

EAST COUNTY COURTS DEVELOPMENT UPDATE

**FAC-1 AMENDMENT
SUBMISSION to the MULTNOMAH COUNTY
BOARD of COMMISSIONERS
OCTOBER 1, 2009**

Prepared jointly by Multnomah County Department of
Facilities & Property Management and
Shields Obletz Johnsen, Inc.



EAST COUNTY COURTS

FAC – 1 AMENDMENT

Submission to Multnomah County Board of Commissioner - October 1, 2009

SUMMARY OF RECENT PROJECT HISTORY

In February 2007, Multnomah County F&PM presented the FAC-1 Project Plan for the East County Justice Center Project (ECJC). The Project Plan established a building program consisting of 3 to 4 Courts, District Attorney, Multnomah County Sheriff's Office and City of Gresham Police. The plan was approved, and the architectural team of HDR and Emmons Architects was selected and contracted to undertake programming and conceptual cost estimating. Hoffman Construction was selected as the Construction Manager / General Contractor and engaged in pre-design assistance and cost estimating.

At the time of approval of the original Project Plan approved February 22, 2007, the ECJC had an anticipated cost of \$14,645,100 for hard construction, soft costs and Fixtures, Furnishings & Equipment (FF&E). Land costs were not included in this figure. When programming was complete, the project cost jointly estimated by the Contractor and the Cost Consultants was found to be substantially higher than the approved \$14,645,100 budget figure. In August 2008, the County solicited proposals to engage an independent project management consultant for the project with experience in multi-disciplined, multi-jurisdictional and cost control management.

In September 2008, Shiels Oblatz Johnsen, Inc. was retained by the County to provide specialized project management services. As Multnomah County's Representative for the project, some of these responsibilities include:

- Developing a project action plan
- Seeking, obtaining and implementing County decisions
- Leading the architect, contractor and others in executing the project plan
- Negotiating and managing contracts for consultants on the County's behalf
- Managing a single-source channel for communications
- Overseeing team performance
- Managing the budget

SOJ worked with the County, HDR and Emmons Architects to continue pre-design of the East County Justice Center Project. This work first focused on analysis of development options for the site at 185th & Stark, related entitlement procedures and consideration of other sites.

In late 2008, several events began to transpire that generated material shifts in the scope of the project. The Multnomah County Sheriff's Office began to consider remaining in the existing Hansen Building. The City of Gresham was concerned about the costs

associated with re-location to the new ECJC, specifically without the presence of the Multnomah County Sheriff's Office. With potential movement toward a downsized program, an alternative building site was identified and a site analysis was initiated for property at N.E. 8th Avenue in downtown Gresham owned by the County.

While discussions between Multnomah County and the City of Gresham continued on the Rockwood purchase, the project remained dormant through the first half of 2009. In mid-2009, based on the economic climate, the City of Gresham notified it was not moving forward with the purchase of the Rockwood property. This effectively eliminated a practical option to further consider the 8th Avenue site.

The County then requested SOJ, Inc. to re-address the status of the project and to begin looking at options to develop a project of reduced scope at the original Rockwood site.

As the re-consideration of a reduced scope facility on the Rockwood site evolved, it was evident that many of the more significant challenges of the site were diminished. Parking needs and compliance with the Floor to Area Ratio (FAR) requirements were more manageable. The elimination of the Law Enforcement components of the program reduced or eliminated the more complex construction issues such as holding cells, sally port and law enforcement parking. The reduced program resulting in more flexibility in locating the building on the site, so a more prominent and appropriate position at Stark Street could be considered.

PURPOSE OF THIS FAC-1 AMENDMENT REQUEST

The Project Plan approved February 2007 evolved from a building program consisting of 3 to 4 Courts, District Attorney, Multnomah County Sheriff's Office and City of Gresham Police to a reduced program consisting of three (3) courts and District Attorney offices. In terms of basic programming, this changes the project from an original 70,000 square foot facility to approximately 40,000 square feet.

This change relates directly to the FAC-1 Policy, which clarifies in Section IV – D – b of the Policy that should a project be revised in excess of 20% +/- in scope or square footage, it is deemed a "Significant Change" and requires approval of an amendment to the FAC-1.

The information provided in this FAC – 1 Amendment is intended to satisfactorily illustrate only the revisions from the original FAC-1 approval dated Feb. 22, 2007. That document is available separately for reference.

The following is an **excerpt** of the FAC-1 Policy requirements that pertains to the "Project Plan". Of the elements of the Project Plan below, only the elements shown in bold lettering are materially changed for this FAC – 1 Amendment.

C. PROJECT PLAN

1. Project Charter (previously approved, no changes required)
2. **Development Plan** (changes included herein)
 - Define Project Scope**
 - Outline of Project Team**
 - Comprehensive Schedule**
 - Estimates**
3. Siting Plan (previously approved, no changes required)
4. **Operational Funding** (changes included herein)
5. **Capital Funding** (changes included herein)

**FAC – 1 AMENDMENT:
PART C – 2: DEVELOPMENT PLAN**

DEFINE PROJECT SCOPE

The Feb. 22, 2007 Project Scope was:

Building Program (in square feet):

Courtrooms, Court Support, District Attorney	36,000
Multnomah Co. Sheriff	20,000
Gresham Police	12,000
County Information Technology	<u>2,000</u>
TOTAL	70,000

The October 1, 2009 Project Scope is:

Building Program (in square feet):

Courtrooms	15,000
Court Support	6,000
District Attorney	5,200
Building Support Common Area	3,800
Building Efficiency Factor	7,500
Multnomah Co. Sheriff	0
Gresham Police	0
County Information Technology	<u>0</u>
TOTAL	37,500

OUTLINE OF PROJECT TEAM

The Feb. 22, 2007 Project Team was:

- Multnomah County Board of Commissioners
- Facilities & Property Management
- Architect to be determined (HDR Architecture, Emmons Architects later selected)
- Construction Contractor to be selected (Hoffman Construction later selected)

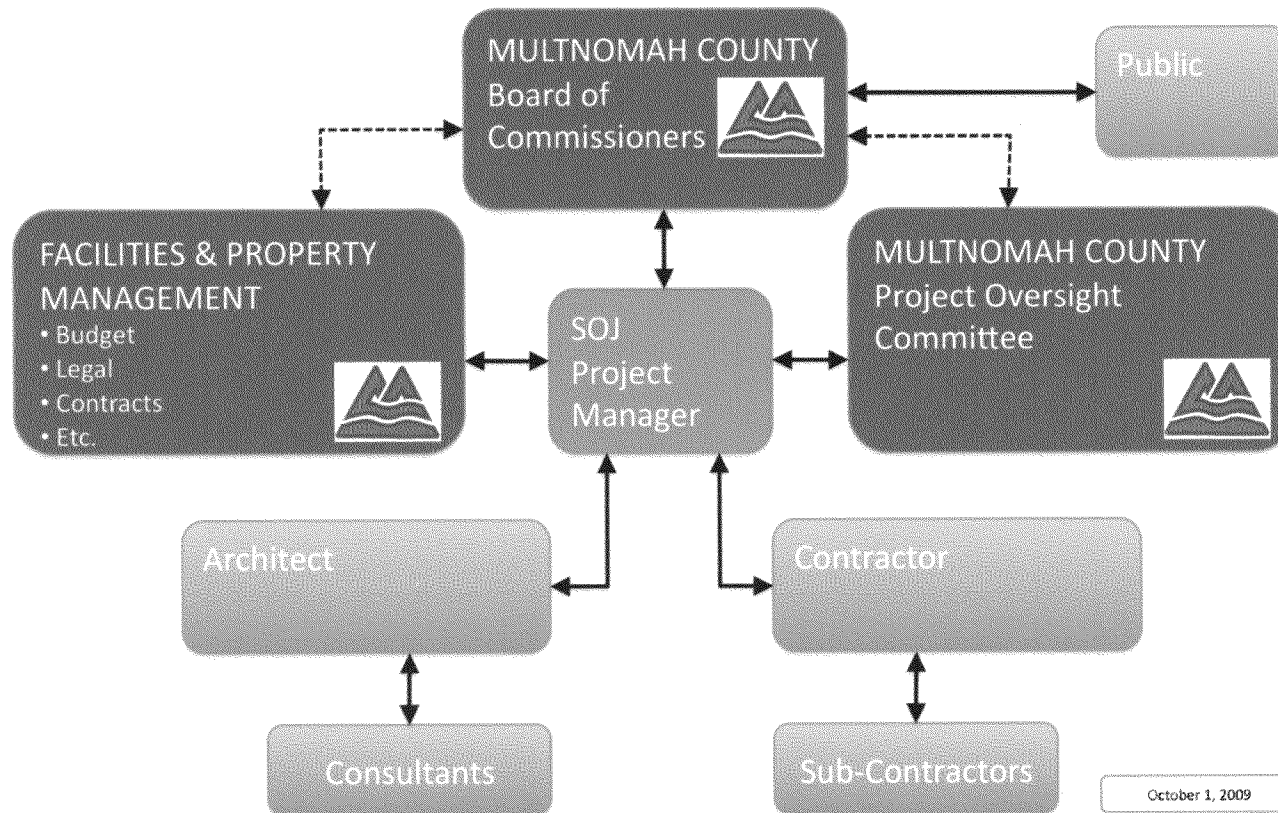
The October 1, 2009 Project Team is:

- Multnomah County Board of Commissioners
- Facilities & Property Management
 - Budget Office
 - County Counsel
 - Contracting
 - Risk Management
 - Public Affairs Office
- Project Oversight Committee
- Shields Oblatz Johnsen, Inc.
- Architect to be determined
- Pre-Construction Consultant (Contractor) to be determined
- Construction Contractor to be determined

The Project Oversight Committee consists of representatives from the Commissioners' offices, District Attorney, Multnomah County Circuit Court and Facilities. They will meet periodically to monitor the project as well as receive meeting minutes from the Project Team meetings.

Project Management is to be provided primarily by Shields Oblatz Johnsen, Inc., with direct communication and interface with County Facilities & Property Management. SOJ will be the primary contact for all other major team members, and will report directly to Chair Wheeler, the Board of Commissioners and Project Oversight Committee as necessary. SOJ will coordinate with Facilities & Property Management, Risk Management, Contracting, Budget and County Counsel Departments to ensure integration of all County standards and administrative procedures into the Project. An organizational and communications chart follows:

EAST COUNTY COURTS ORG CHART



October 1, 2009

COMPREHENSIVE SCHEDULE*

A preliminary list of major milestones and approximate dates follows. Key Multnomah County decision and approval points are in **Bold**:

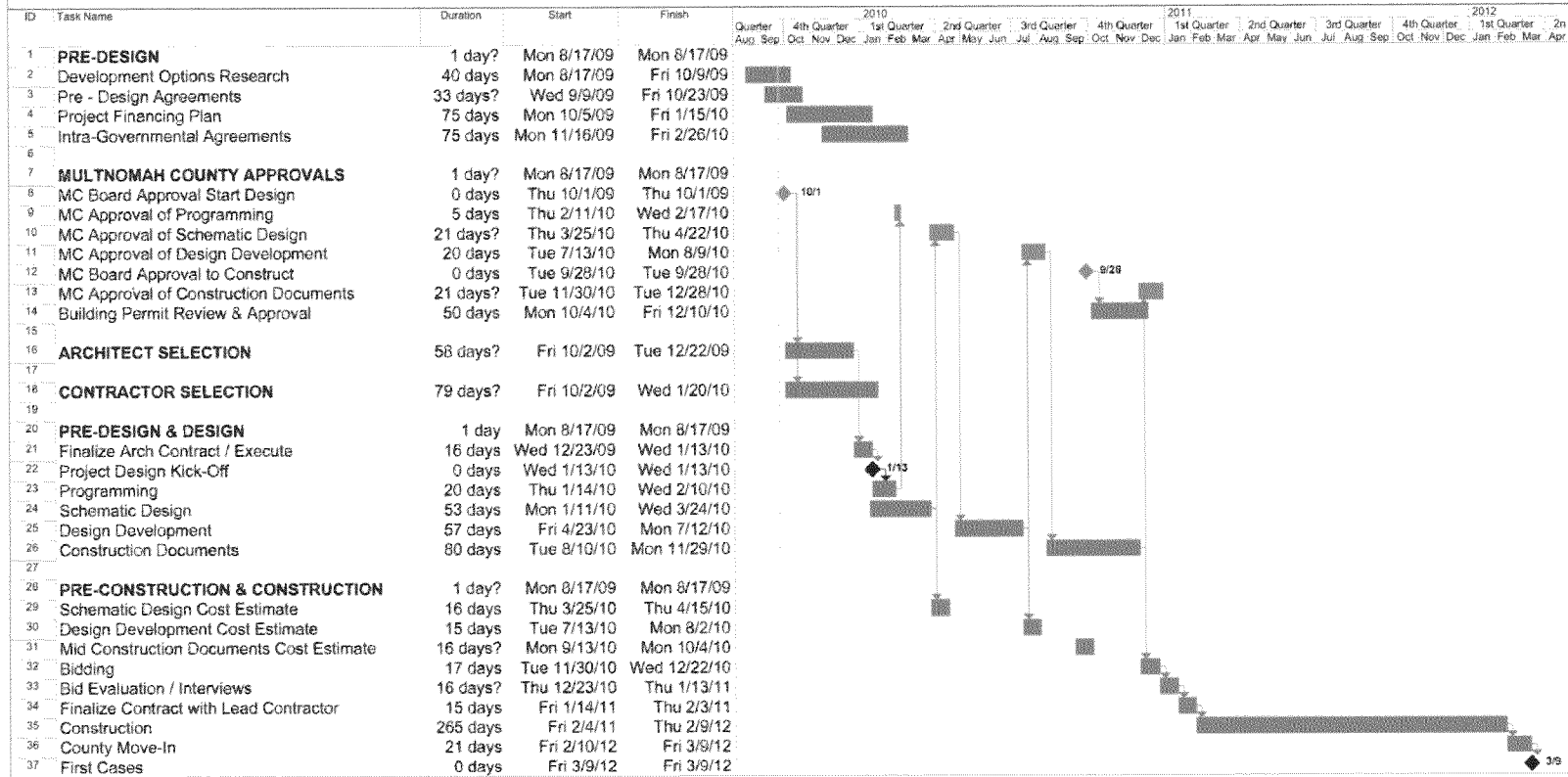
DATE	MILESTONE	COUNTY APPROVAL
October 1, 2009	Request Approval of Revised FAC 1 Project Plan	Yes
October – December 2009	Procurement of Architecture Team	
October '09-January 2010	Procurement of the Pre-Construction Contractor	
January -February 2010	Facility Programming	
February 2010	Multnomah County Review & Approval of Programming Phase	Yes
January-March 2010	Schematic Design	
April 2010	Schematic Design Cost Estimate	
April 2010	Review and Approval of Schematic Design	Yes
April – July 2010	Design Development	
July – August 2010	Design Development Cost Estimates	
August 2010	Review and Approval of Design Development Phase	Yes
August – November 2010	Construction Documents	
November 2010	Construction Documents Cost Estimate	
November 2010	Approval of Construction Documents	Yes
December 2010	Request Board Approval for Construction of East County Court	Yes
December 2010- January 2011	Final Cost Estimate, Bidding, Contractor Negotiations	
February 2011-February 2012	Construction	
March 2012	Move In	

A Conceptual Overall Project (Bar-Chart) Schedule follows:

*Schedule information is conceptual, and based on similar project types.

MULTNOMAH COUNTY, OREGON

EAST COUNTY COURTS PROJECT **CONCEPTUAL OVERALL PROJECT SCHEDULE** VERSION DATED OCTOBER 01, 2009

Shiels Oblatz Johnson
Development & Project ManagementProject: ECC OVERALL PROJECT SX
Date: Thu 9/24/09

Task

Split

Progress

Milestone

Summary

Project Summary

External Tasks

External Milestone

Deadline

COST ESTIMATES

MULTNOMAH COUNTY - EAST COUNTY COURTS			
CONCEPTUAL DEVELOPMENT COST ESTIMATE			
Project Component		3 Courtrooms, including 1 for Flexible Community Use	
	Cost/SF *	Area	Cost
Courtrooms	\$318	15,000	\$ 4,770,000
Phase 2 Courtroom Shell	\$186	0	0
Flexible Community Space	\$249	0	0
Court Support Space	\$265	6,000	1,590,000
District Attorney	\$255	5,200	1,326,000
Building Support/Common Area	\$286	3,800	1,086,800
Building Efficiency Factor	\$212	7,500	1,590,000
Subtotal Building Costs		37,500	\$ 10,362,800
Site Development			2,000,000
FF&E Allowance			900,000
Soft Costs	25%		3,315,700
Contingencies	25%		4,144,625
TOTAL PROJECT COST			\$ 20,723,125

Source: Architectural Cost Consultants, Sept. 15, 2009

* Adjusted to June 2011 dollars

CONCEPTUAL OCCUPANCY COST ESTIMATE (YEAR 1)		
Occupancy Costs		3 Courtrooms, including 1 for Flexible Community Use
	Factor	
TOTAL PROJECT COST		\$ 20,723,125
(-) ECC Reserve Fund		(4,800,000)
BOND AMOUNT		\$ 15,923,125
Interest Rate	5.50%	
Term	20	
ANNUAL DEBT SERVICE		\$ 1,332,436
(+) Operating & Maintenance Expenses	\$ 8.00	285,000
(+) Asset Preservation Fee	\$ 2.75	98,111
TOTAL ANNUAL OCCUPANCY COST		\$ 1,715,548
(-) Taco Bell Lease Income		(83,000)
(-) Existing Courthouse Lease & Expenses		(70,000)
(-) D.A. Lease Pmts. (from 8th & Kelly)		(30,500)
NET ANNUAL OCCUPANCY COST		\$ 1,532,048
NET OCCUPANCY COST/SF/NLA		\$ 43.00

OPERATIONAL FUNDING

The operational funding of Multnomah County Circuit Court personnel is budgeted through the State of Oregon's judicial system. Additional staffing by the Multnomah County Sheriff's office and District Attorney will be managed through the annual budgeting process.

CAPITAL FUNDING



Department of County Management
MULTNOMAH COUNTY OREGON

Finance & Risk Management Division
501 SE Hawthorne, Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-3292 fax

TO: Peggidy Yates, Economic Development Advisor
FROM: Mark Campbell, Sr. Revenue & Financial Analyst
DATE: September 18, 2009
SUBJECT: Preliminary Debt Capacity Calculation

This memo offers an overview of the County's outstanding debt obligations that are anticipated as of July 1, 2010. It also provides an analysis of the County's estimated debt capacity based on the Financial Policies adopted with the FY 2010 budget.

FULL FAITH AND CREDIT BONDS AND DEBT OBLIGATIONS – SUMMARY

The FY 2010 Approved Budget includes bond proceeds from the sale of Full Faith & Credit Obligations. All projects to be supported by these funds are new projects reflected in program offers purchased by the County Chair.

Debt payments for existing obligations are budgeted according to established schedules. It is worth noting that the FY 2009 budget used approximately \$24 million of one-time-only (OTO) General Fund revenue to "buydown" current and future debt payments. It supports **\$4.1 million of annual debt payments** that would otherwise need to be charged to departments.

There are two statutory limits on County borrowing as well as the internal County policy on outstanding debt limits. The more restrictive, the County's internal policy, would **provide for additional long term borrowing of up to approximately \$110 million in FY 2011**. Planned borrowing in the FY 2010 budget could use up to \$24.6 million of that estimated capacity.

The FY 2010 budget authorized up to \$24.6 million in short-term (7 years) borrowing for the following projects:

- \$12 million for Capital Improvement Program projects related to deferred maintenance and energy efficiency improvements;
- \$ 6 million for Information Technology infrastructure upgrades;
- \$ 5 million for implementation of a new Assessment & Taxation system; and
- \$ 1.6 million for the second phase of a Library materials movement system.

At this time, bonds have not been issued for these projects. The Board will hold a worksession in October to discuss which projects should be financed and determine the overall size of the debt offering.

OUTSTANDING DEBT AND DEBT CAPACITY

There are two statutory limits on County borrowing and a County policy on outstanding debt limits. The most restrictive, the County policy, would allow for estimated additional borrowing of approximately \$110 million in FY 2011. If all the debt authorized in the FY 2010 budget is issued there would be approximately \$85 million available under this policy.

ORS 287.054 provides a debt limit on voter approved general obligation bonds of 2% of the real market value of all taxable property within the County's boundaries. The following table represents the estimated debt capacity at June 30, 2010.

Real Market Value 2008 - 2009	\$107,381,958,130
Debt limit at 2%	2,147,639,163
Est. Outstanding Debt (6/30/2010)	(49,710,000)
Legal Debt Margin	\$2,097,929,163

ORS 287.053 provides a debt limit on full faith and credit bonds of 1% of the real market value of all taxable property within the County's boundaries. The following table represents the estimated debt capacity at June 30, 2010.

Real Market Value 2008 - 2009	\$107,381,958,130
Debt limit at 1%	1,073,819,581
Est. Outstanding Debt (6/30/2010)	(210,238,000)
Legal Debt Margin	\$863,589,581

In addition to statutory debt limits, the County's internal *Financial Policies*, adopted by the Board, further limit our debt on non-voter approved debt to annual payments that will not exceed 5% of General Fund budgeted revenues. As of June 30, 2010, the County will have an estimated \$56,504,000 in outstanding debt subject to the limit established by policy. The County could authorize up to a total of approximately \$167 million of General Fund supported debt - assuming a 20 year payback at 5.25% annual interest - which would allow us to issue additional debt of approximately \$110 million after considering existing outstanding debt.

The real issue when considering the issuance of debt has to do with ability to pay. The General Fund is heavily reliant on two revenue sources – Property Tax and Business Income Tax. One source, Property Tax, is limited by state constitution. The other is highly volatile and tends to follow changes in the economy. Given the mix of revenues in the General Fund the issuance of additional debt should be viewed in terms of how it may limit the ability of the County to support ongoing programs and operations.

It should be noted that the estimates prepared for this analysis use FY 2009 assessed values and FY 2010 budgeted General Fund revenues. That data, along with information related to the debt issue authorized in the FY 2010 budget, will be updated over the next few months and will be incorporated into a revised memo which will be presented to the Board next spring.

The following table highlights the County's estimated outstanding debt and debt limit, per the Financial & Budget Policies, as of June 30, 2010 (\$'s are in \$1,000s).

Description	Moody's Rating	Dated	Maturity Date	Amount Issued	Principal Outstanding	2010-11 Prin & Int Payment
General Obligation Bonds	Aa1	2/1/1999	10/1/2016	\$ 66,115	\$ 49,710	\$ 9,253
<u>Revenue Bonds</u>						
Port City (Revenue Bond/2000A)	Aaa	11/1/2000	11/1/2015	\$ 2,000	\$ 1,030	\$ 198
Oregon Food Bank (Revenue Bond/2000B)	Aaa	11/1/2000	11/1/2015	3,500	1,815	350
				\$ 5,500	\$ 2,845	\$ 548
Pension Obligation Revenue Bonds	Aa2	12/1/1999	6/1/2030	\$ 184,548	\$ 151,373	\$ 15,202
<u>Full Faith and Credit Obligations</u>						
Series 2003 Full Faith & Credit	Aa2	7/1/2000	7/1/2013	\$ 9,615	\$ 4,175	\$ 1,103
Series 2004 Full Faith & Credit	Aa2	10/1/2004	8/1/2019	54,235	53,670	7,878
				\$ 63,850	\$ 57,845	\$ 8,981
<u>Capital Leases</u>						
Sellwood Lofts Capital Lease	N/A	1/1/2002	1/1/2032	\$ 1,093	\$ 1,020	\$ 118
Total FFFCO and Capital Leases					\$ 58,865	\$ 9,099
Less Non General Fund Supported Debt						
Road Fund (Series 2000A/Series 2004 FFCO)					(1,341)	(288)
Library Fund (Sellwood Lofts)					(1,020)	(118)
Total General Fund Obligations					\$ 56,504	\$ 8,693
(Less) Annual Payment From Prior Year's Debt Buydown						(5,170)
Net General Fund Obligation						\$ 3,523
REMAINING BORROWING CAPACITY						
Debt Capacity (Supported by General Government Fund Types Only)						
2009-2010 General Fund Revenues (Excluding ITAX and BWC)					\$	356,000
Policy Limitation (5% of GF Revenues)					x	5.00%
5% Policy Limit Dollar Amount					\$	17,800
Lease/Debt Capacity Used (Total General Fund Obligations)						(8,693)
Annual Payment Available					\$	9,107
Estimated Principal Value Available					\$	110,000



Multnomah County Oregon

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SEPT 29 & OCT 1, 2009 BOARD MEETINGS FASTLOOK AGENDA ITEMS

Pg 2	9:00 a.m. – 5:00 p.m. Tuesday Board Retreat
Pg 2	9:20 a.m. Thursday County Receivables and Cash Handling Audit Presentation
Pg 3	9:40 a.m. Thursday Public Comment
Pg 3	9:40 a.m. Thursday Declaring October as Community Planning Month
Pg 3	10:30 a.m. Thursday Resolution Approving Revised Project Plan for East County Courts and District Attorney Facility on Property at 185th and Stark in Rockwood and Approving Project to Proceed through Schematic Design Cost Not to Exceed \$800,000
Pg 4	Thursday, October 1, 2009 5:00 – 7:00 p.m. Multnomah County Charter Review Committee Meeting Multnomah Building, Boardroom 501 SE Hawthorne Blvd., Portland

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Tuesday, September 29, 2009 - 9:00 AM to 5:00 PM
Midland Library, Large Conference Room
805 SE 122nd Avenue, Portland

BOARD RETREAT

The Multnomah County Board of Commissioners will meet for a Retreat Refresher to review work of the first nine months; identify areas for improvement and make adjustments for the next six months. Facilitated by Pam Curtis.

Thursday, October 1, 2009 - 9:00 AM to 12:00 PM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

REGULAR AGENDA – 9:00 AM

DEPARTMENT OF COMMUNITY JUSTICE

R-1 NOTICE OF INTENT to Apply for the Oregon Criminal Justice Commission Drug Court Grant in the Amount of \$374,845

SHERIFF'S OFFICE – 9:05 AM

R-2 RESOLUTION Confirming the Interim Designation for Multnomah County Sheriff, in the Event of a Vacancy

DEPARTMENT OF COUNTY MANAGEMENT – 9:10 AM

R-3 RESOLUTION Adopting Multnomah County's Investment Policy and Repealing Resolution 08-151

R-4 PROCLAMATION Proclaiming October 2009 Oregon Archives Month in Multnomah County, Oregon

AUDITOR'S OFFICE – 9:20 AM

R-5 Performance Audit: County Receivables and Cash Handling. Presented by Multnomah County Auditor Steve March, Audit Staff Judith DeVilliers and Craig Hunt. 15 MINUTES REQUESTED.

PUBLIC COMMENT - 9:40 AM

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

DEPARTMENT OF COMMUNITY SERVICES – 9:40 AM

- R-6 PROCLAMATION Declaring the Month of October as COMMUNITY PLANNING MONTH in Multnomah County, Oregon and Recognizing the Contributions of All Multnomah County Land Use and Transportation Planning Employees
- R-7 RESOLUTION Vacating a Portion of a Public Easement Acquired for the Widening of the Right of Way and the Construction and Operation of a Westside Broadway Bridge Approach
- R-8 First Reading of a Proposed SPECIAL ORDINANCE Designating Disposition of Tax Foreclosed Property and Declaring an Emergency
- R-9 NOTICE OF INTENT to Apply for an Oregon Watershed Enhancement Board Monitoring Grant: Baseline Fish Species Distribution Survey of East Multnomah County Streams
- R-10 NOTICE OF INTENT to Apply for a East Multnomah Soil & Water Conservation District "Partners in Conservation" Grant application for Fish Surveys in East County
- R-11 Transportation Water Quality Program Overview. Presented by Roy Iwai. 30 MINUTES REQUESTED.

NON-DEPARTMENTAL - 10:30 AM

- R-12 RESOLUTION Approving the Revised Project Plan for the East County Courts and District Attorney Facility on the County Owned Property at 185th and Stark in Rockwood and Approving the Project to Proceed through Schematic Design with a Cost Not to Exceed \$800,000. Presented by Peggidy Yates, Doug Obletz, John Lindenthal and Mark Campbell. 90 MINUTES REQUESTED.

Multnomah County Charter Review Committee

Thursday, October 1, 2009

5:00 p.m. to 7:00 p.m.

Multnomah Building
501 SE Hawthorne Blvd.
Boardroom

Agenda

Facilitators: Ted Wheeler, Multnomah County Chair
Chair's Staff
Agnes Sowle, Multnomah County Attorney
Jacquie Weber, Assistant County Attorney

- 5:00 **Welcome and Introductions** – Ted Wheeler
- 5:15 **Remarks from County Chair Ted Wheeler**
- 5:25 **Video: Overview of Multnomah County Services**
- 5:35 **Government & County Charter Structure** – Agnes Sowle, Jacquie Weber
- Overview of Government Structure
 - Multnomah County Charter
 - Overview of Charter Review Process
 - Procedural Issues for Committee
 - What questions do you have about the Charter review process
- 5:45 **Feedback from Committee** – Chair's Office Staff
- What do you hope to accomplish as a member of this committee?
- 6:20 **Selection of Committee Chair & Vice Chair**
- Job description
 - Nominations
 - Voting
- 6:45 **Schedule Future Meetings**
- Next meeting date, time
 - Information the committee wants prior to the next meeting
- 7:00 **Adjourn Meeting**



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DEPARTMENT OF COUNTY MANAGEMENT – 9:10 AM

R-3 RESOLUTION Adopting Multnomah County's Investment Policy and Repealing Resolution 08-151

R-4 PROCLAMATION Proclaiming October 2009 Oregon Archives Month in Multnomah County, Oregon

AUDITOR'S OFFICE – 9:20 AM

R-5 Performance Audit: County Receivables and Cash Handling. Presented by Multnomah County Auditor Steve March, Audit Staff Judith DeVilliers and Craig Hunt. 15 MINUTES REQUESTED.

PUBLIC COMMENT - 9:40 AM

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

DEPARTMENT OF COMMUNITY SERVICES – 9:40 AM

- R-6 PROCLAMATION Declaring the Month of October as COMMUNITY PLANNING MONTH in Multnomah County, Oregon and Recognizing the Contributions of All Multnomah County Land Use and Transportation Planning Employees
- R-7 RESOLUTION Vacating a Portion of a Public Easement Acquired for the Widening of the Right of Way and the Construction and Operation of a Westside Broadway Bridge Approach
- R-8 First Reading of a Proposed SPECIAL ORDINANCE Designating Disposition of Tax Foreclosed Property and Declaring an Emergency
- R-9 NOTICE OF INTENT to Apply for an Oregon Watershed Enhancement Board Monitoring Grant: Baseline Fish Species Distribution Survey of East Multnomah County Streams
- R-10 NOTICE OF INTENT to Apply for a East Multnomah Soil & Water Conservation District "Partners in Conservation" Grant application for Fish Surveys in East County
- R-11 Transportation Water Quality Program Overview. Presented by Roy Iwai. 30 MINUTES REQUESTED.

NON-DEPARTMENTAL - 10:30 AM

- R-12 RESOLUTION Approving the Revised Project Plan for the East County Courts and District Attorney Facility on the County Owned Property at 185th and Stark in Rockwood and Approving the Project to Proceed through Schematic Design with a Cost Not to Exceed \$800,000. Presented by Peggidy Yates, Doug Obletz, John Lindenthal and Mark Campbell. 90 MINUTES REQUESTED.

Multnomah County Charter Review Committee

Thursday, October 1, 2009

5:00 p.m. to 7:00 p.m.

Multnomah Building

501 SE Hawthorne Blvd.

Boardroom

Agenda

Facilitators: Ted Wheeler, Multnomah County Chair

Chair's Staff

Agnes Sowle, Multnomah County Attorney

Jacquie Weber, Assistant County Attorney

5:00 **Welcome and Introductions – Ted Wheeler**

5:15 **Remarks from County Chair Ted Wheeler**

5:25 **Video: Overview of Multnomah County Services**

5:35 **Government & County Charter Structure – Agnes Sowle, Jacquie Weber**

- Overview of Government Structure
- Multnomah County Charter
- Overview of Charter Review Process
- Procedural Issues for Committee
- What questions do you have about the Charter review process

5:45 **Feedback from Committee – Chair's Office Staff**

- What do you hope to accomplish as a member of this committee?

6:20 **Selection of Committee Chair & Vice Chair**

- Job description
- Nominations
- Voting

6:45 **Schedule Future Meetings**

- Next meeting date, time
- Information the committee wants prior to the next meeting

7:00 **Adjourn Meeting**



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 10/01/09
Agenda Item #: R-7
Est. Start Time: 9:50 AM
Date Submitted: 09/25/09

Agenda Title: RESOLUTION Vacating a Portion of a Public Easement Acquired for the Widening of Right of Way and the Construction and Operation of a Westside Broadway Bridge Approach

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

Date Requested: October 1, 2009 Time Requested: 5 minutes
Department: Community Services Division: Land Use & Trans Program
Contact(s): Brian Vincent P.E., Multnomah County Engineer, or Patrick Hinds, ROW Specialist
Phone: (503) 988-5050 Ext. 29642 I/O Address: 425/2
Presenter(s): Brian Vincent or Patrick Hinds

General Information

1. What action are you requesting from the Board?

The Land Use and Transportation Program recommends that the Board approve the attached Resolution vacating portions of an easement held by Multnomah County for use in the construction and maintenance of the West approach to the Broadway Bridge, situated in Northwest Multnomah County.

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

In 1927 Multnomah County acquired an easement in Northwest Portland from the owner of abutting real property identified as Block U of Couch's Addition. The purpose of the easement is for the widening of the existing public right of way for NW Broadway, and for the construction, operation and maintenance of the Broadway Bridge Approach at the intersection of NW Broadway with NW Hoyt. The easement was recorded on July 28, 1927 at Book 1112 and Page 336 in the County's Deed Records. A copy of the 1927 easement is attached to the Resolution as Exhibit A.

The 1927 easement granted and conveyed to the County a bifurcated interest in Block U. The first aspect of this easement interest was a 200 foot long, 12.5 foot deep section of Block U on its western

edge but with a wider triangle portion at the southern end, which County staff identifies as the “flag pole” interest. This flagpole section of the easement directly abuts Broadway Street. The second aspect of the easement interest provided the right to access the remainder of Block U (that portion of Block U not identified as part of the flagpole) for the purpose of extending, constructing and maintaining footings or foundations associated with the Bridge. This second aspect essentially encumbered the remainder of Block U and County staff has identified this easement as the “blanket easement”.

The County constructed the Westside Broadway Bridge Approach Structure (Approach Structure) in the 1920’s and it fully occupies the whole of the flagpole but for the triangle section described above. Further the records of the construction show the Approach Structure’s subsurface foundational supports extend into the blanket easement in varying lengths of approximately 3-5 feet. The County has used over the years since 1927 the triangle portion of the easement and has used the blanket easement area to observe and conduct maintenance of the Approach Structure.

Currently, the Portland Development Commission (PDC) and the Housing Authority of Portland (HAP), propose to develop Block U as a Resource Access Center (RAC) for the homeless to provide quick access to available services and transitional housing. PDC and HAP would like to begin construction of the RAC as soon as possible. Pursuant to ORS Chapter 368, PDC has submitted a petition to the County to vacate portions of the easement as discussed above, which encumber Block U.

It is our understanding that the construction of the RAC cannot begin until the triangle portion of the flagpole and the blanket easement are vacated.

The Multnomah County Bridge Section of the Department of Community Services (Bridge Section) has reviewed the plans and specifications for the construction of the RAC. The RAC project will include improvements to the Approach Structure, including sidewalk widening and the construction of a new western wall of the RAC building foundation which will provide for support of the new sidewalk; and for all intents and purpose will serve as the eastern wall of the Approach Structure. Because the new wall serves in dual capacity it being identified as the “shared wall”.

Multnomah County Bridge staff has participated in the planning, design and review of the RAC facility with respect to the proposed alteration to the Approach Structure; i.e. the shared wall as noted above at the eastern edge of the flagpole easement. The County’s Department of Community Services supports the project; provided certain accommodations are met as further discussed herein.

The Transportation Division recommends that the County approve the vacation of the right-of-way interests as more particularly described in Exhibit B to the Resolution, reserving to the County certain rights as more particularly described in the terms and conditions provided in Exhibit B at Page 2.

A copy of the petition is attached to this report as Exhibit 1.

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

There is no fiscal impact. This public easement is not maintained by Multnomah County, and no public money is spent on this easement. All costs associated with this vacation request are the responsibility of the petitioner.

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

The County Road Official, as required by ORS 368.351(1), has reviewed the petition and finds that the portions of the public easement described in Exhibit B as attached to the Resolution, are no

longer needed for public purposes. The County Road Official declares the vacation of the easements, as described in Exhibit B attached to the Resolution (subject to the terms and conditions identified in Exhibit B, pg. 2), to be in the public interest.

This proposed easement vacation was initiated by a petition from an abutting property owner and contains the consent of 100 percent of the remaining abutting property owners. Therefore, under ORS 368.351, the County may proceed to complete this vacation without additional notice and publication.

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

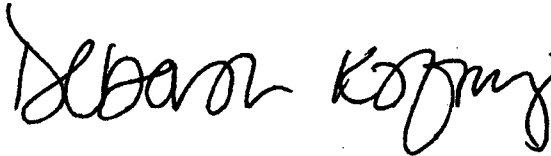
This is a citizen-initiated petition.

This public easement is also located within the City of Portland. Pursuant to ORS 368.361(3) a county governing body may vacate property that is under the jurisdiction of a county and that is entirely within the limits of a city if that city, by resolution or order, concurs in the findings of the county governing body in the vacation proceeding. The City of Portland supports this proposed vacation.

The proposed action is consistent with community involvement, development, and any applicable intergovernmental cooperation.

Required Signature

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



Date: 09/24/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Vacating a Portion of a Public Easement Acquired for the Widening of the Right of Way and the Construction and Operation of a Westside Broadway Bridge Approach

The Multnomah County Board of Commissioners Finds:

- a. In 1927 Multnomah County acquired an easement in Northwest Portland from the owner of abutting real property identified as Block U of Couch's Addition. The purpose of the easement was for the widening of the existing public right of way for NW Broadway, and for the construction, operation and maintenance of the Broadway Bridge Approach at the intersection of NW Broadway with NW Hoyt. The easement was recorded on July 28, 1927 at Book 1112 and Page 336 in the County's Deed Records. A copy of the 1927 easement is attached identified as Exhibit A.
- b. The 1927 easement granted and conveyed to the County a bifurcated interest in Block U. The first aspect of this easement interest was a 200 foot long, 12.5 foot deep section of Block U on its western edge but with a wider triangle portion at the southern end, which County staff identifies as the "flag pole" interest. This flagpole section of the easement directly abuts Broadway Street. The second aspect of the easement interest provided the right to access the remainder of Block U (that portion of Block U not identified as part of the flagpole) for the purpose of extending, constructing and maintaining footings or foundations associated with the Bridge. This second aspect essentially encumbered the remainder of Block U and County staff has identified this easement as the "blanket easement".
- c. The County constructed the Westside Broadway Bridge Approach Structure (Approach Structure) in the 1920's and it fully occupies the whole of the flagpole but for the triangle section alluded to above. Further, the records of the construction show the Approach Structure's subsurface foundational supports extend into the blanket easement in varying lengths of approximately 3-5 feet. The County has used over the years since 1927, the triangle portion of the easement and has used the blanket easement area to observe and conduct maintenance of the Approach Structure.
- d. Currently, the Portland Development Commission (PDC) and the Housing Authority of Portland (HAP) propose to develop Block U as a Resource Access

Center (RAC) for the homeless to provide quick access to available services and transitional housing. PDC and HAP would like to begin construction of the RAC as soon as possible. Pursuant to ORS Chapter 368, PDC has submitted a petition to the County to vacate portions of the easement as discussed above, which encumber Block U.

- e. It is our understanding that the construction of the RAC cannot begin until the triangle portion of the flagpole and the blanket easement are vacated.
- f. The Multnomah County Bridge Section of the Department of Community Services (Bridge Section) has reviewed the plans and specifications for the construction of the RAC. The RAC project will include improvements to the Approach Structure, including sidewalk widening and the construction of a new western wall of the RAC building foundation which will provide for support of the new sidewalk; and for all intents and purpose will serve as the eastern wall of the Approach Structure. Because the new wall serves in dual capacity it is being identified as the "shared wall".
- g. Multnomah County Bridge Section and Transportation Division staff members have participated in the planning, design and review of the RAC facility with respect to the proposed alteration to the Approach Structure; i.e. the shared wall as noted above at the eastern edge of the flagpole easement. The County's Department of Community Services supports the project; provided certain accommodations are met as further discussed herein.
- h. The Transportation Division recommends that the County approve the vacation of the right-of-way interests as more particularly described in Exhibit B to this resolution, reserving to the County certain rights as more particularly described in the terms and conditions provided in Exhibit B at Page 2.
- i. As allowed under ORS 368.351, the above referenced petition contains the acknowledged signatures of 100% of any private property proposed to be vacated and acknowledged signatures of the owners of 100% of property abutting any public property proposed to be vacated, and, indicates the owners' approval of the proposed vacation.
- j. In addition, the appropriate County Road Official has filed a written report pursuant to ORS 368.351(1) that contains an assessment that the proposed vacation of public property is in the public interest. (See Agenda Placement Request.) Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.

- k. As required under MCC 27.054, the County has received a total of \$200.00, for a Feasibility Study from the petitioner. The total administrative cost for this vacation, which includes research, review, analysis and document preparation, is \$30,000.00. The balance owed by the petitioner at the date of this hearing is \$29,800.00.
- l. Under ORS 368.361(3) this proposed vacation to be effective is subject to the requirement that the City of Portland by resolution or order concur in the findings of the County Board in the proceedings herein.

The Multnomah County Board of Commissioners Resolves:

- 1. To support the proposed Resource Access Center to deliver services for the chronically homeless and to provide quick access to available services and transitional housing.
- 2. Subject to the petitioner's payment of all funds due as provided under MCC 27.054 and the issuance of the Permit discussed in Resolve No. 4, that the portion of the public easement as more particularly described in the attached Exhibit B at Page 1, is vacated, excepting the easement rights that any existing utility may have in the vacated property under ORS Chapter 368.
- 3. Subject to the petitioner's payment of all funds due as provided under MCC 27.054 and the issuance of the Permit discussed in Resolve No. 4, that the portion of the public easement interest as more particularly described in the attached Exhibit B at Page 2, is vacated; subject to the terms and conditions provided therein.
- 4. To consent to the property owner of Block U dedicating a Sidewalk Easement over and upon the retained County right of way easement, provided the appropriate parties obtain a County Right of Way Use Permit (Permit) under MCC Chapter 29.506 and the Multnomah County Road Rules. The County Engineer is hereby authorized to issue said Permit consistent with the County's standard practices in such matters without further review or action of this Board.
- 5. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$30,000.00 and PDC is directed to pay the remaining amount of \$29,800.00 to the County.

6. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054 and the issuance of the Permit discussed in Resolve No. 4 herein.
7. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 368.356(2)(d) and ORS 271.230; and title in the underlying property shall vest as provided under ORS 368.366.

ADOPTED this 1st day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

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

EXHIBIT A

Done in the presence of

L L Scott

T M Hurlbert

(Seal)

J A MacLeod

Sheriff of Multnomah County, Oregon

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this, the 27th day of July, 1927 before me, a Notary Public, within and for said County, personally came the within named T M Hurlbert, Sheriff of the said County of Multnomah, State of Oregon, known to me to be the identical party described in and who, as such sheriff, executed the within instrument and acknowledged to me that he executed the same

IN WITNESS WHEREOF I have hereunto set my hand and notarial seal the day and year in this certificate first above written

(NOTARIAL SEAL)

Charles Riehton

My commission expires December 25th, 1928

Notary Public for Oregon

Rec for record Jul 28, 1927 at 9:47 A M

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G B #35408

PORTLAND TERMINAL INVESTMENT CO ET AL WITH COUNTY OF MULTNOMAH

THIS AGREEMENT Made and entered into this 19th day of JULY, 1927 by and between Portland Terminal Investment Company, a corporation of the State of Oregon, with its principal office at the City of Portland, therein, hereinafter called the "Company" and the County of Multnomah, State of Oregon, acting by and through its Board of County Commissioners, hereinafter called the "County"

WITNESSETH:

WHEREAS, public necessity required that the West approach to the bridge across the Willamette River in the City of Portland, known as the "Broadway Bridge" be widened and extended between the North line of Hoyt Street and the South line of Johnson Street in Couch's Addition to said City and in order to widen and extend said approach and maintain the same when so widened, it will be necessary for the County to use and occupy additional land on either side of Broadway (formerly Seventh) Street, between Hoyt Street and Johnson Street; and

WHEREAS, the Company is the owner of Lots Two (2) Three (3) Six (6) and Seven (7) of Block "B" of said Couch's Addition of which Lots Two (2) and Three (3) are improved with a one story brick building, at present used as a garage, on the East Side of Broadway Street and North of Hoyt Street, and is willing to grant an easement to the County for the purpose of extending said bridge approach, over and upon a portion of said Lots upon the terms and conditions hereinafter set forth;

NOW THEREFORE, Portland Terminal Investment Company, in consideration of the premises and the sum of THIRTY-THREE THOUSAND EIGHT HUNDRED FIFTY and No/100 (\$33,850.00) DOLLARS to it paid by the County, the receipt of which is hereby acknowledged, does hereby grant, and convey unto the County of Multnomah, State of Oregon, a perpetual easement for the purpose of widening, extending, constructing and perpetually maintaining and operating, the West approach to said Broadway Bridge, over and over the following described real estate,

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situated in the City of Portland County of Multnomah, State of Oregon:

A piece or parcel of land containing three thousand one hundred sixty six and one tenth (3166.1) square feet and being all that part of Block "U" Couch's Addition to the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Beginning at a point which is the southwest corner of said Block "U" thence north along the west line of said Block "U" which line is also parallel to and thirty one (31) feet east of the center line of Broadway Bridge Approach a distance of two hundred (200) feet to the northwest corner of said Block "U"; thence east along the north line of said Block "U" a distance of twelve and five tenths (12.5) feet; thence south, parallel to and twelve and five tenths (12.5) feet east of said west line of Block "U" a distance of one hundred sixty three and five tenths (163.5) feet to a point thirty six and five tenths (36.5) feet north of the south line of said Block "U"; thence southeasterly in a straight line a distance of fifty one and sixty two hundredths (51.62) feet to a point in the south line of said Block "U" forty nine (49) feet east of the west line of said Block "U" thence west on said south line of Block "U" a distance of forty nine (49) feet to the point of beginning

Description approved

Gustav Luidinthal Const Eng

By Hans H Kede Res July 27, 1927

Description approved

A B Meares Date 7/7/27

Together with the right and privilege to extend the underground concrete footings or foundations of any pier or structure of said bridge approach beyond the limits of the lands heretofore described, and over and upon the adjoining lands of the Company and to perpetually maintain the same when so extended

TO HAVE AND TO HOLD the said easement unto the County of Multnomah State of Oregon, and to its successors and assigns forever so long as the same shall be used for bridge, highway or street purposes, and when no longer used for said purposes the easement hereby granted shall cease and determine and the lands covered thereby shall revert to and become the property of the Granter herein, its successors and assigns, as of its former estate

Nevertheless the said easement is hereby granted expressly subject to the following terms and conditions;

(a) The County shall assume and pay all taxes and assessments hereinafter levied by any authority, either Municipal County or State, on the lands heretofore described and included in said easement

(b) The Company has heretofore agreed and covenanted to and with the City of Portland to dedicate for street purposes and for the widening of Hoyt Street, the South Ten (10) feet of said Lot Two (2) and other lands, and this easement is granted and accepted subject to such future dedication by the Company to the City of Portland at the time agreed upon

(c) It is understood and agreed by and between the parties hereto that in the widening and reconstruction of the West approach to said Broadway Bridge, the floor on either side of the extreme South end of said approach shall correspond in elevation to the grade of Hoyt Street as established by the City of Portland on either side of Broadway Street

(d) The Company will at its own cost and expense, and within a reasonable

time after due notice from the County that it desires to undertake the work of widening said bridge approach clear the ground covered by this easement and remodel the one story brick building on said Lots Two (2) and Three (3) so as to permit the use and occupancy of this easement by the County, its agents, engineers and employees

UNION DEPOT GARAGE COMPANY, a corporation of the state of Oregon, and occupying lands included in the above easement as the Lessee of the Company, hereby joins in the execution of this agreement in order to show its consent thereto and terms and conditions thereof

All of the terms and conditions of this agreement shall inure to and be binding upon the representative successors and assigns of the parties hereto

IN WITNESS WHEREOF the parties have caused these presents to be signed and executed each on its behalf by its proper officers thereunto duly authorized this 18th day of July, 1927

ATTEST

F J Beas Secretary
(CORPORATE SEAL)

PORTLAND TERMINAL INVESTMENT COMPANY

By Geo W McMath President

ATTEST:

UNION DEPOT GARAGE COMPANY

Lillie B McGirr Secretary
(CORPORATE SEAL)

By G H McGirr President

Approved as to form

Stanley Myers

District Attorney

MULTNOMAH COUNTY

STATE OF OREGON

ATTEST

Joe W Reveridge County Clerk
(SEAL OF COUNTY COMMISSIONERS OF
MULTNOMAH COUNTY, OREGON)

By Amos M Smith County Commissioner

By Clay S Morse County Commissioner

By Grant Phagley County Commissioner

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this 18th day of July 1927 before me appeared Geo W McMath, to me personally known, who being duly sworn, did say that he is the President of Portland Terminal Investment Company, the corporation that executed the within and foregoing instrument and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of a resolution of its Board of Directors; and said Geo W McMath, acknowledged said instrument to be the free act and deed of said corporation

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal this 18th day and year in this, my certificate written

(NOTARIAL SEAL)

T B Collins

My commission expires August 17th, 1929

Notary Public for Oregon

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this 19 day of July 1927 before me appeared A M Smith, G Phogley and C S Morse, to me personally known, who being duly sworn, did say that they are the duly elected and qualified County Commissioners of Multnomah County, Oregon, the party that executed the within and foregoing instrument, that the seal affixed to said instrument is the official seal of said County and that they signed and sealed the said instrument in behalf of said County of Multnomah, and said A M Smith, G Phogley and C S Morse acknowledged said instrument to be the free act and deed of said County

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal this the day and year in this my certificate written

(NOTARIAL SEAL)

Bertha A Gaul

My commission expires May 4- 1929

Notary Public for Oregon

Rec for record Jul 28, 1927 at 11:20 A M

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EXHIBIT B

LEGAL DESCRIPTION
FOR THE VACATION OF A PORTION OF
A MULTNOMAH COUNTY BRIDGE EASEMENT

MAY 4, 2009

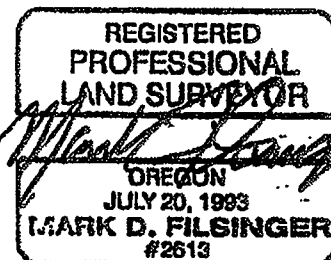
A portion of Block U, Couch's Addition to Portland, as described in the document recorded July 28, 1927 in Book 1112, Page 336, Multnomah County Records, located in the Northwest quarter of Section 34, Township 1 North, Range 1 East, Willamette Meridian, City of Portland, Oregon, more particularly described as follows:

Commencing at the southwest corner of said Block U; thence South $89^{\circ}55'56''$ East 12.50 feet along the south line of said Block U to the point of beginning of this description; thence North $00^{\circ}03'23''$ East 36.50 feet parallel with and 12.50 feet east of the west line of said Block U; thence South $44^{\circ}56'10''$ East 51.62 feet to the south line of said Block U; thence North $89^{\circ}55'56''$ West 36.50 feet along the south line of said Block U to the point of beginning.

