

Division may, at its sole discretion, terminate this Contract, in whole or in part, upon thirty (30) days notice in writing to Contractor.

c. Division's Right to Terminate for Cause.

Division may terminate or modify this Contract, in whole or in part, in writing, immediately upon notice to Contractor, or at such later date as Division may establish in such notice, upon the occurrence of any of the following events:

- (1) Division fails to receive funding, or appropriations, limitations, or other expenditure authority at levels sufficient to allow for purchase of the indicated Contractor services;
- (2) Federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the services under this Contract are prohibited or Division is prohibited from paying for such services from the planned funding source;
- (3) Contractor no longer holds any license or certificate that is required to perform the work; or
- (4) Contractor commits any material breach of default of any covenant, warranty, obligation or agreement under this Contract, fails to perform the work under this Contract within the time specified herein or any extension thereof, or so fails to pursue the work as to endanger Contractor's performance under this Contract in accordance with its terms, and such breach, default or failure is not cured within ten (10) business days after delivery of Division's notice, or such longer period as Division may specify in such notice.

d. Contractor's Right to Terminate for Cause.

Contractor may terminate this Contract upon thirty (30) calendar days notice to Division if Division fails to pay Contractor pursuant to the terms of this Contract and Division fails to cure within thirty (30) calendar days after receipt of Contractor's notice, or such longer period of cure as Contractor may specify in such notice.

e. Remedies.

- (1) In the event of termination pursuant to subsections a., b., c.(1), c.(2), or d., of this Section, Contractor's sole remedy shall be a claim for the sum designated for accomplishing the work completed and accepted by Division, less previous amounts paid and claim(s) which Division has against Contractor. If the previous amounts paid to Contractor exceed the amount due to Contractor under this subsection, Contractor shall pay any excess to Division upon demand.
- (2) In the event of termination pursuant to subsections c.(3), or c.(4) of this Section, Division shall have any remedy available to it in law or equity. If it is determined for any reason that Contractor was not in default under subsection c.(3) or c.(4) of this Section, the rights and obligation of the parties shall be the same as if the Contract was terminated pursuant to subsection b., of this Section.

f. Contractor's Tender Upon Termination.

Upon receiving a notice of termination of this Contract, Contractor shall immediately cease all activities under this Contract, unless Division expressly directs otherwise in such notice of termination. Upon termination of this Contract, Contractor shall deliver to Division all documents, information, works-in-progress and other property that are or would be deliverables had the Contract been completed. Upon Division's request, Contractor shall surrender to anyone Division designates, all documents, research or objects or other tangible things needed to complete or continue the work.

23. Attorney Fees.

In the event a lawsuit of any kind is instituted on behalf of the State to collect any payment due under this Contract or to obtain performance of any kind under this Contract, Contractor agrees to pay such additional sums as the court may adjudge for reasonable attorney fees and to pay all costs and disbursements incurred therein.

24. Compliance Notice - 2000.

Contractor represents and warrants to the Division that all computer hardware and software purchased pursuant to this Contract will, individually and in combination, correctly process,

sequence and calculate all date and date related data for all dates prior to, through and after January 1, 2000.

25. Survival.

All rights and obligations shall cease upon termination or expiration of this Contract, except for the right and obligations set forth in Sections: "Effective Date; Duration and Approval"; "Indemnity"; "Regulations; Requirements; and Acts"; "Termination"; "Record Maintenance; Access; and Contract Monitoring and Auditing"; "Compliance Notice - 2000"; "Survival"; and "Governing Law; Venue; Consent to Jurisdiction".

26. Limitation of Liabilities.

Except for liability arising under or related to the "Representation and Warranties", "Compliance Notice - 2000", and "Termination Remedies e. (2)" Sections of this Contract, neither party shall be liable for any indirect, incidental, consequential or special damages under the Contract or any damages of any sort arising solely from the termination of the Contract in accordance with its terms.

27. Severability.

The parties agree that if any term or provision of this Contract is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Contract did not contain the particular term or provision held to be invalid.

28. Governing Law; Venue; Consent to Jurisdiction.

This Contract shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between Division (and/or any other agency or department of the State of Oregon) and Contractor that arises from or relates to this Contract shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim, must be brought in a Federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. Contractor, by execution of this Contract, hereby consents to the in personam jurisdiction of said courts.

29. Force Majeure.

Neither Division nor Contractor shall be held responsible for delay or default caused by fire, riot, acts of God, or war where such cause was beyond the reasonable control of Division or Contractor, respectively. Contractor shall, however, make all reasonable efforts to remove or eliminate such a cause of delay or default and shall, upon the cessation of the cause, diligently pursue performance of its obligations under this Contract.

30. Hold Harmless Provision.

To the extent permitted by the Oregon Constitution and the Oregon Tort Claims Act, Contractor agrees to indemnify, defend, and hold harmless the State of Oregon, AFS and their officers, agents, and employees from all claims, law suits, and actions of whatever nature brought against those parties which arise from the Contractor's performance or omissions under this Contract.

31. Contractor's Representation and Warranties.

Contractor represents and warrants to Division that:

- a. Contractor has the power and authority to enter into and perform this contract;
- b. This Contract, when executed and delivered, shall be a valid and binding obligation of Contractor enforceable in accordance with its terms;
- c. The work under this Contract shall be performed in a good and workmanlike manner and in accordance with the highest professional standards;
- d. Contractor shall at all times during the term of this Contract, be qualified, professionally competent and duly licensed to perform this work.

32. Counterparts.

This Contract may be executed by several identical signature pages, all of which when taken together shall constitute one agreement binding on all parties. Each copy of the Contract so executed shall constitute an original.

33. Merger Clause; Waiver.

This Contract and attached proposal constitute the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral

or written, not specified herein regarding this Contract. No Waiver, consent, modification or change of terms of this Contract shall bind either party unless in writing and signed by both parties and all necessary State approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of Division to enforce any provision of this Contract shall not constitute a waiver by Division of that or any other provision.

34. Independent Contractor Status and Certification.

Name: (tax filing): _____

Address: _____

Citizenship, if applicable: Non-resident alien ☐ Yes ☐ No

Business Designation (check one):

- ☐ Corporation ☐ Partnership ☐ Limited Partnership ☐ Limited Liability Company
☐ Limited Liability Partnership ☐ Sole Proprietorship ☐ Government/Non-profit Corporation
☐ Other _____

Federal Tax ID# _____ - _____ or SSN# _____

Above payment information must be provided prior to Contract final approval. This information will be reported to the Internal Revenue Service (IRS) under the name and taxpayer identification submitted. (See IRS 1099 for additional instructions regarding taxpayer ID numbers.) Information not matching IRS records could subject Contractor to 31 percent backup withholding.

Certification: The individual signing on behalf of Contractor hereby certifies and swears under penalty of perjury: (a) the number shown on this form is Contractor's correct taxpayer identification; (b) Contractor is not subject to backup withholding because (i) Contractor is exempt from backup withholding, (ii) Contractor has not been notified by the IRS that Contractor is subject to backup withholding as a result of a failure to report all interest or dividends, or (iii) the IRS has notified Contractor that Contractor is no longer subject to backup withholding; (c) Contractor is an independent contractor as defined in ORS 670.600; and (d) the above Contractor data is true and accurate.

The individual signing on behalf of Contractor hereby certifies and swears under penalty of perjury that she/he is authorized to act on behalf of Contractor, she/he has authority and knowledge regarding Contractor's payment of taxes, and to the best of her/his knowledge, Contractor is not in violation of any Oregon tax laws including without limitation state inheritance tax, gift tax, personal income tax, withholding tax, corporation income and excise taxes, amusement devise taxes, timber taxes, cigarette tax, other tobacco tax, 9-1-1 emergency communications tax, the homeowners and renters property tax relief program and

local taxes administered by the Department of Revenue (Multnomah County Business Income Tax, Lane Transit District Tax, Tri-Metropolitan Transit District Employer Payroll Tax, and Tri-Metropolitan Transit District Self-Employment Tax).

35. Acknowledgment.

Contractor, by execution of this Contract, hereby acknowledges that Contractor has read this Contract, understands it, and agrees to be bound by its terms and conditions. Contractor will not be paid for services rendered prior to necessary State approvals.

36. Contractor Data.

Name: _____

Authorized Official: _____

Title: _____

Telephone Number: _____ Facsimile Number: _____

SIGNATURES:

CONTRACTOR by and through
authorized official

By: _____

Beverly Stein, Chair

Date: _____

May 6, 1999

APPROVED MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-16 DATE 5/6/99
DEB BOGSTAD
BOARD CLERK

STATE OF OREGON by and through
its Adult and Family Services Division

By: _____

Date: _____

APPROVED FOR LEGAL SUFFICIENCY

BY: _____

Jamene R. Gony, ASAC
Assistant Attorney General

Date: _____

4/22/99

BY: _____

Lorenzo Poe, Director
Community and Family Services

Date: _____

4/26/99

REVIEWED

Jobs Manager

Date: _____

AFS Contract Manager

Date: _____

Jerry Burr
District Manager

Date: _____

4/24/99

REVIEWED:
THOMAS SPONSER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY

BY: _____

Kate Hays
ASSISTANT COUNTY COUNSEL

DATE: _____

4/28/99

MEETING DATE: MAY 06 1999
AGENDA NO: C-17
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: PCRB EXEMPTION REQUEST FROM FORMAL COMPETITIVE RFP PROCESS

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: May 6, 1999
AMOUNT OF TIME NEEDED: N/A

DEPARTMENT: DSS DIVISION: Finance/Purchasing

CONTACT: Franna Hathaway TELEPHONE #: 248-5111 X22651
BLDG/ROOM #: 421/1st floor

PERSON(S) MAKING PRESENTATION: Consent

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

PCRB Exemption Request from the formal competitive RFP process for the purchase of the Instrument Recording and Indexing System from The Software Group.

5/10/99 copies to FRANNA HATHAWAY

SIGNATURES REQUIRED:

ELECTED OFFICIAL: [Signature]
(OR)
DEPARTMENT
MANAGER: [Signature]

CLERK OF
COUNTY COMMISSIONERS
99 APR 26 PM 5:54
HILL COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

**BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM BRIEFING
STAFF REPORT SUPPLEMENT**

TO: BOARD OF COUNTY COMMISSIONERS

FROM: Franna Hathaway, Purchasing Manager

TODAY'S DATE: April 27, 1999

REQUESTED PLACEMENT DATE: May 6, 1999

RE: PCRB Exemption Request from the Competitive RFP Process for the Purchase of the Instrument Recording and Indexing System from The Software Group (TSG)

I. Recommendation/Action Requested:

Request approval of the exemption request to purchase the Instrument Recording and Indexing System without a formal competitive RFP from TSG.

II. Background/Analysis:

The Recording Office of the Tax Collection and Records Management Division uses an automated system to record approximately 240,000 documents annually. They are required by ORS to maintain a permanent public record of all recorded transactions. Some of the recording information is used to create that record.

After each document is recorded it is microfilmed (manually) for the permanent public record. ORS also requires that an alphabetical and numerical index of the microfilmed documents be maintained. Customers and staff use the index to locate and retrieve recorded documents.

In 1995 a combined Cashiering/Indexing/Imaging system to be provided by the Smith/Norris Company (S/N) was selected through the formal RFP process. The S/N Company filed bankruptcy in 1997 before the imaging and indexing system was installed. In addition, other companies that provided the underlying software environment required for running the recording software application have gone out of business. The result is, A&T could not recover from any failure within that environment. Already, the recording database has been corrupted and attempts to identify and/or correct the problems have not been successful; A&T cannot run some of the maintenance programs necessary to support the system.

A&T is scheduled to move to the Multnomah Building later this year. A&T's Technical Support staff are concerned that due to maintenance problems and the fragility of the S/N recording system, they could not successfully move the system from the Commonwealth Building to the Multnomah Building.

The Instrument Recording and Indexing system (Index.Fee) is a subsystem to TSG's Oregon Assessment and Appraisal (OAA) and Oregon Tax Collection (OTC) systems that A&T previously purchased and is in the process of installing. The purchase of TSG's OAA and OTC systems was through the Marion County contract. Marion County selected TSG through the competitive RFP process.

Recording is the trigger to many of the subsequent functions within A&T. Compatibility between the functions of Recording and A&T systems provides a smoother transition of data. Staff using both systems will need to learn the basics of the systems only once.

Working with TSG will provide one point of contact for all technical issues related to both A&T software and recording software. The recording software operates in the same environment as the new A&T system and is very flexible.

III. Financial Impact:

The cost of the Index.Fee system, enhancements and hardware is approximately \$600,000. System compatibility will provide cost savings for Multnomah County when there are enhancements or problems with either system since one vendor provides the support. A&T would not need to use staff time and effort to coordinate enhancements or problems between two vendors. The advantages of one vendor in the long run will save Multnomah County money as well as address the urgency of the year 2000 deadline.

IV. Legal Issues:

A&T has identified that the S/N system is not Y2K compliant. The lack of vendor support and non-Y2K compliance makes it necessary to replace the software and some hardware.

Replacement of this system is crucial. The new system must be fully tested and operational by mid-November 1999. November is key because of vendor and staff availability. The end of every month is the busy time for Recording. December is a very busy month for the Recording Section. December 31 is the busiest day of the year for recording documents, as people want their tax savings.

If the current system is not replaced, A&T would have to return to a manual process that would include the use of a hand stamp, typewriter, and time stamp. The manual process could not keep pace with the current document recording volume. A manual process would require additional staffing, either permanent or temporary and many hours of overtime. With existing staff A&T would barely be able to meet the statutory requirement to record all documents presented within the day. A&T would not be able to microfilm the documents as they come in, creating a growing backlog that would result in a lack of accessibility to public records.

Today, A&T can barely meet the ORS requirement to return original documents within 10 days. Without a computerized system there is no way to estimate how long it would take for them to return original documents to the customer.

Through contact with other recording agencies in Oregon, A&T is not aware of another vendor or software package like this capable of handling their volume of documents that is adapted to or operating in Oregon.

V. Controversial Issues:

N/A

VI. Link to Current County Policies:

Current Policy requires that purchases over \$50,000 be procured through a formal competitive process or be exempted. PCRB Administrative Rule 10.140 allows the Public Contract Review Board to grant such exemptions.

VII. Citizen Participation:

N/A

VIII. Other Government Participation:

N/A

RECEIVED
CLERK OF COURT SECTION

99 APR 27 AM 9:07

MULTNOMAH COUNTY

To : Franna Hathaway

From: Larry Nicholas *Larry Nicholas*

Date: April 23, 1999

Subject: Exemption

We are asking for an exemption from bid to purchase The Software Group's (TSG) Instrument Recording and Indexing system (Index.Fee). This system is a subsystem to TSG's Oregon Assessment and Appraisal (OAA) and Oregon Tax Collection (OTC) systems that we previously purchased and are in the process of installing. Our purchase of TSG's OAA and OTC systems was through the Marion County contract. Marion County selected TSG through the competitive bid process. The cost of the Index.Fee system, enhancements and hardware is approximately \$600,000.

Background

The Recording Office of the Tax Collection and Records Management Division uses an automated system to record approximately 240,000 documents annually. The recording system is used to cashier documents, produce labels, issue document numbers, categorize fees, and capture document types. We are required by ORS to maintain a permanent public record of all recorded transactions. Some of the recording information is used to create that record.

After each document is recorded it is microfilmed (manually) for the permanent public record. ORS also requires that an alphabetical and numerical index of the microfilmed documents be maintained. Customers and staff use the index to locate and retrieve recorded documents.

Daily, a local vendor makes copies of all microfilmed documents. The copies are then manually coded by recording staff and sent to keypunch. Key punch creates an electronic file of the recorded documents that is transferred to the mainframe. A mainframe application creates a tape file index. That index is sent to another vendor where a microfiche index is created.

After the indexing process, recorded documents that deal with property ownership changes are manually removed for further processing. The property ownership changes require additional manual research, coding and keypunching. The entire process is antiquated and inefficient. The proposed new system will not only streamline this process, but will make available an on-line index as well.

In 1995 a combined Cashiering/Indexing/Imaging system to be provided by the Smith/Norris Company (S/N) was selected. The S/N Company filed bankruptcy in 1997

before the imaging and indexing system was installed. In addition, other companies that provided the underlying software environment required for running the recording software application have gone out of business. The result is, we could not recover from any failure within that environment. Already, the recording database has been corrupted and attempts to identify and/or correct the problems have not been successful; we cannot run some of the maintenance programs necessary to support the system.

Why the Exemption

We have identified that the S/N system is not Y2K compliant. The lack of vendor support and non-Y2K compliance makes it necessary to replace the software and some hardware.

Replacement of this system is crucial. The new system must be fully tested and operational by mid-November 1999. November is key because of vendor and staff availability. The end of every month is the busy time for Recording. December is a very busy month for the Recording Section. December 31 is the busiest day of the year for recording documents, as people want their tax savings.

If the current system is not replaced, we would have to return to a manual process that would include the use of a hand stamp, typewriter, and time stamp. The manual process could not keep pace with the current document recording volume. A manual process would require additional staffing, either permanent or temporary and many hours of overtime. With existing staff we would barely be able to meet the statutory requirement to record all documents presented within the day. We would not be able to microfilm the documents as they come in, creating a growing backlog that would result in a lack of accessibility to public records.

Today, we can barely meet the ORS requirement to return original documents within 10 days. Without a computerized system there is no way to estimate how long it would take for us to return original documents to the customer.

A&T is scheduled to move to the Multnomah Building later this year. A&T's Technical Support staff is concerned that due to maintenance problems and the fragility of the S/N recording system, they could not successfully move the system from the Commonwealth Building to the Multnomah Building. The schedule for A&T's move to the new building means we will install the new system at the Commonwealth Building. There should be no problem moving the new system to the Multnomah Building.

Through contact with other recording agencies in Oregon, we are not aware of another vendor or software package like this capable of handling our volume of documents that is adapted to or operating in Oregon.

Advantages of the TSG System

TSG is the vendor installing the new A&T system. TSG has over 15 years experience installing and supporting Appraisal and Tax Collection system software. They have had operational systems in Oregon for more than 11 years. The software product, Index.Fee has been operational in Washington and Lincoln counties since 1990. With their experience in Oregon, Index.Fee can be implemented within the required timeframe.

Recording is the trigger to many of the subsequent functions within A&T. Our Sales section receives notification of property sales from the recording. Those sales are used to determine property values; trending and the state required yearly sales ratio report. Property ownership changes are also received from the recording process.

Compatibility between the functions of Recording and A&T systems provides a smoother transition of data. Staff using both systems will need to learn the basics of the systems only once. System compatibility will provide cost savings for Multnomah County when there are enhancements or problems with either system since one vendor provides the support. We would not need to use staff time and effort to coordinate enhancements or problems between two vendors. The advantages of one vendor in the long run will save Multnomah County money as well as address the urgency of the year 2000 deadline.

Working with TSG will provide one point of contact for all technical issues related to both A&T software and recording software. The recording software operates in the same environment as the new A&T system and is very flexible.

TSG has a working system that does imaging. Document imaging in conjunction with the recording module will streamline the entire process. Recorded documents can be viewed online while the operator updates the index, removing the need for many of the manual processes currently in place. Not all recorded documents are required in the downstream A&T processes. Once indexed, documents can be automatically filtered so that staff will work only the documents they need to complete their functions. Manual sorting would no longer be required.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD
ORDER NO. 99-73

Exempting from the Formal Competitive RFP Process a Contract for the Purchase of the Instrument Recording and Indexing System (Index.Fee) from The Software Group.

The Multnomah County Board of Commissioners Finds:

- a. The Board, acting in its capacity as the Multnomah County Public Contract Review Board to review, pursuant to PCRB Rules 10.140 and 20.060 a request from the Department of Environmental Services, for an exemption from the formal competitive RFP process for a contract for the purchase of the Instrument Recording and Indexing System from The Software Group (TSG) for the approximate amount of \$600,000.
- b. As it appears in the application, the staff report from Franna Hathaway and the memorandum from Larry Nicholas, the request for exemption is based upon the fact that Assessment and Taxation's current recording and indexing system is not Y2K compliant, has no vendor support and is too fragile to move to the Multnomah Building; the requested system is a subsystem to the systems currently provided by TSG and therefore compatible and able to be maintained by a single contractor. Additionally, after checking with other recording agencies in Oregon, the County has not identified another contractor able to provide a system to meet the needs of an Oregon political subdivision.
- c. This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Administrative Rules 10.140 and 20.060.

The Multnomah County Board of Commissioners, acting as the Public Contract Review Board Orders:

That the contract for the purchase of the Instrument Recording and Indexing System be exempted from the requirements of a forma RFP.

APPROVED this 6th day of May, 1999.



REVIEWED: _____

BOARD OF COUNTY COMMISSIONERS FOR
MULTNOMAH COUNTY, OREGON, ACTING
AS THE PUBLIC CONTRACT REVIEW BOARD



Beverly Stein, Chair

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By _____

John Thomas, Assistant County Counsel

MEETING DATE: MAY 06 1999
AGENDA NO: R-2
ESTIMATED START TIME: 9:30

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: DCJ RESULTS Briefing: Using Best Practices in Juvenile Custody Services

Board Briefing:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: Yes

DATE REQUESTED: 5/6/99

AMOUNT OF TIME NEEDED: 10 min

DEPARTMENT: Community Justice

DIVISION: DCJ

CONTACT: Lore Joplin

TELEPHONE #: 248-3438

BLDG/ROOM#: 311

PERSON(S) MAKING PRESENTATION: Teresa Carroll and staff

ACTION REQUESTED

[X] INFORMATIONAL ONLY [] POLICY DIRECTION [] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE

The Department of Community Justice RESULTS Briefing: Using Best Practices in Juvenile Custody Services

SIGNATURES REQUIRED

ELECTED OFFICIAL: _____

(OR)

DEPARTMENT

MANAGER:

Kathy Tiet

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES.

Any questions? Please call the Board Clerk @ 248-3277

99 APR 28 PM 5:29
CLERK OF
COUNTY COMMISSIONERS
KATHY TIEB
OREGON

CUSTODY SERVICES – CORE CORRECTIONAL PRACTICES

MAY 1999

Problem Statement:

How can Juvenile Custody Services incorporate Best Corrections Practices into our daily operations?

Core Corrections Design Group:

Teresa Carroll
Anthony Steward
Pam Mallory

Action Plan:

- Articulate clear expectations to staff & youth and provide administrative support
- Best practices training for all staff
- Structure implementation through the use of teams
- Plan the implementation of cognitive-behavioral approaches of working with youths in detention
- Follow-up training with all staff; revised training manual on every unit as reference
- Accountability for staff
- Accountability for youths
- Evaluation of staff-six months informal evaluation and annual performance appraisal

Initial Barriers Identified:

- Insufficient staff buy-in
- Behavior change is difficult to measure
- Lack of models for custody services
- Lengthy change process

Anticipated Results:

- All youth within detention will receive cognitive-behavioral programming
- Pre and post test of thinking errors for youth
- Increase in interaction between staff and youth
- Increase in percentage of youth reporting fair and respectful treatment by staff
- Reduction in recidivism

Future Actions:

- Complete and evaluate implementation
- Develop tracking system for problem solving logs
- Group facilitation training for staff
- Include evaluation of core corrections competencies in performance appraisal
- Consistency in content of educational groups for youth

#1

SPEAKER SIGN UP CARDS

DATE 5/6/99

NAME Pam ^{Rutherford} Rutherford Neighborhood

ADDRESS ~~Block 6~~ Health Clinics
4945 NE 7th
Portland, OR 97211

PHONE 288-5995

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Block Grant R-3

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 5/6/99

NAME HELEN BARNEY

ADDRESS 135 SW ASH

PORTLAND 97204

PHONE 802-8505

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC BLOCK BUDGET ALLOCATION

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE 5/6/99 Encore Breton

NAME Cynthia McGovern

ADDRESS Fair Housing Council

PHONE 223-3542

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC CDBG Budget

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE 5/6/99

NAME DENNIS DOWIN

ADDRESS 1027 E Burnside

CODA PDY 97214

PHONE 236-2290 XT 301

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC Housing

GIVE TO BOARD CLERK

#5

SPEAKER SIGN UP CARDS

DATE 5/5/95

NAME Carmen Schleiger

ADDRESS Human Solutions

2906 SE 122nd PDX OR

PHONE 248-5200 x 26226

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC R-3

GIVE TO BOARD CLERK

MEETING DATE: May 6, 1999
AGENDA NO: R-3
ESTIMATED START TIME: 9:40

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: 1999-2000 Consolidated Plan Update and Annual Action Plan for the Community Development Block Grant Program

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: May 6, 1999
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Community and Family Services
DIVISION: Community Programs & Partnerships

CONTACT: Karen Jones Whittle TELEPHONE #: 83631
BLDG/ROOM #: 166/500

PERSON(S) MAKING PRESENTATION: Karen Jones Whittle

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

1999-2000 Consolidated Plan and Annual Action Plan for the Community Development Block Grant Program - Public Hearing and Board Action.

Multnomah County will receive \$378,000 from the US Department of Housing and Urban Development for Program Year 1999-2000. Funds will be allocated to eligible projects located within the cities of Fairview, Troutdale, Maywood Park, and Wood Village and unincorporated areas of the County. Public testimony will be received on projects recommended by the Program's Policy Advisory Board. Multnomah County Annual Action Plan will become part of the Portland-Gresham-Multnomah County Consolidated Plan.

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: Lorenzo Poe me

APR 28 PM 5:13
CLERK OF COUNTY
OREGON
H26/99
1002

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Lorenzo T. Poe, Jr. *Lorenzo Poe ms*
Department of Community and Family Services

DATE: May 6, 1999

RE: CDBG 1999-2000 Consolidated Plan Update and Annual Action Plan

1. Recommendation/Action Requested:

The Board of County Commissioners are asked to receive testimony and approve the 1999-2000 Consolidated Plan Update and Annual Action Plan for funding the Community Development Block Grant Program.

2. Background/Analysis:

Multnomah County is entitled to receive US Department of Housing and Urban Development (HUD) funds through the Community Development Block Grant Program in the amount of approximately \$378,000 for program year 1999-2000. Additional HUD funding is available to the County through the City of Portland and from the HOME Investment Partnership Program in the amount of approximately \$239,456.

The Board is being asked to receive testimony on the County's 1999-2000 Consolidated Plan Update and Annual Action Plan and approve it in its final form before submission to HUD. The Annual Action Plan identifies specific eligible projects including expected outcomes, location, and budget.

3. Financial Impact:

Multnomah County will receive approximately \$378,000 in new HUD - CDBG funding beginning July 1, 1999.

4. Legal Issues:

No legal issues are apparent.

5. Controversial Issues:

No issues are controversial to date.

6. Link to Current County Policies:

NA

7. Citizen Participation:

Federal regulations require citizen participation at several key points during the application process. The May 6, 1999 hearing is the final step in this process.

8. Other Government Participation:

Several of the projects recommended for funding are joint partnerships with the cities of Fairview, Wood Village, Troutdale, Lake Oswego, and Maywood Park as well as the Burlington Water District, the Housing Authority of Portland, and Human Solutions, Inc. The Consolidated Plan is a joint partnership with the County and cities of Portland and Gresham.

HOUSING & COMMUNITY DEVELOPMENT COMMISSION

421 S.W. 6th Avenue
Suite 1100-A
Portland, Oregon 97204-1966

DATE: April 11, 1999

TO: Mayor Charles J. Becker and Members of Gresham City Council
Mayor Vera Katz and Members of Portland City Council
Chair Beverly Stein and Members of Multnomah County Board of Commissioners

FROM: Peg Malloy, Co-Chair HCDC *PM*
Michael Silver, Co-Chair HCDC *MS*

RE: 1999/2000 Consolidated Plan Annual Update

On April 7, 1999, the Housing and Community Development Commission voted to approve the 1999/2000 Consolidated Plan Annual Update as attached and recommend that you adopt the 1999/2000 Consolidated Plan Annual Update (attached). HCDC held one public hearing on the issue of housing and homeless issues on January 6, 1999 and another public hearing on the proposed Consolidated Plan on April 7, 1999.

Testimony was heard on the following issues:

- The need for a 24-hour emergency shelter for homeless families
- Importance of affordable permanent housing to allow individuals and families to move through the homeless system.
- The importance of maintaining the current inventory of housing, services, and funding sources
- The importance of preserving existing affordable housing

Although we appreciate the additional \$2 million of General Fund which Portland has dedicated to affordable housing development this year, we note that it is a sharp decrease from the original dedication to the Housing Investment Fund, a resource which has nearly been expended. We continue to hope for a local or regional source of funding for a permanent housing trust fund and urge your help in achieving this goal.

Telephone: (503) 823-2375
CON PLAN 1999 LTRJURIS.DOC

FAX: (503) 823-2387



City of Portland



Multnomah County



City of Gresham

The Plan, including the list of budgeted projects, will be filed for formal adoption by the appropriate staff of each jurisdiction by mid-May and then submitted to HUD for approval. Please call Marge Ille at 802-8515 if you have any questions regarding this document.

cc: Steve Rudman, BHCD

Andree Tremoulet, City of Gresham

Carol Cole, Chair Gresham CDHC

Judy Estes, Co-Chair BAC

Matt Aho, Co-Chair BAC

Karen Whittle, Multnomah County

attach: Consolidated Plan Annual Update

ACKNOWLEDGMENTS

City of Portland, City Council

Vera Katz, Mayor

Charlie Hales

Dan Saltzman

Jim Francesconi

Erik Sten

City of Gresham, City Council

Chuck Becker, Mayor

Cathy Butts

John Leuthauser

Jack Gallagher

Robert Moore

Chris Lassen

Vicki Thompson

Multnomah County, Board of Commissioners

Beverly Stein, Chair

Serena Cruz

Diane Linn

Sharron Kelley

Lisa Naito

Housing and Community Development Commission

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Mike Silver, Co-Chair

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HCDC Staff

Marge Ille, Housing Authority of Portland

Mike Saba, City of Portland, Bureau of Planning

Andrea Taylor, City of Portland, Bureau of Housing & Comm. Dev.

Other Staff Support

Andrée Tremoulet, City of Gresham

Karen Jones Whittle, Multnomah County

Bureau of Housing and Community Development, City of Portland

Housing Authority of Portland

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CONSOLIDATED PLAN

1999 - 2000 Action Plan

OF

**City of Portland
City of Gresham
Multnomah County**

**Submitted to
The U.S. Department of
Housing and Urban Development**

May, 1999

**If you have questions, call
Portland: 823-2375
Gresham: 618-2643
Multnomah County: 248-3631**



I. INTRODUCTION

The Consolidated Plan and Annual Update ("Action Plan")

The Consolidated Plan is a combined plan and application to the U.S. Department of Housing and Urban Development (HUD) for funds available to cities and counties under four formula grant programs. The statutes for the grant programs set forth three basic goals, each of which must *primarily benefit low- and very low-income persons* (people with incomes below 80 percent of area median income):

- 1) *To provide decent housing:* First, the programs are to provide decent housing. Included within this broad goal are the following: assist homeless persons to obtain affordable housing; retain the affordable housing stock, increase the availability of permanent housing that is affordable to low-income Americans without discrimination; and increase supportive housing that includes structural features and services to enable persons with special needs to live in dignity.
- 2) *To provide a suitable living environment:* This includes improving the safety and livability of neighborhoods; increasing access to quality facilities and services; reducing the isolation of income groups within areas by de-concentrating housing opportunities and revitalizing deteriorating neighborhoods; restoring and preserving natural and physical features of special value for historic, architectural, or aesthetic reasons; and conserving energy resources.
- 3) *To expand economic opportunities:* This goal includes creating jobs accessible to low and very low-income persons; providing access to credit for community development that promotes long-term economic and social viability; and empowering low and very low-income persons in federally assisted and public housing achieve self-sufficiency.

The grant programs covered by the *Consolidated Plan* include:

Community Development Block Grant (CDBG) Program. The Cities of Portland and Gresham, and Urban Multnomah County (the area of Multnomah County outside of the Portland and Gresham city limits) each receive CDBG funds which can be used for activities such as housing, public services, community facilities, public improvements, economic development, and community revitalization.

HOME Investment Partnership. The HOME program is authorized under Title II of the National Affordable Housing Act for the purposes of (1) expanding the supply of affordable housing for low-and very low-income families with an emphasis on rental housing; (2) building state and local nonprofit capacity to carry out affordable housing programs; and (3) providing coordinated assistance to participants in development of affordable low-income housing.

The Cities of Portland and Gresham and Multnomah County are partners in the HOME Consortium, with Portland designated as the lead jurisdiction. For the past several years the jurisdictions have been working together to implement the CHAS, a countywide

"comprehensive housing affordability strategy". The *Consolidated Plan* incorporates the statutory requirements of the CHAS.

Emergency Shelter Grant (ESG). The City of Portland is the only jurisdiction in the County that receives a direct award of ESG funds. ESG funds can be used for emergency shelter programs and other direct service programs for homeless people. The City and Multnomah County work together on planning and allocation decisions.

Housing Opportunities for People With AIDS (HOPWA). The City of Portland administers the HOPWA program for a 6-county area: Multnomah, Washington, Clackamas, Clark, Columbia, and Yamhill. Portland works closely with the other 5 counties in planning and allocation. HOPWA funds are targeted to persons with HIV/AIDS with incomes at or below 50 percent of the area median. Supportive services must be provided as part of any housing funded by HOPWA. HOPWA can fund supportive services but will be primarily targeted to housing capital and rental assistance funding.

The *Consolidated Plan* replaces all former HUD planning and application requirements with a single submission. The *Consolidated Plan 1995-1999* was a five-year planning document. The current document is an update which contains the "Action Plan" for FY 1999-2000. It must be submitted to HUD by May 15, 1999, to ensure that funds will be available by July 1, 1999--the start of the 1999-2000 fiscal year.

Citizen Participation Plans: Revisions

Consolidated Plan regulations require that recipients of federal funds follow a detailed citizen participation plan that address the following elements: participation; access to meetings; access to information; access to records; publication of the plan; public hearings; notice of hearings; citizen comments; technical assistance; complaints and amendments.

The three jurisdictions have reviewed their existing Citizen Participation Plans, and proposed some revisions. These revised plans were attached in the draft version of the *Consolidated Plan* to provide the opportunity for citizens to review and offer comments before plan amendments were accepted by the jurisdictions. The final versions of each of the three plans are attached as Appendix B.

II. PLAN DEVELOPMENT PROCESS

Lead Agency

The City of Portland's Bureau of Housing and Community Development (BHCD) administers funds from these federal grants (on behalf of the Consortium): HOME Investment Partnership Program (HOME), Emergency Shelter Grant (ESG), and Housing Opportunities for Persons with AIDS (HOPWA). BHCD is designated as the lead agency for the *Consolidated Plan*. The Bureau of Housing and Community Development has delegated the coordination of the Consolidated Plan process and county wide plan development to the Housing and Community Development Commission (HCDC) and its staff.

Inter-Agency and Jurisdictional Consultation

The Consolidated Plan development process for Fiscal Year 1999-2000 carried out the inter-jurisdictional, cooperative venture begun during the initial stages of the Comprehensive Housing Affordability Strategy (CHAS) planning process. The cities of Portland and Gresham along with the rest of Multnomah County formalized their relationship by forming a HOME consortium in 1991. These jurisdictions committed to an ongoing planning effort by instituting a citizen body, the Housing and Community Development Commission (HCDC). This county wide Commission recommends housing policy, advising the three jurisdictions on budget decisions affecting housing programs, ensuring the linkage of associated social services with these programs, and guiding and monitoring the updates of the Plan. The HCDC acts a focused public forum on all affordable housing matters and advocates, when necessary, for low and moderate income residents of the county.

The Policy and Planning Function of HCDC

The HCDC consists of fifteen members, nine of whom are appointed by the City of Portland and three each by the City of Gresham and Multnomah County. This body is the inter-jurisdictional citizens' body that reviews and makes policy recommendations to the jurisdictions regarding housing and community development plans submitted to the Department of Housing and Urban Development. The principles, priorities, and strategies incorporated in the *Consolidated Plan* form the basis for the final budget recommendations made to the three jurisdictions.

The staff for the HCDC consists of an interagency team representing Portland's Bureaus of Housing and Community Development and Planning, the Housing Authority of Portland, Multnomah County's Division of Community Programs and Partnerships, and Gresham's Community Development Department. In addition, extensive consultation has been undertaken with the Oregon Department of Housing and Community Services, social service agencies, and non-profit housing organizations.

Institutional Structure for Housing and Special Needs Service Delivery

The responsibility for implementing this Plan will rest with Portland's Bureau of Housing and Community Development, Gresham's Community Development Department, Multnomah County's Division of Community Programs and Partnerships, and the Housing Authority of Portland. However, implementation cannot proceed without the involvement and support of several public and private agencies. The list of "players" found in the *Consolidated Plan, 1995-1999* (pages 4-11) contains the various institutions and agencies responsible for the delivery of housing and community development services in the region.

Process

In developing this Annual Update for the *Consolidated Plan*, information was gathered from a variety of sources. Public testimony on housing and community development needs was offered at monthly HCDC meetings. Some of the topics discussed included the development of the Portland Housing Policy, the development and implementation of Portland's new preservation ordinance, evaluation by the Housing Evaluation Group of affordable housing production in Portland, as well as an evaluation of the production of affordable housing in the City of Gresham. HCDC also reviewed the Strategic Investment Program (SIP) and accomplishments to date, as well as work done by the McKinney Advisory Committee (MAC) and the Housing Evaluation Group (HEG).

The City of Gresham

The City of Gresham supports a Community Development and Housing Citizen Advisory Committee (CDHC) as a means of providing regular public input regarding Gresham's housing and community development programs and policies. The committee meets monthly, and all meetings are publicized and are open to the public. Meeting agendas are routinely mailed to all neighborhood organizations, including low-mod areas of the City.

The City of Gresham conducts an open competitive project solicitation process to develop its Annual Action Plan. The CDHC guides the selection of projects for funding and provides substantive input into the design of the program. The process began with an application workshop in January. The competitive process was advertised by a direct mailing to interested parties such as non-profits, neighborhood bases groups and others. The process was also advertised by a newspaper ad and posted at the Gresham libraries. Applicants were informed of program objectives, time lines, eligible project activities, rating criteria, and opportunities for input. Applicants had approximately 27 days to complete the applications.

Staff reviewed applications for eligibility. The written applications were reviewed and scored by the members of the CDHC and by a panel of five persons with special expertise or knowledge in relevant topics. CDHC held a two-day public hearing to receive testimony on the applications. Public notices announcing the hearings and describing the projects were issued. A summary of the testimony, rating, rankings, and ratios were submitted to CDHC for each project. The CDHC then recommended projects for funding to City Council. The City Council conducts a duly advertised public hearing and adopts the Action Plan.

Two public hearings specific to Gresham, as described above, occur as part of the development of the Action Plan. One is held before the CDHC in March, and the other is held before City Council in April. In addition, Gresham participated in the public hearing on needs held by the Housing and Community Development Commission (HCDC) in January. Testimony was provided by the public and Gresham staff at this hearing.

Multnomah County

Multnomah County's CDBG/HOME plan development and program are guided by the Policy Advisory Board (PAB), the Housing and Community Development Commission, and the Board of County Commissioners (BCC). Program policy, project selection, and amendments to the program are first reviewed by the PAB.. The PAB, comprised of the small cities of Fairview, Maywood Park, Troutdale, Wood Village, and a small area of Lake Oswego, meets as required during the project selection process between January and May annually.

For the 1999-2000 program year, Multnomah County adjusted its application process by holding a limited competitive process with applications due in late February. Because the County's CDBG and HOME grants are relatively small, a compact program following existing program policies was undertaken. Existing public services recipients were invited to apply for funding at the 1998-99 level. Because neighborhood revitalization recipients have been confined to the small cities and area water districts, these applicants also were invited to re-apply for CDBG monies. Housing development and special needs housing applicants were solicited through the City of Gresham workshop in February and through direct contact with the county staff office. The application packet included the criteria by which projects would be rated.

Staff reviewed applications for eligibility and prepared staff reports for the PAB. The PAB then held a public hearing during which time applicants were given the opportunity to testify. The listing of finalized, recommended projects was sent to the BCC for a final public hearing and consideration in early May. The BCC-approved projects were incorporated into the *Consolidated Plan 1999-2000*, approved by the Housing and Development Commission, and given final approval by the Board of County Commissioners.

Draft Plan and Final Document

A *Draft* of the 1999-2000 Action Plan was published March 3, 1999 and was available for comments for over 30 days. The Housing and Community Development Commission (HCDC) held a public hearing on the *Draft Annual Update* April 7, 1998, and recommended that the three jurisdictions approve this Action Plan for 1999-2000. Each member of the Consortium held hearings on their proposed CDBG and HOME budgets, and in the case of the City of Portland, on the ESG and HOPWA budgets also. HCDC sponsored a public hearing on needs and performance January 6, 1999.

A summary of the January 6 and April 7 testimony and written comments which were received are included in Appendix C of this document, as well as a summary of the discussion of HCDC members after the public testimony.

III. HOUSING MARKET ANALYSIS

General Market Conditions

The Portland housing market remains vigorous in response to a still active economy, which is, however, showing signs of slowing for the next year. Evidence of declining affordability in home prices continues to be of concern.

According to *U.S. Housing Market Conditions, 3rd Quarter 1998* (published by HUD), employment growth in the Portland region increased by 2.6 percent, down from the annual average for the decade of 3.1 percent. Economic conditions in Asia have had a detrimental effect on the local economy much of which is based on overseas trade with Asian countries, in particular Japan. However, other aspects of the local economy such as retail and construction remain robust.

The home-buying segment of the economy remains strong. As the Report states: "Continuing strong demand and lower mortgage rates have created the opportunity for buyers to move up. Home sales increased most dramatically, by 50 percent, in the \$140,000 to \$250,000 price range. Condominium sales for the first 8 months of 1998 increased by 25 percent over the same period in 1997, with sales totaling 616 units compared with 493 units a year ago. The median price of condominiums increased 7 percent to \$109,950."

The multifamily market, both in terms of rental vacancy rates and in new construction, has leveled off from the heights reached in recent years. Vacancies have been inching up in markets in the western suburbs due in part to lower absorption of new units and lower rates of migration to the area. The rental market remains very tight in the Central City despite the addition of upper market units in the Pearl District and elsewhere downtown. Multifamily construction has also been boosted by the Federal Low Income Housing Tax Credit program which has assisted in the production of approximately 1,000 in the Portland area, the bulk of which will be located near Portland's downtown core.

**1998 Median Single Family Sales Prices
Portland Metro Subregions**

Subregion	Median Sales Price December 1998
North Portland	\$108,000
Southeast Portland	\$130,000
Northeast Portland	\$140,600
Hillsboro/Forest Grove	\$147,300
Portland Area Median	\$150,000
Beaverton/Aloha	\$150,900
Gresham/Troutdale/Sandy/Corbett	\$164,500
Oregon City/Canby/Molalla	\$171,000
Milwaukie/Clackamas/Gladstone	\$180,500
Tigard/Tualatin/Wilsonville	\$184,900
North Washington County/Sauvie Island	\$214,000
West Portland	\$219,900
Lake Oswego/West Linn	\$232,500

According to the Realtors Multiple Listing Service report, *Market Action, Year End Summary*, the Portland Area was still a strong market as measured in sales. 1998 saw a 9.1 percent increase in sales. Housing prices in the metro area increased 4.6 percent over 1997. Price increases moderated somewhat from the last few years, e.g. the 1997 increase was 8.9 percent while in previous years there were double digit rates of increase.

The median sales price for the metro area for single family units was \$150,000 by the end of 1998. Other than sales prices in West Portland, house prices within other areas of the City of Portland were below the area median. (Refer to table above.)

Although North Portland registered the lowest median sales price for 1998, its appreciation in average sales price was the second highest among the regions at 10 percent. This indicates its attraction for buyers seeking relatively affordable housing and a subsequent increase in the overall value of North Portland neighborhoods, a phenomenon that has been occurring in Northeast Portland during the last few years.

According to *The State of the Nation's Housing 1997*, over this decade, Portland's housing prices have appreciated markedly in relation to other large U.S. metropolitan areas. Based on constant 1989 dollars, Portland had the highest rate of increase from 1991-1996, at 34 percent, than any other large urban area. Further the peak year of this trend occurred during 1996. This compares with several California markets such as Los Angeles, San Francisco, and San Diego whose peak year was 1990 and whose housing prices actually declined in constant dollars during this period as a result of the lingering recession in California earlier this decade.

The National Association of Home Builder's Housing Opportunity Index, Third Quarter 1998 shows the Portland area as the fourth least affordable housing market in the country. This index compares median single family house price with the median income of the region. While there is dispute regarding the accuracy of this index, local leaders acknowledge that the relative affordability of the Portland housing market has decreased during the last few years in relation to other metropolitan areas.

Gresham

In May 1998 the City of Gresham published a Socio-Economic Profile which it had commissioned to better understand recent socio-economic trends and issues. The data sources used in the analysis were varied. Extensive use was made of the 1996 American Community Survey by the US Census, as well as other current data sources.

Report findings include the following:

- In 1996, Gresham's percentages of renter-occupied housing (44 percent) and multi-family units (38 percent) were close to the county percentages (43 percent and 33 percent, respectively). Regionally, there are significant variations among jurisdictions.
- From 1991 to 1997, the percentage of permits issued for multi-family housing (50 percent of all units) in Gresham was significantly higher than the regional percentage of 32 percent. The number of rental apartments rose quickly in Gresham in a few years.
- Gresham's ratio of assisted housing units to population (15 per 1000) is about the same as the regional average of 16 per thousand, but there is considerable variation among jurisdictions in the region, with 31 per thousand in Wilsonville and 9 per thousand in Beaverton.

- The 1997 average sales price in the Gresham/Troutdale area (\$155,200) was about 10 percent lower than the regional average.
- Gresham does not have a disproportionate share of low-income households when compared to Portland, Multnomah County or the region, but it does have a larger share than more affluent suburbs. The evidence indicates that Gresham's share of low-income households is increasing both within Gresham and within the Portland region.
- The census tracts with the lowest median income are: 98.01, 104.06, 100 and 97.02.
- The census tracts with the highest level of persons living below poverty are 96.01, 96.02, 98.01 and 104.06. Almost 40 percent of Gresham-area person living below poverty in 1996 live in these census tracts.
- The census tracts with the highest share of rental apartments in Gresham are 98.01, 96.01, 104.6, and 100. More than 50 percent of the units in these census tracts are renter-occupied, according to the 1996 American Community Survey.

