



Multnomah County Oregon

# Board of Commissioners & Agenda

connecting citizens with information and services

## BOARD OF COMMISSIONERS

### Jeff Cogen, Chair

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

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

### Deborah Kafoury, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

Email: [district1@co.multnomah.or.us](mailto:district1@co.multnomah.or.us)

### Barbara Willer, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

Email: [district2@co.multnomah.or.us](mailto:district2@co.multnomah.or.us)

### Judy Shiprack, Commission Dist. 3

501 SE Hawthorne Boulevard, Suite 600  
Portland, Or 97214

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

Email: [district3@co.multnomah.or.us](mailto:district3@co.multnomah.or.us)

### Diane McKeel, Commission Dist. 4

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Email: [district4@co.multnomah.or.us](mailto:district4@co.multnomah.or.us)

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Free public access to wireless internet M-F from 6 AM to 9 PM during meetings in the Boardroom

Americans with Disabilities Act Notice: If you need this agenda in an alternate format or wish to attend a Board Meeting, please call the Board Clerk (503) 988-3277. Call the City/County Information Center TDD number (503) 823-6868 for info on available services and accessibility.

## July 6 & 8, 2010 BOARD MEETINGS HIGHLIGHTS

Tues. July 6 <sup>th</sup> - Executive Session pursuant to ORS 192.660(2) (d) and/or (h) pertaining to the English and Woods cases and other legal matters.
Thur. - July 8 <sup>th</sup> - 9:30 a.m. Opportunity for Public Comment on Non-Agenda Matters
9:30 am - Board Briefing on Potential, Perceived and Actual Conflicts of Interest.
9:45 am - Charter Review Committee Final Report
10:05 am - PROCLAMATION on the 20 <sup>th</sup> Anniversary of the Americans with Disabilities Act
10:20 am - RESOLUTION Accepting the Portland Children's Levy Allocation Plan and Offering Advice and Counsel to the City of Portland Concerning the Recommendations

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Produced through MetroEast Community Media

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

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



Multnomah County Oregon

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

***Tuesday, July 6, 2010 7:30 to 9:00 am***

Multnomah Building - Room 315

501 S.E. Hawthorne Blvd.

### **Local Public Safety Coordinating Council** **Executive Committee**

---

***Tuesday, July 6, 2010 - 9:00 am***

Multnomah Building - Room 635

### **EXECUTIVE SESSION**

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***Tuesday, July 6, 2010 - 10:00 am***

**NO BOARD BRIEFINGS TODAY**



Multnomah County Oregon

## **Board of Commissioners & Agenda**

*connecting citizens with information and services*

**Thursday, July 8, 2010 - 9:30 am**  
Multnomah Building, Commissioners Board Room 100

### **REGULAR MEETING**

#### **CONSENT CALENDAR - 9:30 am**

##### **HEALTH DEPARTMENT**

C-1 NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration Ryan White Part D Expansion Grant Competition

#### **REGULAR AGENDA**

##### **PUBLIC COMMENT - 9:30 am**

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R-2 Report of the Multnomah County Charter Review Committee and Resolution Submitting to the Voters Multnomah County Home Rule Charter Amendments Proposed by the County Charter Review Committee. Presenter: Agnes Sowle, County Attorney (20 min)

R-3 PROCLAMATION on the 20<sup>th</sup> Anniversary of the Americans with Disabilities Act. Presenters: Robert Phillips, EEO/Affirmative Action Officer, David Miller, ADA Technical Specialist and Invited Guests (15 min)

R-4 RESOLUTION Accepting the Portland Children's Levy Allocation Plan and Offering Advice and Counsel to the City of Portland Concerning the Recommendations. Sponsor: Commissioner Deborah Kafoury. Presenter: Lisa Hansell, Grant Manager, Portland Children's Levy. (10 min)

**Local Public Safety Coordinating Council – 10:30 am**

R-5 NOTICE OF INTENT: National Institute of Corrections and Office of Justice Programs Evidence-Based Decision Making in Local Criminal Justice System Initiative: Phase II Site Selection Technical Assistance. Presenter: Peter Ozanne (15 min)



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R-5 NOTICE OF INTENT: National Institute of Corrections and Office of Justice Programs Evidence-Based Decision Making in Local Criminal Justice System Initiative: Phase II Site Selection Technical Assistance. Presenter: Peter Ozanne (15 min)

**ATTORNEY'S OFFICE – 10:45 am**

R-6 SECOND READING OF an Ordinance Relating To County Organization; Concerning The Organization And Functions Of The Office Of Diversity and Equity and the Office of Sustainability; Making Housekeeping Amendments to MCC Chapters 7 and 27 to Move and Consolidate Non-departmental Offices into a New MCC Chapter 25, and Align Departmental Functions and Procedures; and Declaring an Emergency. Presenter: Agnes Sowle, County Attorney (5 min).

**ADJOURNMENT – 10:50**



## **Local Public Safety Coordinating Council Executive Committee**

*Tuesday, July 6, 2010  
7:30 to 9:00 a.m.*  
**Multnomah Building - Room 315  
501 S.E. Hawthorne Blvd.**

<b>Introductions, Announcements &amp; Approval of the June 1, 2010 Meeting Minutes</b> <i>Co-Chair Judy Shiprack</i>	10 minutes
<b>Crime Rates in Oregon; Updates on Senate Bill 77</b> <i>Craig Prins, Oregon Criminal Justice Commission</i>	30 minutes
<b>Portland Police Bureau's Service Coordination Team</b> <i>Chief Mike Reese &amp; Bureau Staff</i>	30 minutes
<b>Report from the AJA Conference</b> <i>Sheriff Dan Staton &amp; Captain Bobbi Luna</i>	10 minutes
<b>NIC Evidence-Based Decision Making Framework</b> <i>Peter Ozanne &amp; Elizabeth Davies</i>	10 minutes

**NEXT MEETING – TUESDAY, SEPTEMBER 7, 2010**



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

## Board Clerk Use Only

Meeting Date: 7/6/2010  
Agenda Item #: E-1  
Est. Start Time: 9:00 am  
Date Submitted: 7/2/2010

**Agenda Title:** Executive Session Pursuant to ORS 192.660(2)h.

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

**Requested Meeting Date:** July 6, 2010      **Amount of Time Needed:** 30 minutes  
**Department:** Non-Departmental      **Division:** County Attorney  
**Contact(s):** Jenny Morf or Stephen Madkour  
**Phone:** 503-988-3138      **Ext.** 83138      **I/O Address:** 503/500  
**Presenter(s):** Stephen Madkour

## General Information

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

No final decision will be made in the Executive Session.

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

To discuss pending litigation. Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.

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

N/A

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

ORS 192.661(2) (h) authorizes a public body to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed

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

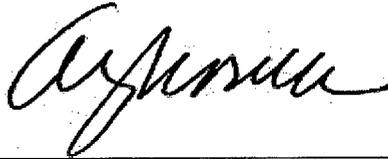
N/A

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**Required Signature**

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

A handwritten signature in black ink, appearing to read "A. Jensen", written over a horizontal line.

**Date: 07/02/10**

Thursday, July 8, 2010 - 9:30 am  
Multnomah Building, Commissioners Board Room 100

**REGULAR MEETING**

Chair Jeff Cogen convenes the meeting at 9:30am a.m. with Vice-Chair Diane McKeel and Commissioners Deborah Kafoury and Judy Shiprack present. Commissioner Barbara Willer excused.

**CONSENT CALENDAR - 9:30 am**

MAY I HAVE A MOTION ON THE CONSENT CALENDAR?

COMMISSIONER Shiprack MOVES  
COMMISSIONER Kafoury SECONDS  
APPROVAL OF THE CONSENT CALENDAR

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

THE CONSENT CALENDAR IS APPROVED OR  
THE MOTION FAILS

**HEALTH DEPARTMENT**

C-1 NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration Ryan White Part D Expansion Grant Competition

**REGULAR AGENDA**

**PUBLIC COMMENT - 9:30 am**

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**LYNDA WILL LET YOU KNOW IF THERE ARE FOLKS SIGNED UP.**

**NON-DEPARTMENTAL - 9:30 am**

R-1 Board Briefing on Potential, Perceived and Actual Conflicts of Interest. Presenter: Steve March, County Auditor (15 min)

**NON-VOTING ITEM. PRESENTATION & RESPONSE TO BOARD QUESTIONS AND DISCUSSION.**

R-2 Report of the Multnomah County Charter Review Committee and Resolution Submitting to the Voters Multnomah County Home Rule Charter Amendments Proposed by the County Charter Review Committee. Presenter: Agnes Sowle, County Attorney (20 min)

**MAY I HAVE A MOTION?**

COMMISSIONER Shuprad MOVES  
COMMISSIONER Nelson SECONDS  
APPROVAL OF R-2

**EXPLANATION, RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_\_  
THE MOTION FAILS OR  
THE RESOLUTION IS ADOPTED**

R-3 PROCLAMATION on the 20<sup>th</sup> Anniversary of the Americans with Disabilities Act. Presenters: Robert Phillips, EEO/Affirmative Action Officer, David Miller, ADA Technical Specialist and Invited Guests (15 min)

**MAY I HAVE A MOTION?**

COMMISSIONER McKeel MOVES  
COMMISSIONER Wolfe SECONDS  
APPROVAL OF R-3

**EXPLANATION, DESIGNEE READS PROCLAMATION, RESPONDS TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS**

**ALL IN FAVOR, VOTE AYE, OPPOSED \_\_\_\_\_  
THE MOTION FAILS OR  
THE PROCLAMATION IS ADOPTED**

*2 goals  
employees  
env free  
of farmers &  
discrimination*

R-4. RESOLUTION Accepting the Portland Children's Levy Allocation Plan and Offering Advice and Counsel to the City of Portland Concerning the Recommendations. Sponsor: Commissioner Deborah Kafoury. Presenter: Lisa Hansell, Grant Manager, Portland Children's Levy. (10 min)

MAY I HAVE A MOTION?

COMMISSIONER McKeel MOVES  
COMMISSIONER Stiff SECONDS  
APPROVAL OF R-4

*Meg is who she?*

EXPLANATION, RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED Wm?  
THE MOTION FAILS OR  
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**Local Public Safety Coordinating Council – 10:30 am**

R-5 NOTICE OF INTENT: National Institute of Corrections and Office of Justice Programs Evidence-Based Decision Making in Local Criminal Justice System Initiative: Phase II Site Selection Technical Assistance. Presenter: Peter Ozanne (15 min)

MAY I HAVE A MOTION?

COMMISSIONER Shupbach MOVES  
COMMISSIONER Kafoury SECONDS  
APPROVAL OF R-

EXPLANATION, RESPONSE TO QUESTIONS  
OPPORTUNITY FOR PUBLIC TESTIMONY  
OPPORTUNITY FOR BOARD COMMENTS

ALL IN FAVOR, VOTE AYE, OPPOSED Wm?

THE MOTION FAILS OR  
THE NOTICE OF INTENT IS APPROVED

**ATTORNEY'S OFFICE – 10:45 am**



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**Local Public Safety Coordinating Council**  
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*PRESENTATION & RESPONSE TO BOARD QUESTIONS AND DISCUSSION*

**Chair Jeff Cogen adjourns the meeting.**

**THERE BEING NO FURTHER BUSINESS, THE EXECUTIVE SESSION IS ADJOURNED.**

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MULTNOMAH COUNTY BOARD OF COMMISSIONERS  
PUBLIC TESTIMONY SIGN-UP

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

MEETING DATE: 7/8/2010

SUBJECT: 6/10/ + 6/17 + 7/1 + BMCC -  
TABER

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

FOR:  AGAINST:  THE ABOVE AGENDA ITEM

NAME: PAUL ADOLPH PHILLIPS

ADDRESS: 1212 S.W CLAY APT #217

CITY/STATE/ZIP: PORTLAND, OREGON 97201

PHONE: DAYS:  EVES:

EMAIL:  FAX:

SPECIFIC ISSUE: HEALTH CARE

WRITTEN TESTIMONY: DJC 11/29/2005

"NATALIE WHITE"  
~~PLAINTIFFS~~ - PLAINTIFFS USE  
LITTLE KNOWN THEORY

**IF YOU WISH TO ADDRESS THE BOARD:**

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

**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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

SUSTAINABILITY

# BP to double investment in renewable energies

The company may invest up to \$8B in sustainable fuel sources

BY DAVID CULLEN AND TOM BERGIN  
*Reuters Business Report*

on oil and gas projects, which offer much higher returns.

### New unit

The London-based oil giant will form a new unit called BP Alternative Energy to manage a fleet of projects that BP said had the potential to deliver

SUSTAINABILITY

# Firm gives truckers an incentive to turn off idling engines

Hookups along the I-5 corridor should reduce emissions and noise pollution

*The Associated Press*

EUGENE - It costs truckers almost \$3 an hour to keep their

# DJC



## PACESETTERS

Acme Business Consulting LLC has hired Brad Denney as a senior project leader.

PAGE 13

## BLACK FRIDAY

Electronics retailers and Wal-Mart Stores were the early winners while some apparel chains faltered as the U.S. holiday shopping season started.

PAGE 5

## TUESDAY

November 29, 2005

Vol. 221, No. 64 // ONE DOLLAR

www.djcOregon.com // 503-226-1311

## New low-income housing in Pearl

The 210-unit Sitka Apartments project, Portland's newest apartments for low- and moderate-income individuals and families, will have its grand opening today at 2:30 p.m. at Northwest 11th Avenue and Northrup Street.

Speakers include Portland City Commissioner Erik Sten, Ed McNamara of Praxis Partners, Deborah Sawyer-Parks of Homestead Capital, Dave Castricano of U.S. Bank, Andy

THE DAILY JOURNAL OF COMMERCE, PORTLAND, OREGON

# Supporting the HO Hotel

Consultant The

## LAW

## Markowitz lawyer becomes American College fellow

Peter Glade is the firm's third attorney to earn the distinction

*The Daily Journal of Commerce*

Peter Glade of the Portland litigation firm Markowitz, Herbold, Glade & Mehlhaf has become a fellow of the American College of Trial Lawyers, a legal association of the United States and Canada.

Glade is a shareholder with Markowitz, Herbold, Glade & Mehlhaf and has been practicing in Portland for 26 years. He has been lead counsel on several high-profile cases handled by the firm, representing individuals and businesses in claims over professional malpractice, violations of antitrust and securities laws and regulations, breach of fiduciary duty, breach of contract, fraud, product liability, intellectual property disputes, real estate transactions and business torts.

He is an alumnus of Lewis & Clark Law School and is president-elect of the Multnomah Bar Association. Glade is ranked among the top business litigators in the region by the Chambers USA guide, the Best Lawyers in America and Portland Monthly magazine.

Glade is the third lawyer in the firm to have been inducted into the American College of Trial Lawyers, after Dave Markowitz and the late Barrie Herbold.

Membership in the college cannot exceed one percent of the total lawyer population of any state or province. There are currently about 5,500 members in the United States and Canada including active fellows, emeritus fellows, judicial fellows (those who ascended to the bench after their induction) and honorary fellows.

Induction into the college is by invitation. Lawyers must have a minimum of 15 years' trial experience before they can be considered for a fellowship.



PETER GLADE

## LAW

## Plaintiffs use little-known theory to win against construction firm

The trial highlights companies increased efforts to minimize on-the-job injury reports

BY NATALIE WHITE  
*Dolan Newswire*

BOSTON — In a case that highlights a disturbing trend of companies using incentive programs to minimize on-the-job injury reports, a South Dakota man recently won \$5 million in a bad faith claim against the construction company he worked for.

After a six-day trial, Pennington County jurors in South Dakota ordered Hills Materials and its parent company, Oldcastle Materials, to pay Ron Hubbard \$65,000 in compensatory damages and \$5 million in punitive damages.

The plaintiffs claimed that a supervisor, spurred on by company policies and cash incentives, actively tried to get the insurance company to fight paying Hubbard's workers' compensation claims for surgeries related to carpal tunnel syndrome.

"This case examines the widespread practice of large construction companies providing cash incentives and bonuses to supervisors for underreporting injuries," said Michael Abourezk, who represented the plaintiff along with Alicia Garcia. "It's a very widespread practice all over the U.S. They're touted as safety programs, but what they really do is encourage people to minimize injuries to lower premiums and get bigger contracts for the construction companies."

### Aiding and abetting

Hubbard, a welder, required two surgeries and expected workers' compensation insurance to cover the costs. But Hills Material fought him every step of the way, according to Abourezk, and convinced the insurance company, Liberty Mutual, to deny the claim.

Since Liberty Mutual settled quickly, the plaintiffs had to develop a legal strategy for going after the company itself.

"Really, the insurance company was the ventril-

quist dummy in this case. The employer was trying to speak through them," Abourezk said.

He said that Hills Material defended its action in part by saying that it wasn't responsible for granting or denying claims, that that was the role of the insurance company.

"They said, 'The insurance company handles claims. All we did was tell them what we thought, and we had a right to do that. If they didn't handle the claim the right way, then they are the ones who should be held accountable,'" Abourezk said.

Using a little-used theory, Abourezk argued that the construction company "aided and abetted in the commission of a tort" when it tried to convince the insurance company to deny medical claims from Ron Hubbard. The attorneys stumbled upon the theory while doing research on bad faith claims.

"We've all heard of aiding and abetting in the criminal context, but I'm embarrassed to say that I didn't even know it existed in the civil context," said Abourezk. "It's not really an exotic theory, and it's recognized by the Restatement of Torts. I'm not sure why it isn't used more. It simply says that if a party gives substantial assistance or encouragement to another party in the commission of a tort, they can be held liable for the tort."

In this instance, Abourezk wanted to hold the construction company and not the insurance company, which had settled earlier, responsible for preventing his client from collecting benefits for a work-related injury.

"In this case, we had an employer that vigorously got involved with calls to the insurance company asking them to deny the claims in the workers' compensation case," he said. "They even hired a lawyer to get the insurance company to deny the claim, and they offered to let their attorney represent the insurance company in the case. Basically, they wanted their own hand-picked hit man."

He said large construction companies are more likely to get lucrative contracts if they can show a cleaner safety sheet.

The case was Hubbard v. Hills Materials Co., Seventh Judicial Circuit, Pennington County, S.D.



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## TRANSPORTATION

# Marine salvager eyeing Port of Newport

Virginia-based Bay Bridge targets the coastal city for a West Coast facility

*The Daily Journal of Commerce*

Bay Bridge Enterprises Inc., a marine salvage recycler headquartered in Chesapeake, Va., has plans to build a West

Coast facility in Newport, according to the Port of Newport.

The Port of Newport and local and state officials have been in discussions with Bay Bridge during the last two months. The company salvages decommissioned Maritime Administration ships as well as barges, tugboats and other vessels.

If approved, Bay Bridge West would be built on a parcel of port-controlled land at the northeastern reach of the Yaquina Bay waterfront. The facility initially would handle smaller ships up to 200 feet in length,

eventually working with vessels averaging 350 feet and occasionally longer. At full operational capacity, Bay Bridge West would have the capacity to salvage several vessels at one time. Salvaged material would be shipped from the port's international terminal, which has been slated for future renovation.

"The company's location here would provide a significant number of jobs, including longshore cargo loading work," said Don Mann, general manager of the Port of Newport. "The dramatic increase in

cargo tonnage would support continued dredging of the channel. The dredging itself is good news for our commercial fishing fleet, which relies upon a safe and navigable waterway."

Bay Bridge and the port have initiated discussions with local and state permitting agencies, and Bay Bridge West has submitted a draft Technical Compliance Plan for review by the Maritime Administration. The company and the port hope to announce an agreement in early December.



**Lloyd  
District  
skyline  
brightened  
with holiday  
color**

*Marv Gullings, left, and Marc Linquist load the letters they just removed from the 14-foot-by-6-foot Integra Telecom sign atop the east side of the 1201 Lloyd Building in Northeast Portland. The two sign hangers from Security Signs replaced the white "Integra" letters with green ones to shine for the*



**TIM HOPKIN**  
*Chief of Police*

**POLICE DEPARTMENT**

105 WEST 5<sup>TH</sup> STREET • LA CENTER, WA 98629  
PHONE: (360) 263-2745 • FAX: (360) 263-2757  
thopkin@ci.lacenter.wa.us

Case # \_\_\_\_\_



**JIM IRISH**  
*Mayor*

PHONE: (360) 263-5123 • FAX: (360) 263-5700  
214 EAST 4<sup>TH</sup> STREET • LA CENTER, WA 98629  
jirish@ci.lacenter.wa.us  
www.ci.lacenter.wa.us

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

---

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

MEETING DATE: July 8, 2010

SUBJECT: AMERICAN VETERANS TRAVELING TRIBUTE  
HOST CITY LACENTER, WA

AGENDA NUMBER OR TOPIC: \_\_\_\_\_

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

NAME: JIM IRISH, MAYOR

ADDRESS: 214 E. 4<sup>th</sup> AVE

CITY/STATE/ZIP: LACENTER, WA 98629

PHONE: \_\_\_\_\_ DAYS: \_\_\_\_\_ EVES: \_\_\_\_\_

EMAIL: JIRISH@CI.LACENTER.WA.US FAX: \_\_\_\_\_

SPECIFIC ISSUE: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

WRITTEN TESTIMONY: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IF YOU WISH TO ADDRESS THE BOARD:**

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

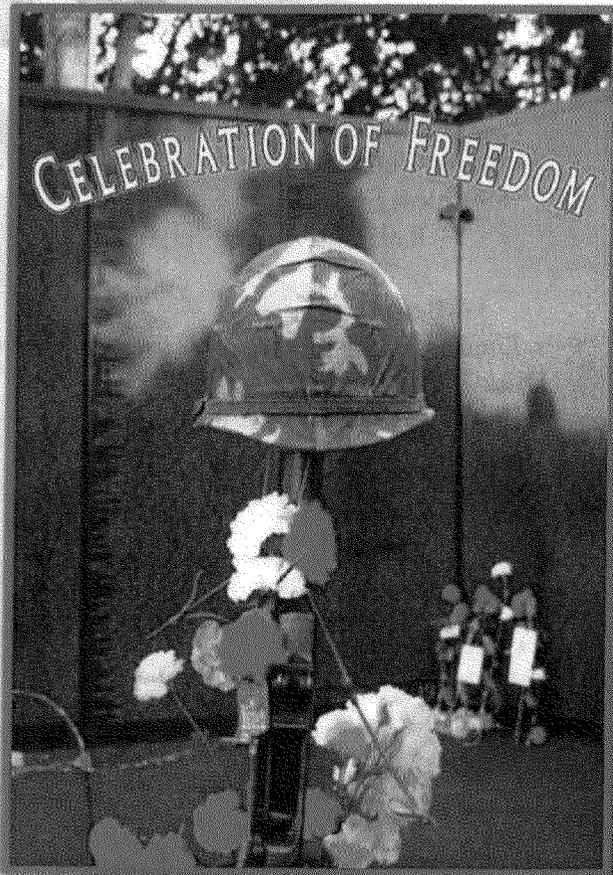
**IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:**

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

# AMERICAN VETERANS TRAVELING TRIBUTE

WWII, Korea, Vietnam,  
Iraqi Freedom, Enduring  
Freedom, 9/11

WWII, Korea, Vietnam,  
Iraqi Freedom, Enduring  
Freedom, 9/11



LACENTER WA AUG 4TH- 8TH

AVTT- Tim Hopkin 360-263-2745  
[www.lacenterhonorsvets.info](http://www.lacenterhonorsvets.info)

**Wednesday, August 4**

11:00-2:00p ~ Escort Staging at Scales  
2:15-2:30p ~ Arrival at City Park  
3:00-9:00p ~ Wall Set-up

~ Volunteer Meeting

**Friday, August 6**

~ *Law Enforcement Ceremony* ~

1:00p ~ Posting of Colors  
~ National Anthem  
~ Invocation  
~ Welcome  
~ Guest Speakers  
~ Roll Call  
~ Taps

~ 21 Gun Salute

~ Benediction

Dusk ~ Retire Colors

Dusk ~ Candlelight Vigil

**Sunday, August 8**

~ *Sunday Service* ~

10:00a ~ Posting of Colors

~ National Anthem

~ Invocation

~ Ecumenical Service

~ Faith Based Music

~ Closing Remarks

~ Benediction

~ Music/Entertainment

2:00p ~ Freedom Ride

4:00p ~ Retire Colors

5:00p ~ Disassemble Exhibit

**Thursday, August 5**

8:00a ~ Posting of Colors

1:00p ~ Goldstar Mothers Wreaths

Dusk ~ Retire Colors

Dusk ~ Candlelight Vigil

**Saturday, August 7**

~ *American Veterans Ceremony* ~

12:00p ~ Posting of Colors

~ National Anthem

~ Invocation

~ Welcome

~ Guest Speakers

~ Roll Call

~ Taps

~ Benediction

Dusk ~ Retire Colors

Dusk ~ Candlelight Vigil

8



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST  
NOTICE OF INTENT**

(revised 12/31/09)

**Board Clerk Use Only**

Meeting Date: 7/8/2010  
Agenda Item #: C-1  
Est. Start Time: 9:30 am  
Date Submitted: 6/24/2010

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # C-1 DATE 7/8/2010  
LYNDA GROW, BOARD CLERK

**Agenda Title: NOTICE OF INTENT to Submit a Proposal to the Health Resources and Services Administration Ryan White Part D Expansion Grant Competition**

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

Requested Meeting Date: July 1, 2010 Amount of Time Needed: N/A – Consent Item  
Department: Health Division: ICS-HIV Health Services Center  
Contact(s): Nicole Hermanns  
Phone: 503-988-3663 Ext. 26314 I/O Address: 160/9  
Presenter(s): N/A – Consent Item

**General Information**

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

Authorize the Director of the Health Department to submit a proposal to the Health Resources and Services Administration to request up to \$50,000 in expansion funding from the Ryan White Part D program to support additional medical and support services for women living with HIV.

