

ANNOTATED MINUTES

*Tuesday, May 12, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

BOARD BRIEFING

- B-1 *Presentation by Staff of the Association of Oregon and California Counties Regarding Their Proposal to Congress to Replace "Income Foregone". Presented by Fred Neal and Dave Barrows.*

FRED NEAL AND DAVE BARROWS PRESENTATION AND RESPONSE TO BOARD QUESTIONS. MR. NEAL TO SUBMIT RESOLUTION SUPPORTING PROPOSAL FOR BOARD CONSIDERATION ON THURSDAY, MAY 21, 1992.

*Tuesday, May 12, 1992 - 10:00 AM
Multnomah County Courthouse, Room 602*

AGENDA REVIEW

- B-2 *Review of Agenda for Regular Meeting of May 14, 1992.*
- R-3 **BOARD DISCUSSION ON POLICY ISSUE REGARDING REQUEST FOR REPURCHASE OF TAX FORECLOSED PROPERTY.**
- R-8 **COMMISSIONER HANSEN STAFF ADVISED A SIMILAR ORDINANCE CONCERNING AUTO WRECKER LICENSES WILL BE SUBMITTED FOR BOARD CONSIDERATION NEXT WEEK.**
- R-13 **BOARD DISCUSSION REGARDING NAME CHANGE. COMMISSIONER KELLEY TO PROVIDE FURTHER INFORMATION THURSDAY.**
- R-16 **COMMISSIONER HANSEN REQUESTED ADDITIONAL INFORMATION FROM DES STAFF. COMMISSIONERS BAUMAN AND ANDERSON SUGGESTED THAT THE RESOLUTION SPECIFY HOW MANY OF THE 128 BEDS ARE TO BE USED FOR DETENTION, CONTRACT AND TREATMENT PROGRAMS.**
- R-19 **STAFF ADVISED A CORRECTED BUDGET MODIFICATION WILL BE SUBMITTED THURSDAY.**
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*Thursday, May 14, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

REGULAR MEETING

Chair Gladys McCoy convened the meeting at 9:32 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER BAUMAN, THE CONSENT CALENDAR (ITEM C-1 THROUGH C-8) WAS UNANIMOUSLY APPROVED.

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 *Ratification of Amendment No. 1 to the Intergovernmental Agreement Between the Housing Authority of Portland and Multnomah County, Extending the Grant Term for Community Service Officers from July 1, 1991 to December 31, 1991, Extending the Grant Term for the Sergeant and Deputy Sheriffs from July 1, 1991 to June 30, 1992 and Providing that Deputies Make Regular Patrols to Carlton Court Development*

DEPARTMENT OF SOCIAL SERVICES

- C-2 *Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Gresham School District and Multnomah County Social Services Division, Youth Program Office, Reflecting Changes to the Payment/Reporting Requirement for the Period July 1, 1991 to June 30, 1992*
- C-3 *Ratification of Amendment No. 1 to the Intergovernmental Agreement Between the Multnomah Education Service District and Multnomah County, Youth Program Office, Reflecting Changes to the Payment/Reporting Requirement for the Period July 1, 1991 to June 30, 1992*
- C-4 *Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Portland Public Schools and Multnomah County Social Services Division, Office of Child and Adolescent Mental Health, Eliminating Tualatin Valley Mental Health Day Treatment Services and Providing a Means for the Partners Project Program to Pay for Services to Certain Clients, for the Period July 1, 1991 to June 30, 1992*
- C-5 *Ratification of Amendment No. 3 to the Intergovernmental Agreement Between Oregon Health Sciences University and Multnomah County Social Services Division, Office of Child and Adolescent Mental Health, Providing Additional Title XIX Funds for Early Prevention Screening Diagnosis and Treatment Services for the Period March 1, 1992 to June 30, 1992*
- C-6 *Ratification of Amendment No. 6 to the Intergovernmental Agreement Between Multnomah County Social Services Division, Developmental Disabilities Program Office and Oregon Health Sciences University, Child Development and Rehabilitation Center, Providing Additional Early Intervention Funding for the Period March 1, 1992 to June 30, 1992*

DEPARTMENT OF HEALTH

- C-7 *Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Multnomah County and State Health Division, Public Health Laboratory, Allowing the State to Bill Multnomah County for Certain Prenatal Screening Tests Provided to REEP and MCPCO Clients, for the Period July 1, 1991 to June 30, 1992*
- C-8 *Ratification of an Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University Providing Medical Consultation Services within the County's Tuberculosis Clinic for the Period July 1, 1992 to June 30, 1993*

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 *In the Matter of Confirmation of the Appointment of Tamara Holden as Director of the Multnomah County Department of Community Corrections*

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, R-1 WAS UNANIMOUSLY APPROVED. TAMARA HOLDEN COMMENTS IN APPRECIATION.

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-24 *PROCLAMATION for the Purpose of Recognizing NATIONAL PUBLIC WORKS WEEK, May 17-23, 1992*

VIRGINIA WEBSTER PRESENTATION. JOHN WILDHABER READ PROCLAMATION. UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, PROCLAMATION 92-80 WAS UNANIMOUSLY APPROVED.