Affordable Housing: Major Challenges

Preservation of Federally Assisted Housing

The preservation of existing low-income housing, particularly privately owned project-based Section 8 properties, continues to be a major challenge. After almost 10 years of higher than average housing price appreciation in the Portland metro area, the supply of "unassisted" housing affordable to low-income households has been significantly reduced. Public and assisted housing owned by the Housing Authority and local non-profits already have significant waiting lists so the displacement and relocation of existing residents from private Section 8 properties poses a formidable challenge.

Endangered Species Listing

Portland is the first large urban area in the country to face an endangered species listing. No one is certain of the full impact yet of the listing, but it is likely that there will be more safeguards and mitigation measures for all kinds of development, including housing. The costs of development in the Portland area may increase at a faster rate than would otherwise be the case in order to mitigate impacts on endangered species.

Regional Growth

Even though the rate of population growth in the Portland area has slowed somewhat from the above average rate of the past few years, long range forecasts still call for the need to accommodate more households within the urban growth boundary to preserve open space and farm and forest land. Citizens and metropolitan area governments must deal with issues such as the cost of infrastructure and redevelopment, and their impacts on existing neighborhoods. Citizens are concerned about the density and design of housing and its impacts on neighborhood amenities. The costs of growth and the distribution of those costs among existing and new residents are a big issue. Providing housing affordable to low-income housing continues to be a challenge for redevelopment and new development because of the costs of brownfield mitigation and/or new infrastructure extensions.

The Regional Framework Plan calls for development of fair share housing targets for low and moderate-income households. A committee of Metro is currently working to develop fair share goals and strategies. There is a challenge to get local jurisdictions, large and small, to agree to the fair share formula, and an even greater challenge to develop the financial resources or incentives necessary to implement the goals and strategies.

Funding

Despite state ballot measures over the last few years that have either limited property tax rates, or tax assessments, local government tax revenues, at least in the Portland metro area, have not suffered as much as expected because of the strong local economy. There are indications of a slowing of the economy, which could result in lower revenues, and even more competition for local funds. Funding for housing must compete with other significant priorities: school, roads, parks, endangered species

IV. ANNUAL PLAN

A. Resources

Estimated Resources (Consortium Wide) 1999 - 2000

RESOURCES	Portland	Gresham	Multnomah County
HOME	3,690,188	346,356	239,456
*Program Income	300,000		
CDBG			
* Entitlement	12,157,000	666,000	378,000
* Program Income	3,925,000	20,000	100,000
* PLPA	3,979,200		
* Carry Over	1,725,000	281,165	
Emergency Shelter Grant	431,000		
HOPWA	803,000	(6 county metro area)	
Lead Based Paint Grant	1,760,247		
Housing Counseling	13,902		
Youthbuild	700,000		
McKinney Homeless Assistance	889,947		2,412,535
Housing Authority of Portland	(\$39,721,105 county-wide)		
* Section 8	27,923,418		
* Public Housing	10,945,235		
* Drug Elimination	730,600		
* Service Coordinators	121,852		
Other Local			
* General Fund	2,308,914		
* Housing Investment Fund	-		
* PILOT	320,000		
* Cost Recovery	17,200		
* Strategic Investment Prog.			400,000
* Tax Increment Funds	14,585,000		
TOTAL	\$47,605,598	\$1,313,521	\$3,529,991

HOME Investment Partnership Program

HOME Match

The Portland HOME Consortium expects the match obligation generated by its proposed use of funds to be approximately \$882,000. Key sources which will be used to meet match requirements include grant funds from the State Housing Trust Fund, value of below market private financing under the Oregon Affordable Housing Tax Credit Program, value of donated property and donated labor, property tax abatement in distressed neighborhoods and property tax exemption for low income housing owned by charitable non-profits, and building permit fee waivers. The Consortium has successfully met and exceeded match obligation in prior years from these sources.

The HOME Program has successfully leveraged both public and private resources for affordable housing. Many projects have received funding from State, County, and other City sources. The jurisdiction also used HOME funds in combination with LIHTC to attract private equity to projects. In addition, most projects, except those serving the lowest income populations, have been able to use private debt as a funding source.

B. Activities to be Undertaken

In 1991 the Cities of Portland and Gresham and Urban Multnomah County formed a Consortium. The first Comprehensive Housing Affordability Strategy (CHAS) was developed on a county-wide basis. As part of that process, and after extensive citizen involvement, the jurisdictions adopted the following principles and priorities. In December, 1993, the HCDC further defined the CHAS priorities and strategies. These principles and priorities were reaffirmed in the *Consolidated Plan, 1995-1999*. In May 1997 and April 1998 the Housing and Community Development Commission made some modifications to the principles. The following are the revised principles.

PRINCIPLE I

Priorities should focus on developing and preserving housing for those with the greatest needs. Those persons with greatest need are defined as people who are without basic shelter, living in dangerous environments, in substandard housing that violates fire and life safety codes, and those who are at risk of homelessness. Particularly vulnerable persons within this category are those who have historically had limited access or power to act on their own behalf such as very low-income single parents, youth, frail elderly, people with mental or physical disabilities, refugees and other cultural/ethnic minorities. Housing for these populations should be linked to supportive services designed to promote economic independence and self-sufficiency.

PRINCIPLE II

Both public and private resources are required to meet community needs. Public and philanthropic resources should be targeted to meet the priorities of those with the greatest need. Market-driven private resources should be the primary source for meeting other low and moderate income housing needs. Public moneys can be used to stimulate private investment and bridge affordability gaps.

PRINCIPLE III

There should be a direct relationship between the amount of public subsidy and the number of units affordable for a minimum of 60 years. Maximizing the number of unit years of affordability is an important means of making effective and efficient use of public investment. The number of units required to remain affordable should be balanced with the subsidy so that programs are marketable. Preference should go to programs that reduce the initial capital cost of a housing asset rather than programs that subsidize ongoing costs which do not result in an increase to the affordable housing inventory.

PRINCIPLE IV

Both economic vitality and neighborhood viability should be the goals of public and private investments in economic development initiatives. These activities should be consistent with the housing principles and priorities adopted by HCDC. Public investment should increase the long term earnings of low-income residents, reduce barriers to employment, and encourage the development of products and services to meet the local needs of low-income communities.

Priorities

1. Programs to provide affordable rental housing for *homeless* individuals or families, and *very-low income* households who pay more than 50 percent of their income for housing. This includes persons with special needs, such as people with mental and physical disabilities, people with AIDS, and the elderly.
2. Programs to assist *low-income* households, renters and existing homeowners. Programs should help to maintain and preserve housing stock, and stabilize neighborhoods, and provide support services such as case management, job training, child care, education, etc.
3. Programs to assist low-income *first-time home buyers*. These programs should focus on innovative types of housing and lower income populations unable to access the increasingly unaffordable market. Home buyer programs also should be targeted as an important community development tool to reinvest in and stabilize deteriorating neighborhoods. Public funding of these programs should leverage private funds.

The Consortium: Housing Activities

Since the jurisdictions are a consortium only for purposes of the HOME grant, this section shall be limited to activities to be carried out with HOME funds. (Please refer to Appendix B for a detailed description of activities for each individual jurisdiction that is a member of the Consortium.)

The Portland HOME Consortium will use the FY 1999-2000 HOME Investment Partnership allocation of \$4,276,000 to expand and improve the supply of affordable housing to low- and moderate-income families in accordance with the priorities adopted by HCDC (above). An agreed upon formula is used to set aside HOME funds for each Consortium member and to determine equitable contributions for tenant-based rental assistance administrative costs, CHDO operating support and general HOME administration. When the opportunity arises the Consortium will collaborate on joint projects and system wide programs.

1. **Tenant-based Rental Assistance.** The three jurisdictions will allocate \$229,050 in program funding and \$58,094 in administrative costs for a small tenant-based rental assistance program to assist approximately 130 new households. Our goal is to use modest amounts of rental assistance to move households from transitional to permanent housing, and to prevent homelessness by providing short term assistance to households faced with eviction. Forms of assistance would include security deposits, assistance with first and last month's rent, and short term rent subsidies. Assistance may also be provided to households in rental projects being rehabilitated under the HOME Program.
2. **Community Housing Development Organizations (CHDOs)**
 - a. **CHDO Projects.** The Consortium will work closely with CHDOs and have set aside \$641,400, 15 percent of the Consortium's HOME allocation, for CHDO projects. CHDOs will be involved in a number of rental production and rental rehabilitation projects in addition to special needs housing projects. CHDOs will be eligible to participate in projects in addition to those in the set-aside and are expected to be active partners in many HOME funded projects.
 - b. **Operating Support.** The HOME budget to provide operating support to CHDOs is \$213,800, 5 percent of the total grant amount. We have developed a system to distribute this grant funding on a competitive proposal basis.
3. **Program Administration.** Although the federal regulations permit a set aside of ten percent of the total grant, or \$427,600, The Consortium has budgeted only \$290,662 for program administration, choosing to make additional dollars available for direct program expenses. This category will include administrative costs of managing the HOME program. It also includes some program delivery costs for the consortium members and the tenant based rental assistance program.

New Construction

We estimate that approximately 70 percent of the funds available for production will involve new construction. New construction will be used to meet the needs of large family housing, special needs housing, and development on in-fill sites. We expect that Gresham and Multnomah County will have a large share of new construction projects.

Rehabilitation

We estimate that approximately 30 percent of the funds available for production will involve moderate or substantial rehabilitation. These projects will assist CHDOs, non-profits and for profit developers to improve rental housing for low and moderate income households.

City of Portland Activities

The following is a description of the activities within Program Areas that the City's Bureau of Housing and Community Development will fund during the next fiscal year. It includes not only federal funds (HOME and CDBG), but other funding sources.

1. Housing Program Area

The Housing Program area includes both capital for housing development as well as social services related to housing. The major focus of the program area is on development of housing affordable to low- and moderate-income households: home buyer programs, homeowner repair, rental rehabilitation and production, and special needs housing. Housing services programs include information and referral, education, fair housing and housing counseling services for low- and moderate-income households, and weatherization programs.

Housing programs respond to the housing needs of low-income individuals and families. They are also key components of targeted neighborhood improvement strategies. Individual programs may be designed to respond to one or both of these needs.

a. Rental Housing

- Portland proposes to use HOME and CDBG dollars to support approximately 975 units of affordable rental housing, including acquisition, refinance, new construction, and rehabilitation. Approximately \$6.5 million dollars in HOME and CDBG funds have been allocated to support these efforts. Targeted goals related to federal funding have been established by the Housing and Community Development Commission.
- Preservation activities involving existing multi-family rental properties subject to HUD's expiring use have been allocated funding from both Portland's general fund and the CDBG program. Portland has allocated \$500,000 of general funds towards these activities. Funds will be used to acquire, manage, and prepare for the transfer of the at-risk property to the selected owner. Under the Affordable Housing Preservation Program, the City has authorized \$2,816,000 of CDBG dollars towards the preservation of 88 affordable housing units in the Park Terrace apartment complex. Initiated as an amendment to the 98/99 Consolidated Plan, this float loan is expected to be repaid by March of 2001.

b. Home Owner Programs

- **Shared Appreciation Mortgage (SAM).** The City of Portland will continue to provide HOME funds with a Shared Appreciation Mortgage agreement as a second mortgage. Approximately \$500,000 had been made available for the SAM programs during fiscal year 98/99 and the City will continue to spend the remaining balance of these funds. The HOME assisted units have a 25 year period of affordability, which will coincide with the second mortgage term. The SAM describes a equity recapture formula that is based on the amount of subsidy the City provides to the homeowner or developer. The amount of equity recaptured by the SAM will never be more than 50 percent of the total realized equity appreciation.
- **Community Land Trust.** The City of Portland may make HOME funds available for a Community Land Trust program. The City may select a nonprofit, or a partnership of nonprofits, to administer the program, which will make loans to low-income home buyers. The home buyer may receive the subsidy in the form of a silent second

mortgage. The homeowner will take title to the improvements and will sign a long term lease for the land with the nonprofit community land trust, which will hold the land. Upon resale the value of the land will not be included in the sales price to the new eligible home buyer. The City continues efforts to bring community land trusts to the table as a tool to promote the development of affordable housing.

- **Homeowner Rehab Program**

The City of Portland will use CDBG funds in a continued program to provide financial assistance in the rehabilitation of low-income households. Households in target areas below 50 percent of median family incomes will be offered deferred payment loans while households in target areas between 51 percent and 80 percent of median family income will be offered amortized loans to provide home repair services. It is anticipated that this will result in 50 deferred payment loans and 40 amortized loans. City wide, it is estimated that the homeowner rehab program will provide 48 deferred payment loans to households under 50 percent median family income and 10 amortized loans to households between 51 percent and 60 percent of median family income.

- **Affordable Homeownership Programs**

The City of Portland has allocated approximately \$400,000 dollars of CDBG money to fund the promotion of affordable homeownership. This includes \$350,000 for the Homebuyer Program. It is anticipated that 15 households will receive financial assistance for homeownership. An additional \$50,000 had been allocated to the Urban Homestead Program.

2. Economic Development

The City of Portland's CDBG funds for economic and workforce development comprise about 20-30 percent of the total funds expended by the City in these two areas. In economic development the focus of the City's Bureau of Housing and Community Development's (BHCD) is on *community* economic development which has the following objectives: (1) To stimulate the physical and economic revitalization of targeted low-income neighborhoods; (2) To assist there small businesses whose needs are not being met by on-going programs; (3) To support community-based economic development initiatives; and (4) To have low income communities feel they have some influence over the direction of their neighborhood.

In workforce development the BHCD has focused its efforts on supporting the development of a workforce system that has successful demand and supply components. BHCD is now primarily focusing on supply side activities which, until recently, have not received as much attention as the demand side.

Utilizing CDBG funds in combination with tax increment and Economic Development Initiative/108 funds, the City is anticipating the following outcomes in community economic development activities in low-income areas:

- Funding for feasibility studies will actually lead to 8 development projects.
- 28 blighted storefronts will be improved.
- 15 development projects will receive loans.

- 30 micro-enterprises will receive technical or financial assistance and will be in a more stable position 18 months after receiving such assistance.
- 2 community-based organizations will undertake a new economic development endeavor, which will be on stable footing after two years.

Utilizing CDBG funds in combination with other workforce funds, the City is anticipating the following workforce development outcomes:

- 336 low/mod City residents will be placed in full-time employment at a minimum of \$7.50/hr. plus benefits.
- 45 residents of community based organizations will be placed in job training or in a job. 75 percent of these placements will be retained after 12 months.

3. Neighborhood Improvements

The Neighborhood Improvement Program Area provides funding for capital and other projects which have a long term impact on neighborhoods. Types of projects include residential street and drainage construction, neighborhood park development and construction, construction and rehabilitation of public facilities and major community planning projects. Street improvements meet housing development needs in the current request.

4. Homeless Services and Housing

These activities are described in the section dealing with homelessness, pages 23-28.

5. Youth Employment and Involvement

This program emphasizes education, employment, and leadership skill development for low income young people in the Portland area. Services fall into three distinct categories:

- Placement and Support programs, projected to serve 650 youth in FY 1999/2000, operate year round and provide young people with pre-employment training, career exploration assistance, and support in acquiring and retaining an unsubsidized job. Success is measured by the number of young people acquiring and retaining employment for at least ninety days. The three contractors responsible for delivering these services are funded exclusively with City General Funds.

(Programs include the Youth Employment and Empowerment Program (YEPP), the WDB administered Youth Employment Partnership, and Outside In's Youth Employment Program)

- Comprehensive Education, Employment, and Leadership Programs, projected to serve 120 youth during the summer and an additional 55 youth year-round in FY 1999/2000, provide experientially based employment, education, and training opportunities. The aim of these services is to assist youth in achieving educational vocational and life skills goals. Success is measured by the number of youth who make academic gains, transition to employment or continuing education, and master life skills. Three contractors, funded with General Funds, provide these services during the summer. Two contractors, one funded with City General funds – the other with YouthBuild funds, provide these services year round.

(Summer programs include Portland Impact's Senior landscaping Program, McCoy Academy's Work & Learn program, and the WDB Summer Mini Proposal programs. Year round programs include Open Meadow Learning Center's CRUE program and Portland YouthBuilders.)

- Prevention Programs, projected to serve 160 youth during the summer and an additional 130 youth year round in FY 1999/2000, provide young people with recreation, education, and self-esteem building services. The aim of these services is to assist young people in remaining and succeeding in school. Success is measured by school attendance and school performance. One contractor, funded with City General Funds, operates a program during the summer. A second contractor, funded with City General funds and CDBG funds, operates this program year round.
(TLC TnT operates the summer program and Self Enhancement Inc. operates the year round program)

6. Public Safety

The Public Safety Program Area provides services for victims of crime and violence, gang prevention and intervention, community corrections, community policing and other services which are community based and related to the corrections and law enforcement systems. The public safety programs funded by CDBG are expected to assist accomplish the following:

- 70 youth at risk of gang involvement will receive education and intervention services
- 180 elderly and disabled will have home rehab services related to public safety, such as the installation of deadbolts, peepholes, and window reinforcements.

In addition, allocations for public safety fund a needle exchange program, the Central City Concern Chiers program, and provide funding for the coordination of domestic violence with Multnomah County.

7. Community and Targeted Initiatives

This program area contributes to community revitalization by providing targeted service delivery and support to low and moderate income communities. There are two major programs under this program area: (1) the Community Initiative Small Grant Program and (2) the Target Area Designation Program.

- a. The Community Initiatives Small Grant Program** makes small one-time-only grants to community-based organizations to provide services that benefit low and moderate income individuals or neighborhoods. Projects are chosen through a Request for Proposal (RFP) process, using a citizen committee to make project selections.

Projects are selected twice each year, through an open Request for Proposal process. Activities range from the planting of street trees to youth recreation and education to the development of community-based plans. Each project identifies one or more performance measures, which will be identified in the contract. However, there is no way to aggregate these measures. The Bureau does track such things as amount leverage (currently averaging 180 percent of grant funds) and success rate of projects (currently averaging approximately 90 percent).

- b. The Target Area Designation Program** provides multi-year (3-5 years) support to neighborhoods wishing to carry out revitalization activities in their communities. Neighborhoods are chosen through an RFP process, using a citizen committee to make selections. BHCD provides a variety of services to target areas including: direct cash to cover the cost of a staff position and support costs; technical assistance and training activities; and access to some bureau-supported services (e.g. homeowner and business loans, targeted housing code enforcement).

Two to three target areas are scheduled to complete their action plans during FY1999-2000. The remainder will be in the process of implementing their action plans. Each target area identifies its own performance measures, based on the priority issues for the neighborhood. Target areas develop performance measures individually, as they complete their action plans. These measures are usually intended to demonstrate improvement over the 5 years of targeting - there may not be anything to report on them for several years. Examples of performance measures include: improved physical appearance of the target area as a whole and/or the commercial district; improved perception of the safety and/or livability of the neighborhood by residents of the target area; increased number/quality of businesses located in the target area. All target areas will not have all of these measures, but almost all will have at least one of these.

Multnomah County Activities

Multnomah County's Policy Advisory Board continues to follow the revised funding policies for 1999-2000 because of the reduction in the county's federal funds. Housing development and rehabilitation remain the top priority, with 38.5 percent of CDBG funds earmarked for housing. Public services (10-15 percent) are focused on those services which are housing related. No new public services will be considered. The share allocated to neighborhood revitalization (public works, community facilities, historic preservation, handicapped access) remains at 28.5 percent. No economic development projects will be funded. Funds reserved as contingency will hold at 3 percent.

1. Housing Activities

- a. Special Needs Housing.** The County has received applications for barrier removal modifications for renters and homeowners and for expansion of facilities for special needs populations. The reduced entitlement grant continues to limit how many housing projects can be undertaken.
 - b. Affordable Housing Development Program.** In 1999-2000 Multnomah County will continue to utilize tax foreclosed properties for affordable housing. These properties are donated to nonprofit organizations that make use of them for housing for households that earn 80 percent of median income or less. Since 1992, the program has distributed 90 properties to local agencies and generated 300 units of housing. In a related program, the County contributed 131 tax-foreclosed properties to the local Nehemiah program and generated 166 owner-occupied homes serving lower income families.

- c. **Strategic Investment Program (SIP).** Multnomah County has tied a portion of the Community Service fee generated by its Strategic Investment Program to affordable housing provision. To date \$1 million in SIP funds has contributed to the production of 366 units housing 525 people at 60 percent or below median income. Additional SIP funds have been set aside through the SIP community services fee process for future disposition. The County expects that a further \$400,000 will be made available for affordable rental housing under this program during 1999-2000.

2. Neighborhood Revitalization

Multnomah County will fund at least three public works projects; likely located in the cities of Fairview and Wood Village as well as the Burlington Water District. Again the request for dollars in this category greatly exceeds the budget.

3. Public Services

Funding of public services will continue based on the 1997-98 template. These on-going services include the dental program, fair housing assistance and enforcement, transitional housing and housing assistance. Once again, the focus is on meeting fair housing program requirements. Funding of public services in subsequent years is unclear.

City of Gresham Activities

Gresham's priorities for utilization of federal resources are presented in chart form in Appendix A-2, Gresham's 1999-2000 Sources and Allocation of Funds Chart. Further details about specific elements are provided below.

1. Housing (\$826,292 targeted for this use)

- a. **Home Ownership.** Gresham policy-makers remain committed to increasing homeownership opportunities for first time homebuyers in the central Rockwood neighborhood, the area of Gresham with the highest concentration of investor-owned property in the City. This policy is consistent with the recently adopted Rockwood Action Plan, a comprehensive list of potential activities to be undertaken as resources become available in the Rockwood area. HOME funds will be used for construction of new homes in the Rockwood area. CDBG fund will be used for home buyer education.

Using federal resources for this purpose is consistent with **Priority 3** adopted by the Consortium.

New Construction

In its Request for Proposals, the City indicated a preference for either homes that are affordable to homeowners below 65 percent MFI or homes that are for larger families.

Buyer-Initiated

In addition to funding new construction, the City anticipates continuing to fund a buyer-initiated program through its CDBG and HOME resources. No new funds have been committed as sufficient carryover funds exist to operate the program in FY1999-2000. It is anticipated that Portland Housing Center will continue to provide first-time homebuyer classes for both the buyer-initiated program and for buyers of new housing and also assist with administering the program.

- b. **Special Needs Housing.** Gresham actively sought proposals for new rental special needs housing. This housing typically is available to individuals with mental or physical disabilities whose incomes are below 60 percent MFI. Typically, many, if not most, of the occupants have incomes below 30 percent MFI. CDBG funds may be used for the construction of a Group Home (public facility), and HOME funds may be used for the construction of new apartments with support services. Using federal resources for this purpose is consistent with **Priority 1** adopted by the Consortium.
- c. **Rehabilitation.** Gresham will continue to support a no-interest loan program to help income-qualified households connect houses to new sewer system and a grant program to remodel existing housing to make homes accessible to persons with disabilities. Using federal resources for this purpose is consistent with **Priority 2** adopted by the Consortium.
- d. **Acquisition and Rehab of Existing Rental Housing.** Policy-makers in Gresham this year have decided to accept proposals for improving existing rental housing for low income families. It is anticipated that first year funding may take the form of pre-development assistance to a CHDO under the HOME program. The goal is to eventually provide housing that is affordable to families below 60 percent MFI for a period of 60 years. Using federal resources for this purpose is consistent with **Priority 1** adopted by the Consortium.

2. Public Facilities (\$245,120 targeted, not including Ava House II)

Street Reconstruction and Parks

The Central Rockwood Plan and the Rockwood Action Plan have identified the need for additional park resources and street improvements in the Central Rockwood area. The City of Gresham received proposals for funding in both these categories and anticipates undertaking both projects. As described above, the City of Gresham will also fund a special needs housing project (a group home) under the public facilities category.

- 3. **Public Services (\$102,900 targeted).** Gresham will commit the full 15 percent allowable under CDBG regulations for public services. Since FY 1998-99 was the final year of a three-year commitment to funds ongoing projects, Gresham opened up its competition for funding for ongoing public services projects for a new three-year cycle. Gresham continues to make funds available per year for an "innovative" project to provide start-up costs or to address a short-term need.
- 4. **Other Programs and Administration (\$290,391 targeted)**

a. Gresham will continue to support its proportionate share of

- a county-wide Tenant Based Rental Assistance Program (RASP) administered by the Housing Authority of Portland (of which the administrative costs will be paid by CDBG funds, as provided for in the CDBG regulations),
- HOME funds for CHDO operating support,
- the City of Portland's costs of administering the HOME Consortium, and
- staffing costs for the Housing and Community Development Commission.

- b. **Gresham will retain a small contingency/development fund** to respond to issues and opportunities during the year.
- c. **Gresham will also incur its own administrative costs**, up to the limits provided in HOME and CDBG regulations.

Gresham: Amendment to the Consolidated Plan, 1995-1999.

The Housing and Community Development Priorities and Strategies of the City of Gresham's Housing and Community Development Plan lists neighborhood revitalization, historic preservation, economic development and handicapped access as priority areas in addition to the ones above. The City hereby removes these items from the list of priority areas to focus funding. The reasons for these changes are described below:

- **Handicapped Access.** The City of Gresham has made considerable progress in the area of handicapped access by funding housing rehab that improves accessibility and new construction activities that provides new, accessible housing units. Since these activities were and will be undertaken as part of Gresham's housing program, Gresham does not need to continue to list handicapped access as a separate eligible activity. This action in no way is intended to diminish Gresham's support for funding housing or improvements that increase accessibility. It is intended solely to address a concern raised by HUD.
- **Neighborhood Revitalization.** In FY 1998-99, the City of Gresham completed the Rockwood Action plan using city resources to support the planning activity. The Rockwood Action Plan provides a list of potential action items to undertake in this low-mod area of the City. It is possible that the City may want to pursue a HUD-recognized Neighborhood Strategy Area for this area at some time in the future. However, at present, actions to implement the Rockwood Action Plan are being undertaken through public services and community facilities. Therefore, there is no need to continue to list this as a separately eligible activity. This action in no way is intended to diminish Gresham's support for funding projects that support neighborhood revitalization. It is intended solely to address a concern raised by HUD.
- **Historic Preservation.** Given the other needs in Gresham, this is not a priority item for the use of CDBG and HOME funds.
- **Economic Development.** The City of Gresham currently invests in economic development activities through its general fund. It is not anticipated that any HOME or CDBG funds will be invested in this area, given the presence of other resources. It is possible that the City of Gresham may wish to reinstate Economic Development as a priority in the next Consolidated Plan, as the implementation of the Rockwood Action Plan may call for some new work in this area.

C. Geographic Distribution

HOME

The HOME Investment Fund is targeted for investment geographically proportionate to the low-income population within each jurisdiction. In general all three jurisdictions support integration of low-income housing throughout the community to avoid increasing concentrations of poverty in any one area. East County and Gresham have larger family sizes so HOME funds in those areas are more likely to be prioritized for larger family units. Gresham allocates HOME funds on an RFP basis and preference is given to rehabilitation or development of first time owner housing in one area, central Rockwood. Portland funds for rental housing have been accessed on an open door application basis and are available city-wide. During FY 1998-1999 RFPs were conducted for special objectives such as large family housing. A combination of RFP and open door processes will be used in FY 1999-2000.

CDBG

The City of Portland

The City of Portland has targeted community development assistance since the beginning of the program in 1974. After each census the City determined which neighborhoods met the federal guidelines as low/moderate income neighborhoods. In the early years of community development, the City developed a plan to move through the eligible areas, beginning in North Portland. Through the 1970's, the City provided major infrastructure improvements to low/moderate income North Portland neighborhoods. These areas were then "graduated" out of the program and the focus shifted to inner Northeast and Southeast. Through the early 1980's the bulk of community development services were provided in these areas.

Major sections of Multnomah County, east of Portland, were annexed to the City during the 1980's. These areas were not served by the City's community development program because of the focus in inner Northeast and Southeast. In the early 1990's the City began to move into outer Southeast Portland neighborhoods through its contribution to the development of the Outer Southeast Community Plan. The intent was to use this plan as a directional tool for providing services to this area. Work in this area continues. Because inner Northeast Portland continues to have the highest concentration of low income persons in the City, it may never fully graduate from the community development program.

Even with the level of targeting which has always existed in the City's community development efforts, it has become clear that the funds available are not adequate to make significant long-term change in these low/moderate income neighborhoods. The City's Community Development Plan, prepared in 1994, identified the need for an even more targeted approach to providing community development services. It calls for an integrated approach to community improvement, addressing the range of needs rather than dealing with one problem at a time. This Plan recognized that quickly creating visible improvements will best stimulate private investment and build community momentum for continued positive change.

The Bureau of Housing and Community Development (BHCD) has continued and expanded its program of targeted neighborhood revitalization, through the Target Area Designation Program and supportive services described above.

The City of Gresham

The City will limit homebuyer programs to the Central Rockwood area, as this area has the City's highest concentration of rental housing. The 1996 American Community Survey provides rental rate of 74 percent (the highest in the City) for Census Tract 98.01, in the core of Rockwood. Between 1990 and 1996 these changes have occurred in the non-white population in the four Census Tracts that contain portions of the Central Rockwood area: Hispanic population has grown by 184 percent, Asian/pacific Islander population has grown by 109 percent, and Black population has remained relatively stable, with a 3 percent growth rate. While statistics are not available as documentation, the eastern European population (recent immigrants) has risen greatly in this area as well. The intent of the City's efforts is to provide stable homeownership opportunities in an area undergoing a significant amount of transition.

Multnomah County

Multnomah County continues to focus its community development funding in the program participating cities of Maywood Park, Fairview, Wood Village and Troutdale. Additionally, the Burlington Water District has qualified as an eligible area through surveying. The cities of Wood Village and Fairview will continue to attract the majority of projects as they are census qualified "target areas." Generally, the far eastern reaches of the County do not qualify through the census as low- and moderate-income areas.

D. Homeless People: Continuum of Care

Numbers of Homeless People

Every November providers of shelter and housing for homeless people provide information on the people they shelter on one night. This past November 18th nearly 2,000 individuals who were homeless spent the night in a shelter or in transitional housing. The table below provides information on the numbers and composition of those sheltered.

**Table 1. Homeless Persons Sheltered in Multnomah County
On the Night of November 18,1998**

	TOTAL # HOUSEHOLDS	ADULTS		TOTAL # ADULTS	TOTAL # CHILDREN	TOTAL # INDIVIDUALS
		M	F			
Individuals	951	703	248	951		951
Families w/children	404	77	335	412	616	1,028
Total	1,355	780	583	1,416	616	1,979

Source: *One Night Shelter Count*, November 18,1998. Data reported to Multnomah County Division of Community Programs and Partnerships.

In this year's count homeless youth were recorded either as individuals or family households. Last year's count reported that 119 youth and 30 of their children received shelter from an agency.

In addition to the 1,979 persons sheltered November 18, another 623 homeless persons, about 40 percent of whom were children, were unable to obtain shelter from agencies who provide it on that night.

Lack of affordable permanent housing currently poses the biggest stumbling block to moving homeless people through the existing continuum of housing and services. In this situation one alarming statistic sums up the problem: for the more than 22,000 renter households with incomes below 30 percent in the County, there are only 12,000 housing units that are affordable to them. Thus, it is extraordinarily difficult for those attempting to transition from homelessness to find appropriate and affordable residential units.

Planning, Coordination, Funding of Homeless Services

Over the past decade the public and non-profit communities in Multnomah County have worked to create an effective response to homelessness, a "continuum of care" that provides an array of housing options and support services. Today Multnomah County Division of Family and Community Partnerships is responsible for planning and contracting services to homeless youth, homeless families and victims of domestic violence. The City of Portland is responsible for planning and contracting services to homeless single adults, however, the City also contributes funding and is involved in planning services for other populations.

This past year the County led a community planning process for homeless youth and has awarded contracts which will implement portions of the plan in the coming year. Multnomah County is currently in a planning process for a redesign of the system of housing and services for homeless families. City staff participated in the process for youth and is involved in the planning process for homeless families.

The City of Portland continues to have responsibility for facility development. At this time the City has budgeted over one million dollars of local funds for transitional housing for homeless youth and is working with non-profit agencies and business owners to create this housing. BHCD has also contracted with the Housing Authority of Portland to undertake housing for special needs populations, and oversees an allocation that is used to leverage other funds to stimulate shelter and transitional housing development.

Public Participation

There are many opportunities for the participation of service providers. The primary opportunities for the broader public are available through BHCD's Bureau Advisory Committee; the Housing and Community Development Commission; the Multnomah County Commission on Children, Families, and Community; the City Councils of Portland and Gresham, and the Multnomah County Board.

In addition to these points of public access, a new public body has been created to oversee the development of the community's "Continuum of Care" and recommend on the prioritization of community proposals for the Consolidated Application for McKinney Homeless Assistance, which is submitted to HUD annually. The McKinney Advisory Committee consists of HCDC members, community representatives, staff of public officials, and homeless service providers. Priorities reflected in the final Consolidated Application are approved by HCDC as being an accurate portrayal of homeless needs in the community.

Housing and Services Continuum

Services for **homeless youth** and **single adults** are primarily offered in downtown Portland but are available to anyone in Multnomah County. **Homeless youth** primarily access services from one location that offers day and night basic shelter and safety off the streets and linkages to other kinds of services (employment, education, mental and physical health, case management and housing). Also available to youth are developmentally appropriate day programs. Services to **homeless adults** include shelter, case management, alcohol and drug intervention, employment services, housing assistance, transitional housing and veterans programs. Shelter is offered in four facilities: two for men, one for women and one for homeless individuals with mental illness.

Services for **homeless families** and **other special needs** are delivered through a decentralized and geographically based system of community service centers, special needs providers, access agencies and system-wide resources. **Domestic violence** services are available throughout Multnomah County. Both of these systems are currently undergoing planning processes that will result in some changes and may increase the amount of locally contributed funds. Currently services include shelter, transitional housing, case management and linkages to other systems.

Priorities for the Continuum of Care

The existing "continuum of care" system provides a solid foundation on which to build a more effective system. Though lacking in capacity for all subgroups of homeless people, services are comprehensive and integrated. The development of permanently affordable housing for homeless people is the highest priority.

Expanded capacity is needed for all population groups. In addition, the following are priorities applicable to the continuum for all homeless people:

✓ All populations:

- Maintain existing housing and services, strengthening components as needed;
- Continue efforts to coordinate referrals, improve access to services
- Strengthen assessment services;
- Develop performance measures for all services;
- Collect and analyze data regarding homeless people and the effectiveness of service delivery;
- Maintain a current inventory of housing, services, and funding resources;

- Expand supply of permanent affordable housing in order to allow individuals and families to move through the homeless system and not spend long periods of time in shelter or transitional housing after their lives have stabilized.

The following gaps and needs have been identified for specific subgroups of homeless people:

- ✓ Families: 24-hour shelter services
- ✓ Youth: expansion of transitional housing
- ✓ Single adults: increased outreach services and transitional housing targeted towards populations with special needs.
- ✓ Survivors of domestic violence: increased transitional housing and shelter spaces, particularly for women with older boys and ethnically specific services.

Activities FY 1999-2000

The following describes activities funded with HOME, Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), Housing Opportunities for People with AIDS (HOPWA), and some other locally controlled funds. Multnomah County uses other sources of funds to fund activities which may not be cited below. ESG funds are allocated in concert with the allocation of CDBG funds.

1. Addressing Emergency and Transitional Housing Needs of Homeless People

Individuals

Portland will continue to fund two shelters for single adult men (Glisan Street and Clark Center), Jean's Place which provides both shelter and transitional housing for women, the Bridgeview and Royal Palm programs for persons who are chronically mentally ill, and alcohol/drug free transitional housing at the Estate and Everett. In addition to case management services, alcohol/drug intervention and employment will be funded for men in the Glisan Street Shelter and Clark Center. The homeless single adult system currently receives \$2.7 million dollars of allocated funding, which includes \$1.1 million of CDBG dollars as well as City of Portland general fund, ESG and McKinney dollars.

Youth

Portland and Multnomah County will continue to fund services for homeless youth; including day shelter, night shelter, winter emergency overflow beds, transitional housing, and case management. The total \$2.5 million dollar funding commitment includes \$500,000 from the City of Portland. Approximate funding allocations are as follows:

Salvation Army Greenhouse	\$605,000	Access and assessment
Janus Youth Programs	\$565,000	Short term and crisis services
Outside In	\$675,000	Transitional housing and day services
New Avenues for Youth	\$675,000	Transitional housing and day services

Families

Multnomah County funds transitional and emergency services in a similar array of components as the youth system throughout the county. Gresham and Multnomah County both fund a number of scattered site and facility based transitional housing programs operated by service providers in Multnomah County and Gresham. Transitional housing for

homeless families currently receives \$900,000. This total includes County general fund, McKinney homeless assistance and State resources. Homeless services for families receive approximately \$2.5 million dollars. This also includes County general fund, McKinney homeless assistance and state dollars. Following a community planning process, the County will issue a Request for Proposals (RFP) for services to homeless families.

Domestic Violence

Housing and services for survivors of domestic violence are provided by Multnomah County. Emergency and transitional shelter services are provided by Bradley Angle, Raphael House, the West Women's Shelter, and the YWCA. Total funding for domestic violence survivors is approximately \$5.5 million dollars, which includes \$1.7 million dollars of County general fund money, \$500,000 of assistance administered through the State, \$200,000 of direct McKinney homeless assistance dollars and \$350,000 of federal grants. The balance of funding being provided by private funding from foundations and donations.

Emergency Vouchers

Portland, Gresham and Multnomah County will continue to provide funds for emergency housing vouchers for individuals and other households in need. These vouchers are administered through Multnomah County's Clearinghouse.

2. Preventing Low-Income Individuals and Families from Becoming Homeless

All three jurisdictions will continue to fund rent assistance and assistance with move-in costs to households at risk of losing their permanent housing and to homeless households to facilitate their accessing and stabilizing in permanent housing. The jurisdictions each allocate HOME funds for the rent assistance program operated by the Housing Authority of Portland (HAP). Portland also uses PILOT funds for a program operated by Multnomah County. Multnomah County uses FEMA, HUD Supportive Housing Program and County general funds for emergency housing vouchers, transitional housing and rent assistance.

Portland will contract with the Northwest Pilot Project for prevention/stabilization services for seniors. Homeless prevention will also be done at the Glisan Street Community Service Center.

3. Helping Homeless Persons Make the Transition to Permanent Housing and Independent Living

- The City of Portland will fund services in two SRO buildings for support services for formerly homeless individuals.
- The rent assistance programs mentioned above are designed to assist homeless people to access housing.
- The housing authority also extends priority status in its Section 8 and Public Housing programs to some homeless people in transitional housing.

4. Other Activities

- The City of Portland will fund outreach services to campers (through JOIN) and to mentally ill individuals (Mental Health Services West).

- The City of Portland will allocate over \$100,000 for winter shelter for single individuals; and provide approximately \$25,000 to assist Multnomah County in providing winter shelter for homeless families.

McKinney Homeless Assistance

Two competitive federal McKinney programs, Shelter Plus Care and the Supportive Housing Program, provide over \$5,000,000 annually to projects serving homeless people within Portland/Multnomah County. The funding commitment from HUD is for one to five years. At the end of the grant award, sponsors of projects may reapply. Last year this community submitted a request to HUD for \$7.3 million: renewal funding for four projects and initial funding for three new projects. Only the four renewal projects were funded--\$3.3 million.

McKinney Projects Expiring in Year 2000

Project	Population	Subsidy Last Year of Award	Funding 3 - 5 Years
Rent Assistance	Mentally Ill: M & W	\$188,376	\$941,880
Leasing/Services	Domestic Violence	\$311,850	\$935,550
Leasing/Services	Families w/children	\$331,644	\$994,932
Richmond Place	Families w/children	\$123,751	\$371,253
Jean's Place	Single women	\$250,893	\$752,679
Rent Assistance	Singles: A/D Recovery	\$141,480	\$707,400
Shoreline	Singles: Men & Women	\$148,677	\$446,031
Leasing	Singles: Men & Women	\$115,500	\$346,500
Services	Singles: Special Needs	\$134,073	\$402,219
Leasing/Services	Youth	\$141,599	\$424,797
2000 Expirations		\$1,887,843	\$6,323,241

The McKinney Advisory Committee (MAC) is currently accepting applications for projects to be included in this year's Consolidated Application for Homeless Assistance. This year \$6.3 is needed to fund these renewal projects for 3 to 5 years. Other may apply for funding for new projects. The MAC's task is to prioritize projects, recommending funding amounts and the number of years for the request.

E. Addressing the Special Needs of Persons Who Are Not Homeless

Persons with Need for Accessible Units

All three jurisdictions will fund the Adapt-A-Home project that modifies existing rental units to make them accessible to handicapped persons. Owners agree to leave the modifications in place so that future tenants who need an accessible and affordable unit can use them.

Persons with HIV/AIDS

The City of Portland receives and administers the Housing Opportunities for People with AIDS (HOPWA) grant for the six-county entitlement area. HOPWA funding has been used for a combination of housing services, project-based rental assistance and housing development activities. Service programs include transitional housing for adults and youth with intensive case management, a furniture warehouse program and fair housing services. Permanent housing types in construction or planning include advanced stage care facilities, SRO units and community residences, both as stand alone projects and as clustered, HOPWA-funded units nested into larger projects.

Cascade Aids Project and Outside In provide transitional housing programs serving adults and youth respectively living with HIV and AIDS. HOPWA -funded transitional housing programs providing six months of rent assistance and intensive case management will continue to operate in Multnomah, Clackamas, Clark, Washington and Yamhill counties. Financing for permanent housing units has been completed or is underway in Clackamas, Clark and Multnomah Counties.

HOPWA stakeholders met twice in Spring, 1998 to develop a continuum of local housing needs and to make tough decisions about how to allocate HOPWA funds among the continuum of needs. The stakeholders agreed to continue to commit roughly half of the HOPWA entitlement to the continued provision of existing housing services and to use the balance to provide a combination of project-based rental assistance and deep capital development grants to develop permanent, affordable housing units.

Given the community need, most of the units to be developed with HOPWA funds will be targeted for individuals and families whose incomes are at 30percent AMI and below. The Portland EMA anticipates allocating approximately \$75,000 to project-based rental assistance to honor existing contracts covering housing units that are currently in operation and approximately \$400,000 to develop new units of permanent housing.

Unless circumstances of a particular project dictate otherwise, all permanent HOPWA units will remain affordable and compliant with HOPWA regulations for a minimum use period of sixty years, enforced by a restrictive covenant.

Current HOPWA restrictive covenant language permits the City to waive certain restrictions and requirements after ten years of restricted use *only upon a satisfactory showing that continued use is no longer feasible or desirable to accomplish the purpose of serving those with urgent housing needs, and that the Contractor or its successor will bind itself and the HOPWA units to appropriate requirements that will accomplish the purpose of serving those with the most urgent housing needs practicable.* This provision provides some circumscribed flexibility in the use of HOPWA-funded housing over the sixty years of minimum use in response to concerns raised by stakeholders that, given current developments in the battle to overcome HIV/AIDS, housing for the targeted population may, hopefully, become less necessary as time goes on.

All development projects have been planned in collaboration with a service agency which will link residents to services. The development projects also typically use other federal fund sources including CDBG, HOME and federal McKinney funds; and receive assistance from Portland, Gresham, Multnomah County, and Clackamas County.

During FY 1999-2000, the Portland EMA plans to conduct a housing needs assessment in collaboration with the Ryan White Planning Council to update the continuum of needed housing types and housing services for persons living with HIV and AIDS in the six counties in the Portland EMA served by both funding sources.

Households Impacted by Domestic Violence

Multnomah County uses SHAP, EHA, HUD Supportive Housing Program, Emergency Shelter Grant, and other General Funds for programs that provide domestic violence intervention, including shelter, transitional housing, and support staff. These activities are coordinated with other resources and programs dedicated to the reduction of domestic violence.

F. Fair Housing

The three jurisdictions completed an *Analysis of Impediments to Fair Housing* in May, 1996, and identified strategies to address these impediments. Some of the actions that are key to addressing fair housing issues require that actions be taken on a metropolitan-wide basis--not just within the boundaries of Multnomah County. The table below includes the major activities which will be funded the next year.

Programs to Address Identified Impediments to Fair Housing, 1999 – 2000

Agency and Activities	Source of Funds ¹				Total Funding
	City of Portland		Mult. County	City of Gresham	
	CDBG/ HOPWA ²	Gen. Fund ³			
Fair Housing Council of Oregon					
Fair Housing Enforcement	\$10,306	\$11,511	\$2,600		\$34,531
. Testing Services in Support of Complainants					
. Legal Assistance to Complainants					
Education and Outreach Programs	\$10,881 ²				
Research Projects					
Legal Aid Service of Oregon					
Fair Housing Enforcement					
. Legal Information	\$ 40,700		\$ 7,500	\$ 4,357	\$51,837
. Representation for Complainants					
Landlord/Tenant			\$ 3,417		\$ 3,417
Portland Housing Center	\$47434				\$46,595
Fair Housing Enforcement					
. Intake Services in Support of Complainants					
Education and Outreach					

Agency and Activities	Source of Funds ¹				Total Funding
	City of Portland		Mult. County	City of Gresham	
	CDBG/HOPWA ²	Gen. Fund ³			
State of Oregon Civil Rights Division Enforcement of City of Portland Civil Rights Ordinance and State Law		\$19,554 ³			\$19,208
Community Alliance of Tenants: Fair Housing and Landlord/Tenant Hotline	\$30,000				
Unlimited Choices Adapt-a-Home Program: removes barriers for disabled tenants	\$144,694		\$65,000	\$100,000	
TOTALS	\$284,015	\$ 30,515	\$78,517	\$103,575	\$155,588

- 1 All budget numbers are in draft form, and do not represent budgets adopted by the jurisdictions.
- 2 Housing for Persons with AIDS (HOPWA) grant covers six counties in Portland metropolitan area.
- 3 Covers only City of Portland protected classes: sexual orientation, age, and source of income.