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

The Health Department has provided medical care to HIV infected individuals from the onset of HIV disease, through its primary care clinics. To respond to the growing number of HIV/AIDS clients, and the demand for specialized care from "expert" providers, MCHD applied for and was awarded Ryan White Title III/Part C Early Intervention funds in 1990, establishing the HIV Health Services Center. The Center serves a six-county area called the Portland TGA that includes Multnomah, Washington, Clackamas, Columbia, Yamhill and Clark counties. In 2009, MCHD applied for and was awarded Ryan White Part D funds to support targeted services to women, infants, youth and children living with HIV. MCHD is the only agency in Oregon with Ryan White

Title III/Part C or Part D funds.

The HIV epidemic continues to pose enormous challenges in the United States, both for the communities most affected and for health care professionals who serve these communities. As of 12/31/08, an estimated 2,434 persons living with AIDS and 1,489 persons living with HIV (non-AIDS) resided in the Portland TGA. This is a combined total of 3,923 persons living with HIV (PLWH/A). 303 new AIDS cases and 296 new HIV (non-AIDS) cases were reported during 2007 and 2008. Although HIV is still primarily a disease of men in the TGA, 12.8% of HIV-positive cases and 12.5% of AIDS cases diagnosed from 01/01/07 through 12/31/2008 occurred in women. As of 12/31/08, women accounted for 14% of all persons in the TGA living with HIV (non-AIDS) and 9.6% of all persons living with AIDS.

Grant funds are being sought to support expanded services to women living with HIV in the greater metropolitan area. Specific services will include increased care coordination among primary care, obstetric, and pediatric providers for HIV+ pregnant women; nutrition counseling; and behavioral health services for women who have experienced trauma in their lives. If funded, this grant would be added to our annual Part D grant each year.

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

This grant would add up to \$50,000 a year to our current Ryan White Part D grant award.

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

None.

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

None.

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## ATTACHMENT A

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### Grant Application/Notice of Intent

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If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**  
Health Resources and Services Administration (HRSA)
- **Specify grant (matching, reporting and other) requirements and goals.**  
Ryan White Part D expansion funds are to be used to provide family-centered primary medical care and support services to women living with HIV/AIDS. This grant opportunity is open to organizations currently receiving Part D funding. There is no matching requirement. Regular reporting and adherence to clinical quality measures are required.
- **Explain grant funding detail – is this a one time only or long term commitment?**  
These funds will be added to our current Part D grant award each year. The current grant is awarded for a five year project period which can be renewed at the end of the period. Funding will work to supplement and enhance services to women living with HIV in the Portland TGA.
- **What are the estimated filing timelines?**  
The grant is due on July 7<sup>th</sup>, 2010.
- **If a grant, what period does the grant cover?**  
The grant will supplement our current Part D award which covers a five-year period from 9/1/2009 – 7/31/2014.
- **When the grant expires, what are funding plans?**  
When the five year project period ends, we will submit a continuation application.
- **Is 100% of the central and departmental indirect recovered? If not, please explain why.**  
These costs, and any facilities/internal services costs that are not currently budgeted for, will be covered by the grant.

**ATTACHMENT B**

**Required Signatures**

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

**KaRin Johnson for**

**Date:**

*Lillian Shurley*

**06-24-2010**

**Budget Analyst:**

**Date:**



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

Meeting Date: 7/8/2010  
 Agenda Item #: R-1  
 Est. Start Time: 9:30 am  
 Date Submitted: 6/15/2010

**Agenda Title: Board briefing Potential, Perceived and Actual Conflicts of Interest**

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

**Requested Meeting Date:** Judy 8, 2010      **Amount of Time Needed:** 15 minutes  
**Department:** Non Departmental      **Division:** Auditors Office  
**Contact(s):** Judy Rosenberger  
**Phone:** 503/988-83320      **Ext.** 83320      **I/O Address:** 503/601  
**Presenter(s):** Steve March, Multnomah County Auditor

**General Information**

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

**Required Signature**

Elected Official or  
Department/  
Agency Director:

Steve March

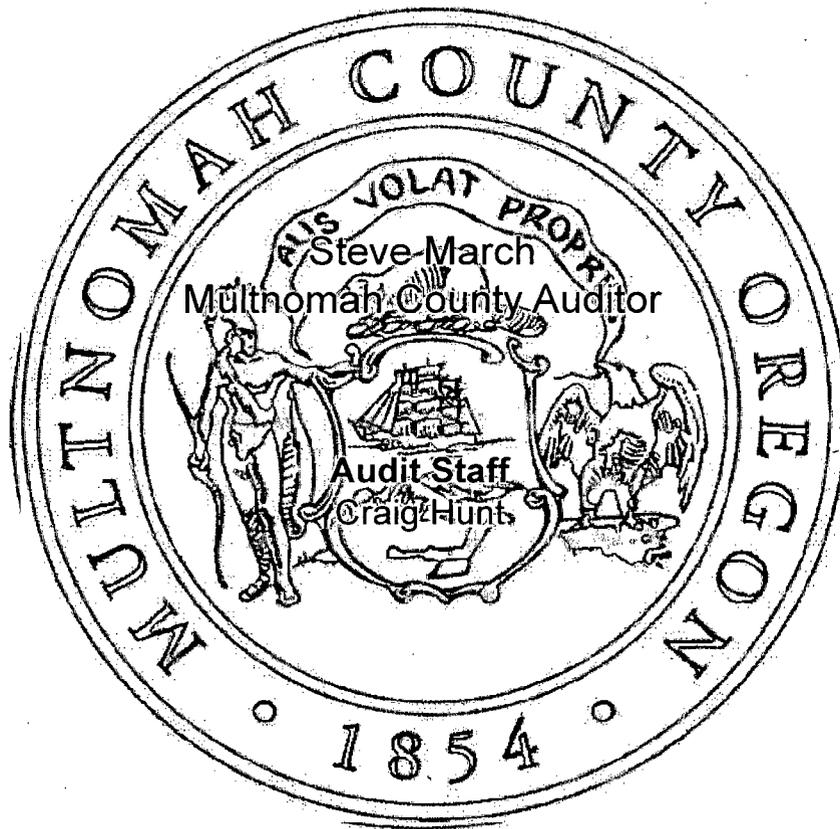
Date: June 29, 2010

Potential, Perceived and Actual  
Conflicts of Interest

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June 2010



We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



# Office of Multnomah County Auditor

---

Steve March  
County Auditor

501 SE Hawthorne Room 601  
Portland, Oregon 97214  
Phone: (503) 988-3320

Fran Davison  
Judith DeVilliers  
Craig Hunt  
Sarah Landis  
Shea Marshman  
Mark Ulanowicz

Date: June 14, 2010

To: Jeff Cogen, Multnomah County Chair  
Commissioners Kafoury, Willer, Shiprack, and McKeel

From: Steve March, Multnomah County Auditor *Steve March*  
Re: Potential, Perceived and Actual Conflict of Interest Audit

Protecting the integrity of county purchases is a high priority. The public has a right to expect that all county business is fairly conducted without regard to personal financial gain or self interest. When current or former employees conduct business with the county, it puts these fundamental principles at risk by raising the possibility of conflicts of interest.

It must be emphasized that there is not necessarily anything wrong with the county doing business with its employees. In fact, we did not identify any actual conflicts of interest with county employees over the five years of vendor data that we examined. But we did find a risk to the county: Steps are not currently in place countywide to identify and disclose all potential conflicts so they can be effectively managed.

Expanding and enhancing the current use of disclosure forms will go a long ways towards addressing this risk. Because the county largely relies on employees to identify conflicts, better training should be available. Supervisors will also need training to advise employees and to manage potential conflicts once identified. Finally, contracting with former employees by the same department within a year of termination should receive extra scrutiny.

Although the audit looks at a fairly narrow but high risk area of conflicts, we hope that the county takes into consideration all types of potential conflicts when considering this report. In particular, since the county encourages community participation by its employees, it is also important to identify these areas of potential conflict and not put its employees in a position of taking actions that could be perceived as a conflict of interest.

We want to thank the various departments and staff who provided assistance and cooperation in this audit and in particular the Director of the Department of County Human Services, the Purchasing Manager and the Human Resources Manager for their input and helping with the initial review of our report.

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## Executive Summary

County employees can have conflicts of interest when their public obligations are at odds with their private interests. In addition to a loss of public trust in the county, conflicts of interest can lead to financial loss, favoritism, and even fraud. The risk of conflicts increase when employees do business with the county, have outside business interests or have secondary employment. We examined conflict of interest policies and procedures the county has in place to mitigate this risk.

We found that conflict of interest policies are in place throughout the county, but processes to identify and manage conflicts should be improved. Several departments had disclosure processes in place that emphasized particular types of conflicts, but others did not. When processes to identify and disclose potential conflicts are lacking those conflicts cannot be managed. Potential conflicts must be managed early before they escalate into actual or perceived conflicts.

Personnel rules require employees to notify their department director in writing when a potential conflict of interest exists. However, training to help employees identify potential conflicts is weak. Given the number of employees that we identified doing business with the county or who have outside business interests, all potential conflicts do not appear to be disclosed by employees.

We did not discover evidence of any actual conflicts of interest over the five years that we tested. But because complete disclosure was not available, some cases we examined would lead a reasonable person to question the integrity of county business conducted with employees.

We found former county employees contracting with the same department that they had worked in within a year of their termination. In these cases former employees may have an advantage competing with other vendors who lack inside

contacts. This situation is more questionable when there is a lack of competition or when the former employees are paid significantly more as contractors than they were as employees.

We recommend better processes to identify and disclose potential conflicts of interest, better conflict training, and more scrutiny of former employees doing business with the county within a year of their separation.

---

## Background

The objectives of this audit were to determine:

- If potential conflicts of interest are properly identified and managed.
- If there are actual or perceived conflicts of interest when the county does business with employees.
- If a clear independent contractor relationship is established when the county contracts with current or former employees.

### Potential conflicts of interest

To identify potential conflicts of interest, we analyzed the county's master vendor file to find employees (or their related parties) doing business with the county. The master vendor file is a record of all vendors who have done business with the county. We also analyzed the Multnomah County Business Income Tax (MCBIT) roll to find employees who own all or part of a company that may do business with the county.

There is nothing unusual or necessarily wrong with current or former employees doing business with the county, owning an interest in a company, or having other outside employment. However, such activity does raise the risk of conflicts of interest. Accordingly, we examined policies and procedures in place in the county to identify and manage conflicts of interest related to these circumstances.

Potential conflicts of interest that were identified as a result of analyzing the master vendor file and MCBIT tax roll represent a fairly narrow area. According to professional literature, procurement functions have a high risk for potential conflicts. Other types of conflicts of interest cover a broader range of activities. For example, this report does not address receipt of gifts, post employment restrictions, use of confidential information, and various other potential conflicts with employees' official duties. Appendix A summarizes the policies and procedures in place in the county to manage conflicts of interest.

The following sections summarize county conflict of interest policies originating at the state, county and department levels. Several generalizations can be made about these policies. First, the policies have a financial focus. In addition, identification of potential conflicts of interest is largely the employee's responsibility. Employees must be able to identify situations that are or could lead to a conflict. Finally, management of potential conflicts in the county is decentralized to the department level.

State level Oregon Revised Statutes (ORS) section 244 applies to all Oregon public employees. An actual conflict is defined as:

“any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated”

The distinction between an actual and potential conflict of interest is important. ORS 244 defines a potential conflict of interest as:

“any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative or a business with which the person or the person's relative is associated”

In the definitions above a public official means any person who is serving in the State of Oregon as an elected official, appointed official, employee, agent or otherwise, irrespective of whether the person is compensated for the services. A person's relatives generally mean the spouse, children, siblings, parents, or domestic partner of the person.

Perceived conflicts of interest are not defined in the Oregon statutes but are defined in other topical literature. A perceived conflict can be as damaging as an actual conflict.

---

“A perceived conflict exists where it could be perceived, or appears, that a public official’s private interests could improperly influence the performance of their duties – whether or not this is in fact the case.”<sup>1</sup>

Managing conflicts of interest focuses on keeping potential conflicts of interest from becoming actual or perceived conflicts.

County level Contracting out for services in the county is done using personal service contracts. On rare occasion employees or their related parties may enter into personal service contracts to conduct their business with the county. Conflicts of interest are defined in Division 20 of the Public Contract Review Board (PCRB) rules and are essentially the same as the state. PCRB rules also proscribe that potential or actual conflicts should be disclosed in writing to the County Auditor and Central Procurement Contract Administration (CPCA) manager.

CPCA conducts all county formal procurements that are above \$150,000 and relies on disclosure to prevent conflicts of interest. Proposal evaluators are selected and must sign a Confidentiality and Conflict of Interest Disclosure Policy form. Evaluators also receive an explanation of conflicts in the Proposal Evaluation Handbook on what to do if a conflict should arise. CPCA is less involved in the procurement process as the monetary exposure decreases and is generally not involved with contracts that are \$5,000 or under.

In addition to contracting rules, personnel rules apply to all contracts with employees or their related parties regardless of the contract’s size. The county’s code of ethics is found in sections 3-30-010 through 3-30-020 of the personnel rules. Multnomah County employees must follow state and PCRB rules as well as personnel rules.

Potential conflicts of interest in the county are mostly dealt with at the department level. Specifically, the personnel rules state:

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<sup>1</sup> Managing Conflicts of Interest in the Public Sector Guidelines, Independent Commission Against Corruption and the Crime and Misconduct Commission, November 2004

“No employee may take any action on behalf of the county, the effect of which would be to the employee’s private financial gain or loss, without first notifying the employee’s Department Director in writing of the potential conflict of interest.”

“Officials and employees who are in a position to influence county contract decisions affecting nonprofit organizations may not serve on decision-making boards of, or be employed by, contractors who could benefit from such involvement.”

Personnel rules also address outside employment in sections 3-50-010 through 3-50-020. The policy states that employees may not accept outside employment that is incompatible or in conflict with their positions in the county service or with state ethics laws contained in ORS 244.

Department level In addition to ORS and the county’s personnel rules, some departments have their own procedures to identify potential conflicts of interest. The Department of Community Justice (DCJ) and the Department of County Human Services (DCHS) use a form to identify outside employment and employee involvement on nonprofit boards that the county does business with. All employees in DCJ complete the form during the county’s e-policy review process whereas the form is completed only if a potential conflict arises in DCHS.

The Sheriff’s Office has additional policies on conflicts of interest in its agency manual. Sheriff’s Office employees complete a form prior to engaging in outside employment. The form is then routed through the chain of command. The Health Department has policy related to clients and medical research. The Department of Community Services describes a process for reporting outside employment conflicts of interest. The Department of County Management and the Library do not have additional policies or procedures on conflicts of interest.

---

## Audit Results

### **Better processes are needed to support policy**

Current or former employees doing business with the county or having outside work raises the risk of actual or perceived conflicts of interest. Controls should be in place to mitigate that risk. Potential conflicts of interest are unavoidable in a public organization as large and diverse as the county. Potential conflicts should be identified and managed before they escalate into actual or perceived conflicts so that the public's trust in the county is not diminished in any way.

Conflict of interest policies are in place throughout the county but processes to identify and manage conflicts should be improved. There are not strong procedures in place in some departments to sufficiently reduce the risk of actual or perceived conflicts occurring. Presently, there is a reliance on employees, who may not be well trained to identify conflicts without good processes for doing so. Effective procedures for identifying and managing conflicts can keep potential conflicts from escalating and allow management to more easily deal with any unfounded accusations.

The county can build on the examples of DCJ, DCHS and Sheriff's Office. DCJ and DCHS have a process for disclosing outside employment and involvement with nonprofits. The Sheriff's Office has a process for identifying outside employment. However, other departments in the county do not have processes in place to support county policies. Further, other types of potential conflicts such as outside business interests could be included on disclosure forms. Examples of disclosure forms for DCHS and the Sheriff's Office can be found in Appendixes B and C.

### **Potential conflicts may not be disclosed**

Personnel rules require employees to notify their department director in writing when a potential conflict of interest exists. The results of our interviews with personnel managers indicated that very few potential conflicts are disclosed in the county. Given the number of employees

that we identified who are doing business with the county or who have outside business interests, we are concerned that potential conflicts are underreported by employees.

When potential conflicts are not disclosed they cannot be managed. This poses a significant risk to the county. When potential conflicts escalate to perceived or actual conflicts of interest, public trust in the county can be damaged. Potential conflicts could turn into actual conflicts and lead to financial loss, favoritism and in the worst case fraud.

We were able to identify 75 current or former employees (or their related parties) that have done business over \$750 with the county in any one of the last five years. As described below, the number of employees is likely higher (see Related party business). These 75 cases represent approximately 0.3 percent of the vendors on the county's master vendor file. Total business per employee over the five years examined ranged from \$750 to \$173,740. Although the number of cases and dollar amounts examined are a very small proportion of the county's vendors and business activity, controls are still needed to ensure actual conflicts do not occur.

Proving whether an actual conflict of interest exists must be done on a case-by-case basis. We looked at available detail behind higher risk cases, but did not find evidence that any actual conflicts happened. In some cases the employees involved were no longer with the county or events were too far back to perform a complete analysis. In other cases it was clear that an actual conflict did not occur.

However, some of the cases that we examined rose to the level of a perceived conflict. In other words, some cases could cause a reasonable person to question the integrity of the business conducted with employees. If potential conflicts are disclosed early, and managers take and document appropriate actions, the county will avoid conflicts before they take place or be better positioned to prove nothing unethical happened. Disclosure forms are not used in every department to accomplish this.

---

**Types of potential conflicts examined** We looked at five areas of potential employee conflicts of interest. Some areas may overlap.

- **Doing business with current employees.** The county enters into personal service contracts or purchases goods from current employees. The county purchased goods or services from 19 current employees over a five year period. Regardless of the dollar amount, employees should not take any action to direct business to themselves or to their related parties. We could not confirm any cases where this occurred.
- **Related party business.** Twenty-six the 75 cases we examined involved a related party of the employee. It is unlikely that we found all related party businesses of employees. Some related parties are easy to identify because the employee and business shares the same name. Others are not. Even if not intentionally concealed, related party business with the county is difficult to identify without disclosure. An employee could direct their department to a business of their children, spouse, domestic partner, or outside business interest without anyone knowing.
- **Contracting with former employees.** In the last five years, the county contracted with 16 former employees within a year of their termination. Of this number, 12 had previously worked in the same department they were contracting with. When contracting directly with former employees for services, procedures are in place to help ensure there is an independent contractor relationship with the county (discussed below) and any competition for the services is documented.

Contracting with former employees is not necessarily a conflict. Further, former employees may already have known expertise and may be acting in the county's best interests. But contracting with former employees within a year of termination in the same department begs the question of why they were not retained as employees or hired back on a temporary basis. Even when competition is

involved, a citizen could reasonably question deals between the county and former employees who may have an advantage competing with vendors who lack the employee's inside contacts. When selection of former employees is exempted from competition or the rate paid is significantly higher than when they were employed, the risk of having an actual or perceived conflict of interest is higher.

- **Smaller contracts or purchases.** Requirements for competition are less stringent for purchases of \$150,000 or less than for those over \$150,000. For procurements between \$5,000 and \$150,000, at least three price quotes are required, but management exercises a wide discretion in which vendors are asked to submit quotes. For procurements that are \$5,000 or less, managers have the same discretion in vendor selection, but competition is not required. Thirty-two of the 75 cases we examined were between \$5,000 and \$75,000 and the remaining 43 cases were \$5,000 or less.

Although the financial exposure is less, there is a higher risk that smaller contracts or purchases could result in a conflict because these are not publicly advertised, managers have discretion in source selection, and competition is not required for procurements \$5,000 or less. In addition, whereas contracts over \$150,000 have a disclosure process for proposal evaluators, procedures to identify potential conflicts of interest that would address smaller procurements are not in place in all departments. Finally, there may be less scrutiny given to these smaller procurements than larger ones.

- **Outside work.** Employees may have outside business interests by owning all or part of a business. We identified such employees who filed their MCBIT return. There may also be unidentified employees who have outside employment not requiring MCBIT returns. Disclosure is needed to identify all employees with outside work.

Conflict of interest problems regarding outside work only arise when it is incompatible with the employee's

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position in the county. Outside work could interfere with the impartial judgment of the employee or could result in a competitive advantage. A case-by-case analysis is generally needed to determine whether outside work is a conflict. An exception to this is the Sheriff's Office that lists specific outside employment that is not allowed. There may also be employees whose voluntary or paid work for nonprofit organizations could lead to an impairment of impartiality.

**Better training  
is needed**

Training to both help employees identify and supervisors manage conflicts should be stronger. Currently, some training occurs at the county level during orientation when a new employee is hired. Employees are also required to review the county's code of ethics every two years. From our discussions with department personnel managers, no conflict training occurs at the department level. We did not interview below the department level so do not know the extent of training occurring at individual division or unit levels.

The central personnel training coordinator said that countywide conflict of interest training is currently being developed. When the course is developed it should extend beyond reading the code of ethics so that employees will sharpen their skills to identify and manage conflicts.

Other jurisdictions' training efforts provide many good examples that address the larger issue of ethics and have sections that deal with conflicts of interest. Among the promising practices found in other jurisdictions were the following examples:

- Online ethics quizzes employees can voluntarily take to gauge their knowledge levels
- Online ethics courses
- FAQs relating policies to specific examples
- Targeted training offered to supervisors and managers
- Informational brochures available to all employees
- Informal presentations available upon request by particular groups

Appendix D offers some valuable resources for conflict of interest training and controls.

**Determining employee  
versus independent  
contractor status**

Because the county contracts with current or former employees we checked to see that a sound process was in place to establish a clear independent contractor relationship. If the wrong determination is made between independent contractor and employee, the county could owe a portion of an employee's social security and federal unemployment taxes, and be liable for any workman's compensation claims. In addition, interest could be assessed on any amounts owed by the county and the Internal Revenue Service could assess penalties for improper reporting. We found that the process for making the independent contractor versus employee determination is sufficient and has recently been strengthened.

The county has an administrative procedure (CON-2) and detailed contracting instructions to help departments make the proper determination between an employee and independent contractor. As part of the contracting process, the contractor is required to complete and sign a Certification Statement for Corporation or Independent Contractor. This form lists conditions that the individual must meet to qualify as an independent contractor. Prior to finalizing a contract, the department makes sure that several additional conditions listed in the contracting instructions are met to verify the individual is an independent contractor. In January 2010, CON-2 was modified to provide departments a form that should be completed prior to contracting to answer key questions about the nature of the relationship.

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## Recommendations

1. To support existing policies, the county should expand and enhance the disclosure forms of DCJ, DCHS, and the Sheriff's Office into a countywide form. The form should capture information on employees and any of their related parties who do business with the county, as well as any outside employment of employees. Employees would also disclose ownership interests in businesses and continue to disclose information about involvement on nonprofit boards. The form could also include other types of potential conflicts.

All county employees should complete the disclosure form when hired and update it annually or when conditions change. The disclosure form could be kept manually or online with access limited to appropriate personnel. Each department would be responsible for reviewing, documenting, and managing any potential conflicts.

2. To increase employees' ability to identify and supervisors' capacity to manage potential conflicts of interest, the county should provide better training. We understand that development of conflict of interest training is currently underway and encourage the county to study the good practices listed in this report.
3. Contracting with former employees by the same department within a year of termination should receive extra scrutiny. This is one area that is not specifically addressed in current policy. The contracting department should provide a written analysis addressing the level of competition and the cost-effectiveness of contracting versus rehiring the former employee on a temporary basis.

## Objective Scope and Methodology

The objectives of this audit were to determine:

- If potential conflicts of interest are properly identified and managed.
- If there are actual or perceived conflicts of interest when the county does business with employees.
- If a clear independent contractor relationship is established when the county contracts with current or former employees.

We looked at employees on the master vendor file. After eliminating activity such as reimbursements or garnishments, we matched the master vendor file to employee records to find employees doing business with the county. We also used the business income tax roll to discover employees who own all or part of a business.

The scope of our work with employee conflicts of interest was limited to issues that arose from employees doing business with the county, having outside employment or another business interest. We also limited our coverage to the department level with the exception of the Central Procurement and Contract Administration unit. The county's code of conduct is a broad area in which we only looked at a small, but high risk portion. For example, we did not attempt to identify employees who may be employed by or on boards of nonprofits, nor did we look at post employment issues.

For identified employees doing business with the county, we looked at dollar amounts of business conducted from calendar year 2005 though 2009. We compared employment dates to the date the business was conducted to determine whether the employee did business prior to, during or after employment with the county. For cases with a higher risk for conflict of interest, we examined documentation for the transactions. We

likely did not find all employee transactions with the county, particularly those of employees' related parties.