- R-2 *Request for RECONSIDERATION in the Matter of Amending ORDER 92-50 (Findings of Fact and Conclusion Pursuant to Land Use Planning Case Nos. CS 3-92 and HV 2-92).*

NO PUBLIC TESTIMONY RECEIVED. LAURENCE KRESSEL EXPLANATION. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KELLEY, ORDER 92-81 AMENDING PAGE 19 OF ORDER 92-50 TO READ: "THE COUNTY CODE IS SUBSTANTIALLY DIFFERENT FROM THE CLACKAMAS COUNTY CODE WHICH DOES NOT SPECIFICALLY AUTHORIZE CONSIDERATION OF THE LOCATION OF PHYSICAL IMPROVEMENTS" WAS UNANIMOUSLY APPROVED.

- R-3 *ORDER in the Matter of the Execution of Deed D92703A for Certain Tax Acquired Property to CAREY M. SHELDON*

R-4 *ORDER in the Matter of the Execution of Deed D92703B for Certain Tax Acquired Property to CAREY M. SHELDON*

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, IT WAS UNANIMOUSLY APPROVED THAT ITEMS R-3 AND R-4 BE TABLED INDEFINITELY.

R-5 *ORDER in the Matter of Cancellation of Land Sale Contract 15447 Between Multnomah County, Oregon and VERNON JONES Upon Default of Payments and Performance of Covenants*

UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER KELLEY, ORDER 92-82 WAS UNANIMOUSLY APPROVED.

R-6 *ORDER and REAL ESTATE PURCHASE AGREEMENT in the Matter of the Sale of Surplus County Land at the Multnomah County Farm in Sections 26 and 35, Township 1 North, Range 3 East, W.M., Troutdale, Multnomah County, Oregon*

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER HANSEN, ORDER 92-83 WAS UNANIMOUSLY APPROVED.

R-7 *ORDER in the Matter of the Grant of a REAL ESTATE OPTION for the Acquisition of Permanent Sign and Slope Easements on County Land at the Exposition Center Parcel, George W. Force DLC, T2N, R1E, WM, Multnomah County, Oregon*

UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER KELLEY, ORDER 92-84 WAS UNANIMOUSLY APPROVED.

R-8 *First Reading of an ORDINANCE Amending Multnomah County Code 5.10.020(B) and (C) Requiring the Multnomah County Sheriff's Office to Check with the County Department of Assessment and Taxation to Determine Whether an Applicant for an OLCC License has Delinquent Personal or Real Property Taxes Due and Owing and to Recommend Denial of the Application for Such Delinquency*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER HANSEN MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF THE FIRST READING. NO ONE WISHED TO TESTIFY. MR. KRESSEL RESPONSE TO BOARD QUESTIONS. SHERIFF'S OFFICE STAFF REQUESTED TO ATTEND SECOND READING TO RESPOND TO BOARD QUESTIONS REGARDING OLCC LICENSE APPLICATION PROCESS. FIRST READING UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR THURSDAY, MAY 21, 1992.

R-9 *Request for Approval in the Matter of a NOTICE OF INTENT to Apply for an an Environmental Protection Agency Ancient Forest Education Project Grant*

COMMISSIONER KELLEY MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-9. BOARD COMMENTS. NOTICE OF INTENT UNANIMOUSLY APPROVED.

JUSTICE SERVICES

SHERIFF'S OFFICE

- R-10 *Ratification of an Intergovernmental Agreement Between the Housing Authority of Portland and Multnomah County Providing Community Policing Services at Housing Authority Properties for the Period January 1, 1992 to June 30, 1993*
- R-11 *Budget Modification MCSO #21 Requesting Authorization to Reduce the Amount Budgeted from the Housing Authority for Community Policing Services at Columbia Villa in the Amount of \$22,684, within the Enforcement Division Budget*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, ITEMS R-10 AND R-11 WERE UNANIMOUSLY APPROVED.

COMMUNITY CORRECTIONS

- R-12 *Budget Modification DCC #10 Requesting an Increase to the City of Portland Community Projects Leader Contracts Revenue by \$3,442, within the Special Programs and Services Division Budget*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-12 WAS UNANIMOUSLY APPROVED.

- R-14 *RESOLUTION in the Matter of Establishing a Local Government Postal Rate for the Distribution of Mandated Services in an Effort to Benefit the Taxpayers of the United States at the Local Level*

COMMISSIONER KELLEY MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-14. MR. KRESSEL EXPLANATION IN RESPONSE TO QUESTIONS OF COMMISSIONER HANSEN. RESOLUTION 92-85 UNANIMOUSLY APPROVED.

- R-15 *RESOLUTION in the Matter of Repealing the Portion of the Omnibus Budget Reconciliation Act of 1990 which Requires that FICA be Withheld from the Pay of Election Officials or Election Workers*

COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-15. RESOLUTION 92-86 APPROVED, WITH COMMISSIONERS ANDERSON, BAUMAN, KELLEY AND McCOY VOTING AYE, AND COMMISSIONER HANSEN VOTING NO.