Containing 666 square feet, more or less.

The basis of bearings for this description is the northeast line of NW Sixth Avenue as shown on Survey Number 59421, Multnomah County Survey Records and being North $38^{\circ}28'41''$ West.

End of Description.



EXPIRES: 12-31-07

EXHIBIT B

A. Vacation: In addition to the property described at Exhibit B, Page 1; and subject to the County's rights as more particularly described in the Terms and Conditions provided herein at Section B, that certain interest in Block U as set forth at Page 337 of the July 1927 Easement (See Exhibit A) and, being more particularly described as follows:

Together with the right and privilege to extend the underground concrete footings and foundations of any pier or structure of said bridge approach beyond the limits of the lands hereinabove described, and ever and upon the adjoining lands of the Company and to perpetually maintain the same when as extended

is vacated.

B. Terms and Conditions:

1. **Emergency Access.** County retains the right to enter Block U of Couch Addition in the event of emergency to address conditions of the "shared wall", which is that certain load bearing and retaining wall directly abutting the western edge of Block U, as discussed in this Resolution. For purposes of this Resolution an "emergency" shall mean: any natural disaster including but not limited to flood, fire, earthquake or similar calamity; but shall also mean if the property owner or occupant of Block U abandons the property or if the shared wall is subject to later discovered defects that in the opinion of the County Engineer warrant immediate entry to preserve the Bridge Approach Structure. In the event the County needs to exercise emergency access as provided herein the County reserves the right to enter Block U and to perform any work necessary to preserve the Bridge Approach Structure and to the extent the County incurs costs the property owner of Block U shall be subject to billing by the County for reimbursement of said costs and to the filing and recording of a lien against the property. For the purposes of this emergency access right "the County" shall mean authorized employees, agents and contractors of the County.
2. **Cost of the Shared Wall.** All costs and responsibility for construction, inspection, maintenance, repair and reconstruction of the Shared Wall shall be borne by the property owner of Block U and all work done thereon shall be of good materials and workmanship.
3. **Original Terms and Conditions:** The Original Terms and Conditions found at Pages 337-338 of the July 1927 Easement, (See Exhibit A); are amended as follows: The County is released and completely discharged from all past, present or future tax or assessment obligations under Term and Conditions Section "(a)".
4. **Run with Land.** These Terms and Conditions imposed herein shall run with the land.

BOGSTAD Deborah L

From: RYAN Matthew O
Sent: Wednesday, September 30, 2009 2:54 PM
To: PEOPLES Kim E; CANNON Ian B; VINCENT Brian S; HINDS Patrick J; MAGGIO Charles R
Cc: JOHNSON Cecilia; RINEHART Tom; SOWLE Agnes; LEE Beckie; LASHUA Matthew; WIREN Corie; MADRIGAL Marissa D; BOGSTAD Deborah L
Subject: RE: HAP requested revisions to County easement vacation resolution URGENT!

Everybody,

Refresher to everybody, the proposed vacation resolution vacates 2 distinct portions of the original 1927 easement grant to the County. The County retains a 12.5 ft wide 200 foot long portion of the original easement. I have reviewed the changes proposed by HAP to the County's Vacation Resolution. The simple one is to delete the consent to the new sidewalk easement (Delete all of Resolve 4 and the last sentence of Resolve 6). The City of Portland is requiring PDC/HAP to dedicate sidewalk to the City.

This was initially added to the Resolution to address HAP/PDC's request to have it all done at once. However, now HAP has concerns that the County's right of way use permit as required under Resolve 6 won't get issued in time and will delay the recording of the Vacation Resolution. I told HAP's lawyer Faith Graham; that the County can issue the right of way use permit at any time. The County's Board's consent to the new City sidewalk easement grant is not necessary. The County Engineer signs and issues right-of-way use permits all the time. We tied the issuance of the permit to be a condition to the recording of the vacation order to make sure that there wasn't already a right granted by the County through the consent to the easement that could lead to activities happening before we issued the permit. As it stands now HAP is willing to procure the permit in the normal course.

The next change is the qualification on the emergency access right we also retain. This change is an attempt to make it clearer that the County only goes in to address the wall's condition if the property owner fails to do so. I did discuss this concept with Ms. Graham, but the language was hers and it needs to be further revised to provide for the County's control over this determination. I will follow up with Transportation to get the revised documents prepared ASAP.

HAP wants the Resolution to go tomorrow. Responders to the earlier email today have expressed concern about it going tomorrow. I just called the HAP attorney, and left a message that because of the changes and the packed docket tomorrow it might be complicated to get the revised Vacation Resolution approved tomorrow. I'm waiting on her response. Thanks.

Matthew O. Ryan
 Assistant County Attorney
 Office of Multnomah County Attorney
 501 SE Hawthorne Blvd, Suite 500
 Portland, Oregon 97214
 Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us

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From: RYAN Matthew O
Sent: Wednesday, September 30, 2009 12:09 PM
To: PEOPLES Kim E; CANNON Ian B; VINCENT Brian S; HINDS Patrick J; MAGGIO Charles R
Cc: JOHNSON Cecilia; RINEHART Tom; SOWLE Agnes; LEE Beckie; LASHUA Matthew; WIREN Corie; MADRIGAL Marissa D
Subject: FW: HAP requested revisions to County easement vacation resolution URGENT!

Everybody,
Please review the attached PDF. These are the changes requested by HAP for tomorrow for the RACC Broadway Bridge Resolution. Can we look all look at this ASAP and please get back to me with any concerns. Thanks.

Matthew O. Ryan
Assistant County Attorney
Office of Multnomah County Attorney
501 SE Hawthorne Blvd, Suite 500
Portland, Oregon 97214
Tel: 503-988-3138; Fax: 503-988-3377
matthew.o.ryan@co.multnomah.or.us

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From: Faith Graham [mailto:fgraham@robertskaplan.com]
Sent: Wednesday, September 30, 2009 11:17 AM
To: RYAN Matthew O
Cc: Tran, Trinh; Witcosky, Keith J.; Shaw, Barbara; Michael Andrews; April Berg
Subject: HAP requested revisions to County easement vacation resolution

Matt- As we discussed, attached are HAP's requested changes to the resolution. Please let me know if any of these are a concern to your client and whether someone from HAP/PDC should be at the hearing tomorrow to discuss. Thank you.

Faith Graham | LEED Accredited Professional | Roberts Kaplan LLP | 601 SW 2nd Avenue, Suite 1800, Portland, OR 97204
direct 503.221.7799 | fax 877.467.2241 | fgraham@robertskaplan.com

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

From: konica@robertskaplan.com [mailto:konica@robertskaplan.com]
Sent: Wednesday, September 30, 2009 12:03 PM
To: Akemi Migaki; Faith Graham
Subject: Your scanned document from the Litigation copier

9/30/2009

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

VACATION OF A PORTION OF A PUBLIC EASEMENT ACQUIRED FOR THE WIDENING OF
RIGHT OF WAY; THE CONSTRUCTION AND OPERATION OF A WESTSIDE BROADWAY
BRIDGE APPROACH**The Multnomah County Board of Commissioners Finds:**

- a. In 1927 Multnomah County acquired an easement in Northwest Portland from the owner of abutting real property identified as Block U of Couch's Addition. The purpose of the easement was for the widening of the existing public right of way for NW Broadway, and for the construction, operation and maintenance of the Broadway Bridge Approach at the intersection of NW Broadway with NW Hoyt. The easement was recorded on July 28, 1927 at Book 1112 and Page 336 in the County's Deed Records. A copy of the 1927 easement is attached identified as Exhibit A.
- b. The 1927 easement granted and conveyed to the County a bifurcated interest in Block U. The first aspect of this easement interest was a 200 foot long, 12.5 foot deep section of Block U on its western edge but with a wider triangle portion at the southern end, which County staff identifies as the "flag pole" interest. This flagpole section of the easement directly abuts Broadway Street. The second aspect of the easement interest provided the right to access the remainder of Block U (that portion of Block U not identified as part of the flagpole) for the purpose of extending, constructing and maintaining footings or foundations associated with the Bridge. This second aspect essentially encumbered the remainder of Block U and County staff has identified this easement as the "blanket easement".
- c. The County constructed the Westside Broadway Bridge Approach Structure (Approach Structure) in the 1920's and it fully occupies the whole of the flagpole but for the triangle section alluded to above. Further the records of the construction show the Approach Structure's subsurface foundational supports extend into the blanket easement in varying lengths of approximately 3-5 feet. The County has used over the years since 1927 the triangle portion of the easement and has used the blanket easement area to observe and conduct maintenance of the Approach Structure.
- d. Currently, the Portland Development Commission (PDC) and the Housing Authority of Portland (HAP), propose to develop Block U as a Resource Access Center (RAC) for the homeless to provide quick access to available services and transitional housing. PDC and HAP would like to begin construction of the RAC as soon as possible. Pursuant to ORS Chapter 368, PDC has submitted a petition to the County to vacate portions of the easement as discussed above, which encumber Block U.
- e. It is our understanding that the construction of the RAC cannot begin until the triangle portion of the flagpole and the blanket easement are vacated.
- f. The Multnomah County Bridge Section of the Department of Community Services (Bridge Section) has reviewed the plans and specifications for the construction of the RAC. The RAC project will include improvements to the Approach Structure, including sidewalk widening and the construction of a new western wall of the RAC building foundation which will provide for support of the new sidewalk; and for all intents and purpose will serve as the eastern wall of the Approach Structure. Because the new wall serves in dual capacity it being identified as the "shared wall".

- g. Multnomah County Bridge Section and Transportation Division staff members have participated in the planning, design and review of the RAC facility with respect to the proposed alteration to the Approach Structure; i.e. the shared wall as noted above at the eastern edge of the flagpole easement. The County's Department of Community Services supports the project; provided certain accommodations are met as further discussed herein.
- h. The Transportation Division recommends that the County approve the vacation of the right-of-way interests as more particularly described in Exhibit B to this resolution, reserving to the County certain rights as more particularly described in the terms and conditions provided in Exhibit B at Page 2.
- i. As allowed under ORS 368.351, the above referenced petition contains the acknowledged signatures of 100% of any private property proposed to be vacated and acknowledged signatures of the owners of 100% of property abutting any public property proposed to be vacated, and, indicates the owners' approval of the proposed vacation.
- j. In addition, the appropriate County Road Official has filed a written report pursuant to ORS 368.351(1) that contains an assessment that the proposed vacation of public property is in the public interest. (See Agenda Placement Request.) Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
- k. As required under MCC 27.054, the County has received a total of \$200.00, for a Feasibility Study, from the petitioner. The total administrative cost for this vacation, which includes research, review, analysis and document preparation, is \$30,000.00. The balance owed by the petitioner at the date of this hearing is \$29,800.00.
- l. Under ORS 368.361(3) this proposed vacation to be effective is subject to the requirement that the City of Portland by resolution or order concur in the findings of the County Board in the proceedings herein.

The Multnomah County Board of Commissioners Resolves:

- 1. To support the proposed Resource Access Center to deliver services for the chronically homeless and to provide quick access to available services and transitional housing.
- 2. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portion of the public easement as more particularly described in the attached Exhibit B at Page 1, is vacated, excepting the easement rights that any existing utility may have in the vacated property under ORS Chapter 368.
- 3. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portion of the public easement interest as more particularly described in the attached Exhibit B at Page 2, is vacated; subject to the terms and conditions provided therein.
- 4. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$30,000.00 and PDC is directed to pay the remaining amount of \$29,800.00 to the County.
- 5. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.

6. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 368.356(2)(d) and ORS 271.230; and title in the underlying property shall vest as provided under ORS 368.366.

ADOPTED this 1st day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

EXHIBIT A

Done in the presence of

L L Scott

T M Hurlburt

(Seal)

J A MacLeod

Sheriff of Multnomah County, Oregon

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this, the 27th day of July, 1927 before me, a Notary Public, within and for said County, personally came the within named T M Hurlburt, Sheriff of the said County of Multnomah, State of Oregon, known to me to be the identical party described in and who, as such sheriff, executed the within instrument and acknowledged to me that he executed the same

IN WITNESS WHEREOF I have hereunto set my hand and notarial seal the day and year in this certificate first above written

(NOTARIAL SEAL)

Charles Richton

My commission expires December 25th, 1928

Notary Public for Oregon

Rec for record Jul 28, 1927 at 9:47 A M

-----200-----

C B #36408

PORTLAND TERMINAL INVESTMENT CO ET AL WITH COUNTY OF MULTNOMAH

THIS AGREEMENT Made and entered into this 19th day of July, 1927 by and between Portland Terminal Investment Company, a corporation of the State of Oregon, with its principal office at the City of Portland, therein, hereinafter called the "Company" and the County of Multnomah, State of Oregon, acting by and through its Board of County Commissioners, hereinafter called the "County"

WITNESSETH:

WHEREAS, public necessity required that the West approach to the bridge across the Willamette River in the City of Portland, known as the "Broadway Bridge" be widened and extended between the North line of Hoyt Street and the South line of Johnson Street in Couch's Addition to said City and in order to widen and extend said approach and maintain the same when so widened, it will be necessary for the County to use and occupy additional land on either side of Broadway (formerly Seventh) Street, between Hoyt Street and Johnson Street; and

WHEREAS, the Company is the owner of Lots Two (2) Three (3) Six (6) and Seven (7) of Block "U" of said Couch's Addition of which Lots Two (2) and Three (3) are improved with a one story brick building, at present used as a garage, on the East Side of Broadway Street and North of Hoyt Street, and is willing to grant an easement to the County for the purpose of extending said bridge approach, over and upon a portion of said Lots upon the terms and conditions hereinafter set forth;

NOW THEREFORE, Portland Terminal Investment Company, in consideration of the premises and the sum of THIRTY-THREE THOUSAND EIGHT HUNDRED FIFTY and No/100 (\$33,850.00) DOLLARS to it paid by the County, the receipt of which is hereby acknowledged, does hereby grant, and convey unto the County of Multnomah, State of Oregon, a perpetual easement for the purpose of widening, extending, constructing and perpetually maintaining and operating, the West approach to said Broadway Bridge, upon and over the following described real estate,

1137
situated in the City of Portland County of Multnomah, State of Oregon:

A piece or parcel of land containing three thousand one hundred sixty six and one tenth (3166.1) square feet and being all that part of Block "U" Couch's Addition to the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Beginning at a point which is the southwest corner of said Block "U" thence north along the west line of said Block "U" which line is also parallel to and thirty one (31) feet east of the center line of Broadway Bridge Approach a distance of two hundred (200) feet to the northwest corner of said Block "U"; thence east along the north line of said Block "U" a distance of twelve and five tenths (12.5) feet; thence south, parallel to and twelve and five tenths (12.5) feet east of said west line of Block "U" a distance of one hundred sixty three and five tenths (163.5) feet to a point thirty six and five tenths (36.5) feet north of the south line of said Block "U"; thence southeasterly in a straight line a distance of fifty one and sixty two hundredths (51.62) feet to a point in the south line of said Block "U" forty nine (49) feet east of the west line of said Block "U" thence west on said south line of Block "U" a distance of forty nine (49) feet to the point of beginning

Description approved

Gustav Luidinthal Const Eng

By Hans H Kode Res July 27, 1927

Description approved

A B Mease Date 7/7/27

Together with the right and privilege to extend the underground concrete footings or foundations of any pier or structure of said bridge approach beyond the limits of the lands heretofore described, and over and upon the adjoining lands of the Company and to perpetually maintain the same when so extended

TO HAVE AND TO HOLD the said easement unto the County of Multnomah State of Oregon, and to its successors and assigns forever so long as the same shall be used for bridge, highway or street purposes, and when no longer used for said purposes the easement hereby granted shall cease and determine and the lands covered thereby shall revert to and become the property of the Grantor herein, its successors and assigns, as of its former estate

Nevertheless the said easement is hereby granted expressly subject to the following terms and conditions;

(a) The County shall assume and pay all taxes and assessments hereinafter levied by any authority, either Municipal County or State, on the lands heretofore described and included in said easement

(b) The Company has heretofore agreed and covenanted to and with the City of Portland to dedicate for street purposes and for the widening of Hoyt Street, the South Ten (10) feet of said Lot Two (2) and other lands, and this easement is granted and accepted subject to such future dedication by the Company to the City of Portland at the time agreed upon

(c) It is understood and agreed by and between the parties hereto that in the widening and reconstruction of the West approach to said Broadway Bridge, the flare on either side of the extreme South end of said approach shall correspond in elevation to the grade of Hoyt Street as established by the City of Portland on either side of Broadway Street

(d) The Company will at its own cost and expense, and within a reasonable

time after due notice from the County that it desires to undertake the work of widening said bridge approach clear the ground covered by this easement and remodel the one story brick building on said Lots Two (2) and Three (3) so as to permit the use and occupancy of this easement by the County, its agents, engineers and employees

UNION DEPOT GARAGE COMPANY, a corporation of the state of Oregon, and occupying lands included in the above easement as the Lessee of the Company, hereby joins in the execution of this agreement in order to show its consent thereto and terms and conditions thereof

All of the terms and conditions of this agreement shall inure to and be binding upon the representative successors and assigns of the parties hereto

IN WITNESS WHEREOF the parties have caused these presents to be signed and executed each on its behalf by its proper officers thereunto duly authorized this 18th day of July, 1927

ATTEST

J J Bate Secretary
(CORPORATE SEAL)

PORTLAND TERMINAL INVESTMENT COMPANY
By Geo W McMath President

ATTEST:

Lillie B McGirr Secretary
(CORPORATE SEAL)

UNION DEPOT GARAGE COMPANY
By C H McGirr President

Approved as to form
Stanley Myers

District Attorney

ATTEST

Joe W Beveridge County Clerk
(SEAL OF COUNTY COMMISSIONERS OF
MULTNOMAH COUNTY, OREGON)

MULTNOMAH COUNTY

STATE OF OREGON

By Amos M Smith County Commissioner
By Clay S Morse County Commissioner
By Grant Phagley County Commissioner

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this 18th day of July 1927 before me appeared Geo W McMath, to me personally known, who being duly sworn, did say that he is the President of Portland Terminal Investment Company, the corporation that executed the within and foregoing instrument and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of a resolution of its Board of Directors; and said Geo W McMath, acknowledged said instrument to be the free act and deed of said corporation

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal this the day and year in this, my certificate written

(NOTARIAL SEAL)

T B Collins

My commission expires August 17th, 1929

Notary Public for Oregon

.....

.....

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this 19 day of July 1927 before me appeared A M Smith, G Phogley and C S Morse, to me personally known, who being duly sworn, did say that they are the duly elected and qualified County Commissioners of Multnomah County, Oregon, the party that executed the within and foregoing instrument, that the seal affixed to said instrument is the official seal of said County and that they signed and sealed the said instrument in behalf of said County of Multnomah, and said A M Smith, G Phogley and C S Morse acknowledged said instrument to be the free act and deed of said County

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal this the day and year in this my certificate written

(NOTARIAL SEAL)

Bertha A Gaul

My commission expires May 4- 1929

Notary Public for Oregon

Rec for record Jul 29, 1927 at 11:20 A M

-----Co-----

EXHIBIT B

LEGAL DESCRIPTION
FOR THE VACATION OF A PORTION OF
A MULTNOMAH COUNTY BRIDGE EASEMENT
MAY 4, 2009

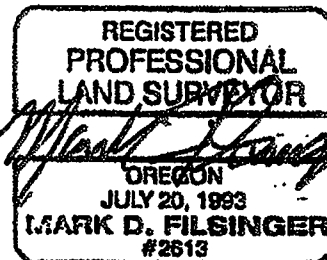
A portion of Block U, Couch's Addition to Portland, as described in the document recorded July 28, 1927 in Book 1112, Page 336, Multnomah County Records, located in the Northwest quarter of Section 34, Township 1 North, Range 1 East, Willamette Meridian, City of Portland, Oregon, more particularly described as follows:

Commencing at the southwest corner of said Block U; thence South $89^{\circ}55'56''$ East 12.50 feet along the south line of said Block U to the point of beginning of this description; thence North $00^{\circ}03'23''$ East 36.50 feet parallel with and 12.50 feet east of the west line of said Block U; thence South $44^{\circ}56'10''$ East 51.62 feet to the south line of said Block U; thence North $89^{\circ}55'56''$ West 36.50 feet along the south line of said Block U to the point of beginning.

Containing 666 square feet, more or less.

The basis of bearings for this description is the northeast line of NW Sixth Avenue as shown on Survey Number 59421, Multnomah County Survey Records and being North $38^{\circ}28'41''$ West.

End of Description.



EXPIRES: 12-31-07

EXHIBIT B

A. Vacation: In addition to the property described at Exhibit B, Page 1; and subject to the County's rights as more particularly described in the Terms and Conditions provided herein at Section B, that certain interest in Block U as set forth at Page 337 of the July 1927 Easement (See Exhibit A) and, being more particularly described as follows:

Together with the right and privilege to extend the underground concrete footings and foundations of any pier or structure of said bridge approach beyond the limits of the lands hereinabove described, and ever and upon the adjoining lands of the Company and to perpetually maintain the same when as extended

is vacated.

B. Terms and Conditions:

1. **Emergency Access.** County retains the right to enter Block U of Couch Addition in the event of emergency to address conditions of the "shared wall", which is that certain load bearing and retaining wall directly abutting the western edge of Block U, as discussed in this Resolution, provided that the County shall only act under this Emergency Access authority if the Property Owner or the Occupant of Block U is, in the reasonable determination of the County Engineer, not acting in a timely and responsible manner to address the conditions of the shared wall in the emergency. For purposes of this Resolution an "emergency" shall mean: any natural disaster including but not limited to flood, fire, earthquake or similar calamity; but shall also mean if the property owner or occupant of Block U abandons the property or if the shared wall is subject to later discovered defects that in the opinion of the County Engineer warrant immediate entry to preserve the Bridge Approach Structure. In the event the County needs to exercise emergency access as provided herein the County reserves the right to enter Block U and to perform any work necessary to preserve the Bridge Approach Structure and to the extent the County incurs costs the property owner of Block U shall be subject to billing by the County for reimbursement of said costs and to the filing and recording of a lien against the property. For the purposes of this emergency access right "the County" shall mean authorized employees, agents and contractors of the County.
2. **Cost of the Shared Wall.** All costs and responsibility for construction, inspection, maintenance, repair and reconstruction of the Shared Wall shall be borne by the property owner of Block U and all work done thereon shall be of good materials and workmanship.
3. **Original Terms and Conditions:** The Original Terms and Conditions found at Pages 337-338 of the July 1927 Easement, (See Exhibit A); are amended as follows: The County is released and completely discharged from all past, present or future tax or assessment obligations under Term and Conditions Section "(a)".
4. **Run with Land.** These Terms and Conditions imposed herein shall run with the land.

**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: 10.01.09

SUBJECT: RE-ENROLLING IN RETIREMENT HEALTH INSURANCE
LIFE AND DEATH DECISION

AGENDA NUMBER OR TOPIC: Non-Agenda item. →

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: TERRANCE L MAXWELL

ADDRESS: 5 SE 76TH

CITY/STATE/ZIP: PORTLAND OR 97215

PHONE: _____ DAYS: (503) 253-2292

EVE: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: CANCELING INSURANCE

I HAVE DEMENTIA & AIDS

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.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-115

Confirming the Interim Designation for Multnomah County Sheriff, in the Event of a Vacancy

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate an interim occupant to serve until a vacancy is filled by election or appointment. The designee must meet the Charter qualifications for appointees of such offices.
- b. In compliance with MCC 5.005(B)(1) and (4), Multnomah County Sheriff Robert Skipper designates Dan Staton as interim occupant of that office in the event of a vacancy. Dan Staton meets the qualifications of Sheriff required by ORS 206.015.

The Multnomah County Board of Commissioners Resolves:

1. The Board confirms Dan Staton to serve as interim occupant for Multnomah County Sheriff in the event of a vacancy in that office.

ADOPTED this 1st day of October 2009



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Agnes Sowle, County Attorney

SUBMITTED BY:

Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-118

Adopting Multnomah County Investment Policy and Repealing Resolution 08-151

The Multnomah County Board of Commissioners Finds:

- a. ORS 294.135 requires the county to adopt a written investment policy.
- b. Treasury has modified the investment policy adopted by the Board on November 13, 2008, by Resolution 08-151, to more closely conform to the model policies of the State Treasury and Government Finance Officers Association.
- c. The County's Investment Advisory Board reviewed the attached Multnomah County Investment Policy (Investment Policy) and recommended no changes.
- d. The Oregon Short Term Fund Board reviewed the Investment Policy and recommended no improvements or changes.

The Multnomah County Board of Commissioners Resolves:

1. The Board adopts the attached Multnomah County Investment Policy dated September, 2009.
2. The Chief Financial Officer and the Treasury Manager are authorized to administer the Investment Policy.
3. This resolution repeals and replaces the previous Investment Policy adopted by Resolution No. 08-151.

ADOPTED this 1st day of October, 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Agnes Sowle, County Attorney

SUBMITTED BY:

Mindy Harris, Director, Department of County Management



MULTNOMAH COUNTY OREGON

Investment Policy

September 2009

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-115

Confirming the Interim Designation for Multnomah County Sheriff, in the Event of a Vacancy

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate an interim occupant to serve until a vacancy is filled by election or appointment. The designee must meet the Charter qualifications for appointees of such offices.
- b. In compliance with MCC 5.005(B)(1) and (4), Multnomah County Sheriff Robert Skipper designates Dan Staton as interim occupant of that office in the event of a vacancy. Dan Staton meets the qualifications of Sheriff required by ORS 206.015.

The Multnomah County Board of Commissioners Resolves:

1. The Board confirms Dan Staton to serve as interim occupant for Multnomah County Sheriff in the event of a vacancy in that office.

ADOPTED this 1st day of October 2009



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Agnes Sowle, County Attorney

SUBMITTED BY:

Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-121

Approve the Revised Project Plan for the East County Courts and District Attorney Facility on the County Owned Property at 185th and Stark in Rockwood and Approve the Project to Proceed through Schematic Design with a Cost Not to Exceed \$800,000

The Multnomah County Board of Commissioners Finds:

- a. A Courthouse Blue Ribbon Steering Committee made recommendations in December 2003 for a new courts facility within the existing downtown Portland Government Center and four courtrooms within the City of Gresham to accommodate the Multnomah county court and supporting County functions for the next 40 years.
- b. Resolution 04-028 recommended a four courtroom facility with expansion capability to six courtrooms in East County/Gresham and convened a work group to provide options and partnership potentials of an East County Justice Center.
- c. On February 17, 2005, by Resolution 05-031 the Board approved a Preliminary Planning Proposal for an East County Justice Facility and directed the Facilities and Property Management Division (Facilities) to prepare a Project Proposal for Board review.
- d. On May 12, 2005 by Resolution 05-076 the Board approved the Project Proposal for an East County Justice Facility and directed Facilities to prepare a Project Plan for Board review.
- e. On March 30, 2006, by Resolution 06-038, the Board directed Facilities to prepare a Project Plan and recommendation for site acquisition in East County.
- f. On February 1, 2007, by Resolution 07-024, the Board approved a concept for an East County Justice Facility that included space for courtrooms and Sheriff's operations and directed Facilities to proceed with a final project plan.
- g. On February 22, 2007, by Resolution 07-038, the Board approved the East County Justice Facility Project Plan creating a capital project in accordance with Resolution 07-024 and FAC-1 procedures and directed facilities to proceed with implementation of the plan.
- h. On January 31, 2008, by Resolution 08-008, the Board authorized Facilities to proceed with soliciting proposals to construct the East County Justice Center Project.
- i. The solicitation process revealed that it is not feasible to construct the East County Justice Facility using the cost estimates developed for the previously approved Project Plan.
- j. Facilities developed a new project plan for an East County Courts and District Attorney Facility that includes space for courtrooms and the District Attorney at the site previously acquired for the East County Justice Center Facility. A copy of the project plan is attached.

- k. It is in the best interests of the County to proceed with establishment of a Project Oversight Committee to monitor the project, to proceed with the implementation of the attached Facilities Project Plan for the East County Courts and DA Facility, spend up to \$800,000 to prepare the Schematic Design for the project, and provide the Board with periodic updates.

The Multnomah County Board of Commissioners Resolves:

1. The attached East County Courts Development Update, FAC-1 Amendment revised September 30, 2009 Facility Project Plan (Project Plan) is approved.
2. The Facilities and Property Management Division is directed to implement the Schematic Design Phase of the Project Plan up to \$800,000.
3. Upon completion of schematic design the project will be brought back to the Board of County Commissioners for approval to proceed through final design.
4. A Project Oversight Committee is established in accordance with provisions of the Project Plan.

ADOPTED this 1st day of October, 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John S. Thomas, Deputy County Attorney

SUBMITTED BY:

Ted Wheeler, Multnomah County Chair

EAST COUNTY COURTS DEVELOPMENT UPDATE

**FAC-1 AMENDMENT
SUBMISSION to the MULTNOMAH COUNTY
BOARD of COMMISSIONERS
OCTOBER 1, 2009**

Prepared jointly by Multnomah County Department of
Facilities & Property Management and
Shiels Obletz Johnsen, Inc.



EAST COUNTY COURTS

FAC – 1 AMENDMENT

Submission to Multnomah County Board of Commissioner - October 1, 2009

SUMMARY OF RECENT PROJECT HISTORY

In February 2007, Multnomah County F&PM presented the FAC-1 Project Plan for the East County Justice Center Project (ECJC). The Project Plan established a building program consisting of 3 to 4 Courts, District Attorney, Multnomah County Sheriff's Office and City of Gresham Police. The plan was approved, and the architectural team of HDR and Emmons Architects was selected and contracted to undertake programming and conceptual cost estimating. Hoffman Construction was selected as the Construction Manager / General Contractor and engaged in pre-design assistance and cost estimating.

At the time of approval of the original Project Plan approved February 22, 2007, the ECJC had an anticipated cost of \$14,645,100 for hard construction, soft costs and Fixtures, Furnishings & Equipment (FF&E). Land costs were not included in this figure. When programming was complete, the project cost jointly estimated by the Contractor and the Cost Consultants was found to be substantially higher than the approved \$14,645,100 budget figure. In August 2008, the County solicited proposals to engage an independent project management consultant for the project with experience in multi-disciplined, multi-jurisdictional and cost control management.

In September 2008, Shiels Oblatz Johnsen, Inc. was retained by the County to provide specialized project management services. As Multnomah County's Representative for the project, some of these responsibilities include:

- Developing a project action plan
- Seeking, obtaining and implementing County decisions
- Leading the architect, contractor and others in executing the project plan
- Negotiating and managing contracts for consultants on the County's behalf
- Managing a single-source channel for communications
- Overseeing team performance
- Managing the budget

SOJ worked with the County, HDR and Emmons Architects to continue pre-design of the East County Justice Center Project. This work first focused on analysis of development options for the site at 185th & Stark, related entitlement procedures and consideration of other sites.

In late 2008, several events began to transpire that generated material shifts in the scope of the project. The Multnomah County Sheriff's Office began to consider remaining in

the existing Hansen Building. The City of Gresham was concerned about the costs associated with re-location to the new ECJC, specifically without the presence of the Multnomah County Sheriff's Office. With potential movement toward a downsized program, an alternative building site was identified and a site analysis was initiated for property at N.E. 8th Avenue in downtown Gresham owned by the County.

While discussions between Multnomah County and the City of Gresham continued on the Rockwood purchase, the project remained dormant through the first half of 2009. In mid-2009, based on the economic climate, the City of Gresham notified it was not moving forward with the purchase of the Rockwood property. This effectively eliminated a practical option to further consider the 8th Avenue site.

The County then requested SOJ, Inc. to re-address the status of the project and to begin looking at options to develop a project of reduced scope at the original Rockwood site.

As the re-consideration of a reduced scope facility on the Rockwood site evolved, it was evident that many of the more significant challenges of the site were diminished. Parking needs and compliance with the Floor to Area Ratio (FAR) requirements were more manageable. The elimination of the Law Enforcement components of the program reduced or eliminated the more complex construction issues such as holding cells, sally port and law enforcement parking. The reduced program resulting in more flexibility in locating the building on the site, so a more prominent and appropriate position at Stark Street could be considered.

PURPOSE OF THIS FAC-1 AMENDMENT REQUEST

The Project Plan approved February 2007 evolved from a building program consisting of 3 to 4 Courts, District Attorney, Multnomah County Sheriff's Office and City of Gresham Police to a reduced program consisting of three (3) courts and District Attorney offices. In terms of basic programming, this changes the project from an original 70,000 square foot facility to approximately 40,000 square feet.

This change relates directly to the FAC-1 Policy, which clarifies in Section IV – D – b of the Policy that should a project be revised in excess of 20% +/- in scope or square footage, it is deemed a "Significant Change" and requires approval of an amendment to the FAC-1.

The information provided in this FAC – 1 Amendment is intended to satisfactorily illustrate only the revisions from the original FAC-1 approval dated Feb. 22, 2007. That document is available separately for reference.

The following is an **excerpt** of the FAC-1 Policy requirements that pertains to the "Project Plan". Of the elements of the Project Plan below, only the elements shown in bold lettering are materially changed for this FAC – 1 Amendment.

C. PROJECT PLAN

1. Project Charter (previously approved, no changes required)
2. **Development Plan** (changes included herein)
 - Define Project Scope**
 - Outline of Project Team**
 - Comprehensive Schedule**
 - Estimates**
3. Siting Plan (previously approved, no changes required)
4. **Operational Funding** (changes included herein)
5. **Capital Funding** (changes included herein)

FAC – 1 AMENDMENT: PART C – 2: DEVELOPMENT PLAN

DEFINE PROJECT SCOPE

The Feb. 22, 2007 Project Scope was:

Building Program (in square feet):	
Courtrooms, Court Support, District Attorney	36,000
Multnomah Co. Sheriff	20,000
Gresham Police	12,000
County Information Technology	<u>2,000</u>
TOTAL	70,000

The October 1, 2009 Project Scope is:

Building Program (in square feet):	
Courtrooms	15,000
Court Support	6,000
District Attorney	5,200
Building Support Common Area	3,800
Building Efficiency Factor	7,500
Multnomah Co. Sheriff	0
Gresham Police	0
County Information Technology	<u>0</u>
TOTAL	37,500

OUTLINE OF PROJECT TEAM

The Feb. 22, 2007 Project Team was:

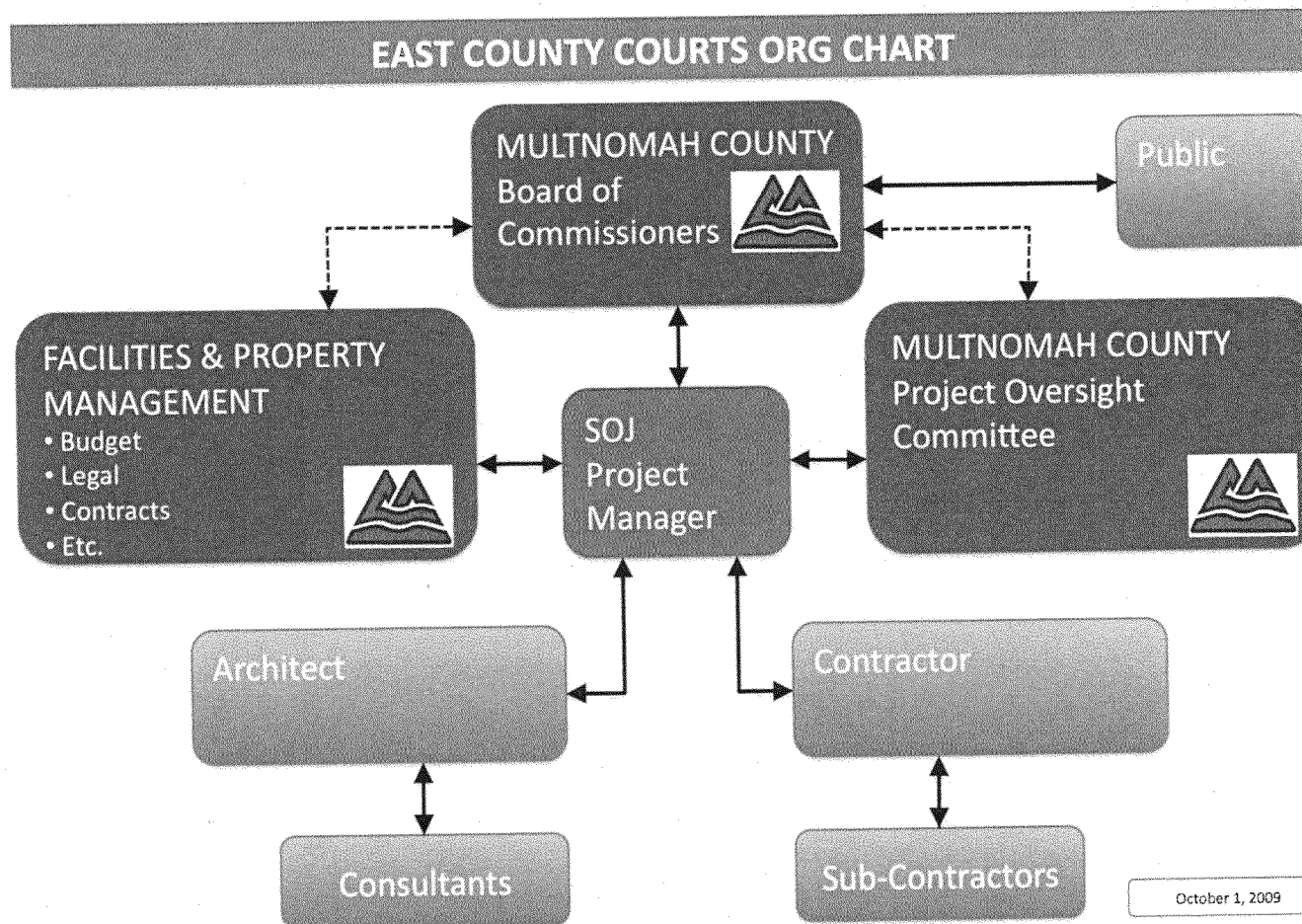
- Multnomah County Board of Commissioners
- Facilities & Property Management
- Architect to be determined (HDR Architecture, Emmons Architects later selected)
- Construction Contractor to be selected (Hoffman Construction later selected)

The October 1, 2009 Project Team is:

- Multnomah County Board of Commissioners
- Facilities & Property Management
 - Budget Office
 - County Counsel
 - Contracting
 - Risk Management
 - Public Affairs Office
- Project Oversight Committee
- Shiels Oblatz Johnsen, Inc.
- Architect to be determined
- Pre-Construction Consultant (Contractor) to be determined
- Construction Contractor to be determined

The Project Oversight Committee consists of representatives from the Commissioners' offices, District Attorney, Multnomah County Circuit Court and Facilities. They will meet periodically to monitor the project as well as receive minutes from the Project Team meetings.

Project Management is to be provided primarily by Shiels Oblatz Johnsen, Inc., with direct communication and interface with County Facilities & Property Management. SOJ will be the primary contact for all other major team members, and will report directly to Chair Wheeler, the Board of Commissioners and Project Oversight Committee as necessary. SOJ will coordinate with Facilities & Property Management, Risk Management, Contracting, Budget and County Counsel Departments to ensure integration of all County standards and administrative procedures into the Project. An organizational and communications chart follows:



COMPREHENSIVE SCHEDULE*

A preliminary list of major milestones and approximate dates follows. Key Multnomah County decision and approval points are in **Bold**:

DATE	MILESTONE	COUNTY REVIEW	BOARD APPROVAL
October 1, 2009	Request Approval of Revised FAC 1 Project Plan		Yes
October – December 2009	Procurement of Architecture Team		
October '09-January 2010	Procurement of the Pre-Construction Contractor		
January -February 2010	Facility Programming		
February 2010	Multnomah County Review Programming Phase	Yes	

January-March 2010	Schematic Design		
April 2010	Schematic Design Cost Estimate		
April 2010	Review and Approval of Schematic Design		Yes
April – July 2010	Design Development		
July – August 2010	Design Development Cost Estimates		

August 2010	Review and Approval of Design Development Phase	Yes	
August – November 2010	Construction Documents		
November 2010	Construction Documents Cost Estimate		
November 2010	Approval of Construction Documents	Yes	
December 2010	Request Board Approval for Construction of East County Courts		Yes

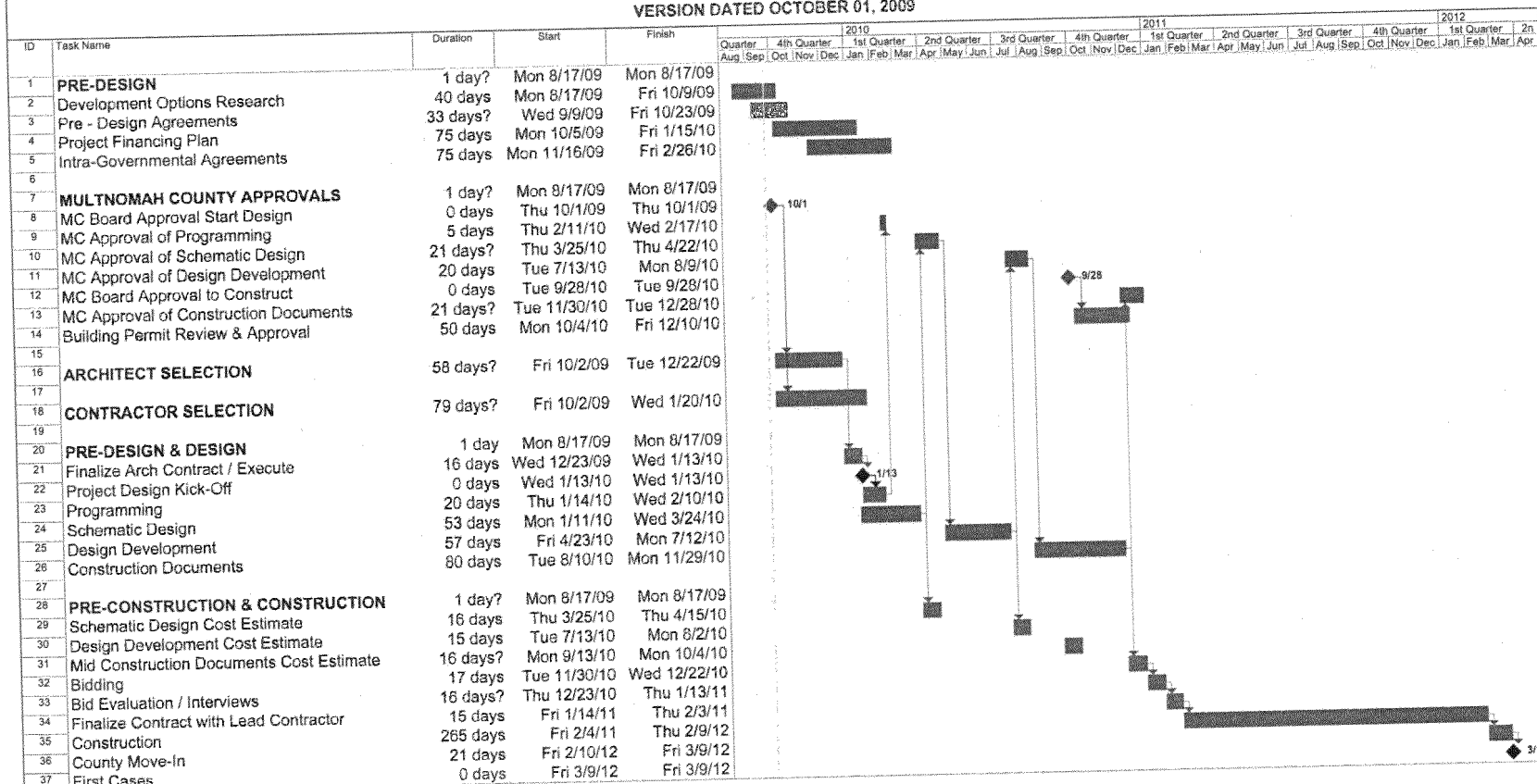
December 2010- January 2011	Final Cost Estimate, Bidding, Contractor Negotiations		
February 2011- February 2012	Construction		
March 2012	Move In		

A Conceptual Overall Project (Bar-Chart) Schedule follows:

*Schedule information is conceptual, and based on similar project types.

MULTNOMAH COUNTY, OREGON

EAST COUNTY COURTS PROJECT CONCEPTUAL OVERALL PROJECT SCHEDULE VERSION DATED OCTOBER 01, 2009

Shiels Oblatz Johnson
Development & Project ManagementProject: ECC OVERALL PROJECT S
Date: Thu 9/24/09Task
SplitProgress
MilestoneSummary
Project SummaryExternal Tasks
External Milestone

Deadline

Page 1

COST ESTIMATES

MULTNOMAH COUNTY - EAST COUNTY COURTS			
CONCEPTUAL DEVELOPMENT COST ESTIMATE			
Project Component		3 Courtrooms, including 1 for Flexible Community Use	
	Cost/SF *	Area	Cost
Courtrooms	\$318	15,000	\$ 4,770,000
Phase 2 Courtroom Shell	\$186	0	0
Flexible Community Space	\$249	0	0
Court Support Space	\$265	6,000	1,590,000
District Attorney	\$255	5,200	1,326,000
Building Support/Common Area	\$286	3,800	1,086,800
Building Efficiency Factor	\$212	7,500	1,590,000
Subtotal Building Costs		37,500	\$ 10,362,800
Site Development			2,000,000
FF&E Allowance			900,000
Soft Costs	25%		3,315,700
Contingencies	25%		4,144,625
TOTAL PROJECT COST			\$ 20,723,125

Source: Architectural Cost Consultants, Sept. 15, 2009

* Adjusted to June 2011 dollars

CONCEPTUAL OCCUPANCY COST ESTIMATE (YEAR 1)		
Occupancy Costs		3 Courtrooms, including 1 for Flexible Community Use
	Factor	
TOTAL PROJECT COST		\$ 20,723,125
(-) ECC Reserve Fund		(4,800,000)
BOND AMOUNT		\$ 15,923,125
Interest Rate	5.50%	
Term	20	
ANNUAL DEBT SERVICE		\$ 1,332,436
(+) Operating & Maintenance Expenses	\$ 8.00	285,000
(+) Asset Preservation Fee	\$ 2.75	98,111
TOTAL ANNUAL OCCUPANCY COST		\$ 1,715,548
(-) Taco Bell Lease Income		(83,000)
(-) Existing Courthouse Lease & Expenses		(70,000)
(-) D.A. Lease Pmts. (from 8th & Kelly)		(30,500)
NET ANNUAL OCCUPANCY COST		\$ 1,532,048
NET OCCUPANCY COST/SF/NLA		\$ 43.00

OPERATIONAL FUNDING

The operational funding of Multnomah County Circuit Court personnel is budgeted through the State of Oregon's judicial system. Additional staffing by the Multnomah County Sheriff's office and District Attorney will be managed through the annual budgeting process.