Additionally, the City of Portland is embarking on a planning process that will result in the establishment of a continuum of needed housing services for individuals and families. The planning process will involve all regional stakeholders and will dovetail with the needs assessment and citizen participation process undertaken to develop the 2000-05 Five Year Consolidated Plan. The continuum will establish and prioritize among an array of services targeted to overcome barriers identified on in the *Analysis of Impediments*. Since many of the barriers identified in the *Analysis of Impediments* were regional in scope and since many of the traditional providers of housing services to families and individuals are regional, the City expects to draw on regional data and further expects that a regional services plan to overcome barriers to Fair Housing will likely emerge from the planning process. At the completion of the planning process, the City will procure, through a request for proposals, as many prioritized housing services as funding contingencies permit for FY 2000-01.

G. Other Actions

1. Addressing Obstacles to Meeting Underserved Needs

Housing Policy Update

The City of Portland completed a yearlong analysis and update of its Comprehensive Plan Housing Policy. With the update of the Housing Policy, key policy directives can be better incorporated into neighborhood and citywide planning activities in the coming years. Current examples of these planning activities include the Gateway, Hollywood-Sandy, and St. Johns area plans.

This update was completed with much opportunity for public input and, for the first time, included a collaborative process involving the City Planning Commission, the Housing and Community Development Commission, the Portland Development Commission, and the Board of Directors of the Portland Housing Authority. Each of these citizens commissions and boards

plays a role in housing policy and programs. The cooperative effort resulted in a unique opportunity for dialogue among these agencies. The joint meetings and workshops allowed members to discuss and understand the differing perspectives on the roles each body plays in the provision of housing and services for low and moderate income households.

The adopted Policy now includes elements of past activities and policies that had been conducted or adopted in programs during the last twenty years that had not heretofore been incorporated in Portland's Comprehensive Plan. Some of these policies include regional cooperation, balanced communities, sustainable development, "humble housing", special housing needs of the disabled and families.

Regional Efforts

As a means to distribute affordable housing opportunities throughout the Metro area, the Metropolitan Service District adopted a Framework Plan that includes an affordable housing element. The major activity to be undertaken this year involves the recently appointed Affordable Housing Technical Advisory Committee (HTAC) which consists of a broadly representative body of local elected officials and staff, housing advocates, and industry representatives. The cities of Gresham, Portland, and Fairview participate in this Committee. The primary charge for this year is to develop a recommended Regional Affordable Housing Strategy. As part of this Strategy the Committee will propose a Fair Share Formula which will allocate a numerical goal of affordable housing for each member jurisdiction over the next fifteen years.

Portland Development Commission Activities

The Portland Development Commission, the City's primary housing and economic development and urban renewal agency has completed its Five Year Plan. A major component of this Plan incorporates housing policies derived from the Consolidated Plan and will be applied to newly designated urban renewal districts such as the Lents and River District urban renewal areas. In addition, the Housing Implementation Strategy of the River District, which requires a dedicated portion of affordable housing development during the twenty year life of the Plan, will be reassessed and updated this year. Other PDC activities include incorporating an affordable housing component into North Macadam Plan area.

2. Fostering and Maintaining Affordable Housing

Affordable Housing Preservation Program and Legislative Initiatives

The key program the City of Portland has developed is the Affordable Housing Preservation Program. This program, adopted in November 1998, addresses the threatened loss of many low income housing projects developed with federal assistance, in particular the project based Section 8 Program. With the impending expiration of these Section 8 Contracts, the City has set in place a required waiting period during which the City can offer a fair market purchase offer in order to keep the housing affordable for its intended income base. Should the owner refuse the City's purchase offer, a \$30,000 fee per unit lost would be contributed to a housing preservation fund. Other elements of the Preservation Program include a waiting period for tenant evictions for projects facing the expiration of local subsidies and the codification of the 60 year affordability limit for subsequent projects applying for local funding. At this point, the City is attempting to oppose attempts of State legislation that would prohibit such preservation strategies at the local level.

In addition, in the 1999 State Legislative session, Portland is offering two bills that would amend current property tax exemption statutes. This would allow the City to provide tax exemption incentives to help defray the costs of keeping these housing projects affordable.

3. Removing Barriers to Affordable Housing

System Development Charge Exemptions

With the adoption of Systems Development Charges (SDCs) to help fund parks and transportation improvements, the City of Portland has declared its intention to extend the exemption for affordable housing developed by nonprofit corporations to similarly priced housing developed by for-profit developers. This directive to use a "level playing field" for these exemptions will be carried out by the bureaus responsible for imposing these SDCs. Ordinances effecting these changes are expected to be voted on during this year.

4. Developing the Institutional Structure

Portland: Blueprint 2000 Implementation

The major reorganization of Portland's development review and permitting process, known as Blueprint 2000, will go into full effect this year. It is expected that this overhaul of the entire permitting process, which includes combining the Bureaus of Building and Planning into an Office of Planning and Development Review, will have a positive effect on the costs of all development in the City.

Gresham

On a quarterly basis, Gresham City Council holds joint meetings with the Planning Commission and the Transportation System Citizen Advisory Committee to discuss policy matters. Recently, members of Gresham's Citizen Advisory Committee were added to the meeting list, and presentations on housing and community development topics and/or work programs occur at each meeting. This change has elevated the local visibility of HUD resources and will provide policy makers with a greater understanding of housing and community development needs and strategies.

Continuing Role of the Housing and Community Development Commission

The Countywide Housing and Community Development Commission continues its role as an inter-jurisdictional policy recommendation body representing the Cities of Gresham, Portland, and Multnomah. This body was key in promoting the 60 year affordability requirement for projects receiving local subsidies. A committee known as the Housing Evaluation Group (HEG) is instrumental in improving the accounting of housing funds in achieving the policy goals adopted by member jurisdictions. HCDC's McKinney Advisory Committee now has the responsibility of overseeing the Continuum of Care for Homeless People, and recommending priorities and funding for projects in HUD's annual national competition for McKinney funds.

5. Evaluating and Reducing Lead-Based Paint Hazards

The City of Portland Bureau of Housing and Community Development, the Multnomah County Health Division, and the Portland Development Commission have partnered to create the Portland Lead Hazard Control Program, funded by a grant from the U.S. Department of Housing and Urban Development. This program provides lead hazard control activities and

blood lead testing in low and moderate-income households, prioritizing those inhabited by children under the age of six.

An education and outreach component of the grant provides for the dissemination of informational literature addressing lead hazards, providing workshops and training session to populations effected by lead, and increasing community awareness and collaborative efforts around lead issues.

Included in the Portland Lead Hazard Control Program are economic development funds targeting residents of at risk communities in which lead hazard control work will be performed. This component provides:

- funding and support to prepare up to 60 low-income community residents to attend and successfully complete certified and accredited worker training programs.
- funding is to be provided for 10 small business contractors located and working in at-risk neighborhoods to receive the necessary training to allow them to bid on PLHCP projects as certified contractors.

The goals of lead hazard reduction are further promoted in the City of Portland and Multnomah County through the Lead Hazard Reduction Program (LHRP) sponsored by the Portland Water Bureau. This program consists of four components that address the presence of lead in water as well as in the home. The Water Bureau has also hired permanent staff to coordinate a metro-wide education campaign, the goal of which is to increase community awareness about lead-related issues. The Community Lead Education and Reduction Corps (CLEARCorps) does hazard remediation work and in-home education for low-income families.

6. Reducing the Number of Poverty Level Families

System Redesign of Community Action

Multnomah County Department of Community and Family Services is engaged in a process to redesign the community action service delivery system by consolidating these services with those of the system that provides prevention and family support services for all children and families without regard to income eligibility. The County expects that the alignment of these two separate and discrete child, youth and family service systems will provide cost-effective, non-stigmatizing and comprehensive services for individuals and families in Multnomah County.

Children's Poverty Reduction Initiative (CPRI)

The Child Poverty Reduction Initiative sets out a strategy for addressing and understanding child poverty in Multnomah County. Goals, outcomes and strategies address systemic barriers to self-sufficiency for three specific populations:

- Single women heads of household with children
- Families of color
- Neighborhoods with concentrations of poverty

Evaluation of the success of each strategy will be based upon its effectiveness in reducing child poverty. Focus programs prioritized for Year One start-up include:

- Development of Individual Development Accounts for low-income parents.
- "Moving to Opportunities" for Section 8 Certificate recipients.
- Revision of County housing development programs for families living at 60 percent of median income.
- Summer Food Service Program for school-age children.

The focus programs are aligned to current initiatives from three federal agencies: Department of Housing and Urban Development, Department of Agriculture and Department of Health and Human Services.

7. Enhancing Coordination between Public and Private Housing and Social Service Agencies

Central City Housing

The Downtown Housing Occupancy Work Group--comprised of four downtown social service agencies, nonprofit housing organizations, the housing authority, and others--will continue to meet monthly. The group focuses primarily on downtown housing which has been developed with local public subsidy and/or has rent assistance through the housing authority. Often managers, both from nonprofits and private firms, are invited to problem solve with the group on specific buildings.

New Housing Development

Two new housing projects for very low-income individuals are under development. One is the final replacement for the units lost when the new federal courthouse resulted in the demolition of 192 SRO units. The Housing Authority of Portland is developing this project and will involve representatives of social service agencies and tenants in existing downtown housing. The second is 90 units for formerly homeless individuals which REACH CDC will develop in inner southeast. REACH, representatives of agencies serving homeless individuals, and HCDC staff will develop tenant selection criteria. REACH also will involve various constituencies in the design process.

Coordinated Services Team

The Multnomah County Department of and Community and Family Services facilitates monthly meetings of the "Coordinated Services Team". The participants in this team include representatives from 30 agencies, such as domestic violence, the Housing Authority of Portland, mental health agencies, Adult and Family Services, workforce development programs and several not-for-profits providing services to homeless families.

The objectives of these meetings include becoming knowledgeable about services available in the community for homeless families and sharing resources. The ultimate goal is to assist families without housing, or at risk of losing their housing, enter into a stabilized, permanent housing arrangement.

The Division also facilitates a meeting of "Housing Specialists", professionals who actively assist people to access housing. Agencies involved serve families with children, singles, including people with disabilities, and senior. In an effort to obtain housing for their consumers, individuals who attend this meeting relate daily to landlords in the private sector.

H. Public Housing

The Housing Authority of Portland (HAP) is one of thirty housing authorities nation-wide which HUD selected to participate in a three-year *Moving to Work (MTW)* demonstration. This will enable HAP to design and test various approaches for providing and administering housing assistance that reduce cost and achieve greater cost effectiveness, provide work incentives to residents to promote self-sufficiency, and increase housing choices for low-income families. The MTW demonstration also will allow HAP to combine funds from the Low Rent Public Housing, Section 8, and Comprehensive Grant programs into one pool of funds. The formal agreement between HUD and HAP has been signed and 1999-2000 will see implementation of components of MTW which HAP has named "The Hatfield Experiment".

1. Improving the Operation and Livability of Public Housing

The following are some of the actions which the housing authority plans for the upcoming fiscal year:

- Increase direct staffing by 4.5 FTE to add site management, pest control and shop mechanic capabilities.
- Install and implement a new computer accounting system to improve financial accountability and reporting.
- Install and implement new resident-tracking and property management computer software to ensure Y2K compliance and to improve our overall management capabilities.
- Complete installation and modification of a new computer database system for tracking service requests for maintenance and repairs to public housing units.
- Operate for the first full year a preventive maintenance program designed to reduce the longer-term need for major repairs.
- Begin a process to review and revise preferences and priorities for the public housing waiting list under Moving to Work.
- Review and update our reasonable accommodation policy to ensure equal opportunity and fairness for applicants and residents who are disabled.
- Implement a Capital Improvement Plan to provide a more systematic and coordinated approach to asset management for these properties.

The following are some of the proposed activities funded by HUD through the Comprehensive Grant Program:

- Provide accessibility improvements at five or more units in various developments.
- Install new siding and windows at approximately one-third of the 478 units at Columbia Villa.
- Plan for replacement furnaces and tub surrounds as needed in Columbia Villa.
- Install carpet, lighting and ceiling system at Williams Plaza and Sellwood Center.
- Investigate water leakage at Williams Plaza.
- Renovate playground, vent hot water heaters, and replace exterior door hardware at Celilo Court.
- Re-design furnaces at Peaceful Villa.
- Evaluate and renovate parking lot and related site work at Hollywood East.
- Continue lead and asbestos testing in various developments.

2. Resident Initiatives/Self-Sufficiency Activities

Facilitating the movement of residents of public housing and participants in the Section 8 program to greater self-sufficiency is at the heart of the Moving to Work Demonstration. HAP's plans for the next 12 months include:

- Restructure the GOALS program (i.e. the "self-sufficiency" program) and redefine the role of GOALS staff;
- Continue partner-shared funding of positions and programs to provide cost-savings to HAP and the community;
- Seek continuation of grant funding for HAP-endorsed programs;
- Support Drug Elimination and Safety Action Team to the public housing program;
- Seek funding for resident service coordinator positions and extended Congregate Housing Services Programs from HUD's supportive services set-aside CDBG of \$55,000,000 2/1/99 to 2/1/01;
- Set-up a Task Force to discuss the challenges that HAP faces in providing housing for people with special needs (such as mental illness) and the cost associated with housing this population;
- Improve the line of services which the Housing Services Department offers (or facilitate access) for public housing residents and Section 8 participants.

I. Program-Specific Requirements

City of Portland

Recapture Provisions

The units funded with HOME funds as part of the City of Portland's Shared Appreciation Mortgage (SAM) program will have a 25 year period of affordability. The SAM agreement describes a equity recapture formula that is based on the amount of subsidy the City provides to the homeowner or developer. The amount of equity recaptured by the SAM will never be more than 50 percent of the total realized equity appreciation.

Resale Provisions

Home buyers participating in the City of Portland's HOME-funded Community Land Trust program will agree to resale provisions. The homeowner will take title to the improvements and will sign a 99-year lease for the land with the nonprofit community land trust, which will hold the land. Upon resale the value of the land will not be included in the sales price to the new eligible homebuyer.

City of Gresham

Recapture And Retention Requirements

The City of Gresham will continue to offer a 30-year shared appreciation mortgage as part of its Rockwood Homeownership Program, both as part of its buyer-initiated program and as part of its program to assist developers with new construction. In the case of Habitat for Humanity, where resale is limited to other income-qualified buyers below 50 percent MFI, Gresham may elect to implement a retention program.

Other Forms of Investment

The Consortium does not use forms of investment other than those described in 24 CFR 92.205(b).

Affirmative Marketing Program

In accordance with the regulations of the HOME Investment Partnership Program contained in 24 CFR 92.351, the Portland HOME Consortium will utilize an affirmative marketing program which is described in detail in the *Consolidated Plan, 1995-1999* (pages 92-93).

Minority and Women Business Enterprise Outreach Program

In accordance with the regulations of the HOME Investment Partnership Program contained in 24 CFR 92.352 (a)(5), the Portland HOME Consortium will utilize the minority and women business outreach program which is described in detail in the *Consolidated Plan, 1995-1999* (pages 94-95).

V. MONITORING

Some projects are funded by more than one jurisdiction. To reduce administration and monitoring, interagency agreements spell out that only one jurisdiction will manage a project and management responsibilities will alternate between jurisdictions.

City of Portland: HOME, ESG, HOPWA, and CDBG

The Bureau of Housing and Community Development provides monitoring for HOME, ESG, HOPWA, and CDBG-funded projects. Monitoring activities may include program performance, fiscal accountability and regulatory compliance and could involve both internal file review and on site reviews. Program Managers select the projects to be monitored for program performance and regulatory compliance and work with the fiscal staff to determine which projects will receive a fiscal review. Generally, projects which receive large amounts of City funding, projects which are administered by unsophisticated or inexperienced organizations, projects which appear to be having difficulties in meeting contract or program requirements and projects which require more intensive technical assistance receive priority in establishing a monitoring schedule.

Internal file review consists of analysis of bills, reports, external audits, file documentation and other materials submitted by the providing agency to determine that the project is on schedule, fiscally accountable, complying with contractual requirements and meeting regulations. On site review can include any or all of the following depending on the depth of the monitoring: file review at the project facility, visiting sites where the activity is being carried out (for instance, a house under construction), visiting completed sites, interviewing participants and clients as well as agency staff, checking income verification system and documentation used for the project, completing a review of the fiscal system and conducting a review of invoices through source documentation.

Minority Business Outreach

Property owners/borrowers is carry out the bulk of contracting opportunities rather than the City. Borrowers of amounts under \$100,000 are provided information about opportunities and encouraged to solicit quotes from minority and women business enterprises. Additionally, the Bureau of Housing and Community Development (BHCD) contracts with the Housing Development Center to provide MBE and WBE (minority and women business enterprise) contractors with technical assistance to improve their capacities and capabilities to take on more complicated projects.

When Portland Development Commission (PDC) loans exceed \$100,000, borrowers are required to comply with PDC's ESB (Emerging Small Business)/Good Faith Effort Program for all prime construction contracts of \$200,000 or greater and subcontracts of \$100,000 or more. By the program requirements, borrowers through their prime contractors are required to either meet a 10 percent ESB goal or to make good faith efforts to contract with ESB firms for each division of work to be performed by a subcontractor. The ESB/Good Faith Effort Program further requires that they submit monthly reports on subcontractor utilization. Contractors are strongly encouraged to use formal advertising and bid procedures; publish requests for bids in

at least two media; and seek solicitation assistance through minority and women community organizations.

For the same PDC construction loans exceeding \$100,000, borrowers are also required to comply with the Workforce Training and Hiring Program for prime construction contracts of \$1,000,000 or greater and subcontracts of \$100,000 or more. The Program seeks to ensure a contractor's workforce reflects the diversity of the regional construction workforce and it maximizes apprenticeship and employment opportunities for minorities, women, and economically disadvantaged workers in the construction trades.

Multnomah County

Multnomah County monitors its subrecipients according to federal requirements and program policy. The County initially introduces subgrantees to select grant compliance requirements at the annual application workshop. Program staff formally monitor subrecipients on at least an annual basis through field site visits, monitoring of fiscal records in-house and on-site, and follow-up contact to ensure correction of any deficiencies. The county's monitoring goal is to provide enough up-front guidance and on-going assistance so that subrecipients stay in voluntary compliance and are not put in the "gotcha" situation.

City of Gresham

Monitoring the use of federal funds is conducted by Gresham to ensure that subrecipients comply with all regulations governing their administrative, financial, and programmatic operation, and achieve their performance objectives within schedule and budget. Monitoring is an on-going process which includes the application process, the preparing the contract, communication, technical assistance, site visits and follow-up with the subrecipient. Monitoring by Gresham focuses on assisting the subrecipient rather than catching it doing something wrong. To this end, new subrecipients will be visited early and provided with technical assistance as needed. Housing projects requiring long-term affordability will be monitored annually or every two years as required until the term of affordability is completed.

VI. CERTIFICATIONS AND STANDARD FORM 424

Copies of HUD-required certifications and Standard Form 424 are on file in each of the jurisdiction's department/bureau that administers HOME, CDBG, and other programs covered in the Consolidated Plan.

APPENDIX A. Proposed Activities: 1999 - 2000

A-1. The City of Portland

A-2. The City of Gresham

A-3. Multnomah County

A-1. The City of Portland

BUREAU OF HOUSING & COMMUNITY DEVELOPMENT FY 1999-00 Proposed Budget FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
PROGRAM: HOUSING (B)										
Service Area: Homebuyer Program (11)										
Projects:										
PDC Homebuyer Program/PLPA	823,728	343,728							480,000	823,728
PDC Urban Homestead/PLPA	135,364	49,364							86,000	135,364
PDC Homebuyer Revolving Fund	245,000	0								0
PDC Program Delivery	170,709	173,782								173,782
Total Service Area	1,374,801	566,874	0	0	0	0	0	0	566,000	1,132,874
Service Area: Homeowner Rehabilitation (12)										
Projects:										
PDC Homeowner Rehab Loans/PLPA	1,005,000	900,000							105,000	1,005,000
PDC Home Rehabilitation Refinance/PLPA	402,748	94,548							308,200	402,748
PDC Homeowner Revolving Fund	500,221	0								0
PDC Program Delivery	855,028	870,419								870,419
Lead Based Paint Rehab	0							1,732,299		1,732,299
Sewer Hookup - BES	252,000	200,000								200,000
Total Service Area	3,014,997	2,064,967	0	0	0	0	0	1,732,299	413,200	4,210,466
Service Area: Rental Housing (13)										
Projects:										
PDC Affordable Rental Housing/PLPA	7,016,030	1,314,030	3,325,872						3,000,000	7,639,902
PDC Rental Housing Revolving Loan Fund	836,526	0								0
Richmond Place Float	60,000	60,000								60,000
PDC Program Delivery	1,284,546	1,307,668								1,307,668
Gresham-HOME	318,720		288,697							288,697
Multnomah Co HOME	221,704		199,593							199,593
Housing Investment Fund - PDC	233,000	0								0
Total Service Area	9,968,526	2,681,698	3,814,162	0	0	0	0	0	3,000,000	9,495,860

BUREAU OF HOUSING & COMMUNITY DEVELOPMENT
FY 1999-00 Proposed Budget
FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
Service Area: Special Needs Housing (14)										0
Projects:										0
Housing Authority of Portland	235,508	239,747	0							239,747
Total Service Area	235,508	239,747	0	0					0	239,747
Service Area: Housing for People With AIDS (HOPWA) (17)										
Projects:										0
HOPWA Project Based Rent Assistance	0				-					0
HOPWA Services	275,508				-					0
HOPWA Housing Development	471,000				342,218					342,218
CAP-Transitional Housing					154,735					154,735
CAP-Warehouse					38,005					38,005
CAP-SW Wash					85,460					85,460
CAP-Resident Svcs-Posillon					51,727					51,727
CAP-Resident Svcs-R/A Current Year					45,810					45,810
Outside In					34,306					34,306
FHCO					11,649					11,649
Reserved Admin/Rent Assistance					18,638					18,638
Total Service Area	746,508	0	0	0	782,548	0	0	0	0	782,548
Service Area: Housing Capacity Building/TA (18)										
Projects:										0
Housing Development Center	118,119	120,245								120,245
Oregon Housing NOW	15,500	15,779								15,779
NP Developer Org Oper Support	700,000	515,491	184,509							700,000
Gresham Operating Support			17,318							17,318
Multnomah County Operating support			11,973							11,973
Total Service Area	833,619	651,515	213,800	0	0	0	0	0	0	865,315

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FY 1999-00 Proposed Budget
FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
Service Area: Housing Services (15)		43,777								43,777
Projects:										0
Portland Sch Dist-HRTP	409,600	416,973								416,973
Home Security-Police Bureau	85,000	85,000								85,000
Senior Job Center-SHRMP	135,500	137,939								137,939
Community Energy Project	103,121	104,977								104,977
Reach Community Builders	78,950	80,371								80,371
Unity, Inc. (Mental Health Services West-Rehab)	17,293	17,604								17,604
Christmas In April	25,000	25,450								25,450
Unlimited Choices	142,138	144,694								144,694
Portland Housing Center-Homebuyer	97,740	99,499								99,499
Portland Housing Center-Rental Housing Svcs	48,595	47,434								47,434
Ecumenical Ministries of Or-Shared Housing	30,000	30,540								30,540
Legal Aid Services of Oregon-Fair Housing	39,980	40,700								40,700
Oregon Fair Housing Council	10,124	10,306								10,306
Mult Co Moving Assistance	12,519	12,744								12,744
Community Alliance of Tenants-Hot Line	-	30,000								30,000
Social Service Siting	10,000	25,000								25,000
Total Service Area	1,243,558	1,353,008	0	0	0	0	0	0	0	1,353,008
Service Area: Loan Servicing/Administration (16)										
Projects:										0
PDC Loan Servicing	300,296	305,701								305,701
PDC Housing Admin	249,393	253,882								253,882
National Development Council	60,000	60,000								60,000
Total Service Area	609,689	619,583	0	0	0	0	0	0	0	619,583
TOTAL HOUSING	18,027,208	8,177,392	4,027,962	0	782,548	0	0	1,732,299	3,979,200	18,699,401

BUREAU OF HOUSING & COMMUNITY DEVELOPMENT

FY 1999-00 Proposed Budget

FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
PROGRAM: ECONOMIC DEVELOPMENT (C)										
Service Area: Community Economic Development (22)										0
Projects:										
PDC Outer SE Dev Opportunity Strategy	132,927	135,320								135,320
PDC NE Dev Opportunity Strategy	101,321	154,045								154,045
PDC Outer SE Financial Assistance	193,782	197,270								197,270
PDC NE Financial Assistance	258,187	262,834								262,834
PDC Financial Assistance/DOS to New TADs	50,000	0								0
PDC Storefront Improvement	243,983	248,354								248,354
PDC Subtotal	980,180	997,823	0	0					0	997,823
REACH Community Economic Development	50,000	50,900								50,900
Micro Enterprise Loan	46,000	46,000								46,000
PSU Business Outreach	82,500	100,000								100,000
Community Economic Development-Opr Support	100,000	100,000								100,000
HDC Contractors Support Program	48,211	47,043								47,043
Total Service Area	1,304,891	1,341,766	0	0	0	0	0	0	0	1,341,766
Service Area: Workforce Development (23)										
Projects:										0
WSI Activities	528,000	809,310								809,310
NPF Workforce Development (OSE)	50,000	0								0
Quality Jobs Initiative	217,000	0								0
Total Service Area	795,000	809,310	0	0	0	0	0	0	0	809,310
Service Area: PDC Administration (24)										
Projects:										0
PDC Econ Dev Admin	44,251	45,048								45,048
Loan Servicing	19,596	19,949								19,949
Total Service Area	63,847	64,996	0	0	0	0	0	0	0	64,996
TOTAL ECONOMIC DEVELOPMENT	2,163,738	2,216,073	0	0	0	0	0	0	0	2,216,073

BUREAU OF HOUSING & COMMUNITY DEVELOPMENT
FY 1999-00 Proposed Budget
FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
PROGRAM: NEIGHBORHOOD IMPROVEMENTS (D)										
Service Area: Street Improvement Program (31)	200,000	790,792								790,792
Projects:										0
Design/Construction Small Street	184,800	150,000								150,000
Transportation Eng. Prog Mgmt	40,776	40,443								40,443
PDC LID Subsidy	99,862	50,000								50,000
LID-Auditor's Assessment	3,000	0								0
Total Service Area	528,438	1,031,235	0	0	0	0	0	0	0	1,031,235
Service Area: Park Improvement Program (32)	0									0
Kennedy School Community Gardens	20,000	0		0						0
Total Service Area	20,000	0	0	0	0	0	0	0	0	0
Service Area: Community Planning (33)										
Projects:										0
Planning Bur-Community Planning Program	84,617	86,140								86,140
Total Service Area	84,617	86,140	0	0	0	0	0	0	0	86,140
Service Area: Public Facilities (34)										
Projects:										0
PDC Non Profit Facilities	251,930	256,465								256,465
Total Service Area	251,930	256,465	0	0	0	0	0	0	0	256,465
TOTAL NEIGHBORHOOD IMPROVEMENTS	884,985	1,373,840	0	0	0	0	0	0	0	1,373,840
PROGRAM: HOMELESS FACILITIES & SERVICES (E)										
Service Area: Homeless Services (41)										
Sub-Service Area: Homeless Families	0									
Projects:										
Mult Co - Voucher Program	17,781	18,101								18,101
Salvation Army Family Winter Emergency	23,365			23,786						23,786
Total Service Area	41,146	18,101	0	23,786	0	0	0	0	0	41,887

BUREAU OF HOUSING & COMMUNITY DEVELOPMENT
FY 1999-00 Proposed Budget
FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
Sub-Service Area: Homeless Single Adults (41060-Projects:	17,590			16,576						16,576
TPI - Glisan Street/ ESG	524,995	330,850		137,635		65,959				534,444
TPI - Jean's Place/ McKinney	294,417	95,491		123,740			94,018			313,250
TPI - Clark Center/ ESG	471,868	305,400		97,170		77,790				480,360
Community Service Center/Other	36,140	36,791		36,140						72,931
GF-TPI - Contingency	40,000			0						0
CCC - A/D Free Transitional Housing/ ESG	172,672	0				175,780				175,780
GF-CCC Homeless Employment	92,112			49,817						49,817
GF-CCC Alcohol & Drug				43,953						43,953
Co. Unity - Bridgeview	233,678	237,884								237,884
NW Pilot Project - Homeless Seniors/ ESG	208,243	108,664				101,291				209,955
St. Francis Public Toilet	3,000			3,000						3,000
GF-Unity-Project Respond/ East Side	120,000			122,160						122,160
Swindells/ ESG	30,000									0
Salvation Army - Winter Shelter Singles	109,984			110,666						110,666
CCC-Winter Shelter				6,000						6,000
JOIN - Camper Outreach	29,168			29,693						29,693
REACH/ Rose Homeless Prevention	13,000			3,054		10,180				13,234
Total Service Area	2,394,865	1,115,081	0	779,604	0	431,000	94,018	0	0	2,419,703
Sub-Service Area: Homeless Youth (41101-59-Projects:	285,778	189,122		601,800						790,922
Mult Co - Youth Day Shelter	0	0								0
Mult Co - Youth Night Shelter	0	0								0
Total Service Area	285,778	189,122	0	601,800	0	0	0	0	0	790,922
Service Area: Facilities Development (42)-Projects:	1,065,000	1,000,000								1,000,000
BOB-Multi Family At Risk	97,650	0								0
CCC/Emergency Repair	191,680	195,130								195,130
Total Service Area	1,354,330	1,195,130	0	0	0	0	0	0	0	1,195,130

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FY 1999-00 Proposed Budget
FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
Service Area: Homeless Prevention (43)										
Projects:										0
Rent Assistance	602,854		229,050				320,000			549,050
Rent Assistance-Admin			58,094							58,094
Total Service Area	602,854	0	287,144	0	0	0	320,000	0	0	607,144
TOTAL HOMELESS FAC & SERVICES	4,678,973	2,517,434	287,144	1,405,190	0	431,000	414,018	0	0	5,054,786
PROGRAM: YOUTH EMPLOYMENT & INVOLVEMENT (F)										
Service Area: Employment, Training & Support (51)										
Projects:										0
Youthbuilder								350,000		350,000
Technical Assistance/Wage Increase	7,000			25,131						25,131
WDB-Continuum (YEP)	77,198			0						0
Youth Employment Partnership				170,855						170,855
IMPACT Summer Program	7,744			7,883						7,883
WDB-Homeless Youth Employment Outside In	133,303			135,702						135,702
WDB-Summer Program	177,011			180,197						180,197
Oregon Outreach-Summer Youth	16,701			17,002						17,002
Mult Co YEEP	198,886			200,430						200,430
Southeast YEP	27,035			0						0
Youth Entrepreneurial Project	18,000			0						0
Total Service Area	660,878	0	0	737,200	0	0	0	350,000	0	1,087,200
Service Area: Community Services (52)	0			0						0
Projects:										0
WDB-Community Pride	45,600			0						0
Open Meadow Learning Center-CRUE	104,280			106,157						106,157
Community Service - Other (Marshall Caring)	28,585			29,100						29,100
Total Service Area	178,465	0	0	135,257	0	0	0	0	0	135,257

BUREAU OF HOUSING & COMMUNITY DEVELOPMENT
FY 1999-00 Proposed Budget
FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
Service Area: Prevention (53)										
Projects:										0
Self Enhancement, Inc.	261,788	120,124		146,376						268,500
TLC- TNT	19,434			19,784						19,784
Total Service Area	281,222	120,124	0	166,160	0	0	0	0	0	286,284
TOTAL YOUTH EMPLOY & IMPROVEMENT	1,120,565	120,124	0	1,038,617	0	0	0	350,000	0	1,508,741
PROGRAM: PUBLIC SAFETY PROGRAM (G)										
Service Area: Outreach/Education (61)										
Projects:										0
Mult Co-Youth Outreach Gangs	91,567	93,215								93,215
Catholic Charities-SE Asian Outreach	22,869			23,281						23,281
Total Service Area	114,436	93,215	0	23,281	0	0	0	0	0	116,496
Service Area: Domestic Violence (62)										
Projects:										0
Mult Co Domestic Violence Coord	30,900			32,754						32,754
Total Service Area	30,900	0	0	32,754	0	0	0	0	0	32,754
Service Area: Treatment Programs (63)										
Projects:										0
CCC-CHIERS	294,452			299,752						299,752
Outside In-Needle Exchange	22,579			22,985						22,985
Total Service Area	317,031	0	0	322,737	0	0	0	0	0	322,737
TOTAL PUBLIC SAFETY PROGRAM	462,367	93,215	0	378,772	0	0	0	0	0	471,987
PROGRAM: COMMUNITY & TARGETED INITIATIVES (H)										
Service Area: Community Initiative Programs (71)	200,000	200,000								200,000
Total Service Area	200,000	200,000	0	0	0	0	0	0	0	200,000

BUREAU OF HOUSING & COMMUNITY DEVELOPMENT
FY 1999-00 Proposed Budget
FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
Service Area: Targeted Neighborhood Assistance (72)	0	0								0
Projects:										0
BOB-Nuisance	107,845	111,786								111,786
BOB-Target Housing	250,023	262,523								262,523
BES-Cleanups	15,000	15,000								15,000
Total Service Area	372,868	389,309	0	0	0	0	0	0	0	389,309
Service Area: Targeted Area Designation (75)	0									0
Projects:										0
TAD Areas	360,000	360,000								360,000
TAD Projects	50,000	54,000								54,000
TAD Technical Assistance	70,000	70,000								70,000
Total Service Area	480,000	484,000	0	0	0	0	0	0	0	484,000
Service Area: Citizen Participation (74)										
Projects:										
Community Development Network	19,990	20,350								20,350
NECN-Livability	10,000	25,450								25,450
SEUL-Citizen Participation	10,000	42,000								42,000
Total Service Area	39,990	87,800	0	0	0	0	0	0	0	87,800
TOTAL COMMUNITY & TARGETED INITIATIVES	1,092,858	1,161,109	0	0	0	0	0	0	0	1,161,109
PROGRAM: ADMINISTRATION (A)										
BHCD Admin	1,109,720	1,226,632								1,226,632
HCDC Admin	114,209	151,730								151,730
Home/HOPWA/Lead Admin	229,691		212,756		20,452			27,948		261,156
Subtotal-BHCD	1,453,620	1,378,362	212,756	0	20,452	0	0	27,948	0	1,639,518
OF&A-Grant Compliance	46,035	46,864								46,864

BUREAU OF HOUSING & COMMUNITY DEVELOPMENT
FY 1999-00 Proposed Budget
FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
HCDC Other Support										
HAP	65,000	65,000								65,000
Planning	93,890	95,580								95,580
City Housing Policy	58,700	50,000								50,000
BHCD City Housing Policy/Planning	25,000	0								0
Emerging Initiatives	75,000	95,000								95,000
Non Profit Technical Assistance to CBO's	75,000	75,000								75,000
	436,625	427,444	0	0	0	0	0	0	0	427,444
TOTAL ADMINISTRATION	1,890,245	1,805,806	212,756	0	20,452	0	0	27,948	0	2,066,962
Indirect Cost										
Indirect Costs - General Fund	178,741	167,738								167,738
Indirect Costs - Transportation	35,519	32,396								32,396
Indirect Costs - Buildings	119,255	112,892								112,892
Indirect Costs - Env Services	2,375	2,393								2,393
Total Indirect Costs	335,890	315,419	0	0					0	315,419
General Operating Contingency										
General Operating Contingency	104,971	43,789	48,138							91,927
Total Contingency	104,971	43,789	48,138	0					0	91,927
TOTAL INDIRECT & CONTINGENCY	440,861	359,208	48,138	0					0	407,346
TOTAL REQUIREMENTS	30,761,798	17,824,200	4,576,000	2,822,579	803,000	431,000	414,018	2,110,247	3,979,200	32,960,244

BUREAU OF HOUSING & COMMUNITY DEVELOPMENT
FY 1999-00 Proposed Budget
FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
RESOURCES										
CDBG Entitlement	12,083,000	12,157,000								12,157,000
CDBG Program income PDC	3,750,000	3,750,000								3,750,000
CDBG Program income Revolving Loan	1,581,747	0								0
CDBG Program income Richmond Place Carryover	60,000	60,000								60,000
CDBG Program Income-BOB Nuisance Abate	25,000	10,000								10,000
CDBG Program Income-BOB Target Housing	50,000	65,000								65,000
CDBG Program Income-HCDC	17,133	17,200								17,200
CDBG-Multnomah Co Sewer Payment	75,000	100,000								100,000
Unobligated Carryover	667,000	600,000								600,000
Obligated Carryover-Housing Policy	81,700	0								0
Obligated Carryover-Street Improveme	0	65,000								65,000
Obligated Carryover-Youth Facility	300,000	1,000,000								1,000,000
Subtotal	18,690,580	17,824,200	0	0					0	17,824,200
PLPA	3,979,200								3,979,200	3,979,200
Float	0									0
HOME	3,959,000		4,276,000							4,276,000
HOME Program income	230,000		300,000							300,000
General Fund Discretionary	1,470,875			2,309,245						2,309,245
General Fund Discretionary Adds On				513,334						513,334
General Fund Homeless	618,000			0						0
General Fund Add Packages	170,000			0						0
HOPWA Entitlement 99	766,000				803,000					803,000
Emergency Shelter Grant 99+	465,000					431,000				431,000
Lead Based Paint Grant	0							1,760,247		1,760,247
Youthbuilder Grant								350,000		350,000
McKinney	92,356						94018			94,018
PILOT	320,787						320000			320,000
TOTAL RESOURCES	30,761,798	17,824,200	4,576,000	2,822,579	803,000	431,000	414,018	2,110,247	3,979,200	32,960,244

BUREAU OF HOUSING & COMMUNITY DEVELOPMENT
FY 1999-00 Proposed Budget
FOR HOME, CDBG, AND GENERAL FUNDS

PROGRAM/Service Area/Projects	98/99 Adopted Budget	CDBG Budget	HOME Budget	General Fund Budget	HOPWA	ESG	PILOT / McKinney	LEAD / YOUTHBUILD	PLPA	ADOPTED BUDGET
	Amount	Amount	Amount	Amount					Amount	TOTAL
	* These resources were loaded in IBIS in 53201001			0						
SPECIAL APPROPRIATIONS		0								0
REQUIREMENTS										
Civil Rights	11,562			10,981						10,981
OR Bureau of Labor & Industries	19,208			19,555						19,555
Fair Housing Council of Oregon - Testing	11,307			11,510						11,510
Total Civil Rights	42,077	0	0	42,046					0	42,046
WFD Work Force Systems	0			105,833						105,833
TOTAL REQUIREMENTS - Special Appropriations	42,077	0	0	147,879					0	147,879
RESOURCES										
General Fund -Special appropriations	42,077			147,879						147,879
TOTAL RESOURCES - Special Appropriations	42,077	0	0	147,879					0	147,879

City of Gresham
Community Revitalization Program
RECOMMENDED 1999-2000 CDBG ACTION PLAN BUDGET

A-2. The City of Gresham

Project No.	Activity/Sponsor	Request Amount	Recommend Amount
SOURCES			
	Gresham Entitlement Grant		666,000
	Development Fund from Prior Years		171,165
	Estimated Program Income from 1998-99		20,000
	TOTAL AVAILABLE		857,165
USES			
	<u>Housing Development/Rehabilitation</u>	323,307	323,307
1703	Sewer Hookup Program - SOS	160,601	160,601
1727	Adapt-A-Home Rehab - Unlimited Choices, Inc.	100,000	100,000
	Rental Assistance - Housing Authority of Portland	4,706	4,706
	Homebuyer Education - Portland Housing Center	8,000	8,000
	Ava House II - Mt. Hood Community Mental Health	50,000	50,000
	<u>Public Improvements/Community Facilities</u>	250,785	245,120
	Rockwood Park - City of Gresham	125,000	120,000
	SE 187th Ave. - City of Gresham	125,785	125,120
	<u>Public Services (15% of Gresham Grant & Program Income)</u>	133,710	102,900
1711	Fair Housing Assistance - MCLAS	4,910	3,575
1731/1709	Emergency Housing Vouchers-Multnomah County	5,500	4,402
1731/1714	Transitional Housing - Human Solutions, Inc.	34,000	34,000
1731/1722	El Programa Hispano - Catholic Comm. Svcs	50,000	34,870
1712	Dental Services - Neighborhood Health Clinics	9,300	9,300
	Youth Gang Outreach - Edgefield Children's Center	20,000	12,000
	Caregivers - Interfaith Caregivers	10,000	4,753
	<u>Administration (20% of Gresham Grant & Program Income)</u>	137,200	137,200
1701	City/Staff/Contract Expenses	125,850	125,850
1721	HCDC/Consolidated Plan - City of Portland	11,350	11,350
	<u>Contingency</u>		48,638
	TOTAL REQUESTED / ALLOCATED	845,002	857,165

City of Gresham
Community Revitalization Program

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

PROJECT DESCRIPTIONS FOR 1999 - 2000

SOS, City of Gresham - Project would provide zero interest deferred payment loans to L/M income homeowners to pay for state mandated hookups to the Mid-County Sewer System. Grant funds would be used for loans to homeowners to pay for hookups and for staff to operate the project. Recommended award: \$160,601.

Adapt-A-Home Rehab, Unlimited Choices, Inc. - Project would adapt renter or owner occupied homes (average cost of \$1,250 per unit) to make homes permanently accessible to persons with disabilities who earn below 50% MFI. The intent is to keep people with disabilities as independent as possible and out of institutions. Occasionally clients are brought from institutions back to the community. Grant funds would be used to rehab 40 units and pay for administration of project. Project receives substantial donations, in-kind and volunteer donations (undocumented). Recommended award: \$100,000

Rental Assistance, Housing Authority of Portland - Project would provide one-time assistance, such as non-refundable deposits, or an on-going rent supplement (up to 6 months with ability to extend) to homeless families or to families at risk of becoming homeless with the goal of stabilizing and making permanent their housing situation. All families must be in case management program which is funded through other sources. Grant funds would pay for administration. Recommended award: \$4,706

Homebuyer Education, Portland Housing Center - Project would provide homebuyer education and manage the closing of Shared Appreciation Mortgages through the Rockwood Buyer-Initiated Homeownership Program (CDBG and HOME funds) and developer sponsored Rockwood Homeownership Program projects. (HOME funds). Recommended award: \$8,000.

Ava House II, Mt. Hood Mental Health - Project would construct a duplex at 97 SW Ava Ave. One unit will have 3 bedrooms and 3 baths and the other unit will have 2 bedrooms and 2 baths. Each unit will have common kitchen, dining & living room areas. A small central courtyard will connect to Ava House. The duplex is for very low-income persons with psychiatric disabilities who have a preference for shared housing. Residents will have offsite supportive services provided through Mt. Hood Community Mental Health Center. Grant funds would be used for construction. Recommended award: \$50,000.

Rockwood Park, City of Gresham, - CDBG funds would assist with acquisition and construction of useable park space in the Central Rockwood Area, an area with severely deficient park resources. Recommended award: \$120,000.

SE 187th Ave., City of Gresham - Project would improve approximately 950 feet of SE 187th from SE Yamhill north to Stark. This section of 187th is currently substandard with failing pavement, inadequate drainage and pedestrian facilities. This project will improve public safety for motorists and pedestrians. Recommended award: \$125,120.

Fair Housing Assistance, Multnomah County Legal Aid Services, Inc. - Project would provide paralegal advice and attorney assistance to 70 low income cases with housing discrimination complaints and 375 education contacts. Assistance would include information, referral, representation, community education and outreach. This project or a similar activity is a requirement of the Federal Government. Grant funds would be used to pay paralegal. Recommended award: \$3,575

Emergency Housing Voucher, Multnomah County (CAPO) - Project provides vouchers to Gresham Hispanic families who are homeless, or at imminent risk of becoming homeless. Vouchers are used at approved motels. El Programa Hispano would be the requesting agency and would provide supportive case management services. Grant would be administered by the County. Grant funds will be used to pay for vouchers. Recommended award: \$4,402

Transitional Housing, Human Solutions, Inc. - Project would provide transitional housing at the Willow Tree Inn and Eastwood Court for homeless families for 62 unit months. All families must be in a case management program. Families average 9 months provided they comply with their case management plan and permanent housing is obtained. Grant funds would pay for operation and maintenance. Case management services provided by Human Solutions would be paid for by Multnomah County. Recommended award: \$34,000

El Programa Hispano, Catholic Charities - Project would provide culturally sensitive case management and outreach services to monolingual and limited-English speaking Hispanics. Project seeks to increase level of community service usage and to enhance service coordination and delivery to Hispanics. Sponsor, using other funding sources, provides direct services and refers clients to other available services. Grant would be administered by the County; the County would contract with Catholic Charities; and Catholic Charities would operate the El Programa Hispano. Recommended award: \$34,870

Dental Services, Neighborhood Health Clinics - Project would provide critical dental services to those who have no dental insurance, lack financial resources and are not eligible for state coverage. Services are provided by volunteer dentists, assistants, hygienists and intake workers. Grant funds would pay for staff costs. Recommended award: \$9,300

Rockwood Youth Gang Outreach, Edgefield Children's Services - Project would expand an existing Youth Gang Outreach program by adding an additional staff person (preferably bi-lingual and bi-cultural) assigned specifically to the Rockwood area, a current stronghold of youth gang activity. Recommended award: \$12,000

Caregivers, Interfaith Caregivers of Multnomah County - Project would provide support to volunteers who assist low income seniors and disabled in East Multnomah County. Services include transportation, yard work, light home repairs, housekeeping, visitations, and disaster assistance. Recommended award: \$4,753.