NON-DEPARTMENTAL

R-16

RESOLUTION in the Matter of the Approving of the Issuance and Negotiated Sale of Approximately \$36,000,000 Certificates of Participation (COP) for Juvenile Justice Complex, Approving and Authorizing the Certificate Purchase Agreement, the Lease-Purchase and Escrow Agreement, and the Preliminary Official Statement and Official Statement; and Designating an Authorized Officer

COMMISSIONER ANDERSON MOVED AND COMMISSIONER HANSEN SECONDED, APPROVAL OF R-16. BOB NILSEN EXPLANATION AND RESPONSE TO BOARD QUESTIONS. BOARD DISCUSSION. HAL OGBURN AND MR. KRESSEL RESPONSE TO BOARD QUESTIONS. COMMISSIONER BAUMAN MOVED AND COMMISSIONER ANDERSON SECONDED, AN AMENDED RESOLUTION TO INCLUDE THE NUMBER OF CLACKAMAS COUNTY AND WASHINGTON COUNTY DETENTION SPACE, AITP TREATMENT BEDS, SHELTER BEDS AND PRE-ADJUDICATION DETENTION BEDS FOR THE INITIAL FACILITY. MR. OGBURN RESPONSE TO BOARD QUESTIONS. AMENDMENT APPROVED, WITH COMMISSIONERS ANDERSON, BAUMAN AND McCOY VOTING AYE, AND COMMISSIONERS KELLEY AND HANSEN VOTING NO. RESOLUTION 92-87 IN THE MATTER OF AUTHORIZING AND APPROVING OF THE ISSUANCE AND NEGOTIATED SALE OF THE SERIES 1992A CERTIFICATES OF PARTICIPATION, APPROVING AND AUTHORIZING THE CERTIFICATE PURCHASE AGREEMENT, THE LEASE-PURCHASE AND ESCROW AGREEMENT, AND THE PRELIMINARY OFFICIAL STATEMENT AND OFFICIAL STATEMENT, DESIGNATING THE AUTHORIZED OFFICER, AND AUTHORIZING THE FILING OF VALIDATION PETITION, APPROVED, WITH COMMISSIONERS ANDERSON, BAUMAN AND McCOY VOTING AYE, AND COMMISSIONERS KELLEY AND HANSEN VOTING NO.

R-17

RESOLUTION in the Matter of the Declaration of Official Intent to Reimburse Capital Expenditures with Proceeds of Certificates of Participation Issued to Finance the Juvenile Justice Complex Facilities

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER BAUMAN, RESOLUTION 92-88 APPROVED, WITH COMMISSIONERS ANDERSON, BAUMAN AND McCOY VOTING AYE, AND COMMISSIONERS KELLEY AND HANSEN VOTING NO.

R-18

First Reading of an ORDINANCE Amending the Multnomah County Audit Committee Ordinance by Changing the Membership of the Multnomah County Audit Committee and Deleting References to the Department of General Services

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER ANDERSON MOVED AND

COMMISSIONER KELLEY SECONDED, APPROVAL OF THE FIRST READING. NO ONE WISHED TO TESTIFY. FIRST READING UNANIMOUSLY APPROVED. SECOND READING SCHEDULED FOR THURSDAY, MAY 21, 1992.

R-13 *Request for PUBLIC TESTIMONY in the Matter of Ordinance No. 720 Approving an Intergovernmental Agreement with the City of Portland for the Establishment and Operation of New Metropolitan Human Rights Commission and Declaring an Emergency*

VICE-CHAIR KELLEY EXPLANATION. CAROLYN MARKS BAX EXPLANATION AND RESPONSE TO BOARD QUESTIONS. NO PUBLIC TESTIMONY RECEIVED. MR. KRESSEL RESPONSE TO BOARD DISCUSSION CONCERNING NAME CHANGE. NO MAJORITY CONSENSUS TO CHANGE METROPOLITAN HUMAN RIGHTS COMMISSION BACK TO METROPOLITAN HUMAN RELATIONS COMMISSION.

R-19 *Budget Modification NOND #30 Authorizing Increased Revenue in the Amount of \$63,476.29 from a Federal Emergency Management Agency Grant Awarded to Multnomah County*

HANK MIGGINS SUBMITTAL OF CORRECTED BUDGET MODIFICATION AND EXPLANATION. UPON MOTION OF COMMISSIONER BAUMAN, SECONDED BY COMMISSIONER ANDERSON, CORRECTED BUDGET MODIFICATION NOND #30 AUTHORIZING INCREASED REVENUE IN THE AMOUNT OF \$3,176.79 FROM A FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT AWARDED TO MULTNOMAH COUNTY, WAS UNANIMOUSLY APPROVED.

SERVICE DISTRICTS

(Recess as the Board of County Commissioners and convene as the Governing Body of CENTRAL COUNTY SERVICE DISTRICT NO. 3

R-20 *ORDER in the Matter of Designating a Registered Office and Registered Agent for Central County Service District No. 3*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, ORDER 92-89 WAS UNANIMOUSLY APPROVED.