CAPITAL FUNDING



Department of County Management
MULTNOMAH COUNTY OREGON

Finance & Risk Management Division
501 SE Hawthorne, Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-3292 fax

TO: Peggidy Yates, Economic Development Advisor
FROM: Mark Campbell, Sr. Revenue & Financial Analyst
DATE: September 18, 2009
SUBJECT: Preliminary Debt Capacity Calculation

This memo offers an overview of the County's outstanding debt obligations that are anticipated as of July 1, 2010. It also provides an analysis of the County's estimated debt capacity based on the Financial Policies adopted with the FY 2010 budget.

FULL FAITH AND CREDIT BONDS AND DEBT OBLIGATIONS – SUMMARY

The FY 2010 Approved Budget includes bond proceeds from the sale of Full Faith & Credit Obligations. All projects to be supported by these funds are new projects reflected in program offers purchased by the County Chair.

Debt payments for existing obligations are budgeted according to established schedules. It is worth noting that the FY 2009 budget used approximately \$24 million of one-time-only (OTO) General Fund revenue to "buydown" current and future debt payments. It supports **\$4.1 million of annual debt payments** that would otherwise need to be charged to departments.

There are two statutory limits on County borrowing as well as the internal County policy on outstanding debt limits. The more restrictive, the County's internal policy, would **provide for additional long term borrowing of up to approximately \$110 million in FY 2011**. Planned borrowing in the FY 2010 budget could use up to \$24.6 million of that estimated capacity.

The FY 2010 budget authorized up to \$24.6 million in short-term (7 years) borrowing for the following projects:

- \$12 million for Capital Improvement Program projects related to deferred maintenance and energy efficiency improvements;
- \$6 million for Information Technology infrastructure upgrades;
- \$5 million for implementation of a new Assessment & Taxation system; and
- \$1.6 million for the second phase of a Library materials movement system.

At this time, bonds have not been issued for these projects. The Board will hold a worksession in October to discuss which projects should be financed and determine the overall size of the debt offering.

OUTSTANDING DEBT AND DEBT CAPACITY

There are two statutory limits on County borrowing and a County policy on outstanding debt limits. The most restrictive, the County policy, would allow for estimated additional borrowing of approximately \$110 million in FY 2011. If all the debt authorized in the FY 2010 budget is issued there would be approximately \$85 million available under this policy.

ORS 287.054 provides a debt limit on voter approved general obligation bonds of 2% of the real market value of all taxable property within the County's boundaries. The following table represents the estimated debt capacity at June 30, 2010.

Real Market Value 2008 - 2009	\$107,381,958,130
Debt limit at 2%	2,147,639,163
Est. Outstanding Debt (6/30/2010)	(49,710,000)
Legal Debt Margin	\$2,097,929,163

ORS 287.053 provides a debt limit on full faith and credit bonds of 1% of the real market value of all taxable property within the County's boundaries. The following table represents the estimated debt capacity at June 30, 2010.

Real Market Value 2008 - 2009	\$107,381,958,130
Debt limit at 1%	1,073,819,581
Est. Outstanding Debt (6/30/2010)	(210,238,000)
Legal Debt Margin	\$863,589,581

In addition to statutory debt limits, the County's internal *Financial Policies*, adopted by the Board, further limit our debt on non-voter approved debt to annual payments that will not exceed 5% of General Fund budgeted revenues. As of June 30, 2010, the County will have an estimated \$56,504,000 in outstanding debt subject to the limit established by policy. The County could authorize up to a total of approximately \$167 million of General Fund supported debt - assuming a 20 year payback at 5.25% annual interest - which would allow us to issue additional debt of approximately \$110 million after considering existing outstanding debt.

The real issue when considering the issuance of debt has to do with ability to pay. The General Fund is heavily reliant on two revenue sources – Property Tax and Business Income Tax. One source, Property Tax, is limited by state constitution. The other is highly volatile and tends to follow changes in the economy. Given the mix of revenues in the General Fund the issuance of additional debt should be viewed in terms of how it may limit the ability of the County to support ongoing programs and operations.

It should be noted that the estimates prepared for this analysis use FY 2009 assessed values and FY 2010 budgeted General Fund revenues. That data, along with information related to the debt issue authorized in the FY 2010 budget, will be updated over the next few months and will be incorporated into a revised memo which will be presented to the Board next spring.

The following table highlights the County's estimated outstanding debt and debt limit, per the Financial & Budget Policies, as of June 30, 2010 (\$'s are in \$1,000s).

Description	Moody's Rating	Dated	Maturity Date	Amount Issued	Principal Outstanding	2010-11 Prin & Int Payment
General Obligation Bonds	Aa1	2/1/1999	10/1/2016	\$ 66,115	\$ 49,710	\$ 9,253
Revenue Bonds						
Port City (Revenue Bond/2000A)	Aaa	11/1/2000	11/1/2015	\$ 2,000	\$ 1,030	\$ 198
Oregon Food Bank (Revenue Bond/2000B)	Aaa	11/1/2000	11/1/2015	3,500	1,815	350
				\$ 5,500	\$ 2,845	\$ 548
Pension Obligation Revenue Bonds	Aa2	12/1/1999	6/1/2030	\$ 184,548	\$ 151,373	\$ 15,202
Full Faith and Credit Obligations						
Series 2003 Full Faith & Credit	Aa2	7/1/2000	7/1/2013	\$ 9,615	\$ 4,175	\$ 1,103
Series 2004 Full Faith & Credit	Aa2	10/1/2004	8/1/2019	54,235	53,670	7,878
				\$ 63,850	\$ 57,845	\$ 8,981
Capital Leases						
Sellwood Lofts Capital Lease	N/A	1/1/2002	1/1/2032	\$ 1,093	\$ 1,020	\$ 118
Total FFFCO and Capital Leases					\$ 58,865	\$ 9,099
Less Non General Fund Supported Debt						
Road Fund (Series 2000A/Series 2004 FFCO)					(1,341)	(288)
Library Fund (Sellwood Lofts)					(1,020)	(118)
Total General Fund Obligations					\$ 56,504	\$ 8,693
(Less) Annual Payment From Prior Year's Debt Buydown						(5,170)
Net General Fund Obligation						\$ 3,523
REMAINING BORROWING CAPACITY						
Debt Capacity (Supported by General Government Fund Types Only)						
2009-2010 General Fund Revenues (Excluding ITAX and BWC)					\$	356,000
Policy Limitation (5% of GF Revenues)					x	5.00%
5% Policy Limit Dollar Amount					\$	17,800
Lease/Debt Capacity Used (Total General Fund Obligations)						(8,693)
Annual Payment Available					\$	9,107
Estimated Principal Value Available					\$	110,000

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-122

Vacation of a Portion of a Public Easement Acquired for the Widening of Right of Way;
the Construction and Operation of a Westside Broadway Bridge Approach

The Multnomah County Board of Commissioners Finds:

- a. In 1927 Multnomah County acquired an easement in Northwest Portland from the owner of abutting real property identified as Block U of Couch's Addition. The purpose of the easement was for the widening of the existing public right of way for NW Broadway, and for the construction, operation and maintenance of the Broadway Bridge Approach at the intersection of NW Broadway with NW Hoyt. The easement was recorded on July 28, 1927 at Book 1112 and Page 336 in the County's Deed Records. A copy of the 1927 easement is attached identified as Exhibit A.
- b. The 1927 easement granted and conveyed to the County a bifurcated interest in Block U. The first aspect of this easement interest was a 200 foot long, 12.5 foot deep section of Block U on its western edge but with a wider triangle portion at the southern end, which County staff identifies as the "flag pole" interest. This flagpole section of the easement directly abuts Broadway Street. The second aspect of the easement interest provided the right to access the remainder of Block U (that portion of Block U not identified as part of the flagpole) for the purpose of extending, constructing and maintaining footings or foundations associated with the Bridge. This second aspect essentially encumbered the remainder of Block U and County staff has identified this easement as the "blanket easement".
- c. The County constructed the Westside Broadway Bridge Approach Structure (Approach Structure) in the 1920's and it fully occupies the whole of the flagpole but for the triangle section alluded to above. Further the records of the construction show the Approach Structure's subsurface foundational supports extend into the blanket easement in varying lengths of approximately 3-5 feet. The County has used over the years since 1927 the triangle portion of the easement and has used the blanket easement area to observe and conduct maintenance of the Approach Structure.
- d. Currently, the Portland Development Commission (PDC) and the Housing Authority of Portland (HAP), propose to develop Block U as a Resource Access Center (RAC) for the homeless to provide quick access to available services and transitional housing. PDC and HAP would like to begin construction of the RAC as soon as possible. Pursuant to ORS Chapter 368, PDC has submitted a petition to the County to vacate portions of the easement as discussed above, which encumber Block U.

- e. It is our understanding that the construction of the RAC cannot begin until the triangle portion of the flagpole and the blanket easement are vacated.
- f. The Multnomah County Bridge Section of the Department of Community Services (Bridge Section) has reviewed the plans and specifications for the construction of the RAC. The RAC project will include improvements to the Approach Structure, including sidewalk widening and the construction of a new western wall of the RAC building foundation which will provide for support of the new sidewalk; and for all intents and purpose will serve as the eastern wall of the Approach Structure. Because the new wall serves in dual capacity it being identified as the "shared wall".
- g. Multnomah County Bridge Section and Transportation Division staff members have participated in the planning, design and review of the RAC facility with respect to the proposed alteration to the Approach Structure; i.e. the shared wall as noted above at the eastern edge of the flagpole easement. The County's Department of Community Services supports the project; provided certain accommodations are met as further discussed herein.
- h. The Transportation Division recommends that the County approve the vacation of the right-of-way interests as more particularly described in Exhibit B to this resolution, reserving to the County certain rights as more particularly described in the terms and conditions provided in Exhibit B at Page 2.
- i. As allowed under ORS 368.351, the above referenced petition contains the acknowledged signatures of 100% of any private property proposed to be vacated and acknowledged signatures of the owners of 100% of property abutting any public property proposed to be vacated, and, indicates the owners' approval of the proposed vacation.
- j. In addition, the appropriate County Road Official has filed a written report pursuant to ORS 368.351(1) that contains an assessment that the proposed vacation of public property is in the public interest. (See Agenda Placement Request.) Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
- k. As required under MCC 27.054, the County has received a total of \$200.00, for a Feasibility Study, from the petitioner. The total administrative cost for this vacation, which includes research, review, analysis and document preparation, is \$30,000.00. The balance owed by the petitioner at the date of this hearing is \$29,800.00.
- l. Under ORS 368.361(3) this proposed vacation to be effective is subject to the requirement that the City of Portland by resolution or order concur in the findings of the County Board in the proceedings herein.

The Multnomah County Board of Commissioners Resolves:

1. To support the proposed Resource Access Center to deliver services for the chronically homeless and to provide quick access to available services and transitional housing.
2. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portion of the public easement as more particularly described in the attached Exhibit B at Page 1, is vacated, excepting the easement rights that any existing utility may have in the vacated property under ORS Chapter 368.
3. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portion of the public easement interest as more particularly described in the attached Exhibit B at Page 2, is vacated; subject to the terms and conditions provided therein.
4. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$30,000.00 and PDC is directed to pay the remaining amount of \$29,800.00 to the County.
5. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.
6. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 368.356(2)(d) and ORS 271.230; and title in the underlying property shall vest as provided under ORS 368.366.

ADOPTED this 1st day of October, 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:

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

EXHIBIT A

Done in the presence of:

L L Scott

T M Hurlburt

(Seal)

J A MacLeod

Sheriff of Multnomah County, Oregon

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this, the 27th day of July, 1927 before me, a Notary Public, within and for said County, personally came the within named T M Hurlburt, Sheriff of the said County of Multnomah, State of Oregon, known to me to be the identical party described in and who, as such sheriff, executed the within instrument and acknowledged to me that he executed the same

IN WITNESS WHEREOF I have hereunto set my hand and notarial seal the day and year in this certificate first above written

(NOTARIAL SEAL)

Charles Richton

My commission expires December 25th, 1928

Notary Public for Oregon

Rec for record Jul 28, 1927 at 9:47 A M

---200-----

a B #36408

PORTLAND TERMINAL INVESTMENT CO ET AL WITH COUNTY OF MULTNOMAH

THIS AGREEMENT Made and entered into this 19th day of July, 1927 by and between Portland Terminal Investment Company, a corporation of the State of Oregon, with its principal office at the City of Portland, therein, hereinafter called the "Company" and the County of Multnomah, State of Oregon, acting by and through its Board of County Commissioners, herein after called the "County"

WITNESSETH:

WHEREAS, public necessity required that the West approach to the bridge across the Willamette River in the City of Portland, known as the "Broadway Bridge" be widened and extended between the North line of Hoyt Street and the South line of Johnson Street in Couch's Addition to said City and in order to widen and extend said approach and maintain the same when so widened, it will be necessary for the County to use and occupy additional land on either side of Broadway (formerly Seventh) Street, between Hoyt Street and Johnson Street; and

WHEREAS, the Company is the owner of Lots Two (2) Three (3) Six (6) and Seven (7) of Block "U" of said Couch's Addition of which Lots Two (2) and Three (3) are improved with a one story brick building, at present used as a garage, on the East Side of Broadway Street and North of Hoyt Street, and is willing to grant an easement to the County for the purpose of extending said bridge approach, over and upon a portion of said Lots upon the terms and conditions hereinafter set forth;

NOW WHEREFORE, Portland Terminal Investment Company, in consideration of the premises and the sum of THIRTY-THREE THOUSAND EIGH HUNDRED FIFTY and No/100 (\$33,850.00) DOLLARS to it paid by the County, the receipt of which is hereby acknowledged, does hereby grant, and convey unto the County of Multnomah, State of Oregon, a perpetual easement for the purpose of widening, extending, constructing and perpetually maintaining and operating, the West approach to said Broadway Bridge, upon and over the following described real estate,

1137
situated in the City of Portland County of Multnomah, State of Oregon:

A piece or parcel of land containing three thousand one hundred sixty six and one tenth (3166.1) square feet and being all that part of Block "U" Couch's Addition to the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Beginning at a point which is the southwest corner of said Block "U" thence north along the west line of said Block "U" which line is also parallel to and thirty one (31) feet east of the center line of Broadway Bridge Approach a distance of two hundred (200) feet to the northwest corner of said Block "U"; thence east along the north line of said Block "U" a distance of twelve and five tenths (12.5) feet; thence south, parallel to and twelve and five tenths (12.5) feet east of said west line of Block "U" a distance of one hundred sixty three and five tenths (163.5) feet to a point thirty six and five tenths (36.5) feet north of the south line of said Block "U"; thence southeasterly in a straight line a distance of fifty one and sixty two hundredths (51.62) feet to a point in the south line of said Block "U" forty nine (49) feet east of the west line of said Block "U" thence west on said south line of Block "U" a distance of forty nine (49) feet to the point of beginning

Description approved

Gustav Luidinthal Const Eng

By Hans H Kade Res July 27, 1927

Description approved

A B Means Date 7/7/27

Together with the right and privilege to extend the underground concrete footings or foundations of any pier or structure of said bridge approach beyond the limits of the lands heretofore described; and over and upon the adjoining lands of the Company and to perpetually maintain the same when so extended

TO HAVE AND TO HOLD the said easement unto the County of Multnomah State of Oregon, and to its successors and assigns forever so long as the same shall be used for bridge, highway or street purposes, and when no longer used for said purposes the easement hereby granted shall cease and determine and the lands covered thereby shall revert to and become the property of the Grantor herein, its successors and assigns, as of its former estate

Nevertheless the said easement is hereby granted expressly subject to the following terms and conditions;

(a) The County shall assume and pay all taxes and assessments hereinafter levied by any authority, either Municipal County or State, on the lands heretofore described and included in said easement

(b) The Company has heretofore agreed and covenanted to and with the City of Portland to dedicate for street purposes and for the widening of Hoyt Street, the South Ten (10) feet of said Lot Two (2) and other lands, and this easement is granted and accepted subject to such future dedication by the Company to the City of Portland at the time agreed upon

(c) It is understood and agreed by and between the parties hereto that in the widening and reconstruction of the West approach to said Broadway Bridge, the flare on either side of the extreme South end of said approach shall correspond in elevation to the grade of Hoyt Street as established by the City of Portland on either side of Broadway Street

(d) The Company will at its own cost and expense, and within a reasonable

time after due notice from the County that it desires to undertake the work of widening said bridge approach clear the ground covered by this easement and remodel the one story brick building on said Lots Two (2) and Three (3) so as to permit the use and occupancy of this easement by the County, its agents, engineers and employees

UNION DEPOT GARAGE COMPANY, a corporation of the state of Oregon, and occupying lands included in the above easement as the Lessee of the Company, hereby joins in the execution of this agreement in order to show its consent thereto and terms and conditions thereof

All of the terms and conditions of this agreement shall inure to and be binding upon the representative successors and assigns of the parties hereto

IN WITNESS WHEREOF the parties have caused these presents to be signed and executed each on its behalf by its proper officers thereunto duly authorized this 18th day of July, 1927

ATTEST

F J Betz Secretary
(CORPORATE SEAL)

PORTLAND TERMINAL INVESTMENT COMPANY
By Geo W McMath President

ATTEST:

Lillie B McGirr Secretary
(CORPORATE SEAL)

UNION DEPOT GARAGE COMPANY
By G H McGirr President

Approved as to form

Stanley Myers

District Attorney

MULTNOMAH COUNTY

STATE OF OREGON

ATTEST

Jon W Beveridge County Clerk
(SEAL OF COUNTY COMMISSIONERS OF
MULTNOMAH COUNTY, OREGON)

By Amos M Smith County Commissioner

By Clay S Morse County Commissioner

By Grant Phagley County Commissioner

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this 18th day of July 1927 before me appeared Geo W McMath, to me personally known, who being duly sworn, did say that he is the President of Portland Terminal Investment Company, the corporation that executed the within and foregoing instrument and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of a resolution of its Board of Directors; and said Geo W McMath, acknowledged said instrument to be the free act and deed of said corporation

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal this the day and year in this, my certificate written

(NOTARIAL SEAL)

My commission expires August 17th, 1928

T B Collins

Notary Public for Oregon

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this 19 day of July 1927 before me appeared A M Smith, G Phogley and C S Morse, to me personally known, who being duly sworn, did say that they are the duly elected and qualified County Commissioners of Multnomah County, Oregon, the party that executed the within and foregoing instrument, that the seal affixed to said instrument is the official seal of said County and that they signed and sealed the said instrument in behalf of said County of Multnomah, and said A M Smith, G Phogley and C S Morse acknowledged said instrument to be the free act and deed of said County

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal this the day and year in this my certificate written

(NOTARIAL SEAL)

Bertha A Gaul

My commission expires May 4- 1928

Notary Public for Oregon

Rec for record Jul 26, 1927 at 11:20 A M

---eCc---

EXHIBIT B

LEGAL DESCRIPTION
FOR THE VACATION OF A PORTION OF
A MULTNOMAH COUNTY BRIDGE EASEMENT

MAY 4, 2009

A portion of Block U, Couch's Addition to Portland, as described in the document recorded July 28, 1927 in Book 1112, Page 336, Multnomah County Records, located in the Northwest quarter of Section 34, Township 1 North, Range 1 East, Willamette Meridian, City of Portland, Oregon, more particularly described as follows:

Commencing at the southwest corner of said Block U; thence South $89^{\circ}55'56''$ East 12.50 feet along the south line of said Block U to the point of beginning of this description; thence North $00^{\circ}03'23''$ East 36.50 feet parallel with and 12.50 feet east of the west line of said Block U; thence South $44^{\circ}56'10''$ East 51.62 feet to the south line of said Block U; thence North $89^{\circ}55'56''$ West 36.50 feet along the south line of said Block U to the point of beginning.

Containing 666 square feet, more or less.

The basis of bearings for this description is the northeast line of NW Sixth Avenue as shown on Survey Number 59421, Multnomah County Survey Records and being North $38^{\circ}28'41''$ West.

End of Description.



EXHIBIT B

A. Vacation: In addition to the property described at Exhibit B, Page 1; and subject to the County's rights as more particularly described in the Terms and Conditions provided herein at Section B, that certain interest in Block U as set forth at Page 337 of the July 1927 Easement (See Exhibit A) and, being more particularly described as follows:

Together with the right and privilege to extend the underground concrete footings and foundations of any pier or structure of said bridge approach beyond the limits of the lands hereinabove described, and ever and upon the adjoining lands of the Company and to perpetually maintain the same when as extended

Is vacated.

B. Terms and Conditions:

1. **Emergency Access.** County retains the right to enter Block U of Couch Addition in the event of emergency to address conditions of the "shared wall", which is that certain load bearing and retaining wall directly abutting the western edge of Block U, as discussed in this Resolution, provided that the County shall only act under this Emergency Access authority if the Property Owner or the Occupant of Block U is, in the reasonable determination of the County Engineer, not acting in a timely and responsible manner to address the conditions of the shared wall in the emergency. For purposes of this Resolution an "emergency" shall mean: any natural disaster including but not limited to flood, fire, earthquake or similar calamity; but shall also mean if the property owner or occupant of Block U abandons the property or if the shared wall is subject to later discovered defects that in the opinion of the County Engineer warrant immediate entry to preserve the Bridge Approach Structure. In the event the County needs to exercise emergency access as provided herein the County reserves the right to enter Block U and to perform any work necessary to preserve the Bridge Approach Structure and to the extent the County incurs costs the property owner of Block U shall be subject to billing by the County for reimbursement of said costs and to the filing and recording of a lien against the property. For the purposes of this emergency access right "the County" shall mean authorized employees, agents and contractors of the County.
2. **Cost of the Shared Wall.** All costs and responsibility for construction, inspection, maintenance, repair and reconstruction of the Shared Wall shall be borne by the property owner of Block U and all work done thereon shall be of good materials and workmanship.
3. **Original Terms and Conditions:** The Original Terms and Conditions found at Pages 337-338 of the July 1927 Easement, (See Exhibit A); are amended as follows: The County is released and completely discharged from all past, present or future tax or assessment obligations under Term and Conditions Section "(a)".
4. **Run with Land.** These Terms and Conditions imposed herein shall run with the land.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-122

Vacation of a Portion of a Public Easement Acquired for the Widening of Right of Way;
the Construction and Operation of a Westside Broadway Bridge Approach

The Multnomah County Board of Commissioners Finds:

- a. In 1927 Multnomah County acquired an easement in Northwest Portland from the owner of abutting real property identified as Block U of Couch's Addition. The purpose of the easement was for the widening of the existing public right of way for NW Broadway, and for the construction, operation and maintenance of the Broadway Bridge Approach at the intersection of NW Broadway with NW Hoyt. The easement was recorded on July 28, 1927 at Book 1112 and Page 336 in the County's Deed Records. A copy of the 1927 easement is attached identified as Exhibit A.
- b. The 1927 easement granted and conveyed to the County a bifurcated interest in Block U. The first aspect of this easement interest was a 200 foot long, 12.5 foot deep section of Block U on its western edge but with a wider triangle portion at the southern end, which County staff identifies as the "flag pole" interest. This flagpole section of the easement directly abuts Broadway Street. The second aspect of the easement interest provided the right to access the remainder of Block U (that portion of Block U not identified as part of the flagpole) for the purpose of extending, constructing and maintaining footings or foundations associated with the Bridge. This second aspect essentially encumbered the remainder of Block U and County staff has identified this easement as the "blanket easement".
- c. The County constructed the Westside Broadway Bridge Approach Structure (Approach Structure) in the 1920's and it fully occupies the whole of the flagpole but for the triangle section alluded to above. Further the records of the construction show the Approach Structure's subsurface foundational supports extend into the blanket easement in varying lengths of approximately 3-5 feet. The County has used over the years since 1927 the triangle portion of the easement and has used the blanket easement area to observe and conduct maintenance of the Approach Structure.
- d. Currently, the Portland Development Commission (PDC) and the Housing Authority of Portland (HAP), propose to develop Block U as a Resource Access Center (RAC) for the homeless to provide quick access to available services and transitional housing. PDC and HAP would like to begin construction of the RAC as soon as possible. Pursuant to ORS Chapter 368, PDC has submitted a petition to the County to vacate portions of the easement as discussed above, which encumber Block U.

- e. It is our understanding that the construction of the RAC cannot begin until the triangle portion of the flagpole and the blanket easement are vacated.
- f. The Multnomah County Bridge Section of the Department of Community Services (Bridge Section) has reviewed the plans and specifications for the construction of the RAC. The RAC project will include improvements to the Approach Structure, including sidewalk widening and the construction of a new western wall of the RAC building foundation which will provide for support of the new sidewalk; and for all intents and purpose will serve as the eastern wall of the Approach Structure. Because the new wall serves in dual capacity it being identified as the "shared wall".
- g. Multnomah County Bridge Section and Transportation Division staff members have participated in the planning, design and review of the RAC facility with respect to the proposed alteration to the Approach Structure; i.e. the shared wall as noted above at the eastern edge of the flagpole easement. The County's Department of Community Services supports the project; provided certain accommodations are met as further discussed herein.
- h. The Transportation Division recommends that the County approve the vacation of the right-of-way interests as more particularly described in Exhibit B to this resolution, reserving to the County certain rights as more particularly described in the terms and conditions provided in Exhibit B at Page 2.
- i. As allowed under ORS 368.351, the above referenced petition contains the acknowledged signatures of 100% of any private property proposed to be vacated and acknowledged signatures of the owners of 100% of property abutting any public property proposed to be vacated, and, indicates the owners' approval of the proposed vacation.
- j. In addition, the appropriate County Road Official has filed a written report pursuant to ORS 368.351(1) that contains an assessment that the proposed vacation of public property is in the public interest. (See Agenda Placement Request.) Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
- k. As required under MCC 27.054, the County has received a total of \$200.00, for a Feasibility Study, from the petitioner. The total administrative cost for this vacation, which includes research, review, analysis and document preparation, is \$30,000.00. The balance owed by the petitioner at the date of this hearing is \$29,800.00.
- l. Under ORS 368.361(3) this proposed vacation to be effective is subject to the requirement that the City of Portland by resolution or order concur in the findings of the County Board in the proceedings herein.

The Multnomah County Board of Commissioners Resolves:

1. To support the proposed Resource Access Center to deliver services for the chronically homeless and to provide quick access to available services and transitional housing.
2. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portion of the public easement as more particularly described in the attached Exhibit B at Page 1, is vacated, excepting the easement rights that any existing utility may have in the vacated property under ORS Chapter 368.
3. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portion of the public easement interest as more particularly described in the attached Exhibit B at Page 2, is vacated; subject to the terms and conditions provided therein.
4. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$30,000.00 and PDC is directed to pay the remaining amount of \$29,800.00 to the County.
5. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.
6. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 368.356(2)(d) and ORS 271.230; and title in the underlying property shall vest as provided under ORS 368.366.

ADOPTED this 1st day of October, 2009.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

Done in the presence of

EXHIBIT A

L L Scott

T M Hurlburt

(Seal)

J A MacLeod

Sheriff of Multnomah County, Oregon

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this, the 27th day of July, 1927 before me, a Notary Public, within and for said County, personally came the within named T M Hurlburt, Sheriff of the said County of Multnomah, State of Oregon, known to me to be the identical party described in and who, as such sheriff, executed the within instrument and acknowledged to me that he executed the same.

IN WITNESS WHEREOF I have hereunto set my hand and notarial seal the day and year in this certificate first above written

(NOTARIAL SEAL)

Charles Riehton

My commission expires December 25th, 1928

Notary Public for Oregon

Rec for record Jul 28, 1927 at 9:47 A M

a B #36408

PORTLAND TERMINAL INVESTMENT CO ET AL WITH COUNTY OF MULTNOMAH

THIS AGREEMENT Made and entered into this 19th day of July, 1927 by and between Portland Terminal Investment Company, a corporation of the State of Oregon, with its principal office at the City of Portland, therein, hereinafter called the "Company" and the County of Multnomah, State of Oregon, acting by and through its Board of County Commissioners, herein after called the "County"

WITNESSETH:

WHEREAS, public necessity required that the West approach to the bridge across the Willamette River in the City of Portland, known as the "Broadway Bridge" be widened and extended between the North line of Hoyt Street and the South line of Johnson Street in Couch's Addition to said City and in order to widen and extend said approach and maintain the same when so widened, it will be necessary for the County to use and occupy additional land on either side of Broadway (formerly (Seventh) Street, between Hoyt Street and Johnson Street; and

WHEREAS, the Company is the owner of Lots Two (2) Three (3) Six (6) and Seven (7) of Block "U" of said Couch's Addition of which Lots Two (2) and Three (3) are improved with a one story brick building, at present used as a garage, on the East Side of Broadway Street and North of Hoyt Street, and is willing to grant an easement to the County for the purpose of extending said bridge approach, over and upon a portion of said Lots upon the terms and conditions hereinafter set forth;

NOW THEREFORE, Portland Terminal Investment Company, in consideration of the premises and the sum of THIRTY-THREE THOUSAND EIGHT HUNDRED FIFTY and No/100 (\$33,850.00) DOLLARS to it paid by the County, the receipt of which is hereby acknowledged, does hereby grant, and convey unto the County of Multnomah, State of Oregon, a perpetual easement for the purpose of widening, extending, constructing and perpetually maintaining and operating, the West approach to said Broadway Bridge, upon and over the following described real estate,

situated in the City of Portland County of Multnomah, State of Oregon:

A piece or parcel of land containing three thousand one hundred sixty six and one tenth (3166.1) square feet and being all that part of Block "U" Couch's Addition to the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Beginning at a point which is the southwest corner of said Block "U" thence north along the west line of said Block "U" which line is also parallel to and thirty one (31) feet east of the center line of Broadway Bridge Approach a distance of two hundred (200) feet to the northwest corner of said Block "U"; thence east along the north line of said Block "U" a distance of twelve and five tenths (12.5) feet; thence south, parallel to and twelve and five tenths (12.5) feet east of said west line of Block "U" a distance of one hundred sixty three and five tenths (163.5) feet to a point thirty six and five tenths (36.5) feet north of the south line of said Block "U"; thence southeasterly in a straight line a distance of fifty one and sixty two hundredths (51.62) feet to a point in the south line of said Block "U" forty nine (49) feet east of the west line of said Block "U" thence west on said south line of Block "U" a distance of forty nine (49) feet to the point of beginning

Description approved

Gustav Luidinthal Const Eng

By Hans H Rode Res July 27, 1927

Description approved

A B Meares Date 7/7/27

Together with the right and privilege to extend the underground concrete footings or foundations of any pier or structure of said bridge approach beyond the limits of the lands heretofore described; and over and upon the adjoining lands of the Company and to perpetually maintain the same when so extended

TO HAVE AND TO HOLD the said easement unto the County of Multnomah State of Oregon, and to its successors and assigns forever so long as the same shall be used for bridge, highway or street purposes, and when no longer used for said purposes the easement hereby granted shall cease and determine and the lands covered thereby shall revert to and become the property of the Grantor herein, its successors and assigns, as of its former estate

Nevertheless the said easement is hereby granted expressly subject to the following terms and conditions;

(a) The County shall assume and pay all taxes and assessments hereinafter levied by any authority, either Municipal County or State, on the lands heretofore described and included in said easement

(b) The Company has heretofore agreed and covenanted to and with the City of Portland to dedicate for street purposes and for the widening of Hoyt Street, the South Ten (10) feet of said Lot Two (2) and other lands, and this easement is granted and accepted subject to such future dedication by the Company to the City of Portland at the time agreed upon

(c) It is understood and agreed by and between the parties hereto that in the widening and reconstruction of the West approach to said Broadway Bridge, the flares on either side of the extreme South end of said approach shall correspond in elevation to the grade of Hoyt Street as established by the City of Portland on either side of Broadway Street

(d) The Company will at its own cost and expense, and within a reasonable

time after due notice from the County that it desires to undertake the work of widening said bridge approach clear the ground covered by this easement and remodel the one story brick building on said Lots Two (2) and Three (3) so as to permit the use and occupancy of this easement by the County, its agents, engineers and employees

UNION DEPOT GARAGE COMPANY, a corporation of the State of Oregon, and occupying lands included in the above easement as the Lessee of the Company, hereby joins in the execution of this agreement in order to show its consent thereto and terms and conditions thereof

All of the terms and conditions of this agreement shall inure to and be binding upon the representative successors and assigns of the parties hereto

IN WITNESS WHEREOF the parties have caused these presents to be signed and executed each on its behalf by its proper officers thereunto duly authorized this 18th day of July, 1927

ATTEST

W J Betz Secretary
(CORPORATE SEAL)

PORTLAND TERMINAL INVESTMENT COMPANY
By Geo W McMath President

ATTEST:

Lillie R McGirr Secretary
(CORPORATE SEAL)

UNION DEPOT GARAGE COMPANY
By G H McGirr President

Approved as to form

Stanley Myers

District Attorney

MULTNOMAH COUNTY

STATE OF OREGON

ATTEST

Joe W Beveridge County Clerk
(SEAL OF COUNTY COMMISSIONERS OF
MULTNOMAH COUNTY, OREGON)

By Ameloe M Smith County Commissioner

By Clay S Morse County Commissioner

By Grant Phagley County Commissioner

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this 18th day of July 1927 before me appeared Geo W McMath, to me personally known, who being duly sworn, did say that he is the President of Portland Terminal Investment Company, the corporation that executed the within and foregoing instrument and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of a resolution of its Board of Directors; and said Geo W McMath, acknowledged said instrument to be the free act and deed of said corporation

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal this the day and year in this, my certificate written

(NOTARIAL SEAL)

My commission expires August 17th, 1928

T B Collins

Notary Public for Oregon

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this 19 day of July 1927 before me appeared A M Smith, G Phogley and C S Morse, to me personally known, who being duly sworn, did say that they are the duly elected and qualified County Commissioners of Multnomah County, Oregon, the party that executed the within and foregoing instrument, that the seal affixed to said instrument is the official seal of said County and that they signed and sealed the said instrument in behalf of said County of Multnomah, and said A M Smith, G Phogley and C S Morse acknowledged said instrument to be the free act and deed of said County

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal this the day and year in this my certificate written

(NOTARIAL SEAL)

Bertha A Gaul

My commission expires May 4- 1929

Notary Public for Oregon

Ret for record Jul 29, 1927 at 11:20 A M

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EXHIBIT B

LEGAL DESCRIPTION
FOR THE VACATION OF A PORTION OF
A MULTNOMAH COUNTY BRIDGE EASEMENT

MAY 4, 2009

A portion of Block U, Couch's Addition to Portland, as described in the document recorded July 28, 1927 in Book 1112, Page 336, Multnomah County Records, located in the Northwest quarter of Section 34, Township 1 North, Range 1 East, Willamette Meridian, City of Portland, Oregon, more particularly described as follows:

Commencing at the southwest corner of said Block U; thence South $89^{\circ}55'56''$ East 12.50 feet along the south line of said Block U to the point of beginning of this description; thence North $00^{\circ}03'23''$ East 36.50 feet parallel with and 12.50 feet east of the west line of said Block U; thence South $44^{\circ}56'10''$ East 51.62 feet to the south line of said Block U; thence North $89^{\circ}55'56''$ West 36.50 feet along the south line of said Block U to the point of beginning.

Containing 666 square feet, more or less.

The basis of bearings for this description is the northeast line of NW Sixth Avenue as shown on Survey Number 59421, Multnomah County Survey Records and being North $38^{\circ}28'41''$ West.

End of Description.



EXHIBIT B

A. Vacation: In addition to the property described at Exhibit B, Page 1; and subject to the County's rights as more particularly described in the Terms and Conditions provided herein at Section B, that certain interest in Block U as set forth at Page 337 of the July 1927 Easement (See Exhibit A) and, being more particularly described as follows:

Together with the right and privilege to extend the underground concrete footings and foundations of any pier or structure of said bridge approach beyond the limits of the lands hereinabove described, and ever and upon the adjoining lands of the Company and to perpetually maintain the same when as extended

is vacated.

B. Terms and Conditions:

1. **Emergency Access.** County retains the right to enter Block U of Couch Addition in the event of emergency to address conditions of the "shared wall", which is that certain load bearing and retaining wall directly abutting the western edge of Block U, as discussed in this Resolution, provided that the County shall only act under this Emergency Access authority if the Property Owner or the Occupant of Block U is, in the reasonable determination of the County Engineer, not acting in a timely and responsible manner to address the conditions of the shared wall in the emergency. For purposes of this Resolution an "emergency" shall mean: any natural disaster including but not limited to flood, fire, earthquake or similar calamity; but shall also mean if the property owner or occupant of Block U abandons the property or if the shared wall is subject to later discovered defects that in the opinion of the County Engineer warrant immediate entry to preserve the Bridge Approach Structure. In the event the County needs to exercise emergency access as provided herein the County reserves the right to enter Block U and to perform any work necessary to preserve the Bridge Approach Structure and to the extent the County incurs costs the property owner of Block U shall be subject to billing by the County for reimbursement of said costs and to the filing and recording of a lien against the property. For the purposes of this emergency access right "the County" shall mean authorized employees, agents and contractors of the County.
2. **Cost of the Shared Wall.** All costs and responsibility for construction, inspection, maintenance, repair and reconstruction of the Shared Wall shall be borne by the property owner of Block U and all work done thereon shall be of good materials and workmanship.
3. **Original Terms and Conditions:** The Original Terms and Conditions found at Pages 337-338 of the July 1927 Easement, (See Exhibit A); are amended as follows: The County is released and completely discharged from all past, present or future tax or assessment obligations under Term and Conditions Section "(a)".
4. **Run with Land.** These Terms and Conditions imposed herein shall run with the land.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 09-119

Proclaiming October 2009 Oregon Archives Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. The records of Multnomah County, the state of Oregon, the Pacific Northwest, and the nation are crucial to our understanding of the past and in planning for our common future;
- b. Archival institutions have a responsibility to provide the public with access to their records, and it is a goal of these institutions to increase public awareness of the vital role they play in safeguarding knowledge of our intellectual, cultural, social, and governmental heritage;
- c. Archival records document activities of citizens, businesses, governments, and organizations. They provide context to our histories and evidence of our common and individual rights and obligations;
- d. During Oregon Archives Month we celebrate the value of Multnomah County's written record, publicizing the many ways archival records enrich our lives and recognizing those who maintain our communities' archival records; now therefore

The Multnomah County Board of Commissioners Proclaims:

October 2009 as Oregon Archives Month in Multnomah County, Oregon, and encourages all citizens to discover the diverse documentary resources maintained by the varied archival institutions in Multnomah County and to explore their relationship to community and cultural memory.

ADOPTED this 1st day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

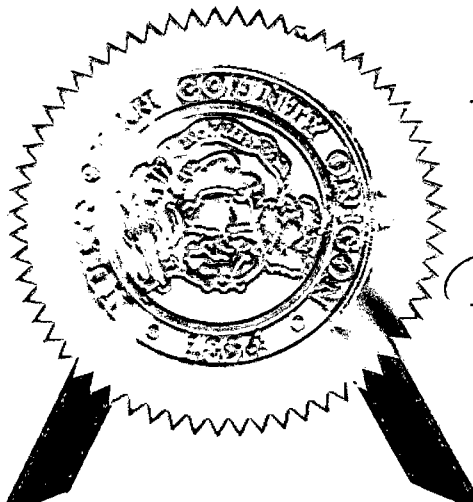

Ted Wheeler, County Chair


Deborah Kafoury,
Commissioner District 1


Judy Shiprack,
Commissioner District 3


Jeff Cogen,
Commissioner District 2


Diane McKeel,
Commissioner District 4



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 09-120

Declaring the Month of October as COMMUNITY PLANNING MONTH in Multnomah County, Oregon and Recognizing the Contributions of All Multnomah County Land Use and Transportation Planning Employees

The Multnomah County Board of Commissioners Finds:

- a. Change is constant and affects all cities, counties, suburbs and rural areas in our region,
- b. Community planning and plans can help manage this change in a way that provides better choices for how people work and live.
- c. Community planning provides an opportunity for all Multnomah County residents to be meaningfully involved in making choices that determine the future of their community.
- d. The full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation.
- e. The month of October is designated as National Community Planning Month throughout the United States of America and its territories.
- f. The celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of our planning commissioners, citizens who have contributed their time and expertise to the improvement of Multnomah County; and the dedicated County Land Use and Transportation Planning staff.
- g. We recognize the many valuable contributions made by professional community and planners of Multnomah County and extend our heartfelt thanks for the continued commitment to public service by these professionals.

The Multnomah County Board of Commissioners Proclaims:

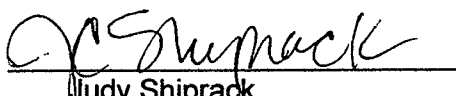
The month of October as COMMUNITY PLANNING MONTH in Multnomah County Oregon with the 2009 theme "Community Sustainability" in conjunction with the celebration of National Community Planning Month.

ADOPTED this 1st day of October 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

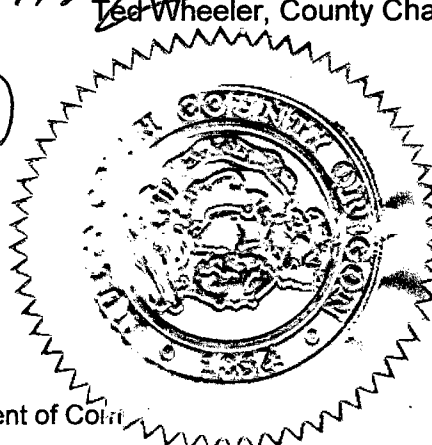

Ted Wheeler, County Chair


Deborah Kafoury,
Commissioner District 1


Judy Shiprack,
Commissioner District 3


Jeff Cogen,
Commissioner District 2


Diane McKeel,
Commissioner District 4



SUBMITTED BY:

M. Cecilia Johnson, Director, Department of Corri

EAST COUNTY COURTS DEVELOPMENT UPDATE

**FAC-1 AMENDMENT
SUBMISSION to the MULTNOMAH COUNTY
BOARD of COMMISSIONERS
OCTOBER 1, 2009**

Prepared jointly by Multnomah County Department of
Facilities & Property Management and
Shiels Obletz Johnsen, Inc.



EAST COUNTY COURTS

FAC – 1 AMENDMENT

Submission to Multnomah County Board of Commissioner - October 1, 2009

SUMMARY OF RECENT PROJECT HISTORY

In February 2007, Multnomah County F&PM presented the FAC-1 Project Plan for the East County Justice Center Project (ECJC). The Project Plan established a building program consisting of 3 to 4 Courts, District Attorney, Multnomah County Sheriff's Office and City of Gresham Police. The plan was approved, and the architectural team of HDR and Emmons Architects was selected and contracted to undertake programming and conceptual cost estimating. Hoffman Construction was selected as the Construction Manager / General Contractor and engaged in pre-design assistance and cost estimating.

At the time of approval of the original Project Plan approved February 22, 2007, the ECJC had an anticipated cost of \$14,645,100 for hard construction, soft costs and Fixtures, Furnishings & Equipment (FF&E). Land costs were not included in this figure. When programming was complete, the project cost jointly estimated by the Contractor and the Cost Consultants was found to be substantially higher than the approved \$14,645,100 budget figure. In August 2008, the County solicited proposals to engage an independent project management consultant for the project with experience in multi-disciplined, multi-jurisdictional and cost control management.

In September 2008, Shiels Oblatz Johnsen, Inc. was retained by the County to provide specialized project management services. As Multnomah County's Representative for the project, some of these responsibilities include:

- Developing a project action plan
- Seeking, obtaining and implementing County decisions
- Leading the architect, contractor and others in executing the project plan
- Negotiating and managing contracts for consultants on the County's behalf
- Managing a single-source channel for communications
- Overseeing team performance
- Managing the budget

SOJ worked with the County, HDR and Emmons Architects to continue pre-design of the East County Justice Center Project. This work first focused on analysis of development options for the site at 185th & Stark, related entitlement procedures and consideration of other sites.

In late 2008, several events began to transpire that generated material shifts in the scope of the project. The Multnomah County Sheriff's Office began to consider remaining in

the existing Hansen Building. The City of Gresham was concerned about the costs associated with re-location to the new ECJC, specifically without the presence of the Multnomah County Sheriff's Office. With potential movement toward a downsized program, an alternative building site was identified and a site analysis was initiated for property at N.E. 8th Avenue in downtown Gresham owned by the County.

While discussions between Multnomah County and the City of Gresham continued on the Rockwood purchase, the project remained dormant through the first half of 2009. In mid-2009, based on the economic climate, the City of Gresham notified it was not moving forward with the purchase of the Rockwood property. This effectively eliminated a practical option to further consider the 8th Avenue site.

The County then requested SOJ, Inc. to re-address the status of the project and to begin looking at options to develop a project of reduced scope at the original Rockwood site.

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PURPOSE OF THIS FAC-1 AMENDMENT REQUEST

The Project Plan approved February 2007 evolved from a building program consisting of 3 to 4 Courts, District Attorney, Multnomah County Sheriff's Office and City of Gresham Police to a reduced program consisting of three (3) courts and District Attorney offices. In terms of basic programming, this changes the project from an original 70,000 square foot facility to approximately 40,000 square feet.

This change relates directly to the FAC-1 Policy, which clarifies in Section IV – D – b of the Policy that should a project be revised in excess of 20% +/- in scope or square footage, it is deemed a "Significant Change" and requires approval of an amendment to the FAC-1.