Administration, City of Gresham - Funds would be used for staff costs and contracts to administer the CDBG program and to manage 15 new projects and monitor existing housing projects. Funds would also be used to prepare a new five-year Consolidated Plan and support the countywide Housing and Community Development Commission. Recommended award: \$137,200

HOME GRANT PROGRAM

City of Gresham
Community Revitalization Program
RECOMMENDED 1999 - 2000 HOME ACTION PLAN BUDGET

Project No.	Activity/Sponsor	Request Amount	Recommend Amount
<u>SOURCES</u>			
	Gresham Grant		346,356
	Development Fund from Prior Years		261,182
	<i>TOTAL AVAILABLE</i>		607,538
<u>USES</u>			
	<u>Housing Development/Rehabilitation</u>	502,985	502,985
1717	CHDO Operating Expenses - Human Solutions, Inc.	17,318	17,318
	Home Ownership - Human Solutions, Inc.	204,000	204,000
	Home Ownership - Habitat for Humanity	47,000	47,000
	Acquisition & Rehab - Human Solutions, Inc.	22,667	22,667
	Alpha Apartments - CODA	212,000	212,000
	<u>Public Services</u>	18,553	18,553
1733	Rent Assistance - Housing Authority of Portland	18,553	18,553
	<u>Administration (10% of Gresham Grant)</u>	34,636	34,636
1702	City/Staff/Contract Expenses	17,554	17,554
	Portland/HOME Administration	17,082	17,082
	<u>Development Fund</u>		51,364
	<i>TOTAL REQUESTED / ALLOCATED</i>	556,174	607,538

**MULTNOMAH COUNTY OREGON****CDBG/HOME 1999-2000**

Policy Advisory Board Recommendations, March 25, 1999

Project Applicant	Project	Recommended Budget
HOUSING		\$467,366
Human Solutions	Park Vista	(CDBG) \$102,366
Unlimited Choices, Inc.	Adapt-a-Home	(CDBG) \$65,000
CODA	Alpha Apartments	(HOME) \$300,000
NEIGHBORHOOD REVITALIZATION (CDBG)		\$236,076
Burlington Water District	CIP Master Plan Project 4 – Phase IV	\$42,000
Fairview	Core Area Drainage Improvements – Phase C	\$137,796
Wood Village	Design Engineering for Sewer Transmission Lines (conditional)	\$56,280
PUBLIC SERVICES (CDBG)		\$51,868
Neighborhood Health Clinics	Neighbor a Vecino Dental Program	\$9,000
Fair Housing Council	Fair Housing Outreach, Education, and Enforcement	\$2,600
Legal Aid Services of Oregon	Fair Housing Project	\$7,500
Legal Aid Services of Oregon	Housing Assistance Project	\$3,417
Human Solutions, Inc.	Transitional Housing Project	\$29,351
TOTAL PROJECTS		\$755,310

AVAILABLE FUNDS

CDBG Entitlement	\$378,000
CDBG Program Income	\$100,000
HOME	\$239,456

APPENDIX B: Citizen Participation Plans

B-1. The City of Portland

B-2. The City of Gresham

B-3. Multnomah County

CITIZEN PARTICIPATION PLAN

City of Portland

Bureau of Housing and Community Development

I. Overview

On behalf of the City of Portland, the Bureau of Housing and Community Development (BHCD) administers the following grants from the Department of Housing and Urban Development (HUD): Community Development Block Grant (CDBG), HOME, Emergency Shelter Grant (ESG), and Housing Opportunities for Persons With Aids (HOPWA). BHCD also participates in the planning of a formula grant available through the Stewart B. McKinney Homeless Act and provides grant administration for HCD programs funded by the City's General Fund.

Each fund has different regulations, program requirements, and target populations. Federal grants are awarded to the City based on a formula that takes into account things such as number of households in poverty, age of housing stock, population and economic growth, and in the case of HOPWA, the number of reported cases of people with AIDS in the metropolitan area. The U.S. Congress appropriates federal grants annually so grant amounts may vary from year to year.

In the past before receiving federal entitlement grants, the City was required to submit to HUD a separate plan for how each grant would be spent. In 1994 HUD instituted a process that replaced the four previously separate planning processes with a single *Consolidated Plan*.

The *Consolidated Plan* is intended to establish a unified vision for community development that supports coordinated strategies that further the goals intended by Congress to: (1) provide decent housing; (2) provide a suitable living environment; and (3) expand economic opportunities.

Citizen participation is an integral component of the *Consolidated Plan* effort. People who are low-income or who live in low-income neighborhoods are important participants in the *Consolidated Plan* process.

The *Consolidated Plan* regulations require that the Bureau follow a detailed citizen participation plan that addresses the following elements: participation; access to meetings; access to information; access to records; publishing the plan; public hearings; notice of hearings; comments; technical assistance; complaints; and amendments.

Notwithstanding the Bureau's commitment to a meaningful citizen participation process, this plan recognizes that the City Council is the elected body that represents citizens and has the ultimate responsibility and authority for the implementation of the *Consolidated Plan* and all housing and community development programs.

II. Objectives of the Citizen Participation Plan

The City of Portland is committed to meaningful involvement of local citizens as planners, advisors, and partners in community development. This plan is intended to respond to the *Consolidated Plan* process. The Citizen Participation Plan describes the framework and process to be used to develop and implement the City of Portland's housing and community development program through the *Consolidated Plan* process. The objective of the Citizen Participation Plan is to encourage the involvement of all interested citizens, particularly low and moderate-income citizens, and residents of low and moderate-income areas in a participatory process. An evaluation of the *Consolidated Plan* process and this citizen participation plan will be the basis for review, and if necessary revision of the citizen participation process and structure.

III. Citizen Participation Structure

A. Bureau Advisory Committee (BAC)

The Bureau Advisory Committee (BAC) is a 15-member citizen panel convened to provide budget advice, assist in the development of performance measures for program areas, review annual performance at program area and contractor level, report biannually to the Housing and Community Development Commission (HCDC). The BAC represents underrepresented populations and low-income neighborhoods.

The formation of a citizen panel is not a city or federal requirement. The benefit of the BAC is that it is a focused, diversified group, representing low-income neighborhoods who assist the Bureau in budget allocations and program evaluation. The existence of the BAC is an important means of strengthening the input of citizens into the Bureau's activities.

B. Housing and Community Development Commission (HCDC)

The HCDC is an interjurisdictional commission made up of 15 citizens: nine appointed by the Portland City Council, three by the Multnomah County Board of Commissioners, and three by Gresham City Council. HCDC members are expected to provide a balanced citizen-based perspective that includes knowledge and expertise in housing development, finance, management, social services, community affairs, and consumer interests. In making appointments jurisdictions also take into account the income, racial, ethnic and cultural diversity of the community.

HCDC members serve a term of three years. HCDC meetings are held on the first Wednesday of the month, September through July, at 5:30 p.m. Meetings are usually held in the Portland Building, but once or twice a year are held in Gresham. In addition to regular monthly meetings of the full commission, HCDC has committees or *ad hoc* groups that work on special projects. Committees have both HCDC and non-HCDC members. The Portland appointees to the HCDC and BAC members may be asked to hold joint meetings or hearings. Generally, the HCDC focuses on broader policy and allocation issues that have countywide or regional significance, while the BAC is involved in more detailed budget review.

Responsibilities of the HCDC

- ☐ Provide policy advice to Cities of Portland and Gresham, and Multnomah County on housing and community development policies;
- ☐ Recommend the allocation of federal funds and other flexible funds that relate to housing; and
- ☐ Increase efficiency and effectiveness of the housing delivery system by providing coordination among diverse public agencies.

C. Office of Neighborhood Involvement

The Bureau will coordinate its citizen participation efforts with the Office of Neighborhood Involvement (ONI). ONI is responsible for maintaining an up-to-date address list for recognized neighborhood representatives that will be incorporated into the Bureau's mailing list. The ONI Coalition Offices will be the primary point of contact to exchange information on issues of citywide concern. Area specific coalitions and neighborhood associations will be the point of contact for policies or projects that may affect a particular area.

D. Community-Based Contractors

In carrying out HCD programs the Bureau contracts with organizations and agencies which carry out activities in neighborhoods. It is the Bureau's expectation that contractors will consult with neighborhood associations and other community groups as necessary.

E. Community/Neighborhood Plans

Community needs and strategies are developed through community and neighborhood plans developed with the assistance of the Bureau of Planning and/or the Bureau of Housing and Community Development. Citizen participation, particularly that of low-income individuals, is an essential part of the planning process. The Bureau will encourage the involvement of low-income individuals to participate in community and neighborhood planning efforts.

Adopted community and neighborhood plans will serve, as the basis for needs assessment, strategies and action plans for the HCD program. Not all neighborhoods needs or strategies meet the federal eligibility requirements or national objectives, but to the extent that prioritized activities are eligible activities that serve national objectives, the Bureau will consider them for funding.

F. Integrated/Target Area Strategies

There may be instances when the City embarks on a short-term focused investment strategy in a particular neighborhood to combat conditions of slum and blight, housing deterioration, economic stagnation, or public safety problems.

The Bureau will ensure that target area strategies are developed with the involvement of affected citizens.

G. Competitive Allocation Panels

When the Bureau sponsors competitive grant programs (e.g. Community Initiatives, Operating Support Program, etc.), it will ensure that citizens are involved in developing criteria and recommending funding awards to the Commissioner-in-Charge. If a competitive grant program is geographically based, the Bureau will recruit citizens that reflect the diversity of the specific geographic area to serve on an allocation panel. For all competitive allocation panels the Bureau will ensure that low-income citizens and/or interests are represented.

G. Other Citizen Commissions and Organizations

The City of Portland and Multnomah County have a commitment to citizen participation and involvement as evidenced by their appointment of citizens to numerous boards and commissions. As much as possible the Bureau will identify Boards and Commissions with mutual interests in aspects of the HCD program and solicit their input before making a substantial change in policy or programs.

Some of the Commissions that have interests in the HCD program are: the Portland Development Commission; the Multnomah County Commission on Children, Families and Community Action; the City of Portland Planning Commission; the Portland-Multnomah County Commission on Aging; the City of Portland Energy and Environment Commission; the Housing Authority of Portland Board; and the Metropolitan Human Rights Commission. This is not an inclusive list, but an acknowledgement that there are existing structures for citizen involvement that will be taken into account to ensure coordination. The Bureau will not consult with every Board and Commission on every issue, but will seek input from citizens who may be involved in related policy or program development.

IV. Public Meetings and Hearings

There will be many opportunities for public involvement through meetings, workshops and hearings. At least two public hearings will be held to obtain views of citizens, public agencies, and other interested parties on housing and community development needs, development of proposed activities, and review of program performance.

The Bureau Advisory Committee (BAC) and/or the Housing and Community Development Commission may separately or jointly sponsor public hearings on behalf of the Bureau.

Public hearings will be conveniently timed and located so as to ensure the maximum participation by people who might or will benefit from program funds, including people with disabilities and minorities. When a significant number of non-English speaking residents are expected to participate, an interpreter or interpreters will be available.

In addition to required public hearings, the Bureau may use other alternative methods to encourage citizen participation. Public forums, surveys, focus groups, open houses, and workshops may be used to solicit citizen input.

All comments that have are received in writing or orally at the public hearings will be considered in the preparation of the final *Consolidated Plan*. A summary of these

comments will be attached to the final *Consolidated Plan*. If comments are not incorporated into the *Consolidated Plan*, the reasons shall be attached to the plan.

A. Public Notice Policy

City-wide public hearings shall have extensive public notice, including:

- notices in neighborhood newsletters;
- notices in the non-legal section of newspapers, including *The Oregonian*, *The Scanner*, *The Portland Observer*, *El Hispanic News*, *This Week*, and neighborhood newspapers;
- mailed notice to mailing list maintained by the Bureau of Housing and Community Development.

Generally, notice will be given 15 days in advance of the meetings.

B. Access to Information/Records

The Bureau shall ensure full public access to program information provided such information does not infringe upon any individual's rights. Upon request and given reasonable time to respond to requests, information will be available during normal working hours, 8 a.m.-5 p.m., Monday through Friday, at the Bureau, 421 SW 6th, Suite 1100-A, 823-2375.

Examples of information available include the amount of funds available, prior and current year applications, prior and current year performance reports, copies of federal regulations, records of meetings and hearings, audits, and other key policy documents that influence the HCD program development. Records will be maintained for five years.

Copies of the Citizen Participation Plan, the *Consolidated Plan*, and any performance reports will be made available at no charge to citizens who request them. In addition, review copies will be made available at the Central Library.

C. Bilingual Opportunities

Upon reasonable request, or upon identification of a specific need, the Bureau will provide public notices and summaries of basic information in other languages. Also upon reasonable request, the City of Portland will provide translators at workshops and public hearings to facilitate participation of non-English speaking citizens. To arrange this service, please contact the Bureau at least 5 days prior to a scheduled meeting or workshop.

D. Hearing Impaired Opportunities

Upon reasonable request, the Bureau will provide "signing" translators. To arrange this service please contact the Bureau at least 5 days prior to the meeting at 823-2375.

E. Meeting Accessibility

The public hearings will be held in locations that are accessible to people with disabilities. All Bureau Advisory and Housing Community Development Commission meetings will be public meetings and will be held in wheelchair accessible locations.

V. Criteria for Substantial Amendment

A substantial change is defined as: (a) changing the amount budgeted for a project by 25%, plus or minus (unless a minus is merely the result of an underrun); (b) changing the purpose, scope, location, or intended beneficiaries or canceling or adding a new project. A minor change in location is NOT a substantial change, if the purpose, scope and intended beneficiaries remain essentially the same. Also, if capital dollars are simply used for a different portion of the project (e.g. rehabilitation rather than acquisition) this does not constitute a substantial change.

Prior to amending the Action Plan the City shall provide citizens with 30 days notice of and opportunity to comment on substantial amendment(s). All comments that have are received in writing or orally at the public hearings will be considered, and if deemed appropriate, the City shall modify the amendment(s). A summary of these, and a summary of any comments not accepted and the reasons therefore shall be attached to the substantial amendment(s) of the *Consolidated Plan*.

Amendments and substantial changes to the use of ESG and HOPWA funds may require review by other planning bodies since eligible activities and recipients are countywide (ESG) or multi-county (HOPWA).

VI. Complaint Procedure

Complaints, inquiries, and other grievances related to the Housing and Community Development (HCD) program can be made by writing to the Bureau of Housing and Community Development at 421 SW Sixth Avenue, Suite 1100, Portland, OR 97204, or by telephoning the Director of the Bureau of Housing and Community Development at 823-2375. Bureau staff will make every effort to provide a substantive written response to every written citizen complaint within fifteen days of its receipt.

VII. Technical Assistance

The Bureau will provide technical assistance as appropriate to groups representative of persons of low and moderate income that request such assistance for the preparation of grant applications to the Bureau or to HUD. Technical assistance may consist of workshops, one on one assistance, or information and referral. When the Bureau initiates a request for proposals it will provide a pre-application or bidders workshop to ensure that all organizations are aware of the opportunities and limits of the funding source. The Bureau's provision of technical assistance does not include the preparation of grant applications for individuals or organizations. The Bureau's provision of technical assistance will be limited by funds and staff availability.

CITIZEN PARTICIPATION PLAN

City of Gresham

I. Introduction

The following Citizen Participation Plan sets the policy for involving citizens in the decision making, review, and comment process for Gresham's Consolidated Plan and selection of CDBG/HOME projects. The City of Gresham participates with the City of Portland (the lead agency), and Multnomah County in developing a joint Consolidated Plan for the three jurisdictions. This Plan replaces the Citizen Participation Plan approved as a section of the Community Development Plan by the City Council by Resolution 1807, dated February 15, 1994. This plan was further amended by Gresham City Council on May 4, 1999, after public review.

II. Purpose of the Citizen Participation Plan

Every effort will be made to ensure a substantial representation of low, very low and extremely low income people, members of minority and handicapped communities, residents of the pre-qualified areas, and persons associated with neighborhood organizations, agencies, religious organizations, and persons affiliated with the industrial, real estate or financial sectors in the community development process. This will be accomplished by the Community Development and Housing Committee (CDHC) and the use of community-wide public hearings, timely publicity of the project selection process and ready citizen access to CDBG/HOME information.

III. Community Development & Housing Committee

The Community Development & Housing Committee (CDHC) is the body with primary responsibility for citizen participation. The CDHC is advisory to the City Council and provides guidance to the Council on policy related to community development and housing for low, very low and extremely low income persons and recommends projects and budgets for use of CDBG/HOME funds. The committee consists of seven to eleven members, appointed by the Mayor with the approval of the Council, representing a broad spectrum of the population including low, very low and extremely low income residents, residents of pre-qualified areas, minorities, persons associated with neighborhood organizations, agencies, religious organizations, and persons affiliated with the industrial, real estate or financial sectors, and a nonvoting student liaison. Members serve for staggered three year terms. For more information about this process or about applying for a position in the future, contact the Office of the City Manager, 618-2300.

IV. CDHC Meetings

The committee meets approximately once each month, generally at 6:30 p.m. on a weekday evening determined by the committee. Meetings are open to the public.

V. CDHC Meeting Notices

The City maintains a mailing list of persons/organizations interested in the CDBG/HOME programs. Names are added upon request. An "Agenda only", or "Full Packet" (agenda, minutes, and current work items) may be requested. This list is updated by the CDHC and City staff on an annual basis.

- A. Agendas, or packets are distributed to persons/organizations on the mailing list the week prior to the meeting.
- B. The City will send the agenda or packets to neighborhood associations, Gresham representatives on the Housing and Community Development Commission and to interested non-profits and individuals on the mailing list.
- C. The City will comply with Oregon Public Meeting statute. ORS192.610.

VI. Public Hearings

At least two public hearings will be held annually to solicit citizen comment and review. The public hearings may be conducted by Gresham City Council, the Community Development and Housing Committee, or the Housing and Community Development Commission. In the fall or early winter of each year, prior to publication of the proposed consolidated plan, a public hearing will be held to provide public information and to solicit public input regarding past year's program performance and housing and community development needs. A second public hearing will be held in the spring of the year concerning proposed activities for the following fiscal year. Public hearings may also be held in conjunction with the adoption of substantial amendments to the Consolidated Plan.

Public hearings will be held at a convenient time and location to facilitate broad participation of low, very low and extremely low-income persons, residents of blighted neighborhoods and persons with disabilities. Broad citizen participation shall be encouraged during the hearing. The public notice shall indicate that sign language and translation services shall be provided with a 48 hour advance notice from those requiring it.

VII. Public Comment Periods

The City of Gresham shall observe the following public comment periods:

- ☐ Consolidated Plan and Annual Action Plan: 30 days (May be coordinated by the Consortium)
- ☐ Annual Performance Reports: 15 days
- ☐ Substantial Amendments: 30 days public comment period prior to implementation of amendment

VIII. Public Hearing Notice

- A. At least five days before any public hearing regarding the Consolidated Plan or CDBG/HOME projects, the City of Gresham will print a public notice in a newspaper of general circulation in Gresham.
- B. The City will send a notice to potential project applicants.
- C. The City will send agenda or packets to neighborhood associations, Gresham representatives on the Housing and Community Development Commission and to interested non-profits and individuals on the mailing list.
- D. All public notices will include the date, time, place, procedures of the hearings, and the topics to be discussed.
- E. The public notice concerning the Consolidated Plan shall include a general summary of potential activities, the amount of assistance the jurisdiction expects to receive, and the amount intended to benefit low and moderate income persons.

IX. Meeting and Public Hearing Accessibility

All CDHC and City Council meetings and public hearings that concern community development or housing for low-income persons will be open to the public. And when possible:

- A. All meetings will be wheelchair accessible.
- B. Upon reasonable request, public notices and summaries of basic information will be produced in other languages. Also upon reasonable request, the City of Gresham will provide translators at meetings, workshops and public hearings to facilitate participation of non-English speaking citizens. To arrange these services please contact the Community Development Department, 618-2643, at least 48 hours in advance.
- C. Upon reasonable request, the City of Gresham will provide American Sign Language translators and language translators. To arrange these services please contact the Community Development Department, 618-2643, at least 48 hours in advance.
- D. Meetings will be held in locations accessible to Tri-Met bus lines or MAX light rail.
- E. Both written and verbal comments will be accepted.

X. Substantial Change

A substantial change is defined as: (1) changing the amount budgeted for a project by the lesser of 25% or \$25,000, plus or minus (unless a minus is merely the result of an underrun); (2) changing the purpose, scope, location or intended beneficiaries or (3) canceling or adding a new project. A minor change in location is NOT a substantial change, if the purpose, scope and

intended beneficiaries remain essentially the same. Also, if capital dollars are simply used for a different portion of the project (e.g. rehabilitation rather than acquisition) this does NOT constitute a substantial change. All substantial changes will be recommended by the CDHC as amendments to the annual Action Plan for approval by the City Council. A 30 day public comment period shall take place in conjunction with these meetings and before implementation of the amendment. Approved amendments will be submitted to HUD.

XI. Access to Information

Full public access to all information pertaining to the City of Gresham CDBG/HOME programs and operating procedures is the ongoing policy of the City. All program information for the last five years relating to funding decisions and project activities, regulations, correspondence, applications and administration will be readily available for citizen review during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Community Development Department, City Hall, 1333 NW Eastman Parkway, Gresham OR 97030 (618-2643). The City of Gresham also maintains information on the public testimony and comments received and the responses provided, and this information is also part of the public record. If a citizen cannot review these documents during these hours, the City of Gresham will arrange a mutually convenient time at the request of the citizen. Gresham shall also provide a reasonable number of free copies of the Plan to citizens groups that request it.

All program documents relevant to the current year's CDBG/HOME project lists, budgets and amendments will also be readily available for citizen review at the Multnomah County Library at the Gresham Main and Rockwood branches. Copies shall also be provided to the Housing Authority of Portland.

VII. Comment Procedure

The City of Gresham will provide written response to all citizen comments within 15 working days from receipt or verbal or written contract. Citizen comments can be sent to: The City of Gresham, Community Development Department, at 1333 NW Eastman Parkway, Gresham, OR 97030, or phoned to: 618-2643.

VIII. Technical Assistance

An initial CDBG applicant's workshop is held in a central location annually to inform the community of how to apply for CDBG funds. Upon request, the City of Gresham will provide assistance to any low, very low and extremely low income groups or groups from a blighted neighborhood that request assistance in developing applications for funds under the Consolidated Plan.

CITIZEN PARTICIPATION PLAN

City of Gresham

I. Introduction

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II. Purpose of the Citizen Participation Plan

Every effort will be made to ensure a substantial representation of low, very low and extremely low income people, members of minority and handicapped communities, residents of the pre-qualified areas, and persons associated with neighborhood organizations, agencies, religious organizations, and persons affiliated with the industrial, real estate or financial sectors in the community development process. This will be accomplished by the Community Development and Housing Committee (CDHC) and the use of community-wide public hearings, timely publicity of the project selection process and ready citizen access to CDBG/HOME information.

III. Community Development & Housing Committee

The Community Development & Housing Committee (CDHC) is the body with primary responsibility for citizen participation. The CDHC is advisory to the City Council and provides guidance to the Council on policy related to community development and housing for low, very low and extremely low income persons and recommends projects and budgets for use of CDBG/HOME funds. The committee consists of seven to eleven members, appointed by the Mayor with the approval of the Council, representing a broad spectrum of the population including low, very low and extremely low income residents, residents of pre-qualified areas, minorities, persons associated with neighborhood organizations, agencies, religious organizations, and persons affiliated with the industrial, real estate or financial sectors, and a nonvoting student liaison. Members serve for staggered three year terms. For more information about this process or about applying for a position in the future, contact the Office of the City Manager, 618-2300.

IV. CDHC Meetings

The committee meets approximately once each month, generally at 6:30 p.m. on a weekday evening determined by the committee. Meetings are open to the public.

V. CDHC Meeting Notices

The City maintains a mailing list of persons/organizations interested in the CDBG/HOME programs. Names are added upon request. An "Agenda only", or "Full Packet" (agenda, minutes, and current work items) may be requested. This list is updated by the CDHC and City staff on an annual basis.

- A. Agendas, or packets are distributed to persons/organizations on the mailing list the week prior to the meeting.
- B. The City will send the agenda or packets to neighborhood associations, Gresham representatives on the Housing and Community Development Commission and to interested non-profits and individuals on the mailing list.
- C. The City will comply with Oregon Public Meeting statute, ORS192.610.

VI. Public Hearings

At least two public hearings will be held annually to solicit citizen comment and review. The public hearings may be conducted by Gresham City Council, the Community Development and Housing Committee, or the Housing and Community Development Commission. In the fall or early winter of each year, prior to publication of the proposed consolidated plan, a public hearing will be held to provide public information and to solicit public input regarding past year's program performance and housing and community development needs. A second public hearing will be held in the spring of the year concerning proposed activities for the following fiscal year. Public hearings may also be held in conjunction with the adoption of substantial amendments to the Consolidated Plan.

Public hearings will be held at a convenient time and location to facilitate broad participation of low, very low and extremely low-income persons, residents of blighted neighborhoods and persons with disabilities. Broad citizen participation shall be encouraged during the hearing. The public notice shall indicate that sign language and translation services shall be provided with a 48 hour advance notice from those requiring it.

VII. Public Comment Periods

The City of Gresham shall observe the following public comment periods:

- ☐ Consolidated Plan and Annual Action Plan: 30 days (May be coordinated by the Consortium)
- ☐ Annual Performance Reports: 15 days
- ☐ Substantial Amendments: 30 days public comment period prior to implementation of amendment

VIII. Public Hearing Notice

- A. At least five days before any public hearing regarding the Consolidated Plan or CDBG/HOME projects, the City of Gresham will print a public notice in a newspaper of general circulation in Gresham.
- B. The City will send a notice to potential project applicants.
- C. The City will send agenda or packets to neighborhood associations, Gresham representatives on the Housing and Community Development Commission and to interested non-profits and individuals on the mailing list.
- D. All public notices will include the date, time, place, procedures of the hearings, and the topics to be discussed.
- E. The public notice concerning the Consolidated Plan shall include a general summary of potential activities, the amount of assistance the jurisdiction expects to receive, and the amount intended to benefit low and moderate income persons.

IX. Meeting and Public Hearing Accessibility

All CDHC and City Council meetings and public hearings that concern community development or housing for low-income persons will be open to the public. And when possible:

- A. All meetings will be wheelchair accessible.
- B. Upon reasonable request, public notices and summaries of basic information will be produced in other languages. Also upon reasonable request, the City of Gresham will provide translators at meetings, workshops and public hearings to facilitate participation of non-English speaking citizens. To arrange these services please contact the Community Development Department, 618-2643, at least 48 hours in advance.
- C. Upon reasonable request, the City of Gresham will provide American Sign Language translators and language translators. To arrange these services please contact the Community Development Department, 618-2643, at least 48 hours in advance.
- D. Meetings will be held in locations accessible to Tri-Met bus lines or MAX light rail.
- E. Both written and verbal comments will be accepted.

X. Substantial Change

A substantial change is defined as: (1) changing the amount budgeted for a project by the lesser of 25% or \$25,000, plus or minus (unless a minus is merely the result of an underrun); (2) changing the purpose, scope, location or intended beneficiaries or (3) canceling or adding a new project. A minor change in location is NOT a substantial change, if the purpose, scope and

intended beneficiaries remain essentially the same. Also, if capital dollars are simply used for a different portion of the project (e.g. rehabilitation rather than acquisition) this does NOT constitute a substantial change. All substantial changes will be recommended by the CDHC as amendments to the annual Action Plan for approval by the City Council. A 30 day public comment period shall take place in conjunction with these meetings and before implementation of the amendment. Approved amendments will be submitted to HUD.

XI. Access to Information

Full public access to all information pertaining to the City of Gresham CDBG/HOME programs and operating procedures is the ongoing policy of the City. All program information for the last five years relating to funding decisions and project activities, regulations, correspondence, applications and administration will be readily available for citizen review during business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, at the Community Development Department, City Hall, 1333 NW Eastman Parkway, Gresham OR 97030 (618-2643). The City of Gresham also maintains information on the public testimony and comments received and the responses provided, and this information is also part of the public record. If a citizen cannot review these documents during these hours, the City of Gresham will arrange a mutually convenient time at the request of the citizen. Gresham shall also provide a reasonable number of free copies of the Plan to citizens groups that request it.

All program documents relevant to the current year's CDBG/HOME project lists, budgets and amendments will also be readily available for citizen review at the Multnomah County Library at the Gresham Main and Rockwood branches. Copies shall also be provided to the Housing Authority of Portland.

VII. Comment Procedure

The City of Gresham will provide written response to all citizen comments within 15 working days from receipt or verbal or written contract. Citizen comments can be sent to: The City of Gresham, Community Development Department, at 1333 NW Eastman Parkway, Gresham, OR 97030, or phoned to: 618-2643.

VIII. Technical Assistance

An initial CDBG applicant's workshop is held in a central location annually to inform the community of how to apply for CDBG funds. Upon request, the City of Gresham will provide assistance to any low, very low and extremely low income groups or groups from a blighted neighborhood that request assistance in developing applications for funds under the Consolidated Plan.

CITIZEN PARTICIPATION PLAN

Multnomah County

Community Development Program

I. Overview

Multnomah County has received Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development as an urban entitlement county since 1984. Over the years the County's population base has declined due to annexations by the cities of Portland and Gresham. Because of this decline, the County's grant allocation has been reduced to a level that distinguishes the County's urban county grant as the smallest in the nation. The grant size has imposed restrictions on the number and innovative nature of projects that the County undertakes.

The County's Home Investment Partnership Program (HOME) funding is directed through the City of Portland which serves as the HOME consortium's lead agency. The County's allocation is formula-based according to local criteria.

The CDBG and HOME grants have different regulations, program requirements, and target populations. However, projects implemented through these grants are crafted to fit with those partnership projects undertaken by the cities of Portland and Gresham. Efficiency of project oversight and management means that the public investment is wisely used.

In 1994 HUD instituted a process that replaced the four previously separate planning processes with a single *Consolidated Plan*. The City of Portland is the lead agency in plan preparation with the County contributing relevant data and project information.

The *Consolidated Plan* is intended to establish a unified vision for community development that supports coordinated strategies that further the goals intended by Congress to: (1) provide decent housing; (2) provide a suitable living environment; and (3) expand economic opportunities.

Citizen participation is an integral component of the *Consolidated Plan* effort. People who are low-income or who live in low-income neighborhoods are important participants in the *Consolidated Plan* process.

The *Consolidated Plan* regulations require that the County follow a detailed citizen participation plan that addresses the following elements: participation; access to meetings; access to information; access to records; publishing the plan; public hearings; notice of hearings; comments; technical assistance; complaints; and amendments.

Notwithstanding the County's commitment to a meaningful citizen participation process, this plan recognizes that the Board of County Commissioners is the elected body that represents

citizens and has the ultimate responsibility and authority for the implementation of the *Consolidated Plan* and all housing and community development programs.

II. Objectives of the Citizen Participation Plan

Multnomah County is committed to meaningful involvement of local citizens as planners, advisors, and partners in community development. This plan is intended to respond to the *Consolidated Plan* process. The Citizen Participation Plan describes the framework and process to be used to develop and implement Multnomah County's housing and community development program through the *Consolidated Plan* process. The objective of the Citizen Participation Plan is to encourage the involvement of all interested citizens, particularly low and moderate-income citizens, and residents of low and moderate-income areas in a participatory process. An evaluation of the *Consolidated Plan* process and this citizen participation plan will be the basis for review, and if necessary revision of the citizen participation process and structure.

III. Citizen Participation Structure

A. Policy Advisory Board

The program's guiding body is the Policy Advisory Board (PAB). This board is made up of representatives from each of the five participating cities of Fairview, Maywood Park, Troutdale, Wood Village and Lake Oswego (a small section of Lake Oswego is located in Multnomah County and has been included since program inception). These representatives are either elected officials or city staff appointed by the jurisdiction. All PAB meetings are open to the public and are advertised as such. Furthermore each representative is easily accessible to local residents

B. Housing and Community Development Commission (HCDC)

The HCDC is an interjurisdictional commission made up of 15 citizens: nine appointed by the Portland City Council, three by the Multnomah County Board of Commissioners, and three by Gresham City Council. HCDC members are expected to provide a balanced citizen-based perspective that includes knowledge and expertise in housing development, finance, management, social services, community affairs, and consumer interests. In making appointments jurisdictions also take into account the income, racial, ethnic and cultural diversity of the community.

HCDC members serve a term of three years. HCDC meetings are held on the first Wednesday of the month, September through July, at 5:30 p.m. Meetings are usually held in the Portland Building, but once or twice a year are held in Gresham. In addition to regular monthly meetings of the full commission, HCDC has committees or *ad hoc* groups that work on special projects. Committees have both HCDC and non-HCDC

members. The Portland appointees to the HCDC and BAC members may be asked to hold joint meetings or hearings. Generally, the HCDC focuses on broader policy and allocation issues that have countywide or regional significance, while the BAC is involved in more detailed budget review.

Responsibilities of the HCDC

- ❑ Provide policy advice to Cities of Portland and Gresham, and Multnomah County on housing and community development policies;
- ❑ Recommend the allocation of federal funds and other flexible funds that relate to housing; and
- ❑ Increase efficiency and effectiveness of the housing delivery system by providing coordination among diverse public agencies.

C. Community-Based Contractors

In carrying out CD programs Multnomah County contracts with organizations and agencies which carry out activities in its neighborhoods and small cities. It is Multnomah County's expectation that contractors will consult with neighborhood associations and other community groups as necessary.

D. Other Citizen Commissions and Organizations

The City of Portland and Multnomah County have a commitment to citizen participation and involvement as evidenced by their appointment of citizens to numerous boards and commissions. As much as possible Multnomah County will identify Boards and Commissions with mutual interests in aspects of the CD program and solicit their input before making a substantial change in policy or programs.

Some of the Commissions that have interests in the CD program are: the Portland Development Commission; the Multnomah County Commission on Children, Families and Community Action; the City of Portland Planning Commission; the Portland-Multnomah County Commission on Aging; the City of Portland Energy and Environment Commission; the Housing Authority of Portland Board; and the Metropolitan Human Rights Commission. This is not an inclusive list, but an acknowledgement that there are existing structures for citizen involvement that will be taken into account to ensure coordination. Multnomah County will not consult with every Board and Commission on every issue, but will seek input from citizens who may be involved in related policy or program development.

IV. Public Meetings and Hearings

There will be many opportunities for public involvement through meetings, workshops and hearings. At least two public hearings will be held to obtain views of citizens, public

agencies, and other interested parties on housing and community development needs, development of proposed activities, and review of program performance.

The Policy Advisory Board and/or the Housing and Community Development Commission may separately or jointly sponsor public hearings on behalf of Multnomah County.

Public hearings will be conveniently timed and located so as to ensure the maximum participation by people who might or will benefit from program funds, including people with disabilities and minorities. When a significant number of non-English speaking residents are expected to participate, an interpreter or interpreters will be available.

In addition to required public hearings, the County may use other alternative methods to encourage citizen participation. Public forums, surveys, focus groups, open houses, and workshops may be used to solicit citizen input.

All comments that have are received in writing or orally at the public hearings will be considered in the preparation of the final *Consolidated Plan*. A summary of these comments will be attached to the final *Consolidated Plan*. If comments are not incorporated into the *Consolidated Plan*, the reasons shall be attached to the plan.

A. Public Notice Policy

County-wide public hearings shall have required public notice, including:

- ☐ notices in small city/special district utility billings;
- ☐ notices in the non-legal section of newspapers, including *The Oregonian*, *The Scanner*, *The Portland Observer*, or *El Hispanic News* ;
- ☐ mailed notice to mailing list maintained by the County's Community Development Program.

Generally, notice will be given 15 days in advance of the meetings.

B. Access to Information/Records

Multnomah County shall ensure full public access to program information provided such information does not infringe upon any individual's rights. Upon request and given reasonable time to respond to requests, information will be available during normal working hours, 8 a.m.-5 p.m., Monday through Friday, at the County's CD Program office , 421 SW 6th Avenue, Suite 500, Portland, OR 97204, phone (503) 248-3631.

Examples of information available include the amount of funds available, prior and current year applications, prior and current year performance reports, copies of federal regulations, records of meetings and hearings, audits, and other key policy documents that influence the CD program development. Records will be maintained for five years.

Copies of the Citizen Participation Plan, the *Consolidated Plan*, and any performance reports will be made available at no charge to citizens who request them. In addition, review copies may be made available at the Central Library.

C. Bilingual Opportunities

Upon reasonable request, or upon identification of a specific need, Multnomah County will provide public notices and summaries of basic information in other languages. Also upon reasonable request, Multnomah County will provide translators at workshops and public hearings to facilitate participation of non-English speaking citizens. To arrange this service, please contact the County at least 5 days prior to a scheduled meeting or workshop.

D. Hearing Impaired Opportunities

Upon reasonable request, the County will provide "signing" translators. To arrange this service please contact the County at least 5 days prior to the meeting at (503)248-3631.

E. Meeting Accessibility

The public hearings will be held in locations that are accessible to people with disabilities. All CD meetings will be public meetings and will be held in wheelchair accessible locations.

V. Criteria for Substantial Amendment

A substantial change is defined as: (a) changing the amount budgeted for a project by more than ten (10) percent; (b) changing the purpose, scope, location, or intended beneficiaries or canceling or adding a new project. A minor change in location may not be a substantial change, if the purpose, scope and intended beneficiaries remain essentially the same. Also, if capital dollars are simply used for a different portion of the project (e.g. rehabilitation rather than acquisition) this does not constitute a substantial change.

Prior to amending the Action Plan the County shall provide citizens with 30 days notice of and opportunity to comment on substantial amendment(s). All comments that have are received in writing or orally at the public hearings will be considered, and if deemed appropriate, the County shall modify the amendment(s). A summary of these, and a summary of any comments not accepted and the reasons therefore shall be attached to the substantial amendment(s) of the *Consolidated Plan*.

VI. Complaint Procedure

Complaints, inquiries, and other grievances related to the CD program can be made by writing to Multnomah County Community Development Program at 421 SW Sixth Avenue, Suite 500, Portland, OR 97204, or by telephoning (503)248-3631. County staff will make every effort to provide a substantive written response to every written citizen complaint within fifteen days of its receipt.

VII. Technical Assistance

Multnomah County will provide technical assistance as appropriate to groups representative of persons of low and moderate income that request such assistance for the preparation of grant applications to the County or to HUD. Technical assistance may consist of workshops, one on one assistance, or information and referral. When the County initiates a request for proposals it may provide a pre-application or bidders workshop to ensure that all organizations are aware of the opportunities and limits of the funding source. The County's provision of technical assistance does not include the preparation of grant applications for individuals or organizations. The County's provision of technical assistance will be limited by funds and staff availability.

HCDC
Continuum of Care Public Hearing on Housing and Homelessness
January 6, 1998
Minutes

HCDC Members present: Roberto Berry, Willie Brown, Paul Dagle, Bertha Ferran, Janice Frater, Peg Malloy, Diane Meisenhelter, Micky Ryan, Michael Silver

MAC Members present: Roberto Berry, Micky Ryan, Willie Brown, Jean De Master, Bob Durston, Leticia Forthan, Maria Lisa Johnson, Janet Miller, Jan Savidge, Cathy Spofford

Staff present: Marge Ille, Andrea Taylor, Barbara Hershey (County Liason) Rachael Silverman (City Liason)

- 1) HCDC Co-Chair Peg Malloy called the meeting to order. The first half of the meeting addressed affordable housing performance and needs. City of Portland, Multnomah County, and City of Gresham staff made presentations on currently existing programs and future issues and priorities for affordable housing. Minutes for this portion of the meeting are available if desired.
- 2) The portion of the HCDC meeting addressing homeless issues began with an overview of currently existing programs and services, provided by City and County staff, followed by public testimony on homeless needs, services, and performance.

Staff Presentations

Rachael Silverman, City of Portland: Responsibilities for providing homeless services are shared between the City of Portland and Multnomah County. The City is responsible for coordinating homeless services for single, unaccompanied adults while the County is organizes programs for homeless families, youth, and victims of domestic violence. For all populations, a continuum of housing services is important, from emergency shelter to transitional housing to permanent housing. This continuum includes outreach to initially remove people from the street and get them into shelter, alcohol and drug free housing, and homeless prevention emergency rental assistance programs.

Performance measures for homeless services are provided by a duplicated count. Last year, this count indicated 3,000 homeless individuals received services. Also last year, 400 individuals received housing placement services while 450 individuals were served by alcohol and drug free programs. Of individuals that were placed in transitional housing, 36-62% remained there for 6 months depending on accompanying issues. Beginning in February, providers of homeless services will begin to track an unduplicated count of homeless services that are provided. This will provide better information on recidivism, capacity, and need for additional services.

Donna Shackelford, Multnomah County: A planning process has begun to coordinate services for homeless families. 37% of the total homeless population are children under the age of 18 and that number is increasing. This population is not as visible as some of the other homeless populations. They may be doubled up with other families. While not technically homeless, this puts both families at risk of becoming homeless if a landlord becomes aware of the situation. Multnomah County offers a Homeless Family Emergency Assistance Fund that is designed to prevent families from crossing over the line into homelessness. Last year 26 families were assisted through this program, receiving almost \$3,000 per family to prevent homelessness. They have also started a Family Wage program, coordinating employment offering families a living wage.

There has been an RFP for homeless youth services that should be announced any time. The youth system is designed to provide services to 1,000 downtown youth, but the younger ones need to be separated from the older ones because they have different needs for services.

There is need for domestic violence services that are diverse, culturally sensitive, and provide immediate services. Many D.V. shelters do not accept male children over the age of 11, causing families to be split up.

Public Testimony

- 1) **Will Grant, Horizon:** Developmentally disabled adults are an invisible populations with a great need for stable housing. Last year, McKinney funding served 19 individuals from that population, 18 of which have remained in stable housing.
- 2) **Ken Robertson, Providence Health Systems:** McKinney dollars have provided 17 apartments for mentally ill single adults, for a period of 18-24 months. The housing and services provides the stability that this population greatly needs.
- 3) **Cindy Nemit, YWCA Women's Resource Center:** Provides domestic violence services in a confidential location that is not able to accept male children over 9, so families are split up. There is a great need for a 24-hour family shelter so that parents can provide for sick children and provide stability for them.
- 4) **Heather Brown, Youth Coordinator, Outside Inn:** Youth programs at Outside Inn have a high success rate and one key element is to get youth excited about exiting street life. One way to do this is to provide independent and transitional housing options as motivation and then provide the necessary services to help them succeed.
- 5) **Claudia King, Human Solutions:** Domestic violence programs are in such great need that many do not have the capacity to do outreach or training, but are only in the position to respond to a crisis. There is a great need for immediate shelter that is culturally diverse. One quarter of those served is Spanish speaking.
- 6) **Ben Root, Willamette Bridge, Janus Youth:** Last year, 900 unduplicated youth were served. Because last year's collaborative proposal was not funded, the greatest need for the youth population is still transitional housing options. There are currently only transitional 30-35 beds for the youth population. Funding that proposal would have doubled capacity and it is still their highest priority.

- 7) **Susan Dalcomo, Network Behavioral Health:** In providing mental health service to youth, she sees youth daily that are not in a strong position to receive mental health services because they do not have the necessary stability in their lives that housing provides. They don't have the skills for independent living because transitional housing is not available. The need for this service is huge.
- 8) **Bobby Weinstock, NWPP:** Mission is to not have elderly individuals over 50 in the homeless shelter system. Funding allocation should support programs that have demonstrated their ability to be successful. It should be possible to track individuals over time to see if they are achieving stability. If comprehensive services are offered, it will be possible for individuals to achieve stability. The key factor in this is providing subsidized rent. Most homeless individuals do not have the rental history to qualify for subsidized housing. McKinney money helps them obtain a good rental record, and it should be a high priority.
- 9) **Michelle Krajeski, Portland Impact:** Richmond Place has been a very successful program with very little problems with drugs or alcohol. Many women and children are served. These programs are very important in providing help to those in need.
- 10) **Lena Bean, Richmond Place Resident:** After a nervous breakdown and losing everything, a safe community at Richmond Place. She is on her way out into permanent housing and would like to see the same services provided to others.
- 11) **Rosemary Ojeda, Mt. Hood Community Health Center:** Develops housing for disabled adults. Experienced a 40% decrease in revenue, but increased the number of clients served, so workloads are very high. Looking to McKinney to assist in providing services to families that live in east Multnomah County.
- 12) **Vera Stonlil, YWCA:** Provides emergency services in NE Portland to prevent homelessness. Families are at the greatest risk and a 24-hour shelter is most needed. Services have been provided to 9 families in the past 2 months, for a total of 23 people served. There are 10 families on the waiting list at any given time, and every day, 10 families are turned away that are not even placed on the waiting list. The facilities are not sufficient because homelessness is not just a winter problem, it is a year round issue.
- 13) **Robert Hyder, Homeless Family:** Because of a criminal record, his family cannot find rental housing and so they ended up at the YWCA family shelter, the only one in NE Portland. They teach how to manage money and pay bills, and also assist in finding subsidized housing. Others could also benefit from these services.
- 14) **Debra Riley, Program Director, YWCA:** A 24-hour, year round family shelter is what is needed most. Shelter is not the solution, the homeless need a safe and consistent place to stay while they look for employment and housing. Without this, children are the ones who really feel the impacts of homelessness as they are taken from place to place without a place to play or be nurtured.
- 15) **Doreen Binder, Transition Projects, Inc.:** Jean's Place, a McKinney funded women's shelter, has increased their beds from 44 to 65 because of the need over the past year. The facility is part of the continuum of homeless services. It is important that the linkages between different facilities, types of housing and available services be looked at.

- 16) John Simmons, CCC:** Supportive transitional housing is vital, especially for individuals coming out of alcohol and drug detox treatment. The Estate and Everett have been very successful because the shared values on the floors make people feel that they are part of a community with a common goal and values. McKinney allocation should go to the programs that have the ability to leverage additional resources. The Everett and Estate are able to bring in money from the State, the City, and the County, in addition to McKinney dollars.
- 17) Richard Harris, CCC:** The Shoreline Jobs Program has been very successful. Most participants finish after 7 months, transitioning into stable employment and housing. These two things are vital in getting people permanently off the streets and out of homelessness. The lack of affordable housing contributes greatly to homelessness. Programs that can demonstrate an ability to bring in additional resources should be prioritized, as well as those that are effective. McKinney should not have to pay for all services, but should act as a tool for leveraging other dollars.