We reviewed state law and county code and policies. We interviewed all department level personnel managers as well as the central human resources manager and training coordinator. We reviewed conflict of interest literature as well as other jurisdictions' policies, procedures, processes and training for ethics and conflicts. We talked with the Central Procurement and Contract Administration unit manager and the lead senior procurement analyst.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



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Appendices

Appendix A - County Policies and Procedures

<b>State</b>	Oregon Revised Statutes	244.020	Defines actual and potential conflicts of interest.
		244.040	Addresses use of official position for financial gain or avoidance of financial detriment, confidential information and future employment.
	Oregon Government Ethics Commission		Enforces the provisions in ORS Chapter 244 related to the conduct of public officials. The Ethics Commission may impose civil penalties up to \$5,000 for violations of ORS 244.
<b>County</b>	Code of Ethics	3-30-010	Requires employees to adhere to ORS 244.020 and 244.040.
		3-30-020	Lists prohibited conduct. Directs employees to disclose potential conflicts of interest to their Department Director.
	Outside Employment	3-50-010	Employees may not accept outside employment that is incompatible or in conflict with their positions in the county.
		3-50-020	Details outside employment rules. Employees are responsible for making sure there are no outside employment conflicts. The employee's supervisor may require reporting of outside employment.
	Public Contract Review Board	20-0010	Requires disclosing actual or potential conflicts of interest of proposed contracts to the Central Procurement Contract Administration Unit manager and the County Auditor. If there is a potential conflict, the contract cannot be awarded without the County Auditor's approval.
	Central Procurement and Contract Administration		Guide larger procurements through contracting process. Evaluation committee member reviews and signs a Confidentiality and Conflict of Interest Disclosure Policy form.
	County Attorney		Prepared 2008 document: Oregon Government Ethics Laws Brief Summary and FAQs.
	County Auditor		Conflicts of interest and ethics violations may be reported on the Good Government Hotline administered by the Auditor's Office.
Advisory Committees	Various	County code specifically addresses conflicts of interest for various advisory committees.	
<b>Dept</b>	Community Justice		Requires employees to periodically complete a form for outside employment. Also requires employees in a position to influence decisions of nonprofits not to serve on their boards or be employed by the nonprofit. Employees self-report on the department's form and the employee's supervisor reviews.
	County Human Services		Uses a form identical to the Department of Community Justice form to report outside employment or nonprofit relationships. The employee initiates the disclosure and the form is reviewed by the employee's supervisor and department human resources.
	Health	HRS.01.03	Points back to ORS 244, and emphasizes county personnel rules regarding notification of conflicts and serving on nonprofit boards. Also addresses personal relationships with clients.
		LEG.01.06	Specifically addresses conflicts of interest in the investigation of misconduct in research.
	Community Services	HR 3.4	Requires strict adherence to Personnel Rule 3-50 and defines a departmental procedure for reporting outside employment.
	Sheriff	4.01-4.09	The Sheriff's Office Agency Manual addresses conflicts of interest specifically related to Sheriff Office operations. Employees report outside employment on a form. Certain types of outside employment are not allowed.
	Library		No additional policies/procedures.
	County Management		No additional policies/procedures.

Appendix B - DCHS

DEPARTMENT OF COUNTY HUMAN SERVICES  
CONFLICT OF INTEREST FORM  
Notice of Employee Outside Employment  
and/or Contractor Relationship

Name: \_\_\_\_\_

Program: \_\_\_\_\_

1. Is your sole employment the Department of County Human Services?

Yes \_\_\_\_\_ No \_\_\_\_\_ If no, who are your other employers? \_\_\_\_\_

2. Are you self-employed?

No \_\_\_\_\_

Yes \_\_\_\_\_ If yes, what work do you do? \_\_\_\_\_

How do you get your referrals? \_\_\_\_\_

3. Do you provide contract services to any agency?

No \_\_\_\_\_

Yes \_\_\_\_\_ If yes, to whom and for what services? \_\_\_\_\_

4. Do you have any relationship outside of your County employment with local service providers/contractors?

No \_\_\_\_\_

Yes \_\_\_\_\_ If yes, please mark whichever applies:

( ) Employee ( ) Board Member ( ) Volunteer ( ) Other \_\_\_\_\_

Please list your responsibilities: \_\_\_\_\_

5. Please identify any other potential conflict(s) of interest which you may have:

Your Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Reviewed by: \_\_\_\_\_ Date: \_\_\_\_\_

( ) No conflict of interest is apparent.

( ) Relationship constitutes/appears to constitute a conflict of interest.

Comments:

Return completed form to DCHS – Human Resources

Appendix C - Sheriff's Office

OUTSIDE EMPLOYMENT REQUEST

Section I	Date _____
Member's Name _____	DPSST# _____
Unit/Assignment _____	Shift & Days Off _____

Section II
Outside Employee: _____
Address: _____ Phone: _____
Type of Business/Activity: _____
Describe in detail the duties to be performed: _____
_____
Start Date: _____ End Date: _____
Hours per Week _____ Rate of Pay _____

I have reviewed Chapters 14.08, 14.09, and 14.10 of the Agency Manual regarding Outside Employment and understand it's provisions.

Member's Signature: \_\_\_\_\_

Section III
Unit Manager or Shift Lieutenant _____ Date: _____
Comments/Recommendations/Restrictions _____
Division Chief Deputy: _____ Date: _____
Comments/Recommendations/Restrictions: _____
_____
Sheriff: _____ Date: _____
Sheriff to sign if employment is in the security field
Comments/Recommendations/Restrictions: _____
_____

Forward completed form to the Personnel Unit  
503/350/Personnel Unit

Appendix D - Useful resources

The Council on Governmental Ethics Laws (COGEL) <http://cogel.org/>

CityEthics.org <http://www.cityethics.org/>

Oregon Government Ethics Law: A Guide for Public Officials, Oregon  
Government Ethics Commission <http://www.oregon.gov/OGEC/>

Oregon Government Ethics Law: Brief Summary and FAQs, Stephanie E. Duvall and Bernadette  
D. Nunley, Assistant County Attorneys, Multnomah County Office of County Attorney, April 2008

Washington State Executive Ethics Board <http://www.ethics.wa.gov/index.htm>

King County Board of Ethics <http://www.kingcounty.gov/employees/ethics/services.aspx>

Miami-Dade County Ethics Commission <http://www.miamidadeethics.com/>

City of Jacksonville Ethics Office <http://www.coj.net/Departments/Ethics+Office/default.htm>

City of Seattle Ethics and Elections Commission [http://www.seattle.gov/ethics/etpub/et\\_home.htm](http://www.seattle.gov/ethics/etpub/et_home.htm)

OECD Guidelines for Managing Conflict of Interest in the Public Service, Organization  
for Economic Co-Operation and Development, September 2005 [http://www.oecd.org/  
dataoecd/51/44/35365195.pdf](http://www.oecd.org/dataoecd/51/44/35365195.pdf)

Managing Conflicts of Interest in the Public Sector Guidelines, Independent Commission Against  
Corruption and the Crime and Misconduct Commission. November 2004 [http://www.cmc.qld.gov.  
au/asp/index.asp](http://www.cmc.qld.gov.au/asp/index.asp)

Managing Conflicts of Interest in the Public Sector Toolkit, Independent Commission against  
Corruption and Crime and Misconduct Commission, November 2004  
<http://www.cmc.qld.gov.au/asp/index.asp>



## Response to Audit

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## Jeff Cogen, Multnomah County Chair



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

June 4, 2010

Steve March  
Multnomah County Auditor  
501 SE Hawthorne, Room 601  
Portland, OR 97214

Dear Auditor March:

Thanks to you and your staff for your audit of potential Conflicts of Interest between Multnomah County's vendors and employees and the opportunity to respond to your audit report.

We appreciate that your five-year review of vendor data could only explore the most identifiable potential conflicts of interest, but at the same time, found no actual conflicts. I agree that the county needs to take the necessary steps to identify all potential conflicts so as to avoid not only actual conflicts but also those that might be perceived as conflicts.

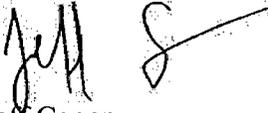
To that end, I am directing all departments to make use of a form similar to that used by the Community Justice and County Human Services Departments so that they can identify potential conflicts of interest and avoid putting their employees in a position of evaluating or approving actions or contracts which could result in actual or perceived conflicts of interest. These forms will be maintained and updated as needed by the respective departments so they can ensure the integrity of county services. In addition, I am asking all department directors and division managers to also complete those forms and forward them to the Chair's Office, to assist us in identifying and avoiding conflicts of interest at the management level.

In the areas of potential conflicts of interest that are not so readily identified, the county is piloting a training class called Ethics in Public Service that can provide employees with additional information about not only conflicts of interest but what to do when presented with an ethical dilemma and where to find relevant information. Often county employees may be asked to serve on non-profit boards or other similar relationships, which could result in potential conflicts of interest. To review those situations, I will ask the County Attorney to work with County Human Resources and the Auditor's office. Our goal will be to identify and prevent any potential conflicts rising to the level of actual or even perceived conflicts, thereby protecting our employees and the integrity of county services and public contracting, while at the same time

continuing to encourage civic participation by our employees. I will also ask for suggestions of better ways to educate and train our employees in identifying and avoiding conflicts of interest.

Thank you again and we appreciate your thoughtful review, your suggestions and willingness to work cooperatively with staff to help ensure the public's trust in the integrity of county employees and processes.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Cogen", with a long horizontal flourish extending to the right.

Jeff Cogen  
Multnomah County Chair

cc: Agnes Sowle, County Attorney  
Travis Graves, Human Resources Director

**GROW Lynda**

---

**From:** PULLEN Mike J  
**Sent:** Wednesday, June 16, 2010 6:17 PM  
**To:** GROW Lynda  
**Subject:** RE: considered board meeting or not?

Yes, this is a lesson learned. On June 9 Deborah suggested we invite the other board members to the June 15 meeting. If I had informed you on June 9, would you have sent out a supplemental agenda with that note? Or could I have added a note to my news release that a quorum of the board might attend the briefing? What would be the best way to handle it on short notice like this? In the end, only Deborah attended.

[Mike Pullen](#) | Multnomah County Public Affairs Office | W 503-988-6804 | C 503-209-4111 | [newsroom](#) | [twitter](#) | [SellwoodBridge](#) | [MultCoBridges](#) | [MultCoRoads](#) | [facebook](#)

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**From:** GROW Lynda  
**Sent:** Wednesday, June 16, 2010 11:58 AM  
**To:** PULLEN Mike J  
**Subject:** FW: considered board meeting or not?

Mike:  
 Can you tell me who organized this? I need to make sure that in the future, that I get it posted with our process, just like our budget hearings, that I get this on the BCC calendar, and that if we have three, I attend, as you can see from Agnes' response, we attend/participate, as it is considered a board meeting.

Lynda J. Grow, Board Clerk  
 Multnomah County Board of Commissioners  
 503-988-5274 or 988-3277  
[Lynda.Grow@co.multnomah.or.us](mailto:Lynda.Grow@co.multnomah.or.us)  
<http://www2.co.multnomah.or.us/cfm/boardclerk/>

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**From:** SOWLE Agnes  
**Sent:** Wednesday, June 16, 2010 7:03 AM  
**To:** GROW Lynda  
**Subject:** RE: considered board meeting or not?

Yes – for purposes of minutes, etc. She did send notice that a quorum might attend and put it with the regular agenda. It is certainly not a regular or special board meeting.

*Agnes Sowle*  
 Multnomah County Attorney  
 501 SE Hawthorne Blvd., Ste. 500  
 Portland, OR 97214  
 (503)988-3138

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**From:** GROW Lynda  
**Sent:** Monday, June 14, 2010 12:02 PM

7/7/2010

**To:** SOWLE Agnes  
**Subject:** considered board meeting or not?

I looked at our Home Rules etc. I do not see where the criteria is called out as to events like this. I saw Deb respond to someone asking about whether a meeting was a Briefing or required recording/us/minutes. Deb's answer was that if we state they may or may not attend, and the Chair doesn't call a meeting and require their attendance, it's not technically a board meeting. Is this correct???

Lynda J. Grow, Board Clerk  
 Multnomah County Board of Commissioners  
 503-988-5274 or 988-3277  
[Lynda.Grow@co.multnomah.or.us](mailto:Lynda.Grow@co.multnomah.or.us)  
<http://www2.co.multnomah.or.us/cfm/boardclerk/>

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**From:** PULLEN Mike J  
**Sent:** Friday, June 11, 2010 2:43 PM  
**To:** #ALL DISTRICT 1; #ALL CHAIR'S OFFICE; #ALL DISTRICT 2; #ALL DISTRICT 3; #ALL DISTRICT 4  
**Cc:** JOHNSON Cecilia  
**Subject:**

This briefing on the Sellwood Bridge project for a committee of local elected officials might be of interest to County board members and their staff. This news release is available [online](#).

## NEWS RELEASE

Release: June 11, 2010

Contact: Mike Pullen, Public Affairs Office, 503-988-6804, [mike.j.pullen@co.multnomah.or.us](mailto:mike.j.pullen@co.multnomah.or.us)

### Project update planned for Sellwood Bridge stakeholders

A group of elected and appointed leaders will receive an update on the Sellwood Bridge Project on Tuesday, June 15 from 3 to 5 pm in Room 635 of the Multnomah Building at 501 SE Hawthorne Blvd. The meeting is open to the public and will include time for public comment.

The Public Stakeholder Committee is expected to recommend a bridge type for the new bridge in early October. The committee includes elected leaders from jurisdictions with an interest in the Sellwood Bridge as well as appointed leaders of transportation agencies involved in the project. Members include:

- Multnomah County Chair Jeff Cogen
- Multnomah County Commissioner Deborah Kafoury
- Portland Mayor Sam Adams
- Clackamas County Chair Lynn Peterson
- Metro Councilor and JPACT Chair Carlotta Collette
- Milwaukie Mayor Jeremy Ferguson
- Tri-Met incoming General Manager Neil McFarlane

- ODOT Region 1 Manager Jason Tell
- Federal Highway Administration Oregon Manager Philip Ditzler
- State Representative Carolyn Tomei
- State Senator Diane Rosenbaum
- Johnell Bell, Office of Senator Jeff Merkley

The meeting will include an update on project developments since the preferred alternative was recommended in 2009 and the project timeline and process for an upcoming milestone: selection of the structure type for the new bridge. Before making its recommendation, the committee will consider input from a citizen committee and the public. The committee's recommendation will inform the Multnomah County Board of Commissioners before they select a bridge type this fall.

The bridge type selection will follow a decision by the Federal Highway Administration approving the project's Final Environmental Impact Statement. The FHWA decision is expected in late August. If remaining funding can be secured, bridge construction is expected to begin in 2012. For more information, visit [www.sellwoodbridge.org](http://www.sellwoodbridge.org). Multnomah County maintains the Sellwood Bridge.

[Mike Pullen](#) | Multnomah County Public Affairs Office | W 503-988-6804 | C 503-209-4111 | [newsroom](#) | [twitter](#) | [SellwoodBridge](#) | [MultCoBridges](#) | [MultCoRoads](#) | [facebook](#)



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-2 DATE 7/8/2010  
AGENDA GROW, BOARD CLERK

### Board Clerk Use Only

Meeting Date: 7/8/2010  
Agenda Item #: R-2  
Est. Start Time: 9:45 am  
Date Submitted: 6/30/2010

**Report of the Multnomah County Charter Review Committee and Resolution  
Agenda Submitting to the Voters Multnomah County Home Rule Charter Amendments  
Title: Proposed by the County Charter Review Committee**

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

Requested Meeting Date: July 8, 2010 Amount of Time Needed: 15 minutes  
Department: Non-Departmental Division: County Attorney  
Contact(s): Agnes Sowle  
Phone: 503-988-3138 Ext. 83138 I/O Address: 503/500  
Presenter(s): Brian Wilson, Chair, Multnomah County Charter Review Committee

## General Information

### 1. What action are you requesting from the Board?

Adopt Resolution certifying six measures, ballot designations, titles and charter text to the Director of Elections and directing publication in the county voter's pamphlet for the November 2 election.

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

The Multnomah County Charter requires a review committee to be appointed by state legislators every six years. The Committee began its work in October 2009 and held 13 public meetings, including hearings in county commission districts 3 and 4. It made a comprehensive study of the charter.

The Committee will present its final report to the people of Multnomah County and the Board on July 8, 2010. The report recommends voter approval of six measures that would amend the Charter. The Charter requires that all amendments proposed by the committee be submitted to Multnomah County voters. The measures will be on the November 2, 2010, general election ballot. All of the measures involve policy decisions and may be controversial.

Measure A – County Term Limits

Repeals Charter section 4.20(2) restriction on eligibility to serve more than two consecutive four-year terms in any county elective office within a 12-year period. Permits voters to limit terms at elections. Increases experience and expertise of county elected officials. Makes Multnomah County consistent with other counties and cities.

Measure B – Running for Office Midterm

Repeals Charter section 4.20(3) midterm ban on running for another elective office and allows elected official to file for another office without ending their current term and creating a vacancy. Makes Multnomah County consistent with other counties and cities.

Measure C – Salary Commission

Amends Charter section 4.30 to permit salary commission, appointed by the auditor, to set Sheriff and the county paid supplemental salary of the District Attorney, rather than allowing the Board to set Sheriff and DA supplemental salaries.

Measure D – Vacancy in Office

Amends Charter section 4.40 to cause a vacancy in a commission district office if the commissioner ceases to reside within the commissioner's district. Charter now only requires commissioner candidates or appointees to reside in the district for a year and a half prior to taking office.

Measure E – Election to Fill Vacancies

Amends Charter section 4.50 to limit elections to fill vacancies to the general and primary election dates. This measure may reduce County election costs.

Measure F – Multnomah County Library District

Amends Charter to allow the Board to form a county library district using a county-specific formation method as stated in the amendment. The library district would have powers granted by state law and the Charter, including imposing ad valorem property taxes to support its services. The Board would be the governing body of the district. The district would be different from those formed by the two methods available under state law. A separate election would be required to form the library district.

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

N/A

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

Reports Committee findings, conclusions and recommendations as required by Charter section 12.60 and submits proposed charter amendments to the people as required by Charter section 12.70.

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

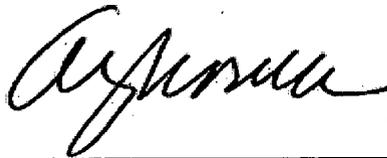
The CRC held 13 public meetings, including hearings in county commission districts 3 and 4

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**Required Signature**

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Elected Official or  
Department/  
Agency Director:



A handwritten signature in cursive script, appearing to read "A. J. ...", written over a horizontal line.

Date: 6/30/2010

## BIOGRAPHY

Brian Wilson

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Brian is the CFO of Kalberer Company, a Portland family business incorporated in the 1940s by his grandfather.

He is an active member of the Portland Business Alliance, serving on both Government Affairs and Transportation committees. He has volunteered on several city and county appointed task forces, most recently the Sellwood Bridge Community Task Force and the Potential Central City Urban Renewal Area Evaluation Committee.

He was recently appointed to the Citizen Campaign Commission for the City of Portland. Among other organizations, Brian is deeply involved with Cascade AIDS Project, Red Dress Portland, Our House of Portland, and is on the board of Portland Center Stage. He lives in southwest Portland.

**2010**

***Report of the Multnomah County  
Charter Review Committee***

***June 24, 2010***





# CHARTER REVIEW COMMITTEE

## MULTNOMAH COUNTY, OREGON

### MEMBERS

Brian Wilson, Chair  
Rob Milesnick, Vice Chair  
Lora Creswick  
Mark Garber  
Jim Hennings  
Nan Waller

Julie Young  
Ed Blackburn  
Jeffrey Dickey  
Joe Gall  
Tony Hopson  
Patti Smith

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June 24, 2010

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

Dear Commissioners:

Attached is the report to the people and to the Board of County Commissioners required by Multnomah County Home Rule Charter section 12.60. The report contains the Committee's findings, conclusions and recommendations including proposed amendments to the Charter.

The Committee began its work in October 2009 and held 13 public meetings. It made a comprehensive study of the Charter. It held public hearings in Commission Districts 3 and 4. Its record includes detailed minutes and other materials that have been filed with the Clerk of the Board. The Committee recommends six ballot measures proposing Charter amendments.

As it studied the issue of a library district, the Committee was approached about the possibility of expanding the library district concept to include arts and culture. While Committee members were unanimous in their support for arts and culture funding needs, they did not believe that it was within their authority or mission to refer such an expanded library/arts and culture district to the voters. However, Committee members encourage the Board of County Commissioners to continue discussions with arts and culture advocates and look for ways to be supportive of their needs into the future.

As it studied the issues relating to the Sheriff and authority over the jails, the Committee considered, at length, a number of ideas pertaining to the budget and whether the Charter could be amended to make clear the authority of the Chair over the implementation of the budget. Local Budget Law provides the controls necessary to implement an executive budget; the Committee believes amending the Charter to be superfluous, and perhaps counter-productive. Instead, the Committee encourages the Board of County Commissioners to work with the Sheriff, District Attorney and Auditor to foster the necessary trust and

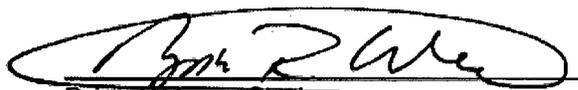
respect to ensure the spirit and intent of the Board-approved budget is honored throughout the budget year.

As it studied the issues relating to the Salary Commission, Auditor Steve March requested the Committee explore having the Salary Commission set the Auditor's salary, which would require a change to the Charter. The Salary Commission is appointed by the Auditor, and has a distinguished reputation for performing its duties in a transparent and impartial manner. The Committee found no reason to tamper with the appointment process of this institution, and because of the conflict having the Auditor's salary set by a Commission he or she appoints, did not pursue the matter further. Nonetheless, the Committee respectfully submits that tying the Auditor's salary to four-fifths that of circuit court judges renders the Auditor's salary susceptible to political and budgetary concerns at the state level, and is therefore not reflective of the qualifications for and obligations of the Auditor's office in Multnomah County. The Committee requests the Board of County Commissioners devise a more suitable method of setting the Auditor's salary, and submit to the voters a measure that will amend the Charter accordingly.

The Committee thoroughly reviewed the current structure and future needs of the County. It offers this report to further the best interests of the people and government of Multnomah County.

Respectfully submitted,

**CHARTER REVIEW COMMITTEE**

  
Brian Wilson, Chair

Enclosure

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**PART I**

**FINDINGS, CONCLUSIONS**

**AND**

**RECOMMENDATIONS**

# PRE-ELECTION RESIDENCY REQUIREMENT FOR ALL COUNTY ELECTED OFFICIALS

## ***Committee Findings:***

- a. The Multnomah County Home Rule Charter contains section 4.10 that relates to the qualifications to be a candidate for an elected position in Multnomah County.
- b. Section 4.10 was added to the Charter by voters in 1978 to impose a residency requirement to qualify to run for all elective offices of the County: candidates must be a qualified elector of the county (and in the case of commissioners, the district) for eighteen months immediately before taking office.
- c. Several members of the public proposed that the residency requirement be reduced, particularly for the offices of Sheriff and Auditor, in order to increase the pool of candidates for these offices.
- d. Many of the other home rule counties impose a one year residency requirement.
- e. Past Charter Review Committees have not studied the residency requirement.
- f. The Committee considered the Charter section and the information gathered by committee members and heard and read extensive testimony

## ***Committee Conclusions:***

1. Although the pre-election residency requirement may reduce the pool of candidates for an office, particularly for the offices of Auditor and Sheriff, the County has not experienced an election in which sufficient candidates were not willing to run for office.
2. No amendment to section 4.10 relating to the pre-election residency requirement for candidates for elected office should be referred to the ballot.

## ELECTED VS. APPOINTED SHERIFF

### ***Committee Findings:***

- a. When home rule was established in Multnomah County, the Sheriff was an appointed position. An amendment by initiative petition was passed by voters in 1982 to make the position elected, and section 6.50 was added to the Charter.
- b. State law does not require sheriffs to be elected.
- c. Former Chair Ted Wheeler asked the Committee to consider a number of options related to the Sheriff, one of which was consideration of whether the office should be appointed or elected.
- d. All of the other counties in Oregon have elected sheriffs.
- e. The Committee considered the section and information gathered by committee members and heard and read extensive testimony.
- f. Testimony was overwhelmingly in favor of keeping the office of Sheriff an elected position in Multnomah County.

### ***Committee Conclusions:***

1. It is in the best interests of the County that the office of Sheriff remain an elected position.
2. No amendment to section 6.50 relating to the election of Sheriff should be referred to the ballot.

## CHANGE REQUIREMENTS TO QUALIFY FOR OFFICE OF SHERIFF

### ***Committee Findings:***

- a. The Multnomah County Home Rule Charter contains section 6.50 that provides for an elective sheriff.
- a. State law provides for a number of qualifications that must be met for a person to qualify for election or appointment to the office of sheriff (ORS 206.015). State law does not require any corrections certification to qualify for sheriff.
- b. The Charter may impose additional qualifications for a person to qualify for election or appointment to the office of sheriff in Multnomah County.
- c. The Committee received several proposals to impose a corrections certification requirement to qualify for election or appointment to sheriff and to reduce the residency requirement to qualify to be a candidate.
- d. Current budget constrains on the state have caused it to curtail or suspend DPSST certification classes.
- e. Section 4.10 of the Charter requires that an elective officer of the county must have been a qualified elector of the county for a year and a half immediately before becoming such an officer.
- f. Several citizens asked the Committee to study whether the pre-election residency requirement of Sheriff should be reduced in time and/or expanded in territory.
- g. The Committee considered the sections and information gathered by committee members and heard and read extensive testimony.

### ***Committee Conclusions:***

- 1. Although a corrections certification is desirable for Multnomah County Sheriff, it is in the best interests of the County that no additional qualifications be required of its elected Sheriff at this time.
- 2. It is in the best interests of the County no change be made to the pre-election residency requirements for the office of Sheriff.
- 3. No amendment to section 6.50 relating to the qualifications of the office of Sheriff, or to section 4.10 relating to residency requirements for candidates for elected office as it applies to candidates for Sheriff should be referred to the ballot.

## CHANGE OF AUTHORITY OVER OPERATIONS OF SHERIFF'S OFFICE

### ***Committee Findings:***

- a. The Multnomah County Home Rule Charter contains section 6.50(1) that provides for an elected sheriff for the function prescribed by state law and charged with sole administration of all county jails and correctional institutions.
- b. Multnomah County voters adopted section 6.50(1) in 1982 as the result of an initiative petition. Formerly, a Department of Public Safety combined authority over enforcement and corrections under an appointed sheriff.
- c. Former Chair Wheeler proposed a Charter amendment that would give the Chair and Commissioners more control over the operations of the jails by making the sheriff an appointed position, amending the charter to allow a department of corrections under the Chair, or providing for shared authority over operations.
- d. State law grants county Sheriffs certain specific authority, including authority over sworn personnel and inmates. The County does not have authority to alter state law.
- e. The Committee considered the section and information gathered by committee members and heard and read extensive testimony.