(Recess as the Governing Body of CENTRAL COUNTY SERVICE DISTRICT NO. 3 and convene as DUNTHORPE RIVERDALE SERVICE DISTRICT NO. 1)

R-21 *ORDER in the Matter of Designating a Registered Office and Registered Agent for Dunthorpe Riverdale Service District No. 1*

UPON MOTION OF COMMISSIONER ANDERSON,

**SECONDED BY COMMISSIONER KELLEY, ORDER 92-90
WAS UNANIMOUSLY APPROVED.**

*(Recess as the Governing Body of DUNTHORPE RIVERDALE SERVICE DISTRICT
NO. 1 and convene as MID COUNTY SERVICE DISTRICT NO. 14)*

R-22 *ORDER in the Matter of Designating a Registered Office and Registered Agent for
Mid County Service District No. 14.*

**UPON MOTION OF COMMISSIONER ANDERSON,
SECONDED BY COMMISSIONER KELLEY, ORDER 92-91
WAS UNANIMOUSLY APPROVED.**

*(Recess as the Governing Body of MID COUNTY SERVICE DISTRICT NO. 14 and
convene as WEST HILLS SERVICE DISTRICT NO. 2)*

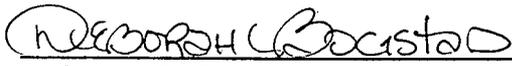
R-23 *ORDER in the Matter of Designating a Registered Office and Registered Agent for
West Hills Service District No. 2*

**UPON MOTION OF COMMISSIONER ANDERSON,
SECONDED BY COMMISSIONER KELLEY, ORDER 92-92
WAS UNANIMOUSLY APPROVED.**

*(Recess as the Governing Body of WEST HILLS SERVICE DISTRICT NO. 2 and
reconvene as the Board of County Commissioners)*

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

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**



Deborah L. Bogstad



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

MAY 11 - 15, 1992

- Tuesday, May 12, 1992 - 9:30 AM - Board Briefing.Page 2
- Tuesday, May 12, 1992 - 10:00 AM - Agenda Review.Page 2
- Thursday, May 14, 1992 - 9:30 AM - Regular Meeting.Page 2

Thursday Meetings of the Multnomah County Board of Commissioners are recorded and can be seen at the following times:

- Thursday, 10:00 PM, Channel 11 for East and West side subscribers
- Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers
- Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

Tuesday, May 12, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFING

- B-1 Presentation by Staff of the Association of Oregon and California Counties Regarding Their Proposal to Congress to Replace "Income Foregone". Presented by Fred Neal, Ray Doerner and Dave Barrows. 20 MINUTES REQUESTED.
-

Tuesday, May 12, 1992 - 10:00 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-2 Review of Agenda for Regular Meeting of May 14, 1992.
-

Thursday, May 14, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 Ratification of Amendment No. 1 to the Intergovernmental Agreement Between the Housing Authority of Portland and Multnomah County, Extending the Grant Term for Community Service Officers from July 1, 1991 to December 31, 1991, Extending the Grant Term for the Sergeant and Deputy Sheriffs from July 1, 1991 to June 30, 1992 and Providing that Deputies Make Regular Patrols to Carlton Court Development

DEPARTMENT OF SOCIAL SERVICES

- C-2 Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Gresham School District and Multnomah County Social Services Division, Youth Program Office, Reflecting Changes to the Payment/Reporting Requirement for the Period July 1, 1991 to June 30, 1992
- C-3 Ratification of Amendment No. 1 to the Intergovernmental Agreement Between the Multnomah Education Service District and Multnomah County, Youth Program Office, Reflecting Changes to the Payment/Reporting Requirement for the Period July 1, 1991 to June 30, 1992

- C-4 Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Portland Public Schools and Multnomah County Social Services Division, Office of Child and Adolescent Mental Health, Eliminating Tualatin Valley Mental Health Day Treatment Services and Providing a Means for the Partners Project Program to Pay for Services to Certain Clients, for the Period July 1, 1991 to June 30, 1992
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DEPARTMENT OF HEALTH

- C-7 Ratification of Amendment No. 1 to the Intergovernmental Agreement Between Multnomah County and State Health Division, Public Health Laboratory, Allowing the State to Bill Multnomah County for Certain Prenatal Screening Tests Provided to REEP and MCPCO Clients, for the Period July 1, 1991 to June 30, 1992
- C-8 Ratification of an Intergovernmental Agreement Between Multnomah County and Oregon Health Sciences University Providing Medical Consultation Services within the County's Tuberculosis Clinic for the Period July 1, 1992 to June 30, 1993

REGULAR AGENDA

NON-DEPARTMENTAL

- R-1 In the Matter of Confirmation of the Appointment of Tamara Holden as Director of the Multnomah County Department of Community Corrections

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-2 Request for RECONSIDERATION in the Matter of Amending ORDER 92-50 (Findings of Fact and Conclusion Pursuant to Land Use Planning Case Nos. CS 3-92 and HV 2-92). TESTIMONY LIMITED TO SCOPE OF REVIEW, 5 MINUTES PER SIDE
- R-3 ORDER in the Matter of the Execution of Deed D92703A for Certain Tax Acquired Property to CAREY M. SHELDON (Continued from May 7, 1992)

