



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

REVISED 06/21/07

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

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

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

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
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Email: district1@co.multnomah.or.us

Jeff Cogen, Commission Dist. 2

501 SE Hawthorne Boulevard, Suite 600
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501 SE Hawthorne Boulevard, Suite 600
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JUNE 26 & 28, 2007 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	9:30 a.m. Tuesday Briefing on Minority Overrepresentation in the Juvenile Justice System
Pg 3	9:30 a.m. Thursday Resolution Adopting a Policy to Reduce Benzene Pollution
Pg 3	9:50 a.m. Thursday Resolution Authorizing the Development of Solar Energy Projects on County Facilities
Pg 3	10:15 a.m. Thursday Financial Condition Audit Report
Pg 4	11:00 a.m. Thursday Ordinance Amending County Nuisance Control Law Relating to Public Health Threats
Pg 4	11:05 a.m. Thursday Resolution Authorizing Limited Tax Abatements for Affordable Housing and Economic Development

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Tuesday, June 26, 2007 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

IF NEEDED EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-30 MINUTES REQUESTED.
-

Tuesday, June 26, 2007 - 9:30 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Briefing on Minority Over-representation in the Juvenile Justice System. Presented by David Koch. 45-60 MINUTES REQUESTED.
-

Thursday, June 28, 2007 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

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

- C-1 Budget Modification LIB-07 Reclassifying a 1.0 FTE Library Position in Outreach Services Division, Adult Outreach, as Determined by the Class/Comp Unit of Central Human Resources

DEPARTMENT OF COMMUNITY JUSTICE

- C-2 Budget Modification DCJ-20 Reclassifying a Finance Specialist 2 to a Finance Specialist Senior in the Business Services Division, as Determined by the Class/Comp Unit of Central Human Resources

SHERIFF'S OFFICE

- C-3 Intergovernmental Revenue Agreement 0708052 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances
- C-4 Intergovernmental Revenue Agreement 0708053 with METRO to Provide Inmate Work Crews for Illegal Dumpsite Cleanup

REGULAR AGENDA

PUBLIC COMMENT - 9:30 AM

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

NON-DEPARTMENTAL - 9:30 AM

- R-1 RESOLUTION Adopting a Policy to Reduce Benzene Pollution. Presented by Commissioner Jeff Cogen, Rich Swift and Molly Chidsey. 10 MINUTES REQUESTED. (Rescheduled from 6/14/07)
- R-2 Budget Modification NOND-06 Appropriating Regional Investment Board Grant Revenue
- R-3 Budget Modification NOND-07 Appropriating \$15,000 from the City of Portland for the Public Safety Plan
- R-4 RESOLUTION Authorizing the Development of Solar Energy Projects on County Facilities. Presented by Margie Harris, Betsy Kaufman, Kat West, representative from Renewables Northwest Project, representative from Sustainable Development Commission, and Invited Others. 35 MINUTES REQUESTED.

AUDITOR'S OFFICE – 10:15 AM

- R-5 Financial Condition Report 2007. Presented by LaVonne Griffin-Valade and Judith DeVilliers. 30 MINUTES REQUESTED.

DEPARTMENT OF COUNTY MANAGEMENT – 10:45 AM

- R-6 RESOLUTION Approving an Exemption to Use a Construction Manager/General Contractor Method for Construction of the East County Justice Center Project
- R-7 RESOLUTION Authorizing Election to Receive National Forest Related Safety-Net Payments Under P.L. 106-393
- R-8 RESOLUTION Authorizing Election to Receive O&C Land Related Safety-Net Payments Under P.L. 106-393
- R-9 Budget Modification DCM-12 Appropriating \$128,750 General Fund Contingency to Transfer Appropriations to Departments Impacted by Local 88 Class/Comp Studies Completed During the Year

DEPARTMENT OF HEALTH – 11:00 AM

- R-10 First Reading of a Proposed ORDINANCE Amending Nuisance Control Law (Multnomah County Code Chapters 15.225-15.236) Relating to Public Health Threats

NON-DEPARTMENTAL – 11:05 AM

- R-11 RESOLUTION Authorizing the City of Portland's Tax Exemption Programs Adminstrated by the Portland Development Commission. Presented by Bill Farver, John Thomas, Randy Walruff and Keith Witcosky. 15 MINUTES REQUESTED.

DEPARTMENT OF COUNTY HUMAN SERVICES – 11:20 AM

- R-12 NOTICE OF INTENT to Apply for a Department of Health and Human Services Grant to Increase the Well-Being of Children Affected by Methamphetamine or Other Substance Abuse

BOARD COMMENT

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



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NON-DEPARTMENTAL – 11:05 AM

- R-11 RESOLUTION Authorizing Limited Tax Abatements for Affordable Housing and Economic Development. Presented by Bill Farver, John Thomas, Randy Walruff and Portland Development Commission Staff Steve Dotterer and Andy Wilch. 1 HOUR REQUESTED.

BOARD COMMENT

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

Board Meeting schedule July 3 through September 4, 2007:

July 3 and July 5 meetings cancelled

July 10 meetings cancelled – July 12 regular items, briefings, executive sessions as needed

July 17 and July 19 meetings cancelled

July 24 meetings cancelled – July 26 regular items, briefings, executive sessions as needed

July 31 Board Work Session on State Budget Cuts

August 2 meeting cancelled

August 7 meetings cancelled – August 9 regular items, briefings, executive sessions as needed

August 14 meetings cancelled – August 16 regular items, briefings, executive sessions as needed

August 21 and August 23 meetings cancelled

August 28 and August 30 meetings cancelled

September 4 meetings cancelled – September 6 regular items, briefings, executive sessions as needed

September 11 and 13 – back to regular Tuesday and Thursday Board meetings schedule

Please Note: These cancellations are subject to change. Appropriate advance notice will be provided. If you have any questions or concerns about these dates, please do not hesitate to contact Board Clerk Deb Bogstad @ 503 988-3277. Thank you.



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
501 S.E. HAWTHORNE BLVD., Room 600
PORTLAND, OREGON 97204
(503) 988-5217

LISA NAITO • DISTRICT 3 COMMISSIONER

MEMORANDUM

TO: Chair Ted Wheeler
Commissioner Maria Rojo de Steffey
Commissioner Jeff Cogen
Commissioner Lonnie Roberts
Board Clerk Deb Bogstad

FROM: Matthew Lieuallen
Staff to Commissioner Lisa Naito

DATE: June 12, 2007

RE: Naito Excuse Memo

Commissioner Naito will be unable to attend the June 26, June 28, July 10, and July 12 Board meetings or briefings. Commissioner Naito will be out of town on vacation.

Thank you,
Matthew Lieuallen

BOGSTAD Deborah L

From: ROJO DE STEFFEY Maria
Sent: Thursday, June 28, 2007 6:14 AM
To: BOGSTAD Deborah L; FERNANDES April; MARTINEZ David; BOWEN-BIGGS Tara C
Cc: WHEELER Ted
Subject: My absence from board meeting today

Hi all,

Unfortunately, I am not going to be able to physically attend the board meeting today. I am suffering from back pain and I had a treatment yesterday afternoon and have now had to take a muscle relaxant to deal with it.

I can attend the meeting by phone, though. Deb, please call me at home - 503.274.0625.

Also - an fyi - I must recuse myself from R-11. My husband and I have personal financial interests that makes my participation a conflict of interest. Agnes informed me that to be safe, I should not enter into the board discussion or vote on this item.

Maria

6/28/2007



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-1 DATE 06/28/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: C-1
Est. Start Time: 9:30 AM
Date Submitted: 06/13/07

BUDGET MODIFICATION: LIB - 07

Budget Modification LIB-07 Reclassifying a 1.0 FTE Library Position in
Agenda Outreach Services Division, Adult Outreach, as Determined by the Class/Comp
Title: Unit of Central Human Resources

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

Requested Meeting Date:	<u>June 28, 2007</u>	Amount of Time Needed:	<u>Not applicable</u>
Department:	<u>Library</u>	Division:	<u>Outreach Services</u>
Contact(s):	<u>Becky Cobb</u>		
Phone:	<u>503-988-5499</u>	Ext.	<u>85499</u>
	I/O Address:		<u>317/ADM/SUPSV</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

Request board approval to reclassify a 1.0 FTE library position.

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.

Reclassification request #692 has been approved by the Class/Comp Unit of Central HR to reclassify position 712022 from Librarian (7222) to Program Supervisor (9361).

Due to reorganization, this librarian will perform duties and responsibilities beyond the scope of the functional and technical supervisory duties of a lead worker. The requirement is for more than laying out the work, balancing the work, directing the work and reviewing the work. The reorganization will result in a supervisory position to actively manage the Library Outreach Program; prepare the units operating budget; and perform other supervisory functions. The duties and responsibilities described are a better fit for the Program Supervisor classification than for Librarian.

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

There is no net fiscal impact as a result of this action. The Librarian position is budgeted in the current fiscal year at top step with lead pay. It is anticipated to be sufficient to fill the position at above mid-range pay for a Program Supervisor. Any additional personnel expenditure should be minor and will be offset by reducing the material & service budget within Adult Outreach.

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

Local 88 represented employees have a contractual right to appeal and arbitrate the outcome of a reclassification request, which would include Board action to disapprove the request. It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age, marital status, disability, political affiliations, sexual orientation, or any other non-merit factor.

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

Not applicable.

ATTACHMENT A

Budget Modification

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

- **What revenue is being changed and why?**

There is no change in revenue.

- **What budgets are increased/decreased?**

There is no net change in expenditure budget. Personnel expenditure will be increased by \$52.00 and the same amount will be decreased in Printing.

- **What do the changes accomplish?**

The change in classification more accurately reflects the level and scope of the job duties.

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

Position 712022 will be reclassified from Librarian (7222) to Program Supervisor (9361) in Adult Outreach.

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

There is no change to the indirect as there is no net dollar amount change in expenditure.

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

Not applicable.

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

Not applicable.

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

Not applicable.

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

ATTACHMENT B

BUDGET MODIFICATION: LIB-07

Required Signatures

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



Date: 06/07/07

Molly Raphael

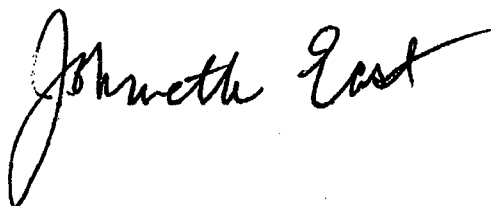
Budget Analyst:



Date: 06/13/07

Julie Neburka

Department HR:



Date: 06/06/07

Johnette Easter

Countywide HR:



Date: 06/13/07

Candace Busby

Budget Modification ID: 07-LIB-BM-07

EXPENDITURES & REVENUES

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	80-40	1510	70		804210		60000	340,141	340,179	38		Permanent
2	80-40	1510	70		804210		60130	109,151	109,162	11		Salary Related Expense
3	80-40	1510	70		804210		60140	97,887	97,889	2		Insurance Benefits
4	80-40	1510	70		804210		60180	1,700	1,648	(52)	(0)	Printing
5									0			
6	72-10	3500	20		705210		50316		(2)	(2)		Insurance Revenue
7	72-10	3500	20		705210		60330		2	2		Offsetting Expenditure
8									0			
9									0			
10									0			
11									0			
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25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL

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

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1510	7222	61732	Librarian	712022	(1.00)	(61,604)	(19,769)	(13,831)	(95,204)
1510	9361	61732	Program Supervisor	712022	1.00	62,176	19,952	13,414	95,542
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			TOTAL ANNUALIZED CHANGES		0.00	572	184	(418)	338

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

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
1510	7222	61732	Librarian	712022	(1.00)	(440)	(128)	(101)	(669)
1510	9361	61732	Program Supervisor	712022	1.00	478	139	103	721
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			TOTAL CURRENT FY CHANGES		0.00	38	11	2	52



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-2 DATE 06/28/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: C-2
Est. Start Time: 9:30 AM
Date Submitted: 06/13/07

BUDGET MODIFICATION: DCJ - 20

Budget Modification DCJ-20 Reclassifying a Finance Specialist 2 to a Finance Specialist Senior in the Business Services Division, as Determined by the Class/Comp Unit of Central Human Resources

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

Requested Meeting Date:	<u>June 28, 2007</u>	Amount of Time Needed:	<u>N/A</u>
Department:	<u>Dept. of Community Justice</u>	Division:	<u>Business Services</u>
Contact(s):	<u>Shaun Coldwell</u>		
Phone:	<u>503-988-3961</u>	Ext.	<u>83961</u>
		I/O Address:	<u>503 / 250</u>
Presenter(s):	<u>Consent Calendar</u>		

General Information

1. What action are you requesting from the Board?

The Department of Community Justice (DCJ) requests approval of a budget modification to reclassify a 1.00 FTE Finance Specialist 2 position which has been reviewed by the Class/Comp Unit of Central Human Resources and deemed necessary for changes in the classification.

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.

Reclassification of a 1.00 FTE Finance Specialist 2 position to a Finance Specialist Senior was approved for recommendation to the Board of County Commissioners by the Class/Comp Unit of Central Human Resources on June 6, 2007, to be retro-active to September 9, 2006.

This reclassified position is responsible to ensure accurate monthly and quarterly grant and contract revenue accountability, including reports and billings; respond to internal and external audit requests; and oversee finance staff in the supervisor's absence. Added responsibilities include budget development and analysis; lead, train and review the work of fiscal staff; and create/maintain

accounting cost objects for grant tracking, reporting and budgeting. Because of the change in duties, increase in complexity and added responsibility, the position should be reclassified to the Finance Specialist Senior (6032) classification.

This position is located in the Business Services Division, program offer # 50001.

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

The increased personnel expense of \$2,643 is accomplished within current FY 2007 budgeted resources by reducing the professional services budget in the Business Services Division. This reclassification is not reflected in the FY 2008 Adopted Budget.

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

Local 88 represented employees have a contractual right to appeal and arbitrate the outcome of a reclassification request, which would include Board action to disapprove the request. It is the policy of Multnomah County to make all employment decisions without regard to race, religion, color, national origin, sex, age marital status, disability, political affiliations, sexual orientation, or any other non-merit factor.

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

N/A

ATTACHMENT A

Budget Modification

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

- **What revenue is being changed and why?**
Insurance revenue increases by \$59.
- **What budgets are increased/decreased?**
Insurance expense increases by \$59.
- **What do the changes accomplish?**
Approval of a reclassification decision from the Class/Comp Unit of Central Human Resources.
- **Do any personnel actions result from this budget modification? Explain.**
Yes, Reclassification of a 1.00 FTE Finance Specialist 2 position to a Finance Specialist Senior retro-active to September 9, 2006.
- **How will the county indirect, central finance and human resources and departmental overhead costs be covered?**
N/A
- **Is the revenue one-time-only in nature? Will the function be ongoing? What plans are in place to identify a sufficient ongoing funding stream?**
N/A
- **If a grant, what period does the grant cover?**
N/A
- **If a grant, when the grant expires, what are funding plans?**
N/A

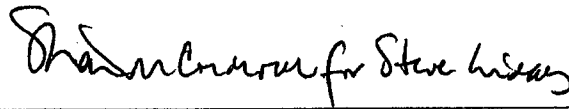
<p><i>NOTE: If a Budget Modification or a Contingency Request attach a Budget Modification Expense & Revenues Worksheet and/or a Budget Modification Personnel Worksheet.</i></p>

ATTACHMENT B

BUDGET MODIFICATION: DCJ - 20

Required Signatures

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



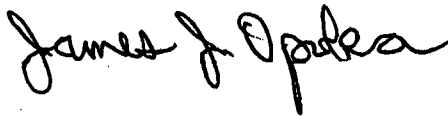
Date: 06/14/07

Budget Analyst:



Date: 06/13/07

Department HR:



Date: 06/13/07

Countywide HR:



Date: 06/14/07

Budget Modification ID: **DCJ-20****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	50-00	1000	50		509600		60000	545,554	546,535	981		Permanent
2	50-00	1000	50		509600		60130	175,908	177,511	1,603		Fringe
3	50-00	1000	50		509600		60140	133,005	133,064	59		Insurance
4	50-00	1000	50		509600		60170	30,221	27,578	(2,643)		Professional Services
5									0		0	re-class position 707551 to a Finance Spec Sr
6									0			
7	72-10	3500	20		705210		50316		(59)	(59)		Insurance revenue
8	72-10	3500	20		705210		60330		59	59		Insurance expense
9									0			
10									0			
11									0			
12									0			
13									0			
14									0			
15									0			
16									0			
17									0			
18									0			
19									0			
20									0			
21									0			
22									0			
23									0			
24									0			
25									0			
26									0			
27									0			
28									0			
29									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL

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

						ANNUALIZED			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-00	6030	61237	Finance Specialist 2	707551	(1.00)	(52,686)	(15,321)	(13,155)	(81,162)
50-00	6032	61237	Finance Specialist Senior	707551	1.00	53,893	17,294	13,228	84,415
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL ANNUALIZED CHANGES					0.00	1,207	1,973	73	3,253

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

						CURRENT YEAR			
Fund	Job #	HR Org	Position Title	Position Number	FTE	BASE PAY	FRINGE	INSUR	TOTAL
50-00	6030	61237	Finance Specialist 2	707551	(0.81)	(42,807)	(12,448)	(10,688)	(65,944)
50-00	6032	61237	Finance Specialist Senior	707551	0.81	43,788	14,051	10,748	68,587
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
									0
TOTAL CURRENT FY CHANGES					0.00	981	1,603	59	2,643



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: C-3
Est. Start Time: 9:30 AM
Date Submitted: 06/15/07

Agenda Title: Intergovernmental Revenue Agreement 0708052 with METRO to Provide General Investigative Police Services for Enforcement of METRO Ordinances

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

Requested Meeting Date:	June 28, 2007	Amount of Time Needed:	N/A
Department:	Sheriff's Office	Division:	Enforcement
Contact(s):	Brad Lynch		
Phone:	503-988-4336	Ext.	84336
I/O Address:	503/350		
Presenter(s):	Consent Calendar		

General Information

1. What action are you requesting from the Board?

Approval of government contract 0708052.

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.

Under the terms of this agreement the County, through the Sheriff's Office agrees to provide general investigative police service to METRO for enforcement of METRO ordinances, including those related to flow control and solid waste management. The Sheriff's Office has been providing these services to METRO since 1994. The agreement shall be effective from July 1, 2007 through June 30, 2008.

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

Metro agrees to compensate the Sheriff's Office for providing this service in an amount not to exceed \$205,239.00. This funding has been anticipated and is part of the FY 08 budget.

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

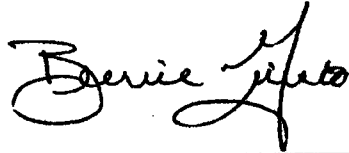
This agreement has been reviewed by the County Attorney's office.

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

None other than stated above.

Required Signature

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

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

Date: 06/12/07

MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0708052

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

Amendment #:

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Expenditure Contract
PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input checked="" type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: Sheriff's Office

Division/

Program: Enforcement

Date: 06/07/08

Originator: Chief Deputy Timothy Moore

Phone: 503-988-4409

Bldg/Room: 503/350

Contact: Brad Lynch

Phone: 503-988-4336

Bldg/Room: 503/350

Description of Contract: Investigative and enforcement services for solid waste ordinances.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) 0607005, 0405126, 0310512

EEO CERTIFICATION EXPIRES

PROCUREMENT
EXEMPTION OR
CITATION # 46-0130(1)(f)

ISSUE
DATE:

EFFECTIVE
DATE:

END
DATE:

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# _____ or ☐ Self Cert ☐ Non-Profit ☐ N/A (Check all boxes that apply)

Contractor	Metro Solid Waste & Recycling			Remittance address (if different)	
Address	600 NE Grand				
City/State	Portland, Oregon			Payment Schedule / Terms:	
ZIP Code	97232			<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	503-797-1678			<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	07/01/07	Term Date	06/30/08	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date		New Term Date			
Original Contract Amount	\$ 205,239.00			Original PA/Requirements Amount	\$
Total Amt of Previous Amendments	\$			Total Amt of Previous Amendments	\$
Amount of Amendment	\$			Amount of Amendment	\$
Total Amount of Agreement \$	\$ 205,239.00			Total PA/Requirements Amount	\$

REQUIRED SIGNATURES:

Department Manager

DATE

County Attorney

DATE

CPCA Manager

DATE

County Chair

DATE

Sheriff

DATE

Contract Administration

DATE

COMMENTS:

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # C-3 DATE 06-28-07

DEBORAH L. BOGSTAD, BOARD CLERK

LYNCH Brad B

From: WEBER Jacquie A [jacquie.a.weber@co.multnomah.or.us]
Sent: Friday, June 08, 2007 3:07 PM
To: LYNCH Brad B
Cc: DUNAWAY Susan M
Subject: RE: Contract Review Request - METRO (Investigations & Work Crews)

These contracts may be circulated for signature.

From: LYNCH Brad B
Sent: Friday, June 08, 2007 9:49 AM
To: WEBER Jacquie A
Cc: DUNAWAY Susan M
Subject: Contract Review Request - METRO (Investigations & Work Crews)

Hi Jacquie. Here are the APR, CAF, and two agreements from Metro for fiscal year 08, one for waste ordinance investigation and enforcement and the other for illegal dump-site cleanups by work crews.

Thanks, Brad

<<METRO Investigations APR 2006-2007.doc>> <<Metro Investigations CAF 2007-2008.doc>> <<Metro Investigations Agreement 2007-2008.pdf>> <<Metro Work Crews APR 2007-2008.doc>> <<Metro Work Crews CAF 2007-2008.doc>> <<Metro Work Crews Agreement 2007-2008.pdf>>

Brad Lynch
Multnomah County Sheriff's Office
Fiscal Unit
501 SE Hawthorne Blvd, STE 350
Portland, OR 97214
Phone (503) 988-4336
Fax (503) 988-4317

email: brad.lynch@mcso.us
<http://www.co.multnomah.or.us/sheriff/>

CONFIDENTIALITY NOTICE: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made and entered into pursuant to the authority found in ORS 190.010, et seq. and ORS 206.345 between MULTNOMAH COUNTY by and through the Multnomah County Sheriffs Office (COUNTY) and METRO.

RECITALS

WHEREAS, Multnomah County (hereinafter "COUNTY") is a political subdivision of the State of Oregon and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq; and

WHEREAS, the Multnomah County Sheriff is authorized to enter into intergovernmental agreements jointly with and on behalf of the COUNTY, pursuant to ORS 206.345; and

WHEREAS, METRO is a municipal corporation formed and operating under state law and the Metro Charter, and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq. and

WHEREAS, METRO desires to contract with the COUNTY for the performance of certain law enforcement functions, related to METRO's purpose and authority, to be performed by the COUNTY through the Multnomah County Sheriffs Office (hereinafter "MCSO"); and

WHEREAS, the COUNTY through the MCSO is able and prepared to provide the services required by METRO under the terms and conditions set forth in this Agreement; therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, and pursuant to the provisions of ORS chapter 190, the parties agree to be bound as follows:

INVESTIGATION

1. The COUNTY shall provide general investigative police service to METRO at Metro's direction. Such police service shall include:
 - (a) Enforcement of all duly enacted ordinances of METRO, including those related to flow control investigation and solid waste management;
 - (b) Random and directed surveillance of persons collecting, transporting, storing, treating and disposing of solid and liquid waste to ensure such persons are complying with applicable laws relating to waste management;
 - (c) At METRO's request, investigation, case preparation, and prosecution assistance in cases involving offenses (including, but not limited to fraud, racketeering, and material breach of contract) allegedly committed by vendors, contractors, or subcontractors doing business with METRO or by facilities, firms or individuals subject to METRO ordinances and regulations, or by law or agreement;
 - (d) Investigations of suspected violations of environmental laws, rules, and ordinances; and
 - (e) Other general investigative work as requested by Metro.

2. In accordance with ORS 206.345(2), during the existence of this Agreement, the sheriff and the deputies of the sheriff shall exercise such authority as may be vested in them by law or by terms of this Agreement, including full power and authority to cite violators, arrest for violations of applicable criminal laws, and take other enforcement action for violations of all duly enacted ordinances of METRO relating to flow control and waste management.

PERSONNEL MATTERS

3. The COUNTY shall provide for the performance of the duties hereunder two (2) FTE deputy sheriffs. These persons are hereinafter referred to as "ASSIGNED PERSONNEL." For the purpose of this Agreement, one (1.0) FTE position means an employee who is regularly scheduled to work at least 40 hours per week performing the services required under this Agreement.
4. One or more of the deputy sheriffs provided hereunder may be provided by a law enforcement agency other than MCSO. In such event, the other law enforcement agency hereinafter shall be referred to as a "PARTICIPATING AGENCY."
5. The deputy sheriffs provided as ASSIGNED PERSONNEL shall be certified in their respective disciplines by the State's Department of Public Safety Standards and Training.
6. For ASSIGNED PERSONNEL that have been assigned to METRO for one year or longer, METRO shall pay one-half of personnel costs for absences due to general law enforcement training. Metro shall not pay personnel costs for absences due to specialized law enforcement training that does not relate directly to the services provided under the terms of this Agreement.
7. The ASSIGNED PERSONNEL provided hereunder by MCSO or a PARTICIPATING AGENCY shall be and remain employees of the COUNTY or PARTICIPATING AGENCY. The ASSIGNED PERSONNEL shall be supervised by MCSO and shall perform their duties in accordance with the administrative and operational procedures of MCSO. Metro shall nevertheless retain the right, upon request and for cause stated, to have ASSIGNED PERSONNEL removed from assignment under this Agreement and replaced by other ASSIGNED PERSONNEL meeting the requirements of this Agreement.
8. METRO does not assume any liability for the direct payment of any wages, salaries, or other compensation to ASSIGNED PERSONNEL performing services pursuant to the terms of this Agreement or for any other liability not provided for in this Agreement.
9. The COUNTY shall maintain Workers' Compensation insurance coverage for ASSIGNED PERSONNEL, either as a carrier insured employer or a self-insured employer as provided in ORS Chapter 656.
10. Matters concerning direct or indirect monetary benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment regarding ASSIGNED PERSONNEL under this Agreement shall be governed by the provisions of existing collective bargaining agreements between the ASSIGNED PERSONNEL's bargaining unit and their public employer.
11. All labor disputes arising out of this Agreement shall be governed by the provisions of applicable collective bargaining agreements in effect during this Agreement, and the personnel rules of the COUNTY or PARTICIPATING AGENCY.

12. The COUNTY and METRO acknowledge that the ASSIGNED PERSONNEL will be absent from duty for various reasons, including but not limited to vacation, holiday, illness, injury, training, leave of absence, and administrative leave. The COUNTY and METRO also acknowledge that some employee absences are the result of paid leave that the ASSIGNED PERSONNEL earn and are entitled to take. The COUNTY and METRO also acknowledge that some employee absences are the result of actions taken by the employer, with or without the employee's consent. In accordance with the foregoing acknowledgments:

- (a) Except as provided in subsection (b) below, The COUNTY will not be responsible or otherwise obligated to replace any ASSIGNED PERSONNEL who is absent due to paid accrued leave, including but not limited to: vacation, holiday, sick leave or who is absent while participating in training directly related to the services-required by METRO. However, the COUNTY will make a good faith effort to schedule known, projected absences so as to minimize the impact on the COUNTY's ability to perform under this Agreement.
- (b) This subsection provides when the COUNTY may invoice METRO, and when METRO shall pay, the personnel costs of an ASSIGNED PERSON in the event the COUNTY or PARTICIPATING AGENCY does not replace such ASSIGNED PERSON when the ASSIGNED PERSON is absent from work. For ASSIGNED PERSONNEL that have been assigned to METRO for six months or longer, METRO shall pay personnel costs for absences due to vacation leave and sick leave, up to a total combined annual maximum of 120 hours. In addition, Metro shall pay personnel costs for absences during the following nine annual designated holidays on which Metro's offices are closed:
 - (1) New Years Day;
 - (2) Martin Luther King Day;
 - (3) Washington's Birthday;
 - (4) Memorial Day;
 - (5) Independence Day;
 - (6) Labor Day;
 - (7) Veterans Day;
 - (8) Thanksgiving Day;
 - (9) Christmas Day.
- (c) For ASSIGNED PERSONNEL that have been assigned to METRO for less than six months, the COUNTY will not invoice METRO for such personnel costs and METRO shall not pay for such personnel costs. In no event shall the COUNTY invoice METRO, and METRO shall not pay, for such personnel costs due to any kind of absence other than for vacation and sick leave, as provided in this subsection and training as provided in subsection 6 of the agreement.

13. The COUNTY shall rotate the deputy sheriffs assigned to METRO at staggered intervals such that the METRO program does not have both of its deputy sheriffs rotated out of the program within less than one year of each other.

OFFICE SPACE

14. METRO shall provide the ASSIGNED PERSONNEL with sufficient office space, to include payment of costs for utilities, including telephone service, at METRO's premises or at a site mutually agreed upon by the COUNTY and METRO.

EQUIPMENT PURCHASE, USE AND DISPOSITION

15. Materials and supplies will be purchased for the use of ASSIGNED PERSONNEL as provided hereunder. For the purpose of this Agreement, "materials" includes capital equipment with a unit cost of \$1,000 or more. "Supplies" includes any item with a unit cost of less than \$1,000.
16. METRO shall purchase all materials and supplies necessary for the performance of this Agreement.
17. All vehicles and equipment purchased by METRO for use in fulfilling this Agreement, including capital equipment, shall be owned by METRO but under the control of the COUNTY for the COUNTY's use in performing its duties under this Agreement. Such vehicles and equipment shall not be used for any other purpose unless specifically authorized by Metro or unless exigent circumstances necessitate the use of such vehicles and equipment for non-Metro related law enforcement activity by ASSIGNED PERSONNEL. The COUNTY shall assume liability for damage to any Metro vehicles or equipment while being used for non-Metro law enforcement-related purposes. Upon termination of this Agreement, control of all remaining materials and supplies purchased hereunder, including capital equipment, shall revert to METRO.
18. Notwithstanding the provisions of section 17, above, METRO may grant to the COUNTY an option to purchase from METRO any or all remaining materials and supplies at a price mutually agreed upon by the parties, not to exceed the fair market value of the items at the times of purchase. The COUNTY shall give METRO notice of the COUNTY's intent to exercise any option that may be granted under this section within 60 days following termination of this Agreement.

CONTRACT COSTS

19. METRO shall pay COUNTY for all costs, services performed, and materials delivered for the term of this Agreement. By February 1 of each year, the MCSO shall provide METRO with a good faith projection of the cost of this Agreement for the following fiscal year. The actual amount to be paid by METRO will be determined through mutual agreement of the parties prior to each anniversary date of the execution of this Agreement. The amount to be paid by METRO for the term of the Agreement will not exceed TWO HUNDRED FIVE THOUSAND, TWO HUNDRED THIRTY-NINE AND NO/100THS DOLLARS (\$205,239.00). This maximum sum includes all fees, costs, and expenses of whatever nature to which COUNTY may become entitled for the term of this Agreement. All costs listed on Exhibit A, which is The Budget for the Agreement prepared by METRO, are on a "not to exceed" basis, and shall be billed quarterly for costs incurred, services performed, and materials delivered during the previous quarter. COUNTY shall submit itemized billings to METRO within 15 days of the end of each quarter of the contract year, and METRO shall make payment to COUNTY within 30 days of receipt of approved billings.

INDEMNIFICATION AND LIABILITY

20. The COUNTY shall indemnify, defend, and hold harmless METRO, its officers, employees, and agents from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of the ASSIGNED PERSONNEL acting pursuant to the terms of this Agreement, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.
21. METRO shall indemnify, defend, and hold harmless the COUNTY, its officers, employees, and agents, including ASSIGNED PERSONNEL from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of METRO or its assignees, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.

DISPUTE RESOLUTION

22. While the parties have attempted to make an Agreement anticipating and addressing their concerns, METRO and the COUNTY acknowledge the possibility that a claim, controversy, or dispute may arise out of this Agreement. METRO and the COUNTY agree that each party has an obligation and affirmative duty to make a good faith effort to resolve any claim, controversy, or dispute, including the giving of timely, written notification thereof to the other party.
23. All claims, controversies or disputes which arise out of this Agreement, and which have not been resolved through good faith efforts of the parties, shall be resolved by arbitration in accordance with the then effective arbitration rules of the Arbitration Service of Portland or the American Arbitration Association, whichever organization is selected by the party who first initiates arbitration by filing a claim in accordance with the rules of the organization selected, and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

CONTRACT ADMINISTRATION

24. The Multnomah County Sheriff or his designated representative will represent the COUNTY in all matters pertaining to administration of this Agreement.
25. METRO designates its Solid Waste & Recycling Department Director or his designee to represent METRO in all matters pertaining to administration of this Agreement.
26. Any notice or notices provided for by this Agreement or by law to be given or served upon either party shall be given or served by certified letter, deposited in the U.S. mail, postage prepaid, and addressed to:

Multnomah County Sheriff
501 SE Hawthorne Blvd., Ste 350
Portland, Oregon 97214

Solid Waste & Recycling Department Director
METRO
600 NE Grand Avenue
Portland, Oregon 97232

CONTRACT TERM, MODIFICATION, AND TERMINATION

27. This Agreement shall be effective from the 1st day of July, 2007, and shall run through the 30th day of June 2008, unless extended.
28. Either party to this Agreement may terminate said Agreement by giving the other party not less than 90 days written notice.
29. This Agreement may be modified or amended by agreement of the parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by both METRO and the COUNTY.
30. This Agreement is not intended to benefit any individual, employee, group of employees, corporation, or other legal entity other than the parties to this Agreement. This Agreement shall not be deemed to vest in any third party any rights, nor shall it be deemed to be enforceable by any third party in any legal, equitable, or administrative proceeding whatsoever.

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

MULTNOMAH COUNTY

By: BERNIE GIUSTO by TM
Bernie Giusto, Sheriff

Date: 06-12-07

By: TED WHEELER
Ted Wheeler, County Chair

Date: 06-28-07

APPROVED AS TO FORM:
Multnomah County Attorney

By: _____
Assistant County Attorney

Date: _____

METRO

By: Michael Jordan
Michael Jordan,
Chief Operating Officer

Date: 6/5/07

APPROVED AS TO FORM:
Metro Attorney

By: _____
Michelle Bellia,
Assistant Metro Attorney

Date: _____

SK:bjl

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Queue

APPROVED: MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

AGENDA # C-3 DATE 06-28-07

DEBORAH L. BOGSTAD, BOARD CLERK

MCSO Contract No. 0708052

Metro Contract No. 927966

CONTRACT BUDGET

	Hourly	Annual
Salary-Related Costs*		
Det. Jon Gaddis	\$46.30	\$ 96,304
Det. Mike Gates	46.49	96,699
Total		\$193,003
Indirect Costs		
MCSO central @ 2.29%		\$ 4,420
MCSO departmental @ 4.05%		7,817
Total		\$ 12,236
Total Contract Cost		\$205,239

SK:bjl

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Queue

* Includes fringe and insurance.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: C-4
Est. Start Time: 9:30 AM
Date Submitted: 06/15/07

Agenda Title: Intergovernmental Revenue Agreement 0708053 with METRO to Provide Inmate Work Crews for Illegal Dumpsite Cleanup

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

Requested Meeting Date: June 28, 2007 Amount of Time Needed: N/A
Department: Sheriff's Office Division: Corrections
Contact(s): Brad Lynch
Phone: 503-988-4336 Ext. 84336 I/O Address: 503/350
Presenter(s): Consent Calendar

General Information

1. What action are you requesting from the Board?

Approval of government contract 0708053.

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.

Under the terms of this agreement the County, through the Sheriff's Office agrees to provide supervised inmate work crews to clean up illegal dumpsites within the jurisdictional boundaries of METRO. The Sheriff's Office has been providing these services to METRO since 1994. The agreement shall be effective from July 1, 2007 through June 30, 2008.

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

Metro agrees to compensate the Sheriff's Office for providing this service in an amount not to exceed \$159,161.00. This funding has been anticipated and is part of the FY 08 budget.

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

This agreement has been reviewed by the County Attorney's office.

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

None other than stated above.

Required Signature

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



Date: 06/12/07

LYNCH Brad B

From: WEBER Jacquie A [jacquie.a.weber@co.multnomah.or.us]
Sent: Friday, June 08, 2007 3:07 PM
To: LYNCH Brad B
Cc: DUNAWAY Susan M
Subject: RE: Contract Review Request - METRO (Investigations & Work Crews)

These contracts may be circulated for signature.

From: LYNCH Brad B
Sent: Friday, June 08, 2007 9:49 AM
To: WEBER Jacquie A
Cc: DUNAWAY Susan M
Subject: Contract Review Request - METRO (Investigations & Work Crews)

Hi Jacquie. Here are the APR, CAF, and two agreements from Metro for fiscal year 08, one for waste ordinance investigation and enforcement and the other for illegal dump-site cleanups by work crews.

Thanks, Brad

<<METRO Investigations APR 2006-2007.doc>> <<Metro Investigations CAF 2007-2008.doc>> <<Metro Investigations Agreement 2007-2008.pdf>> <<Metro Work Crews APR 2007-2008.doc>> <<Metro Work Crews CAF 2007-2008.doc>> <<Metro Work Crews Agreement 2007-2008.pdf>>

Brad Lynch

Multnomah County Sheriff's Office
Fiscal Unit
501 SE Hawthorne Blvd, STE 350
Portland, OR 97214
Phone (503) 988-4336
Fax (503) 988-4317

email: brad.lynch@mcso.us
<http://www.co.multnomah.or.us/sheriff/>

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MULTNOMAH COUNTY CONTRACT APPROVAL FORM (CAF)

Contract #: 0708053

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

Amendment #:

CLASS I Based on Informal / Intermediate Procurement	CLASS II Based on Formal Procurement	CLASS III Intergovernmental Contract (IGA)
<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Personal Services Contract	<input type="checkbox"/> Expenditure Contract
PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	PCRB Contract <input type="checkbox"/> Goods or Services <input type="checkbox"/> Maintenance or Licensing Agreement <input type="checkbox"/> Public Works / Construction Contract <input type="checkbox"/> Architectural & Engineering Contract	<input checked="" type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement
<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> Revenue Contract <input type="checkbox"/> Grant Contract <input type="checkbox"/> Non-Financial Agreement	<input type="checkbox"/> INTER-DEPARTMENTAL AGREEMENT (IDA)

Department: Sheriff's Office

Division/

Program: Corrections

Date: 06/07/07

Originator: Chief Deputy Ronald Bishop

Phone: 503-988-4308

Bldg/Room: 503/350

Contact: Brad Lynch

Phone: 503-988-4336

Bldg/Room: 503/350

Description of Contract: Provide inmate work crews for illegal dumpsite clean-up.

RENEWAL: ☐ PREVIOUS CONTRACT #(S) 0607006, 0405125, 0310512

EEO CERTIFICATION EXPIRES

PROCUREMENT
EXEMPTION OR
CITATION # 46-0130(1)(f)

ISSUE
DATE:

EFFECTIVE
DATE:

END
DATE:

CONTRACTOR IS: ☐ MBE ☐ WBE ☐ ESB ☐ QRF State Cert# _____ or ☐ Self Cert ☐ Non-Profit ☐ N/A (Check all boxes that apply)

Contractor	Metro Solid Waste & Recycling			Remittance address (if different)	
Address	600 NE Grand				
City/State	Portland, Oregon			Payment Schedule / Terms:	
ZIP Code	97232			<input type="checkbox"/> Lump Sum \$	<input type="checkbox"/> Due on Receipt
Phone	503-797-1678			<input type="checkbox"/> Monthly \$	<input type="checkbox"/> Net 30
Employer ID# or SS#				<input type="checkbox"/> Other \$	<input type="checkbox"/> Other
Contract Effective Date	07/01/07	Term Date	06/30/08	<input type="checkbox"/> Price Agreement (PA) or Requirements Funding Info:	
Amendment Effect Date		New Term Date			
Original Contract Amount	\$ 159,161.00			Original PA/Requirements Amount	\$
Total Amt of Previous Amendments	\$			Total Amt of Previous Amendments	\$
Amount of Amendment	\$			Amount of Amendment	\$
Total Amount of Agreement \$	\$ 159,161.00			Total PA/Requirements Amount	\$

REQUIRED SIGNATURES:

Department Manager

DATE

County Attorney

DATE

CPCA Manager

DATE

County Chair

DATE

Sheriff

DATE

Contract Administration

DATE

COMMENTS:

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS

INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is made pursuant to the authority found in ORS 190.010, et seq and ORS 206.345 between MULTNOMAH COUNTY ("COUNTY") by and through the Multnomah County Sheriff's Office (MCSO) and METRO.