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1. Project Charter (previously approved, no changes required)
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 - Define Project Scope**
 - Outline of Project Team**
 - Comprehensive Schedule**
 - Estimates**
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**FAC – 1 AMENDMENT:
PART C – 2: DEVELOPMENT PLAN**

DEFINE PROJECT SCOPE

The Feb. 22, 2007 Project Scope was:

Building Program (in square feet):

Courtrooms, Court Support, District Attorney	36,000
Multnomah Co. Sheriff	20,000
Gresham Police	12,000
County Information Technology	<u>2,000</u>
TOTAL	70,000

The October 1, 2009 Project Scope is:

Building Program (in square feet):

Courtrooms	15,000
Court Support	6,000
District Attorney	5,200
Building Support Common Area	3,800
Building Efficiency Factor	7,500
Multnomah Co. Sheriff	0
Gresham Police	0
County Information Technology	<u>0</u>
TOTAL	37,500

OUTLINE OF PROJECT TEAM

The Feb. 22, 2007 Project Team was:

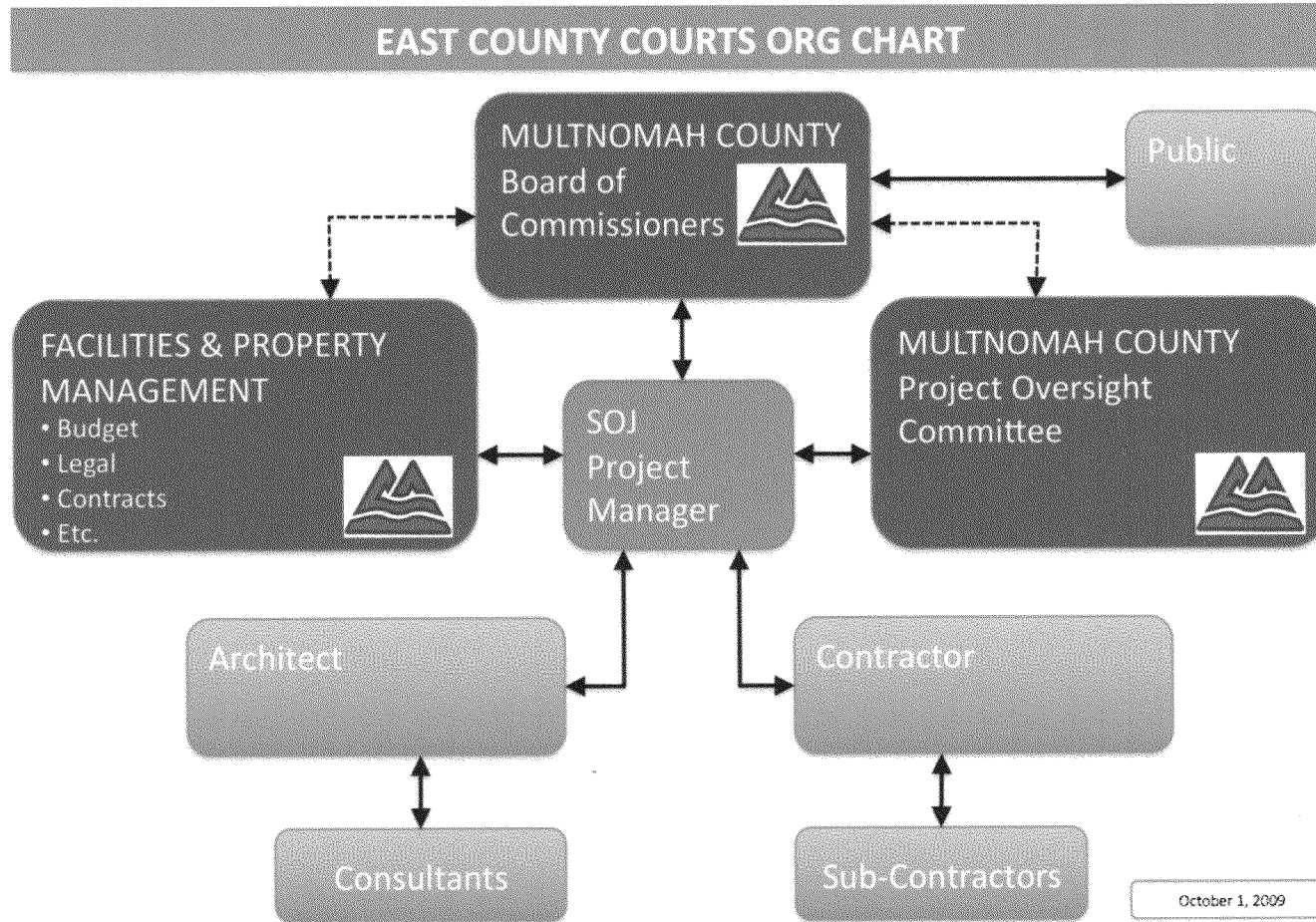
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- Multnomah County Board of Commissioners
- Facilities & Property Management
 - Budget Office
 - County Counsel
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 - Risk Management
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A preliminary list of major milestones and approximate dates follows. Key Multnomah County decision and approval points are in **Bold**:

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March 2012	Move In		

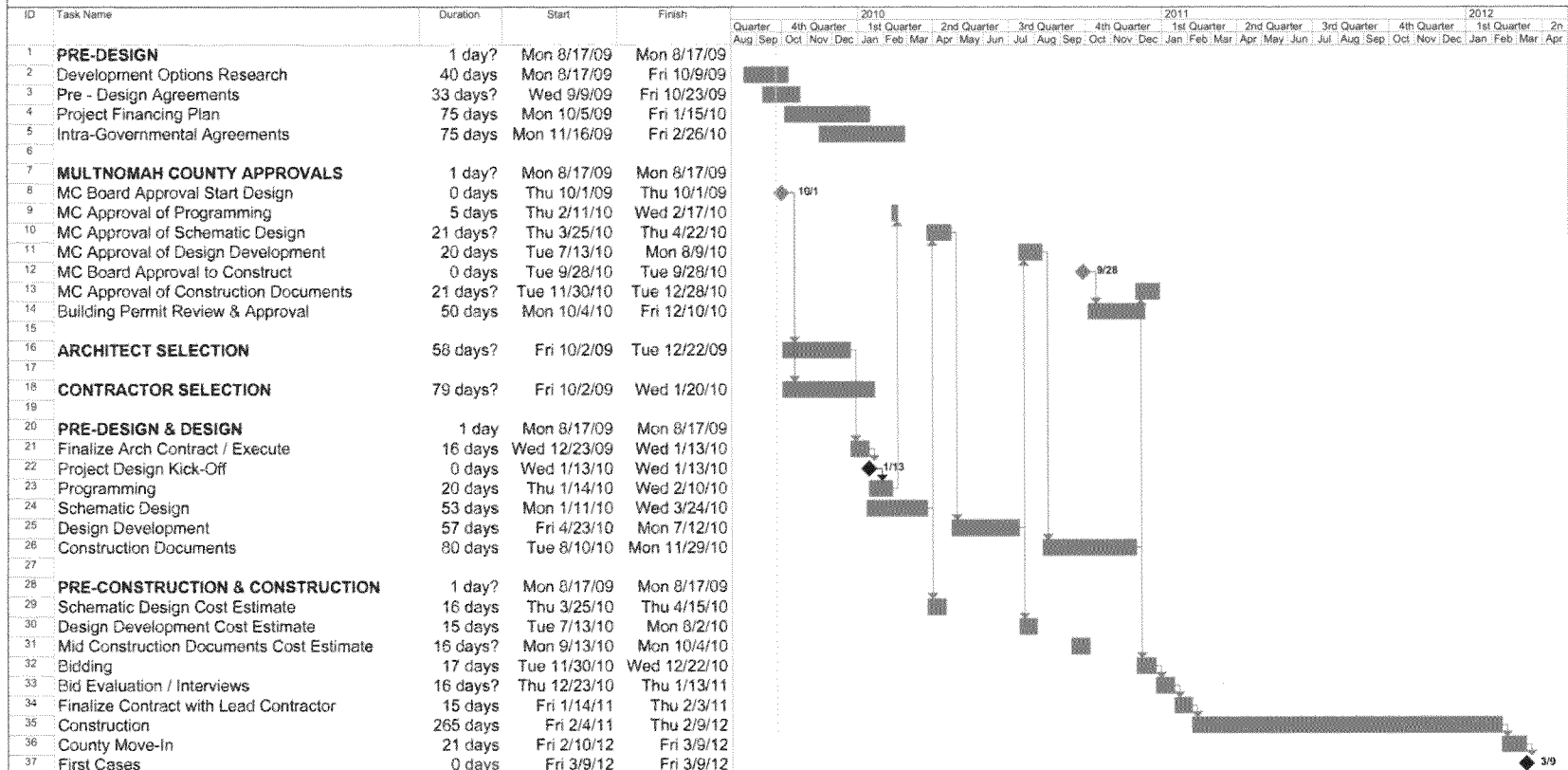
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MULTNOMAH COUNTY, OREGON

EAST COUNTY COURTS PROJECT
CONCEPTUAL OVERALL PROJECT SCHEDULE
 VERSION DATED OCTOBER 01, 2009

Shiels Obletz Johnson
 Development & Project Management



Project: ECC OVERALL PROJECT S
 Date: Thu 9/24/09

Task
 Split

Progress
 Milestone

Summary
 Project Summary

External Tasks
 External Milestone

Deadline

COST ESTIMATES

MULTNOMAH COUNTY - EAST COUNTY COURTS			
CONCEPTUAL DEVELOPMENT COST ESTIMATE			
Project Component	Cost/SF *	3 Courtrooms, including 1 for Flexible Community Use	
		Area	Cost
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Phase 2 Courtroom Shell	\$186	0	0
Flexible Community Space	\$249	0	0
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Soft Costs	25%		3,315,700
Contingencies	25%		<u>4,144,625</u>
TOTAL PROJECT COST			\$ 20,723,125

Source: Architectural Cost Consultants, Sept. 15, 2009

* Adjusted to June 2011 dollars

CONCEPTUAL OCCUPANCY COST ESTIMATE (YEAR 1)		
Occupancy Costs	Factor	3 Courtrooms, including 1 for Flexible Community Use
TOTAL PROJECT COST		\$ 20,723,125
(-) ECC Reserve Fund		<u>(4,800,000)</u>
BOND AMOUNT		\$ 15,923,125
Interest Rate	5.50%	
Term	20	
ANNUAL DEBT SERVICE		\$ 1,332,436
(+) Operating & Maintenance Expenses	\$ 8.00	285,000
(+) Asset Preservation Fee	\$ 2.75	<u>98,111</u>
TOTAL ANNUAL OCCUPANCY COST		\$ 1,715,548
(-) Taco Bell Lease Income		(83,000)
(-) Existing Courthouse Lease & Expenses		(70,000)
(-) D.A. Lease Pmts. (from 8th & Kelly)		<u>(30,500)</u>
NET ANNUAL OCCUPANCY COST		\$ 1,532,048
NET OCCUPANCY COST/SF/NLA		\$ 43.00

OPERATIONAL FUNDING

The operational funding of Multnomah County Circuit Court personnel is budgeted through the State of Oregon's judicial system. Additional staffing by the Multnomah County Sheriff's office and District Attorney will be managed through the annual budgeting process.

CAPITAL FUNDING



Department of County Management

MULTNOMAH COUNTY OREGON

Finance & Risk Management Division
501 SE Hawthorne, Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-3292 fax

TO: Peggidy Yates, Economic Development Advisor
FROM: Mark Campbell, Sr. Revenue & Financial Analyst
DATE: September 18, 2009
SUBJECT: Preliminary Debt Capacity Calculation

This memo offers an overview of the County's outstanding debt obligations that are anticipated as of July 1, 2010. It also provides an analysis of the County's estimated debt capacity based on the Financial Policies adopted with the FY 2010 budget.

FULL FAITH AND CREDIT BONDS AND DEBT OBLIGATIONS – SUMMARY

The FY 2010 Approved Budget includes bond proceeds from the sale of Full Faith & Credit Obligations. All projects to be supported by these funds are new projects reflected in program offers purchased by the County Chair.

Debt payments for existing obligations are budgeted according to established schedules. It is worth noting that the FY 2009 budget used approximately \$24 million of one-time-only (OTO) General Fund revenue to "buydown" current and future debt payments. It supports **\$4.1 million of annual debt payments** that would otherwise need to be charged to departments.

There are two statutory limits on County borrowing as well as the internal County policy on outstanding debt limits. The more restrictive, the County's internal policy, would **provide for additional long term borrowing of up to approximately \$110 million in FY 2011**. Planned borrowing in the FY 2010 budget could use up to \$24.6 million of that estimated capacity.

The FY 2010 budget authorized up to \$24.6 million in short-term (7 years) borrowing for the following projects:

- \$12 million for Capital Improvement Program projects related to deferred maintenance and energy efficiency improvements;
- \$ 6 million for Information Technology infrastructure upgrades;
- \$ 5 million for implementation of a new Assessment & Taxation system; and
- \$ 1.6 million for the second phase of a Library materials movement system.

At this time, bonds have not been issued for these projects. The Board will hold a worksession in October to discuss which projects should be financed and determine the overall size of the debt offering.

OUTSTANDING DEBT AND DEBT CAPACITY

There are two statutory limits on County borrowing and a County policy on outstanding debt limits. The most restrictive, the County policy, would allow for estimated additional borrowing of approximately \$110 million in FY 2011. If all the debt authorized in the FY 2010 budget is issued there would be approximately \$85 million available under this policy.

ORS 287.054 provides a debt limit on voter approved general obligation bonds of 2% of the real market value of all taxable property within the County's boundaries. The following table represents the estimated debt capacity at June 30, 2010.

Real Market Value 2008 - 2009	\$107,381,958,130
Debt limit at 2%	2,147,639,163
Est. Outstanding Debt (6/30/2010)	(49,710,000)
Legal Debt Margin	\$2,097,929,163

ORS 287.053 provides a debt limit on full faith and credit bonds of 1% of the real market value of all taxable property within the County's boundaries. The following table represents the estimated debt capacity at June 30, 2010.

Real Market Value 2008 - 2009	\$107,381,958,130
Debt limit at 1%	1,073,819,581
Est. Outstanding Debt (6/30/2010)	(210,238,000)
Legal Debt Margin	\$863,589,581

In addition to statutory debt limits, the County's internal *Financial Policies*, adopted by the Board, further limit our debt on non-voter approved debt to annual payments that will not exceed 5% of General Fund budgeted revenues. As of June 30, 2010, the County will have an estimated \$56,504,000 in outstanding debt subject to the limit established by policy. The County could authorize up to a total of approximately \$167 million of General Fund supported debt - assuming a 20 year payback at 5.25% annual interest - which would allow us to issue additional debt of approximately \$110 million after considering existing outstanding debt.

The real issue when considering the issuance of debt has to do with ability to pay. The General Fund is heavily reliant on two revenue sources – Property Tax and Business Income Tax. One source, Property Tax, is limited by state constitution. The other is highly volatile and tends to follow changes in the economy. Given the mix of revenues in the General Fund the issuance of additional debt should be viewed in terms of how it may limit the ability of the County to support ongoing programs and operations.

It should be noted that the estimates prepared for this analysis use FY 2009 assessed values and FY 2010 budgeted General Fund revenues. That data, along with information related to the debt issue authorized in the FY 2010 budget, will be updated over the next few months and will be incorporated into a revised memo which will be presented to the Board next spring.

Preliminary Debt Capacity Analysis

Page # 3

September 18, 2009

The following table highlights the County's estimated outstanding debt and debt limit, per the Financial & Budget Policies, as of June 30, 2010 (\$'s are in \$1,000s).

Description	Moody's Rating	Dated	Maturity Date	Amount Issued	Principal Outstanding	2010-11 Prin & Int Payment
General Obligation Bonds	Aa1	2/1/1999	10/1/2016	\$ 66,115	\$ 49,710	\$ 9,253
Revenue Bonds						
Port City (Revenue Bond/2000A)	Aaa	11/1/2000	11/1/2015	\$ 2,000	\$ 1,030	\$ 198
Oregon Food Bank (Revenue Bond/2000B)	Aaa	11/1/2000	11/1/2015	3,500	1,815	350
				\$ 5,500	\$ 2,845	\$ 548
Pension Obligation Revenue Bonds	Aa2	12/1/1999	6/1/2030	\$ 184,548	\$ 151,373	\$ 15,202
Full Faith and Credit Obligations						
Series 2003 Full Faith & Credit	Aa2	7/1/2000	7/1/2013	\$ 9,615	\$ 4,175	\$ 1,103
Series 2004 Full Faith & Credit	Aa2	10/1/2004	8/1/2019	54,235	53,670	7,878
				\$ 63,850	\$ 57,845	\$ 8,981
Capital Leases						
Sellwood Lofts Capital Lease	N/A	1/1/2002	1/1/2032	\$ 1,093	\$ 1,020	\$ 118
Total FFFCO and Capital Leases					\$ 58,865	\$ 9,099
Less Non General Fund Supported Debt						
Road Fund (Series 2000A/Series 2004 FFCO)					(1,341)	(288)
Library Fund (Sellwood Lofts)					(1,020)	(118)
Total General Fund Obligations					\$ 58,504	\$ 8,693
(Less) Annual Payment From Prior Year's Debt Buydown						(5,170)
Net General Fund Obligation						\$ 3,523
REMAINING BORROWING CAPACITY						
Debt Capacity (Supported by General Government Fund Types Only)						
2009-2010 General Fund Revenues (Excluding ITAX and BWC)					\$	358,000
Policy Limitation (5% of GF Revenues)					x	5.00%
5% Policy Limit Dollar Amount					\$	17,800
Lease/Debt Capacity Used (Total General Fund Obligations)						(8,693)
Annual Payment Available					\$	9,107
Estimated Principal Value Available					\$	110,000

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-121

Approve the Revised Project Plan for the East County Courts and District Attorney Facility on the County Owned Property at 185th and Stark in Rockwood and Approve the Project to Proceed through Schematic Design with a Cost Not to Exceed \$800,000

The Multnomah County Board of Commissioners Finds:

- a. A Courthouse Blue Ribbon Steering Committee made recommendations in December 2003 for a new courts facility within the existing downtown Portland Government Center and four courtrooms within the City of Gresham to accommodate the Multnomah county court and supporting County functions for the next 40 years.
- b. Resolution 04-028 recommended a four courtroom facility with expansion capability to six courtrooms in East County/Gresham and convened a work group to provide options and partnership potentials of an East County Justice Center.
- c. On February 17, 2005, by Resolution 05-031 the Board approved a Preliminary Planning Proposal for an East County Justice Facility and directed the Facilities and Property Management Division (Facilities) to prepare a Project Proposal for Board review.
- d. On May 12, 2005 by Resolution 05-076 the Board approved the Project Proposal for an East County Justice Facility and directed Facilities to prepare a Project Plan for Board review.
- e. On March 30, 2006, by Resolution 06-038, the Board directed Facilities to prepare a Project Plan and recommendation for site acquisition in East County.
- f. On February 1, 2007, by Resolution 07-024, the Board approved a concept for an East County Justice Facility that included space for courtrooms and Sheriff's operations and directed Facilities to proceed with a final project plan.
- g. On February 22, 2007, by Resolution 07-038, the Board approved the East County Justice Facility Project Plan creating a capital project in accordance with Resolution 07-024 and FAC-1 procedures and directed facilities to proceed with implementation of the plan.
- h. On January 31, 2008, by Resolution 08-008, the Board authorized Facilities to proceed with soliciting proposals to construct the East County Justice Center Project.
- i. The solicitation process revealed that it is not feasible to construct the East County Justice Facility using the cost estimates developed for the previously approved Project Plan.
- j. Facilities developed a new project plan for an East County Courts and District Attorney Facility that includes space for courtrooms and the District Attorney at the site previously acquired for the East County Justice Center Facility. A copy of the project plan is attached.

- k. It is in the best interests of the County to proceed with establishment of a Project Oversight Committee to monitor the project, to proceed with the implementation of the attached Facilities Project Plan for the East County Courts and DA Facility, spend up to \$800,000 to prepare the Schematic Design for the project, and provide the Board with periodic updates.

The Multnomah County Board of Commissioners Resolves:

1. The attached East County Courts Development Update, FAC-1 Amendment revised September 30, 2009 Facility Project Plan (Project Plan) is approved.
2. The Facilities and Property Management Division is directed to implement the Schematic Design Phase of the Project Plan up to \$800,000.
3. Upon completion of schematic design the project will be brought back to the Board of County Commissioners for approval to proceed through final design.
4. A Project Oversight Committee is established in accordance with provisions of the Project Plan.

ADOPTED this 1st day of October, 2009.

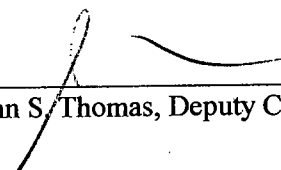


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John S. Thomas, Deputy County Attorney

SUBMITTED BY:

Ted Wheeler, Multnomah County Chair

EAST COUNTY COURTS DEVELOPMENT UPDATE

**FAC-1 AMENDMENT
SUBMISSION to the MULTNOMAH COUNTY
BOARD of COMMISSIONERS
OCTOBER 1, 2009**

Prepared jointly by Multnomah County Department of
Facilities & Property Management and
Shiels Obletz Johnsen, Inc.



EAST COUNTY COURTS

FAC – 1 AMENDMENT

Submission to Multnomah County Board of Commissioner - October 1, 2009

SUMMARY OF RECENT PROJECT HISTORY

In February 2007, Multnomah County F&PM presented the FAC-1 Project Plan for the East County Justice Center Project (ECJC). The Project Plan established a building program consisting of 3 to 4 Courts, District Attorney, Multnomah County Sheriff's Office and City of Gresham Police. The plan was approved, and the architectural team of HDR and Emmons Architects was selected and contracted to undertake programming and conceptual cost estimating. Hoffman Construction was selected as the Construction Manager / General Contractor and engaged in pre-design assistance and cost estimating.

At the time of approval of the original Project Plan approved February 22, 2007, the ECJC had an anticipated cost of \$14,645,100 for hard construction, soft costs and Fixtures, Furnishings & Equipment (FF&E). Land costs were not included in this figure. When programming was complete, the project cost jointly estimated by the Contractor and the Cost Consultants was found to be substantially higher than the approved \$14,645,100 budget figure. In August 2008, the County solicited proposals to engage an independent project management consultant for the project with experience in multi-disciplined, multi-jurisdictional and cost control management.

In September 2008, Shiels Oblatz Johnsen, Inc. was retained by the County to provide specialized project management services. As Multnomah County's Representative for the project, some of these responsibilities include:

- Developing a project action plan
- Seeking, obtaining and implementing County decisions
- Leading the architect, contractor and others in executing the project plan
- Negotiating and managing contracts for consultants on the County's behalf
- Managing a single-source channel for communications
- Overseeing team performance
- Managing the budget

SOJ worked with the County, HDR and Emmons Architects to continue pre-design of the East County Justice Center Project. This work first focused on analysis of development options for the site at 185th & Stark, related entitlement procedures and consideration of other sites.

In late 2008, several events began to transpire that generated material shifts in the scope of the project. The Multnomah County Sheriff's Office began to consider remaining in

the existing Hansen Building. The City of Gresham was concerned about the costs associated with re-location to the new ECJC, specifically without the presence of the Multnomah County Sheriff's Office. With potential movement toward a downsized program, an alternative building site was identified and a site analysis was initiated for property at N.E. 8th Avenue in downtown Gresham owned by the County.

While discussions between Multnomah County and the City of Gresham continued on the Rockwood purchase, the project remained dormant through the first half of 2009. In mid-2009, based on the economic climate, the City of Gresham notified it was not moving forward with the purchase of the Rockwood property. This effectively eliminated a practical option to further consider the 8th Avenue site.

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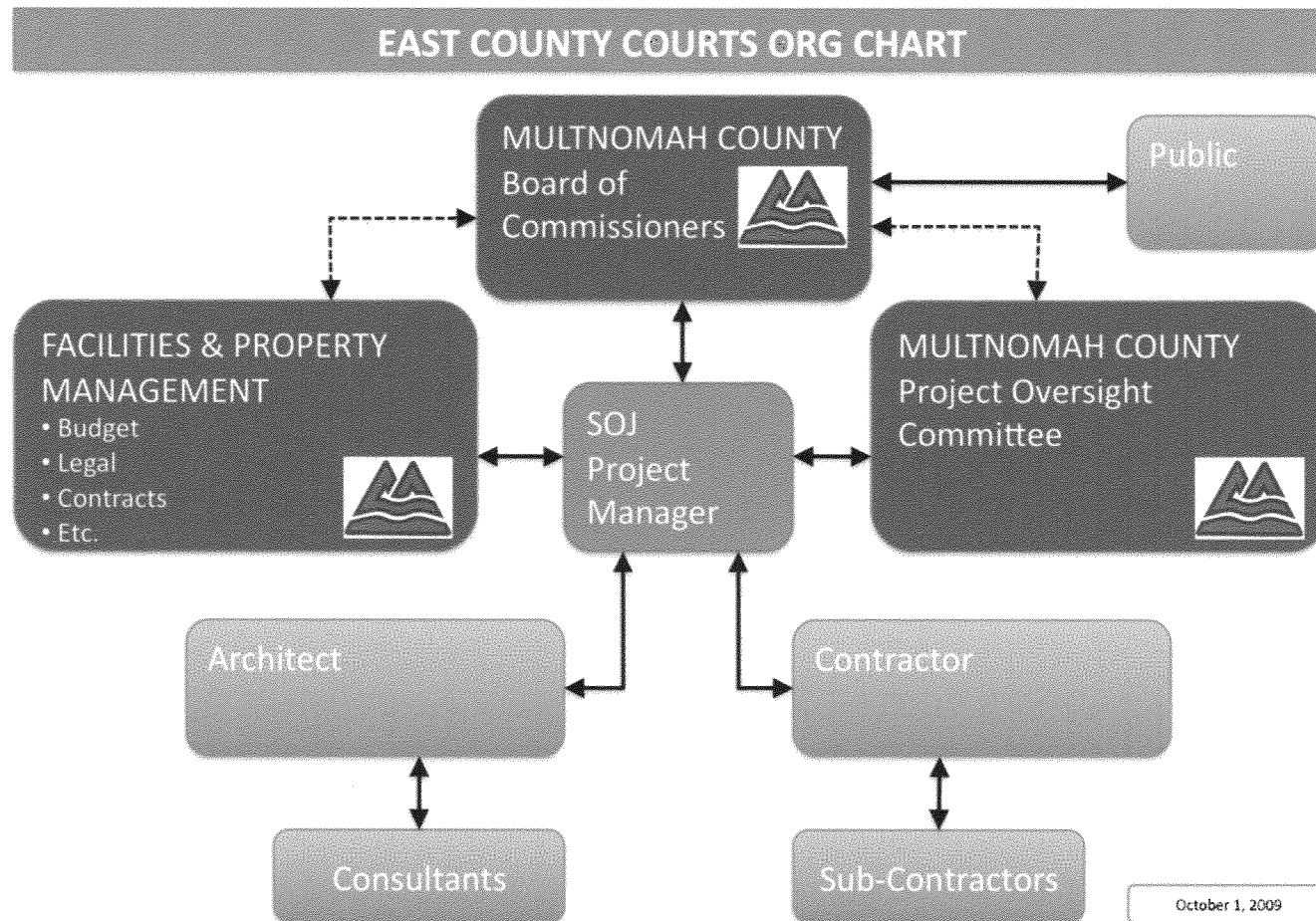
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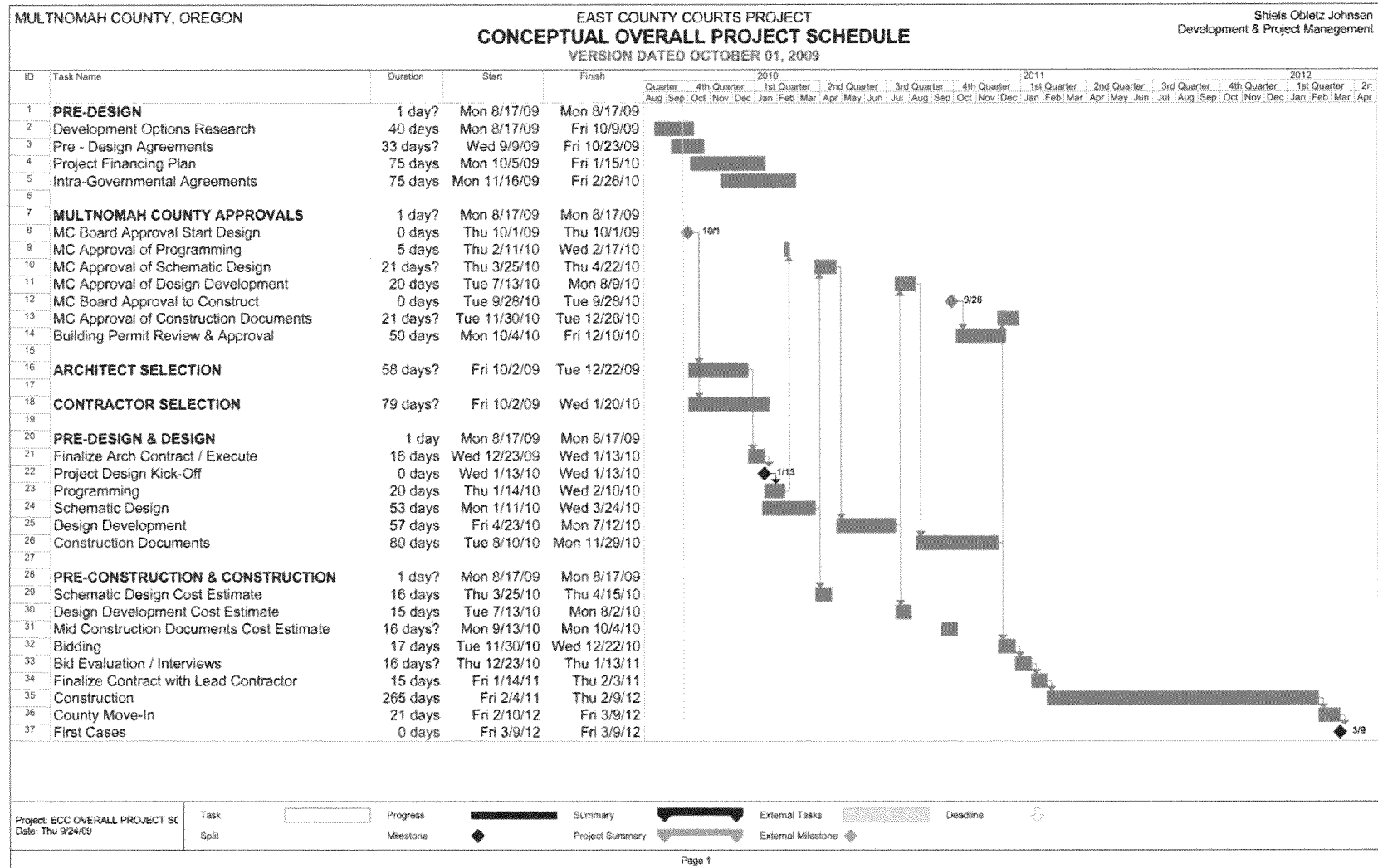
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(-) Taco Bell Lease Income		(83,000)
(-) Existing Courthouse Lease & Expenses		(70,000)
(-) D.A. Lease Pmts. (from 8th & Kelly)		<u>(30,500)</u>
NET ANNUAL OCCUPANCY COST		\$ 1,532,048
NET OCCUPANCY COST/SF/NLA		\$ 43.00

OPERATIONAL FUNDING

The operational funding of Multnomah County Circuit Court personnel is budgeted through the State of Oregon's judicial system. Additional staffing by the Multnomah County Sheriff's office and District Attorney will be managed through the annual budgeting process.

CAPITAL FUNDING

PGS 11-13

Systematic Design



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 10/01/09
Agenda Item #: R-12
Est. Start Time: 10:30 AM
Date Submitted: 09/25/09

RESOLUTION Approving the Revised Project Plan for the East County Courts and District Attorney Facility on the County Owned Property at 185th and Stark in Rockwood and Approving the Project to Proceed through Schematic Design with a Cost Not to Exceed \$800,000

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: October 1, 2009 Amount of Time Needed: 90 Minutes
Department: Non-Departmental Division: Chair's Office
Contact(s): Peggidy Coffman Yates
Phone: 503.988.4878 Ext. 84878 I/O Address: 503/600
Presenter(s): Peggidy Yates, Doug Obletz, John Lindenthal, Mark Campbell

General Information

1. What action are you requesting from the Board?

Approval of the attached East County Courts and District Attorney Facility Project Plan (Project Plan) which provides for the establishment of the Project Oversight Committee.

Direct Facilities and Property Management Division to implement the Schematic Design Phase of the Project Plan up to \$800,000.

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.

There have been long-standing efforts by Multnomah County to address the needs of the Circuit within East County by providing "suitable and sufficient courtrooms, office and jury rooms" in Gresham/East County. The current Gresham Circuit Court is widely considered inadequate. See attached modified FAC 1 for further details

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

See modified FAC 1 which includes fiscal impact on current year and future impacts.

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.

This project included a variety of outreach activities including a Siting Selection Process in 2005. We have continued to work with project partners including the Multnomah County Circuit Court and the District Attorney's office.

Required Signature

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



Date: 09/25/09

Before the Multnomah County Board of Commissioners
October 1, 2009

EAST COUNTY COURTS
DEVELOPMENT UPDATE &
FAC-1 AMENDMENT



Site Development

- 37,000-40,000 sf building = Max 74,000-80,000 sf site per zoning requirements
- Taco Bell remains
- Courts building located at 185th & Stark
- Partial construction of 185th south of Stark
- Provide for future dedication of 185th through the site; park on future R.O.W. in the interim
- 130-150 parking spaces
- Portion of site undeveloped; available for interim use (e.g., community garden) and future expansion of court facility and parking

Entitlement Issues

- F.A.R./Maximum Site Development
- Parking Requirements
- 185th Avenue Development:
 - Initial phase
 - Dedication of future R-O-W
 - Potential impact to Taco Bell Drive-through

Project Scope

<i>EAST COUNTY JUSTICE CENTER</i> 2007 PRELIMINARY BUILDING PROGRAM	
Program Element	Area (SF)
Courtrooms, Court Support, D.A.	36,000
MCSO	20,000
Gresham Police	12,000
County Information Technology	<u>2,000</u>
TOTAL	70,000

<i>EAST COUNTY COURTS</i> 2009 PRELIMINARY BUILDING PROGRAM	
Program Element	Area (SF)
Courtrooms	15,000
Court Support	6,000
District Attorney	5,200
Building Support/Common Area	3,800
Building Efficiency Factor	<u>7,500</u>
TOTAL	37,500

Courtroom Building Program

EAST COUNTY COURTS CONCEPTUAL COURTROOM PROGRAM

SPACE CATEGORIES	NET SF	GROSS SF	TOTAL GROSS SF
LITIGATION SPACES:			7,590
Large Courtroom (1)	2,300	3,110	
Standard Courtroom #1	1,600	2,240	
Standard Courtroom #2	1,600	2,240	
LITIGATION ANCILLARY SPACES:			2,320
Public Waiting	600	810	
Vestibules	200	290	
Large Mediation / Conf / Waiting	400	540	
Standard Conference / Waiting	500	680	
JUDICIAL SPACES:			2,620
Judges' Chambers	900	1,170	
JA / Clerk Workstations	400	580	
Copy / Fax / Printer Station	50	70	
General Storage	50	70	
Interpreter's Workroom	200	260	
Coffee Station	30	40	
Private Restrooms	100	140	
Conference Room	220	290	
DELIBERATION SPACES:			1,310
Large Jury Deliberation Rooms	640	830	
Standard Jury Deliberation Rooms	200	270	
Juror Restrooms	150	210	
OTHER SPACES:			720
Evidence Display Closet	75	110	
Courtroom Technology	100	150	
Holding Cells	120	190	
Officer Station	50	80	
Soundlocks	120	190	
TOTAL	10,605	14,560	14,560
		say	15,000

Preliminary Cost Estimates

MULTNOMAH COUNTY - EAST COUNTY COURTS COMPARISON OF CONCEPTUAL OPTIONS

CONCEPTUAL DEVELOPMENT COST ESTIMATE

Project Component		OPTION							
		A		B		C		D	
		2 Courtrooms		2 Courtrooms + Shell for Future Courtroom		2 Courtrooms + Flexible Community Space/Future Courtroom		3 Courtrooms, including 1 for Flexible Community Use	
	Cost/SF *	Area	Cost	Area	Cost	Area	Cost	Area	Cost
Courtrooms	\$318	10,000	\$ 3,180,000	10,000	\$ 3,180,000	10,000	\$ 3,180,000	15,000	\$ 4,770,000
Phase 2 Courtroom Shell	\$186	0	0	5,000	930,000	0	0	0	0
Flexible Community Space	\$249	0	0	0	0	5,000	1,245,000	0	0
Court Support Space	\$265	6,000	1,590,000	6,000	1,590,000	6,000	1,590,000	6,000	1,590,000
District Attorney	\$255	5,200	1,326,000	5,200	1,326,000	5,200	1,326,000	5,200	1,326,000
Building Support/Common Area	\$286	3,800	1,086,800	3,800	1,086,800	3,800	1,086,800	3,800	1,086,800
Building Efficiency Factor	\$212	6,250	1,325,000	7,500	1,590,000	7,500	1,590,000	7,500	1,590,000
Subtotal Building Costs		31,250	\$ 8,507,800	37,500	\$ 9,702,800	37,500	\$ 10,017,800	37,500	\$ 10,362,800
Site Development			2,000,000		2,000,000		2,000,000		2,000,000
FF&E Allowance			650,000		650,000		700,000		900,000
Soft Costs	25%		2,789,450		3,088,200		3,179,450		3,315,700
Contingencies	25%		3,486,813		3,860,250		3,974,313		4,144,625
TOTAL PROJECT COST			\$ 17,434,063		\$ 19,301,250		\$ 19,871,563		\$ 20,723,125

Source: Architectural Cost Consultants, Sept. 15, 2009

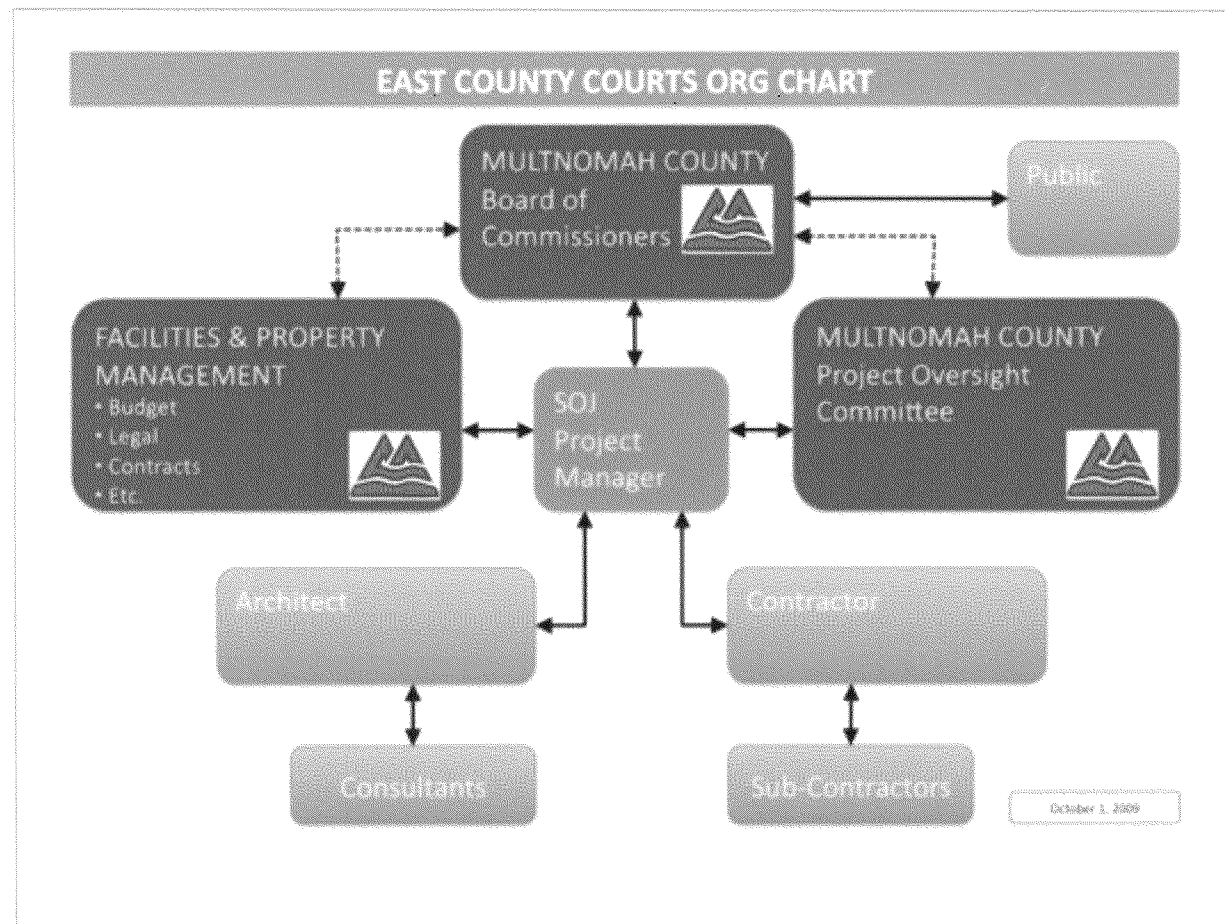
* Adjusted to June 2011 dollars

Preliminary Occupancy Costs

CONCEPTUAL OCCUPANCY COST ESTIMATE (YEAR 1)					
		OPTION			
		A	B	C	D
Occupancy Costs	Factor	2 Courtrooms	2 Courtrooms + Shell for Future Courtroom	2 Courtrooms + Flexible Community Space/Future Courtroom	3 Courtrooms, including 1 for Flexible Community Use
TOTAL PROJECT COST		\$ 17,434,063	\$ 19,301,250	\$ 19,871,563	\$ 20,723,125
(-) ECC Reserve Fund		(4,800,000)	(4,800,000)	(4,800,000)	(4,800,000)
BOND AMOUNT		\$ 12,634,063	\$ 14,501,250	\$ 15,071,563	\$ 15,923,125
Interest Rate	5.50%				
Term	20				
ANNUAL DEBT SERVICE		\$ 1,057,210	\$ 1,213,455	\$ 1,261,178	\$ 1,332,436
(+) Operating & Maintenance Expenses	\$ 8.00	237,500	285,000	285,000	285,000
(+) Asset Preservation Fee	\$ 2.75	<u>81,759</u>	<u>98,111</u>	<u>98,111</u>	<u>98,111</u>
TOTAL ANNUAL OCCUPANCY COST		\$ 1,376,469	\$ 1,596,566	\$ 1,644,290	\$ 1,715,548
(-) Taco Bell Lease Income		(83,000)	(83,000)	(83,000)	(83,000)
(-) Existing Courthouse Lease & Expenses		(70,000)	(70,000)	(70,000)	(70,000)
(-) D.A. Lease Pmts. (from 8th & Kelly)		(30,500)	(30,500)	(30,500)	(30,500)
NET ANNUAL OCCUPANCY COST		\$ 1,192,969	\$ 1,413,066	\$ 1,460,790	\$ 1,532,048
NET OCCUPANCY COST/SF/NLA		\$ 40.18	\$ 39.67	\$ 41.00	\$ 43.00

Updated 9/17/09

Project Team



Schedule

EAST COUNTY COURTS PRELIMINARY COMPREHENSIVE SCHEDULE

SCHEDULE MILESTONES	2009			2010												2011												2012			
	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A
Request Approval of FAC-1 Amendment																															
Procurement of Project Team																															
Select Pre-Construction Contractor																															
Facility Programming																															
OVERSIGHT COMMITTEE REVIEW #1					★																										
Schematic Design																															
Schematic Design Cost Estimate																															
OVERSIGHT COMMITTEE REVIEW #2								★																							
BOARD APPROVAL OF FINAL DESIGN								★																							
Design Development																															
Design Development Cost Estimate																															
OVERSIGHT COMMITTEE REVIEW #3												★																			
Construction Documents																															
Construction Documents Cost Estimate																															
OVERSIGHT COMMITTEE REVIEW #4															★																
BOARD APPROVAL OF CONSTRUCTION																★															
Bidding/Contractor Negotiations																															
Construction																															
Move In																															★

Lease Option

- Fundamental Board decision: Interim vs. long-term investment
- Challenges:
 - Availability of suitable space
 - Costs of conversion of traditional office space (or retail/warehouse) to courthouse space
 - Zoning
 - Parking requirements per code
 - Court activities may be potentially detrimental to other tenancies

**MULTNOMAH COUNTY - EAST COUNTY COURTS
SUMMARY GRESHAM AREA PROPERTY SEARCH - JUNE 2009**

PROPERTY		PRIMARY CRITERIA							REMARKS
No.	13 Gresham area brokers contacted in June '09. 5 brokers responded with the following 21 properties:	SPACE TYPE: OFFICE	MEETS CRITERIA?	AVAIL. AREA APPROX. 40K SF	MEETS CRITERIA?	PARKING SPACES MIN. 160	MEETS CRITERIA?	TOTAL MET	Other criteria considered: Adaptability of facility to meet architectural requirements, adjacent uses, location, public transit, property expansion capabilities, etc.
1	Burnside Plaza Office	OFFICE	Y	9,000	N	INAD.	N	1	for lease
2	West Gresham Plaza	OFFICE	Y	9,261	N	30	N	1	for lease
3	Gresham Corporate Center	OFFICE	Y	7,695	N	INAD.	N	1	for lease
4	Civic Plaza	OFFICE	Y	6,500	N	INAD.	N	1	for lease
5	501 NE Hood	OFFICE	Y	22,787	N	110	N	1	for sale or lease
6	912 NE Kelly Ave	OFFICE	Y	17,814	N	INAD.	N	1	for sale
7	Gresham City Hall	OFFICE	Y	90,000	N	170	N	1	Too large, and not available for 3 years
8	400 NE 7th	OFFICE	Y	17,935	N	INAD.	N	1	for lease
9	50 NW 5th Street	OFFICE	Y	17,875	N	65	N	1	for sale or lease
10	1979 - 2267 NE Burnside	RETAIL	N	33,484	N	shared	/	0	for lease
11	300 - 900 NW Eastman Parkway	RETAIL	N	22,400	N	shared	/	0	for lease
12	700 NW Eastman Parkway (GI Joe's)	RETAIL	N	55,120	Y	shared	/	1	for lease
13	1776 NW Fairview Dr	RETAIL	N	24,000	N	70	N	0	for lease
14	Powell Valley Junction	RETAIL	N	60,000	Y	shared	/	1	for lease
15	Meadowland Shopping Center	RETAIL	N	41,960	Y	shared	/	1	for lease
16	26942 SE Stark (Troutdale)	RETAIL	N	30,407	N	shared	/	0	for lease
17	Rockwood Corporate Center	RETAIL	N	46,400	Y	29	N	1	for lease
18	Gresham Crossing	RETAIL	N	27,853	N	INAD.	N	0	for sale condo
19	Sandy Blvd Business Park	WARHS	N	62,000	Y	INAD.	N	1	for sale or lease
20	19786 San Rafael - Airport	WARHS	N	29,000	N	INAD.	N	0	for lease
21	Sandy Blvd Business Park	WARHS	N	28,000	N	INAD.	N	0	for sale or lease

Survey Conclusion: No properties clearly met more than 1 of 3 of the primary (required) criteria. Considered together with other factors such as adaptability, expansion capabilities, etc., none of the offered properties were deemed reasonably suitable for a courts facility.

Source: Shiels Oblatz Johnsen, Inc.

Updated 9/21/09

Own vs. Lease Analysis

- Lease option (subject to finding suitable site):
 - Lower cost during early years
 - Increasing costs in later years as rent increases
 - County does not have an asset at the end of lease term
 - May limit future expansion
- Ownership option:
 - Higher early years costs offset by fixed payments on underlying debt over 20 years
 - Occupancy cost diminishes once bonds are repaid
 - County owns the asset once bonds are paid off
- Benefits of leasing diminish over time and are highly dependent on:
 - Use of ECC Reserve Funds
 - Cost of build-out
 - Manner in which build-out is financed

East County Courts

Recommendations and Next Steps

Recommendations

Initiate a Schematic Design process for:

- Maximum expenditure of \$800,000
- East County Court and District Attorney Facility
- Target Budget: \$21M
- At completion of Schematic Design, seek Oversight Committee review and Board approval to proceed with design and construction (April 2010)

Next Steps

- Architect and contractor re-procurement
- Agreements with DA and District Courts
- Commence Programming and Schematic Design
- Initiate formal entitlements process with City of Gresham

Proposed Schematic Design Package Deliverables:

- Program Statement
- Preliminary Plans, Elevations, Site Plan, Building Sections for range of options
- Preliminary Architectural Specifications and Finishes Schedules
- Narratives for Structural, Mechanical, Electrical and Plumbing Systems
- Preliminary Report on LEED Strategies
- Cost Estimates by Contractor and by Cost Estimating Consultant
- Updated Hard & Soft Cost Budget Estimate
- Updated Overall Project Schedule
- Status of Planning and Development issues with City of Gresham
- Project Management Plan
- Executive Summary Report

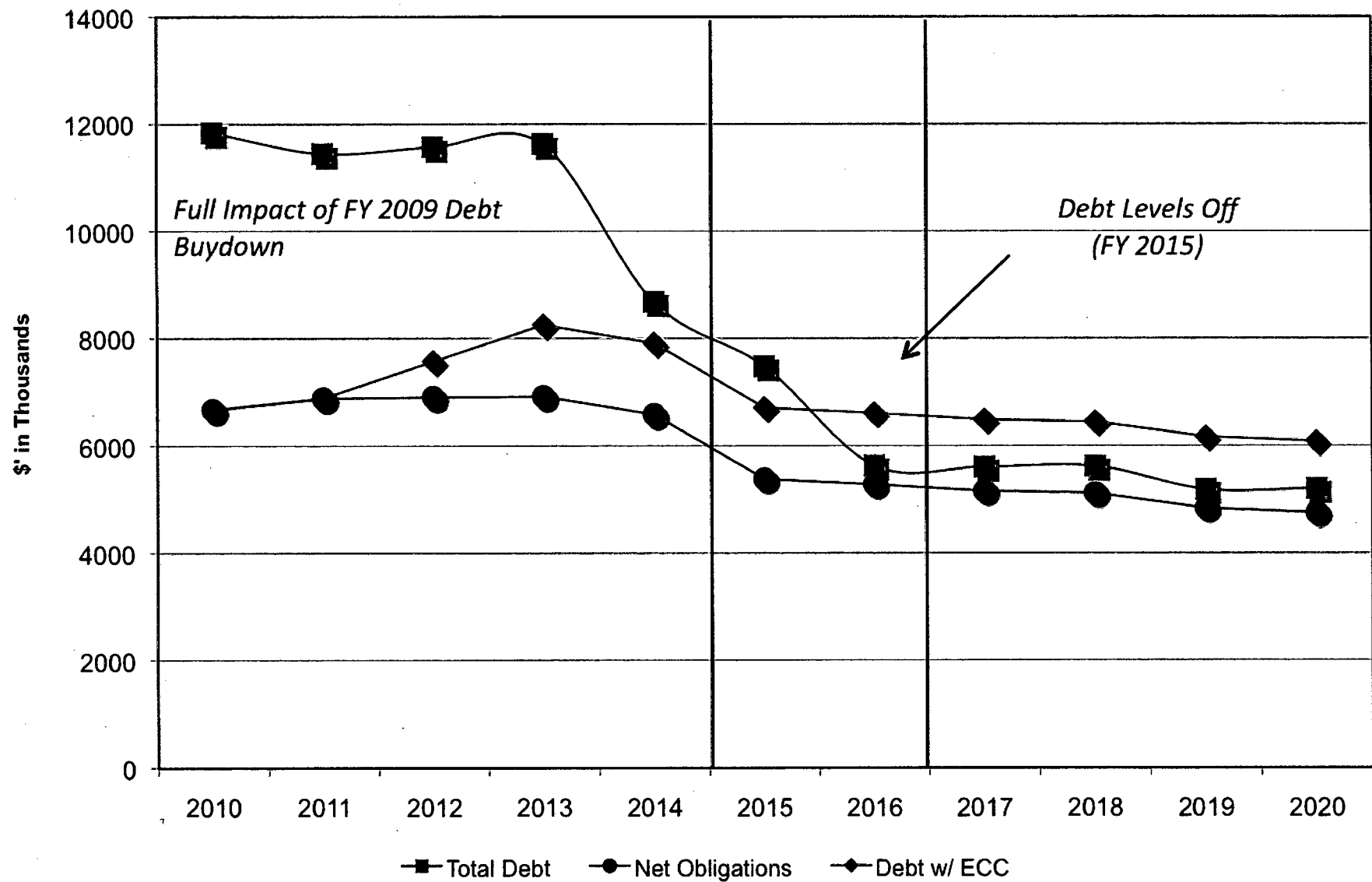
Estimated Schematic Design Costs

EAST COUNTY COURTS ESTIMATED COSTS THROUGH SCHEMATIC DESIGN		
COSTS	LOW	HIGH
Architect and Engineering Fees	\$388,000	\$436,000
LEED Consultant	25,000	30,000
Construction Consultant	22,500	27,500
Cost Estimating Consultant	17,500	22,500
MC Facilities and P.M/3rd Party Project Management	135,000	190,000
Geotech Report	25,000	30,000
Misc. City of Gresham Fees	<u>10,000</u>	<u>15,000</u>
SUBTOTAL	\$623,000	\$751,000
10% Contingency	<u>\$62,300</u>	<u>\$75,100</u>
TOTAL	\$685,300	\$826,100

QUESTIONS?