Public Testimony – HCDC Meeting, 4/7/99

- 1) **Cynthia Ingebretson, Executive Director, Fair Housing Council of Oregon:** Access to affordable housing is an issue for persons in all protected classes. In response to this need, the Fair Housing Council would like to see 1) an increase in the supply of affordable housing overall, and 2) an increase in the supply of housing for target populations such as HIV/AIDS victims, individuals requiring barrier-free access, and those qualifying for Adapt-a-Home services. Cynthia stressed that homelessness and disabilities often exist together and need to be considered in tandem.

Another issue in ensuring fair housing concerns obtaining financial support for other types of services affecting tenants and potential tenants, such as legal representation. The numbers of complaints the Fair Housing Council has received are significant, the majority of which were from individuals in the 0-50% MFI range. (Ninety-seven percent of all complaints received were concerning rental housing.) Disability complaints have doubled within the last five years. Moreover, during the past five years, 42% of the total complaints received were from residents of Multnomah County (and 20% of the state's entire population resides in Multnomah County); these complaints were similar to those received elsewhere in the state. Approximately one-percent of complaints received dealt with lending issues; only one or two were related to redlining or questionable real-estate agent practices. In particular, one racial harassment case involving nine complainants in East County is still unresolved, while another case involved sexual harassment has recently been settled. In both of these instances, legal assistance was required. In the above-mentioned cases, only the racial harassment complainants qualified for Legal Aid. However, Fair Housing was instrumental in connecting the individuals in the sexual harassment case with a local attorney. (In her opinion, Cynthia believes there are needs going unmet because the public is unaware of the support services available to it.)

A final issue to be considered is siting. Although some classes (such as youth and mental health) are adequately protected against discrimination, others such as individuals reentering the community from correction facilities are not.

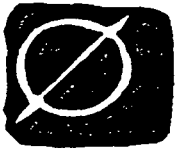
In general, Cynthia and the Fair Housing Council seek to raise the awareness of HCDC regarding the housing needs of all special classes. In her estimation, if all the needs her agency considers were to be fully funded by Multnomah County, the cost would total at least \$105,000. She also mentioned that on 4/24 a hearing will be conducted by Earl Blumenauer to address some of these fair-housing issues.

- 2) **Richard Harris, Central City Concern:** In general, Richard agrees with the Consolidated Plan's goal of making affordable housing HCDC's number one priority. His concern is how to meet current housing needs in a timely fashion; preserving and rehabilitating properties can't be done fast enough to meet present housing needs. Richard's group has been looking for potential "rehab" properties to develop for Section 8 residents, but has been discouraged to find that the few properties that are available are not affordable to acquire. Moreover, privately-held properties are getting harder to come by. For example, within the last few years, the Ben Stark Hotel (which used to be a residential hotel) has been converted to affordable rooms rented by the week was offered for sale at \$8 million dollars, which was

very overpriced in Richard's estimation. However, when he toured the now-vacant building, the owner upped the price to \$10 million, a full \$100,000 per unit! Another building he saw is an SRO with rooms renting for \$450 per month – with shared bathroom facilities. This was the least expensive room. (His group rents comparable rooms at only \$250 per month.) Richard believes this same building, if rehabilitated, could be converted into units renting for only \$275-\$300 per month. He also mentioned that he has considered rehabilitating motel properties, as well. When looking for potential properties, Richard seldom uses real estate agents, preferring instead to hire independent consultants to "front" inquiries for him so that his agency can remain anonymous.

Richard's testimony generated much discussion from the HCDC members regarding how inadequate the \$2 million dollar allocation for rehabilitation as contained in the Consolidated Plan draft will prove to be. Richard mentioned that he and Marge had discussed Mod 8 housing and it was disclosed that the way the federal government is funding the McKinney program this year, Mod 8's would have to compete directly with renewals; there is no separate earmarked fund for Mod 8. In conclusion, the case must be made for converting existing housing as the preferred option for resolving the housing shortfall. There is a very short window of time to preserve affordable properties; if we let them go now, we'll never get them back.

- 3) **Judith Mayer, POWERHOUSE:** Judith's focus is on supporting youth leaving or "aging" out of foster care. As these young people have generally been in the system for sometime. As they reach 18 or leave high school, they no longer qualify for services from Services to Children and Families (SCF). In addition, because they are not chronically mentally ill, developmentally disabled, or able to qualify for SSI or Welfare, they cannot qualify for any of the funding available to support special needs classes. However, they do qualify as a special class from the standpoint that, due to their traumatic backgrounds of abuse and neglect, many have mental health concerns, difficulties in school, and have few financial resources. As a population, the biggest issue for these young people is personal safety, and their largest need is safe housing. Because these youth have no homes of their own, they oftentimes turn to the streets, subjecting themselves to homelessness and poverty, as well as other hazards associated with living on the streets. Judith's organization seeks to intervene on behalf of these youth before they are released from the foster care program by providing a safe, structured community setting to which they can transition. POWERHOUSE is currently looking at two models: "a set of single sex cooperative houses, each housing five youth; or cooperative dormitory housing form approximately 20 youth." The latter model would include resident assistants who would provide 24-hour supervision and support. A proposal is currently being drafted and should be completed by the end of June.



POWERHOUSE

SUPPORTING YOUTH LEAVING FOSTER CARE

RECEIVED

MAR 17 1999

PLANNING, DEVELOPMENT &
INTERGOVERNMENTAL RELATIONS

DEVELOPMENT TEAM

DEVON BURRAS
MID-TOWN SCF

RANDALL COLLIER
INDEPENDENT
LIVING PROGRAM
SCF

CHIEMI DAVIS
THE CASEY
FAMILY PROGRAM

ALICE GALLOWAY
CHILD WELFARE
CONSULTANT

KELLY GLIDEN
ADVOCATE

JUDY GRISWOLD
MID-TOWN SCF

AMANDA HOPE WALLEN
MID-TOWN SCF

FRED KRUG
THE CASEY
FAMILY PROGRAM

MARY KAY LAMBERT
CENTRAL CATHOLIC
HIGH SCHOOL

JOANNE MANEY
SISTERS OF THE
HOLY NAMES MINISTRY

JUDITH MAYER
SISTERS OF THE
HOLY NAMES MINISTRY

LIZA MILLER
CHILD WELFARE
CONSULTANT

PEG O'ROURKE
ADVOCATE

EARL WRIGHT
NORTH/NORTHEAST SCF

March 15, 1999

Marge Ille
City of Portland Housing and Community Development
135 SW Ash Street, Suite 500
Portland, OR 97204

Dear Ms. Ille:

On any given day in Oregon, there are over 2,000 young men and women ready to leave foster care. Of the 2,000 youth embarking on "independence," less than 600 are provided services to prepare them for the world beyond the state's care and custody. In the Portland metropolitan area, more than 425 youth between the ages of 16 and 19 have open child welfare cases.

No matter the age of the youth, the reason for discharge, or their destination, leaving residential care is a major transition and an often stressful experience that evokes ambivalent feelings and uncertainty. (Bearley 1982, Smit 1991a)

Most of these young people leave foster care at age 18. Many return to their birth families. Others attempt to make it on their own with little or no support from family, friends, or communities. Without housing, the help of supportive adults, education and job readiness and retention skills, these youth are destined for serious situations — homelessness, poverty, drug and alcohol addiction, untreated mental health disorders, and incarceration.

According to a 1998 Homeless Youth Services Report, almost 60 percent of the homeless population in Multnomah County are former foster children. Homelessness is just one of the obstacles faced by this population. In a report released by New Avenues for Youth, Inc., a Portland-based program dedicated to helping homeless and runaway youth, other major issues face young people who are unable to return to safe homes and who are not yet capable of self support:

- ▶ 81 percent come from abusive families
- ▶ 57 percent have been in foster care
- ▶ 74 percent have drug and alcohol problems
- ▶ 93 percent need mental health services
- ▶ 85 percent have poor interpersonal skills
- ▶ 92 percent have not graduated from high school

1

2008 SE 66TH AVENUE
PORTLAND, OR 97206
(503) 771-7172
MF@POWERHOUSE@TELEPORT.COM

Marge Ille
City of Portland Housing and Community Development
March 15, 1999

- ▶ 88 percent lack employment skills
- ▶ 90 percent do not have access to regular health care
- ▶ 12 percent positive HIV, if all tested, the number is estimated to be 30 percent

On the National scene, this population looks very similar to what we are finding in Oregon. According to a report from the National Center for Public Administration 2.5 to four years after youths leave foster care:

- ▶ 46 percent had not completed high school
- ▶ 38 percent had not held a job for more than a year
- ▶ 60 percent of young women had given birth to a child
- ▶ 40 percent had been on welfare or incarcerated

Westat, Inc., a research firm in Rockville, Maryland, completed a survey for the U.S. Department of Health and Human Services that shows many youth who graduate from the foster care system fare poorly when they reach early adulthood. The study also found that specific types of skills training such as money management, education, and employment training were positively related to successful outcomes. The survey found that in many respects, 18-24 year old graduates of the foster care system more closely resembled those their age who were living in poverty than those their age in the general population.

Receiving welfare	All 18-24 year olds	Poor 18-24 year olds	Post-discharge foster youth
	5 percent	24 percent	30 percent
Completed high school	78 percent	53 percent	54 percent
Ever married	26 percent	27 percent	28 percent
Had children (females)	24 percent	60 percent	60 percent

A group of interested and involved citizens is working on a project to develop housing and services for youth exiting foster with no where to go. The goal of POWERHOUSE is to provide the resources and support to help former foster youth to achieve their potential and become independent, productive citizens.

Housing and Community Development Commission
Public Hearing April 7, 1999

Testimony from Judith Mayer, representative for POWERHOUSE, supporting youth leaving foster care.

I am here tonight representing a grassroots group who are concerned about youth aging out of foster care. These are youth who have been in the system often for sometime and as they reach 18 no longer qualify for services from Services to Children and Families (SCF).

The group recently sent a letter to Marge Ille that is included in your packet tonight. This letter includes statements and information on this group of youth.

What began as a small concerned group has grown to a development board that includes: SCF, both local and state representative; Casey Family Program; Advocates; Youth in foster care; and a religious group, Sisters of the Holy Names. The Sisters have funded two child welfare consultants to assist with the research and writing of a proposal to fund housing and a program for these youth.

We realize that money is not available for this next budget year, but would like you to consider in your future planning the special needs of this population of young persons. These Youth often fall through the cracks as they are not chronically mentally ill, although many have mental health concerns; they are not developmentally disabled, although many have difficulties in school; they do not qualify for SSI or Welfare, although they have few financial resources. As a population they have special needs due to histories of abuse and neglect that has impacted their emotional development often leaving them very fearful for their personal safety. In the Portland Metropolitan area there are 425 youth, ages 16-19, with open SCF cases.

The Youth that Powerhouse is targeting are still in foster care and have not become involved in the homeless youth culture. The program and housing we are planning is a prevention model to prevent youth who leave foster care from becoming homeless and living in poverty. We are developing a community and cooperative model for living that includes community colleges, business, job skill training, health and mental health, churches and community volunteer organizations. Our approach is to develop for each youth adequate and affordable housing, education, jobs and community/family support.

Our biggest need is housing. We are presently looking at two community type models - a set of single sex cooperative houses, each housing five youth; or cooperative dormitory housing for approximately 20 youth. Resident assistants will provide 24 hour supervision and support.

We ask you to seriously consider youth leaving foster care as a special needs population for housing. We will keep you informed as we progress and will present to you our final proposal.

As one young person said who left foster care and went off to college . . . but where will I go for the holidays . . . These youth often have no home to which they can return. The goal of Powerhouse is to create home and community to support these youth.

Thank you for your attention and consideration of the needs of these very special young adults.

Marge Ille
City of Portland Housing and Community Development
March 15, 1999

The goals for this program are:

- ▶ Develop an effective program model that incorporates what youth want and need to become productive citizens.
- ▶ Provide safe, temporary transitional housing.
- ▶ Develop positive, ongoing community ties with youth exiting foster care.
- ▶ Provide youth with higher education and employment opportunities.
- ▶ Nurture and develop quality volunteers and staff.
- ▶ Whenever possible, involve family members in strategies and include them in deliberations
- ▶ Operate a program that has cost-beneficial services linked to positive outcomes

The housing POWERHOUSE proposes to develop will consist of either a cooperative dormitory housing for approximately 20 youth or a set of single sex cooperative houses each housing five youth. Resident assistants will provide supervision and support for the youth. The dormitory or the houses will be run by a governing council consisting of representatives from the POWERHOUSE advisory committee, program director, resident assistants and residents.

The POWERHOUSE development committee wants to bring this population to the attention of the City of Portland Housing and Community Development Office. Foster youth leaving the child welfare system are a vulnerable population who deserve to have access to safe, affordable housing while adjusting to independence through building their skills and seeking further education and employment opportunities.

Please contact me or any member of the development team for more information about POWERHOUSE and the needs of this population.

Sincerely,



Judith Mayer
Development Team Member



3339 SE Division St. Portland, OR 97202

TEL: 503.231.4753
FAX: 503.239.7609Providing Community
Mental Health Care

April 6, 1999

Steve Rudman
Executive Director
Bureau of Housing & Community Development
421 SW 6th Ave, 1100-A
Portland OR 97204

Dear Mr. Rudman:

Mental Health Partners provides intensive residential mental health services to low income, severely and persistently mentally ill persons. Our programs (Ryles Center and Faulkner Place) receive referrals from acute care hospitals, state hospitals, and the community. Both programs run very close to capacity on an ongoing basis and have waiting lists.

We have found the housing needs of our clients to be the greatest obstacle to successful transition from our programs to less intensive services. This creates a bottleneck in the mental health system, keeping clients in restrictive and costly treatment that is not necessary. Therefore we have formed a Board task group in order to study, advocate, and support housing options for our vulnerable clients.

In our effort to learn more about the system, we have reviewed the Consolidated Plan - 1999-2000 Action Plan as well as the Consolidated Plan for Fiscal Years 1995-1999 and the Annual Performance & Evaluation Report for that plan for fiscal year July 1997-June 1998. As a result of our review we wanted to provide you with a couple of suggestions and ideas that would help us understand and advocate appropriately for our clients' needs:

1. The current plan speaks to the needs of homeless persons and persons with special needs. Persons with mental illness fall into both categories. Because the allocation and plans for persons with mental illness is not specifically addressed, it is difficult to see to what degree their needs are addressed. It would be very helpful if annual benchmarks for mental health housing were provided.

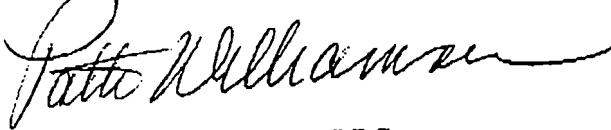
2. Implementation of the Oregon Health Plan created special financial challenges for residential providers who provide residential programs that were developed under the fee for service rehabilitation option. These are programs that are vital to the recovery and ongoing stability of our clients, but many of them are not financially viable within the framework of Oregon Health Plan financing. We advocate public policy and support that will ensure these programs survive and continue to serve the severely mentally ill.

3. Our agency intends to pursue any appropriate options to expand services by responding to requests for proposals to create programs similar to those we operate. Should we secure new business, the operating cost of such programs would be funded through third party reimbursement, the state Mental Health Division and/or county behavioral health divisions.

It is difficult, if not impossible for non-profit organizations to obtain financing from commercial banks for new building construction. Therefore, it is important that a local debt and equity financing program be a part of this plan.

I thank you for the opportunity to provide you with our thoughts. We would be pleased to participate in future planning processes in order to support and advocate for the severely and persistently mentally ill.

Sincerely,



Patti Williamson, MA, LPC
Executive Director

cc: Floyd Martinez, Director, Multnomah Co. Behavioral Health Division
Cathy Horey, Multnomah Co. Behavioral Health Division
Linda Toenniessen, MD., MHPI Board Chair
Brian McCarl, MHPI Board
Kris Angell, MHPI Board

MEETING DATE: May 6, 1999

AGENDA #: R-4

ESTIMATED START TIME: 9:45 AM

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Adopting Rules for Board Meetings and Repealing Prior Rules

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, May 6, 1999
AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Non-Departmental DIVISION: Chair's Office

CONTACT: Deb Bogstad TELEPHONE #: 248-3277
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Thomas Sponsler

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

RESOLUTION Adopting Rules for Board Meetings and
Repealing Prior Rules

5/10/99 copies to RCC, Thomas Sponsler, Jacquie
Weber, Board Room & Chair's Office

SIGNATURES REQUIRED:

ELECTED OFFICIAL: _____

Beverly Stein

(OR)

DEPARTMENT

MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ 248-3277

CLERK OF
COUNTY COMMISSIONERS
99 APR 29 AM 8:42
MULTICOUNTY
OREGON



MULTNOMAH COUNTY OREGON

DEBORAH BOGSTAD, BOARD CLERK
OFFICE OF BEVERLY STEIN, COUNTY CHAIR
1120 SW FIFTH AVENUE, SUITE 1515
PORTLAND, OREGON 97204-1914
TELEPHONE • (503) 248-3277
FAX • (503) 248-3013

BOARD OF COUNTY COMMISSIONERS		
BEVERLY STEIN•	CHAIR	•248-3308
DIANE LINN•	DISTRICT 1	•248-5220
SERENA CRUZ•	DISTRICT 2	•248-5219
LISA NAITO•	DISTRICT 3	•248-5217
SHARRON KELLEY•	DISTRICT 4	•248-5213

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Deb Bogstad *Deb Bogstad*

DATE: April 30, 1999

RE: Resolution Adopting Rules for Board Meetings and Repealing Prior Rules

1. Recommendation/Action Requested:

Approve a resolution adopting rules for Board meetings and repealing prior rules.

2. Background/Analysis:

The Multnomah County Home Rule Charter provides that the Board adopt and publish rules for the conduct of its meeting. The present rules are in need of revision to reflect Charter changes and omit reference to use of the Portland Building auditorium, and thanks to County Counsel, to make them easier to read and understand. The proposed resolution is organized the same, with enhancements to section 4, incorporating current land use hearing procedures (from Resolution 95-55) instead of having separate resolutions. Former sections 5 and 6 were combined and the language in proposed section 5 more specifically states the Board's actual notice, agenda submittal and agenda preparation practices. The amendment language approved in January regarding adoption of ordinances containing emergency clauses was added to Section 10.

3. Financial Impact:

None applicable to this document.

4. Legal Issues:

County Counsel has reviewed for compliance with Multnomah County Home Rule Charter, public meetings law and other relevant statutes.

5. Controversial Issues:

None known.

6. Link to Current County Policies:

Good government benchmark.

7. Citizen Participation:

The Multnomah County Home Rule Charter requires the Board to adopt and publish rules for the conduct of its meetings. Copies of the present rules were made available to the Charter Review Committee that resulted in several housekeeping Charter changes, including the requirement that copies of the agenda be posted in the County Courthouse. The revised rules will be published on the Board Internet site. Copies will be available for the public in the Boardroom, in the Chair's Office and upon request.

8. Other Government Participation:

Not applicable to this document.

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 Adopting Rules of Procedure for) RESOLUTION
4 Conducting Board Meetings and) 97-65
5 Repealing Prior Rules)

6 WHEREAS Chapter III, Section 3.50(1) of the Multnomah County Home
7 Rule Charter, as amended, provides that the Board adopt and publish rules for the
8 conduct of its meetings; and

9 WHEREAS Resolution 93-358, the previously adopted and published
10 rules, is in need of revision; now therefore

11 IT IS HEREBY RESOLVED that the Multnomah County Board of
12 Commissioners adopts the following rules for the conduct of its meetings:

13 SECTION 1. ORGANIZATION

14 A. The Chair shall be the presiding officer at all Board meetings and shall
15 have a vote on each matter before the Board. The Chair or Vice-Chair when presiding,
16 shall not make or second motions unless the position is first relinquished for such
17 purpose.

18 B. The Vice-Chair shall preside when the Chair is absent or incapacitated.

19 C. In the absence or incapacity of the Chair and Vice-Chair, the
20 Commissioner senior in time of service shall become the temporary presiding officer.

21 D. The presiding officer shall sign all documents memorializing Board action
22 following the meeting in which the action was taken.

23 SECTION 2. APPOINTMENT OF VICE-CHAIR

24 A. The Board shall appoint a Vice-Chair in numerical Commissioner District
25 rotation at the first regular meeting of each calendar year. The Commissioner in
26

1 rotation may refuse the position, in which case the position shall go to the
2 Commissioner in the next numerical Commissioner District.

3 B. In the event of a vacancy in the Vice-Chair position, the Board shall
4 appoint a Vice-Chair from the next numerical Commissioner District at the first regular
5 meeting following the vacancy.

6 SECTION 3. MINUTES

7 A. A designate from the Chair's office shall make a record of all Board
8 meetings.

9 B. Written minutes shall be prepared in accordance with the State of Oregon
10 Public Meetings Law and such records shall be accessible to the public during regular
11 office hours.

12 SECTION 4. MEETINGS

13 A. REGULAR MEETINGS, BOARD BRIEFINGS, WORK SESSIONS

14 1. All meetings shall be open to the public, with the exception of
15 executive sessions.

16 2. Board meetings, briefings, work sessions and hearings will be
17 conducted in the second floor auditorium of the Portland Building, 1120 SW Fifth
18 Avenue, Portland, Oregon. The Board may conduct meetings at other locations upon
19 notice thereof in the printed agenda.

20 3. The Board shall meet on the second and fourth Tuesday of each
21 month and at other times, as necessary, for the purpose of deliberating on land use
22 planning issues.

23 4. The Board shall meet each Thursday for the purpose of deliberating
24 on County business. If a regular Thursday meeting falls on a legal holiday, the meeting
25 shall be held prior to the holiday or at a later date, as determined by the Chair.

1 5. The Board may meet on the first and third Tuesday of the month,
2 and other days as necessary, for the purpose of receiving briefings from staff and
3 invited others. Board briefings and/or work sessions may be cancelled and/or combined
4 with a regular or special meeting as determined by the Chair.

5 6. Any meeting of the Board may, by majority vote, be adjourned to
6 any time or to another place, when it is deemed in the public interest.

7 B. SPECIAL MEETINGS

8 1. Special meetings may be called by the Chair or a majority of the
9 Board. The notice of the special meeting shall include an agenda of items to be
10 considered. The notice shall be delivered to each Commissioner personally, if
11 available, or delivered to the Commissioner's office and/or residence, at least 24 hours
12 before such meeting.

13 2. Board action taken at a special meeting, except adoption of an
14 emergency ordinance, shall not have effect after the next regular meeting, unless the
15 action is ratified at the meeting.

16 C. EXECUTIVE SESSIONS

17 1. The Board may meet in executive session as provided by Oregon
18 Revised Statutes. At the commencement of an executive session, the statutory authority
19 for the session shall be stated.

20 2. The Board may require that representatives of the news media
21 attending an executive session not disclose specified information pertaining to the
22 subject of the executive session.

23 SECTION 5. NOTICE AND AGENDA

24 A. Pursuant to Chapter III, Section 3.50(4) of the Multnomah County Home
25 Rule Charter, in addition to mailings to interested citizens and media as requested, and
26 posting on the Chair's Web site on the Internet, copies of the printed notice stating the

1 time and place of all meetings and containing an agenda shall be available at the
2 security desk on the first floor of the Multnomah County Courthouse.

3 1. Notice shall be given as described above at least 72 hours before a
4 regular meeting.

5 2. Notice shall be given as described above at least 24 hours before a
6 special meeting.

7 B. The Chair shall supervise preparation of the agenda.

8 SECTION 6. AGENDA PLACEMENT

9 Agenda placements for briefings, ordinances, resolutions, orders and other items
10 presented for Board deliberations shall be submitted as prescribed in the Multnomah
11 County Administrative Procedures Manual.

12 SECTION 7. UNANIMOUS CONSENT

13 The Board may act on an item not on the printed agenda if,

14 1. At least three members vote in favor of a finding that an emergency
15 requires the action, and

16 2. All members present vote in favor of the action.

17 SECTION 8. ATTENDANCE, QUORUM

18 A. Commissioners shall provide written notification to each other and the
19 clerk, of all anticipated absences from Board meetings.

20 B. A quorum consists of three Commissioners.

21 C. In the event of an emergency, fewer than a quorum may meet and compel
22 the attendance of absent members by Sheriff's escort.

23 SECTION 9. VOTING

24 A. A Board member who cannot be physically present at a meeting may
25 attend and participate by voice vote by means of telephonic communication. Except in
26

1 the case of executive sessions, the public shall be provided a place to listen to the
2 communication.

3 B. When a potential conflict of interest arises with respect to a matter
4 pending before the Board, the affected Board member shall publicly announce the
5 nature of the potential conflict prior to taking action.

6 C. Upon a motion and second, the presiding officer shall request discussion
7 and/or public testimony. Upon conclusion of the discussion and/or public testimony,
8 the presiding officer shall state the motion before the Board, call for the vote and
9 announce the results of said vote.

10 D. Once debate on a question or an amendment is concluded, the presiding
11 officer shall call for a vote. During the vote, no further debate or discussion shall be
12 permitted, but the presiding officer shall permit the maker of the motion to withdraw it
13 to allow such debate or discussion.

14 E. Voting shall be expressed by Board members stating aye, no, or abstain,
15 by voice vote. Roll call vote shall be conducted if requested by the presiding officer or
16 a Board member.

17 F. In the case of a tie on a main motion or an amendment which carries the
18 main motion, the motion shall be considered to have failed.

19 G. Regular meeting agendas include a consent calendar consisting of items of
20 a routine nature, such as annual renewals and/or amendments to existing
21 intergovernmental agreements, auto wrecker and liquor license renewals, citizen
22 appointments to advisory boards, resolutions authorizing designees of the mental health
23 program to direct a peace officer to take an allegedly mentally ill person into custody,
24 and/or transfers of unclaimed property and other routine matters as determined by the
25 Chair. The consent calendar may be approved by a single motion, second and vote of
26 the Board.

1 H. Agenda items may be taken out of order at the discretion of the presiding
2 officer. Upon request of a Board member, consent calendar items may be moved to the
3 regular agenda for discussion prior to voting.

4 SECTION 10. PUBLIC TESTIMONY

5 A. In order to facilitate decision making and public participation at meetings,
6 the presiding officer may limit the amount of public testimony time concerning items
7 before the Board.

8 B. To assist persons wishing to testify at Board meetings, the clerk shall
9 make sign-up cards available. Persons shall be called to testify in the order the cards
10 are submitted to the clerk, unless otherwise recognized by the presiding officer.

11 C. The presiding officer is responsible for preserving order and decorum at
12 meetings. A person creating a disturbance or otherwise obstructing the orderly process
13 of County business may be ejected from the meeting at the discretion of the presiding
14 officer.

15 SECTION 11. ORDINANCES

16 A. Proposed ordinances shall be prepared and submitted for inclusion in the
17 printed agenda as prescribed in the Multnomah County Administrative Procedures
18 Manual.

19 B. Except for an ordinance containing an emergency clause, a proposed
20 ordinance shall be read during regular Board meetings on two different days, at least six
21 days apart.

22 C. A proposed ordinance may be read by title only, upon notification that
23 copies of the complete ordinance are available to the public at the meeting.

24 D. A motion to move a proposed ordinance to its second reading requires the
25 affirmative concurrence of at least three members of the Board. Unless a later date is
26 provided by the Board, upon passage of the motion, the presiding officer shall announce

1 the second reading is scheduled for the next regular meeting, which shall be at least six
2 days from passage of the motion.

3 E. No change or amendment to a proposed ordinance that has been placed on
4 the agenda shall be made, except by approval of a majority of the Board during the
5 public hearing of the ordinance. If the Board approves a change which materially
6 affects a proposed ordinance on the final reading, an additional reading of the amended
7 ordinance shall be held.

8 F. A non-emergency ordinance shall take effect 30 days following Board
9 approval unless the ordinance prescribes a later effective date or the ordinance is
10 referred to the voters.

11 G. A proposed ordinance containing an emergency clause may be introduced,
12 read once and put on its final passage at a single meeting upon unanimous consent of all
13 Board members present. If the Board votes in favor of passage at the first reading but
14 the vote is not unanimous, the proposed ordinance may be scheduled for a second
15 reading and may at that reading be approved as a non-emergency ordinance by majority
16 vote.

17 H. A proposed ordinance containing an emergency clause shall take effect
18 immediately upon passage.

19 I. A proposed ordinance which fails may be resubmitted as prescribed in the
20 Multnomah County Administrative Procedures Manual.

21 SECTION 12. APPLICATION OF RULES TO OTHER MATTERS

22 The Multnomah County Board of Commissioners is the governing body for
23 Dunthorpe-Riverdale Sanitary Service District No. 1 and the Mid-County Street
24 Lighting Service District No. 14. The Board also sits as the Multnomah County Budget
25 Committee and the Public Contract Review Board. The rules adopted herein shall be
26 applicable to the conduct of proceedings of the aforementioned entities.

1 SECTION 13. MISCELLANEOUS

2 A. Any procedural matter not covered by these rules shall be determined
3 pursuant to the most recent edition of Roberts Rules of Order Newly Revised.

4 B. Copies of the published Board Rules shall be available to the public at all
5 meetings of the Board.

6 SECTION 14. ADOPTION

7 These rules repeal and supersede the rules adopted October 28, 1993 and become
8 effective immediately upon Board adoption.

9
10 DATED this 10th day of April, 1997.

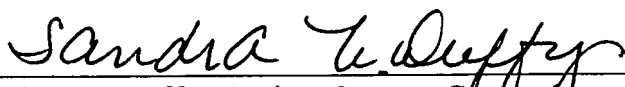


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

17 REVIEWED:

18 SANDRA N. DUFFY, ACTING COUNTY COUNSEL
19 FOR MULTNOMAH COUNTY, OREGON

20
21 By 
22 Sandra N. Duffy, Acting County Counsel

SHARRON KELLEY
Multnomah County Commissioner
District 4



Portland Building
1120 S.W. Fifth Avenue, Suite 1500
Portland, Oregon 97204
(503) 248-5213
E-Mail: sharron.e.KELLEY@co.multnomah.or.us

May 6, 1999

Proposed Amendments to R-4: RESOLUTION adopting Board Rules

(additions are underlined)

1. Change Section 4(A)(3) on page 2 to read as follows:

(3) The Board meets each Thursday and other days as necessary to deliberate on County business and make decisions.

2. Change Section 7(A) on page 5 to read as follows:

A. Commissioners will provide written or electronic mail notification of all anticipated absences from Board meetings to each other and the Board Clerk.

SECTION 7. ATTENDANCE, QUORUM

A. Commissioners will provide written notification of all anticipated absences from Board meetings to each other and the Board Clerk.

B. A quorum consists of three Commissioners.

C. If there is an emergency; two Commissioners may meet and compel the attendance of absent members with assistance from the Sheriff.

SECTION 8. VOTING

A. A Commissioner who cannot be physically present at a meeting may attend and participate by telephone. Except for executive sessions, the public will be provided a place to listen to the communication.

B. If a potential conflict of interest exists for any Commissioner relating to any matter on the Board agenda, the Commissioner will publicly announce the nature of the potential conflict before participating in the Board discussion of that matter. If a Commissioner has an actual conflict of interest relating to any matter, the Commissioner may not participate or vote on that matter.

C. After a motion and second, the presiding officer will request an explanation of the agenda matter and accept public testimony. At the conclusion of Board discussion, the presiding officer will state the motion before the Board and call for the vote.

D. After the call for the vote, no further discussion is permitted, but the presiding officer will permit the maker to withdraw the motion to allow further discussion.

E. Commissioners will vote orally. A roll call vote will be conducted if requested by any Commissioner. The presiding officer will announce the results of the vote, and the vote of each Commissioner will be recorded.

F. Motions and amendments to motions fail if there is a tie vote.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-74

Adopting Rules for Board Meetings and Repealing Prior Rules.

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Home Rule Charter section 3.50 contains requirements for Board meetings, and subsection (1) requires the Board to adopt and publish rules for the conduct of its meetings.
- b. All Board meetings must comply with the Oregon Public Meetings Law.
- c. Resolutions 95-55 and 97-65 adopted the current Board rules that now need revision.

The Multnomah County Board of Commissioners Resolves:

SECTION 1. ORGANIZATION.

- A. The Chair presides at Board meetings and has a vote on each matter before the Board. The presiding officer may not make or second motions unless the position is first relinquished for that purpose.
- B. The Vice-Chair presides when the Chair is absent.
- C. In the absence of both the Chair and Vice-Chair, the Commissioner with the most seniority in office will act as presiding officer.
- D. The presiding officer will sign all documents approved at the Board meeting.

SECTION 2. APPOINTMENT OF VICE-CHAIR

- A. At the first regular meeting of each calendar year, the Board will appoint a Vice-Chair. Appointments will be made in rotation by Commission District number. A

Commissioner may refuse the position, and then the Commissioner in the next numbered district will be appointed.

B. If there is a vacancy in the Vice-Chair position, the Board will appoint a Vice-Chair from the next numerical Commissioner District at the first regular meeting following the vacancy.

SECTION 3. MINUTES

A. The Board Clerk will make a record of all Board meetings.

B. The written record will comply with the Oregon Public Meetings Law. The records will be accessible to the public during regular office hours.

SECTION 4. MEETINGS

A. REGULAR MEETINGS

(1) All meetings are open to the public, except executive sessions.

(2) All Board meetings are held in the Commissioners' Boardroom and other locations accessible to the public as noted on the agenda.

(3) The Board meets each Thursday to deliberate on County business and make decisions.

(4) The Board meets on the first and third Tuesday of the month and other days as necessary for work sessions, staff briefings and to consider land use matters. The Chair may cancel Board work sessions or briefings or combine them with regular or special meetings.

(5) When it is in the public interest, the Board by majority vote at any meeting may adjourn to another time or to another location accessible to the public.

B. SPECIAL MEETINGS

(1) The Chair or three other Board members may call special meetings. The special meeting notice must include an agenda of items for consideration. The notice must be delivered personally to each Commissioner or the Commissioner's office or residence at least 24 hours before the meeting.

(2) Board action at a special meeting, except adoption of an emergency ordinance, does not take effect unless ratified at the next regular meeting.

C. EXECUTIVE SESSIONS

(1) The Board may meet in executive session in accordance with state law. At the beginning of each executive session, the statutory authority for the meeting must be stated.

(2) The Board may require that news media representatives not disclose specified information that is the subject of the executive session.

D. LAND USE APPEAL HEARINGS

(1) When an appealed decision is reported to the Board, the Board will set a date and time for the appeal hearing as required by state law.

(2) The scope of review of each appeal will be de novo. The complete Hearings Officer record will be made available to the Board before the appeal hearing, and will be available at the hearing itself. The parties may introduce new evidence relevant to the case during the hearing

(3) After statements by County staff and the Hearings Officer, each party has twenty minutes to present its case. The appellant will make the first presentation and may reserve time for rebuttal.

(4) The parties may present relevant evidence and argument based on the criteria governing the application to persuade the Board to affirm, reverse or modify the Hearings Officer decision.

SECTION 5. NOTICE AND AGENDA

A. The Board Clerk will maintain the interested person Board meeting notice list. The list will include the names and mailing addresses of all interested persons including news media that have requested to be notified of every Board meeting. The Board Clerk will mail notice stating the time and place of all Board meetings and the agenda to persons on the list, and post the notice on the Internet Web site of the Chair.

(1) Notice will be given at least 72 hours before each regular meeting.

(2) Notice will be given 24 hours before each special meeting.

B. The Chair, each Commissioner, the Sheriff, the District Attorney, the Auditor and Department Directors may place matters on a Board meeting agenda. The official who places a matter on a Board agenda may withdraw or postpone the matter at any time before the start of the meeting. If the printed agenda has been distributed, the Board must decide to continue the matter to another date or postpone it indefinitely.

C. The Chair will supervise agenda preparation. The Chair may adopt Executive Rules for placement of matters on the Board agenda, and the format for ordinances, resolutions, orders, proclamations and other Board documents.

SECTION 6. UNANIMOUS CONSENT

The Board may act on an item not on the agenda notice if:

A. At least three Commissioners vote in favor of a motion that an emergency requires Board action, and

B. All Commissioners present vote in favor of the action.

SECTION 7. ATTENDANCE, QUORUM

- A. Commissioners will provide written or electronic mail notification of all anticipated absences from Board meetings to each other and the Board Clerk.
- B. A quorum consists of three Commissioners.
- C. If there is an emergency; two Commissioners may meet and compel the attendance of absent members with assistance from the Sheriff.

SECTION 8. VOTING

- A. A Commissioner who cannot be physically present at a meeting may attend and participate by telephone. Except for executive sessions, the public will be provided a place to listen to the communication.
- B. If a potential conflict of interest exists for any Commissioner relating to any matter on the Board agenda, the Commissioner will publicly announce the nature of the potential conflict before participating in the Board discussion of that matter. If a Commissioner has an actual conflict of interest relating to any matter, the Commissioner may not participate or vote on that matter.
- C. After a motion and second, the presiding officer will request an explanation of the agenda matter and accept public testimony. At the conclusion of Board discussion, the presiding officer will state the motion before the Board and call for the vote.
- D. After the call for the vote, no further discussion is permitted, but the presiding officer will permit the maker to withdraw the motion to allow further discussion.
- E. Commissioners will vote orally. A roll call vote will be conducted if requested by any Commissioner. The presiding officer will announce the results of the vote, and the vote of each Commissioner will be recorded.
- F. Motions and amendments to motions fail if there is a tie vote.

G. Regular meeting agendas include a consent calendar for approval of items determined routine by the Chair. The consent calendar may be approved by a single motion, second and vote of the Board. At the request of any Commissioner, a consent calendar item will be considered on the regular agenda.

H. Agenda items may be taken out of order at the discretion of the presiding officer.

SECTION 9. PUBLIC TESTIMONY

A. The presiding officer may regulate the length of public participation and limit appearances to presentations of relevant points.

B. To assist persons wishing to testify at Board meetings, the Board Clerk will make public sign-up cards available. Persons will be called to testify in the order the cards are submitted to the Board Clerk, unless otherwise recognized by the presiding officer.

C. The presiding officer has authority to keep order and impose reasonable restrictions necessary for the efficient and orderly conduct of a meeting. A person who fails to comply with reasonable rules of conduct or who creates a disturbance may be asked or required to leave and upon failure to do so becomes a trespasser.

SECTION 10. ORDINANCES

A. Proposed ordinances will be prepared or reviewed and approved by the County Counsel.

B. Except for ordinances containing emergency clauses, proposed ordinances will be read at regular Board meetings on two different days at least six days apart.

C. A proposed ordinance may be read by title only if complete copies of the ordinance are available to the public at the meeting.

D. A motion to move a proposed ordinance to its second reading requires the affirmative concurrence of at least three members of the Board. Unless a later date is provided by the Board, upon passage of the motion, the presiding officer shall announce the second reading is scheduled for the next regular meeting, which shall be at least six days from passage of the motion.

E. No change or amendment to a proposed ordinance that has been placed on the agenda shall be made except by approval of a majority of the Board during the public hearing of the ordinance. If the Board approves a change that materially affects a proposed ordinance on the final reading, an additional reading of the amended ordinance may be held.

F. A non-emergency ordinance takes effect thirty days after adoption by the Board unless it prescribes a later effective date or it is referred to County voters.

G. A proposed ordinance to meet an emergency may be introduced, read once and put on its final passage at a single meeting upon unanimous consent of all Board members present. If the Board votes in favor of passage at the first reading but the vote is not unanimous, the proposed ordinance shall be scheduled for a second reading. At the second reading, the proposed ordinance may be approved as either an emergency or a non-emergency ordinance by majority vote.

H. Following Board adoption, an emergency ordinance takes effect immediately upon being signed by the Chair.

SECTION 11. APPLICATION OF RULES

The Board is the governing body for Dunthorpe-Riverdale Sanitary Service District No. 1 and the Mid-County Street Lighting Service District No. 14. The Board also sits as

the Multnomah County Budget Committee, the Public Contract Review Board and in other capacities. These Rules apply to the meetings in all capacities.

SECTION 12. MISCELLANEOUS

A. Any procedure or situation not covered by law or these Rules is governed by the most recent edition of Robert's Rules of Order Newly Revised.

B. Copies of these Board Rules will be available at all Board meetings.

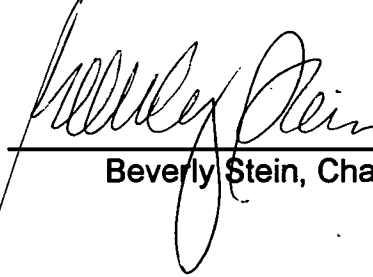
SECTION 13. ADOPTION

This resolution repeals Resolutions 95-55 and 97-65 and all previously adopted Board rules. These rules take effect immediately upon Board adoption.

ADOPTED this 6th day of May, 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Beverly Stein, Chair

REVIEWED:

THOMAS SPONSER, COUNTY COUNSEL
for MULTNOMAH COUNTY, OREGON



Thomas Sponsler, County Counsel

MEETING DATE: MAY 06 1999
AGENDA NO: R-5
ESTIMATED START TIME: 9:50

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Affirmation of Resolution 98-147

BOARD BRIEFING:

DATE REQUESTED: _____

REQUESTED BY: _____

AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: X

DATE REQUESTED: May 6, 1999

AMOUNT OF TIME NEEDED: 5 minutes

DEPARTMENT: Nondepartmental

DIVISION: Chair's Office

CONTACT: Bill Farver

TELEPHONE #: 248-3958

BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Tom Sponsler and/or Counsel Staff

ACTION REQUESTED:

☐ INFORMATIONAL ONLY ☐ POLICY DIRECTION ☒ APPROVAL ☐ OTHER

SUGGESTED AGENDA TITLE:

5/10/99 copies to Tom Sponsler, Jackie Weber,
Edward Campbell, Sheriff, Bobbi Luna & Elise Clawson

SIGNATURES REQUIRED:

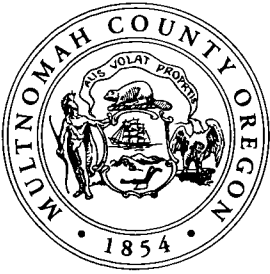
ELECTED OFFICIAL: _____
(OR)
DEPARTMENT
MANAGER: _____

Beverly Stein

99 APR 28 PM 1:57
HOLLAND COUNTY
OREGON
CLERK OF
COUNTY COMMISSIONERS

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Phone: (503) 248-3308
FAX: (503) 248-3093
E-Mail: mult.chair@co.multnomah.or.us

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Bill Farver

DATE: April 26, 1999

RE: Resolution to Affirm Resolution 98-147 to Discontinue Efforts to Purchase Radio Towers Site and to Explore Agreement with Port of Portland to Acquire Land for a Jail in Rivergate

1. Recommendation/ Action Requested:

Approve the current resolution to affirm Resolution 98-147, adopted September 24, 1998. The Resolution directs the Sheriff to discontinue pursuit of the Radio Towers site and begin exploration of Rivergate site for new jail.

2. Background/ Analysis:

The Board adopted Resolution 98-147 by a 5-0 vote (Commissioners Linn, Hansen, Naito, Kelley and Chair Stein) last September 24th. In November of last year, a lawsuit was filed claiming the County violated its public notice requirements because it did not provide 72 hours notice regarding this decision to members of a list of interested parties maintained by the Sheriff's Office. The County filed a motion to dismiss the lawsuit on the basis that the Sheriff's list did not constitute the official list of interested parties subject to the County's public notice requirements. On April 8th, 1999, a district Judge denied the County's motion, in effect categorizing the Sheriff's list as subject to public notice requirements. Adopting the current resolution, after providing proper notice to both the regular list of interested parties and the Sheriff's list, will reinstate the prior resolution and put it into effect from its original date of adoption (September 24, 1998). Reinstating the resolution will also remove the principle remedy available through the current legal action-- invalidation of Resolution 98-147.

3. Financial Impact:

None.



4. Legal Issues:

The legal issues have been summarized in (#2) Background/Analysis

5. Controversial Issues:

The issues of controversy around this resolution will be similar to Resolution 98-147. Those were described last September as the following:

Siting of a Corrections facility is likely to stir controversy in a variety of areas. Potential controversies regarding this resolution include potential neighborhood and business concerns, costs incurred pursuing Radio Towers, future costs for pursuing Rivergate, eventual size of the facility, environmental impacts, and recreational impacts.

The perceived violation of public notice requirements, though undetermined at this time, will also contribute to the controversy of this matter.

6. Link to Current County Policies:

N/A

7. Citizen Participation:

N/A

8. Other Government Participation:

N/A

CAMPBELL Edward A

From: WEBER Jacquie A
Sent: Thursday, April 08, 1999 11:33 AM
To: #CHAIR'S OFFICE; #DISTRICT 1; #DISTRICT 2; #DISTRICT 3; #DISTRICT 4
Cc: SPONSLER Thomas
Subject: Marcus v. Multnomah County Commissioners

Today the County's Motion to Dismiss the lawsuit brought by Lewis Marcus to void Resolution #98-147 was heard by Judge Marcus (no relation to plaintiff). Resolution #98-147 was passed by the Board on Sept. 24, 1998 and instructed the Sheriff to continue to investigate the Rivergate site as a possible jail site. Mr. Marcus and the North Portland Citizen's Committee filed suit claiming that the Board acted illegally, because it failed to provide adequate notice of the Board meeting.

County Counsel filed a Motion to Dismiss, based on the fact that the Board Clerk had given all notice required by statute, charter, and Board rules. The plaintiff argued that the Sheriff's Office interested parties list developed as part of the SAC committee was the *defacto* interested parties list of the Board. The Sheriff's Office did mail notice to the people on that list, but not within 72 hours as required by Board rule.

The Judge denied the County's Motion to Dismiss. He found it dispositive that neither the Charter nor the Board rules specify that the Board Clerk maintains the interested parties list for all County purposes. Therefore, he held that the fact that the Sheriff's Office, as an agency of the County, maintained an interested parties list, was sufficient to create a question of fact as to whether the persons on the Sheriff's Office list received adequate notice of the hearing.

The effect of the Court's decision is the case will now be scheduled for trial. However, the only remedy available to plaintiffs at trial is to have the Resolution voided. ORS 192.680. That statute also allows the Board to reinstate its decision on the Resolution while in compliance with the notice provisions, which then makes the decision effective from the date of its initial adoption.