RECITALS

WHEREAS, the COUNTY is a political subdivision of the State of Oregon and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq; and

WHEREAS, MCSO is authorized to enter into intergovernmental agreements jointly with and on behalf of the COUNTY, pursuant to ORS 206.345(1); and

WHEREAS, METRO is a municipal corporation formed and operating under state law and the Metro Charter, and is a unit of local government authorized to enter into intergovernmental agreements pursuant to ORS 190.010, et seq; and .

WHEREAS, METRO desires to contract with the COUNTY for certain law enforcement functions to be performed by MCSO; and

WHEREAS, the COUNTY is able and prepared to provide the services required by METRO under the terms and conditions set forth in this Agreement; therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, and pursuant to the provisions of ORS chapter 190, the parties agree to be bound as follows:

ILLEGAL DUMPSITE CLEANUP - INMATE WORKCREWS

1. The COUNTY shall provide a minimum of 1.0 FTE corrections deputy ("supervisor") to supervise inmate work crews to clean up illegal dumpsites within METRO's jurisdiction. The COUNTY may provide additional personnel up to the "not to exceed" amount stipulated in section 25 of this Agreement.
2. The COUNTY shall clean up illegal dumpsites only as assigned by METRO.
3. The COUNTY shall provide supervisors trained and experienced in managing inmate work crews to supervise each work crew.
4. The COUNTY shall ensure that the supervisors are certified by the State's Department of Public Safety Standards and Training.
5. The COUNTY shall select for the work crews only sentenced inmates eligible for outside public works who pose a minimal threat to the public.
6. The COUNTY shall provide a trained replacement if a supervisor is absent for more than one day.
7. METRO shall provide one self-contained work crew vehicle furnished with equipment and tools appropriate to perform the work under this Agreement. The COUNTY shall use a County vehicle if an additional vehicle is required to perform the work under this Agreement.

8. METRO shall train each supervisor assigned to work under this Agreement to identify, collect, and retain evidence that may lead to successful prosecutions of persons dumping waste illegally.
9. The clean-up of illegal dumpsites containing known or suspected hazardous materials is beyond the scope, skill, training, and experience of the inmate work crews. If an inmate work crew discovers known or suspected hazardous materials at an illegal dump site, the supervisor shall immediately cease the clean-up activity until the appropriate hazardous materials authority inspects the site and declares or makes it safe.

PERSONNEL MATTERS

10. For the purpose of this Agreement, one (1.0) FTE position means an employee who is regularly scheduled to work at least 40 hours per week performing the services required under this Agreement.
11. The COUNTY shall ensure that any corrections deputy assigned as a supervisor has sufficient experience to perform the duties required by this Agreement. If a corrections deputy has not served previously as a supervisor under this Agreement, the COUNTY shall require the corrections deputy to observe a supervisor performing the duties under this Agreement for at least two weeks before beginning duty under this Agreement.
12. The supervisors shall be and remain COUNTY employees. The County shall ensure that the supervisors perform their duties in accordance with the administrative and operational procedures of MCSO.
13. METRO has the right, upon request and for cause stated, to have a supervisor removed from assignment under this Agreement and replaced by other supervisor meeting the requirements of this Agreement.
14. METRO will not pay wages, salaries, or other compensation directly to the supervisors performing services under this Agreement or for any other liability not provided for in this Agreement.
15. The COUNTY shall maintain Workers' Compensation insurance coverage for the supervisors and inmate work crews either as a carrier insured employer or a self-insured employer as provided in ORS Chapter 656.
16. The collective bargaining agreement between the supervisors and the COUNTY ("collective bargaining agreement") governs all matters related to benefits, hours, vacations, sick leave, grievance procedures and other conditions of employment of the supervisors.
17. The collective bargaining agreement and the County personnel rules govern all labor disputes arising out of this Agreement.
18. The payment METRO makes to the COUNTY under this Agreement shall not include any amount for retroactive salary adjustments negotiated under the collective bargaining agreement.

19. The supervisors may be absent from duty for various reasons, including but not limited to vacation, holidays, illness, training, leave of absence, and administrative leave. The COUNTY shall provide METRO with immediate notice of any absence of a supervisor. If the absence is planned, the COUNTY shall inform METRO as soon as the COUNTY is aware of the absence, but in any case no fewer than two weeks before the absence begins.

EQUIPMENT PURCHASE, USE, AND DISPOSITION

20. The parties will purchase materials and supplies necessary for this Agreement as provided in this section. "Materials" includes items with a unit cost of \$1,000 or more and "supplies" includes items with a unit cost of less than \$1,000.
21. METRO shall purchase all materials and supplies necessary for the performance of this Agreement. The COUNTY shall purchase any materials and supplies required for law enforcement functions not directly related to the clean-up of illegal dumpsites.
22. METRO shall own all vehicles and equipment it purchases for this Agreement, including without limitation capital equipment. The COUNTY shall use METRO's vehicles and equipment only to perform its duties under this Agreement and shall not use them for any other purpose without authorization from METRO. Except as provided in paragraph 23, upon termination of this Agreement the COUNTY shall return all materials and supplies to METRO.
23. Consistent with Metro Code Chapter 2.04.064, upon termination of this Agreement METRO may grant to the COUNTY an option to purchase from METRO any or all remaining materials and supplies purchased for this Agreement at a price mutually agreed upon by the parties, not to exceed the fair market value of the items at the times of purchase. The COUNTY agrees to give METRO notice of the COUNTY's intent to exercise this option within 60 days following termination of this Agreement.

CONTRACT COSTS

24. METRO shall pay the COUNTY for all costs as set forth in this Agreement. By February 1 of each year, the COUNTY shall provide METRO with a good faith projection of the cost of this Agreement for the subsequent term of the Agreement. The parties shall agree on the amount paid by METRO for the term of the Agreement before each anniversary date of the execution of this Agreement.
25. For the Agreement beginning July 1, 2007, METRO will pay the COUNTY no more than ONE HUNDRED FIFTY-NINE THOUSAND, ONE HUNDRED SIXTY-ONE AND NO/100^{THS} DOLLARS (\$159,161.00). This amount includes all fees, costs, and expenses to which COUNTY is entitled for the term of this Agreement.
26. All costs listed on Exhibit A, which is the Budget for the Agreement prepared by METRO, are on a "not to exceed" basis. The COUNTY shall submit itemized billings to METRO no more than 15 days after the end of each quarter of the contract year, and METRO shall make payment to COUNTY within 30 days of receipt of approved billings.

INDEMNIFICATION AND LIABILITY

27. The COUNTY shall indemnify, defend, and hold harmless METRO and its officers, employees, and agents from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of the supervisors and inmate work crews acting pursuant to the terms of this Agreement, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.
28. METRO shall indemnify, defend, and hold harmless the COUNTY and its officers, employees, and agents from all claims, suits, actions, or expenses of any nature resulting from or arising out of the acts, errors, or omissions of METRO acting pursuant to the terms of this Agreement, within the limits of the Oregon Tort Claims Act and the Oregon Constitution.

DISPUTE RESOLUTION

29. If a claim, controversy, or dispute arises out of this Agreement, the complaining party shall give written notification to the other party of the nature of the claim and the remedy requested within 10 days of the incident that forms the basis of the dispute.
30. Oregon law shall govern this Agreement. The parties shall resolve all claims, controversies, or disputes that arise out of this Agreement by arbitration in accordance with the arbitration rules of the Arbitration Service of Portland or the American Arbitration Association. The party who first initiates arbitration shall designate an arbitration service by filing a claim in accordance with the rules of the organization selected. Such arbitration shall take place in Portland, Oregon and any judgment upon the award rendered pursuant to such arbitration may be entered in any court having jurisdiction thereof.

CONTRACT ADMINISTRATION

31. The Multnomah County Sheriff or his designated representative will represent the COUNTY in all matters pertaining to administration of this Agreement.
32. METRO designates its Solid Waste & Recycling Department Director or his designee to represent METRO in all matters pertaining to administration of this Agreement.
33. Any notice or notices provided for by this Agreement or by law to be given or served upon either party shall be given or served by certified letter, deposited in the U.S. mail, postage prepaid, and addressed to:

Multnomah County Sheriff
501 SE Hawthorne Blvd., Ste 350
Portland, Oregon 97214

Solid Waste & Recycling Department Director
METRO
600 NE Grand Avenue
Portland, Oregon 97232

CONTRACT TERM, MODIFICATION, AND TERMINATION

34. This Agreement shall be effective from the 1st day of July 2007, and shall run through the 30th day of June 2008, unless extended.

35. Either party to this Agreement may terminate the Agreement by giving the other party not less than 90 days written notice.
36. This Agreement may be modified or amended by agreement of the parties. Any modification to this Agreement shall be effective only when incorporated herein by written amendments and signed by both METRO and the COUNTY.
37. This Agreement shall not be deemed to vest in any third party any rights, nor shall it be deemed to be enforceable by any third party in any legal, equitable, or administrative proceeding whatsoever.

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

MULTNOMAH COUNTY

By: Bernie Giusto (RD)
Bernie Giusto, Sheriff

Date: 6-11-07

By: Ted Wheeler
Ted Wheeler, County Chair

Date: 06-28-07

APPROVED AS TO FORM:
Multnomah County Attorney

By: _____
Assistant County Attorney

Date: _____

METRO

By: Michael Jordan
Michael Jordan,
Chief Operating Officer

Date: 6/5/07

APPROVED AS TO FORM:
Metro Attorney

By: _____
Michelle Bellia,
Assistant Metro Attorney

Date: _____

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APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # C-4 DATE 06-28-07
DEBORAH L. BOGSTAD, BOARD CLERK

MCSO Contract No. 0708053

Metro Contract No. 927967

CONTRACT BUDGET

	Hourly	Annual/ 1.0 FTE	Annual for 1.5 FTE
Salary-Related Costs	\$ 45.15	\$ 93,912	
Inmate cost		600	
Total		94,512	
Indirect Costs			
MCSO central @ 2.29%		2,164	
MCSO departmental @ 4.05%		3,828	
Total		5,992	
Total Cost		\$100,504	\$159,161

SK:bjl/gbc

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MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-1
Est. Start Time: 9:30 AM
Date Submitted: 06/04/07

Agenda Title: RESOLUTION Adopting a Policy to Reduce Benzene Pollution

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

Requested Meeting Date: June 28, 2007 Amount of Time Needed: 10 mins
Department: Non-Departmental Division: Commissioner Jeff Cogen
Contact(s): Karol Collymore
Phone: 503-988-6786 Ext. 86786 I/O Address: 503/600
Presenter(s): Commissioner Jeff Cogen, Rich Swift, Office of County Management and Molly Chidsey, Sustainability Office

General Information

1. What action are you requesting from the Board?

Approval of Benzene Reduction Policy

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 resolution Adopting County Policies to Reduce Benzene Pollution passed on April 26, 2007 mandated the office of county management and the sustainability office to create a policy to reduce idling in County Fleet vehicles. This is the final policy direction required to be finished by June 5, 2007.

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

No impact.

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

This policy affects all Fleet vehicles in Multnomah County.

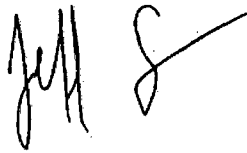
5. Explain any citizen and/or other government participation that has or will take place.

Private business partners including: Elephants Deli, Hoffman Construction Inc., Legacy Health

Systems, Neil Kelly, New Seasons Markets, Providence Hospitals and Temp-Control Mechanical Corp. have agreed to take part in our idling reduction plan.

Required Signature

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

A handwritten signature in black ink, appearing to be "Jell S", is written over a horizontal line.

Date: June 1, 2007

MULTNOMAH COUNTY BENZENE REDUCTION POLICY

As required by Multnomah County Resolution No 07-073

I. PURPOSE

The purpose of this policy is to protect the public health and environment by reducing emissions of benzene while conserving fuel and reducing engine wear.

II. APPLICABILITY

This policy applies to all County Fleet vehicles and commercial vehicles delivering to County owned and leased facilities.

III. RATIONALE

Multnomah County has a primary duty of protecting public health, including the quality of air that residents breathe. The county's Sustainability Principles, adopted in 2004, state that the county will: "Take necessary precautions to prevent toxic pollution and waste through proactive measures."¹ More specifically, the Toxics Reduction Strategy, adopted by the Board of County Commissioners in 2006, committed the county to implementing "a comprehensive idle reduction program that includes vendors and contractors servicing the city and county" by 2010 in order to minimize particulate matter and other emissions of concern from county vehicles and equipment.²

Currently, atmospheric benzene, a known carcinogen, is well above safe levels in many Oregon communities. Exposure to this chemical can cause lung damage and respiratory problems and also exacerbates asthma and existing allergies. The principal source of atmospheric benzene is from automobile exhaust and vapors from gasoline transfer.

As part of the County's commitment to public health and air quality, this policy was developed to reduce engine idling and eliminate the practice of topping off in Fleet vehicles. Turning off the engine when not in use and practicing proper fueling technique will reduce the release of harmful benzene compounds into the atmosphere. This will enhance environmental quality and reduce health risks.

This policy also has financial benefits. Eliminating unnecessary engine idling saves fuel and reduces engine wear and maintenance costs. Proper fueling technique prevents fuel recirculation and fuel spills, which results in efficient fuel use and savings at the pump.

IV. DEFINITIONS

- (a) Idling: running the vehicle engine at any location while the vehicle is stationary
- (b) Topping off: attempting to dispense gasoline in to a motor vehicle fuel tank after the dispensing nozzle has shut off automatically
- (c) Fuel recirculation: pumping fuel into underground storage tanks to prevent fuel spillage and vapor loss when a vehicle is "topped off"

V. REQUIREMENTS

(a) IDLING

Effective immediately, Multnomah County employees shall reduce idling time to no more than twenty seconds in all County Fleet vehicles and commercial vehicles (Res 07-073) unless a public safety issue is present or considered imminent.

EXCEPTIONS

This idling restriction policy shall not apply to:

¹ Multnomah County Sustainability Principles, 2004.

www2.co.multnomah.or.us/jsp/Public/EntryPoint?ct=7eecd87476cc010VqnVCM1000003bc614acRCRD

² City of Portland - Multnomah County Toxics Reduction Strategy, 2006.

www2.co.multnomah.or.us/jsp/Public/EntryPoint?ch=54372609c4d7c010VqnVCM1000003bc614acRCRD

- i. Police, fire, ambulance, public safety, military, other emergency or law enforcement vehicles, or any vehicle being used in an emergency capacity
- ii. Vehicles that are stopped by traffic congestion, an official traffic control device or signal, or at the direction of a law enforcement official
- iii. Vehicles engaged in an operation for which the engine power is necessary for an associated alternate work function and alternative means cannot be made available. For example, vehicles that must idle to operate auxiliary equipment such as cooling units, pumps, compressors, or lifts
- iv. Vehicles and equipment that are being serviced, where idling is required for diagnosis or repair
- v. Vehicles undergoing state or federal inspection, where idling is required as part of the inspection

(b) TOPPING OFF

Effective immediately, Multnomah County employees shall eliminate topping off at all County fueling gasoline stations on County premises and at commercial or cardlock fueling stations.

VI. GUIDANCE

- (a) If you are going to be stopped for more than 10 seconds, turn your engine off (except in traffic). Idling your vehicle for more than 10 seconds uses more fuel than it would take to restart your engine.
- (b) Reduce warm-up idling to 20 seconds. Avoid high speeds and rapid acceleration for the first five miles or so to allow all moving parts of your vehicle to warm up.

VII. ADDITIONAL REQUIREMENTS

(a) STAFF EDUCATION:

As part of this policy Fleet Management will notify all County staff of the new procedures and will provide education to all new employees

(b) NOTIFICATION

Fleet Management will ensure proper instructional signage at:

- i. Loading docks and other areas where there is an increased potential for idling
- ii. Fuel pumps (Do Not Top Off & No Idling)
- iii. Vehicle gas cap (Do Not Top Off)
- iv. Inside the vehicle cabin (No Idling)

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Adopting a Policy to Reduce Benzene Pollution

The Multnomah County Board of Commissioners Finds:

- a. Protecting public health is a primary duty of Multnomah County, requiring it to take timely and appropriate actions to ensure that residents have clean air to breathe.
- b. The level of benzene, a known carcinogen, is well above safe levels in many Oregon communities.
- c. The principal source of this benzene in the ambient air is from automobile exhaust and the transfer of gasoline.
- d. The US Environmental Protection Agency (EPA) has recently adopted a rule to limit the level of benzene in gasoline in the Northwest by 2012. After 2012, the level of benzene in the Northwest will still be two times higher than the national safe average.
- e. The reduction of benzene vapors from idling engines and burning gas from tanks that are topped off can further reduce the levels in the ambient air around schools and provide improved air quality for residents.

The Multnomah County Board of Commissioners Resolves:

1. To reduce benzene vapors by requiring county vehicle operators to limit idling time to no more than one minute whenever reasonably possible, and prohibit topping off at county-owned fuel stations.
 - a. This policy should be written by the Office of County Management; specifically the Office of Sustainability and Fleet Management.
 - b. The Office of Sustainability and Fleet Management will present the Board with a final policy to be executed immediately no later than June 7, 2007.
2. Multnomah County will partner with the following private entities that are working to diminish idling whenever reasonably possible from their fleet vehicles and topping off of gasoline tanks:
 - a. Elephants Deli
 - b. Hoffman Construction Inc.

- c. Legacy Health Systems
 - d. Neil Kelly
 - e. New Seasons Markets
 - f. Providence Hospitals
 - g. Temp-Control Mechanical Corp.
3. To work with its private partners and the Oregon Toxics Alliance to educate and encourage county residents and schools to reduce idling and topping off.
4. To direct the Chair will implement this policy and provide a report to the Board no later than June 7, 2007.

ADOPTED this 28th day of June, 2007.

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:

Jeff Cogen, Commissioner, District 2

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-124

Adopting a Policy to Reduce Benzene Pollution

The Multnomah County Board of Commissioners Finds:

- a. Protecting public health is a primary duty of Multnomah County, requiring it to take timely and appropriate actions to ensure that residents have clean air to breathe.
- b. The level of benzene, a known carcinogen, is well above safe levels in many Oregon communities.
- c. The principal source of this benzene in the ambient air is from automobile exhaust and the transfer of gasoline.
- d. The US Environmental Protection Agency (EPA) has recently adopted a rule to limit the level of benzene in gasoline in the Northwest by 2012. After 2012, the level of benzene in the Northwest will still be two times higher than the national safe average.
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3. To work with its private partners and the Oregon Toxics Alliance to educate and encourage county residents and schools to reduce idling and topping off.
4. To direct the Chair will implement this policy and provide a report to the Board no later than June 7, 2007.

ADOPTED this 28th day of June, 2007.



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:

Jeff Cogen, Commissioner, District 2

MULTNOMAH COUNTY BENZENE REDUCTION POLICY

As required by Multnomah County Resolution No 07-073

I. PURPOSE

The purpose of this policy is to protect the public health and environment by reducing emissions of benzene while conserving fuel and reducing engine wear.

II. APPLICABILITY

This policy applies to all County Fleet vehicles and commercial vehicles delivering to County owned and leased facilities.

III. RATIONALE

Multnomah County has a primary duty of protecting public health, including the quality of air that residents breathe. The county's Sustainability Principles, adopted in 2004, state that the county will: "Take necessary precautions to prevent toxic pollution and waste through proactive measures."¹ More specifically, the Toxics Reduction Strategy, adopted by the Board of County Commissioners in 2006, committed the county to implementing "a comprehensive idle reduction program that includes vendors and contractors servicing the city and county" by 2010 in order to minimize particulate matter and other emissions of concern from county vehicles and equipment.²

Currently, atmospheric benzene, a known carcinogen, is well above safe levels in many Oregon communities. Exposure to this chemical can cause lung damage and respiratory problems and also exacerbates asthma and existing allergies. The principal source of atmospheric benzene is from automobile exhaust and vapors from gasoline transfer.

As part of the County's commitment to public health and air quality, this policy was developed to reduce engine idling and eliminate the practice of topping off in Fleet vehicles. Turning off the engine when not in use and practicing proper fueling technique will reduce the release of harmful benzene compounds into the atmosphere. This will enhance environmental quality and reduce health risks.

This policy also has financial benefits. Eliminating unnecessary engine idling saves fuel and reduces engine wear and maintenance costs. Proper fueling technique prevents fuel recirculation and fuel spills, which results in efficient fuel use and savings at the pump.

IV. DEFINITIONS

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www2.co.multnomah.or.us/jsp/Public/EntryPoint?ct=7eecd87476cc010VgnVCM1000003bc614acRCRD

² City of Portland - Multnomah County Toxics Reduction Strategy, 2006.

www2.co.multnomah.or.us/jsp/Public/EntryPoint?ch=54372609c4d7c010VgnVCM1000003bc614acRCRD

- i. Police, fire, ambulance, public safety, military, other emergency or law enforcement vehicles, or any vehicle being used in an emergency capacity
- ii. Vehicles that are stopped by traffic congestion, an official traffic control device or signal, or at the direction of a law enforcement official
- iii. Vehicles engaged in an operation for which the engine power is necessary for an associated alternate work function and alternative means cannot be made available. For example, vehicles that must idle to operate auxiliary equipment such as cooling units, pumps, compressors, or lifts
- iv. Vehicles and equipment that are being serviced, where idling is required for diagnosis or repair
- v. Vehicles undergoing state or federal inspection, where idling is required as part of the inspection

(b) TOPPING OFF

Effective immediately, Multnomah County employees shall eliminate topping off at all County fueling gasoline stations on County premises and at commercial or cardlock fueling stations.

VI. GUIDANCE

- (a) If you are going to be stopped for more than 10 seconds, turn your engine off (except in traffic). Idling your vehicle for more than 10 seconds uses more fuel than it would take to restart your engine.
- (b) Reduce warm-up idling to 20 seconds. Avoid high speeds and rapid acceleration for the first five miles or so to allow all moving parts of your vehicle to warm up.

VII. ADDITIONAL REQUIREMENTS

(a) STAFF EDUCATION:

As part of this policy Fleet Management will notify all County staff of the new procedures and will provide education to all new employees

(b) NOTIFICATION

Fleet Management will ensure proper instructional signage at:

- i. Loading docks and other areas where there is an increased potential for idling
- ii. Fuel pumps (Do Not Top Off & No Idling)
- iii. Vehicle gas cap (Do Not Top Off)
- iv. Inside the vehicle cabin (No Idling)



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-2 DATE 06/28/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-2
Est. Start Time: 9:40 AM
Date Submitted: 06/13/07

BUDGET MODIFICATION: NOND - 06

Agenda Title: Budget Modification NOND-06 Appropriating Regional Investment Board Grant Revenue

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

Requested Meeting Date: June 28, 2007 Amount of Time Needed: 5 minutes
Department: Non-Departmental Division: N/A
Contact(s): Theresa Sullivan, Julie Neburka
Phone: 503-988-3312 Ext. 27351 I/O Address: 503/531
Presenter(s): Julie Neburka/Theresa Sullivan

General Information

1. What action are you requesting from the Board?

Request Board approval of Budget Modification NOND-06, which adds \$452,025 in Regional Investment Board (RIB) revenue to the Non-Departmental budget for FY 2007. This additional revenue will be passed through to Multnomah-Washington Regional Investment Board per the agreements we have with Washington County.

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

The Multnomah-Washington Regional Investment Board was designated by Multnomah and Washington Counties for the purpose of developing and implementing a Regional Strategy to administer regional and rural investment fund programs on behalf of the two counties. As of June 30, 2007, responsibility for the RIB passes to Multnomah Washington Regional Investment Board.

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

This bud mod will add \$452,025 to the RIB budget to be passed through to Multnomah Washington Regional Investment Board per Ordinance 1091. This action affects FY 2007 only; as of July 1, 2007, the County will no longer have any responsibilities for the RIB.

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

None. This action will keep the County in compliance with Oregon Budget Law.

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

N/A

ATTACHMENT A

Budget Modification

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

- **What revenue is being changed and why?**

The funds we receive from the State of Oregon for the Regional Investment Board are increased by \$452,025

- **What budgets are increased/decreased?**

The RIB pass-through budget is increased by \$452,025

- **What do the changes accomplish?**

This budget action allows us to legally pass-through funds we receive from the State of Oregon per our agreement with Washington County.

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

None.

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

Indirect costs are recovered before the funds are passed through.

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

This revenue is one-time-only; the County's involvement in the RIB ends as of June 30, 2007.

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

N/A

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

N/A

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

ATTACHMENT B

BUDGET MODIFICATION: NOND -06

Required Signatures

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

Carol M. Ford

Date: 06/13/07

Budget Analyst:

Debra

Date: 06/13/07

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **Nondepartmental 06****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	10-02	32141	20			rib regional	50180	(360,000)	(771,450)	(411,450)		IG-OP-Direct ST
2	10-02	32141	20			rib regional	50270	(13,700)	(54,275)	(40,575)	(452,025)	Interest Income
3	10-02	32141	20			rib regional	60160	450,439	892,113	441,674		Pass-through
4	10-02	32141	20			rib regional	60350	12,262	22,613	10,351	452,025	Indirect Expense
5									0			
6	19	1000	0020		9500001000		50310		(10,351)	(10,351)		Indirect revenue to GF
7	19	1000	0020		9500001000		60470		10,351	10,351		Increase Contingency
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										0	0	GRAND TOTAL



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (long form)

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-3 DATE 06/28/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-3
Est. Start Time: 9:45 AM
Date Submitted: 06/13/07

BUDGET MODIFICATION: NOND - 07

Agenda Title: Budget Modification NOND-07 Appropriating \$15,000 from the City of Portland for the Public Safety Plan

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

Requested Meeting Date:	<u>June 28, 2007</u>	Amount of Time Needed:	<u>5 minutes</u>
Department:	<u>Non-Departmental</u>	Division:	<u>LPSCC</u>
Contact(s):	<u>Julie Neburka</u>		
Phone:	<u>503-988-3312</u>	Ext.	<u>27351</u>
	I/O Address:		<u>503/531</u>
Presenter(s):	<u>Julie Neburka</u>		

General Information

1. What action are you requesting from the Board?

Request approval of Bud Mod NOND-07, which adds \$15,000 from the City of Portland toward the Public Safety Plan, currently underway.

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 Public Safety Plan will describe the public safety services currently provided in Multnomah County; the way in which services should be provided in order to create a balanced, integrated continuum to address person & property crimes; how the system can maximize capacity and promote fairness and effectiveness; and whether or not the current system conforms to national best practices in public safety.

The FY 2008 budget contains \$133,000 toward the total contract cost of \$148,000. This budget action will add \$15,000 from the City of Portland toward FY 2007 costs incurred in the preparation of the plan. The plan is currently being researched and prepared by the Crime & Justice Institute of Boston, MA.

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

This \$15,000 will cover costs anticipated to be incurred in the current fiscal year. Unspent funds will be carried forward into FY 2008.

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

None.

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

None.

ATTACHMENT A

Budget Modification

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

- **What revenue is being changed and why?**

\$15,000 of one-time revenue from the City of Portland is being added to the Local Public Safety Coordinating Council (LPSCC) budget in FY 2007.

- **What budgets are increased/decreased?**

The LPSCC budget is increased by \$15,000.

- **What do the changes accomplish?**

These funds will cover FY 2007 costs of the Public Safety Plan.

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

None.

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

Indirect costs will be paid from this grant.

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

This is one-time revenue for a one-time project. The County's General Fund will pay for costs incurred in FY 2008.

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

FY 2007

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

The County's General Fund will pay for the remainder of the plan in FY 2008.

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

ATTACHMENT B

BUDGET MODIFICATION: NOND - 07

Required Signatures

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

Carol M. Ford

Date: 06/13/07

Budget Analyst:

Debra

Date: 06/13/07

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **Nondepartmental 07****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Internal Order	Accounting Unit		Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
					Cost Center	WBS Element						
1	10-80	27190	20			lpccc.27190	60170	-	14,657	14,657		Professional Svcs expense
2	10-80	27190	20			lpccc.27190	50200		(15,000)	(15,000)		City of Portland revenue
3	10-80	27190	20			lpccc.27190	60350		344	344		Indirect at 2.29%
4									0			
5	19	1000	0020		9500001000		50310		(344)	(344)		Indirect Revenue to GF
6	19	1000	0020		9500001000		60470		344	344		Increase Contingency
7									0			
8									0			
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										0	0	GRAND TOTAL



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-4
Est. Start Time: 9:50 AM
Date Submitted: 06/19/07

Agenda Title: RESOLUTION Authorizing the Development of Solar Energy Projects on County Facilities

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

Requested Meeting Date: June 28, 2007 **Amount of Time Needed:** 35 minutes
Department: Non-Departmental **Division:** Commission District 2
Contact(s): Jeff Cogen, Warren Fish, Marissa Madrigal, Karol Collymore
Phone: 503 988-5219 **Ext.** 85219 **I/O Address:** 503/600
Presenter(s): Margie Harris, Betsy Kaufman, Kat West, representative from Renewables Northwest Project, representative from Sustainable Development Commission. and others TBD

General Information

1. What action are you requesting from the Board?

Approval to work with Energy Trust of Oregon to develop solar installations sited on rooftops at County owned buildings. County will create a "virtual power plant" generating 1,000,000 kWh/year of clean, renewable electricity. Power generated will be used on-site; excess power produced will go back into the power grid and be "net metered" by our utilities—meaning they will credit us full retail value for excess power we produce.

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.

Efficient solar electricity generation is possible even in a rainy climate like Oregon's. Better still, federal and state tax credits, along with support of the non-profit Energy Trust of Oregon make it possible for Multnomah County to create a solar energy "virtual power plant" at little or no cost. This initiative does not affect any existing program offers. At little or no cost to Multnomah County we'll be able to install solar energy sites right on existing County facilities.

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

No direct fiscal impact, but there will be indirect fiscal impact in terms of County staff time. We will need time from Facilities, Department of County Management, Financial, and Legal departments.

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

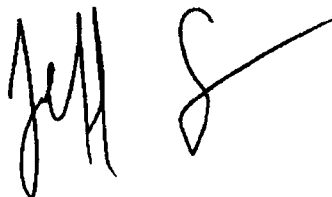
The County has legal authority to work collaboratively with Energy Trust of Oregon on a project like this and to enter into an agreement with a solar energy project developer. Pursuing this policy will be consistent with our Joint Global Action Plan on Global Warming, adopted in 2001, and with Multnomah County's sustainability principles, adopted in 2004.

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

The Multnomah County / City of Portland Sustainable Development Commission reviewed this policy objective and found it consistent with the County's stated goals in this area.

Required Signature

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

A handwritten signature in black ink, appearing to be 'JH S', is written over a horizontal line.

Date: 06/19/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Development of Solar Energy Projects on County Facilities

The Multnomah County Board of Commissioners Finds:

- a. Global warming as a result of human activity threatens all of the earth's natural systems and people. Burning fossil fuels is the root cause of global warming.
- b. The majority of the 42,000,000 kWh/year of electricity used by Multnomah County facilities comes from power plants burning fossil fuels. By reducing our reliance on fossil fuel generated electricity we can reduce Multnomah County's contribution to global warming.
- c. Excessive reliance on foreign sources of energy is a serious threat to America's national security. Reducing our dependence on imported oil and natural gas, and developing ways to produce more of our energy locally will help us secure a more peaceful and prosperous future.
- d. Solar energy technology is more efficient than ever. Contrary to conventional wisdom, even a frequently cloudy and rainy climate like we have in Multnomah County can produce significant amounts of electricity from solar energy. Modern low-profile solar arrays fit on most roofs, and installation is relatively simple.
- e. The solar energy industry is an important source of future economic development in our community. Our region is already attractive to major solar energy technology companies, as evidenced by the recent decisions by SolarWorld of Germany to open a factory in Hillsboro employing up to 1,000 workers, and by Solaicx of California's recent decision to open a facility in Portland's Rivergate Industrial District employing up to 100 workers. Local government should do what it can to encourage our fast-growing local solar industry.
- f. Energy Trust of Oregon is an independent non-profit organization funded entirely by utility customers through a public purpose charge paid by the ratepayers of Portland General Electric, Pacific Power, NW Natural, Cascade Natural Gas, and Avista. A central part of its mission is to encourage renewable energy production in Oregon. They achieve this by providing cash incentives that reduce up-front and on-going costs, and by facilitating partnerships. Energy Trust has been a partner on 452 solar energy projects in Oregon to date.
- g. Multnomah County has an opportunity to develop solar power production resources on County owned facilities at little or no cost to the County by partnering with Energy Trust of Oregon. This will create a "Virtual Power Plant"

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the Development of Solar Energy Projects on County Facilities

The Multnomah County Board of Commissioners Finds:

- a. Global warming as a result of human activity threatens all of the earth's natural systems and people. Burning fossil fuels is the root cause of global warming.
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- g. Multnomah County has an opportunity to develop solar power production resources on County owned facilities at little or no cost to the County by partnering with Energy Trust of Oregon. This will create a "Virtual Power Plant"

(the Project) mounted on the roofs of select County owned buildings. With minimal maintenance, the County should generate at least 20 years of electricity production from a free and renewable energy source.

- h. The County will purchase the electricity generated on our rooftops at the rates we currently pay our electric utilities. Producing this electricity will not change our status as customers of our utilities or impact our ability to buy the electricity we need from our utilities.
- i. Utility regulation and tax policy in Oregon encourage and protect alternative energy projects. Net metering arrangements allow small power generation facilities to produce and use the clean energy they generate on-site to supplement the energy they take from the utilities off the power grid. When on-site generation exceeds on-site use, our utilities will buy the excess energy and put it back into the power grid.
- j. The Project would be the largest solar power generation project in Oregon, and would more than double the current installed capacity of photovoltaic solar panels in our state.
- k. Multnomah County can help build the market for green energy by demonstrating the viability of solar energy projects located on County property. Energy Trust of Oregon will help the County launch these projects by connecting us with appropriate partners, offering direct financial support, and assisting us with project design and management. This effort should help validate new technologies and inspire others to use renewable energy.
- l. Not only will the Project with Energy Trust be completed at little or no additional cost to Multnomah County, but the County will also gain rate stability and predictability for the portion of its electric needs that comes from these solar energy-based electrical generation sites.
- m. In April 2001 by Resolution No. 01-052, the Board adopted the joint Multnomah County and City of Portland Action Plan on Global Warming. The central objective of that plan was to "reduce greenhouse gas emissions from City of Portland and Multnomah County facilities to 10 percent below 1990 levels by 2010 through energy-efficiency measures." That equates to a 28% reduction in greenhouse gas emissions from our 2001 baseline. As of 2006, we have achieved an 8.1% reduction from that 2001 baseline. The Project will bring us closer to reaching that goal.
- n. In February 2004 by Resolution No. 04-019, the Board adopted Multnomah County's Sustainability Principles. One of those guiding principles is to "protect and restore air, water and land to preserve biological diversity and environmental health while providing a natural resource base for future generations." Small

scale renewable energy projects incorporated into County facilities are consistent with the County's adopted sustainability principles.

The Multnomah County Board of Commissioners Resolves:

1. To collaborate with Energy Trust of Oregon on a series of solar energy production projects sited on County facilities. Collectively, these projects will be generating at least 1,000,000 kWh per year of renewable electricity from County owned buildings and property by the end of 2010.

ADOPTED this 28th day of June, 2007.

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:

Jeff Cogen, Commissioner, District 2
Lisa Naito, Commissioner, District 3
Lonnie Roberts, Commissioner, District 4
Maria Rojo de Steffey, Commissioner, District 1
Ted Wheeler, Chairman of the Board of County Commissioners

Speaking today on the Solar Energy Resolution are:

- 1. Margie Harris, Executive Director of the Energy Trust of Oregon.**
- 2. Dennis Wilde, Principal, Gerding Edlen Development Company.**
- 3. Kent Snyder, member of the Sustainable Development Commission, (an advisory body to Multnomah County and the City of Portland).**
- 4. Jon Schrotzberger, Multnomah County Facilities Department.**
- 5. Jeff Bissonette, Citizens Utility Board of Oregon.**
- 6. Diane Zipper, Renewables Northwest Project.**

LEADING CHANGE

Annual Report 2006




EnergyTrust
of Oregon, Inc.

Dear Oregonians,

As 2006 came to a close, Energy Trust marked nearly five years of working with Oregon homeowners, businesses, utilities, trade ally contractors and other stakeholders to change the way we produce and use energy.

Together, we're making impressive strides with investments in energy efficiency and renewable energy development. Energy Trust has provided \$92 million to help Oregonians save and generate over 1.2 billion annual kilowatt hours of electricity and save over 4 million annual therms of natural gas. That's enough electricity to power 109,000 homes and enough natural gas to heat 9,000 homes.

In 2006, Oregonians helped us exceed our electric energy savings goal by 11 percent and increase gas savings by 76 percent compared to 2005. Wind turbine availability and cost impacted our renewable energy progress, and we expect new projects to generate 41 average megawatts in 2007.

Our accomplishments this year are especially meaningful given their direct benefits to our economy and our environment. Energy Trust investments have infused Oregon's economy with millions of dollars. The energy saved and generated is helping Oregonians cool global warming. Since our inception, our programs have helped remove over 2 billion pounds of CO₂ from our atmosphere. This equates to planting nearly 3,500 acres of trees or removing 183,000 cars from our roads.

Energy Trust programs help Oregonians make a difference—from Cannon Beach to Klamath Falls and Portland to Pendleton. By participating, Oregonians are demonstrating that energy independence and environmental responsibility remain important Oregon values.

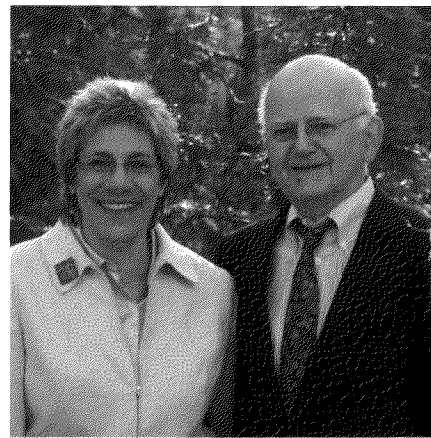
Our board of directors and staff applaud Oregonians for their commitment to powerful change. We are honored to be a part of forging the clean energy path that must be our future. Thank you.



Margie Harris, Executive Director



Tom Foley, President, Board of Directors





Change is in the wind.

As our nation awakes to the challenges of global warming, Oregonians in record numbers are taking action through Energy Trust. Together, we've helped our state save and generate enough energy to power nearly half the homes in the city of Portland. In 2006 alone, Energy Trust programs offset 213,000 tons of CO₂ that would have been generated by fossil fuel power plants. We've only just begun.



Margaret Young

PRIDE OF OWNERSHIP RADIATES FROM MARGARET'S BEAVERTON HOME—FROM THE LUSH GARDEN OUTSIDE TO THE ENERGY-SAVING IMPROVEMENTS INSIDE. SHE USED ENERGY TRUST INCENTIVES TO SEAL DUCTS AND AIR LEAKS AND INSTALL INSULATION. NOW SHE'S TRIMMING HER ANNUAL ENERGY COSTS BY \$562 AND KEEPING 5.054 POUNDS OF CO₂ OUT OF THE ATMOSPHERE.

Changing How We Produce + Use Energy

IT'S AT THE HEART OF ENERGY TRUST'S MISSION, AND WE DO IT BY INVESTING IN EFFICIENT TECHNOLOGIES AND RENEWABLE RESOURCES THAT SAVE DOLLARS AND PROTECT THE ENVIRONMENT.