Shiels Obletz Johnsen, Inc.
Version 1.0 – 9/30/09

Debt Analysis (FY 2010 - FY 2020)



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approve the Revised Project Plan for the East County Courts and District Attorney Facility on the County Owned Property at 185th and Stark in Rockwood and Approve the Project to Proceed through Schematic Design with a Cost Not to Exceed \$800,000

The Multnomah County Board of Commissioners Finds:

- a. A Courthouse Blue Ribbon Steering Committee made recommendations in December 2003 for a new courts facility within the existing downtown Portland Government Center and four courtrooms within the City of Gresham to accommodate the Multnomah county court and supporting County functions for the next 40 years.
- b. Resolution 04-028 recommended a four courtroom facility with expansion capability to six courtrooms in East County/Gresham and convened a work group to provide options and partnership potentials of an East County Justice Center.
- c. On February 17, 2005, by Resolution 05-031 the Board approved a Preliminary Planning Proposal for an East County Justice Facility and directed the Facilities and Property Management Division (Facilities) to prepare a Project Proposal for Board review.
- d. On May 12, 2005 by Resolution 05-076 the Board approved the Project Proposal for an East County Justice Facility and directed Facilities to prepare a Project Plan for Board review.
- e. On March 30, 2006, by Resolution 06-038, the Board directed Facilities to prepare a Project Plan and recommendation for site acquisition in East County.
- f. On February 1, 2007, by Resolution 07-024, the Board approved a concept for an East County Justice Facility that included space for courtrooms and Sheriff's operations and directed Facilities to proceed with a final project plan.
- g. On February 22, 2007, by Resolution 07-038, the Board approved the East County Justice Facility Project Plan creating a capital project in accordance with Resolution 07-024 and FAC-1 procedures and directed facilities to proceed with implementation of the plan.
- h. On January 31, 2008, by Resolution 08-008, the Board authorized Facilities to proceed with soliciting proposals to construct the East County Justice Center Project.
- i. The solicitation process revealed that it is not feasible to construct the East County Justice Facility using the cost estimates developed for the previously approved Project Plan.
- j. Facilities developed a new project plan for an East County Courts and District Attorney Facility that includes space for courtrooms and the District Attorney at the site previously acquired for the East County Justice Center Facility. A copy of the project plan is attached.
- k. It is in the best interests of the County to proceed with establishment of a Project Oversight Committee to monitor the project, to proceed with the implementation of the attached Facilities Project Plan for the East County Courts and DA Facility, spend up to \$800,000 to prepare the Schematic Design for the project, and provide the Board with periodic updates.

The Multnomah County Board of Commissioners Resolves:

1. The attached East County Courts and District Attorney Facility Project Plan (Project Plan) is approved.
2. The Facilities and Property Management Division is directed to implement the Schematic Design Phase of the Project Plan up to \$800,000.
3. Upon completion of schematic design the project will be brought back to the Board of County Commissioners for approval to proceed through final design.
4. A Project Oversight Committee is established in accordance with provisions of the Project Plan.

ADOPTED this 1st day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John S. Thomas, Deputy County Attorney

SUBMITTED BY:

Ted Wheeler, Multnomah County Chair

October 1 Attendees

Project Partners – Unlimited Testimony

- ☒ Chief Justice De Muniz
- ☒ Judge Jean Maurer
- ☒ DA Mike Schrunck
- ☒ Sheriff Skipper
- ☒ Mayor Bemis
- ☒ Commissioner Lonnie Roberts

Remaining Testimony – 2 Minutes

Mayors:

- ☐ Mayor Bemis
- ☒ Mayor Kight
- ☒ Mayor Fuller
- ☒ Mayor Weatherby

Representatives:

- ☐ Senator Monnes-Anderson – NO – Submitted Letter
- ☒ Representative Greg Matthews
- ☒ Representative Nick Kahl

Chiefs

- ☒ City of Gresham Chief of Police Chief Junginger
- ☐ East County Chiefs
 - ☒ Fairview – Ken Johnson
 - ☒ Troutdale – Scott Anderson
 - ☒ NE Precinct – Commander Krebs *Captain Bill Walker*

Councilors

- ☐ Councilor Paul Warr King
- ☒ Councilor Dick Strathern
- ☒ Councilor Carol Nielson-Hood *HAS to LEAVE @ 12:30pm*
- ☐ Councilor Shirley Craddick
- ☐ Councilor, Contractor Josh Furrier
- ☒ Councilor / Attorney Matt Wand

Others

- ☐ Dena Denucci
- ☒ MBA Representative (Unknown who) *JUDY EDWARDS & LESLIE KAM*
- ☐ John Bildsoe Rockwood Neighborhood Association
- ☒ Ron Clemenson
- ☒ Travis Stovall – East Metro Economic Alliance
- ☐ Other EMEA Members (?)
- ☒ *ROGER SNYDER - ARCHITECT*
- ☒ *SUE O'HALLORAN - REAL ESTATE*
- ☒ *DEAN HURFORD - GRESHAM*

#1

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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Jean Maurer, Presiding MC Judge

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ 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.

#2

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: PAUL J. DEMUNIZ, Chief Justice

ADDRESS: 1163 State St.

CITY/STATE/ZIP: SALEM, OR

PHONE: DAYS: 503-986-5009 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: East County Courts

WRITTEN TESTIMONY: _____

IF YOU WISH TO ADDRESS THE BOARD:

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

#3

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: DA Mike Shrun k

ADDRESS:

CITY/STATE/ZIP:

PHONE: DAYS: EVES:

EMAIL: FAX:

SPECIFIC ISSUE: E. Co. Court need

WRITTEN TESTIMONY: None

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.

#4

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Sheriff Bob Skipper

ADDRESS: 501 SE Hawthorne

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Courthouse need in East Co.

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.

#5

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: LONNIE ROBERTS

ADDRESS: 17131 S.E. MANLEY

CITY/STATE/ZIP: Port. OR. 97236

PHONE: (503) DAYS: 661-6881 EVES: Same

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: Court House

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.

#6

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Mayor Shane Bemis

ADDRESS: 1333 Eastman Pkwy

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ 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.

#7

**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:

Oct. 1, 09

SUBJECT:

EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC:

R-12

FOR:

X

AGAINST:

THE ABOVE AGENDA ITEM

NAME:

Rep. Nick Kahl, District 49

ADDRESS:

CITY/STATE/ZIP:

PHONE:

DAYS:

EVENING:

EMAIL:

FAX:

SPECIFIC ISSUE:

East County Court

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.

#8

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Rep Gregg Matthews, District 50

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____

EVE: _____

EMAIL: _____

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**.
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4. If written documentation is presented, please furnish one copy to the Board Clerk.

IF YOU WISH TO SUBMIT WRITTEN COMMENTS TO THE BOARD:

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#9

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME:

ADDRESS:

CITY/STATE/ZIP:

PHONE:

DAYS:

EVES:

EMAIL:

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.

#10

**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: 10-01-09

SUBJECT: Agenda Item # R-12 - Architect for Project

AGENDA NUMBER OR TOPIC: R-12

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: ROGER SNYDER

ADDRESS: 1001 SW 5th Ave Suite 1900

CITY/STATE/ZIP: PORTLAND OR 97204

PHONE: DAYS: 503.423.3800 EVES: 503 528 6628

EMAIL: roger.snyder@hdrinc.com FAX: _____

SPECIFIC ISSUE: Continuing or Terminating the Architect

WRITTEN TESTIMONY: See Attached letter

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.



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September 30, 2009

Douglas L. Oblatz
Shiels Oblatz Johnsen, Inc. (SOJ)
1140 SW 11th Ave, Suite # 500
Portland, OR 97205

**Subject: Multnomah County
East County Justice Center
A/E Contract**

Dear Mr. Oblatz:

This is a follow up to my letter dated September 21, 2009, our past conversation and after reading the FAC-1 Amendment Submission dated October 1, 2009.

As suggested previously, in view of the expense of soliciting new proposals and going through the process of reselection the architect we do not understand how terminating our contract will save the County money. In reading the new FAC-1 Amendment Submission I am more convinced that keeping the current design team in place provides much more opportunity for cost savings to the County.

I will briefly outline several cost savings opportunities, but I would like to first address the project scope change relative to our fees for this project. Our Basic Services fee is a sliding scale calculated as a percentage of the construction cost such that if the project cost changes our fee is adjusted; if the project scope is reduced and the construction cost goes down our fee is less.

If the County is interested in true cost savings there are several opportunities: By keeping the current design team in place the fees for re-programming are significantly reduced or eliminated. We have already worked with the Courts, District Attorney and Facilities & Property Management staff to develop a Program for the Courts, and the Sheriff and Gresham Police, which were originally included in the project. This is work effort already paid for by the County and much of that knowledge is with the design team members, principally Rob West, our court expert and designer.

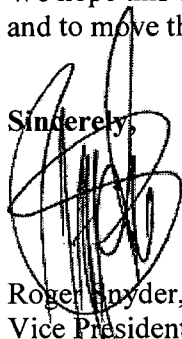
The design team is familiar with the site, having already spent several months working with the County and looking at various site options. Any new design team will have to develop all this knowledge anew and presumably will be paid for that effort.

Perhaps the biggest opportunity for savings lies in the schedule. The proposed schedule shown in the FAC-1 Amendment Submission indicates completion of Construction Documents end of November 2010 and construction starting in February 2011; which may not be the best time of year to start construction. Without having the necessity and time for soliciting, selecting and negotiating with new architects we can start immediately. With our knowledge already developed we are confident we could complete Construction Documents in late spring 2010 allowing for construction start mid summer 2010; a much better time of year to start construction. More important the bidding climate offers significant advantage for cost savings in the current economic environment, waiting until 2011 could greatly diminish this opportunity.

We would like the County to continue our agreement on the basis of the cost saving opportunities outlined herewith, which we believe are much better opportunities than terminating our contract and re-soliciting. If, however, the County chooses to terminate our contract we request a written statement as to why we are being terminated.

We hope this offer will be considered as an opportunity for true savings for the County and to move the project forward without unnecessary delay.

Sincerely,



Roger Snyder, AIA
Vice President - Managing Principal

rps/jaa

c: Chris Gedrose
Gail Hochhalter
John Lindenthal
Peggidy Yates

#11 & MS EDWARDS

READ STATEMENT OF LESLIE KAY (HAD TO LEAVE)

**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: 10-1-09

SUBJECT: East G. Caulkhouse - R-12

AGENDA NUMBER OR TOPIC: _____

FOR: ☒ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Leslie Kay & Judy Edwards EX DIRECTOR

ADDRESS: Multnomah Bar Assoc. &

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: judy@mbabar.org FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: yes

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.
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MULTNOMAH BAR ASSOCIATION

EST 1906

President
Leslie Nori Kay

Secretary
Lisa M. Umscheid

Treasurer
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Past President
Michael Dwyer

Directors

Justin D. Leonard
VLS PRESIDENT

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Gregory Moawad

Bonnie Richardson

Executive Director
Judy A. C. Edwards

*Lawyers associated
for Justice, Service,
Professionalism,
Education and
Leadership for our
members and our
community.*

October 1, 2009

Ted Wheeler
Multnomah County Chair
501 SE Hawthorne Boulevard
Portland OR 97214

Re: Resolution Approving Revised Project Plan for East County Courts and District Attorney Facility on Property at 185th and Stark in Rockwood and Approving Project to Proceed through Schematic Design Cost Not to Exceed \$800,000.

Dear Commissioners,

The Multnomah Bar Association is a voluntary organization with more than 4,400 members. The Multnomah Bar Association has been pleased to have participated for many years in Multnomah County's planning and study regarding court facilities. The Association strongly supports the construction of an east county courthouse as the existing facility continues to deteriorate. The MBA has closely monitored the shifting plans to site the east county courthouse, and the scaled back plans for a full service justice center. The current resolution should be adopted today.

Leasing and other temporary fixes will not solve the courthouse facility needs of the present and future driven by changing demographics in east county. In the long run, costs to the county will only escalate if there are further delays. As we allow our judicial institutions to deteriorate, so will respect for the rule of law erode and the health of our county.

While we recognize that this undertaking involves considerable investment, the community is not well-served by the current antiquated facilities. The courts serve an indispensable role in public safety, economic development, and the lives of families. Without proper court facilities, our economic and physical security and the safety of families is at risk. This investment will serve the public for many years to come.

Sincerely,

Leslie Kay
President, Multnomah Bar Association

12

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Mayor Mike Weatherby

ADDRESS: P.O. Box 826

CITY/STATE/ZIP: FAIRVIEW, OR 97024

PHONE: DAYS: 503 657980 EVES:

EMAIL: FAX:

SPECIFIC ISSUE: E County Ct ISS

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.

#13

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: Oct. 2, 09

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Dave Fuller, Mayor Wood Village

ADDRESS: _____

CITY/STATE/ZIP: _____

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ 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**.
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4. If written documentation is presented, please furnish one copy to the Board Clerk.

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2. Written testimony will be entered into the official record.

#14

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: SCOTT ANDERSON TROUTDALE Chief of Police

ADDRESS: 141 SE DORA

CITY/STATE/ZIP: TROUTDALE, OR 97080

PHONE: _____ DAYS: _____ EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: EAST COUNTY COURTS

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:

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2. Written testimony will be entered into the official record.

#15

**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: Oct 1 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: CRAIG JUNGINGER, GRESHAM Chief

ADDRESS: 1333 EASTMAN PARKWAY

CITY/STATE/ZIP: GRESHAM

PHONE: DAYS: 503-793-8295 EVES: _____

EMAIL: craig.junginger@greshamoregon.gov FAX: _____

SPECIFIC ISSUE: EAST COUNTY COURTHOUSE

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.



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Chamber of Commerce & Visitors Center

Carol L. Nielsen-Hood
Chief Executive Officer

701 N.E. Hood
Gresham, OR 97030
www.greshamchamber.org

Phone 503-665-1131
Cell 503-260-8468
Fax 503-666-1041
caroln@greshamchamber.org

HAS to LEAVE AT
12:30pm -

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Carol Nielsen - Wood

ADDRESS: 701 N.E. Wood

CITY/STATE/ZIP: Gresham

PHONE: DAYS: 503-665-1131 EVES: _____

EMAIL: CAROLNE@greshamchamber.org

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.
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2. Written testimony will be entered into the official record.

EAST COUNT COURTS, OCTOBER 1, 2009

I AM SPEAKING TODAY IN FAVOR OF A FREE STANDING BUILDING FOR
EAST COUNTY COURTHOUSE...I KNOW THAT WE ARE DISCUSSING THE
LOCATION IN THE ROCKWOOD TOWN CENTER. HOWEVER, I BELIEVE
THAT OUR MAYOR, SHANE BEMIS, WILL BE SPEAKING ON BEHALF OF THE
CITY COUNCIL TODAY.

I AM HERE TO SPEAK FROM THE CHAMBER OF COMMERCE PERSPECTIVE
AS ONE WHO OBSERVED THE EXISTING COURTHOUSE FOR OVER SIX
YEARS...AS THE CEO OF THE GRESHAM CHAMBER OF COMMERCE. WE
WERE LOCATED RIGHT NEXT TO THE COURTHOUSE FOR, I THINK
APPROXIMATELY 20 YEARS. IT TRULY WAS A FIRSTHAND EDUCATION.

SINCE 1970, THE POPULATION IN THE EAST FOUR CITIES HAS INCREASED
AND CHANGED DRAMATICALLY, FROM APPROXIMATELY 39,000 IN 1970 TO
129,000 IN 2008.

IN THE SIX YEARS OF SHARING A BUILDING, I CAN SAY THAT THE COURT
ROOMS DEFINITELY NEED TO BE PLACED IN AN INDEPENDENT BUILDING.

THE DAYS THAT THE COURT WAS IN SESSION, THERE LITERALLY WAS NOT A SINGLE SPACE TO BE HAD FOR PARKING FOR SEVERAL BLOCKS. I WATCHED AS THE NUMBER OF CARS INCREASED ALMOST MONTHLY. THE ONLY OTHER FORM OF TRANSPORTATION TO THAT SITE WAS BY BUS. THE PARKING SPACES WERE SNATCHED UP IMMEDIATELY WITH THE CHAMBER HAVING TO PUT UP SIGNS AND THEN POLICE IT SO THAT WE HAD ROOM FOR OUR MEMBERS, CITIZENS AND OUT OF TOWN VISITORS TO PARK. THE DOCTOR NEXT DOOR HAD TO ROPE OFF HIS PARKING FOR HIS PATIENTS BECAUSE THEIR PARKING WAS TAKEN UP BY COURT ATTENDEES. CAN YOU IMAGINE WHAT THIS PARKING ISSUE WOULD DO TO OTHER BUSINESSES IN A MALL, WHERE THEIR CLIENTS COULDN'T GET INTO THE STORE OR FIND A PLACE TO PARK? A STAND ALONE BUILDING WOULD HAVE PLENTY OF PARKING WITH ACCESS BY AUTO, BUS AND LIGHT RAIL.

THERE WAS CONSTANT CONFUSION AMONG COURT GOERS. THEY WOULD COME IN TO THE CHAMBER TO ASK FOR DIRECTIONS AND EVEN OFFER PAYMENTS FOR THEIR FINES AND TICKETS. WE COULD HAVE BEEN RICH!!!

ANOTHER ISSUE THAT WAS FACED, ALMOST DAILY, WAS IMPROMTU MEETING PLACES FOR THE ATTORNEYS, INTERPRETERS AND CLIENTS. THEY HUDDLED AROUND CORNERS OF THE BUILDING, SOMETIMES IN OUR

CHAMBER LOBBY AND JUST ABOUT ANY PLACE THEY COULD FIND A
PLACE AWAY FROM THE OTHERS WAITING IN LINE BECAUSE, AS YOU
KNOW, IN OREGON THE SUN DOES NOT ALWAYS SHINE, SO THIS BECAME
QUITE CHALLENGING IN BAD WEATHER.

I ALSO WATCHED AS THE LINE WAITING TO GET IN COURT GREW
ANNUALLY. SOMETIMES THE LINE WOULD BE A BLOCK LONG BEFORE
THE COURTHOUSE DOORS OPENED IN THE MORNING. IF THIS LINE
EXTENDED IN FRONT OF A BUSINESS IN A MALL, JUST TAKE A MINUTE TO
THINK AS TO HOW YOU WOULD FEEL IF THIS IMPACTED YOUR BUSINESS. I
THINK IT IS A SIGN OF ALL BUSINESSES GOING OUT OF BUSINESS IN A
MALL.

THE CHAMBER OF COMMERCE REPRESENTS BUSINESSES AND I CAN TELL
YOU IT IS A CHALLENGE EVERY DAY FOR THEM TO KEEP THEIR DOORS
OPEN, NOT ONLY IN THIS ECONOMY, BUT IN ANY ECONOMY. PLEASE BE
RESPECTFUL OF OUR BUSINESSES AND OUR COMMUNITY WHEN YOU
PLACE THE MANDATED COURT ROOMS IN EAST COUNTY.

THANK YOU FOR LETTING ME GIVE YOU THIS PERSPECTIVE!!!!

505 consultants?

Grisham or oversight committee?

#16

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Captain Bill Walker

ADDRESS: 737 SE 106th AVE

CITY/STATE/ZIP: Portland, OR

PHONE: DAYS: 503-823-4515

EVES: _____

EMAIL: wwalker@portlandpolice.org

FAX: _____

SPECIFIC ISSUE: EAST COUNT Justice Center

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.

#17

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Ken Johnson Fairview Chief of Police

ADDRESS: 1300 NE Village

CITY/STATE/ZIP: Fairview OR 97024

PHONE: DAYS: 503-674-6200 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: EAST County Courts

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**.
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2. Written testimony will be entered into the official record.

18

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: F-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Council President, Dick Strathern

ADDRESS: 2981 SW 31 Street

CITY/STATE/ZIP: Gresham, OR 97080

PHONE: DAYS: 503-737-7898 EVES: NA

EMAIL: Strathe38@aol.com FAX:

SPECIFIC ISSUE: Cost Savings in Courthouse Construction

WRITTEN TESTIMONY: NO

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.
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2. Written testimony will be entered into the official record.

#19

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:

10/1/09

SUBJECT:

East County Justice Center

AGENDA NUMBER OR TOPIC:

above

FOR:

X

AGAINST:

THE ABOVE AGENDA ITEM

NAME:

Ron Clemenson

ADDRESS:

Centennial Community Assn.

CITY/STATE/ZIP:

Portland

PHONE:

DAYS: (503) 252-3383

EVES:

EMAIL:

FAX:

SPECIFIC ISSUE:

to support building a justice center at Rockwood/Graham

WRITTEN TESTIMONY:

will speak to it

IF YOU WISH TO ADDRESS THE BOARD:

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

#20

**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: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Matthew Wand WAND - GRESHAM COUNCILOR/ATTORNEY

ADDRESS: 236 NE Roberts Ave

CITY/STATE/ZIP: Gresham, OR 97030

PHONE: DAYS: (503) 666-7114

EVES: (503) 680-8180

EMAIL: _____

FAX: (503) 512-8112

SPECIFIC ISSUE: Rockwood Courthouse

WRITTEN TESTIMONY: none

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**.
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#21

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

Please complete this form and return to the Board Clerk

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MEETING DATE: Oct 1, 2009

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Sue O'Halloran

ADDRESS: 15 NE 3rd

CITY/STATE/ZIP: Gresham OR 97030

PHONE: DAYS: 503 661-8000 EVES: 503 667-0858

EMAIL: Sue@KmoRealEstate.com FAX: 661-7400

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**.
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2. Written testimony will be entered into the official record.

#22

**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: 10/1/09

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: DEAN HURFORD

ADDRESS: 335 NELANESA COURT

CITY/STATE/ZIP: GRESHAM OR 97030

PHONE: _____ DAYS: 503 7307339 EVES: 503 6615252

EMAIL: BUMPERS GRILL @ FAX: SAME
COMCAST.NET

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: SUPPORT COURT HOUSE
DEVELOPMENT LIVABILITY, CIVIC
PRESENCE,

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.

#23

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: Oct. 1, '09

SUBJECT: ECC

AGENDA NUMBER OR TOPIC: R-12

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: TRAVIS STOUALL East Metro Economic Alliance

ADDRESS: 773 NW 13th St.

CITY/STATE/ZIP: Gresham OR 97030

PHONE: DAYS: 971.586.1493 EVES: _____

EMAIL: _____ FAX: _____

SPECIFIC ISSUE: ECC

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.

~~#333~~ HAD TO LEAVE

**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: Oct 2, 09

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: ☒ AGAINST: ☐ THE ABOVE AGENDA ITEM

NAME: Drake Snodgrass

ADDRESS: 16519 SE STARK

CITY/STATE/ZIP: PORTLAND OR

PHONE: DAYS: 503 312 5017 EVES:

EMAIL: drake @ drakes7dees FAX:
.com

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.

HAS TO LEAVE FOR
NOON APPOINTMENT

**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: 10/1/09
SUBJECT: East County Courts

AGENDA NUMBER OR TOPIC: _____

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Metro Councilor Rod Park

ADDRESS: 600 NE. Grand Ave

CITY/STATE/ZIP: Portland, OR

PHONE: _____ DAYS: 503-797-1547 EVES: 503-804-0458

EMAIL: rod.park@oregonmetro.gov 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.

DID NOT ATTEND

**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: Oct. 1, 09

SUBJECT: EAST COUNTY COURTS

AGENDA NUMBER OR TOPIC: R-12

FOR: X AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: Shirley Craddick - Councilor

ADDRESS: 1333 Eastman Pkwy

CITY/STATE/ZIP: Gresham

PHONE: _____ DAYS: _____

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: East Co. Court

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.

SPEECH FOR COUNTY COMM

EAST COUNTY COURTHOUSE

Good morning commissioners, Chair Wheeler. I want to speak in support of the East County Courthouse. First you have made the right decision by locating the ECC in Rockwood District. As I understand it you are then faced with the decision to build or to lease.

Apparently the option to lease has also been removed off the table because of a lack of available space to rent that would meet the all of the criteria for a courthouse. So then you are left with the decision of how you are going to pay for the construction of a new courthouse. The good news is that you already own the dirt. The county paid \$3.5 million in 2007 and you own the property free and clear. This is a great start so that any capital expenditures will be directed toward the building itself.

Next you have \$4.8m in your ECC Fund as a result of the sale of surplus property you sold on the Edgefield property in Troutdale. The proceeds from this sale were established in a fund under resolution 04-159 which called out the money had to be directed to the East County Courthouse in Gresham. While falling short of the full amount of the \$21m needed you are much closer to the final mark leaving you a balance of only \$16.2 million.

What the new building provides is a 40,000 square foot Courthouse, with three courtrooms, District Attorney space, community space and support space for the courtrooms themselves. The price tag that has established the construction cost is conservative on the high side. Chances are once the building is completed my expectation is that the cost, given the economy will come in below your target figure. But what is clear is that this building will create a civic presence unlike anything in the area. For the Rockwood District this will create a real boost in their civic pride in their community which is so sorely needed.

From your financial experts with the county I am sure that can come up with a funding mechanism through an interim in- house loan that will close the gap in order to fund this much needed amenity for the community. I support this commission in their desire to be financially prudent while serving the needs of the community with vision to the future.

After all nothing last as long as a government building whether be a office building, jail or courthouse. I wish you the best in your decision making process.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-10 DATE 10/01/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 10/01/09
Agenda Item #: R-10
Est. Start Time: 10:05 AM
Date Submitted: 09/15/09

NOTICE OF INTENT to Apply for a East Multnomah Soil & Water
Agenda Conservation District "Partners in Conservation" Grant application for Fish
Title: Surveys in East County

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

Requested Meeting Date:	<u>October 1, 2009</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Community Services</u>	Division:	<u>Road Services</u>
Contact(s):	<u>Roy Iwai, Water Resources Specialist</u>		
Phone:	<u>(503) 988-5050</u>	Ext.	<u>28031</u>
		I/O Address:	<u>455 - 1st</u>
Presenter(s):	<u>Roy Iwai</u>		

General Information

1. What action are you requesting from the Board?

Notice of intent to apply for an East Multnomah Soil & Water Conservation District (EMSWCD) "Partners in Conservation" grant: Baseline Fish Species Distribution Survey of East Multnomah County Streams.

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 Water Quality Program of Multnomah County Road Services, in partnership with the City of Gresham and the City of Damascus, seeks to establish baseline knowledge of seasonal fish distribution and habitat use in selected rural stream reaches. Of specific interest is the potential presence of juvenile salmon and steelhead that are protected as endangered or threatened by state and federal laws. The proposed work will provide baseline information on fish assemblages and stream health, determine if these reaches support listed salmonids and may inform and prioritize habitat protection and restoration efforts.

This grant proposal to EMSWCD is intended to provide matching funds for a larger grant proposal through the Oregon Watershed Enhancement Board (OWEB). The OWEB grant proposal

(approximately \$50,000) will cover stream surveys in approximately 16 miles (26 km) of Beaver Creek drainage, and approximately 22 miles (35 km) of the upper Johnson Creek drainage. Findings from the proposed surveys will compliment similar investigations in nearby or adjacent reaches (City of Portland urban streams, ODFW 2008, unpublished data), establish rural stream profiles enabling comparisons that assess changes in stream health and fish assemblages over time, and guide land use planning and development decisions.

The Oregon Department of Fish and Wildlife (ODFW) have conducted fish surveys that produced an Index of Biotic Integrity (IBI) for several municipalities in the Portland Metropolitan area. These indices describe relative stream condition expressed as scored values based on fish taxa richness, fish health and habitat and trophic guilds. Indices of Biotic Integrity have been developed for the mainstem Johnson Creek during 2003 and 2008. The Water Quality Program is proposing to build upon this work by expanding the survey area to include survey sites in Badger Creek and the Johnson Creek headwaters, including its tributaries (North Fork Johnson, Sunshine, and Badger Creeks).

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

Multnomah County is seeking \$6,250 through the East Multnomah Soil & Water conservation District's "Partners in Conservation" grant. The funds for this grant will essentially provide matching funds for the larger OWEB Grant. The OWEB grant (\$50,000) will be submitted in tandem by October 19, 2009. The County will need to provide \$2,500 in match (in-kind or cash, FY10) for the "Partners in Conservation" grant. The grant may include indirect costs with no set maximum.

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

Coho salmon and steelhead are listed as threatened under the Federal Endangered Species Act. Presence of protected fish raises special concerns for road maintenance activities, planning decisions, and opportunities to partner on restoration activities with other entities.

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

The City of Gresham and City of Damascus are funding partners for the grant proposal. These jurisdictions will contribute combined 60% of the matching funds for the "Partners in Conservation" grant. The project will contract the Oregon Department of Fish & Wildlife, a conservation non-profit, or a private consulting firm to conduct the fish surveys.

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**

East Multnomah Soil & Water Conservation District

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

Applicants are expected to secure matching funds to support the project, in an amount equal to or exceeding the amount requested from the District. This 50% match may include cash, in-kind contributions, funding from other sources, or a combination thereof.

If the proposal is funded, the decision will be formalized with a written agreement that will include District and Applicant responsibilities, a description of reporting and monitoring requirements, procedures for requesting payments, etc.

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

Proposal is for a one time grant to collect baseline monitoring information.

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

Grant application is due on November 14, 2009.

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

Proposal covers the surveys which will be conducted within FY10.

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

Survey will be completed.

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

Costs will be covered as in-kind.

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:



Date: 09/14/09

Budget Analyst:



Date: 09/16/09



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # R-9 DATE 10/01/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 10/01/09
Agenda Item #: R-9
Est. Start Time: 10:00 AM
Date Submitted: 09/15/09

NOTICE OF INTENT to Apply for an Oregon Watershed Enhancement Board
Agenda Monitoring Grant: Baseline Fish Species Distribution Survey of East
Title: Multnomah County Streams

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

Requested Meeting Date:	<u>October 1, 2009</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Community Services</u>	Division:	<u>Road Services</u>
Contact(s):	<u>Roy Iwai, Water Resources Specialist</u>		
Phone:	<u>(503) 988-5050</u>	Ext.	<u>28031</u>
		I/O Address:	<u>455 - 1st</u>
Presenter(s):	<u>Roy Iwai</u>		

General Information

1. What action are you requesting from the Board?

Notice of intent to apply for an Oregon Watershed Enhancement Board monitoring grant: Baseline Fish Species Distribution Survey of East Multnomah County Streams.

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 Water Quality Program of Multnomah County Road Services, in partnership with the City of Gresham and the City of Damascus, seeks to establish baseline knowledge of seasonal fish distribution and habitat use in selected rural stream reaches. Of specific interest is the potential presence of juvenile salmon and steelhead that are protected as endangered or threatened by state and federal laws. The proposed work will provide baseline information on fish assemblages and stream health, determine if these reaches support listed salmonids and may inform and prioritize habitat protection and restoration efforts.

This grant proposal is for stream surveys in approximately 16 miles (26 km) of Beaver Creek drainage, and approximately 22 miles (35 km) of the upper Johnson Creek drainage. Findings from the proposed surveys will compliment similar investigations in nearby or adjacent reaches (City of

Portland urban streams, ODFW 2008, unpublished data), establish rural stream profiles enabling comparisons that assess changes in stream health and fish assemblages over time, and guide land use planning and development decisions.

The Oregon Department of Fish and Wildlife (ODFW) have conducted fish surveys that produced an Index of Biotic Integrity (IBI) for several municipalities in the Portland Metropolitan area. These indices describe relative stream condition expressed as scored values based on fish taxa richness, fish health and habitat and trophic guilds. Indices of Biotic Integrity have been developed for the mainstem Johnson Creek during 2003 and 2008. The Water Quality Program is proposing to build upon this work by expanding the survey area to include survey sites in Badger Creek and the Johnson Creek headwaters, including its tributaries (North Fork Johnson, Sunshine, and Badger Creeks).

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

Multnomah County is seeking \$50,000 in monitoring grant funds to conduct the fish survey. A grant application through the East Multnomah Soil & Water conservation District's "Partners in Conservation" will be submitted in tandem to provide the match for the OWEB grant. The grant may include indirect costs as project management and fiscal administration. OWEB allows up to 10% of the direct costs for fiscal administration.

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

Coho salmon and steelhead are listed as threatened under the Federal Endangered Species Act. Presence of protected fish raises special concerns for road maintenance activities, planning decisions, and opportunities to partner on restoration activities with other entities.

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

The City of Gresham and City of Damascus are funding partners for the grant proposal. These jurisdictions will contribute combined 60% of the matching funds for the "Partners in Conservation" grant. The project will contract the Oregon Department of Fish & Wildlife, a conservation non-profit, or a private consulting firm to conduct the fish surveys.

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**
Oregon Watershed Enhancement Board (OWEB)
- **Specify grant (matching, reporting and other) requirements and goals.**
Monitoring Grant Application will be submitted to fund the baseline monitoring project for fish diversity of Upper Johnson Creek and Beaver Creek watersheds. The Monitoring Grant requires 25% in matching funds, copies of all applicable permits needed, and a Project Completion Report.
- **Explain grant funding detail – is this a one time only or long term commitment?**
Proposal is for a one time grant to collect baseline monitoring information.
- **What are the estimated filing timelines?**
Grant application is due on October 19, 2009. OWEB funding decision will be made on March 17-18, 2010.
- **If a grant, what period does the grant cover?**
Proposal covers the surveys which will be conducted within FY10.
- **When the grant expires, what are funding plans?**
Survey will be completed.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
Costs will be covered as in-kind.

ATTACHMENT B

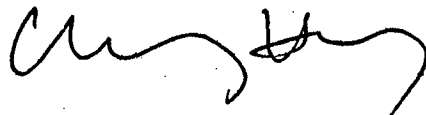
Required Signatures

Elected Official or
Department/
Agency Director:



Date: 09/14/09

Budget Analyst:



Date: 09/16/09



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 10/01/09
Agenda Item #: R-11
Est. Start Time: 10:07 AM
Date Submitted: 09/15/09

Agenda Title: Transportation Water Quality Program Overview

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: October 1, 2009 Amount of Time Needed: 30 minutes
Department: Community Services Division: Road Services
Contact(s): Roy Iwai, Water Resources Specialist
Phone: (503) 988-5050 Ext. 28031 I/O Address: 425/1st
Presenter(s): Roy Iwai

General Information

- What action are you requesting from the Board?
None. This is an informational briefing.
- Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.
This presentation will provide the Board with an overview of the Water Quality Program of Road Services. The presentation will highlight the various program elements in the context of existing environmental problems and the efforts ongoing to resolve these issues.
- Explain the fiscal impact (current year and ongoing).
None
- Explain any legal and/or policy issues involved.
None
- Explain any citizen and/or other government participation that has or will take place.
None

Required Signature

Elected Official or
Department/
Agency Director:

M. Cecilia Johnson

Date: 09/14/09

I. SCOPE

This investment policy applies to the investing of the financial assets of all funds included in Multnomah County's investment portfolio as defined in this policy. During the Fiscal Year 2008-2009, the County's average daily balance of cash invested was approximately \$305,520,000, with the high of \$895,990,000 occurring in November 2008 and the low of \$154,550,000 occurring in October 2008.

All applicable cash will be invested in compliance with Oregon Revised Statutes 294 and 295, and all other applicable statutes, policies and other written procedures. Investment earnings of the investment portfolio shall be allocated to eligible County governmental, proprietary and fiduciary funds as summarized in Addendum A.

Investments owned by Multnomah County Hospital Facilities Authority do not fall under the purview of Multnomah County or this investment policy.

II. INVESTMENT OBJECTIVES

- The primary investment objective of Multnomah County is the preservation of capital and the protection of investment principal.
- The County's investment portfolio will remain sufficiently liquid to enable the County to meet all reasonably anticipated operating requirements. This preference for liquidity will be basic to investment decisions.
- The County will strive to attain a market rate of return throughout budgeting cycles.
- The County will diversify its investment types and maturities to avoid unreasonable concentration within security types and financial institutions.
- The County will comply with Federal and State laws, IRS Regulations, GAAP and GASB guidelines, Oregon State Treasury guidelines and GFOA best practices.

III. STANDARDS OF CARE

1. Prudence The standard of prudence to be used by the Treasury Manager and treasury staff shall be the "prudent person" standard which states that "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

The Treasury Manager and treasury staff acting in accordance with written procedures and this investment policy, and exercising due diligence shall be relieved of personal responsibility for an

individual security's credit risk or market price fluctuations, provided deviations from expectations are reported in a timely manner and that investment transactions are carried out in accordance with this investment policy.

2. Ethics and Conflicts of Interest County employees involved in the investment process shall refrain from business activity that could conflict with the proper execution and management of the investment process, or that could impair their ability to make impartial decisions. Such employees shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Such employees shall at all times comply with the State of Oregon Government Standards and Practices code of ethics set forth in ORS 244.

3. Delegation of Authority The Treasury Manager is designated as the investment officer of the County and is responsible for the daily cash management as well as all investment decisions and activities. No person is authorized to engage in an investment transaction for the County except as provided under the terms of this policy and procedures established by the Investment officer. The Treasury Manager may authorize Treasury staff to act as his designees with dual signature requirement. (See Addendum G).

IV. SAFEKEEPING AND CUSTODY

1. Delivery versus Payment All investments eligible for delivery purchased pursuant to this investment policy will be delivered versus payment by either book entry or physical delivery to a third-party custodian.

2. Authorized Financial Institutions and Broker/Dealers The Treasury Manager will maintain and review annually a list of financial institutions authorized to provide the County investment and safekeeping services, as well as a list of approved security broker/dealers. To be eligible, a financial institution must meet at least one of the following three criteria:

- a. Be a primary dealer of the Federal Reserve Bank of New York; or
- b. Report voluntarily to the F.R.B. of New York; or
- c. Affirm that it has met the securities dealers' capital adequacy requirements of the F.R.B. of New York continuously for the preceding 12 months.

The Treasury Manager is authorized to sign a Trading Authorization Agreement or Master Repurchase Agreement with any institution included on the list, and will maintain a file, either electronically or hard copy, of the most recent audited financial reports of each firm on the approved list.

The Treasury Manager is authorized to transact trades directly with issuers of corporate debt and commercial paper provided that the provisions of ORS 294.035 and this investment policy are observed.

The Treasury Manager is responsible for maintaining current files documenting the appropriate licenses and professional credentials of broker/dealers with whom the County transacts trades. Additional documentation to be maintained includes certification of state registration, NASD

certification, and certification of having read and agreeing to comply with the County's current investment policy.

Qualified financial institutions and broker/dealers are included in Addendum B.

3. Internal Controls The Treasury Manager shall be responsible for implementing effective internal controls to address the following areas of concern:

- Clear delegation of authority
- Segregation of duties and separation of responsibilities for trade execution, accounting, and record keeping
- Written confirmation of transactions and funds transfers
- Compliance with investment policy constraints and requirements
- Timely reconciliation of custodial reports
- Appropriate security for online transactions and access to bank accounts and bank data

V. AUTHORIZED INVESTMENTS

This investment policy limits approved investment securities to the following:

1. U.S. Treasury Issues
2. Agencies and Instrumentalities of the United States
3. Municipal Debt
4. Savings and Demand Accounts
5. Time Certificates of Deposit
6. Banker's Acceptances
7. Corporate Debt
8. Repurchase Agreements (collateral margins per Oregon State Treasury)
9. Reverse Repurchase Agreements (with approval of Chief Financial Officer)
10. Oregon Local Government Investment Pool (LGIP)

The specific permitted securities are defined under Oregon Revised Statutes 294.035, 294.040, 294.046 and 294.810. (See Addendum C). Collateral requirements for bank deposits, time deposits, certificates of deposit and savings accounts are defined in ORS 295. (See Addendum D).

VI. INVESTMENT PARAMETERS

The Treasury Manager is responsible for preparing an annual cash flow schedule for all funds included in the County's investment portfolio. The cash flow schedule shall be continuously reviewed to compare projected flows to actual.

County investments shall be diversified by type, maturity and issuer. Before any transaction is concluded, to the extent practicable, the Treasury Manager shall solicit and document competitive bids and offers on comparable securities. When not practicable, the reasons should be similarly documented. At all times the Treasury Manager will strive for best execution of all transactions. Additionally, if reasonably unanticipated events cause the portfolio limits to be exceeded, the Treasury Manager will take the steps necessary to correct the situation as soon as is practicable. The Treasury Manager will promptly advise the Chief Financial Officer and the Investment Advisory Board of the occurrence.

Investments may be sold at a loss when the Treasury Manager deems that such a decision is prudent.

1. Diversification by Type The Treasury Manager shall limit the types of securities owned based on their proportional market value to the total investment portfolio market value and per issuer in the following manner:

- | | |
|----------------------------------|--|
| ○ U.S. Treasury Issues | Up to 100% |
| ○ Agencies and Instrumentalities | Up to 75% and 25% per issuer |
| ○ Municipal Debt | Up to 10% and 10% per issuer |
| ○ Savings Accounts | Up to 50% and 25% per institution |
| ○ Certificates of Deposit | Up to 20% and 1% of deposits per institution |
| ○ Banker's Acceptances | Up to 35% and 25% per issuer |
| ○ Corporate Debt | Up to 25% and 5% per issuer |
| ○ Repurchase Agreements | Per collateral securing repo and margin requirements |
| ○ Reverse Repurchase Agreements | Up to 10% |
| ○ LGIP | Per ORS 294.810 |

Investments in corporate debt may exceed 25% up to a limit of 30% for a period not to exceed 10 successive business days with prompt and appropriate notifications. Investments that are explicitly guaranteed by the U.S. Treasury or the Federal Deposit Insurance Corporation are considered U.S. Treasury issues and may be owned without limit.

2. Maximum Maturities In order to insure that funds are available for operating cash flow requirements, the Treasury Manager shall limit the maturities of securities owned based on market value in order to manage the weighted average maturity (WAM) of the portfolio appropriate to current market conditions and economic expectations. The following guidelines shall apply:

- | | |
|-------------------|-------------|
| ○ Under 30 days | Minimum 10% |
| ○ 31 -- 90 days | Minimum 25% |
| ○ 91 -- 270 days | Minimum 50% |
| ○ 271 -- 365 days | Minimum 70% |
| ○ 1 -- 3 years | Maximum 30% |

Investment maturities may exceed the guidelines for a period not to exceed 10 successive business days with prompt and appropriate notifications.

3. Management of Credit Quality The Treasury Manager shall calculate to the extent possible and report the average credit quality of the investment portfolio to manage aggregate portfolio credit risk.

4. Investment of Bond Proceeds Bond proceeds may be segregated within the County's investment portfolio and invested in a manner consistent with Internal Revenue Service limitations on tax-exempt issuers, as well as the trust indenture and anticipated drawdown of proceeds.

Similarly, funds received as a result of a defeasance of previously issued County debt shall be invested in a manner consistent with Oregon Revised Statutes, I.R.S. regulations and the terms of the indenture documents of the debt instrument.

5. Community Banking Investment Program Pursuant to Multnomah County Board Resolution No. 98-129, dated September 10, 1998, the Treasury Manager is authorized to purchase time certificates of deposit from qualified community banks in the face amount of \$95,000 per bank to a total of \$1,500,000. (See Addendum E).

VII. REPORTING AND OVERSIGHT

1. Methodology The Treasury Manager shall prepare monthly a management summary that provides the details of the investment portfolio, as well as transaction details for the reporting period. Details shall be sufficient to document conformity with the provisions of statutes and this

investment policy and shall include a listing of individual securities held at the end of the period. All investments owned will be marked-to-market monthly by the County's third-party custodian.

At the time of settlement of a purchase, an investment will be booked at cost. Any gain or loss resulting from an investment sold or called will be credited or charged to investment income as of the settlement date of the transaction. Premiums and discounts on securities will be amortized or accreted to stated maturity date. In the event of call or sale before maturity, any remaining premiums or discounts will be credited or charged to income as of the call or sale settlement date.

The County shall comply with all legal requirements and generally accepted accounting principals (GAAP). These principals are contained in the pronouncements of authoritative bodies including, but not limited to, the American Institute of Certified Public Accountants (AICPA), the Financial Accounting Standards Board (FASB), and the Government Accounting Standards Board (GASB).

Most of the County's available cash will be pooled for investment purposes in the investment portfolio. Cash not pooled will be restricted to:

- Deferred compensation deposits and investments;
- Cash designated for Certificates of Participation, Full Faith and Credit, General Obligation, and Revenue Bond reserves;
- Cash designated for construction payments;
- Petty cash and other imprest funds.

These items will earn interest income, if applicable, from the financial institution holding the funds in a trust or fiduciary capacity.

The monthly management investment summary will be provided to the Chair of the Board, the members of the Investment Advisory Board, the Chief Financial Officer and the County Auditor.

2. Benchmarks The performance of the County's portfolio will be measured against the performance of the Local Government Invest Pool (LGIP) and the yield of the 91-Day U.S. Treasury Bill. It is the goal of the County to maintain throughout the accounting cycle a yield that is not more than 50 basis points (1/2 percent) lower than that of LGIP, and is not less than 25 basis points (1/4 percent) higher than that of the 91-Day U.S. Treasury Bill. The County will endeavor to compare its portfolio yield with those of Washington County, Clackamas County and the City of Gresham.

3. Portfolio Earnings Allocation The amount of earnings allocated monthly will be calculated by the General Ledger section based on the following:

- The average daily cash balance (ADCB) of each eligible fund will be calculated. The Property Tax Trust Fund ADCB will be reduced by the average daily uncollected funds (float).
- The average monthly yield of the County's investment portfolio will be calculated on a 365-day basis.
- An administrative fee of 100 basis points (1.00%) will be deducted from the earnings allocation prior to distribution.

- If the ADCB of a fund is negative and the fund would normally be credited earnings if the ADCB of that fund were positive, the fund will be debited earnings at the average monthly yield of the portfolio for the period that the fund's cash balance is negative.
- The allocation of earnings process is summarized in Addendum A.

4. Investment Advisory Board The County Chair will appoint the members of the Investment Advisory Board (IAB) to three-year terms. The IAB will consist of five citizen members who will be nominated on the basis of their expertise in financial markets and fixed income investments. (See Addendum F).

The IAB will meet quarterly to review the County's investment performance and adherence to the investment policy. All such meetings will be open to the public and publicized as required by the "Open Meetings Law."

Minutes of each meeting of the IAB shall be recorded and included in the management summary for the following month.

5. Indemnification Clause The County shall indemnify County officials and Investment Advisory Board members from personal liability for losses that might occur pursuant to administering this investment policy.

VII. POLICY ADOPTION

The County's investment policy shall be reviewed annually by the Treasury Manager, Chief Financial Officer and the Investment Advisory Board for appropriate modifications. It will be submitted to the Oregon Short Term Fund Board for comments. Any comments or suggestions made by the OSTFB but not implemented by the County will be explained to the Board of County Commissioners.

This policy and any amendments to this policy are to be approved annually by the Board of County Commissioners.

ADDENDUM A

Investment Earnings Allocation

A. Pursuant to State law and County policy investment earnings will be allocated to all Debt Service Funds, all Capital Projects Funds, all Special Revenue Funds, except as noted below and the Behavioral Health Managed Care Fund (3002).

B. Investment earnings will not be allocated to the Federal/State Program Fund because the majority of the expenditures are on a reimbursement basis from the grantor agency and the General Fund provides the cash flow.

C. The General Fund will receive the balance of the investment earnings. All other Funds that are supported in whole or part by the General Fund will not be allocated investment earnings.

D. In the event a new fund or account is created, the Chief Financial Officer is authorized to make the determination if the fund or account should receive investment earnings. This determination is to be based on the criteria used for the funds in existence at the time this policy is adopted.

ADDENDUM B

Qualified Financial Institutions and Broker/Dealers

Banks:

- 1) Albina Community Bank
- 2) Bank of America
- 3) Key Bank
- 4) Union Bank of California
- 5) US Bank
- 6) Umpqua Bank
- 7) Wells Fargo Bank
- 8) Oregon Community Banks (Per Resolution No. 98-129)

Brokerage Firms:

- 1) Banc of America Securities
- 2) D.A. Davidson & Co
- 3) Morgan Keegan & Co.
- 4) Piper Jaffray & Co.
- 5) RBC, Inc.
- 6) Seattle Northwest Securities Corp.
- 7) UBS Financial Services
- 8) Union Bank Investment Services
- 9) US Bancorp Investments
- 10) Wells Fargo Brokerage Services

Other:

Oregon Local Government Investment Pool (LGIP)

ADDENDUM C

Liquid Investments Available to Oregon Local Governments

United States Treasury Issues

1. U.S. Treasury Bills
2. U.S. Treasury Notes
3. U.S. Treasury Bonds
4. U.S. Treasury STRIPS (Separate Trading of Registered Interest and Principal of Securities)
5. BECCS (Bearer Corpora Conversions)
6. CUBES (Coupons Under Book-Entry Safekeeping)
7. U.S. Treasury Inflation-Indexed Bonds

All Treasury notes and bonds are strippable. STRIPS are created by separating the interest (coupon) and principal (the note or bond itself), thereby creating zero coupon securities that are sold at a deep discount and payment is received at maturity. STRIPS are direct obligations of the U.S. Treasury and are backed by the full faith and credit of the United States. Strips are not to be confused with CAT's, TIGR's, etc., which are proprietary products that represent a security interest in an underlying U.S. Treasury security. These latter investments ARE NOT permissible investments for local governments.

Previously, when U.S. Treasury Bonds were in physical form, they were literally separated into serial coupons from their respective bonds. This was before book entry; before proprietary products created by dealers that were security interests in some underlying note or bond; and, before the U.S. Treasury itself allowed stripping of its longer debt issues. These old physically separated instruments (basically bearer securities) were converted by the Federal Reserve into wireable book entry form to make the STRIPS market more uniform. These former physical securities that have been so converted are called Coupons Under Book Entry Safekeeping (hence the acronym CUBES). These CUBES are very rare, trade at a higher rate than on-the-run comparable U.S. Treasury STRIPS, and are extremely illiquid. Being old U.S. Treasury securities, CUBES carry the same full faith and credit of the United States Government.