### ***Committee Conclusions:***

1. It is not in the best interests of the County to change the authority over operations of the Sheriff's office.
2. No amendment to Section 6.50(1) to allow a department of corrections under the Chair or provide for shared authority over operations should be referred to the ballot.

# CHARTER REVIEW COMMITTEE

## ***Committee Findings:***

- a. The Multnomah County Home Rule Charter contains sections 12.30 and 12.40 that relate to the Charter Review Committee.
- b. Sections 12.30 and 12.40 were adopted by Multnomah County voters in 1977. The committee had 16 members appointed within 30 days by the state senator and state representatives for each senate district in county. Issues listed for consideration by the first committee included at large or single member district election of Commissioners, two or four year terms, method of choosing Board chair, and method of filling Board vacancies. A committee report to the Board was required 75 days before the 1978 general election.
- c. In 1978, Multnomah County voters amended the Charter to provide for the committee appointments to two electors who reside in the county from each senatorial district having the majority of its voters in the county. Appointments had to be made by June 30, 1983. The amendments also changed the scope of the committee review to the Charter and any issues relating thereto, including the role of the auditor. The committee report due date changed from 75 to 95 days before the general election.
- d. In 1984, Multnomah County voters added a committee member from each senatorial district having less than a majority of voters in the county. It required the report at least 95 days before the primary or general elections in 1990.
- e. In 1990, dates for the next Charter Review Committee were added requiring appointments by June 30, 1997, and the committee report and election in 1998.
- f. In 1998, the Charter was revised to require that the next committee be appointed by August 30, 2003, and that a committee will be appointed every six years thereafter.
- g. In 2009, the initial selection of the Charter Review Committee members did not comply with the Charter provisions, and the Committee was not able to begin its work until well into October.
- h. There is no uniformity in the way other home rule counties conduct their charter review process.
- i. The Committee studied the Charter Review selection process, how the 2009 selection process failed, and considered various options.

## ***Committee Conclusions:***

1. The Charter Review Committee serves an important function in county government: it provides a citizen review of the constitutionally-allowed chief governing document of the County.
2. The Chair of the Board of Commissioners, as the chief executive officer of the County, oversees the selection process.

3. The process of selection of the charter Review Committee set out in the Charter guarantees a committee that includes diversity of political affiliation and geography. The process is appropriate and should be maintained.
4. The selection process for the Charter Review Committee does not assure diversity of race, color, sex, age, religion, national origin, marital status, sexual orientation, gender identity, source of income, familial status, physical/mental disability, knowledge, education, experiences, skills, or points of view. It would be very difficult to impose a process of selection by state senators and representatives that would assure such diversity.
5. No amendment to Charter sections 12.30 and 12.40 relating to the process of selection of Charter Review Committee members should be referred to the ballot.

### ***Committee Recommendations:***

The Committee had discussion about the process and the timing and issues that arose when it was convened. It makes the following recommendations to the Chair and the Commissioners:

- Begin the process of selection earlier so that by August 30, the committee members may begin their work.
- Vigorously oversee the process of selection to make sure that all Charter requirements are met.
- Use public outreach and marketing not only to generate interest in serving on the Committee, but also to educate the public about the process and the importance of charter review.
- Recommend candidates to the senators and representatives who represent the diversity of the County, and maintain communication with them throughout the process.

# MEASURE A TERM LIMITS

## ***Committee Findings:***

- a. At the May 18, 1982, election the voters adopted Charter section 6.50(3) which limited service to eight years of service.
- b. Section 6.50(3) was amended in 1984 to limit service to two full consecutive four-year terms in any one county elective office in any 12-year period. At the May 16, 2006, election, voters approved a housekeeping measure moving this subsection (3) from Section 6.50, Sheriff, to Section 4.20(2), Terms of Office as recommended by the 2003 Charter Review Committee.
- c. The two-term limit prohibits voters from deciding whether or not to retain a county elected official by preventing incumbents from being eligible for further service.
- d. Very few other Oregon county or city governments have adopted term limits.

## ***Committee Conclusions:***

1. The current limitation deprives the public of desirable experience and expertise in county government by forcing elected officials from office without a vote.
2. Requiring elected officials who are required to have specific licensing or certification, the auditor and sheriff, to serve no more than two terms limits the pool of candidates who are willing to serve the citizens of the County.
3. It is not appropriate to have different limits for some of the elected officials.
4. The voters should have the right to decide whether a candidate is the best person to fill the elected position regardless of how long he or she may have served in that position.
5. An amendment to repeal Charter provision 4.20(2) restricting elected officials to two full consecutive four-year terms in any one office should be referred to the voters.

## ***Committee Recommendations:***

Submit to the people of Multnomah County at the November 2, 2010 general election a measure repealing section 4.20(2), Ballot Measure A, Term Limits.

## **MEASURE B MIDTERM RESIGNATION**

### ***Committee Findings:***

- a. At the May 18, 1982 election the voters adopted Charter section 6.50(4) which prohibits a county elected official from running for another elective office in midterm.
- b. If a county official files for another office the Charter declares it the same as a resignation. Only in the last year of a term may an official file for another office without it being treated as a resignation.
- c. No other Oregon county or city government treats filing for another office as a resignation.
- d. The current rule is unfair because officials of some county elected offices are affected more than other county officials depending on the cycles of their terms. Because Commissioners have staggered terms, some can run for Chair without resigning and some cannot.
- e. The current rule deprives the public of desirable experience and expertise in county government by forcing elected officials from office before the end of their terms.
- f. In March 1998, the County was left with only the Chair and one other commissioner to conduct county business due to hospitalization of one commissioner and the two other commissioners having to resign in order to run for other offices. The 1998 Charter Review Commission proposed and voters adopted Measure 26-80 that allows an interim to fill a vacancy in the office of commissioner. An interim only serves until someone is elected or appointed to the fill the office.
- g. The current rule creates vacancies in elected offices and sometimes results in special elections to fill offices. This results in increased cost to the County.
- h. In 2004, voters failed to pass an amendment that would have repealed section 6.50(4).
- i. At the May 16, 2006, election, voters approved a housekeeping measure moving this subsection (4) from Section 6.50, Sheriff, to Section 4.20(3), Terms of Office as recommended by the 2003 Charter Review Committee.

### ***Committee Conclusions:***

1. It is in the best interest of the County to repeal the Charter provision requiring elected officials to resign if they file for another office.
2. An amendment repealing Section 4.20(3) should be referred to the voters.

### ***Committee Recommendations:***

Submit to the people of Multnomah County at the November 2, 2010 general election a measure repealing section 4.20(3), Ballot Measure B, Midterm Resignation.

## **MEASURE C SALARY COMMISSION**

### ***Committee Findings:***

- a. The Multnomah County Home Rule Charter contains section 4.30 that relates to the compensation of the Chair and County Commissioners, and creates a salary commission.
- b. Section 4.30 was adopted by Multnomah County voters in 1982, and amended by the voters in 1984, 1986, 1989 and 1990.
- c. In 2004, Multnomah County voters amended Section 4.30 to require the five-member Salary Commission appointed by the auditor to set county chair and commissioner salaries.
- d. In 2005, by Resolution 05-169, the Board of Commissioners (Board) directed the Auditor to include the District Attorney's salary in future Salary Commission studies and recommend salary adjustments.
- e. In 2007, by Resolution 07-160, the Board directed the Auditor to include the Sheriff's salary in future Salary Commission studies and recommend salary adjustments.
- f. Auditor Steve March proposed an amendment to Charter Section 4.30 to include the salaries of the Sheriff, the Auditor and the County paid supplement to the District Attorney's salary, in the Salary Commission's charge.
- g. Currently the Charter charges the Auditor, an independent elected official, with the responsibility of appointing and convening the Salary Commission.
- h. There is no uniformity in the way other counties set the salaries of their elected officials.
- i. The Committee studied the Salary Commission recommendation and considered various options.

### ***Committee Conclusions:***

1. The Salary Commission serves an important and difficult function in county government: helping to determine salaries for elected officials.
2. The Salary Commission should continue to be appointed by an independent elected Auditor, whose salary is not set by the Commission.
3. The salary sections of the Charter should be amended at this time to require the Salary Commission to set the Sheriff and DA supplemental salaries.

### ***Committee Recommendations:***

Submit to the people of Multnomah County at the November 2, 2010, general election a measure amending sections 4.30 and 6.50, Ballot Measure C, Salary Commission.

## **MEASURE D VACANCY IN OFFICES CEASING TO RESIDE**

### ***Committee Findings:***

- a. The Multnomah County Home Rule Charter contains section 4.40 that enumerates the causes for an elective office to become vacant. Subsection (1) (f) provides that if an incumbent ceases to reside within Multnomah County his or her office shall become vacant.
- b. In 1978, voters amended section 4.40 to add ceasing to reside in the County to the list causing an office to become vacant.
- c. Charter Section 3.10 provides that the County's four commissioners are elected from established districts. Section 4.10 requires candidates for commissioner to reside in their districts for 18 months prior to running for election.
- d. Several members of the public proposed that Commissioners should be required to remain in their districts throughout the term of their office.
- e. Past Charter Review Committees have not studied this issue.

### ***Committee Conclusions:***

Good government is served by requiring Commissioners to remain a resident of their district throughout their term of office as they serve their district's constituents.

### ***Committee Recommendations:***

Propose a Charter amendment that would add ceasing to reside in their district to the list causing an office to become vacant.

## **MEASURE E ELECTION TO FILL VACANCIES**

### ***Committee Findings:***

- a. The original Charter that took effect in 1966 provided that the Board of Commissioners filled vacancies in county elected office.
- b. Section 4.50 was amended in 1976 to provide that vacancies in elected offices were filled by election rather than appointment by the Board.
- c. As the result of initiative petition, in 1977, voters again amended the provision such that filling vacancies of elected offices reverted to appointment by the Board of Commissioners.
- d. In 1984, the provision was again amended to provide that if more than one year remains in the term, the vacancy is filled at the next available election. If less than one year but 90 days or more remain, the Board appoints a person to fill the remaining term. If less than 90 days left in the term, the office remains vacant.
- e. Oregon statutes allow that a local government may hold elections on four dates: the second Tuesday in March; third Tuesday in May (state primary election date); third Tuesday in September; or first Tuesday after the first Monday in November (state general election date) unless the Board declares an emergency according to state procedures for doing so.
- f. Usually the primary and general election dates have multiple issues and jurisdictions that share the cost of the election. If a candidate does not receive a majority of the votes cast, a runoff election must take place at the next available election date.
- g. If the Board calls for an election on a date when no other matters are on the ballot, it must pay the entire cost of the election. That amount fluctuates somewhat (depending on the number of votes cast in the last general election) but is currently approximately \$430,000 for a county-wide election. It would be somewhat less for a commissioner race because only voters within the district would vote. If no candidate receives a majority of the votes cast, a runoff election must take place and an additional sum paid by the county.
- h. Other home rule counties fill vacancies by a number of different methods. None require a special election.

### ***Committee Conclusions:***

1. It is in the best interest of the County that Charter Section 4.50(1)(a) be amended to limit the election dates to fill a vacancy to the May and November elections.

### ***Committee Recommendations:***

Submit to the people of Multnomah County at the November 2, 2010, general election a measure amending section 4.50(1)(a), Ballot Measure E, Election to Fill Vacancies.

## MEASURE F LIBRARY DISTRICT

### ***Committee Findings:***

- a. The Multnomah County Home Rule Charter does not contain any section regarding the Library.
- b. The Library is an administrative department of Multnomah County that was established in 1990.
- c. In 1996 a utility tax was considered and passed by the Board of Commissioners, but it was repealed before it was implemented.
- d. In 1996 voters approved a three year levy to fund the library.
- e. In 1997 Measure 5 cut the property tax rate and capped it at 3% growth each year based on assessed value. The 1996 levy was cut, capped and rolled into the County's permanent tax base general fund (fossil levy).
- f. In November 1997, voters passed a five-year library levy. It and the fossil levy from the County's general fund funded the library. Compression reduced the amount collected from the levy.
- g. In May 2002 voters approved renewal of the five-year levy, but a double majority requirement was not met. That November, the renewal five-year levy passed.
- h. In 2006, the voters approved renewal of the five year levy. That levy will expire in 2012.
- i. The serial levy is not a stable source of funding for the library because it requires voter approval every five years for the majority of the library system's funding. In addition, because it is funded by a serial levy, the library suffers greater reductions due to compression than it would if it were funded by a permanent tax rate.
- j. A Library District, with a permanent tax rate, would be less affected by compression. It would cause some revenue losses to other jurisdictions.
- k. The two state statutory methods available to form districts require consent from other jurisdictions located within the district. An effort to form a library district in 1987 failed because the Portland City Council voted against it.
- l. The Charter could be amended to provide another method for formation of a Library District with requirements that are specific to the Multnomah County Library.
- m. The Committee studied the Library subcommittee recommendation, took written and oral testimony, and considered various options.

***Committee Conclusions:***

1. The Multnomah County Library system is one of the most successful in the nation, winning national awards for its services.
2. The studies for stable funding for the Library have been ongoing for many years. A Charter District is the best alternative that has been proposed.
3. Although there are many competing needs for property tax dollars, the voters should be given the opportunity to choose their own priorities.
4. It is in the best interests of the County for a measure to be put to the voters that would amend the Charter to create a method of establishing a Library District unique to the needs of Multnomah County. If passed, the method would be available to the Board of Commissioners.

***Committee Recommendations:***

Propose a Charter amendment that authorizes the Board of Commissioners to place the formation of a Library District with a permanent tax rate before the voters.

**PART II**

**RESOLUTION,  
PROPOSED BALLOT TITLES,  
EXPLANATORY STATEMENTS  
AND  
CHARTER TEXT**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Submitting To The Voters Charter Amendments Proposed By The County Charter Review Committee

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

- a. The Multnomah County Home Rule Charter (Charter) creates a Charter Review Committee (Committee) and directs it to review the Charter and any issues relating thereto.
- b. The Charter requires the Committee to report to the people and the Board its findings, conclusions, and recommendations including any amendments proposed to the county charter.
- c. The Committee has concluded its review and submitted its report to the Board. The Committee recommends six separate measures amending the Charter for submission to the people of Multnomah County at the 2010 general election.
- d. The Charter requires all amendments proposed by the Committee to be submitted to the people of Multnomah County at the primary or general election.
- e. Under MCC 5.107(B), measures referred by the Board will be designated on the ballot as referred to the people by the Board.
- f. The Board wants to clearly inform voters that the Committee recommended these six measures.

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

1. The six measures proposing amendments to the Charter recommended by the Committee shall be submitted to the people of Multnomah County at the November 2, 2010, general election.
2. The ballot titles, explanatory statements and changes to the language of the Charter for the six measures are attached as Exhibits A, B, C, D, E, and F.
3. The words "as recommended by the Multnomah County Charter Review Committee" shall be added to the ballot designations required by MCC 5.107(B). The designation for each measure shall read as follows:

"Referred to the People by the Board of County Commissioners as recommended by the Multnomah County Charter Review Committee."

4. The six measures, designations, ballot titles, explanatory statements and Charter text are certified to the Director of the Multnomah County Division of Elections (Director).
5. The Director shall publish these designations and include them in the county voters' pamphlet.
6. All measures approved by a majority of voters at the November 2, 2010, election shall take effect November 3, 2010.

ADOPTED this 8<sup>th</sup> day of July, 2010

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Agnes Sowle, County Attorney

## BALLOT MEASURE A

**CAPTION:** County Term Limits.

**QUESTION:** Shall County Charter limit on voters' right to elect a person to more than two four-year terms be repealed?

**STATEMENT:** The Charter limits public service in county elective offices. No person can serve more than two consecutive four-year terms. Voters do not have the right to keep a person in office. The measure repeals Charter Section 4.20(2). It takes effect on November 3, 2010.

### EXPLANATORY STATEMENT

This measure amends the Charter. It now limits a person to two full four-year terms in any one elective office in any 12-year period. Currently voters cannot decide to keep a county elected official in office beyond the two full terms.

The Charter Review Committee concluded that term limits cost the public experienced elected officials. Most other counties and cities do not have term limits.

The Charter Review Committee recommends this measure. It will repeal the county term limits.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure A – Repealing County Term Limits

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

**4.20. Terms Of Office; ~~Successive Terms~~; Running For Office in Midterm.**

(1) Except as this charter provides to the contrary, the term of office of a person elected to an elective county office:

(a) Shall begin the first of the year immediately following his or her election to the office and

(b) Shall continue four years.

~~\_\_\_\_\_ (2) Effective January 1, 1985, no incumbent or future elected officer of the county shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any 12-year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any 12-year period.~~

(32) No elected official of Multnomah County may run for another office in midterm. Filing for another office in midterm shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.

## BALLOT MEASURE B

**CAPTION:** Multnomah County Official Running for Office Midterm.

**QUESTION:** Shall County elected officials be allowed to run for another elective office in midterm?

**STATEMENT:** The measure amends the Charter. It allows county elected officials to file for another office without ending their current term of office. The Charter now treats filing as a resignation resulting in ending county elected terms, creating office vacancies and causing more elections to fill offices. The measure takes effect on November 3, 2010.

### EXPLANATORY STATEMENT

The county Charter does not allow running for another elective office in midterm. If a county official files for another office, it is the same as a resignation. Only in the last year of the term may the official file for another office while continuing to serve in his or her current office. This limits public service in county elected offices, creates office vacancies and results in the cost of conducting more elections to fill offices.

The measure amends the Charter. This measure repeals the midterm ban and allows elected officials to file for another office without ending their current term. This measure will reduce the number of elections to fill offices.

The Charter Review Committee recommends this measure.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure B - Repealing Running for Office in Midterm

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

**4.20. Terms Of Office; Successive Terms; ~~Running For Office in Midterm.~~**

(1) Except as this charter provides to the contrary, the term of office of a person elected to an elective county office:

(a) Shall begin the first of the year immediately following his or her election to the office and

(b) Shall continue four years.

(2) Effective January 1, 1985, no incumbent or future elected officer of the county shall be eligible to serve more than two full consecutive four-year terms in any one elective county office within any 12-year period. If an officer of the county is elected or appointed to an elective county office for a term of less than four years, the time so served shall not be counted against the limitation on terms within any 12-year period.

~~(3) No elected official of Multnomah County may run for another office in midterm. Filing for another office in midterm shall be the same as a resignation, effective as of date of filing. "Midterm" does not include the final year of an elected official's term. Filing for another office in the last year of an elective term shall not constitute a resignation.~~

## BALLOT MEASURE C

**CAPTION:** Salary Commission

**QUESTION:** Should the Salary Commission set Sheriff's salary and District Attorney supplemental salary?

**STATEMENT:** The Charter now requires that the Board fix the Sheriff's salary and the Salary Commission set the chair and commissioner salaries. The auditor appoints the five-member Salary Commission. This measure amends the Charter to require the Salary Commission to set the county Sheriff and DA supplemental salary. It takes effect on November 3, 2010.

### EXPLANATORY STATEMENT

This measure amends the salary sections of the Charter. The provisions now require that the Salary Commission set the chair and commissioner salaries, and the Board set the Sheriff's salary. The District Attorney is paid by the state, but the county may supplement the DA's salary. In the past, the Salary Commission included the Sheriff and DA in its studies and recommendations at the request of the Board of Commissioners.

The five-member salary commission is appointed by the auditor by January 1 of each even year. The Charter Review Committee believes it is appropriate for the Salary Commission to set the salary of the Sheriff and the county paid supplemental salary of the DA.

This measure will remove the authority of the Board to set the Sheriff's salary from the Charter. It will require the Salary Commission to set Sheriff and DA's salaries.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure C - Salary Commission

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

**4.30. Compensation Of The Chair ~~And~~ Commissioners, Sheriff and District Attorney.**

The auditor shall appoint a five-member salary commission, composed of qualified human resource professionals with compensation experience, by January 1 of each even year. ~~The salary commission shall set the salaries for the chair of the board of county commissioners and the~~ county commissioners, sheriff and the county paid supplemental salary of the district attorney, documenting the basis of its decisions. All elected or appointed Multnomah County officials and employees are prohibited from serving on the salary commission.

**6.50. Sheriff.**

The people of Multnomah County shall elect:

~~(1)~~ A county sheriff for the function of said office as prescribed by state law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.

~~(2)~~ Notwithstanding any other charter provision to the contrary, the salary for the sheriff shall be fixed by the board of county commissioners in an amount which is not less than that for any member of the sheriff's office.

## BALLOT MEASURE D

**CAPTION:** Vacancy in Office

**QUESTION:** Should ceasing to reside in the district cause a vacancy in the office of county commissioner?

**STATEMENT:** The Charter now requires that candidates or appointees to a county commissioner position reside in the district for a year and a half immediately before becoming such a commissioner. A vacancy occurs in an elective office when the incumbent ceases to reside within Multnomah County. This measure amends the Charter to cause a vacancy in a county commissioner position upon the incumbent's ceasing to reside in the commissioner's district. It takes effect on November 3, 2010.

### EXPLANATORY STATEMENT

This measure amends the cause of vacancy section of the Multnomah County Charter. It now causes an elective office to become vacant upon an incumbent's ceasing to reside within Multnomah County. Candidates or appointees to a county commissioner position must reside in the district for a year and a half before taking office.

The Charter Review Committee believes it is appropriate for county commissioners to remain residents of their district during their term of office and that ceasing to reside in their district should cause a vacancy in office.

This measure will add ceasing to reside within the district as a cause for vacancy of a county commissioner position.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure D - Vacancy in Office

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

**4.40. Vacancies -- Causes.**

An elective office of the county shall become vacant:

- (1) Upon the incumbent's
  - (a) Death,
  - (b) Adjudicated incompetence,
  - (c) Conviction of a felony, other offense pertinent to his or her office, or unlawful destruction of public records,
  - (d) Resignation from the office,
  - (e) Recall from the office, or
  - (f) Ceasing to reside within Multnomah County or, if a commissioner, within the commissioner district, or ~~inability~~
  - (g) Inability to obtain a corporate surety bond as required by section 4.10(2).
- (2) Upon the failure of the person elected or appointed to the office to qualify for it within ten days after the time for his or her term of office to commence; or
- (3) In the case of a member of the board of county commissioners, upon his or her absence
  - (a) From the county for 30 consecutive days without the consent of the board or
  - (b) From board meetings for 60 consecutive days without like consent.
- (4) In the case of the chair of the board of commissioners, upon his or her absence from the county for 30 consecutive days without the consent of the board.

## BALLOT MEASURE E

**CAPTION:** Multnomah County Election to Fill Vacancies.

**QUESTION:** Shall election dates for vacancies be limited to the May and November elections?

**STATEMENT:** The measure amends the Charter. Currently an election must be held at the next available election date to fill a vacancy of a year or more in a county elective office. If no candidate receives a majority of the votes cast, the Board must call a special runoff election. The primary and general election dates in even-numbered years normally have multiple issues and jurisdictions that share the cost of the election. If the Board calls for an election on a date when no other matters are on the ballot, it must pay the entire cost of the election. This measure amends the Charter to limit the election dates for vacancies to the May or November elections. The measure takes effect on November 3, 2010.

### EXPLANATORY STATEMENT

Oregon statutes allow that a local government may hold elections on four dates:

1. second Tuesday in March;
2. third Tuesday in May;
3. third Tuesday in September; or
4. first Tuesday after the first Monday in November.

The Charter now requires the Board to call an election to fill a vacancy on the next available election date, and if no candidate receives a majority of the votes cast, the Board must call a special runoff election.

Normally, other local governments share the cost of primary and general elections in even-numbered years. If the Board must call an election for a date when there are no other matters on the ballot, the county must pay the entire cost of the election.

This measure amends the Charter. It limits elections to fill vacancies to the May and November election dates. This measure may reduce County election costs.

The Charter Review Committee recommends this measure.

The measure will take effect November 3, 2010.

Text of Charter Amendments for Ballot Measure E - Election to Fill Vacancies

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

**4.50. Vacancies -- Filling.**

(1) If a vacancy occurs in an elective office of the county and the term of office expires:

(a) One year or more after the vacancy occurs, then a person shall be elected at the next ~~available~~ May or November election date to fill the vacancy for the remainder of the term of office. If no candidate receives a majority of votes cast at that election, the board of county commissioners shall call for a special election in which the names of the two candidates receiving the highest number of votes shall appear on the ballot. The candidate receiving a majority of votes cast will be deemed elected to fill the balance of the unexpired term.

(b) Less than one year but 90 days or more after the vacancy occurs, then the board of county commissioners shall appoint a person to fill the vacancy for the remainder of the term of office.

(c) Less than 90 days after the vacancy occurs, the vacancy shall not be filled.

(2) For purposes of this section 4.50, "term of office" means the term of office of the last person elected to the office which is vacant.

(3) In the event of a vacancy in an elective office, the board shall by ordinance prescribe procedures to designate an interim occupant of the office. The person so designated shall serve as acting chair, commissioner, sheriff or auditor, as the case may be, until the office is filled by election or appointment, as appropriate under section 4.50(1).

## BALLOT MEASURE F

**CAPTION:** Multnomah County Library District

**QUESTION:** Should the County Charter allow the Board of County Commissioners to form a county library district by voter approval?

**STATEMENT:** This measure amends the Charter to allow the County to form a library district with requirements specific to the County. The library district would have the powers granted to districts and public libraries by state law and by the Charter, including imposing ad valorem property taxes to support its services. The Board of County Commissioners would be the governing body of the library district. The amendment would provide the method of forming the library district, its organization and management, and the process for giving voters notice and hearing. A separate election would be required to form the district. This district would be different from those formed by the two methods available under state law. It takes effect on November 3, 2010.