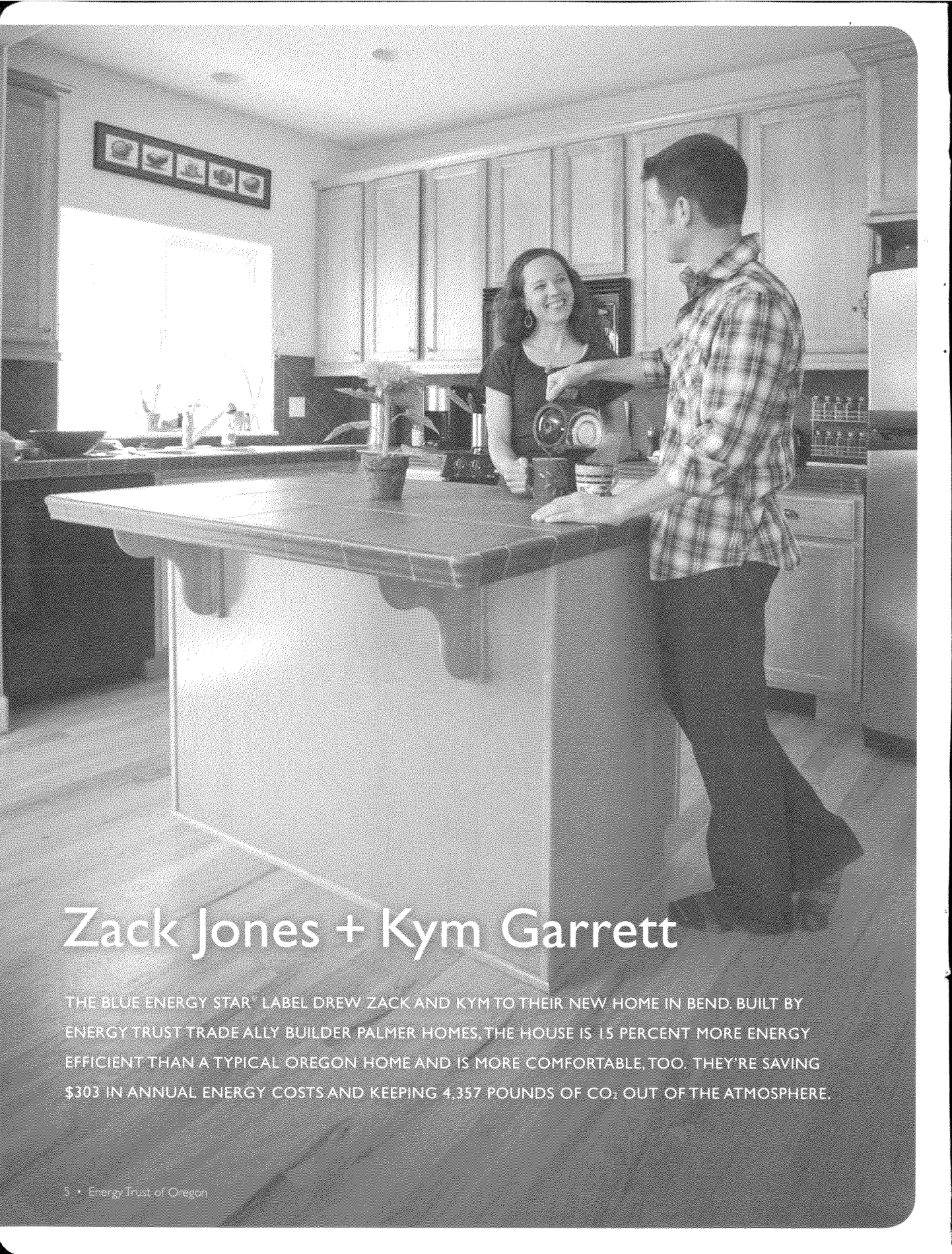
Goals ...

Energy Trust is working to meet the following goals by 2012:

- Save 300 average megawatts (aMW) of electricity, enough to power nearly one sixth of Oregon's housing stock
- Save 19 million annual therms of natural gas, enough to heat 40,000 homes
- Meet 10 percent of Oregon's electricity needs through renewable resources
- Expand participation by customers that have been hard to reach
- Help Oregon businesses thrive by promoting energy efficiency and renewable energy resources
- Encourage Oregonians to integrate energy efficiency and renewable energy into their daily lives

2006 Accomplishments ...

- Helped nearly 290,000 Oregonians save energy and money
- Saved nearly 25.5 aMW of electricity, enough to power 19,768 homes
- Saved nearly 2.3 million therms of natural gas, a 76 percent increase over 2005
- Significantly expanded the number of renewable projects to be completed in 2007 and beyond: 29 projects in construction, 34 projects in development
- Maintained low administrative costs
- Supported the growth of over 750 Oregon businesses that deliver our programs as trade allies in local communities
- Made significant progress toward 2012 goals: 41 percent of electricity savings, 23 percent of therm savings and 11 percent of renewable energy generation goals
- Improved air quality by offsetting 213,000 tons of CO₂ generated by fossil fuels, equal to taking over 37,500 cars off the road or planting over 700 acres of trees
- Generated \$11.8 million in wages and \$2.9 million in new business income and created over 400 new jobs



Zack Jones + Kym Garrett

THE BLUE ENERGY STAR® LABEL DREW ZACK AND KYM TO THEIR NEW HOME IN BEND. BUILT BY ENERGY TRUST TRADE ALLY BUILDER PALMER HOMES, THE HOUSE IS 15 PERCENT MORE ENERGY EFFICIENT THAN A TYPICAL OREGON HOME AND IS MORE COMFORTABLE, TOO. THEY'RE SAVING \$303 IN ANNUAL ENERGY COSTS AND KEEPING 4,357 POUNDS OF CO₂ OUT OF THE ATMOSPHERE.

Changing Home Sweet Home

IN 2006, MORE OREGONIANS TOOK ADVANTAGE OF ENERGY TRUST RESIDENTIAL ENERGY EFFICIENCY PROGRAMS THAN EVER BEFORE. THEY ARE SAVING ENERGY AT HOME THANKS TO THESE AND OTHER ACTIONS:

2006 Results •••

- 239,768 compact fluorescent lightbulbs installed or purchased
- 22,429 ENERGY STAR appliances purchased
- 6,007 Home Energy Reviews completed
- 14,689 single family, manufactured and multifamily homes weatherized
- 1,590 ENERGY STAR new homes built
- 161 solar water heating systems installed

Residential Programs •••

Home Energy Savings

We help owners identify energy-saving opportunities in existing single family, manufactured and multifamily homes, offer referrals to qualified contractors and provide cash incentives for improvements.

Efficient Home Products

We offer cash incentives to help Oregonians purchase ENERGY STAR qualified clothes washers and lighting. The program also provides free or discounted compact fluorescent lightbulbs through Energy Trust's online Home Energy Analyzer and Lights for Learning fundraising program.

Efficient New Homes

Energy Trust helps Oregon builders construct new single family and manufactured homes that meet ENERGY STAR standards.

Solar Water Heating

This energy efficiency program provides incentives to help homeowners preheat their water with warmth from the sun.



Stimson Lumber Company

A COMMITMENT TO SUSTAINABILITY IS DRIVING STIMSON TO INVEST IN ENERGY EFFICIENCY AT ITS FOREST GROVE MILL. IN 2006, STIMSON INSTALLED ENERGY EFFICIENT LIGHTING AND OTHER MEASURES WITH ENERGY TRUST INCENTIVES, REDUCING ELECTRICITY COSTS BY \$149,435 AND OFFSETTING CO₂ EMISSIONS BY OVER 1,800 TONS. ADDITIONAL IMPROVEMENTS WILL DOUBLE THOSE SAVINGS IN 2007.

Changing Business As Usual

IN 2006, OREGON COMMERCIAL AND INDUSTRIAL BUSINESSES AND INSTITUTIONS WORKED WITH ENERGY TRUST TO COMPLETE 2,525 PROJECTS THAT HELP REDUCE OPERATING COSTS, IMPROVE EFFICIENCY AND SLOW GLOBAL WARMING.

2006 Results •••

- 2,046 projects installed high efficiency measures such as energy efficient lighting and heating, ventilating and air conditioning equipment in existing buildings
- 245 highly efficient new commercial buildings constructed
- 229 production efficiency projects completed at industrial sites
- 5 commercial solar water heating systems installed

Commercial Programs •••

Building Efficiency

This program provides electric and gas energy-saving services and incentives for existing Oregon commercial and institutional facilities.

New Building Efficiency

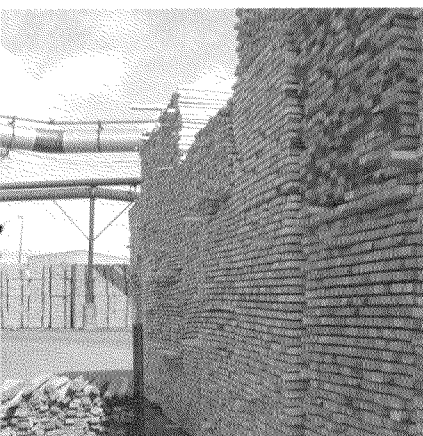
Financial incentives for high efficiency electric and gas equipment, energy modeling and design assistance help customers maximize efficiency of commercial and industrial new construction projects, major renovations and additions to existing buildings.

Production Efficiency

Technical assistance and incentives help Oregon manufacturers and industrial, agricultural and wastewater operations improve electrical process efficiency.

Solar Water Heating

This energy efficiency program provides incentives to help businesses pre-heat their water with warmth from the sun.





Columbia Energy Partners

COLUMBIA ENERGY PARTNERS FOUNDER CHRIS CROWLEY, PICTURED WITH HIS DAUGHTER, EXPECTS TO GENERATE 1.3 AVERAGE MEGAWATTS OF ELECTRICITY EACH YEAR TO POWER THE CITY OF ARLINGTON. ENERGY TRUST PROVIDED AN ANEMOMETER TO MEASURE THE WIND AT THE COLUMBIA GORGE SITE AND EXPECTS TO PROVIDE INCENTIVES TO INSTALL THREE WIND TURBINES IN 2007.

Changing to Clean Energy

IN 2006, CONSTRUCTION BEGAN ON THREE LARGE RENEWABLE POWER PROJECTS, AND THE NUMBER OF SOLAR ELECTRIC SYSTEMS INSTALLED INCREASED BY 35 PERCENT OVER 2005. THESE SYSTEMS WILL GENERATE CLEAN RENEWABLE ENERGY FOR YEARS TO COME.

2006 Results •••

- 115 solar electric systems installed on homes
- 47 solar electric systems installed on commercial buildings
- Two biomass projects and a large wind project began construction that will be completed in 2007. These three projects represent 40.8 average megawatts from new clean renewable energy sources in Oregon.

Renewable Programs •••

Solar Electric

Cash incentives, technical services, industry support and referrals to qualified contractors help homeowners and businesses tap into the power of the sun.

Wind

This program supports single or small clusters of wind turbines and provides anemometers for assessing wind quality at proposed sites.

Biopower

Financial incentives and other support help launch projects that use organic waste as fuel to generate electricity.

Utility Scale Generation

This program works with utilities to develop large-scale renewable energy projects and cover the above-market costs of generation.

Open Solicitation

This program provides incentives and support for innovative renewable energy projects that aren't eligible for incentives through other Energy Trust programs.



LaCrosse Footwear

THIS PORTLAND COMPANY WANTED ITS NEW WAREHOUSE AND OFFICES TO WORK AS HARD AS THE BOOTS AND SHOES THAT IT MANUFACTURES. LACROSSE USED ENERGY TRUST INCENTIVES TO INVEST IN HIGH EFFICIENCY LIGHTING, HVAC EQUIPMENT AND RADIANT HEATING. THE COMPANY EXPECTS TO SAVE \$47,609 IN ELECTRICITY AND GAS COSTS EACH YEAR AND REDUCE CO₂ EMISSIONS BY NEARLY 274 TONS.

Year at a Glance

2006 ENERGY SAVINGS & GENERATION

Electricity ••• Savings & Costs

Sector	Savings/Average Megawatts	Levelized Cost/Kilowatt Hour
Residential	9.99	1.3¢
Commercial	6.57	1.5¢
Industrial	8.93	1.9¢
Total	25.49	1.6¢

Natural Gas ••• Savings & Costs

Sector	Savings/Therm	Levelized Cost/Therm
Residential	1,029,960	38.1¢
Commercial	1,264,638	15.1¢
Total	2,294,598	28.4¢

Renewable Energy ••• Generation & Costs

Program	Average Megawatts Generated	Levelized Cost/Kilowatt Hour
Solar Electric	0.09	14.0¢
Open Solicitation	0.01	19.6¢
Biopower	1.91	0.2¢
Total	2.00	1.00¢

Performance Measures ••• Oregon Public Utility Commission (OPUC)

2006 Energy Trust Performance Results	2006 OPUC Performance Measure
29.5 aMW electricity saved ('04-'06 average)	At least 20 aMW electricity saved (3-yr avg.)
1.6¢/kWh average levelized life-cycle cost ('06)	Average levelized life-cycle cost not exceeding 2¢/kWh
1.4 million annual therms natural gas saved ('04-'06 average)	At least 700,000 annual therms natural gas saved (3-year average)
28.4¢/therm average levelized life-cycle cost ('06)	Average levelized life-cycle cost not exceeding 30¢/therm
Behind 2006 targets; expected to exceed by 2007 with projects under construction for Pacific Power and in development for PGE*	12 aMW of new renewable energy: 9 aMW utility scale, 3 aMW small scale (3-year average)
Unqualified financial audit opinion	Unqualified financial audit opinion
Administrative costs were 6.5 percent of 2006 revenues	Administrative costs below 11 percent of annual revenues
High levels of customer satisfaction documented in evaluation results	Reasonable customer satisfaction rates
Value of energy saved exceeded cost	Value of energy saved must exceed cost

*Large-scale projects will more than exceed small-scale shortfall in 2007. Action underway to meet small-scale target by end of 2008.



Guido + Vito's Italian Eatery

THE PASTA AT THIS SEASIDE RESTAURANT IS DELIZIOSO AND ENERGY EFFICIENT. THAT'S BECAUSE GUIDO AND VITO'S INSTALLED ENERGY STAR EQUIPMENT WHEN IT WAS TIME TO BUY A NEW REFRIGERATOR AND FREEZER. WITH HELP FROM ENERGY TRUST INCENTIVES, THE KITCHEN IS NOW SERVING UP ENERGY SAVINGS OF \$130 PER YEAR.

Financial Highlights

BALANCE SHEET—DECEMBER 31, 2006

Assets	\$55,613,241
Liabilities	\$6,536,507
Net Assets	\$49,076,734

NET ASSETS

Unrestricted	\$36,350,048
Board Designated-PGE Master Agreement	\$12,500,000
Temporarily Restricted-PGE Wind Power Projects	\$226,686

EXPENSES BY UTILITY SERVICE TERRITORY

PGE	\$20,573,539
Pacific Power	\$17,953,000
NW Natural	\$9,086,221
Cascade Natural Gas	\$222,037
Avista	\$57,871
Total	\$47,892,668

EXPENSES BY DIVISION

Energy Efficiency	\$45,255,392
Renewable Energy	\$2,637,276
Total	\$47,892,668

PUBLIC PURPOSE REVENUE BY UTILITY SERVICE TERRITORY

PGE	\$29,528,680
Pacific Power	\$18,955,008
NW Natural	\$9,126,336
Cascade Natural Gas	\$315,329
Avista	\$175,710
Total	\$58,101,063



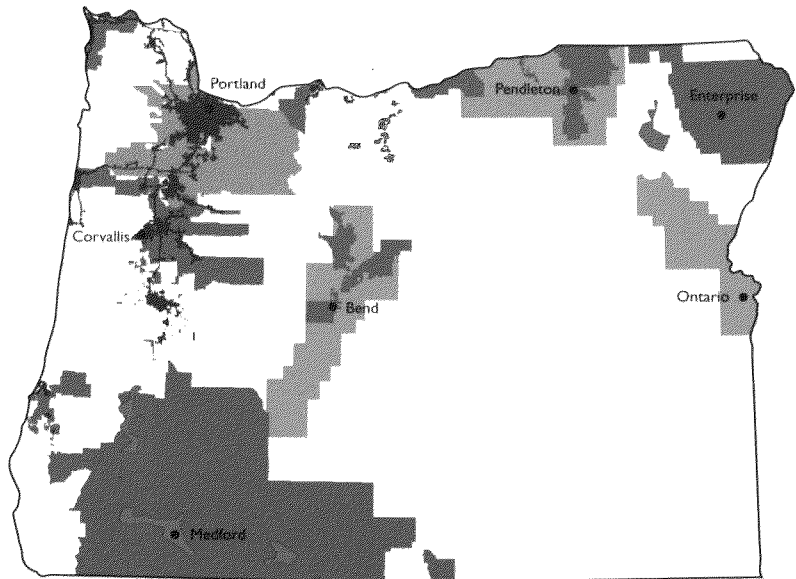
The Walker Family

DOUG AND BEVERLY WALKER ARE SO EXCITED ABOUT THE SOLAR SYSTEM ON THEIR GRANTS PASS HOME, THEY ENTERED IT IN ENERGY TRUST'S SOLAR PHOTO CONTEST. THE WALKERS INVESTED IN THE SYSTEM WITH HELP FROM AN ENERGY TRUST INCENTIVE. TODAY, OREGON SUNSHINE PRODUCES ABOUT 95 PERCENT OF THEIR ELECTRICITY, KEEPING NEARLY 11,000 POUNDS OF CO₂ OUT OF THE ATMOSPHERE.

Leading Change Across Oregon

WE SERVE 1.3 MILLION OREGON CUSTOMERS OF PORTLAND GENERAL ELECTRIC, PACIFIC POWER, NW NATURAL, AVISTA AND CASCADE NATURAL GAS, WHO FUND OUR SERVICES THROUGH UTILITY BILLS.

Service Territory •••



- Portland General Electric
- Pacific Power
- NW Natural
- Avista*
- Cascade Natural Gas

**ENERGY STAR New Homes and Products programs only.*

Change Agents

OUR WORK IS SHAPED BY A VOLUNTEER CITIZEN BOARD OF DIRECTORS AND TWO ADVISORY COUNCILS, WITH OVERSIGHT FROM THE OREGON PUBLIC UTILITY COMMISSION. WE MANAGE OUR PROGRAMS WITH A SMALL STAFF, DELIVER MOST OF OUR PROGRAMS THROUGH CONTRACTS WITH SERVICE PROVIDERS, AND PROVIDE SERVICES THROUGH A NETWORK OF OVER 750 BUSINESS TRADE ALLIES AROUND THE STATE.

Board Members

Photo at right, pictured left to right: **Caddy McKeown**, Oregon Student Assistance Commission; **President, Tom Foley**, Tom Foley Consultants; **Special Advisor, Bill Nesmith**, Oregon Department of Energy; **Vickie Liskey**, Liskey Farms; **Vice President, John Reynolds**, University of Oregon; **Secretary, Julie Hammond**, Sage Insurance Center; **Alan Meyer**, Weyerhaeuser Company. Not pictured: **Rick Applegate**, City of Portland Bureau of Environmental Services; **Jason Eisdorfer**, Citizens' Utility Board of Oregon; **Al Jubitz**, Jubitz Family Foundation; **Debbie Kitchin**, InterWorks, LLC; **Treasurer, John Klosterman**, Rejuvenation, Inc.; **Preston Michie**, Bonneville Power Administration (consultant); **Ex-officio, John Savage**, Oregon Public Utility Commission

Conservation Advisory Council

Steve Bicker, NW Natural; **Jeff Bissonnette**, Fair & Clean Energy; **Julie Brandis**, Associated Oregon Industries; **Gary Curtis**, West Wall Group; **Suzanne Dillard**, Oregon Department of Energy; **Thomas Eckhart**, UCONS LLC; **Tom Eckman**, Northwest Power Planning Council; **Terry Egnor**, Micro Grid; **Margie Gardner**, Northwest Energy Efficiency Alliance; **Andria Jacob**, City of Portland, Office of Sustainable Development; **Don Jones**, PacifiCorp; **Ken Keating**, Bonneville Power Administration; **Lori Koho**, Oregon Public Utility Commission; **Mat Northway**, Eugene Water & Electric Board; **Paul Olson**, Oregon Remodelers Association; **Stan Price**, Northwest Energy Efficiency Council; **Lauren Shapton**, Portland General Electric; **Susan Stewart**, BOMA; **Steve Weiss**, Northwest Energy Coalition

Renewable Advisory Council

Doug Boleyn, Cascade Solar Consulting; **Kyle Davis**, Pacific Power; **Angus Duncan**, Bonneville Environmental Foundation; **Troy Gagliano**, Renewable Northwest Project; **Thor Hinkley**, Portland General Electric; **Jeff King**, Northwest Power & Conservation Council; **Justin Klure**, Oregon Department of Energy; **Lori Koho**, Oregon Public Utility Commission; **Debra Malin**, Bonneville Power Association; **Chris Taylor**, Horizon Wind Energy; **Frank Vignola**, University of Oregon; **Steve Weiss**, Northwest Energy Coalition

Board Members •••



Energy Trust Staff •••





Energy Trust of Oregon, Inc.

851 SW Sixth Avenue, Suite 1200
Portland, Oregon 97204
1-866-368-7878 energytrust.org

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-125

Authorizing the Development of Solar Energy Projects on County Facilities

The Multnomah County Board of Commissioners Finds:

- a. Global warming as a result of human activity threatens all of the earth's natural systems and people. Burning fossil fuels is the root cause of global warming.
- b. The majority of the 42,000,000 kWh/year of electricity used by Multnomah County facilities comes from power plants burning fossil fuels. By reducing our reliance on fossil fuel generated electricity we can reduce Multnomah County's contribution to global warming.
- c. Excessive reliance on foreign sources of energy is a serious threat to America's national security. Reducing our dependence on imported oil and natural gas, and developing ways to produce more of our energy locally will help us secure a more peaceful and prosperous future.
- d. Solar energy technology is more efficient than ever. Contrary to conventional wisdom, even a frequently cloudy and rainy climate like we have in Multnomah County can produce significant amounts of electricity from solar energy. Modern low-profile solar arrays fit on most roofs, and installation is relatively simple.
- e. The solar energy industry is an important source of future economic development in our community. Our region is already attractive to major solar energy technology companies, as evidenced by the recent decisions by SolarWorld of Germany to open a factory in Hillsboro employing up to 1,000 workers, and by Solaicx of California's recent decision to open a facility in Portland's Rivergate Industrial District employing up to 100 workers. Local government should do what it can to encourage our fast-growing local solar industry.
- f. Energy Trust of Oregon is an independent non-profit organization funded entirely by utility customers through a public purpose charge paid by the ratepayers of Portland General Electric, Pacific Power, NW Natural, Cascade Natural Gas, and Avista. A central part of its mission is to encourage renewable energy production in Oregon. They achieve this by providing cash incentives that reduce up-front and on-going costs, and by facilitating partnerships. Energy Trust has been a partner on 452 solar energy projects in Oregon to date.
- g. Multnomah County has an opportunity to develop solar power production resources on County owned facilities at little or no cost to the County by partnering with Energy Trust of Oregon. This will create a "Virtual Power Plant"

(the Project) mounted on the roofs of select County owned buildings. With minimal maintenance, the County should generate at least 20 years of electricity production from a free and renewable energy source.

- h. The County will purchase the electricity generated on our rooftops at the rates we currently pay our electric utilities. Producing this electricity will not change our status as customers of our utilities or impact our ability to buy the electricity we need from our utilities.
- i. Utility regulation and tax policy in Oregon encourage and protect alternative energy projects. Net metering arrangements allow small power generation facilities to produce and use the clean energy they generate on-site to supplement the energy they take from the utilities off the power grid. When on-site generation exceeds on-site use, our utilities will buy the excess energy and put it back into the power grid.
- j. The Project would be the largest solar power generation project in Oregon, and would more than double the current installed capacity of photovoltaic solar panels in our state.
- k. Multnomah County can help build the market for green energy by demonstrating the viability of solar energy projects located on County property. Energy Trust of Oregon will help the County launch these projects by connecting us with appropriate partners, offering direct financial support, and assisting us with project design and management. This effort should help validate new technologies and inspire others to use renewable energy.
- l. Not only will the Project with Energy Trust be completed at little or no additional cost to Multnomah County, but the County will also gain rate stability and predictability for the portion of its electric needs that comes from these solar energy-based electrical generation sites.
- m. In April 2001 by Resolution No. 01-052, the Board adopted the joint Multnomah County and City of Portland Action Plan on Global Warming. The central objective of that plan was to "reduce greenhouse gas emissions from City of Portland and Multnomah County facilities to 10 percent below 1990 levels by 2010 through energy-efficiency measures." That equates to a 28% reduction in greenhouse gas emissions from our 2001 baseline. As of 2006, we have achieved an 8.1% reduction from that 2001 baseline. The Project will bring us closer to reaching that goal.
- n. In February 2004 by Resolution No. 04-019, the Board adopted Multnomah County's Sustainability Principles. One of those guiding principles is to "protect and restore air, water and land to preserve biological diversity and environmental health while providing a natural resource base for future generations." Small

scale renewable energy projects incorporated into County facilities are consistent with the County's adopted sustainability principles.

The Multnomah County Board of Commissioners Resolves:

1. To collaborate with Energy Trust of Oregon on a series of solar energy production projects sited on County facilities. Collectively, these projects will be generating at least 1,000,000 kWh per year of renewable electricity from County owned buildings and property by the end of 2010.

ADOPTED this 28th day of June, 2007.

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:

Jeff Cogen, Commissioner, District 2
Lisa Naito, Commissioner, District 3
Lonnie Roberts, Commissioner, District 4
Maria Rojo de Steffey, Commissioner, District 1
Ted Wheeler, Chairman of the Board of County Commissioners



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-5
Est. Start Time: 10:15 AM
Date Submitted: 06/20/07

Agenda Title: Financial Condition Report 2007

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

Requested Meeting Date: June 28, 2007 Amount of Time Needed: 30 Minutes
Department: Non Departmental Division: Auditors Office
Contact(s): Judy Rosenberger
Phone: 503 988-3320 Ext. 83320 I/O Address: 503/601
Presenter(s): LaVonne Griffin-Valade, County Auditor and Judith DeVilliers, Principal Auditor

General Information

1. What action are you requesting from the Board?

Board Briefing

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

Biennial review of the County's financial condition. This is the eighth such report produced by the Auditor's Office, and it covers the financial period from FY97 through FY06. Although the report does not reflect the current fiscal year situation, it provides historical information about the County's financial health and identifies areas that need attention.

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

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

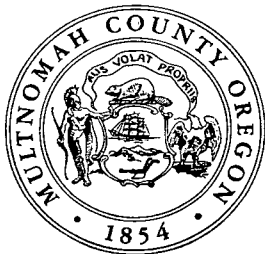
5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

Elected Official or
Department/
Agency Director:

Date: June 20, 2007

Financial Condition Report for Multnomah County June 28, 2007



**LaVonne Griffin-Valade, County Auditor
Judith DeVilliers, Principal Auditor**

To see the full report, go to www.co.multnomah.or.us/auditor

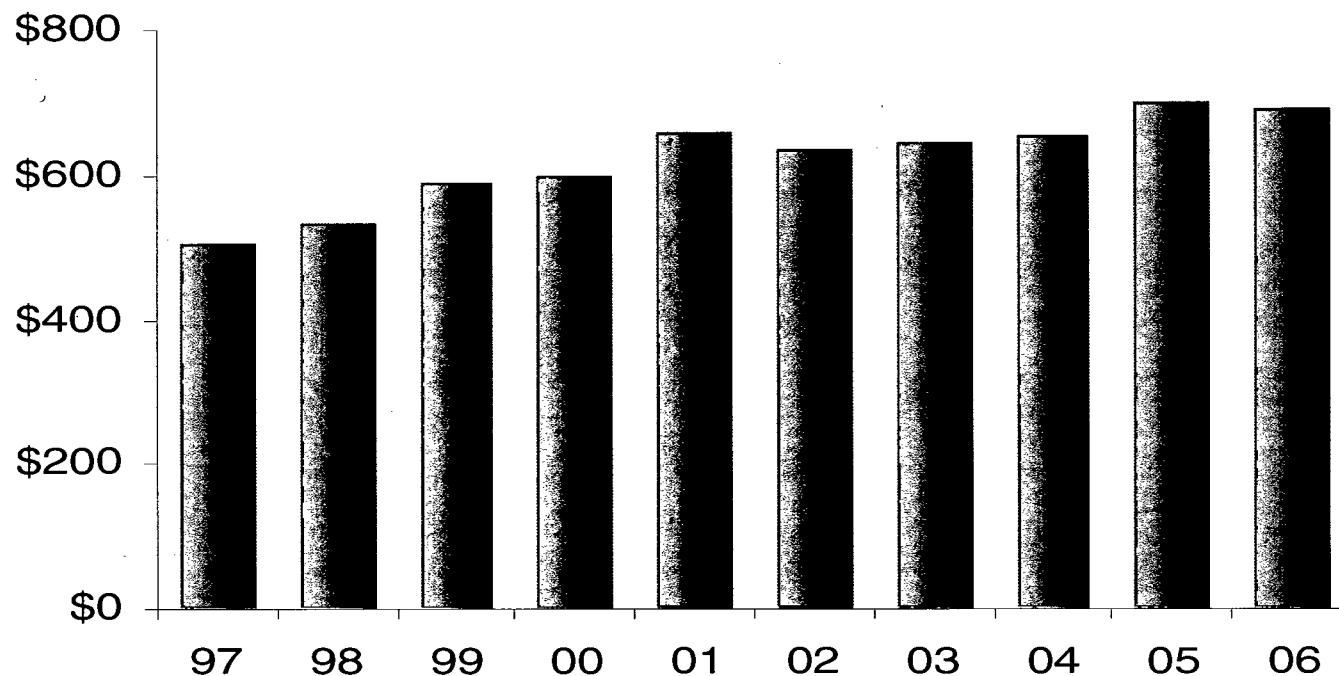
Auditor's Biennial Financial Condition Report for Multnomah County – June 2007

- Purpose of the Financial Condition Report is to provide the public, elected officials, and managers with an independent and objective perspective and analysis
- 8th Financial Condition Report; the report covers the period from FY97 through FY06
- Uses the financial trend monitoring system developed by the International City & County Management Association (ICMA) and indicators developed by Government Auditing Standards Board (GASB)
- Most indicators are expressed in constant dollars – these adjustments in inflation convert dollar amounts to the equivalent of the purchasing power of money in FY06 fiscal year end (Portland-Salem Consumer Price Index)
- Two themes emerged
 - The state of the economy, both nationally and in Oregon, had an impact on the County's ability to manage day-to-day operations and provide services. This includes maintaining general services – such as roads, bridges, libraries, animal services – and sustaining programs for the County's most vulnerable residents.
 - The County must continue to balance its responsibility to provide for current needs with future needs, including stabilizing the deteriorating infrastructure of roads, bridges, and buildings. Future liabilities in the form of debt and unfunded obligations – such as Other Post-Employment Benefits (OPEB) – need to be planned for now, rather than put off until a future date. As of June 30, 2006, the County had an unfunded liability of \$110 million for OPEB.

Total operating revenues – those revenues used to pay for ongoing services – increased from \$506 million in FY97 to \$692 million in FY06 (see pages 2 & 3 of the report). Operating revenues exclude bond proceeds for capital projects and some pass-through revenues collected for other governments.

Revenues by source: Property Taxes 34%; Intergovernmental 45%; Other taxes 15%; and Other Sources 6%.

CHART 2 *Total Operating Revenue Trends FY 97- FY06*
Adjusted for inflation (in millions)



Revenues – Property tax revenues increased 18% from FY97 through FY06, although at a reduced pace compared to the previous ten years, due to property tax limitation measures (see pages 2 - 4 of the report).

CHART 9
Property Tax Revenue Trends
FY 97- FY06
Adjusted for inflation
(in millions)

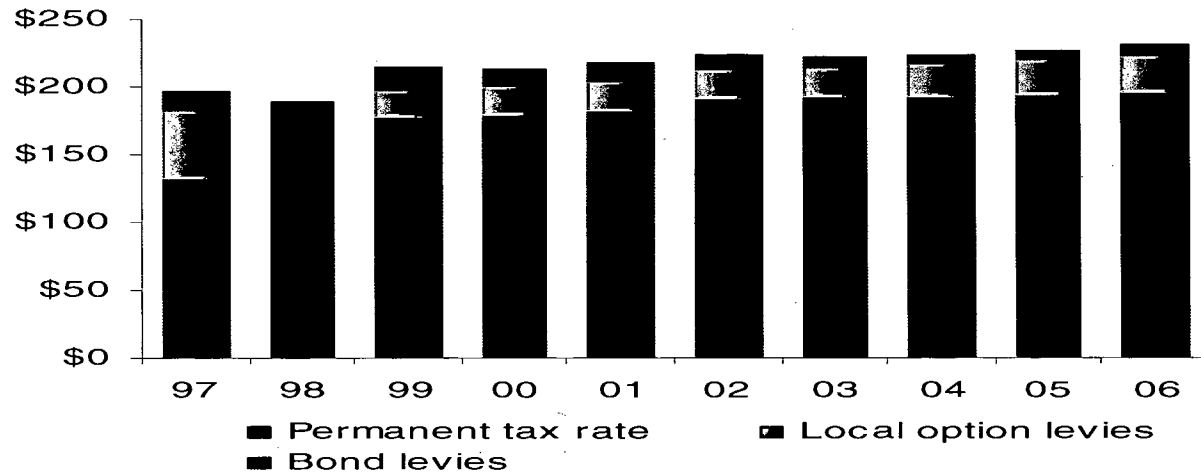
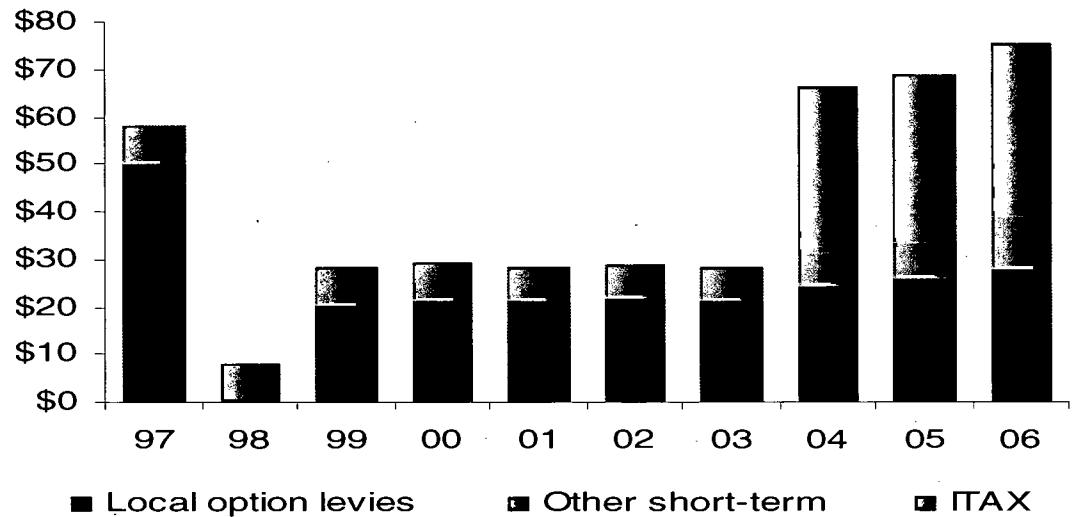


CHART 6
Short-term Revenue Trends
FY 97- FY06
Adjusted for inflation
(in millions)



Total spending per county resident has increased over the last ten years. The largest rate of increase was for human service programs and library services. Most program areas experienced decreases from FY01 through FY06 (report page 5).

CHART 12 *Spending per County Resident
FY 97- FY06 Adjusted for inflation (in millions)*

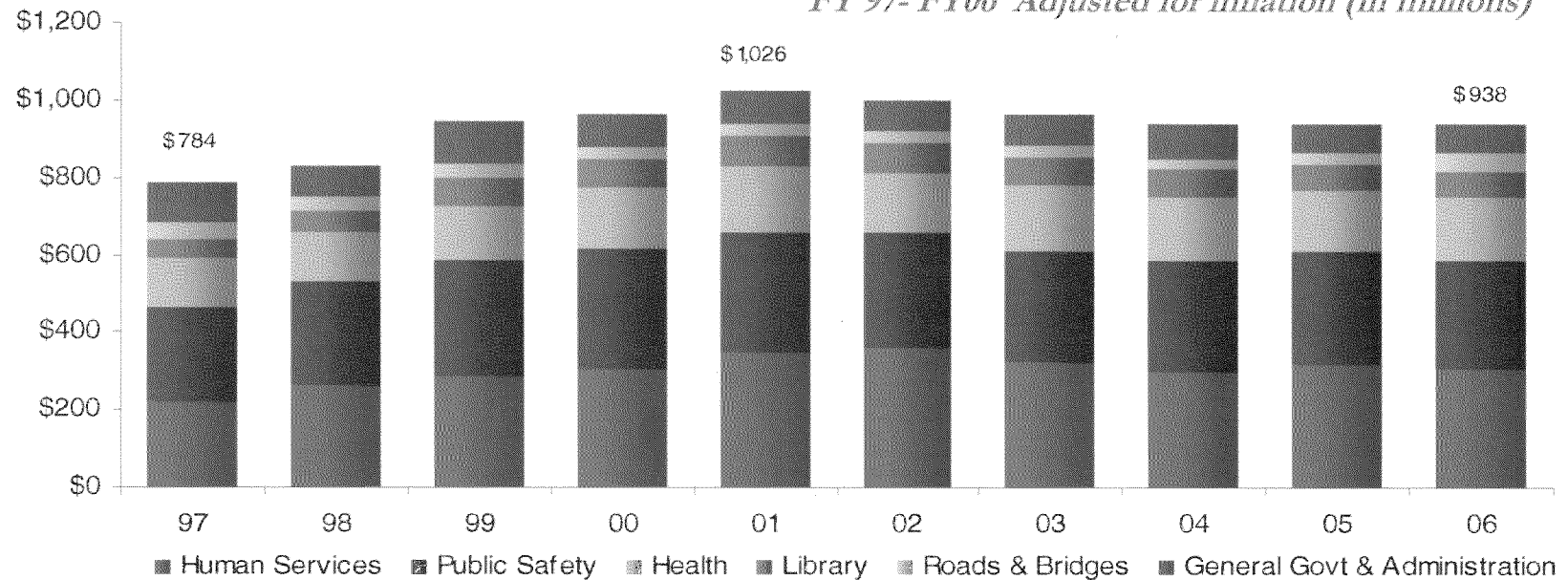
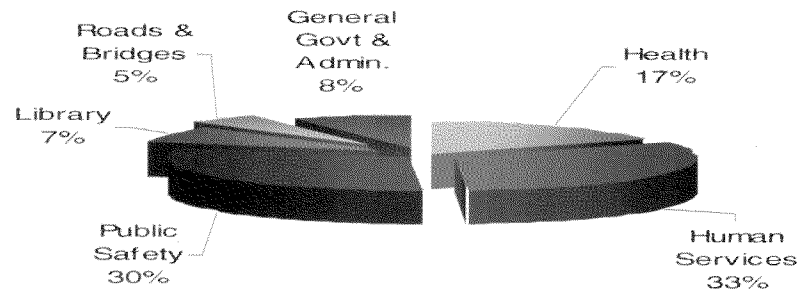


CHART 13 *Spending by Program Area
FY06*



Spending – Between FY97 and FY06, spending for general government services, such as Assessment & Taxation, Elections, Animal Services, Land Use Planning, and Emergency Management, stayed steady. Human Services and Health Department spending increased (see pages 6 through 10 of the report).