In January, 1997, the United States Treasury started issuing Treasury Inflation Protected Securities (TIPS). Inflation indexed note auctions are usually announced on the first Wednesday of January and July, with the auction process occurring the second week of January and July. Issuance is the 15th of the same month. These bonds will be fully strippable. Like other bonds, they will be offered in denominations of \$1,000.00. More detailed information beyond this cursory description is available from the Internet (www.publicdebt.treas.gov), The Bond Market Association (www.bondmarkets.com), and research data from brokers/dealers.

Agencies and Instrumentalities of the United States

1. Federal Home Loan Banks (FHLB) - Discount Notes, Consolidated bonds, Floating Rate Notes, and MTNs.
www.fhlb-of.com
2. Federal Farm Credit Banks (FFCB) - Consolidated system-wide notes and bonds, Discount notes, Floating Rate Notes, MTNs, and Master notes.
www.farmcredit-ffcb.com
3. Federal National Mortgage Association ("Fannie Mae") - Discount Notes, MTNs, Senior and Subordinated Benchmark Notes (fixed and floating), strips, zero-coupon securities, and mortgage-backed securities.
www.fanniemae.com
4. Federal Home Loan Mortgage Corporation ("Freddie Mac") - Discount Notes, MTNs, Senior and Subordinated Reference Notes (fixed and floating), Mortgage Participation Certificates (PC's), Collateralized Mortgage Obligations (CMO's), and Strips.
www.freddiemac.com
5. Government National Mortgage Association ("Ginnie Mae") - Mortgage-Backed Securities in 15- and 30-year maturities - guaranteed by the full faith and credit of the U.S. Government. Collateralized by FHA, VA, and FMHA insured mortgage loans.
www.ginniemae.gov
6. Financing Corporation (FICO) —Long-term bonds (none issued since 9/89) - Principal repayment defeased by zero coupon Treasuries.
7. Resolution Funding Corporation (REFCORP) - Strips and Bonds — 30 & 40-year issues - Principal collateralized by U.S. Treasuries, interest payments backed by the U.S. Treasury and FIRREA.
8. Tennessee Valley Authority (TVA) - Discount Notes, Strips, Notes, and Bonds - Issues available in maturities 5 to 50 years. www.tva.gov
9. Financial Assistance Corporation (FAC) - 15 year bonds, guaranteed by the Treasury, first issued in 7/88. This entity provides capital to Farm Credit System Institutions.
10. Federal Land Banks (FLB) - Bonds - Currently issued through FFCB. (Banks for Cooperatives and Federal Intermediate Credit Bank also issue through FFCB and have no direct issues outstanding.)
11. Federal Housing Administration (FHA) - Debentures - Backed by the full faith and credit of the U.S. Government.

12. Farmers Home Administration (FMHA) - Certificates of Beneficial Ownership (CBO's). Backed by the full faith and credit of the U.S. Government. Discontinued in 1975, small amount remains outstanding.
13. General Services Administration (GSA) - Participation Certificates - Secured by the full faith and credit of the U.S. Government. No new issues since 1974. www.gsa.gov
14. Maritime Administration - Bonds - Collateralized by ship mortgages, further backed by the full faith and credit of the U.S. Government in the event of default.
15. Washington Metropolitan Area Transit Authority - Bonds - Backed by the full faith and credit of the U.S. Government. Small amount remains outstanding.
16. Small Business Administration (SBA) - Debentures - Backed by the full faith and credit of the U.S. Government. Small amount remains outstanding.
www.sba.gov
17. Department of Housing and Urban Development (HUD) - Notes, New Housing Authority Bonds - 40-year issues with 15-year calls. Backed by the full faith and credit of the U.S. Government. No new issues since 1974. Small amount remains outstanding.
18. United States Postal Service - Bonds - May be backed by the full faith and credit of the U. S. Government. Issues with maturities of 20 years or longer. www.usps.com
19. United States Department of Veterans' Affairs Guaranteed REMIC Pass-Through Certificates Vendee Mortgage Trust 1992-1 (VINNIE MAE). The full and timely payment of principal and interest of these certificates is guaranteed by the Department of Veterans' Affairs and this guarantee is further backed by the full faith and credit of the United States of America.
20. Private Export Funding Corporation (PEFCO) — Secured Notes with maturities of 5 years or longer. Interest is guaranteed by the Export-Import Bank of the United States (Eximbank, a federal agency) and whose principal is secured by either cash, securities backed by the full faith and credit of the United States, or Guaranteed Importer Notes which are guaranteed by the Eximbank. The Secured Notes, which are rated AAA.
www.pefco.com
21. Federal Agricultural Mortgage Corporation (Farmer Mac), a federally chartered instrumentality of the United States was created to provide capital for agricultural real estate and rural housing. Instruments include discount notes, medium-term notes, and mortgage backed securities. www.farmermac.com

Pursuant to ORS 294.046, this list contains all "agencies and instrumentalities of the United States with available obligations that any county, municipality, political subdivision or school district may invest in...." Generally, all U.S. Treasuries, and Agencies listed in 1 through 8 are appropriate investments for excess cash funds (if the maturities of such instruments are within the local government's investment guidelines). However, attention should be paid to any peculiar characteristics of some of the instruments. For example, mortgage-backed securities like GNMA's may have volatile prepayment characteristics which may make their final maturities unknown. In falling interest rate cycles, borrowers' whose underlying mortgages are the security for the GNMA bonds may refinance their loans accelerating the principal return to the investor. Therefore, the term for a GNMA cannot be relied upon to perform, for example, a debt defeasance. Agencies listed in 9 through 21 are viewed as less appropriate for local government investments, may be infrequently traded, and can be characterized by thin, illiquid markets.

International institutions in which the United States Government owns capital stock (paid-in or callable) are not eligible investments for local governments and are not listed here (World Bank, Asian Development Bank, Inter-American Development Bank, etc.).

Local Government Investment Pool

No minimum investment: deposits are limited to the amount prescribed on: "Memo Regarding Limitation in ORS 294.810." These limits can be temporarily exceeded for 20 business days by county governments and 10 days by other local governments as a result of pass-through funds (ORS 294.810).

Repurchase Agreements

Typically these are investment arrangements involving the purchase of US Government and agency securities with a simultaneous agreement to resell them back to the same seller for the same dollar investment plus a fee. Amounts invested, rate, and terms are negotiable but such repurchase transactions are limited to 90 days maximum term. Maximum percentages for prices paid for the collateral securities are prescribed by the Oregon Investment Council or the Oregon Short-Term Fund Board [ORS 294.035 (11); ORS 294.135 (2)]. On March 12, 1996, the Board prescribed the following minimum pricing margins for repurchase collateral:

US Treasury Securities:	102%
US Agency Discount and Coupon Securities:	102%
Mortgage Backed and Other:	103%*

Bankers' Acceptances

Appropriate if: guaranteed by, and carried on the books of, a qualified financial institution; eligible for discount by the Federal Reserve System; and issued by a qualified financial institution whose short-term letter of credit rating is rated in the highest category by one or more nationally recognized statistical rating organizations.. They are limited to a 25% maximum of the moneys of a local government available for investment on the settlement date per qualified financial institution [ORS 294.035 (8) (a), (b), (c)].

Corporate Indebtedness (secured and unsecured)

These securities are corporate commercial paper and promissory notes that have minimum commercial paper ratings of A1 or P1 or long-term minimum ratings of Aa (Moody's) or AA (S & P) or equivalent by any nationally recognized statistical rating organization. The minimum credit quality may be lowered to A2, P2 for commercial paper and A for long-term if the issuer meets the criteria of paragraphs (A) and (B) of ORS 294.035 (9) (c). They are limited to 35% of the moneys of a local government available for investment [ORS 294.035 (9), (a), (b), (c), (d)]

Municipal Debt Obligations

Lawfully issued debt obligations of the agencies and instrumentalities of the State of Oregon and its political subdivisions that have a long-term debt rating of A or an equivalent rating or better or are rated on the settlement date in the highest category for short-term municipal debt by a nationally recognized statistical rating organization [ORS 294.035 (2)]. Also, lawfully issued debt obligations of the States of California, Idaho and Washington and their political subdivisions if such obligations have a long-term rating of AA or better or are rated on the settlement date in the highest category for short-term municipal debt by a nationally recognized statistical rating organization [ORS 294.035 (3)]. For these latter obligations, they are allowable subject to ORS 294.040.

Certificates of Deposits

Certificates of deposit are not an investment security but rather a time deposit in a qualified financial institution. They must be FDIC insured to \$100,000 and further collateralized above the FDIC insurance pursuant to Oregon Revised Statutes.

ADDENDUM D

Collateral Requirements for Public Funds Deposits

Effective July 1, 2008, Oregon Revised Statutes Chapter 295 has been modified by legislative action which transferred the responsibility to the Office of the State Treasurer for insuring that public funds are collateralized appropriately by the public depositories holding the deposits.

ADDENDUM E

RESOLUTION No. 98 – 129

Resolution adopting Multnomah County's Community Banking Investment Program

The Board of County Commissioners finds:

1. Many small banks that are community owned ("Community Banks") are located in rural and urban areas throughout the state and provide valuable services including making small business loans, loans to promote entrepreneurial activities and consumer loans for tuition and purchases of automobiles and homes.
2. Multnomah County, Oregon (the "County") has successfully formed partnerships with Community Banks in Multnomah County by making investments with Albina Community Bank and American State Bank and wishes to expand this partnership to provide an economic engine to link the urban/rural relationships throughout the state.
3. The County is committed to forming partnerships with Community Banks, consumers and businesses to provide the much needed capital to assist in economic development, the creation of jobs and providing loans for home purchases, home improvements automobile loans and tuition expenses.
4. Community Bank loans to businesses and consumers generate significant economic development, provide employment opportunities for the communities in which they are located and enhance the livability of their communities.
5. The economic development, employment opportunities made possible by small businesses add to the quality of life of all Oregonians, including those in Multnomah County.
6. With the restructuring and consolidation of banking in Oregon, small businesses and consumers are placing an even higher demand for loans on Oregon Community Banks and Community Banks are constantly exploring new ways to raise deposits to provide loans to small businesses and consumers.
7. The County, understands and appreciates the positive economic impact and enriched quality of life that Community Banks have in communities throughout the State of Oregon.
8. The County wishes to establish a model Community Banking Investment Program and encourages other governments in a position to implement similar programs to do so.
9. The County is authorized under ORS 294.035 to invest in certificates of deposit in banks, mutual savings banks and savings and loan associations which maintain a head office or a branch in this state in the capacity of a bank, mutual savings bank or savings and loan association.

10. The County's investment policy, adopted by the Board, authorizes the County to purchase time certificates of deposit with financial institutions covered by FDIC insurance or institutions that cause to have a Certificate of Participation issued evidencing collateral on all public funds on deposit.

11. The County's investment policy requires the County to safeguard assets, maintain sufficient liquidity requirements and obtain a competitive rate of return.

12. The County's Investment Advisory Board has reviewed and approved this policy direction.

The Board Resolves:

1. The County will purchase qualified time certificates of deposit from Community Banks to provide deposits for the Community Banks to make loans.

2. The total amount of funds available for this program will be \$1,500,000.

3. The par amount of the certificate of deposit will not exceed \$95,000 per institution.

4. The Community Bank must meet the following requirements to participate in this program:

a. The Community Bank's time certificate of deposit yield must be competitive with similar qualified investments available to the County at the time of purchase.

b. The Community Bank must have headquarters in the State of Oregon.

c. The Community Bank's assets will not exceed \$750,000,000 as of the most recent financial statement.

d. The Community Banks must have the bank's Board of Directors approve a resolution affirming its participation in the Multnomah County Community Banking Investment Program.

e. The Community Bank's loans to deposits ratio shall equal or exceed the national average for similar institutions.

f. The Community Bank's Community Reinvestment Act ("CRA") rating must be satisfactory or higher.

g. The Community Bank must provide evidence that they are a member of the FDIC.

5. When making investments with Community Banks, the Treasury Manager will follow all other provisions contained in the County's Investment Policy.

ADOPTED this 10th day of September 1998.
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ADDENDUM F

Multnomah County Investment Advisory Board

Jennifer Cooperman

Term Expires: 6/30/11
Fourth Term

Marc Gonzales

Term Expires: 6/30/11

Thomas Landye

Term Expires: 6/30/12
Fifth Term

Jack Pessia

Term Expires: 6/30/12
First Term

George Scherzer

Term Expires: 6/30/11
Eighth Term

Staff:

Mindy Harris, Chief Financial Officer
Harry Morton, Treasury Manager
Tsultrim Yehshopa, Treasury Specialist
Dan Arenholz, Treasury Specialist

(503) 988-3786
(503) 988-3290
(503) 988-3681
(503) 988-3440

ADDENDUM G

Delegation of Authority

Harry S. Morton
Treasury Manager

Single Signature Authority

Tsultrim C. Yehshopa
Finance Specialist 2

Designee / Dual Signature Authority

Daniel J. Arenholz
Finance Specialist 2

Designee / Dual Signature Authority



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 10/01/09
Agenda Item #: R-4
Est. Start Time: 9:15 AM
Date Submitted: 09/15/09

Agenda Title: PROCLAMATION Proclaiming October 2009 Oregon Archives Month in Multnomah County, Oregon

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

Requested Meeting Date:	October 1, 2009	Amount of Time Needed:	5 minutes
Department:	Department of County Management	Division:	FREDS/Records
Contact(s):	Terry Baxter		
Phone:	503.988.3741	Ext.	83741
I/O Address:	425/records/Terry		
Presenter(s):	Terry Baxter, Rich Swift		

General Information

1. What action are you requesting from the Board?

We are requesting that the Board proclaim October Oregon Archives Month in Multnomah County. The Department recommendation is that the Board adopts this proclamation.

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

Archives Week/Month has been celebrated since 1989 in a growing number of states. This is the 5th year it will be celebrated in Oregon. It's purpose is to increase the public's awareness of archival and historical records, educate people and organizations about preserving their own records, and encourage people to explore and use the archives in their area. Multnomah County includes significant archival resources whose use should be supported.

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

There is no fiscal impact.

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

There are no legal or policy issues involved.

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

There are a number of Oregon archival institutions involved in the planning and celebration of

Archives Month. The Oregon State Archives, Oregon State University Archives, University of Oregon, Willamette University, City of Portland Archives, Oregon Historical Society, Portland State University, Lewis and Clark University, Marion County Historical Society, Oregon Shakespeare Festival, and Multnomah County Records Program comprise the statewide planning team. Other archival programs across the state are planning information and events. State Archivist Mary Beth Herkert (503.373.0701) is the statewide contact for Oregon Archives Month.

Required Signatures

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



Date: 09/15/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Proclaiming October 2009 Oregon Archives Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

- a. The records of Multnomah County, the state of Oregon, the Pacific Northwest, and the nation are crucial to our understanding of the past and in planning for our common future;
- b. Archival institutions have a responsibility to provide the public with access to their records, and it is a goal of these institutions to increase public awareness of the vital role they play in safeguarding knowledge of our intellectual, cultural, social, and governmental heritage;
- c. Archival records document activities of citizens, businesses, governments, and organizations. They provide context to our histories and evidence of our common and individual rights and obligations;
- d. During Oregon Archives Month we celebrate the value of Multnomah County's written record, publicizing the many ways archival records enrich our lives and recognizing those who maintain our communities' archival records; now therefore

The Multnomah County Board of Commissioners Proclaims:

October 2009 as Oregon Archives Month in Multnomah County, Oregon, and encourages all citizens to discover the diverse documentary resources maintained by the varied archival institutions in Multnomah County and to explore their relationship to community and cultural memory.

ADOPTED this 1st day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, County Chair

Deborah Kafoury,
Commissioner District 1

Jeff Cogen,
Commissioner District 2

Judy Shiprack,
Commissioner District 3

Diane McKeel,
Commissioner District 4



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

Board Clerk Use Only

Meeting Date: 10/01/09
Agenda Item #: R-6
Est. Start Time: 9:40 AM
Date Submitted: 09/17/09

Agenda Title: PROCLAMATION Declaring the Month of October as COMMUNITY PLANNING MONTH in Multnomah County, Oregon and Recognizing the Contributions of All Multnomah County Land Use and Transportation Planning Employees

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: October 1, 2009 Amount of Time Needed: 10 minutes
Department: Department of Community Services Division: Land Use and Transportation Planning
Contact(s): Ken Born, Karen Schilling
Phone: 503-988-3043 Ext. 29397 I/O Address: 455/1st Floor
Presenter(s): Ken Born

General Information

1. What action are you requesting from the Board?

A proclamation declaring the month of October 2009 as "Community Planning Month."

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 American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment. The celebration of National Community Planning Month gives the Board an opportunity to publicly recognize the participation and dedication of the members of our Planning Commissioners, citizens who have contributed their time and expertise to the improvement of Multnomah County planning and the dedicated County Land Use and Transportation Planning staff.

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

There is no fiscal impact resulting from this action.

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

There are no legal and/or policy issues involved with this action.

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

N/A

Required Signature

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



Date: 09/16/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. _____

Declaring the Month of October as COMMUNITY PLANNING MONTH in Multnomah County, Oregon and Recognizing the Contributions of All Multnomah County Land Use and Transportation Planning Employees

The Multnomah County Board of Commissioners Finds:

- a. Change is constant and affects all cities, counties, suburbs and rural areas in our region,
- b. Community planning and plans can help manage this change in a way that provides better choices for how people work and live.
- c. Community planning provides an opportunity for all Multnomah County residents to be meaningfully involved in making choices that determine the future of their community.
- d. The full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation.
- e. The month of October is designated as National Community Planning Month throughout the United States of America and its territories.
- f. The celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of our planning commissioners, citizens who have contributed their time and expertise to the improvement of Multnomah County; and the dedicated County Land Use and Transportation Planning staff.
- g. We recognize the many valuable contributions made by professional community and planners of Multnomah County and extend our heartfelt thanks for the continued commitment to public service by these professionals.

The Multnomah County Board of Commissioners Proclaims:

The month of October as COMMUNITY PLANNING MONTH in Multnomah County Oregon with the 2009 theme "Community Sustainability" in conjunction with the celebration of National Community Planning Month.

ADOPTED this 1st day of October 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, County Chair

Deborah Kafoury,
Commissioner District 1

Jeff Cogen,
Commissioner District 2

Judy Shiprack,
Commissioner District 3

Diane McKeel,
Commissioner District 4

SUBMITTED BY:
M. Cecilia Johnson, Director, Department of Community Services



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

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-1 DATE 10/01/09
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 10/01/09
Agenda Item #: R-1
Est. Start Time: 9:00 AM
Date Submitted: 09/23/09

Agenda Title: NOTICE OF INTENT to Apply for the Oregon Criminal Justice Commission
Title: Drug Court Grant in the Amount of \$374,845

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

Requested Meeting Date:	<u>October 1, 2009</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Department of Community Justice</u>	Division:	<u>Employee, Community & Clinical Services</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
Presenter(s):	<u>John Turner</u>	I/O Address:	<u>503/2</u>

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval to apply for a grant from the State of Oregon Criminal Justice Commission in the amount of \$374,845 for a 2-year period under the "Drug Court Grant Program."

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

The State of Oregon Criminal Justice Commission offers funding under the Drug Court Grant Program to support existing drug courts serving adults, juveniles and families, with a particular emphasis on stabilizing programs that are facing budget cuts and operating with reduced resources.

If funded, this grant would provide the STOP Court with one Deputy DA. That position is slated to be eliminated on October 1. The Deputy DA position is instrumental to the operations of the court. If this grant is not awarded, the STOP Court will cease to exist.

The grant would also support one client mentor for InAct, STOP Court's treatment provider. The mentor will be instrumental with assisting low resource clients to find employment, housing, transportation, clothing, food and recovery support systems. Studies show that clients remain in treatment longer and have higher completion rates when their basic needs are met.

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

In collaboration with the District Attorney's Office, the Department of Community Justice is applying for \$374,845 in grant funding to be spent over a two year duration beginning in October 2009. Of this amount, \$249,277 will pay for a Deputy DA in the DA's Office, DCJ will contract \$100,000 with Volunteers of America/InAct for mentoring services, and the remaining \$25,568 will pay for Central and Departmental Indirect costs.

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

n/a

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

n/a

ATTACHMENT A

Grant Application/Notice of Intent

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

- **Who is the granting agency?**

The State of Oregon Criminal Justice Commission

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

No matching funds are required. Progress reports and requests for reimbursement are required quarterly.

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

This is a one-time only commitment.

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

The grant application is due September 30th, 2009. The request for grant proposals did not become available until early in September

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

10/01/2009 through 09/30/2011.

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

When the grant expires, if other funding is not available, the Drug Court will discontinue operations.

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

This grant will pay for full indirect costs

ATTACHMENT B

Required Signatures

Elected Official or
Department/
Agency Director:

Shirley M. Brown for Scott Taylor

Date: 09/23/09

Budget Analyst:

[Signature]

Date: 09/23/09

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1144

Amending MCC Chapter 21, Health, Relating to Residential Rental Property

Multnomah County Ordains as follows:

Section 1. **MCC Chapter 21, Health, is amended to add the following subchapter:**

21.800*RESIDENTIAL RENTAL PROPERTY

21.805 Title and Area of Application.

This subchapter of the Multnomah County Code (MCC) relating to residential rental property may be known and cited as the county Residential Rental Property Maintenance Code (RRPMC) and applies to the unincorporated areas of the county.

21.810 Policy.

The Board has determined that it is necessary to provide for the regulation of residential rental property maintenance and administration of standards, including enforcement, for the protection of the public health, safety and general welfare of the residents of the county.

21.815 Adoption of International Property Maintenance Code.

(A) The International Property Maintenance Code, 2006 Edition, prepared by the International Code Council, as thereafter amended or revised "ICCPMC"), are adopted and by this reference incorporated as part of this subchapter. The provisions of this subchapter and MCC Chapter 29, Building Regulations, take precedence over any similar provisions of the ICCPMC.

(B) Residential rental properties must meet the standards set forth in the in this subchapter and are subject to the inspection and enforcement provisions of this subchapter.

21.820 Exemptions.

The provisions of this subchapter do not apply to motels, hotels, approved accessory dwellings, assisted living facilities, adult foster care homes, or temporary housing as defined in this subchapter.

21.825 Definitions.

In addition to the definitions set forth in the ICCPMC the following definitions apply to this subchapter:

Where terms are not defined in this subchapter or other code section and are defined in the state building, plumbing or mechanical codes, such terms will have the meanings ascribed to them as in those

state codes. Where terms are not defined through the methods authorized by this section, such terms have ordinarily accepted meanings such as the context implies. Whenever the words "premises," "building" or other similar words are stated in this subchapter, they will be construed as though they were followed by the words "or any part thereof." Unless otherwise expressly stated, the following terms, for the purposes of this subchapter, apply only to residential rental property and have the following meanings:

ABANDONED STRUCTURE. A vacant structure, or portion thereof, that is an attractive nuisance to children at play, that is used for unlawful activity or that is otherwise unoccupied and untended.

ATTRACTIVE NUISANCE. A condition that can attract children and be detrimental to the health or safety of children whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to: abandoned buildings, abandoned wells, shafts, basements, excavations, abandoned iceboxes, refrigerators, motor vehicles, any structurally unsound fences or structures, lumber, trash, fences, debris, or vegetation such as poison ivy, poison oak or poison sumac that may prove hazardous for inquisitive minors.

BUILDING. Any structure occupied or intended for any occupancy.

BUILDING CODE. MCC Building Regulations (§§29.001-29.207).

BUILDING OFFICIAL. The county building official.

DERELICT STRUCTURE. Any structure left unoccupied and unsecured, partially constructed, abandoned, maintained in a condition that is unfit for human habitation, or maintained in a condition that is an imminent threat to public health and safety.

DESIGNATED AGENT. A person or entity designated by the property owner to represent the property owner's interests in the subject property.

DWELLING. Any building located in the county, which is wholly or partly used or intended to be used for living or sleeping by human occupants; provided that temporary housing as defined below shall not be regarded as a dwelling. For purposes of this subchapter, the term shall be synonymous with "residential rental property."

LEGAL OWNER. Any person recorded in the official records of the state, county or municipality as holding title to the residential rental property.

MAIL. The delivery of a notice or other communication by first class mail. If a person has agreed to accept delivery of notification by email or fax, delivery by email or fax satisfies the mailing requirement.

OWNER, PROPERTY OWNER, or LEGAL OWNER. Any person, agent, firm or corporation having a legal or equitable interest in the residential rental property, including the owner as shown on the latest assessment records in the County Tax Assessor's office, a contract vendee, or a receiver or trustee in bankruptcy.

OCCUPIER. Any person who has possessory rights in, or control over, the subject property, premises, or business located at the property location, including a tenant.

PARTIALLY CONSTRUCTED. An occupied or vacant structure, or portion thereof, that has been left in a state of partial construction for more than six months or after the expiration of any building permit, or that has not had a required permit inspection within any six-month period.

PERSON IN CHARGE. Any agent, designated agent, property manager, or other person or entity with apparent authority to represent the property owner's interest in the subject property.

POST / POSTING / POSTED. The act of personally delivering a notice to a property, including affixing a notice to a property or personally delivering a notice to the owner, person in charge of the property, or occupier, at the property location. In the event of a vacant property, or conditions which make posting impractical, mailing a notice to the property owner at the last known address as listed with the County Tax Assessor's Office satisfies the posting requirement.

PROPERTY. Includes all lands, including all structures, improvements and fixtures thereon, and property of any nature appurtenant thereto, or used in connection therewith.

RESIDENTIAL RENTAL PROPERTY. A property, including a mobile home park, with one or more residential rental units, regardless of whether anyone is currently residing in each unit. Any person who owns land upon which a mobile home is located when that mobile home is owned by another person is construed as operating a mobile home park.

RESIDENTIAL RENTAL UNIT. A dwelling containing one or more separate living quarters (kitchen, bathroom and living room), one or more of which is rented, leased or let in exchange for monetary or other compensation. For the purposes of this subsection, a rooming house constitutes one residential rental unit.

TEMPORARY HOUSING. A tent, trailer, or similar structure which is used as human shelter for not more than thirty (30) consecutive days, or more than ninety (90) days, in any calendar year.

UNOCCUPIED. Vacant or not being used for a lawful occupancy.

21.830 Administration and Enforcement.

(A) The Health Department (department) is responsible for the administration and enforcement of this subchapter.

(B) The Health Department Director (director) is authorized to administer oaths, certify all official acts, issue citations, issue administrative warrants, subpoena and require the attendance of witnesses and production of relevant documents at hearings before the hearings officer and take testimony of any person by deposition.

(C) The director may grant an exception when the enforcement of the requirements of this subchapter would cause undue hardship to the owner or occupants of the affected property, or wherever the director deems it necessary in order to accomplish the purpose of this subchapter.

(D) The director may adopt rules necessary for the administration and enforcement of this subchapter.

21.850 Inspections.

(A) The director may conduct both internal and external inspections resulting from a complaint submitted to the department in accordance with department procedures.

(B) The director may initiate a complaint based upon reasonable belief of conditions that pose an imminent danger to the health and safety of the occupants and conduct both internal and external inspections based thereon.

(C) Any inspection of an owner-occupied dwelling containing one or more residential rental units will not include inspection of the owner's unit.

(D) The provisions of this subchapter will not be deemed to restrict the right of the county to inspect any property pursuant to any applicable federal, state or local law or regulation, including complaints filed under this subchapter.

21.855 Enforcement and Abatement.

(A) The director or designee may enter any property or building at any reasonable time for the purpose of inspection or enforcing this subchapter. Except when an emergency exists, the director must obtain the consent of the legal occupant of the property before entering private property or a private building. If the director or designee cannot obtain consent, the director may issue an administrative warrant to inspect property based upon reasonable belief that conditions in or upon the property constitute a violation of this subchapter.

(B) As used in this section, an emergency exists when the director has reasonable cause to believe that a violation of this subchapter requires prompt remediation to avoid a clear and immediate danger to individuals or to the public health.

(C) Whenever it appears there is reasonable cause to believe that a violation exists, the director will provide written notice to the owner of the existence of the violation and demand remedy of the violation within 30 days from the date of the written notice, or such lesser time as may be set by the director to protect the public health, safety and welfare. The notice must describe with reasonable certainty the property, the nature of the violation and the action necessary to remedy the violation, and inform the owner of the owner's rights under §§ 21.860 and 21.865, and the procedure by which the owner may contact the notice provider for more information.

(D) In an emergency, the director may order immediate remedy of a violation and an order to vacate the property may be issued. The director must give notice of the requirement for immediate remedy to the owner. The violation must be remedied before the property may be reoccupied. A fine may be imposed against a property owner who allows re-occupancy of property under a vacate order.

(E) The property must be re-inspected to determine compliance with this subchapter.

(F) If a property owner does not remedy a violation as ordered by the director, the director at his or her discretion may take one or more of the following actions:

1. abate the violation and charge the cost of abatement to the property owner;
2. order a property to be vacated and closed for use as residential rental property.

(G) In a situation in which the property owner has refused to abate a violation, or has taken or threatened action that gives the director probable cause to believe such action will comprise a danger to

department staff, any involved contractors, other individuals or the public generally, the director may request the assistance of the Sheriff in carrying out necessary investigation, abatement or enforcement actions as ordered by the director under this section or a hearings officer under § 21.860.

21.860 Appeals And Hearings.

(A) Any person receiving a notice of a violation under § 21.855(C) or (D) may request a hearing by writing the director within fourteen business days of the date of the notice.

(B) The director will, upon receipt of request for a hearing, promptly notify the hearings officer who will set a time and place for the hearing at the earliest possible time and will promptly notify the person requesting the hearing as to the time and place for the hearing. Notice may be by any means of giving actual notice. Notice may also be given to such persons as the hearings officer may determine to be interested persons.

(C) The person requesting the hearing and the director may make argument, submit testimony, cross-examine witnesses and submit rebuttal evidence on the pertinent issues. Any party may be represented by counsel.

(D) All hearings must be recorded in a manner which will allow for written transcription to be made and all materials submitted at the hearing will be retained by the hearings officer for a period of two years.

(E) Failure of the person requesting the hearing to appear at the hearing will constitute a waiver of the right to a hearing.

(F) After the hearing, the hearings officer will issue and mail a copy of the order determining the question within 15 days from the date of the hearing, or any continuance thereof not to exceed 15 days, to the person requesting hearing and the director.

(G) If the hearings officer finds the violation to exist, the order will set a date for abatement to be accomplished by the owner.

(H) Hearings involving the director will be conducted in accordance with applicable portions of ORS 183.413 to ORS 183.470.

21.865 Review.

Review of any action of the hearings officer taken under this subchapter and the rules adopted under them must be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 to 34.100.

21.870 Remedy By Owner Required.

Failure of the owner to abate the violation within 30 days as provided by § 21.855(C) or within the time set by the director under § 21.755(D) or the hearings officer under § 21.860 is a violation under this subchapter, and a county offense under ORS 203.810.

21.875 Penalty.

The director may impose a civil penalty on the owner for a violation based upon failure to remedy as defined in section 21.870 in an amount not to exceed \$250.00. Each day that a violation is not remedied constitutes a separate violation subject to civil penalty as described herein.

This subchapter shall in no way be a substitute for nor eliminate the necessity of conforming with any and all state laws and rules and other county ordinances which are now or may in the future be in effect, which relate to the activities regulated by this subchapter.

Section 2. This ordinance is effective on October 5, 2009.

FIRST READING:

August 20, 2009

SECOND READING AND ADOPTION:

September 3, 2009



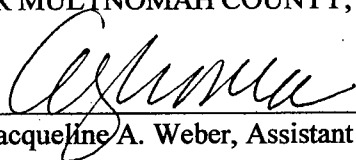
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By



Jacqueline A. Weber, Assistant County Attorney

SUBMITTED BY:

Lillian Shirley, Director of the Department of Health

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Confirming the Interim Designation for Multnomah County Sheriff, in the Event of a Vacancy

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate an interim occupant to serve until a vacancy is filled by election or appointment. The designee must meet the Charter qualifications for appointees of such offices.
- b. In compliance with MCC 5.005(B)(1) and (4), Multnomah County Sheriff Robert Skipper designates Dan Staton as interim occupant of that office in the event of a vacancy. Dan Staton meets the qualifications of Sheriff required by ORS 206.015.

The Multnomah County Board of Commissioners Resolves:

1. The Board confirms Dan Staton to serve as interim occupant for Multnomah County Sheriff in the event of a vacancy in that office.

ADOPTED this 1st day of October 2009

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 09-120

Declaring the Month of October as COMMUNITY PLANNING MONTH in Multnomah County, Oregon and Recognizing the Contributions of All Multnomah County Land Use and Transportation Planning Employees

The Multnomah County Board of Commissioners Finds:

- a. Change is constant and affects all cities, counties, suburbs and rural areas in our region,
- b. Community planning and plans can help manage this change in a way that provides better choices for how people work and live.
- c. Community planning provides an opportunity for all Multnomah County residents to be meaningfully involved in making choices that determine the future of their community.
- d. The full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation.
- e. The month of October is designated as National Community Planning Month throughout the United States of America and its territories.
- f. The celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of our planning commissioners, citizens who have contributed their time and expertise to the improvement of Multnomah County; and the dedicated County Land Use and Transportation Planning staff.
- g. We recognize the many valuable contributions made by professional community and planners of Multnomah County and extend our heartfelt thanks for the continued commitment to public service by these professionals.

The Multnomah County Board of Commissioners Proclaims:


The month of October as COMMUNITY PLANNING MONTH in Multnomah County Oregon with the 2009 theme "Community Sustainability" in conjunction with the celebration of National Community Planning Month.

ADOPTED this 1st day of October 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

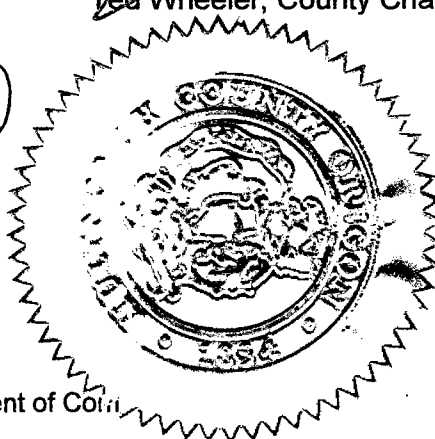

Ted Wheeler, County Chair


Deborah Kafoury,
Commissioner District 1


Judy Shiprack,
Commissioner District 3


Jeff Cogen,
Commissioner District 2


Diane McKeel,
Commissioner District 4



SUBMITTED BY:

M. Cecilia Johnson, Director, Department of County Administration

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

PROCLAMATION NO. 09-119

Proclaiming October 2009 Oregon Archives Month in Multnomah County, Oregon

The Multnomah County Board of Commissioners Finds:

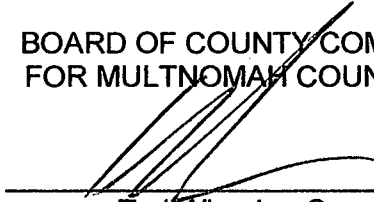
- a. The records of Multnomah County, the state of Oregon, the Pacific Northwest, and the nation are crucial to our understanding of the past and in planning for our common future;
- b. Archival institutions have a responsibility to provide the public with access to their records, and it is a goal of these institutions to increase public awareness of the vital role they play in safeguarding knowledge of our intellectual, cultural, social, and governmental heritage;
- c. Archival records document activities of citizens, businesses, governments, and organizations. They provide context to our histories and evidence of our common and individual rights and obligations;
- d. During Oregon Archives Month we celebrate the value of Multnomah County's written record, publicizing the many ways archival records enrich our lives and recognizing those who maintain our communities' archival records; now therefore

The Multnomah County Board of Commissioners Proclaims:

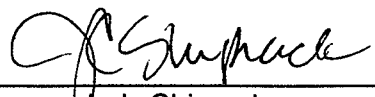
October 2009 as Oregon Archives Month in Multnomah County, Oregon, and encourages all citizens to discover the diverse documentary resources maintained by the varied archival institutions in Multnomah County and to explore their relationship to community and cultural memory.

ADOPTED this 1st day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

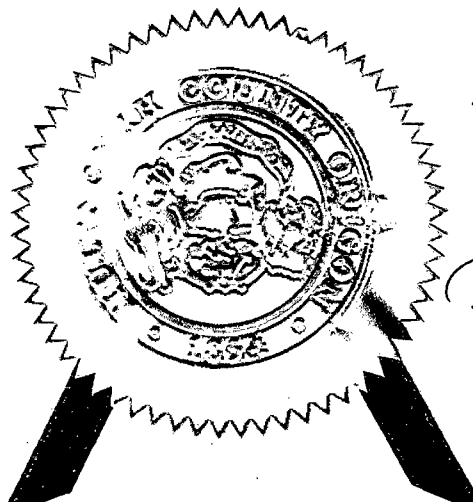

Ted Wheeler, County Chair


Deborah Kafoury,
Commissioner District 1


Judy Shiprack,
Commissioner District 3


Jeff Cogen,
Commissioner District 2


Diane McKeel,
Commissioner District 4



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 09-115

Confirming the Interim Designation for Multnomah County Sheriff, in the Event of a Vacancy

The Multnomah County Board of Commissioners Finds:

- a. Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate an interim occupant to serve until a vacancy is filled by election or appointment. The designee must meet the Charter qualifications for appointees of such offices.
- b. In compliance with MCC 5.005(B)(1) and (4), Multnomah County Sheriff Robert Skipper designates Dan Staton as interim occupant of that office in the event of a vacancy. Dan Staton meets the qualifications of Sheriff required by ORS 206.015.

The Multnomah County Board of Commissioners Resolves:

1. The Board confirms Dan Staton to serve as interim occupant for Multnomah County Sheriff in the event of a vacancy in that office.

ADOPTED this 1st day of October 2009

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

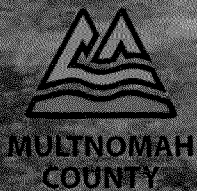
REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Agnes Sowle, County Attorney

Water Quality Program 2009-2010

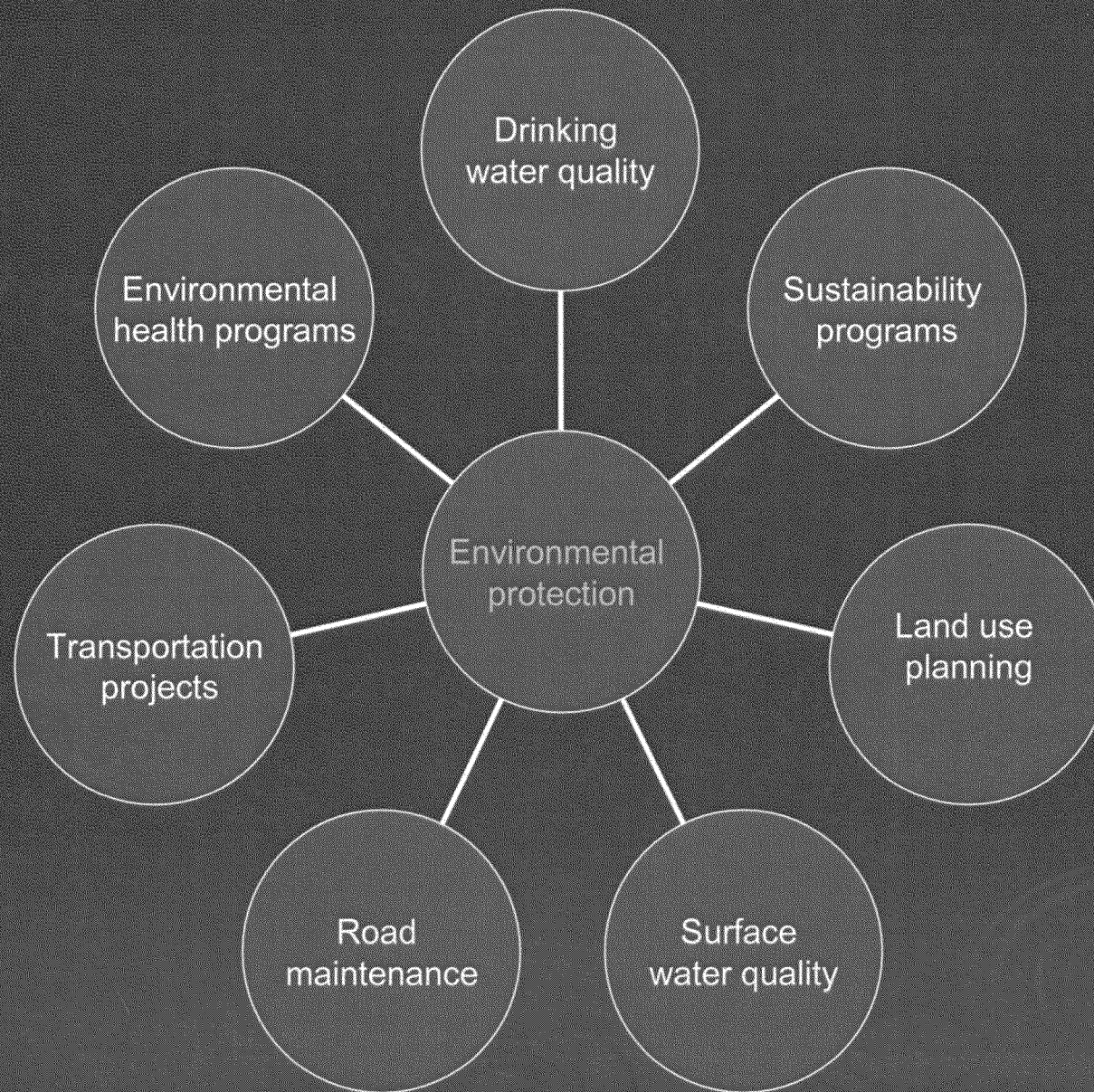


Multnomah County Transportation
Department of Community Services

MISSION

The mission of the Water Quality Program is to protect and preserve the natural resources and quality of life in unincorporated Multnomah County.