- R-4 ORDER in the Matter of the Execution of Deed D92703B for Certain Tax Acquired Property to CAREY M. SHELDON (Continued from May 7, 1992)
- R-5 ORDER in the Matter of Cancellation of Land Sale Contract 15447 Between Multnomah County, Oregon and VERNON JONES Upon Default of Payments and Performance of Covenants
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- R-7 ORDER in the Matter of the Grant of a REAL ESTATE OPTION for the Acquisition of Permanent Sign and Slope Easements on County Land at the Exposition Center Parcel, George W. Force DLC, T2N, R1E, WM, Multnomah County, Oregon
- R-8 First Reading of an ORDINANCE Amending MCC 5.10.020 (B) and (C) Requiring the Multnomah County Sheriff's Office to Check with the County Department of Assessment and Taxation to Determine Whether an Applicant for an OLCC License has Delinquent Personal or Real Property Taxes Due and Owing and to Recommend Denial of the Application for Such Delinquency
- R-9 Request for Approval in the Matter of a NOTICE OF INTENT to Apply for an Environmental Protection Agency Ancient Forest Education Project Grant

JUSTICE SERVICES

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- R-10 Ratification of an Intergovernmental Agreement Between the Housing Authority of Portland and Multnomah County Providing Community Policing Services at Housing Authority Properties for the Period January 1, 1992 to June 30, 1993
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COMMUNITY CORRECTIONS

- R-12 Budget Modification DCC #10 Requesting an Increase to the City of Portland Community Projects Leader Contracts Revenue by \$3,442, within the Special Programs and Services Division Budget

NON-DEPARTMENTAL

- R-13 Request for PUBLIC TESTIMONY in the Matter of Ordinance No. 720 Approving an Intergovernmental Agreement with the City of Portland for the Establishment and Operation of New Metropolitan Human Rights Commission and Declaring an Emergency. 10:30 AM TIME CERTAIN REQUESTED

- R-14 RESOLUTION in the Matter of Establishing a Local Government Postal Rate for the Distribution of Mandated Services in an Effort to Benefit the Taxpayers of the United States at the Local Level
- R-15 RESOLUTION in the Matter of Repealing the Portion of the Omnibus Budget Reconciliation Act of 1990 which Requires that FICA be Withheld from the Pay of Election Officials or Election Workers

NON-DEPARTMENTAL

MANAGEMENT SUPPORT

- R-16 RESOLUTION in the Matter of the Approving of the Issuance and Negotiated Sale of Approximately \$36,000,000 Certificates of Participation (COP) for Juvenile Justice Complex, Approving and Authorizing the Certificate Purchase Agreement, the Lease-Purchase and Escrow Agreement, and the Preliminary Official Statement and Official Statement; and Designating an Authorized Officer
- R-17 RESOLUTION in the Matter of the Declaration of Official Intent to Reimburse Capital Expenditures with Proceeds of Certificates of Participation Issued to Finance the Juvenile Justice Complex Facilities
- R-18 First Reading of an ORDINANCE Amending the Multnomah County Audit Committee Ordinance by Changing the Membership of the Multnomah County Audit Committee and Deleting References to the Department of General Services
- R-19 Budget Modification NOND #30 Authorizing Increased Revenue in the Amount of \$63,476.29 from a Federal Emergency Management Agency Grant Awarded to Multnomah County

SERVICE DISTRICTS

(Recess as the Board of County Commissioners and convene as the Governing Body of CENTRAL COUNTY SERVICE DISTRICT NO. 3

- R-20 ORDER in the Matter of Designating a Registered Office and Registered Agent for Central County Service District No. 3

(Recess as the Governing Body of CENTRAL COUNTY SERVICE DISTRICT NO. 3 and convene as DUNTHORPE RIVERDALE SERVICE DISTRICT NO. 1)

- R-21 ORDER in the Matter of Designating a Registered Office and Registered Agent for Dunthorpe Riverdale Service District No. 1

(Recess as the Governing Body of DUNTHORPE RIVERDALE SERVICE DISTRICT NO. 1 and convene as MID COUNTY SERVICE DISTRICT NO. 14)

- R-22 ORDER in the Matter of Designating a Registered Office and Registered Agent for Mid County Service District No. 14

(Recess as the Governing Body of MID COUNTY SERVICE DISTRICT NO. 14 and convene as WEST HILLS SERVICE DISTRICT NO. 2)

R-23 ORDER in the Matter of Designating a Registered Office and Registered Agent for West Hills Service District No. 2

(Recess as the Governing Body of WEST HILLS SERVICE DISTRICT NO. 2 and reconvene as the Board of County Commissioners)

0201C/34-39/db
5/7/92

SUPPLEMENTAL AGENDA

Thursday, May 14, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-24 PROCLAMATION for the Purpose of Recognizing NATIONAL PUBLIC WORKS WEEK, May 17-23, 1992

0201C/39/db
5/8/92

Meeting Date: MAY 12 1992

Agenda No.: B-1

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: O & C Counties Income-Foregone Proposal

Informal

BOARD BRIEFING 5/12/92 REGULAR MEETING _____
(date) (date)

DEPARTMENT Nondepartmental DIVISION Chair's Office

CONTACT Fred Neal TELEPHONE X-3308

PERSON(S) MAKING PRESENTATION Fred Neal, Ray Doerner, Dave Barrows

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 20 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Presentation by staff of the Association of Oregon and California Counties regarding their proposal to Congress to replace "Income Foregone." A resolution in support will be filed subsequent to the briefing for Board consideration.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys McCoy