CHART 23 General Government Spending FY 97- FY06 Adjusted for inflation (in millions)

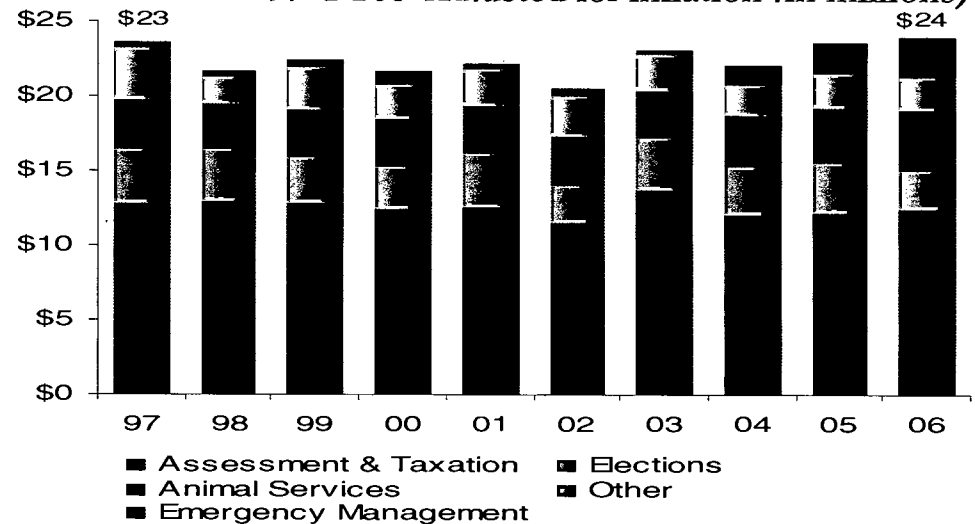


CHART 20 Human Services Spending Trends FY 97- FY06 Adjusted for inflation (in millions)

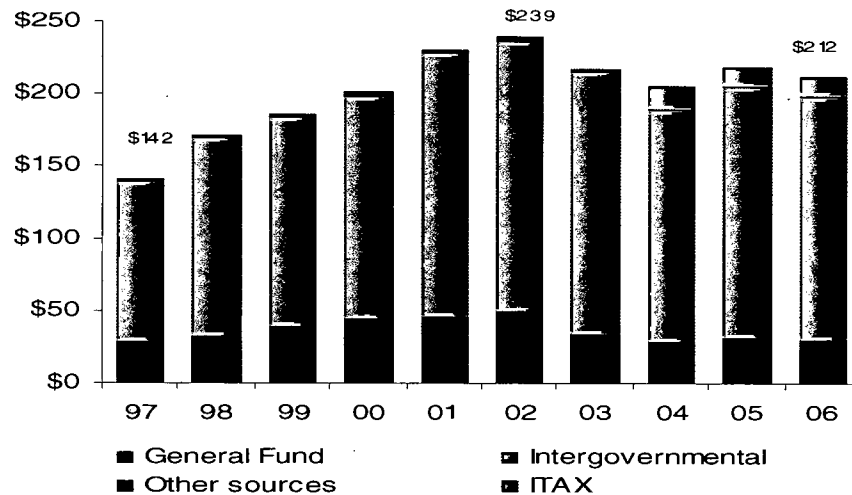
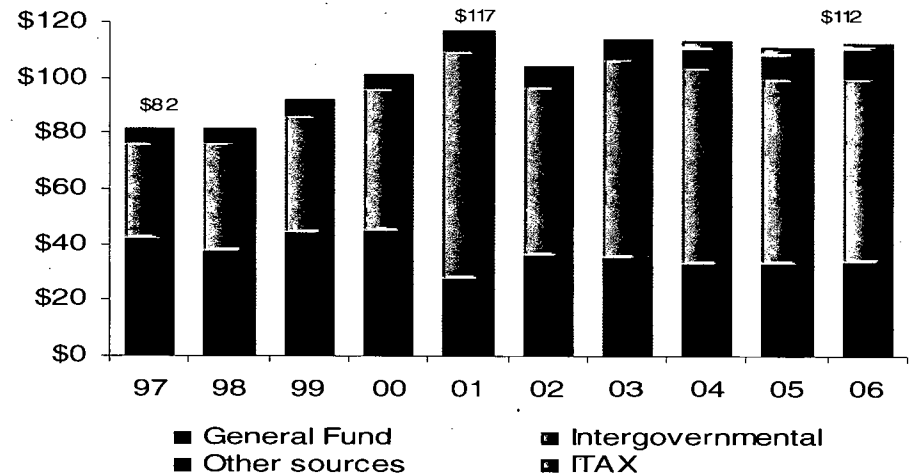


CHART 21 Health Spending Trends FY 97- FY06 Adjusted for inflation (in millions)



Revenue Base & Economy (pages 13 & 14 of the report)

Indictors:

- Real market values increased
- New construction went up
- # of new businesses grew
- Unemployment rate went down between FY04 and FY06
- # of jobs showing improvement
- Per capita income shows improvement

CHART 37 *Unemployment Rate-PMSA*
FY97-FY06

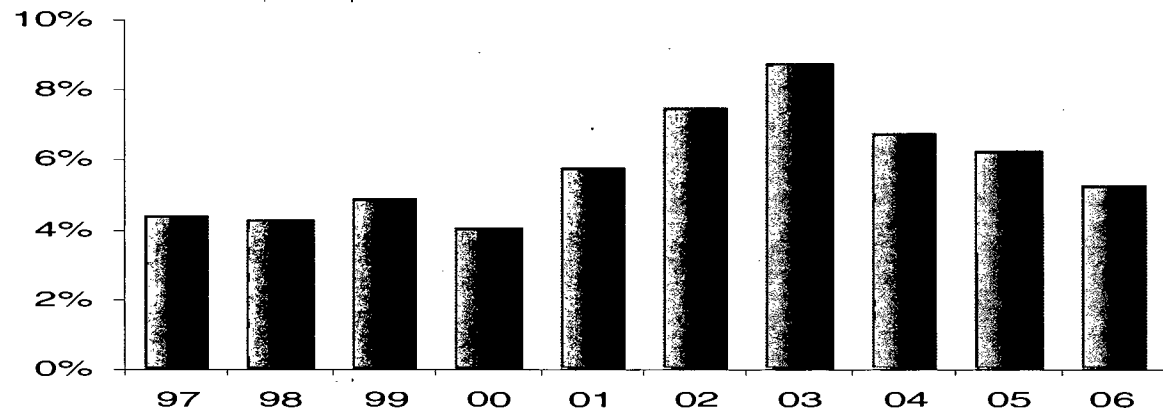
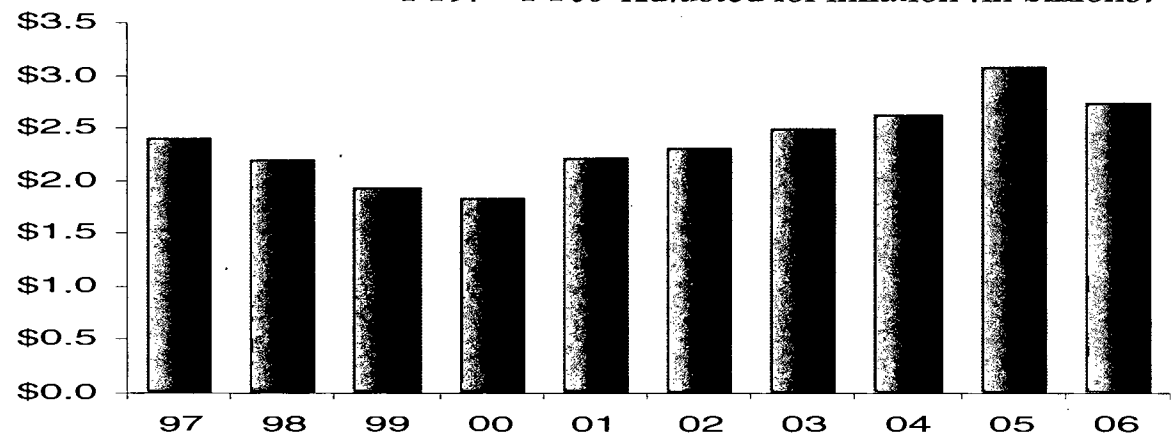


CHART 35 *New Construction-PMSA*
FY97 – FY06 Adjusted for inflation (in billions)



Demographics (see pages 15 & 16 of the report)

CHART 40 *County Population*
FY 97- FY06

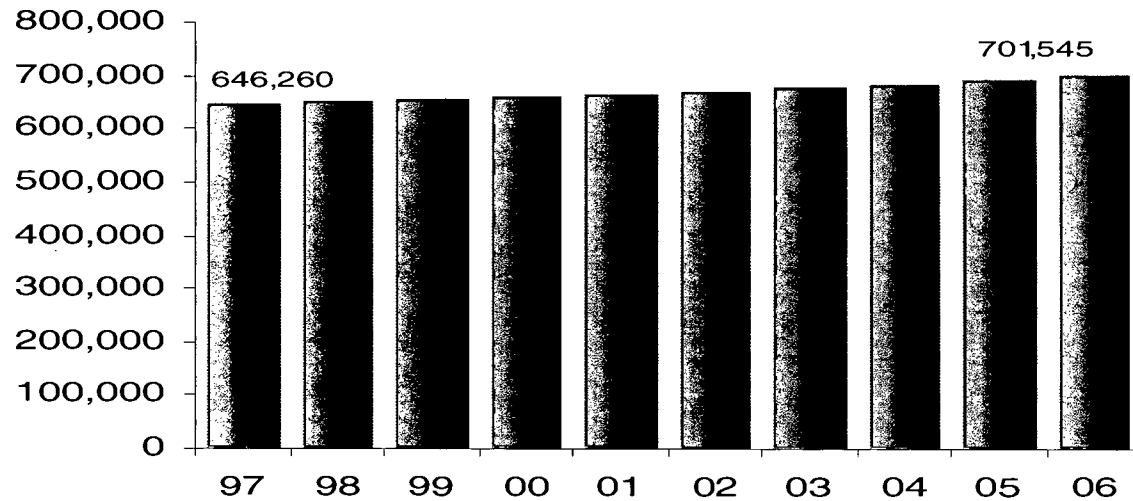
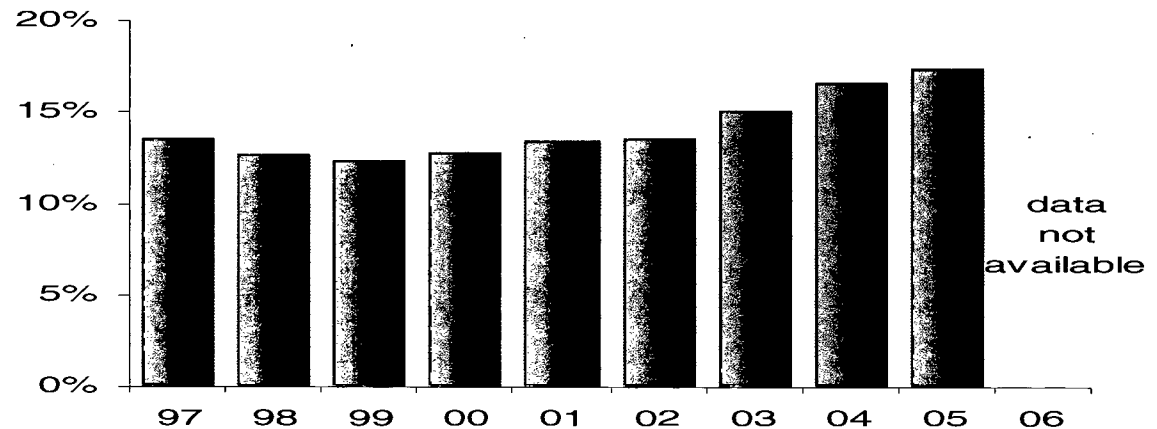


CHART 43
Percent of County Residents in Poverty



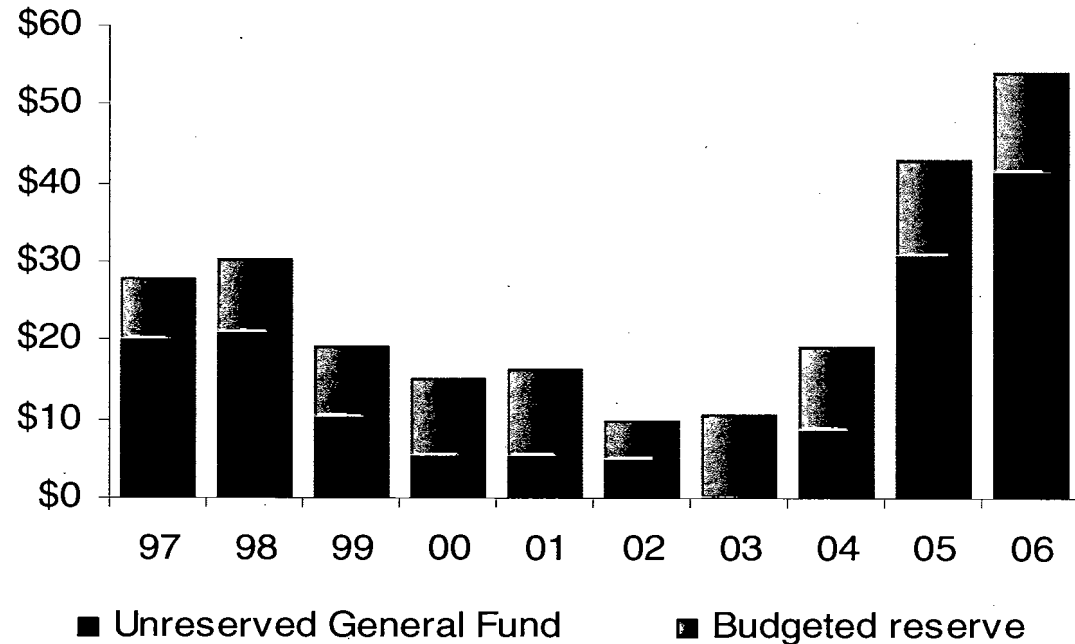
Financial Health (pages 11 & 12 of the report)

County policy designates a portion of the unreserved fund balance for the General Fund as a budgeted reserve. In FY06 the total unreserved fund balance was \$54.4 million, of which \$13 million was designated as budgeted reserve.

Although the unreserved fund balance has grown, the County is facing declining revenues and increasing costs.

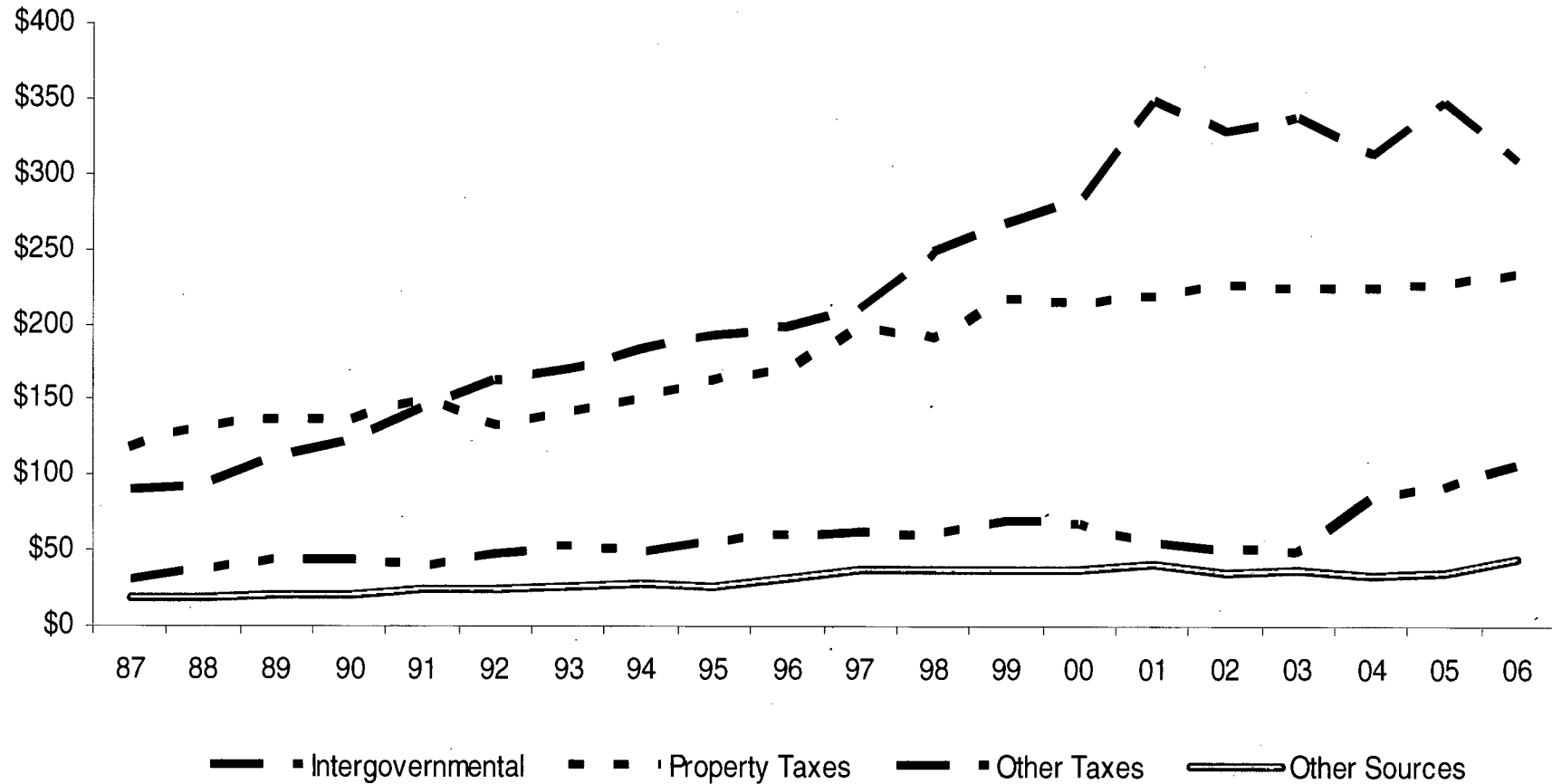
County policy also established a General Reserve Fund, which was \$13.7 million in FY06.

CHART 28 *General Fund Unreserved Fund Balance
FY97 – FY06 Adjusted for inflation (in millions)*



Total Operating Revenues by Source – FY87 through FY06

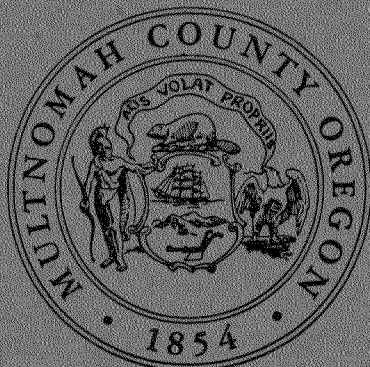
Adjusted for inflation (in millions)



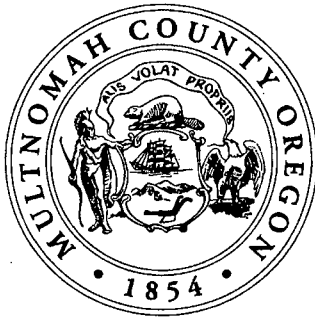
To see the full report, go to www.co.multnomah.or.us/auditor

Financial Condition
Multnomah County Oregon

June 2007



LaVonne Griffin-Valade
Multnomah County Auditor



LaVonne Griffin-Valade Multnomah County Auditor

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

MEMORANDUM

Date: June 28, 2007

To: Ted Wheeler, Multnomah County Chair
Maria Rojo de Steffey, Commissioner, District 1
Jeff Cogen, Commissioner, District 2
Lisa Naito, Commissioner, District 3
Lonnie Roberts, Commissioner, District 4

From: LaVonne Griffin-Valade, County Auditor *LaVonne Griffin-Valade*
Judith DeVilliers, Principal Auditor

Subject: Financial Condition Report

The attached report covers our biennial review of the County's financial condition, a project included in the FY06-07 Audit Schedule. This is the eighth such report produced by the Auditor's Office and covers the financial period from FY97 through FY06. Although the report does not reflect the current fiscal year situation, it provides valuable historical information about the County's financial health and identifies areas that need attention.

The objective of this report is to evaluate the financial condition of Multnomah County government using the Financial Trend Monitoring System developed by the International City and County Management Association (ICMA) and indicators developed by the Government Accounting Standards Board (GASB). The report provides public officials, managers, and residents with an independent perspective and analysis.

This year, two themes emerged from our evaluation of the County's financial condition:

- 1) The state of the economy, both nationally and in Oregon, had an impact on the County's ability to manage day-to-day operations and provide services. This includes maintaining general services – such as roads, bridges, libraries, animal services – and sustaining programs for the County's most vulnerable residents.
- 2) The County must continue to balance its responsibility to provide for current needs with future needs, including stabilizing the deteriorating infrastructure of roads, bridges, and buildings. Future liabilities in the form of debt and unfunded obligations – such as Other Post Employee Benefits (OPEB) – need to be planned for now, rather than put off until a future date.

In recent years, the Board of County Commissioners has been faced with a number of difficult choices with regard to the funding of County programs and services. The Board responded in a responsible and deliberative manner and maintained its commitment to the long-term financial health of the County. We encourage the Board to continue its proactive stewardship of County funds.

Introduction

This is the eighth report completed by the Auditor's Office on the financial condition of Multnomah County. The report is issued biennially and covers measurements for a ten-year period. These measures are commonly used by local governments to demonstrate their ability to fund services on a continuing basis. A county government in good financial condition can continue to provide services to the public, withstand economic slumps, and meet the demands of changing service needs.

The Auditor's Office looked at measures of resources coming into the County, how these resources were used, and the County's financial health over time. We also included indicators showing changes in population and the economy, as well as how those changes can affect County services.

Since we began issuing these reports, the County has undergone major shifts in the property tax system and assumed responsibility for many human service programs previously under state government control. The County has responded to these challenges by developing policies to provide for the financial health of County government to better serve the public.

This report shows financial indicators over a ten-year period. However, we found it interesting to look at revenues over the last twenty years to see how the County got to where it is today. Chart 1 below shows operating revenues over twenty years; these include revenues used to pay for on-going services and do not include bond proceeds for capital projects or some pass-through revenues collected for other governments. (For further details, see Appendix 2.)

Intergovernmental revenues increased steadily until 2001 as the County took on the responsibility for many state run programs, such as probation and parole services in 1992, increased criminal justice services for felony offenders in 1997, and disability services in 1998. As a result of these changes, the County has become more dependent on resources from other governments to continue many services.

Property taxes also have grown over the last twenty years, although at a reduced pace over the last ten due to property tax limitation measures. Other taxes and other sources have increased more slowly. The increase in other taxes for FY04 through FY06 is from the County's temporary personal income tax (ITAX).

Chart 1 Total Operating Revenues by Source

Fiscal year ended June 30
Adjusted for inflation (in millions)



County Revenues

Chart 2 Total Operating Revenues

Fiscal year ended June 30
Adjusted for inflation (in millions)

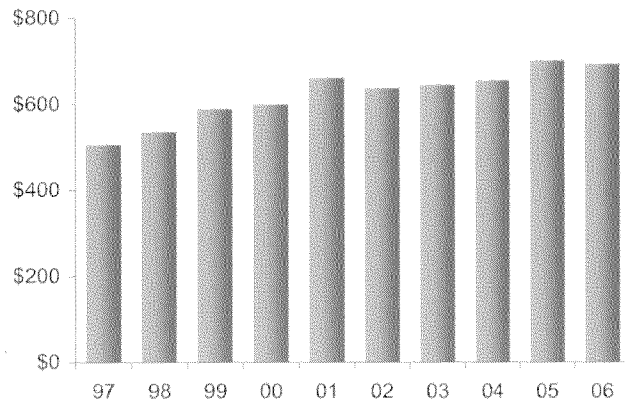


Chart 3 Total Operating Revenues by Source

Fiscal year ended June 30, 2006

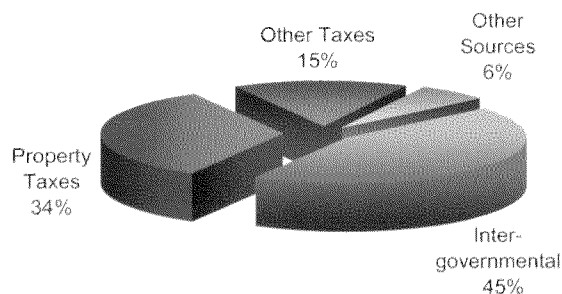
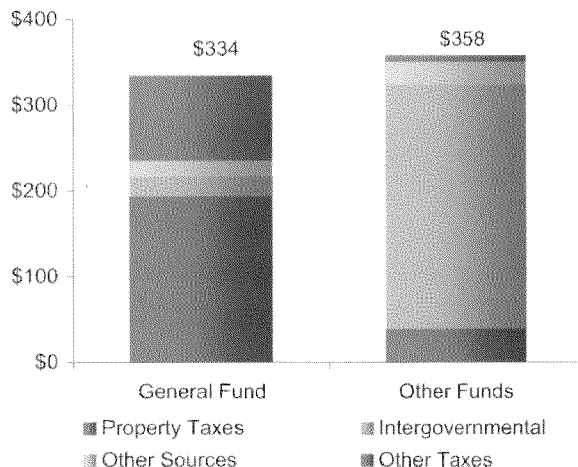


Chart 4 Total Operating Revenues by Fund

Fiscal year ended June 30, 2006 (in millions)



Operating Revenues

Since we began reporting on the County's financial condition, the nature of County services changed as responsibility for maintaining all parks and some roads was transferred to other local governments. In addition, the County took over responsibility for community justice programs and for additional health and human service programs from the state.

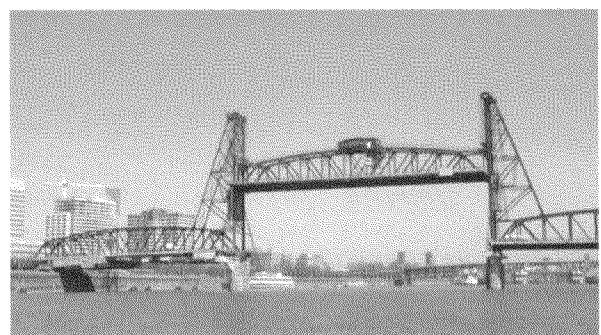
Consequently, the County has become more dependent on federal and state resources, which made up approximately 45% of operating revenues in FY06.

Overall, the County increased total operating revenues by \$186 million, from \$506 million in FY97 to \$692 million in FY06 (adjusted for inflation). FY06 includes the County's share of the temporary personal income tax (ITAX) of \$36 million.

Most intergovernmental sources are restricted to specific programs. The County has discretion for much of the revenues from property taxes, other taxes (except the ITAX), and other sources.

Operating Revenues by Fund

In FY06, nearly half (48%) of the County's operating revenues were accounted for in the General Fund, with the remainder in other funds. The largest of these is the Federal and State Program Fund, which accounts for most of the intergovernmental revenues.



Hawthorne Bridge

County Revenues

Chart 5 Revenue Shortfalls

As a percent of budgeted revenues
Fiscal year ended June 30

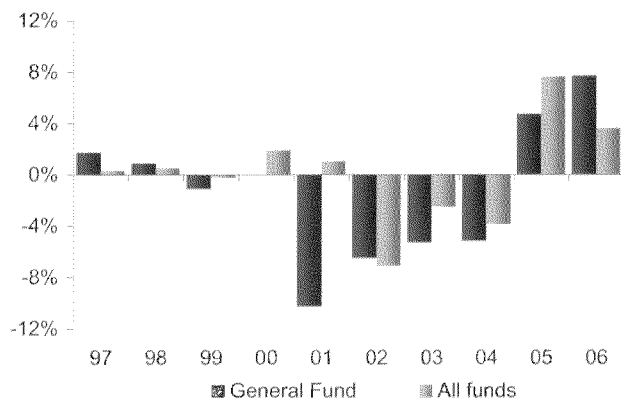


Chart 6 Short-term Revenues

Fiscal year ended June 30
Adjusted for inflation (in millions)

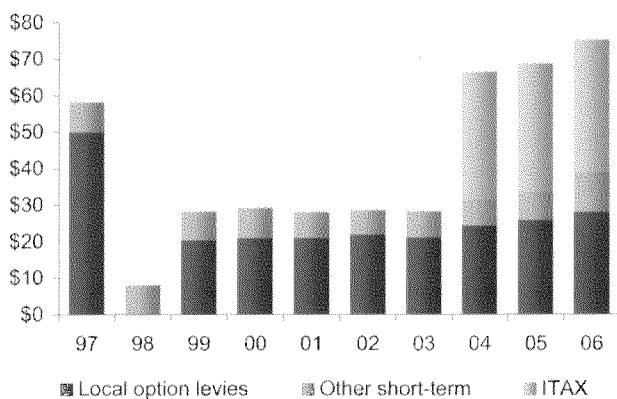
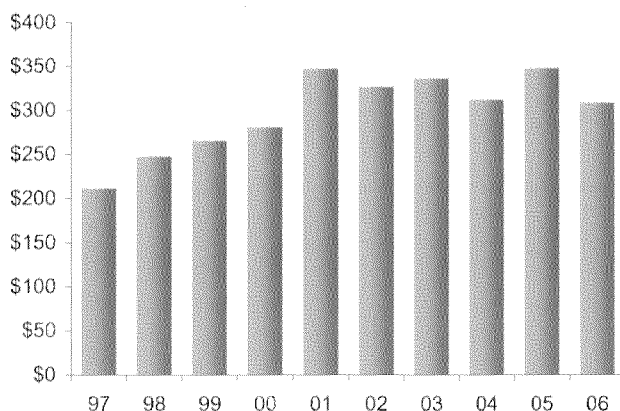


Chart 7 Intergovernmental Revenues

Fiscal year ended June 30
Adjusted for inflation (in millions)



Budgeting County Revenues

Revenue shortfalls measure how well the County estimates expected revenues each year. Significant shortfalls could require mid-year cuts of services or spending of reserve funds since Oregon does not allow deficit spending.

Short-term Revenues

The County's budget is reliant on short-term revenues to finance on-going operations, primarily the libraries. Also, in the last three years the ITAX allowed the County to continue services which had lost federal and state funding. It is the intent of the Board to use short-term revenues to fund priority services only after all other sources have been determined to be unfeasible.

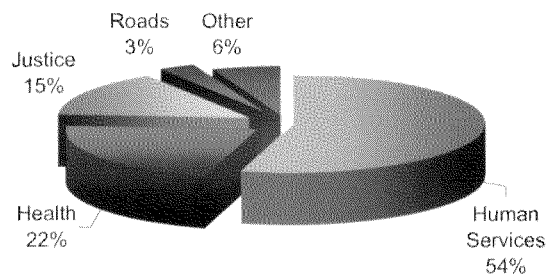
Intergovernmental Revenues

Recent federal and state policies shifted more responsibilities to lower levels of government to increase local control over service delivery. Revenue decisions made in Salem or Washington DC can have a large impact on the community and the County's budgeting decisions. When these revenues decrease, the County is forced to find additional revenue or cut services.

Most of the increases in the last ten years were used for health and human service programs. The spending charts on pages 7 - 9 show how intergovernmental revenues were used by program area.

Chart 8 Intergovernmental Revenues by Program Area

Fiscal year ended June 30, 2006



County Revenues

Property Tax Revenues

About 84% of the property taxes in FY06 was for general County operations. The voter approved local option and bond levies are dedicated to specific uses. In total, property tax revenues increased 18% from FY97 through FY06. The decrease in FY98 was a result of property tax limitations from Ballot Measure 50.

County local option levies for library operations increased 37% over the last eight years. Voters approved a new levy of about \$35 million per year in November 2006. Payment on the general obligation debt has reduced the bond levies from \$15 million to \$9 million over the last ten years (adjusted for inflation).

Chart 9 Property Tax Revenues

Fiscal year ended June 30

Adjusted for inflation (in millions)

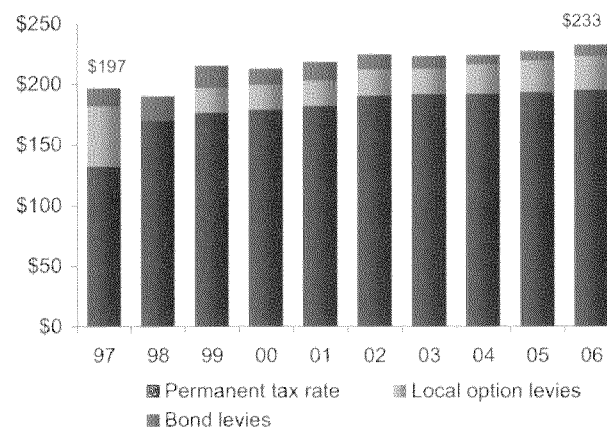


Chart 10 Other Revenues

Fiscal year ended June 30

Adjusted for inflation (in millions)

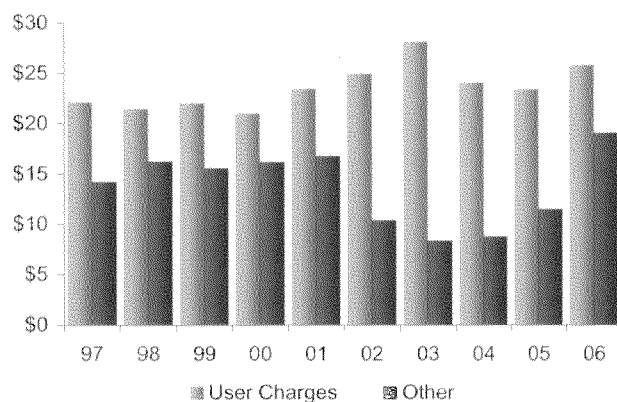
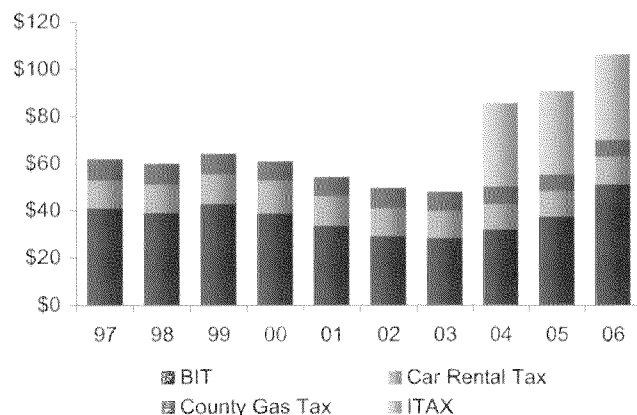


Chart 11 Other Taxes

Fiscal year ended June 30

Adjusted for inflation (in millions)



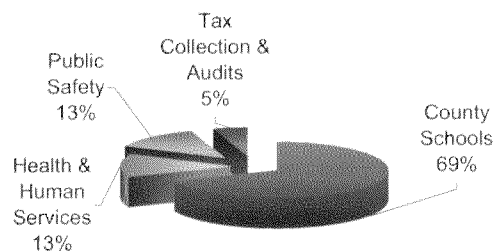
Other Revenues

Other revenues and user charges include fees and charges intended to recover the cost of services from citizens whenever possible. These fluctuate from year to year. Some fees, such as real estate recording fees, are affected by the economy. Other income varies as it comes from fines, non-governmental grants, donations, and interest income.

Other Taxes

Other taxes, the largest of which is the Business Income Tax (BIT), are generally unrestricted. The exceptions are the County gas tax, dedicated to roads and bridges, and the temporary income tax (ITAX) which was dedicated to specific uses. The ITAX shown in Chart 11 includes only the County's share of this tax. School districts received approximately 69% of ITAX revenues.

Chart 12 Budget Formula for ITAX Distribution

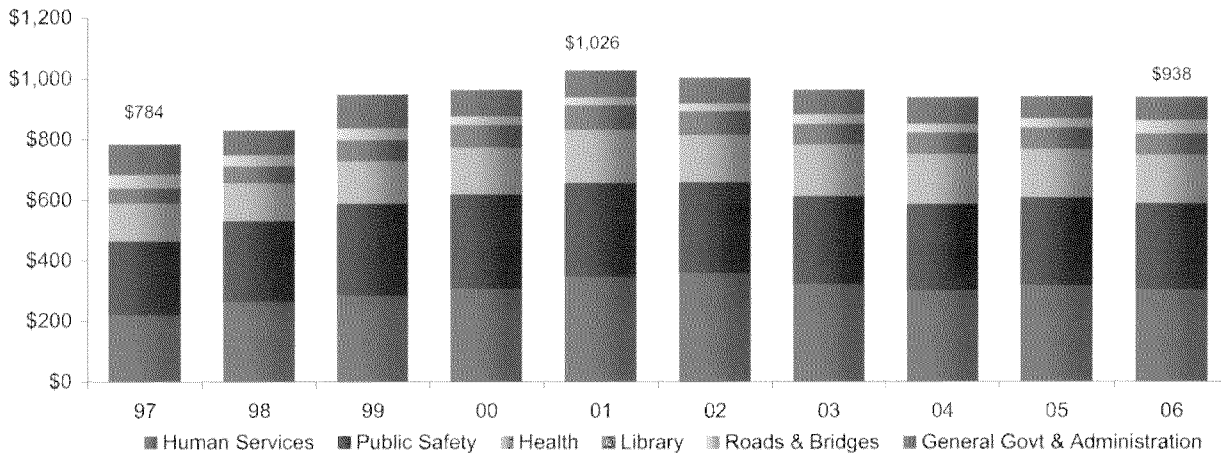


County Spending

Chart 12 Spending per County Resident

Fiscal year ended June 30

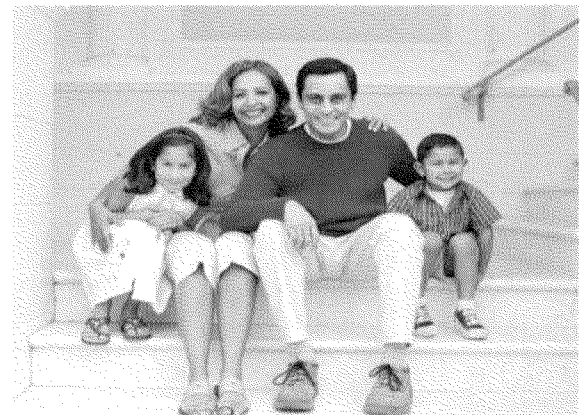
Adjusted for inflation (in millions)



Total Spending Per County Resident

Total spending per county resident has increased over the last ten years, from \$784 in FY97 to \$938 in FY06, when adjusted for inflation. The largest rate of increase was for human service programs and library services. Most program areas experienced decreases from FY01 through FY06.

The economic downturn after FY01 had an impact on County services. The County was forced to cut programs and services when federal and state funding decreased and BIT revenues declined. FY04 through FY06 reflects approximately \$30 million per year in spending from the three-year temporary ITAX.

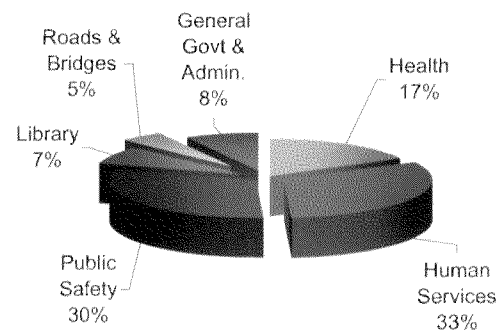


Spending by Program

In FY06, half of spending was for health and human service programs. Public safety programs, which include jails, community justice programs, and prosecution, made up 30%. The remaining 20% was for programs which serve most citizens: library services; road and bridge operations and maintenance; and general government services, such as animal control, elections, property tax assessment and collection, emergency management, and land use planning.

Chart 13 Spending by Program

Fiscal year ended June 30, 2006



County Spending

Spending by Type

Personnel costs, which include salaries, benefits and other related costs, is the largest category of spending for operations.

Contracted services and pass-through represent 30% of the County's spending for operations. Many services are provided by non-profit organizations which contract with the County to provide services to citizens.

Internal services are those provided internally by the County, such as building maintenance, motor pool, telecommunications, information services, and mail and distribution services.

Materials and supplies, capital spending, and debt service make up the remainder of categories for spending for County operations.

Number of Employees

The County experienced a total increase in full time equivalent employees (FTE) of 11% as new programs and services were added during the ten-year period. However as the economy declined, the total FTE was reduced by 548 between FY01 and FY06.

Wages and Benefits

Chart 16 shows average wages, benefits and other related costs. We assume that average wages declined as new employees were hired at starting pay and increased as those lower paid employees were laid off during budget cuts. The average benefits and related costs include spending for employee benefits, social security, workers compensation, and administrative costs. Growing health insurance costs contributed to the increased costs.