ENVIRONMENTAL PROGRAMS



REGULATORY DRIVERS



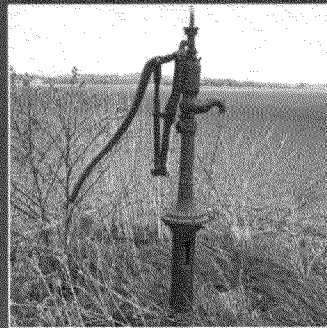
Clean Water Act

- Restore and maintain the chemical, physical, and biological integrity of the nation's water



Endangered Species Act

- Prohibits the unauthorized taking of endangered species



Safe Drinking Water Act

- Set health-based standards for drinking water

PROGRAM ELEMENTS

Clean Water Act

- National Pollutant Discharge Elimination System (NPDES) - Permit
- Total Maximum Daily Load (TMDL) – Plan

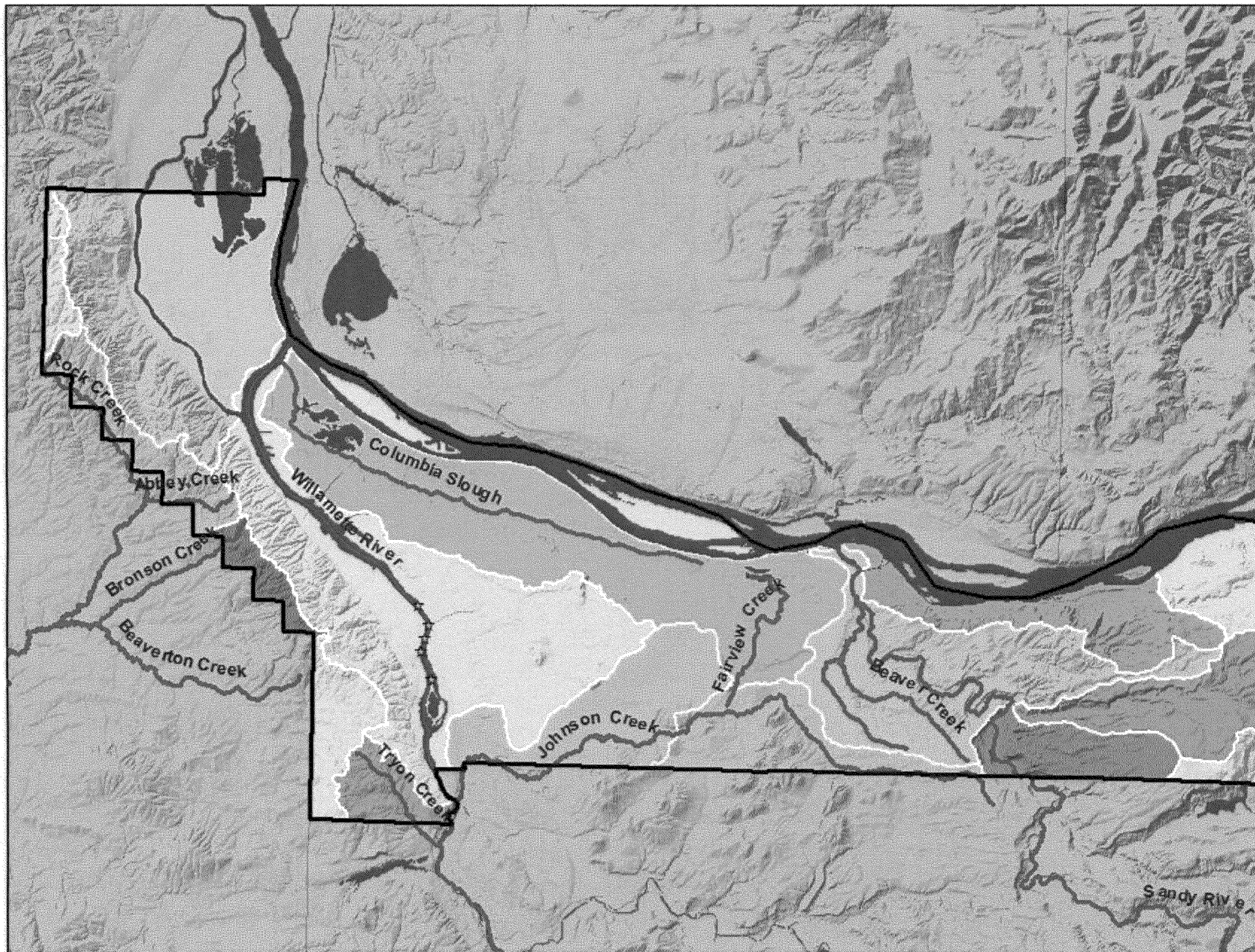
Endangered Species Act

- Fish passage program
- Road Maintenance & Operations Manual and Integrated Vegetation Management Plan

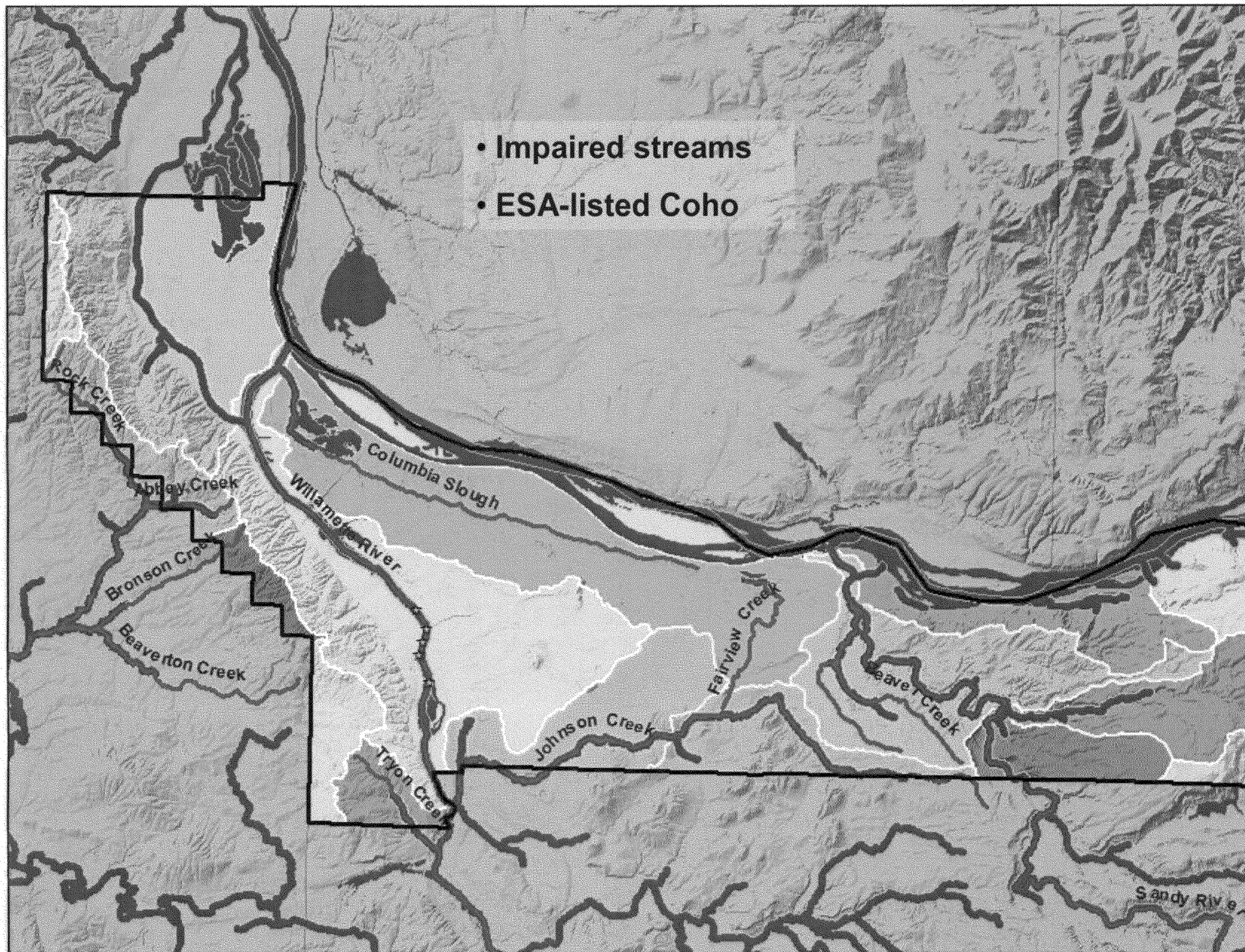
Safe Drinking Water Act

- Underground Injection Control (UIC) – Dry Well - Permit

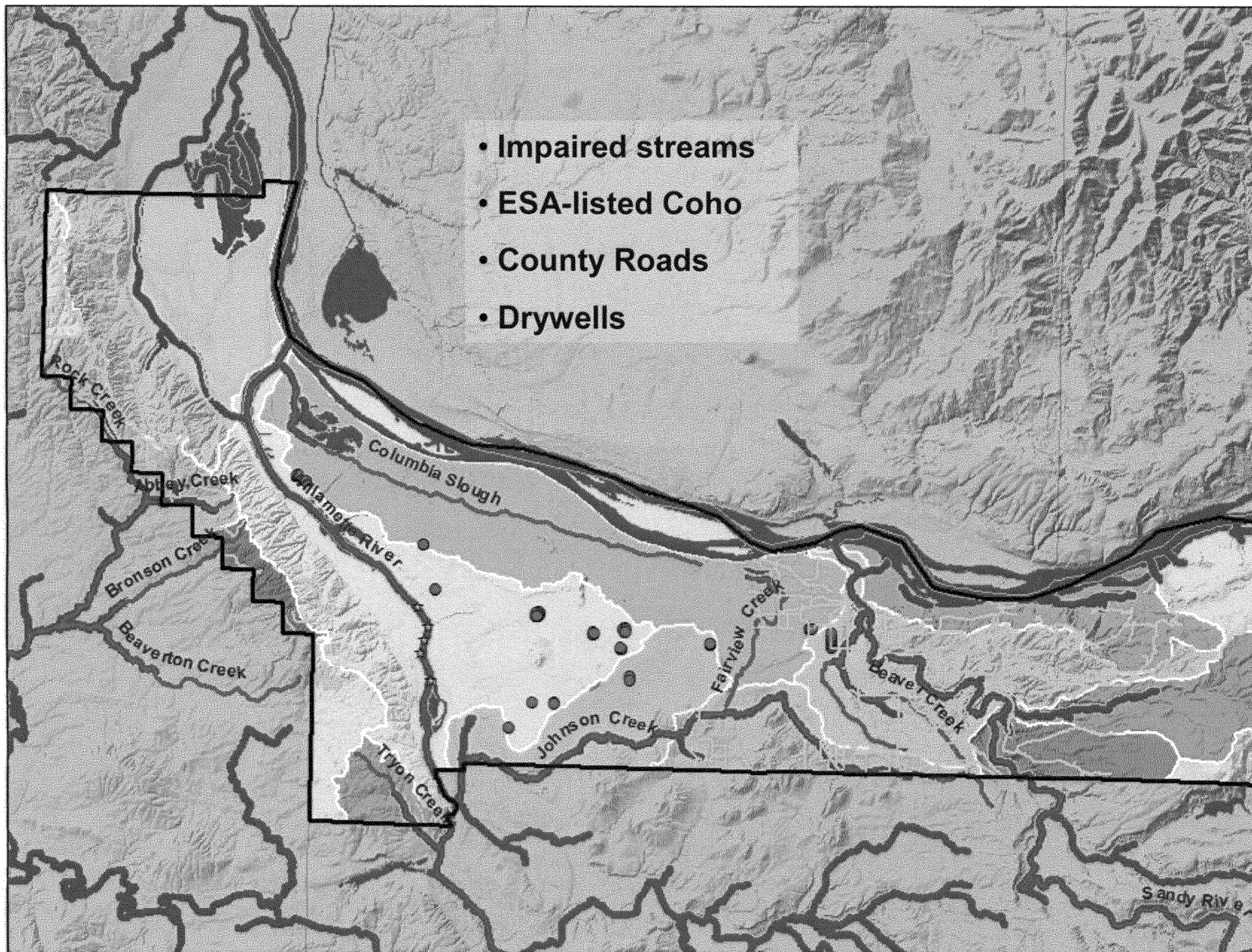




- Impaired streams
- ESA-listed Coho



- Impaired streams
- ESA-listed Coho
- County Roads
- Drywells



PROGRAM STRATEGY

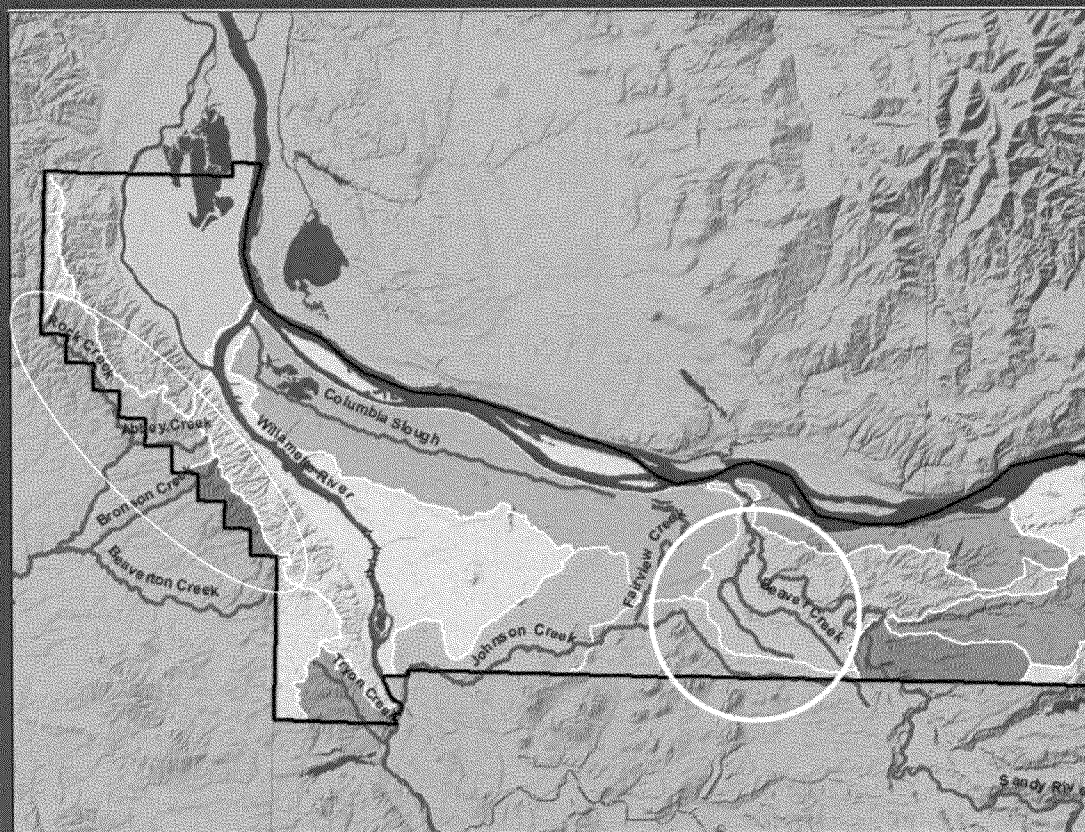
- Watershed approach is needed
- County shares responsibility
- County has limited jurisdiction
- Building partnerships leverages resources
- Cooperation fills gaps
- Multi-functional, multi-discipline approach

TMDL IMPLEMENTATION PLAN

DEQ must develop Total Maximum Daily Loads for pollutants in waters that are not “fishable and swimmable”.

TMDL Plan addresses nonpoint sources of pollution in the unincorporated areas:

- Fecal bacteria
- Temperature
- Legacy pesticides
- Mercury



TMDL IMPLEMENTATION PLAN

Key elements

- ❖ On-site septic system program
- ❖ Promoting riparian planting
- ❖ Reducing erosion
- ❖ Promoting good Ag practices
- ❖ Stream monitoring



Key partnerships

- ❖ City of Portland BDS
- ❖ Soil & Water Conservation Districts
- ❖ Oregon Dept of Agriculture
- ❖ Oregon Dept of Forestry
- ❖ Watershed Councils
- ❖ City government



ENDANGERED SPECIES ACT

The ESA prohibits the unauthorized taking of endangered species, which includes the modification of habitat and the impairment of any life stage

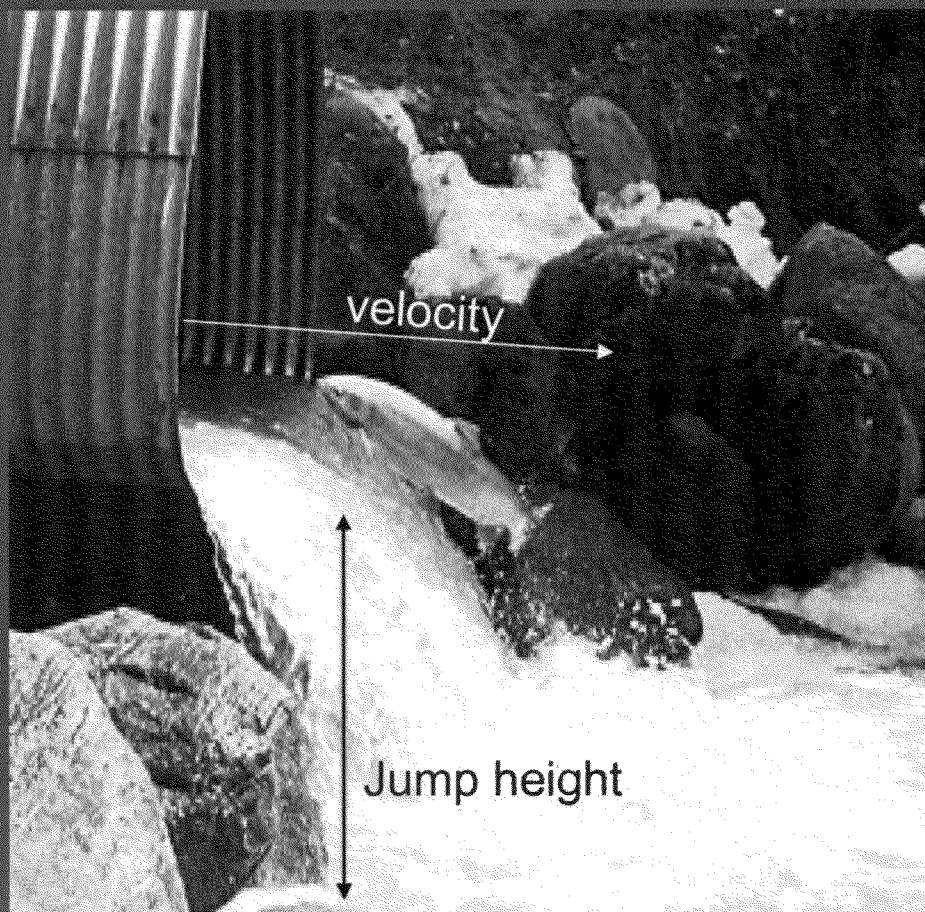
Key Elements

- Fish passage culvert improvement
- Minimize impacts from road maintenance practices



ENDANGERED SPECIES ACT

Failure of adult or juvenile salmon to pass through a road culvert constitutes a "take"



ENDANGERED SPECIES ACT

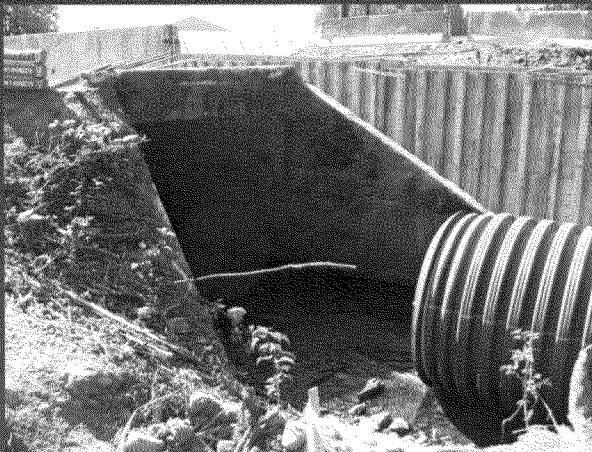
Fish Passage projects

- Johnson Creek – 282nd Ave Culvert replacement
- Beaver Creek – feasibility study for three lower culverts

Key partnerships

- Transportation Planning
- Road Engineering
- Army Corps of Engineers
- Oregon Watershed Enhancement Board

before



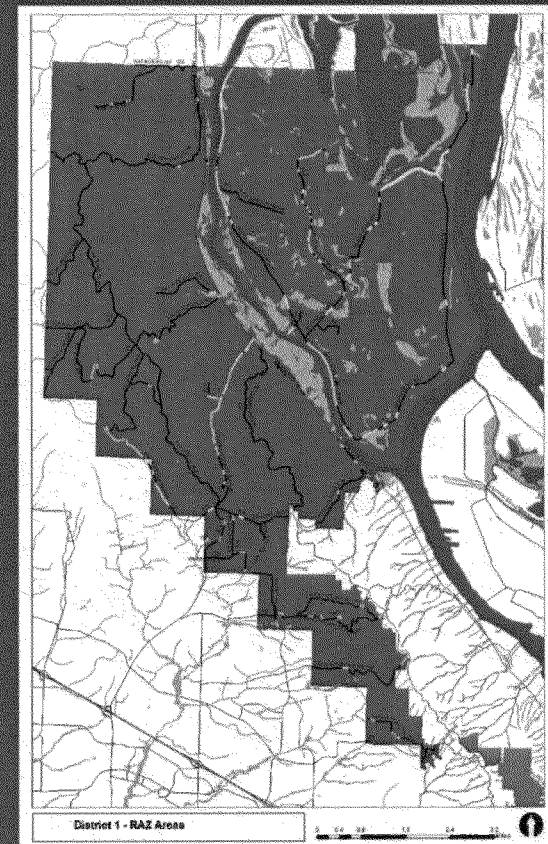
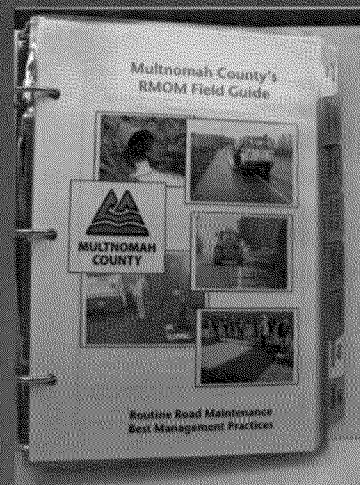
after



ENDANGERED SPECIES ACT

New Road Maintenance & Operations Manual

- Programmatic exemption for routine road maintenance activities
- Avoid and minimize impacts with BMPs



NPDES STORMWATER PERMIT

The NPDES Program addresses municipal stormwater discharge from the urban area into surface waters

Portland & Gresham Area Permits

- ❖ Willamette River Bridges
- ❖ Arterial roads in Troutdale, Fairview, and Wood Village
- ❖ Unincorporated Urban Pockets

Stormwater Management Plan

- Best management practices (BMP) based program
- Functional groups within the County
- Measurable goals and reporting



NPDES STORMWATER PERMIT

Key Elements

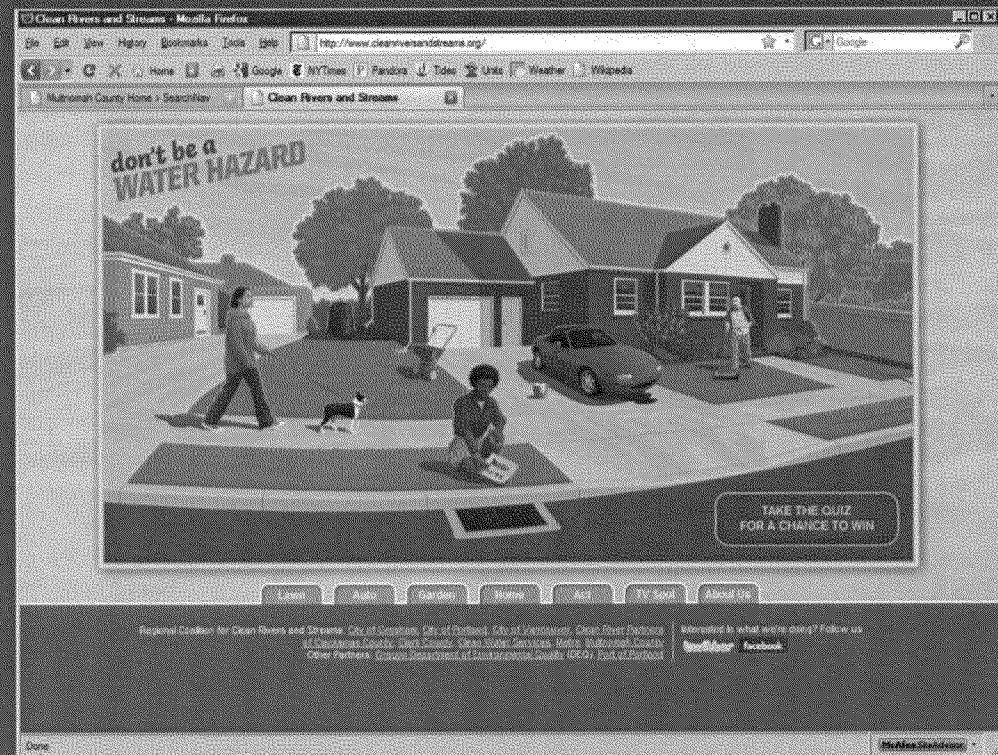
Public education

- Coalition for Clean Rivers and Streams website has many web resources.

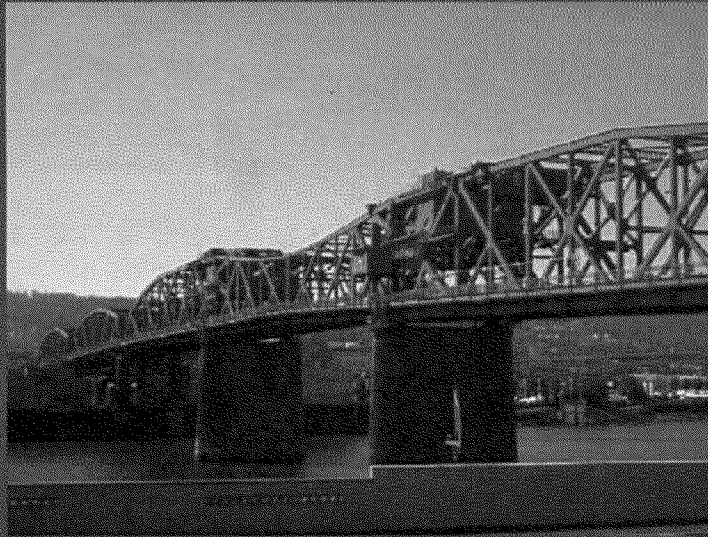
www.cleanriversandstreams.org

Outreach events

- Salmon Festival
- Children's Clean Water Festival
- Welcome the Rain – Stormwater Fair



NPDES STORMWATER PERMIT



Structural Controls

- Treatment of stormwater pollutants includes filter inserts in roadway catch basins.



Operations & maintenance

- Suite of conventional road maintenance practices.



NPDES STORMWATER PERMIT



New Development

- Erosion control practices are central, both for new development and road maintenance.

Other BMPs include spill response, illicit discharge detection, and using native vegetation.

NPDES STORMWATER PERMIT

Key functional groups

- ❖ Road maintenance
- ❖ Road Engineering
- ❖ Bridge Maintenance
- ❖ Bridge Engineering
- ❖ Right of Way Permitting
- ❖ Code Compliance
- ❖ Land Use Planning
- ❖ Transportation Planning
- ❖ Nuisance Code Enforcement
- ❖ Public Affairs
- ❖ Emergency Response
- ❖ Asset Management

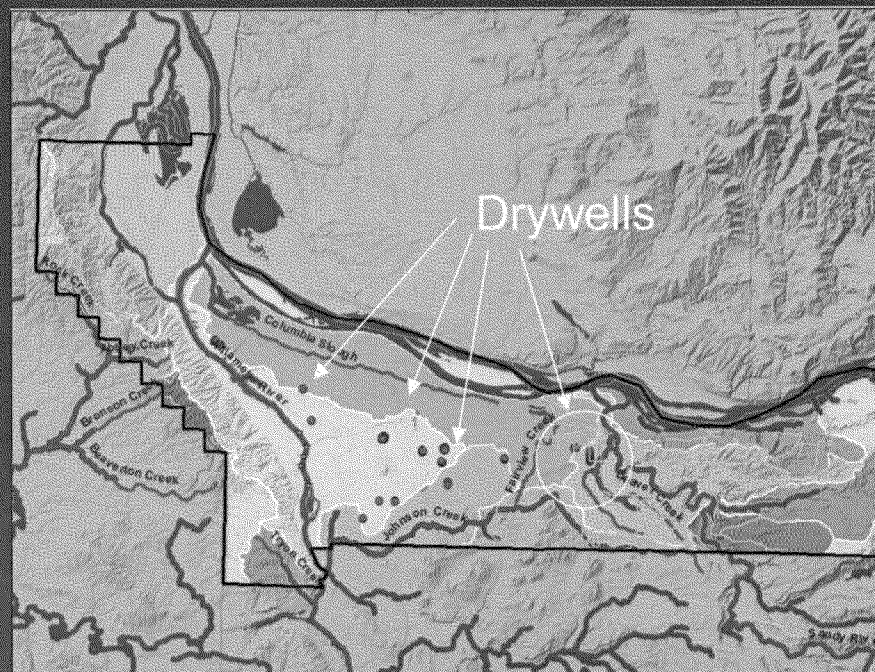
Key Partnerships

- Partner with Co-Permittees - monitoring
 - City of Gresham
 - City of Portland
- Association of Clean Water Agencies
 - Permit development

UNDERGROUND INJECTION CONTROL PERMIT

UIC Program addresses stormwater discharge into the shallow groundwater.

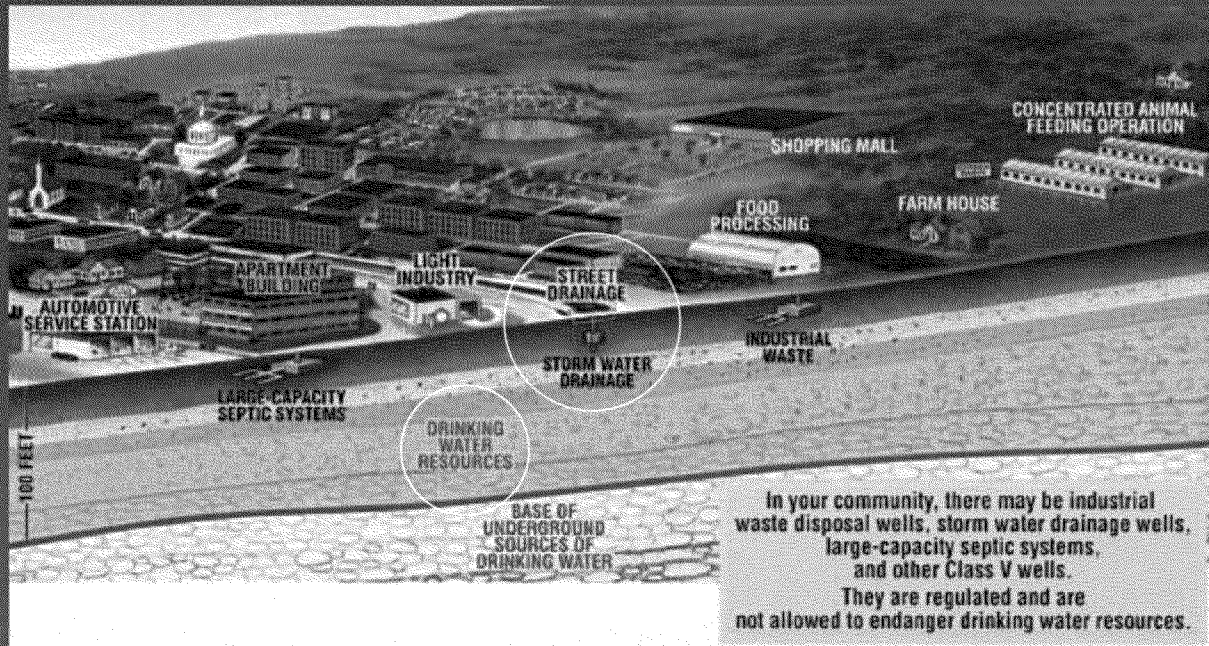
- Used in County roads and parking lots where surface discharge is limited
- Stormwater discharging to drywells must meet standards for drinking water quality



UNDERGROUND INJECTION CONTROL PERMIT

Key Design Criteria

- Distance from private wells
- Distance from public well fields
- Depth to groundwater
- Pre-treatment



UNDERGROUND INJECTION CONTROL PERMIT

Key Elements

- Retrofits with structural BMP
- Decommissioning drywells
- Drywell maintenance
- Stormwater monitoring
- Compliance with drinking water standards

Key Partnerships

- County Facilities Management
- Other local jurisdictions
- ACWA
 - Permit development



WATER QUALITY PROGRAM

Summary

- Restoring stream and ecosystem functions
- Meeting regulatory compliance requirements
- Building partnerships in the urban and rural areas
- Avoiding and minimizing impacts from County activities

Challenges Ahead

- Increasing mandates for stormwater
- Funding for capital improvements
- Adaptive management – data needs
- Emerging issues

WATER QUALITY PROGRAM

Thank you

www.co.multnomah.or.us/waterquality



BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

VACATION OF A PORTION OF A PUBLIC EASEMENT ACQUIRED FOR THE WIDENING OF
RIGHT OF WAY; THE CONSTRUCTION AND OPERATION OF A WESTSIDE BROADWAY
BRIDGE APPROACH

The Multnomah County Board of Commissioners Finds:

- a. In 1927 Multnomah County acquired an easement in Northwest Portland from the owner of abutting real property identified as Block U of Couch's Addition. The purpose of the easement was for the widening of the existing public right of way for NW Broadway, and for the construction, operation and maintenance of the Broadway Bridge Approach at the intersection of NW Broadway with NW Hoyt. The easement was recorded on July 28, 1927 at Book 1112 and Page 336 in the County's Deed Records. A copy of the 1927 easement is attached identified as Exhibit A.
- b. The 1927 easement granted and conveyed to the County a bifurcated interest in Block U. The first aspect of this easement interest was a 200 foot long, 12.5 foot deep section of Block U on its western edge but with a wider triangle portion at the southern end, which County staff identifies as the "flag pole" interest. This flagpole section of the easement directly abuts Broadway Street. The second aspect of the easement interest provided the right to access the remainder of Block U (that portion of Block U not identified as part of the flagpole) for the purpose of extending, constructing and maintaining footings or foundations associated with the Bridge. This second aspect essentially encumbered the remainder of Block U and County staff has identified this easement as the "blanket easement".
- c. The County constructed the Westside Broadway Bridge Approach Structure (Approach Structure) in the 1920's and it fully occupies the whole of the flagpole but for the triangle section alluded to above. Further the records of the construction show the Approach Structure's subsurface foundational supports extend into the blanket easement in varying lengths of approximately 3-5 feet. The County has used over the years since 1927 the triangle portion of the easement and has used the blanket easement area to observe and conduct maintenance of the Approach Structure.
- d. Currently, the Portland Development Commission (PDC) and the Housing Authority of Portland (HAP), propose to develop Block U as a Resource Access Center (RAC) for the homeless to provide quick access to available services and transitional housing. PDC and HAP would like to begin construction of the RAC as soon as possible. Pursuant to ORS Chapter 368, PDC has submitted a petition to the County to vacate portions of the easement as discussed above, which encumber Block U.
- e. It is our understanding that the construction of the RAC cannot begin until the triangle portion of the flagpole and the blanket easement are vacated.
- f. The Multnomah County Bridge Section of the Department of Community Services (Bridge Section) has reviewed the plans and specifications for the construction of the RAC. The RAC project will include improvements to the Approach Structure, including sidewalk widening and the construction of a new western wall of the RAC building foundation which will provide for support of the new sidewalk; and for all intents and purpose will serve as the eastern wall of the Approach Structure. Because the new wall serves in dual capacity it being identified as the "shared wall".

- g. Multnomah County Bridge Section and Transportation Division staff members have participated in the planning, design and review of the RAC facility with respect to the proposed alteration to the Approach Structure; i.e. the shared wall as noted above at the eastern edge of the flagpole easement. The County's Department of Community Services supports the project; provided certain accommodations are met as further discussed herein.
- h. The Transportation Division recommends that the County approve the vacation of the right-of-way interests as more particularly described in Exhibit B to this resolution, reserving to the County certain rights as more particularly described in the terms and conditions provided in Exhibit B at Page 2.
- i. As allowed under ORS 368.351, the above referenced petition contains the acknowledged signatures of 100% of any private property proposed to be vacated and acknowledged signatures of the owners of 100% of property abutting any public property proposed to be vacated, and, indicates the owners' approval of the proposed vacation.
- j. In addition, the appropriate County Road Official has filed a written report pursuant to ORS 368.351(1) that contains an assessment that the proposed vacation of public property is in the public interest. (See Agenda Placement Request.) Pursuant to ORS 368.351, the County may make a determination about this vacation without additional notice and publication required under ORS 368.346.
- k. As required under MCC 27.054, the County has received a total of \$200.00, for a Feasibility Study, from the petitioner. The total administrative cost for this vacation, which includes research, review, analysis and document preparation, is \$30,000.00. The balance owed by the petitioner at the date of this hearing is \$29,800.00.
- l. Under ORS 368.361(3) this proposed vacation to be effective is subject to the requirement that the City of Portland by resolution or order concur in the findings of the County Board in the proceedings herein.

The Multnomah County Board of Commissioners Resolves:

- 1. To support the proposed Resource Access Center to deliver services for the chronically homeless and to provide quick access to available services and transitional housing.
- 2. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portion of the public easement as more particularly described in the attached Exhibit B at Page 1, is vacated, excepting the easement rights that any existing utility may have in the vacated property under ORS Chapter 368.
- 3. Subject to the petitioner's payment of all funds due as provided under MCC 27.054, the portion of the public easement interest as more particularly described in the attached Exhibit B at Page 2, is vacated; subject to the terms and conditions provided therein.
- 4. Pursuant to MCC 27.054, the total cost for this vacation proceeding incurred by the County is \$30,000.00 and PDC is directed to pay the remaining amount of \$29,800.00 to the County.
- 5. The Land Use and Transportation Program of the Department of Community Services will record and file this Resolution in accordance with ORS 368.356(3), only upon receipt of the total amount due under MCC 27.054.

- 2
6. Upon the recording and filing of this Resolution, the County Surveyor will mark the plat, if applicable, as provided under ORS 368.356(2)(d) and ORS 271.230; and title in the underlying property shall vest as provided under ORS 368.366.

ADOPTED this 1st day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
Cecilia M. Johnson, Director, Dept. of Community Services

EXHIBIT A

Done in the presence of

L L Scott

T M Hariburt

(Seal)

J A Macleod

Sheriff of Multnomah County, Oregon

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this, the 27th day of July, 1927 before me, a Notary Public, within and for said County, personally came the within named T M Hariburt, Sheriff of the said County of Multnomah, State of Oregon, known to me to be the identical party described in and who, as such sheriff, executed the within instrument and acknowledged to me that he executed the same

IN WITNESS WHEREOF I have hereunto set my hand and notarial seal the day and year in this certificate first above written

(NOTARIAL SEAL)

Charles Nichten

My commission expires December 25th, 1928

Notary Public for Oregon

Rec for record JUL 28, 1927 at 2:47 A M

a B #36408

PORTLAND TERMINAL INVESTMENT CO ET AL WITH COUNTY OF MULTNOMAH

THIS AGREEMENT Made and entered into this 19th day of July, 1927 by and between Portland Terminal Investment Company, a corporation of the State of Oregon, with its principal office at the City of Portland, therein, hereinafter called the "Company" and the County of Multnomah, State of Oregon, acting by and through its Board of County Commissioners, hereinafter called the "County"

WITNESSETH:

WHEREAS, public necessity required that the West approach to the bridge across the Willamette River in the City of Portland, known as the "Broadway Bridge" be widened and extended between the North line of Hoyt Street and the South line of Johnson Street in Couch's Addition to said City and in order to widen and extend said approach and maintain the same when so widened, it will be necessary for the County to use and occupy additional land on either side of Broadway (formerly Seventh) Street, between Hoyt Street and Johnson Street; and

WHEREAS, the Company is the owner of Lots Two (2) Three (3) Six (6) and Seven (7) of Block "U" of said Couch's Addition of which Lots Two (2) and Three (3) are improved with a one story brick building, at present used as a garage, on the East Side of Broadway Street and North of Hoyt Street, and is willing to grant an easement to the County for the purpose of extending said bridge approach, over and upon a portion of said Lots upon the terms and conditions hereinafter set forth;

NOW THEREFORE, Portland Terminal Investment Company, in consideration of the premises and the sum of THIRTY-THREE THOUSAND EIGHT HUNDRED FIFTY and No/100 (\$33,850.00) DOLLARS to it paid by the County, the receipt of which is hereby acknowledged, does hereby grant, and convey unto the County of Multnomah, State of Oregon, a perpetual easement for the purpose of widening, extending, constructing and perpetually maintaining and operating, the West approach to said Broadway Bridge, upon and over the following described real estate.

1137
situated in the City of Portland County of Multnomah, State of Oregon:

A piece or parcel of land containing three thousand one hundred sixty six and one tenth (3166.1) square feet and being all that part of Block "U" Couch's Addition to the City of Portland, Multnomah County, Oregon, more particularly described as follows:

Beginning at a point which is the southwest corner of said Block "U" thence north along the west line of said Block "U" which line is also parallel to and thirty one (31) feet east of the center line of Broadway Bridge Approach a distance of two hundred (200) feet to the northwest corner of said Block "U"; thence east along the north line of said Block "U" a distance of twelve and five tenths (12.5) feet; thence south, parallel to and twelve and five tenths (12.5) feet east of said west line of Block "U" a distance of one hundred sixty three and five tenths (163.5) feet to a point thirty six and five tenths (36.5) feet north of the south line of said Block "U"; thence southeasterly in a straight line a distance of fifty one and sixty two hundredths (51.62) feet to a point in the south line of said Block "U" forty nine (49) feet east of the west line of said Block "U" thence west on said south line of Block "U" a distance of forty nine (49) feet to the point of beginning

Description approved

Gustav Luidinthal Const Eng

By Hans H Rode Res July 27, 1927

Description approved

A B Mease Date 7/7/27

Together with the right and privilege to extend the underground concrete footings or foundations of any pier or structure of said bridge approach beyond the limits of the lands heretofore described, and over and upon the adjoining lands of the Company and to perpetually maintain the same when so extended

TO HAVE AND TO HOLD the said easement unto the County of Multnomah State of Oregon, and to its successors and assigns forever so long as the same shall be used for bridge, highway or street purposes, and when no longer used for said purposes the easement hereby granted shall cease and determine and the lands covered thereby shall revert to and become the property of the Grantor herein, its successors and assigns, as of its former estate

Nevertheless the said easement is hereby granted expressly subject to the following terms and conditions;

(a) The County shall assume and pay all taxes and assessments hereinafter levied by any authority, either Municipal County or State, on the lands heretofore described and included in said easement

(b) The Company has heretofore agreed and covenanted to and with the City of Portland to dedicate for street purposes and for the widening of Hoyt Street, the South Ten (10) feet of said Lot Two (2) and other lands, and this easement is granted and accepted subject to such future dedication by the Company to the City of Portland at the time agreed upon

(c) It is understood and agreed by and between the parties hereto that in the widening and reconstruction of the West approach to said Broadway Bridge, the flare on west side of the extreme South end of said approach shall correspond in elevation to the grade of Hoyt Street as established by the City of Portland on either side of Broadway Street

(d) The Company will at its own cost and expense, and within a reasonable

time after due notice from the County that it desires to undertake the work of widening said bridge approach clear the ground covered by this easement and remodel the one story brick building on said Lots Two (2) and Three (3) so as to permit the use and occupancy of this easement by the County, its agents, engineers and employees

UNION DEPOT GARAGE COMPANY, a corporation of the state of Oregon, and occupying lands included in the above easement as the Lessee of the Company, hereby joins in the execution of this agreement in order to show its consent thereto and terms and conditions thereof

All of the terms and conditions of this agreement shall inure to and be binding upon the representative successors and assigns of the parties hereto

IN WITNESS WHEREOF the parties have caused these presents to be signed and executed each on its behalf by its proper officers therunto duly authorized this 19th day of July, 1927

ATTEST

F J Betts Secretary
(CORPORATE SEAL)

PORTLAND TERMINAL INVESTMENT COMPANY
By Geo W McMath President

ATTEST:

Lillie R McGirr Secretary
(CORPORATE SEAL)

UNION DEPOT GARAGE COMPANY
By C H McGirr President

Approved as to form
Stanley Myers

District Attorney

ATTEST

Jos W Beveridge County Clerk
(SEAL OF COUNTY COMMISSIONERS OF
MULTNOMAH COUNTY, OREGON)

MULTNOMAH COUNTY
STATE OF OREGON
By Amos M Smith County Commissioner
By Clay S Morse County Commissioner
By Grant Phagley County Commissioner

STATE OF OREGON)
COUNTY OF MULTNOMAH) SS

On this 19th day of July 1927 before me appeared Geo W McMath, to me personally known, who being duly sworn, did say that he is the President of Portland Terminal Investment Company, the corporation that executed the within and foregoing instrument and that the seal affixed to said instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of a resolution of its Board of Directors; and said Geo W McMath, acknowledged said instrument to be the free act and deed of said corporation

IN TESTIMONY WHEREOF I have hereunto set my hand and affixed my official seal this the day and year in this, my certificate written
(NOTARIAL SEAL)

My commission expires August 17th, 1928

T B Collins
Notary Public for Oregon

STATE OF OREGON)

COUNTY OF MULTNOMAH) SS

On this 19 day of July 1927 before me appeared A M Smith, G Phyley and C S Morse, to me personally known, who being duly sworn, did say that they are the duly elected and qualified County Commissioners of Multnomah County, Oregon, the party that executed the within and foregoing instrument, that the seal affixed to said instrument is the official seal of said County and that they signed and sealed the said instrument in behalf of said County of Multnomah, and said A M Smith, G Phyley and C S Morse acknowledged said instrument to be the free act and deed of said County

IN TESTIMONY WHEREOF I have herewith set my hand and affixed my official seal this the day and year in this my certificate written

(NOTARIAL SEAL)

Bertha A Gaul

My commission expires May 4- 1929

Notary Public for Oregon

Rec for record Jul 29, 1927 at 11:20 A M

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EXHIBIT B

LEGAL DESCRIPTION
FOR THE VACATION OF A PORTION OF
A MULTNOMAH COUNTY BRIDGE EASEMENT

MAY 4, 2009

A portion of Block U, Couch's Addition to Portland, as described in the document recorded July 28, 1927 in Book 1112, Page 336, Multnomah County Records, located in the Northwest quarter of Section 34, Township 1 North, Range 1 East, Willamette Meridian, City of Portland, Oregon, more particularly described as follows:

Commencing at the southwest corner of said Block U; thence South $89^{\circ}55'56''$ East 12.50 feet along the south line of said Block U to the point of beginning of this description; thence North $00^{\circ}03'23''$ East 36.50 feet parallel with and 12.50 feet east of the west line of said Block U; thence South $44^{\circ}56'10''$ East 51.62 feet to the south line of said Block U; thence North $89^{\circ}55'56''$ West 36.50 feet along the south line of said Block U to the point of beginning.

Containing 666 square feet, more or less.

The basis of bearings for this description is the northeast line of NW Sixth Avenue as shown on Survey Number 59421, Multnomah County Survey Records and being North $38^{\circ}28'41''$ West.

End of Description.



EXHIBIT B

A. Vacation: In addition to the property described at Exhibit B, Page 1; and subject to the County's rights as more particularly described in the Terms and Conditions provided herein at Section B, that certain interest in Block U as set forth at Page 337 of the July 1927 Easement (See Exhibit A) and, being more particularly described as follows:

Together with the right and privilege to extend the underground concrete footings and foundations of any pier or structure of said bridge approach beyond the limits of the lands hereinabove described, and ever and upon the adjoining lands of the Company and to perpetually maintain the same when as extended

is vacated.

B. Terms and Conditions:

1. **Emergency Access.** County retains the right to enter Block U of Couch Addition in the event of emergency to address conditions of the "shared wall", which is that certain load bearing and retaining wall directly abutting the western edge of Block U, as discussed in this Resolution, provided that the County shall only act under this Emergency Access authority if the Property Owner or the Occupant of Block U is, in the reasonable determination of the County Engineer, not acting in a timely and responsible manner to address the conditions of the shared wall in the emergency. For purposes of this Resolution an "emergency" shall mean: any natural disaster including but not limited to flood, fire, earthquake or similar calamity; but shall also mean if the property owner or occupant of Block U abandons the property or if the shared wall is subject to later discovered defects that in the opinion of the County Engineer warrant immediate entry to preserve the Bridge Approach Structure. In the event the County needs to exercise emergency access as provided herein the County reserves the right to enter Block U and to perform any work necessary to preserve the Bridge Approach Structure and to the extent the County incurs costs the property owner of Block U shall be subject to billing by the County for reimbursement of said costs and to the filing and recording of a lien against the property. For the purposes of this emergency access right "the County" shall mean authorized employees, agents and contractors of the County.
2. **Cost of the Shared Wall.** All costs and responsibility for construction, inspection, maintenance, repair and reconstruction of the Shared Wall shall be borne by the property owner of Block U and all work done thereon shall be of good materials and workmanship.
3. **Original Terms and Conditions:** The Original Terms and Conditions found at Pages 337-338 of the July 1927 Easement, (See Exhibit A); are amended as follows: The County is released and completely discharged from all past, present or future tax or assessment obligations under Term and Conditions Section "(a)".
4. **Run with Land.** These Terms and Conditions imposed herein shall run with the land.

MULTNOMAH FOOD INITIATIVE

Multnomah County
Recommendations

June 2009

photo by: Kristina Wright

Portland Multnomah Food Policy Council members

Affiliations are provided for identification purposes and are not intended to represent the formal participation of any agency or organization.

CHAIR

Weston Miller, Oregon State University Extension

VICE-CHAIR

Jean Fike, East Multnomah Soil & Water Conservation District

MEMBERS

Mary Bedard, Friends of Portland Community Gardens

David Beller, Mercy Corps NW

Eecole Copen, Oregon Health and Science University

Allison Hensey, Oregon Environmental Council

Mellie Pullman, Portland State University

Greg Lee, Portland State University

Robin Scholetzky

Cory Schreiber, Oregon Department of Agriculture

Tammy VanderWoude, Oregon Food Bank

Josh Volk, Slow Hand Farm

Sharon Whalen, Duck Delivery Produce, Inc.

Tera Couchman Wick, Janus Youth Programs

Ryan Wist, Scenic Fruit

URBAN FOOD INITIATIVE COMMITTEE

Robin Scholetzky, Chair

Amanda Rhoads

Mary Bedard, Friends of Portland Community Gardens

Tammy VanderWoude, Oregon Food Bank

Ryan Wist, Scenic Fruit

Jean Fike, East Multnomah Soil & Water Conservation District

Eecole Copen, Oregon Health and Science University

Tera Couchman Wick, Janus Youth Programs

Keri Handaly, City of Gresham

Rodney Bender, Growing Gardens

Jennifer Hackett, Portland State University

Keith Falkenberg, Office of Commissioner Shiprack, Multnomah County

STAFF

Kat West, Sustainability Program, Multnomah County

Sonia Manhas, Department of Health, Multnomah County

Steve Cohen, Bureau of Planning and Sustainability, City of Portland

Executive Summary

The Portland/Multnomah Food Policy Council was established to advocate and advise on food policy issues. The Food Policy Council finds that the current economic crisis and long-term climate crisis creates an immediate need for innovative action and visionary policy implementation to help meet the food security needs of residents, to promote the nutritional health of the community, and to create meaningful economic development opportunities. The food crisis is evident in the following statistics:

- Requests for emergency food throughout Oregon are at an all-time high (Oregon Food Bank 2009).
- Nearly half of adults in Multnomah County are overweight or obese.
- In the Pacific Northwest, climate change threatens food and water supplies, public safety and health and local economies (2009 draft Climate Action Plan).

Overall Recommendation

To initiate the formation of a **Multnomah Food Initiative** as a framework, a comprehensive strategy, and a planning tool for the government and the greater community on food issues. This Initiative will build on existing efforts to create a shared community vision and a community strategy/action plan. (See attachment – Spade to Spoon: A Food Strategy and Action Plan, as an example).

Recommendations: The Portland/Multnomah Food Policy Council recommends the following to establish the Multnomah Food Initiative:

1. Create Partnerships: Forge a coordinated partnership between local governments and the community which will leverages existing efforts, facilitate networks, and maximize resources on food system issues.

- Identify partners and engage in community outreach
- Map existing efforts, reports, and past recommendations

2. Develop a Community Food Vision and Goals: Engage the community to develop a shared vision and goals for a sustainable and equitable regional food system.

- Organize a community Food Summit to engage the community
- Develop shared community vision and goals
- Solicit the formation of a stakeholder group to develop a community food action plan

3. Develop a Community Food Strategy/Action Plan: Develop a long-term, comprehensive strategy and action plan delegating roles for the government and the community on food system issues, prioritizing three key issues: (1) Food Equity, Access and Community Health; (2) Urban Agriculture; and (3) Food-related Economic Development

- Empower stakeholder group to develop community food action plan
- Solicit public comment on action plan
- Stakeholders and other groups adopt action plan and begin to implement

INTRODUCTION

The Case for the Multnomah Food Initiative

A vibrant and diverse food system is an integral component of a sustainable, healthy and resilient community. The purpose of the Multnomah Food Initiative (Initiative) is to promote the health and resiliency of our community, strengthen our local food system, support economic development, reduce greenhouse gas emissions, and highlight food system issues as a policy priority so that we plan accordingly and invest wisely.

In times of economic crisis, the need for a strong local food system is greater than ever, but the means to achieve that goal is limited. This Initiative will foster valuable partnerships and combined solutions to reaching our goals that would otherwise remain elusive. These efforts should be considered a long-term vision and strategy effort of which the foundation should be laid while the need is great and there is intense in the topic.

Why is Food Important to County Policy?

Local governments are increasingly concerned with how food relates to the urban environment and are encouraging sustainable food systems which contribute to high quality livable neighborhoods, meet basic health and nutritional needs of residents, and promote economic vitality, healthy citizens, a clean environment, and local self-reliance.

Community Resiliency: Across North America and around the world, communities are recognizing that their local food systems are integral to their resiliency and sustainability. Community resiliency is the capacity of a community to undergo change or crisis and still retain its character, basic functions, and support systems. The American Planning Association has identified food as a core component to sustainable city planning.

The upcoming Portland/Multnomah Climate Action Plan recognizes the importance of establishing joint city-county institutional capacity to support the development of a strong local food system and ensuring that our community is resilient. Our region's population is expected to double by 2060; and it is imperative to plan for that future not only via transportation, housing, and job strategies, but also via social service strategies such as health and food security.

Demonstrated Need: Food is a basic human need on par with water, housing, mobility, and other essential urban infrastructure, and food systems are an integral and significant part of metropolitan systems. A significant portion of Multnomah County's population experiences or is at risk of experiencing food insecurity. Requests for emergency food and food assistance are at an all time high. Rising food, energy, and transportation costs constitute the "perfect storm" impacting food security for low-income households:

There is increased urgency for the county to address the paradoxically linked problems of hunger and obesity. In addition to record number of Americans receiving food stamps, obesity is reaching epidemic proportions across the country. Nationally, nearly 32% of children are considered overweight or obese. In Multnomah County, half of adults are overweight or obesity, putting themselves at risk for chronic diseases such as heart disease and diabetes.

In January 2009, Oregon's unemployment rate was 10.8%; and the state is seeing a record demand for food stamp and cash assistance. With unemployment rising and energy costs predicted to increase, more and more families are concerned about the basics. In Multnomah County almost half of the 9,300 infants born each year participate in the Women, Infants, and Children's (WIC) supplemental nutrition program and over 56,000 households utilized the Food Stamp program in 2008. According to a report by the Partnership for America's Economic Success, toddlers whose families have gone hungry are three to four times as likely to be obese. If the economic downturn continues, the number of community residents in poverty will rise, driving up obesity, diabetes, and cardiovascular disease.

Climate change threatens food and water sources, power supplies, public safety and health, forests, and our local economy. Preparing for those changes now will ensure a prosperous and resilient community in the future. What food is available, how it is grown, who gets it, and who profits will all play pivotal roles in the long-term prosperity of our community.