### EXPLANATORY STATEMENT

The Library is a County Department funded by the general fund and a five year serial levy that expires in 2012. A serial levy is not a stable source of library funding. It requires voter approval every five years for the majority of the funding. In fiscal year 2009-2010, the levy provided 62% of the library's budgeted funding. A library district with a permanent tax rate would be a more stable funding source, but it would cause some revenue loss to other jurisdictions within the County. Under state law, the two methods to form a county library district require consent of other jurisdictions in the district before the Board may place the measure before voters. This measure would add a section to the Charter allowing the Board to set a county-specific method of library district formation.

Multnomah County library provides:

24/7 online access to information, learning resources, and the library catalog

- Each day more than 14,000 people visit the 19 libraries and there are more than 15,000 website visits.
- An average of 29.9 books are checked out every year for every man, woman, and child in the county.
- Library staff answers 1.9 million questions a year.

Programs for school age children, story hours for babies and toddlers, summer reading, literacy services for children in child care, homework help, programs for teens

- 62,000 kids participated in the Library's Summer Reading program in 2009, which includes over half of the county's elementary school children
- More than 300,000 people attend library programs and events for children and teens each year.

Book delivery to homebound seniors and nursing home residents

Library services for jobseekers, small business owners, and English language learners

Among US libraries serving fewer than 1 million residents, Multnomah County Library ranks No. 1 in annual circulation of books and materials, according to the 2009 Public Library Data Service Statistical Report.

The Charter Review Committee found that the Library provides important services to county residents and should have a stable funding source, and that the question of forming a Multnomah County Library District with a permanent tax rate should be decided by all voters within the County, without prior restriction or consent.

This measure would provide the County with another method of forming a Multnomah County Library District as determined by the Board of County Commissioners.

The measure will take effect November 3, 2010.

Text of Charter Amendment Adding New Chapter for Ballot Measure F - Multnomah County Library District

CHAPTER IX. LIBRARY DISTRICT

**9.10 Formation.**

(1) Upon the approval of a majority of the voters in Multnomah County, the Board of County Commissioners may establish a Multnomah County Library District. The Library District will be established as a municipal corporation. The Library District has the powers granted by this Charter, and those granted by state law to library districts and public libraries.

(2) The Board of County Commissioners will be the governing body of the Library District. The Board will appoint a district librarian.

(3) A majority of the Board of County Commissioners may initiate the formation of the district, to be located entirely within the county, by an order setting forth (a) the intention of the Board to initiate the formation of the Library District in accordance with this Charter provision, (b) the name and boundaries of the proposed Library District, and (c) the date, time and place of a public hearing on the proposal. The hearing may not be held less than 30 days or more than 50 days after the Board's proposal to establish the Library District. Notice of the hearing will be posted in at least three public places and published by two insertions in a newspaper.

**9.20 Financing.**

(1) The Library District may impose ad valorem property taxes sufficient to support its functions and services with a permanent rate limit for operating taxes approved by county voters

(2) The operating property, employees and debt associated with the Multnomah County Library may be transferred to the Library District pursuant to intergovernmental agreements. During the period of negotiation of the agreements, the Library District may be subsidized by the County. It will become financially independent from the County on a date no later than eighteen months following the voters' approval.

**9.30 Advisory Board.**

There will be a Library Advisory Board of 17 members, including two youth members. The members will be appointed by the Chair subject to approval by the Board of County Commissioners. The term of office for each Library Advisory Board member will be four years and begin on July 1 with the exception of the initial members. The initial members and their terms will be the members of the then current Library Board and their respective terms. No Library Advisory Board member may serve more than a total of two consecutive terms.



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST**

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-3 DATE 7-8-2010  
LYNDA GROW, BOARD CLERK

**Board Clerk Use Only**

Meeting Date: 7/8/2010  
Agenda Item #: R-3  
Est. Start Time: 10:05 am  
Date Submitted: 6/22/2010

**Agenda Title: PROCLAMATION on the 20<sup>th</sup> Anniversary of the Americans with Disabilities Act.**

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

**Requested Meeting Date:** 7/8/2010      **Amount of Time Needed:** 15 min  
**Department:** Non-Departmental—Chair's Office      **Division:** Chair Jeff Cogen  
**Contact(s):** Robert Phillips  
**Phone:** 503 988-4377      **Ext.** \_\_\_\_\_      **I/O Address:** 503/600  
**Presenter(s):** Robert Phillips, EEO/Affirmative Action Officer & David Miller, ADA Technical Specialist

**General Information**

1. **What action are you requesting from the Board?**  
Adopt Proclamation recognizing the 20<sup>th</sup> Anniversary of the Americans with Disabilities Act (ADA) that ensures the civil rights of people with disabilities.
2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**  
The 20<sup>th</sup> anniversary of the ADA recognize the progress that has been made under the ADA for the disabled community and reaffirms our commitment towards full accessibility and inclusion of people with disabilities.
3. **Explain the fiscal impact (current year and ongoing).**  
The proclamation has no fiscal impact.
4. **Explain any legal and/or policy issues involved.**  
n/a

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

Comments by Mr. David G. Miller, ADA Technical Specialist; and potential associate.

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**Required Signature**

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

**Date:** \_\_\_\_\_

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 2010-099

Proclaiming the Month of July 2010 as a time of recognition of the milestone passage of the Americans with Disabilities Act, signed into law on July 26, 1990, by President George H. Bush, to ensure the civil rights of people with disabilities.

The Multnomah County Board of Commissioners Finds:

- a. The Americans with Disabilities Act (ADA) established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities;
- b. The ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing full participation in community life; and,
- c. On the 20<sup>th</sup> anniversary of the ADA, Multnomah County reaffirms the principles of equality and inclusion central to full ADA compliance.

NOW THEREFORE, the Multnomah County Board of Commissioners Proclaims:

The month of July 2010 as Americans with Disabilities Month in Multnomah County, Oregon, and encourage citizens to recognize, learn, and reaffirm our commitment to the intent of this act.

ADOPTED this 8<sup>th</sup> day of July, 2010.

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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Jeff Cogen, Chair

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Deborah Kafoury  
Commissioner District 1

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Barbara Willer  
Commissioner District 2

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Judy Shiprack  
Commissioner District 3

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Diane McKeel  
Commissioner District 4

SUBMITTED BY: Jeff Cogen, Chair



# MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

(revised 12/31/09)

APPROVED: MULTNOMAH COUNTY  
BOARD OF COMMISSIONERS  
AGENDA # R-4 DATE 7/8/2010  
LYNDA GROW, BOARD CLERK

### Board Clerk Use Only

Meeting Date:	<u>7/8/2010</u>
Agenda Item #:	<u>R-4</u>
Est. Start Time:	<u>10:20 am</u>
Date Submitted:	<u>6/28/2010</u>

**Agenda Title:** **RESOLUTION** Accepting the Portland Children's Levy Allocation Plan and Offering Advice and Counsel to the City of Portland Concerning the Recommendations.

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

<b>Requested Meeting Date:</b>	<u>July 8, 2010</u>	<b>Amount of Time Needed:</b>	<u>5-10 minutes</u>
<b>Department:</b>	<u>Non-Departmental</u>	<b>Division:</b>	<u>Commissioner Kafoury</u>
<b>Contact(s):</b>	<u>Veronica Valenzuela</u>		
<b>Phone:</b>	<u>503.988.4435</u>	<b>Ext.</b>	<u>4435</u>
	<b>I/O Address:</b>	<u>503/6th</u>	
<b>Presenter(s):</b>	<u>Commissioner Deborah Kafoury; Lisa Hansell, Grant Manager, Portland Children's Levy</u>		

## General Information

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

Approval of Resolution to accept Portland Children's Levy (PCL) recommendations and to recommend adoption to Portland City Council.

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

The Portland Children's Levy was authorized by Portland voters in 2002 and renewed in Fall 2008 for an additional five years to fund proven children's programs within the City. The ballot language authorizing the Children's Levy requires that investments be made in early childhood programs, child abuse prevention and intervention programs, programs for children in foster care, and after-school and mentoring programs.

After the Levy was renewed, a competitive funding process was held for each of the program areas. In addition, the Levy Allocation Committee designated \$2,500,000 of Levy revenues for Challenge Grants in an effort to leverage additional resources to fund services in PCL's program areas. Challenge grants provide the opportunity for provider-initiated projects that seek to leverage Levy funds with private and other public dollars.

Challenge grants could be 2 to 4 years in length, were for a minimum of \$250,000 from Levy funds,

and required a 1:1 match of Levy funds requested by applicants. At least 50% of the match had to be cash and up to 50% was allowable from in-kind sources.

PCL is requesting that the Multnomah County Board of Commissioners accept the recommendations of the Allocation Committee to fund the investments in the after school, early childhood and child abuse prevention and intervention programs in the amounts outlined in the attached memo entitled "Request for County Board Acceptance".

The additional investments will support a new after school program for an alternative high school and a culturally specific after school program; an early literacy program; an eastern expansion of relief nursery services; services for pregnant and parenting homeless teens; abuse & neglect and juvenile delinquency prevention services; improvements in childcare quality; culturally specific abuse & neglect prevention services; and sexual abuse treatment services.

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

No fiscal impact to County.

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

No legal issues involved; supports policies previously set by the Board.

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

This is a multi-jurisdictional effort that has involved community stakeholders.

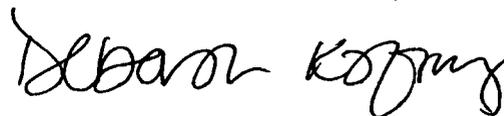
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**Required Signature**

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Elected Official or  
Department/  
Agency Director:

Commissioner Deborah Kafoury



Date: 6/28/10

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

Accepting the Portland Children's Levy Allocation Plan and Offering Advice and Counsel to the City of Portland Concerning the Recommendations.

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

- a. In 2002 the citizens of the City of Portland authorized a five-year property tax levy (Portland Children's Levy) to fund proven children's programs within the City.
- b. In November 2008 voters approved a renewal of the Portland Children's Levy (Levy) to make targeted investments in proven programs in early childhood, child abuse prevention and intervention, foster care, after-school and mentoring.
- c. The City of Portland and Multnomah County entered into an Intergovernmental Agreement (IGA) to make certain that the funds received from the Levy are allocated in a manner complementary with a coordinated and comprehensive plan, and to ensure accountability and equity throughout the system. As part of the IGA, the City of Portland created the Children's Levy Allocation Committee (Committee) to provide citizen oversight of the Levy.
- d. In June 2010, as shown in the attached spreadsheet titled "Exhibit B: Portland Children's Levy - Leverage Fund Challenge Grant Awards" (Allocation Plan), the Committee conditionally awarded funds totaling \$2.5 million (over three years) to nine early childhood, child abuse prevention and intervention, and after-school programs.
- e. Under the IGA, the Board of County Commissioners, through its expertise and experience in children's policy and administration, provides the City Council with advice and counsel regarding the Allocation Plan.

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

1. The Board accepts the Committee's Allocation Plan for investments in after-school, early childhood and child abuse prevention and intervention programs.
2. Furthermore, the Board recommends and forwards the Allocation Plan to the Portland City Council for its consideration.

ADOPTED this 8<sup>th</sup> day of July, 2010

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

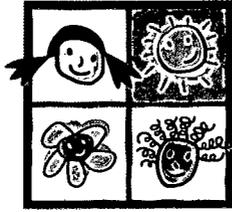
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Jeff Cogen, Chair

REVIEWED:  
AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By \_\_\_\_\_  
Agnes Sowle, County Attorney

SUBMITTED BY:  
Commissioner Deborah Kafoury



*Investing in our future*  
**portland  
children's  
levy**

## Request for Multnomah County Board Acceptance

### **Portland Children's Levy Background**

In November of 2002, Portland voters approved the Portland Children's Levy (PCL). In the fall of 2008, voters renewed the levy for another five years. The levy generates approximately \$13 million annually for early childhood, after-school and mentoring, child abuse prevention and intervention and foster care programs. Administrative costs for the fund are capped at 5% of revenues and the fund obtains annual audits to assure compliance with the administrative cap. A copy of the 2008 ballot language for the Children's Levy is attached as Exhibit A.

An Allocation Committee governs the PCL and grants funds to programs serving children and families residing in the City of Portland. The Allocation Committee is comprised of a City Commissioner (Dan Saltzman), a County Commissioner (Deborah Kafoury), a representative of the Portland Business Alliance (Ron Beltz), a citizen member appointed by the County Board (Adrienne Livingston), and a citizen member appointed by the City Council (Alissa Keny-Guyer).

### **Request for County Board Acceptance**

PCL is requesting that the Multnomah County Board of Commissioners accept the recommendations of the Allocation Committee to fund Challenge Grant investments made through its Leverage Fund in the amounts specified in the spreadsheet titled "Exhibit B: Portland Children's Levy – Leverage Fund Challenge Grant Awards".

### **Leverage Fund Challenge Grant Funding Process Background**

The Allocation Committee designated \$2,500,000 of Levy revenues for Challenge Grants in an effort to leverage additional resources to fund services in PCL's program areas. Challenge grants could be 2 to 4 years in length, were for a minimum of \$250,000 from Levy funds, and required a 1:1 match of Levy funds requested by applicants. At least 50% of the match had to be cash and up to 50% was allowable from in-kind sources. There were other requirements on the types of funds and resources allowable as match and the timeframe under which match could be procured. Those additional requirements are provided for your reference as Exhibit C: Leverage Fund Challenge Grant Guidelines.

After an extensive planning and public input process (October 2009 – February 2010) Requests for Investment (RFI) in all program areas were published early March 2010 and applications were due in mid-April. The RFI's were based on the same template as used in the Levy's competitive granting and included a Leverage Plan section in which applicants had to detail their cash and in-kind leverage sources and how they intended to secure them.

CHIF received 40 applications for funding totaling \$16 million – over 6 times the funds available for the Challenge Grants. Over 30 community reviewers scored the main program sections of the applications and Levy staff scored the Leverage Plans based on a rubric and cross-checked scores with each other to be sure plans with similar characteristics were scored similarly.

### **Funding Decisions**

Staff provided Allocation Committee members with summarized application data sheets, including assessments of the applicant's leverage plan, and staff recommendations for funding. Staff recommendations were based on high scoring applications with strong leverage plans. Staff was concerned about the viability of cash match that hinged in large part or entirely on county or school district funding due to the current and projected cuts in those sources.

Allocation Committee members submitted individual slates for funding to staff prior to the funding meeting, and staff aggregated the individual slates to determine the level of agreement/disagreement on funding individual applications.

### **Conditional Funding Awards**

In June 2010 the Portland Children's Levy awarded funds totaling \$2.5 million (over three years) to 9 early childhood, child abuse prevention and intervention, and after-school programs. Decisions were made starting with applications all Committee members wanted to fund and proceeding to applications with lower levels of Committee support for funding. Committee members made preliminary funding decisions, invited public comment on the preliminary decisions, and then made final funding decisions.

Applicants have a limited time in which to secure their leverage sources. The RFI specifies timelines based on the length of the proposed grant. PCL will not enter into contracts until required funds are raised and in-kind match, if any, is verified. Staff will contact successful applicants to review the required timelines and documentation requirements. If applicants are not successful in meeting the requirements, then funds allocated to those proposals will return to the Leverage Fund for re-allocation by the Committee.

## **Exhibit A: 2008 Children's Levy Ballot Measure**

### **Measure 26-94**

Renew five-year levy for Children's Investment Fund

#### **Question**

Shall Portland continue supporting child abuse prevention, foster children, early childhood, after-school programs, renewing five-year levy starting 2009? This measure may cause property taxes to increase by more than 3 percent.

#### **Summary**

Measure would continue financing Children's Investment Fund to support proven programs designed to help children arrive at school ready to learn, provide safe and constructive after-school alternatives for kids, helps foster children and prevent child abuse and neglect and family violence.

This Children's Investment Fund can only be used for:

- Child abuse prevention and intervention, addressing juvenile crime, school failure, drug and alcohol abuse and homeless youth.
- Early childhood programs making childcare more affordable and prepare children for success in school.
- After-school, summer and mentoring programs: promoting academic achievement, reducing the number of juveniles victimized by crime and increasing graduation rates.
- Children in foster care programs: helping foster children succeed who have been abused and neglected.

Accountability measures include:

- Programs funded must be cost effective and have a proven record of success.
- Investment fund subject to oversight by a citizen committee
- Investment fund subject to annual audits.
- Administrative costs cannot exceed 5 percent.

Levy is \$0.4026 per \$1,000 of assessed property value and produces an estimated \$14 million per year for five years.

**Portland Children's Levy-- Leverage Fund Challenge Grant Awards\***

Total Funding Allocated	2,500,000
<b>Applicant Name</b>	<b>Funding Awarded</b>
Rosemary Anderson High School- After School Program	\$ 255,888
Library Foundation- Raising a Reader	\$ 430,000
Children's Relief Nursery- Eastside Expansion	\$ 283,536
Neighborhood House- CASASTART program at New Columbia	\$ 250,000
Morrison Child & Family Svcs - Family Sexual Abuse Treatment program	\$ 275,000
Hacienda Community Development Corp.- Expresiones After School Program	\$ 255,576
Peninsula Children's Center- Child Care Quality Indicators Improvement Project	\$ 250,000
Janus Youth Programs- SafeHome program	\$ 250,000
Self Enhancement, Inc.- Parent Involvement Program	\$ 250,000

\*Refer to accompanying memo for additional explanation.

## **Exhibit C: Challenge Grant Leverage Fund Guidelines**

### **Challenge Grants- \$2.5 million**

#### ***Purpose: Leverage Resources for Applicant Initiated Projects/Programs***

The objective of the Challenge Grants is to motivate providers to leverage additional resources to fund services in our program areas (early childhood, child abuse prevention/intervention, foster care, after-school and mentoring).

#### ***Funding Process Guidelines***

Staff recommends the following guidelines for the funding process:

##### 1. Available Funding and Funding Limitations

- Total of \$2,500,000 available for all challenge grants; estimate 8-10 grants.
- Minimum grant awards of \$250,000 over a period of at least two years.
- Match ratio of at least 1:1, meaning that the applicant must secure from other sources an amount equal to or more than that being requested from the Children's Levy. See eligible forms of match below.
- The total of all Children's Levy funding that an organization receives cannot exceed more than 30% of the applicant's revenues for its last closed fiscal year.

##### 2. Eligible Projects/Programs

Proven programs that provide direct services to children and families in one of our funding areas.

##### 3. Eligible Applicants

- Non-profit organizations.
- Local government entities, including schools, school districts, and community colleges. Local government applicants would be subject to the specific match requirements set forth below which are designed to assure that PCL is leveraging "new" money rather than simply matching investments that other government entities have already made.

##### 4. Eligible Forms of Match

Applicants are required to provide a 1:1 match as follows:

- Cash match: at least 50% of the match must be cash.
- In-kind match: up to 50% of the match may be in-kind;
- Preference for applicants with greater than 50% cash match.

##### 5. Eligible Cash Match Sources

#### **For Non-profit Organization Applicants**

- Foundation grants

- Individual donors
- Federal, state, or local government grants/funding
- Unrestricted agency funds (funds raised by the applicant organization through a variety of activities such as events, annual fundraising campaigns, etc.)
- Corporate/Business contributions

For Local Government Entity Applicants

- Federal funding including the following funding streams:
  - Head Start
  - Early Head Start
  - 21<sup>st</sup> Century Schools
  - American Recovery and Reinvestment Act
  - Medicaid
  - Other federal funding streams that require a local match
- Foundation grants
- Corporate/Business contributions

6. Eligible In-kind Match

- Fair market value of equipment, supplies, goods and services directly benefiting the program and that offset operating expenses necessary to delivering the proposed program.

In-kind match resources must meet all of the following requirements:

- Necessary and reasonable for accomplishment of project objectives.
- Allowable costs under Children's Levy guidelines (i.e. the costs would be allowable if the grantee were to pay for them).
- Verifiable from grantee records.
- Applicable to the grant period to which the match requirement applies.
- Cannot be used to match another grant.

In-kind contributions may include the following:

- Physical items (equipment, supplies and expendable materials).
- Use of equipment and or space.
- Volunteer services furnished by professional and technical personnel, consultants and other skilled and unskilled labor if the service is integral and necessary as part of the approved project and are clearly attributable to the project or program. For volunteer services to be counted as in-kind:
  - a. The services provided by the volunteer would have to be otherwise purchased or provided by salaried personnel.
  - b. The duties of the volunteer must be controlled by the organization.
  - c. The value of the service performed by the volunteer must be measurable and material.
  - d. The value must be based on the nature of the service the volunteer provides.

In-kind contributions will be valued as follows:

- Physical items are valued at the actual cost or fair market value of the item.

- Space and equipment contributed as in-kind are valued at the actual rental cost or fair rental values for the geographic location.
- Volunteer services are valued at the pay for similar work in the grantee's organization. If there is not a comparable job within the organization, minimum wage or private market value for the work shall be used. Services provided by grantee agency staff are not considered in-kind contributions.

In-kind contributions must be documented as follows:

- In-kind contributions must be documented and verifiable in the grantee's records.
- Records must be maintained to support the valuation placed on the in-kind contribution.
- Written records shall include:
  - Organization name.
  - Donor name and signature.
  - Date of contribution.
  - Description of the donated item or service.
  - Volunteer services must be documented with an appropriate time keeping system showing dates, start/stop times, total number of hours worked, signatures of each volunteer and signature of program supervisor.
  - Value of the donated item or service, including how value was determined.
  - Signature of the person receiving the donation on behalf of the organization.

7. Timing of Cash Match Procurement

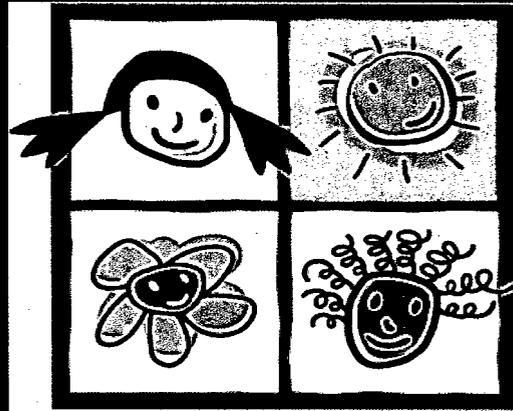
- "Securing" cash match is defined as the applicant receiving funds or a commitment of funds through grants or donations during the time periods specified below. In the case of non-profit organization applicants seeking to use unrestricted agency funds as cash match, the agency must allocate such funds to the project for which PCL funding is requested during the time periods specified below.
- To be eligible as a cash match, the funding must have been secured no more than four months prior to the leverage fund application due date.
- For proposed two year grants, applicants must secure the full match no later than six months after the date of PCL award notification.
- For proposed three year grants, applicants must secure at least two thirds of the required cash match no later than six months after the date of the PCL award notification. Remaining cash match must be secured within the first 18 months of the grant period. If grantees fail to raise the remainder of the required match, the grant will be terminated at the two year mark.
- For proposed four year grants, applicants must secure at least one half of the required cash match no later than six months after the date of the PCL award notification. Remaining cash match must be secured within the first 18 months of the grant period. If grantees fail to raise the remainder of the required match, the grant will be terminated at the two year mark.
- Children's Levy contracts will be initiated only after the required level of cash match is secured. Applicants will be required to submit documentation of funding commitment from other sources (e.g. grant award letter, contract, and board meeting notes/resolutions).

#### 8. Timing of Funding Cycles

- Round I: Application Deadline – To be determined based on publication date of challenge grant Requests for Investment (RFIs). Staff projects publishing RFIs in early March 2010 and projects that the application due date will be no earlier than April 15, 2010.
- Round II: Application Deadline – 3 months after Round I award notification if funds remain after Round I.
- Round III: Application Deadline – 9 months after Round I award notification. This round would be added only if there were unencumbered funds from Round I and/or there were still remaining funds after Round II.

#### 9. Application Process

Modified versions of PCL's Request for Investment (RFI) issued in 2009 will be published. In addition to the information requested in the 2009 RFI (available at [www.portlandchildrenslevy.org](http://www.portlandchildrenslevy.org)), applicants would be required to provide evidence of all match sources, cash and in-kind.



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children's  
levy**

# Leverage Fund Process

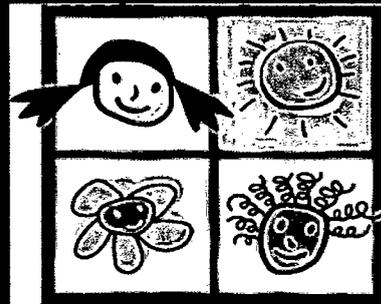
Multnomah County Board of Commissioners

July 8, 2010



## Challenge Grants

- Allocation Committee allocated \$2.5 million of the total \$3 million in leverage funds to challenge grants.
- Challenge grants require applicants for PCL funding to match PCL funds 1:1 with funds from foundations, corporations and other sources.



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levy**

## Application Process

- 1 PCL issued Challenge Grant Requests for Investment (RFI) in all 5 PCL Program areas on March 5, 2010.
- 1 RFIs were the same as those used for competitive PCL grants and also required inclusion of a Leverage Plan.
- 1 PCL received 40 applications requesting \$16,070,234 million in funding.



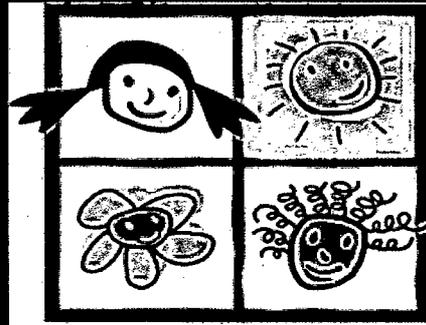
## Leverage Plan Requirements

- At least 50% of matching funds required to be cash.
- No more than 50% of matching funds allowed as in-kind match.
- Provide documentation for any cash match already received by the applicant.
- Provide a plan for securing the remainder of the required cash match.
- Provide valuation methods for in-kind resources claimed as match.