My recommendation is that the Resolution be placed again on the Board agenda in the near future to be reconsidered, and that the Sheriff's Office and the Board Clerk provide persons on both interested parties list with 72 hours notice. If the Board then votes to reinstate its prior decision on the Resolution, there is no basis to continue the court action.

I also recommend, and Mr. Sponsler agrees, that the Board Rules should be amended to include specific designation of the Board Clerk as the designee to maintain the interested parties list for the purpose of notice of Board hearings.

If you have any questions regarding this matter, please let me know.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

RESOLUTION No. 98-147

Resolution to Discontinue Efforts to Purchase Radio Towers Site and to Explore Agreement with Port of Portland to Acquire Land for a Jail in Rivergate Industrial Area

The Board of County Commissioners Finds:

- a. The Board of County Commissioners (Board) authorized Sheriff Noelle to move forward with the purchase of land and obtaining the necessary permits to construct a new jail at the Radio Towers site by Resolution 97-173 adopted August 28, 1997.
- b. The anticipated costs to acquire and develop the Radio Towers site including the expense of wetland mitigation are significantly higher than other potential sites and may compromise the County's ability to meet all the goals of the 1996 public safety bond measure.
- c. A portion of this region's wetland area will be disturbed if jail construction takes place on the Radio Towers site.
- d. The ability of the County to obtain permits to fill the wetland at the Radio Towers site remains in doubt because of questions regarding the availability of alternative sites, the ultimate size of the facility and potential legal appeals.
- e. The Jail Siting Advisory Committee, a 15 member citizen advisory committee, recommended a site in the Rivergate Industrial area for the new jail as a first alternate to the Radio Towers site.
- f. The Port of Portland is now willing to explore making land available within the Rivergate Industrial area to Multnomah County for the new jail.

The Board of County Commissioners Resolves:

1. The County will immediately discontinue the pursuit of permits and land purchase for the Radio Towers land parcel.
2. The Board authorizes the Sheriff and the Chair to explore the feasibility of acquiring a site in Rivergate from the Port of Portland for a 225-bed jail facility in accordance with the 1996 public safety bond.

3. The size of the land parcel acquired should allow for possible expansion of the jail to offset the costs of development and infrastructure. Use of the site for replacement of existing facilities or new facilities will be determined by the comprehensive public safety plan to be developed by the Board with input from the Sheriff.
4. The Board authorizes the Sheriff to continue working with the team of experts who conducted the analysis of engineering, environmental, land-use and permitting issues at prior sites. This team shall conduct the site assessment incorporating the following elements: total project development costs including infrastructure and construction; environmental impacts (if any) and appropriate mitigation; neighborhood livability impacts (if any) with suggested remedies; and any land use permit criteria imposed by local jurisdictions. The team will issue a report to the Board within 60 days following the identification of the specific land parcel to be acquired.
5. If and when the Rivergate parcel is acquired by the County, the Sheriff, in consultation with the Chair, will nominate and the Board will approve a Citizens Working Group comprised of representatives of local neighborhood, business, environmental organizations and other interested citizens. The Working Group will advise the Sheriff and the Board on design, construction, and operational issues, including the need for a good neighbor agreement, as well as natural resource and transportation plans.

Adopted this 24th day of September, 1998.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By 
Thomas Sponsler, County Counsel

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION No. 99-75

Affirming Decision to Discontinue Efforts to Purchase Radio Towers Site and to Explore Agreement with Port of Portland to Acquire Land for a Jail in Rivergate Industrial Area

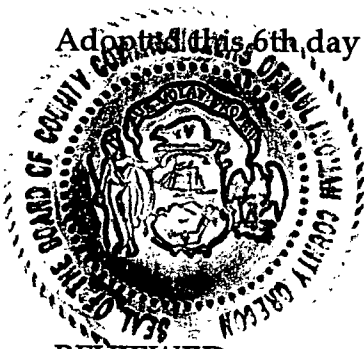
The Board of County Commissioners Finds:

- a. The Board of County Commissioners (Board) authorized Sheriff Noelle to explore the feasibility of acquiring a site in the Rivergate Industrial Area for a 225-bed jail facility by resolution 98-147 adopted September 24, 1998.
- b. Based on a lawsuit, the Multnomah County Circuit Court found on April 8, 1999 that an issue of fact exists as to whether or not the plaintiffs to this suit received adequate public notice of the September 24, 1998 Board meeting - a possible violation of the County's public notice requirements.
- c. 72 hours public notice has been given to the list of interested parties maintained by the Sheriff's Office for the present resolution.
- d. The Board of County Commissioners (Board) authorized Sheriff Noelle to move forward with the purchase of land and obtaining the necessary permits to construct a new jail at the Radio Towers site by Resolution 97-173 adopted August 28, 1997.
- e. The anticipated costs to acquire and develop the Radio Towers site including the expense of wetland mitigation are significantly higher than other potential sites and may compromise the County's ability to meet all the goals of the 1996 public safety bond measure.
- f. A portion of this region's wetland area will be disturbed if jail construction takes place on the Radio Towers site.
- g. The ability of the County to obtain permits to fill the wetland at the Radio Towers site remains in doubt because of questions regarding the availability of alternative sites, the ultimate size of the facility and potential legal appeals.
- h. The Jail Siting Advisory Committee, a 15 member citizen advisory committee, recommended a site in the Rivergate Industrial area for the new jail as a first alternate to the Radio Towers site.
- i. The Port of Portland is now willing to explore making land available within the Rivergate Industrial area to Multnomah County for the new jail.

The Board of County Commissioners Resolves:

1. The County will immediately discontinue the pursuit of permits and land purchase for the Radio Towers land parcel.
2. The Board authorizes the Sheriff and the Chair to explore the feasibility of acquiring a site in Rivergate from the Port of Portland for a 225-bed jail facility in accordance with the 1996 public safety bond.
3. The size of the land parcel acquired should allow for possible expansion of the jail to offset the costs of development and infrastructure. Use of the site for replacement of existing facilities or new facilities will be determined by the comprehensive public safety plan to be developed by the Board with input from the Sheriff.
4. The Board authorizes the Sheriff to continue working with the team of experts who conducted the analysis of engineering, environmental, land-use and permitting issues at prior sites. This team shall conduct the site assessment incorporating the following elements: total project development costs including infrastructure and construction; environmental impacts (if any) and appropriate mitigation; neighborhood livability impacts (if any) with suggested remedies; and any land use permit criteria imposed by local jurisdictions. The team will issue a report to the Board within 60 days following the identification of the specific land parcel to be acquired.
5. If and when the Rivergate parcel is acquired by the County, the Sheriff, in consultation with the Chair, will nominate and the Board will approve a Citizens Working Group comprised of representatives of local neighborhood, business, environmental organizations and other interested citizens. The Working Group will advise the Sheriff and the Board on design, construction, and operational issues, including the need for a good neighbor agreement, as well as natural resource and transportation plans.

Adopted this 6th day of May, 1999.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 

Thomas Sponsler, County Counsel

MEETING DATE: May 6, 1999
AGENDA #: R-6
ESTIMATED START TIME: 9:55 AM

(Above Space for Board Clerk's use only)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Authorizing Sheriff to Purchase Land for Jail

BOARD BRIEFING: DATE REQUESTED: _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: Thursday, May 6, 1999
AMOUNT OF TIME NEEDED: 10 minutes

DEPARTMENT: Non-Departmental DIVISION: Chair's Office

CONTACT: Bill Farver TELEPHONE #: 248-3958
BLDG/ROOM #: 106/1515

PERSON(S) MAKING PRESENTATION: Chair Beverly Stein

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

RESOLUTION Authorizing the Sheriff to Purchase Land and Obtain All Necessary Permits to Construct a New 225-Bed Jail that Includes a Secure Treatment Facility for Mandatory Drug and Alcohol Treatment of Offenders at the Rivergate Site; Authorize the Chair to Initiate a Planning Process to Site 225 Locked Community-Based Alcohol and Drug Treatment Beds in Appropriate Facility(ies)

SIGNATURES REQUIRED:

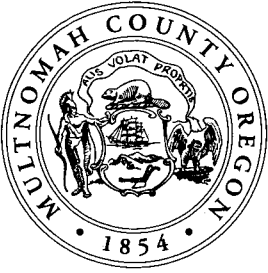
ELECTED OFFICIAL: Beverly Stein

(OR)
DEPARTMENT
MANAGER: _____

CLERK OF
COUNTY COMMISSIONERS
99 APR 29 AM 8:38
MULTI-COUNTY
OREGON

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions? Call the Board Clerk @ 248-3277



Beverly Stein, Multnomah County Chair

Room 1515, Portland Building
1120 S.W. Fifth Avenue
Portland, Oregon 97204

Phone: (503) 248-3308
FAX: (503) 248-3093
E-Mail: mult.chair@co.multnomah.or.us

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Bill Farver

DATE: April 28, 1999

RE: Authorizing the Sheriff to Purchase Land and Obtain All Necessary Permits to Construct a New 225 Bed Jail which includes a Secure Treatment Facility for Mandatory Drug and Alcohol Treatment of Offenders at the Rivergate Site. Authorize the Chair to initiate a planning process to site 225 community based alcohol and drug beds in appropriate facility(ies)

1. Recommendation/Action Requested:

Approval of the resolution will:

- a. authorize the Sheriff to purchase land and obtain permits in preparation for the construction of a 225 bed jail at the Rivergate Site
- b. authorize the Chair to initiate a planning process to site 225 locked community-based alcohol and drug treatment beds

2. Background/Analysis:

The Jail Siting Advisory Committee focused on two sites in their discussions of siting a new jail - Radio Towers and Rivergate. At different points in their process each site was the top priority. The Board originally explored the Radio Towers site and last fall decided to discontinue explorations because of concerns about



costs (especially environmental mitigation), protection for the wetland resource, concerns about whether the permits would be obtained, size of site, and impact of possible litigation.

Since then, the Port of Portland expressed a willingness to consider selling a portion of their land in the Rivergate industrial area. A site in the Rivergate industrial area was identified as the first alternate site to Radio Towers by the Jail Siting Advisory Committee charged with making site recommendations to the Board. Subsequent negotiations indicate that a purchase agreement is workable.

Subsequent discussions have helped define the exact nature of the need for treatment for offenders. The current proposal recognizes the distinctions between different populations and proposed treatment in two types of locations:

- in a secure jail setting, with the Sheriff providing the security and Community Justice providing the treatment
- in a locked community based setting, with Community Justice providing all aspects of the program

These two treatment settings will serve two distinct populations:

- offenders serving minimum 90 day sentences in County jail. The secure in jail alcohol and drug treatment beds will provide sufficient time to impact offenders while they are serving their jail sentence.
- offenders under community supervision who are identified by parole and probation officers as needing intensive treatment if they are to break their cycle of recidivism. These treatment slots will be filled by probation, parole, and post prison supervision offenders who could otherwise serve short term jail sentences that would not address their treatment needs.

3. Financial Impact:

The Resolution will authorize spending from the Public Safety Bond measure to purchase land from the Port of Portland. The exact price will be negotiated under guidelines established by the Board in executive session.

4. Legal Issues:

Attached are two opinions from County Counsel dealing with the limitations under which offenders can be placed in both the secure in jail alcohol and drug treatment beds and the locked community-based alcohol and drug treatment beds. Counsel's conclusion is that the model proposed in this resolution is consistent with current legal thinking and that other models are more susceptible to successful legal challenge.

5. Controversial Issues:

Several:

- a. The appropriate site for the jail. The Rivergate site was selected after an extensive community siting process and an extensive investigation of the Radio Towers site.
- b. The appropriate placement of alcohol and drug beds. The Board looked seriously at how many beds could be used effectively if sited at the Rivergate site within a jail and balanced that with the greater need for community based beds that could be readily accessed by parole and probation officers wanting to sanction and treat offenders under supervision.
- c. The probable success of a siting process focused on locked community-based alcohol and drug treatment beds. Given the current climate, there is concern about the planned siting process for the 225 locked community-based alcohol and drug treatment beds.

6. Link to Current County Policies:

Reduction of crime is one of the three county long-term benchmarks. Best practice research shows that effective treatment intervention, including sufficient time in a treatment setting and effective transition to the community, is key to breaking the cycle of recidivism. The addition of general purpose jail beds will help to maintain recent county practice of being able to avoid matrix releases. Avoiding matrix releases helps maintain the integrity of the judicial process, reduces failures to appear and subsequent warrants.

7. Citizen Participation:

Citizens were involved in the original siting process and have had extensive opportunities to comment on various siting options.

Other Government Participation:

The Port of Portland is a key partner in their willingness to consider the sale of land for this purpose. The City of Portland will be involved in the permitting process. The State of Oregon will supply part of the capital funds for the capital costs associated with locked community-based alcohol and drug treatment beds.

JAILsupplementalstaffreport.doc



OFFICE OF MULTNOMAH COUNTY COUNSEL

THOMAS SPONSER
County Counsel

SANDRA N. DUFFY
Chief Assistant

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SUSAN DUNAWAY
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GERALD H. ITKIN
JEFFREY B. LITWAK
MATTHEW O. RYAN
KATHRYN A. SHORT
AGNES SOWLE
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

MEMORANDUM

TO: Chair Stein
Commissioner Cruz
Commissioner Kelley
Commissioner Linn
Commissioner Naito
Sheriff Noelle

FROM: Jacqueline A. Weber (106/1530)
Assistant County Counsel

DATE: April 26, 1999

SUBJECT: Legal Analysis of Proposals for A& D Facility

On April 22, 1999, Chair Stein asked me to prepare a separate legal analysis of each of the three proposals currently being discussed for the siting and running of an alcohol and drug treatment facility within the County. Our analysis of each model is attached, and should be read in conjunction with the memo I circulated on April 23, 1999. The MCSO model and the ACJ model are, I believe, the models presented by those agencies at last weeks work session. The Chair's Proposal was circulated by the Chair following that meeting.

Please let me know if you have further questions.

Chair's Proposal

Facility A:

Location: Inside Rivergate medium security compound

75 Beds

Supervisory Authority: MCSO

Sanctioning Authority: MCSO

Participants: Local control and 1145 Sanctions

Facility B:

Location: Secure residential facility in community

200 Beds

Supervisory Authority: ACJ

Sanctioning Authority: ACJ

Participants: Community supervision as initial condition of supervision or modification

Application of Legal Standards: The Chair's proposal envisions two separate facilities with different populations, supervisory and sanctioning structures.

Facility A will only hold incarcerated individuals, who are clearly under the authority of the MCSO. There are no apparent legal problems with placing a treatment facility for inmates inside the jail.

Facility B will be a locked residential facility located in the community. Participants of the program will attend as a condition of supervision or as a modification and will be under the supervisory and sanctioning authority of the ACJ.

Facility B very closely mirrors the community treatment center in Reno v. Koray. In that case, individuals under pre-trial release were placed in a private community treatment center under 24 hour lock-up. The plaintiff unsuccessfully argued that he should receive credit for time served in the community center under the federal sentencing guidelines. The Supreme Court held that he was not under "official custody" because the Bureau of Prisons' did not have custody or control over him. A subsequent 9th Circuit case, Tanner v. Sivley, applied the holding in Reno to individuals under community supervision.

Summary: This two-tier model most closely reflects the control structure upheld by current case law. The Sheriff maintains custody and control over incarcerated participants, while individuals under community supervision are placed in separate facilities operated by ACJ.

Adult Community Justice Model

Location: Separate building located on the same site as Rivergate

300 Beds

Supervisory Authority: ACJ

Sanctioning Authority: ACJ

Participants: Small number of local control

Large number of community supervision as initial condition of supervision or modification

Application of Legal Standards: In Reno v. Koray, the Court stated that "authority" is the determinative factor in deciding whether or not an individual is incarcerated. Assigning ACJ as the supervisory and sanctioning body makes clear that program participants will be under the "authority" of ACJ.

Case law does not address the issue of location directly, thus, locating a treatment center on the Rivergate site does not present any immediate legal problems. However, locating the treatment center on the same site as the jail raises the argument that a program executed at Rivergate will ultimately fall under the supervisory authority of the Sheriff. The holding in Reno makes clear that regardless of location, a program run under the authority of the Sheriff will be considered incarceration.

Housing local control inmates along side individuals on community supervision is not problematic as this is the same structure addressed in Reno v. Koray.

Summary: This model is not directly contrary to current case law. However, placing the treatment facility on the same site as the Rivergate compound lends credibility to the argument that program participants are incarcerated because the Sheriff has supervisory authority over them.

Multnomah County Sheriff's Office Model

Location: Inside Rivergate medium security compound

300 Beds

Supervisory Authority: MCSO

Sanctioning Authority: ACJ

Disciplinary Authority: ???

Participants: Small number of local control

Large number of community supervision as initial condition of supervision or modification

Application of Legal Standards: In Reno v. Koray the Court closely analyzes disciplinary and control structures to determine who has authority over an individual. The Court held that the determinative factor in deciding if a person is in "custody" or "incarcerated" is who has authority over the individual. In determining who has authority the Court looked at who was in charge of disciplinary proceedings and who had discretion to control the conditions of confinement

The MCSO Model arrangement places everyday operations in the hands of the MCSO, while ACJ executes the treatment program. It is not clear which agency would have disciplinary authority within the program. Under MCC 15.001, the Sheriff has supervisory authority to operate County jails. Therefore, if the Sheriff has supervisory authority over a program, participants of that program will likely be considered in the custody of the Sheriff and therefore incarcerated.

Locating the treatment center inside the Rivergate facility is not directly contrary to Reno, but lends credibility to the argument that the MCSO has "authority" over the individuals housed therein, and are therefore incarcerated.

Housing local control inmates with individuals under community supervision is not a problem on condition that those under community supervision are under the sole "authority" of the ACJ.

Summary: Allowing the MCSO to control everyday operations combined with locating the program within the jail makes this model susceptible to the argument that program participants are incarcerated because the Sheriff has supervisory authority over the program.



OFFICE OF MULTNOMAH COUNTY COUNSEL

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County Counsel

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AGNES SOWLE
JOHN S. THOMAS
JACQUELINE A. WEBER
Assistants

MEMORANDUM

To: Sheriff Noelle
Chair Stein
Commissioner Cruz
Commissioner Kelley
Commissioner Linn
Commissioner Naito

From: Jacqueline A. Weber (106/1530) *Jaw*
Assistant County Counsel

Date: April 23, 1999

Subject: Legal Issues: Secure A&D Beds

Larry Riley of the Sheriff's Office has presented several questions relating to a secure A&D treatment facility and the sentencing guidelines. Chair Stein and Commissioner Cruz have also presented essentially the same questions. Therefore, I am responding to both sets of questions in this memorandum.

SENTENCING GUIDELINES

The first set of questions relate to the sentencing guidelines and whether they currently allow for a sufficient number of jail custody units to be imposed as part of a probationary sentence, so that an offender can be held in custody long enough for treatment to be effective (90 to 180 days). The issue has been presented in the context of OAR 213-005-0012 (5), which states:

Where the sentencing judge finds that a custodial rehabilitation program designed to deal with drug or alcohol abuse or sexual behavior is essential to minimize the offenders likelihood of engaging in future criminal conduct, the requirement that the offender enter and satisfactorily complete such a program shall not be limited by the sanction units set forth in OAR 213-005-0011 or the provisions of this rule.

To answer the questions presented, this rule must be read in the context of all of the OARs relating to a probationary sentence.

OAR 213-005-0012 Custodial Supervision, allows for sanction units imposed as part of a probationary sentence. Sanction units can be used to place an offender in jail, or they can be used to place an offender in a residential custodial treatment program. The rule differentiates between JAIL ("correctional facility" or "incarceration") and RESIDENTIAL CUSTODIAL TREATMENT FACILITY ("custody program" or "actual confinement in a 24-hour residential custodial treatment facility").

The number of sanction units available as part of a probationary sentence is determined by **OAR 213-005-0011 Sanction Units**. The number of units available depends on the crime category for which the offender is being sentenced. The maximum sanction units available in the highest offense category are 180.

However, the number of sanction units available to the sentencing judge to impose as a condition of a probationary sentence is limited by **OAR 213-005-0013 Jail as Part of Probation**. The limit of jail sanction units at the time of sentencing is limited to 1/3 of the total sanction units available. For the highest crime category it would be 30 days.

Question 1: Can offenders be sentenced under this rule [OAR 213-005-0012 (5)] to 180 days jail custody units in a Residential Custodial Treatment Program?

Answer: No. The maximum number of jail custody units that can be imposed as part of a probation sentence, at the initial sentence, is 30, as discussed above. OAR 213-005-0012(5) does not provide an exception to this rule. It does allow a judge to impose satisfactory completion of a custodial treatment program as a requirement of probation, and the number of sanction units available does not limit the time an offender will spend in a program under the requirement. The rule distinguishes between jail and a custody treatment program, and this sentencing option refers only to the treatment program.

Question 2: The rule states this as a sentencing option. Can a probation officer or hearings officer sanction an offender to 180 days either jail or non jail units under this rule, or is it a court sentencing option only?

Answer: No. Probation officers do have the ability to sanction offenders to jail and non jail units. The probation officer can request a 180 sanction from the court or the Board of Parole. The sentencing option in OAR 213-005-0012(5) is specific to the judge. However, it may be possible for a probation officer to impose such a requirement on a consent that is signed by the sentencing judge.

Question 3: Can the courts use this option [residential custodial treatment] at a probation violation hearing after sentencing?

Answer: Yes, the judge can impose the treatment requirement at a violation hearing, but not in jail units.

SECURE TREATMENT FACILITY VS. JAIL

Question: Can a secure program run by ACJ with locked doors and barbed wire fences located anywhere in the community be construed as anything but a jail?

Answer: It is possible to design a secure community treatment facility that is not a jail. The level of security for such a program can be operationally determined.

Discussion: To fully respond to this question, it is necessary to analyze both who has authority over the offender, and how the facility is operated.

AUTHORITY

MCC 15.001 designates the Sheriff, in the role of supervisory authority, to operate county jails. Therefore, an individual under the sheriff's authority is considered to be in the custody of the sheriff.

MCC 17.002 designates the director of DJACJ as the supervisory authority to operate community based corrections supervision, including residential treatment facilities. Therefore, an individual under ACJ's authority is not considered to be in custody, but is considered under supervision.

Research did not reveal any Oregon cases in the context of credit for time served. The federal courts have looked at the issue of whether a person is in "custody" or "incarcerated" in the context of credit for time served issues and escape. They have held that the determinative factor in deciding if a person is in "custody" or "incarcerated" is who has authority over the individual.

To receive credit for time served under federal sentencing guidelines, a person must be in "official custody". The Supreme Court and the Ninth Circuit have decided that only individuals who are under the custody or control of the Bureau of Prisons are in "official custody". Therefore, individuals living at community centers as a condition of probation or parole are not in "official custody" because they are under the authority of the Parole Board. However, individuals detained at community centers under the authority of the Bureau of Prisons and as a condition of their incarceration are in "official custody" and will receive credit for time served. Reno v. Koray, 115 S.Ct. 2021 (1996); Tanner v. Sivley, 76 F2d 302 (9th Cir. 1996).

The courts have applied the same reasoning to individuals tried under escape statutes. If the individual is at a halfway house under supervision by the parole board, and leaves without permission, violation of the terms of the parole will result in sanctions, but will not be considered escape under Oregon or Federal law. US v Baxley, 982 F. 2d 1265 (9th Cir. 1992); State v. Schaffer, 862 P. 2d 107 (Or. App. 1993). However, if the individual is at a halfway house as a condition of extended confinement, under the authority of the sheriff or prison board, leaving would be considered escape. U.S. v Winn, 57 F3d 1078 (9th Cir. 1995); Schaffer, supra.

LOCATION

Does the level of security at the treatment facility matter?

Current case law does not address the issue of location directly. However, regardless of location, a program run under the supervisory authority of the sheriff (to operate the jails) will likely be considered incarceration.

As discussed above, in 1996 the Supreme Court held in Reno v. Koray, supra, that the determinative factor in deciding whether someone is incarcerated is the question of *authority*. Prior case law and the dissent in Reno v. Koray closely analyzed the conditions of confinement to determine if an individual was considered in custody or incarcerated. See Brown v. Rison, 895 F. 3rd 533 (9th Cir. 1990) The courts reasoned that individuals should be considered incarcerated where conditions mirrored a jail-like environment. However, the determinative question under current case law is by whose authority is the individual held. The court in Reno v. Koray discussed, as a central factor in answering that question, who has discretion to control the conditions of confinement and disciplinary actions. Under this analysis, the level of security at the treatment facility is not as important as how, and under what authority the participants are regulated.

ALCOHOL AND DRUG TREATMENT IN THE LOCAL CRIMINAL JUSTICE SYSTEM

TWO DISTINCT OFFENDER GROUPS

THOSE RECEIVING 90 DAY JAIL SENTENCES

The Sheriff's model of providing treatment in the jail at Rivergate will work well for offenders serving a local control sentence or sanction on local control (SB 1145)

- ◆ Offenders sentenced or sanctioned to jail for 90 days or more
- ◆ There is an average daily population of approximately 400 local control offenders; no more than 75 of these receive a 90 day or more jail sentence
- ◆ Program effectiveness research indicates effective programs are at least 90 days long
- ◆ Transition to the community, as proposed by the Sheriff, is a part of the design

THOSE NOT ELIGIBLE FOR 90 DAY JAIL SENTENCES

There is a second group of offenders who are on community supervision and who are in violation of the conditions of their supervision because they have failed to stay in a community program. This group needs a more structured, locked, non-jail treatment program. A judge may also order this type of program as a condition of supervision.

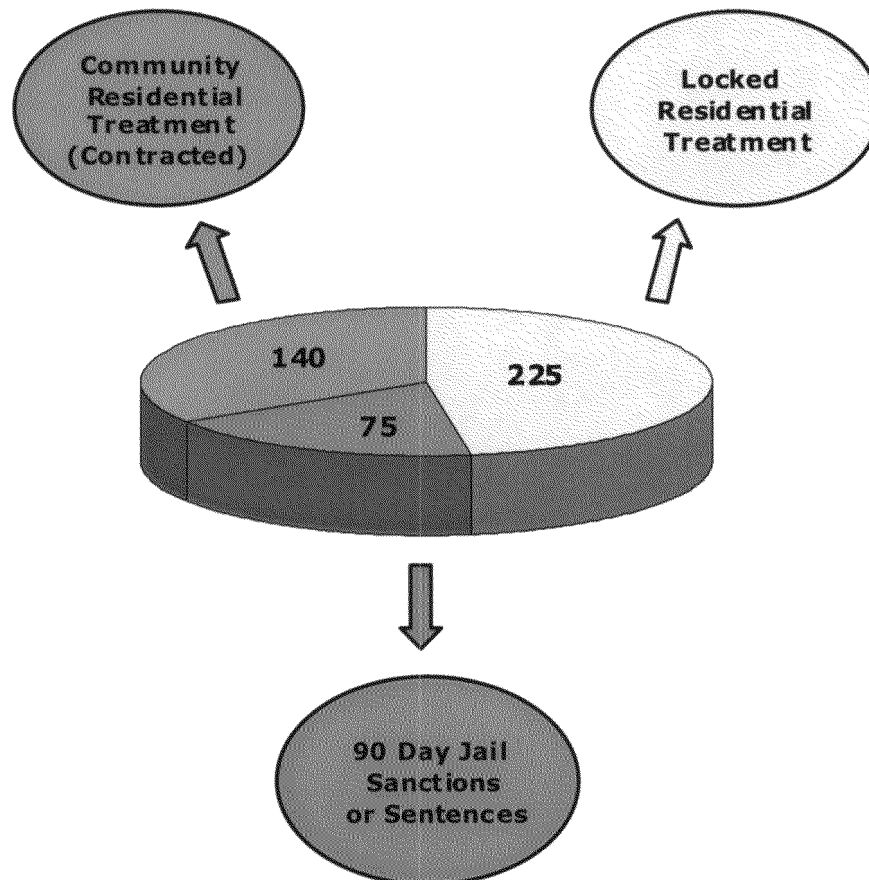
- ◆ Placed in the program using non-jail sanction units or as a condition of supervision
- ◆ Have not committed a violation that would place them in jail under existing Oregon law
- ◆ There are approximately 8,000 offenders on supervision on any particular day. It is estimated that approximately 200 of these offenders would be appropriate for locked, non-jail treatment.
- ◆ Offenders would stay in the program for 3-6 months and would be released when they have successfully completed the program
- ◆ Our hope is to treat this group effectively, reducing recidivism and the need for additional jail beds in the county

LEGAL GUIDANCE

Our understanding of county counsel's advice:

- ◆ The proposal to offer non-jail treatment within a jail is high risk in terms of the legal liability of holding offenders in the program who have not been sentenced to jail
- ◆ If an offender is booked into jail, transported in custody with jail inmates, housed in a program unit within a jail, and monitored by correctional officers, the courts are likely to conclude that the program participants are in jail
- ◆ This is true regardless of the agency that runs the program
- ◆ If all locked program beds are defined as jail beds, the number of offenders that can access the treatment program is greatly reduced due to the limits on jail sentences and lengths of those sentences in Oregon law

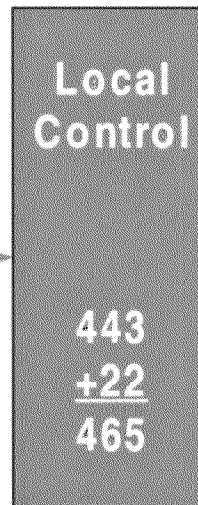
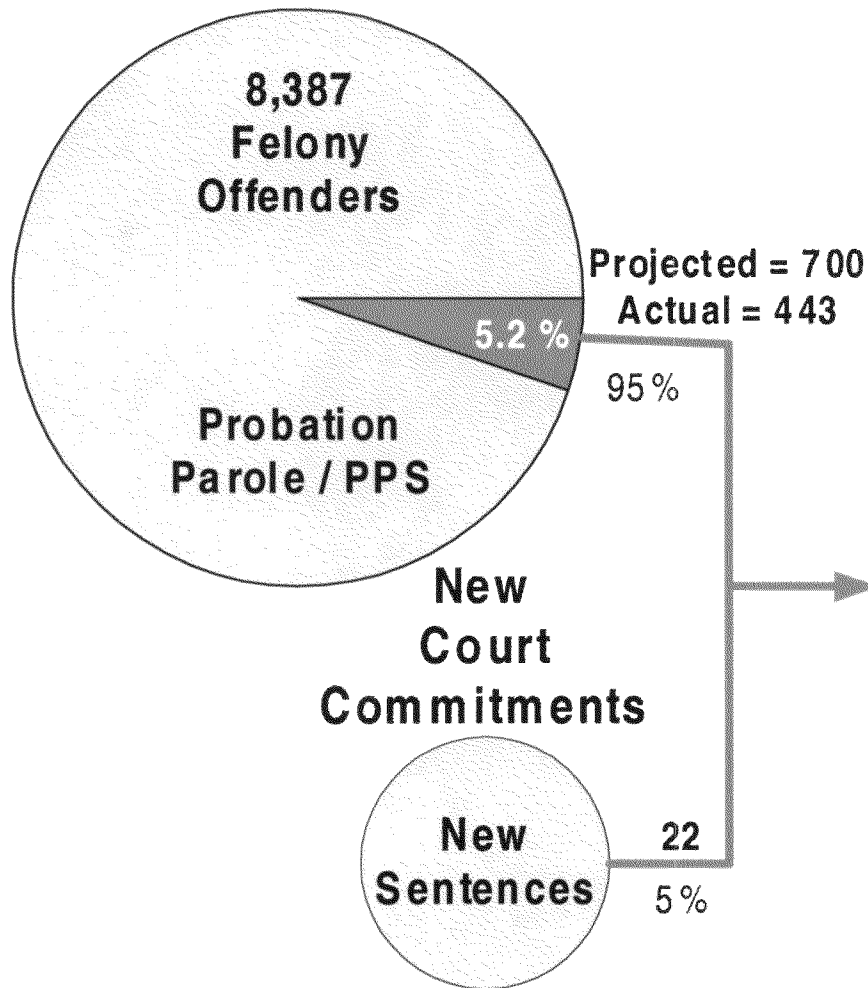
Target Population for Locked Treatment Program



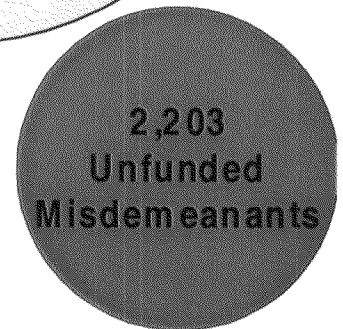
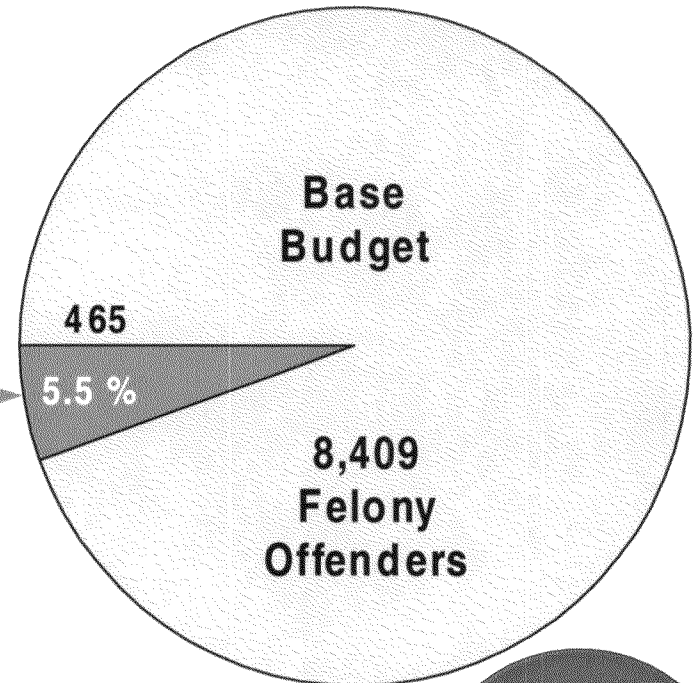
- Offenders on supervision (8300)
- With alcohol/drug problems (75% of 8300)
- Needing residential treatment (35%)
- Average daily population in treatment (20%)

Multnomah County Local Control Offender Cycle

Community Corrections Caseload



Total Community Corrections Caseload



$$\text{\$29,158,408} + \text{\$20,962,107} = \text{\$50,120,513}$$

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Sheriff to Purchase Land And Obtain All Necessary Permits to Construct a New 225-Bed Jail that Includes a Secure Treatment Facility for Mandatory Drug and Alcohol Treatment of Offenders at the Rivergate Site; Authorize the Chair to Initiate a Planning Process to Site 225 Locked Community-Based Alcohol and Drug Treatment Beds in Appropriate Facility(ies)

The Multnomah County Board of County Commissioners (Board) Finds:

- a. In May of 1996 the voters of Multnomah County approved Ballot Measure No. 26-45 authorizing the issuing of \$79.7 million in general obligation bonds to be used for facilities that would improve public safety, including "ending early unsupervised release of prisoners by constructing, expanding jails, acquiring land" and "secure beds for mandatory substance abuse treatment for offenders;" and, on October 1, 1996 the County issued the public safety general obligation bonds.
- b. The Board approved Resolution 96-148 creating a Siting Advisory Committee to recommend a site for a new jail and secure residential treatment center.
- c. The Siting Advisory Committee, as noted in Resolution 97-20, conducted an extensive public involvement process, including meetings, a series of public workshops, a public hearing, mail surveys and a project newsletter, and recommended the Radio Towers Site for the building of a new jail and secure residential treatment facility, with a Rivergate site as the first alternative.
- d. The Board, in Resolution 97-173, authorized the Sheriff to purchase land and obtain all necessary permits to construct a new jail and secure residential alcohol and drug treatment center at the Radio Towers Site, and if it could not be built at the Radio Towers site that Sheriff Noelle be authorized to proceed with securing the Rivergate site.
- e. The Board found that the Radio Towers Site was unsuitable due to environmental concerns and the Sheriff began negotiating to purchase a Rivergate site, known as the Leadbetter Peninsula, located approximately 3000 feet east of the originally considered Rivergate Site.

- f. The County has made substantial progress in expanding jail capacity over the past ten years. However, the provision of beds for alcohol and drug treatment has not kept pace. The County needs to balance the system by planning expansions in both areas.
- g. The County has capital funding for the construction of a new jail and new locked community-based alcohol and drug treatment facilities from the GO Bond and State revenue. However, the County does not have funding for the ongoing operations of these new facilities. In addition, the current level of public safety programs cannot be sustained without the approval of a new public safety levy.

The Multnomah County Board of County Commissioners (Board) Resolves:

1. The Board authorizes Sheriff Noelle to move forward with the purchase of up to twenty-seven (27) acres of land and obtaining the necessary permits to construct a new jail and secure in jail alcohol and drug treatment center within the jail facility at the Rivergate site know as the Leadbetter Peninsula. The Sheriff is authorized to plan a 225-bed jail, which includes 75 in jail alcohol and drug treatment beds. The Board directs the Sheriff to return with recommendations about how and where to accommodate inmates with treatment issues in existing and proposed facilities. At the same time, the office of Budget and Quality will provide an estimate of the overall additional costs of the proposed jail and locked community-based alcohol and drug treatment beds.
2. The Board authorizes Sheriff Noelle to commission a Citizens Working Group comprised of representatives of local neighborhood, business, and environmental organizations to advise the Sheriff and the County on design, construction, building footprint, good neighbor plan, natural resource plan issues, transportation plan, and operation of the new jail and security of the secure in jail alcohol and drug treatment center by the Sheriff. The Sheriff will report to the Board when this planning is complete. At that time, the Board will decide whether to begin construction.
3. The Board authorizes the Department of Juvenile and Adult Community Justice Director to reconvene the A and D Steering Committee for Alcohol and Drug Facilities to consider any changes to the current plan in light of the decision to operate treatment units both in jail and in locked community facilities.

4. The Board directs the Sheriff and the Community Justice Director to make a joint recommendation to the Board on the operation and facility design of the mandatory secure in jail alcohol and drug treatment program within the jail facility. The Sheriff will provide security and Community Justice will provide the treatment program for the 75 bed secure in jail alcohol and drug treatment unit.
5. The Board authorizes the Sheriff to enter into negotiations with the Port of Portland to secure a written agreement by June 30, 1999, which details the legal resources, environmental mitigation, enhancement and capital to be contributed by the Port, if any, including their agreement to assist in the acquisition of the necessary permits for the Rivergate site.
6. In accordance with the recommendations of the Siting Advisory Committee, the environmental mitigation to be completed by the County and its partners at the Rivergate Leadbetter Peninsula site shall exceed the minimum standards required by construction permits.
7. The Board authorizes the Chair to begin a community siting process for the facility or facilities from which Community Justice will operate locked community based alcohol and drug treatment beds. In conducting that siting process, the County should exclude sites that adjoin existing or proposed correctional facilities and shall take into consideration the recommendations of the reconvened A and D Steering Committee.


Adopted this 6th day of May, 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON



Thomas Sponsler, County Counsel

#1

SPEAKER SIGN UP CARDS

DATE 5 7 99

NAME

Gran City Hoops

ADDRESS

6933 N Richmond

PHONE

983 6935

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

Jack - Long Beach Rel

GIVE TO BOARD CLERK

#2

SPEAKER SIGN UP CARDS

DATE 5/6/99

NAME

POLLY KNOX

ADDRESS

9423 N. EXETER

PORTLAND OR 97203

PHONE

285-3508

SPEAKING
TOPIC

ON AGENDA ITEM NUMBER OR
Jail

GIVE TO BOARD CLERK

#3

SPEAKER SIGN UP CARDS

DATE

5/6/99

NAME

Tom Swift

ADDRESS

9742 N. James st

Port. OR 97203

PHONE

(503) 286-7005

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC

Jail site

GIVE TO BOARD CLERK

#4

SPEAKER SIGN UP CARDS

DATE 4/6/99

NAME PETER TENEAU

ADDRESS 2215 N Terry

PHONE 978-2119

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC To Better Jail Safety

GIVE TO BOARD CLERK

#5

SPEAKER SIGN UP CARDS

DATE 5-6-99

NAME TIMOTHY ALARK

ADDRESS 2821 NE KICKENAT
97212

PHONE _____

SPEAKING ON AGENDA ITEM NUMBER OR
TOPIC RIVERGATE JAIL

GIVE TO BOARD CLERK

#6

~~Debi~~

Debi -

please sign up

Carl Talton, APP member

Ⓢ

10:30 am

to speak to
North Rivergate 188ue



Officers

George Passadore

Chair

Philip A. Kalberer

Chair-Elect

L. Martin Brantley

Treasurer

Tammy Hickel

Past Chair

Ruth E. Scott

Secretary

President & CEO

Directors-At-Large

Jonathan T. Carder

Matthew W. Chapman

John D. Eskildsen

Peggy Fowler

MEETING DATE: MAY 06 1999
AGENDA NO: R-7
ESTIMATED START TIME: 10:05

(Above Space for Board Clerk's Use ONLY)

AGENDA PLACEMENT FORM

SUBJECT: Resolution Authorizing the Sheriff to Purchase, Land, Obtain All Necessary Permits, and Start Construction of a New Jail and a Secure Treatment Facility for Mandatory Drug and Alcohol Treatment of Offenders at a Facility at the Rivergate Site

BOARD BRIEFING: DATE REQUESTED _____
REQUESTED BY: _____
AMOUNT OF TIME NEEDED: _____

REGULAR MEETING: DATE REQUESTED: 5-6-99
AMOUNT OF TIME NEEDED: 10 Min.

DEPARTMENT: Non-Departmental DIVISION: Districts 2 & 3

CONTACT: Mary P. Carroll/Steve March TELEPHONE #: 248-5219 & 248-5217
BLDG/ROOM #: 106/1500

PERSON(S) MAKING PRESENTATION: Serena Cruz, Lisa Naito

ACTION REQUESTED:

[] INFORMATIONAL ONLY [] POLICY DIRECTION [X] APPROVAL [] OTHER

SUGGESTED AGENDA TITLE:

Resolution authorizing Sheriff to purchase land, obtain permits and construct a jail and secure treatment facility at Rivergate.

5/10/99 copies to BCC, EDWARD CAMPBELL, JACQUE WELSH,
SHERIFF NOELLE, BOB DEERST, ELISE CLAWSON
SIGNATURES REQUIRED:

ELECTED OFFICIAL: [Signature]
(OR) Serena Cruz
DEPARTMENT
MANAGER: _____

ALL ACCOMPANYING DOCUMENTS MUST HAVE REQUIRED SIGNATURES

Any Questions: Call the Board Clerk @ 248-3277



LISA H. NAITO
Multnomah County Commissioner, District 3
1120 SW Fifth Avenue, Suite 1500
Portland, Oregon 97204-1914
Phone (503) 248-5217 Fax (503) 248-5262

MULTNOMAH COUNTY OREGON

SUPPLEMENTAL STAFF REPORT

TO: Board of County Commissioners

FROM: Commissioners Lisa Naito and Serena Cruz

DATE: April 27, 1999

RE: Resolution authorizing the Sheriff to purchase land and obtain all necessary permits to construct a new jail and a secure treatment facility for mandatory drug and alcohol treatment of offenders at the Rivergate site.

1. Recommendation/Action Requested:

Approval of Resolution.

2. Background/Analysis:

The Public Safety Ballot Measures, No. 26-45 authorized the issuance of \$79.7 million in General Obligation Bonds for the construction of a new jail and a mandatory secure treatment facility for substance abuse offenders. Those bonds were issued on October 1, 1996. The Board of County Commissioners (BCC) authorized the Sheriff to name a Siting Advisory Committee (SAC) to advise the BCC and Sheriff in siting the jail and secure treatment facility. The SAC located a site and two alternates. The first site was found unacceptable by the BCC for environmental and wetlands reasons and the Sheriff turned to the second recommended area, Rivergate. A site in the Rivergate industrial area, located approximately 3000 feet east of the original Rivergate site is available and appears to meet the criteria of the SAC. This authorizes to Sheriff to proceed with the acquisition and construction of the jail and secure treatment facility.

3. Financial Impact:

This will require expenditure of the bond proceeds as the voters have directed. It has been stated that for full operation of the facility a public safety levy will be required to be passed by the voters.

4. Legal Issues:

Proceeding in a timely manner may allow the County to avoid Internal Revenue Service filing for failing to spend the bond proceeds within the legal time limits. The County will meet all legal requirements for permits, et cetera. The County will exceed minimum requirements on environmental issues. There is some concern over the operational plan of security by the Sheriff and authority over those in treatment at the facility in relation to sentencing guidelines and sanctions.

5. Controversial Issues:

Some neighbors in the St. Johns Neighborhood who reside south of the industrial area would prefer the jail and secure treatment facility be sited elsewhere in some as yet to be identified location. The Rivergate area was identified during the siting process. Some residents feel that because the specific parcel was not identified, it has not undergone public review to the extent to satisfy their view of the siting process (they may not support siting the facility even on the previously identified parcel).

6. Link to Current County Policies:

This resolution is linked to Multnomah County's long term benchmark, *Reduce Crime*. It is further linked to the Public Safety Urgent Benchmarks, *Reduce Violent Crime, and Reduce Recidivism*. The resolution follows the will of the people in passing Measures 26-45 and 26-42, related to public safety.

7. Citizen Participation:

The Siting Advisory Committee brought together by the Sheriff included representatives of the areas under consideration for siting and also the public at large. Numerous public meetings, public hearings, mail surveys and newsletters were part of the extensive public involvement process. A Citizens Working Group and a Technical and Community Working Group will advise the Sheriff and the Director of Juvenile and Adult Community Justice in design, operational and treatment plans. The BCC has held public sessions on this area of concern.

8. Other Government Participation:

Meetings have been held with representatives from the Port of Portland regarding the site and we will work with the Port and the city of Portland on good neighbor plans, environmental issues and other relevant matters.

MULTNOMAH COUNTY

Measure No. 26-42**BALLOT TITLE****THREE YEAR LEVY TO OPERATE JAILS, BOOK SUSPECTS, TRACK CRIMINALS**

QUESTION: Shall Multnomah County operate jails, levy 77.96 cents per \$1,000 assessed valuation outside tax base for three years beginning 1996-97?