Chart 14 Spending by Type

Fiscal year ended June 30, 2006

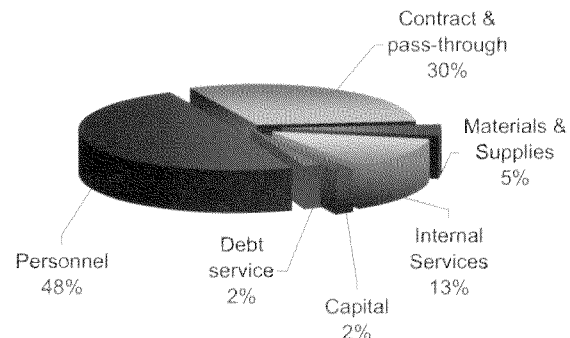


Chart 15 County Employees

Total FTE

Fiscal year ended June 30

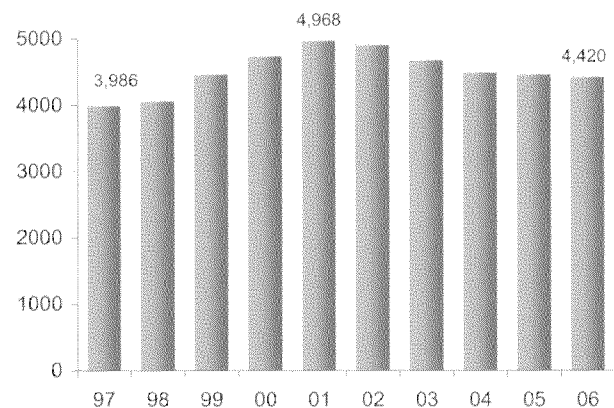
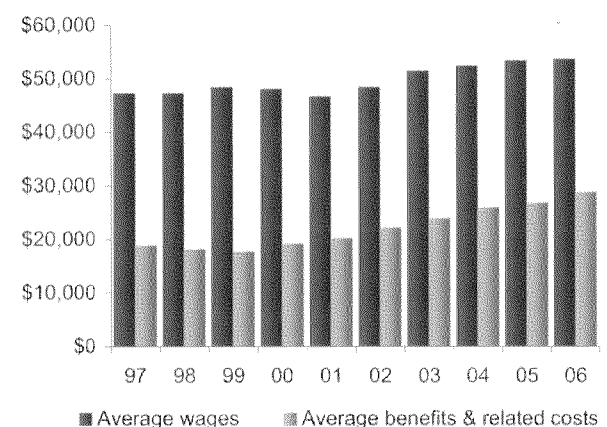


Chart 16 Wages, Benefits and Other Costs

Averages per FTE, adjusted for inflation

Fiscal year ended June 30



County Spending

Chart 17 Public Safety Programs

Fiscal year ended June 30

Adjusted for inflation (in millions)

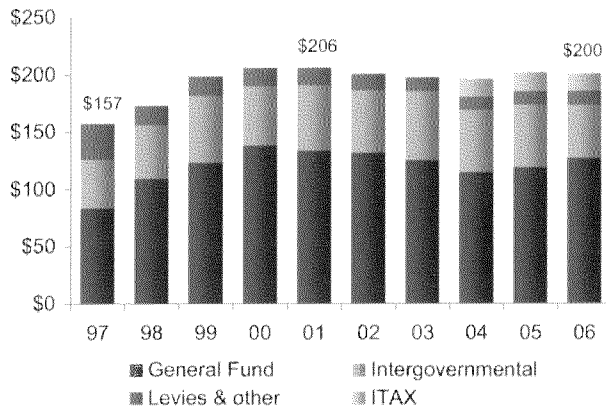


Chart 18 Public Safety by Department

Fiscal year ended June 30, 2006

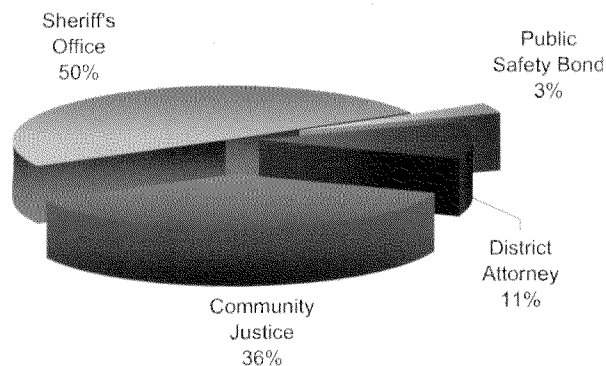
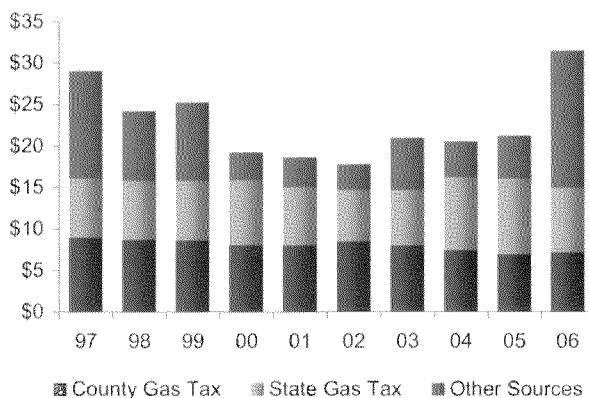


Chart 19 Roads and Bridges

Fiscal year ended June 30

Adjusted for inflation (in millions)



Public Safety

For FY06, resources were primarily from the County's General Fund (63.3%), intergovernmental sources (23.2%), other sources including property taxes to repay the debt for public safety bonds (6.1%), and the ITAX (7.4%).

ITAX revenues of about \$15 million in each of the last three years helped mitigate some of the effect of declining federal and state resources for public safety programs. General Fund allocation for public safety also declined in this period.

Spending for public safety in FY06 includes: the Sheriff's Office, which operates the County's jails and other corrections services and provides law enforcement to smaller cities and unincorporated Multnomah County; the Department of Community Justice, which provides supervision of juvenile and adult offenders in the community; the District Attorney's Office, which prosecutes criminals and protects crime victims; and debt repayment of general obligation bonds used for technical upgrades for public safety.

Roads and Bridges

Spending for roads and bridges includes bridge operations and maintenance and road maintenance as well as capital for repairs and improvements. No General Fund dollars are allocated for road and bridge operations and maintenance.

Funding comes primarily from the County gas tax and state motor vehicle revenue sharing. The portion of revenue sharing which is passed through to cities in the county is not included here (\$23 million in FY06). Most of the other sources represent project revenues from the federal and state governments dedicated for specific capital repairs or improvements. Most of the \$16 million spending from other sources in FY06 was attributable to an award from the Oregon Transportation Investment Act for bridge projects.

According to the County's Transportation Division, the County is facing a \$653 million need (split almost 50/50) for roads and bridges in the next 20 years.

County Spending

Human Services

Spending on human service programs has increased. Most of the increase is from new or additional intergovernmental funding, primarily from state and federal sources.

Human services included the Department of County Human Services and the Department of School and Community Partnerships (consolidated in FY07). These departments provide services for the elderly; people with emotional, developmental, or physical disabilities; people with alcohol and drug addictions; and people with mental health concerns.

In FY06, about 30% of the money to provide these services was for direct client assistance, 40% went to community-based providers, and another 30% was for County staff and other costs.

Chart 20 Human Services

Fiscal year ended June 30
Adjusted for inflation (in millions)

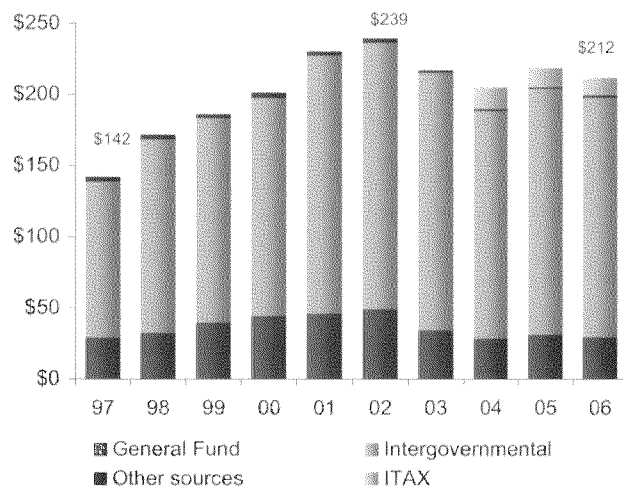
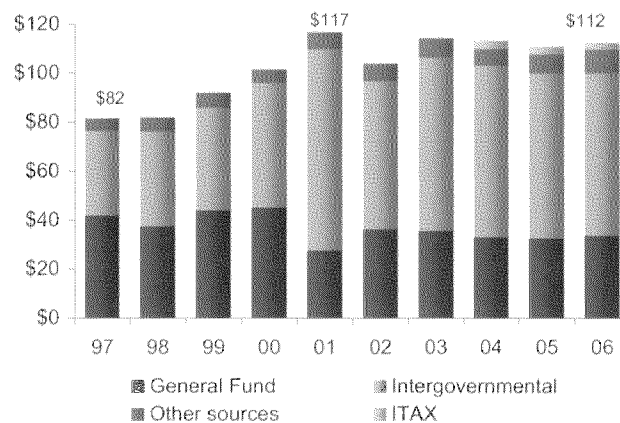


Chart 21 Health Services

Fiscal year ended June 30
Adjusted for inflation (in millions)



Health Department

The Health Department's services include medical and dental clinics, public health services, school clinics, and other health care and education services for the community. The Department also provides health care for the County's jail population.

The Health Department spent over \$112 million in FY06, an increase of \$31 million from FY97, when adjusted for inflation. The Department received a large, one-time, retroactive Medicaid reimbursement in FY01.

Most Health Department services are provided by County employees including medical doctors, nurses, outreach workers, sanitarians, interpreters, epidemiologists, and environmental health experts and educators.



County Spending

Chart 22 Library Services

Fiscal year ended June 30

Adjusted for inflation (in millions)

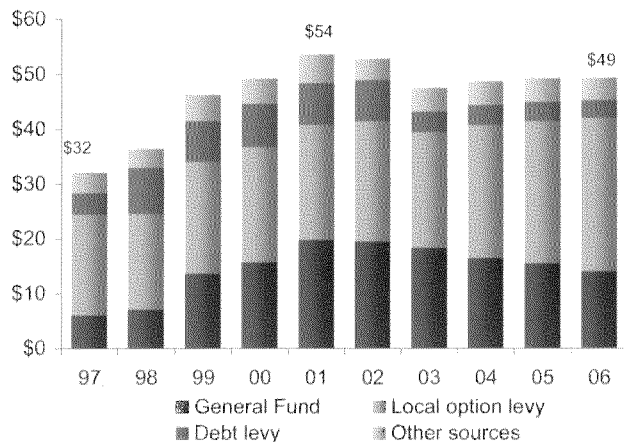


Chart 23 General Government

Fiscal year ended June 30

Adjusted for inflation (in millions)

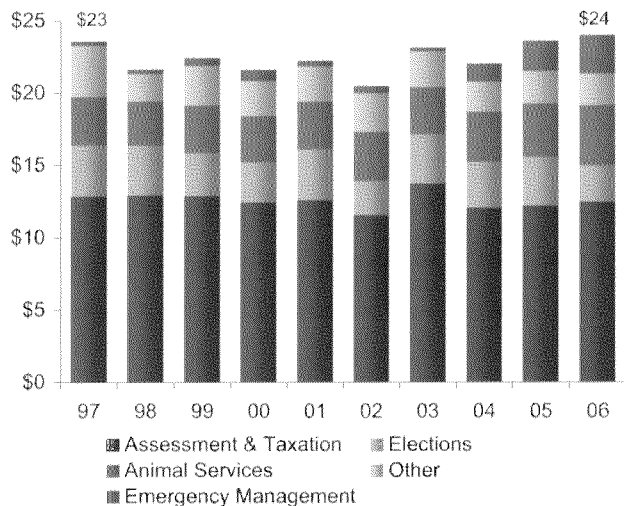
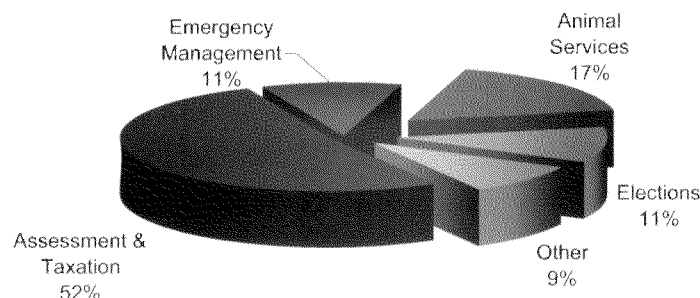


Chart 24 General Government by Program

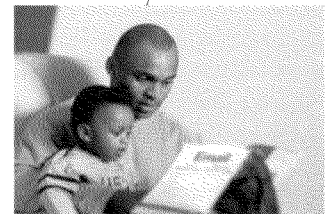
Fiscal year ended June 30, 2006



Library

Multnomah County serves the public with a main library downtown and 16 library branches throughout the community. Spending for library services totaled \$49 million in FY06 and has increased over 50% since FY97. Most of this increase is from five-year local option levies: one began in FY98 and another in FY03. General Fund contributions for library services also have increased from \$6 million in FY97 to \$14 million (adjusted for inflation).

In November 2006, voters approved a new five-year local option levy for an average of \$35 million per year beginning in FY08 for continued library services plus opening two new branches. The debt levy shown here is for general obligation bonds for new libraries and improvements and is paid for directly by a separate property tax debt levy.



General Government

There has been very little change in the spending for general government services over the last ten years. General government services include mandated services such as Assessment & Taxation (property tax assessment and collection) and Elections. It also includes Animal Services, Land Use Planning, the County Surveyor's Office, Emergency Management, and other services.

Most general government services are funded by the General Fund, user fees and charges, and some intergovernmental sources.



County Spending

Internal Services and Administration

Spending for internal services and administration has increased 30% over the last ten years; however, some of this growth resulted from the County's shared services initiative which centralized some services and staff from individual departments into the Business Services Fund.

Internal services and County-wide administration costs are charged to departments' total program spending.

Of the total for FY06, \$77 million was charged directly to departments by internal service funds. \$18 million was for County-wide administrative costs paid by the General Fund, much of which is charged indirectly to other funds and programs through the indirect cost allocation plan. Included are \$8.5 million for Budget and Finance, \$3.7 million for elected officials, \$2.3 million for a number of committees and commissions, and \$3.9 million for other County-wide administration costs.

Internal Service Funds

As noted above, services provided by the internal service funds are charged directly to other County departments and programs. About 5.5% of their costs (not included in this indicator) are charged to other governments and non-profit organizations which purchase these services.

Internal Service Funds include:

- Facilities - manages all owned and leased properties
- Mail Distribution - manages mail and distribution
- Fleet - manages County vehicles and motor pool
- Business Services - administration of HR, finance and the enterprise support system
- Information Technology - manages data processing and telephone services

Chart 25 Internal Services and Administration

Fiscal year ended June 30

Adjusted for inflation (in millions)

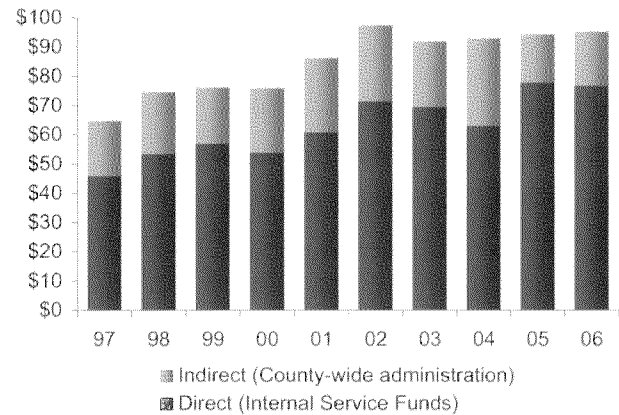


Chart 26 Indirect County-wide Administrative Costs

Fiscal year ended June 30, 2006 (in millions)

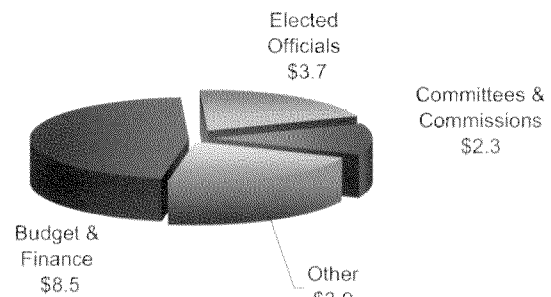
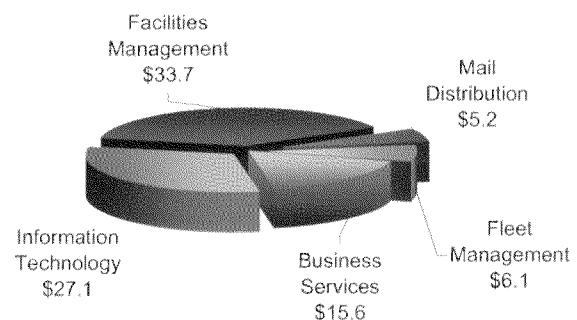


Chart 27 Internal Service Funds

Fiscal year ended June 30, 2006 (in millions)



Financial Health

Chart 28 General Fund Unreserved Fund Balance

Fiscal year ended June 30
Adjusted for inflation (in millions)

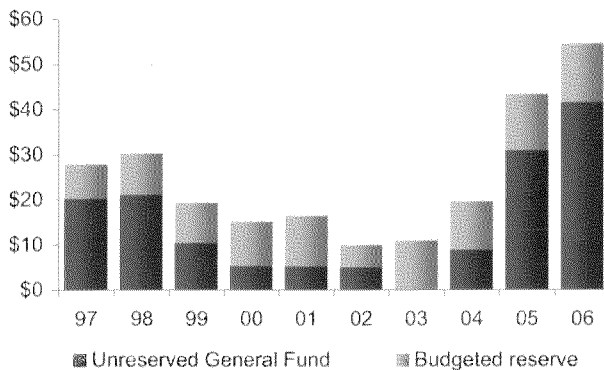


Chart 29 General Fund Reserves

As a percent of budgeted General Fund revenues
Fiscal year ended June 30

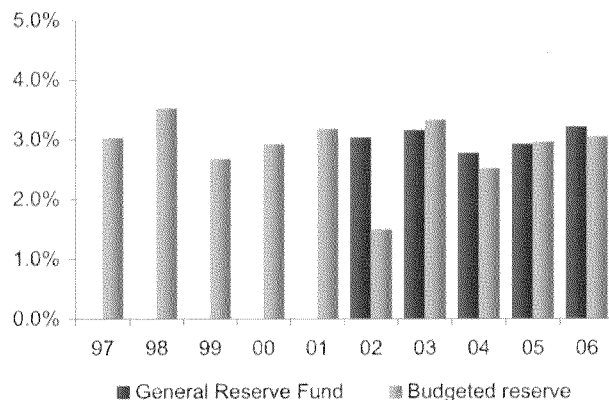
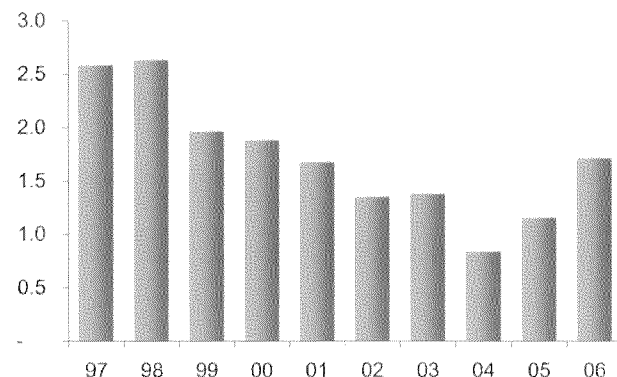


Chart 30 Liquidity

Current assets to current liabilities
Fiscal year ended June 30



Unreserved Fund Balances

The unreserved fund balance for the General Fund constitutes the amount available for County discretionary spending. The County's financial policy has designated a portion of the unreserved fund balance as a budgeted reserve. For FY06, the total General Fund balance was \$54.4 million, of which \$13 million was designated in the budget as a reserve account.

Although the General Fund's unreserved fund balance has grown, the County is facing declining revenues and increasing costs. As of June 30, 2006 the County had an unfunded liability of \$110 million for Other Post-Employment Benefits (OPEB). The OPEB provides post-employment healthcare insurance for retirees and their spouses.

General Fund Reserves

For a number of years, the County's policy has been to maintain two General Fund reserves. Each should be 5% of General Fund budgeted revenues. The goal is to help achieve financial stability and maintain the County's favorable bond rating, which is currently Aa1 from Moody's Investors Service.

The first 5% is a budgeted reserve account designated as an unappropriated fund balance. For FY06, this reserve was \$13 million (3.0%) of budgeted General Fund revenues. The second 5% is a reserve maintained separately in the General Reserve Fund. For FY06, the actual General Reserve Fund was \$13.7 million (3.2%) of budgeted General Fund revenues.

Liquidity

The liquidity ratio is an indicator which compares total cash and short-term investments to current liabilities and measures the County's ability to pay its short-term obligations. FY97 through FY01 includes large dollar amounts from bond sales for capital projects.

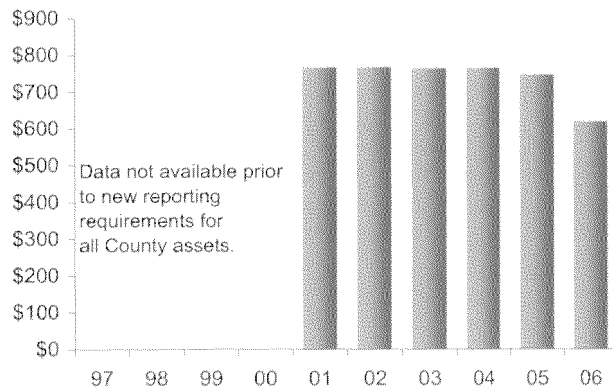
The credit industry considers a liquidity ratio of \$1 of cash and investments to \$1 of current obligations to be acceptable. In FY04, the ratio was slightly under the \$1 cash to \$1 current liabilities.

Financial Health

Chart 31 Capital Assets

Fiscal year ended June 30

Adjusted for inflation (in millions)



Capital Assets

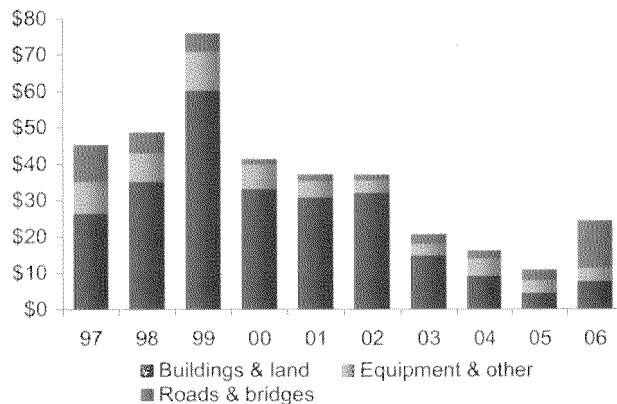
Capital assets include land, buildings, equipment, and infrastructure to provide County services. Accounting standards require that assets are reported in the financial statements at their original purchase or construction costs minus accumulated depreciation. Replacement value for assets would be substantially more than the depreciated values.

The decrease from FY05 to FY06 resulted from the transfer of 50 miles of County roads to the City of Gresham. Future capital needs for County buildings are estimated to be \$79 million for seismic needs and \$34 million for maintenance needs (in 2006 dollars).

Chart 32 Capital Spending

Fiscal year ended June 30

Adjusted for inflation (in millions)



Capital Spending

Capital spending has been decreasing since FY99.

During the last ten years, the County's capital spending has included purchase, construction, and remodeling of jails, libraries, an east County health and aging facility, and the County's administration building. The spending increase for roads and bridges in FY06 was for bridge construction.



The New Hillsdale Library

Fixed Costs

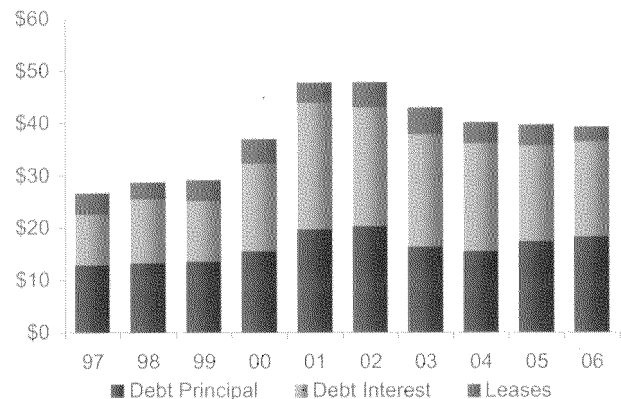
Fixed costs include the principal and interest on long-term debt and operating leases. These costs increased through FY02 as a result of construction of new libraries, jails, and other facilities financed by general obligation bonds and other debt.

The increases in FY01 and FY02 are for new bond issues: \$184 million for the County's unfunded pension liability which will result in a savings of nearly \$36 million over a 30 year period; and \$61 million to finance the costs of acquiring and installing an integrated enterprise computer system, purchase of the Multnomah Building, construction of the East County Multnomah Building, and other projects.

Chart 33 Fixed Costs

Fiscal year ended June 30

Adjusted for inflation (in millions)



Revenue Base & The Economy

Indicators for the County's Revenue Base and the Economy

Property values, new residential construction, and the number of businesses are indicators relating to both the County's revenue base and the economy.

The County's revenue base shows favorable trends after several less favorable years.

- Real market values have continued to increase.
- New construction showed improvements from FY01 to FY05.
- The number of businesses has increased 5% over the last ten years.
- The unemployment rate began declining from FY04 to FY06.
- The number of jobs in Multnomah County has shown some improvement.
- Per capita income shows continued improvement.

Real Market Value

The real market value for properties in Multnomah County has continued to increase in the last ten years from \$52 billion in FY97 to \$87 billion in FY06 when adjusted for inflation. The largest increase is in residential property values, increasing by 72% over the last 10 years, compared to 58% growth for commercial and industrial property values.

New Residential Construction

New construction figures are based on permits in the Portland PMSA (Portland Metropolitan Statistical Area). This trend shows increases from FY00 to FY05 after several years of declining numbers.

Number of Businesses

The number of businesses in the county is another trend related to the County's revenue base and the economy. There has been a 5% increase from FY97 to FY05.

Chart 34 Real Market Value

Fiscal year ended June 30

Adjusted for inflation (in billions)

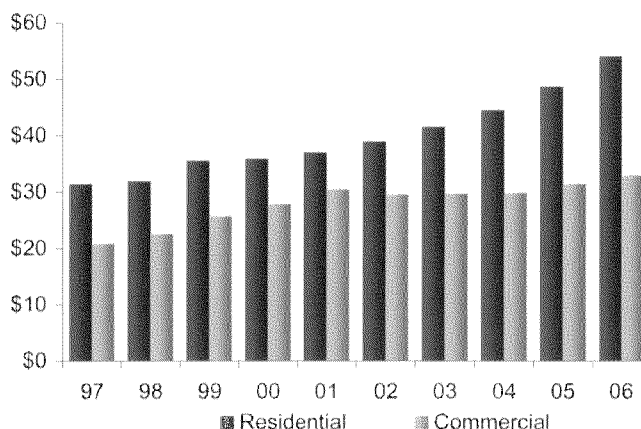


Chart 35 New Construction-PMSA

Calendar year ended December 31

Adjusted for inflation (in billions)

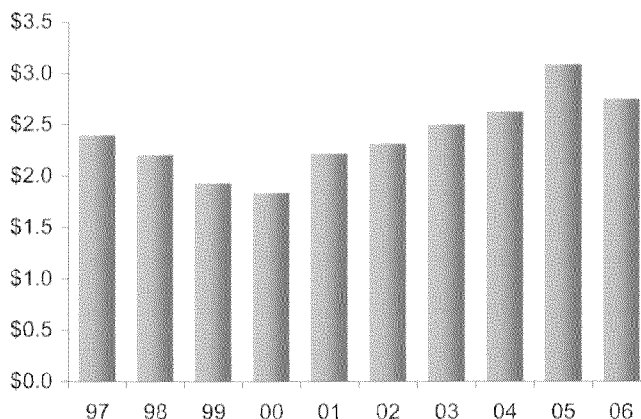
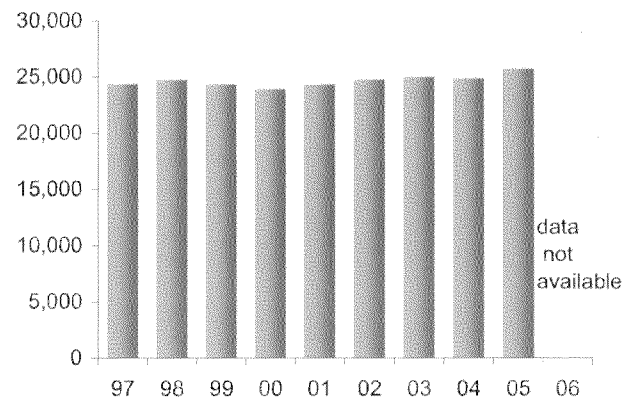


Chart 36 Number of Businesses in Multnomah County

Calendar year ended December 31



Revenue Base & The Economy

Chart 37 Unemployment Rate-PMSA

At June 30

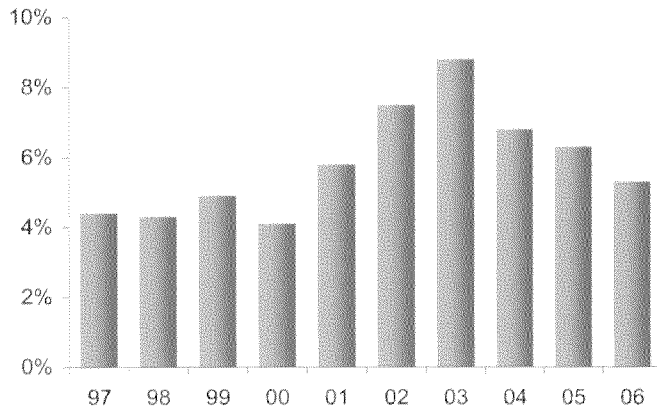


Chart 38 Jobs Provided by Employers

in Multnomah County

at June 30

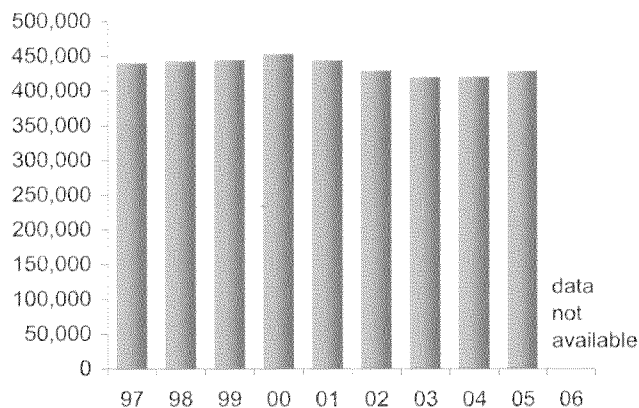
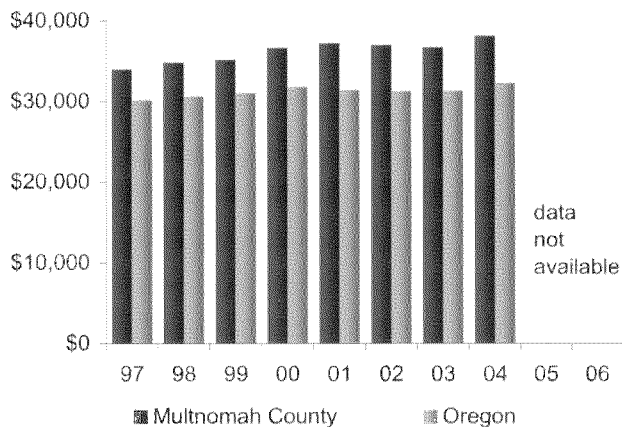


Chart 39 Average Annual Per Capita Income

Calendar year ended December 31

Adjusted for inflation (in millions)



The Economy

Three major indicators of economic health include the unemployment rate, number of jobs in the county, and per capita income.

Although the county's economy has not fully regained recent losses, progress has been made over the last few years as the unemployment rate decreased and jobs increased.

Unemployment Rate

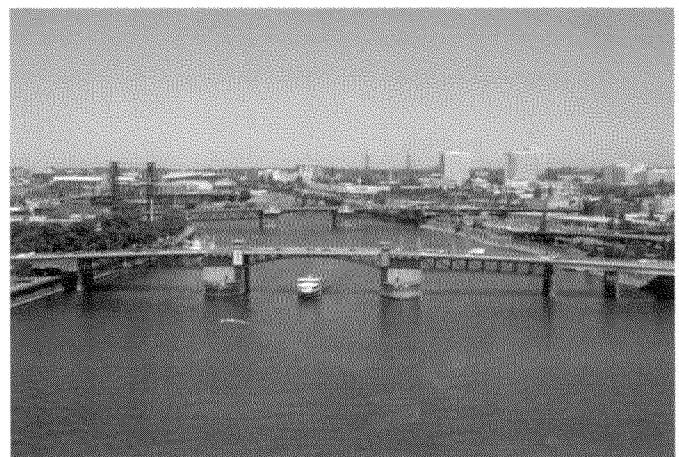
The unemployment rate improved between FY03 and FY06, going from a high of 8.8% to 5.3%.

Number of Jobs

The number of jobs provided by employers in Multnomah County declined from FY00 to FY04. Although jobs increased by nearly 8,000 jobs in FY05, the total was still about 12,000 less than in FY97.

Per Capita Income

The average annual per capita income in Multnomah County has been increasing. The rate of growth for this indicator has been greater for Multnomah County than for Oregon as a whole.



Morrison Bridge

Demographics

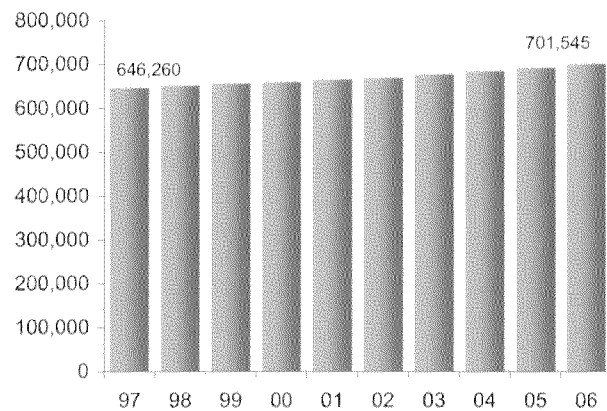
Total County Population

The County's population grew from 646,260 to 701,545 (8.6%) between FY97 and FY06; this is less than 1% growth per year. Neighboring counties had greater growth, with Clackamas County at 11.7% and Washington County at 21.3% over the ten-year period.

Many County services are for the elderly or families with children. Large changes in these groups could dramatically effect the need for County services. Although the total population has increased, the populations of people under 20 years of age and over 70 years of age have declined.

Chart 40 County Population

At June 30

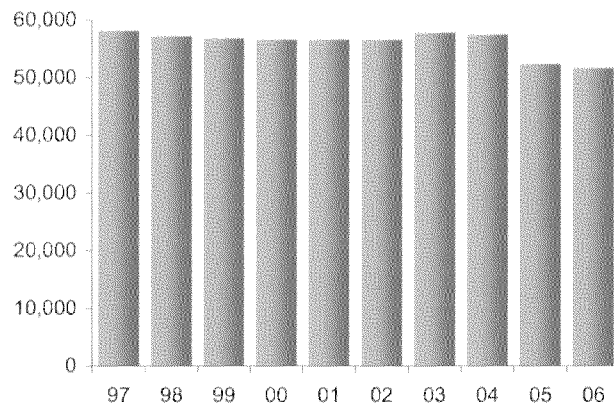


Population over 70 years of age

Chart 41 shows the population over 70 years of age. There has been a net decrease of 6,473 (11%) from 58,079 in FY97 to 51,606 in FY06.

Chart 41 Over 70 Years of Age

At June 30

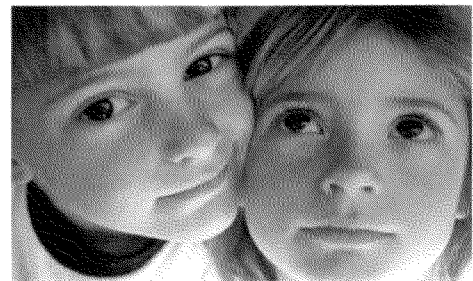
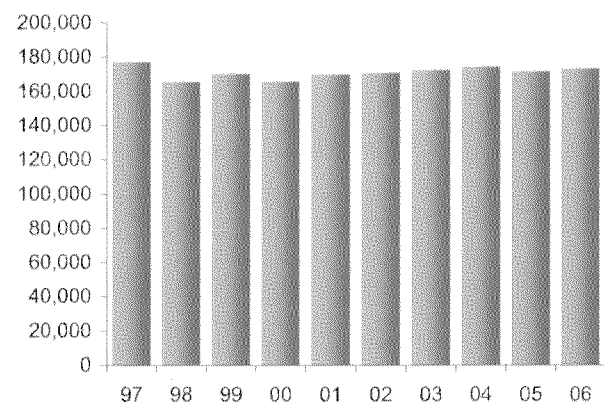


Population Under 20 years of age

Chart 42 shows the population under 20 years of age. This number has fluctuated some, but decreased slightly (2%) from 176,950 in FY97 to 173,324 in FY06.

Chart 42 Under 20 Years of Age

At June 30



Demographics

Residents in Poverty

According to the American Community Survey, the number of Multnomah County residents in poverty has increased from 13.6% in FY97 to 17.4% in FY06.

This indicator provides some measure of the number of low income persons who might utilize County human service and health programs.

Reported Crimes

County services for public safety represent a large and costly responsibility for the County.

The number of reported crimes has decreased for both Part I and Part 2 crimes. Part I crimes include murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. Part 2 crimes include drug possession or distribution, driving under the influence of intoxicants, vandalism, and other crimes.

The actual crime rates are likely to be higher because some crimes are not reported.

Chart 43 Percent of County Residents in Poverty

Calendar year ended December 31

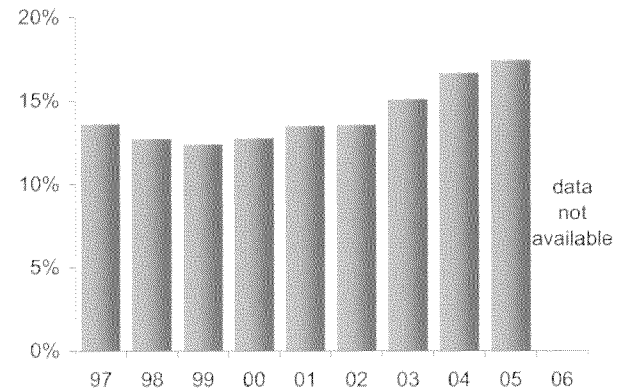
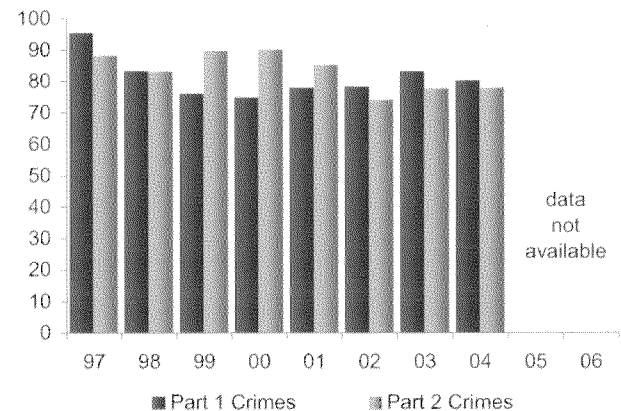


Chart 44 Reported Crimes per 1,000 Residents

Calendar year ended December 31



Ten Year History of Significant Events

FY97

- \$10 million to schools
- \$29 million GO bonds for libraries
- \$79.7 million GO bonds for public safety
- Inverness Jail expanded
- Justice Center double-bunked
- State transferred responsibility for felons incarcerated less than 1 year to County

FY98

- Measure 50 loss of \$18 million
- 5-Year Local Option Library Levy for approximately \$20 million per year
- Temporary business income tax surcharge for schools
- Opened 330 beds at Inverness Jail
- State transferred responsibility for disability services to County

FY99

- \$36 million Certificates of Participation (COPs) for Multnomah Building purchase

FY00

- \$184 million taxable revenue pension obligation bonds
- \$61 million bond issues for new construction and financial software

FY01

- \$20 million revenue shortfall

FY02

- Major reorganization of human services, business functions, and environmental services
- Revenue shortfall of \$22 million
- 5-Year Local Option Library Levy for approximately \$25 million per year
- Fairview and NW Portland libraries opened
- New Hollywood library opened

FY03

- Voters approved 3-year temporary personal income tax
- \$15.6 million mid-year budget cut

FY04

- First year of ITAX, \$66.9 to schools and \$33.2 million to County
- New Hillsdale Library completed

FY05

- \$25 million Oregon Transportation Investment Act award for County bridges
- Second Year of ITAX, \$96 million to schools, \$34.2 million to County
- Construction of Wapato Jail completed
- Departments of County Management and Community Services created

FY06

- Transferred 50 miles of County roads to City of Gresham
- Third Year of ITAX, \$84.8 million to schools, \$36.1 million to County

Reporting Methodology and Sources

Objectives, Scope, and Methodology

The objective of this report was to evaluate the financial condition of Multnomah County using the Financial Trend Monitoring System developed by the International City and County Management Association (ICMA) and the indicators suggested by the Government Accounting Standards Board (GASB). In developing and analyzing the indicators of financial condition, we interviewed personnel in Finance and Budget and other County departments. This report was done in accordance with generally accepted government auditing standards.