Or

DEPARTMENT MANAGER _____

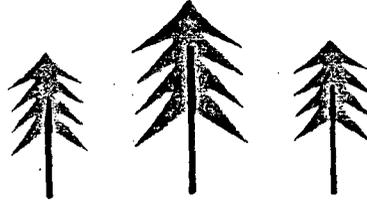
1992 MAY - 4 PM 4:27
CLERK OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON

(All accompanying documents must have required signatures)

ASSOCIATION OF O & C COUNTIES

Handwritten signature

COMM. ROCKY McVAY, PRES.
CURRY COUNTY COURTHOUSE
GOLD BEACH, OR 97444
PHONE 503-247-7011



GLADYS MCCOY
MULTNOMAH COUNTY CHAIR
1021 S.W. 5th ROOM 134
PORTLAND, OREGON 97204
4/3/92

RAY E. DOERNER, EXEC. DIR.
486 HEYDON ROAD
ROSEBURG, OREGON 97470
PHONE 503-673-5286

DAVID S. BARROWS, COUNSEL
SUITE 200, CENTURY TOWER
1201 S. W. 12th AVENUE
PORTLAND, OREGON 97205
PHONE 503-227-5591

COMM. DOUG ROBERTSON, V. PRES.
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470
PHONE 503-440-4201

March 30, 1992

COMM. STEVE CORNACCHIA, SEC. TREAS.
LANE COUNTY COURTHOUSE
EUGENE, OR 97401
PHONE 503-687-4203

JOSEPH S. MILLER, PUB. REL.
19 3rd STREET, N.E.
WASHINGTON, D.C. 20002
PHONE 202-546-6661

Handwritten signature

Dear Commissioner Addressed:

Attached to this letter you will find a Resolution which the Board of Directors of the Association of O & C Counties strongly urges you to adopt.

All of us who have followed the current timber supply crisis are deeply concerned about the stability of the communities we represent, the workers who will be displaced in the timber communities and the impact these displacements will have on the local economy. Nothing is more critical than finding an appropriate resolution of this issue so that Oregonians can go back to work and our local timber-based economies can be sustained.

However, in order to protect the services provided by each of our counties, the Association has developed a proposal entitled Income Foregone. (You will find some descriptive material describing this proposal in detail attached to this letter and Resolution.)

The federal government is in the process of changing the long-standing local purpose for which the O & C lands exist and it seems only appropriate that this same federal government should compensate the counties for lost income as the result of this change. I hope you will study the attached materials and then adopt some form of the enclosed Resolution. It is important that our Congressional Delegation understands that the individual counties endorse and support the actions of the Board of Directors of the Association.

If you have any questions, please contact Ray Doerner, who is the individual who developed this concept. Also, Ray or Dave Barrows would be happy to meet with your Board if that would be helpful. Obviously, I would

also be happy to talk with you if you have any questions or comments.

Best regards,

A handwritten signature in cursive script, appearing to read "Rocky MB".

Rocky McVay
President

P.S. Please send a copy of your approved Resoution to Dave Barrows. (His address is on this letterhead.)

RESOLUTION

BE IT RESOLVED, that _____ County hereby endorses the Income Foregone proposal of the Association of O & C Counties.

It is imperative that the critical services provided by counties not be dramatically impaired due to the changing nature of the O & C lands, changes mandated by federal laws and policies.

STOEL RIVES BOLEY
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November 8, 1991

The Honorable Mark O. Hatfield
United States Senate
SH-711
Senate Hart Building
Washington, DC 20510

The Honorable Robert Packwood
United States Senate
259 Russell Senate Office Building
Washington, DC 20510

Re: Legislative Action on Spotted Owl Issues

Dear Senators Hatfield and Packwood:

This firm represents the Association of O & C Counties. The Association consists of the 18 Western Oregon counties ("O & C Counties") receiving a share of receipts from the harvest of timber managed by the Bureau of Land Management ("BLM"). The O & C Counties are deeply concerned about the ill-effects on their citizens of the seemingly never-ending dispute over spotted owls and old-growth forests. The O & C Counties are hopeful that some acceptable form of long-term, legislative relief will be forthcoming in 1992. This letter is to suggest a method of resolving the conflict between reduced harvests on BLM lands and the deference given to local interests in the O & C Lands Act, 43 USC, § 1181(a)-(f).

The O & C Counties' interest in BLM-managed timberlands has its roots in late 1860's land grants to the Oregon and California Railroad Company. The terms of the land grants were violated by the Railroad, and in 1917 the lands were revested in the United States. In the Chamberlain-Ferris Revestment Act, Congress acknowledged that local governments would be deprived of their tax base by the revestment. Congress sought to remedy that injustice by sharing the economic proceeds from the lands with the Counties. The sharing mechanism in the Chamberlain-Ferris Revestment Act did not adequately compensate the O & C Counties for the loss of their land base, nor did a second attempt at a legislative

KQEP1418 56146/1

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solution (the Stanfield Act of 1926) restore the O & C Counties' economic foundation.

Congress finally hit upon a workable solution with the O & C Act in 1937. Under the O & C Act, the revested lands ("O & C Lands") are managed primarily for the production of timber under the management science of sustained yield. Under the O & C Act, the Counties were to receive 75 percent of the timber receipts. Since 1960, the O & C Counties have received 50 percent of the receipts from the sale of timber from the O & C Lands. The other 25 percent to which the O & C Counties were otherwise entitled has been reinvested in the O & C Lands by way of annual appropriations acts supported by the O & C Counties. In this way, the O & C Counties have cooperatively invested over \$1 billion in the development, reforestation and management of the O & C Lands. The funds have been invested in intensive forest management, environmental protection of streams and soils, recreation facilities and even such ancillary facilities as BLM District office buildings.