## Application Scores

- Program Score (100 points possible): Average of scores awarded by panels of 3 volunteer reviewers.
- Leverage Plan Score (25 points possible): Staff scored leverage plans based on a rubric and cross-checked to be sure plans with similar characteristics were scored similarly.
- Bonus Points (6 points possible): Staff awarded 3 points for applicants predominantly serving east of 82<sup>nd</sup> Ave., and 3 points for culturally specific programs.



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levy**

## Staff Funding Recommendations

- ┌ Includes rationales for recommendation not to fund some relatively high scoring applications.
- ┌ Overall concern evident in staff recommendations and rationales relates to cash leverage from school districts, county and state government because of serious current and projected cuts to the budgets of these sources.
- ┌ Significant staff and reviewer concern about funding case management and youth development programs that applied as “mentoring” programs due to high child to staff ratios, and lack of “matching” youth to particular adults.



## Conditional Awards...

- ┌ Successful applicants have specified time periods in which to raise planned matching funds and to provide verification for in-kind match.
- ┌ If applicants are not successful in meeting these requirements, funds allocated to those proposals will return to the leverage fund for re-allocation by the committee.

*Please  
copy  
Veronica*

**GROW Lynda**

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**From:** VALENZUELA Veronica  
**Sent:** Monday, June 28, 2010 3:11 PM  
**To:** GROW Lynda  
**Subject:** RESOLUTION Accepting the Portland Children's Levy Allocation Plan and Offering Advice and Counsel to the City of Portland Concerning the Recommendations.  
**Attachments:** County Agenda Placement Request Form Approval of PCL Investments 06 25 10.doc; County Resolution Accepting PCL Investments 06 25 10.doc; Memorandum Requesting County Approval 06 25 10.doc; Exhibit A to County Approval Memo 06 25 10.doc; Exhibit B PCL Awards for Leverage Challenge Grants 06 25 10.xls; Exhibit C Challenge Grant Leverage Fund Guidelines 02 03 10.doc

Hi Linda,

Here is the resolution, APR and exhibits for the Portland Children's Levy item on the 8<sup>th</sup>. The presenters will have a PowerPoint presentation that I will send you tomorrow.

Thanks again for answering all my questions, I appreciate it.  
Veronica



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST  
NOTICE OF INTENT**

(revised 12/31/09)

**Board Clerk Use Only**

Meeting Date: 7/8/2010  
 Agenda Item #: R-5  
 Est. Start Time: 10:30 am  
 Date Submitted: 6/22/2010

APPROVED: MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # R-5 DATE 7/8/2010  
 LYNDA GROW, BOARD CLERK

**NOTICE OF INTENT: National Institute of Corrections and Office of Justice  
 Agenda Programs Evidence-Based decision Making in Local Criminal justice System  
 Title: Initiative: Phase II Site Selection Technical Assistance**

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

**Requested Meeting Date:** July 8, 2010 **Amount of Time Needed:** 15 minutes  
**Department:** Local Public Safety Coordinating Council **Division:** \_\_\_\_\_  
**Contact(s):** Peter Ozanne/Elizabeth Davies  
**Phone:** 988-5777 **Ext.** 85777 **I/O Address:** 503/600  
**Presenter(s):** Peter Ozanne

**General Information**

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

Approval to apply for National Institute of Corrections and Office of Justice Programs Evidence-Based decision Making in Local Criminal Justice System Initiative: Phase II Site Selection Technical Assistance.

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

In 2008, the National Institute of Corrections launched the Evidence-Based Decision Making in Local Criminal Justice Systems initiative in order to “build a system wide framework (arrest through final disposition and discharge) that would, when implemented, result in more collaborative, evidence-based decision making and practices in local criminal justice systems.” This initiative has been divided into three phases: Phase I developed a Framework to “advance constructive change in local level criminal justice decision making”; Phase II will provide technical assistance to as many

as six committed and capable “seed sites” who wish to pilot the Framework; and Phase III will fully pilot the Framework in two of the sites identified in Phase II. Multnomah County wishes to become a seed site to receive technical assistance from a team of providers with expertise in evidence based decision making, management, and operations in all facets of the criminal justice system.

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

Commitment of part of a current employee (~0.5 FTE) to serve the function of Local Initiative Coordinator

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

N/A

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

The Local Public Safety Coordinating Council will serve as the lead applicant and will coordinate participation of partners within Multnomah County’s public safety system.

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# ATTACHMENT A

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## Grant Application/Notice of Intent

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If the request is a Grant Application or Notice of Intent, please answer all of the following in detail:

- **Who is the granting agency?**

National Institute of Corrections and Office of Justice Programs

- **Specify grant (matching, reporting and other) requirements and goals.**

Requirements:

1. Identify a Local Initiative Coordinator (recommended 0.5FTE)
2. Convene a Policy Team
3. Develop and Work to Implement a Local System-Wide Vision of Risk/Harm Reduction
4. Build Awareness and Engagement among Policy Team Members and their Staff Regarding Evidence-Based Research and Decision Making
5. Develop Local Logic Models
6. Assess (and as needed, augment) Capacity for Data Collection and Analysis and Gather Baseline Data
7. Develop a Local Criminal Justice System "Scorecard"

Goals:

1. Establishment (or enhancement) of a true and meaningful collaborative partnership among the local criminal justice system's stakeholders;
2. Development of a shared philosophy and vision for the local criminal justice system;
3. Enhanced capacity to collect and analyze data that will support ongoing analysis of the effectiveness of current and future policies, practices and services that contribute to risk and harm reduction;
4. Increased understanding of research-based risk and harm reduction strategies and system-wide investment and engagement by stakeholders and staff in effectively implementing these strategies;
5. Jurisdiction-specific tools designed to assist in implementation of evidence-based decision making at the system, agency, and case levels;
6. Opportunities for peer-to-peer exchanges with other seed sites; and the
7. Opportunity to be among two jurisdictions selected to participate as pilot sites in Phase III.

- **Explain grant funding detail – is this a one time only or long term commitment?**

N/A

- **What are the estimated filing timelines?**

July 15, 2010

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

October 2010 – September 2011

- **When the grant expires, what are funding plans?**

N/A

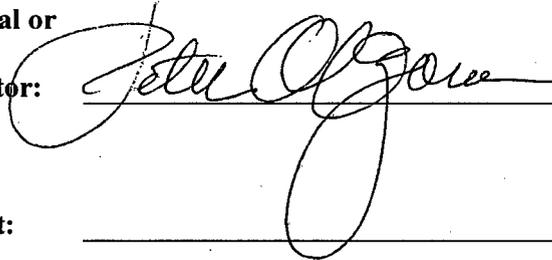
- **Is 100% of the central and departmental indirect recovered? If not, please explain why.**

No. This grant requires that participating jurisdictions allocate a portion of a current employee (~ 0.5 FTE) to serve as site coordinator.

**ATTACHMENT B**

**Required Signatures**

Elected Official or  
Department/  
Agency Director:



Date: 6/23/10

Budget Analyst:

\_\_\_\_\_

Date: \_\_\_\_\_

# ATTACHMENT A

## Grant Application/Notice of Intent

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- **What are the estimated filing timelines?**

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N/A

- **Is 100% of the central and departmental indirect recovered? If not, please explain why.**

No. This grant requires that participating jurisdictions allocate a portion of a current employee (~ 0.5 FTE) to serve as site coordinator.

## **NIC Evidence-Based Decision Making Framework**

### **Overview of the Framework, Phase II Activities and the Application to be a Phase II Site**

In 2008, the National Institute of Corrections launched the Evidence-Based Decision Making in Local Criminal Justice Systems initiative in order to build a system wide framework (from initial contact to post-release) that would result in more collaborative, evidence-based decision making and practices in local criminal justice systems.

This initiative has been divided into three phases: Phase I developed the Framework; Phase II will provide technical assistance to "seed sites" who wish to test the Framework; and Phase III will fully pilot the Framework in two of the sites identified in Phase II.

Multnomah County is considering applying to be a seed site in Phase II of this initiative. This document provides a summary of the NIC Framework (page 2), details the activities required of Phase II seed sites (page 3), and summarizes the application to become a seed site (page 5).

#### Important Dates:

June 28: LPSCC staff presentation to Board Staff

July 6: LPSCC staff presentation to LPSCC Executive Committee

July 8: LPSCC staff presentation to Board of County Commissioners

July 15: Application due (must be received by COB in MD)

Late August: Final site selections made

Mid-October: Kick-off workshop for up to six members of the policy team

**Include for R-5 @ 10:30 am  
7-8-2010 Board Packet  
(I left this out in error-Lynda)**

## I. Overview of the Framework

A close read of the 60+ page Framework might yield the following **purpose** statement:

The purpose of the Framework is to help jurisdictions translate evidence-based practices and research into simple strategies that (a) use principles from the health care industry of risk reduction and harm reduction; (b) adhere to the core values of the justice system<sup>1</sup>; (c) hold offenders accountable; (d) can be implemented through small, incremental, and immediate action in lieu of waiting for a “big fix”; (e) produce tangible and meaningful outcomes; (e) can be monitored through a logic model that produces “clear and convincing evidence to guide further advancements in policy and practice;” and (f) ultimately lead to reductions in pretrial misconduct and recidivism.

The document articulates the following **core principles** to which the Framework adheres (see pp. 25-28):

1. The professional judgment of criminal justice system decision makers is enhanced when informed by evidence-based knowledge.
2. Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction (interactions occur between offenders and CJ professionals, between professionals, and between offenders) and systems are most effective when operating in a “value chain” in which each component of a system provides additive rather than duplicative or detracting value.
3. Systems achieve better outcomes when they operate collaboratively.
4. The Criminal Justice System will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information.

Because the Framework subscribes to a “harm reduction philosophy [that] focuses more broadly on the overall and long-term health and welfare of the community,” its authors suggest that sites who wish to implement the Framework consider the following **performance measures** when evaluating success; a full list can be found on page 7 of this document.

- Increases in **public safety**, such as fewer released offenders arrested for new offenses; faster case processing times; fewer victims “re-victimized” by original perpetrators; and fewer reports of crime from “hot spots” involving either known offenders or new offenders;
- Improved **community wellness**, such as decreases in emergency-room admissions for crime-related and drug-related injuries; fewer child welfare interventions in families of offenders; and fewer jail and prison admissions for people with mental health issues;
- Increased **satisfaction with the criminal justice system**, such as increased number of offenders making restitution payments; increased victim cooperation with the justice system; and increases in the number of positive media reports about the justice system; and
- Improvements in the **social and fiscal costs of justice system interventions**, such as fewer family members of known offenders who become involved with the justice system; decreases in the costs for incarceration; greater financial return on investment in treatment, rehabilitation, and alternatives to incarceration; and increases in court-imposed fees collected.

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<sup>1</sup> The Framework identifies the following core values of the justice system: public safety; fairness; individual liberty; respect for the rights, needs and concerns of victims of crime; respect for the rights of persons accused of crime; respect for the rule of law; discretion; and appreciation for differences in perspectives and practices across jurisdictions.

## II. Overview of Phase II Site Activities

In the second phase of this initiative, NIC will select up to six jurisdictions (“seed sites”) that are interested in and well positioned to pilot the Framework. Once selected, seed sites will receive technical assistance (TA) for **approximately one year**; two of these sites will be selected for Phase III. Phase II **provides no direct funding** to seed sites, although all required travel is covered by NIC.

Phase II seed sites are expected to complete the following **activities**:

### 1. Identify a Local Initiative Coordinator

Each participating jurisdiction will identify an individual (~ 0.5 FTE) who can:

- Work closely with the site’s designated TA Site Coordinator and Independent Evaluators
- Serve as liaison between the TA Site Coordinator and staff of partner agencies
- Facilitate timely and accurate communications between all parties
- Organize and convene the policy team
- Support the work of subcommittees
- Collect data and information
- Prepare reports and presentations
- Document the team’s work
- Participate in conference calls with TA Site Coordinators and Local Initiative Coordinators and team members from the other seed sites

### 2. Convene a Policy Team

Each seed site will convene a multi-disciplinary policy team that will serve as the primary focal point of the technical assistance and, through active and ongoing engagement in the work of the initiative, serve as the stewards of the effort for the local community.

Once established, policy teams will meet as a full team on a routine basis (about once a month). These meetings will be planned and attended and/or facilitated by the TA Site Coordinator in close collaboration with the Local Initiative Coordinator. The policy team will have a specific set of initiative goals to accomplish during the course of these meetings and will be expected to develop a local work plan for the accomplishment of these goals – and progress toward achieving these goals – over the course of the Phase II period.

### 3. Develop and Work to Implement a Local System-Wide Vision of Risk/Harm Reduction

The policy team will collaboratively develop a single vision statement reflecting the outcomes the local criminal justice system seeks to achieve.

### 4. Build Awareness and Engagement among Policy Team Members and their Staff Regarding Evidence-Based Research and Decision Making

With the assistance of the TA Site Coordinator, activities will be designed and conducted – through training, coaching, and other methods – to enhance staff members’ knowledge, understanding, and support for evidence-based decision making and prepare agency staff for full pilot testing.

### 5. Develop Local Logic Models

Seed sites will be expected to develop locally-tailored logic models at the system, agency and case levels.

- *System-level*: Using the Framework logic model as a guide, the policy team will develop a system-level logic model specific to the local jurisdiction

- *Agency-level:* As a part of the process of engaging agency staff, policy team members and their staff will develop logic models for implementing evidence-based decision making at the agency level
- *Case-level:* With the involvement of both the Policy Team and representatives of staff from varying levels of participating agencies, a case-level logic model will be developed in each local jurisdiction. Once developed, the Policy Team and agency representatives will pilot this model against a variety of test cases.

#### 6. Assess Capacity for Data Collection and Analysis and Gather Baseline Data

With the support of technical assistance, participating jurisdictions will assess their capacity to collect and analyze data across agencies in support of measuring specific risk and harm reduction performance measures. Methods to enhance capacity in this regard will be identified.

#### 7. Develop a Local Criminal Justice System “Scorecard”

With the support of technical assistance, each seed site will develop a scorecard reflecting key system wide performance measures that will support the demonstration of risk and harm reduction over time. This scorecard will form the basis of the outcome evaluation for those sites participating in Phase III as well as communication efforts designed to promote community engagement.

Seed sites can expect the following **outcomes** and **work products** in Phase II:

#### Expected Outcomes

- Establishment (or enhancement) of a true and meaningful collaborative partnership among the local criminal justice system’s stakeholders;
- Development of a shared philosophy and vision for the local criminal justice system;
- Enhanced capacity to collect and analyze data that will support ongoing analysis of the effectiveness of current and future policies, practices and services that contribute to risk and harm reduction;
- Increased understanding of research-based risk and harm reduction strategies and system-wide investment and engagement by stakeholders and staff in effectively implementing these strategies;
- Jurisdiction-specific tools designed to assist in implementation of evidence-based decision making at the system, agency, and case levels;
- Opportunities for peer-to-peer exchanges with other seed sites; and the
- Opportunity to be among two jurisdictions selected to participate as pilot sites in Phase III of this initiative.

#### Expected Products

- A work plan for accomplishing the goals of the initiative.
- A vision statement for the local criminal justice system.
- System, agency, and case-level logic models.
- A detailed plan for the collection and analysis of risk and harm reduction measures and a strategy to use these data to continually improve outcomes.
- A system wide scorecard and a strategy for the use of this information to communicate with and engage the public and justice system stakeholders in the ongoing advancement of justice system outcomes, and monitor these outcomes over time.

### **III. Overview of the Application to be a Phase II Site**

The length of the application may not exceed 15 pages of double spaced text, not including the cover letter and the statements submitted by policy team members. Attachments of supplemental material may be included but are not to exceed five pages.

*Applicants must demonstrate...*

#### **1. Appropriate Selection of a Local Initiative Coordinator and Policy Team**

- Identify the name, title, agency, qualifications and rationale for the selection of the proposed Local Initiative Coordinator and the percentage of an FTE (NIC recommends 0.5 FTE) that will be dedicated to this role.
- Identify specific individuals who will compose the multi-disciplinary policy team by name and title along with an explanation for their selection. Although the application does not name any specific agencies that should participate, the Framework suggests the inclusion of “the chief judge, court administrator, elected prosecutor, chief public defender and representative of the private defense bar, administrator of the community corrections agency, police chief and elected sheriff, pretrial administrator, victim advocates, local elected officials, service providers, and community representatives.”

#### **2. Commitment and Ability to Implement the Framework**

- Demonstrate the interest and commitment of each policy team member by including a statement of interest by each member of the team. These individuals should reflect on the elements of the Framework – its essential components and potential outcomes – and discuss two issues in a one page submission. This one page (per person) submission must address the member’s personal interest in the initiative and his or her agency’s interest in the initiative.
- Provide evidence that a truly collaborative climate exists among policy team members. The applicant should provide convincing evidence of the policy team’s willingness and ability to work closely together in a genuine, deliberative process toward a set of agreed upon outcomes while being realistic about the challenges and opportunities of such an approach. Applicants should provide a rationale for concluding that these challenges can be and are worth overcoming.
- Demonstrate recognition that this approach, if effective, is not a fixed-time endeavor but a permanent change in business practice.
- Provide information and/or evidence to demonstrate that the proposed policy team members are prepared to make a commitment to meet on a regular basis to undertake the work of the initiative; to participate in the initiative kick-off meeting in October 2010; and to attend other related conference calls/gatherings.
- Provide a description of the jurisdiction’s data collection/analysis system and the ways in which data are currently used to assess and enhance the effectiveness of policies and practices. Weaknesses in the data system must be candidly described along with proposed strategies for addressing these weaknesses. Applicants must demonstrate an understanding of the strengths, weaknesses, and current and potential uses of cross-agency data. The collection of baseline data is possible without significant changes to or investment in the data system(s).

### 3. Past and Current Commitment to Evidence-Based Practices

- Provide information to demonstrate:
  - Past and current efforts to build awareness of evidence-based practices within and across agencies;
  - Past and current efforts to implement research-supported practices
    - utilizing evidence-based interventions when risk reduction is a goal;
    - employing collaborative decision making processes;
    - using empirically-based risk/needs assessment instruments;
    - matching interventions to offenders' assessed level of risk to reoffend;
    - using research-supported interventions designed to reduce offender misconduct and recidivism;
    - establishing and monitoring performance benchmarks);
  - Current readiness on the part of the proposed policy team members to further identify and implement research-supported policies and practices that are grounded in risk/harm reduction research and to fully engage all staff in this endeavor; and
  - Consideration and identification of methods that could be used to promote awareness and genuine engagement of staff at the direct service level within and across agencies.
  
- Provide information to demonstrate an understanding of the uses of logic models as a tool to guide structured processes and to support data collection and analysis. The applicant should describe the ways in which logic models have been used or are currently in use to support decision making processes. Applicants must demonstrate that the policy team has reviewed the Framework logic model and understands the use of such a model in carrying out local justice system policies and practices at the system, agency and case levels.

### 4. Understanding of the Framework

- Provide information to indicate that the applicant understands the core purposes of the Framework; can produce a system-wide vision statement, including the challenges associated with its development, its benefits, and potential uses; and is willing to adhere to the four principles of the Framework. **See page 1 of this document.**
  
- Review the risk and harm reduction measures outlined in the Framework; identify the specific measures of value to the team; and indicate how the jurisdiction would propose to collect and use the data derived from these measures. **See page 7 of this document.**
  
- Demonstrate sufficient interest in the Framework's risk and harm reduction measures, and provide sufficient information to demonstrate that an established process/mechanism for the collection and analysis of risk/harm reduction data exists to support a long-term process and outcome evaluation.

### 5. A Track Record of Success (optional)

Applicants may include additional information, such as:

- Evidence of the jurisdiction's ability to leverage local resources (e.g., funding from local private foundations, local/state/federal funds, research support from local universities or other sources).
- Demonstrated impact from participation in similar efforts in the past
- Previous experience with meaningful public engagement efforts.
- Support from state government and/or state-level organizations/associations in local initiatives/efforts.

## **\*\* Suggested Public Safety Performance Measures\*\***

Applicants must review the following list of risk and harm reduction measures outlined in the Framework; identify the specific measures of value to the team; and indicate how the jurisdiction would propose to collect and use the data derived from these measures.

### **Increases in public safety**

- reduced physical, psychological, and economic harm to primary victims;
- fewer released offenders arrested for new offenses;
- longer elapsed time from release to reoffense;
- fewer released offenders arrested for a more serious offense than their original offense;
- decreased average number of new offenses for released offenders;
- faster case processing times (i.e., shorter elapsed time from arrest to final adjudication) that decrease the likelihood of pretrial misbehavior and increase swiftness of punishment;
- fewer people victimized by released offenders;
- fewer victims “revictimized” by original perpetrators;
- decreased number of protection order/stay-away orders violated;
- fewer reports of crime from “hot spots” involving either known offenders or new offenders; and
- increases in the proportion of jail and prison beds occupied by high risk offenders compared to low risk offenders.

### **Improved community wellness**

- decreased number of drug/alcohol-related traffic accidents;
- fewer drug/alcohol-related traffic fatalities;
- decreases in emergency-room admissions for crime-related and drug-related injuries;
- increased number of drug-free babies born;
- fewer child welfare interventions in families of offenders;
- increases in the number of people successfully completing treatment programs; and
- fewer jail and prison admissions for people with mental health issues.

### **Increased satisfaction with the criminal justice system**

- increased number of victims satisfied with the justice system’s responses;
- increased number of offenders making restitution payments;
- increased victim cooperation with the justice system;
- increased cooperation of the public with the criminal justice system;
- fewer people who believe the justice system is a “revolving” door; and
- increases in the number of positive media reports about the justice system.

### **Improvements in the social and fiscal costs of justice system interventions**

- fewer family members of known offenders who become involved with the justice system;
- decreases in the costs for incarceration;
- greater financial return on investment in treatment, rehabilitation, and alternatives to incarceration;
- decreased crime rate;
- increased tax base;
- increases in timely child support payments; and
- increases in court-imposed fees collected.

# National Institute of Corrections

*announces*

## The Evidence-Based Decision Making in Local Criminal Justice System Initiative: Phase II Site Selection

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### **INTRODUCTION**

As we stand at the beginning of a new decade, justice system professionals are challenged by the rising costs of corrections, the stories of victims harmed by crime, and the failure of too many offenders who pass through our gates and doors. We at NIC, like our colleagues across the country, are keenly aware of the new opportunities recent research offers regarding clear and specific strategies that will reduce crime, ease rising costs, and most importantly, prevent future victims.

In 2008, NIC launched the Evidence-Based Decision Making in Local Criminal Justice Systems initiative. In doing so, we sought to encourage and facilitate advancements in our field in this new decade, to build upon the experiences of those who have worked hard to use new skills, approaches and research to engineer systems that are vision-driven, effective and efficient. But even more, we sought to draw upon and draw together the strongest of the research findings and the best of the practices, and construct new ways of working together towards the goal we all share – fewer victims, safer communities. Our underlying belief is that we can improve outcomes if criminal justice decisions are informed by research. We called for the construction of a “framework” for evidence-based decision making at the system level. Because it does not attempt to answer all questions, provide all details, or proscribe implementation in precisely the same way in every community, it is not a model. It is instead intended to frame a purpose, articulate principles and propose a process for decision making that can be applied to the system as a whole – to all those entering the system, regardless of their justice system status; to all types of cases, regardless of their severity; and to all stakeholders, regardless of their role.

The Framework identifies the key structural elements of a system informed by evidence. It defines a vision of safer communities. It puts forward the belief that risk and harm reduction are fundamental goals of the justice system, and that these can be achieved without sacrificing offender accountability or other important justice system outcomes. It both explicates the premises and values that underlie our justice system and puts forward a proposed set of principles to guide evidence-based decision making at the local level; principles that are, themselves, evidence-based. The Framework also highlights some of the most groundbreaking of the research – evidence that clearly demonstrates that we can reduce pretrial misconduct and offender recidivism. It identifies the key stakeholders who must be actively engaged in a collaborative partnership if an evidence-based system of justice is to be achieved. It also sets out to begin to outline some of the most difficult challenges we will face as we seek to deliberately and systematically implement such an approach in local communities.

**EXCERPT BY MORRIS THIGPEN, DIRECTOR, NATIONAL INSTITUTE OF CORRECTIONS  
FROM: A FRAMEWORK FOR EVIDENCE-BASED DECISION MAKING IN LOCAL CRIMINAL JUSTICE SYSTEMS (2010)**

## **BACKGROUND: THE EVIDENCE-BASED DECISION MAKING IN LOCAL CRIMINAL JUSTICE**

### **SYSTEMS INITIATIVE**

#### Overview of Phase I

In June 2008, the National Institute of Corrections (NIC) awarded the Center for Effective Public Policy, in partnership with the Pretrial Justice Institute, The Justice Management Institute, and The Carey Group, a cooperative agreement to address "Evidence-Based Decision Making in Local Criminal Justice Systems." The goal of the initiative was to build a system wide framework (arrest through final disposition and discharge) that would, when implemented, result in more collaborative, evidence-based decision making and practices in local criminal justice systems. The initiative is grounded in two decades of research on the factors that contribute to criminal reoffending and the methods the justice system can employ to interrupt the cycle of reoffense, and seeks to equip criminal justice policymakers in local communities with the information, processes, and tools that will result in measurable reductions in pretrial misconduct and post-conviction reoffending.

The principle product of Phase I of the initiative was a document entitled *A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems ("the Framework")*. The Framework describes key criminal justice decision points and evidence-based knowledge about effective justice practices. It defines risk and harm reduction as key goals of the criminal justice system and begins to lay out practical local level strategies for applying these principles and techniques. The Framework is located at: <http://www.cepp.com/EBDM.OneLess/>.