The prior reports covered the FY82 through FY04 and are available on the County Auditor's web page at www.co.multnomah.or.us/auditor.

ICMA and GASB stress the importance of developing a consistent and meaningful definition of the entity being evaluated. For the purposes of this report, "the County" includes the revenues, expenditures, and activities covered by the general fund, special revenue funds, and debt service funds. Excluded are capital construction, internal services, enterprise and trust and agency funds. However, we did include the Behavioral Health Managed Care Fund, which is an enterprise fund, because it is an integral part of mental health and addiction services provided by the County.

We also excluded revenues collected for and turned over to other governments and internal revenues and spending that are duplicated in financial reports. For FY06, this amounted to \$85 million in ITAX dollars transferred to the County's school districts, \$23 million in State Motor Vehicle and Gas Tax revenues transferred to the Cities of Portland, Gresham, Fairview, and Troutdale, and \$18 million Transit Lodging Tax collected for Metro.

We expressed most indicators in constant dollars. These adjustments for inflation convert dollar amounts over the ten-year period to the equivalent of the purchasing power of money in fiscal year ending June 30, 2006. The adjustments are based on the Portland-Salem Consumer Price Index for all urban consumers.

Data Sources

We relied on the County's enterprise accounting system, budgets, Comprehensive Annual Financial Reports, and other management reports for revenues, spending, and financial health indicators.

We used published sources for most economic and demographic indicators as follows:

- County Assessor's Office - Chart 34 "Real Market Value"
- State of Oregon Employment Division - Chart 36 "Number of Businesses" and Chart 37 "Unemployment Rate"
- U.S. Census Bureau - Chart 35 "New Construction"
- U.S. Census Bureau, American Community Survey - Chart 43 "Percent of County Residents in Poverty"
- U.S. Department of Commerce, Bureau of Economic Analysis Chart 39 "Average Annual Per Capita Income"
- Portland State Population Research Center - Charts 40, 41 & 42 for population indicators
- Oregon Uniform Crime Reporting Law Enforcement Data System for Chart 44 "Reported Crimes"

For More Information

The County's financial policy is adopted and published annually in the County's Adopted budget. The County's Financial Statements and Budget can be accessed at www.co.multnomah.or.us.

Additional economic information can be obtained through the State of Oregon for the State Employment Department at www.qualityinfo.org or the Office of Economic analysis at www.oregon.gov/DAS/OEA.

For information about the County's property tax structure and limitations, see Tax Supervising & Conservation Commission at www.co.multnomah.or.us/orgs/tscc.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-6
Est. Start Time: 10:45 AM
Date Submitted: 06/13/07

**RESOLUTION Approving an Exemption to Use a Construction
Manager/General Contractor Method for Construction of the East County
Justice Center Project**

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

Requested Meeting Date: June 28, 2007 Amount of Time Needed: 10 minutes
Department: Dept of County Management Division: CPCA on behalf of FPM
Contact(s): Gail H Rubin
Phone: 503-988-5111, Ext. 22651 I/O Address: 503/4
Presenter(s): Gail Hochhalter, FPM Project Manager; Gail Rubin, CPCA Manager

General Information

1. What action are you requesting from the Board?

The Facilities and Property Management (FPM) Division is requesting an exemption from the County's formal competitive bid process in order to enter into a Construction Manager/General Contractor (CM/GC) contract for the construction of the East County Justice Center (Project) in Gresham, Oregon.

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 CM/GC selected will be tasked with the responsibility of working with the County's Project Manager and architectural team to develop plans and specifications for the Project and oversee the subcontracting to build the Project and manage construction operations.

Consistent with Oregon Law, a local contract review board may exempt a contract from the formal competitive bid process if the alternative contracting process is unlikely to diminish competition and will result in cost savings to the public agency. The CM/GC process will meet both requirements:

Unlikely to encourage favoritism or diminish competition

In order to maximize competition, CM/GC will be selected through the County's full and open competitive Request for Proposal (RFP) process. The selection criteria will be based on qualifications and experience rather than lowest bid. The CM/GC will subsequently use a competitive bidding process or other appropriate methods to select their subcontractors.

Will result in substantial cost savings to the County

Substantial cost savings are anticipated from the Project Team approach that is utilized in the CM/GC method of delivery. The Project Team is composed of the County's Project Manager, the Project design consultants and the CM/GC. During the pre-construction phase, the CM/GC will provide system options and real-time cost estimates which will allow the County to make informed cost-benefit decisions. The CM/GC will also evaluate the budget and make suggestions for cost-saving changes and value enhancements. During construction, it is the CM/GC's responsibility to complete the Project on time with a total cost within the Guaranteed Maximum Price (GMP).

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

The total cost of the project is estimated to be approximately \$15 million (the CM/GC procurement portion is approximately \$11 million). While the Project building will increase operating costs by approximately \$10,000 per year, this cost is offset by the expected lower energy costs derived from energy efficiencies achieved by the cooperation and the direct actions of the CMGC and the Project Team.

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

This exemption request is in accord with the requirements of Multnomah County Public Contract Review Board Rules 49-0600 to 49-0690.

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

A Public Hearing has been scheduled on June 28, 2007, during the Multnomah County Board of Commissioners Regular Meeting which starts at 9:00 a.m. Notification of the Public Hearing was published in the Daily Journal of Commerce on June 13, 2007. The Findings in support of this exemption are available at the Multnomah County CPCA website www.multcopurch.org

Required Signature

Elected Official or
Department/
Agency Director:

Carol M. Ford

Date: 06/13/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Approving an Exemption to Use a Construction Manager/General Contractor Method for Construction of the East County Justice Center Project

The Multnomah County Board of Commissioners Finds:

- a. In planning for the East County Justice Center, Facilities and Property Management (Facilities) analyzed three separate construction methods as part of the FAC-1 planning process.
- b. Facilities recommend to the Board that a Construction Manager/General Contractor (CM/GC) contracting method be used for construction of the East County Justice Center based on the findings attached hereto as Exhibit 1.
- c. Public Contracting Board Rule 49-0620 and ORS 279C.335 require an exemption from the competitive bidding requirements of ORS Chapter 279 in order to use an alternate contracting method and further require adoption of findings to support the exemption after notice and a public hearing.
- d. Notice of the hearing to consider the exemption and the attached findings was published in the Daily Journal of Commerce on June 13, 2007, more than 14 days before the hearing.
- e. The Board finds, based on the attached findings that it is in the best interest of the County to utilize a CM/GC contracting method in lieu of a competitive low bid process for the construction of the East County Justice Center.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves and adopts the findings attached as Exhibit 1 in support of using a Construction Manager/General Contractor for the East County Justice Center Project.

2. The Board approves an exemption from competitive bidding requirements to allow use of a Construction Manager/General Contractor contracting method for construction of the East County Justice Center Project.

ADOPTED this 28th day of June, 2007.

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:

Lonnie Roberts, Commissioner District 4

EXHIBIT 1

FINDINGS IN SUPPORT OF AN ALTERNATIVE CONTRACTING PROCESS FOR THE EAST COUNTY JUSTICE CENTER PROJECT ("Project")

1. GENERAL

The Oregon Legislative Assembly encourages public agencies to consider alternative and innovative contracting methods, other than low bid, that take into account market realities. Pursuant to ORS 279.015, a local contract review board may exempt certain contracts from traditional competitive bidding by showing that an alternative contracting process is unlikely to diminish competition and that it will result in costs savings to the public agency.

The Facilities and Property Management Division of Multnomah County ("FPM") desires to enter into a contract directly with a contractor for the preconstruction design assistance to the design architectural team and to subsequently construct and manage the East County Justice Center ("Project") through a Construction Manager/General Contractor ("CM/GC") selection process.

2. BACKGROUND

The approval of the East County Justice Center Project Plan ("Project Plan") that created a capital project is defined by the County's Resolution 07-024.

The Development Plan (a portion of the Project Plan) includes the CM/GC selection process in the discussion of the schedule. The Project has always envisioned the use of the CMGC delivery process to facilitate the Project's unique sustainable elements, the accelerated construction schedule and the County's budget constraints.

Oregon Revised Statutes (ORS 279.015) and Public Contract Review Board Rule (PCRB 49-0600 to 49-0690) provide a means of contracting other than the traditional competitive low bid process to public agencies. A local Public Contract Review Board may exempt certain public contracts or classes of public contracts from the competitive bidding requirements upon approval of findings submitted by the public contracting agency seeking exemption.

3. FINDINGS

In exempting this CM/GC contract from the bidding requirements in ORS 279, the following findings support the requested alternative contracting method:

A. Operational, Budget and Financial Data

The total Project is being constructed at a cost of approximately \$15 million (the CM/GC procurement portion will be approximately \$11 million). While the Project building will increase operating costs by approximately \$10,000 per year, this cost is offset by the expected lower energy costs derived from energy efficiencies achieved by the cooperation and the direct actions of the CMGC and other members of the Project Team (consisting of the County's Project Manager, the Project design consultants and the CM/GC) in the design phase of the Project. The budget for the Project will be maintained through the cost control systems established by the CM/GC well before construction begins. Unlike the low bid process for selection of a contractor (which excludes the contractor from the preconstruction phases), significant savings in over all Project cost and time can be achieved by engaging the CM/GC early in the preconstruction process. This early engagement allows close monitoring of the construction market, sometimes called forecasting, and heads off unexpected activities that will result in a higher price thereby delivering additional economic savings and benefits to the County.

The CM/GC challenges the entire Project Team to stay within budget by allowing for full and frank discussions of the cost and schedule implications of various design solutions. This CM/GC involvement permits the Project Team to make informed cost-benefit tradeoff decisions, all to the financial benefit of the County.

B. Public Benefit

The Project is needed to accommodate public safety needs for the next 15-25 years. The court system is currently backlogged due to the lack of courtroom space. The Project will provide 4 courtrooms. Security function will be improved and the Court Clerk functions will provide a wider range of services. Services are integrated to provide the highest level of complementary public safety functions and cost efficiencies.

The public benefit achieved with the use of a CM/GC for this Project is evident throughout several aspects of the project's design and construction. In contrast to the low bid process for selection of a contractor, the early involvement of the CM/GC in the process provides for more collaboration among the Project Team and interested stakeholders and solidifies the commitment of the Design Team to jointly: (i) establish effective working relationships, (ii) identify problem areas, and (iii) develop economical solutions—thereby achieving cost and time savings for the Project. During the Preconstruction phase, the CM/GC provides guidance to the Project Team in scheduling Project activities and projected timelines. In addition, the CM/GC is engaged in the Project Team process and makes recommendations about all aspects of design. During construction, it is the CM/GC's responsibility to get the work done in an efficient matter and with a total cost within the Guaranteed Maximum Price (GMP). The CM/GC provides a firm GMP and schedule commitment to the County that puts the CM/GC at risk, not the County. Removing elements of risk from the County is of great benefit to the County when initiating construction projects that use public funds.

If at the end of the Preconstruction phase a GMP cannot be agreed upon, then the County has the right to use all the information developed by the CM/GC and the Project Team to bid the Project competitively. This alternative bidding possibility limits the risk to the County while retaining the contractor's knowledge, skill and benefits of collaboration during the design and construction phase. These substantial benefits would not be achieved if the low bid process for selection of a contractor were used for this Project since the contractor is excluded from the preconstruction phases.

C. Value Engineering

The CM/GC process provides many additional benefits and opportunities for cost savings. System options and real-time cost estimates provided by the CM/GC throughout the constructability reviews will aid the Project and allows the County to make informed cost-benefit tradeoff decisions during design. The CM/GC will collaborate and provide cooperation and information to the design Project Team on details, installation, fabrication, budget and all aspects of the Project. During the Preconstruction phase, the CM/GC will be evaluating the budget and making suggestions for cost-saving changes and value enhancements. The CM/GC will evaluate major systems and make design recommendations to the Project Team about which systems are most cost-effective. The reviews ensure that good building practices are incorporated into the design documents. The CM/GC also identifies whether Project sequencing is viable and design elements can be built as drawn. All of these beneficial actions by the CM/GC will improve design, expedite construction and eliminate the potential for costly change orders. The benefits of value engineering are not available with the low bid process.

D. Specialized Expertise

The contractor ultimately selected as CM/GC will demonstrate experience and expertise in providing CM/GC services to public and private organizations, and will be well qualified in the area of sustainable construction methodology. The contractor will also have expertise in utilizing the County's Good Faith Effort and Workforce Hiring programs, both of which will be a contractual requirement.

The CM/GC selection process is based on qualifications, with price as a factor. The fee is, however, less important than the overall qualifications and specialized expertise of the selected CM/GC. The County will benefit by acquiring a CM/GC which has established experience in building similar projects, experience in this type of delivery system, references from previous owners and architects, and an outstanding approach to the Project, especially when incorporating sustainable practices and LEED certification. A low bid process does not provide an opportunity to obtain the most qualified contractor with the specialized expertise needed for the Project.

E. Public Safety

The Project will provide for safe public access and full compliance with ADA requirements. All work during the construction will be done in accordance with OR-OSHA safety regulations. The Project is intended to house public safety government services together in one distinct building and will be well located for this purpose.

The CM/GC selected will be highly qualified and capable and show evidence of construction safety practices that are at the highest level of integrity. The CM/GC's input into work and trade sequencing, and construction methodologies can reduce issues related to safety and provides for close controls and related risk reductions on the site.

The CM/GC method of delivery is a team approach and provides for a high level of responsibility and visible adherence to public safety. The contractor's performance on prior projects in satisfying these safety needs can be determined as part of the County's RFP process described in Section 4.A below; this determination is not available under the low bid process.

F. Market Conditions

The CM/GC contracting process is a modern construction delivery method used by both public and private organizations. It involves the contractor early on in the design of a project and allows for cost savings and fast track construction.

The CM/GC is tasked with keeping the Project Team up-to-date on the latest construction techniques and products. The CM/GC will inform the Project Team of current market conditions, labor and materials availability and construction methodologies that can reduce design and construction time and costs.

The CM/GC process allows "fast track" construction to start while detailing structures, interiors, and systems at the same time as awarding site work, foundations, and long-lead items. Timing the market for the various aspects of construction can result in cost savings and ultimately keeps the Project Team on a schedule. These fast-track benefits are not available under the low bid process.

G. Technical Complexity

This Project requires technical expertise and experience in commercial construction involving public entities. Expertise in LEED certification is also an integral part of the Project and will determine the success or failure of County sustainable objectives and the ability to acquire energy efficiency financial incentives. The ability to coordinate and manage this Project, while working with several distinct local governments and major stakeholders, is highly complex in nature. This complexity is especially challenging to an inexperienced firm.

The CM/GC process enables the County to competitively select a prime contractor in whom they have confidence has the necessary competence to deal with the technical complexities of this Project and that can provide quality workmanship, dependable performance, fair and reasonable pricing and efficient management as a Project Team member. Under a low bid process the technical competence of the contractor is difficult to evaluate.

H. Funding Sources

The Project has been included in the 5-year Capital Improvement Program plan for the last two years and is included in the 2008 CIP Program Offer #72049. Proceeds from the sale of the County's Correctional Facility and Edgefield properties in Troutdale (the revenue for which is scheduled for receipt by December 2007) and the City of Gresham participation will cover the cost of construction, land acquisition and other costs associated with the Project.

The CM/GC method of contracting provides the greatest cost controls for limited budgets and therefore benefits the County. The team approach, the schedule, the value analysis, and constructability reviews provides the ultimate in effective cost analysis. It is critical, and also consistent with the spirit of collaboration encouraged throughout the process that everyone on the Project Team works towards a budget of which they can take ownership.

This Project is being funded solely from local sources. The County funds are extremely limited so the expected cost savings from using a CM/GC contractor is particularly critical to assuring that the County will get the best possible Project for the limited dollars available for construction without having to expend general fund dollars.

4. COMPLETION AND COST SAVINGS

Consistent with Oregon Law, use of an alternative contracting method must be seen as unlikely to encourage favoritism or diminish competition and result in substantial cost savings. Based on the following information, this Project will accomplish both.

A. Unlikely to Encourage Favoritism or Diminish Competition

The CM/GC will be selected through the County's Request for Proposal ("RFP") process which is an open competitive process. The selection criteria will include quality of previous work; available resources to meet schedule requirements; use of MWESB subcontractors; experience in commercial building and LEED certification, time critical project management, fee and other relevant criteria. The assessment of the CM/GC will be keyed to their ability to demonstrate the experience and qualifications necessary to meet Project needs.

Competition will not be diminished because the CM/GC contract will be awarded based on a competitive process and the CM/GC will use a competitive bidding process to select their subcontractors which is not required under a low bid process.

B. Will Result in Substantial Cost Savings

During the design phase prior to material and subcontractor bidding, the CM/GC will provide value engineering and update cost estimate information. This engineering and cost estimate will assist final decision-making about the Project scope, product quality and material finish. Using a CM/GC will allow more flexibility to develop, evaluate, and implement design changes with less impact on construction cost and time. Substantial cost savings are anticipated from the Project Team approach that is utilized in the CM/GC method of delivery because decision making is based on cost effective and informed solutions. Progress reviews are frequent and diligent, thus resulting in fewer design corrections and change orders during construction. Additionally, the use of value engineering through cooperation among the architect, engineer, contractor and County is essential to the Project delivery on time and within budget. The CM/GC will participate in the design phase to propose the most economical and practical building solutions. CM/GC value engineering will reduce bid addenda, contract change orders and progress delays to help meet the tight time schedule for the Project. These savings are not realized under a low bid process.

5. SUMMARY

The East County Justice Center is best accomplished through an alternative means of construction contracting that utilizes an approach of selection that is based on qualifications and experience rather than lowest bid. The selection of the CM/GC through an RFP process will not diminish competition or show favoritism, and will result in cost savings to the County. The special emphasis on LEED certification requires experience that is not widely shared in the construction contractor community. Therefore, FPM believes this exemption request is justified and in accordance with Oregon Law and is in the best interest of the County.

10-0000 Definitions

(7) Board. The Multnomah County Public Contract Review Board.

49-0620 Use of Alternative Contracting Methods

- (1) Competitive Bidding Exemptions.** ORS Chapter 279C requires a Competitive Bidding process for Public Improvement Contracts unless a statutory exception applies, a class of Contracts has been exempted or an individual Contract has been exempted in accordance with ORS 279C.335 and any applicable PCRB Rules. ~~Use of Alternative Contracting Methods may be directed by the Board~~ as an exception to the prescribed public contracting practices in Oregon, and their use shall be justified in accordance with the Code and Rules 49-0600 to 49-0690. See Rule 49-0630 regarding required findings and restrictions on class Exemptions.

49-690 Construction Manager/General Contractor (CM/GC)

- (2) Authority.** Departments shall use the CM/GC form of contracting only in accordance with the requirements of these Rules. See particularly Rule ~~49-0620~~ on "Use of Alternative Contracting Methods".

49-0630 Findings, Notice and Hearing

- (7) Public Hearing.** Before final adoption of findings exempting a Public Improvement Contract or class of Contracts from the requirement of Competitive Bidding, notice shall be given and a public hearing held by the Board as follows:
 - (a)** Notification of the public hearing shall be published in at least one trade newspaper of general statewide circulation a minimum of fourteen (14) Days before the hearing.
 - (b)** The notice shall state that the public hearing is for the purpose of taking comments on the County's draft findings for an Exemption from the Competitive Bidding requirement. The notice shall state that at the hearing, after an opportunity for receipt of comments, the Board will consider adoption of the draft findings and approval of the proposed alternative contracting method. At the time of the notice, copies of the draft findings shall be made available to the public.
 - (c)** At the public hearing, the Board shall offer an opportunity for any interested party to appear and present comment before considering and adopting the findings.

BOGSTAD Deborah L

From: BOGSTAD Deborah L
Sent: Tuesday, June 26, 2007 1:35 PM
To: SOWLE Agnes; THOMAS Bob C
Subject: Research for Thursday Board meeting
Importance: High

Sorry for the delay, I wasn't able to get right to it this morning.

I searched resolution and order indexes 2001 through 2007 for Approving Exemption from for a Construction Manager/General Contractor and all I came up with were two orders from September, 2003 (03-133 and 03-135) approved by the Public Contract Review Board. Nothing since, except order 06-133 which pertains to the 03-133 project.

I am attaching resolutions 02-136 and 07-038 and which may be of assistance in relation to the East County Justice Center project.

I thought the attached resolution 07-057 Exempting the Emergency Notification Project for the Multnomah County Court House from Administrative Procedure FAC-1 Relating to Construction of Major Facilities Capital Projects might be helpful.

Agnes, it appears PCRB rules changed around 2004, at least the order titles did. There were only three PCRB orders in 2005; two in 2006 and none in 2007. I am just providing you the titles but can send you the following orders too if you'd like.

05-055 Approving the Sole Source Procurement Process to Contract with Raintree Systems, Inc. for the Purchase of Case Management, Payment Processing, and Reporting Software for the County's Developmental Disabilities Services Division

05-091 Approving the Class Special Procurement Process to Contract with the Energy Suppliers/Vendors under the Low Income Energy Assistance Program (LIEAP)

05-209 Approving the Sole Source Procurement Process to Contract with Siemens Building Technologies, Inc. for the Purchase of Building Automation Controls

06-015 Approving an Amendment to Board Order 04-095 to Extend the Period of Performance of a Contract with Ciber, Inc. by 13 Months through December 31, 2006

06-025 Approving a Request for Special Procurement to contract with Electric Lightwave, Inc. for the Purchase of Redundant Voice Communication Circuit Services for a Period of 5 Years

Let me know how you'd like to proceed in this matter. It sounds to me like Thursday's agenda item Approving an Exemption to Use a Construction Manager/General Contractor Method for Construction of the East County Justice Center Project should be a resolution but I am not convinced it should be considered by the Public Contract Review Board because of Resolutions 02-136 Establishing a Policy for Construction of Major Facilities Capital Projects; 07-024 Approving a Concept for an East County Justice Facility and Directing Facilities and Property Management to Proceed with a Final Project Plan; and 07-038 Approving the East

6/27/2007

County Justice Facility Project Plan that Creates a Capital Project and Directing Facilities to Proceed with Site Acquisition, Negotiation of an Agreement with the City of Gresham, and Implementation of the Design and Construction Process.

That's why I'm not an attorney and you two are!!

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

6/27/2007

BOGSTAD Deborah L

From: BOGSTAD Deborah L
Sent: Wednesday, June 27, 2007 3:30 PM
To: THOMAS John S
Cc: BABINEC Gehl P; 'SMITH, BRIAN [24173:CALLPILOT]'; SOWLE Agnes
Subject: RE: East County Justice Center Resolution

John you know I can't give legal advice . . . my layperson's opinion though, is free of charge! Since Chair Wheeler will be adjourning the Board and convening the Public Contract Review Board for consideration of R-6; and the motion, second, explanation, testimony and vote to approve the resolution will be done by the Board acting as the PCRB, I believe it is not necessary because only the header and signature line is enhanced to include the PCRB.

PUBLIC CONTRACT REVIEW BOARD – 10:45 AM

(Recess as the Multnomah County Board of Commissioners and convene as the Public Contract Review Board)

R-6 RESOLUTION Approving an Exemption to Use a Construction Manager/General Contractor Method for Construction of the East County Justice Center Project

(Adjourn as the Public Contract Review Board and reconvene as Multnomah County Board of Commissioners)

Deb Bogstad, Board Clerk
Multnomah County Commissioners
501 SE Hawthorne Boulevard, Suite 600
Portland, Oregon 97214-3587
(503) 988-3277 phone
(503) 988-3013 fax
deborah.l.bogstad@co.multnomah.or.us
<http://www.co.multnomah.or.us/cc/index.shtml>

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

From: THOMAS John S
Sent: Wednesday, June 27, 2007 2:19 PM
To: BOGSTAD Deborah L
Cc: BABINEC Gehl P; 'SMITH, BRIAN [24173:CALLPILOT]'; SOWLE Agnes
Subject: East County Justice Center Resolution

Deb: Attached is a revised resolution reflecting in the title and above the Chair's signature that this resolution is being approved by the Board acting as the PCRB. That is the only change I made.

Do we ask one of the commissioners to offer this as a substitute?

Please provide Ted with a script for this item adjourning to act as PCRB and then reconvening as the BOCC. Sorry for all the confusion.

Thanks to Gehl for calling this to our attention.

6/27/2007

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

RESOLUTION NO. _____

Approving an Exemption to Use a Construction Manager/General Contractor Method for Construction of the East County Justice Center Project

The Multnomah County Board of Commissioners Finds:

- a. In planning for the East County Justice Center, Facilities and Property Management (Facilities) analyzed three separate construction methods as part of the FAC-1 planning process.
- b. Facilities recommend to the Board that a Construction Manager/General Contractor (CM/GC) contracting method be used for construction of the East County Justice Center based on the findings attached hereto as Exhibit 1.
- c. Public Contracting Board Rule 49-0620 and ORS 279C.335 require an exemption from the competitive bidding requirements of ORS Chapter 279 in order to use an alternate contracting method and further require adoption of findings to support the exemption after notice and a public hearing.
- d. Notice of the hearing to consider the exemption and the attached findings was published in the Daily Journal of Commerce on June 13, 2007, more than 14 days before the hearing.
- e. The Board finds, based on the attached findings that it is in the best interest of the County to utilize a CM/GC contracting method in lieu of a competitive low bid process for the construction of the East County Justice Center.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves and adopts the findings attached as Exhibit 1 in support of using a Construction Manager/General Contractor for the East County Justice Center Project.

2. The Board approves an exemption from competitive bidding requirements to allow use of a Construction Manager/General Contractor contracting method for construction of the East County Justice Center Project.

ADOPTED this 28th day of June, 2007.

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD

Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By _____
John Thomas, Deputy County Attorney

SUBMITTED BY:

Lonnie Roberts, Commissioner District 4

EXHIBIT 1

FINDINGS IN SUPPORT OF AN ALTERNATIVE CONTRACTING PROCESS FOR THE EAST COUNTY JUSTICE CENTER PROJECT ("Project")

1. GENERAL

The Oregon Legislative Assembly encourages public agencies to consider alternative and innovative contracting methods, other than low bid, that take into account market realities. Pursuant to ORS 279.015, a local contract review board may exempt certain contracts from traditional competitive bidding by showing that an alternative contracting process is unlikely to diminish competition and that it will result in costs savings to the public agency.

The Facilities and Property Management Division of Multnomah County ("FPM") desires to enter into a contract directly with a contractor for the preconstruction design assistance to the design architectural team and to subsequently construct and manage the East County Justice Center ("Project") through a Construction Manager/General Contractor ("CM/GC") selection process.

2. BACKGROUND

The approval of the East County Justice Center Project Plan ("Project Plan") that created a capital project is defined by the County's Resolution 07-024.

The Development Plan (a portion of the Project Plan) includes the CM/GC selection process in the discussion of the schedule. The Project has always envisioned the use of the CMGC delivery process to facilitate the Project's unique sustainable elements, the accelerated construction schedule and the County's budget constraints.

Oregon Revised Statutes (ORS 279.015) and Public Contract Review Board Rule (PCRB 49-0600 to 49-0690) provide a means of contracting other than the traditional competitive low bid process to public agencies. A local Public Contract Review Board may exempt certain public contracts or classes of public contracts from the competitive bidding requirements upon approval of findings submitted by the public contracting agency seeking exemption.

3. FINDINGS

In exempting this CM/GC contract from the bidding requirements in ORS 279, the following findings support the requested alternative contracting method:

A. Operational, Budget and Financial Data

The total Project is being constructed at a cost of approximately \$15 million (the CM/GC procurement portion will be approximately \$11 million). While the Project building will increase operating costs by approximately \$10,000 per year, this cost is offset by the expected lower energy costs derived from energy efficiencies achieved by the cooperation and the direct actions of the CMGC and other members of the Project Team (consisting of the County's Project Manager, the Project design consultants and the CM/GC) in the design phase of the Project. The budget for the Project will be maintained through the cost control systems established by the CM/GC well before construction begins. Unlike the low bid process for selection of a contractor (which excludes the contractor from the preconstruction phases), significant savings in over all Project cost and time can be achieved by engaging the CM/GC early in the preconstruction process. This early engagement allows close monitoring of the construction market, sometimes called forecasting, and heads off unexpected activities that will result in a higher price thereby delivering additional economic savings and benefits to the County.

The CM/GC challenges the entire Project Team to stay within budget by allowing for full and frank discussions of the cost and schedule implications of various design solutions. This CM/GC involvement permits the Project Team to make informed cost-benefit tradeoff decisions, all to the financial benefit of the County.

B. Public Benefit

The Project is needed to accommodate public safety needs for the next 15-25 years. The court system is currently backlogged due to the lack of courtroom space. The Project will provide 4 courtrooms. Security function will be improved and the Court Clerk functions will provide a wider range of services. Services are integrated to provide the highest level of complementary public safety functions and cost efficiencies.

The public benefit achieved with the use of a CM/GC for this Project is evident throughout several aspects of the project's design and construction. In contrast to the low bid process for selection of a contractor, the early involvement of the CM/GC in the process provides for more collaboration among the Project Team and interested stakeholders and solidifies the commitment of the Design Team to jointly: (i) establish effective working relationships, (ii) identify problem areas, and (ii) develop economical solutions—thereby achieving cost and time savings for the Project. During the Preconstruction phase, the CM/GC provides guidance to the Project Team in scheduling Project activities and projected timelines. In addition, the CM/GC is engaged in the Project Team process and makes recommendations about all aspects of design. During construction, it is the CM/GC's responsibility to get the work done in an efficient matter and with a total cost within the Guaranteed Maximum Price (GMP). The CM/GC provides a firm GMP and schedule commitment to the County that puts the CM/GC at risk, not the County. Removing elements of risk from the County is of great benefit to the County when initiating construction projects that use public funds.

If at the end of the Preconstruction phase a GMP cannot be agreed upon, then the County has the right to use all the information developed by the CM/GC and the Project Team to bid the Project competitively. This alternative bidding possibility limits the risk to the County while retaining the contractor's knowledge, skill and benefits of collaboration during the design and construction phase. These substantial benefits would not be achieved if the low bid process for selection of a contractor were used for this Project since the contractor is excluded from the preconstruction phases.

C. Value Engineering

The CM/GC process provides many additional benefits and opportunities for cost savings. System options and real-time cost estimates provided by the CM/GC throughout the constructability reviews will aid the Project and allows the County to make informed cost-benefit tradeoff decisions during design. The CM/GC will collaborate and provide cooperation and information to the design Project Team on details, installation, fabrication, budget and all aspects of the Project. During the Preconstruction phase, the CM/GC will be evaluating the budget and making suggestions for cost-saving changes and value enhancements. The CM/GC will evaluate major systems and make design recommendations to the Project Team about which systems are most cost-effective. The reviews ensure that good building practices are incorporated into the design documents. The CM/GC also identifies whether Project sequencing is viable and design elements can be built as drawn. All of these beneficial actions by the CM/GC will improve design, expedite construction and eliminate the potential for costly change orders. The benefits of value engineering are not available with the low bid process.

D. Specialized Expertise

The contractor ultimately selected as CM/GC will demonstrate experience and expertise in providing CM/GC services to public and private organizations, and will be well qualified in the area of sustainable construction methodology. The contractor will also have expertise in utilizing the County's Good Faith Effort and Workforce Hiring programs, both of which will be a contractual requirement.

The CM/GC selection process is based on qualifications, with price as a factor. The fee is, however, less important than the overall qualifications and specialized expertise of the selected CM/GC. The County will benefit by acquiring a CM/GC which has established experience in building similar projects, experience in this type of delivery system, references from previous owners and architects, and an outstanding approach to the Project, especially when incorporating sustainable practices and LEED certification. A low bid process does not provide an opportunity to obtain the most qualified contractor with the specialized expertise needed for the Project.

E. Public Safety

The Project will provide for safe public access and full compliance with ADA requirements. All work during the construction will be done in accordance with OR-OSHA safety regulations. The Project is intended to house public safety government services together in one distinct building and will be well located for this purpose.

The CM/GC selected will be highly qualified and capable and show evidence of construction safety practices that are at the highest level of integrity. The CM/GC's input into work and trade sequencing, and construction methodologies can reduce issues related to safety and provides for close controls and related risk reductions on the site.

The CM/GC method of delivery is a team approach and provides for a high level of responsibility and visible adherence to public safety. The contractor's performance on prior projects in satisfying these safety needs can be determined as part of the County's RFP process described in Section 4.A below; this determination is not available under the low bid process.

F. Market Conditions

The CM/GC contracting process is a modern construction delivery method used by both public and private organizations. It involves the contractor early on in the design of a project and allows for cost savings and fast track construction.

The CM/GC is tasked with keeping the Project Team up-to-date on the latest construction techniques and products. The CM/GC will inform the Project Team of current market conditions, labor and materials availability and construction methodologies that can reduce design and construction time and costs.

The CM/GC process allows "fast track" construction to start while detailing structures, interiors, and systems at the same time as awarding site work, foundations, and long-lead items. Timing the market for the various aspects of construction can result in cost savings and ultimately keeps the Project Team on a schedule. These fast-track benefits are not available under the low bid process.

G. Technical Complexity

This Project requires technical expertise and experience in commercial construction involving public entities. Expertise in LEED certification is also an integral part of the Project and will determine the success or failure of County sustainable objectives and the ability to acquire energy efficiency financial incentives. The ability to coordinate and manage this Project, while working with several distinct local governments and major stakeholders, is highly complex in nature. This complexity is especially challenging to an inexperienced firm.

The CM/GC process enables the County to competitively select a prime contractor in whom they have confidence has the necessary competence to deal with the technical complexities of this Project and that can provide quality workmanship, dependable performance, fair and reasonable pricing and efficient management as a Project Team member. Under a low bid process the technical competence of the contractor is difficult to evaluate.

H. Funding Sources

The Project has been included in the 5-year Capital Improvement Program plan for the last two years and is included in the 2008 CIP Program Offer #72049. Proceeds from the sale of the County's Correctional Facility and Edgefield properties in Troutdale (the revenue for which is scheduled for receipt by December 2007) and the City of Gresham participation will cover the cost of construction, land acquisition and other costs associated with the Project.

The CM/GC method of contracting provides the greatest cost controls for limited budgets and therefore benefits the County. The team approach, the schedule, the value analysis, and constructability reviews provides the ultimate in effective cost analysis. It is critical, and also consistent with the spirit of collaboration encouraged throughout the process that everyone on the Project Team works towards a budget of which they can take ownership.

This Project is being funded solely from local sources. The County funds are extremely limited so the expected cost savings from using a CM/GC contractor is particularly critical to assuring that the County will get the best possible Project for the limited dollars available for construction without having to expend general fund dollars.

4. COMPLETION AND COST SAVINGS

Consistent with Oregon Law, use of an alternative contracting method must be seen as unlikely to encourage favoritism or diminish competition and result in substantial cost savings. Based on the following information, this Project will accomplish both.

A. Unlikely to Encourage Favoritism or Diminish Competition

The CM/GC will be selected through the County's Request for Proposal ("RFP") process which is an open competitive process. The selection criteria will include quality of previous work; available resources to meet schedule requirements; use of MWESB subcontractors; experience in commercial building and LEED certification, time critical project management, fee and other relevant criteria. The assessment of the CM/GC will be keyed to their ability to demonstrate the experience and qualifications necessary to meet Project needs.

Competition will not be diminished because the CM/GC contract will be awarded based on a competitive process and the CM/GC will use a competitive bidding process to select their subcontractors which is not required under a low bid process.

B. Will Result in Substantial Cost Savings

During the design phase prior to material and subcontractor bidding, the CM/GC will provide value engineering and update cost estimate information. This engineering and cost estimate will assist final decision-making about the Project scope, product quality and material finish. Using a CM/GC will allow more flexibility to develop, evaluate, and implement design changes with less impact on construction cost and time. Substantial cost savings are anticipated from the Project Team approach that is utilized in the CM/GC method of delivery because decision making is based on cost effective and informed solutions. Progress reviews are frequent and diligent, thus resulting in fewer design corrections and change orders during construction. Additionally, the use of value engineering through cooperation among the architect, engineer, contractor and County is essential to the Project delivery on time and within budget. The CM/GC will participate in the design phase to propose the most economical and practical building solutions. CM/GC value engineering will reduce bid addenda, contract change orders and progress delays to help meet the tight time schedule for the Project. These savings are not realized under a low bid process.

5. SUMMARY

The East County Justice Center is best accomplished through an alternative means of construction contracting that utilizes an approach of selection that is based on qualifications and experience rather than lowest bid. The selection of the CM/GC through an RFP process will not diminish competition or show favoritism, and will result in cost savings to the County. The special emphasis on LEED certification requires experience that is not widely shared in the construction contractor community. Therefore, FPM believes this exemption request is justified and in accordance with Oregon Law and is in the best interest of the County.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT REVIEW BOARD

RESOLUTION NO. 07-126

Approving an Exemption to Use a Construction Manager/General Contractor Method for Construction of the East County Justice Center Project

The Multnomah County Board of Commissioners Finds:

- a. In planning for the East County Justice Center, Facilities and Property Management (Facilities) analyzed three separate construction methods as part of the FAC-1 planning process.
- b. Facilities recommend to the Board that a Construction Manager/General Contractor (CM/GC) contracting method be used for construction of the East County Justice Center based on the findings attached hereto as Exhibit 1.
- c. Public Contracting Board Rule 49-0620 and ORS 279C.335 require an exemption from the competitive bidding requirements of ORS Chapter 279 in order to use an alternate contracting method and further require adoption of findings to support the exemption after notice and a public hearing.
- d. Notice of the hearing to consider the exemption and the attached findings was published in the Daily Journal of Commerce on June 13, 2007, more than 14 days before the hearing.
- e. The Board finds, based on the attached findings that it is in the best interest of the County to utilize a CM/GC contracting method in lieu of a competitive low bid process for the construction of the East County Justice Center.

The Multnomah County Board of Commissioners Resolves:

1. The Board approves and adopts the findings attached as Exhibit 1 in support of using a Construction Manager/General Contractor for the East County Justice Center Project.

2. The Board approves an exemption from competitive bidding requirements to allow use of a Construction Manager/General Contractor contracting method for construction of the East County Justice Center Project.

ADOPTED this 28th day of June, 2007.

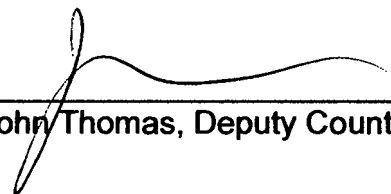


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ACTING AS THE PUBLIC CONTRACT
REVIEW BOARD


Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
John Thomas, Deputy County Attorney

SUBMITTED BY:

Lonnie Roberts, Commissioner District 4

EXHIBIT 1

FINDINGS IN SUPPORT OF AN ALTERNATIVE CONTRACTING PROCESS FOR THE EAST COUNTY JUSTICE CENTER PROJECT ("Project")

1. GENERAL

The Oregon Legislative Assembly encourages public agencies to consider alternative and innovative contracting methods, other than low bid, that take into account market realities. Pursuant to ORS 279.015, a local contract review board may exempt certain contracts from traditional competitive bidding by showing that an alternative contracting process is unlikely to diminish competition and that it will result in costs savings to the public agency.

The Facilities and Property Management Division of Multnomah County ("FPM") desires to enter into a contract directly with a contractor for the preconstruction design assistance to the design architectural team and to subsequently construct and manage the East County Justice Center ("Project") through a Construction Manager/General Contractor ("CM/GC") selection process.

2. BACKGROUND

The approval of the East County Justice Center Project Plan ("Project Plan") that created a capital project is defined by the County's Resolution 07-024.

The Development Plan (a portion of the Project Plan) includes the CM/GC selection process in the discussion of the schedule. The Project has always envisioned the use of the CMGC delivery process to facilitate the Project's unique sustainable elements, the accelerated construction schedule and the County's budget constraints.