The federal courts have determined that the O & C Lands were dedicated by Congress to the support of local governments and to provide a permanent source of raw materials for the support of dependent communities and local industries. Wildlife habitat conservation, while laudable if approached with a sense of balance, is not a goal of the O & C Act. In sum, the O & C Lands were dedicated to local purposes, so as to place the region on an equal economic footing with other parts of the country where lands passed into private ownership.

The O & C Lands are held by the federal government in a capacity not unlike that of a trustee, to be managed for the local purposes identified in the O & C Act. The Counties have foregone more than \$1 billion of their statutory share of receipts as a contribution to the local/federal partnership in the O & C Lands. County governments are dependent on the partnership, and citizens have invested their lives and fortunes on the promises of the O & C Act.

If, now, through federal legislation, the O & C Lands are to be converted from dedication to local purposes to use for national purposes such as ancient forest and spotted owl preserves, some accommodation must be made for the O & C Counties' interests. The O & C Counties' investment in these

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lands, and their reliance on federal promises, warrant recognition in any long-term alteration of management.

Some recent legislative proposals have attempted to address this issue, usually in the form of limited grants for such things as retraining or extended unemployment benefits. Some have supported a permanent safety net of the sort adopted in 1990-91 and 1991-92 appropriations acts. Others have suggested an increased percentage of timber receipts to partially compensate for reduced harvests, but terminating in five years.

The O & C Counties believe there are more just methods of accommodating their interests. A more principled and logical plan, and one with historic underpinnings, would be for the federal government to pay annually to the O & C Counties their share of income foregone as a result of converting a portion of the local purpose O & C Lands to a national purpose. The "income foregone" payment would be in addition to the O & C Counties' normal share of receipts from the O & C Lands that would remain in the commercial timber base. In this way, the O & C Counties' legitimate expectations that the promises of the O & C Act would be fulfilled would not be frustrated.

The income foregone approach can be illustrated by an example. Suppose the Jack Ward Thomas plan is adopted by Congress as the solution to protecting habitat of the northern spotted owl and ancient forests. That scenario would lead to the following assumptions and results under the income foregone approach:

ASSUMPTIONS:

1. An ASQ of 900 mmbf in the absence of habitat set-asides.
2. A reduction of the ASQ under the Thomas plan, estimated by the BLM to be 458 mmbf, leaving 442 mmbf available for harvest.
3. A rolling five year average stumpage price of \$200 per mbf.
4. A current stumpage price of \$300 per mbf.

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COMPUTATIONS:

1. Actual Receipts:

442 mmbf x \$300 per mbf = \$132,600,000

2. Income Foregone:

458 mmbf x \$200 per mbf = 91,600,000

TOTAL \$224,200,000

County Share of Total
(50 percent) = \$112,100,000

For ease of illustrating the example, the figures above have been rounded. The example, however, is quite close to the actual results under the income foregone approach.

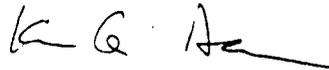
The income foregone approach would continue the local/federal partnership. County officials would continue to be concerned about the quality and level of management. The BLM would continue to use the Counties as a sounding board regarding various management decisions and funding requirements. The income foregone portion of payments, if tied to a five year rolling average for stumpage, would smooth out the roller coaster income cycle that results from complete dependence on actual annual harvests. Income levels would be more predictable, an important factor for county government budgeting purposes. And, the costs of set-asides would be apparent, providing incentives to the development of management techniques that would hasten the return of lands to the timber production base as expeditiously as the needs of the environment, science and technology would allow.

The income foregone approach would accommodate the local interest in direct receipts to county governments. It would not, of course, compensate for the loss of raw materials to local industries, an equally important goal of the O & C Act. The income foregone approach, or any other long-term solution, would have to be coupled with some additional measures to assist workers and businesses displaced by reduced timber sale quantities.

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The O & C Counties believe that, among the many alternatives proposed, the income foregone approach is the most consistent with logic, fairness and the history of these unique lands. The O & C Counties urge you to consider incorporating this proposal or some form of it in any legislation that attempts to resolve the conflicting demands on our forest resources. The Association stands ready to assist you in refining this proposal at your request.

Sincerely,

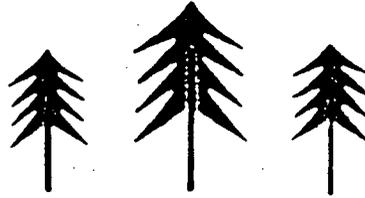


Kevin Q. Davis

KQD:cac

cc: Mr. Ray Doerner
Mr. Dave Barrows

ASSOCIATION OF O & C COUNTIES



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ANALYSIS OF INCOME FOREGONE PROPOSAL

The purpose of the attached analysis is to provide interested parties with a demonstration of the probable effects of the Income Foregone proposal upon both the Counties and the Federal Government if both the Income Foregone and the ISC (Thomas) proposals were in effect during FY 1992, and the BLM were free of Court imposed restrictions, etc.