SUMMARY: Three-year serial levy keeps existing county jails open and operating; provides operating money for newly constructed jails, booking and transport facility, and computer criminal tracking equipment.

Levy cost estimate is about 78 cents per \$1,000 of assessed value per year. Typical home pays \$9.60 per month, to help pay for:

- Ending unsupervised release of offenders due to lack of jail space;
- Operating five existing county jails;
- Operating new jail spaces at existing facilities;
- Expanding restitution center which is a low cost corrections facility;
- Getting police back out on street by booking suspects faster.

If levy is not approved, jail operations would be cut back, and 560 beds at Inverness Jail would have to close. Hundreds of inmates per month would be released early without supervision.

This levy provides operating funds for jails, mandatory treatment and tighter criminal tracking and ends the early release of criminals.

This serial levy will provide an estimated \$24.4 million in 1996-97, \$31.6 million in 1997-98, and \$33.8 million in 1998-99 dedicated to public safety services.

This levy is subject to the \$10 local government limit in Section 11b, Article XI, Oregon Constitution.

The estimate tax cost for this measure is an **ESTIMATE ONLY** based on the best information available from the county assessor at the time of the estimate.

EXPLANATORY STATEMENT

Multnomah County operates the jails that hold the people our police arrest. Nine out of ten Multnomah County jailed inmates are being held for felony charges. The existing levy that expires June 30, 1996 pays for keeping all current jail facilities open and operating.

Our Public Safety Problem

Public safety services are currently inadequate to meet demand. In 1995, 3,726 inmates were released early and unsupervised from county jails because there was not enough space. Population growth in the metropolitan area will make this problem worse. In spite of county efforts to improve efficiency and utilize a full continuum of sanctions to maximize the effectiveness of the system, public safety is already compromised due to inadequate capacity.

The Public Safety Solution

The most cost effective solution to increasing the number of

people our system can hold is through a mix of new and expanded facilities and programs. The construction of new buildings or expansion of existing buildings are proposed to be funded through a general obligation bond. The cost to operate new or expanded jails and mandatory programs is funded through this serial levy.

The Current Levy Expires

The current public safety levy expires June 30, 1996. It provides about one third of current operating costs of county jails. If we choose to operate new facilities, enforce mandatory treatment and end the early release of prisoners, we must pass a new levy.

Ending Early Release of Prisoners

The new levy will fund the operations of proposed additional jail space to increase public safety. Last year the County was forced to release approximately 3,700 prisoners without any supervision simply because of a lack of space. The new levy will end unsupervised release of offenders due to lack of jail space.

Convicted Criminals Will Serve Time

In addition to continuing operation of the 560 beds at Inverness, the increased levy will operate 120 additional beds at Inverness as well as 210 beds at a new jail that are proposed to be built in 1997 and begin operating in 1998. There will also be increased capacity at the Multnomah County Restitution Center which is a low cost corrections facility where inmates pay room and board.

Mandatory Treatment

A majority of offenders in jail are drug or alcohol abusers. Incarcerating them protects the public safety for a period of time but does not solve the problem of treatment. This levy pays for mandatory treatment for drug and alcohol abusers who can not be rehabilitated without intensive intervention.

Tracking Criminals

Offenders fall between the cracks of a complex public safety system because of antiquated computer systems that are not linked. Computer tracking technology that is currently being used by the police and Sheriff, district attorney, Courts, Juvenile Justice and Community Corrections will be upgraded and integrated in order to transfer information between the existing components of the public safety system.

How Much Will It Cost?

78 cents per \$1,000 of assessed value or about \$9.60 per month on a typical home.

Submitted by

Board of County Commissioners
Multnomah County

No arguments AGAINST this measure were filed.

MULTNOMAH COUNTY

Measure No. 26-42

ARGUMENT IN FAVOR

THE CITIZENS CRIME COMMISSION URGES A YES VOTE ON MEASURES 26-42 & 26-45

The Citizens Crime Commission strongly urges Multnomah County voters to vote Yes on Measures 26-42 & 26-45, the public safety package for Multnomah County.

- Over the past several years, a severe shortage of jail beds in Multnomah County has caused early, unsupervised releases of prisoners, creating an unacceptable danger to our safety. Even though we have increased the number of police, the lack of jail space has undercut their effectiveness.

By adding a total of 330 jail beds to the Multnomah County corrections system, Measures 26-42 & 26-45 will help re-balance the system, end early releases, and make our community safer.

- A dramatic increase in the numbers of suspects booked into the corrections system has led to lengthy delays at Multnomah County booking facilities that were not built to handle such volume. The result is significant amounts of police time and money spent waiting in lines instead of patrolling the streets.

The Multnomah County public safety package will restructure booking facilities, making them more efficient and cutting down long lines.

- The computer systems used for criminal justice are unconnected and uncoordinated, leading to potentially dangerous gaps in communication.

Measures 26-42 & 26-45 will improve the tracking of criminals throughout the system.

These measures also contain funding for current jail operations. If they fail, funding will be lost for a total of 1080 beds in current and planned capacity, doubling early releases from their already too-high level.

Measures 26-42 & 26-45 are a tough, balanced package. The Citizens Crime Commission believes their approval is essential for a safer community.

PAUL LORENZINI
CHAIR

RAY MATHIS
EXECUTIVE DIRECTOR

The Citizens Crime Commission is a non-partisan, non-governmental organization dedicated to finding effective, affordable ways to make our community safer.

(This information furnished by Paul Lorenzini and Ray Mathis)

The printing of this argument does not constitute an endorsement by Multnomah County, nor does the county warrant the accuracy or truth of any statements made in the argument.

ARGUMENT IN FAVOR

A POLICE OFFICER'S PERSPECTIVE ON THE PUBLIC SAFETY MEASURE

I have worked for 15 years as a police officer in Multnomah County, so I have a pretty good view of what it takes to stop crime.

That is why I am asking you to vote Yes on both of the Multnomah County Public Safety Measures, 26-42 and 26-45.

The most glaring need we have is getting dangerous criminals off the street. Right now, Multnomah County jails simply don't have nearly enough room. I can tell you from personal experience that thousands of offenders being released because of lack of space. These inmates have no business on the streets, not to mention in your backyard. **The public safety package will stop early, unsupervised releases of prisoners.**

Other problems may not be as visible, but are very serious. I have personally had to wait in line at the downtown jail for hours to book suspects into the system. If you multiply that number by all the other officers stuck in line, it is a tremendous waste of time that police should be spending patrolling our streets. **The public safety measures will restructure booking facilities to get police back on the streets where we are needed.**

Finally, this public safety package will help do something about repeat offenders, which is a huge problem. Part of the problem is that over 75% of prisoners in Multnomah County have a serious drug or alcohol problem. **These measures will create secure facilities for mandatory drug and alcohol treatment of offenders with addictions.**

We can do something about crime. This package is a smart, tough and responsible way to make Multnomah County a safer place. **I urge you to vote Yes on Measures 26-42 and 26-45 for a safer community.**

Thomas Mack
Portland Police Officer

(This information furnished by Thomas Mack)

The printing of this argument does not constitute an endorsement by Multnomah County, nor does the county warrant the accuracy or truth of any statements made in the argument.

MULTNOMAH COUNTY

Measure No. 26-45

BALLOT TITLE

BONDS TO EXPAND ADULT, JUVENILE CORRECTIONS FACILITIES; IMPROVE CRIMINAL TRACKING

QUESTION: Shall Multnomah County build jails, booking and corrections facilities; strengthen criminal tracking, by issuing \$79.7 million in General Obligation Bonds?

If bonds are approved, they will be payable from taxes on property not subject to the limits of section 11b, Article XI of the Oregon Constitution.

SUMMARY: Bonds used for:

- Ending early unsupervised release of prisoners by constructing, expanding jails, acquiring land;
- Allowing police to quickly book suspects, return to patrol;
- Secure beds for mandatory substance abuse treatment for offenders;
- Restructuring computer systems of police, corrections, prosecutors, courts for tighter criminal tracking.
- Financing additional juvenile beds
- Facilities to assist abused children.

Measure authorizes up to \$79.7 million Multnomah County General Obligation bonds maturing in 30 years or less. Cost estimate: 18 cents per \$1,000 assessed value, about \$28 annually on typical home.

EXPLANATORY STATEMENT

The Multnomah County Public Safety Bond authorizes the sale of up to \$79.7 million general obligation bonds to pay for facilities that will improve public safety.

What Measure 26-45 Will Do

Measure 26-45 will fund a balanced approach to making our community safer. The increase in jail space would allow the Sheriff to end unsupervised releases due to lack of space, meaning that criminals will actually serve time. It would restructure booking and tracking facilities to make the system more effective and accountable. The bond would fund added capacity to the juvenile system to respond to dangerous juvenile offenders. It also pursues crime prevention by effective intervention in substance abuse and child abuse and neglect.

**Increased Jail Beds to End Unsupervised
Early Release of Prisoners**

The bonds will build a new 210 bed jail and a 120 bed expansion at Inverness Jail. This responds to a 47% increase in criminal bookings in Multnomah County over the past five years (28,702 in 1991 to 42,288 in 1995.) During the same period of time, the number of jail beds has increased by only 10% (1,331 in 1991 to 1,461 in 1995).

As a result, last year the Sheriff was forced to release about 3,700 prisoners with no supervision simply because there was no room in the jails. Based on current trends, the bonds to build new jail beds will end the unsupervised release of prisoners due to lack of space.

**Secure Treatment Facilities for Mandatory Drug
and Alcohol Treatment of Offenders**

The bonds will pay for two, 75 bed secure facilities which respond to a lack of resources for treatment of offenders whose

substance abuse is a factor in their repeated criminal activity.

**Computer Systems and High-Tech Equipment
for Tighter Tracking of Criminals**

The bonds will pay for restructured and upgraded computer and technology systems that will link police, corrections, prosecutors and courts to more tightly track criminals throughout the criminal justice system.

**Restructured Booking Facilities To Eliminate
Long Delays For Police**

The bonds will pay for completely restructured booking and transport facilities, which respond to bottlenecks in the current system which often lead to hours-long lines of police waiting to book suspects, keeping them off the streets and away from their other law-enforcement duties.

Expansion of the Juvenile Justice Complex

The bonds will fund the 64 bed expansion of the Juvenile Justice Complex, which responds to the increase in dangerous crime by juveniles.

Child Abuse Center

The bonds will pay for a Child Abuse Center that responds to increased victimization of children, and the excess amount of time many children spend in police custody waiting for placement and evaluation. The facility will co-locate several important services to abused and neglected children to cut long waits and insure children's safety and care.

Submitted by

Board of County Commissioners
Multnomah County

MULTNOMAH COUNTY

Measure No. 26-45

ARGUMENT IN FAVOR

MEASURE 26-45 WILL HELP ABUSED AND NEGLECTED CHILDREN

As President of the Multnomah County Child Abuse Coalition, and as someone who works directly with abused and neglected children, I ask for your Yes vote on Measure 26-45.

As a community, we are suffering from an epidemic of child abuse and neglect. Over 2000 times a year, a child in Multnomah County must be removed from their home for their own safety.

Even though that action is taken to protect the child, it is traumatic. And all too often, the system adds to the trauma, instead of lessening it. Because there is no 24-hour facility consistently available to take in and care for a child, children are sometimes forced to ride in the back of a patrol car or sit at a caseworker's desk for hours, while attempts at placement are made.

Children are often further traumatized by multiple foster home placements, and little chance for visitation with birth parents for family reunification.

Measure 26-45 will provide funds to build a Multnomah County Child Abuse Center that will help care for these vulnerable children quickly and safely.

The Child Abuse Center will have a 24-hour reception center where the child's physical and emotional well-being will be immediately seen to in a safe, child-friendly environment. The Child Abuse Center will also help to make better foster care placements and assist in family reunification.

Other important elements of the Child Abuse Center will be respite care for stressed foster parents and a friendly place for supervised visits with birth parents.

The Multnomah County Child Abuse Center is a ground-breaking partnership of the County, State and private sector for children in desperate need of help.

**PLEASE VOTE YES ON MEASURE 26-45
AND MAKE A DIFFERENCE IN THE LIVES
OF ABUSED AND NEGLECTED CHILDREN**

CRAIG OPPERMAN, PRESIDENT
MULTNOMAH COUNTY CHILD ABUSE COALITION

(This information furnished by Craig Opperman)

The printing of this argument does not constitute an endorsement by Multnomah County, nor does the county warrant the accuracy or truth of any statements made in the argument.

ARGUMENT IN OPPOSITION

Do we need more jails?

An article by American Education Association, April, 1992 issue *NEA Today*, page 4, compared *per capita* population of prisoners in prominent countries; America led all in *per capita* incarceration rate. The US incarceration rate for blacks was 494% higher than South Africa, and the overall incarceration rate for the US was 146% higher than South Africa, 169% higher than Soviet Union, and 410% higher than communist China.

Is this incarceration rate because of higher crime rates in America, or is it because various governments in America propagandizing us about political prisoner problems in other countries while hiding the truth that the political prisoner problem in America is far worse than in other countries?

What is a Political Prisoner?

A political prisoner is one who has not committed a crime; there's no injured party or damaged property resulting from the wrong. True crimes are evidenced by an injured party. Statutory (*political or penal*) crimes are wrong only because they are prohibited; there's no injured party.

What about Oregon law?

1993 Oregon Revised Statutes, V1, page xxiii, shows the TABLE OF TITLES; the four Code subjects are: (a) Remedial, (b) Civil, (c) Penal, and (d) Political. The Political Code is ORS Chapters 171-838. In Oregon, *anyone* who is incarcerated for violations of ORS 171-838 is a political prisoner! The Penal Code, ORS Chapters 131-170, consists of "crimes" where there's no injured party; only a subset is *Criminal Code*, violations of which produce an injured party. See ORS 161.005. If you review court proceedings published in any public record, you will find that nearly all jail sentences are for violations of the Penal or Political Code, and not for violations of the Criminal Code.

Do we need more jails to house political prisoners?

The *real* answer is not more jails; stop incarcerating Oregonians as political prisoners. We already have more jails than we need.

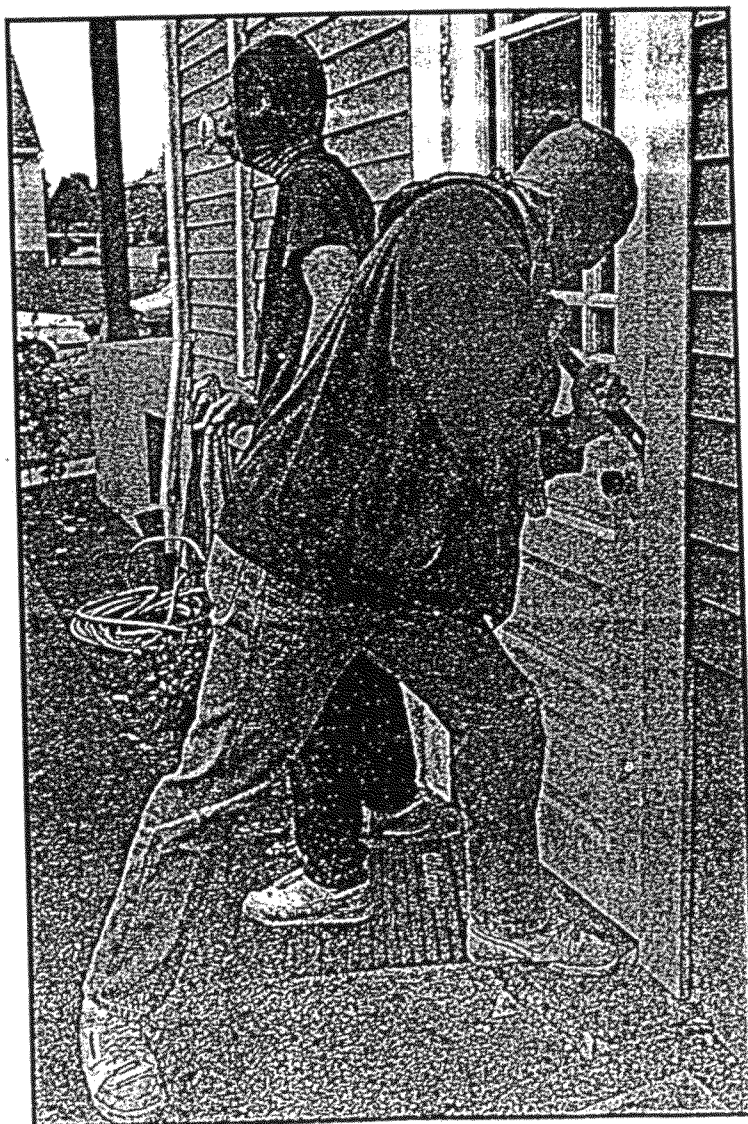
Don't throw good money after bad: Vote NO

(This information furnished by Bruce Craig
and Don Whittenburg)

The printing of this argument does not constitute an endorsement by Multnomah County, nor does the county warrant the accuracy or truth of any statements made in the argument.

**LAST YEAR, 3,700
CRIMINALS WALKED
OUT OF JAIL EARLY...**

***because
there
wasn't
any
room
for
them.***



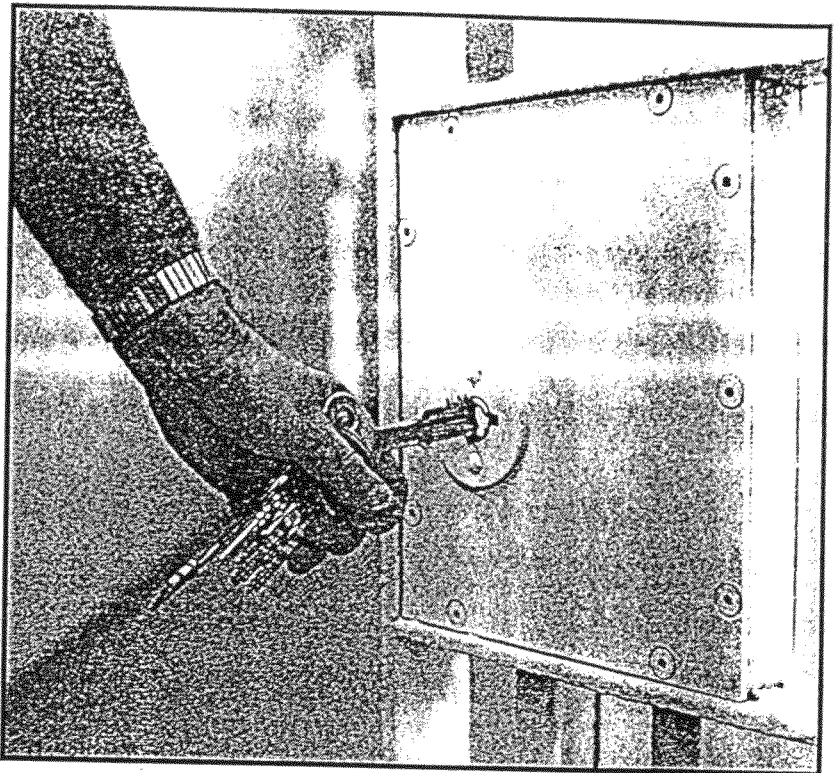
There is something we can do about crime.

We are all frustrated with crime – and there is good reason. The criminal justice system has fallen dangerously behind: lack of jail space, outdated systems and the cycle of drug and abuse related crimes means that for many crimes there are little or no consequences.

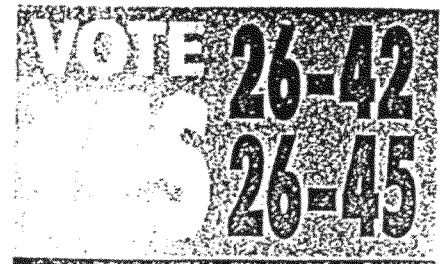
We know that. So do the criminals.

But now we have a chance to do something about it.

We can pass Measures 26-42 and 26-45: the tough, balanced approach to crime for Multnomah County.



**For a Safer
Community**



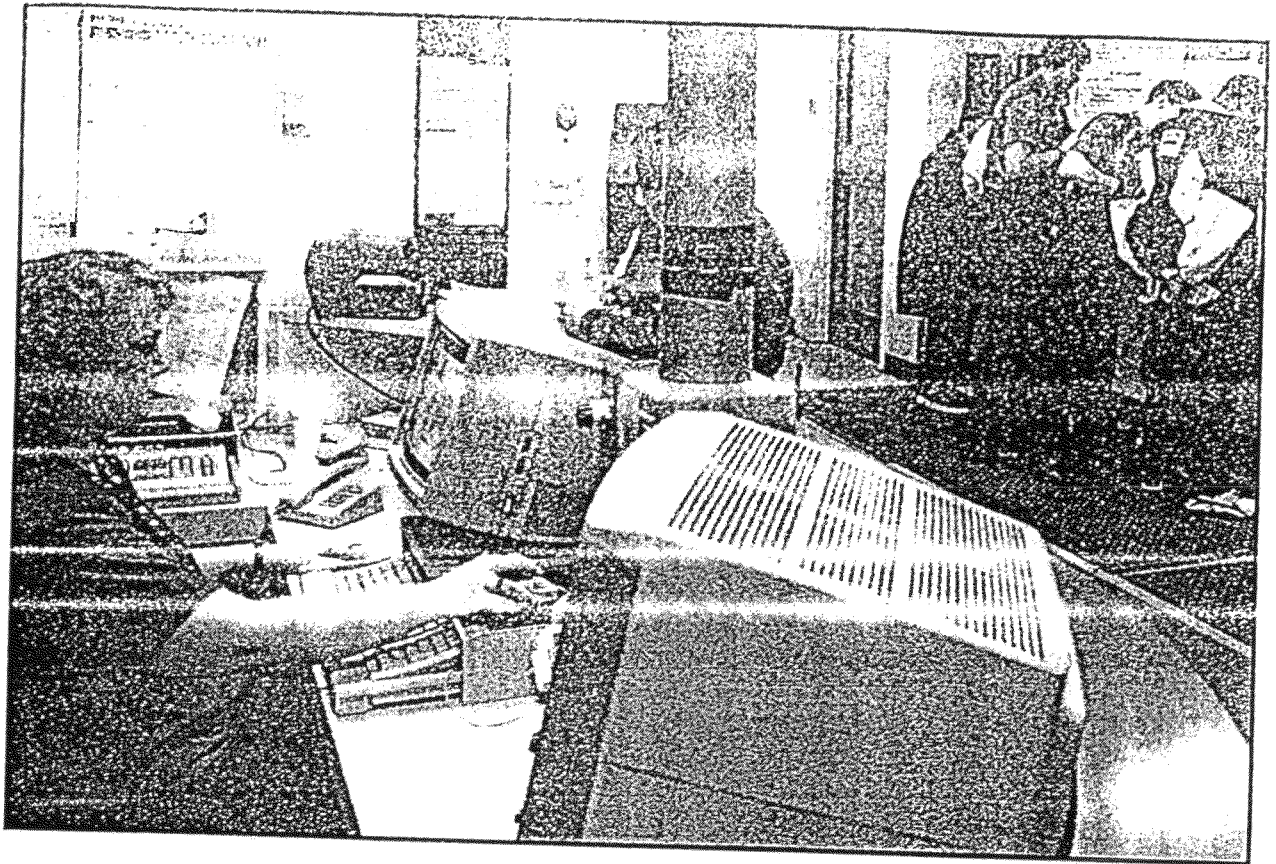


Over the past five years, criminal bookings in Multnomah County have gone up over 45%.

The result? In the past year alone, over 3,700 prisoners received a "get out of jail free" card because there wasn't any room for them. That's 3,700 people who belong in jail that were sent back into our neighborhoods.

Measures 26-42 and 26-45 will build and operate a new 210 bed jail and a 120 bed expansion at Inverness Jail to stop the early, unsupervised release of inmates.

**Stop the early,
unsupervised
release of criminals.**



Computers for tighter tracking of criminals.

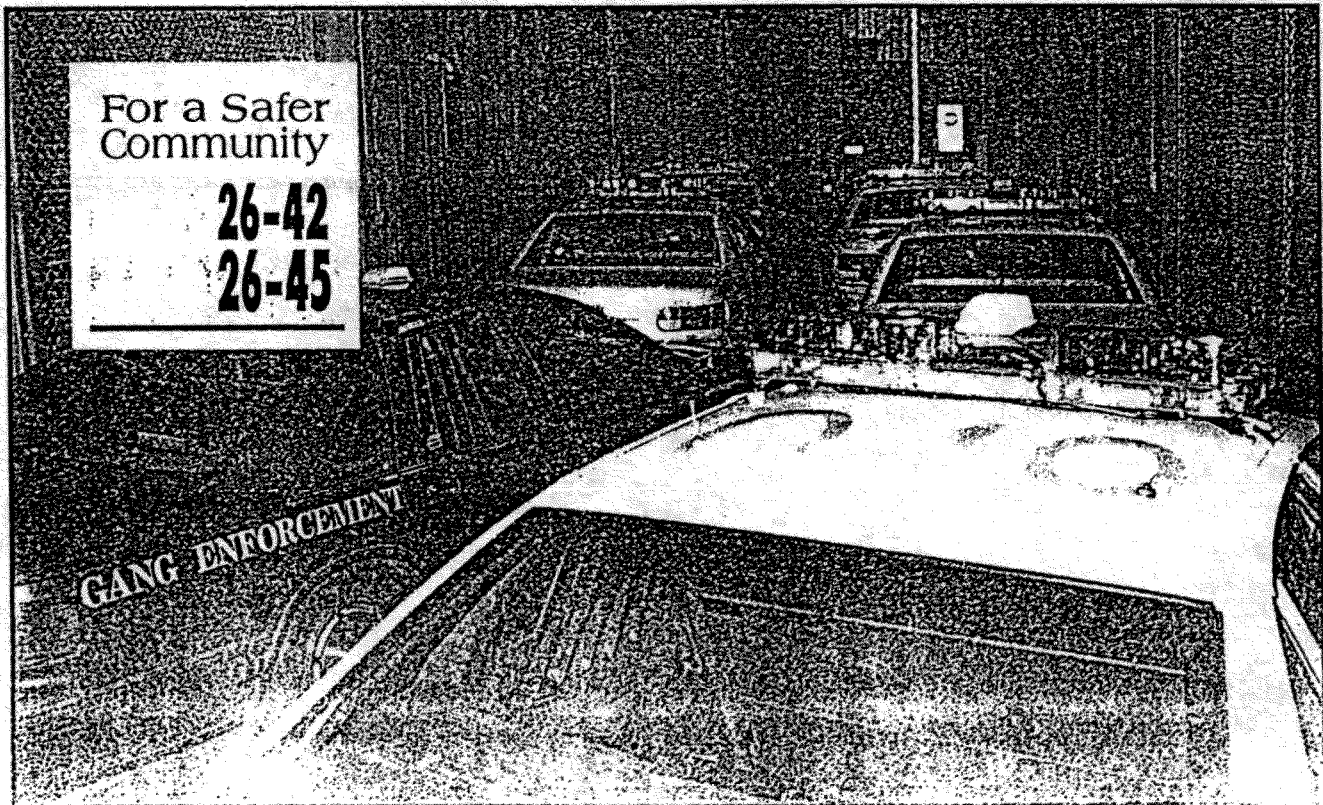
Right now, the tracking of criminals throughout the criminal justice system can be a hit-or-miss affair. Different computer systems don't "talk" to each other, and there are many cracks for criminals to slip through.

Measures 26-42 and 26-45 will restructure computer systems of police, corrections, prosecution, and the courts to more effectively track criminals. With tighter criminal tracking, we can help stop the crime.

LA County's booking and transport facilities have been stretched past the breaking point. Police are often stuck in lines for hours waiting to book suspects, when we need them to patrol our streets.

Measures 26-42 and 26-45 will completely restructure and update booking and transport facilities to save time, save money and get police back on the streets to protect us.

**Get police
out of lines
& back on
the streets,
quickly.**



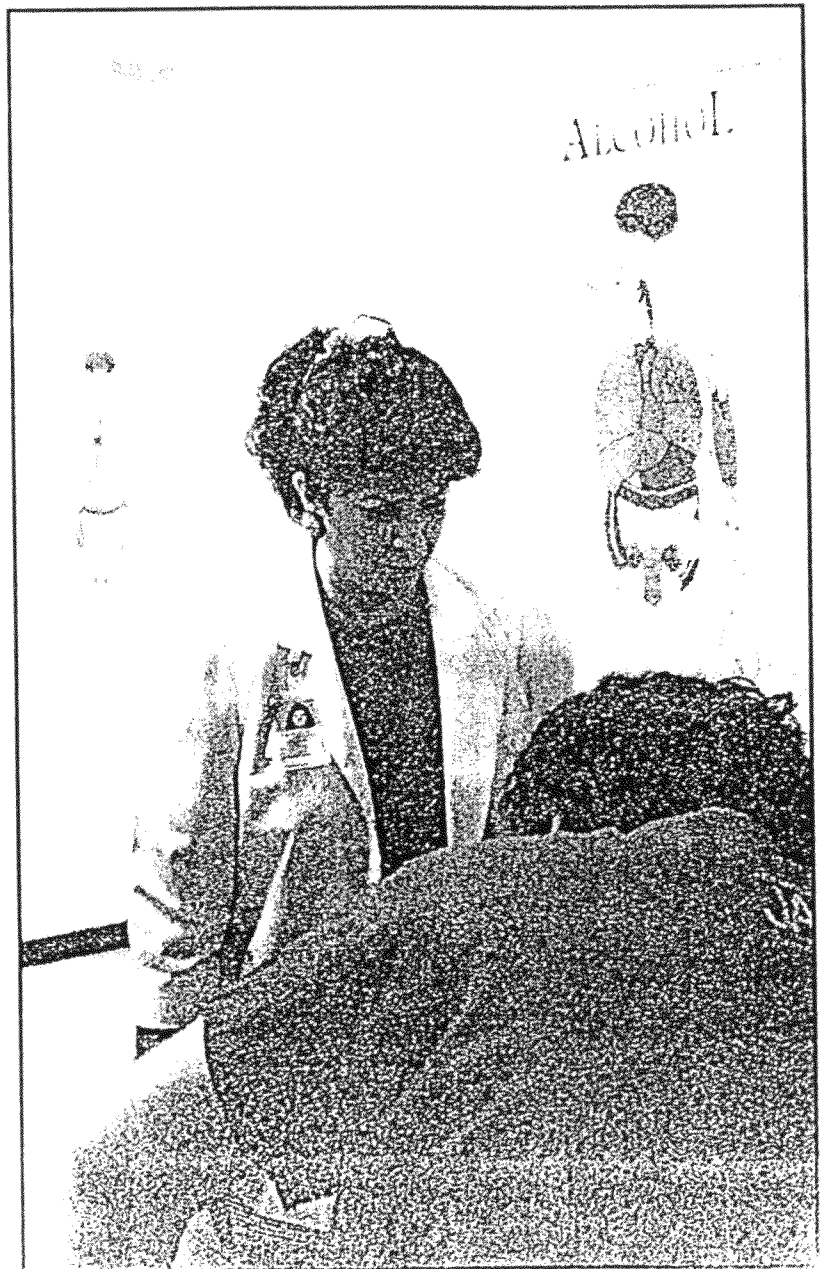
Mandatory drug & alcohol treatment for offenders.

Over 75% of prisoners in Multnomah County have a drug or alcohol problem when they enter the system. The percentage is even higher for repeat offenders. Drug and alcohol abuse perpetuates the cycle of crime.

Measures 26-42 and 26-45 will build and operate 150 secure beds for mandatory drug and alcohol treatment of offenders to break the cycle of crime while keeping us safer.

For a Safer
Community

26-42
26-45





Helping abused & neglected children safely & quickly.

There can be few more traumatic experiences for a child than being removed from their home. But right now, lack of resources and coordination of services means that some children spend hours in a patrol car or at a caseworkers' desk while people try to find a place for them.

Measures 26-42 and 26-45 will create a Child Abuse Reception Center that will safely and quickly care for abused and neglected children who are removed from the home, even if it's for their own protection. The Center will also concentrate and coordinate services for abused children to make sure they get the help they need.



PAID

For a Safer Community

MEASURE 26-42
MEASURE 26-45

MEASURE 26-42

CAPTION:

Three year Levy to operate jails, book suspects, track criminals.

QUESTION:

Shall Multnomah County operate jails, levy 77.96 cents per \$1,000 assessed valuation outside tax base for three years beginning 1996-97?

SUMMARY:

Three-year serial levy keeps existing county jails open and operating; provides operating money for newly constructed jails, booking and transport facility, and computer criminal tracking equipment.

Levy cost estimate is about 78 cents per \$1,000 of assessed value per year. Typical home pays \$9.60 per month, to help pay for:

- Ending unsupervised release of offenders due to lack of jail space;
- Operating five existing county jails;
- Operating new jail spaces at existing facilities;
- Expanding restitution center which is a low cost corrections facility;
- Getting police back out on the street by booking suspects faster.

If levy is not approved, jail operations would be cut back, and 560 beds at Inverness Jail would have to close. Hundreds of inmates per month would be released early without supervision.

This serial levy will provide an estimated \$24.4 million in 1996-97, \$31.6 million in 1997-98, and \$33.8 million in 1998-99 dedicated to public safety services.

This levy is subject to the \$10 local government limit in Section 11b, Article XI, Oregon Constitution.

The estimate tax cost for this measure is an ESTIMATE ONLY based on the best information available from the county assessor at the time of the estimate.

MEASURE 26-45

CAPTION:

Bonds to expand adult, juvenile corrections facilities; improve criminal tracking.

QUESTION:

Shall Multnomah County build jails, booking and corrections facilities; strengthen criminal tracking, by issuing \$79.7 million in General Obligation Bonds? If bonds are approved, they will be payable from taxes on property not subject to the limits of section 11b, Article XI of the Oregon Constitution.

SUMMARY:

Bonds used for:

- Ending early unsupervised release of prisoners by constructing, expanding jails, acquiring land;
- Allowing police to quickly book suspects, return to patrol;
- Secure beds for mandatory substance abuse treatment for offenders;
- Restructuring computer systems of police, corrections, prosecutors, courts for tighter criminal tracking.
- Financing additional juvenile beds.
- Facilities to assist abused children.

Measure authorizes up to \$79.7 million Multnomah County General Obligation bonds maturing in 30 years or less. Cost estimates: 18 cents per \$1,000 assessed value, about \$24 annually on a typical home.

ATTACHMENT

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Creating a Siting Advisory Committee)
to recommend a site for a new jail and) RESOLUTION
secure residential treatment center) 96-148

WHEREAS in 1995, over 42,000 persons were arrested and booked in Multnomah County; and

WHEREAS Multnomah County only has 1461 jail beds; and

WHEREAS in 1995, 3,700 offenders were released from jail early because of a lack of jail space; and

WHEREAS a majority of offenders have serious alcohol and/or drug addiction problems; and

WHEREAS on May 21, 1996 the voters of Multnomah County passed a bond for the construction of jail beds and residential treatment beds; and

WHEREAS Senate Bill 1145 will further tax our jail capacity by returning offenders with sentences of less than 12 months to Counties; and

WHEREAS Multnomah County will become responsible for management of over 500 felony offenders under Senate Bill 1145; and

WHEREAS Multnomah County values input from its citizens; and

WHEREAS citizen involvement in the site selection of the new jail and the new residential treatment center is essential; and

NOW THEREFORE BE IT RESOLVED that a Siting Advisory Committee (SAC) be appointed to recommend a site for the new jail and secure residential treatment center to the Board of County Commissioner and the Sheriff;

IT IS FURTHER RESOLVED that the SAC will have fifteen members eight of whom will be representatives of residents and businesses from areas of Multnomah County where candidate sites for the new corrections facility and the treatment facility have been identified and seven of whom will be "at large" members;

IT IS FURTHER RESOLVED that the Multnomah County Sheriff's Office will be responsible for choosing members of the SAC including the chair of the committee and that names of committee members will be forwarded to the Board of County Commissioners for approval no later than September 30, 1996;

IT IS FURTHER RESOLVED that staff support for the SAC will be provided by the MCSO:

IT IS FURTHER RESOLVED that the SAC will develop its own list of criteria to guide its decisions; review, tour and analyze each of the candidate sites according to the developed criteria, make a

preliminary site recommendation subject to a public hearing; draft a final report of its conclusions and recommendations to be submitted to the Sheriff for approval by the Board of County Commissioners no later than January 31, 1996;

DATED this 29th day of August, 1996



BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:
LAURENCE KRESSEL, COUNTY COUNSEL
MULTNOMAH COUNTY, OREGON


Jacqueline Weber

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

Accepting the Report of the Siting)	RESOLUTION
Advisory Committee and Adopting)	97-20
the Recommendations in the Report)	

WHEREAS Resolution 96-148, adopted by the Multnomah County Board of Commissioners on August 29, 1996, created the 15 member Siting Advisory Committee; and

WHEREAS the Board of County Commisssioners charged the Siting Advisory Committee with recommending a site for a new jail and secure residential treatment center no later than January 31, 1997; and

WHEREAS the Siting Advisory Committee held nine meetings between September 26, 1996 and January 23, 1997. The Committee's outreach efforts also included a series of public workshops, a public hearing, a monthly project newsletter and two mail surveys; and

WHEREAS the Siting Advisory Committee by a vote of 9-5 agreed to the recommendations in their report; and

WHEREAS on May 21, 1996, voters approved \$79.7 million in General Obligation Bonds to pay for facilities that will improve public safety; now therefore

IT IS HEREBY RESOLVED that the Board of County Commissioners accept the final report of the Siting Advisory Committee; and

IT IS FURTHER RESOLVED that the Board of County Commissioners adopt the following recommendations of the Siting Advisory Committee:


1. Pursue purchase of the Radio Towers site, candidate site #3, for the building of a new jail and secure residential treatment facility with the Rivergate site, candidate site #1, as the first alternate and the Northwest Industrial site, candidate site #2, as the second alternate.
2. If it proves impossible to construct the corrections facility on one of the three recommended sites then the County and the Sheriff should begin a new search for a site and not consider sites 4 through 8.
3. The following conditions will be attached to the Conditional Use Permit application:
 - The drug and alcohol Treatment and Mental Health Assessment Center will remain a residential facility and will not offer outpatient services.

- No inmates will be released from custody directly from the facility.
 - A citizen's advisory panel (or panels) will be established to develop a Good Neighbor Agreement and to provide input into the design, construction and operation of the facility. Members of the advisory panel(s) will include representatives of the facility site area and of the environmental community.
4. The County will commit to doing more than minimum wetlands mitigation.
 5. The County will make a good faith effort to use local residents and vendors for jobs in construction and operation of the facilities.
 6. The County will make a good faith effort to consider women-owned, minority-owned and emerging small businesses in construction of the new facility.
 7. The County will undertake outreach efforts with environmental groups.
 8. The Sheriff and facilities manager will pursue the purchase of the property and will report back to the Board of County Commissioners prior to purchase regarding the following issues: environmental concerns, fill and site preparation, permits and zoning and public involvement.

DATED this 13th day of February, 1997.



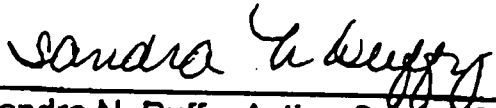
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Gary Hansen, Vice-Chair

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 

Sandra N. Duffy, Acting County Counsel

Revised 2/13/97

2 of 2 - RESOLUTION

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Authorizing the Sheriff to Purchase)	
Land and Obtain All Necessary)	RESOLUTION
Permits to Construct a New Jail and)	97-173
Alcohol and Drug Treatment Center)	
at the Radio Towers Site)	

WHEREAS, the Siting Advisory Committee (SAC), a 15 member citizen advisory committee, recommended three possible sites for a new jail and a secure residential alcohol and drug treatment center; and

WHEREAS, the Board of County Commissioners (Board) accepted the report of the SAC and requested that further feasibility studies of each site be conducted; and

WHEREAS, a team of technical experts conducted a preliminary site assessment of the three top-ranked sites for a new Multnomah County Corrections Facility; and

WHEREAS, this team conducted a systematic and thorough analysis of engineering, environmental, land-use and permitting issues at each site; and

WHEREAS, the analysis also identified flaws which are technical conditions of the property that, if not resolved, render a site unsuitable; and

WHEREAS, potential flaws were identified at each site; and

WHEREAS, the environmental contamination in combination with the proximity of a chlorine plant at the Northwest Industrial site render that site unsuitable for building a jail and secure residential alcohol and drug treatment center; and

WHEREAS, the SAC recommended the Radio Towers site (*A parcel of approximately 91 acres situated southerly of and adjacent to Expo Center land, northerly of and adjacent to Portland International Raceway land, and westerly of and adjacent to Expo Road and Interstate Highway 5*) as its first choice and the

Rivergate site (*A parcel of approximately 35 acres situated within Blocks 9 and 14, Rivergate Industrial District, at a location to be determined, easterly of N. Lombard Street and northerly of N. Ramsey Blvd. Extended*) as the first alternative site for the building of a new jail and a secure residential alcohol and drug treatment center; and;

WHEREAS, potential solutions exist to address all of the potential flaws identified at the Radio Tower site; and

WHEREAS, despite possible solutions the environmental and land issues at the Radio Tower site may prove impossible to obtain; and

WHEREAS, the County is obligated to make the best use of taxpayer investment by minimizing construction and operating costs, and maximizing building design efficiency; now therefore

IT IS RESOLVED that the Board authorize Sheriff Noelle to move forward with the purchase of land and obtaining the necessary permits to construct a new jail and secure residential alcohol and drug treatment center at the Radio Towers site; and

IT IS FURTHER RESOLVED that the Board authorize Sheriff Noelle to commission a Citizens Working Group comprised of representatives of local neighborhood, business, and environmental organizations to advise the Sheriff and the County on design, construction, building footprint, good neighbor plan, natural resource plan issues, transportation plan, and operation of the new jail and secure residential alcohol and drug treatment center; and

IT IS FURTHER RESOLVED that the Board also authorize Sheriff Noelle to enter into negotiations with the Port of Portland to secure a written agreement by November 30, 1997 which details the legal resources, environmental mitigation, enhancement and capital to be contributed by the Port to assist in the acquisition of necessary permits for construction at the Radio Towers site; and

IT IS FURTHER RESOLVED that the Board authorize Sheriff Noelle to gain agreement with the City of Portland to supplement environmental

mitigation and enhancement efforts the City is making on or about the Radio Towers site; and

IT IS FURTHER RESOLVED that in accordance with the recommendations of the SAC, the environmental mitigation to be completed by the County and its partners at the Radio Towers site shall exceed the minimum standards required by construction permits; and

IT IS FURTHER RESOLVED that if the new jail and secure residential alcohol and drug treatment facility cannot be built at the Radio Towers site because the environmental and land use permits cannot be obtained that Sheriff Noelle be authorized to proceed with securing the Rivergate site; and

IT IS FURTHER RESOLVED, that the Board direct Sheriff Noelle to give no less than quarterly progress reports concerning both the permitting process as well as the construction of the new jail and secure residential alcohol and drug treatment center.

APPROVED this 28th day of August, 1997.




BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By


Thomas Sponsler, County Counsel

revised 8/28/97



MULTNOMAH COUNTY, OREGON

DEPARTMENT OF SUPPORT SERVICES FINANCE DIVISION

COUNTY COMMISSIONERS

BEVERLY STEIN, CHAIR
DIANE LINN, DISTRICT #1
GARY HANSEN, DISTRICT #2
LISA NAITO, DISTRICT #3
SHARRON KELLEY, DISTRICT #4

DIRECTORS OFFICE
ACCOUNTS PAYABLE
GENERAL LEDGER
PAYROLL
TREASURY
LAN ADMINISTRATION

PORTLAND BUILDING
1120 SW FIFTH AVENUE, SUITE 1430
PO BOX 14700
PORTLAND, OR 97293-0700
PHONE (503) 248-3312
FAX (503) 248-3292

CONTRACTS
MATERIEL MANAGEMENT
PURCHASING

FORD BUILDING
2505 SE 11TH 1ST FLOOR
PORTLAND, OR 97202
PHONE (503) 248-5111
FAX (503) 248-3252
TDD (503) 248-5170

MEMORANDUM

TO: Bill Farver, Executive Assistant

FROM: Dave Boyer, Finance Director *DB*

DATE: July 14, 1998

SUBJECT: Public Safety Bond Expenditures

The following describes the status of the Public Safety Bonds issued on October 1, 1996.

On October 1, 1996 the County issued \$79,700,000 in Public Safety General Obligation Bonds and \$29,000,000 in Library General Obligation Bonds. These bonds were issued prior to Ballot Measure 47 being approved by the voters and as a result the proceeds can be spent on equipment, furnishings or material that will become an integral part of the structure or if the equipment and furnishings have a useful life of more than one year.

IRS rule states that at the time of issuance, using the entities best judgement at the time of issuance, that the entity would spend the proceeds within a three year time frame. Every effort needs to be taken to expend the bonds within three years from the date the bonds were issued, which in this case would be September 30, 1999. If for some reason an unforeseen problem arose or unanticipated delays occur because of technical problems, the expenditures can occur over a five year time period. It is the Finance Division's belief that the complexity surrounding the public safety organizations technology needs and jail and A & D facility siting issues and the complexities with Library renovations are legitimate reasons to spend the funds over five years.

If the funds are not expended over a five year period we will not incur a penalty or need to refund any of the bond proceeds. If arbitrage earnings are realized, which there is, we will need to file with the IRS and rebate any interest earnings that exceed the interest rates on the bonds. At that time we will need to be prepared to explain to the IRS why we have not used the bond proceeds during the five year spend down period. We would have to do this every five years until the project(s) are completed. It is my strong preference not to be in this situation in five years. Tracking arbitrage is complex and should be avoided if at all possible. In addition, the County would more apt to be targeted to be audited by the IRS if we do not meet the five year spend down plan. Audits take a lot of administrative staff time to retrieve documents, prepare schedules and to answer auditors questions.

Five year spend down period example: If the County does not expend 95% of the bond proceeds, or about \$75.7 million dollars, by September 30, 2001 we need to prepare an explanation on the circumstances which caused delays in spending the bond proceeds. At that time we also need to file and pay any rebate owed to the IRS.