Oregon Revised Statutes (ORS 279.015) and Public Contract Review Board Rule (PCRB 49-0600 to 49-0690) provide a means of contracting other than the traditional competitive low bid process to public agencies. A local Public Contract Review Board may exempt certain public contracts or classes of public contracts from the competitive bidding requirements upon approval of findings submitted by the public contracting agency seeking exemption.

3. FINDINGS

In exempting this CM/GC contract from the bidding requirements in ORS 279, the following findings support the requested alternative contracting method:

A. Operational, Budget and Financial Data

The total Project is being constructed at a cost of approximately \$15 million (the CM/GC procurement portion will be approximately \$11 million). While the Project building will increase operating costs by approximately \$10,000 per year, this cost is offset by the expected lower energy costs derived from energy efficiencies achieved by the cooperation and the direct actions of the CMGC and other members of the Project Team (consisting of the County's Project Manager, the Project design consultants and the CM/GC) in the design phase of the Project. The budget for the Project will be maintained through the cost control systems established by the CM/GC well before construction begins. Unlike the low bid process for selection of a contractor (which excludes the contractor from the preconstruction phases), significant savings in over all Project cost and time can be achieved by engaging the CM/GC early in the preconstruction process. This early engagement allows close monitoring of the construction market, sometimes called forecasting, and heads off unexpected activities that will result in a higher price thereby delivering additional economic savings and benefits to the County.

The CM/GC challenges the entire Project Team to stay within budget by allowing for full and frank discussions of the cost and schedule implications of various design solutions. This CM/GC involvement permits the Project Team to make informed cost-benefit tradeoff decisions, all to the financial benefit of the County.

B. Public Benefit

The Project is needed to accommodate public safety needs for the next 15-25 years. The court system is currently backlogged due to the lack of courtroom space. The Project will provide 4 courtrooms. Security function will be improved and the Court Clerk functions will provide a wider range of services. Services are integrated to provide the highest level of complementary public safety functions and cost efficiencies.

The public benefit achieved with the use of a CM/GC for this Project is evident throughout several aspects of the project's design and construction. In contrast to the low bid process for selection of a contractor, the early involvement of the CM/GC in the process provides for more collaboration among the Project Team and interested stakeholders and solidifies the commitment of the Design Team to jointly: (i) establish effective working relationships, (ii) identify problem areas, and (ii) develop economical solutions—thereby achieving cost and time savings for the Project. During the Preconstruction phase, the CM/GC provides guidance to the Project Team in scheduling Project activities and projected timelines. In addition, the CM/GC is engaged in the Project Team process and makes recommendations about all aspects of design. During construction, it is the CM/GC's responsibility to get the work done in an efficient matter and with a total cost within the Guaranteed Maximum Price (GMP). The CM/GC provides a firm GMP and schedule commitment to the County that puts the CM/GC at risk, not the County. Removing elements of risk from the County is of great benefit to the County when initiating construction projects that use public funds.

If at the end of the Preconstruction phase a GMP cannot be agreed upon, then the County has the right to use all the information developed by the CM/GC and the Project Team to bid the Project competitively. This alternative bidding possibility limits the risk to the County while retaining the contractor's knowledge, skill and benefits of collaboration during the design and construction phase. These substantial benefits would not be achieved if the low bid process for selection of a contractor were used for this Project since the contractor is excluded from the preconstruction phases.

C. Value Engineering

The CM/GC process provides many additional benefits and opportunities for cost savings. System options and real-time cost estimates provided by the CM/GC throughout the constructability reviews will aid the Project and allows the County to make informed cost-benefit tradeoff decisions during design. The CM/GC will collaborate and provide cooperation and information to the design Project Team on details, installation, fabrication, budget and all aspects of the Project. During the Preconstruction phase, the CM/GC will be evaluating the budget and making suggestions for cost-saving changes and value enhancements. The CM/GC will evaluate major systems and make design recommendations to the Project Team about which systems are most cost-effective. The reviews ensure that good building practices are incorporated into the design documents. The CM/GC also identifies whether Project sequencing is viable and design elements can be built as drawn. All of these beneficial actions by the CM/GC will improve design, expedite construction and eliminate the potential for costly change orders. The benefits of value engineering are not available with the low bid process.

D. Specialized Expertise

The contractor ultimately selected as CM/GC will demonstrate experience and expertise in providing CM/GC services to public and private organizations, and will be well qualified in the area of sustainable construction methodology. The contractor will also have expertise in utilizing the County's Good Faith Effort and Workforce Hiring programs, both of which will be a contractual requirement.

The CM/GC selection process is based on qualifications, with price as a factor. The fee is, however, less important than the overall qualifications and specialized expertise of the selected CM/GC. The County will benefit by acquiring a CM/GC which has established experience in building similar projects, experience in this type of delivery system, references from previous owners and architects, and an outstanding approach to the Project, especially when incorporating sustainable practices and LEED certification. A low bid process does not provide an opportunity to obtain the most qualified contractor with the specialized expertise needed for the Project.

E. Public Safety

The Project will provide for safe public access and full compliance with ADA requirements. All work during the construction will be done in accordance with OR-OSHA safety regulations. The Project is intended to house public safety government services together in one distinct building and will be well located for this purpose.

The CM/GC selected will be highly qualified and capable and show evidence of construction safety practices that are at the highest level of integrity. The CM/GC's input into work and trade sequencing, and construction methodologies can reduce issues related to safety and provides for close controls and related risk reductions on the site.

The CM/GC method of delivery is a team approach and provides for a high level of responsibility and visible adherence to public safety. The contractor's performance on prior projects in satisfying these safety needs can be determined as part of the County's RFP process described in Section 4.A below; this determination is not available under the low bid process.

F. Market Conditions

The CM/GC contracting process is a modern construction delivery method used by both public and private organizations. It involves the contractor early on in the design of a project and allows for cost savings and fast track construction.

The CM/GC is tasked with keeping the Project Team up-to-date on the latest construction techniques and products. The CM/GC will inform the Project Team of current market conditions, labor and materials availability and construction methodologies that can reduce design and construction time and costs.

The CM/GC process allows "fast track" construction to start while detailing structures, interiors, and systems at the same time as awarding site work, foundations, and long-lead items. Timing the market for the various aspects of construction can result in cost savings and ultimately keeps the Project Team on a schedule. These fast-track benefits are not available under the low bid process.

G. Technical Complexity

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The CM/GC process enables the County to competitively select a prime contractor in whom they have confidence has the necessary competence to deal with the technical complexities of this Project and that can provide quality workmanship, dependable performance, fair and reasonable pricing and efficient management as a Project Team member. Under a low bid process the technical competence of the contractor is difficult to evaluate.

H. Funding Sources

The Project has been included in the 5-year Capital Improvement Program plan for the last two years and is included in the 2008 CIP Program Offer #72049. Proceeds from the sale of the County's Correctional Facility and Edgefield properties in Troutdale (the revenue for which is scheduled for receipt by December 2007) and the City of Gresham participation will cover the cost of construction, land acquisition and other costs associated with the Project.

The CM/GC method of contracting provides the greatest cost controls for limited budgets and therefore benefits the County. The team approach, the schedule, the value analysis, and constructability reviews provides the ultimate in effective cost analysis. It is critical, and also consistent with the spirit of collaboration encouraged throughout the process that everyone on the Project Team works towards a budget of which they can take ownership.

This Project is being funded solely from local sources. The County funds are extremely limited so the expected cost savings from using a CM/GC contractor is particularly critical to assuring that the County will get the best possible Project for the limited dollars available for construction without having to expend general fund dollars.

4. COMPLETION AND COST SAVINGS

Consistent with Oregon Law, use of an alternative contracting method must be seen as unlikely to encourage favoritism or diminish competition and result in substantial cost savings. Based on the following information, this Project will accomplish both.

A. Unlikely to Encourage Favoritism or Diminish Competition

The CM/GC will be selected through the County's Request for Proposal ("RFP") process which is an open competitive process. The selection criteria will include quality of previous work; available resources to meet schedule requirements; use of MWESB subcontractors; experience in commercial building and LEED certification, time critical project management, fee and other relevant criteria. The assessment of the CM/GC will be keyed to their ability to demonstrate the experience and qualifications necessary to meet Project needs.

Competition will not be diminished because the CM/GC contract will be awarded based on a competitive process and the CM/GC will use a competitive bidding process to select their subcontractors which is not required under a low bid process.

B. Will Result in Substantial Cost Savings

During the design phase prior to material and subcontractor bidding, the CM/GC will provide value engineering and update cost estimate information. This engineering and cost estimate will assist final decision-making about the Project scope, product quality and material finish. Using a CM/GC will allow more flexibility to develop, evaluate, and implement design changes with less impact on construction cost and time. Substantial cost savings are anticipated from the Project Team approach that is utilized in the CM/GC method of delivery because decision making is based on cost effective and informed solutions. Progress reviews are frequent and diligent, thus resulting in fewer design corrections and change orders during construction. Additionally, the use of value engineering through cooperation among the architect, engineer, contractor and County is essential to the Project delivery on time and within budget. The CM/GC will participate in the design phase to propose the most economical and practical building solutions. CM/GC value engineering will reduce bid addenda, contract change orders and progress delays to help meet the tight time schedule for the Project. These savings are not realized under a low bid process.

5. SUMMARY

The East County Justice Center is best accomplished through an alternative means of construction contracting that utilizes an approach of selection that is based on qualifications and experience rather than lowest bid. The selection of the CM/GC through an RFP process will not diminish competition or show favoritism, and will result in cost savings to the County. The special emphasis on LEED certification requires experience that is not widely shared in the construction contractor community. Therefore, FPM believes this exemption request is justified and in accordance with Oregon Law and is in the best interest of the County.



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-7
Est. Start Time: 10:50 AM
Date Submitted: 06/14/07

Agenda Title: RESOLUTION Authorizing Election to Receive National Forest Related Safety-
Net Payments Under P.L. 106-393

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

Date Requested:	June 28, 2007	Time Requested:	5 minutes
Department:	County Management	Division:	Director's Office
Contact(s):	Bob Thomas		
Phone:	(503) 988-4283	Ext.	84283
Presenter(s):	Bob Thomas		
I/O Address:	503-531		

General Information

1. What action are you requesting from the Board?

Approve a Resolution that designates the method of disbursement for National Forest Safety-Net payments for County fiscal year 2008.

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

On May 25, 2007, Congress and the President approved a one year extension of PL 106-393 the, "Secure Rural Schools and Community Self-Determination Act of 2000."

Since 1908, all counties in Oregon have received payments from the US government from revenue generated by the sale of timber on federal forest lands. Since 1937, approximately half the counties in Oregon have also received payments from the US government from timber sales on lands formerly owned by the Oregon & California (O&C) railroad.

The "Forest Reserve" revenue was dedicated to roads and public schools. The O&C revenue has traditionally been used in support of programs budgeted in the General Fund. These are not new funds or revenue sources available to the County. Prior to FY 2002 these funds were received in two pots, one pot was dedicated to County Schools and the County Road Fund and the other portion

was unrestricted General Fund resources. Under the new federal legislation, PL 106-393, Forest Service money flowing to County Schools and the Road Fund has not changed and we are accounting for these resources funds in special revenue funds as required. In fiscal year 2002 the federal government placed restrictions on a portion of the unrestricted funds. The funds are basically categorized as follows:

Title I - Payments restricted to Road Fund, School Fund and unrestricted General Fund resources. (These resources are being treated the same as in the past)

Title II - Title II projects are selected by the Regional Advisory Committee (RAC) set up for this region of the state. Title II projects go through a long review process and are voted on by the RAC. Qualifying Title II projects on Federal Lands are:

- Projects recommended by Resource Advisory Committees (RACs) must be within the RAC boundary.
- Environmental studies/federal laws followed - ordered by Secretary.
- Project funds may be used by the Secretary for the purpose of making additional investments in, and creating additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implementing stewardship objectives that enhance forest ecosystems, and restoring and improving land health and water quality. Projects shall enjoy broad-based support with objectives that may include, but are not limited to-
 - ☐ Road, trail, and infrastructure maintenance or obliteration;
 - ☐ Soil productivity improvement;
 - ☐ Improvements in forest ecosystem health;
 - ☐ Watershed restoration and maintenance;
 - ☐ Restoration, maintenance and improvement of wild-life and fish habitat;
 - ☐ Control of noxious and exotic weeds; and
 - ☐ Reestablishment of native species.
- 50% of project funds must be for:
 - ☐ road maintenance/obliteration or
 - ☐ watershed improvement/restoration

Title III - The moneys are not dedicated to individual departments but are County resources to be used for the following:

- Search, rescue, and emergency services. -- An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.
- Community service work camps. -- An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.
- Easement purchases. -- An eligible county may use these funds to acquire --
 1. easements, on a willing seller basis, to provide for non-motorized access to public lands for hunting, fishing, and other recreational purposes;

2. conservation easements; or
 3. both.
- Forest related educational opportunities. -- A county may use these funds to establish and conduct forest-related after school programs.
 - Fire prevention and county planning. -- A county may use these funds for --
 1. efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and
 2. planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.
 - Community forestry. -- A county may use these funds towards non-Federal cost-share requirements of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

County Forest Payments help fund all County Road Fund Programs since 75% of Forest Service Title I funds are deposited there. The remainder of Title I funds go to the County School Fund that are sent to the Multnomah Educational Service District. Title III funds are used to reimburse eligible County programs after the close of the fiscal year. Most likely programs impacted would be Land Use Planning and MCSO Search and Rescue.

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

The County must first decide what percentage (between 80% and 85%) of its Safety-Net payment will be Title I payment. For the Forest Service Resolution, we are recommending that 85% be disbursed to Title I payment. This is estimated to be \$900,000 for federal fiscal year 2007 (County FY 2008). Title I for Forest Service funds is to be split 75% to County Road Fund and 25% to County School Fund.

The remaining funds for each Resolution are to be used either for Title II or Title III projects. We are recommending that \$30,000 be disbursed to the US Forest Service as Title II which will be allocated to projects by the Salem District Resource Advisory Committee for projects within Multnomah County. We are also recommending that the remaining funds be disbursed as Title III payment for this Resolution. For Forest Service funds, this amount is estimated to be \$128,000 for federal fiscal year 2007, which should cover County Title III eligible project costs.

A separate "mini-grant" process will be announced in coming weeks to allocate some of these funds to non-profit organizations for eligible Title III projects, upon Board approval.

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

The annual resolutions are required by the Federal government for counties to participate in the Safety-Net program.

There are no controversial issues regarding the two elections that these resolutions address. A decision will have to be made annually on how to expend the Title III funds.

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

Citizens will have the opportunity to provide written comments on the Multnomah County projects

that will qualify under Title III. A 45-day comment period is required by the legislation and began when the list was advertised in the Oregon Daily Journal of Commerce on June 14, 2007.

Each County with National Forest and/or O&C lands is required to make these elections prior to sending their decision on to the Federal government. Multnomah County has participated with Association of Oregon Counties (AOC) in developing the processes and resolutions.

Required Signature

**Department/
Agency Director:**

Carol M. Ford

Date: 06/13/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Election to Receive **National Forest** Related Safety-Net Payments Under P.L. 106-393

The Multnomah County Board of Commissioners Finds:

- a. Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest lands be paid to states for use by the counties in which the lands are situated for the benefit of public schools and roads.
- b. The sharing of revenues from the National Forest lands is, in part, a recognition that these lands are not subject to local taxation, and also that counties provide services that directly benefit the lands and the people who use the lands.
- c. The principal source of revenues from National Forest lands is from the sale and removal of timber, which has been sharply curtailed in recent years.
- d. The volume of timber sold annually from most National Forest lands has declined precipitously, with a corresponding precipitous decline in revenues shared with counties.
- e. The United States Congress recognized a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance and stewardship of federal lands, and to achieve those goals enacted P.L. 106-393 in 2000.
- f. P.L. 106-393 provides for guaranteed minimum payments for the benefit of affected counties, as well as an opportunity to invest a portion of the guaranteed minimum payments in projects on federal lands or that benefit resources on federal lands, or in county projects or activities.
- g. Title I, Section 102 of P.L. 106-393 gives each eligible county the right to elect to receive either its traditional share of revenues from the National Forest lands pursuant to the Act of May 23, 1908 and Section 13 of the Act of March 1, 1911, or instead to receive the guaranteed minimum amount, also known as the "full payment amount."
- h. The election to receive either the full payment amount, or instead, the traditional share of revenues, must be communicated to the Governor of Oregon, who in turn must communicate the election by each county to the Secretary of the United States Department of Agriculture.

- i. An election to receive the full payment amount was effective for all federal fiscal years through fiscal year 2006, with the sunset of P.L. 106-393. However, on May 25, 2007, Congress and the President approved a one year extension of PL 106-393.
- j. Multnomah County is an eligible, affected county with the right to make an election pursuant to Title I, Section 102 of P.L. 106-393.
- k. Any county electing to receive the full payment amount must further elect to expend an amount not less than 15 percent nor more than 20 percent of its full payment amount as project funds in accordance with Title I, Section 102(d)(1)(B) of P.L. 106-393.
- l. Title I, Section 102(d)(1)(B) of P.L. 106-393 requires that counties electing to receive the full payment amount must allocate its project funds for expenditure between projects in accordance with Title II of P.L. 106-393, projects in accordance with Title III of P.L. 106-393, and a return of the balance unspent under Titles II and III to the General Treasury of the United States, and communicate such allocation to the Secretary of the United States Department of Agriculture.
- m. Title II of P.L. 106-393 provides for special projects on federal lands or that benefit resources on federal lands, which projects are recommended by local resource advisory committees ("RACs").
- n. RACs recommend projects for consideration by the Secretary of Agriculture, with project funding supplied in whole or in part out of monies allocated for such purposes by participating counties.
- o. Counties that allocate funding to projects under Title II of P.L. 106-393, and are participants in more than one RAC, may further direct that their Title II project funds be divided between different RACs according to an allocation decided by each participating county, with such funds held in the General Treasury of the United States under the name of the county with a designation of the amount allocated to each RAC.
- p. Title III of P.L. 106-393 provides for county projects or services, some of which are associated with federal lands, with Title III authorizing expenditures for search, rescue and emergency services, staffing of community service work camps, the purchase of easements, forest related educational opportunities, fire prevention and planning, and community forestry pursuant to the Cooperative Forest Assistance Act of 1978.
- q. In 2001, Multnomah County elected to receive its full payment amount rather than electing to receive its traditional share of National Forest revenues.

The Multnomah County Board of Commissioners Resolves:

- 1. Multnomah County elects to receive its full payment amount under Title I, Section 102(a)(2) of P.L. 106-393 as extended.

2. Multnomah County allocates 15 percent of its full payment amount for expenditure on projects under Title II and Title III of P.L. 106-393. Multnomah County will return none (zero percent) of its full payment amount to the General Treasury of the United States pursuant to Title I, Section 102(d)(1)(B)(iii).
3. Of the total amount allocated to Title II and Title III projects above in paragraph 1, hereinafter referred to as the "Project Funds," Multnomah County further allocates between such Titles for federal fiscal year 2007 (for expenditure after federal fiscal year 2007) on the following basis: \$30,000 of Project Funds for expenditure on Title II projects and the balance of the Project Funds for expenditure on Title III projects.
4. The original or a certified copy of this Resolution shall be transmitted to Mr. Rocky McVay with instructions to reconvey the Resolution to the Office of Governor of the State of Oregon with a request that the Governor communicate the elections made herein to the Secretary of the United States Department of Agriculture.

ADOPTED this 28th day of June, 2007.

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:

Carol M. Ford, Director, Department of County Management

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-127

Authorizing Election to Receive **National Forest** Related Safety-Net Payments Under P.L. 106-393

The Multnomah County Board of Commissioners Finds:

- a. Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest lands be paid to states for use by the counties in which the lands are situated for the benefit of public schools and roads.
- b. The sharing of revenues from the National Forest lands is, in part, a recognition that these lands are not subject to local taxation, and also that counties provide services that directly benefit the lands and the people who use the lands.
- c. The principal source of revenues from National Forest lands is from the sale and removal of timber, which has been sharply curtailed in recent years.
- d. The volume of timber sold annually from most National Forest lands has declined precipitously, with a corresponding precipitous decline in revenues shared with counties.
- e. The United States Congress recognized a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance and stewardship of federal lands, and to achieve those goals enacted P.L. 106-393 in 2000.
- f. P.L. 106-393 provides for guaranteed minimum payments for the benefit of affected counties, as well as an opportunity to invest a portion of the guaranteed minimum payments in projects on federal lands or that benefit resources on federal lands, or in county projects or activities.
- g. Title I, Section 102 of P.L. 106-393 gives each eligible county the right to elect to receive either its traditional share of revenues from the National Forest lands pursuant to the Act of May 23, 1908 and Section 13 of the Act of March 1, 1911, or instead to receive the guaranteed minimum amount, also known as the "full payment amount."
- h. The election to receive either the full payment amount, or instead, the traditional share of revenues, must be communicated to the Governor of Oregon, who in turn must communicate the election by each county to the Secretary of the United States Department of Agriculture.

- i. An election to receive the full payment amount was effective for all federal fiscal years through fiscal year 2006, with the sunset of P.L. 106-393. However, on May 25, 2007, Congress and the President approved a one year extension of PL 106-393.
- j. Multnomah County is an eligible, affected county with the right to make an election pursuant to Title I, Section 102 of P.L. 106-393.
- k. Any county electing to receive the full payment amount must further elect to expend an amount not less than 15 percent nor more than 20 percent of its full payment amount as project funds in accordance with Title I, Section 102(d)(1)(B) of P.L. 106-393.
- l. Title I, Section 102(d)(1)(B) of P.L. 106-393 requires that counties electing to receive the full payment amount must allocate its project funds for expenditure between projects in accordance with Title II of P.L. 106-393, projects in accordance with Title III of P.L. 106-393, and a return of the balance unspent under Titles II and III to the General Treasury of the United States, and communicate such allocation to the Secretary of the United States Department of Agriculture.
- m. Title II of P.L. 106-393 provides for special projects on federal lands or that benefit resources on federal lands, which projects are recommended by local resource advisory committees ("RACs").
- n. RACs recommend projects for consideration by the Secretary of Agriculture, with project funding supplied in whole or in part out of monies allocated for such purposes by participating counties.
- o. Counties that allocate funding to projects under Title II of P.L. 106-393, and are participants in more than one RAC, may further direct that their Title II project funds be divided between different RACs according to an allocation decided by each participating county, with such funds held in the General Treasury of the United States under the name of the county with a designation of the amount allocated to each RAC.
- p. Title III of P.L. 106-393 provides for county projects or services, some of which are associated with federal lands, with Title III authorizing expenditures for search, rescue and emergency services, staffing of community service work camps, the purchase of easements, forest related educational opportunities, fire prevention and planning, and community forestry pursuant to the Cooperative Forest Assistance Act of 1978.
- q. In 2001, Multnomah County elected to receive its full payment amount rather than electing to receive its traditional share of National Forest revenues.

The Multnomah County Board of Commissioners Resolves:

- 1. Multnomah County elects to receive its full payment amount under Title I, Section 102(a)(2) of P.L. 106-393 as extended.

2. Multnomah County allocates 15 percent of its full payment amount for expenditure on projects under Title II and Title III of P.L. 106-393. Multnomah County will return none (zero percent) of its full payment amount to the General Treasury of the United States pursuant to Title I, Section 102(d)(1)(B)(iii).
3. Of the total amount allocated to Title II and Title III projects above in paragraph 1, hereinafter referred to as the "Project Funds," Multnomah County further allocates between such Titles for federal fiscal year 2007 (for expenditure after federal fiscal year 2007) on the following basis: \$30,000 of Project Funds for expenditure on Title II projects and the balance of the Project Funds for expenditure on Title III projects.
4. The original or a certified copy of this Resolution shall be transmitted to Mr. Rocky McVay with instructions to reconvey the Resolution to the Office of Governor of the State of Oregon with a request that the Governor communicate the elections made herein to the Secretary of the United States Department of Agriculture.

ADOPTED this 28th day of June, 2007.



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:

Carol M. Ford, Director, Department of County Management



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-8
Est. Start Time: 10:53 AM
Date Submitted: 06/14/07

Agenda Title: RESOLUTION Authorizing Election to Receive O&C Land Related Safety-Net Payments Under P.L. 106-393

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

Date Requested: June 28, 2007 Time Requested: 5 minutes
Department: County Management Division: Director's Office
Contact(s): Bob Thomas
Phone: (503) 988-4283 Ext. 84283 I/O Address: 503-531
Presenter(s): Bob Thomas

General Information

1. What action are you requesting from the Board?

Approve a Resolution that designates the method of disbursement for O&C Land Safety-Net payments during County fiscal year 2008.

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

On May 25, 2007, Congress and the President approved a one year extension of PL 106-393 the, "Secure Rural Schools and Community Self-Determination Act of 2000."

Since 1908, all counties in Oregon have received payments from the US government from revenue generated by the sale of timber on federal forest lands. Since 1937, approximately half the counties in Oregon have also received payments from the US government from timber sales on lands formerly owned by the Oregon & California (O&C) railroad.

The "Forest Reserve" revenue was dedicated to roads and public schools. The O&C revenue has traditionally been used in support of programs budgeted in the General Fund. These are not new funds or revenue sources available to the County. Prior to FY 2002 these funds were received in two pots, one pot was dedicated to County Schools and the County Road Fund and the other portion was unrestricted General Fund resources. Under the new federal legislation, PL 106-393, Forest Service money flowing to County Schools and the Road Fund has not changed and we are accounting for these resources funds in special revenue funds as required. In fiscal year 2002 the federal government placed restrictions on a portion of the unrestricted funds. The funds are

basically categorized as follows:

Title I - Payments restricted to Road Fund, School Fund and unrestricted General Fund resources. (These resources are being treated the same as in the past)

Title II - Title II projects are selected by the Regional Advisory Committee (RAC) set up for this region of the state. Title II projects go through a long review process and are voted on by the RAC. Qualifying Title II Projects on Federal Lands are:

- Projects recommended by Resource Advisory Committees (RACs) must be within the RAC boundary.
- Environmental studies/federal laws followed - ordered by Secretary.
- Project funds may be used by the Secretary for the purpose of making additional investments in, and creating additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implementing stewardship objectives that enhance forest ecosystems, and restoring and improving land health and water quality. Projects shall enjoy broad-based support with objectives that may include, but are not limited to-
 - ☐ Road, trail, and infrastructure maintenance or obliteration;
 - ☐ Soil productivity improvement;
 - ☐ Improvements in forest ecosystem health;
 - ☐ Watershed restoration and maintenance;
 - ☐ Restoration, maintenance and improvement of wild-life and fish habitat;
 - ☐ Control of noxious and exotic weeds; and
 - ☐ Reestablishment of native species.
- 50% of project funds must be for:
 - ☐ road maintenance/obliteration or
 - ☐ watershed improvement/restoration

Title III - The moneys are not dedicated to individual departments but are County resources to be used for the following:

- Search, rescue, and emergency services. -- An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.
- Community service work camps. -- An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.
- Easement purchases. -- An eligible county may use these funds to acquire --
 1. easements, on a willing seller basis, to provide for non-motorized access to public lands for hunting, fishing, and other recreational purposes;
 2. conservation easements; or
 3. both.
- Forest related educational opportunities. -- A county may use these funds to establish and conduct forest-related after school programs.
- Fire prevention and county planning. -- A county may use these funds for --

1. efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and
 2. planning efforts to reduce or mitigate the impact of development on adjacent Federal lands and to increase the protection of people and property from wildfires.
- Community forestry. -- A county may use these funds towards non-Federal cost-share requirements of section 9 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105).

County Forest Payments help fund all County General Fund program offers since O&C Title I funds are totally discretionary for the County. Title III funds are used to reimburse eligible County programs after the close of the fiscal year. Most likely programs impacted would be Land Use Planning and MCSO Search and Rescue.

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

The County must first decide what percentage (between 80% and 85%) of its Safety-Net payment will be Title I payment. For the O&C Resolution, we are recommending that 85% be disbursed to Title I payment. This is estimated to be approximately \$800,000 for federal fiscal year 2007 (County FY 2008). Title I for O&C funds has no obligation as to its use.

The remaining funds for the Resolution are to be used either for Title II or Title III projects. We are recommending the Board allocate \$20,000 of the non-Title I payment to Title II for this Resolution for projects within Multnomah County. We are recommending that the remaining funds be disbursed as Title III payment for this Resolution. For O&C funds, this amount is estimated to be \$167,000 for federal fiscal year 2007 which should cover County Title III eligible project costs.

A separate "mini-grant" process will be announced in coming weeks to allocate some of these funds to non-profit organizations for eligible Title III projects, upon Board approval.

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

The annual resolutions are required by the Federal government for counties to participate in the Safety-Net program.

There are no controversial issues regarding the two elections that these resolutions address. A decision will have to be made annually on how to expend the Title III funds.

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

Citizens will have the opportunity to provide written comments on the Multnomah County projects that will qualify under Title III. A 45-day comment period is required by the legislation and began when the list was advertised in the Oregon Daily Journal of Commerce on June 14, 2007.

Each County with National Forest and/or O&C lands is required to make these elections prior to sending their decision on to the Federal government. Multnomah County has participated with Association of Oregon Counties (AOC) in developing the processes and resolutions.

Required Signature

Department/
Agency Director:

Carol M. Ford

Date: 06/13/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing Election to Receive **O&C Land** Related Safety-Net Payments Under P.L. 106-393

The Multnomah County Board of Commissioners Finds:

- a. Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from revested Oregon and California Railroad grant lands ("O&C Lands") be paid to counties in which the lands are situated, of which 50 percent has been available for use as general county funds.
- b. The sharing of revenues from the O&C Lands is, in part, a recognition that these lands are not subject to local taxation, and also that counties provide services that directly benefit the lands and the people who use the lands.
- c. The principal source of revenues from O&C Lands is from the sale and removal of timber, which has been sharply curtailed in recent years.
- d. The volume of timber sold annually from O&C Lands has declined precipitously, with a corresponding precipitous decline in revenues shared with counties.
- e. The United States Congress recognized a need to stabilize communities through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance and stewardship of federal lands, and to achieve those goals enacted P.L. 106-393 in 2000.
- f. P.L. 106-393 provides for guaranteed minimum payments for the benefit of affected counties, as well as an opportunity to invest a portion of the guaranteed minimum payments in projects or activities on federal lands, or in county projects or activities.
- g. Title I, Section 103 of P.L. 106-393 gives each eligible county the right to elect to receive either its traditional share of revenues from the O&C Lands, or instead to receive the guaranteed minimum amount, also known as the "full payment amount."
- h. The election to receive either the full payment amount, or instead, the traditional share of revenues, must be communicated to the Secretary of the United States Department of the Interior.
- i. An election to receive the full payment amount was effective for all federal fiscal years through fiscal year 2006, with the sunset of P.L. 106-393. However, on May 25, 2007, Congress and the President approved a one year extension of PL 106-393,

- j. Multnomah County is an eligible, affected county with the right to make an election pursuant to Title I, Section 103 of P.L. 106-393.
- k. Any county electing to receive the full payment amount must further elect to expend not less than 15 percent nor more than 20 percent of its full payment amount as project funds in accordance with Title I, Section 103(c)(1)(B) of P.L. 106-393.
- l. Title I, Section 103(c)(1)(B) of P.L. 106-393 requires that counties electing to receive the full payment amount must allocate its project funds for expenditure between projects in accordance with Title II of P.L. 106-393, projects in accordance with Title III of P.L. 106-393, and a return of the balance unspent under Title II and Title III to the General Treasury of the United States, and communicate such allocation to the Secretary of the United States Department of the Interior.
- m. Title II of P.L. 106-393 provides for special projects on federal lands or that benefit resources on federal lands, which projects are nominated by local resource advisory committees ("RACs").
- n. RACs recommend projects for consideration by the Secretary of the Interior, with project funding supplied in whole or in part out of monies allocated for such purposes by participating counties.
- o. Counties that allocate funding to projects under Title II of P.L. 106-393, and are participants in more than one RAC, may further direct that their Title II project funds be divided between different RACs according to an allocation decided by each participating county, with such funds held in the General Treasury of the United States under the name of the county with the amount allocated to each RAC.
- p. Title III of P.L. 106-393 provides for county projects or services, some of which are associated with federal lands, with Title III authorizing expenditures for search, rescue and emergency services, staffing of community service work camps, the purchase of easements, forest related educational opportunities, fire prevention and planning, and community forestry pursuant to the Cooperative Forest Assistance Act of 1978.
- q. In 2001, Multnomah County elected to receive its full payment amount rather than electing to receive its traditional share of O&C Lands revenues.

The Multnomah County Board of Commissioners Resolves:

- 1. Multnomah County elects to receive its full payment amount under Title I, Section 103(a)(2) of P.L. 106-393 as extended.

2. Multnomah County allocates 15 percent of its full payment amount for expenditure on projects under Title II and Title III of P.L. 106-393. Multnomah County will return none (zero percent) of its full payment amount to the General Treasury of the United States pursuant to Title I, Section 103(c)(1)(B)(iii).
3. Of the total amount allocated to Title II and Title III projects above in paragraph 1, hereinafter referred to as the "Project Funds," Multnomah County further allocates between such Titles for federal fiscal year 2007 (for expenditure after federal fiscal year 2007) on the following basis: \$20,000 of Project Funds for expenditure on Title II projects and the balance of the Project Funds for expenditure on Title III projects.
4. The original or a certified copy of this Resolution shall be transmitted to the Association of Oregon Counties, Mr. Rocky McVay, with instructions to reconvey the Resolution to the Secretary of the United States Department of the Interior.

Adopted this 28th day of June, 2007.

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:

Carol M. Ford, Director, Department of County Management

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-128

Authorizing Election to Receive **O&C Land** Related Safety-Net Payments Under P.L. 106-393

The Multnomah County Board of Commissioners Finds:

- a. Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from revested Oregon and California Railroad grant lands ("O&C Lands") be paid to counties in which the lands are situated, of which 50 percent has been available for use as general county funds.
- b. The sharing of revenues from the O&C Lands is, in part, a recognition that these lands are not subject to local taxation, and also that counties provide services that directly benefit the lands and the people who use the lands.
- c. The principal source of revenues from O&C Lands is from the sale and removal of timber, which has been sharply curtailed in recent years.
- d. The volume of timber sold annually from O&C Lands has declined precipitously, with a corresponding precipitous decline in revenues shared with counties.
- e. The United States Congress recognized a need to stabilize communities through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance and stewardship of federal lands, and to achieve those goals enacted P.L. 106-393 in 2000.
- f. P.L. 106-393 provides for guaranteed minimum payments for the benefit of affected counties, as well as an opportunity to invest a portion of the guaranteed minimum payments in projects or activities on federal lands, or in county projects or activities.
- g. Title I, Section 103 of P.L. 106-393 gives each eligible county the right to elect to receive either its traditional share of revenues from the O&C Lands, or instead to receive the guaranteed minimum amount, also known as the "full payment amount."
- h. The election to receive either the full payment amount, or instead, the traditional share of revenues, must be communicated to the Secretary of the United States Department of the Interior.
- i. An election to receive the full payment amount was effective for all federal fiscal years through fiscal year 2006, with the sunset of P.L. 106-393. However, on May 25, 2007, Congress and the President approved a one year extension of PL 106-393,

- j. Multnomah County is an eligible, affected county with the right to make an election pursuant to Title I, Section 103 of P.L. 106-393.
- k. Any county electing to receive the full payment amount must further elect to expend not less than 15 percent nor more than 20 percent of its full payment amount as project funds in accordance with Title I, Section 103(c)(1)(B) of P.L. 106-393.
- l. Title I, Section 103(c)(1)(B) of P.L. 106-393 requires that counties electing to receive the full payment amount must allocate its project funds for expenditure between projects in accordance with Title II of P.L. 106-393, projects in accordance with Title III of P.L. 106-393, and a return of the balance unspent under Title II and Title III to the General Treasury of the United States, and communicate such allocation to the Secretary of the United States Department of the Interior.
- m. Title II of P.L. 106-393 provides for special projects on federal lands or that benefit resources on federal lands, which projects are nominated by local resource advisory committees ("RACs").
- n. RACs recommend projects for consideration by the Secretary of the Interior, with project funding supplied in whole or in part out of monies allocated for such purposes by participating counties.
- o. Counties that allocate funding to projects under Title II of P.L. 106-393, and are participants in more than one RAC, may further direct that their Title II project funds be divided between different RACs according to an allocation decided by each participating county, with such funds held in the General Treasury of the United States under the name of the county with the amount allocated to each RAC.
- p. Title III of P.L. 106-393 provides for county projects or services, some of which are associated with federal lands, with Title III authorizing expenditures for search, rescue and emergency services, staffing of community service work camps, the purchase of easements, forest related educational opportunities, fire prevention and planning, and community forestry pursuant to the Cooperative Forest Assistance Act of 1978.
- q. In 2001, Multnomah County elected to receive its full payment amount rather than electing to receive its traditional share of O&C Lands revenues.

The Multnomah County Board of Commissioners Resolves:

- 1. Multnomah County elects to receive its full payment amount under Title I, Section 103(a)(2) of P.L. 106-393 as extended.

2. Multnomah County allocates 15 percent of its full payment amount for expenditure on projects under Title II and Title III of P.L. 106-393. Multnomah County will return none (zero percent) of its full payment amount to the General Treasury of the United States pursuant to Title I, Section 103(c)(1)(B)(iii).
3. Of the total amount allocated to Title II and Title III projects above in paragraph 1, hereinafter referred to as the "Project Funds," Multnomah County further allocates between such Titles for federal fiscal year 2007 (for expenditure after federal fiscal year 2007) on the following basis: \$20,000 of Project Funds for expenditure on Title II projects and the balance of the Project Funds for expenditure on Title III projects.
4. The original or a certified copy of this Resolution shall be transmitted to the Association of Oregon Counties, Mr. Rocky McVay, with instructions to reconvey the Resolution to the Secretary of the United States Department of the Interior.

Adopted this 28th day of June, 2007.

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:

Carol M. Ford, Director, Department of County Management



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-9 DATE 06/28/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-9
Est. Start Time: 10:55 AM
Date Submitted: 06/20/07

BUDGET MODIFICATION: DCM - 12

Budget Modification DCM-12 Appropriating \$128,750 General Fund
Agenda Contingency to Transfer Appropriations to Departments Impacted by Local 88
Title: Class/Comp Studies Completed During the Year

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

Date Requested:	<u>June 28, 2007</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Dept. of County Management</u>	Division:	<u>Budget Office</u>
Contact(s):	<u>Mark Campbell</u>		
Phone:	<u>503 988-3312</u>	Ext.	<u>24213</u>
		I/O Address:	<u>503/531</u>
Presenter(s):	<u>Mark Campbell and Joi Doi</u>		

General Information

1. What action are you requesting from the Board?

Appropriation of \$128,750 in FY 2007 General Fund contingency to departments that have been impacted by Local 88 class/comp studies. Under terms of the contract between the County and Local 88 there is an earmark in the contingency account to provide funding to implement studies that are completed during the fiscal year.

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 Classification/Compensation unit within the Human Resources Division is responsible for reviewing and approving requests to reclassify individuals as well as groups of positions. The contract between the County and Local 88 has contained a provision, since FY 2000, to reserve funds in contingency for the purpose of paying the initial cost associated with reclassifying groups of positions. The amount of annual contributions to the reserve has varied over time. In FY 2007 the reserve was established at .25% of the base pay associated with all Local 88 positions.

In addition, any funds not used within a given fiscal year are carried over and dedicated to the class/comp reserve. The FY 2007 budget included \$918,034 for this purpose. Of that amount, \$395,090 represented the "new" funds based on the contract terms while the remainder (\$522,944) was carried over from previous years.

A labor/management committee reviews Local 88 job classifications to determine which ones should be studied during the year. In a typical year, there are six or seven groups of employees that are selected for review. The committee prioritizes the studies to be completed based on market factors and changes in the workforce. Contingency funds are typically transferred at year-end to account for all the studies that have been completed within the year.

This budget modification requests that funds be transferred to every department in the County with the exception of the District Attorney's Office for studies that were completed during FY 2007. Those studies include a "3 x 3" study that placed a large group of job classifications on a standard, 8 step range where the steps are 3% apart. The other study completed and implemented during the year was associated with a group of employees in the Business Analyst/Senior, Data Analyst, and Data Technician job classes.

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

Transfers from the class/comp reserve support costs associated with the first year of implementation. The General Fund supports the initial cost regardless of which fund the positions are in. Thereafter, departments are responsible for including the costs in their program offers.