NIC's intent in Phase I was to build a framework that could be tested and refined in subsequent phases.

#### Overview of Phase II

In the second phase of this initiative, NIC – and its collaborating partner the Office of Justice Programs (OJP) – will select up to six jurisdictions (hereafter, "seed sites") that are interested in and well positioned to pilot the Framework. Once selected, seed sites will receive technical assistance (TA) over approximately one year's time to prepare for full pilot testing and evaluation of the Framework in Phase III (see below).

While no direct funding will be provided to jurisdictions selected to participate in the initiative, seed sites will receive the benefit of technical assistance from a team of providers with expertise in evidence-based decision making, management, and operations in all facets of the criminal justice system (i.e., NIC, OJP, and its consortium of providers – the Center for Effective Public Policy, Pretrial Justice Institute, The Justice Management Institute, and The Carey Group – and others as may be needed). Each seed site will be provided an identified TA Site Coordinator who will serve as the sites' liaison, primary facilitator, and broker for technical assistance. Phase II is anticipated to be of a one-year duration.

**Interested applicants are strongly encouraged to carefully review the Framework at**

**<http://www.cepp.com/EBDM.OneLess/>**

**Applicants will be required to indicate their understanding of and commitment to implementing the concepts in the Framework through the application process.**

Seed sites will be required to participate in the initiative's evaluation components, which will be conducted by third-party organizations and designed to document and evaluate the effectiveness of the TA delivery methods and assess each site's readiness to participate in a rigorous impact evaluation during Phase III (for selected sites).

## Seed Site Activities

Each seed site's TA Site Coordinator will be actively involved in the site's work and will provide support designed to position the jurisdiction to successfully pilot the Framework in Phase III. Shortly following site selection (anticipated in late August 2010), the designated TA Site Coordinator will conduct an initial site visit to support the establishment of a multi-disciplinary, collaborative team (if one does not currently exist), clarify goals and expectations of Phase II, prepare the team to participate in the initiative's kick-off workshop, and allow the TA Site Coordinator an opportunity to become familiar with the site and key stakeholders.

Key representatives from all seed site teams will be expected to attend a 2-day initiative kickoff workshop in October 2010.<sup>1</sup> Participation is mandatory and for this reason applicants are required to indicate their availability to attend. The meeting's location is yet to be determined, therefore applicants should plan to be available the day before/after the workshop, should the final location require cross-country travel. The purpose of the workshop is to lay the substantive groundwork for the sites' work; establish clear expectations for Phase II; discuss the Phase III opportunity; provide opportunities for intensive, foundational team work (e.g., ground rules, vision, justice system goals, work planning); and establish a working network among the selected sites as well as between those from the same discipline (i.e., prosecutors, judges, etc.). Travel costs related to the seed sites' participation will be supported by NIC.

Thereafter, seed sites will engage in a set of specific activities designed to lay the groundwork for Phase III pilot testing. These activities are described in greater detail under "Seed Site Expectations, Submission Requirements, and Site Selection Criteria."

**The initiative kick-off workshop will be held in October 2010. Key representatives from all selected teams are required to participate.**

## Overview of Phase III<sup>2</sup>

While participating in Phase II is a requirement for participation in Phase III, participation in Phase II does not guarantee a site's selection for pilot testing in Phase III. Prior to the conclusion of Phase II, at least two seed sites will be selected to continue their work with NIC and its partners in Phase III.<sup>3</sup> These sites will be expected to fully implement the Framework and participate in a long-term process and outcome evaluation. Selection will be based upon several factors, including:

- ✓ The conditions in the local jurisdiction supportive of participating in Phase III (e.g., stability of local leadership, strength and commitment of the policy team, level of collaboration, readiness of stakeholders and their staff to participate in the pilot);
- ✓ The jurisdiction's ability to collect, aggregate and analyze data systemwide, and capacity to participate in a long-term (i.e., 3 years) process and outcome evaluation designed to assess a set of established risk and harm reduction measures; and
- ✓ The likelihood that the jurisdiction's activities will result in both risk and harm reduction outcomes.

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<sup>1</sup> The specific dates for this workshop will likely be announced during the informational WebEx referenced later in this document.

<sup>2</sup> This section is for informational purposes only. Interested applicants must prepare applications for Phase II selection based on the criteria presented under "Seed Site Expectations, Submission Requirements, and Site Selection Criteria." Criteria for Phase III selection will be described in greater detail at a later point in time.

<sup>3</sup> Seed sites not selected to participate in Phase III may nonetheless be eligible for ongoing technical assistance.

## SEEKING APPLICATIONS FROM LOCAL JURISDICTIONS INTERESTED IN PARTICIPATING IN PHASE II OF THE INITIATIVE

*Applications are being sought, on a competitive basis, from local jurisdictions (see below, Eligibility) interested in working collaboratively with NIC and its partners to develop the capacity to test the Framework in Phase II of this initiative and position themselves for possible selection for full implementation of the Framework in Phase III. Applicants (including all proposed members of seed site policy teams) are STRONGLY URGED to review carefully all aspects of the Framework and to use its contents to determine if the local community is well suited for participation in this initiative.*

The following information is provided to indicate, as clearly as possible, the work seed sites will be expected to undertake, the general submission requirements for applicants, and the criteria that will be used to determine whether applicants are well positioned to participate in the initiative. Submission requirements are not framed proscriptively. Rather, this application kit is intended to identify the characteristics of the systems, agencies, teams and individuals that would participate in this initiative and to allow for flexibility and creativity in terms of how applicants might address those requirements.

### Eligibility

Teams of local criminal justice public sector agencies (and, potentially, their public and private sector partners) at the county and/or city level are eligible to participate in this initiative.

### Length

Applications must not exceed 15 double-spaced pages (one inch margins), not including the cover letter and not including the one page individual submission requirement by proposed policy team members detailed under #2, *Establish a Policy Team* (below). An attachment to the application of up to 5 pages in length (single or double spaced) to provide supportive, illustrative material is also allowed. Additional or longer attachments will not be reviewed.

### Seed Site Expectations, Submission Requirements, and Site Selection Criteria

#### 1. **Identify a Local Initiative Coordinator.**

- a. **Expectation:** Each participating jurisdiction will identify an individual to lead the local effort. The Local Initiative Coordinator will be expected to perform such duties as working closely with the site's designated TA Site Coordinator, organizing and convening the policy team, facilitating timely and accurate communications between all parties, collecting data and information, supporting the work of subcommittees, preparing reports and presentations, documenting the team's work, serving as liaison between the TA Site Coordinator and staff of the various justice system agencies, preparing meeting agendas, participating in conference calls with TA Site Coordinators and Local Initiative Coordinators and team members from the other seed sites, facilitating meetings, and working with the initiative's independent evaluators.
- b. **Submission Requirements:** Applicants must identify the name, title, agency, qualifications and rationale for the selection of the proposed Local Initiative Coordinator and the percentage of an FTE that will be dedicated to this role.
- c. **Selection Criteria:** An individual with the appropriate role, credibility, expertise, and time (i.e., estimated to be the equivalent of one half of a full-time position) is identified to serve as the Local Initiative Coordinator throughout the duration of the initiative (i.e., 1-3 years).

#### 2. **Establish a Policy Team:**

- a. **Expectation:** Each seed site will convene a multi-disciplinary policy team where such a team does not already exist. This team will serve as the primary focal point of the technical

assistance and, through active and ongoing engagement in the work of the initiative, serve as the stewards of the effort for the local community.

- b. **Submission Requirements:** The specific individuals who would compose the proposed policy team must be identified by name and title along with an explanation for their selection for inclusion on the policy team. Evidence that a truly collaborative climate exists among these stakeholders must be provided along with evidence of proposed team members' willingness to develop all aspects of the initiative as described in the Framework and this solicitation. Further, demonstration of the interest and commitment of each proposed policy team member must be provided through the submission of the following by each proposed policy team member.

- i. **Statement of Interest to Serve on the Local EBDM Framework Policy Team:** The EBDM Framework initiative is designed to reduce the risk of pretrial misconduct, post-conviction reoffense, and to reduce the harm caused to communities by crime. The work of implementing the Framework will require a deep commitment – by policymakers, their colleagues, agency staff and the jurisdiction as a whole – to the harm and risk reduction outcomes it is designed to achieve. Those who would serve on the proposed policy team are challenged to reflect on the elements of the Framework – its essential components and potential outcomes – and discuss two issues in a one page submission personally prepared by each individual proposed to be on the policy team (including the Local Initiative Coordinator). This one page (per person) submission must address the following:

1. **Your Personal Interest in this Initiative.** In one-half of a page, tell us why you personally want to participate in this initiative. What is it about the initiative that would compel you to invest your valuable time in this work?
2. **Your Agency/Entity's Interest in this Initiative.** As described in the Framework, true system change requires leadership from key policymakers; commitment throughout all levels of justice system organizations, and policy and practice alignment. In one-half of a page, tell us the ways in which you would propose to engage your colleagues (if in a non-hierarchical agency/entity) or staff (in hierarchical agencies/entities) in this initiative, and why you believe they would be interested in this initiative.

- c. **Selection Criteria:** The applicant proposes a policy team that is sufficiently inclusive and comprehensive to meet the goals of the initiative (i.e., preference will be given to applicants who propose policy teams that reflect a strong commitment from the leadership of all relevant criminal justice agencies, as well as county/city council/commissions). Proposed team members demonstrate their and their agency's interest in and desire to participate in the initiative.

3. **Convene the Policy Team on a Regular Basis:**

- a. **Expectation:** Once established, it is anticipated that policy teams will meet as a full team on a routine basis. These meetings will be planned and attended and/or facilitated by the TA Site Coordinator in close collaboration with the Local Initiative Coordinator. The policy team will have a specific set of initiative goals to accomplish during the course of these meetings (some of which are detailed within this application kit), and will be expected to develop a local work plan for the accomplishment of these goals – and progress toward achieving these goals – over the course of the Phase II initiative period (approximately 12 months). It is expected that the work process and products will be jointly shared by all of the members of the policy team and that these will be incorporated into a logic model intended to produce measurable outcomes.

- b. Submission Requirements: The applicant provides information and/or evidence to demonstrate that the proposed policy team members are prepared to make a commitment to meet on a regular basis to undertake the work of the initiative; to participate in the initiative kick-off meeting in October 2010; and other related conference calls/gatherings. Further, the applicant identifies, with candor, the challenges they expect to encounter as they work together on this initiative, and their rationale for concluding that these challenges can be and are worth overcoming.
  - c. Selection Criteria: The applicant provides convincing evidence of the policy team's willingness and ability to work closely together in a genuine, deliberative process toward a set of agreed upon outcomes, but is realistic regarding both the challenges and opportunities of such an approach. The applicant demonstrates recognition that this approach, if effective, is not a fixed-time endeavor but a permanent change in business practice.
4. **Develop and Work to Implement a Local System-Wide Vision of Risk/Harm Reduction:**
- a. Expectation: The policy team will collaboratively develop a single vision statement reflecting the outcomes the local criminal justice system seeks to achieve.
  - b. Submission Requirements: The applicant provides information to indicate their understanding of the core purposes of the Framework; of a system-wide vision statement, including the challenges associated with its development, its benefits, and potential uses; and the policy team's willingness to adhere to the four principles of the Framework.
  - c. Selection Criteria: The applicant provides convincing evidence of the jurisdiction's desire to develop and align policy and practice around a system-wide vision of risk and harm reduction.
5. **Build Awareness and Engagement among Policy Team Members and their Staff Regarding Evidence-Based Research and Decision Making:**
- a. Expectation: With the assistance of the TA Site Coordinator, activities will be designed and conducted – through training, coaching, and other methods – to enhance staff members' knowledge, understanding, and support for evidence-based decision making<sup>4</sup> and prepare agency staff for full pilot testing.
  - b. Submission Requirements: Applicants must provide information to demonstrate efforts to date to build awareness of evidence-based practices within and across agencies; to implement research-supported practices (e.g., utilizing evidence-based interventions when risk reduction is a goal; employing collaborative decision making processes; using empirically-based risk/needs assessment instruments; matching interventions to offenders' assessed level of risk to reoffend; using research-supported interventions designed to reduce offender misconduct and recidivism; establishing and monitoring performance benchmarks); and evidence of the jurisdiction's readiness to further identify and implement research-supported practices. Applicants must consider and identify the methods they believe would be ideal to promote awareness and genuine engagement of staff at the direct service level within and across agencies in their communities.
  - c. Selection Criteria: Clear and convincing evidence is provided to demonstrate readiness and willingness on the part of the proposed policy team members to implement policies and practices that are grounded in risk/harm reduction research and to fully engage all staff in this endeavor.

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<sup>4</sup> In hierarchical organizations/entities, this process will begin with managers and supervisors and, through successive events, engage a sub-set of non-managerial staff. The process will be different but equally inclusive for non-hierarchical organizations/entities.

**6. Develop Local Logic Models:**

- a. Expectation: Seed sites will be expected to develop locally-tailored logic models at the system, agency and case levels.
  - i. System-level: Using the Framework logic model as a guide, the policy team will develop a system-level logic model specific to the local jurisdiction.
  - ii. Agency-level: As a part of the process of engaging agency staff, policy team members and their staff will develop logic models for implementing evidence-based decision making at the agency level.
  - iii. Case-level: With the involvement of both the Policy Team and representatives of staff from varying levels of participating agencies, a case-level logic model will be developed in each local jurisdiction. Once developed, the Policy Team and agency representatives will pilot this model against a variety of test cases.
- b. Submission Requirements: The applicant provides information to demonstrate an understanding of the uses of logic models as a tool to guide structured processes and to support data collection and analysis. The applicant describes the ways in which logic models have been used or are currently in use to support decision making processes.
- c. Selection Criteria: The applicant provides evidence to demonstrate that the policy team has reviewed the Framework logic model and understands the use of such a model in carrying out local justice system policies and practices at the system, agency and case levels.

**7. Assess (and as needed, augment) Capacity for Data Collection and Analysis and Gather Baseline Data:**

- a. Expectation: With the assistance of technical assistance, participating jurisdictions will assess their capacity to collect and analyze data across agencies in support of measuring specified risk and harm reduction performance measures. Methods to enhance capacity in this regard will be identified.
- b. Submission Requirements: Applicants must provide a description of the jurisdiction's data collection/analysis system and the ways in which data are currently used to assess and enhance the effectiveness of policies and practices. Weaknesses in the data system must be candidly described along with proposed strategies for addressing these weaknesses.
- c. Selection Criteria: The applicant provides sufficient information to demonstrate an understanding of the strengths, weaknesses, and current and potential uses of cross-agency data. The collection of baseline data is possible without significant changes to or investment in the data system(s).

**8. Develop a Local Criminal Justice System "Scorecard":**

- a. Expectation: With the support of technical assistance, each seed site will develop a scorecard reflecting key system wide performance measures that will support the demonstration of risk and harm reduction over time. This scorecard will form the basis of the outcome evaluation for those sites participating in Phase III as well as communication efforts designed to promote community engagement.
- b. Submission Requirements: The proposed policy team members must review the risk and harm reduction measures outlined in the Framework; identify the specific measures of value to the team; and indicate how the jurisdiction would propose to collect and use the data derived from these measures.
- c. Selection Criteria: The applicant demonstrates sufficient interest in the Framework's risk and harm reduction measures, and provides sufficient information to demonstrate that an established process/mechanism for the collection and analysis of risk/harm reduction data exists to support a long-term process and outcome evaluation.

**9. Additional Information:**

- a. Applicants are encouraged to provide any additional information they believe will strengthen their application. Examples of additional information may include, but is not limited to:
- ✓ Evidence of the jurisdiction's ability to leverage local resources (e.g., funding from local private foundations, local/state/federal funds, research support from local universities or other sources, etc.).
  - ✓ Demonstrated impact from participation in similar efforts in the past that will facilitate progress in this initiative.
  - ✓ Previous experience with meaningful public engagement efforts.
  - ✓ Support from state government and/or state-level organizations/associations in local initiatives/efforts.

**10. Cover Letter:**

- a. A cover letter must be prepared that indicates the interest of the local jurisdiction to participate in the initiative. The cover letter must also include:
- ✓ The names and titles of the proposed policy team members.
  - ✓ The name and title of the proposed Local Initiative Coordinator.
  - ✓ The public sector agency in the local justice system that will serve as the lead for the initiative, including the name, title and contact information for the individual who will lead the effort (with the support of the Local Initiative Coordinator).
  - ✓ The lead applicant must be the letter signatory. Other policy team members do not need to sign the cover letter.
  - ✓ The cover letter must be addressed to Morris Thigpen, Director, National Institute of Corrections (an address is not required on this cover letter; see below for the address to which the application must be sent).

**Expected Work Products**

NIC expects that the products developed under this initiative may vary to some degree depending on local circumstances and needs. However, seed sites will be expected, at a minimum, to produce the following work products:

- ✓ A work plan for accomplishing the goals of the initiative.
- ✓ A vision statement for the local criminal justice system.
- ✓ System, agency, and case-level logic models.
- ✓ A detailed plan for the collection and analysis of risk and harm reduction measures and a strategy to use these data to continually improve outcomes.
- ✓ A system wide scorecard and a strategy for the use of this information to communicate with and engage the public and justice system stakeholders in the ongoing advancement of justice system outcomes, and monitor these outcomes over time.

**Expected Outcomes of Participation as Seed Sites**

Jurisdictions who successfully participate in Phase II of this initiative can expect to benefit from the following:

- ✓ Establishment (or enhancement) of a true and meaningful collaborative partnership among the local criminal justice system's stakeholders;
- ✓ Development of a shared philosophy and vision for the local criminal justice system;
- ✓ Enhanced capacity to collect and analyze data that will support ongoing analysis of the effectiveness of current and future policies, practices and services that contribute to risk and harm reduction;

- ✓ Increased understanding of research-based risk and harm reduction strategies and system wide investment and engagement by stakeholders and staff in effectively implementing these strategies;
- ✓ Jurisdiction-specific tools designed to assist in implementation of evidence-based decision making at the system, agency, and case levels;
- ✓ Opportunities for peer-to-peer exchanges with other seed sites; and the
- ✓ Opportunity to be among two jurisdictions selected to participate as pilot sites in Phase III of this initiative.

### **SEED SITE APPLICATION PROCESS AND TIMELINE**

Applications from interested jurisdictions will be reviewed on a competitive basis. Applicants are strongly urged to thoroughly review the Framework, this application kit, to participate in a WebEx conference to clarify the initiative's expectations, and to complete and submit an application only if leadership has a strong commitment to the initiative and its potential outcomes.

#### **Important Dates**

- ✓ NIC will host a two-hour informational WebEx conference on June 23, 2010 from 1:00 to 2:30 pm EDT for those with a serious intent to respond to this solicitation. Potential applicants will have the opportunity to ask questions about the initiative, the work to be performed, and the application requirements. To register to participate in the WebEx conference, send an email to Lori Eville ([leville@bop.gov](mailto:leville@bop.gov)) by 12 noon EDT on Monday, June 21, 2010.
- ✓ Applications are due on July 15, 2010 by 5 pm EDT.
- ✓ Top ranking applicants may receive follow-up information inquiries by telephone or email. Follow-up inquiries can be expected as early as July 16, 2010.
- ✓ All top ranking applicants should expect a 1-2 day site selection visit by representatives from NIC, OJP, and the TA provider team. These visits are anticipated to occur between mid-July and mid-August 2010. To the extent possible, the availability of the full policy team during site selection visits is preferred.
- ✓ Final selection decisions are anticipated on or around August 20, 2010.

Applications must be received by 5 p.m. (EDT) on Thursday, July 15, 2010

10 copies of the application must be mailed to:

Rachelle Giguere, Program Associate  
 Center for Effective Public Policy  
 8403 Colesville Road, Suite 720  
 Silver Spring, MD 20910  
 Phone: 301-589-9383

#### **Further Information**

For further information about the Evidence-Based Decision Making in Local Criminal Justice Systems initiative, the Framework, or this selection process, please contact:

Lori Eville, Correctional Program Specialist  
 National Institute of Corrections, Community Corrections Division  
 320 First Street, NW, Room 5007  
 Washington, DC 20534  
 Phone: (202) 616-2848  
 Fax: (202) 307-3361  
 Email: [leville@bop.gov](mailto:leville@bop.gov)



**MULTNOMAH COUNTY**  
**AGENDA PLACEMENT REQUEST (short form)**

**Board Clerk Use Only**

**Meeting Date:** 7/8/2010  
**Agenda Item #:** R-6  
**Est. Start Time:** 10:45 am  
**Date Submitted:** 6/21/2010

APPROVED: MULTNOMAH COUNTY  
 BOARD OF COMMISSIONERS  
 AGENDA # R-6 DATE 7/8/2010  
 LYNDA GROW, BOARD CLERK

**SECOND READING Ordinance Relating To County Organization; Concerning The Organization And Functions Of The Office Of Diversity and Equity and the Office of Sustainability; Making Housekeeping Amendments to MCC Chapters 7 and 27 to Move and Consolidate Non-departmental Offices into a New MCC Chapter 25, and Align Departmental Functions & Procedures; and Declaring an**  
**Agenda Title: Emergency**

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

**Requested Meeting Date:** July 8, 2010      **Amount of Time Needed:** 5 minutes  
**Department:** Non-Departmental      **Division:** County Attorney  
**Contact(s):** Agnes Sowle, County Attorney  
**Phone:** 503-988-3138      **Ext.** 83138      **I/O Address:** 503/500  
**Presenter(s):** Jana McLellan, Chief Operating Officer; Agnes Sowle, County Attorney

**General Information**

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

Approve second reading of ordinance concerning the organization and functions of the Office Of Diversity and Equity and the Office of Sustainability, and making housekeeping changes to create a new MCC Chapter 25, Non-departmental.

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

The County FY 2011 Budget adopted June 10, 2010, moved funding for the Office of Diversity and Equity and the Office of Sustainability from the Department of County Management to stand alone offices. The proposed reorganization would create separate offices to continue to provide County diversity and sustainability functions, implement the programs and improve government efficiency. The proposed housekeeping changes would create a new code Chapter 25 for county non-departmental offices and align departmental functions and procedures.

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

None

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

None

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

N/A

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**Required Signature**

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

A handwritten signature in cursive script, appearing to read "A. Jensen", is written over a horizontal line.

**Date: June 15, 2010**

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

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

An Ordinance Relating To County Organization; Concerning The Organization And Functions Of The Office Of Diversity and Equity and the Office of Sustainability; Making Housekeeping Amendments to MCC Chapters 7 and 27 to Move and Consolidate Non-departmental Offices into a New MCC Chapter 25, and Align Departmental Functions and Procedures; and Declaring an Emergency

**Multnomah County Ordains as follows:**

**Section 1.** MCC Chapter 25, Non-Departmental, is created and the Office of Diversity and Equity and the Office of Sustainability are added as follows:

**CHAPTER 25: NON-DEPARTMENTAL**

**25.100\* DIVERSITY AND EQUITY**

**25.110 Office Established.**

An office of Diversity and Equity (Office) is established. The Director of the Office is the Diversity and Equity Manager. The Director of the Office reports directly to the Chair.

**25.120 Duties.**

The Director will:

- (A) Coordinate programs to enhance Diversity, Cultural Competency and Business Opportunities for Minorities, Women and Emerging Small Businesses;
- (B) Provide overall strategic direction to the Office of Diversity and Equity;
- (C) Manage contractors and other diversity and equity staff, budget and compliance;
- (D) Provide regular updates to the Board;

**25.200\* SUSTAINABILITY**

**25.210- Office Established.**

An office of Sustainability (Office) is established. The Director of the Office is the Sustainability Manager. The Director of the Office reports directly to the Chair.

## **25.220 Duties.**

The Director will:

- (A) Plan, implement and coordinate the county's environmental sustainability program;
- (B) Provide overall strategic direction to the Office of Sustainability;
- (C) Manage contractors and other sustainability staff, budget and compliance;
- (D) Provide regular updates to the Board;

**Section 2.** Sections of MCC Chapters 7 and 27 are renumbered as shown on the attached Exhibit A to consolidate county non-departmental offices and align departmental procedures.

**Section 3.** MCC § 7.001 and 27.001 are amended as follows to align departmental functions:

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

### **7.001 County Management Department.**

The Department of County Management is created. The head of the department is the Director of the County Management Department (director), who may also be the county Chief Financial Officer. The department is assigned the following functions:

- (A) Plan, prepare and monitor the budget as prescribed by state law;
- (B) Accounting system and treasurer duties; financial reports, receipt, investment and expenditure of funds;
- (C) Liability insurance and property insurance;
- (D) Assessor and tax collector duties prescribed by state law;
- (E) Board of Property Tax Appeals prescribed by state law;
- (F) Marriage license and domestic partner registration services;
- (G) County recording duties prescribed by state law;
- (H) Other county clerk duties prescribed by state law.
- (I) Acquisition, management and disposition of county facilities and lands;
- (J) Fleet, records management, archival and storage, electronic, and distribution services;

- (K) Purchase material and supplies as prescribed by state law, and administer contracts;
- (L) Employee and human resource services;
- (M) Collective bargaining and labor relations matters;
- (N) Affirmative action program;
- (O) Risk management and insurance programs; and
- (P) Accounts payable, accounts receivable, payroll; and
- (Q) Management and disposition of tax foreclosed property.

**27.001 Community Services Department.**

The Department of Community Services is created. The head of the department is the Director of the Community Services Department (director). The department is assigned the following functions:

(A) Land use planning and development services prescribed by state law for planning, zoning, preservation of natural resources, including restoring water quality, promoting sustainable rural communities and related matters;

(B) Services and duties prescribed by state law relating to special district annexations and withdrawals, special district and city formations, dissolutions or mergers, and boundary changes within the metropolitan service district;

(C) Services relating to county service districts and other agencies relating to the natural environment;

(D) Services and duties prescribed by state law relating to the construction, maintenance and operation of county roads and bridges;

(E) Surveys, examinations, inspections, and issuance of permits relating to construction and occupancy of buildings and other facilities;

(F) Animal control programs and facilities; and

(G) County elections duties prescribed by state law.