The Thomas plan is used solely because it is, thus far, the only plan to which Allowable Sale Quantities (ASQ) from withdrawn and non-withdrawn lands can be projected with reasonable accuracy. The use of the Thomas plan is not to be construed as an endorsement of the plan.

The rounded numbers used are from reliable sources and believed to be in the ballpark.

Ray E. Doerner
March 2, 1992

INCOME FOREGONE UNDER THOMAS

using

Existing 1983 Management Criteria

Data base and assumptions.

1. Existing annual BLM Western Oregon ASQ = 1,176 MMBF.
(Includes O&C, Public Domain and Coos Bay Wagon Road lands.)
2. O&C lands = 86.9% of Western Oregon BLM lands.
3. Thus, O&C ASQ = approximately 1,022 MMBF annually.
4. Under Thomas, Western Oregon ASQ = 503 MMBF.
5. Thus, O&C ASQ = 503 MMBF x 86.9% or 437 MMBF. (42.8% of line 3)
6. Thus, O&C ASQ foregone = 1,022 - 437 or 585 MMBF. (57.2% of line 3)
7. Average BLM stumpage price (1987 thru 1991) = \$ 230 per MBF)
8. 1992 average bid price = \$ 300 per MBF, plus.
9. 1992 O&C Budget for "Management" and "Development" = \$ 67 million.^a
10. Apportionment of Mgt. & Dev. to non-withdrawn lands = \$ 30.8 (Needed).
11. Apportionment of Mgt. & Dev. to withdrawn lands = \$ 36.2 (Not needed).

^a It is assumed that "Management" and "Development" will be the only portions of the Western Oregon Budget ~~to~~ be affected by the withdrawals.

Ray E. Doerner
March 2, 1992

Projected County Income
under
Income Foregone and Thomas

Alt.

1. No Congressional action to compensate counties.

$$437 \text{ MMBF} \times \$ 300 \times 50\% \text{ /}^a = \$ 65.6 \text{ Million}$$

2. Income Foregone payment at 75%.

$$\begin{aligned} 437 \text{ MMBF} \times \$ 300 \times 50\% \text{ /}^a &= \$ 65.6 \text{ Million.} \\ 585 \text{ " } \times \$ 230 \times 75\% \text{ (per O\&C Act)} &= \underline{\$ 100.9} \text{ "} \\ \text{Total to counties} &= \$ 166.5 \text{ "} \end{aligned}$$

3. Income Foregone payment at 50%.

$$\begin{aligned} 437 \text{ MMBF} \times \$ 300 \times 50\% \text{ /}^a &= \$ 65.6 \text{ Million} \\ 585 \text{ " } \times \$ 230 \times 50\% \text{ (per Approp. Act)} &= \underline{\$ 67.3} \text{ "} \\ \text{Total to counties} &= \$ 132.9 \end{aligned}$$

4. Income Foregone payment at 25%.

$$\begin{aligned} 437 \text{ MMBF} \times \$ 300 \times 50\% \text{ /}^a &= \$ 65.6 \text{ Million.} \\ 585 \text{ " } \times \$ 230 \times 25\% &= \underline{\$ 33.6} \text{ "} \\ \text{Total to counties} &= \$ 99.2 \text{ "} \end{aligned}$$

^a. Existing distribution formula as prescribed in each annual Appropriations Act since 1960. (50%).

Ray E. Doerner
March 2, 1992

Federal Budget Impact
under
Income Foregone and Thomas

Alt.

1. No Action.

437 MMBF x \$ 300 x 50% (25% + 25%)	=	\$ 65.6 million.
+ Budget savings (per Assumption #11)	=	\$ 36.2 "
Gain to Treasury		\$ 101.8 "

2. Income Foregone at 75%. (per O&C Act)

437 MMBF x \$ 300 x 50% (25% +25%)	=	\$ 65.6 million.
+ Budget savings (per Assumption #11)	=	\$ 36.2 "
- Income Foregone payment to counties 585 MMBF x \$ 230 x 75%	=	\$ 100.9 "
Gain to Treasury		\$ 0.9 "

3. Income Foregone at 50%. (per Approp. Act)

437 MMBF x \$ 300 x 50% (25% + 25%)	=	\$ 65.6 million
+ Budget savings (per Assumption #11)	=	\$ 36.2 "
- Income Foregone payment to counties 585 MMBF x \$ 230 x 50%	=	\$ 67.3 "
Gain to Treasury		\$ 34.5 "

4. Income Foregone at 25%.

437 MMBF x \$ 300 x 50% (25% + 25%)	=	\$ 65.6 "
+ Budget savings (per Assumption #11)	=	\$ 36.2 "
- Income Foregone payment to counties 585 MMBF x \$ 230 x 25%	=	\$ 33.6 "
Gain to Treasury		\$ 68.2 million.

Note.

Each of the above Alternatives show positive numbers in favor of the Federal Treasury. It is not implied, however, that the adoption of the Thomas Plan is a money maker. If lands are taken for a national purpose, it is the obligation of the Federal Government, not local, to budget for administration and protection of such lands. That federal need is not a part of the above calculation.

Ray E. Doerner
March 2, 1992