If this transfer is approved there will be \$789,284 remaining in the class/comp reserve. This amount will be carried over into FY 2008. Next year's General Fund contingency includes \$850,000 that has been earmarked for this purpose.

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

Funding for the class/comp reserve is outlined in the contract between the County and Local 88.

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

N/A

ATTACHMENT A

Budget Modification

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

- What revenue is being changed and why?

There is no change in revenue.

- What budgets are increased/decreased?

The following budgets will be affected by this action:

Decrease the General Fund contingency by \$128,750.

Increase personal services costs in DSCP, DCHS, Health, DCJ, MCSO, DCM, Library, and DCS by a combined total of \$128,750.

- What do the changes accomplish?

The funding supports contractually obligated costs associated with the implementation of Local 88 class/comp studies.

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

No, this budget modification only makes appropriations associated with pay increases that have been made throughout the year.

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

NA

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

N/A

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

NA

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

NA

Contingency Request

If the request is a Contingency Request, please answer all of the following in detail:

- Why was the expenditure not included in the annual budget process?

The studies that will be completed and implemented within any given year, as well as how they will change employee compensation, are unknown at the time the budget is prepared.

- What efforts have been made to identify funds from other sources within the Department/Agency to cover this expenditure?

This is a contractual obligation for which funds are held in reserve.

- Why are no other department/agency fund sources available?

See above.

- **Describe any new revenue this expenditure will produce, any cost savings that will result, and any anticipated payback to the contingency account. What are the plans for future ongoing funding?**

Departments budget for the additional payroll costs in future years.

- **Has this request been made before? When? What was the outcome?**

Transfers from the class/comp reserve generally occur on an annual basis.

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

ATTACHMENT B

BUDGET MODIFICATION: DCM - 12

Required Signatures

**Department/
Agency Director:**

Carol M. Ford

Date: 06/20/07

Budget Analyst:

J. Mark Campbell

Date: 06/20/07

Department HR:

Date:

Countywide HR:

Date:

Budget Modification ID: **DCM-12****EXPENDITURES & REVENUES**

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

Budget/Fiscal Year: 2007

Line No.	Fund Center	Fund Code	Func. Area	Accounting Unit			Cost Element	Current Amount	Revised Amount	Change Increase/ (Decrease)	Subtotal	Description
				Internal Order	Cost Center	WBS Element						
1	21-02	1000	0040			SCPOP.CGF	60000		1,227	1,227	1,701	DSCP
2	21-02	1000	0040			SCPOP.CGF	60130		394	394		
3	21-02	1000	0040			SCPOP.CGF	60140		80	80		
4	26-10	1000	0040			CHSBS.FIN.CGF	60000		17,130	17,130	23,654	DCHS
5	26-10	1000	0040			CHSBS.FIN.CGF	60130		5,497	5,497		
6	26-10	1000	0040			CHSBS.FIN.CGF	60140		1,028	1,028		
7	40-90	1000	0030		409050		60000		13,466	13,466	18,662	HD
8	40-90	1000	0030		409050		60130		4,321	4,321		
9	40-90	1000	0030		409050		60140		875	875		
10	50-00	1000	0050		509600		60000		1,019	1,019	1,407	DCJ
11	50-00	1000	0050		509600		60130		327	327		
12	50-00	1000	0050		509600		60140		61	61		
13	60-20	1000	0050		601200		60000		1,373	1,373	1,937	MCSO
14	60-20	1000	0050		601200		60130		441	441		
15	60-20	1000	0050		601200		60140		124	124		
16	72-01	1000	0020		704000		60000		20,916	20,916	47,544	DCM
17	72-01	1000	0020		704000		60130		6,712	6,712		
18	72-01	1000	0020		704000		60140		1,360	1,360		
19	72-01	1000	0020		704000		60430		18,556	18,556		Svc Reimb to Fac Fund
20	72-50	3505	0020		902575		50310		(18,556)	(18,556)		
21	72-50	3505	0020		902575		60000		13,378	13,378		
22	72-50	3505	0020		902575		60130		4,293	4,293		
23	72-50	3505	0020		902575		60140		886	886		
24	80-00	1000	0070	9			60560		9,387	9,387		Transfer to Lib Fund
25	80-00	1510	0070		800000		50320		(9,387)	(9,387)		
26	80-00	1510	0070		800000		60000		6,822	6,822	9,387	LIB
27	80-00	1510	0070		800000		60130		2,189	2,189		
28	80-00	1510	0070		800000		60140		375	375		
29	91-00	1000	0020		900000		60000		17,430	17,430	24,458	DCS
30	91-00	1000	0020		900000		60130		5,593	5,593		
31	91-00	1000	0020		900000		60140		1,434	1,434		
32	19	1000	0020		9500001000		60470		(128,750)	(128,750)	(128,750)	GF Contingency
33	72-10	3500	0020		705210		50316		(6,222)	(6,222)		Risk Fund Svc Reimb
34	72-10	3500	0020		705210		60330		6,222	6,222		
									0			
										0	0	Total - Page 1
										0	0	GRAND TOTAL



Department of County Management
MULTNOMAH COUNTY OREGON

Budget Office

501 SE Hawthorne Blvd., Suite 531
Portland, Oregon 97214
(503) 988-3312 phone
(503) 988-5758 fax
(503) 988-5170 TDD

TO: Board of County Commissioners

FROM: Mark Campbell, Deputy Budget Manager

DATE: June 20, 2007

SUBJECT: General Fund Contingency Request for \$128,750 to Transfer Appropriations from the Local 88 Class/Comp Reserve to Departments Impacted by Implementation of Class/Comp Studies. (Bud Mod DCM – 12).

This budget modification transfers \$128,750 from the General Fund contingency to departments that have been impacted by implementation of two Local 88 class/comp studies completed during the current year. Funding exists within the contingency specifically for this purpose. The contract between the County and Local 88 outlines how the funding is established. In FY 2007, there is **\$918,034** available for this purpose. No other transfers have been made this year and the remaining balance will be carried over into FY 2008.

This contingency transfer memorializes the studies that have been implemented this year. It provides additional funding to departments to cover additional payroll costs.

General Fund Contingency Policy Compliance

The Budget Office is required to inform the Board if contingency requests submitted for approval satisfy the general guidelines and policies for using the General Fund Contingency. The request is consistent with County policy because it was an unanticipated situation. In particular,

- Criteria 1 states contingency requests should be for one-time-only purposes. If this is not judged to be one-time-only transition funding, the request essentially funds ongoing programs with one-time-only emergency contingency funds.
- Criteria 2 Addresses emergencies and unanticipated expenditures necessary to keep a public commitment or fulfill a legislative or contractual mandate. **This item is required to uphold a contractual obligation associated with the Local 88 contract.**
- Criteria 3 addresses items identified in Board Budget Notes.



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-10
Est. Start Time: 11:00 AM
Date Submitted: 06/13/07

Agenda Title: **First Reading of a Proposed ORDINANCE Amending Nuisance Control Law (Multnomah County Code Sections 15.225 to 15.236) Relating to Public Health Threats**

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

Requested Meeting Date: June 28, 2007 Amount of Time Needed: 10 minutes
Department: Health Division: Community Health Services
Contact(s): Lila Wickham, Chris Wirth
Phone: 503-988-3400 Ext. 22404 I/O Address: 420 - 1 - ENV
Presenter(s): Lila Wickham, Sheriff Bernie Giusto and Vector Advisory Committee Chair

General Information

1. What action are you requesting from the Board?

Approve first reading of ordinance amending Nuisance Control Law (MCC §§ 15.225-15.236) relating to Public Health Threats

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 Vector Control and Code Enforcement program protects the public, including vulnerable populations, from emerging and imminent vector-borne diseases and mitigates nuisances. Current strategies include surveillance, analysis, proactive control/abatement of rodent and mosquito populations and public education. The legal authority currently exists to enforce nuisance and public health threats. This ordinance specifically identifies the enforcement process in Multnomah County. (Vector-borne diseases are transmitted from animal to humans).

This change affects Program Offer #40008 and would enhance the current program services and protect community health and livability.

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

There is no fiscal impact for current or future year(s). The enforcement component is already and essential function of the Multnomah County Code Enforcement program and would be absorbed by the Code Enforcement Officer, Administrative and Support staff.

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

Multnomah County is delegated its authority to abate vectors and their disease through Oregon Revised Statute 452 (ORS 452). Furthermore, ORS 452, Oregon Department of Fish and Wildlife Memorandum of Understanding, and current public health practices require vector surveillance and control activities to be performed in an integrated pest management model know as "IPM" that includes a holistic approach to reduce vector-borne disease. The Health Officer currently has authority to reduce the transmission of communicable disease through imposition of a public health measure ORS 433.019. This ordinance will codify the enforcement mechanisms and the relationship between the Health Officer and the Sheriff.

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

The Multnomah County Board-appointed citizen advisory group reviewed and approved the final ordinance concept and language as is presented today.

Required Signature

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

Lillian Shurley

Date: 06/13/07

/lp

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. _____

Amending Nuisance Control Law (MCC §§ 15.225-15.236) Relating to Public Health Threats

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

The Multnomah County Board of Commissioners Finds:

- a. Certain nuisances, if unabated, can comprise a risk to the health and well-being of County residents and visitors.
- b. Investigation of certain nuisances enumerated in MCC 15.229 that impact public health, evaluation of their risk to the health and well-being of County residents and visitors, and determination of appropriate means to address such risks is the primary responsibility of the County Health Department and County Health Officer.
- c. In certain nuisance cases, there is potential for significant disagreement between the owner or resident on whose property a nuisance exists and the Health Officer or other Health Department staff regarding the existence and appropriate abatement of a nuisance.
- d. In such cases and other circumstances, the Health Department and Health Officer might require the assistance of the County Sheriff in investigating and assuring abatement of a nuisance or taking a person or property into custody under ORS 433.022.

Multnomah County Ordains as follows:

Section 1. § 15.226 is amended as follows

15.226 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

ABANDONED VEHICLE. Any vehicle which reasonably appears to be inoperative, wrecked, discarded, abandoned or totally or partially dismantled.

DESIGNEE. Person or persons authorized by the Health Officer or Sheriff to fulfill their respective functions.

EXPLOSIVE. A chemical compound, mixture or device that is used or intended to be used for the purpose of producing a chemical reaction resulting in a substantially instantaneous release of gas and heat, including but not limited to dynamite, blasting powder, nitroglycerin, blasting caps and nitrojelly, but excluding fireworks as defined by state law, black powder, smokeless powder, small arms ammunition and small arms ammunition primers.

GARBAGE. All animal and vegetable wastes resulting from the handling, preparation, cooking or consumption of food.

HEALTH OFFICER. That person in the county Department of Health, or an agent with the authority of the local Health Officer under state law.

HEARINGS OFFICER. That person appointed by the Board to preside at hearings held under § 15.231.

INTERSECTION. The area embraced within the prolongation or connection of the lateral curblines or, if none, then of the lateral boundary lines of two or more streets or highways which join one another at an angle, whether or not one street or highway crosses the other.

LIQUID WASTE. Waste oil, septic tank pumping, liquid industrial wastes or other similar material.

NUISANCE. Any condition or practice causing or capable of causing an unreasonable threat to the public health, safety and welfare in the circumstances, ~~but does not include~~ not including noise, provided, however, that anything defined as a nuisance in § 15.229 shall be a nuisance.

OWNER. Any person having a legal interest in real or personal property or any person in possession or control of real or personal property, and excludes any person whose interest is for security only.

RADIOACTIVE SUBSTANCE. A substance which emits radiation in the form of gamma rays, X-rays, alpha particles, beta particles, neutrons, protons, high-speed electrons and other nuclear particles, but radiation does not include sound waves, radio waves, visible light, infrared light or ultraviolet light.

RODENT. A mouse or rat.

RUBBISH. Glass, metal, paper, wood, plastics or other nonputrescible solid waste.

SEWAGE SLUDGE. Residual waste of sewage treatment plants, consisting of digested organic waste and indigestible solids.

SIDEWALK. That portion of a public right-of-way, other than the roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel.

SOLID WASTE. All putrescible and nonputrescible wastes, whether in solid or liquid form, except wastes produced by the human body, liquid-carried industrial waste or sewage, or sewage hauled as an incidental part of septic tank or cesspool cleaning service, and includes garbage, rubbish, ashes, fill dirt, sewage sludge, street refuse, industrial wastes, swill, demolition and used construction materials, abandoned vehicles or parts thereof, discarded home or industrial appliances, manure, vegetable or animal solids and semisolid waste, dead animals and other discarded solid materials.

VECTOR. ~~Any insect organism~~ Any non-human animal, including but not limited to insects (flies, fleas, ticks, and mosquitoes, etc.), birds and rodents capable of bearing or carrying a disease transmittable to human beings.

VEHICLE. Any device which is designed or used for transporting people, goods or property upon a public street or roadway, including but not limited to a body, engine, transmission, frame or other major parts, but does not include a device propelled by human power, such as a bicycle, or a device operated exclusively upon fixed rails or tracks.

Section 2. **§ 15.230 is amended as follows**

15.230 Inspection And Abatement.

(A) The ~~health officer~~Health Officer, ~~or designee, or Sheriff~~ 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 ~~health officer or~~Health Officer, Sheriff or designee, shall obtain the consent of the owner or a court warrant before entering private property or a private building.

(B) As used in this section, an emergency exists when the ~~h~~Health ~~o~~fficer or Sheriff has reasonable cause to believe that a nuisance ~~constitutes an~~ requires prompt remediation to avoid a clear and immediate ~~and active~~ danger to individuals or to the public health, ~~safety and welfare.~~

(C) An investigation may be conducted whenever the ~~h~~Health ~~o~~fficer or Sheriff ~~receives a~~ ~~complaint~~ becomes aware that a nuisance exists.

(D) Whenever it appears there is reasonable cause to believe that a nuisance exists, ~~or upon receipt of declaration from the h~~Health ~~o~~fficer, ~~the~~ or Sheriff shall provide written notice to the owner of the existence of the nuisance and shall demand abatement within 30 days from the date of the written notice, or such lesser time as may be set by the Health Officer or Sheriff to protect the public health, safety and welfare. The notice shall describe with reasonable certainty the property, the nature of the nuisance and the action necessary to abate the nuisance, and shall inform the owner of the owner's rights under §§ 15.231 and 15.232, and the procedure by which the owner may contact the ~~Sheriff~~Health Officer ~~notice provider~~ for more information.

(E) In an emergency, the ~~h~~Health ~~o~~fficer or Sheriff may order immediate abatement of a nuisance. The Health Officer or Sheriff shall give notice of the requirement for immediate abatement to the owner.

(F) In an emergency, and in lieu of action under division (E) of this section, the ~~h~~Health ~~o~~fficer or Sheriff may proceed with immediate abatement of the nuisance. The ~~h~~Health ~~o~~fficer or Sheriff shall then immediately send written notice of abatement to the owner of the property.

(G) In a situation in which the property owner has refused to abate a nuisance, or has taken or threatened action that gives the Health Officer probable cause to believe such action will comprise a danger to Health Department staff, any involved contractors, other individuals or the public generally, the Health Officer may request the assistance of the Sheriff in carrying out necessary investigation, abatement or enforcement actions as ordered by the Health Officer under ~~Section 8.15.230~~ § 15.230 or a Hearings Officer under ~~Section 15.230~~ § 15.231 ~~of this Chapter.~~

——(H) Unless the Sheriff has probable cause to believe that the Health Officer's assessment of danger is in error, or unless there are conflicting legal requirements, the Sheriff will immediately provide assistance as requested by the Health Officer.

Section 3. **§ 15.231 is amended as follows**

15.231 Appeals And Hearings.

(A) Any person receiving a notice under § 15.230(D), (E) or (F) may request a hearing by writing the Health Officer or Sheriff ~~person who sent the notice~~ within seven days of the date of the notice.

(B) The ~~h~~Health ~~o~~fficer or Sheriff shall, upon receipt of request for a hearing, promptly notify the hearings officer who shall set a time and place for the hearing at the earliest possible time and shall 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 ~~h~~Health ~~o~~fficer or Sheriff 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 shall be recorded in a manner which will allow for written transcription to be made and all materials submitted at the hearing shall 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 shall constitute a waiver of the right to a hearing.

(F) After the hearing, the hearings officer shall 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 ~~h~~Health ~~o~~fficer or Sheriff.

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

(H) If the hearings officer determines that anything removed under § 15.230(F) no longer constitutes a nuisance or can be released upon such condition as the hearings officer may prescribe that will eliminate the nuisance, the person requesting the hearing may claim it upon paying the expense incurred in its removal and storage.

(I) If the hearings officer determines there was a wrongful abatement under § 15.230(F), the hearings officer may order the ~~h~~Health ~~o~~fficer or Sheriff to make reasonable restitution.

(J) ~~All hHearings under this subsection~~ involving the Health Officer shall be conducted in accordance with applicable portions of ORS 183.413 to ORS 183.470.

Section 4. **§ 15.233 is amended as follows:**

15.233 Abatement By Owner Required.

Failure of the owner to abate the nuisance within 30 days as provided by § 15.229230(D) or within the time set by the hearings officer under § 15.231 shall be a violation under this subchapter, and a county offense under ORS 203.810.

Penalty, see § 15.999

Section 5. **§ 15.234 is amended as follows:**

15.234 Abatement By County; Costs; Waiver; Lien.

(A) If an owner fails to abate a nuisance as required under this subchapter, the Health Officer or Sheriff may cause abatement of the nuisance. Accurate record of the abatement costs shall be kept and shall include a surcharge of 25% of the cost of the abatement for administrative overhead. A billing for the amount of the costs shall be forwarded by certified or registered mail, return receipt requested, to the owner. Payment shall be due to the Health Officer or Sheriff within 30 days from the date of the billing.

(B) The cost of abating a nuisance may be waived ~~for low income, elderly or disabled persons, if~~ reduced based upon ~~timely application it appears to the Sheriff that the following conditions are met;~~ rules adopted by the Health Department or Sheriff.

~~(1) The owner is disabled or over 65 years of age, and, if single, had an income during the preceding calendar year from all sources of less than \$3,600, or, if the head of a family, had an income during the preceding calendar year from all sources of less than \$5,400; and~~

~~(2) The owner is living on the property from which the nuisance is to be abated.~~

(C) Applications for waiver of nuisance abatement costs shall be filed with the Health Officer or Sheriff on forms supplied by the county within ten days from the date of notice of the amount of cost of abatement. All information required to be given on the forms shall be supplied by and verified by the applicant. An application for waiver of nuisance assessment costs must be submitted for each cost of abatement notice sent to the applicant.

(D) The Board shall file a lien against the property if payment is not made as provided in ~~division~~subsection (A) of this section or waived under ~~division~~subsection (B) of this section.

(E) The lien provided for in ~~division~~subsection (D) of this section shall be given priority over all liens except those for taxes and assessments and shall include interest at the legal rate accruing from the date billing is sent to the owner of property.

(F) The lien provided for in ~~division~~subsection (D) of this section shall be foreclosed in the manner prescribed by state law for the enforcement of liens and collection of assessments.

Section 6. **§ 15.236 is amended as follows:**

15.236 Administration And Enforcement.

(A) The Health Officer and Sheriff shall be responsible for the administration and enforcement of this subchapter.

(B) The Health Officer and Sheriff shall have authority to administer oaths, certify all official acts, issue citations, 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 Health Officer and Sheriff may adopt rules necessary for the administration and enforcement of this subchapter.

FIRST READING:

June 28, 2007

SECOND READING AND ADOPTION:

July 12, 2007

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, Health Department Director



MULTNOMAH COUNTY

AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-11
Est. Start Time: 11:05 AM
Date Submitted: 06/21/07

Agenda Title: RESOLUTION Authorizing the City of Portland's Tax Exemption Programs Administered by the Portland Development Commission

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

Requested Meeting Date: June 28, 2007 Amount of Time Needed: 15 minutes
Department: Non-Departmental Division: Chair's Office
Contact(s): Bill Farver and Rhys Scholes
Phone: 503 988-3308 Ext. 85273 I/O Address: 503/600
Presenter(s): Bill Farver, Keith Witcosky, Randy Walruff

General Information

1. What action are you requesting from the Board?

Approve resolution

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.

Oregon statutes provide several mechanisms for local governments to abate property taxes in order to promote economic development and affordable housing.

Portland Development Commission operates six such programs: Transit Oriented Development, Rental Rehabilitation, New, Multiple-Unit (Central City) Housing, Owner-Occupied Rehabilitation, New Single-Family Construction and Non-Profit Owners of Low-Income Housing.

Oregon statutes allow the City of Portland to develop criteria and certify individual properties for each of these programs and to abate the City's portion of property taxes on those properties. Further, the City may request that other jurisdictions approve the specific programs and allow the abatement of taxes that would otherwise go those jurisdictions. If jurisdictions representing 51% of the total taxes on a property have agreed to the abatement then the property can receive a 100% abatement of property taxes on improvements to the property. The abatements generally exempt some or all of the improvements but not land.

Multnomah County authorized the tax abatement for Transit Oriented Development. Multnomah County has not authorized the other abatement programs.

This resolution authorizes these tax abatements for the tax year beginning July 1, 2007. It further requires that PDC return to the Board of County Commissioners no later than March, 2008 and present evidence for the continuation of these programs based on an assessment of the individual basis for abatements and ability to meet the overall programmatic goals.

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

The estimated revenue loss to Multnomah County from these programs is \$3,004,621 for the current fiscal year. The annual revenue loss changes each year depending on the number of properties moving on or off of the tax rolls following the 10 year abatement. The return on this investment in terms of the increase in tax value and business activity is very difficult to measure.

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

The most important policy questions are whether or not the abatements achieve their desired goals and whether those desired goals are consistent enough with the County's mission to warrant continuing investments. Those questions will best be answered next February as part of an in-depth discussion with the City of Portland and the Portland Development Commission.

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

County staff has been meeting with staff from the City of Portland and the Portland Development Commission to analyze this issue.

Required Signature

Elected Official or
Department/
Agency Director:



Date: 06/21/07

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. _____

Authorizing the City of Portland's Tax Exemption Programs Administred by the Portland Development Commission

The Multnomah County Board of Commissioners Finds:

- a. The County's core mission involves providing support services for low income and other clients of county programs to enable those clients to lead productive lives. The County has historically had a limited role in the development of this housing. The County also has historically had a limited role in economic development within its jurisdiction.
- b. The single-unit housing program was authorized by the State Legislature under ORS 458.005 to .065 from 1989 to 2003, and was reauthorized in 2005 under ORS 307.651 to .687. This program allows cities and counties to provide a property tax exemption for up to 10 years to stimulate the construction of affordable new single-unit housing in distressed areas, to promote residential infill development on vacant or underutilized lots, to encourage homeownership and to reverse declining property values. The exemption applies to all improvements for 10 years, but does not apply to the value of the land. The City of Portland adopted this program in 1990 as recommended by the Vacant and Abandoned Buildings Task Force to promote revitalization of neighborhoods that that had experienced disinvestment and little new single-family construction in several decades. The City requires that the residence must be owner occupied during the exemption period, the homebuyer meet income guidelines, and the housing price must be less than 120% of the median sales price in the City, as adjusted every January 1. The area in which exemptions are granted must be determined to be a distressed area and there must be a judgment concerning the probability that the area cannot be revitalized without the exemptions. Only 20 percent of the area of the city can be included in the program and the program's boundaries are adjusted every three years by the Planning Commission. As areas improve they are taken out of the program and new areas in need of attention are added.
 - (1) Currently the 1989 to 2003 program exempts \$515,013 in County taxes and \$2,134,773 abated overall for 1836 homes.
 - (2) Since the program was reauthorized in 2005, the program exempts \$64,910 in County taxes and \$268,704 abated overall for 185 homes with 135 applications pending.

- c. The rehabilitated residential property program is authorized by ORS 308.450 to .481 to enable cities and counties to provide a limited property tax exemption for up to 10 years to encourage the rehabilitation of existing units in substandard condition and the conversion of transient accommodation to permanent residential units and the conversion of nonresidential structures to permanent residential units in order to make these units sound additions to the housing stock of the state. Eligible properties are exempt from the increased assessed value resulting from the rehabilitation for a period of 10 years. The abatement does not apply to the value of existing improvements prior to rehabilitation or the value of the land. The City adopted this program in 1975 to provide incentive to maintain the City's rental housing stock as part of the Downtown Plan's Housing Program and Policy. Eligible rental properties may be located anywhere within the city limits. The City allowed eligible owner-occupied properties within designated "distressed areas" to receive the abatement in 1990 as incentive to maintain housing in neighborhoods that were experiencing disinvestment. The program currently has 99 properties and abates \$34,492 in County taxes and \$142,024 abated overall. Three applications were processed for 2006/07 and none in 2007/08.
- d. The State Legislature adopted ORS 307.600 to .637 in 1995 to enable cities and counties to provide a property tax exemption for up to 10 years to promote private investment in transit supportive multiple-unit housing in light rail stations areas and transit oriented areas and to attract new development of multiple-unit housing and commercial and retail property in areas located within a light rail station area or transit oriented area. The City adopted the transit oriented development (TOD) program in 1996 to support the development of the metro regional light rail system and other public transit facilities. Multnomah County passed a resolution agreeing to the program in 1996. The City of Gresham also adopted its own TOD program. The exemption applies to all improvements for 10 years, but does not apply to the value of the land. The property must be within ¼ mile of a light rail station or within ¼ mile of a bus line in certain transit oriented areas. The property must add new multi-unit housing and meet certain design conditions as specified by the City. There must be a minimum of 10 units and projects of more than 15 units must meet affordability requirements. In addition, when the Board approved this program in November, 1996, it specified that the program provide "additional services at housing sites addressing needs of tenants and occupants, such as child care" and "the ability to monitor and review the program's progress towards these objectives". The City of Portland program currently has 126 properties resulting in \$277,994 in County taxes abated and \$1,201,557 abated overall. Two applications were processed for 2006/07 one for 2007/08.
- e. The multi-unit housing program/ core area housing is authorized by ORS 307.600-.6337 to enable cities and counties to stimulate the construction of transit supportive multiple-unit housing in the core areas of urban centers. The City of Portland adopted this program. The exemption applies to improvements

for 10 years, but does not apply to the value of the land. The property may include commercial/retail space if approved by the City of Portland and must be multiple-unit housing, apartments or condominiums, constructed within the Central Core area or an urban renewal area. There must be a minimum of 10 units and projects of more than 15 rental units must have 15% of units for incomes of 80% of median income or less. Where units are for sale, the price must not exceed 95% of FHA mortgage maximum and household income of the purchaser must be less than 100% of median income for a family of four. Finally, the applicant must demonstrate the exemption is required to make the project feasible. The program currently has 192 current programs and exempts \$1,020,473 in County taxes and \$4,192,197 overall. Three applications were processed for 2006/07 and none for 2007/08. The City of Portland has placed a moratorium on this program except for projects which are 100 percent low income (60 percent or below M.F.I.), and is evaluating their future participation.

- f. The nonprofit corporation low income housing program is authorized by ORS 307.540 - .548 to enable cities and counties to provide an exemption for low-income housing owned, leased or managed by eligible nonprofit organizations. The City of Portland adopted this program in 1985. Properties may be fully or partially exempt, residential units not occupied by low income individuals and commercial /retail areas are taxable. The exemption is intended to benefit low-income renters. The exemption applies to all improvements and land value for the year in which application is approved. Applications are submitted annually to the City of Portland Bureau of Planning and approved/denied by the City. The property must be owned, leased or managed by a non-profit organization under 501C (3) or (4)(of the IRS code, occupied by low-income persons or held for future development as low income housing. The program currently has 600 properties, with either a partial or full exemption, and abates \$1,020,473 in County taxes and \$4,192,197 overall.
- g. The combined 2006/07 financial impact of these abatement programs is:

Education Taxes:		\$3,630,146
	Portland Public School	\$2,564,687
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	Parkrose	5,047
	Centennial	28,804
	Community	703,569
	Colleges/ESDs	
City of Portland		4,431,551
Multnomah County		3,004,621
Other Local Government		1,408,453
Total		\$12,474,771

- h. The City of Portland can exempt city taxes only. The exemption can apply to all taxing district levies if the City of Portland and the governing bodies equal 51% (or more) of the combined rate of taxation agree to the policy. One option for the exemptions to apply to all taxing districts would be for Multnomah County to concur with the City of Portland's decision to exempt the taxes. If the County does not concur, for the exemptions to apply to all properties within Portland Public Schools, Portland Public Schools would have to concur with the City of Portland's decision to exempt the taxes.

The Multnomah County Board of Commissioners Resolves:

- 1. These programs are authorized to continue to receive the current abatements for the 2007/08 tax year ending 06/30/2008. Any further abatement of Multnomah County's share for subsequent tax years requires explicit authorization from the Board.
- 2. If the Board is to continue to participate in these programs beyond 06/30/2008, the City of Portland/ PDC must do the following;
 - (a) To the extent they do not exist, adopt clear standards, guidelines and quality control monitoring systems for each program in accordance with the relevant ORS statutes.
 - (b) Review each property under the relevant termination provisions and determine whether the current individual properties are meeting the standards as set forth in state law. If allowed under state law, the Board would encourage the adoption of a process of public review for compliance with these standards.
- 3. The Board requests that PDC report to the County Board by February 1, 2008 and each February 1st thereafter, concerning the standards adopted and whether the properties in the individual programs meet those criteria.

4. Each February, the Board will decide whether to continue to participate in the abatement programs for future exemptions. That decision will be based upon findings related to the overall success of the program in accomplishing the objectives outlined in state, city and county policy. In making that determination the County must also balance the continuing investment in these programs against other needed investments in meeting its core mission.

ADOPTED this 28th day of June 2007.

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:

Ted Wheeler, Multnomah County Chair

BOGSTAD Deborah L

From: ROJO DE STEFFEY Maria
Sent: Thursday, June 28, 2007 6:14 AM
To: BOGSTAD Deborah L; FERNANDES April; MARTINEZ David; BOWEN-BIGGS Tara C
Cc: WHEELER Ted
Subject: My absence from board meeting today

Hi all,

Unfortunately, I am not going to be able to physically attend the board meeting today. I am suffering from back pain and I had a treatment yesterday afternoon and have now had to take a muscle relaxant to deal with it.

I can attend the meeting by phone, though. Deb, please call me at home - 503.274.0625.

Also - an fyi - I must recuse myself from R-11. My husband and I have personal financial interests that makes my participation a conflict of interest. Agnes informed me that to be safe, I should not enter into the board discussion or vote on this item.

Maria

6/28/2007

**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: 6-28-07

SUBJECT: _____

Tax Abatement

AGENDA NUMBER OR TOPIC: _____

R-11

FOR: _____ AGAINST: _____ THE ABOVE AGENDA ITEM

NAME: _____

Sam Chase

ADDRESS: _____

2627 NE MLK, room 202

CITY/STATE/ZIP: _____

Portland OR 97212

PHONE: _____

DAYS: _____

EVES: _____

EMAIL: _____

FAX: _____

SPECIFIC ISSUE: _____

WRITTEN TESTIMONY: _____

attached

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.

Testimony to Multnomah County Commission

June 28, 2007

From Sam Chase, Community Development Network

*Community development work ranges from building homeless shelters to homeownership. Each component of the continuum is needed to create opportunities for families with children, seniors, people with disabilities to succeed.

*CDC's own more than 6,000 units of affordable housing in Multnomah County. 68% of CDC's residents are below 30% MFI. A large number are county clients including people in recovery, people with mental illness, seniors, or people with disabilities.

*Recognition that affordable housing is one of the county's greatest challenges is growing. Historic levels of support have been secured from the state in lottery, general, public utility funds, and additional tax credits. The city has secured many millions for the Housing Investment Fund; and with PDC have supported a 30% set aside of all urban renewal funds resulting in \$163 million over the next 6 years alone. Much of the funding has been to support the County/City plan to end homelessness, and in recognition that the affordable housing system has been under funded.

*The county's support for affordable housing tax abatements is a critical piece of the funding puzzle and would set our efforts back if lost. Additionally, an annual review provides uncertainty about the abatements that will effect the ability of nonprofit developers to commit to projects or even worse make existing projects too costly to keep operating. Also, uncertainty with lenders may significantly effect the willingness of lenders and tax syndicates to provide private capital.

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 07-129

Authorizing the City of Portland's Tax Exemption Programs Administrated by the Portland Development Commission

The Multnomah County Board of Commissioners Finds:

- a. The County's core mission involves providing support services for low income and other clients of county programs to enable those clients to lead productive lives. The County has historically had a limited role in the development of this housing. The County also has historically had a limited role in economic development within its jurisdiction.
- b. The single-unit housing program was authorized by the State Legislature under ORS 458.005 to .065 from 1989 to 2003, and was reauthorized in 2005 under ORS 307.651 to .687. This program allows cities and counties to provide a property tax exemption for up to 10 years to stimulate the construction of affordable new single-unit housing in distressed areas, to promote residential infill development on vacant or underutilized lots, to encourage homeownership and to reverse declining property values. The exemption applies to all improvements for 10 years, but does not apply to the value of the land. The City of Portland adopted this program in 1990 as recommended by the Vacant and Abandoned Buildings Task Force to promote revitalization of neighborhoods that that had experienced disinvestment and little new single-family construction in several decades. The City requires that the residence must be owner occupied during the exemption period, the homebuyer meet income guidelines, and the housing price must be less than 120% of the median sales price in the City, as adjusted every January 1. The area in which exemptions are granted must be determined to be a distressed area and there must be a judgment concerning the probability that the area cannot be revitalized without the exemptions. Only 20 percent of the area of the city can be included in the program and the program's boundaries are adjusted every three years by the Planning Commission. As areas improve they are taken out of the program and new areas in need of attention are added.
 - (1) Currently the 1989 to 2003 program exempts \$515,013 in County taxes and \$2,134,773 abated overall for 1836 homes.
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- 3. The Board requests that PDC report to the County Board by February 1, 2008 and each February 1st thereafter, concerning the standards adopted and whether the properties in the individual programs meet those criteria.

4. Each February, the Board will decide whether to continue to participate in the abatement programs for future exemptions. That decision will be based upon findings related to the overall success of the program in accomplishing the objectives outlined in state, city and county policy. In making that determination the County must also balance the continuing investment in these programs against other needed investments in meeting its core mission.

ADOPTED this 28th day of June 2007.




BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON



Ted Wheeler, Chair

REVIEWED:

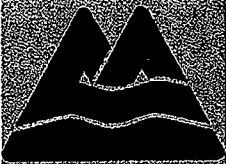
AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 

Agnes Sowle, County Attorney

SUBMITTED BY:

Ted Wheeler, Multnomah County Chair



Chair Ted Wheeler
Commissioner Jeff Cogen, District 2
Commissioner Lonnie Roberts, District 4

MULTNOMAH COUNTY OREGON

501 SE Hawthorne, Suite 600
Portland, Oregon 97214
(503) 988-5219 phone
(503) 988-5440 fax
www.co.multnomah.or.us/cc/ds2/
district2@co.multnomah.or.us

August 27th, 2007

Bruce Warner
Executive Director
Portland Development Commission
222 NW Fifth Ave
Portland, OR 97209-3859

Dear Bruce:

It has come to our attention that passage of Multnomah County Resolution 07-129 "Authorizing The City of Portland's Tax Exemption Programs Administrated By The Portland Development Commission" on June 28th, 2007 has been understood to create a de facto moratorium on the acceptance of applications for City of Portland/PDC Tax Abatement Programs. Simply put, this was not our intent.

After reviewing the language of the resolution and the context in which it was publicly presented, we wish to clarify that the intent of the Board was to ensure the continuation of all active abatement programs during the study period and to avoid any disruption to applicants. We remain committed to working with PDC to gather information for further study.

We are confident that with sufficient time and analysis, any necessary improvements or changes to the program can be made in an open and transparent manner without jeopardizing prior commitments. We look forward to working with our partners at the City of Portland and PDC to continue the success of these and other programs.

Sincerely,

Ted Wheeler
Multnomah County Chair

Jeff Cogen
Commissioner District 2

Lonnie Roberts
Commissioner District 4

Cc: Keith Witcowsky



MULTNOMAH COUNTY AGENDA PLACEMENT REQUEST

APPROVED : MULTNOMAH COUNTY
BOARD OF COMMISSIONERS
AGENDA # R-12 DATE 06/28/07
DEBORAH L. BOGSTAD, BOARD CLERK

Board Clerk Use Only

Meeting Date: 06/28/07
Agenda Item #: R-12
Est. Start Time: 11:20 AM
Date Submitted: 06/21/07

**NOTICE OF INTENT to Apply for a Department of Health and Human
Agenda Services Grant to Increase the Well-Being of Children Affected by
Title: Methamphetamine or Other Substance Abuse**

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

Date Requested:	<u>June 28, 2007</u>	Time Requested:	<u>5 minutes</u>
Department:	<u>Dept. of County Human Services</u>	Division:	<u>MHASD</u>
Contact(s):	<u>Ray Hudson</u>		
Phone:	<u>503-988-5464</u>	Ext.	<u>85018</u>
		I/O Address:	<u>167/520</u>
Presenter(s):	<u>Ray Hudson</u>		

General Information

1. What action are you requesting from the Board?

The Mental Health and Addictions Services Division (MHASD), Department of County Human Services (DCHS) in collaboration with the Department of Community Justice requests approval to submit a grant proposal to the US Department of Health & Human Services, Administration for Children and Families.

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

The Administration for Children and Families, Children's Bureau, intends to award competitive grants to regional partnerships that provide, through interagency collaboration and integration of programs, services to children involved with State Department of Human Services as a result of a parent's methamphetamine or other substance abuse. With these grant funds MHASD will expand and enhance the Family Involvement Team (FIT) collaboration with a focus on services to parents and children post drug and alcohol treatment. Additionally, FIT services will be expanded through increased staff presence at the Family Dependency Court.

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

MHASD is applying for a five year grant to begin October 1, 2007 and end June 30, 2012. The total

award over the five years is projected to be \$3,742,000 with a declining Federal share and an increasing local match percentage. The local match must be from non-federal sources. The local match will come through MHASD's omnibus contract with the State Department of Human Services that includes the approximately \$311,000 for the Family Involvement Team. The \$311,000 from the State of Oregon exceeds the annual match required.

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

There are no legal and/or policy issues associated with applying for this grant.

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

The grant application is being developed collaboratively with the community-based treatment providers who make up FIT team, the State Department of Human Services, and other community partners.

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?

US Department of Health & Human Services, Administration for Children and Families, Children's Bureau.

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

The grant funding is shown in the chart below:

Fiscal Year	Federal Share	Federal Award	Grantee Share	Grantee Match	Total Program
2007	85%	1,000,000	15%	176,000	1,176,000
2008	85%	825,000	15%	146,000	971,000
2009	80%	750,000	20%	188,000	938,000
2010	80%	667,000	20%	167,000	834,000
2011	75%	500,000	25%	167,000	667,000

Grantees (MHASD) are required to submit semi-annual program progress reports and financial reports.

The grant planning group including contracted A&D treatment providers, State Department of Human Services staff, MHASD staff, and other partners are developing a sustainability strategy for submission with the grant application. The collaboration recognizes that to sustain the optimal staff level, each partner will need to generate additional funds. An example of one organization is Morrison Center that has stated that they will accomplish maintaining their full share through supplemental fund raising. The providers should see an increase in OHP billable services. In FY08 MHASD, in collaboration with DCJ, will complete a planning process for all contracted alcohol and drug treatment services. One of the already recognized gaps in the current continuum of care is post treatment services and support. These services will be evaluated for funding in 2009.

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

This is a one-time grant that will last five years.

- What are the estimated filing timelines?

The grant is due by 4:30 PM Eastern Time on July 3, 2007.

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

The two-year grant begins October 1, 2007 and ends September 30, 2012.

- When the grant expires, what are funding plans?

The Family Involvement Team will continue without grant funds after 2012. MHASD will be entering into a planning process in 2008 for a joint Department of Community Justice / Department of County Human Services RFPQ for alcohol and drug treatment services countywide. As part of this planning process all aspects of the continuum of services for A&D treatment will be examined. After-care / continued care services are a gap in services that we will be giving attention to.

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

The grant funding will cover these costs.

ATTACHMENT B

Required Signatures

Elected Official
or Department/
Agency Director:

Larry Linker for Joanne Fuller

Date: 06/21/07

Budget Analyst:

Michael D. Gaspin

Date: 06/21/07