Rebate example: The interest rates we are paying on the bonds is about 5.25% and if we earn 5.75% on bond proceeds, the County has to rebate the dollar amount of the .50% earnings difference. The .50% earnings is called arbitrage earnings. If the County only earns 5.20% on the bond proceeds we do not owe any rebate. Currently we owe the Federal Government about \$147,000 in arbitrage earnings..

The County is allowed to spend the interest earned, amount not subject to rebate to the IRS, on any of the related projects being financed by the bonds. The Finance Director, through the Chair has authorization to approve the use of interest earnings. The practice that is being used is that the Chair informs the Board of any expenditure requests to see if there were any concerns or objections prior to making a commitment. As of May 31, 1998, the Public Safety Bond money has earned about \$6 million dollars and the Library Bond has earned about \$2.3 million.

Any remaining bond proceeds or interest earnings not used for the bond projects is to be used to pay the principle and interest on the bonds.

Example: In 2001 all of the projects are complete and there is \$1,000,000 remaining from the bond proceeds and any interest earnings. The general obligation bond debt payment generated from property taxes is \$7,400,000. In 2002 the debt payment would still be \$7,400,000 but only \$6,400,000 would be needed from property taxes. In 2003 the property taxes would go back up to the \$7,400,000 level.

If you have any questions please let me know.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Sheriff to Purchase Land, Obtain All Necessary Permits, and Start Construction of a New Jail and a Secure Treatment Facility for Mandatory Drug and Alcohol Treatment of Offenders at a Facility at the Rivergate Site

The Multnomah County Board of Commissioners Finds:

- a. In May of 1996 the voters of Multnomah County approved Ballot Measure No. 26-45, authorizing the issuing of \$79.7 million in General Obligation Bonds to be used for facilities that would improve public safety, including "ending early unsupervised release of prisoners by constructing, expanding jails, acquiring land" and "secure beds for mandatory substance abuse treatment for offenders;" and, on October 1, 1996 the County issued the Public Safety General Obligation Bonds.
- b. The Multnomah County Board of County Commissioners approved Resolution 96-148 creating a Siting Advisory Committee to recommend a site for a new jail and secure residential treatment center.
- c. The Siting Advisory Committee, as noted in Resolution 97-20, conducted an extensive public involvement process, including meetings, a series of public workshops, a public hearing, mail surveys and a project newsletter, and recommended the Radio Towers Site for the building of a new jail and secure residential treatment facility, with a Rivergate site as the first alternative.
- d. The Board of County Commissioners, in Resolution 97-173, authorized the Sheriff to purchase land and obtain all necessary permits to construct a new jail and secure residential alcohol and drug treatment center at the Radio Towers Site, and if it cannot be built at the Radio Towers site that Sheriff Noelle be authorized to proceed with securing the Rivergate site.
- e. The Board of County Commissioners found that the Radio Towers Site was unsuitable due to environmental concerns and the Sheriff secured a Rivergate

site, know as the Leadbetter Peninsula, located approximately 3000 feet east of the originally considered Rivergate Site, which is available for purchase.

- f. The County has made progress in expanding jail capacity over the past ten years, however the provision of beds for alcohol and drug treatment has not kept pace. The County needs to balance the system by expanding both treatment and jail capacity in a timely manner.

The Multnomah County Board of Commissioners Resolves:

1. The Board authorizes the Sheriff to move forward with the purchase of twenty-eight (28) acres of land, obtaining the necessary permits, and begin construction of a facility consisting of 225 jail beds and 300 secure residential alcohol and drug treatment beds within the facility at the Rivergate site known as the Leadbetter Peninsula.
2. The Board authorizes the Sheriff to commission a Citizens Working Group, comprised of representatives of local neighborhood, business, and environmental organizations, to advise the Sheriff and the County on design, construction, building footprint, good neighbor plan, natural resource plan issues, transportation plan, and operation of the new jail and security of the residential alcohol and drug treatment facility by the Sheriff.
3. The Board authorizes Department of Juvenile and Adult Community Justice Director to reconvene the Alcohol and Drug Steering Committee for Alcohol and Drug Facilities to consider any changes to the current plan in light of the decision to operate treatment units in the Rivergate facility.
4. The Board directs the Sheriff and the Director to make a joint recommendation to the Board on the operation and facility design of the mandatory secure alcohol and drug treatment program within the jail facility. Security for both the 225 bed jail and 300 bed treatment areas are provided by the Sheriff, but authority over those receiving treatment and management of the treatment program is provided by the Director of Juvenile and Adult Community Justice.
5. The Board authorizes the Sheriff to enter into negotiations with the Port of Portland to secure a written agreement by June 30, 1999, which details the legal resources, environmental mitigation, enhancement and capital to be

contributed by the Port, if any, including their agreement to assist in the acquisition of the necessary permits for the Rivergate site.

6. In accordance with the recommendations of the Siting Advisory Committee, the environmental mitigation to be completed by the County and its partners at the Rivergate Leadbetter Peninsula site shall exceed the minimum standards required by construction permits.
7. The Board authorizes the Chair to begin a community siting process for any additional facility or facilities from which Community Justice will operate locked alcohol and drug treatment beds. In conducting that siting process, the County should exclude sites that adjoin existing or proposed correctional facilities and shall take into consideration the recommendations of the reconvened Alcohol and Drug Steering Committee.

Adopted this 6th day of May, 1999.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Beverly Stein, Chair

REVIEWED:

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By


Jacqueline A. Weber, Assistant County Counsel

New Multnomah County Corrections Facility

New Fail Newsletter

Vol. 3, No. 8 April 1999

A newsletter in the public interest keeping citizens informed on the planning and design of the new corrections facility in Multnomah County.

Board Hearing on North Rivergate Fail

On the evening of February 22, 1999, the Board of County Commissioners heard testimony from 26 citizens on whether to proceed with siting a new county corrections facility at the North Rivergate site. In addition, the Board received about fifty letters regarding the site.

All told, the Board heard from neighborhood, business and environmental groups both in favor and in opposition to the site. Supporters cited the site's distance from homes, schools and day care, the top criteria of the Siting Advisory Committee, and the opportunity for ample environmental buffer.

Others expressed misgivings about the proximity to neighborhood and open space, as well as concerns about seismic conditions and other technical matters addressed in the North Rivergate preliminary site assessment.

Rivergate was the first alternative site recommended for the new corrections facility by the 15-member citizens Siting Advisory Committee in January 1997. The Board of County Commissioners, citing concerns over costs and wetland preservation, directed the Sheriff in September 1998 to stop planning for the SAC's number one recommended site, Radio Towers.

Since 1997, the site originally targeted within Rivergate has been developed. Last fall, the Port of Portland directed the County to the nearby and more remote location on the south end of the Leadbetter Peninsula. Some

citizens testifying at the public hearing did not approve of how the Board has handled the shift to the SAC's first alternative site, while others believe the location honored the SAC's recommendation.

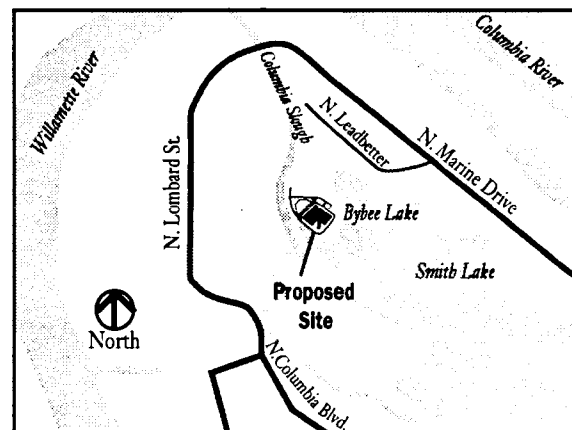
The County mailed out over 15,000 invitations to the hearing, including a blanket mailing to all residents and businesses in the 97203 zip code area. In addition, the County placed display ads in several print media publications.

Next Steps: Whether to Purchase the Property

The Board of County Commissioners on May 6 will consider purchasing the approximately 28-acre North Rivergate parcel from the Port of Portland. The lot will allow for the significant environmental buffer, far larger than that required of a private developer, that the Friends of Smith & Bybee Lakes, the Smith & Bybee Lakes Management Committee and the Columbia Slough Watershed Council have requested.

The Board will enter closed-door Executive Session on Wednesday, April 28th to discuss property negotiations for North Rivergate. Executive Sessions are not open to the public.

The Board will deliberate and take action on two resolutions at its regular meeting on Thursday, May 6th. The first resolution would affirm Resolution 98-147, adopted September 24, 1998, that directed the Sheriff to stop work at Radio Towers and to in-



Proposed North Rivergate Site

The hearing was scheduled to last two hours, but all citizens who wished to testify had done so after about 90 minutes, bringing the meeting to a close.

vestigate the feasibility of the North Rivergate parcel. The second would select North Rivergate as the location for the new corrections facility, and ratify the land purchase agreement with the Port of Portland for the property.

The meeting will begin on May 6 at 9:30 a.m., 1021 SW Fourth Ave, Room 602, Portland. The Board will host a public hearing to accept time limited public comment on both resolutions. Written comment should be sent to: Board Clerk, 1120 SW Fifth Ave., Suite 1510, Portland, OR 97204, faxed to: (503) 248-3013, or e-mail to: deborah.l.bogstad@co.multnomah.or.us.

If the site is approved, the Sheriff and Board will move quickly to convene a Citizens Working Group for the North Rivergate site, a citizens panel advising the County on design, construction and operations issues.

Possible Return of Drug & Alcohol Treatment

In Summer 1998, while exploring Radio Towers, the Board of County Commissioners and the Sheriff decided that a new 300-bed drug and alcohol treatment facility would be better located on another site. The drug & alcohol treatment facility was originally part of the new corrections facility project approved by voters in May 1996, and the Siting Advisory Committee was asked to find a site to handle up to 1,700 jail beds and 300 drug & alcohol treatment beds.

During the Siting Advisory Committee's work, the Sheriff and the County made it clear that the drug & alcohol treatment facility would be part of the jail complex with similar security measures, and the SAC specified that no outpatient treatment would occur at this new fa-

cility. Drug & alcohol programs for jail inmates are effective in reducing recidivism.

Faced with the strong desire of citizens to keep corrections facilities as far away from homes, schools and day care as possible, the County and the Sheriff are now exploring recombining the jail and the drug & alcohol treatment facility. As before, the facilities would be under the same security envelope, and never more than 2,000 beds would be located on the site.

The Board and the Sheriff held a Work Session April 15 to discuss ways to address the security issues of pairing the facilities while allowing effective operations of alcohol and drug treatment programs.

Board Public Hearing and Action on North Rivergate

The Board of County Commissioners will host a public hearing and then consider resolutions to select the North Rivergate parcel as the location for the new County corrections facility and purchase the property from the Port of Portland. Time limited public comment will be accepted at the hearing.

When? Thursday, May 6, 1999, 9:30 a.m.

Where? 1021 SW Fourth Avenue, Room 602, Portland
One block east of the Tri-Met Transit Mall

You may also mail written comments to the Board Clerk, 1120 SW Fifth Ave, Suite 1510, Portland, OR 97204, fax to: (503) 248-3013, or e-mail: deborah.l.bogstad@co.multnomah.or.us.

SUBSCRIBERS AND QUESTIONS

In January and February 1999, the Sheriff sent two carrier route mailings to North Portland residences and businesses located in the 97203 zip code. The newsletters updated citizens on the results of the North Rivergate preliminary site assessment and the ensuing decision after the results of the assessment were in to consider shifting to the Rivergate alternative.

The 26,000 pieces of mail generated just over 100 new subscribers to the nearly 2,000-person mailing list for the new corrections facility newsletter.

For more information on the new jail, or if you know of persons who wish to subscribe to this newsletter, please contact :

Lt. Bobbi Luna
Multnomah County Sheriff's Dept.
1120 SW Third Ave. Room 322
Portland, OR 97204
(503) 248-3282

Or, you can send her a fax at (503) 736-6829 or an e-mail to:
bobbi.l.luna@co.multnomah.or.us.

Multnomah County Sheriff's Department
12240 NE Glisan St.
Portland, OR 97230

BOARD OF
COUNTY COMMISSIONERS

99 APR 28 PM 4:58

MULTNOMAH COUNTY
OREGON

April 27, 1999
7826 N. Chautauqua Blvd.
Portland, Oregon 97217
Linda Minard

Board Clerk
1120 S.W. Fifth Ave. Suite 1510
Portland, Oregon 97204

I am writing in opposition to the proposed county jail in the Rivergate Industrial District and Smith Bybee Lake. I was against the Radio Tower site also. I am opposed to any site for the jail that is located on the North Portland Peninsula. North Portland always gets everything else that the city or any other level of government doesn't want in another section of the city.

I am opposed to the Rivergate Industrial District and Smith Bybee Lake site for several reasons as follows:

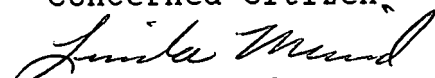
- a. Bybee Lake shore is completely unimproved-no utilities or road access.
- b. Additional fill would be needed to elevate roads, utilities, building, etc. above flood stage.
- c. The site is a sandy peninsula bordered by water on three sides.
- d. A study from the county determined that the area contained a high density of ancient archeological sites.
- e. The environment is sensitive shore of our nations' largest urban freshwater wetland.
- f. The county's study concluded that letters a & b were flaws that would add an additional \$6 million to the cost of the building at this facility.
- g. Consider the animals that live in the area, black tailed deer, otter, beaver, coyote, red fox, Chinook salmon, Western painted turtle, not to mention the bird life.
- h. Also the possibility of disturbing Native American burial grounds.
- i. The soil is nothing but dredge fill, for the worst possible foundation for a residential facility.

I deeply feel that building a jail at the Rivergate-Smith Bybee Lake would be a waste of money. Why do we need more jails. make the punishment for crimes more severe and crime might drop. If the death penalty were enforced maybe the crime rate would drop. Make an example of the criminals that are now in the jails.

I have written to Chair Stein, Commissioners Natio, Linn, Kelley, Cruz, and Sheriff Noelle.

Thank you for your time. One thing to remember, is that the peoples vote counts in elections and you are an elected official.

Concerned Citizen


Linda Minard

BOARD OF
COUNTY COMMISSIONERS

99 APR 23 AM 9:09

4/22/99,

RE. NORTHGATE/RIVERGATE JAIL FACILITY, COUNTY
OREGON

BOARD OF COMMISSIONERS - SITING ADVISORY COMMITTEE,

I'M PLEASE WITH THE LATEST RECOMMENDATION TO PURCHASE
THE PROPERTY REQUIRED TO BUILD THE NEW COMBINED FACILITY.
I'M IN CONTINUED SUPPORT OF THE PROJECT, AND I'M HOPEFUL
FOR POSITIVE RESULTS AND CHANGED LIVES AS A RESULT OF A
TREATMENT FACILITY DIRECTED TOWARDS THOSE IN OUR COMMUNITY
IN GREATEST NEED. I'M PARTICULARLY GRATEFUL THERE WILL BE NO
OUTPATIENT TREATMENT AT THE LOCATION.

I THANK THE BOARD, AND THE SITING ADVISORY COMMITTEE
(SAC) FOR ALL THEIR WORK AND INPUT TOWARDS
THE PROJECT. I'M LOOKING FORWARD TO THE COMPLETION
OF THE PRELIMINARY PROCESS AND THE MOVING FORWARD
WITH THE BUILDING OF THE FACILITY.

THANK YOU,
Mark VanderVort

MARK M.E. VANDERVORT
9512 N. PORTSMOUTH
PORTLAND, OR 97203

(503) 286-6048

BOGSTAD Deborah L

From: Roger & Bobbie [klahn@dsinw.com]
Sent: Wednesday, April 21, 1999 12:43 PM
To: deborah.l.bogstad@co.multnomah.or.us
Subject: New jail site - Rivergate Site

everyone has a little "NIMBY" in them. This site appears to satisfy "NIMBY" fearsno one's backyard is close by!

The reality is its going to be built somewhere in Portland. This site appears to be remote from everyone...far better than any other site discussed to date. I say "GO FOR IT!"

B Klahn



St. Johns Neighborhood Association
8316 N. Lombard St., #441
Portland, OR 97203

April 12, 1999

TO: Multnomah County Commissioners and Sheriff Noelle

SUBJECT: Bybee Lake Jail

The St. Johns Neighborhood Association cares very deeply about the environment at Smith and Bybee Lakes. These Lakes are located entirely within our neighborhood and are the pride and joy of residents throughout the region. In addition, about 120 teachers have an avid interest in teaching students about the lakes' wildlife biology.

The Leadbetter Peninsula is too small and cannot accommodate both the wildlife and a jail. These are mutually exclusive and incompatible uses of the land. The best available science clearly and unambiguously requires a wildlife buffer the size of the entire Leadbetter Peninsula. There is simply no room for a jail. The construction and operation of the jail would fragment and destroy this habitat for painted turtles and many other sensitive and endangered wildlife. Furthermore, the presence of the jail will ruin the experience of people who come to study and enjoy what the Lakes have to offer.

The Association has knows of many other, more suitable and available sites for the jail. For example, there is much undeveloped, industrial property located between the Troutdale Airport and the Columbia River. The County has never looked at these sites, yet they are far from homes, schools, parks, and wildlife areas.

The St. Johns Neighborhood Association cares very deeply about the environment and the educational opportunities of children. In keeping with this pro-environment stance, and in the interest of protecting Bybee Lake's critical habitat and preserving it for future generations of schoolchildren, the St. Johns Neighborhood Association opposes a jail at Smith and Bybee Lakes. Please put the jail (and the drug and alcohol treatment facility) somewhere else. Thank you.

Sincerely,

Linda S. Hval

Linda Hval, Chair

BOARD OF
COUNTY COMMISSIONERS
99 APR 16 AM 11:05
MULTNOMAH COUNTY
OREGON

Friends of Smith and Bybee Lakes

April 7, 1999

Commissioner Bev Stein, Chair
Commissioner Diane Linn, District 1
Commissioner Serena Cruz, District 2
Commissioner Lisa Naito, District 3
Commissioner Sharron Kelley, District 4

Dear County Commissioners:

Please be advised that the letter put forth by the Friends' Board and President (3/18/99) is hereby null and void, per vote of the members at the April 7 general membership meeting. The vote was unanimous, 29 ayes; 0 nays; and 0 abstentions.

Dennis Keepes, Chair Pro Tem, for FSBL
Dennis Keepes, Chair Pro Tem

Contact: Donna Babbitt, 9941 N. Willamette Blvd, Portland, OR 97203
Telephone 735-4960

Cc: Smith and Bybee Lakes Management Committee
Frank Opila
Kevin O'Sullivan
Donna Babbitt

BOARD OF
COUNTY COMMISSIONERS
99 APR 12 PM 3:18
MULTNOMAH COUNTY
OREGON

MAR 31 '99 06:33PM

NORTH PORTLAND CITIZENS COMMITTEE

P
C
C

March 24, 1999

This letter is a notice of intent to file the following petitions by North Portland Citizens Committee on behalf of the wildlife at Smith and Bybee Lakes:

1. Petition the US Department of Fish and Wildlife to designate Smith and Bybee Lakes, including the Leadbetter Peninsula, as a critical habitat for the bald eagle.
2. Petition the US Department of Fish and Wildlife to designate Smith and Bybee Lakes, including the Leadbetter Peninsula, as a critical habitat for the peregrine falcon.
3. Petition the Oregon Department of Fish and Wildlife to conduct an emergency rulemaking to list the western painted turtle as threatened.
4. Petition the Oregon Department of Fish and Wildlife to designate Smith and Bybee Lakes, including the Leadbetter Peninsula, as a critical habitat for the western painted turtle.
5. Petition the Oregon Department of Fish and Wildlife to designate Smith and Bybee Lakes, including the Leadbetter Peninsula, as a critical habitat for the bald eagle, peregrine falcon, little willow flycatcher, yellow warbler, great blue heron, juvenile chinook salmon, and/or bufflehead duck.
6. Petition the Oregon Attorney General to prosecute the Port of Portland for filling Bybee Lake in clear violation of Oregon Statute 196.820, and to restore and preserve Bybee Lake and the Leadbetter Peninsula.

Sincerely,

Lewis Marcus, President

cc: ~~Oldham~~ P.12
cc: Bobbi Lewis
Board of County
Commissioners

MAR 31 '99 06:33PM

P.2/2

NORTH PORTLAND CITIZENS COMMITTEE

P
C
C

March 24, 1999

Whereas, the North Portland Citizens Committee (NPCC) agrees completely with the Friends of Smith and Bybee Lakes' (FSBL) support of uses that would be compatible with the preservation of fish and wildlife habitat in the Smith and Bybee Lakes system; and

Whereas, the NPCC completely agrees with the FSBL's support of recreational activities that would be passive in nature; and

Whereas, the NPCC completely agrees with the FSBL's support of the permanent protection of Smith and Bybee Lakes as a natural area in recognition that natural resources in an urban environment contribute significantly to the quality of life; and

Whereas, the NPCC has learned that a 150-foot buffer on the Leadbetter Peninsula has no scientific basis; and

Whereas, according to the best available science, many of the sensitive species at Bybee Lake require much larger buffers; and

Whereas, the NPCC wants a buffer that is based on sound science; and

Whereas, the NPCC knows of many other available and more suitable, undeveloped, industrial sites for a jail;

Now, therefore, be it resolved that:

The North Portland Citizens Committee hereby

1. Opposes any jail or drug & alcohol rehabilitation facility on the Leadbetter Peninsula; and
2. Completely supports the new position adopted by FSBL on March 22 to oppose these facilities on the Leadbetter Peninsula;

Furthermore, in the event that Multnomah County nevertheless decides to disregard the best interests of the Bybee Lake wildlife habitat and proceeds to construct a facility on the Leadbetter Peninsula, then the NPCC hereby:

3. Requests the County to delay groundbreaking until the Painted Turtle study has finished and been evaluated; and
4. Requests a buffer of at least 1,600 feet from the top of the bank to the outer edge of the development on all sides; and
5. Requests that no canoe launch be constructed on the Leadbetter Peninsula.

Sincerely,



Lewis Marcus, President

Eleanore Piltz
7209 N. Buchanan
Portland Or.
97203

BOARD OF
COUNTY COMMISSIONERS

99 MAR 24 PM 3:43

THE FRIENDS OF SMITH & BYBEE LAKES
OREGON

March 22, 1999

To: Commissioner's Serena Cruz
Beverly Stein
Sharon Kelly
Lisa Nato
Diane Lynn

Sheriff Dan Noelle
Lt. Luna
Smith & Bybee Lake Management Committee & Emily Roth
Mike Thorne, Exec. Director, Port of Portland
Mike Burton, Dir., Metro

Responses to this letter may be sent to Ray & Ellie Piltz at 7209 N. Buchanan, Ptl'd, Or. 97203

Please be advised that the Friends of Smith & Bybee Lakes no longer give "conditional support" to build a jail on Leadbetter Peninsula. Further, as of March 22, 1999, The New Position of the Friends of Smith & Bybee Lakes is follows: We are in total opposition to the County Jail being built on the Leadbetter Peninsula, or the surrounding Wetland Areas.

Signed, Members of the Friends of Smith & Bybee Lakes.

Leonard Crabb
Raymond R. Piltz
Eleanore E. Piltz
Marie Rankin
Beatrice M Walker
Jane Bogus
Jack L. Smith
Janet Smith
Daisy Garna
Colleen Wier
Don Meyer
Linda Darnell
Linda Jones

Dennis Keeper
Robert J. Bonger
Killa J. Larson
Gaelyn M. Melgoza
Kevin O'Sullivan
Lewis J. Marcus
Carole A. Warner
Bud Mahlen
Sherry Dahlen
Edgar A. Smith
Evelyn L. Smith
Barbara Kapuscinski

99 MAR 23 PM 2.4

MILLER, J. H. COUNTY
OREGON

P.O. Box 83862

Portland, OR 97283-0862



March 18, 1999

Commissioner Bev Stein, Chair
Commissioner Diane Linn, District 1
Commissioner Serena Cruz, District 2
Commissioner Lisa Naito, District 3
Commissioner Sharron Kelley, District 4

Dear County Commissioners,

We would like to inform you about a current situation involving the Friends of Smith & Bybee Lakes. The Friends are being confronted with a hostile attempt to overturn our position on the proposed new jail. A group of citizens, primarily from the St. John's community, consider themselves to be "members" of the Friends and are attempting to schedule a General Membership meeting of the Friends. These citizens, with perhaps 1 or 2 exceptions, have not attended any meetings of the Friends of Smith & Bybee Lakes prior to December 1998. The vast majority have not attended any Friends' meetings. Several of these citizens have already testified in opposition to the jail at the February 22, 1999 public hearing before the Board of County Commissioners.

We have not changed the Friends' position of conditional support for the proposed jail. The Friends of Smith & Bybee Lakes advocate the conservation and restoration of the Smith and Bybee Lakes Wildlife Area as a historical remnant of the Columbia River Estuary System. The Friends support the permanent protection of the lakes in recognition that natural areas are a valuable resource in an urban environment.

Sincerely,

Ind Opil

Frank Opila
President

Patience

M. J. West

[Handwritten signature]

[Handwritten signature]

Sally Knox

Arline Holmes

Board of Directors
Friends of Smith & Bybee Lakes

Copies: Smith and Bybee Lakes Management Committee
Donna Babbitt
Kevin O'Sullivan

From: Dick Anderson
To: Mime.m:"diane.m.linn@co.multnomah.or.us", Mime.m:...
Date: Mon, Feb 22, 1999 4:59 PM
Subject: SAC Member Written Testimony for New Jail Public Hearing - 2/22/99 @ 6 PM

Dear Commissioners:

Thank you for providing me the opportunity to serve you and the citizens of Multnomah County as a member of the Multnomah County Sheriffs Office Siting Advisory Committee ("SAC").

Knowing that tonight's hearing will be packed, I offer the following written comments for your consideration in evaluating the Rivergate site for the New Jail:

1. The selection process was an open process. The Sheriff's office conducted outreach to neighborhood and business associations throughout the county in 1996. The SAC, a committee of 15 citizens, was established by the Board of County Commissioners. The SAC toured the Sheriff's existing facilities, visited the 8 sites proposed by the Sheriff's office, considered several additional sites, held open public hearings at the Sheriff's office, and in Kenton, St. Johns and Gresham, established criteria, ranked the sites against the criteria, and selected the top three sites for the New Jail, with the proviso that if our first choice (Radio Towers) did not work out, the County would go to our second choice (Rivergate), and then to our third choice (Northwest Industrial District). The Board of County Commissioners ratified our recommendations in early 1997.

This process is very similar to the process designed by the Multnomah Citizens Involvement Committee and adopted by the County. No one who bothered to participate in the process could accurately say that it was not an open process.

2. At the last SAC meeting held on 1-23-97 Janette Righter with ANI America testified that her company had purchased the original Rivergate site and intended to build on it. I seem to recall that we discussed whether we believed that it would be appropriate to continue to consider this exact parcel, buy her building, tear it down, and build a jail at that site, or if it might be more appropriate, if the New Jail ended up at Rivergate, to choose an adjoining parcel. Given that Rivergate is an active industrial park, a specific parcel of land may not remain vacant for the extended length of time it takes to pursue an open public process. I recall that the consensus was that the Rivergate site should be considered to be a parcel adjacent to the original Rivergate site. Furthermore, if the immediately adjacent 2nd Rivergate site was not available, then the Rivergate site would shift to the next adjacent site, and so forth. It is my understanding that the present Rivergate site is across the Columbia Slough, about 100 yards for the old Rivergate site ... thus meeting the definition of adjacent. Several members of the SAC met with Sheriff Noelle in December 1998; the consensus of the group was that the present Rivergate site is appropriate.

3. Data provided to the SAC by David Evans and Associates showed that the original Rivergate site was the furthest site away from current and planned residential land and current and planned schools and day care facilities. Distance from these items was the top two criteria established by the SAC. Given the configuration of the roads in Rivergate, it seems to me that the present Rivergate site would be accessed via Marine Drive to I-5, rather than Marine Drive to Lombard to St. Johns. Thus, this site is effectively further away from homes, schools, and day care facilities in St. Johns than was the original Rivergate site.

4. The County would have needed to build access roads, and bring in utilities, to several of the other sites which met the Sheriff's initial threshold. We discarded those sites because they did not rank well against our criteria. The amount of site development work needed at the Rivergate site is not unusual for a site in an industrial district.

In conclusion, I ask you to begin negotiations with the Port to purchase the Rivergate site. If you have any questions, need further information, or would like to discuss this, please respond via e-mail at dick_anderson@pgn.com or call me at 503-464-7550.

BOGSTAD Deborah L

From: FORD Carol M
Sent: Wednesday, May 05, 1999 4:15 PM
To: BOGSTAD Deborah L; FARVER Bill M; SPONSLER Thomas; Beverly STEIN; Diane LINN; Lisa Naito; Serena Cruz; Sharron KELLEY; Beckie Lee; Carmen Rubio; Carolyn BAX; Charlotte Comito; Debra ERICKSON; Jason DIMEN; Lynn DINGLER; Mary Carroll; Ramsay Weit; Robert TRACHTENBERG; Stephen March
Cc: MOYER Catherine M; OLDHAM Daniel H; CLAWSON Elyse; CAMPBELL Edward A
Subject: For Thursday, May 6, R-5, R-6 & R-7 Process

Bev asked me to work up an outline of the order/process she'd like to take the jail siting issues tomorrow. I also talked with Steve March about it. Carol

1. R-5: Revote on Radio Tower Resolution (scheduled to start about 9:50)

Motion & second.

Tom Sponsler.

Public testimony

Vote.

2. Bev will ask to take R-7 before R-6.

3. R-7: Substitute Resolution for R-7 (Deb has substitute resolution).

Motion & second

Lisa to present substitute resolution.

Bev to ask Noelle and Clawson to table to talk.

Public testimony.

Commissioner comments.

Vote.

4. Bev to ask for motion to postpone R-6 indefinitely.

Motion & second

Public testimony. Commissioner comments.

Vote.

BOGSTAD Deborah L

From: CAMPBELL Edward A
Sent: Wednesday, May 05, 1999 5:17 PM
To: BOGSTAD Deborah L
Subject: R-5

Explanation of the Revote (for Beverly)

The Board unanimously adopted Resolution 98-147 last September 24th. This resolution instructed the Sheriff to look into the possibility of locating a corrections facility in the Rivergate industrial area. A lawsuit was filed that claimed the County had violated its public notice requirements for this resolution. While this claim has not been substantiated in court, the Board can put the legal issue to rest by re-considering the resolution today.

Notice to those who wish to testify regarding the Corrections Facility siting

The current resolution (R-5) is *not* a decision by the Board of County Commissioners on whether or not to site the Jail and Secure Alcohol and Drug Treatment facility in the Rivergate Industrial Area. Either item R-6 or R-7, to be considered later in this meeting, will, if adopted, site this facility. Anyone wishing to testify regarding the current resolution may of course do so, but I must emphasize that this vote *will not determine the siting decision*. Testimony regarding the siting decision would be better directed to items R-6 or R-7.

Edward.A.Campbell@co.multnomah.or.us
Multnomah County Chair's Office
1120 SW Fifth Av. #1515
Portland, OR 97204
(503) 306-5834 ph
(503) 248-3093 fax

COUNTY OF
MULTNOMAH COUNTY COMMISSIONERS

Page 1 of 2

99 MAY -6 AM 8:28

May 6, 1999

MULTNOMAH COUNTY
OREGON

Kevin O'Sullivan, 7624 North Kellogg Street, Portland, OR 97203

TO: Multnomah County Commissioners

RE: Testimony on the Bybee Lake Jail "Hearing"

I see no reason to take time off from work to participate in this board meeting about the jail. It's a waste of my time. Let me explain why.

As you preside over this kangaroo "hearing", please be mindful that no amount of professional spin-doctoring will repair the damage you've caused to the County Commission as a public institution. Last September, the Commission threw out all eight sites selected by a Citizens Siting Advisory Committee (the SAC), and unilaterally chose a completely new and smaller site at Bybee Lake for the jail. By this action, the County perverted, subverted and destroyed the public involvement process.

Eight months have now passed, and the Commission has stubbornly refused to look at any of the numerous, available and more suitable sites of this size, in spite of repeated urgings from citizens and community groups. The Commission also has adamantly refused to hold a public hearing in the St. Johns neighborhood, despite many requests, including a resolution from the County's own Citizen Involvement Committee (sic). Further, the Commission failed to reach out to include numerous non-English speaking citizens in St. Johns.

The public can only conclude that the County's "public involvement process" is a sham - a shameful rubber stamp to get "public approval" for the County's done deals. The litany of the Commission's abuse of the public involvement process extends beyond this jail. For example, the Commission made a mockery of meaningful public involvement for the parole office and the health clinic in North Portland. The pattern is well established and deeply entrenched throughout the County. The Commission may find this expedient, but it's a shortcut that will fail in the long run. Despite appearances, no real decision is being made today. Today's "hearing" merely formalizes a decision made long ago. As one neighbor recently put it, "this reminds me too much of what it was like to grow up as a child in Hamburg, Germany, during the 1930's under Hitler". One of history's biggest lessons is that citizens must refuse to participate in a dishonorable and nefarious system; and they must refuse to trample and destroy the tenets of a free and democratic society. That lesson should be applied to the Commission's imperial rule and totalitarian practices.

As for the Bybee Lake, this is only the beginning of a long, protracted battle. This is a battle to save the environment and to preserve it for the wildlife and for future generations of urban dwellers, especially those who cannot get to the mountains or coast. This is also a battle to prevent the Port of Portland from reaping profits at the expense of the environment and the livability of our communities. The County has foolishly chosen a long, bumpy road to site this jail complex at Bybee Lake. There are many other sites where you would have broken ground by now. Unfortunately, when the Bybee Lake jail

site is ultimately defeated, as it most certainly will be, the County will be left holding the bag, and then what? You'll have only yourselves to blame. Citizens have bent over backwards to advise and assist the County, all in good faith, but to no avail. To add insult to injury, and as a further betrayal of the public trust, the Commission now wants to add a drug and alcohol rehabilitation facility plus a mental health facility at the Bybee Lake site, again without meaningful public involvement. Fortunately, our constitution provides a system of checks and balances that gives citizens recourse to the courts (fair and impartial) and the ballot box. The Commission leaves us no alternatives. That is the civics lesson we've learned from the Commission. So, please don't bother to ask good, honest, and conscientious citizens to participate any more in these sham hearings and committees. We'll see you in court and we hope to see you out of office, hopefully very soon.

Kevin P. O'Sullivan

Tom Swift
9742 N. James St.
Portland, OR 97203-2249
(503) 286-7005

May 6, 1999

Dear Multnomah County Board of Commissioners:

There seems to be some confusion regarding the jail siting. The proponents make the claim that the site is preferred because it is not near schools, yet Metro 797-1901 offers an Environmental Education Program with field trips for school and youth groups to Smith and Bybee Lakes that "present the rare opportunity for students to learn about the wetland ecology" ("Nature is knocking at North Portland's back door" *The St. Johns Review* 4/2/99 p. 9).

The signs proclaim, "Welcome to the Peninsula - Gateway to Nature." Where is this nature? Surely not the polluted, open-sewer slough. The "green space" former city dump cited in the *Oregonian* jail editorial that was promised as a park, and we are now told is not safe for human contact? Smith and Bybee Lakes seem to be *the* nature the signs proclaim.

If the taxpayers can afford to build this 2,000 bed, two-story monolith to a failed policy, then we are proposing that the county can also afford to erect a brass plaque at the lake with the names of the county commissioners who voted for this siting so future generations of school children will be able to give credit where due.

We believe a site suitable for a 2,000 bed facility is unnecessary and building it is a wasteful use of resources. Recent articles, reports, and findings reveal the need for various methods to address the crime problem besides just building more jail beds. Considering a smaller jail facility broadens the pool of potential sites to include more suitable locations than Bybee Lake.

The sheriff's recent threat to release prisoners due to lack of jail space is both deplorable and transparent. The self-proclaimed "sheriff of pot" is apparently unaware of the report the Portland City Council paid \$150,000 for entitled "Taking Community Policing to the Next Level." That report recommended that the police (#3) Make a greater shift in the bureau philosophy from reactive enforcement to crime prevention, and (#9) Work with the new community court to move away from the traditional criminal justice system, which punishes offenders, toward a more restorative system. If the sheriff would stop filling the jail with pot smokers and others better handled through treatment and community service, perhaps 2,000 more jail beds would be unnecessary.

We read in the letters to the editor section of our *Oregonian* newspaper how the members of the board of commissioners claim to have a "vision" for the future. Apparently they have not seen the *Oregonian* article of 4/7/99 "Need for addiction services exceeds county aid" that states, "More people are *lining up* for drug and alcohol treatment than commissioners anticipated..." I am currently studying community policing at Portland Community College. My professor, Greg Clark of

North Precinct, informs me that 80-90% of crimes are the result of people under the influence, trying to get, or are influenced by people on drugs. Vision????

You also seem to have missed the article by Anne Geran of the AP published in the *Oregonian* that noted the US prison population has more than doubled since 1985, and the US will soon be the nation with the highest incarceration rate in the world. Perhaps the board did not read the editorial "Ever more prisons: Let's call a halt" (3/11/99 p, A8) published in the *Mid-Valley Sunday* by the *Albany Democrat-Herald*, or learn of the success rate of the community court in Northeast Portland. A recent article in the *Oregonian* by a county judge called for diverse responses for low-level offenders such as treatment and community service.

This board will not find vision by blindly rubber-stamping the traditional build-more-jail-beds anachronistic policy of the current sheriff. Why would the sheriff's department want to seriously consider a problem solving strategy if it is continually rewarded with more funds by the board for its failures of the past? We need to address problems at their root rather than spend huge sums of money building more and more jails to warehouse offenders.

Others around the country are finding creative solutions to the crime problem while you continue to "treat" symptoms. This is neither visionary nor the best use of scarce taxpayer resources. We deserve better. Please reconsider your decision.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Swift".

Tom Swift



May 6, 1999

Proposed Amendments to R-6 or R-7: RESOLUTION Authorizing the Chair to Purchase Land and the Sheriff to Obtain All Necessary Permits, and Start Construction of a New Jail and a Secure Treatment Facility for Mandatory Drug and Alcohol Treatment of Offenders at a Facility at the Rivergate Site

(deletions are bracketed; additions are underlined)

1. Change the title as follows:

RESOLUTION Authorizing Chair to Purchase Land and the Sheriff to Obtain All Necessary Permits[, and Start Construction of] for a New Jail and a Secure Treatment Facility for Mandatory Drug and Alcohol Treatment of Offenders at a Facility at the Rivergate Site

2. Change page 2, section 2 (the second Resolved paragraph) as follows:

2. The Board authorizes the Sheriff to obtain the necessary permits[, and begin construction of] for a facility at the Leadbetter Peninsula Site consisting of 225 jail beds and 300 secure residential alcohol and drug treatment beds.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 99-76

Authorizing the Chair to Purchase Land and the Sheriff to Obtain All Necessary Permits, and Start Construction of a New Jail and a Secure Treatment Facility for Mandatory Drug and Alcohol Treatment of Offenders at a Facility at the Rivergate Site

The Multnomah County Board of Commissioners Finds:

- a. In May of 1996 the voters of Multnomah County approved Ballot Measure No. 26-45, authorizing the issuing of \$79.7 million in General Obligation Bonds to be used for facilities that would improve public safety, including "ending early unsupervised release of prisoners by constructing, expanding jails, acquiring land" and "secure beds for mandatory substance abuse treatment for offenders;" and, on October 1, 1996 the County issued the Public Safety General Obligation Bonds.
- b. The Multnomah County Board of County Commissioners approved Resolution 96-148 creating a Siting Advisory Committee to recommend a site for a new jail and secure residential treatment center.
- c. The Siting Advisory Committee, as noted in Resolution 97-20, conducted an extensive public involvement process, including meetings, a series of public workshops, a public hearing, mail surveys and a project newsletter, and recommended the Radio Towers Site for the building of a new jail and secure residential treatment facility, with a Rivergate site as the first alternative.
- d. The Board of County Commissioners, in Resolution 97-173, authorized the Sheriff to purchase land and obtain all necessary permits to construct a new jail and secure residential alcohol and drug treatment center at the Radio Towers Site, and if it cannot be built at the Radio Towers site that Sheriff Noelle be authorized to proceed with securing the Rivergate site.
- e. The Board of County Commissioners found that the Radio Towers Site was unsuitable due to environmental concerns and the Sheriff secured a Rivergate

site, know as the Leadbetter Peninsula, located approximately 3000 feet east of the originally considered Rivergate Site, which is available for purchase.

- f. The County has made progress in expanding jail capacity over the past ten years, however the provision of beds for alcohol and drug treatment has not kept pace. The County needs to balance the system by expanding both treatment and jail capacity in a timely manner.
- g. The Sheriff's supervisory authority is established in Multnomah County Code 15.001, and the Director of Adult Community Justice's supervisory authority is established in Multnomah County Code 17.002.

The Multnomah County Board of Commissioners Resolves:

- 1. The Board authorizes the Chair to execute agreements necessary to purchase the Leadbetter Peninsula Site, consisting of approximately twenty-seven (27) acres, from the Port of Portland upon such terms and conditions as are in the best interests of the County. The agreements shall detail the legal resources, environmental mitigation, enhancement and capital to be contributed by the Port, if any, and the assistance to be provided by the Port in the acquisition of permits required to begin construction.
- 2. The Board authorizes the Sheriff to obtain the necessary permits, and begin construction of a facility at the Leadbetter Peninsula Site consisting of 225 jail beds and 300 secure residential alcohol and drug treatment beds.
- 3. The Board authorizes the Sheriff to commission a Citizens Working Group, with the assistance of the Director of Juvenile and Adult Community Justice, which will be comprised of representatives of local neighborhood, business, and environmental organizations. The Citizens Working Group will advise the Sheriff and the County on design, construction, building footprint, good neighbor plan, natural resource plan issues, and security plan.
- 4. The Board authorizes the existing Criminal Court Work Group, Chaired by Judge Julie Frantz, to monitor the development of protocols and procedures governing the operation of the Alcohol and Drug Treatment Center. The Criminal Court Work Group should finalize the draft attached operational guidelines agreed to by the Sheriff and Director of Community Justice covering admissions procedures, transport to and from the site, dealing with

non-compliant treatment offenders, and release procedures. These guidelines are to provide clear distinctions between the operations of the jail and the treatment center. One such distinction is that security for both the 225 bed jail and 300 bed treatment areas are provided by the Sheriff, but authority over those receiving treatment and management of the treatment program is provided by the Director of Juvenile and Adult Community Justice. The Criminal Court Workgroup has agreed to report to the Board by July 1, 1999 and will continue to monitor the operational guidelines thereafter.

5. In accordance with the recommendations of the Siting Advisory Committee, the environmental mitigation to be completed by the County and its partners at the Rivergate Leadbetter Peninsula site shall exceed the minimum standards required by construction permits.

Adopted this 6th day of May, 1999.




REVIEWED:

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

Thomas Sponsler, County Counsel
For Multnomah County, Oregon

By


Thomas Sponsler, County Counsel

OPERATIONAL GUIDELINES FOR RIVERGATE ALCOHOL AND DRUG TREATMENT FACILITY

These guidelines will help the Sheriff and Department of Adult Community Justice (ACJ) design a locked residential alcohol and drug treatment facility co-located within the same physical facility as the jail. The treatment facility will be separated from the jail at the Rivergate site, and will be operated under the authority of ACJ.

1. SECURITY

The Sheriff is responsible for security of the perimeter of the entire Rivergate facility, and for security within the jail itself. ACJ is responsible for security within the treatment facility. In emergency situations, or by request of ACJ, the Sheriff will assist with security in the treatment facility.

2. ALCOHOL AND DRUG PROGRAM

ACJ has supervisory authority over program participants in the alcohol and drug program. Based upon a clinical evaluation performed at the treatment facility, ACJ will admit program participants to the treatment program.

Program participants may choose to refuse to comply with the treatment program at any time. If program participants leave before completing the program, probation officers will take them into custody. The Sheriff will transport program participants from Rivergate to the central booking facility.

ACJ will operate the treatment facility separately from the jail. The Sheriff will operate the jail. Program participants in the treatment program will have no contact with jail inmates except for some emergency or medical emergency situations.

ACJ will determine treatment facility operational schedules and procedures based upon treatment protocols. ACJ will establish visitation rules for

program participants. ACJ is responsible for all discipline of program participants within the treatment program.

ACJ treatment protocols will determine program participant length of stay at the treatment facility.

3. PARTICIPATION

Program participants will be referred to the program by various sentencing and sanctioning methods. Program participants will agree to participate in the treatment program. Program participants may refuse participation in the program at any time. Such refusal will violate the conditions of probation, or conditional release from jail, and will subject program participants additional sanctions.

4. ADMISSIONS PROCEDURES

The Sheriff will process program participants at the central booking facility. The admission process for program participants going into the treatment facility will be separate from the booking process for inmates going into jail. There will be a physical location within the booking facility for program participants separate from inmates booked into jail.

The Sheriff will search program participants' clothing and personal items at the booking facility for contraband including weapons and drugs. Searches will include the use of a metal detector. The Sheriff may use procedures that are more extensive as necessary to detect contraband.

Program participants will receive uniforms different from jail clothes. Program participants may take certain personal items with them to the treatment program. For the security of the Rivergate jail, the Sheriff and ACJ will determine what personal items are appropriate.

The stay in the booking facility will be short. ACJ will conduct the full clinical evaluations of program participants at the treatment facility.

5. TRANSPORT

The Sheriff will transport program participants admitted to the treatment program from the central booking facility to Rivergate separately from jail inmates.

Program participants will be transported in cage vans with appropriate security measures.

The Sheriff will operate the entrance reception area at the Rivergate facility. The Sheriff will segregate program participants and inmates in the reception area. This may be accomplished through scheduling.

6. TRANSITION OUT

After completion of the treatment program, the Sheriff will transport program participants from Rivergate to a transitional treatment site or a central location. ACJ will transport program participants from a central location to a transition program site. Program participants will be transported in their own clothes and unsecured.