Economic Development: Urban agriculture could offer greater potential than has been considered in the past and contribute significantly to the green economy. The size and the characteristics of our region's food economy has a substantial impact on our regional economy overall. Research on the economic impacts of food spending, including work by the New Economics Foundation and Sustainable Seattle, demonstrates that spending directed to food produced in the region could have more than double the total economic impact than imported food. Even a basic projection illustrates the very significant economic benefit of a strategy for producing more food in the region, including through urban agriculture.

Portland State University recently released a report, *Planting Prosperity and Harvesting Health*, which looks at the regional food system of Oregon and Washington. Agriculture in Oregon is a \$4 Billion industry, based on 2006 data from the U.S. Department of Agriculture, and slightly more than half of that total was tied to food production. In the Portland Metro region, roughly 13% of our annual expenditures are for food. Over the past two decades, farmers have substantially increased their direct marketing activities, which mean that more of their production is targeted directly to end users in the region. In addition, there has been significant growth in community gardens and community-supported agriculture (CSA). These market shifts are very consistent with national changes.

Finally, the emerging green collar jobs movement identifies many sectors that are expected to grow substantially and offer living-wage jobs. Food production is included, mostly focused on organic products. The central premise of green collar jobs is that the work pays higher than-average wages and is widely accessible.

Current Status of Food Policy

- The Portland/Multnomah Food Policy Council was created in 2004 to region to address issues regarding food access, land use planning issues, local food purchasing plans and many other policy initiatives in the current regional food system.
- The Portland Peak Oil Task Force report to Council in March 2007 calls for protection of local farmland and expansion of local food production. One recommendation reads: "Direct additional resources toward the Diggable City project, the community gardens program and other urban agriculture possibilities."

- The Diggable City Project identifies City-owned properties to be used for additional community gardens and other urban agricultural uses.
- The County Digs Project identifies County-owned properties and tax-foreclosed properties to be used for urban agriculture uses.
- visionPDX, Portland's community visioning project which reached over 17,000 Portlanders and was accepted by City Council in September 2007, cites local food production as a high value for the community. The vision PDX project envisions that, in the future, "All Portlanders have equitable access to public resources such as public transportation, bike and walking paths, community gardens and access to locally grown, healthful food."
- The Portland/Multnomah County Global Warming Action Plan (2001) states that global climate change is predicted to affect the productivity of crops and regional impacts will vary widely. Community gardens and food production education are adaptive solutions to global climate change impacts.
- The Parks 2020 Vision states that "Community gardens provide more than fresh produce – they build friendships and pockets of green in urban neighborhoods." The Vision laments the long waiting lists for community garden plots.
- The Centers for Disease Control and Prevention (CDC) recommend obesity prevention strategies that focus on five highly preventable risk factors, two of which are linked directly to issues of food access and potentially addressed through food policy: calorie imbalance and insufficient fruit and vegetable consumption.
- The Oregon Statewide Physical Activity and Nutrition Plan 2007 – 2012 reports that approximately 26% of Oregon adults eat five or more servings of fruits and vegetables a day, only half of the recommended amount. The Plan outlines a number of food policy strategies, such as increasing access to farmers markets by low-income communities and establishing nutrition standards for food served in schools, to promote equitable community health.

Vision for the Multnomah Food Initiative

The goal of the Initiative is a community-based, local food system that reshapes our relationship to food and our local economy. It is a long-term vision of a city and county that feeds itself – sustainably, healthily, equitably, and prosperously. It would mean forging partnerships, setting goals, and working together towards a shared vision.

The Initiative could mean a thriving local food economy; twenty minute neighborhoods that provides access to nutritious food, community gardens, and farmers' markets; healthy residents that buy, grow, and prepare nutritious food; a local brand to identify food grown within 200 miles; edible rooftops as far as the eye can see; an emerald necklace of urban orchards in our parks, yards, and schools; a vegetable garden at every school; and 50% of residents growing some of their own food and reducing food costs. Imagine the economic, environmental, social, and health benefits. The time is right and with a public-private partnership this vision is within our reach.

Historically, large urban centers like Paris, Shanghai, and Mexico City have generated much of the food needed by city residents. Many cities in developing countries still continue to produce significant quantities of their own food within a 25-mile circle of the city center. In San Francisco and Toronto, the city plans include food sustainability in their vision and concrete

goals. Currently, our community does not have a strategy or a plan to ensure that we are supported by a sustainable food system, one designed to provide economic, environmental, and health benefits for years into the future.

Multnomah County has a critical role to play in promoting a vision in which:

- Our local food system is celebrated and showcased
- Our local food system is integral to our community's quality of life and is central to the sustainability reputation that gives us an economic competitive advantage
- The inter-relationship of food issues are recognized as a public policy priority
- 20 minute neighborhoods include access to urban food amenities such as farmers' markets, community gardens, and food markets
- Our community grows a significant portion of its own food
- Our community prepares and consumes food that is healthy and nutritious
- Easy, equitable access to understandable and accurate information about food and nutrition.
- Economic opportunities around food are promoted

Recommendations

Overall Recommendation

Establish the Multnomah Food Initiative as a long-term comprehensive framework, strategy, and planning tool for the government and the community on food issues.

Principles

1) Every County resident has the right to an adequate supply of nutritious, affordable and culturally appropriate food (food security).

2) Food security contributes to the health and well being of residents while reducing the need for medical care and social services.

3) Food and agriculture are central to the economy of the County, and a strong commitment should be made to the protection, growth and development of these sectors.

4) A strong regional system of food production, distribution, access and reuse that protects our natural resources contributes significantly to the environmental well-being of this region

5) A healthy regional food system further supports the sustainability goals of the County, creating economic, social and environmental benefits for this and future generations.

6) Food brings people together in celebrations of community and diversity and is an important part of the County's culture.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (revised 09/22/08)

Board Clerk Use Only

Meeting Date: 10/01/09
Agenda Item #: R-8
Est. Start Time: 9:55 AM
Date Submitted: 09/16/09

Agenda Title: First Reading of a Proposed SPECIAL ORDINANCE Designating Disposition of Tax Foreclosed Property and Declaring an Emergency

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: October 1, 2009 Amount of Time Needed: 5 minutes
Department: Community Services Division: Tax Title
Contact(s): Jerry Elliott
Phone: 503-988-3590 Ext. 22591 I/O Address: 503/1/Tax Title
Presenter(s): Jerry Elliott and Matt Ryan

General Information

1. What action are you requesting from the Board?

The Tax Title Section is requesting the Board to approve the repurchase of a tax foreclosed property by the estate of the former owner Manuel M. Flores.

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 September 2008 the property at 6639 N. Mears Street, Portland came into the possession of Tax Title through foreclosure due to non payment of taxes. The property had belonged to Manuel M. Flores, who had passed away in Mexico in 1997. Also in September of 2008 Tax Title received a letter from the office of Attorney Travis Hall stating that he was representing Mr. Flores' wife, Emmadene M. Martinez. He also stated that he would not be able to resolve this issue before the redemption period on the property expired.

In June 2009 Tax Title received an Affidavit of Claiming Successor under ORS 114.515 & ORS 114.525 in which Emmadene M. Martinez claimed ownership of the property as the lawful spouse of the decedent.

On August 14, 2009 Travis Hall called to say that Ms. Martinez now has the funds to pay

Multnomah County and the City of Portland and requested to repurchase the property.

Although the timeline for repurchase, as provided under MCC 7.402 has passed; Tax Title recommends the Board approve this Special Ordinance allowing the repurchase because the public interest is best served by allowing Mr. Flores' Estate to repurchase the property as opposed to the County taking on the obligations and the oversight and ultimate disposition of this property.

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

The repurchase will allow for the recovery of the delinquent taxes, fees, and expenses. The sale will also reinstate the property on the tax roll (see Exhibit B).

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

Multnomah County Code Section 7.402 provides for 30 days notice to the former owner of record to repurchase a property foreclosed on for delinquent property taxes. However if the timeline expires without the former owner repurchasing the property and it has not been otherwise disposed of, there is nothing in the Code that precludes the County from selling the property to the former owner.

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

City of Portland Liens will be paid in full by the Manuel M. Flores Estate.

Required Signature

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



Date: 09/16/09

R151090



EXHIBIT B
PROPOSED PROPERTY LISTED FOR REPURCHASE
FISCAL YEAR 2009

LEGAL DESCRIPTION:

Lot 4 Block 4 East St. Johns

PROPERTY ADDRESS:

6639 N Mears ST

TAX ACCOUNT NUMBER:

R151090

GREENSPACE DESIGNATION:

No designation

SIZE OF PARCEL:

5,000 SF

ASSESSED VALUE:

\$213,700

TOTAL PRICE OF ITEMIZED EXPENSES FOR REPURCHASE OF PROPERTY

BACK TAXES & INTEREST:

\$20,429.14

TAX TITLE MAINTENANCE COST & EXPENSES:

\$1,132.33

PENALTY & FEE:

\$668.75

CITY LIENS

Paid to City

MINIMUM PRICE REQUEST FOR REPURCHASE

\$22,230.22

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Special Ordinance Designating Disposition of Tax Foreclosed Property and Declaring an Emergency

The Multnomah County Board of Commissioners Finds:

- a. On September 25th, 2006 judgment was entered in Multnomah County Circuit Court foreclosing the property tax liens against certain real property described as:

Lot 4 Block 4 East St. Johns

(the Property). On September 26, 2008 the County Tax Collector deeded all right, title and interest in the Property to Multnomah County as authorized under ORS 312.200.

- b. On October 7, 2008, the County's Tax Title Division sent a letter to the Estate of Manuel M. Flores. Mr. Flores was shown on County records to have been the former owner of the property. This letter was addressed to the "Estate of Manuel Flores" as opposed to Manuel Flores at the direction of representatives of his estate. The County Tax Title Division was advised in September 2008 that Mr. Flores had died in 1997 in Mexico. The October 7, 2008, letter advises generally of the rights of the former owner to repurchase the tax foreclosed property under Multnomah County Code (MCC) Chapter 7. The letter stated that the property must be repurchased or vacated by November 14th, 2008.
- c. Mr. Flores' widow, Ms. Emmadene M. Martinez, executed an affidavit in 2007 that was filed in a probate proceeding of Mr. Flores' estate in Multnomah County Circuit Court (Case No. 070791083) claiming ownership of the Property as the decedent's spouse and affirming that the only known heir is their son, who is a minor. Ms. Martinez contacted the County in a timely manner in October 2008 but did not complete a purchase of the property as required under MCC Section 7.402.
- d. On August 14, 2009, Travis Hall, Ms. Martinez's attorney, contacted the Tax Title Division to indicate that Ms. Martinez wished to repurchase the Property and has obtained financing to pay the minimum repurchase price to Multnomah County. The Tax Title Division has prepared a proposed deed for the Property to "The Estate of Manuel M. Flores".
- e. Under ORS 275.180, the minimum price for which the County can sell the property back to the former owner is not less than the amount of taxes and interest accrued and charged against the property. The County has previously allowed, under ORS 275.180 authority, for the sale of tax foreclosed property to the estate or legal heirs of deceased former owners on the premise that the rights of the deceased former owner vest in the decedent's estate.
- f. Although the timeline for repurchase, as provided under MCC 7.402 has passed, Tax Title recommends the Board approve this Special Ordinance allowing the repurchase because the public interest is best served by allowing The Estate of Manuel M. Flores to

repurchase the property as opposed to the County taking on the obligations and the oversight and ultimate disposition of this property.

- g. ORS 307.100 requires the payment of all local assessments and liens prior to repurchasing tax foreclosed real property from the County.
- h. In the interest of fairness and to prevent potential challenges to the disposition of the property, the Board believes it to be in the best interests of the County to approve this Special Ordinance and remove this property from consideration for alternative disposition under MCC Chapter 7 and authorize the repurchase of the property by The Estate of Manuel M. Flores.

Multnomah County Ordains as follows:

Section 1. Notwithstanding MCC 7.402; Multnomah County is authorized to sell to The Estate of Manuel M. Flores the real property described above in compliance with the requirements of ORS 275.180.

Section 2. The County Chair is authorized to execute a Deed, in substantial compliance with the attached deed identified as Exhibit A, conveying the real property described above to The Estate of Manuel M. Flores.

Section 3. This ordinance, being necessary for the health, safety, and general welfare of the people of Multnomah County, an emergency is declared and the ordinance takes effect upon its signature by the County Chair.

FIRST READING:

October 1, 2009

SECOND READING AND ADOPTION:

October 8, 2009

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Matthew O. Ryan, Assistant County Attorney

SUBMITTED BY:
M. Cecilia Johnson, Director, Dept. of Community Services

Until a change is requested, all tax statements
Shall be sent to the following address:
Emmadene M. Martinez
%TRAVIS HALL
888 SW FIFTH AVENUE, SUITE 1250
PORTLAND OR 97204

Exhibit A

After recording return to:
Multnomah County Tax Title 503/4

Deed D092192 for R151090

MULTNOMAH COUNTY, a political subdivision of the State of Oregon, **Grantor**, conveys The Estate of Manuel M. Flores, **Grantee**, the following described real property located in Multnomah County, Oregon:

Lot 4 Block 4 East St. Johns

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

The true consideration paid for this transfer is \$22,230.22.

IN WITNESS WHEREOF, The Multnomah County Board of Commissioners by authority of a Resolution of the Board entered of record: has caused this deed to be executed by the chair of the County Board.

Dated this 8th day of October 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

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

By _____
Matthew O. Ryan, Assistant County Attorney

STATE OF OREGON)
) ss
COUNTY OF MULTNOMAH)

This Deed was acknowledged before me this 8th day of October, 2009, by Ted Wheeler, to me personally known, as Chair of the Multnomah County Board of Commissioners, on behalf of the County by authority of the Multnomah County Board of Commissioners.

Deborah Lynn Bogstad
Notary Public for Oregon
My Commission expires: 6/27/2013



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

Board Clerk Use Only

Meeting Date: 10/01/09
Agenda Item #: R-3
Est. Start Time: 9:10 AM
Date Submitted: 09/10/09

Agenda Title: **RESOLUTION Adopting Multnomah County's Investment Policy and Repealing Resolution 08-151**

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: October 1, 2009 Amount of Time: 10 minutes
Department: Department of County Management Division: Finance & Risk Management
Contact(s): Harry Morton
Phone: 503-988-3290 Ext. 83290 I/O Address: 503/531/Treasury
Presenter(s): Harry Morton

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

To approve the Multnomah County Investment Policy. DCM recommends approval.

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.

ORS 294.135 requires that municipalities adopt a written investment policy annually. Treasury has made minor changes to the Investment Policy adopted by Resolution 08-151.

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

The updated Investment Policy will have no financial impact on the General Fund.

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

The updated Investment Policy meets all legal requirements and the governmental best practices recommended by the Government Finance Officers Association.

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

The updated Investment Policy was reviewed by the Multnomah County Investment Advisory Board and has been submitted to the Oregon Short Term Fund Board for review.

Required Signature

Elected Official or
Department/
Agency Director:



Date: 09/11/09



Department of County Management

MULTNOMAH COUNTY OREGON

Finance & Risk Management Division, Treasury Section

501 SE Hawthorne, Suite 531

Portland, Oregon 97214

(503) 988-3290 phone

(503) 988-5725 fax

To: Board Staff
From: Harry Morton, Treasury Manager
Date: September 8, 2009
Subj: Changes to Multnomah County Investment Policy/Annual Review

The following are the changes to the current Investment Policy adopted November 13, 2008 by Resolution 08-151.

Section I. Scope Dates and portfolio balances changed to current.

Section II. Investment Objectives "...and GFOA best practices." added.

Section IV. Safekeeping and Custody Minor grammatical changes made.

Section V. Authorized Investments "Oregon" added to Local Government Investment Pool.

Section VI. Investment Parameters Under Diversification by Type added "...and per issuer...".

- *Raised Banker's Acceptances limits from 20% to 35% total and from 10% to 25% per issuer.
- *Added "Investments that are explicitly guaranteed by the U.S. Treasury or the Federal Deposit Insurance Corporation are considered to be U.S. Treasury issues and may be owned without limit."
- *Added "...to the extent possible..." to Management of Credit Quality.
- *Re-wrote fourth bullet point under Portfolio Earnings Allocation for clarity.

Section VII. Policy Adoption Added "...Treasury Manager...".

Addendum B Updated names of brokerage firms and added US Bancorp Investments and Wells Fargo Brokerage Services which were previously categorized as banks.

Addendum F Updated expiration of terms for two board members reappointed to Board.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Adopting Multnomah County Investment Policy and Repealing Resolution 08-151

The Multnomah County Board of Commissioners Finds:

- a. ORS 294.135 requires the county to adopt a written investment policy.
- b. Treasury has modified the investment policy adopted by the Board on November 13, 2008, by Resolution 08-151, to more closely conform to the model policies of the State Treasury and Government Finance Officers Association.
- c. The County's Investment Advisory Board reviewed the attached Multnomah County Investment Policy (Investment Policy) and recommended no changes.
- d. The Oregon Short Term Fund Board reviewed the Investment Policy and recommended no improvements or changes.

The Multnomah County Board of Commissioners Resolves:

1. The Board adopts the attached Multnomah County Investment Policy dated September, 2009.
2. The Chief Financial Officer and the Treasury Manager are authorized to administer the Investment Policy.
3. This resolution repeals and replaces the previous Investment Policy adopted by Resolution No. 08-151.

ADOPTED this 1st day of October, 2009.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
Agnes Sowle, County Attorney

SUBMITTED BY:
Mindy Harris, Director, Department of County Management



MULTNOMAH COUNTY OREGON

Investment Policy

September 2009

I. SCOPE

This investment policy applies to the investing of the financial assets of all funds included in Multnomah County's investment portfolio as defined in this policy. During the Fiscal Year 2008-2009, the County's average daily balance of cash invested was approximately \$305,520,000, with the high of \$895,990,000 occurring in November 2008 and the low of \$154,550,000 occurring in October 2008.

All applicable cash will be invested in compliance with Oregon Revised Statutes 294 and 295, and all other applicable statutes, policies and other written procedures. Investment earnings of the investment portfolio shall be allocated to eligible County governmental, proprietary and fiduciary funds as summarized in Addendum A.

Investments owned by Multnomah County Hospital Facilities Authority do not fall under the purview of Multnomah County or this investment policy.

II. INVESTMENT OBJECTIVES

- The primary investment objective of Multnomah County is the preservation of capital and the protection of investment principal.
- The County's investment portfolio will remain sufficiently liquid to enable the County to meet all reasonably anticipated operating requirements. This preference for liquidity will be basic to investment decisions.
- The County will strive to attain a market rate of return throughout budgeting cycles.
- The County will diversify its investment types and maturities to avoid unreasonable concentration within security types and financial institutions.
- The County will comply with Federal and State laws, IRS Regulations, GAAP and GASB guidelines, Oregon State Treasury guidelines and GFOA best practices.

III. STANDARDS OF CARE

1. Prudence The standard of prudence to be used by the Treasury Manager and treasury staff shall be the "prudent person" standard which states that "Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

The Treasury Manager and treasury staff acting in accordance with written procedures and this investment policy, and exercising due diligence shall be relieved of personal responsibility for an

individual security's credit risk or market price fluctuations, provided deviations from expectations are reported in a timely manner and that investment transactions are carried out in accordance with this investment policy.

2. Ethics and Conflicts of Interest County employees involved in the investment process shall refrain from business activity that could conflict with the proper execution and management of the investment process, or that could impair their ability to make impartial decisions. Such employees shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Such employees shall at all times comply with the State of Oregon Government Standards and Practices code of ethics set forth in ORS 244.

3. Delegation of Authority The Treasury Manager is designated as the investment officer of the County and is responsible for the daily cash management as well as all investment decisions and activities. No person is authorized to engage in an investment transaction for the County except as provided under the terms of this policy and procedures established by the Investment officer. The Treasury Manager may authorize Treasury staff to act as his designees with dual signature requirement. (See Addendum G).

IV. SAFEKEEPING AND CUSTODY

1. Delivery versus Payment All investments eligible for delivery purchased pursuant to this investment policy will be delivered versus payment by either book entry or physical delivery to a third-party custodian.

2. Authorized Financial Institutions and Broker/Dealers The Treasury Manager will maintain and review annually a list of financial institutions authorized to provide the County investment and safekeeping services, as well as a list of approved security broker/dealers. To be eligible, a financial institution must meet at least one of the following three criteria:

- a. Be a primary dealer of the Federal Reserve Bank of New York; or
- b. Report voluntarily to the F.R.B. of New York; or
- c. Affirm that it has met the securities dealers' capital adequacy requirements of the F.R.B. of New York continuously for the preceding 12 months.

The Treasury Manager is authorized to sign a Trading Authorization Agreement or Master Repurchase Agreement with any institution included on the list, and will maintain a file, either electronically or hard copy, of the most recent audited financial reports of each firm on the approved list.

The Treasury Manager is authorized to transact trades directly with issuers of corporate debt and commercial paper provided that the provisions of ORS 294.035 and this investment policy are observed.

The Treasury Manager is responsible for maintaining current files documenting the appropriate licenses and professional credentials of broker/dealers with whom the County transacts trades. Additional documentation to be maintained includes certification of state registration, NASD

certification, and certification of having read and agreeing to comply with the County's current investment policy.

Qualified financial institutions and broker/dealers are included in Addendum B.

3. Internal Controls The Treasury Manager shall be responsible for implementing effective internal controls to address the following areas of concern:

- Clear delegation of authority
- Segregation of duties and separation of responsibilities for trade execution, accounting, and record keeping
- Written confirmation of transactions and funds transfers
- Compliance with investment policy constraints and requirements
- Timely reconciliation of custodial reports
- Appropriate security for online transactions and access to bank accounts and bank data

V. AUTHORIZED INVESTMENTS

This investment policy limits approved investment securities to the following:

1. U.S. Treasury Issues
2. Agencies and Instrumentalities of the United States
3. Municipal Debt
4. Savings and Demand Accounts
5. Time Certificates of Deposit
6. Banker's Acceptances
7. Corporate Debt
8. Repurchase Agreements (collateral margins per Oregon State Treasury)
9. Reverse Repurchase Agreements (with approval of Chief Financial Officer)
10. Oregon Local Government Investment Pool (LGIP)

The specific permitted securities are defined under Oregon Revised Statutes 294.035, 294.040, 294.046 and 294.810. (See Addendum C). Collateral requirements for bank deposits, time deposits, certificates of deposit and savings accounts are defined in ORS 295. (See Addendum D).

VI. INVESTMENT PARAMETERS

The Treasury Manager is responsible for preparing an annual cash flow schedule for all funds included in the County's investment portfolio. The cash flow schedule shall be continuously reviewed to compare projected flows to actual.

County investments shall be diversified by type, maturity and issuer. Before any transaction is concluded, to the extent practicable, the Treasury Manager shall solicit and document competitive bids and offers on comparable securities. When not practicable, the reasons should be similarly documented. At all times the Treasury Manager will strive for best execution of all transactions. Additionally, if reasonably unanticipated events cause the portfolio limits to be exceeded, the Treasury Manager will take the steps necessary to correct the situation as soon as is practicable. The Treasury Manager will promptly advise the Chief Financial Officer and the Investment Advisory Board of the occurrence.

Investments may be sold at a loss when the Treasury Manager deems that such a decision is prudent.

1. Diversification by Type The Treasury Manager shall limit the types of securities owned based on their proportional market value to the total investment portfolio market value and per issuer in the following manner:

- | | |
|----------------------------------|--|
| ○ U.S. Treasury Issues | Up to 100% |
| ○ Agencies and Instrumentalities | Up to 75% and 25% per issuer |
| ○ Municipal Debt | Up to 10% and 10% per issuer |
| ○ Savings Accounts | Up to 50% and 25% per institution |
| ○ Certificates of Deposit | Up to 20% and 1% of deposits per institution |
| ○ Banker's Acceptances | Up to 35% and 25% per issuer |
| ○ Corporate Debt | Up to 25% and 5% per issuer |
| ○ Repurchase Agreements | Per collateral securing repo and margin requirements |
| ○ Reverse Repurchase Agreements | Up to 10% |
| ○ LGIP | Per ORS 294.810 |

Investments in corporate debt may exceed 25% up to a limit of 30% for a period not to exceed 10 successive business days with prompt and appropriate notifications. Investments that are explicitly guaranteed by the U.S. Treasury or the Federal Deposit Insurance Corporation are considered U.S. Treasury issues and may be owned without limit.

2. Maximum Maturities In order to insure that funds are available for operating cash flow requirements, the Treasury Manager shall limit the maturities of securities owned based on market value in order to manage the weighted average maturity (WAM) of the portfolio appropriate to current market conditions and economic expectations. The following guidelines shall apply:

- | | |
|-------------------|-------------|
| ○ Under 30 days | Minimum 10% |
| ○ 31 -- 90 days | Minimum 25% |
| ○ 91 -- 270 days | Minimum 50% |
| ○ 271 -- 365 days | Minimum 70% |
| ○ 1 -- 3 years | Maximum 30% |

Investment maturities may exceed the guidelines for a period not to exceed 10 successive business days with prompt and appropriate notifications.

3. Management of Credit Quality The Treasury Manager shall calculate to the extent possible and report the average credit quality of the investment portfolio to manage aggregate portfolio credit risk.

4. Investment of Bond Proceeds Bond proceeds may be segregated within the County's investment portfolio and invested in a manner consistent with Internal Revenue Service limitations on tax-exempt issuers, as well as the trust indenture and anticipated drawdown of proceeds.

Similarly, funds received as a result of a defeasance of previously issued County debt shall be invested in a manner consistent with Oregon Revised Statutes, I.R.S. regulations and the terms of the indenture documents of the debt instrument.

5. Community Banking Investment Program Pursuant to Multnomah County Board Resolution No. 98-129, dated September 10, 1998, the Treasury Manager is authorized to purchase time certificates of deposit from qualified community banks in the face amount of \$95,000 per bank to a total of \$1,500,000. (See Addendum E).

VII. REPORTING AND OVERSIGHT

1. Methodology The Treasury Manager shall prepare monthly a management summary that provides the details of the investment portfolio, as well as transaction details for the reporting period. Details shall be sufficient to document conformity with the provisions of statutes and this

investment policy and shall include a listing of individual securities held at the end of the period. All investments owned will be marked-to-market monthly by the County's third-party custodian.

At the time of settlement of a purchase, an investment will be booked at cost. Any gain or loss resulting from an investment sold or called will be credited or charged to investment income as of the settlement date of the transaction. Premiums and discounts on securities will be amortized or accreted to stated maturity date. In the event of call or sale before maturity, any remaining premiums or discounts will be credited or charged to income as of the call or sale settlement date.

The County shall comply with all legal requirements and generally accepted accounting principals (GAAP). These principals are contained in the pronouncements of authoritative bodies including, but not limited to, the American Institute of Certified Public Accountants (AICPA), the Financial Accounting Standards Board (FASB), and the Government Accounting Standards Board (GASB).

Most of the County's available cash will be pooled for investment purposes in the investment portfolio. Cash not pooled will be restricted to:

- Deferred compensation deposits and investments;
- Cash designated for Certificates of Participation, Full Faith and Credit, General Obligation, and Revenue Bond reserves;
- Cash designated for construction payments;
- Petty cash and other imprest funds.

These items will earn interest income, if applicable, from the financial institution holding the funds in a trust or fiduciary capacity.

The monthly management investment summary will be provided to the Chair of the Board, the members of the Investment Advisory Board, the Chief Financial Officer and the County Auditor.

2. Benchmarks The performance of the County's portfolio will be measured against the performance of the Local Government Invest Pool (LGIP) and the yield of the 91-Day U.S. Treasury Bill. It is the goal of the County to maintain throughout the accounting cycle a yield that is not more than 50 basis points (1/2 percent) lower than that of LGIP, and is not less than 25 basis points (1/4 percent) higher than that of the 91-Day U.S. Treasury Bill. The County will endeavor to compare its portfolio yield with those of Washington County, Clackamas County and the City of Gresham.

3. Portfolio Earnings Allocation The amount of earnings allocated monthly will be calculated by the General Ledger section based on the following:

- The average daily cash balance (ADCB) of each eligible fund will be calculated. The Property Tax Trust Fund ADCB will be reduced by the average daily uncollected funds (float).
- The average monthly yield of the County's investment portfolio will be calculated on a 365-day basis.
- An administrative fee of 100 basis points (1.00%) will be deducted from the earnings allocation prior to distribution.

- If the ADCB of a fund is negative and the fund would normally be credited earnings if the ADCB of that fund were positive, the fund will be debited earnings at the average monthly yield of the portfolio for the period that the fund's cash balance is negative.
- The allocation of earnings process is summarized in Addendum A.

4. Investment Advisory Board The County Chair will appoint the members of the Investment Advisory Board (IAB) to three-year terms. The IAB will consist of five citizen members who will be nominated on the basis of their expertise in financial markets and fixed income investments. (See Addendum F).

The IAB will meet quarterly to review the County's investment performance and adherence to the investment policy. All such meetings will be open to the public and publicized as required by the "Open Meetings Law."

Minutes of each meeting of the IAB shall be recorded and included in the management summary for the following month.

5. Indemnification Clause The County shall indemnify County officials and Investment Advisory Board members from personal liability for losses that might occur pursuant to administering this investment policy.

VII. POLICY ADOPTION

The County's investment policy shall be reviewed annually by the Treasury Manager, Chief Financial Officer and the Investment Advisory Board for appropriate modifications. It will be submitted to the Oregon Short Term Fund Board for comments. Any comments or suggestions made by the OSTFB but not implemented by the County will be explained to the Board of County Commissioners.

This policy and any amendments to this policy are to be approved annually by the Board of County Commissioners.

ADDENDUM A

Investment Earnings Allocation

A. Pursuant to State law and County policy investment earnings will be allocated to all Debt Service Funds, all Capital Projects Funds, all Special Revenue Funds, except as noted below and the Behavioral Health Managed Care Fund (3002).

B. Investment earnings will not be allocated to the Federal/State Program Fund because the majority of the expenditures are on a reimbursement basis from the grantor agency and the General Fund provides the cash flow.

C. The General Fund will receive the balance of the investment earnings. All other Funds that are supported in whole or part by the General Fund will not be allocated investment earnings.

D. In the event a new fund or account is created, the Chief Financial Officer is authorized to make the determination if the fund or account should receive investment earnings. This determination is to be based on the criteria used for the funds in existence at the time this policy is adopted.

ADDENDUM B

Qualified Financial Institutions and Broker/Dealers

Banks:

- 1) Albina Community Bank
- 2) Bank of America
- 3) Key Bank
- 4) Union Bank of California
- 5) US Bank
- 6) Umpqua Bank
- 7) Wells Fargo Bank
- 8) Oregon Community Banks (Per Resolution No. 98-129)

Brokerage Firms:

- 1) Banc of America Securities
- 2) D.A. Davidson & Co
- 3) Morgan Keegan & Co.
- 4) Piper Jaffray & Co.
- 5) RBC, Inc.
- 6) Seattle Northwest Securities Corp.
- 7) UBS Financial Services
- 8) Union Bank Investment Services
- 9) US Bancorp Investments
- 10) Wells Fargo Brokerage Services

Other:

Oregon Local Government Investment Pool (LGIP)

ADDENDUM C

Liquid Investments Available to Oregon Local Governments

United States Treasury Issues

1. U.S. Treasury Bills
2. U.S. Treasury Notes
3. U.S. Treasury Bonds
4. U.S. Treasury STRIPS (Separate Trading of Registered Interest and Principal of Securities)
5. BECCS (Bearer Corpora Conversions)
6. CUBES (Coupons Under Book-Entry Safekeeping)
7. U.S. Treasury Inflation-Indexed Bonds

All Treasury notes and bonds are strippable. STRIPS are created by separating the interest (coupon) and principal (the note or bond itself), thereby creating zero coupon securities that are sold at a deep discount and payment is received at maturity. STRIPS are direct obligations of the U.S. Treasury and are backed by the full faith and credit of the United States. Strips are not to be confused with CAT's, TIGR's, etc., which are proprietary products that represent a security interest in an underlying U.S. Treasury security. These latter investments ARE NOT permissible investments for local governments.

Previously, when U.S. Treasury Bonds were in physical form, they were literally separated into serial coupons from their respective bonds. This was before book entry; before proprietary products created by dealers that were security interests in some underlying note or bond; and, before the U.S. Treasury itself allowed stripping of its longer debt issues. These old physically separated instruments (basically bearer securities) were converted by the Federal Reserve into wireable book entry form to make the STRIPS market more uniform. These former physical securities that have been so converted are called Coupons Under Book Entry Safekeeping (hence the acronym CUBES). These CUBES are very rare, trade at a higher rate than on-the-run comparable U.S. Treasury STRIPS, and are extremely illiquid. Being old U.S. Treasury securities, CUBES carry the same full faith and credit of the United States Government.

In January, 1997, the United States Treasury started issuing Treasury Inflation Protected Securities (TIPS). Inflation indexed note auctions are usually announced on the first Wednesday of January and July, with the auction process occurring the second week of January and July. Issuance is the 15th of the same month. These bonds will be fully strippable. Like other bonds, they will be offered in denominations of \$1,000.00. More detailed information beyond this cursory description is available from the Internet (www.publicdebt.treas.gov), The Bond Market Association (www.bondmarkets.com), and research data from brokers/dealers.

Agencies and Instrumentalities of the United States

1. Federal Home Loan Banks (FHLB) - Discount Notes, Consolidated bonds, Floating Rate Notes, and MTNs.
www.fhlb-of.com
2. Federal Farm Credit Banks (FFCB) - Consolidated system-wide notes and bonds, Discount notes, Floating Rate Notes, MTNs, and Master notes.
www.farmcredit-ffcb.com
3. Federal National Mortgage Association ("Fannie Mae") - Discount Notes, MTNs, Senior and Subordinated Benchmark Notes (fixed and floating), strips, zero-coupon securities, and mortgage-backed securities.
www.fanniemae.com
4. Federal Home Loan Mortgage Corporation ("Freddie Mac") - Discount Notes, MTNs, Senior and Subordinated Reference Notes (fixed and floating), Mortgage Participation Certificates (PC's), Collateralized Mortgage Obligations (CMO's), and Strips.
www.freddiemac.com
5. Government National Mortgage Association ("Ginnie Mae") - Mortgage-Backed Securities in 15- and 30-year maturities - guaranteed by the full faith and credit of the U.S. Government. Collateralized by FHA, VA, and FMHA insured mortgage loans.
www.ginniemae.gov
6. Financing Corporation (FICO) —Long-term bonds (none issued since 9/89) - Principal repayment defeased by zero coupon Treasuries.
7. Resolution Funding Corporation (REFCORP) - Strips and Bonds — 30 & 40-year issues - Principal collateralized by U.S. Treasuries, interest payments backed by the U.S. Treasury and FIRREA.
8. Tennessee Valley Authority (TVA) - Discount Notes, Strips, Notes, and Bonds - Issues available in maturities 5 to 50 years. www.tva.gov
9. Financial Assistance Corporation (FAC) - 15 year bonds, guaranteed by the Treasury, first issued in 7/88. This entity provides capital to Farm Credit System Institutions.
10. Federal Land Banks (FLB) - Bonds - Currently issued through FFCB. (Banks for Cooperatives and Federal Intermediate Credit Bank also issue through FFCB and have no direct issues outstanding.)
11. Federal Housing Administration (FHA) - Debentures - Backed by the full faith and credit of the U.S. Government.

12. Farmers Home Administration (FMHA) - Certificates of Beneficial Ownership (CBO's). Backed by the full faith and credit of the U.S. Government. Discontinued in 1975, small amount remains outstanding.
13. General Services Administration (GSA) - Participation Certificates - Secured by the full faith and credit of the U.S. Government. No new issues since 1974. www.gsa.gov
14. Maritime Administration - Bonds - Collateralized by ship mortgages, further backed by the full faith and credit of the U.S. Government in the event of default.
15. Washington Metropolitan Area Transit Authority - Bonds - Backed by the full faith and credit of the U.S. Government. Small amount remains outstanding.
16. Small Business Administration (SBA) - Debentures - Backed by the full faith and credit of the U.S. Government. Small amount remains outstanding.
www.sba.gov
17. Department of Housing and Urban Development (HUD) - Notes, New Housing Authority Bonds - 40-year issues with 15-year calls. Backed by the full faith and credit of the U.S. Government. No new issues since 1974. Small amount remains outstanding.
18. United States Postal Service - Bonds - May be backed by the full faith and credit of the U. S. Government. Issues with maturities of 20 years or longer. www.usps.com
19. United States Department of Veterans' Affairs Guaranteed REMIC Pass-Through Certificates Vendee Mortgage Trust 1992-1 (VINNIE MAE). The full and timely payment of principal and interest of these certificates is guaranteed by the Department of Veterans' Affairs and this guarantee is further backed by the full faith and credit of the United States of America.
20. Private Export Funding Corporation (PEFCO) — Secured Notes with maturities of 5 years or longer. Interest is guaranteed by the Export-Import Bank of the United States (Eximbank, a federal agency) and whose principal is secured by either cash, securities backed by the full faith and credit of the United States, or Guaranteed Importer Notes which are guaranteed by the Eximbank. The Secured Notes, which are rated AAA.
www.pefco.com
21. Federal Agricultural Mortgage Corporation (Farmer Mac), a federally chartered instrumentality of the United States was created to provide capital for agricultural real estate and rural housing. Instruments include discount notes, medium-term notes, and mortgage backed securities. www.farmermac.com

Pursuant to ORS 294.046, this list contains all "agencies and instrumentalities of the United States with available obligations that any county, municipality, political subdivision or school district may invest in...." Generally, all U.S. Treasuries, and Agencies listed in 1 through 8 are appropriate investments for excess cash funds (if the maturities of such instruments are within the local government's investment guidelines). However, attention should be paid to any peculiar characteristics of some of the instruments. For example, mortgage-backed securities like GNMA's may have volatile prepayment characteristics which may make their final maturities unknown. In falling interest rate cycles, borrowers' whose underlying mortgages are the security for the GNMA bonds may refinance their loans accelerating the principal return to the investor. Therefore, the term for a GNMA cannot be relied upon to perform, for example, a debt defeasance. Agencies listed in 9 through 21 are viewed as less appropriate for local government investments, may be infrequently traded, and can be characterized by thin, illiquid markets.

International institutions in which the United States Government owns capital stock (paid-in or callable) are not eligible investments for local governments and are not listed here (World Bank, Asian Development Bank, Inter-American Development Bank, etc.).

Local Government Investment Pool

No minimum investment: deposits are limited to the amount prescribed on: "Memo Regarding Limitation in ORS 294.810." These limits can be temporarily exceeded for 20 business days by county governments and 10 days by other local governments as a result of pass-through funds (ORS 294.810).

Repurchase Agreements

Typically these are investment arrangements involving the purchase of US Government and agency securities with a simultaneous agreement to resell them back to the same seller for the same dollar investment plus a fee. Amounts invested, rate, and terms are negotiable but such repurchase transactions are limited to 90 days maximum term. Maximum percentages for prices paid for the collateral securities are prescribed by the Oregon Investment Council or the Oregon Short-Term Fund Board [ORS 294.035 (11); ORS 294.135 (2)]. On March 12, 1996, the Board prescribed the following minimum pricing margins for repurchase collateral:

US Treasury Securities:	102%
US Agency Discount and Coupon Securities:	102%
Mortgage Backed and Other:	103%*

Bankers' Acceptances

Appropriate if: guaranteed by, and carried on the books of, a qualified financial institution; eligible for discount by the Federal Reserve System; and issued by a qualified financial institution whose short-term letter of credit rating is rated in the highest category by one or more nationally recognized statistical rating organizations.. They are limited to a 25% maximum of the moneys of a local government available for investment on the settlement date per qualified financial institution [ORS 294.035 (8) (a), (b), (c)].

Corporate Indebtedness (secured and unsecured)

These securities are corporate commercial paper and promissory notes that have minimum commercial paper ratings of A1 or P1 or long-term minimum ratings of Aa (Moody's) or AA (S & P) or equivalent by any nationally recognized statistical rating organization. The minimum credit quality may be lowered to A2, P2 for commercial paper and A for long-term if the issuer meets the criteria of paragraphs (A) and (B) of ORS 294.035 (9) (c). They are limited to 35% of the moneys of a local government available for investment [ORS 294.035 (9), (a), (b), (c), (d)]

Municipal Debt Obligations

Lawfully issued debt obligations of the agencies and instrumentalities of the State of Oregon and its political subdivisions that have a long-term debt rating of A or an equivalent rating or better or are rated on the settlement date in the highest category for short-term municipal debt by a nationally recognized statistical rating organization [ORS 294.035 (2)]. Also, lawfully issued debt obligations of the States of California, Idaho and Washington and their political subdivisions if such obligations have a long-term rating of AA or better or are rated on the settlement date in the highest category for short-term municipal debt by a nationally recognized statistical rating organization [ORS 294.035 (3)]. For these latter obligations, they are allowable subject to ORS 294.040.

Certificates of Deposits

Certificates of deposit are not an investment security but rather a time deposit in a qualified financial institution. They must be FDIC insured to \$100,000 and further collateralized above the FDIC insurance pursuant to Oregon Revised Statutes.

ADDENDUM D

Collateral Requirements for Public Funds Deposits

Effective July 1, 2008, Oregon Revised Statutes Chapter 295 has been modified by legislative action which transferred the responsibility to the Office of the State Treasurer for insuring that public funds are collateralized appropriately by the public depositories holding the deposits.

ADDENDUM E

RESOLUTION No. 98 – 129

Resolution adopting Multnomah County's Community Banking Investment Program

The Board of County Commissioners finds:

1. Many small banks that are community owned ("Community Banks") are located in rural and urban areas throughout the state and provide valuable services including making small business loans, loans to promote entrepreneurial activities and consumer loans for tuition and purchases of automobiles and homes.
2. Multnomah County, Oregon (the "County") has successfully formed partnerships with Community Banks in Multnomah County by making investments with Albina Community Bank and American State Bank and wishes to expand this partnership to provide an economic engine to link the urban/rural relationships throughout the state.
3. The County is committed to forming partnerships with Community Banks, consumers and businesses to provide the much needed capital to assist in economic development, the creation of jobs and providing loans for home purchases, home improvements automobile loans and tuition expenses.
4. Community Bank loans to businesses and consumers generate significant economic development, provide employment opportunities for the communities in which they are located and enhance the livability of their communities.
5. The economic development, employment opportunities made possible by small businesses add to the quality of life of all Oregonians, including those in Multnomah County.
6. With the restructuring and consolidation of banking in Oregon, small businesses and consumers are placing an even higher demand for loans on Oregon Community Banks and Community Banks are constantly exploring new ways to raise deposits to provide loans to small businesses and consumers.
7. The County, understands and appreciates the positive economic impact and enriched quality of life that Community Banks have in communities throughout the State of Oregon.
8. The County wishes to establish a model Community Banking Investment Program and encourages other governments in a position to implement similar programs to do so.
9. The County is authorized under ORS 294.035 to invest in certificates of deposit in banks, mutual savings banks and savings and loan associations which maintain a head office or a branch in this state in the capacity of a bank, mutual savings bank or savings and loan association.

10. The County's investment policy, adopted by the Board, authorizes the County to purchase time certificates of deposit with financial institutions covered by FDIC insurance or institutions that cause to have a Certificate of Participation issued evidencing collateral on all public funds on deposit.

11. The County's investment policy requires the County to safeguard assets, maintain sufficient liquidity requirements and obtain a competitive rate of return.

12. The County's Investment Advisory Board has reviewed and approved this policy direction.

The Board Resolves:

1. The County will purchase qualified time certificates of deposit from Community Banks to provide deposits for the Community Banks to make loans.

2. The total amount of funds available for this program will be \$1,500,000.

3. The par amount of the certificate of deposit will not exceed \$95,000 per institution.

4. The Community Bank must meet the following requirements to participate in this program:

a. The Community Bank's time certificate of deposit yield must be competitive with similar qualified investments available to the County at the time of purchase.

b. The Community Bank must have headquarters in the State of Oregon.

c. The Community Bank's assets will not exceed \$750,000,000 as of the most recent financial statement.

d. The Community Banks must have the bank's Board of Directors approve a resolution affirming its participation in the Multnomah County Community Banking Investment Program.

e. The Community Bank's loans to deposits ratio shall equal or exceed the national average for similar institutions.

f. The Community Bank's Community Reinvestment Act ("CRA") rating must be satisfactory or higher.

g. The Community Bank must provide evidence that they are a member of the FDIC.

5. When making investments with Community Banks, the Treasury Manager will follow all other provisions contained in the County's Investment Policy.

ADOPTED this 10th day of September 1998.
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ADDENDUM F

Multnomah County Investment Advisory Board

Jennifer Cooperman

Term Expires: 6/30/11
Fourth Term

Marc Gonzales

Term Expires: 6/30/11

Thomas Landye

Term Expires: 6/30/12
Fifth Term

Jack Pessia

Term Expires: 6/30/12
First Term

George Scherzer

Term Expires: 6/30/11
Eighth Term

Staff:

Mindy Harris, Chief Financial Officer
Harry Morton, Treasury Manager
Tsultrim Yehshopa, Treasury Specialist
Dan Arenholz, Treasury Specialist

(503) 988-3786
(503) 988-3290
(503) 988-3681
(503) 988-3440

ADDENDUM G

Delegation of Authority

Harry S. Morton
Treasury Manager

Single Signature Authority

Tsultrim C. Yehshopa
Finance Specialist 2

Designee / Dual Signature Authority

Daniel J. Arenholz
Finance Specialist 2

Designee / Dual Signature Authority



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

Board Clerk Use Only

Meeting Date: 10/01/09
Agenda Item #: R-2
Est. Start Time: 9:05 AM
Date Submitted: 09/08/09

Agenda Title: RESOLUTION Confirming the Interim Designation for Multnomah County Sheriff, in the Event of a Vacancy

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: October 1, 2009 Amount of Time Needed: 5 mins
Department: Non-Departmental Division: County Attorney's Office
Contact(s): Agnes Sowle
Phone: 503 988-3138 Ext. 83138 I/O Address: 503/500
Presenter(s): Agnes Sowle, Sheriff Robert Skipper

General Information

1. What action are you requesting from the Board?

Adopt Resolution Confirming the Interim Designation for Multnomah County Sheriff, in the Event of a Vacancy.

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.

Multnomah County Charter Section 4.50(3) and Multnomah County Code 5.005 require elected officials to designate a Charter qualified interim occupant to serve until a vacancy is filled by election or appointment. In addition, the interim designee of the Sheriff must be qualified to be Sheriff pursuant to ORS 206.015. This resolution confirms the interim designations of the Sheriff as submitted and stated in the attached letters.

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

Not applicable.

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

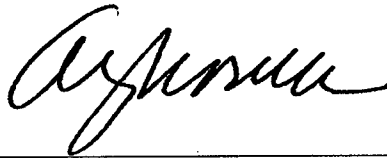
Complies with requirements of the Multnomah County Charter, Multnomah County Code and Oregon Revised Statutes as cited in general information 2.

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

Not applicable.

Required Signature

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

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

Date: 09/08/2009



MULTNOMAH COUNTY SHERIFF'S OFFICE
501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BOB SKIPPER
SHERIFF

503 988-4300 PHONE
503 988-4500 TTY
www.sheriff-mcso.org

MEMORANDUM

TO: Deborah Bogstad
Clerk of the Board

cc: Agnes Sowle, County Attorney

FROM: Sheriff Bob Skipper *Bob Skipper*

DATE: September 8, 2009

RE: Designation of Interim Successor

Pursuant to Multnomah County Charter Section 4.50 (3), and Multnomah County Code Chapter 5.005, I designate Dan Staton to act as interim successor in the event I vacate the Office of Sheriff due to death, resignation, or incapacitation. Dan Staton is qualified to be Sheriff pursuant to ORS 206.015.



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SHERIFF

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Lieutenant Daniel Staton Professional Biography

Original Hire Date, Deputy Sheriff: 8-14-89
Promotion to Sergeant: 12-22-00
Promotion to Lieutenant: 9-1-07

Work Experience in the following areas of the Sheriff's Office:

Patrol
Special Investigations Unit (SIU)
Internal Affairs Unit
Special Emergency Response Team (SERT)
Search & Rescue Team (SAR)
School Resource Officer (SRO)
Dive Team
DARE Officer
Fiscal Unit
Training Unit
River Patrol
US Forest Service Detail
Administrative Sergeant, Patrol Division
Court Services
Transports
Juvenile Detention (JDH)

Commendations/Citations:

2007	Special Unit Citation Award from City of Gresham, Hazardous Materials Team 3
2005	Unit Citation, Special Investigations Unit/Clandestine Lab Team
2001	Multnomah County Sheriff's Office Letter of Commendation
2000	Multnomah County Sheriff's Office Unit Citation, Dive Rescue/Recovery Team
1999	Multnomah County Sheriff's Office Letter of Commendation Multnomah County Sheriff's Office Commendation
1998	Portland American Indian Community, National Police Officer of the Year Award Cultural Sensitivity & Promoting Cultural Awareness
1997	Multnomah County Sheriff's Office Sheriff's Award
1995	Multnomah County Sheriff's Office Community Service Award Oregon State Sheriff's Association, Life Saving Award
1993	Award of Valor, Multnomah County Sheriff's Office Multnomah County Sheriff's Office Commendation
1982	Department of the Air Force, Air Force Achievement Medal, Meritorious Service

Education/Military Background:

BS degree in Accounting from Salem State College, Massachusetts
AAS degree in Accounting from Middlesex Community College
US Air Force 1978-1982, Honorably Discharged
Massachusetts National Guard, 1983-1986