**Section 4.** MCC §§ 25.509 (formerly §7.509), 15.326 and 15.328 are amended to correct references as follows:

**25.509 Violation of Curfew or Emergency Regulation.**

(A) It is unlawful for any person to violate any curfew established under MCC 25.440 or to violate any measure taken under authority of this subchapter. The provisions of this section do not apply to official personnel authorized to be on the streets or other public places during the period of time for which a curfew has been established or other measures taken.

(B) Any person convicted of violating any provision of this subchapter for which no other specific penalty is provided shall be punished by a fine of not more than \$500 or by imprisonment in the county jail for not more than six months, or both.

**15.326 Powers Of Sheriff.**

(A) Whenever any area has been designated as an emergency area under MCC 25.440 within the boundaries of the area the Sheriff shall have authority to:

- (1) Regulate or prohibit ingress and egress to and from the area;
- (2) Limit or prohibit the movement of any persons within the area;
- (3) Move any property within the area;
- (4) Evacuate any persons from the area whenever and to the extent that the Sheriff finds human lives or property are endangered; and
- (5) Enter into or upon private property, or direct entry to prevent or minimize danger to lives or property.

(B) The Sheriff has authority to barricade streets and to prohibit or regulate travel upon any street, avenue or highway leading to an area designated as an emergency area for such distance as the Sheriff considers necessary under the circumstances.

**15.328 Access Prior To Declaration As Emergency Area; Findings.**

The Board finds that certain emergencies may require the responding peace officers to immediately restrict public access to the areas affected, before the area has been designated as an emergency area under § 25.440. Peace officers that respond to such emergencies have authority to restrict access to the area affected to protect the health, welfare and safety of the people of the county. Sections 15.328 through 15.330 must be liberally construed to effectuate the purposes expressed herein.

**Section 5.** This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and for budget purposes, this ordinance takes effect upon its signature by the County Chair.

FIRST READING:

July 1, 2010

SECOND READING AND ADOPTION:

July 8, 2010

---

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

---

Jeff Cogen, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By

---

Agnes Sowle, County Attorney

SUBMITTED BY:

Agnes Sowle, County Attorney

**EXHIBIT A**

Sections of MCC Chapters 7 and 27 are renumbered as follows:

<b>CHAPTER 7 COUNTY MANAGEMENT</b>		<b>CHAPTER 27 COMMUNITY SERVICES</b>	
<b>25.300*</b>	<b>COUNTY ATTORNEY</b>		
<b>25.310</b>	<b>Office Established.</b>		
<b>25.320</b>	<b>Duties.</b>		
<b>25.330</b>	<b>Relationship To County.</b>		
<b>25.400*</b>	<b>EMERGENCY MANAGEMENT</b>		
<b>25.410</b>	<b>Definitions.</b>		
<b>25.420</b>	<b>Office of Emergency Management.</b>		
<b>25.430</b>	<b>Incident Command System.</b>		
<b>25.440</b>	<b>Succession; Authority.</b>		
<b>25.450</b>	<b>Declaration of Emergency.</b>		
<b>25.460</b>	<b>Regulation of Persons and Property.</b>		
<b>25.470</b>	<b>Price Gouging Prohibited.</b>		
<b>25.480</b>	<b>Violation of Curfew or Emergency Regulation.</b>		
<b>25.490</b>	<b>Emergency Service Workers - Volunteers.</b>		
<b>25.500*</b>	<b>INFORMATION TECHNOLOGY</b>		
<b>25.510</b>	<b>Office Established.</b>		
<b>25.520</b>	<b>Duties.</b>		
<b>25.600*</b>	<b>GOVERNMENT RELATIONS</b>		
<b>25.610</b>	<b>Office Established.</b>		
<b>25.620</b>	<b>Duties.</b>		
<b>7.400*</b>	<b>TAX FORECLOSED PROPERTY</b>		
<b>7.400-</b>	<b>Definitions.</b>	<b>7.404</b>	<b>Procedure For Designating Significant Environmental and Compelling Greenspace Property.</b>
<b>7.401</b>	<b>Property Administration And Evaluation.</b>	<b>7.405</b>	<b>Procedure For Designating Buildable Property For Housing Purposes.</b>
<b>7.402</b>	<b>Repurchase Qualifications And Contract Requirements.</b>	<b>7.406</b>	<b>Procedure For Resolving Conflicts Between Designated Compelling Greenspace Property And Buildable Property.</b>
<b>7.403</b>	<b>Property Sale Restrictions.</b>	<b>7.408</b>	<b>Procedure For Requesting Transfer Of Tax Foreclosed Property For Housing Purposes.</b>
<b>7.407</b>	<b>Requesting Transfer Of Tax Foreclosed Property To Governments For Non Housing Purposes.</b>	<b>7.409</b>	<b>Procedure For Requesting Transfer Of Tax Foreclosed Property For Open Space, Parks Or Natural Areas.</b>
		<b>7.410</b>	<b>Procedure For Disposition Of Requests For Transfer Of Tax Foreclosed Property For Housing And For Open Space, Parks Or Natural Areas.</b>



# Commissioner Barbara Willer

---

MULTNOMAH COUNTY, District 2

---

501 SE Hawthorne, Suite 600  
Portland, Oregon 97214  
(503) 988-5219 phone  
(503) 988-5440 fax  
<http://multco.us/portal/site/ds2>  
[district2@co.multnomah.or.us](mailto:district2@co.multnomah.or.us)

## MEMORANDUM

**TO:** Chair Jeff Cogen  
Commissioner Deborah Kafoury  
Commissioner Diane McKeel  
Commissioner Judith Shiprack  
Board Clerk Lynda Grow

**FROM:** Dana Brown  
Chief of Staff to Commissioner Barbara Willer

**DATE:** May 11, 2010

**RE:** Excuse memo for July 8, 2010.

---

Commissioner Willer will not be able to attend the Board meeting Thursday, July 8, 2010.

## GROW Lynda

---

**From:** FILES Sean  
**Sent:** Wednesday, June 23, 2010 11:07 AM  
**To:** MCKEEL Diane; COGEN Jeff; SHIPRACK Judith C; WILLER Barbara; KAFOURY Deborah  
**Cc:** FALKENBERG Keith E; RIDINGS Aaron M; BROWN Dana; GUTHRIE Barbara; GROW Lynda  
**Subject:** Commissioner McKeel excuse note for 7/6/10 Board Work Session  
**Attachments:** ExcuseMemo.7.6.10.doc

Attached is an excuse memo for Commissioner McKeel's absence from the work session on July 6<sup>th</sup>. She is scheduled for Jury Duty that day and will not be able to attend Board activities.

### *Sean Files*

Constituent Liaison and Policy Analyst  
Multnomah County Commissioner Diane McKeel  
501 SE Hawthorne Blvd., Suite 600  
Portland, Oregon 97214

(503) 988-5213  
(503) 988-5262 (fax)  
[sean.files@co.multnomah.or.us](mailto:sean.files@co.multnomah.or.us)  
[www.multco.us/cc/ds4](http://www.multco.us/cc/ds4)

## GROW Lynda

---

**From:** MORF Jenny M  
**Sent:** Tuesday, June 22, 2010 9:46 AM  
**To:** GROW Lynda  
**Cc:** BAKER Marina  
**Subject:** RE: Executive session for June 22 or June 29th

Great!

---

**From:** GROW Lynda  
**Sent:** Tuesday, June 22, 2010 9:03 AM  
**To:** MORF Jenny M  
**Cc:** BAKER Marina  
**Subject:** RE: Executive session for June 22 or June 29th

Yes, the Chair is calendared to returned the 5<sup>th</sup>. I'll make sure these get posted.  
Thank you for letting me know!  
Lynda

Lynda J. Grow, Board Clerk  
Multnomah County Board of Commissioners  
503-988-5274 or 988-3277  
[Lynda.Grow@co.multnomah.or.us](mailto:Lynda.Grow@co.multnomah.or.us)  
<http://www2.co.multnomah.or.us/cfm/boardclerk/>

---

**From:** MORF Jenny M  
**Sent:** Friday, June 18, 2010 8:16 AM  
**To:** GROW Lynda  
**Cc:** MADKOUR Stephen L  
**Subject:** RE: Executive session for June 22 or June 29th

Lynda,  
We'll need executive session on the following dates:

July 6<sup>th</sup> to discuss English and Woods cases

July 13<sup>th</sup> to discuss Arigbon and Quigley cases.

FYI: The Chair is available for both meetings.

---

**From:** GROW Lynda  
**Sent:** Tuesday, June 15, 2010 3:56 PM  
**To:** MORF Jenny M  
**Cc:** MADKOUR Stephen L  
**Subject:** RE: Executive session for June 22 or June 29th

6/22/2010



**To:** GROW Lynda  
**Subject:** (7/8) 15 MIN. TIME CERTAIN REQUEST FROM THE AUDITOR

TIME CERTAIN FOR AUDITOR'S CONFLICT OF INTEREST

Lynda J. Grow, Board Clerk  
Multnomah County Commissioners  
501 SE Hawthorne Blvd., Ste. 600  
Portland, OR 97214-3587  
(503) 988-3277 or (503) 988-5274  
[lynda.grow@co.multnomah.or.us](mailto:lynda.grow@co.multnomah.or.us)  
<http://www2.co.multnomah.or.us/cfm/boardclerk/>

## GROW Lynda

---

**From:** ROSENBERGER Judy K  
**Sent:** Tuesday, June 15, 2010 2:50 PM  
**To:** GROW Lynda  
**Subject:** Corrected Agenda Placement Form

**Attachments:** Potential Perceived and Actual conflicts of Interest.doc



Potential  
ceived and Actua

The message is ready to be sent with the following file or link attachments:

Potential Perceived and Actual conflicts of Interest.doc

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

## GROW Lynda

---

**From:** ROSENBERGER Judy K  
**Sent:** Tuesday, June 15, 2010 12:15 PM  
**To:** GROW Lynda  
**Subject:** Agenda Placement  
**Attachments:** Potential Perceived and Actual conflicts of Interest.doc; Potential Perceived and Actual conflicts of Interest.pdf

Agenda placement form and copy of audit are attached

**Judy Rosenberger**  
*Multnomah County Auditor's Office*  
*501 SE Hawthorne Room 601*  
*Portland, OR 97214*  
*503/988-3320*

## GROW Lynda

---

**From:** MORF Jenny M  
**Sent:** Tuesday, June 22, 2010 11:59 AM  
**To:** GROW Lynda; MADKOUR Stephen L  
**Cc:** MADRIGAL Marissa D  
**Subject:** RE: Executive session for June 22 or June 29th

Thanks Lynda,

Stephen is presenting the cases on July 6<sup>th</sup> so I've copied him on this correspondence.

---

**From:** GROW Lynda  
**Sent:** Tuesday, June 22, 2010 11:06 AM  
**To:** MORF Jenny M  
**Cc:** MADRIGAL Marissa D  
**Subject:** RE: Executive session for June 22 or June 29th

Ok. Just to let you know, I was just informed of a second Commissioner's absence on July 6<sup>th</sup>. We have a quorum, but I wanted to give you both a "heads up."

Lynda J. Grow, Board Clerk  
Multnomah County Board of Commissioners  
503-988-5274 or 988-3277  
[Lynda.Grow@co.multnomah.or.us](mailto:Lynda.Grow@co.multnomah.or.us)  
<http://www2.co.multnomah.or.us/cfm/boardclerk/>

---

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**Cc:** MADKOUR Stephen L  
**Subject:** RE: Executive session for June 22 or June 29th

Lynda,

We'll need executive session on the following dates:

July 6<sup>th</sup> to discuss English and Woods cases

July 13<sup>th</sup> to discuss Arigbon and Quigley cases.

FYI: The Chair is available for both meetings.

---

**From:** GROW Lynda  
**Sent:** Tuesday, June 15, 2010 3:56 PM  
**To:** MORF Jenny M  
**Cc:** MADKOUR Stephen L

6/24/2010

## GROW Lynda

---

**From:** MORF Jenny M  
**Sent:** Tuesday, June 22, 2010 9:46 AM  
**To:** GROW Lynda  
**Cc:** BAKER Marina  
**Subject:** RE: Executive session for June 22 or June 29th

Great!

---

**From:** GROW Lynda  
**Sent:** Tuesday, June 22, 2010 9:03 AM  
**To:** MORF Jenny M  
**Cc:** BAKER Marina  
**Subject:** RE: Executive session for June 22 or June 29th

Yes, the Chair is calendared to returned the 5<sup>th</sup>. I'll make sure these get posted.  
Thank you for letting me know!  
Lynda

Lynda J. Grow, Board Clerk  
Multnomah County Board of Commissioners  
503-988-5274 or 988-3277  
[Lynda.Grow@co.multnomah.or.us](mailto:Lynda.Grow@co.multnomah.or.us)  
<http://www2.co.multnomah.or.us/cfm/boardclerk/>

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**Sent:** Friday, June 18, 2010 8:16 AM  
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**Cc:** MADKOUR Stephen L  
**Subject:** RE: Executive session for June 22 or June 29th

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We'll need executive session on the following dates:

July 6<sup>th</sup> to discuss English and Woods cases

July 13<sup>th</sup> to discuss Arigbon and Quigley cases.

FYI: The Chair is available for both meetings.

---

**From:** GROW Lynda  
**Sent:** Tuesday, June 15, 2010 3:56 PM  
**To:** MORF Jenny M  
**Cc:** MADKOUR Stephen L  
**Subject:** RE: Executive session for June 22 or June 29th

6/24/2010

**Subject:** RE: Executive session for June 22 or June 29th

Jenny:

Chair Cogen is out both the 22<sup>nd</sup> and 29<sup>th</sup> (he's on vacation).

He is the only one I am aware of being out both of those Tuesdays.

I know he requested the update, so I didn't know if you wanted to wait for his return, or ??

Lynda

Lynda J. Grow, Board Clerk

Multnomah County Board of Commissioners

503-988-5274 or 988-3277

[Lynda.Grow@co.multnomah.or.us](mailto:Lynda.Grow@co.multnomah.or.us)

<http://www2.co.multnomah.or.us/cfm/boardclerk/>

---

**From:** MORF Jenny M

**Sent:** Tuesday, June 15, 2010 3:04 PM

**To:** GROW Lynda

**Cc:** MADKOUR Stephen L

**Subject:** Executive session for June 22 or June 29th

Lynda,

We'll need exec session on June 22 if the entire board will be there.

If we'll have absences on the 22<sup>nd</sup>, then let's schedule for June 29<sup>th</sup>.

Please advise.

**Jenny M. Morf**

Assistant County Attorney  
501 SE Hawthorne Blvd., Suite 500  
Portland, Oregon 97214  
ph: 503/988.3138  
fax: 503/988.3377

**NOTICE:** This message and/or the attachments may contain confidential information protected by the attorney-client privilege. If you have received this transmission in error, please notify the sender immediately by reply email and then destroy all copies of this transmission.

Thank you.

## GROW Lynda

---

**From:** GROW Lynda  
**Sent:** Wednesday, June 16, 2010 10:10 AM  
**To:** MADRIGAL Marissa D  
**Cc:** GROW Lynda  
**Subject:** Robert Phillips wants to bring a Proclamation forward on 7/8 re: ADA



I asked him to check w/you. We have time on the agenda.

I'll be happy to fill out the paperwork, I just wanted to make sure he "went through channels."

What a nice man! ☺

Lyn

Lynda J. Grow, Board Clerk  
Multnomah County Commissioners  
501 SE Hawthorne Blvd., Ste. 600  
Portland, OR 97214-3587  
(503) 988-3277 or (503) 988-5274  
[lynda.grow@co.multnomah.or.us](mailto:lynda.grow@co.multnomah.or.us)  
<http://www2.co.multnomah.or.us/cfm/boardclerk/>

# AGENDA PLACEMENT REQUEST

**Board Clerk Use Only:**

**Meeting Date:**

**Agenda Item #:**

**Est. Start Time:**

**Date Submitted:**

---

**Requested Date:** 7/8/10

**Time Requested:** 15 Min.

**Department:** Chair's Office

**Division:** Office of Diversity and Equity

**Contact/s:** Robert Phillips

**Phone:** 503 988-4377

**Ext.:**

**I/O Address:** 503/4th

**Presenters:** Robert Phillips and David Miller

---

**Agenda Title:** 20<sup>th</sup> Anniversary of the Americans with Disabilities Act Proclamation

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

---

- 1. What action are you requesting from the Board? What is the department/agency recommendation?** Adopt Proclamation recognizing the 20<sup>th</sup> Anniversary of the Americans with Disabilities Act (ADA) that ensures the civil rights of people with disabilities.
- 2. Please provide sufficient background information for the Board and the public to understand this issue.** The 20<sup>th</sup> anniversary of the ADA recognize the progress that has been made under the ADA for the disabled community and reaffirms our commitment towards full accessibility and inclusion of people with disabilities.
- 3. Explain the fiscal impact (current year and ongoing).** The proclamation has no fiscal impact.

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

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

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

If a contingency request, explain: N/A

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

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

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

4. Explain any legal and/or policy issues involved. N/A
  
5. Explain any citizen and/or other government participation that has or will take place. Comments by Mr. David G. Miller, ADA Technical Specialist; and potential associate.

**Required Signatures:**

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

Date:

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

PROCLAMATION NO. \_\_\_\_\_

Proclaiming the Month of July 2010 as a Time of Recognition of the Importance Passage of the Americans with Disabilities Act, signed into law on July 26, 1990, by President George H. Bush, to ensure the civil rights of people with disabilities

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

- a. The Americans with Disabilities Act (ADA) established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.
- b. The ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing full participation in community life.
- c. On the 20<sup>th</sup> anniversary of the ADA, Multnomah County reaffirms the principles of equality and inclusion central to full ADA compliance.

NOW THEREFORE, the Multnomah County Board of Commissioners Proclaims:

The month of July 2010 as Americans with Disabilities Month in Multnomah County, Oregon, and encourage citizens to recognize, learn, and reaffirm our commitment to the intent of this act.

ADOPTED this 8<sup>th</sup> day of July, 2010.

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

**Jeff Cogen, County Chair**

**Deborah Kafoury  
Commissioner District 1**

**Barbara Willer  
Commissioner District 2**

**Judy Shiprack  
Commissioner District 3**

**Diane McKeel  
Commissioner District 4**

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

PROCLAMATION NO. \_\_\_\_\_

Proclaiming the Month of July 2010 as a time of recognition of the milestone passage of the Americans with Disabilities Act, signed into law on July 26, 1990, by President George H. Bush, to ensure the civil rights of people with disabilities

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

- a. The Americans with Disabilities Act (ADA) established a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities.
- b. The ADA has expanded opportunities for Americans with disabilities by reducing barriers, changing perceptions, and increasing full participation in community life.
- c. On the 20<sup>th</sup> anniversary of the ADA, Multnomah County reaffirms the principles of equality and inclusion central to full ADA compliance.

NOW THEREFORE, the Multnomah County Board of Commissioners Proclaims:

The month of July 2010 as Americans with Disabilities Month in Multnomah County, Oregon, and encourage citizens to recognize, learn, and reaffirm our commitment to the intent of this act.

ADOPTED this 8<sup>th</sup> day of July, 2010.

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

**Jeff Cogen, County Chair**

**Deborah Kafoury  
Commissioner District 1**

**Barbara Willer  
Commissioner District 2**

**Judy Shiprack  
Commissioner District 3**

**Diane McKeel  
Commissioner District 4**



# Commissioner Barbara Willer

MULTNOMAH COUNTY, District 2

---

501 SE Hawthorne, Suite 600

Portland, Oregon 97214

(503) 988-5219 phone

(503) 988-5440 fax

<http://multco.us/portal/site/ds2>

[district2@co.multnomah.or.us](mailto:district2@co.multnomah.or.us)

## MEMORANDUM

**TO:** Chair Jeff Cogen  
Commissioner Deborah Kafoury  
Commissioner Diane McKeel  
Commissioner Judith Shiprack  
Board Clerk Lynda Grow

**FROM:** Dana Brown  
Chief of Staff to Commissioner Barbara Willer

**DATE:** May 11, 2010

**RE:** Excuse memo for July 8, 2010.

---

Commissioner Willer will not be able to attend the Board meeting Thursday, July 8, 2010.

## GROW Lynda

---

**From:** BROWN Dana  
**Sent:** Tuesday, May 11, 2010 4:40 PM  
**To:** COGEN Jeff; SHIPRACK-Judith C; MCKEEL Diane; KAFOURY Deborah; GROW Lynda  
**Cc:** GUTHRIE Barbara; FALKENBERG Keith E; FILES Sean; RIDINGS Aaron M  
**Subject:** Excuse Memo 7-8-10 for Commissioner Willer  
**Attachments:** Excuse Memo 7-8-2010.doc

Please see attached. Thank you.

Dana L Brown  
Chief of Staff to  
Multnomah County Commissioner Barbara Willer  
(503) 988-3971  
[dana.brown@co.multnomah.or.us](mailto:dana.brown@co.multnomah.or.us)  
[www.co.multnomah.or.us/cc/ds2/](http://www.co.multnomah.or.us/cc/ds2/)

## GROW Lynda

---

**From:** DAVIES Elizabeth  
**Sent:** Tuesday, June 22, 2010 5:56 PM  
**To:** MADRIGAL Marissa D  
**Cc:** GROW Lynda; #ALL LPSCC STAFF; RHEIN Karen T; SHIPRACK Judith C  
**Subject:** APR for July 8 Board Meeting  
**Attachments:** APR NIC grant.doc

Hi Marissa,

LPSCC would like to request 15 minutes on the July 8<sup>th</sup> Board agenda in order to seek approval for an application to become a seed site to test the NIC Framework for Evidence-Based Decision-Making in the Local Criminal Justice System. I'm also planning to contact Corie to request time with Board Staff on July 6.

Lynda – a signed copy of the APR is on your chair. ☺

Please let me know if it would be helpful for you to see more supporting documentation. This is a really exciting opportunity for Multnomah County!

Elizabeth

**Elizabeth Davies**  
Public Safety System Analyst  
ph: 503-988-5002  
[elizabeth.davies@co.multnomah.or.us](mailto:elizabeth.davies@co.multnomah.or.us)

Local Public Safety Coordinating Council  
Multnomah County  
501 SE Hawthorne Blvd, suite 624  
Portland, OR 97214

6/24/2010



**MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST  
NOTICE OF INTENT**

(revised 12/31/09)

*Lynda,  
I've emailed you  
the electronic version.  
Let me know if  
I need to do more.  
Elizabeth*

**Board Clerk Use Only**

**Meeting Date:** \_\_\_\_\_  
**Agenda Item #:** \_\_\_\_\_  
**Est. Start Time:** \_\_\_\_\_  
**Date Submitted:** \_\_\_\_\_

**NOTICE OF INTENT: National Institute of Corrections and Office of Justice Programs Evidence-Based decision Making in Local Criminal justice System**  
**Agenda Title: Initiative: Phase II Site Selection Technical Assistance**

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

**Requested Meeting Date:** July 8, 2010 **Amount of Time Needed:** 15 minutes  
**Department:** Local Public Safety Coordinating Council **Division:** \_\_\_\_\_  
**Contact(s):** Peter Ozanne/Elizabeth Davies  
**Phone:** 988-5777 **Ext.** 85777 **I/O Address:** B503/600  
**Presenter(s):** Peter Ozanne

**General Information**

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

Approval to apply for National Institute of Corrections and Office of Justice Programs Evidence-Based decision Making in Local Criminal Justice System Initiative: Phase II Site Selection Technical Assistance.

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

In 2008, the National Institute of Corrections launched the Evidence-Based Decision Making in Local Criminal Justice Systems initiative in order to "build a system wide framework (arrest through final disposition and discharge) that would, when implemented, result in more collaborative, evidence-based decision making and practices in local criminal justice systems." This initiative has been divided into three phases: Phase I developed a Framework to "advance constructive change in local level criminal justice decision making"; Phase II will provide technical assistance to as many

as six committed and capable "seed sites" who wish to pilot the Framework; and Phase III will fully pilot the Framework in two of the sites identified in Phase II. Multnomah County wishes to become a seed site to receive technical assistance from a team of providers with expertise in evidence based decision making, management, and operations in all facets of the criminal justice system.

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

Commitment of part of a current employee (~0.5 FTE) to serve the function of Local Initiative Coordinator

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

N/A

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

The Local Public Safety Coordinating Council will serve as the lead applicant and will coordinate participation of partners within Multnomah County's public safety system.



MULTNOMAH COUNTY  
AGENDA PLACEMENT REQUEST (short form)

<b>Board Clerk Use Only</b>	
Meeting Date:	_____
Agenda Item #:	_____
Est. Start Time:	_____
Date Submitted:	_____

**Agenda Title:** Board briefing Potential, Perceived and Actual Conflicts of Interest

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

<b>Requested Meeting Date:</b>	<u>Judy 8, 2010</u>	<b>Amount of Time Needed:</b>	<u>15 minutes</u>
<b>Department:</b>	<u>Non Departmental</u>	<b>Division:</b>	<u>Auditors Office</u>
<b>Contact(s):</b>	<u>Judy Rosenberger</u>		
<b>Phone:</b>	<u>503/988-83320</u>	<b>Ext.</b>	<u>83320</u>
<b>I/O Address:</b>	<u>503/601</u>		
<b>Presenter(s):</b>	<u>Steve March, Multnomah County Auditor</u>		

**General Information**

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

**Required Signature**

<b>Elected Official or Department/ Agency Director:</b>	<u>Steve March</u>	<b>Date:</b>	<u>June 15, 2010</u>
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